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XUM

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HOUSE OF REPRESENTATIVES—*Wednesday, September 23, 1970*

The House met at 12 o'clock noon.

Rev. Irvin C. Wise, Slocum United Methodist Church, Harveys Lake, Pa., offered the following prayer:

O God, our help in ages past, we come to Thee this day from a world in conflict. We believe we have no effective help in this critical hour but the guidance and wisdom which cometh from Thee. Touch our minds, we beseech Thee, with the influence of Thy holy spirit so that we may think clearly, stir our emotions that we may act wisely, and by Thy spirit guide the deliberations made here this day. May the legislation enacted be in keeping with Thy divine plan for the life of this Nation and our personal lives.

Be with the President of these United States, and every Member of this entire Congress. Bless them and keep them safe. We pray this in Thy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14485. An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2565. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1074. An act for the relief of Mr. and Mrs. Arvel Glinz;

S. 2835. An act for the relief of Albert G. Feller and Flora Feller;

S. 3942. An act to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes;

S. 4106. An act to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; and

S. 4269. An act to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 1219) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1219

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Banking and Currency: JOHN H. ROUSSELOT, of California.

Committee on Interstate and Foreign Commerce: JOHN G. SCHMITZ, of California.

Committee on Merchant Marine and Fisheries: M. G. (GENE) SNYDER, of Kentucky.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEES ON INDIAN AFFAIRS AND ON NATIONAL PARKS AND RECREATION, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs and the Subcommittee on National Parks and Recreation be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ROADS, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads of the Committee on Public Works be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FUEL SHORTAGE ON EASTERN SEABOARD

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, I am deeply concerned that the eastern seaboard of our country is facing a major fuel shortage, and that the Nixon administration apparently has no clear policy to fend off this impending crisis.

Members of the New York City delegation were advised by Mayor Lindsay this morning that fuel oil and natural gas may well have to be rationed this winter unless remedial steps are quickly taken. The problem is not limited to New York City alone but affects the whole Northeast and, in fact, the entire eastern seaboard.

This situation has been aggravated by the action of the President in refusing to lift or modify oil import quotas, an action which he took in spite of the pleas of many Members of Congress that the import restrictions be lifted. These quotas mean not only higher prices to consumers but intensify the shortage, especially of low-sulfur-content fuels.

I hope that the Interstate and Foreign Commerce Committee will launch an immediate investigation to see who is to blame for allowing this situation to develop as it has, and to determine what steps must be taken to head off a calamity.

THE REVEREND IRVIN C. WISE

(Mr. FLOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOOD. Mr. Speaker, we have had the high honor and great privilege of having the invocation asked this morning by the Reverend Irvin C. Wise from the great State of Pennsylvania. Reverend Wise recently retired from one of the oldest but best known Congregational charges in the United States, the Reverend Edwards Welsh Congregational Church of Edwardsville, Pa. He is now at one of the most beautiful and greatest lakes in Pennsylvania, serving as pastor for a church there.

I am grateful to the Chaplain and I am grateful to Reverend Wise for his asking the invocation for us today.

FORMER ASTRONAUT FRANK BORMAN'S REPORT ON CURRENT PRISONER-OF-WAR SITUATION AND CON SON TIGER CAGES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, Members of the House and Senate were certainly fortunate to have the President's special representative on prisoners of war, Mr. Frank Borman, give us a candid appraisal of our current POW situation. Mr. Borman did not paint a very rosy picture, but he did make one very telling point when he said that the so-called peace groups should work through the International Red Cross.

It was also reassuring to hear the former astronaut point out that the Con Son Island matter had been blown completely out of proportion. He stated in so many words that the so-called tiger cages were not pits as had been reported, but were actually in a two-story building. He also noted that those POW's on Con Son had been convicted of felonies or murders committed in ordinary prison camps.

Mr. Speaker, Mr. Borman's views on Con Son Island Prison coincide directly with those of the majority of the members of the House Select Committee on U.S. Involvement in Southeast Asia.

AMERICAN SECURITY COUNCIL "OPERATION ALERT" NEEDS EXPLANATION

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Colorado. Mr. Speaker, the American Security Council has conducted its "Operation Alert" which they say is designed to alert the American voters to the voting records of the Members of Congress on votes the Council believes shows whether or not Members are for or against a stronger America.

All of us in the House are rated from 0 to 100 percent for a stronger America on the basis of 10 selected votes, and I know you are all interested in your rating.

After discovering with concern that I had been rated only 33 percent on their scale I began to look a little closer and discovered some interesting facts:

Fifty-three Members of the House did not vote at all on one of the key 10 votes, yet received a rating of 100 percent.

Twenty-two missed two votes, yet received a 100-percent rating.

Nine missed three votes and yet have the excellent rating of 100 percent.

Four did not vote on four issues and yet are 100-percenters.

And, believe it or not, two of you gentlemen failed to vote on half of the 10 issues, yet received 100-percent ratings.

I must confess I am at a loss as to any understanding of the system used by the American Security Council in rating us, and look forward with fascination to any explanation they may care to give us or the American public.

PERSONAL EXPLANATION

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, last spring I attended a leadership meeting in the Speaker's Dining Room at which time the chairman and ranking minority member of the Appropriations Committee indicated all appropriations measures could be disposed of by the House prior to June 30, and it was informally suggested that the House might be in a position to adjourn sine die not later than Labor Day.

Recognizing the uncertainty of such a plan, yet knowing of the obligations of all Members during an election year, most of us deferred scheduling of many appearances back in our district until after that date.

Although it has become necessary to cancel many of the commitments made months ago for appearances following Labor Day, it is practically impossible in some instances where solid commitments have been made and recipient groups fully expect the Congressman to appear. I find myself in this position today, and will be required to catch a 4:40 p.m. flight this afternoon to address a large group of businesswomen at a dinner meeting in my district. I am further committed to make appearances at three events in my district tomorrow, all of which will probably deprive me of the opportunity to cast my vote on the pending drug abuse bill.

In order that there be no mistake about my position in this area, I am a cosponsor of a number of bills in the crime package urged by the President and feel it is high time Congress acted on these many measures that have been pending for months. I, of course, support the drug abuse bill, and I am confident it will pass. If my schedule had permitted me to be present to cast a vote on this measure, my vote would have been "aye."

KLEPPE AGREES WITH O'BRIEN THAT NATION IS FALLING BEHIND

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, Democratic National Chairman Lawrence O'Brien has stated that the Nation is falling behind under the administration. I agree that we are falling behind in several fields. We are falling behind on the rate of crime increase—6 percent under the previous administration level.

We are falling behind on the rate of deficit spending, with balanced budgets being submitted by the President. We are falling behind on the levying of tax surcharges and have even gotten rid of one imposed by the previous administration.

We are falling behind on increasing interest rates—which went up 55 percent, from 4.5 percent in 1964 to 7 percent in 1968. In fact, the prime rate is being lowered from 8 percent to 7.5 percent by many large banks.

We are far behind in Vietnam war casualties and are bringing more troops home every week to further reduce the possibility of the 100-man-per-week death rate that was reached 2 years ago.

Yes, I am glad of it. And I am certain the American people are also pleased that we are not keeping up with the Democrats—and will express their sentiments at the polls in November.

ADIOS, AMIGOS

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, not all hijackers pine to visit Cuba, nor do they necessarily dwell among the golden sands of Araby, or have tastes that run exclusively to jumbo jets.

The military dictatorship which currently holds sway over our neighbors to the south, the Peruvians, found a way to legally hijack their own people. They simply promulgated a dictum to the effect that any Peruvians who had acquired U.S. dollar bills had to turn them in, pronto, for the local currency.

Their own brand of cash had obviously been judged suspect by the citizenry, who were found—by the time the last safe-deposit box had been pried open—to have accumulated $10 million in American greenbacks.

The hijackers promptly carted it off to their national bank, only to remember that they, themselves, would have to pay any interest the money earned if they left it there. Besides, they soon discovered to their alarm that the yanqui dollar displayed a tendency to deteriorate very rapidly—a condition that has been widely noted here at home for some years.

Pity the harassed hijackers. They were finally forced to round up some armed guards, rent a jet airliner, and fly the money to New York City where, sure enough, the good old friendly Federal Reserve bank was more than glad to get it.

So, here we are—with Uncle Sucker holding the bag of mouldy money for the hijackers who, like as not, stopped off in Washington on their way home to glom a bundle from the friendly folk at the foreign aid agency, the easiest mark in town.

Adios, amigos.

PERSONAL ANNOUNCEMENT

Mr. CHAMBERLAIN. Mr. Speaker, because it was necessary for me to be in Michigan on official business this past Monday, September 21, I am unrecorded on four rollcall votes. I would like the record to show that had I been present, I would have voted "yea" on rollcall No. 307, "yea" on rollcall No. 308, "yea" on rollcall No. 309, and "yea" on rollcall No. 310.

AUTHORITY FOR FBI TO INVESTIGATE BOMBINGS

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I notice that the administration has requested authority for the FBI to investigate bombings on campuses. This is interesting in view of the fact that under title 18, section 837, they already have authority which is not limited to campus bombings but includes other buildings as well. On March 26, the administration bill was introduced that would abolish the existing authority not only to investigate bombings on campuses but of other noncommercial buildings as well.

In Iowa, bombings include police stations and a chamber of commerce building and other buildings. A lot has also been made of requests for heavier penalties but they could only be applied if the criminal is apprehended.

I would suggest the best thing for the administration to do is to withdraw their proposal to abolish the existing authority, to quit holding back on use of investigative authority, and start using unused authority they already have and not wait for some different authorization or for passage of legislation which in effect would reduce existing authority to help apprehend bombers.

AGREEMENT OF MAJOR AIRLINES FILED WITH THE CAB

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I am quite concerned that an agreement filed by American, TWA, and United Air Lines with the Civil Aeronautics Board may be in violation of the antitrust laws and the statutes governing the CAB. The agreement was entered into before approval by the Board and is now pending in docket Nos. 22525 and 21965. It would limit service by agreement in 15 major transcontinental markets by restricting the seats offered to the public, initially by approximately 15 percent. Each airline would be able under the agreement to reduce any market down to a level of one round trip per day.

I do not question the right of any airline to discontinue particular service so long as it maintains adequate service under its certificate, but I am concerned about the consequences of a pattern of agreement apparent in this case.

It is my feeling that this agreement must, at minimum, be made the subject of hearings by the CAB to determine the validity of claims which allegedly underlie the proposal. The effects of cost reduction of $50 million, as claimed by these carriers, must in addition be surveyed for their impact on the Nation's economy.

While I do not wish to prejudge this situation, I am deeply concerned that such an agreement may in fact be a cartel arrangement contrary to the antitrust laws of this Congress. The right of the CAB to approve such an arrangement by a regulation involves a difficult legal interpretation of the laws passed by this Congress.

A hearing has been requested to determine the conditions necessary should the CAB approve the agreement. This must lead to a full exploration of what terms, conditions or limitations would be required to protect the public and to insure fair competition with other carriers.

ENERGY SHORTAGE

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I was interested in the remarks made by the gentleman from New York (Mr. BINGHAM), with reference to the energy shortage now facing much of the United States.

Mr. Speaker, unless there is a change, we will have an energy shortage all over the Nation in a relatively short period of time. Coal is in short supply, oil is in short supply, gas is in short supply, and atomic energy is still not developed. These are the main sources of energy in our country.

I might point out to the gentleman from New York that insofar as fuel oil is concerned, there is no limitation whatsoever on the importation of fuel oil into the United States. The problem is one of limitation of production here in the United States. The only known reserves for gas in the United States today are off the coasts of Louisiana and Texas. Yet, incomprehensibly, for the past 12 or 18 months the Department of the Interior has held up the leasing of these tracts. These are tracts that are owned by the Federal Government and from which the Government derives very substantial revenues. They are the only place that can provide substantial sources of gas which is needed all over the eastern seaboard of the United States.

Mr. Speaker, I hate to predict this, but we are suffering electrical brownouts today. Come next winter, unless there is some change and unless we act to implement the current low supply, there will be gas shortages in many places and there will be many a home that is cold this winter.

VISIT OF GENERAL KY

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, 2 years ago during an American presidential election the South Vietnamese Government indirectly but quite significantly interfered in our election by delaying the beginning of the expanded peace talks in Paris.

This year, with much audacity and little concern for the wishes of the American people, General Ky is directly interjecting himself into our congressional elections. His planned visit here next week could not be timed more inappropriately, for it will further divide this Nation at a time when the problems that face us make the goal of unity imperative.

His appearance at a rally for victory in Vietnam, ignoring the fact that American policy has never been to seek a military victory but rather a negotiated settlement, is not merely inconsiderate. It is a rude imposition and blatant interference in the American political process and should be canceled.

We need no General Ky to tell us how to conduct the affairs of our Nation. He had better put his own house in order and stop the corruption that permeates his government, then we can get on with ending this war but then again, maybe General Ky is not so anxious to see an end to the war.

AUTHORIZING PRESIDENT TO PROCLAIM MONTH OF OCTOBER 1970 AS "PROJECT CONCERN MONTH"

Mr. JACOBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1178) authorizing the President to proclaim the month of October 1970 as "Project Concern Month," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "May" and insert "October".

Amend the title so as to read: "Joint resolution authorizing the President to proclaim the month of October 1970 as 'Project Concern Month'."

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, did I understand the gentleman correctly when he stated May 1970?

Mr. JACOBS. That is taken care of by the Senate amendment, I believe. The Senate has amended it to make it October 1970.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GROSS. Mr. Speaker, further reserving the right to object, are we going to limit "concern month" to the month of May only? Why not make it "concern year?"

Mr. JACOBS. Mr. Speaker, if the gentleman will yield, I believe that they are doing even better than that. We are limiting it only to 1 week, or, maybe, it is worse than that. It depends upon "concern for what," I suppose. Concern for good things I suppose should be for all year and concern for bad things, I do not think should be at all.

Mr. GROSS. This is the first time I have seen this joint resolution. I guess it is all right, but I think we ought to give consideration to a "concern year," which could include making payments on the public debt, reducing expenditures, and halting inflation, as well as a few other things which ought to be of concern.

Mr. JACOBS. Mr. Speaker, if the gentleman will yield further, I will tell the gentleman right now that if he will introduce such a resolution, I shall support it.

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Mr. GROSS. It might even apply to concern for a generation.

Mr. JACOBS. Well, if the gentleman will yield further, I might even support that.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRESIDENT TO DESIGNATE THE PERIOD OCTOBER 5 TO OCTOBER 9, 1970, AS "NATIONAL PTA WEEK"

Mr. JACOBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 228) to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 228

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the important contributions of the parent-teacher movement to the American way of life, and the continuing efforts of the National Congress of Parents and Teachers (National PTA) to provide quality living and quality learning for all Americans, the President is hereby authorized and requested to issue a proclamation designating "National PTA Week" from October 5, 1970, to October 9, 1970, and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATION OF A "DAY OF BREAD" AND "HARVEST FESTIVAL WEEK"

Mr. JACOBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate Joint Resolution (S.J. Res. 218) providing for the designation of a "Day of Bread" and "Harvest Festival Week."

The Clerk read the title of the Senate Joint Resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. SCHERLE. Mr. Speaker, reserving the right to object, I think after hearing the resolutions that it ought to be the concern of the House as to what the actions of the Senate are on these.

Mr. JACOBS. If the gentleman will yield, all of these have been approved by the Senate.

Mr. SCHERLE. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate Joint Resolution, as follows:

S.J. RES. 218

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a token of man's gratitude for the bounty of nature and the annual harvest of farm and field, and in recognition of bread as a symbol of all foods, that Tuesday, the 6th day of October, 1970, be designated as a "Day of Bread" as a part of international observances, and that the week of October within which it falls be designated as a period of "Harvest Festival", and the President is requested to issue a proclamation calling on the people of the United States to join with those of other nations to observe this "Day of Bread" and "Harvest Festival Week" with appropriate ceremonies and activities.

Mrs. MAY. Mr. Speaker, I rise in support of this bill.

The resolution before us calls upon the President to designate Tuesday, October 6, as a "Day of Bread" and the week within which it falls as a "Harvest Festival Week." It also asks the President to issue a proclamation calling on the people of the United States to join with other nations of the world in international observance of this event.

A similar resolution was approved by Congress last year and such a proclamation was issued by the President along with designation of the appropriate day and week of the observances.

The Governors of more than 35 of our States, and the mayors of a number of cities followed the White House in their own proclamations of the "Day of Bread," recognizing that bread, which has served the family of man for more than 3,000 years, has come to stand for all food, and for the values expressed in the universal prayer, "Give us this day."

In observing a "Day of Bread" and a "Harvest Festival Week" we can do much to further international as well as domestic cooperation and understanding, for it provides us the opportunity to clasp hands with all peoples everywhere in an expression of gratitude for the bounty of nature and an ackowledgment that our existence depends on forces and circumstances beyond our control. It reminds us also that we must not relax our efforts to deal with the serious problems of hunger and malnutrition in the world—that we have accomplished much, but yet have far to go.

Mr. Speaker, let us approve this resolution and then join together on October 6 in gratitude for the bounty of nature and the annual harvest of farm and field.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO DECLARE 1 WEEK EACH SEPTEMBER AS "NATIONAL SS 'HOPE' WEEK"

Mr. JACOBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Joint Resolution (H.J. Res. 1346) authorizing the President to declare 1 week each September as "National SS *Hope* Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. CHAMBERLAIN. Mr. Speaker, reserving the right to object, and I shall not object, as the author of this resolution I would join the gentleman from Indiana in urging its adoption.

(Mr. CHAMBERLAIN asked and was given permission to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, the bill before us, House Joint Resolution 1346, would authorize the President to declare a "National SS *Hope* Week".

It was on September 22, 1960, that the voyage of the SS *Hope* began. Hopefully it will continue throughout our lifetimes.

Today, just 10 years later, the log of the SS *Hope*, now known as the most welcome ship in the world, brims with success. Former President Dwight D. Eisenhower called *Hope* "the single most effective step in presenting America as a warm and good friend."

During a decade that had more than its share of problems and trouble, Project HOPE has emerged as a great and inspiring example. In the words of its founder and President, Dr. William B. Walsh:

> The Sixties were welcomed with a special hopefulness by humanity everywhere. However, the decade which followed would often tax man's powers to make much sense of it. Still, during this uncertain time, hope continued to be kept alive by those of faith and vision.
>
> Some of this number donated time and talent to an idea as bright and promising as the name given it. Through Project HOPE, medical knowledge was to be carried to developing nations aboard a floating medical center. And millions would be assured healthier, happier, more productive lives when the world's first peacetime hospital ship first set sail.

This unique humanitarian endeavor has been just as stanchly supported by each administration and by Members of Congress from both sides of the aisle. Still, it is most important to note that HOPE is a private, nonprofit organization financed by the American people and has its international headquarters in Washington, D.C.

I would like to briefly review the log of this unique humanitarian ship:

In 1958, Project HOPE—Health Opportunity for People Everywhere—was organized with Dr. William B. Walsh as chairman. Over the next 2 years, the 15,000-ton Navy hospital ship, U.S.S. *Consolation*, was refitted and rechristened the SS *Hope*, world's first peacetime hospital ship.

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The call was put out for American doctors, nurses, and technologists to share their skills and knowledge with the people of developing nations—teaching while healing. For every American on board there would be a counterpart to be trained.

From its beginning, the HOPE concept captured the imagination of a world much in need of its pragmatic ideal.

Voyage 1, Indonesia and South Vietnam, September 22, 1960, to September 16, 1961: On September 22, 1960, at 12 minutes past 4, the SS *Hope* pulled away from pier 50–A under clear San Francisco skies. Aboard were the finest medical professionals, selected from thousands of applicants.

The mission was unprecedented. Never before had a peacetime hospital ship sailed the ocean. In Indonesia the welcome was warm and the "Hopies" found their medical counterparts cooperative and eager to learn.

At the conclusion of the Indonesian mission, HOPE turned to Vietnam, where it would leave behind an orthopedic rehabilitation center, staffed and supplied.

Voyage 2, May 9, 1962, to March 11, 1963: Some 20 nations around the world had asked to be next in line for a HOPE visit. Peru was chosen because assistance was needed desperately and the staff felt it could be most effective there.

In May of 1962, the SS *Hope* sailed again from San Francisco, this time for the city of Trujillo, in northern Peru. The arrival was not gala. The welcoming committee was a gray mare and six bearded Peruvians shouting pro-Castro slogans and waving "Yankee, Go Home" signs. But the antagonism soon melted.

When HOPE departed 10 months later, 45,000 Peruvians came to give her staff a heartwarming farewell. After departure a HOPE team helped set up a new university teaching hospital and nursing school. HOPE continues in that country today.

Voyage 3, November, 1963, to September 16, 1964: After a repair and resupply period in the United States, the SS *Hope* sailed for Ecuador in November of 1963.

As in other host countries. HOPE left behind in Ecuador a legacy of learning.

Today, HOPE nurses and technologists are at work in Guayaquil and Quito, continuing programs started 6 years ago.

Voyage 4, September 30, 1964, to September 1, 1965: The mission to Guinea in 1964 marked the third continent touched by HOPE. The need was great: in a country of 3.5 million, there were 10 physicians, one dentist, and only a few nurses. At first, relations were tense, but doubts and fears faded after the first month. HOPE and Guinean professionals became partners, joined in a common goal of diminishing sickness and disease.

In 1965, while the SS *Hope* was still in Guinea, the foundation was asked by President Johnson to direct a pilot program to place volunteer American physicians in Vietnamese villages where they could provide much needed medical care for the civilian population. In the course of a year, some 119 American physicians—all volunteers—served in South Vietnam. Many were decorated by the Vietnamese Government and all received the personal gratitude of both the Vietnamese and United States Governments.

Having demonstrated that such a program was both possible and practical, the program was authorized for operation on a permanent basis, and assigned to the American Medical Association for administration.

Voyage 6, February 7, 1967, to December 15, 1967. The blizzard that marked the SS *Hope's* farewell in Philadelphia in February 1967, contrasted sharply with the warm welcome that awaited the ship in Cartagena, Colombia. Here, along the coast of the Caribbean, in a setting which was once both colorful and compelling, HOPE was to conduct what many considered her most impressive mission to date.

Today, in one of the largest of HOPE's shore programs, teams work with medical and dental students at the University of Cartagena and are represented in virtually every department at Cartagena's Santa Clara Hospital.

Voyage 7, February 29, 1968, to March 22, 1969: The largest staff in the project's history worked with the people of the island nation of Ceylon in medical teaching/treatment programs for 10 months of 1968 and 1969.

HOPE's contributions included the introduction of heart valve surgery and training programs in the field of cancer scanning for women.

Not all the people in Ceylon were happy about HOPE's success From the first day the Ceylon Communists kept up their attacks on the mission of the SS *Hope*, calling it the second *Pueblo*. But the people of Ceylon who gained health and hope during the ship's visit knew differently; to them HOPE was doctor, teacher, and friend. A HOPE team still continues working in that country.

Voyage 8, August 29, 1969, to July 29, 1970: On August 29, 1969, the SS *Hope* sailed from Wilmington, Del., for Tunisia, her first country in the Mediterranean area. There the medical staff placed great emphasis on working with Tunisian medical students, interns, and residents.

Not long after HOPE had started its teaching mission, that country suffered a monstrous flood. HOPE's staff threw its medical resources into relief operations and earned high praise for those efforts.

The SS *Hope* departed Tunis in the project's 10th anniversary year.

DOMESTIC PROGRAMS

In addition to the eight voyages made to Indonesia and South Vietnam, Peru, Ecuador, Guinea, Columbia, Ceylon, and Tunisia, in the spring of 1969, Project HOPE organized a domestic medical education and health career training program to work with minority groups within the United States. HOPE's domestic program is an effort to give some of our own disadvantaged the hope and confidence they need to survive and progress in our society by stimulating their interest and training them for new careers in health and medicine. Today, programs based in Texas and another on the 16-million-acre Navajo Reservation in Arizona bring a new hope to Mexican Americans and American Indians.

On the 10th anniversary of Project HOPE, the board of directors of the People-to-People Health Foundation, Inc, announced that the SS *Hope* will conduct a 3-year hemispheric program to begin in January. Medical missions are scheduled to Jamaica in 1971, northeastern Brazil in 1972, and Venezuela in 1973.

A decade of HOPE has brought a legacy of health and people-to-people rapport to many of the world's disadvantaged. The people of HOPE have trained 5,257 physicians, surgeons, dentists, nurses, and technologists; treated over 130,000 persons; conducted some 13,286 major operations; benefited nearly 3 million people through immunization, examination, and other services; and distributed over 2,530,000 cartons of milk.

As HOPE makes its mark on a new decade, a wealth of knowledge in Asia, Africa, Latin America, and in our own United States will continue to be passed on from man to man, from skilled hand to skilled hand, and from mind to mind. Because HOPE was there.

This enduring knowledge is indeed the genuine legacy of HOPE.

I urge the adoption of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 1346

Whereas, on September 22, 1960, Project Hope sent its ship S.S. Hope, outfitted with medical staff and supplies, on its first voyage to bring medical assistance and hope to the inhabitants of Indonesia and South Vietnam, and

Whereas the S.S. Hope since that time has embarked on numerous voyages in an endeavor to bring better health and medical instruction to the needy throughout the world, and

Whereas Project Hope represents a joint undertaking in which thousands of doctors, nurses, and technologists share their skills and knowledge with the people of developing nations, and

Whereas the S.S. Hope spreads good will throughout the world and informally serves as one of this Nation's most effective ambassadors abroad, and

Whereas Project Hope is also involved with the organization of a domestic program to bring new hope to Mexican-Americans and American Indians by stimulating their interest in better health care and training them for new careers in medicine and related fields: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue each year a proclamation designating the week beginning on the third Sunday in September as "National S.S. Hope Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Speaker, I offer three amendments, and ask unanimous consent that they may be considered en bloc.

The SPEAKER. Is there objection to

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the request of the gentleman from Indiana?

There was no objection.

The clerk read as follows:

1. On page 1 and 2 strike out all "whereas" clauses.

2. On page 2, line 4, strike out the words "each year".

3. On page 2, line 5, after the word "September" insert "1970".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time and passed.

The title was amended so as to read: "Authorizing the President to declare the week beginning the third Sunday in September 1970 as 'National SS *Hope* Week.' "

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the series of resolutions just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROCEEDINGS AGAINST ARNOLD S. JOHNSON

Mr. ICHORD. Mr. Speaker, I rise to a question of the privilege of the House, and, by direction of the House Committee on Internal Security, I submit a privileged report (H. Rept. No. 91–146).

The Clerk read as follows:

PROCEEDINGS AGAINST ARNOLD S. JOHNSON

(Pursuant to title 2, United States Code, Sections 192 and 194)

Mr. Ichord, from the Committee on Internal Security, submitted the following report citing Arnold S. Johnson:

The Committee on Internal Security, as created and authorized by the Rules of the House of Representatives, particularly House Resolution 7, adopted January 3, 1969, as amended by House Resolution 89, adopted February 18, 1969, duly authorized and issued a subpena to Arnold S. Johnson. The subpena directed Arnold S. Johnson to be and appear before the said Committee on Internal Security, of which the Honorable Richard H. Ichord is chairman, or a duly appointed subcommittee thereof, on June 11, 1970, at 10 a.m., at their committee room, then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon Arnold S. Johnson is set forth in words and figures as follows:

UNITED STATES OF AMERICA
CONGRESS OF THE UNITED STATES

To Arnold S. Johnson, *Greeting:*

Pursuant to lawful authority, You are Hereby Commanded to be and appear before the Committee on Internal Security of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on June 11, 1970, at 10 o'clock, a.m., at their Committee Room, then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. A copy of the Committee Rules of Procedure and one copy of a Committee resolution adopted Dec. 10, 1969, authorizing this particular investigation and hearing are attached hereto.

Hereof Fail Not, as you will answer your default under the pains and penalties in such cases made and provided.

To U.S. Marshal/Herbert Romerstein, to serve and return.

Given under my hand this 3rd day of June, in the year of our Lord, 1970.

EDWIN W. EDWARDS,
Chairman—Chairman of Subcommittee—Member Designate of the Committee on Internal Security of the House of Representatives.

If you desire a conference with a representative of the Committee prior to the date of the hearing, please call or write to: Counsel, Committee on Internal Security, Washington, D.C. 20515, Telephone: 225–3051.

Attached to the said subpena and served therewith was a copy of the committee resolution adopted December 10, 1969, as follows:

"Whereas, on February 20, 1969, considering that a serious threat was posed to the internal security of this Nation and the free functioning of its Democratic institutions by the activities of certain organizations which would effect changes in our Government, or the administration of our Government, by other than constitutional processes, the Chairman accordingly proposed a preliminary study and inquiry into those organizations and their activities within the United States for the purpose of resolving a number of legislative problems, including an appraisal of the administration and enforcement of existing law, an examination of the respective roles of the Federal and State governments in the exercise of the police power, the need for remedial legislation, and to assist in the disposition of bills referred to the Committee, on subjects committed to it by the mandate of the House;

"Whereas, a resolution on that date was adopted by the Committee directing the Chairman to cause staff studies to be made with respect to such organizations and subjects, and to report on the same, from time to time, together with recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted with respect to any such organization and subject;

"Whereas, a staff study concerning the New Mobilization Committee To End The War In Vietnam was prepared and reported to the Chairman (as published in the CONGRESSIONAL RECORD, vol. 115, pt. 24, pp. 32947–32949);

"Whereas, the Committee staff study of November 4, 1969, has raised serious questions concerning the true nature and objectives of the New Mobilization Committee To End The War In Vietnam in that the staff study disclosed that the leadership of the New Mobilization Committee To End The War In Vietnam is top-heavy with Communists and pro-Communists, including members and partisans of both the Communist Party, USA, and most particularly, the Trotskyist Socialist Workers Party and Young Socialist Alliance; that the conspicuous Communist presence at major planning sessions of NMCEWVN indicates blatant Communist manipulation, exploitation, and subversion of a protest movement concerning U.S. involvement in Vietnam, and that the staff study disclosed several national leaders of the New Mobilization Committee To End The War In Vietnam were among the delegates to the World Peace Assembly held in East Berlin during June, 1969, the Assembly being sponsored by the World Peace Council, an international Communist 'peace' front;

"Whereas, H. Res. 700 and H. Res. 701, introduced on November 13, 1969, by Mr. Landgrebe for himself and 42 other Congressmen, called for authorization of a full and complete investigation of the NMCEWVN, including its sources of income and leadership, by the Committee on Internal Security;

"Now Therefore be it resolved, that an in-depth investigation be conducted by the Committee on Internal Security, or by a subcommittee thereof appointed by the Chairman, concerning the following:

"The origin, history, organization, character, objectives, and activities of the New Mobilization Committee To End The War In Vietnam, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

The foregoing subpena was duly served as appears by the return thereon made by Joseph Fitzgerald, deputy United States marshal for the Southern District of New York, who was duly authorized to serve it. At the time of service of said subpena, the said Arnold S. Johnson was likewise furnished with a printed copy of the committee Rules of Procedure and clause 27 of Rule XI of the House of Representatives. The return of service of said subpena is set forth in words and figures as follows:

"I made service of the within subpena by personal service to the within-named Arnold S. Johnson at 23 West 26th St., New York, N.Y., at 3:00 o'clock, p.m., on the 4th day of June, 1970.

"Dated June 4th, 1970.

"/s/ DUSM Joseph Fitzgerald SDNY."

The said Arnold S. Johnson, summoned as aforesaid, appeared on June 11, 1970, at a meeting of a duly authorized subcommittee of the Committee on Internal Security at the committee room in the city of Washington, D.C. He was accompanied by his counsel, John J. Abt, Esq. Called as a witness on that day to give testimony, as required by the said subpena, the said Arnold S. Johnson refused to be sworn or to take affirmation to testify. The record of the proceedings before the said committee, so far as it relates to the appearance of Arnold S. Johnson, is set forth in Appendix I, attached hereto and made a part hereof. Other pertinent committee proceedings are set forth in Appendix II and made a part hereof.

The refusal of Arnold S. Johnson to be sworn or to take affirmation to give testimony touching matters of inquiry committed to said committee, deprived the committee of pertinent testimony which the committee was instructed by House Resolution to investigate and places the said Arnold S. Johnson in contempt of the House of Representatives of the United States.

Pursuant to resolution of the Committee on Internal Security duly adopted at a meeting held August 13, 1970, the fact of the failure and refusal of Arnold S. Johnson to

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be sworn or to take affirmation to testify is hereby reported to the House of Representatives, to the end that the said Arnold S. Johnson may be proceeded against in the manner and form provided by law.

APPENDIX I

THURSDAY, JUNE 11, 1970

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C.

PUBLIC HEARINGS

The subcommittee of the Committee on Internal Security met, pursuant to recess, at 10 a.m. in Room 311, Cannon House Office Building, Washington, D.C., Hon. Edwin W. Edwards, chairman of the subcommittee presiding.

(Subcommittee members: Representatives Edwin W. Edwards of Louisiana, chairman; Louis Stokes of Ohio; and William J. Scherle of Iowa.)

Subcommittee members present: Representatives Edwards and Scherle.

Staff members present: Donald G. Sanders, chief counsel; Richard L. Schultz, associate chief counsel; and Stephen H. Romines, assistant counsel.

Mr. EDWARDS. The committee will come to order.

Let the record show Mr. Scherle and the Chair are present, constituting a quorum.

Call your first witness, Counsel.

Mr. ROMINES. Mr. Arnold Johnson.

Mr. EDWARDS. Good morning, gentlemen.

Will you be sworn, Mr. Johnson.

Mr. ABT. Before the witness is sworn, I have preliminary motion I would like to make.

Shall I identify myself for the record, or is that not necessary?

Mr. EDWARDS. That might be a good idea.

Mr. ABT. My name is John J. Abt, A-b-t. I am here as the attorney for Mr. Johnson.

Mr. Chairman, I want to move to quash the subpena to Mr. Johnson, on two grounds, and I would like the liberty of stating them very briefly.

Mr. EDWARDS. Certainly.

Mr. ABT. My first ground is that at least at this stage of the investigation, the committee lacks authority to subpena any witness or to require any witness to testify concerning the matter under inquiry, which I understand from the resolution that was attached to the subpena served on Mr. Johnson is the New Mobilization Committee to End the War in Vietnam.

That is the matter under inquiry. Am I correct, Mr. Chairman, that this is the matter under inquiry at this time?

Mr. EDWARDS. As far as it goes; yes, sir.

Mr. ABT. My point is, as I say, that at this stage, the committee lacks authority to either subpena witnesses or to require testimony concerning that subject matter.

I first want to call the committee's attention to section 1 of its rules of procedure, which states:

"Committee investigations shall be limited to those legislative purposes committed to it by the mandate of the House. * * *"

The mandate of the House, as the committee knows, is contained in rule XI of the standing rules of the House, which appears in this little blue book that you are in the custom of thoughtfully serving on all persons who are subpenaed as witnesses.

Section 11 of rule XI authorizes the Internal Security Committee, this committee, to conduct investigations with respect to two categories of organizations, which it defines. Category I consists of organizations which seek to establish a totalitarian dictatorship in the United States, or to overthrow the Government of the United States by force and violence. Category 2, stated very briefly, consists of organizations which incite to violence, terrorism, or other unlawful acts.

Now, it is clear, I think, that before the committee has authority to subpena witnesses or to require their testimony, and section 11 of the standing rules says for the purpose of any such investigation the committee is authorized to subpena witnesses and require testimony, that it is not authorized to subpena or demand testimony of a witness unless and until it finds and determines on the basis of evidence that the organization under investigation is an organization of the character defined in the House rule which I have just read.

Any other construction of that rule would give this committee a roving commission to investigate any organization, charitable, religious, trade union, at its will, on the pretext that it was investigating unlawful activities and that, of course, is precisely what the House intended to prevent when it revoked the mandate of your predecessor committee, created this committee, and gave it the restricted and limited authority which I have just read.

Now, coming to the subject matter of this inquiry, the New Mobe, the committee has made no determination whatsoever that the New Mobe is an organization that is of the character which you are authorized to investigate, that is to say, an organization that advocates or seeks the violent overthrow of the Government or incites to violence, and there is not a shadow of evidence before this committee that would or could support such a determination.

The committee resolution under which you are proceeding bases its jurisdiction to make this investigation on a staff study concerning the New Mobilization Committee to End the War, a staff study which Mr. Ichord, the chairman of the committee, put into the *Congressional Record* some months ago. Now, there is nothing, not a word in that staff study, this preliminary investigation, which finds that the New Mobe has any of these characteristics to which your jurisdiction is limited.

Quite the contrary. The staff study starts in its second paragraph with a quotation, an excerpt from the *Daily World*, in which it quotes Sam Brown, Moratorium coordinator, as stating: On November 15 the New Mobilization Committee To End the War in Vietnam is sponsoring a peaceful and legal mass march and rally in Washington, D.C., and there is not a line in this preliminary investigation to indicate that the New Mobe planned anything else or organized anything else than a peaceful and legal mass march.

Moreover, when Mr. Ichord, the committee chairman, placed the staff study in the *Congressional Record*, he introduced it with the statement, and this is the worst thing he could find to say about the New Mobe, that it is a "blatant propaganda assault upon our Nation."

This committee has no jurisdiction to investigate organizations which engaged in nothing but "blatant propaganda assaults," or propaganda assaults, no matter how blatant. That was the jurisdiction that was conferred on your predecessor committee, to investigate propaganda, and it was precisely to prevent an investigation of propaganda that the authority of that committee was revoked and that your committee was created with a much more limited authority.

So that at this stage of the investigation and until such time, if ever, as the committee does and can, on the basis of some evidence voluntarily offered by it, make the finding that is essential to its conducting an investigation, it has no authority to issue a subpena or to compel a witness to testify.

My second point, and the second ground on which I move that the subpena to Mr. Johnson be quashed, is that it is apparent, and it is the avowed purpose of calling Mr. Johnson here to attempt to compel him to disclose the political affiliations of persons who this staff study alleges are members of the Communist Party of the United States.

Now, only a few months ago, as I think the members of the subcommittee are aware, the Court of Appeals of the District of Columbia, in the case of *Boorda* v. *The Subversive Activities Control Board*, held unanimously that it was a violation of the first amendment for Congress to pass a law authorizing the Subversive Activities Control Board to require and make such a disclosure of the membership of persons in the Communist Party. As I am sure you are also aware, only a few weeks ago the Supreme Court, and again unanimously, refused to review that decision.

Now, it is perfectly clear that if both Houses of Congress can't pass a law to require the disclosure of membership in the Communist Party, one House of Congress acting by resolution can't do that, and for that reason, also, I submit that the subpena served on Mr. Johnson is invalid.

On both of the grounds that I have stated, I move that the subpena be quashed.

That is the end of my statement, Mr. Chairman.

Mr. EDWARDS. Thank you, Counsel.

If the conclusions which you stated in the first part of your dissertation were established or correct, you would probably have a good legal argument, but the correctness of these conclusions is what we are trying to establish in these hearings.

The resolution which constitutes the source of authority for this subcommittee authorizes the committee, among other things, to investigate the extent to which, and the manner and means by which, the New Mobe or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of the Government of the United States, or any State thereof, by unlawful means or by such means as to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States, also the manner in which it is financed, that is, the New Mobe, and also the extent to which it may act in concert or aid or assist or be supported by foreign communist powers, their agents, or nationals, and all other facts in relation to the foregoing.

May I say to you that what we are trying to establish in these hearings is set forth specifically in the resolution. Your client has been served with a copy of the resolution and of the rules, as you indicated. And, Mr. Abt, that is what we are trying to determine this morning.

If any questions are propounded to your client which infringe upon his constitutional rights, that would be an appropriate time for him to exercise his right to interpose his constitutional immunity, and the Chair will naturally proffer a ruling at such time as such specific objections are made.

For the time being, my ruling is on the basis of the entire testimony which has been elicited heretofore in these hearings——

Mr. ABT. May I ask what that testimony is or where it may be found? We are not aware of any such testimony——

Mr. EDWARDS. —and the resolution which was adopted by the whole committee on December 10, 1969, and the Chair will overrule your objections.

Now, the testimony to which I refer is the testimony which has been elicited in these proceedings by other witnesses who have testified as to some of the internal workings of the early meetings of the New Mobe, the composition of its officers and directors, the indication and the testimony that some of the leaders of the New Mobe indicated no real desire to seek peace in Vietnam, but rather to create turmoil and upheaval in our coun-

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try, and the information which we have which indicates that the New Mobe or, at least, some of its principal organizers and leaders are members of the Communist Party and are intent upon overthrowing our Government.

Whether that is ultimately a fair conclusion to be drawn by the total hearings, whether or not it is proven after we have completed our investigation is, of course, something that we have to wait and see.

Fairminded people may disagree upon the conclusions; reasonable people may take different views as to what is involved and what is attempted by those who are involved in these New Mobe activities. I think Mr. Ichord's statement, to which you refer, properly refers to the vast majority of people who were involved in the Washington demonstrations, people who were generally interested in seeking a just peace in Vietnam, who generally have the humane attitude of wanting to stop war, a philosophy that I think most human beings agree with.

We are concerned not by folks who are well motivated. We are concerned about those who are using those people, and using a highly emotional issue in America to foment trouble and dissent and revolution in our Nation.

Will you be sworn, Mr. Johnson?

Mr. Abt. May I ask a question, Mr. Chairman?

I am not quite clear. Do I understand from the statements you have just made that the subcommittee and the full committee have not yet reached any conclusion as to the character of the Mobe in terms of the definitions of the two organizations, two types of organizations?

Mr. Edwards. We have reached conclusions which we feel justify proceeding with this investigation.

The reason we are investigating the New Mobe, and not the Baptist Church or some other church or some trade union, is because we feel that we have enough evidence before us to justify a belief that there were those named in these hearings who were motivated by a desire to overthrow our Government and to incite revolution. Whether or not the conclusion which we have reached will be borne out by the testimony is the whole purpose of this investigation.

Mr. Johnson.

Mr. Abt. Mr. Chairman, again, before the witness is sworn, have you ruled on my motion to quash?

Mr. Edwards. Yes, I have overruled it.

Mr. Abt. In view of that ruling, Mr. Chairman, and because I have advised Mr. Johnson that, in my opinion as a lawyer, the committee at this stage has no jurisdiction to subpena him or to require him to answer questions and since he, on his part, has informed me that he does not care to volunteer any testimony to this committee, I think we have no further business to transact.

Mr. Scherle. Mr. Chairman, may I interrupt at this point?

Mr. Edwards. Excuse me, Mr. Scherle.

Thank you for that statement. I am certain that you speak for your client, but for the record and for the purpose of further proceedings, the Chair at this time directs the witness, Arnold Johnson, to rise to take the oath or affirmation preparatory to being propounded questions by committee counsel.

Mr. Johnson. On the advice of counsel, I decline.

Mr. Edwards. Let the record show that the witness declines to take the oath or affirmation on the advice of counsel.

Give me one minute, would you, please, Mr. Johnson?

Mr. Johnson, committee chief counsel, Donald G. Sanders, suggests to the Chair, in an effort to bend over backward in fairness and to comply with every letter of the law, that the Chair advise you that part and parcel of the subpena which was served upon you is implicit the requirement that you appear today and that you take the oath or affirmation as required by the rules of the House and rules relating to this type of proceeding and that, following the taking of such oath or affirmation and as questions are propounded to you, you take it under the Constitution and the applicable decisions of the United States Supreme Court, and you will be free to urge such objections as you or your counsel think appropriate, and the Chair will consider each such objection at the time it is urged.

Failing to take the oath as directed by the Chair, as required by the committee, in the opinion of the Chair at this time, will constitute contempt of Congress. The Chair wishes to put you on notice that if you persist in your refusal to take the oath or affirmation that the Chair will suggest to the subcommittee and to the whole committee that appropriate proceedings be instituted against you, asking for a citation for contempt of Congress.

I read to you rule IX of the rules of this committee, which states:

"All witnesses at public or executive investigative hearings who testify as to matters of fact shall give all testimony under oath or affirmation which shall be administered by the Chairman or a member of the Committee or subcommittee.

"No witness shall be compelled to testify under oath or affirmation at any Committee or subcommittee hearing unless a quorum of the Committee or subcommittee is present to receive such testimony."

Mr. Johnson, I beseech you to take the oath. It is a step which will not violate any of your constitutional rights. It will not prejudice any of your objections to these proceedings and will, in my candid and humble opinion, save everyone concerned a great deal of controversy later on.

Will you reconsider, please, sir?

Mr. Johnson. No, I will not reconsider. I reaffirm my refusal, on the basis of the points made by counsel, and I think as those points are debated, when we proceed, my counsel will prove correct.

Mr. Edwards. In the presence of Mr. Johnson and counsel, and not indicating that either agrees with my summarization, for the record, the Chair will state that Mr. Johnson, accompanied by counsel who has identified himself, appeared this morning, sat at the witness table, at which time his counsel offered a two-pronged objection to the proceedings, which objections are already in the record and are self-declared.

Following the objection, for reasons stated by the Chair, the objection was overruled.

The Chair at this time directed the witness to stand to take the oath or affirmation, as required by the rules pursuant to the subpena served upon him, and, as the record has previously shown, Mr. Johnson twice refused to so affirm or take the oath.

Therefore, in view of the factual and legal circumstances which have arisen this morning, the Chair will at this time say that the matter will be considered further by the subcommittee and the full committee in further proceedings.

Mr. Johnson, I think Mr. Scherle wants the floor. You are not required to stay and listen to him. You may, if you wish.

Mr. Abt. Mr. Chairman, before we depart, just a question.

In your statement earlier, you referred to testimony or evidence that was before the subcommittee. I would like the record to show that testimony or evidence has never been available, made available to Mr. Johnson or myself. I would like to ask whether it has ever been published.

Mr. Edwards. All of the proceedings to which I refer were public sessions.

Mr. Abt. Has the testimony been published?

Mr. Edwards. All of it has not yet been published or typed up, because it is rather voluminous.

Mr. Abt. I am correct, am I not, Mr. Chairman——

Mr. Edwards. If counsel will advise the committee that upon receipt of a copy of this testimony he will change his opinion and voluntarily appear, we will postpone these hearings until such time as we can furnish you with a copy.

Mr. Abt. How can I give you that kind of assurance before I have seen the testimony?

Mr. Edwards. I didn't expect you would, but I wanted to afford you the opportunity.

Mr. Abt. But you will agree with my statement, will you not, that the testimony has never been submitted to Mr. Johnson or to myself?

Mr. Edwards. Yes; and I will also ask you to agree that there is no requirement that it be furnished to him. Nevertheless, that is a matter which some other tribunal will probably be ruling on at some later date.

Thank you, gentlemen, for coming.

Mr. Scherle, do you wish the floor?

Mr. Scherle. Mr. Chairman, I am sorry that the counsel is leaving, because I think if he were to read——

Mr. Abt. I will be glad to stay and hear you, Mr. Scherle. Maybe I will learn something.

Mr. Scherle. In the rules of procedure, Mr. Abt, I think rule XI states simply "Powers and Duties of Committees."

Now, your statement was only a part of the entire rule, and you took what you wanted out of context.

Mr. Abt. You are referring to rule XI of the standing rules, Mr. Scherle?

Mr. Scherle. Yes, page iv, the Committee on Internal Security: "The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of," and you took into consideration (1). Well, let's look at No. (2).

Mr. Abt. No, I referred to both (1) and (2).

Mr. Scherle [reads].

"(2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States,"

And to continue:

"(3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation."

Now, how does that exclude your presence here this morning, as far as the resolution is concerned?

Mr. Abt. I think perhaps you didn't understand me, Mr. Scherle. You see, the committee, of course, is free to secure such voluntary testimony on the subject of the New Mobilization as it cares to.

My point is a very simple one, that the committee cannot compel testimony from an unwilling witness, unless and until it first makes a determination, based on evidence, preliminary determination based on evidence, that the organization that it is investigating does incite to violence or do some of the things that you say, that you read from the rule a moment ago.

Now, to my knowledge, there has been no such evidence. I have seen none. And certainly the committee has made no such determination and until it does—when, as, and if it does—and you resubpena Mr. Johnson, there will be a different ball game. We may have some other objections, but we won't have that one any more.

Mr. Scherle. You are not excluded, as far as the interpertation of this law pertains.

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and I wanted you to know this before you left.

Mr. EDWARDS. Mr. Abt, I would like to add, for your benefit, as well as the news media, that this committee in conducting these hearings has heard from the other side, good guys in the white hats, as we might look at them from our side of the bench. They have definite impressions as to the intent and direction of the New Mobe and have testified before us to that effect.

We have definite conclusions as to what the intent of the leaders of the New Mobe was and is.

We have testimony and evidence sufficient to justify coming to the conclusion—that is correct as far as we are concerned—that this witness, Mr. Arnold Johnson, is a member of the steering committee of the New Mobe. We also have testimony that he has publicly stated, and certainly he is a self-proclaimed spokesman or representative or has some official capacity with the Communist Party, U.S.A.

The national Congress and the Supreme Court of the United States have long taken a view that Congress has wide power to legislate in the field of communist activity in this country, to conduct appropriate investigations in aid of that power.

In the well-based assumption that, in the final analysis, the right of self-preservation is indigenous to any legitimate society, Congress and the Court have long refused to regard this Communist Party as an ordinary political party, has recognized the close association between the Communist Party and violent overthrow of the Government, or at least some who advocate it. And we think that this witness, who is a self-proclaimed spokesman for or member of the Communist Party, U.S.A., and whom we have identified as a member of the steering committee, would have been an appropriate witness, if for no other purpose but to give us his side of the story.

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Maybe what these other witnesses have said about their intent and directions is wrong. If he was guided by other motives, not violently dedicated or interested in doing damage to our country or inciting to revolution, I would think he would welcome the opportunity to proclaim it from the highest building in the country, and certainly from this forum which would give adequate publication to his sentiments. That he elects not to do so forces me to draw the conclusion that maybe he cannot truthfully take such a position.

Mr. ABT. That conclusion is entirely unjustified, Mr. Chairman, as you well know.

Why didn't you give him an opportunity to come down and volunteer testimony, if he wanted to, instead of bringing him here under the compulsion of a subpena? There would be no doubt of your power to hear anybody who wants to volunteer testimony.

Mr. EDWARDS. Our investigators tried to contact Mr. Johnson and tried to offer him the opportunity, and he would not talk to them.

Mr. ABT. He was not invited down here as a voluntary witness. He was served with a subpena. I don't know that he would have volunteered.

Mr. EDWARDS. You can't invite a person to something if you can't talk to him. However, in the presence of his counsel and the staff, reserving for the committee and the national Congress all rights which it may have acquired to proceed by contempt proceedings, the Chair at this time, on its own motion, invites you, Mr. Johnson, to testify voluntarily before this committee at any reasonable time within the next 10 days.

Mr. ABT. You have an invitation.

Mr. JOHNSON. I shall refuse it.

Mr. EDWARDS. We have one additional witness and we will take a 5-minute recess.)

(Brief recess.)

* * * * *

Mr. EDWARDS. The committee is adjourned. (Whereupon, at 11:05 a.m., Thursday, June 11, 1970, the subcommittee recessed, subject to the call of the Chair.)

APPENDIX II

PART 1

The following is an extract from the minutes of a meeting of the Committee on Internal Security held on February 20, 1969:

Committee on Internal Security,
February 20, 1969

The Committee on Internal Security met in executive session on February 20, 1969, at 10:00 a.m., in Room 311, Cannon House Office Building. The following members were present: Richard H. Ichord, Chairman; Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, William J. Scherle.

The staff members present were: Donald G. Sanders, chief counsel; Alfred M. Nittle, counsel; Francis J. McNamara, director of research; Juliette P. Joray, recording clerk; and Mary M. Valente, administrative secretary.

The chairman called the meeting to order at 10:15 a.m.

* * * * *

The chairman submitted the following proposal to the members of the Committee for a study of revolutionary violence within the United States:

"I desire hereby to lay before the Committee a proposal for study and investigation in depth of revolutionary violence within this Nation.

"It is becoming increasingly evident that one of the gravest threats to our internal security and to the free functioning of our democratic institutions is posed by the activities of certain organizations which would effect changes in our government or its administration by other than constitutional processes. Recent investigations of this Committee, the statements of responsible officials, Federal and State, and daily press reports, appear to me to sustain this conclusion.

"In this respect, moreover, we are faced with evermounting demands from the Members of the House and the public for legislative action, both for additional legislation and with respect to the examination and appraisal of the administration and enforcement of existing law, including proposals for constitutional amendment as well.

"I need not state that the legislative problems we face on the subject of subversion are of the utmost complexity and difficulty not solely from the constitutional standpoint, but equally so from the standpoint of developing practical and effective legislation. We must find the answers to certain basic questions, among which are the following: Is additional Federal legislation necessary? What form should such legislation take? Should these statutes be essentially regulatory or penal? Can we profitably amend existing statutes in this area? What is the Federal role, as contrasted with the State role, in the exercise of the police power on this subject?

"In addition, a number of bills have already been referred to the Committee. Undoubtedly additional legislation will also be referred to it from time to time. Such legislation involves a number of subjects vital to the protection and maintenance of our internal security, including such subjects as the protection of defense facilities, the security of classified information released to industry, Federal employment security, vessel, ports, and harbor security, the protection of our armed forces during periods of undeclared war, passport security, proposals with respect to the Emergency Detention Act of 1950, etc.

"The answer to the foregoing questions, and the disposition of such legislation, will obviously require the most painstaking and thorough inquiry and understanding of the extent, character and objectives, the organizational forms, financing, and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, as are proper subjects of investigation as mandated by the House. Obviously, we cannot legislate in a vacuum.

"I therefore submit for your approval my proposal that, under my direction, the staff be authorized to undertake preliminary studies and inquiries, the results of which I shall, from time to time, report to the full Committee with a view toward the subsequent authorization of such full scale investigations and public hearings as the Committee may seem desirable and necessary."

A discussion followed, and on motion of Mr. Pepper, and seconded, by Mr. Edwards, the following resolution was adopted:

"Resolved, That the Chairman be directed to cause staff studies and preliminary inquiries to be made with respect to the organizations and subjects herein proposed, and to report on same from time to time, with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted by the Committee with respect to any such organization or subject."

The Chairman directed the staff to undertake preliminary studies of certain organizations and further directed that summaries of these studies be prepared for consideration by the Committee at its next meeting tentatively scheduled for March 5.

The meeting was adjourned at 11:25 a.m.

RICHARD H. ICHORD,
Chairman.
JULIETTE P. JORAY,
Recording Clerk.

PART 2

The following is an extract from the minutes of a meeting of the Committee on Internal Security held on December 10, 1969:

Committee on Internal Security,
December 10, 1969

The Committee on Internal Security met in executive session on December 10, 1969, at 9:30 a.m., in Room 311, Cannon House Office Building. The following members were present: Richard H. Ichord, chairman; Edwin W. Edwards, John M. Ashbrook, Richard L. Roudebush, Albert W. Watson, and William J. Scherle.

Staff members present: Donald G. Sanders, chief counsel; Glenn E. Davis, editorial director; Alfred M. Nittle, counsel; Robert M. Horner, chief investigator; William G. Shaw, research director; John F. Lewis, coordinating editor; Stephen H. Romines, assistant counsel; William T. Poole, research analyst; Juliette P. Joray, recording clerk; and Mary M. Valente, administrative secretary.

The meeting was called to order at 10:04 a.m.

The Chairman offered a resolution for the consideration of the Committee which would authorize an investigation of the New Mobilization Committee to End the War in Vietnam. A motion was made by Mr. Edwards, seconded by Mr. Roudebush, that the following resolution be adopted:

"Whereas, on February 20, 1969, considering that a serious threat was posed to the internal security of this Nation and the free functioning of its Democratic institutions by the activities of certain organizations which would effect changes in our Government, or the administration of our Government, by other than constitutional processes, the Chairman accordingly proposed a preliminary study and inquiry into those organizations and their activities within the United States for the purpose of resolving a number of legislative problems, including an appraisal of the administration and enforcement of existing law, an examination of the respective roles of the Federal and State governments in the exercise of the police power, the need for remedial legislation, and to assist in the disposition of bills referred to the Committee, on subjects committed to it by the mandate of the House;

"Whereas, a resolution on that date was adopted by the Committee directing the Chairman to cause staff studies to be made with respect to such organizations and subjects, and to report on the same, from time to time, together with recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted with respect to any such organization and subject;

"Whereas, a staff study concerning the New Mobilization Committee To End The War In Vietnam was prepared and reported to the Chairman (as published in the Congressional Record, vol. 115, pt. 24, pp. 32947–32949);

"Whereas, the Committee staff study of November 4, 1969, has raised serious questions concerning the true nature and objectives of the New Mobilization Committee To End The War In Vietnam in that the staff study disclosed that the leadership of the New Mobilization Committee To End The War In Vietnam is top-heavy with Communists and pro-Communists, including members and partisans of both the Communist Party, USA, and, most particularly, the Trotskyist Socialist Workers Party and Young Socialist Alliance; that the conspicuous Communist presence at major planning sessions of NMCEWVN indicates blatant Communist manipulation, exploitation, and subversion of a protest movement concerning U.S. involvement in Vietnam, and that the staff study disclosed several national leaders of the New Mobilization Committee To End The War In Vietnam were among the delegates to the World Peace Assembly held in East Berlin during June, 1969, the Assembly being sponsored by the World Peace Council, an international Communist 'peace' front;

'Whereas, H. Res. 700 and H. Res. 701, introduced on November 13, 1969, by Mr. Landgrebe for himself and 42 other Congressmen, called for authorization of a full and complete investigation of the NMCEWVN, including its sources of income and leadership, by the Committee on Internal Security;

"Now therefore be it resolved, that an in-depth investigation be conducted by the Committee on Internal Security, or by a subcommittee thereof appointed by the Chairman, concerning the following:

"The origin, history, organization, character, objectives, and activities of the New Mobilization Committee To End The War in Vietnam, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

The yeas and nays were requested. The Chairman directed the recording clerk to call the roll and each member responded as follows:

Mr. Ichord, aye.
Mr. Edwards, aye.
Mr. Ashbrook, aye.
Mr. Roudebush, aye.
Mr. Watson, aye.
Mr. Scherle, aye.

The motion carried and the resolution was adopted.

* * * * *

The meeting was adjourned at 10:12 a.m.

Richard H. Ichord,
Chairman.
Juliette P. Joray,
Recording Clerk.

PART 3

The following is an extract from the minutes of a meeting of the Committee on Internal Security held on March 25, 1970:

Committee on Internal Security, March 25, 1970

The Committee on Internal Security met in executive session on March 25, 1970, at 11:00 o'clock a.m., in Room 311, Cannon House Office Building. The following members were present: Richard H. Ichord, chairman; Edwin W. Edwards, John M. Ashbrook, Richard L. Roudebush, William J. Scherle.

The staff members present were: Donald G. Sanders, chief counsel; Richard L. Schultz, associate chief counsel; Alfred M. Nittle, counsel; Glenn Davis, editorial director; Robert M. Horner, chief investigator; Stephen H. Romines, Daniel Ferry, assistant counsel; Juliette P. Joray, recording clerk; and Mary M. Valente, administrative secretary.

The chairman called the meeting to order at 11:24 o'clock a.m.

The chairman submitted for consideration a resolution authorizing hearings on the New Mobilization Committee to End the War in Vietnam. On motion of Mr. Roudebush, seconded by Mr. Edwards, the following resolution was unanimously adopted:

"Whereas, on December 10, 1969, the Committee on Internal Security duly adopted a resolution authorizing an investigation, with regard to the origin, history, organization, character, objectives, and activities of the New Mobilization Committee to End the War in Vietnam, for the purposes and on the subjects of inquiry therein set forth;

"Now therefore be it resolved, That for the purposes of such investigation, hearings by the Committee on Internal Security, or by any subcommitee thereof appointed by the Chairman for that purpose, be held in Washington, D.C., or at such place or places, and on such date or dates, as the Chairman may designate."

* * * * *

The meeting was adjourned at 12:17 a.m.

Richard H. Ichord,
Chairman.
Juliette P. Joray,
Recording Clerk.

PART 4

The following is an extract of the minutes of a meeting of the subcommittee of the Committee on Internal Security to conduct hearings concerning the New Mobilization Committee to End the War in Vietnam, held on June 3, 1970:

Committee on Internal Security, June 3, 1970

The subcommittee designated to conduct hearings relating to the New Mobilization Committee To End the War in Vietnam met in executive session on June 3, 1970, at 3:00 o'clock p.m., in Room 311, Cannon House Office Building. The following members of the subcommittee were present: Edwin W. Edwards, chairman William J. Scherle.

The members of the staff present were: Donald G. Sanders, chief counsel; Richard L. Schultz, associate chief counsel; Robert M. Horner, chief investigator; Stephen H. Romines and Daniel Ferry, assistant counsel; and Juliette P. Joray, recording clerk.

The meeting was called to order at 3:05 p.m.

Mr. Romines briefed the subcommittee on the hearings scheduled to commence on June 10 concerning the New Mobilization Committee to End the War in Vietnam. * * *

* * * * *

Mr. Romines further informed the subcommittee that in connection with the Committee's investigation of the New Mobilization Committee to End the War in Vietnam, it was recommended that Arnold Johnson, a top functionary of the Communist Party who is also on the Steering Committee of the New Mobilization Committee to End the War in Vietnam be summoned to testify on matters relating to this organization. Mr. Romines briefed the subcommittee on reasons for calling Johnson and on motion of Mr. Scherle, the subcommittee unanimously voted to authorize the issuance of a subpoena for Arnold Johnson to appear before the subcommittee on June 11, 1970.

* * * * *

The meeting was adjourned at 3:16 o'clock p.m.

Ed W. Edwards,
Subcommittee Chairman.
Juliette P. Joray,
Recording Clerk.

PART 5

The following are the minutes of a meeting of the aforesaid subcommittee of the Committee on Internal Security held on June 24, 1970:

Committee on Internal Security, June 24, 1970

A subcommittee of the Committee on Internal Security designated by the Chairman to conduct hearings regarding the origin, history, organization, character, objectives, and activities of the New Mobilization Committee to End the War in Vietnam, met in executive session on Wednesday, June 24, 1970, at 2:00 o'clock, p.m., in Room 311, Cannon House Office Building, Washington, D.C. The following members were present: Edwin W. Edwards, subcommittee chairman; Louis Stokes (entered at 2:09 p.m.), William J. Scherle.

The following staff members were also present: Donald G. Sanders, chief counsel; Richard L. Schultz, associate chief counsel; Robert M. Horner, chief investigator; Stephen H. Romines, assistant counsel; Daniel Ferry, assistant counsel; Mary M. Valente, administrative secretary.

The subcommittee chairman called the meeting to order at 2:07 p.m. He stated that the purpose of the meeting was to consider what action the subcommittee should take regarding the refusal of Arnold Johnson to be sworn, or to affirm (after being duly subpoenaed to testify before the subcommittee on June 11, 1970), preparatory to being propounded questions by Committee counsel at the direction of the subcommittee chairman, at the hearing conducted by said subcommittee on the 11th day of June, 1970, and what recommendation the subcommittee would make to the full Committee regarding a citation for contempt of the House of Representatives. It was noted that Mr. Edwards had sent each member of the subcommittee a memorandum report of the circumstances surrounding this matter.

After full discussion of the facts surrounding the refusal of Arnold Johnson to be sworn or to affirm, preparatory to being examined as a witness before the subcommittee on June 11, 1970, a motion was made by Mr.

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Scherle, seconded by Mr. Stokes, that the subcommittee direct Committee counsel to prepare a memorandum to the full Committee reporting the events and circumstances surrounding the subpoenaing of Arnold Johnson, his appearance before this subcommittee, his counsel's objections, and his refusal to take an oath, the colloquy between the subcommittee chairman, Mr. Johnson and his counsel, and that the testimony and colloquy be made part of the memorandum together with applicable law, and on the basis of such facts that this subcommittee recommend to the full Committee that the full Committee report said facts and circumstances to the House of Representatives with recommendation that the said Arnold Johnson be cited for contempt of the House of Representatives.

The motion was put to a vote. The administrative secretary called the roll and each member responded as follows:

Mr. Edwards, aye.
Mr. Stokes, aye.
Mr. Scherle, aye.

The meeting adjourned at 3:35 p.m.

ED W. EDWARDS,
Subcommittee Chairman.
MARY M. VALENTE,
Administrative Secretary.

PART 6

The following is an extract from the minutes of a meeting of the Committee on Internal Security held on August 13, 1970:

Committee on Internal Security,
August 13, 1970

The Committee on Internal Security met in executive session pursuant to notice on Thursday, August 13, 1970, at 10:00 o'clock a.m., in Room 311, Cannon House Office Building. The following members were present: Richard H. Ichord, chairman; Claude Pepper, Richardson Preyer, John M. Ashbrook, William J. Scherle.

The following staff members were also present: Donald G. Sanders, chief counsel; Richard L. Schultz, associate chief counsel; Alfred M. Nittle, legislative counsel; Daniel Ferry, assistant counsel; and Juliette P. Joray, recording clerk.

The meeting was called to order at 10:35 a.m., by the chairman who stated that it was a purpose of this meeting to consider the report of the subcommittee designated to conduct hearings on the New Mobilization Committee to End the War in Vietnam with regard to the failure and refusal of Arnold S. Johnson to be sworn or to take affirmation to testify at the meeting of June 11, 1970, in connection with the investigation of the New Mobilization Committee to End the War in Vietnam.

The Chairman stated that written notice had been given to all members of the Committee of the purpose of this meeting, and he directed that a copy of the notice be attached to the minutes and made a part thereof. He further stated that a memorandum report had been made and circulated to the full Committee by Mr. Edwards, chairman of the subcommittee, together with a copy of the transcript of the hearing relating to the appearance of Arnold S. Johnson before the subcommittee on June 11, 1970, advising the Committee of the circumstances surrounding the refusal of Arnold S. Johnson, and of the fact that the subcommittee at a meeting of June 24, 1970, had directed a report be made to the full Committee of the facts and circumstances relating to the refusal of Arnold S. Johnson with the recommendation that the said Arnold S. Johnson be cited for contempt of the House of Representatives.

The Chairman then reviewed the circumstances in relation to the subpoenaing of Johnson to testify, observed that his subpoena had been duly issued and that in his opinion the proceedings were in due order. He said he hoped that he could avoid the unpleasant duty of citing a witness for contempt, but that there was no alternative under the circumstances of this case and that the Committee had a duty to protect the dignity and prerogatives of the House. A discussion ensued, following which a motion was made by Mr. Ashbrook, seconded by Mr. Ichord, that the following resolution be adopted:

"Resolved, That the Committee on Internal Security report to the House the fact of the failure and refusal of Arnold S. Johnson to be sworn or to take affirmation to testify at a meeting of the subcommittee on June 11, 1970, together with all the facts in connection therewith, to the end that the said Arnold S. Johnson may be proceeded against in the manner and form provided by law."

The chairman directed the Recording Clerk to call the roll and each member present responded as follows:

Mr. Ichord, aye.
Mr. Pepper, aye.
Mr. Preyer, aye.
Mr. Ashbrook, aye.
Mr. Scherle, aye.

The motion carried and the resolution was adopted.

* * * * *

The meeting was adjourned at 11:00 o'clock a.m.

RICHARD H. ICHORD,
Chairman,
JULIETTE P. JORAY,
Recording Clerk.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., August 10, 1970.

To: Honorable Claude Pepper.
Honorable Edwin W. Edwards.
Honorable Richardson Preyer.
Honorable Louis Stokes.
Honorable John M. Ashbrook.
Honorable Richard L. Roudebush.
Honorable Albert W. Watson.
Honorable William J. Scherle.

From: Richard H. Ichord, Chairman.

Re: Notice of meeting regarding Arnold S. Johnson—contempt.

You are given notice that a meeting of the Committee on Internal Security will be held at the Committee hearing room (311 Cannon House Office Building) on August 13, 1970, at 10 A.M. to consider the report of the subcommittee with regard to the failure and refusal of Arnold S. Johnson to be sworn or to take affirmation to testify at the meeting of June 11, 1970, in connection with the investigation of the New Mobilization Committee to End the War in Vietnam. The Committee shall determine its action with respect to reporting such failure and refusal to the House with the recommendation that the said Arnold S. Johnson be proceeded against in accordance with the provisions of Title 2, U.S.C. § 192, 194.

Consideration will also be given to any other matters which may properly come before the Committee.

CERTIFICATE OF DELIVERY

Congressman, staff member receiving notice, date, and time

Hon. Richard H. Ichord.

Hon. Claude Pepper; Charlotte Dickson, 8/11/70, 11:45 a.m.

Hon. Edwin W. Edwards; Charlotte Wilmer, 8/11/70, 11:47 a.m.

Hon. Richardson Preyer; Bernice Pruitt, 8/11/70; 11:35 a.m.

Hon. Louis Stokes; Mike Davis, 8/11/70, 11:36 a.m.

Hon. John M. Ashbrook; Cindy Wayman, 8/11/70, 11:40 a.m.

Hon. Richard L. Roudebush; Eunice Rowl, 8/11/70, 11:30 a.m.

Hon. Albert W. Watson; Lillian Wright, 8/11/70, 11:44 a.m.

Hon. William J. Scherle; Gay Washburn, 8/11/70, 11:46 a.m.

Delivery of above notice made personally to members' offices as specified above.

LEO WILLIAM IVORY,
Committee on Internal Security.

Mr. ICHORD (during the reading). Mr. Speaker, in view of the fact that the report has been circulated to the Members for well over a week, I ask unanimous consent that the further reading of the report be dispensed with and that it be printed in full in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, by direction of the House Committee on Internal Security, I offer a privileged resolution (H. Res. 1220) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1220

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Internal Security of the House of Representatives as to the refusal of Arnold S. Johnson to be sworn or to make affirmation to testify before a duly authorized subcommittee of the said Committee on Internal Security, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said Arnold S. Johnson may be proceeded against in the manner and form provided by law.

The SPEAKER. The gentleman from Missouri (Mr. ICHORD) is recognized for 1 hour.

GENERAL LEAVE

Mr. ICHORD. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ICHORD. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, what is involved in this resolution citing Arnold S. Johnson is solely a question whether the authority of the process of this House is to be maintained. Having been duly summoned by authority of the House to appear before the Committee on Internal Security to give testimony on June 11, 1970, touching matters of inquiry committed to the committee, Arnold S. Johnson appeared, accompanied by counsel. On being required to be sworn or to take affirmation to testify, he refused to do so and persisted in that refusal. By such refusal Johnson made willful default in violation of the act of June 22, 1938. The question then on the resolution is whether this House shall require the Speaker to certify the statement of facts in connection with Johnson's default to the U.S. Attorney for the District of Columbia to the end that the said Arnold S. Johnson may be proceeded against in the manner and form provided by law.

The applicable provisions of law by which we proceed on this citation appear in sections 192 and 194 of title 2, United States Code. They provide that when a person summoned as a witness by authority of the House to give testimony or to produce papers upon any matter of inquiry before the House willfully makes default, or who having appeared, refuses to answer any question pertinent to the question under inquiry, he shall be deemed guilty of a misdemeanor, punishable by a fine or not more than $1,000 or less than $100 and imprisonment in a common jail for not less than 1 month or more than 12 months. When a report of such failure of a witness is reported to the House, and the House is in session, it has always been the practice to call up the report for action by the House. Upon adoption of the resolution by the House requiring the Speaker to certify the facts of any such failure by the witness to the appropriate U.S. Attorney, it then becomes his duty to bring the matter before the grand jury for its action. The defaulting witness is required to stand trial only following indictment by the grand jury.

That a witness duly subpoenaed to testify before a committee of the House who refuses to be sworn or to take affirmation to testify is indictable under the provisions of section 192 of title 2, United States Code, is not open to question. This precise question was first raised and resolved several years ago in the case of *Eisler* v. *United States,* 170 Fed. F. 2d 273 (1948), cert. denied, 338 U.S. 883. In that case, a witness duly subpoenaed to testify before a committee of the House refused to be sworn or affirmed unless the committee permitted him to make a statement. He was informed that committee procedure required him to be sworn first and thereafter make his statement. He refused to be sworn, was cited for contempt, and convicted. In sustaining the conviction, the court held that Eisler's refusal to be sworn as a witness effectively constituted a refusal to give testimony, and that the indictment, which alleged that by reason of such refusal he had willfully made default, sufficiently stated an offense under section 192.

In the case of Arnold S. Johnson now before us, both the subcommittee before whom Arnold S. Johnson appeared but defaulted, and the full committee which now makes this report, have carefully reviewed the proceedings and circumstances of the refusal of Johnson to be sworn and testify. We are in agreement as to the propriety of his citation. It would be a grave delinquency on our part, I believe, to fail to report a matter of this kind which so seriously affects a basic function of the legislative process; namely, the investigative authority of the House.

It was pointed out in an early, leading case on the subject—*McGrain* v. *Daugherty,* 273 U.S. 135, at 161 (1927)—that the power of Congress to make investigations and to exact testimony "has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American revolution." More recently in *Watkins* v. *United States,* 354 U.S. 178, 187 (1956), the Chief Justice reiterated:

> The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad.

This power would be ill-protected and would soon degenerate into a past power were we to permit witnesses duly summoned pursuant to this power to ignore it with impunity.

I do not believe that in reviewing the background of this controversy any fair-minded person would reasonably contend that the committee was without probable cause in conducting its investigation of New Mobe or in subpoenaing Arnold S. Johnson as a witness in aid thereof.

It has become increasingly evident that one of the gravest threats to the peace and security and to the free functioning of our democratic institutions is posed by the activities of certain revolutionary organizations, their members, agents, and affiliates, which would effect changes in our Government or its administration by other than constitutional processes. Indeed, this Congress in its wisdom has established this committee to undertake investigations of organizations and persons of this type, to assist the Congress, or any committee of the House, in any necessary remedial legislation.

Such investigations are essential to inform the mind of Congress. The legislative problems we face on the subject of subversion are of the utmost complexity and difficulty. We are seeking to find the answers to certain ultimate questions, including whether Federal legislation is necessary, what form such legislation should take, whether these statutes should be essentially regulatory or penal, and what are the respective legislative or enforcement roles of the Federal and State governments on this subject. In addition, there are bills either pending before the committee or referred to it from time-to-time which would require disposition. The answer to these questions, and the disposition of these bills, it is clear, require the most painstaking and thorough inquiry into the activities of such organizations, their members, agents, and affiliates.

On February 20, 1969, I recommended that the committee engage in preliminary studies and inquiries with respect to such revolutionary organizations, with a view toward determining what full-scale investigations and public hearings should be authorized wtih respect to particular organizations. A resolution was accordingly adopted by the committee on that date authorizing preliminary studies and inquiries.

Pursuant to the resolution of February 20, I directed the staff to undertake preliminary studies of certain organizations, and that summaries of these studies be prepared for consideration by the committee. These studies were made from time-to-time and made available to members of the committee. Among the studies undertaken pursuant to the resolution was that directed to New Mobe. The study of New Mobe revealed considerable information from which it would appear, or from which one might prima facie conclude, that various Communist organizations, and persons identified as members thereof, were playing an active part in the organization or direction of New Mobe.

These organizations included, among others, the Communist Party USA, and its youth front, the W. E. DuBois Clubs of America; the Communist-Trotskyite Socialist Workers Party, and its youth group, the Young Socialist Alliance, together with its affiliated organization, the Student Mobilization Committee. Information was also possessed that a large number of identified, and some self-proclaimed, Marxists were on the New Mobe Steering Committee, including but not limited to such well-known activists as Arnold Johnson, the National Legislative Director for the Communist Party USA, the subject of this citation; Irving Sarnoff, leader of the Southern California Peace Action Council; Otto Nathan, David Dellinger, Fred Halstead, and others. Indeed, a preliminary statement of the subversive involvement in the origin, leadership, and activities of the New Mobe was introduced by me in the CONGRESSIONAL RECORD of November 4, 1969.

Possessed of such information, the committee on December 10, 1969, adopted a resolution authorizing a full-scale investigation of New Mobe. By the terms of this resolution, the Committee sought to obtain that specific and detailed information which was essential to its purposes, including information as to the origin, history, organization, character, objectives and activities of New Mobe, the extent to which and the manner in which it or any of its chapters or affiliated groups may be controlled or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of our form of government by unlawful means, and the extent to which foreign Communist powers or their agents were involved in support thereof. It was clear that the committee in adopting this resolution did so in accordance with the authorization and mandate of House rule XI.

House rule XI explicitly gives jurisdiction to the committee with respect to "Communist and other subversive activities," and the committee has been explicitly authorized to make investigations from time-to-time of organizations, their members, agents, and affiliates which seek to establish or assist in the establishment of a totalitarian dictatorship within the United States. As was said by Mr. Justice Harlan, speaking for the Supreme Court in *Barenblatt* v. *United States,* 360 U.S. 109 (1959), at p. 217:

> That Congress has wide power to legislate in the field of Communist activities in this Country, and to conduct appropriate investigations in aid thereof, is hardly debatable. The existence of such power has never been questioned by this Court. . . . In the last analysis this power rests on the right of self-preservation, "the ultimate value of any society," *Dennis* v. *United States,* 341 U.S. 494, 509. Justification for its exercise in turn rests on the long and widely accepted view that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and violence, a view which has been given formal expression by the Congress.

Nevertheless, the committee did not move hastily into public hearings or to exercise its subpena power on this subject. Pursuant to the December 10 resolution, the staff continued its investiga-

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tion, a summary of which was later introduced in the hearing record. I include it with my remarks today. It was not until March 25, 1970, that the committee authorized public hearings on the subjects of inquiry set forth in its December 10 resolution, and no subpena had been issued prior to that date.

Following the adoption of the March 25 authorization, I appointed a subcommittee consisting of Mr. EDWARDS of Louisiana as chairman, together with Mr. STOKES and Mr. SCHERLE, to conduct public hearings on New Mobe. The subcommittee conducted hearings on April 7, 8, 9, and 15, in the course of which it received evidence and testimony from a number of witnesses on the subjects of inquiry. These hearings were continued into June following. It was not until June 3, 1970, that the subcommittee agreed to issue a subpena to Arnold S. Johnson, and did so on the obvious basis that as a member of the Steering Committee of New Mobe and a top functionary of the Communist Party he possessed information relevant and material to the subjects under inquiry. He was summoned to appear before the subcommittee on June 11, 1970. He appeared with counsel on the day for which he was summoned, was called as a witness and asked to be sworn or take affirmation to testify. He refused to do so.

As a basis for his refusal, he alleged two principal grounds. The first was that the committee was not authorized to subpena witnesses and compel testimony unless and until the committee made a determination that New Mobe was an organization which fell within the purview of House rule XI. He alleged that the committee had no evidence before it to support a determination that New Mobe was an organization that advocates or seeks the violent overthrow of the Government, or incites to violence. The second ground for his refusal was that the committee could not compel Johnson to disclose, as he said, "the political affiliations of persons" that the staff studies alleged are members of the Communist Party USA. This, he said, was precluded by a recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Boorda* v. *Subversive Activities Control Board*, 421 F. 2d 1142 (1970), with respect to which certiorari was denied by the Supreme Court on April 20, 1970.

These objections were correctly overruled by the subcommittee. Moreover, a reference to the record of the proceedings will reveal that the subcommittee was very patient with the witness, treated him fairly, and endeavored to explain to him the basis for the subcommittee's action in overruling his objections. He was further apprised that his failure to be sworn would be contemptuous and that appropriate proceedings might be recommended and instituted against him to seek a citation for contempt of Congress. He was repeatedly urged to be sworn, and was advised that if he did so it would not prejudice any objections he may make to the proceedings or preclude him from making objections to specific questions or areas of inquiry at that time. Nevertheless, Johnson persisted in his refusal and subsequently at a meeting of the subcommittee, held June 24, 1970, attended by all members thereof, the subcommittee unanimously resolved to report his refusal to the full committee with the recommendation that he be proceeded against as provided by law.

We believe beyond any reasonable doubt that the rulings of Chairman Edwards and the subcommittee upon the objections interposed by counsel on behalf of Mr. Johnson were correct. Indeed, from our examination of the record and of established precedents, it appears to us that Johnson was grasping at straws to avoid his duties as a witness, and was clearly in willful contempt of the House.

With respect to Johnson's first argument that the committee could not subpena him or others and compel testimony unless and until the committee had made a determination that New Mobe was an organization that advocates or seeks the violent overthrow of the Government or incited to violence, I would point out that no such positive or conclusive determination was required to be made to support the investigatory process and the subpena which was issued to Johnson. As was said in *Barenblatt* v. *United States*, 360 U.S. 109, 130 (1959):

> This position rests on a too constricted view of the nature of the investigatory process, and is not supported by a fair assessment of the record before us. An investigation of advocacy of our preparation for overthrow certainly embraces the right to identify a witness as a member of the Communist Party . . . and to inquire into the various manifestations of the Party's tenets. The strict requirements of a prosecution under the Smith Act . . . are not the measure of the permissible scope of a congressional investigation into "overthrow," for of necessity the investigatory process must proceed step-by-step.

The fact that a legislative investigation, or any investigation, must proceed "step by step" was again reiterated in *Gibson* v. *Florida Legislative Committee*, 372 U.S. 539, 543 (1963).

Certainly if one were to accept Johnson's argument, neither this committee nor any other investigative agency, including an investigatory grand jury or even the courts of law, could function. If a prior positive or conclusive determination must be made with respect to the very facts under inquiry, then, of course, no investigation could get off the ground. Can these facts be obtained without investigation and compulsion of testimony or production of documents? If complete and adequate information could be obtained by other means, that would be very nice, but experience has shown that this is not practicable. Many individuals, frequently those most knowledgeable of the facts, will not testify except under compulsion. Hence the Supreme Court has repeatedly rejected the principle for which Johnson contends.

In *Uphaus* v. *Wyman*, 360 U.S. 72 (1959), a case directly in point, the attorney general of New Hampshire was constituted as a one-man legislative investigating committee by joint resolution of the legislature. The resolution directed him to investigate violations of the State subversive activities act, and to determine whether subversive persons were then in the State. In language similar to our House rule XI, a subversive person was defined in the acts as one who commits or aids in the commission, or advocates by any means the commission, of any act intended to overthrow, destroy, or alter or assist in the overthrow, destruction, or alteration of the constitutional government of the State of New Hampshire by force or violence. On this authority, the attorney general conducted an investigation of an organization named World Fellowship, Inc., which maintained a summer camp in the State of New Hampshire. Possessed of information that several of the speakers and guests at World Fellowship either had been members of the Communist Party or had connections or affiliations with it or with one or more organizations cited as subversive or Communist controlled by the Attorney General of the United States, he issued a subpena to one Uphaus requiring him to produce the names of all persons who attended the camp during 1954 and 1955. Uphaus refused to do so on the claim that the attorney general was precluded from compelling the production of documents under the due process clause of the 14th amendment. In upholding his conviction for contempt, the Court did so on the basis that, possessed of such information as aforesaid, the attorney general "had valid reason to believe" that speakers and guests at World Fellowship "might be" subversive persons within the meaning of the New Hampshire act; that although the "nexus" between World Fellowship and subversive activities might not be conclusive, it was sufficiently "relevant" to support the attorney general's action. The Court said:

> Certainly, the investigatory power of the State need not be constricted until sufficient evidence of subversion is gathered to justify the institution of criminal proceedings.

See also Gibson against Florida Legislative Committee, supra.

That the requisite nexus existed between New Mobe and subversive or Communist activities, has been adequately established on the record. Moreover, on the basis of relevant information in its possession, there is no doubt that the committee was fully justified and had probable cause in issuing the subpena to Arnold Johnson. As a top functionary in the Communist Party and a member of the Steering Committee of New Mobe, he would most certainly be in a position to provide material and relevant information with respect to subjects under inquiry set forth in the committee resolution of December 10.

Johnson's second and remaining objection that the decision of the court of appeals in Boorda against SACB precluded any interrogation which, as he says, would disclose the political affiliations of persons, that is, his membership and that of others in the Communist Party, is likewise without substance. The first amendment objection thus raised has, in the context of congressional investigation, been repeatedly overruled by the Supreme Court. It was said by Mr. Justice Harlan in Barenblatt, supra, at page 128:

> This Court in its constitutional adjudications has consistently refused to view the

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> Communist Party as an ordinary political party. . . . Similarly in other areas, this Court has recognized the close nexus between the Communist Party and violent overthrow of the Government.

Thus in Barenblatt, and subsequent cases where first amendment objections were raised in the context of congressional investigations into Communist Party membership or activities, contempt convictions were upheld and the first amendment claim was expressly rejected. *Wilkinson* v. *United States*, 365 U.S. 399 (1961); *Braden* v. *United States*, 365 U.S. 431 (1961). See also *Communist Party* v. *SACB*, 367 U.S. 1 (1961).

Nor is the case of Boorda which he cites in point. In that case the court was not dealing with a question of compulsion of testimony for legislative purposes. Involved was an extraneous question of the constitutionality of those provisions of the Subversive Activities Control Act which authorized determinations with respect to membership of individuals in Communist-action organizations. It is true that in Boorda the court held that the disclosure of Communist Party membership for the purposes of that act was constitutionally protected by the first amendment, "except for those who join with the 'specific intent' to further illegal action." However, in citing that case, Mr. Abt, counsel for Mr. Johnson, failed to disclose that the court expressly stated that principles applied in that case were not to be taken as applicable to legislative investigations. Chief Judge Bazelon, writing for the court in Boorda, said, and I quote:

> We are not dealing here with a legislative investigation the primary purpose of which is to inform Congress with respect to matters properly within its concern. In such cases, some disclosure to the public may be justified as a necessary incident of disclosure to Congress. (Footnote 23.)

Finally, in any event, it should be observed that Johnson's objection to any disclosure of Communist Party membership, either his own or that of others, provided no basis for his refusal to be sworn as a witness or to quash the subpena. His objection at this point was speculative at best and raised no controversy. No such questions had been asked of him. Moreover, his refusal to be sworn precluded not only such interrogation, but interrogation on other relevant subjects as well, to which this objection was not applicable. Clearly, as a member of the Steering Committee of New Mobe, he was in a position to give relevant information on other subjects under inquiry independently of testimony as to his membership or that of others in the Communist Party. Hence, as the chairman of the subcommittee properly advised him, the appropriate time for Johnson to raise any constitutional claim for refusal to answer particular questions, was when and if they were propounded. The subcommittee would then be in a position to consider and rule upon his objections to specific questions in the context of his general interrogation.

This, Mr. Speaker, is a clear case of contempt. I therefore urge the House to act favorably on the resolution.

A synopsis of information follows:

Synopsis of Information in Committee Research Study of Subversive Involvement in the Origin, Leadership, and Activities of the New Mobilization Committee To End the War in Vietnam and Its Predecessor Organizations

The New Mobilization Committee To End the War in Vietnam is, in its own words, "a broad coalition of organizations and individuals whose purpose is to gain an immediate end to the war in Vietnam through immediate and total withdrawal of American men and materiel." The Mobe regards all United States proposals for peace in Vietnam as fraudulent, thinly veiled demands for the absolute surrender of Hanoi and the Provisional Revolutionary Government to the "fascist" forces supported by the United States in South Vietnam.

Study of official Mobe pronouncements discloses that the official stance of the coalition's leadership is militantly pro-Hanoi and anti-United States. The Mobilization's program calls for a "unilateral decision for withdrawal" by the United States, to be followed by "reparations to the Vietnamese people for the damage the United States has done to their country."

Professor Sidney M. Peck, a national co-chairman of New Mobe and a former member of the Wisconsin State Committee of the Communist Party, U.S.A., has stated:

"We want an end to the war—a war that is a war of intervention and aggression—and we want the complete and total withdrawal of American forces from Vietnam. If that results in a victory of the National Liberation Front, we are pleased with that result because that would in effect be the wishes of the Vietnamese people."

Another New Mobe co-chairman, Professor Douglas Dowd, has said:

"One of the tensions that we've had to work out within the New Mobilization Committee is that the people who do the organizing for this kind of thing, almost all of them, really feel that not only the war should end but that if there had to be a side in that war I think most of us feel we would be on the other side."

The New Mobilization Committee functions today as the lineal descendant of the November 8 Mobilization Committee, formed in Cleveland, Ohio, on September 10–11, 1966. At a subsequent conference in Cleveland on November 26–27, 1966, the group reconstituted itself as the Spring Mobilization Committee To End the War in Vietnam. This group, which organized mass anti-Vietnam war protests in New York and San Francisco on April 15, 1967, was cited as communist-dominated by the House Committee on Un-American Activities in its March 31, 1967, report on the ***Communist Origin and Manipulation of Vietnam Week***.

After a May 20–21, 1967, National Anti-War Conference in Washington, D.C., the Spring Mobilization Committee to End the War in Vietnam became known officially as the National Mobilization Committee To End the War in Vietnam. The primary projects organized by the National Mobe were the October 21, 1967, march on the Pentagon in Washington, D.C.; the August 1968 violent demonstrations in Chicago during the Democratic National Convention; and the January 1969 Counter-Inaugural demonstrations in Washington, also marked by violence.

The New Mobe was formally established at a national conference of antiwar groups and individuals in Cleveland, Ohio, during the weekend of July 4, 1969. This conference, hosted by the Cleveland Area Peace Action Council, a key Mobe affiliate formerly led by Peck, was attended by several hundred delegates from around the United States. A large percentage of the delegates were members of the Communist Party, U.S.A.; the Trotskyist communist Socialist Workers Party; the Young Socialist Alliance, youth and training section of the SWP; and the Student Mobilization Committee to End the War in Vietnam, an organization controlled by the YSA.

The conference formulated a program known as the Fall Offensive, designed to serve as a focal point for groups around the nation in organizing a series of anti-Vietnam war activities culminating in mass rallies and marches in Washington and San Francisco on November 15, 1969. The Student Mobilization Committee, Youth Socialist Alliance, and Socialist Workers Party played crucial roles both in setting up the New Mobe and in staging the Fall Offensive.

In addition, as shown by original documents disseminated by such international communist "peace" organizations as the Stockholm Conference on Vietnam and the World Peace Assembly, both projects of the Soviet-controlled World Peace Council, as well as by official statements made by communist officials and organizations in Vietnam, the New Mobilization Committee has operated from its inception with significant international communist support.

In recent months, activities of the New Mobilization Committee have taken on a broader complexion. Instead of the mass marches favored by the Trotskyists, led by the SWP and YSA, the Mobe has shifted its emphasis to more localized activities such as demonstrations at Selective Service offices during March and at Internal Revenue Service offices across the country on April 15, 1970. The Trotskyists see this change in emphasis as a diminution of the Mobe's effectiveness, which, they feel, can be maintained only by consistently calling for and organizing mass national mobilizations against the war and for the withdrawal of American troops.

Despite this, however, SWP and YSA leaders have remained among the active participants in Mobe's activities; and, as in the past, the YSA-controlled Student Mobilization Committee is rendering full support and providing crucial organizing abilities for the Mobe's program.

Two of the chief participants in the New Mobe coalition are the Student Mobe and the Vietnam Moratorium Committee. The latter group is an organization which, while continuing to support Mobe activities nationwide, has also branched out into more specifically political activity. The Mobe sees the different emphases of these organizations as complementary rather than competitive. An information sheet circulated prior to the November 15 demonstrations stated:

The leadership of the three groups sees the activities of the others as complementary [sic] to its own. In other words, the activities of one organization is [sic] in no way seen as contradicatory to the others, neither are the activities 'competitve.' Clearly, there is a need for viable anti-war activity moving forward on various levels and under various operating procedures. Thus, the Vietnam Moratorium Committee organizes on the local level for strictly local activity; the New Mobilization Committee organizes to bring people to Washington on specific days; and the Student Mobilization Committee organizes students on campuses for activities there and for the Washington March.

Though some of the emphases have changed, as noted above, this description of the interrelationship among the three primary organizations remains generally accurate.

Some of the New Mobe's primary affiliates, which in turn function as major regional coalitions of local anti-war groups, are:

(1) the Fifth Avenue Vietnam Peace Parade Committee, New York Mobe office led by David Dellinger, a national co-chairman of Mobe and self-identified non-Soviet communist;

(2) the Chicago Peace Council, headed by Sylvia Kushner, a member of the Communist Party, U.S.A.;

(3) the Peace Action Council of Southern

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California, a Los Angeles-based group led by former Southern California District CPUSA official Irving Sarnoff;

(4) the New Mobilization Committee (West), headquartered in San Francisco and led by Terence Hallinan, a leader in the CPUSA-controlled W.E.B. DuBois Clubs of America and brother of CPUSA official Matthew Hallinan; Professor Donald Kalish, who is self-admittedly far to the left of the Communist Party; and Dr. Carleton Goodlett, a member of the Presidium of the Soviet-controlled World Peace Council;

(5) the Bay Area Peace Action Council, formerly GI-Civilian Alliance for Peace, also headquartered in San Francisco, and led by people close to the SWP and YSA;

(6) the Cleveland Area Peace Action Council; and

(7) the Detroit Coalition to End the War Now, an organization under SWP influence, led primarily by members and consistent supporters of the SWP and its front organizations.

One of the chief organizational tenets to which the Mobe's leadership has adhered is that of nonexclusion. This principle, which has remained fundamental to Mobe thinking since the founding of Mobe's first predecessor in September 1966, means simply that communists and non-communists must be welcomed into the coalition on an equal footing, the goal of the policy being the creation of the broadest possible united front of the left against the war in Vietnam. Thus, although a number of pacifist and other groups have been involved in Mobe activities, so also have the following:

(1) the Communist Party, U.S.A.;

(2) the W.E.B. DuBois Clubs of America, official CPUSA youth front until the founding of the Young Workers Liberation League in Chicago during February 1970;

(3) the Socialist Workers Party, largest and oldest Trotskyist communist group in the United States;

(4) the Young Socialist Alliance, youth and training section of the SWP;

(5) the Student Mobilization Committee, controlled by members of the YSA;

(6) the Workers World Party, a dissident Trotskyist group formed in 1959 by former members of the SWP;

(7) Youth Against War and Fascism, youth arm of the WWP;

(8) the American Servicemen's Union, founded and led by Andrew Stapp, a member of Youth Against War and Fascism;

(9) the GI-Civilian Alliance for Peace, an organization led principally by members of the SWP, YSA, and SMC;

(10) the Committee of Returned Volunteers, an organization of former Peace Corps workers who support an American defeat and communist victory in Vietnam;

(11) the International Longshoremen's and Warehousemen's Union, which has long been under the control of identified members of the CPUSA and which has participated actively in West Coast Mobe affairs;

(12) Women Strike for Peace, a pro-Hanoi organization characterized by the House Committee on Un-American Activities in 1967 as one "which, since it was first formed in the fall of 1961, has enjoyed the complete support of the Communist Party";

(13) the Black Panther Party, a militant, violence-oriented revolutionary group;

(14) Students for a Democratic Society, particularly the Worker-Student Alliance and Revolutionary Youth Movement II factions; and

(15) Veterans for Peace in Vietnam, founded during 1966 in Chicago by veteran Communist Party member Leroy Wolins.

The national leadership of the New Mobilization Committee includes several key activists who have been shown either by public source data or by committee investigation to be or to have been members of such diverse communist groups as the Communist Party, U.S.A.; W.E.B. DuBois Clubs of America; Labor Youth League; Revolutionary Workers League; Socialist Workers Party; Young Socialist Alliance; and Student Mobilization Committee. (See first attached chart.)

The first chart also includes David Dellinger, one of the most important and influential Mobe leaders and a man who has proclaimed himself to be a non-Soviet type communist, and Otto Nathan, New Mobe steering committee member who has been identified as having been a member of the Communist Party of Germany and who refused to tell the House Committee on Un-American Activities in 1956 whether he was then or had ever been a member of the Communist Party.

Not included on the chart are Mobe cochairman and steering committee member Donald Kalish, who has described himself as being far to the left of the Communist Party, and Irving Benin, Mobe steering committee member and staff employee of the self-described "independent radical newsweekly" *Guardian*.

The second chart shows the major recent contacts of Mobe leaders with international communist front organizations and conferences, as well as participation in meetings with representatives of the communist North Vietnamese and National Liberation Front.

The third chart shows some of the New Mobilization Committee's major affiliated groups, especially those organizations which serve as regional and local co-ordinating agencies in the same manner in which the Mobe functions on a national level.

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KEY LEADERS OF THE NEW MOBILIZATION COMMITTEE WHO HAVE BEEN IDENTIFIED IN PUBLIC SOURCES OR BY COMMITTEE INVESTIGATION AS MEMBERS OF COMMUNIST PARTIES, COMMUNIST YOUTH GROUPS, AND/OR THE STUDENT MOBILIZATION COMMITTEE

Name and NMC[1] position(s)	Self-professed Communist	CP[2]	DCA[3]	LYL[4]	RWL[5]	SWP[6]	YSA[7]	SMC[8]
David Dellinger, cochairman, Steering Committee, National Committee	×							
Terence Hallinan, cochairman, Steering Committee			×					
Sidney Lens, cochairman, Steering Committee					×			
Sidney M. Peck, cochairman, Steering Committee, Washington Action Committee		×						
Marc Beallor, National Committee, Steering Committee			×					
Marjorie Colvin, National Committee, Steering Committee						×		
Rich Feigenberg, Steering Committee						×		×
Jerry Gordon, National Committee, Steering Committee				×				
Don Gurewitz, Washington Action Committee, New Mobe staff						×	×	×
Helen Gurewitz, Washington Action Committee, New Mobe staff		×						
Fred Halstead, National Committee, Steering Committee, Washington Action Committee						×		
Dorothy Hayes, Washington Action Committee		×						
Gus Horowitz, National Committee, Steering Committee, Washington Action Committee						×		
Arnold Johnson, National Committee, Steering Committee, Washington Action Committee		×						
Sylvia Kushner, National Committee, Steering Committee		×						
Carol Lipman, National Committee, Steering Committee, Washington Action Committee							×	×
Roger McDonald, Steering Committee								×
Joe Miles, National Committee, Steering Committee							×	×
Allen Myers, National Committee, Steering Committee, Washington Action Committee						×	×	×
Otto Nathan, National Committee, Steering Committee, Washington Action Committee		×						
Harry Ring, Washington Action Committee						×		
Jose Rudder, Washington Action Committee							×	
Irving Sarnoff, National Committee, Steering Committee		×						
Larry Seige, Steering Committee							×	
Larry Swingle, Steering Committee							×	
Peer Vinther, National Committee, Steering Committee, Washington Action Committee							×	
Leroy Wolins, Washington Action Committee		×						

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[1] NMC—New Mobilization Committee To End the War in Vietnam.

[2] CP—Communist Party.

[3] DCA—W.E.B. DuBois Clubs of America.

[4] LYL—Labor Youth League.

[5] RWL—Revolutionary Workers League.

[6] SWP—Socialist Workers Party.

[7] YSA—Young Socialist Alliance.

[8] SMC—Student Mobilization Committee To End the War in Vietnam.

RECENT CONTACTS OF NEW MOBILIZATION COMMITTEE LEADERSHIP WITH INTERNATIONAL COMMUNIST FRONT ORGANIZATIONS AND CONFERENCES, INCLUDING MEETINGS WITH REPRESENTATIVES OF NORTH VIETNAM AND/OR THE NATIONAL LIBERATION FRONT

Name and NMC[1] position(s)	Hemis. Conf.[2]	Stock. Conf.[3]	WPA[4]	CVW[5]	Stock. Conf. ILC[6]	WPC Africa[7]	Quebec[8]	WPC BC[9]
Mia Adjali, Steering Committee, National Committee				×				
Carol Andreas, Steering Committee				×				
Norma Becker, Steering Committee, National Committee, Washington Action Committee	×							
Barbara Bick, Steering Committee, National Committee, Washington Action Committee			×					
Katherine Camp, Steering Committee, National Committee, Washington Action Committee							×	
William Davidon, Steering Committee, National Committee, Washington Action Committee		×						

Footnotes at end of table.

RECENT CONTACTS OF NEW MOBILIZATION COMMITTEE LEADERSHIP WITH INTERNATIONAL COMMUNIST FRONT ORGANIZATIONS AND CONFERENCES, INCLUDING MEETINGS WITH REPRESENTATIVES OF NORTH VIETNAM AND/OR THE NATIONAL LIBERATION FRONT—Continued

Name and NMC[1] position(s)	Hemis. Conf.[2]	Stock. Conf.[3]	WPA[4]	CVW[5]	Stock. Conf. ILC[6]	WPC Africa[7]	Quebec[8]	WPC BC[9]
Douglas Dowd, Steering Committee, Washington Action Committee, co-chairman	×							
Richard Fernandez, Steering Committee, National Committee, Washington Action Committee.	×							
Carleton Goodlett, Steering Committee, National Committee, Treasurer, New Mobe West	×	×	×			×		×
Robert Greenblatt, Steering Committee, National Committee	×							
Willie Hardy, National Committee				×				
Dorothy Hayes, Washington Action Committee				×				
Arnold Johnson, Steering Committee, National Committee, Washington Action Committee							×	
James Johnson, Steering Committee, National Committee	×							
Donald Kalish, Steering Committee, co-chairman; New Mobe West, co-chairman	×							
Sylvia Kushner, Steering Committee, National Committee							×	
Lincoln Lynch, Steering Committee, National Committee	×							
Stewart Meacham, Steering Committee; Washington Action Committee, co-chairman	×						×	
Sidney M. Peck, Steering Committee; Washington Action Committee, co-chairman	×							
Irving Sarnoff, Steering Committee, National Committee	×		×		×	×		×
Cora Weiss, Steering Committee; Washington Action Committee, co-chairman				×				
John Wilson, Steering Committee, National Committee	×	×						
Ron Young, Steering Committee, National Committee, Washington Action Committee					×			

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[1] NMC—New Mobilization Committee to End the War in Vietnam.

[2] Hemis. Conf.—Hemispheric Conference to End the Vietnam War, Montreal, Canada, November 28–December 1, 1968.

[3] Stock- Conf.—Stockholm Conference on Vietnam, an operation of the World Peace Council, Stockholm, Sweden, May 16–18, 1969.

[4] WPA—World Peace Assembly, an operation of the World Peace Council, East Berlin, Germany, June 21–24, 1969.

[5] CVW—Canadian Voice of Women meeting with representatives of North Vietnam and the National Liberation Front, Canada, July 7, 1969.

[6] Stock. Conf. ILC—Stockholm Conference on Vietnam International Liason Committee meeting Oct. 11–12, 1969.

[7] WPC Africa—World Peace Council meeting in Africa, January 1970, at which the Feb. 7–8, 1970, WPC meeting in Vancouver, British Columbia, Canada, was initiated by Carleton Goodlett and Irving Sarnoff.

[8] Quebec—Meeting with representatives of North Vietnam, the NLF, and various peace groups, Quebec, Canada, Jan. 31, 1970.

[9] WPC BC—World Peace Council meeting, Vancouver, British Columbia, Canada, Feb. 7–8 1970.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. I thank the gentleman for yielding.

What distresses me about proceedings of contempt in this case is this: I am someone who has criticized the New Mobilization leadership, or some of the members of that leadership and some of their announced objectives, but I must say to the gentleman even though I have criticized the New Mobe I have marched in peace parades that the New Mobilization has conducted up Fifth Avenue in New York City and in Washington, D.C. when that was the only group that was conducting demonstrations in opposition to our involvement in the Vietnam war.

Mr. ICHORD. Let me say to the gentleman from New York, I am quite sure many sincerely motivated people have participated in the so-called peace demonstrations of the New Mobilization committee, but let me make it clear that this gentleman is publicity director of the Communist Party U.S.A., and he is also a member of the steering committee of the New Mobilization committee.

Considering the responsibilities of the House Committee on Internal Security, I believe it is quite clear that the gentleman had the duty, being a member of the steering committee, to give the committee of the House the benefit of his testimony as to the extent of his involvement as an officer of the Communist Party U.S.A. in New Mobilization activities as well as the involvement of the Communist Party U.S.A.

The SPEAKER pro tempore. The time of the gentleman from Missouri has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 1 additional minute.

Mr. KOCH. What distresses me is that what in effect is happening as a result of this kind of contempt citation is that there is an attempt to dissuade people just by what you are doing from participating in antiwar activities. That may not be the intention of the gentleman but it has that consequence and it is a form of intimidation and has the effect of chilling dissent.

Mr. ICHORD. Let me answer the gentleman by saying that I do not question the sincerity or the integrity of the gentleman from New York. I do disagree very strongly, however, with the underlying philosophy he expresses. There is no intention on our part to deter any person by this proceeding. We seek only to uphold the dignity and integrity of the processes of the House.

We do have subversive organizations and subversives within the United States. We have many, many laws on the books dealing with subversion. Granted, many of them are ineffective.

Contrary to some of the opponents of investigating committees, as I mentioned a while ago, we are not actually penalizing Johnson by this proceeding here.

The SPEAKER pro tempore. The time of the gentleman from Missouri has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 1 additional minute.

We use the courts to enforce the contempt powers of the House of Representatives.

I will say this: This is the first contempt citation the House Committee on Internal Security has brought before this body. I believe that we should be very careful in bringing these citations before the body. I believe we should make certain that a clear case of contempt does lie.

In viewing the facts of this case, I would say that if the courts find as a matter of law that no contempt lies in this case, I would be in favor of recommending to this body that we use the inherent power of the House of Representatives to enforce our processes.

Mr. KOCH. Mr. Speaker, if the gentleman will yield, if there are people in the New Mobe—and there may very well be—who have committeed crimes, then indict them. Get the U.S. attorneys to use their offices.

Instead what you are doing, I suggest, sir, is intimidating and chilling dissent by saying that the Congress is going to investigate peace groups opposing our continued involvement in Indochina. This is probably the first of many such investigations and that is what I fear.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, nothing could be further from the truth. I disagree completely with the philosophy expressed by the gentleman from New York. I think this is a part of the permissive philosophy which has brought about a lot of the trouble we are experiencing today. We can ill afford to be led to refrain from taking any steps to deter subversive manipulation of organizations because of the fear that some people might be dissuaded from exercising their rights of free association.

Mr. Speaker, I now yield to the gentleman from Ohio, the ranking member of the House Committee on Internal Security (Mr. ASHBROOK), 5 minutes.

Mr. ASHBROOK. Mr. Speaker, as a member of the House Committee on Internal Security which has assigned a subcommittee to investigate the extent of possible Communist involvement in the New Mobilization Committee to End the War in Vietnam, I rise to strongly urge that Arnold Johnson be cited for contempt of Congress.

Before the subcommittee decided to call Mr. Johnson as a witness, it had received a thoroughly documented report on his connections with the so-called peace movement in the United States. I submit for the record, a summary of the information respecting Mr. Johnson's relationship to the New Mobe and its predecessors during the period of 1965 to 1970. Any notion that he, as a leader of the CPUSA, was only peripherally interested in New Mobe is convincingly dispelled by this chronicle of his active participation in those "peace" action groups that culminated in the formation of New Mobe.

A summary follows:

Summary Regarding Arnold Johnson

(1) Johnson served as a member of the steering committee of an organization known as the National Coordinating Committee to End the War in Vietnam, according to FBI Director Hoover testifying before the House Committee on Appropriations in February 1967. Hoover stated that the steering committee of the NCCEWV included representatives of a number of subversive organizations. The NCCEWV was pro-North Vietnam and pro-Vietcong, according to its own pronouncement. It was a group which attempted to serve as a unifying factor in the faction-ridden anti-Vietnam war movement. NCCEWV was led by Frank Emspak, son of a deceased member of the Communist Party, U.S.A., and participant in meetings of the CPUSA's official youth front, the W.E.B. DuBois Clubs of America. The NCCEWV was a predecessor, though not a direct one, of the New Mobe.

(2) The first direct predecessor of the New Mobe was the November 8 Mobilization Committee, another Hanoi-line group led by the late Rev. A. J. Muste, a prominent pacifist and communist sympathizer. The November 8 Mobe was formed in Cleveland, Ohio, in September 1966 at a conference initiated by Cleveland professor Sidney M. Peck, a former member of the Wisconsin State Committee of the CPUSA. At various times, Peck was active with such party-controlled groups as the American Youth for Democracy (AYD), Wisconsin Progressive Party, and National Committee to Abolish the House Un-American Activities (NCAHUAC). In 1965, Peck collaborated with members of the Socialist Workers Party (SWP) in founding the Cleveland Committee to End the War in Vietnam (CCEWV). Evidence in HCIS files indicates an extraordinarily high degree of communist participation in the November 8 Mobe. When, on November 26–27, 1966, the November 8 Mobilization Committee met in Cleveland to decide the group's future course, Arnold Johnson attended as a representative of the CPUSA.

(3) As a result of the November 26–27, 1966, Cleveland meeting, the November 8 Mobilization Committee became the Spring Mobilization Committee to End the War in Vietnam, the group which organized the massive protests against the Vietnam War in New York and San Francisco on April 15, 1967. Spring Mobe was cited as communist-dominated by the Committee on Un-American Activities on March 31, 1967, in the report on the *Communist Origin and Manipulation of Vietnam Week*. The conference resolution reconstituting the group as the Spring Mobe was signed by some 40 people, many of them members of the Communist Party and Socialist Workers Party. Among the signers of this document was Arnold Johnson.

(4) On November 27, 1966, the temporary steering committee for the Spring Mobilization met in Cleveland to lay plans for the group. At this session were numerous members of the CPUSA and SWP. Among the CPUSA members present was Arnold Johnson.

(5) The April 15, 1967, demonstrations in New York and San Francisco were ardently supported by virtually every major communist group in the United States. Both the CPUSA and SWP played major roles in organizing support for this action. Among the numerous members of the CPUSA who lent their stated support was Arnold Johnson.

(6) On May 20–21, 1967, the Spring Mobe conducted a National Anti-War Conference in Washington, D.C. This conference, attended by some 700 delegates, 300 of them members of the CPUSA, DCA, SWP, YSA, or Youth Against War and Fascism (YAWF, official youth arm of the Trotskyist communist Workers World Party), decided to organize a mass march on Washington on October 21, 1967, to protest the war in Vietnam. Subsequent to this meeting, the Spring Mobe came to be known as the National Mobilization Committee To End the War in Vietnam. The CPUSA participated actively in organizing this demonstration. It also had its official contingent which marched under its own banner, led by several top party officials, among them Arnold Johnson.

(7) During 1968, the National Mobe's major project was the disruption of the August 1968 Democratic National Convention in Chicago. The CPUSA and several of its major front groups played an important part in helping to organize the demonstrations. At a September 14, 1968, administrative committee meeting held by the Mobe in Washington, D.C., Arnold Johnson was present as a representative of the Communist Party.

(8) In July 1969, the National Anti-War Conference was held in Cleveland, Ohio. This conference, again initiated by Sidney Peck, formed the New Mobilization Committee To End the War in Vietnam to carry on the work of the National Mobe. It was at this meeting, called formally by a coalition of movement leaders, most of them connected with National Mobe, that the so-called "Fall Offensive" was formulated. According to official conference delegate lists and steering committee rosters, Arnold Johnson participated actively in this conference both as a delegate from the CPUSA and as a member of the important conference steering committee.

(9) According to official lists circulated in late July 1969, September 17, 1969, and November 1969, Arnold Johnson served as a member of the New Mobe steering committee.

(10) An official New Mobe document lists Arnold Johnson as one of the participants in a New Mobe steering committee meeting held August 17–18, 1969, in Philadelphia, Pennsylvania. The purpose of this meeting was planning for the Fall Offensive.

(11) Official printed minutes of the session reflect that Arnold Johnson participated in a steering committee meeting in Washington, D.C., on September 14, 1969. Johnson was named to (1) the committee to plan the program for the November rally, (2) a committee on so-called "International Aspects," and (3) a committee on "Labor Participation."

(12) According to an official list dated September 26, 1969, Arnold Johnson of the CPUSA served as a member of the New Mobe Washington Action Committee, identified by HCIS witness Irwin Bock and by the Committee's staff study as the official body within the New Mobe that was charged with organizing the November 1969 Washington demonstrations.

(13) According to the staff study, page 45, Arnold Johnson was a participant in a New Mobe steering committee meeting in Cleveland, Ohio, on December 13–14, 1969. The program adopted at this meeting, as reiterated in the staff study, suggests an increase in the CPUSA's importance within the Mobe coalition, together with a corresponding decline in influence for the SWP and its allies. The HCIS staff study, page 45, also identifies Arnold Johnson as a member of the New Mobe executive committee.

(14) The staff study, page 47, reflects that Arnold Johnson was in attendance at a meeting held in Quebec, Canada, on January 30–31, 1970. At this meeting, which was attended by several representatives of United States "peace" groups, as well as by representatives of the World Peace Council and North Vietnam, there were several items discussed, most of them part of the New Mobe's Spring Offensive program as formulated at the December steering committee meeting in Cleveland. This meeting is significant because it demonstrates clearly the international communist ties of several movement activists, and it shows the attempt at coordination of programs with international communist elements.

(15) According to a New Mobe press release dated February 7, 1970, Arnold Johnson participated in a steering committee meeting held on that date in Washington, D.C.

(16) A New Mobe letterhead dated February 13, 1970, included Arnold Johnson's name in a list of members of the New Mobe national committee. The national committee is exactly the same in composition as the steering committee, with the exception of one additional name.

(17) According to *The Militant* (official publication of the Socialist Workers Party) for June 12, 1970, page 4, Arnold Johnson was present at a steering committee meeting held in Atlanta, Georgia, on May 23–24, 1970. At this meeting, it was decided to call a conference for the weekend of June 26–28, 1970, in Milwaukee, Wisconsin, to counterbalance another, rival conference called by the SWP and its allies for June 19–21, 1970, in Cleveland, Ohio. The *Militant* article states that Johnson generally supported the calling of the Milwaukee conference, but that he expressed reservations about total reliance on civil disobedience tactics and total abandonment of mass mobilization tactics.

(18) In a statement handed to the press after his refusal to testify before the HCIS on June 11, 1970, Johnson identified himself as "a member of the Steering Committee of New Mobilization as a representative of the Communist Party, U.S.A."

(19) Arnold Johnson was observed at the Strategy Action Conference in Milwaukee on Saturday, June 27, 1970, according to a confidential source. The CPUSA gave major support to this conference, pointedly downgrading the SWP's Cleveland meeting in favor of the multi-issue Milwaukee meeting.

Now, Mr. Speaker, Mr. Johnson would have us believe that he is a dedicated pacifist and that his own personal love of peace is the motivation behind his work with New Mobe's highest counsels.

Anyone who has studied the history of the CPUSA and Arnold Johnson's long history of association with the party in an official capacity knows full well that when he speaks of peace he thinks of a condition that contributes to America's humiliation or defeat—nothing more, nothing less.

Mr. Johnson wants peace for the people of the United States in the same sense that the Kremlin wanted peace for Czechoslovakia at the time of the invasion and occupation of that hapless country in 1968.

Some measure of the sincerity of Mr. Johnson's self-proclaimed dedication to peace in Vietnam may be better understood if we consider the manner in which the Soviet Union is furthering the interests of peace in the Middle East. Mr. Johnson's CPUSA is one of Moscow's handmaidens in advancing world communism's vision of peace—namely, a vision of victory for Red tyranny and the ultimate defeat and surrender of all who oppose Communist world conquest.

Mr. Johnson is not for peace in Vietnam any more than the late Ho Chi Minh was. Mr. Johnson is for a Communist victory in Vietnam and an American defeat there.

Neither Moscow nor the CPUSA are in favor of peace in the Middle East today. They seek only a Communist victory scored as the Arabs become subverted

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through dependence on Moscow's support and Israel is worn down by a protracted war of fighting and terrorism, an arms race and meaningless negotiations.

With utter cynicism, Arnold Johnson—the elder statesman of American Communists who conveniently looks like anyone's grandfather—has addressed himself to all of his "dear" friends "in the peace movement" to help him fight this very request for a contempt citation.

On August 24, 1970, he used CPUSA stationery to write all of those who attended a then recent Milwaukee peace conference. His open letter states—and I now quote from it:

> On August 13, five of the nine members of the House Internal Security Committee, voted to recommend that the U.S. Congress cite me for contempt because on June 11, when under subpoena to appear before the committee, I refused to be sworn and to testify before that present version of the Un-American Committee (HUAC) and challenged its right to subpoena me or anyone else in the New Mobilization Committee. My reasons for refusing to testify and for challenging the committee's authority are expressed in the enclosed statement which I issued at that time. Thus far I am the first and only member of the New Mobe to be subpoenaed. I believe my stand is valid and can halt the committee in its campaign against the peace movement. Therefore this is not a personal issue.
>
> The House Committee plans to ask Congress to cite for contempt, when Congress returns on September 9. Any serious debate by a member of Congress can convince the Congress to reject the H.I.S.C. recommendation. I want to urge that these days be used to visit your Congressman when he or she is at home, and to send letters to her or him at House Office Building, Washington, D.C.—urging "Vote No" on the request to cite. This is a time when the H.I.S.C. should be abolished. That will be a blow to repression and will give more strength to the peace movement.

When Arnold Johnson says his appeal does not involve a personal issue he is correct. His fight is a Communist Party issue—a clearcut effort by CPUSA to challenge the Congress of the United States. Let me make one point clear. This vote today is not for or against the peace movement in America. By using the propaganda machinery and personnel of the entire peace movement in this Nation Arnold Johnson hopes for a Communist victory in his coldly calculated refusal to be sworn by a responsible committee which seeks information Mr. Johnson is best equipped to provide.

How bold is Mr. Johnson in this day and age to so blatantly ask all of his peace movement acquaintances to support the Communist Party in its campaign to thwart this Congress and the work of one of its committees.

I hope this House will give overwhelming support to the House Committee on Internal Security in meeting this flagrant challenge to the right of Congress to obtain information from a witness whose testimony would be so obviously germane to a subject under investigation.

I thank you, Mr. Speaker.

Mr. ICHORD. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, Arnold Johnson is a Communist. He is proud of it. He has also been in the forefront of those persons of various ideologies who have brought about a new creation called New Mobilization Committee To End the War in Vietnam or New Mobe.

Despite the fact that the Communist Party of the United States is avowedly determined to overthrow our constitutional form of government by any means at its disposal, the Supreme Court seems determined, in all its wisdom, to hold to a position that mere membership in the Communist Party is perfectly legal.

However, it has not ruled that Johnson, the Communist Party, or any other person or group has the right to defy Congress with immunity from prosecution.

Last June 11, Arnold Johnson, the public relations director of the Communist Party, U.S.A., chose to defy Congress by refusing to testify or even to be sworn in before the House Committee on Internal Security of which I am a member.

Mr. Speaker, this was a prime example of the contempt with which they regard our Congress, our form of government, our flag, and our heroic traditions as a nation. They would, quite simply, destroy our Republic. We must not allow this conquest.

As has been noted, Chairman ICHORD and a majority of committee members, after extensive study and deliberation, approved a committee probe into the so-called New Mobe.

Now we do not say that New Mobe was without any right to oppose the war in Vietnam. They have no corner on this market. Any citizen or group of citizens has that right. We all want that war brought to a speedy and honorable conclusion.

However, it was the intention of our committee to determine whether New Mobe was a legitimate group or whether it was a "front" and mouthpiece for the Communist Party in this country.

There was sufficient evidence that Arnold Johnson had been active in New Mobe from the time of its inception. The committee therefore sought to question him about this association.

If Johnson is proud of being a Communist, he should have welcomed the opportunity to testify before our committee. It would have furnished him with a platform from which to boast of his Communist Party membership and activity in New Mobe.

But Johnson, with barely concealed scorn, uttered defiance of Congress. I was present when he made his intentions known. I attempted, unsuccessfully, to explore his motivation. Johnson's defiance was an affront not only to the committee, but to the House of Representatives. It must not go unpunished. Outside the committee hearing room he lost no time in handing out to members of the news media a press release and subsequently holding an interview.

There was Johnson, arrogantly telling the press that he indeed is public relations director of the Communist Party and that, yes, he has long been active in New Mobe.

And he glowingly pronounced how this membership in the Communist Party serves to achieve peace and freedom and democracy. Yes, peace and freedom and democracy. The kind advocated by Joseph Stalin, Mao Tse Tung, and Kim Il Sung. There are millions of hapless people all over the world groaning under the yoke of that kind of "freedom."

Johnson's position against the war is not new. He was opposed to the Korean war because that war was also a determined effort to stop the spread of communism in Southeast Asia.

And he was against fighting the legions of Adolf Hitler, too, so long as Hitler and Stalin had their cozy nonaggression pact. But he danced to a different fiddler when Hitler invaded Johnson's beloved Russia. War was justified then, according to Johnson.

This body hardly needs to be reminded that the Communist Party, USA, operates under the direction and control of the Soviet Union, that the world communist movement, of which it is a vital part, has as its purpose the establishment of a Communist totalitarian dictatorship in the United States, and that the establishment of such a dictatorship has uniformly resulted in the supression of all individual rights and liberties. Furthermore, in carrying on their activities, such Communist organizations have operated through groups commonly known as "fronts."

Arnold Johnson and his associates in both the New and the Old Left are more severely dangerous than our foreign enemies. We have adequate military weapons to protect ourselves from foreign powers who would destroy us through direct aggression.

Contending with those who would topple us from within is another matter. Our very Constitution protects those who would destroy it.

Mr. Speaker, we must protect our Constitution from the Arnold Johnsons of this world. We must safeguard the authority, prerogatives, and dignity of this House.

So far as the present case is concerned, we do have a weapon of self-protection: the power to find Arnold Johnson in contempt of Congress and bring about his trial on that charge.

I strongly urge this great body to exercise that power. If we do not, it will only encourage additional attacks advocating the overthrow of this country by individuals hiding behind the cloak of our Constitution, to bolder and more aggressive efforts to bring this Nation to her knees.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I will be happy to yield to my colleague, the gentleman from Virginia.

Mr. SCOTT. I appreciate the gentleman yielding. Mr. Speaker, I rise only to commend the gentleman and the other members of the committee for bringing this matter to the attention of the House. There is no doubt that we have a permissiveness and lack of regard for orderly process in our society that needs to be corrected. Certainly it should not be permitted to come into the Halls of Congress or should a person with impunity be permitted to defy a committee of this House.

Mr. SCHERLE. I thank the gentleman.

Mr. EDWARDS of Louisiana. Mr. Speaker, committee Chairman RICHARD H. ICHORD has outlined in detail the background of the question concerning the contempt of Arnold S. Johnson. With the indulgence of my colleagues I want to examine briefly what is at issue.

Arnold Johnson, an acknowledged leader of the Communist Party in the United States, by refusing to testify—or even be sworn in—before a subcommittee of the House Committee on Internal Security is not merely challenging the authority of that committee. He is defying this House itself.

In February of 1969, Chairman ICHORD proposed that the committee staff make a careful and detailed study of certain groups that had by their activities indicated they were of a revolutionary nature, seeking the forceful overthrow of our constitutional government. Such organizations, of course, come within the committee's mandate.

The purpose of this was not to impugn any individual; it was simply to determine if certain organizations were, in fact, dedicated to overthrow of this Government by forceful means and if so, to ascertain the extent and seriousness of the threat so that legislation could be devised, if necessary.

Subsequently included in the committee study was the New Mobilization Committee To End the War in Vietnam. The committee staff was assigned the task of determining whether there was sufficient evidence of subversive influence in New Mobe to warrant a full-scale investigation and subsequent public hearings.

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This preliminary study was not undertaken lightly or accomplished in haste. It was not until after exhaustive research, that the committee determined to hold public hearings and, if necessary, exercise its powers of subpena.

The staff compiled extensive data concerning New Mobe predecessors. The first was the November 8 Mobilization Committee, creation of the late Rev. A. J. Muste, prominent pacifist and longtime Communist sympathizer. The committee developed evidence that the November 8 Mobe had an extraordinarily high degree of Communist membership at the leadership level. Among them was Arnold Johnson, who attended an organizational meeting of this group in Cleveland on November 26–27, 1966.

The November 8 Mobe evolved into the Spring Mobilization Committee To End the War in Vietnam or Spring Mobe, which was cited as Communist-dominated by the Committee on Un-American Activities in 1967 in the report on Communist Origin and Manipulation of Vietnam Week. The conference resolution reconstituting the group November 8 Mobe as Spring Mobe was signed by some 40 persons, many of them members of the Communist Party and Socialist Workers Party—including Arnold Johnson.

Spring Mobe next became the National Mobilization Committee To End the War in Vietnam or National Mobe. A major project of National Mobe was the disruption of the August 1968 Democratic National Convention in Chicago. In September 1968 an administrative meeting of National Mobe was held in Washington, D.C., and Arnold Johnson was identified as being present.

Finally, in July of 1969, the leaders of National Mobe met in Cleveland in a coalition conference of movement leaders and formed the New Mobilization Committee To End the War in Vietnam, or New Mobe. According to official conference delegate lists and steering committee rosters, Arnold Johnson participated actively, both as a delegate representing the Communist Party and as a member of the conference steering committee.

A New Mobe document lists Arnold Johnson as one of the participants in a New Mobe steering committee meeting held in Philadelphia in August 1969, the purpose of which was to plan the fall offensive. According to official printed minutes of the steering committee meeting in Washington, D.C., in September 1969, Johnson was named to a committee to decide upon the program for the November rally, a committee on so-called international aspects, and a committee on labor participation. According to an official list dated September 26, 1969, Arnold Johnson served as a member of the New Mobe Washington Action Committee, identified by Irwin Bock, a committee witness, as the official body within New Mobe that was charged with organizing the November 1969 Washington demonstrations.

On April 6 of this year, Chairman ICHORD appointed me as chairman of a subcommittee to hold a series of hearings on New Mobe.

The first witnesses were Irwin A. Bock and Thomas West, Chicago police officers who as undercover agents infiltrated New Mobe. Bock eventually obtained a position as a member of the New Mobe Steering Committee.

Another witness was Louis Salzberg, a freelance photographer who had attended many New Mobe-connected rallies and demonstrations.

Information developed during the preliminary inquiry indicated that Arnold Johnson of New York City, who identifies himself as public relations director of the Communist Party, USA, was a member of the New Mobe's steering committee and had been active in formulating policy and strategy of New Mobe and its antecedents.

There was ample evidence to indicate that Arnold Johnson, an acknowledged leader of the Communist Party, was also a key figure in New Mobe. There was similar indication that many other New Mobe leaders either belonged to Communist-oriented groups or actively supported them. There was ample evidence to indicate that Arnold Johnson was most knowledgeable concerning policies and programs of New Mobe, and of Communist Party involvement, which would be particularly within his competence to furnish to the committee. Such information would have been most helpful in gaining a better understanding of the New Mobe.

So after an unproductive invitation to Johnson to give voluntary testimony before the committee, the subcommittee voted to authorize issuance of a subpena, directing his presence at a hearing.

Because Johnson had been quite open and public about his Communist Party and New Mobe affiliations, it was anticipated that he would decline to testify. It was expected that he would appear and forthrightly furnish relevant data to the subcommittee.

However, Arnold Johnson chose last June 11 to defy the committee and this Congress by not only refusing to testify before a congressional committee but by refusing to take the oath.

I feel fairminded men would have to conclude that the subcommittee was most reasonable and patient with Johnson, and the attorney who accompanied him, John Abt of New York City. I carefully explained my reasons for overruling his objections to giving testimony or taking the oath and informed him that failure to do so could be construed as an act of contempt for which I would recommend to the subcommittee and the full committee that he be cited for contempt of Congress.

Upon leaving committee chambers, Johnson lost his reticence and spoke freely to a large audience of news media representatives. He said that he is indeed—and I quote—"a member of the steering committee of New Mobilization as a representative of the Communist Party, U.S.A." He further stated in a prepared document that, "I have been active in the peace movement in this country for some 44 years and hold that my membership in the Communist Party since 1936 has only served to strengthen my devotion and dedication to the struggle for peace and democracy, freedom and social progress."

Mr. Speaker, Arnold Johnson's "struggle for peace and democracy, freedom and social progress" is carried out in behalf of the hammer and sickle of communism. That is the form of government that he and his Communist Party associates seek to impose on this country. I do not think we want or need Johnson's version of "social progress" in the United States.

Some of us have had the opportunity to witness at first hand this Communist social progress in Eastern Europe.

Many Americans have shed their blood to prevent the spread of such social progress in Korea and South Vietnam.

The citadel of traditional world communism is in the Soviet Union which bears responsibility for such noteworthy struggles for peace and freedom as we have witnessed in the cruel repressions in Hungary and Czechoslovakia.

Mr. Speaker, a foreign invader burned this Capitol, including this House in 1814. Now, in 1970, this House is threatened by foes inside the country who would like to, figuratively, if not literally, burn it to the ground and establish something quite different upon its ashes.

Those who seek the blessings of our Nation and the guarantees of our Constitution should defend and support the system which affords these blessings and guarantees. With equal logic, all who raise the umbrella of constitutional guarantees as citizens of this country are required to support our Government. The proceedings of this Congress and those of its duly authorized commissions are governmental functions of the highest order. Therefore, Arnold Johnson was under obligation to testify and to impart pertinent knowledge and information so that this information and knowledge could be used by this Congress to determine course and action and the consideration of appropriate legislation to deal with the violence, revolution, and subversion in our country. Mr. Speaker, all throughout America loyal citizens, at personal sacrifice, are inconvenienced serving as members of juries, testifying before courts, commissions, and tribunals and have generally contributed to the legislative and judiciary process in government at all levels. If this service is required of and rendered by other citizens, certainly no less would be required of the Arnold Johnsons who apparently do not share our desire to see our Nation achieve the greatness our Founding Fathers destined for America.

The Congress owes it to loyal Americans everywhere to investigate fully the serious causes of revolution and violence in this country. The Committee on Internal Security has reason to believe that Arnold Johnson is privy to conversations and possesses information which would assist the Congress in that noble endeavor. We cannot allow him to flaunt the will of the Congress; we cannot tolerate a double standard. If there is to be liberty and justice for all, as indeed there must be, then each must assume the responsibility and discharge his obligation of rendering whatever service his individual talents, experiences, and circumstances make possible.

In the name of all loyal Americans, I urge this House to vote unanimously for passage of this resolution citing Arnold Johnson for contempt of Congress.

Mr. ICHORD. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. SMITH of Iowa). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 14, not voting 78, as follows:

[Roll No. 312]

YEAS—337

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Baring
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Corbett
Corman
Coughlin
Cramer
Crane
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hébert
Hechler, W. Va.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Kyros
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lujan
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Rousselot
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—14

Bingham
Brown, Calif.
Burton, Calif.
Clay
Conyers
Edwards, Calif.
Farbstein
Koch
Nix
Rees
Rosenthal
Roybal
Ryan
Scheuer

NOT VOTING—78

Addabbo
Anderson, Tenn.
Ayres
Beall, Md.
Blackburn
Blatnik
Brock
Brooks
Brown, Mich.
Brown, Ohio
Burton, Utah
Button
Carey
Chisholm
Clark
Conte
Cowger
Culver
Daddario
Davis, Wis.
Dawson
de la Garza
Diggs
Dowdy
Fisher
Flynt
Fraser
Gallagher
Gettys
Giaimo
Gilbert
Gray
Griffiths
Hagan
Halpern
Hanley
Hansen, Wash.
Hathaway
Hawkins
Hays
Heckler, Mass.
Helstoski
Hull
Johnson, Pa.
Jonas
Karth
Kuykendall
Landgrebe
Landrum
Long, La.
Lowenstein
Lukens
McKneally
McMillan
Meskill
Minshall
Mize
Morse
Murphy, N.Y.
Olsen
Ottinger
Patman
Powell
Purcell
Reifel
Rodino
Rostenkowski
Roudebush
Schneebeli
Staggers
Taft
Thompson, N.J.
Tunney
Vanik
Weicker
Widnall
Wiggins
Wold

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE INTERNATIONAL BIOLOGICAL PROGRAM

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 589) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

"That (a) the Congress hereby finds and declares that the international biological program, which was established under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences and is sponsored in the United States by the National Academy of Sciences and the National Academy of Engineering, deal with one of the most crucial situations to face this or any other civilization—the immediate or near potential of mankind to damage, possibly beyond repair, the earth's ecological system on which all life depends. The Congress further finds and declares that the international biological program provides an immediate and effective means available of meeting this situation, through its stated objectives of increased study and research related to biological productivity and human welfare in a changing world environment.

"(b) The Congress therefore commends and endorses the international biological program and expresses its support of the United States National Committee and the Interagency Coordinating Committee, which together have the responsibility for planning, coordinating, and carrying out the program in the United States.

"(c) In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

"Sec. 2. (a) The Congress calls upon all Federal departments and agencies and other persons and organizations, both public and private, to support and cooperate fully with the international biological program and the activities and goals of the United States National Committee and the Interagency Coordinating Committee.

"(b) For this purpose, the Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, could I ask the gentleman from California, first, are there any authorized or appropriated funds conditional upon the passage of this legislation and, second, does the amendment that has been passed by the other body taking out the June 30, 1970, date have any particular effect, or does that action just bring the resolution up to date because the other body had not acted on it before June 30, 1970.

Mr. MILLER of California. The matter is now moot. It really strikes that out. There are no appropriated funds in this bill. It calls upon the Federal departments and agencies having functions or objectives which coincide with those relating to the international biological program to obligate and make appropriate transfers of funds from moneys available for such functions or objectives.

So, there is no money directly for this in the joint resolution.

Mr. FULTON of Pennsylvania. Therefore, any action taken by any governmental agency under this particular legislation will be from funds that are already authorized and appropriated to that agency?

Mr. MILLER of California. That is correct.

Mr. FULTON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2264, COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970

Mr. ROGERS of Florida filed the following conference report and statement on the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance.

Conference Report (H. Rept. No. 91–1462)

[To accompany S. 2264]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
William L. Springer,
Ancher Nelsen,
Managers on the Part of the House.
Ralph W. Yarborough,
Harrison A. Williams, Jr.,
Edward M. Kennedy,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Peter H. Dominick,
J. K. Javits,
George Murphy,
Winston Prouty,
Wm. B. Saxbe,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate agreed to the amendment of the House.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
William L. Springer,
Ancher Nelsen,
Managers on the Part of the House.

INVESTMENT COMPANY AMENDMENTS ACT OF 1970

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1193 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1193

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17333) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 17333, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 2224, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 17333 as passed by the House.

The SPEAKER pro tempore (Mr. Price of Illinois). The gentleman from New York (Mr. Delaney) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1193 provides an open rule with 2 hours of general debate for consideration of H.R. 17333 to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and that, after passage of H.R. 17333, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 2224 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 17333 is to make comprehensive amendments to the Investment Company Act of 1940 for the first time in three decades. Amendments would also be made to the Investment Advisers Act and to other related securities statutes where necessary. In addition to updating the Investment Company Act in many respects and making numerous technical improvements in it, the bill would add a number of new provisions to provide additional safeguards and protections to public investors. Notable among these are the new standards provided in the bill for the measuring of sales charges and investment advisory fees. The bill also codifies a number of administrative positions which have been developed by the Securities and Exchange Commission in its administration of this regulatory statute.

The legislation would amend the Investment Company Act in the areas of sales charges, management fees, banking and insurance, fund holding companies, oil and gas funds, as well as fingerprinting due to the dramatic increase in recent years of thefts of securities.

The Investment Advisers Act would be amended to remove provisions of the act which now afford investment advisers to investment companies special exemptions from regulation. In this connection the Commission would be given broad exemptive authority to administer the act in a flexible manner. Also, existing disciplinary controls over registered investment advisers would be strengthened by making them more comparable to the provisions of the Securities Exchange Act relating to broker dealers in securities and to the proposed amendments to the Investment Company Act.

Mr. Speaker, I move the adoption of House Resolution 1193 in order that H.R. 17333 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1193 makes in order for consideration of H.R. 17333 under an open rule with 2 hours of general debate.

The purpose of the bill is to amend the Investment Company Act of 1940 to add safeguards in order to protect the investing public. The bill also codifies many administrative positions developed by the Securities and Exchange Commission over the years.

The bill amends the act with respect to the sales commission charged to investors when purchasing shares of mutual funds. Many small investors purchase such funds by agreeing to invest a specific sum each month for a period of years. Present practice is to calculate the sales commission payable over the term of the contract and to apply 50 percent of the first year's payment toward the total sales commission. The remaining 50 percent is taken out in subsequent years. This results in one-half of the investor's payment the first year going solely to pay commissions; should he, for any reason, not complete his contract plan, he has paid sales commissions for fund shares which he, in fact, never purchased.

To resolve this situation the bill would permit the sales commissions to be taken out at a rate not to exceed 20 percent of any 1 year's payments for the first 4 years, and the average rate for the first 4 years of the sales contract could not exceed 16 percent.

As an alternative to this method, the current payment system could be retained but a refund provision would be required so that if at any time during the first year of an investment plan the investor redeems his interest, he would receive in cash the sum of the value of his account and an amount equal to that part of the excess paid for sales commissions over 20 percent of his gross payments.

The bill also deals with the question of management fees within the mutual funds industry. Almost all funds now operating do not manage their own investments. They contract with an investment adviser for fund management services. The fee is usually based upon a percentage of the fund's net assets and fluctuates with the value of the portfolio. Currently the only way a shareholder of the fund may challenge the fee paid to the management firm is by a suit alleging gross misconduct or abuse of trust. This procedure has been cumbersome and less than effective.

The bill will continue to permit performance fee agreements with respect to investment advisory contracts with: First, an investment company, second, a trust fund, or separate account if its assets exceed $5,000,000, and third, any person entering into a contract for investment advice relating to assets in excess of $1,000,000. The bill does however limit performance fees to those payment agreements based on the value of the assets under management averaged over a specific period of time and measured against an appropriate index.

The bill amends the act by providing that the investment-management adviser stands in a confidential relationship to the mutual fund. Any bona fide shareholder could bring suit charging breach of such relationship by "clear and convincing evidence."

Further, the bill sets forth procedures to be followed by banks if they operate what have been called a bank mutual fund. At the moment it appears that existing banking laws do permit this. Therefore, the reported bill sets forth the requirement that such operations shall be subject to the regulatory pattern of the Investment Company Act, and the administrative requirements set out by the Security and Exchange Commission in March 1966. These regulations cover both banks and savings and loan institutions.

The Security and Exchange Commission would like to see amendments to the bill to bring it into line with the Senate reported bill which it believes more surely protects investors.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17333) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17333, with Mr. CHARLES H. WILSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Moss) will be recognized for 1 hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and members of the committee, H.R. 17333 would amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters. This bill would make comprehensive amendments to these important Federal regulatory statutes for the first time since their passage 30 years ago. It is understandable that after three decades, technical improvements and updating are necessary and desirable. The bill would not only update the Investment Company Act and make numerous technical improvements in its provisions, but it would also codify many administrative positions which the Securities and Exchange Commission has developed in the course of its administration of this statute. These purposes alone would justify enactment of H.R. 17333. However, perhaps of greatest significance is the additional safeguards and protections to public investors which this legislation will provide.

Investment company securities have been and continue to be an important vehicle of investment for millions of Americans. These securities have provided and should continue to provide an avenue of investment for investors interested in putting their savings in a broadly diversified and professionally managed investment portfolio. Investments in this medium have increased from $450 million at the end of 1940 to $53 billion in 1969. It is important that this investment vehicle continue to be available to investors. The bill before us is designed to accomplish that purpose with the safeguards and protections deemed necessary under our Federal regulatory structure.

Mr. Chairman, the legislation which we consider here today has been thoroughly and carefully considered and is based on studies which date back as much as 10 years. In 1958 the Commission engaged the Wharton School of Finance of the University of Pennsylvania to make a study of mutual funds. That study examined the rapid growth of mutual funds and pointed to the resulting emergence of problems not significant when the act was considered and passed in 1940. Subsequent to the Wharton School study, the Commission directed attention to certain aspects of mutual funds, particularly selling practices, in its special study of securities markets issued by the SEC in 1963 pursuant to a congressional directive.

The report which bears most directly upon the legislation before us today, however, is the Securities and Exchange Commission's report on the public policy implications of investment company growth issued by the Commission on December 2, 1966. That report, with its accompanying legislative recommendations, became the basis for bills introduced in the 90th Congress. Since no legislation was enacted in that Congress, bills were again introduced in the present Congress to deal with this important subject matter. In May 1969, the other body reported and passed a bill to amend the Investment Company Act. Our Subcommittee on Commerce and Finance held extensive hearings on this subject in November and December 1969. All interested parties were given an opportunity to be heard, and the subcommittee followed the hearings with extensive deliberations. The full committee considered the matter further and ordered reported the bill which is before us today.

Almost 4 years ago I assumed the chairmanship of the Subcommittee on Commerce and Finance. One of the major pieces of legislation pending before the subcommittee at that time was the mutual fund bill and I am delighted that we are finally able to bring it to the floor today.

The 4 years we have spent deliberating this bill and the years of study that preceded our deliberations make the mutual fund bill, in my opinion, one of the most thoroughly thought-out pieces of legislation to come before the House in the 18 years I have served here.

The bill is a product of the legislative process at its best. It represents a reasonable compromise between the legitimate concerns of the Congress, the Securities and Exchange Commission, and the mutual fund industry.

I am not, personally, 100 percent in accord with everything contained in this bill and I believe that the same thing could be said of most of the subcommittee members. Nevertheless I believe that we are in substantial agreement that the bill as a whole is a good one and I urge my colleagues to approve it today.

XUM

In this connection, I would like to take the opportunity to thank my colleagues on the Commerce and Finance Subcommittee for the statesmanlike job they have done over the years on this bill. The bill before us today testifies to the diligence of their efforts and the wisdom of their views. The SEC as well as the principal industry groups, are in general support of this legislation.

Some of the more significant provisions of the bill deal with the subjects of sales charges and management fees with respect to mutual fund shares. The new sales charge provisions in the bill would simply provide that sales charges on mutual funds should not be excessive. The bill, using the existing self-regulatory structure in the securities industry, provides, in effect, that the National Association of Securities Dealers would have initial responsibility for promulgating rules and regulations on this subject of sales loads with SEC oversight.

On the subject of the front-end loads on periodic payment plans, the bill sets forth alternate provisions for protection of investors. One acceptable method under the bill would permit a continuation of the existing practice of applying 50 percent of the first year's payments toward the total sales load applicable to the entire plan, but would require that, if the investor terminates his plan at any time during the first year, he would receive back the sum of the value of his account plus an amount equal to that part of the excess paid for sales loading over 20 percent of the gross payments made.

An alternative method would provide that the front-end loading would have to be spread over the first 4 years of the periodic payment plan with no more than 20 percent of any 1 year's payments being applied to sales load and the average sales load paid during each of the first 4 years could not exceed 16 percent.

On the important subject of the management fee paid by the mutual fund to its investment adviser for the professional management of the fund's assets, the bill provides that the investment adviser shall be deemed to have a fiduciary duty to the fund shareholders with respect to the receipt of compensation for services paid by the investment company.

On the question of banks entering the mutual fund business, the bill simply provides that, if other provisions of law permit a bank to engage in this type of activity, then they shall do so subject to the regulatory pattern of the Investment Company Act, with certain exceptions.

The mutual fund bill approved last year by the other body would include many oil and gas funds under the coverage of the Investment Company Act of 1940. These funds are specifically exempt under the law as it stands today. The committee has determined not to make any change in the existing exemption. We have done so because we have been assured by the Securities and Exchange Commission and industry representatives that they will work toward providing a separate scheme of investor protection in this area during the next 18 months.

The committee has also included a provision requiring personnel in the securities industry to be fingerprinted as a condition of employment. The dramatic increase in securities thefts in recent years and the possibility of the involvement of organized crime in this area make this an important and desirable step.

Finally, the committee has dealt with the important question of fund-holding companies in a manner that we believe to be acceptable to all interested parties. Fund-holding companies are, of course, mutual funds that purchase the shares of other mutual funds. These so-called funds of funds present difficult regulatory problems and the committee has provided important restrictions upon the manner in which they may operate without, at the same time, legislating those fund-holding companies that are already in business out of existence.

Mr. Chairman, the bill before us today has been carefully studied and thoroughly deliberated. It is the product of the best thinking which could be brought together on this complex subject. The SEC, as well as the principal industry groups, are in general support of this legislation. It is clearly time that we amend and update this important Federal regulatory statute, and I urge favorable action on H.R. 1733.

However, in doing so, we must remember that it was first proposed over 4 years ago. I am certain that my colleagues are all aware of the fast-moving developments that have shaken the securities markets and changed the face of the investment industry since that time. Such events make the bill, in a sense, almost obsolete before its passage.

I would caution my colleagues, therefore, not to assume that the passage of this bill will solve for another 30 years all of the problems of the securities and mutual fund industries. At the end of this year the Securities and Exchange Commission is scheduled to present to the Congress the results of its institutional investor study that was authorized by Congress almost 2 years ago. We cannot, at this time, foresee all of the findings of this important study but there is every indication that major changes in the securities laws may become necessary as a result.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, the gentleman in his statement referred to the fiduciary duty of the investment adviser. I wonder if he could and would for the purposes of the Committee of the Whole House on the State of the Union define that said fiduciary duty.

Mr. MOSS. Well, it is a matter of a legal obligation to so administer and to so charge the fund that he does not commit an excess against the fund. There is a judgmental factor in it. It is for all practical purposes of a work of art in law.

At the present time the fund manager can only be acted against if he charges what are in effect excessively excessive charges for services. This, by imposition of the fiduciary duty, would in effect require a standard of reasonableness in the charges.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MOSS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. HALL. Does the gentleman mean to imply that these fiduciary duties of investment advisers are indeed one and the same as those of the fund managers and owners?

Mr. MOSS. To all intents and purposes I would say I think they are.

Mr. HALL. Mr. Chairman, I am not skilled in the law, of course, but inasmuch as the gentleman's committee report says, under that section pertaining to management fees, that there is a fiduciary duty to the investment adviser, and later sets forth two different areas where the shareholder may seek relief against an investment adviser, I believe it would be important to define the fiduciary duties of the investment adviser vis-a-vis those of the fund managers, owners, or those who control it under the SEC regulations. Otherwise it would appear from reading the report that we might seriously preclude sale and advice pertaining to investments of mutual funds.

Perhaps that is what the distinguished gentleman's committee wants to do, but I would discern a difference between the investment adviser who sells to "lovely little ladies who have a widow's fund to invest" and those who manage the fund and determine whether it is "front end load" or "no load," or some other arrangement.

Mr. MOSS. The gentleman is confusing this. It is an investment adviser to the fund. We are not talking about the adviser who advises one for a fee. We are talking about the adviser who advises the fund.

Mr. HALL. In other words, in the sense of this report, it is the corporation or the business firm that specializes in investment techniques and management which is retained by the fund officers or board to consult with as to how to properly use the funds? If so, this is important legislative record.

Mr. MOSS. That is correct. It is not intended in any manner to reach the original investment adviser who might undertake to advise one as a client.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the mutual fund bill, known more formally as the Investment Company Amendments Act of 1970, has had a long and tortured history which reaches back to a study by the Wharton School of Finance prior to 1962. This led to a study by the Securities and Exchange Commission at the direction of the Committee on Interstate and Foreign Commerce. This latter study came to the front in 1966 and since that time some form of this legislation has been under active consideration in both of the Houses of Congress.

Since the passage of the original act of 1940 the money which has been invested in investment company securities, or mutual funds, has increased dramatically. Between that time and December 1969, the net assets of the mutual fund shares had increased from $450 million to over $53 billion. This is no small segment of our economy, no matter from what point of view you may consider it. Certainly during this period of 30 years there had been many major changes in securities markets and in the whole framework of American economy. It would seem almost self-evident that some changes and improvements in the act would be in order.

The original recommendation by the Securities and Exchange Commission for legislation met with a reasonable response from many segments of the industry. There were many meetings over many months and years trying to work out what would be compromises acceptable to all concerned and fair to the investing public. On this front, there were many false starts and what seemed like back-tracking after agreement seemed to be reached. The bill we bring before you today is not an object of universal agreement in all of its aspects but we believe it to be fair. Most of the interested parties would say that they can abide with this bill. It may be marginal to some but if barely acceptable, nonetheless acceptable. This would seem to indicate that some of the provisions are delicately balanced. If we understand it correctly there are some elements of the industry which would be damaged severely if much change were to be made in the bill's provisions. For example, in the case of contract plans the 1-year provision which I will mention later seems critical.

Most people understand the basic principles of a mutual fund. Many have purchased at least small holdings in one fund or another. Some are aware of the different objectives of the various funds such as investment or rapid growth. Most small holders have been sold on the idea by a salesman who offers a plan for monthly payments into the fund and a gradual increase in the equity. Many do not know just how the sales charge is extracted. In such case the permitted total sales load is spread over a period of time but about half of the first year's payments are allotted to sales fee rather than equity. This is considered to be necessary if sales people are to bother with the business. This bill would limit this practice. A company could still take out one-half of the first year's payments but if the buyer decided to get out during that year he would be returned all but 20 percent. This means that a company using this plan must set up reserves to pay such claims. A fund may use a different system called a spread load whereby only 20 percent is taken the first year and somewhat larger percentages than otherwise taken in the next few years. The largest direct seller of mutual fund shares in the country has adopted this latter plan. For many smaller companies the limitation of 1 year for the refund seems to be very important. Keeping reserves and the uncertainty of the fee for a longer period of time would apparently create a great strain on them.

Many investors in mutual funds, particularly the more sophisticated ones, buy fund shares very much as they buy conventional stock issues, through a broker. The legal sales fee is presently a maximum of 9 percent and most sales commissions run only about one-half of a percent less than this, or 8½ percent. The law now says that the load must not be unconscionable or grossly excessive. This bill would change this to merely "excessive." The larger change, however, is a provision that allows the National Association of Securities Dealers, a self-regulating industry group, to set the final figures for sales fees with the approval of the Securities and Exchange Commission. The bill does, however, state that whatever figure is set must still present a reasonable opportunity for profit. Conditions change and such considerations must be taken into account.

There has been criticism of the money which can be made by managing a mutual fund. Many, if not most, funds do not handle their own investments. They hire firms dedicated exclusively to this task. For this service, the managing firm gets a percentage of the value of the fund. This has hovered in the area of one-half of 1 percent. To add more responsibility in these matters, the bill now defines fund managers as fiduciaries and this imposes a high degree of legal commitment to treat the fund with utmost fairness. Suits can still be brought against fund managers in regard to management fees but they must be brought by bona fide shareholders and the evidence must be clear and convincing. This arrangement, it seems to us, protects everyone adequately, as does the SEC.

The points I have discussed thus far are the most important and controversial but not the only ones, so I will mention briefly some others which are of great interest to specialized segments of the industry.

Mutual funds whose assets consist only of shares in other mutual funds, sometimes called fund of funds, may not acquire more than 3 percent of any one fund for its portfolio. We have already mentioned that these will be set the ceiling on sales commissions. Such funds have ordinarily been taking only an additional 1½ percent. But to make a uniform rule, the bill provides that such second fee, when taken together with the first fee, may not exceed whatever percentage NASD has set for a total fee in an ordinary mutual fund transaction.

Some funds make agreements with their shareholders which allow them to take larger fees if they outperform the market. If this is acceptable to all concerned there is nothing wrong with it. The committee did feel that such escalations should be accompanied by similar scaledowns when the fund underperforms and it is so provided.

Much discussion has taken place all during the discussion on mutual funds about the proper role of the bank in this picture. They now have some investment responsibilities with certain kinds of pensions and some trusts. This is somewhat different from selling shares in its own enterprises. Besides this, a statute which came about as a result of the scandals of the twenties, the Glass-Steagall Act, denies to banks the right to deal in securities. The courts have been mulling this over for some time now and a final decision by the Highest Court has not yet come forth. This bill takes a sensible stand on it. If the Court finally says banks may form mutual funds under the laws as they read; so be it. If they can and do, they must abide by the rules which govern all other mutual funds. And this seems fair also.

One last problem. Shares in oil and gas leases have been sold very much like mutual funds. The arrangement and the idea is the same. Originally these were for the rich sophisticated investor who was willing to take a flier along with a few other people in the same situation and bet on some oil leases. The question arose about lifting the exemption on such funds and bringing them in like all other mutual funds under the bill. Careful examination of the problem indicated that this would be a hasty and ill advised move. The problem is really not so great and it is being carefully watched now. The SEC and the industry agreed that solutions should be looked over which could more precisely fit the situation and be proposed separately at a later time. That is where it has been left by the bill. The SEC has promised to keep a careful watch on this matter.

And there we have it. At long last a mutual fund bill comes to the floor which the large majority of the Commerce Committee can recommend as meeting the many problems in a fair manner and with an even hand. The changes it makes in the Investment Company Act should improve its operation by protecting the investor without unnecessarily burdening an industry.

Mr. MOSS. Mr. Chairman, I yield 10

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minutes to the gentleman from Georgia (Mr. STUCKEY).

Mr. STUCKEY. Mr. Chairman, I rise to support H.R. 17333, the mutual fund bill reported by our committee, and ask my colleagues to support the bill without any amendments. All possible aspects of the matter, all conceivable amendments, all suggested changes were discussed at great length in the subcommittee and full committee and are explained in detail in the committee report. H.R. 17333 represents the legislative process at its best—a compromise and accommodation of conflicting points of view to arrive at the broadest possible consensus.

Indeed, I want to compliment SEC Chairman Hamer Budge, Commissioners Richard Smith, Hugh Owens, James Needham and our former colleague Sid Herlong, SEC General Counsel Philip Loomis and the staff for their cooperation in helping us write this bill.

H.R. 17333 updates the Investment Company Act of 1940, makes many technical amendments, and generally strengthens both investor protection and the position of advisers and salesmen in meeting their responsibilities. I compliment the various mutual fund companies for the effort their officers, lawyers, and accountants made in helping us find ways to increase investor protection without overregulation. I believe strongly in the first amendment right to petition Congress, and would recommend that more interested persons make their views known to us on legislation.

H.R. 17333 differs in some important respect from S. 2224, the mutual fund bill passed by the Senate in May 1969. Since then, radical changes in the economy have altered many of the assumptions on which that bill was based. For example, many mutual fund management companies are operating at a loss, many small brokers and dealers who specialized in mutual funds have gone out of business, many of the 180,000 securities salesmen have gone into other fields because of inadequate income. The go-go fund cult has come to an end, trading volume on our national securities exchanges is down 50 percent and many large firms have merged to reduce expense. Also, the SEC has granted commission rate increases to help keep firms solvent. Thus, it is pretty hard to argue that mutual fund sales charges or management fees are too high—the evidence now is that they may be too low. Our bill indicates that the NASD and SEC should allow "reasonable opportunity for profit for brokers, dealers, and underwriters." I believe this is an important difference with the Senate bill and should be sustained in conference. This will help our small businessmen in keeping with a long established policy of Congress to encourage small enterprises in all fields. We have retained section 22(d) of the present 1940 act despite the Justice Department's suggestion to the contrary. We must not return to the cutthroat retail price competition in sales charges that existed prior to the 1940 act. There is adequate competition at the wholesale level, which gives investors a choice from no load to 9 percent, depending on the fund involved.

We have provided in H.R. 17333 that funds of funds, or multi-funds, can have the same sales loads as other funds, under NASD and SEC oversight to prevent excessive sales loads. I think this must remain in the bill.

We have provided a 1-year refund period on contractual plans to protect investors who have a change of circumstances which interferes with their capacity to make periodic payments or change their minds for any reason. We thought that the 3-year period in the Senate bill was unfairly long, would impose unreasonable economic burdens on plan sponsors, would upset their net capital requirements, and would place the salesman's commissions under a cloud of contingency for too long a period. One year seems long enough to allow a reasonable opportunity for the investor to change his mind.

On management compensation we have introduced a new concept in corporate law by providing that investment advisers have a fiduciary duty to a fund and its shareholders with respect to the receipt of compensation for services. We do not want this provision to encourage a flood of frivolous litigation or strike suits by unscrupulous lawyers more interested in fees than the shareholders. Our bill differs from the Senate bill in that we limit the right to sue for breach of fiduciary duty to bona fide shareholders—not someone who buys a few shares in order to bring suit. Second, we require that such lawsuits can only be brought by a plaintiff "acting in good faith and with justifiable cause." This is a standard the courts have applied for many years in libel and defamation suits, or litigation which can damage a person's reputation unjustly. Certainly to allege that an investment adviser is guilty of a breach of fiduciary duty cast a shadow of dishonesty or overreaching on his good name. We have further required that a plaintiff bear the burden of proving a breach of fiduciary duty as to management compensation by "clear and convincing evidence."

A number of Supreme Court decisions have made it clear that a mere preponderance of evidence is enough in a negligence case, that proof beyond a reasonable doubt applies in criminal cases, and that in civil cases involving vested rights the evidence must be "clear, unequivocal and convincing." Congress has used a standard of clear proof in certain labor laws, the courts have applied it in workmen compensation cases, deportation cases, citizenship cases, and in disbarment proceedings against lawyers. Since being found guilty of breach of fiduciary duty can bar a man for life from the securities business, can ruin his reputation, can destroy his business, I think we must retain the "clear and convincing" evidence requirement in the bill. It will discourage unjustified allegations yet permit bona fide cases to proceed.

Bank operated mutual funds, if permissible under existing law, will be regulated under the 1940 act. Savings and loan association mutual funds must meet the same regulatory pattern.

Performance fees will be permitted for assets in excess of $5 million and for any person with assets in excess of $1 million. On smaller accounts the base point from which a proportionate increase or decrease in advisory fees must be equal to the index chosen. We will continue the exemption for certain offshore funds.

Oil and gas drilling funds continue to be exempt from the mutual fund law, since they are basically different. They invest in and actively operate real property leases, while mutual funds invest passively in the securities of other corporations.

We have required that persons in the securities industry be fingerprinted. I hope we are not becoming a police state, where every employee of every bank, savings and loan, insurance company, or other corporation is fingerprinted. However, law and order is important and we are told fingerprinting will help.

Our long hearings have shown us that mutual funds are a great institution. They provide small and middle income investors a chance to pool their investment assets and acquire professional management of their portfolio at reasonable costs impossible on an individual basis. Moreover, mutual funds provide a means of diversifying risk. There are 31½ million shareholders in 26,000 publicly owned companies. While full financial information is available, it is utterly impractical for the small or even the large, busy investor to make value judgments as to comparative income, growth, risk and other characteristics of these companies—to say nothing of cost. Just as a bank pools the investors' money and selects sound loans in which to invest, so a mutual fund pools the investors' money and seeks good investments. In both cases, the management is professional. I think H.R. 17333 is a good bill and will strengthen the securities industry. I urge its enactment.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH) the ranking Republican member of the Subcommittee on Commerce and Finance.

Mr. KEITH. I thank the gentleman for yielding to me at this time.

Mr. Chairman, years ago I was in the life insurance business, and, on many occasions, I would advise my clients, when they had bought adequate protection against the hazards of death and disability and living too long, to buy mutual funds. Ownership of mutual funds provided one of the best ways that I knew for the small investor, particularly the investor who had a good insurance program—including life and accident and health—to invest his surplus dollars.

Generally speaking, I advised these clients, most of them middle income Americans, to strike a balance between mutual funds and savings accounts.

Balanced savings programs, combinations of mutual funds and savings accounts, have, since the passage of the 1940 Investment Company Act, afforded the American public the best way to accumulate nest eggs for education and for supplemental savings objectives.

The basic soundness of the 1940 Act made possible the development of a sound mutual fund industry, an industry that has served our society well. It provided

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strong incentives for the creation of investment companies, it adequately compensated the sales forces who sold and serviced their customers, and it enabled the American public to share more fully in the ownership of American industry. And, in the final analysis, it provided capital for corporate enterprise to produce the goods and services for the people of America and for people everywhere.

For years the SEC and special study groups have watched this industry grow and they have been concerned about the public policy implications of that growth. But they have been more concerned with the parts of the picture rather than with the whole. They have been concerned that a salesman or a management company might make too much or that a buyer of a fund might pay too much of a commission or service fee.

In tackling these two problem areas, that is, of commissions and of management fees, your committee has, in my view, struck a balance that is truly in the best interest of the industry, of the buyer of mutual funds, of corporate enterprise in this country and of the American public.

The American public may have been in recent years oversold on mutual funds. The performance cult dominated some segments of the mutual fund industry and of the investing public; and this phenomenon contributed at least to a degree to the overpricing of stocks both on and off the exchange.

Mr. Chairman, this bill, in a reasonable and responsible way, attacks the problems of excessive compensation for both sales forces and management companies. The end result is very much in the public interest. It offers additional protection to the investors in this important investment vehicle. It will continue to make available one of the best ways for the American public to share in the rewards of our free enterprise system.

Accordingly, I strongly urge the passage of this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. THOMPSON) a member of the subcommittee.

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time.

Mr. Chairman, as a member of the House Interstate and Foreign Commerce Committee and of the Subcommittee on Commerce and Finance which reported H.R. 17333, I wish to express my views on this bill as a part of the legislative history. As outlined in the committee report, this bill has had a long and checkered history extending from the Wharton School's study of mutual funds filed with Congress in 1962, through the SEC's special study of securities markets issued in 1963, culminating in the SEC's Public Policy Implications of Investment Company Growth issued in December of 1966, which was the basis for the present bill. I think it is bad government and bad politics to pass laws unless there has been a substantial showing of need. I have yet to be shown a true need for this legislation.

In proposing this legislation, the SEC has requested Congress to make extensive revisions in the Investment Company Act of 1940 on the basis of their conclusion that they do not now have sufficient authority to protect investors against excessive management compensation or sales charges on mutual funds. However, the SEC has never used its existing legislative authority to promulgate rules or bring any lawsuits against mutual funds to correct any such abuses. Yet, since 1940 the SEC has had authority under section 22 of the 1940 act to regulate excessive sales loads, authority under section 27 of the 1940 act to regulate front end loads on all contractual plans, and authority under section 36 of the 1940 act to regulate management compensation. The material presented to our committee shows that while more than 50 shareholder suits have been filed against mutual fund management companies alleging these things, the courts have found that the allegations are simply not true. Therefore, I do not think this legislation is necessary. Moreover, it introduces into the free enterprise system serious new departures from basic concepts of corporate democracy.

Under existing law, the SEC requires every person to have received an up-to-date prospectus before he invests in a mutual fund. That prospectus contains certified financial statements, a clear showing on its front page of the sales load and management compensation, and detailed information respecting the investment policies of the company. In addition, these companies are required to file quarterly, semiannual, and annual reports which are a matter of public record and which are sent to shareholders. The fact that assets rose to $53 billion and mutual funds have over 8½ million shareholders is evidence of the broad public support and confidence these companies enjoy as a result of their good management and sound policies. A mutual fund is one of the most valuable conceptions ever created in the financial world. It permits small investors to participate in a pool of securities along with thousands of other persons so that the cost to them individually per share for highly skilled management is reduced to the lowest possible levels consistent with high professional performance. More importantly, these small investors are able to diversify the risk of loss through the concept of pooling their investments in a mutual fund. I say these companies strengthen America by making it possible for more persons to own a share of American business, participate in the free enterprise system, and to learn first hand through company reports of how corporate democracy works and how the capitalistic system operates. These millions of small investors learn first hand that risk taking is the great motive force that fuels the engine that makes America run. Through the creation of capital markets on a broad base, the United States is the economic wonder of the world. We have a higher standard of living, a greater rate of economic growth, a more established economy and provide our citizens with a happier life and more opportunity in the framework of freedom than has ever before existed on the face of the globe. The great danger to this system is overregulation by Government. Capital markets in other developed countries of the world are not even in the same league with the United States, largely due to overregulation and other types of governmental tinkering which discourages investment and inhibits freedom of choice in investments.

The Federal securities laws, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, and the Investment Company Act of 1940, are basically truth-in-securities laws. That is, they provide for the registration with the Securities and Exchange Commission of shares of mutual funds and other companies offered to the public. Severe civil and criminal penalties assure that there is full disclosure of all material facts necessary to an investment judgment. These facts are contained in a prospectus, and any investor who voluntarily purchases shares of a mutual fund must necessarily have had in his hands facts on management compensation, sales loads, contractual plans, front end loads, redemption rights, portfolio brokerage commissions, reciprocity business, give-ups, the relationship between a mutual fund and its investment adviser and distributor and full financial information. No one is required to buy a share in a mutual fund and anyone who has purchased a share has a right to redeem his purchase at net asset value on demand.

Yet, we find in H.R. 17333, particularly in section 36, a broad invitation for more litigation by shareholders against mutual funds. I do not believe in regulation by litigation. It is the responsibility of the SEC to regulate the securities industry. New section 36(b) of the act provides that "the investment adviser of a registered investment company shall be deemed to have a fiduciary duty with respect to the receipt of compensation for services, or of payments of a material nature, paid by such registered investment company, or by the security holders thereof, to such investment adviser or any affiliated person of such investment adviser."

Time may well prove this to be a dangerous innovation. It has always been a basic implication of corporate democracy that given full disclosure under Federal regulation, an investor can either buy or not buy a security. Certainly an investment is not a necessity of life like food, clothing, and shelter. Having purchased securities, the shareholder is entitled each year to have a full and complete proxy statement, to vote on matters of a material nature and to elect directors to manage the company on a day to day basis. When a majority of the shareholders on the basis of full disclosure have elected directors, they should not be interrupted in their day to day activities by frivolous shareholder litigation instigated by dissident or minority shareholders. The above language is an open invitation to this kind of harassment which not only is expensive for mutual funds, but discourages good

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men from becoming directors and seriously hampers the officers and directors from doing the business they are paid to do.

Indeed, when I was in law school we were taught that the investigation or stirring up of litigation was not only against public policy, but was also a crime. This unlawful activity is known as "barratry" and interested persons may learn more about it in *Sampler* v. *Motion Picture Patents Co.* 255 Fed. 242.

In addition, the agreements whereby a person without a personal interest undertakes to carry on litigation at his own expense or to meddle in litigation involving the rights of others is known as "champetry and maintenance" which is described in volume 14, Corpus Juris at page 357. This is also against public policy and such agreements are void. And yet today we are considering in H.R. 17333 an invitation to unjustified lawsuits in violation of the principles which have made barratry and champetry and maintenance contrary to public policy.

Recently Chief Justice Burger pointed out to a meeting of the American Bar Association in St. Louis that pending consumer class action litigation may well so clog the Federal courts that it will be necessary to triple or quadruple the number of judges. I understand there are over 100 lawsuits now pending against mutual funds without this new law. I sincerely believe that should H.R. 17333 become law in its present form, 31 million shareholders in American industry generally who hold securities in more than 26,000 publicly owned companies, will have to some extent lost the right to manage their own affairs. Instead, either the SEC or minority shareholders will be able to exert unfair leverage on the decisions of the majority respecting day to day operations, management compensation, sales compensation, employees salaries, and even such details as expenses for office furniture, rent, and other facilities.

To paraphrase some recent court decisions, the only redeeming social value I see in new section 36(b) of the Investment Company Act of 1940 is the provision that—

> An action may be brought under this subsection by the Commission, or by a bona fide security holder of such registered investment company on behalf of such company acting in good faith and with justifiable cause against such investment adviser, or any affiliated person of such investment adviser . . . and the plaintiff shall have the burden of proving a breach of fiduciary duty by clear and convincing evidence.

I consider the requirements that a shareholder bringing a lawsuit for a breach of fiduciary duty by a "bona fide shareholder" who is "acting in good faith and with justifiable cause" to be absolutely vital. Further, I think our committee intended that the burden of proving a breach of fiduciary duty by "clear and convincing evidence" is fundamental to the bill. I make special mention of this because some of my colleagues on the committee have indicated that they intend to try and amend this bill on the floor of the House to eliminate this provision. They somehow arrived at the conclusion that by requiring this high level of proof to protect mutual funds from the harassment of litigation, we make it more difficult for the justified litigant to proceed. I believe their argument to be wholly wrong and I particularly disagree with their conclusion that this standard is, to use their words, "entirely inappropriate in a civil action." The Supreme Court has made it perfectly clear in a number of cases that there is an established legal principle that vested rights can be canceled only upon clear, unequivocal and convincing evidence. The case of *Woodby* v. *Immigration and Naturalization Service*, 385 U.S. 277, restates this principle of law.

Every man has a vested right in his reputation, in his good name, and in his freedom to make business judgments. To charge a corporate director with breach of fiduciary duty is to cast a shadow on his good name, to impugn his integrity, to indict his motives and to challenge his honesty. It upsets his credit by casting the cloud of contingent liability on his assets. It besmirches his character. It is now and has always been a basic principle of common law that all officers and directors, whether of a mutual fund company or any other corporation, have a duty of fiduciary responsibility to shareholders. A breach of fiduciary duty connotes mismanagement so gross as to imply bad faith or wrongdoing. The courts over the years have imposed high standards of fiduciary duty, but have protected directors and officers from unjustified litigation by requiring a showing by a plaintiff of either dishonesty or corporate waste, that is, management so reckless as to be the equivalent of dishonesty.

As long as a director is honest and prudent, he cannot be charged with a breach of fiduciary duty for mistakes of judgment or errors in business decisions. This is the way it should be and the way experience has shown it must be if capitalism is to flourish in an expanding society. Now for the first time we propose to enact into Federal law a provision that management compensation is a fiduciary duty, and open all directors to the risk of lawsuits, and challenge honest business judgments as to the value of management. Who is to say whether Robert McNamara was worth $700,000 a year as president of Ford Motor Co.? If the directors who voted him that salary and the majority shareholders who elected the directors agree, why should the SEC substitute its judgment in the matter? What expertise do they have to qualify them to determine the value of the unique services of an executive?

We all know that the Internal Revenue Service has for years challenged excessive compensation as being nondeductible, which has served as a limitation on management compensation. We know that from the days when George Washington Hill was sued as president of the American Tobacco Co. for excessive compensation that the courts have executed jurisdiction in proper cases. This is the law today. There is no need for new section 36(b) and it can only result in the serious mischief of a flood of litigation which in the end will do investors far more harm than good. Therefore, I urge my colleagues to vote against any amendment to remove from the bill the protections I have referred to. I intend to vote against the entire bill. If the SEC at some time decides to use its existing authority under sections 22, 27, and 36 and to make greater use of its regulatory authority under the Securities Act of 1933 and comes to us with a clear showing that existing law is inadequate to protect investors, I will support more legislation. Until that time, I refuse to participate in generating unnecessary Federal regulation of mutual funds. All of the assumptions on which the SEC legislative proposals were based have changed—mutual funds have been on the brink of net redemptions, sales of shares have been sharply reduced, many brokerage firms are closing because of reduced volume, sales loads are proving to be inadequate to provide overhead and a living for salesmen.

Many management companies and investment advisers are in loss operations. Assets have shrunk from $50 million to slightly more than $40 billion. It is absolutely imperative that we encourage more investment in mutual funds so that new money comes in more rapidly than old money goes out in the form of redemptions. This is vital so that mutual fund managements are not forced to sell securities to meet redemptions rather than buying and selling securities on the basis of investment decisions.

It is for these reasons that I have opposed the bill and will vote against it today.

Additionally I should like to point out certain other facts.

On page 3 of the report it is erroneously stated that S. 2224 embodies understandings between SEC and the "investment company industry."

Again at page 7 of the report it is erroneously stated, in the next to last paragraph, that discussions were held by SEC with "representatives of the industry." It should be noted that the governors of the investment company institute conceded they were not speaking for "the industry" or for the members of the Institute, but were speaking only for themselves, and that they had not polled their members in any way to ascertain their wishes.

Another error in the Record which should be corrected appears in the second paragraph at page 7, which states:

> The forces of arm's length bargaining do not work in the mutual fund industry in the same manner as they do in other sectors of the American economy.

This statement is misleading. Although it may be true in some cases that there is no hard arm's length bargaining between the management company and the fund, the true bargaining occurs when each investor decides to invest in a particular fund. Every prospectus clearly discloses the rate of management fee paid. The prospectus also discloses the total amount paid to the management company for the prior 3 years. Annually thereafter he receives financial reports and proxy statements before deciding whether to vote for or

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against the renewals of the management contracts. Even if the contracts are renewed, he is not bound in any way, and is at liberty to withdraw his money from the fund at any time without any penalty for doing so, at its then net asset value.

Mr. MOSS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. BLANTON).

Mr. BLANTON. Mr. Chairman, I want to thank the distinguished gentleman for yielding to me.

Mr. Chairman, although I voted for H.R. 17333 in the subcommittee and in the full committee, it was only on the basis of my understanding that our committee and its senior members on both sides of the aisle would strongly support the bill on the floor and in conference with S. 2224, a substantially different bill, which was approved by the Senate May 26, 1969. In the committee report covering the background on this legislation, the history of the Investment Company Act of 1940 is outlined. It could be called the truth-in-mutual-fund law and has worked remarkably well since its enactment. That is because it was based on the Securities and Exchange Commission's report on investment companies in 1938 and 1939. The mutual fund industry was surveyed again in 1958 by the University of Pennsylvania's Wharton School of Finance under an arrangement with the Commission and again by the Commission itself in its special study of securities markets in 1962. These studies led to the Commission's report to Congress entitled "Public Policy Implications of Investment Company Growth" issued on September 2, 1966.

Our committee bill, H.R. 17333, may be said to be the ultimate and most up-to-date effort to adapt some of the recommendations made by the Commission while at the same time retaining the basic principles of corporate democracy. Our free enterprise system depends upon freedom of choice in our capital markets. No one is required either to save his money or to invest it in securities. In order to make sure that investors have full and adequate information on which to base investment judgment, Congress has enacted the Securities Act of 1933, requiring the registration of any issuer of securities to be offered to the public including mutual funds. In addition, Congress has enacted the Investment Company Act of 1940 which provides a pervasive scheme of registration based upon full disclosure and fair dealing in the mutual fund industry. Such questions as management compensation, sales charges, and similar matters affecting the day-to-day operations of a mutual fund have been left to the decision of the officers and directors elected annually by the shareholders. These officers and directors under basic principles of corporate democracy have a fiduciary duty to the shareholders to conduct the affairs of a mutual fund with the same prudence and integrity as the courts impose on other fiduciaries. In addition, Congress has given the SEC extensive authorization under existing Federal securities laws to require that each potential investor be given a prospectus containing in clear and bold type and in clear and simple language all material facts necessary to an investment judgment. This includes management compensation, sales loads, details of contractual plans, investment policies, portfolio turnover, and any interlocking or overlapping relationships between officers, directors, and other interested persons.

In short, Congress has required for investor protection, that any issuer, including a mutual fund, make a full disclosure under serious civil and criminal penalties. Since under SEC rules, every investor is required to have received a prospectus before he makes an investment, it must be assumed that he has read the prospectus and is aware of the sales load he is paying, the advisory fees a fund pays, the investment policies of a fund, its rate of portfolio turnover, brokerage commissions paid, and similar matters. Each prospectus is required to contain the substance of both any advisory and any distribution agreement.

Thus, it has seemed to me that shareholders having made a voluntary choice with full disclosure to purchase shares of a mutual fund should be estopped from later suing the officers and directors of the fund or the investment adviser on grounds that the sales load is too high, that management compensation is excessive, or that portfolio brokerage commissions were paid to an affiliated broker, or similar matters. It is for this reason that I have had serious reservations about either the need for or the justification for this legislation.

However, since our committee reported the bill which includes significant safeguards from "strike" lawsuits or other unjustified shareholder litigation by investors who may later become dissatisfied, or who may be encouraged to sue by unscrupulous lawyers, I have supported the bill. One of the most important of these safeguards is contained in new section 36(b) of the act added by H.R. 17333. It would require that lawsuits against mutual funds for breach of fiduciary duty may be brought only by a "bona fide shareholder" who is "acting in good faith and with justifiable cause." In addition, any plaintiff must prove his allegation of breach of fiduciary duty by "clear and convincing evidence." These are extremely important provisions, without which I could not support the bill.

In recent years, mutual funds have been harassed with nearly 200 lawsuits alleging breach of fiduciary duty, excessive advisory fees, excessive portfolio brokerage, and similar breaches of fiduciary duty. This litigation has not only disrupted officers and employees in their day-to-day work, but in some cases has unfairly impugned the integrity of honorable outside directors. In short, some of this litigation has been just plain unjustified and has resulted in settlements involving large fees for lawyers, but no sufficient benefits for shareholders.

In separate views of our committee report, some of my colleagues refer to the requirement that an allegation of a breach of fiduciary duty by the investment advisor with respect to the receipt of compensation for services paid by an investment company must be shown by "clear and convincing evidence" as a "flaw" in the bill. They point to section 6 of the Norris-LaGuardia Act and cases such as *United Brotherhood of Carpenters* v. *United States,* 330 U.S. 395 and *United Mine Workers* v. *Gibbs,* 383 U.S. 715, as indications that the "clear" and convincing evidence" level of proof is, as they put it, "entirely inappropriate in a civil action." I agree.

In recent years Congress has legislated a number of proposals to try and give more protection to consumers, minority groups, and other special interests. This has led to a flood of litigation which is clogging the court system. We are now faced with so-called public service law firms that generate litigation, and we have pending in Congress various types of consumer class action bills. Where once the instigation of lawsuits by lawyers was discredited as against public policy and punished as the crime of champetry and maintenance, we now find neighborhood legal service organizations federally funded to instigate litigation. Thus, in my judgment, it becomes extremely important for Congress to enact safeguards which permit legitimate litigation to reach the courts, but help screen out unjustified lawsuits. Placing on a plaintiff who has voluntarily invested in a mutual fund with full knowledge of management compensation and similar information given to him in an SEC-approved prospectus, the burden of providing his case by "clear and convincing evidence" seems to me to be reasonable. Had my colleagues probed a little further, they would have found a decision of the Supreme Court, *Woodby* v. *Immigration and Naturalization Service,* 385 U.S. 277 and *Schneiderman* v. *U.S.,* 320 U.S. 118, which hold that the standard of "clear, unequivocal and convincing evidence" is based upon "the principle that vested rights can be cancelled only upon clear, unequivocal and convincing proof."

In the Woodby case, the petitioners argued that the appropriate burden of proof in deportation proceedings should be that which the law imposes in criminal cases—the duty of proving the essential facts beyond a reasonable doubt. The Government, on the other hand, pointed out that a deportation proceeding is not a criminal case and that the appropriate burden of proof should consequently be the one generally imposed in civil cases and administrative proceedings—the duty of prevailing by a mere preponderance of the evidence. The Supreme Court in weighing this argument said:

> To be sure, a deportation proceeding is not a criminal prosecution but it does not syllogistically follow that a person may be banished from this country upon no higher degree of proof than applies in a negligence case.

While a shareholder's derivative suit against an investment adviser or the officers and directors of a mutual fund alleging breach of fiduciary duty is a civil action, it can result in the defendant being banished from the securities industry. It can destroy his reputation and

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his credit. It can deprive him of the opportunity to engage in the business of his choice. In short, to be judged guilty of a breach of fiduciary duty carries with it a flavor of moral turpitude, of a lack of integrity, of self-dealing and overreaching, and should certainly not be based on anything less than "clear and convincing evidence" adduced by a plaintiff who has met the test of being a "bona fide shareholder" who is "acting in good faith and with justifiable cause" as required in the new section 36(b) of the Investment Company Act of 1940 to be added by H.R. 17333.

I urge Members to oppose any effort to delete these provisions from the bill.

Mr. MOSS. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. SPRINGER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee two questions:

Mr. Chairman, section 5 of the bill provides that a registered investment company which is a collective or other pooled fund maintained by a bank may have a board of directors all of the members of which, except one, are interested persons of the bank, if a number of provisos are met. One of these provisos is that the investment adviser shall be registered under the Investment Advisers Act, or shall be a bank.

Do I understand correctly that this section of the bill recognizes that banks are exempt from the Investment Advisers Act so that a bank investment adviser, even under these circumstances does not have to be registered?

Mr. MOSS. Mr. Chairman, if the gentleman will yield, that is the case. The gentleman's understanding is absolutely correct. That is the result reached in this legislation.

Mr. SPRINGER. And section 5 of the bill specifically reaches the result which the gentleman has mentioned?

Mr. MOSS. It does, indeed.

Mr. SPRINGER. The second question: Section 27(b) of the bill provides an exemption from registration under the Securities Act of 1933 for interests or participations in trust funds maintained by banks for funding certain stock bonus, pension or profit-sharing plans which meet the requirements for qualification under section 401 of the Internal Revenue Code. I understand that this bill differs slightly from the bill passed by the Senate in that it would make it clear that interests in a single trust maintained by a bank where the trust assets were not commingled with those of other qualified trusts would also be exempted from the registration requirements of the Securities Act. I understand that the SEC has required registration of interests and participations in such trust funds where employee money is used to buy securities of the employer or companies affiliated with the employer. I understand that this bill would not prevent the SEC from requiring registration of interests or participations in such trusts if that also were the case. Am I correct?

Mr. MOSS. The gentleman is correct. It is my understanding that that is what was intended.

Mr. SPRINGER. I thank the distinguished gentleman for his explanation.

Mr. Chairman, I have no further requests for time.

Mr. MURPHY of New York. Mr. Chairman, the House today begins consideration of the first in-depth amendments to the Investment Company Act since its enactment in 1940.

H.R. 17333 is the product of months of painstaking work by the House Committee on Interstate and Foreign Commerce, and Chairman Staggers and Subcommittee Chairman Moss can be justly proud of this eminently balanced and responsible legislative package. The bill defines equitable standards to govern relationships between investment companies and their investment advisers, and is responsive to a wide range of questions relating to the operation and management of our vital mutual fund industry.

As the debate develops on this legislation, we shall receive thoughtful discussions on many key aspects of the bill. I would like to invite your attention to a section of the bill which relates to a very critical problem involved in the actual handling of securities—stocks and bonds and other such documents—within the exchanges and financial houses which deal in securities.

Organized crime has two substantial weapons for infiltrating the securities business—contacts and cash—and has used these weapons to advantage. During 1969, the mysterious disappearance of securities at brokerage houses and banks was estimated at nearly $45 million, amid strong indications that the figure might run even higher if reporting were more complete. This conservative figure represented a 30-percent increase over 1968.

A new kind of bank robber, the youthful back-office brokerage and bank employee, often blackmailed by organized crime, is the key figure in this modern day Bonnie and Clyde saga of robbery. The theft of securities represents a modern alternative to armed bank robbery and is more deadly in its sophistication and difficulty of detection.

The dimensions of these thefts and the foothold of organized crime in the backrooms of high finance are extremely dangerous to the health of the securities business.

H.R. 17333 contains a section that will provide the securities industry with the weapons needed to fight back the insidious advance of organized crime on Wall Street.

The legislation provides a mechanism for the collection and exchange of fingerprint information to ferret out past and would-be criminals.

Personal fingerprints voluntarily submitted from registered national security exchanges, their members, affiliated stock clearing corporations, and brokers and dealers registered with the SEC shall be collected, classified, preserved, and identified in the same manner and subject to the same terms and conditions as personal fingerprints voluntarily submitted from insurance companies and national banks.

I initially introduced legislation providing for the fingerprinting of securities employees in March 1969. This legislation, which is now embodied in H.R. 17333, authorizes the Securities and Exchange Commission to exchange fingerprint data with national security exchanges and related agencies. The measure, in effect, establishes a national fingerprint record clearinghouse under the control and direction of the SEC.

As you may know, New York State, in response to the Wall Street crime crisis, enacted a similar statute. Federal Judge Edward Weinfeld ruled that there is nothing unconstitutional about a law requiring fingerprinting of employees in the New York Stock Exchange and other securities markets. The law was enacted for the express purpose of combating the upsurge of thefts, and it is a commonsense statute that can be further reinforced, and made national in scope, by the provisions now contained in the Mutual Fund Amendments of 1970.

Frank G. Zarb, chairman of an industrywide committee to fight securities thefts, and Robert M. Morgenthau, former U.S. attorney in New York, have cited the ability of organized crime to infiltrate the securities business, when they endorsed my measure to combat this insidious wave of crime.

Mr. Chairman, as the House considers H.R. 17333 I urge my colleagues to carefully consider this important section. I am sure they will agree that it will provide the necessary weapons to combat organized crime's infiltration of the financial heart of America.

Mr. MOSS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Investment Company Amendments Act of 1970".

Sec. 2. (a) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended as follows:

(1) Paragraph (5) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (19) through (35) are redesignated as paragraphs (20) through (36), respectively, and paragraphs (36) through (42) are redesignated as paragraphs (38) through (44), respectively.

(3) A new paragraph is inserted immediately after paragraph (18) to read as follows:

"(19) 'Interested person' of another person means—

"(A) when used with respect to an investment company—

"(i) any affiliated person of such company,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such company,

"(iii) any interested person of any investment adviser of or principal underwriter for such company,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such company has acted as legal counsel for such company,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any

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affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had, at any time since the beginning of the last two fiscal years of such company, a material business or professional relationship with such company or with the principal executive officer of such company or with any other investment company having the same investment adviser or principal underwriter or with the principal executive officer of such other investment company:

Provided, That no person shall be deemed to be an interested person of an investment company solely by reason of (aa) his being a member of its board of directors or advisory board or an owner of its securities, or (bb) his membership in the immediate family of any person specified in clause (aa) of this proviso; and

"(B) when used with respect to an investment adviser of or principal underwriter for any investment company—

"(i) any affiliated person of such investment adviser or principal underwriter,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such investment adviser or principal underwriter,

"(iii) any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued either by such investment adviser or principal underwriter or by a controlling person of such investment adviser or principal underwriter,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such investment company has acted as legal counsel for such investment adviser or principal underwriter,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had at any time since the beginning of the last two fiscal years of such investment company a material business or professional relationship with such investment adviser or principal underwriter or with the principal executive officer or any controlling person of such investment adviser or principal underwriter.

For the purposes of this paragraph (19), 'member of the immediate family' means any parent, spouse of a parent, child, spouse of a child, spouse, brother, or sister, and includes step and adoptive relationships. The Commission may modify or revoke any order issued under clause (vi) of subparagraph (A) or (B) of this paragraph whenever it finds that such order is no longer consistent with the facts. No order issued pursuant to clause (vi) of subparagraph (A) or (B) of this paragraph shall become effective until at least sixty days after the entry thereof, and no such order shall affect the status of any person for the purposes of this title or for any other purpose for any period prior to the effective date of such order."

(4) A new paragraph is inserted immediately after redesignated paragraph (36) (formerly paragraph (35)) as follows:

"(37) 'Separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(5) A new paragraph is inserted immediately after redesignated paragraph (44) (formerly paragraph (42)) as follows:

"(45) 'Savings and loan association' means a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, and a receiver, conservator, or other liquidating agent of any such institution."

(b) Section 13(b) of such Act (15 U.S.C. 80a–13(b)) is amended by striking out "paragraph (40)" and inserting in lieu thereof "paragraph (42)".

Sec. 3. (a) The second sentence of paragraph (2) of section 3(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(b)(2)) is amended by inserting "in good faith" and "paragraph".

(b) Section 3(c) of such Act (15 U.S.C. 80a–3(c)) is amended as follows:

(1) The material preceding paragraph (1) is amended to read as follows:

"(c) Notwithstanding subsection (a), none of the following persons is an investment company within the meaning of this title:".

(2) Strike paragraph (8); redesignate paragraphs (5) through (15) as paragraphs (4) through (13), respectively; and strike "paragraphs (3), (5), and (6)" in redesignated paragraph (6) (formerly paragraph (7)) and insert in lieu thereof "paragraphs (3), (4), and (5)".

(3) Redesignated paragraph (5) formerly paragraph (6)) is amended by inserting "redeemable securities," before "face-amount certificates".

(4) Redesignated paragraph (8) (formerly paragraph (10)) is amended to read as follows:

"(8) Any company subject to regulation under the Public Utility Holding Company Act of 1935."

(5) Redesignated paragraph (11) (formerly paragraph (13)) is amended to read as follows:

"(11) Any employees' stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954; or any collective trust fund maintained by a bank consisting solely of assets of such trusts; or any separate account the assets of which are derived solely from (A) contributions under pension or profit-sharing plans which meet the requirements of such section or the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code, and (B) advances made by an insurance company in connection with the operation of such separate account."

(c)(1) Section 8(b)(2) of such Act (15 U.S.C. 80a-8(b)(2)) is amended to read as follows:

"(2) a recital of all investment policies of the registrant, not enumerated in paragraph (1), which are changeable only if authorized by shareholder vote;".

(2) Paragraphs (3) and (4) are redesignated as paragraphs (4) and (5), respectively.

(3) A new paragraph is inserted immediately after paragraph (2) to read as follows:

"(3) a recital of all policies of the registrant, not enumerated in paragraphs (1) and (2), in respect of matters which the registrant deems matters of fundamental policy;".

(d) Section 13(a)(3) of such Act (15 U.S.C. 80a-13(a)(3)) is amended to read as follows:

"(3) deviate from its policy in respect of concentration of investments in any particular industry or group of industries as recited in its registration statement, deviate from any investment policy which is changeable only if authorized by shareholder vote, or deviate from any policy recited in its registration statement pursuant to section 8(b)(3);".

Sec. 4 (a) That part of section 9(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) which precedes paragraph (1) is amended by inserting "employee," before "officer".

(b) Section 9 of such Act (15 U.S.C. 80a-9) is further amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) a new subsection to read as follows:

"(b) The Commission may, after notice and opportunity for hearing, by order prohibit, conditionally or unconditionally, either permanently or for such period of time as it in its discretion shall deem appropriate in the public interest, any person from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, if such person—

"(1) has willfully made or caused to be made in any registration statement, application or report filed with the Commission under this title any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such registration statement, application, or report any material fact which was required to be stated therein; or

"(2) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(3) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes."

Sec. 5. (a) Section 10(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(a)) is amended to read as follows:

"(a) No registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are interested persons of such registered company."

(b) Section 10(b) of such Act (15 U.S.C. 80a–10(b)) is amended—

(1) by striking out "After one year from the effective date of this title, no" and inserting in lieu thereof "No"; and

(2) by striking out "affiliated", each place it appears in paragraph (2) and inserting in lieu thereof "interested".

(c) Section 10(c) of such Act (15 U.S.C. 80a–10(c)) is amended to read as follows:

"(c) No registered investment company shall have a majority of its board of directors consisting of persons who are officers, directors, or employees of any one bank, except that, if on March 15, 1940, any registered investment company had a majority of its directors consisting of persons who are directors, officers, or employees of any one bank, such company may continue to have the same percentage of its board of directors consisting of persons who are directors, officers, or employees of such bank."

(d) Section 10(d) of such Act (15 U.S.C. 80a–10(d)) is amended to read as follows:

"(d) Notwithstanding subsections (a) and (b)(2) of this section, and, in the case of a registered investment company which is a collective or other pooled fund maintained by a bank for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as managing agent, if such a collective or other pooled

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fund is otherwise permitted by law, notwithstanding subsections (b)(3) and (c) of this section, a registered investment company may have a board of directors all the members of which, except one, are interested persons of the investment adviser of such company, or are officers or employees of such company, if—

"(1) such investment company is an open-end company;

"(2) such investment adviser (A) is registered under title II of this Act and is engaged principally in the business of rendering investment supervisory services as defined in title II, or (B) is a bank;

"(3) no sales load is charged on securities issued by such investment company;

"(4) any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum;

"(5) no sales or promotion expenses are incurred by such registered company; but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses;

"(6) such investment adviser is the only investment adviser to such investment company, and such investment adviser does not receive a management fee exceeding 1 per centum per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year;

"(7) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser; and

"(8) such investment company has only one class of securities outstanding, each unit of which has equal voting rights with every other unit."

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Sec. 6. Section 11(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–11(b)) is amended to read as follows:

"(b) The provisions of this section shall not apply to any offer made pursuant to any plan of reorganization, which is submitted to and requires the approval of the holders of at least a majority of the outstanding shares of the class or series to which the security owned by the offeree belongs."

Sec. 7. Section 12(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–12(d)) is amended to read as follows:

"(d)(1)(A) It shall be unlawful for any registered investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any other investment company (the 'acquired company'), and for any investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any registered investment company (the 'acquiring company'), if the acquiring company and any company or companies controlled by it immediately after such purchase or acquisition own in the aggregate—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company;

"(ii) securities issued by the acquired company having an aggregate value in excess of 5 per centum of the value of the total assets of the acquiring company; or

"(iii) securities issued by the acquired company and all other investment companies (other than Treasury stock of the acquiring company) having an aggregate value in excess of 10 per centum of the value of the total assets of the acquiring company.

"(B) It shall be unlawful for any registered open-end investment company (the 'acquired company'), any principal underwriter therefor, or any broker or dealer registered under the Securities Exchange Act of 1934, knowingly to sell or otherwise dispose of any security issued by the acquired company to any other investment company (the 'acquiring company') or any company or companies controlled by the acquiring company, if immediately after such sale or disposition—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and any company or companies controlled by it; or

"(ii) more than 10 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies and companies controlled by them.

"(C) It shall be unlawful for any investment company (the 'acquiring company') and any company or companies controlled by the acquiring company to purchase or otherwise acquire any security issued by a registered closed-end investment company, if immediately after such purchase or acquisition the acquiring company, other investment companies having the same investment adviser, and companies controlled by such investment companies, own more than 10 per centum of the total outstanding voting stock of such closed-end company.

"(D) The provisions of this paragraph (1) shall not apply to a security received as a dividend or as a result of an offer of exchange approved pursuant to section 11 or of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions).

"(E) The provisions of this paragraph (1) shall not apply to a security (or securities) purchased or acquired by an investment company if—

"(i) the depositor of, or principal underwriter for, such investment company is a broker or dealer registered under the Securities Exchange Act of 1934, or a person controlled by such a broker or dealer;

"(ii) such security is the only investment security held by such investment company (or such securities are the only investment securities held by such investment company, if such investment company is a registered unit investment trust that issues two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company); and

"(iii) in the event such investment company is not a registered investment company, the purchase or acquisition is made pursuant to an arrangement with the issuer of, or principal underwriter for the issuer of, the security whereby such investment company is obligated—

"(aa) either to seek instructions from its security holders with regard to the voting of all proxies with respect to such security and to vote such proxies only in accordance with such instructions, or to vote the shares held by it in the same proportion as the vote of all other holders of such security, and

"(bb) to refrain from substituting such security unless the Commission shall have approved such substitution in the manner provided in section 26 of this Act.

"(F) The provisions of this paragraph (1) shall not apply to securities purchased or otherwise acquired by a registered investment company if—

"(i) immediately after such purchase or acquisition not more than 3 per centum of the total outstanding stock of such issuer is owned by such registered investment company and all affiliated persons of such registered investment company; and

"(ii) such registered investment company has not offered or sold after January 1, 1971, and is not proposing to offer or sell any security issued by it through a principal underwriter to otherwise at a public offering price which includes a sales load which, when added to the maximum sales load applicable to the acquisition of its portfolio securities, is excessive within the meaning of section 22(b) of this Act.

No issuer of any security purchased or acquired by a registered investment company pursuant to this subparagraph shall be obligated to redeem such security in an amount exceeding 1 per centum of such issuer's total outstanding securities during any period of less than thirty days. Such investment company shall exercise voting rights by proxy or otherwise with respect to any security purchased or acquired pursuant to this subparagraph in the manner prescribed by subparagraph (E) of this subsection.

"(G) For the purposes of this paragraph (1), the value of an investment company's total assets shall be computed as of the time of a purchase or acquisition or as closely thereto as is reasonably possible.

"(H) In any action brought to enforce the provisions of this paragraph (1), the Commission may join as a party the issuer of any security purchased or otherwise acquired in violation of this paragraph (1), and the court may issue any order with respect to such issuer as may be necessary or appropriate for the enforcement of the provisions of this paragraph (1).

"(2) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security (except a security received as a dividend or as a result of a plan of reorganization of any company, other than a plan devised for the purpose of evading the provisions of this paragraph) issued by any insurance company of which such registered investment company and any company or companies controlled by such registered company do not, at the time of such purchase or acquisition, own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it, own in the aggregate, or as a result of such purchase or acquisition will own in the aggregate, more than 10 per centum of the total outstanding voting stock of such insurance company.

"(3) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under title II of this Act, unless (A) such person is a corporation all the outstanding securities of which (other than short-term paper, securities representing bank loans, and directors' qualifying shares) are, or after such acquisition will be, owned by one or more registered investment companies; and (B) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities."

Sec. 8. (a) Section 15(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–15(a)) is amended to read as follows:

"(a) It shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company, and—

"(1) precisely describes all compensation to be paid thereunder;

"(2) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company;

"(3) provides, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors of such registered company or by vote of a majority of the outstanding voting securities of such company on not more than sixty days' written notice to the investment adviser; and

"(4) provides, in substance, for its automatic termination in the event of its assignment."

(b) Section 15(b) of such Act (15 U.S.C. 80a–15(b)) is amended to read as follows:

"(b) It shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract—

"(1) shall continue in effect for a period, more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company; and

"(2) provides, in substance, for its automatic termination in the event of its assignment."

(c) Section 15(c) of such Act (15 U.S.C. 80a–15 (c)) is amended to read as follows:

"(c) In addition to the requirements of subsection (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be the duty of the directors of a registered investment company to request and evaluate, and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company."

(d) Section 15 of such Act (15 U.S.C. 80a–15) is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 9. (a) Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(j)) is amended to read as follows:

"(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank (including in the case of a registered investment company which is a collective fund maintained by a bank (if such a collective fund is otherwise permitted by law), the bank maintaining such fund) or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Subject to such rules, regulations, and orders as the Commission may adopt as necessary or appropriate for the protection of investors, a registered management company or any such custodian, with the consent of the registered management company for which it acts as custodian, may deposit all or any part of the securities owned by such registered management company in a system for the central handling of securities established by a national securities exchange or national securities association registered with the Commission under the Securities Exchange Act of 1934, or such other person as may be permitted by the Commission, pursuant to which system all securities of any particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery of such securities. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors. If a registered company maintains its securities and similar investments in the custody of a qualified bank or banks, the cash proceeds from the sale of such securities and similar investments and other cash assets of the company shall likewise be kept in the custody of such a bank or banks, or in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors, except that such a registered company may maintain a checking account in a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts with the balance of such account or the aggregate balances of such accounts at no time in excess of the amount of the fidelity bond, maintained pursuant to section 17(g) of this title, covering the officers or employees authorized to draw on such account or accounts."

(b) Section 17(g) of such Act (15 U.S.C. 80a–17(g) is amended to read as follows:

"(g) The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer or employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities (unless the officer or employee has such access solely through his position as an officer or employee of a bank) be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe."

(c) Section 17 of such Act (15 U.S.C. 80a–17) is further amended by adding at the end thereof a new subsection as follows:

"(j) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company or any affiliated person of an investment adviser of or principal underwriter for a registered investment company, to engage in any act, practice, or course of business in connection with the purchase or sale, directly or indirectly, by such person of any security held or to be acquired by such registered investment company in contravention of such rules and regulations as the Commission may adopt to define, and prescribe means reasonably necessary to prevent, such acts, practices, or courses of business as are fraudulent, deceptive or manipulative. Such rules and regulations may include requirements for the adoption of codes of ethics by registered investment companies and investment advisers of, and principal underwriters for, such investment companies establishing such standards as are reasonably necessary to prevent such acts, practices, or courses of business."

SEC. 10. Section 18(f)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–18(f)(2) is amended to read as follows:

"(2) 'Senior security' shall not, in the case of a registered open-end company, include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: *Provided*, That (A) such company has outstanding no class or series of stock which is not so preferred over all other classes or series, or (B) the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities. For the purpose of insuring fair and equitable treatment of the holders of the outstanding voting securities of each class or series of stock of such company, the Commission may by rule, regulation, or order direct that any matter required to be submitted to the holders of the outstanding voting securities of such company shall not be deemed to have been effectively acted upon unless approved by the holders of such percentage (not exceeding a majority) of the outstanding voting securities of each class or series of stock affected by such matter as shall be prescribed in such rule, regulation, or order."

SEC. 11. Section 19 of the Investment Company Act of 1940 (15 U.S.C. 80a–19) is amended by inserting "(a)" after "SEC. 19.", and by adding at the end thereof a new subsection as follows:

"(b) It shall be unlawful in contravention of such rules, regulations, or orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors for any registered investment company to distribute long-term capital gains, as defined in the Internal Revenue Code of 1954, more often than once every twelve months."

SEC. 12. (a) Section 22(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–22(b)) is amended to read as follows:

"(b)(1) Such a securities association may also, by rules adopted and in effect in accordance with said section 15A, and notwithstanding the provisions of subsection (b)(8) thereof but subject to all other provisions of said section applicable to the rules of such an association, prohibit its members from purchasing, in connection with a primary distribution of redeemable securities of which any registered investment company is the issuer, any such security from the issuer or from any principal underwriter except at a price equal to the price at which such security is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations as to the relation thereof to said public offering price, as such rules may prescribe in order that the price at which such security is offered or sold to the public shall not include an excessive sales load but shall allow for reasonable compensation for sales personnel, for reasonable opportunity for profit for brokers and dealers and underwriters, and for reasonable sales loads to investors. The Commission shall on application or otherwise, if it appears that smaller companies are subjected to relatively higher operating costs,

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make due allowance therefor by granting any such company or class of companies appropriate qualified exemptions from the provisions of this section.

"(2) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, or after a securities association has adopted rules as contemplated by this subsection, the Commission may make such rules and regulations pursuant to section 15(b)(10) of the Securities Exchange Act of 1934 as are appropriate to effectuate the purpose of this subsection with respect to sales of shares of a registered investment company by broker-dealers subject to regulation under section 15(b)(8) of that Act: *Provided*, That the underwriter of such shares may file with the Commission at any time a notice of election to comply with the rules prescribed pursuant to this subsection by a national securities association specified in such notice, and thereafter the sales load shall not exceed that prescribed by such rules of such association, and the rules of the Commission as hereinabove authorized shall thereafter be inapplicable to such sales.

"(3) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, the Commission may alter or supplement the rules of any securities association as may be necessary to effectuate the purposes of this subsection in the manner provided by section 15A(k)(2) of the Securities Exchange Act of 1934.

"(4) If any provision of this subsection is in conflict with any provision of any law of the United States in effect on the date this subsection takes effect, the provisions of this subsection shall prevail."

(b) Section 22(c) of such Act (15 U.S.C. 80a–22(c)) is amended to read as follows:

"(c) The Commission may make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in subsection (a) of this section in respect of the rules which may be made by a registered securities association governing its members. Any rules and regulations so made by the Commission, to the extent that they may be inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable."

(c) Section 22(d) of such Act (15 U.S.C. 80a–22(d) is amended to read as follows:

"(d) No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12."

(d) Section 22 of such Act (15 U.S.C. 80a–22) is further amended by adding a new subsection at the end thereof as follows:

"(h) Subject to any provision of any law of any State or of the United States prohibiting the creation or operation of an investment company by a bank or banks or by a savings and loan association or savings and loan associations and also subject to any restrictions or requirements imposed by any law of any State or of the United States—

"(1) the creation or operation of a registered investment company by a bank or banks shall be unlawful unless such creation or operation is in compliance with any applicable regulations of the Comptroller of the Currency, and

"(2) the creation or operation of a registered investment company by a savings and loan association or savings and loan associations shall be unlawful unless such creation or operation is in compliance with any applicable regulations of the Federal Home Loan Bank Board, and

"(3) the underwriting, distribution, or sale by a bank, or by a savings and loan association, of securities issued by a registered investment company shall be unlawful unless the registered investment company issues such securities only for distribution and sale by banks or by savings and loan associations,

and further provided that such securities issued by such investment company are sold at a public offering price which does not include a sales load and are sold only by officers and employees of banks and savings and loan associations who meet such standards with respect to training and experience as the Comptroller of the Currency and the Federal Home Loan Bank Board shall prescribe by regulations which are consistent with the rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934."

Sec. 13. (a) Section 24(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(d)) is amended to read as follows:

"(d) The exemption provided by paragraph (8) of section 3(a) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. The exemption provided by paragraph (11) of said section 3(a) shall not apply to any security of which a registered investment company is the issuer, except a security sold or disposed of by the issuer or bona fide offered to the public prior to the effective date of this title, and with respect to a security so sold, disposed of, or offered, shall not apply to any new offering thereof on or after the effective date of this title. The exemption provided by section 4(3) of the Securities Act of 1933 shall not apply to any transaction in a security issued by a face-amount certificate company or in a redeemable security issued by an open-end management company or unit investment trust if any other security of the same class is currently being offered or sold by the issuer or by or through an underwriter in a distribution which is not exempted from section 5 of said Act, except to such extent and subject to such terms and conditions as the Commission, having due regard for the public interest and the protection of investors, may prescribe by rules or regulations with respect to any class of persons, securities, or transactions."

(b) Section 24 of such Act (15 U.S.C. 80a–24) is further amended by adding at the end thereof a new subsection to read as follows:

"(f) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which are sold in an amount in excess of the number of securities included in an effective registration statement of any such company, such company may, in accordance with such rules and regulations as the Commission shall adopt as it deems necessary or appropriate in the public interest or for the protection of investors, elect to have the registration of such securities deemed effective as of the time of their sale, upon payment to the Commission, within six months after any such sale, of a registration fee of three times the amount of the fee which would have otherwise been applicable to such securities. Upon any such election and payment, the registration statement of such company shall be considered to have been in effect with respect to such shares. The Commission may also adopt rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors to permit the registration of an indefinite number of the securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust."

Sec. 14. Section 25(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–25(c)) is amended to read as follows:

"(c) Any district court of the United States in the State of incorporation of a registered investment company, or any such court for the district in which such company maintains its principal place of business, is authorized to enjoin the consummation of any plan of reorganization of such registered investment company upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of security holders of such registered company, or any class thereof), if such court shall determine that any such plan is not fair and equitable to all security holders."

Sec. 15. (a) Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) a new subsection as follows:

"(b) It shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

(b) Redesignated subsection (c) (formerly subsection (b)) of section 26 of such Act is amended to read as follows:

"(c) In the event that a trust indenture, agreement of custodianship, or other instrument pursuant to which securities of a registered unit investment trust are issued does not comply with the requirements of subsection (a) of this section, such instrument will be deemed to meet such requirements if a written contract or agreement binding on the parties and embodying such requirements has been executed by the depositor on the one part and the trustee or custodian on the other part, and three copies of such contract or agreement have been filed with the Commission."

Sec. 16. Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end thereof the following new subsections:

"(d) Notwithstanding subsection (a) of this section, it shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first year after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 20 per centum of the gross payments made by the certificate holder. The Commission may make rules and regulations applicable to such underwriters and depositors specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection.

"(e) With respect to any periodic payment plan certificate sold subject to the provisions of subsection (d) of this section, the registered investment company issuing such periodic payment plan certificate, or any depositor of or underwriter for such company, shall in writing (1) inform each certificate holder who has missed three payments or more, within thirty days following the expiration of ten months after the issuance of the certificate, or, if any such holder has missed one payment or more after such period but prior to the expiration of one year after the issuance of the certificate, at any time prior to the expiration of such one year period (or, if later, at any time prior to the expiration of ten days after such payment was missed), of his right to surrender his certificate as specified in subsection (d) of this section, and (2) inform the certificate holder of (A) the value of the holder's account as of the time the written notice was given to such holder, and (B) the amount to which he is entitled as specified in subsection (d) of this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection.

"(f) With respect to any periodic payment plan, the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within thirty days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing and such certificates specifying such reserve requirements as may be reasonably necessary in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection.

"(g) Notwithstanding the provisions of subsections (a) and (d), a registered investment company issuing periodic payment plan certificates may elect, by written notice to the Commission, to be governed by the provisions of subsection (h) rather than the provisions of subsection (a) and (d) of this section.

"(h) Upon making the election specified in subsection (g), it shall be unlawful for any such electing registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, if—

"(1) the sales load on such certificate exceeds 9 per centum of the total payments to be made thereon;

"(2) more than 20 per centum of any payment thereon is deducted for sales load, or an average of more than 16 per centum is deducted for sales load from the first forty-eight monthly payments thereon, or their equivalent;

"(3) the amount of sales load deducted from any one of the first twelve monthly payments, the thirteenth through twenty-fourth monthly payments, the twenty-fifth through thirty-sixth monthly payments, or the thirty-seventh through forty-eighth monthly payments, or their equivalents, respectively, exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payments exceeds proportionately the amount deducted from any other subsequent payment;

"(4) the deduction for sales load on the excess of the payment or payments in any month over the minimum monthly payment, or its equivalent, to be made on the certificate exceeds the sales load applicable to payments subsequent to the first forty-eight monthly payments or their equivalent;

"(5) the first payment on such certificate is less than $20, or any subsequent payment is less than $10;

"(6) if such registered company is a management company, the proceeds of such certificate or the securities in which such proceeds are invested are subject to management fees (other than fees for administrative services of the character described in clause (C) of paragraph (2) of section 26(a)) exceeding such reasonable amount as the Commission may prescribe, whether such fees are payable to such company or to investment advisers thereof; or

"(7) if such registered company is a unit investment trust the assets of which are securities issued by a management company, the depositor of or principal underwriter for such trust, or any affiliated person of such depositor or underwriter, is to receive from such management company or any affiliated person thereof any fee or payment or account of payments on such certificate exceeding such reasonable amount as the Commission may prescribe."

Sec. 17. Section 28 of the Investment Company Act 1940 (15 U.S.C. 80a–28) is amended by adding at the end thereof a new subsection as follows:

"(i) The foregoing provisions of this section shall apply to all face-amount certificates issued prior to the effective date of this subsection; to the collection or acceptance of any payment on such certificates; to the issuance of face-amount certificates to the holders of such certificates pursuant to an obligation expressed or implied in such certificates; to the provisions of such certificates; to the minimum certificate reserves and deposits maintained with respect thereto; and to the assets that the issuer of such certificate was and is required to have with respect to such certificates. With respect to all face-amount certificates issued after the effective date of this subsection, the provisions of this section shall apply except as hereinafter provided.

"(1) Notwithstanding subparagraph (A) of paragraph (2) of subsection (a), the reserves for each certificate of the installment type shall be based on assumed annual, semiannual, quarterly, or monthly reserve payments according to the manner in which gross payments for any certificate year are made by the holder, which reserve payments shall be sufficient in amount, as and when accumulated at a rate not to exceed 3½ per centum per annum compounded annually, to provide the minimum maturity or face amount of the certificate when due. Such reserve payments may be graduated according to certificate years so that the reserve payment or payments for the first three certificate years shall amount to at least 80 per centum of the required gross annual payment for such years; the reserve payment or payments for the fourth certificate year shall amount to at least 90 per centum of such year's required gross annual payment; the reserve payment or payments for the fifth certificate year shall amount to at least 93 per centum of such year's gross annual payment; and for the sixth and each subsequent certificate year the reserve payment or payments shall amount to at least 96 per centum of each such year's required gross annual payment: *Provided,* That such aggregate reserve payments shall amount to at least 93 per centum of the aggregate gross annual payments required to be made by the holder to obtain the maturity of the certificate. The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken.

"(2) Notwithstanding paragraphs (1) and (2) of subsection (d), (A) in respect of any certificate of the installment type, during the first certificate year, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than 80 per centum of the amount of the gross payments made on the certificate; and (B) in respect of any certificate of the installment type, at any time after the expiration of the first certificate year and prior to maturity, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by clauses (1) and (2) of subparagraph (D) of paragraph (2) of subsection (a), less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser, but in no event shall such value be less than 80 per centum of the gross payments made on the certificate. The amount of the surrender value for the end of each certificate year shall be set out in the certificate."

Sec. 18. Section 32(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–31(a)) is amended to read as follows:

"(a) It shall be unlawful for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent public accountant, unless—

"(1) such accountant shall have been selected at a meeting held within thirty days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by the vote, cast in person, of a majority of those members of the board of directors who are not interested persons of such registered company;

"(2) such selection shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, except that any vacancy occurring between annual meetings, due to the death or resignation of the accountant, may be filled by the vote of a majority of those members of the board of directors who are not interested persons of such registered company, cast in person at a meeting called for the purpose of voting on such action;

"(3) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty; and

"(4) such certificate or report of such accountant shall be addressed both to the board of directors of such registered company and to the security holders thereof.

If the selection of an accountant has been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3), the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or, if not so filled, at a subsequent meeting which shall be called for the purpose. In the case of a common-law trust of the character described in section 16(b), no ratification of the employment of such accountant shall be required but such employment may be terminated and such accountant removed by action of the holders of record of a majority of the outstanding shares of beneficial interest in such trust in the same manner as is provided in section 16(b) in respect of the removal of a trustee, and all the provisions therein contained as to the calling of a meeting shall be applicable. In the event of such termination and removal, the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filed within a reasonable time then at a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (42) of section 2(a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection."

SEC. 19. Section 33 of the Investment Company Act of 1940 (15 U.S.C. 80a–32) is amended to read as follows:

"FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

"SEC. 33. Every registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or a security holder thereof in a derivative or representative capacity against an officer, director, investment adviser, trustee, or depositor of such company, shall file with the Commission, unless already so filed, (1) a copy of all pleadings, verdicts, or judgments filed with the court or served in connection with such action or claim, (2) a copy of any proposed settlement, compromise, or discontinuance of such action, and (3) a copy of such motions, transcripts, or other documents filed in or issued by the court or served in connection with such action or claim as may be requested in writing by the Commission. If any document referred to in clause (1) or (2)—

"(A) is delivered to such company or party defendant, such document shall be filed with the Commission not later than ten days after the receipt thereof; or

"(B) is filed in such court or delivered by such company or party defendant, such document shall be filed with the Commission not later than five days after such filing or delivery."

SEC. 20. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a—35) is amended to read as follows:

"BREACH OF FIDUCIARY DUTY

"SEC. 36. (a) The Commission is authorized to bring an action in the proper district court of the United States, or in the United States court of any territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the following capacities has engaged within five years of the commencement of the action or is about to engage in any act or practice constituting a breach of fiduciary duty involving personal misconduct in respect of any registered investment company for which such person so serves or acts—

"(1) as officer, member of any advisory board, investment adviser, or depositor; or

"(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If such allegations are established, the court may enjoin such person from acting in any or all such capacities, either permanently or temporarily and award such injunctive or other relief against such person as may be reasonable and appropriate in the circumstances, having due regard to the protection of investors and to the effectuation of the policies declared in section 1(b) of this title.

"(b) For the purposes of this subsection, the investment adviser of a registered investment company shall be deemed to have a fiduciary duty with respect to the receipt of compensation for services, or of payments of a material nature, paid by such registered investment company, or by the security holders thereof, to such investment adviser or any affiliated person of such investment adviser. An action may be brought under this subsection by the Commission, or by a bona fide security holder of such registered investment company on behalf of such company acting in good faith and with justifiable cause, against such investment adviser, or any affiliated person of such investment adviser, or any other person enumerated in subsection (a) of this section who has a fiduciary duty concerning such compensation or payments, for breach of fiduciary duty in respect of such compensation or payments paid by such registered investment company or by the security holders thereof to such investment adviser or person. With respect to any such action the following provisions shall apply:

"(1) It shall not be necessary to allege or prove that any defendant engaged in personal misconduct, and the plaintiff shall have the burden of proving a breach of fiduciary duty by clear and convincing evidence.

"(2) In any such action approved by the board of directors of such investment company of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, and ratification or approval of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, by the shareholders of such investment company, shall be given such consideration by the court as is deemed appropriate under all the circumstances.

"(3) No such action shall be brought or maintained against any person other than the recipient of such compensation or payments, and no damages or other relief shall be granted against any person other than the recipient of such compensation or payments. No award of damages shall be recoverable for any period prior to one year before the action was instituted. Any award of damages against such recipient shall be limited to the actual damages resulting from the breach of fiduciary duty and shall in no event exceed the amount of compensation or payments received from such investment company, or the security holders thereof, by such recipient.

"(4) This subsection shall not apply to compensation or payments made in connection with transactions subject to section 17 of this title, or rules, regulations, or orders thereunder, or to sales loads for the acquisition of any security issued by a registered investment company.

"(5) Any action pursuant to this subsection may be brought only in an appropriate district court of the United States.

"(6) No finding by a court with respect to a breach of fiduciary duty under this subsection shall be made a basis (A) for a finding of a violation of this title for the purposes of sections 9 and 49 of this title, section 15 of the Securities Exchange Act of 1934, or section 203 of title II of this Act, or (B) for an injunction to prohibit any person from serving in any of the capacities enumerated in subsection (a) of this section."

SEC. 21. The last sentence of section 43(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–42(a)) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 22. Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended—

(1) by striking out the next to the last sentence and inserting in lieu thereof "Judgments and decrees so rendered shall be subject to review as provided in sections 1254, 1291, 1292, and 1294 of title 28, United States Code."; and

(2) by adding at the end thereof a new sentence as follows: "The Commission may intervene as a party in any action or suit to enforce any liability or duty created by, or to enjoin any noncompliance with, section 36(b) of this title at any stage of such action or suit prior to final judgment therein."

SEC. 23. Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended as follows:

(1) Paragraph (2) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (17) through (20) are redesignated as paragraphs (18) through (21), respectively, and a new paragraph is inserted immediately after paragraph (16) to read as follows:

"(17) The term 'person associated with an investment adviser' means any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling or controlled by such investment adviser, including any employee of such investment adviser, except that for the purposes of section 203 of this title (other than subsection (f) thereof), persons associated with an investment adviser whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may by rules and regulations classify, for the purposes of any portion or portions of this title, persons, including employees controlled by an investment adviser."

SEC. 24. (a) Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended to read as follows:

"(b) The provisions of subsection (a) shall not apply to—

"(1) any investment adviser all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

"(2) any investment adviser whose only clients are insurance companies; or

"(3) any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who neither holds himself out generally to the public as an investment adviser nor acts as an investment adviser to any investment company registered under title I of this Act."

(b) Section 203(c) of such Act (15 U.S.C. 80b–3(c)) is amended by striking out subparagraph (F) and inserting in lieu thereof the following:

"(F) whether such investment adviser, or any person associated with such investment adviser, is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such

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investment adviser under the provisions of subsection (e), and".

(c) Section 203 of such Act (15 U.S.C. 80b–3) is further amended by redesignating subsection (d) as subsection (e), redesignating subsection (e) as subsection (g), and inserting after subsection (c) a new subsection as follows:

"(d) Any provision of this title (other than subsection (a) of this section) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce are used in connection therewith shall also prohibit any such act, practice, or course of business by any investment adviser registered pursuant to this section or any person acting on behalf of such an investment adviser, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith."

(d) Redesignated subsection (e) (formerly subsection (d) of section 203 of such Act) (15 U.S.C. 80b–3(d)) is amended to read as follows:

"(e) The Commission shall, after appropriate notice and opportunity for hearing, by order censure, deny registration to, or suspend for a period not exceeding twelve months, or revoke the registration of, an investment adviser, if it find that such censure, denial, suspension, or revocation is in the public interest and that such investment adviser or any person associated with such investment adviser, whether prior to or subsequent to becoming such—

"(1) has willfully made or caused to be made in any application for registration or report filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or who has omitted to state in any such application or report any material fact which is required to be stated therein; or

"(2) has been convicted within ten years preceding the filing of the application or at any time thereafter of any felony or misdemeanor which the Commission finds (A) involves the purchase or sale of any security, (B) arises out of the conduct of the business of a broker, dealer, or investment adviser, (C) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities, or (D) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code; or

"(3) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

"(4) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(5) has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision: Provided, That, for the purposes of this paragraph (5), no person shall be deemed to have failed reasonably to supervise any person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person; and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with; or

"(6) is subject to an order of the Commission entered pursuant to subsection (f) of this section barring or suspending the right of such person to be associated with an investment adviser, which order is in effect with respect to such person."

(e) Section 203 of such Act (15 U.S.C. 80 b–3) is further amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and inserting after redesignated subsection (c) a new subsection as follows:

"(f) The Commission may, after appropriate notice and opportunity for hearing, by order censure any person or bar or suspend for a period not exceeding twelve months any person from being associated with an investment adviser, if the Commission finds that such censure, barring, or suspension is in the public interest and that such person has committed or omitted any act or omission enumerated in paragraph (1), (4), or (5) of subsection (e) of this section, or has been convicted of any offense specified in paragraph (2) of subsection (e) within ten years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in paragraph (3) of subsection (e). It shall be unlawful for any person as to whom such an order barring or suspending him from being associated with an investment adviser is in effect, willfully to become, or to be, associated with an investment adviser, without the consent of the Commission, and it shall be unlawful for any investment adviser to permit such a person to become, or remain, a person associated with such investment adviser without the consent of the Commission, if such investment adviser knew, or in the exercise of reasonable care should have known of such order."

SEC. 25. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended to read as follows:

"INVESTMENT ADVISORY CONTRACTS

"SEC. 205. (a) No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

"(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

"(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

"(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

"Paragraph (1) of this section shall not (A) be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date, or (B) apply to an investment advisory contract with—

"(i) an investment company registered under title I of this Act, or

"(ii) any trust, collective trust fund or separate account referred to in section 3(c) (11) of title I of this Act, provided that the contract relates to the investment of assets in excess of $5 million, or

"(iii) any other person, provided that the contract relates to the investment of assets in excess of $1 million,

which contract provides for compensation based on the asset value of the company or the fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. For purposes of clause (B) of preceding sentence, the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise. As used in paragraphs (2) and (3) of this section, 'investment advisory contract' means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account of another person other than an investment company registered under title I of this Act.

"(b) Subsection (a) shall not apply to any investment advisory contract with an investment company which (1) is not registered nor required to be registered under title I of this Act, (2) is not organized or otherwise created under the laws of the United States or of a State, and (3) does not make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such company is the issuer."

SEC. 26. The Investment Advisers Act of 1940 (15 U.S.C. 80b–1–21) is further amended by inserting immediately after section 206 a new section as follows:

"EXEMPTIONS

"SEC. 206A. The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

Sec. 27. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof two new paragraphs as follows:

"(13) The term 'insurance company' means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner, or a similar official or agency, of a State or territory or the District of Columbia; or any receiver or similar official or any liquidating agent for such company, in his capacity as such.

"(14) The term 'separate account' means an account established and maintained by an insurance company pursuant to the laws

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of any State or territory of the United States, the District of Columbia, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(b) Section 3(a)(2) of such Act (15 U.S.C. 77c (a)(2)) is amended to read as follows:

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404 (a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term 'bank' has the same meaning as in the Investment Company Act of 1940."

(c) Section 3(a)(5) of such Act (15 U.S.C. 77c(a)(5)) is amended to read as follows:

"(5) Any security issued (A) by a savings and loan association, building and loan association, cooperative bank, homestead association, or similiar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, except that the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security; or (B) by (i) a farmer's cooperative organization exempt from tax under section 521 of the Internal Revenue Code of 1954 (ii) a corporation described in section 501(c)(16) of such Code and exempt from tax under section 501(a) of such Code, or (iii) a corporation described in section 501(c)(2) of such Code which is exempt from tax under section 501(a) of such Code and is organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization or corporation described in clause (i) or (ii));".

SEC. 28 (a) Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c (a)(12) is amended to read as follows:

"(12) The term 'exempted security' or 'exempted securities' includes securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof, or by any agency or instrumentality of a State or any political subdivision thereof, or by any municipal corporate instrumentality of one or more States; any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; any interest or participation in a collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such code; and such other securities (which may include, among others, unregistered securities the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an 'exempted security' or to 'exempted securities'."

(b) Section 3(a)(19) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(19)) is amended to read as follows:

"(19) the terms 'investment company', 'affiliated person', 'insurance company', and 'separate account' have the same meanings as in the Investment Company Act of 1940."

(c) Section 12(g)(2) of such Act (15 U.S.C. 781(g)(2)) is amended by adding at the end thereof a new subparagraph as follows:

"(H) any interest or participation in any collective trust funds maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (i) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (ii) an annuity plan which meets the requirements for deduction of the employer's contribution under section 404 (a)(2) of such Code."

SEC. 29. (a) Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end thereof the following new subsection:

"(g) all persons including officers, directors, and employees employed by a national securities exchange registered pursuant to the provisions of this Act and any officer, director, or employee of a clearing corporation affiliated with such registered national securities exchange employed on or after September 1, 1970, shall, as a condition of employment, be fingerprinted. Every set of fingerprints taken pursuant to this subsection shall be promptly submitted to the Commission. The Commission shall make rules and regulations to provide for the appropriate processing and use of these fingerprints."

(b) Section 15(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(1)) is amended by adding at the end thereof the following: "All persons including partners, officers, directors, and employees employed by a broker-dealer registered under this section employed on or after September 1, 1970, shall, as a condition of employment, be fingerprinted. Every set of fingerprints taken pursuant to this section shall be promptly submitted to the Commission. The Commission shall make rules and regulations to provide for the appropriate processing and use of these fingerprints."

SEC. 30. The provisions of the Securities Act of 1933 and the Investment Company Act of 1940 shall not apply, except for purposes of definition of terms used in this section, to any interest or participation (including any separate account or other fund providing for the sharing of income or gains and losses, and any interest or participation in such account or fund) in any contract, certificate, or policy providing for life insurance benefits which was issued prior to March 23, 1959, by an insurance company, if (1) the form of such contract, certificate, or policy was approved by the insurance commissioner, or similar official or agency, of a State, territory, or the District of Columbia, and (2) under such contract, certificate, or policy not to exceed 49 per centum of the gross premiums or other consideration paid was to be allocated to a separate account or other fund providing for the sharing of income or gains and losses.

SEC. 31. This Act shall take effect on the date of its enactment, except that—

(1) sections 5 (a), (b), and (c); 9(a); 11; 18; 24(a); and 25; (amending sections 10 (a), (b), and (c); 17(f); 19; and 32(a) of the Investment Company Act of 1940; and sections 203(b) and 205 of the Investment Advisers Act of 1940, respectively) shall take effect upon the expiration of one year after the date of enactment of this Act;

(2) that part of section 5(d) which substitutes "interested persons" for "affiliated persons" in section 10(d) of the Investment Company Act of 1940 shall take effect upon the expiration of one year after the date of enactment of this Act;

(3) sections 16 and 17 (amending sections 27 and 28 of the Investment Company Act of 1940) shall take effect upon the expiration of six months after the date of enactment of this Act; and

(4) that part of section 20 which adds a subsection (b) to section 36 of the Investment Company Act of 1940 shall take effect upon the expiration of eighteen months after the date of enactment of this Act.

Mr. MOSS (during the reading). Mr. Chairman, I ask unanimous consent that the substitute committee amendment be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. MOSS

Mr. MOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moss: Page 98, line 5, insert after the comma the following: "(or, if earlier, after a securities association has adopted for purposes of paragraph (1) any rule respecting excessive sales loads)."

Mr. MOSS. Mr. Chairman, this amendment is a very simple clarifying amendment to which I understand there is no objection.

Through inadvertence we provided that after rules were adopted or promulgated by a national association engaging in regulations that they would not be reviewed for a period of 18 months. This amendment merely makes it clear that upon the adoption of those rules, they would then be subject to review by the SEC rather than having an intervening 18-month period.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Charles H. Wilson, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17333) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, pursuant to House Resolution 1193, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1193, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill, S. 2224.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. MOSS

Mr. MOSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Moss moves to strike out all after the enacting clause of S. 2224 and insert in lieu thereof the provisions of H.R. 17333, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17333) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill S. 2224 and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. Staggers, Moss, Murphy of New York, Springer, and Keith.

GENERAL LEAVE TO EXTEND

Mr. MOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1216 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1216

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of title II of the amendment in the nature of a substitute for amendment, title III of said substitute shall be considered as having been read for amendment. No amendments shall be in order to title III of said substitute except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1216 provides a rule with 4 hours of general debate for consideration of H.R. 18583, the Drug Abuse Prevention and Control Act. Titles I and II of the bill shall be open for amendment and 3 hours of debate will be controlled by the Committee on Interstate and Foreign Commerce on those titles. No amendments may be offered to title III of the bill except amendments offered by the Committee on Ways and Means, which committee will control 1 hour of debate on that title. Further, it shall be in order to consider, without the intervention of a point of order, the committee substitute as an original bill for the purpose of amendment. The committee substitute is much broader in its scope, than the original bill, and without the waiver of points of order there might be some question as to germaneness. In addition, section 516 (b) and (c) of the substitute—page 204 of the bill—can be construed as an appropriation in an authorization bill.

The purpose of H.R. 18583 is to deal comprehensively with the menace of drug abuse in the United States through providing authority for increased efforts in drug abuse prevention and rehabilitation of users, through providing more effective means for law enforcement aspects of drug abuse prevention and control, and by providing for an overall balanced scheme of criminal penalties for offenses involving drugs.

Title I of the bill provides authority for HEW to increase its efforts in the rehabilitation, treatment, and prevention of drug abuse, through community mental health centers and through public health service hospitals and facilities. Over a 3-year period $75 million in increased authorizations are provided for community mental health center facilities to deal with narcotic addicts and drug-dependent persons. Twenty-nine million dollars is authorized for drug abuse education activities, and $60

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million is authorized for special facilities in areas having percentages of narcotic addicts and drug-dependent persons.

Increased research and training activities are authorized through the National Institute of Mental Health out of appropriations otherwise authorized for that institute. The bill would encourage treatment of narcotic addicts by individual physicians.

Title II of the bill provides for control by the Justice Department of problems related to drug abuse through registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain, and makes transactions outside the legitimate distribution chain illegal.

The drugs with respect to which the controls are enforced are those which by law or regulation have been placed under control under existing law, which include all hard narcotics and opiates, marihuana, all hallucinogens, amphetamines, barbiturates, and tranquilizers subject to abuse.

Procedure is established for classification of future drugs which create abuse problems, whereby the Attorney General will gather data and request an evaluation by the Secretary of Health, Education, and Welfare determines that the drug should not be controlled. If the Secretary of Health, Education, and Welfare determines that the drug should not be controlled, the Attorney General may not control the drug; otherwise, the Attorney General may proceed in accordance with rulemaking procedures, which provide notice and opportunity for a hearing, to list the drug for control. However, if a drug is required to be controlled pursuant to an international treaty, convention, or protocol in effect on the enactment of the bill, the drug will be controlled by conformity with the treaty or other international agreement obligations.

Transfers of drugs providing serious addiction or abuse problems may be made only through the use of officially prescribed order forms, with a copy furnished the Attorney General. All persons in the distribution chain are required to be registered, and, with certain exceptions, must keep records with respect to all transfers of controlled drugs. Practicing physicians are required to keep records of drugs which they dispense to patients—as distinguished from prescribing or administering. Researchers are not required to keep records with respect to controlled substances used by them at registered establishments that keep records.

The entire structure of criminal penalties involving controlled drugs is revised and the bill specifies a number of administrative authorities for the Attorney General.

Over a 3-year period the Department of Justice is authorized an appropriation of $220 million, plus $6 million a year for increased enforcement personnel.

Title III of the bill provides for control of imports and exports of drugs subject to abuse through a system of registration of importers and exporters, and permits for or notification to the Attorney General of transactions, with criminal penalties for transactions outside the legitimate chain.

The bill establishes a Presidential Commission on Marihuana and Drug Abuse which will study and report to the Congress within 1 year and an appropriation of $1 million is authorized for the Commission.

Mr. Speaker, I urge the adoption of House Resolution 1216 in order that this all important bill may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me for a question?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I would like to ask why the House is precluded from offering amendments to title III?

Mr. MADDEN. In connection with that, I will yield to the gentleman from Florida.

Mr. PEPPER. If the gentleman will allow me to say so, due to the fact that title III was handled by the Committee on Ways and Means and the Committee on Ways and Means, because it does have to do with the imposition of taxes upon imports, according to their usual custom, have requested that there be a closed rule on this part of the bill, title III, which only deals with the tax section of the bill, because they say that if you open this title up to amendment, you will open up practically the whole tax code of the country. However, titles I and II are here under an open rule, as recommended by the Committee on Rules.

Mr. GROSS. Will the gentleman yield further, very briefly?

Mr. MADDEN. Yes.

Mr. GROSS. I was afraid that would be the answer. I thank the gentleman from Florida for his explanation, but I was afraid it would be the answer that no amendments may be offered under this rule to title III because it has become fashionable to give the Committee on Ways and Means closed rules with regard to the offering of amendments to bills coming from the Committee on Ways and Means. It seems to me that a rule could have been brought out providing for amendments which were germane to the subject matter of title III of this bill. That would not have opened all the tax laws of the country to amendment.

I am opposed to this rule for the reason that it does prohibit amendments to title III. I can think of no good reason why this rule should have been brought out, precluding as it does the opportunity to amend an important part of the bill. Again I thank the gentleman for yielding.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from Indiana (Mr. MADDEN) very thoroughly explained the rule, and in the interest of saving time I will just add some things that he did not say, because I agree with what the gentleman has said.

On title III, which was handled by the Committee on Ways and Means, a statement was made before the Committee on Rules that this could open up the whole internal revenue code. It only applies to a small portion of it. Pursuant to that request they asked for a closed rule and waiver of points of order on the entire bill. I do not think points of order are involved in this. The Ramseyer rule, I believe, was fully complied with, but the committee decided to go along with the request.

This is an example, Mr. Speaker, of how two committees can cooperate. The Committee on Interstate and Foreign Commerce handled the first two titles. They will have 3 hours of debate under their control. The Committee on Ways and Means cooperated very completely with the Committee on Interstate and Foreign Commerce on the tax provisions, and they will have 1 hour to handle title III of the bill.

As far as the bill itself is concerned, the major purposes are the following:

To provide rehabilitation programs for drug users;

To change existing criminal penalties with respect to illegal drugs and their uses;

To authorize for the Department of Justice additional control over the manufacturing and distribution of drugs for legitimate uses through a system of registration and reporting; and

To provide better control of imports and exports of drugs through a system of registration and permits for legitimate businesses.

Mr. Speaker, it is clear enough that the United States faces a serious drug problem, particularly with respect to our young people. In 1968 over 162,000 persons were arrested for drug use violations. Of this total 43,200 were under 18 years of age. Now, a leading cause of death among teenagers is drug overdose. It is estimated that almost 50 percent of the 9 million amphetamines and barbituates legally produced in 1969 were illegally diverted into illicit channels. The problems of drug use, with its accompanying dependency—physical and/or psychological—are well known. The present statutory authority is not adequate to stem the existing problems. This bill seeks to fill this particular gap.

Now, Mr. Speaker, there are some controversial parts of the bill, two at least. One has to do with the no-knock provision and the other has to do with continuing criminal enterprise. I understand that the gentleman from Virginia (Mr. POFF) may offer an amendment in connection with the continuing criminal enterprise.

Mr. Speaker, it is my opinion that everyone is in agreement with the general purposes of the bill. On the no-knock provision there seems to be a little bit of difference of opinion in that section. However, it was explained to us that the no-knock provision as contained in this bill is not as strong as the no-knock provision contained in the District of Columbia bill. That District of Columbia bill says "will be served" in connection with no-knock, while this one uses the words "may be served."

Mr. Speaker, the overall cost of the bill for a 3-year period as I understand it will be $407 million. There may be some discussion over the reduction of

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the marijuana penalty on the first offense from a mandatory 5-year sentence, a felony, which can be reduced at the discretion of the court to a misdemeanor.

However, the majority of the testimony indicated that it is extremely difficult to convict a young individual who is using marijuana, or who has it in his possession for the first time and has never previously been involved with the law, with the result that many of them are not convicted. Therefore, this suggestion was made.

Mr. Speaker, I imagine some will criticize some of us for reducing the marijuana penalty, but insofar as I am concerned, the one we presently have does not seem to work and, perhaps, we should try this.

Mr. Speaker, I know of no objection to the rule and I urge its adoption.

Mr. MADDEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank my able friend and distinguished colleague from Indiana for yielding this time to me. I am particularly grateful to the gentleman for handling the rule as I was a little tardy in arriving here from a meeting of the House Internal Security Committee and he was good enough to go ahead with a presentation of this rule which had been assigned to me by the able chairman of the Committee on Rules. The gentleman from Indiana has done his usual excellent job in the presentation of the rule on this legislation.

Mr. Speaker, I wish especially to commend the chairman of the subcommittee and the chairman of the full Committee on Interstate and Foreign Commerce, as well as the Committee on Ways and Means, for the fine job they have done in bringing this legislation to the floor of the House.

This matter of drug abuse today has become one of the most grievous concerns of our country. We have been told through our hearings held by the Crime Committee that one-half of all the violent street crimes committed in this country are committed by people under 25 years of age, and that roughly one-half of all of that violent street crime is attributable to the use of drugs by those young people who commit those crimes, or through the commission of those crimes in order to get money to sustain their narcotic or dangerous drug addiction.

We held a hearing recently in New York on the matter of heroin, and we were told by the prosecuting authority that in New York, and in Bronx Counties, that 40 percent of all the cases tried in those counties were attributable to traffic in or the possession of heroin, and another 25 percent of their cases, making it a total of near 75 percent, were attributable to crimes committed by addicts of heroin who needed money to sustain their addiction. And there is no longer a confinement of those terrible narcotic and dangerous drug addictions and crimes to the ghettos of the country. They reach into all aspects and segments of our society.

I think it is only fair to say that in one respect members of the House Select Committee on Crime do propose to offer an amendment on the floor later on when this measure comes under consideration, and that is to remove from schedule 3 to schedule 2 the amphetamines, which we consider a dangerous drug, which should be under a quota system under the Attorney General. Eight billion of these products are being manufactured and distributed throughout the country today, about half of them into the black market.

But I just rise, Mr. Speaker, to commend my able colleague, the gentleman from Florida (Mr. ROGERS), and all the members of the committee, for bringing this very meritorious measure to the floor of the House.

Mr. MADDEN. Mr. Speaker, I want to join in commending the committee for bringing this much-needed legislation to the floor of the House. I also want to commend the gentleman from Florida (Mr. PEPPER), who is the chairman of the Select Crime Committee, and the members of that committee, for the outstanding work they have been doing all over the country in holding hearings. I have read accounts in the newspapers from coast to coast concerning the hearings held by the House Select Crime Committee, and the testimony that they have taken, and the meetings they have held with the press, the results of which have probably gone into probably millions of the homes of our Nation alerting the people as to the dangers of drugs and the crimes that are committed through their use. The House was indeed well advised when it created this Select Crime Committee, and for the great work that the gentleman from Florida (Mr. PEPPER) and his committee have done.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JARMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18583, with Mr. MOORHEAD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate shall continue not to exceed 4 hours—3 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Under the rule, the gentleman from Oklahoma (Mr. JARMAN), will be recognized for 1½ hours and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill deals with one of the most important health problems existing in the United States today, the problem of drug abuse. I know that many persons consider that this problem is primarily one involving law enforcement, but in my opinion it is a health problem—a mental health problem.

The abuse of drugs is a criminal offense, but it is a criminal offense only because we have made it one. In recent years we have learned to our dismay that merely making this type of activity a crime does not deter many of our citizens, particularly the young, from engaging in this form of behavior.

Something more fundamental is involved here, and I think we should recognize drug abuse for what it really is. In my opinion, drug abuse is a symptom of an underlying disorder. A person takes drugs in order to change his perception of the world around him, and whether the drug is alcohol, marihuana, LSD, or heroin, the drug abuser takes the drug because he wants to change the way the world around him looks and feels to him. He wants to change the way the world looks or feels because he is not satisfied with it the way it is. His problem may be that he lives in an environment of poverty, misery, and degradation. His problem may arise from conditions other than, or in addition to, his environment.

In the case of many, the escape provided by drug is primarily an escape by the individual from himself. We all project onto the outer world the personality problems we ourselves have, and to the extent that our psychological makeup is disorderly, we tend to see a disorderly world about us.

The psychologists call this phenomenon projection, and it is a frequent occurrence that a person is most distressed by manifestations in others of the facets of his own personality which he finds distressing. We see this clearly in the behavior patterns of those of underlying authoritarian makeup who, in the name of freedom, would deny its exercise by others.

When a person does not like himself very much, or for other reasons does not like the world around him, he can either try to change the world or his view of it, endure it, or run away from it. Drugs provide a convenient method of running away by changing the way one sees the world.

After a person begins to use drugs for this purpose, he may tend to use them more and more frequently as he becomes

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psychologically dependent upon them. This psychological dependence frequently is the result of the underlying reasons that led to the use of drugs in the first place—the individual wants to escape from himself or from the rest of the world, and during the periods when he is free from drugs, he is more distressed than he otherwise would be, since his drug-induced state is, at least temporarily so much more pleasant for him than is his normal state.

This psychological dependence can lead to increasing rates of use of drugs. In addition, in the case of many drugs, the individual comes to be physically dependent upon them, and their absence in his bloodstream can cause him physical discomfort—sometimes acute discomfort, even convulsions and death in severe cases.

This physical or psychological dependence or both, leads the individual into a state where frequently his life begins to center around drugs to such an extent that he lives for nothing else.

At this point the interests of our society conflict sharply with the individual drug abuser. He frequently turns to crime to support his habit; he is dangerous on the highways and on the streets; he ceases to act responsibly toward his family and the society in which he lives; his contribution to our society diminishes or disappears, and he becomes counterproductive.

We therefore have to protect ourselves against him, and also prevent him from doing more harm to himself, his family, and the society of which he is a part.

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The bill we are considering today is designed to attack this social and health problem in a number of ways. It is designed to make it difficult to obtain drugs subject to abuse; to deter individuals who exploit the weaknesses of others for personal profit through selling drugs illicitly, and to punish those who engage in this traffic; to provide means of deterring individuals from engaging in the abuse of drugs, and to rehabilitate those who have fallen into this trap; and to educate those who might otherwise be tempted to abuse drugs concerning the consequences of such abuse.

The bill deals with prevention, rehabilitation, and law enforcement. It provides in title I for the increased use of community mental health centers for rehabilitation of drug abusers, and in those communities having a serious narcotic addiction problem, provides special assistance for facilities for persons who have become addicted to narcotics. The bill also spells out authority for research and treatment by the Department of Health, Education, and Welfare in the area of drug abuse.

As it relates to law enforcement aspects of drug abuse, the bill provides increased authority for the Attorney General to control the manufacture and distribution of drugs subject to abuse. The bill lists a number of drugs as subject to the bill's controls upon enactment. These drugs are those which are already subject to controls under existing law. Where the Attorney General proposes to control additional drugs in the future, the bill provides that he will obtain the scientific advice of the Secretary of Health, Education, and Welfare, and then go through rulemaking proceedings under the Administrative Procedures Act which provides persons adversely affected an opportunity to present their views at a hearing. If a drug is then listed for control, persons adversely affected can obtain judicial review of this decision.

The bill provides that all persons engaged in the distribution of drugs, from the manufacturer down to the final dispenser, shall be registered. The registration requirements for manufacturers and wholesale distributors are of such a nature that in substance the bill provides licensing authority to the Attorney General. Retail druggists, physicians, and researchers are required to be registered, but registration of these persons by the Attorney General is as a matter of right where the registrant is engaged in activities authorized or permitted under State law.

All persons in the distribution chain are required to keep records subject to inspection; however, individual physicians will not be required to keep separate records except to the extent they are required to do so under existing law. Researchers are required to keep the same records as are required by regulations of the Food and Drug Administration today governing investigation of new drug applications under the Food and Drug Act.

The bill also covers a number of administrative authorities for the Department of Justice related to the control of the illicit drug traffic, and provides authority for education and research activities by the Department, acting through the Bureau of Narcotics and Dangerous Drugs. With regard to the role of the BNDD in the area of education and research and the gathering of data prior to the submission to the Secretary of Health, Education, and Welfare on issues of control, I should point out that the committee is aware of the memorandum of understanding reached between the Department of Justice and the Department of Health, Education, and Welfare, defining the research role between the NIMH and BNDD. This memorandum, effective August 11, 1970, is the very kind of agreement that this committee intended to be reached between the two agencies involved. It is the kind of dichotomy of research effort that we feel is necessary in the Federal Government.

On one hand it permits the BNDD to identify and characterize for regulatory purposes substances having a potential for abuse and to develop adequate screening capabilities to assure that these drugs are drugs that should be identified at an early stage before control. This leaves to the NIMH the basic research into narcotics and dangerous drugs which we feel is their proper function. We support this memorandum of understanding and hope that it will prove fruitful and effective in protecting the American public while at the same time allow the NIMH wide latitude in its research endeavors.

The criminal penalties set forth in the bill are in general much more flexible than the present penalty structure, and allow judges discretion in sentencing offenders.

The bill has been carefully considered in numerous executive sessions by the Subcommittee on Public Health and Welfare and by the full Interstate and Foreign Commerce Committee. With the exception of provisions relating to no-knock search warrants and continuing criminal enterprises, all members of the committee support the provisions of the bill before us today, and we recommend its passage.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House of Representatives is going to consider one of the most important and urgent pieces of legislation to come before it during this Congress. This is the Comprehensive Drug Abuse Prevention and Control Act of 1970. There will be but little disagreement upon its objectives and, as might be expected, many points of view upon the details of reaching them.

It would be unrealistic for the committee to come before you today and expect immediate and universal agreement on every provision of this bill. The committee itself has struggled for many months to produce the legislation. It has struggled with broad philosophical differences on the proper approach to the drug problem. It has weighed and sifted many ideas on the proper placement of responsibility and administrative detail. What we now bring to you is a good bill—one which can stand the test.

It is not as though there has been no drug law up to this point. The biggest problem may be caused by the fact that there have been many drug laws which have come about under different circumstances and with entirely separate and diverse histories. In past years, hard drugs—heroin, cocaine, and the like—were controlled from a tax standpoint, and for many years enforcement lay in the Treasury Department. Marihuana appeared on the scene, and although it was a quite different kind of substance it was pushed in with the others then being controlled. And there it stayed. This accounts for the sentencing structure in marihuana cases in the past.

When a pattern of abuse began to develop in the use of pep pills and tranquilizers, it was natural that legislation to curb them would come from the Commerce Committee as an amendment to the food and drug law. These substances were also widely used in the treatment of certain conditions by physicians. Prescriptions for these pills were very common. Drug firms were competing to develop and market new effective drugs with these characteristics. Because of this H.R. 2, the Drug Abuse Act, was worked out and reported to the House by the Commerce Committee. It was designed to fit into the pattern of food and drug control with enforcement by the Department of Health, Education, and Welfare. At that time LSD was no great problem but hallucinogenic drugs were recognized as a possible source of trouble and so they were included. An entirely independent penalty structure was provided aimed at what seemed like a separate and distinct problem.

It was not too long before the anomaly of having two approaches to drug abuse enforcement became apparent. It did not make sense. The so-called drug culture which emerged did not differentiate. Consequently LSD, marihuana, and things like heroin got all mixed in together. But sorting out the offenders in the same group for purposes of prosecution and particularly for sentencing pointed up the need for a comprehensive approach. This was begun by transferring enforcement responsibility for all drugs into the Justice Department 2 years ago. That was a start but the law was still as mixed up as ever. This bill tries to fix that, too.

So far all this sounds as though this bill is primarily concerned with enforcement but that is not so. Before the bill goes into the subject of enforcement it sets forth an accelerated program for rehabilitation. Rescuing potential drug users and short-stopping drug abuse are actually more important in the long haul than trying to salvage the wrecks. Many programs today, both in and out of Government, are concentrating upon the drug problem. Taking these into consideration the bill places even further emphasis in this direction. It amends the program which creates community mental health centers to make them available to drug dependent patients so that they will have the proper treatment available. In addition, extra funds and extra authority are included to have special facilities in the places where the drug problem hits the hardest.

In the ultimate, the success of the war on drugs rests in extent and quality on the education effort which is shared by all Government and private sources combined. The bill recognizes this challenge. The extent of its realization of this fact cannot be appreciated unless some detail of the program is inspected.

The new section 253 of the Community Mental Health Centers Act proposed by the bill authorizes grants and contracts by the Secretary of Health, Education, and Welfare, first, for the collection, preparation, and dissemination of educational materials on drug use and abuse and the prevention of such abuse; and, second, for the development and evaluation of programs of drug abuse education directed at the general public, school-age children, and special high-risk groups. This section further directs the Secretary, acting through the National Institute of Mental Health, to, first, serve as a focal point for collection and dissemination of information related to drug abuse; second, collect, prepare, and disseminate materials—including films and other educational devices—dealing with drug abuse and its prevention; third, provide for preparation, production, and conduct of programs of public education—including those using films and other educational devices—in this field; fourth, train persons to organize and participate in programs of public drug abuse education; fifth, coordinate activities with respect to health education aspects of drug abuse carried on by Federal departments and agencies designated by the Secretary; sixth, provide technical assistance to State and local health and educational agencies with respect to the establishment and implementation of programs and procedures for public education on drug abuse; and, seventh, undertake other activities essential to a national program for drug abuse education. Finally, this section authorizes the Secretary, acting through the National Institute of Mental Health, to develop and conduct workshops, institutes, and other activities for the training of professional and other personnel to work in the area of drug abuse education.

Now as to control and enforcement. It should be clearly noted at the outset that the purpose of this act is to bring together the various laws affecting drugs in order to codify and consolidate them. It is intended to make enforcement more uniform and the handling of offenders more flexible and thereby more effective.

The bill sets up machinery which can handle changing conditions. Except for setting forth by name the drugs already controlled, it does not try to guess just what may be best for a new drug or even a new problem with an old one. Control can be changed when the facts warrant. Let us also make a definite point of the fact that purely enforcement responsibilities are placed with the Department of Justice while medical and scientific judgments necessary to drug control are left where they properly should lie and that is with the Department of Health, Education, and Welfare.

So the Attorney General is given authority to classify substances for purposes of control. He first asks HEW for a scientific opinion. If that opinion is negative, that ends it. If scientific information indicates that a substance can be abused, the Attorney General then looks around to see if there is evidence that it is. He must consider all possible facets of the problem to make sure that control is necessary. The bill gives him many pointers on the kinds of things to look for. If ultimately a drug is tagged for control, it must be placed in one of the five categories created. The criteria for placement of a drug in a given category are as follows:

The citeria for those substances listed in schedule I are a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.

The criteria for substances listed in schedule II are a high potential for abuse, a currently accepted medical use in treatment in the United States, or a currently accepted medical use with severe restrictions, and that abuse may lead to severe psychological or physical dependence.

The criteria for substances listed in schedule III are a potential for abuse less than that for substances in schedules I and II, a currently accepted medical use in treatment in the United States, and that abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

The criteria for substances listed in schedule IV are a low potential for abuse relative to the substances listed in schedule III, a currently accepted medical use in treatment in the United States, and that abuse of the substance may lead to limited physical or psychological dependence relative to the substances in schedule III.

The criteria for the substances listed in schedule V are a low potential for abuse relative to the substances in schedule IV, a currently accepted medical use in treatment in the United States, and that abuse may lead to limited physical or psychological dependence relative to the substances listed in schedule IV.

Drugs already controlled are listed and placed in the appropriate category. This also gives some additional guidance for future references. Hard narcotics such as heroin fall into categories I and II. Marihuana falls into category II but it has to be treated differently in some respects because it is not truly a narcotic as are the others. Most of the substances which originally fell within the Drug Abuse Act fall into categories III and IV.

There is considerable discussion about raising the classification of amphetamines because they seem to be so prevalent and so available. In the case of certain particularly vicious ones this may very likely be wise and will be done. The machinery is set out to accomplish this if it is needed. Not all amphetamines would be of this nature, however, and a blanket change would be unnecessary and work hardship.

In order to manufacture, distribute or dispense controlled substances, one registers with the Attorney General. Registration is not automatic. Several factors concerning the ability of the applicant to handle the substances must be looked into. One most important factor is the provisions made to prevent diversion of the drugs into illegal channels. Registrations can also be lifted for serious offenses such as falsification.

Substances listed in schedules I and II are subject to production quotas and persons wishing to acquire quantities of them must do so using a prescribed order blank. Records of stocks must be kept as well as records of transfers and sales. These must be available for 2 years.

Everyone is interested in the revised penalties included in the bill. Upon inspection some say enforcement has been weakened. Others say just the opposite. The idea of the changes was to create more flexibility in the handling of the first offenders and those who might actually be salvaged, while bearing down with great intensity upon the pusher and the peddler. It is the opinion of most law-enforcement people that the harsh mandatory sentences in the narcotics law have been a hindrance rather than an aid to enforcement. This bill avoids the mandatory minimum, particularly in first offence cases.

Penalties go like this:

For selling or dispensing schedule I and II narcotic drugs first offence brings up to 15 years or $25,000.

The same offence for schedule II nonnarcotic—this would include mari-

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huana—or schedule III brings up to 5 years and $15,000.

Schedule IV brings up to 3 years and $10,000.

Schedule V brings up to 1 year and $5,000.

All of these penalties are doubled for second offence, and in the case of sale to a minor they are double even for a first offence.

Simple possession will carry only 1 year or $5,000, and the court has the right to grant probation. If everything works right and the offender is completely rehabilitated, the proceedings may be dismissed, and in the case of a minor a record may be expunged.

The bill includes a provision on search warrants which has come to be referred to as no-knock and which has caused considerable debate in other bills. The District crime bill included such a provision in a form which was stronger than the language used here.

No-knock is not a sinister plot to allow gestapo tactics. Many people have been led to believe that their house would be subject to being invaded any time at the whim of a police officer if no-knock were to be enacted. Actually, a search warrant has always required a showing and a decision by a court that such extraordinary authority is required to enforce the law. The only difference with a warrant under no-knock is that the applicant may show—if he can—that the alleged offender will destroy vital evidence if polite exchanges must precede entry. Or he may be able to show that lives will be endangered without it. In either event police officers must promptly identify themselves and their mission upon entry.

I have great difficulty viewing this authority as a threat to the safety of the law-abiding citizen or a threat to the security of his home. It has become a sort of emotional issue, and a great deal of the emotion has been worked up by drug users, drug pushers, and their sympathizers. Events of the last year should make a decision by Congress between their wishes and the good of society easy to reach.

All of the programs outlined here will cost us $403 million over the next 3 years. This includes the education and rehabilitation expansion as well as the stepped up enforcement by the Department of Justice. Drug abuse is already costing us far more in actual dollars than the amount provided here. There is no price which can be set upon the misery which comes to families and to individuals caught in this horrible net of drug addiction and its inevitable consequences. I am sure most of us can recite at least one example of degradation, crime, death and bitter memories attributable to drugs.

This bill alone and no bill can guarantee to lick the drug problem in this country. It is a job which calls for every kind of recruit. Every echelon of government, every public and private organization must commit its resources and its energy to the task. I think we can do it and this bill will help. I ask my colleagues to accept our efforts and pass H.R. 18583.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, the gentleman has just said that the entire enforcement provisions go into the Attorney General's office, in the Bureau of Narcotics, and I am sure in the Justice Department. Is there anything in this bill that would affect the right of the customs group to enforce the narcotic laws at our ports of entry or abroad?

Mr. SPRINGER. That part has been handled, as the gentleman knows, by the Committee on Ways and Means. They have gone along with us on this, so that now we do have the enforcement in one spot, and that is with the Attorney General.

Mr. BOW. I understand that, but I wonder if there is anything that will prevent Customs from handling the importation or their work abroad, because there has been some gray area here in the enforcement at the present time.

Mr. SPRINGER. That is right.

Mr. BOW. I am a member of the subcommittee that appropriates for the Justice Department, and I believe they should have it, but I think we must do something to make sure that Customs are not stopped from handling that which has been their responsibility on importation.

Mr. SPRINGER. May I say that Customs and the Attorney General's Office have worked out an arrangement in which they dovetail their two powers together.

Mr. BOW. I assume the gentleman has knowledge of that, and I will ask the gentleman whether he feels this agreement now is one which will be workable, so that—as I am sure the gentleman and I both have in mind—we will stop the importation of drugs from abroad, and I should hope there would be nothing in this bill that might hamper the opportunity for Customs to continue their work.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Oklahoma.

Mr. JARMAN. Mr. Chairman, I might say to the gentleman from Ohio that on page 233 of the bill, in the section under jurisdiction of the Ways and Means Committee, section 1016 reads:

> Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws.

Mr. BOW. Mr. Chairman, if the gentleman will yield further, I thank the gentleman from Illinois and the gentleman from Kentucky for bringing this to my attention. I think this does handle it in good shape. I hope it can be worked out, because we are all interested in stopping importation.

Mr. SPRINGER. The Attorney General's Office is working in very close association with Customs on this problem. We know where the hard narcotics are originating—in Turkey, with a second stop in France, and the third stop in the United States. All this is being dovetailed, and they are working together.

Mr. BOW. Mr. Chairman, I thank the gentleman. I believe his committee is to be complimented for bringing this bill to the floor today.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ECKHARDT. What I am concerned about, if the gentleman will enlighten me on it, is exactly what the no-knock provision means in this bill. It says:

> (b) Any officer authorized to execute a search warrant relating to offenses involving controlled substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States magistrate issuing the warrant (1) is satisfied that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the executing officer or another person, . . .

Now, in the discussion of the matter before the committee, as I recall, and in some of the testimony presented before the committee by the Department of Justice, there was the argument that this would actually afford an additional security against no-knock searches and that, after all, since the case of Kerr against California provides that where three circumstances exist an officer may now enter without knocking and notifying the person of his authority, these three purposes being where the persons within already know the officers' authority, and where the officers are justified in the belief that the persons within are in imminent peril of bodily harm, or where those within, made aware of the presence of someone outside are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted.

That is present constitutional law. Thus, there is present authority to break into premises without notice.

As I understand some of the argument before the committee, the no-knock provision of this bill would not replace the constitutional requirements of those facts existing at the time, but would impose in addition the requirement of a warrant being issued in advance of the entry which satisfied the judge on the grounds stated in the language quoted.

Would the gentleman so construe the provision in that manner?

Mr. SPRINGER. I construe what already has happened from the interpretations of the decisions which the gentleman has cited as being more liberal in allowing a peace warrant than we have provided for in this bill. Now, if it had been my choice, I would have taken those decisions and codified them. If you had codified them I think it would be very nearly and very closely akin to the no-knock provision which we put in the District of Columbia crime bill.

So I think, if you are talking about safeguarding the rights of the property and the person whose property it is sought to get a search warrant for, that

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we have more safeguard of his rights contained in this bill than we did in the District of Columbia crime bill or as provided for in those decisions which the gentleman from Texas cited.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, would the gentleman then say that the Kerr decision which seems to me to say that the widest range of constitutionality under the fourth amendment and I would assume also the fifth amendment, because that is the due process amendment, that the widest range of permissibility provided in Kerr would still be the outside area in which the officer could operate, but in addition the officer would have to get a warrant from the judge in advance, making the narrow case that you describe in order to justify the warrant?

Mr. SPRINGER. If the gentleman is talking about this bill—is that what the gentleman is talking about?

Mr. ECKHARDT. That is right.

Mr. SPRINGER. I think we have carefully restricted the ability of the officer to get a search warrant in this bill perhaps beyond what the gentleman from Texas has already cited as being the law of the land under those decisions.

Mr. ECKHARDT. Thus this bill would add the narrow requirement to the constitutional limitation provided in Kerr; is that correct?

Mr. SPRINGER. That would be my impression; yes.

Mr. ECKHARDT. I thank the gentleman.

Mr. Chairman, will the gentleman yield further?

Mr. SPRINGER. I yield further to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I understand the Poff amendment, as it is intended to be introduced, would be an addition to the provisions of the Dingell amendment.

As the gentleman recalls, the committee decided that the Dingell amendment should be chosen over the original language. I think the argument went something like this: that the Dingell amendment created a new offense which would have to be triable in all its parts by admissible evidence brought before the court, whereas the postconviction presentence of the original bill similar to the Poff provisions provided that some report upon which sentence would be based would be available to the judge, cross examination would be available of those who presented the report, but not of those who may have contributed to it. And somewhat on that basis, as I recall, the Dingell amendment was preferred to the Poff amendment, or rather to the language which involves a provision similar to the Poff amendment.

Would the gentleman prefer the addition of the Poff amendment to the Dingell language, or as a substitute?

Mr. SPRINGER. May I say I want to reserve my opinion on that until I see the Poff amendment, which I have not seen at this time. It is my understanding only from talking with the gentleman from Virginia (Mr. POFF) that this provides another alternative.

Mr. ECKHARDT. An added alternative to the Dingell amendment?

Mr. SPRINGER. That is correct. But it does not impair the Dingell amendment.

Mr. ECKHARDT. I merely urge that if there is to be a choice that it be a choice between the two approaches rather than the inclusion of both. Because, if the gentleman is correct that the Dingell amendment is unconstitutional perhaps on the grounds of uncertainty, then we should certainly not burden the bill with both approaches, both of which have some elements of possible unconstitutionality.

Mr. SPRINGER. It is my opinion—my advice—that the Poff amendment is constitutional. The gentleman might disagree.

Personally, I believe we would do better, as this bill is now written, to take the Poff amendment and add it to the bill and leave the Dingell amendment as it is, and let it be tried out by the courts. I think in this way we would not disappoint either party and I think it would give us an alternative to the Dingell amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I would like to have the attention, if I may, of the gentleman from Oklahoma.

Is there any authority in this bill, to the gentleman's knowledge, that would permit, directly or indirectly, the use of any funds herein authorized to be used for the subsidization of foreign farmers, for instance, the farmers of Turkey, not to produce opium?

Mr. SPRINGER. To be honest with the gentleman, I will have to admit that I do not know of any money that is being offered to any country not to produce any product.

Mr. GROSS. Then it would not be within the discretion of anyone administering this bill to use funds for that purpose?

Mr. SPRINGER. I think, if you did, I think our problem in Turkey is working more nearly with the Government of Turkey to keep out, or to keep it down—and I am talking about the production of and this raises some problems with the State Department, as I understand. But I will be willing to yield to the distinguished chairman of the subcommittee, the gentleman from Oklahoma (Mr. JARMAN), for further comment.

Mr. GROSS. I wish the gentleman would do that.

Mr. JARMAN. I can say unequivocally to the gentleman from Iowa that there is nothing in this bill that so provides.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Arkansas, chairman of the Committee on Ways and Means.

Mr. MILLS. Mr. Chairman, I can also say that there is nothing in that part of the bill which is title III, which was handled by the Committee on Ways and Means, that has anything to do with this subject matter. There is no authorization for an appropriation for any such purpose in our title.

Will the gentleman yield further?

Mr. SPRINGER. Yes; I yield to the gentleman.

Mr. MILLS. We did, at the suggestion of the gentleman from Ohio, a member of the Ways and Means Committee, write in a provision in the trade bill that is pending before the Rules Committee an authorization for the President to take certain action with respect to countries that do not cooperate with us in eliminating the illicit traffic in drugs. It is a very strong provision if the President wants to use it.

Mr. GROSS. If the gentleman will yield further, but you did not take action in relation to that bill to provide in any way for a subsidy?

Mr. MILLS. No; not in that bill either.

Mr. GROSS. I have asked the question because I have noted articles in one or more newspapers in which it was proposed, and seemed to be quite seriously considered, that we subsidize Turkish farmers with an initial outlay of $20 million not to grow opium, whether imported to this country or not. It was stated that we would simply subsidize them not to produce opium. I would be very much opposed to any provision in this or any other bill to offer such a subsidy.

Mr. MILLS. Mr. Chairman, will the gentleman yield further?

Mr. SPRINGER. I yield to the gentleman from Arkansas.

Mr. MILLS. It is my understanding of the rules of the House that if any such bill were introduced in the House authorizing an appropriation for that purpose, it would have to go to the gentleman's committee, and I know if that is the case, he will keep it from coming out in that form.

Mr. GROSS. I will say, if the gentleman from Illinois will permit me, that if the gentleman from Arkansas will cast his eyes over some of the legislation that has been enacted and the discretionary power given to the Chief Executive, no matter who that Chief Executive may be, to expend moneys appropriated or withhold them, but generally to expend money for various purposes, especially foreign aid—if he will look at some of those discretionary powers, he will understand what I am talking out.

Mr. SPRINGER. May I say I do know that the State Department has been pressing all it could with the Government of Turkey on the question of the growing of the opium poppy—to reduce it in every way that they possibly can. This is a cause of a great deal, of consternation in Turkey because, this has been a profitable enterprise, and our Government has been doing everything it could to get Turkey to suppress the opium poppy.

It is my understanding that they have been trying to cooperate, even over the protests of the farmers of Turkey, in reference to this matter.

Mr. GROSS. I am glad that they are seeking all the cooperation that they can get to shut off the flow of narcotics into this country. But we should very seriously consider the matter before we expend an additional $20 million to subsidize

XUM

Turkish farmers, because opium can be grown in other areas of this world, and before we got through, we could go bankrupt subsidizing foreign farmers not to produce opium.

I thank my friend from Illinois for yielding.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Kentucky, a member of the committee.

Mr. CARTER. Mr. Chairman, with other members of the subcommittee, we worked long and hard on this bill. I believe there were 51 sessions or thereabouts. There is no $20 million authorized for any subsidy to Turkisk farmers or any other group in this field. I think we can dispel any fear on the part of the distinguished gentleman from Iowa about any such money being included in this bill.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. KYL. There are some serious ramifications involved in the question I am about to pose. The Federal agency which has been primarily involved in controlling narcotics, dangerous drugs, and so on——

Mr. SPRINGER. The gentleman is talking about classifications 1 and 2?

Mr. KYL. Well, I am talking about the Federal agencies that have been most concerned with narcotics, dangerous drugs, and the control of abuses in both cases.

XUM

This is not the significant part of the question. The significant thing is that these agencies for years have said unhesitatingly and without qualification that the most costly and dangerous drug we have used in the United States is alcohol. I say the answer to this question is a serious one in terms of enforcement application of the laws we intend to pass here, and so on. To what extent does the committee intend that this bill we debate now will deal with alcohol as a dangerous drug?

Mr. SPRINGER. This bill does not deal with the question of alcohol.

Mr. KYL. In any way?

Mr. SPRINGER. In any way.

May I say I understand the gentleman perfectly. I will send over to the gentleman a speech I made on the floor of the House 3 weeks ago, called "Behind the Wheel of Every 50th Car."

There were 48,000 deaths in this country last year caused by accidents on highways. Of those 48,000, 28,000 were caused by drunk drivers. In the last 9 years in Vietnam, 44,000 boys have lost their lives, and in that same 9-year period 243,000 people have been killed by drunk drivers on the highways of this country.

The gentleman has a point. I admit he has a point. If the gentleman wants to read the series of 10 articles which were put in the CONGRESSIONAL RECORD by the distinguished gentleman from New Hampshire (Mr. CLEVELAND), which were in the Christian Science Monitor last month, it will give the gentleman the exact picture of where we are going on the problem of alcohol. But at the present time alcohol is a legal product in this country, whether the gentleman agrees with that or not.

The question is what are we going to do about the people who use this drug in situations which involve danger not just to themselves, but danger also to other people who are walking or driving around the streets, some of them being held up by people under the influence of getting killed or run over by people driving while under the influence of alcohol.

Mr. KYL. The reason for my asking the question is to try to establish some legislative history. We appropriate funds for rehabilitation in this bill and we have laws relative to enforcement, and I do want to have it definitely established that this bill does not concern any kind of alcohol enforcement as such, so that we do not run into that.

Mr. SPRINGER. Let me develop it further for the gentleman. In my committee I happened to be one of the builders, along with others, of the national highway traffic safety bill in which about 4 years ago we tried to get at part of this. That is not the solution. We have tried to provide cross records between the 50 States, so we can keep track of the people in one State who run over others and then go to another State and get a license. We provide for transfer of records to a central place, where other States can get information. We have not been asleep, but we do not have, so far, any solution.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Oklahoma, the chairman of the subcommittee.

Mr. JARMAN. Mr. Chairman, I thank the gentleman from Illinois for yielding.

In further explanation to the gentleman from Iowa on this subject, I would like to emphasize what the gentleman from Illinois has said, and that is the consciousness of the Public Health and Welfare Subcommittee and the full Interstate and Foreign Commerce Committee of the magnitude of this problem. We have been working on it.

I might report to the gentleman that as recently as last week we held 3 days of hearings on a bill as passed in the other body that mounts a major program in the field of alcoholism. Those hearings are now complete, and we are ready for executive session on the bill.

Mr. JARMAN. Mr. Chairman, I yield such time as he may require to the gentleman from Florida (Mr. ROGERS) who has contributed in such a major manner to the development of this legislation and its presentation to the House.

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for yielding, and I am grateful to him for his remarks

Mr. Chairman, I do want to concur with what has been said before I firmly believe that this legislation, which represents extensive work on the part of the Subcommittee on Public Health and Welfare of the Interstate and Foreign Commerce Committee, the full Interstate and Foreign Commerce Committee, and the Committee on Ways and Means, is the most progressive, the most far-reaching Federal effort to deal with the problem of drug abuse yet undertaken.

The Subcommittee on Public Health and Welfare, cognizant of the scope and seriousness of the drug abuse problem, held 11 days of hearings on this legislation, and considered various legislative proposals during 37 executive sessions, after which a clean bill, H.R. 18583, was introduced, cosponsored by all subcommittee members.

This legislation has three principal objectives: First, to deter drug abuse more effectively through a revision of the present Federal law-enforcement aspects of drug-abuse prevention and control and through better educational programs; second, to provide improved treatment and rehabilitation of drug abusers and an active program of education; and, third, to encourage research into the causes of drug abuse and provide a better understanding of the psychological and physiological effects certain drugs have on human beings.

I might recall very briefly for Members the fact that the legislation which originally came out of the Senate narrowed it to a law-enforcement approach.

The subcommittee felt this was too narrow an approach to deal with the drug-abuse problem of this Nation which actually has, in many instances, reached epidemic proportions.

We have added to the intent of the original Senate bill of beefing up the law enforcement, particularly on pushers, and have expanded this whole approach into one we believe will begin to effectively deal with the drug abuse problem of this Nation.

In title I we provide for an expansive program of prevention of treatment and rehabilitation, of research and of education, and we go into law enforcement and penalties in title II.

Of course, the Ways the Means Committee will come forth and present its contribution, which has been most significant, in title III.

I might add here and I know I speak for all the committee when I express our appreciation for the splendid cooperation from the distinguished chairman and the members and staff of the Ways and Means Committee. From that contribution of cooperation between the two committees we have gotten to this point where we can present a unified bill in which I believe the American people can take great pride when it is passed in order to meet this problem.

This is an ambitious bill, let there be no mistake, but we must have an ambitious effort if we are to effectively deal with the crisis of drug abuse which is sweeping our Nation and threatens to injure or destroy thousands of young lives. We cannot afford to be complacent about drug abuse—it hits too close to home, too often, for too many Americans.

Teenagers and young adults speak too easily of the accessibility of "grass," of their many friends who take "uppers" and "downers," of their acquaintances who are "speed freaks," and in some cases of their deceased friends who became hooked on heroine.

At the present time, the Federal enforcement effort with respect to the illegal manufacture, wholesale, retail, distribution, or possession of drugs is somewhat fragmented. In 1968, the Congress passed Reorganization Plan No. 1 which transferred drug abuse enforcement authority from the Food and Drug Administration and from the Treasury Department to the Department of Justice in which was established the Bureau of Narcotics and Dangerous Drugs. From that Bureau emanates the principal Federal enforcement effort for the control of drugs, yet the drug regulatory laws are centered principally in the Food, Drug, and Cosmetic Act, the Internal Revenue Code of 1954, and in other acts.

This legislation would not remove the principal enforcement authority vested in the Bureau of Narcotics and Dangerous Drugs, but it would consolidate all of the Federal drug laws into one act and would restructure the penalties associated with the commission of certain acts to enable more efficient administration of the laws and a more realistic association between the criminal act and the penalty.

The thrust of this restructuring is to place the emphasis on the drug pusher, the peddler of pain and suffering under the guise of euphoria. The committees which have considered this legislation do not seek, I believe, to make felons of our young men and women who come into contact with drugs on a first occasion, but nor should we condone such action, and surely we must not encourage its repetition. The penalty structure and approach of this legislation carries out that intent. A first offense of possession of controlled drugs is made a misdemeanor, except where the possession is for the purpose of distribution to others. In the case of a first offense of simple possession, the court may place the offender on probation for not more than 1 year. If at the end of the period of probation the offender has not violated the conditions of probation, the proceedings against him may be dismissed without a court adjudication of guilt. If the offender is below the age of 21 when the offense occurs, he may obtain a court order expunging from all official records all recordation relating to his arrest, indictment, trial, and finding of guilt. This procedure for the person under 21 may only be used once, and a second offense of possession thereafter will be treated as a first offense.

Appropriately, the toughest provisions of the bill apply to the illegal manufacture or distribution of illicit drugs, with penalties up to life imprisonment where a continuing criminal enterprise is involved.

This legislation is geared to deterring drug abuse and to treating and rehabilitating drug abusers. But, there is another aspect of the problem which must be resolved if we are to fully cope with drug abuse. I am speaking of the causes of drug abuse and the psychological and physiological properties of the substances which are and may be subject to this legislation.

Research into drug abuse is very important and this legislation recognizes that importance.

This bill would establish a Presidential Commission on Marihuana and Drug Abuse which will study and report to the Congress within 1 year on problems involved in marihuana use, and within 2 years on the causes of drug abuse and their relative significance.

As Members may recall, the scientific community and medical community of this Nation were greatly upset over the fact that scientific and medical decisions in the Senate bill were centered in the Department of Justice, with the Attorney General having the responsibility to make scientific and medical determinations which were not in the competency of that Department, and admittedly so.

We have changed that so that the Department of Health, Education, and Welfare will determine scientific and medical decisions. This is a most important change in the whole approach as it came from the Senate.

Through this legislation, the Attorney General has retained the mechanism of control and scheduling, but the Secretary of Health, Education, and Welfare has significant input concerning the health and scientific questions involved in the scheduling and importantly, has a veto power over the classification of a substance or the moving of a substance to a higher schedule, if he thinks that it should not be done for scientific or medical reasons. I am hopeful that the Secretary of Health, Education, and Welfare will utilize the resources of independent scientific bodies, including the National Academy of Science, as he seeks knowledge on the properties of substances under consideration through this act.

For example, there are many types of amphetamines. If the Secretary of Health, Education, and Welfare and the Attorney General find that an amphetamine, or the whole body of amphetamines, needs to be under a quota system, it can be shifted into category II very quickly.

The Department of Justice believes it is not in the best interest of the Nation to do it at this time, because it would be too all encompassing to do it by legislation. Rather, it should be approached as the problem develops and as the administrative remedies allow, so as to move them into categories as basically as it might be necessary.

Let me speak for a moment about the determined effort in this legislation to improve our treatment and rehabilitation programs for drug abusers.

In making a strong commitment to this aspect of the drug-abuse problem, the bill before us proposes to utilize the most practical resources: our community mental health centers and our public health service hospitals and facilities.

Under the Community Mental Health Centers Act, there is authority to narcotic addiction and alcoholism. This legislation would expand the scope of these facilities, of which there are some 350 across the Nation, to include drug abusers.

The impetus of this approach is to fight the problem of drug abuse in the local community by utilizing existing programs and facilities with increased Federal support.

So I think the committee has tried to approach this bill in all of the ramifications of the problem of drug abuse, and I am confident that if we will see to it the intent of the legislation is carried out vigorously—and I believe it will be—we will begin to get on top of the problem. This I think is the most encouraging legislation that the Congress will have yet enacted to meet the problem of drug abuse, but it is really only the beginning of an improved Federal effort to meet one of America's greatest problems.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I am happy to yield to the gentleman.

Mr. KYL. I want to compliment the committee for the job that they have done. The gentleman from Florida just explained the difference between the House bill and the Senate bill. I talked to hundreds of experimenters, those with psychological dependence and those with physical dependence on drugs. It is so obvious that you need more than law enforcement because collectively drug abuse is a problem. Individually it is a symptom of a problem which will not be cured by law enforcement. In fact, it can be complicated by simple punishment without treatment. I have long said that the simple criterion for a good drug-abuse program would be this: a good drug-abuse program would make it harder to start and easier to quit. And I think this bill meets that criterion.

Mr. ROGERS of Florida. I thank the gentleman for his comments. I agree with him. It is really the intent of our bill to get on top of the whole problem with research, treatment, rehabilitation, and education. We want to know enough through research about the drug-abuse problem and how it affects human beings, and to tell the people involved about it. Young people will make logical decisions if they know the facts about how the drugs will affect them. That is what we want to do, and we want to do it in the proper way.

There has been so much misinformation that people do not know what to tell young people. As you say, in trying to put everybody in jail for a first offense of possession, this is not a realistic thing, because the courts are not doing it and they have not done it. The laws have been severe, and this has not answered the problem. When we have reports that as many as 50 to 75 percent of college and even the high school population are now experimenting with drugs, you can see what would happen to our jails in this country very rapidly. Obviously that is not the solution. We have to do other things through research and get an effective education program going. This is something that this bill will do.

I thank the gentleman for his comments.

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Mr. SPRINGER. Mr. Chairman, I yield 8 minutes to the ranking Republican on the subcommittee, the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I believe this is one of the most important pieces of legislation that this Congress will consider in this session of Congress.

First I must pay my respects to members of the committee that I think have demonstrated that in this great body of the Congress of the United States the atmosphere and the attitude of bipartisan consideration of a major problem is possible. In my judgment, we have had an exemplary performance here.

I also wish to compliment the staff, Jim Menger, to name one, for providing us with some of the most excellent staff work and information that I have ever seen in all of the years I have been in the Congress.

Dealing with this problem, I think many of our Members attended a White House conference earlier in the year in which there was called to our attention the real problem of drug abuse in the United States.

The Chief of Police Mr. Wilson, was there calling attention to what was going on here in the District of Columbia, a devastating thing.

Mr. Ingersoll was there from the Bureau of Narcotics and Dangerous Drugs calling attention to his problems. It was obvious that tools for enforcement were necessary. It was obvious also that you do not do the job alone with policemen.

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So, we needed many approaches to the problem.

Now, I might point out that early in the first consideration of this bill there was some concern about jurisdiction and who was going to do what. Of course we are all proud of what little muscle we have in our various committees, but soon that was ironed out between the Committee on Ways and Means and the Committee on Interstate and Foreign Commerce.

There was some feeling as to who would do the research, the Department of Justice or Health, Education, and Welfare. However, soon we ironed that out also. We also established communication between the Department of Health, Education, and Welfare, the Department of Justice and our committee and, finally, we were sitting around the table, Republicans and Democrats, HEW people and representatives of the Department of Justice, all people trying to figure out how to do the best job that needed to be done.

Finally, we came to the conclusion that we needed rehabilitation and education and all of these things are included in the bill, along with things that have already been explained whereby we set up the various categories.

We have given to the Department of Health, Education, and Welfare the right to make changes where there is obvious need for change.

So, I want to say that in all the time I have been in Government one way or the other, in the State legislature and at this level, I do not know that I have ever seen a time where a committee has so carefully worked out the details to do a job as was done in our committee.

I want to also point out that the penalties that are included in this bill dealing with the use of marihuana where a youngster might be fooling around, he has a misdemeanor or a felony charge against his record and this goes with him for life. All of us have been kids at one time and many have seen where youngsters sort of fooled around with one thing or another and it became quite obvious that if you placed a felony charge against that youngster we would have our jails filled all over the country, because it does not mean that they would become an addict; it might mean that they were just having a ball and fooling around we will say with marihuana in this case. So, the charge was reduced to a misdemeanor. But in this bill the pusher—the pusher—that is trying to make slaves out of our young people, I am sure none of us would be at all hesitant about leveling a tremendous penalty against the pusher.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to my colleague from Minnesota.

Mr. ZWACH. Mr. Chairman, I thank my distinguished colleague for yielding. I wish to associate myself with the remarks of my distinguished colleague from Minnesota, whom I feel has performed a distinguished service in this area, a crime area of concern to the people of the United States.

I further wish to compliment the committee for this broad-based approach at the Federal level in our effort to deal with this most serious problem.

Mr. NELSEN. I thank the gentleman.

So, Mr. Chairman, by and large, when we finished this bill and when we brought it to the floor of the House for consideration, I again want to say that this has been a great experience to move on legislation that deals with a major problem in the country and that is drug abuse.

Mr. Chairman, when we find that crimes have been committed, in many cases we will find the drug addiction problem. We have seen it right here in Washington, D.C.

It is my opinion that if we get at this total problem we must move in the direction of not only correcting crime but making a contribution to the future of many, many young people who might become addicts.

Therefore, I wish to commend to the Congress the enactment of this legislation. In my opinion if we did nothing else but pass this bill, we would have done something which would represent a great service to the people of the United States.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will be glad to yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I just want to commend the gentleman from Minnesota for the very significant part the gentleman has played, and one that I think ought to be made part of the RECORD, in trying to help work out the differences between the two departments, the Department of Health, Education, and Welfare and the Department of Justice. I think it was due greatly to the efforts of the gentleman from Minnesota that we were able to get the Attorney General to see the point that we were trying to establish in putting scientific and medical decisions in the Department of Health, Education, and Welfare.

Again I commend the gentleman from Minnesota for the great contribution the gentleman made in writing this bill.

Mr. NELSEN. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, a unanimity of viewpoint is rarely reached in this body on issues of major significance. I believe that virtually every Member of the House, however, would agree that existing drug control laws are in need of revision. Where differences arise, quite naturally, is with regard to the manner in which revision should take place.

The Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. 18583, is a product of bipartisan cooperation and is worthy of the bipartisan support of the entire House. This bill certainly does not resolve every disagreement on how the national threat of drug abuse should be handled, nor does it pretend to be the means by which this problem will be solved. Drug abuse is a complex phenomenon which requires greater time and understanding before it can truly be eliminated from the American scene. A schoolboy in Minnesota may swallow speed for reasons completely different than those which cause a schoolboy in New York to shoot heroin.

Yet this body will take a major step forward by passing H.R. 18583, for this bill contains many significant legislative reforms designed to help both the boy in Minnesota and his counterpart in New York.

Through the use of a well-regulated registration system, and the employment of order forms and production quotas in certain cases, the availability of the dangerous substances being abused by our youngsters in ever increasing numbers should be drastically reduced. Amphetamines and barbiturates, for example, are too plentiful and obtainable in our schools throughout the country. Passage of H.R. 18583 will give our Federal officials the wherewithal to change this situation.

As for hard narcotics like heroin, which is not manufactured in this country, this measure will provide an array of offenses and penalties which may be utilized in a realistic way against the narcotic trafficker. For the first time, as an example, extraterritorial jurisdiction will exist to deal with persons trafficking beyond our borders in drugs destined for this country. If these peddlers enter America they may then be prosecuted for their overseas activities.

All drugs entering or leaving the United States will be subject to the controls in title III of H.R. 18583, which will only allow drugs to come in for specific limited use as prescribed by the Attorney General. Notification requirements will create a greater awareness in the Federal Government with regard to shipments of drugs into, out of, and across this country.

Federal agents will have greater powers of arrest, search, and seizure. The professional criminal will find fewer havens in which to hide his illegal wares and, in appropriate cases, will not have the advance warning prior to a search which often enables him to dispose of the evidence against him.

I will not deny that there has been controversy over certain sections of this bill, and as a member of both the Interstate and Foreign Commerce Committee and the Subcommittee on Public Health and Welfare, I have heard all the arguments. I am convinced, however, that this version now before the House represents a maximum effort to take into account the needs of the various interests which will be effected by the bill. Most of all, however, the bill protects the interests of the American people. I consider myself fortunate to have had a part in putting this bill together, and I now urge its swift passage.

Mr. SPRINGER. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise in support of this very important legislation, and I commend the committee for bringing it to the floor of this House.

Mr. Chairman, few situations today arouse such anger, anxiety, fear, and irrationality as the misuse of drugs by large segments of society, especially by young people. Thousands of Americans are addicted to hard narcotics, with the number of individuals increasing each year. The committee report on the Comprehensive Drug Abuse Prevention and Control Act of 1970 stated:

> For 1968, uniform crime reports indicate that 162,177 persons were arrested by State and local authorities for drug violations, constituting a 322-percent increase over the number of drug arrests made in 1960. Of the total number arrested in 1968, 43,200 were under the age of 18 and 6,243 were under the age of 15.

This is such a serious problem that the 1968 Republican platform pledged a "vigorous nationwide drive against trafficking in narcotics and dangerous drugs." Since taking office, President Nixon has launched a strong campaign against drug abuse. He has initiated a stepped-up program to educate our citizens, enforce existing laws, and cooperate with State and local communities to curb the widespread curse of drug addiction.

In addition, in July of last year, the President submitted to the Congress a legislative program to deal with skyrocketing drug abuse. These provisions are among those included in the bill we are considering today, H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The time since President Nixon first announced the need for additional legislation to combat this crucial problem has served only to increase the urgency of the problem. As Mr. Nixon said in March of this year:

> Drug misuse is a growing national problem. Hundreds of thousands of Americans—young and old alike—endanger their health through the inappropriate use of drugs of all kinds. More than 100,000 of these Americans lead totally unproductive lives because of their addiction to narcotics.

I, too, have seen wasted lives resulting when individuals are strung out on hard drugs. We all want to do what we can to try to stop this growing cancer which has broadly attacked so much of our society. There is no longer an easy victim or an obvious seller to whom we can shake an accusing finger. On the contrary, the patterns of use and "pushing" are changing rapidly. In the past, most heroin was used by male, urban ghetto dwellers. Now many young, suburban men and women are using this drug.

In years past, marihuana was considered prevalent only among populations of disadvantaged individuals—such as the Mexican-American community—and among jazz musicians and the like. Now, marihuana smokers penetrate the middle and upper income families as well. Dr. Stanley F. Yolles, then Director of the National Institute of Mental Health, stated in June of this year that approximately 20 million adults and juveniles have experimented with marihuana at least once.

Today's Health reports typical comments of 3,600 individuals who responded to their recent questionnaire concerning the serious drug problem we face.

One young lady stated:

> Most of my friends take them, [drugs] and they aren't any more glamorous than they were before.

Young parents wrote statements such as:

> I worry about my two pre-schoolers who may grow up in a world of drugs.

And, perhaps one of the most touching letters came from a woman who shared her family's personal experience:

> I know what it is like to talk my son down from a bad LSD trip, to have him sleep for three days straight after a high on speed. I know what it is to watch him become completely paranoid, to hold a 17-year old "child" in my arms and let him cry . . . All this from a boy who was outgoing, lovable, fun-loving.

Most fortunately, this particular story had a happy ending, as the young man kicked his habit and eventually came to counsel other individuals with similar drug problems.

Many others are not so fortunate. The tragic death of Diane Linkletter shocked the entire country, and my heart went out then, as it does still, to her parents who bravely and nobly shared their sorrow to prevent others from becoming similarly trapped.

A responsible society must provide all its citizens with information about the dangers facing them, including the possible dangers of drugs. However, dissemination of information will not choke off the sources of drugs. It is obvious that we must also enact adequate laws and provide proper medical help to those in need.

What is clearly needed is a comprehensive approach such as that provided in H.R. 18583. This legislation consolidates all the miscellaneous laws now in existence. It tightens regulatory controls as a means of safeguarding legitimate drug channels. It provides for better recordkeeping, makes money available for additional research into the little-understood subject of drug abuse, and equalizes the punishment and assures rehabilitation of drug abusers when necessary.

Title I of the bill provides for the establishment of rehabilitation programs to assist drug users. It extends authority to the Department of Health, Education, and Welfare to increase its efforts on behalf of addicts through community mental health centers and other health-connected facilities and hospitals. Within a 3-year period, $75 million will be provided for community mental health center facilities, $29 million for drug abuse education activities, and $60 million for various special facilities.

Title II provides additional authority to the Justice Department in order to halt drug abuse. It details a procedure by which future drugs may be classified, and specifies the administrative authorities the Attorney General may exercise regarding law enforcement aspects of drug abuse.

This section also explains the modernization of present criminal laws and penalties, and establishes a Presidential Commission on Marihuana and Drug Abuse. This Commission is to study and report back to the Congress within 1 year the problems of marihuana, and within 2 years about the causes of drug abuse and any significant conclusions derived.

Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 provides for the control of exports and imports of drugs subject to possible abuse. I am particularly pleased by such emphasis, and have introduced related legislation to cut off diplomatic relations with any country exporting illegal narcotics to the United States.

It is my hope that H.R. 18583 will be passed by the House today.

First, it is a humane piece of legislation. I believe, as do many law-enforcement officers and others involved with the problem, that drug abuse is related to social, medical, and psychiatric problems. Emphasis must be placed on rehabilitation of those who want to live normal lives. By providing increased funds for various medical centers, such a goal can be accomplished.

Second, the bill is realistic. It recognizes that as of yet we do not have adequate information surrounding drug abuse. Before our laws are completely salutary and just, we must thoroughly understand the benefits and dangers of narcotics as viewed against both the individual and his society. Hopefully, the Commission on Marihuana and Drug Abuse will provide us with the needed facts.

Third, H.R. 18583 is appropriate. By arming the Justice Department with laws to concentrate on the vendors and purveyors of hard narcotics and at the same time providing the courts discretion in dealing with first offenders and minors, it strikes hardest at those who threaten our society most.

Drug abuse is a subject in which I have long been interested and about which I have long been concerned. In 1962 I sponsored legislation to prevent the wholesale movement of dangerous drugs into the black market, and, in 1965, I was instrumental in passing the Drug Abuse Control Amendments, which helped to stop the distribution and use of such dangerous drugs as goof balls and pep pills. At the President's invitation, I attended the signing of this legislation, which was especially satisfying to me.

I have also supported legislation to place our narcotics programs in the appropriate Government agencies, and, as I mentioned earlier, I have recently introduced H.R. 18398, a bill to cut off diplomatic relations with countries sending illegal narcotics to our country.

It certainly seems the Comprehensive Drug Abuse Prevention and Control Act of 1970 is the next logical and necessary step in the battle we are waging against drug abuse. Let us wait no longer to get to work and pass this bill.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. ROBISON).

Mr. ROBISON. Mr. Chairman, as those who peruse the extension section of the RECORD may have noted, during past months I have included numerous articles and statements dealing with the problem of drugs and drug use. Throughout both those articles and my prefatory remarks, the one theme which was consistently reiterated was that the Congress must take action—responsible action—to help stop the flow of these dangerous substances. I think that we have all felt a sense of helplessness as far as knowing exactly what form that action should take, and, therefore, it is with great enthusiasm that I greet H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. I commend the Committee on Interstate and Foreign Commerce for having developed—as the title indicates—such a comprehensive and yet reasonable piece of legislation. There are a few provisions with which I disagree, and I will, therefore, join in efforts to amend certain sections of the bill, but the important point is that we have a piece of drug legislation before us that blends controls, sanctions, and reason, in my opinion, in a well-balanced fashion.

This bill, Mr. Chairman, recognizes that the manufacture, distribution, and sale of dangerous drugs—except by prescription or license—is a crime, and punishes the violators accordingly with stiff sentences which are increased for subsequent offenses. On the other hand, this legislation also recognizes that the mere use of dangerous drugs is more of a sickness than a crime and reduces penalties accordingly. The fact that any penalties are retained for use-or-possession violations is due, in large part, to the fact that we do not know how to dissuade people from using drugs without holding some sanction over their heads. Perhaps, in the future, our level of understanding of the drug problem will allow us to completely substitute treatment for punishment.

But, the bill that the committee has reported recognizes that those who do merely use or possess drugs for their own use, and who are caught, should not have their futures ruined by such fact—at least not until a pattern of behavior has been established. In that regard, section 404(b) (1) and (2) allows the court, in its discretion, to dismiss charges against one who is convicted or pleads guilty of drug possession if such is his first offense and, in the instance of those under 21, the record may be expunged.

My laudatory comments about this bill are not in any way diminished because I feel the bill has two serious shortcomings. Those are capable of being corrected, I believe, without in any way detracting from the overall effectiveness of this bill. The first weakness in this legislation is the provision which authorizes entry without prior announcement—commonly known as the "no-knock" provision. That provision, section 509, allows an officer to enter without knocking if the magistrate issuing the search warrant finds, as a fact, that either the property sought can be quickly disposed of or that the officer's life might be endangered by announcing his intentions of serving the warrant. I would submit, Mr. Chairman, that such circumstances would possibly apply any time a drug search warrant is issued, and, thus, every warrant would, in practice, allow for immediate entry. This issue was hotly debated while the District of Columbia crime bill was before this body and, therefore, I do not see that any purpose would be served by repeating those arguments here. However, I would observe that the erosion to one liberty invariably gives rise to the erosion of another, and I am unwilling to lend my support to the further eroding of the principle of the sanctity of one's home.

Additionally, it is interesting to note that the main thrust of this bill—the place where it really cracks down—is on the illegal manufacture, sale, and distribution of controlled drugs and the very bulk or quantity of the drugs anticipated means that quick or easy disposal of those quantities is unlikely. Therefore, it would seem to me that the no-knock provision would not appreciably assist in regulating the manufacturing and sale of these drugs. For us to here approve "no-knock," knowing that it would be of limited value to the enforcement of the provisions of this act would, in my opinion, be most unwise.

The second aspect of the pending legislation to which I would draw attention is the possible overlap between State and Federal criminal jurisdictions.

Section 101, entitled "Findings and Declarations," makes clear that the Federal Government has an interest in the intrastate manufacturing and uses of controlled drugs because of the likelihood that such drugs have been, or are likely to be, involved in interstate commerce and because of the difficulty of distinguishing between intrastate and interstate drugs. Thus, it would seem to me that the Federal Government is not only establishing the basis of its interest in controlled drugs, but may very well be preempting the entire area from the control of the States.

Although I am not familiar with all State laws dealing with penalties for the manufacture of drugs, I am familiar with the laws of a number of States that make the possession of drugs, and particularly marihuana, a felony. The pending legislation, in contrast, reduces penalties for possession to misdemeanors and, as I read through the bill, I do not find any clear provision indicating the intention of the Congress as to whether the State laws on possession will be preempted. If they are not preempted, the situation could arise where a young person could be apprehended by Federal officials and charged with possession.

Under the provisions of section 504, that individual could be placed on probation and, perhaps, have his record of conviction expunged. Enter the State—let us say on the next day, when this defendant still had one marihuana cigarette in his possession. Now, this young person could be subjected to the provisions of the State law making such possession a felony, with no provision for the expunging of the records. Not only would such subsequent—or prior—State prosecution defeat the purpose of the Federal law in expunging the records, but it would also be at variance with the new attitude of the Federal Government that we ought to lessen penalties for mere use of these controlled drugs.

Thus, Mr. Chairman, if we do not preempt this field of dangerous drugs in its entirety—civil and criminal—much of the praiseworthy intent of this legislation, as it relates to possession and use of drugs, will be but an empty gesture, with possible State prosecution lurking just around the corner from every Federal prosecution. The concept of what not only amounts to a possible double prosecution, but also the frustration of the new Federal purpose, warrants such preemption being applied in these instances.

Mr. Chairman, as I indicated earlier, I believe the deficits which I have pointed out are minor in nature and can be cured readily by this body so as to make the Comprehensive Drug Abuse Prevention and Control Act of 1970 a more complete and valuable piece of legislation. The statistics on drug use, particularly among the young, clearly mandate such legislation as we have before us today, but I would submit that in our haste to correct the problem we should not overlook matters which would allow that legislation to more fully achieve its most worthwhile purposes.

Mr. SPRINGER. Mr. Chairman, I yield 8 minutes to the gentleman from Kentucky (Mr. CARTER), a member of the subcommittee.

Mr. CARTER. Mr. Chairman, although as a Member of this body my interests are primarily legislative, I must admit that my thinking is often colored by the fact that I am a physician as well. My membership on the Subcommittee on Public Health and Welfare is certainly

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attributable, at least in part, to my interests in matters relating to the fields of science and medicine.

When our subcommittee had the opportunity to examine the bill now before you in depth, I was particularly pleased with the chance this gave me to try and insure that the matters in this bill affecting the medical profession were cast in appropriate terms. While many of the relevant provisions aroused considerable controversy, I can, in candor, report that physicians, and indeed scientists, should suffer no adverse affects from the passage of H.R. 18583.

One area of considerable concern to the medical people which came through during our hearings involved research. Anxiety was expressed over the control this legislation appeared to give the Attorney General with regard to research into dangerous substances. I am pleased to report that language was worked out with regard to registration for research giving the Department of Health, Education, and Welfare full authority to pass on the medical and scientific aspects of research projects, reserving to the Attorney General control over those parts of the project relating to security. In addition, the bill contains provisions which authorize grants of anonymity to people who volunteer to be the subjects of research, so that disclosure of their names by the researcher could not be compelled by anyone. These are new provisions which should serve to insure the integrity of research projects and encourage additional research.

Representatives of the medical and scientific community also expressed doubts regarding the Attorney General's authority to make final decisions on which drugs should be controlled. Again, this concern was taken care of by language which requires the Attorney General to seek the advice of the Secretary of Health, Education, and Welfare on drug control questions, and which makes the Secretary's advice with respect to medical and scientific issues binding on the Attorney General. In this way, an appropriate balance was achieved between scientific interest and those of law enforcement.

There are other perhaps less dramatic but extremely significant provisions in the bill which have been worked out with due regard to the concerns of the medical profession. As a physician, I can therefore reassure all members of the medical profession, and of the scientific community, that this highly important piece of legislation will not prove damaging or burdensome to them in any way. As a legislator and a representative of the State of Kentucky, I can add my assurances that both Kentucky and the Nation as a whole will benefit immeasurably from the passage of H.R. 18583. As with all legislation there are areas which could be improved, but in general it is a good bill—one which is greatly needed.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman.

Mr. BROTZMAN. Mr. Chairman, as a member of the full Committee on Interstate and Foreign Commerce, I particularly would like to commend the very hardworking and able subcommittee on bringing this bill really out after arduous work and after many hours of dedicated study.

I think we on our committee are particularly fortunate to have in our group the gentleman who is now in the well. So often do we call on him not only for his good judgment on legislative matters, but we rely on his medical expertise to help us understand the complicated area of narcotics.

I know that there is a great deal of discussion as to how various narcotics, barbiturates, and so forth should be categorized, and I want to ask you, Doctor, what is librium?

Mr. CARTER. I thank the distinguished gentleman for his remarks.

Librium is a chlorodiazepoxide and consists of: 7 chloro, 2 methyl, 4 amino, 5 phenyl, 3H-1, 4 benzodiazepine, 4 oxide; slightly yellow crystalline material insoluble in water. Molecular weight is 299.75.

It is used to relieve anxiety, tension, and apprehension.

Mr. BROTZMAN. I think the gentleman has adequately disclosed his expert qualifications.

Mr. CARTER. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman.

Mr. NELSEN. Mr. Chairman, I want to make the same observation relative to Dr. CARTER, who not only serves on the committee as a very outstanding citizen but also as a medical doctor so that we get professional information along with the good judgment of a good Kentuckian.

I just want to pay my respects to and express my thanks to Dr. CARTER for the fine job he has done on this particular subcommittee in dealing with this problem.

Mr. CARTER. I thank the distinguished gentleman from Minnesota for his kind remarks.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I would like to join in these expressions and commend our distinguished colleague for the fine contribution he has made in this legislation, not only that, but in all the legislation that this committee has dealt with. I do not know of anyone who has been more loyal in trying to be there and in trying to help write these bills and his contributions have been most significant.

Mr. CARTER. I thank the distinguished gentleman from Florida.

I wish to state that it has been a pleasure to work with the gentleman and our subcommittee chairmen and other members of the subcommittee. It has been wonderful working together and sometimes we have worked together at night on this bill. I thank them for their wonderful cooperation.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman.

Mr. HUNGATE. Mr. Chairman, I would like to commend the gentleman for his work and particularly for his definition of librium—I could not have said it better myself.

Mr. CARTER. I thank the distinguished gentleman.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. HASTINGS), a member of the subcommittee.

Mr. HASTINGS. Mr. Chairman, first I would like to express my pleasure to the other members of the subcommittee for our association throughout the many months we labored on this legislation. I would like to commend the gentleman from Florida (Mr. ROGERS) particularly for pointing out that this measure came from the Senate as strictly a law-enforcement measure and, when taken under consideration by the subcommittee, the important elements of education and rehabilitation were added to the bill.

We had our differences, and they were settled, I believe, in the best interests of both the bill and the problem of drug abuse.

I should also like to thank the members of the subcommittee for consideration of an amendment which would allow special projects to be included in education and rehabilitation. I might point out to the members of the committee that there was a lack of language that would allow States with on-going programs of drug education and rehabilitation to come under the terms of this legislation. The subcommittee was good enough to accept an amendment which would allow such States that were already expending their own resources in these areas to be included and to receive partial payment for some of the moneys expended.

On the no-knock provision, I understand that when we get to the amendment process, there will undoubtedly be some attempt made to remove the no-knock provision from this legislation. I stand firmly in support of the no-knock statute that is included in this legislation. I point out that in my State, the State of New York, we have had no-knock since 1964, a statute that is somewhat even less restricted than that contained in the proposed legislation. The New York law has been taken to the highest court of the State of New York, the court of appeals, and it has been upheld as to its constitutionality in relation to the fourth amendment. Petition for certiorari has been denied in the U.S. Supreme Court. That should answer the constitutional question. I hope that when such an amendment is offered tomorrow we can consider it fully, and retain this important law enforcement tool.

Once again, my complete respects to the chairman of the subcommittee and the entire membership of the subcommittee and the full committee for their work on this bill.

I would like to discuss for a few moments the drug classification scheme contained in the bill presently under consideration, since I feel it is one of the

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bill's most innovative and significant features from the standpoint of providing necessary flexibility in the regulatory controls over the legitimate pharmaceutical industry. At the same time, I would like to clarify a few misconceptions relating to this classification scheme which have recently come to my attention.

As you know, all the substances which are to be controlled under this bill are categorized in the five schedules provided for in part B of title II. These substances include narcotic drugs, marihuana, stimulant and depressant drugs, hallucinogens, and precursor chemicals used in the manufacture of certain of these drugs.

Of key importance are the provisions authorizing the Attorney General to administratively add or remove substances from the schedules, or to transfer substances between the various schedules, provided that the characteristics of the substance satisfy the criteria established for the schedule in which the substance is to be placed. I might point out here that there are two exceptions to this requirement that a substance satisfy the criteria of the schedule in which it is to be placed. One is the situation where control of a drug is required by U.S. obligations under international treaties, protocols, or conventions. In this case, the Attorney General may control the substance and list it in the appropriate schedule, without regard to the findings required by the schedule. The second exception relates to the control of precursor chemicals. Both the language of the bill and the Interstate and Foreign Commerce Committee's report on the bill should make it clear that a precursor chemical, if controlled, may be placed in the same schedule in which the controlled substance of which it is an immediate precursor is placed or in any other schedule with a higher numerical designation, regardless of whether or not it satisfies the criteria required for placement in the particular schedule. For example, an immediate precursor of a substance listed in schedule III could be placed in schedule III, IV, or V, but could not be placed in schedule I or II.

By transferring substances between certain schedules, the Attorney General can effectively alter the degree of regulatory control imposed over the legitimate manufacture, distribution, dispensing, or other use of the substance. For example, production quotas are imposed on the manufacture of all substances listed in schedules I and II, and order forms are required for the distribution of schedules I and II substances. However, these restrictions are not imposed on the substances listed in the other three schedules. If a substance is moved out of schedule I or II, because it no longer meets the criteria of either schedule, and is placed in one of the other three schedules, the provisions requiring order forms and production quotas will no longer be applicable. Conversely, if a substance is transferred from schedule III, IV, or V into schedule I or II, the Attorney General will then be required to impose production quotas over its manufacture and order forms will then be required for its distribution. Movement of a substance into schedule I or II also triggers a number of other regulatory controls such as more stringent import and export restrictions, prescription limitations, and stricter packaging requirements.

By tying the regulatory scheme into the drug classification scheme, thereby making the degree of regulatory control dependent on the schedule in which a substance is classified, considerable flexibility is achieved. This flexibility will enable the Attorney General to meet the demands of changing conditions in that he can tailor the regulatory controls imposed over any particular drug to fit the degree of abuse potential posed by it.

Mr. Chairman, I would like to make one final point. As presently structured, many of the drug schedules contain only a single category of drug. For example, at the present time, schedule II contains only narcotic drugs and narcotic precursors. However, this is not intended to preclude the creation in the future of other categories within schedule II for the placement of other types of drugs.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I believe it should be pointed out that the gentleman's amendment zeroed in on the hard-core areas of the use of illegal drugs, narcotics and drug abuse, and was a real contribution. Certainly I think the committee recognized his idea by incorporating it into the bill, which allows additional funds, some $20 million each year for the next 3 years, to be devoted to those areas of our country where the most severe problems exist. I think you are going to be very proud of that amendment. I am sure the committee and the Congress will, because I think it will begin now to allow us additional tools to get to problems in the hard-core areas.

Mr. HASTINGS. I thank the gentleman from Florida.

Mr. JARMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, as one of those who signed additional views, I want to join my colleagues in commending the committee on the general approach of the bill. I also want to recognize the bipartisan nature of the working-out of this bill, and also the multicommittee method of working it out. I join in recognizing each of the members of the subcommittee for their excellent work.

I would simply like to add one other expression of commendation, and that is to the able gentleman from New York (Mr. KOCH), who had introduced and who had got through the Judiciary Committee a provision for an Advisory Commission on Marihuana. We, I think, are deeply indebted to him on this committee for providing the background and basic work for that section of this bill. His work is incorporated almost verbatim in section 601. It largely comes from the bill which came from Judiciary, and which was passed out of that committee under his auspices. I think he deserves recognition for that section and high commendation.

I, for one—and I think I also speak for the others who wrote the additional views—recognize the bill in its medical aspects, its educational aspects and in its general control aspects as a tremendous step forward in this field. There is no one, I think, that would speak more strongly for these reforms than the Members who signed the additional views.

Therefore, the objections rest solely on two sections. Both of these sections are not typically drug-control sections, but are in criminal sanctions that arise from elsewhere than the drug field. I think the experimental use of these different and new techniques in a drug-control bill is a very dangerous procedure indeed.

I refer Members to the language of Justice Brandeis in United States ex. rel. *Democratic Publishing Co.* v. *Burleson* (255 U.S. 407):

> In every extension of governmental functions lurks a new danger to civil liberty.
>
> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent.

There could be no more beneficent purpose than doing something about drug abuse in the United States. There could be no more beneficent purpose than placing heavy penalties on drug pushers to stop their trade. I merely submit that this is not the place to experiment with new forms of criminal procedure which trench at least on the outskirts of constitutionality.

In this connection I want to say something about the no-knock provision, because I think there is no issue before this Congress that is less well understood. Certainly if we in Congress know what it is about, it has not been explained in sufficient precision to the people of the United States. There is nothing in law today that requires an officer to stand outside a door when persons inside the door know he is there, when they are about to destroy the evidence, when they are about to shoot him, and simply knock and announce his presence as an officer. This is not the law today.

The limitation on entry without notice is the limitation contained in the fourth amendment of the Constitution, buttressed by the fifth. The fourth amendment limits searches and seizures to reasonable searches and seizures. It does not say there may not be any search and seizure inside one's house. It says the search and seizure must be reasonable, and we have come to accept the proposition as one of the most deeply ingrained propositions of constitutional law, that this means that the police cannot enter a man's house without announcing their presence and the authority for it, unless it is absolutely necessary under evidence existing in the particular case to enter without knocking.

This does not mean that Congress can in advance make some policy determination that in case drugs are involved, or in case a situation may be deemed to exist after some type of administrative process or even quasi-judicial process,

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that the dangers exist. The dangers must, in fact, exist at the point and at the time that the officers enter. Therefore, there is no constitutional way that this Congress can write a provision saying that all that must be done to enter a man's house unannounced is to find the most lenient judge—in the direction of law enforcement officers—and get an order from him permitting police to enter without being limited by these constitutional restrictions; and, armed with this predetermination in a warrant, one may go and break into a man's house regardless of what the circumstances are at the place and at the time.

One cannot do that constitutionally.

Kerr against California is the case that governs this point. What was the situation in Kerr against California? It was a situation in which officers, pursuing a suspected narcotics peddler, closed in upon him in his automobile in the street. He whipped his car around in the middle of the street, in a state of anguish that he was about to be arrested. He dashed back to his own premises. He went into his house and assumed the most innocent pose possible at the table. The officers, hot on his trail, broke into the house without announcing their presence, and seized marihuana which was then and there laying on a cabinet or bookcase.

Justice Clark, writing with three other judges in the case, said that this was proper. He said that the activity of the man in whirling his car around indicated he knew he was being pursued, and when he got back in the house he knew that officers were seeking entry and not someone else; and that the situation which existed resulted in the entry being reasonable under those circumstances.

But Justice Clark and the judges who joined him made it very clear that their determination was on the specific facts which existed at that immediate time, not on some policy determination made earlier.

Justice Brennan, in an opinion joined by three of the other Justices, dissented. The reason why he dissented in the case is that he said the fact that the man was sitting quietly in his home, and that the marihuana was not concealed, indicated that in fact the conditions required for entry without knocking and stating authority did not exist.

Mind you, there were four Justices on each side, an even split. The balance was thrown by Justice Harlan who joined Justice Clark. He went along with a Frankfurter decision in Rochin against California, and was obviously in the minority on most points. By throwing his weight with Justice Clark, the case went that way.

At any rate, all judges were in agreement that the facts existing at the time determined the question of reasonableness.

This is the only way one can determine whether or not a search and seizure is reasonable. One cannot write a constitutional law that says an administrative commission, a judge or anybody else acting in advance can determine that where marihuana is involved, or heroin, or narcotics, that such a situation usually results in the destruction of the drug, and that when these conditions exist one can break in as a matter of policy.

One cannot provide as a general proposition in advance that, because drugs are contained in small packages and capsules and can be easily flushed down the commode, therefore police can break in without making their presence known. One cannot make such a determination as a matter of policy.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JARMAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ECKHARDT. One cannot determine in advance that because the drug threat is a great one today the police can break in without notice.

Whatever we decide here, there will be the added requirement of a reasonable search and seizure under the standards of the Kerr case.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Illinois.

Mr. MIKVA. I am impressed by the point the gentleman from Texas is making, and I have been struck by what seems to me to be inconsistent answers I have gotten from some administration spokesmen on this point. On one hand we are told this is a very needed provision because of the serious problem, and on the other hand we are assured it is not going to change existing law because the Constitution would not let existing law be changed. Is the gentleman able to get more consistency out of those two seemingly inconsistent answers I have had than I?

Mr. ECKHARDT. No, I am not.

We are told that we need to add this requirement of a prior warrant that permits no-knock entries to give officers a wider latitude of authority and, on the other hand, we heard the argument both in the committee and from Justice Department witnesses that this restricted no-knock provision would require the special kind of warrant in addition to the ordinary warrant that would result in an arrest.

We also have another inconsistency: That is, that this provision has worked fine in New York. It has had to be used inly 18 times, but, nevertheless, it is said that it is extremely necessary to use it. It is an extremely pressing need in this country, but yet it has been used only 18 times in the State of New York.

Mr. MIKVA. Will the gentleman yield further?

Mr. ECKHARDT. I yield to the gentleman.

Mr. MIKVA. I thank the gentleman for yielding.

Those must be wondrous words indeed which can have so many different meanings to so many different people.

I thank the gentleman.

Mr. ECKHARDT. Let me just say this: The very distinguished ranking minority member of the committee, in the colloquy I had with him at the time we were discussing no-knock, stated to me, as I understood it—and I think this to be correct—that the constitutional limitations of the Kerr case, which require one of three things at the time of entry; namely, first, either the officer's identity be in fact known; or second, that there be danger to those inside unless there is an unannounced entry; or third, that there be danger of destroying the evidence inside—as I understood his statement, constitutional limitation limited to these three facts would continue, but in addition to that the bill requires that there be a special kind of warrant permitting a no-knock entry before entry could be accomplished, without first knocking and announcing the officers' authority.

If this had been law at the time of the Kerr case, the officers pursuing the man when he turned rapidly in the street would have had to go to a magistrate and get a special no-knock warrant and then come back and still prove, as I understand it, the standards that Justice Clark and his three colleagues and Justice Brennan and his three colleagues insisted upon.

It seems to me, if this be true, the no-knock provision is more of an encumbrance on the bill than it is an aid to it. If this not be true, then we are deeply trenching on constitutional rights that require before a man enters one's house that he announce that he is an officer and not break through the door except under those restricted circumstances that the Constitution, as construed in the Ker case, provides for.

Mr. SATTERFIELD. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes. I yield to the gentleman.

Mr. SATTERFIELD. I have been somewhat concerned by the suggestion that this bill does no more than codify common law. Do you conisder that by receiving in advance a warrant which permits an officer to enter without announcing his presence— that there has been an enlargement of his common law right to enter without knocking based on circumstances as they appear to him at the time of entry?

Mr. ECKHARDT. I do not, for this reason. The courts have frequently said that the fourth amendment is closely related to and in fact runs into the fifth amendment. As you know, of course—and the gentleman is an able lawyer and I understand a former prosecutor—the situation is this: The fourth amendment requires reasonable search and seizure. The fifth amendment with respect to Federal matters requires due process. It seems to me, to determine whether or not the search and seizure was reasonable, there must be afforded a due process to determine what facts existed at the time. It is not due process, in my opinion, to let somebody determine what might happen in the future. The right involved is the right of the person brought to trial. He is entitled to due process, and he is entitled to it with respect to the seizure that existed at the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JARMAN. Mr. Chairman, I yield the gentleman 1 additional minute.

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Mr. SATTERFIELD. Would the gentleman yield further?

Mr. ECKHARDT. Yes. I yield to the gentleman.

Mr. SATTERFIELD. Would the gentleman say that under the circumstances of the issuance of a no-knock warrant the right of the police officer has been converted to that of a license to enter without knocking?

Mr. ECKHARDT. No, I do not believe that that would be constitutionally permissible, and if such is intended in the bill, it would be unconstitutional. Frankly, I do not know what is intended in the bill. I would eliminate this provision because I think we give authority to police to enter without knocking at the present. If we eliminated the questionable provision police could act under existing constitutional grounds.

Mr. SATTERFIELD. I agree with the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Chairman, I rise today in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Drug abuse in this country has become a problem of frightening dimension. It is a disease which seems to be developing an ever-increasing grip on this Nation's youth. Not only are the colleges and universities plagued by this problem, but it is a clear indication of the increased proportions of the problem when even this Nation's grade school children are beginning to come under the shadow of the cloud of drug addiction.

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Studies involving some colleges and graduate schools indicate that 50 percent or more of the students have abused drugs at one time or another. Statistics such as this together with the committee's finding that overdosages of heroin have become one of the leading causes of death among teenagers again demonstrate the need for effective legislation which will provide not only increased efforts in drug abuse prevention and rehabilitation of users but also increased efforts to provide more effective means of law enforcement procedures.

Drug abuse frequently results in the subsequent problem of drug dependency. This dependence, both physical and psychological, ties the drug user to a perpetual drug habit which he must constantly feed with ever-increasing amounts of drugs. The drug dependency may become so demanding that the user frequently must turn to additional criminal activity in order to support his most expensive habit. Therefore, action must be taken now to aid the drug-dependent individual not only in order to help him regain his health and self-respect but to also protect others from the results of the actions he may take to support his habit.

I support this legislation because it represents an effective dual approach to combating this problem of drug abuse. The size and scope of the problem make it clearly evident that the Federal Government must take an active and powerful approach to attack this menace to society and the Federal Government must take this action now without further delay. We must make every effort to make active participation in drug abuse too dangerous and undesirable to be attractive. While I believe it is necessary to have criminal penalties for persons involved in the illicit manufacture, sale, and use of drugs, I also feel that it is necessary for the Federal Government to develop a rehabilitative approach to this problem. The individual user must be rehabilitated so that he will not continue or return to the use of drugs.

Congress has previously taken action regarding the drug abuse problem but this action has resulted in confusion and duplication in the control and enforcement of drug abuse statutes. The legislation before us today realistically faces this problem of confusion and consolidates the diverse statutes into one piece of legislation. The bill not only classifies substances which will be subject to controls according to their abuse potential, as well as their psychological and physical effects, but the legislation also sets forth the penalties which correspond to the violations involving the classified drugs.

I believe that this legislation provides an effective means for improving the administration and regulation of the manufacture, distribution, and dispensing of these controlled substances. It is hoped that the closed system of drug distribution which is established by this legislation will significantly reduce the widespread diversion of drugs out of legitimate channels into illicit markets. I also feel that one of the most important provisions of this legislation is the revision of the entire structure of criminal penalties involving controlled drugs by the establishment of consistent methods of treatment of all persons accused of violations. The realinement of this structure represents a more realistic approach for combating the drug abuse problem.

I strongly urge that the Members of the House join me in support of this legislation in an effort to help in fighting this menace to society. The future of this Nation rests in its youth and future generations. Efforts must be made now to effectively control this serious disease which is currently sweeping this country.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Fortunately, Mr. Chairman, some weeks ago the chairman of the Committee on Interstate and Foreign Commerce determined—he and I together, to send out to my home county Mr. Rebin who is on the staff of the committee because of the marihuana that was grown to a great extent in the immediate area in which I live. He went out there and spent several days and did an excellent job of investigation, working with the Bureau of Narcotics out of the Chicago office, with the local sheriff's office and the local police in the cities of Champaign and Urbana. He uncovered a great deal of information that was very helpful to us with reference to this marihuana situation. In connection with that he had several conversations with Mr. Ellery L. Knake, extension agronomist of the Cooperative Extension Service of the University of Illinois. Mr. Chairman, this letter is most revealing as to what can and cannot be done in controlling marihuana generally.

I doubt, Mr. Chairman, if there is a person on the floor of this House who does not have some marihuana growing in the home county in which he lives. It is grown in almost every county that corn or cotton will grow. In our own area it grows to the height of about a man. It is on almost every farm. While Mr. Rebin was there he went with the sheriff one day along the Sangamon River which is that river that Abraham Lincoln floated down to New Orleans, looking for marihuana. They found where two University of Illinois students were getting it and putting it in sacks, getting ready to take it back and refine it in their apartments. This is how widespread marihuana is.

I do not know whether any of you have ever seen marihuana. I will have to admit that I had not seen it until these exhibits were mailed to me through the Cooperative Extension Service of the University of Illinois. Anyone who cares to look at it can see it. These are the ends that are cut off from the top. It is the top leaves which are refined or baked or cooked and made into the form like tobacco which you smoke. But, if any of you are interested in looking at it, you can see what marihuana looks like.

I will have to admit that this is my first experience with it.

Mr. Chairman, the letters I referred to earlier are as follows:

COOPERATIVE EXTENSION SERVICE,
UNIVERSITY OF ILLINOIS,
Urbana, Ill., August 21, 1970.

Hon. WILLIAM L. SPRINGER,
House of Representatives,
Washington, D.C.

DEAR MR. SPRINGER: We recently had a very nice visit with Mr. Robert Rebein when he visited Champaign County. I noted in your newsletter sometime ago that you introduced the drug abuse bill and Mr. Rebein's visit reinforced your sincere interest in combatting the drug problem. Our own interest has intensified in control of marihuana since this plant was added to the Illinois noxious weed law about a year ago. This was accomplished largely through the efforts of the Illinois Bureau of Investigation and the Division of Plant Industry of the Illinois Department of Agriculture. Our interest was further increased when the Federal Bureau of Narcotics and Dangerous Drugs sought the cooperation of the Extension Service and initiated a pilot program in 2 counties in each of 11 Northcentral states.

We have learned a great deal this year and I feel obligated to pass on to you some of our findings and thoughts.

We have prepared a circular on "Eradicating Marihuana" in cooperation with the Illinois Bureau of Investigation and the Division of Plant Industry of the Illinois Department of Agriculture, and assisted with preparation of the recent USDA and Department of Justice circular "Wild Hemp—How to control it". We are disseminating considerable information through mass media, including T.V., radio, news releases, and articles for Prairie Farmer and Successful Farming magazines.

Until about a year ago we had the policy of "the less said the better". Now we are very actively trying to help our clientele learn how to identify and control marihuana.

Having had little experience with control of marihuana previously, we established 3 research plots in east, central, and western Illinois in cooperation with personnel of the Division of Plant Industry this year. This research was established in areas where there were natural infestations of marihuana. We tried to determine herbicides, rates, and time of spraying that would be most effective for control of marihuana. Based on this research we are confident that a rate of approximately one pound per acre of one of the phenoxy herbicides (2,4–D; 2,4,5–T; or silvex) applied in May or June when marihuana is only a foot or two high will give good control. The cost of such a treatment is about one dollar per acre. And 2 miles of fence row about 4 feet wide equals an acre.

Amitrole or amitrole–T are also quite effective. Cost of these would be a little higher but this treatment may be preferable in some areas. Banvel and Tordon are two other effective herbicides for marihuana control but considerable precaution needs to be taken with their use.

Pulling, hoeing, cultivation, and mowing are also helpful for control. We do not recommend burning.

In summary, we have very practical, effective, and economical controls for marihuana. We feel that appropriate and wise use of herbicides to control undesirable plants such as marihuana, poison ivy, and ragweed can *improve environmental quality*.

As you know, marihuana is an annual. It grows only from seed each year. Therefore, preventing seed production is essential for eradication. It is true that some seeds may remain in the soil for several years before germinating; but if no new seeds are added, the supply in the soil will gradually be reduced as some seeds rot and others germinate.

We are fortunate that marihuana is not one of the perennials which are usually more difficult to control. And in some respects we are fortunate that the problem is confined mostly to fencerows, right-of-ways, ditch banks, and the other non-crop areas. This means that control measures can be concentrated on a relatively small percent of our total land area.

Although marihuana was once cultivated in some fertile fields of Illinois, the plant is not a good competitor and is seldom found in cultivated crops such as corn and soybeans. Although it is true that the raising of hemp during World War II likely intensified the problem, marihuana was reported in Illinois as early as 1848 and was probably present before then.

We have the controls and the locations are fairly well known. Now we need to implement control measures.

Especially since marihuana is now classified as a noxious weed in Illinois and it is unlawful to allow it to grow and produce seed, one might expect that landowners would control it voluntarily. But experience has shown that we often need much more motivation, encouragement, and assistance.

Landowners and farmers have come up with some of the following excuses.

1. Marihuana does not cause an economic loss for the farmer since it doesn't spread to cultivated fields.
2. Marihuana is a social problem, so let all of society help in the control.
3. Marihuana spread when the government encouraged hemp production during World War II, so let the government control it.
4. No one enforces the noxious weed laws in some counties so why should the landowner spend money on control.
5. I am busy planting and cultivating when marihuana should be sprayed.
6. In some areas it costs less to pay the fine than to control weeds.
7. The railroads and highways don't spray, so why should I?

On the other side, we could argue:

1. Marihuana can be easily and economically controlled along with other weeds by using a good fence row weed control program.
2. Controlling marihuana helps discourage undesirable trespassers.
3. By controlling marihuana, each landowner helps to improve our environment and reduce social problems.

In Illinois we have county weed commissioners in only about ¼ of the counties. Only about three of our counties in the northern and central part of Illinois—where marihuana is most serious—have county weed commissioners. Some do have township weed commissioners. Largely through the efforts of the personnel of the Division of Plant Industry of the Illinois Department of Agriculture we have county weed commissioners in quite a few southern counties, primarily to encourage control of Johnsongrass.

I am thoroughly convinced that one of the major keys to success is dedicated, conscientious weed commissioners. Although the maximum salary is limited to $20 per day, we have some dedicated men who do a very commendable job. Often the commissioner is a retired or part-time farmer.

In Illinois most of our weed commissioners have not taken a "hard nosed" approach but simply help people recognize the problem and explain control measures. Especially in certain communities it seems to be extremely important to have a local man who is well respected and can motivate without irritating people. The majority of weed commissioners do not do much actual spraying themselves but keep on the lookout for problems, make contacts, and educate.

Monroe County is a prime example of a county that has had a conscientious weed commissioner and a good community spirit. Railroads, when requested, have sprayed within the county up to the county line. Farmers keep Johnsongrass from going to seed. There is a real contrast with surrounding areas.

Mr. Springer, I am not certain what approach you may have in mind but I would like to propose one possibility for your consideration. You may care to expand on this.

A pilot program has been established in Henderson and Cook Counties primarily with educational programs. How about encouraging and initiating more action programs? If you would like to try it on a pilot basis first, I would suggest Champaign County as a good place to start. Mr. Lowell Routh, Route #2, Urbana, Illinois, is chairman of the county weed committee. Mr. Routh has done a commendable job this year to encourage townships to hire weed commissioners and about half the townships now have week commissioners.

I may be mistaken, but I believe considerable progress could be made in 1971 by purchasing spray equipment and hiring a person for three or four months to operate the equipment on a county-wide basis. Perhaps the federal government could assist with some of these costs.

Township commissioners could contact farmers, arrange appointments, and perhaps help with the spraying. Spray equipment mounted in a Jeep or similar vehicle could be used to spray along fencerows early when corn and soybeans are still small or not yet planted. The marihuana would be small and easy to kill. Farmers, still busy with planting and cultivating, should welcome the assistance.

The person operating the sprayer might be a school teacher or someone willing to work part-time in May and full-time in June, July, and August. But he must be conscientious and competent with sprays.

Another important phase, to include might be seeding of a desirable grass such as smooth brome in the trouble spots. Usually marihuana makes little or no growth where there is other vigorous growing vegetation such as brome. Spraying could give short-term benefits and seeding a desirable grass should help provide long-range control. Perhaps the latter could be classified as one means of "biological control."

Such a pilot program might be feasible for 2 or 3 counties and if successful might then be expanded. Perhaps you would be especially interested in trying it out mainly in your district—unfortunately one of the real trouble spots.

If the pilot program proves successful and a real push on marihuana control is desired, I would suggest at least one man in Illinois to devote full time to educational and regulatory activities on control of marihuana. He could coordinate activities between regulatory, extension, and law enforcement agencies. He could see that information on identification and control is appropriately and widely disseminated. He could encourage county boards of supervisors to employ county weed commissioners. And most important, he could see that proper control measures are in effect.

You may even wish to consider appropriations for a state coordinator in one or more states in the very near future rather than to "fiddle" with a pilot program. In many respects I feel we are past the pilot stage and ready for the action stage.

Although the Division of Plant Industry of the Illinois Department of Agriculture, the Illinois Bureau of Investigation, and our Extension Service have been giving increased emphasis to this program, I believe that previously established phases of our respective programs take such a high percentage of our time that we will not be able to put the effort really needed into this one. For example, the Division of Plant Industry is heavily involved in administering the Custom Spray Law to encourage safe and judicious use of pesticides. And our major program in extension has been with weed control in grain and horticultural crops.

The importance of giving expedient action to the marihuana control program was reemphasized this past week when we got the "Johnny Appleseed report" that part of the picking ceremony is also sowing of seed.

I am becoming more convinced that if marihuana control is really to be achieved, landowners will need more incentive and help. One of the major problems is that farmers are extremely busy in May and June when emphasis should be given. A total program is needed which also involves railroads and highways and other landowners besides farmers.

I am confident, Mr. Springer, that with your leadership additional emphasis can somehow be placed on control of marihuana in the United States. Hopefully, this will not only improve the quality of our environment but will reduce crime and help our society to protect our valuable human resources.

I always like the quote from Harvey Wiley, "We are carefully to preserve that life which the author of nature has given us, for it was no idle gift".

And, another Illinois statesman said, "Die when I may, I want it said of me by those who knew me best that I plucked a thistle and planted a flower wherever I thought a flower would grow".—Abe Lincoln

Respectfully yours,

ELLERY L. KNAKE,
Extension Agronomist.

P.S.—We are forwarding materials (some requested by Mr. Rebein) that may be of further help.

Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

Mr. JARMAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr.

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SATTERFIELD) who has worked diligently and constructively as a member of the subcommittee on this bill.

Mr. SATTERFIELD. I thank the distinguished chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I agree with my colleagues who have preceded me about the significance of this legislation and with the fact that it will provide a well rounded approach to this vital problem.

Mr. Chairman, I do not wish to burden this committee now by repeating many of the things that have already been said, but I would like to direct attention to the first title and the provisions which our committee incorporated into this bill which I think are tremendously significant. As a prosecutor and representative I have encountered a problem which I am sure many of my colleagues have also encountered from time to time, with individuals who have a drug problem or who are narcotic addicts and who have contacted me seeking help.

Those who have had this experience would agree with me about what a forlorn feeling it is to know that there is not very much you can do about it. It would seem to me this idea of providing for rehabilitation and for treatment of narcotics addicts and those who have a drug abuse problem in the local community mental health centers and public health hospitals, will make treatment and rehabilitation more available to these individuals. This way they can receive the treatment they need and the rehabilitation they will need to become good citizens, in their own neighborhoods where they live and work, rather than having them to be committed and sent away.

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Mr. Chairman, I would like to draw attention specifically to section 4 of title I, which I think brings a significant step forward in that it will provide, in time, the means whereby the normal physician, and particularly those physicians who are performing services in community mental health centers will be able to provide the kind of treatment that these individuals will need.

Also I would like to commend my colleagues on this subcommittee for concentrating to the extent they did to preserve the right of free research. I think we all recognize that in dealing with a law enforcement measure we must exercise utmost care to guarantee to those individuals in our scientific communities the right of free research if we are going to develop the medicinal benefits of various drugs to the fullest extent, and if we are to determine the bad aspects of these drugs as well.

I would also like to mention one other aspect of this bill which gave the committee considerable trouble, and I think we came up with an excellent resolution of it. That is the manner of determining what substances and what drugs should be controlled, in what category they should be placed, and whether or not they shall be transferred from one category to another as need may dictate.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SATTERFIELD. I am happy to yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I would like to interrupt the gentleman just to say that I do not know of anyone who has devoted more time in working on this legislation. Certainly the previous experience of the gentleman from Virginia as an assistant district attorney and the expertise that the gentleman has brought to the committee, as well as that of the gentleman from North Carolina (Mr. PREYER) who is a former district judge, in helping work out these legal difficulties in all of these provisions, and also for their contributions to this legislation. And I commend the gentleman in the well, Mr. SATTERFIELD, from Virginia, and the gentleman from North Carolina (Mr. PREYER).

Mr. SATTERFIELD. Mr. Chairman, I thank the gentleman very much for his comments.

I feel that the entire committee devoted an awful lot of time to this bill, and that is one of the reasons I think it is a very good measure.

Mr. Chairman, to continue, I wish to point out the fact that we have fully protected the medical community in this connection in that expertise, their views and their knowledge will be reflected through the participation of Secretary of Health, Education, and Welfare in this process. I point specifically to the provision which will give the Secretary the power and the authority to prohibit control of a drug which he determines from a medical or scientific standpoint should not be controlled, and by the same token to prohibit transfer of a drug from one category to another.

I commend the committee also for its work with respect to the penalty provisions because, as a former prosecutor, I recognize the extreme difficulty in attempting to dispense justice and in sentencing individuals who have been convicted of violations where a minimum penalty is required. I believe by removing the minimum penalty provision we will afford our courts greater latitude to the end that greater justice will be served better and so that the needs of our people, particularly those who have gone astray, will be also best served.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding, and I would say that following the remarks of the gentleman from Illinois (Mr. SPRINGER) showing how easy it was to obtain cannabis I would like to point out to the gentleman that I have a collection of about 150 dangerous drugs, so labeled by the drug companies, which can be found, not along the Sangamon River, but in the home medicine chest.

We have a very dangerous game among some youngsters now called "fruitful." The youngsters go up to the medicine chest and take out two or three different pills, and put them into a collection of drugs obtained by a whole lot of other youngsters, and then each one draws out two to see what happens.

Under these circumstances even Mom's hormone pills can become dangerous drugs. You do not have to go looking for this stuff along the rivers, you have it in every home, and people do not realize the danger that exists.

Again I thank the gentleman for yielding.

Mr. SATTERFIELD. I appreciate the gentleman's comments because I think he has pointed out the value of this bills approach to the matter. If the attorney general finds that there is indeed an abuse which he feels needs to be controlled, then all that is required is for the Secretary of Health, Education, and Welfare to agree from a medical standpoint that the drug involved or combination of drugs involved substantiate a potential for abuse, then the Attorney General can control these drugs through procedures provided by this act.

I thank the gentleman for raising this point because it focuses upon the type of problem we hope will be solved under language incorporated in this measure.

Mr. JARMAN. Mr. Chairman, I would be remiss if I did not take this opportunity to commend my colleagues on the Public Health Subcommittee for a job well done. They have labored long and hard, and a good bill is the result.

It has a nonpartisan, unified effort, Mr. Chairman, in the best interests of the American people.

For all of us on the Public Health Subcommittee, let me also put on record our sincere appreciation for the able assistance and counsel that we have received from our staff, particularly Jim Menger.

Mr. Chairman, I have no further requests for time.

Mr. BEALL of Maryland. Mr. Chairman, I rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. This is one of the most significant measures presented for our consideration this Congress, and we should be grateful for the opportunity to finally take a meaningful positive step in the fight against drug abuse.

H.R. 18583 represents the painstaking efforts of the Committee on Interstate and Foreign Commerce, the Committee on Ways and Means, and the administration. The many different interests affected by this bill have provided input as well, and all viewpoints have been merged into an effective piece of legislation which will serve one basic interest: The health and welfare of the American people.

We need no further evidence to convince us of the extremely serious nature of the drug problem today. We have been given the facts a number of times in a number of ways. It is plain that we need firmer control over the legitimate drug industry, which has a large percentage of its products diverted into the illegal traffic. This bill will regulate the industry more efficiently through a logical system of registration and recordkeeping, inspections, and other controls.

It is clear that today's Federal penalties for drug violations are inconsistent, illogical, and unduly severe in some cases. H.R. 18583 would revamp the entire penalty scheme, substituting a new and flexible system of penalties which will enable courts to truly tailor the punishment in any given case to fit the crime. Current penalties have little or no deterrent value, as illustrated by the alarming increase in drug related arrests over the past decade. In addition, several Federal offenses have been invalidated by the courts. This new penalty scheme is realistic and enforceable.

The flow of drugs across our borders and through our ports of entry is being vigorously attacked by our enforcement personnel, but they need better tools. This bill contains controls over the import and export of drugs, which will make the job easier for law enforcement agents who guard our borders. We will know a lot more now about what is coming in or going out, and be able to follow and trace shipments of drugs to detect diversion. The Attorney General will be able to exercise better control over the type and amount of drugs coming into this country, a control now largely lacking.

This is a far-reaching and complex bill, and I cannot begin to detail here the many major and minor reforms H.R. 18583 will work as to existing law. I can only state with certainty that the people, who have waited too long for the passage of this measure, are watching us with anticipation and hope. The time to act is now, and I am sure that the bipartisan support we give this legislation will demonstrate to the Nation that we are on the road to recovery from the disease of drug abuse.

Mr. BUSH. Mr. Chairman, respect for and obedience of the law are values which most parents have, for generations, tried to impart to their children. Moderate success has resulted, but the failures in this area explain in part why every civilized nation has criminal laws and penal sanctions to encourage lawful conduct.

Why various people break the law is only partly understood and, even where we can appreciate the root causes, eliminating them is indeed a long-range solution. In the meantime, as always, efficient law enforcement must hold the line against dangerous, antisocial conduct. Nowhere is this more true than in the area of drug abuse.

Mr. Chairman, H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, is a much needed measure which contains extensive reforms in the area of drug abuse control. Of particular interest is the complete overhaul of the existing Federal criminal provisions applicable to drug-related activities, which I believe will improve law enforcement and foster greater respect for the law.

The bill eliminates mandatory minimum penalties, except for professional criminals. Contrary to what one might imagine, however, this will result in better justice and more appropriate sentences. For one thing, Federal judges are almost unanimously opposed to mandatory minimums, because they remove a great deal of the court's discretion. In the vast majority of cases which reach the sanctioning stage today, the bare minimum sentence is levied—and in some cases, less than the minimum mandatory is given. This is particularly true in cases where addict possessors who sell to support their habits are involved, and a great deal of plea bargaining in this area results. Probations and outright dismissals often result.

Philosophical differences aside, practicality requires a sentence structure which is generally acceptable to the courts, to prosecutors, and to the general public. H.R. 18583 does this in several ways. Elimination of the mandatory minimums is one and, at the other end of the scale, severe maximums with mandatory minimums for the true professional is another. In between, penalties are graduated and flexible to cover the type of offense and the type of offender.

An example is the offense of simple possession, which for any drug is the same—a misdemeanor punishable by 1-year confinement and $5,000 fine. Special first offender treatment is also available so that a judge may place a deserving person found guilty of simple possession on probation so that he may eventually earn a dismissal of the charges. On the other hand, one who commits the offense again is exposed to double the original penalties, and the special first offender treatment is no longer available.

As far as trafficking in drugs, penalties vary according to the substance. An offender who deals in the more dangerous items like heroin will face up to 15 years in prison and a $25,000 fine, all of which is doubled for a second offender. One who trafficks in the least dangerous substances like codeine cough syrup, however, will face a maximum of 1 year and $5,000.

There are many other crimes provided for in the prohibited acts portion of this bill, such as fraudulent use of registration numbers, unlawful use of a communication facility to facilitate the commission of a felony under the act, misuse of required symbols or labels, and many others in a comprehensive range of offenses which will render unlawful all drug-related activities which would defeat the purposes of the bill. These offenses have been formulated under the power to regulate interstate commerce, and use of the taxing power—a power which in recent times has come under increasing court attack in this area—has been repealed.

The penalties in this bill are not only consistent with each other, but with the rest of the Federal criminal law—something which cannot be said for present drug laws. As a result, we will undoubtedly have more equitable action by the courts, with actually more convictions where they are called for, and fewer disproportionate sentences.

Mr. Chairman, these penal reforms have been a long time in coming. Now that we have them, let us not delay in moving them to the President's desk.

Mr. BURTON of Utah. Mr. Chairman, I am sure none in this Chamber would deny the serious nature of the drug abuse problem in this country. As legislators, we must admit to a certain amount of negligence in not having squarely faced up to the problem with the enactment of suitable laws.

Now, however, we have before us H.R. 18583, a comprehensive bill which would extensively revise the present law which has proven unequal to the task of controlling drug abuse. I strongly support this measure, and particularly endorse the aids to control and law enforcement contained in the bill.

H.R. 18583 provides, in part B of title II, a system of control which will undoubtedly result in reduction of drug availability in the illicit market. When taken together with the registration provisions of part C, this system should provide a major step forward of a kind we have not seen in more than 50 years of legislative efforts directed at drug abuse problems.

Under part B, the Attorney General will decide whether a particular substance should be subjected to the effective controls provided in the act. He must consider all factors before making his decision, including the medical and scientific advice of the Secretary of Health, Education, and Welfare. If he decides in favor of control, he must then determine into which schedule to place the substance.

Part B contains schedules which include all substances initially subject to control, listed in order of medical utility and potential for abuse. For example, schedule I contains heroin, LSD, and marihuana, all of which are subject to abuse and have no accepted medical use in this country. The Attorney General must accordingly select the appropriate schedule for the drug he wishes to control, since both control mechanisms and penalties for wrongful use depend to some extent on the schedule in which a drug appears.

This use of schedules with specific criteria for inclusion, plus authority for the Attorney General to add to or delete from these schedules, represents a tremendous improvement over present methods of control. In addition, the procedures specified for the control process represent a streamlining of existing procedures under the Food, Drug, and Cosmetic Act which have been cumbersome and time consuming. Under the bill, the Attorney General is allowed to move expeditiously where the situation warrants, with due regard for the rights of other parties. While hearings are provided, a dangerous or potentially dangerous substance could be controlled pending the outcome of hearings and possible judicial review.

Mr. Chairman, this control process is vital to the bill and to our efforts to prevent a proliferation of drugs on the streets which may readily come into the hands of our malleable young people. The system established by part B of title II, H.R. 18583, is just one illustration of the many worthwhile provisions of this bill. We should waste no further time in voting to pass this measure.

Mr. MacGREGOR. Mr. Chairman, I would like to indicate my strong support for H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970.

This bill is not, by any means, the entire solution to the widespread drug abuse problem faced by this Nation today. However, it represents a rational and logical approach to limited aspects

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of the problem, and is particularly valuable for its reforms of existing control and law enforcement provisions which apply in the area of drug abuse.

H.R. 18583 would make the entire control and enforcement scheme cohesive through the use of the power to regulate interstate commerce as applied to all dangerous substances. The power to tax a questionable device, to begin with, is no longer relied upon. This means, in short, a unified system of laws and derivative regulations. This will directly benefit not only law enforcement personnel, but also the judiciary, private industry, and the general public.

The bill combines a system of classifying drugs according to schedules with a systematic registration plan in order to control the legitimate production and distribution of all drugs in this country. I am certain these systems will drastically reduce the tremendous diversion of legitimately manufactured drugs into illegal channels.

A substantial revision of the criminal laws relating to drugs is also contained in this bill, and I fully endorse both the concept and the penalties provided. Under the bill we will have rational enforcement and appropriate sentencing instead of the varied and inconsistent situations present today.

The bill contains many administrative reforms as well, which would clarify the enforcement powers of the Attorney General and agents of the Bureau of Narcotics and Dangerous Drugs. The situation with regard to subpenas, warrants, powers of arrest, and other related activities is made definite and gives the enforcement people the type of tools they need to handle the criminals who make their living preying on the unfortunate victims of this dread affliction.

And finally, the bill provides tighter controls over the import and export of all drugs, controls which in many respects are presently lacking.

The Committee on Interstate and Foreign Commerce and the Ways and Means Committee are to be commended for their diligent efforts in producing a bill of this magnitude. It now remains for us to approve it forthwith, so that the executive branch may get on with its business of eradicating the drug abuse problem in America.

Mr. Chairman, recently, the Public Health and Welfare Subcommittee of the Interstate and Foreign Commerce Committee completed extensive hearings on various drug abuse and control proposals. From these hearings emerged a clean bill which I believe will be most valuable in dealing with the drug abuse crisis in America today.

The Comprehensive Drug Abuse Prevention and Control Act, H.R. 18583, is a bill which strikes a balance between the law enforcement and the scientific community. It contains proposals encompassing all important areas of concern: treatment and rehabilitation, prevention, research, and control of dangerous substances. Many of the programs are extensions of existing law and many are new.

Title I of the bill is generally concerned with rehabilitation and education. It would amend the Community Mental Health Centers Act to include Federal support for community mental health centers treating not only narcotic addicts but also persons with any drug abuse or drug dependence problems. Considering the scope of drug abuse today, we cannot limit Federal aid to narcotic treatment alone—we must provide aid to combat the whole problem in an attempt to solve the whole problem, as proposed in this bill. I have especially come to realize, in viewing the drug abuse problem in New York City, that there is a crying need in the community for facilities to help that growing population of individuals who will swallow, sniff or shoot any substance they can get their hands on.

In tune with the expanded coverage of the program, authorizations are increased by $75 million over current authorizations for the next 3 years.

Also under title I, authority is extended to include the treatment of dangerous drug abusers and drug persons in Public Health Service hospitals.

A drug abuse education program to be coordinated by the National Institute of Mental Health is also included in title I. Under this proposal, grants could be made to public and private groups for the development of educational materials and school programs. NIMA would serve as the national center for collection and dissemination of materials on drugs, for public information programs and for coordination of Federal activities in the field. I am sure that most of you share my belief that an intensive Federal program in support of drug abuse education, as provided in this bill, is a vital part of any successful effort in preventing drug abuse. It is hard to believe that if young people were truly aware of the consequences of drug abuse, they would not be experimenting with drugs as they are. It is certainly our duty to arm young Americans with information so they will be able to make a rational choice about drugs.

Title II of H.R. 18583 grew out of the Nixon administration's proposal, which came up last year, for a reorganization of all existing narcotic and dangerous drug control laws. The administration wished, with due reason, to replace these laws with a single, unified statute. Generally speaking, the proposals—both as submitted by the administration and as reflected in the Commerce Committee bill—parallel existing law. However, both also make substantial charges. Among changes common to both proposals would be:

First, a more sophisticated classification of controlled drugs;

Second, stricter regulations, in some cases, of the manufacture and distribution of controlled substances;

Third, greater control over the export of depressants and stimulants; and

Fourth, a complete revision of the existing penalty structure, including making any first-time simply possession offense a misdemeanor, regardless of the drug involved, and easing penalties for second-time possessions offenses. Also, mandatory minimum penalties would be eliminated, except for a special class of professional offenders.

Additionally, title II provides for the establishment of a Committee on Marihuana, a panel of experts appointed by the Secretary of Health, Education, and Welfare and the Attorney General. The committee would be charged with keeping us up to date on marihuana research findings, identifying gaps in our knowledge, and examining the effects of marihuana use on our society in general. This is a small but important part of this bill, primarily due to the controversy surrounding this drug.

I have given you but a brief outline of the Comprehensive Drug Abuse Prevention and Control Act, but, I think, a general idea of its major proposals. Mr. STAGGERS and the members of his committee deserve our praise and thanks for their hard work in developing such a fine proposal.

Mr. BOLAND. Mr. Chairman, the epidemic of drug abuse is a grave threat to the health and well-being of our Nation—especially to the young people of our Nation. Despite convincing warnings of the physical, emotional, and social consequences of drug abuse, the numbers of experimenters are growing yearly. The most recent estimates of the National Institutes of Mental Health indicate that 20 million have used marihuana, hundreds of thousands abuse depressants and stimulants, and as many as 150,000 are addicted to narcotic drugs. It is impossible to tell how many have suffered a deep personal tragedy from what began as a casual experiment.

There are a limited number of approaches to attack this problem—preventive steps, aimed at stopping experimentation before it starts; control, to regulate the supply and availability of drugs; rehabilitation, to lead individuals away from drug dependence and addiction. It is my conviction that the Federal Government must make a concentrated effort in all of these areas.

The bill now before us makes such an effort. It goes beyond the law-enforcement-oriented Controlled Dangerous Substances Act, backed by the administration and passed by the Senate early this year. H.R. 18583 contains the much needed revision and synthesis of existing narcotic and dangerous drug statutes found in the Senate bill, but changes some of its more questionable provisions. In addition, the Comprehensive Drug Abuse Prevention and Control Act is truly comprehensive, granting new authority to the Federal Government in research, education, treatment, and rehabilitation.

Certainly, the gravity of the drug abuse problem in the United States today merits a review of the law. In the last 55 years, more than 50 pieces of legislation have been enacted to control the legitimate manufacture of drugs and illicit trafficking, forming a confusing network of outdated statutes, hard to efficiently implement. H.R. 18583 condenses this network into one piece of legislation, reforming control provisions to meet the problem today. It recognizes

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new scientific information and the new structure of Federal administration of drug statutes created by the Reorganization Plan No. 1 of 1968.

Primarily, substances with an abuse potential are classified in five schedules—schedules developed according to our current knowledge on the degree of abuse potential of a substance, its psychological and physical effects, and its medical value in the United States. Most important, a penalty structure for violations involving such controlled substances is designed in the bill to coincide with each schedule, mirroring the relative dangers to society of each drug.

Minimum mandatory sentences are prescribed in only one section of the bill for those persons engaged in a continuing criminal enterprise of illicitly manufacturing and selling any of the controlled drugs for profit. Although I would question the wisdom of prescribing any minimum sentence for any offender, this is progress from existing law where all violations—including simple possession—carry a minimum mandatory sentence.

Except when the continuing criminal enterprise section applies, penalties for the manufacture, distribution, and sale of controlled substances vary according to the schedule in which the drug is listed. For instance, if the drug is a narcotic drug and is listed in schedules I or II, showing it has a high potential for abuse, penalties may be up to 15 years imprisonment and up to $25,000 in fines for a first offense. If the drug involved is a nonnarcotic drug in schedules I or II or any drug in schedule III, penalties may be up to 5 years in prison plus a fine of up to $15,000. Schedule III substances are those with a lower abuse potential that those in the former schedules, but their abuse may lead to moderate to low physical dependence and high psychological dependence. Schedules IV and V substances involved in violations carry still lower maximum penalties, and their dangers are accordingly lower.

One of the most striking features of the new penalty structure is that illegal possession of a controlled drug for one's own use is a misdemeanor. This carries a penalty of not more than 1 year and a fine of not more than $5,000 or both. The bill also provides that if a defendant is found guilty or pleads guilty, he may be placed on probation. After the defendant has completed his probation, the court dismisses the charges against him without entering a judgment of guilty. If the defendant is under 21, the court has the authority to clear all records showing information relating to his case, restoring him to the status he occupied before his arrest. This section on simple possession violations reflects the judgment of most authorities that harsh penalties imposed on the user have little deterrent value and often ruin the life of an individual involved. It is unfortunate that the Federal Government rarely has cases of simple possession within its jurisdiction so that this kind of sensible statute could apply. It is hoped that it may serve as an example to the States as they reform their own drug abuse laws.

Beyond these measures to control the illicit traffic in drugs, H.R. 18583 also sets up a closed system of drug distribution to aid the legitimate manufacturers of drugs. It is hoped that a system so established would significantly reduce the widespread diversions of legally manufactured drugs into the illicit market while providing the drug industry with a unified approach toward control of their products.

I mentioned earlier that H.R. 18583 makes some important changes in the administration-supported proposal passed by the Senate relating to the control aspects of the drug problem.

According to provisions of the Senate bill, the Attorney General is required to seek the advice of the Secretary of Health, Education, and Welfare and of the Scientific Advisory Committee established by the bill before adding to, subtracting from or in some way modifying the schedules. He is not obliged to follow their advice. Considering that the scheduling of a substance is based largely on scientific information, it seems most inappropriate that law-enforcement authorities should have the last word on the content of the schedules. H.R. 18583 requires, in the absence of international treaty obligations, that the Attorney General follow the advice of the Secretary of Health, Education, and Welfare on scientific and medical matters and may not control a substance if the Secretary decides it should not be controlled.

Another provision in the Senate bill would allow the Attorney General to refuse to register a person to do research with a schedule I substance if his proposed procedures do not adequately safeguard his supply of the substance from illicit diversion. Under the House bill, he does not have the authority to make this refusal, but instead the Secretary of Health, Education, and Welfare sees that proper controls will be provided.

The Attorney General is limited in his authority to carry out research programs under provisions of H.R. 18583, in contrast to the Senate bill. He is specifically limited to conducting research directly related to enforcement of the law, and all other research relating to drug abuse is to be conducted by Health, Education, and Welfare.

These changes should be pointed out because they show a recognition of the vital part the scientific community should play in establishing an appropriate system for drug abuse control. I think our problem with existing law has been that scientific evaluations and approaches have been all too limited.

I would like to talk about a few other provisions of this bill—provisions that make it a truly comprehensive attack on our drug problem.

Federal support for rehabilitation programs is increased by granting additional authority under the 1968 amendments to the Community Mental Health Centers Act. Such authority would include construction and staffing grants for facilities to treat drug dependent persons in addition to those for narcotic addicts previously provided. This would enable drug dependent persons to be treated at the more than 350 community mental health centers in the Nation that have already been financed under the act.

Narcotic addict rehabilitation support is also increased under the House proposal by offering special assistance in matching grants for construction and staffing of treatment facilities in areas with large numbers of narcotic addicts.

Another provision of H.R. 18583 would clarify for the medical profession in the United States the extent to which they may safely treat narcotic addicts as patients. This would help take a great strain off treatment facilities, allowing more addicts to be helped.

Although statutory authority currently exists for drug abuse education and training grants to individuals, a section of the bill gives special emphasis to the importance of these activities. It amends the Community Mental Health Centers Act to authorize a special program of grants for the development of drug abuse education materials and curriculums. It also establishes the National Institute of Mental Health as the national coordinating center for drug abuse education and information.

The CHAIRMAN. If there are no further requests for time on the part of the Committee on Interstate and Foreign Commerce, under the rule the gentleman from Arkansas (Mr. Mills) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Betts) will be recognized for 30 minutes for general debate by the Committee on Ways and Means.

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the measure now under consideration is designed to deal in a comprehensive manner with a problem of ever-increasing concern and magnitude in this country. Certainly, the illicit use of drugs is one of our major problems, if not the major domestic problem of our time.

The extreme seriousness of the problem is clearly evident whether we look at the cold statistics charting the disturbing upsurge in illegal drug traffic in recent years or whether we consider the tragic social waste involved with respect to those persons who become enslaved to drug abuse.

This measure, Mr. Chairman, is a comprehensive bill in that it brings together some 14 or more statutes on the subject, within the jurisdiction of both the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means.

It brings them into one law and really gives to the Committee on Interstate and Foreign Commerce, as a result of its passage and approval, more jurisdiction in the field than it has today—and the Committee on Ways and Means perhaps less jurisdiction than it has today.

The provisions in which the Committee on Ways and Means exercises jurisdiction are all found in title III of the bill, which may be cited as the "Controlled Substances Import and Export Act." This is the portion of the bill and the

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accompanying committee report produced and supplied by the Committee on Ways and Means in cooperation with the Committee on Interstate and Foreign Commerce.

Title III of the bill, as is explained on page 71, part I of the report, has two major purposes: First, it would unify and integrate statutory controls over importation and exportation of narcotics and other dangerous drugs, so as to bring the provisions of existing law into conformity with the proposed new system established in title II which was worked out by the Committee on Interstate and Foreign Commerce.

Second, it is designed to make some improvements in such controls by tightening up supervision of the importation and exportation of depressant and stimulant drugs, to prevent the diversion of these substances into illegal channels. Also the penalty provisions of the existing law were modified so as to coordinate those penalties with the penalties in title II, and to provide a more realistic and more flexible, and therefore a more effective system of punishment and deterrents for violations of the narcotic and dangerous drug laws.

In addition, since the other titles of the bill developed by the Interstate and Foreign Commerce Committee provide for a comprehensive system of regulation of narcotics and dangerous drugs, title III contains the necessary repeals of existing narcotic and marihuana laws in the Internal Revenue Code.

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Mr. Chairman, title III makes it unlawful to import into the United States any schedule I or II substance or any narcotic drug contained in schedules III, IV, or V except with the special consent of the Attorney General. Any other controlled substance could be imported only for medical, scientific, or other legitimate uses, and only in accordance with whatever notification or declaration requirements might be prescribed by the Attorney General. No controlled substance could be exported except in compliance with specified procedure.

The title would also specifically authorize the Attorney General to issue regulations exempting an individual from these restrictions if he is merely carrying a legitimate drug for his own personal medical use or for administration to an animal accompanying him, and if he has lawfully obtained it and conforms with whatever notification procedures the Attorney General may require.

Mr. Chairman, the question was raised in the Rules Committee about whether or not the Attorney General would have authority to regulate the supply of drugs that are not narcotic in nature that are to be imported into the United States for medical, scientific, or other legislative uses. Let me make it very clear that it was the thought and the intention in the Ways and Means Committee that if the Attorney General found that some importer of these drugs who alleged that he was importing them for medical purposes was importing far more in quantity than any reasonable person would expect to be used for a medical purpose, the Attorney General would investigate and check into that situation immediately, because we consider that a vital part of the control as they come through Customs into the United States.

Mr. Chairman, there is a table on page 73 of part 1 of the report which shows the changes in the penalty provisions insofar as the importation and exportation are concerned. I would think that all Members would be interested in looking at that table on page 73, because you will notice that in many instances the committee has reduced the present penalties with respect to importation, because it has been utterly impossible in the case of marihuana smuggling into the United States to gain convictions to the extent that convictions should be had, because of the severity of the penalty, the unwillingness of juries, and the unwillingness of the courts to try the individual for smuggling when they can try him for mere possession under much less severe penalty provisions. So we are hoping, under the lesser penalty for such smuggling, that it will be possible for those who are bringing marihuana into the United States, even though in small amounts, to be sentenced for smuggling them into the United States, and, therefore, perhaps deter others from doing so.

Mr. Chairman, the gravity of the problem of drug abuse in this country was clearly established and documented in the public hearings held by the Committee on Ways and Means earlier this year, and I understand also in the hearings held by the Committee on Interstate and Foreign Commerce.

The bill that is before the committee certainly was looked at very carefully and considered fully so far as title III is concerned, by members of the Ways and Means Committee. The committee has endeavored to meet the problems in this area falling within the jurisdiction of the Ways and Means Committee.

Mr. Chairman, the Attorney General told us in executive session of the committee that he was highly pleased with the portion of the bill which had been developed by the Interstate and Foreign Commerce Committee and that he fully supported and endorsed that portion of the bill. He also told us that the title III we had developed within the Ways and Means Committee carried out his recommendations fully and totally, and he supported that title also. So there can be no question but that the administration fully endorses this legislation. All of us know the many times the President has called for its enactment and the emphasis he has placed on it in his efforts to correct this problem, so I urge my colleagues to approve the bill without a dissenting vote, because I know how all Members feel about the necessity for the control of the dangerous drugs and the elimination to the extent possible of their use by the young people of this country.

Mr. BETTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman of the Ways and Means Committee has, in my opinion, completely and clearly explained title III as it came from the Ways and Means Committee.

My only comment is that in my opinion—and I am sure the whole committee would agree with me—this represents the unanimous thinking of the entire Ways and Means Committee. As I recall—and the chairman can correct me if I am wrong—the entire Ways and Means Committee unanimously approved title III.

Mr. Chairman, I, therefore, associate myself with the remarks of the chairman of the Ways and Means Committee.

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Chairman, drug abuse in the United States has reached the crisis stage, and in order to deal with this problem I support the Comprehensive Drug Abuse Prevention and Control Act.

The market for illegal drugs in this country has not merely expanded, it has exploded. The Federal Bureau of Investigation has reported that in the 10-year period from 1958 to 1968, the number of persons arrested for narcotic and marihuana violations increased from 9,863 to 162,177. In my own State of Connecticut the number of drug addicts is estimated to be between 6,000 and 12,000, and the drug addiction outbreak has reached the epidemic stage according to the State health commissioner. New laws are needed that are equal to the task of cleaning up the drug problem, and this comprehensive bill demonstrates the concern of Congress and goes a long way to provide effective means of coming to grips with the surging traffic in illegal drugs. Its provisions will not only form a deterrent to those bent on expanding the market in illegal drugs, but they also seek to aid the victims of drug abuse by providing for increased effort to treat and rehabilitate drug abusers and drug-dependent persons so that they may regain their capacity to participate in society.

First, the bill provides authority for the Secretary of HEW to increase departmental efforts in drug abuse and the rehabilitation and treatment of addicts. Rehabilitation and treatment will be accomplished through expansion of community mental health centers and public health service hospitals and facilities.

Second, the bill gives new authority to the Justice Department by strengthening drug abuse laws. Under its terms stringent registration requirements will be imposed upon manufacturers, wholesalers, and retailers in the legitimate drug distribution chain to prevent the diversion of legally produced drugs into the illicit drug traffic. This section also thoroughly revises the criminal penalties for the use, possession and manufacture, or sale of illegal drugs. Criminal penalties for persons selling or manufacturing illegal drugs are substantially increased to reflect the public demand that the stiffest penalties fall upon those responsible for creating and exploiting the market for drugs in the schools and in the streets. Persons convicted of engaging in continuing criminal enterprises involving violations of the bill, from which substantial profits are derived will be subject to a minimum prison sentence of 10 years and may be imprisoned up to life, with a maximum fine of $100,000, plus forfeiture of all profits. A second conviction as a continual offender provides for a 20-year mandatory sentence. Also, where a violation of the provisions involves distribution of drugs to persons below the age of 21 by a person over the age of 18, the penalty is twice the original penalty.

Where a first offender using a controlled drug is under the age of 21 when the offense occurs, he or she may later obtain a court order expunging from all records all entries relating to the arrest, indictment, trial, and finding of guilt. This procedure is available only once, and a later offense will be treated as a first offense under the act.

The third section of the bill provides for new registration requirements for the import and export of controlled drugs. This section replaces all present law except smuggling on the importation and exportation of narcotic drugs and marihuana. Under this section, it will be unlawful to import into the United States any controlled substance or drug without the special consent of the Attorney General of the United States.

I am pleased that his bill also incorporates H.R. 14981, my proposal to establish a Commission on Marihuana to recommend legislative and administrative action to deal effectively with marihuana use. As I noted upon introduction of my bill, the most important work that the Commission would undertake would be an indepth study of the relationship between marihuana and the use of hard drugs. The present uncertainty surrounding the marihuana-hard drug link not only hampers effective drug abuse education programs, but also impedes the strict enforcement of existing marihuana laws. I am hopeful that the Commission's study and report will rectify this situation.

On the whole, this is a good bill as reported. I do think that some sections are in the need of improvement, and I intend to support perfecting amendments to cover objections.

Mr. BETTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, although Kansas is at the center of the United States, Kansas is not, however, at the center of America's drug problem—at least not for the present. Yet to say that Kansas is not affected by today's drug abuse epidemic would be a misstatement of fact. Like any epidemic, drug abuse is spreading, and I respectfully suggest that no Member of this body can consider the people he represents, from whatever State, immune.

We now have before us H.R. 18583, which may not be the vaccination that will eliminate the epidemic, but is certainly part of the cure. The Comprehensive Drug Abuse Prevention and Control Act of 1970 is must legislation, and we can ill afford to delay or frustrate its passage into law.

For my own part, as a member of the Subcommittee on Public Health and Welfare I am glad we spent so many hours in the consideration of H.R. 18583. The issues have been thoroughly explored, both in the subcommittee and in the full Committee on Interstate and Foreign Commerce. The Ways and Means Committee has also held hearings, and contributed its thinking in the form of title III to the bill.

What we have in H.R. 18583 is a measure which has benefitted from the exchange of many viewpoints. It is a bill worthy of the Congress and, I am sure, acceptable to the administration as well. It is a modernization of over 50 years of sporadic legislation, and I believe its passage will mark the beginning of the end for those who make their living by peddling drugs for profit.

It has been made clear that tighter control is needed over the legitimate drug industry because of the tremendous diversion of lawfully produced drugs into illicit channels. This bill will provide firm, but not oppressive, control over industry.

It has been made clear that many of today's drug penalties are inconsistent and lacking in credibility. This bill contains penalties that are flexible and appropriate, but not too lenient or overly harsh.

It has been made clear that we know too little about, and have too little control over, the many different drugs which cross our borders from both directions. This bill has import and export provisions which will enable us to watch and control the flow more closely.

It has been made clear that we need to know far more about the abuse of marihuana and other drugs. This bill will create a commission to study these problems and submit a comprehensive report to the President and Congress.

H.R. 18583 would accomplish additional reforms too numerous to mention. As an example, I cite section 503(a)(5), which is of particular interest to citizens of Kansas and other States where marihuana grows wild in some abundance. This provision authorizes the Attorney General to conduct programs, in cooperation with appropriate agencies, aimed at eradicating wild or illicit growth of plants which can produce dangerous drugs.

Mr. Chairman, I am proud to have played a small role in the development of H.R. 18583, and I urge its swift passage by the House.

Mr. BETTS. Mr. Chairman, so far as I know, I have no further requests for time, and I reserve the balance of my time.

Mr. MILLS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Under the rule, titles I and II of the committee substitute amendment printed in the bill will be read for amendment as an original bill under the rule.

The rule also provides title III shall be considered as having been read for amendment and no amendments are in order to title III of the substitute except amendments offered by direction of the Committee on Ways and Means.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Drug Abuse Prevention and Control Act of 1970".

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Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that the table of contents be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug-dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, had come to no resolution thereon.

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GENERAL LEAVE

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on titles I, II and III of H.R. 18583 and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON S. 3558, PUBLIC BROADCASTING FINANCING ACT OF 1970

Mr. JARMAN, on behalf of Mr. STAGGERS, filed the following conference report and statement on the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting:

CONFERENCE REPORT (H. REPT. No. 91–1466)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Public Broadcasting Financing Act of 1970'.

"SEC. 2. Subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended to read as follows:

" '(k)(1) There are authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1969, the sum of $9,000,000; for the fiscal year ending June 30, 1970, the sum of $20,000,000; and for each of the two succeeding fiscal years, the sum of $30,000,000.

" '(2) In addition to the sums authorized to be appropriated by paragraph (1) of this subsection, there are authorized to be appropriated for payment to the Corporation for each fiscal year during the period July 1, 1970, to June 30, 1972, amounts equal to the amount of total grants, donations, bequests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation under section 396(g)(2)(A) of this Act during such fiscal year; except that the amount appropriated pursuant to this paragraph for any fiscal year may not exceed $5,000,000.' "

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
WILLIAM L. SPRINGER,
JAMES T. BROYHILL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN O. PASTORE,
VANCE HARTKE,
ROBERT P. GRIFFIN,
HOWARD BAKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

SENATE VERSION

The Senate-passed bill provided for a three-year open ended authorization to provide continued financing for the Corporation for Public Broadcasting for fiscal years 1971 through 1973. In addition, the bill as passed by the Senate would have provided for open-end authorizations for the same three years to match grants, donations, bequests, and other contributions received by the Corporation from non-Federal sources. In the foregoing respects, the Senate passed bill was identical to the legislation requested by the Administration.

The Senate bill also contained provisions which would have required each public broadcast station receiving Federal assistance under title III of the Communications Act of 1934 to (1) keep records (including audio recordings) for at least three months of each program which it broadcast which involved an issue of public importance, and (2) furnish such records to the Federal Communications Commission at its request. These latter provisions requiring records were not the subject of hearing in either House. Questions were also raised as to why they should be limited in their application to public broadcast stations receiving Federal grants under title III of the Communications Act of 1934. It was also clear that the impact of these provisions on public broadcast stations which would be subject to them was largely unknown.

HOUSE AMENDMENT

On the other hand, the House amendment to the Senate-passed bill provided for a one-year extension of financing for the Corporation covering fiscal year 1971. Under the House amendment, not more than $30 million would have been authorized to be appropriated to the Corporation for fiscal year 1971, plus an additional amount not exceeding $5 million to match grants, donations, bequests, and other contributions received by the Corporation from non-Federal sources. The one-year extension of financing in the House version was intended to give the House Committee on Interstate and Foreign Commerce closer oversight of the development of a permanent plan for financing the Corporation for Public Broadcasting.

CONFERENCE AGREEMENT

The conference agreement authorizes appropriations for the Corporation for fiscal years 1971 and 1972 at the same level each year provided in the House amendment for fiscal year 1971, namely, not more than $30 million outright, and an additional amount of not more than $5 million for each such fiscal year to match contributions to the Corporation from non-Federal sources.

The recording requirements in the Senate bill were omitted and the Managers on the part of the House agree that legislation similar to the recordkeeping provisions in the Senate bill, but applicable to all broadcast stations, should be the subject of hearings in the next session of Congress.

The authorization of appropriations for the Corporation for one more year than was provided in the House version was accepted by the House conferees because of the delay in passing this legislation. We are convinced and determined that it will not impede the formulation of a permanant plan for financing the Corporation.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
WILLIAM L. SPRINGER,
JAMES T. BROYHILL,
Managers on the Part of the House.

CONGRESS HAS COMPLETE CHARGE OF PRIMARY ELECTIONS

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Colorado. Mr. Speaker, I wish to point out that recently the Supreme Court of the State of Colorado rendered an unusual and interesting opinion. It in effect, says that the Congress of the United States has complete charge of the primary elections, the Colorado statutes provide a method of deciding contests. Nevertheless the Supreme Court of the State of Colorado would not assure jurisdiction. They say it belongs to us in the Congress to make this determination. This is a rather unusual and strange situation. I therefore include in the RECORD the opinion of the Supreme Court for the State of Colorado together with pertinent statutes of the State of Colorado.

The opinion and statutes are as follows:

[No. 24904]

BYRON G. ROGERS, PLAINTIFF-CONSUMER *v.* CRAIG S. BARNES, AND BYRON A. ANDERSON, SECRETARY OF STATE, DEFENDANT-CONTESTEE

ORIGINAL PROCEEDING

En banc, Petition Dismissed.

Byron G. Rogers, Jr., Attorney for Plaintiff-Contester.

Arnold Alperstein, Hugh J. McClearn, D. Monte Pascoe, Maxwell A. Snead, Jr., Attorneys for Defendant-Contestee, Barnes.

Duke W. Dunbar, Attorney General, John P. Moore, Deputy Attorney General, Attorneys for Byron Anderson, Secretary of State.

Mr. Chief Justice McWilliams delivered the Opinion of the Court.

Byron G. Rogers, as plaintiff-contester, filed in this Court an original proceeding entitled Petition for Contest of Primary Election and named Craig S. Barnes as a defendant-contestee. Also named as a defendant was Byron Anderson, the Secretary of State for Colorado.

From the petition we learn that Rogers and Barnes were candidates for nomination by the Democratic Party for United States Representative to Congress from Colorado's First Congressional District and that at the primary election held on September 8, 1970 Barnes had apparently won by some thirty votes. By his petition Rogers contests the apparent election of Barnes and as grounds therefor alleges as follows.

(1) that illegal votes were received in eight designated precincts;

(2) that in one precinct an unnamed election judge electioneered for Barnes;

(3) that in one precinct the lever over Rogers' name was faulty; and

(4) that in another precinct there was electioneering for Barnes within the polling place.

As concerns each of these several grounds for contest, Rogers also alleged that but for the described conduct the result of the election would have been changed in his favor.

By way of relief Rogers asks that a hearing be held by this Court to determine the contest and that he be declared the successful candidate in the primary election.

In response to this petition Barnes filed a motion to dismiss which in our view must be sustained for two reasons.

I.

We are of the view that this Court does not have jurisdiction to hear this matter.

Article I, sections 4(1) and 5(1) of the United States Constitution provide, in part, as follows:

"4(1) The time, place and manner of holding elections for senators and representatives shall be prescribed in each state, by the legislature thereof, but Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

* * * * * *

"5(1) Each house shall be the judge of the elections, returns, and qualifications of its own members . . ."

Quite clearly, then, section 5 empowers Congress, and Congress alone, to determine charges of voting irregularity, for example, stemming from a general election and concerning the offices of United States Senator and member of the United States House of Representatives. See, for example, *Laxalt* v. *Cannon*, 80 Nev. 588, 397 P. 2d 466; *Keogh* v. *Horner*, 8 F. Supp. 933; and *Odegard* v. *Olson*, 264 Minn. 439, 119 N.W. 2d 717. Such jurisdiction being exclusive, no other body, including this Court, has the jurisdiction to hear and determine an election contest arising out of a general election for those two national offices. That such is the case is demonstrated by the fact that though the legislature has enacted a series of statutes relating to general election contests, there is no statute providing for contesting the election of one to the United States Senate or the House of Representatives, such right having been reserved by the Constitution of Congress.

The issue here to be resolved is whether the same rule applies to a primary election where competing candidates are seeking a political party's nomination to, for example, the United States House of Representatives. We hold that it does and that this Court is without jurisdiction to hear and determine the matters now sought to be raised by Rogers, nor could it grant the relief which he seeks.

In *United States* v. *Classic*, 313 U.S. 299, 61 S. Ct. 1031, 85 L. Ed. 1368, it was held that the authority given Congress by Article I, section 4 of the United States Constitution, set forth *supra*, includes the authority to regulate primary elections where under the law of the state they are an integral part of the procedure for the choice of representatives in Congress. This rule was reaffirmed in *Smith v. Allwright*, 321 U.S. 649, 64 S. Ct. 757, 88 L. Ed. 987.

The United States Supreme Court having ruled that the provisions of Article I, section 4 of the United States Constitution apply to primary elections for the United States Senate and House of Representatives, it logically follows as a corollary thereof that the provisions of section 5 should also apply to primary elections for those two national offices, and we hold that they do.

State, ex rel. Wettengel v. Zimmerman, 249 Wis. 237, 24 N.W. 2d 504 is in point. There an election contest was filed in the Wisconsin Supreme Court seeking to enjoin the issuance by the secretary of state of a certificate that the winner at a primary election was the nominee of the Republican Party for United States Senator. In dismissing the petition the Wisconsin Supreme Court held that a primary election being an integral part of the election process, Congress under the provisions of Article I, section 5 of the United States Constitution has the same jurisdiction of primaries for nomination for United States Senator as it has over general elections for United States Senator. In so holding that court held that such jurisdiction to pass on primary elections for United States Senator was exclusive in nature and that it, the Wisconsin Supreme Court, had no jurisdiction of such matters. We agree with the result and reasoning of *Wettengel.*

To like effect, see *Markwort v. McGee*, 36 Cal. 2d 592, 226 P. 2d 1 where the California Supreme Court relying on provisions in its state constitution similar to Article I, section 5 of the United States Constitution, held that state courts had no jurisdiction to decide state primary election contests, such jurisdiction having been vested, and exclusively so, by constitutional provision in the state assembly. See also *State v. Evans*, 79 N.M. 578, 446 P. 2d 445.

The present action was brought under the provisions of C.R.S. 1963, 49-17-15, which purport to vest this Court with jurisdiction to try election contests arising out of a primary election for nomination to the United States Senate and House of Representatives. For the reasons above stated, this statute, which was first enacted in 1910, as it applies to the parties here before this Court, is held to be in conflict with Article I, section 5 of the United States Constitution and in such situation the United States Consitution must prevail.

II

Independent of the jurisdictional question the petition must be dismissed for its failure to allege sufficient specific facts—as opposed to general conclusions—which would advise the contestee with reasonable certainty of the character of the charges to be met. The statute under which Rogers seeks to proceed requires that a contest be instituted by a petition "setting forth the grounds for the contest." In this regard the several statutes relating to election contests for office other than those of United States Senator and House of Representatives contain similar language. In prior cases we have held petitions containing a higher degree of specificity than does the instant one to be insufficient. See, for example, *Suttle v. Sullivan*, 131 Colo. 519, 283 P. 2d 636; *Cruse v. Richards*, 95 Colo. 485, 37 P. 2d 382; and *People v. Mitchell*, 88 Colo. 102, 292 P. 228. Our study of the petition filed in the instant proceeding leads us to conclude that it is lacking in specificity and fails to meet the "what, how and by whom test" referred to in *Mitchell.*

Accordingly, for these reasons the petition filed by Rogers must be and hereby is dismissed. The order of this Court heretofore entered on September 15, 1970 restraining Byron Anderson, Secretary of State, from issuing a certificate of election to Barnes is hereby vacated. Other matters, including Rogers' motion to strike Barnes' affirmation Defense and Petition, are now moot.

PROVISION OF THE ELECTION LAWS OF THE STATE OF COLORADO

49-17-15. *Contests arising out of primary elections.*—(1) All election contests arising out of any primary election, except contests for national or state offices, shall be summarily adjudicated by the district court sitting for the political subdivision within which any such contest may arise. The court first acquiring jurisdiction of any such contest shall have original jurisdiction subject only to the summary appellate jurisdiction of the supreme court by writ of error. In all cases involving contests for national or state offices, the supreme court shall take original jurisdiction for the purpose of summarily adjudicating any such contest.

(2) Every such contest shall be instituted by petition to the proper court, setting forth the grounds of contest. The petition shall be verified and a copy thereof shall be served on the contestee within five days after the occurrence of the ground of contest, requiring the contestee to answer under oath within five days after service. If personal service of the petition cannot be procured in the state on the contestee, service may be made by leaving a copy of the petition with the clerk of the court having original jurisdiction of the controversy or contest. The clerk shall thereupon make diligent inquiry and endeavor to procure the contestee to make answer to the petition, and upon the expiration of the time for the answer the court having jurisdiction of the contest shall forthwith set the same for trial on the merits thereof, summarily adjudicating the same.

Source: L 63, p. 453 § 199.

THE FUEL SHORTAGE

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, earlier today the New York City congressional delegation attended a breakfast hosted by the mayor of the city of New York, our former colleague, John Lindsay. Many problems affecting the city of New York were discussed including, cuts in poverty programs and other programs; adequate provision by the Federal Government for protection of visiting dignitaries to the 25th Anniversary of the United Nations, without overburdening the people of New York and its police force for supplying this protection; and also a problem which I believe directly affects and will affect the entire Nation: and that is the possibility of a fuel shortage and its resultant effect on heat and power. We here yesterday experienced what the city of New York has been experiencing in the field of power shortage. I believe the memorandum prepared by Mayor Lindsay, which follows, actually applies to all and I commend it to the attention of my colleagues and would request that the administration give full thought to its implementation:

MEMORANDUM

THE CITY OF NEW YORK,
New York, September 23, 1970.

Re: Fuel Shortage.
To: New York City Congressional Delegation.
From: John V. Lindsay, Mayor.

The City of New York, as evidenced only yesterday again, is constantly plagued by a growing shortage of adequate power. The clean fuel needed to create that additional power is also in dangerously short supply. This dilemma had to be faced directly in the City's decision to approve one-half of the Consolidated Edison Company's plan to expand its generating plant at Astoria.

We are dismayed by the fact that not only is there no coherent national fuel policy, but that no one agency is responsible for insuring that needs of America's consumers of oil, gas, coal and nuclear fuels are being met. Most importantly, in the context of the Astoria decision, we have been shocked to find that no agency is responsible at this time for developing a "Clean Fuel Policy" to insure that the nation's utilities and homeowners can meet increasingly rigid pollution-control standards. Thus, what could have been a far simpler decision with regard to Astoria became extraordinarily difficult. The complicating factor is the lack of fuels which would have allowed the Astoria expansion to proceed on a virtually pollution-free basis (in this case, natural gas) by 1974.

We have analyzed the City's need for clean energy and find that there is a surpassing need for low-polluting fuels. In analyzing this need, we also find that there is an inadequate supply of any kind of fuel—coal, oil or natural gas. In fact, we are advised by the Chairman of the State Public Service Commission that it is very likely that New York City, along with other cities in the United States, will be required to ration fuel oil and gas (and therefore electricity as well) due to the existing shortage. The consequences of such rationing should be fully understood: We are talking about heatless days in winter, reduced voltage or load shedding for portions of the City in summer, and reduced employment where such fuels are necessary to production of goods and services.

I believe it is essential that the congress inform itself as to the reasons for this state of affairs and that public hearings should be initiated immediately.

The City submits that these hearings will conclude that both the long-term and short-term deficiencies involved require remedies along the following lines:

1. A single national agency should be charged with the responsibility of formulating an energy policy for the United States. It is estimated that by 1980, ten years from now, total energy consumption will have increased by 60 percent. We must develop a coherent policy for insuring that we can meet this growing consumption, reduce it through pricing policies and other devices, where necessary, and develop and utilize the resources and techniques for producing this energy with the minimum possible amount of pollution.

2. Presently, our fuel policy is being increasingly dictated by a few companies and state agencies. The Congress should initiate an immediate inquiry into the formulation of energy priorities and why the anti-trust laws have failed to prevent the growing centralization in this field. We should also know why New York City's fuel supply should be at the mercy of out of state agencies.

3. One of the factors producing this disparate imbalance in our fuel policy is the complicated and elaborate quota system which limits the amount of oil and gas inputs and provides no incentive for the production of desulfurized fuels in the United States as a whole. While the quota system and other restrictions on oil inputs should be thoroughly re-thought, incentives for the production of clean fuel should be adopted immediately within the present system. The "bonus barrel" system applicable to low-sulfur imports in California should be expanded to include the entire eastern seaboard as well. This can be done by a simple change in an Executive Order of the President. The Department of the Interior, in turn, should be pressing for the development of known natural gas reserves, especially in the case of offshore areas where drilling sites are leased by the United States to private producers.

4. The Department of Health, Education and Welfare, through its national pollution-control agencies, should be given a major role in the development of the nation's energy policies now within the exclusive jurisdiction of the AEC, FPC, Department of the Interior and Office of Emergency Preparedness. This expanded role for HEW will require some legislation and close Congressional oversight.

While these are preliminary conclusions which require further discussion, the one premise which underlines all of them is that there is a need for national leadership in the area of energy production. Historically, when the Executive Branch has failed to provide that leadership, Congress has moved to fill the vacuum, and I am therefore strongly urging the New York City Congressional Delegation to urge their colleagues in the Congress to assume the urgently needed role of insuring both plentiful and pollution-free energy, not only to New York City, but to every part of the nation.

U.N. FAILS AS PEACEKEEPING ORGANIZATION

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, as a Member of Congress, I have consistently voted for every appropriation for this country's continued participation in the affairs of the United Nations in accordance with the terms and obligations of its membership.

I have recognized, of course, that the United Nations has, by no means, ever lived up to the claims of those who conceived it, founded it, and plunged the United States deep into its affairs.

I am as familiar as any one with the U.N.'s shortcomings and with the manner in which our enemies have frequently sought to undermine it, or dominate it, in order to further their own aspirations against us.

Yet, throughout all of this, I have clung to the belief that, however imperfect, such an organization as the U.N. was better than no such organization at all. I have done so in the belief that, for want of some better instrument, the U.N. may develop into a true peacekeeping organization.

I am, therefore, saddened to conclude that the U.N.'s silence in connection with the long-building Middle Eastern crisis strongly suggests that the U.N. will not be able to justify my hopes for it.

I am particularly perturbed that the U.N.'s Secretary General, Mr. U Thant, has frequently gone out of his way to have little, if anything, good to say about the United States while having a lot of very nice things to say about our Communist enemies.

I am certainly aware that the gentleman from Burma has had a lot of criticism of the U.S. effort in South Vietnam, but that he has failed to apply his yardstick of criticism to what Red China and the Soviet Union have been doing in the Middle East.

I note, further, that he has compounded this glaring inconsistency by failing to apply that yardstick to the Syrian move into Jordan in support of the international outlaw band of hijackers, marauders, and peace violators that are the Palestinian guerrilla forces.

I must, therefore, strongly suggest that, unless the U.N. now takes some firm and positive steps to restructure itself as a true peacekeeping organization, the United States should find no

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further cause nor interest in continuing its support of that most impotent body.

Thank you.

VIETNAM

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, when President Nixon was a candidate for President in 1968, he pledged to end the war in Vietnam, a war that has now taken the lives of over 40,000 of our fellow American citizens. This war is a trying war that has badly split our country. But I submit, Mr. Speaker, that the President is keeping his pledge from the 1968 campaign; he is ending the war. And he is ending the war in such a way that will bring a real peace, not a false peace which will elude us.

Mr. Speaker, the President has talked a great deal about Vietnamization and the Nixon doctrine for Asia. In order to completely understand the President's Vietnam policy, it is necessary to first understand the basic concepts behind that policy. But, first, let us take a look at the record of American involvement in Vietnam.

Let us take a look at American casualty figures for last week. The Pentagon has reported that American battlefield deaths in Vietnam were the second lowest weekly toll in almost 4 years.

It has now been almost 5 months since American troops were sent into Cambodia to rout out the Communist sanctuaries in that country. What has been the result of that operation? It is probably too early to accurately appraise the effect that the operation will have on the outcome of the war, but it is not too early to take a look at the tactical "pluses and minuses" of that operation. Let us look at the record.

For the 2-month period preceding American intervention into Cambodia, the weekly average of Americans killed in Vietnam was 108. For the 2-month period after the Cambodia operation—up to August 25, 1970—the weekly average of Americans killed in Vietnam has dropped to 70. Not once since the end of the Cambodian operation had the weekly toll of American deaths in Vietnam exceeded 100.

Mr. Speaker, this is a decline of 35 percent in American deaths, and is, I think, a particularly relevant point to indicate the success of the Cambodian operation. But what is particularly significant about the pre-Cambodian figure is that this is a 60-percent reduction below 1969 figures for the same period. Again, Mr. Speaker, I submit that this is proof that the President is winding down American involvement in Vietnam.

Mr. Speaker, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD at this point a chart showing the decline in war activity in Vietnam since the end of the Cambodian operation. This chart, which was based on Vietnam field reports through August 25, 1970, is from the September 7, 1970 issue of U.S. News & World Report:

HOW WAR IN VIETNAM HAS DROPPED OFF

	Pre-Cambodia weekly average March–April 1970	Post-Cambodia weekly average July–August 1970	Down (percent)
American troops killed in action	108	70	35
Enemy terror and sabotage attacks	490	233	52
Enemy ground ambush attacks	40	6	85
Enemy attacks on population centers	7	4	43
Enemy battalion-level attacks	1	1	[1]
U.S. aircraft lost	40	17	58
South Vietnamese troops killed in action	300	267	11
Communist troops killed in action	2,561	1,558	39

[1] No change.

Source: Vietnam field reports through Aug. 25. (Reprinted from U.S. News & World Report, Sept. 7, 1970, p. 32.)

Let us look at the level of troop reductions. When President Nixon became President, there were 532,500 American troops in Vietnam. For almost 4 years, there had been a steady increase in the level of American troops in Vietnam. Not once during that period had there been any reduction in the level of American troops in Vietnam. That has all changed under President Nixon. Since the President took office, there has been a reduction of 133,000 American troops from Vietnam—from 532,500 in January 1969 to 399,500 in September 1970. This figure for September 1970 is the lowest level of American troops in Vietnam since January 14, 1967. In other words, Mr. Speaker, over one-fifth the number of troops that were in Vietnam when the President took over are now home. On April 20, 1970, the President announced the withdrawal of 150,000 American troops by the spring of 1971; 50,000 of those troops will have been completely withdrawn by October 15 of this year. Because of the success of the Cambodian operation, there will be no need to put an end to the Vietnamization process of withdrawal.

In an effort to achieve peace in Vietnam, President Nixon has continued the peace talks in Paris. On May 14, 1969, the President announced his proposals for a settlement of the Vietnam war, including the mutual withdrawal of all non-South Vietnamese forces from South Vietnam and internationally supervised free elections. As the President pointed out in a speech to the American people, we seek no bases in Vietnam, but only the right of the South Vietnamese people to determine their own future.

To secure more satisfying results at the peace talks, the United States has made three major steps toward peace. As the President stated in his foreign policy message on February 18, 1970:

> The United States has taken three major steps which we were told repeatedly would lead to serious negotiations. We stopped the bombing of North Vietnam; we began the withdrawal of U.S. forces from Vietnam; and we agreed to negotiate with the National Liberation Front as one of the parties to the negotiation. But none of these moves brought about the response or the reaction which their advocates had claimed.

Because of the Communist's unwillingness to negotiate an end to the war in Vietnam at the peace table, the President has taken other steps to end American involvement in the war and to prevent unwarranted American commitments to Asian countries in the future. However, the President has stated that the process of Vietnamization should not be looked upon as a substitute for negotiations, but rather as a spur to negotiations. The President has accurately detailed what he means by Vietnamization in these words:

> (Vietnamization) is a program to strengthen the ability of the South Vietnamese Government and people to defend themselves. It emphasizes progress in providing physical security for the Vietnamese people and in extending the authority of the South Vietnamese Government throughout the countryside.

Mr. Speaker, the President has reversed the trend of American military engagement from one of deeper involvement to one of less reliance on American troops to carry the burden of the fighting. Depending on three basic criteria, the President has noted, American troops will continue to be withdrawn from Vietnam. These criteria are: the level of enemy activity, progress in the negotiations, and the increasing ability of the South Vietnamese people to assume for themselves the task of their own defense.

The Vietnamization program has been able to proceed smoothly largely because of the last criterion: the South Vietnamese have been assuming a larger role in the defense of their country. As we all know, there has been very little progress at the Paris peace talks largely because of the Communist's unwillingness to go beyond their weekly propaganda format. The only reason for a decrease in enemy activity has been because of the success of the President's Cambodian decision.

Of course, the President will not forget the importance of ending this war through negotiation. As the President has said:

> We shall continue to try to make clear to that (the North Vietnamese) Government that its true long-range interest lie in the direction of negotiations. As we have often said, we shall be flexible and generous when serious negotiations start at last.

But the President's policy in Vietnam goes far beyond just ending this war, Mr. Speaker. To his great credit, the President has devised a plan that will keep the peace without a great expansion of American military power in the Pacific. I am, of course, referring to the Nixon doctrine. In his statement on foreign policy in February of this year, the President defined the Nixon doctrine in this way:

> Its central thesis is that the United States will participate in the defense and development of allies and friends, but that America cannot—and will not—conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world. We will help where

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it makes a real difference and is considered in our interest.

Although the United States will no longer play the role of the world's policeman, this does not mean that we have abandoned our role in maintaining order in the world. The Nixon doctrine maintains that America will share in its responsibility, but that we shall not be responsible for bearing the burden all by ourselves.

The basic tenets of the Nixon doctrine as enunciated by the President in his speech on Vietnam on November 3, 1969, and his foreign policy message on February 18, 1970, are as follows:

First, the United States will continue to keep its treaty commitments;

Second, we shall continue to provide a shield if a nuclear power threatens an American ally, or of a nation whose survival we consider essential to our own security; and

Third, although we shall furnish military and economic assistance when requested and when appropriate, we shall nevertheless assume that the nation directly threatened will bear the major burden for its defense.

The President of the United States is keeping his pledge to end this war, and he is doing it most honorably. As American citizens—not just as Republicans or Democrats, but as Americans—we can all take pride in the fine job our President is doing to end this war, which he inherited from the previous Democratic administration. Just as I joined with the overwhelming majority of the Members of this body on December 2, 1969, by voting my support for the President's Vietnam policy, I reaffirm today my confidence in the President and his policy.

PROPOSED AMENDMENT OF FEDERAL AVIATION ACT OF 1958

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, the proposed bill to amend the Federal Aviation Act of 1958, as amended, which I have today introduced has four principal objectives:

First. It would replace the terms "supplemental air transportation" and "supplemental air carrier" with the terms "bulk air transportation" and "charter air carrier." This change in terminology is intended to make clear that the role of the charter air carriers—now known as supplemental air carriers—is to carry both passengers and cargo in bulk at rates which reflect the inherent economies of planeload transportation. The term "bulk air transportation" is taken from the President's recent statement of international air transportation policy, which states that "both scheduled carriers and supplemental carriers should be permitted a fair opportunity to compete in the bulk transportation market." The bill defines bulk air transportation as the transportation of 40 or more persons or 5 or more tons of cargo pursuant to a single contract. The purpose of this definition is to eliminate the so-called affinity concept and the discriminatory and restrictive charter regulations of the Civil Aeronautics Board which have impeded the fullest development of charter transportation. The Board would still be authorized to adopt implementing regulations to preserve the distinction between bulk and individually ticketed or individually waybilled transportation, but it would be under a congressional mandate to do so on a nondiscriminatory basis, free of the conceptual and regulatory morass created by its present rules. The Board's authority to regulate tour operators, freight forwarders, and other indirect air carriers would be unaffected.

Second. The bill would direct the Board, as a matter of clear congressional policy, to permit charter carriers a fair and equal opportunity to compete with U.S. and foreign scheduled carriers in providing bulk air transportation.

Third. The bill would seek to negate the unfair competitive advantage now held by scheduled carriers by reason of being able to price their promotional fares without consideration as to their adverse impact on the competition between air carriers; that is, a loss leader price.

Fourth. The bill would express the intent of the Congress that the public interest is served by international agreements which assure that charter carriers are able to secure regular and assured landing and uplift rights in foreign countries under conditions of full reciprocity. At the present time, such international agreements apply only to scheduled services.

I include the following section-by-section analysis:

SECTION-BY-SECTION ANALYSIS

Paragraphs (1), (2), (3). These paragraphs amend Section 101 of the Act by substituting definitions of "bulk air transportation": and "supplemental air carrier." "Bulk air transportation" means as to passengers "the transportation of 40 or more persons, or such lesser number as may be authorized by the Civil Aeronautics Board, (and their accompanying baggage) pursuant to a single contract" and as to property "the transportation of 5 or more tons of cargo pursuant to a single contract." "Charter air carrier" means an air carrier authorized to perform bulk air transportation pursuant to Section 401(d)(3) of the Act.

Paragraph (4). This paragraph adds two new subsections to Section 102 of the Act, which contains a declaration of policy and sets forth the elements of the public interest, convenience and necessity. The first addition would declare as policy the "encouragement and development of low cost bulk air transportation, and the opportunity for fair and equal competition between charter air carriers" and U.S. and foreign scheduled carriers. The other addition would support "[c]onclusion of international agreements designed to permit the freest possible competition under conditions of full reciprocity."

Paragraph (5). In accordance with the changed definitions in Section 101, Sections 401 and 417 would be amended by deleting the terms "supplemental air carrier" and "supplemental air transportation: wherever they appear and substituting therefor, respectively, the terms "charter air carrier" and "bulk air transportation."

Paragraph (6). This provision would add a new subparagraph to Section 401(d) to provide a procedure whereby existing "supplemental air carriers" would receive authorization to engage in "bulk air transportation." Under this provision, an air carrier which, within 120 days after the date of enactment of the bill, makes application showing that it holds a certificate of public convenience and necessity issued by the Civil Aeronautics Board to engage in supplemental air transportation and has performed "any portion of such service" would be issued a new certificate to engage in bulk air transportation "in the same manner authorized by" its prior certificate (i.e., in the same geographical markets, providing the same types of services).

Paragraph (7). This paragraph would repeal Section 401(n), which contains invidious provisions applicable only to supplemental air carriers. These provisions were adopted in 1962, at an early stage in the development of the supplemental industry, when it was feared that some of the carriers were only marginally fit. In view of the size, stability and excellent safety record of the present generation of charter carriers, there is no further need for Section 401(n).

Paragraph (8). This provision would add a new sentence to Section 402(e) of the Act, which empowers the Board to prescribe the terms, conditions, or limitations to be applied to foreign air carriers to prove, as a condition of providing bulk air transportation, that reciprocal rights are afforded U.S. flag air carriers in their home countries. Foreign air carriers would also be required to adhere to the Board's regulations governing bulk air transportation.

Paragraphs (9), (10). Paragraph (9) would add a second proviso to Section 1002(d), which provides for the regulation by the Board of rates, fares, or charges in interstate and overseas air transportation. The new proviso would preclude the use of below-cost "promotional" fares as an unfair competitive weapon against any air carrier by making unreasonable as a matter of law any rate, fare or charge "which is determined by the Board to be less than the fully allocated cost to the air carrier of providing such air transportation . . . if such rate, fare or charge adversely affects any air carrier." Paragraph (10) would amend Section 1002(e)(1) requiring the Board, in the exercise of its rate-making functions, to take into consideration "[t]he effect of such rates upon competition between air carriers."

Although neither of these provisions would apply directly to rates, fares or charges in foreign air transportation (which are not regulated by the Board), the Board would nonetheless apply these criteria in determining whether agreements between air carriers fixing international rates or fares meet the public interest standard of Section 412 of the Act (See Section 102).

CLEAN WATER ACT

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am introducing, along with my colleague from Michigan (Mr. DINGELL), a bill which I think will be the most farreaching clean water bill ever presented to the Congress. It will call for a three-step timetable which will culminate in the 1976 deadline requiring tertiary treatment of all substances entering waterways. The bill also establishes standards and sets aside certain areas where nothing can be disposed of. By January 1, 1972, it will require all sewage and industrial waste to have at least primary treatment. The next step would require that by January 1, 1974, primary and secondary treatment will be required, and by 1976 tertiary treatment or its equivalent would be necessary. In addition, the Secretary of the Interior, after conducting a survey during the coming year will mark certain areas which will be completely off limits. The Secretary will also be directed to consider the potential effect on wildlife and ecology of such things as sludge, landfill, heated effluent, and any other chemicals or solid wastes. One or more could be banned in certain areas, and entire areas could be closed off to dumping. The present approach, which really is just a license to pollute up to agreeable levels, would be done away with and we would really be in a position to clean up the waters of this Nation.

Mr. Speaker, in this past decade, more and more Americans have become aware and concerned over the increasing amount of pollution which has been dumped into the waters of our Nation.

In part, this awareness has come because of the efforts of men who have sought to prevent this ravage of our environment. But it has also come from personal experiences. People find they can no longer swim in lakes, they can no longer fish in rivers and streams and they can taste it in their drinking water as we add more and more chemicals in an attempt to cleanse what we have fouled.

A great portion of our environment—the water in our rivers, streams, lakes, and indeed our oceans—is being denied us because we have violated them. When we look for the culprit, we need not look far, for we are the violators.

Our cities have too long neglected the ultimate situation which results from the dumping of sewage into the convenient catchall of our water systems.

Industry has too long assumed that their business interests did not include the responsibility of keeping rivers clean for the general public and they have continued to use waterways in such a manner that one would think industry had a lifetime lease on any body of water that was convenient to carry waste away.

Ships at sea or in our waterways—and there are 8 million annually—have not felt constrained to consider the ramifications of dumping sewage overboard; rather, it would seem that once free of land, any ship is free of responsibility of keeping water clean.

The indictment of our society leaves very few Americans free of blame. From the farmer to the industrialists, from the housewife to the boater, we have all contributed to the perilous decline of the quality of the water of this Nation.

The sum total of our neglect is astounding and frightening. Eight million Americans drink water from the systems which do not meet Federal standards because of bacteria.

Diseases connected with bad drinking water have risen in almost every State.

The demand for water is increasing annually, but the amount of water available is decreasing.

Fish kills are common to the point that millions of fish float to shore each year.

Lakes and rivers are dying. Lake Erie is a prime example. It has aged 15,000 years since 1920. Yet while we know this is true, man is rushing headlong to convert the Atlantic and Pacific Oceans into the greatest cesspool in the world.

Nearly 6,000 communities with municipal water systems fail to meet existing public health standards although those standards are not stringent and for the most part are not enforced.

More than 1,300 communities discharge wastes without treatment into water.

I must admit that my State of Florida is not without guilt. The Department of Interior is just finishing a report which should be released in the near future detailing this Nation's participation in the growing problem of water pollution.

In Florida, when the 1968 questionnaire was sent out, there were 16 cities which dumped sewage into water systems with less than primary treatment.

And what is more astounding, 11 of those cities dumped raw, untreated sewage into such systems as the Atlantic Ocean, the Escambia River, the St. Johns River, the Caloosahatchee River, the Manatee River, Lake Worth, and the Barron River.

Nine of these cities are still dumping practically raw sewage into water systems although five of the cities have gone to and will soon install secondary treatment plants.

The State of Florida itself has issued 142 citations for various pollution violations to municipalities or industries in two-thirds of the State's counties. All but five were for water pollution.

Newsweek says that the Escambia River is one of the Nation's 10 filthiest rivers.

But it is obvious that this problem is not regional. It is one of the Nation's gravest problems.

Because of this, there has been dozens of bills introduced aimed at encouraging and prodding local and State governments, industry, agriculture, and vessels using water systems to halt pollution.

For the most part they are laudable pieces of legislation and the rhetoric proceeding them is stirring.

The fastest way to eliminate water pollution of all natures is to set a deadline after which the discharging of any waste which has been treated in less than a tertiary manner will not be permitted.

NATIONAL DEVELOPMENT: AN URGENT NEED

The SPEAKER pro tempore (Mr. MOORHEAD). Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, the results of the 1970 census are still incomplete and are considered preliminary, but they are complete enough to tell us that disturbing trends are continuing in our Nation. The Census Bureau says the shift of population from nonurban to urban sections is continuing and that the movement of population from the cities to the suburbs is accelerating.

Despite American preoccupation with size and quantity, there are frightening aspects to the census totals. As Rene Dubos said in his book "So Human an Animal":

> Most modern prophets in and out of the academies seem to be satisfied with describing a world in which everything will move faster, grow larger, be mechanized, bacteriologically sterile and emotionally safe.

We cannot continue to operate on the unofficial slogan that "anything that is bigger must be better."

The sad realization that we came to in the decade of the 1960's was that while huge cities might sprout impressive buildings and increase opportunities for some people, they also lead to unacceptable pollution, to unhealthy and dehumanizing overcrowding, to insufficient power sources, to the progressive erosion of public services, to disastrous traffic problems, and to social regimentation.

Residents of the inner cities were apparently learning these lessons during the past decade. Census Bureau Director Dr. George H. Brown has reported:

> The suburban rings have grown rapidly and substantially. The number of people living in the suburbs is now greater than the number of persons living in the central cities, and this in spite of the annexations that have been made in the last decade.

The overcrowding, the pollution, the threat of crime and the loss of identification in the inner cities apparently became unacceptably obvious to thousands of citizens, pushing them to the suburbs. We know, however, that this movement will not solve the problems of the cities, nor will it solve the problems of those persons who are abandoning the central cities.

These shifts in population will not lessen pollution. The criminal elements will continue to follow the population to the suburbs. In other words, long-range solutions are not provided for any of the urban problems by this exodus to the suburbs. The problems will only continue to mushroom.

We know, however, that the problems which we face in this Nation do not belong exclusively to the metropolitan centers—the cities and the suburbs.

In the nonurban sections of the Nation, we have continued to see massive outmigration to the metropolitan centers. The Census Bureau has reported that the farm population declined by approximately one-third during the past decade, dropping from about 15 million to about 10 million persons. More than three-fourths of the national growth occurred in the metropolitan areas, while about one-half of the Nation's counties lost population and another fourth of the counties showed a low rate of growth. Persons were leaving the nonurban sections of the Nation because there were insufficient job opportunities or because the jobs available could not compete with salaries and benefits provided in urban centers. Millions of people rejected nonurban living because of a failure to provide adequate educational opportunities, sufficient cultural attractions, or acceptable housing conditions.

Just as the rapid movement of persons from nonurban to urban sections of the Nation makes the solving of city problems almost impossible, that same movement destroys the nonurban tax base which could be used to improve living conditions and opportunities for the millions of nonurban residents.

It is my contention, Mr. Speaker, that these trends are not in our best interests and tend to move this Nation toward self-destruction. It is also my contention that this situation need not be accepted as a fact of life—one which cannot be halted or reversed. These trends can, they should, and they must be reversed.

Let me give you an example of what this problem is costing the American taxpayer in both funds and security:

In the District of Columbia with a population of approximately three-quarters-of-a-million people, more than $112 per resident is invested in providing police protection and one policeman is provided for each 120 residents. These averages do not even include Capitol or park police.

Yet, the resident of Washington is almost six times more likely to be the victim of a crime as a resident of Jonesboro, Ark., a town of 26,580. In Jonesboro, the investment in providing police protection is $9.36 per resident, and one policeman is provided for each 862 residents.

This is not an isolated example. Uniformly, the investment increases and the security provided residents decreases as a city continues to grow.

According to the 1969 report of the Federal Bureau of Investigation, almost 6.5 out of each 100 residents of cities of more than 250,000 persons were the victims of crime. This average dropped to: 5.1 in cities of 100,000 to 250,000; 4.0 in cities of 50,000 to 100,000; 3.4 in cities of 25,000 to 50,000; 2.8 in cities of 10,000 to 25,000; 2.3 in cities under 10,000; and 1.3 in rural areas.

I think it would be a fair assessment to say that this same situation applies to the provision of all other services—fire protection, garbage disposal, and other municipal services.

For a Nation that is interested and concerned with the plight of the consumer, what kind of madness provokes us to continue adding to this problem which seems almost devoid of effective solution?

It is a national shame to continue crowding more and more people into smaller and smaller areas, creating demoralizing conditions for adults and unhealthy conditions for children.

It is unforgivable for us to continue trying to provide more and better housing at higher and higher costs under ghetto conditions when there are wide-open spaces throughout this Nation hungering for development.

It is unconscionable when the enjoyment of a forest or a clean lake becomes a once-a-year opportunity for thousands of people, or when the sight and smell of clean air comes only at vacation time.

It is irresponsible when we continue to create urban conditions upon which crime breeds and thrives, and which is growing into a monster that threatens the democratic traditions which have allowed our growth and development.

Why have we allowed this situation to develop and these problems to grow? Who is to blame? How can the shortsighted policies, or the lack of policies, be reversed and solutions to these problems found?

The blame, I fear, lies with all of us—not because we deliberately tried to create these conditions—but because we failed to see the handwriting on the wall and failed to devote sufficient attention to the conditions being created. We are guilty—not of sins of commission, but of sins of omission.

In the Congress and at the national level, we have failed to take into consideration the demographic consequences of our programs and policies. To the extent that the continued location of Federal agencies, offices, and installations have continued to be centered in the crowded metropolitan centers, we have even been directly guilty of adding to our problems.

State and local governments have failed to provide the foresight, the planning, the opportunities, and the consideration orderly population growth requires.

The corporations of our Nation have been guilty of refusing to consider national implications in the location of their facilities, of considering only short-range cost factors rather than the long-range national interest and the health and well-being of their employees.

A national growth policy can and must be established. The consideration of demography can and must be included in the extension and establishment of Federal programs. Questions must be considered within a national context, rather than as a narrow urban versus nonurban conflict.

It is symptomatic to me of the way in which we have ignored these essential considerations that we have a Department of Housing and Urban Development which, by statute, loses all interest in the problems of a community below the 5,000-person dividing line. At the same time, we have a Department of Agriculture which gives little or no consideration to the problems of our cities in the overall formulation of its policies.

Can any systematic approach to these problems emerge when we have multiple agencies administering vital programs relating to housing, to economic development, to vocational and technical training, to the problems of pollution, to our national transportation network, and to health services?

Can an orderly population growth policy be either established or administered under a fractured system of divided authority?

Can the problems of the urban areas be solved by ignoring the opportunities or the problems of the nonurban areas? And, can the problems of the nonurban areas be met by refusing to acknowledge the existence of the problems which plague our urban centers?

The answer to all of these questions is an emphatic "No."

We are still one nation, and our problems can be viewed only as national problems which can be attacked efficiently and effectively only on a national scale. To adopt this approach is not to ignore sectional heritages or obvious loyalties. But, to adopt this approach is to acknowledge obvious realities. We are all bound together, and my problems are not being solved until the problems of my fellow citizens are also being solved.

The President has recognized the need for a long-range approach to this problem with the appointment last fall of a Task Force on Rural Development and of a Council for Rural Affairs. While I might argue that it is shortsighted to focus only on the nonurban sections of our Nation, these two organizations are giving their attention to the need for a concerted effort to achieve a reasonable, a rational, and a realistic solution to the problem of population growth.

It is my feeling, Mr. Speaker, that we in the Congress must also give special attention to this problem and to the implications of our actions, previous and proposed.

What we need in the House of Representatives is a select committee which would give its attention to this problem, and to this opportunity to move into a period of planned growth rather than haphazard expansion.

We cannot allow the 1980 census to tell another story of a decade of neglect of this crucial problem. We cannot allow the headlines in 1980 to read that we are still ignoring our demographic problems and wasting our potential.

The time for we in the Congress to consider this problem is now. This goal can be accomplished through the work of a Select Committee on National Development. This is my goal for the 92d Congress. I hope my colleagues will join me in that effort.

As the Washington Evening Star said in a September 15 editorial on this subject:

> Surely more effective remedies can arise from the trial-and-error ashes of the Sixties.

ALASKAN NATIVE LAND RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 15 minutes.

Mr. TUNNEY. Mr. Speaker, the Congress of the United States is currently faced with its final opportunity to deal honorably and justly with American Native peoples. The issue at hand involves settlement of the claims of some 60,000 Eskimos, Indians, and Aleuts to the lands of Alaska, claims which appear to be soundly based upon original and continuing use and occupancy of most of the Alaskan land mass. The obligation of Congress to provide a just settlement of these claims dates from 1867, when the United States purchased from Russia the right to tax and govern Alaska, and from the Organic Act of 1884, establishing a territorial Alaskan government, when Congress specifically recognized the Natives' right to the land. The 1884 act stated that—

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> The Indians . . . shall not be disturbed in the possession of any lands actually in their use or occupancy or now claimed by them.

But postponed for future legislation the matter of conveying title to the Natives. Congress has yet to act, and now the deadline for justice in Alaska is fast approaching. A complex of social, economic, and political forces threatens to overwhelm the Alaska Natives—to destroy their ancient cultures and to dispossess them of their ancestral lands, upon which they continue to depend for life-giving sustenance.

The issues involved in achieving a just settlement are extremely complex, and now is not the time for a full examination of them. At the heart of the entire matter, however, is the land, and its absolutely crucial importance to the Native cultures. To the Natives the land is life. Arctic Eskimos hunt whale, walrus, and seal in the coastal areas and caribou on the tundra. The Indians of the interior hunt moose, beaver, muskrat, rabbit, and black bear in the forests, and gather berries in the summer. Often, because of the delicate ecology of the area, a thousand acres are required to support one Native. Without secure title to an adequate land base, the Native cultures are doomed.

The Natives continue to use and occupy at least 60 to 80 million acres of the 375 million acres in the Alaskan land mass. These lands have never been taken from the Natives by war, or relinquished by them through sale, treaty or cession. Under the time-honored legal doctrine of original Indian title, these lands actually belong to the Natives. So it is not a question of giving them anything, but rather of equitably settling just claims in such a way as to preserve an adequate land base for the traditional Native cultures, while providing the opportunity for successful transition to our culture, where that option is elected by Native peoples.

Mr. Speaker, I wish to associate myself with a statement recently signed by Mr. Emil Notti, president of the Alaska Federation of Natives, and Mr. Earl Old Person, chairman of the Blackfoot Tribe of Indians and president of the National Congress of American Indians, and to join them in calling for a land settlement of 40 million acres for the Native peoples. I include their statement at this point in the RECORD:

JOINT STATEMENT OF TWO DISTINGUISHED NATIVE LEADERS ON ALASKA NATIVE LAND RIGHTS

"The United States must not repeat in Alaska today the injustices that overwhelmed American Indian tribes a century ago.

"The native people of Alaska—60,000 Indians, Eskimos, Aleuts—are fighting in Congress and the courts to save their lands from expropriation by the State of Alaska.

"They have not sold their land, lost it in war, nor ceded it by treaty. However, only Congress can grant them security of title.

"Time and time again the Native people of Alaska's 200 villages have asked for title to their lands, and they are told that they cannot expect justice from Congress—they must compromise. And so they have. They have reduced their claims for title first to 80 million acres and then to 40 million acres. And now they are asked to compromise even more.

"They are warned that they must accept a bad bargain or there will be no bargain at all. They are told that by asking for enough land to protect their livelihood, they risk losing it all. And their fears are reinforced by Interior Secretary Walter J. Hickel's stated intention to transfer their lands to the State of Alaska unless Congress acts by December 1970 to settle their claims.

"The Alaska Native Claims Settlement Act of 1970 (S. 1830) passed by the Senate on July 15 would extinguish Native claims to all of their lands in Alaska. In return, it provides the Natives with cash compensation and with title to only 10 million acres of land, less than 3% of the more than 350 million acres to which they have valid legal claims.

"The cash compensation offered in the Senate bill will result in a net economic loss to the Native people. The present value of the land for subsistence hunting and fishing and for trapping and gathering, as well as its long-range commercial value, greatly exceeds what the Senate proposes in its cash settlement.

"The cash settlement would be distributed in the form of social services and shares in a Native investment corporation. It is estimated that a Native shareholder will receive dividends on his stock of $53 in 1971, $152 in 1980 and $418 in 1990. By 1990, the Native population in Alaska will have doubled. Yet, none of the Natives born after the passage of the Senate bill will be entitled to shares in the investment corporation. Clearly, the proposed services and dividends will in no way constitute a livelihood for those Natives now living nor for those yet to be born.

"Although the Senate has provided for conditional hunting and fishing rights on the lands that will be taken from the Natives, the history of our nation's treatment of American Indians shows that these rights, without the security of title, quickly disappear.

"We reject the notion that the Alaska Natives cannot receive justice from Congress. We believe that this, the last opportunity to deal fairly with them is worth fighting for.

"A secure and adequate land base is essential to the dignity and survival of Alaska's 60,000 Indians, Eskimos, and Aleuts.

"We urge the U.S. House of Representatives to enact legislation that would confirm to the Native villages of Alaska title to a minimum of 40 million acres of their ancestral lands.

"The Alaska Natives depend upon the land and its inland and coastal waters for their livelihood, hunting and fishing for subsistence as they have from time immemorial. Moreover, the land offers them their best opportunity for sharing in the future economic growth and development of the State and Nation. Equally important, the land is the foundation of their rich and varied cultures and a cherished source of their spiritual life.

"To deny the Alaska Natives an adequate land base of at least 40 million acres will contribute to their dependency, to the disintegration of their communities, and to the erosion of their cultures. To strip the Alaska Natives of their land will destroy their traditional self-sufficiency, and it is certain to create among them bitterness toward other Alaskans and a deep distrust of our institutions and our laws.

"The Natives' request for title to a minimum of 40 million acres of their land is fair, reasonable, and humane. The U.S. House of Representatives has a historic opportunity to secure to the Native people of Alaska a just settlement that will honor the Nation and be a source of pride to future generations of Americans."

EARL OLD PERSON,
President, National Congress of American Indians.

EMIL NOTTI,
President, Alaska Federation of Natives.

OEO CUTBACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the State of New York has been dealt a cruel blow by the Office of Economic Opportunity. We have been informed by OEO that our allotment for the current year will be some $3.6 million less than planned due to a national cutback in the very vital community action programs and Headstart operations.

I and my colleagues from New York State are doing everything possible to rectify this far-reaching decision to cut back these needed funds. We ask that our colleagues in other affected States join us in these efforts.

The results of the cutback will be devastating. I know of no more convincing argument for the restoration of these funds than the factual statement submitted by the New York State People's Mobilization To Preserve Community Action. I commend it to my colleagues and I fervently appeal for support of its aims:

NEW YORK STATE PEOPLE'S MOBILIZATION TO PRESERVE COMMUNITY ACTION—A HAND UP, NOT A HAND OUT

The anti-poverty movement has been alive and serving the many diverse needs of America's 24,300,000 poor persons, since 1964. We are a non-profit, federally funded body that has sought to give hope to the hopeless, find homes for the homeless, find jobs for the jobless and stamp out the ugliness of poverty wherever it exists. Since our inception, the Federal government has stifled our efforts time and time again by refusing us the needed monies to develop new anti-poverty programs and to reach our potential in the struggle against poverty.

The ideology behind the entire poverty program is to train and give jobs to the poor so that they will, in turn, be able to help others who are poor. This basic concept has been the lifeline of our movement. And, once again, it is feared that these people will be forced out of jobs and back into the squalor of poverty as a result of Federal cutbacks. The anticipated national cutback is $20,000,000. The New York region will experience a cutback of $3,600,000. These reductions in anti-poverty appropriations will cost hundreds of people to lose their jobs and it will, moreover, mean that thousands of people will be denied needed service throughout the State of New York.

Much of today's social unrest and turmoil is an outgrowth of despondency. The anti-poverty struggle is aimed at relieving much of this tension by developing constructive programs and avenues of approach for effecting social change. We have reached a critical era in the chronicles of our history and we are not faced with the final decision to move this nation towards either "chaos or community".

Senator Javits from New York—ranking Republican member of the Labor and Public Welfare Committee, has said—"If we are ever going to arrest the trend in this nation toward welfare dependency and to alleviate the despair of many of the poor, we must allocate a higher priority and more funds for these essential programs". It is for this reason that we are here today to protest the Federal government's action to cut back on anti-poverty funds. We entreat all persons whose interests lie in making this a better and more wholesome society for all, to aid us in our fight to eradicate poverty.

The cutbacks will mean:

People, poor people; anti-poverty workers, will have to be laid off.

Riots of frustration will boom in the streets from the young who are no longer patient.

Poor families being denied desperately needed service.

Laid off workers having to return to the welfare and/or unemployment rolls.

Pre-school children being denied a Headstart experience.

Mothers not being able to receive training or to work due to Headstart cuts and being forced to go back on welfare.

Elimination of local emergency food and medical service programs assisting the homebound and elderly poor throughout the State.

Increasing unemployment among the poor: no counsellors, no jobs.

Contributing to the rising inflation.

Neighborhood based services eliminated.

Silencing the only voice of the poor.

Health services for the poor curtailed due to funding cuts.

Specialized youth programming efforts curtailed.

Recreational and vocational education efforts minimized due to lack of funds.

Career development efforts curtailed due to lack of continuing resources.

Headstart expansion impossible.

Local consumer education program efforts minimized.

Adquate legal services to the poor will be affected.

Family counselling efforts affected.

Referral to job training and vocational rehabilitation centers will be further minimized due to lack of adequate staff.

THE COTTON PROTECTION ACT OF 1970

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY), is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, by this means I appeal to House conferees on the Agricultural Act of 1970 to reject Senate provisions of the cotton program, provisions which will add at least $90 million a year to the tax burden of this outrageous program.

Do cotton interests, who already benefit by subsidies which equal the market value of the crop, deserve another $90 million a year? Or, more importantly, is this where another $90 million a year should be shifted as a matter of highest national priority? Is it more worthy than delayed programs for education, medical and other social services?

This latest outrage comes about by two principal provisions added by the Senate: First the increase in base acreage from 11.5 million acres as provided by the House to 14.5 million acres. The administration estimates this will add about $150 million over the 3-year duration of the bill, or $50 million a year.

The other provision is a change in the maturity date for storage of cotton. Cotton interests have long had a special advantage over wheat, soybeans and feed grains, because the Government has paid cotton producers for storage of cotton under loan—not the other way around, as with feed grains, wheat, and soybeans.

The advantage of storage is about 6 percent a year, or $6 for a bale worth $100. An additional advantage to the owner of stored cotton comes in the form of interest rate subsidy. He borrows money at 3½ percent, less than half the cost of money ordinarily. The subsidy again is provided by the taxpayer.

This gives a strong incentive to the owners of cotton not to sell cotton, but instead to keep it in storage as long as possible. The Senate provisions permit an outrageous extension of the loan privilege, and I have learned from responsible sources that this extension—combining the advantage of storage income with the interest rate subsidy—will add about $40 million a year to the cost of the cotton program.

In the past 3 years the cotton industry has officially requested the U.S. Department of Agriculture to extend the cotton loan maturity date for periods ranging from 3 to 12 months. In 1968 Secretary Freeman refused to approve of such action and when the Nixon administration came to office in January 1969, one of Secretary Hardin's first encounters was with the same special interest of the cotton industry. Secretary Hardin appointed cotton experts to consider the maturity date and in February 1970 the Department wisely denied the request. I am including the USDA study in the RECORD.

The Senate committee now seeks what both Secretaries rejected—the privilege of keeping cotton under loan 1 year from the first day of the month in which the loan is made.

Mr. Speaker, such a provision increases the cost of the cotton program, gives producers and warehouses an undeserved break, and widens substantially the discrimination between cotton on one hand, and feed grains, wheat, and soybeans on the other.

The loan maturity date extension could artificially raise the price of cotton by almost $20 a bale above its present price of $100 per bale and provide scandalous windfall profits to large cotton producers and warehouse operators at substantial increased cost to the taxpayer.

Under wheat, feed grains, and soybean programs a farmer must pay warehouse storage charges during any period the crop is under loan. However, under cotton it is the other way around. The Government pays storage charges. This practice is scandalous when one considers the huge subsidies cotton otherwise receives.

The administration vigorously opposes this provision and I attach here for the record the USDA position as well as newspaper editorials and columns criticizing this measure. One news report even quotes the chairman of the House Agriculture Committee as calling this measure a gimmick.

A gimmick it is, and one which will cost most farmers and all other taxpayers dearly.

I hope House conferees will demand that these two provisions be dropped. If not, I will certainly urge opposition to the conference report, and if it is approved will urge President Nixon to veto the bill.

The documents referred to follow:

1970 USDA STUDY OF EXTENDED LOAN MATURITY DATES

(Appraisal of various extended cotton loan maturity dates in relation to the announced 1969 cotton loan program currently in operation)

The Department was requested on September 19, 1969, by a group of National Cotton Council representatives to make a study to determine the possible effects of extended or variable loan maturity dates for 1969-crop cotton in relation to the current program under which loans mature on July 31.

Five possible maturity date schedules were proposed for study in conjunction with several assumptions to serve as controls in the study. These maturity dates and assumptions are listed in the attached Exhibit A followed by six objectives of the study. It was also assumed (1) that 1969 and 1970 production would be about the same as total offtake, (2) that the carryover at the end of each crop year would be the same as it was on August 1, 1969, and (3) that the 1970 loan rate would not change from 1969.

A Department committee composed of cotton statisticians, merchandising specialists, and economists, representing the Consumer and Marketing Service, Economic Research Service, Statistical Research Service, and the ASCS have carefully examined the matter with due consideration to the various factors involved. On the basis of the study, we have these observations:

1. There would be little difference in the final total redemptions under any maturity date that was extended to October 31, 1970, or later. However, the redemptions through July 31, 1970, would be about 800,000 bales smaller under any of the extended maturity dates than under the current program. In other words, with extended dates, cotton would remain under loan for a longer period, and no appreciable increase in total redemptions would occur.

It appears that practically all of the cotton to be redeemed under any maturity schedule will be redeemed before cotton of the following crop becomes freely available. If the maturity date is not extended, cotton needed for the early months of the next marketing year will be redeemed during the period April through July. But an extension of the maturity date will cause a substantial volume of redemptions to be delayed until the August-October period in order to take advantage of CCC's low interest rate as long as possible.

Even though slightly more 1969-crop loan cotton may finally be redeemed under an extended maturity date, more cotton from the following crop will go under loan or less would be sold by CCC because the "free stocks" carried by the Trade will be less if the maturity date is later.

In most instances where loans were extended in the past, the loan rate for the following year was higher. Even then, the redemptions after August 1 were very small. If the loan rate in the future remains the same or goes down and supplies are adequate, it would be highly impracticable to redeem any old-crop loan cotton after the new crop is freely available. (The last crop for which loans were extended was the 1955 crop.)

2. Under the maturity schedules which end in October, November, or December, only a small portion of the acquisitions by CCC would be prior to the last month of the maturity schedule. Under the 14-month plan, the acquisition of 1969-crop cotton would not reach its peak until February and March of 1971.

3. CCC sales in the early season months (September, October, and November) will taper off considerably after the catalog stocks have been picked over and the qualities of cotton which are not freely available from

the new crop or which are in very strong demand have been sold. This selection process will follow the pattern of cataloging the 1968 crop. Most of the sales to date have been the lower grades and shorter staple lengths which are in strong demand. Sales prices have averaged over 23 cents, basis Middling 1-inch cotton, with Mike reading of 3.5 to 4.9.

From July to October, the CCC sales price comes down 135 points as carrying charges are reduced. During this same period, interest and storage on old-crop cotton would go up about 50 points. Thus, by October, loan cotton would lose almost 2 cents per pound of the incentive there was to redeem the cotton in July. This is one of the reasons that, in past years when the loans were extended, there were comparatively few redemptions after October unless the loan rate in effect for the current crop was higher than for the preceding crop or a scarcity of cotton developed.

4. Under any of the extended maturity dates, it is expected that the total supply of "free stocks" (does not include CCC stocks of owned and loan cotton) available to the market at the end of each month will gradually decrease from March through July as redemptions fall. It is estimated that free stocks at the end of July would be about 800,000 bales less than under a July 31 maturity. From August through October, free stocks would build back up to a fairly normal level and then the following March would again begin falling below the level at which they would be under the current program.

5. The change in CCC stocks of owned and loan cotton and its investment in such stocks would be exactly the reverse of "free stocks." Under an extended maturity date, CCC stocks would increase more from March to July than they would under the current program, and on July 31 CCC's stocks would be about 800,000 bales larger with about $80 million more invested. But during the next few months, additional redemptions would reduce the stocks and investments to a level only slightly higher than under the current program.

6. Indications are that any of the extended maturity date schedules would tend to cause some increase in prices. But, under the assumption that CCC would have two million bales of catalog cotton available for sale on July 31, 1970, it is not expected that prices would increase sharply. If CCC's catalog stocks are reduced to a much lower level, a fairly large quantity of 1969-crop loan cotton carried over into the 1970 marketing year with accrued interest and charges would tend to raise the price of 1970-crop cotton to a higher level.

If the loan rate for the following year were increased, or the total supply of cotton were to drop substantially, or CCC's stocks were to be exhausted, a loan extension could have considerably more effect on market prices.

The estimates of the committee were based on past records of the monthly rate of such items as ginnings, offtake, loans made and redeemed, and on the best judgment of the committee. The assumptions used in making the estimates were that (1) 1969 and 1970 production would be about the same as total offtake, (2) the carryover at the end of each crop year would be the same as on August 1, 1969, (3) the 1970 loan rate would not change from 1969, (4) there would be no change in CCC's sales policy, (5) CCC would sell 800,000 bales and its stocks of old-crop cataloged cotton as of August 1, 1970, would be two million bales, and (6) that the volume of 1969-crop cotton that will go under loan during the season will be the same regardless of the maturity date provision.

The estimates reflect these assumptions, but it must be understood that developments during the season, such as weather conditions, size of the crop, quality of cotton produced, foreign production, program changes, and legislative proposals, can affect substantially the volume of loan entries, redemptions, CCC sales, offtake, prices, and the various other factors considered.

Exhibit A

Assumptions and Outline for Study

Study of Possible Effects of Delayed or Variable Loan Maturity Dates for 1969-crop Cotton.

Analyze five possible maturity date schedules.

1. Continue July 31 maturity date for all cotton.
2. Loans maturing in 10 months but not before July 31 or later than October 31.
3. Loans maturing in 11 months but not before July 31 or later than November 30.
4. Loans maturing in 12 months but not before July 31 or later than December 31.
5. Fourteenth-month so-called anniversary date loans.

Assume no change in announced sales policy.

Assume CCC stocks of old-crop cataloged cotton as of August 1, 1970, will be two million bales. Estimate quantity of 1969-crop cotton (bales and dollars) that will go under loan during season and assume that those quantities will be the same regardless of maturity date provision.

Then: Estimate for each of the five maturity date possibilities:

1. Redemptions each month.
2. CCC takeover under each maturity schedule.
3. CCC sales each month.
4. Total supplies available to the market each month.
5. CCC investment in owned and loan stocks at the end of each month.
6. An indication of probable market-price trends.

U.S. Department of Agriculture's Position on Upland Cotton, September 21, 1970

1. Item—Cotton loan maturity.

2. Preference—House bill does not establish a loan maturity date. We recommend deleting the words "nonrecourse loans for a term of 1 year from the first day of the month in which the loan is made" from the Senate amendment beginning on page 56, lines 7 and 8.

3. Explanation—The Department recognizes that the present system under which all loans mature on July 31 (the end of the marketing year) creates some problems in marketing the new crop. In developing program provisions under the new legislation, procedures will be devised that will provide variable maturity dates in order to minimize the effect on marketing of the new crop.

4. Reason—Retention of the Senate amendment provision would present many administrative problems for the Department.

[From the Journal of Commerce, Sept. 3, 1970]

The Failure of a Committee

The version of the farm bill approved last Friday by the Senate Agriculture Committee must be read right through to be believed. Perhaps because it adopts verbatim the $55,000 annual payment limitation voted by the House, Chairman Ellender didn't think anyone would bother to read it through. In that case it would not be discovered until too late how outrageously loaded it is in favor of cotton and against the taxpayer.

It might not be discovered, either, that what the committee proposed taking away from some cotton farmers by means of the annual payment limitation it also proposed giving back to them more or less surreptitiously via a series of changes in the Commodity Credit Corp.'s crop loan program. Just how much extra these changes would cost the taxpayer is problematical. The secretary of agriculture estimates $150 million. Some private estimates run higher.

On Monday Secretary Hardin wrote Senator Ellender that it was imperative to avoid loan levels that would entice farmers to produce for CCC instead of the market; that CCC loans should not be used as a device to hold cotton prices permanently well above the market and that U.S. cotton farmers generally should compete effectively in world markets. The committee's bill fails on all three of these counts.

* * * * *

It is, in fact, an open invitation to cotton farmers to forget competition, forget the market and produce primarily for CCC, which would be saddled with the responsibility for selling as best it could all the noncompetitive cotton it would be forced to accumulate under the nonrecourse loan program.

The committee bill also deals with the wheat program and feed grains, in which it departs somewhat from the House version and would extend the dairy, wool and Public Law 480 programs pretty much as they stand. Cotton is another matter.

In the case of this commodity the agriculture secretary would retain some discretionary powers in fixing the loan rate, allowing production increases and in other matters. Until it is known just how he is going to use this authority over the next three years, it is impossible to estimate just how much it all would cost. But within the trade itself there isn't much doubt of the bill's objectives. It is to force cotton prices up at the very time it is under heavy pressure from other fabrics.

* * * * *

One particular feature of this measure strikes us almost as ingenious. As matters stand now, the secretary can be expected to call in all CCC cotton loans on July 31, the end of the marketing year. Nothing in the House bill would change this. But something in the Senate bill would.

This is a stipulation that the secretary make nonrecourse loans to those covered by the program for a term of one year from the day of the month in which the loan is made. In other words, as interpreted by cotton experts, a farmer could harvest his crop in September, 1971, put the cotton in a warehouse in May or June of the following year and then leave it there until May or June of 1973 before CCC could acquire title to the cotton. And that isn't all. When CCC finally did take title it would owe the producer about 20 months storage and interest costs.

These costs are estimated at $20 to $25 per bale. But that isn't all either. Under this provision large numbers of cotton producers could elect to withhold their output from the market for the purpose of running up prices. If the stratagem worked, they could pay off their loans and reap whatever profit was available. If it failed they wouldn't even lose their storage and insurance costs. These would be met by the taxpayer.

* * * * *

Fortunately the issue is not yet settled. When a measure as important as the farm bill is as thoroughly bad as that approved by the Senate Agriculture Commission, there is always a fair chance that it will run into difficulty on the floor of the Senate itself. If this doesn't happen, it may be changed for the better in the Senate-House conference. And when two versions of the same bill differ as markedly as the cotton sections of the House and Senate committee bills, there is always a possibility of a further floor battle over the conference report.

Finally, if the final bill is as wretched a piece of legislation as that approved by Senator Ellender's committee, there is always the chance of a presidential veto. But we would consider it sad if this should become neces-

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sary, for that would mean a reversion to the pre-1965 program, also cotton-oriented. If it does, the administration must bear a fair amount of the blame. For the better part of two years it has seemed content to let congressional farm leaders "follow their own heads" in working out a comprehensive program, even though it did supply some guidelines.

Only within the past few months have President Nixon and Secretary Hardin shown much disposition to carry their battle for the relatively worthy features of the guidelines to Capitol Hill. Once in the fray, they have proved resolute and resourceful but whether they got into it too late remains to be seen. We hope not.

[From the Memphis Commercial Appeal, Sept. 20, 1970]

Cotton Comment: Artificial Means of Keeping Price of American Cotton Over World Price Called Fatal

(By Gerald L. Dearing)

Lifting United States cotton prices above world prices means the end of the American cotton industry, Representative W. R. Poage (D-Texas), chairman of the House Agriculture Committee, told cotton men last week as they gathered in tribute to W. Rhea Blake, retired executive vice president of the National Cotton Council.

Reviewing the rise of synthetic fibers he commented that even the strength of the Council, organized in 1938, and the brilliant leaders it had had could not "stay the glacier-like movement of world economics."

"The United States is no longer the supplier of cotton for the world. In fact, we only supply what may from time to time be needed after all other countries have disposed of their crops. Cotton is no longer the dominant fiber. We produce more synthetic fibers than we do cotton. Last year cotton filled only 40 per cent of the domestic fiber market. While wool, silk and flax supplied only 3½ per cent, with man-made synthetics filling the remaining 56½ per cent.

"It has taken us a long time but I believe that most everybody except some of the farm organizations and a few congressmen have at last realized that we can't give any permanent relief to the cotton industry by pricing it out of the market. I remember when I was bittery criticized for urging that we let the domestic price of cotton drop to whatever it would bring on the world market, and that the government should then pay the difference to the farmer between the cost of production and a fair price. Even today there are very few farmers who are willing to turn loose of the loan and produce simply for the market. Even with government assurance of income supporting payments, and the Agriculture Committee of the House would not vote to treat cotton as we treat wool, and the Senate would not even consider the idea.

"Certainly the National Cotton Council was one of the first organizations to recognize the fallacy of a high loan on cotton. That are still some Senators and Congressmen who do not seem to understand that while a high loan could give us one year of high prices for cotton, it could, and probably would, at the same time destroy our last cotton markets. The House of Representatives has, I believe, at last recognized, as has the Secretary of Agriculture, that we must keep the loan below the world price—and that would doubtless be all right if in fact it stayed below the world price, but there are always those who want to put on so many gadgets that the effective loan price gets above the world price."

That last remark was identified as a blow at the anniversary loan, which would prevent the calling for loans for a year, and the proposal to charge full carrying charges on CCC sales.

"I believe that most of our House Conferees recognize the importance of keeping cotton competitive. I am hopeful that we will be able to do that," he assured the cotton men.

There is no formula under which the farmer can expect to have the government support prices on unlimited acreage, he continued.

He pointed out that he had suggested a continuation of the Act of 1965, but the administration had turned him down. He differs with the administration on the set aside proposals, charging them as being inexact, expensive and not nearly as effective as they should be. He accepted the idea, he said, because he was convinced it was the only way to get a farm program. Without a farm program, he added, the high loans of cotton would return conditions "which would just about finish the use of American cotton."

He endorsed the research and promotion feature of the Senate bill, and added that the $55,000 limitations on payments were the best that could have been obtained from Congress. He admitted that a roll call vote later on could destroy the hope of payments that high.

The House and Senate begin a conference on the program tomorrow in an effort to find a solution. The bills agree only on the matter of $55,000 limitations.

[From the Memphis Commercial Appeal, Sept. 13, 1970]

Cotton Comment: Administration Cites Points of Senate Farm Bill it Cannot Support—Changes Are Suggested

(By Gerald L. Dearing)

The administration has turned down the Senate Agriculture Committee's proposals for cotton and has indicated that the bill must be brought in line with the House version before the administration can give approval to it. The suggested changes were contained in a letter from Secretary Clifford Hardin to Senator Allen J. Ellender (D-La.), committee chairman.

The secretary told the senator that marketing quotas must go; that the allotments be 11.5 million acres, not the 14.5 million proposed by the Senate committee. He insisted that there be set aside of land equal to 33⅓ per cent of the cotton allotment. The Senate committee had proposed a diversion of 12.5 per cent of the 14.5 allotment. The secretary would not divert from the allotted acres, but simply would idle land beyond the allotment.

The administration wants the loan to be as it is today—callable at the close of business on July 31 each year. It wants no part of the "anniversary" loan under which the cotton would stay in the loan for a year, then taken by the CCC and sold at 110 per cent of the loan plus actual carrying charges. The administration wants to sell the cotton at 110 per cent of the loan, but it wants to maintain reasonable carrying charges, as is practiced in the sales today. The charges are added at the rate of 15 points a month beginning in November, with the high being reached in July. The charges are lowered 45 points in August, September and October, with no charges in October.

The goal of the anniversary loan advocates is to keep the cotton off the market, force the price of the current crop higher and higher, thus undoing the efforts of the government, which is paying a huge subsidy to make cotton competitive in domestic and world markets.

A farmer could harvest his crop in September—in some years—and put it in storage. In May or June of the following year, he could enter the cotton in the loan, the Journal of Commerce points out. It would be a full year from then before he would have to take the cotton out or let it stay with the CCC. By that time there would be 20 months of charges accumulated. The cost would be $20 to $25 a bale, which the buyer would have to pay above the 110 per cent of the loan if he were to buy from the CCC. Presumably farmers would gear their current crop asking price to the CCC sale price and any competitive edge given cotton through government subsidies would be canceled through the forcefully inflated prices.

The administration also insists that the payment of the subsidy be the difference between the predetermined support level (35 cents) and the average market price for the first five months of the season, but not less than 15 cents. The Senate committee proposed to make the payments the difference between the supports and the loan. This was a device to add about 3 cents a pound to the payments. Between the anniversary loan and payments to the loan, the farmer could, the sponsors believed, milk a rich harvest of dollars from the government.

Their scheme would work if there was an overwhelming demand for cotton, or supplies were short either through a crop failure or a holding movement the first year. But after the first year, demand would be so low that they would have no market other than the loan.

There has been a growing sentiment: Cotton is going out, why not get as much as we can before it goes?

They forget that the $55,000 limitations have not been voted, and that greed causes countersteps. The Senate has voted a $20,000 limitation as an amendment to the Agriculture Appropriations Bill. The $55,000 is for each crop. The $20,000 is for all crops. There is no assurance that the Senate will adopt the $55,000 limit. There is a possibility that the decision is near. There will be a pause in the debate on the electoral reform amendment which will allow the bringing up of the farm bill late tomorrow.

[From the Lubbock (Tex.) Avalanche-Journal, Sept. 20, 1970]

Cotton Shippers To Seek Changes

(By Duane Howell)

Revisions in carrying charges on Commodity Credit Corp. stocks, removal of the anniversary loan concept, and suspension of marketing quotas will be primary changes the American Cotton Shippers Association will seek in the cotton section of the Senate farm bill.

R. S. Tapp of Lubbock, chairman of the ACSA's National Affairs Committee, will be in Washington this week to keep abreast of negotiations in the joint Senate-House conference committee. The panel is expected to meet Monday to begin reconciling differences in the House and Senate bills.

"We believe the CCC carrying charges and the anniversary loan proposed in the Senate bill could drive our prices out of line in competition with man-made fibers at home and abroad and with foreign growths in export markets," Tapp said.

"The price increase would be only temporary, however. The demand situation soon would reflect the loss in markets for our cotton and prices would adjust accordingly. The end result would be detrimental to the entire industry and to everyone who has a stake in the welfare of cotton."

Under the House bill, CCC cotton would be sold for unrestricted use at not less than 110 percent of the loan rate plus "reasonable" carrying charges.

Under the Senate bill, the minimum price for CCC cotton would be 110 per cent of the loan level plus carrying charges based on commercial rates for storage, warehousing services, and other handling costs, with insurance and interest at rates charged on price support loans.

This could make the resale of CCC cotton substantially higher and, therefore, less com-

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petitive, Tapp said. At the same time, he stressed, it is important not to allow the CCC sales to disrupt the movement of "free" supplies through normal trade channels.

Tapp said carrying charges should remain as they are now. He said government stocks under current sales programs have adequately insulated CCC cotton from new-crop supplies in the marketplace.

Under present sales programs, the CCC takes title to unredeemed loan cotton at the end of each marketing year and sells it for 110 per cent of the loan plus carrying charges which accumulate at 15 points per month from November through the following July.

Cotton's marketing year begins on Aug. 1. Carrying charges on CCC cotton are 90 points in August and 45 points in September. No charges are assessed in October. The CCC resale level, some observers say, often affects the market more than the loan level.

Under the anniversary loan setup, a farmer would have about a year from the time the loan was made to reclaim his cotton. Under the House bill, the secretary of agriculture could be expected to call all loans on July 31, as he does now.

Tapp contends the anniversary loan could be used to hold cotton off the market for protracted periods in an attempt to force inflated prices, thus nullifying the use of a government subsidy to make the crop competitive.

"It would be flat economic suicide to allow cotton to be held off the market for 20 months," he asserted, "and this could happen with an anniversary loan program."

Tapp, who returned recently from a business trip to Europe, said there are prospects for a stronger export demand for American cotton this season.

"But if our prices go any higher, the market will go to foreign growths or synthetics," he added. "Cotton is fighting for its life as a major industry, and temporary price advances to artificially high levels during these critical times could do irreparable harm."

Under the Senate bill, a farmer could harvest cotton in the fall of 1971, put it in the loan program in May or June of 1972, and leave it there until the summer of 1973. The cotton then would have 20 months of storage and interest back of it. The cost, Tapp added, would be $20 to $25 per bale.

Marketing quotas would mean all farmers, including those affected by payment limitations, could not plant in excess of their allotted acres without being subjected to stiff penalties, Tapp pointed out.

Payment limitations, once the principle is established in basic farm law, could be reduced at any time. The ceiling, set at $55,000 per crop per person in both the Senate and House bills, could be lowered drastically through riders on appropriations bills, which have to be approved by Congress every year.

Marketing quota legislation, however, would not be considered by Congress until it again took up the basic farm law.

COST-OF-LIVING INCREASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. Albert) is recognized for 10 minutes.

Mr. ALBERT. Mr. Speaker, I note that a news release from the Bureau of Labor Statistics states that the cost of living of Americans rose less in August than in any month since December 1968.

Any indication that the spiraling cost of living is not rising so rapidly as it has for 18 months of this administration is welcome. However, the terrible burdensome living cost increases which have accelerated the fastest in over 20 years are still much too high.

We should take whatever comfort is available in an environment of inflation, but certainly there is little comfort in an increase of 5.7 percent in living costs since the same month a year ago, or almost 10-percent increase since this administration came into office.

The housewife finds that prices in the grocery stores are still high, that the cost of home services is still going up, that medical costs are rising, that home payments and rent are still advancing, that utilities costs are still increasing.

Let the administration spokesmen take their comfort in statistics; the consumer has found little relief. A stagnant economy, with industrial production flattened now for several months, with unemployment the highest in 6 years, and with interest rates still excessively high for the average borrower, offers little comfort for the millions of Americans who find it increasingly hard to make ends meet.

AN APPEAL TO REASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton), is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I have joined with 140 Democratic colleagues in condemning efforts to disrupt the campaign speeches of President Nixon and Vice President Agnew.

We have issued a joint statement calling on all citizens "to accord the President and Vice President and all other public officials and candidates an orderly forum for the presentation of their views."

President Nixon and Vice President Agnew last week were subjected to the same kind of abuse which dogged the then Vice President Hubert Humphrey during the 1968 presidential campaign.

The text of the Democratic "appeal to reason" is as follows:

Appeal to Reason

Efforts to disrupt speeches by President Nixon and Vice President Agnew last week are abhorrent to anyone who believes in free speech. Our democracy cannot function in an atmosphere which makes impossible the exercise of this most basic liberty.

As Members of Congress, we have spoken out vigorously in the past to defend the expression of unpopular views. We speak out with equal force today against attempts to disrupt presentations by the President and Vice President. We are confident that if all sides of a question can be heard the American people will decide wisely.

The right to hear and be heard is the right of every citizen of a free society, whether he be President or ordinary citizen. Without a free exchange of ideas there can be no free society. In such exchange lies the ultimate worth of our democratic system.

We therefore call on all citizens to join us to accord the President and Vice President and all other public officials and candidates an orderly forum for the presentation of their views.

A list of the signers follows:

Democratic Congressmen Signing the "Appeal to Reason" September 23, 1970

Carl Albert, Brock Adams, Joseph P. Addabbo, Bill Alexander, Glenn M. Anderson, Thomas L. Ashley, William A. Barrett, Charles E. Bennett, Tom Bevill, Jonathan Bingham.

Ray Blanton, John Blatnik, Hale Boggs, Edward Boland, Richard Bolling, John Brademas, Frank J. Brasco, George E. Brown, Jr., Bill Burlison, Phillip Burton.

Hugh Carey, Bob Casey, Emanuel Celler, Bill Chappell, Jr., Jeffery Cohelan, John Conyers, Jr., James C. Corman, John C. Culver, Emilio Q. Daddario, John W. Davis.

Charles Diggs, John Dingell, Harold Donohue, Wm. Jennings Bryan Dorn, Thaddeus Dulski, Bob Eckhardt, Ed Edmondson, Don Edwards, Edwin W. Edwards, Frank Evans.

Leonard Farbstein, Dante Fascell, William D. Ford, Don Fraser, Samuel Friedel, Richard Fulton, Don Fuqua, Joseph Gaydos, Sam Gibbons, Henry Gonzalez.

William Green, Charles H. Griffin, Lee Hamilton, James N. Hanley, Richard T. Hanna, Julia B. Hansen, Michael Harrington, William Hathaway, Wayne Hays, F. Edward Hébert.

David N. Henderson, Floyd Hicks, Chet Holifield, James Howard, William Hungate, Richard H. Ichord, Andrew Jacobs, Jr., Harold T. Johnson, Ed Jones, Robert W. Kastenmeier,

Abraham Kazen, Jr., James Kee, John C. Kluczynski, Edward Koch, Peter N. Kyros, Clarence Long, Allard Lowenstein, Richard D. McCarthy, Ray J. Madden, James R. Mann.

Spark Matsunaga, Lloyd Meeds, John Melcher, Abner Mikva, Joseph Minish, Robert H. Mollohan, William S. Moorhead, John E. Moss, John Murphy, Lucien N. Nedzi.

David R. Obey, James G. O'Hara, Arnold Olsen, Maston O'Neal, Thomas P. O'Neill, Richard L. Ottinger, Edward J. Patten, Claude Pepper, Carl Perkins, Otis Pike.

W. R. Poage, Bertram L. Podell, L. Richardson Preyer, Roman C. Pucinski, John R. Rarick, Thomas Rees, Henry Reuss, Peter W. Rodino, Jr., Robert A. Roe, Fred B. Rooney.

Dan Rostenkowski, Edward R. Roybal, Fernand St Germain, James H. Scheuer, B. F. Sisk, Neal Smith, Tom Steed, Louis Stokes, Samuel S. Stratton, Leonor K. Sullivan.

James Symington, Frank Thompson, Robert Tiernan, John V. Tunney, Morris K. Udall, Al Ullman, Lionel Van Deerlin, Joseph Vigorito, Joe Waggonner, Jerome Waldie.

Charles Wilson, Lester L. Wolff, Jim Wright, Sidney Yates, Gus Yatron, Clement Zablocki, Thomas S. Foley, William R. Hull, Jr., Ken Hechler, John McFall, Melvin Price.

SPEECH ON STUDENT-UNREST TERMINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Mrs. Green), is recognized for 15 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, the Office of Education at the close of the school year compiles a report on college and university action taken in compliance with legislation passed by Congress to cut off Federal funds from students or faculty members who participated in a riot or major campus disruptive activities. It appears too many institutions of higher education have not taken the law seriously. Both the 1969 and 1970 acts appropriating money for HEW contained provisions prohibiting the use of

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the money, in the words of the 1970 act, for "a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

Let us turn to specifics on what has happened. Three institutions of higher education reported at the end of June that they had terminated Federal assistance to a total of 24 students under these appropriation acts. Of the 24 the Virginia Polytechnic Institution terminated 20, Northwestern University terminated two, and Mesa County Junior College terminated two. Harvard, Wisconsin, Michigan, and others, whose student rampages were the subject of first-page reporting this past year, took no action at all under these appropriation acts.

Six colleges reported terminating aid to a total of 16 students under subsection (a) and (b) of section 504 of the Higher Education Amendments of 1968. These two subsections require the termination of Federal assistance to students or faculty receiving aid who have been found by the university to have participated in acts of violence seriously disrupting the campus—which are either criminal acts for which the student has been convicted or violation of the university's own regulations. Of the 16 students terminated, nine were terminated by Miami University. Here again the universities which have most distinguished themselves by violence by their students and faculty members are conspicuous by their absence on the list.

Section 504 also contains subsection (d) which recognizes the university's right to terminate aid to its students when such action is in its judgment appropriate. Seventy-six institutions out of the 2,600 total in the United States reported action in this category. Harvard and Radcliffe both made this list, and each reported terminating one student.

Michigan University reported no action. Indeed the list of institutions in the State of Michigan reporting action is typical and for that reason worth noting: three institutions reported terminations. The Mid-Michigan Community Colleges terminated one student, the Muskegon Business College terminated 10, and the Northwood Institute terminated four.

Similarly, the University of Wisconsin reported no action. Three institutions in the State of Wisconsin reported action. They were the Dominican College terminating six students, Mount Senario College, Inc. terminating one, and the North Central Technical Institute terminating one. This is an almost incredible report for colleges and universities demanding more and more Federal funds.

Most of the institutions reporting action were small private colleges, community colleges or State colleges. Let me list some of them: Arkansas Agricultural, Mechanical and Normal College, 38; Lassen Community College, California, 15; Florida Keys Junior College, 39; Okaloosa-Walton Junior College, Florida, 23; Draughon's Business College, Kentucky, 28; Dakota State College, South Dakota, 26.

These colleges may very well have had trouble. If so, they received no national reporting that I saw—but, they, at least, do show concern about the law which was passed by the Congress.

Mr. Speaker, this report indicates an almost complete disregard by major institutions of higher education in this country of legislation enacted by this Congress—legislation which was signed by the President and is now law. They have experienced major disturbances of the sort that the Federal legislation was designed to reach. Probably, one-quarter or more of their students receive Federal aid. It would be very difficult to believe that on some of these campuses where riots have occurred that none of their students or faculty members receiving the aid participated in that violence.

Only 86 institutions out of 2,600 report taking any action at all in cutting off funds from those who engage in riots or major disruptions. In most cases, the institutions with the greatest disturbances—did the least in terminating Federal assistance.

I cannot believe that the institutions, whose names have been before us all year as centers of student violence and who have reported almost no terminations of Federal student or faculty aid, have acted in good faith. I do not like what this report tells me of their attitude. At the same time, however, I want to commend those institutions of higher education which have observed both the spirit and the letter of the law. For the information of other Members, I include it in the RECORD.

I also include a study on faculty attitudes about radical student activism in recent years. I am appalled at the percentage in certain departments who "unreservedly approve." This faculty opinion survey deserves the serious study by every Member of the House.

Number of students whose Federal assistance was terminated during the period July 1, 1969, through June 30, 1970

SECTION 407, PUBLIC LAW 91–204

Massachusetts: Northeastern University	2
Virginia: Virginia Polytechnic Institute and State University	15
Total	17

SECTION 411, PUBLIC LAW 90–557

Colorado: Mesa County Junior College	2
Virginia: Virginia Polytechnic Institute and State University	5
Total	7

SECTION 504 (a), PUBLIC LAW 90–575

California:	
California State Polytechnic College-Kellogg-Voorhis	1
San Fernando Valley State College	1
Maryland: University of Maryland	1
Ohio: University of Akron	1
Wisconsin: Wisconsin State University-River Falls	1
Total	5

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Michigan: Western Michigan University	1
Missouri: Southwest Missouri State College	1
Ohio: Miami University	9
Total	11

Institution's rules and regulations

Alabama:	
Alexander City State Junior College	1
Mobile State Junior College	7
Selma University	5
Stillman College	1
University of South Alabama	1
Arizona: Northern Arizona University	3
Arkansas:	
Arkansas Agric., Mechanical and Normal College	38
Hendrix College	1
California:	
California State College, Long Beach	1
Claremont Graduate School	1
Golden West College	1
Laney College	15
Lassen Community College District	1
Pitzer College	1
San Fernando Valley State College	12
University of California, Los Angeles	1
Colorado:	
Adams State College	1
Community College of Denver	4
Connecticut: Mitchell College	2
Florida:	
Florida Keys Junior College	39
Okaloosa-Walton Junior College	23
Idaho: North Idaho Junior College	3
Illinois:	
Central YMCA Community College	2
Kennedy-King Memorial College	2
Southern Illinois University	2
Iowa: Scott Campus of Eastern Iowa Comm. College	2
Kansas: Washburn University of Topeka	6
Kentucky:	
Cumberland College	3
Draughon's Business College	28
Louisiana:	
Grambling College	3
McNeese State University	10
Maine: Northern Conservatory of Music	1
Massachusetts:	
Boston University	5
Harvard University	1
Radcliffe College	1
Michigan:	
Mid Michigan Community College	1
Muskegon Business College	10
Northwood Institute	4
Mississippi:	
Alcorn Agricultural and Mechanical College	2
Copiah-Lincoln Junior College	3
Hinds Junior College	1
Saints Junior College	15
Missouri:	
Lincoln University	9
Southwest Missouri State College	1
Montana: Miles Community College	4
Nebraska: John F. Kennedy College	8
Nevada: Elko Community College	2
New York: Alfred University	2
North Carolina:	
Nash Technical Institute	4
Roanoke-Chowan Technical Institute	2
University of North Carolina at Asheville	1

Ohio:	
Ashland College	1
Baldwin-Wallace College	4
The College of Wooster	1
Oklahoma:	
Langston University	3
Northeastern State College	5
Pennsylvania:	
Seton Hill College	1
University of Scranton	4
South Carolina:	
Allen University	4
Voorhees College	9
South Dakota: Dakota State College	26
Tennessee:	
Dyersburg State Community College	1
Austin Peay State University	5
Tennessee—Con.	
Fisk University	2
Hiwassee College	2
Knoxville College	3
Milligan College	3
Texas:	
Bishop College	9
Southwestern Christian College	2
Texas State Technical Institute	3
Virginia:	
Ferrum Junior College	1
Virginia Military Institute	4
Wisconsin:	
Dominican College	6
Mount Senario College, Inc	1
North Central Technical Institute	1
Puerto Rico: Inter American University of Puerto Rico	2
Grand total	400

FACULTY OPINION SURVEY

The Carnegie Commission on Higher Education has released the tabulations of a Fall, 1969, survey of a sample of 60,447 faculty members in American universities. Results will be analyzed as part of a larger project by Seymour Martin Lipset, Harvard University, Martin A. Trow, University of California, Berkeley, and Everett C. Ladd, University of Connecticut. Many questions were asked of each respondent concerning academic and political life. Those for which distributions were available by discipline follow:

WHAT DO YOU THINK OF THE EMERGENCE OF RADICAL STUDENT ACTIVISM IN RECENT YEARS?

Field	Unreservedly approve	Approve with reservations	Disapprove with reservations	Unreservedly disapprove
Sociology (1,035)	9.2	65.5	21.9	3.4
Anthropology (458)	7.0	55.5	29.5	7.0
Psychology (2,111)	5.3	59.2	29.2	6.0
Economics (1,514)	5.3	50.6	35.1	8.5
Political science (1,268)	5.9	56.8	30.3	6.3
Social work (512)	8.0	63.9	24.2	2.7
Geography (402)	2.5	41.0	38.8	17.4
English (3,409)	6.4	55.3	30.3	7.4
Languages (2,809)	4.3	44.6	36.4	13.9
Philosophy (785)	7.9	59.9	28.0	3.8
History (2,015)	5.1	56.3	31.0	7.1
Religion (539)	4.8	61.0	27.6	6.3
Fine Arts (3,473)	3.7	48.6	37.5	9.9
Architecture (514)	5.4	51.0	32.9	9.7
Biology (4,567)	2.0	38.6	43.9	15.0
Medicine (2,384)	1.4	35.0	47.1	16.1
Mathematics (2,919)	4.4	37.5	42.0	15.2
Chemistry (1,891)	2.3	36.5	45.2	15.4
Geology (810)	2.2	32.5	45.8	19.1
Physics (1,713)	2.9	45.8	38.4	12.2
Law (611)	3.8	42.9	38.1	14.4
Education (3,161)	2.5	45.1	40.1	11.8
Business (2,343)	1.4	27.5	47.7	23.3
Engineering (4,383)	1.6	25.6	47.8	24.4
Physical education (1,208)	.6	24.3	51.8	22.3
Home economics (580)	.7	27.4	51.6	20.8
Library science (245)	1.6	41.6	43.7	12.0
Nursing (835)	.8	39.0	48.4	11.7
Agriculture (1,402)	.9	18.5	52.6	27.3
All respondents (60,447)	3.3	41.0	39.7	14.7

HOW WOULD YOU CHARACTERIZE YOURSELF POLITICALLY AT THE PRESENT TIME?

Field	Left	Liberal	Middle of the road	Moderately conservative	Strongly conservative
Sociology (1,035)	19.4	61.4	11.7	4.9	0.1
Anthropology (458)	15.3	54.1	16.6	9.6	.4
Psychology (2,111)	8.5	60.6	18.5	10.0	.7
Economics (1,514)	8.7	53.0	20.7	12.7	1.8
Political science (1,268)	13.8	58.0	16.2	8.4	.7
Social work (512)	11.5	67.2	12.3	5.9	.4
Geography (402)	3.5	42.5	29.4	20.1	2.5
English (3,409)	11.4	54.4	17.5	12.3	1.7
Languages (2,809)	8.0	48.0	22.2	16.9	2.1
Philosophy (785)	17.6	59.5	12.6	6.6	1.3
History (2,015)	14.0	54.7	16.9	11.2	.9
Religion (539)	8.7	59.7	18.4	10.2	.9
Fine arts (3,473)	4.4	48.9	24.6	17.9	1.7
Architecture (514)	7.0	51.9	18.7	17.9	1.9
Biology (4,567)	3.8	40.2	28.0	24.6	1.7
Medicine (2,384)	2.0	38.6	28.4	26.8	2.2
Mathematics (2,919)	7.3	40.0	27.7	20.2	2.5
Chemistry (1,891)	3.6	41.2	28.7	22.1	2.1
Geology (810)	3.0	34.4	30.5	27.2	3.0
Physics (1,713)	4.8	49.6	24.5	16.6	1.8
Law (611)	7.5	49.1	24.2	14.6	2.5
Education (3,161)	2.6	42.1	29.5	22.7	1.1
Business (2,343)	.9	29.5	30.1	33.7	3.3
Engineering (4,383)	2.2	26.7	29.5	34.9	4.5
Physical education (1,208)	.5	18.6	31.8	43.8	3.8
Home economics (580)	.2	2.02	36.7	37.8	2.6
Library science (245)	1.6	46.9	27.3	22.4	.4
Nursing (835)	.5	30.4	32.5	32.7	1.2
Agriculture (1,402)	.1	17.9	31.2	45.7	3.6
All respondents (60,447)	5.5	41.5	24.9	22.2	2.2

WHICH OF THESE POSITIONS ON VIETNAM IS CLOSEST TO YOUR OWN?

Field	Immediately withdraw	Encourage coalition government	Reduce commitment but prevent Communist takeover	Defeat Communists whatever cost
Sociology (1,035)	35.2	49.8	11.8	1.3
Anthropology (458)	35.8	45.0	15.7	.9
Psychology (2,111)	26.7	53.0	15.9	2.5
Economics (1,514)	22.3	51.4	20.9	2.8
Political science (1,268)	22.5	50.9	20.3	2.9
Social work (512)	34.6	46.7	14.1	2.1
Geography (402)	12.2	47.3	33.1	5.5
English (3,409)	31.3	46.5	16.9	2.8
Languages (2,809)	28.0	41.4	23.1	5.1
Philosophy (785)	29.4	52.5	13.6	1.9
History (2,015)	26.5	48.8	19.8	2.2
Religion (539)	20.2	56.6	19.5	1.7
Fine arts (3,473)	23.9	43.5	26.3	3.9
Architecture (514)	22.0	46.1	24.1	5.3
Biology (4,567)	17.8	43.0	32.1	5.2
Medicine (2,384)	15.8	47.3	29.2	5.5
Mathematics (2,919)	20.6	43.5	28.7	4.7
Chemistry (1,891)	15.7	47.3	29.8	4.6
Geology (810)	12.8	44.4	33.8	6.7
Physics (1,713)	20.4	49.9	23.1	4.0
Law (611)	18.5	48.3	26.7	4.1
Education (3,161)	14.7	42.1	35.1	5.7
Business (2,343)	9.3	37.3	39.5	10.8
Engineering (4,383)	11.3	35.6	40.2	10.0
Physical education (1,208)	7.5	29.8	45.4	14.7
Home economics (580)	9.5	33.4	45.5	8.1
Library science (245)	18.4	40.4	33.9	4.9
Nursing (835)	11.4	40.2	39.9	5.6
Agriculture (1,402)	5.4	29.8	50.5	11.8
All respondents (60,447)	19.0	42.1	29.1	6.0

WHOM DID YOU VOTE FOR IN 1968?

Field	Humphrey	Nixon	Wallace	Another candidate	Did not vote
Sociology (1,035)	69.6	8.0	0.1	6.5	12.5
Anthropology (458)	61.1	10.9	.4	7.4	14.6
Psychology (2,111)	68.2	14.6	0	2.7	10.9
Economics (1,514)	60.8	18.0	0	3.8	13.1
Political science (1,268)	71.2	11.8	.1	2.9	9.5
Social work (512)	79.9	5.9	0	3.9	6.6
Geography (402)	52.7	26.4	0.7	1.0	13.4
English (3,409)	64.8	14.5	.6	4.8	11.3
Languages (2,809)	50.4	18.1	.8	2.8	20.1
Philosophy (785)	66.5	9.4	.4	6.1	13.6
History (2,015)	68.3	12.9	.4	4.7	10.1
Religion (539)	70.3	15.6	0	1.5	8.7

WHOM DID YOU VOTE FOR IN 1968?—Continued

Field	Humphrey	Nixon	Wallace	Another candidate	Did not vote
Fine Arts (3,473)	55.3	26.7	.9	2.3	10.2
Architecture (514)	50.2	24.5	1.2	2.3	15.0
Biology (4,567)	50.0	32.9	.8	1.5	10.1
Medicine (2,384)	45.5	41.3	.5	.5	8.5
Mathematics (2,919)	49.5	26.1	1.1	3.9	13.9
Chemistry (1,891)	50.9	31.0	1.0	1.4	10.6
Geology (810)	41.6	37.5	.9	1.2	14.0
Physics (1,713)	55.5	21.2	.5	2.6	13.6
Law (611)	63.8	25.2	.7	1.0	6.7
Education (3,161)	53.7	33.1	.6	1.1	6.5
Business (2,343)	38.2	46.2	1.2	.8	8.1
Engineering (4,383)	32.9	47.2	1.4	1.1	10.7
Physical education (1,208)	31.3	54.4	1.4	.2	6.6
Home economics (580)	30.7	51.6	.9	.7	8.3
Library science (245)	59.6	25.7	.8	1.6	9.0
Nursing (835)	43.4	44.6	.4	.4	6.5
Agriculture (1,402)	30.0	58.3	1.7	.1	5.0
All respondents (60,447)	50.1	29.8	.8	2.2	10.5

BROWN-OUT HITS EAST

(Mr. RYAN asked and was given permission to address the House for 2 minutes and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, once again the Eastern United States has been hit by a brown-out. In some portions of the East yesterday there were even electric power blackouts: these were imposed on communities in at least six States and the District of Columbia. Another power shortage is expected today, as the current heat wave continues and demands for electric power remain high.

This is not the first instance of power shortages. Nor will it be the last. This country, which can spend billions to send men to the moon, and which, if the administration succeeds in its plans, will spend hundreds of millions of dollars to develop a plane, the SST, whose purpose is to transport a relatively few people across the Atlantic in a couple of hours, failed yesterday to provide enough power for a family on Staten Island to operate its toaster.

Nor is the shortage of electric power the only peril. We face a tremendous fuel oil shortage this winter, as well. Yesterday, Dr. Wilson M. Laird, Director of the Office of Oil and Gas in the Department of the Interior, testified before a Senate subcommittee that a fuel oil shortage could be avoided this winter only "if everything falls into place, if everything works out all right." He added that it would be "touch-and-go to see whether we can get by this winter," which is expected to be colder than normal for the Eastern and Southern States.

Joseph C. Swidler, chairman of the New York Public Service Commission, has warned that rationing of fuel oil may be necessary in New York State because the shortage has become so severe.

As a start—an urgently essential start—I am today introducing a bill to create a National Commission on Fuels and Energy. I am pleased to join with the distinguished chairman of the House Committee on Interstate and Foreign Commerce (Mr. STAGGERS) and a bipartisan group of our colleagues in supporting this legislation. The commission which it creates would recommend policies and programs for meeting our power needs, and for doing so without further endangerment of the environment.

In addition, I have sponsored House Resolution 932, introduced last April 20, which calls upon the President to implement the recommendations set forth in the majority report of the Cabinet Task Force on Oil Import Control. More than 60 Members have cosponsored this resolution. Implementation of this report would significantly lower fuel oil costs, and increase the supply of oil. Last year alone, oil import controls cost the average family of four an extra $96 for gasoline and heating oil.

In addition, I, along with 53 of my colleagues, have jointly written to the Administrator of the Oil Import Administration, Department of the Interior, urging a much higher allocation of fuel oil imports for the east coast than the President has provided.

For years I have urged the Federal Power Commission to allocate sufficient natural gas to help reduce air pollution caused by the generation of electric power in New York City.

It is essential that there be sufficient fuels available to meet the tremendous demands for energy which exist now, and which are going to increase massively in the next few years.

A National Commission on Fuels and Energy is an important step in the direction of forming a national policy to meet the fuel and energy needs of the Nation. This national energy policy is imperative, as well as is immediate amelioration of the fuel oil shortage which will be upon us with a vengeance this winter, as is the electricity shortage now.

AN OPEN LETTER TO COLLEGE STUDENTS FROM J. EDGAR HOOVER, DIRECTOR, FBI

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, J. Edgar Hoover, Director of the Federal Bureau of Investigation, has written an open letter to college students which I believe ranks as an historic document. It is outstanding not only for its perceptiveness of basic American character but also for its commonsense appeal to the good sense of the overwhelming number of fine young people in our colleges and universities.

Mr. Speaker, J. Edgar Hoover has made a national statement which very much needed saying. It is especially appropriate, coming as it does at the start of a new college year. I believe it is instructive not only for our college students but for every man, woman, and young person in America. I commend a reading of it to my colleagues and, with unanimous consent, insert it at this point in the RECORD.

AN OPEN LETTER TO COLLEGE STUDENTS

(By John Edgar Hoover, Director, Federal Bureau of Investigation, U.S. Department of Justice)

(This open letter to college students from Director Hoover pinpoints eight ploys used by radical extremists in their efforts to steer justifiable campus protests into violent and destructive channels. It was furnished to United Press International on 9–21–70 and is reprinted with permission.)

As a 1970 college student, you belong to the best educated, most sophisticated, most poised generation in our history.

The vast majority of you, I am convinced, sincerely love America and want to make it a better country.

You do have ideas of your own—and that's good. You see things wrong in our society which we adults perhaps have minimized or overlooked. You are outspoken and frank and hate hypocrisy. That is good too.

There's nothing wrong with student dissent or student demands for changes in society or the display of student unhappiness over aspects of our national policy. Student opinion is a legitimate aspect of public opinion in our society.

But there is real ground for concern about the extremism which led to violence, lawlessness, and disrespect for the rights of others on many college campuses during the past year.

The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife, and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the Nation.

The extremists are of wide variety: adherents of the Students for a Democratic Society (SDS) including the Weathermen; members of the Young Socialist Alliance (YSA), the Trotskyist youth group; the Communist Party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist-dominated antiwar group.

Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction.

Based on our experience in the FBI, here are some of the ways in which extremists will try to lure you into their activities:

1. They'll encourage you to lose respect for your parents and the older generation. This will be one of their first attacks, trying to cut you off from home. You'll hear much about the "failures" and "hypocrisy" of your parents and their friends. The older generation has made mistakes but your parents and millions of other adults worked hard, built, sacrificed, and suffered to make America what it is today. It is their country too. You

may disagree with them, but don't discredit their contributions.

2. They'll try to convert you to the idea that your college is "irrelevant" and a "tool of the Establishment." The attack against the college administration often is bitter, arrogant, and unreasoning. SDSers, for example, have sought to disrupt the colleges by demanding the right to select professors, determine the curriculum, and set grading standards.

3. They'll ask you to abandon your basic common sense. Campus extremism thrives on specious generalizations, wild accusations, and unverified allegations. Complex issues of state are wrapped in slogans and cliches. Dogmatic statements are issued as if they were the final truth. You should carefully examine the facts. Don't blindly follow courses of action suggested by extremists. Don't get involved in a cause just because it seems "fashionable" or the "thing to do." Rational discussion and rational analysis are needed more than ever before.

4. They'll try to envelop you in a mood of negativism, pessimism, and alienation toward yourself, your school, your Nation. This is one of the most insidious of New Left poisons. SDS and its allies judge America exclusively from its flaws. They see nothing good, positive, and constructive. This leads to a philosophy of bitterness, defeatism, and rancor. I would like you to know your country more intimately. I would want you to look for the deeper unifying forces in America, the moods of national character, determination, and sacrifice which are working to correct these flaws. The real strength of our Nation is the power of morality, decency, and conscience which rights the wrong, corrects error, and works for equal opportunity under the law.

5. They'll encourage you to disrespect the law and hate the law enforcement officer. Most college students have good friends who are police officers. You know that when extremists call the police "pigs" they are wrong. The officer protects your rights, lives, and property. He is your friend and he needs your support.

6. They'll tell you that any action is honorable and right if it's "sincere" or "idealistic" in motivation. Here is one of the most seductive of New Left appeals—that if an arsonist's or anarchist's heart is in the right place, if he feels he is doing something for "humanity" or a "higher cause," then his act, even if illegal, is justifiable. Remember that acts have consequences. The alleged sincerity of the perpetrator does not absolve him from responsibility. His acts may affect the rights, lives, and property of others. Just being a student or being on campus does not automatically confer immunity or grant license to violate the law. Just because you don't like a law doesn't mean you can violate it with impunity.

7. They'll ask you to believe that you, as a student and citizen, are powerless by democratic means to effect change in our society. Remember the books on American history you have read. They tell the story of the creative self-renewal of this Nation through change. Public opinion time after time has brought new policies, goals, and methods. The individual is not helpless or caught in "bureaucracy" as these extremists claim.

8. They'll encourage you to hurl bricks and stones instead of logical argument at those who disagree with your views. I remember an old saying: "He who strikes the first blow has run out of ideas." Violence is as ancient as the cave man; as up-to-date as the Weatherman. Death and injury, fear, distrust, animosity, polarization, counter-violence—these arise from violence. The very use of violence shows the paucity of rational thought in the SDS, its inability to come up with any intelligent critique of our society.

Personally, I don't think the outlook for campus unrest this year is as bleak as some prophets of pessimism proclaim. The situation at some colleges is serious, but certainly not hopeless.

Along with millions of other adults, I'm betting on the vast majority of students who remain fair-minded, tolerant, inquisitive, but also firm about certain basic principles of human dignity, respect for the rights of others, and a willingness to learn. I am confident our faith has not been misplaced.

JAMES M. O'NEILL, OUTSTANDING CITIZEN OF CONNECTICUT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, James M. O'Neill of Lakeville, Conn., died in Watertown, Mass., on September 20 at the age of 88. Mr. O'Neill was one of the outstanding citizens of the State of Connecticut and one of the most scintillating figures in American intellectual life in the last half century.

He was a stanch friend of mine and a fellow alumnus of Dartmouth College and the Harvard Law School, as well as an active member of the Democratic Party. He supported me when I represented the district in which he resided.

He taught at the University of Wisconsin, the University of Michigan, Dartmouth College, and Brooklyn College, as well as at the Hotchkiss School. He wrote or participated in 16 books and was a stanch and eloquent defender of the Roman Catholic Church in America at the time attacks upon this organization were made by Paul Blanchard.

A member of the class of 1908 at Dartmouth, he served as its president from the time of its beginning until the time of its commencement. In the polemics in which he engaged he was always fair and accurate and he was respected by his most active adversaries. His range of interests was very wide and he was among other things a devoted gardener and horticulturist.

His passing is a loss which I feel personally, but it is even more of a loss to the great institutions, educational, religious, and political, to which he gave his allegiance and his strong and loyal support.

An obituary notice from the Waterbury Republican of September 21 is included herewith:

PROFESSOR, WRITER O'NEILL DIES

LAKEVILLE.—James M. O'Neill, 86, of Millerton Road, retired university professor, died Sunday at the Emerson Convalescent Home in Watertown, Mass. after a long illness.

He was born in Victor, N.Y. on Dec. 18, 1881 and had been a resident of Lakeville for more than 25 years. He graduated from the Canandaigua Academy in New York in 1900 and from Dartmouth College in 1907 where he was president of his class and continued to be president until his death.

He studied law at the Harvard Law School and the University Law School for three years and then went into the field of teaching. He was a professor at the University of Wisconsin for 14 years and from 1934 to 1952 he was professor of Speech at the University of Michigan. He also taught four years at Dartmouth and two years at the Hotchkiss School, Lakeville. He was chairman of the Department of Speech at Brooklyn College and while at the University of Wisconsin he established the first department of speech of its kind. He wrote and participated in 16 books including "Catholicism and American Freedom" and "Religion and Education under the Constitution".

He is survived by one daughter, Mrs. Margaret Romagnoli of Watertown, Mass. and Rome, Italy; three sons, Richard W. and Hugh B. of New York City and Paul of Weston, Mass. and 14 grandchildren.

The funeral will be held Wednesday at 9 a.m. in St. Mary's Church, Lakeville. Burial will be in St. Mary's Cemetery. Contributions may be sent to the Scoville Memorial Library in Salisbury. There are no calling hours. Arrangements are being made by the Newkirk Funeral Home.

NIXON CUTS INTEREST RATES

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, yesterday's newspapers carried front page headlines announcing the lowering of the prime interest rate by many of the Nation's leading banks.

Dropping their rates to 7½ percent from 8 percent were the Bank of America, the Nation's largest bank; the Chase Manhattan Bank, the third largest; Morgan Guaranty Trust, the fifth largest; Chemical Bank New York Trust Co., the First National Bank of Dallas, the First National Bank of Kansas City, North Carolina National Bank, the First National Bank of Denver, and the National Bank of Detroit, as well as many others across the country.

Last week the First Pennsylvania Bank and Trust Co. was the first major institution to take this significant step. A number of remarks were made at that time, scoffing at their action as "premature." But now, only 7 days later, we see solid evidence that the prime rate will be lowered by the Nation's banking institutions and that the 7½ percent rate will soon generally prevail.

As Nat S. Rogers, president of the American Bankers Association, was quoted yesterday as saying:

> The move toward a lower prime rate should be recognized as further evidence that inflationary pressures are lessening and that the economy is returning to a more stable condition in the money and capital markets.

Just as rising interest rates result from, rather than cause, inflation, so do declining interest rates give the welcome signal that inflation is being curbed. The vicious inflationary spiral upward that was bequeathed to the nation by the departing Democratic administration has been brought under control by the Nixon administration.

What will this cut in the prime interest rate mean? Well, in terms that every family can understand, it will mean that it will again become possible for families of average means to finance the purchase of homes, a step many people have postponed because interest rates were too high.

I think the Nixon administration is to be commended for its efforts to reverse the economic trends it inherited from the Democrats. These efforts are at last beginning to yield tangible results which will be measured in the pocketbooks of consumers and businessmen alike.

The aforementioned article follows:

[From the Washington Post, Sept. 22, 1970]

MANY LEADING BANKS LOWER PRIME LENDING RATE TO 7½%

(By Philip Greer)

NEW YORK.—Many banks across the country cut their prime lending rates today, but a significant number of large institutions held out against the move to lower interest rates.

Morgan Guaranty Trust Co., the country's fifth largest bank, initiated the latest reductions this morning, trimming its prime rate to 7½ per cent from 8 per cent.

The prime rate is the interest that banks charge their biggest, most credit-worthy customers, virtually all of them large corporations. All other short-term business loan rates are scaled upward from the prime which had been at 8 per cent since March 25.

Long-term rates, such as home mortgages, are not affected by today's action. Short-term consumer loan rates are not tied to the prime, but do tend to move in the same direction.

Soon after Morgan's announcement, Chemical Bank, the country's sixth largest announced it would also cut its prime rate. The other large banks here took no action until late this afternoon, when Chase Manhattan Bank, third largest in the nation, said its prime rate will be lowered to 7½ per cent Tuesday morning.

Bank of America, in San Francisco, the nation's largest, announced later in the day that it would cut the rate.

President A. W. Clausen said:

"We have long recognized the desirability of bringing the prime rate down from the 8 per cent and higher range. Our own liquidity has improved while loan demand now has eased to more manageable levels than earlier this year."

First National City Bank of New York, the country's second largest, took no action today. Citibank issued a statement which said, "We have been studying the situation for the past several weeks. This latest development simply adds another factor to those we are considering."

Late in the day, after the Chase move, a bank spokesman said there would be no further comment.

Two major Washington-area banks. The First National Bank of Washington and the Union Trust Co. of Maryland, announced cuts today.

Among other banks which announced cuts were First National Bank of Dallas, First National Bank of Kansas City, North Carolina National Bank, First National Bank of Denver and National Bank of Detroit

In Wall Street, announcement of Morgan's reduction touched off a wave of profit-taking that wiped out a mild early rally. The Dow Jones industrial average closed the day with a loss of 6.57 points at 751.92.

Analysts said the market has been buoyed in recent weeks by expectations of lower interest rates and that traders were "selling on the news."

Several small banks around the country have announced reductions in their prime rate in the past few weeks. The first bank of any size to take the step was First Pennsylvania Bank and Trust Co. of Philadelphia, which cut its rate last Monday.

The prime rate cut—although still limited in scope—drew praise from sources in and out of the banking industry.

Nat S. Rogers, president of the American Bankers Association, said, "Today's move toward a lower prime rate should be recognized as further evidence that inflationary pressures are lessening and that the economy is returning to a more stable condition in the money and capital markets. The abnormally high interest levels of recent months have created problems for everyone. We look forward to conditions in financial markets that permit a lowering of the cost of money to borrowers and banks alike."

Treasury Secretary David M. Kennedy, in Copenhagen for a meeting of the International Monetary Fund, said he has been expecting the rate cut because of "the increase in bank reserves and other economic and financial conditions."

Robert H. Pease, president of the Mortgage Bankers Association, issued a statement in Washington which said, "The lower prime rate signals a move toward the restoration of the mortgage as an attractive investment and should provide encouragement to the mortgage-backed security issues that have been waiting for a break in the market."

The Federal Reserve Board disclosed today that its open market committee decided at its late June meeting to continue to allow a moderate growth in money and bank credit.

The 12-member panel, whose actions are made public three months after they are taken, decided that continued money supply expansion was necessary to moderate current pressures on financial markets.

The absence of the usual unanimity in cutting the prime rate reflected the uncertainty plaguing bankers. Under the influence of less restrictive monetary policies of the Federal Reserve Board, short-term interest rates have been sliding for several weeks but banking officials, fearful of a change in policy because of the continuing inflation and noting that demand for business loans is still at a high level, have been divided on the timing of a prime rate cut.

Over the weekend, David Rockefeller, chairman of Chase Manhattan Bank, was quoted as saying that a cut in the prime rate "might be only a matter of weeks away." Chase, of course, cut its rate this afternoon.

THE INTEGRITY OF THE SECURITY COUNCIL AT STAKE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the lack of impartiality and the bias of the Security Council of the United Nations in its handling of matters coming before it dealing with Israel and the Arab States was made readily apparent this week. Whenever Israel, in defense of its people and borders, has reacted with assaults on the terrorists' bases in Jordan, Syria, and Lebanon, there has been an immediate resolution in the Security Council, first, demanding that Israel withdraw its troops, and, second, threatening that beleaguered country with sanctions.

Today, when an unprovoked invasion of Jordan by Syria is taking place, no one in the Security Council calls for a Security Council meeting; no one introduces a resolution demanding that Syria withdraw its armed forces from Jordan sent there to topple Jordan's Government. Is it any wonder that Israel wisely decided that its security and its fate could only be protected by its own resources? Had Israel relied on assistance from the United Nations to resist the three wars waged against it in the last 22 years by Arab States, or the daily terrorist attacks made upon its farms and cities, it would be suffering the same fate now suffered by Jordan where thousands of civilians are dead or dying, as the members of the Security Council turn their collective face away.

To those who say it is senseless to seek a condemnation of Syria because the Soviet Union would veto such a condemnation, I say it is even more important that we speak out against this aggression and hold up to world contempt the Soviet support of that aggression.

I urge President Nixon to instruct our Ambassador at the United Nations to call for an immediate meeting of the Security Council to consider the situation in Jordan and to marshal support for the release of the innocent foreign hostages, 38 of whom are American citizens, being held in Jordan; furthermore, Syria should be condemned for its invasion of Jordan. Let us test whether or not Syria, a member of the Security Council, will submit to the Council's jurisdiction and if she does not, let her seat in the Council be declared vacant.

Mr. Speaker, the Security Council of the United Nations is now on trial. Its very integrity is at issue.

ROLLCALL VOTES

(Mr. KOCH asked and was given permisson to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I was attending several very important meetings with constituents concerning severe problems in several of the neighborhoods in my district on Monday, September 21, 1970, when the House considered S. 2763, H.R. 14678, H.R. 15911, and H.R. 16710.

Had I been present, I would have voted "yea" on rollcall No. 307, which was on S. 2763, allowing purchase of additional systems and equipment for passenger motor vehicles over and above statutory price limitation. I would have voted "yea" on rollcall No. 308, which was on H.R. 14678, penalties for illegal fishing in the 12-mile fishery zone around the coastal United States. I would have voted "yea" on rollcall No. 309, which was on H.R. 15911, increasing non-service-connected pensions and income limitations applicable thereto. I would have voted "yea" on rollcall No. 310, which was on H.R. 16710, extension of guaranteed housing loans—direct loans to paraplegic veterans—purchase of mobile homes.

AN OIL POLLUTION TRAGEDY THREATENS LAKE ERIE

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, any morning when I arrive at my office I expect to receive frantic calls from citizens in Sandusky, Huron, or Vermilion, Ohio, asking for immediate Federal aid to stop an oil spill in Lake Erie. This oil spill will be creeping across the water bringing impending disaster to fish and fowl, tourism at Cedar Points and other resorts, and require drydocking of thousands of pleas-

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ure craft. I would promptly appeal to the Coast Guard, the U.S. Air Force, civil defense units, the National Guard, and private vessel operators. But their ability to respond would be too limited and too late resulting in tons of ugly globs of oil splashing against sandy shores.

Is it precipitous to paint such a calamitous scene? I think not, Mr. Speaker, because recently I read a report on this inevitable situation prepared by the International Joint Commission, a body of Canadian and United States representatives who have studied this problem on Lake Erie, Lake Ontario, and the St. Lawrence Seaway. In a country such as ours we are all too often expending time and money on the "pound of cure," long after the wisdom of an "ounce of prevention" has passed. We can preach all we want about environmental pollution in the abstract, but here is a concrete situation.

Awareness, the first step to problem solving, is behind us. The problem has been amply studied. Official recommendations were presented in April. Now the question is what action is to be taken. I plan to circulate this statement together with the Special Report from the International Joint Commission to officials here in Washington to learn of its implementation.

Mr. Speaker, we all hope no tragedy as this will ever befall our precious resource, Lake Erie. Let us, however, do more than hope. I include the report at this point in the Record:

International Joint Commission Special Report on Potential Oil Pollution, Eutrophication and Pollution From Watercraft, April, 1970

This is the third interim report on the water pollution of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River. The first interim report, dated December 1965, informed the two Governments of the then known conditions in Lake Erie and Lake Ontario and the more significant sources of pollution. That report outlined the three phases of the Commission's integrated programme for its investigation. The second interim report, dated August 1968, briefly outlined the progress made by the Commission's two Technical Advisory Boards and also summarized the progress being made in implementing remedial measures on both sides of the boundary.

The first phase of the investigation was completed in 1969. These short-term concentrated studies were designed to secure factual information on the two lakes and the St. Lawrence River as well as the extent, origins and effects of pollution. The second and third phases, involving detailed continuing studies and research, were initiated during the first phase and are continuing.

The International Joint Commission is aware of the anxiety and wide public interest concerning the water quality of these waters. After a thorough inquiry into the pollution problems of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River, the Commission concluded that three items of concern, namely oil pollution, eutrophication and pollution from watercraft, should now be brought to the attention of the two Governments as a matter of urgency.

The Commission will report comprehensively and as expeditiously as practicable on the other aspects of the inquiry undertaken by the Commission at the request of the two Governments. These other aspects will include but will not be limited to such matters as transboundary movement of pollution, water quality objectives and remedial measures. The comprehensive report may also contain further detail regarding the subject matter of this interim report but it will not materially alter the recommendations contained herein.

By reference dated October 7, 1964, the Governments of Canada and the United States requested the International Joint Commission to investigate and report upon the extent, causes, locations and effects of pollution in the waters of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River and to recommend the most practicable remedial measures which might be considered necessary. The text of the reference is appended hereto.

On March 21, 1969, following a serious oil pollution incident off the California coast, the two Governments requested the Commission to make a special report on the adequacy of existing safety requirements applicable to underwater drilling and production operations in Lake Erie to prevent oil escaping into the Lake; the adequacy of known methods of confining and cleaning up any major oil spill that may occur in Lake Erie from any source; and the adequacy of existing contingency plans, and their implementation, for dealing with such oil spills. The text of the letter of March 21, 1969, from the two Governments is also appended hereto.

After an initial review, the Commission made public on October 8, 1969, a detailed Summary Report on the pollution of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River submitted to the Commission by the two Technical Advisory Boards it established for that purpose in December, 1964. The Boards and their Committees consisted of acknowledged experts from the agencies of the two Federal Governments, the Province of Ontario and the States of New York, Pennsylvania, Ohio and Michigan. Similarly, on October 27, 1969, the Commission made public a special report entitled "Potential Oil Pollution Incidents from Oil and Gas Well Activities in Lake Erie", prepared by its International Lake Erie Water Pollution Board. Both reports were given wide distribution and public hearings were scheduled in each country. Notices of the hearings were published in accordance with the Commission's Rules of Procedure and were also mailed to many persons known to be interested.

The public hearings on potential oil pollution in Lake Erie were held in Toronto, Ontario, on December 2 and in Cleveland, Ohio, on December 3, 1969. The hearings on the pollution of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River were held in Erie, Pennsylvania, on January 20; Toledo, Ohio, on January 21; London, Ontario, on January 23; Hamilton, Ontario, on February 2; Rochester, New York, on February 4, and Brockville, Ontario, on February 6, 1970.

At these hearings, all those interested were given opportunity to convey relevant information to the Commission and express their views orally or in writing. In fact more than 200 statements were made by elected representatives, spokesmen for governmental agencies, local organizations, industry and many private individuals.

OIL POLLUTION IN LAKE ERIE

The International Lake Erie Water Pollution Board in response to the Commission's directive of April 1, 1969, and with the concurrence of the Commission, established an ad hoc committee of its members to expedite the examination of drilling regulations and procedures, containment and cleanup of oil spills, and contingency plans. The ad hoc committee consulted responsible provincial, state and federal agencies in both countries. The drilling regulations were reviewed with state and provincial geologists and drilling specialists. The ad hoc committee examined in detail the drilling regulations of Ontario and Pennsylvania and the proposed rules and regulations of New York and Ohio. Pursuant to Michigan's long-standing policy, leases of state-owned bottom land in the Great Lakes are not granted for offshore drilling. The committee also examined the means available to clean up oil spills and the status of contingency planning.

Lake Erie is an essential source of fresh water for some ten million people that live on or near its shores. Thus in its concern with the quality of Lake Erie waters, the Commission must take account of potential as well as current sources of oil pollution. The potential for serious incidents of oil pollution includes but is by no means limited to underwater oil and gas exploration and development. In order to place the threat of pollution from drilling in its proper perspective it is necessary to consider the significant amounts of oil pollution from municipal and industrial sources, shipping, product transfer, shore storage and pipelines.

The Commissioners were appalled at the insidious intrusion of vast amounts of oil from the populous and industrialized communities in the Lake Erie basin. For example during 1969 more than 1000 barrels per day of oil and greases were discharged into the Detroit River, the major tributary to Lake Erie. The Buffalo River is another significant source of oil pollution of boundary waters. These oils and greases occasionally appear as slicks on the water surface but more often are emulsified in the effluents. Some of these pollutants are adsorbed onto the suspended load in the river and are deposited as sediment. Such is the situation in Cleveland Harbor where it was estimated that 17,600 tons of oil and grease were included in the 660,000 tons of dry solids removed during the 1966–67 dredging operations. (These wastes are currently being placed in a dyked disposal area.)

The Commission is concerned about the numerous accidental spills. In April 1969 it was estimated that 2,300 barrels of cutting oil from one industrial spill in the Trenton Channel of the Detroit River entered the western basin of Lake Erie.

The Commission fully appreciates the implications for Lake Erie of the recent grounding of the ships "Arrow" and "Delian Appollon" off the coasts of Nova Scotia and Florida respectively. The Commission was informed that on Lake Erie at any one time during the navigation season 22 lake freighters, 4 lake tankers and 7 deep sea freighters carry an estimated 120,000 barrels of oil as either fuel or cargo. These facts illustrate the gravity of the total oil pollution threat on Lake Erie and the need for adequate controls over the several aspects which comprise the total threat.

Lake Erie is part of a stable geologic basin, the latest movements occurring over 200 million years ago. These structural movements were gentle and did not involve extensive folding and faulting of the strata. The eastern and central basins of Lake Erie are in essentially a gas province. The traps of hydrocarbons are stratigraphic (lateral changes in permeability within widespread rock units), or were formed by ancient porous coral reefs. The bed rock sediments, into which the surface casing required in drilling operations must be cemented, are a minimum of 300 million years old, hard, and competent enough to control any subsurface pressures that might be encountered. The pressures encountered are less than those expected under normal hydrostatic considtions.

In contrast, active oil seeps have been known to exist in the Santa Barbara Channel area for many years. The rate of flow from these seeps has been estimated to be 50 barrels a day or one tenth of the maximum rate of flow that escaped from the blowout on January 28, 1969. The Santa

Barbara area is considered to be an oil province. It is an unstable area. Vertical uplift and subsidence is still being recorded on land. The traps which produce the hydrocarbons are tightly folded anticlinal structures, and complex fault features formed only a few million years ago. Strata underlying the Santa Barbara Channel are unconsolidated and apparently not strong enough to contain the pressures developed in the deeper formations. The pressures encountered are slightly greater than hydrostatic. Thus the hazard of sub-surface fluids breaking through the underlying strata is always great.

This explains why those who know the geology of both areas have assured the Commission that it is highly improbable that a dramatic drilling accident similar to the Santa Barbara incident would occur in Lake Erie.

The essence of pollution prevention from drilling operations is the containment and control of drilling and reservoir fluids. The primary consideration which drilling regulations must take into account for each well are: the design and implementation of effective casing and cementing programs, the adequacy of blowout prevention and related equipment, and the disposal of drilling and reservoir fluids. The regulations must be designed so as to ensure that operators during their drilling and development operations use the best materials and technology available.

The offshore drilling regulations of Ontario and Pennsylvania and those proposed for New York can provide effective protection of the waters of Lake Erie if adequate supervision and enforcement are also provided. A high degree of coordination between interested agencies is necessary to provide adequate but not repetitious coverage. However, if drilling is extensive accidents may occur. Thus it is necessary to have contingency plans prepared to cope with such incidents.

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Adequate drilling regulations are only as strong as their enforcement and the willingness of the industry to act responsibly. Drilling and gas production activities in Lake Erie at present are limited to the Ontario portion of the lake. According to testimony received at the Commission's hearings, the Ontario Department of Energy and Resources Management does provide careful inspection and surveillance over the drilling and development operations in the Ontario portion of Lake Erie; and the industry has demonstrated a willingness to cooperate with the Government and has an awareness of the environment in which it operates. The Ontario departmental inspectors are on board the drilling platforms most of the time and are always present during critical periods such as spud-in and completion operations.

In Ontario, the Minister of Energy and Resources Management has discretionary power to suspend a drilling permit in whole or in part at any time or impose any terms or conditions on a permit which he deems proper. Such action is subject to a subsequent hearing and review by the Ontario Energy Board. The Minister can thus move very quickly to halt any operation which might pose a threat to water quality. The best evidence of effective implementation of existing regulations is the successful record of trouble-free drilling for gas in Lake Erie; oil production has not been permitted to date. Furthermore, the Ontario regulations are being progressively strengthened.

At the hearings, an official of the Ontario Department of Energy and Resources Management described the existing safety requirements and procedures in Canada applicable to drilling and production operations in Lake Erie and an official of the State of Michigan described its present policy of not permitting underwater drilling. Although officials of the States of New York and Ohio and the Commonwealth of Pennsylvania cooperated with the Board during the investigation, no officials of these states presented testimony at the hearings to assist the Commission in assessing the safety requirements and procedures applicable in the portions of Lake Erie within their jurisdictions.

Although there have been no oil spills in Lake Erie from drilling (except for a minor incident in 1959 involving an estimated five barrels), the Commission is aware of the many oil spills reported along the shipping lanes in Lake Erie and from land-based sources. The frequent occurrence of accidental spills requires that effective means be available to contain and clean up oil spillages before the legitimate uses of Lake Erie waters are inhibited. Moreover, the collision or stranding of ships are potential sources of major pollution by oil or other hazardous materials in Lake Erie as elsewhere.

The Board on behalf of the Commission reviewed the current methods of containment of oil on water; its removal by mechanical methods, by physical materials and by chemicals; and of protection and clean up of shore areas. According to reports on major oil spills elsewhere in the world the adverse effects of materials used to sink or dispers oil can be more harmful than the effects of the oil itself. An indicated in the Board's report the equipment and techniques for the containment and removal of large oil spills under adverse climatic conditions are primitive.

The Commission is of the opinion that those responsible for the confinement and clean up of spilled oil and other hazardous materials must have at their disposal the best technical advice and the required resources of manpower, materials and equipment. The on-scene commander needs sufficient executive authority to fulfill his responsibilities. Any contingency plan should provide for the discovery and reporting of pollution incidents and for the initiation of prompt action to restrict the spread of the pollutant. Experienced personnel should be available to direct the clean up and disposal of the collected pollutants.

The Board, at the direction of the Commission, examined the state of preparedness in both countries to respond to major oil pollution incidents which might occur on Lake Erie. Regional contingency plans have been developed by the United States for the Great Lakes and provide a response capability for spills that might occur in U.S. waters. However, there appears to be a concentration of responsibility on the federal establishment and little, if any, actual recognition of state and local capabilities or delegation of responsibility. Although the United States contingency plan for the Great Lakes region appears to be generally complete and detailed, its adequacy cannot be fully assessed in the absence of a satisfactory record of experience.

The contingency plan in Canada is still in the embryo stage. Individual agencies such as the Ontario Water Resources Commission, the Ontario Department of Energy and Resources Management and the Federal Department of Transport have internal response mechanisms established. It is understood that a Canadian national contingency plan is being developed. A major oil spill in the Canadian waters of Lake Erie at the present time, however, would be met with only a fraction of the response capabilities available because of the lack of a plan for coordination between the Canadian federal, provincial and local authorities. Furthermore, the Commission notes that there is no formal plan for a concerted international response; only informal notification.

EUTROPHICATION

The Commission in its first interim report on the pollution of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River, dated December 1965, pointed out that the excessive enrichment of these waters was due to nutrients contained in the effluents from municipal and some industrial facilities. At that time the Commission, on the advice of its technical advisers, stated it was satisfied that the removal from such effluents of phosphates, one of the essential plant nutrients involved, would materially retard further deterioration of these waters. Consequently, the Commission recommended that the Governments of Canada and the United States, as soon as possible, and in association with state and provincial governments take appropriate action to ensure sufficient purification of all municipal and industrial wastes before discharge into these waters and their tributaries to achieve the maximum possible removal of phosphates.

The Technical Advisory Boards established by the Commission for the purpose of investigating the pollution problem in the waters under reference reported to the Commission in September 1969 with specific findings and recommendations. The Boards' report is a product of four years of extensive study, research and evaluation. Several hundred scientists and engineers in both countries involved in environmental assessment and pollution control participated in the multi-million dollar study. Their report is a balanced appreciation by experienced and specially qualified experts who collectively are engaged in the solution and control of all aspects of water pollution. The Boards' report summarizes their findings, identifies the critical problems, and briefly describes the measures necessary in both countries for abatement of pollution in these waters.

The Commission is convinced that the pollution problem requiring the most urgent attention of the Governments of Canada and the United States is the increasing euthrophication of the Lower Great Lakes, particularly the western basin of Lake Erie. Continued deterioration would further restrict the legitimate uses of these waters. Thus, this third interim report deals primarily with the inputs of man-derived nutrients into the lakes. This serious problem will be dealt with in greater detail in the Commission's main report, along with the other factors contributing to the deterioration of the quality of the waters of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River.

Eutrophication is the bioloical response caused by an increase of nutrients into lakes. The biological productivity depends on the supply of essential nutrients. Lakes well supplied with these nutrients tend to be the most productive. This relationship is the basis for the "trophic" system of lake classification.

Oligotrophic lakes are poorly supplied with nutrients and support little plant growth. The biological production is generally low; the waters are clear; and the deeper waters are well supplied with oxygen throughout the year. Eutrophic lakes are rich in plant nutrients and support a heavy growth of aquatic vegetation. As a result, biological production is high; the waters are turbid due to the dense growth of phytoplankton; and the deeper waters during periods of restricted circulation become deficient in oxygen as a result of the decomposition of great quantities of organic material. Mesotrophic lakes are intermediate between oligotrophic and eutrophic. They have a moderate supply of nutrients, moderate plant abundance and moderate biological production.

If the supply of nutrients to an extremely oligotrophic lake is progressively increased, the lake will become mesotrophic in character, and with further enrichment it will eventually become eutrophic, even extremely eutrophic. This whole process of progressively becoming more eutrophic is known as eutrophication. Thus, eutrophication refers to the whole complex of changes which accompany continuing enrichment of waters by the addition of plant nutrients. These include progressive increases in the growth of algae and aquatic weeds, a general increase in biological activity, successive changes in the kinds of plants and animals living in the lake, oxygen depletion in deep water during periods of restricted circulation, and decreasing depth as a result of accumulating organic sediments.

The biological response produced by natural eutrophication is extremely slow. On the other hand, the inputs of man-derived nutrients into a lake can produce in a few decades a biological response similar to that which under natural conditions would take tens of thousands of years.

Increased population, industrialization, intensified agricultural practices and the use of phosphorus-based detergents since the late 1940's have greatly increased the rate of eutrophication of lakes in many parts of the world. Dense nuisance growths of algae and aquatic weeds degrade water quality. *Cladophora*, an attached algae, piles up on the beaches when dislodged by wave action. Blue-green algae accumulate on the shore creating unsightly odorous scums.

These eutrophic conditions inhibit many of the legitimate uses of the lake. Algal growths interfere with domestic and industrial water supplies by causing taste and odor problems and by clogging filters; contribute to the dramatic decrease in the number of valuable species of fish; restrict the use of prime recreational areas such as beaches; degrade shoreline properties; and spoil aesthetic values.

Although all essential elements are required by plants for their growth, phosphorus and nitrogen are recognized as the most important elements responsible for triggering eutrophication because their supply is commonly lowest in relation to nutritional requirements. The reason for focusing attention on phosphorus rather than nitrogen is that it is more controllable both in terms of present technology for removal at sewage treatment plants and in terms of proportion of the total supply to the lakes that is directly attributable to man.

The phosphorus loading to the lakes can be controlled more effectively than nitrogen for several reasons. The percentage of the total phosphorus supply attributable to municipal and industrial sources (70 percent for Lake Erie, 57 percent for Lake Ontario) is higher than in the case of nitrogen (about 35 percent for Lake Erie, 30 percent for Lake Ontario). Thus, complete removal of phosphorus from municipal and industrial wastes would reduce the overall supply to a greater extent than in the case of nitrogen. Appreciable quantities of readily assimilable nitrogen compounds such as nitrates and ammonia are delivered to the lakes in precipitation, whereas the comparable quantities of phosphorus are minute. Finally, during times of nitrogen deficiency blue-green algae and bacteria can convert atmospheric nitrogen into nitrogen salts readily available for algal growth, thus adding to the overall supply. For these and other reasons, control of phosphorus inputs is likely to be more effective in restricting plant growth than would be the case for nitrogen or any other single nutrient. The Commission is encouraged by the fact that the input of phosphorus into the lakes can be controlled because the concentrations of phosphorus in domestic wastes, certain industrial effluents and runoff from some agricultural operations are of our own making.

Massive growths of algae year after year are dependent on a persistent influx of phosphorus and other limiting nutrients from outside the lake. The resultant biological productivity is proportional to the rate of input of these nutrients. Theoretically, plant populations could be controlled by reducing the input of any essential element required for growth. The important feature of phosphorus is that it offers the best combination of a nutrient that is growth-limiting in the lakes and at the same time controllable by man. Phosphates are highly reactive materials and can readily be precipitated, absorbed or adsorbed by a variety of relatively inexpensive methods that remove 80–95 percent of phosphorus during sewage treatment. Comparable technology for the elimination of nitrogen compounds is not in such an advanced state.

The following table summarizes the input of total phosphorus from all sources to Lake Erie and to Lake Ontario in 1967 as reported by the two Boards.

INPUT OF TOTAL PHOSPHORUS IN 1967

[In millions of pounds]

Source	Lake Erie		Lake Ontario	
Lake Huron	4.5		—	
Lake Erie	—		9.0	
	United States	Canada	United States	Canada
Municipal	35.7	2.5	7.7	7.0
Industrial	1.8	2.2	.3	.6
Land drainage	9.6	3.9	1.0	.6
Unaccounted	—		1.1	
Total	60.2		27.3	

It is evident from the above table that the principal input of phosphorus is from the United States and that, in both countries, municipalities are the major source of total phosphorus. In 1967, the input of total phosphorus from United States municipal sources to Lake Erie was 35.7 million pounds, of which 25 million came from detergents. The input of total phosphorus from Canadian municipal sources to Lake Erie was 2.5 million pounds, of which 1.3 million came from detergents. Similarly, the input from United States municipal sources to Lake Ontario was 7.7 million pounds, of which 5.4 million came from detergents. The Canadian municipal input to Lake Ontario was 7.0 million pounds, of which 3.5 million came from detergents. It is apparent from the foregoing that detergents are by far the greatest single source of total phosphorus input into the Lakes.

The reasons for reducing the phosphorus inputs from detergents are several. The first concerns timing. If a replacement for detergent phosphorus could be developed rapidly, a significant reduction of phosphorus inputs would be achieved prior to completion of phosphorus removal facilities at sewage treatment plants. Secondly, the effect would be to reduce phosphorus input from small communities, cottages and individual homes where the installation of phosphorus removal facilities would impose undue financial burdens. Thirdly, it is estimated that treatment costs for phosphorus removal at sewage treatment plants would be reduced considerably by removing phosphorus from detergents.

On the basis of the foregoing the Commission is convinced that the reduction of the phosphorus input into Lake Erie, Lake Ontario and the International Section of the St. Lawrence River will significantly delay further eutrophication and will allow the recovery to begin through natural processes.

POLLUTION FROM WATERCRAFT

The Commission is concerned with the mobile sources of water pollution. Over 600 foreign vessels move cargo through the Great Lakes system each year. The domestic Great Lakes fleet is composed of nearly 600 Canadian and United States vessels. Only a very small percentage have holding tanks or treatment facilities for sewage. It is estimated that over 250,000 pleasure craft use the lower Lakes but relatively few have holding tanks or treatment devices. Only a few of the ports on the lower Great Lakes have facilities to collect and treat vessel wastes. Though an increasing number of marinas are being equipped with pump-out facilities for pleasure craft, the number is still inadequate.

Wastes discharged from commercial and pleasure watercraft include sewage containing human excrement, garbage, litter, oils, bilge and ballast water. They can endanger the health of those using the receiving waters for swimming, water skiing and other water contact sports. They can also damage or kill aquatic and wildlife. Bathing beaches and marinas can be seriously contaminated. Garbage and litter are not only esthetically displeasing but can be extremely hazardous. Critical conditions occur where vessels congregate in harbors, at marinas and along the shoreline. The mobility of watercraft poses a potential contamination threat at or near water intakes.

In a special report on boat and vessel pollution the Board informed the Commission that no single law or regulation in Canada or the United States deals with all aspects of pollution of navigable waters from watercraft; and that many laws are of a token nature and not readily enforceable, because of their impracticability or lack of personnel to perform the task or both. The Commission has been informed that the Ontario, Michigan and New York regulations governing pleasure craft now in force are compatible and satisfactory.

There is uninhibited movement of watercraft across state lines and the international boundary. Serious problems are created when regulations governing the discharge of wastes from watercraft in the several jurisdictions are not compatible. Thus it is essential that federal, provincial and state governments concerned with the control of pollution from commercial vessels and recreational craft which use the international waters of the lower Great Lakes have compatible regulations governing the discharge of all forms of wastes from these watercraft.

CONCLUSIONS

With regard to potential oil pollution in Lake Erie the commission concludes:

1. The safety requirements and procedures applicable to drilling and production operations in Lake Erie of Pennsylvania, New York and particularly those of Ontario, if effectively supervised and properly enforced, are adequate to prevent oil escaping into the Lake so as to produce serious transboundary oil pollution conditions. Drilling is prohibited in the Michigan portion of Lake Erie. The exact status of Ohio regulations is not clear. In the Ontario portion of Lake Erie, the only area where there are at present drilling and gas production operations, the enforcement of the regulations and the required operational procedures have been adequate to date.

2. Current methods of confining, removing, dispersing and cleaning up a major oil spill that may occur from any source are primitive and inadequate. Current methods can deal effectively with large spills only under the most ideal weather conditions. There is no one method that is a panacea. Each oil pollution mishap presents a unique situation in terms of water temperature, winds, currents, type of oil and the ecology of the area. Very little is known on the residual effects on aquatic organisms of materials used to sink or disperse oil spills.

3. The United States contingency plan for the Lake Erie region is generally adequate although the roles of state and local agencies as well as private organizations require clarification. On the other hand, Canada does not yet have a detailed or coordinated

contingency plan to marshal the capabilities of federal, provincial and local agencies or private organizations. Such local plans as exist are relatively uncoordinated. Furthermore there is an urgent need for a formal plan of international cooperation.

With regard to the eutrophication of Lake Erie, Lake Ontario and the international section of the St. Lawrence River the commission concludes:

4. The accelerated eutrophication of these waters is due to the presence of nutrients. The resultant biological productivity is proportional to the rate of input of these nutrients. Of the nutrients involved, phosphorus is the only one that is both growth-limiting in the lakes and can be controlled effectively by man with present technology.

5. The major source of phosphorus is municipal sewage. In the United States 70 per cent of the phosphorus in sewage originates from detergents, most of the remainder from human excreta. In Canada approximately 50 percent originates from each source. Other significant sources of phosphorus are agricultural run-off and some industrial wastes.

6. The input of phosphorus can be reduced by widespread additional treatment of municipal wastes and industrial wastes containing phosphorus. An overall programme to achieve this is essential if eutrophication is to be halted.

7. Because of the practical difficulties in implementing the programme contemplated in the preceding conclusion within the reasonable future, it is incumbent on both countries to reduce the phosphorus content of detergents to the maximum practicable extent at the earliest possible time.

8. The inputs to the waters of the basin of phosphorus, nitrogen and other nutrients from agricultural operations are also a problem that must be recognized.

With regard to pollution from watercraft the commission concludes:

9. Although commercial vessels and pleasure craft are not major sources of pollution when compared with urban centers, they are mobile sources that can discharge pathogenic organisms and petroleum wastes at or near sensitive areas such as water intakes, bathing beaches and marinas.

10. Garbage, litter, bilge and ballast water discharged into the lower Great Lakes system are aesthetically unattractive, restrict recreational activities and interfere with the legitimate uses of these waters.

RECOMMENDATIONS

With regard to potential oil pollution in Lake Erie the commission recommends that:

1. The two Governments in concert with provincial and state agencies and with industry accelerate and expand, as a matter of urgency, their applied research programmes on the containment and clean up of oil spills so those responsible for the execution of contingency plans may have available the best possible technical advice, equipment and support.

2. The Government of Canada, as a matter of urgency, develop a detailed and fully coordinated contingency plan for the Canadian waters of the Great Lakes system; the Government of the United States progressively improve its contingency plan so as to include all available response capabilities; and the two Governments under the general aegis of the International Joint Commission arrange for the development of a coordinated international contingency plan so that both countries may quickly and effectively respond to major accidental spills of oils or other hazardous material in the boundary waters of the Great Lakes system.

3. In view of the urgency of the two preceding recommendations:

(a) the oil production and the production of "wet gas" containing appreciable amounts of liquid hydrocarbons from wells in Lake Erie be prohibited,

(b) all wells in Lake Erie capable of oil production be adequately plugged,

(c) in the western basin of Lake Erie (west of a straight line drawn from the tip of Pelee Point in Ontario to Marblehead in Ohio) all drilling be prohibited,

(d) in the remainder of Lake Erie drilling not be permitted unless the regulating agency having jurisdiction has determined in the light of known geologic conditions that there would be no reasonable likelihood of discovering oil or "wet gas" containing appreciable amounts of liquid hydrocarbons,

Until such time as the two Governments, through this Commission or otherwise, have examined and approved the containment methods and the contingency plans referred to above.

4. The two Governments take steps to exclude from the Great Lakes ships and masters likely to present an unreasonable risk of oil pollution; and also make provision to alert appropriate officials in both countries when hazardous materials are in transit in these waters.

With regard to the eutrophication of Lake Erie, Lake Ontario and the international section of the St. Lawrence River the commission recommends that:

5. The Governments of the United States and Canada in concert implement at the earliest possible date an integrated programme of phosphorus control to include:

(a) the immediate reduction to a minimum practicable level of the phosphorus content of detergents and the total quantities of phosphorus-based detergents discharged into the basin with the aim of complete replacement of all phosphorus in detergents with environmentally less harmful materials by December 31, 1972;

(b) further reduction, as a matter of urgency, of the remaining phosphorus in municipal and industrial waste effluents discharging to Lake Erie, Lake Ontario and their tributaries and to the International Section of the St. Lawrence River, with a view to achieving at least an 80 percent reduction by 1975 and thereafter additional reduction to the maximum extent possible by economically feasible processes;

(c) the reduction of phosphorus discharged to waters from agricultural activities.

With regard to pollution from watercraft the commission recommends that:

6. The federal, provincial and state governments in concert consider and implement at the earliest possible date compatible regulations for the control of water pollution from all classes of commercial vessels and pleasure craft using Lake Erie, Lake Ontario and the International Section of the St. Lawrence River.

Signed this 3rd day of April, 1970, as the third interim report of the International Joint Commission on the pollution of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River.

A. D. P. HEENEY.
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COMPUTER TECHNOLOGISTS VERSUS THE HUMANISTS: CAN THE TWAIN MEET?

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, in connection with his work on privacy and computer data bases in my office and a Ph. D. program at American University, my Legislative Assistant, G. Russell Pipe, attended the International Conference on Man and Computer in Bordeaux, France, from June 22 to 26, 1970. This was at his own expense and initiative. The Bordeaux event brought together computer and social scientists for discussions on the implications of this new technology on man in the next 30 years.

Following the conference, Mr. Pipe prepared a report highlighting the major papers presented and discussions following the various sessions. I find it to be a document of considerable interest as we in Congress grapple with present-day rights of citizens in an automated age as well as forecasting problems in the years ahead.

Mr. Speaker, I request the report "Computer Technologists Versus the Humanists: Can the Twain Meet?" by G. Russell Pipe, be included at this point:

COMPUTER TECHNOLOGISTS VERSUS THE HUMANISTS: CAN THE TWAIN MEET?

(By G. Russell Pipe)

(NOTE.—The author is a PhD candidate in Political Science at American University in Washington and Legislative Assistant to Congressman Jackson E. Betts of Ohio.)

The unreconciled conceptions of the implications of computer technology on mankind were made abundently clear at the International Conference "L'Homme et L'Informatique" (Man and Computer) held in Bordeaux, France, from June 22 to 26, 1970.

An assemblage of 200 experts representing diverse backgrounds concerned with computer science and humanities from 30 countries gathered in this distinguished wine center under the auspices of the Instituit de la Vie (Institute of Life). The Institute, a well-respected French intellectual organization supported by philanthropies and French corporations, joined with the International Federation of Information Processing, to organize the conference. The very breadth of the technical program presentation together with constant reference to societal implications of computers resulted in a strange dichotomy. The conflict of orientations and objectives resulted in criticism of the conference from many quarters insofar as the interdisciplinary mixture of discussion formats produced and heated disputes from the participants. Nevertheless the wisdom of intertwining value considerations with technological analyses of computers in the frame of future developments was likely calculated to spark conflict. In successive program segments, the technology of central processing units, time sharing, role of telecommunications, software requirements, research theory of information, influence of information techniques on society, information and education and finally the impact of information on man, were presented. The speakers and roundtable discussants were nearly equally divided between Americans and Europeans, with academic-government leaders predominating over officials of private companies (IBM, Bull GE, Siemans, etc.). A view seemed to prevail that the American lead in research and application of computer technology should be given full exploration for their successes, pitfalls and failures will traverse the Atlantic within a decade.

COMPUTER POTENTIALITIES

While projections on future computer technology are not without some restraint, an unchallenged assertion places this instrument as a new core unit in the business-labor-government organization and determining goals and security of entire societies. The next decade will see less emphasis on hardware (computer equipment and machinery) and focus on the software systems

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and methods to interface and communicate data through any required components. Operating speeds of computers, miniturization of data bits and integration of many information systems is the challenge ahead. Computer languages, not only the development of a more universal set of words and symbols, but user oriented specialized languages Director of a Sieman's research laboratory, H. Kaufman (Munich) stated:

"The hardware problems of the data processing systems are concentrated upon the areas of the central unit technology, the architecture of the central unit and the technology and organization of mass storage. The central unit technology again can be regarded as a problem of the high speed memory. This memory namely contains beside the memory elements a great number of gates: so the high speed memory is a good representative of the whole technology of the central unit."

From a similar vantage point, John W. Weil of the General Electric Company in Bridgeport commented:

"The first two decades of information systems evolution have been characterized primarily by increased computational capability. It seems likely that the next two decades of evolution of information systems will in fact be dominated by changes in our ability to store, organize and access vast quantities of information efficiently.

"Hardware for economical storage of such large volumes of information, with access times equal to or better than that provided by present magnetic technology, will give the physical capability of establishing such large data bases. Simultaneous progress in the organization, structure and accessibility of large masses of data will make practical the use of these data bases.

"Effective and reliable data base systems will have a profound effect upon the way in which a business organization, a government agency or any other community of interest organizes and thinks about its common information. Broad changes can be expected in the way in which new information is made available to the people who must use it."

One of the observations Mr. Weil made is that the size of these data bases may be so vast and their organization so complex, that it may not be feasible to even print-out this data, certainly not in thousands of files, constantly changing, such as credit profiles. Computer capability will serve the user in these expanded ways: unlimited storage, vast processing capabilities, new data forms and structures, and greatly expanded terminal access. For example, suggested Weil, a new way of publishing may evolve: all submissions go into a data bank and editing takes place there.

As computers grow in impact on data usage, several speakers raised the question of whether the average citizen should be involved directly in use of computers or not. This is beyond the planning of data processing systems, relating to terminals being located in public buildings or even installation of household units (with a special keypunch and screen). Home consoles Professor John McCarthy of Stanford University believes can be practical possibilities through time sharing for ordinary persons not professionally concerned with computing. Among the applications he suggests are retrieving information on advertisements, social and cultural events, direct reading of any book or manuscript, educational instruction and solving mathematical problems. Contemplated costs will prohibit wide use of home consoles for some time, however, with terminals about $500 and real time charges as high as $10 a page for book reading.

Terminals of the future will have up to seven levels (regimes) of purposes, according to J. M. M. Pinkerton, International Computer Limited, London, who related them to the personal service to be expected of computers. "Personal services," said Pinkerton, "will require new communications systems, so we are adapting the telecommunication system to a digetal data network." "We must have an efficient and economical system to link up people to computers and make the system work." The seven rankings of terminal use in which the depth of interaction increases at each level are as follows:

1. Inquiry—requesting and securing specific information.
2. Simple interactive system—looking up data and recording a fact (airline passenger bookings).
3. Online control (such as a computer giving instruction to a space vehicle).
4. Remote computing—providing a program the user devises rather than using those already in the computer.
5. Computer-aided instruction—teaching, special interaction takes place here between machine and human.
6. Text editing.
7. Simulation.

Time sharing exists when a computer with connected console and files maintained outside the core memory tries to service all sources of users at about the same time, according to Professor McCarthy. This potential of giving people a "private" computer of their own is seen vital to democratization of this new technology by Professor Robert Fano of MIT's Project MAC. In 1968 there were only 30,000 terminals in the United States and by 1973 there will be about 250,000, mostly in business, government and educational institutions. This method is growing slower than those wishing to bring in the general public would like, if citizens are to "grow" with generations and sophistication of computer techniques.

One means of maintaining the greatest human orientation for computers is to develop speech synthesis and speech recognition. Also, keeping computer languages largely along written characters and digits of a particular society. The introduction of fuzzy languages may be a way to fill vagueness gaps and uncertainties, according to L. A. Zadeh of the Department of Electrical Engineering and Computer Science of the University of Berkeley:

"One of the basic differences between the intelligence of a human and that of a machine lies in the ability of humans to manipulate fuzzy concepts, that is, concepts which correspond to classes with unsharp (fuzzy) boundaries. By contrast, present day computers can operate only on classes in which the question of belonging can be answered unambiguously. This difference reflects itself in the precision and lack of ambiguity of programming languages, which is in sharp contrast to the fuzziness and ambiguity of natural languages.

"The gap between natural and formal languages can be narrowed by introducing the concept of a fuzzy language, which is a fuzzy set of strings over a finite alphabet. The theory of fuzzy languages constitutes a natural generalization of the theory of formal languages and provides new insight into the relation between human and machine intelligence. Furthermore, it suggests ways of approaching classes of problems whose solution lies beyond the capabilities of conventional (non-fuzzy) computers."

Professor Fujisaki of the Faculty of Engineering, University of Tokyo, pressed this argument to retain "human" languages with vigor even though it is a formidable one in Japan where the Japanese alphabet has 50 characters and the total different characters in the Chinese language is nearly 1,000. An underlying issue at the conference among the technical representatives was how complex and exotic system developments might be devised to facilitate various data memories or innovative telecommunication information flows. Those opting for bending every effort to retain computer characteristics logical to the average human experience seemed in the minority. Precision in language is seen to be the weakness of present traditionally spoken languages as well as machine programs yet developed.

The role of human operation in advanced computer systems is viewed differently. If, indeed, large and comprehensive data bases are technological goals should not the full automation of such systems be a concurrent achievement? Already the computations for a lunar voyage are too multi-faceted and near simultaneous that a computer is utilized in almost every aspect of such missions. Man, for the present, is not expendable. When the day of artificial knowledge transmitted to robots is possible, the role of man for this and other large, complex, difficult or dangerous tasks may be eliminated. Future considerations involve development of policies and techniques with regard to man-machine interaction. The entrance of human operation and a rational man-machine symbiosis remains a future challenge.

"The theoretical problems raised in dealing with computers and their use cannot be properly separated from the methodological problems of dealing with large complicated systems. Perhaps the principal theoretical problem is how to design and maintain large, ever changing data systems, i.e. systems containing computers and their programs, people, and large collections of data.

"An important element in successful design is the attitude of the designer. He must be willing to attack a problem which is being defined while he solves it, as an integral part of the design process itself. Also he must recognize that the problem admits of a multitude of valid, although different, solutions.

"At the same time, the computerized solution itself, once established, defines one, centralized attitude for the people dealing with it. For the people taking part in the design and maintenance of it, this raises a constant dilemma, between on the one hand keeping the system fixed, in spite of its known deficiencies, and on the other introducing deep changes, which in the process of being introduced will impair the function of the system itself."—Peter Naur, Copenhagen.

As large systems will presumably operate on an uninterrupted basis, accessing new data, reorganizing and purging unwanted or obsolete information, the role of design/operating personnel becomes critical, as was pointed out by Professor Naur.

The focus of conference consideration at mid-week turned sharply toward the implications of computer technology on man and society. While a predisposition of all participants that computer technology represented progress was implied, a somewhat unsual classification of the "humanist" arose. There was an unofficial designation of *optimist* for the computer scientist and *pessimist* to anyone who raised challenges to the societal impact of automation. This notion was occasionally sharpened to the point of embracing utopian panaceas for computer accomplishments contrasted with an "end of the world" abdication by the pessimists. Such unfortunate labeling did not depress a wide ranging search of humanist concerns.

CONCERNS FOR MAN AND SOCIETY

Expositions on futuristic consequences of the computer as the axis of mankind's being were effectively organized by Professor R. Lattes, a mathematician, Director of the Applied Economic and Mathematic Society of Paris, and Professor Pecujlic, a sociologist from Belgrade. Lattes reflected on the ultimate role of man in an automated world and Pecujlic analyzed prospective societal and governmental structures.

The computer has revolutionary implications, noted Lattes, with information its basic ingredient. What will be the impact of an enormous collective memory giving man an external brain making it no longer necessary for man to retain experiences in his mind, he would be freed of holding on to the knowledge gained in school and the observations he has witnessed during his lifetime? Like libraries where books are indexed in card files, so too with data normally housed in brain cells. Two conclusions are obvious: Man is not as strong as his artificial brain and different environmental orientations will be required to adapt man to his new life role. "We can build machines incorporating all data which will reach rational, logical conclusions more accurate and sound than man may achieve," commented Lattes. He further speculated that if we can absorb such vast information and retrieve it, what will be the mathematical inference on man.

Reflecting on the role of language in a computer age, Lattes asserts that language is a reflection on culture. "In 30 years computers will produce universal languages; this could wipe out former cultures." "A society is relationships, language is a characteristic of culture, if mathematicians decide to capture all relationships in a society, then man will be a prisoner of the computer, he will be a prisoner of words, he will stop the development of his culture."

Lattes speculated about the consequence of the computer in approaching problem solving. "We can re-run scientific problems in the computer and the result will yield just one way to do something, because that's the way science developed." "In social problems where there are a variety of choices available, computers will produce scientific results, again yielding only one choice." "So even across oceans, town planning, educational instruction and such could be imposed on people." He was particularly concerned about this impact on decision making which fundamentally, he believes, influences the approach and manner of problem solving.

"In the year 2000 in politics it will require teams of technocrats to help the decision-maker; this could be an unwanted shift of involvement on people who make the decisions." Lattes stated that "in some countries hard thinking is inadequate." "Politicians who are just dialecticians will be outmoded." "Computers will govern more and more, as in the IMF and the technocrats who master the system will dominate it." The need to both separate man from machine and insure human predominance over mechanical decision-making is heavily underscored by Lattes.

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"The computer changes the approach to problems—the machine and man must be kept separate. Man can make decisions in the absence of information or incomplete information (which are illogical bases of decision) and so if he has complete information as the computer may provide, his decision must prevail if he is to control the power of decision. As society improves and freedom grows when do the conflicting computer decisions arise? What is the economic good—is what the computer asks. Friendship is not an economic value, not recognized by computers."

Among the conclusions Lattes reaches are:

Computers must have a high degree of adaptability;

As in disciplines like mathematics, the human mind must learn the rules, theories, etc., not rely on the computer brain for everything;

Man's understanding of computers must increase, how they operate, retrieval of information and access methods; and

We should guard against abuses of this technology or of possible disappearance of learning for learning sake.

The second major "humanist" speaker was Professor Pecujlic of Yugoslavia. The relationships of forces of new technology, information cybernetics to the social framework was seen as paramount to Pecujlic. His question was how can he make human progress from the combination of the two? A great transformation is presenting itself, a new industrial revolution which makes obsolete groups of actors, where integrated transformation of sciences, planning, education and so forth are evolving. In this intermediary phase the computer is deeply involved.

According to Professor Pecujlic, two extremities of what may occur are often seen as man's only alternatives: (1) positive utopia where technology is an end in itself, we can automatically solve all human problems (values, ideologies and such are excluded), and (2) negative utopias where machines will rule people, technical dominance over mankind.

"Neither utopia is the solution. Social science must seek ways to link each technical development to the human interest and need. Social science must focus on these questions: What is the best organizational structure for the businessman and worker, democracy and authority? What forms or organization will foster democratic growth? Classical machine tools brought workers under its domain, beaucratic operation was used for maximum efficiency and rational management and organization of work was authoritarian. This is the historical type of economic activity: strict hierarchy—leadership, control. The future can take a much different form. The computer can liberate these traditional ways. It must not become a monopoly in information forces, such as restricting technology to the few, or allow oligopoly cybernetics."

Pecujlic called for three types of reforms:

(1) Greater interpersonal human relations because people don't act like machines.

(2) Human participation in machine made decisions—"the absence of it in decision making would be most dangerous."

(3) Integral production. An effort should be made to bridge over intellectual and physical work. Man can have a change in functions, will be freed of manual labors to participate in planning, development, etc.

As technology advances, Pecujlic sees an ordering of values vital in the qualitative and quantitative needs of man, stress being given to all around development in talents, culture.

"Relationships between human and material factors change, motivation is the prime condition for development." Democratic values emerge, this will be a post hierarchcial organization where no strict division exists of elite and mass in terms of decision making. A new type of leadership emerges where groups will have greater influence. Human needs would be put higher than corporate values. This is a model, I believe suited for the times we are entering. Its fruition depends on forces to carry through with technological and human participation. The key is giving democratic meaning to technical development."

Another report presented during the Information and Society panel was that of Mr. J. Lesourne, Director General, Society of Applied Mathematics of Paris, dealing with economic planning applications of the computer. The reconciliation of computer made economic planning decisions and the desire and need for individuals to participate in the decision-making process is seen as critical. Also, the question of decentralization of planning and decision-making is raised. Overall, the computer's role in economic planning will be of four types:

(1) Short term characterizing of economic forces for a limited period, especially important to monetary policy.

(2) Global long term model—looking for long view solutions and planning.

(3) Decision-making, simulation models, such as cost-benefit analysis.

(4) Structural model, capable of studying vast interactions.

The final rapporteur in this session was Professor Richard Bellman of the University of Southern California, whose remarks probably received the most conference-wide discussion of the week. In his presentation, Bellman tried to allay fears of computer domination of mankind by advancing two personal theories sharply to the contrary. The first is that large systems are inefficient and unfeasible; if created will soon fail. That computer systems, employing the scientific method must involve human judgment was his second hypothesis, Bellman endeavors to defang, as it were, assertions that advancements in computer applications will lead to concentration of large data bases controlling sizable decision-making jurisdictions eventually operating autonomously, devoid of human involvement.

These theories are premised on the belief that large systems grow so complex and require such intricate programs that they become inefficient and inoperable. Thus decentralization takes place. Further, the necessity for judgment will be ever present and the only source of judgment is the human brain. Therefore, decentralized computer systems, resting on human judgment will be needed to monitor any so-called "computerized society," not the reverse.

On the heels of this presentation, Dr. H. J. R. Grosch, National Bureau of Standards in Washington, launched into a roundtable discussion framed as "a jaundiced view of computers and society." His dichotomy was thus posed:

"It works both ways, you know—society expects far too much of computers and computer people, and computer people expect too much of society.

"Example of the first case: most lay types, from taxi drivers to business, government and military executives, really believe information systems can be built to solve (or present usefully condensed and interpreted information needed to solve) major problems. Like whether to put out a new product line, or how much to spend cleaning up Lake Erie, or whether Quick! Quick! to fire an ABM.

"Now, the other side: the computer trade, and other intellectuals, expect a depth of concern on the part of the rest of society that just isn't there—at least, not up until now. In the Pot generation? I certainly hope so. But today's adult, offered a choice between easy credit and privacy, will choose the new Monte Carlo (36 to 1 they didn't finish assembling it!) every time. I've said in recent speeches that our, you should pardon the expression, culture will be driven—by the population explosion, by an overstimulated demand for goodies, by inept education and thrashy entertainment—from privacy through exploitation to faceless anonymity."

Other roundtable participants scored utopian notions of technocracy. Professor Yantsch of Hanover believes there is complexity—uncertainty to be understood and eventually coped with because the computer is unique to make correlations of multivaried character. He believes a social science should be created at normative levels so computers could be directed within a value frame to give pragmatic outputs. Professor Tomovic of Belgrade seconded the views of his Yugoslavian colleague that "we can change the reality of the post-industrial revolution—authoritarianism can be part of the old technology—the computer may be changing all of this."

During the discussion periods throughout the week, these significant observations were made:

(1) Information is dangerous, like electricity. There are costs involved in making computers safe for users. The issue of privacy is not just a technical matter, there are policy problems of management. They involve rules, safeguards and remedies.

(2) A prescription for individual privacy in data age involves policies relating to four categories of concern: (a) protection against commercial exploitation of criminal ele-

ments, or misuse by government agencies of information; (b) restriction on access and allowing persons to inspect their own files; (c) protection of archival storage from physical damage, malicious users, and corruption operations; and (d) policies determing what goes into unique (one storehouse of data as medical records) large systems and what standards are to be maintained.

(3) Information systems are systems for dealing with our society not just arithmetical structures.

INFORMATION AND EDUCATION

The final segment of the conference was devoted to Information and Education. Several kinds of computing were described including administrative data processing, calculation, information systems (medical and library records) vehicle for CAI, CMI, simulation and the teaching medium. It was predicted that in the 1970's about ten percent of the one million elementary classrooms in the United States will be installed with computer terminals, costing from $200–$300 million. Trends in educational usage will be along the lines of contingent response, question and answer sytsems, use of theorem provers and voice to voice interaction between student and program. Presently, there is said to be an inadequate model of the student, such a psychological and pedagogical description is needed. The challenge to develop computer assisted education programs on the primary and secondary level as a standard part of instruction rather than especially for the slow learner or gifted child, is viewed as a major field to conquest.

Troubling educational applications of computer technology as well as government and commercial computer assistance are language deficiencies in creating artificial intelligence. Professor H. L. Dreyfus of the University of Berkeley noted several present problems (1) vagueness and imprecision of languages, (2) subjective properties of terms and concepts resulting in comprehension difficulties (3) context dependence, especially in speech analysis, and (4) pragmatic interpretation of situations (as interpreting the meaning of the command "Stand nearer me").

Assistant Secretary of Commerce Myron Tribus ably presided over this segment of the conference. Most educational applications of computers has taken place in the United States so it came as no surprise that nearly all the speakers were Americans. A joint presentation by Professors Edward Glaser and Frederick Way of Case Western Reserve University stressed the following points:

"Much has been said about the application of the computer to the educational process. Much of this has been predicated upon new and novel applications of the computer. It should be pointed out, however, that there is today a large number of places where the computer can be of immeasurable value in the educational process. Its primary use is making available to the student an environment in which new and meaningful investigation can take place that would not be possible in any other laboratory situation. In addition, because of the unique nature of the computing business, it offers new kinds of environments in which a 'gaming' situation can be established where the student can get a greater insight into the managerial as well as technical problems of this new and rather unique industry."

The principal concluding speaker contributed further positive contributions for computers. Speaking as President of IBM's World Trade Corporation, J. G. Maisonrouge capsuled a glowing array of societal implications, some of which are:

(1) Working men will be freed from routine work. Political leaders will be better able to evaluate their decision possibilities.

(2) A fairer society will evolve, energy applied for a better life will be available.

(3) The fears which are expressed against computer applications are by non-scientists. Those who caution the danger of data bases getting in the hands of the wrong people are raising unreal possibilities. Who would use such data for his own objectives? "I can assure you the people of computer science are not without conscience," he stated.

(4) The role of the computer is to do what it is told. Only those who don't know about computers (will) fear it. Truth is in this era of transition, we haven't reached full control or understanding of the new powers given us.

(5) The possibility of leisure civilizations are on the horizon, a 32-hour week, frequent personal travel, more quality literature, information better diffused and interpreted will be better for public life.

(6) An interdependence of nations will be created. Computers will lead to more homogeniety in the world. The very bright, cleanly scrubbed portrait of a world receiving ultimate benefit from computer technology capped the Bordeaux conference on a positive note. The negatives at Bordeaux were perhaps not so much a "pessimist" worldview as a strong caution signal pointed toward the somewhat overextended claims of computer largesse.

OBSERVATIONS

The prognosis of Bordeaux is far from a utopian conclusion, rather a grey mixture. Grand expectation of computer accomplishments are not diminished, only the nonnormative suppositions about societal impacts and the nonparticipatory decision making role to befall computer controllers. To many participants at the Man and Computer Conference, its heterogeneous collection of personages was ill advised. The fact that some persons were clearly representing the "interests" of man and others those of the computer could be construed as a striking gap in computer understanding.

This chasm illustrates the need for greater cross pollenization of social science and computer technology. A multi-disciplinary commitment seems essential. Consortia of leading specialists in many relevant fields building on the Bordeaux experience could achieve mutual understanding in some sensitive issues. Clearly, the unfortunate labeling of some as "optimists" and others "pessimists" must be abandoned.

The question of whether computer experts impart philosophic or pragmatic biases in the "new revolution" on mankind remains unanswered. It may be that acute recognition of the implications of this man-serving medium should be acknowledged. The decision-making guidance of programs, models, simulations, artificial knowledge and otherwise cybernetic capabilities must be imbued in those whose skills will pilot these machines. Similarly, unless an interdisciplinary role, particularly for governmental officials, academics, and business executives can be instilled, the over-the-shoulder role of policy makers to programmers appears inevitable.

Confusion exists over whether the software specialists program various value judgments or the results of computer operations, set forth from sterile sets of data, unavoidably render decisions giving support to one policy over another.

As data collected on individuals has been manipulated by government officials over the centuries, certain legal and administrative standards have evolved in each state. These reflect the tenets of constitutional, judicial, political, moral and other considerations ingrained in the organization and content of information systems established and modified according to such determinants. The author, believing the foregoing rules of government practice to be inherent in preautomated, manual individual file systems, contended at Bordeaux that the process (program) of mechanization of such files takes cognizance of such requirements.

These value structures are reflected in automated systems, perhaps less conscious and implicit than transforming operatives would realize, but nevertheless present. It is not a question of presence, nor which element in a society may have authored a value quality, rather, the recognition of these qualitative factors present in automated systems. Further, the normal transmission, manipulation of data bases may require additional value oriented regulations, to be prescribed by executives, legislatures, courts or computer program designers. The consciousness of social scientists to this presence and general rejection by computer operatives begs the question of empirical examination of the preautomation (manual state), chanegover phase, and computerized data base stages.

Another significant implication of the ultimate computer impact is its effect on the liberty of organized societies (political states). "Democrats" present at Bordeaux foresaw dramatic freeing of man once computer fruition has been realized. However, certain points believed pivotal to this utopian promise were raised. Broad computer understanding and access is stated as the solution to possible oligarchic control of the new "democratic" state. The Socialist (Communist) representatives from Yugoslavia believe the proletarian state will be further extended. The question of personal liberty contraction or expansion through the evolution of computer application, has only begun to be raised. Forerunners of a year 2000 computerized world should give this matter greater attention.

Innumerable other implications may arise in the minds of those who foresee serious ramification in modes of human life and organization with the fruition of this new technology. These abbreviated observations are designed to highlight some of the questions resulting from this highly informative, and controversial week-long conference under the exceedingly hospitable auspices of the Institut de la Vie of Paris.

COUNTING ALL THE PEOPLE

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, my interest in census reform continues as there is substantial unfinished work before the statutes and procedures of the Census Bureau become truly effective enumeration instruments. I am very pleased the Subcommittee on Census and Statistics under the able chairmanship of Congressman CHARLES WILSON is holding 2 weeks of hearings on the accuracy of the 1970 census. Several important municipal officials will appear as well as Census Bureau Director George H. Brown.

As I followed the preparation and execution of the 1970 census from April 1 I have become more and more troubled about the count in my district and many other areas of the country. In an effort to focus on urgent census reforms I have submitted a statement to the Census Subcommittee.

Mr. Speaker, I include my statement at this point:

COUNTING ALL THE PEOPLE

(A statement by Congressman JACKSON E. BETTS)

The basic reason for our national census, indeed the only Constitutional objective, is to count all of the people in the United States. Simple and direct as that statement is,

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those charged with conducting decennial censuses have given the complete and accurate count of Americans less than foremost priority. For three years I have urged a number of important reforms in census procedure but inertia in the Census Bureau, opposition by Secretary of Commerce Stans and vested commercial interests have prevented many changes from occurring.

Without important reforms in census laws and procedures I predicted many Americans would never be enumerated by census officials. The 1970 census count began April 1st and its results are beginning to be released. I am deeply troubled with what I hear from local leaders in my area as well as dozens of reports across the country of serious undercounting. Let me indicate where I believe the Census Bureau failed in this census. Hearings by the House Subcommittee on Census and Statistics should underscore further reasons and the magnitude of decennial census problems.

The overall problem as I have often reiterated is that census directors care as much, possibly more, about counting toilets as people. For example, it was more important to extract or verify all but two or three answers to the long form's 100 questions than immediately beginning the job of tracking down millions of persons failing to return mail-out forms. For example, after test results indicated that inner city mail returns might be as law as 33%, this method was relied upon for urban enumeration. For example, highly sensitive questions on fertility, income and others unrelated to a headcount were stressed under penalty of fine or imprisonment.

In testimony before the House Census Subcommittee the 5.6 million undercount in 1960 has been described. It has been stated over and over that problems with minority groups, welfare recipients, hippies and other hostile to lengthy Governmental interrogation would increase in 1970. Knowing all this, only minor changes were made in the questionnaires and a dubious procedure relied on for 60% of the urban areas. I concur in the wisdom of developing an address register containing the identification of every dwelling unit in the country but question the advisability of excluding rural Americans from the mail-out/mail-back procedure. Inner city residents were sent these forms even though census officials planned a near complete recanvas of these localities. I believe the Census Bureau should have saved the cost, time and frustration of the mail technique in central city areas. Door-to-door canvasing should have begun on April 1. Hard to reach rural families should have been mailed their forms as an economy and efficiency measure.

The preoccupation with counting television sets, second homes, women's fertility and greatly detailed housing quality analyses, definitely played a part in an incomplete count. Time was a great factor in the census as a standstill portrait of the country to be made as of April 1, 1970. Reconstructing this profile as late as mid-August in a country as mobile as ours presents insurmountable problems.

The City of Washington is probably a good example of where 3.1% of the people were missed ten years ago and news reports indicate there is little reason to believe a similar percent won't be missed in 1970. Such a 3.1% error is 36,000 citizens, no insignificant figure. I praise the census officials and community organizations efforts to locate these missing persons in July, August and September. However, if a thorough house-to-house canvas began on April 1 the need for vain attempts to up the count would be unnecessary. Because of the approaches the Census Bureau adopted, its spokesmen can only say "we are beginning to feel that they're (the missing people) not out there." I presume no one will ever know if they are or not.

The notion of residency attaching to the place a person may be physically present on April 1 causes serious problems. I understand Columbus, Ohio, may have lost its Ohio State University student body of over 30,000 on vacation April 1 due to the spring vacation. Many communities—especially beach resorts like Fort Lauderdale—probably profited from this Census Bureau rule.

Ohio must be one state where the undercount exists. The *Columbus Dispatch* newspaper conducts regular opinion polls on issues and candidates preferences by voters attention county fairs in the state. One of the questions asked during August was "Were you counted in the U.S. Census?" Results in the four counties I have seen shown from 4–8% of the people were not counted.

Delaying cadres of door-to-door enumerators to inner city areas while the mail-back returns were awaited then batteries of telephone callers were instructed to press for completeness from the respondents was a precarious policy. Since no Census Bureau officials have tested nor prepared evidence on whether a part voluntary census would yield more cooperation and response it is difficult to measure the degree of subjective or overt hostility to the criminal penalty feature. Those who gave false information rebelling from the duress of compulsion will never be known.

Even when "final" population figures are released for every state and locality by December 1 and certified for congressional redistricting, the magnitude of the undercount of distorted count, will not be known. Some Mayors, Governors and Chamber of Commerce spokesmen claim they have such evidence by the time has already passed for recertification. It took four years to "find" the 5.7 million Americans missed in 1960. So we are essentially shadow boxing about the nature of the 1970 population totals.

The preliminary population in 1970 is 200 million. When the final canvas is finished and persons overseas added the count is expected to be 205 million. I can recall a Census Bureau expectation of a 210 million figure based on their own estimates. Perhaps the Subcommittee will explore the basis of that figure. I note Secretary Stans believes the Census Clock estimate on April 1 showed 204,828,260 will be "very close to the final count." Well, when the clock turned 200 million on November 20, 1967, officials acknowledged that the clock was as much as three million low in its population estimate. I feel the structure of the 1970 census was wrong and thousands of voices dissenting from preliminary counts seem to validate the point.

My program for better census policies—census reform—is not a negative program, however. For I have advanced many constructive legislative and procedural alternatives. I look with encouragement to Chairman Wilson's review of the 1970 census and hope Secretary Stans census review panel will act objectively and farsightedly in its deliberations. The time is ripe for a full-scale review of decennial census practices, we have 10 years to enact and refine improvements. My colleagues, the Census Bureau and American people can be assured I will not neglect this essential legislative task.

THE TRADE ACT OF 1970 AND THE RETALIATION ARGUMENT—ANALYSIS BY McDONALD K. HORNE, JR.

(Mr. MILLS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLS. Mr. Speaker, during the past few months, when international trade legislation has been before the Congress, there has been some discussion of possible "retaliation" against American exports. The claim has been made that the type of balanced legislation which has been approved by the Committee on Ways and Means will result in massive reductions in foreign purchases of U.S. exports.

Mr. Speaker, such claims simply cannot be supported on any legal or practical grounds.

Mr. Speaker, the Committee on Ways and Means heard all of the arguments, pro and con, with regard to retaliation during our lengthy hearings on the Trade Act of 1970. After careful consideration, the committee approved the bill, not because it ignored the question of retaliation, but because it believed it has little validity.

Dr. McDonald K. Horne, former chief economist for the National Cotton Council, has prepared a careful analysis of possible retaliation as related to the Trade Act of 1970. Because Dr. Horne has spent most of his life working for the raw cotton interests—interests which depend upon a large export market—he is in a unique position to evaluate this subject.

Mr. Speaker, I include Dr. Horne's analysis in the Record:

THE TRADE ACT OF 1970 AND THE RETALIATION ARGUMENT

(By McDonald K. Horne, Jr., former chief economist, National Cotton Council)

Would the Trade Act of 1970 provoke retaliation?

The Trade Act of 1970, which is now before the U.S. Congress, contains as Title II some provisions to put restraints on the rising imports of man-made fiber textiles, wool textiles and leather footwear. This Title is a modified version of H.R. 16920, which was introduced earlier by Chairman Wilbur D. Mills of the House Ways and Means Committee and became widely known as "The Mills Bill". We shall refer to it herein as the "Mills Bill". The opponents of this bill argue that some of the countries exporting the affected articles would retaliate against us and thereby trigger an international trade war. It is said that the threat of retaliation comes especially from Japan and applies particularly to our exports of farm products.

This idea has gained wide circulation and has become the chief argument used against the bill. Typical is this editorial comment by a leading newspaper in a great cotton and soybean producing area:

"Japan has let it be known that if Washington should impose quotas on her textiles, she will retaliate by reducing her imports of United States agricultural products."

Japan is the largest importer of our cotton and soybeans. If the retaliation threat is genuine, it is an extremely serious matter. But likewise the import problem is extremely serious.

Two possibilities seem obvious: *Either* the retaliation threat is genuine—*OR* it is a scare tactic, adopted by the interests which profit directly from U.S. imports of these particular goods, and accepted uncritically by all those groups who habitually oppose any trade restrictions.

Which is the true situation?

Many people have strong inclinations to line up rather promptly on one or the other side of this question. For example, any one who depends heavily on an export market is

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automatically inclined to oppose anything which raises the slightest threat, however thin and remote, of retaliation against our exports. This is understandable, and it may explain why a good many of our fine citizens have accepted the retaliation argument and are helping to promote it.

But for a cotton economist the issue is far from simple, since cotton is deeply involved with both sides of the argument. We depend heavily on raw cotton exports (now about 2.7 million bales a year) and we are heavily damaged by imports of cotton and man-made fiber textiles (now some 2.1 million bale equivalents per year, and rising steeply).

On the surface, the first inclination may be to accept the retaliation threat at face value. But for those of us who are obliged to look below the surface and search thoroughly for the facts of the matter, the picture is quite different. There seems to be impressive evidence that any responsible foreign government would be most reluctant to retaliate seriously against the mild restraints which the Mills Bill would provide.

The evidence will be summarized largely in terms of the affected imports which are of most concern to cotton people, namely man-made fiber textiles. It will be presented under four headings: (1) The acuteness of the problem and the mildness of the remedy, (2) Japan and our agricultural exports, (3) the policies of 1947 and the conditions of today, and (4) the lack of other arguments.

THE ACUTENESS OF THE PROBLEM AND THE MILDNESS OF THE REMEDY

The size and momentum of our textile imports really do threaten destruction to great parts of the U.S. economy. In man-made fiber products the imports have nearly doubled in the last two years and now exceed a million cotton bale equivalents. In these, plus cotton products, the imports have more than doubled in the last five years and now exceed two million bales (equal to one-fourth of U.S. mill cotton consumption). The causes are (a) cheap foreign wages combined with worldwide access to textile capital and technology, and (b) the refusal of other advanced nations to accept a reasonable share of the exports from cheap-labor countries, thus forcing the bulk of them onto the relatively open U.S. market. These two factors give every sign that they will cause continued acceleration of the U.S. textile imports if our government policy permits.

In the face of this condition, the Mills Bill is astonishingly mild. Public attention centers on a formula which it provides for the establishment of unilateral import quotas, but few people seem to know that the bill clearly invites all countries to avoid the formula by negotiating bilateral agreements with the U.S. government. In reality the bill merely seeks to establish the same import plan for textiles of man-made fiber and wool, which has been in existence for cotton textiles since 1961. Since that year the cotton textile imports have increased from less than 400,000 to more than a million bale equivalents (and would have gone much higher if the domestic market had not been depressed by inter-fiber competition and a recession). The bill even cites the cotton arrangement as the kind of thing which is needed. Big new loopholes even exceeding those which have been used to expand the cotton textile quotas exist. Presumably the bilateral agreements would be negotiated by the same government agencies, including the State Department, which handled the cotton textile quotas.

The question arises as to how the advocates of important restraints can support the bill at all. The answer has to be that even the mildest restraints seem preferable to the sure economic destruction which otherwise seems in prospect.

JAPAN AND OUR AGRICULTURAL EXPORTS

A tip-off as to the nature of the retaliation threat may be found in the fact that it is associated primarily with Japan and most of all with her imports of our agricultural products, particularly soybeans. To the superfiscial observer, this is the most likely place to expect trouble; but under any real analysis, it becomes about the most unlikely. Japan has lately become "the second economic power in the free world,"[1] and she has done this despite an "almost total lack of natural resources."[2] An economy built entirely on industry and on exports depends for its life on importations of raw materials and food.

Japan buys our soybeans, for example, because she needs them vitally. She already buys most of China's exportable soybean supply, and there is no practical outlook for much increase in that supply (loose threats to the contrary notwithstanding). In 1969 the world exports of soybeans came from the following countries:[3]

[In millions of bushels]

United States	311.1
Mainland China	18.2
Brazil	11.4
All other	1.7
Total	342.4

China's exports of soybean oil and meal were even less significant.

Last year 13.8 million bushels, or 76 percent, of China's soybean exports went to Japan. Any notion that this source of supply could become a damaging competitor for United States farmers seems far out of keeping with the following comments by the U.S. Department of Agriculture:[4]

"Since 1958, there has been a significant reduction in China's soybean acreage in compliance with the regime's general policy to convert land from low-yielding crops to high-yielding ones. (The soybean is considered a low-yielding crop.)

"Since 1963, it also has been the regime's policy to limit the acreage of 'economic crops' considerably below the 1957 level so that more land is made available for the production of food grains. Thus China's soybean production in the last decade is believed to have been considerably below the level of early 1950.

"Based on data from importing countries, exports of soybeans from Mainland China in 1969 appear to have been somewhat below the 1968 level. Exports in the last 6 years, however, have stabilized around 20 million bushels—far below the levels of the late 1950's and the 41 million bushels exported in 1960. . . . Exports to Japan in 1969 were the lowest since 1965 and no significant change is foreseen in 1970."

When we turn to cotton, the retaliation threat should come into clearer focus. We depend upon Japan as our greatest cotton export market. The Japanese textile industry buys American cotton and sells cotton textiles on the American market. Presumably the most logical place to promote the retaliation scare would be right here. The reason for little mention of cotton, however, is that cotton people have lived so close to this subject for so long that they tend to understand it.

Retaliation would not come from individual Japanese business firms. Quite sensibly, they buy their cotton where they can get the best deal. For example, they purchase about one-half of Mexico's export cotton year after year, although they sell virtually no textiles to Mexico. Last year Japan bought more cotton from Mexico, a near-zero customer for her textiles, than from the United States, her biggest customer for textile exports and for all exports.

Any practical decision to retaliate against American exports would have to come from the Japanese government rather than her business firms. But Japan's meteoric rise to economic power would have been impossible without direct help from this country and without our investment of American lives and treasure in Korea and Vietnam. Japan, like many other countries, has gained upon us in economic power while we bore the cost of defending her vital interests. Even if she were morally capable of striking us now in our time of trouble, she could not do so economically without incredible recklessness. Her strength rests on exports, and nearly one-third of her entire export trade is with the United States. Last year she sent us $5.0 billion worth of goods and imported only $3.5 billion from us. Would she gamble this kind of trade position by arousing our farmers and all our people against her? Would she be so irrational as to risk starting a trade war with a country which buys $1.5 billion more goods from her than it sells to her?

THE POLICIES OF 1947 AND THE CONDITIONS OF TODAY

The United States "has played the leading role in creating the highly successful liberal world trade environment of the postwar period." These are the very true words of an advertisement sponsored in the *Wall Street Journal* by the Bank of Tokyo and Nissho-Iwai Co., Ltd.[5]

When the General Agreement on Tariffs and Trade was formulated in 1947, the United States had an overtowering advantage in world trade. The GATT was calculated to encourage other countries, prostrate from World War II, to pursue protective trade policies while we stood far out ahead in the liberalism of our own. Today our competitive position in the world is incomparably weaker than it was 23 years ago; great new trading blocs have arisen to weaken us further; and our balance of payments is chronically sick with no real cure in sight. Yet we are still expected to set a liberal trade standard which other countries do not follow.

As Stanley Nehmer, Deputy Assistant Secretary of Commerce, stated recently:[6]

"We are the only major market in the world without quantitative limitations on imports of wool and man-made fiber textiles and apparel. Many importing countries have unilaterally imposed restrictions. Other countries have reached bilateral agreements limiting trade. Japan, for example, has agreements with nine importing nations restricting trade in wool and man-made fiber textiles."

All the major Western European countries have discriminations against Japanese exports[7] and a host of devices to keep our textiles from less developed countries. Secretary of Commerce Maurice Stans testified recently as follows:[8]

"Data now available show that in 1968 while the United States took 20 percent of Japan's textile mill product exports, the European Economic Community imported only 3 percent. We imported 51 percent of Japan's apparel exports and the EEC took only 5 percent . . .

"We imported 38 percent of Hong Kong's apparel exports in 1968 (first half only) while the EEC took 14 percent. In the mill products sector, we imported 32 percent of Hong Kong's exports as against 2 percent for the EEC. We think the reason for this is that the European Community is deliberately keeping these goods out of their market . . .

"In short, our market has been open while others have been closed."

Footnotes at end of article.

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The Common Market countries have a system of agricultural price supports which, in the estimate of U.S. Secretary of Agriculture Clifford M. Hardin, costs its citizens about $15 billion per year.[9] He points out with very justifiable concern that for at least two years the Common Market has been threatening to impose an import levy on soybeans.[10]

This serious threat exists quite apart from anything contained in the Mills Bill. It is conceivable, as some claim, that the Mills Bill could be used by the Common Market as an excuse for taxing soybeans; but if so, it would be only a cynical pretext for a step that was taken for other reasons. The Europeans are interested in such a levy as a means of bolstering their domestic markets for butter and coarse grains, as Secretary Hardin brings out. If the Europeans decide to tax soybeans and the Mills Bill is not available as a handy pretext, they can easily find another. We cannot afford to be intimidated by such threats today. We should oppose the soybean tax on its merits with every bargaining weapon at our command, but we should not allow it to divert our attention from the inequities already existing in the textile trade, in which the Europeans are far more protectionist than we are.

THE LACK OF OTHER ARGUMENTS

The suspicion arises that the Mills Bill opponents lean so heavily upon the retaliation argument because, however weak, it is the best one they have left. It cannot be absolutely disproved because no one can be sure that other nations will act rationally. It can only be replied that there comes a point (and we have reached it) when we have to assume that other nations will behave more like equal partners in responsibility, recognizing the up-to-date facts of our situation. But it is easier to wave a red flag of fear and intimidation over this inconclusive situation than to stand seriously upon any other arguments. There are indeed some other arguments which have been valid and powerful in the past. The opponents of the bill mention them fleetingly but do not pursue them, because they will not stand up before today's facts.

One is that "we must import if we want to export." This argument was overwhelming 15 or 20 years ago, when the whole world was obliged to scramble for our dollars. But that situation is long past. During the 1960's our imports grew from $15 to $36 billion while our trade surplus virtually disappeared; our gold holdings dropped by $6 billion; and foreign liquid claims on the dollar doubled and reached $42 billion. Moreover the Mills Bill involves no serious likelihood that our imports will be reduced or even held where they are.

Another possible argument is that any tampering with textile imports might worsen the problem of inflation. This potent theory is shaken badly when put to empirical tests. Across the past two years of rapidly rising prices (June 1968 to June 1970) textile products have been among the *least* inflation-prone. This is true both of cotton textiles (which are already under an import quota system) and of other textiles (which are not).

At the wholesale price level (which is most relevant to imports) the index for all industrial commodities rose 7.3 percent (from 108.8 to 116.7) while that for all textiles and apparel rose only 3.9 percent (105.2 to 109.3), and this increase occurred largely in import-dependent silk and jute products along with apparel. The index for cotton textile products rose only 1.1 percent (104.7 to 105.9), while there were declines of 1.0 percent in man-made fiber textiles (89.9 to 89.0) and of 1.0 percent in wool textiles (103.8 to 102.8).

The explanation is (1) that our fiber prices, on the whole, have declined even in the face of inflation, and (2) that our textile firms, as usual, have displayed the characteristics of an exceptionally competitive industry. The decline in corporate earnings since the second quarter of 1969 saw the net profit on sales of all manufacturers drop 22 percent by the first quarter of 1970 (from 5.1 to 4.0 percent) but that of textile companies dropped 34 percent (from 3.2 to 2.1 percent).

A third argument is the classical one that broad markets encourage efficiency. Free trade directs and stimulates every one to do what is best for all. But we already have within this country the blessings of a larger free trade economy than Adam Smith could possibly have envisioned for the whole world. Our textile manufacturers face the pressure of intense competition at home and of unfair competition from abroad, which is endlessly expanding.

It is time to recognize that competition of this kind can reach a level where it becomes quite damaging to efficiency. Down to the year 1966 our textile industry's investment in new plant and equipment showed a healthy upward trend, in line with the growth of demand and with the investments of other industries. But since 1966 the capital investment of the textile companies has gone into a steep decline (from $820 to $560 million) while the economy continued growing, as did the new investment in the equipment of new technology, but there obviously is increasing doubt that our own textile manufacturers would be wise to continue such investment. Their return on stockholders' equity has declined steeply since 1966 and is now 5.4 percent. It seems now that efficiency would be served by restraining some of the unfair competition, so that our domestic industry can achieve more of its own potential for progress in efficiency. Apparently benefits would accrue to consumers, as well as to the industry's workers, investors, and suppliers.

The Mills Bill is being opposed by an impressive list of economists under the aegis of the Committee for a National Trade Policy. Their appeal is based on the forthright claim that this bill is similar in its significance to the Smoot-Hawley Tariff Act of 1930.

This requires quite a leap of the imagination. The Smoot-Hawley Act of 1930 climaxed several decades of increasing protectionism. It gave us the highest tariffs in our history. The rates were placed so high that in 1931 our customs receipts averaged 53 percent of the value of dutiable imports, and in fact were largely prohibitive. But since that time we have had four decades of ever more liberal trade policies, so that in 1969 the average tariff on dutiable goods was only 11 percent.

A resolution opposing Smoot-Hawley was endorsed by virtually all the leading economists of 1930.[11] Clearly they were right. But we are living now in a completely different era against a background of highly contrasting circumstances. Consider the record of foreign trade leading up to the Smoot-Hawley Tariff as compared with that which now confronts us. These are the figures in thousands of dollars.[12]

Year	Imports	Exports minus imports
1924	3,610	888
1925	4,227	592
1926	4,431	281
1927	4,185	579
1928	4,091	934
1929	4,399	758
1964	18,647	6,831
1965	21,496	4,951
1966	25,463	3,926
1967	26,821	3,860
1968	32,964	624
1969	35,835	638

In the five years preceding 1930, imports rose by a net of only 22 percent, and exports kept reasonable pace. But in the five years preceding 1970, imports nearly doubled, and exports lagged badly. Prior to Smoot-Hawley, there was no significant weakening in our healthy trade surplus; but from 1964 to 1969, a surplus of about $7 billion largely disappeared.

When the Kennedy Round of tariff cuts was being proposed in the early 1960's our balance of payments was already being threatened, and the emergence of the Common Market as an inward-looking trade bloc was raising further concerns. The rationale of the Kennedy Round was that we could meet this problem by giving the world a further example of leadership in trade liberalism. It was theorized that if we encouraged a faster expansion of imports, we could induce other nations and trade blocs to accept such an expansion of our exports that our *net* export balance would be strengthened. The figures above show that the theory has worked very badly indeed.

Yet we are told now by the eminent economists that the way out of our difficulties is to push on further with the same theory. They say that the Mills Bill would be "as perilous to the nation's interest today as was the Tariff Act of 1930." They insist that even under present conditions our foreign friends would strike back at us for even such a modest effort to cope with our problems. Are other nations so impervious to reality, and our own diplomats so impotent, as to permit a trade war to grow out of this situation?

In 1930 we were carrying no world-wide military and economic burdens like those of today. We did not picture ourselves as a nation with unlimited power and obligation to support the world. In 1930 we held gold stocks as large as our annual imports, and there was no real strain upon our balance of payments.

In the relatively settled days when free trade was installed as a sure virtue in our textbooks, men could hardly dream of the explosive changes which have come to the world in the 1950's and 1960's. They could scarcely have imagined that colonialism would collapse so suddenly, or that communications, capital, and technology would spread in all directions so rapidly.

In 1930 men were accustomed to changes in international trade which came by relatively small increments from year to year. There is nothing in our previous experience which even compares with the pace and magnitude of the expansion in our textile imports during recent years.

Part of the conventional theory is that an advanced economy should be willing to abandon its more labor-intensive enterprises. As Mr. George Ball said recently on television,[13] we should be "moving more and more into the more sophisticated, capital-intensive kinds of production and leaving certain areas for the less developed countries. . . ." Textiles were mentioned as the classic case of an expendable industry. This is all very well for professional world traders and for academicians, but we have never before come up against the harsh reality of letting this theory destroy one of our greatest industries. Does practical judgment really say that this would be wise—wise at a time when we are already striving by a number of other governmental means to maintain our balance of payments? Who is to say that we can do without this basic part of our economy in years ahead?

No other "sophisticated, capital-intensive" nation has ever faced this practical condition and decided to let its textile industry go. As a matter of fact, we need only consider the nations now said to be threatening retaliation if we put very modest restraints on the exports of their *textile* industries. They are the other most "sophisticated, capital-intensive" countries in the world. Theories notwithstanding, they see no wisdom in giving up any potential textile market. Should we?

Footnotes at end of article.

The appeal made here is not to repudiate the men who wisely opposed the Smoot-Hawley Tariff or to belittle the need for expanding world trade. Rather it is that we should be realistic in pursuing policies which are right for our time and place in the world. Ever since World War II, our great and powerful country has been carrying the lion's share of the free world's military and economic burdens. Other nations have thrived on this relationship. In relative terms, our own economic strength has declined tremendously. Our national policy is now moving insistently toward a new relationship, in which other nations are expected to take responsibilities more in line with their capabilities. This is the only possible course for us, and we have to follow it in trade as in other fields. Other nations must not become outraged and vindictive when we take even very modest steps to protect our own economy, as they have long done.

As a matter of fact, there are strong off-the-record indications that responsible members of the Japanese government (and no doubt, of others) understand our position far better than the public is led to believe by the assorted private interests which are kicking up the talk about retaliation. If our diplomats are at all competent, they should be able to explain the need for the Mills Bill so that other governments will accept it with understanding.

Mr. Wilbur Mills of Arkansas, the able and respected Chairman of the House Ways and Means Committee, has long been known for his liberal attitude on trade policy. He makes it quite clear that his principles have not changed, but that neither has his capacity to grasp the realities of a changing world. The Mills Bill should be adopted.

FOOTNOTES

[1] Nelson A. Stitt, Director, U.S.-Japan Trade Council, in testimony May 19, 1970 before U.S. House Committee on Ways and Means (page 1070 of published hearings).

[2] Kazuo Nukazawa, Research Consultant, U.S.-Japan Trade Council, *Japan's Foreign Economic Policy: Options for the Seventies* (May 1970) p. 3.

[3] U.S. Department of Agriculture, *Foreign Agriculture Circular,* July 1, 1970, p. 3.

[4] *Ibid*, pp. 18–19.

[5] *Wall Street Journal,* August 3, 1970, p. 5.

[6] Address before the Linens and Domestics Buyers of America, February 4, 1970.

[7] Kazuo Nukazawa, *op. cit.*, pp. 5 and 7.

[8] Before the House Committee on Ways and Means, May 12, 1970 (Page 442 of published hearings).

[9] Testimony before U.S. House Committee on Ways and Means, May 13, 1970 (Page 638 of published hearings).

[10] *Ibid*, pp. 635–637.

[11] Including Claudius T. Murchison, who was later to become president of the Cotton Textile Institute and economist of the American Cotton Manufacturers Association.

[12] Source: 1924–29, U.S. Bureau of the Census, *Historical Statistics of the United States* (1949). 1964–69, *Economic Indicators,* prepared by the President's Council of Economic Advisers, July 1970. Military sales and expenditures are excluded.

[13] The NBC *Today Show,* August 18, 1970.

FEDERAL RESPONSIBILITY FOR UNITED NATIONS EXPENSES IN NEW YORK CITY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on September 16, the House passed the conference report on H.R. 16900, the Treasury, Post Office, and Executive Office appropriation bill. The House also agreed to the Senate amendment providing $1,650,000 for security protection for foreign dignitaries visiting the United Nations this year in connection with that body's 25th anniversary. This money should help offset expenses which would otherwise be incurred by the citizens of New York City.

In voting to pass the conference report, and to agree to the motion that the House recede from its disagreement with the Senate and concur in the Senate amendment, I was particularly mindful of the expenses which the city of New York has experienced in providing police protection to foreign dignitaries visiting, or located at, the United Nations. These expenses have been a constant drain on the budget of the city. And they are an unjustified drain, inasmuch as the United Nations is an international body of which this country is a member, and, therefore, the cost of maintaining such services should be borne by the entire Nation.

I have, in fact, introduced legislation, H.R. 589, which recognizes the on-going nature of the expenses incurred, and provides that the Secretary of State shall annually reimburse New York City for the portion of the costs of its police department which are attributable to providing protection to the United Nations and delegates thereto. I also introduced this legislation in the 90th Congress (H.R. 3161), the 89th Congress (H.R. 10568), and the 88th Congress (H.R. 3990).

It is entirely proper that funds be provided by H.R. 16900 to help assume a national burden which has hitherto been borne by New York City's citizens alone. I would hope, moreover, that, now that the House has by its vote recognized this problem, it will act to pass H.R. 589 and thus provide full reimbursement and ameliorate what is, in fact, a continuing problem.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LOWENSTEIN (at the request of Mr. KOCH), for today, on account of official business.

Mr. CLARK (at the request of Mr. ALBERT), for today, on account of official business.

Mr. NEDZI, for September 28 to October 8, on account of official business.

Mr. MCMILLAN (at the request of Mr. ALBERT), for today and the balance of the week, on account of official business.

Mr. HAGAN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, for 15 minutes, today, and to revise and extend her remarks and include extraneous matter.

(The following Members (at the request of Mr. GOLDWATER), to revise and extend their remarks and to include extraneous matter to:)

Mr. SCHADEBERG, on Thursday, September 24, for 30 minutes.

Mr. HALPERN, today, for 5 minutes.

(The following Member (at the request of Mr. SEBELIUS), to revise and extend his remarks and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

(The following Members (at the request of Mr. ALEXANDER), to revise and extend their remarks and include extraneous matter:)

Mr. ALBERT, for 10 minutes, today.

Mr. HAMILTON, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks was granted to:

Mr. DORN and to include extraneous matter.

Mr. MILLER of California and to include extraneous matter.

Mrs. MAY, immediately following the passage of Senate Joint Resolution 218 today.

(The following Members (at the request of Mr. GOLDWATER) and to include extraneous matter:)

Mr. CEDERBERG.
Mr. CARTER.
Mr. ROBISON.
Mr. HOSMER.
Mr. CONTE.
Mr. VANDER JAGT.
Mr. GERALD R. FORD.
Mr. SHRIVER.
Mr. HUNT.
Mr. BOB WILSON.
Mr. ZWACH.
Mr. RHODES.
Mr. STEIGER of Arizona.
Mr. COLLINS in three instances.
Mr. LLOYD.
Mr. BELCHER.
Mr. MCCLOSKEY in two instances.
Mr. SCHMITZ.
Mr. QUIE.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. DERWINSKI in three instances.
Mr. DEL CLAWSON.
Mr. TALCOTT in three instances.
Mr. BOB WILSON in three instances.
Mr. AYRES.
Mr. CLANCY.
Mr. SKUBITZ in three instances.

(The following Members (at the request of Mr. STUCKEY) and to include extraneous matter:)

Mr. HANNA in five instances.
Mr. VANIK.
Mr. BINGHAM in two instances.
Mr. DADDARIO in two instances.
Mr. SYMINGTON.
Mr. REES.
Mr. BRINKLEY in three instances.
Mr. O'NEILL of Massachusetts in two instances.

Mr. Tunney.

Mr. Anderson of California.

Mr. Bennett in two instances.

Mr. Wolff.

Mr. Waldie.

Mr. Montgomery in two instances.

Mr. Eilberg in two instances.

Mr. Yates.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Edwards of California in two instances.

Mr. Gallagher.

Mr. Mann in five instances.

Mr. Moorhead in two instances.

Mr. Philbin in four instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1074. An act for the relief of Mr. and Mrs. Arvel Glinz; to the Committee on the Judiciary.

S. 2835. An act for the relief of Albert G. Feller and Flora Feller; to the Committee on the Judiciary.

S. 3942. An act to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

S. 4106. An act to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; to the Committee on Interstate and Foreign Commerce.

S. 4269. An act to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

XUM

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 406. An act to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes;

S. 2565. An act to amend the Act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions;

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation;

S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expand certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; and

S. 3777. An act to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5365. A bill to provide for the conveyance of certain public land held under color of title to Miss Adelaide Gaines of Mobile, Ala.;

H.R. 13543. A bill to establish a program of research and promotion for United States wheat; and

H.R. 17795. A bill to amend title VII of the Housing and Urban Development Act of 1965.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Thursday, September 24, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2396. A communication from the President of the United States, transmitting a proposed supplemental appropriations for the fiscal year 1971 for the Department of Justice (H. Doc. 91–389); to the Committee on Appropriations and ordered to be printed.

2397. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 198–A, *The Confederated Tribes of the Warm Springs Reservation of Oregon, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 60 Stat. 1055, 25 U.S.C. 70t, sec. 21; to the Committee on Interior and Insular Affairs.

2398. A letter from the president, Jewish War Veterans, U.S.A. National Memorial, Inc., transmitting the annual audit report of the corporation for the fiscal year ended March 31, 1970; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2399. A letter from the Comptroller General of the United States, transmitting a report on problems in developing the Atomic Energy Commission's fast flux test facility; to the Committee on Government Operations.

2400. A letter from the Comptroller General of the United States, transmitting a report on the need for improved administration of Federal support of shore facilities and vessels for research activities at oceanographic institutions, National Science Foundation, Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ICHORD: Committee on Internal Security. Report on proceedings against Arnold S. Johnson (Rept. No. 91–1461). Referred to the House Calendar.

Mr. STAGGERS: Committee of conference. Conference report on S. 2264 (Rept. No. 91–1462). Ordered to be printed.

Mr. BARRETT: Committee on Banking and Currency. H.R. 19172. A bill to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation; with amendments (Rept. No. 91–1463). Referred to the Committee of the Whole House on the State of Union.

Mr. HOLIFIELD: Committee on Government Operations. House Resolution 1209. Resolution to disapprove Reorganization Plan No. 3 (Rept. No. 91–1464). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. House Resolution 1210. Resolution to disapprove Reorganization Plan No. 4 (Rept. No. 91–1465). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 3558 (Rept. No. 91–1466). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 19412. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of California (for himself, Mr. Aspinall, Mr. Saylor, Mr. Carey, Mr. Steiger of Arizona, Mr. Johnson of California, Mr. Kyl, Mr. Taylor, Mr. Hosmer, Mr. Don H. Clausen, Mr. Edmondson, Mrs. Mink, Mr. O'Hara, Mr. Foley, Mr. Ryan, Mr. Kastenmeier, Mr. Meeds, Mr. Tunney, Mr. Burton of Utah, Mr. McClure, Mr. Lujan, Mr. Ruppe, Mr. Albert, Mr. Gerald R. Ford, and Mr. Morton):

H.R. 19413. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN:

H.R. 19414. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall require the boycotting of certain movement by aircraft in cases of international aircraft hijacking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI (for himself and Mr. Corbett):

H.R. 19415. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.R. 19416. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Brasco, Mr. Brown of California, Mr. Carey, Mrs. Chisholm, Mr. Clay, Mr. Daddario, Mr. Dingell, Mr. Dulski, Mr. Edwards of California, Mr. Farbstein, Mr. Feighan, Mr. Fraser, Mr. Harrington, Mr. Hawkins, Mr. Howard, Mr. Mikva, Mr. Murphy of New York, Mr. Ottinger, Mr. Patten, Mr. Pepper, Mr. Podell, Mr. Powell, and Mr. Price of Illinois):

H.R. 19417. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 19418. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. LOWENSTEIN:

H.R. 19419. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen; to the Committee on Education and Labor.

By Mr. McCARTHY:

H.R. 19420. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. Miller of California, Mr. Van Deerlin, Mr. Burton of California, Mr. Leggett, Mr. Cohelan, Mr. Corman, Mr. Hanna, Mr. Sisk, Mr. Holifield, Mr. Anderson of California, and Mr. Charles H. Wilson):

H.R. 19421. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON:

H.R. 19422. A bill to improve and implement programs to assure that U.S. residents have adequate quantities of safe drinking water by protecting them from chemical, biological, and physical contaminants in public water systems which may adversely affect their health; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 19423. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT:

H.R. 19424. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 19425. A bill to extend the powers of the Federal Insurance Administration to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

H.R. 19426. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

H.R. 19427. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

H.R. 19428. A bill to improve the administration of criminal justice by promoting professionalization of police, criminal court, prosecutorial, public defender, probation, parole, corrections, and related personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 19429. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. BLATNIK (for himself, Mr. Horton, Mr. Clark, Mr. Roudebush, and Mr. Obey):

H.R. 19430. A bill to amend the act creating the St. Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BUSH:

H.R. 19431. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. DANIELS of New Jersey:

H.R. 19432. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. KOCH (for himself, Mr. Lowenstein, Mr. Symington, and Mr. Biaggi):

H.R. 19433. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. LOWENSTEIN:

H.R. 19434. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on certain real property owned by foreign governments; to the Committee on Foreign Affairs.

H.R. 19435. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Brasco, Mr. Harrington, and Mr. Halpern):

H.R. 19436. A bill to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 19437. A bill to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 19438. A bill to establish a national program to promote conservation and comprehensive development on a regional basis in the United States, utilizing existing Federal programs in conjunction with new forms of Federal assistance, with particular emphasis upon constructive land use, maintenance of open spaces, and preservation of natural resources; to the Committee on Interior and Insular Affairs.

H.R. 19439. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to encourage and assist State and local governments in the development and implementation of certain law enforcement plans and programs, and for other purposes; to the Committee on the Judiciary.

H.R. 19440. A bill to assist in providing urgently needed housing, particularly housing for middle- and low-income families, in the United States; to the Committee on Ways and Means.

By Mr. FASCELL:

H. Con. Res. 748. Concurrent resolution authorizing the printing of additional copies of hearings entitled "Cuba and the Caribbean" for use of the Committee on Foreign Affairs, House of Representatives; to the Committee on House Administration.

By Mr. LANGEN:

H. Con. Res. 749. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. DADDARIO:

H. Res. 1221. A resolution relating to the creation of a world environmental institute to aid all the nations of the world in solving common environmental problems of both national and international scope; to the Committee on Foreign Affairs.

By Mr. PERKINS (for himself, Mr. Ayres, Mr. Thompson of New Jersey, Mr. Daniels of New Jersey, Mr. Dent, Mr. Brademas, Mr. Erlenborn, and Mr. Ashbrook):

H. Res. 1222. A resolution amending House Resolution 200, 91st Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 19441. A bill for the relief of Mrs. Winifred Patricia Christensen-Lonborg Malloy; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 19442. A bill for the relief of Stefan Schmid; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 19443. A bill for the relief of Khader Ibrahim Wahhab; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

597. By the SPEAKER: Petition of the city council, Los Angeles, Calif., relative to the treatment of American prisoners of war in Southeast Asia; to the Committee on Foreign Affairs.

598. Also, petition of the Congress of Micronesia, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to consultation between the United States and Micronesia prior to actions affecting the interests of the people of Micronesia; to the Committee on Foreign Affairs.

599. Also, petition of the Congress of Micronesia, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to the offer of Commonwealth status for Micronesia; to the Committee on Interior and Insular Affairs.

600. Also, petition of the Congress of Micronesia, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to the future status of Micronesia; to the Committee on Interior and Insular Affairs.

601. Also, petition of the Louisiana State Medical Society, New Orleans, relative to medical review organizations; to the Committee on Ways and Means.

602. Also, petition of the Slovene National Benefit Society, Chicago, Ill., relative to the extension of medicare benefits to the entire population; to the Committee on Ways and Means.

XUM

SENATE—*Wednesday, September 23, 1970*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and everlasting God, who hast revealed Thy glory among the nations, grant that the vision of peace on earth and good will among men may never fade, however convulsive and violent the moment of history. May our determination to make peace a reality never fail. Grant that this Nation may now as always manifest the spiritual realities on which it is grounded and be a means of leading others to justice, friendship, and fraternity.

O merciful God, cast out all the evil things which cause wars and let Thy spirit rule the hearts of men in righteousness and love.

Through these difficult days give a higher wisdom, a transcendent judgment, and a righteous will to the President, to the Congress, and to all in positions of authority.

In the name of the Prince of Peace. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

XUM

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 22, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, the Committee on Finance, the Subcommittee on Small Business of the Committee on Banking and Currency, the Committee on Rules and Administration, the Subcommittee on Roads of the Committee on Public Works, and the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

OBJECTION TO COMMITTEE MEETING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet on national health insurance during the session of the Senate today.

Mr. SCOTT. Mr. President, I have heard objection on my side and must therefore, by request, reluctantly object.

The PRESIDENT pro tempore. Objection is heard.

CIVIL SERVICE RETIREMENT OF TEMPORARY EMPLOYEES IN THE POST OFFICE DEPARTMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1210, S. 2984.

The PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows: S. 2984, to permit certain service performed as a temporary employee of the field service of the Post Office Department to be counted toward civil service retirement.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That section 115 of the Social Security Amendments of 1954 is hereby repealed.

Sec. 2. (a) The repeal of such section 115, made by the first section of this Act, shall not apply in the case of a person who, on the date of enactment of this Act, is receiving or is entitled to receive benefits under any retirement system established by the United States or any instrumentality thereof unless he requests, in writing, the office which administers his retirement system to apply it in his case.

(b) Any additional benefits payable pursuant to a request made under subsection (a) of this section shall commence on the first of the month following enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to permit certain Federal employment to be counted toward retirement."

AIRPORT POLICE FORCES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1211, S. 3958.

The PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows: S. 3958, to adjust the pay of employees of the Federal Government, and for other purposes.

The PRESIDENT pro tempore. Is there objection of the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service with amendments, on page 1, line 8, after "(one year)", strike out "the initial rate for GS–7"; and insert "—the rate for GS–7, step 1"; and on page 2, at the beginning of line 9, strike out "thirty days" and insert "on or after the thirtieth day"; so as to make the bill read:

S. 3958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual rates of basic pay of positions on the police forces of the Washington National and Dulles International Airports of the Federal Aviation Administration of the Department of Transportation shall be fixed in accordance with the following classifications:

(1) Private trainee (one year)—the rate for GS–7, step 1;

(2) Private—the rate for GS–7, step 5;

(3) Corporal—the rate for GS–8, step 5;

(4) Sergeant—the rate of GS–9, step 5;

(5) Lieutenant—the rate for GS–10, step 5;

(6) Captain—the rate for GS–11, step 5;

(7) Chief—the rate for GS–12, step 5;

Sec. 2. (a) Section 1 of this Act shall become effective at the beginning of the first pay period which commences on or after the thirtieth day after the day of enactment of this Act.

(b) No rate of basic pay shall be reduced by reason of the enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to adjust the pay of the police forces at Washington and Dulles Airports."

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 1227 through 1231.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL EMPLOY THE OLDER WORKER WEEK

The joint resolution (S.J. Res. 74) to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first full calendar week in May of each year as "National Employ the Older Worker Week" and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

The preamble was agreed to, as follows:

Whereas many older workers have difficulty finding and retaining employment despite their experience, stability, dependability, energy, and enthusiasm; and

Whereas failure of qualified older workers to find employment is unfortunate from the standpoint of the Nation in that there is a failure to take full advantage of their potentials for helping the Nation to reach its objectives; and there is an increased possibility that they and their dependents will need public assistance and a decreased possibility that they will pay taxes; and

Whereas the unemployability of qualified older workers not only impoverishes them in the present but can also reduce future retirement income due to inability to acquire social security quarters of coverage and credits under other retirement systems; and

Whereas unemployability of qualified older workers may adversely affect younger members of their families as well as themselves; and

Whereas Congress, in enacting the Age Discrimination in Employment Act of 1967 (Public Law 90-202), recognized the necessity of implementing the national policy of prohibiting age discrimination in employment with an active program of education and information concerning the advantages of employing older workers; and

Whereas the American Legion has, for approximately ten years, designated the first week in May of each year as "National Employ the Older Worker Week", which it celebrates by commending employers who have taken the leadership in employing older workers: Now, therefore, be it

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK

The joint resolution (S.J. Res. 110) to amend the joint resolution entitled "Joint resolution to establish the first week in October of each year as "National Employ the Physically Handicapped Week," approved August 11, 1954 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first two sentences of the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week", approved August 11, 1945 (59 Stat. 530), are amended to read as follows: "That hereafter the first week in October of each year shall be designated as National Employ the Handicapped Week. During such week appropriate ceremonies shall be held throughout the Nation, the purposes of which will be to enlist public support for and interest in the employment of otherwise qualified but handicapped workers."

FATHER'S DAY

The joint resolution (S.J. Res. 187) to authorize the President to designate the third Sunday in June of each year as Father's Day was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 187

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in June of each year is hereby designated as "Father's Day". The President is authorized and requested to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

NATIONAL BLOOD DONOR MONTH

The joint resolution (S.J. Res. 223) to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 223

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the vital contribution of the voluntary blood donor to medical care, the President is authorized and requested to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month", and calling upon the people of the United States and interested groups and organizations to observe such month with appropriate ceremonies and activities.

NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS

The joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation—

(1) designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

(2) inviting the Governors of the several States to issue proclamations for like purposes; and

(3) urging the people of the United States and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of persons stricken by this disease.

The preamble was agreed to, as follows:

Whereas five hundred thousand Americans, stricken usually between the ages of twenty and forty years, are affected by the ravages of multiple sclerosis and related neurological diseases; and

Whereas two million members of American families are deeply concerned with the financial and emotional problems of this disease; and

Whereas multiple sclerosis predominantly strikes young fathers and mothers in their wage-earning and family-building years and reduces the buying power of such families; and

Whereas such reduction results in a $2,000,000,000 annual economic loss to the Nation and forces the removal of two out of every three disabled multiple sclerosis victims from the Nation's work force; and

Whereas multiple sclerosis remains a disease of unknown causes, unpredictable course, and undiscovered cure; and

Whereas the National Multiple Sclerosis Society, which is celebrating its twenty-fifth anniversary in 1971, has launched a five-year research development plan to explore as quickly as possible promising clues that may lead to methods which will prevent, or more effectively treat, multiple sclerosis: Now, therefore, be it

The title, as amended, was agreed to, as follows: "Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the 'National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks.'"

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VACATING OF ORDER FOR RECOGNITION OF SENATOR KENNEDY TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the special order recognizing the distinguished senior Senator from Massachusetts (Mr. KENNEDY) for 15 minutes today be vacated.

The PRESIDENT pro tempore. Without objection, that order will be vacated.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON FINAL CONCLUSION OF CLAIMS OF CERTAIN INDIANS

A letter from the Chairman, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, on the final conclusion of judicial proceedings in Docket No. 198-A, the Confederated Tribes of the Warm Springs Reservation of Oregon, plaintiff, against the United States of America, defendant (with an accompanying paper); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, on the final conclusion of proceedings with respect to the claims in Dockets Nos. 105, 106, 107 and 108, the Osage Nation, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to

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law, a report on need for improved administration of Federal support of shore facilities and vessels for research activities at Oceanographic institutions, National Science Foundation, Department of the Navy, dated September 23, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems in developing the Atomic Energy Commission's Fast Flux Test Facility, dated September 23, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE JEWISH WAR VETERANS U.S.A. NATIONAL MEMORIAL INC.

A letter from the president, Jewish War Veterans U.S.A. National Memorial Inc., transmitting, pursuant to law, a report of the organization for the fiscal year ended March 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Three joint resolutions of the Congress of Micronesia; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT RESOLUTION No. 82, S.D. 1

"A House joint resolution urging the United States to consult with the Congress of Micronesia and the High Commissioner of the Trust Territory of the Pacific Islands prior to entering into treaties, enacting legislation or issuing administrative orders that would have any effect on the economy or the business interests of the people of Micronesia, or affect the legal interests of the people of Micronesia

"Whereas, on April 2, 1947, the United Nations Security Council by unanimous vote, and on July 18, 1947, the United States Senate did approve a Trusteeship Agreement between the United States and the United Nations regarding the administration of the islands, exclusive of Guam, known collectively as Micronesia; and

"Whereas, by the acceptance of this Agreement, the United States bound itself to act in accordance with the letter and spirit of the United Nations Charter, the International Trusteeship System, and the Trusteeship Agreement itself; and

"Whereas, the said Charter, System, and Agreement demanded of the United States, and of all other signees, certain obligations, which the United States did freely and of its own accord, take upon itself in regard to the islands of Micronesia, hereinafter referred to as the Trust Territory; and

"Whereas, under the Trusteeship Agreement the United States undertook to 'foster the development of such political institutions as are suited to the trust territory' and 'promote the development of the inhabitants of the trust territory toward self-government or independence,' according to the 'freely expressed wishes of the people concerned,' and, to these ends, to give the inhabitants a progressively increasing share in the administrative services of the Trust Territory, and to develop their participation in government; and

"Whereas, the United States released Japan under a treaty signed on April 18, 1969, of all liabilities to the residents of Micronesia for their claims, including debts, against Japan and its nationals in return for an *ex gratin* contribution of $5,000,000 in the form of products and services, when in fact no extensive preliminary public hearings were held in the Trust Territory to obtain reliable figures as to the total damage claims involved and the Congress of Micronesia was not consulted prior to the acceptance of this Agreement by the United States and Japan; and

"Whereas, pursuant to that Agreement, the United States accorded Japanese fishing vessels access to the ports of Truk and Palau for provisioning purposes without prior consultation with the Congress of Micronesia or the High Commissioner of the Trust Territory; and

"Whereas, pursuant to that Agreement, the United States further accorded the Government of Japan and its nationals the opportunity to salvage and freely dispose of ships sunk in the territorial waters of the Trust Territory which were of Japanese nationality at the time of sinking without consulting the Congress of Micronesia or the High Commissioner of the Trust Territory; and

"Whereas, Pan American World Airways is now seeking permission from the United States Civil Aeronautics Board to make a regular commercial stopover in Saipan, and yet neither the Congress of Micronesia nor the High Commissioner has been consulted by the United States; and

"Whereas, Japan Air Lines has reportedly received tentative approval from the United States to commence service between Tokyo and Saipan on January 1, 1971, and yet neither the Congress of Micronesia nor the High Commissioner of the Trust Territory has been consulted or even received notice of this tentative agreement; and

"Whereas, each of these recent actions will have a significant impact on the economy or the business interests of the people of Micronesia or will affect the legal rights of the people of Micronesia against the United States and other nations; now, therefore,

"Be it resolved by the House of Representatives of the Third Congress of Micronesia, Third Regular Session, 1970, the Senate concurring, that this Congress by means of this Joint Resolution and on behalf of the people of Micronesia respectfully urge the United States of America to refrain from entering into treaties with other nations, or enacting legislation, or issuing administrative orders pertaining to Micronesia that would have any effect on the economy or the business interests of the people of Micronesia or affect the legal rights of the people of Micronesia against the United States, Japan, or any other nation unless and until it has consulted fully with the Congress of Micronesia and the High Commissioner of the Trust Territory of the Pacific Islands; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States, the President of the Senate of the United States Congress, the Speaker of the House of Representatives of the United States Congress, the President of the Trusteeship Council of the United Nations, the Secretary of the Department of the Interior, and the High Commissioner of the Trust Territory of the Pacific Islands."

"HOUSE JOINT RESOLUTION No. 90, H.D. 1

"A House joint resolution declaring that the offer of Commonwealth status for Micronesia in the form that was presented to the Congress of Micronesia through its Political Status Delegation during discussions in May with representatives of the Executive Branch of the United States Government is not acceptable to the Congress of Micronesia

"Whereas, during discussions with the Political Status Delegation of the Congress of Micronesia in May, 1970, a United States Delegation headed by Assistant Secretary of the Interior Harrison Loesch, representing the Executive Branch of the United States Government, submitted an offer of Commonwealth status for Micronesia to the Congress of Micronesia; and

"Whereas, the Political Status Delegation considered this offer during the discussions and found it to be unacceptable because it failed to recognize or conform to the four principles and legal rights which it maintained were an essential and nonnegotiable component of any free association between the United States and Micronesia; and

"Whereas, this Congress has officially endorsed the four principles and legal rights which the Political Status Delegation maintained must be recognized as an essential and nonnegotiable component of any free association, and has declared that any future association between the United States and Micronesia must be in accordance with those principles and legal rights; now, therefore,

"Be it resolved by the House of Representatives of the Third Congress of Micronesia, Third Regular Session, 1970, the Senate concurring, that the Congress of Micronesia hereby declares that the offer of Commonwealth status for Micronesia in the form that was presented to the Congress of Micronesia through its Political Status Delegation during discussions in May with representatives of the Executive Branch of the United States Government is not acceptable to the Congress of Micronesia; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States; to the President of the Senate and Speaker of the House of Representatives of the United States Congress; to the Secretary General, the Security Council and the Trusteeship Council of the United Nations; and to the High Commissioner of the Trust Territory of the Pacific Islands."

"HOUSE JOINT RESOLUTION No. 102, S.D. 1

"A House joint resolution providing for the establishment of a Joint Committee on Future Status and prescribing its duties and responsibilities

"Be it resolved by the House of Representatives of the Third Congress of Micronesia, Third Regular Session, 1970, the Senate concurring, that there is hereby created a Joint Committee of the Congress of Micronesia, to be known as the Joint Committee on Future Status, hereinafter referred to in this resolution as the Committee, consisting of not more than twelve members of the Congress of Micronesia to be appointed jointly by the President of the Senate and the Speaker of the House of Representatives. The Committee shall remain in existence until dissolved by the Congress of Micronesia. Members shall serve for such terms as the Presiding Officers may prescribe, and the Presiding Officers shall make appointments to fill any vacancy which may occur on the Committee. At their first meeting, members of the Committee shall by majority vote elect a Chairman and such other officers as they deem necessary; and

"Be it further resolved that the purpose of the Committee shall be to continue the work of the Future Political Status Commission and the Micronesian Political Status Delegation relating to the termination of the Trusteeship Agreement and Trusteeship Status and the obtaining of a new political status for Micronesia when Trusteeship ends; and

"Be it further resolved that the Committee shall perform such acts as it deems necessary to carry out the duties and responsibilities assigned to it by the Congress of Micronesia, and shall exercise all the powers and authority of other standing committees of the Congress of Micronesia; and

"Be it further resolved that the Committee shall have the following duties and responsibilities:

"(a) To conduct political education within Micronesia;

"(b) To conduct a study on the economic implications of Free Association and Independence. Such a study should include, but

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not be limited to the following: (1) An estimation of the public finance and technical assistance required to provide the current level of governmental services; (2) An investigation of possible sources of financial aid and technical assistance; (3) An analysis of ways and means to increase local revenue; (4) An analysis of labor and capital requirements, especially public investment, necessary for development in each economic sector; (5) An analysis of implications of the Government of Micronesia controlling such economic activities as outside investment, lease of land, trade agreements, tariffs, shipping, airline routes, and alien labor; and (6) An analysis of alternative means to provide the present level of government services at a lower cost;

"(c) To conduct a study of the alternative forms of democratic internal government available, and prepare basic constitutional proposals for submission as working papers to the Micronesian Constitutional Convention; and study and make recommendations concerning the organization and timing of a Constitutional Convention;

"(d) To establish contacts and discuss the status question with appropriate persons and organizations within the United States, and in the United Nations, and solicit understanding and support of the position of the Congress of Micronesia on the status question;

"(e) To continue discussions and negotiations with the United States Government on the future political status of the Trust Territory. In carrying out such activities, the Committee and all its members shall to the best of their ability adhere to the desires and policies of the Congress of Micronesia as expressed by resolution or otherwise, and all actions of the Committee shall be subject to subsequent ratification by the Congress of Micronesia; and

"(f) To perform such other functions or duties as the Congress of Micronesia may by law or resolution prescribe; and

"Be it further resolved that the Committee shall submit reports of its activities, findings, and recommendations to the Congress of Micronesia at each regular session of the Congress of Micronesia. Unless otherwise provided by bill or resolution, the Committee shall keep the people of Micronesia informed as to its work; and

"Be it further resolved that the Committee shall contract or otherwise engage the services of, such professional, technical, administrative, stenographic, and clerical staff as it deems necessary to carry out its duties and responsibilities, and as is provided for by appropriation of the Congress; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the Secretary General, Security Council and the Trusteeship Council of the United Nations; the President of the United States, the Secretary of State, the Secretary of Defense and the Secretary of the Interior of the United States; the President of the Senate and the Speaker of the House of Representatives, and the Chairman of the Senate and House Committee on Interior and Insular Affairs of the United States Congress; and the High Commissioner."

ENROLLED BILLS SIGNED

The **PRESIDENT** pro tempore announced that on today, September 23, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 5365. An act to provide for the conveyance of certain public land held under color of title to Miss Adelaide Gaines of Mobile, Ala.;

H.R. 13543. An act to establish a program of research and promotion for United States wheat; and

H.R. 17795. An act to amend title VII of the 1965.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 458. Resolution authorizing the printing of a history of the Committee on Agriculture and Forestry as a Senate document (Rept. No. 91–1222);

S. Res. 460. Resolution authorizing the Committee on Banking and Currency to expend additional funds from the contingent fund of the Senate;

S. Res. 465. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to improvements in judicial machinery (Rept. No. 91–1223);

S. Res. 466. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to refugees and escapees (Rept. No. 91–1224);

S. Res. 467. Resolution authorizing the printing of additional copies of Senate hearings on National Science Foundation Authorization, 1971 (Rept. No. 91–1225);

S. Res. 468. Resolution authorizing additional expenditures by the Committee on Commerce (Rept. No. 91–1226); and

S. Con. Res. 81. Concurrent resolution authorizing the printing of additional copies of Senate hearings on Copyright Law Revision (S. 597, 90th Congress) (Rept. No. 91–1227).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 413. Resolution proposing an addition to Rule XVI of the Standing Rules of the Senate (Rept. No. 91–1228).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

S. 3656. A bill to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain guaranteed and direct loans made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes; (Rept. No. 91–1230);

S. 3657. A bill to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first two months of school, and to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances (Rept. No. 91–1231);

S. 3785. A bill to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war (Rept. No. 91–1232); and

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amounts allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty (Rept. No. 91–1233).

REPORT ENTITLED "ADMINISTRATIVE PRACTICE AND PROCEDURE"—REPORT OF A COMMITTEE (S. REPT. NO. 91–1220)

Mr. **KENNEDY**, from the Committee on the Judiciary, pursuant to Senate Resolution 39, 91st Congress, first session, submitted a report entitled "Administrative Practice and Procedure", which was ordered to be printed.

REPORT ON ADMINISTRATIVE PRACTICES AND PROCEDURES—REPORT OF A COMMITTEE (S. REPT. NO. 91–1221)

Mr. **McCLELLAN**, from the Committee on the Judiciary, pursuant to Senate Resolution 237, 90th Congress, second session, submitted a report of the Special Subcommittee on Criminal Laws and Procedures, which was ordered to be printed.

SENATE JOINT RESOLUTION 236—ORIGINAL RESOLUTION REPORTED (S. REPT. NO. 91–1229)

Mr. **JORDAN** of North Carolina, from the Committee on Rules and Administration, reported an original joint resolution (S.J. Res. 236) authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and biennial cumulative supplements to such revised editions, and submitted a report thereon, which joint resolution was placed on the calendar and the report was ordered to be printed.

BILLS AND A JOINT RESOLUTION INTRODUCED OR REPORTED

Bills and a joint resolution were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COTTON (for himself and Mr. Magnuson) (by request):

S. 4383. A bill to provide for the protection of persons and property aboard U.S. air carrier aircraft, and for other purposes.

Mr. **MANSFIELD** subsequently said: Mr. President, I ask unanimous consent that the bill introduced by Mr. Cotton (for himself and Mr. Magnuson), by request, be jointly referred to the Committee on Commerce and the Committee on Finance.

The **PRESIDING OFFICER** (Mr. McGovern). Without objection, it is so ordered.

By Mr. MANSFIELD:

S. 4384. A bill for the relief of Shan W. Wofford; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 4385. A bill for the relief of Violetta Bravo; to the Committee on the Judiciary.

By Mr. INOUYE (by request):

S. 4386. A bill to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to permit an air carrier to hold both scheduled and supplemental certification; and

S. 4387. A bill to amend the Federal Aviation Act of 1958 to give the Civil Aeronautics Board the flexibility to approve air carrier-surface carrier control relationships when

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such relationships are found to be in the public interest; to the Committee on Commerce.

By Mr. KENNEDY (for himself and Mr. Mondale):

S. 4388. A bill to amend the act of September 30, 1950 (Public Law 874, 81st Congress), and the Elementary and Secondary Education Act of 1965, so as to improve the quality of education of Indian children in elementary and secondary schools, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GRAVEL:

S. 4389. A bill to authorize the transportation of passengers and merchandise in Canadian hovercraft vessels between ports in southeastern Alaska; to the Committee on Commerce.

(The remarks of Mr. Gravel when he introduced the bill appear below under the appropriate heading.)

By Mr. PROUTY:

S. 4390. A bill to amend the Internal Revenue Code of 1954 to increase the amount and duration of the exclusion of scholarships and fellowship grants in the case of individuals who are not candidates for degrees; to the Committee on Finance.

(The remarks of Mr. Prouty when he introduced the bill appear below under the appropriate heading.)

By Mr. CANNON:

S. 4391. A bill for the relief of Colin Alvin Ward; to the Committee on the Judiciary.

S. 4392. A bill to amend section 4491 of the Internal Revenue Code of 1954 to exclude the first 2,500 pounds of weight in computing the aircraft use tax on non-turbine engine powered aircraft; to the Committee on Finance.

(The remarks of Mr. Cannon when he introduced S. 4392 appear below under the appropriate heading.)

By Mr. JORDAN of North Carolina:

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions; placed on the calendar.

(See reference to the joint resolution when reported by Mr. Jordan of North Carolina, which appears under the heading "Reports of Committees".)

S. 4389—INTRODUCTION OF A BILL RELATING TO TRANSPORTATION OF PASSENGERS AND MERCHANDISE IN SOUTHEASTERN ALASKA

Mr. GRAVEL. Mr. President, as this distinguished body is well aware, a portion of Alaska has daily ties socially and commercially with the neighboring Canadian Yukon Territory and the Province of British Columbia.

Ten years ago, the Congress and the President of the United States recognized the close relationship in daily affairs between these areas by adopting an act to permit maritime exchanges of passengers and merchandise between American ports in southeastern Alaska and neighboring Canadian ports. The amendment I offer today simply extends what I am sure is the congressional intent to permit Alaskans to enjoy the benefits of evolving technology.

Cushion-air vehicles, known as Hovercraft vehicles, can provide a vital service within the many waterways of southeastern Alaska and western Canada. I am sure that my colleagues agree with me that there is no logical reason to deny the use of Hovercraft vehicles to benefit citizens of both countries. As new technology becomes available, it should benefit mankind.

Congress has occasionally provided exceptions in the past. For example, Congress made such an exception in 1960 for the use of the Italian-built hydrofoil vehicle in Puerto Rico. I call on it to make another one in the case of Hovercraft usage between Canada and Alaska.

I hope, Mr. President, that this amendment will soon become law.

The PRESIDING OFFICER (Mr. Hansen). The bill will be received and appropriately referred.

The bill (S. 4389) to authorize the transportation of passengers and merchandise in Canadian hovercraft vessels between ports in southeastern Alaska, introduced by Mr. Gravel, was received, read twice by its title, and referred to the Committee on Commerce.

S. 4390—INTRODUCTION OF A BILL PERTAINING TO TAX DEDUCTIONS FOR INCOME RECEIVED AS SCHOLARSHIPS OR FELLOWSHIPS

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, two modifications to section 117 of the Internal Revenue Code which I believe will be of great benefit to our educational system. Taken together, the two changes will benefit those in the academic profession or in medical training.

At present, section 117 of the Internal Revenue Code provides for the exclusion from total income of amounts received by individuals as scholarships or fellowship grants. One amendment would raise from $300 to $500 the amount allowed to be excluded as monthly income. This increase reflects rises in living costs and comparative incomes since the provision was first enacted in 1954. The second amendment would extend from 36 to 60 months the time period during which such exclusions could be made. The extension is necessary because advances in technology and increasing demand for specialization have increased the amount of extended study which may be needed by those in advanced fields of study such as the sciences and medicine.

Mr. President, I have long been interested in use of our existing tax system to aid those who wish to further their educational endeavors. On several occasions since 1963 I have introduced measures which have provided a credit against Federal income taxes for expenses incurred in paying for a college education. With regard to those earlier measures and the one I am introducing today, my rationale is the same. The security and progress betterment of our society are dependent upon the continual intellectual growth of our citizens. While we work to extend the benefits of basic schooling to all our citizens, we must also give incentives to those who seek advanced studies that will enable them to lead our country to levels of greatness. The measure I have repeatedly introduced to give tax credits for college expenses was designed to help our needier students participate equally in the educational system. It has received increased support each time it has been considered, and I am confident that the concept will one day be embodied in law. The measure I am introducing today goes to the second need—to encourage advanced learning. We all recognize the years of sacrifice and study which are requisite to making significant advances in our highly technological society. My measure is designed to encourage more persons to devote themselves to this worthwhile effort and to insure participation by even those who are not wealthy in the endeavor of making this country great.

Prof. Stanley S. Surrey pointed out in a recent article in the Howard Law Review, that more than $45 billion a year is being "spent" through utilization of a long list of tax dodges, special credits, deductions, and preferential rates which are supposed to serve as incentives to encourage an activity in the national interest. Professor Surrey, a former Assistant Secretary of the Treasury for Tax Policy, indicated that the cost of these special privileges in terms of dollars, equity, inefficiency, and taxpayers confidence have far outweighed the benefits. He stated that too often control of the uses has been difficult because these tax provisions have been open-ended and placed no limit on the amount that can be "earned" by taking advantage of the provision. I would like to point out that my amendment does not have this defect for it is directed at a small category of users and will only operate up to limited levels of income for a specified amount of time.

Mr. President, I ask unanimous consent to have printed in the Record a copy of the bill and a detailed explanation of its history, justification, and projected costs.

The PRESIDING OFFICER (Mr. Schweiker). The bill will be received and appropriately referred; and, without objection, the bill and a detailed explanation of its history, justification, and projected costs will be printed in the Record.

The bill (S. 4390) to amend the Internal Revenue Code of 1954 to increase the amount and duration of the exclusion of scholarships and fellowship grants in the case of individuals who are not candidates for degrees, introduced by Mr. Prouty, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 4390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 117 (b) (2) (B) of the Internal Revenue Code of 1954 (relating to extent of exclusion of scholarships and fellowship grants for individuals who are not candidates for degrees) is amended—

(1) by striking out "$300" and inserting in lieu thereof "$500"; and

(2) by striking out "36 months" and inserting in lieu thereof "60 months".

(b) The amendments made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

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The explanation, presented by Mr. Prouty, is as follows:

History and Provisions of IRS Code Section 117

Code Section 117 was introduced in 1954 to provide for the exclusion from total income of amounts received by individuals as scholarship or fellowship grants. It was introduced in response to the fact that educational institutions, local, state, and the federal governments and their agencies, and charitable organizations and foundations, placing increased emphasis on advanced education, scholarship, research, and continuing study at the professional level, were engaging at an accelerating pace in the provision of grants-in-aid to individuals to assist them in furthering their educations and to aid them in the pursuit of research and program of study. It was introduced in recognition of the general as well as specific benefits which flow to society and the nation from such activities. Since such grants-in-aid were neither wholly gifts, as defined in Code Section 102, nor prizes or awards, as defined in Code Section 74, nor "salary" or "wages", as defined in the provisions of Chapters 21, 23, and 24 of the Internal Revenue Code of 1954, it was deemed advisable to introduce Code Section 117 to deal specifically with them.

Code Section 117 sharply distinguishes the status of recipients of scholarships and grants into two categories: (1) those who are candidates for degrees, whether undergraduate or graduate, at an educational institution; and (2) those who are not candidates for degrees but who are engaged in the pursuit of study or research. The primary beneficiaries of the provisions of Code Section 117 are therefore scholarship or fellowship grant recipients, who are either (1) students in pursuit of a degree at an approved college or university, or (2) physicians in medical residency training and non-degree candidate members of the academic community, who as individuals are engaged in programs of advanced study, scholarship, or research.

Further, Code Section 117 imposes limitations upon grant recipients in both categories; amounts in excess of these limitations are includible in total income. An inclusive limitation affecting the status of all grants to individuals who are *not* candidates for degrees had to do with the character and condition of the grantor. To qualify for the benefits permitted by Code Section 117 the grantee must be the recipient of a grant from one of the following four kinds of grantor:

(1) a non-profit charitable, religious, scientific, cultural, or educational institution or organization, as defined in Code Section 501(c)(3); or

(2) a foreign government; or

(3) an international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to section 103 of the Mutual Educational and Cultural Exchange Act of 1961; or

(4) a State, local, or territorial government, or the U.S. Government (including its instrumentalities and agencies).

The force and intent of this limitation is to provide tax relief for only those who are, as individuals, engaged in disinterested research and scholarship; it benefits only those persons engaged in programs of inquiry and study which serve the public interest. Code Section 117 specifically withholds its benefits from support of the profit-directed research activities of business and industry.

Finally, Code Section 117(b)(2)(B) imposes further limitations on scholarship and fellowship grants to non-degree candidates. It is within these that this proposal is specifically concerned. The first has to do with limitation of the *amount* of exclusion, i.e., number of dollars, calculated in terms of an amount-per-month formula. At present this amount is $300 per month; this proposal recommends increase of the dollar amount to $500 per month. The second has to do with limitation of the *extent of time* over which exclusion is permitted, i.e., number of months, whether or not consecutive. At present the number of months is 36; this proposal recommends increase of the number of months to 60.

THE $300 PER MONTH LIMITATION

The IRS Regulation effecting this limitation reads as follows:

"In the case of an individual who is not a candidate for a degree, the amount received as a scholarship or fellowship grant which is excludable from gross income under section 117 (a) (1) shall not exceed an amount equal to $300 times the number of months for which the recipient received during the calendar year." para. 1.117–2 (b) (i)

This proposal recommends an amendment which would raise the amount of this limitation from $300 to $500. In 1954, according to U.S. Bureau of Labor statistics, the Consumer Price Index stood at 93.6. In May 1970 the Consumer Price Index stood at an all-time high of 134.6. This is a net increase of 44 points, an increase of approximately 46% since time of enactment of the legislation. On the grounds of comparative costs of living, I believe that a cost-of-living adjustment in the statutory amount of exclusion is necessary and warranted. Further, in 1970 there exists a heightened awareness of the value and importance to the nation of research and sustained educational study at the professional (i.e., non-degree candidate) level, especially by those who, within the provisions of section 117, may not be supported by private, profit-making corporations, industries, or business enterprises. The nation sorely needs the services of physicians with advanced training. We know much better today the benefits to be derived from disinterested study and research than we did in 1954. Therefore, within a recognition of increased costs of living, and the painful shortage of qualified physicians, and an enlarged awareness of the general benefits to be derived from programs of study and research in the general public interest, I believe it is reasonable to raise the limitation on the amount of exclusion from $300 to $500.

THE 36-MONTH LIMITATION

The IRS Regulation effecting this limitation reads as follows:

"No exclusion shall be allowed under section 117(a)(1) to an individual who is not a candidate for a degree after the recipient has, as an individual who is not a candidate for a degree, been entitled to an exclusion under that section for a period of 36 months. This limitation applies if the individual has received any amount which was either excluded or excludable from his gross income under section 117(a)(1) for any prior 36 months, whether or not consecutive." para. 1.117–2(b)(ii).

This proposal would increase the number of months of this limitation from 36 to 60. The sheer increase in the quantity and complexity of knowledge that has resulted from the unparalleled achievements of social, scientific, medical, legal, political and humanistic study and research in the past decade and a half has extended the time necessary to conduct programs of research and study in ways which the 1954 legislation could not possibly have foreseen or anticipated. Consider, for example, advances in such fields as subatomic physics, microbiology, space medicine, urban planning and sociology, and environmental ecology. The simple truth of the matter is that medical training and genuinely productive scholarship and research requires prolonged commitments of time and energy. It seems unduly rigorous in 1970 to regulate the extent of time which may profitably be committed to disinterested study and research according to 1954 conceptions. There is a further consideration. It is likely that only those physicians whose skills are most urgently needed and the most effective, imaginative, and fruitful scholars will qualify for support into the fourth and fifth years. It is not in the national interest to withhold from our finest physicians, researchers, and scholars the incentive of financial relief provided them in the early years of their careers by Code Section 117. I believe we should raise the limitation on the number of months from 36 to 60.

Unfortunately, the question of the eligibility of resident physicians in training for benefits under the provisions of section 117 is very much up in the air. As the June 1970 meeting of the American Medical Association it was determined that clarification and, if necessary and possible, change in the code should be sought. However, under present circumstances, circumstances which this proposal must accept as governing its projections, it is not likely that more than 10% of physicians in medical residency training programs can qualify.

With respect to cost projections, this means that no more than 3500 medical residents may in any one year be expected to avail themselves of the tax relief provided by Code Section 117. Computed at a rate of $2400 per year increased exclusion, and computing the tax rate at an average of 20%, i.e., $480, passage of the amendment recommended in this proposal would result in a cost to the public of 3500 times $480, or $1,680,000.

According to Projections of Educational Statistics to 1977–78 compiled in 1969 by the National Center for Education Statistics of the Department of Health, Education, and Welfare, there were in the academic year 1969–70, 289,000 full-time college teachers for resident degree-credit courses in American institutions of higher learning. This figure excludes part-time and junior instructional staff, graduate student teaching assistants, for example, who at the outset may be omitted from consideration, for they would not normally qualify as non-degree candidates for scholarship and fellowship grants, although some, i.e., graduate student teaching assistants, might well qualify as candidates-for-degree scholarships or fellowships. Of this number, 289,000, it is not likely that more than 2,000 would in any given year qualify for the exclusions permitted by Code Section 117(b)(2)(B). A number of factors operate to make this a reasonable estimate: they include

(1) the degree status of new teaching faculty;

(2) the career goals of "two-year institutions" faculties;

(3) the length-of-service expectations affecting the frequency of grants sought and attained; and

(4) the distinction observed in Code Section 117 between "sabbatical" leave and leaves of absence.

Since fewer than 10% of the 20,000 teachers on leave are likely to have met such rigorous qualifying conditions in gaining non-degree scholarship or fellowship grants, it is safe to estimate that no more than 2,000 are in any one year likely to be beneficiaries of the pertinent provisions of Code Section 117. Computed at the same rate as that employed above in determining the cost to the public of physicians in medical residency training programs, i.e., 2,000 times $480, adoption of the changes recommended in this proposal would cost $960,000 for college teachers. Aggregately, the total projected cost for both physicians and college teachers, $1,680,000 plus $960,000, amounts to $2,640,000.

It is almost impossible to make accurate projections of the estimated cost of raising the extent of time limitation from 36 to 60 months. I believe that it will be significantly lower than the cost of the dollar amount of permissible exclusion from $300 to $500. Few medical residency programs extend to a fourth or fifth year; comparatively few scholars and researchers will be so signally successful as to warrant non-degree candidate scholarship or fellowship grants extending their studies into the fourth and fifth years. Yet because of the extraordinary promise of such research and scholarship, no reasonable incentive to its fruition should be witheld. A fair estimate of cost to the public would seem to be 10% of the total cost of the proposed increase of the dollar amount of permissible exclusion. This is 10% of $2,640,000, or $264,000.

In conclusion, the total estimated cost to the public of passage of the amendments urged in this proposal is $2,904,000.

SUMMARY

At times when persisting, distressful, economic factors oblige the Congress searchingly to examine, review, and where possible reduce all manner, categories, and kinds of Federal expenditures, it is necessary to distinguish the genuinely mandatory and the mainly desirable.

Basic scholarship and research constitutes the foundation stone upon which the structures of applied scholarship, research and development arise. Even in a time of economic constraint it is essential that basic research and scholarship continue.

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The amendments urged in this proposal provide acceptable, economic means of furnishing selective support for disinterested research and scholarship. They extend needed tax relief to individuals pursuing advanced medical studies at a time when their superior skills, knowledge, and services are in extremely short supply, and to scholars and researchers of demonstrated competence and capacity, for only such qualify for relief under the pertinent provisions of section 117. The Congress has recently given signal witness of its commitment to support of medical services for all of our citizens by overriding, for the first time in ten years, the Presidential veto of the Hospital and Medical Family Construction Bill. Surely, it is ready to act affirmatively on a measure of much smaller cost directed toward complementary goals.

COSTS AND CONSTITUENCIES

The cost to the public which would result from the amendments urged in this proposal are difficult to project with confident accuracy. As the publication *Digest of Educational Statistics 1966,* issued in 1967 by the U.S. Office of Education, notes, "Systematic data on educational research as a defined area are not available. Data on State funds expended in conduct of research funded by Federal research grants and contracts are not available." Since these are data which bear directly upon the research and study activities of the two primary constituencies affected by Code Section 117, physicians and academicians, their lack is regrettable. However, there are available certain data which permit reasonable extrapolations and predictions to be made.

According to figures derived from the Directory of Approved Internships and Residencies (Table 27) which appeared in the November 24, 1969 issue of the *Journal of the American Medical Association,* 35,047 physicians in training held approved residencies in the academic year 1968–69. As non-degree candidates engaged in programs of advanced study, they may, as a group, be considered potential beneficiaries of the provisions of section 117. However, because of seemingly conflicting Revenue Rulings and court decisions, it appears likely that fewer than 10% of this number actually can qualify.

S. 4392—INTRODUCTION OF A BILL TO AMEND SECTION 4491 OF THE INTERNAL REVENUE CODE OF 1954

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to amend section 4491 of the Internal Revenue Code of 1954 to exclude the first 2,500 pounds of weight in computing the aircraft use tax on nonturbine engine-powered aircraft.

Actually, this is an amendment of the tax provisions contained in the Airport and Airways Development Act of 1970. Of great concern as we debated this bill was general aviation. We were concerned that they not be overburdened by either the fuel tax, the registration fees, the poundage assessment, or all three combined.

We in the Senate reduced the administration's proposed 9-cent fuel tax to 6 cents and we exempted all general aviation aircraft from the House-imposed fee and poundage tax.

Unfortunately, in conference the House insisted on their version of the legislation and to get a bill, the Senate receded. The House did finally agree on an exemption from the 2 cents per pound annual yearly tax for aircraft weighing 2,500 pounds or less.

On May 12, 1970, the time the Senate adopted the conference report on the taxation provisions of the legislation, I stated:

> Mr. President, I am deeply disappointed that the Conference on the taxation provisions of the Airport/Airways legislation did not follow the Senate amendments on the general aviation fuel tax, and on the annual registration fee.
>
> We of the Commerce Committee worked hard for these amendments. We agreed on a 6 cent fuel tax and the Senate agreed with us. State taxes on aviation fuel already range as high as 8 cents per gallon, and more states are looking into this source of revenue. We are putting too large a burden on the private pilot.
>
> As to the annual registration fee, I had hoped the exemption to general aviation would also be adopted by the Conference, but unfortunately, the Senate receded.
>
> So I am concerned about what we may be doing to our private pilot friends. A fuel tax, a yearly registration fee, pretty soon transponders to go into our larger airports, all this with the states rushing to raise their taxes.
>
> As I stated, I am indeed sorry our Conferees did not approve the Senate Amendments.

Later I stated I would join with Senator Magnuson next year in introducing legislation that would lower the fuel tax, and I intend to do just that. Right now, however, the problem this amendment is designed to meet, seems more pressing.

Here is the way the poundage tax works. If you own an aircraft that has a maximum certificated takeoff weight of 2,500 pounds or less, you would only pay the $25 registration fee.

However, if your aircraft weighed 2,600 pounds, you would pay, in addition to the registration fee, 2 cents a pound on 2,600 pounds, or an additional year tax of $52.

This I believe was not the intent of Congress and must be corrected. The 2,500-pound exemption should apply across the board, and many of us expected it to be so applied.

My amendment would apply the exemption across the board, and I hope it can be adopted before we adjourn this year.

The PRESIDING OFFICER (Mr. Schweiker). The bill will be received and appropriately referred.

The bill (S. 4392) to amend section 4491 of the Internal Revenue Code of 1954 to exclude the first 2,500 pounds of weight in computing the aircraft use tax on nonturbine engine powered aircraft, introduced by Mr. Cannon, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 2453

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. Williams) I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. Goodell) be added as a cosponsor of S. 2453, to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

S. 3936

Mr. ERVIN. Mr. President, I ask unanimous consent that, at the next printing of S. 3936, to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes, the names of the Senator from Nebraska (Mr. Hruska) and the Senator from New Hampshire (Mr. McIntyre) be added as cosponsors. This bill, the "Speedy Trial Act of 1970" is designed to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and other purposes.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

S. 4041

At the request of the Senator from Texas (Mr. Tower), the Senator from California (Mr. Murphy) was added as a cosponsor of S. 4041, to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising.

S. 4045

At the request of the Senator from West Virginia (Mr. Byrd), on behalf of the Senator from California (Mr. Cranston), the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 4045, to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San Bernardino National Forest, Calif.

S. 4246

At the request of the Senator from West Virginia (Mr. Byrd), on behalf of the Senator from New Jersey (Mr.

Williams), the Senator from Pennsylvania (Mr. Scott) was added as a cosponsor of S. 4246, to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program.

S. 4325

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. Williams) I ask unanimous consent that, at its next printing, the names of the following Senators be added as cosponsors of S. 4325, a bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman. The Senator from Utah (Mr. Bennett), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Hawaii (Mr. Inouye), the Senator from Montana (Mr. Metcalf), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from Illinois (Mr. Percy), the Senator from Wisconsin (Mr. Proxmire), the Senator from New Mexico (Mr. Anderson), the Senator from Vermont (Mr. Prouty), the Senator from South Carolina (Mr. Hollings), the Senator from Georgia (Mr. Talmadge), and the Senator from West Virginia (Mr. Randolph).

The PRESIDING OFFICER (Mr. Hollings). Without objection it is so ordered.

SENATE CONCURRENT RESOLUTION 84—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO CONSERVATION PLEDGE

Mr. NELSON. Mr. President, I submit, for appropriate reference, a Senate concurrent resolution to express the sense of Congress relative to conservation pledge, which is sponsored by the Outdoor Life magazine. I ask unanimous consent that the concurrent resolution be printed in the Record.

The PRESIDING OFFICER (Mr. Schweiker). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 84) was referred to the Committee on Interior and Insular Affairs, as follows:

S. Con. Res. 84

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the conservation pledge, which is familiar to many Americans, should take cognizance of the importance of air as a natural resource and should therefore be amended to read as follows:

"I give my pledge as an American to save and faithfully to defend from waste the natural resources of my country—its air, soil and minerals, its forests, waters, and wildlife."

SENATE RESOLUTION 470—ORIGINAL RESOLUTION REPORTED

Mr. HART, from the Committee on the Judiciary, reported the following original resolution (S. Res. 470); which was referred to the Committee on Rules and Administration:

S. Res. 470

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $29,500, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 334, Ninety-first Congress, agreed to February 16, 1970, authorizing an investigation of antitrust and monopoly laws and their administration.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 23, 1970, he presented to the President of the United States the following enrolled bills:

S. 406. An act to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes;

S. 2565. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions;

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation;

S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; and

S. 3777. An act to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 942

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by Mr. Ervin to amendment No. 711, to Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 943

AMENDMENT TO WAIVE CERTAIN NURSING REQUIREMENTS WITH RESPECT TO HOSPITALS

Mr. YARBOROUGH. Mr. President, I submit, for appropriate reference, an amendment to H.R. 17550, the social security amendemnts, which would authorize the Secretary of Health, Education, and Welfare under cetrain circumstances to waive the registered nurse requirement of the Medicare Act.

In order to qualify for medicare assistance under present legislation, a hospital must provide "24-hour nursing service rendered or supervised by a registered professional nurse." The original purpose of this provision was to insure adequate professional treatment and supervision of patients on a continuing basis. In practice, however, it is foreclosing the possibility of local medical care altogether in many rural areas of the country.

Small county hospitals are finding it increasingly difficult if not impossible to compete in the marketplace for the services of an already dwindling supply of professional medical talent. These small hospitals simply do not have the financial resources available to match the high premiums that urban hospitals are willing to pay in order to obtain professional registered nurses.

In addition, urban life offers the young, and often single registered nurse an attractiveness that the more sedate rural environment can not match. One only has to turn to the recent census to see that rural areas are fighting a difficult battle in their efforts to recruit and retain qualified professional people.

The unfortunate result is that currently over 400 hospitals across the country are in jeopardy of losing their medicare certification because of their inability to recruit enough registered nurses to staff their institutions on a 24-hour, 7-day-a-week basis. In Texas, where the problem is particularly accute, there are over 140 hospitals, which although given a somewhat extended grace period, are in danger of losing their certification. Loss of certification, of course, means loss of medicare assistance payments. And without this financial help, many of these institutions simply will not be able to survive. Dr. Harry Libscomb, Director of the Institute for Health Service Research, in testimony before the Subcommittee on Migrant Labor, pointed out the seriousness of this problem in Texas by noting:

> The requirement has "recently resulted in the imminent closing of at least six hospitals serving the Rio Grande Valley, which while giving limited health care, nevertheless provided a critical service for the migrant worker and his family.

And this, Mr. President, is what I believe to be the real tragedy of an uncompromising application of this provision. These small rural hospitals, although perhaps not as well-equipped or fully staffed as their urban counterpart, do, nevertheless, provide essential services that are desperately needed and that otherwise might not be conveniently available. Their constitutents often number the poor, and the old, who through inability or unwillingness might not seek needed medical attention if that attention could only be provided in some distant city. Thus, the effect of a rigid application of the registered nurse provision might be to effectively disenfranchise those who the act was designed to protect by closing their only familiar and convenient source of medical treatment.

Mr. President, the amendment that I submit today is designed to ameliorate the harshness of the registered nurse requirement while at the same time insuring that the highest possible level of medical care will be maintained. Basically, I propose that the Secretary of

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Health, Education, and Welfare be given the descretion to waive the requirement of section 1861(e) upon a showing by the hospital concerned that it has made a bona fide effort to comply with the requirement, but because of the present acute shortage of registered nurses, has been unable to do so. In order to insure that the original purpose of the requirement will not be frustrated, I have inserted a condition in the waiver requiring that the petitioning hospital make a continuing effort to recruit registered nurses and that failure to do so will result in possible revocation of the waiver. In so doing, I think we will protect the public from those institutions who from laxity or inefficiency simply refuse to make a good faith effort to comply with the act. While at the same time we will insure the continued operation of those hospitals who have in good faith actively sought the services of professional registered nurses. As an additional safeguard, I have placed a 1-year limitation on the duration of the waiver, renewable only upon a continued showing of effort to comply with the requirement.

In conclusion, Mr. President, I think we will be confronted with a most serious situation if we do not soften the impact of the registered nurse requirement. Failure to do so may very well mean the demise of many small hospitals that provide essential and desperately needed services to America's rural population.

Mr. President, I ask unanimous consent that the amendment that I have submitted be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HOLLINGS). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 943) was referred to the Committee on Finance, as follows:

AMENDMENT No. 943

On page 158, between lines 13 and 14, insert the following:

WAIVER OF CERTAIN NURSING REQUIREMENTS WITH RESPECT TO HOSPITALS

SEC. 265. Section 1861(e) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The Secretary may waive, in the case of any hospital, the requirement (imposed by clause (5) of the first sentence of this subsection) that such hospital provide a 24-hour nursing service rendered or supervised by a registered professional nurse, if the Secretary finds that such hospital has made a bona fide effort to comply with such requirement but is unable (because of manpower shortages) to employ the qualified personnel necessary to enable it to meet such requirement. Any waiver granted under the preceding sentence to a hospital shall be granted (i) on condition that such hospital continue to make a bona fide effort to meet the requirement with respect to which the waiver is granted, and (ii) only for a one-year period; except that nothing in this sentence shall be construed to limit the granting of such a waiver by the Secretary to any hospital on the grounds that such a waiver has been granted to such hospital with respect to any preceding period."

AMENDMENT TO THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENT NOS. 944 AND 945

Mr. ERVIN submitted two amendments, intended to be proposed by him, to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 756 TO H.R. 17550

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of amendment No. 756 to H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

NOTICE OF HEARINGS ON S. 4325, S. 4348, AND S. 4359

Mr. EASTLAND. Mr. President, I give notice that public hearings will be held beginning October 6, on three bills designed to deal with the problems of the apparently increasing wave of attacks on police. These bills are S. 4325, introduced by the Senator from New Jersey (Mr. WILLIAMS); S. 4348, introduced by the Senator from Pennsylvania (Mr. SCHWEIKER); and S. 4359, introduced by the chairman of the Committee on the Judiciary. It is expected the hearings on these bills will continue for 4 or 5 days. Any person desiring to appear and testify with respect to these measures or anyone of them, should get in touch as soon as possible with the chief counsel of the Internal Security Subcommittee, Mr. Sourwine, at room 3234 in the New Senate Office Building.

COMMITTEE MEETINGS—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, because of a mistake for which I am solely responsible in calling up the unobjected-to items on the calendar when I did, I ask unanimous consent that despite that fact—and this occured the other day—committees now sitting may sit until the conclusion of the morning business.

I do so because of some commitments which I made to some committees yesterday who were calling witnesses from a great distance. I feel that I am personally on the spot in this respect. I feel sure the Senate will understand.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENT NO. 931

Mr. ERVIN. Mr. President, I wish to call the attention of the Senate to amendment No. 931 to Senate Joint Resolution 1 and to announce that, at the appropriate time, I propose to ask unanimous consent that this amendment be voted at 4 o'clock tomorrow afternoon under circumstances where no amendment to this amendment would be permitted.

I would do this because this amendment offers a complete substitute for Senate Joint Resolution 1, and it abolishes the office of elector. It provides that every person in the United States will have the right to vote directly for the President and Vice President and that the electoral votes of the States shall be retained and that they shall be divided among the candidates for President and Vice President in accordance with their popular vote in each State.

Unlike Senate Joint Resolution 1, it does not contemplate that we will have a 40-percent President, but that we will have a President who receives a majority of the electoral votes.

It provides that in the event no candidate receives a majority of the whole number of electoral votes, the Senate and House sitting in joint session will elect a President and Vice President from among those candidates for those two offices who received the highest votes.

I do not believe in a 40-percent President. Our good friend, the Senator from Indiana, lays great stress on the fact that Senate Joint Resolution 1, as he says, guarantees that each man's vote will be counted equally with every other man's vote in the United States.

I respectfully submit that it does nothing of the kind. It provides in general that we will have a 40-percent President and that the other 60 percent of the votes shall be thrown away.

Mr. BAYH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. ERVIN. I have only 3 minutes.

Mr. BAYH. Mr. President, I would be glad to ask unanimous consent that the Senator be permitted to continue from now until the knell for whatever he wants to do.

Mr. ERVIN. Mr. President, I ask unanimous consent that a copy of my amendment No. 931 be printed at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, No. 931, ordered to be printed in the RECORD, reads as follows:

Strike out all after the resolving clause, and insert in lieu thereof the following:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by three-fourths of the legislatures of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

" 'The office of elector of the President and Vice President, as established by section 1 of article II of this Constitution and the twelfth and twenty-third articles of amendment to this Constitution, is hereby abolished. The President and Vice President shall be elected by the people of the several States and the district constituting the seat of Government of the United States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein. The electors in such district shall have such qualifications as the Congress may prescribe. The places and manner of holding such election in each State shall be prescribed by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The place and manner of holding such election in such district shall be prescribed by the Congress. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. Such district shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which such district would be entitled if it were a State, but in no event more than the least populous State.

" 'Within forty-five days after such election, or at such time as Congress shall direct, the official custodian of the election returns of each State and such district shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State or the district for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State and such district shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be a majority of the whole number of electoral votes. If no person has a majority of the whole number of electoral votes, then from the persons having the two greatest numbers of electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

" 'The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

" 'The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of death of any of the persons from the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them. The Congress shall have power to enforce this article by appropriate legislation.

" 'SEC. 2. This article shall take effect on the 10th day of February next after one year shall have elapsed following its ratification.' "

Mr. ERVIN. Mr. President, I am glad to yield to the Senator from Indiana any time I have remaining from the 3 minutes.

Mr. BAYH. Mr. President, is a unanimous-consent request to waive the 3-minute rule in order at this time?

The PRESIDENT pro tempore. A unanimous-consent request is always in order in the U.S. Senate. The Senate can do almost anything except amend the Constitution of the United States.

Mr. BAYH. Mr. President, the Senator from Indiana wonders if it is possible for the Senate to amend the Constitution of the United States by any other means.

Mr. President, I ask unanimous consent that the Senator from Indiana may be permitted to continue for 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, if my friend from North Carolina will permit me, I would like to pursue the logic which he so eloquently expressed to the Senate that under the proposal of the Senator from Indiana all votes would not count the same. Does the Senator from North Carolina know of any other election in which the votes cast for a losing candidate are not disregarded? Is it possible to have two or three winners. If we have a race for county sheriff in the capital county of the State of the distinguished Senator from North Carolina and there are five candidates, is there any way to count those votes cast for candidates who get less than the man who wins?

Mr. ERVIN. Yes; there are a great many primary elections in the United States, such as those in North Carolina, where no man can receive the nomination and become eligible to run for office unless he receives a majority of the votes, if not in the first primary, then in the second primary.

Mr. BAYH. Is the Senator willing to support the contention that we should amend the Constitution to require that a majority of the people be required to vote for a President before we have a President?

Mr. ERVIN. If I were in favor of popular election—and I am not because I do not believe we should have a 40-percent President—I would accept the view that we should have a President who has the support of the majority of the people of the United States. To accomplish that purpose in a reasonable way is why I offer this amendment No.——

Mr. BAYH. No. 901?

Mr. ERVIN. No; it is amendment No. 931.

Mr. BAYH. Amendment No. 931. I would suggest if the Senator from North Carolina really believes as he does—and I do not for a moment challenge his sincerity, it is just the assessment of the facts and the conclusions he reaches that I challenge—but if he really believes that the majority of the people should choose their President, I respectfully suggest that the amendment proposed by my friend from North Carolina does not guarantee that at all. We should come up with an amendment that would do that. Perhaps he should support the amendment of the Senator from Mississippi, which is the only amendment proposed by any Member of the Senate that would suggest we should have a truly majority President. We have a President now who did not have a true majority; we had a President in 1960 who did not have a true majority; and Woodrow Wilson got 41 percent of the vote. Are we going to establish a new criterion?

Mr. ERVIN. If my recollection serves me correctly one President had only a 9,000-vote majority or plurality. I have been so informed.

I will support the amendment if a vote is reached on the amendment of the Senator from Mississippi (Mr. EASTLAND). I would certainly support his amendment but that does not say I would support this resolution in the event the amendment of the Senator from Mississippi is agreed to. All of the inequities of the resolution would still remain, except the amendment of the Senator from Mississippi would remove the 40-percent President from the American scene. That is the only improvement his amendment would make.

Mr. BAYH. But the Senator from North Carolina told the Senate, and the record will so show, that he thinks the President should have the support of a majority of the people. I suppose he means a majority of the voters should choose the President, but he is not willing to amend his proposal or support the only proposal that can guarantee a majority winner.

Mr. ERVIN. I regret my friend from Indiana did not hear my entire statement. I said if I favored popular election I would favor vote by the majority, but I do not favor popular election. I do not think this is the time to consider that subject because we have an election coming up in November. If what I read in the daily press and see over television and hear over the radio is true, the people in substantial numbers are thinking the Federal Government is not doing a very good job. I think the people should have an opportunity to obtain a new deal if they wish. Hence, I believe we should postpone action on this matter until the election is had and a new Congress meets in January. Barring that, I think an amendment like amendment No. 931, is the best solution of the problem. I would favor it not only now but in January.

Mr. BAYH. Mr. President, I have the greatest respect for my distinguished friend from North Carolina but it is obvious he looks at one end of the horse and I look at the other and we come up with an entirely different animal. We differ as to what the picture is and what we are trying to accomplish.

I feel in an election we should guarantee that the man who wins is the man who gets the most votes. That is the way we determine any other winner in this country. The electoral college system does not guarantee that the man who wins gets the most votes.

It is one thing for a proposition to be made to win with the most electoral votes or a majority of electoral votes, but it is an entirely different proposition to suggest that the man who gets the support of the most people or the majority of the people should win.

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The Senator from Indiana suggested that the rule which is used to elect a President should be the same rule used to elect all other officials in this country, and that is that the man who wins gets the most people to support him. Second, I suggested that everybody's vote should count the same.

U.S. MILITARY AID PERPETUATES DICTATORSHIPS IN GREECE AND BRAZIL

Mr. YOUNG of Ohio. Mr. President, recently the International Commission of Jurists meeting in Geneva, Switzerland, declared that Brazil's military dictatorship was guilty of torture of dissidents.

Yet this administration continues to support both financially and diplomatically cruel Fascist military regimes, such as in Brazil and also in Greece where political prisoners are scientifically and brutally tortured and where many have died.

In Brazil, at this time, there are more than 20,000 political prisoners. Most of them were arrested in the nighttime without any formal charges filed against them and are now being held prisoners.

Mr. President, it is well known that those brutal colonels, who in the darkness of night, overturned the constitutional Government of Greece and took over in Athens, have imprisoned many thousands of people. It is said that the number presently imprisoned in Greece is somewhere between 34,000 and 50,000 men and women. They have been imprisoned without any trial whatever. Many have died. Most who have survived, when released, are invalids for the rest of their lives, due to the scientific torture administered to them.

In addition, more than 50,000 men, women and children have been exiled to various Greek islands distant from the mainland.

Yet, we read in this morning's Washington Post that the Nixon administration is not only continuing diplomatic relations with these Fascist tyrants who are ruling in Athens, the cradle of democracy, but we learn that our Government is seriously considering renewing full-scale military aid to Greece that would involve spending millions of dollars in the way of heavy war materiel, paid for by American taxpayers.

It is stated the reason for resuming full-scale shipments of heavy war materiel to Greece is, as a member of the NATO community, Greece is an ally that we need in that area of the world. I do not go along with that at all.

Mr. President, I consider that the Nixon administration is serving the American people very ill indeed to continue supplying military and economic aid to the Fascist tyrants now ruling in Athens.

FLAMMABLE FABRICS ACT

Mr. COTTON. Mr. President, I ask unanimous consent that we be permitted to call up a bill from the calendar during the morning hour, with the understanding that we resume morning business thereafter, and that it does not affect any other legislation.

The PRESIDING OFFICER (Mr. ALLEN). What is the calendar number?

Mr. COTTON. The calendar number is 1047.

The PRESIDING OFFICER. The Chair understands the Senator's request to be that the consideration of the bill would not constitute the transaction of business which would allow any Senator to object to meeting of committees.

Mr. COTTON. That is correct; and I am authorized by the majority leader to call this bill up.

The PRESIDING OFFICER. Is there objection?

Mr. YOUNG of Ohio. Mr. President, reserving the right to object—and I do not have in mind making an objection—may I ask the distinguished senior Senator from New Hampshire whether this has been cleared with the majority members of the Commerce Committee?

Mr. COTTON. Oh, yes; it has been cleared with all members of the Commerce Committee, and it is brought up with the authority of the majority leader and after a careful conference with the members of the Commerce Committee. I am bringing it up on behalf of myself and the distinguished Senator from Washington (Mr. MAGNUSON), chairman of the committee.

Mr. YOUNG of Ohio. Of course, the Senator from Ohio has no objection.

The PRESIDING OFFICER. Without objection, the request of the Senator from New Hampshire is agreed to, and the clerk will state the bill by title.

The assistant legislative clerk read the bill (S. 3765) by title, as follows:

A bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Flammable Fabrics Act Amendments of 1970".

SEC. 2. Section 3 of the Flammable Act (15 U.S.C. 1192) is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and inserting the following new subsection (a) immediately after "SEC. 3.":

"(a) The manufacture for sale, the sale, or offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after a sale or shipment in commerce, of any product, fabric, or related material, or any product made of fabric or related material, as to any of which an applicable standard of flammability has been issued or amended under the provisions of section 4 of this Act, which product, fabric, or related material has not been certified by the manufacturer thereof to meet the requirements of the applicable standards or other regulations issued or amended under the provisions of section 4 of this Act, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act. Such certification shall be based upon a reasonable testing program conducted by the manufacturer and approved by the Federal Trade Commission: *Provided,* That this subsection shall not apply to such product, fabric, or related material, or any product made of fabric or related material, which has been exempted from this subsection by rule or regulation issued by the Commission pursuant to the provisions of section 5(c) of this Act.

SEC. 3. Section 7 of the Flammable Fabrics Act is amended to read as follows:

"PENALTIES

"SEC. 7. (a) Whoever performs any act in violation of section 3 or section 8(b) with knowledge that such act is in violation of that section shall be guilty of a felony and upon conviction shall be fined not more than $10,000, imprisoned for not more than three years, or both, in addition to any other penalties, civil or criminal, imposed for such violation.

"(b) Whoever performs any act in violation of section 3 or section 8(b) shall be guilty of a misdemeanor and upon conviction shall be fined not more than $1,000, imprisoned for not more than one year, or both, in addition to any other penalties, civil or criminal, imposed for such violation.

"(c)(1) Whoever performs any act in violation of section 3 or section 8(b), in addition to any other penalties imposed for such violation, shall be subject to a civil penalty of not to exceed $10,000 for each such violation.

"(2) Any such civil penalty may be compromised by the Commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered.

"(3) Any such civil penalty may be enforced by the Commission through a civil action brought in the name of the United States by attorneys of the Commission in the district court of the United States in the judicial district in which the defendant resides or does business."

Sec. 4. Section 8 of the Flammable Fabrics Act is amended by adding after the word "prosecution" in the first sentence the words "or penalty".

Sec. 5. Section 13 of the Flammable Fabrics Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 13. There is authorized to be appropriated a sum not to exceed $9,000,000 for the period beginning July 1, 1970, and ending June 30, 1972, to carry out the provisions of this Act."

Mr. COTTON. Mr. President, I send to the desk an amendment in the nature of a substitute, on behalf of myself and the senior Senator from Washington (Mr. Magnuson), the distinguished chairman of the Commerce Committee.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON Mr. President, I ask unanimous consent that the reading of the amendment in the nature of a substitute be dispensed with. I shall explain the substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Flammable Fabrics Act Amendments of 1970".

Sec. 2. Section 3 of the Flammable Fabrics Act (15 U.S.C. 1192) is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and inserting the following new subsection (a) immediately after "Sec. 3.":

"(a) (1) The manufacture for sale, the sale, or offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after a sale or shipment in commerce, of any product, fabric, or related material, or any product made of fabric or related material, as to any of which an applicable standard of flammability has been issued or amended under the provisions of section 4 of this Act, which product, fabric, or related material has not been certified by the manufacturer or importer thereof to meet the requirements of the applicable standards or other regulations issued or amended under the provisions of section 4 of this Act, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act. Such certification shall be based upon a reasonable testing program conducted by the manufacturer or importer which has been approved by the Secretary of Commerce in accordance with procedures established in section 4 of this Act.

"(2) This subsection and the penalties provided in section 7 of this Act, insofar as they would prohibit sale of a product without certification based upon an approved testing program, shall not take effect as to any product for which an application for approval of a testing program has been timely filed with the Secretary of Commerce until thirty days after such application has been finally acted upon by the Secretary of Commerce, or in the case of a rule prescribing a testing program under section 4(g) (6) of this Act, until thirty days after such rules have become effective.

"(3) In approving or prescribing a testing program under section 4(g) of the Act, the Secretary of Commerce may for good cause shown allow an applicant or person required to perform such prescribed testing an additional period of not more than six months within which to implement the approved or prescribed testing program. During such period applicability of the certification requirement of this section and the penalty provisions of section 7 of this Act as they relate to the requirement of certification shall be stayed.

"(4) Neither this subsection nor the penalties provided in section 7, insofar as they relate to the requirement of certification shall apply to any product, fabric, or related material, or any product made of fabric or related material which has been exempted from this subsection by rule or regulation issued by the Commission pursuant to the provisions of section 5(c) of this Act."

Sec. 3. Section 4 of the Flammable Fabrics Act is amended by inserting the following new subsection (g):

"(g) (1) The Secretary of Commerce may approve any testing program upon application by any manufacturer or importer pursuant to the certification requirements of section 3(a) of this Act (i) if such application is submitted in a proper form under regulations established by the Secretary of Commerce and published in the Federal Register, and (ii) if the testing program is reasonably designed to prevent or minimize the manufacture and introduction in commerce of any product, fabric, or related material, or any product made of fabric or related material, which is not in compliance with an applicable standard of flammability established pursuant to this section.

"(2) Unless the Secretary of Commerce has determined to proceed under paragraph (6) of this subsection, then upon promulgation of any new or amended standard of flammability under the provisions of this section, the Secretary of Commerce shall give notice that any person required to make a certification under section 3(a) of this Act and desiring approval of a testing program must submit an application for approval for such testing program within six months after the date of promulgation of such standard or amendment.

"(3) All applications for approval of testing programs must be approved or denied within a reasonable time. The Secretary of Commerce may consolidate similar applications for joint consideration and joint approval or denial.

"(4) A denial of an application for approval of a testing program shall set forth with particularity the reasons for denial.

"(5) Any person who will be adversely affected by such approval or denial may seek judicial review in accordance with procedures set forth in subsection (e) of this section.

"(6) In lieu of approving or denying applications for approval of testing programs, the Secretary of Commerce may promulgate rules prescribing the testing program to be used in the manufacture of any product, fabric, or related material for which a standard of flammability has been promulgated. Rules prescribing a testing program for fabrics, products, or related materials for which a standard of flammability has been promulgated prior to the effective date of this subsection shall become effective within one year from the effective date of this subsection, or six months after the date of promulgation of such rules, whichever is later. Otherwise, rules prescribing a testing program shall become effective on the effective date of any standard, or flammability promulgated, or six months after the date of promulgation of such rules, whichever is later."

Sec. 4. Section 7 of the Flammable Fabrics Act is amended to read as follows:

"PENALTIES

"Sec. 7. (a) Whoever performs any act in violation of section 3 or section 8(b) of this Act with knowledge that such act is in violation of such sections shall be guilty of a felony and upon conviction shall be fined not more than $10,000, imprisoned for not more than three years, or both, in addition to any other penalties, civil or criminal, imposed for such violation.

"(b) Whoever performs any act in violation of section 3 or section 8(b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $1,000, imprisoned for not more than one year, or both, in addtion to any other penalties, civil or criminal, imposed for such violation. However, no person shall be held in violation of this subsection if such person establishes that he exercised due care in the application of an approved testing program required under section 3(a) of this Act and that such application disclosed that the product, fabric, or related material was in conformity with applicable standards of flammability established pursuant to section 4 of this Act.

"(c) (1) Whoever performs any act in violation of section 3 or section 8(b) of this Act, in addition to any other penalties imposed for such violation, shall be subject to a civil penality imposed by the Commission of not to exceed $10,000 for each such violation. However, no person shall be held in violation of this subsection if such person establishes that he exercised due care in the application of an approved testing program required under section 3(a) of this Act and that such application disclosed that the product, fabric, or related material was in conformity with applicable standards of flammability established pursuant to section 4 of this Act.

"(2) Upon failure of the offending party to pay the civil penalty, the Commission may request the Attorney General to commence an action in a court of the United States for such relief as may be appropriate.

"(3) Prior to referral to the Attorney General for appropriate action, the Commission may compromise such civil penalty.

"(d) No person shall be subject to prosecution or penalty under this section for a violation of section 3 of this Act if such person establishes that he (1) has received in good faith a fabric, related material, or product certified as required by section 3(a) of this Act signed by and containing the name and address of the person by whom the product, fabric or related material was certified, and (2) has not, by further processing, affecting the flammability of the fabric, related material, or product covered by the certification which he received.

"(e) Notwithstanding the provisions of subsection (d) of this section and section 8 of this Act, an importer who chooses to rely on the certification of a foreign manufacturer under this section for any violation of section 3 of this Act."

Sec. 5. (a) Section 8(a) of the Flammable Fabrics Act is amended by adding after the word "prosecution" in the first sentence the words "or penalty".

(b) Section 8(b) of the Flammable Fabrics Act is amended by adding after the word "guaranty", wherever it appears, the phrase "or certification required under Section 3(a) of this Act".

Sec. 6. Section 13 of the Flammable Fabrics Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 13. There is authorized to be appropriated a sum not to exceed $9,000,000 for the period beginning July 1, 1970, and ending June 30, 1972, to carry out the provisions of this Act."

Sec. 7. Sections 2, 4, and 5 of this Act shall become effective one year after the date of enactment. All other provisions of this Act shall be effective upon enactment.

Mr. COTTON. Mr. President, on behalf of myself and the chairman of our Committee on Commerce, the distin-

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guished Senator from Washington (Mr. MAGNUSON), who is unavoidably absent, I have sent to the desk an amendment in the form of a substitute.

Mr. President, I believe that a brief explanation of this amendment is in order.

On July 29 the bill S. 3765 was reported to the Senate by our Committee on Commerce. At that time my distinguished colleague, the junior Senator from Kentucky (Mr. COOK), and I submitted individual views. Our principal concern, as expressed in those views, was the fact that this bill started out simply to authorize appropriations for fiscal year 1971 and 1972 to carry out the Flammable Fabrics Act. Yet, in executive session the amount authorized was increased plus substantive amendments providing for substantial and cumulative criminal and civil penalties were added without opportunity for interested parties to be heard. Since this bill is merely an authorization rather than appropriation, I personally found no particular problem with the increased amount. However, my colleague from Kentucky and I were concerned about the substantive criminal and civil penalties and concluded our views by calling for a further hearing for interested parties to be heard.

Mr. President, on August 18 the distinguished chairman of our Commerce Committee, Senator MAGNUSON, graciously acceded to our request for a hearing. The amendment now pending is the product of suggestions advanced by the Department of Commerce and worked out by the staff of our Commerce Committee.

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In all candor, I must acknowledge that I understand there still is some concern within the affected industry concerning the amendments; but, by and large, they are viewed as being preferable to the form in which the bill was reported by the committee.

The pending amendment would provide for the following:

First. Certification by the Secretary of Commerce of an approved testing program designed to prevent or minimize the manufacture and introduction in commerce of any product, fabric, or related material not in compliance with flammability standards;

Second. Application of the proposed amendment equally to domestic and foreign manufacturers alike, or the U.S. importer for such manufacturers who chooses to rely on the certification of a foreign manufacturer;

Third. A more realistic timing schedule for the effective date of the testing program certification, recognizing that such is dependent upon the effective date of flammability standards and the need of the industry for sufficient time to implement the standard and the related testing program;

Fourth. An amendment to certain of the penalty provisions eliminating the onerous "no fault" criminal and civil penalties in the bill as originally reported by the committee and provision for a defense of "due care" in the application of an approved testing program required for certification; and

Fifth. To avoid disruption of the marketplace, an effective date of 1 year after enactment for the principal provisions dealing with certification and related penalties.

Mr. President, except for the certification requirement in lieu of simply a "reasonable testing program" and except for the "due care" defense in lieu of one of "good faith" the amendment now pending essentially reflects the recommendations of the Department of Commerce. I, therefore, am constrained, to withdraw my previously stated objection to the bill as passed by the Senate with this amendment in the nature of a substitute.

I have information from my distinguished colleague, the Senator from Kentucky (Mr. COOK), that his principal objection was to the action taken by the committee without a hearing, and that, now that the hearing has been held, through the courtesy and fairness of the distinguished chairman, he, too, is willing to withdraw his objection to the bill in this form.

I hope that the amendment in the nature of a substitute will be agreed to, and that the bill will then be passed.

Mr. President, I ask unanimous consent, in order to complete the record, that a letter addressed to me by George S. Buck, Jr., director of research for the National Cotton Council of America, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COTTON COUNCIL OF AMERICA,
Memphis, Tenn., September 5, 1970.

Hon. NORRIS COTTON,
New Senate Building,
Washington, D.C.

DEAR SENATOR COTTON: Once again I would like to thank you on behalf of the Council and several other textile and apparel organizations for your very important help in arranging the hearings on S. 3765 last August 18. We feel that your interest and your participation in the hearing enabled us to make our position clear, and we are pleased by the apparent reaction of the Chairman.

As I am sure you know, the Department of Commerce has offered substitutes for the FTC-proposed amendments. In our opinion, and that of other textile and apparel organizations with which we have consulted, the Commerce proposals are reasonable and workable, and far preferable to the amendments originally reported out by the Commerce Committee.

We will suggest one minor change in the Commerce proposals to make the timing more realistic, and we will offer appropriate language to the Committee staff within the next ten days. We hope that you agree that the Commerce proposals will give FTC all the enforcement powers it needs, and that you will support the substitution of the Commerce versions for the earlier amendments.

Once again, may I say that we are all most grateful for your interest and your important assistance.

Sincerely yours,
GEORGE S. BUCK, Jr.,
Director of Research.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. I was standing in the back part of the Chamber a moment ago, and was not fully aware of the nature of this unanimous-consent request, but that is my responsibility and no one else's. Could the Presiding Officer repeat that unanimous-consent request, or should I pursue the matter through a series of interrogatories?

The PRESIDING OFFICER (Mr. ALLEN). The Chair understands that the Senator from New Hampshire asked that unanimous consent be granted that the bill be called up for consideration at this time, during the period set aside for the transaction of morning business. Unanimous consent was given. We are still in the period set aside for the transaction of routine morning business.

Mr. BAYH. Would the Senator from Indiana be inaccurate to suggest that normally when a piece of legislative business is transacted during the morning hour, it prohibits committees from sitting, which was permitted, at the desire of the leadership, by the tolerance of the Senate?

The PRESIDING OFFICER. That would be the normal case. However, permission was granted at the outset of the session for certain committees to meet, and they are meeting in compliance with that unanimous-consent agreement until the close of morning business.

Mr. BAYH. But is the Senator from Indiana inaccurate in suggesting that the rules provide that, whenever a legislative matter is brought up, this right is forfeited?

The PRESIDING OFFICER. Yes; that is correct in the absence of a unanimous-consent request, which was made and granted.

Mr. BAYH. Then not only did we move to bring up a piece of legislation but the Senator has also moved to suggest that we are not talking about legislation, so that the committees can continue to meet; is that the accurate effect of it?

The PRESIDING OFFICER. We have not closed the period set aside for the transaction of routine morning business. We are still in that period. The Chair points out that certain committees were, at the request of the majority leader, given permission to meet by unanimous consent, until the close of morning business.

Mr. COTTON. Mr. President, may I say to my friend from Indiana that it was my intent to request, and I think I did phrase my request to that effect, that by unanimous consent this one piece of legislation be disposed of without terminating the morning hour, and that the Senate then resume the morning hour, as it was in progress at the time the request was made.

Mr. BAYH. Mr. President, I appreciate the position of the Senator from New Hampshire. My friend's request was granted.

But I would point out that in order for the Senator's request to be granted, and not have the meetings of the committees which have been given permission to sit terminated and the committees denied the right to sit, it is my understanding that we have to say, "Well, we are taking up legislation, but we are not really taking up legislation."

The **PRESIDING OFFICER**. By unanimous consent; that is correct.

Mr. **BAYH**. By unanimous consent; all right. As soon as his friend from New Hampshire is through, the Senator from Indiana intends to express his concern and his desire, and the steps that he is prepared to take to try to rectify a situation which I think is in derogation of our responsibility as Members of the U.S. Senate. I intend to do that as soon as my friend from New Hampshire has finished. But I did not want to let this opportunity pass without suggesting that I think it is extremely inconsistent for us to follow one course of action with one piece of legislation and not with another.

Unanimous consent has been granted, but merely to say it is inconsistent is, I think, putting it kindly. However, I do not intend to prolong the debate in order to ask for the yeas and nays or anything like that.

Mr. **COTTON**. Mr. President, I appreciate the attitude of my friend from Indiana, who is always courteous and considerate; but the cold fact remains that the Senate can do anything it chooses by unanimous consent. The unanimous consent request was made when the Senator from Indiana was on the floor. If he had objected to it at that time, of course we could not have brought up this piece of legislation. In view of the fact that he did not, I think we should be permitted to take care of this one piece of legislation, and then, if a Senator tries it again, any Senator will be in a position to stop it.

The **PRESIDING OFFICER**. The question recurs on agreeing to the amendment in the nature of a substitute offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. **COTTON**. Mr. President, I move to reconsider the vote by which this substitute was agreed.

Mr. **HRUSKA**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

Mr. **COTTON**. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. **GURNEY**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment and third reading of the bill.

The bill (S. 3765) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics."

Mr. **COTTON**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **GURNEY**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Subcommittee on Minerals and the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

I think I should say that this matter, as well as some others, has been cleared, after some discussion on all sides.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **MANSFIELD** subsequently said: Mr. President, to make the record clear and to remove any doubts, I again ask unanimous consent that all those committees except the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **MANSFIELD**. Mr. President, with reference to that particular committee, objection was made by request that it be excluded from the request and that other committees be allowed to meet in accordance with the request by the joint leadership earlier this morning.

The **PRESIDING OFFICER**. Does the Senator's request include other subcommittees of the Labor and Public Welfare Committee?

Mr. **MANSFIELD**. The request was made, objected to by request, that the Committee on Labor and Public Welfare be authorized to meet. So it refers to the whole committee. This would be the one exception, the Committee on Labor and Public Welfare.

The **PRESIDING OFFICER**. The Senator's request is that all committees save the Committee on Labor and Public Welfare be permitted to meet after the morning hour.

Mr. **MANSFIELD**. All other committees requesting it, because there were a number of separate requests and all committees were not given that permission.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, it is my recollection that when I asked that all committees, except one, be permitted to meet during the session of the Senate today, the Senate agreed to the request. Is that correct?

The **PRESIDING OFFICER**. The Senator is correct.

Mr. **MANSFIELD**. So, there is only one committee which will be forbidden from continuing to meet at the conclusion of morning business on the basis of the request made by the Senator from Montana.

The **PRESIDING OFFICER**. The Senator is correct.

BORMAN SPEECH ON PRISONERS

Mr. **GURNEY**. Mr. President, yesterday Col. Frank Borman, the former astronaut who has turned diplomat, gave a very moving account of his efforts in behalf of American prisoners held by the North Vietnamese. It was an excellent presentation and it brought home effectively the large task ahead for those concerned with this issue.

The most serious aspect of the problem as he outlined it is still the matter of actually finding out what has happened to nearly 1,000 Americans listed as missing in action, but whose names have never turned up on any lists furnished by the North Vietnamese. We have identified only some 457 men as being confirmed prisoners, whereas there are nearly 1,500 men missing in action. The fate of the rest is unknown.

This uncertainty is perhaps the most difficult thing of all for the families of these men to bear. They live in hope, but there is always the terrible fear that accompanies the lack of sure knowledge.

The statement by Mr. Borman reinforces for all of us the determination to continue our efforts in behalf of these men and their families.

THE VICE PRESIDENT'S SPEECH IN LOUISVILLE, KY.

Mr. **COOK**. Mr. President, it was my pleasure yesterday to be with the Vice President of the United States in my home community of Louisville, where he spoke in behalf of a former running mate of mine who is now a Member of the House, Representative WILLIAM O. COWGER.

BILL and I first ran together when he ran for mayor and I ran for county executive.

During the course of that speech, the Vice President of the United States asked those in attendance how much sense it made for a present member of the Federal Communications Commission, Mr. Nicholas Johnson, to quote Eldridge Cleaver in regard to the problems of drugs in this country.

This morning, Mr. Johnson, in rebuttal to the remarks in that speech, made some remarks in the Washington Post. He said:

> Certainly the broadcasting industry will be amused to hear that I am a "super permissive" Government official.
>
> Perhaps it is obvious why Vice President Agnew defends big campaign contributors who are urging our grade school children to take up smoking—after all, he was speaking at a $100-a-plate fund raising luncheon in the heart of the tobacco country.
>
> But I doubt that his rhetoric will provide much satisfaction to the dependents who are left behind by the 300,000 Americans who will die from cigarette related diseases this year.

First of all, Mr. President, I wish to be very critical of Mr. Johnson for so recklessly throwing around the figure of 300,000 lives a year. A number of highly qualified medical scientists would dispute this. I would hope Mr. Johnson would read my speech of December 12, 1969, if he is not opposed to being educated to the other side of the smoking-health issue.

But, more important, I would like to bring to the attention of the Senate that he said the Vice President was in the heart of the tobacco country. Well, I have to give that credit to the distinguished Senator from North Carolina, because North Carolina is the No. 1 burley tobacco producer in the United States, not Kentucky. As a matter of fact, Kentucky is No. 2 in the agricultural production of tobacco. However, Louisville, which Mr. Johnson was referring to, does not even rank among the top three in the manufacture of cigarettes.

But I will say this to Mr. Johnson, and I think that this is of interest to him, and that he has knowledge of it: It was the Senators from the tobacco States, and it was this Senator, as a member of the Committee on Commerce, who wanted the tobacco industry to go off radio and television last September and not to stay on television through January 1, 1971, so that all the football games could be put on ABC, NBC, and CBS and all the revenue could be paid to the respective broadcasting systems by way of tobacco advertising.

But it was Mr. Johnson's friends on the Commerce Committee who felt that it would be too big a blow to the broadcasting industry to go off that soon. It was those members of the committee who wanted to destroy the entire tobacco industry, but who decided that they would let this advertising go on for the benefit of the broadcasters.

So I would say to Mr. Johnson that I think he knows the facts. I think he knows that every Senator from a tobacco State wanted the industry to go off radio and television last September. Also, the tobacco industry had wanted to go off the air at this time.

I might suggest that it was at an informal meeting of the representatives of the broadcasting industry that I heard one of the most amazing remarks I had ever heard. The tobacco industry pays to the broadcasting industry some $250 million a year. A gentleman from the broadcasting industry said, "If you will just let us keep cigarette advertising for 3 years and phase it out with the nonsmoking advertising, we will convince more people not to smoke." That was an amazing thing for a businessman to say. What he was saying was, "We want the $250 million a year from the tobacco industry. If you will let us stay so we can get the $250 million, we will put the free advertising on that we have to, under Mr. Johnson's policy at the Federal Communications Commission, and we will convince more people not to smoke while we are taking $250 million from the tobacco industry." That was a rather fantastic argument to make in front of Senators from tobacco producing States.

Also, I would say to Mr. Johnson, that not only did the Vice President not cater to the tobacco industry, but he was even critical of the tobacco industry in his speech yesterday. I read from his speech:

> In the course of his exercise in Spockmanship, this official does offer one useful addition to my own argument. He wonders why I have overlooked the use of drug culture language in advertising, and points to the television station that promotes its programming as great "turn-on," or the honey company that suggests we "get high on honey." He's right about that; I notice that both a major network and a cigarette manufacturer have taken as their theme "getting it all together" this fall—a direct use of the drug culture's phrase that can mean either reaching a sense of nirvana through drugs, or shaking off the after-effects of a trip.

I might suggest that the Vice President made one other remark in his speech that I think is very appropriate to the distinguished member of the Federal Communications Commission. He said this in regard to Mr. Johnson's remark:

> This high government official seriously argues that cigarette smoking is a far greater danger to the American public than the drug culture. I suppose the way to convince him that smoking pot is harmful is to show that it leads to smoking tobacco.

Mr. President, approximately 6,000 members of the Tobacco Workers' Union of the AFL–CIO work in my community. I expect that approximately 90 percent of those 6,000 are registered Democrats, whom I am sure the distinguished Senator from Indiana, who is sitting in the chamber, would like to have living in his community. I imagine that the largest percentage of the thousands of people who work in the tobacco fields in my State are registered Democrats, because we are a little better than 2½ to 1 registered Democrats. I would only say to those people in my State who voted for the Democratic Party and for the last Democratic President, who saw to the appointment of Mr. Nicholas Johnson, that Mr. Johnson has spent all his time on the Federal Communications Commission ever since trying to destroy one of the largest and most major industries in my State. It is so major, Mr. President, that it produced 298 million cash dollars to the Commonwealth of Kentucky in 1968; it is 34 percent of the farm cash income in the Commonwealth; it sees to the employment of more than 150,000 of our farm families; and it sees to the further employment beyond that, Mr. President, of 170,000 other individuals in the Commonwealth of Kentucky.

So I can only say to Mr. Johnson, if he wants to get into an argument with Vice President AGNEW, I suggest he get into an argument with him on the issues.

The issue that the Vice President called his hand on is rather flippant. The only recourse that Mr. Johnson had was the fact that the Vice President had made his speech in Louisville, apparently among all the so-called "fat cats" in the center of the tobacco industry in the United States—a rather novel approach. We did not know we were in that position.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the Vice President's speech; an article published in the Washington Post of September 23, 1970; and the text of a speech I delivered in the Senate on Friday, December 12, 1969, in connection with the smoking and health issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

I'm delighted to be in Louisville to speak up for my old and valued friend, Bill Cowger.

We've known each other since 1962—and in politics, that's an "old friendship." I came here eight years ago to ask his advice on my campaign for Baltimore County Executive; Bill was Mayor of Louisville at that time, one of the very few Republican mayors in the nation, and his advice must have been good. I won.

Later that year, Bill came to Baltimore to speak at a fund-raising dinner in my behalf. I appreciated that; to be frank about it, the line of elected officials waiting to speak out for me at fund-raising dinners wasn't very long.

In 1967, when I was Governor of Maryland, Bill Cowger invited me to appear before his Congressional Task Force on Urban Affairs, to give my views on problems and solutions in the urban area. The questioning was keen; Bill is known nationally to be one of the foremost authorities on urban affairs.

Bill Cowger is a stand-up guy, a Congressman of proven experience with the courage of his convictions—and I believe the people of Kentucky will return him to Congress with the resounding vote of confidence he deserves.

One of the important areas that Bill's Task Force has researched over the past four years has been that of narcotics and drug abuse, a subject of interest to this Administration. This afternoon, I would like to cover one aspect of that problem with you.

I have been travelling across this country pointing out the need to retire from public life men who are completely out of touch with American life today.

Not all of what I have been saying involves purely political matters. Some concerns itself with social issues that deal with American culture itself. For example, in Las Vegas last week, I discussed in some detail the rise of the drug culture in America. I pointed out how it was being subtly propagandized in many movies, books, and particularly in the lyrics of some of our popular songs.

I quoted some of those songs that put drug use in a favorable light. I could have gone into much more detail; into lines like "I'd love to turn you on," or to a song title that spells out LSD: "Lucy in the Sky with Diamonds."

There can be no doubt, to any objective observer, that some proponents of the drug culture are misusing popular music to get across their message. Most of the time, it is done subtly. Peter, Paul and Mary made very clear just what many rock groups were doing in one of their hit songs: "But if I really say it/The radio won't play it/Unless I lay it between the lines."

The reaction to my speech from some people who have large investments in the music industry was predictable. When I suggested that the song "Eight Miles High" glorified the pleasures of drugs, one rock group manager, in wide-eyed innocence, said the song was all about how high an airplane flies. Others said that I failed to distinguish between the use of marijuana and the use of other, harder drugs—as if urging the use of marijuana were a perfectly legitimate use of the public airwaves.

Others in the music industry came up with a much more constructive reaction. They pointed out how some rock groups recorded songs with specific anti-drug messages. That's fine. They ought to do a lot more of it. But the fact that some examples can be found of anti-drug lyrics does not in any way excuse the use of many more pro-drug messages in many other songs.

As I said, the reaction of the rock music managers was predictable. And perhaps what I said will stimulate them to an awareness that a growing number of Americans are waking up to what has been going on in music lyrics lately.

But what surprised and shocked me was the reaction of a member of the Federal Communications Commission. This appointee of a previous administration promptly took the side of the rock musicians, and echoed their pronouncements about how many songs were produced with anti-drug lyrics.

However, this man—who is supposed to represent the public in regulating the broadcasting business—went a lot further. He went on to espouse the kind of radical-liberal philosophy of permissiveness and self-flagellation that has encouraged so many of our young people to turn to pot and worst.

Let me quote him fully and in context: "The issue is whether you, and the rest and the Administration, are—to borrow Elridge Cleaver's (and VISTA's) phrase—part of the solution, or part of the problem. The question is whether you have done anything to alter the repressive, absurd and unjust forces in our society that drive people to drugs."

There it is, my friends, in all its pristine majesty—the puddle-minded philosophy of the radical-liberal run rampant. He does not blame the use of drugs on the weakness of the users; he does not blame the pushers for their skillful enticements to our young. Quoting Eldridge Cleaver, of all people, to make his point, he says that it is the "repressive, absurd and unjust forces in our society that drive people to drugs."

No, it is never the addict's fault that he is an addict; it is not the pushers' fault that he is a pusher; it is all "society's" fault. You and I are the guilty parties.

This is the sort of fatuous nonsense being perpetrated on the American public by the super-permissive officials that have been allowed to take so much control of our government. It is dangerous nonsense, because by blaming everybody it holds nobody responsible.

This high government official seriously argues that cigarette smoking is a far greater danger to the American public than the drug culture. I suppose the way to convince him that smoking pot is harmful is to show that it leads to smoking tobacco.

In the course of his exercise in Spockmanship, this official does offer one useful addition to my own argument. He wonders why I have overlooked the use of drug culture language in advertising, and points to the television station that promotes its programming as great "turn-on," or the honey company that suggests we "get high on honey." He's right about that; I notice that both a major network and a cigarette manufacturer have taken as their theme "getting it all together" this fall—a direct use of the drug culture's phrase that can mean either reaching a sense of nirvana through drugs, or shaking off the after-effects of a trip.

Many advertising copyrighters seize upon the latest terms in the drug culture in an effort to stay "with it"—and in so doing, unwittingly help glamorize a culture that spreads its own cancer among our young people.

The main thrust of the FCC commissioner's attack, however, is exactly what I predicted in my own speech: that by calling public attention to this subtle propaganda of the drug culture, I was engaging in a form of censorship. This is the conditioned reflex of the radical-liberal to almost everything I say: "censorship, repression." In his opinion, the only kind of criticism that is not repressive is his own criticism of what I say.

But I invite you to consider the extreme to which he says censorship in America has gone. I quote the Commissioner: "The forms of censorship are subtle. This Administration repeats and repeats that it is not censoring—just as the Russians did when they rolled their tanks into Czechoslovakia in August 1968."

There you have it again. There is a statement—not ad-libbed, but carefully written out—that compares our own government's policy toward the media with Soviet dictatorship censorship during the Czech invasion. And the man delivering that remark is not an employee of some other government, not a confused professor lobbing foolish thoughts from behind his shield of tenure, not a misled campus radical—but a man who draws his salary from your tax dollars. And even worse, a man with a lot to say about the future of broadcasting in America.

Fortunately, there are some developments on the brighter side. The National Association of Broadcasters, I understand, will soon issue guidelines to tone down the television image of fantastic changes in mood that happen to a model who takes a pill. And a firm that supplies music programming to many stations has begun a rating system that will alert station managers to the content of each record. And I imagine that now that they know they are being listened to more closely by the general public, some lyricists will think twice before including a drug message in their songs.

Why do you suppose this is coming about? Not because some officials are wondering, and I quote, "How many Americans seek in drugs the solace from a vicious cruel world they did not create, but cannot escape?" Progress against the drug culture is being made because other officials, who reject that ridiculous permissiveness, are demanding that we wake up to the carnage the permissivists have caused.

It was Shakespeare's Hamlet who first complained that "the time is out of joint;" a later poet found himself "a stranger, and afraid, in a world I never made." The political Hamlets of today are with us in force—vacillating, waffling, wringing their hands, wallowing in alienation, blaming society for inadequacies in themselves and in others.

These political Hamlets—this little group of unwilling men—still dominate the Senate of the United States, still hold themselves out as candidates for election, still work their weakening will in the regulatory agencies of government.

But for them, the time *is* out of joint; a new day has arrived. The pendulum is swinging in the other direction at long last. An infusion of good sense, of hardheadedness, of toughmindedness, is running through the American body politic.

This year, I believe, will not be the typical "off-year election." This year, I believe we will see that new spirit of America make itself felt. The American people, in rejecting the men afflicted with self-guilt, tortured by doubt, and laden with anxieties, will turn instead to the affirmative men.

They will send to the Congress of the United States men ready and willing to come to grips with the trouble of our times; decisive men, who will stand with the President of the United States in making this nation the kind of orderly, just and progressive society the American people deserve.

[From the Washington Post, Sept. 23, 1970]

Agnew Joins Drive To Defeat Senator Gore

(By William Chapman)

MEMPHIS, TENN., September 22.—Vice President Spiro T. Agnew joined the Republican drive to defeat Sen. Albert Gore tonight with the unusual tactic of belittling Gore's importance as an election-year target.

Gore, said Agnew at a GOP fund-raising dinner, "is flattering himself by exaggerating his importance in the national picture."

He suffers "a paranoiac fear of being the No. 1 political target of the 'silent majority'," said the vice president.

For his part, Gore retaliated in an equally unusual manner by showing up at an airport reception for Agnew and sharing a platform with him at a ground-breaking ceremony later.

"Senator, I heard you were going to be here," said Agnew to the Democratic candidate standing in the airport reception line. "Nice of you to welcome me."

"Welcome to Tennessee," Gore said.

Agnew arrived here for a speech supporting Gore's Republican opponent, Rep. William Brock, in what has become one of the closest and most intensely watched contests of the year.

ADMITTED UNDERDOG

Admittedly an underdog, Gore has played to home-state sympathies by picturing himself as "target number one" of the Nixon administration. He has tried to use the Vice President's visit as an example of Republican outsiders ganging up on him.

But Agnew said, "The senior senator from Tennessee is important only to the radical liberal wing of the Democratic Party. For the incumbent senator from Tennessee is for all intents and purposes Southern regional chairman of the Eastern liberal establishment."

When Gore comes home to Tennessee, Agnew added, "You do not see him bringing down to Memphis the radical-liberal friends he hobnobs with up in Manhattan and Georgetown, because these friends would not fit very well with the people of Tennessee."

He said Gore "incredibly" had voted against two Southern nominees for the Supreme Court, Judge G. Harold Carswell of Florida and Clement Haynsworth of South Carolina, both rejected by the Senate.

"That crowd in the Senate which talks so much about ending discrimination committed an act of discrimination against the South," Agnew charged. "They went over to the Supreme Court and nailed a shingle to the door that reads, 'No Southerner Need Apply.'"

AIRPORT APPEARANCE

Gore's appearance at the airport ceremony had been predicted by the Agnew staff but they were not certain what kind of scene might develop. It turned out to be only an exchange of polite remarks and some free television time for Gore.

At a $100-a-plate luncheon for Cowger, Agnew launched an attack on a member of the Federal Communications Commission, Nicholas Johnson, who last week criticized Agnew's speech on the American "drug culture."

"POT AND WORSE"

Johnson, he charged, has taken the side of "rock musicians" whose lyrics promote the use of drugs. The FCC member had espoused "the kind of radical-liberal philosophy of permissiveness and self-flagellation that has encouraged so many of our young people to turn to pot and worse," Agnew declared.

[In Washington, Johnson replied:

["Certainly the broadcasting industry will be amused to hear that I am a 'super permissive' government official.

["Perhaps it is obvious why Vice President Agnew defends big campaign contributors who are urging our grade school children to take up smoking—after all, he was speaking at a $100-a-plate fund-raising luncheon in the heart of the tobacco country.

["But I doubt that his rhetoric will provide much satisfaction to the dependents who are left behind by the 300,000 Americans who will die from cigarette-related diseases this year."]

About 250 persons attended the luncheon in Louisville. Local politicians, according to the Louisville newspapers, had anticipated ticket sales of 500 or 600.

Gore also appeared on the speaker's platform where Agnew spoke at the dedication of a new Internal Revenue Service regional center near the airport. A small crowd of Gore's young admirers burst into applause when he was introduced. After Agnew finished his brief speech, Gore was the first on his feet to applaud.

The Vice President, beginning his second week of barnstorming for Republican can-

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didates, also dropped in at Louisville today to endorse Rep. William Cowger (R-Ky.), who is in a close race for reelection.

The House Cigarette Hearings—A New Look at Smoking and Health

Mr. Cook. Mr. President, after 13 days of hearings and 1,807 pages of testimony, the House Interstate and Foreign Commerce Committee has produced a record that casts more than reasonable doubt on the case against cigarette smoking. Indeed, the record reflects an erosion of confidence in the "facts" of the antismoking case.*

But, committee members need solid facts as a basis for decision. One member told of seeing a colleague become so frustrated that he lit up a cigarette; "and the fellow does not even smoke," he added. Another suggested that the committee "investigate the investigators" to resolve the contradictions. A third called for "reopening" the Surgeon General's 1964 study of smoking and health, the basic indictment by the antismoking forces.

What happened to cause this reaction?

Like most people, committee members were well aware of the charges made against cigarette smoking. A constant barrage of antismoking commercials, newspapers stories, and pamphlets buttressed by one-sided reports from the Surgeon General created a bandwagon effect. And like most people, including most physicians, unfamiliarity with the actual scientific evidence led them to accept the notion that where there is cigarette smoke there must also be fire.

However, committee members, unlike the general public, were exposed by experts to the other side of the smoking and health controversy during the hearings. And this evidence was revealing. They heard much testimony that flatly contradicted popular views. For example, they learned:

That medical scientists are not solidly lined up against smoking.

That there are honest and wide differences of opinion among medical scientists about the importance of the reported statistical associations between cigarette smoking and various diseases.

That, according to a number of highly qualified expert witnesses, many reporting on their own research, there is no scientific evidence that cigarette smoking causes cancer and other diseases.

Committee members also learned—and to men in the process of lawmaking the disclosure must have been disquieting—that some of the tactics used against tobacco were below the belt.

Following are some excerpts of the evidence, which casts serious doubt on the theory that cigarette smoking causes disease. To most Americans it would come as a great surprise that such evidence even exists:

DOES SMOKING CAUSE LUNG CANCER?

"A person of true scientific discipline would never make a final judgment on the type of evidence presented in favor of the hypothesis." (Thomas H. Bren, M.D., Professor and Chairman, Department of Medicine of Southern California School of Medicine.)

After at least 30 years of experimental work, and many smoke inhalation experiments in animals, lung cancers of the most common, squamous cell human type have not been produced. It is usually difficult to prove a negative, but if cigarette smoke were a cause of lung cancer, it is indeed surprising that no animal experiments have succeeded in its production. (Sheldon C. Sommers, M.D., Clinical Professor of Pathology, Columbia University Medical College.)

The cause of cancer in humans, including the cause of cancer of the lung is unknown. (Victor Buhler, M.D., Associate Clinical Professor of Pathology and Oncology at University of Kansas School of Medicine, and former president of the College of American Pathologists.)

As of the present date, the cause of lung cancer remains unknown. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

The statistical association between smoking and lung cancer is not indicative of cause and effect, because the clinical behavior of the disease does not permit this conclusion. (Hiram T. Langson, M.D., Professor of Surgery, University of Illinois College of Medicine and President of the American Association for Thoracic Surgery.)

As of 1969, our knowledge of the cause or causes of lung cancer remains primitive . . . To date the only evidence supporting this [cigarette smoking] hypothesis is statistical, and there are statistics which fail to support it. (William B. Ober, M.D., Associate Professor of Pathology New York Medical College.)

DOES SMOKING CAUSE HEART DISEASE?

The incrimination that smoking causes or accelerates heart disease from atherosclerosis of the coronary arteries is wholly unwarranted (William Evans, M.D., Former consulting physician The Institute of Cardiology London, England.)

It is very doubtful that such a relationship exists. If heavy smokers suffer coronary thrombosis in a significantly greater proportion than non-smokers, the cause of the phenomenon could be related to the stress that usually goes together with the smoking habit. (Walter S. Priest, M.D., Emeritus Professor of Medicine at Northwestern University Medical School.)

The evidence I feel is still not strong enough for me to say within the criteria of causality . . . that there is cause and effect. (Surgeon General William H. Stewart.)

There is no proof that cigarette smoking causes [diseases of] coronary arteries . . . let's be sure we understand the American Heart Association position. We do not say that we have the data which says cigarette smoking causes coronary artery [disease]. (Campbell Moses, M.D., Medical Director American Heart Association.)

It would be regrettable, if the impact of the prestige of the U.S. Public Health Service led scientists and the public to believe in and accept as firmly established facts which, on the basis of current knowledge, are speculative and lacking in scientific validity. The situation demands not special pleading but scientific truth, namely, what is reasonably established. And, certainly, it has not been reasonably established that cigarette smoking causes coronary heart disease. (Carl C. Seltzer, Ph. D., Senior Research Associate Harvard University School of Public Health.)

DOES SMOKING CAUSE EMPHYSEMA?

The cause or causes of emphysema are not now known. ("Special Report on Emphysema," National Institute of Allergy and Infectious Diseases, N.I.H.)

They stated [the 1964 Surgeon General's Advisory Committee] . . . that a relationship exists between pulmonary emphysema and cigarettes but it has not been established that this relationship is casual (Surgeon General William H. Stewart.)

I cannot find any actual evidence that . . . cigarette smoke or anything else, has a casual relationship to the development of this disease. (Edwin Rayner Levine, M.D., Associate Professor of Clinical Medicine, Chicago Medical School.)

Most authorities agree that emphysema presents a complex problem which awaits scientific explanation. (John P. Wyatt, M.D., Professor and Chairman, Department of Pathology, University of Manitoba.)

The "protagonists of the anti-smoking campaign" have refused to face this paramount question: "If it is true that we do not know what emphysema is and whence it originates, how can they maintain the claim that it is linked to cigarette smoking? How can their position be reconciled with scientific principles?" (Israel Rappaport, M.D., Former Associate Clinical Professor, Columbia University Medical School.)

Testimony such as this, flatly contradictory to "accepted" views, seriously undermine the major conclusions of the antismoking witnesses—and the underlying premise for further punitive legislation. It was not lost on the committee that among the witnesses quoted above were some notable opponents of smoking.

But further doubt arose as expert witnesses also exploded many of the supporting dogmas of the antismoking forces. Under scientific attack, a number of subsidiary assertions, which had bolstered the main charges and lent force to antismoking commercials were weakened. In effect, they were now ended with a question mark instead of an exclamation point.

Following are some of the newly raised questions:

DOES SMOKING TURN THE LUNGS BLACK? OR CAN DOCTORS TELL SMOKERS' LUNGS FROM NONSMOKERS' LUNGS?

The knowledge of what the black pigment represents, namely carbon particles or coal dust, is known to every well trained second-year medical student and . . . it is not possible to equate blackening of the lung to exposure to tobacco products. (Sheldon C. Sommers, M.D., Clinical Professor of Pathology, Columbia University Medical College.)

The color of the lung has to do with the matter of carbon, and I am unable to recognize the difference between a smoker and a non-smoker . . . and I have never been able to correlate it with the use of tobacco. (Hiram T. Langston, M.D., Professor of Surgery, University of Illinois College of Medicine, and President of the American Association for Thoracic Surgery.)

I would estimate that of a thousand pathologists in this country, 998 would say, "I could not tell," and the other two would say "I could tell" and those two who could tell either had some infinite intuition or are not telling the truth. (Irving Zeidman, M.D., Professor of Pathology, University of Pennsylvania School of Medicine.)

I have examined thousands of lungs—and I cannot tell you from examining a lung whether or not its former host had smoked . . . I state flatly and unequivocably and emphatically that cigarette smoke will not turn the lung black. (Victor Buhler, M.D., Pathologist, St. Joseph Hospital, Kansas City, Missouri.)

IS NOT EVERY SMOKER DAMAGED BY HIS SMOKING?

Not everyone gets cancer or heart disease. And, of course, non-smokers, as well as smokers, get both. Indeed, it would appear that, as observed in the first massive review of the smoking research literature, the British Report of the Royal College of Physicians, "most smokers suffer no serious impairment of health or shortening of life as a result of their habit" . . . I hope it is well understood that no medical practitioner can advise patients they can avoid lung cancer or heart disease by not smoking. (Bernice C. Sachs, M.D., Seattle Mental Health Institute.)

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* HEW Secretary Finch himself noted some gaps in the "facts" on April 25, 1969, during the hearings, when he announced in a news release,

"I believe that industry and government working together offer great promise of finding the answers we need. I am confident our joint effort will yield a cooperative research program which strongly promotes the public interest."

To experienced physicians who examined and observed so many heavy smokers, the most astonishing feature of the present issue over the effects of smoking must be the current trend to simply ignore the overwhelming evidence presented by the tens of millions of smoking men and women going through life without any signs or symptoms of damage to their lungs from many years of smoking—even heavy smoking. (Irsael Rappaport, M.D., Former Associate Clinical Professor, Columbia University Medical School.)

If cigarettes were the cause of lung cancer, I believe we would have an incidence many times greater than we do now, and would not encounter the disease in nonsmokers. (H. Russell Fisher, M.D., Professor of Pathology, University of Southern California School of Medicine.)

IS THERE A LUNG CANCER EPIDEMIC?

The increase in the incidence of lung cancer in the United States . . . reflects the growing and aging population of this country. The apparent increase is also reflected in the increased expertise and improved diagnostic abilities of the medical profession. The increase in the number of members of my own specialty in medicine (Pathology) is directly responsible for some of the apparent increase. (H. Russell Fisher, M.D., Professor of Pathology, University of Southern California School of Medicine.)

Changes in classification of disease have contributed to much of the reported increase in diseases such as lung cancer. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

In 1900 the combined crude death rate for respiratory diseases in the United States exceeded 450 per 100,000 and there were no death rates recorded for lung cancer. If only a small percentage of the death attributed to tuberculosis, pneumonia, bronchitis or influenza had been incorrectly diagnosed and were, in actuality, cases of lung cancer, there would be relatively little increase in the prevalence of this disease during the past half century.

The concept that cancer of the lung is a new disease and a byproduct of modern civilization is false and those who promulgate this thesis are misleading the public. The disease was a well known entity for a century before the era of widespread cigarette smoking. The only thing new is our ability to diagnose it before autopsy. (Milton B. Rosenblatt, M.D., President, Medical Board, Doctors Hospital, New York.)

An important aspect of present trends in this country which is generally ignored, is the declining rate of increase. If this feature of the trend continues, the disease will reach its peak among the white male population in the foreseeable future (1983) and then start to decline (A. G. Gilliam, M.D., of the National Cancer Institute.)

The observed decline in the rate of increase of lung cancer is exactly what one would expect, however, if the reported increase were due to constantly improving detection of the disease—or of any other for that matter. (Thomas H. Brem, M.D., University of Southern California.)

DOES NOT GIVING UP SMOKING MAKE ONE HEALTHIER?

Even if cigarette smokers, as a group did not smoke, there still would be a higher proportion of persons with primary cancer of the lung, or coronary heart disease, if you wish, among them than among non-smokers, as a group, since constitutionally they are more disposed to the disease. (George L. Saiger, M.D., Former Associate Professor of Epidemiology, Columbia University.)

The same higher coronary rate was observed in former cigarette smokers as in all current moderate and heavy smokers . . . the incidence of symptomatic infarction was as great in former cigarette smokers as it was in current smokers and was as great in former cigarette smokers as in men smoking more than one pack daily. (Ray Rosenman, M.D., Director, Western Collaborative Study of Coronary Heart Disease.)

[From data in the HEW survey of smoking and illness] consistent pattern is quite obviously apparent. For all categories, present smokers have a much lower incidence [of disease and disability] than do former smokers. (Theodore D. Sterling, Ph.D., Professor of Applied Mathematics and Computer Science, Washington University.)

IS NOT CIGARETTE SMOKING ADDICTIVE?

We would disagree with the contention that cigarette smoking is "physiologically addictive." (Surgeon General William H. Stewart.)

In no sense, pharmacological sense, can one talk about smoking being addictive. (Arthur Furst, Ph.D., Director, Institute of Chemical Biology, University of San Francisco.)

Physical dependence does not develop either to nicotine or other constituents of tobacco. (Charles Hine, M.D., Ph.D., Clinical Professor of Pharmacology and Preventive Medicine, University of California School of Medicine.)

Some confusion arose through use of the word "addiction" in connection with tobacco use. By generally accepted World Health Organization criteria, smoking tobacco is not considered an addiction. (Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York.)

DOES NOT CIGARETTE SMOKING CAUSE EXCESS DEATHS, SHORTEN LIFE, AND INCREASE MORBIDITY?

I know of no such figures which show a higher mortality rate for smokers than nonsmokers, without ambiguity, without difficulties of interpretation, and without leaning very heavily upon a selected number of instances for presentation and hiding some of the others which are probably just as important or just as controversial. (Theodore D. Sterling, Ph.D., Professor of Applied Mathematics and Computer Science, Washington University.)

The widely publicized accusations of hundreds of thousands of deaths caused by cigarettes and of shortening of life expectancy a specific number of minutes per cigarette smoked are fanciful extrapolations and not factual data. (Milton B. Rosenblatt, M.D., President, Medical Board Doctors Hospital, New York.)

Many figures were cited concerning 30,000 or 50,000 or 260,000 persons per year having or dying from lung cancer or the other diseases being considered. Since it is not known what the causes of lung cancer, coronary heart disease, or bronchopulmonary disease are, the multiplication of numbers does not contribute to understanding them any better. (Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York, New York.)

Mr. Preyer: "So you can say there is no significant difference in the mortality rate of smoking and non-smoking twins."

Dr. Cederlof: "Yes . . ."

Mr. Preyer: "Then there is no evidence that non-smoking twins live longer than smoking twins?"

Dr. Cederlof: "No."

(Rune Cederlof, Ph. D., Associate Professor, National Institute of Public Health, Stockholm.)

The [Public Health Service] Morbidity Report expressly conceded that errors in some of the results were too large to permit meaningful conclusions; at the same time conclusions from these results were advanced. This type approach is not scientific, but shows bias and desire to reach predetermined conclusions . . .

[The Public Health Service] has gone even further in using portions of the Morbidity Report, often out of context, as the basis for a condensed propaganda pamphlet entitled "Smoking and Illness." This pamphlet boldly acknowledged in the Morbidity Report. It flatly, and without qualification, asserts precisely how much illness and disease is due to smoking. Nowhere does the pamphlet disclose that the basic data included no medical diagnoses by doctors but only self and proxy diagnoses by lay men. In light of this Critique, the further use and compression of the Morbidity Report in this pamphlet can only be regarded as a dangerous and misleading deterrent to further scientific study. (John W. Sawyer, Ph. D., Professor of Mathematics, Wake Forest University.)

If the contradictory testimony of medical experts raised doubts among committee members, their puzzlement was increased by concessions coming, oddly enough, from the antismoking witnesses. For example:

Paul Rand Dixon, Chairman of the Federal Trade Commission was told "it has never been proven medically, the causal connection between the inhalation of smoke and lung cancer. You know that, do you not?" and he said, "Yes, sir."

No witness disagreed that the type of lung cancer associated with smoking has never been induced in animal inhalation experiments, despite more than 30 years of efforts and many reams of publicity intimating otherwise.

Dr. William H. Stewart, of Public Health Service, testified:

"I have never stated a cause and effect between (cigarette smoking) and heart disease."

Dr. Campbell Moses, of the Heart Association said:

"There is no proof that cigarette smoking causes coronary artery disease."

His colleague, Dr. Lewis January, said:

"There was no specific causal relationship."

Dr. Stewart quoted the National Institute of Allergies and Infectious Diseases as having "stated that a relationship exists between pulmonary emphysema and cigarettes but it has not been established that this relationship is causal."

Dr. John Gompertz, of the Tuberculosis and Respiratory Diseases Association, testified that—

"The cause of emphysema is not clearly understood."

Asked if it was "not known," he said:

"That is true."

Dr. Robert Browning, his colleague, said "we have not any valid statistics yet available" on emphysema.

Doubt, however, was not the only reaction among committee members. Many were understandably concerned that evidence marshaled against cigarette smoking appeared to be patently one sided. Some felt that they, along with the public, had been taken on a "bandwagon" ride. Expert witnesses agreed that both were indeed possibilities.

Some observations on one-sided reporting of research:

I have been disappointed in my failure to find in the Surgeon General's Report of 1964 and in the 1967 HEW Report to Congress, The Health Consequences of Smoking, a discussion of the published reports of those that disagree with their conclusions (R. H. Rigdon, M.D., Professor of Pathology, University of Texas.)

Then I read the (Surgeon General's 1964) report and I realized what had happened. They had simply done a selective review of the literature. They had not investigated all aspects. The report simply didn't cover the entire field, in my opinion. It was a disappointment. (Sheldon C. Sommers, M.D., Director of Laboratories, Lenox Hill Hospital, New York.)

People who tell you that cigarette smoking causes lung cancer do not like to be reminded of (conflicting) data. In fact, they were not

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included in the last Surgeon General's report on "Smoking and Health."

I am sorry that the publication presented only one side of the picture. (William B. Ober, M.D., Director of Laboratories, Knickbocker Hospital, New York.)

Doctors don't know any more about it than anybody else does. They pick up a headline in the newspapers and they know as much as any lay person. This is a highly specialized area. . . . The Public Health Service I regret to say, uses misleading data. It is true, but it is not the whole truth. (Milton B. Rosenblatt, M.D., President, Medical Board, Doctors Hospital, New York.)

I think that the attitude of many of my associates in the medical profession is that there are so many things that they have to look into that I doubt if any great percentage have devoted the time and effort to investigating the actual background information, and have tended to . . . accept what is handed them. (Hiram T. Langston, M.D., Professor of Surgery, University of Illinois College of Medicine.)

[Scientists] absorb the general ideas about smoking that is going on in the world around them . . . just because you are a scientist or just because you are a doctor doesn't put you in much better position to know any better than anyone if you don't look at the facts. (Arthur Furst, Ph.D., Director, Institute of Chemical Biology, University of San Francisco.)

[The majority of physicians] have to rely upon published reports and attach some significance . . . to reports of the Surgeon General . . . the number is rather small who have either the time or the inclination to cover the experimental literature. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

I am perfectly sure that if you poll the doctors of this country you would get a very strong majority who believe what the Public Health Service Report says, and that there is substantial proof of the causality relationship. But I think there is only one in 10,000 doctors in this country who really has read the papers and evidence on the other side. (Thomas H. Brem, M.D., Professor and Chairman, Department of Medicine, University of Southern California.)

On the "bandwagon" effect:

"Unfortunately, many supposedly well informed officials in the Public Health Service and certain voluntary health organizations have permitted their emotionalism and zeal to outdistance the actual scientific knowledge and proof. This has resulted in misleading the public into believing there is proof where none exists. A bandwagon effect has resulted even in the medical and scientific community where too many have accepted the pronouncements of dedicated zealots, lacking the time to examine the scientific basis, or lack of it, for such pronouncements. (Duane Carr, M.D., Professor of Surgery, University of Tennessee College of Medicine.)

"There is such an emotion-laden question here, there is so much bias, that one is in danger of being ostracized by his colleagues in the scientific community if his data doesn't fall in step with preconceived notions.

"Yet, I feel that because a stone started rolling down a hill, people have continued to take up this crusade—the word I chose to use—with really no evidence, but just the momentum of a stone rolling down a hill. . . . If one wants to be a crusader and remove a social habit from our environment which some people find distasteful they choose a very emotion-laden illness to pin it on to make it easier to get their job done. (Ronald Okun, M.D., Director of Clinical Pharmacology, Cedars-Sinai Medical Center, Los Angeles, California.)"

By the time the hearings ended, committee members were inclined to agree with Representative RICHARDSON PREYER, of North Carolina, who observed:

"I think it was Mark Twain who said, 'It's not what we don't know that hurts us. It's what we know that isn't so.' "

When we talk about words to go on a package that no one ever reads, it is a rather amazing colloquy we hear on the floor of the Senate.

ELECTORAL REFORM

Mr. ERVIN. Mr. President, I hold in my hand a letter to me from Ed Gossett, who is now a judge in the criminal district court in Dallas, Tex. He tells me that I can use his letter in any way I wish.

Let me read the concluding paragraph:

However, the purpose of this letter is to tell you that the United States Chamber of Commerce's purported endorsement of the Direct Election system is completely false. Notwithstanding, the Senate action in 1950, and notwithstanding the continued efforts of many of us since that time, the United States Chamber of Commerce in taking their so-called poll on the subject completely omitted the proportional system. Their poll was dishonest and misleading. I'm convinced that a vast majority of their membership are strongly opposed to the Bayh Amendment.

Mr. President, I ask unanimous consent that the entire letter and accompanying documents be printed in the RECORD.

There being no objection, the letter and documents were ordered to be printed in the RECORD, as follows:

CRIMINAL DISTRICT COURT NO. 5,
Dallas, Tex., September 21, 1970.
SAM J. ERVIN, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: No one living has worked longer or harder for Electoral Reform than I. The Lodge-Gossett Amendment—the proportional system of electoral reform—passed the Senate in 1950 by a vote of 64-27. As I recall, at that time, the only Senator advocating the direct election system was Senator Langer.

More recently, I have served on a five-man committee on Electoral Reform, which committee was headed by the late Senator Edwin C. Johnson of Colorado, and also included the late Senator Scott Lucas of Illinois. We secured the passage by 13 State legislatures of resolutions calling for an equitable division of the States Electoral vote (see attached memo). None of us endorsed the direct election formula.

I opposed the direct election system for many reasons, the chief of which is that it would destroy the Federal System.

However, the purpose of this letter is to tell you that the United States Chamber of Commerce's purported endorsement of the Direct Election system is completely false. Notwithstanding, the Senate action in 1950, and notwithstanding the continued efforts of many of us since that time, the United States Chamber of Commerce in taking their so-called poll on the subject completely omitted the proportional system. Their poll was dishonest and misleading. I'm convinced that a vast majority of their membership are strongly opposed to the Bayh Amendment.

Cordially yours,

ED GOSSETT.

P.S.—This letter may be used in any way you wish.

ED GOSSETT.

NATIONAL ELECTORAL REFORM COMMITTEE

Edwin C. Johnson, Chairman, Denver, Colorado, former U.S. Senator and Governor (D).

Ed Gossett, Vice Chairman, Dallas, Texas, former Congressman (D).

Cecil Underwood, Huntington, West Virginia, former Governor (R).

Lane D. Winell, Lebanon, New Hampshire, former Governor (R).

Scott Lucas, Washington, D.C., and Havana, Illinois, former Senator (D).

Uniform Resolution has been passed by the following 12 States: Arkansas, Colorado, Kansas, Kentucky, Montana, Minnesota, Nebraska, New Hampshire, Oklahoma, Texas, Utah, Wisconsin (Illinois makes 13).

The Federal Government has been telling the States what to do about voting equality in Presidential elections.

COPY OF UNIFORM RESOLUTION

A concurrent resolution petitioning the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, unless Congress shall sooner have submitted such an amendment, to provide for the election of the President and Vice President in a manner fair and just to the people of the United States; directing the Secretary of the Senate to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of the said bodies representing this State therein

Whereas, under the Constitution of the United States, Presidential and Vice Presidential Electors in the several states are now elected on a statewide basis, each state being entitled to as many electors as it has senators and representatives in Congress; and

Whereas, the Presidential and Vice Presidential Electors who receive the plurality of the popular vote in a particular state become entitled to cast the total number of electoral votes allocated to that state irrespective of how many votes may have been cast for other candidates for Elector; and

Whereas, this method of electing the President and Vice President is unfair and unjust in that it does not reflect the minority votes cast; and

Whereas, the need for a change has been recognized by members of Congress on numerous occasions through the introduction of various proposals for amending the Constitution;

Now, therefore, be it resolved by the Senate of the Thirtieth Legislature of the State of Oklahoma, the House of Representatives concurring therein:

SECTION 1. That application is hereby made to Congress under Article V of the Constitution of the United States for the calling of a convention to propose an Article of Amendment to the Constitution providing for a fair and just division of the electoral votes within the states in the election of the President and Vice President.

SECTION 2. That if and when Congress shall have proposed such an Article of Amendment this application for a Convention shall be deemed withdrawn and shall be no longer of any force and effect.

SECTION 3. That the Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein.

Mr. BAYH. Mr. President, I do not want to dispute the writer of that letter, but as the Senator from Indiana recalls the testimony of the chamber of commerce—and we can all clear this up by merely looking at the record, and if someone can find to the contrary in the record, I shall be glad to suggest that I

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am wrong—but I have sat through two different sets of hearings on this subject and the chamber of commerce testified at both of them. The facts are, Mr. Gossett to the contrary notwithstanding, that the chamber of commerce did cover all the issues. The interesting fact is, despite covering all the issues, a majority of the chamber members voted for direct election. A majority of the chamber members who responded did vote for direct election. In other words, a majority of the chamber members in the country—more members who responded—supported direct election than all the other proposals put together.

I suggest Mr. Gossett had better take a different look at the facts, because that is not the way I recollect them, and I sat there and heard the chamber testify on two different occasions. They testified in support of direct election. To suggest that they did not even include the Gossett plan on the questionnaires makes it seem rather strange to me that they would come to the Judiciary Subcommittee on Constitutional Amendments and support a plan they did not even query their members on.

I do not know what type of subterfuge the writer of that letter is trying to perpetrate on the Senate. I am certain that the Senator from North Carolina (Mr. Ervin) is not guilty of that, but I should like to suggest that the credibility of that letter be totally destroyed by reading the record contained right here in this book of hearings. It is only about 1,040-some pages. It makes good bedtime reading. If anyone wants to pursue this further, they will find that the chamber did ask all the questions on the issues and the chamber did come to the conclusion that more of its members who responded were in favor of direct election over all other proposals, including Ed Gossett's plan.

Now, Mr. President, I ask unanimous consent that I be permitted to proceed for a period of time outside the normal 3-minute time limitation.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not, would the Senator mind stating the time. Would it be 10 minutes, 15 minutes—whatever he would like.

Mr. BAYH. Not to exceed 15 minutes. I have discussed this request with the majority leader.

Mr. ERVIN. Mr. President, reserving the right to object, and I shall not object. I have to get ready to go to a distant place to make a speech which was agreed on 6 months ago. I have 1 minute before I go about my affairs and I would love to listen to the Senator from Indiana but I cannot do it at the present moment and I would like to have just——

Mr. BAYH. Mr. President, I withdraw that request.

Mr. ERVIN. I do not object.

Mr. BAYH. I withdraw the request. Go ahead.

Mr. ERVIN. Mr. President, I wanted to say that I have no personal knowledge of the matter referred to by Judge Gossett but I did serve in the House of Representatives with Judge Gossett and I have had contacts with him since that time from time to time. I do know that he is a gentleman of the highest character and I would give the greatest weight to anything he says.

I happen to be a member of the chamber of commerce in my hometown, but the chamber of commerce evidently does not attribute very much consequence to my opinions. I was never polled by the chamber of commerce on this subject. I make that statement for the Record.

I know of my own knowledge that if the chamber of commerce ever sent me any questionnaire which would have given me an opportunity to express my opinion on this subject, it never reached me.

Mr. President, I ask unanimous consent that the distinguished Senator from Indiana (Mr. Bayh) may have the time he requested without being limited by the morning hour to the 3-minute rule.

The PRESIDING OFFICER (Mr. McGovern). How much time is the Senator from Indiana requesting?

Mr. BAYH. Fifteen minutes, as previously requested, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, the statement that I am about to make is one with which I have wrestled for a good many hours. The consequences of the course of action which I am proposing have not escaped me. In prefacing my remarks I say that because I want all my colleagues in the Senate to know that I did not make these suggestions and I do not intend to follow the course of action suggested without serious consideration and without exploring all other alternative courses of action available.

Mr. President, only upon this serious reflection and only upon concluding that there is no other alternative cause of action available to those of us who feel committed to preventing this Nation from being brought to its knees by a constitutional crisis precipitated by the archaic and outmoded electoral college system, have I decided that the remarks I am about to make must be made.

Mr. President, the pending order of business is Senate Joint Resolution 1. In the judgment of the Senator from Indiana, it is time that the Senate got down to the business of Senate Joint Resolution 1. Today I am taking the steps to insure that we do get down to business.

I take these steps reluctantly, but let the Record show that although this course is embarking upon reluctantly it is a course that will be pursued with tenacity and persistence.

The history of Senate Joint Resolution 1 is a continuous record of delay and obstruction, a continuous record of parliamentary chicanery intended to frustrate the will of the vast majority of the Members of this body, and more importantly, the will of the people of the United States.

The Subcommittee on Constitutional Amendments began its recent efforts on electoral reform almost 5 years ago, in February of 1966. I happen to be the chairman of that subcommittee. As proud as I am to have that small opportunity to serve the Senate, I must admit this is not the most prestigious or influential committee in the U.S. Senate. But it is a small responsibility that is mine, and I intend to fulfill that responsibility, to the best of my ability, and in this capacity I report to the Senate that we have held two very lengthy sets of hearings. We have heard from over 100 witnesses. We compiled a record of several thousand pages of printed testimony.

In January of 1969, I introduced Senate Joint Resolution 1, a measure which now has more than 40 cosponsors.

On May 26, 1969, the Subcommittee on Constitutional Amendments reported Senate Joint Resolution 1 in a different form than is now before the Senate. But the subcommittee acted, and it acted 16 months ago.

The subcommittee acted, the minutes of the subcommittee will show, with a full understanding that each member of the subcommittee would be permitted to pursue his individual course of action to substitute for the provisions of Senate Joint Resolution 1 as reported out of the subcommittee.

When the matter reached the full Judiciary Committee, following the subcommittee's action, Senate Joint Resolution 1 languished month after month in the Judiciary Committee, without action, while other business was considered and voted on.

In September of 1969, electoral reform became the pending order of business of the Judiciary Committee.

Mr. President, before proceeding further, I would suggest that although the distinguished chairman of the Judiciary Committee does not share the feelings of the Senator from Indiana relative to the merits of Senate Joint Resolution 1, I think the record will show that he has not been arbitrary in denying the committee the opportunity to vote on this matter. Although I differ with the distinguished chairman of the committee vigorously in his assessment of the merits of the measure, he did not use his prestige and power as chairman of the Judiciary Committee to prevent the Judiciary Committee from working its will. But one member of that committee refused to allow us to discuss the subject of electoral reform. He did not merely oppose Senate Joint Resolution 1, but he refused even to allow the Judiciary Committee to discuss this matter and to come to a vote. Of course, he was within his parliamentary rights. The rules of the committee allow a single member of the Judiciary Committee to take this kind of arbitrary course of action. But I want the Senate to know why it has not had the opportunity to vote sooner on this question.

Let me point out, Mr. President, that the entire Judiciary Committee was not stalled during this period. Month after month, through the fall and into the winter, we put aside the matter of electoral reform in the Senate Judiciary Committee and proceeded to deal with the other business of the Senate and of the committee. But it finally became clear to me as the chairman of the subcommittee that if we were to continue to follow that course, the members of the committee would never act on electoral reform.

We sat there, Mr. President, from September to February with one member of the Judiciary Committee arbitrarily denying the entire Judiciary Committee the opportunity to work its will.

Finally, in February of 1970, it became necessary for me to use the same kind of arbitrary tactics that were being used against the electoral reform measure.

I said with some feeling at the time that I did so reluctantly because I do not believe in this kind of tactic. But there was no other alternative available. Only when there appeared to be no other alternative available, did the Senator from Indiana choose to fight fire with fire.

At that time there was before the Judiciary Committee a nomination of the President to fill a vacancy on the Supreme Court. Mr. President, I took the position that if members of the committee were not prepared to vote on electoral reform I was not prepared to allow the committee to report a Supreme Court nominee. Only by this action were we able to secure agreement on February 3 that the Committee on the Judiciary would consider electoral reform by April 14 and vote not later than April 24.

At that time the Committee on the Judiciary went to the extraordinary step of holding its own hearings. In other words, we had two sets of hearings on Senate Joint Resolution 1: one, the extensive hearings by the subcommittee; and, two, a special subcommittee chaired by the distinguished Senator from North Carolina. The first list of witnesses brought to the attention of the Senator from Indiana for the second hearings contained only opponents of the present provisions of Senate Joint Resolution 1.

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Pursuant to this agreement, the Committee on the Judiciary met on April 23. We considered the whole range of measures proposed for electoral reform. We had a lengthy discussion and a series of votes. And in the end Senate Joint Resolution 1, in the form now before the Senate was ordered reported to the Senate by a vote of 11 to 6. Five weeks later the majority completed its report on Senate Joint Resolution 1.

But that was not the end of the delay. I previously pointed out the other delays, after the subcommittee reported the matter in September, and after it became the matter of pending business, a year ago. A year ago this matter was the pending business in the Committee on the Judiciary. From September to February there was no action at all because of the arbitrary tactics of one member of the committee. There was further delay until April. Finally in April the matter was reported.

But that was not the end of the delay. Week after week the six members of the minority of the Committee on the Judiciary delayed filing their report—April into May, May into June, June into July, July into August, and still the minority views were not filed. Finally, Mr. President, after weeks and months of the very strongest urging—including the urgent request of the Senator from Mississippi, the chairman of the Committee on the Judiciary, who was one of the minority members—the minority finally completed its report. These minority views were not actually filed until August 14, 11 weeks after completion of the majority views, and 16 weeks after Senate Joint Resolution 1 had been ordered reported by the Committee on the Judiciary.

That is the kind of delays we have faced. That is the kind of obstructionist tactics a few men have engaged in. That is the reason we find ourselves in this situation today. I have very little sympathy with anyone who would blame the Senator from Indiana for this delay. The record will show that at each step the Senator from Indiana has been trying to persuade those who oppose the measure to let the Senate work its will.

Mr. President, I have tried throughout my tenure in this body to expedite the business of the Senate. I have tried to go along with subcommittee action, committee action, and floor action. I have tried to do all I could to help my colleagues this year in the effort to bring about early completion of the Senate's business and early adjournment.

The RECORD will show that despite differences of opinion between the Senator from Indiana and supporters of various measures which have come before the Senate throughout the session, I have not objected on one occasion and I have not resorted in any way to the utilization of parliamentary rights to prevent an issue which I opposed from coming to passage.

I am prepared to vote on Senate Joint Resolution 1 today. I was prepared to vote last week and I was prepared to vote the week before last. But there are those who contend we have not had enough debate. I believe we have had enough debate. Senate Joint Resolution 1 has been the pending order of business since we returned from the Labor Day recess, which was terminated on Tuesday, September 8. Today begins the 12th day of debate on Senate Joint Resolution 1. This is the 12th day on which those who have opposed the measure have had an opportunity to make their positions clear.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, 12 days of debate is more debate than the Senate has had on a constitutional amendment in the past 100 years. Let us look, Mr. President, at the amount of debate the Senate required before passing the constitutional amendments that have been ratified over the past century.

The 16th amendment, the income tax amendment, was adopted after only 1 day's debate.

The 17th amendment, providing for the direct election of Senators, was adopted after only 7 days' debate.

The 18th amendment, the prohibition amendment, was adopted after only 3 days of debate.

The 19th amendment, women's suffrage was adopted after only 2 days' debate.

The 20th amendment, establishing the term of office of the President and a date of convening of Congress, was adopted after only 1 day's debate.

The 21st amendment, repealing prohibition, was adopted after only 3 days' debate.

The 22d amendment, limiting the President to two terms, was adopted after only 4 days' debate.

The 23d amendment, giving the District of Columbia a vote in presidential elections, was adopted after 6 days debate.

The 24th amendment, outlawing poll tax, was adopted after 11 days' debate.

The 25th amendment, dealing with Presidential inability, was adopted after only 1 day's debate.

Mr. President, we all know the issues on the question of electoral reform. They have been before this body before. They have been before the country for more than a century and a half. And they have been intensively debated in the widest possible public forum over the past 5 years. I believe now is the time to get down to business.

I am aware that some members continue to feel that there has not been adequate debate on the question of electoral reform. I have tried to provide ample opportunity for those who are opposed to electoral reform to present their case. And in order to cooperate with my colleagues, when no member of the opposition chose to occupy the floor and present his case, I have agreed to let the Senate proceed with other business.

Indeed, Mr. President, it is correct that the Senate has accomplished a good deal of progress in its evening sessions over the past 2 weeks. I have agreed to put Senate Joint Resolution 1 temporarily aside, so that the Senate could vote on important matters. The Senate has passed the public health bill, the bill establishing a "Little Hoover" Commission for the District of Columbia and providing a nonvoting delegate in the House of Representatives for the District. We have passed the Disaster Relief Act, the Civil Service Retirement Act Amendments, a Government Pay Act and a Family Medicine Act. The Senate has passed the farm bill and the Bank Holding Company Act and the manpower bill and the Maritime Act. We have enacted a small business bill, and a bill regulating secret foreign bank accounts, with amendments relating to credit practices and the financing of urban mass transportation. In addition to these measures, Mr. President, the Senate has passed a number of other bills. The Senate has concurred in a number of nominations.

Mr. President, I am pleased that the Senate has been able to perform its business so expeditiously. All I am asking is that the Senate proceed with equal dispatch to deal with the crucial question of how we elect the President of the United States.

I do not believe that we should rush precipitiously to a vote. I have tried repeatedly to secure unanimous consent from the Senate on a timetable so that we could consider each of the alternative plans, every pending amendment to Senate Joint Resolution 1, debate this matter fully, and come to a series of votes. On Tuesday, September 15, after we had been debating Senate Joint Resolution 1 for 1 week, I offered a series of unanimous consent requests dealing with every pending amendment.

One of our colleagues objected when I asked that we devote 2 hours' debate to each of the pending amendments and then proceed to vote. So I asked unanimous consent that we devote 4 hours' debate to each pending amendment, and again he objected.

Mr. President, I then proposed that we devote 1 full day's debate to each amendment, and again my colleague objected—even though he is the author of four of the pending amendments. And so we proceeded with more debate. On Monday of this week, and again yesterday, I proposed additional unanimous-consent requests—and again they were objected to.

Every single request to consider every item before the Senate dealing with electoral reform was objected to by our distinguished colleague. So we proceeded with more debate on Monday of this week and again yesterday.

Mr. President, I am prepared to come to any reasonable unanimous-consent agreement. None of the opponents of Senate Joint Resolution 1 have given me any indication as to what they might consider a reasonable unanimous-consent agreement.

I do not think any one Senator should be in the position of saying, "It is either my way or not at all. I either get to pitch or I am going to take my bat and ball and go home." This has not been the position of the Senator from Indiana. The Senator from Indiana does not consider that he would be acting responsibly if he sat idly by and let any other Member of the Senate or any group of Members follow that same course.

Not one of the opponents of Senate Joint Resolution 1 has given me any indication as to what they might consider a reasonable agreement. The Senator from North Carolina suggested yesterday that perhaps he would be willing to come to a vote shortly on the proportional plan. I am certainly prepared to discuss such an agreement.

I listened to him make observations this morning that perhaps there will be some sort of request made on tomorrow.

In the absence of a unanimous-consent agreement, however, I intend to do whatever is necessary to be certain that the Senate attends to the crucial business now before it. I intend to see to it that every Member of the Senate who is interested in electoral reform and who has a proposal on electoral reform be given an opportunity, if physically and humanly possible, to have his proposal voted up or down by the Senate.

As a result of having followed every other avenue available to me, beginning tomorrow I intend to object to the meeting of Senate committees while the Senate is in session. Beginning today I intend to object until 5 p.m. to the laying aside of Senate Joint Resolution 1. Beginning tomorrow, I intend to object to the laying aside of Senate Joint Resolution 1 during both the daytime shift and the evening shift.

These objections, of course, would require Senators who are opposing Senate Joint Resolution 1 to follow the rules of the Senate. This is not imposing any unique criterion upon them, but merely saying, "Let us play by the rules." If Senators who are opposed to Senate Joint Resolution 1 are going to play by a certain set of rules, then those of us who are proposing Senate Joint Resolution 1 and insisting on electoral reform should be permitted to play by the same rules.

I have been reluctant to use these parliamentary rights——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I have been reluctant to use these parliamentary rights so long as there was reasonable hope of coming to some agreement, some reasonable promise that the country could see a Senate conclusion of this pressing problem. But if a few Members of this body intend to use their parliamentary rights to obstruct the fair processes of the Senate, then I intend to do whatever is necessary to defeat them.

Mr. President, on Friday, September 18, the Senator from South Carolina, Senator HOLLINGS, made a brief statement concerning the trade bill and his intention to offer it as an amendment to the family assistance plan or the social security plan. Senator HOLLINGS said, and I quote:

> We do not want to get caught in the parliamentary maneuver of defeat by delay.

Let me repeat that:

> We do not want to get caught in the parliamentary maneuver of defeat by delay.

That is a direct quote.

I continue to quote Senator HOLLINGS:

> I do not feel that the U.S. Senate can or should adjourn without expressing its will on the issue as to whether or not industrial jobs of this Nation ought to become another export and whether or not we will continue to contribute to our fast falling balance-of-payments problem.

That is a direct quotation from the statement of our distinguished colleague from South Carolina. I share his concern that the Senate have an opportunity to work its will, up or down, on this important matter. I think that is a fair test for all legislation. I repeat again—"We do not want to get caught in the parliamentary maneuver of defeat by delay."

Mr. President, the trade bill is an important matter before this body. The questions of employment and export and balance of payments are important to all Americans. But there is no question more vital, no problem more dangerous, no issue more pressing than the manner in which the people of this country elect their President. And those of us who feel deeply about the need for this reform are in complete agreement with the Senator from South Carolina when he says, "We do not want to get caught in the parliamentary maneuver of defeat by delay."

Mr. President, with the committees of the Senate not meeting, and with the Senate focusing its attention exclusively on Senate Joint Resolution 1, we are going to have plenty of time for debate. I am prepared to come in early, Mr. President, and to stay late. And I do not intend to occupy the floor with lengthy speeches.

In my judgment, the proponents of electoral reform have made an adequate case. It is the opposition which has said that it needs more time. Before the cloture vote last week, the Senator from Nebraska indicated that, "eight or 10" Senators on his side had made requests to speak.

To the knowledge of the Senator from Indiana, we have yet to hear from any of those Senators. I am anxious that they be heard.

On Monday of this week the Senator from North Carolina indicated that he had a speech prepared for delivery, but did not intend to deliever it. Let the Senate have the knowledge contained in the speech of the Senator from North Carolina.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. It is rather inconsistent for him to say that one must have a chance to discuss this matter, that the Senate has not given him enough time, that he has a statement and then in the very next sentence to say, "But I do not intend to give the speech."

Mr. President, we live in a time when many Americans are challenging the viability of our institutions of Government. A handful of Americans are arguing that we must destroy the Government, pull it down, because only from the ashes of revolution can we build a system that is honest and intelligent and responsive to the needs and desires of the people.

I reject that view. I know that every Member of this body rejects that view. Every Member of this body believes that the Senate is an honest institution, an intelligent institution, a responsive institution.

We are going to have the opportunity in the next few weeks to demonstrate that belief. We are going to have the chance to see how honest, how intelligent, how responsive the Senate can be.

Perhaps when we come to final passage, the Senate will give a two-thirds vote for direct popular election of the President. I recognize that possibility. And I am prepared to abide by that decision, even while 80 percent of the American public favors direct popular election.

But I am not prepared to accept the judgment that the Senate of the United States will not even vote on the question of electoral reform. And I do not believe the American people are prepared to accept that judgment.

Mr. President, there are those who will suggest that when the Senator from Indiana requires those who are delaying electoral reform to conform to the rules of the Senate, he is being arbitrary. There are others who have labored for 5 years in support of electoral reform who are at this moment suggesting that the Senator from Indiana has not been arbitrary enough.

I think the time to take positive ac-

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tion has come for those of us who believe there needs to be responsible, responsive change to mute the voices of those who would destroy our society and destroy this land we love. For those who believe that electoral reform is an important ingredient in this type of responsive change, the time has come to be willing to work hard, to be diligent, to risk the wrath of some, to risk being unpopular, but to finally bring this matter to a vote.

Mr. President, I yield the floor. I respect the tolerance of my fellow Senators in listening patiently. I suggest that we get on with the business of the Senate and the business of the country.

Mr. MANSFIELD. Mr. President, I intend to reply to the distinguished Senator from Indiana, but first I suggest that the morning hour should come to a close.

ADDITIONAL STATEMENTS OF SENATORS

AN ENLIGHTENED UNIVERSITY PRESIDENT SPEAKS OUT

Mr. PERCY. Mr. President, the continuing pattern of violence on some college and university campuses has been a source of anxiety for many Americans concerned about the future of higher education in this country.

The actions of a small minority of lawless students bent on subverting the educational process constitute a serious threat to the entire academic community. And any development which endangers our educational system, traditionally one of our society's greatest strengths, endangers the Nation.

Mr. President, I have always believed that the complex problem of campus unrest can be best solved within the campus society itself, without unnecessary intrusions by government. But clearly it will require exceptional leadership if colleges and universities are to resume their rightful place as centers of reason and free inquiry. The moderate majority—of students, faculty, and administrators—will have to commit itself to the preservation of peaceful dissent on campus and state its unequivocal opposition to violence.

One university which is particularly fortunate in the quality of its leadership is Northern Illinois University, whose president is Rhoten A. Smith. On September 8, Mr. Smith delivered an address to an opening day convocation of more than 1,000 faculty members at his university. His remarks include a superb analysis of the problem of campus violence and an eloquent statement on the proper purpose of a university.

Mr. President, I believe that Mr. Smith's address deserves to have a broader circulation, therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY RHOTEN A. SMITH, PRESIDENT NORTHERN ILLINOIS UNIVERSITY AT ALL-FACULTY MEETING, SEPTEMBER 8, 1970

It has become our custom, as most of you know, to start the year with an all-faculty meeting, and to use the occasion for comment upon the issues facing us in the year ahead—at least as they appear to one man. A sort of State of the University talk as we begin the year has been the idea.

Like many of you, I have been on a college or university campus almost every September of my adult life. You may have heard me comment before on the fact that one of the pleasures of life in academia is the joy of renewal that one experiences every fall as a new class of students starts college and the familiar process of learning and study begins once more. My own college days were very exciting and joyful days for me, and some of that excitement and joy has always come back to me with the advent of a new academic year.

But one would be less than honest if he did not admit that September, 1970 finds that sense of joy and anticipation of good times tempered somewhat by anxiety about the future. All of us here today, it must be admitted, feel some apprehension about the future and what it holds: for this university, for the whole system of higher education, and, as a matter of fact, for the nation. We are in the midst of a period of great change and the outcome is not at all certain.

Our problem, very simply, is a growing division within our society, a growing frustration and despair on the part of many citizens about the future of American civilization, with the terrifying result being a growing willingness to resort to violence. This spreading malaise affects all of us, but has a special urgency for those of us in higher education, because it is the campus which has become the foremost stage upon which our national problems are presently being acted out.

Since our days of tribulation in May, I have spent many hours talking with others and thinking about our specific problems at Northern. We met this summer with faculty and students, individually and in groups, in an effort to deepen our understanding of what happened. Just last week I met with our residence hall advisors on the same subject. I also spent a good deal of time speaking to community groups this summer, not only to interpret for them the significance of the turbulence on our campus, and of student views, but to elicit from them advice and counsel. While on vacation I visited a number of other universities to share experiences and thinking.

Following this experience, I can assure you that there is one subject, and one subject only, uppermost in the minds of all; and this includes faculty members, students, administrators, and the general public outside the universities. And that subject is not the curriculum, or hiring practices, or even the troublesome economic problems which have come to loom so much larger for us. The fundamental problem is campus unrest, or more specifically, violence and vandalism on campus and the resulting disruption of the educational process.

The reason for this is obvious, of course. We have reached the point where everything is intimately related to and dependent upon what kind of disruption we may be faced with and how we respond to it when it comes.

For example, the exasperation which many people feel about what they see and believe is happening on campus is very real. And it has had a growing political impact, which, I believe, is only beginning to be felt economically. In Illinois we secured six percent increase for salaries this year. The California legislature, in a mood that appears to have been clearly punitive, voted no raises, zero percent, for the state colleges for 1970–71.

As regrettable as this kind of legislative action is, for it punishes all faculty equally, including those who worked very hard for campus peace, it would be naive to be surprised by it. Indeed, although unfair criticism is always annoying, the university is no less subject to legitimate criticism than any other social institution. On the whole, I think we can be proud of what the American university has accomplished over the 350 years of its history. But at the same time, there are many procedures and practices which will not bear very close scrutiny but which we find ourselves defending. Whatever else the future holds, I feel confident that the years ahead will see us challenged time and time again to examine our ways of doing things and to find better and more productive ways to do them.

But as useful as a discussion on this subject would be, or a discussion of any number of other relevant and even urgent problems, the simple question of staying open and operative is so fundamental to everything else, that it is the only appropriate subject for discussion today.

I hope I do not seem melodramatic when I say this. Six months ago it would have sounded that way. But last spring we saw a number of universities throughout the country—one in Illinois—closed involuntarily because continuing had become impossible. This summer we have seen dissent against a particular program of the University of Wisconsin become the pretext for murder by explosive. At my own alma mater, the University of Kansas, two students died by gunshot this summer. I do not think it is too much to say that the very existence of some institutions may be called into question this year.

Among all the people I have talked with over the past three months, I found many who were searching sedulously for signs that perhaps we had now hit bottom and were soon going to see an end to campus violence. I shall always look for hopeful signs and welcome them when they manifest themselves. Indeed, I think we shall see an end to campus disruption sooner or later, simply because it will become intolerable to society. If it takes martial law to do it, it will be ended—but a lot of other values will have been lost by then, too. I am not pessimistically anticipating trouble; I am simply saying that its avoidance, or the proper response to it, are the crucial subjects for discussion today.

What I should like to say about this will represent no great departure from what I think has been our position heretofore. All the talking and thinking we did this summer did not reveal to me any startling new shape for the problem. I have become convinced, however, of the need for a clear, concise statement of our position, a statement no one can misunderstand, a statement that will set forth the conditions I believe necessary for survival. I am indebted to many people for helping me arrive at some of these conclusions, but what I say is my own formulation, a statement of principles that will guide our actions as long as I hold the position of president. I invite your concurrence, of course, in the ideas expressed.

**First*. It must be established that the purpose of the University is education. Our reason for existence is to teach, to learn, to study, to do research, and to disseminate knowledge for the service of the public. It is the function of the university to seek the truth and to encourage the search for truth. But this search for truth is carried on in a pluralistic spirit—every man searching in his own fashion—with no man allowed to establish an orthodoxy.

It seems strange that we should have to reiterate this statement of purpose of the university. But there are so many pressures today from so many sectors of society demanding (how I have come to loathe that word!) that we serve this or that interest, that it needs stating badly. We exist to teach, to learn, to study; and no one philosophy shall be our master.

**Second*. Through its promulgation of the educational process, and in all its daily oper-

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ations, the University can and should contribute to the solution of social problems. War, poverty, racism, pollution—these are undeniably corrosive problems. And through research and teaching we can and will do our bit toward their solution. Furthermore, through programs like CHANCE, in our hiring policies, in our admissions policies, in every way we can, we will as an institution make our contribution to the solution of these ancient problems.

What the university can never do, however, if it is to endure as an educational institution, is to renounce its pluralistic nature, renounce its effort to achieve objectivity, renounce its political neutralism, and enter into direct political action. Even if undertaken in the name of man's highest ideals, such an involvement would destroy the university. We *must* resist the terrible pressures we now feel to take this road.

Having said that, I repeat that there are many legitimate ways in which the university can contribute to social justice. But mankind will be better served if we make our contribution as an educational institution, as a center for unbiased research, as an employer, rather than as a new entry in the propaganda war. To all of you I pledge that we shall always have deep concern for the difficult social problems that face us, but we shall express that concern in a fashion befitting an educational institution.

**Third*.* If this be our role—as I have defined it—we can carry it out properly and adequately only if certain fundamental prerequisites are met. I see these prerequisites as basic freedoms: Specifically—

(a) the freedom of students and faculty to enter the classroom and to carry out their study without disruption.

(b) the freedom for coercion or duress for all decision-makers, whether they be administrators, faculty bodies, student groups, or what have you.

(c) the freedom of university personnel to carry on their jobs without harrassment or fear. (It is very illuminating, I think, to observe how many of our radical students, who sloganize "power of the people," treat the good civil service personnel who serve them. Their contempt for and arrogance toward these working people is unspeakable; on this point alone they earn my dedicated opposition.)

(d) We are speaking of freedoms. There are others:

(1) the freedom of the instructor to control his own material;

(2) the freedom of the student to disagree with the instructor;

(3) the freedom of every citizen of the university to petition peacefully for the redress of his grievances.

We could name many others. What we are talking about are those freedoms which add up to conditions without which we cannot carry on the teaching and learning process.

Without teaching and learning there is no university. I shall say it again: if these basic kinds of freedom are not protected, the whole educational enterprise is jeopardized. Indeed, I believe it is self-evident that education cannot be successfully pursued in the absence of these freedoms. It is just as simple as that.

**Fourth*.* Last May I stated before the Illinois House of Representatives that the force of arms is the least satisfactory method imaginable of ensuring order. When so enforced, I said, it engenders the peace and quiet of a prison or of an occupied country. I still believe this to be true.

But if education is difficult under these circumstances, it is impossible, as I have just pointed out, under conditions of unbridled disruption.

The agonizing decision is forced upon us when there is a group of students willing to court *our* use of force by their own refusal to observe the freedoms of others. Last May we were dealing with a wide range of student opinion, but it was the desperate minority to which we ultimately had to react. Time and again we found ourselves having to choose between our reluctance to apply force and our unwillingness to subordinate the interests of the majority to the violent minority. If this situation confronts us again we shall continue to put our major interests as an educational institution ahead of our reluctance to rely upon law enforcement forces. And I submit to you that the responsibility for outside peace officers on campus rests with those who find it in their interest to break the peace! On this point, I should like to quote from the remarks I made in the Field House on May 11 last spring:

"Much has been said this past week about 'tragic events,' in Southeast Asia and in Ohio. One enormous tragedy that none of us can overlook is the resort to force on university campuses. Regardless of who or what is ultimately at fault, the very fact that force is necessary to preserve an uneasy peace means that the educational system is in danger of failing. Nationally, I believe we must turn this around or see the end of an educational system built up through years of effort. The frightening thing is that this is a real possibility today, for there are those on this campus who are quite willing to smash this university out of their own rage and frustration.

"This is not a large number, but it has already been shown that it does not have to be large . . .

"There is an undemocratic and unrepresentative minority here that I think has now clearly said to us: we will force you, through our threats of violence, to do as *we* wish. I do not intend to wilt before that challenge; I call on all of you to join me."

Those words need repeating today.

Let me make it clear what I am saying. We are not talking about peaceful and lawful protest. We are talking about violence, property damage, disruption. No bill of rights protects this behavior, and such behavior must be stopped or the university will not survive. We shall use every method available to us: suspension, injunctions and other legal weapons, and the use of outside police, if this is what is needed to protect the freedom of our faculty and students to engage in teaching and learning. To act otherwise at this point in history would be quixotic in the extreme.

But this can only be a short-range answer. If order cannot be maintained except by force of arms, for the long pull we are surely doomed.

What we must labor for—as a nation and as a university—is the reestablishment of a sense of community. This has become the highest priority item on our agenda, as far as I am concerned; perhaps, for the moment, the *only* item on our agenda. When every student can feel in some realistic sense that this is *his* university, *his* community, he will not stand by when some seek to destroy it or bring it to a halt. When every faculty member begins to see his own responsibility for saving this university as clearly as he sees his responsibility to his career, we will have begun to find the basis for salvation. When every employee thinks of the important service he is performing rather than just a job he has; when all of us realize that our stake in this struggle is a common stake—then we may have found the road back to sanity.

During those dark days of May, curiously enough perhaps, I think we saw the beginning of what I call a sense of community. Many students, numerous faculty, came forward with offers to help, with suggestions, with honest concern. There was a growing comprehension that we are all in this together. On May 11, in the Field House, we had a glimpse, I think, of a sense of common purpose, a common spirit, a sense of community. We shall see this sense again, I vow, and we shall find the will to sustain it. We shall do those things which nourish the sense of community, to the full extent of our ability. To that cause I pledge myself on this September, 1970, and I urgently invite your active participation in the cause.

NATIONAL PRIORITIES

Mr. MANSFIELD. Mr. President, we are constantly engaged in debate over national priorities. In reality, two debates are going on. The largest—and most vocal—concerns overseas versus domestic priorities. The second, whose consequences we will have to live with long after the war in Southeast Asia is over, is the proper allocation of resources within our country.

We are rapidly becoming an urbanized country. Since an increasing percentage of our population will be living in the cities, it is imperative that they be made decent places in which to live. But the attention given to cities should not obscure the fact that serious rural needs exist, too.

A major problem of the cities today stems from the migration of largely unskilled workers from the rural areas. These workers are forced to move through no fault of their own. The isolation and economic stagnation of smaller communities make it impossible for them to raise their families and make decent livings.

President Nixon, in his state of the Union message last year, pledged to work to "create a new rural environment that will not only stem the migration to urban centers but reverse it." I cannot see that the situation has improved in the interim. In fact, it has worsened. In my State of Montana, for example, several communities were left without scheduled airline service when the Civil Aeronautics Board permitted Frontier Airlines to suspend operations there. The plight of one of them, Lewistown, is graphically told by Reporter Robert Linsey in a front page New York Times article of September 20.

I recommend the reading of this article to Senators and raise this question: Which is more costly to America in the long run: the subsidy or the dying communities, broken dreams, savings lost, and added burdens on our already overcrowded cities?

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL TOWNS LEFT ISOLATED AS AIRLINES CUT SERVICE

(By Robert Lindsey)

LEWISTOWN, MONT., September 17.—Mayor Walter Mondale used to boast that he could live the good life in this small town in central Montana and enjoy the big cities, too. The outside world was never far away so long as the Frontier Airlines plane put down here every day.

Then last April 6 the airliner made its last stop, and Lewistown joined a fast-growing number of small towns from New England to the Far West that have been abandoned by both railroads and airlines.

"It's like we were cut off from the world," the Mayor said wistfully this morning as he looked out across the town's empty, silent airport. "We can't even get salesmen in here to sell us things any more."

At a time when airports in the nation's big cities are often choked by too much air traffic, scores of small towns like Lewistown have lost their only airline service. Over the last five years, airlines have stopped serving 66 communities. In the last year alone, Williston, N.D., Rutland, Vt., Winona, Minn.—altogether, 22 small towns have lost their air service.

The nine regional or "local service" airlines that provide most of the service to small town America contend that despite Federal subsidies—$36-million last year—passenger demand in many areas is too weak to offset fast-rising operational costs.

At the moment the Civil Aeronautics Board is considering airline applications to suspend flights at eight more towns. Industry experts estimate that the subsidized regional airlines would drop 100 of the communities that they still serve if the board would let them.

In some ways, the airlines' efforts to cut back on service parallel those of the railroads over the last 20 years. But while the railroads have worked hardest to eliminate long-distance trains, which they say produce the highest losses, the airlines have sought to eliminate short-hop service.

The airline cutbacks often occur at places that need air service badly. Lewistown is an example. It is nestled in the folds of a rolling, green plateau 710 miles north of Denver and 105 miles east of Great Falls, Mont. Long ago it was a frontier cavalry outpost, and it still has the look of a slightly modernized Western movie set.

Lewistown had a gold rush in the eighteen-nineties, an oil boom in the nineteen-twenties and a missile boom in the nineteen-sixties—when the Air Force built silos for 150 Minuteman missiles amid the straw-colored plains just outside town where 100 years ago the Sioux, Blackfeet and Gros Ventre hunted buffalo.

But now the town's economy is stagnant. It is based mostly on beef, wheat and barley, and mechanisation on the region's big ranches (which run 25,000 acres and larger) and farms has cost the town hundreds of jobs.

Just this week the town fathers, who have been trying for years to lure industry to Lewistown, learned from new census figures that the town's population dropped from 7,500 to 6,500 in the last decade.

"If we don't get better transportation to the large cities, our town is going to die," said Mayor Mondale, a soft-spoken lawyer with white hair.

"This is a great place to live," he went on, "but it's the guldangedest place in the world to get in or out of. People first homsteaded the town because the railroad came in here in 1903. But the railroad took away our last passenger train in 1960 because they said we had good air service. Without an airline, how are we ever going to get industry in here?"

IMPACT IN HUMAN TERMS

In Lewistown, the impact of the airline outback on the daily lives and habits of the townsfolk was immediate and sometimes severe:

Letters carrying air mail stamps now take a day longer to reach residents.

Betty Meile, a florist who gets her roses from Salt Lake City, now finds her flowers brown and wilted because the shipment has to come by bus.

Fire Chief Charles Pentacost's largest pumper was out of action for four whole days because it took that long for a bus to bring in a needed spare part from Denver.

The Curtis Breeders Association held a convention at the Yogo Inn and two out-of-town speakers missed their engagement because they had to come by car instead of by plane, as they had expected.

A hardware store owner now has to drive all the way to Great Falls to see wholesale salesmen because, without air service, they won't come to Lewistown.

Bob Brassy, the manager of the Intermountain Bus depot, has suddenly become an important figure to the town, its chief contact with the outside world and as such a focal point of local hopes and disappointments.

"Day in and day out I get chewed out because the stuff on the bus takes so long," he said, not too unhappily. "They complain about not having air service; I smile, but I know it rings my cash register."

NIXON PLEDGE RECALLED

The bus business may be up, but the loss of air service can't help but damage the town's economic welfare over the long run, and Lewistown's problems are springing up throughout rural America.

In fact the deteriorating state of small town air service, some officials believe, may jeopardize a national goal defined by President Nixon in his State of the Union message last Jan. 22. The President said then that he would work to "create a new rural environment that will not only stem the migration to urban centers but reverse it."

But officials of many predominantly rural states say that to attract large numbers of people there must be jobs and industry, and they insist neither industry nor city dwellers will emigrate to the hinterlands unless there is good transportaton.

"Industrial concerns simply will not build a new plant in a location which is isolated from the home office, the key financial centers, and its suppliers and customers," Paul E. Burket, Nebraska's director of aeronautics, told a Senate subcommittee investigating the problems of small town air service last spring.

The Civil Aeronautics Board and the aviation subcommittee of the Senate Commerce Committee, which conducted extensive hearings on the situation this year, have been seeking new approaches to maintaining service in the towns that now have it and to providing new service for the communities that want it.

TOTAL OF $55.6 MILLION LOSS

After the local service airlines reported that last year they had lost a total of $55.6-million above the $36-million subsidy, the Aeronautics Board recommended a steep subsidy increase this year—to a total of $57.8-million. Legislation that would provide the extra aid is pending in the Congress.

The local service airlines—Air West, Allegheny, Frontier, Mohawk, North Central, Ozark, Piedmont, Southern and Texas International—service 544 cities. They are the only airlines now subsidized by Washington. The 11 "trunk," or long-haul airlines such as United and Trans World, which serve 61 cities, stopped receiving subsidies in the Nineteen-Fifties as they became profitable.

Even if it is approved, the proposed additional subsidy for the current fiscal year is not regarded as more than a temporary answer to the small towns' problems.

The problem is rooted in economics, or as one local service airline president put it: "No airplane has been invented which is well suited to economical operation on short hops at low density air traffic points."

In making its case for dropping service here and seven other Montana and North Dakota cities that had been on a 2,200-mile round-robin circuit, Frontier contended that in 1969 it lost $667,000 on the route—even though it received a $448,000 Federal subsidy.

A Frontier executive said: "For every passenger we carried who paid a $20 fare, the Government was paying $20 in subsidy and it was costing us at least as much." Frontier said it was carrying an average of fewer than three passengers on the 50-passenger Convair turbo-props—so it used to serve Lewistown.

Many aviation leaders believe that small "air taxi" operators, using two- to nineteen-passenger planes, be a sound approach to solving the problem.

In 44 of the 66 cities that have lost their regular air service, the Civil Aeronautics Board allowed airlines to suspend flights only if an air taxi line agreed to provide service to an airport with conventional air service.

At many points around the country, especially in New England, local officials say the substitute service has been satisfactory.

But many other communities including Lewistown are unhappy because they say the substitute service tends to be undependable, the small planes are uncomfortable and the tickets are too expensive.

Air taxi operators—there are at least 1,500 in the country, including about 165 that offer some kind of scheduled services—is often shaky and many experts are concerned about safety.

The air taxi operate under much less stringent Federal safety standards than regular airlines, and, as a whole, the air taxi industry has had a poor safety record.

Between 1964 and 1968, the rate of fatal accidents per 100,000 hours of flying was 12 times higher for air taxi companies than for the regular airlines. During the first half of this year, air taxi fatal accidents increased by more than 80 per cent; over the same period in 1969; 65 persons died in 22 accidents.

The Defenders of the "Commuter" airline industry, as the new group of scheduled air taxi companies calls itself, say that most of the accidents have involved underfinanced "fly-by-night" operators. They say the scheduled air taxi lines have had a much better safety record, although there are no Federal statistics yet to back up their claim. The Federal Aviation Administration has recently proposed new regulations that would make the air taxi lines meet more of the safety standards of conventional airlines.

When Frontier stopped its service at Lewistown, an Arizona air taxi company, Apache Airlines began to stop here once a day. But, Donald Browne, president of the First National Bank here said:

"Hardly anybody uses it because the schedules make it difficult to connect with flights out of Great Falls, and you can't depend on it. And for what they're charging, $27, you might as well drive to Great Falls."

In the summer, he said, it is a two-hour drive but, in winter it can take much longer.

The efforts of local service airlines to abandon small towns have raised questions about the wisdom of decisions made by the airlines and the C.A.B. five years ago. Originally, the nine airlines were "feeder" services, carrying travelers from towns like Lewistown to larger cities where there were flight connections to New York, Chicago or other cities.

DECISIONS QUESTIONED

In recent years, they have experienced a dramatic metamorphis. In 1965, the aeronautics board began a program intended in part to reduce the Government subsidy, then running $65-million. The heart of the program was to allow the regional airlines to fly longer and more profitable routes. The idea was that longer nonstop routes would, in effect, subsidize losses at the small towns. But things did not work out that way.

The airlines began a rush to buy expensive new jets for the new routes. In five years, their collective debt increased from $110-million to $550-million. It was a time when interest rates were skyrocketing. The airlines thus got caught in a squeeze compounded by inflation, their agreed-to reduction in subsidies, high interest, and failure of some of their new routes to pay off as expected.

Instead of subsidizing services that the airlines had been created to provide, the new routes added pressure on the lines to get out of many of the small towns.

Wherever the responsibility for today's decline in small town service lies, Aviation experts agree that it can be reversed only by a national effort.

Secor D. Browne, chairman of the Civil Aeronautics Board, says that air transportation "should not be denied citizens who live outside the great metropolitan areas for whatever reason—logistics, legal or economic."

But, he added in a recent interview in Washington, "Somebody is going to have to pay for it. Who pays for it is a decision we as a country have to make."

Meanwhile, the citizens of Lewistown and many other small communities are distressed at what they fear is impending economic hardship and possibly even the need to pull up stakes and find a home somewhere else.

"It's getting harder and harder to keep towns like ours alive," said Leon Jacobs, an airport commissioner here and owner of the E-Jay-S sporting goods store. "Without air service, we're drying up and dying away."

POWER CRISIS STRIKES AGAIN

Mr. KENNEDY. Mr. President, both the electric power industry and the Chairman of the Federal Power Commission assured Congress throughout the summer months that better times lay ahead. True, there had been equipment breakdowns and unexpected demand during the summer, necessitating voltage reductions and some interruption of service throughout the Northeast United States. True, there were problems to be expected next winter, especially in light of the fuel shortage in New England. But voluntary industry action and regular reports to the FPC should take care of things. No further reliability legislation by Congress will be necessary, said the industry and the FPC.

Yesterday morning the lights were dimmed and elevators slowed in all Government buildings, including congressional office buildings and the Federal Power Commission building. Voltage was dropped 5 percent in Pennsylvania, New Jersey, Delaware, Virginia, and the District of Columbia, and 8 percent in New York. Some areas were blacked out for almost 3 hours. New England reserves dipped to around 5 percent. This morning radio messages carried the plea to electric power customers to cut back on usage until the crisis subsides.

In 1968 and again in 1969 I introduced the Electric Power Reliability Act, designed to reduce blackouts and brownouts and to protect environmental assets. My bill would, among other things, direct the FPC to establish minimum standards of reliability and authorize the Commission to compel steps by the utilities necessary for power reliability and efficiency. The present FPC has opposed this legislation, however.

Earlier this summer my Subcommittee on Administrative Practice and Procedure conducted hearings on procedures used to assure adequate and reliable electric power. We found that very little progress has been made by the industry in complying with key recommendations made by the Power Commission to the President in 1967. I urged Chairman Nassikas to take all steps within his agency's power to insure that massive blackouts and brownouts could not happen again. Mr. President, they are happening again.

At our subcommittee hearings in August FPC Chairman Nassikas observed:

> If I find through continual monitoring and surveillance by the staff of our Commission that any region in this country is not going to meet their power needs and can't do this, then at that stage, we would have to have some drastic type of legislation that should be adopted.

The utilities in the Northeast clearly are not meeting the power needs today. They did not meet them yesterday. They could not meet them in mid-summer. They probably will not be able to meet them next winter. Surely we are at that stage referred to by Mr. Nassikas, where drastic legislation is needed.

Mr. President, I ask unanimous consent that an excellent article in this morning's Washington Post, outlining the present power problems, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWER DIMS WASHINGTON, MUCH OF EAST

(By Claudia Levy and Joseph D. Whitaker)

A combination of unseasonably hot weather and broken generating equipment caused an electrical power shortage yesterday that swept the East Coast from the Canadian border, through Washington and into the Carolinas, and as far west as Ohio.

The Potomac Electric Power Co. (Pepco), which serves 340,000 customers in the Washington area, asked major users to cut back on nonessential uses of electricity and warned that an overtaxing could lead to a complete blackout.

Pepco blacked out selected areas of Maryland and Washington for periods of up to two hours on a rotating basis. Electricity was cut off for brief periods in parts of New York City and suburban Westchester County to conserve power in the area. Some 40,000 customers on Staten Island and 30,000 in Westchester County were completely without power from 3:50 p.m. to 4:15 p.m.

Full service was restored to Pepco and Vepco customers by 10 p.m. last night. Pepco estimated that 14,000 customers in the Washington area were without power for between one and 2½ hours last night, spokesman said. Vepco said that none of its customers were blacked out.

Parts of New Jersey and Pennsylvania were also without power when several major power generators broke down under the strain of unusually hot weather conditions.

Some major generators in the Pennsylvania-New Jersey-Maryland power production pool were cut off to prevent further overload and possible explosions, according to Federal Power Commission officials.

Officials say that at least part of the power problem resulted when additional generators, which would have been used in a normal emergency, were out of service for scheduled fall maintenance and repairs.

Arthur Proffit, chief of power requirement and supply in the Federal Power Commission, said at least 8 per cent of the area's generating equipment was already out for repairs and another 22 per cent of the equipment was forced out of service by the end of the day.

Temperatures yesterday were generally in the 90s up and down the East Coast. The last day of summer in Washington recorded a high of 95 degrees. The mercury in New York had climbed to a sticky 93 by 4 p.m.

The unseasonably hot temperatures forced businesses and private homes alike to turn on air conditioners earlier in the day and keep them on at full blast.

The latest local and national weather forecasts indicate little change in temperature for today although some cooling thundershowers are expected to hit the Washington area in the late afternoon.

A Pepco spokesman said that the area might face "more of the same" today, depending on how hot it gets and how quickly equipment can be repaired at power plants outside the Pepco service area.

The spokesman said Pepco has sufficient generating capacity for its own area as long as key equipment is not hampered by "unscheduled breakdowns" in other states.

The first news of the crisis came to Washington residents about 10:20 a.m. when Pepco announced a 5 per cent cut back in power production in the area.

Pepco made the reduction in order to sell the extra voltage to New York City, which had already begun cutting back power in several areas of the city.

By 1 p.m. Pepco had almost exhausted its power reserve and generators had become disabled. The company then started buying power from power plants in the Midwest as far as Chicago, where conditions were normal.

Meanwhile, in suburban Northern Virginia, Virginia Electric Power Company (Vepco) officials also announced a 5 per cent cut back in power and asked all customers to cut down on nonessential users of air conditioners, lights, and television.

The 5 per cent power cutback was hardly noticeable to most users. Pepco officials claim that power must be reduced at least 8 per cent before light bulbs, televisions and other home appliances reflect the reduced voltage.

Problems at Vepco developed when the company's largest generator, the No. 6 Unit in Chesterfield, was forced out of operation when workers detected a faulty bearing in the unit.

The year-old No. 6, which can generate double the power of any other Vepoo unit, was cut to half its capacity during the morning hours, but was cut off completely by the afternoon.

Two other Vepco units were out of operation yesterday: the generator at Bremo in Fluvanna County, Va., because of a boiler leak, and the unit at Yorktown on the York River, closed for annual repairs.

Yesterday's "brownouts" were the results of a master plan agreed to long ago by the East's major power companies and by the Federal Power Commission.

The master plan is a series of interconnecting electrical "grids," in which power companies in New York, Pennsylvania, New Jersey, Maryland, Virginia and North Carolina pool their electricity and then channel power to whichever state needs it the most.

"The idea is the same as an insurance pool," explains David Freeman, chief energy adviser in the President's Office of Science and Technology. "The bigger and stronger you make it the more likely it is to get people through trouble."

The "trouble" yesterday came from the PJM pool, which is that part of the Eastern grid that's made up of the power companies in Pennsylvania, New Jersey and Maryland.

Through a series of breakdowns, the PJM pool ran short of power early in the day and began to borrow power from other members of the Eastern grid.

Because of the hot weather and high humidity, however, the other grid members soon ran short of electricity too. This caused brownouts, in the form of 5 per cent reductions in electrical load by power companies in the PJM pool, the New York pool and the Virginia-North Carolina pool.

"The brownouts are deliberate," Freeman said. "You reduce voltage to prevent the whole system from failing."

When this proved not to be enough, several utilities in the East ordered selective blackouts in the District of Columbia, suburban Maryland, Staten Island and sub-

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urban Westchester County in New York to conserve electricity during the periods of peak need.

"This is part of the routine," Freeman explained. "If it had gotten any worse, more areas would get the selective blackout treatment, like large industries, the most rural regions and then areas that don't need power to keep public transport moving."

The blackout that shut down the entire Northeast five years ago, Freeman said, is just about an impossibility today. He said that power pools have been strengthened through the addition of new pool members and the construction of new transmission lines.

At the same time, utilities have installed massive numbers of relays throughout their transmission systems that detect power reductions elsewhere in the pool and prevent cascading failures like the one that caused the blackout in 1965.

Pepco said it began cutting power to selected streets at around 2:50 p.m. Lines from substations in Rockville, Hyattsville, Viers Mill and the area of 12th and Irving Streets NE were cut off at that time.

During the afternoon scattered streets in scattered areas throughout Maryland and the District were affected, Pepco said. No areas in Virginia, which is served by Vepco, were completely shut off.

A Pepco spokesman said no more than 13,000 to 14,000 were affected by the power outages at any one time. At 6 p.m., only 6,000 Pepco customers were being affected.

Yesterday's power shortage was the third and most critical this year. In May, Pepco was forced to cut power by 5 per cent when the demand for electricity to run air conditioners reached an early peak.

Vepco also was forced to blackout the Mount Vernon area of Northern Virginia when power stations were overloaded by extensive use of home air conditoners.

Last Wednesday, Pepco and Vepco again were forced to reduce power supplies by 5 per cent in order to sell excess electricity to other companies fed by the PJM system.

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UNION FINE CASES SHOW NEED TO PASS S. 1946

Mr. ERVIN. Mr. President, two recent decisions by the National Labor Relations Board serve to illustrate why it is imperative for the Committee on Labor and Public Welfare to report favorably S. 1946, which would amend the National Labor Relations Act to make it an unfair labor practice for any labor organization to impose a fine or other economic sanction against any person for exercising his right not to engage in concerted activities or for invoking any process of the NLRB.

Both of these decisions involved the imposition of fines by unions, and both point out the abusive use of such fines since they were sanctioned by the NLRB and later by the Supreme Court in its landmark Allis-Chalmers decision—388 U.S. 175.

In the first case—Machinists, Lodge No. 405 [The Boeing Co.], NLRB 1970, 75 LRRM 1004—the Board found that the union had violated the Taft-Hartley Act when it imposed fines on employees who broke a strike after resigning from the union. As heartening as this part of the decision was to me, the NLRB went further to find that the union did not violate the same act when it fined those employees who crossed the picket line before they resigned their memberships.

In the second case—Machinists, Lodge No. 504 [Arrow Development Co.], NLRB 1970, 75 LRRM 1008—the Board found that the union did not violate the Taft-Hartley Act when it imposed a $500 fine on a member who crossed the union's picket line during a strike that lasted 4 weeks. During that period, the member earned a net of $511.33. Subsequently, he was fined $500 by the union, which brought suit in the California courts to collect the amount and was awarded a judgment of $528, including costs, against the member. In this particular case, an argument was made that the fine was unreasonable in amount and that the NLRB should find it so. However, the Board ruled that the intent of Congress was not to have the NLRB regulate the amount of union fines or determine their unreasonableness. In applying Allis-Chalmers, the Board rules that—

> The act does not authorize this Board to evaluate the fairness of union discipline meted out to protect a legitimate union interest.

In Allis-Chalmers, the Supreme Court held that section 8(b) (1) (A) of the Taft-Hartley Act, which forbids unions from coercing their members, is not applicable to the conduct of a labor organization's internal affairs. Fines are internal affairs, the Court held, and thus are not included under the section. Now, it seems to me that the Board has said in these two recent decisions that it will forevermore keep hands off union fines cases as long as they are imposed for activities occurring while the victim was a member of the union. Unions apparently will be left alone from now on to run roughshod over their members, until the Supreme Court sees fit to amplify its Allis-Chalmers decision.

By use of fines, some of which in the past have run as high as $18,000 or more, unions are able to coerce their members into almost any type of activity which can be construed as legitimate to the interests of the organization. If an employee chooses to join a union, apparently under the present interpretation of the law he abdicates his right to free speech, his right to work, his right not to engage in concerted activities, and his right to go and come as he pleases. He becomes nothing more than a pawn for the union leadership, to be used as the officials of the organization see fit.

Mr. President, what has happened to the individual in all of this? What has happened to the little man and his right to make a living? What has happened to the rights guaranteed him under the labor laws and under the very foundation of our Government, the Constitution?

I submit that these are bad times for the individual workingman in America, for powerful labor unions have abrogated his personal freedoms in the name of the organization. And the National Labor Relations Board during the past several years has played into the hands of big-time organized labor to the detriment of the liberties of the individual employees.

Under the current Board, already there have been several glimmers of sunshine coming from what otherwise has been a dismal bureaucracy, but we in the Congress should not stand idly by and wait for the Board to change its policies when individual liberties are at stake. It is our responsibility to bring needed reform to the administration of our labor laws and to make substantive changes in the law to protect the rights of individuals.

The Committee on Labor and Public Welfare has an opportunity to strike the first blow for workingmen's freedom by favorably reporting out S. 1946. Authored by Senator Fannin and me, this bill would go a long way toward restoring the rights of employees to insist that their unions be responsive to their needs, and it would insure that they be allowed to exercise those rights already written into the labor statutes and those guaranteed by the Constitution.

I urge the members of the Labor and Public Welfare Committee to take this bill up and report it favorably in order to give the entire Senate an opportunity to vote for individual freedom.

AN ECONOMIC ANALYSIS OF THE PAST 18 MONTHS

Mr. MANSFIELD. Mr. President, on August 19, 1970, the Senate Democratic Policy Committee requested Walter Heller, Arthur Okun, and Gardner Ackley, the three previous Chairmen of the President's Council of Economic Advisers, spanning a period from 1961–69, to prepare an analysis of the course of economic development in the country during the past 18 months. These distinguished economists were requested to pinpoint the sources of increasing unemployment and declining profits and to give an overall evaluation of the strategy employed during this period in pursuing price stability. We were very fortunate that all of these eminent men consented to provide a joint evaluation.

On September 18, 1970, they submitted the enclosed report. It contains a crisp and professional evaluation of the economy, and I believe it will bring greater perspective and sharper focus to bear on these matters disturbing so many throughout the country.

I ask unanimous consent that this report be inserted in the Record at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

Memorandum for the Senate Democratic Policy Committee

The following report is submitted in response to Senator Mansfield's request of August 19, 1970, that we "prepare an analysis of the course of economic developments in the country during the past 18 months, pinpointing the sources of increasing unemployment and declining profits and evaluating the strategy employed in pursuing price stability."

SUMMARY

Our examination of recent economic promise and performance, policies and prospects yields a disturbing picture of accelerated and unduly prolonged inflation; soaring interest rates and financial disruptions; a stagnation of production and jobs, the cost of which continues to grow; policies that have remained long on hopes and short on achievements.

1. *Problem and policy.*—When the present Administration took office, it found a prosperous economy, but plagued by a war-induced inflation. Although fiscal steps already taken had begun to cool the boom, the rise in prices had not yet begun to slow

down. The new Administration's task was to stop inflation with as little cost in jobs and production as possible.

It chose to attempt this mainly through a severely tight monetary policy, and it foreclosed any attempt to influence private price and wage decisions.

2. *Promise.*—President Nixon quickly assured us that "We can control inflation without an increase in unemployment." His economists spoke of bringing price increases down to 3 percent by the end of 1969. Since then, the Administration has repeatedly claimed that victory was in sight. But after nearly two years, prosperity without inflation still remains a distant promise.

3. *Performance.*—In 1969–70, the United States has experienced a fierce financial squeeze and an economic slump, side by side with stepped-up inflation—a combination new in American experience. During 1969, the rate of inflation jumped from 4½ to 6 percent. Now, at last, it shows signs of ebbing—far behind schedule. Even so, prices are still rising more rapidly than when the Nixon Administration took office. But the effort to curb inflation has cost us dearly in both human and material terms:

In jobs.—One and one-half million more people were out of work last month than in December 1968. Unemployment had jumped from 3.4 percent to 5.1 percent of the civilian labor force.

In output.—U.S. production slipped below its potential a year ago and a $40 billion gap has already opened up between our actual output and our capacity to produce.

In profits.—Corporate profits are down 11 percent.

In housing.—Homebuilding fell one-fifth and is only now beginning a come-back.

4. *Prospects.*—There are now signs that the economy has bottomed out and is starting a recovery of sorts. But, even as production turns up, unemployment will continue to rise as job opportunities grow less rapidly than the civilian labor force. At best, the current prospect is sluggishness and slack, the full cost of which may reach $150 billion or more of lost production and incomes.

5. *Recommended action.*—Clearly there is more than enough slack in the U.S. economy today to permit a significantly more expansionary policy. The record shows that inflation has never been rekindled when the economy has had this much slack. We believe that.

Monetary policy should be further liberalized to finance a more rapid economic expansion and achieve lower interest rates.

In fiscal policy, the President's own guideline—that "expenditures must never be allowed to outrun the revenues that the tax system would produce at reasonably full employment"—fails to justify his vetoes of health, education, and housing bill. Good economics today fully justifies a more generous funding of vital social programs.

A more expansionary monetary-fiscal policy needs to be coupled not only with structural measures to improve labor and product markets, but also with active and imaginative efforts to induce greater restraint in private price and wage decisions.

THE ECONOMIC RECORD OF 1969–70

When the Nixon Administration took office twenty months ago, the Nation was exceedingly prosperous, but the record was marred by inflation. The prosperity was widespread and pervasive:

Eight years of unprecedented continuing economic expansion had raised the Nation's real production by one-half and the real after-tax income of the average household by one-third.

Unemployment was down to 3.5 percent of the labor force, the lowest since 1953.

Corporate profits before taxes exceeded $90 billion for the first time in history.

Real income per farmer was at a level previously topped only in 1966.

For most groups in the economy, income gains were consistently outpacing inflation.

On the liability side of the balance sheet were the nagging problems of inflation and high interest rates. Between mid-1967 and the end of 1968, both consumer prices and the average price index for gross national product (GNP) had risen at a fairly steady and clearly excessive rate of 4½ percent. Interest rates were uncomfortably high: above 6 percent on most securities and above 7 percent for home mortgages.

The inflation clearly stemmed from the way the Vietnam war had been financed. When expenditures for Vietnam swelled the federal budget in 1966 without a matching rise in taxes, the Nation developed a classical case of inflation—too much spending chasing the available supply of goods. Prices, which had been remarkably stable throughout the 1960–65 period, rose sharply. During 1966, the brakes of monetary restraint were applied with great force, enough to offset the fiscal accelerator. The boom was thus halted, but only at the cost of an upsurge in interest rates, serious dislocations in the availability of credit, and an acute disruption in home building. Price rises slowed down markedly in the first half of 1967. But when the budget throttle remained wide open and the monetary brakes were not applied again, excess demand reappeared.

By mid-1968, when tax and expenditure control measures finally restored the budget to a sound position, the boom had developed enormous momentum and proved difficult to stop. Economic activity did slow down significantly during the second half of 1968, but price increases remained excessive. At the beginning of 1969, it was clear that further restraint was required to curb inflation—and equally clear that the restraint had to be tempered to minimize the sacrifice of jobs and real incomes in an economy already beginning to slow down.

The promise: Gradual disinflation

The new Administration stated its objectives explicitly—to halt the inflation gradually while avoiding any appreciable increase in unemployment. As Secretary Shultz spelled out the strategy in March 1969: "Now we are aiming to maintain a relatively stable unemployment rate with a gradual reduction in the rate of increase in prices. . . . By starting now, and holding firmly and steadily to this objective, we can accomplish a worthwhile reduction in the rate of price increase this year, and set the stage for further reduction next year. At the same time, an opportunity will be provided for the economy to create the expanding number of jobs that are required to keep employment in line with the growth in the labor force." President Nixon put it more simply in his first news conference: "we can control inflation without an increase in unemployment."

These were laudable objectives, with which few would disagree. The problem lies in the policies adopted to reach these goals and in the subsequent responses when these policies did not work.

The new Administration made only modest changes in the fiscal posture that it had inherited from President Johnson. Expenditures were altered relatively little. After a considerable and costly delay, President Nixon went only part of the way in renewing President Johnson's request for extension of the tax surcharge during fiscal 1971, substituting repeal of the investment tax credit for the remainder.

But the main instrument of the new campaign against inflation was to be the Federal Reserve's use of monetary restraint. With the active support of the Administration, the Federal Reserve pursued an extremely restrictive monetary policy during 1969, allowing the money supply—currency and demand deposits combined—to increase only 2 percent during the year, and producing an actual substantial contraction in total bank deposits.

In a clearcut shift from Kennedy-Johnson policies, the Nixon Administration ceased any and all efforts to enlist the cooperation of business and labor in restraining price and wage increases. On January 27, 1969, President Nixon stated "I do not go along with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines. . . . The leaders of labor and the leaders of management, much as they might personally want to do what is in the best interests of the nation, have to be guided by the interests of the organizations that they represent."

THE PERFORMANCE: ACCELERATING INFLATION

Regrettably, the new game plan was followed not by a slowdown of the inflationary trend but rather by a distinct acceleration. The rate of advance in the consumer price index, which was 4.7 percent during 1968, stepped up to 6 percent early in 1969 and remained at that rate to the middle of 1970.

Reflecting both the more rapid inflation and extreme monetary tightness, interest rates jumped during 1969 and into 1970. Yields on home mortgages and most longer-term securities are today about 2 percentage points higher than at the beginning of 1969.

Prices and interest rates soared even though economic activity slowed markedly. Real GNP grew at an annual rate of only about 2½ percent in the first three quarters of 1969—substantially less than the 4 percent growth of the economy's potential. Output then actually declined at a 2 percent annual rate over the next two quarters, before levelling off in the second quarter of 1970.

The combination of accelerating inflation and decelerating—indeed, declining—production is unprecedented for the United States. There was nothing new about an economic slump or about stepped-up inflation; but the combination of both at once is unique in American experience.

The acceleration of prices was unforeseen by the Administration. In March 1969, after a meeting with the President and his chief advisers, Congressman Ford reported their general conclusion that the "high-water mark of inflation" had been reached in 1968. Secretary Shultz's forecast, cited above, of a "worthwhile reduction in the rate of price increase" in 1969 was translated into a target of 3 percent by yearend by other Administration officials. Only after prices rose at a 6 percent rate for many months was it suggested that the acceleration of prices in 1969 had been made inevitable by developments during 1968 even though prices were not accelerating at that time. No concrete evidence has been adduced to support this soothing hypothesis.

Some of the blame for the disappointing price record can be placed on erratic and transitory unfavorable factors—such bad breaks as the spurt in farm prices in the first half of 1969, the tightening of international markets for some metals, and the sag in labor productivity. On the other hand, there were alleviating good breaks, such as the light schedule of collective bargaining settlements in 1969.

An important source of the intensified inflation was the President's prompt and unequivocal assurance that prices and wages were no longer considered to be the Government's business—which means the public's business. This was widely read as an invitation for business and labor to cease the self-restraint practiced under the Kennedy and Johnson Administrations. Price increases accelerated most for those industries which had cooperated during 1966–68. For nineteen industries which had been responsive to the Johnson Administration's requests for restraint, prices rose 6 percent during the course of 1969 in sharp contrast with the 1.7 percent annual increase averaged during the preceding 3 years. For the remainder of

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industrial wholesale prices, the acceleration from 1966–68 to 1969 was from 2.3 to 3.5 percent. When the indirect impacts on wages and on other prices are included and the cost of abandoning wage restraint is taken into account, a substantial part of the faster inflation of 1969 must be attributed to the renunciation of wage-price policy.

The uncertain prospect

In the past few months, there have been some signs that prices may be rising a bit less rapidly than in 1969 and early 1970. In the three months from April to July, the consumer price index increased at a rate of 4.8 percent a year, seasonally adjusted. Industrial wholesale prices rose at a seasonally adjusted annual rate of 2.8 percent from May to August, and the increase in the average of all wholesale prices slowed to 2 percent, as farm and food prices leveled off.

This evidence of improvement must be read with caution. Several times in the past two years, a few months of apparent improvement in the price record were followed by a renewed deterioration. These episodes date back as far as the third quarter of 1968. Nearly a year ago, on October 17, 1969, President Nixon told the Nation: "But now prices are no longer increasing faster and faster. The increases not only have slackened but the rates of increase are actually down." On December 22, 1969, he reported, "The consumer price index was rising at the rate of 6.4 percent per year in the first half of 1969, but the rate has dropped to 5.3 percent per year since June." But the better news on price movements in July, August, September and October was erased by a 7 percent rate of inflation in November and December. On January 30, the President said: "I do expect that the present rate of inflation, which was less in the second half of 1969 than in the first half, will continue to decline." Instead, the increase in the first half of 1970 was even more rapid than in the second half of 1969.

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Wholesale prices of industrial commodities have been rising somewhat less rapidly for a considerable period now, but the results have not thus far been translated into improvements at retail. The widely heralded and obviously welcome decline in wholesale prices during August reflected little more than the elimination of an erratic bulge in farm and food prices that had occurred in July. By this time, there have been enough lessons to teach everyone caution about forecasting relief from inflation.

Moreover, on the horizon loom substantial risks of upward pressures from transportation costs and fuel and public utility prices, some of which the Council of Economic Advisers noted in its recent "Inflation Alert." A similar threat, not cited by the Council, is the preliminary announcement by automobile manufacturers that prices of 1971 models will rise at least 5 percent. Such a development will make the consumer price record for October dismal reading when it is released in mid-November. The outcome of the automobile wage negotiations is similarly a matter of national concern; a very large settlement would keep the price-wage spiral turning.

All in all, there is no basis for confidence that price increases in the closing months of 1970 will be less rapid than they were at the start of the Nixon Administration. In that event, two years of a costly battle against inflation will have been spent merely to get the Nation back to where it started in 1969.

The cost: A stalled economy

This modest and still uncertain relief in the rate of inflation has been purchased at an extremely high cost in terms of production and jobs. For the first time in nearly a decade, the most basic economic indicators—real GNP, industrial production, nonfarm payroll employment—stand below their levels of a year earlier. The declines are not large—industrial production is down 3 percent; real GNP a fraction of 1 percent; total man-hours worked in the private economy about 1½ percent. But the decreases throw into bold relief the largest and most serious cost of the slump—the failure to grow.

Growth is the fundamental characteristic and requisite of the dynamic American economy. Increases in the labor force and advances in technology steadily and significantly raise the Nation's capabilities for production of goods and services. Thereby, they make expansion in output and employment essential.

Stagnant production means sharp declines in business earnings: corporate profits in the second quarter were 11 percent below a year earlier.

Stagnant employment means surging unemployment: the number of jobless has increased by 60 percent since the end of 1968.

Stagnation of the over-all economy has meant substantial declines for some industries—especially those most vulnerable to tight money: homebuilding activity (in constant prices) fell 19 percent from spring 1969 to spring 1970.

Stagnant markets for industry have meant declining markets for investors: the value of corporate equities has dropped by one-fourth since the beginning of 1969, a loss of some $200 billion.

The missing $40 billion.—The best summary measure of the economic slump is the $40 billion shortfall of actual production below the economy's estimated potential in the second quarter of this year. Since it began to emerge in the third quarter of last year, that gap has been the only rapidly growing element in the economy. The $40 billion shortfall means:

Nearly $20 billion in real incomes missing from the pay envelopes of American families;

About $7 billion in after-tax corporate profits absent from the income statements of our business enterprises;

$2 billion of revenues not flowing into hard-pressed city and state treasuries;

About $12 billion missing from the Federal Government's tax collections.

It means, in short, that the mere bottoming out of the economy and the end of a period of decline offer only small comfort. Thus, while real GNP was rising about $1 billion in the second quarter, productive capacity was growing by $10 billion. The net result was a widening of the gap between actual and potential output by $9 billion, and a rise in the unemployment rate by half a percentage point.

The unwanted workers.—The 1969–70 slump has demonstrated anew that low unemployment requires a buoyant and expanding economy. Unemployment has surged from 2.6 million persons at the start of 1969 to 4.2 million persons in August 1970. Unemployment rates rose across the board:

For all workers, from 3.4 to 5.1 percent;

For male breadwinners, from 1.4 to 2.8 percent;

For blue-collar workers, from 3.6 to 7.0 percent;

For Negro and other nonwhite workers, from 6.0 to 8.4 percent.

Early in 1969, government officials noted that, during the sixties, relatively stable service industries had experienced a much greater growth of jobs than had the volatile areas of manufacturing and construction. They suggested that this structural change might insulate the Nation from any appreciable increase in unemployment even if economic activity should stall. Unfortunately, those hopes were not realized. Some officials stressed the capability of manpower programs to minimize any increase in unemployment. Those hopes also proved unfounded. Indeed, what has been demonstrated is that manpower programs which rely on the participation of private business firms can succeed only in a strong labor market. When employers were obliged to lay off senior workers, many firms became dropouts from cooperative manpower programs. They found it impractical to keep training disadvantaged workers for new jobs when their existing work force could not be used productively.

The difference between 5 percent and 3½ percent unemployment may not seem large. But for the worker it is a different world:

At the end of 1968, only 944,000 of the 2.6 million unemployed had lost their last job. The rest were entering or re-entering the labor force or else had left their last job voluntarily. In August 1970, the number of job losers had reached nearly 2 million of the 4.2 million unemployed.

The number of persons unemployed for 15 weeks or longer climbed 130 percent from December 1968 to August 1970—from 322,000 to 736,000. And this figure does not yet reflect the full impact of recent increases in joblessness.

In June 1969, there were 240,000 job vacancies in manufacturing and 700,000 unemployed factory workers—or one vacancy for 3 jobseekers. In June 1970, vacancies were only 123,000 while unemployment of factory workers exceeded 1.1 million, a ratio of one vacancy for every 9 jobseekers.

In July 1969, 58 of the Nation's 150 major labor market areas were classified by the Department of Labor as "low unemployment" areas—good places to find a job. Only 24 areas retained that classification in July 1970. Meanwhile, the number designated as having "substantial unemployment"—weak labor markets—jumped from 5 to 24. Only one area of the 150 (Wheeling, West Virginia) registered a year-to-year decline in the unemployment rate.[*]

Social strains.—No statistics on unemployment can reveal some of the most significant social consequences of a weak job market. They fail to reflect the loss of opportunities for overtime work, which to many families provides a vital extra margin for comfort and the amenities of life. Nor do they register the frequent shift from full-time to part-time jobs. In a recent opinion survey, 21 percent of all families reported some loss of employment opportunities in the past year—from layoffs, lost overtime, or part-time jobs.

Millions more have had to worry seriously about job security for the first time in many years, as they saw their neighbors and their colleagues laid off. Surveys of consumer sentiment offer one indication of the pervasive psychological impact of a weak economy. The Index of Consumer Sentiment, compiled by the Survey Research Center of the University of Michigan, has been below 80 since the fall of 1969, down sharply from its range of 91 to 96 in the quarterly surveys between mid-1966 and mid-1969.

A slack economy strains the fabric of society and accentuates conflicting interests. When sales are stagnant, greater incomes for labor can come only through lower incomes for business. Jobs for blacks and the young seem to imply joblessness for whites and the elderly, if total employment is not expanding. One city's progress means a setback for suburbs, rural areas, or other cities if the national economy is not growing. Only in an expanding economy are there fruits of growth ready to be shared among groups and regions.

The true cause.—In reviewing the costs of economic slowdown, it is important to recognize that the boom of 1966–68 had to be halted and that this task could not have been painless and costless. But it is vital to know how high the toll has been and to know that its size was set by economic policies.

It is not that people are any less eager to work than they were early in 1969. It is not that foreign competition is a barrier to full employment today—any more than it was last year or the year before. It is not that defense cuts were responsible for the economic slump or the increase in unemployment. It is that deliberately restrictive monetary and fiscal policy has prevented the private economy from generating enough jobs to absorb the men released from the armed forces and defense plants.

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[*] All comparisons are based on the latest available data. Vacancy and area figures are not seasonally adjusted and hence must be compared with the same month of 1969.

The costs of halting the boom have been large by any standard, and particularly when measured against the Government's own targets and expectations. As the Annual Report of the International Monetary Fund stated this month: "At this juncture, the domestic stabilization plan developed by the (U.S.) authorities early in 1969 is clearly behind schedule in slowing the pace of price and cost increases and, at the same time, it has had a more severe impact on the real economy than was expected or hoped for." The tight money attack on inflation has proved to be a strategy of doing it the hard way—yielding unexpectedly slow and small dividends and imposing unnecessarily large sacrifices of jobs and production.

THE CURRENT CHALLENGE

The outlook: More sluggishness

Neither current economic indicators nor the latest statements and actions by the Administration point to any reversal of the growing slack, widening shortfall of production, and rising unemployment that has marked the past year.

The favorable side of recent news is that the economy has "bottomed out." Everyone is relieved that the slump did not turn into a major, cumulative decline. The Federal Reserve contributed to this welcome development by easing up on the monetary brakes at the beginning of this year The Congress contributed by rejecting the President's most stringent recommendations on fiscal policy. The vital margin accounting for the modest increase in real GNP during the second quarter may have been the extra incomes Congress generated by enacting such measures as the increase in social security benefits beyond the President's recommendations.

Recent evidence puts the main danger to the economy in perspective: that threat is not a prolonged collapse or even a slow decline, but rather a chronic and creeping paralysis.

That real threat is nonetheless serious. Based on present policies and current evidence, the economic outlook is for only sluggish growth as far ahead as one can see. If an automobile settlement is reached promptly, output might rise at an annual rate of roughly 2 percent in the second half of this year. Real GNP in the fourth quarter of 1970 would then barely exceed its peak in the third quarter of 1969. The gap of unused resources and wasted productive capacity would be widening. By year end, the production gap would reach $50 billion—$1 billion a week—and unemployment would be moving into the neighborhood of 5½ percent.

The likelihood of a recovery in homebuilding and moderate advances in consumer buying is the source of the prospective modest resumption of economic growth. No great strength is visible anywhere. The latest indicators of consumer buying and of consumer attitudes point, at best, to only a modest decline of currently high saving rates in the period ahead. The most recent evidence on plant and equipment reveals no prospect of a rise in real investment. Unlike previous recoveries, the current situation is unlikely to get significant help from an inventory rebound, simply because inventories never did become top-heavy nor undergo a general liquidation.

The Administration's reading of the economic outlook—as conveyed publicly—appears to be similar to that outlined above. Chairman McCracken speaks of a modest resumption of growth and concedes the probability of a continued rise in unemployment.

Looking farther ahead, there is a sound basis for the concern Chairman McCracken recently expressed about the danger of "an unduly protracted period of excessive slack and unemployment." It is much harder to get back on the road to full employment than to wander off that path. It took only three quarters to create a gap of $40 billion, amounting to 4 percent of GNP. Even at best, it will take much longer to eliminate that costly shortfall.

First, the gap will begin to narrow only when output begins to grow more rapidly than the 4 percent growth of productive capacity.

Second, the gap will narrow only by the *excess* of actual growth over the 4 percent growth of potential.

Third, in view of the dangers of renewed inflation, 6 percent is likely to be a speed limit on real expansion.

Finally, for these reasons, even after the economy shifts into high gear, a period of two years would be necessary to eliminate the 4 percent gap of today.

If, as a result of inadequate economic policies, output should grow only 2 percent between mid-1970 and mid-1971, and even then if it began to expand at 6 percent, it would take until mid-1974 to restore full employment. The total cost of the slack—the loss of output between 1969 and 1973—would exceed $150 billion. If, alternatively, through more expansionary policies, output grows 4 percent over the next year and then rises at a 6 percent rate, the gap would be closed by mid-1973, thus holding the total cost to about $100 billion.

In either case, "an unduly protracted period of excessive slack and unemployment" is already a fact of economic life. But the difference of more than $50 billion between the two cases illustrates the importance of a prompt and healthy recovery.

A redirection of economic policy

Such a recovery can be promoted by the same monetary and fiscal tools which induced and engineered the 1969–70 economic slump. They work only with a lag, however, on the ascent as well as on the descent.

Just as the highly restrictive policies of 1969 are holding down the economy today, so the policy choices of today will influence the economy's performance in 1971 and 1972. The time has come for a redirection of fiscal and monetary policies. The task of halting the boom has been done and overdone. Administration policymakers did not wish or plan an unemployment rate exceeding 5 percent; on the contrary, they expressed confidence that it would not get nearly that high. They did not want a production gap approaching $50 billion; their projections at the beginning of 1970 pointed to a shortfall only about half that size. Policies must be geared to the realities of today, rather than the expectations and hopes of a year ago.

Thus far, adjustments of monetary policy have merely ended the severe restraint that choked off growth. But it is no longer enough for economic policy to stop blocking the path of economic growth. Some active support is required. The nature and the extent of the support must recognize the persistence of disturbing price increases. Surely, it would be easier and safer to recommend stimulative policies if prices had already leveled off. But to wait for that development would involve an unconscionable cost in terms of sacrificed jobs and production.

The history of the post-Korean era provides some assurance that renewed expansion in today's slack economy would not mean renewed inflation. Whenever the unemployment rate has exceeded 4½ percent, price rises have within a few quarters, slowed to a moderate level. For all periods when the unemployment rate exceeded 4½ percent, price increases have averaged 1¼ percent; for unemployment between 4½ and 5½ percent, 1⅓ percent.

Squeezing the economy longer and harder will not achieve a significantly quicker or more pronounced disinflation. At this point, restrictive fiscal and monetary policies offer little extra gain in the battle against inflation and impose large social and economic setbacks.

An appropriate redirection of fiscal-monetary policies would not be a turn of 180 degrees. A sharp and abrupt shift to extremely expansionary policies must be avoided, for it would jeopardize the disinflationary process. What the Nation needs is a prudent but decisive shift toward the support of growth, designed to halt promptly the widening of the production gap and the rise of unemployment.

Fiscal policy for a balanced economy

The Federal Budget is in deficit today, but its red ink is only a symptom of the weakness of the economy. The shortfall in business and personal incomes has held down Federal revenues from corporate and individual income taxes. This slump-induced shortfall in Federal revenues far exceeds the deficit recorded for fiscal 1970 or the deficit in prospect for fiscal 1971. The budget deficit in 1970 was $2.9 billion. Receipts during that period were about $7 billion below the level that would have obtained in a full employment economy; indeed, they were $5.5 billion below the Administration's own revenue estimates at the start of calendar 1970. If the Administration's hopes for the economy had been realized, the budget would thus have shown a comfortable $2.6 billion surplus.

In fiscal 1971, Federal revenues are even more dramatically depressed by the shortfall in the economy. Even on a rather optimistic economic forecast, Federal revenues will be $15 billion below the full-employment level. That shortfall is a sufficient explanation of the deficit in the current fiscal year. Compared to it, differences in either direction between the President and the Congress on the desirable levels of Federal programs are relatively small.

In short, the current Federal deficit is not a potential cause of economic overheating, but rather the result of an economic chill. The Federal budget's thermostat is working; and the economy's chill has automatically turned on the fiscal furnace. A weak-economy deficit is very different from a full-employment deficit created by either excessive expenditures or untimely tax reductions—actions which, in effect, turn up the thermostat and almost surely overheat the economy. A slump-induced deficit is no reason to withhold adequate support for high-priority Federal programs and services. To pursue such an approach would depress jobs, incomes, and Federal tax revenues all the more—guaranteeing that both the economy and the budget remained seriously out of balance.

In recent months, the Administration has stated explicitly its own criterion for the boundary line between inflationary and noninflationary fiscal policy. The President, Director Shultz, and Chairman McCracken have all set forth this "basic guideline" for the budget: holding Federal expenditures below "the revenues that the tax system would produce at reasonably full employment." This is a sensible guideline in present circumstances. But the Administration's own fiscal recommendations and actions do not square with it.

That "basic guideline" should be applied consistently and carefully to the budget. Under present tax laws, revenues for fiscal 1971 would be about $215 billion at reasonably full employment. Expenditures proposed by the Administration are estimated at $206 or $207 billion. Thus there is ample room within the guideline for the strengthened social security program enacted by the House of Representatives and for moderate increases in other high-priority programs. The guideline reveals no need for additional revenue action: whatever the merits on other grounds of taxing leaded gasoline and speeding up estate and gift tax collections, these measures are not required for anti-inflationary purposes.

The guideline also shows that the appropriations bills for the Independent Offices and the Department of Housing and Urban Development and for the Office of Education were noninflationary by the Administration's own criterion. Yet the President chose to veto those bills, arguing they were inflationary. His veto messages of August 11 were inconsistent with his own budgetary principles, set forth as recently as July 18. The appropriations bills were responsible fiscal actions; the vetoes had no economic justification.

The Congress should be sure that its actions do square with the reasonable noninflationary guideline of the Administration. It should hold expenditures within the bounds of full-employment revenues, and there is every indication that it will. But the slump-induced deficit must not be allowed to obscure the needs of the Nation for public services, for economic recovery, and for improved job opportunities.

Looking ahead to fiscal 1972, Federal revenues would rise by at least $15 billion along a normal path of economic growth. Given this outlook for revenue growth and assuming a maintained effort to cut defense outlays, it is hard to imagine increases in Federal expenditures outrunning the growth of Federal revenue capabilities in fiscal 1972. Similarly, it is hard to see any sound economic basis for suggestions that tax increases will be needed next year. An increase in taxes would be sensible economic policy only if required to finance a major expansion of social programs.

The new assignment for monetary policy

Current and prospective fiscal policy should be viewed against the background of monetary policy. During much of 1970, the statements of the Federal Reserve pointed to a 4 percent growth rate of the money supply as a target of policy. It is not clear whether 4 percent remains a target today.

It would not be an appropriate target under present circumstances. Even as a long-term norm, 4 percent growth of money is by no means a reliable standard. No one knows whether a 4 percent growth rate of money can support a growth of GNP that must exceed 6 percent a year in current prices over the long run.

More important and more specifically, whatever may be appropriate as a norm for the long run is clearly inadequate in today's abnormal situation. The economy has been starved for liquidity as a result of past monetary restraint. The money that was not created in 1969 is still missing; the average growth rate of money since early 1969 has been only 3 percent. Moreover, during the first half of 1970, extreme economic uncertainties and shock waves in financial markets generated extra demands for safe liquid assets. These demands must be accommodated to end the liquidity drag on economic recovery.

The experience of recent months shows that even moderate growth of liquidity can be consistent with declining interest rates—*when the economy is not advancing*. But it is unlikely that the same growth of liquidity could support a continued decline in interest rates once economic activity begins to move ahead with any vigor.

Under current circumstances, monetary policy—which played the stellar role in inducing the economic slowdown—has an equally important assignment in promoting a well-paced recovery. That assignment requires a broad view of liquidity and of the financial requirements for renewed economic growth, rather than a narrow focus on any growth norm for any particular monetary magnitude. To formulate a constructive monetary policy over the year ahead, the Federal Reserve should be sure to ask the right questions. If it does that, it will supply reasonable answers.

The check list of questions should include these:

What is a reasonable target path for homebuilding activity during the course of 1971, consistent with a healthy rebound of the whole economy and with an orderly recovery of that industry?

How much credit should flow to state and local governments in 1971—given their urgent needs and the over-all economic situation?

How can monetary policy strengthen the willingness and ability of consumers to resume more normal levels of spending in relation to income?

What, in turn, is the pattern of interest rates, credit flows, and credit availability consistent with these objectives?

In general, what kind of a downward path of interest rates from their current heights would be desirable, as the disinflationary process continues?

Wage-price policies: The missing link

The Administration has still made no effort to enlist the support of labor and business in the anti-inflationary process. This missing link of economic policy has been exceedingly expensive to all Americans. It could have helped—early in 1969—to avoid the acceleration of prices, and—more recently—to speed the shift away from inflation. It is now more than ever essential, in order to provide insurance that the wage-price spiral slows down progressively while fiscal-monetary policies help jobs and markets to recover promptly.

Many constructive and concrete proposals for a cooperative wage-price policy have been put forward in the past 20 months. Since the Administration has rejected one and all, it seems pointless to recommend any particular strategy once again. The first requisite for a successful wage-price policy is determined and dedicated leadership by the executive; the President and only the President of the United States has the moral force to achieve cooperation among the major interest groups in our economy. And that first requisite is not present.

The call for such leadership has been sounded again and again along a wide bipartisan front. In March, the Republican members of the Joint Economic Committee expressed their belief that "this administration has a responsibility to use its considerable powers of moral suasion and its ability to focus national attention on particular wage and price decisions. . . ." The editorial pages of respected, conservative publications such as *Business Week* and *Fortune* have advocated speed limits on wages and prices. Expert voices in international organizations—OECD, BIS, IMF—have called out for action. Articulate officials within the Administration have registered their dissent from the no-policy policy.

The Administration made some move toward a wage-price policy when, on June 17, the President established a Commission on Productivity, announced a White House conference on productivity, called for the preparation of periodic "Inflation Alerts" by the Council of Economic Advisers, and created a Regulations and Purchasing Review Board within the Federal Government.

The elaboration of this program to the press by Administration officials has consistently emphasized what it is *not* intended to do. One Administration aide stated, "It's just a placebo for those who believe we must act." The record does not contradict him. The White House conference has not been held or even publicly scheduled. The Commission on Productivity has thus far been silent. Nor are there visible signs of progress or effort by the in-house Board in its important assignment of removing the Government's own structural obstacles to minimum costs and efficient markets.

The Council's first "Inflation Alert," released in mid-August, was an informative professional review of past price movements and of the anatomy of the inflationary process. But it was almost entirely a backward-looking document, rather than an "alert." It is hard to see how such a review can mobilize public opinion. If private actions and decisions are to be reviewed constructively, they must be measured against standards for responsible behavior. So long as the Administration refuses to discuss and set forth such standards in cooperation with business and labor, there can be no basis for an evaluation of performance. So long as the President countenances whatever use of market power may be made on behalf of private interests, business and labor must be expected to try to protect themselves and to beat others to the draw. So long as the rules of the game are that anything is fair, no self-restraint can be expected. And so long as this posture is maintained, it keeps adding to the cost of living of all Americans and subtracting from the ability to achieve full employment with price stability.

POVERTY AMONG ELDERLY INCREASES

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from New Jersey (Mr. WILLIAMS) is necessarily absent. I ask unanimous consent that a statement prepared by him be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

POVERTY AMONG ELDERLY INCREASES

Mr. WILLIAMS of New Jersey. Mr. President, during the Committee on Aging's overall study of the "Economics of Aging", we have received much hard-hitting evidence about a retirement income crisis that is worsening, rather than improving.

One out of every four persons 65 and older—in contrast to one in nine for younger individuals—lives in poverty. Yet, many of these older Americans did not become poor until they became old.

This direct relationship between increased poverty with advancing age is unmistakable. In 1969, 7.2 percent of all persons in the 45 to 54 age category were classified as poor. For individuals 55 to 64, the figure increased to 11.1 percent. And for persons 65 and older, it jumped sharply to 25.3 percent.

More importantly, recent Census Bureau statistics reveal that the number of older Americans living in poverty has actually increased by 157,000—from 4,630,000 to 4,787,000—since 1968. In contrast, the number of younger persons who would be considered poor declined by 1,257,000—about a 6 percent reduction.

In the past, the number of elderly persons in poverty has declined, but at a slower rate than for the rest of the population. From 1959 to 1968, more than 1.3 million aged persons moved out of poverty—approximately a 29 percent reduction.

However, the new census statistics show for the first time that the aggregate number of elderly poor persons has increased. And this reversal in trend should be of immediate concern to all Americans, young as well as old.

Unless positive action is taken now, the economic position of aged persons—as well as those approaching retirement—will deteriorate markedly in the years ahead.

These statistics help to demonstrate that piecemeal, stop-gap Social Security measures are not going to be effective for this mounting problem of crisis proportions. Moreover, these figures effectively rebut the arguments advanced by the "floor of protection" advocates.

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What is needed now is comprehensive reform, as outlined in my omnibus amendment to the House-passed Social Security bill. This measure would make several vitally needed improvements in Social Security and Medicare, including:

A 32 percent raise in benefits in two steps;

Thereafter, benefits would be automatically adjusted based on increases in the cost-of-living;

Substantial increases in minimum benefits to remove large numbers of the aged from poverty;

Liberalization of the earnings test to enable individuals to supplement their Social Security benefits;

Coverage of out-of-hospital prescription drugs under Medicare; and

Elimination of the $5.30 premium charge for supplementary medical insurance under Medicare.

Mr. President, we in this Nation must recognize that the older population is falling further and further behind in terms of economic well-being. Today, elderly persons are twice as likely to be poor as compared to younger people. Older Americans now comprise about 10 percent of our population, but constitute nearly 20 percent of the total poor population. In 1968 they were 18 percent of the total number of persons in poverty.

These figures present compelling reasons for far-reaching improvements when the Senate considers the 1970 Social Security amendments.

NEED FOR A U.N. EMERGENCY RELIEF SERVICE

Mr. KENNEDY. Mr. President, reports from the United Nations in New York, and from Europe and the Middle East, tell of a heavy toll being paid by the civilian population as a result of the current conflict in Jordan. It is the usual story of civilian war casualties—tens of thousands suffering and dying every hour of the day. It is the usual story of dislocation and loss of home, of disease, and epidemic. It is the usual story of little food and water. And as always, with the exception of a very limited Red Cross mission, there is no one there to really help those in need—and little evidence of much concern in the councils of government.

I do not speak today to blame or condemn, or to offer any magic solution for meeting the problem of emergency needs in Jordan, but as chairman of the Judiciary Subcommittee on Refugees, I do express a deep personal concern over the plight of the people in Jordan, which seems to be just another link in a chain of neglected, war-ravaged populations stretching around the world over recent years.

Inevitably, the situation of civilians in Jordan is taking second place to the progress of battle—and to the interests of those who have much to lose, or to gain, by the outcome of the battle. But the people of Amman, the people of Irbid, and of the villages and towns scattered throughout the desert, also have interests. For many, apparently, it is mere survival.

The situation in Jordan is particularly distressing. For in that country, and in neighboring areas, there is an operational United Nations presence. It is the humanitarian presence of UNRWA—the United Nations Relief and Works Agency for Palestinian Refugees in the Near East—with a mandate broad enough to respond to any emergencies in the area.

I fully appreciate the chaos in Jordan, the difficulties in landing aircraft at the airport in Amman, the problems in moving supplies into the city, and into the field. But we know, also, that a couple of relief flights have landed at Amman—and so we ask, why can there not be more? And cannot the U.N. concern itself with this problem? Cannot the General Assembly and the Secretary General at least appeal for the safe conduct of mercy missions to a situation which is described as "appalling" by officials at the Department of State—as "very grim" by representatives at the United Nations?

I hope our Government will actively support such a move within the United Nations, in an urgent effort to help salvage a battered people.

Mr. President, the situation in Jordan today is still another example to underscore the need for new international humanitarian machinery. I hope it will give new impetus for early consideration by the United Nations of pending proposals to establish a U.N. Emergency Relief Service.

CULEBRA

Mr. CHURCH. Mr. President, I wish to express my concern for the strain which the dispute between the 726 U.S. citizens who live on the island of Culebra and the U.S. Navy is imposing on the historically warm relations between the United States and Puerto Rico. Representative Jorge L. Córdova, the distinguished Resident Commissioner of the Commonwealth of Puerto Rico, has stated:

> In Puerto Rico opposition to the Navy's use of Culebra as a target has been unanimously expressed by all political parties." (Cong. Rec., p. 30661, Sept. 1, 1970)

The tiny island of Culebra, which is a municipality of the Commonwealth of Puerto Rico, has been used by the Navy for weapons practice since 1936. Recently, however, the Navy has increased its naval shelling and aerial bombardment of Culebra and its surrounding cays to such a degree that the islanders have finally been moved to protest; indeed, during 1969 the Culebra targets were used an average of 9½ hours a day, 6 days a week, with an additional 3½ hours on Sunday. Such intensive weapons practice, which is carried on day and night, must make life, on an island which is only 7 miles long by 2 miles wide, uncomfortable, to say the least.

I, therefore, wish to express my full support for the efforts of the distinguished Senator from Washington (Mr. JACKSON), who has been inquiring into the Culebra situation in executive session, in an effort to persuade the Navy to find an uninhabited alternative site for its practice. I am confident that the Navy will heed Senator JACKSON's expressed concern about the seriousness of the situation. If, however, the Navy fails to respond, I shall support the Goodell-Cranston amendment to the military construction authorization bill to terminate funding of this nuisance.

CHANGE OF COMMAND FOR OCEANOGRAPHER OF THE NAVY

Mr. FONG. Mr. President, today marked an end to another chapter in the distinguished military career of Rear Adm. Odale D. Waters, Jr., the Oceanographer of the Navy. In a change of command ceremony this morning on board the oceanographic research ship USNS *Lynch*, at the Washington Navy Yard, many of our foremost military and civilian leaders in the field of oceanography assembled to pay tribute to Admiral Waters and to welcome his successor, Rear Adm. William W. Behrens, Jr.

Admiral Waters' naval career spanning four decades is a living testimony and an inspiration to those of us who place value on high principle and unselfish dedication to duty and country.

As Oceanographer of the Navy, Admiral Waters played an important role in developing and organizing the operational and oceanographic research capabilities of the Navy so it could respond adequately to our needs for national security. To achieve this, Admiral Waters had to develop a cooperative relationship between broad segments of the national security and the national oceanographic communities, involving economic, scientific, cultural utilization and management of the marine environment. Only one blessed with qualities of leadership and statesmanship possessed by Admiral Waters could have brought together so diverse a group as our national ocean community. The end result was not only a greatly strengthened Navy effort in marine science and technology but the creation of firmer ties with other national marine activities.

Mr. President, the people of my island State of Hawaii attach much significance to the responsible development and use of the vast and bountiful Pacific Ocean which is our unique heritage. I am especially gratified by the initiative which representatives of government, industry, and the academic community have exhibited in responding to the enormous and complex challenges which confront all of us who seek to explore the last of earth's frontiers, the world oceans.

The U.S. Navy, which has a long history of involvement in Hawaii's development and growth, today continues to play an important role in Hawaii's marine affairs. The people of Hawaii enjoy a harmonious relationship with the Naval community and look forward to a continuation of this happy association in the future.

On this occasion, as Admiral Waters completes 5 years of service as Oceanographer of the Navy—the longest assignment ever held by any person in this post—I extend my warmest congratulations to this veteran officer.

And to his successor, Admiral Behrens, I wish him well. The admiral comes to his new post from the position of Director, Politico-Military Division, Office of the Chief of Naval Operations. He faces many challenges but I am confident that he will carry out his new duties in the same effective manner which has characterized his career in the Navy.

PHILADELPHIA PLAN—IT HAS NOT WORKED

Mr. ERVIN. Mr. President, on September 9, 1970, the Washington Daily News published an article written by Richard Starnes, entitled "The 'Philly Plan' Flap," which described as "moribund" the Nixon administration's Philadelphia plan to increase minority employment in the construction trades.

The article indicated that the plan has been criticized by all parties affected by it, and that it has not been successful during the year that it has been in effect in Philadelphia.

A union spokesman charged that the plan's quota system for minority hiring would ruin his group's apprentice system, and the contractors have brought suit challenging the plan as an unconstitutional exercise of the executive branch's powers.

Mr. President, the Philadelphia plan is no stranger to me, for many of its shortcomings were predicted in testimony before the Subcommittee on Separation of Powers, of which I am chairman, in October 1969. Therefore, I was not surprised by the story in the Washington Daily News, and I highly recommend the article to Senators.

Furthermore, I urge the Labor Department and the Nixon administration to reevaluate the Philadelphia plan in light of what it has accomplished during its first year—which, according to Mr. Starnes' article, is very little.

It has been my stanch conviction that the Philadelphia plan is based on an assumption of power that the executive branch does not have, that it sets illegal quotas for minority hiring in stark contravention of title VII of the 1964 Civil Rights Act, and that it is both unnecessary and unworkable. Apparently the first year of its operation has proven that my predictions were correct.

Mr. President, I ask unanimous consent that Mr. Starnes' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "PHILLY PLAN" FLAP

(By Richard Starnes)

PHILADELPHIA.—The controversial Philadelphia plan for employing more racial minorities in building trades brings to mind a venerable vaudeville joke once told about this city—"I like the way the town is laid out. How long has it been dead?"

If not entirely dead, the Philadelphia plan at best seems moribund. Federal agencies responsible for its enforcement have hurriedly assembled a team to try to breathe new life into it, an effort that may be doomed to failure in the face of implacable opposition from labor unions and contractors.

The troubled Philadelphia plan had its inception in a policy directive issued by the Johnson administration, altho it was not put into effect until July, 1969.

The Labor Department, citing a "deplorably low rate of employment" among minority groups in skilled building crafts, ordered Philadelphia contractors bidding on federally assisted projects worth $500,000 or more to submit "affirmative action" plans setting specific goals for employing more members of minority groups.

An ultimate goal of 19 per cent minority employment was set for 1973, altho at the outset contractors had only to prove "good will" attempts to hire more minority workers.

When the plan was instituted labor union sources in Philadelphia estimated that less than 2 per cent of skilled building trades jobs were held by blacks or other minorities. Trades involved in the plan are iron workers, steam fitters, sheet metal workers, elevator constructors, plumbers and pipe fitters.

"It (the plan) is a sham," sneered one spokesman for the National Association for the Advancement of Colored People (NAACP), echoing the all but unanimous opinion among Philadelphia's restive minorities. "Not a handful of blacks have been put to work."

As a result of chronic criticism of the plan a five-man team from the Labor Department's office of federal contract compliance has just completed a hurried survey of its effectiveness.

Of 20 building projects surveyed, the team reports it found 36 minority employes out of 147 men employed in the affected crafts. Altho Labor Department sources say this indicates minority hiring has increased from 2 percent to 25 percent, they concede the claim is based on "some very small subcontracts" and that they as yet have no figure for the total number of men employed in the six crafts in Philadelphia.

One reason effectiveness of the plan is difficult to measure is what contractors here privately call "motorcycle compliance." This means black workmen are moved from jobs not covered by the plan to jobs that are covered until inspectors leave.

"The plan was doomed to failure in the first place," said Robert Johnson, labor director of the metropolitan council of the NAACP.

"It is not supported by the unions. They think it is an infringement on their rights. Everything we try to do (to implement the plan) is blocked by the building trade unions. In reality no progress has been made. The contractors are afraid to try to make it work. They're afraid the union men will slow down and not get the work done. They (the unions) are trying to sabotage it. Only a handful of new jobs have been created."

A spokesman for the AFL–CIO Building and Construction Trades Council conceded that "nothing at all" had happened as a result of the plan. "The quota system (under the plan) will ruin our apprentice system," he added.

"Lack of effective compliance agency action," is one reason cited for complaints by an official associated with the plan.

Prior to the investigation by the five-man federal inspection team, only one contractor had been cited for violation of the plan. That one, Edgley Air Products Co. Inc., of Levittown, Pa., requested a hearing on the charge but one has not been scheduled.

Edgley, however, is a small contractor doing a minuscule percentage of federally funded construction work in the Philadelphia area. Actually under way in this city are 25 projects worth some $88.6 million. Fourteen others worth about $90 million have been advertised for bids.

A total of eight contractors have been found in doubtful compliance in addition to Edgley, but since these have agreed to meet the plan's requirements no further enforcement action has been taken.

The Contractors Association of Eastern Pennsylvania filed suit in U.S. Court here charging the plan was an unconstitutional exercise of executive power, but last March the court ruled in favor of the government. The decision is now being appealed, and likely will be carried to the Supreme Court no matter how the appellate court rules.

The suit, plus a six-week building trade strike here, are the reasons usually cited for the plan's admittedly meager results.

CULEBRA

Mr. HARRIS. Mr. President, during consideration of the military procurement bill I supported an amendment which would have ended naval shelling on the island of Culebra, which is a part of the Commonwealth of Puerto Rico. This island, inhabited by some 750 people, has been the target for naval training operations for several years, and its inhabitants are now requesting that this shelling be discontinued because of the adverse effect it is having on their economy and upon their children. The New York Times on July 10 and the Washington Post on July 14, 1970, editorialized on the matter of discontinuing shelling of the island of Culebra by the U.S. Navy and I feel made an excellent argument for the cause of the residents of this small island. I am hopeful that the Department of the Navy will voluntarily discontinue their operations on Culebra, and I ask unanimous consent that the two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 14, 1970]

WHY BOMB AN INHABITED ISLAND?

It is time that high-level attention be paid to the controversy over Culebra. The Navy, which already owns about one third of this 7,000-acre island in the Commonwealth of Puerto Rico, is trying to obtain another third of it so as to expand its training operations there, with the installation of a Walleye missile target on the immediately adjacent small island of Culebrita. The move is bitterly resisted by most of the 726 inhabitants and many other Puerto Ricans on the ground that the use of the island as a target has already made life there almost intolerable.

The Puerto Rican Civil Rights Commission has described the military training operations on Culebra as "excessively intense, continuous, irregular and dangerous." The cattle business on the island is said to have been virtually ruined. Fishing has been gravely impaired, and since these two industries have been the chief source of income for the families living on the island, the economic impact of the shelling and bombardment has been severe. Equally troublesome is the effect on education. One teacher reports that the school buildings "tremble with every explosion" and that the children are too frightened, distracted by noise and plagued by loss of sleep (from the night bombing) to give serious attention to their studies.

Repercussions from this use of an inhabited island as a target have spread far beyond Culebra itself. Many Puerto Ricans see in it evidence of a general lack of sensitivity in Washington to commonwealth problems. Tensions on the island have risen notably since the shelling and bombing on Culebra have been stepped up. A columnist for the San Juan Star recently suggested that if Congress should grant the Navy's request to take over more of the island it "could swing popular sentiment toward independence or at least away from statehood more effectively than anything else."

Aside from the injustice of inflicting conditions akin to warfare on the people of Culebra, therefore, the Navy's policy threatens to complicate the relations between the United States and the commonwealth. Just now those relations are in a delicate statehood, although a substantial percentage of the people still seem to favor the existing commonwealth status. It would be most unfortunate if the government in Washington should unduly influence the outcome of the

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debate now going on in regard to Puerto Rico's future by continuing a shortsighted and inhumane policy in Culebra.

The need for good relations between Puerto Rico and the United States will remain an imperative of the future whether the commonwealth is retained or statehood is requested. For one thing, the Roosevelt Roads Naval Base is the second most important naval installation in the Caribbean. For another, the relations between Washington and San Juan are enormously influential in our dealings with the rest of Latin America. Even though the Navy finds Culebra a convenient area for its training operations, we simply cannot afford as a nation to get into the posture of putting bombs ahead of people.

[From the New York Times, July 10, 1970]

CULEBRA AND GOLIATH

Can anyone really believe that the only suitable target area in the entire Atlantic Ocean for testing a new generation of guided missiles and glide bombs is a 7,000-acre island off Puerto Rico which 726 American citizens call home? So says the United States Navy, which already owns a third of the island of Culebra and now intends to lease and eventually buy another third.

What the Navy has really wanted to do for fifteen years is to buy all of Culebra and resettle the island's residents elsewhere. But Culebra is a municipality of Puerto Rico and can be dissolved under the Commonwealth's Constitution only by vote of its residents. A survey indicates that 95 per cent of the Culebrans oppose the Navy's current expansion plan and at least 75 per cent want the Navy to pull out altogether.

Under existing conditions, Culebrans must cope with a nerve-wracking, noise-pollution problem from shelling, bombing and low-flying Navy jets. Culebrans find their freedom of movement curtailed by Navy maneuvers and security requirements, their economy and development menaced by the Navy's expansion plan.

As part of what the Navy calls the "inner range portion" of the Atlantic Fleet Weapons Range complex, Culebra unquestionably offers substantial advantages for the development of new systems. What is equally obvious is that the Navy for a long time remained insensitive to the rising resentment of the Culebrans and dragged its feet on examining possible alternatives to the use of this inhabited island.

It would be a salutary example of what one likes to think the United States is still all about if the mightiest Navy in the world now decided on its own to weigh anchor and go elsewhere to explode its new arsenal, leaving 726 poor islanders in peace and quiet.

COST OF VIOLENCE ON THE UNIVERSITY CAMPUS, BY CHANCELLOR EDWIN YOUNG, UNIVERSITY OF WISCONSIN AT MADISON

Mr. PROXMIRE. Mr. President, today the Subcommittee on Economy in Government of the Joint Economic Committee heard from Dr. Edwin Young, the chancellor of the University of Wisconsin at Madison. The committee is holding hearings on the economic effectiveness of the system of criminal justice. Dr. Young spoke to the problem of violence and unrest which is now endemic on the campuses of the universities of the country.

As he testified, at the University of Wisconsin, the life and purpose of the university itself is at stake. This is true because of the actions of a very small group who are determined to destroy the university both physically, by bombing and arson, and intellectually, by preventing the university from functioning as a place where conflicting views and attitudes can be expressed in a peaceful atmosphere and one where research and contemplation can flourish.

Dr. Young's prepared statement was excellent, and his summary and extended remarks were superb. I was particularly impressed with the balanced views he held and with his determination to be both firm and fair in a situation in which lesser men might have given way to panic.

I ask unanimous consent that Dr. Young's excellent prepared statement be printed in the RECORD. In addition, I ask unanimous consent that a statement signed by over a thousand members of the faculty at the University of Wisconsin in Madison, in defense of the university, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF EDWIN YOUNG, CHANCELLOR, UNIVERSITY OF WISCONSIN AT MADISON

My name is Edwin Young. I am Chancellor of the Madison campus of the University of Wisconsin.

I want to thank the committee for extending me the invitation to appear at this hearing. A few years ago, I would have thought it incongruous for a university administrator to be invited to appear before a Congressional committee inquiring into the effectiveness of our criminal justice system. Times have obviously changed.

The campuses of great universities in this country have never been free from ferment. We have, in fact, consistently encouraged the open discussion of ideas. We have promoted the expression of conflicting ideas in the belief that it is only through such a process that the truth can be established.

While the campus was never a peaceful place in the conventional sense of the word, we did feel that whatever criminal law problems we might encounter could be handled by a small staff of university security personnel. However, university campuses have recently become the focal point for demonstrations, disruptions, strikes, and other expressions of unrest about those conditions which prevail within and without our universites. Now it no longer seems odd for the head of a university to appear before a Congressional committee to express his views about the status and enforcement of criminal law in this country.

I should make it clear at the outset that I make no claims to a special expertise in the fields of criminal law or police problems. But I do speak as one who has had frequent need in recent years to rely on the help of lawyers and police to assist in maintaining the security and continuity of a great educational institution. I also speak as an economist—one who understands the financial ramifications of campus turmoil.

The costs of campus unrest in this country are already considerable. And they are increasing. On my own campus, we are spending large amounts of taxpayer's money for increased protection and security. I lament the fact that we have to spend money for additional police and security officers when we could be using these funds for strengthening our academic programs and for finding ways to improve the quality of life for our citizens.

In spite of this situation, most of us feel quite strongly that the problems of our universities should be solved by those who are directly involved in their operation—students, faculty, administration, and trustees. I personally feel that these are the people who have a proper understanding of the issues and problems as well as the desire to preserve and defend our universities in their present hour of crisis.

If we are to achieve significant reforms within our universities, we must be able to insure an atmosphere that provides for tolerance and respect of differing ideas. We have not been able to achieve this kind of atmosphere in recent years. The level of disruption and destruction has risen on our campuses. Administrators throughout the country have had to call in local and state law enforcement personnel, and in some cases the National Guard, to protect people and property. We have used police to prevent aggressive minorities from imposing their will on others within the university community.

We do not like to have to call police to the campus. However, we feel quite strongly that no group, no matter how supposedly honorable its intentions, should be able to achieve its ends through the tactics of intimidation and terror.

At this point, I think it is important to point out that disorders on the campus are not unique. They have much in common with the disorders that are occurring in other parts of our society. The anonymity and psychology generated by a crowd present special problems for law enforcement officials. Police who are able to deal with volatile crowds are highly valued in a campus crisis. Many of our university and local police officers have had the experience and training to meet the special kinds of law enforcement problems presented by large crowds. But we need to recruit and train more officers who have those personality traits necessary to function effectively in crowd control situations.

The federal government, through allocations of funds to law enforcement programs, could support programs designed to improve the individual officer's capacity to perform well in those tense situations which characterize an increasing number of campus and urban demonstrations. The government could also provide additional crowd control equipment to local agencies. But the key to any creative response to civil disorders is found in the quality of the man who is called upon to face the taunts, obscenities, and assaults of the mob.

I have the impression that another major problem police face in dealing with large civil disorders is the vagueness and inappropriateness of the laws they are called upon to enforce. For example, the unlawful assembly, disorderly conduct, and vagrancy statutes in nearly all jurisdictions are antiquated in their phraseology and overbroad in their coverage. I have been told that there are serious difficulties in interpreting these statutes and that they have, in many instances, been declared unconstitutional, for one reason or another.

There may be several perfectly understandable reasons why such longstanding statutes are just now being found deficient. But the fact remains that the police are left with fewer tools to meet the problems of disorder in its modern dress. It is not surprising that there is oftentimes discouragement among law enforcement officials on this score. Compared with the vast scholarship which has gone into the definition of homicide over the years, the intellectual effort which has been addressed to refining the law's response to broad, civil disorder has been embarrassingly little and late. The formulation of such definitions may be matters for state legislatures, but the research, thinking, and drafting which is needed to restructure the substantive law is a matter where the federal government could be of help. In the process, we must be careful to find ways which will protect the peace of the community and, at the same time, allow for the maximum liberty in the expression of legitimate dissent.

There is another side to this question which I think important for the committee to consider. Many of our students are deeply concerned about the status of criminal justice in our country. These students believe there are inequities in our judicial system. They perceive certain faults which limit the effectiveness of our courts and the police. They see no identifiable signs of progress toward change or improvement in the conditions which currently restrict our courts and the police.

I realize that there are many complex issues involved in this question and that student perception of these problems may be superficial. But the attitudes students have about the ability of our criminal justice system to respond to present conditions are shared by other people in our society. As a result, I feel that the improvement of our criminal justice system must be considered a top priority item. And I am convinced that effective progress in this area will produce a greater respect for the law—among our students and our citizens.

When I mention federal assistance for the problems which face our campuses and our cities, I think there are several possibilities. You will be able to gauge the relative merits of each better than I. Perhaps one answer can be found in the research carried on by the National Institute of Law Enforcement and Criminal Justice. Or you might consider providing our nation's law schools with funds to permit extensive attention to those questions. Or you may want to involve such respected agencies as the American Law Institute, or the Commissioners on Uniform State Laws.

On the campus, we need to know the answers to specific questions if we are to effectively cope with disorder and disruption of the academic process. It is important to know, for example, whether law enforcement officers can exercise some control over a group before it breaks into violence without violating the constitutional rights of those in the group. Also, we would like to know how officers can properly deal with those masses of students who are present at and contribute to the substance and mood of a demonstration, but who do not directly take part in violent action.

Some of the difficulties involved in understanding what laws can be used dealing with a disruption seem to originate in disagreements between judges who have concurrent jurisdiction. There is no question that many of these differences in interpretation are in good faith. These are also probably inevitable. But we need to narrow our differences. To assist in this, the federal government might promote devices which would encourage smoother coordination of state and federal judges. Chief Justice Burger suggested a beginning recently when he proposed the creation in each state of a judicial council for federal and state judges. I understand that a few years ago, Congress did invite federal judges to meet and work toward minimizing sentence disparity through the Judicial Conference of the United States. Perhaps a similar technique could be used to help provide clearer guidelines to police and university administrators on what the law and the Constitution permit and command.

We naturally want to do the right thing, but we are sometimes uncertain about just what that is. No federal action can wholly resolve this problem, but we would certainly welcome assistance in providing greater clarity and understanding of the law. This would certainly be one of the most effective responses we could make to those challenges that presently face us on the campus.

A Statement by Faculty for Defense of the University of Wisconsin

We, the undersigned members of the faculty of the Madison Campus, believe that the University of Wisconsin is facing one of the most critical periods in its history. Not only its greatness but its very existence as an educational institution is threatened. The rising tide of intimidation and violence on the campus in the last few years has made normal educational and scholarly activities increasingly difficult. There has been a steady escalation of destructiveness that has culminated in an act of homicide. Academic freedom, meaning freedom of expression for *all* ideas and viewpoints, has been steadily eroded until now many are questioning whether it exists on the Madison campus. The freedom of students to pursue their education along the avenues of their choice has been seriously curtailed. The result has been a gradual erosion of confidence of the people of the state in the University and the distinct danger that the University will have to further curtail its activities or even shut down.

In order to prevent this calamity we believe that determined action is needed. We do not advocate authoritarian or dictatorial rule on the campus. On the contrary, our purpose is to re-establish an atmosphere of free intellectual inquiry. Only in such an atmosphere can learning and scholarship thrive. We seek not repression but liberty in the University. Toward this end, steps must now be taken by the faculty, the student body, the administration, and the Regents, acting together in a spirit of mutual support and respect, to defend the University. We advocate the following:

1. The disciplinary system must be improved to provide prompt action against all violators of University rules. The acts of a few must not be allowed to endanger the rights and privileges of all members of the academic community.

2. Every member of the faculty and student body must accept a personal commitment to the orderly functioning of the Madison Campus and to restoring and defending the freedom of all faculty and students. We pledge ourselves to support and defend all who accept this commitment.

3. Faculty, students, and administration, with the support of the Regents, must put an end to violence, intimidation, coercion, and harassment on the Madison Campus. We pledge ourselves to support and defend all who accept this commitment.

4. Means must be provided for canvassing student opinion on campus issues and for expressing the full range of student opinion.

5. Students and faculty alike must recognize and discourage the destructive purposes of those who call mass meetings designed to instigate violence.

6. The design and conduct of instruction and research on the Madison Campus must remain the responsibility of the faculty. Student advice and criticism must be welcomed. Decisions, however, must be made by the faculty, subject only to review by the administration and the Regents.

The University of Wisconsin at Madison is in grave danger. We call on the faculty and the student body to stand to its defense as a free university and, in cooperation with the administration and the Regents, to ensure its survival and continued development among the world's great educational institutions.

SHORTAGE OF REFINED CRUDE OIL

Mr. TOWER. Mr. President, I have repeatedly warned that the Nation at present faces dangerous shortages of certain refined crude oil derivatives, such as residual fuel oil, natural gas, coal, and nuclear material. All but about 3 percent of the Nation's large and increasing demand for energy is met by consuming one of these four basic resources.

The reasons for the current energy shortage are many and diverse and often vary with the resource. On August 12 Senator HANSEN, Congressman BUSH, and I explained many of the reasons for our energy crisis and tried to indicate the extent of the crisis. I will not enumerate this information again here, since our statements were entered in the CONGRESSIONAL RECORD. The point I wish to make here is that the national energy shortage was discussed in an open forum and under conditions offering close scrutiny by the general press. Many highly reputable news publications have recently doumented the national energy shortages. A partial listing of some of these publications include the Washington Post, the Wall Street Journal, the New York Times, the Baltimore Sun, the Dallas Morning News, Business Week, Time, and U.S. News & World Report.

Others in the legislative branch have also concluded that a serious energy situation presently exists. The House Committee on Interior and Insular Affairs issued such a statement recently after careful study of the situation. The distinguished Senator from West Virginia, (Mr. RANDOLPH), joined by 53 other Senators, introduced a bill calling for an intensive review of the Nation's future energy resources.

In the executive branch of Government, President Nixon has acknowledged the threat of national shortages of energy resources by appointing a Cabinet-level committee to study and recommend solutions to the energy crisis.

Others in the executive branch have recognized the seriousness of the energy situation by initiating similar studies. These include the Department of the Interior, the Atomic Energy Commission, and the Federal Power Commission.

Yet, in this Chamber recently the existence of shortages of energy resources has been questioned. It was questioned because the information relating to national supplies and demands of the resources has been based primarily on industry-generated information.

Mr. President, I have cited above an impressive array of independent, nonindustry-related sources of information. All have access to fact-gathering systems and devices of their own. While some of these sources may not agree as to the causes of the present energy shortages nor even to the best short- and long-range remedies, all have agreed, to the best of my knowledge, that serious shortages of energy resources presently exist.

This dangerous situation will not simply go away by ignoring its existence. And, while I deplore this situation as much as anyone, I feel that we must not spend valuable time attempting to determine the existence of a situation so amply and reliably documented. I am deeply concerned that delays in reaching equitable solutions to the energy problems facing us will only increase the severity and the extent of these shortages. There are already built-in, unavoidable time delays in correcting the situation.

Needed now are well-thought-out recommendations for the best courses of action to relieve the shortages.

My personal recommendations were printed in the CONGRESSIONAL RECORD on August 12, 1970, as I pointed out earlier;

therefore, I will not repeat them at this time. I strongly urge that all due dispatch be employed in studying, deliberating, and implementing the best solutions to the dangerous energy situation presently facing this country.

Let us not consume precious time arguing the fact of these shortages. To do so would be the height of folly.

Let us, instead, get on with the urgent duty of correcting this unfortunate situation.

TWENTY-THIRD ANNIVERSARY OF POLITICAL EXECUTION OF BULGARIAN PATRIOT NIKOLA PETKOV

Mr. SCOTT. Mr. President, September 23, 1970, marks the 23d anniversary of the political execution of Bulgarian patriot, Nikola Petkov. This freedom lover was brutally murdered by the Communist Party leaders for his courageous opposition to their reign of terror.

Petkov, long a proponent of agrarian reform, led the opposition to the Communist consolidation of power. In the elections of 1946, Petkov's party strongly opposed the Communists. In the Grand National Assembly, Petkov exposed the treacherous intentions of the Communists. He accused them of being Moscow's agents, charging that Bulgaria would become a Soviet province.

This courageous speech meant, of course, that Petkov was doomed. It was not long before he was arrested and tried for conspiracy against the state. In a blatantly unfair trial, Petkov was convicted and sentenced to death. This travesty of justice caused a furor throughout the free world. But all pleas for justice were ignored; Petkov was hanged on September 23, 1947.

His courage and patriotism are now legendary. On the eve of his death, he was offered a pardon if he would sign a confession. His valiant reply was:

> You are even trying to desecrate my sacred memory. My sentence was passed by your Moscow masters and no one can revoke it. I do not seek any mercy from you. I want to die so that my people may be freed sooner.

Thousands of other Bulgarian patriots have followed Petkov's example, sacrificing their lives for freedom. All freedom-loving Bulgarians can draw inspiration from Nikola Petkov's martyrdom to human freedom and independence. This is the man we honor today. His is the cause for which we continue to fight.

FORT POLK SHOULD BE RETAINED IF TRAINING FACILITIES ARE NEEDED FOR NATIONAL DEFENSE

Mr. ELLENDER. Mr. President, from time to time during the last several months, rumors have spread over the State of Louisiana concerning the closure of Fort Polk, La., one of the 4th Army's major training facilities.

I am well aware that Louisiana is not alone in this respect. Dislocation and economic distress are facing many areas of our Nation as changes take place in the structure of our Armed Forces. Without pleading a special interest, however, I believe that the history of this training installation clearly indicates that the people over a large part of the State have reason to be concerned. In their estimation and in my own, our people in the affected areas have not been treated fairly in the past as a result of the arbitrary declarations of the Pentagon decisionmakers.

A look at the status of Fort Polk since it was initially activated by the Army in 1942 indicates the following:

Activated Mid-1942—World War II.
Inactivated January 1945—End World War II.
Reactivated August 1950—Korean war.
Inactivated June 1954—End Korean war.
Reactivated November 1955—Maneuver rights.
Inactivated June 1959—Reduction in Army strength.
Reactivated August 1961—Berlin buildup.

In short, the post has been opened and closed 7 times in the last 28 years. Naturally, this has caused unsettled conditions throughout a large area of Louisiana.

The situation is made even worse by the fact that the Army holds by direct ownership or by lease from other Government agencies almost 1 percent of Louisiana's entire land area for this one particular base; 99,698 acres are owned outright and an additional 99,334 acres are held under lease. The fact that this acreage is effectively removed from economic production, whether the base is used or not by the Army, puts an economic damper on the entire south-central portion of the State. This is because, even when the Army decides that Fort Polk is no longer needed for the national defense, the Pentagon steadfastly refuses to dispose of the land so that it can be put to productive purposes.

This bears directly upon the main point of these remarks. Fort Polk is one of the few training bases now available to the Army which is not threatened by, or subject to, serious urban encroachment. In the past the cost of training has been cheaper here than any other post in the country. Adequate land is already at hand to preclude future acquisition needs.

I ask unanimous consent that an article from the June 10, 1970 issue of the Shreveport Times, dealing with the lower training cost, be inserted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ELLENDER. Mr. President, I am not arguing here for another arbitrary decision that Fort Polk facilities be improved on a permanent basis for no good reason. I have never asked special treatment for Louisiana as opposed to the national interest or our national defense needs. The point I am making is that if training facilities are needed by the Army for future use, the available facilities at Polk should be developed for that purpose rather than new construction, or new acquisition, in other areas where expenses will be unquestionably greater.

In its hearings on the military construction authorization bill for fiscal year 1969, the Senate Appropriations Committee went into this question and reviewed the history of this fort. In its report No. 1486 of the 90th Congress, the committee concluded:

> This history presents the committee with clear justification as to the feasibility of removing Fort Polk from its present interim status and declaring it a permanent installation. Adequate amounts of land have already been acquired by the Army to support the post's role on a continuing, long-term basis without further acquisition. In addition, millions of dollars have been spent on the base since the Korean conflict merely to maintain it on a "temporary" basis. The committee notes that, in light of world conditions, the need for this post is likely to continue into the foreseeable future, and that its continuance in a "temporary" status will only result in further expenditures of an unproductive nature.

Fortunately, shortly after this committee recommendation that Fort Polk be declared once again a permanent Army post, a decision in line with this recommendation was made by the Department of Defense. Unfortunately, however, my efforts and the attempts of others to obtain meaningful improvements at the base for the benefit of the men stationed there have generally been of little avail. An adequate base hospital is badly needed to replace the hodge-podge firetraps that attempt to serve this purpose. Permanent family housing is badly needed. Both the Armed Services Committee and the Senate Appropriations Committee have recognized this need for adequate family housing. Two hundred and sixty units were authorized last year and $5.5 million in funds were made available for the construction. To date, these funds have been neither used nor obligated.

Frankly, I find this very disturbing. In going over the hundreds of individual items requested in the gigantic multibillion dollar defense appropriations bill for fiscal year 1971, as ranking member of the Defense Appropriations Subcommittee, I have not failed to note the millions of dollars asked for expenditures overseas, nor have I failed to note the many items requested in the Military construction bill also before the Appropriations Committee. Much of this money will be spent abroad; much of it will go for questionable purposes. Yet, for some reason, it seems to be difficult for the Pentagon to agree on expenditure of a relatively minor sum for this domestic facility.

I have called this matter to the attention of the appropriate authorities in the past. Fort Polk has been used as a "crisis base" to fill the needs of the Nation when more American boys are needed in various parts of the world. In turn, this has created an economic crisis, a crisis which threatens once again the lives of thousands of Louisiana citizens. I do not believe this is necessary, and I express the hope that the appropriate authorities in their wisdom will avoid bringing such a situation to pass once again.

EXHIBIT 1

POLK TRAINING COSTS LESS, FIGURES SHOW

FT. POLK.—It costs less to train an Infantry soldier at Ft. Polk than at any other training center in the nation.

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Figures compiled by the Comptroller, U.S. Continental Army Command, Ft. Monroe, Va., show significant savings at Ft. Polk in a dozen military occupation specialties (MOS) over other training centers.

One example is that of an Infantry Direct Fire Crewman. According to the keeper of the Continental Army Command pursestrings, it costs $1,694.94 to turn out each soldier in this MOS at Ft. Polk.

The same source sets the price tag at $2,639.94 at Ft. Gordon, Ga.; $2,239.00 at Ft. Dix, N.J.; and $1,922.00 at Ft. Jackson, S.C.

Ft. Polk trains light weapons infantrymen at a cost of $1,474.67. This is $226.81 less than Ft. Lewis, Wash., is able to train the same MOS and $645.33 less than Ft. Gordon.

Continental Army Command statistics covering total direct and indirect costs per trainee during fiscal year 1968–69 show Ft. Polk with no loss in training lower than those at Ft. Ord, Calif.; Ft. Lewis, Ft. Gordon, Ft. Dix, Ft. Jackson, S.C., and Ft. Leonard Wood, Mo.

In its 30-year history Ft. Polk has trained well over 10 million soldiers for the Army. Even today the demand for well trained Infantry soldiers is heavy. But the spiraling cost of defense had been held down at Ft. Polk with no losses in training effectiveness.

A number of factors affect the cost of training in southwest Louisiana. Special seasonal clothing, construction and fuel costs are minimized by the mild climate. Loss of vital training time due to inclement weather is almost nonexistent.

REACTION TO THE VICE PRESIDENT'S SPEECHES

Mr. THURMOND. Mr. President, I note with interest the alacrity with which the radical liberals in and out of Congress respond to Vice President AGNEW's speeches.

This is only natural, especially when the one who responds has much to defend in a record that includes permissiveness on law and order, permissiveness on the drug and hippie culture, a disastrous fiscal policy, and a ruinous foreign policy.

Nevertheless, Mr. President, I believe it is going too far when the radical liberals seek to polarize the Nation with Vice President AGNEW as the issue.

Yet, this is what they are doing. Any criticism of them, any criticism of the radical liberal failures in the areas of law and order, drug control, inflation, by the Vice President are immediately labeled as an effort to pit rich against poor and black against white.

Of course, this is not so. Let us call it what it really is: It is an effort to marshal all law-abiding Americans against the law breakers; it is an effort to marshal concerned Americans against the radical liberals whose permissiveness and distorted sense of values has led to runaway inflation—only now being controlled by President Nixon's tough policies—has led to an epidemic in drug usage, violence on and off the campuses and a breakdown in the individual responsibilities that threatens our very existence as a free nation.

Mr. President, what the Vice President is saying crosses the lines of color and the boundaries that separate rich and poor, young and old.

His is a rallying call for decency and responsibility, not a cry of dissent. I would suggest that those who hear him differently either listen more closely or reexamine their own motives.

PROPOSAL TO DECLARE GENOCIDE AN INTERNATIONAL CRIME FIRST MADE IN 1933

Mr. PROXMIRE. Mr. President, few people in this country are aware of the important contribution by Prof. Raphael Lemkin to the field of international politics. Professor Lemkin was a Polish lawyer, who escaped the Nazi invasion of Poland in 1939. Prior to 1939, he submitted a proposal which was to become the basic principle of the United Nations Genocide Convention. His proposal, submitted to the International Conference on the Unification of Criminal Law in 1933, "declared the destruction of racial, religious, or social collectivities" to be an international crime. Unfortunately, his proposal was defeated, and it was not until the horrors of World War II were over that the world became aware of the need for this type of international law.

In an article published in 1944, he coined the term genocide from a Greek word meaning race or nation and a Latin suffix which means killing. In less than 5 years, the word "Genocide" became the name of a major convention of the United Nations, and has since been ratified by 75 nations.

A few people in our country have argued against ratification of the Genocide Convention on the grounds that something so terrible as the persecution of the Jews by Nazi Germany could not happen in the civilized world again. Let us not forget that in 1933 the international community thought the proposal of Professor Lemkin to be irrelevant and needless, but within 7 years, the world was shocked by the atrocities committed by the Nazis.

It is my fervent desire that the U.S. Senate will ratify the Genocide Convention early in the 92d Congress. I hope we do not need to wait for another crisis of mammoth proportion, but can act on the principle, first stated by Professor Lemkin, which is embodied in the Genocide Convention. I urge the Senate to act on this Convention without further delay.

NATIONAL BELLAMY AWARD TO McCOLLUM HIGH SCHOOL, SAN ANTONIO, TEX.

Mr. TOWER. Mr. President, I invite the attention of Senators to an honor which was recently bestowed upon San Antonio's McCollum High School. This fine public school received the 1971 National Bellamy Award, presented largely on the basis of the contribution which a school makes toward enabling its pupils to become responsible citizens with an understanding of the principles upon which our Nation was founded and a comprehension of the governmental process. I ask unanimous consent that an article from the San Antonian by Mr. William Ochse concerning this award be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BELLAMY AWARD PRESENTED TO MCCOLLUM HIGH SCHOOL

San Antonio's McCollum High School has brought an important honor to our city in being named to receive the 1971 National Bellamy Award.

The Bellamy Award honors the memory of Francis Bellamy, author of the Pledge of Allegiance, and is awarded annually to one outstanding public high school from a different state each year.

This will be the first time a Texas school has received the award in the 30 years the organization has been in existence and 50 years will pass before another school in this state will be so honored.

The stated purposes of the National Bellamy Award are important to an understanding of the significance of this award. They are:

To help young people renew and rededicate themselves to the democratic ideals explicit in the Pledge of Allegiance, and implicit in the aspirations of our country.

To give conspicuous acknowledgement to the vital role the public has played in helping to mold and realize the ideals of our country.

To confer signal recognition upon public secondary schools in their respective states as representatives of all quality schools.

To help broaden and deepen the meaning of the words of the Pledge so that we in the United States can become "one nation, under God, indivisible with liberty and justice for all."

The selection of McCollum High was based on a study of its curriculum, the quality of its administrators and faculty, the performance of its present student body and graduates, the quality of its school publications and the evidence of a healthy emphasis on good citizenship.

On behalf of the business community, I wish to commend and congratulate the McCollum faculty and student body, and the entire Harlandale School District on this outstanding achievement.

IN MEMORIAM: NICOLA PETKOV, "THE BRAVEST DEMOCRAT OF ALL"

Mr. DODD. Mr. President, today, September 23, marks the 23d anniversary of the execution of Nicola Petkov, the heroic leader of the democratic resistance in Bulgaria, by the Bulgarian Communist regime.

The story of Nicola Petkov is one that deserves telling and retelling. In my opinion, it ranks among the great stories of human heroism of all time. For Nicola Petkov knew the danger that confronted him. He knew how ruthless the Communists could be. He knew that the penalty he would have to pay for his unflinching opposition was death.

But he deliberately chose the path of martyrdom in preference to surrender. Against impossible odds, he led the democratic opposition in the Bulgarian Parliament in their incredible struggle against the Communist juggernaut.

Dr. G. M. Dimitrov, who was Petkov's chief colleague in the Bulgarian democratic opposition, and who today heads the Bulgarian liberation movement in exile had this to say about Petkov in an article which he wrote for the Saturday Evening Post in December 1947:

> No man believed more sincerely in the possibility of collaborating with the Soviets than did Nicola Petkov. No man paid more dearly for this belief. No man conducted himself with greater courage when once he discovered his error, nor confronted his executors with greater dignity.

Mr. President, I ask unanimous consent to have printed in the RECORD at the

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conclusion of my remarks the complete text of Dr. Dimitrov's article. I hope that Senators will find the time to read it, because, as dramatically as any article I have yet come across, it portrays the ruthlessness and inhumanity of Communist regimes.

The memory of Nicola Petkov must be marked in secret observance by the millions of Bulgarian patriots who still look upon Petkov as their national hero. We in the free world have the special duty of keeping this memory alive in the public record of the world community.

I therefore think it proper that on this day we should all join in saluting the memory of Nicola Petkov, a man who was justly described by American Congressmen who visited Bulgaria, as "the bravest democrat of all."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Saturday Evening Post, Dec. 6, 1947]

BRAVEST DEMOCRAT OF ALL

(By Dr. Georgi Dimitrov, as told to David Martin)

NOTE.—A coincidence in names: Dr. Georgi Dimitrov, leader of the Bulgarian Agrarian Party until Soviet pressure compelled him to resign his post in favor of Nicola Petkov, is an almost legendary figure in Balkan politics. He has the unique distinction of having been arrested by both the fascists and the communists, and having been condemned to death *in absentia* by both the fascists and the communist regimes. By a strange historical coincidence, Dr. Dimitrov, whom the Communist International regards as its archenemy, bears the same name as his polar opposite, Georgi Dimitrov, premier of Bulgaria and one-time Secretary of the Communist International.

—THE EDITORS.

Nicola Petkov is dead. Bulgaria has lost a truly great patriot, the democratic world has lost a leader who was a moral giant. The three visiting American congressmen who, a week after his death, placed a wreath on his unmarked grave in a Sofia cemetery, did not exaggerate when they described him as "one of the greatest democrats of all time." I think he was the bravest democrat of all.

No man believed more sincerely in the possibility of collaborating with the Soviets than did Nicola Petkov. No man paid more dearly for this belief. No man conducted himself with greater courage when once he discovered his error, nor confronted his executors with greater dignity.

His is a tragedy pregnant with significance for a democratic world that is still contemplating, Hamlet-like, the pros and cons of the very problem on which Petkov met his doom.

Petkov was deprived of his parliamentary immunity on June fifth of this year and immediately arrested. Shortly afterward he was brought to trial on a fantastic list of charges—that he had acted as an agent of foreign powers, that he had participated in a military conspiracy to overthrow the Bulgarian government, that he had urged the peasants to sabotage the regime by destroying their crops. On August sixteenth he was convicted and sentenced to death.

On August eighteenth the State Department addressed a note to the Soviet deputy acting chairman of the Allied Control Commission, urging that the commission review the case of Petkov. The note spoke of "a gross miscarriage of justice" and indicated that the State Department considered the trial of Petkov a violation of the Yalta Agreement, which ostensibly guaranteed the rights of the opposition.

The Soviet replied that intervention on behalf of Petkov would be a violation of Bulgaria's national sovereignty. In the early morning of September twenty-third, Petkov was hanged in Sofia prison. To the last, he stubbornly refused to appeal for clemency, because he held that he had been unjustly convicted.

In striking at Petkov, the dark powers that rule Bulgaria were aiming not so much at Petkov the man as at the United States and western democracy. "If we execute Petkov," reasoned Premier Georgi Dimitrov and the communist hatchetmen, "this will demonstrate to the entire opposition how powerless the great democracies are to defend them, and how senselessly futile their opposition to communism has therefore become. And now that the democracies have made their empty protests on his behalf, our little demonstration will be doubled, reinforced."

Ever since January, 1945, when, under communist pressure, I handed over the secretaryship of our party to Petkov, I have been in direct or indirect touch with either Petkov or mutual colleagues. Before that, I had known him intimately since 1931. I think that I am in a better position than any other man to tell the story of Nicola Petkov and of his disastrous efforts to collaborate with the communists.

Petkov died in the tradition of his family—he came of a family which seems to have been uniquely destined for martyrdom. His father, Dimitar Petkov, lost an arm in the war against the Turks and was decorated by Czar Alexander II of Russia for his bravery. But when he realized that the Russians planned to convert Bulgaria into a province of their own, he turned against them and led an agitation that resulted in the expulsion of Alexander's generals from the country. Several years afterward a grateful people elected him Premier. A stanch upholder of the constitution, he soon came into conflict with the autocratic King Ferdinand I. In 1907, Dimitar Petkov was shot down on Boulevard Alexander II in Sofia by agents of the monarchy.

Petkov's brother, Petko D. Petkov, assumed the leadership of the Agrarian Party after the assassination of the great Alexander Stambulisky on June 14, 1923. Undeterred by threats, Petko Petkov from his seat in parliament mercilessly excoriated the increasingly fascist nature of the regime of Professor Tsankov and continued to fight for Alexander Stambulisky's ideal of Balkan and European federation. On June 14, 1924, one year to the day after the assassination of Stambulisky, he was shot down by assassins directly in front of the palace. When the day of his funeral arrived, Sofia was inundated by a sea of peasants who flowed to the capital from all over Bulgaria to pay homage to their leader. And now the communist reaction has taken the life of the last male member of the Petkov family.

I first met Nicola Petkov in Paris in 1930. The opposition in Bulgaria was preparing to make a bid for power, and we were anxious to have him join us. Petkov at that time was leading the life of a young aristocrat and had no profound interest in politics. But he was strongly influenced by the memory of his father and his brother, and shortly after the triumph of the opposition in the elections of June, 1931, he assumed the editorship of our party organ.

My first impression of Petkov was not altogether favorable. Though his shoulders were broad and his body seemed strong, he had suffered from various maladies in consequence of which he walked with an awkwardly limp slouch and his hands frequently trembled. His manner was so diffident that his circle of friends was restricted. When he spoke, he invariably looked down to avoid the eyes of his company. This young aristocrat obviously lacked the common touch that his brother Petko had possessed, and it also seemed to me that he lacked the will power and courage of his brother. In this estimate, as events have proved, I was completely mistaken. The limp posture, the trembling hands, the downcast eyes, concealed a spirit as courageous and uncompromising as Petko Petkov at his greatest.

The period of legality lasted for only three years after Petkov's return. In May, 1934, the reaction staged a coup d'état and installed a dictatorship under the premiership of Kimion Georgiev, who today holds the post of Foreign Minister in the communist government of Bulgaria. In 1938, however, the government again agreed to hold elections, and Petkov was elected deputy. In parliament he conducted himself with boldness, with the result that he was soon expelled by the reactionary majority.

Then came the war. After the defeat of Poland and France, the German pressure on the Balkans grew immeasurably stronger. Aware that this might involve us in the conflict, I approached the leaders of all the democratic and anti-German parties to suggest joint action against such an eventuality. On February 21, 1941, we forwarded to King Boris a memorandum signed by the leaders of ten parties, in which we urged a termination of the government's pro-German policy and adherence to strict neutrality. At four o'clock next morning, I was arrested by the police. When the inspector in charge turned his back to argue with my wife, I escaped out of the kitchen door and over the garden wall.

Anticipating my arrest, I had taken Petkov with me to our final meeting and had introduced him to our leaders. The understanding was that if anything happened to me, he would take over in my stead. I myself, after a period in hiding, escaped from the country via Yugoslavia. When German forces entered Bulgaria on March 1, 1941, Petkov was sent to a concentration camp. He was released some three months later.

Although a tyro in underground activity, Petkov now took to it with the skill of a veteran. My one difference with him was that he collaborated somewhat too closely with the communists. He was sympathetic to Russia and he was impressed by the audacity of the Bulgarian communists. He helped them liberally not merely with his personal funds but even with the funds of the Agrarian Party.

The original united front against the government's pro-German policy had consisted of ten parties ranging from the Communist Party on the left to the conservative democratic parties on the right. Now Petkov was engineered into abandoning this coalition in favor of the Fatherland Front, which included only three major parties—the Agrarians, the Communists and the Socialists—and two minor groupings. Although the program adopted by the Fatherland Front was all that a democrat could have asked, it was obvious from the beginning that the communists would exert far more influence than they could have exerted in a broader coalition.

Petkov was interned again in January, 1944, but released in time to play a leading role in the coup d'état of September 8, 1944. During August, the government of Premier Bagrianov had entered into negotiations for an armistice with Britain and America. For some reason never explained, the British and Americans hedged and made conditions—as though the proximity of the Red Army to the Bulgarian frontier meant nothing at all. On September sixth the government of Moraviev, which had superseded that of Bagrianov on September first, decided to declare war on Germany. The proclamation was not published because certain crypto-communists close to the Minister of War urged postponement until September eighth. On September eighth the Soviet Union, in an act as Machiavellian as its pact with Hitler, declared war on Bulgaria. The Red Army poured over the frontier. That same day the

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Fatherland Front, with the support of the Military League, staged a coup and arrested the government—which had already declared war on Germany! But the Red Army continued its advance until it stood on Bulgaria's southern frontier, menacing Turkey.

I returned to Sofia on September twenty-third. The moment I crossed the frontier, I was met by a delegation of party members. They said the situation was rapidly building up to catastrophe. Communist-controlled police and the communist-organized militia had already instituted a reign of terror. Hundreds had been arrested, scores had been shot. They implored me to do something.

The narrowness of the Fatherland Front and the timing of its coup had worked in favor of the communists. After the coup, a provisional government had been set up in which the communists had reserved for themselves the Ministry of the Interior and the Ministry of Justice, as well as effective control of the Ministry of War. To their partners of the Fatherland Front they tossed posts of lesser importance; Petkov himself was given a ministry without portfolio.

Petkov was beginning to realize the importance of the concessions which, out of sheer political naiveté, he had made to the communists. His first words to me when we met were, "Thank God you've come back! I'm afraid we've made an awful mess of things!"

He explained that, at the time the government had been formed, the communists, with Russian backing, had posed the matter in such a way that the alternatives seemed to be either a coalition on the terms of the communists or else a government of the Communist Party. "Frankly," he said, "I didn't realize how much I was conceding, otherwise I should have refused."

On October 12, 1944, Petkov left for Moscow as a member of an armistice delegation representing all parties in the Fatherland Front. The armistice was signed on October twenty-eighth. When I met Petkov on his return from Moscow, there was the look of a hunted man in his eyes. "I must speak to you in private," he said in a furtive whisper.

A few hours later we met in his apartment. Petkov, his hands trembling more than usual, began speaking—for the first time in our long friendship he looked directly into my eyes as he spoke. "The Russians want to split our party. Central Europe belongs to the Soviet sphere, they said, and our party could only hope to survive if it purged itself of Doctor Dimitrov and the other anti-Soviet elements. They urged me to assume the leadership to carry out such a program. I tried to tell them that you were a friend of the Russian people, but it wasn't of any use. George Dimitrov especially is dead set against you."

"It isn't just a matter of splitting our party," I replied. "The communists want to destroy our party because they see in the peasant movement the chief obstacle to their dictatorship."

Toward nine o'clock the other ministers of the Agrarian Party came to the apartment. Petkov reported to us on certain personal observations he had made in Russia. The thing that appalled him more than anything else was the fantastic luxury in which the proletarian bureaucrats basked whilst their people were starving. The Bulgarian delegation had been invited to dinner by Georgi Dimitrov, one-time leader of the Bulgarian Communist Party, now a Russian citizen for more than twenty years. The dinner was Oriental in its extravagance. There was course after course after course—caviar, and roast duck and other viands, and rare delicacies that Petkov had seen nowhere since before the war, and vodka served in glasses of pure crystal.

In December, 1944—six weeks after his return from Moscow—the communists informed Petkov that I would have to resign as general secretary of the party, or else. Realizing there was no alternative at this stage, I handed over my office to Petkov, whom the communists made clear they favored. For his part, he still believed he could effect a reconciliation with them. So, Dr. Georgi Dimitrov, the anti-Soviet fanatic, had been removed, and Nicola Petkov, lifelong friend of the Soviets, had taken my place. In a speech on January 21, 1945—the day of my resignation—Communist Vice-Premier Dobre Tarpeshev gushed, "If I were a woman, I can think of no one I would rather marry than Nicola Petkov!"

But it was not long before the communists came forward with new demands. They asked Petkov to dismiss the entire central committee and replace them with men they designated. Petkov, whose resistance was still in the process of hardening, compromised to the extent of accepting a few communist stooges in subordinate positions and in the youth organization. Further than this he refused to go. For more than three months the communists plied their pressures, waiting for Petkov to weaken. Instead, his attitude grew more stubborn. Finally, realizing that their plan to capture the party through Petkov had failed, they decided on a frontal attack.

Through our own agents in communist headquarters we learned that they were preparing to arrest me and several score of our party leaders. I was to make a "confession," and then disappear in the manner of Bela Kovacs. The others were to be brought to trial, and through my own "confession" and their "confessions" the Agrarian Party was to be so compromised that they would have a legal pretext for outlawing it.

On April twenty-third, while convalescing from a serious attack of pneumonia, I was formally placed under house arrest. Before the police disconnected my telephone, my wife put through a call to Petkov. Ignoring the danger to himself, he immediately came to see me. Trembling with anger, he called the Minister of the Interior, demanding the reason for my arrest. The minister answered coldly that I had been arrested "in the interest of national security."

"In the interest of the national security," replied Petkov, "you are arresting the man who has done more to promote the national security than any other living Bulgarian. Someday you will regret your action."

The Petkov I saw at this last meeting was a completely changed man from the Petkov of eight months previously. Gone were his illusions about co-operating with the communists. The man with the diffident manner and the downcast eyes had become a lion. He looked both friend and foe squarely in the eyes, and when he spoke to his foes, he literally roared.

On May eighth, the communists convoked a special convention of the "Agrarian Party" attended by several hundred picked stool pigeons. The convention voted in a "new executive." The Ministry of the Interior ruled that our party headquarters, our newspaper, our treasury and all our possessions were the rightful property of this newly elected executive of "the Bulgarian Agrarian Union."

Petkov alone of the old executive was invited to join the new executive. He refused point-blank. Instead, he set up party headquarters in his own home and began to plan a campaign of resistance in open defiance of the secret police.

On May twenty-fourth, I slid down a drain pipe, walked out of the alley dressed in overalls, walked past the communist military guards surrounding the house, and took refuge in the American Embassy. My escape threw a monkey wrench into the preparations the communists were making for their sham trial. Without my confession, the performance would have impressed no one. The trial was called off.

In July the government announced that elections would take place within one month and that there would be only one ticket, the list of the Fatherland Front. Petkov immediately sent a strong letter to the Allied Control Commission, demanding that it guarantee the right of the opposition to its own electoral ticket in accordance with the terms of the Yalta Agreement, and urging that the elections be supervised by an international commission. In early August, without any prior notification to Petkov, the government announced that Petkov had "resigned" his ministry. In protest, all the remaining ministers of the Agrarian Party, the Socialist Party and the Independent Intellectual Party, resigned from the government.

At this point the British and American governments intervened. Apparently yielding to their pressure, the Bulgarian Government agreed to postpone the elections, and to permit opposition candidates. Petkov was permitted officially to re-establish party headquarters and to publish his own newspaper.

But the improvement did not last very long. In violation of their August agreement, the government announced that the elections would be held on November eighteenth. Though the three opposition parties decided to boycott the elections, the campaign was so bitterly fought that the Peasant Party alone had more than a score of its followers killed. The opposition, in a statement signed by Petkov for the Agrarians, Lulchev for the Socialists, and Professor Stoyanov for the Independent Intellectuals, declared that the majority of the people had not voted and that the government had therefore lost the election. They demanded an investigation. The communists replied that the Fatherland Front had got more than 75 per cent of the eligible vote. Their collaborators of the Zevono Group, however, put out the slightly more modest figure of 65 per cent. The discrepancy made the people laugh.

At the Moscow Conference of December, 1945, the Russians made one of their many meaningless compromises. They agreed to advise the Bulgarian Government of the desirability of including in the government, during the interim period, two representatives of the opposition. It was no less a person than Deputy Foreign Minister Vishinsky who went to Bulgaria to implement this arrangement. Vishinsky summoned Petkov and two other opposition leaders and said to them—as bluntly as this, "It is the order of Generalissimo Stalin that two members of your combined opposition enter the government immediately and unconditionally."

"I do not take orders from any foreign power," replied Petkov coldly. "I take orders only from my people and my party." Lulchev and Stoyanov backed him up. The conversations with Vishinsky ended.

The communists were worried by Petkov's recalcitrance because they knew that he accurately reflected the temper of the people. After Vishinsky's departure, the government again approached him. This time to the amazement of all, they accepted almost all of Petkov's conditions, including separate electoral lists and an Agrarian Minister of Justice. The agreement was concluded in the afternoon on March 28, 1946. That same evening, the Soviet minister to Bulgaria, Kirsonov, delivered an ultimatum protesting the agreement. The following morning a government was constituted minus the opposition—and it was announced that there would be elections to a Constituent Assembly on October twenty-seventh.

Petkov now began a campaign which, for sheer heroism, is unsurpassed in the annals of any opposition. With the Red Army still in the country, and with the communist-controlled police breaking up their meetings, the opposition attacked the government and the communists and Soviet intervention as

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recklessly as though they enjoyed the protection of the American Constitution. Petkov's paper, during the pre-electoral period especially, was an inspiration to read. "What our people must show," said the Banner for October twelfth, "is *de l'audace, et encore de l'audace, et toujours de l'audace!*" The following day, under the caption WHERE ARE THE AGRARIAN DEPUTIES? it charged that the Agrarian Party had not been permitted to put up candidates in 25 per cent of the constituencies and that of the candidates for the other constituencies, almost fifty were under arrest. "Freedom does not come on a silver platter," wrote Petkov on October fifteenth. "Freedom is something for which you must fight."

To the communists' protestations that they had no intention of taking the peasants' property, Petkov replied with the most devastating slogan of the electoral campaign: "As the wolf cannot watch over your flocks, as the fox cannot befriend your hens, so the communists cannot protect private property. Electors! Vote without any fear against the communist constitution, against the communist dictatorship!"

On October twentieth, the opposition finally was granted permission to hold an open meeting in Sofia—without loud-speakers or lights. Despite all the restrictions, more than 200,000 angry peasants swarmed into Sofia and joined the city workers and middle class in the most impressive demonstration of the entire electoral campaign. "Down with the dictatorship!" they roared. "Down with red Fascism! We want Petkov!"

The success of the meeting resulted in an intensification of the terror. In the three days before the elections, twenty-four members of the Agrarian Party were killed. The communist leader, Georgi Dimitrov, who had been a resident of Russia for thirteen years and who had returned to Bulgaria only two days before the election—it is not clear whether he resigned his Soviet citizenship—thundered against Petkov in his first declaration, "We have to remind the leader of the opposition of the fate of Drazha Mihailovich!"

When the election results were announced, the opposition was credited with 101 deputies against 364 for the Fatherland Front. The Agrarian member sent a protest to the Election commission in which he gave details of the terror against the opposition. "What has taken place," he said, "was not an election, but a war between the police and the people. . . . The elections were without any question fraudulent."

When the Constituent Assembly convened on November eighth, the opposition opened the session by shouting, "Long live liberty! Down with the dictatorship!" In the sessions that followed, the figure of Nicola Petkov, hurling castigation and defiance at the communist majority, completely dominated the assembly. Georgi Dimitrov, who, as a proletarian revolutionary, had towered over his Nazi prosecutors at Leipzig, now, as a totalitarian bureaucrat, shrank to the stature of a pygmy. Without either moral or rational ground to stand on, he could do nothing but reply to Petkov with abuse—"anti-Soviet dog" was one choice term—or with crude threats.

When Georgi Dimitrov shouted that the future belonged to the communists, Petkov intervened, "The future belongs not to you, Mr. Dimitrov, but to the people. You are not a god, Mr. Dimitrov, though you may deceive yourself on this score by taking into your party only those who accept you as their god. . . . Your program is one word: Dictatorship! Our program is also one word: Liberty!"

On January 30, 1947, Dimitrov made his first direct threat to Petkov. After roaring that "Koev must be hanged!" (Petar Koev was one of Petkov's chief aides) he went on to say that the government possessed documents involving the leader of the opposition. The following is a condensation of the exchange that took place.

PETKOV: Are you a satrap, that you issue such summary condemnations? After all, you are not a god—you are not even a qualified judge. As for the documents of which you speak, I challenge you to produce them.

DIMITROV: Very soon you will receive your documents. When you do, not one of you will remain in this assembly. There is no place in this assembly for foreign agents.

PETKOV: You speak of foreign agents. . . . For twenty years, you, Mr. Dimitrov, were a citizen of a foreign country. You became a Bulgarian citizen only two days before the election. You have no right even to speak as a Bulgarian.

The battle grew in intensity. On April third, one of the opposition deputies got up and made the accusation that under Article 4 of the armistice, the Communist Party was a fascist organization and should accordingly be dissolved. The communists, outnumbering the opposition almost four to one, rushed across the floor and engaged them in a terribly unequal battle in which many of the opposition were injured. The opposition left the chamber *en masse*, by way of protest.

The next day they were back in their places to renew the struggle. An Agrarian woman deputy charged that the Communist Party was squandering public funds by making all of their members eligible for the special allotments voted to active partisans. Again the communist majority charged the opposition. Again the opposition left the chamber with their heads bloody. Again they came back the following day.

And so it went, until the final arrest of Petkov and the dissolution of his party.

The bulk of the evidence against Petkov consisted of confessions purportedly made by his "fellow conspirators." The most important of these was the "confession" of Petar Koev, the Petkov aide who had been arrested in mid-January, 1947. Koev had been arrested once before, in August, 1946. While he was in prison he had been elected to parliament and, in consequence of parliamentary immunity, he had been released. On his release he sent a letter to his leader, Petkov, which Petkov had the courage to read to the assembly.

"They reduce you to a state of utter moral and physical prostration," said Koev's letter, "in which you become indifferent to your fate and to life itself, so that you desire some solution—any solution—so long as it will put an end to the intolerable suffering. . . . Contrary to normal juridical procedure, you are condemned first, and it is only afterwards that they begin to search for accusations and proofs. These are obtained by means of three types of torture: physiological torture—hunger, lack of sleep, thirst; physical tortures—beatings and being compelled to stand upright for days and nights on end; psychological tortures—insinuations that your family has been incarcerated, etc.

". . . I remained for twenty-one days in solitary confinement without being interrogated. During this time they subjected me to the hunger treatment—a bit of bread and water each day. . . . The obvious purpose of this treatment is to produce physical attrition and a corresponding weakening of your will. At eight a.m. one Saturday they took me up to the fourth floor to be interrogated. The interrogation went on for five days without interruption, twenty-four hours a day. The interrogator was changed every three hours, while I was compelled to remain standing, handcuffed, without sleep, unable to support myself either against the table or against the wall, without food and—what was cruelest of all during those suffocatingly hot August days and nights—without water. Every three hours the same questions were repeated until I became unconscious. . . . My bare feet swelled to unimaginable proportions. The interrogators showed not the faintest pity. . . . On the fifth day they threw me into an empty cell, where I slept like a dead man for more than twelve hours."

On the four succeeding nights Koev was trussed and beaten on the soles of his feet for three or more hours on end, with interludes during which he was questioned by Inspector Zeyev.

"During the balance of my detention," concluded the letter, "I was asked no questions, but I remained the object of a campaign of moral pressure and psychological terror. They applied refined tortures of such a kind—allusions to the fate of my family, the safety of my children, etc.—that I would honestly have preferred physical tortures."

When Koev was deprived of his parliamentary immunity on the occasion of his second arrest, he made this final declaration before leaving the parliament, "I am innocent. I know, however, that through me you are attempting to strike at the general secretary of our party, Nicola Petkov. My final words are that only the declarations which I made before you now correspond to the truth, and that, if it should happen later that, after a period of 'instruction,' I should make some 'confessions,' they will have been extorted from me by means of violence."

Koev made his "confessions" and was sentenced to twelve years. He will never emerge alive. Petkov, though he defended himself heroically and admitted nothing, was sentenced to death.

I salute the memory of one of the great spirits of our time. To Nicola Petkov there can be no other monument than the liberation of his people from communist tyranny.

AN IMPORTANT COMPARISON

Mr. HANSEN. Mr. President, citizens the world over today are deeply concerned and troubled over events in the Middle East, as well they might be. The possibility of continued and stepped-up fighting, perhaps involving additional nations, is frightening, as is the thought that the United States might be required to assume a military role.

There has been a limited amount of discussion on the floor of the Senate in the recent past concerning the relationship of Middle Eastern events to those in Vietnam. Perhaps there has not been enough discussion of this subject.

Mr. President, in an editorial published September 18, James Flinchum, the editor of the Cheyenne, Wyo., State Tribune, discussed the possible similarity between U.S. responsibilities in Vietnam and in the Middle East.

He notes that:

> There seems to be growing sentiment not only in the United States but around the world, at least the western nations, to do something about the guerrillas. The irony of all this in contrast to the Vietnam War and U.S. action in Southeast Asia seems to be totally lost on a lot of people in this country as well as abroad.

Mr. Flinchum further points out that:

> Peace has become an issue for all sorts of crusaders in this country who have even sought to topple the government, by legal as well as illegal means, using it as an alleged issue; yet virtually no one questions the possibility that this country employ one of the mightiest weapons at its disposal to step in and restore order in the Middle East. Why the difference?

I have a feeling that a great many people in this country view the possible military involvement of this Nation in the Middle East conflict with great alarm. I would hope that this possibility might be discussed by the Senate in relation to the likely parallel with events in Vietnam as well as on the basis of events only in the Middle East.

Mr. President, I ask unanimous consent that Mr. Flinchum's editorial entitled "Comparison: Vietnam and Middle East," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COMPARISON: VIETNAM AND MIDDLE EAST

There seems almost an eagerness to have the United States employ its big Sixth Fleet to settle the Middle East crisis, insofar as the Palestinian guerrillas are concerned, once and for all. This latter is an assumption, that being that the employment of force can be carried off by this country without far-reaching consequences.

A survey of editorial comment in the British press compiled by the BBC and distributed by the British Information Service is most interesting.

The Manchester Guardian, both a cap-L and small-l liberal newspaper, warns: "If King Hussein does not emerge triumphant, a disorderly transmission of power will ensue, and Israel will probably intervene. What remains of the American peace initiative will then be really shattered." The implication here is that someone other than Israel should intervene; certainly there is no warning against such action.

The Daily Telegraph is even more explicit in this regard. It asks: "What is to be done about Jordan?" Then it indirectly supplies the answer: "A handful of determined men has the so-called civilized world by the shirt tails, and the civilized world which has nuclear weapons and aircraft carriers at its disposal, appears to all intents and purposes powerless to do anything about it. This is something we cannot long endure." It adds: "One thing is certain. If the challenge to world order presented by Jordan goes unchecked, there will with great rapidity be dire consequences, perhaps in totally unexpected directions."

There seems to be growing sentiment not only in the United States but around the world, at least the western nations, to do something about the guerrillas. The irony of all this in contrast to the Vietnam War and U.S. action in Southeast Asia seems to be totally lost on a lot of people in this country as well as abroad.

There is a great similarity between the action of the guerrillas in Southeast Asia and those in Jordan, despite surface disparities. These surface differences occur merely in length of time, the parties involved, the area of the world under stress, and precisely who is behind each of the most abrasive groups, meaning the guerrillas.

The Southeast Asian guerrillas proceeded from a double base of power: one provided by Peking, the other by Moscow. They had at first the covert, and finally the overt, sanction of a duly constituted government, the Hanoi communist regime. In Palestine, the Palestine Liberation front apparently lacks firm support from Moscow despite its Marxist orientation; the Peking communists seem to be the shadowy power here.

But the purpose remains basically the same as that of the Southeast Asia communists, and that is the overthrow of a government, that of Israel, unfriendly to the communist powers. No matter what the Palestine guerrillas' stated aims may be, the ultimate consequence of their terrorist activities is the destruction of the government of Israel, which is the goal of the communist powers both in Moscow and Peking.

One thing must be pointed out: while the world recoils in horror and hand-wringing at the work of the Palestine Liberation front, let it be pointed out their activities are strictly a schoolyard exercise compared with the communist guerrillas of Vietnam. The Palestine guerrillas have destroyed three jetliners worth approximately $40 million and have held as hostage upwards of 300 persons. Other than some irregular fighting between them and Jordanian and Israeli army troops, there have been relatively few persons killed by their activities.

Yet the western world has displayed shock at what the Palestinian guerrillas have done, and now seemingly is demanding that the United States immediately step in and commit its Sixth Fleet to restore order; while at one and the same time, mostly condemning this country for intervening in Vietnam where guerrillas have killed upwards of three-quarters of a million civilians in their bloody campaign of terror to topple another free world government.

In America's efforts to counter a much bloodier regime, and restore order, and prevent incursions much more serious than those of the Middle East, both the Johnson and Nixon Administrations have been assailed at home and abroad, by leading spokesmen in Free World nations and many others.

Peace has become an issue for all sorts of crusaders in this country who have even sought to topple the government, by legal as well as illegal means, using it as an alleged issue; yet virtually no one questions the possibility that this country employ one of the mightiest weapons at its disposal to step in and restore order in the Middle East.

Why the difference?

That is what we should like to ask, unless it is that the Soviet Union, now concerned with the meddling in this mess by the Chinese Communists, and suddenly more fearful of the latter than of the West, has remained strangely mute in the Palestinian affair, seeing it possibly as a threat to itself as well as the western and Levantine nations.

So Moscow remains quiescent, and so do a lot of people here and abroad who take suggestions from it in one form or another.

In the meantime, the irony ought not to be overlooked, even though it may become necessary for the U.S. to employ its power in the Mediterranean the same as it has found it necessary to do in Southeast Asia.

OCEANS

Mr. NELSON. Mr. President, many marine scientists are predicting that with the present accelerating pace of pollution, productive life in that astonishingly fragile environment, the sea, will be destroyed in 25 to 50 years. And in its report last year, the President's Panel on Oil Spills said that with present rates of undersea oil development—we are drilling 3,000 to 5,000 new ocean oil wells every year—and with the inadequate technology to control or clean up marine oil spills, we can expect a Santa Barbara scale disaster once a year by 1980.

It was with these grave problems in mind that I introduced last February the Marine Environment and Pollution Control Act, S. 3484, comprehensive legislation which, among other things, would halt all dumping of solid wastes into the sea from the United States by 1975.

And last March, I introduced a bill—S. 3631—which would declare a moratorium on the drilling of new offshore oil wells until we develop the technology to protect the marine environment from oil disasters and until we need the oil. The legislation would establish a National Marine Mineral Resources Trust to accomplish this, and would also initiate a broad program requiring environmental management plans for our ocean activities.

Clearly, there is rapidly growing interest in taking the necessary strong national and international steps now to protect the marine environment from further grave damage which probably we would never be able to undo.

As an instance, the President's Council on Environmental Quality reportedly is recommending to the President the establishment of a tough new Federal policy to stop the use of the oceans as a garbage dump. Though the specifics of the report, which is being prepared at the President's request, are not yet known, tough Federal action to deal with this assault on the sea by the annual dumping of tens of millions of wastes is critically needed now.

And regarding the gigantic threat to the marine environment by ocean oil drilling and transportation, the Legislative Reference Service, in a just-released background study for the Joint Economic Committee, has this to say:

> All of this would appear to raise a policy question of withholding or delaying further offshore lease and development until fully adequate technology is more nearly in hand for producing and transporting such petroleum. The very high public and private costs incurred in offshore development in the recent period, the possible irreparable damage done to some resources and the fact that several aspects of technology, legislation and law are yet to be worked out or clarified would seem to suggest a "go slower" policy.

We have the opportunity to take action now to prevent the sea from becoming the same kind of mess we now see in our rivers and lakes.

And it is because we so urgently need to resolve the questions on how to protect the marine environment that I have introduced Senate Resolution 433 to reject Reorganization Plan 4 that would establish a National Oceanic and Atmospheric Administration—NOAA—in the development-oriented Department of Commerce.

No one is arguing that we should not strengthen our national capability to wisely utilize the resources of the sea, which is the primary mission of the proposed NOAA in the Commerce Department. But before an oceans agency with this resource development mission is ever established, we should make it absolutely clear that we do not intend such an agency to have major environmental responsibilities beyond compliance with the National Environmental Policy Act. Marine environmental planning and management, standard setting and enforcement, and the coastal zone management program should be in agencies entirely independent from NOAA and the Commerce Department.

This would be in line with the principle of the separation of the development

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programs from environmental activities as so clearly stated by the President in explaining the need for establishing the Environmental Protection Agency, proposed in plan 3 which has my strong support. And it would avoid the built-in conflict of interest which is now seen in Federal agencies charged both with developing and protecting a resource.

Mr. President, I ask unanimous consent that the following three articles be printed in the RECORD: One, a Los Angeles Times Service report, published in the Milwaukee Journal, describing the ocean dumping control recommendations being prepared by the President's Council on Environmental Quality: two, an article published in the Christian Science Monitor, describing the worldwide problems being caused by the dumping of wastes into the sea by many nations; and three, an article published in the Washington Post on the Legislative Reference Service study urging that the United States go slow on offshore oil drilling until we know what we are doing.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Journal, Aug. 16, 1970]

United States Considering Ban on All Dumping Into Oceans

WASHINGTON, D.C.—The Federal Council on Environmental Quality is preparing a report urging the Nixon administration to ban all dumping of toxic materials into the oceans.

Concerned that increasing use of the sea for every conceivable form of waste jeopardizes its long term use as a critical food source, the government's top environmental advisers are expected to ask US leadership in stopping worldwide use of the oceans as garbage dumps.

A solid waste expert in the Department of Health, Education and Welfare said the US, is now dumping some 48.2 million tons into the sea each year.

Of this, 38.4 million tons are spoils from dredging operations, 4.7 million tons of industrial wastes including chemicals and pesticides), 4.5 million tons of sewage sludge, 600,000 tons from construction and demolition operations and 26,000 tons of garbage and trash.

The HEW spokesman said the Bureau of Solid Waste Management had no statistics on obsolete weapons, explosives and other materials being dumped into the sea by the military.

However, it is known that the practice has been going on for years.

Outside the Pentagon, little is known about what the military has dumped into the sea in the past. The House Oceanography Subcommittee has asked the Army for a list, but has not received it.

[From the Christian Science Monitor, Aug. 27, 1970]

Dumping at Sea Makes Waves

(By David Anable)

BOSTON.—More than just a few startled squid have been stirred by the scuttling of the LeBaron Russell Briggs and its lethal cargo of nerve-gas rockets.

For when the rusty Liberty ship sank hissing and bubbling into the depths 245 nautical miles off the Florida coast it focused all eyes on the fact that "freedom of the seas," applied to the dumping of chemicals, spells anarchy.

Take a boat. Sail out beyond national territorial limits. And dump whatever you please—except oil or radioactive materials. There is virtually nothing to stop you.

EUROPEANS ON EDGE

So far, no government has really begun to work out ways of developing and imposing controls. For the most part, the world's dumping of chemicals is left to the self-regulation of industry, or to individual government agencies working within territorial limits.

In Europe especially, the last voyage of the LeBaron Russell Briggs has stirred anxieties that already were close to the surface. Europeans are fast becoming aware that the sea in general, and their own waters in particular, are far more polluted with dangerous chemicals than even experts realized a few years ago.

Prof. Otto Kinne, head of Heligoland's Marine Biology Research Station, calls the North Sea "the industrial cesspool of Europe." Reportedly some 1,200 tons of sulfuric acid a day are dumped within 12 miles of his station. Off Norway, one cannery is said to dispose of 18,000 tons of formalin a year.

The Baltic also suffers. So much mercury has been disposed of there that many fish cannot be eaten because they contain too much of this toxic chemical. Oceanographers believe that pollution generally is behind the fact that the Baltic's bottom waters are what they call "dead." They are concerned that the upper waters, too, may eventually have their fish productivity impaired.

RHINE FISH KILLED

Tons of stultifying waste also surge down to the sea through Europe's rivers. The problem was illustrated dramatically last fall, when insecticide poisons killed all fish in the lower Rhine.

The industrial wastes building up in Europe's seas cover the spectrum of noxious chemicals used commercially, including cyanides. In addition old dumps of poison gas present a constant hazard.

Toward the end of World War II and shortly thereafter the Germans and the Allies, including the Russians, dumped thousands of tons of poisonous war substances into Europe's seas. Some of these appear to be returning to haunt succeeding generations.

In West Germany, for instance, officials have launched an operation to locate and detoxify poison gases dumped in the Baltic Sea. The operation gained urgency when fishermen who hauled up an old canister of mustard gas were temporarily blinded, and when five children playing with seaweed near Lübeck received skin burns.

IRISH SEA MYSTERY

In Britain the Ministry of Defense recently admitted that it might have been poison gas leaks that caused the widely reported and mysterious deaths of birds and sea animals in the Irish Sea last December.

In Scandinavia reports have come in over the past year or two of swimmers and fishermen receiving burns, apparently from mustard gas leaking out from seabed dumps. And some fishermen have suffered burns when hauling contaminated gear, and even old gas bombs, aboard their craft.

A slightly different incident was reported recently from Britain when the Royal Navy admitted being the source of canisters of ferris chloride that washed ashore on the Isle of Wight. The Navy had dumped the chemical some weeks earlier in nearby waters.

Though ferric chloride is comparatively harmless, national concern over the incident prompted the Ministry of Defense to detail its extensive dumping operations since World War II and to reassure the public that since 1957 all dangerous chemicals had been disposed of by chemical or burning processes.

JAPANESE CONCERN RUNS HIGH

On the other side of the globe, in Japan, public concern is very great, especially when it comes to dangerous discharges from factories, including cadmium and mercury. Antipollution feeling among Japanese is higher than ever. Almost every day newspapers tell of ugly discharges into Tokyo Bay and other waterways.

But Japan's laws are weak. The national water-quality-control law sets purity standards against mercury, cadmium, lead, arsenic, cyanide, organic phosphorus, and two others. Penalties, however, are inadequate and seldom, if ever, imposed.

CALL TO ACTION SEEN

Considering the state of their own backyards, other nations have hardly been able to take a holier-than-thou attitude toward America's deep-sea disposal of its nerve gas—especially now that Washington has stated flatly that no more chemical weapons will be dumped in the ocean. (New equipment, it is affirmed, makes it possible to dispose of these weapons on land.)

Hence, while resenting the American action, many non-Americans have taken it as one more indication of an urgent need to work out effective international controls and safety rules for ocean dumping. Europeans, for example, are reported as not being chauvinistic about such controls but as tending to trust international cooperative efforts more than they do their own national regulations.

The situation with radioactive wastes stands out in contrast to the anarchy of chemical waste disposal. With a large body of knowledge on hazards and safety to rely on, atomic authorities are strict in controlling waste disposal both nationally and internationally.

Recently, when Britain's Windscale atomic center proposed to raise the level of wastes it puts in the Irish Sea, an independent scientist study calmed public concern. It found that safety had been so carefully worked out it could readily recommend that permission be given.

FRENCH PROJECT ABANDONED

The reverse happened 10 years ago in France when the French authorities proposed, as an experiment, to put radioactive waste in the Mediterranean. The public outcry was so vigorous that the project was abandoned.

But a similar operation was carried out in the Atlantic in 1967 and the French Government made two other such experiments in 1968 and '69 sponsored by the European Nuclear Energy Agency.

In the Soviet Union the authorities say they take every precaution to prevent pollution of the air and water from radioactive wastes.

According to a Soviet study published in 1967, highly radioactive hard wastes from atomic plants are buried in concrete containers placed above ground-water level. Less contaminated wastes are dumped into clay-sealed trenches.

Radioactive gases are first purified and then released into the atmosphere through stacks high enough to ensure that by the time the substances fall to the ground they have a radioactivity content lower than that permitted for air in populated places. Liquid radioactive wastes are also subjected to various purification and disposal processes.

The study concludes that the host of measures and precautions taken fully assures the safety of the population living in the areas where these enterprises are located. There is, however, no way to confirm this claim.

PROBLEM MULTIPLIES

The nation most sensitive about radioactivity is Japan. It faces a rapidly multiplying waste-disposal problem.

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Radioactive waste from its 20 reactors used for experimental purposes currently can be stored in sealed containers in separate buildings on the site of each facility. But in a small country this process cannot serve indefinitely. Decisions will have to be taken soon on the merits of alternative plans: dumping deep at sea; burying underground; isolating on uninhabited islands or in remote fields in Hokkaido, where only 5 million people live.

Much more serious, though, is the waste from atomic power stations. Japan now has two; another starts operating in October; five more are under construction. Current law demands any sea dumping be at least to a depth of 2,000 meters. Japanese experts are concerned that this soon may not be adequate.

One alternative suggested is to store nuclear wastes inside unused power plants. Another, offered only partly tongue in cheek by one expert, might be "loading the waste on a rocket and shooting it out of the earth's atmosphere altogether."

CUMULATIVE DANGER SEEN

With the industrialized world turning more and more toward the atom to meet its accelerating power demands, the problem of waste disposal simultaneously multiplies. A pool of knowledge of the dangers and needed safety standards for dumping radioactive material at sea does exist. But an anxiety lingers:

Could sea-buried radioactive wastes though individually harmless, accumulate over the years? Could some living organisms, known to be able to reconcentrate such radioactive elements, pose an unknown hazard?

Of much greater urgency is the need for study of other marine pollutants. There is no pool of knowledge about chemical dumping and its dangers; almost nothing from which to draw in compiling an effective range of measures to control this menace.

If it does nothing else, the scuttling of the LeBaron Russell Briggs and its deadly load may help build pressure toward this objective.

[From the Washington Post]

DRILL ON LAND, NOT AT SEA, OILMEN TOLD

The petroleum industry should confine its drilling to land and delay further offshore operations to protect the environment, a federal study suggests.

The study cited eruption of an oil well in California's Santa Barbara channel in January 1969 and pollution resulting from an oil fire off the Louisiana coast last February as examples of offshore operations damaging the environment.

The study, released today by the Joint Economic Committee of Congress, was prepared by the environmental policy branch of the Library of Congress.

The oil industry, the report said, has improved its record of containing blowouts on land, and pollution, when it occurs, is localized.

Much of the United States has not yet been explored in depth for oil, the report said, and there are opinions that large areas are favorable prospects for oil and gas.

Offshore, the report noted, aspects of federal-state proprietary and administrative relations are not fully resolved, oil spills are harder to contain, and the need for workable rules to protect the environment presents problems.

STATES' PREFINANCING OF SEWAGE TREATMENT FACILITIES

Mr. GOODELL. Mr. President, for some months I have been attempting to obtain figures from the Department of the Interior and the Federal Water Quality Administration to reflect the total amounts prefinanced by States and municipalities for construction of sewage treatment facilities authorized under the Water Quality Improvement Act.

Officials of those agencies would provide figures for only that portion of the obligations that had been advanced and expended—the actual out-of-pocket costs—for projects under construction.

The estimates did not include the commitments States and municipalities had made to prefinance the Federal share of the cost. These are costs the Federal Government will have incurred by the time construction of the projects had been completed.

I do not know the reason these figures have been withheld. Surely, this is vital information of Congress is to plan to meet the commitments of the Federal Government.

The Assistant Secretary of the Interior, Carl L. Klein, has now responded to my request for this additional information. I ask unanimous consent that his letter of September 18 be inserted in the RECORD at this point, along with tables showing total reimbursables and new obligations as of June 30, 1970, and as of December 31, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., Sept. 18, 1970.

Hon. CHARLES E. GOODELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOODELL: This will acknowledge your telegram of September 12 and expand on advice given your office by telephone late Wednesday afternoon. You requested figures by state of the potential reimbursement entitlement; i.e., the total amounts for which the projects could be eligible when construction of sewage treatment plants is completed and the full Federal share has been expended by state and local agencies. You further acknowledged receipt of information from us on the amounts eligible for reimbursement as of December 31, 1969, and as of June 30, 1970.

For purposes of clarity, we presently refer to future entitlement as new obligations rather than potential reimbursements since the language of the act is quite clear that a reimbursement is a repayment of a state or local expenditure. Reimbursements are, therefore, defined as being money from any allotment made under Section 8 of P.L. 84–660, as amended, for the repayment of state or local prefinancing of the Federal share of the cost of construction, subject to the following criteria:

1. Proper audit.
2. Appropriate state water pollution control agency approval.
3. Determination by the Secretary:

(a) As meeting requirements of Section 8, and

(b) Having been built without Federal assistance partially or in toto

4. For those construction costs actually paid out.

New obligations cannot and shall not be qualified for or designated as reimbursements until such time as payment shall have been made by the state or local government and then (1) only to the amount of the Federal share of the actual payment, and (2) only to the extent that actual payments exceed the state's allotment for the program.

With these definitions in mind, the Federal Water Quality Administration determination of reimbursements and their estimates of new obligations have been prepared and are tabulated by States from the enclosed sheets.

I trust that this is the information and material that you are seeking, and if we may be of further service, please do not hesitate to call.

Sincerely yours,

EARL L. KEEM,
Assistant Secretary
Water Quality and Research.

CONSTRUCTION GRANTS AND ENGINEERING BRANCH—EVALUATION AND RESOURCE CONTROL OPERATIONS

TOTAL REIMBURSABLES, BASED UPON ACTUAL PAYMENTS, AND RELATED NEW OBLIGATIONS, STATUS AS OF JUNE 30, 1970

	Number of projects	Reimbursement	New obligation
Total	1,038	197,803,467	1,143,314,916
Northeast	409	117,293,196	815,258,136
Connecticut	54	14,285,136	86,842,964
Delaware	5	0	895,600
Maine	12	1,694,367	5,356,123
Massachusetts	9	0	8,683,250
New Hampshire	10	3,706,650	2,653,635
New Jersey	51	3,811,309	27,603,961
New York	263	93,575,734	681,207,683
Rhode Island	3	220,000	1,895,860
Vermont	2	0	119,060
Middle Atlantic	199	41,665,151	118,358,857
Maryland	83	26,692,654	47,632,887
North Carolina	2	0	1,496,240
Pennsylvania	99	13,335,830	17,082,367
South Carolina	1	6,682	20,048
Virginia	7	917,679	51,371
District of Columbia	7	712,306	52,075,944
Southeast	22	229,797	35,469,858
Alabama	2	138,000	5,170,000
Florida	3	0	7,510,110
Georgia	4	59,400	10,676,850
Mississippi			
Tennessee	13	32,397	12,112,898
Puerto Rico			
Virgin Islands			
Ohio Basin	41	4,627,525	16,789,810
Indiana	13	2,552,185	1,821,630
Kentucky			
Ohio	28	2,075,340	14,968,180
West Virginia			
Great Lakes	295	26,281,700	139,501,477
Illinois	46	3,421,935	9,249,850
Iowa	69	1,012,641	2,348,988
Michigan	137	19,052,214	102,799,507

CONSTRUCTION GRANTS AND ENGINEERING BRANCH—EVALUATION AND RESOURCE CONTROL OPERATIONS

TOTAL REIMBURSABLES, BASED UPON ACTUAL PAYMENTS, AND RELATED NEW OBLIGATIONS, STATUS AS OF JUNE 30, 1970—Continued

	Number of projects	Reimbursement	New obligation
Minnesota	17	317,700	14,135,430
Wisconsin	26	2,477,210	11,057,702
Missouri Basin	18	6,491,628	757,608
Colorado	1	15,226	0
Kansas	12	205,082	230,928
Missouri	5	6,181,320	526,680
Nebraska			
North Dakota			
South Dakota			
Wyoming			
South Central	33	368,700	5,132,790
Arkansas			
Louisiana			
New Mexico			
Oklahoma			
Texas	33	368,700	5,132,790
Southwest	2	44,700	3,371,470
Arizona			
California			
Hawaii	1	44,700	1,445,910
Nevada	1	0	1,925,560
Utah			
Guam			
Northwest	19	801,070	8,584,910
Alaska	4	175,720	2,178,550
Idaho			
Montana			
Idaho			
Montana			
Oregon	5	95,840	6,144,790
Washington	10	529,510	261,570

REIMBURSABLES, BASED UPON ACTUAL PAYMENTS, AND RELATED NEW OBLIGATIONS STATUS AS OF DEC. 31, 1969

	Number of projects	Reimbursement	New obligation
Total	815	145,312,133	648,729,288
Northeast	348	76,209,443	495,868,547
Connecticut	47	6,775,861	65,273,025
Delaware	5	0	895,600
Maine	11	832,575	4,446,265
Massachusetts	13	0	14,332,670
New Hampshire	9	2,450,550	4,025,735
New Jersey	40	1,693,031	10,398,819
New York	217	64,307,426	395,094,763
Rhode Island	2	150,000	220,660
Vermont	4	0	1,181,010
Middle Atlantic	198	36,832,362	63,175,108
Maryland	75	22,322,888	33,549,832
North Carolina	None	None	None
Pennsylvania	100	10,982,707	19,161,033
South Carolina	3	617,890	4,626,090
Virginia	16	2,205,504	3,623,476
District of Columbia	4	703,373	2,214,677
Southeast	34	5,583,051	21,629,673
Alabama	2	138,000	5,170,000
Florida	6	339,280	617,304
Georgia	15	4,773,012	12,756,112
Mississippi	None	None	None
Tennessee	11	332,759	3,086,257
Puerto Rico	None	None	None
Virgin Islands	None	None	None
Ohio Basin	20	3,076,429	5,833,626
Indiana	13	2,152,168	1,964,090
Kentucky	None	None	None
Ohio	7	924,261	3,869,536
West Virginia	None	None	None
Great Lakes	117	7,954,660	49,297,199
Illinois	59	2,297,790	25,161,349
Iowa	13	26,990	1,309,270
Michigan	10	1,549,380	4,605,530
Minnesota	10	1,156,760	8,096,730
Wisconsin	25	2,923,740	10,124,320
Missouri Basin	33	10,603,678	2,794,819
Colorado	1	13,842	0
Kansas	9	87,426	165,302
Missouri	23	10,502,410	2,629,517
Nebraska	None	None	None
North Dakota	None	None	None
South Dakota	None	None	None
Wyoming	None	None	None
South Central	27	249,830	3,494,976
Arkansas	1	46,056	14,544
Louisiana	None	None	None
New Mexico	None	None	None
Oklahoma	None	None	None
Texas	26	203,774	3,480,432
Southwest	1	None	1,925,550
Arizona	None	None	None
California	None	None	None
Hawaii	None	None	None
Nevada	1	None	1,925,550
Utah	None	None	None
Guam	None	None	None
Northwest	37	4,802,680	4,709,790
Alaska	3	0	1,269,600
Idaho	None	None	None
Montana	None	None	None
Oregon	7	408,660	1,914,300
Washington	27	4,394,020	1,525,890

Mr. GOODELL. Mr. President, since these tables do not include a column showing the total funds committed for prefinancing and which have not yet been paid, I ask unanimous consent to include additional tables in the RECORD. The first column of these tables is the total commitment, and the second column shows the amounts due and payable as of June 30, 1970, and December 31, 1969.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PREFINANCING: CONSTRUCTION OF SEWAGE TREATMENT PLANTS

[Status: June 30, 1970]

State	Number of projects	Total prefinanced	Now eligible for reimbursement
Alabama	2	$5,308,000	$138,000
Alaska	4	9,385,980	801,070
Arizona			
Arkansas			
California			
Colorado	1	15,226	15,226
Connecticut	54	101,128,100	14,285,136
Delaware	5	895,600	
District of Columbia	7	52,788,250	712,306
Florida	3	7,510,110	
Georgia	4	10,736,250	59,400
Hawaii	1	1,445,910	44,700
Idaho			
Illinois	46	12,671,785	3,421,935
Indiana	13	4,373,815	2,552,185
Iowa	69	$3,361,629	$1,012,641
Kansas	12	436,010	205,082
Kentucky			
Louisiana			
Maine	12	7,050,490	1,694,367
Maryland	83	74,325,541	26,692,654
Massachusetts	9	8,683,250	
Michigan	137	121,851,721	19,052,214
Minnesota	17	14,453,130	317,700
Mississippi			
Missouri	5	6,708,000	6,181,320
Montana			
Nebraska			
Nevada	1	1,925,560	
New Hampshire	10	6,360,285	3,706,650

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PREFINANCING: CONSTRUCTION OF SEWAGE TREATMENT PLANTS

[Status: June 30, 1970]

State	Number of projects	Total prefinanced	Now eligible for reimbursement
New Jersey	51	31,415,270	$3,811,309
New Mexico			
New York	263	774,783,417	93,575,734
North Carolina	2	1,496,240	
North Dakota			
Ohio	28	17,043,520	2,075,340
Oklahoma			
Oregon	5	6,240,630	95,840
Pennsylvania	99	30,418,197	13,335,830
Rhode Island	3	2,115,860	220,000
South Carolina	1	26,730	6,682
South Dakota			
Tennessee	13	12,145,295	32,397
Texas	33	5,501,490	368,700
Utah			
Vermont	2	$119,060	
Virginia	7	969,050	$917,679
Washington	10	791,080	529,510
West Virginia			
Wisconsin	26	13,534,912	2,477,210
Wyoming			
Guam			
Puerto Rico			
Virgin Islands			
Total (34 States and District of Columbia)	1,038	1,341,118,383	197,803,467

[Status: Dec. 31, 1969]

State	Number of projects	Total prefinanced	Now eligible for reimbursement
Alabama	2	$5,308,000	$138,000
Alaska	3	1,269,600	
Arizona			
Arkansas	1	60,600	46,056
California			
Colorado	1	13,842	13,842
Connecticut	47	72,498,886	6,775,861
Delaware	5	895,600	
District of Columbia	4	2,918,050	703,373
Florida	6	956,584	339,280
Georgia	15	17,529,124	4,773,012
Hawaii			
Idaho			
Illinois	50	27,459,139	2,297,790
Indiana	13	4,116,258	2,152,168
Iowa	13	1,336,260	26,990
Kansas	9	252,728	87,426
Kentucky			
Louisiana			
Maine	11	5,278,840	832,575
Maryland	75	55,872,720	22,322,888
Massachusetts	13	14,332,670	
Michigan	10	6,154,910	1,549,380
Minnesota	10	9,253,490	1,156,760
Mississippi			
Missouri	23	$13,131,927	10,502,410
Montana			
Nebraska			
Nevada	1	1,925,550	
New Hampshire	9	$6,476,285	$2,450,550
New Jersey	40	22,091,850	1,693,031
New Mexico			
New York	217	459,402,189	64,307,426
North Carolina			
North Dakota			
Ohio	7	4,793,797	924,261
Oklahoma			
Oregon	7	2,322,960	408,660
Pennsylvania	100	30,142,740	10,982,707
Rhode Island	2	376,660	150,000
South Carolina	3	5,243,980	617,890
South Dakota			
Tennessee	11	3,419,016	332,759
Texas	26	3,684,206	203,774
Utah			
Vermont	4	1,181,010	
Virginia	16	5,828,980	2,205,504
Washington	27	5,919,910	4,394,020
West Virginia			
Wisconsin	25	13,048,060	2,923,740
Wyoming			
Guam			
Puerto Rico			
Virgin Islands			
Total (33 States and District of Columbia)	815	794,041,415	145,312,133

Mr. GOODELL. Mr. President, the total commitment of funds prefinanced by 35 States and their municipalities by June 30, 1970, was $1,341,118,383, and they had actually spent $198 million of this commitment.

The total commitment by December 31, 1969, was $794,041,421, and they had actually spent $145 million of this commitment.

The law provides that these out-of-pocket expenditures will be repaid when and if adequate Federal funds are appropriated. It is clear that appropriations to actually commit the Federal Government for its full share of the costs have fallen far short of the need.

The fiscal year 1971 public works appropriation bill earmarks $200 million for those States that have prefinanced. However, for a State to reduce its reimbursement commitment only serves to delay approval of new projects.

For example, if New York were to reduce its eligible reimbursement by its full fiscal year 1971 allotment, estimated at about $182 million, the State would have no funds available for new projects.

Likewise, if Maryland were to use its fiscal year 1971 allotment of approximately $24 million toward reimbursement of out-of-pocket expenditures of $27 million, the State would have no funds available for new projects.

Reductions of eligible reimbursements by other States would similarly affect their plans for new projects.

Although the figures in these tables reflect the lion's share of the national prefinancing debt has been for commitments by New York State, other States will soon face the same financing dilemma as New York. We have only to observe events in the Washington metropolitan area to find an example of what is developing nationwide.

Last Friday the Federal Water Quality Administration approved a $530 million expansion of the Blue Plains plant, which is the principal facility serving the Washington metropolitan area. I noted with interest that 55 percent of the cost would be provided by the Federal Government if Maryland, Virginia, and the District of Columbia can come up with their 45 percent share of the costs.

The Federal share of $291.5 million, or 55 percent of the cost of the project, must come from FWQA allocations to Maryland, Virginia, and the District of Columbia. Yet, Federal funds available through next June 30 to those three juridictions total only $65.5 million.

I ask unanimous consent to place in the RECORD a table summarizing available Federal funds to Maryland, Virginia, and the District of Columbia through June 30, 1971.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Federal grants available through June 30, 1971 to Maryland, Virginia, and the District of Columbia for construction of sewage treatment facilities[2]

Maryland's allocations:	
Fiscal year 1970 allocation	$13,550,900
Granted by June 30, 1970	9,956,777
Balance for use until May 15, 1971	3,594,123
Fiscal year 1971 original allocation	13,550,700
Additional allocation anticipated	[1]10,680,000
Total available to June 30, 1971	27,824,823
Virginia's allocations:	
Fiscal year 1970 allocation	17,302,800
Granted by June 30, 1970	6,257,947
Balance for use until May 15, 1971	11,044,853
Fiscal year 1971 original allocation	17,295,300
Additional allocation anticipated	[1]1,160,000
Total available to June 30, 1971	29,500,153

[1] From $200 million earmarked in Public Works Appropriation bill for fiscal year 1971 based on earned reimbursable grants.

[2] Sources: Tables on all states provided by the Federal Water Quality Administration.

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District of Columbia's allocations:	
Fiscal year 1970 allocation	3,780,500
Granted by June 30, 1970	0
Balance for use until May 15, 1971	3,780,500
Fiscal year 1971 original allocation	3,788,000
Additional allocation anticipated	[1] 600,000
Total available to June 30, 1970	8,168,500
Total for above three jurisdictions	65,493,476

Mr. GOODELL. Mr. President, even if the three jurisdictions agree to commit their entire Federal allocations of $65.5 million to the project, this is only 12.2 percent of the cost, rather than 55 percent for which the project is eligible. Therefore, the only avenue the three jurisdictions can take if they wish to go ahead with the improvement of the Blue Plains plant is to agree to prefinance the remaining 42.8 percent of the cost for the Federal Government, or $226 million, along with $238.5 million for the "local" share of 45 percent. This is a total of $465 million that must be raised by the three jurisdictions through high-cost municipal bond issues.

The alternative is to postpone upgrading of the plant for several years until adequate resources are available to finance it.

Difficult decisions such as this are probably being faced by the majority of the States. In this connection, it would appear that a table of "State Investment Intentions" recently provided me by the Department of the Interior is hopelessly out of date.

I ask unanimous consent to place the table at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State investment intentions

	Millions of dollars
Alabama	35.0
Alaska	12.0
Arizona	86.0
Arkansas	33.0
California	651.8
Colorado	133.0
Connecticut	280.5
Delaware	28.0
District of Columbia	355.0
Florida	200.0
Georgia	150.0
Hawaii	14.4
Idaho	0.5
Illinois	437.2
Indiana	152.6
Iowa	33.3
Kansas	61.0
Kentucky	62.6
Louisiana	140.0
Maine	140.9
Maryland	236.9
Massachusetts	438.0
Michigan	253.7
Minnesota	136.3
Mississippi	40.0
Missouri	390.0
Montana	13.5
Nebraska	62.0
Nevada	28.6
New Hampshire	138.0
New Jersey	880.0
New Mexico	9.9
New York	1,900.1
North Carolina	69.3
North Dakota	22.0
Ohio	432.5
Oklahoma	65.3
Oregon	135.0
Pennsylvania	432.0
Rhode Island	51.5
South Carolina	75.0
South Dakota	27.0
Tennessee	105.5
Texas	525.0
Utah	11.7
Vermont	70.0
Virginia	151.0
Washington	160.0
West Virginia	44.3
Wisconsin	243.7
Wyoming	12.0
Guam	6.2
Puerto Rico	28.9
Virgin Islands	15.4
Total	10,217.1

Mr. GOODELL. Mr. President, the table of investment intentions for a 5-year period was developed last year based upon estimates submitted by the States.

The estimate for New York of $1.9 billion for 5 years was based upon reports from regional engineers and applications from municipalities. Subsequently there was a reassessment of New York's program, and the State now expects to spend $1.5 billion in fiscal year 1971 alone.

The investments for this 5-year period estimated by Maryland, Virginia, and the District of Columbia total $743 million. This is only $213 million more than has been estimated to improve the Blue Plains plant.

A clean environment is essential to our survival, and too little has been accomplished because of the high costs. We can no longer afford these delays.

THE RIGHT TO READ PROGRAM

Mr. PROUTY. Mr. President, on Friday, September 11, the National Reading Council convened its first meeting. Conceived to implement the right to read program, the Council was appointed by President Nixon to advise the Office of Education on priorities in its reading programs and to oversee operations of a National Reading Center.

As one who is proud to serve on the National Reading Council, I would like to call its activities to the attention of the Senate. I wish also to explain the unique partnership between public and private agencies that it embodies. Finally, I would like to underline the principles of operation it has defined, for they are of great importance to our educational system as a whole.

In a Nation having one of the highest literacy rates in the world, many millions still suffer reading deficiencies. Some 3 million adults are completely illiterate; another 5 million youths seeking employment are functionally illiterate; 25 million jobholders—or 1 in 5—are so deficient in reading as to be denied advancement and most importantly, 15 million of our 51.5 million students—or 3 in 10—suffer from reading deficiencies severe enough to impede their learning progress. It is in recognition of these disturbing facts that this Administration is sponsoring a massive assault on reading problems that will assure every citizen the right and thus the ability to read. Responsibility for the program will not rest solely on the Federal Government. Instead, a partnership is being formed that incorporates the educational community, business, labor, the communications media, government at all levels, and the public.

As one who has long espoused greater reliance upon the public at large and the private sector instead of big government, I am most pleased to see this movement get underway. For too long we have assumed that Federal initiatives and money alone will accomplish our objectives, but this is not so. We are now learning that cooperation and involvement of all groups affected are necessary in order to bring about improvement. When broad participation is not assured, program objectives often become muddled as smaller subgroups vie for control. When broad participation is assured, each person involved becomes more committed to the objectives because he understands them better and knows the benefits that will be derived.

The National Reading Council includes representatives of a wide range of groups and will act as the coordinating sponsor of this reading endeavor. It will establish a National Reading Center with Federal funds. It will be independent of the Office of Education to act as the staging area for coordination and utilization of all efforts that are entertained by the participating members of the partnership represented. I will shortly ask that a more complete explanation of the partnership embodied by the National Reading Council and its functions be included in the RECORD. Before I do so, however, I invite attention to the unique way in which the public will participate in this reading campaign.

In addition to broad representation of the public through the earlier-mentioned participants, utilization of the private National Center for Voluntary Action and Federal Office of Voluntary Action will insure direct participation of the public at large. Together with the thousands of volunteer organizations, these bodies will unite in a national program for voluntary action which will lend suggestions, manpower, and services to the reading campaign.

Very early in his administration, President Nixon established a Cabinet Committee on Voluntary Action headed by Housing and Urban Development Secretary George Romney and including five other domestic agency chiefs from the Cabinet. In April of 1969, Secretary Romney established the U.S. Office of Voluntary Action to act as the service arm of the Cabinet committee and to help develop the national program of voluntary action. Then, on February 20, 1970, a National Center for Voluntary Action was established to act as a private intermediary in mobilizing and integrating the efforts of Government, voluntary groups, individual volunteers, and other organizations. Thus, this National Center for Voluntary Action is the "private partner" in the creative partnership evolved to carry out the right-to-read program and other domestic endeavors.

I believe this involvement of the private sector to be most worthwhile, not only for the good to be achieved in this program, but also for the model of operation it will establish.

In remarks to the National Reading Council, Mrs. Elinor K. Wolf, senior program officer of the U.S. Office of Voluntary Action, spelled out how the private sector hopes to function in the partnership. In so doing, she also outlined some basic presumptions about the right-to-read program that I believe are relevant to a wide spectrum of other education efforts. She also drew attention to supportive material developed for the Council. These resulted from a sincere and conscientious effort to contribute materially to the initial development of the program and show much careful work and consideration by the volunteer organizations. I request my colleagues to consider her remarks carefully, for if they are heeded in this program and others, the likelihood of success will be greatly enhanced for all.

Mr. President, I ask unanimous consent that descriptive material about the National Reading Council and the remarks of Mrs. Wolf before the group at its first meeting be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks of Mrs. Elinor K. Wolf, U.S. Office of Voluntary Action, Delivered to the First Meeting of the National Reading Council, September 11, 1970

The Office of Voluntary Action, concerned as it is with increasing the quantity and quality of the voluntary component in federal domestic efforts was pleased indeed to be asked by Mr. Straley to prepare an initial plan for your consideration.

In fact we, and our private partner, the National Center for Voluntary Action, work jointly to extend voluntary opportunities to all people, not as a substitute for appropriate government action but as a supplement to enhance the right of all citizens in every nook and cranny of our nation to participate in improving the quality of our American life.

Specifically, the Office of Voluntary Action (OVA) has and is taking firm steps to assure that voluntary groups have optimum access to financial and technical assistance available to them from federal resources. As a catalytic agent OVA packages projects utilizing federal and private voluntary resources to demonstrate what can be created in a genuine partnership between government and voluntary agencies or individual volunteers.

Therefore our effort to assist you in your inaugural deliberations is simply doing what comes naturally to us. We hope at least some of the suggestions we have made in the overly large package before you will be helpful as you select your initial objectives and begin comprehensive planning for the long labor required to achieve a fully literate America. As you look at the initial objectives and plans on the front of the kit we prepared for you, let me share with you several concepts we had in mind.

1. The involved professional educator remains the key to the success of the Right to Read program. However, the voluntary component would *not* have been included in your discussions today if the professional educators, administrators and legislators had been entirely successful in achieving the standards which they undoubtedly set for themselves.

2. The school systems as presently constituted cannot achieve the goals of the Right to Read program alone. Fortunately, today, they acknowledge it and seek new partners. They welcome aid from many varied sources: from millions of citizens who hopefully will vote "yes" on school financing from more than 160 business firms experimenting with innovative performance contracts or from individuals, neighborhood residents, parents, college or school students who today have demonstrated their adaptability and reliability as supplemental aides both within and without our schools.

3. The greatest human need is to avoid wherever possible the failure syndrome, the child becoming addicted to failure at an early age when the "illness" is preventable and the future cost of reversal and rehabilitation would be high and unnecessary. Too many juvenile delinquents and unemployed youth show the effect of home-school neglect of the most basic tools of learning.

4. We know more about learning and reading than we are willing to admit or to try. We are pragmatists rather than purists. Though we don't know all; we will not allow ourselves to be paralyzed by nagging doubts or fearful of what we still have to learn about the learning process. Research and evaluation are still necessary but in establishing priorities we must concentrate on what we do know and *act now*.

5. Voluntarism and volunteering have become the "in-thing." People of all ages and all backgrounds want to relate and seek to become involved. President Nixon has reaffirmed the importance of voluntarism to our national life. United Fund studies have shown that the trend is away from the check book and toward the text book. Volunteer programs exist on most college and university campuses; major conferences of lawyers, sociologists, doctors and other professionals are examining new aspects of voluntarism. Universities give courses, a few even give degrees in volunteer coordination and training. Today the Civil Service Commission gives credit for responsible voluntary service in evaluating employee eligibility for establishing Goverment Service grade levels and the Department of Defense considers voluntary activity when examining for promotion.

6. More and more educators and school systems have recognized the heretofore unused potential of the parent in early childhood learning. Parents in the past were warned to refrain from "teaching" their children. It was considered the prerogative of the professioal. Now we have come to accept the parent as an ally and in most situations it is recognized that the parent *is* the child's first teacher and in family situations can and should be encouraged to play a reinforcing and even a specific tutorial role. Early childhood Parent Assisted Learning and reading programmed projects have been evaluated using parents of all ethnic backgrounds and the positive results are astonishing. In addition, youth tutoring youth or peer tutoring has produced quite unexpected results. Certainly the tutee has received benefits, but, in addition, the tutor—often a potential drop out—has been turned around through his new role, through a sense of being needed and an opportunity to give genuine aid to another human being. Recent Headstart and Follow-thru studies also attest to the effectiveness of heretofore untried parents as teachers.

With these thoughts in mind, we have placed in your packet the first steps we believe are necessary to harness the private, the parental, or the voluntary power ready and willing to be tapped. We mention the voluntary agencies and special projects already in service; we mention also some of the Federal departments in addition to the U.S. Office of Education such as the Department of Defense and the Department of Labor which wish to assist the Reading Council as your plans proceed. We cite, pertinent existing federal legislation and guidelines which need to be expanded and strengthened if your efforts are to be successful. Yet if we are realistic these efforts and programs are only a meager beginning of the major task which you have set for yourselves.

Specifically we suggest 4 immediate objectives and possible steps you might take to achieve them:

1. Further mobilization of volunteers and non-profit agencies in the National Right to Read program. We propose to do this by establishing a permanent subcommittee of the National Reading Council of already involved national non-profit organizations which have a special and long time interest in reading or early childhood programs—thru regional committees, training institutes, and further expansion of school volunteer programs to include students parents, senior citizens, businessmen on released time and, the utilization of stipends permitted under Title I ESEA to reimburse those who could not otherwise volunteer without financial sacrifice.

2. Organization of state, regional and local reading programs. We suggest this be done through a tightly knit coordination of HEW regional offices, the regional laboratories, the educational resources information centers and the non-governmental, state, regional and local reading committees. The Regional reading committees would spread out through state councils along lines already in being in Washington, Florida, Michigan and New York. The State Committees in turn would concentrate on those cities having a high level of educational difficulties and which, in turn, with the cooperation of the School superintendents, have encouraged expanded development of local and highly trained volunteer personnel. We suggest an award system to be developed as soon as possible both for in-school and extramural volunteer programs.

3. The development of training plans and training materials which will assist the volunteer to develop his maximum effectiveness. We are aware that only a few well designed materials exist for the upgrading and, frankly, the satisfaction of the volunteer working in a one-to-one relationship with a student. The volunteer himself is demanding better training and more useful materials. We suggest ways and means of satisfying these valid demands.

4. A major continuous information and dissemination system to cover evaluated or innovative programs, a calendar of national regional and local meetings, conferences, institutes and training programs as well as multi-media materials, books and films. It would be impossible to overstate the need for the mechanical accumulation and dissemination of what is known and available. As we mention in our report, a small informal meeting on September 2nd of private and government representatives was unanimous in its desire for a retrieval system. In the space age to continue to use a quill when data processing is available is surely short sighted in the extreme. We recommend techniques and methods for sharing information from multiple sources through the varying levels of our complex society.

The financial resources to support the above initial efforts may not be unlimited but the will, the desire and the support needed to begin these first steps exists throughout the country. Both OVA and the National Center for Voluntary Action are available and willing to do all they can to assist the National Reading Council. We can see particular areas of cooperation which we have not included in our written presentation but which we believe are of special relevance. For example, we are deeply concerned with the delivery of eye screening and follow-up services to children with correctable eye defects. We also have uncovered the distressing lack of school library facilities particularly in elementary schools and have been asked by some 40 state school librarians to assist in securing volunteers to serve in existing school facilities. Volunteer action centers in 30 cities should be in operation within a few months. We have already packaged what we hope is a model program in five cities using specially trained volunteers to work with children having learning difficulties.

Programs of this nature provide us and you with a mutuality of interests which we would be eager to explore and develop should you wish it. As the National Center for Voluntary Action and the Office of Voluntary Action make up a federal-private partnership (do please look at the simple description of our joint program in your kit) we can see numerous opportunities for joint action with the National Reading Council. We might be the convenor of national organizations to supplement your plans in a variety of fields as I have just mentioned or as an additional hand to develop models of government-private cooperation which are an integral part of your long haul.

We see the National Program for Voluntary Action and the National Reading Council with our similarly inclusive approach toward the solution and resolution of a national need ready to demonstrate an effective and cooperative partnership, whenever in your judgment you believe it wise.

National Reading Council—A New Partnership To Help Those Who Need To Read

15 million school children cannot read well enough to make full progress in school.

1 child out of 20 cannot advance to the next grade.

25 million job holders may be denied advancement by reading weakness.

8 million adults are functional illiterates.

"The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all. President Richard M. Nixon.

A NEW PARTNERSHIP

When we decided to put a man on the moon, we marshalled money, minds, and every scientific and industrial resource needed for success. And we succeeded. But most of us were not direct participants.

As we set off to cure America's reading disease during the 1970's, we require a quite different marshalling of resources. Reading achievement requires active participation by millions of Americans. The methods are less important than simple determination, widely held, to produce a better result.

We must begin by designing the goals themselves because, while our failures in reading are clear, there are no generally accepted standards of success.

As educators we have tended to measure our effort in terms of money, materials, facilities. Now we must set standards of student achievement in reading and judge ourselves by the accomplishment of our students. These accomplishments must meet standards which spell opportunity in the world of work.

Vast resources outside the teaching profession are available to help with this goal-setting and accomplishment. We must invite to a full new partnership parents, other volunteers, business and industry, public and private organizations.

More money may be required as this direct effort to produce reading skills intensifies. The first need, however, is to build a new structure which will permit resources already available to join in improving results.

SUB-LITERACY IN THE UNITED STATES

The literacy level in the United States is among the highest in the world.

Pride in this has led many Americans to be complacent about certain less congenial truths.

The dark side of U.S. literacy is that there are millions of Americans who read so poorly they rarely read at all. There are many millions more whose lack of reading skill means they are denied full opportunity in our society.

There are an estimated 3,000,000 adult illiterates in the U.S., completely unable to read or write.

Approximately 5,000,000 youthful job seekers are functional illiterates, unable to read or comprehend any work-related materials.

An estimated 8,300,000 Americans over the age of 25 have been classified as functional illiterates.

An estimated 25,000,000 job holders—one in three—have reading deficiencies which are serious enough to deny them advancement.

Even more disturbing, despite the long-standing effort of U.S. schools to overcome reading disabilities, more than 15,000,000 of our 51,500,000 students—three out of every ten—suffer from reading deficiencies which prevent their full progress as students.

Every 20th child has such severe reading problems that he cannot go on to the next grade.

An estimated 8,000,000 children suffer from reading disorders requiring special remedies.

Reading problems are encountered even at junior college and college levels. Officials at many junior colleges have reported that among entering students 30 to 50 percent require reading help before they can progress with their regular studies.

Reading failures occur in rural, suburban and city areas and affect every race and every income level.

SOCIAL AND ECONOMIC COSTS

The United States cannot afford either the economic or social costs of having a substantial sub-literate minority in our population.

Ability to read with skill and understanding is central to every citizen's chance to take full advantage of the opportunities which exist in our country.

American industry operates in an increasingly technical setting which demands a steadily rising level of skills on the part of its employees. Unless reading competence becomes a reality, millions of young Americans will enter the work force during the 1970's lacking sufficient reading skill to make the kind of contribution that is needed or to earn a satisfactory living.

Programs of business to improve reading skills of employees may cost billions of dollars in the 1970's. Such costs must be borne by customers and taxpayers as government helps in this treatment of the symptoms of our reading disease. Increasingly, our educational emphasis must be directed to curing the reading disease and eliminating the human and dollar penalties of treating symptoms.

Among the 700,000 youngsters who drop out of U.S. schools each year, the evidence is that all are two to three years behind their age group in reading skill. For many of these youngsters, reading inadequacy becomes the prelude to life at the low end of the economic scale, oscillating between despair and hostility.

The cost to tax payers of holding one out of 20 school children in the same grade has been estimated at $1,700,000,000 a year.

In America's urban ghettos and rural slums, our inability to achieve a reading breakthrough threatens to doom another generation of young Americans to second-class status because of sub-literacy.

Indeed, since our political system depends for its progress and survival on the discretion of an informed citizenry, the very processes of democracy itself are damaged by the fact that so many Americans lack basic reading tools.

MARSHAL ALL RESOURCES

Public recognition that reading deficiencies are a serious problem for American education is not new. Particular schools or school districts, employing a variety of teaching techniques, have produced reasonably dramatic improvements in the reading skills of limited groups of students. Reading methodology is not the principal problem. The evidence is clear that we can teach individual children to read. The central problem is that we must teach millions who are not taught adequately now.

What has been missing in making a national reading effort a reality is a partnership structure which will bring to bear the skills and resources of the educational community, the communications media, business, labor, government at the local, state, and federal levels, and the public at large.

A striking example of what a partnership approach can achieve is provided by the recent report of the Children's Television Workshop on the educational impact of its widely praised series, "Sesame Street." The program, supported by the Office of Education, the Carnegie Corporation, the Ford Foundation, the Markel Foundation and the Corporation for Public Broadcasting, is designed to improve the basic language, numerical and reasoning skills of pre-school children, particularly in low-income families.

Before-and-after tests reveal that following the first six weeks of programming, children who watched "Sesame Street" made gains in recognition of letters, numbers and geometric forms amounting to two or three times the improvement shown during the same period by a control group of nonviewers. While the evidence is preliminary, it suggests that effective use of television techniques adapted from the world of commercial advertising can make a significant contribution to pre-school education. Similar cooperative efforts between the public and private sectors are a principal goal of this program.

The best hope for breaking the cycle of sub-literacy during the decade of the 1970's lies in the preventive approach—teaching the young before deficiencies develop and grow more and more deep-seated. An out-of-school program for dropouts and adults, while important, is substantially more difficult to organize and less certain to achieve the desired results. Emphasis in a nationwide drive must therefore go first of all to reaching our children.

THE PARTNERSHIP STRUCTURE

To begin a massive new effort, in which the federal government intends to be partner rather than proprietor, President Nixon is appointing a National Reading Council, headed by a board of trustees drawn from many segments of our society.

The National Reading Council will advise the Office of Education on priorities in its reading programs. Members of the Council will also assume key roles in directing and operating a National Reading Center.

The National Reading Council will include representatives of the education profession, state and local governments, labor unions, business and industry, the communications media, the foundations, youth groups, volunteer groups, etc., as well as individuals whose experience in such fields as publishing, public relations, advertising, entertainment and the arts may contribute to the achievement of the program's objectives.

The operating arm of the National Reading Council will be the National Reading Center, which will be established with federal funds outside the official apparatus of the Office of Education. Its primary purpose will be to carry out the partnership approach, coordinating the efforts of contributing organizations, organizing the training of citizen volunteers, developing public support, and helping the states to undertake similar programs.

After the National Reading Center has operated for enough time to evaluate its own performance, each of the 50 states may be invited to establish a comparable State Reading Center. The 10 regional offices of the Department of Health, Education, and Welfare will each have Reading Coordinators to work with the State educational leaders on behalf of the National Reading Center. These coordinators will be directly responsible to the National Reading Center.

National Reading Council: Board of Trustees, Honorary Chairman, Chairman, Associate Chairman, Executive Committee.

National Reading Center: Director—Staff.

Nine Major Functions:

1. Assist Office of Education in setting of reading priorities of resources and effort.
2. Coordinate efforts of educational organizations and associations.
3. Ombudsman for non-professional educational interest.
4. Clearinghouse for business and industrial reading training contributions.
5. Organize national media efforts to improve reading achievement. Publishers and other media.
6. Lead organization and development of citizen volunteer reading trainers.
7. Develop award and other incentive programs for reading accomplishment.
8. Operate a National information Program to create added public support and effort.
9. Set guidelines for State Reading Centers and assist states in their organization and functioning.
10. Regional reading coordinators: State reading centers.

OFFICE OF EDUCATION

Within the Office of Education, it is recommended that an *Office of Reading Progress* be established, consisting of three branches—the Professional Aid Section, the National Reading Laboratory, and the Office of Education Regional Offices.

The Professional Aid Section will be the center of assistance to the reading-teaching professional. It will evaluate the results of research and demonstration projects, gather available information about reading progress, and disseminate such information to anyone in a position to use it. In addition, this section will be the central coordinating agency of all federal projects related to reading, including those administered by agencies other than the Department of Health, Education and Welfare, and will coordinate all activities concerned with teacher training programs in reading.

The National Reading Laboratory will have responsibility for research. It will conduct, contract for or stimulate research projects, some of which may come from suggestions of the National Reading Council. It will work on development of methods for testing and measuring reading performance. It will also work with other public and private groups to mesh research efforts on the causes of reading impairment, on training techniques, and on the development and improvement of educational hardware and software.

Office of Education Regional Offices. The Office of Reading Progress will have representatives in each of the Office of Education's regional offices to work with professional educators. They will be counterparts of coordinators responsible to the National Reading Center.

Reordering Educational Priorities. If we are to make the desired progress, reading achievement must be assigned a top priority in American education at the federal, state and local level.

This new partnership structure will provide a mechanism both at the federal level and at state levels to enable distinguished non-educators to counsel with education professionals in setting reading priorities. It will also serve as a channel for groups and individuals prepared to assist in improving student accomplishment. Development of techniques to make such assistance effective will necessarily be among the earliest of the new partnership's tasks.

Among specific issues it will consider are these:

1. How best to incorporate into the overall program the efforts of private firms, institutions and individuals so as to derive maximum benefit from their innovative contributions to reading-learning achievement.
2. How to make effective use of the resources and capabilities of the communications media, including book publishers, magazines, newspapers, commercial and non-commercial television radio broadcasters and others.
3. How to assist the states to establish meaningful reading achievement standards supported by effective testing programs.
4. How to furnish assistance through the states to recognize and reward school administrators and teachers for achievements in teaching reading.
5. How to improve federal programs intended to assist teacher-training institutions to upgrade the skills of classroom teachers and of remedial reading specialists.
6. How to create particular focus on efforts in kindergarten through third grade where the reading-learning process is most critical.
7. How to enlist and train more young and adult volunteers to assist and supplement professional educators in teaching children to read.
8. How to assist the states in making widely available special materials which can be used effectively by parents and adult volunteers to help their own children and other children to improve their reading performance.
9. From state standards of reading achievement, and measurements of performance against those standards, the National Reading Council will make an annual report to the President and to the Congress on progress in realizing gains in reading achievement.

Anyone knowledgeable about current trends in American education will immediately recognize that this is a formidable and controversial agenda.

It would not be possible today, for example, to prepare a truly meaningful national report on reading achievement. Statewide standards of reading achievement are conspicuously absent in many states and there is no general effort to measure statewide reading performance, much less any agreement about testing techniques. There is a plethora of argument about teaching methodology, and competing approaches often exist side-by-side in the same school system. Yet the evidence is that no single methodology is best for every student and every teacher, and that skill in whatever method is selected, and commitment to accomplishment are more important.

Whatever the techniques, dramatic national improvement in reading achievement will require support of all groups in our society. It will necessitate systematic analysis of current efforts and the development of priorities for the allocation of available resources. Our approach emphasizes structure rather than program because only a new structure can provide the total resources needed finally for real reading achievement.

At the federal level, we must begin our national reading effort for the 1970's with the undramatic but necessary task of organzing our national resources in such a way that we can be of maximum usefulness to the states and the school systems. For it is there that most student achievement takes place.

In this decade, we must add to the magnificent accomplishments of our educational system, the curing of our reading disease. Let us organize ourselves so that every needed resource may be brought to the battle. This is the meaning of OUR NEW PARTNERSHIP.

CIVIL SERVICE RETIREES DESERVE GREATER INCOME CONSIDERATION

Mr. PROUTY. Mr. President, I have repeatedly reminded the Senate of the problems facing older Americans. I would like to take a few minutes today to speak about a very specific subject related to a tendency I have often noticed for many of us to think of older Americans as a single group all making up a statistic for the country as a whole.

We all know that there are nearly 22 million Americans age 65 or over. We often think that they all have the same problems, the same benefits, and the same needs. That simply is untrue.

Earlier this week, I testified before the Committee on Finance. Among other things, I urged the members of that committee to extend eligibility under the so-called Prouty amendment. Specifically, I asked that one be made eligible for the Prouty amendment if he becomes age 70 before 1972. Under the present law, one had to be age 72 on or before December 31, 1967, in order to be considered for eligibility under the Prouty amendment.

In numerical terms, adoption of my amendment would mean an additional 700,000 older Americans would be eligible for the benefits under the Prouty amendment.

It is interesting to know that since my amendment was adopted, in March of 1966, nearly 2 million older Americans have benefited.

More than 654,000 of those beneficiaries are still living, and as a group they receive nearly $25 million each month.

The individual benefit under my amendment has increased from its original $35 a month to its present $46 a month.

I hope that the monthly payment will be increased to at least $50 a month during this Congress.

When I submitted my amendment in 1965, I had done a considerable amount of research into the economic status of older Americans. I was shocked for a number of reasons which I will not go into now. I shall mention, however, the facts that I found to be most shocking.

As the country's largest employer, the Federal Government has a unique responsibility to its two and a half million civilian employees. These are the men and women who actually make this country work. They are the individuals who provide the services which insure the security and well-being of their 200 million other fellow Americans.

Their jobs reach into almost every aspects of our lives. The mail we send depends upon them. The safe quality of the meat we eat depends upon them. The safety of the cars we drive depends upon them.

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I could go on and on, but let me simply say that our domestic wellbeing, our foreign policy, and our national defense depend almost exclusively on the good work of the Federal employee.

In 1965 I took a particularly close look at the type of retirement system we have provided for Federal employees and the amount of retirement benefits retired Federal employees were receiving. I was appalled. The Federal civil service retirement system did not provide adequate income replacement for its dedicated workers. I realize that we had amended the Civil Service Retirement Act in 1963 to provide an automatic cost-of-living benefit increase provision. But we had not made up for the past. We had failed to increase the basic civil service retirement benefits.

While the automatic cost of living provision may have eased our consciences, it did little to fill the empty pocketbooks of retired civil servants.

I recall when I was successfully arguing in 1966 for my amendment to provide a special benefit payment for those who had been missed under social security coverage a piece of evidence that did more to convince Senators that my amendment was good than any other piece of evidence I had used.

Let me read a memorandum that I read then:

MEMORANDUM ON FEDERAL RETIREMENT ANNUITIES

Of the more than 200,000 surviving widows and children of civil service retirees, 38 per cent receive less than $50 a month; 79 per cent receive less than $100 a month; 93 per cent receive less than $150 a month. Ninety-nine per cent of all surviving widows and children receive less than the so-called poverty level of $3,000 a year. Of the 170,000—some widows on the civil service retirement rolls as of June 30, 1965, the average age was 65.8, the average annuity a meager $80 per month.

The situation of surviving widows and children is not necessarily the most desperate. Look at the unfortunate figures relating to employee annuitants: 49,700 receive less than $50 a month; 126,100 receive less than $100; 214,300 receive less than $150 per month; 307,600 receive less than $200. Viewing the so-called poverty level as $250 per month, 377,500 civil service employee annuitants out of a grand total of 508,500 receive less than poverty-scale annuities.

Alarmingly enough, nearly 74 per cent of all civil service employee annuitants receive less than the magical poverty level.

I was alarmed by those statistics then, and I continue to be alarmed by similar statistics now.

As the country's largest single employer, the Federal Government should be providing retirement protection for its employees second to none. Instead it has a retirement system basically the same as Congress intended in 1921 when it enacted the civil service retirement system. Certainly it has been modified by subsequent Congresses, but basically it continues to be a staff retirement designed more for worker retention than for retirement protection.

For example, when survivor benefits under the civil service retirement system are compared to survivor benefits under social security the disparity is disgraceful. Did you know, Mr. President, that the surviving widow and one child of a deceased civil service employee earning $500 a month and with 5 years' Federal service would receive a $78 a month benefit while had her husband been under social security instead she would get $266 a month.

Did you realize, Mr. President, that for that widow of a civil service employee to get that $266 a month her deceased husband would have had to been employed for 40 years in the Federal Government. I could repeat example after example showing the complexity and inadequacy of the civil service retirement system, but my purpose today is not to overhaul or revamp that system.

Within the next couple of weeks, the Senate will be debating amendments to the Social Security Act. Let there be no doubt about it: social security must be improved. We must develop in this rich country an adequate income maintenance system for older Americans. However, when that debate takes place, let us remember that not all older Americans are covered under the social security system. Most important, let us not forget more than 800,000 beneficiaries of the Federal civil service retirement system.

I realize that we have made progress in improving Federal civil service retirement benefits. We have increased the benefits and have liberalized the formula by which benefits are computed. But, quite frankly, we have not done enough.

The Federal Government should be setting the example for all other employers in this country. It is not. In the newspapers within the last couple of days we have read that the auto workers are unhappy with a retirement plan proposal which would grant them $500 a month after 30 years of service. The Federal civil service retirement system does not even match the pension available to the United Auto Workers. But even more significant is the fact that the United Auto Workers are able to receive social security benefits in addition to their private pension benefits. I am hopeful that Congress will move in the near future to provide the retired Federal civil servant with a retirement system second to none.

JUSTICE DEPARTMENT OPPOSES SPECIAL INTEREST RIDER IN ONE-BANK HOLDING COMPANY BILL

Mr. PROXMIRE. Mr. President, last week the Senate passed a bill which ostensibly regulates one-bank holding companies, although an amendment added in committee would exempt 82 percent of one bank holding companies from Federal regulation. The companies exempted include some of the Nation's largest conglomerates such as Gulf & Western, Tennaco, Minnesota Mining & Manufacturing, and Sperry & Hutchinson, otherwise known as the S&H Green Stamp Co.

On September 17, 1970, Mr. Donald Baker, Deputy Director of Policy Planning, Antitrust Division, Department of Justice, delivered a speech at the Federal Bar Association Convention in Washington. In the speech, the Justice Department official blasted the so-called conglomerate amendment which the Senate unfortunately voted to retain by a narrow vote of 37 to 34. Mr. Baker states that:

> We in the Justice Department have strongly opposed this special interest rider, which is inconsistent with the whole thrust of the 1970 legislation; and we shall continue to urge the House-Senate Conference to eliminate it.

Mr. President, it is encouraging that the administration has taken a strong position on the one bank holding company bill. We need to enact legislation free of special interest exemptions and I am hopeful that the House-Senate conference committee can reach an adequate solution.

Mr. President, I ask unanimous consent that the text of Mr. Baker's remarks before the Federal Bar Association convention be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BANKING AND BIGNESS—AND THE SEARCH FOR A BETTER TOMORROW

(Remarks by Donald I. Baker, Deputy Director of Policy Planning Antitrust Division Department of Justice)

In Washington—this great mecca of reporters, lobbyists, and pundits—it sometimes seems more important to be topical than to be absolutely right. Anyway, with this excuse, I am going to be topical. Today I am going to talk about bank holding company legislation.

It now seems clear that such legislation will be enacted this year; and that it is directly relevant to today's discussion of economic concentration. Of course, we cannot tell exactly what final form the legislation will take, but the House and Senate versions are close enough in various fundamental respects for us to proceed on some reasonably confident assumptions on fundamental points.

In the first place, the 1970 legislation will deal squarely with what can be called the Zaibatsu problem—the danger that a few huge industrial-financial enterprises might come to dominate our economy. Both House and Senate would henceforth bar holding companies from controlling both banks and non-financial enterprises. This is a sound decision: no significant economic gains are seen from allowing banks to become major elements in general commerce and industry; and such a development involves economic and political risks which are not worth running even if they were remote. In saying this, I recognize that it is fashionable among various economists to scoff at the Zaibatsu risk—perhaps because the problem is only partially an economic one in an immediate sense. It has social and political implications as well. Anyone who saw the success of a few of the nation's largest banks in promptly getting special legislation [1] to reverse an adverse antitrust decision would think twice before allowing such a bank to combine with, say, General Motors, Lockheed, or CBS, *even assuming there were no direct or immediate economic effect involved.* Those with political power often have it within their capacity to secure exemption for competition on the basis of justifications which few economists can subscribe to.[2] That simply is the fact of life in Washington (and in the state capitals around the country). It should not be ignored.

Unfortunately, the Senate has just illustrated this point again by passing the so-called "Williams Amendment"[3] to the pending bank holding company legislation—an amendment which would permit a group of individual conglomerates to keep control of banks they now hold.[4] We in the Justice

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Footnotes at end of article.

Department have strongly opposed this special interest rider,[5] which is inconsistent with the whole thrust of the 1970 legislation; and we shall continue to urge the House-Senate conference to eliminate it.

While the industrial-financial Zaibatsu is out, banks are going to be given greater flexibility to enter other financial areas via the holding company route. This again is a sound decision—since real economic gains may be realized in this area. The traditional boundaries in finance may well have become less meaningful in this age of the computer; banks and bank holding companies may be sources of new competition and new innovation in a variety of other financial markets. It is for this reason that the Administration has been actively supporting legislation to permit bank holding company expansion into other financially related fields, subject to adequate regulatory supervision.

Such a course does involve some competitive risks, which I shall discuss in greater detail. We recognize these risks, but we believe that they can largely be dealt with by the types of regulatory action which I shall discuss. We think that such a pragmatic approach is altogether preferable to what the House did last November in creating the celebrated "laundry list" of activities prohibited to banks and bank holding companies. This "laundry list" prohibits banks and bank affiliates from:

(1) engaging in the securities business (including mutual funds);

(2) engaging in insurance (other than credit life insurance) as principal or agent;

(3) operating a travel agency;

(4) providing auditing or other accounting services;

(5) providing data processing services—other than (a) payroll services or (b) leasing of computer capacity;

(6) leasing of property (except where such lease in effect constitutes a sale).

This detailed list represents *the most inflexible way* of dealing with a legitimate concern about the risk of creating giant financial combines, made up of very large banks, insurance companies, and mutual funds. In so doing, it ignores both antitrust remedies and the opportunity for more selective regulatory action by the Federal Reserve Board. The reason for this is clear. The "laundry list" does not represent a careful Congressional weighing of the economic advantages and disadvantages of bank entry into particular financial fields—rather, it represents a barometer of political clout among those who fear new competition from banks. The Administration strongly opposes this inflexible and unwise provision; and we shall urge the Senate conferees to press for its elimination (perhaps they might give up the "Williams Amendment" in exchange!)

Assuming that the "laundry list" is eliminated, the main responsibility for enforcing this legislation is going to fall heavily on the Federal Reserve Board (which is, happily, one of the most capable regulatory agencies in town). The Board will have to determine what financial activities banks will be able to enter and what particular entry transactions are to be permitted. This being so, I am going to take this opportunity to offer a little free advice, from the antitrust perspective, on how the legislation should be enforced.

The statute is likely to give the Board authority to authorize banks' entry into an activity of a financial or fiduciary nature provided that the Board finds that (i) the activity is "functionally related to banking;" and (ii) it "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."[6] This should give the Board substantial latitude to exercise its experienced judgment in weighing the competitive and other benefits and detriments.

In administering such a standard, the Board will be faced at the outset with some traditional public policies in this field. We have a long-standing policy of separating banks from other areas of activity. This policy rests on a number of considerations, including a desire to insure bank solvency and a populist fear about the power of these unique money institutions and the danger of economic concentration. A second general policy is that banks be tightly regulated to insure their solvency. This heavily reflects the bleak days of the early 1930's. Under this policy, entry is controlled, branching and other expansion is limited, and detailed business practices are supervised.

The Board may well have to rethink aspects of these policies as it enforces the 1970 Act. Bank solvency is still a basic consideration—because a bank failure is a community disaster—but it is not the only consideration. The American public should have the benefit of innovation and efficiency in banking, and competition is, I submit, the surest source of these traditional economic virtues. Bank regulatory restrictions on entry and on competition, born under the shadow of the Blue Eagle, are not necessarily the answer to today's needs. I would point out in this connection, that most recent bank failures have not been associated in any way with competitive pressures—but have been the product of insider dishonesty, fund brokering, and the like. Bank regulation should be directed more to those problems and less to maintaining restrictions on entry or the encouragement of anticompetitive mergers. In sum, there is, without doubt, a good case for abandoning some of the traditional fetters on banks. Banks are, as Professor Wallich says, overly regulated and overly protected against new entry into their own field of activity.[7] They (and their affiliates) should be given greater flexibility as to the financial areas which they are permitted to enter. Banking is not a static form of activity; modern bankers can and do offer a variety of specialized services which would have been entirely unknown to their predecessors of a few generations ago. This type of innovation should be encouraged. And it should provide the basis for bank entry into other financial markets where, for example, competition may be weak, or old-fashioned ways still dominate.

The Federal Reserve Board is also going to have to wrestle with real competitive dangers associated with bank entry into other markets. The basic danger is that of monopoly power, particularly in local markets. It is well recognized that banks tend to enjoy a significant degree of at least local economic power. This rests on a number of considerations. Banks are protected by regulation from both free entry and full competition. Also, banks enjoy power vis-a-vis borrowers because the borrowing relationship tends to be a continuing one, with little effective opportunity for "shopping around" for most borrowers, and such a relationship requires considerable disclosure of confidential internal business information necessary for credit evaluation. In times of tight money, banks "ration" a scarce and essential commodity to "good" customers.[8] When banks "ration" credit, rather than raising the price to the point that supply and demand meet, the process produces unexercised monopoly power—power which must be abandoned or used through transfer into some other market. This combination is a source of real economic power. Such power is probably more pronounced in small markets where competitive alternatives are fewer and oligopoly conduct is the rule.[9] Given this situation of local market power, bank expansion into other activities in the same geographic area produces some real dangers. Needless, to say, the threat of having one's credit withdrawn may be a powerful discipline for both competitor and customer in the non-bank field.

These competitive risks can take a variety of different forms. Overt tying and reciprocity are possible. So is outright favoritism of bank affiliates—for example, on credit. By and large, these can be dealt with by legal remedies against the specific conduct.

More serious are what one might regard as *structural* dangers, dangers which inevitably result from the bank's market power vis-a-vis the borrower. No coercion is involved. Rather, the borrower, recognizing the bank's discretion and economic power, is tempted *voluntarily* to patronize bank-affiliated enterprises in the hope of improving his chances to obtain credit from the bank or to obtain it on favorable terms. In antitrust parlance, this is now called "tying effect"—to emphasize that the economic effect is just as serious as with overt tying.

The tying effect problem can be easily illustrated. Thus, for example, without any coercion, a loan applicant might offer to place his casualty insurance business with a bank-affiliated insurer, hoping that this would improve his chance of the bank granting him a mortgage loan on the insured premises. The banker, sitting solemnly across the table, has done nothing wrong; he is the silent beneficiary of a tight money market in which credit is being rationed. And yet the borrower's action has the same effect as a tie-in: competition in the tied product (i.e., insurance) is affected to the extent that customers no longer purchase it entirely on its economic merit. The problem becomes progressively more serious as a pattern of such bank-insurance affiliations develops, thereby increasing the potential degree of foreclosure in the tied field.

This problem is intensified because legal tools are inadequate to deal directly with such voluntary tie-ins. Coercive tie-ins can be reached by direct legal prohibitions and sanctions, but what *conduct* is there to prohibit with the voluntary tie-in? Do we prohibit the loan applicant from *thinking* that his self-interest may be served by patronizing the bank's insurance affiliate? Do we prohibit the banker from sitting there solemnly? Clearly not—unless we wish to turn the marketplace into a Mad Hatters' Tea-party.

Instead, what we must do is prevent the creation of market structures in which such voluntary tie-ins seem likely to flourish. In particular, leading banks and leading sellers of related products *in the same market* should be prevented from combining. The Board will have to deal with this problem.

Tying effect and tying may be the most serious competitive problems—but are not the only ones involved. Let me mention a few others.

Elimination of Direct Competition. Bank holding company acquisitions in other financial markets may involve elimination of direct competition where the bank and the non-bank institution provide the same product in the same geographical area. Thus, for example, an acquisition by a leading bank of a leading savings and loan institution in the same community is likely to involve elimination of direct competition for residential mortgage loans and various forms of time and savings deposits in that community. Another example may be bank acquisitions of consumer finance loan companies (as the Government alleged in its recent *Wachovia Corporation*[10] case). Analysis

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Footnotes at end of article.

of such transactions will require regulatory use of specialized financial sub-markets; in its recent *Phillipsburg* decision, the Supreme Court noted that this approach ". . . would be clearly relevant . . . in analyzing the effect on competition of a merger between a commercial bank and another type of financial institution."[11]

Reciprocity. Bank expansion no doubt involves expanded opportunities for reciprocity—a practice that the Department of Justice is vigorously attacking under the Sherman Act.[12] We know that a considerable amount of reciprocity already exists in financial industries. One example will suffice. It has long been customary, as the SEC's 1963 *Special Study* recognized,[13] for banks to allocate securities brokerage service on the basis of deposits maintained by the broker at the bank. This is plain old-fashioned reciprocity. We have recently warned the banking community through the American Bankers Association that we regard such reciprocity as illegal; and that, if it continues in the future, we will bring suit for injunctive relief to deal with the problem. Needless to say, the opportunities for reciprocity expand with diversification: the example I have just mentioned arises from combining deposit and fiduciary functions in the same institution. As banks expand into new areas, even greater opportunities will arise. These risks are clearly something the Board will have to deal with.

Voting Control. A third problem is presented by the role of bank trust departments, a topic of lively concern these days. The Justice Department's *Cleveland Trust* case is aimed at the trust departments' exercising effective voting control over major competitors in the same industry (it is also concerned with director interlocks resulting from trust department shareholdings).[14] I note in this connection that the FCC has proposed a rule that would limit the ability of bank trust departments to control stock in competing local broadcasting stations in the same market[15]—which shows that others are concerned about the same problem. Obviously the situation becomes even more complex when one contemplates bank holding company expansion into new financial markets; if the bank enters, say, data processing, and at the same time its trust department controls an influential block of shares in its principal local data processing competitor, the community is likely to suffer some loss of actual and potential competition. Clearly the Board must be concerned about this problem.

Director Interlocks. A fourth related problem is that of director interlocks—already covered to some extent, albeit obscurely, by Section 8 of the Clayton Act. (This is a provision, incidentally, which both the Board and the Department of Justice are charged with enforcing). We know that there are quite a lot of director interlocks between banks and other financial institutions. This alone raises some problems, but clearly these will become considerably worse as banks move into new areas of financial activity and the traditional barriers between banks and other financial institutions are lowered. The Board will clearly have to take a hard look at the interlock problem in administering its responsibilities under the new Act.

Let me now turn from this general discussion of competitive problems to some more specific suggestion as to how the Board might deal with them.

1. In exercising its general responsibility to authorize bank entry into particular financial fields, the Board should give primary weight to its judgment on the economic performance of the industry involved. The level of efficiency and competition in that industry are particularly important. Bank entry involves some competitive risks, but where the industry involved is inefficient and noncompetitive to any marked degree, then the case for running those competitive risks is fairly strong. This is particularly true where banks or bank affiliates can be expected—or perhaps required—to offer an innovative approach to the problems of that industry. For example, bank entry into a financial field generally characterized by high-cost selling methods would be particularly useful if it could be expected to offer low sales cost alternatives. Thus, it might be appropriate for the Board to authorize bank entry into "no load" mutual funds but not into front-end load funds. Another example is life insurance: in such states as New York and Massachusetts savings banks have been authorized to offer what amounts to "no load" life insurance. This is a useful competitive alternative to traditional high-cost insurance selling methods. And the Board should consider allowing bank entry here, even if it were to keep banks out of the general life insurance business. (This discussion of mutual funds and insurance naturally assumes that these items will be dropped from the House-passed "laundry list" of prohibited activities).

2. Bank holding company expansion should be preferred, or at least simplified, in geographic areas where its banks do not operate. This is the surest way to avoid any elimination of direct competition and the risks of tying previously discussed. As I have already indicated, the risk of *voluntary tying* (or "tying effect") is particularly significant here; it is a structural phenomenon, based on customer recognition of the bank's market power rather than on overt coercion by the bank. It is particularly serious where the bank and non-bank enterprise are significant sellers of related products to the *same* customers; since most banking is a local service business, this is most likely to occur where the bank and the other business operate in the same geographic market and hence face the same potential customers. This has important practical implications for the Board. It suggests that normally the Board should insist on careful case-by-case scrutiny of proposed bank entry in related financial fields through acquisition of another enterprise serving the same geographic market; and such inquiry might sometimes be necessary for *de novo* entry in the same geographic market where the risk of tying or tying effect is significant. On the other hand, the Board might develop general guidelines which would allow for more or less automatic approval for bank entry into appropriate fields, where the entry is to take place in an entirely different geographic market. Such "automatic" approvals might have to be conditioned on the acquired enterprise not expanding into the bank's geographic area without subsequent Board approval. This approach (which might have to be qualified for the very largest banks) would tend to channel expansion into areas where the bank holding company could use its skill, capital, and know-how, but not its market power, as a competitive tool.

3. When dealing with particular acquisitions, the Board—which already bears responsibility for Clayton Act enforcement—should look generally to the principles that it and the courts have been developed under Clayton Act § 7 (and under the similar standard of the Bank Merger and Bank Holding Company Acts of 1966). The Board should not permit a bank holding company to acquire a significant competitor in the same field. For example, a bank heavily engaged in consumer lending should not be permitted to buy a significant finance company in the same geographic market. Moreover, the Board should recognize here (as it has already done in banking) that it is important to preserve sources of potential competition into concentrated financial markets.[16]

4. A bank's trust department holdings should be considered when the Board is faced with the question of whether to authorize a particular holding company transaction. This seems to me to have two aspects. First, the Board should not authorize a bank to enter a field where its trust department has the right to vote a significant proportion of the stock of any competitor in the particular product and geographic market involved. Moreover, the Board order approving any such expansion should specifically prohibit future trust department holdings of competitors in the affected field. Secondly, when a bank holding company seeks to expand into mutual funds or insurance (assuming these prohibitions are struck from the negative "laundry list" in the House-passed bill), the Board should probably consider whether this is likely to augment extensive voting power already held by the bank's trust department. In such circumstances, it might be necessary to think in terms of the over-all voting power of the combined bank-mutual fund-insurance enterprise. For this reason, the Board might—and I stress might—wish to prohibit the banks with the very largest trust departments from entry into mutual funds or insurance. Alternatively, the Board might consider imposing an over-all limitation on the combined holdings *in a single company* of the trust department, mutual fund, and insurance company; for instance, the Board might require that combined holdings not exceed 5% of the voting stock of any company (a limitation already generally used in connection with open-end investment companies under the Investment Company Act of 1940).

5. The Board should not permit a bank holding company to enter a field where there are substantial director or management interlocks between the bank and any other significant competitor in that field. This result may well be required by Clayton Act Section 8—and certainly is in accordance with the policy behind that section. Unfortunately, Section 8 is, as I have already noted, a rather obscurely drafted provision; and the Board may want to avoid some difficult questions of interpretation by conditioning Bank Holding Company Act approvals on continued compliance with its own (hopefully) clearer rules.

6. The Board should resist the inevitable pressures for "small bank" or "small market" exemptions from general prohibitions. A small bank in a small market may be closer to the Jeffersonian ideal, but vis-a-vis its borrowers it tends to have the same kind of economic power that I have already discussed. Indeed, such power is probably more pronounced in small markets where the competitive alternatives are necessarily fewer and where oligopoly conduct—if not outright collusion—is a way of life. We cannot allow our concern about large banks in major money market centers to obscure real competitive problems that can and will occur if bank expansion is not appropriately regulated in small markets as well. This incidentally is the clear and cogent message of the Supreme Court's *Phillipsburg* decision: Competition is as important on Main Street as on Wall Street.[17]

To conclude, there is a nice expression among practicing lawyers: "free legal advice is worth what you pay for it." No doubt, free non-legal advice is worth even less.

FOOTNOTES

[1] On March 10, 1965, the District Court ruled that the consummated merger of Manufacturers Trust Company and Hanover Bank violated Sherman Act § 1 and Clayton Act § 7. *United States* v. *Manufacturers Hanover Trust Company*, 240 F. Supp. 867

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(S.D.N.Y. 1965). No appeal was taken. However, 26 days later (on April 5, 1965), Chairman Robertson of the Senate Banking and Currency Committee introduced the bill (S. 1698) to (1) exempt bank mergers from the anitrust laws and (2) give retroactive forgiveness to the *Manufacturers Hanover* merger and four other consummated bank mergers still under prosecution by the Justice Department. This came almost two years after the Supreme Court's *Philadelphia National Bank* decision (June 17, 1963) and almost a year after its *Lexington* decision (April 6, 1964). Senator Robertson's bill progressed rapidly in the Senate: on June 8, 1965 it was reported out of the Senate Banking and Currency Committee, after only three days of hearings, and it passed the Senate three days later on a voice vote. In the House of Representatives, a major battle developed and S. 1698 was substantially amended. This led to compromise contained in the Bank Merger Act of 1966, 80 Stat. 7, 12 U.S.C. 1828(c), enacted February 21, 1966. This legislation included (1) the antitrust special procedure and a special "convenience and needs" defense applicable to bank merger cases; (2) a bar against future antitrust challenges (except under Sherman Act § 2) to prior unchallenged bank mergers; and (3) special forgiveness provisions retrospectively validating the *Manufacturers Hanover* merger and the two other consummated pre-*Philadelphia* mergers then in litigation—namely, *Lexington* and *U.S.* v. *Continental Illinois Bank and Trust Company of Chicago*. However, no such forgiveness was provided for the three other consummated post-*Philadelphia* mergers then pending in California, Tennessee, and Missouri. Three days after the passage of the 1966 legislation, Manufacturers Hanover sent a letter to its stockholders suggesting that they let Senator Robertson know they "appreciated his attitude and efforts." *The New York Times*, June 17, 1966, p. 27 (quoting from letter dated February 24, 1966).

[2] Various forms of outright statutory exemption from the antitrust laws cover agriculture, labor, transportation, insurance, professional football, and newspapers. In addition, other industries are subject to statutory schemes of regulation which may allow "regulatory" considerations to override antitrust law in particular circumstances; included in this group are commercial banking, securities exchanges, broadcasting, common carrier communications, pipelines, and others. See generally Volume 33 of *A.B.A. Antitrust Law Journal* (1967).

[3] The "Williams Amendment" (Section 103(7) of the Senate Committee Print) provides two kinds of exemptions. The first exempts commercial corporations' ownership of banks with a *net worth* of not more than $3m. The second is for diversified conglomerates: it exempts such corporate control of a bank with up to $50m. in net worth provided that that bank's net worth is not more than 25% of the net worth of the holding company. A bank's total deposits tend to run about ten times its net worth. This provision is in addition to a "grandfather" clause (Section 103(b)) which would exempt holdings as of March 24, 1969; many of the smaller one-bank holding companies covered by the $3m. limitation in the Williams Amendment would also be covered by the grandfather provision.

[4] See *National Journal*, July 18, 1970.

[5] See letter from Richard W. McLaren to Senator Proxmire dated June 30, 1970, reprinted in Senate Banking Committee Report on H.R. 6778 (August 10, 1970) at pp. 40–41.

[6] This language is contained in both the House passed bill and the bill reported by the Senate Banking Committee.

[7] Henry C. Wallich, "Banks Need More Freedom to Compete," *Fortune*, March 1970, p. 14. But see a critical industry response to allowing more outside competition to banks: "An Alternative that Could be Worse," *American Banker*, March 4, 1970, p. 4.

[8] Credit rationing occurs because banks do not generally charge the full monopoly price on credit in times of tight money. Such "profit maximizing" conduct is restrained by a variety of factors—including usury laws, the intense political and public resentment against high interest rates in this country, and the habits bred in continuing customer relationships.

[9] As, for example, suggested by Paul M. Horvitz and Bernard Shull, "Branch Banking, Independent Banks, and Geographic Price Discrimination," 14 *Antitrust Bulletin*, 827–844 (1970).

[10] *United States* v. *Wachovia Corporation, et al.* Civ. 2656 (W.D.N.C.) filed April 24, 1970, preliminary injunction denied, 1970 CCH Trades Cases ¶ 73,213.

[11] *United States* v. *Phillipsburg National Bank and Trust Company*, 1970 CCH Trade Cases ¶ 73,245 (1970).

[12] *See e.g., United States* v. *United States Steel Corp.*, Civ. No. 69–729 (W.D. Pa., filed June 13, 1969), consent judgment, 1969 CCH Trade Cases ¶ 72,826; *United States* v. *Inland Steel Co.*, Civ. No. 70 C 1305 (N.D. Ill., filed June 1, 1970), consent judgment, 1970 CCH Trade Cases ¶ 73,197; *United States* v. *Republic Steel Corp.*, Civ. No. C 70–609 (N.D. Ohio, filed June 29, 1970), consent judgment filed (1970 Trade Cases ¶ 73,246). The Department has also attacked mergers possessing high potential for reciprocity. *See, e.g., United States* v. *International Telephone and Telegraph Corp.*, Civ. No. 13319, 13320 (D. Conn., filed August 1, 1969) (two cases), motion for preliminary injunction denied, 1969 Trade Cases ¶ 72,943.

[13] *Report of the Special Study of Securities Markets of the Securities and Exchange Commission*, Part 2, pp. 859–861 (1963).

[14] *United States* v. *Cleveland Trust Co.*, Civ. No. C–701–301 (1970).

[15] *Notice of Proposed Rulemaking*, FCC Dkt. 18751 (November 9, 1969).

[16] *Se, e.g., BT New York Corp.*, 53 Fed. Res. Bull. 769 (1967), rehearing denied, 54 Fed. Res. Bull. 225 (1968).

[17] "Moreover, if commercial banking were rejected as the line of commerce for banks with the same or similar ratios of business as those of the appellee banks, the effect would likely be to deny customers of small banks—and thus residents of many small towns—the antitrust protection to which they are no less entitled than customers of large city banks. *Indeed, the need for that protection may be greater in the small town since, as we have already stated, commercial banks offering full service banking in one institution may be peculiarly significant to the economy of communities whose population is too small to support a large array of differentiated savings and credit businesses.*" 1970 CCH TRADE CASES ¶73,245 at pp. 88, 951–88, 952 (emphasis added).

FLORISTS' TRANSWORLD DELIVERY ASSOCIATION GOLDEN ROSE AWARD TO SENATOR HOLLAND

Mrs. SMITH of Maine. Mr. President, in 1960 the FTD Golden Rose Award was created by Florists' Transworld Delivery Association to honor persons in public life for significant contributions to the use of flowers and plants in our daily life and to the advancement of floriculture in the United States.

I recall with great pleasure the ceremony, held here in the Capitol, when I was honored with the first Golden Rose Award. The very kind remarks of my congressional colleagues on that occasion are a cherished part of the tribute paid to me by FTD florists.

In 1968, the late Senator Everett McKinley Dirksen, of Illinois, whose love of flowers and plants is so well known, was a recipient of the FTD Golden Rose. Other notables in the public life of the Nation who have been honored, on a selective basis, include the officers of the famed Tournament of Roses.

On August 17 of this year, this award was presented to Senator SPESSARD LINDSEY HOLLAND, of Florida, at the organization's annual meeting in Toronto, Canada. Sharing this occasion with our distinguished colleague was his lovely wife, Mary, whom all of us admire so much. In announcing plans for the award to Senator HOLLAND, FTD executive vice president, John L. Bodette stated:

> The unanimous choice of the Board was based on Senator Holland's outstanding leadership in helping to provide research and information services to the floriculture industry through the U.S. Department of Agriculture, and the significant role he played in making the importance of floriculture as an agricultural industry better understood throughout the Congress and in state legislatures.

Senator HOLLAND, who is highly respected by all of us, will conclude a distinguished career at the close of this Congress. He will be missed for many reasons, especially for his humanity and deep feeling for all of those he has served. I am happy that FTD has honored him with the Golden Rose Award, and I congratulate Senator HOLLAND.

Mr. President, I believe the remarks of his lifelong friend, Mr. James Donn, chairman of the board of Gulfstream Park, Miami, and Exotic Gardens, Inc., and those of Mr. William D. Tallevast, president of FTD, at the presentation in Toronto are outstanding tributes to SPESSARD HOLLAND, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SENATOR HOLLAND—FTD GOLDEN ROSE AWARD: PRESENTATION BY MR. JAMES DONN

Mr. President, Officers, Members, distinguished guests, ladies and gentlemen. It is my privilege to present to the Annual Member's Meeting of Florists' Transworld Delivery Association the senior United States Senator from Florida, Spessard L. Holland. It is an honor I have long sought.

Friends, Spessard is an individual who usually rises to the top. In college he was one of the highest ranking students in the University. Spessard became United States Senator after serving as Governor of Florida and before that state senator, always reaching the top. In the parlance of horse racing he is the winner of the Triple Crown.

No one ever received wages that were not their due while employed by Spessard Holland. He remains the individualist in the United States Senate—free enterprise is his dogma, none other. When it comes to taking care of his friends, I'm going to relate a little incident that transpired between him and me in the year 1941, when he was Governor. I was in Tallahassee representing horse racing when I got word that the "big man" wanted to see me. So, I proceeded over to the mansion and met Spessard. He said, "Jimmy, I am in awful trouble." I said, "What's the matter?" He said, "Well, it's that welfare program you promoted way back in 1935, and that I helped you put through the legislature.

Now, you've got to help me." I said, "Spessard, how can I help you?" "Well," he said, "I've got to raise some more money for these old folks for whom you started that program. Can horse racing stand a raise in the state's 'take'?" I said, "How much? After all you are getting 3% now." "Well," he said, "how about 8%?" So folks, I'm still his friend and that action by Spessard Holland is costing me a lot of money today. But this is typical of Spessard Holland. He never gives way—his friends must toe the line when it becomes necessary for any program that he has in mind. I say without doubt in my mind that he was the best governor the State of Florida ever had. This is my opinion and I think the opinion of many.

You know this man is the greatest "crime buster" that Florida ever had. Way back in '41 we had the emissaries from the scarface of Chicago and people in New York. They owned a racetrack. These gentlemen are difficult to stop and take rather drastic remedies to put any nuisance to them out of the way. But this didn't faze Spessard Holland a bit. The same qualities that won him the Distinguished Service Cross in France gave him the courage to stop these rascals, and Florida's racing has been clean ever since.

As you know, behind any great man there is always a noble woman. And he has a noble woman, Mary Holland. I remember visiting them in the mansion in '41 when she was the First Lady. There were flowers in every room. We went over to the Senate and the House. It looked like a flower show. Flowers were everywhere. You had to peep around the flowers to see the Senator that you were looking for. I was struck by how Mary went about arranging the flowers, and her love of flowers. When I went back home that summer, I found an orchid there that I had imported from England. It was a special collection that I brought to the U.S. for safekeeping during the battle of Britain. And so, one of the first "refugee" orchids was named "Mary Holland" after a beautiful lady in the governor's mansion. Mary, stand up and show the audience this beautiful orchid. (Applause).

Friends, I now turn to our President, William D. Tallevast of Florence, S.C., who will introduce Senator Holland.

INTRODUCTORY REMARKS BY WILLIAM D. TALLEVAST, PRESIDENT, FLORISTS' TRANSWORLD DELIVERY ASSOCIATION

Ladies and Gentlemen: In the comparatively brief time that I have known Senator Spessard Lindsey Holland, I have concluded that he *does* need some introduction. He needs it because he is so intent on performing a workmanlike job with quiet dignity that he is likely not to tell anyone about it!

You have heard some of the stories of his early days from our good friend and colleague, Jimmy Donn—enough to establish the fact firmly that Senator Holland has spent more than 40 years of public service caring about the problems of people as individuals and as small businessmen. He has sought to help them by supporting legislation that would truly solve their economic problems, and help them survive in the increasingly tough and competitive marketplace that businessmen like ourselves face today.

These are serious times for all of us, and Senator Holland has characteristically preferred the serious and solid approach to them. Let me briefly explain how that attitude has affected us.

About eight years ago, FTD leaders determined that a more effective effort must be made to obtain the basic research and information services needed by the little-known industry of commercial floriculture. Those in the industry enlisted to help are well known to all of you. They include Ralph Bachman, Fred Flipse, Don Rosacker, and all the FTD presidents who have held office since that time. This effort, to which John Bodette, Truman Fossum, and many others have given much of their talents and energies, was founded on the premise that we would seek of Congress only those kinds of appropriations for research and information services that we, as FTD and industry, could not provide for ourselves.

When we approached the problem by telling the "economic story" of our business, we found that all members of Congress to whom we talked were interested. When they began to understand that we are a $1.8 billion industry at retail, handling an agricultural crop with a farm value of more than $500 million, and that we represent 50,000 small business enterprises providing employment to some 200,000 persons, we found we had an attentive audience.

Much of what happened is history. Because we marshalled the facts to support our case in Congress and in the U.S. Departments of Agriculture and Commerce, our industry can point to the development of a badly needed market news service for ornamental crops; improved and expanded crop estimating and reporting services, a series of important studies strengthening the economic and marketing research available to us; major advances in transportation and packaging research for our products; and increased funding of biological research at leading USDA agricultural experiment stations. Because of these steps, we are—after these many years—on the threshold of developing a system of grade standardization and inspection for our key crops.

A kind of cooperative attitude has grown up during the decade of the sixties between our industry, the USDA, and key Congressional committees. It was fostered by FTD, on behalf of the industry, through a series of grants to USDA in which we tried to show Congress that we were willing to invest "seed money" in the basic research and information service programs so vitally needed by the industry. In short, we were ready to invest in our own future. At all times this cooperation has been based on mutual respect and a completely honest statement of the facts to our partners in progress.

One more element was needed for the success of this effort. It is the understanding of the men who make the real decisions—our Congressmen. Among members of Congress, Spessard L. Holland has been a giant and a tower of strength. It was he, more than anyone, who saw to it that the economic importance of commercial floriculture became a matter of public record, who led the drive in Congress to ensure that floriculture receives the same basic services available to all other important crops, and who, most of all, helped tell the story of you, the small businessman, to his colleagues.

Senator Holland, we know that you would be content to provide this kind of leadership and real service, and then quietly retire from Congress this year without making it known. We cannot allow that to happen. The basic research activities and information services for commercial floriculture, in which you were so instrumental, will go on serving generations of growers, shippers, wholesalers, and retailers long after you have left Congress. What is important is that a solid, permanent, working structure has been put in place that we believe will stand as one of your enduring accomplishments in public service.

It is my privilege, Senator, to be President this year and be allowed to present you this Golden Rose Award. We sincerely present it with great love and affection for your interest in the florist industry. Thank you very much.

Ladies and gentlemen, Senator Spessard Lindsey Holland of Florida.

STATEMENT BY SENATOR HOLLAND

Thank you very much, President Tellevast: Ladies and gentlemen of FTD, I don't have to tell you that Jimmy Donn is my long time friend because you heard that introduction. As you know, it's always pleasant to be introduced by somebody that's overgenerous. I appreciate that introduction. It's great to be here. I'm so glad Mary could come.

In order that you may understood just how important we feel this occasion is, I want to tell you that she doesn't like to fly. She's never come to Canada with me but one time before, and that was to Montreal to the dedication for the St. Lawrence Seaway where I represented the Congress and where she came not to see the Seaway but to see Queen Elizabeth. So I'm sure you can understand from that fact that we both consider this not only an outstanding occasion but one which is unforgettable as far as we both are concerned.

You people with your flowers bring happiness where times of joy prevail; bring solace where times of sorrow and sadness prevail; and if I might add a little note from us husbands throughout the country, you give us a special method of relief when we happen to be in the dog house—if you know what I mean.

The florist industry, with total sales at retail of about $1.8 billion and crops with a farm value of about $500 million that is made up of 50,000 independent small businessmen, is an important industry. Your organization of nearly 12,000 retail florists has given fine leadership. You've done a magnificent job.

I wouldn't want to let the very generous words of Billy Tallevast make you think that I feel any great personal credit is due to me. I happen to be chairman of the Senate Appropriations Subcommittee on Agriculture. In these last eight years, I found out to my great surprise there's small appreciation and understanding in the Congress of the size and importance of this great industry in Canada and in the U.S. and for that matter all over the world. I was glad to welcome your witnesses. You always had highly informed practical men before us and highly informed scientific men before us and amongst us all, both in the Senate and in the House. We were able to get a few things started which have been mentioned here by your President. All I can say is I don't think enough has been done yet to justify the size and importance of this industry, but I do think you've made a fine beginning and I was particularly impressed when your President spoke of "seed money". I just want to tell you, that if that was seed money, it has come out of the pockets of your own people and in my experience in the State Senate and as Governor and where I am now, I have found that people in public life are more interested in an industry that is willing to show enough confidence in itself, to lay its own money on the line, than it is when an industry simply comes asking for help but not showing any willingness to organize or any willingness to cooperate by putting up funds of its own.

So it's been a pleasure to see your programs come along a little. We've appreciated so much the kind of people that you sent to labor with us, and I see one of them over here, Fred Flipse from Florida. We've had wonderful help from others, like Truman Fossum and Gordon Smith, who've been showing us such a good time these last few days. I want to, for Mary and myself both, thank you for the fact that you've kept our apartment a bower of flowers ever since we got here. I notice that you, Mr. Bodette, have been taking care of that and I want to thank you publicly, along with Jimmy Donn, because I noticed that some of these were the products of Exotic Gardens.

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I want to thank you both and all for your kindness and the way you have treated us in such wonderful fashion.

As to this marvelous award that you've bestowed upon me, I want to tell you that I appreciated it in a heartfelt way more than anything you could have possibly done for us. May I say that I'm glad to possess it here this once. I doubt if there'll be many times in the future when I shall have the opportunity to possess it.

We shall always be enormously proud of this very beautiful and lovely award which you have given us, and I just want to express a heartfelt thanks from both Mary Holland and me. I think she will let our children and grandchildren enjoy it, and I suspect on every occasion when we have some very important people present, somehow, they'll be given the opportunity of viewing this beautiful FTD Golden Rose. We thank you from the bottom of our hearts.

BEETHOVEN'S BIRTHDAY AT THE UNIVERSITY OF MARYLAND

Mr. MATHIAS. Mr. President, during this year the 200th anniversary of the birth of Ludwig van Beethoven will be observed throughout the world. As may be expected, the commemoration of his birth will be marked by new recordings, editions, and performances of interest to the scholar, the artist, and laymen alike.

I would particularly like to call the attention of the Senate to a rare series of performances to begin on Sunday, September 27, during which the piano faculty of the University of Maryland will perform all 32 of Beethoven's sonatas. This is an extraordinary opportunity to hear the sonatas, particularly as the piano division of the University of Maryland has risen to national prominence in recent years.

We are indebted to Dr. Stewart Gordon, head of the division, for assembling such an outstanding faculty at the university. I hope that he will continue his fine work and that he will provide many more such opportunities for us in the future.

The performance begins at 4 o'clock on Sunday in the Tawes Recital Hall of the university's fine arts building, located on the College Park campus. All performances are open to the public without admission charge and will be held each Sunday through December 13.

In addition to Dr. Gordon, other members of the faculty who will perform the sonatas include Dr. Roy Hamlin Johnson, Mr. Charlton Meyer, Mr. Thomas Schumacher, Miss Nelita True, and Mrs. Yvonne Beatty.

On behalf of the university I invite the Members of the Senate, the staff, and their families to attend.

Mr. President, I ask unanimous consent to have the schedule printed in the Record.

There being no objection, the schedule was ordered to be printed in the Record, as follows:

Sept. 27. Mr. Schumacher. No. 26 in E flat major (Les Adieux, op. 81a); No. 14 in c sharp minor ("Moonlight," op. 27, no. 2); No. 2 in A major (op. 2, no. 2).

Oct. 4. Dr. Gordon. No. 1 in f minor (op. 2, no. 1); No. 12 in A flat major ("Funeral March," op. 26); No. 8 in c minor (Pathetique, op. 13).

Oct. 11. Mr. Meyer. No. 7 in D major (op. 10, no. 3); No. 27 in e minor (op. 90); No. 13 in E flat major (op. 27, no. 1).

Oct. 18. Dr. Johnson. No. 5 in c minor (op. 10, no. 1); No. 9 in E major (op. 14, no. 1); No. 25 in G major (op. 79); No. 21 in C major (Waldstein, op. 53).

Oct. 25. Miss True. No. 16 in G major (op. 31, no. 1); No. 17 in d minor (op. 31, no. 2); No. 18 in E flat major (op. 31, no. 3).

Nov. 1. Mr. Schumacher. No. 22 in F major (op. 54); No. 28 in A major (op. 101); No. 15 in D major ("Pastorale," op. 28).

Nov. 8. Dr. Gordon. No. 20 in G major (op. 49, no. 2); No. 30 in E major (op. 109); No. 23 in f minor (Appassionata, op. 57).

Nov. 15. Mr. Meyer. No. 29 in B flat major (Hammerklavier, op. 106).

Nov. 22. Mrs. Beatty. No. 19 in g minor (op. 49, no. 1); No. 6 in F major (op. 10, no. 2); No. 11 in B flat major (op. 22); No. 24 in F sharp major (op. 78).

Dec. 6. Miss True. No. 10 in G major (op. 14, no. 2); No. 31 in A flat major (op. 110); No. 3 in C major (op. 2, no. 3).

Dec. 13. Dr. Johnson. No. 4 in E flat major (op. 7); No. 32 in c minor (op. 111).

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **PRESIDING OFFICER.** The joint resolution will be stated.

The legislative clerk read as follows: Calendar No. 1135. Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The **PRESIDING OFFICER.** The pending question is on agreeing to amendment No. 711.

Mr. MANSFIELD. Mr. President, I have listened with interest to the distinguished Senator from Indiana throughout most of his address to the Senate this morning. I am aware of his responsibility. I know of his deep-seated concern and personal interest in the measure now before us. I appreciate fully the fact that almost singlehandedly he nursed this measure through the Committee on the Judiciary. I am very much aware of the delay which he encountered, of the obstacles which were placed in his path, and of the repeated stallings which took place within that committee even after Senate Joint Resolution 1 was approved by the committee and was to be reported to the Senate.

I find no satisfaction in the tactics used on that occasion. I think it was a deliberate delay. I think the Record will show that fact without contradiction. I would not apply that statement to the full membership of the Committee on the Judiciary, but I would apply it to one or two of its members. They did employ tactics within their rights under the rules of the committee, and in a sense with the approval of the committee.

I am sorry to note that the distinguished Senator from Indiana, who takes his responsibilities keenly, has indicated that beginning tomorrow he intends to object to committee meetings. I would therefore urge committees to start meeting at 8 a.m. beginning tomorrow, and I do not think that is too much of a sacrifice to expect of them. I also wish to advise them that as far as the leadership is concerned, the majority leader, at least, is going to try to see that the morning hour extends a reasonable length of time to accommodate their deliberations, and assure that testimony may be received of witnesses, many of whom very likely have come from distant parts of the country.

I must apologize to the distinguished Senator from Indiana for not notifying him, as I intended to, about the vote on the antipornography legislation which will take place at 12:30 today. The time on that measure will begin to run at 12 o'clock. I am sure he understands, however, the situation in which the leadership found itself. He was aware, I believe, that previous to that time an agreement had been reached on the Senate floor that at the hour of 2 p.m. today, a vote would be taken on the public broadcasting conference report.

I had a discussion with the distinguished Senator from Indiana yesterday. Because of that discussion, he at least held back for 1 day in applying the stringent suggestions which he has enunciated this morning. I would hope that he would reconsider and permit us to transact Senate business and to keep the calendar clean or as clean as possible on the basis of two-shift sessions. It is my intention to file a cloture motion on Friday, and the vote on that will occur 1 hour after we meet on Tuesday next. At that time it is my intention to make a final decision as to the disposition of what is now the pending business as far as the leadership is concerned.

The Senator from Indiana has stated that he has responsibilities. I agree, and he has lived up to his responsibilities. He has shown a great deal of flexibility and understanding. But the majority leader, the Senator from Montana, has responsibilities, too. I am fully in accord with the purposes of the amendment proposed in Senate Joint Resolution 1. I shall support it to the best of my ability.

I intend, at an appropriate time, to take up the equal rights amendment. I am disappointed, on the basis of what I thought was an agreement within the Judiciary Committee, that the date of September 19 has passed without the report on a resolution dealing with the equal rights amendment. The fact is, such a resolution has not been reported by the committee. But come hell or high water, if that proposed amendment is not reported out, the Senate must be prepared to face up to the equal rights amendment this year.

Furthermore, there is other legislation that must be considered. There are six, perhaps seven appropriation bills yet to consider.

In any case, my purpose in speaking at this time is to express an appreciation and an understanding of the situation in which the distinguished Senator from

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Indiana finds himself, but also to state most emphatically that as far as the majority leader, the Senator from Montana, is concerned, he intends to face up to his responsibilities, and he will.

Mr. BAYH. Mr. President, I deeply appreciate the remarks of our colleague from Montana, my faithful leader, who has worked so hard and so long trying to keep the ship of state, and the U.S. Senate, moving on a steady keel.

I am a relatively young Member of this body, with little seniority. That does not in any way lessen my love for this institution and for its rules, nor my recognition of the opportunity and the honor we have in serving here.

I am fully appreciative of the great burden which rests on the shoulders of our majority leader. There are, indeed, times when the responsibility of a leader of a body such as this are different from the responsibilities resting on him as an individual Senator. Indeed, it is entirely possible for a leader and another Senator to agree on the relative merits of a piece of legislation, and for the leader to feel that one parliamentary procedure must be followed to fulfill his responsibility as a leader, and the individual Senator, on the other hand, to feel that another parliamentary process should be followed for him to fulfill his responsibility as a Senator.

It is because of the desire to cooperate and not to add to the burden of our distinguished leader that I decided not to object to committees meeting today, and not to require the Senate to meet on the pending order of business beyond 5 o'clock.

If, indeed, the responsibilities of the Senator from Indiana, in the future, might appear to him to be different than the responsibilities of the Senator from Montana, our leader, I trust that these differences will be pursued with the traditional fellowship and camaraderie which is so symbolic of this body.

I want the Record to show that the Senator from Montana has been one of the earliest proponents of electoral reform, for giving the people of this country the right to vote for their President. He was for this measure before the Senator from Indiana ever had the chance to cast his first vote in this body. He has been very patient and helpful in advising the Senator from Indiana, as chairman of the subcommittee, how he could best improve the opportunity of the Senate to work its will on this issue. For the Record, I should like to thank him personally for his patience and tolerance.

I must say that I hope the Senator from Montana sees the day come in this body when we have the right to vote on electoral reform and equal rights amendment. As the Senator from Montana knows, the Senator from Indiana has been laboring diligently in the Subcommittee on Constitutional Amendments, of which he is chairman, on the equal rights amendment. In the last several days, we have seen appear a significant amount of opposition to the amendment. Interestingly enough, one of the most ardent opponents of that amendment is one of the most outspoken critics in the ranks of those who are presently filibustering Senate Joint Resolution 1.

When our distinguished leader says that "come hell or high water" we are going to get a vote on the equal rights amendment, I say "Amen" to that. But I suggest that to make that possible, we had better put on our asbestos underwear and our hip boots, because the tactics which have been pursued to deny an opportunity to vote on Senate Joint Resolution 1 may very well be pursued to deny a vote on equal rights.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MANSFIELD. May I say that, if I recall my words, I said that it was going to be taken up and brought before the Senate. Whether or not we can get to a vote is something over which I have no control but which the Senate itself will control. Very likely the same roadblocks which have developed in the consideration of this proposed constitutional amendment may well develop in the consideration of the constitutional amendment that would give equal rights to women.

So I would like to have the Record clear on that, because I cannot determine whether or how the Senate will vote; but I will do my best to see that it is brought to a vote. Sometimes you win; sometimes you lose; but always the least you can do is to try.

Mr. BAYH. The Senator from Indiana recalls the statement of the Senator from Montana. He is absolutely right. That is what he said. I salute him for his effort in bringing it to the floor.

I realize that no one Senator, even if he is leader, can make the Senate work its will if it is not willing to do so.

Mr. MANSFIELD. May I say to the distinguished Senator, before I leave the floor—it should be remembered that the time begins to run at 12 o'clock on the antipornography amendment—that I think we understand each other perfectly. The responsibilities which devolve upon each of us as Senators and, in addition, on the Senator from Montana as majority leader are clear. In the latter respect, I think I can speak for the distinguished minority leader as well.

I think, also, that on the basis of our colloquy this morning, the Senate is aware of the situation which confronts it and that the Senate must be prepared to act accordingly.

Again, I make only one plea: that, if the occasion arises, the Senator from Indiana consider the possibility—on a limited basis, if need be—of considering other proposed legislation which must be taken up and disposed of before the Senate, hopefully, can adjourn sine die on October 15.

Mr. GURNEY rose.

Mr. BAYH. The Senator from Indiana has the floor.

Mr. President, I should like to make one final observation before the time expires that is available to us at this moment.

The Senator from Indiana does not intend to occupy the floor but, rather, to listen with interest to those who feel they have not had enough time to debate this matter. I am well aware that the Senate leadership, under the efforts of our distinguished leader, has been making a Herculean effort to make is possible for the Senate to recess by the middle of October, and I support that goal. What I am about to say, of course, represents only the feelings of the Senator from Indiana.

Being only human, I would like to have from the middle of October until the first week in January to be with my family, without being called to the duties of the Senate. But I would suggest that the Senate is derelict in its duty if it permits its own convenience or the convenience of any one of its Members to deny the Senate as a whole the opportunity to meet his responsibility to finish the important unfinished business which still remains in the Senate. The Senator from Indiana is prepared to stay here until Christmas, if that is necessary, to see that not just his proposal but other proposals as well are disposed of.

So, while respecting the fantastic efforts that are being made to move the Senate forward, particularly for the convenience of those in both parties who are seeking reelection, I think we have to stand up and be counted. Right now we are either going to move on electoral reform or it is not going to be done. It is the opinion of the Senator from Indiana, who has studied this matter in hearing after hearing, that the near tragedy in 1968 has provided us with a unique opportunity to pass this amendment. That near tragedy afforded the public awareness that is necessary before any constitutional amendment can be adopted. The amendment was approved in the House by a 339 to 70 vote, and I think that we in this body would be irresponsible if we did not vote on it ourselves.

I do not want to have to wake up on election morning in 1972 or 1976 or 1980 and find that this country has been confronted by a constitutional crisis because I, as one Member of this body, did not utilize the opportunity, did not recognize my responsibility, to see that this measure was put to a vote. It is that goal, that responsibility, which drives the Senator from Indiana to take, with great reluctance, the course that he has suggested this morning.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MANSFIELD. Mr. President, first, may I call two things to the attention of the distinguished Senators? If he carries through with what he has suggested, I am afraid that, with the possibility of no votes facing the Senate, the majority of Senators required for a quorum will soon disappear. As a result, the Senate may well be placed in a very embarrassing position; the position of having to end its work quite abruptly. I make that statement on the basis of what has happened over the last two or three Fridays. I also make it on the basis of the request which has been made to me, that the Senate meet on Saturday. I would be most happy to meet on Saturday, speaking personally, but, frankly, I think it would be an exercise in futility.

The PRESIDING OFFICER (Mr. McGovern). Will the Senator pause momentarily?

Mr. MANSFIELD. Certainly.

DESIGNATION OF OBSCENE OR OFFENSIVE MAIL

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate Calendar No. 1235, S. 3220, which the clerk will state.

The legislative clerk read as follows:

> S. 3220, to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER (Mr. McGovern). Under the previous order, the time on this bill is limited to 30 minutes, to be divided equally between the majority and minority leaders.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes to complete my thoughts.

I would ask if the distinguished Senator from Indiana might relent enough time to allow us tonight to lay before the Senate the bill to amend and extend laws relating to housing and urban development and for other purposes. This item is most important. If he would agree, we could take it up tonight at an appropriate time.

Mr. BAYH. The Senator from Indiana is perfectly willing to let the Senate consider that important matter which the majority leader feels is important at 5 o'clock this evening, with the understanding that when the Senate comes in tomorrow it will proceed to the consideration of Senate Joint Resolution 1.

Mr. MANSFIELD. If the Senator from Indiana would allow us to consider this bill at 5 o'clock tomorrow afternoon, it means a great deal to all the States in the Nation, especially to the cities. It is long overdue. The committee has done a great job in reporting a significant bill. It is a difficult choice, I know, but I plead with the Senator from Indiana, in this instance, to allow us to take up this particular bill.

Mr. BAYH. Mr. President, with great reluctance, the Senator from Indiana would like to point out that it is fully within the competence of the Senate to work its will on the pending order of business. I am ready to vote. I am ready to propose a unanimous-consent request that we do vote. The Senator from Indiana believes that perhaps the request should be made of the distinguished Senator from Alabama, as to whether he is willing to let the Senate work its will.

Mr. MANSFIELD. Mr. President, as long as time is running, I withdraw my request. I do not want to beat a dead horse further. We will have to find some means to face up to this most important business of the Senate because it, too, is important, just as the constitutional amendment is, which I support fully, and just as appropriation bills are important.

Mr. BAYH. Mr. President, could I have a minute?

Mr. MANSFIELD. Out of my time? Yes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

> H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes; and
>
> H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes.

Mr. MANSFIELD. Mr. President, is that bill to go on the calendar?

The PRESIDING OFFICER. Under the precedents and practices of the Senate, when there is a comparable bill on the calendar to a bill coming over from the House and the chairman of the committee requests that the bill be placed on the calendar, the bill is automatically placed on the calendar with reference to the like Senate bill. In this instance the Chair has already made that request so the bill will be placed on the calendar.

Mr. MANSFIELD. That is what I want to be sure of. I thank the Chair.

PROCEDURE

Mr. BAYH. Mr. President, will the Senator yield me 1 minute——

Mr. MANSFIELD. I yield 1 minute to the Senator from Indiana.

Mr. BAYH. Just to make the record clear that the Senator from Indiana is willing to abide by the rules of the Senate. The rules of the Senate suggest that we should proceed to vote on this matter which has now been debated for a longer period——

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yielded the Senator 1 minute.

Mr. BAYH. Than any other constitutional amendment for the last 100 years. Let those who are preventing the Senate from voting on Senate Joint Resolution 1 take the responsibility for keeping this important legislation, as well as other important legislation, from being put to a vote. I fully appreciate the position of the leadership. This effort will not guarantee success for electoral reform, but I am here to suggest to the Senate that the direction in which we have been going for the past 12 days will guarantee failure.

DESIGNATION OF OBSCENE OR OFFENSIVE MAIL

The Senate continued with the consideration of the bill (S. 3220) to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. Bible). The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, on yesterday, the Senate adopted an amendment to S. 3220. That amendment used the phrase "first-class mail." Under the recent reorganization bill for the Postal Department, that phrase is now antiquated.

Even though the amendment was agreed to on yesterday, I ask unanimous consent that it be in order for me to offer an amendment to the amendment. I send the modified amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment will be stated.

The assistant legislative clerk read as follows:

> On page 5, line 19, strike out the quotation marks.
>
> On page 5, between lines 19 and 20, insert the following:
>
> "(3) Each piece of mail required to bear the notice required by paragraph (1) of this subsection shall be sent at the same rates of postage prescribed for that class of letter mail established under the third sentence of section 3623(d) of this title."

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Montana.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, the intent, may I emphasize, is the same. It will get the pornographic literature which was sent through the mails out of the junk mail class and will increase the payment in addition thereto.

Mr. President, have the committee amendments been agreed to? I believe they were on yesterday, but I am not sure.

The PRESIDING OFFICER (Mr. Bible). The Chair would state that there is a committee amendment in the nature of a substitute.

Mr. FONG. Mr. President, has the modified amendment been accepted?

The PRESIDING OFFICER. The substitute modified amendment was agreed to.

Mr. MANSFIELD. Mr. President, I am gratified that the Senate chose to adopt this amendment. It is one which I endorse wholeheartedly. It adds a feature to this bill which will improve it greatly as a law. I am happy to give full credit for the idea to Dr. Robert E. Englert of Great Falls, Mont., one of many of my constituents who have taken a vital interest in this critical problem.

On September 16, Dr. Englert wrote me concerning his deep interest in the matter and included in that letter the suggestion which has now become the "Englert" amendment to the Mansfield pornography bill. I ask unanimous consent, Mr. President, that Dr. Englert's letter be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr.

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BIBLE). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, Dr. Englert's letter exhibits the same strong interest in condemning the peddlers and pushers of obscene material that characterizes the views of so many of the people I represent. These are people who simply resent the mailer who invades the privacy of their homes with unsolicited filth and dirt. They have rights that are every bit as sacred as those safeguarded under the first amendment. This bill—S. 3220—and the added feature of requiring the mailer of obscenity to pay his own way—and then some, I hope—is a first step in recognizing those rights.

Mr. President, I urge the Senate to adopt the Mansfield bill with the Englert amendment attached.

EXHIBIT 1

GREAT FALLS, MONT.,
September 16, 1970.

HON. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I have your letter of recent mailing and the accompanying copy of your statement regarding S 3220—on pornography in the mails.

You note that your mail has been heavy regarding this matter.

The idea of enabling persons to return such mail, having been warned by a statement on the outside of the envelope is just a start. Why not carry the fight a bit further and require any and all mail to carry a first class postage stamp? This would certainly stop a good deal of the "scrap mail" that is daily being processed through the postoffice at a loss. I think it fitting and proper that each class of mail in our postoffices should pay its way. According to my understanding, first class mail has never been a burden on funds to maintain it in the mails, whereas, all other classes such as second class, third class and fourth class mail have deluged the postoffice with mail that is costing far more than the postage received for its transmission through the mails.

First class postage on pornographic material would certainly help to slow down the many pieces of mail going out to the public on an unsolicited basis.

First class postage on the other classes would also cut down the work load and perhaps the postoffice would then not have a deficit each year. It would be appreciated by the majority of the public who, every day, receive such mail—also on an unsolicited basis.

Sincerely,

ROBERT E. ENGLERT, D.D.S.

ADDITIONAL COSPONSORS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of S. 3220: The Senator from Oregon (Mr. HATFIELD); the Senator from Hawaii (Mr. FONG); the Senator from Alabama (Mr. ALLEN); and the Senator from West Virginia (Mr. BYRD), and any other Senators who want to get on.

The PRESIDING OFFICER (Mr. BIBLE). Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I now yield 5 minutes to the Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

The Senate is not in order. The Senate will please come to order. If Senators must have conversations, they should be carried on in the cloakroom.

Mr. RANDOLPH. Mr. President——

The PRESIDING OFFICER. Did not the Senator from Montana (Mr. MANSFIELD) yield 5 minutes to the Senator from Alabama?

Mr. ALLEN. Mr. President, I am happy to yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I am grateful for the cooperation of my colleague from Alabama (Mr. ALLEN) so that we can work our way on this legislation.

OBSCENE MAIL CAN BE STOPPED

Mr. President, I support S. 3220, a bill to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender. I am a cosponsor of this measure.

The measure as reported from the Post Office and Civil Service Committee, of course, has the stamp of approval of the membership of the committee. Sitting in the Chamber—and he will join in the remarks today—is the able Senator from Hawaii (Mr. FONG), the ranking minority member of our committee. He has been instrumental in bringing this measure through the hearing and executive session process to the Senate. Senator FONG is a diligent and thorough worker within our committee and he has labored on this bill in an effective manner. Chairman MCGEE and all members of the committee have had a genuine interest in this bill.

I am grateful for the opportunity to have been a cosponsor with the Senator from Montana and others in working for the provisions of his measure.

As a member of the Senate Post Office and Civil Service Committee from which S. 3220 has been reported to the Senate, I am privileged to salute the author and chief sponsor of this bill—Senator MANSFIELD—our distinguished and devoted majority leader. No Member of Congress has expressed more concern over the flood of pornographic materials in the mail and no Member has been more effective in seeking to remedy this situation. When he introduced this legislation, Senator MANSFIELD stated:

> This traffic in smut must cease and those who are responsible for it must be punished.

And he has been persevering advocate in the effort to achieve these objectives. He has worked constantly to secure favorable action on his bill. Were it not for the pressing and urging of the Senator from Montana, I question whether the Senate would be debating this measure today. He has performed a real public service.

Mr. President, each passing day we are made increasingly aware of this pollution of our planet. Every medium carries word that our nest is becoming steadily, and perhaps irrevocably befouled. But surprisingly, there is not enough attention paid to the moral pollution which is pervading our society. I refer to the growing permissiveness toward obscenity, the labored explanations used in excusing almost any form of crudity and nudity as an expression of art.

Understandably, because of the hazy definitions and court rulings on what really constitutes art, many feel any attempts to curb these artistic excesses is a frontal assault on the first amendment to the Constitution. But there is one form of moral pollution about which there can be little argument. And that is the massive distribution and indiscriminate delivery of what is, by any artistic standard, hard-core pornography—into the American home.

Now if any concerned parent should happen to observe some old codger displaying obscene photographs and literature to one of his children over the backyard fence, his reaction would be extreme anger. Or if the television networks would project scenes of naked orgies during a children's hour, their switchboards would be swamped with outraged calls.

Yet, daily into our American homes comes printed materials which violate good standards of morality, which contain no shred of redeeming social significance; which are, in fact, designed solely and calculatingly to appeal to the prurient interest of socially sick and the sexually immature. And the most horrifying aspect of this avalanche of obscenity, Mr. President, is the fact that it is quietly accepted or sheepishly disposed of by the majority of recipients. I suspect that one explanation for this reaction is the realization that the U.S. Government is a party to this postal pandering, even if an unwilling partner.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. Mr. President, I yield, on behalf of the majority leader, 2 additional minutes to the senior Senator from West Virginia.

The PRESIDING OFFICER. The difficulty is that the majority leader has only 1 minute remaining.

Mr. BYRD of West Virginia. Mr. President, I yield that 1 minute to the distinguished senior Senator from West Virginia.

Mr. FONG. Mr. President, I yield 2 minutes of my time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for an additional 3 minutes.

Mr. RANDOLPH. Mr. President, attempts to stem this flood of filth in the past have proven largely ineffective. Several bills have been introduced over the past year which are desired to cope with parts of the problem.

These attempts to balance the delicate issue of freedom of the press against outrageous invasion of privacy have, in my

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opinion, been realistically met in Senator MANSFIELD's measure.

First of all, it offers a defense for the unsuspecting recipient of sexually oriented advertisements by requiring the labeling of a clear warning that—

> The enclosed material may be obscene or offensive to the addressee and may be returned to the sender unopened at no cost to the addressee.

This goes to the heart of the matter of invasion of privacy, very much like the postcard peddler who leers and reaches inside his overcoat pocket with the query, "filthy pictures?" It is an invitation at the same time. Now I am not so naive as to believe that this mere warning of possible obscenity will result in the end of postal pornography. But at least this requirement of a labeled warning to the addressee clearly skirts the issue of censorship while placing the victim on notice.

What I do believe is that Senator MANSFIELD's measure, if enacted and signed into law, will inject a serious crimp in the multibillion-dollar business of postal pandering. S. 3220 provides that the addressee may return the obscene material to the sender without postage. Hopefully, this decision would be reached before the mail is opened.

In any event, the requirement that the senders of sexually oriented advertisements pay the costs of return first-class postage, in addition to a service charge of not less than 50 cents per piece of mail, would give them pause before they sent out thousands of pieces of pornography.

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Additionally, this proposal provides for a penalty of $5,000 for mailers who violate or do not comply with its provisions.

It should be stressed that S. 3220, as reported, has been revised to correspond with the antiobscenity provisions sponsored by Senator GOLDWATER and others, and given overwhelming approval, in the recently enacted postal reform bill.

Mr. President, I agree with the Senator from Montana (Mr. MANSFIELD) when he said that his proposal "brings into proper balance the right of privacy on the one hand and the right of the press to use the mails on the other," and that:

> If enacted, it will for the first time impose an effective check on the distribution of obscenity in our society and place the burden where it belongs—on the filth peddler.

Senator MANSFIELD has been, I repeat, an effective force in the efforts to curb the alarming flow of obscene and pornographic literature. He deserves the commendation and support of his colleagues in the Congress and the people of our Nation.

I renew the hope that the Senate and the House of Representatives will pass this measure.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii. How much time does he yield himself?

Mr. FONG. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

Mr. FONG. Mr. President, I associate myself with the fine remarks of the distinguished Senator from West Virginia. He has made a very excellent speech. I also congratulate him for guiding this bill through the committee. He has done wonders for us.

Mr. President, the problem of unsolicited salacious and pornographic material received in the mail is becoming increasingly widespread, constituting a problem which is of grave concern to the Senate Committee on Post Office and Civil Service. The distinguished majority leader and those who joined him in introducing S. 3220 are to be congratulated upon the timeliness of this legislation and upon their efforts to protect the privacy of the American home from unwanted material which is shocking and offensive.

On September 1, 1970, the committee held hearings on this measure to augment its longer term studies of this pressing problem. The committee concluded that the right to privacy granted in common law is violated in the vast majority of instances by advertising material through which purveyors of pornography attempt to sell their wares. Accordingly, the bill, as amended, is directed specifically toward placing a burden of identification upon the sender of such material.

The committee has taken into account the guarantees to every citizen of free speech and free press under the first amendment and the guarantees of self-incrimination under the fifth amendment. Weighing the rights of protecting one's privacy in his home against the guarantee of the first and the fifth amendment the committee feels that the bill as amended does not violate these guarantees.

The bill as amended dovetails with section 3010 of title 39, United States Code, as enacted by Public Law 91–375, the Postal Reorganization Act. It thus adds to and strengthens the provisions of existing law.

Section 3010 provides that any person who mails sexually oriented advertisements shall place on the cover such mark on notice as the Postal Service may prescribe. The bill as amended alters that section to provide that the sender shall specifically mark on the cover the following notice:

> The Enclosed Material Is Sexually Oriented Advertising, And May If Unrequested By The Addressee, Be Returned To The Sender Unopened At No Cost To The Addressee.

The amended bill further provides that any such unrequested sexually oriented advertisement may be returned to the sender at the sender's expense. The sender will be required to pay return postage for each piece of mail plus a service charge of not less than 50 cents.

Failure to mark the envelope or cover of the sexually oriented advertisement or refusal to pay the postage or service charge will subject the sender to a civil penalty of $5,000 for each piece of mail.

Section 3010 of title 39, into which the amended bill is interwoven, carries a definition of sexually oriented advertisement. Additionally, it carries an exception to the basic definition. It states that material shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work not primarily devoted to sexual matters. This exception would apply to the provisions of S. 3220. The committee carefully considered testimony taken during the hearings expressing concern over the fact that penalties for noncompliance might be assessed upon innocent mailers. The exception cited above minimizes this possibility.

With the enactment of S. 3220 the sanctity of the home will be far better protected than heretofore, the committee believes. As Senator MANSFIELD has pointed out, distribution of sexual materials will be limited to recipients who specifically request them.

Upon enactment of this measure, the individual will have recourse to the following statutory protection of his rights:

First. Any citizen may file a complaint with the Postmaster General under Public Law 90–206 to initiate action which will stop delivery to him of pandering advertisements. This is the law we passed in 1967 and that was held constitutional by the U.S. Supreme Court in 1969.

Second. Through section 3010 of title 39, as amended by this bill, the sender of sexually oriented advertisements must mark the mailings with specific language written into law.

Third. Also through section 3010 of title 39, a person who does not wish to receive sexually oriented advertisements in his own name or in the name of his minor children may so advise the Postal Service. The Postal Service shall make his name available to mailers who are prohibited from sending him such advertisements.

Fourth. As I have noted previously, sexually oriented advertisements under S. 3220 may be returned to the sender at no cost to the addressee, at the sender's expense plus a service charge.

Innocent mailers are protected by the exception to the definition of sexually oriented advertisements which is now written into law. The bill provides that a civil action to collect the $5,000 civil penalty may be brought by the United States in a district court of the United States. The court will have recourse to the definition spelled out in law which excepts certain advertising matter from the general rule.

The committee believes that S. 3220 marks a milestone in the history of legislation to stop the unsolicited receipt in homes and offices of offensive and lewd material. I congratulate the Senator from Montana (Mr. MANSFIELD) on his action in introducing this measure, and I hope that the Senate will enact it.

Mr. PEARSON. Mr. President, will the Senator yield to me for 1 minute?

Mr. FONG. I yield 1 minute to the Senator from Kansas.

Mr. PEARSON. Mr. President, the distinguished Senator from Oregon (Mr. HATFIELD) is unable to be here today for the debate on S. 3220. I ask unanimous consent that a statement by the Senator from Oregon supporting the bill may be printed in the RECORD prior to the vote.

There being no objection, the statement of Senator HATFIELD was ordered to be printed in the RECORD, as follows:

Mr. HATFIELD. Mr. President, I offer my full support for S. 3220, the bill introduced by the distinguished Majority Leader to combat the flow of unsolicited obscene and pornographic mail advertisements.

I was pleased to join my good friend from Arizona (Mr. GOLDWATER) as a cosponsor of an amendment to the Postal Reorganization Act which will solve part of this problem.

In my opinion, S. 3220 will add needed protection to families across the country. I earlier addressed some remarks to this problem, and I repeat those words today:

Last year the Post Office Department received over 200,000 complaints regarding unsolicited obscene commercial material which had been sent through the mails. It is estimated that there are some 20 million pieces of smut mailed annually within the United States. Dealers in pornography are spurred by a desire for huge profits. These peddlers are aware that these profits increase in direct proportion to the degree of prurient interest appeals that can be injected into their material. The operation of one dealer alone has resulted in 100,000 complaints in the last 4 years. Some persons have received as many as 30 unsolicited sordid mailings. The mailers respect no bounds of discrimination when sending material—no one is exempt. At present, the only tool the Post Office has to shield addressees from unsolicited and unwanted advertisements is the willing compliance of the dealers to remove names from their mailing lists. If the companies choose to ignore the directive requesting removal of a name, this becomes an ineffective tool.

In the name of increasing social acceptance and relevance, movies, books, plays and magazines are also becoming increasingly lewd, revealing, and objectionable. It would appear that the problem of dealing with the different media should be dealt with through the exercise of Federal power; but coequally, attention must be given to the important role of State and local government.

The main problem has always been—and continues to be—regardless of one's own feelings, a definition of pornography not in conflict with constitutional freedom guarantees.

I think we also should recall the words of President Nixon, when he addressed remarks to the Congress on May 2, 1969, on pornography and obscenity. In his statement, the President summed up what I think are the sentiments of many of us. He said:

"The ultimate answer lies not with the government but with the people. What is required is a citizens' crusade against the obscene. When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity but only people can turn back the tide."

Mr. ALLEN. Mr. President, will the Senator yield for 2 minutes?

Mr. FONG. I yield 2 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I support this bill. I hope it will receive the unanimous vote of the Senate.

S. 3220 as amended adds to the procedures by which the privacy of the home may be protected from sexually oriented material by placing reasonable and enforceable restrictions upon sexual advertisements. The committee believes that it is through advertisements of sexual material that privacy is most often invaded.

This bill adds to existing laws and complements them. We already have under Public Law 90–206, a procedure by which through a complaint to the Postmaster General a citizen can set in motion administration action designed to halt the delivery at his home of pandering advertisements.

Through section 3010 of title 39 of the United States Code, as enacted by Public Law 91–375, the sender of sexually oriented advertisements must, by law, state on the cover that the enclosed material is sexually oriented.

Under this bill, a person who does not wish to receive sexually oriented advertisements in his own name or in the name of his minor children may so advise the postal service, and the postal service shall make his name available to mailers who are prohibited from sending him such advertisements.

Mr. President, this is an excellent bill and it should be passed.

Mr. FONG. Mr. President, I ask unanimous consent that the names of the Senator from Kansas (Mr. PEARSON) and the Senator from Florida (Mr. GURNEY) be added as cosponsors of the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. I yield back the remainder of my time.

Mr. RANDOLPH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The order is to vote at 12:30 p.m.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MRS. IMELDA ROMUALDEZ MARCOS

Mr. MANSFIELD. Mr. President, I think I should call to the attention of the Senate that we are indeed honored today to have the First Lady of the Philippines, Mrs. Imelda Romualdez Marcos, visiting us here in the Senate. We are pleased that she is visiting us. We are delighted that she is observing our proceedings and that she will lunch with us soon.

As a close and long-time friend of a most understanding, a most statesmanlike, a most beautiful lady, I would like at this time to introduce to my colleagues the First Lady of the Philippines, Imelda Romualdez Marcos. [Applause, Senators rising.]

The PRESIDING OFFICER (Mr. BIBLE). That is the most pleasant interlude the Chair has had in a long time.

DESIGNATION OF OBSCENE OR OFFENSIVE MAIL

The Senate proceeded to consider the bill (S. 3220) to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.

Mr. SPONG. Mr. President, I fully support the pending bill to make it more difficult for smut peddlers to deposit their unwelcome materials in American homes, and it is my hope that this legislation will be followed by even more stringent measures in the future.

The volume of unsolicited and unmarked material going through our mails today is shocking and its contents disgusting and degrading. In the past year, my office has received scores of complaints from outraged Virginians whose families have been victimized by this practice, and they demand an end to it.

We have yet to find a way of stopping this traffic altogether, but we can make it more difficult for these pushers of pornography who have been allowed to make the U.S. postal service an unwilling partner in their trade. By requiring that all sexually oriented advertisements be conspicuously labeled and by requiring the sender of such material to pay return postage and a service charge, this bill takes a useful step in that direction.

Mr. DOLE. Mr. President, I strongly support S. 3220. I have received many angry letters from constituents concerning unwanted intrusions of pornographic material in their private lives. They say it is vile, disgraceful, and sickening and I most heartily concur. Unsolicited pornographic material is not a local problem peculiar to Kansas, but an issue of national concern.

The peddlers of this material ply their disgusting trade in every State and city of our country and use every means available to expand and carry on their activities. The mails have been one of the most important vehicles for them.

For the last 18 years the Congress has held numerous hearings on the problem of pornography in America. In the spring of 1969, President Nixon called for a citizens' crusade against obscenity and filth, and asked Congress to extend existing laws concerning pornography to enable citizens to protect their homes from invasions of sexually oriented advertising.

Mr. President, it is time to take action to curb unsolicited filth. S. 3220 is an effective start. By requiring purveyors of pornography by mail to place prominent warnings on their envelopes, addressees will be alerted to the contents. By requiring that pornographic literature be sent first class and providing for return of unwanted sexually oriented mail with a substantial service charge and for a penalty of $5,000 for each piece of such matter mailed in violation of this bill, senders will be forced to curtail their activities or face sharp cost increases or heavy fine.

Clearly, S. 3220 is in the best interest of the American public and I urge its approval.

Mr. BYRD of West Virginia. Mr. President, the Post Office annually receives more than 250,000 complaints from citizens who have received unsolicited pornographic material through the mails. Obviously, there is an urgent need to supplement existing statutes on this subject, and to extend the right of privacy in the home to include protection from unsolicited pornography.

I believe that S. 3220 goes a long way toward meeting that need, and I hope that its passage will halt the flow of pornography through the mails and take the profit out of peddling unsolicited smut to unsuspecting citizens.

The bill would require that the sender of pornographic mail clearly mark the envelope, stating that "The enclosed material may be obscene or offensive to the addressee." Failure to make such a marking could result in a civil penalty of $5,000 for the sender.

As it stands now, this mail is usually sent to teenagers, and is usually mailed in plain envelopes. In the vast majority of cases, it is an outlandish insult to the sensitivities of the recipient, and an invasion of the right of privacy in the home.

XUM

S. 3220 would combat this problem by forcing the pornographic dealer to clearly mark his envelopes. The recipient may return the pornographic mail, in which case the sender must pay first-class postage and a service charge. Failure to pay for the returned mail could result in another $5,000 fine for the pornographic dealer.

Mr. President, S. 3220 represents a major expansion of the provisions of section 3010 of title 39, United States Code, as enacted by Public Law 91-375, and the Postal Reorganization Act of 1970. It retains the provision of Public Law 91-375 which allows a citizen to file a notice with the postal service that he not receive any sexually-oriented material. The Postal Service must maintain a list of all such persons, and make that list available to mailers at a cost. For their part, the mailers would be prohibited from sending any sexually oriented material to persons whose names had been on the list for 30 days.

This provision, enacted in 1967, also allows parents to place the names of their minor children still living at home on the postal service list. In the past 3 years, more than 200,000 Americans have expressed their desire not to receive obscene material through the mails; and the number will surely grow as more Americans become aware of the steps that can be taken against the smut peddlers.

Mr. President, it should be emphasized that S. 3220 is intended to protect the privacy of every citizen. It does not in any way represent censorship, inasmuch as it deals only with unsolicited material.

Understandably, the bill is not as strong as many would like it to be. But permissive decisions by the Supreme Court in recent years have seriously restricted Congress in dealing with smut peddlers. I am hopeful that Congress, in the near future, will be able to deal more firmly with the problem of pornography, and that we will be able to enact more stringent laws against those who would destroy the moral fiber of our Nation.

In the meantime, however, I urge the enactment of S. 3220 as a necessary step in the battle against pornography.

PURVEYORS OF FILTH MUST BE STOPPED

Mr. McINTYRE. Mr. President, I give my wholehearted support to S. 3220 which is directed at stemming the flow of pornographic and obscene literature in our country.

In my view, one of the most heinous happenings in our Nation today is the mushrooming distribution of pornographic literature. My constituents are continually sending me examples of the truly disgusting material they receive unsolicited through the mail.

This material comes to them in wrappings which do not reveal the contents. Therefore, this material is exposed to anyone who opens the mail, including young and impressionable children, before they realize its true nature.

Apparently the purveyors of this filth purchase the names and addresses of respectable and unsuspecting people and then send this material to them unsolicited. It is as if an unwanted, uninvited, ill-kempt, and filthy ruffian were to invade the privacy of one's home.

In 1967, Congress acted to stem the tide of pandering advertisements by providing a procedure whereby a person could take action to remove their names from mailing lists which might bring them pornographic material. I strongly supported and voted for that measure.

But the tide of this material has continued to flow and the need is now for new and more stringent steps to be taken. I think this bill, which has been brought to fruition by the majority leader, the able and distinguished Senator from Montana (Mr. Mansfield), does provide the penalties and the restrictions that will help stem the tide of pornography. This bill provides that any obscene material must be clearly marked on its wrappings: "The enclosed material may be obscene or offensive to the addressee." This warns the recipient against inadvertently opening this particular piece of mail.

This legislation also provides that the recipient can return it to the sender without postage by simply writing "Obscene mail matter" on the envelope and placing it in a mailbox. The purveyor of the material must then pay first-class postage for the return plus a $0.50 service charge.

I am sure that the warped minds who are guilty of spreading pornographic material will try to find new ways to infect our minds and our culture. But this bill will help close an important avenue to them and make their filthy task more difficult.

I urge the overwhelming passage of this important measure.

The PRESIDING OFFICER. Under the previous order, and the yeas and nays having been ordered, the Senate will proceed to vote on passage of S. 3220.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Maine (Mr. Muskie), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pell), the Senator from Missouri (Mr. Symington), and the Senator from New Jersey (Mr. Williams) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Javits) is detained on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), and the Senator from Illinois (Mr. Smith) would each vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 324 Leg.]

YEAS—79

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—21

Bellmon
Fannin
Goldwater
Goodell
Gore
Hartke
Hatfield
Javits
Magnuson
McGee
Montoya
Moss
Mundt
Murphy
Muskie
Pell
Smith, Ill.
Sparkman
Symington
Tydings
Williams, N.J.

So the bill (S. 3220) was passed, as follows:

S. 3220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3010(a) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (Public Law 91–375; 84 Stat. 749), is amended—

(1) by inserting "(1)" immediately after the subsection designation "(a)"; and

(2) by striking out all after the word "thereof" the first time it appears and inserting in lieu thereof the following: "the following notice in outstanding type: 'The Enclosed Material Is Sexually Oriented Advertising, And May, If Unrequested By The Addressee, Be Returned To The Sender Unopened At No Cost To the Addressee.' "

To protect a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender.

The title was amended so as to read: "A bill to protect a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender."

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FONG. I move to lay that motion on the table.

Mr. BYRD of West Virginia. I join with the Senator from Hawaii in moving to lay that motion on the table

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, it will be recalled that yesterday important legislation was before the Senate in a realistic attempt to curb the pollution of the air which Americans breathe. That measure received the unanimous approval of the Senators present and voting. The rollcall vote was 73 to 0. This afternoon, we have just completed an attempt—within the framework of the Constitution, I believe—to curb the pollution of the mind; and the Senate has given unanimous approval again, on a rollcall vote of 79 to 0.

I think that the American public will approve of the action taken yesterday and today, as we work to improve and strengthen not only the physical but also the human resources within our Republic.

HOUSE BILLS PLACED ON THE CALENDAR OR REFERRED

The following bills were each read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes; placed on the calendar.

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business which will be stated.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

The Senate proceeded to consider the joint resolution.

POLITICAL BROADCASTING—CONFERENCE REPORT

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote today on the equal time amendment which, under the previous order, is scheduled for 2 p.m., be preceded by one-half hour of debate on the conference report, the time to be equally divided between the manager of the conference report and the able Senator from Rhode Island (Mr. PASTORE) and the minority leader or his designee.

Mr. BAYH. Mr. President, reserving the right to object—and I shall not object—I should like to ask the Chair for a clarification of the request. This in no way brings any additional business before the Senate; and the pending business, both before the acceptance of the request of the Senator from West Virginia and after, will still be Senate Joint Resolution 1?

The PRESIDING OFFICER. That is correct.

Without objection, the unanimous-consent request of the Senator from West Virginia is agreed to. There will be 30 minutes of debate on the equal time measure, starting at 1:30 p.m.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 406. An act to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes;

S. 2565. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions;

S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation;

S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; and

S. 3777. An act to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. BAYH. Mr. President, the Senator from Indiana earlier today said he had no intention of occupying the Senate's time, inasmuch as I think the case of the proponents for the pending order of business has been adequately made; and I would suggest that those who feel that we should have longer debate should now come forth and explain to the Senate the imperfections and the reason why they are unwilling to let the Senate do its will in this matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, during this debate on the direct election proposal we must bear in mind whether or not it is possible to put the plan into effect by the time its proponents are seeking. In my judgment, this proposal will never pass the gauntlet of the State legislatures because the States are becoming more and more aware of the threat which this proposal makes.

For example, two of the most influential newspapers in my State have come out against the direct election proposal. These newspapers are opinion leaders in South Carolina and their thinking is reflected in the South Carolina leadership.

The first of these editorials appeared in the State newspaper of Columbia, S.C., on Thursday, September 10, 1970. The headline in this editorial tells the story, "Direct Presidential Vote Will Weaken Small States." This editorial is so wisely written that I would like to read it to my colleagues at this time.

DIRECT PRESIDENTIAL VOTE WILL WEAKEN SMALL STATES

As Senators come to grips this week, and in the weeks to come, with the proposal that Presidents be elected by direct popular vote, they would do well to ponder the fact that our country, by name and by tradition, is the United *States* of America.

The point is: The Executive branch, no less than the Legislative branch, must repre-

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sent the entire nation, not just the bulging centers of population.

The great 1787 compromise built into the Constitution established that principle insofar as Congress is concerned. In order to insure representation of the people and to reflect their patterns of growth and movement, the House of Representatives was based on the factor of population. But to insure that small states as well as large would have a voice in the nation's business, the Founding Fathers provided that each state should have equal voice (two members) in the Senate.

Thus, for a national policy to be determined, it would be necessary for a majority of the people (through the House) and a majority of the states (through the Senate) to agree.

The same sort of dual constituency was built into the selection of the President of the United States through the device known as the electoral college. Each state was given the same number of presidential electors as it had members of the House and Senate. Thus, a state's weight in the electoral college reflected both its population and its statehood.

Admittedly, the electoral college system has deficiencies and some measure of danger built into it. For one thing, the "winner take all" system whereby all of a state's electoral vote goes to the presidential slate receiving the greatest vote—even if the margin be minuscule—gives too much power to minority blocs which are thus enabled to tip an entire vote one way or the other with a relatively small "swing" vote.

But this and other drawbacks can be corrected without abandoning the arrangement whereby electoral votes are distributed throughout the nation. A number of remedial measures have been pending in Congress for years, but they seem now to have been shunted aside in favor of a scheme to elect the President by direct vote without regard to the distribution of those votes.

This particular scheme, being aggressively pushed by Indiana's Sen. Birch Bayh, could well relegate small states like South Carolina to even more remote fringes of national politics. Presidential candidates and party platforms would pander more than ever to the masses which have gathered in the nation's teeming metropolitan areas. The presidential constituency could change from a national basis to one made up of such populous states as California, New York, Pennsylvania, Illinois, and a few others—all to the exclusion of the smaller or less populous states.

It is fortunate that no such change can be accomplished without the concurrence of three-fourths of the states to the necessary constitutional amendment. States like South Carolina, for example, can defeat the proposal by refusing collectively to ratify an amendment proposing the change.

But it is a shame to devote so much time and energy in debate over a proposition which runs counter to the principles on which this nation was founded. We trust that South Carolina's two senators will stand firm against Senator Bayh and his effort to diminish the role of the small states.

Mr. President, the second editorial appeared a day later in the Charleston News and Courier which calls itself South Carolina's most outspoken newspaper. The News and Courier entitled its editorial "A Threat to States." I would also like to read this editorial to my colleagues at this time:

A Threat to States

Sen. Birch Bayh, D-Ind., chief sponsor in the Senate of the proposed constitutional amendment which would permit direct popular election of the President, contends he can count on the support of 55 to 60 senators. If all senators are present when the amendment is voted on, approval would require 67 votes.

Clearly, then, as Senate debate begins over abolishing the Electoral College and replacing it with the direct vote, the decision is going to be close. It would be considerably less close, perhaps, were all members of the Senate to study the conclusions and implications contained in the report on Sen. Bayh's plan filed by the minority members of the Senate Judiciary Committee. One of these members is Sen. Strom Thurmond.

On the surface the direct election of a President sounds like a better arrangement than the present system, under which a candidate with a majority of electoral votes wins the election, even if he does not have a majority of the popular vote. It sounded so much better to the House that it approved a direct election amendment a year ago 339-70.

The judiciary committee minority, however, contends that the proposed amendment would destroy the two-party system, damage federal-state relations, and would prove fatal to state political parties. The national Democratic and Republican parties are no more nor less than coalitions of state parties.

Columnist James J. Kilpatrick, an astute political observer, predicts that under a system of direct national elections, "state parties become almost irrelevant to the presidency. Presidential candidates no longer would think in terms of carrying states. Their quite different purpose would be to win at least 40 per cent of the nation." Could such a President so elected, Mr. Kilpatrick asks, govern the nation? "Without a broad geographic appeal, without a close working relationship with state parties," he asks, "what becomes of a President who is an all-out liberal, or an all-out conservative, a militant hawk, or a conciliable dove?"

The direct election scheme presents the risk of giving the nation a President with a constituency and political obligations quite different from those of past Presidents. To get elected he would campaign where he knows the most votes are, and could afford to ignore those states and regions which would be of little help to him.

"The Electoral College," said the judiciary committee's minority report, "is so intimately involved with the two party system, federalism, and separation of powers, that we do not see how these institutional arrangements can possibly survive under direct election in the long run."

If a majority of the Senate fully understands how abolition of the electoral system would tear the political fabric of the states and further impair federal-state relations—in some areas already badly damaged—Sen. Bayh's proposal cannot win.

Mr. President, another editorial from the Charleston Evening Post was published on September 18, 1970. It reads as follows:

Simple But Dangerous

Simplicity, as a minority of the Senate Judiciary Committee pointed out recently, has its charms and that is one reason that proposal to do away with the Election College and replace it with "direct election" appeals to many people.

"Direct election is a simple and easily communicable idea," the minority went on to say. "That fact alone may account for its great popularity and the widespread and uncritical support it has received from the communications media."

"To the appeal of simplicity must be added two other factors, the influence of the recent one-man, one-vote rulings and the furor which has arisen from the Presidential candidacy of Gov. George Wallace.

"These have produced on the one hand a curiously abstract conception of democracy which has concealed difficult problems of representative government beneath an impenetrable mathematical screen and on the other hand an emotional catch-all argument which has enabled proponents of direct election to avoid answering hard questions about their proposals."

"Hard questions," we concede, have been coming slowly about the changes that Sen. Birch Bayh and other liberals have in mind for the Constitution. They are coming, however. The Judiciary Committee's report itself raises the most penetrating we have heard about the ways in which "direct election" may promote proliferation of splinter parties, inject volatility into the political process, undermine the federal system and encourage corruption at the ballot box.

Voters are not necessarily taken in by the oversimplifications of Mr. Bayh and his colleagues. We fret over letting Bayh and Company have the floor so long on an important issue but we recognize that eventually they will have to face up to the "hard questions."

Is change necessary? Most voters, we predict, will agree it is not.

Mr. President, David Lawrence is the dean of American newspaper columnists and widely recognized as a profound thinker on constitutional principles. In his column of Friday, September 11, 1970, which appeared in the Evening Star, Mr. Lawrence made the same point as the two distinguished editorials from South Carolina. Mr. Lawrence's column is entitled "Election Plan Would Hit 'Statehood'." That headline also tells a story. I would now like to read to my colleagues the thoughtful column which Mr. Lawrence has provided:

Election Plan Would Hit "Statehood"

(By David Lawrence)

The Senate is struggling with a proposed amendment to the Constitution to abolish the Electoral College and conduct all presidential elections hereafter by direct vote of the people. The plan is to let the candidate who receives the largest number of votes be declared elected if this is at least 40 percent of the total votes cast. If no candidate gets that percentage, a run-off election would be held between the top two.

But the states would not hereafter cast their ballots in the Electoral College and would thus lose a power they have held since the republic was founded. It would be incredible if the three-fourths of the states of the union necessary should ratify any such amendment, because it certainly could mean a diminution of the influence of the smaller states in the election of the national administration.

Under the proposed amendment, a plurality of the votes could be obtained almost entirely from one section of the country, and the new president could cater to the demands or desires of that region. But, with the Electoral College, even the most populous states have a relatively small number of electors, and these can be offset by a combination of electors from smaller states. Some presidents, for example, have been elected by a substantial number of electoral votes by getting majorities in states of large and small population in different sections of the country. Yet their total popular vote was close to that cast for an opponent.

President Wilson was reelected in 1916 with the support of the South, which was usually Democratic, and the West, which was usually Republican. But the two areas in combination produced enough Democratic electoral votes to offset the heavy electoral vote for the Republican candidate in the Eastern states.

There have been other elections, too, in

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which sectional problems have influenced the outcome of elections. The Electoral College has performed a service in such instances, because it has protected the interests of smaller as well as larger states concerned with certain questions.

In some elections, such as that in 1920, when there was a Republican landslide for Warren G. Harding, virtually all the states outside of the South went Republican. Results in elections were decided by popular vote. The Electoral College comes in as the decisive factor when elections are close and when sectional issues in different parts of the country produce wide differences of opinion and sometimes split parties.

The proponents of the suggested amendment keep emphasizing that election of a president would be by "direct popular vote," and imply that the Electoral College doesn't satisfy such a requirement. A group of senators, both Republican and Democrat, in opposing the amendment, make this comment:

"Direct election of the president, we believe, would—

"Destroy the two-party system and encourage the formation of a host of splinter parties;

"Undermine the federal system by removing the states as states from the electoral process;

"Remove an indispensable institutional support for the separation of powers;

"Radicalize public opinion and endanger the rights of all minorities by removing incentives to compromise;

"Create an irresistible temptation to electoral fraud;

"Lead to interminable electoral recounts and challenges;

"Necessitate national direction and control of every aspect of the electoral process."

But how, it will be asked, does such an amendment as is being proposed get widespread support? The answer is that the phrase "popular election" implies that the people will have a much more positive voice in choosing the president and will exercise a direct responsibility. The truth is a direct-election plan could lead to the destruction of the two-party system and could weaken both political parties in their state and local operations as well.

Members of the two major parties are divided in their support of the new amendment. Even if it does pass the Senate and is submitted to the states—since it has already passed the House—the big question is whether three-fourths of the states will ever ratify an amendment which will, in effect, impair "statehood."

POLITICAL BROADCASTING—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will proceed to the consideration of the conference report on S. 3637.

The Senate proceeded to consider the conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3637) to amend section 315 of the Communication Act of 1934 with respect to equal time requirements for candidates for public office, and for other purposes.

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Out of whose time is it to be taken?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, on Monday I put in the Record an explanation of the conference report. There seem to be only three or four Senators present in the Chamber at this time. I think Senators have read the explanation. I think we ought to allow any Senator who is opposed to the conference report to be heard, so I reserve my time.

Mr. BAKER. Mr. President, I understand I was designated to be in charge of the time in opposition, in the absence of the minority leader.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I yield myself such time as I may use. I shall not speak at length, but I shall speak in opposition to the conference report. I am sure that comes as no surprise to the manager of the bill. We had a full discussion of this matter in subcommittee and in conference.

I feel sure that all of us would agree that there must be something in the nature of appropriate limitation on the excessive expenditure of funds for television, radio, and other means in the campaign field. I feel almost sure that we would agree that the tendency and the trend of late has been in the direction of spending greater and greater sums, and that if this is left unchecked and to the devices of both parties, it can become a very serious matter.

In the view of the Senator from Tennessee, there should be a limitation on television and radio expenditures, just as there is for any other expenditures in campaigns for election. However, I feel that the bill adopted by the House and the Senate and the agreement reached in conference is not the proper approach. While it does propose to impose a limitation, it also does two things which trouble me.

The first, by indirection, it creates, in my judgment, a political subsidy for politicians, the cost of which is borne by FCC licensees who operate radio and television stations in the country. That is accomplished by the provision that each licensee—that is, every radio and television station—must grant to a political candidate the lowest applicable unit rate available to any advertiser. In a manner of speaking, this constitutes rate setting by statute, and with only slight poetic license, I can so characterize it.

If that be the case, it is the first, and I believe the only, effort we have made by statute to establish a rate. Albeit this is a maximum rate and not a specific numerical rate in so many dollars and cents, I still believe it is a step in the wrong direction, and that if we are establishing TV and radio rates in the Congress for any purpose, let alone for political purposes, we are going to alter and change the nature of broadcasting in a manner that will not be beneficial in the long run.

Mr. PASTORE. Mr. President, will the Senator yield on that point, on my time?

Mr. BAKER. Yes.

Mr. PASTORE. I think we ought to indicate in the Record the historical reason for the lowest unit rate applicability. The original bill, sponsored by 34 Senators, actually asked for a discount. I felt it was discriminatory to ask for a discount for only a limited number of candidates covered by the bill.

As far as the application of the lowest unit rate is concerned, it is initiated by the candidate himself. All we are saying here is that inasmuch as a candidate campaigns only for several weeks, and the stations make a concession in rates to those who use the time around the calendar, the same rate ought to apply to candidates so that the public will be able to hear the issues discussed by the candidates.

The lowest unit proposal was an alternative to the discount proposal in a bill which was cosponsored by 34 Senators.

I agree with the Senator that we ought not to get into a discriminatory procedure. I just do not agree that this is discriminatory.

Mr. BAKER. I agree with my colleague from Rhode Island that this approach is probably better. It is certainly better, in my judgment, than the original bill. However, I disagree with him that it is not discriminatory and is not rate fixing. It seems to me that when we establish a discount, in effect, of volume advertising for those who do not advertise in volume—which is what we do in this proposal—that is a discriminatory situation. We have created a public subsidy in favor of the political advertiser.

After all, if one advertises day after day, week after week, month after month, each year, and earns a discount, as a constant local or national advertiser, it is discrimination in favor of political advertisers to require that station to give them that same low rate.

All of us here are sensitive to the charge that we legislate in our own interest. I do not make that charge. I do not impute that to the Senator from Rhode Island. He has been very diligent in trying to reach this problem and find a solution. But I say I do not think we have found it here. I feel the present approach of the applicable minimum rate is discriminatory and amounts to a political subsidy, and that we are vulnerable and open to criticism because of it, and I oppose it.

On the second point, it seems to me that the question of the applicability of this statute to presidential candidates is something that has been determined a number of times, at least twice previously. We are about to do it a third time. Were that the only issue in the conference report, I would make no big thing about it, I believe; but I think, on balance, notwithstanding the valiant efforts of the Senator from Rhode Island and other members of the committee, it is time we found time to reexamine the whole situation and find a better solution.

I favor some sort of limitation on the amount of money that can be spent on television and radio advertising. I am afraid the people are going to be virtually inundated with inanities. Even though they are of a political character, that does not improve their substance.

I am afraid that if we do not do something to limit political advertising on radio and television, not only will it be subject to abuse by politicians, but the public itself will virtually turn on and devour any candidate who tries to use it.

But be that as it may, we need to find some way to approach the problem. Unfortunately, I do not think this bill is a proper approach.

The distinguished minority leader and I were Senate conferees. We did not find ourselves in agreement with this proposition, and we did not sign the conference report. I urge our colleagues to vote against the acceptance of the conference report.

Unless there are further remarks on my time, Mr. President, I suggest the absence of a quorum.

Mr. PASTORE. Mr. President, will the Senator withhold that?

Mr. BAKER. I withdraw the suggestion.

Mr. PASTORE. Mr. President, the Senator has mentioned the chief areas of sensitivity as far as the Senator from Rhode Island was concerned. As far as I was concerned, this measure had to apply to all—State officers, school committeemen, sheriffs, and everyone who is an elective officer and runs for public office. That is the only way it could be justified. We could not do it only for the President, for Senators, or for Representatives; we had to do it for everyone.

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All of this is predicated upon the fact that radio frequencies are in the public domain. The airwaves are in the public domain, and do belong to the public.

The drive here is not to give the candidate a break, but to give the public an opportunity to hear the candidate and listen to the issues. We cannot justify these things on a personal basis; they have to be done in the public interest, and the whole drive behind this legislation is, does it serve the public interest? In other words, can the public listen only to the man who is wealthy and has the funds, or should the public be entitled to some kind of program, that would enable it to hear even the poorer man, who cannot buy that amount of time, but is entitled to be heard as much as his opponent, regardless of his level of wealth?

So far as I am concerned, I am going to live within the provisions of this measure whether or not this law becomes effective for this election. And there is serious question about that.

We passed this bill in April, and included a provision that it would not take effect until 30 days after its enactment, to give the FCC an opportunity to write rules and regulations to govern the structure. It went over to the House of Representatives, and the House did not see fit to pass it until August. They passed it 3 or 4 days before they took their 3-week vacation. Right now, with the provision that it shall not become effective until 30 days after enactment, and this being September 23, and by the time the President receives it and takes his 10 days, it will not apply to this election.

This grieves me, because I was very much insistent that as far as the limitation is concerned, it should apply to the 1970 election. The House of Representatives changed that provision, and made it effective as of January 1, 1971. I was much opposed to that, and insisted on its becoming effective for this election—so much so that I shall live up to it even on a voluntary basis.

The fact remains that something needs to be done to bring this problem into proper context. This idea that someone running for an office paying $42,500 a year will spend a quarter of a million dollars to win the nomination—does that mean that this is going to become a government of the wealthy, or can it remain a government of the people, by the people, and for the people? That is the question here. That is the reason I supported this legislation. That is the reason we ironed it out and removed what I considered to be discriminatory features.

I repeat, this is not just for Congressmen. If I had thought for a minute this was to be confined to Congressmen, I would not have voted for it. The provision regarding the lowest unit rate runs from Congressman down to dogcatcher.

Mr. BAKER. Mr. President, I yield myself such time as I may require.

I think it is fortunate that this bill is not to take effect, or probably will not take effect in time for this election. That was one of the heated issues in conference, and was one of the heated issues, as a matter of fact, in committee.

It strikes me as singularly unfair that we would change the rules in the middle of the ball game and allow this to take effect in this campaign. There is every likelihood that candidates would have committed certain amounts to radio and television advertising that they suddenly would find they were unable to use. It is entirely possible that some candidates would find themselves in violation of contracts that had already been entered into and paid for. To make a long story short, it seems to me that if we are going to take this sort of action, it ought not to be taken in the middle of a political season.

There are other unique features that make it inappropriate that it should take effect now, and I hope very much it does not, even if the conference report is agreed to.

Let me take a specific local example of which I have personal knowledge. The amount of money you can spend in a campaign is limited by the number of votes cast in the last election. In Tennessee, in the last Governor's race, for example, there was no Republican nominee. The number of votes cast for Governor in 1966 in Tennessee was only about half the number of votes cast for U.S. Senator in 1966. Therefore, under the bill, the candidates for Governor in 1970, the next election—this year, this season—would be able to spend only about half of what the senatorial candidates could spend. It seems to me that is a gross, patent inequity that militates against this sort of action.

Mr. CURTIS. At this time, Mr. President, will the distinguished Senator yield for a question?

Mr. BAKER. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. What does this measure contain in the way of fixing of rates for broadcasters who make time available for candidates?

Mr. BAKER. Mr. President, this bill provides that broadcasters, radio and television, lawfully licensed outlets, must provide for political advertising at the lowest rate applicable to any other advertiser.

Mr. PASTORE. For the same slot.

Mr. BAKER. For the same time and under the same circumstances, the lowest unit rate.

The effect of that, in further response to the question of the distinguished Senator from Nebraska, in my judgment, is to provide a subsidy for political candidates. Because, in the case of advertisers who advertise regularly on radio and television, as a result of that regular advertising they earn a discount or a lower rate than occasional advertisers. Thus we are providing that we are entitled to a rate that we have not earned for political advertising.

In addition to that, some have unkindly characterized this approach as a subsidy for incumbents, because what occurs, as with any limitation of television and radio advertising, is the creation of, in this case, an unintended bias, but still a bias in favor of the better known candidate, and almost always the incumbent candidate is the better known candidate.

Very frankly, Senators must weigh, in my judgment, this difficulty against the distasteful prospect that someone will simply spend himself into office by an enormous expenditure of private or publicly raised funds. But, Mr. President, the essence of my objection to this bill is that we are creating, by statute, a rate to be charged by FCC licensees which is lower than we would have earned under the normal course of circumstances. We are providing by statute that we be entitled to the rate that national advertisers would earn who advertise regularly. To me, this amounts to a subsidy by statute in favor of political advertising.

The balancing of public equity and the necessities of the circumstance are taken into account, and may in some minds weigh in favor of this approach. But the Senate should approach this problem with its eyes wide open. We are, for the first time, albeit indirectly, establishing by statute a rate to be charged by FCC licensees.

Mr. CURTIS. Mr. President, will the distinguished Senator yield for one further question?

Mr. BAKER. I am happy to yield.

Mr. CURTIS. Can the broadcaster turn the candidate down if he has requested time?

Mr. BAKER. Mr. President, the broadcaster can turn the candidate down if he does not have the time available, and does not run afoul of other provisions of the FCC Act. He cannot turn the candidate down simply because he chooses, under private enterprise system, to exclude that candidate from radio and television. But he cannot charge a greater rate, even for one spot, if that is all that candidate buys, than he charges a national advertiser for, say, 500 shots.

Mr. PASTORE. Mr. President, if the Senator will yield, in order to clarify the situation, that would come under the equal time provision, which is section 315.

As a matter of fact, any licensee could make whatever rates he wants, unless you have some kind of circumstance of this kind that would actually make it prohibitive for people to buy time. Some candidates could not afford to buy it.

The Senator from Tennessee complains, saying candidates have not earned the time, or earned the discount. After all, the candidate only runs once every 6 years. He campaigns for perhaps 8 weeks.

A Member of the House runs every 2 years, and he may campaign for 8 weeks or 12 weeks. How could he be placed on an equal basis with, let us say, some cigarette company that advertises right across the calendar?

The point is that we are not making a rate that you are going to charge. All we are saying is that once you have charged anybody on your station a certain amount of money for a certain spot, you cannot charge a candidate—whether he is running for the Senate, the Presidency, or the school committee—any more than that, in the public interest. That is all it amounts to.

The point is this: Unless we tie this down with a limitation, we will defeat the spirit of this legislation. That is the reason why I came on the floor of the Senate and proposed an amendment that would tie it down, put a ceiling on it. Otherwise, if a person is given a discount, he can buy more time if he is wealthy than can the poor man, in proportion.

Mr. CURTIS. Is there a ceiling now?

Mr. PASTORE. One cannot buy time for himself, nor can anybody in his behalf, exceed the limitation resulting from this legislation.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. CURTIS. What happens if a citizen who in truth and in fact is not associated with a candidate or a committee representing a candidate goes to the broadcaster and says, "I want to buy time. I do not like my Senator. I want to expose his record. I am doing this on my own as a citizen—my right to speak out on this matter"? We will suppose that the candidate involved and his committees have already reached the limit. In the hypothetical case I have given, in which the citizen is in truth and in fact not associated with either candidate, what happens under this bill?

Mr. BAKER. I am not sure what would happen.

Mr. PASTORE. I am sure what would happen.

Mr. BAKER. I think it would depend on whether the incumbent was in fact involved in a campaign. If he was involved in a campaign, then I am inclined to think that, under the provisions of the present bill, that time would be charged against the total allowable and must fall under the maximum.

Mr. PASTORE. That is right. Or it would come under the fairness doctrine, whereby the other party would be entitled to the equivalent amount of time.

Mr. CURTIS. Can one exceed the ceiling if equal time is extended to the opponent?

Mr. PASTORE. It is not supposed to be done. We are only talking about the time that is bought. Nothing prevents that network or the station or the licensee from giving time free in excess of the amount that is paid, but under section 315, they would have to give it to him, too.

We do not want one party to be in a position to have more exposure than the other party simply because he has the money. That is about the size of it. We are trying to bring about a balance. I know there can be one formula or another—and I do not care what the formula is—and there is always a little subterfuge that can be worked in.

On the other hand, the best policeman would be the opponent. Then, of course, the one who is elected has to come here and raise his hand to be sworn in, and if he has abused the privilege, I am afraid he will scandalize himself and might jeopardize his seat in the Senate.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. GURNEY. As I understand it, there is a date here of August 12. If agreements are made with a broadcasting company prior to the date for purchasing advertising in the campaign, it is all right to spend all you want, but if they are made after that date, one is subject to the limitations of this law. Is that correct?

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute remaining, and the Senator from Rhode Island has 5 minutes remaining.

Mr. PASTORE. I will reply on my time.

Does the Senator from Pennsylvania desire some time?

Mr. SCOTT. I should like 2 minutes, if I may.

Mr. PASTORE. All right.

To answer the question of the Senator from Florida, that is moot. That question was raised by Senator Scott in the conference, and in order to overcome the chances that some contracts had been entered into, we made it a grandfather clause. But it has no effect now because of the date we are acting on it now. I have already explained that I doubt very much that the provisions of this bill will apply during this election.

Mr. SCOTT. Mr. President, will the Senator yield me 2 minutes?

Mr. PASTORE. I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, with respect to the conference report accompanying the bill S. 3637 concerning political broadcasting. I believe that most Members of the Senate are familiar with its provisions. Earlier this week the distinguished chairman of the Communications Subcommittee of the Committee on Commerce (Mr. Pastore) submitted the conference report and a brief explanation to what it does—see Congressional Record of September 21, pages 32898–32899.

Nonetheless, I believe the matter is of sufficient importance to warrant the following recapitulation:

First, the bill would amend section 315(a) of the Communication Act to exempt the use of a broadcasting station by a legally qualified candidate for President or Vice President of the United States in a general election from this so-called equal opportunities provision. The fairness doctrine would still be applicable to broadcast by such candidates. It would be effective upon enactment, but from a pragmatic standpoint, would not be operative until the 1972 presidential election.

Second, the bill would amend section 315(b) of the same act to limit charges for the use of a broadcasting station by a legally qualified candidate for any public office to the lowest unit charge of the station for the same amount of time and the same period charged any commercial time buyer. It would by effective 30 days following enactment. According to the Federal Communications Commission, such lowest unit rate would apply only to personal use by a candidate—including films—and would not apply to broadcasts on behalf of the candidate where he does not appear.

Third, the bill would add a new subsection to section 315 of the Communications Act, imposing a limitation expended by or on behalf of legally qualified candidates for major elective office. "Major elective office" includes the office of President, U.S. Senator or Representative, or Governor or Lieutenant Governor of a State. Moreover, amounts spent on behalf of any legally qualified candidate for the office of Vice President of the United States shall be attributable to the expenditures by the candidate for the office of President of the United States with whom he is running. The inclusion of Governor and Lieutenant Governor reflects the House language which was adopted by the majority of the conferees, as does the option in the several States to include State offices other than Governor or Lieutenant Governor.

The limitation on a legally qualified candidate in an election other than a primary election imposed would be 7 cents, multiplied by the total number of votes cast for all candidates for the office in the preceding general election or $20,000, whichever is greater. The limitation on a legally qualified candidate in a primary election for nomination to a major elective office, except that for President, would be 50 percent of the amount allowed in the general election, but does not take effect until January 1, 1971, with respect to such primary elections. The limitation on general elections, on the other hand, would be effective 30 days following date of enactment; and in view of the current time period, would have no effect upon the upcoming elections of November 1970. For this reason, the exemption provided for in the conference report with respect to agreements entered into on August 12, 1970, is for all intents and purposes moot.

Mr. President, I believe that the foregoing accurately describes the probable impact of this legislation. For my own part, I feel that there is merit to the exemption from the so-called equal oppor-

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tunities provision of section 315 of the Communications Act. What has bothered me in the past and still does to some degree is the fact that the limitation on expenditures on the electronic media tends to give the incumbent an inherent advantage, owing to the public exposure which he receives during the term of his office. I still have reservations on this point, and that as expressed in an August 8 editorial by WMAL–TV, which I inserted in the RECORD on August 27.

In conclusion, I request unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter which I received under date of September 9, 1970, from the Federal Communications Commission in response to a letter sent jointly by Representative FORD and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. I invite the attention of my colleagues to the following conclusion stated in that letter:

> The Commission wishes to stress that in this and any subsequent election, the Commission would not be able to state at any time during the election process what amounts had been expended on behalf of any candidate coming within S. 3637; such information would become available only substantially after the election had ended. Further, since we anticipate the need to process additional complaints in view of the new substantive provisions, the Commission doubts that it has the resources and facilities to implement S. 3637 on a continuing basis for future elections without appropriations for additional personnel.

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EXHIBIT 1

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., September 9, 1970.
Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: This is in reply to the letter sent jointly by you and Congressman Ford on August 20, 1970 requesting from the Commission (1) an analysis of the meaning and practical effect of S. 3637, the political broadcasting bill which would amend section 315 of the Communications Act, as reported by the conference committee, and (2) an assessment as to whether the Commission has the resources and manpower to enforce the provisions of this legislation during the 1970 Congressional and Gubernatorial elections. The bill would amend section 315 in three major areas. We shall discuss them in turn.

EQUAL OPPORTUNITIES

First, S. 3637 would amend section 315(a) to exempt the use of a broadcasting station by a legally qualified candidate for President or Vice President of the United States in a general election from the "equal opportunities" provisions. Of course the fairness doctrine would remain applicable to broadcasts by such candidates. The effect of this amendment should be an increased use of broadcast facilities by the major presidential candidates and their running mates. Because the amendment would free licensees from the alleged inhibitions contained at present in the "equal opportunities" clause, more free time would probably be afforded to the major candidates for President. This provision becomes effective upon enactment but has no practical effect until the 1972 presidential elections.

LOWEST UNIT RATE

Second, the bill would amend section 315 (b) to limit charges made for the use of a broadcasting station by a legally qualified candidate for any public office to the "lowest unit charge of the station for the same amount of time in the same time period."[1] This amendment would result in varied reductions of costs for buying political broadcast time, since some broadcasters already have a policy of affording political candidates the lowest unit charge (or comparable reductions) while others give candidates no reductions at all. We expect this provision to be a significant step in reducing the costs of electronic campaigning in future elections. However, since the effective date is 30 days after enactment, the reduced rates could only be in effect for a few weeks, at most, for the 1970 elections. This would produce only moderate overall reductions in costs for 1970.

Under this provision the Commission would (1) inform licensees of their obligations under the new law to provide candidates with the "lowest unit rate" for broadcast time to be used after the effective date, and (2) promulgate rules defining the method of computing the lowest unit rate for various time periods.

The Commission's staff is working on appropriate rules at the present time. We would expect to promulgate these rules in an expedited rule making proceeding with the rules to be effective concurrently with the effective date of the legislation. In view of the necessity of having the rules effective on the effective date of the legislation, the Commission would state at the time of promulgation that good cause existed for their promulgation without a notice of proposed rule making or participation by the public in the proceeding and without the lapse of 30 days before their effective date.[2]

SPENDING LIMITATION

The third change in section 315 is an amendment to impose a limitation on funds expended by or on behalf of certain political candidates for the use of broadcasting stations.[3] The limit would apply to candidates for the offices of President, United States Senator and Representative, and State Governor and Lieutenant-Governor. A State may, by law, include other state offices but, as a practical matter, it does not appear that any state could adopt legislation to this effect in time for the 1970 elections.

The amendment would impose a spending limit of 7 cents multiplied by the total number of votes cast for all candidates for the office in the preceding general election or $20,000, whichever is greater.[4] Funds spent by or on behalf of a vice presidential candidate are deemed spent on behalf of his presidential running mate.

A candidate could spend on each primary election no more than an amount equal to 50% of the above limit, with the exception of presidential elections. 1970 primaries, however, are not covered by the bill.

If S. 3637 is enacted in time for the 1970 general elections, the full spending limit would apply to the period from 30 days after enactment (the effective date) to the election. Thus a candidate who is limited to $20,000 for political broadcasts would be allowed to spend the full $20,000 after the effective date without violating the new law.

The bill provides that no station licensee may charge for the use of his station by or on behalf of a candidate covered by the section unless the candidate or his authorized representative certifies that the payment will not violate the applicable spending limit. Upon passage of the legislation the Commission will notify licensees of their obligations under this provision—that is, not to accept payment for political broadcasts without an authorized certification by the candidate that such payment does not exceed the limitation. Broadcasters who do not obtain written certifications would be subject to administrative sanctions including monetary forfeitures, cease and desist orders, and even loss of license. We are uncertain how this provision is to be enforced with respect to false certifications made by candidates.

Furthermore, the Commission will amend its questionnaires for its biennial political broadcast survey so that a licensee will report the amounts spent on his station by or on behalf of each candidate. This information will be coded and programmed into a computer so that we can furnish Congress with the total amount spent for broadcast time by each candidate.

We have already devised a new form for compilation of total spending by candidates for broadcast time during the campaign, but we would not have the resources to compute the total amount spent by each candidate for the short period of time when the law would be in effect for 1970. The results of our survey will not be available until the Spring of 1971. Furthermore, we do not have the facilities to keep a running account of the amounts spent for broadcast time by or on behalf of individual candidates during the campaign. This will be true of future elections as well as the immediate 1970 election.

In order to avoid disputes in the manner of computing the spending limit, we would advise candidates and licensees of the official sources to be used for arriving at the total number of votes cast for an office in the preceding election. The number of votes which would be necessary to exceed the $20,000 floor established in the bill is 285,715. Since the Congressional Directory records that the votes cast in any single election for United States Representative in 1968 did not exceed that number, with the exception of the 35th District of California, it appears that no candidate for Representative, except in that District, would be entitled to spend more than $20,000 for broadcast time in 1970.

We would also instruct licensees to obtain written certifications from candidates or their authorized representatives for all time to be used after the effective date of the new legislation. If contracts have already been entred into for broadcast time after the effective date, licensees will still have to obtain certifications from the candidates for those broadcasts. At the same time, licensees would afford candidates the "lowest unit rate" for such time in accordance with new section 315(b).

SPENDING LIMIT EXEMPTION

Section 3 of the bill authorizes the Commission to exempt certain elections from the spending limitation. It provides, in part:

(2) If the Federal Communications Commission determines that—

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[1] The lowest unit rate applies only to personal use by a candidate (including films). It does not apply to broadcasts on behalf of a candidate where he does not appear.

[2] 5 U.S.C. § 553(b)(B) and (d)(3). We would of course give interested persons an opportunity to suggest revisions before the rules were applied to 1971 elections (e.g., by reconsideration, including an express invitation to do so in the Report published in the Federal Register). If the bill is inapplicable to the 1970 election, either because of the passage of time or a further amendment to that effect, we would follow the normal procedures set out in the Administrative Procedure Act (i.e., notice; effectiveness 30 days after publication in the Federal Register).

[3] The bill defines "broadcasting station" for the purposes of section 315 to include cable television (CATV) systems.

[4] Proposed section 315(c)(2)(b) provides that for Senate elections where the last election for Senator had fewer total voters than a more recent statewide election, the limit is 7 cents times the total votes cast for the statewide office.

(A) on August 12, 1970, a person is a legally qualified candidate for major elective office (or nomination thereto),

(B) there are in effect on such date one or more written agreements with station licensees for the purchase of broadcast time to be used after such thirtieth day on behalf of his candidacy for such office (or nomination thereto), and

(C) such agreements specify amounts to be paid for the purchase of such time to be used after such thirtieth day which, in the aggregate, exceed the limitation imposed by section 315(c)(2) of the Communications Act of 1934 with respect to the general election for such office,

Then such amendments shall not apply to any of the candidates for election to such office in an election held before January 1, 1971.

The spending limit applies to all candidates unless the Commission determines that a race is exempt. If one candidate in an election qualifies for the exemption, then all candidates for that office are exempted. Thus all candidates for the same office are treated equally. If a candidate shows (1) that he was a legally qualified candidate on August 12, 1970 for one of the "major elective offices" listed in new section 315(c)(1); (2) that by August 12 he had entered into written agreements with broadcasting stations (including CATV) to buy time to be used after the law becomes effective, and (3) that the amounts to be paid under such agreements for time used after the effective date would exceed the new overall spending limitation, then all candidates for that office would be exempt.

In order to implement this provision if it becomes law, the Commission would, upon the President's signing of the bill, issue a public notice and promulgate rules concerning the provisions of the legislation. For example, we would—

a. Notify candidates and licensees that some elections may be exempted from the spending limit, and advise candidates that they have 15 days in which to file with the Commission certified copies of contracts entered into prior to August 12;

b. Notify licensees that the only candidates who are exempt from the spending limit will be listed (by office sought) by the Commission in a public notice to be issued prior to the effective date;

c. Warn licensees not to predate written contracts for political broadcast time under any circumstances, in order to avoid circumvention of the August 12 date in the law; and

d. Instruct licensees to place authorized certifications by candidates in their public files in order to facilitate checks by opposing candidates and other members of the public.

We anticipate a problem may arise where a candidate has contracted to spend more than his limit for broadcast time to be used during the effective period, has requested an exemption from the limit, and wants to purchase broadcast time before the Commission issues its public notice listing the exempt election contests. In this situation, the candidate cannot certify to the licensee that he would not be in violation of the spending limitation until we declare the candidates for that office are exempt from the spending limitation. Thus we would instruct licensees not to accept payments from or on behalf of such candidate for broadcast time during the effective period until we declare the contest exempt from the limitation. We will make every effort to publish a notification of exemptions as soon as possible, and in any event, no later than the effective date of the legislation.

Another problem arises where a candidate has entered into agreements prior to August 12 for broadcast time after the effective date, the cost of which, at the contract rates, totals more than his spending limit, but where the lowest unit rates would not qualify him for the exemption. At this point, we believe that we should accept the contract rates for the purposes of ascertaining whether the candidates for election to that office should be exempt from the spending limit.

CONCLUSIONS

As for the 1970 election campaign, we are able to implement the lowest unit rate provision and do not expect to encounter special difficulties if only a short time is involved. We also have the resources to determine exemptions from the spending limits pursuant to Section 3 of the bill. However, we would not have the resources to determine for the 1970 elections what amount of a candidate's total funds was expended after the effective date.

The Commission wishes to stress that in this and any subsequent election, the Commission would not be able to state at any time during the election process what amounts had been expended on behalf of any candidate coming within S. 3637; such information would become available only substantially after the election had ended. Further, since we anticipate the need to process additional complaints in view of the new substantive provisions, the Commission doubts that it has the resources and facilities to implement S. 3637 on a continuing basis for future elections without appropriations for additional personnel.

As a practical matter, if Congress does not pass this legislation by September 23, and if the President should not sign the bill until the tenth day of the ten-day period allowed, the provisions of the bill will not become effective before the November 3, elections.

This letter was adopted by the Commission on September 9, 1970.

DEAN BURCH, *Chairman.*
(By direction of the Commission*).

Mr. PASTORE. Mr. President, questions have been raised: Why do this to the licensees in broadcasting? Why are you not doing it to the newspapers? Why are you not doing it to billboards? Frankly, I think the time has come for a very firm, strict Corruptions Act if we are going to protect the public interest. The only reason why this measure deals alone with the electronic media is that that is as far as the jurisdiction of my committee went.

I would sincerely hope that, if and when this measure becomes the law, the appropriate committees of Congress would get busy and give us an overall law; because some small broadcasters, especially in the mountain States, claim they are going to feel the pinch on this. I hope they will be patient and understanding. I realize that this does not apply to the newspapers. I realize that this does not apply to the billboards and all the other gimmicks in the campaign process. The fact still remains that this is confined to radio and television because that is the jurisdiction of my committee.

I would hope that all the other committees, particularly the Committee on the Judiciary, would get busy and give us a law that would make it fair for the poor man as well as the rich man, and would give equal opportunity to the poor man as well as the rich man, to run for high public office in this country.

The idea of the magic of television and radio and newspapers and all the other paraphernalia that money can buy in an election, I am afraid, is going to destroy the very roots of the democratic process.

Mr. BAKER. Mr. President, I would support a reasonable limitation on the amount that might be spent for radio and television advertising, or all advertising for political purposes, for that matter; but I believe that this bill, in its present form, amounts to legislative subsidy in favor of politicians, and I am opposed to it.

Mr. PEARSON. Mr. President, today we are about to take a momentous step toward breathing new life in this sorely tried political system of ours. We all were raised in the belief that any boy in America could eventually become President. Today, we know that belief, which used to be nearly true, is now a myth unless the boy in question is extremely wealthy or has the support of well-heeled interest groups. Unfortunately, it has also become necessary to have or obtain the support of considerable wealth to successfully seek most important public offices ranging from county commissioner to U.S. Senate. This offends not only our sense of ethics but also threatens the basic premise upon which our representative democracy is founded; namely, equality of competition. In theory, the leaders we elect to guide our destiny are the best we have available at the time. Every competing idea or philosophy is supposedly to be given an equal opportunity to make its appeal for public support. The citizens, in their collective wisdom, then render their verdict on which path they choose to follow.

This model has never operated perfectly, of course. In certain times and places one candidate has often had far more potent resources to apply than his opponent. But by and large over the years the competition from the lowest level to the highest has been vigorous and virtually anyone with the desire to offer his services could hope to nearly match the campaign efforts of his opponents.

Mr. President, we have come a long way since Abraham Lincoln spent 75 cents on his first congressional campaign and many of the changes wrought in the election process since then are perhaps inevitable, but in need of constant adjustment lest they so dominate the system that it looses all meaning. As our population has expanded it has become increasingly difficult for an elected official to maintain close contact with the constituency he has been elected to represent. Heavy use of the mails is expensive and a rather impersonal method of contact. A face to face meeting with constituents is the most effective way to communicate, of course. But, as everyone in this chamber realizes, it is impossible to ever personally meet with a large enough percentage of our constituents to do the job they expect us to do of keeping them informed of our activities. Even in the course of a long and vigorous campaign only a small portion of the electorate are ever personally contacted by the candidate. Yet, the votes we cast for our elected officials are among the most important decisions we make during our lives. They determine who will bear the heavy responsibility of shaping the future of our communities and our Nation. Whenever talented men and women are barred from successfully offering their

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*Commissioner Johnson concurred in the result; Commissioner H. Rex Lee was absent.

services simply because they lack great wealth or whenever the voter makes his crucial decisions on the basis of misleading images artfully contrived and marketed by public relations specialists, the interests of the entire community suffers.

How then to effectively communicate with a continually expanding electorate while preserving the equality of access that is so essential for keeping the political process open to all points of view? The answer, of course, is television. Television has become the most vital ingredient in every major campaign today. It has also become the most expensive. The result has been to price many worthwhile candidates out of the election market simply because they lack the means to buy enough television time to compete effectively.

Mr. President, the legislation this body is about to enact is designed to resolve this problem in a forthright and fair manner. When the distinguished Senator from Michigan (Mr. Hart) and I first introduced the measure which led to the conference report under consideration today, I said that I hoped it would receive the speedy consideration it deserved. I am delighted that the Congress has reacted so swiftly to reform the field of political broadcasting in order to reduce the many inequities and thus maintain public confidence in our political system. I wish also to commend the distinguished Senator from Rhode Island (Mr. PASTORE) for his vigorous leadership in drafting this legislation and carrying it forward to final passage.

We are taking this step none too soon, Mr. President, for the costs of campaigns are escalating at such a rate they are approaching a national scandal. Many campaigns are costing hundreds of thousands of dollars while a good many others are costing millions. The vast bulk of these sums are spent on television. These rising expenses represent a greater use of the medium as well as higher operating costs, of course. But they also reflect the fact that television rates climbed by an average of 30 to 40 percent between 1961 and 1967. And even all the money spent for air time is only a part of the total related to political broadcasting for another 25 percent on the average is spent on production costs to get the films and radio tapes ready for airing.

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Mr. President, these spiraling costs are gravely distorting the election process and simply must be curbed. The bill we consider today may not offer the perfect formula, but it at least represents a positive start and because of the overwhelming need for reform it demands our support. It would first repeal the equal time clause of the Communications Act of 1934 as it applies to presidential and vice presidential candidates. This will permit the networks to donate free time in the public interest to major candidates without being plagued by a host of fringe contenders. The availability of this time will not only help to reduce soaring campaign costs, but also will serve to encourage the type of debates that the public found so informative in 1960.

The basic thrust of the bill, however, is centered on the use of paid time and it is here that it will have its greatest impact. This legislation, by requiring that radio and television stations sell their time to candidates at no more than the lowest unit charge for the comparable use of their facilities, will at least insure that those seeking positions of great public trust and who use the one medium of communication licensed and regulated to operate in the public interest are treated the same as used car salesmen and the purveyors of toothpaste and deodorant.

Mr. President, many stations, much to their credit, have resisted the temptation to charge political candidates all that the traffic will bear and have even offered discounted time in some instances. They are to be commended for their farsightedness. But we cannot as a matter of principle allow this issue to be resolved solely by voluntary rate reductions for two reasons.

First, the rates would vary widely from area to area, even within the same State. This would not only be unfair to the candidates, but also to the stations who had been the most public spirited since they would be disproportionately besieged with political advertisers seeking to exploit their special rates. Second, as long as the rate reduction remains an individual issue and is not set at a uniform level as a matter of principle, the candidate might soon find himself bargaining for favors with the very licensees he might soon be called upon to regulate. Clearly, this unhealthy relationship needs to be avoided in the public interest.

In addition, to setting the lowest unit rate charge as a basis floor for political broadcast costs, the bill also establishes a ceiling on the amount that can be spent for such purposes. This too is necessary if the rights of the licensee as well as the public are to be protected. Without a limit, there would be no reduction in campaign costs for the candidates with money would only buy more time. Moreover, without a spending limit, the stations could be unfairly exploited.

Thus, Mr. President, by allowing the use of free time in presidential contests, setting a uniform and reasonable rate for political broadcasts, and simultaneously placing a limit on the amount that can be spent the historic legislation we adopt today marks a bold step forward in the field of campaign financing reform. Much more still must be done, of course. Last year, for example, I introduced the Campaign Finance Act (S. 1692) to improve the method of reporting campaign spending and to provide for a dual system of tax credits and tax deductions for political contributions. In this way we could tighten up on the manner in which the money is spent while also broadening the contributions base to lessen the danger of excessive dependence on a few special interest groups for campaign finances. I suggest that this or some similar legislation is needed as a companion to the reforms we are considering today.

But the fact that there is more to do or that the legislation before us may not meet our individual approval in every detail should not slow its passage or its swift implementation. I consider the legislation we are about to adopt to be the most significant action taken in the field of campaign finance since the Corrupt Practices Act was passed 45 years ago. Our democratic political system will be much better for it. This legislation represents a start toward the complete overhaul of our system of campaign finance to make it possible for everyone interested in serving the public to have as nearly an equal opportunity as possible of doing so. I trust it will receive the broad support it merits.

Mr. TOWER. Mr. President, I am strongly opposed to S. 3637. In my opinion this legislation would impose a campaign spending limitation which is unrealistic, even if the Congress decides it should impose a limitation, and I am still not convinced that a dollar limitation should be imposed at all.

It may be that this bill will actually subvert its own intent. The actual result of legislation designed to limit political broadcasts and reduce campaign costs may be only to inhibit the use of a most economical method of explaining to the voters the positions of the candidate on significant issues.

This legislation favors incumbents, discriminates against broadcasters, and contains what I believe to be serious legal deficiencies which may only throw candidates and broadcasters into a quandary and subject them to the judgment of the courts.

As chairman of the Republican Senatorial Campaign Committee, I feel that I am in a position to judge the effect this legislation would have, particularly on Senate races, even though the legislation would not go into effect until the 1972 election.

Let me explain first the actual cost limitations this bill would impose. The bill limits the amount of money a candidate may spend in the purchase of broadcast advertising to 7 cents per vote cast in the previous election for that office, or $20,000, whichever is greater. The bill applies to all candidates for President and Vice President, the U.S. Senate, the House of Representatives, and State Governors and Lieutenant Governors. In the case of a candidate for U.S. Senate, the limitation may be figured on the basis of the total vote cast in a statewide election conducted since the last Senate election.

Mr. President, I know that this legislation will probably have little effect upon this year's elections. But for the purposes of demonstration, I hope the Senate will let me assume that it would. In this way I will be able to figure the limitation which would have been imposed this year and explore whether that figure is realistic. Of course the actual spending limitation which would be set for the 1972 elections would be based upon the voter turnout this November in most cases.

In my home State of Texas, a Senate candidate operating under the legislation this year would have been limited to the expenditure of $204,294.51 for the purchase of broadcast advertising. With this sum, the candidate would have had to consider how best to spend this amount of money to most effectively reach more than 4 million registered voters spread over 254 counties. He would have to decide exactly how he would use the broadcast advertising opportunities offered by some 66 television stations and more than 500 radio stations.

I am not going to suggest any best method for making these determinations, for each candidate can best make those determinations for himself. The purchase price of the broadcast advertising could vary extensively, even though the bill provides that the broadcaster make available his lowest rates. But the spending limitation could easily mean that a candidate would be limited to four 20-second spots on each television station and have no funds left over for radio use.

In the State of California, a Senate candidate this year would have been limited to an expenditure of $497,172.55 for political broadcast advertising. Yet candidates in the senatorial election in California have reported spending more than $600,000 on broadcast advertising.

In New York, a limitation of $462,311.09 would have been imposed. Yet, the New York Times has reported that some $830,000 was spent in behalf of Representative RICHARD OTTINGER in his bid to become the Senate nominee of the Democratic party in its primary contest earlier this year.

Let me also note an example of a small State with much of its population situated close to metropolitan areas in neighboring States. Such a situation poses an entirely different problem for the candidate.

The $20,000 limitation would have been imposed this year in Delaware had this legislation been in effect. Yet, a candidate would have had to consider whether he wished time purchase on Philadelphia stations which beam a strong signal into the most populous portion of Delaware. The Philadelphia area constitutes an expensive television market and many of those who would hear a Delaware candidate's commercial would be unable to vote for him. A candidate might spend his entire limitation in purchasing only fifteen 20-second spots in the Philadelphia market.

Now it can be argued that the intent of this legislation is to discourage candidates in the future from spending as much money as candidates have in the past. I would not argue with that philosophy. But I would encourage every Senator to consider exactly what limitation would be imposed upon him in his home State and compare that figure with his own personal estimate of what would constitute adequate funding for campaign broadcasts.

I would also like to point out that broadcast advertising can be used effectively to communicate to the voters the positions of the candidates upon the issues. I believe everyone will agree that the literal survival of our democracy depends upon an enlightened electorate. Responsible leaders are continually seeking new ways of educating the electorate in the belief that an educated voter, who knows where the candidates stand on the issues, will be more capable of selecting the best qualified public officials.

The general sales manager of a television station in my home State provides his potential customers with information indicating that television advertising on his station, in his market, given his station's viewership, costs about $3 per thousand viewers reached.

I know that it may be argued that that figure is too low. But I know this general sales manager to be a reputable man who is making an honest effort to provide his customers with realistic information.

If his market is anything comparable to the national average, it seems to me that the pending legislation will significantly limit a candidate in the use of a medium which is an extremely economical one in terms of dollars spent for voters reached.

Mr. President, the American Research Bureau estimates that as of January 1st of this year, some 94 percent of all households in Texas had at least one television receiver. Certainly there are few voters in my State without access to television. If a candidate traveled across the State of Texas continuously for a year, he would not have the opportunity of reaching 84 per cent of the voters.

Of course he would not reach everyone who owns a television set simply by purchasing one television commercial; but I am convinced that television and radio together may constitute one of the most economical means for communication from the candidate to the voter.

If we limit the candidate's ability to use the broadcast media, we may be forcing him to spend his money elsewhere and we may be forcing him to spend more of it. If this is the case, this legislation will be undermining its own intent.

Mr. President, I have argued before that this legislation favors incumbents, and I am not going to take the Senate's time with a lengthy elaboration of a point which I believe is well understood by everyone in this Chamber.

Suffice it to say that on this point, I believe we, as incumbent Senators, should consider not our own personal advantage, but the political health of our Nation. Far better for us to provide responsible legislation which will provide the voters with the full opportunity to elect the best candidate, who most closely represents the overall views of the voters, than simply the man who has been holding the job.

Mr. President, the legislation before us, in my opinion, is extremely vague on several points. I believe passage of this legislation will open the way for extensive court suits and cause significant problems for the Federal Communications Commission.

For one thing, the legislation, as far as I can tell, does not even consider the possibility of a committee which might be formed in opposition to a candidate. The bill indicates that a candidate must, in figuring his expenditures for broadcast advertising, add in commercials which might be purchased by organizations other than his own campaign organization who wish to express support for his candidacy. This will cause candidates significant difficulty in itself. A candidate may find himself asking an organization which is friendly to him to please refrain from purchasing broadcast advertising in his behalf. But what about a committee in opposition to a candidate? Would purchases made by such a committee be credited against the limitation of alternative candidates? If it does not, will this not open a loophole for the expenditure of funds in mere opposition to an opponent? It seems to me that the pending legislation is unclear on this significant matter.

On another point, the bill requires broadcasters to change their lowest commercial rate for the same time period, or be subject to fine up to $10,000 or imprisonment for up to 1 year, or both.

Yet, it seems to me that the bill's definition for lowest commercial rate is extremely vague when the real world of television advertising is taken into consideration.

Most television stations vary commercial advertising rates according to not only the general time period, but sometimes the specific programing broadcast in conjunction with the advertising, and according to the purchaser's willingness to be preempted if another advertiser comes along who is willing to pay a higher price for the same commercial time.

Surely we do not expect that a candidate should be able to purchase time at a rate as low as others who are willing to run the risk of preemption, without running the same risk ourselves.

Television stations offer lower commercial rates to advertisers willing to run that risk, than to advertisers who are not. The lowest available rate for the same time period would be the preemptible rate. Yet a candidate might feel that he must insure that his material is broadcast at a specific time. If he does, he should be willing to pay the higher rate.

Also, in many television markets across our Nation, the published rate on a station's rate card does not represent its lowest available rate, but only a rate at which it is willing to start bargaining with a potential customer. Broadcast time passes as fast as any other time. The broadcaster wants to insure the sale of his time and is willing to sell it at a lower rate rather than fail to sell it at all. But at the same time, he wants to be able to obtain a higher rate during times of significant demand.

The economics of the broadcast industry demand that television advertising fluctuate with the demand, just as supply and demand determine the price in any free market economy.

I do not think the legislation before us is clear as to what specifies the lowest available rate for the same time period, and I believe this vagueness would open the way for lengthy civil suits and possibly subject broadcasters unfairly to criminal charges.

The legislation also discriminates against broadcasters in what I believe is an obvious manner. If we are going to limit campaign expenditures for the purchase of broadcast advertising, should not we provide an equitable limit for the purchase of other forms of advertising? If we do not, are we not unfairly limiting the broadcaster?

Mr. President, I have tried to outline responsible and basic reasons for careful consideration of what we are about to do.

I have purposefully avoided any arguments of a partisan nature for our action on this legislation should not be taken on the basis of partisan politics.

Any action that we take should be taken in the interests of good government, consistent with our democratic principles and in the basic interest of the electorate.

Mr. GOODELL. Mr. President, the Political Broadcasting Act of 1970 should really be called the Public Protection Act of 1970.

When enacted, it will limit the amount of money a political candidate can spend on radio and television advertising to 7 cents a vote. It will protect the public against candidates who attempt to buy their way to elective office, simply by taking over the airwaves with catchy 30-second commercials. By putting an end to the campaign "TV blitz," it will encourage candidates to participate in substantive debates on the issues—rather than run away from them.

Unlimited broadcast advertising in political campaigns does a gross injustice to the television media's potential for educating the public on a candidate's qualifications. Television is the singlemost important element of a political campaign, and the people expect a great deal from this medium. The people expect, through television, that they will earn the views, qualifications, and positions of opposing candidates on the crucial issues.

This is not possible when nearly all that is seen of a candidate is a facade—a slick packaging of his image and a vague presentation of his views on his choice of the issues. A candidate with limited qualifications but an unlimited budget can easily circumvent "communicating with the public" and choose instead an alternative of "mesmerizing the public."

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Place a limitation on TV spending will encourage better qualified people to run for office. Too often today, qualified individuals cannot enter a race because they do not have personal or family fortunes to finance prohibitively expensive campaigns.

In addition, to place this limit on broadcast spending, the bill contains a number of other important provisions. It equitably requires that station charges for a political candidate be no more than the lowest unit charge for the same time period given to other advertisers. The bill also repeals the equal-time requirements for presidential and vice-presidential debates—a step I have long favored. By providing for detailed reporting requirements, the bill assures the necessary enforcement of the spending limits imposed.

Mr. President, for those of us who have been actively working for an end to excessive TV advertising in election campaigns, the final passage of this bill is very gratifying indeed. Since September 10, 1969, when I joined with Senators HART and PEARSON as a cosponsor of the Campaign Broadcast Reform Act, we have been attempting to get reform legislation of this kind passed in this session of Congress. Through hearings and discussions in the Commerce Committee, we have tried to put through a fair and effective campaign expenditure reform measure.

This bill is really a first step in meeting the need for a complete overhaul of our laws on campaign spending.

For a number of years in the House and Senate, I have introduced meaningful reform bills to strengthen our existing laws on campaign financing in Federal elections. My bill, the Federal Clean Elections Act, has been considered a model for such reform. Provisions of my bill are included in the Election Reform Act of 1970 now pending on the Senate Calendar. Several weeks ago, I introduced two amendments to this bill; first, to create an independent bipartisan Federal Elections Commission to monitor campaign spending laws; and second to limit to $25,000 the amount of money a congressional candidate could spend on his own funds. I hope that the Senate will consider this legislation before the end of this session.

Mr. President, our democratic society rests on the trust which the people place in their elected officials. The people must be able to choose the most qualified representatives through an open and fair process. By limiting the use of massive TV spending sprees in political campaigns, we have strengthened the foundation on which our Government stands. I urge my colleagues to pass this conference report.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, if I have any time remaining, I yield it back.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time has been yielded back.

The question is on the adoption of the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT (when his name was called). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Rhode Island (Mr. PELL), would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH), are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 60, nays 19, as follows:

[No. 325 Leg.]

YEAS—60

Aiken
Allen
Anderson
Bayh
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Dodd
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Goodell
Gravel
Harris
Hart
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Nelson
Packwood
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Smith, Maine
Spong
Stennis
Talmadge
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—19

Allott
Baker
Bennett
Boggs
Cook
Cotton
Curtis
Dole
Dominick
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Percy
Stevens
Thurmond
Tower

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY ANNOUNCED—1

Scott, against.

NOT VOTING—20

Bellmon
Fannin
Goldwater
Gore
Hartke
Hatfield
Magnuson
McCarthy
McGee
Montoya
Moss
Mundt
Murphy
Muskie
Pell
Smith, Ill.
Sparkman
Symington
Tydings
Williams, N.J.

So the conference report on S. 3637 was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

S. 4388—INTRODUCTION OF INDIAN EDUCATION ACT

Mr. KENNEDY. Mr. President, despite some folklore to the contrary, the American Indian is not a vanishing American. Estimates of the Indian population in the United States range from 600,000 to over a million, and American Indians are the fastest growing ethnic group in the country. Over 200,000 of these are children of school age whose education is the responsibility of the Government of the United States.

Since 1794 provisions have been inserted in treaties with Indian nations occupying this land, obligating the Federal Government to educate Indian children. From the beginning Federal policy toward the Indian was based on the desire to dispossess him of his land, and thus our Indian education policy was in essence a function of our land policy. Expression of this early attitude can be found in the following congressional language:

> In the present state of our country one of two things seems to be necessary. Either than those sons of the forrest should be mortalized or exterminated. . . . Put into the hands of their children the primer and the hoe, and they will naturally, in time, take hold of the plow.

Although this education policy—representing the more humane approach to cultural genocide—has not worked, neither has it been abandoned. For even one of the most recent studies of Indian educational institutions begins by observing that "we may define Indian education as the imposition of white American educational institutions upon American Indian communities."

The quality of Indian education has, in a sense, been a test of our Government's understanding of democracy and commitment to allowing coexistence of diverse cultures. Yet judged by any reasonable set of criteria, the Government has failed this test. Indian education has become a national tragedy. It has not provided Indian children with a minimum competence necessary to prepare them for a productive role in society at large; neither has it been responsible for perpetuation of the values and culture unique to the Indian people. Three successive Presidents have recognized this, and have called for new directions in programs and policies. Yet no new general major changes in educational structure or programing has occurred in this area for years. Today I am introducing a comprehensive Indian Education Act which I hope will be adopted as a formal congressional commitment to excellence and self-determination in Indian education.

Three years ago Congress, recognizing the educational problems and needs of Indian children and the failure of our Government to meet those needs, established a Special Subcommittee on Indian Education. The subcommittee, originally under the chairmanship of Senator Robert Kennedy, was given the mandate to "examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children."

Senator Robert Kennedy traveled America extensively as chairman of the subcommittee. He exposed the severity and degradation of Indian poverty and the failure of this Nation to help the Indian people. Most importantly, he listened to what they had to say, to their advice, to their complaints. At the first hearing of the subcommittee in December 1967, he outlined a few statistics on Indian education that remain basically unchanged and were echoed in the final report of the subcommittee:

> Dropout rates are twice the national average;
>
> The level of formal education is half the national average;
>
> Achievement levels are far below those of their white counterparts. . . .
>
> The Indian child falls progressively further behind the longer he stays in school . . .
>
> One-fourth of elementary and secondary school teachers—by their own admission—would prefer not to teach Indian children . . .
>
> Indian children, more than any other group, believe themselves to be "below average" intelligence.

These and similar statistics have been repeated time and again through the years. I hope that we are not so used to hearing them that we fail to comprehend the human tragedy underlying the numbers.

The full details of the failure of Federal programs and policies were documented throughout seven volumes of subcommittee hearings and five volumes of committee prints. The subcommittee traveled to all parts of the country, visited schools, examined studies and reports, and heard testimony from Indians, Government officials, and others, with relevant expertise. I assumed the chairmanship of the subcommittee early in 1969, and in November 1969 the subcommittee issued its final report entitled "Indian Education: A National Tragedy—A National Challenge."

From the start I believed it necessary that both Congress and the executive branch take substantial steps to provide Indian children with a quality education. At the first Indian Education Subcommittee hearing that I chaired, I observed in my opening remarks:

> The hearings should point up the need for new policies, and new administrative and organizational approaches for implementing these new policies. Most importantly, the hearings should point up the need for amending old legislation and enacting bold new legislation so that in a matter of a few years hence, we can proudly say that educational programs for American Indians are not only successful but exemplary, and a matter of national pride, not shame.

The final report of the subcommittee recommended a number of legislative measures needed to raise Indian education to an exemplary level and to transfer control of Indian education to the Indian people. One of the more general recommendations—No. 6—urged:

> That there be presented to the Congress a comprehensive Indian education act to meet the special education needs of Indians both in the Federal schools and in the public schools.

I had hoped that the drafting of this comprehensive act could be preceded by a White House Conference of American Indians, and last year I introduced legislation—Senate Joint Resolution 168—to provide for such a conference to be conducted by the Indian and Alaska Native people. This resolution has not been considered in committee yet, and thus a White House conference does not appear to be in the near offing. With the advice and assistance of a number of interested people, including Indian groups and individuals, I have prepared a comprehensive bill based on the work of the subcommittee and on the extensive suggestions by those who appeared before it.

Documentation, beyond the subcommittee publications, of the problems underlying the need for this legislation can be found in the report "Who Should Control Indian Education?" produced last winter by the Far West Laboratory for Educational Research and Development, in the ABT Associates study of Indian Education prepared for the Bureau of Indian Affairs last year, and in numerous other studies and writings on education of the American Indian. It would only be repetative to go over again here the day-to-day failures of the present system of Indian education, or even the scandals, the horrors, the physical and psychological brutality involved in that system. It is time we focused on a cure, rather than on the disease or its symptoms. To this end, I am introducing today the Indian Education Act.

The Indian Education Act would establish three new programs: the first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian education. The act also establishes a National Board of Indian Education, and a Bureau of Indian Education in the Office of Education. Other provisions would include Indian schools and students in the Education Professions Development Act, and would provide support for community colleges on or near Indian reservations.

TITLE I.—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

The Special Subcommittee on Indian Education found that:

> While Indian education is receiving some financial assistance through Public Law 81-874, it is hardly enough to provide students with an equal education opportunity.

Many school districts use these funds as part of their operating budgets, and thus the direct benefit to Indian students is minimal. Indian districts are often in greater need of assistance than other eligible districts because of the special remedial problems of Indian children, yet Public Law 874 makes no distinction in their favor. Furthermore, while Public Law 874 has served as an inducement to public schools to accept Indian children, insufficient funding has left many districts with Indian children but no funds to educate them. Title I of the Indian Education Act is designed to correct these problems.

Title I would amend Public Law 874 by adding a new title to be known as the Indian Elementary and Secondary School Assistance Act. Under this title, the Commissioner of Education is authorized to make grants to local educational agencies based on the number of Indian children in average daily attendance. The amount of the grant is determined by multiplying the agency's average per pupil expenditure by the number of Indian children in attendance. The number of Indian students enrolled in the school, not the number of children on or near the reservation, is the key figure. Grants may be used for both planning and pilot projects, and for the establishment and operation of programs. They are authorized during a 5-year period, from fiscal 1972 through 1977.

Grant applications must set forth a program for meeting the special educational needs of Indian children, provide for effective annual evaluation procedures, and insure that Federal funds will supplement and not supplant other available funds. In addition, parents of the children to be served, tribal organizations, and the State educational agencies, must have an opportunity to review and comment on the application. Even where the number of Indian children in the public school is small, it is important that the Indian people involved be afforded the opportunity to participate in the educational process affecting their children.

TITLE II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

The investigations of the Special Subcommittee on Indian Education revealed that Indian students in Federal schools are more than 2 years below national norms on achievement tests. Forty percent of the students drop out before graduation. Public schools enrolling Indians rarely include coursework which recognizes Indian history, culture, or language, and in fact often use materials and approaches which are derogatory toward Indians. Clearly the educational opportunities for Indian children are in desperate need of improvement.

Title II of the Indian Education Act will add a new section to title VIII of the Elementary and Secondary Education Act which will authorize the Commissioner of Education to make grants to:

State and local educational agencies and other public and private organizations—including federally supported Indian schools—for planning, pilot, and demonstration projects to improve educational opportunities for Indian children;

State and local educational agencies and the National Board of Indian Education for programs to provide educational services not available in sufficient quantity or quality for Indian children, and to establish exemplary programs and centers to enrich Indian education;

Institutions of higher education, and to State and local educational agencies in combination with such institutions, for the training or retraining of educational personnel serving Indian children;

Public and private nonprofit organizations for the dissemination of information on Indian education and the evaluation of federally assisted programs.

Grant applications must provide for the coordination of all available resources to insure a comprehensive program, the training of participating personnel, evaluation, and parent and tribal community participation in all facets of the program. For these grants, $25,000,000 is authorized in fiscal 1972 and $35,000,000 for each of the four succeeding fiscal years.

This title is basically an expanded version of S. 4059 which I introduced earlier this year. It is intended to provide the first steps toward fulfilling the recommendations of the Indian Education Subcommittee, that Indian education be exemplary, with outstanding innovative programs taking into consideration the emotional, social, and identity problems—as well as the educational problems—of Indian youth.

After June 1972, funds for library resources, supplementary educational centers and services, and education of the handicapped—title II, III, and VI of the Elementary and Secondary Education Act—which were formerly allotted to the Department of the Interior will be discontinued, as funds for these purposes will then be available under this section of title VIII. Schools serving Indian children will remain eligible to participate in bilingual programs under title VII.

TITLE III—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

About 75,000 Indian adults have not completed a fifth grade education. Less than one-fifth of the adult Indian population has completed high school. Functional illiteracy is one of the major causes of Indian poverty and unemployment, and almost nothing is being done about it. The Indian Education Subcommittee observed:

> A major commitment should be made to the adult education programs for American Indians. The national need for such a commitment is all to evident in the low economic status, rise in alcoholism, lack of employment capabilities, the inability of too many Indian adults to read and write, and the general lack of fulfillment of Indian adults on reservations.

Title III of the Indian Education Act would add a new section to the Adult Education Act. It would authorize the Commissioner of Education to make grants to support planning, pilot and demonstration projects, the dissemination of information, and the evaluation of adult Indian education programs. In addition, the Commissioner is authorized to assist in the establishment and operation of Indian adult basic education programs, to support a major research and demonstration effort in this field, and to determine accurately the extent of illiteracy and lack of high school completion of Indian adults.

Applications must provide for evaluation and the participation by tribal communities and the persons to be served in all aspects of the program. Five million dollars is authorized for fiscal 1972 and $8,000,000 for each of the four succeeding fiscal years.

TITLE IV—NATIONAL BOARD OF EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

In order to mount effective, exemplary programs to improve Indian education, a reorganization of existing efforts is mandatory. The present lack of quality, quantity, and coordination in the provision of Indian educational opportunity is so severe that only a fresh and concerted approach, one which actively encourages Indian participation and control, can turn the tide.

The establishment of a National Board of Indian Education has been a key recommendation of every study of Federal Indian schools, including the final report of the Indian Education Subcommittee. The subcommittee suggested that the National Board "have oversight over the operations of the schools and have authority to set standards and criteria and determine policy within the framework of the law." The National Board could then be instrumental in the establishment of local school boards, giving substance to the objective of self-determination in Indian education.

The minority members of the subcommittee, who contributed significantly to its efforts, viewed as the most important recommendation the provision of the means to achieve "guidance by Indians themselves of the education of their own children through national and local Indian boards of education." And just this past July the President recognized that Indian control of Indian education should be a primary objective of our national policy.

Title IV of the Indian Education Act would establish a 15-member National Board of Indian Education, appointed by the President from nominees furnished by Indian tribes and organizations. Members will serve staggered terms of 3 years. The staff of the National Board will include an Executive Director and a Superintendent of Indian Education.

The National Board will be responsible for all functions relating to Indian education which were formerly carried out by other executive agencies—except for those of the Office of Education and the Office of Economic Opportunity. The Board may establish local school districts and authorize school boards, selected at the local level, for Federal Indian schools, and will advise the Commissioner of Education on the administration of titles I, II, and III of this act. It is also directed to investigate off-reservation boarding schools to determine which should be converted to therapeutic treatment centers, to examine Federal boarding schools with a view to change, and report their findings to the Congress by July 1, 1972.

The bill I am introducing leaves unresolved the relationship of the National Board of Indian Education to the Bureau of Indian Affairs insofar as the Bureau provides support services related to but not considered educational services. This area must be more fully explored in hearings on this bill, but what is assumed from the start, and what is etched in its history, is the incapacity of the BIA to provide satisfactory and relevant education for Indian children.

Thus the National Board will take over this function from the Bureau.

To administer the major provisions of the Indian Education Act, under the jurisdiction of HEW, a Bureau of Indian Education would be established in the Office of Education, headed by a Deputy Commissioner of Education to be appointed by the President from nominees submitted by the National Board.

TITLE V—MISCELLANEOUS PROVISIONS

Various provisions of the Education Professions Development Act—title V of the Higher Education Act—would be amended to reflect the educational personnel needs of Indian children and schools. Title III of the Higher Education Act, designed to strengthen developing institutions of higher education, would be amended so as to include recently created institutions on or near Indian reservations, in order to increase the availability of higher education for Indians.

The amendments to titles III and V of the Higher Education Act were recommended by the Indian Education Subcommittee and were proposed last year in two bills introduced by Senator DOMINICK. I have incorporated those bills into this title for convenience, but I would like to acknowledge the interest, involvement, and initiative of the Senator from Colorado in this area as reflected in his contributions to the work of the subcommittee and in his introduction of these bills.

The National Board of Indian Education is directed, in the final provisions of the title, to raise the Institute of American Indian Arts at Santa Fe, N. Mex., to the level of a 4-year college, to provide support for community colleges on or near Indian reservations, to study the feasibility of Indian community colleges and work toward their establishment, and to report to Congress on these matters by July 1, 1972.

The Special Subcommittee on Indian Education concluded, after extensive investigation, that—

> Our national policies for educating American Indians are a failure of major proportions . . . Past generations of lawmakers and administrators have failed the American Indian. Our own generation thus faces a challenge—we can continue the unacceptable policies and programs of the past or we can recognize our failures, renew or commitments, and reinvest our efforts with new energy.

The bill I have introduced today would provide us with the means to respond to that challenge. It would constitute a new and vital commitment to quality educational opportunity for the American Indian—a commitment which is essential to the restoration of this Nation's legal and moral integrity.

Mr. President, I ask unanimous consent that the Indian Education Act in its entirety and a section-by-section analysis of that bill be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER (Mr. HANSEN). The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 4388) to amend the Act of September 30, 1950—(Public Law 874, 81st Congress)—and the Elementary and Secondary Education Act of 1965, so as to improve the quality of education of Indian children in elementary and secondary schools, and for other purposes, introduced by Mr. KENNEDY (for himself and Mr. MONDALE), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Education Act".

TITLE I—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

SEC. 101. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III, as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs designed to meet these special educational needs.

"(b) During the period beginning July 1, 1972, and ending June 30, 1977, the Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year in the period during which grants are to be made, as specified in section 302(b), the Commissioner shall determine the number of Indian children who were in average daily attendance at the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(b)(1) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (A) the average per pupil expenditure for such agency (as determined under paragraph (3)) multiplied by (B) the sum of the number of children determined under subsection (a).

"(2) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year, unless the number of children under subsection (a), with respect to such agency, is at least ten.

"(3) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(a) planning for and taking other steps leading to the development of programs designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(b) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, designed to meet the special educational needs of Indian children.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title may be made only to a local educational agency or agencies, but only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such records and for affording such access thereto as the Commissioner may

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find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities of Indian students in the area to be served by the applicant; and

"(B) has been made available for review and comment by the parents of the children to be served and by tribal organizations; and

"(3) the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"Sec. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"Sec. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to these local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

"DEFINITION

"Sec. 308. As used in this title, the term 'Indian' means any individual who is an enrolled member of a tribe, band, or other organized group of Indians, or who is a descendant of any such enrolled member.".

(b) (1) Paragraph (1) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended—

(A) by striking out subparagraph (B), and by striking out "(A)" where it appears after "Sec. 103. (a) (1)";

(B) in the fourth sentence thereof, by striking out "and the terms upon which payment shall be made to the Department of Interior"; and

(C) by striking out the third sentence thereof.

(2) Paragraph (1) of section 303 of the Act of September 30, 1950 is amended—

(A) in the second sentence, by striking out "(A) except for the purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States," and by reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

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(C) by striking out the third sentence thereof.

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(A) in the second sentence, by striking out "(A) except for the purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States," and by redesignating clauses (B), (C), and (D) therein, and all references thereto, as clauses (A), (B), and (C), respectively; and

(B) in the fourth sentence, (i) by inserting before the period at the end thereof the following: ", or (C) Indian reservations, or other property held (i) in trust by the United States for individual Indians or Indian tribes or (ii) held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States", and (ii) by striking out "and (B)" and inserting in lieu thereof ", or (B)".

TITLE II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 201. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

"Sec. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for American Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for American Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to American Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which American Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to American Indian children.

"(b) The Commissioner is authorized to make grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including federally supported elementary and secondary schools for Indian children) to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for American Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to the National Board of Indian Education to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for American Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped and preschool children;

"(F) bilingual and bicultural education programs; and

"(G) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section; and

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, and $35,000,000 for each of the four succeeding fiscal years."

(b)(1) Effective after June 30, 1972, the Elementary and Secondary Education Act of 1965 is amended—

(A) in section 202(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(B) in section 302(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(2) Effective after June 30, 1972, the second sentence of paragraph (1) of section 612(a) of the Education of the Handicapped Act is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Island, according to their respective needs.".

TITLE III—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

AMENDMENT TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 301. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto as sections 315, and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of programs for providing adult education for American Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult American Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible.

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, or institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that there has been participation by tribal communities and individuals to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and $8,000,000 for each of the four succeeding fiscal years."

TITLE IV—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

NATIONAL BOARD OF INDIAN EDUCATION

SEC. 401. (a) There is hereby established the National Board of Indian Education (referred to in this title as the "National Board"), which shall consist of fifteen members appointed by the President of the United States, with the advice and consent of the Senate. Such appointments shall be made by the President from lists of nominees furnished from time to time, by Indian tribes and organizations.

(b) Members of the National Board shall be appointed for terms of three years; except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve for more than two consecutive terms. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Vice Chairman, during the absence or disability of the Chairman, shall act for, and exercise the powers of, the Chairman. The Vice Chairman shall perform such duties as the Chairman may prescribe from time to time.

(c) Members of the National Board shall be compensated at the rate prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

STAFF OF NATIONAL BOARD

Sec. 402. Subject to such rules and regulations as may be adopted by the National Board, the Chairman shall be authorized to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as the Chairman deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS-18 of the General Schedule under section 5332 of such title;

(2) appoint and affix the compensation of a Superintendent of Indian Education, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, who shall be compensated at the rate prescribed for grade GS-18 of the General Schedule under section 5332 of such title, and who shall have such duties as the National Board shall prescribe; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

POWERS AND DUTIES OF NATIONAL BOARD

Sec. 403. The National Board is vested with the following powers and duties:

(1) to carry out the functions transferred to the National Board pursuant to section 304 of this title;

(2) to establish, in its discretion, local school districts comprising Federal Indian schools over which it has jurisdiction and control;

(3) to establish, in its discretion, local school boards, who shall be selected at the local level in accordance with regulations promulgated by the National Board, having administrative control and direction over Federal Indian schools located within districts established pursuant to clause (2) of this section; and

(4) to advise the Commissioner of Education with respect to the administration of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810 title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act.

FUNCTIONS OF NATIONAL BOARD

Sec. 404. (a)(1) There are hereby vested in the National Board all functions which were carried out immediately before the effective date of this Act by the head of any agency in the executive branch of the Government relating to the education of Indians in any elementary, secondary, or vocational school, or any institution of higher education, including all such functions being administered through any agency, service, bureau, office, or other entity of any such agency.

(2) All functions of any agency of the United States, except the Office of Education and the Office of Economic Opportunity, relating to the education of Indians in any elementary, secondary, or vocational school, or any institution of higher learning, are hereby transferred to, and vested in, the National Board.

(3) All orders, determinations, rules, regulations, permits, contracts, grants, certificates, licenses, and privileges—

(A) which have been issued, made, granted, or allowed to become effective in the exercise of functions transferred by this section; and

(B) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the National Board, by any court of competent jurisdiction, or by operation of law.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with the functions transferred under this section are transferred to the National Board. Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(5) As used in this section, the term "functions" includes powers and duties.

(b) The National Board is directed—

(1) to conduct, in concert with a team of professional consultants competent in areas of personality development and mental health, a detailed investigation of the off-reservation boarding schools to determine which ones should be converted into therapeutic treatment centers, and to cooperate with the Public Health Service to the extent necessary to bring about such conversion;

(2) to examine the present distribution and location of Federal boarding schools and the pattern of student placement, with the view to developing and implementing a new rationale and plan with regard to such schools; and

(3) to submit to the Congress on or before July 1, 1972, a report on its activities under this subsection.

BUREAU OF INDIAN EDUCATION

Sec. 405. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Bureau of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Bureau shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the President of the United States from a list of nominees submitted to him by the National Board of Indian Education.

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new clause: "(130) Deputy Commissioner of Indian Education, Department of Health, Education, and Welfare."

TITLE V—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

Sec. 501. (a) Section 503(a) of the Higher Education Act of 1965 is amended (1) by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians," and (2) by inserting after "the Department of Labor," the following: "the Department of the Interior,".

(b) Section 504(a)(1) of such Act is amended by inserting after "secondary schools" the following: "(including such schools operated by the Department of the Interior for Indians or by an agency of an Indian tribe.)".

(c) Section 505 of such Act is amended by inserting after "shall consult with" the following: "the Secretary of the Interior,".

(d) Subsections (a) and (d) of section 552 of such Act of 1965 are each amended by inserting after "in all the States" a comma and the following: "including such needs in schools operated by the Department of the Interior for Indians, or by an agency of an Indian tribe.".

(e) Section 553(a) of such Act is amended by inserting at the end thereof the following: "The Commissioner may also enter into arrangements with the Secretary of the Interior, or with an agency of an Indian tribe, and use funds appropriated for the purpose of this section with respect to schools operated by the Department of the Interior for Indians, or by an agency of an Indian tribe.".

AMENDMENT TO TITLE III OF HIGHER EDUCATION ACT OF 1965

Sec. 502. Section 302(d) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof a comma and the following: "except that the Commissioner may waive the five-year requirement of this clause with respect to an institution located on or near an Indian reservation in any case in which he determines that such action will increase the availability of higher education to Indians".

INSTITUTE OF AMERICAN INDIAN ARTS

Sec. 503. The National Board of Indian Education is directed and authorized to raise the Institute of American Indian Arts at Santa Fe, New Mexico, to the level of a 4-year college.

COMMUNITY COLLEGES

Sec. 504. (a) The National Board of Indian Education is directed and authorized to provide continuing support for the community colleges on or near Indian reservations.

(b) The National Board is directed to conduct a study exploring the feasibility of Indian community colleges, to work toward the establishment of such Indian-controlled institutions, and to submit a report respecting such study to the Congress on or before July 1, 1972.

The section-by-section analysis, presented by Mr. Kennedy, is as follows:

The Indian Education Act—Section-by-Section Analysis

TITLE I—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

Sec. 101—Amends P.L. 874 by redesignating Title III as Title IV and adding the following new Title III:

TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

Sec. 301—This title may be cited as the "Indian Elementary and Secondary School Assistance Act."

Sec. 302—Declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs to meet the special educational needs of Indian students in the United States.

Directs the Commissioner of Education to carry out this policy through a program of grants to eligible, local educational agency applicants beginning July 1, 1972 and ending June 30, 1977.

GRANTS TO LOCAL EDUCATIONAL AGENCIES

Sec. 303—To compute a local educational agency's yearly entitlement, the Commissioner is to determine the number of Indian children in average daily attendance for whom free public education is provided in the agency's schools in that fiscal year. An agency is not entitled to a grant unless there are at least ten such children.

The amount of the entitlement shall be equal to the agency's average per pupil expenditure multiplied by the number of Indian children in attendance.

The agency's average per pupil expenditure for any fiscal year is computed as follows: the total current expenditures of all agencies in the State two fiscal years ago, plus any direct current State expenditures for agency operations, divided by the total number of children in average daily attendance who received free public education from such agencies two fiscal years ago.

USES OF FEDERAL FUNDS

Sec. 304—Grant may be used for: planning, including pilot projects to test the effectiveness of plans developed; and the establishment, maintenance and operation of programs, including minor remodeling and acquisition of equipment to meet the special educational needs of Indian children.

APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

Sec. 305—Grants may be made only to applying local educational agencies. Applications shall:

Provide that the activities for which assistance is sought will be administered or supervised by the applicant.

Act forth a program for meeting the special educational needs of Indian children, including proper and efficient methods of program administration;

In the case of planning applications, provide that planning is directly related to and will likely result in programs or projects to be carried out under this title, and that such funds are needed either because of the innovative nature of the program or because the agency lacks the necessary resources for adequate program planning;

Provide that effective annual evaluation procedures, including objective measurement of educational achievement will be adopted;

Assure that Federal funds will supplement, and in no case supplant, the funds that the applicant would make available for the education of Indian children in the absence of Federal funds;

Provide for the necessary fiscal control and accounting procedures; for making an annual report and other reports required by the Commissioner to determine the effectiveness of these funds in improving Indian educational opportunities; and for keeping accessible records verifying these reports.

Applicants which meet the above requirements must also:

Provide for the utilization of the best available talents and resources and substantially increase Indian educational opportunity;

Have been made available for the review and comment of tribal organizations and the parents of children to be served, and brought to the attention of the State educational agency for its recommendations.

Amendments of applications shall also be subject to these provisions, except as otherwise provided by the Commissioner.

PAYMENTS

Sec. 306—Directs the Commissioner to pay to each approved applicant an amount equal to its expenditures for activities under this title, but no payments shall be made if the State has taken these payments into consideration in determining the agency's eligibility for State aid. Nor shall payments be made if the combined State and local educational agencies' fiscal effort is less than that of two fiscal years ago.

ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

Sec. 307—If insufficient funds are appropriated to pay the local educational agencies' full entitlement, the entitlements of all such agencies shall be ratably reduced. If additional amounts become available, entitlements shall be increased in the same manner.

If entitlements have been reduced and additional funds are not available, local educational agencies shall report their estimated expenditures to the Commissioner by certain dates. Any unused funds shall then be available for reallocation to agencies which need additional funds, but no agency shall receive an amount which exceeds its entitlement.

Sec. 308—In this title 'Indian' means any enrolled member of a tribe, band, or other organized group of Indians, or his descendant.

Sec. 103(a)(1) of the Elementary and Secondary Education Act is amended by deleting references to Indian children and allotments to the Department of the Interior in subparagraph (A) and striking out subparagraph (B), referring to Department of Interior payments to local educational agencies with out-of-State Indian children.

Sec. 303(1) of P.L. 874 is amended by removing Indian property from the definition of Federal property.

TITLE II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Sec. 201—Amends Title VIII of the Elementary and Secondary Education Act of 1965 by adding the following new section:

IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

Sec. 810—Directs the Commissioner to carry out a program to improve Indian education by:

Making grants to State and local educational agencies and other public and private organizations (including federally supported elementary and secondary Indian schools) for planning, pilot, and demonstration projects including (1) innovative programs for the educationally deprived, (2) bilingual and bicultural education, (3) activities to meet the special health, nutrition, social and psychological problems of Indian children, and (4) coordination with other related Federal programs:

Making grants to State and local educational agencies and the National Board of Indian Education to assist and stimulate programs to provide educational services not available in sufficient quality or quantity for Indian children (including compensatory instruction and other services to encourage them to enter, remain in, or reenter school; comprehensive academic and vocational instruction; instructional materials and equipment; guidance, counseling and testing; programs for handicapped and preschool children; bilingual and bicultural education and other services), and to establish and operate exemplary and innovative programs and centers to enrich Indian education;

Making grants to institutions of higher education, and to State and local educational agencies in combination with such institutions, to prepare or improve the qualifications of educational personnel serving Indian children. Grants may be used for fellowships, institutes, and for other purposes which are part of a continuing program;

Making grants to and contracts with other public and private nonprofit organizations for disseminating information on Indian education and evaluating the effectiveness of federally assisted programs.

Grant applications shall describe the activities planned. Program grant applications will provide for: the use of available funds and the coordination of other resources to insure a comprehensive program; the training of participating personnel; and evaluation.

Parent and tribal community participation in project planning, development, and evaluation is required for approval.

For grants under this section, $25,000,000 is authorized for fiscal 1972 and $35,000,000 for each of the four succeeding fiscal years.

Effective June 30, 1972, amends Titles II and III of the Elementary and Secondary Education Act (relating to school library resources and supplementary educational centers and services) and the Education of the Handicapped Act to eliminate allotments to the Department of the Interior for Indian children in the Department's schools.

TITLE III—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

Sec. 301—Amends Title III (the Adult Education Act) of the Elementary and Secondary Education Amendments of 1966 by redesignating sections 314 and 315 as sections 315 and 316 and adding the following new section:

IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

Sec. 314—Authorizes the Commissioner of Education to

Make grants to State and local educational agencies and other public and private organizations to support planning, pilot, and demonstration projects to test the effectiveness of programs to improve employment and educational opportunities for American Indian adults, including bilingual and bicultural programs, and programs to coordinate the operation of related federally assisted programs;

Assist in the establishment and operation of programs to stimulate opportunities for adult Indians to acquire basic literacy skills and quality for a high school equivalency certificate; support a major research and development effort to find better ways of meeting these goals; and determine the extent of illiteracy and lack of high school completion on Indian reservations;

Make grants to and contracts with public and nonprofit private organizations to disseminate information on Indian adult educational programs and to evaluate the effectiveness of such federally assisted programs.

Grant applications shall describe the activities to be funded, provide for program evaluation, and shall not be approved unless the Commissioner is satisfied that there has been and will be participation by tribal communities and the individuals to be served in the planning, operation and evaluation of the project.

$5,000,000 is authorized for fiscal 1972 and $8,000,000 for each of the four succeeding fiscal years.

TITLE IV—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

NATIONAL BOARD OF INDIAN EDUCATION

Sec. 401—Establishes a fifteen-member National Board of Indian education, appointed by the President, with the advice and consent of the Senate, from nominees furnished by Indian tribes and organizations.

Members shall be appointed for three years, but the terms of the first appointees shall expire as follows: five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve more than two consecutive terms. Vacancies filled prior to the expiration of a term shall be filled for the term's remainder. The President shall designate one member as Chairman and another as Vice Chairman. Members shall be compensated at the rate prescribed for grade GS–18.

STAFF OF NATIONAL BOARD

Sec. 402—Authorizes the National Board Chairman to appoint and fix the compensation of an Executive Director, a Superintendent of Indian Education, and additional staff without regard to provisions of the United States Code governing appointments in the competitive service, classifications and General Schedule pay rates, but rates must not exceed the maximum rate for a GS–18. The Chairman may also procure temporary and intermittent services at rates not to exceed $100 a day per person.

POWERS AND DUTIES OF NATIONAL BOARD

Sec. 403—Vests the National Board with these powers and duties: carrying out the former functions of all other executive agencies (except the Office of Education and the Office of Economic Opportunity) relating to Indian education; establishing local school districts of Federal Indian schools; establishing, at its discretion, local school boards selected at the local level in accord with National Board regulations, having administrative control over Federal Indian schools in such districts; and advising the Commissioner on the administration of Title III of P.L. 874 and Title VIII of the Elementary and Secondary Education Act, as added by this Act.

FUNCTIONS OF NATIONAL BOARD

Sec. 404—Vests in the National Board all functions which were formerly carried out by other executive agencies relating to Indian education at all levels.

Transfers all these functions, except for those of the Office of Education, and the Office of Economic Opportunity, to the National Board.

All outstanding orders, rules, contracts and the like shall continue until changed by the National Board, the courts, or the operation of the law.

All personnel, property, records and the like which are primarily concerned with the functions transferred shall also be transferred to the National Board.

Directs the National Board to: investigate off-reservation boarding schools to determine which should be converted to therapeutic treatment centers and to cooperate with the Public Health Service in their conversion; examine distribution, location, and student placement in Federal boarding schools with a view to change; and report to the Congress on these studies by July 1, 1972.

BUREAU OF INDIAN EDUCATION

Sec. 405—Establishes a Bureau of Indian Education in the Office of Education, with responsibility for administering the provisions added by this Act to P.L. 874 and the Elementary and Secondary Education Act. The Bureau shall be headed by a Deputy Commissioner of Education to be appointed by the President from nominees submitted by the National Board.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501—Amends the following sections of Title V (the Education Professions Development Act) of the Higher Education Act of 1965:

Sec. 503, relating to the appraisal of education personnel needs, is amended to include a consideration of the educational needs of Indians;

Sec. 504, designed to attract qualified persons to the field of education, is amended to include Indian children in Department of Interior and other Indian schools in efforts to identify and encourage capable youth in secondary schools who may wish to pursue a career in education;

Sec. 505, which provides for consultation by the Commissioner of Education with other agencies to promote coordinated planning of educational personnel training programs, is amended to include the Secretary of the Interior.

Sec. 552, relating to leadership development awards for vocational educational personnel, is amended to include a consideration of the needs of Indian children in Department of Interior and other Indian schools, for qualified vocational education personnel.

Sec. 553 is amended to authorize the participation of Department of Interior and other Indian schools in exchange programs, institutes and inservice education for vocational education personnel.

Sec. 502—Amends Title III of the Higher Education Act—Strengthening Developing Institutions—to authorize the Commissioner of Education to waive certain requirements (relating to admissions policy, educational programs, and accreditation during the five years preceding the year for which assistance is sought) in institutions on or near Indian reservations if this action will increase the availability of higher education for Indians.

NATIONAL BOARD OF INDIAN EDUCATION

Sec. 503—Directs the National Board to raise the Institute of American Indian Arts at Santa Fe, New Mexico, to the level of a 4-year college.

Sec. 504—Directs the National Board to provide support for community colleges on or near Indian reservations, to conduct a feasibility study of Indian community colleges and work toward their establishment, and to report to the Congress on these matters on or before July 1, 1972.

Mr. MONDALE. Mr. President, it is with a great deal of pride that I join the distinguished senior Senator from Massachusetts today in introducing what I believe will become recognized as a landmark act in the field of Indian education.

For almost 2½ years the Senate Indian Education Subcommittee, first under the dedicated leadership of the late Senator Robert Kennedy and later under the equally dedicated chairmanship of Senator EDWARD KENNEDY, investigated the education received by Indian Americans. The subcommittee, which I was privileged to serve as a member, issued a shocking report. The report's title aptly described the subcommittee's findings: "Indian Education: A National Tragedy—A National Challenge."

We have witnessed the tragedy portion of that title. Indian people have been experiencing it for 400 years. Now it is time to take up the challenge portion. That is what we are doing today.

This bill represents the hope of thousands of Indians, many of whose opinions were heard by the Subcommittee in hearings and field investigations, for a quality education for their children. I only hope that this legislation will receive the expedient action which it deserves.

I was privileged to serve on that subcommittee, and in doing so, I became educated in the problems faced by our Nation's first Americans in seeking a first-rate education. Since the publication of the subcommittee's final report last November, thousands of Americans have read that report, and their eyes, like mine, have been opened to the horrors of Indian education:

Fifty percent dropout rates: 12,000 children not in school—and most of them severely physically or mentally handicapped; an average educational level of 5 school years for all Indians under Federal supervision.

The statistics are appalling. But one can become immune to statistics. One cannot become immune, though, to the stories of Indian schoolchildren being disciplined with handcuffs, of school counselors "counseling" students with jail referral slips, of teachers punishing Indian students for speaking their native languages, of teenagers committing suicide in order to escape the life they dread.

The Indian Education Subcommittee looked at these incidents. We studied the statistics. And we determined that the education afforded Indian Americans was "a national tragedy."

The subcommittee's final report listed 60 recommendations which would radically improve Indian education. A number of these recommendations have been implemented. For example, bilingual education efforts have been expanded considerably. The National Council on Indian Opportunity has been funded again. The Department of Health, Education, and Welfare and the Department of the Interior have begun devising a plan to better coordinate their Indian education activities. Public Law 81–815 has been amended so that public schools educating Indians will have higher priority in funding than they have in the past. And bills have been introduced to legislate a number of other proposals, including recommendations to hold a White House Conference on Indian Affairs, and to raise the BIA Commissioner to Assistant Secretary of the Interior status.

There were a number of other recommendations which can never be legislated. The impoverishment of Indian education will never change, for example, without a true commitment to excellence by all concerned with the education of Indian children, or without a recognition of the basic right of the Indian not only to equal educational opportunity, but to dignity and respect for his culture and heritage.

But there were many fundamental recommendations the Congress can act upon, and which we have incorporated into the bill that has been introduced today.

This bill is unique in two respects. First, it is an expression of the wishes of many Indian people. During its 2½ years, the Indian Education Subcommittee traveled to all parts of the country to listen to the Indian people. We held public hearings in Washington, D.C., California, Oklahoma, Arizona, South Dakota, Oregon, and Alaska, and conducted field investigations in Minnesota, Idaho, Maine, New York, and several other locations. We compiled over 4,000 pages of hearing testimony during that period. We heard from Indians throughout the country. We have taken their suggestions and put them together into this bill we are introducing today.

This bill is also unique among Federal education legislation. It is not an attempt, for example, simply to provide some funds and set up some new administrative machinery to do more of what has been done in the past. It is an attempt rather to change the very nature of what has historically passed for Indian education.

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For too long, the education of Indian Americans has been the imposition of white American educational institutions upon American Indian communities. Indians were expected to attend the schools controlled by non-Indians. There they learned that Indians were savages and the white men who killed them were heroes. They learned that every time the cavalry won it was an heroic feat, but every time the Indians won it was a massacre. They were told their traditions were meaningless, archaic, and silly.

But now the Indian does not want that kind of Indian education. He wants an education that will tell him the truth about his tribe, his heritage, his traditions, his place in the world—an education over which he will have some control. That is what this bill is going to enable him to do.

I am not going into a lengthy explanation of the different titles of this legislation. Basically, title I provides for payments to schools educating Indian children. It includes funds for urban as well as reservation Indians, and the money is to be used for programs designed to meet the special educational needs of Indian children. Title II is a grant program for planning, pilot, and demonstration programs in a number of areas: bilingual, bicultural, health nutrition services, instructional materials, guidance and counseling services, and other such programs. Of special significance is the fact that grants can also be made for developing programs to prepare persons to teach Indian children, and to improve the qualifications of persons currently working with Indians in schools. One of the major findings of the Indian Education Subcommittee was that teachers of Indians were not attuned to the traditions and culture of the Indian child. They were not, in effect, culturally sensitive. This title approaches this problem through specialized preservice and in-service programs for teachers of Indian children. The bill authorizes $25 million for grants under this title in fiscal 1972, and $35 million for each of the succeeding years.

Title III provides special programs for educating American Indian adults. This title also provides programs for planning, pilot, and demonstration projects designed to improve employment and educational opportunities for Indian adults. The bill authorizes $5 million for this effort for fiscal 1972, and $8 million for each of the four succeeding years.

Title IV establishes a National Board of Indian Education and a Bureau of Indian Education within the Office of Education. It will be the function of the OE Bureau of Indian Education to administer the provisions of this legislation. That Bureau will be headed by a Deputy Commissioner of Education appointed by the President from nominees submitted by the National Board. I will discuss this National Board in more detail later.

Finally, title V makes funds available for the expansion and development of community colleges educating American Indians, and amends the Higher Education Act so as to encourage the development of Indian teachers.

There are two elements of this bill which I believe are of special significance and, for that reason, deserve elaboration. One is that funds in both the formula entitlement and grant programs will go toward the education of Indians in urban as well as Federal reservation schools. The other is that all programs and projects must be planned, operated, and evaluated by tribal communities and parents of the Indian children affected.

For years, the Bureau of Indian Affairs has refused to recognize the growing population of Indians in urban areas. It has maintained that it must concern itself almost exclusively with Indians living on or near reservations. As a result, Indian children living in urban areas have attended public schools which received no assistance from the BIA in providing for the special needs of educating Indian children.

Today there are almost as many Indians in the cities as on the reservations. In Minneapolis alone there are about 15,000 Indians. Many of the urban Indian students need special materials and special help if the 50-percent-plus Indian dropout rates so common in these cities is to be improved. We would provide per student payments to these school districts for programs aimed at meeting these special needs—as they are defined by the parents of the Indian children. The bill would also make available to these districts grants for funding special projects and programs to better meet the unique needs of Indians in our cities.

The second major feature of this comprehensive bill is that it puts Indian education into the hands of not Indian experts, but expert Indians. Local control has been the foundation of public education in this counrty from its inception, yet we continue to permit a Washington-based bureaucracy to control the education of thousands of Indian children. Every project authorized by this legislation is conditioned upon the approval of the parents of the Indian children affected. In the language of the bill:

> The Commissioner shall not approve an application for a grant . . . unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such participation in the operation and evaluation of the project.

Besides giving Indians basic control over special programs and projects, the bill creates a National Board of Indian Education which is authorized to establish local school districts and locally selected school boards for Federal Indian schools. Since 1968 when President Johnson told the Bureau of Indian Affairs to establish Indian school boards, we have been waiting for the BIA to respond to the President's order. Since that date, only three Federal schools have been turned over to the local communities. At that rate, it will be the year 2044 before the Bureau's 223 schools are locally controlled.

In the meantime, Indian people must be content with advisory boards, which have to sit idly by and watch their children being taught by civil service appointees, many of whom are totally ignorant of Indian language, customs, or traditions.

The National Board established by this bill is a 15-man board selected by the President from a list of nominees furnished him by Indian tribes and organizations. This Board would take over the education functions presently handled by the Bureau of Indian Affairs. It would appoint a superintendent for the Federal Indian schools. Among its responsibilities would be to investigate the reservation boarding schools and determine which should be converted to therapeutic treatment centers and how the placement of students in boarding schools can be improved. This was a subcommittee recommendation. But most importantly, the Board would be charged with the responsibility of establishing local school boards—a responsibility which the BIA has failed to meet but which a board of Indian parents is sure to accept more seriously.

I was delighted some weeks ago to see the President responding to some of the points raised by our subcommittee, and urging greater control of Federal programs by the Indians, themselves. I think the features of the legislation we are introducing today follow logically upon this concern, and I would hope that we could receive broad bipartisan support.

I believe enactment of this bill will go a long way toward improving the status of Indian education in this country. We have had enough speeches, studies, and surveys; it is time now for action.

Mr. President, I cannot express how deeply I feel the need to be for the adoption of this measure. The human tragedy visited upon the Indians of this country, and all of us as a result of the failure of our educational system in this area, is a national disgrace.

I am very hopeful that this legislation will be adopted. We have had enough speeches, studies, and surveys; it is time for action.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. HARRIS. Mr. President, I am very pleased to commend the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Minnesota (Mr. MONDALE) for the excellent product of that work, which is in the form of the Indian Education Act. One of the single most important events so far as progress of American Indians in recent years was the establishment of the Special Subcommittee on Indian Education, first headed by the distinguished Senator from New York, the late Senator Robert F. Kennedy, and followed by the continuing efforts of Senator EDWARD KENNEDY and Senator MONDALE.

The new thrust, the new efforts that are involved in the work of that subcommittee, that are embodied in this legislation, can do much to right the wrongs of centuries.

Again, I commend the Senators for their work in this matter.

Several Senators addressed the chair.

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Mr. MONDALE. Mr. President, I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I commend the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Mr. MONDALE) for their coauthorship of this bill. As a member of the Committee on Labor and Public Welfare, and as chairman of that committee for the past 2 years, I was a member of this Indian Subcommittee from the time it was first formed.

I participated in hearings in Washington when Robert Kennedy was chairman. I held hearings on the west coast, and I sat in on hearings concerning the Indian tribes in the Northwest, in the States of Oregon and Washington. Then it was my privilege to appoint the distinguished senior Senator from Massachusetts as chairman of the Indian Education Subcommittee later, when the chairmanship was changed.

Having been interested in the problem from the very beginning, having attended a number of hearings, having worked as diligently as possible to continue the Indian Subcommittee, although we had some jurisdictional problems with other committees, I congratulate the Senator on the progress in this field.

We in the Southwestern States have been much interested in this problem. There are not so many Indians in my State, but we live next door to New Mexico, which has a large population of Indians. In the 3½ years that I was in the practice of law in El Paso, Tex., I was in New Mexico many times and learned the need in this field. A survey was made by a professor of the University of New Mexico to show that in New Mexico only one-third as many dollars were spent on the average Indian in the pueblos on education as was spent in the Anglo counties of New Mexico. They were called the forgotten children.

That was as far back as 1940. I happen to have a copy of that report, which was autographed by Chief Justice Stone. He had sent a note to the author of that work commending him for it. So, as far back as 1940, we find discrimination, failure, and lack of programs to educate Indian children. This is a failure that has gone on for generations.

I am very proud of the fact that the committee on which I serve, the Committee on Labor and Public Welfare, which held hearings all through the West and in Alaska, has pinpointed the great need.

The Senator from Minnesota was speaking of the Chippawas in his State. He was a spokesman for the protection of the Chippewas when he was attorney general of Minnesota, when the Chippewas were being kicked around. As attorney general, he gave them protection they had never had. So he has been interested in this problem for a long time.

I commend all the Senators who have been concerned in this problem for their interest, leadership, imagination, and real study of the problem. I think this bill will do something in that direction.

Mr. MONDALE. Mr. President, I thank the Senator from Texas. No one has given more support and extended more support to the work of our committee and its objectives than has the Senator from Texas.

PUBLIC WORKS APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18127) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

Mr. BAYH. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** Without objection, the Senate will proceed to the consideration of the report——

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana would like to address an inquiry to the Chair. Does the Senator from Indiana correctly interpret the rules of the Senate that such a conference report is privileged business before the Senate?

The **PRESIDING OFFICER.** All conference reports are privileged business.

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Sept. 17, 1970, pp. H8925, CONGRESSIONAL RECORD.)

Mr. ELLENDER. Mr. President, I regret the Senate conferees were unable to sustain all of the programs we proposed, but I think that all in all we came out very well.

The House committee placed in the bill 10 new planning starts, and 19 new construction starts. The Senate provided 21 new planning starts and 21 new construction starts. In conference we ironed out the differences so that it is my belief the Senate came out of the encounter as well as did the House.

The conference agreement provides $5,239,324,000, which is $19,371,000 below the amount approved by the Senate; $2,516,000 above the House; $24,109,000 below the budget; and $470,556,500 above the appropriation for fiscal year 1970. Two hundred million dollars of this increase over fiscal year 1970 is for construction grants for waste treatment facilities.

Mr. President, there is a growing awareness of the need to protect and improve our environment. A major thrust of this effort is being directed toward the elimination of air and water pollution. One of the most important programs to improve our environment is the Construction Grants for Waste Treatment Works. This year, the authorization is $1¼ billion; the administration recommended new legislation including contract authority of $4 billion over a period of 4 years. Since that legislation has not been enacted, the Congress is providing in this bill new obligational authority—appropriations—of $1 billion.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary table explaining the action of the conferees on the various items in the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PUBLIC WORKS APPROPRIATIONS FOR FISCAL YEAR 1971—SUMMARY TABLE

Agency and item (1)	New budget (obligational) authority, fiscal year 1970 [1] (2)	Budget estimate of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority in House bill (4)	New budget (obligational) authority in Senate bill (5)	New budget (obligational) authority in conference bill (6)
TITLE I—ATOMIC ENERGY COMMISSION					
Operating expenses	[2] $1,867,269,000	$2,010,900,000	$1,965,500,000	$1,919,070,000	$1,929,160,000
Plant and capital equipment	355,500,000	352,100,000	360,100,000	352,200,000	353,600,000
Total, title I, new budget (obligational) authority, Atomic Energy Commission	2,222,769,000	2,363,000,000	2,325,600,000	2,271,270,000	2,282,760,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL Department of the Army Corps of Engineers—Civil					
General investigations	41,191,000	39,597,000	38,559,000	41,616,000	39,597,000
Construction, general	711,992,000	821,398,000	825,689,000	871,808,000	851,256,000
Flood control, Mississippi River and tributaries	80,820,000	79,578,000	79,578,000	91,004,000	84,000,000
Operation and maintenance, general	[3] 259,905,000	292,600,000	290,000,000	292,600,000	292,600,000
Flood control and coastal emergencies	32,000,000	7,000,000	3,000,000	3,000,000	3,000,000
General expenses	[4] 24,680,000	25,800,000	25,350,000	25,800,000	25,480,000
Total, Corps of Engineers—Civil	1,150,588,000	1,265,973,000	1,262,176,000	1,325,828,000	1,295,933,000
Cemeterial expenses					
Salaries and expenses	15,125,000	17,434,000	18,184,000	18,184,000	18,184,000

Footnotes at end of table.

PUBLIC WORKS APPROPRIATIONS FOR FISCAL YEAR 1971—SUMMARY TABLE—Continued

Agency and item	New budget (obligational) authority, fiscal year 1970 [1]	Budget estimate of new (obligational) authority, fiscal year 1971	New budget (obligational) authority in House bill	New budget (obligational) authority in Senate bill	New budget (obligational) authority in conference bill
(1)	(2)	(3)	(4)	(5)	(6)
The Panama Canal					
Canal Zone Government:					
Operating expenses	[5] $41,663,000	$44,235,000	$43,800,000	$44,129,000	$44,129,000
Capital outlay	2,000,000	2,163,000	1,500,000	1,850,000	1,500,000
Panama Canal Company: Limitation on general and administrative expenses	[6] (15,305,000)	(15,977,000)	(15,977,000)	(15,977,000)	(15,977,000)
Total, the Panama Canal	43,663,000	46,398,000	45,300,000	45,979,000	45,629,000
Total, title II, new budget (obligational) authority, Department of Defense—Civil	1,209,376,000	1,329,805,000	1,325,660,000	1,389,991,000	1,359,746,000
TITLE III—DEPARTMENT OF THE INTERIOR					
Federal Water Quality Administration					
Pollution control operations and research	86,382,000	98,018,000	98,018,000	98,618,000	98,618,000
Construction grants for waste treatment works	800,000,000		1,000,000,000	1,000,000,000	1,000,000,000
Contract authority		1,000,000,000			
Total, Federal Water Quality Administration	886,382,000	1,098,018,000	1,098,018,000	1,098,618,000	1,098,618,000
Bureau of Reclamation					
General investigations	[7] 16,930,000	19,100,000	19,000,000	19,100,000	19,065,000
Construction and rehabilitation	[8] 142,818,500	[9] 171,678,000	181,810,000	187,931,000	186,793,000
Upper Colorado River storage project	28,240,000	[10] 20,695,000	21,260,000	23,175,000	22,375,000
Colorado River Basin project	960,000	750,000	1,950,000	750,000	1,950,000
Colorado River Basin project (appropriation to liquidate contract authorization)	[8] (6,803,000)	[11] (5,748,000)	(5,748,000)	(5,748,000)	(5,748,000)
Operation and maintenance	[12] 55,370,000	58,400,000	57,800,000	57,800,000	57,800,000
Loan program	5,650,000	4,400,000	8,550,000	8,550,000	8,550,000
Emergency fund	1,000,000	1,000,000			
General administrative expenses	[13] 13,670,000	13,652,000	13,652,000	13,652,000	13,652,000
Total, Bureau of Reclamation	264,638,500	289,675,000	304,022,000	310,958,000	310,185,000
Alaska Power Administration					
General investigations	600,000	700,000	600,000	600,000	600,000
Operation and maintenance	400,000	420,000	400,000	400,000	400,000
Total, Alaska Power Administration	1,000,000	1,120,000	1,000,000	1,000,000	1,000,000
Bonneville Power Administration					
Construction	96,500,000	93,522,000	90,500,000	91,600,000	91,600,000
Operation and maintenance	[14] 22,300,000	23,600,000	23,600,000	23,600,000	23,600,000
Total, Bonneville Power Administration	118,800,000	117,122,000	114,100,000	115,200,000	115,200,000
Southeastern Power Administration					
Operation and maintenance	700,000	830,000	800,000	800,000	800,000
SOUTHWESTERN POWER ADMINISTRATION					
Construction	3,100,000	[15] 950,000	950,000	950,000	950,000
Operation and maintenance	[16] 2,505,000	5,100,000	5,100,000	5,100,000	5,100,000
Continuing fund (definite appropriation of receipts)	2,800,000				
Total, Southwestern Power Administration	8,405,000	6,050,000	6,050,000	6,050,000	6,050,000
Underground electric power transmission research		1,000,000	750,000	1,000,000	750,000
Total, title III, new budget (obligational) authority, Department of the Interior	1,279,925,500	1,513,815,000	1,524,740,000	1,533,626,000	1,532,603,000
TITLE IV—INDEPENDENT OFFICES (EXCLUDING AEC)					
Atlantic-Pacific Interoceanic Canal Study Commission: Salaries and expenses	917,000				
Delaware River Basin Commission:					
Salaries and expenses	47,000	58,000	58,000	58,000	58,000
Contribution to the Delaware River Basin Commission	153,000	175,000	175,000	175,000	175,000
Total, Delaware River Basin Commission	200,000	233,000	233,000	233,000	233,000
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	5,000	5,000	5,000	5,000	5,000
National Water Commission: Salaries and expenses	1,050,000	1,840,000	1,840,000	1,840,000	1,840,000
Tennessee Valley Authority: Payment to Tennessee Valley Authority fund	50,600,000	50,080,000	54,180,000	56,180,000	56,180,000
Water Resources Council: Water resources planning	3,925,000	4,655,000	4,550,000	5,550,000	5,150,000
Total, title IV, new budget (obligational) authority, independent offices (excluding AEC)	56,697,000	56,813,000	60,808,000	63,808,000	63,408,000
Total new budget (obligational) authority, titles II, III, and IV (excluding AEC)	2,545,998,500	2,900,433,000	2,911,208,000	2,987,425,000	2,955,757,000
Grand total, new budget (obligational) authority, titles I, II, III, and IV	4,768,767,500	5,263,433,000	5,236,808,000	5,258,695,000	5,238,517,000
Memoranda:					
Appropriation to liquidate contract authorizations	(6,803,000)	(5,748,000)	(5,748,000)	(5,748,000)	(5,748,000)
Total appropriations, including appropriations to liquidate contract authorizations	(4,775,570,500)	(5,269,181,000)	(5,242,556,000)	(5,264,443,000)	5,244,265,000

[1] Includes pay act supplemental.
[2] Includes $5,000,000 contained in Second Supplemental Appropriation Bill, 1970.
[3] Includes $6,905,000 contained in Second Supplemental Appropriation Bill, 1970.
[4] Includes $2,000,000 contained in Second Supplemental Appropriation Bill, 1970.
[5] Includes $963,000 contained in Second Supplemental Appropriation Bill, 1970.
[6] Includes an increase of $605,000 provided in Second Supplemental Appropriation Bill, 1970.
[7] Includes $900,000 contained in Second Supplemental Appropriation Bill, 1970.
[8] Reflects transfer of $6,563,000 from "Construction and Rehabilitation" to "Colorado River Basin Project" as contained in Second Supplemental Appropriation Bill, 1970.
[9] Reflects decrease of $3,013,000 contained in H. Doc. 91-305.
[10] Reflects decrease of $485,000 contained in H. Doc. 91-305.
[11] Reflects increase of $3,498,000 contained in H. Doc. 91-305.
[12] Includes $1,870,000 contained in Second Supplemental Appropriation Bill, 1970.
[13] Includes $970,000 contained in Second Supplemental Appropriation Bill, 1970.
[14] Includes $800,000 contained in Second Supplemental Appropriation Bill, 1970.
[15] Reflects decrease of $1,250,000 contained in H. Doc. 91-305.
[16] Includes $155,000 appropriated in Second Supplemental Appropriation Bill, 1970.

TITLE I, ATOMIC ENERGY COMMISSION

Mr. ELLENDER. Mr. President, in addition to the consideration of appropriations for pollution control, the committee considered all of the appropriations for the Atomic Energy Commission.

The conferees agreed on $1,929,160,000 for operating expenses of the Atomic Energy Commission. This is $36 million below the House allowance, and $29 million above the amount allowed by the Senate. Of this increase over the Senate amount, $9,700,000 is for the weapons program and associated selected resources. This increase is necessary as a result of wage increases and other increases required to compensate for delays in production resulting from strikes early this year. The remaining increase of $390,000 is for research on the isotopic-powered artificial heart. The increase over the Senate bill figure also reflects an adjustment of $18,770,000 to correct an error in the Senate bill total.

For plant and capital equipment, the conferees agreed on $353,600,000. This is $6.5 million below the House and $17.5 million above the Senate. The increase provides $500,000 for planning an addition to the physics building at Argonne National Laboratory, Ill.; $600,000 for the National Nuclear Science Information Center at Oak Ridge, Tenn.; and $300,000 for a radiotherapy linear accelerator at the Puerto Rico Nuclear Center. The increase also reflects an adjustment of $16,100,000 to correct an error in the Senate bill table.

TITLE II, DEPARTMENT OF DEFENSE—CIVIL

Mr. President, in title II, for general investigations, Corps of Engineers, the bill provides $39,597,000 which is $2,019,000 below the amount approved by the Senate, and $1,038,000 above the amount allowed by the House. The conference allowance is the same amount as the budget estimate.

I ask unanimous consent to have printed at this point in the RECORD a tabulation showing the details of the amount allowed for this item.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GENERAL INVESTIGATIONS, FISCAL YEAR 1971

Item (1)	Reserve (2)	Approved budget estimate for fiscal year 1971 (including reserve) (3)	House allowance (including reserve) (4)	Senate allowance (including reserve) (5)	Conference allowance (including reserve) (6)
1. Surveys:					
(a) Navigation studies	$513,000	$4,875,000	$4,670,000	$5,270,000	$5,069,000
(b) Flood control studies	365,000	11,173,000	11,293,000	11,693,000	11,573,000
(c) Beach erosion control studies	13,000	395,000	439,000	449,000	449,000
General reduction due to slippage		−500,000			
Subtotal, navigation, flood control, and beach erosion studies	891,000	15,943,000	16,402,000	17,412,000	17,091.000
(d) Comprehensive basin studies:					
Big Muddy River		45,000	45,000	45,000	45,000
California region		633,000	633,000	633,000	633,000
Columbia North Pacific region		270,000	270,000	270,000	270,000
Great Basin region		384,000	384,000	384,000	384,000
Great Lakes region		698,000	698,000	698,000	698,000
Lower Colorado region		118,000	118,000	118,000	118,000
Lower Mississippi region		676,000	676,000	676,000	676,000
North Atlantic region		410,000	410,000	410,000	410,000
Pascagoula River Basin		23,000	23,000	23,000	23,000
Red River of the North, Minn. and N. Dak		154,000	154,000	154,000	154,000
Upper Colorado region		102,000	102,000	102,000	102,000
White River Basin, Ark. and Mo		5,000	5,000	5,000	5,000
Subtotal, comprehensive basin studies		3,518,000	3,518,000	3,518,000	3,518,000
(e) Special studies:					
Chesapeake Bay model study		330,000	1,330,000	1,330,000	1,330,000
Coordination studies with other agencies (Public Law 566, Public Law 984)		700,000	700,000	700,000	700,000
Lake Erie-Ontario Waterway, N.Y		100,000	150,000	150,000	150,000
National shoreline study		400,000	400,000	400,000	400,000
Northeastern United States water supply		1,000,000	1,000,000	1,000,000	1,000,000
Texas coast hurricane		500,000	500,000	500,000	500,000
Texas water and pollution study	40,000	260,000	260,000	260,000	260,000
Water levels at Great Lakes		245,000	245,000	245,000	245,000
Subtotal, special studies	40,000	3,535,000	4,585,000	4,585,000	4,585,000
Subtotal, surveys	931,000	22,996,000	24,505,000	25,515,000	25,194,000
2. Collection and study of basic data:					
(a) Stream gaging (U.S. Geological Survey)		355,000	355,000	355,000	355,000
(b) Precipitation studies (U.S. Weather Bureau)		650,000	650,000	650,000	650,000
(c) Fish and Wildlife Coordination Act studies (U.S. Fish and Wildlife Service)		655,000	655,000	655,000	655,000
(d) International water studies		190,000	190,000	190,000	190,000
(e) Flood plain management services		6,250,000	6,250,000	6,250,000	6,250,000
Subtotal, collection and study of basic data		8,100,000	8,100,000	8,100,000	8,100,000
3. Research and development:					
(a) Coastal engineering research and development		3,250,000	3,250,000	3,250,000	3,250,000
(b) Hydrologic studies		249,000	249,000	249,000	249,000
(c) Civil works investigations		4,208,000	4,208,000	4,208,000	4,208,000
(d) Mississippi Basin model:					
(1) Maintenance		65,000	65,000	65,000	65,000
(2) Computer application studies		150,000	150,000	150,000	150,000
(e) Nuclear explosives studies for civil construction		960,000	960,000	960,000	960,000
(f) International hydrological decade program		550,000	550,000	550,000	550,000
Subtotal, research and development		9,432,000	9,432,000	9,432,000	9,432,000
General reduction due to savings and slippages			−500,000	−500,000	−500,000
Anticipated additional unobligated carryover balances			−2,047,000	0	−1,698,000
Less fiscal year 1970 budgetary reserve funds included in amounts for above studies		−931,000	−931,000	−931,000	−931,000
Total, general investigations	931,000	39,597,000	38,559,000	41,616,000	39,597,000

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Mr. ELLENDER. Mr. President, for construction, general, Corps of Engineers, the conference agreement provides $852,063,000 which is $19,745,000 below the amount approved by the Senate; $26,374,000 above the House; $30,665,000 above the budget estimate; and $140,071,000 above the 1970 appropriation.

The construction items approved by the House included 10 unbudgeted planning items, 19 unbudgeted construction starts, and two new land acquisition items; all of which were approved by the Senate. In conference, the House conferees agreed to 10 of the 21 new planning starts added by the Senate. The House conferees also agreed to 10 of the 21 new construction starts added by the Senate; and, in addition, to land acquisition on three reservoir projects for which the Senate had approved a construction start.

For increases in construction, the Senate approved an additional $27,503,000, and the House conferees agreed to $17,758,000 of these increases.

Mr. President, the Senate restored the budget estimate of $807,000 for continuation of planning on the Dickey-Lincoln School Dam and reservoirs project in Maine. When the bill was up for consideration in the House, an amendment to provide the planning funds for this project was defeated on a teller vote—60 yeas and 90 nays. The conference agreement included the Senate allowance for this project. The House conferees, however, felt that they had to take the amendment including these funds back to the House for a separate vote. I regret that the House again refused to agree to the Senate restoration of these funds.

I might say, Mr. President, that this is the third consecutive time that this worthy project has been turned down by the House of Representatives. I am very hopeful that next year we can put it back into the bill, and that it will be approved by Congress.

After the conference report is agreed to, we will have for consideration the House amendment to the Senate amendment No. 4. Their amendment provides $851,256,000 for construction, general, of the Corps of Engineers, and provides the amounts shown in the printed conference report except for the $807,000 set out therein for the Dickey-Lincoln project.

Mr. President, for Mississippi River and tributaries, the conference bill provides $84 million, which is $4,422,000 above the House allowance and the budget estimate, and $7,040,000 below the amount allowed by the Senate.

This is an extremely important project, affording protection to parts of seven States. Because of budget restrictions of last year, there was a total of $13,848,458 of carryover and reserve funds. Actual obligations last year were only $72,967,839, and with the funds provided in the conference bill, together with the carryover funds, there will be about $98 million available for obligation in fiscal year 1971.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the tabulation showing the details of the amount allowed for the Mississippi River and tributaries program.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, FISCAL YEAR 1971

Project	Reserve	Approved budget estimate for fiscal year 1971 (including reserve)		House allowance (including reserve)		Senate allowance (including reserve)		Conference allowance (including reserve)	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1. General investigations:									
(a) Examinations and surveys	$62,000	[1] $1,210,000		[1] $1,250,000		[1] $300,000		[1] $1,300,000	
(b) Collection and study of basic data		110,000		110,000		110,000		110,000	
Less fiscal year 1970 budgetary reserve		−62,000		−62,000		−62,000		−62,000	
Subtotal general investigations	62,000	1,258,000		1,298,000		1,348,000		1,348,000	
2. Construction and planning:									
Mississippi River levees	950,000	[1] $3,400,000		[1] $3,400,000		[1] $4,440,000		$3,400,000	
Channel improvement	1,000,000	[1] 32,639,000		[1] 32,639,000		[1] 34,639,000		33,889,000	
Old River		200,000		200,000		200,000		200,000	
St. Francis Basin	1,000,000	[1] 5,300,000		[1] 5,300,000		[1] 7,300,000		6,550,000	
Lower White River:									
Big Creek and tributaries			$70,000		$70,000		$140,000		$70,000
Clarendon levee			45,000		45,000		45,000		45,000
Cache Basin	50,000	[5] 50,000		[2] 150,000		[3] 150,000		[2] 150,000	
West Tennessee tributaries		500,000		500,000		500,000		500,000	
Tensas Basin:									
Boeuf and Tensas Rivers, etc		950,000		950,000		1,475,000		950,000	
Red River backwater		850,000		850,000		850,000		850,000	
Yazoo Basin:									
Greenwood		25,000		[3] 225,000		[3] 225,000		[3] 225,000	
Upper auxiliary channels	60,000	[5] 60,000		[2] 260,000		[2] 260,000		[2] 260,000	
Main stem		110,000		110,000		110,000		110,000	
Tributaries	40,000	[1] 1,260,000		[1] 1,260,000		[1] 1,260,000		[1] 1,260,000	
Big Sunflower River, etc		550,000		550,000		700,000		550,000	
Yazoo backwater		1,687,000		1,687,000		1,687,000		1,687,000	
Control structure in Muddy Bayou (Eagle Creek)				[4] 100,000		[4] 100,000		[4] 100,000	
Lower Red River, south bank		120,000		120,000		[1] 120,000		[1] 120,000	
Atchafalaya Basin	1,000,000	[1] 6,109,000		[1] 6,109,000		[1] 11,000,000		8,109,000	
Mississippi Delta region (salinity control structures)			80,000		80,000		80,000		80,000
Tech Vermilion Basin			75,000		75,000		75,000		75,000
West Kentucky tributaries				[4] 100,000		[4] 100,000		[4] 100,000	
Subtotal, construction and planning	4,100,000	53,810,000	270,000	54,510,000	270,000	65,076,000	340,000	59,010,000	270,000
Reduction for anticipated savings and slippages		−1,450,000		−2,190,000		−1,450,000		−2,318,000	
Less fiscal year 1970 budgetary reserve		−4,100,000		−4,100,000		−4,100,000		−4,100,000	
Total, construction and planning	4,100,000	48,260,000	270,000	48,220,000	270,000	59,526,000	340,000	52,592,000	270,000
Maintenance	2,210,000	[1] 32,000,000		[1] 32,000,000		[1] 32,000,000		[1] 32,000,000	
Less fiscal year 1970 budgetary reserve included in maintenance above		−2,210,000		−2,210,000		−2,210,000		−2,210,000	
Grand total	6,372,000	(79,578,000)		(79,578,000)		(91,004,000)		(84,000,000)	

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[1] Total includes funds placed in budgetary reserve during fiscal year 1970 which will be released for use in fiscal year 1971.

[2] Reflects availability of carryover funds held in budgetary reserve in fiscal year 1970 and an unbudgeted addition approved by the House committee.

[3] Increase in budget.

[4] Unbudgeted.

[5] Financed from fiscal year 1970 congressional add on held in budgetary reserve.

XUM

TITLE III, DEPARTMENT OF THE INTERIOR

Mr. ELLENDER. Mr. President, for title III, the conference bill provides $1,532,603,000, which is $1,023,000 below the amount approved by the Senate; $7,863,000 above the House allowance; $18,788,000 above the budget; and $252,677,500 above the appropriation for 1970.

With respect to the Federal Water Quality Administration, for construction grants for waste treatment works, the bill provides $1 billion, which is $200 million above the amount approved for fiscal year 1970.

Mr. President, for the Bureau of Reclamation, the conferees agreed on an increase of $65,000 for general investigations. The conferees agreed to $4,983,000 of the $6,121,000 increase recommended by the Senate for construction and rehabilitation; and allowed $1,115,000 of the $1,915,000 Senate increase for the Upper Colorado River storage project.

I ask unanimous consent that tabulations showing the details of the conference agreement for construction and rehabilitation, and for the Upper Colorado River storage project, be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

BUREAU OF RECLAMATION, FISCAL YEAR 1971

CONSTRUCTION AND REHABILITATION

Construction, general, State and project	Budgetary reserve	Approved budget estimate for fiscal year 1971, as amended		House allowance[1]		Senate allowance[2]		Conference allowance[1]	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Arizona:									
Colorado River front work and levee system		$1,250,000		$1,250,000		$1,250,000		$1,250,000	
Pacific Northwest-Pacific Southwest intertie		700,000		700,000		700,000		700,000	
California:									
Central Valley project:									
Trinity River division		142,000		142,000		142,000		142,000	
Sacramento River division		7,040,000		7,040,000		7,040,000		7,040,000	
San Luis unit	[3] $4,111,000	[1,3] 13,828,000		[1,3] 23,828,000		[1,3] 23,828,000		[1,3] 23,828,000	
(Westlands distribution and drainage system)	(3,829,000)	[1,3] (6,840,000)		[1,3] (16,840,000)		[1,3] (16,840,000)		[1,3] (16,840,000)	
(San Luis drain)		(4,524,000)		(4,524,000)		(4,524,000)		(4,524,000)	
Auburn-Folsom South unit		21,200,000		21,200,000		23,200,000		23,200,000	
All other project facilities	850,000	[1] 2,020,000		[1] 2,020,000		[1] 2,020,000		[1] 2,020,000	
San Felipi division			$300,000		$300,000		$300,000		$300,000
Total, Central Valley project	[3] 4,961,000	[1,3] 44,230,000	300,000	[1,3] 54,230,000	300,000	[1,3] 56,230,000	300,000	[1,3] 56,230,000	300,000
Colorado River front work and levee system. (See Arizona.)									
Pacific Northwest Pacific-Southwest intertie. (See Arizona.)									
Colorado: Fryingpan-Arkansas project	3,600,000	[1] 20,000,000		[1] 20,000,000		[1] 20,000,000		[1] 20,000,000	
Idaho:									
Irrigation facilities, Corps of Engineers projects			13,000		13,000		13,000		13,000
Teton Basin project, lower Teton division		1,575,000		1,575,000		1,575,000		1,575,000	
Nevada:									
Pacific Northwest-Pacific Southwest intertie. (See Arizona.)									
Southern Nevada water project	1,500,000	[1] 18,000,000		[1] 18,000,000		[1] 18,000,000		[1] 18,000,000	
Oklahoma: Mountain Park project		1,000,000		1,000,000		1,000,000		1,000,000	
Oregon:									
Irrigation facilities, Corps of Engineers projects. (See Idaho.)									
Tualatin project (land acquisition)		1,000,000		1,000,000		1,600,000		1,400,000	
Texas: Palmetto Bend project	200,000		[2] 200,000		300,000	[2] 200,000	300,000		300,000
Washington:									
Chief Joseph Dam project, Manson unit	62,500	[3] 62,500		[1] 562,500		[1] 562,500		[1] 562,500	
Chief Joseph Dam project, Whitestone Coulee unit		370,000		370,000		370,000		370,000	
Columbia Basin project	850,000	[1] 78,000,000		[1] 77,700,000		[1] 77,700,000		[1] 77,700,000	
Irrigation facilities, Corps of Engineers projects. (See Idaho.)									
Various:									
Drainage and minor construction program:									
All-American Canal system, California		2,000		2,000		2,000		2,000	
Boulder Canyon project, Arizona-Nevada		100,000		100,000		100,000		100,000	
Buffalo Rapids project, Montana		15,000		15,000		15,000		15,000	
Chief Joseph Dam project, Foster Creek division, Washington		10,000		10,000		10,000		10,000	
Eden project, Wyoming		193,000		193,000		193,000		193,000	
Gila project, Arizona		1,210,000		1,210,000		1,210,000		1,210,000	
Kendrick project, Wyoming		211,000		211,000		211,000		211,000	
Klamath project, Oregon, California		190,000		190,000		190,000		190,000	
Michaud Flats project, Idaho		48,000		48,000		48,000		48,000	
Parker-Davis project, Arizona-California-Nevada		440,000		440,000		440,000		440,000	
Pecos River Basin water salvage project, New Mexico-Texas		300,000		300,000		300,000		300,000	
Recreation facilities at existing reservoirs, various States		184,000		184,000		184,000		184,000	
San Angelo project, Texas		30,000		30,000		30,000		30,000	
Technical records and as-built drawings, Colorado		7,000		7,000		7,000		7,000	
Washita Basin project, Oklahoma		30,000		30,000		30,000		30,000	
Washoe project, Nevada-California		70,000		70,000		255,000		255,000	
Total, drainage and minor construction		3,040,000		3,040,000		3,225,000		3,225,000	
Rehabilitation and betterment of existing projects:									
All-American Canal system, Coachella division, California		157,000		157,000		157,000		157,000	
Carlsbad project, New Mexico		900,000		900,000		900,000		900,000	
Cascade Irrigation District, Ellensberg, Wash						5,000		5,000	
Salt River project, Arizona		773,000		773,000		773,000		773,000	
Shoshone project, Garland division, Wyoming						2,000		200,000	
Tucumacari project, New Mexico		111,000		111,000		111,000		111,000	
Tumalo Irrigation District, Oregon				5,000		5,000		5,000	
Uncompahgre project, Gunnison Tunnel, Colorado						133,000		133,000	
Westland Irrigation District, Oregon				5,000		5,000		5,000	
Yakima project, Outlook Irrigation District, Washington		136,000		136,000		136,000		136,000	
Total, rehabilitation and betterment of existing projects		2,077,000		2,087,000		2,425,000		2,425,000	
Subtotal, exclusive of Missouri River Basin project	11,173,050	171,304,500	513,000	181,514,500	613,000	184,837,500	613,000	184,437,500	613,000

Footnotes at end of table.

BUREAU OF RECLAMATION, FISCAL YEAR 1971—CONSTRUCTION AND REHABILITATION—Continued

Construction, general, State and project	Budgetary reserve	Approved budget estimate for fiscal year 1971, as amended		House allowance [1]		Senate allowance [3]		Conference allowance [1]	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
MISSOURI RIVER BASIN PROJECT									
Montana: Yellowtail unit		$1,480,000		$1,480,000		$1,480,000		$1,480,000	
Nebraska: Mid-State division			$200,000		$400,000		$400,000		$400,000
North Dakota:									
Garrison diversion unit		11,100,000		11,100,000		12,500,000		12,100,000	
Garrison diversion unit Minot extension (not authorized)						470,000		470,000	
South Dakota:									
Garrison diversion unit. (See North Dakota.)									
Garrison diversion unit Minot extension. (See North Dakota.)									
Oahe unit (land acquisition)			500,000		500,000	350,000	500,000	350,000	
Wyoming: Yellowtail unit. (See Montana.)									
Various:									
Transmission division		6,616,000		6,616,000		6,716,000		6,616,000	
Drainage and minor construction program:									
Ainsworth unit, Nebraska		160,000		160,000		160,000		160,000	
Bostwick division, Nebraska-Kansas		475,000		475,000		475,000		475,000	
Cedar Bluff unit, Kansas		80,000		80,000		80,000		80,000	
Glen Elder unit, Kansas		324,000		324,000		324,000		324,000	
East Bench unit, Montana		380,000		380,000		380,000		380,000	
Farwell unit, Nebraska		226,000		226,000		226,000		226,000	
Frenchman Cambridge division, Nebraska		500,000		500,000		500,000		500,000	
Hanover Bluff unit, Wyoming		30,000		30,000		30,000		30,000	
Helena Valley unit, Montana		210,000		210,000		210,000		210,000	
Owl Creek unit, Wyoming		50,000		50,000		50,000		50,000	
Technical records and as-built drawings		3,000		3,000		3,000		3,000	
Total, drainage and minor construction		2,438,000		2,438,000		2,438,000		2,438,000	
Subtotal, construction (Missouri River Basin)		21,634,000	700,000	21,634,000	900,000	23,954,000	900,000	23,454,000	900,000
Investigations (Missouri River Basin)		1,720,000		1,720,000		1,820,000		1,820,000	
Other Department agencies		3,080,000		2,940,000		3,080,000		3,080,000	
Total, Missouri River Basin project		26,434,000	700,000	26,294,000	900,000	28,854,000	900,000	28,354,000	900,000
Subtotal, construction and rehabilitation	$11,173,500	198,951,500		209,321,500		215,204,500		214,304,500	
Undistributed reduction based on anticipated delays		−16,100,000		−16,338,000		−16,100,000		−16,338,000	
Less amount appropriated in fiscal year 1970 in addition to the budget request which was placed in budgetary reserve in fiscal year 1970 scheduled for use in fiscal year 1971	−11,173,500	−11,173,500		−11,173,500		−11,173,500		−11,173,500	
Total, construction and rehabilitation		171,678,000		181,810,000		187,931,000		186,793,000	

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[1] Total includes congressional add-ons placed in budgetary reserve during fiscal year 1970 to be released for use in fiscal year 1971.

[2] Financed from fiscal year 1970 budgetary reserve.

[3] Includes non-Federal advances.

UPPER COLORADO RIVER STORAGE PROJECT—UPPER COLORADO RIVER BASIN FUND

Construction, general, State and project	Budgetary reserve	Approved budget estimate for fiscal year 1971, as amended		House allowance [1]		Senate allowance [1]		Conference allowance [1]	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
COLORADO RIVER STORAGE PROJECT									
Colorado:									
Curecanti unit		$2,850,000		$2,850,000		$3,000,000		$3,000,000	
Various:									
Transmission division		2,163,000		2,163,000		2,163,000		2,163,000	
PARTICIPATING PROJECTS									
Colorado:									
Animas-La Plata project	[3] $15,000		[3] $15,000		[3] $140,000		[3] $240,000		$240,000
Bostwick Park project		1,214,000		1,214,000		1,214,000		1,214,000	
Dallas Creek project	130,000		[4] 130,000		[1] 230,000		[1] 230,000		[1] 230,000
Dolores Creek project	110,000		[4] 110,000		[1] 200,000		[1] 200,000		[1] 200,000
Fruitland Mesa project			165,000		165,000		165,000		165,000
San Juan-Chama project		1,272,000		1,272,000		1,747,000		1,747,000	
San Miguel project							50,000		50,000
Savery-Pot Hook project			50,000	[5] 250,000	50,000	[5] 250,000	50,000	[5] 250,000	50,000
New Mexico:									
Aniams-La Plata project. (See Colorado.)									
San Juan-Chama project. (See Colorado.)									
Utah:									
Central Utah project, Bonneville unit		10,900,000		10,900,000		10,900,000		10,900,000	
Central Utah project, Jensen unit		500,000		500,000		500,000		500,000	
Central Utah project, Upalco unit						300,000			
Lyman project. (See Wyoming.)									
Wyoming:									
Lyman project		1,453,000		1,453,000		1,953,000		1,453,000	
Savery-Pot Hook project. (See Colorado.)									
Various:									
Drainage and minor construction program:									
Colorado River Storage project:									
Glen Canyon unit, Arizona-Utah		258,000		258,000		258,000		258,000	
Participating projects:									
Central Utah project, Vernal unit, Utah		233,000		233,000		233,000		233,000	
Emery County project, Utah		175,000		175,000		175,000		175,000	
Hammond project, New Mexico		300,000		300,000		300,000		300,000	
Seedskadee project, Wyoming		225,000		225,000		225,000		225,000	
Construction revenues		[6] −37,000		[6] −37,000		[6] −37,000		[6] −37,000	
Total, drainage and minor construction program		1,154,000		1,154,000		1,154,000		1,154,000	
Subtotal		21,506,000	470,000	21,756,000	785,000	23,181,000	935,000	22,381,000	935,000

Footnotes at end of table.

Construction, general, State and project	Budgetary reserve	Approved budget estimate for fiscal year 1971, as amended		House allowance[1]		Senate allowance[1]		Conference allowance[1]	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Undistributed reduction based on anticipated delays		−$1,831,000		−$1,831,000		−$1,831,000		−$1,831,000	
Less amount appropriated in fiscal year 1970 in addition to the budget request which was placed in budgetary reserve in fiscal year 1970 scheduled for use in fiscal year 1971	−$255,000	−255,000		−255,000		−255,000		−255,000	
Total, Upper Colorado River Basin fund		19,890,000		20,455,000		22,030,000		21,230,000	
RECREATIONAL AND FISH AND WILDLIFE FACILITIES									
National Park Service		578,000		578,000		578,000		578,000	
Bureau of Sport Fisheries and Wildlife		227,000		227,000		567,000		567,000	
Total, recreational and fish and wildlife facilities		805,000		805,000		1,145,000		1,145,000	
Total, Upper Colorado River storage project		20,695,000		21,260,000		23,175,000		22,375,000	

[1] Total includes congressional add-ons placed in budgetary reserve during fiscal year 1970 to be released for use in fiscal year 1971.

[2] Fiscal year 1970 program financed from non-Federal advances placed in budgetary reserve for use in fiscal year 1971.

[3] Includes fiscal year 1970 non-Federal advances.

[4] Financed from fiscal year 1970 budgetary reserve.

[5] Unbudgeted.

[6] Construction revenues included in Glen Canyon program.

Mr. ELLENDER. For the Colorado River Basin, the Senate agreed to the House allowance of $1,950,000 instead of $750,000 approved by the Senate.

TITLE IV, INDEPENDENT OFFICES

Mr. President, for title IV, the conference bill provides $63,408,000 which is $2,600,000 above the amount allowed by the House, and $400,000 below the Senate-approved bill: $6,595,000 above the budget; and $6,711,000 above the appropriations for fiscal year 1970.

The increase allowed by the conferees for the Tennessee Valley Authority provides $2,000,000 for the Mills River Reservoir in North Carolina, of which $600,000 is for planning and $1,400,000 for land acquisition. I am very glad that we were able to agree on retaining funds for the Mills River Reservoir in North Carolina.

For the Water Resources Council, the conferees agreed on $5,150,000 which is $600,000 above the amount allowed by the House, and $400,000 below the amount approved by the Senate; $495,000 above the budget estimate; and $1,225,000 above the appropriation for fiscal year 1970.

The increase of $600,000 is for planning grants to States under title III, providing a total of $3,600,000, an increase of $1,225,000 over the amount available for this purpose in fiscal year 1970.

Mr. President, I move that the conference report be agreed to.

Mr. JAVITS. Mr. President, before we act on that motion, I would like to ask the Senator from Louisiana a question. Does the Senator mind? Of course, I will agree to approving the report, but I think this is a good time to comment, if the Senator had come to a stopping point.

In the first place, let me say that I think the committee and the Senator from Louisiana have done magnificently by New York, and we have no complaints about the way in which New York's public works projects have been handled.

We did have one project, which the Senator was very gracious to speak with me about, concerning a preconstruction survey, for the proposed dredging of Port Jefferson Harbor.

Mr. ELLENDER. That is on Long Island.

Mr. JAVITS. Yes, on Long Island. May I explain to the Senator its importance, and why I asked the question? I will be very brief.

Long Island is, as the Senator knows a very vital, growing community, with approximately 2½ million people.

The question is whether this particular harbor, which is a port on Long Island Sound, should or should not have some commercial utility.

Leaving aside for the moment the argument as to whether, if the harbor were commercially useful, it could also be useful for recreation, it does not necessarily follow that it has to be some foul-smelling port. I have leaned, myself, to the idea that a growing community immediately contiguous to New York City needs material such as oil supplies, which is one of the major products received in Port Jefferson Harbor.

That is why I urged the committee, and the Senator from Louisiana was most gracious in including it for me in the Senate bill, to act affirmatively on approving $50,000 of the authorized Port Jefferson Harbor dredging program for a preconstruction survey.

We understand that the local Representative from that area takes quite a contrary position, but I think it would be very helpful, to know why the House conferees felt they could not concur with the Senate conferees.

Mr. ELLENDER. There were no reasons given by the House conferees. The House conferees simply respected an objection made by Representative Pike.

Mr. JAVITS. And that was it?

Mr. ELLENDER. And that was it. We insisted, but to no avail.

Mr. JAVITS. I thank the Senator very much.

Mr. ELLENDER. I am very hopeful that it will be reconsidered next year, and I can promise the Senator that if I am still in the Senate, as I hope to be—

Mr. JAVITS. I hope so, too.

Mr. ELLENDER. We will try again to secure planning funds for this project.

Mr. JAVITS. May I say to the Senator from Louisiana that I really have an objective feeling about this proposed project. I think that this information from the Senator from Louisiana, which is very public spirited and constructive, can be useful to the local people. They can persuade their Representative. If they agree with what he says, I will not be troubling the Senator any more. If they do not, we will hear about it.

Mr. ELLENDER. As the Senator recalls, while the conference was going on, I advised him of the objection of the Representative.

Mr. JAVITS That was most generous.

Mr. ELLENDER. At that time I suggested that you prod him a little.

Mr. JAVITS. Which I did.

Mr. ELLENDER. I am sorry, though, that even the Senator's admonitions did not do much good.

I am very grateful to the Senator. He has been very helpful.

Mr. ELLENDER. Mr. President, I renew the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the amendment in disagreement.

The assistant legislative clerk read the amendment, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed, insert: *$851-256,000*

Mr. ELLENDER. Mr. President, the House amendment to Senate amendment No. 4 for construction, general, Corps of Engineers, is $807,000 less than the conference agreement, which is the amount deleted for the Dickey-Lincoln project. That amendment provides $851,256,000 which is $20,552,000 below the amount approved by the Senate; $25,567,000 above the House; $29,858,000 above the budget estimate; and $139,264,000 above the 1970 appropriation.

Mr. President, I move that the Senate agree to the House amendment to Senate amendment No. 4.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to concur in the House amendment to the Senate amendment.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the tabulation showing the details of the amount allowed under "Construction, general."

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

CONSTRUCTION, GENERAL, FISCAL YEAR 1971

	Construction, general, State and project	Reserve	Approved budget estimate for fiscal year 1971 (including reserve)		House allowance (including reserve)		Senate allowance (including reserve)		Conference allowance (including reserve)	
			Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Alabama:									
N	Alabama River channel improvement		$792,000		$792,000		$792,000		$792,000	
N	[Clairborne lock and dam]	$600,000	[2]2,802,000		[2]2,802,000		[2]2,802,000		[2]2,802,000	
R	John Hollis Bankhead lock and dam		5,000,000		5,000,000		5,000,000		5,000,000	
MP	Jones Bluff lock and dam	1,000,000	[2]6,400,000		[2]6,400,000		[2]6,400,000		[2]6,400,000	
MP	[Millers Ferry lock and dam]		2,544,000		2,544,000		2,544,000		2,544,000	
FC	(Montgomery)					$50,000		$50,000		$50,000
N	(Tennessee-Tombigbee Waterway, Ala. and Miss)		1,000,000		1,000,000		1,000,000		1,000,000	
	Tombigbee River and tributaries, Alabama and Mississippi. (See Mississippi.)									
	West Point Dam, Ala. and Ga. (See Georgia.)									
	Alaska:									
FC	(Chena River Reservoirs, Fairbanks)			$950,000		950,000		950,000		950,000
N	(Kake Harbor)			50,000		50,000		100,000		100,000
N	(King Cove Harbor)	60,000		[3]60,000	100,000	[3]60,000	100,000	[3]60,000	100,000	[3]60,000
N	(Sergius and Whitestone Narrows)		200,000		200,000		200,000		200,000	
MP	Snettisham power project		12,000,000		12,000,000		12,000,000		12,000,000	
	Arizona:									
FC	Gila River Camelsback Reservior Site to Salt River		500,000		500,000		500,000		500,000	
FC	(Gila River and tributaries downstream from Painted Rock Reservoir)	1,715,000		[3]1,715,000	1,000,000	[3]1,715,000	1,000,000	[3]1,715,000	1,000,000	[3]1,715,000
FC	(Indian Bend Wash)			40,000		40,000		40,000		40,000
FC	(Phoenix and vicinity)		300,000		300,000		300,000		300,000	
FC	Santa Rosa Wash (Tat Momolikot Dam)	50,000	[2]1,000,000		[2]1,000,000		[2]1,000,000		[2]1,000,000	
FC	Winslow	450,000	[2]1,390,000		[2]1,390,000		[2]1,390,000		[2]1,390,000	
	Arkansas:									
N	Arkansas River and tributaries, Arkansas and Oklahoma: Navigation locks and dams		25,333,000		25,333,000		25,333,000		25,333,000	
FC	(Bayou Bartholomew (1950 and 1966 acts), Ark. and La.)			260,000		260,000		260,000		260,000
FC	(Bell Foley Reservoir)	150,000		[2]160,000		[2]160,000		[2]160,000		[2]160,000
MP	De Gray Reservoir		8,500,000		8,500,000		8,500,000		8,500,000	
FC	De Queen Reservoir		1,030,000		1,030,000		1,030,000		1,030,000	
FC	Dierks Reservoir		1,600,000		1,600,000		1,600,000		1,600,000	
FC	[Garland City]		135,000		135,000		135,000		135,000	
FC	Gillham Reservoir	500,000	[2]900,000		[2]900,000		[2]900,000		[2]900,000	
FC	(Little Rock Levee)				433,000		433,000		433,000	
MP	[Narrows Dam (3d unit)]		150,000		150,000		150,000		150,000	
N	Ouachita and Black Rivers, Ark. and La	560,000	[2]5,750,000		[2]5,750,000		[2]5,750,000		[2]5,750,000	
MP	Ozark lock and dam		11,700,000		11,700,000		11,700,000		11,700,000	
FC	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex.	200,000	[2]2,600,000		[2]2,600,000		[2]3,200,000		[2]2,900,000	
	California:									
FC	Alameda Creek, Del Valle Dam		2,800,000		2,800,000		2,800,000		2,800,000	
FC	(Alhambra Creek)							100,000		
FC	Buchanan Reservoir	350,000	[2]350,000		[2]1,550,000		[2]1,550,000		[2]1,550,000	
FC	(Butler Valley Reservoir)			900,000		900,000		900,000		900,000
FC	(Chester, Feather River)					50,000		50,000		50,000
FC	Corte Madera Creek		1,100,000		1,100,000		1,100,000		1,100,000	
N	(Crescent City Harbor)			85,000		85,000		85,000		85,000
FC	(Cucamonga Creek)	400,000		[2]430,000		[2]620,000		[2]620,000		[2]620,000
FC	Dry Creek (Warm Springs) Reservoir	1,000,000	[2]8,000,000		[2]8,000,000		[2]8,000,000		[2]8,000,000	
FC	Hidden Reservoir	240,000	[2]240,000		[2]2,040,000		[2]2,040,000		[2]2,040,000	
FC	Klamath River		853,000		853,000		853,000		853,000	
FC	(Lakeport Reservoir, Scotts Creek)			225,000		225,000		225,000		225,000
FC	Los Angeles County drainage area		750,000		750,000		750,000		750,000	
FC	(Lower San Joaquin River)				720,000		720,000		720,000	
FC	(Lytle and Warm Creeks)				1,500,000		1,500,000		1,500,000	
	Martis Creek Reservoir, Calif. and Nev. (See Nevada.)									
MP	(Marysville Reservoir (Land acquisition))			894,000		894,000	500,000	894,000		894,000
FC	[Merced Reservoir (New Exchequer) (Reimbursement)]		390,000		390,000		390,000		390,000	
FC	Mojave River Reservoir (West Fork)		7,060,000		7,060,000		7,060,000		7,060,000	
N	(Monterey Harbor)			150,000		150,000	300,000	150,000	300,000	150,000
FC	Napa River				400,000		400,000		400,000	
FC	[New Bullards Bar Reservoir (reimbursement)]		751,000		751,000		751,000		751,000	
FC	New Don Pedro Reservoir (reimbursement)		2,200,000		2,200,000		2,200,000		2,200,000	
MP	New Melones Reservoir	1,770,000	[2]11,900,000		[2]11,900,000		[2]11,900,000		[2]11,900,000	
N	Oakland Harbor		3,400,000		3,400,000		3,400,000		3,400,000	
FC	[Oroville Reservoir (reimbursement)]		3,213,000		3,213,000		3,213,000		3,213,000	
FC	(Pajaro River (1966 act))			200,000		200,000		200,000		200,000
N	(Port Hueneme Harbor)	50,000		[3]60,000		[2]60,000		[2]60,000		[3]50,000
FC	Russian River Basin (Coyote Valley Dam)		300,000		300,060		300,000		300,000	
FC	Sacramento River and major and minor tributaries		500,000		500,000		500,000		500,000	
FC	Sacramento River bank protection		2,600,000		2,600,000		2,600,000		2,600,000	
N	(San Diego Harbor)	100,000		[3]120,000		[3]150,000		[3]150,000		[3]150,000
FC	(San Diego River and Mission Valley)			558,000		558,000		558,000		558,000
N	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	250,000	[2]1,000,000		[2]1,000,000		[2]1,000,000		[2]1,000,000	
N	Santa Paula Creek	250,000	[3]250,000		[3]500,000		[3]500,000		[3]500,000,	
FC	(Sonoma Creek)			210,000		210,000		210,000		210,000
FC	(Sweetwater River)			575,000		575,000		575,000		575,000

Footnotes at end of table.

	Construction, general, State and project	Reserve	Approved budget estimate for fiscal year 1971 (including reserve)		House allowance (including reserve)		Senate allowance (including reserve)		Conference allowance (including reserve)	
			Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	California—Continued									
FC	Tahquitz Creek	$250,000	[2] $250,000		[2] $500,000		[2] $500,000		[2] $500,000	
FC	Walnut Creek		1,500,000		1,500,000		1,500,000		1,500,000	
	Colorado:									
FC	(Bear Creek (Mount Carbon) Reservoir (Land Acquisition))			$400,000		$400,000	400,000	$600,000	400,000	$600,000
FC	(Boulder)							50,000		50,000
FC	Chatfield Reservoir	2,500,000	[2] 13,200,000		[2] 13,200,000		[2] 13,200,000		[2] 13,200,000	
FC	Trinidad Reservoir	250,000	[2] 3,400,000		[2] 3,400,000		[2] 3,400,000		[2] 3,400,000	
	Connecticut:									
FC	Ansonia-Derby		5,600,000		5,600,000		5,600,000		5,600,000	
FC	Derby	600,000	[2] 2,700,000		[2] 2,700,000		[2] 2,700,000		[2] 2,700,000	
FC	New London Barrier		1,150,000		1,150,000		1,150,000		1,150,000	
FC	(Park River)					100,000		100,000		100,000
FC	(Stratford)			250,000		250,000		250,000		250,000
FC	(Trumbull Pond Reservoir)		250,000		250,000		250,000		250,000	
	Delaware:									
FC	(Delaware coast)			50,000		50,000		50,000		50,000
	Delaware River, Philadelphia to sea, anchorages, Del.; Pa. and N.J. (See New Jersey.)									
N	Inland waterway. Delware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II. Delaware and Maryland	500,000	[2] 9,200,000		[2] 9,200,000		[2] 9,820,000		[2] 9,200,000	
	Florida:									
N	[Apalachicola River channel improvement]		1,110,000		1,110,000		1,110,000		1,110,000	
BE	(Brevard County)			50,000		50,000		50,000		50,000
N	Canaveral Harbor		450,000		450,000		450,000		450,000	
FC	Central and Southern Florida	500,000	[2] 9,400,000		[2] 9,400,000		[2] 10,500,000		[2] 10,500,000	
N	Cross-Florida Barge Canal	1,500,000	[2] 6,000,000		[2] 6,000,000		[2] 8,000,000		[2] 7,000,000	
FC	Four Rivers basins	500,000	[2] 5,000,000		[2] 5,000,000		[2] 5,000,000		[2] 5,000,000	
N	(Gulf Intracoastal Waterway St. Marks to Tampa Bay (Ecological Study).)	20,000		[2] 20,000		[2] 200,000		[2] 200,000		[2] 200,000
N	Jacksonville Harbor (1965 act)	500,000	[2] 2,300,000		[2] 2,300,000		[2] 2,500,000		[2] 2,500,000	
N	(Miami Harbor)	140,000		[2] 150,000		[2] 210,000		[2] 210,000		[2] 210,000
BE	Mullet Key		100,000		100,000		100,000		100,000	
BE	Pinellas County, Treasure Island		50,000		50,000		50,000		50,000	
	Georgia:									
MP	Carters Dam	400,000	[2] 13,400,000		[2] 13,400,000		[2] 13,400,000		[2] 13,400,000	
N	Savannah Harbor, 40 feet (widening and deepening)	350,000	[2] 2,060,000		[2] 2,060,000		[2] 2,060,000		[2] 2,060,000	
N	Savannah Harbor (sediment basin)	600,000	[2] 2,300,000		[2] 2,300,000		[2] 2,300,000		[2] 2,300,000	
MP	(Spewrell Bluff Dam)	750,000	[2] 750,000		[2] 1,000,000		[2] 1,800,000		[2] 1,800,000	
MP	(Trotters Shoals Reservoir, Georgia and South Carolina (L.A.))						1,000,000		500,000	
MP	West Point Reservoir, Ala. and Ga		13,000,000		13,000,000		13,000,000		13,000,000	
	Hawaii:									
N	(Heeia-Kea Harbor)							49,000		49,000
N	(Honolulu Harbor)						30,000			
N	(Kawaihae Harbor)	750,000	[2] 750,000		[2] 1,852,000		[2] 1,852,000		[2] 1,852,000	
N	(Lahaina Harbor)			41,000		41,000		41,000		41,000
N	(Nawiliwili Harbor (sec. 107))		(211,000)		(211,000)		(211,000)		(211,000)	
N	(Reeds Bay Harbor)							50,000		
BE	Waikiki Beach	500,000	[2] 500,000		[2] 700,000		[2] 700,000		[2] 700,000	
	Idaho:									
FC	(Blackfoot Reservoir)						350,000			
MP	Dworshak (Bruces Eddy) Reservoir	1,650,000	[2] 57,400,000		[2] 57,400,000		[2] 57,400,000		[2] 57,400,000	
FC	Ririe Reservoir	100,000	[2] 4,800,000		[2] 4,800,000		[2] 4,800,000		[2] 4,800,000	
FC	(Stuart Gulch Reservoir)							75,000		75,000
FC	(Weiser River (restudy))			40,000		40,000		40,000		40,000
	Illinois:									
N	Calumet River and Harbor (1962 and 1965 acts)		290,000		290,000		290,000		290,000	
FC	(East Moline)			30,000		30,000		30,000		30,000
FC	(East St. Louis and vicinity)	29,000		[2] 379,000		[2] 379,000		[2] 379,000		[2] 379,000
FC	England Pond Levee		200,000		200,000		200,000		200,000	
FC	Freeport		1,000,000		300,000		300,000		300,000	
FC	(Fulton)			120,000		120,000		120,000		(120,000)
FC	(Helm Dam and Reservoir)							75,000		
N	[Horse Island and Crescent Bridge (Mississippi River), Ill. and Iowa.]		367,000		367,000		367,000		367,000	
N	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana		3,364,000		3,364,000		3,364,000		3,364,000	
N	(Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana.)			100,000		100,000		100,000		100,000
N	(Illinois Waterway Duplicate Locks)			400,000		400,000		400,000		400,000
N	Kaskaskia River (navigation)	1,623,000	[2] 12,317,000		[2] 12,317,000		[2] 12,317,000		[2] 12,317,000	
FC	(Levee District 23 (Dively), Kaskaskia River)				60,000		60,000		60,000	
FC	(Levee unit No. 1, Wabash River (restudy))			50,000		50,000		50,000		50,000
FC	(Lincoln Dam and Reservoir)	500,000	[2] 500,000		[2] 1,100,000		[2] 1,100,000		[2] 1,100,000	
N	(Lock and dam, 26, Alton, Ill. and Mo)			200,000		1,000,000		1,000,000		1,000,000
FC	Louisville Dam and Reservoir	75,000		[2] 90,000		[2] 90,000		[2] 90,000		[2] 90,000
FC	(McGee Creek Drainage and Levee District)						200,000			
FC	(Milan)	30,000		[2] 40,000		[2] 40,000		[2] 40,000		[2] 40,000
N	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:									
	(a) Chain of rocks		750,000		750,000		750,000		750,000	
	(b) Regulating works	500,000	[2] 1,340,000		[2] 1,340,000		[2] 2,340,000		2,340,000	
N	(Mount City lock and dam, Illinois and Kentucky (L.A.)						1,000,000		200,000	
FC	(Oakley Reservoir (land acquisition))		298,000		298,000		298,000		298,000	
FC	(Peoria)			100,000		100,000		100,000		100,000
FC	Rend Lake Reservoir		9,825,000		9,825,000		9,825,000		9,825,000	
FC	Rocester and McCleary's Bluff Levee		400,000		400,000		400,000		400,000	
FC	Rock Island		1,000,000		1,000,000		1,000,000		1,000,000	
FC	Saline River and tributaries	150,000	[2] 1,800,000		[2] 1,800,000		[2] 1,800,000		[2] 1,800,000	
FC	Shelbyville Reservoir	150,000	[2] 3,700,000		[2] 3,700,000		[2] 3,700,000		[2] 3,700,000	
N	Smithland locks and dam, Illinois and Kentucky	250,000	[2] 8,200,000		[2] 8,200,000		[2] 8,200,000		[2] 8,200,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1971—Continued

			Approved budget estimate for fiscal year 1971 (including reserve)		House allowance (including reserve)		Senate allowance (including reserve)		Conference allowance (including reserve)	
	Construction, general, State and project	Reserve	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Indiana:									
FC	(Big Blue Dam and Reservoir)							$50,000		
FC	(Big Pine Dam and Reservoir (land acquisition))						$100,000		$100,000	
FC	Brookville Reservoir		$3,240,000		$3,240,000		3,240,000		3,240,000	
N	Cannelton locks and dam, Indiana and Kentucky		8,000,000		8,000,000		8,000,000		8,000,000	
FC	(Clifty Creek Reservoir (land acquisition))				150,000		150,000		150,000	
FC	(Greenfield Bayou Levee)						100,000		100,000	
	Illinois Waterway, Calumet-Sag modifications, pts. I and II, Illinois and Indiana. (See Illinois.)									
FC	Island levee		660,000		660,000		660,000		660,000	
FC	(Lafayette Dam and Reservoir)	$400,000	[2] 400,000		[2] 800,000		[2] 800,000		[2] 800,000	
FC	(Mason J. Niblack (pumping facilities))	40,000		[2] $50,000		[2] $50,000		[2] 50,000		[2] $50,000
N	Newburgh locks and dam, Indiana and Kentucky	1,100,000	[2] 6,900,000		[2] 6,900,000		[2] 6,900,000		[2] 6,900,000	
FC	(Patoka Dam and Reservoir (land acquisition))		525,000		525,000		525,000		525,000	
N	Uniontown locks and dam, Indiana and Kentucky		5,300,000		5,300,000		5,300,000		5,300,000	
FC	West Terre Haute		495,000		495,000		495,000		495,000	
	Iowa:									
FC	(Ames Reservoir)	400,000	[2] 400,000		[2] 600,000		[2] 600,000		[2] 600,000	
FC	(Bettendorf)			30,000		30,000		30,000		30,000
FC	(Big Sioux River at Sioux City, Iowa and S. Dak.)	70,000		[2] 80,000		[2] 150,000		[2] 150,000		[2] 150,000
FC	(Clinton)			176,000		176,000		176,000		176,000
FC	(Davids Creek Reservoir)	100,000		[2] 110,000		[2] 110,000		[2] 110,000		[2] 110,000
FC	Des Moines		600,000		600,000		600,000		600,000	
FC	Dubuque	450,000	[2] 3,500,000		[2] 3,500,000		[2] 3,500,000		[2] 3,500,000	
N	(Fort Madison Harbor)		100,000		100,000		100,000		100,000	
FC	Guttenberg	100,000	[2] 800,000		[2] 1,100,000		[2] 1,100,000		[2] 1,100,000	
	[Horse Island and Crescent Bridge, Mississippi River, Ill. and Iowa. (See Illinois.)]									
FC	[Iowa River Flint Creek Levee District No. 16]	50,000	[2] 987,000		[2] 987,000		[2] 987,000		[2] 987,000	
FC	Marshalltown		900,000		900,000		900,000		900,000	
FC	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	300,000	[2] 3,700,000		[2] 3,700,000		[2] 3,700,000		[2] 3,700,000	
N	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	750,000	[2] 5,000,000		[2] 5,000,000		[2] 7,000,000		[2] 6,000,000	
FC	[Rathbun Reservoir]	400,000	[2] 2,706,000		[2] 2,706,000		[2] 2,706,000		[2] 2,706,000	
FC	[Red Rock Dam and Lake Red Rock]		1,570,000		1,570,000		1,570,000		1,570,000	
FC	Saylorville Reservoir		3,250,000		3,250,000		3,250,000		3,250,000	
FC	Waterloo	200,000	[2] 200,000		[2] 500,000		[2] 500,000		[2] 500,000	
	Kansas:									
	(Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas)).									
FC	(Cedar Point Reservoir)	75,000		[2] 90,000		[2] 125,000		[2] 125,000		[2] 125,000
FC	(Clinton Reservoir (land acquisition))		1,960,000		1,960,000		1,960,000		1,960,000	
FC	Cow Creek, Hutchinson	100,000	[2] 850,000		[2] 850,000		[2] 850,000		[2] 850,000	
FC	(Dodge City)						500,000		500,000	
FC	(El Dorado Reservoir)	700,000	[2] 700,000		[2] 1,100,000		[2] 1,100,000		[2] 1,100,000	
FC	(Garnett Reservoir (restudy)			75,000		75,000		75,000		75,000
FC	(Grove Reservoir)							150,000		150,000
FC	(Hays)		200,000		200,000		200,000		200,000	
FC	(Hillsdale Reservoir)			225,000		225,000		225,000		225,000
FC	Kansas City (1962 mod)	75,000	[2] 1,300,000		[2] 1,300,000		[2] 1,300,000		[2] 1,300,000	
FC	Lawrence	200,000	[2] 2,000,000		[2] 2,000,000		[2] 2,000,000		[2] 2,000,000	
FC	Melvern Reservoir		7,000,000		7,000,000		7,000,000		7,000,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)									
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)									
FC	(Onaga Reservoir)			325,000		325,000		325,000		325,000
FC	[Perry Reservoir]	200,000	[2] 2,281,000		[2] 2,281,000		[2] 2,281,000		[2] 2,281,000	
FC	Topeka		1,000,000		1,000,000		1,000,000		1,000,000	
FC	(Towanda Reservoir)							100,000		
	Kentucky:									
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)									
FC	Carr Fork Reservoir	1,250,000	[2] 6,500,000		[2] 6,500,000		[2] 6,500,000		[2] 6,500,000	
FC	Cave Run Reservoir		6,425,000		6,425,000		6,425,000		6,425,000	
FC	(Falmouth Reservoir)			50,000		50,000		50,000		50,000
FC	[Fishtrap Reservoir]		1,600,000		1,600,000		1,600,000		1,600,000	
FC	[Frankfort-North Frankfort]		314,000		314,000		314,000		314,000	
FC	[Green River Reservoir]		1,643,000		1,643,000		1,643,000		1,643,000	
FC	(Kehoe Reservoir)			200,000		200,000		200,000		200,000
MP	Laurel River Reservoir		4,300,000		4,300,000		4,300,000		4,300,000	
FC	Martin	150,000	[2] 150,000		[2] 300,000		[2] 300,000		[2] 300,000	
FC	(Martins Fork Reservoir)	300,000	[2] 300,000		[2] 700,000		[2] 700,000		[2] 700,000	
	(Mound City Lock and Dam, Ill. and Ky. (see Illinois))									
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)									
FC	(Paintsville Reservoir)						900,000		900,000	
	Smithland lock and dam Illinois and Kentucky. (See Illinois.)									
FC	(Southwestern Jefferson County)			170,000		170,000		170,000		170,000
FC	(Taylorsville Reservoir)			90,000	300,000	90,000	300,000	90,000	300,000	90,000
	Uniontown locks and dam, Indiana and, Kentucky. (See Indiana.)									
FC	(Yatesville Reservoir)			75,000		75,000		75,000		75,000
	Louisiana:									
N	(Atchafalaya River, Bayous Chene, Boeuf, and Black)			10,000		70,000		70,000		70,000
	(Bayou Bartholomew, Ark. and La. (See Arkansas.))									
FC	Bayou Bodcau and tributaries	100,000	[2] 100,000		[2] 150,000		[2] 150,000		[2] 150,000	
N	Bayou LaFourche and LaFourche Jump Waterway	150,000	[2] 930,000		930,000		930,000		[2] 930,000	

Footnotes at end of table.

	Construction, general, State and project	Reserve	Approved budget estimate for fiscal year 1971 (including reserve)		House allowance (including reserve)		Senate allowance (including reserve)		Conference allowance (including reserve)	
			Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Louisiana—Continued									
FC	[Caddo Dam]		687,000		687,000		687,000		687,000	
FC	Lake Pontchartrain, and vicinity	2,500,000	[2] 10,750,000		[2] 10,750,000		[2] 14,500,000		14,500,000	
N	Mermentau River (Lake Arthur Bridge)	500,000	[3] 500,000		[2] 1,000,000		[2] 1,000,000		[2] 1,000,000	
N	(Michoud Canal)						$50,000		$50,000	
N	Mississippi River, gulf outlet		$2,000,000		$2,000,000		2,000,000		2,000,000	
N	(Mississippi River Outlets, Venice)			$50,000		$50,000		$50,000		$50,000
FC	(Monroe Floodwall)				30,000		30,000		30,000	
FC	Morgan City and vicinity	$25,000	[2] 1,000,000		[2] 1,100,000		[2] 1,100,000		[2] 1,100,000	
FC	New Orleans to Venice hurricane protection	900,000	[2] 3,500,000		[2] 4,400,000		[3] 4,400,000		[2] 4,400,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)									
FC	(Ouachita River Levees)						80,000		80,000	
N	Overton-Red River Waterway (lower 31 miles only)	400,000	[2] 1,000,000		[2] 1,000,000		[2] 1,500,000		1,000,000	
N	Red River Emergency Bank Protection	1,900,000	[3] 1,900,000		[3] 1,900,000		[3] 1,900,000		[3] 1,900,000	
N	(Red River Waterway, La., Ark., Okla., and Texas)							600,000		600,000
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)									
N	(Vermilion lock (replacement))			100,000		100,000		100,000		100,000
	Maine:									
MP	(Dickey-Lincoln School Dam and reservoirs)			$807,000				807,000		
	Maryland:									
FC	(Anacostia River (Northeast and Northwest Branches)(Sec. 205))				(450,000)		(450,000)		(450,000)	
N	Baltimore Harbor and Channels		400,000		400,000		400,000		400,000	
FC	Bloomington Reservoir, Md. and W. Va.	100,000	[2] 4,800,000		[2] 4,800,000		[2] 4,800,000		[2] 4,800,000	
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)									
	Massachusetts:									
FC	(Charles River Dam)			450,000		450,000		450,000		450,000
N	(Fall River Harbor, Mass. and R.I.)	50,000		[2] 125,000	325,000	[2] 125,000	325,000	[2] 125,000	325,000	[2] 125,000
FC	(Nookagee Reservoir)			200,000		200,000		200,000		200,000
N	Provincetown Harbor	150,000	[2] 1,300,000		[2] 1,300,000		[2] 1,300,000		[2] 1,300,000	
FC	(Saxonville)					50,000		50,000		50,000
BE	[Wessagussett Beach (Reimbursement)]		175,000		175,000		175,000		175,000	
N	Weymouth Fore and Town Rivers	900,000	[2] 3,600,000		[2] 3,600,000		[2] 3,600,000		[2] 3,600,000	
FC	(Whitmanville Reservoir)			100,000		100,000		100,000		100,000
	Michigan:									
N	(Cedar River Harbor)						200,000			
N	Great Lakes Connecting Channels		1,800,000		1,800,000		1,800,000		1,800,000	
N	(Lexington Harbor)	45,000		[2] 55,000		[2] 70,000		[2] 70,000		[2] 70,000
N	Point Lookout Harbor, Au Gres River		1,100,000		1,100,000		1,100,000		1,100,000	
FC	River Rouge		3,500,000		3,500,000		3,500,000		3,500,000	
FC	Saginaw River (flood control)		1,200,000		1,200,000		1,200,000		1,200,000	
R	[South Haven Harbor]		275,000		275,000		275,000		275,000	
	Minnesota:									
FC	(Big Stone Lake-Whetstone River, Minn. and S. Dak.)	200,000	[2] 685,000		[2] 685,000		[2] 900,000		[2] 685,000	
FC	Mankato and North Mankato		1,000,000		1,000,000		1,000,000		1,000,000	
FC	Roseau River				150,000		150,000		150,000	
FC	(Zumbro River)				50,000		50,000		50,000	
	Mississippi:									
FC	[Jackson and East Jackson]		600,000		600,000		600,000		600,000	
FC	(Tallahala Reservoir)	200,000		[2] 240,000		[2] 300,000		[2] 300,000		[2] 300,000
	(Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.))									
FC	Tombigbee River and tributaries, Alabama and Mississippi	350,000	[2] 1,700,000		[2] 1,700,000		[2] 1,700,000		[2] 1,700,000	
N	(Yazoo River)							275,000		
	Missouri:									
FC	(Brookfield Reservoir)	100,000		[2] 110,000		[2] 200,000		[2] 200,000		[2] 200,000
FC	(Chariton-Little Chariton Basins)						400,000		400,000	
FC	Chariton River (1944 act)	100,000	[2] 1,400,000		[2] 1,400,000		[2] 1,400,000		[2] 1,400,000	
MP	Clarence Cannon (Joanna) Reservoir	175,000	[2] 5,400,000		[2] 5,400,000		[2] 5,400,000		5,400,000	
FC	(Dry Fork and East Fork Reservoir (restudy))					50,000		50,000		50,000
MP	Harry S. Truman Reservoir (formerly Kaysinger Bluff Reservoir)	3,000,000	[2] 13,000,000		[2] 13,000,000		[2] 15,000,000		[2] 14,000,000	
FC	(Little Blue River Channel)			50,000		50,000		50,000		50,000
FC	(Little Blue River Reservoirs (land acquisition))	150,000	[2] 2,180,000		[2] 2,180,000		[2] 4,000,000		[2] 4,000,000	
	(Lock and Dam 26 Alton, Ill. and Mo. (See Illinois.))							60,000		
FC	(Lower Grande River)									
FC	(Meramec Park Reservoir (land acquisition))		1,450,000		1,450,000		1,450,000		1,450,000	
FC	(Mercer Reservoir)					150,000		150,000		150,000
FC	(Mississippi River Agricultural Area No. 8 (Elsberry drainage district))					120,000		120,000		120,000
	Mississippi River between Ohio and Missouri Rivers Ill. and Mo. (See Illinois.)									
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)									
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)									
FC	(Pattonsburg Reservoir (town relocation only))							50,000		50,000
FC	(Pattonsburg Reservoir—Highway I-35 Crossing)						1,000,000			
FC	St. Louis	100,000	[2] 2,700,000		[2] 2,700,000		[2] 2,700,000		[2] 2,700,000	
FC	(Smithville Reservoir)			396,000		296,000		396,000		396,000
MP	Stockton Reservoir		5,000,000		5,000,000		5,000,000		5,000,000	
FC	(Union Reservoir)			422,000		422,000		422,000		422,000
FC	(Union Reservoir (advance participation, highway bridge))	300,000	[2] 300,000		[2] 600,000		[2] 600,000		[2] 600,000	
FC	(Upper Grand River)							75,000		
	Montana:									
FC	Great Falls	400,000	[2] 1,200,000		[2] 900,000		[2] 900,000		[2] 900,000	
MP	Libby Reservoir		55,000,000		55,000,000		60,000,000		57,500,000	
FC	(Miles City (restudy))			35,000		35,000		35,000		35,000

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1971—Continued

			Approved budget estimate for fiscal year 1971 (including reserve)		House allowance (including reserve)		Senate allowance (including reserve)		Conference allowance (including reserve)	
	Construction, general, State and project (1)	Reserve (2)	Construction (3)	Planning (4)	Construction (5)	Planning (6)	Construction (7)	Planning (8)	Construction (9)	Planning (10)
	Nebraska:									
FC	Little Papillion Creek		$373,000		$373,000		$373,000		$373,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)									
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska. (See Iowa.)									
FC	Papillion Creek and Tributaries (land acquisition)	$225,000		[2] $515,000	1,000,000	[2] $515,000	2,710,000	[2] $515,000	1,850,000	[2] $515,000
	Nevada:									
FC	Martis Creek Reservoir, Calif. and Nev.		2,400,000		2,400,000		2,400,000		2,400,000	
	New Hampshire:									
FC	(Beaver Brook Reservoir)			150,000		150,000		150,000		150,000
	New Jersey:									
FC	Elizabeth		1,500,000		1,500,000		1,500,000		1,500,000	
N	Newark Bay, Hackensack and Passaic Rivers.	1,500,000	[2] 2,550,000		[2] 3,500,000		[2] 3,500,000		[2] 3,500,000	
FC	Raritan and Sandy Hook Bays		1,000,000		1,000,000		1,000,000		1,000,000	
N	(Shrewsbury River Inlet)			140,000		140,000		140,000		140,000
FC	South Orange, Rahway River	125,000	[2] 125,000		[2] 295,000		[2] 295,000		[2] 295,000	
	(Tocks Island Reservoir, Pa., N.J., and N.Y. (See Pennsylvania).)									
	New Mexico:									
FC	Albuquerque diversion channels		200,000		200,000		700,000		700,000	
FC	Cochiti Reservoir		6,850,000		6,850,000		6,850,000		6,850,000	
FC	(Los Esteros Reservoir and modification of Alamogordo Dam)		200,000		200,000		200,000		200,000	
	New York:									
N	(Cattaraugus Harbor)							30,000		30,000
FC	(East Rockaway Inlet to Rockaway Inlet and Jamaica Bay)			180,000		180,000		180,000		180,000
BE	Fire Island Inlet to Jones Inlet	500,000	[2] 500,000		[2] 550,000		[2] 550,000		[2] 550,000	
FC	Fire Island Inlet to Montauk Point	190,000	[2] 1,500,000		[2] 1,500,000		[2] 1,500,000		[2] 1,500,000	
N	(Hamlin Beach Harbor)	40,000		[2] 50,000		[2] 50,000		[2] 50,000		[2] 50,000
N	Irondequoit Bay	100,000	[2] 100,000		[2] 200,000		[2] 200,000		[2] 200,000	
N	(Moriches Inlet)			114,000		114,000		114,000		114,000
N	New York Harbor (anchorages)	1,200,000	[2] 3,600,000		[2] 3,600,000		[2] 3,600,000		[2] 3,600,000	
FC	Nichols		525,000		525,000		525,000		525,000	
FC	North Ellenville		1,250,000		1,250,000		1,250,000		1,250,000	
N	(Oak Orchard Harbor)				200,000		200,000		200,000	
N	(Port Jefferson Harbor)							50,000		
FC	(Red Creek)			135,000		135,000		135,000		135,000
FC	[Rosendale]		657,000		657,000		657,000		657,000	
FC	[Salamanca]		330,000		330,000		330,000		330,000	
FC	(Staten Island (Fort Wadsworth to Arthur Kill))			120,000		120,000		120,000		120,000
	(Tocks Island Reservoir, Pa., N.J., and N.Y. (See Pennsylvania.))									
FC	(Yonkers)	25,000		[2] 35,000		[2] 90,000		[2] 90,000		[2] 90,000
	North Carolina:									
FC	(Brunswick County Beaches)							110,000		
BE	Carolina Beach and vicinity		487,000		487,000		487,000		487,000	
N	(Drum Inlet (Section 107))				(90,000)		(90,000)		(90,000)	
FC	(Falls Reservoir)	500,000	[2] 800,000		[2] 800,000		[2] 800,000		[2] 800,000	
FC	(Howards Mill Reservoir)							100,000		100,000
FC	New Hope Reservoir	2,200,000	[2] 6,500,000		[2] 6,500,000		[2] 6,500,000		[2] 6,500,000	
FC	(Randleman Reservoir)	100,000		[2] 125,000		[2] 210,000		[2] 210,000		[2] 210,000
FC	(Reddies River Reservoir)	150,000		[2] 175,000		[2] 175,000		[2] 175,000		[2] 175,000
	North Dakota:									
R	Garrison Reservoir Lake Sakakawea (embankment repair)		1,480,000		700,000		700,000		700,000	
	Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)									
FC	(Minot)	75,000		[2] 75,000		[2] 300,000	100,000	[2] 300,000	100,000	[2] 300,000
FC	Missouri River, Garrison Dam to Lake Oahe		1,200,000		1,200,000		1,200,000		1,200,000	
FC	(Pembina (Section 205))						(300,000)		(300,000)	
FC	Pipestem Reservoir		450,000		1,000,000		1,000,000		1,000,000	
	Ohio:									
FC	Alum Creek Reservoir	100,000	[2] 3,100,000		[2] 4,400,000		[2] 4,400,000		[2] 4,400,000	
FC	[Athens]		2,078,000		2,078,000		2,078,000		2,078,000	
FC	(Bellaire) (restudy)			100,000		100,000		100,000		100,000
FC	Caesar Creek Reservoir	450,000	[2] 2,800,000		[2] 2,800,000		[2] 2,800,000		[2] 2,800,000	
FC	(Chillicothe)					75,000		75,000		75,000
FC	Clarence J. Brown Dam and Reservoir		3,300,000		3,300,000		3,300,000		3,300,000	
N	Cleveland Harbor		1,500,000		1,500,000		1,500,000		1,500,000	
FC	East Fork Reservoir		3,500,000		3,500,000		3,500,000		3,500,000	
FC	(East Lake Chargin River)					60,000		60,000		60,000
FC	Fremont	200,000	[2] 1,000,000		[2] 1,000,000		[2] 1,000,000		[2] 1,000,000	
N	Hannibal locks and dam, Ohio and West Virginia		15,200,000		15,200,000		15,200,000		15,200,000	
N	Lorain Harbor		1,000,000		1,000,000		1,000,000		1,000,000	
FC	(Mill Creek Reservoir)			288,000		288,000		288,000		288,000
FC	(Newark)	75,000		[2] 85,000		[2] 85,000		[2] 85,000		[2] 85,000
FC	North Branch Kokosing River Reservoir	500,000	[2] 2,300,000		[2] 2,300,000		[2] 2,300,000		[2] 2,300,000	
FC	Paint Creek Reservoir		2,500,000		2,500,000		2,500,000		2,500,000	
N	[Racine locks and dam, Ohio and West Virginia]		3,350,000		3,350,000		3,350,000		3,350,000	
FC	(Salt Creek Reservoir) (and acquisition)						500,000		400,000	
FC	(Utica Reservoir)			225,000		225,000		225,000		225,000
N	(Vermilion Harbor)			30,000		30,000		30,000		30,000
N	Willow Island locks and dam, Ohio and West Virginia	1,500,000	[2] 15,200,000		[2] 15,200,000		[2] 15,200,000		[2] 15,200,000	
FC	Youngstown, Crab Creek		900,000		900,000		900,000		900,000	
	Oklahoma:									
	(Arkansas Red River chloride control, Texas, Oklahoma, and Kansas.) (See Texas.)									
	Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)									
FC	(Birch Reservoir)						500,000		500,000	
FC	(Clayton Reservoir)			238,000		238,000		238,000		238,000
FC	(Copan Reservoir)	600,000	[2] 600,000		[2] 1,500,000		[2] 1,500,000		[2] 1,500,000	
FC	Crutcho Creek	200,000	[2] 1,200,000		[2] 1,200,000		[2] 1,200,000		[2] 1,200,000	

Footnotes at end of table.

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	Construction, general, State and project	Reserve	Approved budget estimate for fiscal year 1971 (including reserve)		House allowance (including reserve)		Senate allowance (including reserve)		Conference allowance (including reserve)	
			Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Oklahoma—Continued									
FC	Hugo Reservoir		$6,100,000		$6,100,000		$6,100,000		$6,100,000	
FC	(Joe Creek) (section 205)		(300,000)		(300,000)		(300,000)		(300,000)	
FC	Kaw Reservoir	$450,000	[2]11,550,000		[2]11,550,000		[2]11,550,000		[2]11,550,000	
FC	Lukfata Reservoir	525,000	[3]525,000		[3]525,000		[3]525,000		[3]525,000	
FC	Oologah Reservoir		700,000		700,000		700,000		700,000	
FC	Optima Reservoir		1,300,000		1,300,000		1,300,000		1,300,000	
MP	[Robert S. Kerr (Short Mountain) lock and dam]		5,986,000		5,986,000		5,986,000		5,986,000	
FC	(Sand Reservoir)							$50,000		
FC	(Skiatook Reservoir)						1,000,000			
FC	Waurika Reservoir		1,100,000		1,100,000		1,100,000		1,100,000	
MP	Webbers Falls lock and dam		11,500,000		11,500,000		11,500,000		11,500,000	
	Oregon:									
MP	(Bonneville lock and dam (2d power unit) Oregon and Washington)			$400,000		$400,000		400,000		$400,000
MP	Bonneville lock and dam (mod. for peaking) Oregon and Washington	50,000	[2]6,500,000		[2]6,500,000		[2]6,500,000		[2]6,500,000	
FC	(Cascadia Reservoir)						400,000			
FC	(Catherine Creek Reservoir)			250,000		250,000		250,000		250,000
N	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington		3,000,000		3,000,000		3,900,000		3,450,000	
FC	(Elk Creek Reservoir)		400,000		400,000		1,000,000		1,000,000	
MP	[Green Peter Reservoir (including Foster Reregulating Dam)]		1,394,000		1,394,000		1,394,000		1,394,000	
MP	John Day lock and dam, Oregon and Washington		7,200,000		7,200,000		7,200,000		7,200,000	
FC	John Day River		380,000		380,000		380,000		380,000	
MP	Lost Creek Reservoir		6,100,000		6,100,000		6,100,000		6,100,000	
FC	Lower Columbia River bank protection, Oregon and Washington	175,000	[2]400,000		[2]400,000		[2]400,000		[2]400,000	
MP	McNary lock and dam, Oregon and Washington		1,420,000		1,420,000		1,420,000		1,420,000	
MP	The Dalles lock and dam, Oregon and Washington (additional power units)	1,000,000	[2]13,000,000		[2]13,000,000		[2]13,000,000		[2]13,000,000	
N	Tillamook Bay (south jetty)		1,700,000		1,700,000		2,100,000		2,100,000	
FC	[Willamette River Basin bank protection]		230,000		230,000		230,000		230,000	
N	Yaquina Bay and Harbor	225,000	[3]2,200,000		[3]2,200,000		[3]2,200,000		[2]2,200,000	
	Pennsylvania:									
FC	[Beltzville Reservoir]		2,318,000		2,318,000		2,318,000		2,318,000	
FC	Blue Marsh Reservoir (land acquisition)		640,000		640,000		640,000		640,000	
FC	Chartiers Creek		5,700,000		5,700,000		5,700,000		5,700,000	
	Delaware River Philadelphia to Sea Anchorages, Del., Pa., and N.J. (see New Jersey).									
FC	DuBois	100,000	[3]100,000		[2]200,000		[2]200,000		[2]200,000	
FC	[Foster Joseph Sayers Dam (Blanchard)]		824,000		824,000		824,000		824,000	
FC	[Kinzua Dam and Allegheny Reservoir]		1,625,000		1,625,000		1,625,000		1,625,000	
BE	Presque Isle Peninsula (reimbursement)		350,000		350,000		350,000		350,000	
FC	Raystown Reservoir	200,000	[2]13,900,000		[2]13,900,000		[2]13,900,000		[2]13,900,000	
FC	(Tioga-Hammond Reservoir)		1,750,000		1,750,000		1,750,000		1,750,000	
MP	(Tocks Island Reservoir, Pa., N.J., and N.Y.)		8,250,000		8,250,000		11,850,000		11,850,000	
FC	Union City Reservoir		2,905,000		2,905,000		2,905,000		2,905,000	
FC	Woodcock Creek Reservoir		4,750,000		4,750,000		4,750,000		4,750,000	
	Rhode Island:									
BE	Cliff Walk, Newport		50,000		50,000		50,000		50,000	
	(Fall River Harbor, Mass. and R.I. (See Massachusetts.)).									
N	Providence River and Harbor	1,000,000	[2]4,800,000		[2]4,800,000		[2]4,800,000		[2]4,800,000	
	South Carolina:									
N	(Cooper River-Charleston Harbor)			25,000		150,000		150,000		150,000
BE	Hunting Island Beach		284,000		284,000		284,000		248,000	
	(Trotters Shoals Reservoir, Georgia and South Carolina (See Georgia.))									
	South Dakota:									
MP	Big Bend Dam-Lake Sharpe	200,000	[2]1,700,000		[2]1,700,000		[2]1,700,000		[2]1,700,000	
	(Big Sioux River at Sioux City, Iowa and S.D. (See Iowa.))									
	(Big Stone Lake-Whetstone River, Minn. and S. Dak. (See Minnesota.))									
MP	Oahe Reservoir, S. Dak. and N. Dak	300,000	[2]900,000		[2]900,000		[2]900,000		[2]900,000	
	Tennessee:									
MP	Cordell Hull lock and dam		9,500,000		9,500,000		9,500,000		9,500,000	
MP	J. Percy Priest Reservoir (Nashville Davidson County Bridge)				839,000		839,000		839,000	
	Texas:									
FC	(Aquilla Creek Reservoir)					100,000		100,000		100,000
FC	(Arkansas-Red River chloride control (pt. I), Texas, Oklahoma, and Kansas.)			250,000		250,000		250,000		250,000
FC	(Arkansas-Red River chloride control (supplemental studies, Texas, Oklahoma, and Kansas.))							410,000		410,000
FC	(Aubrey Reservoir)	150,000		[2]175,000		[2]300,000		[2]300,000		[2]300,000
FC	Belton Reservoir (raise water level)	100,000	[2]1,688,000		[2]1,688,000		[2]1,688,000		[2]1,688,000	
FC	(Big Pine Reservoir)							40,000		40,000
R	[Brazos Island Harbor]		770,000		770,000		770,000		770,000	
FC	Buffalo Bayou and tributaries		1,000,000		1,000,000		1,000,000		1,000,000	
N	(Cedar Bayou (deferred))	15,000		[3]15,000		[2]60,000		[3]60,000		[2]60,000
FC	Cooper Reservoir and channels	1,080,000	[2]2,500,000		[2]2,900,000		[2]2,900,000		[2]2,900,000	
N	(Corpus Christi ship channel)	35,000		[3]35,000	350,000	[3]35,000	350,000	[3]35,000	350,000	[3]35,000
FC	(Duck Creek channel improvement)			182,000		182,000		182,000		182,000
FC	(Elm Fork Floodway)			220,000		220,000		220,000		220,000
FC	El Paso	50,000	[2]2,800,000		[2]2,800,000		[2]2,800,000		[2]2,800,000	
FC	Freeport and vicinity		2,000,000		2,000,000		2,000,000		2,000,000	
N	(Gulf Intracoastal Waterway, New Orleans to Houston 16 ft. channel, La. and Tex.)						200,000		200,000	
FC	Highland Bayou	200,000	[2]1,000,000		[2]1,000,000		[2]1,000,000		[2]1,000,000	
FC	Lake Kemp Reservoir		1,300,000		1,300,000		1,300,000		1,300,000	
FC	(Lakeview Reservoir (land acquisition))			112,000		112,000	1,000,000	112,000		112,000
FC	Lavon Reservoir modification and channel improvement	1,250,000	[2]8,400,000		[2]8,400,000		[2]8,400,000		[2]8,400,000	
FC	(Millican Reservoir)			50,000		50,000		150,000		150,000
N	(Mouth of Colorado River)	75,000		[2]90,000		[2]185,000		[2]185,000		[3]185,000
FC	(Navasota Reservoir)			100,000		100,000				

Footnotes at end of table.

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Construction, general, State and project (1)		Budgetary reserve (2)	Approved budget estimate for fiscal year 1971, as amended: Construction (3)	Approved budget estimate for fiscal year 1971, as amended: Planning (4)	House allowance: Construction (5)	House allowance: Planning (6)	Senate allowance[2]: Construction (7)	Senate allowance[2]: Planning (8)	Conference allowance: Construction (9)	Conference allowance: Planning (10)
N	(Port Aransas (sec. 107))		($365,000)		($365,000)		($365,000)		($365,000)	
N	(Port Isabel, side channel (sec. 107))		(15,000)		(15,000)		(15,000)		(15,000)	
FC	Port Arthur and vicinity (hurricane flood protection)		6,840,000		6,840,000		6,840,000		6,840,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)									
N	Sabine-Neches Waterway 40 feet and channel to Echo	$300,000	[2] 5,400,000		[2] 5,400,000		[2] 5,400,000		[2] 5,400,000	
FC	San Antonio Channel	300,000	[2] 1,000,000		[2] 1,000,000		[2] 1,000,000		[2] 1,000,000	
FC	(San Gabriel River tributary to Brazos River)	150,000	[2] 2,000,000		[2] 4,000,000		[2] 4,000,000		[2] 4,000,000	
FC	Taylors Bayou	250,000	[3] 250,000		[3] 250,000		[3] 250,000		[3] 250,000	
FC	Texas City and vicinity hurricane protection		1,200,000		1,200,000		1,200,000		1,200,000	
N	Trinity River bridges	100,000	[2] 2,750,000		[2] 2,750,000		[2] 2,750,000		[2] 2,750,000	
N	(Trinity River project)			$500,000		$500,000		$500,000		$500,000
FC	Vince and Little Vince Bayous		1,000,000		1,000,000		1,000,000		1,000,000	
N	Wallisville Reservoir, Trinity River		2,500,000		2,500,000		2,500,000		2,500,000	
MP	Whitney Reservoir	300,000	[3] 300,000		[3] 300,000		[3] 300,000		[3] 300,000	
	Utah:									
FC	(Little Dell Reservoir)			25,000		150,000		150,000		150,000
	Vermont:									
FC	[Bennington]		250,000		250,000		250,000		250,000	
	Virginia:									
FC	(Four Mile Run)							175,000		175,000
FC	Gathright Reservoir	400,000	[2] 3,300,000		[2] 3,300,000		[2] 3,300,000		[2] 3,300,000	
N	Hampton Roads	1,200,000	[2] 6,100,000		[2] 6,100,000		[2] 6,100,000		[2] 6,100,000	
MP	(Salem Church Reservoir)			600,000		600,000		600,000		600,000
BE	Virginia Beach (reimbursement)		90,000		90,000		90,000		90,000	
	Washington:									
	(Bonneville lock and dam (2d power unit), Oregon and Washington. (See Oregon.))									
MP	(Chief Joseph Dam (additional units))					650,000		650,000		650,000
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)									
N	(Everett Harbor and Snohomish River)						500,000			
MP	(Ice Harbor lock and dam (additional units))		600,000		600,000		600,000		600,000	
	John Day lock and dam, Oregon and Washington. (See Oregon.)									
MP	[Little Goose lock and dam]		9,570,000		9,570,000		9,570,000		9,570,000	
MP	(Little Goose lock and dam (additional units))							150,000		150,000
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)									
MP	Lower Granite lock and dam	2,000,000	[2] 21,150,000		[2] 21,150,000		[2] 21,150,000		[2] 21,150,000	
MP	Lower Monumental lock and dam		2,250,000		2,250,000		2,250,000		2,250,000	
	McNary lock and dam, Oregon and Washington. (See Oregon.)									
FC	(Pullman (restudy))			20,000		20,000		20,000		20,000
	The Dalles lock and dam, Oregon and Washington. (See Oregon.)									
FC	(Vancouver Lake)	50,000		[2] 65,000		[1] 150,000		[2] 150,000		[2] 150,000
FC	Wynoochee River Reservoir	1,250,000	[2] 6,250,000		[2] 8,150,000		[2] 8,150,000		[2] 8,150,000	
	West Virginia:									
FC	Beech Fork Lake		2,400,000		2,400,000		2,400,000		2,400,000	
	Bloomington Reservoir, Md. and W. Va. (See Maryland.)									
FC	(Burnsville Lake)	150,000	[2] 570,000		[2] 570,000		[2] 1,050,000		[2] 1,050,000	
FC	East Lynn Lake		2,100,000		2,100,000		2,100,000		2,100,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)									
FC	(Leading Creek Lake)							150,000		150,000
FC	R. D. Bailey (Justice) Lake		10,700,000		10,700,000		10,700,000		10,700,000	
	[Racine locks and dam, Ohio and West Virginia. (See Ohio.)]									
FC	(Rowlesburg Lake (land acquisition))	900,000	900,000		[2] 1,250,000		[2] 1,800,000		[2] 1,500,000	
FC	(Stonewall Jackson Lake)	600,000	[2] 1,050,000		[2] 1,700,000		[2] 1,700,000		[2] 1,700,000	
FC	(West Fork Lake)			200,000		200,000		200,000		200,000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)									
	Wisconsin:									
N	Green Bay Harbor (1962 act)		1,200,000		1,200,000		1,200,000		1,200,000	
R	Kenosha Harbor		240,000		240,000		240,000		240,000	
FC	(La Farge Reservoir, Kickapoo River)		1,280,000		1,280,000		1,280,000		1,280,000	
N	(Manitowoc Harbor)		200,000		200,000		200,000		200,000	
R	Racine Harbor		630,000		630,000		630,000		630,000	
	Miscellaneous:									
N	Small navigation projects not requiring specific legislation costing up to $500,000 (sec. 107)		3,000,000		3,090,000		3,090,000		3,090,000	
FC	Small projects for flood control and related purposes not requiring specific legislation (sec. 205)		10,000,000		10,450,000		10,750,000		10,750,000	
FC	Emergency bank protection		200,000		200,000		200,000		200,000	
FC	Snagging and clearing		200,000		200,000		200,000		200,000	
	Recreation facilities, completed projects	548,000	[2] 7,000,000		[2] 7,742,000		[2] 8,000,000		[2] 8,000,000	
	Land acquisition fund		2,000,000		2,000,000		2,000,000		2,000,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)		625,000		625,000		625,000		625,000	
	Acquatic plant control (1965 act)	500,000	[2] 1,400,000		[2] 1,400,000		[2] 1,400,000		[2] 1,400,000	
	Employees compensation		925,000		925,000		925,000		925,000	
	Reduction for anticipated savings and slippages		−66,700,000		−70,125,000		−66,700,000		−70,125,000	
	Reduction based on anticipated additional carryover balances				−25,168,000		−25,168,000		−25,168,000	
	Less fiscal year 1970 budgetary reserve included above		−67,836,000	−4,464,000	−67,836,000	−4,464,000	−67,836,000	−4,464,000	−67,836,000	−4,464,000
	Grand total, construction, general	72,300,000	804,720,000	16,678,000	805,808,000	19,881,000	847,846,000	23,962,000	829,096,000	22,160,000
			821,398,000		825,689,000		871,808,000		851,256,000	

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[1] Restudy funds only.

[2] Total includes congressional add-on in 1970 placed in budgetary reserve which will be released for use in fiscal year 1971.

[3] Financed from fiscal year 1970 budgetary reserve.

Note.—Profects shown in parentheses are new projects or modification of projects on which construction has not started and projects in brackets are those projects to be completed with the amount in the approved budget.

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Mr. ELLENDER. Mr. President, in view of the action just taken by the Senate in agreeing to the House amendment to the Senate amendment No. 4, the conference bill as finally agreed to provides $5,238,517,000, which is $20,178,000 below the amount approved by the Senate; $1,709,000 above the House; $24,916,000 below the budget; and $469,749,500 above the appropriation for fiscal year 1970.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. Mr. President, I should like to take a moment to commend the distinguished Senator from Louisiana and his committee for the very careful consideration they have given to this bill and the very fair treatment accorded all proposed projects around the United States.

Also, I commend Representative Joe Evins, the chairman of the House Committee, and his committee for the very careful consideration they gave this matter.

The bill wound up approximately $25 million below the budget, which I think is very commendable. I have only the highest praise for all concerned in this matter.

Mr. ELLENDER. Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT FROM FRIDAY TO 11 A.M. ON MONDAY, SEPTEMBER 28, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in adjournment until 11 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY TO 11 A.M. ON TUESDAY, SEPTEMBER 29, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 11 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY TO 10 A.M. ON WEDNESDAY, SEPTEMBER 30, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next it stand in adjournment until 10 o'clock on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING AND CURRENCY DISCHARGED FROM CONSIDERATION OF H.R. 16710

Mr. BYRD of West Virginia. Mr. President, H.R. 16710, to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes, was received from the House yesterday and was referred to committee. The companion bill to H.R. 16710 will be reported later today. So I have been requested to ask unanimous consent that the Committee on Banking and Currency be discharged from its consideration of H.R. 16710 and that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. TALMADGE. Mr. President, most of us are in agreement on the need to reform the electoral college system of electing the President and the Vice President of the United States. It has several major deficiencies that should be corrected.

For example, the "winner-take-all" practice of allotting electoral votes is grossly unfair. I personally see no justice in giving a candidate a State's total electoral vote simply because he happens to carry that State by a plurality of one. Moreover, under the present system, a President can be elected with less than a majority of the popular vote.

However, I feel the proposed amendment calling for a direct popular vote overshoots the mark. It is far too drastic, and it would invite complete destruction of the American political system and our republican form of government as we know it today.

In my judgment, we can bring about needed reform of the electoral college and embrace the "one-man one-vote" principle without undermining the entire system. The allotment of electoral votes on a proportionate basis seems to me to be the soundest and the most practical approach. Of all the proposals put forth, the proportionate system comes the closest to electing the President by popular vote, while at the same time preserving the integrity of the Constitution and Federal-State relations.

Mr. President, there appeared in Monday's edition of the Washington Evening Star a very fine editorial column by Richard Wilson that points to the dangers inherent in the direct popular vote approach. Mr. Wilson does a splendid job of summarizing the concern about the direct vote that is felt by many of us in this body, and I bring it to the attention of the Senate and ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Direct Election: A Clear and Present Danger

(By Richard Wilson)

Some people have formed the conclusion that the Senate's refusal to approve an amendment for the direct election of presidents is a stubborn, illiberal act of an old establishment trying to protect itself.

And that, save for illiberality, is quite true. The reason the Senate's action is good is that it affords an opportunity for people who have blindly accepted direct election as an expression of pure democracy to study the matter further and find out what the American system of government is all about.

It is not a pure democracy, never was intended to be and probably never will be. If people wish to change the form of government to go in that direction they at least should know what they are doing. It is a fair guess that not one person out of ten has the slightest conception of what the amendment would finally mean.

There is a far greater chance that the American system would end up—literally end—in riotous confusion if this amendment is ever adopted than that the time-honored electoral system would foist on the country a president who had not won election by popular vote.

This amendment is far worse than the women's rights amendment so cavalierly adopted by the House in the sense that its effect would be more damaging than the condition it is intended to correct.

Women will lose rights under the women's rights amendment and the American electoral system will lose its representative character if the direct election amendment ever goes into the Constitution.

Instead of polarizing (that's a good word) opposing views of political leadership into a reasonably clear choice between two candidates, the direct election amendment would fragment the process of election of a president, inflict a runoff, ultimately destroy the present method of composing the U.S. Senate, and doom a two-party system which is the political wonder of the world.

A multiplicity of presidential candidates and parties and the sure necessity of a runoff between the top two is enough in itself, without all the other complications, to show that direct election is a poor way to select a leader for four or eight years.

The leadership selection process has, in fact, worked remarkably well under the electoral system and this was never better illustrated than in 1968. The two major political parties, after great travail, picked the two men best fitted by training and experience—Humphrey and Nixon—and despite the third party candidate, Wallace, made a clear choice between Humphrey and Nixon.

Make no mistake about Wallace's bid for the presidency. If an election is ever to be thrown into the House of Representatives, in modern times it would certainly be under the conditions of Wallace's candidacy.

And, for that matter, what is so bad about picking a president through the House of Representatives? All of its members are subject to direct election; they sit in the House in proportion to the population of the country. There would be deals. But who says there wouldn't be deals among a dozen parties offering candidates for president in a direct election, much as there are deals now in New York State, which has four parties so fragmenting the vote that this year there is grave doubt a majority candidate can be elected?

The worst that could happen under the electoral system would be the House of Representatives choice of a president. But the worst that could happen under direct election would be the choice of a president who really did not represent anybody or anything, without political discipline and coherent con-

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viction, but the creature solely of his ability to use and pay for exposure in the mass media.

Why do you suppose it is that we are lately getting so many United States senators who have little natural aptitude for their jobs?

This is not a case of opposing change for the usual conservative reason that change itself is to be shunned. This is a case of clear and present dangers of "the most deeply radical amendment which has ever entered the Constitution of the United States."

Merely as an afterthought, there would be no reason in constitutional logic for a Senate made up of two members per state if the direct election amendment is ever adopted. Under that theory the biggest state, California, ought to have 15 or 20 senators, or whatever figure represented its proportion of the nation's population.

Mr. HARRIS. Mr. President, there are strong and compelling reasons for abolishing the electoral college and choosing our President through a direct popular vote of the people.

The electoral college system is outdated, full of inequities, and it endangers our political stability. On three occasions the runner-up in the popular vote has been elected President of this democratic Nation. In 1968, we narrowly averted what could have been a grave constitutional crisis, had the selection of the President been thrown into the House of Representatives, a possibility which for a time seemed likely.

In my opinion, the present system violates our democratic principles, since American citizens still do not have the right to elect their own President and Vice President. The voters now elect electors, who in turn name the President and who, in most States, are not even required to vote in accordance with the majority will. If no candidate receives a majority of the electoral colleges votes, the selection of the President is turned over to the U.S. House of Representatives.

It takes approximately 400,000 citizens in California to equal the voting power of 75,000 in Alaska. In 1968 Vice President Humphrey won the eight electoral votes of Connecticut on the strength of 616,000 popular votes. Mr. Nixon received the same number of electoral votes in South Carolina, although his popular vote there totaled only 261,000.

While a number of different plans for choosing the President have been proposed and there is some merit to all of them, I believe the only one which meets all of the requisite tests is direct election.

Some have argued that votes in rural States would be diluted by direct elections, while others have argued that the influence of urban States would be lessened. These conflicting arguments, it seems to me, do not carry much weight. Under direct popular election, each person's vote would count the same, and communities of the same size would have the same influence, whether in a large State or a small one. There should not be a privileged class of voters in this country.

Ours is a system of government in which the Government derives its powers from the consent of the governed. Unfortunately, we have not adhered to this principle as closely as we should have. We are long overdue in changing the rules to make our Nation more truly democratic.

There is great urgency, I believe, in the need to act now to make the Presidency subject to the direct and equal control of all the people.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, in an article entitled "Direct Elections: An Invitation to National Chaos," published in Life magazine on January 30, 1970, the distinguished journalist and political analyst, Mr. Theodore H. White, wrote:

> Last September, in a triumph of noble purpose over common sense, the House passed and sent to the Senate a proposal to abolish the Federal system.

Mr. White is not alone in his concern for our institutions and the well-being of the Nation. Our Judiciary Committee heard testimony from various constitutional scholars and experts full of equally dire and gloomy prophecies.

Professor Black, of Yale Law School said:

> I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment that has ever entered the Constitution of the United States.

I repeat, for the benefit of the Senate, what the distinguished professor of Yale Law School said:

> I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment that has ever entered the Constitution of the United States.

This is the reason why a great many Senators are concerned about the proposal, Senate Joint Resolution 1.

I listened to a colloquy this morning when the Senator from Indiana was discussing Senate Joint Resolution 1. Particularly did I listen to part of his statement concerning the opponents of Senate Joint Resolution 1. In fact, I thought the Senator from Indiana hit the opponents of Senate Joint Resolution 1 pretty hard. He did direct much of his comments, of course, to those who are perhaps managing the opposition to the resolution, particularly those who engaged in the Judiciary Committee work so far as the resolution is concerned. However, he did indicate that other Members of the Senate were engaged in obstructing and frustrating the resolution, and I do want to comment to that, at least so far as the Senator from Florida is concerned, and I think many other Senators, also.

We are deeply concerned about this direct election amendment. We do have deep reservations about it. Many of us are not engaged in the leadership of the opposition.

We know that they have some plan in opposition to the amendment, but many of us are not concerned with that at all. We are simply concerned with the fact that we do not think a direct election is the way to go about the election of a President.

I know, for example, that many Senators on this side of the aisle—and I expect on the other side of the aisle, also—do want to talk to this proposition. For example, I have been in the Chamber at least four times that I can recall, ready, willing, and able to speak to the amendment, but no opportunity came. As a matter of fact, most of the time that I was in the Chamber the Senator from Indiana was doing the talking. So I simply mean to point out that there are other Senators who do want to be heard on this subject and that the Senator from Indiana perhaps is unduly criticizing a great many Senators who are genuinely opposed to the amendment and have grave reasons for questioning its practicability.

Let me go on with other quotations from other distinguished Americans who have studied this subject.

Similar quotations from Prof. Alexander Bickel of the Harvard Law School and Prof. Ernest Brown of the University of Pennsylvania, are already in the record, thanks to our distinguished colleague from North Carolina (Mr. ERVIN). I must candidly state that the arguments advanced by the minority of the Judiciary Committee have confirmed my own doubts and reservations about the wisdom of Senate Joint Resolution 1. It seems to me that the minority has carefully and systematically documented a case against direct election.

One of the most telling arguments from my point of view is that the advocates of direct election should necessarily have the burden of demonstrating the need for change. Why, in the words of Congressman CLAY quoted in the minority report, should "the burden of proof in this debate (be) assigned to those of us who defend the electoral system which has served us well" rather than to the advocates "of direct election, which is untried and necessarily unproven."

One of the strongest criticisms that can be leveled against Senate Joint Resolution 1 and, in my judgment, constitutes a fatal flaw, is the runoff provision. The presence of a runoff provision would make it almost notable that third party and splinter groups would spring up. Our present system discourages this phenomenon.

Irving Kristol and Paul Weaver in their New York Times magazine piece for November 23, 1969, saw this danger, analyzed and examined it:

> As Professor Alexander Bickel of the Yale Law School has eloquently argued, direct election of the President and the establishment of a runoff system (to replace the current procedure of sending an inconclusive election to the House of Representatives) will destroy many of the incentives supporting a two-party system, in which, precisely because of the gulf between the parties is not too vast, the transfer of power can be accomplished without social convulsion or civil strife. The runoff provision, for example, gives every extremist leader the hope which the electoral college's winner-take-all system denied him: that of being able, by bargaining prior to the runoff, to exert some leverage in the final choice of the President. Presidential elections are quite close, more often than not; and there would have been many occasions in the past century when, under direct election, a runoff would have been probable and

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> bargaining with minority candidates inevitable. In contrast, under the present system, no election has been thrown into the House during all that time.
>
> And the direct-election system will have its own direct effects on the parties. It could happen that protest candidates who are animated by the demands of conscience, and who fail to win their party's nomination, might in the name of conscience nevertheless present themselves to the electorate in the November election.
>
> The current system makes such a strategy extremely difficult technically and, usually, suicidal politically. The direct-election method would remove the technical necessity of meeting the different requirements of each State for getting on the ballot, and it would also render the option of running in the general election, despite failing of nomination, far more appealing.

In short, Mr. President, the runoff provisions, if enacted, would easily destroy the American two-party system as we know it today.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article written by Arlen J. Large entitled "Party Decline Clouds Election Reform," published in the Wall Street Journal for September 17, 1970.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GURNEY. Mr. President, let me stress that the runoff provision is the real villain here. I can understand why the runoff provision has been included and the understandable reluctance to turn the reins of Government over to a candidate who in the general election has commanded less than 40 percent of the popular vote.

It has been suggested by advocates of Senate Joint Resolution 1 formula that the runoff would be a rarity and they cite the fact that in our history only Abraham Lincoln reached the Presidency while commanding less than 40 percent of the popular vote. This reasoning, I think, is incorrect because the present electoral system discourages splinter parties unless those factions have a substantial regional base.

In 1948, Henry Wallace commanded 2.4 percent of the popular vote but received no electoral votes.

Mr. President, STROM THURMOND, our distinguished senior colleague from South Carolina, who had a regional base, commanded about the same percentage of the popular vote in his effort at the Presidency. He garnered 39 electoral votes because he had a regional base.

Henry Wallace lacked that regional base and knew he could not win. He was merely a spoiler hoping to detract from the popular vote which would normally have gone to the Democratic candidate in that election year of 1948.

The present system made such a candidacy as Henry Wallace an absurdity because people who voted for him realized from the inception of the campaign that they were throwing away their votes.

This entire set of facts would be reversed if direct election with its runoff provisions were enacted into law. Splinter groups would be encouraged to field candidates, the more the merrier, in the hope that by so doing they could drain off votes from the front runners of either the Republican or the Democratic Party. By depriving either of the leaders of a 40-percent tally, the factionalists could force a runoff and thereby immeasurably increase their bargaining power and their leverage and their influence.

Of course, under the electoral college system as we see it now, there is absolutely no incentive to do this because, lacking a regional base, their votes are concentrated as they were in the case of the Strom Thurmond election. In the case of the Henry Wallace effort in 1948, there is an incentive, because there no electoral votes may be garnered, but in a direct election method, of course, where there are no electoral votes, all sorts of people would be influenced to run for public office, in the event they garnered enough votes to spoil the 40-percent margin and force some kind of runoff. I venture to predict that if this amendment were enacted, runoffs would become the rule and not the exception.

I think we can draw a very good analogy or argument in support of that factor when we consider what is going on now in the State of New York where already we have splinter parties besides the two major parties. In every election of any major consequence in New York, there are at least four contending parties. And probably there will be more in the future. That same state of affairs would happen on the national scene if we went to a direct election method of choosing our President.

Direct election has other serious drawbacks which were duly noted and cogently stated by our Judiciary Committee colleagues in their minority report. They have suggested, and I agree, that its enactment would seriously undermine or even destroy the federal concept of government. We recognize that Federal standards would necessarily have to be developed to determine the qualifications of all voters. Indeed the amendment language clearly calls for this:

> Congress may adopt uniform residence and age requirements for voting in such elections.

That may be a very simple statement in a very few words. But that means a whole drastic change for all of the election systems in the 50 States of the United States. It is again a destruction of the whole concept of the 50 States joining together in a Federal Republic and again concentrating more power in the Federal Government, and downgrading and abolishing the sovereignty of the States.

Let me quote again from the Kristol and Weaver article on this subject:

> At the heart of this mythical history lies the belief, repeated again and again by men who ought to know better, that the electoral college has intended to be an explicitly elitist and antidemocratic institution, an assembly of wise establishmentarians who, with cool deliberation, would make a choice too important and too difficult to be left to the common man. Just how mythical this image is can be judged from two simple facts. First, under the Constitution, the electoral college never assembles to deliberate as a body—the electors go to their respective State capitols, and no farther. Secondly, the Constitution leaves it to the States to decide how the electors are to be chosen—they can be appointed by the Governor, elected by the State legislature, or elected by the people as a whole, either as a slate, or individually, or by proportional representation, or in any other way.
>
> Indeed, the one thing that practically all the delegates to the Constitutional Convention were clear on was that they were establishing a "popular government", or a system of representative democracy. It is true that they believed mankind to be weak and easily corrupted. But their solution to this problem was not peremptorily to exclude any part of the population from participation in political life. In fact, the Founding Fathers' distinctive contribution to the theory of constitutional democracy was the idea that the best way to correct for the weaknesses of human judgment was to open up the political process to every group, large and small, and that the more groups there are with access to governmental institutions, and the more various the modes of access, the wiser and more just a popular government would be.
>
> But the founders were further intent on assuring that this system of popular government would also be a system of liberal government—one in which the individual would enjoy massive protection against unjust infringement by government of his rights and liberties. The "popular" character of the new government insured that no minority could easily use public power to such an end. But what of tyrannical actions taken by a temporary majority? The Convention's answer to this possibility was to divide sovereign power among various institutions so that not one but several majorities, each differently constituted, would have to concur before a law could be enacted. That is why the House, the Senate and the Presidency are all elected in different ways. And that is the general idea—not any dark, antidemocratic intention—behind the original constitutional procedures for electing the Presidents, and is still the effective import of those procedures, as adapted through almost two centuries' evolution, today.

Perhaps one of the most telling criticisms of the direct election amendment is that it involves the constant threat of disputed elections. Under our existing system such challenges are rare even when the popular vote tallies are extremely close. The direct election proposal invites such challenges, delaying results for weeks or even months. This failing is compounded by the threat of disputes in any runoff election, as well as the first general election. Here is what Theodore White has to say:

> Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

As a matter of fact, I think that if we look back at the 1968 election, we realize that there were instances in which that game was being played in at least

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one State that I know of. Mr. White has a good point. But his point is that under that system chicanery is limited in one area or one State. Under the general election, we would have this problem nationwide in order to dispute the election and reach the 40-percent magic total. The election could be contested and the whole election thrown into a state of confusion so that small minority parties could then make their weight felt in any bargaining in a runoff in such a close election.

Arguments have been made that direct election would destroy the advantage now enjoyed by the small, less populous States—I can see the validity of such arguments; because certainly under the electoral system the weight of a State with a small population like Nevada or Vermont, with three electoral votes, is considerably greater percentagewise than a large State like New York, California, or my own State of Florida.

At the same time it has been pointed out that direct election would dilute the power and influence of the larger States—by mingling those votes in the same pot. Though it might at first seem a contradiction, there may be validity in this argument also.

Arguments are made that small States would be hurt by the direct election and that large States would also. However, it seems to me the very fact that both large and small States make this claim ardently and honestly and that one must be right and one must be in error leads to the confusion surrounding this direct election proposal and points up the uncertainty of the proposal and buttresses the argument that we need to proceed cautiously in this most fundamental of constitutional changes on the method of electing our President, and in a different direction.

Taken as a whole, the amendment stands to offend and dilute the votes in all States, large and small. It is, as Mr. White has suggested, "the triumph of noble purpose over commonsense."

Maybe he has a good point there.

Finally, I think I should touch briefly on one of the most potentially dangerous phenomenon which the enactment of direct election might trigger: that is, turning of our electoral processes over to image-makers and Madison Avenue types.

Perhaps it is noteworthy to comment on this today since just a short time ago we passed a law which would limit the amount of money we could spend on television in political campaigns. I think that buttresses the argument that there has been too much imagemaking on television in political campaigns.

We already hear talk about the imagemakers—the huckster-advisers who promise to elect anyone—regardless of credentials, merit, or ability on the basis of packaged advertising campaigns. They tell their clients not to open their mouths. The constituency is scientifically canvassed, the issues isolated and positions on those issues are formulated, not on the basis of a mature judgment as to the merits, not on the basis of the equities, not the basis of philosophy, principle, or moral standard but on the basis of selling appeal. If these hucksters can package candidates like soapsuds with jingles and slogans and cute ad copy—and they say they can do it successfully—we are liable to find ourselves one day with a man in the White House with little ability or aptitude for the Presidency, perhaps a man even devoid of convictions or principle—devoid even of opinion—whose position on public issues is dictated by a computer printout of the latest public opinion polls. That is a bleak picture, but it may not be overstated.

I contend it might not be overstated at all because we have actually seen that process in action in candidacies affecting Congress in this very election year. I can think of candidates in at least two States whose nominations to their respective political party's banner this year has been attributed solely to the campaign packaging of their political campaigns over the television media.

The prize of the White House in a direct election system could very well go to a glamorous but shallow individual who has mounted the best advertising campaign and hired the best media men.

We are all concerned, and rightfully so, about the staggering costs of election campaigns today. If the present costs are astronomical, they stand to go through the roof if direct election were enacted. Here is what Messrs. Christol and Weaver have to say about costs:

> Consider first the presidential campaign itself. Under the current electoral system, candidates concentrate their time, money and personal effort in the big states. But with direct election, all this will change. A vote in California or New York will be no more valuable than a vote in Alaska or Nevada. One result will be that the cost of a presidential campaign—it is already extremely high, around \$20- or \$30-million—will rise to astronomical proportions. Big money—whether the President's own or someone else's—will become even more influential in presidential elections than it now is.
>
> Certainly another result will be to accelerate the trend toward campaigning through television, with all that implies about the substitution of the artfulness of Madison Avenue for the more traditional arts of political persuasion. Personal appearances by candidates' knowledge of or care for special local conditions and problems. One can almost imagine that we will witness a revival of the old front-porch presidential campaign, except that instead of staying at home, candidates will ensconce themselves in a television studio in New York from which they will have more equal "access" to the candidate and the campaign—which is to say that everyone will have equally little access to a campaign of minimal political substance. Things will be "fairer," but will they really be better?"

I think we know the answer: Things would be for worse.

The opposition which I have expressed for Senate Joint Resolution 1 is not to say or imply that the present electoral system is perfect or flawless. It is not. We need to and should correct the flaws. As I see it, the major drawback which our present system has is the winner-take-all feature of the existing system, which, with the possibility of throwing the election into the House of Representatives where the unit rule applies, seems to me to be unwise and in need of reform. I would prefer to have the electoral votes divided proportionally and allotted to candidates within the party.

Suppose a State had 10 electoral votes and one candidate received 60 percent of the vote and another candidate received 40 percent of the vote. The electoral votes in that case would be divided six to one candidate and four to the other candidate. I think this proposal has a great deal of merit.

In a way it involves the popular election concept in that it would do away with the winner-take-all and divide the electoral votes in proportion to the popular votes received in any one State. This would not only preserve the system the Founding Fathers started out with but still, of course, it would give added weight to the electoral system of a small State in order to protect them, if we can put it that way, from being overwhelmed by the larger States in the election for the Presidency.

That is what the Founding Fathers had in mind in one respect when they invented the electoral college system. If that system made sense 200 years ago it makes more sense now when there is a much greater and much wider division of population between the small States and the large States.

Mr. President, such a proportional division of electoral votes would make the likelihood of the election of one failing to receive a majority of the votes remote. It would retain what we have seen in the electoral college method, and that is the two-party system, with very little splinter parties all during those 200 years and almost always with one man coming up with the majority of the vote. There was always the possibility one candidate would not receive the majority of the electoral college vote.

That is what many of us were concerned with in the last presidential election we had in 1968. That still could occur under a proportional breakdown in the electoral college votes to the respective candidates. However, in that event we can come up with some method to determine the winner.

Already it has been proposed—I know of favorable reception by many States—that in the event there is not a majority, Congress would decide who should win the contest, and not by the unit rule in the house, but with each of the Senators and Representatives meeting in concert and having one vote each.

That certainly would be a method by which we could resolve an election where there was not a majority in the proportional electoral college proposal but still resolve the presidential election.

Again, if we look back into the history of our country, the likelihood of one candidate not receiving a majority is very slim indeed.

I digress a moment to comment on this point. I wish the distinguished Senator from Indiana were on the floor now. At one point during his discussion of Senate Joint Resolution 1 earlier in the day, he made the point that he did not see why the Senate could not vote on this matter since no other proposals had been made by any Senator. I am not sure that is exactly true. I think other proposals have

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been made. I know I personally have sat down and talked with other Senators and with the distinguished Senator from Indiana and proposed to him why he did not talk around and see if the proportional breakdown of electoral votes might be a compromise that the Senate might be interested in. In fact, I suggested that to him because one of the Senators who is ardently backing Senate Joint Resolution 1 suggested I do it in the hope that we might be able to resolve the deadlock.

I must say I found no enthusiasm for my idea, but I do make the comment that at least that idea was offered by this Senator from Florida, hoping that the votes of some Senators from some of the smaller States could be picked up, in an effort to break the deadlock. So others of us have had ideas which might work if they were pursued.

If we retain, however, the existing system, it seems to me the minimum reform we should require is the elimination of the faithless elector. In 1968, we will all recall, Dr. Lloyd Bailey, elected to vote for Richard Nixon, broke his pledge and voted instead for George Wallace. We had no recourse but to tally that electoral vote for Wallace. Happily, these occurrences are rare: Out of the approximately 15,000 electoral votes cast between 1824 and 1964 only about 12 faithless electors have broken their word. And, happily again, in no case did the dishonorable elector's vote affect the outcome of a presidential election.

The electoral college, while not perfect, has served our Republic well. It has given our country a gift that precious few other countries can boast: an orderly system for the peaceful and coherent transfer of power. It has been successful. We have had threats of constitutional crisis—but they were threats only. Twice since 1824 it has misfired, in 1876 and 1888, by giving us a President who had fewer popular votes than his rival; but, as Professor Bickel points out, circumstances outside of the electoral made the Tilden-Hayes election in 1876 unique.

Though not infallible, it is successful, it has proven its worth and its utility. It has the virtue of being a known quantity, a mechanism that functions. It should not be lightly or cavalierly dismissed or abolished.

This debate on this very vital subject has not been wasted. It has caused us all to think, to examine our positions, our feelings and prejudices, to marshal arguments to justify our positions. The arguments very ably advanced by the proponents of Senate Joint Resolution 1 cannot be dismissed with a sweep of the hand. They have been argued well and cogently. At the same time, our colleagues who opposed this amendent have come forward with very serious and substantial objections.

As I have indicated, the objections to the amendment far outweigh the advantages.

I think one thing of interest, during the time the Senate has debated Senate Joint Resolution 1, is to read what columnists and other feature writers, especially on politics, writing in the news media are commenting, as well as on radio and television. I cannot say I have seen or heard all the comments on Senate Joint Resolution 1. I have read a considerable number in the Washington Post, whatever appears there daily, because I read it every day. I usually read the Wall Street Journal every day. I read several of the newspapers from back home. I must say, to my recollection, I have not read a single article or a single editorial that has had much favorable to say about Senate Joint Resolution 1. The amazing thing is that there has been so much opposition again and again and again by many of the people——

Mr. BAYH. Mr. President, will the Senator yield?

Mr. GURNEY. If the Senator will wait until I complete my sentence, I shall be glad to yield.

And most of the comment has questioned the value of a direct election and posed the many dangers that are involved in it.

Now I yield to the Senator from Indiana.

Mr. BAYH. I have just one question. The Senator mentioned that he read the Washington Post. Did he read the Washington Post this morning?

Mr. GURNEY. As a matter of fact, I read only the front page. I cannot say I read the rest of it.

Mr. BAYH. Would the Senator from Florida have any objection if the Senator from Indiana asked unanimous consent that an editorial from the Washington Post be printed in the RECORD at this particular place?

Mr. GURNEY. I would not have any objection. I must say it is not going to influence many Members in this Chamber, but the Senator is welcome to put it in.

Mr. BAYH. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD. I thank the Senator. I rose only because he referred to the Washington Post. I thought he and others who might read the RECORD and read his speech would be interested in hearing what the Washington Post had to say.

Mr. GURNEY. Is the Senator placing the editorial in the RECORD at the end of my speech or remarks?

Mr. BAYH. Wherever the Senator prefers. I only interrupted because the Senator mentioned the Washington Post, and I thought it would be interesting to see what the Washington Post had to say about it.

Would the Senator prefer that the editorial appear at the end of his remarks, rather than appear contiguously with the debate here?

Mr. GURNEY. Yes.

Mr. BAYH. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BAYH. I appreciate the Senator's courtesy.

Mr. GURNEY. I thank the Senator from Indiana, who has managed the joint resolution so well.

Before we leave mention of the Washington Post, however, I would like to remark about something that appeared today, because it might explain some tendencies on the part of the Washington Post and matters it considers major or minor. I was very interested to see where it placed the story about the joint meeting of Congress yesterday.

One thing, certainly, that the Senate has been extremely interested in, and so has the House of Representatives, and the Nixon administration as well, is the treatment of American prisoners of war. We have been trying to emphasize over and over again, this year and last, the inhumane treatment of American prisoners of war, and focus world opinion on it.

Yesterday we had a joint session of Congress, and the President's personal ambassador in charge of the prisoner of war effort to educate nations around the world appeared before the House of Representatives and the Senate.

I was amazed to have to look and find that particular story way back on page 11. It seems to me it should have been headlined on page 1, not only in the Washington Post but in all the other newspapers of the United States, to point out this extremely important matter as far as American servicemen who are prisoners of war are concerned.

Now to get back to this discussion on direct election. As I say, I do not think the debate on this very vital subject has been wasted. It has caused us all to think, to examine our positions, our feelings and prejudices, to marshal arguments to justify our positions. The arguments very ably advanced by the proponents of Senate Joint Resolution 1 cannot be dismissed with a sweep of the hand: They have been argued well and cogently. At the same time, our colleagues who opposed this amendment have come forward with very serious and substantial objections. As I have indicated, I think the drawbacks to the amendment far outweigh its advantages.

If Senate Joint Resolution 1 fails passage in this Congress, I think we can safely predict that there will nevertheless be meaningful reform revision of the electoral system in the future.

If history is any guide, we can say with certainty that there are additional proposals for reform; since 1824, when Senator Thomas Hart Benton first sought its abolition, there have been more than 500 amendments introduced into Congress to alter or abolish it. And this is good. But let us deliberate and not act precipitously. As Hamlet said: "It is better to bear the ills we have, than fly to others we know not of."

In this same vein, let me conclude with a quotation from Time magazine. I am not in the habit of quoting Time, but I think this is appropriate:

> The sad truth seems to be that no solution can satisfy all the objections and reconcile all conflicts. The sadder truth, however, is that the whole question has been given nothing like the serious consideration it deserves, either by Congress or the public. Changing the method of electing a President will not merely change how votes are counted. It will help determine what kind of man will be elected and a major factor in determining whether he is liberal or conservative, and how he views his constituency. Beyond that, there is a possibility, not yet fully appreciated, that the entire political makeup of the country might be affected in ways yet unanticipated and unexplored. That alone should be consideration enough to

> send Congress back to the drawing board in pursuit of the best plan possible.

That was a quotation from an article published earlier this year. I do not recite that quotation as one of any great profound remark, but I say that it does raise the question that has been raised by so many people of late who have thought about this matter of direct election.

As I pointed out earlier in the colloquy with the distinguished Senator from Indiana, all kinds of people have all kinds of questions about the wisdom of the direct vote in selecting a President of the United States. I would say if any one thing has been precipitated by the debate we have carried on here, now, for several days on the Senate floor—and I suppose earlier in the deliberations of the Committee on the Judiciary on this matter—one valuable thing that I think has come out of it is the almost unanimous questioning by so many people as to whether this direct electoral method is wise, or to put it another way, the questions all seem to imply that it is unwise; and, as Time magazine pointed out, instead of plunging into this political thicket or these deep unexplored and unknown waters, perhaps the best thing Congress could do is exactly what it is doing now—taking considerable time to examine this whole thing, break it apart, and find out just how sound or unsound it is.

Anything that has worked reasonably well for 200 years, I do not see any great, precipitous reason to throw out. I think we had better make sure that whatever other method we are going to come up with in preference to what we now have is indeed sound and workable, before we enact it into law.

Mr. President, one of the interesting things, I think, about this matter is the debate that has occurred in previous years on this very subject. I have often thought that one could learn a great deal from history if one is willing to read it and be apprised of the lessons involved in the past. I think Santayana or someone once said, many years ago, that one who refuses to learn from the mistakes in history is doomed to repeat them. I think there is a good deal in that.

I had occasion recently to read the debates which took place on the floor of the Senate in March of 1956 concerning the subject of electoral reform. It is true that the suggested reform then up for discussion was the proposal to leave to the States the choice of selecting either the district or the proportional method for designating electoral votes. Nonetheless, the debates contain much relevant material. Indeed, much of the discussion bears on the major proposal before us today—direct election—and is therefore worthy of comment.

I was struck in reading those debates, first, by the great significance that the speakers attached to the matter of electoral reform. It was assumed without question that the revision of our presidential election system would have a profound effect on our constitutional and political system as a whole. Hardly a man on the floor who spoke to the issue, whether in support of, or in opposition to, the pending proposals, felt that the presidential election system could be changed without deep and far-reaching effects. The issue, in short, was placed in a larger perspective, and the debate took place within the understanding that our political structure was an integral whole of mutually and delicately balanced parts. It is unimportant for the moment whether various partisans of one position or another thought the constitutional system would be fundamentally changed for better or for worse. What is important is that they thought it would be fundamentally changed in some way. What is important is the full and comprehensive nature of the perspective in which the matter was discussed. And, I might add in passing that the man chiefly responsible for articulating that larger perspective was Senator John F. Kennedy. I doubt whether the electoral college ever had a more eloquent defender. No one dared to suggest—and with good reason—that mathematical equality at the ballot box was the final word on the conduct of representative government. On the contrary, it was implicity understood that there is more to politics than mathematics and that presidential elections are much, much more than a simple process of adding and subtracting votes.

I was impressed also by the fact that direct election had such little support. The matter came up for a vote twice, once on a proposal by Senator Langer, which, in addition to establishing direct election, would have set up a nationwide presidential preference primary. Among those present and voting, this measure was soundly defeated, 69 to 13—March 27, 1956, volume 102, part 4, page 5637. Yet again, on an amendment by the Senator from New York, Mr. Lehman, direct election of the President was defeated overwhelmingly by a vote of 66 to 17—page 5657. The overwhelming size of these votes against direct election can be attributed, I think, to the widespread awareness of what direct election would entail. I thought it particularly interesting that one of those who voted for Senator Lehman's plan for direct election, Senator Hennings of Missouri, remarked that direct election appears to be the most democratic and therefore the fairest and best method of all. But he went on to say the following, and this is significant:

> But in coming to this conclusion *I am very conscious of the drastic and radical nature of this proposal.* It is, indeed, a long step toward pure democracy, and a long step away from those ideas of a republican form of government of limited powers, organized through a Federal union of States, which were held by those men who framed our Constitution. (pp. 5664–5665)

I submit that that is a remarkable statement, coming as it did from one of those who voted for direct election at that time. He was in favor of direct election. He thought that was the way to go. But at least he was honest enough to say—I am not sure that many of the advocates of direct election we have heard in the debate here in the last few days have been honest to admit, as Senator Hennings did—that he was "very conscious of the drastic and radical nature of this proposal" and that it is "a long step toward pure democracy, and a long step away from those ideas of a republican form of government of limited powers" with which we started out.

I might also point out at this time that these are the same reservations that many of the learned students of government in the United States have with respect to direct election today. We read them again and again—their comments, in articles, in the newspapers, almost daily.

Here we have a full and frank avowal of the very charges that were made so well, I thought, by the minority views of the Judiciary Committee in this session. Here we have, for all the world to see, a bold-face statement of what is fully and finally involved in the proposal for direct election. The merits of the proposal are not immediately in issue; Senator Hennings was certainly entitled to his opinion. As it happens, I happen to believe that he was ill advised to embrace such a scheme. But I congratulate him for his forthrightness, and for making abundantly clear that direct election is a "drastic and radical" proposal, "a long step away from * * * a republican form of government of limited powers * * *." Senator Hennings, apparently, was prepared to make such a step. But this Senator from Florida is not prepared to take such a step, and many other Senators have the same reservations. But if such a step is to be made, I would like the RECORD to demonstrate very clearly what is involved. I do not want direct election to be voted for on the ground that it is a mere housekeeping detail, or on the ground that its full implications were not brought out in debate.

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Senator Hennings was not alone in seeing direct election for what it was. Senator Payne of Maine, although he did not support direct election, was equally clear sighted in his appraisal of the impact of direct election. His statement, I think, is worth quoting at length. He said:

> [The] direct election of the President and Vice President would symbolize a basic change in our theory of constitutional government. Just as the States as units were to have equal representation in one House of the legislative branch of the Federal Government, so it was intended that they should have a distinct voice in the election of the President and Vice President. Geographic and minority interests have always played an important and legitimate role in the formation of our national policy, and they do today. The President of the United States is the representative of the American people both as individual citizens and as citizens of their respective States. This dualism of the citizen's role as a member of a State community and of a national community was carefully established in the Constitution. To prevent the interest of the individual citizen as a member of the State community from being completely overridden by the majority interest of the citizens acting as individual members of the national community, the Founding Fathers provided for the Senate in the legislative branch, giving the citizens of the smaller States representation in the Federal legislature beyond their numerical importance. This has meant that the citizens of a small State such as Maine can still be heard and their interests taken into account in the councils of the Federal Government.

He goes on to say, and I invite particular attention to this:

> The intention to preserve the role of the small and thinly populated States in the executive branch . . . was embodied in the formation of the electoral college.

At this point, Mr. President, I should like to point out that if we adopt this amendment of direct election, we may well be putting ourselves in jeopardy as a legislative body, at least in the present makeup that we enjoy. I remind Senators of the very profound, important, earth-shaking decision of the U.S. Supreme Court a few years ago, the so-called one-man, one-vote rule. We know what that did within the States. What that did was to put many States, so far as their senate was concerned, in the same classification and category as their house of representatives. Many of the States were made up, so far as the senate is concerned, in a fashion a good deal like the U.S. Senate. Some Senators represented small constituencies and some represented larger constituencies. But under the one-man, one-vote rule, of course, the senate within the State legislatures was treated exactly the same as was the house of representatives in those State legislatures.

I am not contending here whether that was right or wrong, or whether the Supreme Court, in my view, rendered an opinion that was sound or unsound.

I simply say that the decision they rendered completely changed the makeup of State legislatures throughout the 50 States of this country and downgraded the senates of those State legislatures to pretty much the same status of the house of representatives. That was undoubtedly one of the most drastic and radical and fundamental decisions affecting politics and government in the United States.

Having rendered that decision and having changed the complexion of State legislatures, suppose we go to this direct election method and abolish the electoral college system in the United States. It seems to me that what we have done is to take another step forward in buttressing the one-man, one-vote decision. We have destroyed the idea of the U.S. Senate and its influence so far as national elections are concerned. We have taken away from the small States, such as Nevada, Vermont, and the other States that have only one or two Representatives, the full impact of their two Senators so far as their vote within the electoral college system is concerned in electing the President of the United States.

Having established the one-man, one-vote rule, then going to the direct election system and abolishing the status of the Senators within that system, why should not the next logical step to be made in the politics and government of the United States be to say that the Senate should also be proportioned much like the House of Representatives? What is wrong with people who want this one-man, one-vote rule carried to its extreme saying, for example, that the less-populous States, such as Nevada and Vermont, shall have one Senator and that every other State in the United States shall have Senators in proportion to the population that exists within those smaller States, and in effect here have a body pretty much like the House of Representatives. I do not think that idea is at all impossible of thinking if we go ahead with this direct election method. I might warn the Senate that if we persist in this sort of constitutional amendment, we may find ourselves putting ourselves out of business, at least as we know the Senate of today.

The electoral vote system, Mr. President, is here rightly recognized as being part and parcel of the federal system. The maintenance of the federal system, in short, requires not only the retention of State equality in the Senate, but also the retention of the State role in the presidential election process. As Senator Payne and others well knew, to defend federalism in the Senate, but to deny it in presidential elections, simply does not make sense. The principle by which federalism is defended in the Senate, is the same principle by which it is defended in the electoral college. To approve it in the one case is necessarily to approve it in the other; to deny it in the one case is necessarily to deny it in the other. Senator HRUSKA was quite to the point the other day when he said that if the federal principle were denied in the electoral college, and if direct election were to pass, the Senate might well be next to go.

We already have the principle of one man, one vote, as decided by the Supreme Court.

For better or worse, that decision precipitated profound political change in this Nation.

If this direct popular election amendment passes it will fortify and broaden, the one-man, one-vote rule. It will further weaken, the federal principle. The logical next step would be to do away with the two Senators for each State, pending a change of one Senator for the small States with proportional greater numbers to the large and populous States. The Senate would be well warned to bear this possibility in mind as they approach a vote on this pending amendment.

The case against direct election was further underscored on March 27, 1956, by the now senior Senator from Colorado, Mr. ALLOTT. His remarks are also worth quoting in full. He said:

> The principle of a national popular plebiscite, which seems to have almost no support among my colleagues, appears to be the only method of accomplishing the desirable effect of making each person's vote count on an equal basis with another's. Aside from the fact that one of the reasons this approach is unsaleable is because it would tend to decrease the importance of certain geographic areas, there is another reason why the American people have not yet indicated any significant approval of this extreme approach. This is also the reason why the junior Senator from Colorado did not support it; namely, that it would completely reject the great compromise which has served this Nation so well for these 167 years. How else could this country, with all its numerous economic, geographic, racial, social, and religious groups, have withstood the strains of the years. No one has clearly shown that a completely nationalized popular election would be an improvement over the present method which recognizes both the individual citizen and the individual State as important in a national election not only of the Congress but of the President and Vice President.
>
> . . . The ideal of making every person's vote count on an equal basis is commendable. But is it so precious as to necessitate revolutionizing our entire form of Government? Is the present method that bad?

Senator ALLOTT in 1956, I believe, put his finger on the dilemma; namely, that direct election is one of those ideas that sounds good in theory, but would be disastrous in practice. Senator ALLOTT's question is worth repeating: is the achievement of mathematically equal voting power so precious that, in order to achieve it, we must revolutionize our entire form of Government?

The 1956 debate, Mr. President, is a veritable gold mine of insight and information. It repays well the time spent reading it, and not in the least because the debate was animated by a broad constitutional perspective, by a perspective in which the presidential election system was seen as only part of a complex and intertwined constitutional and political system. It is sad to have to record, however, that in the short space of only 14 years, this larger perspective has been seriously undermined. As the minority views of the Judiciary Committee point out, the present passion for direct election is something of a new phenomenon, in that it is the product of what can only be called a fetish for the mathematical abstractions of the one-man, one-vote dogma. The 1956 debate shows no such obsession with mathematics. Representative government and democratic elections were understood to be profoundly more important than a numbers-game analysis will ever reveal. The 1956 debate makes clear that there are many other considerations at stake than the superficial attachment to mathematical equality. The maintenance of the two-party system, for example, was given primary attention, and it was understood that direct election would seriously undermine it. The now senior Senator from New Jersey (Mr. CASE) was quite explicit in stating that direct election would not be so good as the present system in maintaining the two-party structure. Nor did he reveal any superficial attachment to the simplicities of the one-man, one-vote rationale. Speaking of the necessity for consensus as overriding the narrow concern for mathematics, Senator CASE stated:

> I do not regard the fact that a candidate does not receive the largest number of votes on a single day as being the test as to the best way to elect the President of the United States.
>
> In the United States we have accomplished this consensus, not only in the case of the election of candidates, but in the case of the solution of great problems, by a system which is very difficult to explain logically, but which I think is understood by those who have to operate under it. I think the existence of a few difficulties and a few logical inconsistencies, if you will, in a system which in practice has worked so well, does not constitute sufficient ground for changing that system lightly. It seems to me that to change the system under those circumstances would be the height of folly. (March 20, 1956, p. 5152)

Senator CASE was equally level-headed in rejecting some of the more specious

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claims put forward by the advocates of direct election. In response to the old chestnut that voters are effectively disfranchised by the unit rule of the electoral college, Senator **Case** had this to say:

> Really, Mr. President, this argument amounts to no more than saying that because a choice has to be made between two candidates, when the candidate who received one more than half of the votes is declared elected, those who voted for the losing candidate are disenfranchised. Such an argument does not make sense.
>
> My people in New Jersey gave me a majority of only approximately 3,500. In other words, almost a majority of the voters in New Jersey did not vote for me. Yet I do not regard them as disenfranchised, and I do not think they regard themselves as disenfranchised. The same is true in this case. (P. 5153)

Mr. President, I think that is also true as far as the President is concerned. I do not think that the majority of the people who did not vote for a presidential candidate regard themselves as being disenfranchised by the winning candidate.

I think there are probably a few in the country, because their man lost, who regard the election as a great catastrophe and that all sorts of dire results will follow. I think a great many of the people accept the results of the electorate and are willing to have the winning candidate get on with the business of the country. I think that the point made by the Senator from New Jersey (Mr. **Case**) in 1956 has a good deal of merit and, indeed, represents a very sensible conclusion.

But it is not only the quality of particular arguments that interests me about the 1956 debates. I am disturbed, in reading those debates, and comparing them to the arguments now being put forward on behalf of direct election, by the tremendous loss of what, for the want of a better term, I can only call commonsense. Many of the proponents of direct election back in 1956—as the statement of Senator Hennings makes clear—were quite fully aware of the radical implications of their proposal.

This stands in sharp contrast to the present day, when we are told that direct election involves no fundamental change at all. One would think that the slightest reflection would confirm the commonsense insight of Senator Hennings, to it, that a major part of the Constitution cannot be changed without having its effects felt elsewhere throughout the system. One would think that the proponents of direct election today would see that, and acknowledge it, instead of beating around the bush. Why do they not come right out with it and say it, so that the Senate will be fully apprised of what is at stake?

This point—that there is more to direct election than meets the eye—was rather dramatically brought home the other day, I thought, in an exchange between the Senator from Michigan and the Senator from Mississippi. Senator **Griffin** had this to say:

> Although the distinguished Chairman and I do not reach the same conclusions concerning the merits of the pending resolution, I must say that I share his view that it will be necessary and logical if we are to elect the President by direct popular vote, for Congress to establish uniform voter qualifications and procedures for conducting such elections. Indeed, I believe Congress would be derelict in its duty if it did not establish such uniform standards in connection with, or directly following, adoption of a constitutional amendment to elect the President by popular vote. (**Congressional Record**, p. 31149.)

He goes on to say what the Senator from Indiana is at great pains to deny:

> Furthermore, I can agree that *the people of the several States should realize, as we consider this popular vote amendment, that uniform voter qualifications and election procedures will be a necessary and logical result. No one should be fooled on that point.* (**Congressional Record**, p. 31149.)

I congratulate the Senator from Michigan for his forthright declaration of the problem. I am happy to see that one of the most articulate proponents of direct election is prepared to discuss its full impact. It will be necessary, as he says, to establish uniform national standards governing everything from voter qualifications to the conduct of the balloting at the precinct level. This will include, among other things, regulations governing standards of eligibility for listing on the ballot, and the whole matter of minor party activity. But as to the nature of these new uniform national standards, we hear nary a word. All of these matters are now governed by State law, and the regulations imposed by the several States vary widely from place to place. No one, as far as I am aware, has made any concerted effort to compare the wide variance among State regulations in these matters. Senator **Griffin** is satisfied that the differences are not so great as to prevent the establishment of a single national rule that would be equitable for all concerned. But I, for one, am not so cheerful about that prospect—not, at least, until a full and comprehensive study of State electoral regulations has been undertaken.

I agree with the Senator from Michigan that Congress would be derelict in its duty if it failed to enact such a uniform national standard if it were to enact direct popular election. But I do not see that we are at all prepared for that eventuality. I think it worthy of note that the rules and regulations governing only the matter of selecting delegates to the national conventions fill out the major part of a 261-page volume prepared by the Legislative Reference Service. Moreover, the extant regulations affecting the place of minor parties on the ballot are the subject of an extensive monograph covering nearly 100 pages. This problem has not been studied in any depth by the Senate and will not be, I fear, before a vote is taken on direct election. These are complex and knotty problems. They deeply affect the delicate balance of power between the States and the National Government. And representative of the several States ought properly to have their day before Congress takes it upon itself to legislate for the entire Nation.

So, just as a matter of side interest, in the colloquy we have had thus far in the debate these matters that have been raised about ballots and the fact that we are not at all prepared as a Nation to go ahead with this direct election at the moment until we extensively revise the ballot procedures of the several States.

Now, if ever I saw a situation where the cart has been put before the horse, this is it in Senate Joint Resolution 1.

The proponents of this measure have become so persistently motivated by this idea that we must have a direct popular election that they have completely blinded themselves to all of the side effects that this constitutional amendment would entail.

I suggest that the very complex matter of just the ballots in the various 50 States, the problem of getting those into some sort of uniformity, only serves as an illustration of the many pitfalls that this direct popular election has in store for us if the Senate of the United States acts upon this matter at this time.

I would say that even if we are going ahead with this direct election—and I am not one who favors it; I would rather stick to some modification of the plan the Founding Fathers had—these are problems, the ballots, minor parties, and all of these things would have to be explored prior to that time. And these matters should have been resolved long before we had this issue before the Senate.

If for no other reason, we are not prepared as a Senate to go ahead at this time. Neither are we prepared as a Congress to enact this constitutional amendment, to send it to the President, and then in turn to send it to the 50 States for ratification.

We need to do a whole lot more homework on Senate Joint Resolution 1 and the proposition that it entails before we go ahead at this time.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Sept. 17, 1970]

PARTY DECLINE CLOUDS ELECTION REFORM

(By Arlen J. Large)

WASHINGTON.—The proposed Constitutional amendment to scrap the Electoral College and elect Presidents by direct popular vote would shake up the nation's traditional two-party system, both supporters and opponents agree.

But as Senate debate on the amendment nears completion, there's very little agreement on whether the effect would be to strengthen that system or weaken it. On balance, however, the Senators who predict the latter result seem to have the more convincing argument.

For the debate comes at a time of increasing doubt about the future of the political party as a meaningful institution. Quite aside from the impact of the proposed amendment, the trend today already is pretty clearly away from parties as an all-important force in politics—toward the emergence of candidates who run on their personalities, not their party labels. And this trend can only complicate the task of governing, however the Constitution is changed.

AN AMENDMENT ARGUMENT

Examples of the decline in party influence are all around.

More and more voters now call themselves independents. Two sitting Democratic Senators—Harry Byrd of Virginia and Thomas Dodd of Connecticut—are running as independents this fall, hoping that personal loyalties of constituents will carry them through. Increasingly, young politicos no longer need established party organizations as a stepladder to office—not if they can afford enough television time. And in the Deep South, the race issue has so splintered state

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Democratic parties as to make them almost unrecognizable to "national" party leaders in Washington.

The real questions, then, are how far this trend will go and what effect the proposed amendment would have upon the trend. In trying to answer them, the Senators are well aware that historically Constitution-writers have a poor record on predictions about national political parties.

It was the 18th Century Founding Fathers, after all, who forecast there would be no national parties. "The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states," predicted James Madison before the new Constitution took effect. Presidential electors would, like today's suburban housewife, vote for "the best man." But after only four Presidential elections the Constitution had to be changed to accommodate what Mr. Madison called "the mischiefs of factions;" the electors were voting according to party label.

"From the very moment of their inception the major parties as we know them had as their central organizing purpose the capturing of the Presidency," assert six anti-amendment Senators—three Democrats, three Republicans—in a Judiciary Committee minority report. That only two major parties ever developed isn't just chance: "Public opinion in this great and diversified land has no inherent tendency to divide itself into two, and only two, major political groupings. The ultimate causes of two-party politics are to be found in the requirements of the Presidential election system under which parties have operated for nearly a century and a half."

To a big extent, these Senators say, this is due to the extra-Constitutional custom of awarding all of a state's electoral votes to its popular vote winner. Formerly damned by many, the custom now is seen to have an important virtue.

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Says the minority report: "Because of winner-take-all, a party is under a strong inducement to extend its platform as widely as possible within each state; it must expand its base of support to carry a popular plurality." Third parties historically haven't been able to make such a broad appeal, nationwide, over a long period of time. Their single-issue causes eventually evaporate or are absorbed by the established parties.

In short, the minority report's argument runs, if you put Presidential races through the electoral vote system, you get just two parties—both tending to be centrist and ideologically mixed. Remove the electoral-vote filter and the parties weaken and proliferate, giving way to individual single-issue spokesmen who get on the ballot without big-party nominations.

Even inside the existing system, party proliferation appears to be increasing, spurred by today's super-publicized quarrels that make almost everybody an extremist on something. George Wallace threatens another run in 1972; Eugene McCarthy seems to be toying with the idea of a fourth party.

If the Judiciary Committee minority is right, however, such splintering can be expected to become just another victim of the electoral vote system's moderating dynamics. Whether with a "Southern strategy" or some other appeal, the Republican Administration may absorb Mr. Wallace's movement by stealing his voters. The Democrats—both at the state and Congressional levels—are fast moving toward the foreign policy views upheld by Sen. McCarthy in 1968, leaving behind the World War II orientation of Lyndon Johnson and his immediate predecessors. Retain the concept of state-by-state electoral votes, the Judiciary Committee minority predicts, and the absorbing process will work every time.

AN INCREASE IN INDEPENDENTS

Amendment advocates argue, however, that a popular-vote Presidential election would actually strengthen the two-party system. The winner take-all custom, they contend, is the real villain responsible for one-party rule in states; it's hard for the minority party to grow when its votes are never reflected in Presidential contests. Sen. Howard Baker of Tennessee, for example, complains his state's Republicans were ignored for years because they couldn't crack the electoral vote barrier. Democratic Sen. Birch Bayh of Indiana insists a popular-vote election would boost party morale: "It is the only plan that would guarantee to the Democratic or Republican precinct workers that they should get out and hustle the votes because the votes will count."

But these arguments just aren't very convincing. Even under the status quo, Tennessee has emerged from one-party rule and is a real battleground in contests for President on down. City political machines, the home of precinct workers that Sen. Bayh wants to cheer up, have practically disappeared. Increasingly the canvassing and get-out-the vote tasks are performed by zealous volunteers who get fired up by an issue or a personality, but have little interest in the fate of party organizations. Parties simply are less important than they used to be, and a wide-open field of candidates running for President with or without major-party nominations would almost surely hasten this trend.

The core of the dispute, then, is whether this trend as reinforced by the popular vote amendment could lead to political conditions more chaotic than a potential breakdown of the existing electoral vote system, a prospect that helped produce the pro-amendment drive in the first place.

Democratic Sen. Sam Ervin of North Carolina and others of the Judiciary Committee minority think weakening the incentive of two parties to establish broad bases of support would "radicalize" American public opinion. Hoping to capture electoral votes from as many states as they can, the two parties now try at state and national conventions to work out compromises that partially satisfy many interest groups. The amendment would require a national runoff if nobody in the field of candidates get 40% of the total popular vote the first time around. Amendment opponents believe all the laborious compromising and deal-making that now come before the election would be compressed frantically between the amendment's first election and the runoff.

"The compromises," says the minority report, "would be both hastily contrived and inherently unstable. The winning coalition, however numerous, would have difficulty governing."

A FRIGHTENING PROSPECT

One proposed alternative to a popular runoff would leave the last-ditch choice of a President to a joint session of Congress, with each of the 535 members having one vote. But if it's frightening to leave human electors as potential pawns in a deal-making contest between candidates (a possible result of the present system), it's no less frightening to give the same job to human Congressmen. As under the present system, the Presidency could go to a candidate who failed to get the most popular votes in the initial election.

This has happened only three times in the past, but the potential is still there: "If the man who wins the popular vote is denied the Presidency," Mr. Nixon said in 1968, "the man who gets the Presidency would have very great difficulty in governing."

Of course, it is also impossible to predict what turmoil the existing system could cause some day in light of declining two-party influence. A maverick Wallace-type candidate plus a maverick McCarthy-type entrant could well emerge from an enflamed nation in some future year, denying anyone—major party candidates included—the majority of the electoral vote required under existing rules. The possible dangers of such a situation are far from theoretical; George Wallace really was planning ways to wring concessions on race policy from Richard Nixon if the Electoral College hadn't produced a Republican majority in 1968.

But this is not a reason to ignore the worry of Sen. Ervin and the other opponents of the popular vote amendment that the amendment's likely erosion of two-party dominance would make governing more difficult. The larger point is that political parties are fading anyway, whether the Constitution is changed or not. As voters get more independent-minded, just about everybody predicts, governing is going to become more difficult no matter how the President is picked.

EXHIBIT 2

[From the Washington Post, Sept. 23, 1970]

A WELCOME SHOWDOWN IN THE SENATE

A threat to tie up the Senate is rarely viewed sympathetically in this space especially at a time when that body has an immense backlog of unfinished business and is rushing to adjourn before election day. But in the case of Senator Bayh, who is seeking a vote on his constitutional amendment for direct election of the President, there is no realistic alternative. He is merely saying that if there is to be a filibuster, let it be an honest one, in which the Senate, and the country, is obliged to accept the full consequences; only that way can the issue be put to a fair test.

What the Senator from Indiana is arguing is that if the Senate is unwilling to vote on electoral reform, which is the official business before it, he will object to the transaction of other business and to committee meetings under the unanimous consent rule. That is only poetic justice. Until now the opponents of electoral reform have been using filibuster tactics to kill it without really carrying the burden of a filibuster (around the clock speeches on the floor) and without sacrificing other legislation in which they are interested.

On Monday Senator Bayh pleaded in vain for agreement on a time to vote on amendments to his resolution. Senator Ervin even objected to voting on amendments offered by himself. Under the archaic rules of the Senate, such obstruction can be fought only by further obstruction. If the net result is complete chaos, that is the price the country has to pay for allowing the Senate to operate as if it were still in the nineteenth century.

Nothing is to be gained by temporizing with this kind of fiasco in our legislative system. The blunt fact is that a minority in the Senate is using a crude device to sabotage a reform that has been approved by the House and is favored by a majority in the Senate and an immense majority in the country. It would be a disgrace to the Senate to allow this undemocratic gesture to succeed. Sponsors of the amendment now feel that they have an excellent chance of passing the Bayh resolution by the required two-thirds vote if the Senate is willing to face the issue. So the question is whether democracy or obstructionism is to prevail.

It is important to note that Senator Bayh and his supporters do not intend to filibuster. Rather, they are demanding that the opposition stick to the issue officially before the Senate until a vote on its merits has been taken. That is the essence of reasonableness and of sound procedure. If the opponents wish further debate, they will have the opportunity, at least until next Tuesday when Majority Leader Mansfield plans to seek a vote on another cloture petition. But the Senate cannot permit them to defeat this vital reform by mere obstruction without shaking the foundations of our system.

The **PRESIDING OFFICER**. The Senator from Wyoming is recognized.

Mr. **HANSEN**. Mr. President, I wish to bring to the attention of Senators an editorial from the Wyoming State Tribune in Cheyenne, Wyo. Editor James Flichum, whose views on electoral reform I happen to share, has done an excellent job of pointing out to his readers just what will be lost and what harm will result if proponents of the amendment requiring direct popular election of the President and Vice President are able to achieve approval by Congress and by the required number of State legislatures.

Wyoming shares with other sparsely populated States a particularly critical concern with the outcome of this debate. The State stands to lose its traditional role as a State in the national election process, and the Nation stands to lose the merits and the benefits of a time-honored and effective electoral system deficiencies.

Mr. President, for the benefit of Senators I wish to read the editorial entitled "Shall the States Commit Suicide?" written by Mr. Flichum.

SHALL THE STATES COMMIT SUICIDE?

The Senate now is debating one of the most momentous issues of our times, a proposed constitutional amendment that would provide for direct, popular election of the President and Vice President, instead of through the present electoral college system in which each state casts a prescribed number of votes based on the outcome of an election within its precincts.

The proposed article, as presently drawn in Senate Joint Resolution No. 1, reads as follows:

"Section 1. The people of the several states and the district constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the jointer of his name with that of more than one other person.

"Section 2. The electors of President and Vice President in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature, except that for electors of President and Vice President, the legislature of any state may prescribe less restrictive residence qualifications and for electors of President and Vice President may establish uniform residence qualifications.

"Section 3. The pair of persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices. If no pair of persons has such number, a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons who received the highest number of votes.

"Section 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the time, place and manner in which the results of such elections shall be ascertained and declared.

"Section 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President or Vice President have been elected, and for the case of the death of both President-elect and Vice President-elect.

"Section 6. The Congress shall have power to enforce this article by appropriate legislation.

"Section 7. This article shall take effect one year after the 15th day of April following ratification."

The problems and perils this proposal poses for the federal system in this country are far-reaching and filled with grave implications. In the foreword to their report, the minority members of the judiciary committee, Sens. James Eastland, D., Miss.; John McClellan, D., Ark.; Sam J. Ervin Jr., D., N.C.; Roman Hruska, R., Neb.; Hiram Fong, R., Hawaii; and Strom Thurmond, R., S.C.; quote Charles Black, professor of jurisprudence at the Yale Law School: "I think a case can be made for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

In their own introduction to their report, the minority senators on the judiciary committee speak as follows:

"No more important business has come before the Senate in recent years than the consideration of our system of presidential election . . . We believe that the judiciary committee, in recommending the destruction of the electoral-vote system in favor of direct election, has embraced a scheme that will adversely affect the entire constitutional and political structure of the United States.

"We realize that the present systems has its defects. We believe, however, that remedies are available short of its wholesale destruction . . .

"Direct election of the President, we believe, would—

"Destroy the two-party system and encourage the formation of a host of splinter parties;

"Undermine the federal system by removing the states as states from the electoral process;

"Remove an indispensable institutional support for the separation of powers;

"Radicalize public opinion and endanger the rights of all minorities by removing incentives to compromise;

"Create an irresistible temptation to electoral fraud;

"Lead to interminable recounts and challenges;

"Necessitate national direction and control of every aspect of the electoral process."

The proposed constitutional amendment offers a peril to the time-honored place of the states in the federal system of government, as the senators point out in their objections cited above; it is a peril that is especially acute for small states such as Wyoming, and even those that are of medium size. It places an undue emphasis on population alone which is a false premise in relationship to the federal system, as we have consistently pointed out in the one-man one-vote theory enunciated by the Supreme Court.

The falsity of this premise can best be illustrated by the fact that under the Constitution, the adoption of this proposed amendment must be carried out by the state legislatures themselves.

Three-fourths of the states must ratify the amendment for it to become a part of the Constitution.

Mr. President, there is obviously a misprint in the editorial at this point. What is printed as "two-thirds" should be "three-fourths."

I will continue to read the editorial:

Will this process of amending the Constitution also be the next phase of our federal system to be dropped in the drive to negate the political voice of the individual states in favor or total national direct election? It would seem so, in order to be consistent.

As the minority senators point out, the present electoral college has its faults; but this is no reason to rush to adopt a means of election that may undermine the bastions of the federal government of the United States which still means a federal system even though the common connotation is centralized government.

Hopefully this amendment shall not pass the Senate; but if it does, then more hopefully it shall fail of ratification by the states. For these latter to approve such a proposal would be to seal the doom of federal government in this nation through a balanced interplay of states with the central government in Washington.

Mr. President, since this debate began several weeks ago, I have been deeply interested in the events which have taken place in this Chamber. I have followed the debate on Senate Joint Resolution 1, which provides for the direct election of the President and Vice President of the United States, very closely. I can think of no subject which has come to the floor of the Senate since I have been a Member of this body which I consider more important or which could have greater impact on our Nation, our tradition, our institutions, and our way of life.

It is impossible for me to express the high regard I have for my colleagues who have engaged in this debate. I have great respect for the Senators who have argued both for and against the constitutional amendment which is before us today. And I have tried to learn from the colloquys which have taken place over the last week. Indeed, this subject has been of prime interest to most of us over the past 2 years, throughout the 91st Congress. The outstanding work done by the Judiciary Committee is most appreciated and has been of tremendous help to those of us who have sought a greater knowledge of this complicated subject.

The thorough preparation of the junior Senator from Indiana and both of the Senators from Nebraska who have led this debate has given all of us a firm statement of the case on which to analyze the amendment before us.

Mr. President, revamping of the process for electing the President of the United States has long been a subject of debate, and many proposals have been made over the years. However, this subject became of widespread interest during and after the election of 1968. The serious consideration which is now being given to revamping the system which has served us so long must result from the strong third-party bid which occurred in 1968. For this appears to be the event which sets the 1968 election apart from other elections of recent years.

Not since 1912 had there been such a strong third-party bid for the Presidency. The third-party bid in that year—1912—received over twice as much support as the third-party bid in 1968 and more support than did one of the major parties of 1912. Since that time, we have experienced closer elections than 1968; we have experienced many elections in which the winner has received a plurality rather than an absolute majority; we have experienced many third-party candidates.

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However, it must be pointed out, in all fairness, that the present electoral system has worked. It has always picked a President to govern these United States. It has always picked a President who had enough broad public support that he was able to govern efficiently throughout his term. It has always picked a President whose support was broad enough to govern a Nation widely dispersed geographically and of varying regional interests. It has provided stability in the face of charges of fraud. The one President that this system did pick who did not have the broad public support to govern the entire Nation effectively for 4 years was Abraham Lincoln; and the Civil War resulted. But Abraham Lincoln did receive a plurality of the popular vote. That plurality, however, was only 39.79 percent of the popular vote. Therefore, although the present electoral system made Lincoln President of the United States, the system proposed by Senate Joint Resolution 1 would have called for a runoff between Lincoln and Douglas. Perhaps Douglas would have been elected in the runoff and the Civil War might have been avoided. It is interesting to ponder whether this Nation might have been benefited or perhaps been rendered injury by such an occurrence. It is interesting to wonder where we would be today if such a thing had happened. I admit that all of this is conjecture. But I find it as relevant to discuss what might have been under the proposed system in 1860 as it is to discuss what might happen under the present electoral college system in the future. In fact, it is probably more relevant to discuss the past because we do have an approximate idea of the direct popular vote in past elections and the events surrounding those elections. Applications of the present or proposed electoral systems on the future of our country are total guesswork, of course.

I have been impressed with the statistics and other information which the distinguished junior Senator from Indiana has provided to support his arguments for changing the electoral system. It shows that he has done his homework. I know that the Senator can tell me how many votes, if changed, would have changed the results of past elections and what a small percentage that number of votes is to the total number of votes cast in the election. I know that he can tell me the minimum number of states a man must win in order to be elected President of the United States under the present system. These events did not happen in the past; but I assume the Senator finds them relevant because he fears they will happen in the future.

I share the Senator's concern about the system in the future. I want to eliminate as much risk as possible that future elections under the present system might go wrong. The "faithless elector" is a great example of the need for change. But that problem which I believe almost all agree should be corrected, can be corrected, simply without revamping the entire electoral system. In revamping the entire system we create the opportunity of a more probable breakdown of the system. We must be careful not to create greater risk in an attempt to eliminate all risk.

While the Senator from Indiana has given us some very interesting statistics on what might have happened in the past, and has challenged us to meet the problems which would be created if they occurred in the future, I must note that the Senator's statistics are most precise. To change the outcome of the 1968 election by changing fewer than 42,000 votes, one would have to change all of the votes in just the right States. While this is easy to do on paper, it is hard to apply in reality. While we can point to a few States which, if won, could make a man President even though he lost all of the other States, I know of no politician with the confidence to attempt such a strategy. In reality, interests in the States are varied enough that the interest of a great many more States and more people are actually reflected.

While it is a challenge to consider what might happen if a very precise set of facts did occur, it is also of great concern to consider what might happen if the proposed revamping of the present system of electing the President of the United States is adopted.

I was very interested in the discussion on the floor the other day about the runoff election which is provided in Senate Joint Resolution 1. The question was raised about the difficulties which would be created by the runoff. Concern was expressed over the length of time which would be required to determine the runoff candidates and prepare for and hold the runoff election. It may have appeared that a runoff was not traditional in American politics. I commend the distinguished Senator from Indiana for his response to these questions. He challenged us to have the courage to face change. He has provided a list of 12 States which hold runoff elections, at least in primary elections. We think of France as a major power which chooses its political leader by means of a runoff election, if necessary.

Some States have chosen to use runoff elections. But a State is only one of 50 governmental units which make up the United States. The much larger scale also make the procedures more complicated. A State runs its own elections and certifies its own votes. The United States runs elections through the States and the States certify the results to the Congress. The Senator from Nebraska raised some practical questions about holding a runoff. What procedure would be used? What length of time would be needed between the first election and the runoff? I challenge the Senate to face up to these questions now. If we must change the entire system rather than one or two glaring problems, let us decide now how we will change the system. Let us not postpone the hard decisions. Do we intend to have the Federal Government supervise elections? Will the votes be tabulated by Federal employees and sent to Washington to be added together? Will all certification of elections be in Washington? Is that what must be in order to compile the results of an election quick enough to provide for a runoff within a reasonable period of time?

Would a third-party candidate like George Wallace have to collect signatures in every State to get on the ballot throughout the Nation, or could he collect 500,000 signatures in Alabama, bring them to Washington, and be placed on the ballot throughout the United States?

The fact that I do not have answers to these questions is what disturbs me about adopting Senate Joint Resolution 1. It may be that someone has an answer. But we should have the answer before we are asked to make a judgment on changing the entire electoral system which has been used for almost 200 years. I do know what happens with the present electoral system. I do know that the system has some difficulties and problems could be created under certain precise sets of circumstances. But the questions regarding procedure which concern me have been answered by the present system. I can look at the system, weigh the probabilities that a problem will arise, and take action accordingly. Until the proponents of the proposed electoral system answer these questions, it is impossible to weigh the probability of a crisis resulting from an election. Until it is possible to make this judgment, I cannot consider supporting legislation which might well revamp the entire Federal system, as well as the procedure for choosing the President of the United States.

We can look to France as a world power which provides for a runoff election in choosing its political leader. But I can think of no other major power using the runoff system. France has used its system for 12 years. The system there has worked up to this time. But 12 years is hardly sufficient time to make a determination that the system does not have built-in problems of its own. While the United States has used the present system for choosing a man to govern a much larger country than France, France has experienced five Republics and numerous monarchies. For the United States to scrap its method of choosing a political leader and say the new system will work because it has worked in France for 12 years might be equated with Great Britain adopting our present system in 1800 after it had worked well for the United States for 12 years. This is hardly the course for a great power to follow. Indeed, to this day, Great Britain has not found it necessary to adopt the system used in the United States or France.

In this day and age, there is nothing that is more important than a great world power being able to accomplish an orderly transition of power within itself. This ability is essential to the peace and stability of the entire world as well as the peace and stability of the Nation itself. It is important not to have gaps of power. We need to know who the leader is. We need to have a system of election which insures that the man chosen as President is recognized by the people and the Government as the legitimate holder of the powers of the Chief Executive.

The electoral college we use today has been criticized because of the possibility that the election may be thrown into the

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House of Representatives and delay, and doubt could be created in choosing a President. We must recognize that this could happen. We must also recognize that it has not happened since 1824. We must remember that there are many alternatives to sending an election to the House of Representatives. And then, we must turn to the matter at hand and look into results which would or might occur if we adopt the alternative provided by Senate Joint Resolution 1.

While the electoral college system we now have might occasionally throw an election into the House of Representatives, although that is even doubtful because such a thing has not occurred since 1824, the alternative we consider today raises the prospect of most elections being bogged down in charges of fraud and demands for recounts. Of the two sets of circumstances, it appears to me that the present system by far will be most able to guarantee the orderly transition of power between Presidents.

Let us look at what might have happened in 1960 when President Kennedy received .16 percent more of the popular vote than did presidential candidate Nixon if the procedures of Senate Joint Resolution 1 applied at that time. There was talk of vote fraud in Illinois. But the possibility of fraud in that State was not permitted to contaminate the entire election because of the electoral college system. Fraud in one State does not affect the vote in another State. However, under the proposed system, such fraud would contaminate the entire country and affect the vote in every State. Because the election in 1960 was so close, and for that matter so was the election in 1968, the orderly transition of power may have been severely hampered or indefinitely postponed because of charges of fraud, if we had operated under the direct election proposal. Or, possibly a special electoral commission would have been appointed—as was done in 1876 in the Hayes-Tilden election when there were charges of fraud. But some might charge that the commission was "packed" just as they did in 1876 and 100 years from now someone might try to revamp the direct election procedure pointing to the election in which fraud played a major role just as the Senator from Indiana points to the election of 1876 as a reason for revamping the electoral college system.

Because I believe that the question of the opportunity for fraud is so important when considering the adoption of the direct election plan, I wish to read to my colleagues on this subject from the minority views which are part of the Senate report on Senate Joint Resolution 1:

DIRECT ELECTION WOULD BE AN INVITATION TO FRAUD

One of the most calamitous and probable consequences of direct popular election will be the increased incidence of election fraud. At present, whenever and wherever fraud occurs, its impact is limited to determining the winner of a State's electoral vote. The incentive to steal votes is now restricted to close contests in States which have a sufficiently large electoral vote to alter the final result. Thus, fraud can be profitable only in a few States, and is seldom capable of affecting the national outcome.

In his testimony during the Judiciary Committee hearings, Mr. Theodore White described this limitation on the impact of fraud. He said:

"Right now what you have in the country is a system of self-sealing containers. Again, I speak the language of the press. If the crooks in Illinois, if the crooks in Cook County are going to steal votes, each State has built up some sort of antibody system, so that it seals the theft, the stealing, the rigging of elections. There are certain States like Minnesota, or Connecticut, California, Oregon, where I think the votes are counted with scrupulous honesty. But if the margin is going to be as thin as they were in 1960 and 1968, I can see the majority of honest States crumbling just like that."

Under direct election, a premium would be placed on stealing every vote in every precinct in every State. There would be no mechanism to prevent voting fraud from having a direct impact on the choice of the President. As votes are tabulated and reported in the Eastern States, for example, great pressure will develop in Western States to get every possible vote—even for a candidate who has no chance of winning—in order to offset early election returns from the East.

Mr. White cautioned:

"There is an almost unprecedented chaos that comes in the system where the change of one or two votes per precinct can switch the national election of the United States.

"Now we have 180,000 voting boxes in the precincts in the United States, and if by 10 or 11 o'clock it is going to be as close as 1960 and 1968, I hesitate to think of what is going to happen in the Western precinct boxes and some of the Southern precinct boxes."

In the case of a close popular election, such as in 1960 and in 1968, the determination of the presidential candidates and their ardent supporters to win will place great temptations before every election official in the country. Those who control the polling places, whether they are State or Federal officials, may succumb to the pressure to obtain the largest popular vote margin for their favorite candidate.

Recalling the partisan nature of the deliberations of the National Election Commission established to resolve the Hayes-Tilden controversy of 1876, Professor Bickel told the Judiciary Committee:

"* * * it seems to me inevitable if you go to the popular election system to set up, not only on an ad hoc basis, but on a permanent basis, national vote-counting, and I for one . . . am not at all that happy about central vote-counting. Honest men, when centrally in charge of a computer in Washington may be even more tempted than honest men in this or that county in the western part of the country or in the eastern part of the country."

Mr. White dramatically described what might occur on election night under direct elections:

"I wonder whether you can imagine what the scenario of election night might be with the entire Nation hanging awake for the returns if we had another election as close as 1960 or 1968 with no one knowing what was happening.

"You all remember how in 1960 when the Connecticut vote was coming in strong for John F. Kennedy. Eisenhower took to the air to plead with the people of California to get out there and vote. Connecticut closes 3 hours earlier than California; I think about 8 hours earlier than Hawaii. Once those eastern votes start piling up from the big cities one way or another, the pressure, the urge to—and if it is a close election—you can't steal a real election, a real majority, but if it is a close election, that election night would be an invitation to have militia out guarding the ballot boxes the next morning."

The likelihood of an increase in minor party presidential candidacies and the probability, therefore, that a runoff will become a common occurrence under direct election, make even more likely the prospect of election fraud. The encouragement which direct popular election would give to fraud could very well turn American presidential elections into nightmares of charges and countercharges, of chaos and crisis. During the days following a presidential election, the determination of a winner could become the regular and expected focus of political turmoil.

When we abandon the system we now have and adopt a direct election system, we expose the electoral process to demands for nationwide recounts for the first time. Under our present system for electing a President, even when that election is very close, there is an incentive to ask for a recount only in the particular State where a very narrow margin separates the candidates. But, by destroying the "system of self-sealing containers," as Theodore White so vividly described the States under the electoral college system, a direct election would encourage the recount of every single vote cast in the election. This no doubt would provide even greater opportunity for voter fraud.

The minority views of the Senate report on Senate Joint Resolution 1 are particularly descriptive of what we might expect under the direct election system, and I would like to again read from those views:

DIRECT ELECTION WOULD ENCOURAGE CHALLENGES AND RECOUNTS

One of the most serious threats to our national stability under direct election would be the probability of contested elections. A contested election under any system is certainly dangerous. But as Ernest Brown, Langdell Professor of Law at Harvard, testified, under direct election "the mere fact of contest is a disaster."

Under the present system, the popular vote in most States most of the time is insulated against challenge and recount. Only extremely close and bitter contests in certain strategic States would ever tempt one of the major parties to call for a recount. Under direct election, however, the popular vote in every State would be open to the perpetual threat of challenge. Whether a candidate wins or loses a State by a large or small margin of votes, recounted votes in that State under direct election could still affect the national result. As Professor Brown explained:

"Close elections lead to contest. And with direct election, the contest would be nationwide. Every ballot box, every voting machine, would be subject to contest."

He went on to illustrate how nationally contested elections would develop under direct election:

"If one candidate contests a certain area, his opponent, to protect himself, warns of a contest where he thinks something might have been adverse to him. And in a little while the whole electorate is involved."

The uncertainties surrounding a recount to determine the outcome of a close presidential election could paralyze our Nation. Even the mechanical aspects of a sizable recount would be dangerous enough, but if legal questions concerning voter qualifica-

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tions and other matters were to be raised, as they surely would be, the period of the recount would be nothing short of chaotic

To Theodore H. White, the spectre of the recount under direct election is a "nightmare." He put it this way:

"I do not think direct election would have worked. It would have failed us twice in the last election. In the 1960 election—I have never been able to get the full story—Mr. Nixon spent several hours wondering whether he should challenge or not, and they began to examine the laws of the various States. You could not have a recount in Missouri until some time in early spring. The laws as to recounts were different everywhere. It is a nightmare to me that we should live through 1960 and 1968 under the proposed amendment."

Prof. Charles Black explained to the committee how he felt the professional politicians would call for recounts under direct election in close contests:

"It would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully in good faith for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without those willful obstruction elements, I should think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it."

Mr. Richard Goodwin outlined to the committee his thoughts on the recount problem under direct election:

"Eliminating the electoral college can, as many have pointed out, transform the frequent and inevitable charges of election irregularity and fraud into demands for a nationwide recount. Since voting is now by State those charges are made with passion and they are allowed to lapse because even a change in a particular State would rarely affect the national electorate result. However, if only the popular vote counted, then a recount in a few States could change the result. After all, two of our last three Presidents had popular vote margins smaller than 5 percent of the vote in the State of Illinois alone. In such a situation there would be incentive to pursue reasonable charges of irregularity and fraud. Counter charges would be inevitable. And if there was any substance to the allegations a nationwide recount would not be merely likely but inevitable. Such a protest could continue for months, in election commissions and in the courts, while the country waited to find out who had been elected."

There can be no doubt that the present system protects the Nation from the paralysis of recounts. Professor Brown characterized the protection this way:

"* * * the present system insulates the States. When the vote is counted by the States, those lines insulate the area of contest and keep it local, and they insulate the significance of the contest."

Professor Black also testified at length on the protections which the present system offers against the possibility of recounts and contests. He said:

"We have now a compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is an infrequent incident, because very often the State in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway."

It is clear that recounts will be a disastrous problem for the United States should direct election of the President become law. Too many thoughtful experts have mentioned the recount problem for it to be only the idle speculation of those who would oppose direct election for political reasons. We believe the political stability of this Nation is the issue at stake; the Senate, before voting on the direct election proposal, should try to imagine this Nation, gripped by controversy, having to undergo a national recount every time there is a close election.

Mr. President, we must ask ourselves if we wish to exchange a system which has served us well for almost 200 years but which could, under very extreme circumstances, fail us in the future for a direct election system, which raises the specter of elections for President constantly plagued with charges of fraud resulting in the selection of one man over another or the demands for recounts of the entire Nation.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following joint resolutions of the Senate:

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week"; and

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending Otcober 9, 1970, as "National PTA Week."

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 1178) authorizing the President to proclaim the month of May 1970 as "Project Concern Month."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOME ADVICE TO YOUTH

Mr. MANSFIELD. Mr. President, I have read with interest a letter to the editor of the New York Times from K. Ross Toole, a professor of history at the University of Montana, on the faculty of which, incidentally, I still happen to be a member.

While I may not agree with all the points in the letter, I do think a couple are worth pondering. One is that continued violence from the left in the country could spawn a repressive wave from the center and right. The other deals with the enormous energy potential of American youth working within the existing political system.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER TO A STUDENT

(By K. Ross Toole)

MISSOULA, MONT.

DEAR WAITING STUDENT: If you haven't discovered it yet, now is the time. Upon what meat does the violent, rockthrowing, building-burning campus militant feed? On yours, Sir, your very own flesh. You, the standers-by; the doubters concerning the question of whether the American system can work.

It is very late and there are some things you should know—and you should know them whether you like them or not.

You are standing by basically because you say you are frustrated; the channels are plugged; you cannot make your voices heard. You are idealistic and you love your country, but maybe the violent ones are right. Maybe you will join because the only course left to you, you say, may be violence.

It so happens that you are wrong, dead wrong.

Across America there is a growing wrath about college violence. Not anger; wrath. Call it middle America, call it "those people out there," call it the "silent majority"—call it what you will, but every act of violence by the left on any campus in America feeds the fires on the right. And the power's there on the right; the power will *force* legislatures and Boards or Regents to devise iron-clad rules of conduct for students and faculty; a suppression which will put the 1920's to shame. It will destroy academic freedom and it will destroy your own opportunity to get an education.

I am sick to death of your drumbeat, overblown rhetoric, the monotonous litany, "We cannot make our voices heard. No one will listen to us." The violent left is heard. But you are correct in thinking that very few people listen. That is because the violent ones have nothing to say.

So the channels are plugged? You have no way to go? The wires are cut? You are powerless? Here again, the bull horn rhetoric.

The channels to change in America are not plugged. You simply do not know how to use them. I, for one, am sick of the fact that you haven't done your homework or tried very hard.

Just as a simple example: There are 31,000,000 voters in America under thirty. As former Chief Justice Warren put it, "Youth can lead a crusade anytime it wants to." If the 18-year-old vote stands the test of constitutionality, 11,000,000 more youths will be added to the rolls. That is 41,000,000 out of 120,000,000 registered voters.

Consider Eugene McCarthy and his supporting youth: It was largely the power of youth that forced an incumbent President, in effect, to resign. And what then? Did you go on working? Did you apply yourselves to the hard pragmatism of political power? Indeed not. You slunk off because you had been defeated.

You have no power? Tell me, how many of you went to Woodstock? Nearly 460,000. What did you do there? What you really did was indulge yourselves, *en masse*. What if, instead of an orgy of self-indulgence, you had appeared 400,000 strong in a slum with scrub brushes, and each with a bottle of one-a-day vitamins?

What if you had joined one fawn-eyed man named Cesar Chavez, picked the grapes and given the proceeds to his union? What if you gathered to help the migrant workers in Florida?

And if the giant citrus companies had refused to let you work, could they stand there naked in the light of your effort and in the bright eye of television? I think not. Why Woodstock and not Watts?

How about facing up to the fact that what stands athwart man's chances for a better life is not technology, machines and the military-industrial complex—it is man himself who stands there. It is you.

Get the facts and forgo the rhetoric. Stop confusing bloviation with the truth. And, remember, the building you burn will be your own.

TREATY OF COOPERATION BETWEEN THE UNITED STATES AND THE UNITED MEXICAN STATES, AND CONVENTION WITH NICARAGUA—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive K, 91st Congress, second session, the Treaty of Cooperation Between the United States of America and the United Mexican States Providing for the Recovery and Return of Stolen Archeological, Historical, and Cultural Properties; and Executive L, 91st Congress, second session, a Convention of July 14, 1970, with Nicaragua terminating the Bryan-Chamorro Treaty of 1914; transmitted to the Senate today by the President of the United States, and that the treaty and convention, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The **PRESIDING OFFICER** (Mr. SCHWEIKER). Without objection, it is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

I am pleased to transmit to the Senate, for your advice and consent to ratification, the Treaty of Cooperation between the United States and Mexico providing for the recovery and return of stolen archaeological, historical and cultural properties, signed at Mexico City on July 17, 1970.

In recent years the despoilation of archaeological sites in Mexico and thefts of art objects from churches and collections has reached serious proportions. The illicit export of national art treasures to art markets here and in Europe has become a matter of serious concern to the Government of Mexico. In 1967, when President Diaz Ordaz of Mexico visited the United States, it was agreed to explore possible methods of controlling the authorized movement between the United States and Mexico of articles of archaeological significance and historical value.

The Treaty which has now been signed would provide for cooperation in law enforcement measures aimed at halting the depredation of historic sites and facilitating the recovery of stolen cultural properties. It would commit the United States and Mexico to employ the legal means at their disposal to recover and return to the country of ownership historical, cultural and archaeological properties of outstanding importance to their national patrimony which have been stolen and removed from one country to the other. In addition, the two governments would establish a framework to strengthen communications between scientists and scholars in the two countries and to encourage archaeological research by scholars of both countries. The Treaty further contemplates the circulation and exhibit in each country of archaeological and historical properties from the other and a legitimate commerce in art objects.

The Treaty with Mexico should provide a strong deterrent to the illegal export of stolen cultural properties as well as promote mutual understanding and appreciation of the artistic and cultural heritage of our two countries.

I recommend that the Senate give early and favorable consideration to this law enforcement treaty.

RICHARD NIXON.

THE WHITE HOUSE, *September 23, 1970.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention signed at Managua on July 14, 1970, between the United States of America and the Republic of Nicaragua for the termination of the convention respecting a Nicaraguan canal route signed at Washington on August 5, 1914.

For the information of the Senate, I transmit also the report of the Secretary of State with respect to the recently signed convention.

Agreement to terminate the 1914 convention, popularly known as the Bryan-Chamorro Treaty, which entered into force on June 22, 1916, was reached after the two Governments had decided, following extensive consultations, that in light of changed circumstances and present-day needs it was time to reexamine the 54-year-old convention. The Government of Nicaragua wanted to proceed with plans for developing the San Juan River Basin, the prospective site for an interoceanic canal through Nicaragua. For its part, the United States Government, which had not exercised any of its rights under the 1914 convention, had concluded it was unlikely to do so in the future, particularly in view of the relatively high cost of constructing a canal on the Nicaragua route.

Termination of the 1914 convention is a positive, effective, and essential step in continunig the excellent relations that have existed between the two countries.

It is provided in the new convention that, upon its entry into force, the 1914 convention shall terminate, with the consequence that all the rights and options accorded by the 1914 convention to the United States Government shall cease to have effect. Such rights and options include "the exclusive proprietary rights" in regard to the construction, operation and maintenance of a canal across Nicaraguan territory; leases to Great Corn Island and Little Corn Island; and the option to establish and maintain a United States naval base on Nicaraguan territory on the shores of the Gulf of Fonseca. The United States has, as previously noted, never exercised any of the rights or options granted by the 1914 convention.

I recommend that the Senate give early and favorably consideration to the convention terminating the Bryan-Chamorro Treaty.

RICHARD NIXON.

THE WHITE HOUSE, *September 23, 1970.*

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. MANSFIELD. Mr. President, I am quite sure I make this statement with the approval of the distinguished Senator from Indiana (Mr. BAYH) in view of his earlier remarks relative to business today.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1234, S. 4368.

The **PRESIDING OFFICER.** The bill will be stated by title.

The legislative clerk read as follows: A bill (S. 4368) to extend and amend laws relating to housing and urban development, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

Mr. GRAVEL. Mr. President, reserving the right to object—I feel I can make this point on behalf of the leaders and other Senators—if a Senator wants to continue the debate on Senate Joint Resolution 1, could that Senator step forward now and continue to discuss the issue?

Mr. MANSFIELD. If he wants to. But this procedure has been cleared, as I recall, with the Senator from Indiana, and we have been leaning over backward to work it out.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and the majority leader knows that I am not about to object—does he mean that Senate Joint Resolution 1 will be put aside and remain in that temporary status until tomorrow?

Mr. MANSFIELD. The Senator is correct.

Mr. JAVITS. Mr. President, will the Senator yield? I do not reserve the right to object. I agree with the Senator. Can the Senator give us some idea what would happen if we were not to finish this measure tonight?

Mr. MANSFIELD. We will make every effort to finish it tonight, if it is not an all-night session.

Mr. JAVITS. And with Senators being present so that we can have a quorum to vote?

Mr. MANSFIELD. Yes, indeed; always.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

Mr. CURTIS. Mr. President, are we operating under limited time?

The **PRESIDING OFFICER.** There is no controlled time.

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that additional staff members of the Committee on Banking and Currency be accorded the privilege of the floor during the consideration of the pending bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the committee bill, S. 4368, is essentially a bill to extend and fund existing Federal housing programs authorized by previous acts of Congress. The committee is recommending a 3-year extension of programs which would otherwise expire this fiscal year. However, only a 1-year provision was agreed to on funding authorizations. The principal programs covered are the Federal Housing Administration programs, urban renewal, model cities, and public housing.

In addition to extending the programs,

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the committee is recommending a number of amendments to existing programs to make them more workable and more effective in carrying out the intent of Congress.

Although no new programs are being recommended by the committee, significant changes are being proposed in four existing programs—public housing, urban property insurance, new community, and mass transit programs.

In title II of the bill several significant changes are being recommended into the public housing program which authorizes Federal assistance to local housing authorities to house low-income families. Most important of these is new statutory language authorizing HUD to supersede or amend annual contributions contracts to make provisions for additional grants to local housing authorities to meet existing deficits and to achieve adequate operating and maintenance services. The basic statutory change to permit Federal payments in excess of the amount needed for debt service was made in the Housing and Urban Development Act of 1969 but it was unclear as to how it was used. The action taken this year by the committee is intended to clarify HUD's authority to make payments for deficits in operations, maintenance, and reserves caused by a failure of rental income to meet operating expenses.

Another significant change in the public housing program is the deletion of existing room cost ceilings and the substitution of a new prototype formula which will provide considerable flexibility for the Secretary to develop construction ceilings for public housing based on local cost factors rather than on national standards.

The crime insurance provisions in title VI of the bill would amend existing urban property insurance provisions to authorize a direct Federal crime insurance program in any State where a critical need exists and no effective solution is provided under State law by August 1, 1971, or one full State legislative session, whichever is later.

The urban growth and new community title in the bill, title VII, has as its prime and most essential goal the establishment of a national urban growth policy and the means for implementing such a policy. Part of carrying out such a policy is the development of new communities which would be encouraged by the liberal financing devices and authorizations in the bill. States, as well as the Federal Government, would be involved in developing and carrying out urban growth plans and new community programs. Federal assistance would be provided to the States for this purpose. Additional Federal assistance is also provided to help the cities in an expanded urban revitalization program.

Under title VIII of the bill mass transit subsidies are being recommended for operating losses and to meet existing deficits incurred by the prior issuance of obligations to finance the cost of capital improvements. Existing legislation limits such subsidies to finance the cost of proposed capital improvements.

A significant part of the bill is the dollar authorizations being recommended for 12 existing programs for 1 year. The committee is recommending funding levels for housing assistance programs adequate to meet the national housing goal of 6 million assisted housing units to be constructed or rehabilitated in 10 years. Levels for urban renewal, model cities, and several other programs were made to continue existing program levels plus the amounts needed to meet part of the backlog of applications pending before HUD. The committee is very much aware of the need for economy in Government and is recommending program funding at the lowest possible level needed to meet the most urgent demands and to make further progress toward meeting the national housing goal of a decent home and suitable living environment for every American family.

The committee bill has 10 titles covering a wide variety of Federal programs. Several of these titles contain language identical with sections of S. 3639, the far-ranging consolidation bill developed by the administration to standardize and simplify existing laws. The committee accepted several parts of the administration's proposal, but generally felt compelled to defer action on the more complex and involved subjects until the next Congress when an early start can be had on the major revamping program asked for by the administration.

The short time remaining in this legislative session did not allow, for example, sufficient time to consider in necessary depth title I and title II of S. 3639, involving the FHA and public housing programs. Those programs have been on the law books since the 1930's and have built long years of experience involving State legislation and program precedent. While the committee agrees that the simplification and consolidation of the programs is both desirable and necessary, a hurried effort to solve a complicated problem would not insure a desirable result. The committee looks forward to timely action next year.

This bill would also provide additional funding of $25 million for this fiscal year and $250 million for fiscal year 1972 for the FHA 235 homeownership program. This program, which was conceived in the Senate Banking and Currency Committee during the summer and fall of 1967 and enacted by the Congress as a major part of the Housing and Urban Development Act of 1968, has now been fully operational for almost 2 years.

The 235 homeownership program has proven to be a very popular and a very successful program for housing those thousands of our citizens who cannot afford to purchase a decent home on their own. The latest reports from the Department of Housing and Urban Development indicate that in excess of 70,000 lower income families are now occupying homes that they have bought with assistance under this program. Mr. President, for a new program to have had such a major impact on the housing problems of this country in such a short period of time is an outstanding accomplishment.

The 235 program has helped families in all parts of the nation to purchase both new and existing homes. Although the program is directed primarily at encouraging the construction of new homes for lower income families, it is interesting to note that almost 50 percent of the homes now occupied with assistance under this program were not newly constructed. This is as it should have been. It takes time to build new homes, and we want this program to have as fast an impact on America's housing problems as possible.

It also should be pointed out that in some places in this country where there is a housing surplus it would be foolish to insist that only new homes be made available under this program. Therefore, a reasonable portion of the contract authority under this program should be available for existing, standard housing. In keeping with this concept your committee has recommended continuing the existing provision in the law permitting up to 30 percent of the funds under this program to be used to help in the purchase of existing homes. Naturally, we have made this discretionary in order to permit the administrators of the program to adjust the actual amount used to reflect changing circumstances.

As with any program, Mr. President, which is new and which involves many people, your committee has received some complaints on the homeownership program. These complaints have generally dealt with the price level at which homes are made available to lower income families under this program. In some cases these complaints are justified. The maximum permissible mortgage amounts under this program have to be relatively high in order to reflect the rather substantial disparity in cost levels around the country. But the maximum amounts must be set somewhat lower in those areas where costs are lower. The committee expects that HUD will continue its present policy of requiring that the maximum mortgage amount in a community properly reflects the cost of producing a home in that community.

Some complaints have also been received that the families receiving assistance under this program have incomes higher than seem proper. Mr. President, unfortunately the runaway inflation we have been experiencing in the last couple of years, along with astronomical mortgage interest rates, have served to drive up the cost of housing to levels unthought of just a few short years ago. This has made it difficult for larger and larger numbers of American families to afford decent housing. Your committee is aware of this problem and has recommended much legislation in the last year aimed at both controlling inflation and making mortgage money more freely available at more reasonable interest rates. Implementation of this legislation, which the Congress has approved, will help to reduce the cost of housing and thereby remove the necessity for subsidizing many families now in need of subsidy.

Mr. President, I would also like to

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point out that we have received many, many letters praising the homeownership program and pointing out how beneficial it is to those who most need it. These letters demonstrate how successful the program has been in making available housing to families who otherwise would not have been capable of achieving that desire of most Americans—homeownership. On balance, Mr. President, I believe that the support for this program far outweighs any distress because of a few irregularities or mistakes that might have occurred. This program represents the best means yet devised of housing quickly and adequately thousands of American families who otherwise would have never been able to obtain decent housing.

Mr. President, to illustrate the strong support for this program from the lower income beneficiaries. I ask unanimous consent to have printed in the RECORD several letters that have been sent to me on this matter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BUILDERS HOMES, INC.,
Dothan, Ala., September 17, 1970.

MR. CARL COAN, Sr.,
Senate Office Building,
Washington, D.C.

DEAR MR. COAN: Enclosed are some letters from our customers who are able to own a home because of the 235 program.

One woman sent us a poem. Another man sent the names of friends he had told about the program.

We wanted you to see some of the positive things about the program. These are the people that come in our door every day.

Sincerely,
BUILDERS HOMES, INC.,
DAVE HANNAH,
Government Housing Programs.

DOTHAN, ALA.,
SEPTEMBER 11, 1970.

To Whom It May Concern:

We tried for several years to buy us a home and the down payment was too high, and the monthly payments was too high for us to meet.

Until we went to Builder's Home to see about buying one under the 235 program. And we didn't have any trouble getting one. Our down dayment and our monthly payments are reasonably if it hadn't been for them we would not have a home of ours today.

We are truly satisfied with our home and it wasn't any trouble for us to get a loan.

We would recommend Builder's Homes to anyone wanting to buy them a home under the 235 program.

They have done everything and more than they said they'd do. They sure have been nice to us. You couldn't ask for better people to deal with.

Yours very truly,
MR. and MRS. W. M. WOODHAM.

September 10, 1970.

BUILDERS HOMES,
Dothan Ala.

DEAR SIRS: Just a line to tell you how much my family enjoys our new home. We never had a bathroom inside before. My wife loves the hot water right at her hand every morning.

I been working a long time, but we never knew we could have something like this. Thank you so much.

JOHN HENRY JONES.

MR. ETHRIDGE: Here is the name and addresses of three family of people who are interested in a house of their own, and would like for Builders Home to build them. The names below would like for you to come over and talk house to them.

(Names not printed in RECORD.)

I guess you remember me.

LESTER NEAL.

MY FRIENDS

Let me tell you of some friends of mine,
They are a group of guys, with one thing in mind
They work hard to do their "thing"
Building new homes that make you sing

There is George and Jack and Danny too
And Cecil and Terry and maybe a "Sue"
And Bill and Joe and maybe more
All you need do, is knock on the door

They will build you a home to make you proud
You will feel as though you live on a cloud
Your home is beautiful and the payments are low
So you can see, you don't need much "doe"

I know all about this which I do speak
I have the home, the one I did seek
And it was made possible by these new friends
Now aren't you proud this junk is at an end?

Mr. CURTIS. Mr. President, will the Senator from Alabama yield for a question or two?

Mr. SPARKMAN. Mr. President, I yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I should like the RECORD to show how public housing is financed. Is it not true that in the past when public housing has been built, the initial cost of construction, the initial debt obligation, has been paid totally by Federal subsidy?

Mr. SPARKMAN. Does the Senator mean the whole public housing program?

Mr. CURTIS. No. I mean the money with which to finance the debt obligation.

Mr. SPARKMAN. Let me see if I can state the method.

Mr. CURTIS. State it the way it is.

Mr. SPARKMAN. First of all, the primary debtor is a local political subdivision entity operating through a housing authority duly authorized by State and local laws. That authority issues bonds.

Those bonds are sold on the open market. The Federal Government guarantees that the bonds and debt service thereon will be paid. The primary means of paying for these bonds and the interest thereon is through the collection of rents from tenants who occupy units in the projects built with the proceeds of the bond sale. When rents are insufficient to meet debt service, the Federal Government makes up the deficit.

Mr. CURTIS. Hcw much appropriated money is annually given to a housing authority? Is it not the amount needed to meet the debt obligation payments?

Mr. SPARKMAN. It is the amount needed to fulfill the guarantee that the Government makes, as I indicated.

Mr. CURTIS. So the Government does not just guarantee to pay the deficiency; the Government annually makes the payment to retire the bonds; is that right; the bonds that fall due that year or the payments on them?

Mr. SPARKMAN. As to the details of the operation I cannot say, but I do not understand that to be correct. Certainly, it is not the way the guarantee runs.

Mr. CURTIS. I think the Senate should know. Is it true that the cost of carrying the debt loan, principal and interest, is borne entirely by the Federal Government?

Mr. SPARKMAN. The Federal Government pays whatever is needed over and above what the rent incomes provide to make the program a successful financial operation.

Mr. CURTIS. What public housing projects does the Senator know of where the Federal Government does not pay the full debt loan?

Mr. SPARKMAN. I do not think the Government ever pays the full debt loan. I know some housing authorities where the Government did not pay anything. That is not the usual case.

Mr. CURTIS. Can the Senator cite any housing authorities where they have not used that which is available for them in Federal subsidies to pay the entire costs of their bond programs?

Mr. SPARKMAN. I just think the Senator is wrong when he says that the Federal Government pays the entire bond indebtedness. It does not. The rental incomes from the project are used to pay the debt service of the bonds and if there is a deficit between that and the amount required for debt service, then the Federal Government guarantee that.

Mr. CURTIS. I will leave that point, and perhaps before the bill is completed we can ascertain from the books who is right and who is wrong.

Up until a year ago it was the responsibility of the local housing authority to collect enough money to pay for their maintenance. Is that correct?

Mr. SPARKMAN. They certainly were expected to, yes.

Mr. CURTIS. There was no Federal subsidy provided for them; is that right?

Mr. SPARKMAN. There was not for certain that services were added last year.

Mr. CURTIS. Have those been implemented—the action of last year?

Mr. SPARKMAN. They have. As I mentioned here, we had amendments last year offered by the distinguished Senator from Massachusetts (Mr. BROOKE), known as the Brooke amendment. Those amendments did seek to take care of some of the operating expenses. It was in the implementation of those amendments that this question that I referred to in my statement was raised.

Mr. CURTIS. The Senator is talking about limiting the rent to 25 percent of the income.

Mr. SPARKMAN. That was one feature of it, yes.

Mr. CURTIS. Is it not true that up until 1 year ago the Federal subsidy commitment was limited to carrying the dept; and the local people, the local housing authority, was responsible for their maintenance and operating costs without a Federal subsidy? Is that right?

Mr. SPARKMAN. That is correct, yes.

Mr. CURTIS. Is it not true that partly by the changes made a year ago and now reaffirmed in this bill, because 1 year ago I understand the language was

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somewhat unclear and has not been utilized very much—

Mr. SPARKMAN. Yes.

Mr. CURTIS. That now in this bill before us we clearly do what was started last year of obligating the Federal Government for the operation and maintenance of housing facilities that the Federal Government has paid for and has given, for all practical purposes, to the local housing authority, and that is a new departure?

I realize it started partly last year but it is clearcut in this bill that that is what we are in for. Is that correct?

Mr. SPARKMAN. The Federal Government is responsible—it does promise to assist the local authority in making public housing operations adequate.

I wish to call to the Senator's attention the language in the bill on page 18. Perhaps I should yield to the Senator from Massachusetts who was the author of this amendment and who assisted last year in straightening it out in order that this unclear language, as someone has said, might be cleared up. If the Senator from Massachusetts would care to comment, I would be glad to yield.

If the Senator from Nebraska would read the language on page 18, lines 19 through 26, that is a very clear statement. It allows the contribution on the part of the Federal Government such as may be required to assure the low rent character of the projects involved. That is so the low-income people might actually use the project and to achieve and maintain adequate operating and maintenance services and reserve funds including payment of outstanding debts.

Mr. CURTIS. Yes. That is what I asked about.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. BROOKE. That is quite correct. That is the purpose. The Senator is correct that last year it was started. There was a question as to the intent of the language and the language this year is clear and the purpose of the language which was read by the distinguished Chairman was for clarification.

Mr. CURTIS. I thank the distinguished Senator from Massachusetts. That was what I wanted the record to show. I believe it is a correct statement, as I understand it.

I would like to ask the distinguished Senator one further question. Was that particular section implemented last year; was it put into effect?

Mr. BROOKE. Yes. The section was put in last year, but there was some question about it and some confusion among housing authorities across the country as to what it did mean and how far they could go, and that was the necessity for the clarification.

Mr. CURTIS. I know the law was in effect, but were they using it?

Mr. BROOKE. Yes.

Mr. CURTIS. On any wide scale?

Mr. BROOKE. I would say yes. The rent reduction went completely into effect.

Mr. CURTIS. The 25 percent?

Mr. BROOKE. Yes.

Mr. CURTIS. But these were two different propositions, were they not?

Mr. BROOKE. Yes.

Mr. President, I rise today in support of the Housing and Urban Development Act of 1970. This piece of legislation represents another milestone along the road toward producing a decent home and a suitable living environment for every American family. I commend the distinguished chairman of our committee, Senator SPARKMAN, and the distinguished ranking member, Senator BENNETT, for their untiring leadership in this field. In the short time since Congress adopted the monumental Housing and Urban Development Act of 1968, they have guided two equally significant pieces of legislation through the Senate and deserve the support and admiration of this august body for their efforts.

One cannot question the commitment of your Banking and Currency Committee to the goal of a decent home for every American family. I am hopeful that the Senate will endorse the committee proposals and that House action will further ratify the farsighted proposals contained therein. Most of these proposals were drafted by the committee and represent the product of intensive hearings relating to all aspects of housing production and management.

I cannot fail to praise the assistance which Secretary Romney and his colleagues have provided regarding these measures. Many of the programs were authored by HUD or received its careful scrutiny prior to adoption. While the committee did not see fit to adopt the consolidation proposals presented by HUD, it deferred action on these suggestions without prejudice until next year when interested parties will have had sufficient time to consider their impact. The committee did not differ with Secretary Romney's goal of streamlining and consolidating existing departmental programs; however, it was hesitant to embark on a complete restructuring of federally assisted housing programs at a time when the new HUD area offices are being established and 1968 housing programs are being fully accepted.

Highlights of the 1970 bill include:

Clarification of an amendment to the 1969 Act to insure that adequate funds are provided to improve public housing; added flexibility for construction cost ceilings in public housing; a national crime insurance program which complements State action; and urban growth and new community program which offers the hope of reordering our national urban priorities involving housing and land use; operating subsidies for mass transit to prevent the reduction of essential transportation services; and an experimental housing allowance program which may foretell the shape of future housing a significant contribution toward solving our urban needs and addressing inequities which have been allowed to exist far too long in our society.

While each of these programs is extremely important and should be addressed in depth, I will confine my remarks to low-income housing programs which are so vitally needed throughout the country. In doing so, I cannot ignore pressing needs in all segments of our society for decent housing at reasonable costs. The Emergency Home Financing Act of 1970 which was recently adopted by the Congress and signed into law should stimulate the production of much-needed housing on a broad scale. This piece of legislation adds further impetus to the drive toward meeting our housing goals both in terms of production and in terms of the quality of housing being provided.

On July 15 of this year, I introduced several proposals dealing with housing for low-income families. I am pleased to note that many of these proposals have been accepted by your Banking and Currency Committee and are included in the legislation which is before us today.

Last year, Chairman SPARKMAN and I introduced legislation designed to alleviate intolerable conditions which have been allowed to exist far too long in public housing. The Sparkman amendment made it clear that Federal assistance to local public housing authorities was not limited to debt service requirements, but could be extended to cover operating needs as well. At the same time, I introduced legislation which authorized HUD to contract with local housing authorities to make payments for three purposes: First, to eliminate operating deficits which existed in public housing authorities when the Housing and Urban Development Act of 1969 was signed into law; second, to assure that local housing authorities have sufficient funds to maintain adequate operating and maintenance services and reserve funds; and third, to make up the loss in rental revenues caused by reducing tenants' rents to 25 percent of their incomes. At the same time, the 1969 act placed a ceiling equal to 25 percent of their incomes on the rent which public housing tenants pay.

Seventy-five million dollars in contract authority was authorized for these three purposes; however, congressional intent was clear as to HUD's ability to provide funding in excess of this amount—up to the annual statutory maximum as specified in the Housing Act of 1937, as amended—if the newly authorized funds were insufficient to meet the urgent needs which existed. It was also clear that Congress committed itself indefinitely to fund the three activities specified and did not place time constraints on the assistance program embodied therein.

Thus, sufficient funds were provided to make public housing authorities "whole" by eliminating part operating deficits; to insure that public housing tenants were not forced to pay disproportionate shares of their incomes for rent at a time when inflationary pressures were driving the operating costs of public housing projects higher each month; and to insure that, in the future, public housing authorities would have sufficient funds to provide essential services, repairs, and training programs.

These two pieces of legislation held the promise for reversing serious trends in public housing; however, the Brooke amendment was later subjected to a narrow administrative interpretation which limited its effectiveness. Accordingly, I introduced legislation this year which was designed to remove any uncertainties as to congressional intent regarding this program.

Specifically, the Secretary of Housing and Urban Development is required to amend annual contributions contracts to provide payments for the three purposes previously enumerated, pursuant to section 204 of the Senate bill. Thus, sufficient funds will be available to insure that public housing tenants are not forced to pay a disproportionate share of their incomes for rent; to insure that public housing authorities will have sufficient funds to achieve and maintain adequate operating and maintenance services; and to make public housing authorities "whole" by eliminating past operating deficits.

As pointed out in the committee report, Federal subsidies will be available for the following operating and maintenance services: tenant counseling on family budgets and on care and upkeep of property; guard and other costs relating to the physical security of project residents; tenant access to available community services relating to employment, health, welfare, education, and personal counseling; effective management-tenant liaison on all aspects of housing administration, management, and maintenance; recreational equipment and facilities; and adequate and timely repairs to structures, including the removal of any code violations.

Thus, adequate funds should be available to restore public housing projects to adequate levels of operating and maintenance services and to insure that a sound physical and social environment is maintained. Clearly, neither tenants nor housing authorities can be expected to provide sufficient revenues to attain these goals—given the present state of decay in public housing and inflationary pressures in our economy. Therefore, Federal subsidies are vital if we are to achieve and maintain a suitable living environment for low-income families.

In this respect, section 201 of the bill increases annual contributions contract authority by $150 million upon enactment and by $275 million on July 1, 1971. Half of the first figure is specifically earmarked for the Brooke amendment and thus brings the total of annual contributions contract money set aside for this requirement to $150 million per annum.

The increase in funds for this program has been prompted by revised HUD estimates of need. Specifically, unofficial HUD staff estimates indicate that approximately $200 million per year will be required for rent reductions, improved operating and maintenance services and adequate reserve funds. Inasmuch as the staff estimates were only preliminary, the committee increased the authorization to $150 million; however, if HUD experience in this area justifies additional funding next year the committee will be receptive to its proposals.

It should be emphasized that the committee is not giving a blank check to local housing authorities which will enable them to spend extravagantly or irresponsibly. On the contrary, the committee has been more than receptive to the urgent and legitimate needs of public housing authorities and the tenants that reside therein. These groups must act in a responsible manner and must insure that the additional funding is used to upgrade the quality of living in public housing and to improve legitimate services which contribute to a sound living environment.

Last year's Housing Act withheld rent reduction benefits under the Brooke amendment if such would result in reductions in welfare—or public assistance—payments. This provision was designed to insure that the payment of HUD subsidies did not enable local welfare agencies to cut back on their commitments. At the same time, the Secretaries of HUD and HEW were charged with the responsibility of establishing policies within their respective Departments which would aid in the implementation of this provision. To date, confusion reigns at the local level with respect to the ability of welfare tenants to benefit from the provisions of the 1969 act.

I therefore introduced a provision earlier this year which was designed to prevent local welfare agencies from reducing public assistance payments as the payment of Brooke subsidy funds. Section 202 of the instant bill contains such a provision which should serve as a guideline for local welfare agencies. I further urge the Secretaries of HUD and HEW to report to the Senate Banking and Currency Committee concerning actions taken by their Departments to agree on common policies regarding public housing rents paid by welfare recipients and to effectuate congressional intent regarding the Brooke amendment as set forth in last year's Housing Act and the pending legislation.

In considering clarifying amendments relating to last year's Brooke amendment, the committee adopted an income definition which is to be used by local housing authorities in computing the rent ceiling pursuant to the Brooke amendment. This income definition will be tested during the ensuing months and may serve as the basis for a standard income definition which would apply to public housing eligibility and to the proposed rent-to-income ratio.

The committee considered several proposals concerning a national rent-to-income ratio which would govern the minimum rent contributions provided by public housing tenants. It deferred action on this matter, however, because adequate information was not available to justify the enactment of a rent-to-income ratio which would be equitable to public housing tenants. The committee concluded that imprudent action on this matter could produce tragic results in public housing. Thus, the committee has requested the Secretary of HUD to make recommendations concerning a national rent-to-income ratio by April 1st of next year. I am hopeful that interested housing organizations and tenant groups will cooperate in this effort and will provide the committee with responsible recommendations on this subject. It was the committee's feeling that action should be taken next year on this subject and I concur with that decision. Local flexibility can be maintained by utilizing a reasonable income definition that will enable local housing authorities to meet individual needs and circumstances. In that respect, I urge local housing authorities to consider the applicability of the income definition contained in section 202.

I should point out that the income definition discussed above was devised with the cooperation of local authorities and, I have been informed, provides the flexibility desired. Thus, my concerns regarding adequate deductions for such things as extraordinary expenses have been met.

The provision authorizing payments to assure the low-rent character of the projects involved does not mean that public housing tenants should be required to pay 25 percent of their incomes for rent. It does mean, however, that payments in excess of 25 percent represent a disproportionate share of tenants' incomes which cannot be tolerated and which are prohibited since the enactment of the Housing and Urban Development Act of 1969.

It should also be noted that the payment of subsidy funds is not conditioned on satisfactory standards of management and tenant responsibility nor any other vague or unenforceable standard. While I certainly agree with the need for management and tenants to act responsibly, I do not believe the payment of funds for improving the quality of tenants' living accommodations can or should be made dependent on the performance of absentee managers or that vague and possibly unconstitutional standards should be allowed to govern or possibly intimidate legitimate actions on the part of tenants.

I introduced a provision earlier this year involving flexible construction cost limits for public housing; however, the Committee accepted a modified version of the HUD proposal utilizing the prototype concept. I have been assured that the prototype concept provides sufficient flexibility on a regional basis so that public housing construction will not be curtailed and so that local requirements can be responded to more efficiently than under present statutory guidelines. I accept Secretary Romney's decision concerning this matter; however, I urge his Department to err on the side of flexibility in the development of initial prototypes so that public housing construction will not be delayed while the concept is being perfected.

The committee also adopted my proposal to remove any uncertainty concerning HUD's ability to extend the section 23 leasing program to newly constructed housing as well as existing units. In addition, the committee concurred with my recommendation that the term of section 23 leases be extended to 10 years with an option to renew for an additional 10 years. I have received very favorable reports concerning this program and believe it deserves broad congressional support. The extension of the lease term should facilitate the construction of new buildings in which units can be leased for occupancy by public housing tenants. This development should provide additional flexibility to the public housing program in many localities.

The committee also adopted my recommendation concerning the removal of any uncertainty as to the right of tenants to serve as commissioners of local housing authorities. Certainly those residing in public housing are in the best position to understand the needs and concerns of local residents and respond accordingly. Any inhibition on such practices merely prevents participation on the part of those persons whose well-being is being decided.

While the committee has not yet taken action on my proposal to deal with the problem of abandoned buildings, I am confident that the demonstration program which Senator Goodell and I will be introducing later today adequately addresses this vital issue. The committee received considerable testimony concerning this matter and recognizes the gravity of the situation. The committee was, however, justifiably reluctant to spend large sums of money until the root causes of abandonment in our core cities are given greater study.

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Tools are presently available—such as urban renewal—which address some of my concerns; however, it would be imprudent to enact a comprehensive program at this time until information is available from the demonstration program. I am hopeful that the committee will have sufficient information at its disposal when it considers next year's housing legislation to act intelligently on this subject.

I am extremely pleased that your Banking and Currency Committee has adopted the experimental housing allowance program which I proposed earlier this year. Thus, the Secretary of HUD will be authorized to provide low-income families with housing allowances to assist them in obtaining existing standard rental housing of their choice. The housing allowance would not exceed the difference between 25 percent of a tenant's monthly income and the maximum fair market rental for standard housing in the community involved. The benefits provided for public housing tenants last year under the Brooke amendment would thereby be extended to those persons who qualify for public housing but are unable to obtain it for a myriad of reasons.

This concept must, however, be distinguished from the rent supplement program under which assistance payments are tied to specific dwellings. Under this proposal, housing allowance payments would be tied to specific families. Thus, purchasing power would be provided directly to poor families, thereby enhancing their personal dignity and reducing their economic dependence on slum housing. The housing allowance program would reach areas where new construction is simply not forthcoming, rural poverty areas where housing authorities do not exist, as well as those communities where public housing is not available either because the community refuses to build it or existing projects are filled to capacity.

The experimental program would be limited to those tenants who qualify for public housing and to those communities where the Secretary of HUD determines that an adequate supply of standard housing exists. The requirement for an adequate supply of standard housing prevents the payment of housing allowance funds in communities where few vacancies exist and where the only effect of such a program would be to force up rents and line the pockets of slum landlords. Where an adequate supply of housing exists—as determined by the Secretary of HUD—tenants will be able to shop around for decent housing.

While public housing as we know it today will change immeasurably over the next few years in response to urban and rural requirements and to the infusion of funds under the Sparkman and Brooke amendments, we must also begin thinking of alternative programs to address the needs of the poor. The housing allowance program which is contained in section 504 of this legislation may represent the pattern for future housing programs. There is much to be gained from experimental programs of this nature as we seek to answer our housing needs. The Kaiser Committee and the Douglas Commission provided us with valuable insights regarding the housing allowance program and I am hopeful that this experiment will bear out their optimism.

The committee has provided $15 million in contract authority for each of the fiscal years 1972, 1973, and 1974. While this authorization falls short of my original proposal, I have been assured that a housing allowance experiment can be conducted utilizing 15,000 families at a cost of approximately $1,000 per family each year for 3 years. Section 504 embodies such a "bare bones" proposal and I am hopeful that Secretary Romney will seek additional assistance from Congress if such is necessary.

In conclusion, the Housing and Urban Development Act of 1970 which is pending before you today constitutes another monumental piece of legislation designed to make further progress toward meeting the national housing goal of a decent home and a suitable living environment for every American family. Your Committee on Banking and Currency has worked hard to produce a reasonable and responsible piece of legislation and I urge my colleagues in the Senate to lend their support to Chairman Sparkman in this matter.

Mr. TOWER. Mr. President, the proposal now pending before us covers a subject area that seems to be expanding in scope more every year—housing and urban affairs.

Under this jurisdictional heading, we are dealing with just about everything that makes our communities and cities function. The subject must be said to be very complex, and diverse in its effect upon all of our citizens. Over the years as law has been added to law, and program after program has been created we have approached the point where it is difficult even for the administrators to follow every detail of every program. Those that are involved in the day-to-day use of these programs are sometimes frustrated by the magnitude of that which they have chosen to deal with and labor under. Thus, there is a strong need for program simplification and consolidation.

To answer this need, the administration devoted much time and effort toward sorting through all the existing laws and programs administered by the Department of Housing and Urban Development to come up with simpler and more understandable means to deal with the complicated problems of our cities. This called for consolidation of programs where appropriate, and revamping where necessary.

The extensive administration proposal was taken up by our housing subcommittee, but with the press of this legislative session being as it is, we felt compelled to go ahead and report out a basic bill containing some of the more essential and pressing matters before us. Of course, I want to emphasize that it is essential that the administration's proposal be taken up for further consideration early during the next Congress.

Mr. BENNETT. Mr. President, I wonder if the Senator from Alabama, the manager of the bill, would let me ask him a question.

On page 104 of the bill, lines 1 through 4, is a definition of the term "lead-based paint." Those of us who are interested in this problem are very anxious to make sure the definition we use is identical with the definition used by the House in its bill, H.R. 19172.

In order to bring this language into conformity with the language in the House bill, the word "or" on line 3, after the word "acetate," should be changed to the word "and."

On line 4, the phrase in our bill "1 per centum" appears in the House bill as "1 per cent," without the "um" on the end. And the word "form", which is the last word on line 4, does not appear in the House language.

I wonder if the chairman would agree that these technical language changes might be made in our bill so that there would be no necessity for a conference on these language variations with the House when we get to conference.

Mr. SPARKMAN. Yes. As I see the Senator's amendment, it does not change the substance of the provision at all.

Mr. BENNETT. It does not change the substance.

Mr. SPARKMAN. I am certainly willing to agree to the Senator's amendment and I am sure the Senator from Texas (Mr. Tower), who is the ranking minority member of the subcommittee, would agree to it.

Mr. TOWER. Mr. President, I would not think of disagreeing.

Mr. SPARKMAN. It is a technical amendment and I agree that the change be made.

Mr. BENNETT. Therefore, Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk so it can be read by the clerk?

The amendment will be read.

The legislative clerk read the amendment, as follows:

On page 104, line 3, strike the word "or" and insert the word "and."

On page 104, line 4, strike the words "per centum," and insert "per cent."

On page 104, line 4, strike the word "form."

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment, as follows:

> On page 16, beginning with line 18, strike out all through the comma in line 21, and insert the following:
>
> "(1) by striking out the period at the end of the second paragraph and inserting in lieu thereof the following: ':*Provided,* That the public housing agency may, in its discretion, fix rents for any low-rent housing project which is solely for elderly families and has not more than 200 dwelling units without regard to the one-fourth of family income limitation set forth above. In defining income for purposes of applying that limitation,'."

Mr. CURTIS. Mr. President, before I discuss my amendment in detail, I would like to resume my colloquy with the distinguished and able Senator from Massachusetts (Mr. BROOKE). I would like to ask the Senator to explain the situation as to what additional subsidies were actually provided—by that, I mean reached the housing authorities—last year that were new in nature.

Mr. BROOKE. The provision which provided for a ceiling of 25 percent of tenant income for rent was put into effect on March 24th of this year. The provision which provided funds for improved operating and maintenance services was not put into effect, and no money was spent for that by the authorities.

Mr. CURTIS. I thank the distinguished Senator for clearing that matter up.

Mr. President, as I understand it, over the years since 1937 the Federal Government has been subsidizing public housing by carrying the debt charge. The housing is built, bonds are sold, the Government appropriates money to pay those bonds as they come along.

Last year we added an additional subsidy to pay part of the rent to some of the people, and attempted a third subsidy to help them pay their operating and maintenance costs. There was some question about the measure, so no payment was actually made as incorporated in the bill.

So, for all practical purposes, that is a new subsidy, to start out now. But I am not going to discuss that further, because my amendment here deals with something else. I felt that it was necessary that we establish in the RECORD the manner in which public housing is financed, and the extent to which it is subsidized, in order to understand all of these amendments.

The amendment I have sent to the desk is very limited in nature. It would bring about a modification of the Brooke amendment of last year. The Brooke amendment said, in substance, that a housing authority could not charge tenants a rent that exceeded one-fourth of their income. I would modify that, and not make it mandatory, for a very small group—a narrow modification, if you please. I am referring to those small rural communities where the situation is much different than it is in a high-cost city.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. CURTIS. I yield.

Mr. TOWER. It seems to me that what the Senator is suggesting here is reasonable. This makes it discretionary on the part of the Secretary, and not mandatory, as I understand.

Mr. CURTIS. I think not. It was my intention that discretion be with the local housing authority.

Mr. TOWER. That is what I say; it is discretionary rather than mandatory.

Mr. CURTIS. But not with the Secretary.

Mr. TOWER. Yes, with the local housing authority.

Mr. CURTIS. With the local housing authority.

Mr. TOWER. This is based on the Senator's experience, as I understand, with some public housing in his State, where, in many instances, the tenants are happy to pay in excess of that proportion of their income, and the solvency of the whole operation is maintained through that means.

Mr. CURTIS. That is correct. If the committee decides to take my amendment, I do not want to make a speech here and talk them out of it, but I do wish to take a moment to call to the attention of the distinguished Senator from Massachusetts, who has such an excellent knowledge of this whole program, and has contributed so much, that I am confining this to only small rural areas, because the discretion does not proceed where they have more than 200 units. I am also confining it to rent for projects for the elderly, and there is quite a difference.

In general public housing projects, there are families. There are children to feed and clothe. Some of those families will stay in public housing all their days. With the housing for the elderly, it is housing for a few years. They have passed that period of supporting children, of buying life insurance. Their expenditures for clothing are not as great, and probably they have children to assist them.

So what I am asking for here is the right of people who want to, to collect enough rent to pay their obligations, and not have to ask for an additional subsidy.

Did the Senator from Massachusetts wish me to yield?

Mr. BROOKE. Yes.

I can understand that what the distinguished Senator from Nebraska has said is a result of some of the cases which have come to his attention from his State of Nebraska. But the purpose of the so-called Brooke amendment was to place a ceiling of one-quarter of a tenant's income for public housing.

This was universally applauded by tenants who are living in public housing projects, across the country. It was particularly of benefit to the elderly, because the elderly are living on fixed incomes in most instances, and have been, in many instances, paying more than 25 percent of their income for rent.

The distinguished Senator's amendment, even though it is narrow in scope and would apply solely to the elderly, and only in cases where there are 200 dwelling units or less, would affect approximately 500 housing projects across the country, not only in the State of Nebraska, but in the States of New York, Arkansas, Maryland, and Massachusetts as well.

I can certainly appreciate and applaud that some few of the elderly may think that, because their children are contributing to their support, therefore they do not need and do not want help from the Federal Government. That is commendable.

But, in the main, that is not the case. Many of these elderly persons are living in public housing projects, paying out 30 to 35 percent and more of their income for rent, which leaves them only a pittance for food, for any sort of recreation, or anything else that they might have to spend their money for.

So I would have to oppose the amendment of the distinguished Senator from Nebraska. I, for example, have received numerous letters from across the country from persons who have been benefiting by this amendment. I shall read just one or two, and ask to put some others in the RECORD. One comes from a dear lady who says:

> I want to thank you, and appreciate for reducing the rent in the Federal Housing for the Senior Citizens.
>
> Now I will be able to buy things, for which I was unable to do on my low income.
>
> I have so much to be thankful for what you are doing for me and all the Senior Citizens.
>
> Thank you.

This letter is signed by Mrs. Gertrude Marcus, who is from my State: Suffolk Manor, Malden, Mass.

But another lady—and I think this is an important letter—says:

> DEAR SENATOR: My name is Mrs. Edith Bethel, and I just had to write, to say very humbly, Thank you.
>
> I have just received my official notice of a reduction in my monthly rent from the Brickenwood Housing Authority where I live. My husband, 78 years old, passed away last February, which of course left me with a reduced income. I will be 81 years old come Sept. and I have never asked for charity in my life. We had no children to help out, and after a married life of 47 years I was alone, left with small amount of savings having used up some 4–500 dollars during his illness and a little bewildered. Thanks to your foresight, I can manage now; at last something has been done for people who have honestly

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tried to help themselves all their lives, without being parasites on the cities and towns where they live. My name means the House of God, may you dwell in it forever.

Sincerely,

EDITH BETHEL.

There were a large number of letters from people who were similarly benefited by this amendment.

The 25-percent limit is a standard which we have used across the country in saying that a person should not pay a disproportionate share of his income for rent. This amendment has been, as I say, very beneficial to people across the country, in Nebraska as well as in Massachusetts. I ask the distinguished Senator from Nebraska if he has any documenation that anyone has been harmed by my amendment. If he has, I would like to know about it.

I ask unanimous consent that two similar letters be printed in full in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PORTLAND, OREG., *July 14, 1970*.

DEAR SENATOR BROOKE: I would like to thank you for your efforts in getting the rent lowered for people living in public housing.

I'm blind and live alone with my two boys. We had lived on my blind pension and aid of dependent children. I know we get a little more money than some people on welfare. Even so, this is not great fortune by any means.

Having our rent lowered will mean we will have a little more money to spend for other things.

I've talked to several people and asked them to write and thank you for your effort in behalf of low income people. . . . I know it makes everyone feel good to get a thank you for their work once in a while.

Sincerely,

MRS. ELAINE SMITH.

JUNE 27, 1970.

Hon. EDWARD W. BROOKE.

DEAR SIR: Thank you so much for your assistance in having the rents lowered for housing units. It is very much appreciated by we seniors. I am a widow and a tenant in the Foley Apts. in South Boston at Columbia Road and H st. It is for seniors only.

Thank you again, and my prayers for you.

Sincerely,

MRS. JOHN F. DOHERTY.

JUNE 26, 1970.

Senator BROOKE.

DEAR SENATOR BROOKE: Thank you so much for your interest in us older persons, in your passage of the Brooke amendment.

It will be a little easier for me in the near future. At the present I am 76 years of age.

Thank you again.

Very truly,

CARRIE FIELD.

Mr. CURTIS. Very well. I shall develop this as I go along. I say to the distinguished Senator from Massachusetts that he has stated the facts most fairly, and he has well stated his position, and I respect him for it.

I invite his attention to this. The adoption of my amendment will not compel the raising of anybody's rent in the State of Massachusetts.

Mr. BROOKE. I understand that.

Mr. CURTIS. Because all we are saying here is that in these small communities, small projects, we are going to have the local housing authority make a decision, rather than a legislative decision which is binding.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BROOKE. If a local housing authority determined that the 25-percent rent ceiling would not be in effect, would that then not serve to increase the rent of tenants who are now paying no more than the 25 percent?

Mr. CURTIS. It would, but the local authority does not have to do that. The local authority is not compelled to raise rents.

Mr. BROOKE. But in their discretion they can raise rents.

Mr. CURTIS. Yes. What I am saying is that somebody on the local scene can do better than Congress can by one rigid rule for across the country. When we undertake to fix a minimum rent, a percentage rent, it applies equally all over the country. The situation is not equal all over the country, and the problems are different.

But, Mr. President, I shall go on and make the justification for this amendment.

I have the privilege of living in a small county-seat town with a population of around 2,400 or 2,500 people. The people are industrious. They are honest. They have pride. They not only love our country, they are concerned about its financial solvency and they resent unwanted, unneeded, and unasked-for subsidies from their government, particularly when that government is operating at a huge deficit.

Some months ago I was home for a weekend. A meeting was held with some individuals greatly concerned about the operation of this provision of the law which limits the amount that can be charged to 25 percent of the person's income. This particular project for the elderly in my home town has 30 apartments. The lowest rent charged is $30 per month, and I believe the highest rent is $45 per month. All utilities are paid. There are no transportation expenses or other expenses of any kind. In a great city, transportation expenses amount to a great deal. There is none in this town, because we do not have a transportation system. The local chamber of commerce provides a bus two or three times a week that runs free of charge. That cannot be done in a great city.

One particular case was called to my attention. This lady was most happy to be permitted to occupy one of these new, well-kept apartments for $30 a month. Actually, her total annual income is only $720. She, however, felt fortunate in having this apartment for $30 a month, with everything paid. Her children preferred to make a sacrifice and assist their mother in paying the rent because they wanted to. It added the feeling of well-being for both them and their mother.

Under the terms of the Brooke amendment, this rent would be greatly reduced. As a matter of fact, the application of this amendment to the entire 30 units would amount to an annual shortage for the local housing authority of $4,500. The housing authority is expected to reduce the rents even though the tenants are willing to pay, and then the housing authority must make application for a Federal subsidy for $4,500 from the U. S. Government. This they did not want to do.

Mr. President, here is a local unit of government that does not want to ask for $4,500 from the Federal Government, but we are operating under a hard and fast coast-to-coast rule.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BROOKE. I understand what the Senator is trying to do by his amendment. I think I understand it thoroughly, and I am in sympathy with what the Senator is trying to do.

Might I suggest to the Senator some language which might take care of the situation he is trying to correct, and at the same time not deny the elderly across the country, who are living in some of these projects where there are 200 or less dwelling units, the benefits of the so-called Brooke amendment. The language I would propose would read as follows:

Provided, That any tenant resident in public housing shall have the option of refusing a reduction in rent resulting from the imposition of national requirements, if he has been duly informed of the pertinent facts concerning such reduction and if he certifies that he has made his decision with knowledge of the consequences thereof in writing to the local agency.

In other words, if one of these tenants does not wish to avail himself of the benefit of this amendment and does not want a Government subsidy—again, I commend and applaud them for the spirit, and I am very grateful that some of them are in the condition that they can do this—he would then have the right to waive it and not take it. But it would not be denied to the thousands and thousands of elderly across the country who do not have that wonderful economic condition and to whom this 25-percent ceiling on their rent is something that is essential.

Would that be a position which the Senator could accept?

Mr. CURTIS. Mr. President, over the months I have given thought to a number of possible remedies. I do not think that would work, to put that responsibility upon an individual tenant. He or she would get advice from many sources.

All I am asking here is that a local government unit in these small communities should make the decision and not Congress. And the only way they can make that decision is for the benefit of the United States. That is the only possible way. I realize that to most people having their community apply for a $4,500 subsidy is just peanuts. Well, it is.

Mr. BYRD of West Virginia. Mr. President, would the Chair ask staff members to take seats in the rear of the Chamber and remain seated?

The PRESIDING OFFICER. The Senator is correct.

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Mr. BYRD of West Virginia. There is a great deal of running from one side of the Chamber to the other. Some of it may be necessary, but I am constrained to believe that not all of it is necessary.

The PRESIDING OFFICER. The Senator is correct.

Mr. CURTIS. How can one go home and justify voting to stand with the President on the veto of an appropriation bill and then say, "Here is a subsidy you did not ask for; you do not want it; you do not need it; you are embarrassed about it; but you have to take it—no discretion"?

There is a compelling reason for this. I not only read the daily Treasury reports, I do not even file them in my office, but I keep them on my desk. Here is what the national debt is, the last published statement, which is September 15—the national debt is $383 billion.

What was it a year ago on that date? Three hundred and sixty-five billion dollars—an $18 billion increase in the national debt in 1 year. Yet we have people begging to pay their own way.

Now, further to answer the distinguished Senator from Massachusetts. At one time I gave serious consideration to the idea of letting it be an individual decision with the tenant. I think that would lead to many problems, crosscurrents, advice to the elderly to do this or not to do this, that so-and-so is taking it so why should not I. This complaint does not come just from one community.

I am happy now to yield to the Senator from Illinois.

Mr. PERCY. I thank the distinguished Senator from Nebraska for yielding to me.

Mr. President, I know what the Senator is trying to get at. I am delighted that there are rugged individualists who want to pay their own way. I am sure that there are. I feel that the suggested modification by the distinguished Senator from Massachusetts would take care of that situation. But I know, speaking on behalf of some of the communities in my State, there are small communities, where the income for the elderly, when they pay more than 25 percent of income for rent, is inadequate. For the elderly, health costs alone are far higher than the average family. The transportation costs in a small community without mass transportation, if they want to go anywhere, it is expensive for them to move about. For them to be put in the position where Congress discriminates against people living in small towns, many economically depressed, and discriminates against the elderly, that would, I think, be a very difficult thing for the committee to accept.

Mr. CURTIS. Now, just a minute. If the Senator will read my amendment, he will see that it does not compel them to raise rents. It merely provides that the local housing authority shall make the decision and if the circumstances are such that they want to go on continuing to avail themselves of the 25-percent limit, they can, under this method. The amendment does not compel any local housing authority to raise or collect rents beyond the Brooke amendment. It does permit them to make the decision.

Mr. President, I should like now to call attention to the situation in a number of other communities.

I hold in my hand a letter from the chairman of the Board of Commissioners of the State Housing Authority in Auburn, Nebr., which was written to a Mr. Goodrich, in the Housing Urban Development office in Chicago.

It reads:

> DEAR SIR: As chairman of the Board of Commissioners of the Housing Authority of the City of Auburn I must report the feeling of the board in regard to the Brooke Amendment.
>
> The Board of Commissioners wish to go on record as declining to approve the Implementation of Sec. 212 and Sec. 213 of the Brooke Amendment to the Housing and Urban Renewal Act of 1969.
>
> This, the Commissioners feel abridges the authority of said local board: Wherein the local board knows the local situation far better than either Washington or Chicago. Whereas we feel that our rental structure is far below any possible amortization of Project NEB-65-1, also since the value of the dollar is decreasing we should be increasing our rent rather than decreasing it.
>
> Very truly yours,
>
> ALICE ROTHERT,
> *Chairman.*

Mr. BROOKE. Mr. President, may I ask the distinguished Senator from Nebraska, what would be the harm to the local authority by the so-called Brooke amendment?

Mr. CURTIS. It would be unable to collect the rents that it is now collecting. It would have to reduce rents and then make appplication to the Federal Government for a rent subsidy.

Mr. BROOKE. Which subsidy has been funded and has been approved by Congress, and which subsidy they are entitled to and can get, so it certainly would not in any way adversely affect their budget or their operation. The housing authority would get the money. They have been getting the money. It has worked well in community after community. If we were to check, I am sure that we would find for every one housing authority that even questioned it, there would be hundreds and hundreds of other housing authorities all across the country who are grateful for it. It certainly does not hurt them at all but helps the housing project tenant and does not hurt the housing authority at all.

As I have said, and as the Senator from Illinois (Mr. PERCY) has said, it is commendable that some individuals do not want to accept a Government subsidy, but we are talking about a small amount of money in most instances. Most of these people have incomes of $100 a month, some less, some $125 a month. They pay a rent of $25 a month which leaves them $75 a month for transportation, for medicine, for clothing, and whatever recreation they can get. It is merely a pittance. The housing authority is not injured at all. It still has local authority to do whatever it wants to do. It says in this amendment that we cannot charge more than 25 percent of the tenant's income for rent and we will make up the difference, whatever that difference happens to be.

Mr. CURTIS. My answer to that is that we do not have any money to make up the difference. I just cited the figures a minute ago where the national debt had increased $18 billion last year. We are borrowing the money. We are increasing inflation. We are holding up interest rates by huge Government borrowing. We are forcing them to go into an unsound proposition.

The question is raised, how are they hurt? I submit there are things more important than a few dollars to an individual. I submit that if because of the subsidy that goes into the construction, because of the fact that we have a local housing authority that serves without pay, because of the fact that community services are given by volunteers, including transportation, that if someone is paying $30 a month and because their children are helping them and they are forced to have their rent reduced, say, to $14, knowing that a bill would have to be presented to a debt-ridden Federal Government in Washington for the difference, that they would lose a sense of well-being that is worthwhile.

Mr. TOWER. Mr. President, will the Senator from Nebraska yield, without losing his right to the floor, so that we may put the Senate on notice that there will be another vote tonight.

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. TOWER. I thank my distinguished friend from Nebraska.

Mr. CURTIS. Mr. President, I want to clarify the record. The distinguished Senator from Texas just stated that there would be another vote this evening.

That is the understatement of the year.

Mr. TOWER. I just wanted to get it nailed down.

Mr. CURTIS. Mr. President, I yield now to the Senator from California.

FIXING OF TIME FOR FILING REPORTS ON CERTAIN BILLS

Mr. CRANSTON. Mr. President, I am grateful to the Senator from Nebraska for yielding to me.

Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight to file reports on the following four veterans bills: S. 3656; S. 3657; S. 3785; and H.R. 370.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

VITIATION OF PREVIOUS UNANIMOUS-CONSENT AGREEMENT RELATING TO THE REPORTING OF S. 3656

Mr. CRANSTON. Mr. President, I am today reporting from the Committee on Labor and Public Welfare a number of bills, including S. 3656, which I introduced on March 31, 1970.

When I introduced this bill, based upon a prior agreement with the Committee on Banking and Currency which has jurisdiction over the V.A. Direct Home Loan program, I asked for and received unanimous consent that when S. 3656 was reported from the Committee

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on Labor and Public Welfare it be then referred to the Committee on Banking and Currency for its consideration.

However, as a result of staff coordination between our two committees, the chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. Sparkman), has graciously agreed that referral to his committee is no longer necessary in view of the provisions included in the reported bill dealing with the jurisdiction of his committee.

Thus, Mr. President, I now ask unanimous consent that the prior unanimous-consent agreement be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I also ask unanimous consent that a September 14, 1970, letter from Senator Sparkman to the chairman of the Committee on Labor and Public Welfare, the Senator from Texas (Mr. Yarborough), which explains the Banking and Currency Committee's positions on certain portions of S. 3656 as reported from the Committee on Labor and Public Welfare, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Banking and Currency,
Washington, D.C., September 14, 1970.

Hon. Ralph Yarborough,
Chairman, Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

Dear Ralph: This letter is in reference to the legislation pending before your Committee to amend the veterans housing laws. I understand that you are considering two bills, S. 3656 and S. 3683, which are being combined into one bill to be reported soon. I have a copy of the Committee print for S. 3656 which contains the proposed legislation. I understand that the Committee print will be submitted to the Veterans Subcommittee this week and it is proposed that it be reported by the full Committee before the end of the week.

As you know, our Committee has had legislative jurisdiction over the Veterans Direct Loan Program since it was enacted. A number of times the Committee has amended the direct loan legislation and only this year has reported to the Senate and the Senate has passed a bill involving direct loan assistance to paraplegic veterans.

When S. 3656 was introduced into the Senate and referred to your Committee, there was a unanimous consent agreement that the bill would be referred to our Committee before it was taken up in the Senate. I believe if we can work out several amendments to your Committee print that it will not be necessary to follow the procedure of having the bill referred to this Committee. I am, therefore, suggesting that your Committee consider the following changes:

Under subsection (1) of section 4 of the Committee print—this contains language with reference to paraplegic veterans. I should like to remind you that the language in your Committee print is not the language finally passed by the Senate in S. 3775. I understand from your Committee staff that this was probably an oversight and that you would have no objection to incorporating the language of S. 3775 as passed.

Item 6 of subsection 4 would strike out subsection (1)(1) and (1)(2) of paragraph 1811 of existing law. Each of these subsections refers to builder commitments in connection with direct loans for veterans in credit shortage areas. I understand that the reason given for striking these subsections is that the Veterans Administration has not used these provisions in several years. The Housing Subcommittee feels that even though these provisions have not been used in recent years, they are potentially productive provisions and could be very helpful if once the Veterans Administration obtains adequate direct loans funds so that the Direct Loan Program can once more become effective as it was originally intended when it was first passed. The Committee objects to these subsections being omitted.

I note that the Committee print does not provide for a termination date of the Direct Loan Program. Our Committee approves this with the thought that the Direct Loan Program has considerable merit and should be continued along with the Guarantee Program until such time as credit is equally available in all parts of the United States.

With reference to the new section 1819 which would provide for financing of mobile homes both under the Direct Loan Program and the Guarantee Loan Program, you may want to know that our Committee has approved legislation for financing mobile homes last year and is considering additional legislation this year. In general we agree with the Federal Government involving itself in the financing of mobile homes, but we have a very strong concern that such financing does not unduly emphasize the mobile home housing for low-income people. We feel that the Federal agencies should be very careful to fully advise the applicants on the merits of permanent housing versus mobile housing.

The Committee is also concerned about the planning and environment factors in connection with mobile homes and wants the Government agencies to insist that the mobile home sites be in environments that are consistent with local plans and that every effort be made to make these homes attractive and a boom to the neighborhood rather than a blight—as some people are fearful may happen.

If the Committee has any objections to my Committee's recommendations, I wish you would let me know.

With best wishes and kind personal regards, I am

Sincerely,

John Sparkman.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. SPARKMAN. Mr. President, in the letter to which the Senator refers which I wrote as chairman of the Banking and Currency Committee, I made certain recommendations as to amendments that should be written in the bill, S. 3656.

Mr. CRANSTON. The Senator is correct.

Mr. SPARKMAN. Are those amendments included in the bill?

Mr. CRANSTON. I believe the substance of what the Senator requested is now incorporated in the bill.

Mr. SPARKMAN. Mr. President, I think the amendments were necessary or, at least, certainly highly desirable. I do trust that the amendments will be carried out.

Mr. CRANSTON. The Senator is correct. We did incorporate them.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970

The Senate continued with the consideration of the bill (S.4368) to extend and amend laws relating to housing and urban development, and for other purposes.

Mr. CURTIS. Mr. President, the distinguished Senator from Massachusetts raised a question—these are not his words—concerning what these people have to lose by the operation of the Brooke amendment.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BROOKE. I said the housing authority.

Mr. CURTIS. Mr. President, they have this to lose. They have no assurance that these appropriations for rent supplements will be made year after year. I cite a case to support that statement in which there are—I cannot recall whether there are 37 or 17—Hill-Burton projects scattered all over various parts of the country—there are three in Nebraska—who rely on the Federal Government to make the appropriation for their grant. They have carried out their local commitment, and to this day the Congress has not appropriated money.

With a national debt that is $18 billion greater than it was a year ago, I am not too sure that the delivery on Government money for various programs will come as easy as it is to talk about it or to vote for it here. So there is no assurance that at a later time Congress and the country both might not have to make some choices, some priorities in payments.

I was surprised that my Government failed to make good on a commitment with reference to hospitals. But they have. I think it could happen to housing.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BROOKE. Mr. President, I think there is that same danger for any Government program. None of us knows what the economic picture will be, how much money we will have to spend, where the money will have to be spent, where the priorities will be. But the money for this program has already been appropriated.

Mr. CURTIS. Not for more than a year at a time. It may be authorized.

Mr. BROOKE. Mr. President, I do not want to mislead the distinguished Senator from Nebraska. Contract authority has been set for more than a year's time.

Mr. CURTIS. But the appropriations of money, those obligations, I think, are made on a year-to-year basis.

Mr. BROOKE. Mr. President, that is not subject to appropriations. But if we have problems with our economy, Congress can always change that. I agree with the Senator. We do have some serious problems. But do we want to take this away from the elderly and the poor people who are living in public housing projects and paying 30, 40, and 50 percent of their income for rent? That is the question.

Mr. CURTIS. Mr. President, here is what I wish the committee, as well as the Senate generally, would stop and think about. Public housing was subsidized in the first instance by paying the cost of bringing it into being. It seems to be admitted that the Federal Government pays the full cost of paying the debt load, which are the bonds that built the public housing. It was given.

It went along that way for several years. Within the last 12 months, there was added not only the subsidy to give them the public housing, but also a rent subsidy. Then, in the pending bill, there are the clarifications so that they can finally initiate subsidies for the operation of the local housing projects.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. Mr. President, I will be happy to yield in a moment.

Think what that can mean to the housing authority in a great city where they are paying larger salaries and own some cars and drive them around. They determine the expenses. We have no control over that.

I think the pending bill gives them a blank check. We will pay the deficit.

Oh, sure, we owe something to the old and poor people. But we owe something to the old people who are not living in public housing. We owe something to the elderly people who are living on less money than some of the people who have the benefit of public housing.

I say that the matter of repealing the subsidy for housing should cause us to pause and consider it.

All I am asking for is that in a little rural community, Congress not make the rule as to what could be the maximum rent, but that the unit of local government do it.

What on earth is wrong with local government? What on earth is wrong with having some decisions made by public-spirited citizens who serve without pay and who know every intimate detail of their local area?

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, first let me say that I do not believe that persons living in rural public housing projects should be discriminated against and should have any less benefit than those who are living in urban public housing projects.

I have had an opportunity to visit some of the public housing projects across this country. Perhaps the Senator from Nebraska has as well.

Anyone visiting such public housing projects would see the deplorable conditions existing in public housing projects in the country today. They are run down and are deteriorating. The Federal Government is being called the worst slum landlord in the country. They do not even measure up to the conditions and regulations that have been established by local governments.

I do not want to get into the whole question of public housing and why it was originated. That would take far too long. The fact remains that this Government has committed itself to public housing. We are not building enough low or moderate housing projects in the country today. There are literally thousands of people who are on the rolls and still waiting to get in public housing projects—the elderly as well as the poor.

This amendment the Senator has been talking about is an amendment which was just designed to limit the amount of rent that a person living in a public housing project would pay. That was based upon long investigation to determine what was fair and what was equitable, and we came up with the standard that a person living in a public housing project should not pay more than 25 percent of his income for rent. The second purpose of it was to improve the quality of living in public housing projects by granting a subsidy for improved operating and maintenance costs.

Some of these elderly people are living in public projects today and they are living in fear of their lives. There are no security guards or arrangements for them at all. There are broken windows, and deteriorating housing, and the Federal Government is associated with it.

The Senator from Nebraska raises the question whether we have the money to do it. All I say to him is that Congress has done this.

The purpose of the language in the bill now is merely to clarify the intent at the time this was passed by Congress in 1969, and I think that this is important legislation, needed legislation, and legislation which has benefited thousands of elderly people and thousands of poor people in rural and urban areas. Why, at this time, discriminate against those who are living in rural public housing projects? I submit that there is no justification for it.

I would agree that if there are persons in his State, as the Senator pointed out, and I do not think he has called to the attention of the Senate any area outside of his State, but there may be, where they do not wish to have the benefits of this amendment, where they want to pay more than 25 percent of their income for rent, they can waive it.

I have suggested to the Senator that this would be the proper manner in which we might take care of his objection to this legislation and at the same time not injure those who are living in public housing projects, both in rural and urban centers. If they want to waive their rights, provided they know what their rights are, that they should not pay more than 25 percent of their incomes for rent, that is left up to them, but why put the discretion in a public housing authority that might arbitrarily raise the rents 30 percent, or 35 percent of the tenant's income. Why should we have that disparity? There should be a national standard. We are talking about Federal money. It should go across the country. That is what the clarifying language would do.

I submit to the Senator that if he has individual cases let them waive and turn the money back to the Federal Government or not accept it in the first instance.

Mr. CURTIS. Much could be said in argument against the entire idea embodied in the amendment of a year ago that rents could not exceed 25 percent, but I know how ardently the distinguished Senator from Massachusetts believes in that measure. I do not question his judgment at all that that is good for Massachusetts. I do not question that there are many cities that have a different problem. But the junior Senator from Nebraska is not here asking repeal of the Brooke amendment.

I am asking, with respect to the Brooke amendment, that in the smaller communities the decision whether to avail themselves of it or part of it be left to the local governing body. I do not think for 1 minute that the housing authority in any city or town in Massachusetts or any city or town in Nebraska has any less compassion for the poor than Congress. We have voted for billions of dollars so long we are imbued with the idea that we are the only Santa Claus.

I think that these local agencies will do justice. I do not subscribe to the doctrine at all that if you let a decision be made outside of Washington it will not reflect the public good and that it will not reflect the opinion in the local area involved.

I received a very strong letter from Mr. Charles H. Beatty, counsel for the housing authority in Kearney, Nebr. The letter is addressed to me and it states:

> DEAR SENATOR CURTIS: At a recent meeting the Kearney Housing Authority discussed problems relating to the Brooke Amendment and requested that I communicate these problems to you.
>
> Almost without exception the elderly occupants at Kearney Housing Authority greatly resent the imposition of mandatory rent supplements. They are independent, able to pay the existing rental charges without hardship, and prefer to do so rather than become the object of enforced governmental subsidy.

Mr. President, why does a Senator have to stand here and beg for the right of his people to reject the subsidy? I cannot understand it. The letter continues:

> The Authority is hopeful that some legislation might be enacted whereby the 25 percent of income limitation on rents paid could be avoided where the Housing Authority made a finding that there would be no resulting hardship.

Mr. President, in order that the Senator may have a full picture of this problem, I would like to present some additional letters.

This letter is from the same housing authority. It is from Mr. Arnold H. Ender, chairman of the housing authority. It is addressed to the junior Senator from Nebraska, and it reads as follows:

> Hon. CARL T. CURTIS,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR CARL: Among my other civic projects, I have been working on the Kearney Housing Authority since its inception over ten years ago and am the current Chairman of this group.
>
> We have just completed the work necessary to implement the so-called Brooke Amendment on rent subsidy for low rent housing.
>
> We can see some definite problems in this implementation because we cannot follow our own definition of income. People with assets somewhat higher than normal in our low rent housing project for the elderly may get subsidy, where people with no assets at all may not. I am sure this is going to lead to some hard feelings and problems in the administration here at the Kearney Manor, which is the low rent housing project for elderly people in Kearney. We can correct

> some of the deficiencies by changing our admission policies, but this does not solve the problem of the current tenants of our one-hundred and thirty apartments.
>
> We really prefer a method by where the City or County Welfare Department would supplement the income of the low income elderly to bring their income up to a point where they could pay the very minimal rents we currently charge. The feeling of the Board of Directors of the Kearney Housing Authority is that in this type of a project, where tenants do have assets of greater than a certain amount, say $3,000.00, they should invest these at a higher return in an annuity or some other type of investment to bring their income up to the rate where they could pay twenty-five percent. Without doing this, what they are doing is building an estate and this, of course, is not why we are in business. Where such investment practices are not used, it is possible under our own policy to encourage rather forcefully people who are going to benefit from the estate to make up the difference in income so that the people can take care of themselves. This is the place where I believe if we set up our own income policies such as we have had in the past, we would be able to avoid some management problems which we are sure are going to occur by following the Brooke Amendment to the letter.
>
> If you want more of our ideas and opinions on this particular matter, feel free to contact us and we will be very happy to give you more detail.
>
> * * * * *
>
> Sincerely yours,
> Kearney Housing Authority,
> Arnold L. Ender, *Chairman*.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BROOKE. Will the Senator give the date of that letter?

Mr. CURTIS. That letter was dated June 20, 1970.

Mr. BROOKE. I asked that question because I admit there was some confusion as to the language of the amendment. The purpose of the present bill is to clarify the language. HUD has worked on this from the 24th of March 1969.

With respect to confusion, they had little or no difficulty with the 25-percent rent ceiling subsidy. I am sure that the the fears of the writer of this letter would have been allayed since that time.

If the Senator has any recent communication from the chairman of that housing authority, I think it might be important to read it to the Senate.

Mr. CURTIS. I have a communication from another housing authority within 20 miles of there. Just a few weeks ago the Chicago HUD office told them that they did not know how they should report on the Brooke amendment.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BROOKE. Were they referring to the operating and maintenance provision or the 25-percent income provision?

Mr. CURTIS. The 25 percent.

Mr. BROOKE. It is clearly stated that no tenant living in a housing project shall pay more than 25 percent of his income for rent. I do not know where there is ambiguity in the language. There never was an ambiguity in that part of the language. That provision has benefited many people across the country, for which they have been very grateful.

I had an opportunity to speak to the convention of housing authority representatives in Chicago recently. They were strong in their support of this amendment and the benefits that had been derived by the tenants living in public housing projects. I just cannot see where there really is any opposition from any housing authority at all to this amendment, which does not affect them adversely.

Mr. CURTIS. Mr. President, I thank the distinguished Senator for his comment.

I have a very high regard for the distinguished Committee on Banking and Currency, but I am afraid that decisions arrived at in that committee are brought to the floor, members of the committee get up and say a bill is good, and we pass it, as this bill would have been passed an hour ago if I had not given notice that I wanted to say something about it and had some amendments to propose.

The question of whether or not we should have a 25-percent limitation on rents was never debated on the floor of the Senate. It was never pointed out that here was a new departure. So far as I know, I never heard of any local housing authority notified about it or asked to comment on it.

Again, I repeat, Mr. President, what has come to pass that we have to plead for a change in the law for local people to have a right not to avail themselves of a subsidy?

I am not suggesting that any housing authority has to charge a certain amount for rent. I am asking that, with reference to this one rule, the local housing authority can make the decision.

I want to read from a letter from the Housing Authority of the City of Neligh, Nebr. Before I read the letter I want to call attention to a practice that is followed and has to be followed. There are people who come to these housing projects who have some capital but perhaps not very much income. It is my understanding that in cases like that they use some sort of rule to decide how the capital can be converted into income, how many years it will last, and what the life expectancy is, and so arrive at some arbitrary decision as to what the income amounts to. This letter is addressed to the Senator now speaking:

> We wish to take this opportunity to thank you for your concern and help on behalf of the Housing Authority of the City of Neligh.
>
> Since the implementation of the Brooke's Amendment we have lost most of our enthusiasm for more units as it has upset the tenants to the point some are looking elsewhere for housing. It is most embarrassing for tenants with the maximum of $15,000.00—

I am sure she means assets—

> to have their rents subsidized. Most of the elderly take pride in knowing they have been able to meet their own needs without Public Assistance and now finding when they do not need or want it, it is being forced upon them.
>
> In my opinion it is a very poorly written law. There should have been some provision made for asset limits written into the law. We have an 87 year old lady that was eligible because some of her asset was prorated into income. According to the Brooke Amendment—

And I am not passing on it; I am just reading the letter—

> this can no longer be done. She only receives $64.00 income per month; therefore, she is eligible for subsidy where a couple living beside her has an asset of $500.00, but income enough to pay regular rent.
>
> We just returned from a 3 day Nebraska Housing Association Meeting in Kearney and it appeared the problem is not a Local one, but is State wide.

That is signed by Mrs. Myrtle Rethmeier, executive director, Housing Authority of the City of Neligh.

I would like to call attention to a letter from Mr. Morris C. Snyder, of Pawnee City, Nebr., dated April 24, 1970:

> Enclosed is a copy of a Resolution considered by the Executive Directors of Chapter No. 1. We realize that the inequalities mentioned are much easier to recognize than anticipate and while we sympathize with the intent of the Brooke Amendment we do feel that we will be criticized for some individual cases.
>
> For instance: We have admitted into this project a couple whose assets, consisting mostly of unproductive land and some cash, totaled $3,000.00 over the admission limits. However the total family income was below $700.00 annually and there was considerable foreseeable medical expense. We pro-rated their assets, in accordance with our published policies, so as to provide an income of about $1800.00 per year.
>
> Since then the husband has died and the widow has converted some of the assets to more profitable investments but her income from investments and Social Security still total less than $100.00 per month. Her assets are still close to $10,000.00. (Apt. 109)
>
> The next door neighbor has a slightly larger income from Social Security but no assets. In fact, her pride is all that keeps her from accepting Old Age Assistance. (Apt. 110)
>
> Both of these ladies agree with me that it would not be fair for the first lady mentioned to pay less and be able to preserve her estate for her children while the second lady must deprive herself to live.

Mr. President, that is what happens when we try to make a decision in Washington determining income. Here is an individual whose regular monthly cash income is small, but she has some assets. They prorate them to make up the difference. I say that the place to conduct justice on a decision like this is a local unit of government.

The letter continues:

> On the other hand we do not favor lowering the asset limit because, even, $10,000.00 does not go far these days, particularly if the client should be forced into a nursing home. The facilities, services and neighborliness we offer enable many of our clients to live here and retain their pride and dignity far longer than they could under any other circumstances.
>
> In closing I urge you to consider the proposal set forth in our Resolution and to take such action as you find possible.

Their resolution would like to see this whole 25-percent limitation go out. I am not asking for that. I do wish that the committee would take the amendment to conference.

I am not unaware that it is late. It is a quarter to 7; Senators are engaged in activities elsewhere. They have no op-

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portunity to hear what the opponents have to say about my amendment, or what I have to say.

Here is all it amounts to: We have enacted into law a provision that no one can be charged more than 25 percent of his income for rent in public housing. The situation is different in the small projects in rural cities, and I am asking that, in situations where a housing project is of less than 200 units, the decision as to whether or not to implement this limitation be left to the local housing authority.

What is wrong with having a local unit of government have something to say about this, when there is no possible way that they could make a decision adverse to the Government of the United States?

We are in a rather ridiculous light. We are saying to community after community, "You must take this subsidy," at a time when we are also saying, "Hold the line; support the President on a veto." At the present time, as I pointed out a bit ago, the national debt is $18 billion higher than it was a year ago.

Mr. President, if the committee will not accept the amendment, I shall ask for a rollcall. I feel so strongly about the injustices of this bill that I am convinced that there are millions of people in various categories all over this land who are living on less income than the occupants of public housing, and those people have a stake in the inflationary trends, while we go glibly by, voting billions and billions of dollars for additional subsidies every week.

That is what we have been doing. We raise the debt limit. We raise the competition for money. We raise the interest rates. We keep the fires of inflation going.

We owe something to the poor of this country who do not enjoy public housing, and never will.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Gravel). The question is on agreeing to the amendment of the Senator from Nebraska (Mr. Curtis). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Virginia (Mr. Byrd), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senator from Missouri (Mr. Symington), the Senator from New Jersey (Mr. Williams), and the Senator from North Carolina (Mr. Ervin) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Smith), and the Senator from Pennsylvania (Mr. Schweiker) are necessarily absent.

The Senator from Vermont (Mr. Aiken) and the Senator from Oklahoma (Mr. Bellmon) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper) and the Senator from Kansas (Mr. Dole) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from Kansas (Mr. Dole) is paired with the Senator from California (Mr. Murphy). If present and voting, the Senator from Kansas would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 9, nays 59, as follows:

[No. 326 Leg.]

YEAS—9

Baker
Cotton
Curtis
Gurney
Holland
Hruska
Thurmond
Tower
Williams, Del.

NAYS—59

Allen
Allott
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cranston
Dodd
Dominick
Eagleton
Ellender
Fong
Fulbright
Goodell
Gravel
Griffin
Hansen
Harris
Hart
Hatfield
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Talmadge
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—32

Aiken
Anderson
Bayh
Bellmon
Byrd, Va.
Cooper
Dole
Eastland
Ervin
Fannin
Goldwater
Gore
Hartke
Hughes
Kennedy
Long
Magnuson
McCarthy
McGee
Montoya
Moss
Mundt
Murphy
Muskie
Packwood
Pell
Russell
Schweiker
Smith, Ill.
Symington
Tydings
Williams, N.J.

So Mr. Curtis' amendment was rejected.

Mr. EAGLETON. Mr. President, I want to commend the Banking and Currency Committee for including in the bill before us provision for additional Federal assistance to local mass transportation systems.

I had the privilege of appearing before the committee last spring during its hearings on the bills introduced by the Senator from New Jersey (Mr. Williams) and the Senator from Illinois (Mr. Percy). At that time I outlined the problems facing public transportation in the two largest cities in my State—St. Louis and Kansas City. Both of these cities, as are so many others, are caught up in the operating deficit cycle where an increase in fares is followed by a decline in patronage, further deficits, and the necessity for an even higher fare.

Neither the State of Missouri nor local units of government now provide operating subsidies for public transportation in St. Louis and Kansas City. Therefore, these cities will not be immediately assisted by the provisions contained in this bill which require one-third matching from local sources.

I am hopeful, however, that the availability of this kind of assistance by the Federal Government will provide an incentive for local governments to make available matching funds.

By enacting the provisions contained in this bill, we recognize the financial plight of our urban public transportation systems and the desirability of providing Federal assistance on an emergency and interim basis to assure that these systems do not collapse.

Again, I commend the Senator from Alabama (Mr. Sparkman), the Senator from New Jersey, the Senator from Illinois, and the other members of the committee for their leadership in this effort to maintain essential urban transportation services.

Mr. CRANSTON. Mr. President, the Congress has committed itself unequivocally to the goal of decent homes for every American. While that goal is a dream for some, it has turned into a nightmare for others. It is a dream for those of us who believe that this country in the years ahead will funnel enough of its resources to meet the housing needs of its citizens. But the unfulfilled goal is a nightmare for those of our fellow Americans who must spend their days and nights in slums or in rural shacks.

Federal money now being spent on the Nation's housing needs is totally inadequate. If the housing goals set by the Congress in 1968 are to be met, the Congress must insist that spending levels for federally assisted housing programs are commensurate with the housing needs of the country. In short, more money is clearly needed for such programs as 235, 236 and for urban renewal.

Unfortunately, the administration has not exerted the necessary muscle to shake loose these funds. Quite to the contrary, the President's veto of the housing appropriations bill has had the effect of freezing funds for these vital programs.

Now we consider S. 4368, the Housing and Urban Development Act of 1970.

Potential homeowners are being squeezed by inadequate spending in the public sector and to make matters worse,

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the state of the economy and the shortage of mortgage money, have made it almost impossible for urban and rural poor to find a decent place in which to live.

Not only the poor are suffering. It has become increasingly difficult for the medium income family to buy a suitable home. Even if a man and wife are both working and together can earn $10,000 per year, they are unable to afford a home in most areas of the country. Even families near the top of the economic ladder are finding it tough to purchase a home; those in the middle and those near the bottom, are finding it impossible.

It is totally unacceptable for the richest nation in the world to deny to a large segment of its citizenry the right to live in safe, decent housing.

I sponsored two amendments which are now a part of S. 4368 presently before the Senate. Both amendments will make it easier for low- and moderate-income families to get decent homes.

The first amendment deals with the popular and successful 235 homeownership program. Under that program, the Government pays all but 1 percent of the interest on the home mortgage of a qualified purchaser. Homes may be purchased with no more than $200 down, and the Government interest subsidy keeps monthly payments low.

Several weeks ago, Congressman WRIGHT PATMAN revealed that certain speculators were selling substandard homes at tremendous profits under this program. Many of the homes had unreliable electrical systems, no running water, and leaky roofs. A Government program designed to help people was being used instead to saddle them with old dilapidated houses.

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I have proposed that HUD may compensate a buyer of a 235 home for the correction of any latent or structural defect that a competent appraiser should have detected, and which affects the use or livability of his home. I believe this amendment will cut to a minimum the number of homes in poor repair being sold under section 235.

The other amendment will assist families who do not qualify for Government subsidies to get decent homes. These families include many young couples with good salaries who also find it impossible to purchase a home in today's housing market.

A big obstacle facing these couples is their inability to come up with the necessary cash for a downpayment. Since the price of the average house has increased drastically in the last couple of years, the required downpayment also has increased.

Last year I introduced legislation which was signed into law which lowered the downpayment required on an FHA-approved mortgage. It was expected that with lower downpayments, an increased number of young couples would be able to purchase homes.

But since last year, home prices have been on a steady increase, due to inflation.

The administration recognized this problem in submitting its housing package to the Congress. Under the administration proposal, no downpayment would be required on a $20,000 mortgage; 10 percent on any amount between $20,000 and $25,000, and 20 percent on all over $25,000.

I favor the administration's proposal to drastically reduce downpayments, and I am disappointed that the administration did not push it more vigorously. Without stronger administration efforts, the proposal had little or no chance of being reported out of the Banking and Currency Committee. Thus, I decided to introduce my own proposal. Though my amendment is more modest than the administration's plan, it will nonetheless provide significant relief to the middle-income home buyer.

Under the amendment, adopted by the committee, the buyer would be required to pay 2 percent down on the first $15,000 of an approved mortgage or $300; 10 percent on the next $15,000, and 20 percent on all over $30,000. Under the present law, a person buying a $30,000 home would need a downpayment of $2,450. Under the amendment, he could buy the same home with $1,800 cash.

I believe that these two provisions along with the other provisions contained in S. 4368 deserve your support. Hopefully, the Congress will pass this much needed legislation and in the very near future send it to the President for his signature.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, at the request of the able majority leader, I propound the following unanimous-consent request:

Mr. President, I ask unanimous consent that during further consideration of the bill, debate on any amendment, motion, or appeal, with the exception of a motion to lay on the table, be limited to 30 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill, with two exceptions; one exception being the amendment which will be offered by the Senator from New York (Mr. JAVITS) on the United Nations Development Corporation, to be limited to 1 hour, to be equally divided between the Senator from New York (Mr. JAVITS) and the manager of the bill, and the other exception being the remaining amendments to be offered by the Senator from Nebraska (Mr. CURTIS); and that time on the bill be limited to 1 hour, to be equally divided between the manager of the bill and the ranking minority member, the Senator from Texas (Mr. TOWER).

Mr. JAVITS Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Two things. One, I think we should provide for amendments to amendments.

Mr. BYRD of West Virginia. That has been done.

Mr. JAVITS. The Senator did not say that.

Mr. BYRD of West Virginia. Yes, when I said "any amendment, motion, or appeal."

Mr. JAVITS. All right. Are we to understand, then, that there is no limitation on the Curtis amendments?

Mr. BYRD of West Virginia. That is correct.

Mr. JAVITS. No time limitation on those amendments?

Mr. BYRD of West Virginia. That is correct.

Mr. JAVITS. We would like it, if the Senator would be kind enough to indulge us all, because we are all loaded down with work, if he could give us a little idea as to whether we can or cannot finish the bill tonight. The Senator is more than within his rights, but it would be nice if we could all know.

Mr. BYRD of West Virginia. In response to the Senator from New York, the able and distinguished majority leader has just indicated that we are going to try to finish the bill tonight. The Senator from Nebraska (Mr. CURTIS), maybe a little later, would agree to the time limitation on his amendments but, at the moment, this is the best we can do.

The PRESIDING OFFICER (Mr. GRAVEL). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. PERCY. Mr. President, will the Senator from Alabama yield me 5 minutes on the bill?

Mr. SPARKMAN. I yield 5 minutes on the bill to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. HANSEN. Mr. President, will the Senator from Illinois yield to me?

Mr. PERCY. I am happy to yield to the Senator from Wyoming.

DEATH OF JUDGE J. J. "JOE" HICKEY, FORMER MEMBER OF THE SENATE FROM WYOMING

Mr. HANSEN. Mr. President, it saddens me to take the floor of the Senate today to express the sorrow of the people of the State of Wyoming and, indeed, of the entire Nation on the death of Judge J. J. "Joe" Hickey, a former Member of the Senate.

Judge Hickey was one of Wyoming's outstanding sons, and I know that my grief is shared by the Members of this body who served in the Senate at the same time as Joe Hickey.

Joe Hickey was a native son of Wyoming, born in Rawlins 59 years ago. Following his graduation from the University of Wyoming College of Law, he began the practice of law in his hometown where he also began his public service as city treasurer and as county prosecuting attorney.

Joe Hickey then moved to Cheyenne, the State capital, and served as U.S. attorney for the State of Wyoming and conducted a very successful law practice.

In 1959, Joe Hickey assumed the office of Governor of the State of Wyoming. During this time, I had the opportunity to work very closely with Joe Hickey. He was Governor of the State, and I was president of the Board of Trustees of the University of Wyoming. The leadership which he gave to the

State and his devotion to and interest in the university benefited all the people of our State. The knowledge I gained from this association with Joe Hickey was later to be of great help to me when I assumed the office of Governor of Wyoming in 1963 and continues to aid me in my duties as a Senator.

In 1962, Joe Hickey resigned the governorship and was appointed to represent Wyoming in the U.S. Senate. He served in this body with distinction. The people of Wyoming benefited from his hard work and his attention to their problems.

Joe Hickey's public service did not end when he left the Senate in 1962. After a short period of time in the private practice of law, his country called again on Joe Hickey and the President appointed him a judge on the U.S. 10th Circuit Court of Appeals.

It is a great tribute to the outstanding qualities and superlative ability of this man that he served efficiently and effectively in the highest offices of all three branches of government: the legislative, the executive, and the judiciary.

The death of J. J. Hickey in Cheyenne on Tuesday, September 22, casts a shadow across the State of Wyoming. He was held in high esteem by all who knew him. He was an outstanding man and a faithful public servant. All of us who had the privilege of knowing and working with him gained from that relationship.

I know all of my colleagues join my wife, Martha, and me in extending our condolences to his wife, Winifred, and their sons, John and Paul.

Mr. MANSFIELD. Mr. President, I join my distinguished colleague from Wyoming in expressing my deep regret and sadness at the passing of "Joe" Hickey, who served here with such distinction and integrity, and who served before that as Governor of Wyoming, as did the Senator from Wyoming (Mr. Hansen).

I know that I can speak for all Democrats who knew "Joe" Hickey, and for all of us in the Rocky Mountain region, in expressing our sorrow at his passing.

May I, on behalf of my family, send my sympathy to Mrs. Hickey and the family, and express the hope that his soul will rest in peace.

Mr. HANSEN. I thank the distinguished majority leader.

Mr. YARBOROUGH. Mr. President, will the Senator from Illinois yield to me for a unanimous-consent request?

Mr. PERCY. I am happy to yield to the Senator from Texas for that purpose.

REREFERRAL OF AMERICAN FOLK LIFE FOUNDATION BILL

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that on the reporting of S. 1591, the American Folk Life Foundation bill, from the Committee on Labor and Public Welfare, it be immediately rereferred to the Committee on Rules and Administration.

The PRESIDING OFFICER (Mr. Gravel). Without objection, the bill will be rereferred to the Committee on Rules and Administration.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970

The Senate continued with the consideration of the bill (S. 4368) to extend and amend laws relating to housing and urban development, and for other purposes.

Mr. PERCY. Mr. President, I wish, first, to commend the distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. Sparkman), and the ranking minority member, the distinguished Senator from Utah (Mr. Bennett), for once again leading the committee in putting together an outstanding housing bill.

The ranking minority member on the Housing and Urban Affairs Subcommittee, the Senator from Texas (Mr. Tower), has once again been in the forefront of this issue. Although he is looked upon as a conservative, and he is a conservative, he has always demonstrated his deep and full understanding of the needs of the people and his responsiveness to those needs as is exemplified in this bill.

The pending bill was looked upon as being virtually noncontroversial. The committee did not intend that a great many controversial issues be raised this year. However, it contains some interesting and beneficial provisions with respect to mass transportation, with respect to mortgage credit, public housing, urban renewal, model cities, and for the first time, we provide crime insurance for small businessmen.

Mr. President, I have had the privilege of working closely with the Senator from New Jersey (Mr. Williams) on the mass transit end of the bill. He is a distinguished colleague of ours who understands and knows the needs of the people in the urban areas and their need for safe, efficient, low cost transportation.

Because of his absence today on business, and his inability now to be in the Chamber to make his statement, I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the statement of Senator Williams of New Jersey was ordered to be printed in the Record, as follows:

Statement of Senator Williams of New Jersey

Mr. President, Title 8 of the Housing and Urban Development Act of 1970 would provide operating subsidies on an interim basis to state and local governments to assure adequate mass transportation in urban areas. It would also provide for emergency grants to state and local bodies for the purpose of helping mass transit systems pay interest charges and other annual obligations which have been incurred in order to provide essential services.

Over the past decade our mass transit systems have incurred ever increasing operating deficits which have required fare increases for which the harried rider has received no benefits either in improved services or better equipment.

S. 3154, the Urban Mass Transportation Assistance Act, which passed the Senate in February by an 82 to 4 vote provides long range answers to our nation's urban transit crisis.

It is a program intended to provide long range benefits.

It will build carefully planned programs of capital improvements for our nation's transit systems over the next 10 years. However, such programs will take time as they properly should. A modern transit system such as the one in San Francisco or the one planned for Washington, D.C. takes at least 10 years from the initial exploratory steps to final completion. And, while the first steps are being taken toward building these transit systems of the future, today's commuters are faced with today's problems.

But one fact is crystal clear—adequate mass transportation facilities are an immediate, absolute necessity for America's millions of commuters. Existing commuter services must be kept in operation until the large sums of money contemplated in S. 3154 begin to flow to state and local mass transportation agencies.

Commuter railroads such as the Jersey Central, the Long Island Railroad and the Pennsylvania Railroad go further and further into debt each year. The result is bankruptcy and a curtailment of existing services. Deteriorating equipment is not replaced.

At the present time the burden of maintaining these essential commuter services fall entirely upon the taxpayers of the States. These taxpayers cannot afford to carry the burden alone.

Over the last 10 years, New Jersey has paid out $31 million to the Jersey Central in operating subsidies. During the years 1967 to 1969, Massachusetts has paid operating subsidies in the amount of $12 million to commuter railroads. Connecticut between 1965–1969 provided the New Haven Railroad with $3 million per year and in 1970 gave the Pennsylvania Railroad a $7 million exemption from State taxation. In 1970, New York provided an operating subsidy of $16.3 million for the Long Island Railroad and Pennsylvania has paid out almost $6 million a year for the past 4 years to the Reading and Penn-Central Railroads.

Obviously the situation has become critical. The Penn-Central and the Jersey-Central are bankrupt. The State of New York owns the Long Island Railroad and Massachusetts has taken over the operation of the commuter lines formally serviced by the Boston and Maine. Recently there even was a question as to whether or not the Jersey-Central could meet its payroll. The legislation before us today would prevent these crises from occurring. Under Title 8 funds for operating subsidies would be made available on a 5 year emergency basis to all forms of mass transportation. They would be channelled to state and other public bodies.

Before approving the grant which would be made on a 2/3rds Federal 1/3rd local matching formula, the Secretary of Transportation would have to determine that the service was essential to the community. In addition, the state or public body applying for the grant along with the transit company involved must submit a plan to the Secretary setting forth a program for capital improvements which would be undertaken for the purpose of providing more efficient and economic commuter service and for placing the commuter operations of the system on a sound financial basis. These safeguards would guard against windfall profits by private promoters and provide adequate insurance that the operating subsidy will not pay for existing inefficiency and poor service.

While operating subsidies do not build new facilities or buy desperately needed new equipment in these instances a blood transfusion is called upon before curative surgery can be performed.

Given the current state of our nation's mass transit systems such a temporary transfusion as contained in this legislation is necessary.

Transportation systems are too vital a part of the continued healthy growth of urban

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centers for their future operations to be governed solely by balance sheet considerations. Profitability and return on investment cannot and must not outweigh the social dividends which all of our citizens receive from good public transportation. Therefore, I strongly urge your support not only of the operating subsidy provisions contained in this title, but of the emergency grant provisions to pay interest charges and other annual obligations which have been incurred by transit systems in order to provide essential services.

Such grants would be made only when the debt burden threatens the curtailment of needed commuter services or would increase fares to such a degree that low income groups who use the service are unfairly penalized.

An increase in transit fares or a curtailment of transit service works undue hardships on citizens earning less than $4,000 a year. As industry and business move to the suburbs, the tragic isolation of the inner city ghetto increases. Here is the most pressing need for low cost, efficient mass transit systems to take people to the jobs they so desperately demand. An increase in transit fares or a curtailment of service works undue hardships on these citizens.

The debt service provisions of this legislation would allow transit lines to continue to provide their essential services without the fare increases which all too frequently penalize the inner city dweller.

If existing commuter lines are allowed to collapse from financial weakness, severe hardships will result. The thousands of commuters who depend on these services to get them to and from work will be left stranded. And, in addition, these commuter lines will be far more costly to rebuild in the future than to preserve today.

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Mr. President, Title 8 of the Housing and Urban Development Act is an absolute necessity if we are to provide short term Federal assistance to our nation's struggling transit systems. Action is imperative if we are to preserve these systems while we are at the same time fulfilling tomorrow's transit needs.

Another major provision in the 1970 Housing bill is my proposal to provide food services for elderly persons in public housing.

Today many aged individuals are forced to leave their homes and move into nursing homes—not because they are ill but simply because they are unable to move around well enough to shop for food or to cook for themselves.

Many potential applicants for public housing fail to qualify for this very reason.

Yet, most older persons would prefer to live in their own housing if at all possible.

This potentially far-reaching measure will make it easier for low-income individuals to live in a home, rather than a nursing home.

It will do this by broadening public housing coverage to include central dining facilities for the elderly poor.

With these facilities, it will now be possible for public housing officials to serve low-cost, hot meals to older Americans.

For these needy persons, this can also provide a new alternative to unnecessary institutionalization.

Moreover, with this innovative approach we can be more confident that more urgently needed housing for the elderly will be built—not merely to store them—but to restore them to an active life in their community.

Mr. President, in conclusion the Housing and Urban Development Act of 1970 also contains many beneficial provisions relating to mortgage credit, public housing, urban renewal, model cities and for the first time would provide crime insurance for our nation's small businessmen. This legislation is a necessity and I wholeheartedly urge its prompt enactment.

Mr. PERCY. Mr. President, the Senator from New Jersey (Mr. WILLIAMS) has addressed himself to the importance of urban mass transportation. What the bill has done is to take an innovative and creative step that should be given the full attention that it deserves. The time for taking action to improve mass transportation and urban incentives is now. We face a possible crisis not only in Washington, D.C., which we all know about, but in many other cities across the country.

We have heard, at a time of great need and of deep concern about the quality of our environment, when our mass transportation systems are failing, how our country and its citizens could be placed in great jeopardy.

Mr. President, we have also heard, over and over again, that mass transportation is needed to deal with poverty and unemployment and to improve the quality of urban life and of our environment. An adequate mass transportation system would enable the unemployed to move about and have a better opportunity to seek employment. The antipollution features of mass transportation are apparent to all of us. But, up until now, we have done very little. We have an incongruous situation, where we have a highway trust fund which has a $2 billion surplus in it, but we have mass transportation systems which are starving for assistance and help.

The pending bill would help keep the transit wheels of our buses, streetcars, and commuter trains rolling. It would prevent the reduction of critically needed transportation services in the cities by providing emergency help.

These emergency grants, which will require at least a one-third local contribution, would be provided to State and local public bodies, to enable them to assist local transportation companies to pay for outstanding indebtedness and operating deficits incurred while maintaining service. A total of $750 million is authorized for this assistance in the period 1971 to 1975.

This includes an amendment which I had the privilege of offering in committee, which would make grants for mass transit to pay indebtedness up to $75 million a year for 5 years. Also an amendment offered by the distinguished and able Senator from New Jersey (Mr. WILLIAMS), which would enable grants to cover operating deficits up to $75 million per year for a period of 5 years.

The committee, in reporting the bill, chose to act to meet the emergency need while, at the same time, calling for the prompt study and development of a more permanent and comprehensive program, to insure provision of essential transportation services in our rapidly growing urban areas.

Once again, Mr. President, I wish to commend the committee which found that immediate and substantial Federal assistance for urban mass transit systems is necessary now, and it has acted.

I know that in my State of Illinois, which is typical of many others, we have a mass transportation system in Chicago which has a deficit of $25 million this year. If that system should fail, we would have to build automobile highways 50 lanes wide in order to get the people to the "Loop" at night and to get them to work in the morning.

Mr. President, the pending bill is also necessary and urgently needed for smaller communities where bus lines are failing. The pending bill will enable us to take proper and appropriate action.

Mr. GOODELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 40 insert the following new section after line 16.

DEMONSTRATIONS WITH RESPECT TO ABANDONED PROPERTIES

"Section 505 (a) In carrying out activities under Section 501, the Secretary shall undertake programs to demonstrate the most feasible means of providing assistance to localities in which a substantial number of structures are abandoned or are threatened with abandonment for the purpose of arresting the process of housing abandonment in its incipiency or in restoring viability to blighted areas in which abandonment is pervasive. For this purpose, the Secretary is authorized to make grants, subject to the limitations of this section, to assist local public bodies in planning and implementing demonstration projects for prompt and effective action in alleviating and preventing such abandonment in designated demonstration areas.

"(b) In administering this section, the Secretary shall give preference to those demonstration projects which in his judgment can reasonably be expected to arrest the process of abandonment in the demonstration area within a period of two years and which provide for innovative approaches to combating the problem of housing abandonment. Such projects may include, but shall not be limited to (1) acquisition by negotiated purchase, lease, receivership, tax lien proceedings, or other means authorized by law and satisfactory to the Secretary, of real property within the demonstration area or areas which is abandoned, deteriorated, or in violation of applicable code standards; (2) the repair of streets, sidewalks, parks, playground, publicly owned utilities, public buildings to meet needs consistent with the revitalization and continued use of the area; (3) the demolition of structures determined to be structurally unsound or unfit for human habitation of which contribute adversely to the physical or social environment of the locality involved; (4) the establishment of recreational or community facilities including public playgrounds; (5) the improvement of garbage and trash collection, street cleaning and other essential services necessary to the revitalization and maintenance of the area; (6) the rehabilitation of privately and publicly owned real property by the locality; and (7) the establishment and operation of locally controlled, nonprofit housing management corporations, municipal repair programs.

Subject to such conditions as the Secretary may prescribe, real property held as part of a project assisted under this Act may be available to (1) a limited dividend corporation, nonprofit corporation, or association, cooperative or public body or agency, or other approved purchaser or lessee, or (2) a purchaser who would be eligible for a mortgage insured under section 221 (d)(3) or (d)(4), section 221 (h)(1), section 235 (i) or (j)(1), or section 236 of the National Housing Act, for purchase or lease at fair value for use by such purchaser or lessee, as, or in the provision of, new or rehabiliated housing for occupancy by families or individuals of low or moderate income.

"(d) Grants under this section shall be in amounts which do not exceed 90 per centum of the net project cost as determined by the Secretary. There are authorized to be appropriated for demonstration grants under this section not to exceed $25,000,000 for the fiscal year ending June 30, 1971. Any amounts appropriated shall remain available until expended in amounts authorized but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972. Not more than one-third of the aggregate amount of grants made in any fiscal year under this section shall be made with respect to projects undertaken by one locality.

"(e) The provisions of sections 106, 114 and 115 of Title I of the Housing Act of 1949, and section 312 of the Housing Act of 1964, shall apply to projects assisted under this Act as if such projects were being carried out in urban renewal areas as part of urban renewal projects within the meaning of section 110 of the Housing Act of 1949.

"(f) The Secretary shall report annually to the Congress with respect to the status of demonstration projects funded by him and shall make such recommendations to the Congress as he deems necessary to further the purposes of this section.

"(g) Section 221(d)(3)(iii) of the National Housing Act is amended by striking out the comma in the second proviso after the words "Housing Act of 1949" and inserting in lieu thereof "or by a public body with Federal financial assistance pursuant to the Abandoned Properties Act of 1970".

Mr. GOODELL. Mr. President, the amendment is a compromise of the proposals that were made before our full committee to deal with the problem of housing abandonment—a problem that has reached crisis proportions in many of the cities of this Nation. It certainly has reached crisis proportions in New York City.

The amendment would affect many other cities of our Nation. The amendment I offer is cosponsored by the Senator from Massachusetts (Mr. BROOKE) and the senior Senator from New York (Mr. JAVITS). It is a compromise. We had testimony before our committee concerning the desperate need for some kind of a program to deal with individual houses that were abandoned on a block under circumstances where money was not available—for whatever reason—under urban renewal or other Federal programs to cope with the problem.

When a house is abandoned on a block, rats infest it. Derelicts come in to live there. Addicts come in and live there. It becomes a major fire hazard because of the addicts heating their equipment to use heroin.

It becomes a serious problem in terms of deterioration with respect to the entire neighborhood.

I think that most of my colleagues are well aware of this tremendous problem. We have talked about it in the committee. I think that we have essential agreement in the committee with reference to this compromise language.

I proposed in my testimony a major emergency approach with an authorization of $300 million. I think that amount of money is conservative if we are going to arrest the trend of abandoned housing, particularly in our major cities.

I do not want this session to pass without our getting underway with a program to demonstrate effective results in arresting the decay of our cities, particularly as evidenced by abandoned housing.

I am offering this amendment which would set up a demonstration research type of program in the research technology division of HUD. It involves a total authorization of $25 million. It would enable HUD to move forward and experiment with a whole variety of flexible tools in trying to cope with the abandonment problem.

The problem of housing abandonment has reached crises proportions in many of the cities of this Nation.

THE PROCESS OF ABANDONMENT

The process of abandonment usually begins in an outdated structure in a slum neighborhood. Because of its obsolescence, it is difficult and expensive to maintain in proper order. Because of the low income of its tenants, its rental yield is limited.

The landlord tries to keep costs down by skimping on repairs. This, however, only accelerates the vicious cycle. Because of lack of repairs, the building deteriorates faster. Because of the deterioration, it can be rented to none but the most indigent. Because of the impoverishment of the tenants, the prospects of an adequate and steady return on the investment diminishes.

Eventually, the landlord finds himself faced with a losing proposition—where the costs of operating the building exceed the rental income. No one else wants to buy the building—or even take it over free. Finally, the landlord simply walks away, unwilling to pay the taxes, make the repairs or bear the operating costs.

The following week, the superintendent is not paid and he quits. There is no more heat for the building. Other utilities and services give out, one by one.

For a time, the tenants may try to unite and organize to manage the building themselves. Too soon they discover that—because they lack legal title to the building—they can obtain fuel or supplies only for cash. Cash is one commodity they do not have.

The exodus begins. Those who can afford to do so, leave for more decent housing. The poorest try to remain in the unheated and untended structure, boarding up the vacant apartments to keep out squatters.

Then, the vandals arrive. Addicts and teenage gangs tear off the boards and take over the vacant apartments. They start stripping the building of all amenities which have a resale value such as the plumbing fixtures, pipes and copper tubing. In less than a week the building becomes unfit for human habitation. The remaining families flee, now in fear of their lives.

The abandonment of the building unmistakably points the direction in which the block is going—down. No one wants to invest in the neighborhood any more. People begin to look for homes elsewhere.

The gutted shell remains, a hostel for heroin users and criminals. They terrorize the neighborhood, and speed the departure of all but the poorest tenants in adjacent apartments. These structures, in turn, become prey to abandonment.

Whole blocks eventually empty and remain vacant for years, a symbol of urban decay at its worst.

DIMENSIONS OF THE PROBLEM

Abandonment was once thought of as a special New York City problem. It now infects cities throughout the Nation. The statistics are staggering. Over 130,000 apartments have been abandoned in New York City since 1965. In Philadelphia, 20,000 buildings have been abandoned; 7,500 in Houston; 5,000 in Baltimore; 1,500 in Detroit; 1,000 each in Boston and Washington; 950 in Chicago; 900 in New Orleans.

In many cities, there is a net loss of housing units. In New York for example, the casualties to the existing housing supply far exceed the number of new housing starts. The net loss is 21,000 units annually, despite the initial housing shortage the city is facing.

Moreover, the pace of abandonment is accelerating. In New York City, for example, 15,000 units were abandoned between 1960 and 1964. In the period between 1965 and 1967, the number jumped to 37,900—more than double the previous figure. The same phenomenon has occurred in Boston.

Until now, our housing programs have focused almost exclusively upon new construction. It is imperative, however, that we preserve our stock of structurally sound existing housing from the blight of abandonment.

CONGRESSIONAL RESPONSE

The Department of Housing and Urban Development has begun studies to determine the causes of housing abandonment. I felt strongly, however, that Congress should enact emergency legislation to attack the problem.

To achieve this objective, I introduced this August the Emergency Abandonment Assistance Act (S. 4180). This bill provides emergency urban renewal funds for the acquisition and rehabilitation of abandoned or about-to-be abandoned buildings.

Instead of the conventional tract-clearance type of urban renewal, the program would operate selectively—pinpointing potential abandonment sites anywhere in the municipality. The program thus can arrest the process of abandonment within neighborhoods in its early stages, before large areas have been affected.

The new program would also introduce an element of speed and urgency—by requiring that work undertaken be completed within 2 years and by eliminating the elaborate and time-consuming planning requirements of conventional urban renewal.

A significant advantage of the program is that it can alter the deficit economics that lead to abandonment in the first place. It accomplishes this by using the "writedown" technique of urban renewal—namely, that of making the property available for redevelopment at substantially below acquisition costs, and having the Federal Government pay most of the difference. This "writedown" feature would permit the property to be rehabilitated at reduced cost; this reduced cost means smaller mortgage payments; and smaller mortgage payments mean operating costs that are brought into line with rental income.

A second bill of mine—the Housing Management Services Act (S. 4181)—is designed to alleviate another problem that has been associated with abandonment and blight: the lack of skilled housing management services in low-income areas.

One reason that developers have been unwilling to invest in low-income areas is that—while they can obtain a return from building or rehabilitating properties—they do not wish to assume the risks and administrative burdens of managing their properties.

My proposal would seek to remedy this by providing Federal grants to local, nonprofit management corporations, known as "housing management administrations"—HMA's.

The HMA would provide the sort of services that private management corporations provide for higher-income apartments. These would include bookkeeping, collection of rents, hiring of building staff, screening of prospective tenants, and the purchase of supplies and payment of expenses on a reimbursed basis. Because of the Federal subsidy—and also because of economies of scale in providing these services in comparatively a large area—the fees for these management services could be kept at a minimum.

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This management service program could be well integrated with the emergency abandonment assistance program I have earlier described. Abandoned sites could be acquired, written down and sold to a developer for rehabilitation. Once rehabilitated, the management could be turned over to an HMA. This would eliminate a serious obstacle for the developer—his unwillingness to assume the risk and burden of the continuing management function. Alternatively, the property could be conveyed to the tenants as a cooperative or condominium, and the management assigned to the HMA. This would eliminate a serious obstacle to the transfer of ownership to the tenants—their lack of experience and skill in management.

My distinguished colleague from Massachusetts (Mr. BROOKE) introduced S. 4087, the Abandoned Properties and Neighborhoods Act of 1970.

This bill would establish a new program—with a $200 million authorization—available to localities to undertake programs of assistance in those neighborhoods in which it is determined that a substantial number of properties have been or may be abandoned. These Federal funds would be available for such programs as improving city-owned property, repairing streets, sidewalks, and utilities, demolition, the improvement of services and the establishment of new recreational or community facilities.

As a result of this interest, Chairman SPARKMAN agreed to hold hearings on the subject of abandonment on July 23, 1970. Every witness testified that the abandonment process was a vexing problem and that Federal interest and action was long overdue.

Mr. Robert Embry, Commissioner of Housing and Community Development for the city of Baltimore, stated that the legislation was a "long overdue response to a low visibility problem." Neil Hardy, assistant administrator for programs and policy, Housing and Development Administration for New York and former Commissioner of FHA, stated that "Housing abandonment is one—problem—which has been ignored for too long," and that "no section of the country is immune." He also stated:

> It is essential that we fully understand its dynamics, if we are to undertake an effective program to combat the situation.

Dr. George Sternlieb, noted urban land specialist, stated:

> This is an emergency and we cannot afford to wait long.

He also predicted that older suburbs or "zones of emergence" were beginning to suffer the same abandonment problem as the inner city. Ivan Gluckman, deputy managing director of housing for the city of Philadelphia, said:

> I think the danger of the situation, the degree of its cancerous spread in this particular problem is sufficient to justify an emergency approach similar to the natural disaster program.

The overwhelming concern of these practiced and experienced housing specialists only reaffirmed my belief that the Congress should take action on the program this year.

THE GOODELL-BROOKE AMENDMENT

Senator BROOKE and I agreed to join our proposals and with the consent of the chairman to present this proposal as an amendment to the committee bill on the floor.

We have come up with a program which is not as ambitious as those of our original proposals. It will, however, forge a beginning in our attempt to understand and treat housing abandonment.

It would add a new section of title VI of S. 4368 which would authorize the Secretary to make grants available to selected cities for the purposes of demonstrating effective and prompt methods of fighting housing abandonment.

An authorization of $25 million would be made available for this purpose and the grants would subsidize 90 percent of the cost of the project. No more than one-third of the aggregate amount can be made to one locality, and these grants would only be available to those localities in which a substantial number of structures are abandoned or threatened with abandonment.

During hearings, many methods were discussed by which a local government could fight abandonment. We have directed the Secretary to experiment with as many of the approaches as possible including those presented in the abandonment legislation introduced by me and Senator BROOKE. They include: First, acquisition by negotiated purchase, lease, receivership, tax lien proceedings, of real property which is abandoned, deteriorated, or in violation of applicable code standards; second, the repair of streets, sidewalks, parks, playground, publicly owned utilities, public buildings to meet needs consistent with the revitalization and continued use of the area; third, the demolition of structures determined to be structurally unsound or unfit for human habitation or which contributes adversely to the physical or social environment of the locality involved; fourth, the establishment of recreational or community facilities including public playgrounds; fifth, the improvement of garbage and trash collection, street cleaning and other essential services necessary to the revitalization and maintenance of the area; sixth, the rehabilitation of privately and publicly owned real property by the locality; and seventh, the establishment and operation of locally controlled, nonprofit housing management corporations, and municipal repair programs.

Any property acquired through these demonstrations may be made available to nonprofit and limited dividend corporations, cooperations or public agencies for use as new or rehabilitated housing for occupancy by families of low or moderate income. In this way, we expect that the Secretary will, wherever possible, transfer ownership to tenants or owner-occupants who will have more incentive to maintain the property than absentee landlords.

At the end of these demonstrations we expect the Secretary will be able to report to the Congress as to which approaches can best be used to combat abandonment across the Nation.

I urge my colleagues to accept this amendment. It represents the first recognition in the Congress that the problem of abandonment needs immediate attention. The assistance will not result in paper studies that never see the light of day. It will create programs which can help the inner city residents while gathering more information for HUD. It will produce visible results of congressional concern about housing abandonment.

I believe this proposal represents a good beginning and I urge my colleagues to support it.

Mr. TOWER. Mr. President, would the Senator yield?

Mr. GOODELL. I yield.

Mr. TOWER. Mr. President, would the Senator consider perhaps one or two small amendments to his amendment? For example, would he consider changing, in the second line, the word "shall" to "may." That would make it read, "The Secretary may undertake . . ." rather than "shall." Rather than making it mandatory, I think we should make it discretionary on the part of the Secretary. I think that would remove a problem that might cause many objections.

Mr. GOODELL. Mr. President, I say to the Senator from Texas that there is considerable flexibility in the amendment. We have almost a disastrous situation in the cities with reference to abandoned housing. The amount of money here is very small in proportion to the problem. The Secretary is only going to be able to undertake demonstration and experimental projects.

It is my understanding that HUD now has underway paper studies concerning what may have to be done. The cost of that is $100,000 or so.

They have laid the groundwork for moving. They want to move.

I do not feel strongly about the Senator's suggestion except that I have a feeling of urgency. I would not want the bureaucratic apparatus to feel that we are approaching this with any less urgency than is required.

We do want to move as soon as possible and we want the program to go forward.

It is not a massive program. It is not something in which a waste of money might be involved. We want them to go ahead on a demonstration basis so that as soon as possible they can come back to us and give us the results of this. Then we can undertake to solve the problem.

Mr. TOWER. Has the Senator given any consideration, rather than authorizing grants, to authorizing loans on favorable terms?

Mr. GOODELL. Mr. President, I would say to the Senator from Texas that we might when we undertake a major program. If I were talking about the massive amount of money I originally proposed—$300 million and which qualified witnesses proposed to the committee, we might consider long terms or substitute loans.

We would not have very much experimentation without grants. Unless there are grants, the money is not available in local areas to move forward with an experimental type program.

Mr. TOWER. Mr. President, let us see if we can tie down the language in section (c) on the second page of the copy of the amendment I have.

Down toward the end of the paragraph, it says, ". . . for purchase or lease at fair value for use by such purchaser or lessee."

Would the Senator object to adding the term "market" after the word "fair," so that it would become "fair market value" rather than "fair value"?

Mr. GOODELL. Mr. President, I do not believe I would have any objection to that. Would the Senator elaborate a little bit on what his view is of the difference?

Mr. TOWER. That is a specific guideline. We can term almost anything to be fair. I think a fair market value establishes a guideline for the Department to be able to make sure that no one gets a windfall out of this or that it is loosely administered. Of course, that term is used frequently throughout legislation.

Mr. GOODELL. The Senator is correct. I say that if the Senator will abandon the first two suggestions, I would accept the third.

Mr. TOWER. They say the third time is the charm.

Mr. GOODELL. Mr. President, I modify my amendment to make it the fair market value instead of the fair value.

The PRESIDING OFFICER (Mr. CASE). The amendment is so modified.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. JAVITS. Mr. President, I shall be brief. I was contemplating offering a similar amendment to that of the junior Senator from New York (Mr. GOODELL).

I ask unanimous consent that it may be printed in the RECORD as part of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 85, between lines 14 and 15, insert the following new section:

"GRANTS TO ENCOURAGE THE UTILIZATION OF CERTAIN UNUSED OR LOCALLY HELD LAND

"SEC. 742. (a) The Secretary is authorized to make grants to any locality for not to exceed two-thirds of the cost to the locality (1) of acquiring unimproved and abandoned real property and disposing of such property for a nominal consideration, and (2) of disposing for a nominal consideration of real property acquired by the locality as the result of code enforcement activities or otherwise, in any case where the disposition of such property is made to a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or a cooperative housing corporation, which is receiving assistance under any Federal, State, or local program in order to provide rental housing for persons of low and moderate income, and which has entered into a binding agreement with the locality to repair, rehabilitate, or improve such property so as to provide housing and related facilities for such persons.

"(b) In addition to grants under subsection (a), the Secretary is authorized to make grants to any locality equal to—

"50 per centum of the aggregate costs incurred by the locality in arresting decline in an area in which low- or moderate-income rental housing is to be provided with assistance under subsection (a), including any demolition and removal of improvements, or the installation, construction, or reconstruction of streets, sidewalks, utilities, or other facilities designed to enhance the livability of such area.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 742. (b) There are authorized to be appropriated for grants under this section not to exceed $10,000,000 for the fiscal year ending June 30, 1972.

"Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

Mr. JAVITS. Mr. President, I am delighted to join in the amendment of the junior Senator from New York. He is a member of the committee. He has done a tremendous amount of work in this area.

We have 13,000 abandoned buildings in New York City involving 250,000 housing units.

During his recent tour of the city, the Senator from Connecticut (Mr. RIBICOFF) visited the section of the city referred to as Brownsville and called it a national disaster.

It is a singular, most striking devastation sight as one watches these yawning hulks of buildings where other people live and children play, where narcotics addicts set fires, where there is filth, and where every kind of degradation can be carried on with impunity.

I think one of the most critically important things we can do about correcting the slums is to adopt this program.

I hope that the Senate can see fit to accept the amendment.

Mr. SPARKMAN. Mr. President, I am glad the Senator has accepted the suggestion of the Senator from Texas and retained the fair market value provision. We often use that.

I would also like to join in the suggestion made by the Senator from Texas that this be made permissive by using "may" instead of "shall."

I think we can count on getting cooperation from HUD to carry on this program.

I would like to suggest further that instead of $25 million, which would have only until June 30 to run, we make that $10 million. This, after all, is experimental. I think it would be more realistic to set it at $10 million for the balance of this fiscal year.

Then, there is one other provision I would like to suggest, and as far as I am concerned, I would be perfectly willing to accept the amendment with these changes.

This is in the paragraph which would authorize public bodies to build section 221(d)(3) housing.

I understand the housing department opposes that provision. This proposal has come before us before and HUD is always having public bodies sponsor FHA 221(d)(3) housing. Before we go into something that does make a change such as that, I think we should study it in committee.

I am perfectly willing, insofar as I am concerned, to take the amendment with those very few modifications. I hope the Senator from New York agrees with me.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. GOODELL. I shall yield in just a moment. First I would like to respond to the Senator from Alabama.

With respect to the suggestion of the distinguished chairman of the committee, I accept the amendment to change the word to "may." I am sure the Senator from Alabama will agree with me as a matter of legislative history that we are very anxious to go forward with this.

Mr. SPARKMAN. I agree, and I only propose that because I have confidence in the Department's desire to try out new methods and programs.

Mr. TOWER. Mr. President, I associate myself with the chairman of the committee in that respect.

Mr. SPARKMAN. When I made my statement with respect to the word "shall" I do not suggest that the language "shall make recommendations" be changed.

Mr. GOODELL. May I implore the chairman to think and consider a little bit further on the amount. This is a very small amount of money compared to the tremendous problem we have. I think it is urgent to go ahead in various types of programs as soon as possible. I would say to the Senator that the Committee on Appropriations is going to have to provide funds. If the Department comes forward and indicates they cannot spend $25 million authorized in this amendment, then clearly they will not get the funds. But this program will need to have adequate funding authority for the new experimentation. I hope we will leave this money available.

An expert suggested to our committee that to begin making an impact now we need $200 million. We cut it back to $25 million on the basis that we want them to get started and give us real guidelines on how we can effectively meet the problem.

Mr. **SPARKMAN**. Mr. President, of course, I realize the truth in what the Senator has said. The Committee on Appropriations does have to consider this. My thought was that we have such a short time left in fiscal year 1971 in which to operate on this matter.

However, if the Senator feels it should remain at that amount and if he will modify his amendment, as far as I am concerned, I will be glad to take it, and I understand the Senator from Texas is agreeable also.

Mr. **GOODELL**. I thank the Senator with respect to the amount of money; and I appreciate the Senator's willingness to accept the higher figure.

The **PRESIDING OFFICER**. Will the Senator from New York state for the record the modifications he wishes to make in his amendment?

Mr. **GOODELL**. Yes, but first, to save time I yield to the Senator from Illinois.

The **PRESIDING OFFICER**. The Senator from Illinois is recognized.

Mr. **PERCY**. Mr. President, I thank the Senator. I wish to associate myself with the amendment. I remember the compelling and convincing testimony that the distinguished Senator from New York gave before our committee. He is a member of the committee but he testified on the problem at that time. I think the managers of the bill are very well advised to accept this with the modifications which have been made which I think are wise and prudent, and to accept the larger amount.

I visited with Mayor Lindsay more than a year ago, spending the day looking at housing in New York. I looked at rehabilitated housing and at abandoned buildings. The cost is great to correct our present deteriorating conditions but I think the return on the investment is potentially very high. When we have these abandoned buildings in the middle of a community they act as a cancer that spreads throughout the entire community.

Just as we see that rehabilitated buildings have a good effect on a community, so we are trying to prevent communities from being run down by these abandoned buildings.

I know every city in America will benefit from this amendment and not just the city of New York.

I thank the Senator.

Mr. **GOODELL**. I thank the Senator from Illinois.

Mr. President, I yield to the Senator from Massachusetts.

Mr. **BROOKE**. Mr. President, I also proposed legislation for abandoned housing and the proposal of the distinguished Senator from New York represents a sort of compromise between our two proposals.

This is a very grave problem not only in New York but in cities all across the country. We have come to the conclusion we do not have enough information and I think we can get far more congressional insight into the problems and what will be done through this experiment.

I wish to associate myself with what has been said by the Senator from New York. I commend the managers of the bill for accepting the compromise. I think it is something that is worthy and something that will benefit the Nation.

I thank the Senator.

The amendment, as modified, reads as follows:

On page 40 insert the following new section after line 16:

"DEMONSTRATIONS WITH RESPECT TO ABANDONED PROPERTIES

"Sec. 505. (a) In carrying out activities under Section 501, the Secretary may undertake programs to demonstrate the most feasible means of providing assistance to localities in which a substantial number of structures are abandoned or are threatened with abandonment for the purpose of arresting the process of housing abandonment in its incipiency or in restoring viability to blighted areas in which abandonment is pervasive. For this purpose, the Secretary is authorized to make grants, subject to the limitations of this section, to assist local public bodies in planning and implementing demonstration projects for prompt and effective action in alleviating and preventing such abandonment in designated demonstration areas.

"(b) In administering this section, the Secretary shall give preference to those demonstration projects which in his judgment can reasonably be expected to arrest the process of abandonment in the demonstration area within a period of two years and which provide for innovative approaches to combating the problem of housing abandonment. Such projects may include, but shall not be limited to—

"(1) acquisition by negotiated purchase, lease, receivership, tax lien proceedings, or other means authorized by law and satisfactory to the Secretary, of real property within the demonstration area or areas which is abandoned, deteriorated, or in violation of applicable code standards;

"(2) the repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, public buildings to meet needs consistent with the revitalization and continued use of the area;

"(3) the demolition of structures determined to be structurally unsound or unfit for human habitation or which contribute adversely to the physical or social environment of the locality involved;

"(4) the establishment of recreational or community facilities including public playgrounds;

"(5) the improvement of garbage and trash collection, street cleaning and other essential services necessary to the revitalization and maintenance of the area;

"(6) the rehabilitation of privately and publicly owned real property by the locality; and

"(7) the establishment and operation of locally controlled, nonprofit housing management corporations and municipal repair programs.

"(c) Subject to such conditions as the Secretary may prescribe, real property held as part of a project assisted under this Act may be available to—

"(1) a limited dividend corporation, nonprofit corporation, or association, cooperative or public body or agency, or other approved purchaser or lessee, or

"(2) a purchaser who would be eligible for a mortgage insured under section 221(d) (3) or (d)(4), section 221(h)(1), section 235(i) or (j)(1), or section 236 of the National Housing Act, for purchase or lease at fair market value for use by such purchaser or lessee, as, or in the provision of, new or rehabilitated housing for occupancy by families or individuals of low or moderate income.

"(d) Grants under this section shall be in amounts which do not exceed 90 per centum of the net project cost as determined by the Secretary. There are authorized to be appropriated for demonstration grants under this section not to exceed $25,000,000 for the fiscal year ending June 30, 1971. Any amounts appropriated shall remain available until expended in amounts authorized but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972. Not more than one third of the aggregate amount of grants made in any fiscal year under this section shall be made with respect to projects undertaken by one locality.

"(e) The provisions of sections 106, 114, and 115 of title I of the Housing Act of 1949, and section 312 of the Housing Act of 1964, may apply to projects assisted under this Act as if such projects were being carried out in urban renewal areas as part of urban renewal projects within the meaning of section 110 of the Housing Act of 1949.

"(f) The Secretary shall report annually to the Congress with respect to the status of demonstration projects funded by him and shall make such recommendations to the Congress as he deems necessary to further the purposes of this section."

Mr. **GOODELL**. Mr. President, I thank the Senator from Massachusetts.

Mr. President, at this time I would like to modify the amendment on line 2, to delete the word "shall" and insert the word "may". In subsection (e), the second line, delete the word "shall" and insert the word "may". Then, delete section (g)—subsection (g) entirely. I have already made the other modification in subsection (c) to insert after the word "fair" "market value."

Mr. **SPARKMAN**. Mr. President, I understand the Senator from New York has used up all of his time. I yield back the remainder of my time.

The **PRESIDING OFFICER**. All time has been yielded back. The question is agreeing to the amendment of the Senator from New York, as modified (putting the question).

The amendment was agreed to.

Several Senators addressed the Chair.

The **PRESIDING OFFICER**. The Senator from New York is recognized.

Mr. **GOODELL**. Mr. President, I shall be very brief. I send a technical amendment to the desk.

The **PRESIDING OFFICER**. The amendment will be stated.

The amendment was read, as follows:

On page 20, line 13, strike the period and insert in lieu thereof the following: "except that in their case not more than 10 per centum of the dwelling units in a project, other than dormitory-type rental housing shall be available for occupancy by such persons."

Mr. **GOODELL**. Mr. President, if I may explain the amendment I think we can take care of this matter in 2 minutes.

In committee we accepted the amendment I offered which would begin to make available a program for single room occupancy houses. Inadvertently a limitation on this clause limiting this was not included in the amendment as it was adopted. This amendment merely would provide that under no circumstances may more than 10 percent of the dwelling units in a public housing project other than dormitory housing, be available for occupancy by such single room occupants.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself 1 minute on the bill?

Mr. SPARKMAN. No; I yield 1 minute to the Senator on the amendment.

Mr. TOWER. Mr. President, I would suggest to the distinguished Senator from New York that he withhold that amendment for a moment until we have a chance to examine it.

Mr. GOODELL. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. METCALF. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 105, beginning with line 8, strike out all through line 9 on page 106.

On page 106, line 11, strike out "1007" and insert "1006".

On page 107, line 7, strike out "1008" and insert "1007".

Mr. METCALF. Mr. President, the amendment strikes out section 1006 of the bill. Section 1006 is described in the committee report, and it is as succinct as I can describe it. It states that section 1006:

> Amends the Public Utility Holding Company Act of 1935 to authorize public utility holding companies to construct, own, or operate federally assisted low- and moderate-income housing either individually or in partnership with a national housing corporation created under Title IX of the Housing and Urban Development Act of 1968. The Securities and Exchange Commission would, under the bill, retain authority to regulate holding company activities.

This section repeals a specific provision of the Public Utility Holding Company Act that denies the utilities authority to go into activities other than a regulated activity. This proposal specifically overrules three decisions of the Securities and Exchange Commission. The decisions of the Securities and Exchange Commission were based, of course, on the Public Utility Holding Company Act of 1935.

The authors of that bill—Senator Wheeler on this side, a great and distinguished Senator from Montana, and Mr. Rayburn on the other side, who became Speaker of the House of Representatives—engaged in a long and hard debate to put that provision in the law. Senator Wheeler, who was manager of the bill in the Senate, emphasized "the principle that utility holding companies shall confine themselves to gas and electric service and not continue to mix into all manner of other businesses."

Later, of course, the U.S. Circuit Court, in United Gas Improvement Co. against SEC, reported at 138 Federal (2d) 1010 said:

> The obvious intention of Congress in enacting Section 11(b)(1) was to integrate public utility holding company systems and to compel holding companies subject to the Act to relinquish interests in unrelated utilities as well as unrelated nonutility companies. The myriad, promiscuous activities and investments of some of the holding company systems was a prime cause of investors' losses.

Of course, we all remember the Insul disgrace, when investors lost tremendous amounts of money as a result of holding companies.

When the Securities and Exchange Commission handed down these three decisions, a reporter asked Mr. Donald Cook, who was one of the outstanding spokesmen for the utility companies, what he was going to do about it. He said, "Well, I will get some statutory remedy." He went to the committee. There is not a word of testimony in these two volumes of hearings, almost 2,000 pages there is not a single line of evidence, in support of repealing a major section of the Public Utility Holding Company Act which has been a part of the legislation regulating and governing utilities since the act became law.

I testified before the Subcommittee on Antitrust and Monopoly. As a result of that testimony I wrote a letter, on the 16th of June 1970, to the Joint Committee on Internal Revenue Taxation, asking the chief of staff what the tax impact of this kind of procedure would be.

I have not yet received an answer. I do not believe it is the fault of the joint committee, because it has had some major problems.

I ask unanimous consent that my letter of June 16, 1970 be incorporated in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 16, 1970.

Mr. LAURENCE N. WOODWORTH,
Chief of Staff, Joint Committee on Internal Revenue Taxation, Longworth House Office Building, Washington, D.C.

DEAR MR. WOODWORTH: In testimony Thursday, 11 June, before the Senate Antitrust and Monopoly Subcommittee I discussed tax features of housing built by utility subsidiaries.

According to the utility industry, participating companies earn more than 20 per cent annually on their equity through construction of housing through subsidiary corporations.

The property of the utility's housing subsidiary is depreciated in its entirety over a short period, producing a tax loss for consolidation with the parent company's return.

I would appreciate knowing how the true cost, to the taxpayer, of such housing compares with the cost of housing under other Federal programs.

It would appear that the inherent tax-loss feature of utility-sponsored housing may make the true cost of such units higher than the cost of housing otherwise financed.

Enclosed is my statement (and the article from Public Utilities Fortnightly) regarding utility housing, which I entered into the hearing record.

If there are questions, please call Vic Reinemer of my staff.

Very truly yours,

LEE METCALF.

Mr. METCALF. The only testimony that I know of that has been submitted on this legislation was that given before the subcommittee of which the Senator from Michigan (Mr. HART) is chairman, in which I objected to this procedure—not because I objected to the amendment of the statute. It may be that this is the only way to build houses. If allowing utilities to expand into this area is the only way to give housing to the poor, that is one thing, but there has not been a line of proof and not a word of testimony about it.

The utility companies themselves say, one, that they should be permitted to make at least 20 percent on their investment, and then at the end of ten years turn the investment over; and, two, this provision allows them to have a greater flexibility. But, as a condition of every single contract, according to a letter I have from another person who has been associated with this matter, they say that there has to be all electric heat or all gas appliances as the utility may represent their own interests.

Today, as we walk from the Senate Office Building to the Senate Chamber, we see that the buildings are in half darkness because the electric utilities cannot supply the kind of electrical reliability we should have. Yet, as a part of the contract, a gas company, if it is a gas company, would require all gas heat; and, if it is an electric company, it would require all electric heat. It would remove a most important part of competition in the utility industry.

Therefore, I urge that we have hearings on this proposition. I urge that the chairman of the committee, instead of adopting a major change in the Public Utility Holding Company Act, agree to have some hearings and discussions. It may be that this is the way to build houses. The chairman of the committee will have an agreement from the Senator from Montana, as well as others, if it is. But until the tax impact has been explored, until there has been an exploration of the impact of putting a regulated industry into a nonregulated business, I think this provision should be deleted from the bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. METCALF. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, the Senator from Montana spoke to me about this matter before we started consideration of the bill. He expressed considerable concern and even stated that he would not like to see the bill called up if this provision was going to stay in it.

I must admit that we did not have any hearings on it. We did have a presentation in the Senate by the distinguished Senator from Washington (Mr. MAGNUSON), who, as I recall, introduced the original bill. As I recall, he wrote me a letter on it.

Of course, I want the Senator from Montana to keep this fact in mind: We have been trying our hardest to get private enterprise to participate in housing programs, to become interested in them, and to invest money in them. The banks have done it. The insurance companies have done it. We have a provision now whereby we have partnership corporations in order to pull private enterprise into building housing.

It seemed to me there was no reason why utilities companies might not be used. However, I will say to the Senator it is true that we did not hold hearings on the provision.

In the event the matter is stricken from the bill, it will be my purpose, the next go-round, to hold hearings on this matter. I personally gave my commitment to the Senator that, if it was satisfactory for him to take up the bill, I would not oppose his motion to knock out that provision; but other Senators have indicated to me that they would oppose it.

Mr. METCALF. Let me say to the Senator from Alabama, who has contributed so greatly to the development of housing in the United States, that I congratulate him for all he has done for housing. I believe we should do everything we can to encourage every segment of private industry to participate in housing.

The lack of adequate housing is a national disgrace, and we should do everything we can to eliminate that disgrace. But I think we should be very careful when we say that the utilities shall have such a hold on and control over what goes into the housing, how the development is going to be, whether it is going to be all electric or all gas, or all those things. I think we should be very careful when we overrule a section of the law that was hard fought for, and has been put in in order to protect the public interest.

After hearings, it may well be that the Senator from Montana will agree that this provision should go in; but there certainly should be some determination of what the public interest is.

Mr. SPARKMAN. Mr. President, because of the fact that I do not oppose the Senator's amendment, I ask that the Senator from Texas control the time in opposition.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. HART. Mr. President, I do not know whether this is the only way to provide decent housing for low- and middle-income groups, but I do know it is one way; and in fact tonight there are low-income families decently housed, in the city of Detroit, because a utility there—Michigan Consolidated, after having applied and been given approval by the Securities and Exchange Commission, did in fact construct urban renewal townhouses in an area known as Elmwood.

That same utility has started and now has under construction two other low- and middle-income housing developments in the city of Detroit and in the city of Inkster, which I understand will provide shelter for elderly citizens. So we know that this is a way to meet in part the unmet need for housing.

Secondly, I share with the able Senator from Montana a little sensitivity about giving a utility a handhold on the kind of fuel or energy that will be used in houses constructed by its housing subsidiary; but I call the attention of my colleagues to the fact that the housing construction will itself be subject to regulation, and the FHA requires—and I cite section 72962.5 of the FHA Valuation Analysis Manual and the underwriting reports and forms appendix in that manual, form 2264—

The utility in question in Detroit, a gas utility, has provided gas——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. May I have 1 more minute?

Mr. TOWER. I yield the Senator 1 additional minute.

Mr. HART. In the housing complex in the Elmwood area of Detroit certain of the energy units are provided through gas, others through electricity; and in each case, the reason was that the particular element delivered the energy at the lowest cost.

So there was no preferential or exclusive dealing hand-hold given in this case, and the FHA restrictions and regulations should forestall it in any case.

Finally, Mr. President, if we are going to zero in on urban centers, if we are to get new low-income housing in deteriorating centers of our cities, a utility is more likely to step forward and undertake participation in this kind of construction than other businesses. The construction itself is subject to a good bit of redtape and regulation through HUD. A utility is used to living with regulation. Other businesses are less willing to undertake the experience.

I hope very much that the action of the committee will be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield 3 minutes to the junior Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I rise to associate myself with the remarks of my senior colleague from Michigan and to urge that the Senate sustain the committee's position by voting down the pending amendment.

If we do, we will be carrying out, not only the recommendation of the Department of Housing and Urban Development Secretary, but also that of the Securities and Exchange Commission, which supports the provision in the bill and is in accord with its objectives.

I would share the concern of the Senator from Montana if the provision in the bill were broader in scope and opened the door too wide to allow utility companies to engage in any and every activity. But the provision is very carefully limited, and the SEC would still have control. It merely gives certain authority to the SEC which it does not have now.

As the senior Senator from Michigan has pointed out, there are housing projects in the State of Michigan that await this legislation. There are housing projects in other parts of the country that await this legislation. Surely, we should be desirous of getting more private and nonpublic investment in the housing field. Utility companies have a unique interest in rehabilitating the inner city. Aside from whatever profit that might be associated with housing projects, the utility company has an overriding interest in making sure that the inner city does not decay.

It seems to me that we ought to take advantage of that motivation, that unique interest which binds the utility to the inner cities. And we ought to allow the leeway and flexibility so a utility company can build low- and middle-income housing.

The provision in this bill is a step in the right direction. I am very glad that the administration supports it, and I think the Senate would make an unfortunate mistake if we now were to strike this provision out by agreeing to the amendment of the Senator from Montana.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I ask unanimous consent that I might suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I move that the amendment of the Senator from Montana (Mr. METCALF) be tabled.

The PRESIDING OFFICER. The motion of the Senator from Texas is not in order until all time is used or yielded back.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. TOWER. The Senator can proceed on his own time.

Mr. METCALF. I have 4 minutes left, and I understand that the Senator from Texas has 9 minutes. I would suggest that he yield time back and let me use my 4 minutes.

Mr. HART. Mr. President, would the Senator reserve a half minute for me?

Mr. TOWER. I would like to reserve part of my time.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. The Senator from Montana, as the author of the amendment, would like to have a couple of minutes to close this debate.

Mr. TOWER. Time is available on the bill.

Mr. METCALF. The Senator from Texas already has indicated that he wants to close debate by attempting to make a motion to table, which the Chair ruled was out of order.

Mr. TOWER. Mr. President, I yield back all but 1 minute of my time.

Mr. MANSFIELD. And that will be given to the Senator from Michigan (Mr. HART).

Mr. TOWER. The Senator from Montana would not want me to gag the Senator from Michigan, would he?

Mr. METCALF. I would be delighted to have the Senator from Michigan have as much time as possible. My delightful colleague and I already have had some colloquy on this matter in his own Subcommittee on Antitrust and Monopoly.

Mr. President, on September 25, 1969, in the Public Utilities Fortnightly, there was a suggestion to all the utility companies to go into this kind of housing business. Let me read a couple of paragraphs:

> Niagara Mohawk would organize a wholly owned subsidiary for each project. Each project would have a 40-year, 90 percent FHA guaranteed mortgage.

That is after the subsidy—

> While the subsidiary would be limited to a 6 per cent return on its 10 per cent equity, the property could be depreciated in its entirety (sum-of-the-years digits) over a ten-year period, producing in each year a tax loss for consolidation with Niagara Mohawk's own tax return. At the end of the depreciation period, the property could be sold at its cost or even given away to an eleemosynary institution. All this would produce an annual average return on equity over the ten-year period in excess of 20 per cent. While the dollars involved might be small in relation to utility operations, the financial integrity of the housing program would be assured.

So here is an open option, without consideration, without debate, without hearings, without a word of testimony, in order to give the utilities an extra tax break. It has not gone to the Committee on Finance; it has not gone to the Committee on Commerce. It emanated from the Committee on Banking and Currency as an amendment that appeared from somewhere, out of the dark, in a utility blackout on an irrelevant housing bill.

I want to read an excerpt from another letter. This is from the National Oil Fuel Institute, Inc., December 5, 1969, and I ask unanimous consent that the entire letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL OIL FUEL INSTITUTE, INC.,
New York, N.Y., December 5, 1969.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: I have reviewed the reply of the FPC concerning the Franklin Real Estate Company in which they list the officials and directors and their remuneration.

I think the question and the FPC answer misses the major point.

The Franklin Real Estate Company is a Pennsylvania corporation, wholly owned by the Ohio Power Company. Their pattern of operation strongly suggests they are engaged in anti-competitive practices through a concerted effort to monopolize the market by restricting construction in new residential land development to electric energy.

For example, the Ohio Power has entered agreements with developers and contractors, as recorded in Volume 2941, Page 504 of the Stark County Records, in which said contractor was induced to agree to the following:

"Contractors will not erect or permit to be erected any house on the hereinafter described real estate which shall use any source of heat or space heating other than electricity."

The question which must be answered thus presents itself:

Is the Ohio Power Company through its wholly owned subsidiary incorporated under the laws of another state, using its legal monopoly franchise in one business (the electric) to extend its monopoly influence into an unregulated sector (real estate business)? And.

Is this practice of a utility, through its subsidiary of using a restrictive covenant to induce the installation of the utility's service on an exclusive basis a violation of the federal statutes?

A Pennsylvania electric utility engaged in a practice very similar to this announced its voluntary withdrawal from said practice when the Department of Justice became interested.

However, I don't believe we should have to ferret out individual cases and go through long drawn out procedure of sicing the Department of Justice on them.

What the consumer really needs is a clear statement by the Department of Justice that such practices by utilities are an invitation to prosecution.

Cordially,

ROBERT D. LYNCH,
Vice President.

Mr. METCALF. I refer to a portion of the letter. The Ohio Power Co., which is the complete owner of the Franklin Real Estate Co., a Pennsylvania corporation, has entered into agreements with developers and contractors in which the contractor was induced to agree to the following:

> Contractors will not erect or permit to be erected any house on the hereinafter described real estate which shall use any source of heat or space heating other than electricity.

This is exactly what I am talking about. Here is a major provision of the statute that has been in operation since 1935, and with one gesture, without hearings, without a determination of what the overall impact is going to be, we are going to repeal that section of the statute and allow gas utilities or electric utilities to enter into such contracts as have been forbidden.

The Senator from Michigan has talked about a Michigan project. The Michigan project is already underway in the present law, and it will continue to operate.

I think that before we repeal this section, just with an outright repeal, and erase it with just a check point, we should either put restrictions on it, make some legislative history, and have some hearings, and then determine exactly what the impact of repeal will be. Again I say to the committee, and I say to my friend from Michigan, it may be that after proper hearings the Senator from Montana will agree that this is the only way we can build houses; but I say, right now, the housing situation is in sad shape if we have blindly to go out and repeal major landmark legislation in order to build houses.

Mr. HART. Mr. President, I ask unanimous consent that a letter dated August 18 to the Committee on Commerce, to the Senator from Washington (Mr. MAGNUSON) from Secretary of HUD George Romney, a letter to me dated July 8, from Hugh C. Daly, executive vice president of the Michigan Consolidated Gas Co., and an article published in the Detroit News entitled "Michigan Housing in Crisis—1,380,000 Dwell in Decay," written by Carl Konzelman, be printed in the RECORD, which make plain from which source this amendment came.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 18, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing for consideration by the Senate Commerce Committee a bill which would enable public utility holding-company systems to participate in Federally-assisted programs to provide low and moderate income housing.

The bill would amend the Public Utility Holding Company Act of 1935 to permit such utilities to construct, own or operate Federally-assisted low and moderate income housing either individually or in partnership with a national housing corporation created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968. Under the bill, the Securities and Exchange Commission would retain the authority to regulate the extent and nature of participation by holding company systems in these housing activities, thereby assuring continuing review by the Commission in the interests of the utility's consumers and investors.

The legislation is necessary because of a recent ruling by the S.E.C. that the Holding Company Act does not empower the S.E.C. to authorize utilities subject to the Act to participate in such housing activities. The decision of the S.E.C. did not suggest, however, that utility participation in low and moderate income housing programs is contrary to the interests of utility consumers or investors. The S.E.C. recognized the policy of the National Housing Act to assist private industry in housing programs but concluded by a 3-2 vote, that utility holding-company activity in this field was not contemplated by the Holding Company Act as originally enacted in 1935. This reversed a previous 3-1 S.E.C. decision which had authorized a utility subject to the Act to construct low and moderate income housing.

I am pleased to report that the S.E.C. has participated in the drafting of the subject bill and has stated that it has no objection to its passage.

I recognize that utility holding-company systems represent only a fraction of the nation's public utilities and that, in terms of dollar investment and number of housing units produced, their contribution to solving the critical housing needs of low and moderate income families might be deemed to be minimal. However, for some time this Department has recognized the unique and valuable role that public utility companies can play in providing low and moderate income housing in their service areas. These companies have a special social and economic interest in the stability and well-being of the communities in which they do business. They have the ability and resources to finance and construct low and moderate income housing, can work effectively with the branches of government involved in housing and, as business leaders of their communities, can play a catalytic role in involving other business leaders in local housing and community development problems.

While many private businesses are unwilling to subject themselves to government controls and do not desire to participate in low and moderate income housing, we have found that a number of utility holding-company systems are willing and able to become involved in this much needed housing construction. The Department believes that they can make a contribution toward attaining our national housing goals and should be encouraged to do so.

I realize that there are many important matters before your Committee, but I sincerely hope that you may act upon this bill at the earliest possible date. The S.E.C.'s recent decision, which was noted above, has halted plans for the immediate construction of a number of low and moderate income housing units and has postponed planning for other projects.

Sincerely,

GEORGE ROMNEY.

MICHIGAN CONSOLIDATED GAS CO.,
Detroit, Mich., July 8, 1970.

Re Participation of Public Utility Holding Companies in Low and Moderate Income Housing.

Hon. PHILIP A. HART,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I appreciate very much the time you and Mr. O'Leary gave to Mr. Seder and me on June 29 to discuss the role of utilities in the construction of low and moderate income housing. As we indicated to you, it is our understanding that HUD will recommend an amendment to the Public Utility Holding Company Act of 1935 authorizing the Securities and Exchange Commission to permit holding company systems to participate in these essential housing programs, and we earnestly request your support of this legislation.

XUM

In order to assist in your consideration of this matter, we thought it might be helpful to recapitulate some of the points raised at the meeting as well as providing the information requested by you or Mr. O'Leary.

The key question raised in our discussions was whether a utility, by constructing housing, has a captive market for its service without regard to the relative economics of other energy sources. The answer to that question, insofar as low and moderate income housing projects regulated by the FHA are concerned, is unequivocally no.

The FHA closely supervises and regulates every aspect of the construction and operation of housing units subject to its jurisdiction, including the utility services to be provided. For example, Section 72962.5 of the FHA Valuation Analysis Manual for multi-family housing provides in part:

"The utility systems and building components proposed must be examined to determine that they are the most economical and beneficial, in terms of low operating costs, and consequently low rents, to the project occupants."

Again, in the FHA Manual, Appendix Underwriting Reports and Forms, Form 2264—Basic Valuation Instructions, relating to fuel, provides as follows:

"Heating equipment and or systems selected in all proposed construction cases shall be that system which is most economical to operate from the standpoint of annual operating expenses. In those cases where the sponsor or its representatives insists on specifying a system which in the opinion of FHA does not meet the above requirements, the file of sponsor's justifying data shall be submitted to the director of appraisal and mortgage risk division for decision."

Thus, the adoption of a more expensive utility service than that available from another source, with consequent higher rents, clearly would not be tolerated by the FHA.

Michigan Consolidated has recognized from the outset that the choice of energy sources in its housing projects must be based strictly upon relative economics. As we indicated in our discussions, we have accordingly utilized gas for space heating, water heating and cooking in our housing projects but have used electricity purchased from the local electric utility for all other uses, including the installation of heavy-duty wiring and in-the-wall sleeves for electric air conditioning. We have not adopted the use of gas for on-site generation of electricity, nor were the gas appliances installed in our housing projects purchased from Michigan Consolidated. We have installed electric garbage disposals in the kitchen sinks and have not installed gas incinerators for the burning of garbage.

The attached sheets show the comparative costs of gas, electricity, fuel oil and coal (where applicable) for the respective uses for which gas was selected in the projects constructed by Michigan Consolidated Homes Corporation. Sheet 1, which was prepared from data published by the Detroit office of FHA, shows that the cost of heating apartment-size units in the Detroit area with fuel oil and coal is from 33% to 50% more expensive than with gas. Apparently because of its high cost for space heating, electricity is not included in the comparison.

Sheet 2 is a comparison prepared by Michigan Consolidated showing comparative costs for heating, water heating and cooking in its service area. The cost of heating with fuel oil or coal is shown to be 25% to 45% higher than gas, and electricity costs approximately 3½ times more than gas for space heating. Electricity costs 80% more than gas for water heating and three times as much as gas for cooking. Thus, the economic advantage of using gas for these purposes is clear and unquestionable. I might add that we have checked with the Foundation for Cooperative Housing, Inc., which has sponsored or manages approximately 15,000 multi-family living units in Michigan constructed under Section 221(d)(3) of the National Housing Act, and have been advised that none of those units is heated with electricity.

In summary, to the extent that a utility might attempt to prefer its own service to another energy source providing a lower cost to tenants—a course which we have never followed and would under no circumstances entertain—the FHA has both the authority and the expertise to protect the public interest against such actions.

Two somewhat related points raised in our discussions concern the effect of the proposed legislation on the S.E.C.'s continuing jurisdiction over holding company involvement in the housing field and the effect of such involvement on the company's ability to raise capital to provide utility service.

Under the contemplated legislation, as we understand it, the S.E.C. would have continuing jurisdiction over holding company proposals to construct low and moderate income housing projects and would thus have full authority to prevent the holding company from becoming predominantly a housing corporation or from jeopardizing its ability to raise capital for utility purposes. In fact, the S.E.C. would have all of the jurisdiction it possesses today to regulate the scope or extent of holding company participation in housing projects; the proposed amendment would simply eliminate the barrier to any participation in Government supported housing programs under the Holding Company Act as now interpreted by the S.E.C.

I should add in this connection that the possibility of our becoming involved in low and moderate income housing projects to a point that jeopardizes our System's ability to raise capital for utility purposes is remote and unrealistic under any reasonably foreseeable circumstances. For example, under Michigan Consolidated's present program of constructing approximately 500 dwelling units annually, its equity investment in such projects would total only $1,000,000 per year, since approximately 90% of the cost is provided by FHA insured mortgages. This compares with Michigan Consolidated's total equity of nearly $200,000,000 and an equity investment of over $450,000,000 for the American Natural system as a whole. Michigan Consolidated's total assets amount to over $600,000,000 and the American Natural system's assets to over $1.5 billion. Thus, the investment in housing contemplated by Michigan Consolidated's present program is *de minimis* relative to the total size of the company and the holding company system of which it is a part.

A third question raised at our meeting was, in essence, why it is either necessary or desirable for public utilities to participate in low and moderate income housing programs. We are convinced, and we believe that HUD shares our view, that participation by public utilities in Government assisted housing programs is of great significance in the effort to provide decent homes for low and moderate income families.

Because of the regulation of rate of return and rents and other restrictions necessarily imposed upon limited dividend corporations by the National Housing Act and FHA regulations, many businesses are unwilling to participate as sponsors of low and moderate income housing projects. However, the construction and operation of housing projects under FHA regulation is remarkably similiar to utility regulation. Rents, like utility rates, are set by a government agency and may only be increased upon a showing of higher operating costs. The rate of return on the company's investment in a housing development is regulated, again like return on utility operations. A uniform system of accounts is prescribed for the housing operation which is similar to that prescribed for utility companies. A limited dividend corporation must file detailed reports on its operations, much like the utility's periodic reports to state and federal regulatory bodies. In short, because utilities are accustomed to operating within the regulated framework required by the Federal housing laws, they are more willing to construct and operate Government supported housing projects than many other businesses.

Second, utility companies serving urban areas are necessarily committed to the long-range welfare of those areas. Unlike many other businesses, a utility cannot simply remove its plant and work force to an outlying area to avoid urban problems. A utility's investment in service facilities and its customers are located in the urban areas it serves. Its interest in the rebuilding and rehabilitation of those areas is direct and compelling. Thus, in addition to social incentives, the utility has an economic incentive in the rebuilding of the cities that makes it a logical and sometimes indispensable catalyst in the initiation and successful implementation of low and moderate housing programs.

Finally, utilities generally have the managerial and financial resources necessary to ensure efficient construction and operation of low and moderate income housing projects. Under circumstances where time is money, and the prompt construction of projects is essential to carry out housing programs, such expertise is of real value.

We would be very glad to provide any other information on this subject that you or your staff should desire.

Very truly yours,

HUGH C. DALY,
Executive Vice President.

FHA HEATING COST DATA[1]

	Annual cost	Percent over (under) gas
700-square-foot unit:		
Gas	72	
Oil	96	133
Coal	108	150
800-square-foot unit:		
Gas	84	
Oil	108	129
Coal	120	143
1,000-square-foot unit:		
Gas	108	
Oil	144	133
Coal	156	144

COMPARATIVE COSTS OF COMPETITIVE FUELS FOR HEATING, WATER HEATING, AND COOKING FOR MICHIGAN CONSOLIDATED GAS CO. SERVICE AREA[2]

Heating:		
Gas	$122	
Coal	152	125
Oil	177	145
Electricity	432	354
Water heating:		
Gas	35	
Electricity	63	180
Cooking:		
Gas	9	
Electricity	28	311

[1] Federal Housing Administration—Utility, Maintenance, and Heating Cost, Aug. 21, 1968.

[2] Statistics have been computed based on the average annual residential heating requirements for customers within Michigan Consolidated Gas Co.'s service area.

[From the Detroit News, July 3, 1970]

MICHIGAN HOUSING IN CRISIS: 1,380,000 DWELL IN DECAY

(By Carl Konzelman)

Michigan's housing inventory has a high percentage of dilapidation and the prospects for improvement are slight.

In short, the state has a massive housing crisis.

These are conclusions to be drawn from a newly published study. "Michigan's Housing Conditions," conducted by Market Opinion Research for the Office of Planning Coordination in co-operation with the Michigan State Housing Development Authority.

Conducted to measure the physical condition of Michigan housing and to calculate the extent of Michigan housing needs, the study reflects some surprising elements. These include:

Item: Some 158,000 Michigan families live in "very poor" housing—homes that are dilapidated and ruined or close to ruin. Involved in these family units are at least 507,000 persons.

Another 273,000 households, including some 873,000 persons, are dwelling in "poor" and deteriorating conditions.

Conditions have been worsening, with "very poor" housing increasing from 85,425 units in 1960 to 158,000 in 1969 despite average annual housing starts of 60,500.

"Poor" housing declined slightly since the 1960 census but is expected to reach 318,600 units by 1975 because of the rapidly increasing housing that will be 40 years old in the next five years.

Item: Surprisingly dilapidation is not confined to inner city areas nor to poor people.

Roughly equal numbers of whites and blacks live under poor housing conditions.

Among families earning $10,000 or more annually, 53,900 lived in poor housing at the end of 1969. This figure was 13 percent of the "poor" housing total.

Among families earning $7,000–$10,000, 70,800 or 16 percent of the total, were poorly housed. In the $3,000–$7,000 group, there were 110,000 dwelling units, or 26 percent of the "poor" housing.

Some 102,300 households with family incomes under $3,000, or 24 percent, are in "poor" housing.

Item: Dissatisfaction with housing in common, as are hopes for improvement. Some 499,000 Michigan people in 156,000 homes live in poor housing and are involved in a search for better housing.

But, tragically, large numbers of Michigan families in poor housing do not have the economic means of bettering themselves.

This "noneffective demand," totaling 293,800 units, involves 940,000 people of all ages. Only 2 percent of those in poor housing have the financial and income capability to purchase on the open market without some form of government help.

Item: Analyzing state housing needs, the study notes need for 52,000 units at the very poorest level up to a maximum of 431,600 units in all levels of housing.

New residential construction is not keeping pace with the rate of decay and in fact is not even keeping up with the number of new families being formed.

"In short, the basic trends are not only unfavorable, the programs to date have not changed the patterns," said the study.

Item: Some 98 percent of those in poor housing are eligible for federal housing subsidy or for moderate income housing programs.

The minimum estimate of those eligible for federal aid is 293,800 households, while the new state moderate income subsidy program for those with incomes of $8,000-$12,000 would mean an additional 59,800 households were eligible.

The study was conducted as a guide for the state housing authority in planning help in solving the housing crisis. The authority has obtained $300 million in bonding capability for financing low and moderate-income dwellings.

Director William G. Rosenberg said recently that the authority now has the capacity to finance construction of 15,000 homes for 75,000 people. This will provide jobs for 22,000 building tradesmen.

The program is a major part of Gov. Milliken's housing development program, which envisions financing of 50,000 housing units at an estimated cost of $1 billion in this decade. The first $300 million in bonding authority—with the bonds to be liquidated out of revenues from the housing—is expected to be fully committed within three years.

Mr. HART. Mr. President, I hope very much that the position of the committee is protected.

I shall support the motion to table.

Mr. TOWER. Mr. President, I move to table the amendment of the Senator from Montana (Mr. METCALF).

The PRESIDING OFFICER (Mr. BYRD of Virginia). The question is on agreeing to the motion to table the amendment of the Senator from Montana (Mr. METCALF).

As many as favor the amendment will say "aye," opposed, "no."

The Chair is in doubt.

Mr. TOWER. Mr. President, I call for a division.

The PRESIDING OFFICER. A division is called for.

On a division, the motion to table the amendment of the Senator from Montana (Mr. METCALF) was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, between lines 10 and 11, add the following new subsection:

(c) Section 236 (b) is amended by adding at the end thereof the following language:

"The term 'mortgage insurance premium', when used in this section in relation to a project financed by a loan under a state or local program includes such fees and charges approved by the Secretary, as are payable by the mortgagor to the state or local agency mortgagee to meet reserve requirements and administrative expenses of such agency."

The PRESIDING OFFICER. The Chair would inquire of the Senator from New York whether this is the amendment on which he has 1 hour.

Mr. JAVITS. No, Mr. President, this is the amendment on which there is one-half hour and I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, if I could have the attention of the ranking minority member of the committee, in the absence of the chairman, and the attention of the Senator from Wisconsin (Mr. PROXMIRE) who has taken the manager's chair, this amendment is, really, an amendment to conform the law to a situation which we face, and which other States may face, concerning mortgages which have the benefit of the subsidy under section 236, where the Government subsidizes interest over 1 percent.

The facts are these: The amendment would make eligible for this subsidization a group of charges called "fees and charges" charged by the mortgagee, which is an official agency, in my case the Housing Finance Agency of the State of New York. The "fees and charges" include its administrative expenses and reserves, and so forth, which a bank, enjoying this guarantee, would, to use a bank term, load into its interest rate. However, the law of my State, and of other States likely to be in the same position, provides that the agency—to wit, the Housing Finance Agency—must pass on to the borrowers the exact interest rate which it gets when it floats its own bonds. The practice is for the Housing Finance Agency to aggregate the mortgages in its own hands of the various local housing authorities and agencies and, having aggregated them, to issue its own bonds. The bank dealing with the same situation would put its administrative charges, and so forth, into the interest rate.

The Housing Finance Agency and similar agencies do not do that. They must pass on to the borrower the same interest rate they pay on their bonds. Hence, merely because of the label of the charge, or the label of the cost, it is excluded from ability to get a section 236 subsidy. It does not include arbitrage, discounts, on anything resembling any such costs, but includes the administrative expenses and the reserves which, I repeat, briefly, a bank would normally include in its total interest rate.

Mr. WILLIAMS of Delaware. May I ask the Senator from New York, would that include attorneys' fees?

Mr. JAVITS. Only the closing fees, because this is an unusual proposition. They have their own lawyers, and so forth.

Mr. WILLIAMS of Delaware. But it would include the cost of the attorneys?

Mr. JAVITS. No. It could include the cost of the overhead and the fact is that they employ lawyers, just as they employ clerks. It is not an attorney's fee, which is a cost charge. I want expressly, in stating the case, to exclude that.

Mr. WILLIAMS of Delaware. Because the attorney's fee has been a substantial part of the closing cost, and I am wondering whether they want a Government guarantee on the fees.

Mr. JAVITS. No. This is just strictly an in-house charge, the equivalent of what a bank puts into its interest rate, but because of the terms in the State of New York and other States which it may affect, they cannot call it anything but "fees and charges." Hence, merely because of the label, they are excluded from the benefit, if they can get one, of a subsidy under section 236.

Mr. PROXMIRE. May I ask the Senator from New York, would this, in effect, result in larger payments by the Federal Government?

Mr. JAVITS. It could result in some increased payments but no more than if the bank were involved. It would be exactly the same, except that these payments would be even less, because they borrow money at much lower rates than banks do. Their mortgage charges are less than those of the banks.

Mr. PROXMIRE. I understand that the Housing and Urban Development Department supports the amendment, or at least does not oppose it.

Mr. JAVITS. The reason they cannot formally support, although they actually support it, is that they have not had a chance yet to submit it to the Budget Bureau. They give their views, which I am at liberty to state. They certainly have no opposition to it, and see sense in it.

XUM

Mr. PROXMIRE. The Housing Subcommittee tells me that, in their view, this would probably cost HUD and the taxpayers more money.

Mr. JAVITS. I really do not see why. It might cost them less, because the aggregate amount of the interest rate which these agencies charge, plus costs and fees, is less than banks. That is why they are in business. The banks put into the interest rate the very same charges.

Mr. PROXMIRE. Are these State programs?

Mr. JAVITS. Yes; that is exactly right. They are State programs. It has brought about $1 billion worth of additional housing in our State because of the gifted nature of this particular program. However, because it carries the wrong label, it cannot participate as a bank does. HUD told us the amendment is fine with them.

I hope very much that the committee can take this amendment to conference, to see if there are any problems with it.

Mr. PROXMIRE. I have conferred with the Senator from Texas (Mr. Tower). The committee will be happy to take the amendment to conference. Under those circumstances, meanwhile, we will talk with the Budget Bureau.

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. CASE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 24, after Section 214, insert the following new sections:

SECTION 215. Section 221 (f) of the National Housing Act is amended by adding at the end thereof the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the proviso in section 220 (d) (3) (B) (iv) except the requirement that the project be predominantly residential)."

SECTION 216. Section 236(j) (5) of the National Housing Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the first proviso in subparagraph (A) except the requirement that the project be predominantly residential)."

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. CASE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. CASE. Mr. President, I offer this amendment on behalf of myself and my colleagues, the Senator from New Jersey (Mr. Williams) and the Senator from Pennsylvania (Mr. Scott). The purpose of the amendment is a very simple one.

It has come to my attention particularly because of a situation which has arisen in the city of Newark where we are increasingly faced with a situation involving a heavy concentration of school-age children in federally subsidized housing projects. The situation contributes directly to the overcrowding of certain of our schools.

In Newark, for example, an elementary school across the street from one such housing project is designed for 1,600 students. The school now has 1,800 students already enrolled. There are 2,300 youngsters in the neighborhood. In fact, the entire city of Newark has 10,000 more youngsters than it has classroom seats.

The housing law now permits nondwelling facilities, community facilities, and even some commercial facilities in federally subsidized housing projects. But the law contains no language specifically authorizing the use of federally subsidized housing projects for classroom facilities.

This amendment is intended to remedy that defect.

I might say here that the Newark Board of Education and the housing authority in Newark have come to an understanding about the facilities which can be used and can be leased by the board of education and be paid for with satisfactory rental pay.

The board of education, the mayor, and the school people came down to see the officials in HUD. They were sympathetically received, but were told that HUD was reluctant, without congressional authority in this matter of schools, to go ahead.

The amendment leaves the matter entirely at the discretion of the Secretary of Housing and Urban Development. It is not mandatory. HUD has full authority under the amendment, or would have, to establish the regulations which would have to be complied with.

Where schools are overcrowded because of the large number of children living in nearby federally subsidized housing projects, this amendment would permit the use of a portion of these housing facilities for classroom purposes.

The House Banking and Currency Committee, which is still considering the Housing Act of 1970 in executive session, has accepted this amendment and has written it into the final version of the bill.

I think there is no question about the importance of this not only in New Jersey, in the city of Newark, and other cities, but also in many places throughout the country.

I hope very much that the committee would be willing to accept the amendment. The exact language which I have offered here has been incorporated in the House bill, as I say.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. PROXMIRE. Mr. President, does the amendment provide or contemplate that in new housing construction, space would be provided under certain circumstances for classrooms?

Mr. CASE. Subject to regulations by HUD, the terms of the amendment could be fairly interpreted, I think to apply to existing housing and new housing.

Mr. PROXMIRE. So, the amendment would provide that if Secretary Romney decided that there was a classroom shortage in a particular area and a large housing project was about to be constructed there, he could specify regulations which would require that some of the space be set aside for classrooms.

Mr. CASE. He could, I believe, but the burden would be on local officials to prove the needs. I think I would say this, this is my own view. This, I know, would meet the situation we are trying to get at specifically in Newark. This could be done, not as a federally subsidized school, but only as a matter of convenience under arrangements under which the full value of the facilities would be paid for in rents by the local school district.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. TOWER. Mr. President, is this more or less on a space available basis?

Mr. CASE. Entirely on a space available basis. There is no intention to turn the housing program into an education program except in the narrowly limited situations that I have described.

Mr. TOWER. Mr. President, it is simply a matter of providing space that could be used for schoolrooms without equipping them or anything of that kind.

Mr. CASE. The Senator is correct.

Mr. PASTORE. Mr. President, who would pay for the equipment?

Mr. CASE. The board of education.

Mr. PASTORE. The money authority is up to the local authorities.

Mr. CASE. The Senator is correct.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. TOWER. Mr. President, this would be space that would, in effect, be leased to the local school authority.

Mr. CASE. That is precisely what is proposed. So far as I know, arrangements of this sort would meet not only our needs but also the general needs. I think it ought to be done on that basis.

We, too, agree that we are not engaged in a school bill, but in a housing bill.

Mr. PROXMIRE. Mr. President, suppose there were a $5 million mortgage to construct a housing facility and the Secretary should find it would be very desirable to provide more classroom facilities. Would a certain proportion of those funds be devoted to this purpose—not to housing, but to space available for classrooms?

Mr. CASE. My view is that the Secretary would go very slowly so far as making this a regular program in the future, although the language would permit it if he thought well of it. I think as far as financing a building goes, I am not quite sure I understand the nature of the question.

Mr. PROXMIRE. What I am trying to find out is whether some of the funds which would be provided for housing would actually go for school purposes and, as the Senator from New Jersey said so well, confuse the two programs.

Mr. CASE. Mr. President, I agree that ought not to be done. As a matter of fact, the amendment does specifically provide that the project be predominantly residential, and that is my own view. I think it ought to be very clear that that is the way it would be done.

Mr. PASTORE. Mr. President, I asked the question whether any of the funding would be out of the Federal Treasury. The Senator said no, that it would all be from local money.

Mr. CASE. Mr. President, there is no question about that. The only question the Senator from Wisconsin had was whether the initial borrowing would include facilities for this purpose. The answer is "Yes," but the payments would be made by rental payments on whatever sound basis the Secretary approved.

Mr. PASTORE. Regardless of the merits of the amendment, is it not a practical fact that whatever money is allocated to this school would actually be taken away from further housing within the project?

Mr. CASE. I do not think we would have these problems in the first place if the environment conerning the education of the children was satisfactory.

Mr. PASTORE. I realize that. We ran into the same difficulty under title I where some people thought there should be clothing furnished to children who went to school. The argument was made by many local authorities that this proportionately took money away from the schools.

I wonder if we are not doing the same thing here again and taking the money away from housing and putting it in schools.

I am not against putting it in schools, I want that to be clearly understood.

The big question here is to see that we do not create some kind of attrition with respect to the housing program, as desirable as the school program may be.

Mr. CASE. It is essential that this be done. I think myself that it would be limited to those situations in which the need is so very great that no reasonable person could disagree. The regulations ought to be specific on that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield an additonal 5 minutes to the Senator.

Mr. TOWER. Will the Senator consider modifying his amendment to include only existing housing?

Mr. CASE. That would meet our peculiar need. There are two questions, of course.

Mr. TOWER. The reason I suggest it is that if the Senator would do that it would eliminate some confusion in our minds. It would help solve the Senator's immediate problem and we could hold hearings in the next session and I would like to have hearings.

Mr. CASE. I do accept that. It will meet our immediate purpose and also permit the conferees to have that difference in the language of the Senate bill and the House bill, and that may make it possible to come up with something better.

Mr. PROXMIRE. I appreciate that. I think the Senator from Texas has made a good suggestion.

Mr. President, I understand the Senator from New Jersey will modify his amendment to apply only to existing housing on a space available basis, and the Banking and Currency Committee will hold hearings on whether future legislation should be applied prospectively to new housing.

Mr. CASE. Will the Senator accept this language: "In any case in which it is determined * * * that facilities in existence or under construction on the date of enactment of this act."

Mr. PROXMIRE. Very good.

The PRESIDING OFFICER (Mr. BAKER). The amendment is so modified.

The amendment as modified reads as follows:

SEC. 215. Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of this Act which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the proviso in section 220(d)(3)(B)(iv) except the requirement that the project be predominantly residential)."

SEC. 216. Section 236(j)(5) of the National Housing Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of this Act which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the first proviso in subparagraph (A) except the requirement that the project be predominantly residential)."

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. CASE. Mr. President, my time has expired.

The PRESIDING OFFICER. All remaining time has been yielded back.

Mr. CASE. Mr. President, I ask unanimous consent that a statement by the Senator from New Jersey (Mr. WILLIAMS) be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement of Mr. WILLIAMS of New Jersey was ordered to be printed in the RECORD, as follows:

LOCAL COMMUNITIES SHOULD BE TO PROVIDE SCHOOLS IN HOUSING PROJECTS

Mr. President, it is with great deal of pleasure that I support the amendment of my distinguished senior colleague from New Jersey, Senator Case. I am also pleased to join with him as a co-sponsor.

The pending amendment would include language in the National Housing Act permitting, under carefully determined circumstances, the utilization as classrooms of portions of housing projects financed under Section 221(d)(3) or 236 of the present Act.

Educators, city and county officials and community leaders have come to Washington to see what could be done to ease this terrible impaction of schools—impaction occasioned by the construction high-density residential units financed through programs administered by HUD.

This housing is needed and the communities welcome it and work to see that it remains both socially and economically successful. But, Mr. President, it is the contention of these citizens that for these large projects to render truly useful social service, there must be some provisions for their own and their neighbors' children to attend local schools that are not overcrowded.

The evidence favoring this amendment is not to be found in only one city. It is nation-wide. Officials of H.U.D. admitted the problem of school impaction confronts all the large cities of the Nation. Newark suffers, as do Chicago, New York, St. Louis, Kansas City, Los Angeles. The list is as long as the number of our metropolitan centers.

Present law permits the lower floors of housing projects to be used for various retail goods and service outlets. They provide the necessary full-community services that are necessary to the successful operation of high-rise and garden-type projects. Certainly, the schooling of the neighborhood's children serves a need second only to food and shelter. These parents want their children to receive proper schooling—schooling that cannot be provided in the overcrowded conditions that obtain in so many of our inner-city schools.

Mr. President, I urge the support of all Senators for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. PERCY. Mr. President, at the request of the minority leader, the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that his statement on the pending measure be printed in the Record.

There being no objection, the statement of Mr. Scott was ordered to be printed in the Record, as follows:

Statement of Senator Scott

Mr. Scott. Mr. President, I support the pending bill, the Housing and Urban Development Act of 1970. This is an omnibus measure which includes new help for mass transit and for developers of so-called "new towns." My Commonwealth of Pennsylvania will particularly benefit from these two innovations.

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Urban mass transportation in most of Pennsylvania's larger cities, especially Philadelphia and Pittsburgh, is now beginning to show some vital life signs after many years of deterioration. In Philadelphia, I was successful in obtaining over one hundred new commuter rail cars. In Pittsburgh, I was instrumental in securing approval for the highly innovative Skybus. We need much more assistance to our large cities in their efforts to provide public transportation. The pending bill will, for the first time, extend Federal aid to cover the deficits of local urban mass transit companies, mostly bus lines, to $750 million nationwide over the next five years.

The urban growth and new community development provision of the pending bill will assist in the revitalization of our rural areas and will assist public and private developers in creating new and revitalized communities to accommodate the overflow of larger cities. For each of these "new towns," the Senate bill provides $20 million in loans and guarantees for up to $50 million in developer's bonds. I am hopeful that Pennsylvania's community planners will take advantage of these new Federal incentives by creating "new towns" in some of the more highly congested areas of the Commonwealth.

Mr. President, megalopolis is upon us. We must do everything we can to assist in assuring new spirit of growth and balanced development in Pennsylvania to meet the pressing needs of our growing population.

Mr. GOODELL. Mr. President, I send two amendments to the desk and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. GOODELL. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with; and that they be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the Record.

The amendments, ordered to be printed in the Record, are as follows:

On page 10, after line 7, insert the following:

"INCREASES IN MORTGAGE CEILINGS FOR HIGH COST AREAS UNDER SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS

"Sec. 109. Section 221(d) (3) (ii) of the National Housing Act is amended by striking out '45 per centum' and inserting in lieu thereof '60 per centum'."

Renumber succeeding sections accordingly.

On page 17, line 23, after "(a)" insert "(1)".

On page 18, line 10, strike out "(b) This section" and insert "(2) This subsection".

On page 18, after line 13, insert the following:

"(b) Until such time as prototype costs for any area have been determined in accordance with the amendment made by subsection (a), the cost limits for the construction and equipment of low-rent housing projects in such area shall be determined in accordance with the first sentence of section 15(5) of the United States Housing Act of 1937, as it existed immediately prior to the effective date of subsection (a); except that each of the dollar limitations specified in that sentence may be increased in the discretion of the Secretary by 20 per centum on the date of enactment of this Act."

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. GOODELL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. GOODELL. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I wish to ask the Senator what section of the existing law this affects. Is it the 235 program?

Mr. GOODELL. No. I will explain briefly what these two amendments do.

These amendments would raise the cost limits for public housing and FHA-subsidized housing for low- and moderate-income housing.

As my colleagues are aware, cost limits govern the construction of federally assisted housing. If construction costs—the costs for labor, land, and materials—creep above the accepted statutory limits set by the Congress, then construction plans must be halted until Congress can respond by raising the cost ceilings.

This "stop and go" process has resulted in sporadic construction and at times, no construction of low and moderate income housing and more satisfactory. Last year I introduced legislation to provide a new method of computing cost ceilings. Under my bill, statutory room cost limits and mortgage limits would have been determined on the basis of cost indices approved by the Secretary of HUD. Application of this flexible, sliding scale would have produced construction cost limits which reflect actual construction needs and experience. With up-to-date cost limits, construction of low and moderate income housing would have continued unimpeded particularly in high cost areas.

I was grateful that the Banking and Currency Committee and the Senate accepted this new approach. Unfortunately, it was not accepted in the conference. Instead the conferees agreed upon a 15-percent increase in FHA-subsidized limits and a 20-percent increase in room cost limits for public housing. These increases were sufficient to cover the cost increases accumulated from 1965 to 1969 and construction of these Government-assisted projects could continue.

Since then, inflation has, once again, made cost limits out of date. Cost indices have risen 10 percent since June of 1969. Studies made by the Engineering News Record, have indicated that in the first 3 years of the 1970's, the construction dollar will shrink in value as much as it did in the whole decade of the 1960's.

The cost of labor, land and materials continues to rise. It has been predicted that labor costs will have increased between 12 and 25 percent, depending on the area, by the end of 1970. In fact, the wage settlements of the last quarter amounted to an 8.2 percent increase over the previous quarter—the most significant labor increase since 1948. The cost of materials will also rise during this year at a rate of between 4 to 10 percent, depending again on the area.

Most construction cost indices predict a general increase of costs from 5 percent a year to 1.5 percent a month, depending on the region. These increases are particularly severe in the cities. For example, the ENR Construction Cost Index—CCI—shows an eight-point increase in construction costs for the first quarter of 1970. In a similar CCI for the 20 largest cities, the first quarter showed an increase of 30 points. The greatest increases in descending order were in the following cities: Kansas City, Boston, Detroit, St. Louis, Los Angeles, Minneapolis, New York City, Denver, New Orleans, and Dallas.

These increases prompted the National Association of Housing and Redevelopment Officials—NAHRO—to conduct a survey of construction by local housing authorities and housing sponsors of FHA-subsidized housing across the Nation. More than 200 local housing authorities responded to the survey; 80 percent of these authorities indicated that the public housing construction cost limits adopted by the Congress in 1969 were inadequate, or would be inadequate in 1970. Of the more than 100 localities responding to the survey on FHA mortgage limits, over 82 percent indicated the present limits are inadequate or would be inadequate in 1970. I ask unanimous consent that the results of that study be included in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATUTORY MORTGAGE LIMITS IN FHA-INSURED HOUSING

The National Association of Housing and Redevelopment Officials undertook, in May 1970, a survey on Statutory Mortgage Limits in FHA-Insured Housing. It was felt that such a survey would be beneficial in determining the programs in serious financial difficulty; the adequacy of the 1969 statutory mortgage limits and the percent increase necessary to construct single and multi-family units. Questionnaires were sent to Urban Renewal Agencies. The following tabulations are indicative of the present financial situation affecting FHA insured housing:

I. Number of responses: 100.

II. Geographical distribution: 35 States.

III. Distribution by size of city:

Population:	*Number of cities responding*
Over 1,000,000	1
500,000 to 1,000,000	7
250,000 to 500,000	9
100,000 to 250,000	12
50,000 to 100,000	19
25,000 to 50,000	12
10,000 to 25,000	19
Under 10,000	16
Total	[1] 95

IV. Findings of the Survey:

1. Sponsors in our local community have submitted cost estimates to construct FHA-insured low- and moderate-income housing since January 1969:

	Percent
Yes	91.0
No	9.0
Total	100.0

Programs:	*Percent*
Section 235 Homeownership	71.4
Section 236 Rental Assistance	87.3
Section 221-d-3 Low and Moderate	30.7
Section 221-d-3 Rent Supplement	28.5
Section 221(h) Rehabilitation	27.4

2. Mortgage limits adopted by the Congress in 1969 are:

	Percent
Adequate for all programs	17.2
Adequate now, inadequate in 1970	50.5
Inadequate now for all programs	32.3
Total	100.0

3. Our community needs an increase in mortgage limits for the following programs—now:

Multi-family, basic limits:	*Percent*
10 percent	19.3
15 percent	20.4
20 percent	16.0
Multi-family, high cost:	
10 percent	12.5
15 percent	13.6
20 percent	18.2
Total	100.0

Single-family, basic limits:	
10 percent	23.2
15 percent	17.1
20 percent	13.4
Single-family, high cost:	
10 percent	9.8
15 percent	15.8
20 percent	20.4
Total	100.0

[1] The difference between the total number of cities responding (100) and the number of cities responding in the distribution by size of city category (95) is due to regional renewal agencies.

SURVEY ON STATUTORY CONSTRUCTION COST LIMITS FOR PUBLIC HOUSING

In April of 1970 the National Association of Housing and Redevelopment Officials initiated a survey on the adequacy of statutory construction cost room limits, as enacted by the Housing Act of 1969, for public housing. Questionnaires examining this situation were sent to local housing authorities. The resulting responses are indicative of the degree to which the local authorities have been able to take bids on new construction since January, 1969 and the adequacy of the existing construction cost limits.

I. Number of Responses to Date: 236.

II. Geographical Distribution: 45 States; Guam; District of Columbia.

III. Distribution by Size of City:

Population:	*Number of cities responding*
Over 1,000,000	2
500,000 to 1,000,000	13
250,000 to 500,000	12
100,000 to 250,000	27
50,000 to 100,000	37
25,000 to 50,000	44
10,000 to 25,000	45
Under 10,000	50
Total	[1] 231

[1] The discrepancy that exists between the Total Number of Responses to Date (236) and the Total Number of Cities Responding (231) is due to the response of state and regional housing authorities, the District of Columbia and Guam.

IV. 1. Our local authority has taken bids on new construction since January, 1969:

Response:	*Number*	*Percent*
Yes	107	[1] 47.7
No	117	52.3
Total	227	100.0

[1] A percentage breakdown of the 107 local authorities when responded they had taken bids on new construction since January 1969 resulted in findings similar to those shown in the chart IV, 2 and 3; 18.8 percent found current construction cost limits adequate; 50.4 percent indicated that the limits were adequate presently, but they would be inadequate in 1970; 31 percent found the limits inadequate to meet present costs. The increase suggested as necessary to meet construction costs in 1970 also closely paralleled those figures in No. 3.

Basic limits:	*Percent*
10 percent	25.9
15 percent	17.7
20 percent	14.4
High cost area limits:	
10 percent	16.4
15 percent	9.2
20 percent	16.4

2. We view the construction cost limits adopted in 1969 as:

	Number	*Percent*
Adequate to meet current construction cost levels	41	18.9
Adequate presently, probably inadequate in 1970	118	54.4
Inadequate even to meet present costs	57	26.6
Total	216	110.0

3. Our authority would require an increase as follows to meet costs in 1970:

	Total number	*Percent*
Basic limits (percent):		
10	43	23.8
15	37	20.4
20	22	12.2
High cost area limits (percent):		
10	34	18.8
15	19	10.4
20	26	14.4
Total	181	100.0

Mr. GOODELL. Mr. President, the existing cost limits are now inadequate in many sections of the country, not only in the larger cities. Housing authorities and sponsors from countless localities have indicated that public housing cost limits and FHA-insured mortgages are inadequate to continue construction of Government-assisted housing.

I ask unanimous consent that the lists prepared by NAHRO indicating the names of communities finding the present cost limits out of date be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LISTING OF LOCAL HOUSING AUTHORITIES INDICATING INADEQUACY OF STATUTORY CONSTRUCTION COST LIMITS

ALABAMA

1. Huntsville Housing Authority.
2. Sylacauga Housing Authority.
3. Childersburg Housing Authority.
4. Chickasaw Housing Authority.
5. Rainsville Housing Authority.
6. Boaz Housing Authority.
7. Centre Housing Authority.*
8. Crossville Housing Authority.

ARIZONA

1. Phoenix Housing Authority.

ARKANSAS

1. Housing Authority of the City of Little Rock.
2. Fayetteville Housing Authority.*
3. Housing Authority of the City of Clarendon.
4. North Little Rock Housing Authority.
5. Springdale Housing Authority.

CALIFORNIA

1. Housing Authority of the County of Santa Barbara.
2. Brawley Housing Authority.
3. Housing Authority of the City and County of Fresno.
4. Housing Authority of the City of Alameda.
5. Housing Authority of the County of Merced.
6. Housing Authority of the County of Kern.*
7. Sutter County Housing Authority.*
8. Housing Authority of San Buenaventura.
9. Sacramento Housing Authority.

COLORADO

1. Trinidad Housing Authority.*

CONNECTICUT

1. Housing Authority of the Town of East Hartford.
2. Waterbury Housing Authority.*
3. Milford Housing Authority.
4. Meriden Housing Authority.*
5. Citizens Action Council, Stamford.*
6. Stamford Housing Authority.*
7. Housing Authority of the City of Bridgeport.
8. New Haven Housing Authority.

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*Indicates present inadequacy. Other listings denote inadequacy during 1970.

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DELAWARE

1. Wilmington Housing Authority.

FLORIDA

1. Lake Walis Housing Authority.
2. Pinellas County Housing Authority.*
3. Housing Authority of the City of Plant City.
4. Dade County Department of Housing and Urban Development.
5. Housing Authority of Orlando.
6. Jacksonville Housing Authority.

GEORGIA

1. Macon Housing Authority.
2. Housing Authority of the City of Rome.*
3. Housing Authority of Columbus.
4. Housing Authority of the City of Atlanta.
5. Housing Authority of the City of Cedartown.*

GUAM

1. Guam Housing and Urban Renewal Authority.

ILLINOIS

1. Macoupin County Housing Authority.
2. Housing Authority of Joliet.
3. Department of Urban Renewal, Champaign County.*
4. Knox County Housing Authority.
5. Housing Authority of East St. Louis.
6. Winnebago County Housing Authority.
7. Springfield Housing Authority.*
8. Decatur Housing Authority.

INDIANA

1. Elkhart Housing Authority.
2. Hammond Housing Authority.*

KENTUCKY

1. City of Louisville Municipal Housing Commission.
2. City of Cynthiana Municipal Housing Commission.
3. Urban Renewal and Community Development Agency of the City of Bardstown.*

LOUISIANA

1. Housing Authority of the Parish of Baton Rouge.
2. Housing Authority of the Town of Jonesboro.
3. Housing Authority of Westwego.
4. Housing Authority of Morgan City.*
5. Housing Authority of the Town of Vinton.

MARYLAND

1. Housing Authority of the City of Baltimore.
2. Elkton Urban Renewal Authority.*
3. Wicomico County Housing Authority.

MASSACHUSETTS

1. Taunton Housing Authority.*
2. Haverhill Housing Authority.*
3. Norwood Housing Authority.
4. Boston Housing Authority.*
5. Newton Housing Authority.
6. Housing Authority of Lawrence.
7. Medford Housing Authority.
8. Quincy Housing Authority.*
9. Springfield Housing Authority.

MICHIGAN

1. Lincoln Park Housing Commission.
2. Detroit Housing Commission.
3. Inkster Housing Commission.*
4. Pontiac Housing Commission.
5. Big Rapids Housing Commission.*
6. Flint Housing Commission.*
7. Port Huron Housing Commission.*

MINNESOTA

1. Albert Lea Housing and Redevelopment Authority.*
2. Housing and Redevelopment Authority of Chisholm.
3. Housing and Redevelopment Authority of the City of St. Paul.
4. Housing and Redevelopment Authority of the City of Minneapolis.

MISSOURI

1. Housing Authority of Marshall.
2. Housing Authority of Columbia.*
3. Fulton Housing Authority.
4. Housing Authority of the City of Marceline.
5. Housing Authority of St. Joseph.*

MONTANA

1. Housing Authority of the City of Butte.

NEBRASKA

1. Housing Authority of the City of Omaha.*

NEVADA

1. Las Vegas Housing Authority.

NEW HAMPSHIRE

1. Nashua Housing Authority.*
2. Somersworth Housing Authority.
3. Concord Housing Authority.

NEW JERSEY

1. Housing Authority of the Borough of Lodi.*
2. Housing Authority of East Orange.*
3. Paterson Housing Authority.
4. Housing Authority of the Borough of Princeton.
5. Housing Authority and Urban Redevelopment Agency of Atlantic City.
6. Housing Authority of Plainfield.
7. Housing Authority of Ocean City.
8. Housing Authority of Lakewood.
9. Housing Authority of the Town of Phillipsburg.
10. Housing Authority of the City of Bridgeton.

NEW MEXICO

1. Housing Authority of the City of Artesia.

NEW YORK

1. Yorktown Urban Renewal Agency.
2. Massena Housing Authority.
3. Tuckahoe Housing Authority.
4. Saratoga Springs Housing Authority.
5. Fulton Housing Authority.*
6. Freeport Housing Authority.
7. New York City Housing Authority.*
8. Niagara Falls Housing Authority.*
9. City of Hornell Housing Authority.

NORTH CAROLINA

1. Housing Authority of Wilmington.*
2. Housing Authority of Raleigh.
3. Chapel Hill Housing Authority.*
4. Housing Authority of the City of Greensboro.*
5. Housing Authority of the City of Fayetteville.

OHIO

1. Akron Metropolitan Housing Authority.*
2. Lorain Metropolitan Housing Authority.*
3. Dayton Metropolitan Housing Authority.*
4. Ironton Housing Authority.*
5. Steubenville Metropolitan Housing Authority.
6. Painesville Housing Authority.*
7. Springfield Metropolitan Housing Authority.

OKLAHOMA

1. Housing Authority of the Choctaw Nation of Oklahoma.

OREGON

1. Housing Authority of Salem.
2. Douglas County Housing Authority.*

PENNSYLVANIA

1. Bethlehem Housing Authority.
2. Housing Authority of the County of Lebanon.
3. Housing Authority of the City of Easton.
4. Clinton County Housing Authority.
5. Allegheny County Housing Authority.
6. Housing Authority of the County of Dauphin.
7. Lackawanna County Housing Authority.
8. Housing Authority of the County of Greene.
9. Housing Authority of the County of Beaver.
10. Montgomery County Housing Authority.*
11. Westmoreland County Housing Authority.
12. Housing Authority of the County of Lawrence.
13. Housing Authority of the County of Armstrong.*

RHODE ISLAND

1. Newport Housing Authority.
2. Central Falls Housing Authority.
3. Cranston Housing Authority.*
4. Woonsocket Housing Authority.

SOUTH CAROLINA

1. Housing Authority of the City of Columbia.*

SOUTH DAKOTA

1. Housing Authority of the City of Sioux Falls.

TENNESSEE

1. Memphis Housing Authority.
2. Athens Housing Authority.
3. Knoxville Housing Authority.*
4. Portland Housing Authority.
5. Gallatin Housing Authority.
6. South Carthage Housing Authority.
7. Johnson City Housing Authority.
8. Jackson Housing Authority.*
9. Chattanooga Housing Authority.*
10. Pulaski Housing Authority.

TEXAS

1. Corpus Christi Housing Authority.*
2. Housing Authority of the City of Texarkana.
3. Housing Authority of the City of Crockett.
4. Housing Authority of the City of Dallas.*
5. Housing Authority of Galveston.

VERMONT

1. Barre Housing Authority.

VIRGINIA

1. Charlottesville Redevelopment and Housing Authority.
2. Hopewell Redevelopment and Housing Authority.

WASHINGTON

1. Housing Authority of Grant County.
2. Seattle Housing Authority.

WEST VIRGINIA

1. Huntington Housing Authority.
2. Housing Authority of the City of Weirton.
3. City of Clarksburg Housing Authority.

WISCONSIN

1. Housing Authority of the City of Milwaukee.
2. Housing Authority of the City of Madison.

LISTING OF URBAN RENEWAL AGENCIES INDICATING INADEQUACY OF STATUTORY MORTGAGE LIMITS IN FHA-INSURED HOUSING

(*) Indicates present inadequacy—other listings denote inadequacy during 1970.

ALABAMA

1. Housing Authority of the City of Opelika
*2. Childersburg Housing Authority.

ARKANSAS

1. Morlington Housing Authority.

CALIFORNIA

1. Redevelopment Agency, City of Pittsburg.
*2. Urban Strategists Associated, Inglewood.
*3. City of Inglewood.
4. Redevelopment Agency of the City of Santa Fe.
*5. Oakland Redevelopment Agency.

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*Indicates present inadequacy. Other listings denote inadequacy during 1970.

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*6. Housing Authority of Stanislaus County (Modesto).

*7. Redevelopment Agency of the City of Seaside.

COLORADO

*1. Metropolitan Denver Fair Housing Council.

CONNECTICUT

*1. Citizens Action Council, Stamford.

2. Housing Authority of Waterbury.

*3. Urban Redevelopment Commission, Stamford.

4. State of Connecticut Department of Community Affairs.

DELAWARE

*1. Greater Wilmington Housing Corporation.

GEORGIA

*1. Housing Authority of Americus.

HAWAII

*1. Honolulu Redevelopment Agency.

ILLINOIS

*1. Department of Urban Renewal of the City of Champaign.

*2. City of Springfield Housing Authority.

3. City of Bloomington Urban Renewal Agency.

INDIANA

1. Redevelopment Department of Anderson.

2. City of East Chicago, Department of Redevelopment.

IOWA

1. Redevelopment Agency of Waterloo.

*2. Urban Development Department, City of Des Moines.

KANSAS

*1. Urban Renewal Agency of Leavenworth.

MARYLAND

1. Montgomery County Department of Community Development.

2. Baltimore Department of Housing and Community Development.

MASSACHUSETTS

1. New Bedford Redevelopment Authority.

2. Micah Corporation, Springfield.

*3. Community Teamwork, Inc., Lowell.

*4. Brookline Redevelopment Authority.

*5. Cambridge Redevelopment Authority.

MICHIGAN

1. City of Muskegon, Department of Urban Renewal.

*2. Romulus Urban Renewal Department.

MINNESOTA

1. Housing and Redevelopment Authority of St. Paul.

*2. Minneapolis Housing Authority.

3. Hopkins Housing and Renewal Authority.

4. Winona Housing and Redevelopment Authority.

*5. Housing and Redevelopment Authority of Duluth.

MISSOURI

1. Housing Authority of Mexico.

NEBRASKA

*1. Office of Neighborhood Development and Improvement, Omaha.

NEW JERSEY

*1. Paterson Redevelopment Agency.

2. Englewood Redevelopment Agency.

NEW YORK

1. Yorktown Urban Renewal Agency.

2. Yonkers Urban Renewal Agency.

*3. Glen Cove Urban Renewal Agency.

*4. Hudson Urban Renewal Agency.

*5. New York State Urban Development Corporation.

6. Niagara Falls City Planning Department.

*7. Buffalo Urban Renewal Agency.

8. Syracuse Urban Renewal Agency.

NORTH CAROLINA

1. Wilson Redevelopment Commission.

OHIO

1. Community Development Agency, Dayton.

OREGON

1. Portland Development Commission.

PENNSYLVANIA

1. Pittsburgh Urban Renewal Agency.

*2. Redevelopment Authority of New Kensington.

*3. Redevelopment Authority of Lancaster.

4. Nanticoke Redevelopment Authority.

5. Redevelopment Authority of the County of Lebanon.

6. Redevelopment Authority of the County of Armstrong.

*7. YGS Building Foundation, Philadelphia.

*8. Williamsport Redevelopment Authority.

RHODE ISLAND

1. Redevelopment Agency of Newport.

SOUTH CAROLINA

1. Greenville County Planning Commission.

SOUTH DAKOTA

1. Sioux Falls Housing and Redevelopment Authority.

TENNESSEE

1. Union City Housing Authority.

TEXAS

1. Mission Urban Renewal Agency.

VIRGINIA

*1. Richmond Redevelopment Agency.

2. Newport News Redevelopment and Housing Authority.

3. Norfolk Redevelopment and Housing Authority.

WASHINGTON

*1. City of Hoquinan Urban Renewal Agency.

WEST VIRGINIA

1. City of Bluefield Redevelopment and Housing Authority.

WISCONSIN

1. Department of City Development, Milwaukee.

Mr. GOODELL. The NAHRO survey indicates that an increase of 20 percent in the basic construction cost and mortgage limits is necessary in order that construction activity can continue through the year.

Clearly, our present method of establishing cost limits and mortgage limits is not working. The limits do not represent regional cost differences nor can they respond with efficiency and ease to changing construction patterns.

This year, the Banking and Currency Committee has recommended a new method of computing room cost limits for public housing—the prototype process. This concept, in similar form was proposed by the administration earlier this year. Under the new proposal, HUD would direct its regional offices to "cost-out" a prototype design of a public housing unit according to the prevailing costs in the difference regions of the country. This procedure would allow flexibility for the high cost areas such as New York and yet not raise the costs on those areas of the country where increases are not necessary.

Although the prototype concept has considerable merit, I expressed concern in committee that this new system would require some time before it became operational across the Nation. In the meantime, out-of-date cost limits would paralyze construction of public housing. At that time, I called up my bill S. 4093, which would have increased the limits by 20 percent on an interim basis. It would have been accepted in committee but there was a question in our minds on the last day as to how long it would take HUD to get the prototype program in operation.

Upon consensus in the committee I agreed to defer action on my bill until we could determine from HUD how long it would take before the prototype costs would be available and operative. Obviously, if the new cost limits would be available in 30 days or so there would be no need for interim increase in the 1969 statutory cost limits.

If however, those new limits would take some time to implement—several months or so—the committee felt that an interim increase in cost limits would be in order.

The distinguished chairman of the committee wrote to the Secretary requesting his view of when the prototype cost limits would be operational. I understand HUD reports that at least 4 months will be required to perfect, complete and implement this enormous task.

In the meantime, I believe emergency cost increases are needed to insure continued construction of public housing. In accordance with the committee decision I have introduced an amendment which would permit a 20-percent increase in the cost limits established by the 1969 Housing and Urban Development Act. These limits would only be in effect until the prototype limits are published and operational at which time they will expire. I hope the chairman will agree to accept this amendment.

The other amendment I have introduced would apply a 15-percent increase to mortgage limits for the section 236 program in high cost areas.

Currently, the section 221(d)(3) mortgages limits govern construction of the section 236 projects. These limits were increased last year by approximately 15 percent to meet the inflationary cost increases that had occurred since 1965. According to the statute these adjusted limits could be increased by 45 percent in high cost areas.

While these adjustments were adequate to meet construction costs in cities in December of 1969 when the bill was signed into law, this is no longer true. Projects are now being halted because of increased prices.

In New York City, for example, over 3,000 approved limits are now costing out at 4 to 12 percent above the 1969 mortgage limits. As a result, construction of these badly needed units cannot begin.

As I mentioned earlier the future only presents a gloomier picture. New York City housing officials estimate that of the 13,000 section 236 units now in the pipeline, at least 75 percent will be above the present mortgage limits.

This amendment would raise the cost limits in any geographical area where the costs require increases to permit construction. Yet, it would not tamper with

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*Indicates present inadequacy. Other listings denote inadequacy during 1970.

cost limits that are sufficient for the community's needs.

Mr. PROXMIRE. Mr. President, I wish the Senator had separated the two amendments because, as the Senator knows, they are different.

The difficulty we are having with the first amendment, the 236 subsidy amendment, providing that ceilings would go to 60 percent in high cost areas, I have a chart which shows that for nonelevator three-bedroom programs, the Goodell amendment would permit a subsidy for rental tenants of up to a $33,350-unit for four bedrooms; with four, it goes to $41,859.

I have great sympathy for the problem in New York because I know costs are high. But this type program, in our State, would be viewed as highly extravagant on its face. Few people can afford anything like a $35,000 to $40,000 home, only a tiny proportion of the population.

We are able to subsidize housing for only a small fraction of the population. We feel the subsidy should go to those with low incomes in moderate housing and not those living in relative luxury.

Mr. TOWER. Mr. President, I would like to associate myself with the remarks of the Senator from Wisconsin. We would be subject to very severe criticism, indeed, if we agree to this amendment. The administration is opposed to it. I hope it is rejected by the Senate this evening.

Mr. GOODELL. Mr. President, the administration is opposed to the provision in the bill; they want their own prototype approach. The administration, to my knowledge, has not taken a basic position against this amendment.

What it would do would be to give the Secretary of HUD the discretionary authority where he feels it is justified to raise the section 236 limits in high cost areas. It would be discretionary with the Secretary.

New York is not the only area needing an increase in mortgage limits. There is a very long list of communities that are involved, including one in Alabama, the housing authority in Americus, Ga., one in Hawaii, one in Colorado. This is not just the situation in New York. I do not think we want to put ourselves in a position where, for the next year, in selected areas—and quite a large number—housing construction will be halted because the ceilings have been set at unrealistically low levels in the bill.

I am not requiring the Secretary of the Department of Housing and Urban Development to do anything. It is in the discretion of the Secretary of the Department of Housing and Urban Development if he feels it is justified. He does not have to allow the full amount I have prescribed.

Mr. PROXMIRE. So for a three-bedroom house, it is $33,350 under the Goodell amendment and $41,379 for a four-bedroom.

It just seems to me that we discredit the program when we go that high. I realize the problem not only in New York but in many parts of the country. There is probably no region in the country that does not have a high-cost construction area.

I am not saying this is just a New York problem, but I am saying that we have here a difficult problem of getting appropriations from the Appropriations Committee, getting public suport for it, getting the House of Representatives to support it, and getting general support in the community. People resent it when they have to pay rent on a $15,000 or $20,000 home, and it is all they can possibly afford, and then see somebody getting support for rent in a home twice as high in cost.

Mr. TOWER. Mr. President, if the Senator will yield, I think this would be subsidizing higher costs. Certainly people back home are getting increasingly disenchanted with these high costs. At least that is the impression I get. I am not sure whether that is the Senator's impression.

Mr. PROXMIRE. It is.

Mr. GOODELL. I agree that people are getting very disenchanted about the high cost, but what do we do about it? Are we going to stop these programs that have done so much good in Texas, New York, Wisconsin, and a great many other areas? The high cost of construction in this type of unit and the limitation I am concerned about are affecting virtually every State in the country. This is not just New York or the building trade unions in New York, or anything of that nature.

I think we ought to understand that I am not talking about raising ceilings so as to cost the taxpayers millions and millions of dollars. We are facing a situation where, under the present provisions of the bill, we will have a complete standstill in these programs.

I do not think we want a complete standstill, so I am saying that we should give discretion to the Secretary of Housing and Urban Development, if the present ceilings are unrealistic, to raise them in accordance with what he thinks is necessary for public housing. It is not going to be an inducement for higher costs in the 4- or 5-month period. It is an interim provision, while the Secretary sets up a prototype unit by which he will establish regional ceilings this is a good plan. It was supported unanimously in the committee.

I hope Senators will understand the import of these two amendments. I put them together, but I can offer them separately. They relate to discretion for raising the room cost and mortgage ceilings where they have been set unrealistically low.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

The Senator from New York is arguing that we should leave this matter in the discretion of the Secretary of Housing and Urban Development. As I understand it, the Secretary has not indicated that he wants this amendment. In fact, he has another program. At any rate, the present ceiling under the present law would be very high under any standard in most States, and, in fact, I think in New York City or Hawaii or anywhere else—$37,934 for a unit of four bedrooms with an elevator. We are being asked to increase that to $41,859. The Senator from New York says if we do not go that high, homes will not be constructed under this program.

It is very hard for me to believe that. We have worked hard on the committee. Many of us on the committee have talked to homebuilders in our States. I cannot believe that in New York City, Colorado, Wisconsin, or elsewhere units cannot be built for that sum or less.

It seems to me that there is much truth in what the Senator from Texas has said—if we go to $41,000, then the builders will find a way of getting up there. No matter how high we go, we will find that there are some areas in which they cannot construct this subsidized housing.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PERCY. Mr. President, I intend to support the position of the committee and vote against the amendment. I think we have reached the point where enough is enough. I feel that exorbitant costs have been reached in many parts of our country without commensurate increases in productivity. It is time for us to exert some downward pressures. I do not think we should just keep raising costs and then expect Uncle Sam to step in and be the provider. I think enough is enough in this case.

For that reason, I cannot support the amendment. However, I sympathize with the problem the distinguished Senator from New York is trying to solve.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I am ready to yield back my time if the Senator from New York is.

Mr. GOODELL. Mr. President, I yield myself 1 minute further. I simply want to make it clear for the RECORD, when we are talking about the cost of $35,000 a unit in the areas affected, we are not talking about luxury housing. We are talking about low- and moderate-income housing.

I would like to see construction costs held in line. I would like to see the cost of land held in line. I would like to see the cost of materials held in line. Hopefully, we are going to have some breakthrough in the whole pattern of the construction of housing in this country soon.

But when Senators oppose this amendment they say, "Stop housing construction in every one of the areas listed"—many of them in their own States. The costs are too high, so stop the construction of housing.

I would be surprised if any Senator representing an urban State, or a State that has large city housing problems, said that, but that is the net effect of it. We are not going to have houses built in the cities. We are not subsidizing the increased cost of labor and housing; we are recognizing realistically what the situation is. If Senators want to say to the cities and housing authorities across the country that, because the cost of land

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and the cost of materials and the cost of labor have gotten so high, we have got to stop building, very well.

That is the net effect of the arguments that have been raised here: We do not like the increased costs, therefore we stop building housing. We stop these programs that have been so effective.

Mr. President, the hour is late. I shall not take the time, because of the united opposition from the ranking minority member and the chairman, but if I were to read off the areas involved, Senators would be surprised. It is not only New York City alone; it is happening in Georgia, Alabama, Arkansas, and most of the Midwestern States.

Mr. President, because of the lateness of the hour I shall not pursue the matter further. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, may I have just 1 minute?

Mr. PROXMIRE. I yield the Senator 1 minute.

Mr. PERCY. I would respectfully suggest that this might be a good point for us to put pressure, under the circumstances, on HUD to go into more housing rehabilitation. We have fine potential structures all over this country, particularly in the urban areas, that, with a modest amount of money, can be rehabilitated into fine modernized housing. We have provided up to 30 percent for rehabilitation, and, as I understand it, only about 1 percent of available funds are being used. This might enable them to go into an activity that would provide the best return on investment that we can get, by taking the extra time and effort to rehabilitate those structures and bring them up to first-class condition.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

The Senator from New York does raise a disturbing difficult problem, but what do we say to our constituents, 90 percent of whom live in houses that cost less than this, or rent homes at a lower monthly rent? Do we tell them, "We are going to have to tax you to subsidize homes that cost $35,000 or $40,000"?

I think their answer would be very simple and direct. They would say, "Let's don't have that program if it costs that much."

I think the Senator from Illinois is right; we have to draw the line somewhere. We did increase these ceilings only last year, in December of last year as I recall. To raise them once again, and from 45 to 60 percent, does seem to be too much.

Mr. President, I hope the amendment will be defeated.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Baker). All time having been yielded back, the question is on agreeing to the amendments, en bloc, of the Senator from New York (Mr. Goodell). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON (when his name was called). On this vote I have a pair with the Senator from New Jersey (Mr. Williams). If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from North Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), the Senator from Missouri (Mr. Symington), the Senator from North Carolina (Mr. Ervin), and the Senator from Washington (Mr. Magnuson) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Delaware (Mr. Boggs), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Smith), and the Senators from Pennsylvania (Mr. Schweiker and Mr. Scott) are necessarily absent.

The Senator from Vermont (Mr. Aiken) and the Senator from Oklahoma (Mr. Bellmon) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is detained on official business.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Colorado (Mr. Allott), the Senator from California (Mr. Murphy), and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 12, nays 50, as follows:

[No. 327 Leg.]

YEAS—12

Brooke
Case
Cranston
Goodell
Gravel
Hart
Javits
Mathias
Mondale
Nelson
Ribicoff
Stevens

NAYS—50

Allen
Baker
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Ellender
Fong
Fulbright
Griffin
Gurney
Hansen
Harris
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
McIntyre
Metcalf
Miller
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Smith, Maine
Sparkman
Spong
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY ANNOUNCED—1

Eagleton, against.

NOT VOTING—37

Aiken
Allott
Anderson
Bayh
Bellmon
Boggs
Eastland
Ervin
Fannin
Goldwater
Gore
Hartke
Hughes
Kennedy
Long
Magnuson
McCarthy
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Packwood
Pell
Russell
Saxbe
Schweiker
Scott
Smith, Ill.
Stennis
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So Mr. Goodell's amendments, en bloc, were rejected.

Mr. CURTIS. Mr. President, I should like to make a brief statement to Senators, and then I will have an amendment to offer.

Were this bill to be considered in the daytime, I have quite a number of amendments that I would like to have voted upon. Due to the lateness of the hour, I want to state for the information of Senators that I will have but two amendments, and I am willing to agree to a limitation of debate of 5 minutes on each side on each amendment.

Mr. MANSFIELD. Would the Senator make that request?

Mr. CURTIS. Yes. I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield before he starts?

Mr. CURTIS. I yield.

ORDER FOR THE SENATE TO CONVENE AT 12 NOON TOMORROW, AND AT 12 NOON FRIDAY

Mr. MANSFIELD. Mr. President, in the spirit of the distinguished Senator from Nebraska, I think that, in view of the lateness of the hour, the Senate ought to convene at a more reasonable hour, inasmuch as we cannot consider anything but Senate Joint Resolution 1 from now until 1 hour after the convening of the Senate on Tuesday.

So I ask unanimous consent that on Thursday and Friday the Senate meet at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970

The Senate continued with the consideration of the bill (S. 4368) to extend and amend laws relating to housing and urban development, and for other purposes.

Mr. CURTIS. Mr. President, I offer an amendment and send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> On page 4, line 22, insert the following: "(3) by adding at the end thereof the following new paragraph:
>
> "'(5) Notwithstanding any other provision of this section, no assistance payment shall be contracted to be made under this section on behalf of any family which is eligible under Section 203(b) for insurance of a mortgage in an amount equal to or exceeding the median mortgage insured under such Section 203(b) in the area where the property is located during the most recent three-month period for which information is available, if the Secretary finds that there is available in such area, within that price range, adequate housing which is decent, safe, and sanitary and meets the minimum property requirements for housing with respect to which assistance payments may be made under this section.'"

Mr. CURTIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order. Staff members will suspend conversation. Members who want to engage in conversations will withdraw from the Chamber.

Mr. CURTIS. Mr. President, this amendment is a modification of the 235 program. The 235 program was enacted for the stated purpose of subsidizing the payments so that poor people could buy homes. At the time it was presented, there was discussion about the slums and that this would enable people to acquire homes, as against always renting. That was a noble purpose, but it has not worked out that way in many instances. Because of slow housing starts and other reasons, this program has been used for many other purposes than to help the poor.

The purpose of my amendment is to make certain that those families who obtain homeownership subsidies under the section 235 program are clearly and unmistakably unable to achieve homeownership without some financial assistance.

On the basis of information which I have received on the manner in which the section 235 program is administered in Nebraska, many families are obtaining these subsidies who could buy a home under the regular section 203 program without any subsidy.

Let me quote an excerpt of a letter which I received from an individual in Nebraska who is directly connected with the building and selling of homes under section 235. He makes this revealing statement:

> Of the several 235's that our company was involved in, there was only one family that I can determine actually should have been helped through a subsidy. Now, this means to me, the guidelines of the program are aimed at those who do not need help. This is defeating the purpose of federal help to needy families to buy homes, as the best buy for a low income person, with a large family, is an existing well kept home.

This is an excerpt of but one of many letters which I have received from people in Nebraska who are protesting the manner in which this program is being administered.

The principal reason for this poor administration is that the law provides only one test. Assume that HUD has established a ceiling of $21,000 for this program as the law permits. The test under existing law is whether a family can afford the $21,000 home. If the family cannot afford the $21,000 home it is eligible for section 235 benefits. However, suppose there are a number of adequate existing homes in the community available under the regular unsubsidized section 203 program for which the family could qualify. Under the present section 235 law, this is irrelevant and immaterial. The family qualifies for the new $21,000 home with the taxpayers paying a substantial part of the monthly shelter costs for insurance, taxes, principal, and interest.

I respectfully contend that this was not the purpose of the section 235 program.

If a family can afford an adequate home costing $18,000, for example, it ought not to be eligible for a new $21,000 home just because it cannot afford the $21,000 home.

The purpose of my amendment is to make ineligible for section 235 benefits any family that could qualify for the median FHA section 203—unsubsidized—mortgage for the recent quarter for which such figures are available, if housing within that price range is determined by the Department of Housing and Urban Development to be available in the community.

Let me give you an example. Suppose the median FHA section 203 mortgage—based on both new and used home sales—for the previous quarter is $16,000. A family that is eligible for an unsubsidized FHA mortgage for $16,000 or more would be ineligible for section 235 provided housing in that price range is available. The family would not be eligible for a more expensive new home built under section 235.

In other words, a family that can buy a home without subsidy is ineligible for a subsidy. This principle is basic to all subsidy program.

My amendment is consistent with the opening paragraph of HUD's June 1970 brochure entitled "Home Ownership for Lower Income Families." This paragraph reads as follows:

> Families and individuals who cannot afford to buy a home without some form of assistance may be eligible for home ownership assistance under the new Section 235 program administered by the Federal Housing Administration, U.S. Department of Housing and Urban Development.

While HUD states this in its promotion literature, there is nothing in the law which would deny section 235 subsidies to a family that is able to buy an adequate house under the nonsubsidized FHA program. My amendment would meet this serious shortcoming in the section 235 program. Without it we will continue to hear complaints and criticism and as surely as night follows day the program will become thoroughly discredited.

I am confident that with this amendment the section 235 program will continue to use up its annual contract authority in assisting low-income families to become homeowners. True, it may remove some higher income families from the eligibility list, but these will be replaced by assisting more families of lower income.

The success of the section 235 program will be measured by the number of truly low-income families who otherwise could not become homeowners. It will not be measured by the degree with which it revives the homebuilding, mortgage lending, and real estate brokerage industries. On the other hand it will be thoroughly and completely discredited if it continues to subsidize families who are able to obtain adequate housing without a subsidy. There are more than 6 million substandard housing units in the country. Even if we assume that all of these are occupied by families earning less than $6,000 per year, there are still 8 million families earning $6,000 or less who are occupying standard housing. We must consider these taxpayers in determining eligibility standards for housing subsidies. We must consider these taxpayers before subsidizing higher income families to obtain newer and more expensive housing.

I will read briefly from one letter. A lady in my State says:

> I would like to register my protest against subsidy home loans. One of these loans was obtained recently by an acquaintance. This individual has a bachelor's degree in education and is working on his masters. What kind of legislation is being enacted that permits the rest of us to help pay his house payment? The truly needy people are being hurt most by actions like this.
>
> I for one object to paying part of his house payment just because he's just starting out in his professional career and can't have everything he desires immediately.

I have also had turned over to me by a financial institution three cases. One involves a 25-year-old skilled worker. He is earning $450 a month. His total indebtedness is only $2,400. He received an $18,000 loan, and the Government is paying a subsidy of $87.94 every month.

Another is a case of a 28-year-old salesman. His income is $535 a month. He drives a new car. He purchased a home for $17,150. His payments are being subsidized—$83.18 a month.

Another one. A 23-year-old employee making $688 received a loan of $19,000 and his subsidy is $87.

Let me tell the Senate something else. He gets a tax deduction for the $87 interest the Federal Government gives him and he does not have to report as income the money he received to pay it.

Mr. PASTORE. Mr. President, will the Senator from Nebraska yield right there for a question?

Mr. CURTIS. I am sorry, I am on controlled time and I cannot do so.

Here is what the amendment does. It

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says in effect that if one is eligible, according to his income, to take a loan, say, of $1,600 without a subsidy, he cannot say, "I am going to buy a $21,000 house," and, therefore, his income is below and he cannot get the subsidy. That is all it says. It provides that if a family is eligible under section 203(b) for insurance on a mortgage equal to a mortgage exceeding the median mortgage under section 203(b), in the area where property is located, and the Secretary finds that there is a house available in such an area at a price range for adequate housing, which is safe and sanitary, a person who can afford a $16,000 house and pay for it without a subsidy is ineligible to ask for a better house and have it subsidized. The subsidies run from $75 to $100 a month.

Mr. President, I urge the Senate to adopt my amendment.

Mr. PROXMIRE. Mr. President, I must oppose the amendment of the Senator from Nebraska, although I certainly sympathize with his objectives and agree that we should do what we can to concentrate subsidies on those with low incomes. I base my opposition on the fact that primarily this could honestly be called: Build no more new homes under section 235 amendment. In other words, no new homeownership. It would not permit Government programs to proceed if the price of a new home, in effect, was higher than the median rate in existing housing in new housing.

We all know that housing costs have escalated enormously in the past few years. In the view of HUD, which opposes the amendment, I have a letter to the chairman of the committee, the Senator from Alabama (Mr. SPARKMAN), which states in effect that we simply would not get new housing. Let me read one paragraph and then I will yield the remainder of my time to the Senator from Illinois (Mr. PERCY).

Mr. PASTORE. Mr. President, will the Senator yield to me for a question?

Mr. PROXMIRE. I yield.

Mr. PASTORE. The only reason I rise is that it is my responsibility under the funding element of the program.

The reason why I asked the Senator from Nebraska to yield to me a moment ago on the questions he was raising, is that no one can condone the situations he describes, but I wonder whether this is not the fault of the administrators rather than the law. The Department should be more careful how it administers the law. There is no reason why the situations the Senator from Nebraska describes should have arisen in the first place. It is not because of the law, it is because of the administration of the law. I do believe that we should tamper with the law but get after the administrators for not carrying out the intent of the law.

Mr. PROXMIRE. The Senator is correct. HUD has tried to administer the program conscientiously. I have a table that shows that the overwhelming amount has gone to those with incomes of less than $8,000. It is about 93 percent. Very little, only seven-tenths of 1 percent, to those earning $10,000 or more. That is too much, of course. We should not have any for those with incomes above $10,000.

Mr. PASTORE. The point is that the Senator from Nebraska did present certain cases which are intolerable.

Mr. PROXMIRE. He did. That is correct.

Mr. President, I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GROSS ANNUAL INCOME OF FAMILIES ON BEHALF OF WHOM ASSISTANCE PAYMENTS ARE MADE UNDER SECTIONS 235 AND 236

	Percentage distributions		
	Homebuyers under sec. 235(i)[1]		Renters under sec. 236[2]
Gross annual income	1st half 1970	Cumulative through June 30, 1970	Cumulative through June 30. 1970
Under $3,000	2.3	2.7	7.8
$3,000 to $3,999	8.8	10.4	11.4
$4,000 to $4,999	18.8	20.3	25.5
$5,000 to $5,999	27.3	26.1	28.7
$6,000 to $6,999	22.3	21.3	19.2
$7,000 to $7,999	13.1	12.3	5.5
$8,000 to $8,999	5.0	4.7	1.6
$9,000 to $9,999	1.6	1.5	.2
$10,000 or more	.8	.7	.1
Total	100.0	100.0	100.0
Median	$5,750	$5,650	$51,200

[1] Based on a sample of 2,000 reports per quarter.

[2] Based on about 2,700 approvals reflecting assistance payments and proposed admissions by June 30, 1970.

Mr. PROXMIRE. Mr. President, I conclude by pointing out that HUD writes, in opposition to the amendment, that in Cleveland, Ohio, for example, application of the formula proposed by the Senator from Nebraska would result in an effective mortgage limit of about $15,000 which would, in effect, result in no new housing being constructed.

Mr. President, I yield the remainder of my time to the Senator from Illinois.

Mr. PERCY. Mr. President, I thank the Senator from Wisconsin.

The Senator from Nebraska has pointed out certain fallacies in implementation of the law. We are grateful to him for the instances he mentioned, where the intent of the law is not being carried out.

I should like to follow through, and I know the committee would, on any of these instances. Where the Senator says the purpose of the law is to help low-income and poor people, he is right; but when he says it has not worked, the figures disprove it. It is dangerous, any time, to take a letter or one instance.

Mr. CURTIS. If the Senator will yield right there, the Senator knows that I appeared before the committee and read a long list of letters. The Senator also knows that the Department has done nothing about straightening it out.

Mr. PERCY. I was there at the time of the testimony of the Senator from Nebraska. If there has not been a followthrough by HUD on the specific instances the Senator has pointed out, then I will see to it personally that we do follow through: But I point out that if we take the last section—the second quarter of this year—I pull this one out at random—the second quarter of this year, 29 percent of all families helped were under the $5,000 income level, and 63 percent were between $9,000 and $8,000, which is 90 percent of all the cases under section 235. They were less than $7,000.

The average number of children, family size, would indicate that they definitely need assistance, and if they did not have this kind of assistance, they would not have adequate housing. If they did not get this kind of program, we would be in a worse condition in housing than we are in now.

Thus, I feel that these instances should be followed through.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, I yield myself 1 minute under the bill simply for the purpose of saying that there are income limits definitely established throughout the country. I have here a table of selected family income limits for section 235, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SELECTED FAMILY INCOME LIMITS FOR SEC. 235 HOUSING[1]

	Regular income limit[2]		Exception income limit[3]	
City	4 member family	5 member family	3 and 4 member family	5 and 6 member family
Alabama:				
Birmingham (Jefferson County)	6,210	6,480	6,050	6,950
Huntsville (Madison County)	6,345	6,615	5,950	6,850
Mobile (Mobile County)	6,210	6,480	6,400	7,350
California:				
Los Angeles	6,750	7,290	8,500	9,750
Sacramento (Sacramento County)	6,345	6,750	8,100	9,300
San Diego (San Diego County)	6,480	6,750	9,100	10,450
San Francisco (San Mateo County)	7,090	7,765	8,300	9,550
Illinois:				
Chicago	8,100	8,910	8,850	10,200
Rockford	8,100	8,640	7,900	9,050
Springfield (Sangamon County)	7,020	7,560	8,100	9,300
Iowa:				
Davenport (Scott County)	7,155	7,560	7,450	8,600
Des Moines	5,130	5,265	8,200	9,300
Sioux City	5,130	5,265	7,750	8,900

Footnotes at end of table.

SELECTED FAMILY INCOME LIMITS FOR SEC. 235 HOUSING[1]—Continued

City	Regular income limit[2]		Exception income limit[3]	
	4 member family	5 member family	3 and 4 member family	5 and 6 member family
Maine:				
Bangor (Penobscot County)	6,480	6,885	6,800	7,850
Lewiston (Androscoggin County)	6,345	6,750	7,450	8,600
Portland	6,885	7,290	7,900	9,050
Massachusetts:				
Boston	7,695	7,965	8,650	9,950
Springfield (Hampden County)	6,345	6,750	8,250	9,450
Worcester	7,335	7,645	7,550	8,700
Minnesota:				
Duluth (St. Louis County)	7,290	8,100	7,300	8,350
Minneapolis (Hennepin County)	6,750	8,100	8,750	10,050
St. Paul (Ramsey County)	7,560	8,370	8,750	10,050
New Hampshire:				
Concord (Merrimac County)	7,020	7,290	8,150	9,350
Manchester (Hillsborough County)	6,750	6,885	7,650	8,800
Portsmouth (Rockingham County)	6,345	6,750		
New Jersey:				
Camden (Camden County)	6,480	6,885	7,650	8,800
Newark (Essex County)	7,695	8,100	8,800	10,100
Trenton (Mercer County)	7,965	8,505	7,700	8,850
New York:				
Buffalo (Erie County)	7,695	7,695	7,750	8,900
New York City	8,555	10,095	9,950	11,450
Syracuse (Onondaga County)	6,500	7,225	7,250	8,350
Oregon:				
Eugene (Lane County)	5,400	5,940	7,450	8,550
Portland	5,130	5,535	7,800	8,950
South Carolina:				
Charleston (Charleston County)	5,670	6,210	6,300	7,250
Columbia (Richland County)	5,940	6,210	6,150	7,100
Greenville (Greenville County)	6,075	6,210		
Texas:				
Amarillo (Potter County)	5,535	5,940	6,150	7,100
Dallas (Dallas County)	5,670	6,210	7,150	8,250
Fort Worth (Tarrant County)	5,940	6,480	6,500	7,450
Houston (Harris County)	5,670	5,940	6,650	7,650
San Antonio (Bexar County)	6,345	6,885	6,550	7,550
Utah:				
Odgen (Weber County)	6,210	6,750	6,600	7,600
Salt Lake City (Salt Lake County)	6,210	6,750		
Wisconsin:				
Eau Claire (Eau Claire County)	6,480	7,020	7,150	8,250
Madison (Dane County)	6,750	7,290	7,300	8,350
Milwaukee (Milwaukee County)	7,560	8,100	7,850	9,000

[1] Sources: HUD handbooks (FHA 4400.30 change 2, April 1970 and FHA 4400.36, March 1970).

[2] Based on 135 percent of public housing admission limits.

[3] Up to 20 percent of sec. 235 funds may be used for families with incomes above 135 percent of public housing admission limits. These incomes cannot exceed 90 percent of limits prescribed for the sec. 221(d)(3) below market interest rate program.

The PRESIDING OFFICER (Mr. MATHIAS). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from North Dakota (Mr. MCGOVERN), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senators from Pennsylvania (Mr. SCHWEIKER and Mr. SCOTT) are necessarily absent.

The Senator from Vermont (Mr. AIKEN) and the Senator from Oklahoma (Mr. BELLMON) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 8, nays 53, as follows:

[No. 328 Leg.]

YEAS—8

Cotton
Curtis
Dole
Gurney
Hansen
Hruska
Thurmond
Williams, Del.

NAYS—53

Allen
Baker
Bennett
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cranston
Dodd
Dominick
Ellender
Fong
Fulbright
Goodell
Gravel
Griffin
Harris
Hart
Hatfield
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Smith, Maine
Sparkman
Spong
Stevens
Talmadge
Tower
Young, N. Dak.

NOT VOTING—39

Aiken
Allott
Anderson
Bayh
Bellmon
Boggs
Cooper
Eagleton
Eastland
Ervin
Fannin
Goldwater
Gore
Hartke
Hughes
Kennedy
Long
Magnuson
McCarthy
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Packwood
Pell
Russell
Saxbe
Schweiker
Scott
Smith, Ill.
Stennis
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So Mr. CURTIS' amendment was rejected.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 18, strike out lines 14 through 26, and insert the following:

ANNUAL CONTRIBUTIONS CONTRACTS LIMITED TO DEBT SERVICE REQUIREMENTS

SEC. 204. The proviso in section 10(b) of the United States Housing Act of 1937 is amended by striking out ", although not limited to debt service requirements,".

Mr. CURTIS. Mr. President, the junior Senator from Nebraska is under no illusions that this amendment will carry. It does represent the first chance that the Senate has had to pass on a major question of subsidy. Therefore, I think it should be done by a rollcall vote. Those in favor of such a subsidy should carry the responsibility.

In the Federal housing program when public housing is built, the Federal Government pays the check. In my 5 minutes I will not take the time to explain that. But the bonds are issued. Then the Federal Government makes an appropriation to meet the debt.

We have now added to that. We have a rent supplement program. Then the pending bill does what was attempted last year. But there have been no payments under the provision made last year.

This bill grants a subsidy to the Housing Authority for operating expenses, the maintenance, guards, lights, local taxes. The Federal Government underwrites the loss of operating.

It is the local authorities that determine how many expenses there will be and how many people are on the payroll.

One may agree that if we have one subsidy program to give the local Housing Authority, we should add another one to it, a subsidy for operations.

I have no quarrel if anyone believes that. I respect their opinion. However, I think that before we start to pay out money on any such principal we should take the responsibility for voting in an additional subsidy, one subsidy where the Federal Government pays the total cost of building the housing project.

Here, by completing what was attempted a year ago—and no money was provided for it—there would be an additional program where the Federal Government would subsidize the operation of it, and that will include broken out windows and everything else.

Mr. President, there may not be more than one vote for this amendment, but there will be one.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CURTIS. I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I shall be very brief.

Back when the public housing was first written into law in 1937 it was provided that the support of the Federal Government would not be limited merely to taking care of the debt service. Unfortunately, over the years the law was narrowly interpreted to limit the Federal contributions to take care of only debt service. Last year the Congress made a specific legislative change to clarify that Federal assistance could take care of certain public housing costs in addition to debt service charges. This 1969 change in the law is further clarified in the bill before us.

Senator CURTIS' amendment would remove all of this and, in fact, would repeal the original intent of the 1937 Housing Act.

I think a fine formula was written in the original act. In 1949 there was a rejuvenation of the act. The Senator from Louisiana was the author of that bill.

Mr. ELLENDER. I offered the 1937 bill also.

Mr. SPARKMAN. I am pleased to know that. At that time it was intended that it would not be confined to debt service. I submit we have tried to handle this very carefully. Public housing has been a most difficult thing to handle through the years, trying to get housing for the very poorest people in our country.

We have had a hard time getting it down to a level they could afford. That is the reason for subsidies in the law. I think they are helpful. I have great respect for the Senator from Nebraska. He did appear before our committee and he gave testimony.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. HANSEN. Would the Senator give an indication of the amount of money we are talking about, the amount that the subsidy would represent?

Mr. SPARKMAN. Does the Senator mean the subsidy over and above the debt service.

Mr. HANSEN. I mean that which is affected by the amendment.

Mr. SPARKMAN. I do not have such figures available. It varies from year to year because the Government does guarantee the bonds. Some housing projects might be losers; others might not lose anything. One year might be better than another year.

I would be glad to supply that information for the record because I think it would be good for all of us to have. I do not have the information before me now.

Mr. HANSEN. I appreciate that, but it would be more helpful to the Senator from Wyoming if we could have the information now.

Mr. SPARKMAN. I do not know. I would be glad to make the data available to you at a later date.

Mr. HANSEN. The Senator would not know if we were talking about $1 million, $100 million, or $50,000?

Mr. SPARKMAN. It may be the Senator from Massachusetts could tell us better. He offered the amendment last year that set these subsidies.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. BROOKE. We provided $150 million and it will probably cost about $250 million. That is the answer to the question.

If the Senator will yield further, many Senators were not in the Chamber when I engaged in a colloquy with the Senator from Nebraska. We have been seriously concerned with public housing in this country and we did not want to confine it to debt service but we wanted to go beyond it to operating cost and maintenance because public housing has deteriorated to the point where the Federal Government is being accused of being the greatest slum landlord in the country. We have had serious problems in deterioration in housing and we did not want to confine it to debt service, but to expand it so we could improve the quality of living in public housing projects across the country. That was the purpose we had here. We went to conference; the House passed it overwhelmingly as did the Senate. We feel it is good legislation and essential if we are to maintain public housing. That is the purpose of this part of the bill.

I have great respect for the Senator from Nebraska and what he is trying to do but we do not think this is the place to do it.

Mr. SPARKMAN. Mr. President, I agree completely with the Senator from Massachusetts.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Nebraska (Mr. CURTIS). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Louisiana (Mr. LONG), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maine (Mr. MUSKIE), and the Senator from Missouri (Mr. SYMINGTON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senators from Pennsylvania (Mr. SCHWEIKER and Mr. SCOTT) are necessarily absent.

The Senator from Vermont (Mr. AIKEN), and the Senator from Oklahoma (Mr. BELLMON) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from California (Mr. MURPHY).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from California would vote "nay."

XUM

The result was announced—yeas 11, nays 50, as follows:

[No. 329 Leg.]

YEAS—11

Cotton
Curtis
Dole
Dominick
Gurney
Hansen
Hruska
Miller
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—50

Allen
Baker
Bennett
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cranston
Dodd
Ellender
Fong
Fulbright
Goodell
Gravel
Griffin
Harris
Hart
Hatfield
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Smith, Maine
Sparkman
Spong
Stevens
Talmadge
Tower

NOT VOTING—39

Aiken
Allott
Anderson
Bayh
Bellmon
Boggs
Cooper
Eagleton
Eastland
Ervin
Fannin
Goldwater
Gore
Hartke
Hughes
Kennedy
Long
Magnuson
McCarthy
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Packwood
Pell
Russell
Saxbe
Schweiker
Scott
Smith, Ill.
Stennis
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So Mr. CURTIS' amendment was rejected.

XUM

Mr. MONDALE. Mr. President, I have a technical amendment which is designed to do what I thought my amendment in committee did. I do not think there is any objection to it.

I send to the desk my amendment and ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 97, after line 14, insert the following:

(b) The first sentence of section 106(b)(1) of such Act is amended by striking out "any federally assisted program" and inserting in lieu thereof "section 235 of the National Housing Act or any other federally assisted program".

On page 97, line 15, strike out "(b)" and insert "(c)".

On page 98, line 12, strike out "(c)" and insert "(d)".

Mr. MONDALE. Mr. President, this amendment is to clarify the intent of Congress regarding the use of planning loans for nonprofits. I want to make it clear that it is the intent of Congress that section 106 planning funds can be and should be used for all types of federally assisted low- and moderate-income housing programs and should not be limited to programs that utilize project mortgages. This specifically includes loans to nonprofits, such as Town View, Inc. in Duluth, Minn., that plan on utilizing section 235 programs regardless of what subsection of 235. Nonprofits should be encouraged to make use of all available Federal housing programs and they should not be restricted to four or five specific programs.

Mr. SPARKMAN. Mr. President, the amendment is a clarification of existing law. I am willing to accept the amendment.

Mr. TOWER. Mr. President, I associate myself with the statement of the distinguished chairman. I concur.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MONDALE. Mr. President, I yield back my time.

Mr. SPARKMAN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TOWER. Mr. President, I send amendments to the desk and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 4, beginning with line 23, strike out all through line 8 on page 9, and redesignate succeeding sections in title I of the bill accordingly.

On page 19, beginning with line 22, strike out all through line 18 on page 21, and redesignate succeeding sections in title II of the bill accordingly.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, what this amendment does is to delete the authorization for dormitory-type housing under section 236, the rent supplement program, and under public housing.

What I am trying to do is cure or make amends for my own dereliction in committee. I was not aware that this matter was going to come up on the day it did, and I was not present at the time.

I think there is considerable resistance to it in committee. I am not convinced that there is sufficient predicate at this time to open up the section 236 apartment subsidy program, and for that matter, the public housing and rent supplements "low income" housing programs, to dormitory housing.

This housing, of course, would be for nonelderly, single persons, as I understand it.

Let us take the case of section 236. The demand for this lower income housing by deserving families across the country far exceeds the ability of the Government to provide interest subsidy funds. Of course, the family unit includes single persons, assumedly until they are at the age where they are self-sustaining and leave home.

I do not feel I can support a proposal that could possibly dilute the lower income section 236 subsidy program to the extent that it benefits families.

Likewise, the low income rent supplements program and public housing are both at such a point that I would hesitate to open up needy family units to pressure for dormitorytype units.

Therefore, I am hopeful that this amendment would be acceptable to my distinguished chairman.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator.

Mr. SPARKMAN. I agree with the Senator from Texas. I was not present when this provision was agreed to by the committee and I think it is entirely too broad.

I think there might be some justification for single occupancy of this kind for veterans, for the elderly, and such as that.

Mr. TOWER. Mr. President, if the Senator would yield, I think it would be an appropriate matter for us to hold hearings on.

Mr. SPARKMAN. Yes; so do I. I think it is something we ought to put some work on in hearings. I assure the Senator from New York, if he will not insist on this provision, we certainly will have hearings on it in the new session.

Mr. GOODELL. Mr. President——

The PRESIDING OFFICER. Who yields time to the Senator from New York?

Mr. SPARKMAN. I yield the Senator from New York 3 minutes.

Mr. GOODELL. Mr. President, the amendment offered here is to delete a provision that was accepted in committee, which I authored.

Under present public housing and section 236, single individuals who are less than 62 years of age, who are not disabled, do not receive adequate housing assistance. Many communities setting up their urban renewal and housing programs find that one of the most critical problems is that of single individuals, widows, or widowers, who have not achieved the age of 62, and who are desperately poor.

Mr. HANSEN. Mr. President, may we have order? I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GOODELL. What justification do we have for excluding this particular group? We can take care of them if they are married, but not if they are single.

Senators know of the desperate situation of many widows, many widowers, and many single people who are poor. What this provision in the bill that the Senator from Texas would delete would permit not more than 10 percent of the aggregate funds under the section 236 public housing program to be used for construction of dormitory style housing. It would provide the local officials means by which to plan a balanced housing program for all citizens.

The need for this housing is great and the committee recognized this in the report. I would like to quote part of that report:

> The Committee recognizes that a critical need exists for housing to accommodate the low income single person under 62 years of age.
>
> Existing federal low and moderate income

> housing programs do not adequately serve this single population. By and large the programs are primarily designed to assist families and the elderly or handicapped. Although some assistance is available to non-elderly singles, it cannot meet the rising demand for housing among this group.
>
> The needs of this population group has become particularly obvious in areas designated for public clearance such as urban renewal areas. As renewal activities begin, municipal officials, who are responsible for relocating the displaced residents cannot find suitable units in sufficient number for the single population. Existing housing programs are deficient in providing for this group and do not adequately meet relocation needs.
>
> The Committee is recommending that legislation be enacted to provide financial assistance through the Rent Supplement and Section 236 programs for the construction of housing for single persons. Such housing would be dormitory-type rental housing with maximum feasible use made of common baths, community kitchens, common dining areas and other shared facilities such as community recreation rooms, workshops or health facilities. It was felt that this physical design would meet the needs of a single person most economically and efficiently. Furthermore, the Committee agrees that competent and responsive housing management with such a diverse and complex tenantry, is essential for the success of a project. Therefore the management fees should be integrated wherever possible, in the allowable project cases.

I think it is a matter of simple equity. It is not a matter that requires extensive hearings. I think all Senators, if they have not already done so, can get testimony from their own communities of the need for this. I have. I have been on the site. I have heard the housing officials and the local officials talk about how they wished they had the option to provide some kind of housing for poor individuals who do not qualify as being over 62 or disabled, but who qualify very definitely in their desperate need. They are excluded now.

I hope the amendment of the Senator from Texas will be defeated.

Mr. TOWER. Mr. President, I yield myself 1 minute.

Mr. President, to my knowledge, I do not think that there were any hearings on this subject, and, as the distinguished chairman of the committee has already indicated, if my amendment is sustained, we will make this a matter for subsequent hearings, and then we can look into the problem to determine to what extent we should legislate on it.

Right now, I would be very loath and reluctant to use up part of the funds provided to benefit poor families and low income families under section 236, the rent supplement, and public housing, when we know the pipelines are already clogged with requests, and we have more applicants than we can service with existing funding. I think it would be tragic for us not to put the emphasis on families first.

Mr. President, I am prepared to yield back the remainder of the time.

Mr. GOODELL. Mr. President, will the Senator from Alabama yield me 1 minute?

Mr. SPARKMAN. I yield 1 minute to the Senator from New York.

Mr. GOODELL. I express my appreciation to the Senator from Texas and the Senator from Alabama for their assurances that they would give this matter consideration. There is a provision of this nature in the House bill, and there have been hearings on it. Witnesses testified before our committee on the need for this type of legislation.

It is not a complicated thing. It is not as though we were changing any significant or complex sections of the law, and do not know what the impact will be. It is very clear. The impact is that the local communities have a very serious problem housing single individuals, widows, and widowers not over 62, and should have some provision in the housing programs to take care of them.

I would hope we will not wait for a year or two to attempt to meet the problems of this particular group.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Mathias). All time having been yielded back, the question is on agreeing to the amendment of the Senator from Texas (Mr. Tower).

Mr. GOODELL. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), the Senator from Washington (Mr. Magnuson), the Senator from New Jersey (Mr. Williams), the Senator from Missouri (Mr. Symington), and the Senator from Louisiana (Mr. Long) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Delaware (Mr. Boggs), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith) and the Senators from Pennsylvania (Mr. Schweiker and Mr. Scott) are necessarily absent.

The Senator from Vermont (Mr. Aiken) and the Senator from Oklahoma (Mr. Bellmon) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper) and the Senator from Ohio (Mr. Saxbe) are retained on official business.

If present and voting, the Senator from Colorado (Mr. Allott) would vote "yea."

On this vote the Senator from Delaware (Mr. Boggs) is paired with the Senator from Pennsylvania (Mr. Scott). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from California (Mr. Murphy). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 40, nays 20, as follows:

[No. 330 Leg.]

YEAS—40

Allen
Baker
Bennett
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Curtis
Dodd
Dominick
Ellender
Fulbright
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Inouye
Jordan, N.C.
Mansfield
McClellan
McIntyre
Miller
Percy
Proxmire
Randolph
Smith, Maine
Sparkman
Spong
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—20

Case
Cranston
Dole
Fong
Goodell
Harris
Hart
Hatfield
Jackson
Javits
Jordan, Idaho
Mathias
Metcalf
Mondale
Nelson
Pastore
Pearson
Prouty
Ribicoff
Stevens

NOT VOTING—40

Aiken
Allott
Anderson
Bayh
Bellmon
Boggs
Cooper
Eagleton
Eastland
Ervin
Fannin
Goldwater
Gore
Gravel
Hartke
Hughes
Kennedy
Long
Magnuson
McCarthy
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Packwood
Pell
Russell
Saxbe
Schweiker
Scott
Smith, Ill.
Stennis
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So Mr. Tower's amendment was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk for myself, the Senator from Minnesota (Mr. Mondale), and the Senator from New York (Mr. Goodell), and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 107, after line 8, add the following new section:

UNITED NATIONS DEVELOPMENT DISTRICT

Sec. 1009. Part A of Title I of the Housing Act of 1949 is amended by adding at the end thereof a new section, as follows:

"UNITED NATIONS DEVELOPMENT DISTRICT

"SEC. 119. Notwithstanding any other provision of this title, the Secretary is authorized to make, subject to the limitation on loan payments herein below specified and such other conditions and requirements as he may deem advisable, temporary and definitive loans, in accordance with section 102, to the United Nations Development Corporation, created and operating under chapter 345, Laws of New York, 1968, as amended. Such loans shall be for a project or projects consisting of the development of the United Nations Development District, as defined in said chapter 345, as amended, in conformity with a development plan or plans that shall be approved after public hearings pursuant to said chapter 345, as amended. Such project or projects may include, but not be limited to, the acquisition, clearance, preparation, improvement and development of real property and the construction of public and other facilities and buildings and relocation housing within said district. The Secretary shall not make any such loan unless he has obtained adequate assurance that a relocation program and assistance will be provided similar to that required for urban renewal projects by sections 105(c) and 114. The Secretary shall not make grants of any type, relocation payments or advances for planning to said Corporation. Furthermore, the Secretary shall not make any loan payments under any loan contract executed under this section, except to the extent necessary to pay or cause to be paid to holders (or to their agents or designees) of obligations of the Corporation the principal of and the interest on such obligations pursuant to any contract or other instrument executed by the Secretary under subsection (c) of section 102 hereof. Except as the Secretary shall deem necessary, determinations, approvals or requirements under this title pertaining to loans for other projects shall not be applicable to loans under this section. Wherever 'local public agency' or the plural thereof appears in section 102 it shall be construed to include said Corporation. The interest on any obligations issued by said Corporation for any project assisted pursuant to this section shall not be exempt from taxation under section 102(g) of this title or section 103 of the Internal Revenue Code of 1954, as amended."

Mr. JAVITS. Mr. President, if I may have the attention of the Senate——

The PRESIDING OFFICER. Will the Senator from New York suspend for an inquiry from the Chair? Is this an amendment which the Senator was to offer upon which there is an hour limitation?

Mr. JAVITS. It is, and I yield myself 5 minutes.

Mr. President, this amendment is an element—I emphasize that word—in a large plan which I will describe. The purpose of the amendment and the amendment's terms provide that the Secretary of HUD is authorized—I emphasize the word "authorized," because it is important—on terms and conditions which he considers proper, to guarantee the bonds, which will probably be mortgage bonds, of a public benefit corporation called the United Nations Development Corporation. The Corporation is organized under a special act of the Legislature of the State of New York and is headed by John J. McCloy, who is very well known to many Members of the Senate. The purpose of this corporation will be to develop two square blocks across the street from the United Nations in connection with United Nations uses. Indeed, the United Nations uses will occupy approximately 60 percent of the development when it first opens, and this percentage will grow substantially as the United Nations needs growth.

The purpose is to have an office building, a hotel, places for visitors, a bus terminal—all of which relate to the tremendous flow of people to and from the United Nations. It is expected to be a very distinguished development. One of the concepts is that it will all be under glass.

The Governor of the State of New York and the mayor of the city of New York have recommended it to us.

An element in the plan is for the Secretary of Housing and Urban Development to guarantee the bonds if he feels that this is the desirable thing to do, that the security is adequate, and so forth.

This amendment has been discussed by me and by others with the manager of the bill and with the Secretary of State—indeed, I just talked with him tonight about it—and with the ranking minority member of the committee. It goes again to the proposition that when we received the United Nations in the United States, we said that we would do everything we could to accommodate them suitably. The needs of the organization have grown very large, and this represents what should be an entirely self-liquidating project. This is a nonprofit corporation. But in order to do what must be done, in order, as it were, to redeem our assurances to the organization, this great project is going to get underway; and the authority in the Secretary of Housing and Urban Development represents an important element in this project.

I would say, too, that all the people concerned are very competent and are people of great experience in this field.

I wish to state that it is entirely understood that the Secretary may refuse to exercise his authority or that he may impose such conditions that the whole thing cannot be done; but if this amendment to the housing bill which is before us, passes he will have the authority if he wishes to exercise it.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TOWER. Speaking in behalf of myself and I think also in behalf of the distinguished chairman, I believe that the committee probably is willing to take this amendment to conference.

Mr. JAVITS. It is entirely agreeable to me.

Mr. TOWER. If the Senator would like to yield back the remainder of his time——

Mr. JAVITS. I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I agree with the Senator from Texas and yield back the remainder of my time.

Mr. GOODELL. Mr. President, will the Senator yield me one-half minute?

Mr. ALLEN. Mr. President,——

Mr. SPARKMAN. One half a minute? I yield 1 whole minute to the Senator from New York. [Laughter.]

Mr. GOODELL. I thank the Senator. To reward him for his generosity, I shall use only one-half a minute.

Mr. President, I have been involved in this deeply. It is a very important issue. There is great difficulty in providing housing and office space for people in the United Nations. This project is self-liquidating. I am a cosponsor of the amendment and wholeheartedly support it.

Mr. PERCY. Mr. President, will the Senator from Alabama yield me 1 minute?

Mr. SPARKMAN. I yield 1 minute to the Senator from Illinois.

Mr. PERCY. Mr. President, I want to associate myself with support of an amendment to the Housing Act of 1970.

This amendment amounts to a pledge of faith in the U.N. in this, its 25th year.

I say pledge of faith because the bill calls for little more. It provides only a guarantee of taxable UNDC bonds in the case of default. It provides no loans, no grants. The guarantee is conditioned by authority for the Secretary of Housing and Urban Development to set terms which will insure prudent expenditures. The guarantee has minimal risk as the project has been designed—both architecturally and economically—to be self-sustaining.

This U.S. pledge is to me a renewal of our commitment to establish a United Nations Organization—an organization that has over the last two and one-half decades served as the principal forum for international discussion. In supporting this amendment, I am, in my own mind, simply following through on the decision we made more than two decades ago, to support the development of a United Nations Organization with headquarters in New York City.

I am not unaware of the shortcomings of the U.N.; I do not consider it a panacea for the solution of our pressing world problems. But what alternative do we have? In a year when we can appropriate $70 billion from military equipment and personnel, we can afford to accept this amendment which will in all likelihood not cost a cent and which might well take us just one step more toward peace.

Mr. MONDALE. Mr. President, I was pleased to have the cosponsorship of Senator JAVITS when I introduced S. 4145, and I am happy to support him in offering that bill as an amendment to the Housing Act of 1970.

In November we will be celebrating the 25th anniversary of the founding of the United Nations. There is no more appropriate way to commemorate this anniversary than the adoption of this amendment which will do so much to enhance the ability of the United Nations to perform the functions for which it was created. Candor requires an admission that the United States has failed frequently in its primary role of maintaining peace throughout the world. It is easy, however, to dwell upon its failures and overlook its many successes. The mere fact the United Nations has endured for a quarter century that has seen hot and cold wars, the disintegration of empires, and the emergency of new nations which have more than doubled its original membership, is ample evidence of the U.N.'s inherent viability. It was in 1945, and is now in 1970, man's best hope for avoiding world conflict through the development of an international rule of law that will guarantee peace among nations great and small.

The purpose of S. 4145 is to provide a Federal guarantee of taxable bonds to be issued by the United Nations Development Corporation to finance a self-sustaining complex created to provide U.N. supporting facilities in accordance with a plan approved by the city of New York. Included are a visitors center, offices for foreign missions, a hotel for visiting dignitaries and housing for those associated with the U.N. and living in New York City. Secretary Rogers has expressed his strong support for the proposal and has requested the help of Secretary Romney in implementing it. The project is to be carried out by a nonprofit public benefit corporation created by special act of the State of New York. The membership appointed by Mayor Lindsay and Governor Rockefeller includes John J. McCloy as chairman of the board.

The plan for relocation is unique and surpasses Federal urban renewal requirements. The proposed legislation would add a new section 119 to the Housing Act of 1949 authorizing the Secretary of Housing and Urban Development to make commitments for loans to the corporation to finance the acquisition and clearance of real property, and the development and construction of buildings and other facilities within the United Nations Development District in New York in accordance with the approved development plan.

Commitments for loans under section 119 would be the same as those which the Secretary is authorized to make for urban renewal projects assisted under the 1959 Housing Act. It is not anticipated, however, that any loans would in fact be made because the corporation, using the security of the commitment, will be able to obtain such funds from private investors. The effect of this arrangement is a Federal guaranty of the payment of interest and principal of the corporation's obligations. In addition, no advances for planning, no project grants or capital grants would be involved.

It should be emphasized the amendment under consideration does not commit the Federal Government to anything, but merely authorizes the Secretary of Housing and Urban Development to guarantee taxable bonds that will be issued to finance the United Nation's Development District "subject to such conditions and requirements as he may deem advisable." It is rare that a project of this kind can be constructed without the use of public funds for direct grants or loans. All the proposed amendment involves is a Federal guaranty of the U.N. Development Corporation's obligations which imposes only a contingent liability on the Federal Government in the event of a default. The likelihood of such a default is extremely remote since the projected net revenues are more than adequate to meet annual debt service requirements.

I urge adoption of the amendment.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Mathias). The question is on agreeing to the amendment of the Senator from New York.

Those who favor the amendment will say "aye." Opposed, "no."

Mr. ALLEN. Mr. President, I call for a division.

The PRESIDING OFFICER. A division is called for.

On a division, the amendment was agreed to.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Mathias). The Chair advises the Senator from Alabama that his request for the yeas and nays is too late. The result of the division has been announced.

The bill is open to further amendment.

Mr. TOWER. Mr. President——

Mr. MANSFIELD. Mr. President, I move to reconsider the vote——

Mr. MANSFIELD, Mr. FULBRIGHT, and Mr. PASTORE asked for the yeas and nays.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. For what purpose does the Senator state his parliamentary inquiry?

Mr. JAVITS. I would like to say to the majority leader that I am entirely agreeable to having the yeas and nays. I do not wish to shut off any Member, but I hope that we will follow what is proper procedure.

I ask the Chair, has the proper procedure been followed in seeking unanimous consent? Should the previous action be reconsidered and then have the yeas and nays asked for?

The PRESIDING OFFICER (Mr. Mathias). The Chair would advise the Senator from New York that the yeas and nays could be obtained either by unanimous consent or upon motion of the distinguished Senator from Montana to reconsider the vote.

Mr. JAVITS. Mr. President, I would suggest respectfully to the Senator, then, that we have the yeas and nays upon the motion to reconsider.

Mr. MANSFIELD. Mr. President, I withdraw my request.

Mr. President, I ask unanimous consent that it be in order to have the yeas and nays and I ask unanimous consent that the yeas and nays be ordered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

Mr. TOWER. Mr. President, a parliamentary inquiry. What are the yeas and nays ordered on?

The PRESIDING OFFICER. They are ordered on the amendment offered by the Senator from New York.

Mr. TOWER. I thank the Chair.

Mr. JAVITS. Mr. President, a parliamentary inquiry. A vote "yea" is a vote for the amendment?

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The Senator is correct.

The question is on agreeing to the amendment of the Senator from New York.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), the Senator from Texas (Mr. Yarborough) and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin) and the Senator from Missouri (Mr. Symington) would each vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from New Jersey (Mr. Williams), and the Senator from Louisiana (Mr. Long) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Delaware (Mr. Boggs), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from California (Mr. Murphy) and the Senator from Illinois (Mr. Smith), and the Senators from Pennsylvania (Mr. Schweiker and Mr. Scott) are necessarily absent.

The Senator from Vermont (Mr. Aiken) and the Senator from Oklahoma (Mr. Bellmon) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper) and the Senator from Ohio (Mr. Saxbe) are detained on official business.

XUM

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Colorado (Mr. ALLOTT). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 21, nays 39, as follows:

[No. 331 Leg.]

YEAS—21

Bennett
Brooke
Case
Church
Cranston
Fulbright
Goodell
Griffin
Harris
Hart
Hatfield
Jackson
Javits
Mathias
Mondale
Nelson
Percy
Proxmire
Ribicoff
Sparkman
Stevens

NAYS—39

Allen
Baker
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Dominick
Ellender
Fong
Gurney
Hansen
Holland
Hollings
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
McIntyre
Metcalf
Miller
Pastore
Pearson
Prouty
Randolph
Smith, Maine
Spong
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—40

Aiken
Allott
Anderson
Bayh
Bellmon
Boggs
Cooper
Eagleton
Eastland
Ervin
Fannin
Goldwater
Gore
Gravel
Hartke
Hughes
Kennedy
Long
Magnuson
McCarthy
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Packwood
Pell
Russell
Saxbe
Schweiker
Scott
Smith, Ill.
Stennis
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So Mr. JAVITS' amendment was rejected.

Mr. TOWER. Mr. President, I yield myself 2 minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, the new housing program which this bill authorizes has a very objectionable feature which I would like to bring to the Members' attention. This program would be financed outside of the normal appropriation committee channels—through so-called back-door financing.

Section 504 of the bill would allow HUD to contract to pay $15 million a year for 3 years in housing allowances to low-income families for use in paying their rents. Once the Secretary of Housing and Urban Development contracts to make these payments, and he could do so at any time without further approval, the appropriation committees and the Congress would be obligated to appropriate the necessary moneys.

There is nothing about this program which can justify bypassing of the customary procedure of allowing the substantive committee to establish the maximum authorization and the appropriation committee to determine yearly funding levels. The housing allowance program is called an experimental research program. However, all of HUD's other research activities must be financed through the regular appropriations process. If this program is allowed to receive back-door financing there is no good reason to deny it to all other new programs.

Mr. President, I had intended to offer an amendment which would have provided that the money should be appropriated to provide a sum not in excess of $45 million to be appropriated. However, in view of the fact that this is part of the administration measure and it will be in conference and we will discuss it in conference, I will not offer the amendment at this time.

Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

INTERSTATE LAND SALES FULL DISCLOSURE ACT

SEC. 1009. Section 1406 (5) of the Interstate Land Sales Full Disclosure Act is amended by inserting after the first comma the following: "the existence of any unusual conditions relating to noise or safety which affect the subdivision and are known to the developer,".

The ACTING PRESIDENT pro tempore. How much time does the Senator yield himself?

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, this amendment is designed to fill a void in the current Interstate Land Sales Full Disclosure Act. It would require disclosure, for example, in the vicinity of military airports to people who are purchasing property there of potential noise or safety hazard.

This disclosure would have to be made. Under the present provision of the act, I do not believe this has been required.

We have had trouble at Williams Air Base, for example, where a developer sells property close to a runway where usually most accidents occur with student pilots and where the residents started to complain about the noise.

We have hundreds of flights a day in these military airports. It is kind of an encroachment on the military function.

I believe the committee is prepared to accept the amendment. I wanted to make this bit of legislative history.

Mr. SPARKMAN. Mr. President, I yield myself 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized for 1 minute.

Mr. SPARKMAN. Mr. President, I am in agreement with the Senator from Texas. I hope the amendment will be agreed to.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time having expired, the question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 18, line 3, strike the word "periodically" and insert in lieu thereof the words "at least annually" and on line 7 after the word "Act" add the following language: "The Secretary in determining the area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, in developing such prototypes, emphasis should be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community".

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, this is simply an amendment to describe more accurately what is meant by a prototype, which is now going to be a new standard to be used in determining the cost limits in a given area.

It adds standard language which is concerned with enlightened community construction, and so forth.

The only substantive point contained in this is that instead of saying that the prototype costs should be determined periodically, which leaves the question open, the amendment provides that prototype costs should be determined at least annually so that municipalities know where they are at regular intervals.

Mr. SPARKMAN. Mr. President, I yield myself 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized for 1 minute.

Mr. SPARKMAN. Mr. President, on my part I think it is good language. I, for my part, would be willing to accept the amendment.

Mr. TOWER. Mr. President, I associate myself with the statement of the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time having expired, the question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, will the Senator yield to me for 1 minute on the bill?

Mr. TOWER. I yield 1 minute to the Senator.

LEASED HOUSING—SECTION 23

Mr. JAVITS. Mr. President, the leasing program in low-rent public housing has proved a very valuable tool in making housing available quickly. Since the program's inception in 1966, over 16,000 units have been leased to public housing tenants in the northeastern region. In the fiscal year 1969, leased units accounted for over 30 percent of the total units of public housing provided under

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all public housing programs in the northeastern region.

I was pleased to see that the committee bill clarified the authority of local public housing agencies to lease units in other structures in addition to existing structures and extended the initial term and renewal period of the lease from 5 to 10 years. These changes will be very helpful in making the program work more effectively.

However, recent indications are that HUD is deemphasizing the leased housing program. This, despite the fact that even in HUD's view, the program had become the most versatile of housing assistance activities directed toward low-income families and has proven to be a most effective method of providing a supplementary form of low-rent housing.

In fiscal 1969, units under contract totaled more than 54,000. Unfortunately, for fiscal year 1970, HUD established a production target of only 16,000 leased units under the program. The estimates for fiscal year 1971 are that approximately 14,000 units will be developed through the leasing program. It should be pointed out that the annual contributions contracts in the leased housing program are authorized within the total authorization for the low-rent public housing program. Thus it has been an administrative determination as to how much low-rent public housing will be done on a leasing basis each year.

I have checked into the situation on several occasions and have been told that despite the success and value of the leasing program, there are no plans to expand the program or to stop its contraction. The reasons given are that existing leased units are not counted for the established 10-year national housing goal and that since annual contributions allocated to the leasing program develop into budget outlays more quickly than those allocated to other low-rent housing programs, there is concern with possible inflationary impact.

The short answer as to why the leasing program results in faster budget outlays is that it is a quicker and more effective way to make housing available to low-rent tenants. This is one of its advantages rather than a disadvantage. I feel that HUD is ill-advised to be deemphasizing this program at this time. In addition, this administrative decision seems counter to the intent of Congress when enacting the program and also when making improvements in the program as the committee has done in this bill. I am advised that the Housing Subcommittee of the House Banking and Currency Committee has included a provision in its proposed bill which would require that 30 percent of the annual contributions authorization in the low-rent public housing programs be used for the leased public housing program.

I would like to ask the chairman of the committee whether he feels it would be appropriate for the same directions to be placed in the Senate bill or whether he feels the better course for us to pursue today is to express our desire that HUD make greater use of the leasing program. I would hope that in any case, the committee would give favorable consideration to the provisions of the House bill governing leased housing if the issue is present at the conference.

I ask unanimous consent that a memorandum from HUD dated February 17, 1970, discussing the leasing program be made part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, D.C., February 17, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: Enclosed per your request are answers to the questions posed by Miss Lattin of your staff on February 13, 1970.

We hope these will prove to be satisfactory.

If you desire additional information, please contact me.

Sincerely yours,
ROBERT M. CLARK,
Senior Assistant for Congressional Relations.

THE LEASED HOUSING PROGRAM

(Answers to questions posed by Miss Lattin on February 13, 1970)

1. Statement of the problems that HUD has had with the Leased Housing Program nationally, if any.

(a) The program requires staff skills that Housing Authorities ordinarily have not had. This has been a major factor in many localities contributing to delays in leasing units after annual contributions contracts have been approved.

(b) There are operations problems such as those involved in maintaining satisfactory relations with owners. And one of the more difficult, sometimes, is the high cost of utilities in some of the older, single family dwellings or row houses that are leased.

(c) While they have not yet become acute, some difficulties are anticipated in the renegotiation of leases. In part, these would be the result of the legal provision under which annual contributions are a function of the cost of building public housing in the locality rather than the cost of operation.

(d) As compared with the conventional low-rent program the leasing program is in a disadvantageous position as to the proportion of the lowest income families that can be accommodated. This is primarily the result of the authorization to pay full real property taxes, but to a lesser extent the return required by the owner is also a factor.

(e) There are several difficult policy problems associated with contributions for leasing notably, the extent to which it should be encouraged, and the conditions under which longer term commitment and rent renegotiation and adjustment provisions may be authorized. During recent months, of course, developers have also had difficulty in obtaining the required mortgage financing.

NOTE.—We have not yet been able to clarify the impact of the Housing and Urban Development Act of 1969 on the leasing program. It may be that problems mentioned under c and d, above, will be mitigated by provisions of that Act relating to annual contributions.

2. Has the Leased Housing Program been successful?

The program has proven to be a most effective method of providing a supplementary form of low-rent housing and has become a major element of the Department's production effort. In hearings on the Housing and Urban Development Act of 1965 through which the program was initiated it was estimated that the annual contributions authorization of the Act would provide for development of 60,000 dwellings for each of the subsequent four years, of which 10,000 would be derived from the Leased Housing Program. By June 30, 1968, a full year prior to the date by which 40,000 leased dwellings were to be programed, a total of 42,000 units had been placed under annual contributions contract. The following table compares the annual program level estimates and actual accomplishments for the first four years:

Fiscal year:	HUD estimates	Units placed under ACC
1966	5,000	6,975
1967	10,000	15,000
1968	10,000	19,824
1969	15,000	54,054
Total	40,000	96,327

As of June 30, 1969, 46,785 dwelling units had been leased from owners and were available for occupancy to low-income families. This is a measure of the high degree of acceptance of the program by local public officials and real estate and home building interests that apparently stems primarily from the capacity of the leasing program to provide a substantial role in the solution of the housing problems among localities also to a very large extent can be traced to the legislative elimination of several extra operational restrictions applicable to other low-rent housing—Workable Program, tax exemption, Cooperation Agreement and 20 percent gap requirements. Several States, notably California and Mississippi, that, by law require referenda for the construction or acquisition of public housing have recognized these special features and have ruled that their referendum laws are not applicable to it.

Working guidelines covering the program were issued in October 1965, slightly more than two months after the legislative authorization was passed. In their development, again every effort was made to build into the program a reasonable degree of flexibility. To this end:

Minimum property standards were set forth in terms sufficiently general to permit qualification of any type of dwelling that provides decent, safe and sanitary accommodations.

Tenant selection by the owner, by the Housing Authority or by the owner from applicants supplied by the Authority was authorized.

Provisions were made for the development of leasing arrangements within the framework of the private landlord-tenant relationship.

Annual Contributions Contracts were so drawn as to authorize Local Authorities themselves to vary, within limits, the unit size composition of projects.

As a consequence of this generous endowment of legislative and administrative flexibility, leased housing has become, perhaps, the most versatile of housing assistance activities directed toward low income families. This is evident first from the nature and variety of Housing Authority programs:

In the typical program the Authority leases predominately vacant units in older structures that are in standard condition. They would include single family dwellings, row houses and apartments in multi-family structures. In a majority of cases the lease would require the owner to make minor repairs prior to acceptance of the unit for occupancy and in a few situations the owner would agree to fairly extensive rehabilitation.

The program in Fall River, Massachusetts, has been developed largely through the use of rehabilitated dwellings. It has become an effective instrument for neighborhood improvement.

The leased housing legislation specifies the use of "existing" units, but a number of Housing Authorities have found local builders who have been willing to construct dwellings for use in the program without prior commitment of Federal annual contributions to the project.

In Holyoke, Massachusetts, an older hotel has been very extensively renovated to provide apartment accommodations for elderly familes.

The Crazy Water Hotel in Mineral Wells, Texas, for some time has been used as a residential hotel for elderly persons with cooking and dining facilities that are on a congregate basis. Through assistance available under the Leased Housing Program these accommodations can be made available to low-income senior citizens.

In Pinellas County, Florida, very comfortable dwellings with an attractive and pleasant living environment have been developed for elderly families through use of mobile homes.

Another very interesting concept that is presently being explored is the use of the leasing program to stimulate and facilitate homeownership. In its simplest form this is done through inclusion in Housing Authority leases of an option to purchase the dwelling in favor of the occupant. More sophisticated arrangements, however, are being worked out for pilot programs in Los Angeles and Boston. The arrangements in Los Angeles involve development of dwellings, using Section 221(d)(3) market interest rate financing, on behalf of a non-profit corporate owner which enters into a lease-purchase agreement with low-income families certified eligible by the Housing Authority. The Authority also enters into an Assistance Agreement with the owner which makes available subsidies under the Section 23 authorization to cover the difference between the "economic rent" payment needed and the amount low-income occupants can afford to pay. Under the lease-purchase agreement occupants are required to purchase the dwellings when they can afford to do so and they receive the benefit of the amortization payments on the mortgage during the period covered by the Assistance Agreement. In the Boston program leasing subsidies are used by the Housing Authority to help low-income families to make payments necessary to purchase cooperative membership, again through the device of an Assistance Agreement between the Authority and the cooperative.

The amendment of Section 23 through the addition of Subsection (g) by the Housing and Urban Development Act of 1968 adds a new dimension to homeownership programs. Under this provision Housing Authorities may purchase leased properties for resale to tenants. A most interesting feature of it is that the terms of the resale are to be such that tenants may make the purchase without undue financial hardship and might include deferment of any down payment and elimination of, or adjustment in, interest payments for a temporary period. A pilot program to make use of this authorization is being developed in Salisbury, Maryland.

Section 23 leasing has been a most successful program for the promotion of several of the Department's significant social goals, notably the provision of scattered site housing for low-income families and housing accommodations for larger families. Local Authority capacity to lease scattered properties is a result of public acceptance of the leasing program which, in turn, has been enhanced by the fact that this is a program through which the institutional image that has been associated with public housing can be avoided. The program's ability to accommodate larger families, of course, derives mainly from the possibility of utilizing older standard houses that are readily available in the rental market of many localities. Over 50 percent of the units programmed for leasing have been three bedroom dwellings, or larger.

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3. What was the funding level appropriated by the Congress for the Leased Housing Program in FY '70?

Annual Contributions Contracts with Local Housing Authorities are executed on the basis of authorizations included in basis HUD legislation and those authorizations do not distinguish between the Leased Housing Program and other program administered under the United States Housing Act of 1937, as amended. For Fiscal Year 1970, the HUD Act of 1969 provided an increased authorization for the low-rent program of $225,000,000. Administratively HUD has established a production target of 16,000 leased units to be placed under Annual Contributions Contract in Fiscal Year 1970.

4. How much has been requested for this program in FY '71?

The HUD Act of 1969 provides an increased annual contributions authorization that will be available July 1, 1970 of $170,000,000. With this authorization it is estimated that 106,000 low-rent housing units may be placed under Annual Contributions Contract of which approximately 14,000 will be developed through the leasing program.

5. Are there any Congressional restraints on the number of leased housing units that can be approved each year? A dollar limitation?

As mentioned above, the program level for low-rent housing is established through annual contributions authorizations. Allocations to programs financed through those authorizations are administrative.

6. and 7. If the Leased Housing Program has been successful, why hasn't more money been requested for FY 71?

Why has the Bureau of the Budget been reluctant to raise the ceiling for this program?

There have been two significant reasons for restraint in the allocation of resources to the leasing program:

(*a*) Existing units that are leased and not counted toward the established 10-year national housing goal.

(*b*) Annual Contributions allocated to the leasing program develop into budget outlays more quickly than those allocated to other low-rent housing program. The Bureau of the Budget has been concerned with the inflationary impact of Federal expenditures on the economy.

Mr. SPARKMAN. Mr. President, I send to the desk an amendment and I ask that it be read by the clerk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The amendment was read, as follows:

On page 23, strike out lines 11 through 19 and renumber succeeding sections accordingly.

Mr. SPARKMAN. Mr. President, during the consideration of 1970 Housing and Urban Development legislation by the committee, it was brought to our attention that certain expenditures made by certain colleges and universities in connection with urban renewal projects to expand university and college campuses were not considered by the Department of Housing and Urban Development to be eligible for local credits.

The committee included a provision in the bill before us to make these credits eligible.

Subsequent to committee action and since reporting the bill to the Senate, I have received a letter dated September 23, 1970, from the Department of HUD stating that this matter can be handled administratively and that there is no need for legislation in this area. Accordingly I offer an amendment to S. 4368 to strike out the provision dealing with this matter. Specifically, my amendment merely deletes section 212 from the bill.

I have discussed this matter with the minority and there is no objection to the amendment.

I move the adoption of my amendment.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I send to the desk a technical amendment.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 72, line 8, after "approved" insert "or".

Mr. SPARKMAN. I yield back my time on the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DODD. Mr. President, I am very grateful to the distinguished chairman of the Senate Banking and Currency Committee and the members of the committee for including as an amendment to the Housing and Urban Development Act of 1970 a bill which I introduced to increase to $50 million the $25 million ceiling on guaranteed loans to nonprofit hospitals.

I know that the members of the committee and the Members of the Senate are aware of the great public demand for hospital services which present facilities are unable to supply.

Medicare and medicaid programs have brought hospital services to persons who at one time could not afford proper treatment, and many cases that were once treated at home or in a doctor's office now look to a hospital for health care.

The resultant pressure on existing hospital facilities has constricted the operations of some of our finest institutions and this situation can be alleviated only by the construction of new facilities or the expansion of existing plants.

The adoption of the $25 million guaranteed hospital loan program in the Housing Act of 1968 was a landmark provision.

I believe that the $50 million ceiling contained in the bill before us today will go even further toward insuring that hospitals all across the country can obtain the financing they need in order to proceed with construction plans and thereby bring to all Americans the health care that our medical technology makes possible.

Again, I am very pleased that the Senate Banking and Currency Committee has included my bill as an amendment to the important Housing and Urban Development Act of 1970. With this amendment, hospitals will be able to meet this Nation's vital health needs effectively and efficiently.

Mr. TOWER. Mr. President, section 112 is my amendment to the FHA title I mobile home loan program in recognition of the vast promise held out by the modular building concept to bring about true low-cost housing.

The law now allows a loan of up to $10,000 for a conventional mobile home, with a loan amortization period of 12 years and 32 days. However, very recently, mobile dwelling units composed of two or more modules have become very popular. These dwellings are sometimes referred to as "double-wides," and they have been shown to be the most promising approach to low-cost housing that is known today. In this particular instance of a mobile dwelling composed of two or more modules, section 112 would authorize a maximum loan of $15,000, and a 15-year, 32-day, amortization period.

The resourcefulness and initiative of those of our country's housing manufacturers who are now undertaking modular construction probably are nearer the answer to low-cost mass production of housing than any other activity today. Through their efforts we hopefully will see a breakthrough in housing technology and mass production methods.

Modular housing, or houses put together in sections, whether permanently affixed to the land, or movable, can be counted on to bring the cost of housing down significantly, and thus bring it within the reach of this country's lower-income families. Today's mobile home manufacturer is an active participant in pursuing this housing breakthrough, and by adding this particular provision to the law it is my hope that a much more concerted effort will be made in this area.

Mr. President, as many of my colleagues undoubtedly know, the administration is now looking to the mobile home industry to provide a substantial portion of the housing that must be produced during the decade ending in 1978 if the production goal held out by the 1968 Housing Act is to be reached. It is hoped that some 4 million of the 26 million housing unit production goal will be provided by mobile homes. I feel that the most significant part of the mobile home part of the goals achievement will be modular housing. And, I feel it is also very significant that most of these mobile, or mobile/modular, dwelling units will in all probability house those of our country's families at the lower end of the income scale.

Take these figures as such an indication:

The average new mobile home contains about 820 square feet of floor area, and has two bedrooms, kitchen, bath, dinette, living room and is sold complete with furnishings for about $6,000.

The average lot rent upon which a unit is placed runs from $35 to $55.

The median income of mobile home park tenents is around $7,000 per year, and about half of the household heads in mobile homes are under 35.

Hold these figures alongside the $27,000 median price of conventionally built new houses, and consider further that probably half of our country's families cannot afford to pay much more than $15,000 for a home.

The mobile home industry expects to produce around 450,000 units this year, almost double the 1967 production level. But for this housing to have any effect on the pent up housing demand, there must be adequate and reasonably priced financing. To help with this problem, the present statutory restriction on the title I discount, or interest, rate would be superceded by discretionary authority in the Secretary of HUD until January 1, 1972, to set the maximum loan interest rate as necessary to meet the loan market.

Since its enactment into law on December 24, 1969, the title I mobile home loan program has experienced very little lender activity. HUD reports that as of last August, only around 106 loans have been processed. This is mainly because of the present statutory restriction on the title I loan discount rate. The effective net yield of approximately 8 percent per annum under the present law cannot compete with the higher yields available through alternative investments. By authorizing the Secretary of HUD to set loan interest rates as necessary to meet the loan market, as section 112 of the bill would do, we would just be authorizing the Secretary to do what he already can do in the instance of FHA-insured mortgages.

I would like to submit for the record at this point letters to the chairman from HUD Secretary Romney, and representatives of the mobile home and savings and loan industries, concerning my mobile/modular amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., September 3, 1970.
Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for our comments on an amendment proposed by Sen. Tower to the home improvement and mobile home loan program under title I of the National Housing Act.

We have no objection to the provisions of this amendment which would, with respect to mobile homes comprised of two or more modules, extend the maximum loan amount from $10,000 to $15,000 and the maximum maturity from 12 years 32 days to 15 years 32 days.

The proposal would also give the Secretary the discretion until January 1, 1972, to disregard existing title I statutory maximum interest rates and to establish maximum interest rates to meet the loan market. The Secretary now has similar temporary authority to waive statutory maximum interest rates under the mortgage insurance programs of title II of the National Housing Act.

We fully support the principle of flexible interest rates under the title I program. The Administration's proposed Housing and Urban Development Act of 1970, S. 3639, would eliminate statutory maximum interest rates for all FHA programs in favor of administratively established rates. Under current statutory limitations, the effective net yield to lenders on mobile home loans insured under title I would be in the neighborhood of 8 percent per year. Because of these limitations there has been very little activity under the mobile home loan program. The net yield on uninsured mobile home loans is generally at least 12 percent at the present time. We would expect, if this amendment or the provisions of the Administration's bill were enacted, that maximum interest rates somewhat lower than the range of uninsured loan rates would be established. In the interest of the consumer, we would, of course, establish maximum rates as low as would be consistent with an adequate level of activity under the title I program.

Sincerely,

GEORGE ROMNEY.

MOBILE HOMES MANUFACTURERS
ASSOCIATION,
Arlington, Va., August 27, 1970.
Hon. JOHN SPARKMAN,
Chairman, Subcommittee on Housing and Urban Affairs, New Senate Office Building, Washington, D.C.

DEAR SENATOR SPARKMAN: I have been advised that your Committee is considering an amendment by Senator John Tower which would revise sections of the Title I, FHA insurance program relating to mobile homes. The Mobile Homes Manufacturers Association and the Trailer Coach Association both support Senator Tower's proposal and thought we might provide you with our reasons.

Since Congress made it possible for FHA to guarantee mobile home financing, we have had little interest on the part of lending institutions because of the maximum interest limitations. If the Secretary of HUD were able to set rates as necessary to meet the mortgage or loan market, we feel that the Title I program would be a great deal more effective. It is our understanding that there have only been about 100 loans since this program went into effect, and all the reaction we have received is that the interest rate limitation has restricted the interest of lenders.

Acually, giving the HUD Secretary this authority would provide an advantage for the consumer, since interest rates under normal financing procedures for mobile homes are considerably higher than other types of mortgage financing. A higher return under Title I would provide an incentive for lenders to enter the field.

We understand that if the legislation is adopted providing for Veterans' Administration involvement in mobile home financing, the regulations will allow for an effective rate of approximately 12% in order to guarantee activity in the program. The conventional money market for mobile homes is currently running in excess of 12%, generally closer to 14%. Higher rates for both FHA and VA would still be more favorable than what buyers are now paying.

We appreciate the interest of your Committee in the mobile home industry, and we likewise appreciate consideration being given to programs which will be more effective in solving some housing problems. We respectfully request support of the amendment by Senator Tower.

Sincerely,

JOHN M. MARTIN,
Managing Director.

U.S. SAVINGS AND LOAN LEAGUE,
Washington, D.C., September 2, 1970.
Hon. JOHN J. SPARKMAN,
Chairman, Senate Banking and Currency Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR SPARKMAN: The purpose of this letter is to comment on the Tower "mobile/modular" amendment which we understand is being considered by the Senate Committee on Banking and Currency. The Tower amendment would improve the overall FHA insurance program for mobile home loans by giving the Secretary of HUD the authority to adjust loan rates in line with market conditions. The amendment would

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also set the term of any mobile home loan involving two or more modules at 15 years and increase the loan ceiling on those loans to $15,000.

The program of FHA insurance for mobile home loans, you will remember, was only recently authorized by Congress. Despite the brief time of its existence the fact that virtually no loans have been insured under the program suggests some need to review its provisions. The primary impediment to lender participation at this time is the structure of the maximum allowable interest charges on mobile home loans. The maximum rates as you know are $5.50 per $100 per annum for the first $2,500 loaned, and $4.50 per $100 per annum for any amount over $2,500 up to $10,000. This rate structure applies to loans of all maturities and the peculiarities of its computations result in a lower rate of return to the lender not only as the amount of credit extended increases, but also as the maturity of the contract lengthens. Thus, the "actuarial" or "true" return on a one-year $1,000 loan is 10.57%, but for a ten-year $10,000 loan it is 7.97%. Mobile home loans as you know are generally for larger dollar amounts and for longer maturities.

Further, unlike the other FHA programs where the one-half percent insurance premium cost is borne by the borrower, under the Title I program the premium costs must be borne by the lender. As a result the rate of return is reduced to approximately 7½% on a 10-year, $10,000 loan. By way of contrast the most recent Federal Home Loan Bank Board survey of Interest Cost on Conventional Home Mortgages reported an effective interest rate charge of 8.48% on new single family homes for the month of July. The differential between conventional mortgage and mobile home rates argues well for some readjustment of the Title I rate structure particularly when the differences between the nature of the security offered and the cost of administering a "short term" type lending operation (as compared to real estate lending) are considered. We strongly support, therefore, the Tower amendment which would adjust the Title I mobile home rate structure in line with market rates (at least until January 1, 1972). Since the power of the Secretary of HUD to adjust rates by administrative order has proven workable for other FHA programs we feel there is considerable logic to adopting the same approach for the Title I program.

A second element of the proposed amendment would set the maximum loan amount on mobile home loans involving two or more modules at $15,000 and would permit a maximum maturity on such loans of 15 years. We feel these changes are necessary and desirable as a response to the increased production and corresponding need to finance "double-wide" mobile homes which are, in effect, larger and higher priced structures.

Other organizations have, we are sure, provided you with statistics demonstrating how great the impact of mobile homes has been on the market for low cost housing. The FHA program of insurance for mobile home loans has, we feel, considerable potential for enabling more people to buy and finance their mobile homes. Adoption of the Tower amendment will be of great assistance in making such potential a reality.

Sincerely,

STEPHEN SLIPHER,
Legislative Director.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. SPARKMAN. I yield back my time.

Mr. TOWER. I yield back my time.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SPARKMAN. Mr. President, have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered.

Senators have yielded back the remainder of their time on the bill.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make necessary clerical and technical changes in the bill when it is engrossed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

All time having been yielded back, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senators from Pennsylvania (Mr. SCHWEIKER and Mr. SCOTT) are necessarily absent.

The Senator from Vermont (Mr. AIKEN) and the Senator from Oklahoma (Mr. BELLMON) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER), the Senator from California (Mr. MURPHY), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 59, nays 2, as follows:

[No. 332 Leg.]

YEAS—59

Allen
Baker
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Dodd
Dole
Dominick
Ellender
Fong
Fulbright
Goodell
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Smith, Maine
Sparkman
Spong
Stevens
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—2

Curtis
Williams, Del.

NOT VOTING—39

Aiken
Allott
Anderson
Bayh
Bellmon
Cooper
Eagleton
Eastland
Ervin
Fannin
Goldwater
Gore
Gravel
Hartke
Hughes
Kennedy
Long
Magnuson
McCarthy
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Packwood
Pell
Russell
Saxbe
Schweiker
Scott
Smith, Ill.
Stennis
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So the bill (S. 4368) was passed, as follows:

S. 4368

An act to extend and amend laws relating to housing and urban development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1970".

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "1970" in the first sentence and inserting in lieu thereof "1973".

(b) Section 217 of such Act is amended by striking out "1970" and inserting in lieu thereof "1973".

(c) Section 221(f) of such Act is amended by striking out "1970" in the fifth sentence and inserting in lieu thereof "1973".

(d) Section 235(m) of such Act is amended by striking out "1971" and inserting in lieu thereof "1973".

(e) Section 236(n) of such Act is amended by striking out "1971" and inserting in lieu thereof "1973".

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(f) Section 809(f) of such Act is amended by striking out "1970" in the second sentence and inserting in lieu thereof "1973".

(g) Section 810(k) of such Act is amended by striking out "1970" in the second sentence and inserting in lieu thereof "1973".

(h) Section 1002(a) of such Act is amended by striking out "1970" in the second sentence and inserting in lieu thereof "1973".

(i) Section 1101(a) of such Act is amended by striking out "1970" in the second sentence and inserting in lieu thereof "1973".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

SEC. 102. (a) The second sentence of section 235(h)(1) of the National Housing Act is amended—

(1) by inserting "outstanding" before "contracts" the first place the term appears; and

(2) by striking out "by $125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "by $150,000,000 on July 1, 1970, and by $250,000,000 on July 1, 1971".

(b) The second sentence of section 236(i)(1) of such Act is amended—

(1) by inserting "outstanding" before "contracts" the first place the term appears; and

(2) by striking out "$170,000,000" and inserting in lieu thereof "$250,000,000".

(c) Section 236(b) is amended by adding at the end thereof the following: "The term 'mortgage insurance premium', when used in this section in relation to a project financed by a loan under a State or local program includes such fees and charges approved by the Secretary, as are payable by the mortgagor to the State or local agency mortgagee to meet reserve requirements and administrative expenses of such agency."

RENT SUPPLEMENT PAYMENTS

SEC. 103. Section 101(a) of the Housing and Urban Development Act of 1965 is amended by striking out "and by $100,000,000 on July 1, 1970" and inserting in lieu thereof "by $100,000,000 on July 1, 1970, and by $37,000,000 on July 1, 1971".

COMPENSATION FOR DEFECTS IN SECTION 235 EXISTING HOUSING

SEC. 104. Section 518 of the National Housing Act is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) a new subsection as follows:

"(b) The Secretary is authorized to make expenditures to correct, or to compensate the owner for, latent or structural defects which seriously affect the use and livability of any single-family dwelling which is covered by a mortgage insured under section 235 of this Act and is more than one year old on the date of the issuance of the insurance commitment, if (1) the owner requests assistance from the Secretary not later than one year after the insurance of the mortgage, and (2) the defect is one that a competent apprasier, properly performing his duties, could reasonably be expected to recognize."

USE OF EXISTING HOUSING UNDER THE SECTION 235 PROGRAM

SEC. 105. Section 235(h) of the National Housing Act is amended—

(1) by striking out "to be made prior to July 1, 1971" in subparagraph (B) of paragraph (3); and

(2) by adding at the end thereof the following new paragraph;

"(4) At least 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1971, shall be available for use only with respect to dwellings, or dwelling units in projects, which are approved by the Secretary prior to substantial rehabilitation."

ASSISTANCE UNDER SECTION 235 PROGRAM FOR COOPERATIVE PROJECTS FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS

SEC. 106. Section 235(b)(2) of the National Housing Act is amended by inserting before the period at the end thereof the following: ": *Provided further*, That assistance payments may be made on behalf of a member of a cooperative association operating a housing project which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section".

LOWER DOWNPAYMENTS FOR FHA—FINANCED SALES HOUSING

SEC. 107. (a) Section 203(b)(2) of the National Housing Act is amended—

(1) by striking out "97 per centum" and inserting in lieu thereof "98 per centum"; and

(2) by striking out "$25,000", wherever it appears, and inserting in lieu thereof "$30,000".

(b) Section 203(b)(9) of such Act is amended by striking out "3 per centum" and inserting in lieu thereof "2 per centum".

MAXIMUM AMOUNT OF FHA-INSURED HOSPITAL MORTGAGE

SEC. 108. Section 242(d)(2) of the National Housing Act is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

MORTGAGE INSURANCE FOR PROPRIETARY HOSPITALS

SEC. 109. (a) Section 242 of the National Housing Act is amended by striking out "NONPROFIT" in the section heading.

(b) Section 242(b) of such Act is amended by striking out "the" where it first appears in paragraphs (1) and (2) and inserting in lieu thereof "The".

(c) Section 242(b)(1) of such Act is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A);

(2) by striking out "; and" at the end of subparagraph (B) and inserting a period in lieu thereof; and

(3) by striking out subparagraph (C).

(d) The sixth sentence of section 212(a) of such Act is amended by striking out "or association" and inserting in lieu thereof ", association, or other organization".

MORTGAGES FOR CIVILIAN PERSONNEL AT MILITARY INSTALLATIONS

SEC. 110. Section 809(b) of the National Housing Act is amended by inserting before the period at the end of the second sentence the following: ": *Provided*, That the Secretary shall relieve the Secretary of Defense from any obligation to guarantee the General Insurance Fund from loss with respect to a mortgage assumed by a person ineligible to receive a certificate under subsection (a), if the original mortgagor is issued another certificate with respect to a mortgage insured under this section on property which the Secretary determines is not an acceptable risk".

MOBILE HOME LOANS UNDER TITLE I

SEC. 111. Section 2(b) of the National Housing Act is amended—

(1) by inserting in clause (1) after "$10,000" the following: "($15,000 in the case of a mobile home composed of two or more modules)";

(2) by inserting in the proviso of clause (2) after "days" the following: "(fifteen years and thirty-two days in the case of a mobile home composed of two or more modules)"; and

(3) by adding at the end thereof a new sentence as follows: "Notwithstanding any other provision of this subsection, the Secretary is authorized, until January 1, 1972, to set the maximum interest rate or rates for obligations with respect to which insurance is granted under this section at not to exceed such rate or rates as he finds necessary to meet the loan market."

FUNDS FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION CAPITAL SURPLUS ACCOUNT

SEC. 112. The first sentence of section 303(b) of the National Housing Act is amended—

(1) by striking out "shall accumulate" and inserting in lieu thereof "may accumulate";

(2) by striking out "and other";

(3) by striking out "nor less than 1 per centum", and

(4) by inserting "with the approval of the Secretary of Housing and Urban Development" immediately after "as determined from time to time by the corporation".

LIABILITY OF FNMA TO UNITED STATES

SEC. 113. (a) In accordance with the provisions of section 303(a) of the National Housing Act relating to payment of a prescribed part of the general surplus and reserves of the corporation, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the sum of $52,386,117.

(b) In accordance with the provisions of section 309(c) of the National Housing Act as it existed prior to September 1, 1968, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the remaining income tax equivalent of $16,479,604, plus interest (1) on $2,977,442 at the rate of 6 per centum from September 16, 1967, until the date of payment; (2) on $13,442,424 at the rate of 6 per centum from September 16, 1968, until the date of payment; and (3) on $59,738 at 6 per centum from November 16, 1968, until the date of payment.

(c) The receipt by the Secretary of the Treasury of the amounts required to be paid by subsections (a) and (b) of this section shall constitute a full and final settlement of all matters affected by such subsections. The United States shall be made a party defendant in any case against any person because of any action taken by him while serving as a director, officer, employee, or agent of the Federal National Mortgage Association pursuant to subsection (a) or (b) of this section, and any judgment awarded the Federal National Mortgage Association in such action shall be paid in the same manner as a judgment against the United States.

(d) Section 302(a) of the National Housing Act is amended by adding at the end thereof the following new paragraph:

"(3) The partition transaction effected pursuant to the foregoing paragraph constitutes a reorganization within the meaning of section 368(a)(1)(E) of the Internal Revenue Code of 1954; and for the purposes of such Code, no gain or loss is recognized by the previously existing body corporate by reason of the partition, and the basis and holding period of the assets of the corporation immediately following such partition are the same as the basis and holding period of such assets immediately prior to such partition."

(e) Section 810(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following sentence: "For the purposes of the Internal Revenue Code of 1954, no gain or loss is recognized by the holders of such stock on such change, and the basis and holding period of such stock in the hands of the stockholders immediately after such change are the same as the basis and holding period of such stock in their hands immediately prior to such change."

INVESTMENT OF FHA RESERVE FUNDS

SEC. 114. (a) Section 206 of the National Housing Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to

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the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(b) Section 213(o) of such Act is amended by inserting before the period at the end of the second sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(c) Section 236(g) of such Act is amended by inserting before the period at the end of the third sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(d) Section 238(b) of such Act is amended by inserting before the period at the end of the sixth sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(e) Section 519(c) of such Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

Sec. 115. (a) Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of the Housing and Urban Development Act of 1970 which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the proviso in section 220 (d)(3)(B)(iv) except the requirement that the project be predominantly residential)."

(b) Section 236(j)(5) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of the Housing and Urban Development Act of 1970 which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the first proviso in subparagraph (A) except the requirement that the project be predominantly residential)."

TITLE II—PUBLIC HOUSING, URBAN RENEWAL, AND HOUSING ASSISTANCE PROGRAMS

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

Sec. 201. The first sentence of section 10(e) of the United States Housing Act of 1937 is amended by striking out "and $170,000,000 on July 1, 1970" and inserting in lieu thereof "$320,000,000 on July 1, 1970, and $275,000,000 on July 1, 1971".

PUBLIC HOUSING RENT REQUIREMENTS

Sec. 202. Section 2(1) of the United States Housing Act of 1937 is amended—

(1) by adding at the end of the second paragraph the following: "In defining income for purposes of applying the one-fourth of family income limitation set forth above, the Secretary shall consider income from all sources of each member of the family residing in the household who is at least eighteen years of age; except that (1) nonrecurring income, as determined by the Secretary, shall be excluded, (2) an amount equal to the sum of (A) $300 for each person in the household under eighteen years of age, and (B) 5 per centum of the family's gross income shall be deducted, and (3) the Secretary may allow further deductions in recognition of unusual circumstances including, but not limited to, an amount equal to those medical expenses of the family which may properly be considered to be extraordinary, and an amount equal to that part of the income of the female head of a family, or the expended in order to enable her to take employment outside the home."; and

(2) by adding at the end thereof a new paragraph as follows:

"In the case of families receiving public assistance in the form of money payments under any State program with respect to which there is Federal financial participation, the total amount of their benefits thereunder shall not be reduced as a result of any reduction in rent by a local public housing agency made in conformity with the applicable rent ceiling established in accordance with the preceding paragraph."

PUBLIC HOUSING COST LIMITS

Sec. 203. (a) The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out all that follows "based" and inserting in lieu thereof the following: "shall not exceed by more than 10 per centum the appropriate prototype cost for the area. Prototype costs shall be determined at least annually by the Secretary on the basis of his estimate of the construction and equipment costs of new dwelling units of various sizes and types in the area suitable for occupancy by persons assisted under this Act. The Secretary in determining the area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, in developing such prototypes, emphasis should be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the Federal Register."

(b) This section becomes effective on such date as the Secretary of Housing and Urban Development prescribes, but not later than one hundred and twenty days following the date of enactment of this Act.

AMENDMENT OF CONTRACTS TO ASSURE LOW-RENT CHARACTER OF PROJECTS

Sec. 204. The third sentence of section 10 (a) of the United States Housing Act of 1937 is amended by striking out the period and inserting in lieu thereof the following: ": *Provided further*, That the Authority shall amend or supersede annual contributions contracts to provide payments annually (within the limitations prescribed by this Act) which the Authority determines are required (1) to assure the low-rent character of the projects involved, and (2) to achieve and maintain adequate operating and maintenance services and reserve funds including payment of outstanding debts."

CONGREGATE HOUSING FOR THE ELDERLY

Sec. 205. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

"(12) The Secretary shall encourage public housing agencies, in providing housing predominantly for elderly families, to design, develop, or otherwise acquire such housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing. As used in this paragraph, the term 'congregate housing' means low-rent housing (A) in which some or all of the dwelling units do not have kitchen facilities, and (B) connected with which there is a central dining facility to provide wholesome and economical meals for elderly families under terms and conditions prescribed by the public housing agency to permit a generally self-supporting operation. Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing (other than the cost of providing food and service) shall be considered one of the costs of administration of the project."

LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

Sec. 206 (a) Section 23(a)(3) of the United States Housing Act of 1937 is amended by striking out "an existing" and inserting in lieu thereof "a".

(b) The last sentence of section 23(d) of such Act is amended by striking out "sixty" and inserting in lieu thereof "one hundred and twenty".

(c) Section 10(c) of such Act is amended by striking out "existing" in the last proviso.

POLICY STATEMENT

Sec. 208. Section 1 of the United States Housing Act of 1937 is amended by adding at the end thereof the following: "It is the sense of the Congress that no person should be barred from serving on the board of directors or similar governing body of a local public housing agency because of his tenancy in a low-rent housing project."

URBAN RENEWAL GRANT AUTHORITY

Sec. 209. Section 103(b) of the Housing Act of 1949 is amended—

(1) by striking out "and by $1,700,000,000 on July 1, 1970" in the first sentence and inserting in lieu thereof "by $1,700,000,000 on July 1, 1970, and by $2,000,000,000 on July 1, 1971"; and

(2) by striking out "beginning July 1, 1969, and July 1, 1970" in the second sentence and inserting in lieu thereof "commencing after June 30, 1969, and ending prior to July 1, 1974".

RELOCATION PAYMENTS

Sec. 210. (a) Section 114(b)(1) of the Housing Act of 1949 is amended by inserting before the semicolon the following: ": *Provided further*, That the Secretary may authorize payment to displaced business concerns of fixed amounts in lieu of their total certified actual moving expenses where he determines that it is impractical for a displaced business concern to calculate the amount of such expenses".

(b) The last sentence of section 114(b) of such Act is amended by striking out "certified actual".

EXPENSES IN CONNECTION WITH THE SALE OF SURPLUS LANDS TO LOCAL URBAN RENEWAL AGENCIES

Sec. 210. The last sentence of section 108 of the Housing Act of 1949 is amended by inserting "net" immediately before proceeds".

URBAN RENEWAL PROJECT IN MONROE, WISCONSIN

Sec. 211. Notwithstanding the date of commencement of construction of streets

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and highways in the tornado urban renewal area in Monroe, Wisconsin, local expenditures made in connection therewith shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the tornado urban renewal project (Wisconsin R–27) in accordance with the provisions of title I of the Housing Act of 1949.

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

Sec. 212. Section 401(f)(2) of the Housing Act of 1950 is amended by inserting before the period at the end thereof the following: ", and by $12,000,000 on July 1, 1971".

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

Sec. 301. (a) The first sentence of section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears; and

(2) by inserting before the period the following: ", and not to exceed $162,500,000 for the fiscal year ending June 30, 1972".

(b) Section 111(c) of such Act is amended by striking out "1971" and inserting in lieu thereof "1974".

(c) Section 111 of such Act is further amended by striking out "and administrative expenses" each place it appears.

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

Sec. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1971" and inserting in lieu thereof "and not to exceed $415,000,000 prior to July 1, 1972".

NEW COMMUNITY LAND DEVELOPMENT

Sec. 303 (a) Section 407(d) of the Housing and Urban Development Act of 1968 is amended by striking out "$250,000,000" and inserting in lieu thereof "$500,000,000."

(b) Section 412(d) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1974".

(c) Section 48 of such Act is amended—

(1) by striking out "qualified"; and

(2) by striking out all that follows "guaranteed obligation" and inserting in lieu thereof a period.

COMMUNITY FACILITIES GRANTS

Sec. 304. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following: "In addition, there is authorized to be appropriated for grants under section 703 not to exceed $44,000,000 for the fiscal year commencing July 1, 1971."

(b) Section 708(b) of such Act is amended by striking out "1972" and inserting in lieu thereof "1974".

EXTENSION OF URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES AUTHORIZATION

Sec. 305. Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1974".

TITLE IV—CONSOLIDATION OF OPEN-SPACE LAND PROGRAMS

Sec. 401. Title VII of the Housing Act of 1961 is amended to read as follows:

"TITLE VII—OPEN-SPACE LAND

"FINDINGS AND PURPOSE

Sec. 701. (a) The Congress finds that the rapid expansion of the Nation's urban area and the rapid growth of population within such areas has resulted in severe problems of urban and suburban living for the preponderant majority of the Nation's present and future population, including the lack of valuable open-space land for recreational and other purposes.

"(b) The Congress further finds that there is a need for the additional provision of parks and other open space in the built-up portions of urban areas especially in low income neighborhoods and communities and a need for greater and better coordinated State and local efforts to make available and improve open-space land throughout entire urban areas.

"(c) The Congress further finds that there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value in order that these remaining evidences of our history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas.

"(d) It is the purpose of this title to help curb urban sprawl and prevent the spread of urban blight and deterioration, to encourage more economic and desirable urban development, to assist in preserving areas and properties of historic or architectural value, and to help provide necessary recreational, conservation, and scenic areas by assisting State and local public bodies in taking prompt action to (1) provide, preserve, and develop open-space land in a manner consistent with the planned long-range development of the Nation's urban areas, (2) acquire, improve, and restore areas, sites, and structures of historic or architectural value, and (3) develop and improve open space and other public urban land, in accordance with programs to encourage and coordinate local public and private efforts toward this end.

"GRANTS FOR ACQUISITION AND FOR DEVELOPMENT OF OPEN-SPACE LAND

"Sec. 702. (a) The Secretary is authorized to make grants to States and local public bodies to help finance (1) the acquisition of title to, or other interest in, open-space land in urban areas and (2) the development of open-space or other land in urban areas for open-space uses. The amount of any such grant shall not exceed 50 per centum of the eligible project cost, as approved by the Secretary, of such acquisition or development. Not more than 50 per centum of the non-Federal share of such eligible project cost may, to the extent authorized in regulations established by the Secretary, be made up by donations of land or materials.

"(b) No grants under this title shall be made to (1) defray ordinary State or local governmental expenses, (2) help finance the acquisition by a public body of land located outside the urban area for which it exercises (or participates in the exercise of) responsibilities consistent with the purpose of this title, (3) acquire and clear developed land in built-up urban areas unless the local governing body determines that adequate open-space land cannot be effectively provided through the use of existing undeveloped land, or (4) provide assistance for historic and architectural preservation purposes, except for districts, sites, buildings, structures, and objects which the Secretary of the Interior determines meets the criteria used in establishing the National Register.

"(c) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

"(d) The Secretary shall consult with the Secretary of the Interior on the general policies to be followed in reviewing applications for grants under this title. To assist the Secretary in such review, the Secretary of the Interior shall furnish him (1) appropriate information on the status of national and statewide recreation and historic preservation planning as it affects the areas to be assisted with such grants, and (2) the current listing of any districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which may be contained on a National Register maintained by the Secretary of the Interior pursuant to other provisions of law. The Secretary shall provide current information to the Secretary of the Interior from time to time on significant program developments.

"(c) The Secretary may provide such technical assistance to the States and local public bodies as may be required to effectively carry out activities under this section.

"PLANNING REQUIREMENTS

"Sec. 703. The Secretary shall make grants under section 702 only if he finds that such assistance is needed for carrying out a unified or officially coordinated program, meeting criteria established by him, for the provision and development of open-space land which is a part of, or is consistent with, the comprehensively planned development of the urban area.

"CONVERSIONS TO OTHER USES

"Sec. 704. No open-space land for the acquisition of which a grant has been made under section 702 shall be converted to uses not originally approved by the Secretary without his prior approval. Prior approval will be granted only upon satisfactory compliance with regulations established by the Secretary. Such regulations shall require findings that (1) there is adequate assurance of the substitution of other open-space land of as nearly as feasible equivalent usefulness, location, and fair market value at the time of the conversion; (2) the conversion and substitution are needed for orderly growth and development; and (3) the proposed uses of the converted and substituted land are in accord with the then applicable comprehensive plan for the urban area, meeting criteria established by the Secretary.

"ACQUISITION OF INTERESTS TO GUIDE URBAN DEVELOPMENT

"Sec. 705. In order to encourage the acquisition of interests in underdeveloped or predominantly undeveloped land which, if withheld from commercial, industrial, and residential development, would have special significance in helping to shape economic and desirable patterns of urban growth (including growth outside of existing urban areas which is directly related to the development of new communities or the expansion and revitalization of existing communities), the Secretary may make grants to State and local public bodies for the acquisition of such interests in an amount not to exceed 75 per centum of the cost of such acquisition. In the case of any interests acquired pursuant to this section, the Secretary may approve the subsequent conversion or disposition of the land involved without regard to other requirements of this title but subject to such terms and conditions as he determines equitable and appropriate with respect to the control of future use and the application or sharing of the proceeds or value realized upon sale or disposition.

"LABOR STANDARDS

"Sec. 706. (a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of grants under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such grant without first obtaining adequate assurance that these labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

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"AUTHORIZATION

"SEC. 707. There are authorized to be appropriated for purposes of making grants under this title not to exceed $560,000,000 prior to July 1, 1972. Any amounts appropriated under this section shall remain available until expended.

"DEFINITIONS

"SEC. 708. As used in this title—

"(1) The term 'open-space land' means any land located in an urban area which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes.

"(2) The term 'urban area' means any area which is urban in character, including those surrounding areas which, in the judgment of the Secretary, form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

"(3) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States.

"(4) The term 'local public body' means any public body (including a political subdivision) created by or under the laws of a State or two or more States, or a combination of such bodies, and includes Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States.

"(5) The term 'open-space uses' means any use of open-space land for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes."

TITLE V—RESEARCH AND TECHNOLOGY

RESEARCH AND DEMONSTRATIONS

SEC. 501. The Secretary of Housing and Urban Development is authorized and directed to undertake such programs of research, studies, testing, and demonstration relating to the mission and programs of the Department as he determines to be necessary and appropriate. In order to carry out activities under this section there are authorized to be appropriated such sums as may be necessary. All funds so appropriated shall remain available until expended unless specifically limited.

GENERAL PROVISIONS

SEC. 502. (a) The Secretary shall require, to the greatest extent feasible, the employment of new and improved technologies, methods, and materials in housing construction, rehabilitation, and maintenance under programs administered by him with a view to reducing costs, and shall encourage and promote the acceptance and application of such advanced technology, methods, and materials by all segments of the housing industry, communities, industries engaged in urban development activities, and the general public. To the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under section 501, the Secretary shall assure that there is no restraint by contract, building code, zoning ordinance, or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing, except where such restraint is necessary to insure safe and healthful working and living conditions.

(b) To encourage large-scale experimentation in the use of new technologies, methods, and materials, with a view toward the ultimate mass production of housing and related facilities, the Secretary shall wherever feasible conduct programs under section 501 in which qualified organizations, public and private, will submit plans for development and production of housing and related facilities using such new advances on Federal land which has been made available or acquired by the Secretary for the purpose of this subsection or on other land where (1) local building regulations permit such experimental construction, or (2) necessary variances from building regulations can be granted. The Secretary may utilize the funds and authority available to him under the provsions of section 501 to assist in the implementation of plans which he approves.

(c) Notwithstanding any other provision of law, the Secretary is authorized, in connection with projects under this title, to acquire and dispose of any land and other property required for the project as he deems necessary. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any land which is execess property within the meaning of such Act and which is determined by the Secretary to be suitable in furtherance of the purposes of subsection (b) may be transferred to the Secretary upon his request.

(d) In order to effectively carry out his activities under section 501, the Secretary is authorized to provide such advice and technical assistance as may be required and to pay for the cost of writing and publishing reports on activities and undertakings financed under section 501, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of that section. He may disseminate (without regard to the provisions of section 3204 of title 39, United States Code, or section 4154 of such title with respect to any period before the effective date of such section 3204 as provided in section 15(a) of the Postal Reorganization Act) any reports, data, or information acquired or held under this title, including related data and information otherwise available to the Secretary through the operation of the programs and activities of the Department of Housing and Urban Development, in such form as he determines to be most useful to departments, establishments, and agencies of Federal, State, and local governments, to industry, and to the general public.

(e) The Secretary is authorized to carry out the functions authorized in section 501 either directly or, without regard to section 3709 of the Revised Statutes, by contract or by grant. Advance and progress payments may be made under such contracts or grants without regard to the provisions of section 3648 of the Revised Statutes and such contracts or grants may be made for work to continue for not more than four years from the date thereof.

(f) In carrying out activities under section 501, the Secretary shall utilize to the fullest extent feasible the available facilities of other Federal departments and agencies, and shall consult with, and make recommendations to, such departments and agencies. The Secretary may enter into working agreements with such departments and agencies and contract or make grants on their behalf or have such departments and agencies contract or make grants on his behalf. The Secretary is authorized to make or accept reimbursement for the cost of such activities. The Secretary is further authorized to undertake activities under this title under cooperative agreements with industry and labor, agencies of State or local governments, educational institutions, and other organizations. He may enter into contracts with and receive funds from such agencies, institutions, and organizations, and may exercise any of the other powers vested in him by section 502(c) of the Housing Act of 1948.

(g) The Secretary is authorized to request and receive such information or data as he deems appropriate from private individuals and organizations, and from public agencies. Any such information or data shall be used only for the purposes for which it is supplied, and no publication shall be made by the Secretary whereby the information or data furnished by any particular person or establishment can be identified, except with the consent of such person or establishment.

REPEAL OF EXISTING RESEARCH AUTHORITIES

SEC. 503. Effective July 1, 1971, the following provisions of law are repealed; except that such repeal shall not affect contracts, commitments, reservations, or other obligations entered into pursuant to such provisions prior to that date:

(1) title III of the Housing Act of 1948;

(2) section 314 of the Housing Act of 1954;

(3) section 602 of the Housing Act of 1956;

(4) section 207 of the Housing Act of 1961;

(5) section 301 of the Housing and Urban Development Act of 1965;

(6) sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966; and

(7) sections 108 (except subsection (f) (2)) and 1714(b) of the Housing and Urban Development Act of 1968.

EXPERIMENTAL HOUSING ALLOWANCE PROGRAM

SEC. 504. (a) In carrying out activities under section 501, the Secretary shall undertake on an experimental basis a program to demonstrate the feasibility of providing families of low income with housing allowances to assist them in obtaining rental housing of their choice in existing standard units. For this purpose, the Secretary is authorized to pay and to contract to pay, subject to the limitations of this section, monthly housing allowances to such families in localities determined by the Secretary to have an adequate supply of such housing units.

(b) The housing allowance provided to any family of low income shall not exceed the difference between 25 per centum of the family's income and the maximum fair market rental established in the locality by the Secretary for dwelling units of similar size in projects receiving annual payments under contracts authorized by section 101(a) of the Housing and Urban Development Act of 1965. The Secretary shall make the payment of any such allowance to any such family conditional upon an agreement by the family that the allowance will be used solely for the payment of rent for occupancy in existing standard housing.

(c) The Secretary is authorized to contract with public or private organizations to provide the services required in the selection of families of low income for the distribution of monthly housing allowance payments to such families. In contracting with such organizations, the Secretary is authorized (without limiting his authority under any other provision of law) to delegate to such organizations the authority to make the ministerial findings necessary to enable the Secretary to make such payments to families selected by such organizations.

(d) The Secretary is authorized to pay and to contract to pay (in an aggregate amount not to exceed $15,000,000 in each of the fiscal years 1972, 1973, and 1974) monthly housing allowance payments to families of low income pursuant to this section.

(e) The Secretary shall, as early as practicable in the calendar years 1972, 1973, and 1974, make a report to the respective Committees on Banking and Currency of the Senate and House of Representatives with respect to the administration of the program authorized by this section, together with any

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recommendations that he may deem appropriate.

(f) As used in this section—

(1) The term "families of low income" has the same meaning as in section 2(2) of the United States Housing Act of 1937.

(2) The term "existing standard housing" means a rental unit which meets standards prescribed by the Secretary.

(g) No housing allowance payments pursuant to this section shall be made after June 30, 1974.

DEMONSTRATIONS WITH RESPECT TO ABANDONED PROPERTIES

Sec. 505. (a) In carrying out activities under section 501, the Secretary may undertake programs to demonstrate the most feasible means of providing assistance to localities in which a substantial number of structures are abandoned or are threatened with abandonment for the purpose of arresting the process of housing abandonment in its incipiency or in restoring viability to blighted areas in which abandonment is pervasive. For this purpose, the Secretary is authorized to make grants, subject to the limitations of this section, to assist local public bodies in planning and implementing demonstration projects for prompt and effective action in alleviating and preventing such abandonment in designated demonstration areas.

(b) In administering this section, the Secretary shall give preference to those demonstration projects which in his judgment can reasonably be expected to arrest the process of abandonment in the demonstration area within a period of two years and which provide for innovative approaches to combating the problem of housing abandonment. Such projects may include, but shall not be limited to (1) acquisition by negotiated purchase, lease, receivership, tax lien proceedings, or other means authorized by law and satisfactory to the Secretary, of real property within the demonstration area or areas which is abandoned, deteriorated, or in violation of applicable code standards; (2) the repair of streets, sidewalks, parks, playground, publicly owned utilities, public buildings to meet needs consistent with the revitalization and continued use of the area; (3) the demolition of structures determined to be structurally unsound or unfit for human habitation or which contribute adversely to the physical or social environment of the locality involved; (4) the establishment of recreational or community facilities including public playgrounds; (5) the improvement of garbage and trash collection, street cleaning and other essential services necessary to the revitalization and maintenance of the area; (6) the rehabilitation of privately and publicly owned real property by the locality; and (7) the establishment and operation of locally controlled, nonprofit housing management corporations and municipal repair programs.

(c) Subject to such conditions as the Secretary may prescribe, real property held as part of a project assisted under this section may be available to (1) a limited dividend corporation, nonprofit corporation, or association, cooperative or public body or agency, or other approved purchaser or lessee, or (2) a purchaser who would be eligible for a mortgage insured under section 221(d)(3) or (d)(4), section 221(h)(1), section 235(i) or (j)(1), or section 236 of the National Housing Act, for purchase or lease at fair market value for use by such purchaser or lessee, as, or in the provision of, new or rehabilitated housing for occupancy by families or individuals of low or moderate income.

(d) Grants under this section shall be in amounts which do not exceed 90 per centum of the net project cost as determined by the Secretary. There are authorized to be appropriated for demonstration grants under this section not to exceed $25,000,000 for the fiscal year ending June 30, 1971. Any amounts appropriated shall remain available until expended in amounts authorized but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972. Not more than one-third of the aggregate amount of grants made in any fiscal year under this section shall be made with respect to projects undertaken by one locality.

(e) The provisions of sections 106, 114 and 115 of title I of the Housing Act of 1949, and section 312 of the Housing Act of 1964, may apply to projects assisted under this Act as if such projects were being carried out in urban renewal areas as part of urban renewal projects within the meaning of section 110 of the Housing Act of 1949.

(f) The Secretary shall report annually to the Congress with respect to the status of demonstration projects funded by him and shall make such recommendations to the Congress as he deems necessary to further the purposes of this section.

TITLE VI—CRIME INSURANCE

FINDINGS AND PURPOSE

Sec. 601. Section 1102(b) of the Housing and Urban Development Act of 1968 is amended by striking out "and" immediately before "(2)", and by inserting before the period at the end thereof the following: "; and (3) provide direct insurance through the facilities of the Federal Government in the case of properties for which statewide programs and the Federal reinsurance program either do not make crime insurance available or offer such insurance to property owners only at prohibitive cost".

AMENDMENTS TO TITLE XII OF THE NATIONAL HOUSING ACT

Sec. 602. (a) Section 1201 of the National Housing Act is amended to read as follows:

"PROGRAM AUTHORITY

"Sec. 1201. (a) The Secretary is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this title.

"(b) (1) The powers of the Secretary under this title shall terminate on April 30, 1975, except to the extent necessary—

"(A) to continue reinsurance and direct insurance in accordance with the provisions of sections 1223(b) and 1231(c) until April 30, 1978;

"(B) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

"(C) to complete the liquidation and termination of the reinsurance and direct insurance programs.

"(2) On April 30, 1978, or as soon thereafter as possible, the Secretary shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance and direct insurance programs."

(b) Section 1203(a) of such Act is amended by redesignating paragraphs (1) through (13) as paragraphs (4) through (16), respectively, and by inserting immediately after and below "the term—" the following new paragraphs:

"(1) 'affordable rate' means such premium rate as the Secretary determines would permit the purchase of a specific type of insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved;

"(2) 'crime insurance' means insurance against losses resulting from robbery, burglary, larceny, and similar crimes, and may include broad form personal theft insurance, mercantile open stock insurance, mercantile robbery and mercantile safe burglary insurance, storekeepers burglary and robbery insurance, office burglary and robbery insurance, and may include business interruption insurance as the Secretary may designate; the term does not include automobile insurance or losses resulting from embezzlement;

"(3) 'directly insured losses' means losses on direct insurance claims and all direct expenses incurred in connection therewith, including but not limited to expenses for processing, verifying, and paying such losses;".

(c) Section 1221(a)(2) of such Act is amended by striking out "section 1203(a)(10)" each place it appears and inserting in lieu thereof "section 1203(a)(13)".

(d) Title XII of such Act is amended by redesignating part C and sections 1231 through 1241 as part D and sections 1241 through 1251, respectively, and by inserting after part B the following new part:

"Part C—Federal Insurance Against Burglary and Theft

"REVIEW AND PROGRAM AUTHORITY

"Sec. 1231. (a) At the close of the first full regular legislative session of the appropriate State legislative body after the date of the enactment of this part (but not prior to August 1, 1971), the Secretary shall review the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law.

"(b) Upon determing pursuant to subsection (a) that a critical market unavailability situation for crime insurance exists in any State and has not been met through appropriate State action, the Secretary is authorized to make crime insurance available at affordable rates within such State through the facilities of the Federal Government. Such insurance shall be provided upon such terms and conditions, and subject to such deductibles and other restrictions and limitations, as the Secretary deems appropriate, but no such insurance shall be made available to a property which the Secretary determines to be uninsurable or to a property with respect to which reasonable protective measures to prevent loss, consistent with standards established by the Secretary, have not been adopted.

"(c) Notwithstanding any other provision of this title, direct insurance may be continued for the term of the policies written prior to the date of termination of the Secretary's direct insurance authority under this part, for as long as the insured pays the required direct insurance premiums; except that direct insurance under this part for any risk shall be terminated after notice whenever the Secretary determines that the standard lines of crime insurance otherwise have become available to such property at affordable rates.

"USE OF EXISTING FACILITIES AND SERVICES

Sec. 1232. In carrying out his responsibilities under this part, the Secretary may utilize—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Housing and Urban Development, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2), or any combination thereof.

"ESTABLISHMENT OF AFFORDABLE RATES

"Sec. 1233. In estimating the affordable rates for the various crime insurance coverages offered from time to time under this part, the Secretary shall consult with appropriate State insurance authorities and other knowledgeable persons and is authorized to take into consideration the nature and degree of the risks involved, the protective devices employed, the extent of anticipated losses, the prevailing rates for similar

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coverages in adjacent or comparable areas and territories, the economic importance of the various individual coverages and the type of property involved, and the relative abilities of the particular classes and types of insureds to pay the full estimated costs of such coverages. Nothing in this section shall be construed to prohibit or require either the adoption of uniform national rates or the periodic modification of currently estimated affordable rates for any particular line or subline of coverage, class, State, territory, or risk on the basis of additional information or actual loss experience.

"REPORTS ON OPERATIONS

"SEC. 1234. The Secretary shall include in his reports to the Congress on the program authorized by this title full and complete information on his operations and activities under this part, together with such recommendations with respect thereto as he may deem appropriate."

(e) Section 1222(a) of such Act is amended by striking out "section 1233" and inserting in lieu thereof "section 1243".

(f) Section 1244(c) of such Act (as redesignated by subsection (d) of this section) is amended by striking out "section 1232" and inserting in lieu thereof "section 1242".

(g) Section 1241(a) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance", and by inserting "or property owners" after "insurers".

(h) Section 1241(b) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance".

(i) Section 1242(a) of such Act (as so redesignated) is amended—

(1) by striking out "the reinsurance program" and inserting in lieu thereof "the reinsurance and direct insurance programs";

(2) by inserting "or direct insurance" after "reinsurance" in paragraphs (1), (2), and (4);

(3) by inserting "or property owner" after "any insurer" where it first appears in paragraph (4); and

(4) by inserting "or directly insured" after "reinsured" in paragraph (4).

(j) Section 1243 of such Act (as so redesignated) is amended—

(1) by inserting "and direct insurance" after "reinsurance" in subsection (a)(1) and each place it appears in subsection (b)(1);

(2) by striking out "part B" in subsection (b)(1) and inserting in lieu thereof "parts B and C"; and

(3) by redesignating clauses (4) and (5) of subsection (b) as clauses (5) and (6), and inserting after clause (3) a new clause as follows:

"(4) such amounts which are hereby authorized to be appropriated as may be necessary from time to time to reimburse the fund for losses and expenses (including administrative expenses) incurred in carrying out the program authorized under part C;".

(k) Section 1244(a) of such Act (as so redesignated) is amended by striking out "Any insurer or pool acquiring reinsurance" and inserting in lieu thereof "Any insurer, pool, or property owner requiring reinsurance or direct insurance".

(l) Section 1244(c) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance".

REVIEW OF STATEWIDE PLANS

SEC. 603. Title XII of the National Housing Act is amended by inserting after section 1214 a new section as follows:

"OFFICE OF REVIEW AND COMPLIANCE

"SEC. 1215. The Secretary, through an Office of Review and Compliance under the Federal Insurance Administrator, shall periodically review each plan under this part and the methods and practices by which such plan is being actually carried out in the areas and communities where it is intended to operate, in order to assure that such plan is effectively making essential property insurance readily available in such areas and communities and is otherwise carrying out the purposes of this title, and in order to identify any aspects of the operation or administration of such plan which may require revision, modification, or other action to carry out such purposes."

CONFORMING AMENDMENT

SEC. 604. Clause (2) of the first sentence of section 520(b) of the National Housing Act is amended by inserting "and directly insured" after "reinsured" wherever it appears.

TITLE VII—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

SHORT TITLE AND STATEMENT OF PURPOSE

SEC. 701. (a) This title may be cited as the "Urban Growth and New Community Development Act of 1970".

(b) It is the policy of the Congress and the purpose of this title to provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient, and economic growth, development, and redevelopment of our States, metropolitan areas, cities, counties, towns, and communities in predominantly rural areas which demonstrate a special potential for accelerated growth; to encourage the prudent use and conservation of our natural resources; and to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities, and well-balanced neighborhoods in socially, economically, and physically attractive living environments.

PART A—DEVELOPMENT OF A NATIONAL URBAN GROWTH POLICY

FINDINGS AND DECLARATION OF POLICY

SEC. 702. (a) The Congress finds that the rapid growth of urban population and uneven expansion of urban development in the United States, together with a decline in farm population, slower growth in rural areas, and migration to the cities, has created an imbalance between the Nation's needs and resources and seriously threatens our physical environment, and that the economic and social development of the Nation, the proper conservation of our natural resources, and the achievement of satisfactory living standards depend upon the sound, orderly, and more balanced development of all areas of the Nation.

(b) The Congress further finds that Federal programs affect the location of population, economic growth, and the character of urban development; that such programs frequently conflict and result in undesirable and costly patterns of urban development which adversely affect the environment and wastefully use our natural resources; and that existing and future programs must be interrelated and coordinated within a system of orderly development and established priorities consistent with a national urban growth policy.

(c) To promote the general welfare and properly apply the resources of the Federal Government in strengthening the economic and social health of all areas of the Nation and more adequately protect the physical environment and conserve natural resources, the Congress declares that the Federal Government, consistent with the responsibilities of State and local government and the private sector, must assume responsibility for the development of a national urban growth policy which shall incorporate social, economic, and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of urban growth and shall provide a framework for development of interstate, State, and local growth and stabilization policy.

(d) The Congress further declares that the national urban growth policy should—

(1) favor patterns of urbanization and economic development and stabilization which offer a range of alternative locations and encourage the wise and balanced use of physical and human resources in metropolitan and urban regions as well as in smaller urban places which have a potential for accelerated growth;

(2) foster the continued economic strength of all parts of the United States, including central cities, suburbs, smaller communities, local neighborhoods, and rural areas;

(3) help reverse trends of migration and physical growth which reinforce disparities among States, regions, and cities;

(4) treat comprehensively the problems of poverty and employment (including the erosion of tax bases, and the need for better community services and job opportunities) which are associated with disorderly urbanization and rural decline;

(5) develop means to encourage good housing for all Americans without regard to race or creed;

(6) define the role of the Federal Government in revitalizing existing communities and encouraging planned, large-scale urban and new community development;

(7) strengthen the capacity of general governmental institutions to contribute to balanced urban growth and stabilization; and

(8) facilitate increased coordination in the administration of Federal programs so as to encourage desirable patterns of urban growth and stabilization, the prudent use of natural resources, and the protection of the physical environment.

URBAN GROWTH REPORT

SEC. 703. (a) In order to assist in the development of a national urban growth policy, the President shall utilize the capacity of his office, adequately organized and staffed for the purpose, through an identified unit of the Domestic Council, and of the departments and agencies within the executive branch to collect, analyze, and evaluate such statistics, data, and other information (including demographic, economic, social, land use, environmental, and governmental information) as will enable him to transmit to the Congress, during the month of February in every even-numbered year beginning with 1972, a Report on Urban Growth for the preceding two calendar years which shall include—

(1) information and statistics describing characteristics of urban growth and stabilization and identifying significant trends and developments;

(2) a summary of significant problems facing the United States as a result of urban growth trends and developments;

(3) an evaluation of the progress and effectiveness of Federal efforts designed to meet such problems and to carry out the national urban growth policy;

(4) an assessment of the policies and structure of existing and proposed interstate planning and developments affecting such policy;

(5) a review of State, local, and private policies, plans, and programs relevant to such policy;

(6) current and foreseeable needs in the areas served by policies, plans, and programs designed to carry out such policy, and the steps being taken to meet such needs; and

(7) recommendations for programs and policies for carrying out such policy, including such legislation and administrative actions as may be deemed necessary and desirable.

(b) The President may transmit from time to time to the Congress supplementary reports on urban growth which shall include such supplementary and revised recommendations as may be appropriate.

(c) To assist in the preparation of the Report on Urban Growth and any supplementary reports, the President may estab-

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lish an advisory board, or seek the advice from time to time of temporary advisory boards, the members of whom shall be drawn from among private citizens familiar with the problems of urban growth and from among Federal officials, Governors of States, mayors, county officials, members of State and local legislative bodies, and others qualified to assist in the preparation of such reports.

PART B—DEVELOPMENT OF NEW COMMUNITIES

FINDINGS AND PURPOSE

SEC. 710. (a) The Congress finds that this Nation is likely to experience during the remaining years of this century a population increase of about seventy-five million persons.

(b) The Congress further finds that continuation of established patterns of urban development, together with the anticipated increase in population, will result in (1) inefficient and wasteful use of land resources which are of national economic and environmental importance; (2) destruction of irreplaceable natural and recreational resources and increasing pollution of air and water; (3) diminished opportunity for the private homebuilding industry to operate at its highest potential capacity in providing good housing needed to serve the expanding population and to replace substandard housing; (4) costly and inefficient public facilities and services at all levels of government; (5) unduly limited options for many of our people as to where they may live, and the types of housing and environment in which they may live; (6) failure to make the most economic use of present and potential resources of many of the Nation's smaller cities and towns, including those in rural and economically depressed areas, and decreasing employment and business opportunities for their residents; (7) further lessening of employment and business opportunities for the residents of central cities and of the ability of such cities to retain a tax base adequate to support vital services for all their citizens, particularly the poor and disadvantaged; (8) further separation of people within metropolitan areas by income and by race; (9) further increases in the distances between the places where people live and where they work and find recreation; and (10) increased cost and decreased effectiveness of public and private facilities for urban transportation.

(c) The Congress further finds that better patterns of urban development and revitalization are essential to accommodate future population growth; to prevent further deterioration of the Nation's physical and social environment; and to make positive contributions to improving the overall quality of life within the Nation.

(d) The Congress further finds that the national welfare requires the encouragement of well-planned, diversified, and economically sound new communities, including major additions to existing communities, as one of several essential elements of a consistent national program for bettering patterns of development and renewal.

(e) The Congress further finds that desirable new community development on a significant national scale has been prevented by difficulties in (1) obtaining adequate financing at moderate cost for enterprises which involve large initial capital investment, extensive periods before investment can be returned, and irregular patterns of return; (2) the timely assembly of sufficiently large sites in economically favorable locations at reasonable cost; and (3) making necessary arrangements, among all private and public organizations involved, for providing site and related improvements (including streets, sewer and water facilities, and other public and community facilities), in a timely and coordinated manner.

(f) It is, therefore, the purpose of this part to provide private developers and State and local public bodies and agencies (including regional or metropolitan public bodies and agencies) with financial and other assistance necessary for encouraging the orderly development of well-planned, diversified, and economically sound new communities, including major additions to existing communities, and to do so in a manner which will rely to the maximum extent on private enterprise; strengthen the capacity of State and local governments to deal with local problems; preserve and enhance both the natural and urban environment; increase for all persons, particularly members of minority groups, the available choices of locations for living and working, thereby providing a more just economic and social environment; encourage the fullest utilization of the economic potential of older central cities, smaller towns, and rural communities assist in the efficient production of a steady supply of residential, commercial, and industrial building sites at reasonable cost; increase the capability of all segments of the homebuilding industry, including both small and large producers, to utilize improved technology in producing the large volume of well-designed, inexpensive housing needed to accommodate population growth; help create neighborhoods designed for easier access between the places where people live and the places where they work and find recreation; and encourage desirable innovation in meeting domestic problems whether physical, economic, or social. It is also the purpose of this part to improve the organizational capacity of the Federal Government to carry out programs of assistance for the development of new communities and the revitalization of the Nation's urban areas.

DEFINITIONS

SEC. 711. As used in this part—

(a) The term "new community development program" means a program which is intended to result in a newly built community or a major addition to an existing community and which meets the eligibility standards set forth in section 712.

(b) The term "private new community developer" means any private entity organized in a form satisfactory to the Secretary for carrying out one or more new community development programs.

(c) The term "State land development agency" means any State or local public body or agency with authority to act as developer in carrying out one or more new community development programs.

(d) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of any of the foregoing.

(e) The term "local public body or agency" means any public body or agency, including a political subdivision, created by or under the laws of a State or two or more States, or a combination of such bodies or agencies.

(f) The term "land development" means the process of clearing and grading land, making, installing, or constructing waterlines and water supply installations, sewerlines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use. The term "land development" includes the construction of public facilities, but does not include the construction of any other building unless it is (1) needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (2) is to be owned and maintained by residents of the new community under joint or cooperative arrangements approved by the Secretary.

(g) The term "actual cost" means the costs (exclusive of rebates or discounts) incurred by a private new community developer in carrying out the land development assisted under this Act. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers' and architect's fees, surveys, taxes, and interest during development, organizational and legal expenses, such allocation of general overhead expenses as are acceptable to the Secretary, and other items of expense incidental to development which may be approved by the Secretary. If the Secretary determines that there is an identity of interest between the developer and a contractor, there may be included as a part of actual cost an allowance for the contractor's profit or risk in an amount deemed reasonable by the Secretary.

(h) The term "Secretary" means the Secretary of Housing and Urban Development.

(i) The term "Community Development Corporation" means the corporation established within the Department of Housing and Urban Development under section 727.

ELIGIBLE NEW COMMUNITY DEVELOPMENT

SEC. 712. (a) A new community development program is eligible for assistance under this part only if the Secretary determines that the program (or the new community it contemplates)—

(1) will provide an alternative to disorderly urban growth, helping preserve or enhance desirable aspects of the natural and urban environment or so improving general and economic conditions in established communities as to help reverse migration from existing cities or rural areas;

(2) will be economically feasible in terms of economic base or potential for economic growth;

(3) will contribute to the welfare of the entire area which will be substantially affected by the program and of which the land to be developed is a part;

(4) is consistent with comprehensive planning, physical and social, determined by the Secretary to provide an adequate basis for evaluating the new community development program in relation to other plans (including State, local, and private plans) and activities involving area population, housing and development trends, and transportation, water, sewerage, open space, recreation, and other relevant facilities;

(5) has received all governmental reviews and approvals required by State or local law, or by the Secretary;

(6) will contribute to good living conditions in the community, and that such community will be characterized by well balanced and diversified land use patterns and will include or be served by adequate public, community, and commercial facilities (including facilities needed for education, health and social services, recreation, and transportation) deemed satisfactory by the Secretary;

(7) makes substantial provision for housing within the means of persons of low and moderate income and that such housing will constitute an appropriate proportion of the community's housing supply; and

(8) will make significant use of advances in design and technology with respect to land utilization, materials and methods of construction, and the provision of community facilities and services.

(b) A new community development program approved for assistance under this part shall be undertaken by a private new community developer or State land development agency approved by the Secretary on the basis of financial, technical, and administrative ability which demonstrates capacity to carry out the program with reasonable assurance of its completion.

GUARANTEES

SEC. 713. (a) The Secretary (acting through the Community Development Corporation) is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by or on behalf of private new community developers and State land development agencies for the purpose of financing real property acquisition and land development and to compensate for the use of real property or the removal of liens or encumbrances on such property, pursuant to the new community development programs approved by the Secretary. The Secretary may make such guarantees and enter into such commitments upon such terms and conditions as he may prescribe consistent with the limitations and conditions contained in section 715; except that no obligation of any State land development agency shall be guaranteed under this section if the income from such obligation is exempt from Federal taxation. The Secretary is authorized to make grants to any State land development agency the obligations of which are guaranteed under this section in amounts estimated by him not to exceed the difference between the interest paid on such obligations and the interest on similar obligations the income from which is exempt from Federal taxation.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this section with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation.

(c) The outstanding bonds, debentures, notes, or other obligations guaranteed under this section with respect to a single new community development program shall involve a principal obligation in an amount not exceeding the sum of (1) 80 per centum of the Secretary's estimate of the value of the real property before development, and (2) 90 per centum of his estimate of the actual cost of the land development.

(d) The outstanding principal obligations guaranteed under this section with respect to a single new community development program shall at no time exceed $50,000,000.

(e) The aggregate of the outstanding principal obligations guaranteed under this section shall at no time exceed $500,000,000.

LOANS

SEC. 714. (a) The Secretary (acting through the Community Development Corporation) is authorized, subject to the limitations and conditions contained in section 715, to make and enter into agreements to make loans to or on behalf of private new community developers and State land development agencies for the purpose of assisting them to make interest payments on indebtedness incurred by them to finance new community development programs approved by him. Loans under this section shall be in amounts which do not exceed the amount of interest the Secretary estimates is payable on indebtedness attributable to land acquisition or land development and shall be made only with respect to interest payments on indebtedness outstanding during an initial development period (not to exceed fifteen years) which the Secretary estimates to be prior to the time when land marketing activity is of sufficient volume to permit continued development under the new community development program without the benefit of further loans under this section.

(b) The Secretary shall require that loans under this section shall be repaid, with interest and on terms and conditions satisfactory to him, commencing at such time as development progress and marketing under the new community development program permit such repayment, but not later than fifteen years after the date the loan is made. Interest on such loans shall be payable at an annual rate which the Secretary of the Treasury shall specify as applicable to the six-month period, ending either June 30 or December 31 during which the contract for the loan is entered into, which rate for each such six-month period shall be determined by the Secretary of the Treasury by estimating the average yield to maturity prior to the beginning of such period on all outstanding marketable obligations of the United States having a maturity date three or more years from the time the estimate is made, plus one-eighth of 1 per centum per annum.

(c) The principal amount of the loans outstanding at any time under this section with respect to a single new community development program shall not exceed $20,000,000.

(d) The aggregate principal amount of the loans outstanding under this section shall at no time exceed $240,000,000.

LIMITATIONS ON GUARANTEES AND LOANS

SEC. 715. (a) No guarantee or loan shall be made under this part unless the Secretary has determined that the new community development program represents an acceptable financial risk to the United States, taking into consideration (1) the financial and security interests of the United States, including the manner in which the developer proposes to finance and schedule land acquisition, land development, and marketing, and (2) the public purposes of this part and the special problems involved in financing new communities, including (i) the large amount of initial capital required to finance sound new communities, (ii) the extended period before initial returns can be expected, and (iii) the irregular pattern of cash returns characteristic of this type of development.

(b) The Secretary shall take such steps as he considers reasonable to assure that bonds, debentures, notes, and other obligations guaranteed, or with respect to which interest loans are made, under this part will—

(1) be issued to investors approved by, or meeting requirements prescribed by, the Secretary, or if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(2) bear interest at a rate satisfactory to the Secretary;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary; and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements or other matters.

REVOLVING FUND

SEC. 716. (a) The Secretary is authorized to establish a revolving fund to provide for (1) the timely payment of any liabilities incurred as the result of guarantees made under this part; (2) making loans authorized under this part; (3) payment of obligations issued to the Secretary of the Treasury under subsection (b) of this section; and (4) any other program expenditures, including administrative and non-administrative expenses. Such revolving fund shall be comprised of (1) receipts from fees and charges; (2) recoveries under security, subrogation, and other rights; (3) repayments, interest income, and any other receipts obtained in connection with guarantees or loans made under this part; (4) proceeds of the obligations issued to the Secretary of the Treasury pursuant to subsection (b) of this section; and (5) such sums, which are hereby authorized to be appropriated, as may be required for the payment of the obligations issued to the Secretary of the Treasury for the purpose of making grants to State land development agencies under section 713, and for other purposes under this part.

(b) The Secretary may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary to carry out the functions authorized by this part. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations hereunder.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, or other rights.

SUPPLEMENTARY GRANTS FOR PUBLIC FACILITIES

SEC. 717. (a) The Secretary is authorized to make supplementary grants to any State or local public body or agency carrying out a new community assistance project, as defined in subsection (c), if the Secretary determines that such project is necessary or desirable for carrying out a new community development program. In no case shall any grant under this section exceed 20 per centum of the cost of the new community assistance project for which the grant is made; and in no case shall the total Federal contributions to the cost of such project be more than 80 per centum.

(b) In carrying out his authority under this section, the Secretary shall, with respect to any new community assistance project assisted by grants administered by a Federal department or agency other than the Department of Housing and Urban Development, consult with such department or agency concerning the project; and he shall, for the purpose of subsection (a), accept the certification of such department or agency as to the cost of such project.

(c) For the purposes of this section, a "new community assistance project" is a project assisted by grants under section 3 of the Urban Mass Transportation Act of 1964; section 120(a) of title 23, United States Code; section 19 of the Airport and Airway Development Act of 1970; title VI of the Public Health Service Act; title II of the Library Services and Construction Act; section 5 of the Land and Water Conservation Fund Act of 1965; title VII of the Housing Act of 1961; section 702 or 703 of the Housing and Urban Development Act of 1965; section 8 of the Federal Water Pollution Control Act; section 306(a)(2) of the Consolidated Farmers Home Administration Act; section 103 or 104 of the Higher Education Facilities Act of 1963; or section 101(a)(1) of the Public Works and Economic Development Act of 1965 with respect to projects of a type eligible for assistance under any of the other provisions of law listed in this subsection.

(d) There are authorized to be appropriated for supplementary grants under this section not to exceed $36,000,000 for the fiscal year ending June 30, 1971, not to exceed $66,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and not to exceed such sums as may be necessary for any fiscal year commencing after June 30, 1973. Any amount so appropriated shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year. In addition, the amounts authorized to be appropriated for grants under section 412 of the Housing and Urban Development Act of 1968 and the amounts appropriated thereunder shall be available for carrying out this section and shall remain available until appropriated and expended.

TECHNICAL ASSISTANCE

SEC. 718. The Secretary is authorized to provide, either directly or by contract or other arrangements, technical assistance to private new community developers and State land development agencies, or State and local public bodies and agencies to assist them in connection with planning and carrying out new community development programs.

SPECIAL PLANNING ASSISTANCE

SEC. 719. (a) The Secretary may, until June 30, 1975, enter into agreements with private new community developers to provide financial assistance for planning work, in amounts not exceeding two-thirds of the estimated cost of such work, which he determines will have special value in assuring that new community development programs (1) will be fully responsive to social or environmental problems related to the public purposes of new community development, or (2) will adequately provide for, or encourage the use of, new or advanced technology in support of program objectives.

(b) The Secretary shall enter into agreements under this section only with respect to new community development programs which had been approved or are being actively considered for approval, having met such initial feasibility criteria as the Secretary may have prescribed, and only with respect to planning work which the Secretary determines is in excess of that which would ordinarily be needed to establish final market, financial, and engineering feasibility for programs or projects of similar size and scope not subject to the special purposes of this part. The financial assistance extended pursuant to such agreements shall be subject to such terms and conditions, which may include provisions for repayment where appropriate, as the Secretary may prescribe.

(c) There are authorized to be appropriated for financial assistance under this section not to exceed $5,000,000, which limit shall be increased by $5,000,000 on July 1, 1971. Any amount appropriated under this section shall remain available until expended.

FEES AND CHARGES

SEC. 720. The Secretary is authorized to establish and collect fees for guarantees under this part, and may make such charges in connection with guarantees, loans, and technical and other assistance under this part as he considers reasonable for the analysis of applications, appraisals, inspections, and other activities related to such assistance. On or before March 1, 1973, the Secretary shall make a report to the Congress concerning the fees and charges for guarantees under this part that he estimates will be adequate to provide income sufficient for a self-supporting guarantee program and concerning the relationship of other charges to costs incurred under this part.

ENCOURAGEMENT OF SMALL BUILDERS

SEC. 721. The Secretary shall adopt such requirements as he deems necessary to assure that new community assistance under this part will (1) help maintain a diversified, local homebuilding industry; (2) increase the capability of all segments of the homebuilding industry, including both small and large producers, to participate, through an increased supply of building sites at reasonable costs and through improved technology, in producing the needed, large volume of well-designed, inexpensive housing; and (3) encourage broad participation by the homebuilding industry, particularly small builders.

REAL PROPERTY TAXATION

SEC. 722. Nothing in this part shall be construed to exempt any real property that may be acquired and held by the Secretary as a result of the exercise of lien or subrogation rights from real property taxation to the same extent, according to its value, as other real property is taxed.

AUDIT BY GENERAL ACCOUNTING OFFICE

SEC. 723. Insofar as they relate to any guarantees, loans, or grants made pursuant to this part, the financial transactions of recipients of Federal assistance may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

GENERAL PROVISIONS

SEC. 724. In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Secretary, in addition to any authority otherwise vested in him, shall—

(1) have the functions, powers, and duties (including the authority to issue rules and regulations) set forth in section 402, except subsections (c)(2), (c), (4), (d), and (f), of the Housing Act of 1950: *Provided*, That subsection (a)(1) of section 402 shall not apply with respect to functions, powers, and duties under section 718 of this part;

(2) have the power, notwithstanding any other provision of law, in connection with any assistance under this part, whether before or after any default, to provide by contract for the extinguishment upon default of any redemption, equitable, legal, or other right, title, or interest of the private new community developer or State land development agency in any mortgage, deed, trust, or other instrument held by or on behalf of the Secretary for the protection of the security interests of the United States; and

(3) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon him by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which he has provided assistance pursuant to this part. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this part.

TECHNICAL AND CONFORMING PROVISIONS

SEC. 725. (a) No bonds, debentures, notes, or other obligations shall be guaranteed under title IV of the Housing and Urban Development Act of 1968 after the effective date of this part except pursuant to a commitment to guarantee or project approval made before that date: *Provided*, That a new community developer whose new community development project has, as of the effective date of this part, been approved by the Secretary under title IV shall be eligible with respect to obligations thereafter issued by him for guarantee assistance as authorized either by title IV or by this part, and such guarantee assistance may be given without a further determination by the Secretary under sections 712 and 715(a) of this part. If the Secretary finds that an applicant for title IV assistance has submitted complete financial and internal development plans and related materials pursuant to section 404 of such title IV, or major elements of such plans or materials, the Secretary may accept such plans and materials or major elements, respectively, as full or partially satisfying the requirement under this part for the submission of a new community development program. All receipts, funds, or other assets and all liabilities of the revolving fund established pursuant to section 407 of the Housing and Urban Development Act of 1968 (including liabilities arising under guarantees made pursuant to such title IV and this section) shall become and be assets and liabilities of the revolving fund established pursuant to this part, as if such assets and liabilities had been received or incurred pursuant to this part, and shall be paid over, held, and accounted for accordingly.

(b) Section 202(b)(4) of the Housing Amendments of 1955 is amended by adding before the period at the end thereof "or under part B of the Urban Growth and New Community Development Act of 1970".

(c) The first paragraph of section 24 of the Federal Reserve Act is amended by inserting the following before the period at the end of the fourth sentence thereof: "or under part B of the Urban Growth and New Community Development Act of 1970."

(d) The twelfth paragraph of section 5(c) of the Homeowners' Loan Act of 1933 is amended by adding in the last sentence immediately after "under title IV of the Housing and Urban Development Act of 1968" the words "or under part B of the Urban Growth and New Community Development Act of 1970".

(e) Section 701 of the Housing Act of 1954 is amended by—

(1) striking out the word "approved" in subsection (a)(4) and adding before the semicolon at the end of such subsection "or under part B of the Urban Growth and New Community Development Act of 1970";

(2) inserting in subsection (b) after "(2) areas described in" the following: "subsection (a)(4) or"; and

(3) striking out the "No" at the beginning of the third sentence of subsection (b) and inserting in lieu thereof "Except for planning for areas described in subsection (a)(4), no".

(f) All laborers and mechanics employed by contractors or subcontractors in land development assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). No assistance shall be extended under this part for any land development without first obtaining adequate assurance that these labor standards will be maintained upon the construction work involved in such program. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

JOINT FUNDING

SEC. 726. Funds made available under any Federal assistance program for projects or activities approved as part of, or pursuant to, a new community development program may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative re-

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quirements where varying or conflicting provisions of law would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements, or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this section, the term "Federal assistance program" has the same meaning as under the Intergovernmental Cooperation Act of 1968.

COMMUNITY DEVELOPMENT CORPORATION

SEC. 727. (a) There is hereby created within the Department of Housing and Urban Development a body corporate to be known as the Community Development Corporation which shall carry out its functions subject to the direction and supervision of the Secretary.

(b) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board") which shall consist of five members as follows:

(1) the Secretary, who shall be Chairman of the Board;

(2) one person, to be appointed by the President by and with the advice and consent of the Senate, who shall serve at the pleasure of the President, shall be the General Manager of the Corporation, serving as its chief executive officer under the Board's general direction, and shall receive compensation at the rate provided for positions at level IV of the Executive Schedule (5 U.S.C. 5315); and

(3) three persons, to be appointed by the Secretary, who shall serve at his pleasure, but not more than one such person shall be selected from among officers or employees of the Department of Housing and Urban Development.

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Members of the Board who are regular, full-time officers or employees of the Federal Government shall receive no additional compensation for their services as Board members. Other members shall receive for their services as members, when engaged in the performance of their duties, the per diem equivalent to the rate for level IV of the Federal Executive Salary Schedule under section 5315 of title 5 of the United States Code. Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons in the Government service employed intermittently.

(c) The functions of the Secretary with respect to guarantees and loans in aid of new community development under this part shall be administered through the Community Development Corporation, and the Corporation shall perform such additional functions, powers, and duties as the Secretary may prescribe from time to time.

PART C—DEVELOPMENT OF RATIONAL URBAN GROWTH PATTERNS

STATE AND REGIONAL PLANNING

SEC. 735. Section 701 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(j) In carrying out the provisions of this section relating to planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should take place within such States, regions, or areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for, new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. If the Secretary determines that activities otherwise eligible for assistance under this section are necessary to the development or implementation of such plans and programs, he may make grants in support of such activities to any governmental agency or organization of public officials which he determines is capable of carrying out the planning work involved in an effective and efficient manner and may make such grants in an amount equal to not more than 75 per centum of the cost of such activities."

PART D—DEVELOPMENT OF INNER CITY AREAS

PURPOSE

SEC. 740. It is the purpose of this part to provide our cities, which urgently need to augment their inventories of housing (particularly housing for low and moderate income families) and to find sites for essential public facilities and additional sources of employment, but have virtually no vacant land upon which to build, with a program which will make possible the more rational use of urban land and space that is currently occupied by industrial or commercial uses which though not physically blighted are functionally obsolete or uneconomic, or of land and space that is not usable in its present state because of natural hazards or inadequate development, so that in appropriate cases major rebuilding projects (including new communities in town) may be undertaken without major residential clearance activities and with minimal displacement.

AMENDMENTS TO TITLE I OF THE HOUSING ACT OF 1949

SEC. 741. (a) The heading of title I of the Housing Act of 1949 is amended to read as follows:

"TITLE I—URBAN REVITALIZATION".

(b) The proviso in section 103(a)(1) of such Act is amended by inserting after "open land" the following: "(other than land within the purview of section 110(c)(1)(v)),".

(c) Section 110(c)(1) of such Act is amended—

(1) by inserting before the first proviso the following: ", or (v) land or space which is vacant, unused, underused, or inappropriately used (including infrequently used rail yards and rail storage facilities, and excessive or vacated railroad rights-of-way; air rights over streets, expressways, railroads, waterways, and similar locations; land which is occupied by functionally obsolete nonresidential buildings or is used for low-utility purposes or is covered by shallow water or is subject to periodic flooding or consists of unused or underused slips or dock areas or other waterfront property; which land or space the Secretary determines may be developed (at a cost reasonably related to the public purpose to be served), without major residential clearance activities, and with full consideration to the preservation of beneficial aspects of the urban and natural environment, for such uses as are consistent with emphasis on housing for low- and moderate-income families, including the provision of schools, hospitals, parks, and other essential public facilities, and, where appropriate, all uses associated with new communities in town or similar large scale undertakings related to inner city needs, including concentrated sources of employment"; and

(2) by striking "clauses (iii) and (iv)" in the first proviso and inserting in lieu thereof "clauses (iii), (iv), and (v)".

(c) Section 110(c)(7) of such Act is amended to read as follows:

"(7) Construction of foundations and platforms necessary for the development of air rights sites in accordance with the provisions of clause (iv) or (v) of paragraph (1) of this subsection."

TITLE VIII—URBAN MASS TRANSPORTATION

CONGRESSIONAL FINDINGS

SEC. 801. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient, economical, and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed on an interim basis to enable many mass transportation systems to continue to provide vital service during the period required to overhaul and revitalize mass transportation operations and to place such operations on a sound financial basis.

EMERGENCY GRANTS TO PAY INDEBTEDNESS

SEC. 802. The Urban Mass Transportation Act of 1964 is amended—

(1) by redesignating sections 6 through 15 as sections 8 through 17, respectively; and

(2) by inserting after section 5 a new section as follows:

"EMERGENCY GRANTS TO MAKE ANNUAL DEBT PAYMENTS

"SEC. 6. (a) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to assist in paying the yearly interest on and discharging annual obligations on securities, equipment trust certificates, or other similar instruments of indebtedness which have been incurred in the acquisition, construction, reconstruction, improvement, and leasing (exclusive of any charge for operation or maintenance) of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may not be made under this subsection unless the Secretary determines that it is essential to prevent (1) the termination of a significant part of the transportation service for a community, or (2) the occurrence of a serious adverse effect upon the welfare of a substantial number of lower income persons who are dependent upon the transportation service of such community. The amount of any grant made by the Secretary under this subsection shall not exceed twice the amount provided by the grant applicant (from other sources than current revenues of a mass transportation system) for use in paying such interest or obligations during the year in which the grant is made.

"(b) To finance grants under subsection (a) of this section, there is authorized to be appropriated $75,000,000 for each of the fiscal years 1971, 1972, 1973, 1974, and 1975. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

INTERIM ASSISTANCE TO ASSURE ADEQUATE MASS TRANSPORTATION SERVICE IN URBAN AREAS

SEC. 803. The Urban Mass Transportation Act of 1964 is amended by inserting after section 6 (added by section 802 of this Act) a new section as follows:

"INTERIM ASSISTANCE

"SEC. 7. (a) For the purpose of providing interim assistance to assure adequate mass transportation service in urban areas, the Secretary is authorized to make grants to any State or local public body or agency thereof to enable it to assist any mass transportation system which maintains mass transportation service in an urban area within its jurisdiction to defray annual net operating deficits incurred as the result of providing such service to such areas. No grant shall be provided under this section unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed for carrying out a program referred to in section 4(a), and (2) the applicant State, public body, or agency, and the operator (if a different entity) of such system, have jointly submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis.

"(b) The amount of any grant under this section to a State or local public body or agency thereof to defray the operating deficit of any mass transportation system shall not exceed twice the amount of financial assistance provided by such State, public body, or agency to such system to defray such deficit.

"(c) The Secretary shall issue such regulations as he deems necessary to administer this section in an equitable and efficient manner. Such regulations shall include appropriate definitions of (1) the items of cost and revenue to be used in determining annual net operating deficits, and (2) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant.

(d) To finance grants under this section, there is authorized to be appropriated not to exceed $75,000,000 for each of the fiscal years 1971, 1972, 1973, 1974, and 1975. Any amount so appropriated shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year. The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes to make advance or progress payments on account of any grant made pursuant to this section.

"(e) The Secretary shall conduct a study of the operation of the subsidy program authorized by this section comparing it with other operating subsidy programs including those currently carried out by the Federal Government, with a view to determining the efficacy of such program in assuring adequate mass transportation service in urban areas. The Secretary shall submit an interim report of his findings not later than June 30, 1971, and a final report of such findings and recommendations not later than June 30, 1973.

"(f) No grants shall be made under this section after June 30, 1975, except pursuant to a commitment entered into prior to such date."

ADDITIONAL AMENDMENTS

SEC. 804. The following sections of the Urban Mass Transportation Act of 1964 (as redesignated by section 802 of this Act) are amended as follows:

(1) Section 14(c) is amended—

(A) by striking out "and" at the end of clause (4);

(B) by striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon; and

(C) by adding after clause (5) the following new clauses:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service; and

"(7) the term 'annual net operating deficit' means that part of the annual operating costs of a mass transportation system which could reasonably have been avoided by the elimination of all or part of the mass transportation service in an urban area, less the annual revenues derived by such system from the provision of such service."

(2) Section 14(d) is amended by adding the following at the end thereof: "No funds appropriated pursuant to section 4(b) may be used for grants made pursuant to section 6 or 7. Grant assistance provided under any section of this Act shall be coordinated to the greatest extent practicable with any other financial assistance provided under this Act. With the specific exception of the prohibition contained in section 3(b), the extension of financial assistance to a State or local public body or agency thereof under any section of this Act shall not have the effect of prohibiting the extension of financial assistance to such entity pursuant to any other section of this Act."

(3) The first sentence of section 15(c) is amended by striking out "section 3" and inserting in lieu thereof "section 3, 6, 7, or 8".

(4) The part of the first sentence of section 17 which precedes the proviso is amended to read as follows: "Grants made under sections 3, 6, and 7 of this Act (other than grants for relocation payments in accordance with section 9(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to sections 4(b), 6(b), and 7(c):".

(5) The first sentence of section 3(b) is amended by striking out "section 7(b)" and inserting in lieu thereof "section 9(b)".

(6) Section 3(c) is amended by striking out "section 13(c)" and inserting in lieu thereof "section 15(c)".

TITLE IX—FARM HOUSING

HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR

SEC. 901. (a) That part of the text of subsection (a) of section 514 of the Housing Act of 1949 which precedes the first numbered paragraph is amended to read as follows: "The Secretary is authorized to insure and make commitments to insure loans made by lenders other than the United States to the owner of any farm or any association of farmers for the purpose of providing housing and related facilities for domestic farm labor, or to any State (or political subdivision thereof), or any broad-based public or private nonprofit organization or any nonprofit organization of farmworkers incorporated within the State for the purpose of providing housing and related facilities for domestic farm labor any place within the State where a need exists. All such loans shall be made in accordance with terms and conditions substantially identical with those specified in section 502, except that—".

(b) Section 514(a) of such Act is amended by striking out in paragraph (2) "5 per centum" and inserting in lieu thereof "1 per centum".

(c) Paragraph (1) and (2) of section 514(f), and paragraph (1) of section 516(g) are amended by inserting "(including household furnishings)" after "structures", each place the term appears.

(d) Section 516 of such Act is amended—

(1) by striking out that part of the text of subsection (a) which precedes the first numbered paragraph and inserting in lieu thereof the following: "Upon the application of any State or political subdivision thereof, or any broad-based public or private nonprofit organization incorporated within the State, or any nonprofit organization of farmworkers incorporated within the State, the Secretary is authorized to provide financial assistance for the provision of low-rent housing and related facilities (which may be located any place within the State) for domestic farm labor, if he finds that—";

(2) by striking out in paragraph (2) of subsection (a) "one-third" and inserting in lieu thereof "10 per centum";

(3) by inserting after "thereof" in paragraph (3) of subsection (a) the following: "; and such housing and facilities shall be durable and suitable for year-around occupancy or use, unless the Secretary finds that there is no need for such year-around occupancy or use in that area"; and

(4) by striking out in subsection (b) "two-thirds" and inserting in lieu thereof "90 per centum".

MOBILE HOMES

SEC. 902. Title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"MOBILE HOMES

"SEC. 525. (a) As used in this title, the term 'housing' shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes.

"(b) With respect to mobile homes financed under this title, the Secretary shall—

"(1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which it is to be located, and

"(2) obtain assurances from the borrower that the mobile home will be placed on a site which complies with standards prescribed by the Secretary and with applicable local requirements.

Loans under this title for the purchase of mobile homes shall be on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes."

LOCAL LOAN COMMITTEES

SEC. 903. Section 508(b) of the Housing Act of 1949 is amended by striking out "shall" wherever it appears except in the last sentence and inserting in lieu thereof "may".

HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS

SEC. 904. Section 515(b)(1) of the Housing Act of 1949 is amended by striking out "$300,000" and inserting in thereof "$1,000,000".

TITLE X—MISCELLANEOUS

ADVICE AND ASSISTANCE WITH RESPECT TO HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

SEC. 1001. (a) Subsection (a) of section 106 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(a)(1) The Secretary is authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance, including but not limited to—

"(i) the assembly, correlation, publication, and dissemination of information with respect to the construction, rehabilitation, and operation of low- and moderate-income housing;

"(ii) the provision of advice and technical assistance to public bodies or to nonprofit or cooperative organizations with respect to the construction, rehabilitation, and operation of low- and moderate-income housing, including assistance with respect to self-help and mutual self-help programs;

"(iii) counseling on household management, self-help, budgeting, money management, child care, and related counseling services which would assist low- and moderate-income families receiving assistance under the United States Housing Act of 1937 or the National Housing Act in improving their living conditions and housing opportunities, and in meeting the responsibilities of homemaking.

"(2) There is authorized to be appropriated for the purposes of this subsection, without fiscal year limitation, not to exceed $5,000,000. Any amounts so appropriated shall remain available until expended."

(b) The first sentence of section 106(b)(1) of such Act is amended by striking out "any federally assisted program" and inserting in lieu thereof "section 235 of the National Housing Act or any other federally assisted program".

(c) Section 2(6) of the United States Housing Act of 1937 is amended by adding at the end thereof the following: "The term also means the financing of tenant programs and services for families residing in low-rent housing projects, particularly where there is maximum feasible participation of the tenants in the development and operation of such tenant programs and services. As used in this paragraph, the term 'tenant programs and services' includes the development and maintenance of tenant organizations which participate in the management of low-rent housing projects; the training of tenants to manage and operate such projects and the utilization of their services in project management and operation; counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services."

(d) Section 15(10) of the United States Housing Act of 1937 is repealed.

TRAINING IN HOUSING MANAGEMENT

SEC. 1002. Section 803 of the Housing Act of 1964 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) a new subsection as follows:

"(b) Grants may be made under subsection (a) to support (1) the training of persons, especially persons of low income, in acquiring the skills needed in the management of housing for low- and moderate-income persons, and (2) research and the dissemination of information with respect to the problems involved in the management of housing for low- and moderate-income persons."

GENERAL ADMINISTRATIVE POWERS OF THE SECRETARY

SEC. 1003. Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsections:

"(h) Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, such financial transactions of the Secretary as the making of loans or grants (and vouchers approved by the Secretary in connection with such financial transactions) shall be final and conclusive upon all officers of the Government. Funds made available to the Secretary pursuant to any provision of law for such financial transactions shall be deposited in a checking account or accounts with the Treasurer of the United States. Such funds and any receipts and assets obtained or held by the Secretary in connection with such financial transactions shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with such financial transactions. Notwithstanding the provisions of any other law, the Secretary may, with the approval of the Comptroller General, consolidate into one or more accounts for baking and checking purposes all cash obtained or held in connection with such financial transactions, including amounts appropriated, from whatever source derived.

"(i) Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, the Secretary is authorized to:

"(1) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property: *Provided further*, That section 3709 of the Revised Statutes shall not apply to any contract for services or supplies on account of any property so acquired or owned if the amount of such contract does not exceed $2,500;

"(2) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

"(3) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(4) obtain insurance against loss in connection with property and other assets held;

"(5) consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him; and

"(6) include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary.

"(j) Notwithstanding any other provision of law the Secretary is authorized to establish fees and charges, chargeable against program beneficiaries and project participants, which shall be adequate to cover over the long run, costs of inspection, project review and financing service, and by Federal or federally authorized auditors, and other beneficial rights, privileges, licenses, and services. Such fees and charges heretofore or hereafter collected shall be considered nonadministrative and shall remain available for operating expenses of the Department in providing similar services on a consolidated basis.

"(k)(1) The Secretary is authorized to accept and utilize voluntary and uncompensated services and accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

"(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

"(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund and shall be disbursed upon order of the Secretary.

"(l) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (e) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

PROHIBITION RELATING TO THE USE OF LEAD-BASED PAINT

SEC. 1004. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "dwelling" means any building, structure, or portion thereof which is occupied, or designed or intended for occupancy, as a residence by one or more individuals.

(3) The term "lead-based paint" means any paint containing basic white lead, leaded zinc oxide, red lead, litharge, lead acetate, and lead driers singly or in combination in excess of 1 percent lead as metal in total nonvolatile.

(b)(1) It shall be unlawful for any person to apply lead-based paint on the interior of any dwelling which is subject to the provisions of this section.

(2) The Secretary may assess upon any person violating this subsection a civil penalty of not to exceed $1,000 for each such violation. Any such penalty may be compromised by the Secretary, and the amount of such penalty, as finally determined or as agreed upon in compromise, may be deducted from any sums owed to such person by the United States.

(c) This section applies only to dwellings to which the provisions of title VIII of the Act of April 11, 1968 (Public Law 90-284), relating to fair housing, are applicable on or after January 1, 1969.

(d) The Secretary shall make an objective study and investigation to determine whether

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paint containing lead chromate or molybdate pigments as coloration present a sufficient health hazard to be included within the prohibitions of this section. The Secretary shall report his findings and recommendations to the Congress not later than one year after the date of enactment of this Act.

INCREASED FEES FOR CONSULTANT SERVICES

SEC. 1005. Section 7(e) of the Department of Housing and Urban Development Act is amended by striking out everything after the word "rates" and inserting in lieu thereof the following: "for individuals not to exceed the per diem equivalent to the highest rate for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code."

AMENDMENT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

SEC. 1006. Section 9(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 791(c)) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof a new paragraph as follows:

"(4)(A) securities of a subsidiary company engaged in the business of providing housing for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act or any Act supplementary thereto, or (B) securities of or interests in a company organized to participate in such housing programs within the service area of a holding-company system which receives financial or other assistance from a company created or organized pursuant to title IX of the Housing and Urban Development Act of 1968. No such acquisitions shall be made except within such limitations and upon such terms and conditions, and with due regard to other provisions of this title, as the Commission may, by rules and regulations or order, permit as not detrimental to the public interest or the interest of investors or consumers."

SAVINGS AND LOAN ASSOCIATIONS

SEC. 1007. (a) Section 12(b) of the Federal Home Loan Bank Act (12 U.S.C. 1432(b)) is amended by adding at the end a new sentence as follows: "This authority extends to the acquisition, holding, and disposition of loans, or interests therein, having the benefit of any guaranty under section 221 or 222 of the Foreign Assistance Act of 1961, as amended by section 105 of the Foreign Assistance Act of 1969."

(b) Paragraph 13 of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting after the first sentence the following: "This authority extends to the acquisition, holding, and disposition of loans, or interests therein, having the benefit of any guaranty under section 221 or 222 of the Foreign Assistance Act of 1961, as amended by section 105 of the Foreign Assistance Act of 1969."

(c) The first sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "15" and inserting in lieu thereof "20".

FINANCIAL INSTITUTIONS SUPERVISORY ACT OF 1966

SEC. 1008. Title IV of the Financial Institutions Supervisory Act of 1966 (80 Stat. 1056) is repealed.

INTERSTATE LAND SALES FULL DISCLOSURE ACT

SEC. 1009. Section 1406(5) of the Interstate Land Sales Full Disclosure Act is amended by inserting after the first comma the following: "the existence of any unusual conditions relating to noise or safety which affect the subdivision and are known to the developer,".

Mr. BYRD of West Virginia. Mr. President, I am authorized by the Senator from Iowa (Mr. HUGHES)—who is necessarily absent—to state that had he been present, he would have voted "yea" on the final passage of the Housing Urban Development Act of 1970.

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Alabama (Mr. SPARKMAN) has again demonstrated legislative skill and effectiveness that is unsurpassed in this body. The hour is late and perhaps that fact itself demonstrates the devotion and dedication that characterizes every legislative endeavor undertaken by the able chairman of the Committee on Banking and Currency. Senator SPARKMAN time and time again has shown outstanding legistive capacities. The overwelming success of this measure adds another splendid achievement to an overabundant record of public service obtained during a long and distinguished career. Once again the Senate is deeply indebted to Senator SPARKMAN. He has again earned the highest commendation of the Senate.

Deserving our praise as well is the distinguished Senator from Texas (Mr. TOWER), the ranking minority member of the Housing Subcommittee. His cooperation and able assistance assured the expeditious and efficient disposition of this measure.

At this late hour I wish to thank as well the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Utah, Mr. BENNETT), and the many other Senators who supported and assisted so capably the passage of this housing proposal.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 915 TO H.R. 17604

Mr. GRIFFIN. Mr. President, at the request of the Senator from New York (Mr. GOODELL) I ask unanimous consent that at the next printing of amendment 915 to H.R. 17604 introduced on September 16, the names of the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Montana (Mr. METCALF), the Senator from Ohio (Mr. YOUNG), the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), and the Senator from Maine (Mr. MUSKIE) be added as cosponsors.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the prayer and the disposition of any unobjected items on the Legislative Calendar, the senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the senior Senator from New York (Mr. JAVITS) on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 31 minutes p.m.), the Senate adjourned until tomorrow, Thursday, September 24, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 23, 1970:

COMMISSIONER OF EDUCATION

Sidney P. Marland, Jr., of New York, to be Commissioner of Education, vice James E. Allen, Jr.

DISTRICT OF COLUMBIA COURT OF APPEALS

Hubert B. Pair, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91–358, approved July 29, 1970, and vice a new position created by said Public Law 91–358.

Gerard D. Reilly, of the District of Columbia, to be associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91–358, approved July 29, 1970, and vice a new position created by said Public Law 91–358.

J. Walter Yeagley, of Virginia, to be an associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91–358, approved July 29, 1970, and vice a new position created by said Public Law 91–358.

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

DeWitt S. Hyde, of Maryland, to be an associate judge of the District of Columbia court of general sessions, for the term of years prescribed by Public Law 91–358 approved July 29, 1970. He is now serving in this office under an appointment which expired September 13, 1969.

Dyer Justice Taylor, of Virginia, to be an associate judge, District of Columbia Court of general sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970, vice Justin L. Edgerton, deceased.

Normalie Holloway Johnson, of Washington, D.C., to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, as prescribed by Public Law 91–358, approved July 29, 1970, vice Morris Miller, deceased.

Leonard Braman, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970, vice Milton S. Kronheim, term expired.

Paul F. McArdle, of Maryland, to be an associate judge of the District of Columbia court of general sessions, for the term of 15 years as prescribed by Public Law 91-358, approved July 29, 1970, vice Thomas C. Scalley, term expired.

Sylvia A. Bacon, of the District of Columbia, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years, vice a new position created by Public Law 91-358, approved July 29, 1970.

John F. Doyle, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years vice a new position created by Public Law 91-358, approved July 29, 1970.

Eugene N. Hamilton, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years vice a new position created by Public Law 91-358, approved July 29, 1970.

Stanley S. Harris, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years vice a new position created by Public Law 91-358 approved July 29, 1970.

Theodore R. Newman, Jr., of the District of Columbia, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years vice a new position created by Public Law 91-358, approved July 29, 1970.

Nicholas S. Nunzio, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years vice a new position created by Public Law 91-358 approved July 29, 1970.

John G. Penn, of Maryland, to be an associate judge, District of Columbia court of general sessions, for the term of 15 years vice a new position created by Public Law 91-358 approved July 29, 1970.

George H. Revercomb, of Virginia, to be associate judge, District of Columbia court of general sessions for the term of 15 years vice a new position created by Public Law 91-358, approved July 29, 1970.

William E. Stewart, Jr., of Maryland, to be an associate judge, District of Columbia court of general sessions for the term of 15 years vice a new position created by Public Law 91-358, approved July 29, 1970.

James A. Washington, Jr., of Maryland, to be an associate judge, District of Columbia court of general sessions for the term of years prescribed by Public Law 91-358, approved July 29, 1970, and vice a new position created by said Public Law 91-358.

EXTENSIONS OF REMARKS

CHIEF JUSTICE SCORES "POT" SAFETY REPORTS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HELSTOSKI. Mr. Speaker, many in legislative and Government executive positions today are being pressured to legalize the use and possession of marihuana.

May I suggest that any who lean favorably toward such a proposal read the following Associated Press article carrying the views of Chief Justice Joseph Weintraub of the Supreme Court of New Jersey on the subject.

Chief Justice Weintraub counsels extreme caution and I share that viewpoint. At the very, very least all should wait until appropriate and needed studies of marihuana and its effects are made as called for in my bill H.R. 14354.

I also share the doubts of the Chief Justice that full scale and complete research will prove that marihuana is harmless. Is there any doubt that many times the use of marihuana leads to the taking of hard-core drugs and dopes for lifts, trips, and crutches? Then often minds and bodies.

It will be a sad day in this Nation if those with the allout permissive philosophy should prevail and force legalization of the use and possession of marihuana before all of the facts are before those who must make the decision.

The Associated Press article follows:

CHIEF JUSTICE SCORES "POT" SAFETY REPORTS

TRENTON.—Chief Justice Joseph Weintraub of the New Jersey Supreme Court said yesterday that marijuana should not be legalized "until we are darn sure it's harmless."

The chief justice also criticized medical and research reports which said that smoking marijuana has not been proven to be harmful. Weintraub said the reports, like "the pied piper," were enticing youngsters to try the drug.

He made the remarks during a hearing on an appeal by 21-year-old Steven Ward who was sentenced to 2-3 years in prison for possessing marijuana valued at about $2.50.

Stanley C. Van Ness, head of New Jersey's public defender office, who argued Ward's case, said the sentence was cruel and excessive for a first offender.

He urged the court to overturn the sentence and establish a policy of probation for first offenders in marijuana cases.

Ward, who was 19-years-old when he was sentenced to state prison in 1969 by Cumberland County Judge Harry Adler, is free on parole after being confined for nearly one year.

Weintraub said the prison term for Ward would appear "wildly excessive" were it not for other factors outlined in a probation report submitted to Adler before sentencing.

The chief justice said the pre-sentence report indicated that Ward had "sponsored marijuana parties" which on one occasion had led to a search of his home by police which failed to turn up any evidence.

However, Assistant Cumberland County Prosecutor Samuel J. Serata told the high court that the pre-sentence report probably played a minor role in the harsh sentence.

Serata said the sentence was the product of an "almost hysterical" attitude in the county which has since changed.

Serata, who joined the prosecutor's staff this year, said that people in rural Cumberland County regarded "marijuana as a horrendous thing that comes from the cities . . . an epidemic that must be stamped out." He said he represented marijuana defendants before joining the prosecutor's staff.

Weintraub, who said he recognized that there has "been quite a change in public attitude" toward marijuana in the past year, said he thought it was "nonsense" to equate the laws against marijuana with prohibition on liquor during the 1920's. "One day it may be proven that it's no more harmful than Scotch," Weintraub said. "But I doubt it."

He added, "everyone agrees it's not as dangerous as heroin. But that doesn't mean it's just a drink of water.

"More harm is being done by these silly reports that it is not proven harmful and therefore it's (like) prohibition. That's nonsense. It's encouraging kids to try it."

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. A Russian must work 2,950 minutes for a pair of men's shoes while an American works 275 minutes. For a business suit, a Russian must work 11,800 minutes compared to 802 minutes by an American worker.

RESULTS OF POLL CONDUCTED BY THE AMERICAN SECURITY COUNCIL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHMITZ. Mr. Speaker, at this time I would like to introduce the findings of a poll just completed by the respected American Security Council. I would like to call special attention of my colleagues to question No. 8 which, according to this survey, it seems that a substantial number of Americans favor an objective of victory in Vietnam.

There are obviously a number of Americans who continue to reflect the wisdom set down by Mommsen:

> History has a nemisis for every sin: for the will to freedom that fails in force, as well as for the pride of mind that fails in understanding.

The poll follows:

NATIONAL SECURITY ISSUES POLL

In a true democracy, decisions on such vital matters as military preparedness should reflect the will of the people.

Therefore, we must ask, "does the trend toward unilateral disarmament represent the will of most Americans, or the will of special interest pressure groups?"

In seeking the answer to this question, the American Security Council conducted a National Security Issues Poll with a final total of 115,559 participants.

From March 1 to August 31, 1970, the Council invited opinion leaders representing the full range of domestic political viewpoint to serve on its National Voter Advisory Board and to participate in the National Security Issues Poll. The response of the 42,946 who did both is shown under "A" below.

The response of the 45,456 who participated in the Poll, but did not become mem-

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bers of the Advisory Board is listed under "B" below.

From July 1 to August 31, 1970, 203 newspapers in 44 states published the Poll. These newspapers ranged in size from the St. Louis Globe Democrat and the San Francisco Examiner to small town newspapers. The response of 27,197 readers is shown under "C" below.

It is clear from the results of this Poll and the results of other polls that most of the American people want the security of military superiority and oppose isolationism.

NATIONAL SECURITY ISSUES POLL RESULTS

	Agree, percent			Disagree, percent			Undecided, percent		
	[1] A	[2] B	[3] C	[1] A	[2] B	[3] C	[1] A	[2] B	[3] C
1. The Safeguard anti-ballistic missile defense system (ABM) is necessary for the defense of the United States	93.19	78.53	80.39	1.26	11.47	10.58	5.55	10.00	9.03
2. The United States should maintain military strength greater than that of the Soviet Union and Red China	93.53	82.07	84.75	2.07	10.73	9.85	4.40	7.20	5.40
3. Communists and other revolutionaries should be permitted to teach in tax-supported educational institutions	1.20	9.69	4.79	97.77	88.28	92.66	1.03	2.03	2.55
4. Communists and other revolutionaries should be permitted to hold sensitive positions in defense facilities	.58	4.78	1.32	99.00	93.05	96.04	.42	2.17	2.64
5. The United States should have a national objective of victory in the cold war	93.46	80.64	80.04	2.47	11.09	11.53	4.07	8.27	8.43
The United States needs a "Freedom Academy" to train leaders for new forms of nonmilitary conflict	73.09	56.91	47.25	6.61	16.46	26.40	20.30	26.63	26.35
7. The United States should help the people of Czechoslovakia, Hungary, Cuba and other captive nations in their struggle for freedom	71.95	57.10	52.97	9.85	20.80	28.48	18.20	22.10	18.55
8. The United States should have a national objective of victory in Vietnam	89.85	76.77	78.16	3.18	13.70	14.09	6.97	9.53	7.75
9. The United States should give economic aid to foreign governments even if they are Communist or pro-Communist	2.07	8.87	5.41	93.05	85.57	89.99	4.88	5.56	4.60
10. The United States should extend diplomatic recognition to Red China	10.27	20.85	21.74	76.35	66.55	66.88	13.38	12.60	11.38

[1] National Voter Advisory Board—42,946 members.

[2] Mail poll—45,456 participants.

[3] Newspaper poll—27,197 readers.

NATIONAL VOTER ADVISORY BOARD

(*Partial listing of 42,946 members*)

Walter R. Beardsley, Chairman, Miles Laboratories, Inc.

Dr. H. Russell Beatty, President, Wentworth Institute.

Arch N. Booth, Executive Vice President, Chamber of Commerce of U.S.

The Honorable Spruille Braden, Former Ambassador.

Dr. Frank R. Brown, Dean, Hood Theological Seminary.

The Honorable Joel Broyhill, U.S. Congressman.

L. B. Burger, Chairman, Westinghouse Air Brake.

Dr. Cordas C. Burnett, President, Bethany Bible College.

Henri G. Busignies, Senior Vice President, International Telephone & Telegraph Corporation.

James Cagney, Actor.

Colonel John T. Carlton, USAR, Executive Director, Reserve Officers Association of the U.S.

Joseph A. Carrera, Senior Vice President, Bank of America.

Sylvan C. Coleman, Chairman, E. F. Hutton & Company, Inc.

Dr. David S. Collier, Director, Foundation for Foreign Affairs, Inc.

Bing Crosby, Actor, Singer.

The Honorable Peter Dominick, U.S. Senator.

William L. Davis, Jr., President, Emerson Electric Company.

The Honorable Thomas Dodd, U.S. Senator.

Gaylord Donnelley, Chairman of the Board, R. R. Donnelley & Sons.

Mrs. Cathryn L. K. Dorney, Executive Director, American Education Association.

James C. Ellsworth, Senior Vice President, United California Bank.

The Honorable Paul J. Fannin, U.S. Senator.

Shelton Fisher, President, McGraw-Hill, Inc.

Bishop A. L. Fletcher, Little Rock Diocese.

Mother Jane Frances, Motherhouse of the Grey Nuns of the Sacred Heart.

Dr. Carl A. Frische, President, Sperry Gyroscope Company.

Roland E. Fulton, President, Employers' Association of Greater Chicago.

Dr. Vernon F. Galliano, President, Nicholls State College.

Richard A. Goodson, President, Southwestern Bell Telephone Company.

J. Peter Grace, President, W. R. Grace and Co.

Elisha Gray, Chairman of the Board, Whirlpool Corporation.

The Honorable Durwood Hall, U.S. Congressman.

Robert P. Hanrahan, Superintendent of Schools, Cook County, Illinois.

Z. C. R. Hansen, Chairman and President, Mack Trucks, Inc.

Dr. Charles P. Hogarth, President, Mississippi State College for Women.

John M. Houchin, President, Phillips Petroleum Company.

Dr. John A. Howard, President, Rockford College.

Claude A. Jessup, Chairman, Continental Trailways Bus System.

Speaker Ernest N. Johnson, Speaker of North Dakota House of Representatives.

Robert L. Jones, President, The Copley Press.

Dr. Walter H. Judd, former member of Congress.

Charles H. Kellstadt, Chairman, General Development Corp.

Donald B. Lourie, Chairman of the Board, Quaker Oats Company.

Dr. Charles W. Lowry, President, Foundation for Religious Action in the Social & Civil Order.

Edgar F. Luckenbach, Jr., President, Luckenbach Steamship Company.

Dr. John P. Maurer, President, Southeastern University.

Daniel D. McCracken, Chairman, Computer Professionals Against ABM.

H. C. McDonald, President, Eugene, Oregon City Council.

Roger Milliken, President, Deering-Milliken Inc.

Dr. John D. Millett, Chancellor, Ohio Board of Regents.

The Honorable John M. Murphy, U.S. Congressman.

Reverend David Nettleton, Sr., President, First Baptist Bible College.

Arthur C. Nielsen, Sr., Chairman, A. C. Nielsen Company.

Sister Natalie Palagyi, Superior General, Sisters of Social Service.

J. Milton Patrick, Immediate Past National Commander, American Legion.

The Honorable William D. Pawley, former Ambassador.

Admiral Arthur W. Radford, USN (Ret.), former Chairman, Joint Chiefs of Staff.

Dr. Robert G. Rayburn, President, Covenant Theological Seminary.

Archbishop Nikon Rklitzky, Russian Orthodox Church.

The Hon. James Rothstein, Majority Leader of the South Dakota House of Representatives.

Frank O. Sherrill, President, S & W Cafeterias, Inc.

Sister Irene Socquet, S.S.A., President, Anna Maria College for Women.

Robert C. Sprague, Chairman, Sprague Electric Company.

Ezra J. Stone, Actor, Writer, Director.

Jerome A. Straka, Chairman, Chesebrough-Ponds, Inc.

Dwight H. Swanson, President, Iowa Power & Light Company.

The Honorable Strom Thurmond, U.S. Senator.

William K. Todd, President, Rockford Morning Star.

Dr. A. P. Torrence, President, Tennessee A & I State University.

George W. Waters, Executive Vice President, American Express Company.

John Wayne, Actor, Producer

Monsignor Nicholas H. Wegner, Director, Boys Town.

William H. Weldon, Publisher, News Tribune Corporation.

Colonel T. R. Wert, USMCR (Ret.), Executive Secretary, Marine Corps Reserve Officers Association.

George S. Wheaton, Chairman, Dillingham Corporation.

Dr. Ernest L. Wilkinson, President, Brigham Young University.

Dr. Benjamin C. Willis, Retired Superintendent of Schools, Chicago, Illinois.

The Reverend Victor R. Yanitelli, Sn., President, Saint Peter's College.

The Honorable Sam Yorty, Mayor, Los Angeles.

(Affiliations shown for purposes of identification only.)

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

QUOTAS NEEDED ON PEP PILLS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. VAN DEERLIN. Mr. Speaker, the House is scheduled to act later this week on H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Along with many of our colleagues, I feel strongly that quotas should be set on the production of amphetamines, and an amendment will be offered to accomplish this.

For the information of the House I insert at this point in the RECORD pertinent editorials from the Washington Post and the Houston Chronicle:

[From the Washington Post, Sept. 18, 1970]

SLOWING DOWN SPEED

By now, everyone concerned about the spreading drug problem has heard the grim stories on speed and the speed-freaks. The terms refer to amphetamines and methamphetamines, the stimulant drugs which account for 8 per cent of all prescriptions written in this country. Their abuse ranges from the trivial (the athlete who takes it before the big game) to the disastrous (the person seeking a high who ends up dead, brain damaged, malnourished, violent or otherwise impaired). Few American communities are without its victims.

According to the National Institute of Mental Health over 8 billion amphetamine pills are legally produced annually by American drug firms. This is 40 doses per citizen; the legitimate medical need, reports the NIMH, is not in the billions but in the thousands. As for where the 8 billion legal pills are eventually consumed, it is estimated that over 50 per cent are diverted into illegal and unsupervised use. While the government and media have focused on other drugs, evidence exists that amphetamines—used largely by adolescents and young adults—are just as addictive and hard to overcome as heroin.

What is needed clearly is some kind of production control. It is unfair to put the entire blame on the drug firms for the oversupply; abuse is encouraged because the law is lax, many doctors prescribe the drug carelessly and because the power of the black market is increasing.

Recently, a bipartisan majority of the House select committee on crime offered an amendment to the Comprehensive Drug Abuse Prevention and Control Act now before the House. It calls for a manufacturing quota on amphetamine production. This is perhaps a strong move, but unless all the drug firms suddenly limit production and doctors suddenly prescribe with extreme care, it is a necessary move. Why should the country be flooded with 8 billion pep pills when only a few thousand are medically needed? If amphetamines are as dangerous as heroin why shouldn't they be put under the enforcement authority of the Justice Department? These are some of the questions that should be consideerd when the quota amendment is debated.

[From the Houston Chronicle, Sept. 15, 1970]

PUT A QUOTA ON PEP PILLS

One medical judgment is that amphetamines should be used only to treat narcolepsy, a rare sleeping sickness, and a small number of hyperactive children.

An official of the National Institute of Mental Health says this would add up to an annual need for mere thousands of doses. Yet four major U.S. companies legally synthesize some 8 billion doses of amphetamine products a year—an average of 40 doses for every man, woman and child in this country. And even more is imported, also illegally.

And what happens to this overabundance of "speed," the substances which cause euphoria and hyperactivity, generally followed by prolonged paranoid psychosis or accentuation of personality disorder? Over 50 percent of the legally manufactured pills are diverted into illegal channels. Moreover, some 80 percent of amphetamines seized in 1968 by the Federal Bureau of Narcotics and Dangerous Drugs originally was legally manufactured domestically.

The situation would be ludicrous if it were not so serious. It has prompted the U.S. House's Select Committee on Crime in a "Dear Colleague" letter to ask congressional support for a measure which would impose quotas on the domestic production of amphetamines. The measure would amend the Comprehensive Drug Abuse Prevention and Control Act, due to reach the House floor by the end of the week.

Most every American of junior high school age or older is familiar with one of the basic tenets of this nation's drug-taking subculture: "Speed kills." If it doesn't do that, it can make a user wish he were dead. It can contribute to hepatitis, malnutrition and the general undermining of health due to irregular eating and sleeping patterns. Permanent brain damage can result. There is some medical opinion that use by pregnant women may increase the risk of congenital abnormalities in their offspring.

It does not take a doctor of medicine or an expert on drugs to realize that the indiscriminate taking of amphetamines can injure a person's health. When a licensed physician prescribes amphetamines for a patient, they should be available. But we don't buy the drug companies' argument that we need the manufacturing of relatively unlimited numbers of doses of amphetamines.

MOUNT LORETTO—100 YEARS OF ACCOMPLISHMENT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. MURPHY of New York. Mr. Speaker, I would like to pay tribute to one of the most dynamic and compassionate personalities of his or any age, the late Father John Drumgoole and to all those dedicated men and women who worked with him and who followed him in selfless work through the last 100 years. On October 7, the start of a year-long celebration marking the 100th anniversary of the founding of the Mission of the Immaculate Virgin, Catholic child-caring institution, at Mount Loretto, Staten Island, N.Y., will commence. The Mission of the Immaculate Virgin is not just another children's institution. For Father Drumgoole, born the son of John and Bridget Drumgoole in Coolecroft, Abbeylara, County Longford, Ireland, on the Feast of the Assumption, August 15, 1816, made it a home.

Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to present the centennial program as a tribute to this remarkable man and all the wonderful people who have helped each child develop their capacities in a good, holy, and happy life:

CENTENNIAL PROGRAM

Twelve centennial events and programs are scheduled, starting with a Concelebrated Mass, Wednesday, October 7, 1970, in the Mission's Church of St. Joachim and St. Anne, and ending with an Alumni Association Reunion, Sunday, September 19, 1971, at Mount Loretto.

His Eminence, Terence Cardinal Cooke, Archbishop of New York and President of the Mission's Board of Trustees, will preside at the Centennial Concelebrated Mass, said Monsignor Edmund F. Fogarty, the Mission's executive director.

Other major events planned are St. Joseph's Union Day, November 8, 1970; Cardinal Cooke's Day, December 1, 1970; Symposium on Child Care, January 20, 1971; Symposium on the Education of the Exceptional Child, February 11–14, 1971; Reverend John Christopher Drumgoole Day, March 28, 1971; Staff Appreciation Day, April 16, 1971; Sports Night, May 19, 1971; Open House, June 13, 1971; and Fun Day for the Children, August 18, 1971.

Tracing its origin to the year 1871 when Father Drumgoole was appointed director and resident chaplain of the St. Vincent's Newboys' Lodging House, then located at 53 Warren Street, New York City, N.Y., the home was formally incorporated in May, 1877, under the laws of the State of New York as the "Mission of the Immaculate Virgin for the Protection of Homeless and Destitute Children."

Today, the facilities and services of the Mission, providing care for approximately 700 resident boys and girls between the ages of 6 and 18 years, are centered in the Pleasant Plains area of Staten Island, bordering Raritan Bay.

The initial purchase of this property was made in June 1882, and the name Mount Loretto was given to the site by Father Drumgoole.

A pioneer of organized child care and social service, Father Drumgoole came to New York City in 1824, and was ordained a priest in 1869 at the advanced age of 53. As the result of exposure in the blizzard of 1888, he developed pneumonia and died March 28 that year.

An affiliate of Catholic Charities of the Archdiocese of New York, the Mission has accommodations for 200 in its girls' division, called St. Elizabeth's; 288 in its junior boys' division, ages 6 through 13; and 184 in its senior boys' division ages 14 through 18.

Three schools, owned by the Mission and located on the grounds, provide four educational programs for the children. St. Aloysius, staffed by the Sisters of St. Francis, is a regular parochial elementary school with grades one through eight for boys and girls and includes a reading school for levels one through five.

The New York City Board of Education operates the two other schools—St. Joseph's School for boys, grades six through 12, as Public School 25, and St. Elizabeth's School for girls, grades six through 12, as Public School 10.

The Sisters of St. Francis have been identified with the Mission and its work since July 2, 1882, when six Sisters from the Buffalo, N.Y., foundation arrived in New York City to assist Father Drumgoole.

In July 1893, the Sisters formed a separate community and adopted the title "Sisters of St. Francis of the Mission of the Immaculate Virgin, Conventual of the Third Order." They elected Mother Mary Catherine, O.S.F., their first Mother General.

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Today, 44 Sisters—17 in the girls' division and 27 in the boys' division—are assigned to the Mission from their Motherhouse in Hastings-on-Hudson, N.Y. Reverend Mother Anne Morgan, O.S.F., present Mother General, is a member of the Mission's Board of Trustees.

Recreational facilities for the children at Mount Loretto include three gymnasiums, an athletic field, and an outdoor swimming pool. The pool is named after Angel Mendez, Mission alumnus and U.S. Marine, killed in Vietnam, March 16, 1967, and buried in the Mission's cemetery.

Facing the Mission's Church of St. Joachim and St. Anne with its steeple rising 255 feet from ground level is the heroic bronze statue of Father Drumgoole, ten feet in height and weighing seven and one-half tons.

Since its founding, the Mission has cared for more than 50,000 children. Today, there is an active Father Drumgoole Alumni Association that meets regularly and maintains contact with Mount Loretto graduates.

Appointed August 2, 1969, Monsignor Fogarty is the eighth executive director of the Mission. His Eminence, Patrick Cardinal O'Boyle, Archbishop of Washington, served as Mission director from 1936 to 1943.

Mission chaplains are Reverend Eugene V. Mangan and Reverend Robert P. Hickey.

WALL STREETERS DO NOT LIKE PRESENT SITUATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HUNGATE. Mr. Speaker, the following article by Philip Greer, has an interesting comment on our current economic problems:

WALL STREETERS DO NOT LIKE PRESENT SITUATION

(By Philip Greer)

NEW YORK.—Notes on a random walk through Wall Street:

Spiro Agnew came to the Street last week to explain to the financial nabobs why it is important to them that the Republicans take control of Congress this year. A GOP-controlled Congress would help President Nixon finish his programs, Agnew said.

So far, in the 21-months the Republicans have been in the White House, the Dow Jones industrial average is down about 200 points, more than 120 brokerage firms have disappeared through merger, takeover or just plain failure, incomes in the street are maybe a third to a half of what they were in pre-Republican 1968 and the entire structure of the markets is threatened by do-nothingism at the Securities & Exchange Commission.

Agnew is right. The Wall Streeters must help Nixon finish his programs. They certainly don't want things to stay as they are.

Its a rare time when the National Press Club invites a brokerage firm president to be a guest speaker. The fourth estate got its money's worth from Don Regan, who heads Merrill Lynch, Pierce, Fenner & Smith, Inc., but, being 200 miles from the Street, its doubtful that the reporters digested all the morsels Regan fed them.

Possibly the most revealing line was his statement that Merrill Lynch "is on Wall Street but not of Wall Street." Despite its over-shadowing presence, "the thundering herd" has never been a part of the Street establishment. In fact, it has a history of fighting the roll-top desk mentality that controlled the financial community for generations. Merrill, for instance, has fought all increases in commission rates—it does well enough without them—it was one of the first to stump for allowing brokers to incorporate and it has been a strong advocate of public ownership of brokerage firms.

Regan can afford to speak out because, with the Street still in a financial vise, the profitable and still-expanding Merrill Lynch stands head and shoulders over much of the competition. The chances are that Regan and other non-establishment types will be talking even louder in the days ahead. The Street's stumbling, bumbling approach to its problems is making minimal progress and the people who still have something to lose are getting restless.

Operation rescue at the New York Stock Exchange has taken a new turn, bringing up the question of whether the lifeguard needs a lifeguard.

The parceling of Hayden, Stone into Cogan, Berlind, Weill & Levitt and Walston & Co. and the shareholders' management takeover of Goodbody & Co., both within the last two weeks, are a distinct departure from the former approach, when failing brokers were picked apart and the diseased torso was cremated, with the Exchange watching over it all like a public ombudsman. Likewise, the suspensions of Charles Plohn & Co. and First Devonshire, chasing both of them—and their customers—from the promised land without so much as a final blessing from the Exchange.

What seems clear is that the NYSE can no longer be the guardian of the public interest. The $55 million slush fund is used up and the Big Board apparently doesn't want to hit its members again—possibly as a lever to prod Congress into passing the investor insurance bill.

On Capitol Hill, where understanding of the securities industry is about as rare as votes against highway construction, that will probably be enough to make the legislators pass the bill, thus putting the government on the hook right alongside the Exchange.

In the meanwhile, the Street's financial fever has reached the crisis stage. The question now is where does that leave the securities industry and its more than 30 million customers?

The only thing that seems brighter is the outlook for the market itself. Analysts generally feel the list has turned into a kind of baby bull stage. Nobody is ready to pour money in just yet—the negative contingent is still sizable—but there is a growing feeling that the traders have absorbed the worst that Washington has to give. The fall could turn out to be a fairly pleasant time in Wall Street—except, maybe, for the people who live there.

PRISONERS OF WAR

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. SCHERLE. Mr. Speaker, the house of delegates, the governing body of the American Medical Association, met in Chicago this summer and adopted a resolution urging the World Medical Association and other appropriate international organizations to use their influence to improve the lot of the American prisoners of war in Vietnam. The American Medical Association is to be commended for its firm stand. If more responsible citizens banded together to voice their indignation at the terrible treatment our servicemen receive at the hands of our enemies, Hanoi, might be induced to yield to the pressure of world opinion and begin to act more humanely. Following is the statement issued by the American Medical Association House of Delegates which could serve as a model for other concerned Americans:

PRISONERS OF WAR

In view of North Viet Nam's failure to live up to the terms of the Geneva Convention, the House resolved, "As a professional medical organization, recommend that, in the best medical interests of both servicemen and their families, the World Medical Association and/or other appropriate international organizations be requested to use their influence with those countries which do not subscribe to the Geneva Convention to the effect that (a) a list of prisoners names be furnished, (b) inspection of prisoner compounds by neutrals be carried out, and (c) medical supplies and food parcels, as well as mail, be distributed to prisoners."

PHONE RATE PLEA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. HELSTOSKI. Mr. Speaker, I call attention to a very pertinent editorial from the September 16, 1970, edition of the Evening News of Newark, N.J.

The editorial cites another example of the ravages of the wild inflation we have under the present national administration. While the President twiddles his thumbs and assures one and all that the Nation's economy is straightening itself out, the wage earners and housewives get hit again and again with increased prices of goods and services.

The policies of the present administration forces businesses of all kinds against the wall, and they turn for relief to their only source—the consumer.

It is about time President Nixon took another look at the legislation passed by the Congress this year giving him the authority to place controls on the factors that are continuing and expanding inflation. His failure to take affirmative action can well drive this Nation into the bankruptcy that struck the Roman Empire and brought about its fall.

The editorial follows:

PHONE RATE PLEA

For consumers struggling to stretch inelastic dollars, there's more bad news. New Jersey Bell Telephone Co. has filed an application for higher rates at a time when state regulatory authorities already have under study pleas for higher tariffs on gas and electricity and for increased fares on buses and railroads.

Any assessment of whether New Jersey Bell's rate request is justified must await examination by the Public Utilities Commission of the company's data, particularly figures on total plant investment and projected rate of return. In 1951 the company asked for a $10-million rise and got nothing. In 1954, it was given about $2 million of the additional $19 million sought. In 1958, it was awarded $11 million of the $14 million requested. In all the cases, the Supreme Court had to decide some of the issues.

In addition to deciding on a rate base and a fair rate of return, both questions on which it has differed widely with the company before, the PUC must consider whether the

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specific and complex rate revisions proposed are equitable, whether New Jersey Bell's profits ($91 million last year) are sufficient to cover the costs of providing expanded and more efficient service, and whether the burden is fairly distributed between interstate and intrastate service charges.

Beyond question, New Jersey Bell's operating costs have jumped. From 1958, when it won its last general rate boost, to last year, construction expenditures climbed 132 per cent, operating taxes rose 125 per cent, the original value of its total plant in service went up 141 per cent, and operating expenses 103 per cent. At the same time, its operating revenues rose 112 per cent and its net income 116 per cent.

Money to expand further must be raised. The company estimates it will spend $285 million next year on new plant and equipment and more than $1 billion by 1975 to keep pace with demand. Borrowing capital to finance that construction cost the company 9.35 per cent last June, compared with 4.6 per cent only five years ago.

Still, New Jersey Bell's request for higher rates can be greeted by consumers only as dismaying news. The company has been in the vanguard of those providing better and more efficient service through automation and new technology, a factor which permitted at least half a dozen selective reductions in rate schedules during the last decade.

What the company implies by yesterday's rate application is that even its technological and operating improvements can't provide enough savings to keep pace with the skyrocketing rise in business costs caused by the ravages of inflation. If the telephone company can't keep up, how can the housewife?

DECLINE IN CONSUMER PRICE INDEX

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. RHODES. Mr. Speaker, the announcement today of the dramatic decline in the Consumer Price Index is one of the best pieces of economic news we have had in months. Combined with the spreading trend in banks to lower the prime interest rate to 7½ percent, there can no longer be any doubt that the Nixon administration has succeeded in halting inflation.

The administration has come in for much criticism in recent months for its economic policies, but I hope its critics have now seen the light. The President's policies evidently are working and have slowed inflation without plunging the country into another recession.

Noted economists, such as John Kenneth Galbraith, who saw the worst possible outlook for the economy and implied that inflation could not be cured without resorting to wage and price controls have now once again, been proved dead wrong.

Once again, the Nixon administration has achieved its goal by hewing carefully to a predetermined course and rejecting the extremist options offered by discredited economic soothsayers. It is the type of performance we expect from this administration.

CONSUMER INTEREST IN LOW-COST AIR TRAVEL

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. TUNNEY. Mr. Speaker, at this time, with hundreds of thousands of Americans trying to enjoy a well-earned vacation, we ought to examine very carefully the manner in which our Government is protecting its vacationing citizens, particularly in the field of air travel. It appears to me that the Federal Government cannot make up its mind on this important matter, a situation I would bring to the attention of my colleagues.

Many will recall that on May 8 of this year, the Civil Aeronautics Board published proposed revised regulations governing air travel. As a person deeply concerned about the consumer and his ability to gain equity in the marketplace, I was genuinely surprised to see that agency propose a series of regulations that would regulate not the air transportation industry but the traveling public. The CAB had a lot to say about the limitations of the number of American citizens that could belong to a traveling group, about how that group elects its officers and keeps membership records, and about the way it affiliates with other groups. The CAB attacked the travel agents and the operators of vacation, study, and travel tours, as if the consumer's right to travel and the right of others to aid him were inherently some kind of suspicious if not outright illegal activity.

Following the publication of those proposals, the CAB received harsh but just criticism from many distinguished Members of this Congress, as well as from organizations that would no longer be able to charter a plane as a group and fly to a convention or for study or simply for relief.

Messages condemning the proposals have been sent to the CAB by the United Steelworkers of America—AFL–CIO—the Cooperative League of the U.S.A., the National Grange, and the Group Health Association of America, to name just a few. Mr. President, groups with such very different interests rarely get together on an issue unless the offending agency is grossly unjust or very stupid. It is just possible that both reasons prevail in this instance. However, I would point out that just last month, on June 22, the President issued the Government's revised Statement of International Air Transportation Policy. That statement is not only a document representing many forward-looking approaches to the improvement of America's position in the air, it is also a sharp rebuke to the CAB.

The statement reads:

> The economic and technological benefits we seek can best be achieved by encouraging competition and by a relative freedom from government restriction." It goes on to specifically note that the "U.S. should work for the broadest range of profitable services, designed to appeal to the broadest consumer market and based on the lowest cost of operating an efficient air transportation system . . . We expect both scheduled services and charter services to have important roles throughout the coming decade.

It is apparent to me that the administration has a slight case of schizophrenia which can be cleared up with effective, low-cost therapy. I would strongly prescribe the pursuit of the ideas in the statement of policy and I would just as strongly urge that the Civil Aeronautics Board once again rejoin the Government, adjust its policies to the needs of the traveling public, and withdraw the proposed arbitrary, restrictive, punitive, and demeaning regulations. It is exactly this kind of fuzzy, contradictory thinking that has produced chaos in rail transportation and has worked against the welfare of passengers and shippers. Surely we can and we must avoid the same chaos from occurring in air transportation.

I am pleased to see that the Subcommittee on Transportation and Aeronautics of the Interstate Foreign Commerce Committee has held hearings on this matter and I am positive that that committee will issue a very strong report setting guidelines for the Civil Aeronautics Board to follow if not regarding specific legislation to correct this situation. Mr. FRIEDEL and the members of his committee ought to be congratulated for stepping into the breach to contain such gross abuse of administration discretion as has been evidenced by the Civil Aeronautics Board.

LAW AND ORDER

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. CLANCY. Mr. Speaker, the chairman of the Hamilton County Police Association College Scholarship Fund, Lincoln J. Stokes, recently announced the first awards made by the association. These cash award scholarships were based upon academic achievement, financial assistance, and essays. Each applicant was requested to submit a short essay concerning his personal understanding of the term "law and order."

Awards were made to Geoffrey A. Paul, 797 East Columbia Avenue, Reading, Ohio, son of Col. and Mrs. Artice Paul, chief of police at Reading, Ohio; Barbara Ann Belbot, 5338 Rawhide Court, Cincinnati, daughter of Detective and Mrs. William A. Belbot, Hamilton County sheriff's office.

Geoffrey A. Paul graduated from Reading High School in June 1970, and is entering David Lipscomb College in Nashville, Tenn.

He plans to study speech and drama in preparing for a career in the entertainment and theatrical field. During his senior year at Reading High School, he was president of the Thespian group and participated in all productions and plays at the school.

Barbara Ann Belbot graduated in the upper 1 percent of her class from Seton

High School in June 1970. She is entering Xavier University for extended studies in the political science field and hopes to become a lawyer in the field of governmental law.

I am very pleased to bring to the attention of my colleagues these excellent essays on this important issue facing our Nation today—"Law and Order." It is most gratifying to read that these fine young citizens and more like them are aware of the meaning of law and order, and its effect upon society.

Miss Belbot's essay reads as follows:

> "Law and Order" is a product of our times that the meanings of formerly familiar words and expressions have been distorted and new meanings added—sometimes radically altering the original definitions. "Law and Order" is such an expression. Law is not a confinement of man's natural freedoms, but rather an opportunity for man to express himself freely and maturely without infringing on other's rights or vice versa. But laws must be just or they no longer are able to command respect. Order is not the enforcement of a police state, but rather the enforcement of each individual's right to live peacefully and securely. But order must never become the tool of fear. "Law and Order" reflects man as the social animal that he is.
>
> There is nothing evil about "Law and Order". At the same time the expression should not be used as a reactionary response to our troubled times. Both uses are irresponsible. Perhaps the best solution is to abstain from using the expression at all until we are ready to use it in its proper light. Any false use of its meaning can only serve to undermine its true concept.

Geoffrey Paul felt that—

> Without the law, the weak would have no security, they would slowly become engulfed by the strong. To have a Utopian society where it would be true that all men are created equal is the ultimate goal of our hopes and dreams. However, we must be realists, we still have the rich and the poor and the strong and the weak.
>
> We must be careful not to confuse freedom with permissiveness. This freedom can be abused in many ways, not the least being apathy and indifference toward their elected officials, which tends to breed corruption and the general breaking down of moral values. When this happens, we are all losers and erode our gift of freedom.
>
> The law is what we make of it, if it is strong our nation will grow, if it is weak we will regress. Of this we must always be mindful, for what is law? "Law Is Order."

STABILIZATION OF THE ECONOMY UNDER THIS ADMINISTRATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. HUNT. Mr. Speaker, today's announcement that the rise in the Consumer Price Index was a 20-month low of 0.2 percent for the month of August is the strongest indication we have had to date of the stabilization of the economy under the Nixon administration.

This new low actually signals the end of the fantastic acceleration in the rate of increase for the Consumer Price Index which started in late 1965. Unfortunately, the American consumer was taken along on this joyride and each new monthly increase in the Consumer Price Index meant higher prices across the board for the wage earner.

The double tragedy of this inflation was that it was caused by escalation of the war in Vietnam. There are still those of us in this chamber who remember former President Johnson's promise that this country could have both "guns and butter."

There are also those who will recall how the "guns and butter" account went bankrupt in 1968 when this country ran $25 billion deficit which touched off an even wilder round of inflation.

President Nixon has completely changed this situation. He has reversed our budget priorities so that for the first time in 20 years this country will spend more on domestic needs than on defense; and he has brought the runaway inflation to a halt.

SOUTHEAST ASIA POLICY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. McCLOSKEY. Mr. Speaker, if we have been mistaken in our policies in Southeast Asia since adoption of the Gulf of Tonkin resolution on August 7, 1964, it has not been the fault of the armed services of the United States. The armed services are an instrument of national policy; they do not make it. The services have unhesitatingly and uncomplainingly carried out their obligations to the Commander in Chief and to the Nation, and it is we in the Congress who have both authorized and funded the vast expenditure of lives and money which an increasing number of our people now feel to have been a mistake.

For our bitter experiences of the past 6 years, however, many examples of humanity, kindness, and courage have served to retain the faith of Americans that our national instincts are those of peace rather than destruction. A number of such examples are set forth in Gen. Lewis Walt's recently published book, "Strange War, Strange Strategy." A single such example was recently described by Marine Corps Lt. Gen. Keith B. McCutcheon, commanding the Third Marine Amphibious Forces in Danang, and appearing in the Marine Corps "Sea Tiger," dated August 14, 1970. That article is set forth as follows:

CG's OP

> We hear a lot of talk these days about "gaps" or areas of misunderstanding between people. There is the "generation gap" between young people and parents, the "credibility gap" between government and citizens. Back in 1889 Rudyard Kipling spoke of a similar gap. He wrote, "Oh, East is East and West is West, and never the twain shall meet." This is sometimes called the "cultural gap."
>
> Serving here in Vietnam we are very much aware of the differences between the cultures of East and West. A huge jet airliner can bridge the "geographic gap" between the shores of California and the coast of Vietnam in a matter of hours. But only the actions and efforts of each individual Marine can bridge the "cultural gap."
>
> I think this can best be illustrated by a dramatic incident that took place in a battalion TAOR. A little Vietnamese girl had been bitten by a dog and was seriously ill with rabies. The doctor knew that she would need medicine that night or she would die. A request was made for vaccine. Soon the sound of a MAG–16 helicopter was heard overhead. VC tracer rounds streaked toward the chopper as it neared the LZ. In spite of hostile fire, the pilot completed his mission of mercy. The crew chief handed the vaccine to the doctor and the chopper lifted into the darkness, drawing more tracers as it disappeared. The little girl lived.
>
> An entire village watched what took place. All at once the American Fighting Man ceased to be a stranger from a distant land. East and West became partners in a mutual struggle for survival and freedom. Differences of language and customs no longer formed a gap. These are the deeds that communicate to the people of Vietnam our nation's concern for the freedom, well being and dignity of all men. I know of no more effective means to destroy the "cultural gap."
>
> I suspect that none of us can understand all the strange sights, customs and behavior patterns of the Orient. At times we even have trouble understanding our fellow Marines. But when two people stand face to face, and by their actions communicate their understanding and respect for each others dignity and worth, the differences cease to create a barrier of separation.
>
> We can never learn all their is to know about anyone. Studying customs and culture can help, and I recommend it, but the real clue to bridging the "cultural gap" is simply the magic of one man treating the other as a human being.
>
> I think it is interesting that Kipling recognized this. Remember how he concluded his well-known ballad by declaring:
>
> "But there is neither East nor West
> Border, nor Breed nor Birth
> When two strong men stand face to face
> Tho' they come from the ends of the Earth."

NATIONAL EMPLOY THE HANDICAPPED WEEK—1970

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BENNETT. Mr. Speaker, the President has proclaimed the week beginning October 4, 1970 as "National Employ the Physically Handicapped Week." This is a very meritorius and good proposal, and I join with the President in promoting and encouraging this week set aside for those millions of Americans who are handicapped.

The President said in his proclamation of September 8, 1970:

> Isolated from regular contact with society, many of our handicapped citizens lead lives of lonely frustration. Working together, on both public and private levels, we can—and must—insure full lives for them.

It is my feeling that this resolution, declaring the first week of October of each year as "National Employ the Physically Handicapped Week," should be broadened, making the resolution applicable to all handicapped workers.

My bill, House Joint Resolution 1379, would accomplish this, providing for a "National Employ the Handicapped Week."

We want to bring all of our handicapped persons into the mainstream of American life, to utilize their vast talents and energies.

The 42 million handicapped persons

and their families in America today face not only the burdens that their handicaps present, but also a worse fate—little knowledge of how they can help themselves.

As a handicapped person myself, I know of the problems faced by people who become disabled. The lack of readily available information on how they can develop and live normal lives is a detriment to them as they go about their daily tasks.

While we have many public and nonpublic organizations and agencies involved in helping the handicapped, there is no real centralized and consolidated center to help the handicapped in their problems of employment, education, transportation, recreation, and other activities.

I have introduced another bill to provide for a National Information and Resource Center for the Handicapped in the Department of Health, Education, and Welfare. I joined Senator **Robert Dole**, of Kansas, in the introduction of this legislation, which I believe will go a long way in helping the handicapped to help themselves.

This bill has been added as an amendment in the Senate to S. 3418 as title III, the family practice medicine legislation, and I am hopeful it will be approved by the House, and I am working toward that end.

Over the last two decades I have sponsored and supported bills to assist the handicapped of America. In the last Congress, a bill sponsored by myself and the late Senator from Alaska, E. L. Bartlett, was enacted into law, and it provides that public buildings shall be constructed to be accessible to handicapped persons. In this Congress, I have sponsored bills enacted into law which provide for a National Center on Educational Media and Materials for the Handicapped and to insure that the proposed Washington metro system is designed and constructed to be accessible to the physically handicapped.

Mr. Speaker, this legislation will help the 42 million handicapped persons and their families to achieve useful and productive lives. The Congress should and must do all possible for this large segment of our population.

XUM

IMPENDING DISASTER IN CHILE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. SCHMITZ. Mr. Speaker, the mailed fist is already beginning to show through the velvet glove of the Communist coalition which recently won a plurality in the Chilean elections. According to a statement recently issued by the Inter-American Press Association "Freedom of the press in Chile is being strangled by Communist and Marxist forces and their allies." This is in all probability simply a preview of what is to come when and if Mr. Allende takes the reigns of power in his hands.

The logic of the Communist system demands absolute concentration of power in the hands of the party. To allow any meaningful opposition to remain is absolutely against the basic tenents of Marxism-Leninism. To think that a Communist government might do so is to fly in the face of the entire history of the Communist movement. It has been suggested that if Allende signs some type of agreement promising not to do certain things then all will be well and 6 years hence there will be another fair and free election. This would seem to me to be the most wishful thinking imaginable.

At this point, I would like to insert the statement made by the Inter-American Press Association and an article by William F. Buckley which makes the point that a leftist government is not so much the answer of communism as the answer to the Communists' dreams. Some of Mr. Buckley's readers of years ago will be happy to see him returning, in this article, to the hard-hitting anti-Communist journalism which originally made his reputation.

The material follows:

STATEMENT BY THE INTER-AMERICAN PRESS ASSOCIATION

Freedom of the press in Chile is being strangled by Communist and Marxist forces and their allies.

The Inter-American Press Association has received information from Chile that threats of violence and intimidation are causing the resignation of news officials, the sale of newspapers and radio stations, the dismissal of anti-Marxist editors and reporters from newspapers, radio and television stations and upheaval within press-related trades unions.

Those practicing intimidation have already gained control over all of Chile's non-government television channels.

IAPA has learned that emissaries from one political faction offered a "deal" to representatives of Augustin Edwards, publisher of El Mercurio, one of Chile's and the hemisphere's most distinguished newspapers—the oldest Spanish language newspaper in continuous publication. It was founded Sept. 12, 1827.

If El Mercurio would drop its opposition to the seating of Salvador Allende as president of Chile, the emissaries said, the new government would nationalize the newspaper properties of Edwards, but would permit him to retain some other business holdings in Chile.

Mr. Edwards and his representatives flatly rejected the offer.

It is evident in reports from Chile that certain political forces are attempting to smother free speech in that country and to thwart free political dialogue.

The Inter-American Press Association must protest these activities in the strongest possible terms. IAPA does not presume to interfere in Chilean partisan politics. The choice of leaders is a responsibility only of the Chilean people and the Chilean Congress.

But the IAPA must raise its voice against this attempt to intimidate, coerce and muzzle a large section of the established press in an American nation.

Signed by:

James S. Copley, Copley Newspapers, President of IAPA.

Manoel F. do Nascimento Brito, Jornal do Brasil, 1st Vice President.

John C. A. Watkins, Providence, R.I., Journal-Bulletin, 2nd Vice President.

George H. Beebe, Knight Newspapers, Chairman of the IAPA executive committee.

Andrew Heiskell, New York Times, Past President.

Alberto Gainza Paz (La Prensa of Buenos Aires, Past President.

Lee Hills, Detroit Free-Press, Past President.

THE IMPENDING DISASTER IN CHILE

(By William F. Buckley, Jr.)

Concerning the situation in Chile, a few observations:

It is not true in the formal sense that for the first time in history a nation has voted itself into communism. In order to do that, it requires that a majority of the people vote for the Communist candidate.

Far from getting a majority, Dr. Salvador Allende received this time around an even smaller percentage of the votes than he received in 1964, and less than Barry Goldwater in 1964. To conclude that because the Chilean Congress is likely to respect precedent by voting in as president the man who won the plurality of the votes, therefore it follows that a free nation will have voted itself into communism, is disjointed. The proper way to put it is that democratic mechanisms abound which make it possible for someone who has won even a small minority of the vote to take power.

Although it is certainly true that the strength of Allende is a tribute in part to Communist propaganda, in part to the shortness of the historical memory, in part to the collapsing strength of the Catholic Church, it is also testimony to the substantial superstition that the Social Democrats (in Chile they call them Christian Democrats) are the worst enemies of the Communists.

On that myth we have been brought up, and over and over and over again, our postwar thought-leaders have urged us to deal with the "progressive" governments of Latin America, Italy and Germany.

In Italy, a few years ago, the progressive government made a deal with the hard Socialists who in turn made a deal with the Communists. In Germany, the fighting Socialist anti-Communist mayor of Berlin became the head of the Social Democratic party, and then the prime minister, whereupon he made a treaty with the Soviet Union, the consequences of which may make Munich look like Custer's Last Stand.

The critical date is Oct. 23. We should bear in mind that Chile's Congress is under no constitutional compulsion to name Allende. He needs about 20 votes, and they would only come from the Social Democrats. Unfortunately, the vote is by secret ballot, and the party will not therefore accept official responsibility for the impending act of treachery. But the world will know that it was Social Democrats who made possible the Communists taking power, and the world will be sorely vexed.

In Chile there are three television networks. One is controlled by the Communists, one by an unholy combination of left-Marxists and Catholics, and one by the state. So that when Allende takes power, he would automatically take control of the only important broadcasting facility not already dedicated to revolutionary communism.

It is amusing to hear a few liberals vesting their hopes in the army. Surely—they are saying, having for generations scorned the uses of an army in Latin America—surely the army will stage a coup, and prevent the Castroization of Chile?

It is not certain by any means that the army will come to the aid of the country. To do so now would alienate a great number of people who harbor illusions about what communism will bring.

Under Chilean law, the president has almost total powers to advance whomsoever he wants to head the various branches of the military. Now hear this. Under Chilean practice, every officer who is senior to the man who is advanced, is compulsorily retired. That means that by elevating the right captain, say, Allende could retire the whole senior military, and thus diminish the threat to his regime.

Do the Chileans (just over one-third of them) have the right to impose a Castro-style dictatorship on the rest of the country? Such an absolutization of democracy is for children. It recalls the wry comment on African democracy, "One Man, One Vote, Once," because the prospects are, under Allende, for dictatorship, and for the end of the rights of the dissenter.

The humane, liberal, obligation of the Chilean Congress is to spare the Chilean people rule by Allende: That is the true democratic imperative.

CONGRESS SHARES STRIKE BLAME

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. LLOYD. Mr. Speaker, the current situation with respect to the threatened railroad strike once again underscores the need for a permanent legislative solution dealing with national emergency strikes in the transportation industry.

Four railroad unions are under a temporary restraining order barring them from striking until September 23. Meanwhile, talks with the three railroads involved are continuing. This is the third time in a year that the Nation has been faced with the prospect of a crippling railroad strike.

The House Republican Task Force on Labor Law Reform, which I have the privilege of chairing, has distributed a factual analysis of legislative proposals introduced during this Congress to deal with national emergency strikes in the transportation industry.

Last February the administration proposed the Emergency Public Interest Protection Act of 1970 to update and improve the Government's weapons for dealing with transportation strikes effecting the national health and safety. However, Congress has failed to act on the legislation, and as we draw near the closing hour of the 91st Congress, the country is again threatened with a strike while reasonable and effective proposals for permanent solution to these problems remain on the shelf.

Mr. Speaker, the Salt Lake Tribune in an editorial September 13, 1970, made some particularly pertinent comments on this situation, and I include the editorial at this point in the RECORD.

CONGRESS SHARES STRIKE BLAME

For the third time in a year the nation faces the prospect of a crippling railroad strike. And for the third time in a year the nation has nothing but outmoded procedures and laws to deal with the threat.

Most of the blame must be placed squarely on Congress which has steadfastly refused to enact, indeed to even seriously consider, remedial legislation.

It is true that no law can prevent a strike if enough workers are willing to defy the law and leave their jobs. But it is also true that if reasonable laws designed to fit modern problems were now on the books the possibility of strikes in critical industries would be greatly reduced.

Reasonable new labor laws were proposed by President Nixon last February. He asked that the Railway Labor Act of 1926 be partially dismantled and that the President be given new weapons for settling major strikes by amending the Taft-Hartley Act of 1947. Both laws operate on the principle that if a strike by labor or a lockout by management can be delayed for a specific period of time (cooling-off period) then there is a good chance of working out a solution. But when the time expires and no agreement has been reached, the strike or lockout is legal. A number of such work stoppages have occurred.

President Nixon asked Congress to approve a plan which contains an optional provision for a 30-day extension in the "cooling-off" period in those instances when real progress toward settlement is being made. The plan also provides for partial operation of an essential industry during a strike and presidential authority to invoke a "final offer selection procedure" under which a neutral third party would select one of the "final" offers made by either side in a labor dispute as the binding settlement.

Mr. Nixon's plan has now gathered dust for six months and another railroad strike threat is upon the nation. This third strike threat didn't just happen, everyone knew it was coming. But Congress, perhaps because this is an election year, has refused to act to prevent it. As a result every citizen faces the possibility of personal inconvenience, perhaps financial loss, that a railroad strike poses.

Mr. Nixon's plan may not be the best one imaginable. But it was a starting point in solving a problem that returns year after year to haunt us all. Congress had an obligation to seriously consider the Nixon plan or present one of its own. It did neither. We think it has defaulted on a basic obligation to the people it is supposed to represent.

OPERATION EXODUS

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. YATES. Mr. Speaker, Sunday, September 13, was the final day of the 20th Pugwash Conference which took place at the Abbey Hotel in Fontana, Wis., a conference devoted to discussion of scientific and world affairs. Among the delegates to the conference were representatives from the Soviet Union and it was to these that a hopeful, peaceful assembly was addressed outside the doors of the conference. The assembly, which was known as Operation Exodus, was convened by the Community Council of Jewish Organizations of Chicago and the Milwaukee Conference on Soviet Jewry. Approximately 1,200 people were gathered in an open field for an hour and a half participating in a program of prayer, music, speeches, and the reading of Jewish freedom letters smuggled out of Russia.

The purpose of the assembly was to let the delegates from the Soviet Union know the concern of Americans of Jewish faith to the discriminatory treatment being accorded to Soviet citizens of Jewish faith and to express the hope that Soviet Jews would be permitted to leave Russia if they so desired for other lands.

The written appeal of participants in the assembly was delivered to members of the Pugwash Conference and that appeal, which I hope will be conveyed through the Soviet delegates to appropriate authorities in the Soviet Union.

WELCOME TO ALL PARTICIPANTS IN THE 20TH PUGWASH CONFERENCE—AND ESPECIALLY TO THE SOVIET PARTICIPANTS

We welcome all participants in the 20th Pugwash Conference on Science and International Affairs to our country. We wish you well in your deliberations on your theme of "Peace and International Co-operation: A Program for the Seventies."

This appeal is directly pertinent to your theme. Your work towards the establishment of a just and secure peace is of great importance, and we shall pray for your success. If the goal of universal peace is not in sight, perhaps you can assist the world community in realizing more attainable objectives, such as assuring that governments honor commitments made to secure peace, that criminal attacks on civilian aircraft be ended, and that basic human rights be respected throughout the world.

We extend a special welcome to the distinguished participants from the Soviet Union. We bear no rancor toward them. We urge them to see not only the beautiful Wisconsin countryside but also to visit with the American people and observe the many facets of our society. We invite the Soviet delegates to visit our homes, to share with us our bread and our thoughts, and especially to visit our houses of worship and religious schools.

We assemble this afternoon not to interfere with the Pugwash conference but solely because our consciences forbid us to remain silent in the face of continuing oppression of three million Jews in the USSR. We hope that in the spirit of the Pugwash conference you will attempt to understand our concern just as we are sympathetic towards your work. It has been suggested by well meaning persons that Pugwash is an inappropriate place for us to express our concern. But you would be receiving a very false impression of our country and of the force of our concern if we did remain silent.

We assemble to remind you and the world of the plight of the Jewish minority in the USSR. Our program includes prayer, music from many nations, including Russia, informative reports about the plight of the Soviet Jews, a speech by the Lieutenant Governor of Illinois, and the reading of Jewish freedom letters smuggled out of the USSR.

We appreciate that the Soviet participants may not be accustomed to seeing public prayer and the assembling of private citizens to express their grievances. But prayer and peaceful assembly are among the most cherished rights of a free people. We will not suspend our exercise of these rights just because public prayer and protest are illegal in the USSR. We will even pray that outside a future Pugwash conference in the USSR the Soviet people may be allowed to pray and to express peacefully what is in their hearts. Even in the USSR, there are courageous Jews who at fearful risk to themselves are speaking out. As the group of 28 Jewish intellectuals and professionals of Riga stated in their petition delivered to the Seventh International Symposium on the Chemistry of Natural Combinations in June of this year:

"We beg for your help. We beg you to raise your voice in the defence of our rights. We beg you to render us assistance in our age-long dream to unite with our relations in Israel, to unite with our Jewish people in the land of our ancestors . . .

"We also beg you to acquaint to other scientists and representatives of scientific organizations with this problem of ours, so that in accordance with the spirit of the General Declaration of the Rights of Man they should be able to speak in the defense of our inherent inalienable human right to unite with our people on our ancient land and to live a worthy national life."

The appeal we place before you is thus the same as that addressed to your scientific colleagues at Riga on behalf of millions of Soviet Jews. No reasonable person can expect us to hide our concern when the Jews of Riga risked their lives to express theirs.

The specific aspects of Soviet oppression of Jews which deeply concern us include the following:

1. Refusal to allow Jews who desire to emigrate to do so. This is in violation of Article 13 of the United Nations Universal Declaration of Human Rights and Premier Kosygin's promise in Paris on December 3, 1966. Can a government which denies this basic right be considered civilized?

2. Imprisonment of Jews whose only "offense" is that they want to emigrate. A large number of Soviet Jews have been imprisoned in Leningrad since June 15 without formal charges being placed against them, and there is reason to fear they will be executed after secret trials and without trials. We hope you will agree that the saving of human lives under these circumstances is of transcendent importance.

3. Prohibition of the operation of Jewish religious schools and the teaching of Hebrew and Yiddish, as well as the unavailability of Jewish books and cultural and religious articles. Most of the synagogues in the USSR have been closed. The Jews are singled out among the many Soviet minority groups for such deprivation.

4. An anti-Jewish propaganda campaign in the Soviet press and in books published by the government, reminiscent of the libels disseminated by the Czars and the Nazis.

The facts documenting the anti-Jewish policies of the Soviet government are readily available and undisputed. If any of you care to examine further into the pertinent documents, we shall be pleased to supply you with copies. We call upon the participants in the Pugwash conference to familiarize yourselves with these facts and to ask the Soviet participants about their knowledge of these inhumane practices. We particularly suggest that you ask them why in the year 1970 a person who desires only to leave a country in peace should be forcibly prevented from doing so. The prohibition of emigration resembles the very serfdom supposedly abolished in 1861. We submit that you will not be doing justice to yourselves or to your theme of "Peace and International Cooperation" if you fail to consider these facts.

Some Soviet Jews, such as those whom the Soviet government presents in press conferences, have adjusted themselves to these inhumane practices, and they too have our good wishes. But millions of others feel the yoke of oppression, including those who ask for press conferences but are not allowed to hold them. It is for their sake that we cry out.

We ask the Soviet participants to examine the causes of our concern to your government, your academic colleagues and your fellow citizens, Jewish and Non-Jewish. For the time has come when no Soviet representative can show his face in the free world without being reminded of our indignation over oppression of Soviet Jews.

Once before in our time the world remained silent in the face of evil, and millions of our brothers perished. We respect and appreciate the heroic sacrifices of the Soviet people in the Second World War, after Hitler shattered the Nazi-Soviet alliance, but the mutual suffering of our peoples in the war provides all the more reason for granting freedom to the survivors of the Holocaust.

President Nixon said last week in his New Year Message to American Jews:

"Jewish tradition teaches that the power to do good or evil is in our own hands."

We appeal to you to take into your own hands and hearts the oppression of the Soviet Jews and to hear their groaning. The demand to "Let My People Go" has been heard by God. It must now be heard by governments and men.

COMMUNITY COUNCIL OF JEWISH
ORGANIZATIONS OF CHICAGO,
MILWAUKEE CONFERENCE ON SOVIET JEWRY.

NEW MEXICO'S EXPERIENCE WITH SPORTS SERVICE

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. STEIGER of Arizona. Mr. Speaker, the following description of the activities of Emprise, a Buffalo, N.Y., firm that does business with organized crime, should be of special interest to all the Members of Congress.

Note that the attempt by Emprise to conceal its real position of interest in an applicant for a racing permit led to the New Mexico Racing Commission requiring that Emprise could have no more than a 5-percent interest in any racing permit in the State. This pattern of Emprise concealing its true interest in various enterprises is not new. On September 2 of this year the Security and Exchange Commission forced a suspension of trading in the stock of Tucson Turf Club because the SEC, as a finding of fact, determined that Emprise had lied about its true ownership of Tucson Turf Club.

The New Mexico Racing Commission is to be commended for a courageous stand taken in the face of tremendous pressure from Emprise whose finances and expertise in legislative and administrative seduction has been so overwhelmingly successful in my own State of Arizona.

An article from the August 1970 edition of the New Mexican Horse Bulletin follows:

THE N.M. RACING COMMISSION—WHAT IT TRIED TO DO FOR THE NEW MEXICO HORSEMAN AT RUIDOSO DOWNS

The members of the New Mexico Racing Commission do not get paid. During the past months these members have put in hundreds of hours of their own time, taking it away from their businesses, their personal interests, and their home life. Time on a problem caused by a company of Raton, New Mexico, which bought Ruidoso Downs in the summer of 1969.

The Commission started an investigation in August, 1969, and ended it in April, 1970, after six hearings which averaged some ten hours apiece. These were the longest hearings on any one subject in the history of the Commission. The Commission ended by refusing racing dates in 1970 to Ruidoso Downs Racing Association, knowing full well that this decision would have a most unfortunate economic impact on the Ruidoso Community should the end result be no racing in Ruidoso in 1970.

That this result would occur was never seriously believed, but we have never known a decision of this kind to be made without deep feeling and profound investigation of the ascertainable facts. So, there must have been some good reason why four unpaid, unbiased New Mexican horsemen and ranch owners entrusted with the protection of the horse racing interests of New Mexico took the time and trouble and made this decision in what they thought was in the best interests of the New Mexico Horse Racing Industry.

We thought it would be interesting to the horsemen of New Mexico and perhaps helpful if we asked the New Mexico Racing Commission itself to tell the story as it appeared to them. We, therefore, went to the head of the Commission and asked Mr. Robert Lee of Belen if we could publish his answers to a few questions we had heard posed. He was very cooperative.

This—in his words—is what took place.

"The first question I would like to ask is what got the commission going on this matter—what happened?"

"The first thing we knew about this matter was that an outfit called Newco had taken over Ruidoso and that the track had been sold. There was a rumor that went around fast.

"Before we knew it, there was a race program from Ruidoso Downs in our hands with a new Board of Directors and a new president of the Ruidoso Racing Association.

"Well, that was almost the first we knew.

"The thing that got me looking at this matter personally was that we were issued some statements, a little later to be found completely false or at least misleading."

"What were these statements?"

"These statements involved—first—that Sports Service, a catering company, was in no way connected with the new ownership of the track.

"Then later that Sports Service was connected only as concessionaires. And then later came the word that they were concessionaires and also had a loan out, but that there was no connection between Newco and Sports Service.

"This was stated to the Commission under oath in a hearing that there was no connection between Sports Service, their loan, and their concession contract.

"As things turned out later, the concession contract and all of the financing agreements and everything else were completely tied together. The only way you could divorce one from the other was to take Sports Service completely out of the financing; and as it turned out, the concession contract was for twenty years which would probably make it difficult to do. So, I don't know what decided the other members of the commission later on to go the way they did, but this is one of the things that started me looking at the whole operation."

"Isn't it the law of New Mexico that when a major track is sold, a full disclosure of the ownership as to who is buying it and how it is going to be run has to be made to the racing commission before the deal can be consummated?"

"That's right. The Commission has the right, and I think the obligation, that all of the financing and the complete planned operation must be disclosed any time one of these tracks is taken over.

"And, in this case of course, the whole deal was completed before the Commission knew anything about it. The contracts were all signed with no provision in them based upon the Racing Commission approval.

"The next thing we knew they just brought this thing in and dropped it on the table and here it is.

"And, at the time, they didn't bring us any of their contracts and getting the total number of their contracts was kind of like pulling teeth. We didn't wind up with something like this management agreement between Newco and Ruidoso Racing until this last hearing we had in Albuquerque."

"What was the mangament contract?"

"The management contract was set up to be a percentage of the handle or $800,000 a year, whichever was greater. This would be paid from Ruidoso Racing Association to Newco. In 1969 at the rate of last year's handle it would have amounted to $960,000. We couldn't see from any reported income the Ruidoso track had ever had, how it could meet these obligations to Newco year by year; and if it didn't, everything ended up in the hands of Sports Service or the owners of

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Sports Service. There just didn't appear any way that they could do it and save Ruidoso racing.

"So, we got to studying this and in a full hearing of the Commission which is on record, a member of the Board of Ruidoso Racing Association stated that they couldn't meet their obligations. They were going to have to have outside help. With the contracts set up the way they were, it looked like a take over of Ruidoso Downs.

"We had only received a part of the contracts by then. Ten out of the seventy or eighty or whatever it turned out to be after it was all over. And so, we became even more concerned for it looked like it, as I said, has just been set up for Sports Service to take over Ruidoso Downs.

"And so we called another hearing on the findings. We had this hearing back in Albuquerque. They brought in additional information and everything. It didn' look right to us and didn't look too good.

"In the meantime, of course, you hear a lot of these things as rumors and everything, but we got to hearing about other provisions in some contracts that we didn't know any thing about even then. So, we made demands for these.

"I can't remember just the sequence of all the events and we got some more contracts in but still didn't have them all.

"Along about this time, it got to looking serious enough so that we requested a special investigation from the Attorney General's Office and that's where Mr. Baiamonte and Jack Love came in. He took over handling the investigation from this point on.

"We found then there were some 50 more documents we hadn't received. We demanded these. We finally got most of them, including a letter that covered some of the financing contracts to Sports Service. The letter was the same date and the same time and in addition to all the really obnoxious provisions that had been counted out in the contracts themselves.

"The provisions in this letter would have allowed Sports Service to take over and all their options were in this letter that was written on the side and was just as binding a contract as one of the contracts themselves.

"But it was there, and all this time we were having the hearings and hadn't come to a decision. Eventually when we had gotten all of this and had come to look at what Baiamonte had turned up in his investigation, what Congressman Steiger had testified, and a few Arizona commissioners had come over and testified on how Sports Service had operated in in Arizona, we turned down the application. It looked like a take over, and we didn't like the operation in other states and didn't think it would be good for New Mexico."

"What about this Arizona operation?"

"We had some people from Arizona testifying—the little dog breeders groups—they had personal problems with Sports Services. Their testimony may not have had too much value in court; but what it did to me—it proved, first, we didn't want any dog racing in the State of New Mexico. Second, we don't want these people taking over because they have a set-up over there in Arizona so that their dog track management absolutely controls who can race a dog on that track, who can get on there and there is not much recourse from it. An old boy can't set over there in Arizona and raise a couple or three dogs himself and take them to the track and try them out. He's got to go under one of these full stable deals of 25 dogs and be approved by the management and everything before he can even get on the track. Sports Service had a tendency under the testimony of these people to keep the Arizona Breds out, because they have to pay 10% breeders' award to go along with it and costs them some more money. We got several of these people testifying to this over there and, like I say, there are arguments that while Sports Service is not the management over there, they own 50% of the track but they still are not the management. Well, whatever it is, the main thing this proves to me is that we certainly don't want the dog racing and we don't want any set up like this in New Mexico where a concessionaire would control who runs and who doesn't. In stables protected by state controlled pari-mutuel law, any citizen in that state who is qualified would be able to raise his livestock and get it tried out on the State's tracks. Boy, they can't get them in over in Arizona. They have to get them into one of these contract stables or kennels, I believe they are called. So many dogs, 25 or so many approved dogs, I mean, ran with records and then they can have two or three maidens, and you've got to get them in that. And most of these guys travel from one track to another, which means that a guy sitting there in Arizona can't run his dogs and take them to a track and run them unless he can make a connection with these people. It's a bad set up. It would be bad to have it here for the horses."

"Have you had any trouble in getting witnesses to help you in this situation from the horsemen?"

"We have had a lot of trouble. All the time throughout this investigation we have had so many complaints from horsemen.

"But when it came time for people to get up and testify in an open hearing, our attorneys called numerous New Mexico horsemen and we couldn't get one to get up and testify just as to their honest opinion. The horsemen of the state are going to have to help if they want help and protection. They are going to have to come forward and do something to help us out."

"What was the final agreement?"

"The final agreement was that the concession contract be dropped from 20 years to 5 years. That Sports Service can own no more than 5% in any New Mexico race track. That they will loan no further money to race track operators in New Mexico. This is not only for Sports Service—this goes for any concessionaires too. We are writing a rule to this effect. The quality of Sports Service concession is based not on their services in New Mexico, Texas, and Colorado but it was based on a comparison of concessions other than Sports Service operation in New Mexico, and the terms of this agreement would start at the time Sports Service gets paid the $600,000 that they put into the financing of Ruidoso Racing Association."

"What is the connection between Emprise and the Trustees and why did you grant them dates?"

"There is no connnection between Emprise and the Trustees. I don't know about their personal friendship and things like that. But as far as their operation of that race track, the three trustees are true receivers by order of the Court. They operate this race track under the direction of Judge Waldo Speiss and the New Mexico State Racing Commission, and this is all.

"They have no obligation to any one else as far as the operation of that race track goes. They report to the judge, and they report to the Racing Commission. They are obligated to sell the race track. They are obligated to get Sports Service out of the financing as soon as possible. They are obligated to run this track as well as they can run it during the time they are in there, but under the court's order, they've got to get a sale on this thing if there is any sale to be made.

"Another reason we went ahead and made our decision on this concession deal at the time we did was that anybody coming up interested in buying this race track knows exactly what they have got to do. He's got a five year concession contract with Sports Service, but this concession contract is up before the Commission for annual review. This is the point I want to emphasize—these concession contracts are reviewed annually by the State Racing Commission.

"It would have been extremely hard for the trustees to get a sale on the race track with things still up in the air, and an old boy not knowing which he was buying, Sports Service for twenty years or just what he was doing. At the hearing Judge Speiss widened the power of these trustees by his written order so that we and everybody else understands that these are true receivers in every sense of the word.

"And again they are obligated to take care of all financing, obligated to get a sale as soon as possible and to act as true receivers in every way. This was one thing we were vitally concerned with and one of the reasons we turned them down.

"The first time these trustees asked for dates they were not true receivers and did not have the authority. Judge Speiss changed all that and made them true receivers, gave them by court order full authority to run the track, so the next time they asked we gave them dates.

CREATION OF WORLD ENVIRONMENTAL INSTITUTE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DADDARIO. Mr. Speaker, today I am introducing a House resolution calling for the creation of a world environmental institute and the support of this concept by the U.S. delegation to the U.S. Conference on the Human Environment in 1972.

The phrase "one world" has taken on a new meaning as our perception of ecology increases. We are still struggling for peace and political agreement but the one world which every citizen shares is that of the environment and natural resources. Barbara Ward, who appeared before our Science and Astronautics Committee in 1968 coined the term "space ship earth." And we are no less dependent than the astronauts on the wise usage of the finite supplies we carry on our journey around the sun.

The management of this common environment cannot be successful without international agreement because increasing evidence shows the consequences of actions taken in one area on the landscape in another. We have already learned this lesson in America. Connecticut counties are a part of an air shed shared with New York and New Jersey jurisdictions. And Connecticut's shores are linked by the Long Island Sound and the ocean to pollution out-falls far away.

I was particularly impressed by the results this summer of a study organized by the Massachusetts Institute of Technology. Incidentally, it was the very first project sponsored by the National Science Foundation—along with other funding sources—under the Interdisciplinary Research Related to the Problems of Society—IRRPOS—program which the Congress stimulated by the 1968 amendments to the NSF Act.

The study focused on environmental problems whose cumulative effects on ecological systems are so large and prevalent that they have worldwide significance. Here are the specific topics considered:

Climatic effects of increasing carbon dioxide content of the atmosphere.

Climatic effects of the particle load of the atmosphere.

Climatic effects of contamination of the troposphere and stratosphere by subsonic and supersonic transport aircraft.

Ecological effects of DDT and other toxic persistent pesticides.

Ecological effects of petroleum oil in the oceans.

Ecological effects of nutrients in estuaries, lakes, and rivers.

This study and others have established the need for world accord on actions affecting the shared environment. For example, even if the United States bans DDT, fish caught off our shores may contain this persistent chemical washed in from continuing foreign applications. Radionuclides from atomic powerplants can circle the globe and enter food chains far from the point of origin. The carbon dioxide from fossil fuel combustion in the highly industrialized countries may eventually alter the worldwide climate and weather patterns. Oil in the oceans originates from defective offshore rigs and from the tankers of various nations to pollute the shorelines of the world.

Thus the requirement for international control of critical environmental problems is established. Rational decisions can be reached only with a strong information base, as we have learned so well in the United States. World environmental management will also rest on accurate and timely scientific data, analyzed and validated for use in appraising the consequences of ongoing actions and options for change.

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The time for attention to an adequate information source is now. The experience of my Subcommittee on Science, Research and Development suggests that many valuable laboratories and research centers for environmental science already exist and are located in various nations. But no central function is available to gather, analyze, evaluate, and interpret the myriad facts and figures. Measurements must be systematically filled; and unnecessary replication of expensive experimentation and monitoring must be avoided.

Science has shown itself to be an international discipline which, in its practice, transcends ideologies and geographical boundaries. The careful study of cause-and-effect relationships in environmental matters should be susceptible to worldwide participation with great benefits to the political decisionmaking process.

I do not propose further to define my concept of a world environmental institute. It would be inappropriate for me to do so. Several capable efforts are now underway and the intent of my resolution is to put the House on record as urging that the creation of such an entity be pursued vigorously.

I am aware of the plans for the extension of the international biological program, an ongoing activity relevant to the information needs I have described.

The International Congress of Scientific Unions has formed a Scientific Committee on Problems of the Environment—SCOPE—which is developing an International Center for the Environment. This organization may be very much what is needed by international management.

The National Academy of Sciences has formed a Committee for International Environmental Problems with Dr. Thomas Malone of the University of Connecticut as chairman. I will look forward to their development of a pattern for a world environmental institution.

Senator MAGNUSON has introduced a similar resolution (S. Res. 399) in the other body and has called attention to the varying proposals made by George Kennan, Secretary General U Thant and others.

The need is recognized, the capabilities are at hand. My resolution can add the push of congressional concern to the developmental efforts now going forward so that environmental science can be focused on those critical problems which will demand international political agreement in the next few years. I ask early consideration of the resolution in order that the organizational work which it will stimulate can move ahead rapidly.

COST OF LIVING SLOWED

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. GERALD R. FORD. Mr. Speaker, there is good news today for the workers and housewives of America.

The news is that the increase in the cost of living has slowed to the lowest pace in nearly 2 years.

This is conclusive evidence that the Nixon administration policies of fiscal and monetary restraint are working in the fight against inflation. This is solid evidence that all of the scare talk about the need for wage and price controls was exactly that—wild talk which flowed from a desire to reap political advantage.

We have now not just turned the corner on inflation. We are on the road to relative price stability.

I have predicted that the administration's policies will slow inflation down to a 3-percent rate. I renew that prediction today. As I see it, the annual rate of consumer price advance will fall from the recent level of 6 percent to about 3½ percent by the end of this year and to 3 percent by the summer or fall of 1971.

I firmly believe that the administration's policies of fiscal and monetary restraint are producing a victory over inflation. This has been the administration's game all along. It is a game which is going to push the ball over the goal line.

And now that we have started down the road to relative price stability, it is all the more important that Congress refrain from mandatory overspending—refrain from jeopardizing the economic gains we have made in our transition from a wartime to a peacetime economy.

CANNOT AFFORD TO ABANDON SST

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BOB WILSON. Mr. Speaker, in the past few months the supersonic transport has become so clouded in dissention and controversy that we have lost our sense of perspective on this issue. The following editorial from the San Diego Union analyzes the pro and con issues, emphasizing the uncertainties still involved as well as the economic consequences if we fail to proceed now with the funding on the SST. I know my House colleagues will find this editorial both interesting and informative.

[From the San Diego Union, Aug. 24, 1970]

TECHNOLOGICAL FUTURE AT STAKE: UNITED STATES CANNOT AFFORD TO DROP SST

The American supersonic transport is approaching another hurdle in its difficult journey from the drawing board to the flight line. The Senate must decide soon whether an additional $290 million in federal funds shall be invested in development of an aircraft designed to carry passengers between continents faster than the speed of sound.

Only by a narrow margin did this item in the budget clear the House of Representatives last May. The SST has become a cause for environmentalists, a bone of contention among economists, a subject of gee-whiz statistics about future world travel.

The welter of conflicting views about the SST make one thing clear. If the program is to proceed at all, it must do so in the face of many unknowns—ranging from a controversial theory about the effect of high-altitude jet exhaust on the world's climate, to whether airlines will buy as many of our SSTs as the proponents foresee.

It would take rose-colored glasses to obscure these uncertainties and to deny that the American taxpayer is taking an economic risk in underwriting the SST program. No one can assure us that supersonic travel will be commonplace in the future. It is equally true that no one can assure us that it will not be.

The problems and uncertainties of this great undertaking have not deterred Britain, France and the Soviet Union from pressing ahead with development of their own supersonic transports. They are creating the technology and production capacity for an era of supersonic travel, bidding for an historic breakthrough in the world aviation industry.

In our own country we see scientific and technical teams breaking up in our aerospace industry with the lull in our space program and as a consequence of drastic cutbacks in the defense budget. Federal funds for basic research are being curtailed.

An industry that now stands as the foremost supplier of multi-engine jet transports to the airlines of the world, and which only recently was celebrating the triumph of providing the hardware to send the first men to the moon, is facing a clouded future.

Members of Congress are asking whether we can afford the SST program. A better question is whether we can afford to continue dismantling a part of the network of creative technology which has contributed so much to raising the United States of America to a pinnacle of economic and industrial success in the 20th Century.

The misnamed "military-industrial complex" is in reality a wedding of technology and industry which gives us much more than the weapons on which our security rests. It is the means of translating the inventive genius of our scientists and engineers into the material goods that fulfill dreams of progress and become the basis for our prosperity in the future.

It is a national resource in the fullest sense of the word, and it would be even more gravely damaged if we allow the SST program to die.

MOORHEAD CHEERS COLLEGIATE FUNDRAISING EFFORT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. MOORHEAD. Mr. Speaker, I would like to introduce into the RECORD an editorial from the September 14 Pittsburgh Post-Gazette.

It details the efforts of a group of Duquesne University students who have responded to the financial plight of their school by organizing a fundraising program of their own.

I think it is often forgotten in this day, when few people use anything but expletives to describe our young people, that today's group of students is truly an outstanding aggregation. Events like those at Duquesne reinforce this positive image.

I hope their effort to save their school is successful. Duquesne University has contributed much to Pittsburgh and the Nation, and its students and academic family deserve a much better fate. And with the kind of spirit "The Third Alternative" has manifested, the long path the school has to travel toward financial solvency seems a bit shorter.

The editorial follows:

A "THIRD ALTERNATIVE" AT DUQUESNE

In view of the adverse publicity which a radical minority has inflicted upon the nation's campuses, it is most reassuring to watch developments at Duquesne University, where student volunteers are coming to the institution's financial rescue. Hundreds of students are demonstrating the loyalty, the appreciation and the sense of responsibility traditionally associated with an American campus.

Like most of the nation's 1,500 private colleges, Duquesne has serious financial troubles. These institutions are caught between steadily rising costs, tight credit and diminishing resources. Campus disorders have tended to slow down once generous giving. Tuitions are rising and some of the country's seven million college students have found it difficult to return to school this fall.

Due to such obstacles, Duquesne faces tough alternatives. It can curtail program or even close its doors, it can subject students to yet another tuition increase (it went up $200 this year) or it can raise some $5 million needed to keep the institution's head above water.

University officials will undertake to raise $4 million through loans and gifts. Student volunteers, calling themselves The Third Alternative, started last April to raise $1 million. During a spring telephone solicitation they raised $61,000. Starting next week they will make a house-to-house canvass seeking contributions.

We hope these student visitors will be received generously. Their cause is good and their motivation is commendable. They restore faith in the constructive majority who have been sadly eclipsed by the destructive posturing of an exhibitionist minority. With students like The Third Alternative, Duquesne promises to make in the future the same valuable contributions if has made to this area for more than 90 years.

THE BATTLE FOR THE AIR FARE DOLLAR

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. MILLER of California. Mr. Speaker, Bill Eaton, a staff writer for the Oakland Tribune that is now published by former Senator William F. Knowland, has written a very interesting article entitled "The Battle for the Air Fare Dollar."

In this he outlines some of the problems that are materially affecting the supplemental or nonscheduled airlines.

Mr. Eaton points up the problem that confronts Trans International Airlines, one of the supplementals that is based at the Oakland airport in California.

The article is based on an interview with Mr. Glenn A. Cramer, chairman of TIA and one of the imaginative operators in the air business. I commend the article of Mr. Eaton for your consideration:

[From the Oakland-Tribune, Sun., Aug. 30, 1970]

THE BATTLE FOR THE AIR FARE DOLLAR

(By Bill Eaton)

"The airlines are beginning to cut down on the frills.

"Last week I was flying on one of the scheduled carriers, in first class, and they sold me a drink."

Glenn A. Cramer wasn't laughing when he said it. There is little to laugh at in a year of recession in the airlines industry.

He smiled when it was suggested the scheduled carrier might have handed him a free highball had it known who he was.

They know who he is.

Cramer is chairman and chief executive officer of Trans International Airlines, a supplemental air carrier. There are 13 of these in the United States. They have existed as such since 1963, survivors of more than 100 small "non-skeds" that sprang into the air after World War II with ex-GI pilots and equipment. They became "supplementals" by federal edict seven years ago and have prospered in military contract airlift and commercial charter flying until lately.

Now the Vietnam War and the nation's economic boom, if these can be thought of separately, are winding down in a severe recession.

The supplemental airlines and the scheduled airlines alike are seeing their military contracts halved.

In the troubled civil market passenger loads consistently average below 50 per cent.

The scheduled carriers, trying to fulfill the somewhat unwanted promise of new transpacific routes and the outsized Boeing 747 jetliner in the same bad year, have reduced service on intercontinental routes and will cut back flight frequencies on transcontinental runs this year.

It is the kind of a year when the scheduled carriers can't help but notice Glenn A. Cramer. He is no direct threat to them when it comes to their mainstay, the single-ticket passenger. And while he and other supplementals take half the military contracts, this is a market the scheduled carriers entered only recently and it isn't easily manipulated in favor of one class of carrier or the other.

Commercial air charters are, in the modern idiom, where it's at for the supplemental air carriers. And in this recession year the charter passenger business is where the fight is, between scheduled carriers demanding more restriction of the supplementals, and the supplementals fighting the U.S. Civil Aeronautics Board's attempts to regulate them more or at all.

The dispute is not new. Hard times have made it more serious, so serious that the fight is moving into the Congress in the full belief that if something isn't resolved some airline presidents will be reading the bankruptcy statutes.

It is not merely a matter of which class of carriers gets the charter business, because the supplementals are saying quite plainly that if they are given the unlimited charter authority they feel they deserve, then some truly low-cost air travel will result. They can do it for half, they say, for that little guy who will never see a far-away place unless he goes as a member of a group to spread the cost.

Glenn Cramer is saying that little guy has a right to that trip, but he's saying something else about what could happen if the government regulates the supplementals out of the charter business.

"The consumer loses. If we're knocked out, you'll see all the prices go up" in the airline industry.

Cramer is saying this in a year when the supplemental airline industry's total first quarter loss is $8 million, after 1969 when the total loss was $7.7 million, and in comparison with 1968 when the supplementals ran in the black to the extent of $17.7 million in profits.

"The answer is more income, not restricting people from doing more charter flying," he said. "Take off the restrictions and we'll fill the airplanes."

The CAB has always authorized "single entity charters" to a person for his own use, and this included both passengers and cargo. The people hauled, or the people interested in cargo hauled, make no contribution toward payment of the charter price and most freight forwarders work under this category. There are few regulatory problems.

Another charter classification called "pro rata" is used almost exclusively for passenger carrying and it has long stirred conflict in the determination of what constitutes a qualified pro rata charter. At first the CAB prohibited any solicitation of the general public for such charters, and that was the main rule.

In the last decade, when powerful jetliners made it possible to whisk charter loads all over the world, the supplemental airline prospered in the pro rata charter business, and regulation grew apace.

A restriction evolved as the "affinity group" charter, a classification conceived by the International Air Transport Association of scheduled air carriers—which is called "their international price-fixing cartel" by the National Air Carrier Association of supplemental air carriers (NACA).

The affinity group concept grew into a bewildering series of CAB regulations intended to set the contributory-type charter apart from the general public, an affinity group being essentially one which has aims and objectives other than travel, and its members having their required affinity as a group before any application is made for a charter flight. Fraternal, social, religious or educational groups, and employee associations, fit this category.

A third classification of charter regulation grew up as the "inclusive tour" charter which allows a full or splitload charter to a

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tour operator or travel agent who organizes and promotes it, and arranges the flight.

Clients pay the tour operator who hires the airplane, and the CAB approves the tour, which must have three stopping points and at least seven days. The cost includes hotel, and surface transport, and the cost must be at least 110 per cent of the lowest available single-ticket scheduled airline fare over the route.

Amid this welter of rules and rule-making, travel agents and supplemental airlines increasingly ran afoul of restrictions at some point or another in the process of making arrangements and scrambling for business.

A scheduled airline couldn't scramble for so much as a supplemental carrier, being bound by law not to make up more than two per cent of its business in the form of "off-route charters" not flown along their regularly scheduled routes. But groups of people don't ordinarily fly to jungles and deserts, and as the scheduled carriers expanded their routes to all the best-known civilized places on earth they cut deeper into the formerly off-route markets which the supplementals pioneered and claimed as their own.

The NACA now is asking the government to switch that two-per-cent-of-business restriction from the off-route to the on-route charters flown by the scheduled carriers. The supplementals ought then to be given a right-of-first-refusal on all off-route charters, NACA says. (Some foreign nations now impose such a right-of-first-refusal on the U.S. supplementals which can't, for example, fly a charter tour to Australia until Australia's own Quantas airline has been solicited for the job and rejected it.)

The CAB, in this year of airline difficulty, proposes more stringent regulations of the supplementals. One proposal would limit charter a group with membership of more than 20,000 to 2,000 airplane seats in a calendar year—eight trips on a TIA Stretched Eight.

The CAB says it will allow the seeking of waivers of any rules, but this will mean a waiver for virtually every charter, NACA says, and the CAB has no regulatory standards now for guidance of its own officials in deciding for or against a waiver request. The criteria would have to develop in the way legal precedent does, through time and trial, in a field where everyone wants a piece of the action now.

The scheduled air carriers say they need more business or higher fares or both; the supplementals insist they can't exit with less business and more retriction, and the general public mut be assumed to want more low-cost travel.

Congress is in the game, in hearings before the House Interstate and Foreign Commerce Committee's subcommittee on transportation and aeronautics. The supplementals hope the hearings will produce recommendations for a simplified set of rules that will assist them in making low-cost charter air travel available to more people.

CAB Chairman Secor D. Browne a week ago told the subcommittee the key question is, "How can the delicate balance between the scheduled services and the charter services be maintained to the benefit of both?"

Browne deplored the battle between the two in which ". . . the ability and the desire to supplement and develop new markets has been subordinated."

Glenn Cramer says, "We found a new market in low-cost charters. We just need simplification of the regulations to develop it.

"We developed the military contract market, too, and the scheduled carriers got in.

"We agree with Mr. Browne, but after we've developed new markets we should have a chance to reap the harvest.

"We want total competition. If we develop business we should have the right to that business."

Chairman Browne feels new laws are unnecessary. "In my judgment we need to take the five or six regulations now in existence and clarify them."

Cramer: "We don't think the affinity group is necessary. It will always be a big source of passengers but why should a man have to join a group just to make a trip at low cost?" A man ought to be able to form his own group for the purpose of a charter trip.

TIA can take a group at 50 per cent of the cost the members would pay for single-ticket airline service. This is because the scheduled carrier must maintain the service on its routes even when its airplanes go at less than 50 per cent load factor as they have most of this year. TIA, however, has what amounts to a guaranteed load factor of 95 per cent, in characters booked before an airplane is scheduled to fly.

Cramer: "To Paris our passengers pay under $300, but it's $700 (single-ticket) on a scheduled carrier. If he belongs to a group that can qualify under the regulations then he goes, and if he doesn't qualify then he doesn't go, and he doesn't pay the $700."

In 1969, 57 per cent of TIA's revenues came from commercial flying—charter passengers and some cargo. That figure will pass 60 per cent this year, Cramer said.

TIA had $15.7 million worth of so-called "fixed buy" military contracts in the final three quarters of fiscal year 1970, but has only $9.3 million in the same period of fiscal 1971 (and the supplementals together watched the figures drop from $63.1 to $38.9 million), while among their scheduled air carriers competition American Airlines is looking at $21.3 million that sank to $11.4 million, and Trans World Airlines as $13.6 million that went to $9 million across those same fiscal periods.

Cramer: "In the last three years the scheduled carriers have gotten into the MAC (Military Airlift Command) work and caused dilution of that market. We pioneered it, and now everybody's got a piece, but we were there when the need first developed.

"We've worked the last six years to develop and explore our commercial markets to where, when we have a choice between a military and a commercial job, we'll take the commercial one."

For a long while in Vietnam War related flying, the military operated its own aircraft at 4.5 hours a day, leaving the balance of the work to commercial airlines. But then MAC began working its airplanes eight hours a day, and still works them 6.5 hours a day this year, and that reduces the need for civil aircraft, Cramer said.

But in competing for whatever military business is available the supplemental carriers are clearly in a better position insofar as equipment is concerned. They don't have the 747.

The military has shown a continuing clear preference for the convertible jetliners operated by the supplementals, rather than for the big new 747's with which the scheduled carriers made a bid for a greater piece of MAC pie.

MAC rated the 747 solely as a passenger aircraft, with a belly cargo hold. MAC prefers the McDonnell-Douglas DC-8-61 and DC-8-63 "Stretched Eight", because, Cramer says, "we can convert the airplane on the other end of a trip to meet the need—18 pallets and 90,000 pounds of cargo or 221 military passengers—and we don't need the special ground-handling equipment the 747 does."

Cramer has ten Stretched Eights and a pair of medium-range Boeing 727 jet-liners, and all of them are convertible.

This past Friday, Cramer's principal competitor among the supplementals, World Airways, based just down the street from TIA at Oakland International Airport, opted out of the jumbo jet field for the time being. World withdrew its orders for what would have been its first three 747s, on the basis of the troubled charter situation and the proposed restrictions.

TIA plans to take a 330-passenger McDonnell-Douglas DC-10 in 1973 but Cramer says, "We presently don't want to face the big ones. We look at the 747 and it's too big. It doesn't fit the transportation market at all."

The scheduled carriers are carrying average loads of 250 to 300 in their 400-passenger 747s, but in these hard times they're doing it by literally robbing their older jetliners of passengers. The scheduled airlines, in a year of 40 per cent load factors, "have got to reduce their promotional fares," Cramer said.

"There's no point in advertising that 'My 747 is better than your 747' when it's just a big bus."

No frills are advertised for TIA charter flights.

There are no movies. Dinner is a one-course meal which Cramer says is "good, wholesome, hot."

He believes the business traveler cares little for lobster-in-the-sky, and the tourist would as soon wait to eat his exotic meals in that exotic place he's bound for.

"Our liquor service isn't as extensive as the scheduled carrier's," Cramer added.

He was a business traveler last week when that scheduled airliner sold him a drink in a first class seat, and he was delighted.

VA DOES GOOD JOB IN VIETNAM

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. MONTGOMERY. Mr. Speaker, last week each one of us received a letter from Mr. Donald E. Johnson, Administrator of the Veterans' Administration, in which he outlined the steps that have been taken by the Veterans' Administration to acquaint Vietnam-duty servicemen with the VA benefits available to them as veterans. I think the VA has done a very commendable job in apprising these men and women of the programs we have voted for their benefit.

When the House Select Committee on U.S. Involvement in Southeast Asia went to Vietnam, we looked into the work being done by the Veterans' Administration. Our investigation substantiates the facts related in Mr. Johnson's letter. Our committee found that 80 percent of the servicemen and servicewomen had been contacted by a representative of the VA through either personal interviews or group meetings before leaving the combat area to return to civilian life. This past June, the Veterans' Administration had nine representatives in South Vietnam with the following assignments: One at Tan Son Nhut for Air Force, USARV and MACV; two at the 90th Replacement Group at Long Binh; one for the Air Force at Bien Hoa; one for the Air Force at Cam Ranah Bay; one for the 22d Replacement Group at Cam Ranh Bay; one for the Marines at Da Nang; and one for the Air Force at Da Nang.

The VA conducts regular briefings for service personnel leaving South Vietnam. These meetings usually last about 15 minutes. The men and women are then given an opportunity to confer with VA representatives on an individual basis. The representatives receive no special

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training before coming to Vietnam because they do basically the same type of work at any other duty assignment. Since sending representatives to Vietnam in 1967, the VA has had a total of 69 people volunteer for duty in the combat area. Unfortunately, two of these dedicated persons have lost their lives.

In addition to the briefing session, the Veterans' Administration also make extensive use of the Armed Forces radio and TV network in order to keep servicemen and servicewomen continually informed of VA programs while they are assigned to South Vietnam.

Mr. Speaker, as a Member of Congress and member of the House Committee on Veterans' Affairs, I would like to take this opportunity to publically thank the personnel of the Veterans' Administration for fulfilling their responsibilities in South Vietnam.

CHICAGO TRIBUNE URGES NATO INTERVENE IN HELPING JORDAN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune has proposed editorially, that the North Atlantic Treaty Organization undertake the difficult task of saving Jordon from Palestinian rebels and Syrian invaders thus, restoring peace to the Middle East.

This is an excellent suggestion and worthy of immediate support by the administration.

I am particularly pleased to see the Chicago Tribune urge NATO intervention because as early as April 4, 1968, I proposed here in Congress that NATO invite Israel as a member nation and through the collective security of NATO assure peace in the Middle East.

In urging the United State propose membership for Israel in NATO, I said:

> The growing Soviet influence in the Mediterranean and the Middle East certainly justifies the admission of Israel into NATO and the giving of Israel the full support of the NATO nations in securing her sovereignty in the Middle East.
>
> We now have three Mediterranean nations in NATO: Greece, Turkey, and Italy.
>
> It is not unreasonable to suggest that Israel become the fourth Mediterranean nation to be included in NATO, and that the force of the NATO defense community be extended to the Middle East for, surely, you cannot protect Europe from Soviet aggression if the Soviet Union becomes the dominant force in the Middle East.
>
> Tiny and heroic Israel today stands as the key to peace, not only in the Middle East, but in Africa, the Mediterranean, and, yes, Europe itself.

The Chicago Tribune editorial follows:

A JOB FOR NATO

> President Nixon is quite properly reluctant to order unilateral American intervention to save King Hussein of Jordan from the Palestinian rebels and Syrian invaders.
>
> It isn't that there is any doubt about the importance of saving Hussein. His downfall would plunge the Arab world into chaos. While some Americans may view this in itself with equanimity or even satisfaction, a guerrilla victory would also shatter what hope remains for a peaceful Arab-Israeli settlement. If the Israeli war were to resume, it would be harder to stop than ever and it would inevitably involve the United States to a greater extent than we care to imagine. It must not be allowed to happen.
>
> The trouble is that the remedies thus far mentioned are either unattainable or useless. Intervention by Israel would do more harm than good. Unilateral action by the United States would be little better, and would turn every Arab nationalist against us. A combined effort, as we said on Sunday, is infinitely preferable. But by whom? The United Nations, which nominally backed the defense of Korea, offers no hope today. Neither the Soviet Union nor the moderate Arab governments are likely to help. And the Western European governments, individually, are reluctant even to discuss intervention.
>
> It is time therefore to consider collective action thru the North Atlantic Treaty Organization, a functioning organization with readily available forces and with bases in Turkey, next door to the fighting. Of course the obstacles are great. It will be argued, for example, that the Middle East is beyond the jurisdiction of NATO.
>
> But there is nothing in the NATO agreement which prohibits such action, and surely the obstacles can be overcome if the member countries are persuaded that joint intervention is in their own interests as well as the interest of peace. They must realize that at least 85 per cent of their oil comes from the Middle East and that if the Middle East were to go up in flames they would very likely find themselves without oil at all, or at the mercy of the Soviet Union.
>
> These are the NATO allies, moreover, who insist that the United States keep its forces in Europe as part of a collective deterrent to Soviet expansion westward. West Germany shudders whenever the withdrawal of American forces is suggested. Greece has just received a new commitment of American arms under the NATO agreement. If these countries consider our help so important on the continent of Europe, where the threat seems rather remote at the moment, can they be blind to a much more immediate threat thru the Middle East?
>
> It is not, as we have said, just a matter of saving Hussein's throne or Jordan's integrity. The whole Middle East is at stake. If the Israeli cease-fire falls apart, there will be no suitable alternative to international occupation of the controversial border areas. Establishing an international presence there now will be more effective than waiting until there is no choice. International intervention is vastly better than letting the war break out again.
>
> We know that this is a long shot. But at a time like this, we cannot afford to be fussy about seeking easy or unanimous solutions. If President Nixon can persuade NATO to act, we think it would work. We urge him to try.

AVOIDING JORDAN'S QUARREL

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. ROBISON. Mr. Speaker, the civil war which has erupted in Jordan—and which presently threatens to polarize the revolutionary and conservative halves of the Arab world—is viewed by many as raising the likelihood of the kind of big-power involvement in the Middle East that both we and the Russians have sought to avoid since before the Arab-Israel war of 1967.

Quite clearly, the President has been walking a diplomatic tightrope for us—and we with him—these past few days, as fast-moving events have threatened to pull the United States deeper into a conflict that offers us many dangers and few rewards.

The President has hinted that the United States might take military action—without going into specifics as to the nature or extent thereof—if intervention by Syrian or Iraqi armed forces were to tip the balance against King Hussein or if American lives were threatened. But the situation in the Middle East, today, is far more treacherous than it was in 1958 when President Eisenhower moved to intervene in the Lebanese civil war, so-called, for somewhat the same purposes, and American stock among the Arab countries is at a much lower ebb.

In a rapidly changing situation such as pertains now in Jordan—and in the midst of such vast uncertainties and near-incalculable stakes—it is understandable if American foreign policy for this part of our troubled world is being made on a day-by-day, if not hour-by-hour, basis; and it is equally understandable why the President may not wish to be very explicit as to what the United States may, or may not, feel called upon to do. At the same time, however, one in my position must hope very much that the White House is keeping our congressional leadership, and the chairmen and ranking members of the committees most concerned, constantly abreast of the developing situation, and advised as to the policy decisions we may be facing, along with whatever alternative courses of action may be available.

Surely, there are compelling reasons why we would not wish to stand idly by while King Hussein's government, and he with it, goes down the drain, for he—along perhaps with Tunisia's Bourguiba—is one of our last, remaining links with reason on the Arab side of this tragic conflict, and one of the few Mideast leaders we have thought capable of making peace with Israel and then enforcing that peace. Beside that, we have understandably an instinctive desire to do something to end, or at least alleviate, the misery and appalling suffering this sudden civil war in Jordan has brought its people and the Palestinian people living therein.

However, even though the same has been hinted at by American Presidents and Secretaries of State since the days of Messrs. Eisenhower and Dulles, it would appear that we have no actual commitment to defend Hussein's throne; in any event, the precise nature of any such has never been spelled out.

For that matter, we have no specific commitment to Israel though I think it generally understood that we have accepted at least a moral commitment to protect Israel's security—something that has probably been firmed up these past few weeks as our own initiatives toward peace in the Mideast have seemed to go awry, and it has now become incumbent on us to try to negotiate a new stand-

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still cease-fire, including the rectification of the violations that ocurred under the first attempt threat and the roll-back of the new Russian-Arab missile sites West of the Suez.

But what, now, to do about Jordan?—where the time-bomb represented by the unresolved, and largely unnoticed, Palestinian Arab problem that has been ticking away for 22 years has finally gone off?

The right answer—the wise answer—comes exceedingly hard.

One has to hope that a similar sort of answer is being searched for in Moscow, as well as at the headquarters of the United Nations in New York, where that organization—by effective, concerted action now, as it prepares to celebrate its 25th birthday—has an opportunity to justify its existence and all the support this Nation and the other peace-minded nations of the world have poured into it through the years.

But as for us—at least for me—the right, and wise, answer seems to be suggested in this past Tuesday's lead editorial in "The Wall Street Journal," as offered now, Mr. Speaker, for my colleagues' careful consideration:

Avoiding Jordan's Quarrel

Hints by President Nixon and Secretary of State Rogers that the United States might intervene in the Jordanian war do not necessarily reflect a serious intention. Diplomacy, particularly where the Middle East is concerned, has many intricacies and the threat of U.S. intervention might have its uses as a diplomatic ploy.

But if President Nixon is harboring serious thoughts of involving U.S. troops or airpower in the conflict there is a key and crucial question to be asked first. Why? And there are not any very satisfactory answers.

Unquestionably the U.S. has important commitments and interests in the Middle East. It is committed to protecting Israel's security, to an eventual resolution of the problems of the Palestinian Arab refugees and furthering any efforts that can be made towards re-establishing peace. It also has a strategic and economic interest in trying to protect the flow of oil from Libya, Iraq, Saudi Arabia and the Persian Gulf sheikdoms to Europe, which has a vital dependence on these sources.

It is hard to see how any of these interests would be furthered by intervention in Jordan. Regardless of how the Jordanian army fares against the Palestinian guerrillas, it will not obliterate the Palestinians or their deep-seated hostilities born out of 22 years as a homeless people. If defeated, the guerrillas will most likely withdraw to Syria and Lebanon to regroup and continue pressing their claims.

Whatever the euphemism employed, a U.S. military intervention would presumably mean killing Palestinians. The Palestinians already have countless grievances and this is one they would not forget. Thus, potential U.S. effectiveness in bringing about any kind of eventual peace between the Palestinians and Israel would be undermined.

As to Israel's security, it is hardly endangered by the quarrel in Jordan. If anything, it is temporarily improved while the guerrillas are occupied elsewhere.

Intervention would further endanger the already shaky relationship between the U.S. and two of the major oil producing nations, Libya and Iraq. Both of these countries appear to be in sympathy with the guerrillas. A U.S. intervention would tend to harden their positions and make them more likely to take rash actions, even to their own detriment, such as cutting off oil supplies.

There is the argument, of course, that by supporting the Jordanian army the U.S. would serve notice that it is willing to support relatively conservative and pro-Western forces in the Middle East. But given the climate of opinion among the Arabs, U.S. support would probably weaken, instead of aid, such forces. King Hussein has shown, particularly in the events leading up to the six-day war in 1967, that he feels his best chance for survival rests in allying himself with President Nasser of Egypt and paying lip service to the cause of Arab unity rather than on calling for help from Western nations.

There comes the final question of what to do about some 400 Americans, including hostages of Palestinian hijackers, who are trapped in the Jordanian conflict. If an airlift can be organized to protect these lives without any suggestion of a military intervention, it should be done. But a military operation would endanger those lives even more than they already are.

Some hints from the State Department have suggested that the United States might make common cause with the Soviet Union in the Jordanian situation. To us, this sounds slightly naive. There are indeed possibilities that the Russians are not happy about the freewheeling ways of the Palestinians and that they have no love for Syria's unorthodox revolutionary regime. Still, the United States should keep in mind that the prime objective of Soviet policy is to destroy American influence wherever it exists. To get into a high-risk operation on the assumption that it has some form of Soviet assent would be reckless indeed.

There is, in fact, a great deal to be said for letting the Russians fend for themselves in trying to cope with Arab quarrels. The Russians already are directly involved, unlike the U.S., through their troops and weapons in Egypt. If they could bring peace among the Arabs it would be a notable achievement but not one that we should necessarily fear.

Sometimes the U.S. has to make bold moves to protect its vital interests; before bold moves are made, however, it should be clear that there is something important to be gained.

Once directly involved, the U.S. would find itself caught up in the imbroglio to a far greater extent than it is now. So the best course will be to stay out of this Arab quarrel.

NIKOLA PETKOV

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. CONTE. Mr. Speaker, today marks the 23d anniversary of the murder of Nikola Petkov, the Bulgarian national hero and the gallant leader of the united democratic opposition in the Bulgarian Parliament. This event was noted at a memorial meeting in New York City on September 19 and at a religious service in Washington, D.C., on September 20.

I would like to join the Bulgarian National Committee in paying tribute to Nikola Petkov, a great man and a great leader. During the Nazi occupation of Bulgaria, he was an underground leader and was imprisoned several times. When the Nazis were driven out of Bulgaria, Nikola Petkov and three other representatives of the Bulgarian National Agrarian Union—the largest political organization in Bulgaria—took part in the first coalition government, together with Communists, socialists, representatives of the political group, "Zveno," and the independent intellectuals.

Nikola Petkov continued to fight for the freedom and independence of his country. He fought in the finest traditions of democratic government, and for this he was finally arrested and executed.

Mr. Speaker, I hope my colleagues and the American people will pause for a moment today to pay tribute to that great Bulgarian hero, Nikola Petkov.

PRIORITIES HAVE CHANGED

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BELCHER. Mr. Speaker, President Nixon is succeeding in his efforts to shift the national priority emphasis from defense to domestic spending.

The 1964 fiscal budget allotted $81.2 billion for defense spending whereas the 1971 fiscal budget includes only $79.4 billion. Not only is this a reduction in the total amount budgeted for defense, but also it is a percentage reduction of 8 percent.

The Daily Oklahoman discusses this change in national priorities in a recent editorial which I insert in the Record.

[From the Daily Oklahoman, Sept. 5, 1970]

Priorities Have Changed

Arguments that we must cut defense budgets drastically in order to be able to afford civil projects continue. In his presentation of the need for a $5 billion cut in defense spending, for example, Sen. William Proxmire told his colleagues that we "must shift priorities from the military to the civilian sector." He added that this shift is long overdue.

The fact is that the shift has occurred already, and the shift in emphasis is greater with each succeeding budget. The fiscal 1969 budget the last prepared by the Johnson administration, included $81.2 billion for defense—44 per cent of the total federal budget and 9 per cent of the gross national product in constant dollars. The first Nixon budget included only $79.4 billion for defense. For fiscal 1971, the amount for defense dropped to $73.6 billion, or 36 per cent of the federal budget and 7.3 per cent of the GNP.

The appropriations for the next year are already under debate, but will be at least $2 billion below current spending, unless there is an unforeseen increase in international tensions.

Non-defense projects, conversely, take rapidly growing portions of the federal budget. In the current fiscal year, 63.7 per cent of federal spending ($127 billion) goes to civil programs.

Although the Nixon administration takes credit for reversing a long trend, the fact is that the reordering of national priorities has been going on for a number of years. Defense spending back in 1964, the last fiscal year before our involvement in Vietnam became a major item, amounted to more than half the total federal budget. In per capita terms, national defense cost each American $273 that year.

Although Vietnam costs are not easy to isolate from other military expenditures, Congress has insisted each year that federal officials make some sort of breakdown. For the first Nixon budget, the figure came to

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$88 per American for the Vietnam war, by the admittedly rather arbitrary breakdown established several years earlier. All other defense costs combined, however, had dropped to $268.

During the same period of time, non-defense federal spending rose from $251 per person in 1964 to $624 per person in fiscal 1971.

While this shift of emphasis was taking place in this country, another kind of change was occurring in the Soviet Union. Spending on military projects in the U.S.S.R. increased by 50 per cent in the six years beginning with 1964. Funds allocated to Soviet strategic forces grew even faster, by over 60 per cent. Our own spending for strategic forces—on which we rely to discourage potential warmakers—dropped from $46 billion in fiscal 1964 to $39 billion in fiscal 1971.

From any angle, it is clear that national security does not now have first place in the federal budgets, and has not occupied that spot for several years. Perhaps the politicians who keep demanding that our defense spending be reduced have other, and valid, reasons for that demand. But they should stop imputing to national defense a share of the tax burden it no longer represents.

PERSONAL PRIVACY, DATA SECURITY, AND A FREE AMERICA

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. GALLAGHER. Mr. Speaker, during the years the Privacy Subcommittee of the Committee on Government Operations has been carrying on its work of preserving constitutional rights, I have had the steady support and intelligent encouragement of Congressman Frank Horton. He made especially important contributions to the hearings we held in 1966 on the proposed National Data Bank and he has continued his informed interest in the problem of computer privacy.

On Tuesday, September 15, 1970, Congressman Horton spoke at a symposium sponsored by Computer Audit Systems. He spoke to the issues of personal privacy, the security of data within automated information systems, and he highlighted the ultimate threat to our system of government in these terms:

> In such a situation of social upheaval we must soberly confront the possibility of the Federal Government overreacting or the even more frightening possibility of the people losing faith in our institutions and voting into power a Government without any awareness of the diversity which is our strength as a free society. Spearheaded by an information handling technology utilized without safeguards, without conscience and with malice, dictatorship is now an operational possibility. For technological totalitarianism can become political totalitarianism.

Mr. Speaker, my friend Frank Horton said very sensible things in his speech and I commend it to the attention of readers of the Record and my colleagues in the House:

Privacy, Security, and a Free America

I am very pleased to have this opportunity to address this symposium conducted by Computer Audit Systems. In 1966, as a member of the Special Subcommittee on Invasion of Privacy of the Committee on Government Operations, I participated with Representative Cornelius E. Gallagher in pioneering hearings on the computer. At that time, we considered a proposal advanced by the Bureau of the Budget to establish a National Data Bank. The Bank would have contained almost all of the records of citizen contact with Federal Agencies: tax returns, census data, military records, educational histories, all of the vast trail of data left by the citizen as he dealt with the Federal Government.

At that time, little was really known in Washington, or at least in the Congress, about the miracle of electronic data processing. We were assured by statisticians and experts in Federal programs that such a combination and centralization of records was essential to evaluate and guide ongoing social action programs. That may well be true, for certainly none then or now would suggest that vast expenditures of Federal tax dollars should be undertaken without the most sophisticated review and analysis. Our concern then, and our concern now, is that a massive compilation of citizen records would present an unacceptable threat to the continuation of individual privacy and democratic safeguards.

After a careful analysis by our subcommittee, it was determined that a National Data Bank was not in the best interests of the American people and the formal proposal has been effectively buried. Whether this was truly a victory or merely a holding action is now under quite valid dispute, as I will discuss later. However, certain basic points were made which were quite legitimate and it is my judgment that our hearings and subsequent actions sparked a re-evaluation of the role of data processing and data processors in our evolving free society.

This is a major reason why I am so pleased to be able to share my experiences in Washington with you today. Your organizations have the fundamental responsibility to assure that your own systems do not invade privacy and one of the major ways in which data processors can take that civilized step is to build in mechanisms to guarantee the security and integrity of the data bases. The president of Computer Audit systems has been one of the leaders in establishing security mechanisms which are a vital part of insuring a continuation of free America.

I would like to point out what I regard as a fundamental difference between security of data and privacy of data. Security means thwarting unauthorized access to the information and privacy means assuring the individual to whom the data refers the opportunity to have access himself. This is, probably, a major oversimplification, but I think both parts of that equation are vital to our society and I would like to expand on it as the focus of my speech.

Many of you are executives in firms which have computerized information systems or which are seriously considering shifting from a manual mode to an automated one. It is essential, in my view, that you understand the necessity for security of your data, and I am sure many of you have already put into practice the methods which I am about to discuss. For you must gauge the level of the threat to the data which you possess if you are to build a system secure enough to resist intruders.

Just as automated data systems make information more easily and quickly available to your organization, they offer similar advantages to potential pilferers and data-thieves. It is both easier and more fruitful to raid a computer than to raid a roomful of file drawers.

It is obvious that threats to your data do exist, and I am not engaging in the currently popular art of doomsdaymanship by pointing out the vulnerability of computer rooms and computer systems to theft or attack.

Let me point out two brief examples:

1. When one company wishes to expand quickly, one of the easier ways is to know the salaries of executives in another similar firm and to raid that company. If the payroll information system is not protected, it is a simple matter for a rival to know the salary levels of executives and to offer opportunities just a little better than the executives now are enjoying.

2. When you undertake to bid upon a project, your bid must remain secret. But computerized information systems, which contain all the justifying data, may be vulnerable to access by a competitor and thus the very concept of free enterprise and open bidding will become a farce.

What can you do to protect your own systems: I would offer three methods which may slightly increase the cost of the system, but which can offer an acceptable level of security for the data.

1. Encoding. Simple cryptographic procedures are available which would prevent a memory dump of all your information. It appears that many casual browsings among files in a time shared environment can be thwarted by encoding of data, for individuals often will not take the trouble to decode them if they are inadvertently dumped at his terminal or if he accidentally gains access to files which he is not entitled to see.

2. Password at each terminal in a time shared system is vitally essential in my judgment. This permits the executive program in a system to assure that unauthorized access does not occur and that the terminal identifying itself really is one which has the proper purpose for entry into the data.

3. Perhaps the most meaningful technical device to assist in maintaining security of data and preventing invasion of personal privacy is an AUDIT TRAIL. This keeps a record of every access to the data and can flag any unusual activity. American Express Company, for example, uses this to determine when a credit card is much more active than usual and has been effective in stopping credit card abuse. In addition, this will show who has received what information and will facilitate the sending of corrected records to those who may have received erroneous information.

And that feature, of course, is a major aspect of privacy. When the Special Subcommittee on Invasion of Privacy initiated Congressional consideration of the credit bureau and credit reporting industry in 1968, we found that while these files were data rich, the individuals to whom thy referred were privacy poor. At the invitation of Chairman Gallagher I participated in the first three days of the subcommittee's hearings, although I was not a member of the subcommittee at that time. What we heard was truly appalling and I am pleased to report to you that legislation, The Fair Credit Reporting Act, passed the Senate in November 1969 and is now being considered by the House Banking and Currency Committee. The body of evidence which was unearthed by the Privacy Subcommittee, specifically as it referred to the growing use of the computer by an industry which knew so much about every American who had ever applied for credit, insurance, or employment, disclosed that a National Data Bank was in fact in existence and controlled by firms which were under absolutely no legal restrictions.

While we had some sense of accomplishment in the name of privacy in defeating the Budget Bureau's National Data Bank proposal, I have even greater concerns about a totally non-regulated web of data systems growing between private credit firms and credit bureaus. At the time credit firm practices were first investigated, the abuses of privacy were staggering. There were almost

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no provisions for an individual's access to credit data that refers to him, and no provisions for deleting or correcting false reports, or for dropping bad credit reports which are more than one or two decades old.

Fortunately, the situation is not as bad as it was in 1968. The majority of firms in the credit industry have taken steps to improve the fairness of their operations, and at least some of the regulations contained in the Fair Credit Reporting Act seem to offer guarantees of fair treatment to the individual consumer.

An example is the provision of the Act which limits the period that credit data can be held to seven years, except for a bankruptcy report which may be held for 14 years. Hopefully, this kind of safeguard can soon be enacted into law.

Consider that a man cannot be compelled to give up his home to quarter troops, a man cannot be compelled to testify against himself, and he has the right to face his accuser in an adversary proceeding. Most important to a constitutional basis for the right to privacy is the beautifully clear concept of the Fourth Amendment. I would like to repeat some of the Fourth Amendment's language because it can never be repeated often enough as we move into the Age of the Computer:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable cause . . ."

Methods to breach these guarantees existed long before the computer and other advanced technologies and certainly some men in our history have occasionally had little respect for the rights of our citizens. But the computer puts a wild card into record keeping and allows the invasion of privacy on a scale never even envisioned by Adolph Hitler. One reel of magnetic tape can contain the personal histories of thousands, even millions of Americans which can be taken from a computer in one jurisdiction and run on a computer in another. Thus, all the protective legislation adopted in past technological eras can be circumvented.

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In addition, the very fact that so much data is now embedded within computerized data banks poses an almost insurmountable obstacle to the technologically unsophisticated individual. How does he make sure his records are correct when they are embedded in an automated system which he scarcely knows exists much less has the technical means to question? Here again, we see the necessity for new legal actions.

Not only can private credit reporting agencies wield almost absolute power over those who seek credit, employment, or insurance, but Federal Agents even now have uncontrolled access to these records. A truly appalling fact disclosed in the recent hearings held by my colleague, Mrs. Lenore Sullivan on the Fair Credit Reporting Bill is that 50,000 visits took place by IRS and FBI agents in 1969 to these repositories of credit and personal information and that subpoenas were seldom required. While the majority of the firms in the credit reporting field are not computerized, those which are can assemble all the information in any part of the Nation to be turned over to the Federal Government.

As I said earlier, actions taken by our Special Subcommittee on Invasion of Privacy were able to stop a formal National Data Bank, but advances in the state of the electronic data processing art make me strongly suspect that such a nationwide system really is in effect. In addition to the credit reporting industry, computers in Federal Agencies now have the ability to "talk to each other." Executive Orders have been issued to upgrade the compatibility of various Executive Branch systems and thus all files held in the Federal Establishment will soon be able to be merged into a de facto National Data Bank.

I have been wrestling with Federal agencies to stop one seemingly simple form of privacy invasion which this de facto Federal data bank has made possible.

With computers at their disposal, Federal agencies now can compile and reproduce with ease, the names and addresses of citizens having dealings with them. Under what I consider to be a poor interpretation of the Freedom of Information Act, which guarantees public access to non-classified government data, several agencies have been selling huge lists of licensees to commercial and other buyers at about a tenth of a cent per name—generating much unsolicited mail, and in some cases, some potential dangers to persons named on these lists.

One example which I uncovered was that the Internal Revenue Service was selling, at cost, a list of all gun collectors in the United States to direct mail firms. This would not have been possible before the computer, let me add, because of the great expense. Such a dangerous practice placed a constituent of mine in a position where he felt it necessary to erect an expensive electronic warning system around his valuable collection of guns.

He felt that wide distribution of a list of 140,000 licensed gun collectors to virtually anyone able to pay the $140 fee would be tantamount to the IRS selling a "national guide for gun thieves"—a list pinpointing private homes around the country which were likely to contain valuable or extensive collections of firearms.

After learning of this abuse, I surveyed fifty Federal agencies to learn their policies on mailing list distribution. This led to my introduction last June of legislation to stop the sale of mailing lists by Uncle Sam, while still preserving safeguards of the public's right to have access to government data. Over eighty Members of Congress joined me in sponsoring this bill, which is some indication of the sensitivity now existing in Congress to the need for protection of individual privacy.

So we see that data flows into the Federal establishment with little control and that data also flows out of the Federal establishment, due largely to our failure to provide an effective means to assess the new information handling technology in all its ramifications. We have witnessed the rapid blurring of the distinction between Federal, State and local information files and as a Member of Congress I am becoming increasingly aware that the concept of our Federal system with States having separate sovereignty and jurisdiction is suffering severe technological incursions.

By collecting all information from all files, private and public, Federal and State, in a central repository or in a unified information system we give the Federal Government immensely increased access to information about each American. And the old Cliche about knowledge being power must now be expanded to say that absolute knowledge is absolute power.

I believe that here is the ultimate threat of the computer and allied technologies to the future of a free America. Our Nation is in turmoil at the moment and the conflict between right and left, young and old, liberal and conservative, is threatening to rip apart the very fabric of our society. In such a situation of social upheaval we must soberly confront the possibility of the Federal Government overreacting or the even more frightening possibility of the people losing faith in the institutions and voting into power a Government without any awareness of the diversity which is our strength as a free society. Spearheaded by an information handling technology utilized without safeguards, without conscience and with malice, dictatorship is now an operational possibility. For technological totalitarianism can become political totalitarianism.

That is why I believe that the actions taken in the Congress in the area of privacy are so important and it is another reason why I am delighted to have the opportunity to address this distinguished group of data processing professionals. You know, far more than I or any other Member of the Congress, the incredible advances in the state of your art and you know the disastrous as well as the promising long range implications of your day to day work. But the Congress does not yet fully grasp these implications, I regret to inform you.

The cover story of *Newsweek* of July 27 was on the subject of privacy and I commend it to each of you. It stated what has always seemed to me to be an indication of the failure of the Congress to rationally assess the priorities of its own operations. Congressman Gallagher, the leader in the privacy struggle in the House and a man who I am proud to have had the opportunity to work with, has been granted by our Committee on Government Operations the staggering sum of $65,000 in the five years he has been leading the Privacy Subcommittee. As a means to correct this striking imbalance, I have joined with Mr. Gallagher in cosponsoring H. Res. 717, to establish a Select Committee on Technology, Human Values, and Democratic Institutions. I am proud to have had a part in what the Congress has been able to do thus far in this area, but I am convinced that much more must be done, and done soon.

A Select Committee focusing exclusively on the toxic elements in the obvious tonic of technology is vitally necessary for at least two reasons:

1. The institutions of representative government are now under massive attack by virtually every element of society. The young call democracy irrelevant, the "over 30 crowd" calls it destruction of valid traditions, the disadvantaged say it has ignored their needs while the "experts" contend that it cannot react quickly enough to immediately implement the solution to our social ills. The House of Representatives, that branch of the Government, most closely connected with the people, is particularly vulnerable to such attacks for we must go to the people every two years.

We have long been threatened by massive power in the Executive Branch and one of our disagreements with the concept of the National Data Bank was that it would enlarge that power by several orders of magnitude. One of the main points made in the Report of the Committee on Government Operations on the Privacy Subcommittee hearings was that standing committees of the Congress must have equal access to such a vast data system, or *de facto* data system, should it be established. Today, the Executive Branch has over 10,000 computers; the Congress has but three. This imbalance must be corrected. A Select Committee such as we propose could assemble the sophisticated expertise and the data to challenge and alter Executive Branch proposals. It could help restore the Congress to a coequal role; where as now we frequently act as merely a supine ceremonial confirming body in passing legislation devised by a better informed Executive Branch.

No matter which party controls the Executive Branch, the hot voice of humanity is often unheard in the chilly corridors of power. The experts who create innovative plans are never called to public accountability, as are those of us in the Congress who must appropriate the funds to put them into operation. Adverse social or Constitutional side effects of Federal programs are often ignored if they seem to offer a short term increase in efficiency and economy and the operating role of the Agency.

A Select Committee on Technology, Human Values and Democratic Institutions could enable us to compete effectively and could truly make us effective spokesmen for the human values of our citizens.

Even before the establishment of the Select Committee, I think Congress, now in a self-reforming mood for a change, should very seriously consider equipping itself with the computer facilities and staff necessary to keep up with the Executive's data handling and data maneuvering capabilities. I do not propose that we create a duplicate of agency staffs and computers on Capitol Hill. I do propose that computers sufficient to borrow data held by the agencies, and to analyze it for legislative implications be made available to Congress. Without the equipment and the staff necessary to do this job, the right of Congress to access to all government information, and the right of Congress to probe, to oversee and to change Executive policies will rapidly lose all meaning in this computer age. And as these cherished legislative prerogatives are dissipated, so will the democratic protections upon which our free nation is founded.

2. The second reason why we need a new structure within the House is that the role of the Privacy Subcommittee is not consistent with the goals and jurisdiction of its parent Committee—the Government Operations Committee. The sole jurisdiction of our Committee on Government Operations is to investigtae the efficiency and economy of Federal Agencies. Yet, it is regrettable that sometimes the greatest enemies of the individual's right to privacy are efficiency and economy—the achievement of short range success of missions with little attention to long range impacts.

In order to be effective, the struggle to preserve human values in a world of skyrocketing automation and technology must be freed from its contradictory role within the Government Operations Committee. Frankly, I can think of few legislative reforms which would be more important both to the House of Representatives and to the American people.

For when we talk about privacy, we really discuss a whole series of shared values and traditions which have made the American dream a reality for the vast majority of our citizens. We are talking about what is unique in the American experience and what has vitalized the American experiment—that is our supreme value on human life, on the individual and on affording the individual an ideal blend of freedom, opportunity and security.

I want to conclude this afternoon with several direct appeals to each member of my audience. First, make sure that your own information systems respect the security of the data and protect the privacy of those whose data make up your systems. You can help us implement a modern interpretation of the Fourth Amendment's guarantees if your own organizations allow the individual to have access to his own records and if you deny access to those who can illegally harm the individual.

Second, I want to ask you to write to your own Congressman and ask him to support H. Res. 717, to establish a Select Committee on Technology, Human Values, and Democratic Institutions. As we enter the twilight of the 20th Century we may very well be entering the blackness of totalitarianism unless we establish a formal mechanism to turn back the tide of unevaluated technologies.

In my judgment, it would be especially influential for those of you who are professional in the computer business to offer your support for a Select Committee. Not only would your words carry special weight because of your knowledge and expertise, but I believe that it would be in your own best interests. All around us we see computer rooms and computer complexes being attacked as a tool of repression. I hardly need to point out the number of colleges which have seen the computer taken hostage and the work of years of research destroyed. The computer industry is going to have to assert its informed conscience and its moral leadership. Yours is the fastest growing industry in the world and to protect the environment of that growth, it is essential that you support sound suggestions at the local, State and National levels. You must help us in Congress to insure that the beneficial applications of your trade are permitted to flourish, while those which threaten to stifle the freedom and innovation which fostered your industry will be firmly leashed. We are past the time when any industry can operate in a vacuum, particularly an industry which is as future-oriented as yours.

We in the Congress need your help to assess particular problems presented by information handling and we need your help to establish an atmosphere of trust in which we may go forward together to assure the freedom, which has allowed us to prosper, will be the birthright of our children. I hope you will join with us or else I am deeply afraid that it will be our common destiny to be folded, mutilated, and spindled by events we let slip from our grasp.

A CALL FOR REASON—AMERICA IN PERIL

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. AYRES. Mr. Speaker, for many years those in Government and I do include our Presidents, have turned to the weekly column of John S. Knight for guidance on national and international affairs.

The veteran publisher of the Knight newspaper chain has the faculty of evaluating our Nation's problems and then presenting constructive solutions.

I believe that his column of September 13 is of such importance that it should be read by all of my colleagues.

The column follows:

A CALL FOR REASON—AMERICA IN PERIL

(By John S. Knight)

What has happened to America?

Why, in our madness, do we turn to riots and destruction, to contempt for revered institutions which made the American dream possible, to nostrums instead of cures for our economic ills, to sleazy, cheap political devices rather than exercising at least a modicum of statesmanship?

Are we indeed a part of the world revolution which seeks only to destroy while parading under the banners of democracy, Marxist style?

Why are Americans, who enjoy greater freedoms under our Constitution than are permitted anywhere else in the world, berating "the system" which makes these precious liberties possible?

How long must we permit a small band of revolutionaries to disrupt our colleges and universities, to bomb government research centers, kill innocent people and ruin the careers of devoted scientists?

What kind of a country do we live in where the flouting of law has become a national pastime, where a law officer automatically becomes a "pig," an object of derision and attack by an untutored, undisciplined and unprincipled rabble?

Where indeed, are our leaders, the parents of our youth, the educators and the great body of law abiding, responsible citizens?

Are the leaders too politically oriented, too concerned with their personal ambitions to stand up and be counted?

Have the educators become so supine, so dependent upon government grants or so cowardly that they stand meekly by while their institutions of learning are defiled and brought to heel by roving bands of professional anarchists?

Must we yield to the sophistry that the right of dissent—as stated so forthrightly in Article I of the Bill of Rights—can be taken as license by those willful violators of the law who cannot distinguish between dissent and disobedience?

Ironically, the destroyers who abuse our Constitutional liberties would find themselves prisoners of the Marxist police state of the authoritarian world to which they give such frenetic devotion.

The greatest of all government documents—the United States Constitution—provides ample safeguards against tyranny and injustice.

Yet the Center for the Study of Democratic Institutions has drafted a new constitution for the United States that would concentrate all authority in the national government, strengthen the Presidency, weaken the national judiciary and create new branches of government to oversee planning, elections and economic regulations.

Dr. Rexford G. Tugwell, 79-year-old former member of Franklin D. Roosevelt's "brain trust" and author of the document, observes that cherished traditions and institutions which no longer serve the needs of modern society must be pulled down as "impediments to progress."

Along with the Black Panthers, who have also put together a new constitution, Dr. Tugwell typifies the fuzzy and radical left who would tear apart our system of government while offering the absolute authority of statism in its place.

These are the true revolutionaries—along with socialists in the teaching profession—who are more to be feared than college youths expressing their frustrations on the campus.

Yes, our young people are being taught that there is something inherently evil about the capitalistic system, that its rewards for the industrious and thrifty segments of our society are unfair, that a "people's capitalism" would somehow solve all of our problems.

Why is it, Americans, that we of the world's most affluent society now wish to embrace the fatuous economic doctrines which have failed so miserably wherever they have been tried?

Are we like the lemmings who migrate at intervals to their own destruction?

Where were our statesmen when Congress fueled the fires of inflation by passing a "tax reform measure" which insured a huge deficit?

Can you tell us, please, why such responsible Negro leaders as Whitney Young and Roy Wilkins constantly criticize the total community for the excesses of young blacks while making no substantial contribution of their own in the direction of restraint?

Does it bug you that elementary school teachers once dedicated to character building are now setting a sorry example for our youth with their union-directed strikes on the eve of a new school year?

Or that labor's power monopoly is able to cripple the economy by making a farce of collective bargaining?

Can these distortions of an orderly society be attributed solely to the war in Indochina? Or is the current unrest symptomatic of a world society in revolution?

Whatever the cause, this is a time for the rededication of all Americans to the proposition, as stated in the preamble of the Constitution, that this nation was conceived to "form a more perfect union, establish justice, insure domestic tranquility, provide for

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the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These were the wise and profound thoughts of our Founding Fathers.

That we have strayed so far from the paths of righteousness is a serious indictment of the weaknesses of man who in the almost 200 years of our Republic now finds himself for the first time seemingly incapable of constructive self-government.

For our enemies within would destroy the Union make a mockery of justice, insure domestic anarchy, gut the national defense, disregard the general welfare and repress the blessings of liberty.

This is what is happening to America, known in happier days as the land of the free and the home of the brave.

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. SYMINGTON. Mr. Speaker, what the House has done in passing the Legislative Reorganization Act of 1970 is to realize that—at least in this case—reform, even more than charity must begin at home. It is incredible, but true, that for the first time in 25 years we have examined our own consciences and come to the conclusion that it was time to take action to make the Congress a more responsive body.

It is time that we achieved this realization. Citizens have frequently leveled the justifiable criticism that Congress, and particularly the House of Representatives, is an anachronism—that it does not serve, and indeed often defies, the wishes of the people supposedly represented. The desire to achieve a more responsive Congress is in the best American tradition.

The framers of the Constitution, in providing for a two-house legislature, consciously chose to make the House of Representatives the more directly responsible to the people. Thus, Members of the House have always been elected directly, and have stood for reelection more frequently to insure a more accurate reflection of the voters' wishes. Unfortunately, however, the House has too often failed to live up to this intent because tradition-bound procedures within the House actually operate to frustrate it.

Recognizing the disparity between theory and practice, the House acted decisively in 1910 to limit the power of Speaker Joe Cannon. At that time the objective was to take arbitrary control from the Speaker and disperse the power to the committees and the whole House, and ultimately to respond to the Nation's demand for widespread progressive change.

But now many of these earlier structures have become objects of criticism and attempts at reform. They developed in a less complex age when Congress was a smaller body, dealing with simpler issues; before modern communications allowed the public immediate access to official decisions. With time and different circumstances, the needs of Congress and the Nation have changed. Institutions must be adapted accordingly.

My constituents in Missouri's Second District have traditionally been interested supporters of reform and for that reason I introduced in July 1969 a bill very similar to the one which passed the House. We should feel heartened by the action taken here today—and proud that our efforts have produced results.

Not only the relevance but also the credibility of the current congressional structure have been called into question. There is indeed something of a contradiction when those of us in political life call upon young people and others to take the responsibility for and accept the consequences of their actions, while we in Congress too often transact our business hidden beyond a cloak of anonymity. It is not remarkable then that the most fundamental issue dealt with in the Legislative Reorganization Act of 1970 is the matter of secrecy within the House.

We have attacked secrecy on three fronts in this legislation: in the standing committees, in the Committee of the Whole, and in the attempt to make more information available to the Members.

Such a large proportion of the House's significant action takes place in committee that it is incumbent upon us to make serious efforts to achieve greater public accountability at that level. The provision in the bill which requires the recording of names and numbers on record committee votes is a step toward this end. Likewise, larger investigatory staffs for minority committee members and a longer time for minority Members to file supplementary views will work to make the committees more representative.

It would be a great step toward an open House if the bulk of committee meetings were open to the press and the public. Unfortunately, the provision of the bill which allows a committee to vote at the beginning of a Congress to close all their meetings will probably perpetuate the current practice of several influential committees who hold all but the most innocuous of their sessions behind closed doors. This practice not only thwarts the public's accessibility to vital information, it also effectively prevents Members of Congress themselves from knowing what occurred during the committees' debates. The provision to allow radio and television coverage of some committee hearings will increase public understanding of committee procedure providing the media are allowed to cover sessions of some significance.

As Representative SCHWENGEL described, we escalated our attack on secrecy from the committees to the Committee of the Whole. On July 27, the House passed an amendment which I cosponsored, aimed at one of the most flagrant manifestations of secrecy—the unrecorded teller vote. Although the members of the British Parliament were fully justified in instituting this procedure to protect themselves from reprisals from the Stuart monarch, it has long outlived its usefulness. The British Parliament ended the practice of unrecorded teller votes in 1832. We were only 138 years behind.

Hopefully, this amendment will accomplish a twofold purpose. It will first of all make Representatives more accountable to their constituents for their votes on crucial matters. In addition, the knowledge that voters will be aware of their votes should encourage Members to be present and participate on the House floor with greater regularity.

The volume of information with which a Congressman must deal if he hopes to be an effective legislator is tremendous. In addition to the provision increasing the size of committee staffs, I welcome the other moves to provide greater access to information. Making the Legislative Reference Service a more comprehensive Congressional Research Service, increasing the budgetary information required from executive departments, and developing an automatic data processing system will assist all of us in making more intelligent legislative decisions.

Reform in the Congress is long overdue, and with the passage of this act we cannot sit back and congratulate ourselves on our accomplishment. Much remains to be done and reform to be truly meaningful must be an ongoing process. Other institutional practices need updating, and some must be discarded entirely. We must also continue to search for new and more appropriate mechanisms to aid in our legislative efforts. In the meantime, the 91st Congress should be remembered for its contribution to an open House policy.

WBBM EDITORIAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DERWINSKI. Mr. Speaker, Christmas will soon be upon us and one of the organizations which deserves support is the USO with its program to serve GI's scattered throughout the globe. A very timely editorial carried over WBBM Radio—Chicago—urged Chicago area listeners to support the USO.

The editorial follows:

USO

WBBM has for some time been running public service announcements urging support of the USO, which works to ease the loneliness of GIs in Vietnam and other posts far from the comforts of home.

I'm sure you've heard these announcements by people such as Bob Hope, and also seen television spots and print ads urging donations to the USO. But it seems a lot of people are now taking the USO for granted, and others unfortunately feel that assisting the USO is tantamount to endorsing the American Involvement in Southeast Asia.

According to one official, the Christmas Gift program in Vietnam was 30 to 40 per cent off the level of previous years. Homefront participating in the Vietnam pen pal program is off by about 40 per cent. And fewer show business stars are touring Vietnam to provide entertainment and boost morale.

The American GI doesn't make foreign or military policy. He has been assigned to Viet-

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nam, to a difficult job, and he needs help. Whether we support the war or not, we have an obligation to assist the GI who is in Vietnam. It's not the place he would prefer to be.

A lot of people these days look at the radicals and then say how proud they are of the GIs willingly doing their duty in Vietnam. It's time we did our duty. It's time we assisted the USO in making life better for a kid under fire halfway around the world.

It has nothing to do with politics. It's a matter of compassion.

FAIR TRADE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DORN. Mr. Speaker, the textile industry asks only for fairness and equity, not for protection. The Honorable R. Cooper White, Jr., mayor of Greenville, S.C., the "textile center of the world," in a recent letter to the editor of the Greenville News made this point crystal clear.

The Mills Trade Act of 1970 promotes fair trade and should be passed without further delay. I commend to the attention of Congress and to the American people the Honorable R. Cooper White's splendid and timely letter.

[From the Greenville (S.C.) News, Sept. 13, 1970]

TEX INDUSTRY ASKS FAIR TRADE

In his letter of September 1, 1970 entitled, "Protectionism In Trade Scored" Mr. R. M. Pope Jr. of Clemson seems to feel that the textile industry, in their endeavor to seek restraints on textile imports, is returning to the protectionism of the '30's. I can in no way agree with Mr. Pope.

As mayor of "The Textile Center of the World" I have obtained answers to the questions he raised and feel as if, with help from many people, I can shed a different view. The people of this area need to know the theory of free trade and the facts as they exist today.

The fact is that what the textile industry is seeking is fair trade; there is no such thing as free trade in the world today. Actually our nation is, as has been said by Secretary of Commerce Stans, "the only virtually free market in the world". Other nations have raised a multitude of non-tariff barriers to American goods as for example, Japan, the biggest textile importer to the United States has 98 import quotas against our commodities and 16 other types of restrictions including custom practices, financing arrangements, etc.

As for our textile industry, they have not sought to shut off the flow of foreign textile imports but rather to slow the rate of growth. They are asking through a bill now before Congress that this growth rate be 5 per cent per year while still permitting foreign textiles to come in at a very high level. The important growth rate in the past few years has been beyond belief. For instance, wool imports now account for one out of every four yards of goods sold in the United States. Man-made fiber imports of textiles and apparel doubled between 1963 and 1965, doubled again from 1965 to 1967 and doubled again to 1.8 billion square yards in 1969. With such rapid growth as this the domestic industry cannot plan intelligently its own investments in production, new plants and equipment, research or jobs. With a reasonable predictable rate of growth the textile industry will know where it stands.

Further, regarding the trade bill, assurance of continued availability of foreign textiles is built into several provisions. The President is given authority to exempt any textile product if he deems this in the national interest, if the product does not threaten disruption of our market, or if supplies are inadequate. Any nations which negotiate voluntary agreements with the United States—either now or after passage—are exempt from the bill's restrictions. The net effect of all this will be to assure a continuing flow of foreign textiles generally available in the quantities and at the prices now prevailing.

The restraints suggested do not call for taxes but again only restraints on growth. Mr. Pope need have no fear that he will have to choose between a $6 American shirt or a $2 foreign shirt carrying a $5 tax. He will still be able to buy his $2 foreign shirt—if he wants it—for $2.

Also, if history is any criteria, Mr. Pope should know when he speaks of "inflationary forces" that our textile industry is the most inflation-proof in the country. This is a fact that any one can check and by checking it will be found that textile prices on the wholesale index have risen only 1 per cent since the inception of the index in 1957-59. By contrast, all commodities have jumped 17 per cent.

I feel that with over 700 companies competing bitterly for the sale of every yard of goods that textiles need no additional pressures to keep prices low.

There are many basic and compelling reasons why our government should put some restraint on the growth of textile imports. I would recite some of these, not just because the textile business is so very vital to our area but I feel that as an American first, a South Carolinian second, and a Greenvillian third, this is in the best interest of all and in the order in which I have mentioned.

These imports are destroying American jobs; some 300,000 in the last five years, 87,000 in the last year alone. People without jobs cannot buy anything or pay taxes, but more importantly they cannot enjoy the finer things of life that every American has the right to expect. The textile-apparel complex is one of the nation's largest employers. 2.4 million people, plus another million in cotton, wool, man-made fibers and machinery depend upon it directly for their livelihood. Another important factor to me is that minority employment in textiles is 14 per cent and in apparel 13.5 per cent which is considerably higher than the 10 per cent average for all manufacturing.

Our nation's balance of payments is in a serious deficit condition and the importation of textiles is the biggest contributor to this situation. To set the record straight, Mr. Pope should know, contrary to his letter, that American Industry does not sell more goods to Japan than Japan sells to America. In 1969 Japan exported $4.9 billion in goods to the United States while we sold $3.5 billion to her. The difference is $1.4 billion—in Japan's favor.

R. COOPER WHITE, Jr.,
Mayor of Greenville.

FRAMEWORKS OF FREEDOM

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DEL CLAWSON. Mr. Speaker, the lead editorial in the current Kiwanis magazine is of such quality of thought and on a topic of such wide general interest at this point in our national history that I would like to commend it to the attention of my colleagues in the House of Representatives. The author is a fellow Kiwanian and Californian, Herb Klein. The editorial entitled "Frameworks of Freedom" follows:

FRAMEWORKS OF FREEDOM

(By Herbert G. Klein)

The United States will soon celebrate its 200th anniversary, marking a history which has brought greatness and high responsibility to a nation.

The Constitution which has served the nation so well has been challenged often. It is challenged today. But as we mark Constitution Week, we do so in the knowledge that it stands as a strong framework of freedom.

It is true that today, some of those who cling closest to its provisions of freedom, try hardest to destroy it. A strong nation and a strong people, who recognize such enemies of liberty for what they are, will survive such attack without endangering their constitution or the rights it offers.

The United States Constitution is now 183 years old and the equally strong Canadian Constitution was born 80 years later—July 1, 1867. Both have served remarkably well.

If one sees the current play "1776" (incidentally, it recently was presented at the White House) one regains the sense that Constitutions, like other documents, were written by individuals with both human failings and extraordinary strength and vision.

There are wide differences between the United States Constitution, which is in legal theory at least contained in one instrument with later amendments, and the Canadian Constitution, which consists of the several British North America Acts and also includes unwritten conventions and historical usages.

Different as the Constitutions of these two great nations are, they share with that of their common mother country the common purpose of assuring the right of the majority to rule, the right of the minority to be heard, and the safeguarding of the rights of individual citizens as against the claims of the state.

Standing above the contention of rival political parties and differing governmental philosophies, the constitutions establish a structure of government designed to outlast the tenure in office of any political party or philosophical creed.

In these times, during which nations throughout the world have seen a sharp increase in civil turmoil and acerbic protest, it is worth harking back to fundamental constitutional provisions in order that we may not lose sight of the ground rules which they establish.

Under constitutional systems such as these, the majority, within limits, is given the right to govern; the minority is given the right to freely criticize, and to be afforded regular opportunities to persuade a citizen electorate that the reins of government should be turned over to it.

Reminders to the majority of its covenant to respect the minority's right to dissent, to criticize, and to seek to become the majority are commonplace. They should not for that reason be thought trite. Less commonplace, but fully as important, is the reciprocal covenant which minorities must be regarded as making with the majority under any constitutional system. The minority covenants to obey any enactment of the majority which is the "law of the land"—an enactment regularly passed and consistent with the provisions of the constitution.

Only if the majority keeps its covenant with the minority to both permit dissent and to afford a regular opportunity to challenge its electoral mandate, can there be guaranteed the freedom of expression and popularly representative government which have so long been prized by both of these

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great nations. Only if the minority keeps its covenant to obey the laws enacted by the majority can there be civil order, a condition every bit as indispensable to constitutional government as is freedom of expression.

The great virtue of the Constitutions of our two great North American nations is that, greatly differing as they do in specific provision, each provides the machinery for a system of government which tolerably balances the claims of freedom and order. Freedom without order is anarchy; order without freedom is tyranny. Order with freedom—freedom with order—is the hallmark of constitutionalism.

MEANY'S ATTITUDE ENCOURAGING

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. TALCOTT. Mr. Speaker, we must eliminate the strike and lockout as outmoded and barbaric techniques for settling labor-management disputes.

If a strike or lockout involved only the disputants perhaps it could be tolerated.

But a strike or lockout that wastes resources or products, that injures or penalizes innocent third parties, that bankrupts employers, that cripples and wrongs the employees and their helpless families should not be tolerated in a civilized society whose woof ought to be good will and whose warp ought to be justice and order under law.

Mutual cooperation is necessary. Good will between employer and employee must be expanded. Coercion is detrimental to everyone. Work stoppages cause injury and losses to both sides. After the strike has wreaked its damage, there still must be negotiation. So why not negotiate and arbitrate first and avoid the losses.

This no-strike concept has been long recommended by the independent scholars and experts in the field of labor-management relations. But few oldtime labor leaders have had the courage or foresight to seriously advocate the concept.

For too long, the new groping insecure labor leaders have insisted and preached that the strike, with all the strife of picketing, intimidation and threats of violence, was their ultimate weapon. Untrue; a false shibboleth.

Labor is making, and can expect in the future to achieve greater advances through negotiation than by striking.

George Meany is the patriarch, the seer, of the labor movement. None can dispute his sincere and aggressive commitment to the betterment of the workingman. Mr. Meany's developing attitude toward arbitration is encouraging. He is demonstrating great foresight and breaking ground for important advancement in labor-management relations.

Clayton Fritchey, an astute columnist writing in the Washington Evening Star, grasps this breakthrough in the difficult, rough-and-tumble business of labor-management relations. His column of September 21, 1970, should be read and contemplated by all Members who are interested in bringing labor-management relations into a new era for the benefit of all involved.

I include Mr. Fritchey's column at this place in the RECORD:

MEANY'S ATTITUDE ON ARBITRATION ENCOURAGING

(By Clayton Fritchey)

With General Motors struck by the United Auto Workers, the railroad unions also ready to go out, and organized teachers closing many schools around the country, this may be a good moment to pause for a brief announcment from George Meany, president of the AFL–CIO.

It's not easy these days to get Meany off his pet current hates—Viletnam doves, student rebels, and Democratic "extremists"—but when he does get back to what he knows the most about (labor-management relations) he is surprisingly open-minded.

In a pre-Labor Day session with the press, for instance, he had the courage to talk openly and hopefully about a fromula which, if adopted, would have prevented the present big strikes by resolving them through peaceful, orderly means, in short, by binding arbitration.

For many decades, opposition to the arbitration process (like opposition to wage and price controls) has been as dogmatic with labor as it has been with management. Meany is the first national labor leader to show any flexibility on either issue—and he is now flexible on both.

This is certainly an advanced and controversial position for the head of the AFL–CIO to take. But Meany, now 76, is so secure in his position that he is virtually immune to serious challenge by other union leaders. Even before Lyndon Johnson retired as president, Meany was so alert to the danger of inflation that he began hinting labor would accept economic controls if employers would.

Meany's Labor Day political opinions made so many headlines that his strike views got little or no attention. And yet, he said that some of his federation's "real solid unions," including the United Steel Workers, were thinking about voluntary arbitration in contract disputes. In fact, the federation has already agreed to establish a committee to meet with the American Arbitration Association to explore the idea.

"Actually," Meany says, "what it adds up to is that while strikes have their part and all that, we certainly have advocated for years that you have got to have the right to strike, we find more and more that strikes really don't settle a thing. Where you have a well established industry and a well established union, you are getting more and more to the point where a strike doesn't make sense."

The head of the AFL–CIO has chosen a propitious moment to launch this trial balloon, if that is what it is, for the Nixon administration, which has been unexpectedly benign toward labor, has also been showing some interest in the idea.

The previous administration promised to draft and send to Congress legislation "which will enable us to deal with strikes which threaten irreparable damage to the national interest," but it never did. The issue was too touchy. It is all the more remarkable, therefore, that Nixon earlier this year did walk in where Johnson feared to tread.

Nixon's bill would bring the railroad, airline, maritime, longshore, and trucking industries under the same rule. To prevent strikes, the bill, as a last resort calls for a form of arbitration under which the President could give the rival parties three days to submit one or two final offers. Then, if there is no agreement, the parties, or the President, would name a "selector committee" to decide which of the final offers would become binding on both sides.

Unfortunately, there has been very little administration follow-up, so there has been no action on Capitol Hill, where the lawmakers are notoriously wary of new labor legislation. Their timidity may be tempered by the Meany statement, but there also needs to be a show of interest on the part of management.

Actualy, there is more management support for arbitration than is generally surmised, and it is growing. Many business leaders now share the view of John H. Kauffmann, president of The Star, who recently told the Economic Forum that arbitration "would benefit management and labor and the public at large." For the practicality of this solution, he said, "we need only look to Sweden where for 31 years newspaper labor and management have had an arbitration agreement which works."

ARMS FOR THE GREEK COLONELS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. EDWARDS of California. Mr. Speaker, in spite of the embargo placed on arms shipments to Greece, the repressive military regime in Athens manages to maintain its weapons stockpile through the generosity of the United States. The following editorial from the September 22 issue of the New York Times is, I believe, a frank and timely indictment of U.S. support for the Greek junta:

ARMS FOR THE GREEK COLONELS

Ambivalence and timidity have marked American policy toward Greece's military rulers since their seizure of power in April 1967. The decision to resume full-scale arms shipments to the Athens regime symbolizes the bankruptcy of that policy.

The timing of the decision doubtless owes much to the Middle East crisis and the need that might arise for emergency American use of Greek naval and air bases. Such Mediterranean facilities have become steadily less available with the rise of nationalism in many lands and a lessening of cold-war tensions.

It made little sense at the outset to embargo shipments to Greece of the heavy weapons, artillery, ships and planes is supposedly needed to carry out assigned NATO functions, while continuing to send the small arms, jeeps and other equipment the colonels could use to enforce repression at home. In any event, over the last three years the Pentagon has breached the spirit of the embargo by sending $162 million worth of arms to Greece.

Whatever the wisdom or demerits of the embargo, to lift it at this time represents success for diplomatic blackmail long practiced by Colonel Papadopoulos and his agents. Their argument—that the United States needs Greece more than Greece needs this country—is accepted by Americans who should know better.

While giving the colonels a badly needed prestige boost, the decision leaves the United States more of an odd-man-out than ever with its European partners, some of whom led the fight to oust Greece from the Council of Europe and to condemn the Athens regime for its systematic use of torture on political prisoners.

Concern for adequate air and naval facilities is understandable in this time of expanding Russian naval presence in the Medi-

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terranean and outright Soviet military involvement in Egypt. But the Pentagon always seems unable or unwilling to find alternatives that would save the United States the embarrassment of bolstering a repressive regime in the avowed interest of defending freedom.

POW IS NO CLOSER TO HUMANE TREATMENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. ZWACH. Mr. Speaker, on September 17, 1969, I joined with a number of my colleagues in sponsoring House Concurrent Resolution 362, which called upon North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relative to the treatment of prisoners of war.

These provisions, which North Vietnam signed in 1957, include making public the identification of prisoners, free exchange of mail between prisoners and families, impartial inspection of prisoner camps, and release of seriously ill or injured prisoners.

A year has passed since that resolution was introduced but we are no closer to humane treatment of our prisoners now than we were then.

My heart bleeds for these men, for their families, and their wives and sweethearts.

Picture the plight of the wife or sweetheart whose husband or fiance has been missing for years. Is he dead or alive? Should she start to rebuild her shattered life or should she continue to wait?

Never before has America been treated so contemptuously. Never before have the tenets of civilization been so completely ignored.

We have waited in vain for Hanoi to warm to our suggestion for humane treatment of these prisoners.

We have pursued the philosophy that an outpouring of indignation by our citizens would move Hanoi to soften its policies, but the only outpouring of indignation that we had was directed at political prisons in South Vietnam.

Mr. Speaker, I believe that the United States should take whatever steps now considered necessary to obtain information on these prisoners of war and to convince Hanoi of the necessity to treat them in a civilized manner.

JUDICIAL INTERPRETATION OF EQUAL EMPLOYMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. RARICK. Mr. Speaker, in Louisiana we now have a judicial interpretation by a Federal judge of equal employment opportunity in State jobs.

"Blacks to fill all vacancies."

Mr. Speaker, I include a newsclipping from the August 26 Times Picayune of New Orleans, as follows:

BLACKS TO FILL ALL VACANCIES—JUDGE SETS REFORM SCHOOL HIRING GUIDELINES

Federal Judge Alvin B. Rubin Tuesday ordered that any staff vacancies occurring in the state's three main reform schools must be filled by Negroes.

In addition, he approved a plan presented by the Department of Corrections which would give special placement to boys tested at a new diagnostic center, for which the 1970 Legislature allocated funds.

After testing at the center, and rated according to mental and physical age, the lowest and highest would be sent to the Louisiana Training Institute in Monroe, with those in the middle bracket remaining in Scotlandville. Girls below 15 years of age would be placed in the LTI in Pineville and others will be located in Scotlandville.

Judge Rubin stressed that staffing of the diagnostic center must be done on an equal racial balance, and he ordered that the administration of the schools follow guidelines which he established for equalizing staffs in regard to Negro and white personnel. His quotas for the various departments called for virtually 50–50 ratio of blacks to white.

"I am aware of the employment problem, however," Judge Rubin said. "And I am not requiring that persons be hired who are incompetent. Rather, in order to achieve a racial balance, I am saying that it may be necessary to hire the second best. Nevertheless, if it seems impossible to fill vacancies for this purpose, I will consider other suggestions. Any deviation from the guidelines, however, must be done by court consent."

The judge said he believes the action will create motivations to seek out personnel from minority groups.

SENATE—*Thursday, September 24, 1970*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, Lord of this world and the worlds beyond, we pray for Thy whole creation. Order unruly powers, crush every tyranny, rebuke injustice, and satisfy the longing peoples. Send peace on earth, and by Thy grace put down the pride, greed, and anger that turn man against man and nation against nation.

O Thou whom we cannot love unless we love our brother, remove from us and from all men all hate and prejudice, that Thy children may be reconciled with those whom they fear, resent, or threaten, and thereafter live in peace.

Regard Thy servants in this Chamber, O Lord. Direct them in all their efforts by Thy most gracious favor, and strengthen them with Thy continual help, that in all their works begun, continued, and ended in Thee, they may glorify Thy holy name, and finally by Thy mercy obtain everlasting life.

In the Redeemer's name. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to House Joint Resolution 589, expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 3637. An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting;

H.R. 11953. An act to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended;

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes;

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week";

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week";

H.J. Res. 589. Joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program; and

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of October 1970 as "Project Concern Month."

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 23, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FIXING A TIME FOR COMMITTEE TO FILE A REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations have until midnight tonight to file its report on H.R. 18306, to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes, together with individual and minority views.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare; the Subcommittee on Small Business of the Banking and Currency Committee; the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs; and the Committee on Public Works be authorized to meet during the session of the Senate today.

Mr. SCOTT. Mr. President, there is no objection on the minority side.

The **PRESIDING OFFICER.** Without objection——

Mr. BAYH. Mr. President——

The **PRESIDING OFFICER.** The Senator from Indiana.

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana is reluctant to impose an objection on his colleagues, but I think the Record of yesterday will show the reasons for doing so.

I notice that this is the first time there has not been an objection proposed by our friends on the minority side relative to one particular committee that has been meeting for some time, but I do object, Mr. President, without any further explanation, but with all apologies to my colleagues for the inconvenience.

The **PRESIDENT** pro tempore. Objection is heard. The Senator has that right as a Member of the Senate.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with a time limitation of 3 minutes therein.

Mr. BAYH. Mr. President——

The **PRESIDENT** pro tempore. The Senator from Indiana.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

The **PRESIDENT** pro tempore. The Senator from Indiana has been recognized.

Mr. BAYH. Reserving the right to object, would the majority leader state his request one more time?

Mr. MANSFIELD. Yes. I understand this was agreed to on yesterday.

Mr. President, I ask unanimous consent—and this is the usual procedure allowed under any and all circumstances—that there be a period for the transaction of routine morning business, with a time limitation of 3 minutes therein.

The **PRESIDENT** pro tempore. Is there objection?

Mr. BAYH. Mr. President, the Senator from Indiana does not care to object. The Senator from Indiana would not have objected yesterday. This is normal courtesy to the Senate.

Mr. MANSFIELD. I appreciate the remarks of the distinguished Senator from Indiana.

The **PRESIDENT** pro tempore. Is there objection to the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Under the order of yesterday, the distinguished Senator from New York (Mr. Javits) is now recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, to clear the Record——

The **PRESIDENT** pro tempore. Does the Senator from New York yield to the Senator from Montana?

Mr. JAVITS. Well, Mr. President, I have exactly 5 minutes.

Mr. MANSFIELD. Will the Senator yield to me, without losing any of his time, of course?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I want to clear the Record by stating that at the conclusion of the remarks of the Senator from New York the period for the transaction of routine morning business will begin.

The **PRESIDENT** pro tempore. The Senator from Montana is correct.

The Senator from New York is recognized.

THE TRADE BILL

Mr. JAVITS. Mr. President, 1 month ago, I spoke on the Senate floor on the trade bill which had been reported out of the House Ways and Means Committee. This bill is now pending before the House Rules Committee, and Senator Hollings in his press conference of last Friday indicated that he would introduce it as an amendment to both the social security bill and the family assistance plan. I cannot support this parliamentary maneuver and regret that special interest legislation such as the trade bill might be attached to domestic legislation of overridding concern to millions and millions of Americans.

In my statement of 1 month ago I specifically analyzed various provisions of the bill. Today I would like to explain in greater detail why this legislation is anticonsumer and also why it represents a reversal of the trade policy the United States has followed since the end of the war.

The legislation that has been reported out of the Ways and Means Committee of the House of Representatives is out and out quota legislation which will immediately limit the entry of five categories of products including textiles and shoes into the United States.

In addition, the general purpose quota triggering device contained in section 301(5)(a) of the bill could lead to quota restrictions on dozens of products ranging a wide spectrum from automobiles to wigs. By limiting the entry of these products into the United States without regard to internationally accepted injury criteria, the supply-demand equation for these products will be altered. It is widely accepted that changes in the supply-demand equation for any product lead to price changes and supply limitations almost inevitably result in price increases. This is not in the interest of the consumer or in the interest of our Nation in terms of curbing the inflationary spiral.

In addition to the price increases which can result from rigid import quotas, the consumer is also denied the flexibility of choice. Quotas, by insuring that fewer competing products will be available, distort normal marketing patterns. Foreign industries exporting to the United States under a quota limitation will seek to maximize their profits within the limited market range, available to them. Production shifts toward higher priced products are often a result.

For example, my office has now received a barrage of letters asking for an import limitation on speciality steels. This problem arose very suddenly after "voluntary" steel export quotas were agreed to by the European Common Market and Japan. These exporting countries shifted their production into these higher priced lines of steel in order to maximize profits. This case also indicates how quotas can disrupt normal marketing patterns and inadvertently injure other sectors of the industry. It also is indicative of the fact that the imposition of quotas leads to demands for more quotas.

In previous statements I have made on the trade bill, I spelled out in detail the effect on prices import quotas have had on two items of direct interest to the consumer—oil and meat—the facts clearly indicate that quota controls on these two items have materially contributed to higher prices for consumers.

The trade bill, as reported out of the House Ways and Means Committee, does violence to one of the key principles of the international trading world, namely the most-favored-nation clause. Under the rules of the GATT, nations have been enjoined to accord other free nations the same treatment in trade. For example, the United States cannot accord West German automobile imports different tariff treatment than French or Japanese automobile imports. In turn, in negotiations tariff concessions granted by one country to another must also be granted to all other trading partners in the free world. Since the end of the war then, international trade negotiations generally have been nondiscriminatory and multilateral. But, the trade bill now before the Congress would turn the clock back to bilateral, discriminatory negotiations; it contains a clause which gives the President the power to exempt certain countries from specific quotas where he deems such an exemption is in the national interest. This provision shapes up as a potential nightmare for the State Department and augurs a new era for our economic policy.

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For example, it has been reported that during the Spanish military bases negotiations, the question of an exemption for Spain's shoe exports to the United States was on the negotiating table. It has also been reported that Latin American nations have been promised an exemption from some of the quota provisions in the bill.

This national interest exemption provision opens endless possibilities of bilateral pressure. Under this clause, country after country would feel obliged to lobby bilaterally with the United States for exemptions. This would put a premium on the type of questionable lobbying practice which came to characterize the granting of quotas under our sugar import policies in years past. The diplomatic mischief could be played both ways with foreign countries holding the "exemption gun" to our head in terms of military bases on foreign investment negotiations, and so forth, and the United States in turn could promise quota exemptions to secure political or military objectives. The chances for abuse are enormous.

Moreover, every time a specific exemption came under consideration, formidable political pressure would be put on the White House by domestic lobbies to reject the exemption request. The lobbying and counterlobbying would present an endless source of new problems for the White House and reduce U.S. trade policy to bilateralism, favoritism, and special interest consideration. This game has already been played in textiles and oil and it is my view that it has not redounded to our national interest.

It is the course of wisdom, in my view, not to go the protectionist route with all the inherent dangers of a trade war. However, if this Nation's lawmakers are determined to go the protectionist route, it is better that this protectionism be nondiscriminatory rather than a protectionism which picks and chooses its victims on a bilateral, arbitrary basis. The impact of the trade bill will not solve any problems. It will heighten them for the businessman, the consumer, and the country.

Mr. President, I make these remarks because we may be faced with the trade bill as a rider to some other bill in the closing days of this session.

I wish to serve notice now—I am sure not only for myself but for other Senators—but certainly I serve notice for myself, that I consider this bill so inimical to the interests of the United States, including the consumers and the workers of America, that I shall consider it appropriate to use every means available to an individual Senator to see that we do not make an improvident mistake for the future of this country in that regard.

Mr. President, a bill such as the trade bill deserves to have the considered and intelligent and wise judgment of the Senate. I am entirely willing to come here and stay here as long as necessary, including all of October or to come back immediately after election, whatever the leadership desires. To endeavor to have such a critical measure introduced as an amendment to some other measure because of the crowding at the end of the session would, I think, be a great mistake.

I hope we do not make that mistake.

TECHNOLOGY, MAN, AND NATURE

Mr. JAVITS. Mr. President, The Aspen Institute for Humanistic Studies, of which Mr. Joseph E. Slater is president, and the International Association for Cultural Freedom, whose president is Mr. Shepard Stone, recently sponsored a conference of most distinguished scientists, artists, scholars, public officials, and citizens for many parts of the world to consider the better use of modern technology for the needs of man.

As this conference aroused broad interest in many parts of our society, I ask unanimous consent that the concluding statement of the conference, together with lists of the participants, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TECHNOLOGY, MAN, AND NATURE

We have come together from many parts of the world—scientists and artists, scholars and philosophers, public officials and citizens—to consider how societies can make better use of modern technology for the needs of man. This is one of the most pressing of all issues facing humanity today. Even if a man suceeds in the supreme task of avoiding annihilation by nuclear warfare, the consequences for society and for the natural environment of the uncontrolled peaceful uses of technology could bring disaster within the foreseeable future. This is one of the crucial concerns of our age.

Men have from the beginning used technology to alter the physical and social environment. One should not underestimate that accomplishment. Technology has eliminated hunger and misery in many countries, and it can do so in many more. It has helped to halt malaria, polio, famines, and floods. It has provided unprecedented opportunities for education and for the development of individuality.

Yet technology has also served the interests of suppression, genocide, saturation bombings, and economic exploitation. In other words, technology can become the tool of mindless, selfish, or malign governments or industries that overlook human ends. Today, moreover, technologies are so powerful that they can threaten radical and irreversible changes in the entire planet, in the quality of human life, and even in the biological nature of man. The root of the problem is not in technology as such, but in its generation, its management, its use, and in the difficulty of controlling it.

We are concerned both about the sense of defeat shown by many young pople and poor people and about the complacency of large sections of the public in all countries. We are also concerned about the continuing deterioration of many parts of our natural environment.

We are all agreed that the problems of poverty and human deprivation are the most pressing we now face, but we are also unanimous in the belief that there will be an environmental crisis if we do not take deliberate and timely steps to prevent it.

How much injustice can society suffer? How much change can man adapt to? How much punishment can the earth sustain? These are the questions that rightly disturb us and, particularly, young people. They are urgent questions and their resolution will demand greater wisdom in the development and application of new technologies than societies have usually shown in the past.

We emphasize that the need is not for the slower development of technology, either in advanced or in developing countries. Such a slowdown would cruelly sacrifice the interests of millions of underprivileged people whose hopes and expectations cannot begin to be met without more technology. The need is rather for more thoughtful and careful application of new technologies to prevent both long-range damage to the earth and violence to human values and to foster social, economic, and cultural development.

The prosperity which technology has brought to some nations and to some communities within nations is continuously sharpening the differences between rich and poor. Within nations, close attention must be given to the problems of disadvantaged communities if internal political stability and social justice is to be assured. Between nations, the disparity between the developed and the developing nations is not merely a threat to international stability, but also an impediment to bringing the developing nations fully within the international community.

It follows that advanced and developing societies must both aim at increasing the transfer of technology and technological capability to the developing nations. At the same time, however, each developing nation should be free to determine priorities consonant with its own cultural values and social institutions. Aid organizations must be fully aware that technical assistance, usually given for projects which are economically worthwhile in the simplest sense, should also be sensitive to socially desirable objectives.

In many respects existing social and political institutions—local, national, and international—are now inadequate for the problems occasioned by technological advance and the growth of population. National institutions frequently lack the means or the will to impose necessary restraints on the exploitation of technology and to mediate equitably between individual interests and those of the community at large. International institutions are often unable to reconcile conflicting interests among nations or even international corporations.

We believe that many of these deficiencies can be remedied. Indeed, even existing legal and political devices have often been used to direct technological developments constructively. In meeting changing needs, it may often be sufficient to extend the scope of many existing institutions, to strengthen administrative regulations and to make more effective the enforcement of judicial rights. These steps require political will, often reinforced by appropriate economic incentives. Nevertheless, there are already many circumstances in which new kinds of institutions are necessary, and there will be many more.

In the actual world, conflicts of interest, disagreements about goals, and differences in values will no doubt always remain to be resolved through political processes, both national and international. But it would be wrong to suppose that rationality and wisdom can make no contribution. Often, conflicts may be overcome when a third way is found to advance common aims. Even where incompatabilities of interests and values remain, however, knowledge and intelligence can play a crucial role by showing which choices are preferable, and which are not, in a given specific situation.

The rapid growth of population and its concentration in some parts of the world are particular and growing causes for concern. There is an urgent need to move as quickly as possible towards a stationary population, not merely for the improvement of the quality life but for the development of human personality. Only by the control of population growth can societies hope to share the potential benefits of technology. Moreover, we know that economic and social progress

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is one of the most effective inducements to a declining birth rate.

We believe it to be important that the encouragment of economic growth should not be simply an end in itself but also an encouragement of social development. From this it follows that aid organizations should be sensitive to the need to support some technical projects in developing countries when potential social benefits outweigh possible apparent diseconomies. Capital for economic development outside the industrialized nations is an urgent need, however, and in this spirit it is important that developed countries should concentrate economic development in advanced technology and at the same time be prepared to throw open their markets to imports of manufactured goods from labor-intensive industries of countries in earlier stages of development.

Similarly, governments seeking to encourage economic growth should provide means by which poorer communities would be able to share as fully as possible in the potential benefits of technology. In the attempt to adapt the uses made of technology to the needs of society, governments should be aware of the uses which may be made of economic tools for directing efforts and resources to desirable ends. Economic incentives and disincentives can also help to insure the development of technologies which are not wasteful of natural resources.

The pace of technological development, faster than ever before, compels increasing vigilance in anticipating the consequences of technological development. The objectives should be to predict as fully as possible the social, economic, and even political consequences of new developments and to provide governments and their electorates with an opportunity for making informed assessments of potential benefits and social costs. In many countries, new institutions will be needed for this work.

One particular task to be undertaken is the continuing assessment of developments in weapons technology, for the threat of nuclear warfare requires constant vigilance. But early warning systems, often administered by new institutions, are also necessary in the surveillance of the condition of the natural environment and in the continuing assessment of scientific research, which may provide opportunities for beneficial application. One component of this apparatus should be more research in the natural and social sciences; desirable as this may be in its own right, deeper understanding will make it easier to foresee the consequences of new technological developments and thus easier to choose wisely between alternatives.

In this same spirit, fuller use must be made of institutions of the kind which at present serve to bring individuals in touch with government—voluntary associations, local governments, parliamentary bodies, and the investigating committees which they often set up. Such devices can alone provide groups of individuals with means of assessing the opportunities and the dangers of new technological developments.

Institutional changes are needed in both education and the arts. In developing nations, educational systems may have to evolve in a way radically different from those appropriate to industrial societies, and they should be supported and encouraged to develop according to indigenous cultural needs. But, in industrial societies as well, educational reform—in structure, purpose, and content—is also necessary at all levels.

Higher education should not be concentrated on a given age group; opportunities and financial support for adult education are of the utmost importance.

The delicate relationship between the arts and society has been stressed by developments in technology. Artists have always had a unique power to clarify human experience. Their work has had the dual function of defining the character of contemporary reality and of imagining alternatives. The most gifted artists have responded with prescience to the impact of technological change. As the rate of change accelerates, however, the public often has more difficulty in understanding what artists have perceived. Society must recognize that the contributions of its artists will take surprising and disturbing forms. In this situation, we reaffirm that the artist's primary responsibility is to his own work, and that society in turn must encourage him and leave him free.

The freedom of expression which creative artists require if their work is to prosper must be mirrored by the freedom which individuals of all kinds must be given and must assume if society as a whole is to function well. Nothing in the new technology requires that freedom and diversity should be restrained. On the contrary, unless society can devise means by which individuals can participate fully and equitably in the making of decisions, wise decisions about the proper exploitation of technology will be difficult and even impossible to reach. The continuing development of technology is not a restriction of the right of individuals to be free but rather reinforces their responsibility to assert their claims on society at large.

TECHNOLOGY: SOCIAL GOALS AND CULTURAL OPTIONS—PARTICIPANTS

Mr. Amory Bradford, Aspen, Colorado 81611.

Monsignor Marvin Bordelon, Director, Department of International Affairs, U.S. Catholic Conference.

Prof. Harvey Brooks, Dean, Department of Engineering and Applied Physics, Harvard University.

Mr. Colin Crouch, Lecturer in Sociology, London School of Economics.

Mr. K. E. de Graft-Johnson, Lecturer in Sociology, Sociology Department, University of Ghana.

Mr. Frederic de Hoffmann, Chancellor-Elect, Salk Institute.

Countess Marion Doenhoff, Editor-in-Chief, "Die Zeit".

Mr. Jean-Marie Domenach, Director, "Esprit."

Prof. Paul Doty, Department of Biochemistry and Molecular Biology, Harvard University.

Mr. Charles Eames, Filmmaker and Designer.

Prof. Victor Ferkiss, Department of Government, Georgetown University.

Mr. Stepher Fischer, Assistant to the Publisher, "Scientific American."

Mr. Fred Freed, Executive Producer, NBC White Paper.

Mr. Edward Furia, Attorney, City Planner, and Environmental Consultant.

Prof. Murray Gell-Mann, Robert Millikan, Professor of Physics, California Institute of Technology.

Mr. Mathias Goeritz, Architect, Sculptor, City Planner.

Mr. Maurice Goldsmith, Secretary General, the Science of Science Foundation.

Prof. William Gomberg, Professor of Industry, Wharton School of Finance and Commerce.

Mr. Paul Goodman, Writer.

Mr. Gordon Harrison, Officer in Charge, Resources and Environment, Division of National Affairs, Ford Foundation.

Prof. Yurjiro Hayashi, Tokyo Institute of Technology.

Professor Stanley Hoffmann, Professor of Government, Harvard University.

Dr. Alexander Hollaender, Consultant and Senior Research Adviser, Biology Division, Oak Ridge National Laboratory.

Mme. Danielle Hunebelle, Journalist.

Mr. Isaac Hunt, Lawyer and Urban Researcher, the New York City Rand Institute.

Dr. Ivan Illich, Philosopher and Independent Educator.

Dr. Erich Jantsch, Richard Merton Professor, Technical University, Hannover, Germany.

Dr. Carl Kaysen, Director, Institute for Advanced Study.

Dr. Prof. Karl Kaiser, Professor of Political Science, Universität des Saarlandes, Inst. für Theorie u. Soziologie der Politik, Saarbrücken, Germany.

Mr. Pierre Kende, Economist and Associate Lecturer, University of Paris-Ouest (Nanterre).

Dr. Alexander King, Director General for Scientific Affairs, OECD.

Mr. Kurt Klappholz, Reader in Economics, London School of Economics.

Raj Krishna, Professor of Economics, University of Rajasthan, Rajasthan, India.

Mr. Hans Landsberg, Economist and Director, Resource Appraisal Program, Resources for the Future, Inc.

Professor Cyrus Levinthal, Chairman, Department of Biological Sciences, Columbia University.

Mr. Robert Lilley, Director, Environmental Action Institute.

Professor Salvador Luria, Department of Biology, Massachusetts Institute of Technology.

Professor Gene Lyons, Chairman, Department of Government, Dartmouth College.

Prof. Donald G. MacRae, Professor of Sociology, London School of Economics.

Mr. John Maddox, Editor, "Nature".

Professor Leo Marx, Professor of English and American Studies, Amherst College.

Miss Mary McCarthy.

Mr. Victor McElheny, Science Editor, "The Boston Globe."

Dr. Emmanuel G. Mesthene, Director, Harvard University Program on Technology and Society.

Mr. John Oakes, Editor of the Editorial Page, "The New York Times."

Mr. Hasan Ozbekhan, Economist and Planner.

Mr. Guy Pauker, Senior Staff Member, Social Science Department, Rand Corporation.

Dott. Aurelio Peccei, Vice Chairman, Olivetti Corporation.

Professor Morse Peckham, Distinguished Professor of English and Comparative Literature, University of South Carolina.

H. E. Dr. Ernst Petric, Minister of Science of the Republic of Slovenia.

Mr. Herman Pollack, Director, Office of International Scientific and Technological Affairs Department of State.

Professor Theodore T. Puck, Chairman, Department of Biophysics, University of Colorado.

Professor Isidor Rabi, Columbia University, Professor Emeritus, Columbia University.

Mr. James Reston, Vice President, "The New York Times."

Professor Roger Revelle, Director, Harvard University Center for Population Studies.

Mr. Harold Rosenberg, Writer and Art Critic, "The New Yorker."

Professor Nathan Rosenberg, Visiting Rockefeller Professor ('70-'71), Department of Economics, University of the Philippines.

Dr. Jonas Salk, Director, Salk Institute.

Mr. Daniel Schorr, Radio-TV Commentator, CBS.

Professor Eugene Skolnikoff, Professor of Political Science, Massachusetts Institute of Technology.

Mr. Joseph E. Slater, President, Aspen Institute for Humanistic Studies.

H. E. Ambassador S. Soedjatmoko, Indonesian Ambassador to the U.S.

Mr. Shepard Stone, President, International Association for Cultural Freedom.

Mr. Tsutomu Tanaka, Government Official, Tokyo, Japan.

Professor Laurence Tribe, Harvard Law School.

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Mr. Marc Ullmann, Economic Editor, "L'Express."

Mr. John Voss, Executive Officer, American Academy of Arts and Sciences.

Mr. David Webster, Assistant Head of Current Affairs Group, BBC-TV Studios.

Mr. Thomas Wilson, The Anderson Foundation.

ASPEN INSTITUTE FOR HUMANISTIC STUDIES—TRUSTEE-OBSERVERS

Mr. Robert G. Anderson, Chairman, AIHS.

Mr. Herbert Bayer.

Mr. Robert Ingersoll, Chairman, Borg-Warner Corporation.

The Honorable Robert S. McNamara, President, World Bank.

Mr. John Merriam.

Mr. John Musser.

Mr. Harold Pabst.

Mrs. Walter Paepcke.

Mr. James H. Smith, Jr.

Mr. William E. Sevenson.

ORDER FOR RECOGNITION OF SENATOR SCHWEIKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the disposition of the reading of the Journal and the disposition of any unobjected to items on the calendar, the Senator from Pennsylvania (Mr. SCHWEIKER) be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the able Senator from Pennsylvania (Mr. SCHWEIKER) on tomorrow, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJORITY OF AMERICANS FAVOR CUT IN MILITARY SPENDING

Mr. PROXMIRE. Mr. President, today's publication of the Gallup poll brought additional proof of public support for congressional cuts in military spending. According to Gallup, a majority of the American people now favor a reduction in military spending. The Gallup pollsters asked the following question:

> Congress is currently debating how much money should be spent for military purposes. Would you like to have your Congressman vote to keep spending for military purposes at the present level, increase the amount, or reduce the amount?

MAJORITY FAVOR CUTTING

In reply, 49 percent said they would like to have their Congressman vote to reduce military spending. Another 34 percent favored keeping spending at the present level. Only 10 percent nationwide favored increasing military spending. Seven percent had no opinion. Thus, the majority of those with an opinion favored the cut.

In every section of the country except the South over 50 percent of all those asked favored cutting military spending. Even in the South, a total of 77 percent either favored cutting below the present military spending levels—36 percent—or in holding the line at the present level—41 percent.

I ask unanimous consent that a table giving the results of this latest Gallup poll be printed at this point in the RECORD.

There being no objection, the results were ordered to be printed in the RECORD, as follows:

[In percent]

	Present level	Increase	Reduce	No opinion
National	34	10	49	7
East	32	8	53	7
Midwest	32	9	53	6
South	41	12	36	11
West	34	11	51	4
College background	29	6	60	5
High school	38	11	45	6
Grade school	34	13	40	13
21 to 29 years	29	8	60	3
30 to 49 years	36	11	46	7
50 and over	35	9	46	10
Republicans	37	8	46	9
Democrats	36	11	46	7
Independents	30	9	55	6

12,500 WISCONSINITES AGREE

Mr. PROXMIRE. Mr. President, the results of this Gallup poll are not surprising. Last month I sent a questionnaire to my Wisconsin constituents in which I asked them specifically how they would vote on President Nixon's proposed spending levels for a number of major programs. I received about 12,500 replies. In the case of the President's proposed $73.6 billion military spending for fiscal year 1971, I received the following answers:

Program	Billions proposed spending	Cut below proposed level (percent)	Hold at proposed level (percent)	Increase above level (percent)
National Defense	$73.6	66	30	4

I want to point out that the question I asked my constituents was based on the spending level the President proposed for fiscal year 1971. It cannot be argued, therefore, that the cuts which Congress made in the President's requests last year of about $6 billion are sufficient. The $73.6 billion figure is the reduction occasioned by the huge cut which Congress made last year. The public therefore wants a further cut in military spending.

When the votes for either holding the line on military spending or cutting it are combined, the results are even more spectacular.

Hold line or cut below present levels

[In percent]

Proxmire Wisconsin poll	96
Gallup poll:	
National results	83
East	85
Midwest	85
South	77
West	85

ADMINISTRATION SPOKESMEN OUT OF STEP

Yet while the public overwhelmingly favors a cut in military spending, spokesmen for the administration are calling for no more cuts. In the last few weeks there have been a series of statements by top-level military or budget officials saying we should cut no more.

Speaking at a press conference on the 6th of August, Secretary of Defense Melvin Laird had this to say:

> The Chairman of the House Appropriations Committee had indicated he believes our budget will be cut by one billion dollars. I'm going to do everything I can to see that it isn't. I think we have submitted a rock bottom budget this year.

The Assistant Secretary of Defense for International Affairs, Mr. Warren Nutter, had this to say in an address before the Western Economic Association's annual meeting in Davis, Calif., on August 28:

> In brief we have cut defense enough for the present. It is time to look elsewhere for relief from the heavy burden of taxes and for resources better employed in meeting pressing domestic needs.

And he concluded by saying that:

> Those whom you have entrusted with responsibility for the nation's security speak with one voice in sending this message to you.

TAXPAYER'S REGRET

I am certain that the American taxpayer must regret these inflexible stands against cutting defense expenditures on the part of the leading spokesmen for the Pentagon in the administration.

Not only is there vast waste in the military, but according to the very best estimates we now have, the Government faces a budget deficit of at least $10 billion for the 1971 fiscal year.

The only place where significant cuts can be made which would both reduce that deficit and affect the inflationary pressures which have brought it about, is in the military spending area. That is where the cuts must be made.

The administration is clearly out of step with the views of the people of my State. From today's results in the Gallup poll, they are out of step with the views of the majority of the people in the Nation.

The time has come to cut military spending, provide additional resources for high-priority programs, and give the hard-pressed American taxpayer some long-overdue relief.

I ask unanimous consent that the entire article from today's New York Times on the results of the Gallup poll be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

49 PERCENT IN POLL FAVOR DEFENSE-COST CUT—GALLUP FINDS SHIFT IN VOTERS' VIEWS IN LAST 10 YEARS

PRINCETON, N.J., Sept. 23—A majority of voters in all major regions of the nation except the South would like their Congressmen to vote for a reduction in military spending, the Gallup Poll reported today.

For the nation as a whole, the latest Gallup survey found that 49 per cent believed spending should be reduced, 10 per cent thought it should be increased and 34 per cent favored keeping it at its present level.

The two groups most in favor of a reduction in military spending were the college-educated and young adults. Little difference was found between the opinions of Democrats and Republicans.

Opposition to military spending stems largely from frustration over the Vietnam war and the belief that the war is diverting much-needed funds from problems at home, the Gallup organization said.

Total military spending (including Vietnam expenditures) accounts for about half the Federal budget, which totaled about $195-billion in 1970.

QUESTION ASKED OF 1,474

The following question was asked of 1,474 adults in a survey conducted Sept. 11–14 in more than 250 localities across the nation:

Congress is currently debating how much money should be spent for military purposes. Would you like to have your Congressman vote to keep spending for military purposes at the present level, increase the amount, or reduce the amount?

Here are the findings:

[In percent]

	Present level	Increase	Reduce	No opinion
National	34	10	49	7
East	32	8	53	7
Midwest	32	9	53	6
South	41	12	26	11
West	34	11	51	4
College background	29	6	60	5
High school	38	11	45	6
Grade school	34	13	40	13
21 to 29 years	29	8	60	3
30 to 49 years	36	11	46	7
50 and over	35	9	46	10
Republicans	37	8	46	9
Democrats	36	11	46	7
Independents	30	9	55	6

EARLIER SURVEYS SIMILAR

Two earlier nationwide surveys conducted during the last year showed the public favoring reductions in military spending, with results closely comparable to those reported today.

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The polling organization said a "dramatic change" in public attitudes on military spending had come about in the last 10 years, based on previous survey evidence.

In April, 1960, during a period of relative peace, 18 per cent of Americans believed the United States to be spending "too much" for defense. Twenty-one per cent said "too little," while 45 per cent thought the amount being spent was "about right."

Still earlier, just before the outbreak of hostilities in Korea, more than six out of every 10 voters favored an increase in the outlay for national defense.

Before World War II, in the face of Hitler's growing power in Gemany, the public expressed concern over the inadequacies of our defense program and called for greater expenditures for this program.

S. 4393—INTRODUCTION OF A BILL TO PROVIDE FOR PHYSICAL DISABILITY SEPARATION FROM SERVICE OF MILITARY PERSONNEL AND TO PROVIDE CIVIL COMMITMENT

Mr. DODD. Mr. President, I introduce for appropriate reference a bill to amend title 10 of the United States Code which would provide the opportunity for drug dependent military personnel to be separated from service on a physical disability basis and to be civilly committed and treated for their drug dependence.

This amendment to our laws is long overdue in my estimation and we should not delay in moving it through the Congress to the President's desk for enactment into law.

Clearly, the evidence presented before the Juvenile Delinquency Subcommittee during recent hearings points to the need for this bill.

Much has been said by Members of this body concerning our political-military involvement in Indochina, little however, is mentioned about a related problem which poses a serious threat to the United States both in that theater of operations and here at home.

Narcotics addiction and drug abuse are certainly not new in the military. In recent years, however, the problem has intensified. It has become more complex and it now demands that efforts be undertaken to provide adequate medical assistance and treatment to those servicemen who either become addicted or drug dependent while in the military.

While the Defense Department now acknowledges that there is a drug abuse problem in the military, they are not willing to acknowledge that drug addicted servicemen should be separated from service on physical disability bases.

Basically the Defense Department's position on this issue is that drug addicted individuals or servicemen habituated to drugs are usually involved in some additional form of misconduct during their tour of service. This they feel, should preclude service personnel from receiving an honorable discharge from the services on medical grounds.

In keeping with this line of reasoning one of the recommendations of the Department of Defense's Task Group on Drug Abuse was the retention of present discharge provisions which do not allow the drug addict to be discharged medically. The specific recommendation states:

> The Discharge System now in effect in the Armed Forces represents a fair and proper method of categorizing service. Changes in it should not be made for the sole reason of allowing drug abusers to receive Veterans benefits.

I do not believe that the basic point at issue is Veteran's benefits. It is the well being of the individual soldier who has become addicted to or habituated to narcotics and who should receive a medical discharge with provisions for treatment and rehabilitation.

The U.S. Supreme Court in the Robinson decision—370 U.S. 660 (1962)—recognized that narcotics addiction, per se, was not a crime and the court went on to allude to the medical nature of addiction as an illness rather than a crime.

And while the military clings to the theory that addicts tend to be criminals, studies conducted by a former Army social worker who served in Vietnam, Roger Roffman, do not substantiate this.

He stated in testimony before the Juvenile Delinquency Subcommittee:

> We found, for example, that while 28 percent of our entire sample had received at least one Article 15 (a non-judicial punishment generally for a minor infraction), some 39 percent of the users had received such punishment. There was no trend, however, in the incidence of courts-martial. Moreover, there was no greater proportion of users seeking professional help for emotional problems.

Mr. President, I believe that we must acknowledge drug addiction for what it is, namely, an illness that must be treated.

This is the position I take and the bill that I introduce today reflects this view.

The ravages of narcotics addiction are certainly known in the United States. The countless numbers of lives that are lost to this scourge and the millions of dollars that are wasted each year by drug addicts are factors that are known to the Congress and to the American people.

And the fact is, Mr. President, that our involvement in Indochina may be compounding this problem because of the number of drug dependent military personnel who return to the United States with their drug habits or dependencies and are unable to take their place in an orderly society nor make any contribution to that society.

The Federal Government has long been concerned with the rehabilitation of narcotics addicts. Our Federal hospitals at Lexington and Fort Worth have been in the fore in treating and in attempting to rehabilitate those who become addicted to narcotic drugs.

The Federal Government's concern for this problem was further recognized with the enactment of the Narcotic Addict Rehabilitation Act of 1966, which for the first time provided an alternative to jail for those Federal offenders adjudged to be addicts and likely to be rehabilitated. That effort, only recently begun, is a signal effort and one which will in time show positive results.

Unlike our domestic policy toward the narcotic problem, the problem with which I am concerned today has not been met by the Federal Government. The result is that drug dependent military personnel, many of whom either have served or are now serving in Vietnam or Cambodia, or other areas of the world, are not considered to be eligible for medical discharge for their drug abuse or dependency.

The result is that, if they are subsequently discharged administratively or on other than honorable grounds, they are returned to their communities and continue their drug habits without any assistance or rehabilitation.

The legislation that I propose today would do much to correct this situation.

My concern with this problem is not new.

The subcommittee which I chair, the Juvenile Delinquency Subcommittee, has conducted public hearings and investigations into this controversial area since 1966.

Before elaborating on these subcommittee efforts, I would first remind Senators who have questioned our jurisdiction in this matter that the subcommittee by resolution of the Senate is charged with the responsibility of examining, investigating, and studying the adequacy of existing provisions of law, including the youthful offender provisions of title 18 of the United States Code. This is in addition to our specific responsibility to determine the extent to which juveniles and youthful offenders are violating Federal narcotics laws.

I believe that this mandate is clear and I find no conflict in jurisdiction.

Certainly the treatment and rehabilitation of narcotic addicts or drug dependent persons falls within the purview of the term "correctional action taken with respect to youthful offenders by Federal courts" included in the subcommittee's resolution. The chapter of title 18 dealing with the treatment of youthful offenders extends jurisdiction to the age of 22, an age at which many, if not most, of our military men have served their terms of service.

It is this youthful age group within the military with which we are concerned. The testimony before the subcommittee confirms the fact that it is this very age group that is most involved in illicit drug use.

The testimony further reflects the inadequacy of treatment or corrective action for drug dependent military personnel, the preponderance of whom are young men.

Because of these facts, I concluded long ago that the subcommittee is well within its mandate in inquiring into the problem of drug abuse in the military.

I am hopeful that my colleagues, including those who have questioned this jurisdiction, would accede to this view and support the bill that I propose today to help correct a very real and pressing problem.

I would now turn to a brief legislative history of the subcommittee's inquiries with regard to the problem of narcotics and drug abuse in the military and especially in overseas theaters of operation.

The dimension of this aspect of the drug abuse problem was brought home to me as long ago as 1966 when Dr. Robert Baird, director of the Haven Clinic in New York City, made these remarks in his appearance before the subcommittee:

> The important point that I am trying to make this morning is that I am concerned about the increased amount of addiction of boys in the Armed Services. There is a small percentage of men who are dropouts, with 3 years or less of high school, who are getting drugs in the Armed Services, and who have either experimented with drugs before entering the service or are psychologically extremely susceptible to the suggestion of others to take drugs.

He then observed:

> I have come across servicemen in every branch—the Army, the Navy, the Air Force and the Marines—who have gotten narcotics, marihuana, barbiturates and amphetamines, known as goof-balls and pep pills, in every place from their own home stations, training, grounds, and towns, to overseas, in France, Italy, Germany, Greece, Sweden, Korea and Vietnam.

Dr. Baird indicated that based on his knowledge of the problem he would estimate that there were some 10,000 to 15,000 addicts in the service and about 100,000 marihuana smokers in the Military Establishment.

Mr. President, those estimates were hard to accept then, but I believe that time has proven that Dr. Baird's estimates were more accurate than official Defense Department figures.

Appearing with Dr. Baird at those hearings in 1966, was an ex-marine, who had served in Vietnam and had flown approximately 125 combat missions as a crew chief and a gunner on a helicopter. The former marine was an addict who told us that drugs were readily available to him while he was in the service, both in the United States and overseas.

He related a personal experience with drugs while serving as a gunner aboard a helicopter in Vietnam where he shot and wounded friendly troops thinking they were the enemy.

The point, Mr. President, is that this young marine had taken a quantity of "goof balls," that is, barbiturates before that mission; and while on that mission under the adverse illusionary influence of those drugs, he machine-gunned two friendly Vietnamese soldiers.

That marine told the subcommittee that he personally knew 12 heroin addicts and numerous other men who abused other drugs, including hashish, pep pills, and goof balls.

It was during those hearings that testimony was given relative to the handling of military personnel who are either drug abusers or drug dependent.

Dr. Baird when asked to outline the types of discharges afforded these men stated:

> I have reviewed some of these things. Some of these discharges are undesirable discharges, some of them are character disorder discharges. But I don't think I have come across one that has said the individual was discharged because of drug addiction.

I would add at this juncture that the picture in that regard has not changed and today there is no physical disability discharge available for either drug abusers or drug dependent persons.

One question that must be explored, of course, concerns whether drug addiction and drug abuse among the military are detectable while the individual is in service.

If the drug condition is not established while the individual is in the military, then the bill that I propose could not be operable. I am convinced, however, based on the testimony of former military doctors that the drug addict and the chronic drug abusers in the military in the majority of cases are not only detected, but are actually seeking assistance for their problem, assistance which in most cases may be inadequate at best or not available at worst.

When the subcommittee next held hearings on this aspect of the drug abuse problem in March of 1968 I requested that the Defense Department furnish us with an evaluation of the drug situation in the military establishment.

I did so because of the fact that additional testimony, citing the prevalence of marihuana use among service personnel in Vietnam, was heard by the subcommittee.

The witness, John Steinbeck IV, a former soldier who had served in Vietnam, told the subcommittee that he estimated that 60 percent of the men in Vietnam, between the ages of 19 and 27, were smoking marihuana whenever they thought it reasonable to do so.

He went on to opine that upwards of 75 percent of that same age group would be involved with marihuana as they became more sophisticated in its use.

The picture painted by Steinbeck was that marihuana was a relatively harmless drug, a view that he said was also accepted by the military.

The response of the Defense Department in the form of testimony before the subcommittee was that drug abuse in the military was a minimal problem and that statistics reflected that "there is virtually no addiction to the so-called hard narcotics and a low rate of incidence of drug abuse in the Armed Forces."

This testimony presented in early 1968 represented an evaluation of the drug abuse problem through calendar year 1967, the last year for which statistics had been compiled at the date of the subcommittee's 1968 hearings.

It is axiomatic that official statistics concerning drugs abuse rarely, if ever, indicate the true incidence of such abuse whether it be military or civilian in nature. Statistics usually simply represent apprehensions, that is, those who have been detected and arrested for illicit drug involvement.

One is not going to come forward and acknowledge that he is either violating a Federal law or one of the Articles of the Uniform Code of Military Justice by acknowledging drug involvement.

In the military such an admission is punishable as a violation of the Uniform Code.

Thus, one can reasonably conclude that official and reported statistics do not present an accurate picture of illicit drug use and abuse. However, they certainly are indicators which can be used to evaluate developing patterns especially changes in the incidence of arrests or apprehensions.

With this in mind, certain questions may be put to the Department of Defense relative to the figures that were furnished the Subcommittee in 1968. This is especially true in view of recent knowledge of the problem that was made available in testimony presented before the Juvenile Delinquency Subcommittee.

Did the Defense Department know the extent of drug abuse at that time?

Did they ignore it?

Did they attempt to cover it up?

Were they honestly unaware of the magnitude of the problem?

Or, was there, as official figures seem to indicate, a relative minimal problem at that time?

A definitive answer on my part would be speculative. However, I can point to testimony before this subcommittee which indicates that there is a serious drug abuse problem in the military establishment and that legislation such as I propose today is urgently necessary.

My bill, since it provides for physical disability separation from service, would in effect be of assistance in determining the true incidence of drug abuse in the military in that it provides that such abuse be handled medically rather than punitively, as is now the case under present military law.

It would thus serve as an incentive for drug abusers to come forward in order to seek the treatment that is necessary for their rehabilitation.

What then are the drug abuse conditions in the military today towards which this legislation is directed?

I can only characterize the problem as massive, dangerous, unabated, and growing.

It is a problem with which the military has not yet come to grips and the result of this lack of responsiveness is that drug addicted or drug dependent servicemen are returning home, unknown to civilian authorities, with only one way to go, a continuation of their drug oriented way of life.

While there is certain controversy over the effects of marihuana smoking, the fact is that the ultra strong Vietnamese variety has particular and discernible adverse effects, which have been described before the Juvenile Delinquency Subcommittee in terms of toxic psychosis, in other words, drug-induced insanity.

The marihuana toxic psychosis is a cerebral cortex malfunction due to toxins in the body due to the marihuana smoked or ingested. This condition has already been described in the medical literature as existing among Vietnam servicemen who are marihuana smokers.

The manifestations of this condition are readily discernible and include a loss of reality testing, paranoid feelings or feelings of suspiciousness, disorientation, confusion, and auditory and visual hallucinations.

These conditions are usually temporary.

But we have heard of cases where the individual soldier remains schizophrenic even after having come out of the acute toxic state.

Mr. President, in layman's terms the above medical descriptions of the adverse reactions to marihuana smoking means that the soldier in Vietnam who smokes marihuana may react violently, hysterically or in other aberrant behavior patterns.

This is particularly true because of the fact that our servicemen in Vietnam are under great stress, they are under great tension and undoubtedly are fearful for their lives in combat situations.

The point to be stressed here is that one's mental set and the social-psychological conditions under which one smokes marihuana to a large extent determine the individual's response to it.

Therefore, if one is under great stress, great tension, and is fearful for his life, the marihuana episode can enhance that mental condition and can result in violence, including murder, rape and assault.

This behavior has been described to us and I certainly have no reason to question it.

It is a matter of record at the Long Binh jail in Vietnam.

A case in point concerns the death of a U.S. soldier in Vietnam who jokingly told his companion that he was Ho Chi Minh. The companion who had smoked marihuana only minutes before experienced a panic reaction and shot the man to death.

While the reference to Ho was made jokingly, the confused and hallucinating marihuana smoker reacted in a disoriented manner and shot his comrade.

In addition to the above behavior patterns, we have been told of cases where the individual pot smoker, if he is a heavy user of marihuana, will experience "trips" similar to those experienced upon ingestion of LSD, a potent hallucinogenic.

An anamoly concerning the marihuana experience is that the soldier who smokes marihuana believes that the drug relaxes him and makes him better able to function, while in truth, his functioning is severely impaired.

Whether the soldier is in a combat unit or a support unit, his marihuana smoking impairs his functioning, his judgment, and his ability to carry out his assigned mission.

One witness told the subcommittee that he had a standing order with the men of his squad that marihuana was not to be smoked prior to any military operation. His rationale was that the marihuana smoker could not function and would impair the success of the mission and, in fact, endanger the lives of those assigned to the mission.

Further evidence of this anomalous situation is to be found in a taped interview with servicemen from Vietnam which was summarized in Family magazine, a sunday supplement to the Army Navy and Air Force Times publication.

The interviewer questioned the men on instances where servicemen, who were under the influence of marihuana, may have been adversely influenced by the drug.

The following is one incident cited by these active duty military men:

> There was an incident in Korea. We were going on patrol across the DMZ and we were walking through a mine field. He (another trooper) was the point man and he stepped on a mine and had his leg blown off. But I mean that really wasn't his mistake because he just read the map wrong. But yet, I mean *he was high at the time.*

Another case from the interview gives us a glimpse of the confused state of mind resulting from marihuana smoking:

> We got caught in an ambush. I was just sitting there eating chow and instead of going for my rifle when they started shooting . . . it happened just like this . . . I looked at him (a comrade who had just smoked marihuana) and said, "Oh no! My man got hit" and instead of going for my rifle I went for his 79 because at that time in my mind I was high and I said, "What's the use of having this puny M-16 when I've got a hell of a lot more fire power over here on my righthand side?" You know, I just started plugging away with the M-79 and we got out of there.

In summary, the man under the influence of marihuana hysterically grabbed the wrong weapon and fired at the enemy.

The interview, which lasted for 2½ hours, is a chilling documentary on the reactions of these troops in combat and frontline situations. The most dramatic aspect of the statements made by these soldiers is the difference between their subjective reactions to marihuana smoking and the actual facts surrounding their performances in combat.

They thought they were doing just great.

In reality, they and their befuddled buddies were getting killed, wounded, and routed because they were reacting in the confused, unreal, distorted world of marihuana intoxication.

Additional evidence of the problems created in combat by marihuana abuse in Vietnam, were brought to our attention during our most recent hearings on the issue.

I questioned Vice Adm. William P. Mack, a Defense Department expert on drug abuse, about the combat readiness of our troops in Vietnam and the possible impairment of functioning of the men as the result of marihuana smoking.

He replied:

> We also agree with you that there are many instances where a platoon or a squad endangers some of its members. Maybe a squad mission cannot be carried out. We know this has happened, or helicopter mission, and there have been people killed who should not have been killed, but we are looking at it really from the overall point of view that we do not feel at this moment that our ability to do what we want to do in Vietnam is, for instance, endangered. We are talking about a higher level. At the lower level we agree with you.

The point is that when you get down to cases, marihuana smoking does impair the functioning of men who abuse the drug. And in a combat situation this means unnecessary deaths and loss of unit efficiency.

Examples of such losses were given by two former veterans. Jon Steinberg, who served in Vietnam told the subcommittee of cases such as the following in which a unit suffered losses because of a psychotic episode following marihuana use:

> The release of assaultive behavior happened to a soldier in Saigon. This particular soldier was on guard duty and smoking pot in a bunker with four buddies. He had smoked marihuana on three other occasions without any trouble. All those experiences were pleasurable. This time, after smoking his normal amount of pot, he picked up his M16 and emptied a magazine into his four friends. They did not all die following this initial burst of gunfire, so he put another magazine into his rifle and stopped their crying with bullets.

Additionally, Dr. John K. Imahara, a former Army psychiatrist, who served in Vietnam, testified to the loss of effectiveness of combat units because of marihuana use by many members of a given squad or company:

> A military lawyer told me about an incident in which a helicopter began to receive gunfire at night. The helicopter swooped down and strafed the area. The following morning, American soldiers were found dead with evidence of marihuana in the guard post. There were stories about how bunkers were overrun or break-throughs into the base camps by the enemy with the evidence of marihuana cigarettes present. I cannot enumerate all of the many situations in which marihuana and/or other drugs were involved. Needless to say the use of marihuana and other drugs can contribute to a more dangerous situation in the combat zone.

Mr. President, I believe that the evidence of adverse reactions to marihuana smoking in Vietnam is sufficient to justify labeling that particular drug as dangerous.

What then is the estimate of the incidence of such drug abuse in Vietnam?

Again, based on our record, as high as

80 percent of the men in Vietnam have used marihuana at least once. The incidence of chronic marihuana use has not been determined definitely. Figures do indicate that at least 30 percent of the men in Vietnam can be classified as chronic users of marihuana.

Dr. Joel Kaplan, a psychiatrist who was a U.S. Army major with a year's tour in Vietnam, told the subcommittee that 70 percent of the outpatients who he saw in Vietnam, some 3,000 men, were heavy drug users.

In addition, 50 percent of the inpatients seen by Dr. Kaplan during his tour in Vietnam were heavy drug users.

Thus, in Dr. Kaplan's words, 3,500 men about whom he knew personally were heavy drug users in Vietnam requiring medical and psychiatric assistance for their drug abuse and dependence.

When describing what he considered chronic drug use Dr. Kaplan put it this way:

> When I refer to drug abusers, I am not referring to the soldier who smokes marihuana once a week or even once every few days. I am referring to a soldier who is using drugs heavily day in and day out.

Dr. Kaplan's view of the seriousness of this problem is shared by other professionals.

Dr. James Teague, another psychiatrist, who had served a year's tour of duty in Vietnam with the U.S. Army Medical Corps told the subcommittee that prior to his going to Vietnam and experiencing firsthand the adverse reactions to marihuana smoking, he considered the drug to be relatively harmless.

He has since changed his appraisal of marihuana abuse because of his professional experience with the drug among servicemen in Vietnam and he considers Vietnamese marihuana to be a potentially dangerous substance.

Evidence of the potential dangers of drug abuse is contained in figures concerning drug overdose deaths in Vietnam that have been furnished the subcommittee by the Department of Defense.

From 1965 through 1967 there were no deaths attributed to drug overdose among U.S. Army personnel in Vietnam. However, in 1968, seven such deaths were recorded and in 1969 the number of troops who died from overdoses jumped to 18.

We can be thankful that drug overdose deaths are no higher than indicated.

While the consensus of the witnesses who appeared before the subcommitee would indicate that medical assistance is available in Vietnam to treat drug abusers and drug dependent persons, they insisted that available medical assistance is inadequate to meet the problem.

There is evidence of a need to detoxify drug abusers and to hospitalize chronic marihuana users in order to stabilize their conditions and hopefully return them to duty.

Dr. Kaplan told the subcommttee of his treatment efforts with regard to drug abusers including reliance on group therapy sessions.

While these efforts to treat and stabilize chronic drug abusers are utilized in Vietnam, the testimony reflects that they are currently inadequate and that more must be done not only with regard to treatment, but with regard to drug abuse education and preventive efforts.

If the treatment programs are not adequate, an alternate approach must be available which would provide for the physical disability discharge of drug addicted or dependent servicemen. However, under current military law, that is impossible.

Drug abuse and/or drug addiction are not considered by the Army to be grounds for a medical or psychiatric discharge. Such symptomatology must be subsumed under the hearing of character behavior disorders which must be then handled through administrative channels. Such a situation now means a discharge, under existing Army regulations, for an underlying personality disorder. As a result of this procedure, the individual is not treated upon his discharge and continues his drug habit upon his return home.

And the fact is, Mr. President, that we have now begun to see the results of this problem at home.

Dr. Myron Feld, a former psychiatrist with the Veterans' Administration recently spoke out on this problem and indicated that the heavy abuse of drugs by servicemen in Vietnam is responsible for a high rate of mental breakdown among Vietnam veterans. He went on to point out that the breakdowns are occurring after discharge, and are due to the heavy use of ultrastrong Vietnamese marihuana and to other drugs including LSD and amphetamines.

Feld pointed out:

> Our troops find it necessary to enter combat under the influence of drugs and, further to continue their use on return to the United States.

Mr. President, it is my firm belief that the Congress must now recognize the serious nature of the drug abuse problem in the military and must take immediate action to provide means to alleviate not only the immediate, but the long-term results of drug abuse by servicemen.

I believe that the legislation that I now propose would go a long way toward achieving such a goal.

If a man cannot function in the military because of drug addiction or drug dependence, he must be medically separated from service, treated and hopefully rehabilitated under an organized program of care.

The bill that I propose would do just this.

It provides:

For the physical disability separation from service of drug dependent and drug addicted military personnel.

For their civil commitment to treatment under titles III and IV of the Narcotic Addict Rehabilitation Act of 1966.

For penalties for drug offenses that are commensurate with those provided for in the Controlled Dangerous Substances Act.

I believe that if this bill is enacted, that we will make inroads into a problem of serious dimensions not only in the military, but here at home where drug abuse and dependency must not be compounded by returning servicement who have become "dope fiends" while in military service.

We should provide the very best of care for our returning veterans and this includes adequate treatment for drug dependency.

I urge my colleagues to give this bill their favorable consideration.

The PRESIDING OFFICER (Mr. NELSON). The bill will be received and appropriately referred.

The bill (S. 4393) to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug addiction or drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Armed Services.

LET US OFFER EXCHANGE OF PRISONERS OF WAR—OFFERING ON BASIS OF 35 FOR ONE OF OUR MEN

Mr. YOUNG of Ohio. Mr. President, at this time Americans have reason to believe that approximately 1,500 American fighting men, most of them officers of our Air Force, are being held as prisoners of war in prison camps in North Vietnam and in South Vietnam. Most of these officers and men were known to have been shot down over North Vietnam or South Vietnam or over the Gulf of Tonkin or South China Sea. Their planes were damaged or destroyed. When the downed pilots were not found alive, they were listed as missing in action. They have been presumed to be killed in combat or prisoners of war. A large majority according to American observers who saw the war planes shot down or were in rescue helicopters directly after these incidents or based on other information obtained, are believed to be prisoners of war.

It is believed that this total may approximate 1,500 American fighting men still being held as prisoners of war. Information servicemen known by their names are presently being held as prisoners of war by the forces of the National Liberation Front in South Vietnam or by the authorities in North Vietnam. An additional 1,100 are missing in action. It is hoped and believed that particularly all of them are prisoners of war.

Mr. President, I have no means of knowing how many of the 36,000 VC and North Vietnamese held as prisoners by the friendly forces of South Vietnam are officers. Probably relatively few are, in fact, officers.

It is an unfortunate policy that prisoners taken by our GI's are turned over to ARVN forces who do but very little fighting.

Veterans of World War II never beheld a German prisoner of war hooded and with his hands manacled behind him. We should by all means offer to exchange all these 36,000 prisoners of war for the 1,500 Americans. This operation, of course, to be handled entirely

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by the International Red Cross and in accord with the Geneva agreement pertaining to the humane treatment of prisoners of war to which we are signatory. Whether or not the militarist government of Thieu and Ky have also signed the Geneva agreement for the humane treatment of prisoners, I do not know.

David Poling in the Christian Herald recently stated:

> There is no doubt that there are thousands of Americans in North Vietnamese prisons.

From the thousands of helicopters and planes shot down alone, we understand a goodly percentage of personnel have been rescued and held prisoner by the North Vietnamese. The treatment of prisoners of war even by the most civilized nations does not always follow the Geneva Convention on rules of war. In the Vietnam conflict the Americans themselves do not show up too well in this connection. We turn over the captured enemy to the South Vietnamese to do with as they like, and the reports on conditions in South Vietnam prison camps are shocking. Torture of the most fiendish sort is inflicted, care of the wounded and sick is practically nil, and starvation is rife.

We know from pictures on our screens that invariably VC taken prisoners are immediately tortured by the South Vietnamese. Americans witnessed on their television screens a VC officer murdered by General Loan immediately after being turned over by Americans to whom he had surrendered.

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Here is a proposal which might be accepted as Pentagon claims VC are suffering a shortage of manpower due to heavy losses.

In the history of warfare not only in wars in which the United States has been involved but almost universally there have been prisoner-of-war exchanges.

I am today making a constructive suggestion which I hope will be acted on by officials of the International Red Cross. Also, that leaders in the executive branch of our Government will work in trying to bring about the release of a thousand or more Americans held as prisoners of war by offering this exchange of approximately 36,000 prisoners most of whom were captured by our GI's. We should insist that President Thieu and Vice President Ky of the Saigon militarist regime go along and obey us on this or does the little tail wag the dog?

We Americans would gain a great deal if we received a thousand or more American prisoners of war through the work of the International Red Cross, and gave back to the VC and the North Vietnamese on the basis of 35 to 1 some 36,000 prisoners we have taken in this war.

Mr. President, in the entire history of our Republic including throughout two world wars and the Korean conflict our generals never adopted that abominable brutal system termed "body count." This was concocted by officers in the Pentagon some years ago about 1963 or 1964. This so-called body count policy has been followed from that time to the present time in reporting casualties supposedly suffered by the VC and North Vietnamese in the course of the undeclared war we are waging in Southeast Asia, first in Vietnam and now in recent months expanded and escalated to fighting in Cambodia, Laos, and Thailand.

Pentagon officials and the generals of our Joint Chiefs of Staff no longer refer to this as the Vietnam war but term it the Indochinese war. They have adhered to this body county policy although no knowledgeable American believes these highly exaggerated body count figures issued regularly from the Pentagon. Were these body count figures accurate, anyone would wonder how it comes there are any men left to fight on the side of the VC or forces of the National Liberation Front.

This Indochinese war became the most unpopular war ever waged in the history of our Republic very shortly following the time that President Lyndon Johnson on his own, in the absence of a declaration of war from Congress, had more than 500,000 U.S. troops in Vietnam at one time. In the administrations of Presidents Eisenhower and Kennedy we had military advisers in Vietnam—no combat troops. On the day President Eisenhower left the White House we had 687 military advisers in Vietnam—no combat troops. On the day that President Kennedy was assassinated we had approximately 16,200 military advisers in Vietnam—no combat troops.

Waging a major war in Southeast Asia is the most horrendous mistake made by a U.S. President. Vietnam is of no importance whatever to the defense of the United States. This is the most unpopular war our Nation has ever waged. It is an undeclared war. It is the longest war in point of time. With the exception of World War II, it is the most costly war in the loss of priceless American lives.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARL McINTIRE: PREACHER OF HATRED

Mr. YOUNG of Ohio. Mr. President, Carl McIntire, the rightwing extremist preacher of hatred who has invited Vice President Ky of the militarist Saigon regime to come to Washington and participate in his so-called march for freedom, has long been recognized in religious circles as a charlatan and heretic.

The fact is that Carl McIntire is a bigot in clerical clothing. He was defrocked in disgrace in 1936 by leaders of the United Presbyterian Church. Today, the United Presbyterian Church has a membership of 3,172,760. By comparison, Mr. McIntire's group of misguided followers in the splinter Bible Presbyterian Church he established number 1,800. The United Presbyterian Church is more than 1,500 times the size of McIntire's group of followers.

Mr. McIntire spews forth his brand of hatred from a dilapidated building in Collingswood, N.J. His organization prints the Christian Beacon, a weekly compilation of the preacher's opposition to legitimate political and religious groups as well as printing books, tracts, and position papers.

Last year, Reverend McIntire, so-called, was expelled from the executive committee of the American Council of Christian Churches due to his extremist views and his reputation as a spewer of hate.

Mr. President, yesterday Vice President AGNEW stated that Vice President Ky's scheduled appearance at the October 3 rally would not serve any "useful purpose." I am in complete agreement with the Vice President.

When I was in Vietnam in 1968, I interviewed Vice President Ky of the Saigon militarist regime for nearly an hour. He is an abominable fellow. This minidictator, who is a fraud and a phony air marshal, was born and reared in Hanoi. He, along with nine generals born in North Vietnam who overthrew the legal civilian government in Saigon in June 1965, fought with the French Armed Forces seeking to reestablish their tyrannical colonial Indochinese empire. In 1954, Ky was in the French Air Force as were those nine generals opposing their fellow countrymen fighting for national liberation then termed "Viet Minh," now Vietcong. Ky proudly displayed on his flamboyant flying jacket a decoration he was awarded by the French. He is really a traitor to his nation now the same as he was at the time of Dienbienphu.

He and President Thieu stalled for 4 weeks before sending delegates to join Ambassador Averell Harriman at the Paris conference. Their refusal caused a halt to all proceedings toward peace. During a period when 200 or more Americans were being killed in Vietnam each week, he and President Thieu refused to join the conference.

In addition, Vice President Ky personally receives $15,000 per week from the receipts of the Saigon racetrack. In 1967, Ky admitted he was receiving this racetrack money and said he used it from time to time to help disabled war veterans. He had, up to that time, paid out the total sum of $65 for this purpose.

Our Ambassador to South Vietnam, Ellsworth Bunker, who in 1968 made the astonishing statement that the Tet lunar offensive was "a resounding military defeat for the Vietcong," accompanied Ky to the airport when he left Saigon last week on his trip to Paris and Washington. Perhaps Ambassador Bunker personally had reason to rejoice and state that the Tet offensive of the Vietcong was "a resounding military defeat." He fled and escaped with his life from the U.S. Embassy compound. The Vietcong breached the fortress-like wall, invaded our Embassy, killed American soldiers and civilians in the Embassy compound, and held possession of the Embassy for 7 hours.

In this same Tet lunar offensive of February 1968, the Vietcong invaded Saigon and released thousands of prisoners in jail and they forcibly invaded and took possession of 37 of 44 provincial capitals in South Vietnam, in every instance releasing prisoners from jail, conscripting many of the young men in their armed forces and seizing possession of many tons of rice. They held possession of Hue, the ancient capital, for a month. Our marines finally drove them out after suffering heavy casualties.

It was reported at the time that Ambassador Bunker escaped and was secluded in a safe place. He was able, however, to return after some 7 hours, probably feeling happy to be alive.

Mr. President, it is disgraceful to contemplate that Vice President Ky and Reverend McIntire, so-called, would stand in the shadow of the Washington Monument and the Capitol calling for the American people to rally for all-out military victory in waging an immoral war in a tiny country in a remote part of Southeast Asia that we have devastated.

In any event this flamboyant Vice President Ky, instead of coming to Washington to participate in the demonstration, would be well advised if he would go to Hong Kong or Switzerland and rendezvous with his unlisted bank accounts in both places, or continue to take $15,000 almost every week in receipts from the militarists in Saigon which he controls.

Reverend McIntire, so-called, and Vice President Ky are advocates of blood and tears and fighting on to a complete American military victory in Southeast Asia even though that might cause another 50,000 young Americans to be killed in combat.

A TRUTH WE ALL AGREE ON

Mr. HANSEN. Mr. President, some truths bear constant repetition. When Col. Frank Borman addressed a joint meeting of Congress concerning his diplomatic mission on behalf of American prisoners of war, he spoke a simple truth on which we all agree.

The humanitarian aspect of this question is above all political and military aspects. Regardless of what our individual opinions are on the Vietnamese war, we unite in our concern for these unfortunate captives.

They have been denied the minimum treatment prescribed in the Geneva Convention on prisoners of war. The North Vietnamese Government is a signatory to that treaty. We are determined to make every effort to persuade that Government to rise to that minimum level in its prisoner-of-war policy.

MAKING CONGRESS MORE EFFECTIVE

Mr. HART. Mr. President, I call attention to a study report just released which I believe will stimulate a broad and constructive discussion. It is a statement by the Research and Policy Committee of the Committee for Economic Development.

I ask unanimous consent that at this point in the RECORD the membership report of that committee be printed.

There being no objection, the membership list was ordered to be printed in the RECORD, as follows:

RESEARCH AND POLICY COMMITTEE

Jervis J. Babb, New York, New York.

Joseph W. Barr, President, American Security and Trust Co.

Frederick S. Beebe, Chairman of the Board, Newsweek.

William S. Beinecke, Chairman of the Board, The Sperry and Hutchinson Company.

S. Clark Beise, President (Retired), Bank of America N.T. & S.A.

William Benton, Publisher and Chairman, Encyclopedia Britannica, Inc.

Joseph L. Block, Chairman, Executive Committee, Inland Steel Company.

Marvin Dower, Director, McKinsey & Company, Inc.

John L. Burns, President, John L. Burns and Company.

Rafael Carrion, Jr., Chairman and President, Banco Popular de Puerto Rico.

Emilio G. Collado, Executive Vice President, Standard Oil Company (New Jersey).

Robert C. Cosgrove, Chairman of the Board, Green Giant Company.

Marion B. Folsom, Rochester, New York.

William C. Foster, Washington, D.C.

John M. Fox, Chairman, United Fruit Company.

Co-Chairmen: Emilio G. Collado, Executive Vice President, Standard Oil Company (New Jersey).

Philip M. Klutznick, Chairman, Urban Investment and Development Company.

Vice Chairmen: Howard C. Petersen, Chairman, National Economy, The Fidelity Bank.

John A. Perkins, President, Improvement of Management in Government, Wilmington Medical Center.

Philip M. Klutznick, Chairman, Education and Urban Development, Urban Investment and Development Co.

William M. Roth, International Economy, San Francisco, California.

David L. Francis, Chairman, Princess Coal Sales Company.

William H. Franklin, President, Caterpillar Tractor Co.

Richard C. Gerstenberg, Vice Chairman of the Board, General Motors Corporation.

Ellison L. Hazard, Chairman and President, Continental Can Company, Inc.

H. J. Heinz, II, Chairman, H. J. Heinz Company.

William A. Hewitt, Chairman, Deere & Company.

Charles Keller, Jr., President, Keller Construction Corporation.

Robert J. Kleberg, Jr., President, King Ranch, Inc.

Philip M. Klutznick, Chairman, Urban Investment and Development Co.

Ralph Lazarus, Chairman, Federated Department Stores, Inc.

Thomas B. McCabe, Chairman, Finance Committee, Scott Paper Company.

George C. McGhee, Washington, D.C.

John F. Merriam, Chairman, Executive Committee, Northern Natural Gas Company.

Raymond H. Mulford, Chairman, Owens-Illinois Inc.

Robert R. Nathan, President, Robert R. Nathan Associates, Inc.

Alfred C. Neal, President, Committee for Economic Development.

John A. Perkins, President, Wilmington Medical Center.

Howard C. Petersen, Chairman, The Fidelity Bank.

C. Wrede Petersmeyer, President, Corinthian Broadcasting Corporation.

Philip D. Reed, New York, New York.

Melvin J. Roberts, President, Colorado National Bank of Denver.

William M. Roth, San Francisco, California.

Robert B. Semple, President, Wyandotte Chemicals Corporation.

S. Abbot Smith, Boston, Massachusetts.

Philip Sporn, New York, New York.

Allan Sproul, Kentfield, California.

William C. Stolk, Chairman, W. C. Stolk & Associates, Inc.

Alexander L. Stott, Vice President and Comptroller, American Telephone & Telegraph Company.

Wayne E. Thompson, Vice President, Dayton-Hudson Corporation.

H. C. Turner, Jr., Chairman, Turner Construction Company.

Herman L. Weiss, Vice Chairman, General Electric Company.

Frazar B. Wilde, Chairman Emeritus, Connecticut General Life Insurance Co.

Walter W. Wilson, Partner, Morgan Stanley & Co.

Theodore O. Yntema, Department of Economics, Oakland University.

Mr. HART. Mr. President, this distinguished group has captioned its statement, "Making Congress More Effective." It is a statement which generated considerable discussion among the committee members themselves. One can notice from the footnotes the sincere effort by each member of that distinguished group to clarify particular individual attitudes of the individual, all of whom joined the general statements of conclusions of the committee.

To encourage my colleagues and others in the country to read the full statement, I ask unanimous consent that the "Summary of Conclusions and Recommendations" of the committee be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Facing issues of unprecedented magnitude and scope, Congress—like most other human institutions—is reluctant to modify its long-established, habitual ways of doing business. Continuing delay in modernization of Congressional structures and procedures, however, will surely be injurious to the national interest and can lead only to further erosion in influence and effectiveness of the Legislative Branch.

Recognizing the complexities and obstacles standing in the way of change, we have limited the recommendations in this statement to proposals designed to overcome weaknesses without undertaking a complete remodeling of the present system. No further reference is made, for example, to the possible substitution of multi-member for single-member districts in the House of Representatives, or to changes that would require amendment of the Constitution.

In the following chapters we advocate significant modifications that are both pragmatic and immediately practicable, dealing with three separate though interrelated fields of action. First, we urge fundamental improvements in the Congressional handling of fiscal-economic decisions. Second, we propose readjustment of the entire committee structure and of the procedures associated with it. Third, we strongly support divestment by Congress of inessential and unsuitable administrative burdens, together with other measures that would strengthen public confidence in its objectivity.

The present Congressional approach to fiscal affairs is indefensible. When budget decisions are extended long past the beginning of the fiscal year for which they are intended, when there is no Congressional mechanism to tie revenues and appropriations into a coherent pattern, when no legislative procedure exists to initiate actions based on a comprehensive view of the economy, then national stability is endangered. When Congress permits its evaluation and oversight

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of programs to be carried out in ways that allow the continuance of obsolete programs and the wasteful management of potentially useful ones, then both the credibility and the effectiveness of the entire national government are seriously harmed. To correct these conditions we recommend that:

Means for comprehensive review of the annual budget be established and used, relating total revenues and expenditures to the state of the economy.

Annual authorizations be discounted; instead, authorizations should be made along program and project lines, fully funded, for minimum terms of four years.

Evaluation of program performance, in terms of objectives as well as dollars, be heavily stressed.

The federal fiscal year be changed to coincide with the calendar year, so that appropriations may always precede expenditures.

Congress establish and observe deadline dates for both authorizations and appropriations.

The committee system has the crucial role in Congressional decision making. As it now operates, however, decisions are fragmented; problems demanding a broad policy approach are handled in piecemeal fashion and hence poorly by the many autonomous committees and their innumerable subcommittees. These committees carry out much of their work in obscurity or secrecy which can be and often is maintained—even against the inquiries of other Members—in defiance of the elementary tenets of democracy. Through the assignment system that determines their makeup, and by means of restrictive procedures, committees can be dominated by small groups of Members with special interests held in common—or even by the desires of a powerful and autocratic chairman. These conditions prevent Congress from making open and effective response to urgent national needs. Therefore, we recommend:

Fewer standing committees, with broader jurisdiction for each.

Better use of joint and select committees.

More flexible subcommittee arrangements, with rotating chairmanships.

Abandonment of seniority as the sole criterion in selecting committee chairmen.

Democraticized procedures, with many more open hearings.

Better informational and analytical resources for committees.

There is no doubt that there has been an erosion of popular respect for Congress. This is injurious to the nation as well as to Congress as an institution. Citizens are now insisting that every level and branch of government become more responsive, more open to the demands of all the people, more attuned to current priorities, and less bound by traditional approaches or endless red tape. In the face of these trends Congress has appeared to fold in upon itself. Its endless involvement with minor details of administrative management and its open and attentive solicitude for special interest groups contrast with its negative reaction to many concerns of the general public. Prompt action on several fronts is needed to restore public trust. Hence, we propose:

Relinquishment of detailed direction of all administrative functions unsuited to management by a legislative body or by any committee of such a body.

Stronger "Codes of Ethics."

Assurance of majority rule on major issues in both chambers.

Installation of modern voting procedures which would eliminate the secrecy surrounding teller, standing, and voice votes in the House of Representatives.

Thorough reform of campaign finance, with full disclosure and tax incentives for contributions.

Prohibition of committee meetings while sessions of the chamber are in progress.

Acceptance of these recommendations would do much to improve Congressional operations and to enhance the Congressional image.[3] Fortunately, there are no legal barriers to their adoption; changes in House and Senate rules, modification of outmoded customs, or statutory enactments in some few cases, would suffice. The Members can make the necessary changes whenever the majority chooses. Congress has considered and debated many of them in recent years, so far to little or no avail.[4] It is now time to correct obvious weaknesses. The defects of Congress are not congenital; its wounds are self-inflicted.

Mr. HART. Finally, Mr. President, three of the recommendations appear to me to have particular appeal. The first is the recommendation that the Federal fiscal year be changed to coincide with the calendar year. The other two deal with the matter of congressional authorization and appropriation procedure. The committee recommends that annual authorizations be discontinued; that authorizations should be made along program and project lines, fully funded, and for a minimum term of 4 years. It proposes that the appropriations process should be designed to modify long-range programs in terms of short-range capabilities in light of performance.

The statement makes many other challenging suggestions with most of which I find myself in agreement.

Again, I thank the distinguished Americans who made up the Research and Policy Committee of the Committee for Economic Development. In the past, CED has published studies bearing on executive management in the Federal Government, Federal budgetmaking, presidential succession, modernizing local government, modernizing State government, financing a better election system, statements on a fiscal program for a balanced federalism, and reshaping of government in metropolitan areas.

Some of the policy recommendations made in those earlier statements already have been adopted. Others, I am sure, will be.

In this most recent report "Making Congress More Effective," there are recommendations which ought to be adopted by the Congress. In any event, given the quality and experience, the source from which this study comes, each of the recommendations reflected in that statement should have the most serious study and attention from all of us in Congress.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

PROPOSED AMENDMENT OF THE DEFENSE PRODUCTION ACT OF 1950

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend the Defense Production Act of 1950, as amended, to eliminate the restriction on guaranteed transactions under section 301 (with an accompanying paper); to the Committee on Banking and Currency.

PROPOSED LEGISLATION RELATING TO SERVICES OF CONSULTANTS IN CONNECTION WITH CIVIL FUNCTIONS OF THE CORPS OF ENGINEERS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the Act of July 3, 1930, as amended, relating to the services of consultants in connection with civil functions of the Corps of Engineers (with an accompanying paper); to the Committee on Public Works.

PROPOSED LEGISLATION RELATING TO PAY OF CIVILIAN MEMBERS OF THE BOARD ON COASTAL ENGINEERING RESEARCH

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend Section 103 of the River and Harbor Act of 1960, pertaining to the pay of civilian members of the Board on Coastal Engineering Research (with an accompanying paper); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to prevention of pollution in the Arctic; to the Committee on Commerce.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to loss of wet lands and sports fisheries caused by stream channelization under the Small Watershed Act; to the Committee on Commerce.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to consideration of fish and wildlife aspects in water resources management; to the Committee on Commerce.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to legislation modernizing the P–R and D–J Acts; to the Committee on Commerce.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to regulation on shipment of diseased fish; to the Committee on Commerce.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to need for "new product" clearing house at the Federal level; to the Committee on Commerce.

A resolution adopted by the City Council of the City of Philadelphia, Pa., memorializing the President and the Congress to declare a boycott of the Arab States; to the Committee on Foreign Relations.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to continued efforts on public land law review; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to need for population control to maintain a quality environment; to the Committee on Labor and Public Welfare.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to required course in environmental science; to the Committee on Labor and Public Welfare.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to research on mercury contamination of the environment; to the Committee on Public Works.

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[3] See Memorandum by Mr. Richard C. Gerstenberg, page 62.

[4] See Memorandum by Mr. Joseph L. Block, page 63.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to establishment of a National Water Bank; to the Committee on Public Works.

A resolution adopted by the Association of Midwest Fish and Game Commissioners, Denver, Colo., relating to coordinated advance planning on projects affecting environmental quality; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, with an amendment:

S. 2461. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes (Rept. No. 91-1235).

By Mr. JAVITS, from the Committee on Labor and Public Welfare, with an amendment:

S. 3425. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes (Rept. No. 91-1236).

By Mrs. SMITH of Maine, from the Committee on Armed Services, without amendment:

S. 752. A bill to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine (Rept. No. 91-1237).

By Mr. INOUYE, from the Committee on Armed Services, without amendment:

S. 4187. A bill to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands (Rept. No. 91-1238).

By Mr. BYRD of Virginia, from the Committee on Armed Services, without amendment:

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project (Rept. No. 91-1239).

By Mr. DOMINICK, from the Committee on Armed Services, with an amendment:

S. 3795. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war (Rept. No. 91-1240).

By Mr. JACKSON, from the Committee on Armed Services, with amendments:

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 91-1234).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

H.R. 18306. An act to authorize United States participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes (Rept. No. 91-1241).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report favorably three nominations of general and flag officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Maj. Gen. John Norton, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of lieutenant general while so serving;

Adm. Ephraim P. Holmes, U.S. Navy, for appointment to the grade of admiral on the retired list; and

Vice Adm. Charles K. Duncan, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of admiral while so serving.

Mr. STENNIS. Mr. President, in addition, I report favorably 8,027 promotions in the Navy in the grade of captain and below and 323 appointments in the Marine Corps in the grade of colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

James W. Abraham, and sundry other officers, for temporary appointment in the Marine Corps;

Richard C. Adams, and sundry other officers, for permanent promotion in the Navy;

Arnold T. Stevens, a temporary disability retired officer, for reappointment in the Marine Corps;

Carl Andrew Armstrong, Jr., and sundry other officers, for temporary promotion in the Navy;

Herman Carl Abelein, and sundry other officers, for temporary promotion in the Navy; and

Arthur R. Anderson, Jr., and sundry other officers, for temporary appointment in the Marine Corps.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD:

S. 4393. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug addiction or drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. DODD when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. MILLER:

S. 4394. A bill to amend title 18, United States Code, to make a misdemeanor the flight, in interstate or foreign commerce, by any person who is the parent of a minor child or who is a married man, if such person so flees with the intent of evading his legal responsibilities with respect to the support or maintenance of his minor child or his wife; to the Committee on the Judiciary.

(The remarks of Mr. MILLER when he introduced the bill appear below in the RECORD under the appropriate heading.)

By Mr. HARRIS:

S. 4395. A bill for the relief of Adelaida M. Alinsagay; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. RANDOLPH, Mr. GORE, Mr. METCALF, Mr. PERCY, Mr. SCHWEIKER, and Mr. YOUNG of Ohio):

S. 4396. A bill to amend Title XVIII of the Social Security Act to provide Medicare benefits (financed from general revenues) for disabled coal miners without regard to their age; to the Committee on Finance.

(The remarks of Mr. SCOTT when he introduced the bill appear below under the appropriate heading.)

By Mr. MANSFIELD:

S.J. Res. 237. Joint resolution to establish the Mineral Resources Commission to study and submit recommendations concerning laws and procedures relating to the administration of the mineral resources in the public lands and other lands of the United States; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MANSFIELD when he introduced the joint resolution appear below under the appropriate heading.)

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 946

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

S. 4394—INTRODUCTION OF A BILL TO MAKE A MISDEMEANOR THE FLIGHT IN INTERSTATE OR FOREIGN COMMERCE BY A PERSON LEGALLY RESPONSIBLE FOR THE SUPPORT OF A WIFE OR MINOR CHILD

Mr. MILLER. Mr. President, I introduce, for appropriate references, a bill to make it a Federal crime to cross State lines for the purpose of evading legal responsibility for the maintenance or support of a wife or minor child.

The Senate Finance Committee recently completed hearings on the House-passed family assistance plan. The House bill contains a provision creating an obligation to the United States on the part of a deserting parent equal to the total amount of family assistance benefits received by the deserting parent's spouse and children. This amount could be collected from amounts otherwise due or becoming due the deserting parent from any agency of the United States or under any Federal program. During the hearings and discussion on this particular provision it became clear that something further is needed to help assure that husbands would not desert their children and wives but would continue to provide support for them. One of the most effective ways to accomplish this result is to discourage the flight across State lines for the purpose of

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evading these marital or parental responsibilities. The bill I am introducing would be a step, I believe, in that direction.

The bill would merely provide that any parent of a child under the age of 18 or a married man who travels across State lines with the intent of evading any obligation for the maintenance or support of such child or his wife would be subject to a fine of not more than a $1,000 nor imprisonment for more than 1 year, or both. The bill would establish a presumption that such interstate movement was with the intent referred to above if as a result of such movement: First, the individual is outside the jurisdiction which imposes the support obligation and the wife or child remains within the jurisdiction; second, at the time of such movement the child or wife is destitute; and third, the individual fails to notify his wife or children of his whereabouts for a period of more than 1 month.

Since this proposal deals with establishing a crime, I assume the bill will be referred to the Senate Judiciary Committee. I am hopeful that the committee will act quickly on it so that it might be considered in connection with the welfare reform.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The bill will be received and appropriately referred.

The bill (S. 4394) to amend title 18, United States Code, to make a misdemeanor the flight, in interstate or foreign commerce, by any person who is the parent of a minor child or who is a married man, if such person so flees with the intent of evading his legal responsibilities with respect to the support or maintenance of his minor child or his wife, introduced by Mr. Miller, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 4396—INTRODUCTION OF A BILL RELATING TO EXTENSION OF MEDICARE TO THE NATION'S DISABLED COAL MINERS

Mr. SCOTT. Mr. President, I introduce, with the distinguished senior Senator from West Virginia (Mr. Randolph) as its primary cosponsor, a bill to extend full medicare benefits under social security to the Nation's disabled coal miners, regardless of age.

We are pleased to be joined as additional cosponsors in this effort by our able colleagues, the Senators from Tennessee (Mr. Gore), Montana (Mr. Metcalf), Illinois (Mr. Percy), Pennsylvania (Mr. Schweiker), and Ohio (Mr. Young).

Mr. President, our bill is addressed to the men who bear the scars of mining accidents and diseases. These men represent a national problem—one which cannot be overlooked simply because it is often hidden in the hills and valleys of Appalachia or in other remote coal mining areas.

The black long provisions of the recently enacted Coal Mine Health and Safety Act deal with only one specific problem. Unfortunately, neither these provisions, nor the medical coverage provided by the United Mine Workers of America welfare and retirement fund, have been sufficient in a great many cases to take care of the needs of disabled coal miners. The spiraling cost of medical care, together with the uniquely hazardous nature of mining work, places in an extremely precarious position the miner who is disabled, but not qualified for other benefits.

The social security law makes men who have worked a lifetime, and who retire at age 65, eligible for "medicare" benefits. This program has been of immeasurable benefit for America's elderly who can no longer work because of age.

It is our belief that disabled coal miners should be afforded similar treatment under the law. They have given the full of their working lifetime to America—a lifetime which is measured in disability, if not in years. We believe it is justifiable that the nation should provide medical and hospital care for men crippled and otherwise disabled during the course of their work in our coal mines.

We offer our bill as proof that America has not forgotten its disabled coal miners. We urge prompt and favorable consideration of this vital legislation.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The bill will be received and appropriately referred.

The bill, S. 4396, to amend title XVIII of the Social Security Act to provide medicare benefits—financed from general revenues—for disabled coal miners without regard to their age, introduced by Mr. Scott, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Finance.

SENATE JOINT RESOLUTION 237—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH THE MINERAL RESOURCES COMMISSION

Mr. MANSFIELD. Mr. President, I introduce today a joint resolution calling for the creation of a National Mineral Resources Commission. Very generally, it would be the duty of this Commission to study and submit recommendations concerning laws and procedures relating to the administration of the mineral resources in the public lands and other lands of the United States. As set forth in this resolution, it would be the declared policy of Congress that all mineral resources in this Nation should be: First, located, retained and managed; or, second, disposed of, all in a manner to provide for the maximum benefit of the general public.

The Commission would have a 2-year life. It would be composed of three majority and three minority Members of the Senate; three majority and three minority Members of the House of Representatives, and six persons appointed by the President of the United States from among members of the public who have particular knowledge and expertise with respect to our minerals and minerals policies.

The Commission would study existing statutes and rules and regulations governing the location, the retention and management and the disposition of our mineral resources. Studied as well would be the various incentive and subsidy programs relating to our minerals with a view to their effectiveness and their adequacy. Additionally, the Commission would review the policies and practices of all of the Federal agencies that are charged with jurisdiction over these resources. The Commission would also compile data necessary to understand and determine the various demands on our mineral resources today and in the foreseeable future. Finally, the Commission is to recommend such modifications in existing laws, in rules and regulations and in current policies and practices, including the various incentive and subsidy programs, as will best serve the public interest.

Established in an advisory capacity to the Commission would be the Mineral Advisory Council. The Council would be comprised of the representatives of the various agencies having jurisdiction over our minerals, together with 20 additional members representing various major citizens groups interested in problems relating to the minerals of this Nation.

In closing, Mr. President, I would only say that I think this resolution goes further than any I have seen in granting to a proposed Minerals Commission the authority to study the full range of problems that will confront this Nation with respect to its minerals in the years ahead. Interests of consumers, of producers, and investors, and of workers as well, must be served. They must be served in a manner that will best suit the public as a whole.

I ask unanimous consent that the joint resolution be appropriately referred and that it be considered along with other measures relating to this same matter.

I also ask unanimous consent that the joint resolution be printed in the Record.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 237) to establish the Mineral Resources Commission to study and submit recommendations concerning laws and procedures relating to the administration of the mineral resources in the public lands and other lands of the United States, introduced by Mr. Mansfield, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S.J. Res. 237

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is hereby declared to be the policy of Congress that the mineral resources in the public lands and other lands of the United States be (1) located, retained and managed, or (2) disposed of, all in a manner to provide the maximum benefit for the general public.

(b) As a result of the fact that laws of the United States relating to its mineral resources have developed over a long period of years through a series of Acts of Congress and are not fully correlated with each other and because such laws may be inadequate to meet the current and future needs of the

American people, the Congress declares that it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder, and to determine whether and to what extent revisions thereof are necessary.

Sec. 2. (a) For the purpose of carrying out the policy and purpose set forth in the first section of this Resolution, there is hereby established a commission to be known as the Mineral Resources Commission, hereinafter referred to as the "Commission".

(b) The Commission shall be composed of nineteen members, as follows:

(1) Three majority and three minority members of the United States Senate to be appointed by the President pro tempore of the Senate;

(2) Three majority and three minority members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(3) Six persons to be appointed by the President of the United States from among members of the public who have particular knowledge and expertise with respect to minerals and numerals policies; and

(4) One person, elected by majority vote of the other eighteen, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President pro tempore of the Senate and the senior member appointed by the Speaker of the House of Representatives. The Commission shall select a Vice Chairman from among its members.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are Members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

Sec. 3. (a)(1) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this resolution, hold such hearings, take testimony or receive evidence under oath and sit and act at such times and places as the Commission or such authorized committee may deem advisable. The member of the Commission presiding at any such hearing is authorized to administer the oath to witnesses. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(2) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matters which would require the presence of the parties subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

(3) A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102–104, inclusive, of the Revised Statutes (2 U.S.C. 192–194) shall apply in case of any failure of any witness to comply with any subpena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this resolution and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

Sec. 4. It shall be the duty of the Commission to—

(1) study existing statutes and rules and regulations governing the location, retention, management, and disposition of the mineral resources in the public lands and other lands of the United States including various incentive and subsidy programs with a view to determining the consistency, effectiveness, and adequacy of existing Government policies, plans, and programs involving such resources;

(2) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such resources insofar as such policies and practices relate to the location, retention, management, and disposition of such resources;

(3) compile data necessary to understand and determine the various demands on such mineral resources which now exist and which are likely to exist within the foreseeable future, and the existing and long-range supply outlook with respect to such mineral resources; and

(4) recommend such modifications in existing laws, rules and regulations, policies, and practices including various incentive and subsidy programs as will, in the judgment of the Commission, best serve to carry out the policy set forth in the first section of this resolution.

Sec. 5. The Chairman of the Commission shall request the Secretaries of State, Defense, Interior, Commerce, and Health, Education, and Welfare; the chairmen of Federal Power Commission and the Atomic Energy Commission; and the Directors of the Office of Emergency Preparedness and the Office of Science and Technology to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this resolution.

Sec. 6. (a) There is hereby established Mineral Advisory Council, which shall consist of the liaison officers appointed under section 5 of this Resolution, together with twenty additional members appointed by the Commission. Members appointed by the Commission shall be representative of the various major citizens' groups interested in problems relating to the location, retention, mangement, and disposition of the mineral resources in the public lands and other lands of the United States, including the following: organizations representative of State and local government, private organizations representative of consumer interests, conservation interests, landowner interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, labor, education, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The Advisory Council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

(d) The Chairman of the Commission shall call an organizational meeting of the Advisory Council as soon as practicable, a meeting of such Council each six months thereafter, and a final meeting prior to the approval of the final report by the Commission.

(e) The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the Advisory Council in matters pertaining to this resolution.

Sec. 7. (a) There is hereby authorized to be appropriated such sum, not to exceed $3,000,000, as may be necessary to carry out the provisions of this resolution and such moneys as may be appropriated shall be available to the Commission until expended.

(b) The Commission is authorized, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, to fix the compensation of its Chairman, and to appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions. Such appointments may be made and such compensation fixed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that any Federal employee subject to the civil laws and regulations who may be employed by the Commission shall retain his civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this resolution to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) For the purposes of Chapter 11 of title 18, United States Code, service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall be considered to be service or employment rendered as a special government employee.

Sec. 8. The Commission shall, not later than December 31, 1972, submit to the President of the United States and the Congress its final report. The Commission shall cease to exist six months after the submission of such report or on June 30, 1973, whichever first occurs. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

Sec. 9. As used in this Resolution, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and

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disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, (f) wildlife refuges and ranges, and (g) the lands defined by appropriate statute, treaty, or judicial determination being under the control of the United States in the Outer Continental Shelf.

ADDITIONAL COSPONSOR OF A BILL

S. 4297

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I ask unanimous consent that, at the next printing, the name of the Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of S. 4297, to create a health security program.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 947

Mr. CANNON. Mr. President, I rise at this time to submit an amendment to H.R. 17550, the House-passed social security amendments of 1970, which is now before the Senate Finance Committee. I ask unanimous consent for the printing in today's RECORD of my amendment in order that my colleagues may review this proposal. Rather than waiting for the social security bill to reach the Senate floor, I am offering my amendment at this time so that the finance committee may study this proposal along with the other alternatives under consideration. Essentially, I am offering an amendment which would require the States to disregard all social security benefit increases in determining need for public assistance.

Many retired citizens have pointed out to me that the social security increases authorized by the Congress are offset by State action which reduces old age assistance payments in proportion to the social security increase. In other words, the retired citizen may receive no benefit at all as the social security increase is taken away by a reduction in State assistance. My amendment attempts to resolve this inequity by requiring the States to disregard social security benefit increases authorized by the Congress when determining their income need figure for public assistance. This proposal will not place any great financial burden upon the States, but it will help ease the economic crisis facing many of our retired citizens.

The PRESIDING OFFICER (Mr. HANSEN). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 947) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 947

At the end of the bill, add the following new section:

"DISREGARDING OF SOCIAL SECURITY BENEFIT INCREASE IN DETERMINING NEED FOR PUBLIC ASSISTANCE

"SEC. 302. Notwithstanding the provisions of section 2(a)(10), 1002(a)(8), 1402(a)(8), and 1602(a) (13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, shall disregard (and the plan shall be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount (or any portion thereof) paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof) if—

"(1) for the month preceding the first month that monthly insurance benefits payable under title II of the Social Security Act are increased by reason of the enactment of section 101 of this Act—

"(A) such individual received aid or assistance under such State plan;

"(B) such individual was entitled (on the basis of an application filed in or before such month) to monthly insurance benefits under section 202 or section 223 of the Social Security Act; and

"(2) such amount (or portion thereof) is attributable to the increase, in monthly insurance benefits payable under title II of the Social Security Act, resulting from the enactment of section 101 of this Act."

COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 858 TO H.R. 18515

On behalf of the Senator from New York (Mr. JAVITS), the Senator from New York (Mr. GOODELL) was added as a cosponsor of amendment No. 858 to H.R. 18515, the HEW-Labor appropriation bill.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Roger C. Cramton, of Michigan, to be Chairman of the Administrative Conference of the United States for a term of 5 years, vice Jerre S. Williams, resigned.

Irving W. Humphreys, of West Virginia, to be U.S. marshal, Southern District of West Virginia for the term of 4 years, vice Cornelius J. McQuade, retired.

Fred C. Mattern, Jr., of Virginia, to be Examiner in Chief, U.S. Patent Office, vice Nogi A. Asp, resigned.

John H. Schneider, of Virginia, to be Examiner in Chief, U.S. Patent Office, vice Peter T. Dracopoulos, resigned.

Saul I. Serota, of Maryland, to be Examiner in Chief, U.S. Patent Office, vice Pasquale J. Federico, resigned.

Curtis C. Crawford, of Missouri, to be a Member of the Board of Parole for the term expiring September 30, 1976, vice Ziegel W. Neff, term expiring.

Paula A. Tennant, of California, to be a Member of the Board of Parole for the term expiring September 30, 1976, vice Charlotte P. Reese, term expiring.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the Committee, in writing, on or before Thursday, October 1, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 1, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Max Rosenn, of Pennsylvania, to be U.S. Circuit Judge, Third Circuit, vice David Stahl, deceased.

John Paul Stevens, of Illinois, to be U.S. Circuit Judge, Seventh Circuit, vice Elmer J. Schnackenberg, deceased.

Cornelia G. Kennedy, of Michigan, to be U.S. District Judge, Eastern District of Michigan, vice Thaddeus M. Mackrowicz, deceased

Frank J. McGarr, of Illinois, to be U.S. District Judge, Northern District of Illinois, vice a new position created under Public Law 91-272, approved June 2, 1970.

Edwin L. Mechem, of New Mexico, to be U.S. District Judge, District of New Mexico, vice a new position created under Public Law 91-272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA), and myself as Chairman.

ADDITIONAL STATEMENTS OF SENATORS

PART III—THE DIRECT-ELECTION BOONDOGGLE

Mr. GOLDWATER. Mr. President, in two previous speeches I have spelled out my strong reason for opposing the direct-election plan. In each of these statements, I have sought to document as clearly and fully as possible the specific grounds on which I base my belief that the adoption of this scheme would shake the very foundation of our society.

To my mind, the direct-election proposal is undemocratic, inconsistent, chaotic, divisive, and dangerous. In other words, this plan is nothing more than the proverbial "can of worms."

It is undemocratic because it dispenses with the concept of majority rule. Instead, it substitutes a procedure under which a candidate might be elected without capturing a plurality in even one State. So long as he gathers 40 percent of the vote nationally and none of the other candidates receives more, he will be the winner. Thus, a person can be elected President when 60 percent of the people are dead set against him, if they have split their votes among more than one candidate.

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The direct-election system is inconsistent because it does not provide for an accurate determination of the "people's choice," as promised by its advocates. Instead, it is arbitrarily assumed that in a runoff the majority of voters would turn to the same person who has won a 40-percent or higher plurality the first time around. This is an incredible assumption to make, and it is clearly disproved when projected against an election similar to the one held in 1968.

In that election President Nixon received 43.4 percent of the total count, and Mr. Humphrey had 42.7—a difference of less than 1 percent. It does not take much stretch of the imagination to picture these results being reversed. In this event, Mr. Humphrey would have been declared the winner had the direct election method been in effect.

However, this would have completely ignored the fact that 10 million votes were cast in the election for third-party candidates. The authors of direct election would pick up these votes and, in effect, transfer them into the Humphrey column. They would do this by making the arbitrary decision that Mr. Humphrey was "the people's choice." Their plan would also have the arbitrary effect of depriving the true majority of voters of any opportunity to express their will up or down on the two leading candidates.

The fact that the bulk of third-party voters were diametrically opposed to continuing the policies of the National Democratic Party in 1968 would mean nothing. Their votes would be canceled out as if they had no right to vote at all. And this would be done in the name of a so-called reform that was supposed to count every man's vote equally.

Mr. President, the direct election plan is chaotic because it would lead to a rash of vote contests that would spread throughout the Nation whenever the election was reasonably close. This would be true whether or not fraud was charged. The inevitable occurrence of human and mechanical error would be sufficient by itself to make it worth while for a losing candidate to challenge the election outcome. When the impact of a mistaken count in one city or county is no longer insulated within the boundaries of a single State, but can directly affect the result across the entire Nation, it will be mandatory for losing candidates to demand a recount in almost every political unit in the United States.

Once any recounts get started all 180,000 precincts will be involved. A switch of votes in Illinois will no longer affect the outcome in that State alone. It might change the result nationwide. And so it goes down the line.

By the time candidates get through filing petitions for recounts the election outcome would be thrown into a state of utter confusion. It would take several months to exhaust the many avenues of legal proceedings and appeals that must be granted in order to satisfy the basic requirements of due process. All the while the country would be living in a giant nightmare without any recognized head-of-State. It would be an intolerable, unthinkable situation.

Mr. President, I also charge that the direct election of our Chief Executive would be divisive at a time when the people urgently need stability and accommodation. In my last speech on this subject, I quoted from no less than seven outside witnesses who made the same prediction before the Senate Judiciary Committee.

As Richard Goodwin noted:

> Direct election would not come at a worse time . . . All around us we see an increasing tendency to political fragmentation and ideological division. Direct election might almost be just the trigger, perhaps accidental trigger, to transform such divisions into political conflict.

Mr. President, direct election would feed the fires of dissension by fostering a proliferation of one-issue candidates, by allowing one region of America to control an election, and by increasing the chances for electing a President who does not have the votes or backing of a majority of the people.

What is more, Mr. President, direct election is destructive of our Federal system. Yes, Mr. President, I am aware of the intricate calculations made by certain authorities who seek to measure the relative voting power of different groups of citizens. I realize some of these studies claim to show a surprising disparity in voting power for residents of the smaller States.

But, Mr. President, what all of these mathematical-computer analyses are incapable of programing is the human factor. Even if these involved simulations are correct insofar as mathematical disparities are concerned, they do not and cannot take account of the human psychology which governs real-life politics. These ivory-towered calculations blithefully fail to consider the identity of the States as communities of citizens who hold a feeling of association with each other. The harmful effect that direct election would have on this frame of mind was clearly described by Theodore H. White, who warned the Senate Judiciary Committee as follows:

> This new proposal would take away an equally vital part of the political system in abolishing the sense of community in our various States. The States vote as communities. They are proud of how they vote. People like to be New Yorkers or Kentuckians or Missourians or Hoosiers. To deprive them of this sense of belonging to a voting unit and being sunk in the electronic dots that go over a tote board, that could be perhaps the gravest political danger that this new resolution invites.

Richard Goodwin, a former assistant to Presidents Kennedy and Johnson, offered the same frank appraisal to the Senate committee. In commenting on the drastic effect which the Bayh amendment might have on the relative importance of large and small States, Mr. Goodwin noted that the psychology of presidential campaigns is one "in which today's candidates think in terms of States rather than numbers."

He added:

> Today, nearly every state has a swing vote which, even though very small, might win that state's electoral vote. Thus, nearly every state is worth some attention. If the focus shifts to numbers alone, then the candidate will have to concentrate almost exclusively on the larger states. This is where the people and where the most volatile vote is to be found.

The importance of the present system, as a means of supporting the federal system, was accurately recognized by Mr. Goodwin when he stated that:

> The Electoral College, along with the Senate, is one of the few mechanisms we have to influence those of the center of affairs to visit outlying citizens, so as to learn about them and pay some attention.

Mr. President, the fear that direct election will diminish the importance of peoples in small States, as well as minority groups in general, was also shared by another witness before the Senate Judiciary Committee, Representative WILLIAM L. CLAY, of Missouri. Representative CLAY told it as it is when he charged that the Bayh amendment will diminish or eliminate the voice of minorities in our system.

While Representative CLAY was particularly concerned about the dissipation of power for ethnic groups, he expressly added that "it affects other cohesive groups and it affects small States to the same proportion."

In other words, Mr. President, the same inherent nature of the electoral system that induces national candidates to listen to racial minorities requires that they listen to other minorities as well, including peoples in the sparsely populated smaller States.

Mr. President, the Senate committee also heard the same viewpoint from Prof. Charles Black of Yale Law School, who has written many articles about our constitutional structure. Professor Black emphatically declared his belief that the strength and durability of the American form of government lies within the Federal system—or as Professor Black put it, "with the fact that we have divided power between the National Government and the States."

One essential ingredient of this concept according to Professor Black, is "that in constituting the Government and selecting both the legislative and the executive branch, we have hitherto dealt with the States one by one as independent entities."

Indeed, Professor Black credits the electoral college system with being one of the "political safeguards of federalism in dealing with the States as entities." On the other hand, he cautioned:

> An election which pays no regard to State lines, which is simply totally nationwide . . . would tend to diminish this attention to the states, one by one as political entities.

Mr. President, speaking as one who has closely studied the workings of the political machinery by which our Chief Executive is selected, I am convinced these warnings are accurate. To my mind, the adoption of direct election as the method for choosing the President would constitute a mortal blow to our Federal system. Regardless of what the Whiz Kid computer crowd turns up in a laboratory setting, I predict that the use of direct election on a national scale would ultimately destroy the concept of States as separate, important entities having their own sense of community.

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In fact, I view the direct election scheme as no less than a device for gnawing away the lifeblood of federalism as we know it. Once the interests and feelings of peoples in the small States are no longer considered important to the major candidates, and once a candidate can no longer afford to make concessions to the less populated areas for fear of jeopardizing his position in the larger States, then I do not care what the computers show. Direct election will tear down the last pillars of federalism. The final reservoir of power and influence held by the smaller States will crumble. With the disembowelment of the States as separate entities, the all-mighty Central Government will extend its presence, control, and influence into every detail of man's activity.

In short, the proposed change would do much to destroy the elements of accommodation and compromise that have kept our political system healthy. On top of this, it would weaken the already precarious structure of federalism. This is why I must view this so-called simple reform as being fraught with dangers so great that it is capable of undermining our entire society. It is one of the most far-reaching and radical schemes that has ever been put before Congress, and I must urge its rejection by the Senate.

Mr. President, although I cannot accept the direct election scheme as a sensible election reform, this does not mean I am opposed to making any changes at all in our national election machinery. To the contrary, I have introduced proposed legislation to carry out three substantial reforms of our voting procedures, and will have at least two more to suggest today.

First, Mr. President, I might mention that I have had the privilege to author an amendment to the voting rights law which will secure the right to vote for President and Vice President for every U.S. citizen without regard to residence requirements or where he may be in the world on election day. This amendment was sponsored by 29 other Senators, and it became a part of the law of the land on June 22 this year.

So that no one may doubt that this Congress has acted to improve our election machinery, I would like to run through four of the primary reforms made by the new law. First, with this law, Congress has abolished residence requirements as a precondition to voting for President. Second, for the first time, citizens who move into a new State after the voting rolls are closed will be able to vote for President and Vice President either by absentee ballot or in person in their last State of residence. Third, the new law grants to all U.S. citizens, both new and long-time residents of a State, the right to register absentee and to vote by absentee ballot in presidential elections. Fourth, it will require each State to keep its voting rolls open for all citizens up to at least 30 days before the election, whether or not they have moved their homes.

Mr. President, the combined effect of these changes might benefit more than 10 million Americans. Consequently, with this one action alone Congress will have expanded the franchise in presidential elections by nearly 14 percent.

But this is not all of the electoral progress that has been achieved in this Congress. Have we already forgotten the giant step taken when Congress reduced the minimum voting age to 18? Again, it was my pleasure to have joined as a sponsor of legislation which brought about this much-needed reform. In fact, I might recall that I was one of two Senators who appeared before the Senate Subcommittee on Constitutional Amendments to argue the case for handling this change by statute, rather than by the ponderously slow route of a constitutional amendment. This provision, too, could add up to 11 million new voters to our election rolls.

Therefore, it must be recognized that the 91st Congress deserves credit for having enabled over 20 million additional American citizens to join the ranks of eligible voters in future elections. This is an increase of almost 30 percent in the number of persons who participate in the election of a President.

For this reason, I do not think we have to hang our heads over refusing to accept the ill-considered plan which is now before the Senate. We have already made outstanding progress in clearing away the barrier of outmoded legal technicalities that deprive citizens of the right to vote. And, if Congress is still in the mood to take action in this field, I would like to suggest three other practical ways in which we could carry on our efforts to overhaul the Nation's election system.

First, I might mention a bill I have authored which is specifically designed to broaden the effective voice of our citizens in the selection of their Chief Executive. My bill, S. 1911, provides that the time for voting in presidential elections shall be expanded to allow each citizen a full 24-hour period during which he can vote. The legislation also provides that this period shall be uniform throughout the United States. This means that the polls will open and close across the Nation at the same moment.

Mr. President, from my experience in having been my party's nominee for President in 1964, I believe this easily implemented reform would make it considerably more convenient for millions of citizens to vote.

My study indicates there may be as many as 10 million Americans who were unable to vote in the last presidential election primarily because of the limited time for going to the polls.

For example, the 1968 postelection survey by George Gallup discovered that 3 million citizens were barred from casting ballots because they were unable to leave their work. Seven million more citizens were sick or disabled on the day of the election. In both cases, it is my belief that several millions of these persons and others who stayed home for different reasons would find it possible to vote if the voting period was stretched to 24 hours and if people were given a choice of convenient times for balloting on portions of 2 calendar days rather than only 1.

The period I have chosen, which is from 6 p.m. to 6 p.m., central standard time, is designed to permit voters to use the polls at the end of normal working hours on the first day, through the evening and night of that day, prior to going to work on the second day, and up to midafternoon on the second day. I am convinced that such a broad range of choices would enable many millions of citizens to find a time when it is easy for them to go to the polls, but who find themselves hindered from voting by temporary illness or unavoidable demands on their time.

As an additional benefit, my bill could eliminate many of the criticisms arising because of the reporting of significant election returns from some States before the polls close in all other States. With voting spread over a 24-hour period covering convenient parts of 2 different calendar days, the possible influence of vote projections should be considerably reduced. People in all areas of the country will possess an equal opportunity to vote at a favorable hour right up to the end of the election and, of course, the election will not stop in one region before it does in any other.

Mr. President, if we truly wish to retain momentum for the cause of election reform, I suggest it would be more constructive for us to undertake serious consideration of the type of change which I have recommended, rather than to be chasing abstract principles based upon computer simulations.

There is definite room for improvement in our election procedures. But it is not to be found in axing the electoral college. The area on which we should be focusing our attention is the quest to make it possible for the maximum number of citizens to register or to obtain ballots and to cast those ballots. In other words, we should put our minds to devising methods by which the greatest number of citizens will be eligible and able to vote.

As for the electoral college, I suggest the least tinkering we do with it, the better. One sensible change would be the elimination of the "faithless elector" problem. I would certainly accept the wisdom of requiring the electoral votes of each State or district to be cast automatically for the candidates winning that unit's popular vote contest.

Also, I think it would be a solid step toward bringing the electoral system into line with the 20th century if we would make it mandatory for each State to choose its electoral votes by the will of its people. While it is an almost forgotten fact, the Constitution allows the individual State legislatures to determine the manner by which presidential electors are chosen. In the early days of our history, the legislatures themselves often made this choice. In fact, the State legislature in South Carolina continued this practice until 1860 and it was used in Colorado in 1868 and in Florida in 1876.

Now, it is inconceivable that the people would ever want this right to be taken away from them again, and it is for that

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reason I believe an amendment is in order to absolutely prevent the State from appointing electors by any means other than direct popular vote. Here is one setting in which direct election is the only acceptable method.

In summary, I can only say that many avenues are still open to us by which we can build upon the progress that has already been made in the 91st Congress on the road to election reform. While I must reject the direct election scheme as a means for choosing the President, I will be glad to devote my strongest efforts to making other practical revisions which will provide for the widest possible participation by our people in the election of their President.

DIRECT ELECTION OF THE PRESIDENT

Mr. CANNON. Mr. President, before political parties, conventions and preferential primaries were conceived, it was the opinion of a majority of the delegates to the constitutional conventions that the people would not be sufficiently informed as to the qualifications of the various candidates to make a wise choice. Electors, on the other hand, carefully chosen in each State, would be among the most knowledgeable and capable persons in the country.

In a new Nation of a few States and small population, the electoral college was generally approved. Today, however, the complex elective process has eliminated the need for informed, knowledgeable, and capable electors. They perform a mere ministerial function, and even in the performance of that routine act sometimes betray the voters of a State.

Arguments favoring the abolition of the electoral college of presidential electors are so forceful and widely known as to make unnecessary the need for further comment. The electoral vote, though, is of far greater importance and of deeper significance.

While some delegates to the constitutional convention favored direct popular election of the President and Vice President, others argued that the electoral system providing for at least three electors for each State, regardless of population, gave the small States some protection against domination by large States. That argument is considered by historians to have had considerable weight in swaying the convention in favor of the electoral system and still carries weight today.

Retention of the constitutional guarantee of at least three electoral votes per State is still a substantial factor in the feeling of equality which smaller States have with regard to the large industrial States in our Nation. Fifteen States and the District of Columbia, all with populations of less than a million each, have three or four electoral votes apiece and an overall total of 58 electoral votes. In every instance, each of those electoral votes gives fewer people in lesser populated States a voice equal to a greater number of people in larger populated States.

For example, the Washington Post on Monday, March 3, 1969, published an editorial on the electoral college reform. It cited Alaska as having one electoral vote for each 75,389 persons whereas California has only one electoral vote for each 392,930 persons. Some use those figures to demonstrate an inequity between citizens of large and small States but again, the State with lesser population is merely retaining its constitutional protection of electoral vote minimums.

Mr. President, my bill, Senate Joint Resolution 33, proposes that the Constitution be amended so as to eliminate presidential electors and the electoral college. It proposes, further, the retention of the electoral votes on the basis of the whole number of Senators and Representatives to which a State is entitled, but in no case less than three electoral votes.

Briefly, after the date of a presidential election, the official election returns of each State would be forwarded to the President of the Senate. Early in January the votes would be counted and each person for whom votes were cast for President in each State and the District of Columbia would be credited with such proportion of the electoral votes as he received of the total popular vote cast by the voters for President. In computing the electoral vote, fractional numbers less than one one-thousandth would be disregarded.

The person having the greatest aggregate number of electoral votes would be President if he had at least 40 percent of the total number of electoral votes.

Otherwise, from the persons having the two greatest numbers of electoral votes, the Senate and the House of Representatives, sitting in joint session, would choose the President immediately by ballot. A majority of the votes of the combined membership of the Senate and the House of Representatives would be necessary for election. The same procedure would be followed for the election of the Vice President.

This is a so-called proportional proposal under which the States and the District of Columbia would retain their electoral votes but the office of Presidential elector would be abolished. Lists of the popular vote for all candidates in each State and the District of Columbia would be sent to the Congress as at present, and on January 6 the votes would be counted by Congress. Each State's electoral votes would then be divided among the candidates for President in proportion to their shares of the total popular vote within the State and within the District of Columbia. Computations would be carried to not less than one one-thousandth. Total electoral votes thus computed would be determined and a candidate who received at least 40 percent of such votes would be elected President.

If no candidate received at least 40 percent of the whole number of electoral votes, or if two persons received an identical number of electoral votes which would be at least 40 percent of the whole number, then from the candidates having the two greatest numbers of electoral votes for President, the Senate and the House, sitting in joint session, would choose immediately by ballot, the President. A majority of the votes of the combined membership of the Senate and the House would be necessary for a choice.

The Vice President would be elected in the same manner.

The proportional plan eliminates the unit rule, the office of elector, and contingent election in the House of Representatives with each State having one vote.

By retaining the electoral vote system, it retains State influence in presidential elections. Dividing the electoral vote of a State in proportion to the popular vote therein won by each candidate would make the electoral system much closer to a direct, popular vote, and it would more accurately reflect the popular vote than the existing system.

The distortion built into the electoral vote system would remain, however, with the proportional plan, because each State would continue to have two electoral votes for its two U.S. Senators.

The plan would reduce the chances of electing a President with less than a majority of the popular vote, without eliminating entirely the political balances achieved with the electoral vote system.

The proportional plan, however, would tend to favor the middle-sized and smaller States which are more politically homogeneous than the large, pivotal States. In the 1896 presidential election, Bryan would have won instead of McKinley, under the proportional plans. Bryan had only 47 percent of the popular vote and carried only 17 States, of which 11 were in the South. His large electoral votes in the Southern States, however, plus the electoral votes he would have won in the Northern States, would have beaten McKinley who, although he carried 28 States, would have lost many more electoral votes outside the South because of Democratic minority votes than he would have gained from Republican minority votes in the solidly Democratic South. Bryan would have been elected as a "minority" President.

The same would have happened in the 1880 election. The Democratic candidate, Hancock, with 7,000 fewer popular votes than the Republican, Garfield, would have won under the proportional system. The Democratic candidate could have lost one of the large, Northern, pivotal States by under two electoral votes, but could have won one of the Southern States by seven or eight electoral votes.

Electoral vote totals would have been much closer under the proportional system than under the existing system. McKinley, for instance, would have won in 1900 under the proportional system by 217.3 to 217.2 electoral votes, whereas under the existing system he won by 292 to 155. The results of certain other elections would have been changed. In 1876, Tilden, the Democrat, would have beaten Hayes, the Republican, by 188.1 electoral votes to 177.1 under the proportional system—Hayes' victory was by 185 to 184. In 1888, Cleveland, the Democrat, would have beaten Harrison, the Republican, by 202.9 to 185.8—Harrison's victory was by 233 to 168. In 1960, Nixon, the Republican would have beaten Kennedy, the Democrat, by 266.1 to 265.6—Kennedy's victory was by 303 to 219.

The proportional plan would eliminate the "exaggeration factor" in the winner's electoral vote margin under the existing system, but because of electoral vote distortion, it would not always reflect accurately the popular vote as it is demonstrated by the elections of 1880, 1896 and 1960. Nevertheless, of all the reform proposals, the proportionate system comes closest to electing a President by popular vote of the people while at the same time preserving each State's relative electoral strength in the election of the President.

OFFICE OF PRESIDENTIAL ELECTOR

This potential danger in the electoral system would be eliminated under the proportional plan.

ABOLITION OF THE UNIT-RULE

This would, of course, be eliminated under the proportional system.

CONTINGENT ELECTIONS IN THE HOUSE OF REPRESENTATIVES

The proportional plan replaces contingent elections in the House when each State has one vote, with election by a joint meeting of the Senate and the House with each Member having one vote and a majority of the votes of the combined membership being necessary for a choice. This is a progressive step forward in that it eliminates an unfair "compromise" felt to be essential for the ratification of the Constitution, and it is a substitute for the electoral colleges. Under Senate Joint Resolution 33, such an election would be carried out by Members of the House, all of whom would be newly elected, and by Senators, one-third of whom would be newly elected.

It would be compatible with federalism in that representatives of States and of people would be making the choice.

On the other hand, section 4 of Senate Joint Resolution 33 no more solves the problem of how to place the District of Columbia into a contingent election system than does the 23d amendment. Second, 12 percent of the contingent electors—the 66 Senators who were not up for reelection the previous November—would not be newly elected. These could be in sufficient number to swing a close, contingent election yet some of them would represent the choice of voters 4 years earlier.

The concept is a vast improvement on the existing system, but it does contain some flaws of its own. A possible significant flaw is that if the Presidential candidate is a first term candidate and expects to run for a second term, his election by the Congress could make the President too dependent upon Congress.

LARGE PIVOTAL STATES

As in the direct, popular plan, the proportional system, by splitting the vote of the large pivotal States, would also diminish the emphasis now placed upon such States. A closely divided popular vote would result in a closely divided electoral vote.

In addition, the influence of minority groups in such States on the outcome of election would be reduced because they could not swing the State's entire bloc of electoral votes. The political balance between urban and nonurban areas in the Nation could be altered to the disadvantage of the former.

However, States with large electoral votes, by virtue of large populations, would continue to be prime sources of substantial electoral votes. For instance, one-half of the electoral votes of New York would be worth more than the combined electoral votes of the seven smallest States. Candidates would still be expected to be greatly concerned with the voting results in such States.

SURE STATES

Under the proportional plan no State would be a sure State to the extent that one candidate would win all its electoral votes. Splitting the electoral vote statewide would strengthen the two-party system and encourage the development of maximum party support in every State.

Nevertheless, since the smaller States tend to be more politically homogeneous than the large, pivotal States, States with dominant parties may well continue that way to the advantage of the candidate of such a party. This consequence might be countered by splinter groups breaking off from the dominant party or by the formation of new parties each of which would be seeking a share of the electoral vote of a State.

It cannot be predicted with complete certainty how the sure States would vote in a proportional scheme but their influence on the presidential election would be substantially greater than now. Small popular vote margins in these States could produce larger electoral vote gains than large popular vote margins in heavy voting States where the parties were closely competitive.

EFFECT ON OUR TWO-PARTY SYSTEM

The effect of the proportional plan on the two-party system has been noted to some extent. It would be in good part similar to the effect that direct, popular election would have; that is, there would be a fair possibility of the development of splinter and minor parties. Every party would get its share of the electoral vote, and minority groups would find this a good way to maximize their potential for influence.

Proponents of the proportional plan deny this consequence, arguing that most voters want winners and will not be apt to cast their votes for a third-party candidate who has no chance of winning the national election. The requirement of having to secure only 40 percent of the electoral votes for election is cited as a deterrent to minor parties because it insures that a third party would not be able to throw the election into the Congress with less than 20 percent of the total electoral vote.

It is also argued that the proportional system, in dividing electoral votes so as to more accurately reflect popular votes, would minimize the influence of pressure factions and multiple parties, particularly in what are now large, pivotal States. Under the present system of the unit rule, a minor party in a State such as New York can throw the entire election in that State to one major party or the other, depending upon whether it supports the presidential candidate of one of the major parties or supports its own candidate. Such would not be possible under the proportional system.

However, the proportional system, by allowing minority groups to secure a percentage of the electoral votes in a State, might result in diminished activity by the major parties to secure the votes of minority groups. A strength of the existing, unit rule system is that particularly in the large, pivotal States, the major parties recognize and seek to represent the legitimate interests of minority groups. The proportional plan, by reducing the political importance of minority groups in such States, would make it possible for the major parties to give less attention to the interests of these groups. They could, in consequence, become underrepresented with a disadvantageous effect to the national political balance.

INFLUENCE OF FRAUD OR ACCIDENT

In a close race, the influence of fraud or acts of God could be substantial in moving an electoral vote or part of a vote either way in several States. Aggregate totals of electoral votes could be sufficiently changed to affect the outcome of the election.

It would not, however, be essential to nationalize the State laws on recount and election contests as it would be under the direct, popular election system. Far more control over the elections would be left to the States as at present.

EFFECT ON ELECTION DATES

The proportional system would not change the existing election date structure. If an election were to be decided by the Congress, a resolution thereof would probably be secured prior to Inauguration Day, January 20. The possibility of obtaining a resolution of a contingent election prior to January 20 would seem to be greater under the method proposed in Senate Joint Resolution 33, than by the runoff system proposed by Senate Joint Resolution 1, unless the dates of the general election and the runoff election were advanced for the latter system.

VOTING QUALIFICATIONS

Under section 2 of Senate Joint Resolution 33, the determination of voting qualifications would be left to the States where they have historically rested. Section 2 would authorize the States to provide lesser residency requirements for voting in presidential elections. The effect of this provision would be to authorize State legislatures to take this step directly without the necessity of amending the constitutions of the States first. Congress, of course, would be authorized to prescribe voter qualifications for the District of Columbia.

REGULATION OF THE MANNER OF HOLDING SUCH AN ELECTION

The "manner" clause in section 2 of Senate Joint Resolution 33 is the same as that in article I, section 4, of the Constitution. Congress would be granted by

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this provision an authority it does not now possess over presidential elections. As a consequence, it could enact uniform standards for recounts and contested elections—although it probably will not—absentee voting, counting and canvassing of votes, prohibitions and penalties, and so forth. The requirement in section 4 that State returns be sent to the President of the Senate by 45 days after the November election, "or at such time as Congress shall direct," provides flexibility so as to allow sufficient time for the resolution of recounts and election contests by the States prior to the counting of the votes by Congress on January 6. Since Senate Joint Resolution 33, as a whole, leaves to the States primary responsibility over elections under the proportional plan, it would remain to be seen if Congress would exercise such authority unless there were urgent necessity for so doing.

ENTITLEMENT TO INCLUSION ON THE BALLOT

Senate Joint Resolution 33 contains no such provision. Authority in this regard would remain with the States subject to adherence to the standards of the equal protection of laws clause of amendment XIV—see *Williams* v. *Rhodes,* 393 U.S. 23, 1968. No possible congressional regulation of the nominating process would be authorized by Senate Joint Resolution 33.

CANDIDATES FOR PRESIDENT AND VICE PRESIDENT AS A PAIR

This requirement is not included in Senate Joint Resolution 33. It is a practical necessity in a direct, popular election system with a runoff in order that the same pairs of candidates who ran in the general election be the candidates in a runoff.

Under the existing system where the House chooses the President in a contingent election and the Senate chooses the Vice President, the two officials thus elected could be chosen from different political parties.

The same result would be possible under Senate Joint Resolution 33, but highly improbable since the majority of Members of the Senate and House combined, voting in joint session, and voting as party representatives, would undoubtedly select the presidential and vice presidential candidates of their own party.

Of course, if the majority of the Senate and the House were of a party different from that of the presidential and vice presidential candidates who had received the greatest number of electoral votes absent 40 percent, the Congress could choose as President and Vice President the candidates who had received the second highest number of electoral votes. The same result would be true as regards a runoff election under the direct, popular election system however.

About the only way to circumvent such a result would be to declare elected those candidates for President and Vice President who had received a plurality of the electoral votes—or of the popular vote under the direct, popular election system. Such a standard would have so many disadvantages, however, that it is perhaps feasible to adopt the method of contingent election by the Congress with the awareness that the possibility exists that the candidates who had received the second highest number of electoral votes, absent 40 percent, could be elected President and Vice President.

THE 40-PERCENT ELECTORAL VOTE REQUIREMENT

This is a virtual necessity under the proportional plan since the aggregate electoral vote would more closely reflect the popular vote than under the existing unit rule system. Reasons for a 40-percent electoral vote standard are substantially the same as for a 40-percent standard under the direct popular election system. Arguments contrary to such a requirement would also be substantially the same as under the direct popular election proposal.

It is essential if the proportional plan is to work with a minimum of elections thrown into the Congress.

DEATH OF THE WINNING PRESIDENTIAL CANDIDATE

Senate Joint Resolution 33 contains no provision in this regard where a winning presidential candidate with 40 or more percent of the electoral votes dies before the popular votes are counted and the appropriate apportionment is made by the Congress in January.

The situation would seem to be somewhat the same as that commented upon in a House committee report on the resolution which became the 20th amendment.

> An analysis of the functions of Congress indicates that no discretion is given and that Congress must declare the actual vote (where the President-elect dies between the voting by the electors and the counting of the electoral votes by Congress). The votes at the time they were cast were valid. . . . Consequently, Congress would declare that the deceased candidate had received a majority of the (electoral) votes. (H. Rept. 345, 72nd Congress, 1st Sess., p. 5 (1932).)

Then, pursuant to section 3 of amendment XX, the Vice-President-elect shall be sworn in as President.

Senate Joint Resolution 33 contains no provision declaring what would happen should the winning presidential candidate die between election day in November and the counting of the popular vote and the apportioning of the electoral vote by Congress in January. Since the winning candidate would technically be the President-elect even before Congress counted and apportioned the vote—assuming the latter function to be primarily a ministerial duty—the vote for him would be counted even though he was deceased, and the Vice-President-elect would be sworn in as President on Inauguration Day—amendment XX, section 3.

DEATH OR WITHDRAWAL OF ANY CANDIDATE FOR PRESIDENT OR VICE PRESIDENT

Senate Joint Resolution 33 makes no provision for this contingency, and so the matter would be handled as it is now with the national committees being empowered by the conventions to name a substitute candidate up until the day before election day.

DEATH OF BOTH THE PRESIDENT-ELECT AND THE VICE-PRESIDENT-ELECT

Senate Joint Resolution 33 makes no provision for this contingency. Section 3 of amendment XX, which declares that Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, would be applicable, and under title 3, United States Code, section 19, the Speaker of the House would resign from the House and be sworn in as Acting President.

PROVISION FOR RESOLUTION OF A TIE

Since it is possible under Senate Joint Resolution 33 for two candidates to be tied in electoral votes at 40 percent or 42 percent each, section 4 thereof provides for the contingent election of the President from the two such candidates by the Congress in joint session.

If three candidates are tied at 33 percent of the electoral vote each, for instance, the contingent election would still go to the Congress assembled in joint session pursuant to section 4 of Senate Joint Resolution 33.

SIMPLICITY AND COMPREHENSION

The proportional plan would have the same defects in this respect as the present system, that is, the necessity to understand the electoral vote system. An added confusing element could well be the apportionment of the vote of a State among the candidates in the ratio of the popular vote they had received therein with the figures carried to the nearest thousandth. While such figuring by Congress should be completed, with modern equipment, in a relatively short time, it is possible that the apportioning could carry over to the following day. In such circumstances lack of voter understanding could exist and popular anxiety arise.

The 40-percent requirement could be another confusing element.

It is not really possible to say how understandable the proportional system would be except that it would not be as comprehensible as direct, popular election.

EFFECT ON FEDERALISM

The proportional system should have an effect upon the maintenance of federalism that is less than the existing system but greater than direct, popular election. The States would remain as electoral units and would retain authority over voter qualifications. Congress would be granted increased power over the regulation of presidential elections.

The subtle balance of the existing system would be altered, however. Urban minorities in large, swing States would lose the significant role they play in the election of the President, and the executive branch might not be as responsive to their needs as under the present system.

Smaller States that are politically homogeneous would have larger roles in the election of the President, however, and this consequence might be to the advantage of federalism where such States tend to be somewhat conservative.

Mr. President, a choice, if necessary, by the House and the Senate would be less cumbersome, less time-consuming and less expensive than a run off election.

Unlike any of the other proposed alternatives, a proportional vote amendment would best reflect the popular strength of the candidates and still maintain our federal system. The proportional automatic system comes closest to electing a President by popular vote while at the same time preserving each State's relative electoral strength.

In place of the present method which diminishes the people's voice in the most important decision the U.S. citizens can make, a proportional plan would eleminate arbitrariness and enhance the role of the individual and the State in electing the President.

In conclusion, I believe that the proportional plan for distribution of electoral votes down to one one-thousandth of a vote meets the aims of the proponents of the direct popular election system while at the same time preserving the constitutional balance of the States by retention of the electoral votes.

DICKEY-LINCOLN AND THE ELECTRIC POWER SHORTAGE

Mr. MUSKIE. Mr. President, today marks the third day in a row of a serious electric power crisis. This power shortage threatens the health and safety of millions of citizens.

This crisis is the result of an inadequate national policy and an obstinate industry which for many years refused to acknowledge the imminent crisis and which still refuses to take adequate steps to protect the public.

Two days ago, while the lights in the Chamber were dimmed, the House of Representatives refused to appropriate additional planning funds for a viable and necessary public power project.

When the authorization for the Dickey-Lincoln School hydroelectric facility was passed in 1965, consumer rates for electricity in New England were the highest in the Nation because New England had no "yardstick." This situation has not changed.

At that time, New England and the east coast faced a shortage of fuel and electricity. This situation has not changed.

And at that time, it was clear to many people that the shortages of electric power in the East were becoming so serious that a crisis was imminent. Since then, we have had a major blackout and a growing crisis of unreliable and inadequate electric power.

Blind opposition to this project threatens the health and welfare of all the people in the Eastern United States. It is the kind of attitude which weakens faith and confidence in both public and private institutions.

As we run out the string on available sources of pollution-free electric power, the pressure to continue with the construction of the Dickey Dam will increase. The sooner the House and the private utilities recognize this fact, the sooner the public will be protected.

ARAB HIJACKERS

Mr. GOLDWATER. Mr. President, the American people have been aroused over the crimes perpetrated by the Arab guerrillas against innocent people more than anything in my memory. In seeking an answer, we harken back to the days of piracy on the Barbary Coast and how the United States handled that situation, but it can be argued that times have changed and that other nations might not stand by for the type of reprisal most Americans feel should be brought to bear. Frankly, I have yet to see a sensible, workable plan to this end, let alone reprisal, so an editorial written by a former colleague and leader of ours, William Knowland, published in the Oakland Tribune, brings a ray of light to the prevention of these outbursts. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Oakland (Calif.) Tribune, Sept. 9, 1970]

An Ultimatum to the Arabs

The outrageous crimes against civilized society being committed by vicious air pirates must come to an end.

Arab terrorists this past weekend once again vented their ugly hatreds and cowardly brand of warfare upon innocent men, women and children of several nations.

It is obviously no difficult task for armed men and women to commandeer one of today's passenger-laden jet airliners in midflight. No amount of special passenger precautions can ever be devised to successfully detect and thwart every resourceful and conscienceless air criminal.

The only certain deterrent to air piracy is the absolute knowledge that no matter where the hijacked plane eventually lands on the face of our earth, certain, swift and the harshest of punishment awaits the hijacker.

There can be no bargaining for amnesty—no matter what the stakes—and no safe haven in any land, no matter whose politics are involved.

The success, thus far, of the Arab terrorists in three hijackings this past weekend is directly attributable to the fact that no such certain punishment awaited them upon their return to Egypt and Jordan.

For this, the blame rests squarely upon those Arab leaders who, in the past, have shown either an inability or unwillingness to capture and punish guerrilla hijackers. Such hijackers too often found their actions not only tolerated but even encouraged. Many now walk the streets as heroes in their homelands.

This is no time for further handwringing and indecisive "searching for solutions" on the part of our own government and other responsible governments of the world. There is only one solution: to force the Arab nations henceforth to treat their hijacker terrorists as the vicious criminals that they are.

To accomplish this, we propose that:

1. All international air traffic to Arab nations immediately be suspended.

2. All nations and all airlines henceforth refuse air travel to any passenger bearing a passport from an Arab nation implicated in air hijacking or in giving refuge to the air pirates.

The impact of any such air travel boycott would, of course, be tremendous. It should bring tremendous internal pressure to bear upon the leaders of the Arab countries. Arab citizens would most certainly insist that prompt action be taken to restore their access to the world's airways.

Service could be resumed to any one of the nations involved as soon as firm assurances were received that all hijackers would face certain capture and imprisonment and that full restitution would be made for any injury or death to a passenger or crew member and for any economic loss to airline carriers.

Until such individual commitments were made, the Arab world would rightfully suffer the isolation from modern air travel that the actions of its guerrillas and inaction of its leaders had earned for it.

The present conduct and ultimatums of the Arab hijackers are nothing short of barbaric. They must no longer be tolerated by the responsible nations of the world.

INFLATION GRINDING DOWN

Mr. PEARSON. Mr. President, yesterday's report from the Bureau of Labor Statistics that the Consumer Price Index has registered its smallest increase since December 1968, is indeed very encouraging news. This report, along with other indicators, suggests that the inflation which has plagued this economy for the past several years is grinding down. It is still not possible to say that the inflation has definitely and finally been stopped. However, accumulating volumes of evidence suggest that the policies of the Nixon administration are proving to be effective. This is good news for the American consumer and for the economy in general.

This latest report of the decline in the cost of living increase follows the announcement 2 days ago that the major banks were lowering their prime interest rate. There are also increasingly favorable reports about the rate of business activity.

Thus we are beginning to see the possibility of the inflation being controlled and the economy beginning to move forward at full steam. The Nixon administration had made the attainment of full prosperity without inflation one of its principal goals. This goal has not yet been fully realized, but we are well on the way to achieving it and this is indeed an historic accomplishment.

INCREASED WHITE HOUSE EXPENDITURES

Mr. DOLE. Mr. President, last week the junior Senator from Hawaii (Mr. Inouye) protested what he said are increased White House expenditures for staff.

The Sunday previous, the Washington Post published a letter from Caspar W. Weinberger, Deputy Director of the Office of Management and Budget, pointing out that the White House cut back by $650,000 on its fiscal year 1971 budget and by 28 in personnel.

I ask unanimous consent that Mr. Weinberger's letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

White House on Staff Expenses

An article appearing in your paper recently left the impression that the White House was doubling its staff in fiscal year 1971. Such an impression would be not only unfortunate, but quite incorrect.

The appropriation requested for the White House Office for fiscal year 1971 is in fact a decrease from the actualities of fiscal year 1970 both in personnel and in funds. For fiscal year 1970 the appropriation for the White House Office was $3,940,000, with another $2,500,000 appropriated for special projects. In addition, personnel detailed to the White House Office from the departments and agen-

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cies under authority of law resulted in basic compensation costs to those departments and agencies at the rate of $2,820,000. Thus, the 1970 level of operation was in excess of $9,200,000, involving 576 employees.

The President, when preparing the 1971 fiscal year budget, decided to discontinue the use of the special projects fund and personnel details from other agencies to augment funds available for the regular White House Office staff. He has thereby adopted a policy of bringing all regular employees of the White House directly onto the White House payrolls. This seemed to the President a more honest way of presenting the full cost of the White House operation.

Therefore, the budget request for fiscal year 1971 is for 548 employees, and funds in the amout of $8,550,000 for the White House Office. This is a substantial *decrease* of more than $650,000 in funds, and 28 in personnel—a lesson that should certainly not be lost on those who have attacked the President without benefit of the facts.

CASPAR W. WEINBERGER,
Deputy Director, Office of
Management and Budget.

WASHINGTON.

Mr. DOLE. Mr. President, I believe that President Nixon is doing a remarkable job in holding the line on his White House budget and staff, especially when one considers that he has been faced with a Democrat-built inflation and an ever-burgeoning bureaucracy that calls for more and more attention from the White House.

I believe those who complain about White House costs should look at what has happened to their own costs in the last 2 years and maybe the increase in salary they gave themselves just last year.

I believe that we who served in Congress when the custom at the White House was to hide the White House staff on departmental payrolls should praise the President for his honesty and openness. It is a refreshing change that I am sure the junior Senator from Hawaii will appreciate.

THE GENOCIDE CONVENTION: WHAT DOES IT MAINTAIN?

Mr. PROXMIRE. Mr. President, I have been speaking before the Senate for almost 4 years urging our ratification of the Genocide Convention. It is pertinent to review the major features of this human rights convention.

Genocide has been defined as any act designed to destroy a national, ethnic, racial, or religious group. Member nations, who are parties to the convention, agree to punish any person committing an act of genocide, committing an act inciting genocide, or engaging in complicity in genocide.

The convention also makes provision for the punishment of any person, be he public official or private citizen, who commits an act of genocide. I would like to point out that the convention intends for each member country to bring to trial individuals who have committed acts of genocide within their territory. The convention does not establish a world court, as some have maintained. It does allow, however, for an international penal tribunal whose jurisdiction has been accepted by the involved parties to try those charged with genocide. It is important to emphasize again that the convention does not establish any world court, nor does it supersede the authorized courts of any nation.

Article VII states that genocide will not be considered a political crime and extradition should be granted in accordance with the laws and treaties of the country. If there is a question or dispute between any two countries, article IX allows for the dispute to be settled in the International Court of Justice.

From this brief survey of the basic points of the Genocide Convention, it is clear to me that it would be in the best interest of the United States for us to ratify this human rights document. We must go on record as completely opposed to this monstrous crime.

DEATH OF VIRGINIA BLUE, STATE TREASURER OF COLORADO

Mr. ALLOTT. Mr. President, I wish to express on behalf of Mrs. Allott and myself and for all citizens of the State of Colorado our deep sorrow over the loss of Mrs. Virginia Blue, our beloved State treasurer, who died on Wednesday, September 16.

Virginia Blue was an uncommon woman. In this age when we increasingly hear about women's rights, she, decades ago, began practicing women's responsibilities in a most exemplary and outstanding fashion. Her contributions served Colorado as well as the Nation.

She was the first chairman of the Status of Women, an organization dedicated to the equality of womanhood in our system.

She was at one time president of the American Association of University Women and later served on the National Committee for the American Association of University Women.

A prominent realtor in Colorado for many years and a partner in Blue and Blue Realty, she was a member of the National Association of Real Estate Boards and in 1962 became the first and only woman ever elected Denver Realtor of the Year.

She was one of only five women ever elected to the board of regents of the University of Colorado.

In her capacity as State treasurer, she also served as chairman of the Association of Western State Treasurers.

Her many accomplishments are noted in Who's Who in Colorado, Who's Who in the West, Who's Who in American Women, and Who's Who in Education.

She was a recipient of the Norlin Award of the University of Colorado for outstanding alumni.

Her prominent efforts included being selected the first woman to serve on the revenue and estimation committee of the State of Colorado, the first woman member of the University of Colorado Alumni Association, and 4 years ago, when she was elected State treasurer, she became the first woman ever elected to an executive office in the State of Colorado.

Her awards and achievements could fill many pages. However, Virginia Blue, despite all of her many prominent ventures, was down to earth and always direct in her approach.

All Coloradans feel her loss deeply, but most especially, we send our heartfelt sympathy to her husband, Jim, and her family who loved her so much.

An editorial published in the Rocky Mountain News of September 18, paid Virginia Blue a most fitting tribute. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News,
Sept. 18, 1970]

VIRGINIA BLUE

In the death Wednesday of State Treasurer Virginia Neal Blue, Colorado loses a gracious woman as well as a dedicated state executive who more than lived up to every campaign promise she ever made.

Before she was cut down by an illness related to cancer at age 60, her career had so many facets it is difficult to see how one person made so much of time.

She won many high national honors in her lifetime—as a banker, as a University of Colorado regent, as a longtime Denver realtor, as Colorado's treasurer these past four years, first woman ever elected to such a high state executive post.

Despite the acclaim, she never forgot the little things of life that made her, as Gov. Love put it, "a great person and a great lady—we all will miss her very much."

She proved out the observation that a small town bank is one of the best training grounds for life. She was the daughter of the late Meeker banker, Joseph M. Neal, who first came to Colorado from Missouri at 21 in 1896 to teach school 35 miles from Meeker.

At the turn of the century, he entered the cattle business and from 1917 to 1934 he operated the largest cattle ranch in the Meeker area.

After she was graduated from the University of Colorado in 1931 with a degree in finance, Mrs. Blue returned to Meeker and a post in her father's bank.

As state treasurer she made it a point to visit scores of Colorado banks. She always said the real way to learn about a bank is to walk inside and talk to its officials. She made it a point to know a lot about the institutions in which state money was lodged as certificates of deposits.

Mrs. Blue had $190.7 million in state funds invested in government securities and deposit certificates in 212 banks.

When she first campaigned as a Republican for state treasurer, she said the millions of dollars in the state treasury should be put to work more effectively to earn interest for taxpayers between the time the revenues flowed in and the time the state paid out the money.

As deputy treasurers she brought in first Mrs. Dorothy McRae and later Mrs. Julia E. Swearingen. And for the first time she brought in a fulltime investment officer, Mrs. Marguerite Larsen.

And the interest really rolled in. For the year ended June 30, it hit a whopping $11.2 million. The year before that it was an all-time record $7.1 million. Before that it was $5.1 million and before that $4.5 million.

The News observed recently Mrs. Blue and her tidy money managers were better at the task than the males who preceded them.

She had exquisite taste. When flowers came in, they didn't just decorate the front office but the whole office and the back rooms.

One night in mid-summer the Business and Professional Women's Club presented Mrs. Blue an award in Fort Collins and accompanied it with a huge wreath of red roses bound together by wires.

Mrs. Blue was tired that night, but the state treasurer spent more than an hour near midnight in her motel room unbinding the wires into which the roses were woven, and packing the bright roses in wastebaskets filled with ice—so they would be fresh when carried back to the Statehouse.

Mrs. Blue seemed to live by this philosophy: To heal old wounds and get people back on the track—and this applied to bankers and money dealers and everyone with whom she dealt.

Colorado has gained much by the likes of this lady.

PROSPECTIVE APPEARANCE OF VICE PRESIDENT KY, OF SOUTH VIETNAM

Mr. MILLER. Mr. President, like many Senators, I have become increasingly concerned about the prospective appearance of Vice President Ky at a Victory-in-Vietnam rally in the Nation's Capital.

Already there has been too much divisiveness among the people of our country over the war—most of it, I must in fairness point out, by those who follow a peace-at-any-price approach. Now that there have been fair debate and decision in Congress, with a strong majority supporting our President in his efforts to disengage from the war as soon as practicable, consistent with our commitments, reinforced by national polls reflecting comparable sentiment among our people, it is important that efforts toward unity—not disunity—should be made by all factions.

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The appearance and, no doubt, the address by Vice President Ky at the rally would have a divisive, rather than a unifying, impact at this time. I express the hope that Vice President Ky will understand this and will act accordingly, in the best interests of both the United States and his own country, which the United States has for so long and at such great cost supported in the cause of freedom.

A GREAT DAY FOR KANSAS

Mr. DOLE. Mr. President, many encouraging observations have been made concerning President Nixon's appearance at Kansas State University, September 16.

Not the least of these is that the President's visit provided the Nation an opportunity, via national television, to see and hear the reactions of more than 15,000 students and faculty at Kansas State University.

An accurate appraisal of this reaction at Kansas State is provided by Thad Sandstrom, vice president of WIBW–TV in Topeka, Kans. His views were broadcast in an editorial on September 20.

I ask unanimous consent that Mr. Sandstrom's remarks be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WIBW Editorial

This was a great week for Kansas. On Wednesday, President Richard M. Nixon flew to Manhattan to speak at the Landon Lecture Series at Ahearn Fieldhouse at Kansas State University. Perhaps no event in history has reaped so much good publicity nor done so much for the image of Kansas and its youth. The President spoke on "Order in Our Society."

When a couple of dozen creepy kids who had no common courtesy for the office of the President nor for the 15,500 who came to listen to the President began shouting, it was obvious they were really in the minority—by a ratio of about 500 to 1—and about as effective as a raindrop in the ocean. The response of the K–State students was overwhelming. With coverage on all three national television networks and a number of independent stations, the radio networks, and numerous big city daily newspapers from coast to coast, it was indeed a bright day in America and in Kansas—for clearly the K–State students supported the concept of working within the system to bring about change.

What impressed us was the response around the country. KSU President, Dr. James A. McCain, received telegrams from all over America applauding K–State and its students. In New York City the next day, I visited with several people. Everyone brought up the Nixon speech at K–State. They commented on the "good-looking students," the well-behaved, respectful crowd, and the enthusiasm. Indeed, all three major New York TV stations featured lengthy stories on the late evening newscasts and one New York station re-ran the entire speech Wednesday night. The New York Times was most complimentary of K–State and termed it Nixon's finest performance.

So . . . it was a great day for Kansas and especially Kansas State for it showed again that here in the heartland of America are the really great people of our country—the ones whose background and up-bringing give them a really fine understanding of what life in America is all about.

To the Kansas Congressional delegation—especially Senator Bob Dole—a vote of thanks for urging the President to come to Kansas State.

To Kansas Governor Robert Docking—a salute for the non-partisan way in which he welcomed the President to Kansas.

To Alf Landon—thanks for giving K-State the vehicle through which it has been possible to attract men of great distinction to Kansas State.

But a special vote of thanks goes to K-State's President, Dr. James A. McCain. It was Dr. McCain who envisioned the Landon Lecture Series. His idea of having Governor Landon invite men of both parties to come to K-State has given Kansas State a *real* place in history.

Indeed . . . the Landon Lecture Series has made a great university even greater and on Wednesday showed America on national television that in Kansas . . . the people make the difference.

SERIOUS CONDITION OF AMERICAN RAILROADS

Mr. ALLOTT. Mr. President, the recent collapse of the Penn Central Railroad and the difficulties facing other lines have brought into dramatic focus the very serious condition of a vital means of transportation.

In the spate of newspaper commentary on the Penn Central debacle, one of the most articulate analyses was written by Tom Shedd, the editor of Modern Railroads. Mr. Shedd points out the very serious problems created for the Penn Central by management conflicts and by haphazard diversification. He goes on to comment on the broader problems facing the entire industry and makes this wise comment:

> The time is long past when the railroads could consider themselves as a strictly private enterprise like a department store or a widgit-maker. Yet to completely nationalize the U.S. railroads, as has been done in other countries of the world, would be fantastically expensive.

He urges the industry to demonstrate that it is trying to solve its own problems before seeking Federal help. In the months ahead, I am certain that Congress will have to grapple with the serious situation of the rail industry—a situation created in part by unwise governmental policies.

Mr. Shedd's wise observations are most helpful and I am sure they will be of interest to Senators.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Choice: Constructive Action Now—or Nationalization

(By Tom Shedd)

The collapse of Penn Central is a shocking event. It is especially jolting in view of the high hopes that were held for the Penn Central merger two years ago.

And yet PC's petition to reorganize under Section 77 of the Bankruptcy Act can prove to be a turning point in the history of rail transportation in the U.S. Depending mainly on the reaction in Washington, but also on what the rest of the industry does, this event will either open the way toward restoration of the railroads as healthy industry—or it will solidify and make irreversible the present trend toward some sort of government takeover.

(The first reactions in Washington were not too encouraging. Rep. Wright Patman (D. Tex.) seemed determined to find a scapegoat—predictably the fat, rich, sinister bank interests. The role of mankind in the conduct of the railroad business might well stand some study; but it apparently never cocurs to politicians like Rep. Patman that the government's own policies toward the railroads are a fundamental—and possibly the single most important—cause of the disaster.)

Exercising 20–20 hindsight, it is not too difficult to find some reasons for what happened at Penn Central.

To begin with, the former Pennsylvania and New York Central railroads were the wrong merger partners. As many observers contended at the time, a better balanced combination would have been produced with NYC–C&O–B&O in one company, and PRR–N&W in the other. Instead, we now have Penn Central and the proposed N&W–C&O merger. The latter will doubtless be long delayed, if not killed altogether as a result of PC's troubles.

MERGER PRICE TOO HIGH

Moreover, it now seems clear that Penn Central accepted too many onerous conditions in order to get its merger through. It signed a highly restrictive labor agreement; it also agreed to take on the operating losses of the New Haven railroad. As was evident to some railroaders even at the time, these handicaps were too much to pay for the merger.

Penn Central was also caught in the general economic squeeze—the "liquidity crisis" that is affecting many businesses and individuals today. One cause of this liquidity crisis has certainly been the 25 years of basically "boom psychology" and inflation that have triggered a rapid rise in debt of all kinds. We are now reaping the inevitable result of this kind of psychology; if we are not very careful the present "crisis of confidence" could easily lead to a depression like that of 1929.

Beyond these quite evident reasons for PC's downfall lie other factors that are perhaps less obvious. The internal conflicts between the former NYC and former PRR officers—"the green team and the red team"—have been widely noted. Both companies had many very competent managers; but the PRR clearly dominated the top managerial positions in the early days of the merger, and far too many of the young, aggressive team that NYC had built up became discouraged and left. (Interestingly, ex-NYC-ers are now playing a much more prominent role.) As one veteran observer told us, "No corporation is strong enough to stand a civil war in the executive suite."

Then there is this question: did Penn Central's diversification into other types of businesses help or hurt the railroad operation? True, in recent months especially, the non-railroad enterprises of Penn Central did pour many millions of dollars into keeping the railroad in operation.

On the other hand, at the very least, the emphasis on non-railroad affairs must surely have diverted top management time and attention from the urgent problems of the railroad, which after all is the principal business of the company. And, going back to the beginning, didn't the resources that enabled PC to diversify into other businesses—the N&W stock, the money received from the sale of the Long Island, for example—really derive from railroading? And wouldn't it have been wiser to invest such funds in badly needed modernization of the railroad plant and equipment?

We think it would have; but the money managers can point to the low rate of return earned by even the most prosperous of the major railroads as a reason for not putting more money into railroading. Here we come up against the real culprit—government policies toward railroads that neglect their needs but heavily favor and subsidize the other modes; while taking a basically punitive approach in regulating the railroads.

We believe the mad rush to diversify out of railroading is bad, both for the railroads and for the nation, but we cannot really fault the industry's managers for doing so when the govrnment has made it impossible for even the best-run railroads to earn profits comparable to those of other industries.

When all is said and done, most of the problems that combined to force PC to its knees are present on *all* the railroads—even those that still show some black ink in their financial statements. With the biggest railroad in the country already in reorganization, and a number of others either in or close to the same state, surely Congress and the Administration will now recognize the seriousness of the railroad crisis and get behind moves to correct the conditions that caused it.

The time is long past when the railroads could consider themselves as a strictly private enterprise like a department store or a widgit-maker. Yet to completely nationalize the U.S. railroads, as has been done in the other countries of the world, would be fantastically expensive.

The answer, it seems to us, is more federal participation short of nationalization. The AAR's ASTRO report, released just at presstime, suggests the lines such participation might take. But before the railroads can expect any real help from Congress, we believe they'll have to demonstrate that they are also working constructively *as an industry* to help solve their own problems.

At any rate, Penn Central's downfall has demonstrated that the railroads can no longer go it alone. If the *entire industry* will really get behind *a politically realistic* program, maybe the politician can also be convinced that now is the time for constructive action. We hope so; because otherwise the nation will get nationalization, whether it wants it or not.

Pending reorganization (and that may take many years) Penn Central will be kept running. And if PC's disaster finally leads to a united railroad industry and triggers the overhaul of the federal government's policies toward that industry it may yet prove to be the key to the railroads' bright future!

ENVIRONMENTAL CRISES

Mr. NELSON. Mr. President, on September 22 Dr. Ralph E. Lapp delivered an address on "Environmental Crises" at Iowa State University. The crucial question that Dr. Lapp raises is: How can our Nation preserve both the environment and the economy?

In an effort to protect the environment from polluted air, stiffer restrictions will have to be placed on fossil fuels. Yet at the present state of technology these standards might not be met and the amount of necessary power could not be produced. This would result in people living in cold houses in the winter and hot houses in the summer—a fact the east coast is experiencing today.

The per capita consumption of electric energy has risen by a factor of 125 since 1900. At present rate of increase the United States will be generating 10 billion kilowatt-hours of electric power by the year 2000. The question then arises as to what mix of fossil and nuclear fuels will be needed to insure the demands of society are met while at the same time the quality of the environment is protected.

Therefore, we must begin to search out ways to make the best use of our natural resources—ways that will protect our fragile environment and supply the energy to run the country.

Mr. President, I ask unanimous consent that Dr. Lapp's excellent and timely speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Environmental Crises

Although you have invited me to speak on the "environmental crisis" I have pluralized the title. Unfortunately, we are not permitted the luxury of a single crisis because man's interaction with his environment involves a series of multiple collisions.

One reason why we have been slow to recognize the true nature of the ecological upset wrought by our civilization is that the collisions were highly muffled or remote. Occasionally we were jolted by news of eco-fatalities as for example, 23 years ago when a blanket of poisonous air snuffed out the lives of twenty people at Donora, Pennsylvania. But when these warning blips faded on the screen, society went to sleep—the crisis was soon forgotten.

Meanwhile ecological insults multiplied and intensified. Man's solid and liquid wastes were dumped in ever-increasing quantities into the air, the waterways and onto the soil. Lakes sickened and poisoned marine life and even winged creatures fell victim to the chemical agents that drained into the water. Certain forms of man's chemical warfare were outlawed when birds stopped flying. But in Southeast Asia environmental warfare has been waged with a vengeance, using chemical agents of unparalleled toxicity.

Last month Senator Gaylord Nelson led an attempt to outlaw the "environmental warfare" in Vietnam i.e. the use of herbicides and anti-plant chemicals to defoliate forests and kill food crops. U.S. Armed Forces have sprayed more than 100 million pounds of chemical agents on over 5 million acres of Vietnam. These include ORANGE, a liquid solution of 2,4,5-T and 2,4-D now banned; BLUE an anti-crop dessicant arsenic compound and WHITE, a mixture of 2,4-D and picloram. Senator Nelson's amendment to ban herbicides and anti-plant agents failed to pass but the Senate debate on the subject served to illuminate the issue. It's clear that no substantial body of scientific evidence exists on which to appraise the long-term impact of such chemical assault on the environment.

The toxicity of modern chemical agents is illustrated by a recent tragedy in Carolina's tobacco country. When I was vacationing near there last month I learned that a 7-year-old boy, the son of a tobacco farmer, died as a result of helping his father spray tobacco plants with Big Bad John—a U.S. Dept. of Agriculture-approved insecticide. An environmental crisis may seize a single family in its lethal grip or it may spread itself over a whole nation and persist for many years.

U.S. metropolitan areas are beginning to resemble chemical retorts in which noxious fumes accumulate. In general three classes of pollutants afflict U.S. cities:—the obvious particulates that fall out as soot, ash and grit; the hydrocarbons most of which are emitted by fossil-fuel burning cars and trucks; and the chemical oxides, namely of sulfur, carbon and nitrogen. About 65 million tons of these pollutants are emitted per year in 27 metropolitan areas embracing a total of 140,000 square miles. That averages about 460 tons per square mile or 1450 pounds per acre.

Gross statistics about total emissions are not too meaningful in assessing the pollution hazard; we need to deal with specific concentrations of the hazards within the metropolitan area and with the persistence in time of these pollutants. Metropolitan areas may be thought of as immense pill boxes which form gas chambers whose top is normally open. When sufficient air sweeps into the volume the ventilation serves to remove most of the noxious gases and airborne pollutants. But given an atmospheric statis, so to speak, nature slams a lid on the box and the concentration of offensive gases builds up. In effect, the air above the densely-populated region becomes a closed system—a huge gas chamber.

The natural geography of the Los Angeles area forms a basin into which vehicular emissions rise and are trapped. Low-lying temperature inversion layers serve to close off the Los Angeles chemical retort and the California sunshine produces photochemicals which are irritating and injurious to human and organic tissue. The resulting smog can be sighted from the air as a massive brownish incursion stretching from the ocean to the barrier mountains. The California experience with smog was viewed as one peculiar to that region, but today the major American cities all are subject to the peril of atmospheric pollution.

Man's lust for energy must be reckoned as the primary cause of air pollution. That—and his concentration of population in a very small fraction of the U.S. land area. Population alone is not the big factor in air pollution; after all, the U.S. population has only tripled since the turn of the century. But the shift from the farm to the city and the advent and mass production of motor cars have compressed the American population so that 76 million people—the total U.S. population in 1900—are crowded into 0.3 of 1 percent of the U.S. land area.

This urban squeeze, by itself, would not have created serious air pollution hazards if men had been content with a 1900 life style. To illustrate the dramatic changes in American life style I have prepared a series of charts whose base line stretches from 1900 to the year 2000. Such a centurywide time sweep allows us to project our way of life ahead for 3 more decades—assuming, of course, a constancy of change. I shall read off a few 1900 and 1970 comparative values:

ANNUAL VALUES PER CAPITA

	1900	1970	Factor
Electric energy (kw.-hr.)	60	7,500.0	125
Prime mover horsepower	.9	100.0	110
Natural gas (cubic feet)	3,300	100,000.0	30
Petroleum (barrels)	.5	20.0	40
Motor vehicles	.0001	.5	5,000

All of these items involve energy conversion and this is primarily, at least up to now, a matter of burning a fossil fuel. Hydropower is very limited in its potential and nuclear power is just beginning to make its mark in providing electric power.

The effluents from automotive exhaust pipes and from the smoke stacks of power plants constitute the pollution hazards that have overpowered the self-cleansing ability of the atmosphere above U.S. cities. The hazard arises from the inevitable combustion products formed when fossil fuels are burned and from the impurities, such as sulfur, present in coal and oil. A free-wheeling American economy has permitted motor car manufacturers to market automobiles, which until very recently, had no restrictions on their exhaust emissions. Steam-electric generators were allowed to burn high-sulfur coal. As a consequence, city-dwellers conducted a form of gas warfare against themselves.

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The control of the motor car and of the fuel-burning plant became a necessity in the late sixties. This was not only because of the present danger but because any realistic projection of the nation's future needs makes graphic the magnitude of the pollution control problem in the coming decades. The U.S. power economy is increasingly shifting to electrification and by the year 2000 we will probably see a total of 10 trillion kilowatt-hours of electric power generated. Engineers have nudged the limits of efficiency in burning fossil fuel and these limits have to be approached with caution in the nuclear power industry. Therefore, we can predict with some confidence the amount of heat that will be required in the year 2000 to supply the U.S. electric power needs.

The generation of 10 trillion kw-hrs of electricity will require the release of almost 10^{17} British thermal units (Btu) of heat energy. If all this energy came from petroleum, it would mean an annual consumption of 15 billion barrels. To this one would have to add the petroleum consumed as gasoline or as non-fuel products. One immediately senses that we are not dealing so much with a pollution problem as we are with a sheer natural resource situation. Where in the world will we get such a flow of oil?

Admittedly, we will not depend on oil for all our electric energy. Nuclear power should supply half the nation's kilowatt needs by the end of the century, but allowing for hydropower, this will still leave some 45 percent to be generated by combustion of fossil fuels—oil, natural gas and coal. Our natural gas is an ideal fuel, both from a transmission and a pollution standpoint but it is going to be in short supply and will probably not be available for central station power in quantities comparable to oil on a Btu basis. Coal reserves are immense but low sulfur bituminous beds are not generally favorable for exploitation in eastern U.S.A. This probably means that fuel oil will have to be used for electric power generation and, inevitably, this will have to come from a tanker supply route.

The trend of central station power plants to opt for larger and larger power outputs, especially in the case of uranium-burning plants, means that by the year 2000 the most modern plants will all be several thousand megawatts in power rating. This will mean a localized thermal pollution problem i.e. overheating waterways and intruding upon the ecological status quo of larger bodies of water. Higher capacity power plants make for greater efficiency but this advantage is not an unalloyed blessing. Nuclear power is beset with its own species of problems, including the unique radiation hazard which, in my opinion, makes it mandatory that uranium-burning plants be located at sites remote from dense concentrations of population. Wise site selection, careful consideration of reactor design, establishment of adequate radiation standards and prudent regulation of power plant construction and operation should make it possible for nuclear power to provide the nation with clean kilowatts.

Those who spurn the promise of nuclear power must recognize that there are only two alternatives. One, obviously, is to fall back on the conventional fossil fuels, leaving us to solve the problems of pollution and fuel supplies. The other is to "bend the 20th century over" i.e. to depart from the 70 year pattern of providing cheap and plentiful electric power. This would be curtailing the kilowatt and would ration electric energy to present customers and deny it to new ones. At the present time about a third of the kilowatts supply residential power, somewhat more than a fifth go to commerce and the bulk turns the wheels of industry. Consider the consequences of curtailing the electric energy supply for industry. This would not only crimp production and produce unemployment, it would bar productivity increases so essential to a rising Gross National Product. Clamping down on the residential kilowatts would also limit the market for electric-energy appliances and thus affect industry; it would also discourage home-building and set off a wave of unemployment in the building trades. A community caught in a kilowatt squeeze might have to forbid the sales of major electric appliances like air conditioners and clothes dryers.

Given such restrictive measures, a black market in air conditioners and other devices would spring up. After all, there would be a real discomfort felt by a person lacking an air conditioner, especially when his next door neighbor had one. Imagine the plight of apartment dwellers in Manhattan who would be forced to dry their laundry the old-fashioned way—by hanging it on a line. Manhattan would be festooned with a gala bunting.

The fact is that our way of life and our economy is hooked on the kilowatt. We are affluent as a nation because we have enjoyed a generous energy endowment. It is unrealistic to project a leveling off or a decline in the production of electric energy. On the other hand our energy exuberance need not escalate to unnecesary incandescence. The finiteness of our fossil fuel resources makes it essential that the United States practice conservation of its premium fuels, oil and natural gas.

Research and development in the fossil fuel sector, especially in coal, has been a pitifully weak-kneed national effort. High priority should be assigned to the gas conversion of solid coal so that our supply of natural gas can be supplemented. Unless the motor industry manages to curb the pollution of gasoline engines, it may be necessary to turn to a new fuel. It must be understood that motor vehicles account for six-tenths of all air pollution. Specifically, they contribute more than 90 percent of the carbon monoxide pollution, 63 percent of hydrocarbons and 46 percent of nitrogen oxides. The electric car, running on battery power, is a clean solution to the motor vehicle pollution problem, but it is far from being an acceptable substitute for the internal combustion engine. Furthermore, one must remember that the electric power has to be generated for battery power. If nuclear power supplies this electricity then the electric car is truly clean, but if fossil fuel plants generate the power, then all we have done is to transfer the source of pollution from the tailpipe to the smokestack. Of course, there would be some gains, since carbon monoxide levels in metropolitan streets would be drastically lowered. But this would be at the expense of adding to the sulfur oxide emissions from power plants. In the next thirty years it is estimated that sulfur oxide emissions will increase five-fold unless adequate controls are imposed on fossil fuel power plants.

For almost two-thirds of this century industrialists and motorists have polluted the city and the highways with virtually no restraint. With the advent of air travel, beginning in the late twenties, man added a new dimension to air pollution by injecting combustion products into the lower atmosphere. It is now proposed that the United States should undertake development of the supersonic transport (SST) which would fly at an altitude of 65,000 feet. This SST venture involves a third tier of pollution in a rarefied atmosphere where the injection of combustion products and moisture formation may produce ecological effects which are not presently calculable. Aside from the questionable economics of the SST which is keyed to a passenger seat capital cost of three times that of the 747, and possibly much more, it now appears that instead of a cost-benefit analysis, the SST should be viewed in terms of its detrimental eco-effect.

We have relatively little experience in the matter of assessing the adverse effects of technology. In the past we have proceeded almost blindly, genuflecting to the dictates of a technological imperative. In order for a technologically-based project to be authorized, it was sufficient that it be within the realm of feasibility. If an A-bomb could be made—it would be made. If made, it would be used. If an H-bomb could be made, it would be made. And it was. If one could go to the moon, then we would go. And we did. In connection with the H- or superbomb, I would like to go back and discuss some details of the weapons project which may have escaped your notice.

In July of 1953, before the Atomic Energy Commission had tested an operational H-bomb, a group of military men and experts gathered in Santa Monica, California with officials of the RAND Corporation. The single purpose of this conference of 49 people was to assess the worldwide impact of testing a superbomb whose power would be in excess of 10 million tons of TNT equivalent i.e. 10 megatons. It was a highly secret meeting and no word about it leaked out to the public—or even to officials in other government agencies. Yet this conference was essentially for the purpose of evaluating a global health hazard, namely, the entry into the biosphere of highly toxic and long-lived radioactive species such as strontium–90.

Some of the scientists at the RAND–AEC conference were distinguished physicists, even Nobel prizewinners but only one biologist present was really compentent in the field of radiation health protection. Consider the complicated chain of events intervening between the splitting of an atom in the bomb and the ultimate fate of these split atoms. The radioactive species attach themselves in various chemical forms to particles of microscopic and macroscopic size. They are injected at various altitudes and may fall out locally, troposperically or circle the earth in the stratosphere. They may or may not thereafter drift to various latitudes. Their descent to the far corners of the earth is highly uncertain, varying with the season. Once deposited they become available to enter food-chains of animals and humans. The passage of various radioactive species through the many links in the food-chains is complex and was, in the summer of 1953, largely unknown. Yet in the face of all these uncertainties, scientists were called upon to come up with their estimates of safe levels for testing superbombs.

The veil of secrecy has not been fully pulled aside for us to judge what really happened at the Santa Monica conference, but we do know that no scientist saw fit to protest the *Castle* series of nuclear tests which began March 1, 1954. We have here an example of the Atomic Energy Commission, a single governmental agency, acting on its own in assessing a global health hazard. We are also witness to the obedience of some of the nation's greatest scientists in bowing to the will of the AEC.

On March 1, 1954 the AEC exploded its *Bravo* bomb with a yield of 15 megatons. The globe-circling nuclear debris let loose in this test is in all of us today—the reindeer-eating Lapps bear a body burden of cesium-137 which is taken up in lichen on which the deer feed—our teeth and bones contain measurable amounts of strontium-90 which follows the calcium route in food chains. Those closer to the *Bravo* blast were caught in local fallout and experienced loss of hair, skin lesions and other effects of radiation injury. AEC experts were confident that the effects were transitory and that everyone would be all right but they did not reckon with the delayed effects of radiation. Yet within 12 years after exposure 80 percent of the Marshallese children who were irradiated while under 10 years of age developed thyroid nodules.

In 1954 the experts did not know the ecological consequences of the *Bravo* bomb test; they did not even know enough to consult fully with other experts who might have helped out in analyzing the problem. Technology ruled the day with an assist from a weapons-oriented Atomic Energy Commission.

Today it is fashionable to raise alarm about the harmful or potentially injurious aspects of science and technology. In 1954 it was much more hazardous for a scientist to dissent with the Establishment. Things have even gotten to the point where AEC scientists are quarreling with the AEC! The Atomic Energy Commission doesn't exactly welcome this internal dissent, but it is perplexed by the discord. I am sure that AEC officials long to fire the critics, but they know that this ejection technique would simply fan the fire of controversy.

If we had had effective dissent in 1954 I believe history might have been set on a different course. I personally regret that I was so slow on the draw that it was not until after the *Bravo* test that I started to study fallout and began criticizing the AEC. Had we been able to open up the weapons test issue in 1953 when the secret conference took place at Santa Monica, then it is possible we could have altered events. The Defense Department and the AEC were hell-fire bent on testing the superbomb and perhaps the momentum was too much to overcome. But if public discussion of the test and its ecological effects had occurred, we might have inhibited the testing of very high-yield bombs. Conceivably, we could have secured a Nuclear Test Ban Treaty long before 1963 and got started on Strategic Arms Limitation Talks (SALT) with the Soviets before we fielded a thousand Minuteman ICBMs and the Soviets followed suit.

A policy of official secrecy on nuclear weapons has restricted public discussion of the most vital issues of the day. It has encouraged a headlong propagation of nuclear weapons and weapons systems and only tardily do we sense the folly of blind obedience to a technological imperative. Our one thousand Minuteman missiles are not only a wasting asset—one costing us in excess of $20 billion—but we are now told we must throw up ABM defenses to defend them and this will cost another $8 billion. But, worse yet, it takes us into a non-negotiable area of arms control.

We can depend on the photographic acuity of satellite cameras to inspect for missiles of ICBM quality, but this orbital surveillance is more ambiguous when it comes to inspecting missiles like Sprint and Spartan. In addition, we have pushed forward on MIRV (multiple, independently targeted, reentry vehicles) technology, again prostrating ourselves before the altar of high technology.

Allow me to expand on this MIRV topic. It serves to illustrate the difficulty of dissent in the area of complex technology. We have just concluded Phase II of the SALT talks at Vienna—discussions in which the Administration maintained it was essential for the Congress to approve the Safeguard ABM program as a "bargaining chip" in the negotiations. It was argued that it was necessary for the United States to begin deployment of ABMs in four states to provide protection of Minuteman bases against the threat of a Soviet first strike with SS–9 missiles. Then the Soviets might be induced to stop making more SS–9s. We could agree on a SALT treaty setting a limit to SS–9s and to other missiles as well—and we would dismantle the ABMs. The senators who used the bargaining chip argument did not spell out how a treaty would effectively freeze the Soviet S–99 threat. Merely putting a limit on the deployment of SS–9 launchers would not freeze the strategic threat. One would also have to freeze the number of MIRVs on board each SS–9. No pro-ABM senator explained how this would be done.

The fact is that the SS–9 threat can not be limited unless the U.S. and the Soviet Union enter into a MIRV agreement. We know that the Soviets have the capability of throwing three 5 megaton RVs with their massive SS–9 launcher. They know that our Poseidon missile throws 10 RVs. To be sure these are a hundred times less powerful, but it's the multiplicative technique that counts. What is to prevent the Soviet weapons experts from mounting six or seven 1 megaton warheads on a single SS–9? With the present level of 300 SS–9s, this would give the Soviets a throw potential of 1,800 RVs. This would in effect give the Soviets a first strike capability against 1,000 missile silos housing our Minuteman ICBMs. Providing, of course, that the Soviets can drop these warheads close enough to destroy the silos. This means reliability of launch and RV accuracy. The MIRVing mechanism that dispatches individual warheads on their trajectories to specific aim points must function properly. The accuracies required to achieve a 95 percent probability of knocking out a Minuteman silo correspond to a circular error of probability (CEP) of 280 yards for a 1 megaton warhead. The Soviets can not hope to achieve such accuracy without extensive testing—missile firings and MIRV dispatches which we can monitor with inspection apparatus located far from the Soviet test sites. Therefore, if the Soviets would agree to a MIRV test ban—and to placing a limit on the SS–9 deployment—we could effectively "freeze" the Soviet first-strike threat of the SS–9.

However, we must consider the Soviet view of a SALT treaty. The Soviets know that the United States has concluded the research and development test phase of its strategic MIRV program for equipping Minuteman III and Poseidon with multiple warheads. We have already deployed some Minuteman III missiles in the North Dakota fields and Poseidon becomes operational on the *James Madison* submarine next January. From the Soviet viewpoint the MIRV situation is quite asymmetric and a MIRV test ban would be a one-sided affair. From their viewpoint a production-deployment ban on MIRV is required to forge an equitable SALT agreement on missile limitation.

Now this asymmetric situation presents the United States with a dilemma. Given the backward condition of Soviet MIRV technology, we can trust our national means of inspecting for illicit MIRV tests by monitoring the Soviet Union, but the Soviets would have to rely on on-site inspection to make sure that MIRVs were not deployed in Minuteman silos. It is futile to argue that our Minuteman III warheads are much lower power than the SS–9s, being about 0.2 megatons each, and therefore requiring greater accuracy to target SS–9 silos. Actually the difference is less than 100 yards and the Soviets would have to assume the worst, namely, that we are deploying a first strike system. That is, unless they can inspect the silos and verify that each Minuteman contains only one warhead.

The U.S. sophistication in missile weaponry has placed us in an awkward negotiating position. Will we accept what amounts to a unilateral on-site inspection system? Would we allow Soviet inspectors to roam about Montana, North and South Dakota, Wyoming and Missouri? Would these visitors be permitted to peer inside our silos and inspect the missile shrouds? I find it difficult to believe that the present Administration would agree to any such proposal. It would, indeed, insist on on-site inspection of Soviet silos. Our experience in negotiating the Nuclear Test Ban Treaty gives little hope that the Soviets will agree to having U.S. teams check their missile silos. Presumably the U.S. Senate would insist on a mutual on-site inspection system, thus creating a stalemate.

I cite this MIRV missile dilemma to illustrate the complexity of an issue of high technical content which is resolved by introducing it into a political decision-making process. So far as the Safeguard ABM decision was concerned, purely technical consideration should have made the decision an easy one—specifically, the Senate should have refused to authorize deployment funds for it. But only a handful of senators fully comprehend the technology involved; the point here is that a democratic decision on a technical problem is confronted with the difficulty of requiring politicians to vote on it before the public has had a chance to understand it. In the ABM debate it was noteworthy that scientists who opposed Safeguard took their arguments directly to the senators rather than appealing for public support as their primary means of persuasion.

I have also explored the nuclear-missile issue because nuclear war would be the supreme ecological catastrophe for mankind. In the past the United States has been able to remain isolated from strategic assault because of its isolation and expanse. Today a missile can hurl its lethal payload over intercontinental range in a space of 25 minutes. A single warhead carried by an SS–9 reentry vehicle can contain the equivalent of 25 million tons of TNT. A strike force of 300 such RVs adds up to 7,500 megatons or 7.5 billion tons of TNT equivalent. An inherently dirty design for these weapons would lay down the equivalent of 5 billion tons of fission-energy products with a potential for coating 5 million square miles of area with serious-to-lethal radioactive fallout. This is 2 million square miles more than the land area of the U.S.A. A radiation assault on this nation would not only strike at the total human population of our nation, it would kill off animal life on the farms and poison much of the plant life for years to come.

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Dissent in an age of sophisticated technology clearly must be based on awareness of potential hazards and a degree of scientific and technical competence to evaluate these. This more or less burdens the scientist with a responsibility to speak out on issues which he feels may bring significant harm to society. I should narrow down the responsibility to independent scientists, thus eliminating those who are employed by industry and with few exceptions those who are dependent on federal funds. This pretty much localizes dissent to the campus.

The voice of the scientist is still strong and will be heard. I have in mind a number of recent instances in which a very few scientists provoked public discussion of a local issue and were productive in causing agencies like the Atomic Energy Commission to pay attention to them. For example, the Colorado Committee for Environmental Information was instrumental in opening up the plutonium contamination issue surrounding the Rocky Flats fire. Scientists were also effective in the case of the AEC's Project Rulison underground nuclear test last year.

Unfortunately the scientific and technical community has no collective conscience and it lacks organization for the easy expression of its dissent. Of course it has the discipline to correct error within itself when dealing with matters of science. Any researcher who publishes is quickly challenged if his results do not check out, but the area of science and public affairs the scientific community is not self-policing. The result is that when experts disagree in public confusion is propagated. The professional societies are most reluctant to engage in settlement of such disputes. The most august organization of science, the National Academy of Sciences, is most prestigious but operates on the slopes of Mt. Olympus. There is thus no High Court of Science to hand down decisions in matters of controversy involving the intersection of science and public affairs.

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Environmental problems are particularly difficult to tackle because they involve so many disciplines and so many unknowns. A scientist who is an expert in a specialized field has to make an extraordinary effort to embrace many disciplines when he makes an ecological study. For example, the bomb-to-bone sequence of strontium-90 involves nuclear physics, particle chemistry, meteorology, classical physics, plant sciences, biochemistry, physiology, radiochemistry and other fields. Universities encompass many disciplines and have the potential for mounting the best attack on environmental problems. However, the various departments on campus are difficult to interlink in interdisciplinary activities. In general one requires some kind of institute to penetrate the ramparts of each department. It so happens that the National Aeronautics and Space Administration funded more than a score of Space Institutes on the major campuses. In view of the irrelevance of the U.S. space activity to the nation's pressing environmental problems, I would urge that half of these institutes be converted into Environmental Institutes.

As we attempt to insure the quality of our environment, we must recognize that extremism in cleaning up the atmosphere can produce an energy crisis. In the short term, if we impose restrictions on the sulfur content of fossil fuels on too stringent a basis, we can throttle the power output of many electric power plants, especially on the east coast. This summer the United States experienced power deficiencies which could be the forerunners of more widespread emergencies this winter. This could produce a pollution backlash, especially if the power cutbacks keep plants idle and hard-hat workers are presented with value judgments in the form of paychecks vs possible air pollution.

In a sense, we should be thankful for the power emergencies of 1970 because they draw attention to the long term problem of providing the nation with abundant power. Against this backdrop, a favorable scenario has been set for the creation of a National Commission on Fuels and Energy. Senator Jennings Randolph introduced S. 4092 this summer to authorize such a commission to study overall problem of U.S. energy requirements for the next 20 to 30 years and to make recommendations for a national energy policy. Hearings on the measure were started this month and it appears very likely that the commission will be established. It will permit a thorough-going analysis of a multiplicity of problems which have heretofore never been attacked as a whole.

The nation needs to emulate the Dutch who take a half-century view of reclaiming land from the sea, except that our problem must be assuring an adequate supply of coal, oil, gas and electric power while also making sure that this is clean power. We can certainly find the fuel resources to drive the nation's economy in the year 2000 if we do not worry about pollution. But if so, we may end up coughing our way into the 21st century.

On the other hand, if we go overboard on pollution controls for fossil fuel burning, we may end up with a clean cold America.

I believe that we can protect the environment and provide the necessary power to run our factories, light our streets and warm our homes—if we plan for the year 2000 and examine all the alternatives and explore the research and development possibilities in tapping the vast reserves of energy which still rest untouched in U.S. soil.

MONDALE DEPLORES VIOLENCE AND COLLUSION SURROUNDING FARMWORKERS' ORGANIZATION EFFORTS

Mr. MONDALE. Mr. President, I must express my deep concern over the reports of violence and collusion against striking farmworkers in the Salinas Valley in California. The organizing effort of the United Farm Workers Organizing Committee is one of the few hopeful movements which promises to end the exploitation of our most powerless citizens—the migrant and seasonal farmworker.

Powerful forces seem determined to perpetuate that powerlessness and to deny these workers the right to select the union of their own choice. I am disturbed by the following reports of violence, intimidation, and harassment from Salinas:

That the general counsel of UFWOC, Jerry Cohen, was beaten unconscious and sustained a concussion and other serious injuries when he was trying to protect the lives and safety of striking farmworkers;

That several striking workers have been shot at and some wounded by gun-wielding vigilantes;

That roving caravans of trucks and cars filled with persons acting without apparent legal authority, have threatened the life of some picketers, and beaten others, smashed windows of cars with baseball bats, and intentionally provoked violence;

That the UFWOC headquarters in Salinas has had to be evacuated because of bomb threats;

That local law enforcement officials have made mass arrests of picketers under a legally questionable temporary restraining order against picketing, but did not arrest a self-proclaiming citizens justice committee which through mass picketing, in violation of a court order, closed down for a week the trucking plant of Interharvest, a grower that signed with UFWOC;

That many instances of violence reported to the police, including the beating, threatening, and shooting of union workers and organizers, have resulted in few arrests by local law enforcement officials.

Acts of violence, harassment, and intimidation have pervaded the otherwise peaceful and prosperous Salinas Valley in the past month. They are related to the July 27 announcement by UFWOC and the California table grape growers that the 5-year farmworker organization effort had culminated in collective bargaining agreements, and that the international boycott of table grapes was over. Following close on the heels of that settlement, the same vegetable growers in the Salinas Valley who for years had vigorously resisted farmworker organizing efforts, voluntarily approached another union, not UFWOC, and willingly signed contracts covering their farmworkers. Growers apparently feared a UFWOC organization drive in Salinas, and they signed contracts without consulting their workers.

A committee of Catholic bishops, together with both unions involved, was aware of the potential violence of a full-blown jurisdictional dispute and negotiated a settlement agreement.

Pursuant to that agreement, some new contracts were negotiated by UFWOC with amenable growers, but other growers have not yet recognized the expressed interest of their workers in UFWOC representation. In addition to the implication that present contracts may not be with unions that represent their employees, the growers' bitter resistance to signing contracts with UFWOC, while willingly signing with other unions, perpetuates agribusiness' ability to more easily obstruct legitimate farm union organizing. The result of the breakdown of the jurisdictional pact is violence, intimidation, and harassment.

I condemn this resort to violence. It would be unconscionable if farmworkers are denied their right to choose a union of their own because of resort to physical brutality, and varied forms of threats and reprisals. The intimidation, harassment, and interference with legitimate organizing efforts in the Salinas Valley cannot be justified nor tolerated, and is a total anathema to the heretofore expressed, and observed, commitment to the principles of nonviolence to which Cesar Chavez and UFWOC are dedicated. In fact, consistent with those principles, and because of the heightening violence together with legally questionable injunctions against legitimate union organizing activity, UFWOC has called off their strike in the Salinas Valley, and instead, called for a boycott of all non-UFWOC lettuce grown in California and Texas.

I understand that after many requests by union officials and others, an investigation into this violence and intimidation has been initiated by the State attorney general of Calfornia. I am hopeful that this investigation will result in the restoration of law and order in the valley and the recognition that agricultural workers have the right to organize and choose their own union without intimidation.

Additionally, as chairman of the Migratory Labor Subcommittee, I intend to watch the situation in Salinas closely, and I have directed the staff of the subcommittee to investigate the recurring charges and allegations of violence and intimidation.

I hope other Senators will also look into this matter.

I think we all have an obligation to assure, in every way possible, a peaceful and nonviolent resolution of the farmworkers' struggle for justice and dignity.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The **PRESIDING OFFICER.** Pursuant to previous order, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I am delighted to have the opportunity of speaking in opposition to Senate Joint Resolution 1.

First, I wish to commend the distinguished Senator from Indiana for his hard work, and for his dedication to the cause of the resolution which he is espousing. I am glad, though, that he is willing at this time to allow some other Senators to be heard on this question. This matter has been under debate in the Senate for more than a week, and it has been the practice, up until the last legislative day, that the consideration of Senate Joint Resolution 1 would be the order of business. The distinguished Senator from Indiana would come in, deliver a speech of from 1 hour to an hour and and a half, to 2 hours, and then the matter would be laid aside and the second shift of the Senate would start work. Very little opportunity was given to those in opposition to this measure to speak. The junior Senator from Alabama on one occasion, did have the opportunity of speaking for an hour or so.

Mr. BAYH. Mr. President, will the Senator yield just briefly?

Mr. ALLEN. I will say to the distinguished Senator from Indiana that I prefer to finish my remarks, because the distinguished Senator from Indiana has, from time to time, asked that those who oppose this resolution take the floor and speak out against it, and then when some of the Senators have done that, the distinguished Senator from Indiana would interrupt to ask questions or carry on colloquy.

So I would suggest to the distinguished Senator from Indiana that the junior Senator from Alabama will be delighted to yield to him on the conclusion of his remarks.

Mr. BAYH. I appreciate that. I am sure the Senator from Alabama does not want to leave the impression that the Senator from Indiana has done something contrary to normal Senate procedure in seeking the opportunity to develop colloquy with his colleagues.

Mr. ALLEN. No. The Senator is within his rights under the rules. If the Senator from Indiana had been here when I started my remarks, he would have heard me commend him for his hard work and for his dedication in this matter.

He has engaged in colloquies with the opponents of the measure, and has consumed considerable time that the opponents of the measure could have been using.

The Senator from Alabama, however, regrets that the distinguished Senator from Indiana has threatened to grind the Senate proceedings to a halt; and in furtherance of that plan, to object to the customary meeting of the Senate committees during sessions of the Senate, and that, now that the period set aside for the transaction of morning business has been closed, the committees, because of the objection of the distinguished Senator from Indiana, are unable to meet.

These committees have many important bills before them, on which they will not be able to hold their sessions, as is the custom in the Senate, the Senator from Alabama understands, because of the objection of the distinguished Senator from Indiana.

He threatens, too, in a letter which all of the Senators received, to do away with the two-shift system under which the Senate has been operating for the last 10 or 12 days, which has resulted, as the distinguished Senator from North Carolina remarked just the other day, in passage of a greater number of important bills by the Senate than in any comparable period of which he had personal knowledge.

So the discussion that has been taking place with regard to Senate Joint Resolution 1 has not stopped consideration of important measures coming before the Senate. It has not prevented, up until today, the meeting of Senate committees. But now all of that is to be a thing of the past, because the proceedings in the Senate are to be ground to a halt by the distinguished Senator from Indiana, exercising the power that he has under the Senate rules.

The Senator from Alabama certainly does not say that the distinguished Senator from Indiana is acting contrary to the rules, because he is not. I suggest, however, that the Senator, under the state of affairs existing in the Senate at this time, is the filibusterer, rather than those who are opposing the passage of Senate Joint Resolution 1.

Why do I say that? Mr. President, what is a filibusterer? A filibusterer is a person in a parliamentary body, in this case the Senate of the United States, who stops, impedes, or obstructs the flow of legislation and of legislative action through parliamentary devices, artifices, and use of the rules of that body.

So, whereas the limited discussion of those of us who want to be heard with respect to this amendment to the Constitution has, up to now, prevented a vote on the amendment—on one amendment—the action of the distinguished Senator from Indiana is preventing and will prevent action on dozens of important measures pending before the Senate.

So who is the filibusterer in this case? Not, I submit, those who oppose Senate Joint Resolution 1, because they have not been heard on the floor of this body since this bill was laid down as the pending business, I daresay, for as many as 20 hours.

The distinguished Senator from Nebraska (Mr. HRUSKA) several days ago pointed out that during this Congress, the 91st Congress, the Senate on one occasion considered an amendment to a bill pending before the Senate for 49 days; and during that entire time no cloture motion was filed, no effort was made to choke off that debate, committees were not prevented from meeting, and this Senate debated that measure for 49 days. I believe this is the 12th or 13th day that this matter has been debated. And again I say that the debate that has taken place has been of such short duration that it has permitted the Senate to act on more than a dozen important bills in that time.

Mr. President, we have pending in the Senate some six or seven appropriation bills for the operation of various departments and agencies of this Government, which cover the period from July 1, 1970, to July 1, 1971. We are already into that period. We have been in that period since the first of July. Yet, these bills have not been passed. The distinguished Senator from Indiana says, "You're not going to get an opportunity to pass those bills. You have to act on Senate Joint Resolution 1, or I am not going to let you pass those bills."

So who is the filibusterer? Is it the opponents of Senate Joint Resolution 1, who are speaking against a measure that cannot even be put into effect until 1976? What is so important about it? Yet, weigh that against bills that would carry on the operation of this Government.

So what is the hurry about passing Senate Joint Resolution 1? Between now and 1976, even the distinguished Senator from Indiana might change his mind. The Members of the Senate and the

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House might change their minds a half dozen times on what is the right measure to submit to the States for action.

It has not been too many years ago since the distinguished Senator from Indiana was not espousing direct election of the President; he was espousing the automatic system of casting the electoral vote in favor of the successful candidates in the various States. That was not a bad amendment. But the Senator from Indiana has changed from that plan over to the direct election plan.

Mr. President, the Senate itself has changed in recent years. At one time, back in the 1950's, the U.S. Senate passed by in excess of a two-thirds vote the proportional plan, the plan under which each candidate would receive a fractional number of electoral votes in proportion to his popular vote in the various States. That plan was submitted by the Senate.

So here we have the distinguished Senator from Indiana at one time pushing the automatic plan and the Senate itself putting through the proportional plan. Now they say, "Let us try the direct plan."

There is not even unanimity among the various Senators whose names appear on the back of this document, Senate Joint Resolution 1, as sponsors of the amendment. They are not all agreed. I think the most eloquent and scathing, if you please, denunciation of the Bayh plan for the runoff comes from the distinguished Senator from Michigan (Mr. Griffin) and the distinguished Senator from Maryland (Mr. Tydings). They are highly critical of the runoff plan. Yet, we find their names—Mr. Griffin and Mr. Tydings—on the back of Senate Joint Resolution 1, which provides for a 40-percent President, if any candidate receives 40 percent, or, failing in that, going into a runoff.

So Mr. Tydings and Mr. Griffin say that we should not have the runoff. Yet, we find them as sponsors of this measure. So where is the unanimity?

Mr. President, where, in fact, is the enthusiasm for this plan? Not one Senator present in the Chamber is for this plan. I beg the pardon of the distinguished Presiding Officer, the distinguished Senator from Wisconsin (Mr. Nelson), I believe he has joined as one of the cosponsors. Aside from the distinguished Senator from Wisconsin, not one Senator in the Chamber supports Senate Joint Resolution 1. Where is the enthusiasm for this plan?

Here is a plan that cannot take effect until 1976, and yet the Senate is ground to a halt. "No more bills are to be passed," says the distinguished Senator from Indiana, "not until you vote on my joint resolution"—a joint resolution that will become effective with the 1976 presidential election.

Mr. President, what is the hurry? Once this plan is submitted to the States, it is provided that it has 7 years to be adopted.

Mr. ERVIN. Mr. President, will the distinguished Senator from Alabama yield for several questions, with the understanding that he will not lose his right to the floor. I am induced to ask them because of the fine and accurate observations the Senator from Alabama made a moment ago.

Mr. ALLEN. I will yield to the distinguished Senator from North Carolina on the theory that we have been challenged by the proponents—I shall not say proponents because there are not enough of them—but we have been challenged by the proponent of the measure to put up our case against Senate Joint Resolution 1. In the firm belief, hope, and understanding that the distinguished Senator from North Carolina will seek to elicit information or make points regarding opposition to the measure, the junior Senator from Alabama is delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Did the Senator from North Carolina accurately hear the distinguished Senator from Alabama make an observation a few moments ago, to the effect that Senate Joint Resolution 1, even if it were submitted to the States by Congress and ratified by the States, would not be made effective prior to the election of 1976?

Mr. ALLEN. In answer to the question of the distinguished Senator from North Carolina, the junior Senator from Alabama would say that that is the practical effect of it, for this reason: The resolution, by its express terms, states that it shall not become effective until 1 year after the first April 15 following its ratification, so that would mean that, in order to be applicable in 1972, this measure would have to be submitted by Congress to the States and ratified by both houses of 38 States, or in the case of Nebraska, the one house, between now and April 15, 1971.

The junior Senator from Alabama submits that that is, in fact, an absolute impossibility, and that a resolution to change the system of electing the President could not become effective or applicable until the 1976 election; that is correct.

Mr. ERVIN. The Senator from North Carolina would like to ask the distinguished Senator from Alabama if there does not appear on page 8 of the Senate's Calendar of Thursday, September 24, 1970, that is today, that there is pending before this body, a bill entitled S. 734, introduced by the distinguished Senator from Nevada (Mr. Cannon), which is a bill to revise the Federal election laws.

Mr. ALLEN. Yes, sir. That bill does appear on page 8 of the Senate's Calendar.

Mr. ERVIN. Is the Senator from North Carolina right in the assumption that the bill offered by the distinguished Senator from Nevada (Mr. Cannon) would be applicable to the election to be held in November 1970 rather than the election to be held in November 1976?

Mr. ALLEN. That is the understanding of the junior Senator from Alabama.

Mr. ERVIN. Does not the distinguished Senator from Alabama agree with the Senator from North Carolina that we should be more concerned with the passage of legislation which requires only a majority vote of Congress and which is designed to create rational and fair rules for the conduct of an election in November 1970, rather than to be concerned with an election in November 1976?

Mr. ALLEN. Yes, sir. That would be the view of the junior Senator from Alabama, that we should put first things first, and things that come up first should be attended to ahead of things that would not come up until 1976.

Mr. ERVIN. Does not the distinguished Senator from Alabama agree with the Senator from North Carolina that the able and distinguished Senator from Indiana (Mr. Bayh), in the exercise of his undoubted right under the rules of the Senate, insists that we not act upon the proposal of the distinguished Senator from Nevada (Mr. Cannon) to revise the statutory laws governing Federal elections which relate to the election of November 1970 until after we have dealt with a matter that relates to the election of 1976?

Mr. ALLEN. That is correct, but the junior Senator from Alabama would like to make one qualification at that point and that is that the distinguished, able, and eminent Senator from Indiana (Mr. Bayh) has, thus far, only threatened to prevent Senate Joint Resolution 1 from being laid aside so that other business can be taken up this afternoon.

Now, along, I am sure, with the distinguished Senator from North Carolina, the junior Senator from Alabama received a letter from the distinguished Senator from Indiana, stating that that was his purpose and that was his plan, and that he was going to prevent other matters from coming up. But the junior Senator from Alabama is hopeful that the distinguished Senator from Indiana, realizing the importance to the country of these measures on the Calendar and in Senate committees, will allow these matters to be brought up and will allow Senate Joint Resolution No. 1 to be temporarily laid aside this afternoon. Thus far, we have had only the threat on the part of the distinguished Senator from Indiana (Mr. Bayh) and we hope that it will not become an actuality.

Mr. ERVIN. Will not the distinguished Senator from Alabama agree with the Senator from North Carolina that, in the words of William Shakespeare, the Bard of Avon, " 'tis a consummation devoutly to be wish'd."

Mr. ALLEN. Yes indeed. I would agree with the Bard and with the distinguished Senator from North Carolina.

Mr. ERVIN. I would like to ask the distinguished Senator from Alabama if the Senate Calendar for today does not show that Senate Joint Resolution 207, a joint resolution to establish a joint committee on the environment, is pending on the Calendar and would be subject to Senate consideration upon being called up by the majority leader?

Mr. ALLEN. Yes, sir. That is correct.

Mr. ERVIN. Does not the Senator think and agree with the Senator from North Carolina that the environment in which we now live certainly demands priority over what is going to happen in the election of 1976?

Mr. ALLEN. That would be the judgment and the opinion of the junior Senator from Alabama.

Mr. ERVIN. I would like to ask the distinguished Senator from Alabama if he does not agree with the Senator from North Carolina that unless we do something about our environment, many persons now registered voters in the 50 States of the Union may die as a result of pollution and not remain here on earth to vote in the general election of 1976?

Mr. ALLEN. That is correct, in the judgment of the junior Senator from Alabama.

Mr. ERVIN. I would like to ask the distinguished Senator from Alabama whether the Senate Calendar does not show, on page 9, that House Joint Resolution 1366, to provide for a temporary extension of the Federal Housing Administration Insurance Authority, is pending on the calendar and is in order for Senate consideration when called up by the majority leader.

Mr. ALLEN. Yes, sir. That is correct.

Mr. ERVIN. Does not the distinguished Senator from Alabama recognize, as does the Senator from North Carolina, that the ability of thousands, indeed of hundreds of thousands, of Americans to purchase homes is dependent upon the extension by Congress of this insurance authority in the Federal Housing Administration?

Mr. ALLEN. Yes. I certainly agree.

Mr. ERVIN. Does not the distinguished Senator from Alabama agree with the Senator from North Carolina that promoting the health and well-being of hundreds of thousands of Americans in this particular field should have priority over something that is to be applied for the first time in the history of this Nation to the election of 1976?

Mr. ALLEN. The junior Senator from Alabama certainly agrees with the distinguished Senator from North Carolina.

Mr. ERVIN. I would like to ask the distinguished Senator from Alabama whether the Senate Calendar for today does not disclose, and I refer to page 9, that H.R. 12807, an act to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes, is now upon the Senate Calendar and in a position to be acted upon by the Senate when called up by the majority leader?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, does not the Senator from Alabama recognize, as does the Senator from North Carolina, that this is a proposed amendment which would expedite the trial of antitrust actions?

Mr. ALLEN. That is the understanding of the junior Senator from Alabama.

Mr. ERVIN. And does not the Senator from Alabama agree with the Senator from North Carolina that expediting antitrust trials and the disposition of antitrust actions, which are necessary for the economic protection of the American people, ought to have priority over a proposal which can only take effect for the first time in the general election of 1976?

Mr. ALLEN. That is certainly the feeling of the junior Senator from Alabama. Further, it is my hope that the distinguished Senator from Indiana will abandon the Bayh filibuster against the calendar and will allow us to proceed toward the enactment of some of these measures on the calendar.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to the Senator from North Carolina to let the Senator from North Carolina express his hope that the able and distinguished Senator from Indiana will so far resume his customary geniality as to permit these proposals which ought to have priority over what is going to happen in the election of 1976 be acted upon by the Senate?

Mr. ALLEN. Mr. President, I yield for that purpose. The junior Senator from Alabama has that hope and expresses the fervent wish that the Senator from Indiana will abandon his obstructionist tactics—which are permitted under the rules, let the junior Senator from Alabama hasten to add.

Mr. ERVIN. Mr. President, I would like to invite the attention of the Senator from Alabama to page 9 of today's calendar and ask him if it does not disclose that S. 3650, a bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives, and the penalties with respect thereto, and for other purposes, is ready for Senate action when called up by the majority leader.

Mr. ALLEN. The Senator is correct. It is there and could be called up if the distinguished and eminent Senator from Indiana would permit it.

Mr. ERVIN. Mr. President, would the Senator from Alabama agree with the Senator from North Carolina that we are having entirely too many illegal bombings throughout the length and breadth of the United States at this moment?

Mr. ALLEN. Very definitely.

Mr. ERVIN. Mr. President, does not the Senator from Alabama agree with the Senator from North Carolina that getting adequate legislation to stop, if possible, and to punish, if necessary, such illegal bombings ought to have priority over a proposal which cannot take effect prior to the general election of 1976?

Mr. ALLEN. The junior Senator from Alabama has that opinion, and he feels confident that the distinguished Senator from Indiana has the same opinion and that he is going to relent from his conduct of the Bayh filibuster.

Mr. BAYH. Mr. President, will the Senator yield? I dislike interrupting this colloquy, but perhaps I could put this question to rest if the Senator would permit me. I am sure there is much to be gained by listening to this intelligent dialog. But if the Senator would permit me to do so, I could answer the question that has been asked 13 times by the distinguished Senator.

Mr. ALLEN. Mr. President, the junior Senator from Alabama pointed out that the junior Senator from Indiana has called upon the opponents of this measure to state their opposition to this measure. All too often in the past few days, when some of the opponents have risen to speak, the distinguished Senator from Indiana, in his zeal and in his great knowledge and great learning on this subject, has asked the speakers to yield so that he could expound further on the measure.

The junior Senator from Alabama feels that, until he has concluded his remarks, he would like to seek to present some of the case against this measure, at which time he will be delighted to yield to the distinguished Senator from Indiana. But he would like to maintain the continuity of his thinking on the subject.

Mr. BAYH. Mr. President, one word of explanation. I do not like to interrupt, but the Senator had propounded direct questions to the Senator from Indiana, and I thought, because of the Senator's sincerity, he would want them answered. The Senator from Indiana would be glad to answer them.

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. ALLEN. The Senator from Alabama has propounded no questions to the Senator from Indiana.

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. ALLEN. The junior Senator from Alabama has told the Senator from Indiana in all courtesy that he will yield to the heart's content of the distinguished Senator from Indiana as soon as the junior Senator from Alabama has concluded his remarks.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to the Senator from North Carolina so that the Senator from North Carolina may propound to the Senator from Alabama some additional interrogations similar to those that the Senator from North Carolina has heretofore propounded to the Senator from Alabama?

Mr. ALLEN. Mr. President, the junior Senator from Alabama yields to the distinguished Senator from North Carolina on the theory that the distinguished Senator from North Carolina will elicit information in opposition to Senate Joint Resolution 1. And that is what the junior Senator from Alabama is seeking to do at this time.

Mr. ERVIN. Mr. President, does not page 10 of today's Senate Calendar disclose that H.R. 16710, an act to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans and for other purposes, is now ready for Senate consideration and will be so considered whenever the majority leader has an opportunity to call it up?

Mr. ALLEN. If the distinguished Senator from Indiana would relent from his attitude; the Senator is correct.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it would certainly be a gracious and a just act for the Government of the United States, acting through Congress, to make it possible for disabled veterans who have served their Nation in time of war and bared their breasts to the bullets of the enemy, to acquire loans in order to acquire mobile homes?

Mr. ALLEN. Yes, indeed. That would be the opinion of the junior Senator from Alabama.

Mr. ERVIN. Mr. President, is it not true that as long as the able and distinguished Senator from Indiana persists in his present announced plan, this Congress cannot pass this bill to make loans to disabled veterans, veterans who have been disabled in the service of their country?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, the Senator from North Carolina would like to ask the distinguished Senator from Alabama if page 11 of the Senate Calendar for today does not show that Senate Joint Resolution 236, a joint resolution authorizing the publication and printing of a revised edition——

Mr. ALLEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. ERVIN. Mr. President, the Senator from North Carolina asks this question of the distinguished Senator from Alabama. Does not page 11 of the Senate Calendar for today show that Senate Joint Resolution 236, a joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America, is now pending on the Senate Calendar and in due order would be considered by the Senate on motion of the majority leader?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, does not the Senator from Alabama agree with the Senator from North Carolina that it would be highly desirable to have a revised edition of this great book explaining the Constitution of the United States for the perusal of the Senator from Alabama, the Senator from North Carolina, and also for the perusal of the able and distinguished Senator from Indiana before we vote to change that Constitution?

Mr. ALLEN. That would seem to be wise.

Mr. ERVIN. Mr. President, will it not be impossible for the Congress of the United States to publish such a revised edition of this great book on the Constitution and make it available to Senators and Representatives for their study unless the distinguished Senator from Indiana repents of his present purpose and permits the majority leader to call up this proposed legislation?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does not the Senator from Alabama recall that during the present week we had a joint meeting of the Senate and the House of Representatives to hear the distinguished astronaut Col. Frank Borman present to Congress the plea of the wives of those who were serving in our Armed Forces in Southeast Asia, and who are now listed as missing in action or as prisoners of the enemy?

Mr. ALLEN. Yes, we had that session.

Mr. ERVIN. I ask the Senator from Alabama if page 11 of the Senate Calendar for today does not show that there is now pending in the Senate and ready for consideration just as soon as the distinguished Senator from Indiana relents in his present purpose, a bill, S. 3785, to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war.

Mr. ALLEN. Yes, and the junior Senator from Alabama would like to call to the attention of the distinguished Senator from North Carolina that Col. Frank Borman, in his very fine remarks during the joint session urged Congress to do everything it possibly could for the families of the prisoners of war and soldiers who are missing in action. This is one thing Congress could do if the distinguished Senator from Indiana would allow this bill to be brought up.

Mr. ERVIN. Does not the Senator from Alabama join the Senator from North Carolina in paying tribute to these wives who have made such great sacrifices on the altar of patriotism, and who endure the agony of not knowing whether their husbands are dead or alive?

Mr. ALLEN. Yes.

Mr. ERVIN. Can the Senator think of any more efficacious manner to manifest our appreciation for their scarifices than enabling them to have this educational assistance?

Mr. ALLEN. And homes, also.

Mr. ERVIN. Yes. I would like to ask the distinguished Senator from Alabama this question. Does not page 12 of the Senate's Calendar for this day show that there is now pending and ready for Senate consideration H.R. 370, an act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans and to extend benefits under such chapter to certain persons on active duty?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that nothing could show more deeply the gratitude and appreciation of this Nation to those who have incurred disability in serving their country than the passage of this particular law?

Mr. ALLEN. Yes, indeed.

Mr. ERVIN. Yet these legislative proposals which would give these benefits to disabled American veterans, which would make it possible for wives of American soldiers, sailors, and Marines who are listed as missing in combat or as prisoners of war to acquire educations and homes and which would provide the credit to veterans for acquiring homes, cannot become law unless the able and distinguished Senator from Indiana relents in his announced purpose and permits the Senate to consider these matters.

Mr. ALLEN. The Senator is absolutely correct.

Mr. ERVIN. Will the distinguished Senator from Alabama permit the Senator from North Carolina to say that the Senator from North Carolina agrees with the observation of the distinguished Senator from Alabama that if there is any filibustering going on and if there is any prevention or obstruction of legislation on the floor of the Senate, then it has to be attributed, if the truth is to be observed, to the able and distinguished Senator from Indiana, who is acting perfectly within his rights as a Member of the Senate.

Mr. ALLEN. It occurs to the Senator from Alabama that the distinguished Senator from Indiana is conducting a filibuster against the entire calendar, whereas the distinguished Senator from North Carolina and the junior Senator from Alabama have sought repeatedly the opportunity of coming to the floor of the Senate and voicing some of their objections to this plan.

Mr. ERVIN. Has it not been the purpose of the distinguished Senator from Alabama, as well as the Senator from North Carolina, merely to educate Members of the Senate, including the able and distinguished Senator from Indiana, and to persuade the able and distinguished Senator from Indiana of the error of his ways and to try to get him to join us and to act in a righteous manner in making a reasonable kind of amendment to the Constitution?

Mr. ALLEN. The Senator is correct, because the junior Senator from Alabama recalls the change of the Senator from Indiana from the automatic plan to the direct plan, and it is possible we might get him to change back to the present electoral plan or some reasonable modification of the electoral college plan.

Mr. ERVIN. Does not the fact that the distinguished Senator from Indiana has, on a previous occasion, altered his point of view give some hope to the Senator from Alabama that perhaps on further consideration and especially if he would stay here and heed the debate, he might change his mind a second time and arrive at a correct conclusion on this subject?

Mr. ALLEN. Yes; that is certainly to be hoped and whether he reaches that conclusion or not, as being for some other plan than his present plan, he may relent from his declared purpose of stopping consideration of these measures. Thus far it has only been a threat, but the junior Senator from Alabama would like to point out to the distinguished Senator from North Carolina that not only these bills on the calendar are involved, but the distinguished Senator from Indiana by his action this morning in objecting to the Senate committees meeting while the Senate is in session is choking the Senate committees and is impeding the regular flow of bills from these committees that would go on the calendar for action by the Senate.

Mr. ERVIN. Does not the distinguished Senator from Alabama hear a rather persistent rumor to the effect that a cloture motion will be laid before the Senate tomorrow and under rule XXII it will have to be voted on 1 hour after the Senate meets on next Tuesday?

Mr. ALLEN. The junior Senator from Alabama has heard recurring rumors to that effect, but the junior Senator from Alabama is encouraged by hearing other expressions, not just rumors on the part of Senators who are not greatly pleased with the Bayh filibuster of cutting off the regular flow of legislation and legislative action on the important

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bills pending before the Senate, and it may be that the number of Senators who voted against the application of cloture the last time it was tried may go up significantly.

Another thing that the junior Senator from Alabama would like to call to the attention of the distinguished Senator from North Carolina is the fact that in the face of a 54 to 36 vote the press analized that vote by saying that the proponents came six votes short of a two-thirds vote.

Either there is something wrong with their arithmetic or with the arithmetic of the junior Senator from Alabama, because when you add six votes to the 54, they add up to 60 votes for cloture, against 36. With 36 against cloture, you have to have 72 to apply cloture, 72 plus 36 is more than the entire membership of the Senate. So they fell far short of six votes in trying to apply cloture.

Does the Senator from North Carolina agree?

Mr. ERVIN. The Senator from North Carolina agrees with the Senator from Alabama.

I put this question to the Senator from Alabama: Does not the arithmetic which the distinguished Senator from Alabama studied in the schools of Alabama agree with the arithmetic that the Senator from North Carolina studied in the schools of North Carolina, which shows that with a vote on cloture of 54 to 36, those seeking to impose the gag rule lack not six votes but 18 votes of the number necessary to impose cloture?

Mr. ALLEN. That is correct—90 Senators voted. The opponents of cloture got 36 votes. So if all 10 of the missing Senators had been here and had voted for cloture, it still would not have been two-thirds, because obviously 34 would prevent there being two-thirds on the other side.

Mr. ERVIN. In other words, is not the Senator from Alabama stating in substance that it would require the presence of 108 Senators in the Senate Chamber with two-thirds of them voting for cloture to impose cloture under those circumstances?

Mr. ALLEN. According to the arithmetic I have read and heard about on the part of those who are proposing that we agree to the resolution.

Mr. ERVIN. The Senator from North Carolina would like to ask the Senator from Alabama if the people of Alabama, as do the people of North Carolina, sometimes use the ancient English or Anglo-Saxon word "mommick up" or "mummick up" to express "messing up things"?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that Senate Joint Resolution 1 will "mummick up" the Constitution?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that it would be bad for Senate Joint Resolution 1 to "mummick up" the Constitution, and that it would be almost as bad to "mummick up" plain arithmetic?

Mr. ALLEN. Yes.

Mr. ERVIN. I thank the Senator from Alabama for yielding to me so I could propound these few little interrogatories to him.

Mr. ALLEN. I appreciate these questions, which have brought out some information that the junior Senator from Alabama had not brought out, and which certainly strengthen the case against approval of Senate Joint Resolution No. 1.

Mr. President, the junior Senator from Alabama, before responding to some of the questions of the distinguished Senator from North Carolina, was inquiring as to where the enthusiasm was for this plan. He made the statement a few moments ago that there was not a single Senator in the Chamber who favored Senate Joint Resolution No. 1, but then, looking up on the rostrum and seeing the distinguished Senator from Wisconsin (Mr. NELSON), whose name appears as one of the sponsors of Senate Joint Resolution 1, he had to qualify that statement.

The junior Senator from Alabama now is of the opinion, with the distinguished Senator from Arkansas (Mr. FULBRIGHT) presiding, there is not now in the Chamber a single Senator who favors passage of Senate Joint Resolution No. 1.

Where is the enthusiasm? It is lacking. And why? Because it cannot be made effective until 1976. Who is worried about what is going to happen in 1976, when the people are wondering how they are going to pay their bills? Why worry about a presidential election in the distant future of 1976 when we have not even had the one in 1972?

The junior Senator from Alabama also pointed out that there has been so much change, so many changed views, with regard to a change in the plan for electing the President and the Vice President that there might be a half dozen more changes in the sentiment in the Senate and in Congress and in the country between now and 1976. So why set up action on Senate Joint Resolution 1 and say that it has priority over 100 bills pending on the calendar and in Senate committees?

As the junior Senator from Alabama pointed out, some of those bills are appropriation bills making appropriations for the fiscal year we started on July 1 of 1970. We are well into the year, and those bills have not been passed. But, under the threatened terms of the Bayh filibuster, we are not going to have an opportunity to vote on those important bills—we will have to take action on Senate Joint Resolution 1.

If that is not a rule-or-ruin attitude, I do not know what such an attitude would be. We have got to vote to make provision for the 1976 election before we take action on bills that are needed today.

That is where the junior Senator from Alabama takes issue with the Senator from Indiana, all the while conceding that the distinguished Senator from Indiana is a shrewd and able parliamentarian and that he is availing himself of the clear rights that he has under the rules of the Senate.

Mr. President, Senate Joint Resolution No. 1, if two-thirds of the Senate and two-thirds of the House vote approvingly on it, will be sent to the States. That is pretty much like a comet. A comet takes 70 years to go out in its orbit and come back to the same point in space. An amendment to the Constitution is customarily, and in this instance that is the case, sent to the States and given 7 years to come back with ratification by the legislatures of 38 States.

That would mean that for this measure to be used in 1972, it would have to be submitted to the States and be approved in 76 legislative bodies—or 75, because each State except the State of Nebraska has a House and a Senate, Nebraska having a unicameral system.

So it would take a minimum of 75 legislative bodies in 38 States to take action, approvingly—not just take action, but take action approvingly on this amendment—by April 15 next year, before it could apply in 1972, because the wording of the amendment states that it does not become effective until 1 year after the first April 15th following its ratification. So if it were not ratified by 38 States until the 20th day of April, 1971, we would have to go, then, to the 20th day of April, 1972, for the year to start running. That would carry us, then, until April 20, 1973, which would be beyond the date of the 1972 elections.

Mr. President, there are many citizens in the country who believe that the electoral college system of electing the President and Vice President should be modified. So some come up with proposals for direct election.

Direct election: That sounds fine until we start studying it a little bit, and then it does not seem so good.

Change for change's sake should not be resorted to, and every change is not good reform. Every change that is made is not reform in the sense that it is better than what we had. So why exchange the certain for the uncertain? Why change the tried and true for the untried? Why change from a system that has worked well in this country for more than 180 years to a system that creates many more problems than it will solve, that has pitfalls at every turn, that has a potential of tearing this country apart?

Mr. President, if this direct election system is adopted, if the Bayh amendment is adopted, it would make for, not a majority president, but a plurality president; because, amazingly, it provides that if the leading candidate gets as many as 40 percent of the popular votes throughout the country, he is elected President, and his running mate becomes Vice President. Under this plan, of course, the candidates for President and Vice President run as a team, and it would be impossible for one to be elected without the other, which is a theoretical possibility under the present system.

But if the leading candidate receives as many as 40 percent of the votes, he is elected President and his running mate becomes Vice President.

The complaint is made by some of the advocates of Senate Joint Resolution 1 that under the present system the winning candidate does not always have a mandate from the people, that he could possibly have a majority in the electoral

XUM

college and be elected, and not have a majority of the popular votes. They argue that that would leave him in such a position, as the distinguished Senator from Indiana has stated over and over, that it would affect his credibility, his power to govern. But yet, under Senate Joint Resolution 1, a 40-percent plurality ticket can be elected.

Mr. President, what sort of mandate is that, 40 percent of the voting?

They say under the present system it is winner take all in a State, that those who did not vote for the winner in that State not only lose, but their votes are added to the winning side, which is hard for me to follow, because someone has to win, anywhere.

Mr. President, in the judgment of the junior Senator from Alabama, we should not at this time take action on Senate Joint Resolution 1, because during the 7-year period that this amendment would be before the States for consideration, it would effectively stop the House of Representatives and the Senate from considering any other type of change or reform, because it would naturally be the attitude of the House of Representatives and the Senate that, "Well, we have got something out there before the States now, some States have adopted it and others are considering it, so why permit something else?"

So for 7 years, any electoral reform would stand little chance, during the pendency of the measure before the States.

So those who favor some type of electoral reform regarding the method of choosing the President and the Vice President should not favor Senate Joint Resolution 1 just because it offers a change, because a change is not sufficient. A change is not always reform. It re-forms, yes, but it does not necessarily reform. There is a difference in the emphasis.

XUM

Mr. President, the runoff provision of the Bayh amendment has the potential of tearing this country apart. It would have the effect of proliferating splinter parties.

Why? Well, under the present system, for any party to register in the electoral college, it must carry the votes of at least one State. That has prevented the formation of many splinter parties, because they might know that throughout the country, throughout the 50 States, they might poll as many as 2, 3, 4, or 5 million votes and not get a single electoral vote. Henry Wallace, in 1948, got some 2 million votes and did get not a single electoral vote.

So a splinter party, a party other than the two great parties in the country, would be encouraged to offer candidates. They would mushroom all over the country, because their votes, however few they might be, would be taken into account in ascertaining whether the leading candidate got 40 percent of the vote. They would be taken into account in the runoff. There would be bids of one sort or another for the support of these splinter parties in the runoff.

Mr. President, the 40-percent plan of the distinguished Senator from Indiana would provide that a man would be elected President of the United States and his running mate the Vice President on receiving as few as 40 percent of the vote, never receiving a majority vote. I submit that under the present plan, the electoral college plan, no person can be elected President or Vice President unless he receives a majority of something. Under Senate Joint Resolution 1, he does not need a majority of anything. Forty percent will elect him if he is the high candidate. Under the present electoral plan, however, a candidate, to be elected, must receive a majority of the electoral votes, which would mean States having a majority of the Members of the House and the Senate. If he does not get a majority in the electoral college under the present plan, the election is thrown into the House of Representatives, and the three highest are voted on by the House.

There is the runoff, Mr. President. Under the present plan, if the candidate gets a majority in the electoral college, there is no runoff. That is the runoff under the present plan. And the candidate must receive a majority of the electoral college votes to win the runoff. So under the present plan, we have the requirement that a candidate receive a majority of something, either the votes of the electoral college or, failing in that, the votes in the House of Representatives, with each delegation having one vote.

Yes, Mr. President, under the plan of the distinguished Senator from Indiana, there would be a proliferation of splinter parties that are discouraged under the present system, because under the present system, unless the party carries at least one State, it will not register in the electoral college.

Another reason why parties would proliferate under the 40-percent plan with the runoff attached is that it would be likely, if not certain, that with a proliferation of parties, with a number of parties involved, there would be a runoff. So that we would find, from a practical point of view, that a voter would be more inclined to vote for the candidate of his geographical affinity or his ideological affinity.

Frequently, we hear a man say, "I would vote for such and such a candidate but I don't think he has a chance, and I am going to vote for another candidate." I think a great deal of that feeling abounded in the 1968 presidential election. The public opinion polls showed that one of the candidates, the third party candidate, approximately a month before election day, had about 21 percent of the popular vote; but on election day, or from that time to election day, there was an erosion in his strength as the voting public realized that he probably would not be one of the top two candidates. So there was a great erosion of his strength down to about thirteen and a half percent on election day. But if those people had known there was going to be a runoff, they would have voted with their hearts the first time, knowing that they would then have another choice in the runoff.

Yes, they talk about the confusion that might be caused by the failure of a candidate to get a majority of the electoral vote under the present system. Look at the confusion that would be caused in this country if no candidate got the 40 percent; 40 percent would not be desirable. You would have a nonmajority President. You would have a plurality President. But even that would be better than having to go out before the country again in a runoff.

Mr. President, under the direct election plan, splinter parties would be increased in number, because they would have some effect in the runoff; they would have to be talked to, possibly bargained with, assured of political concessions or any, I assume, honorable proposal that could be made.

On page 3 of the committee report on the Pastore bill putting a limit on the amount of money that could be spent by candidates for television and radio, are listed—and I was amazed at the number—in the 1960 Presidential election, 14 other Presidential candidates other than the two major candidates, listed as follows:

C. Benton Coiner, Conservative Party of Virginia; Merritt Curtis, Constitution Party; Lar Daly, Tax Cut Party; Dr. R. L. Decker, Prohibition Party; Farrell Dobbs, Socialist Workers Party, Farmer Labor Party of Iowa.

He apparently got the endorsement of both those powerful parties. Socialist Workers and Farmers Party, Utah; Orval E. Faubus, National States Rights Party; Symon Gould, American Vegetarian Party; Eric Hass, Socialist Labor Party, Industrial Government Party, Minnesota; Clennon King, Afro-American Unity Party; Henry Krajemski, American Third Party; J. Bracken Lee, Conservative Party of New Jersey; Whitney Harp Slocomb, Greenback Party; William Lloyd Smith, American Beat Consensus; Charles Sullivan, Constitution Party of Texas.

Mr. President, I call attention to the splinter parties that existed in 1960 for that particular election, not thinking that any Member of the Senate had heard of more than one or two, but to show that even with the safeguards in our electoral college system, a third party does not register in the electoral college unless it carries at least one State.

We have a proliferation of 14 parties which the committee staff knew of—there were doubtless many more; but if that many would exist where they had no chance whatsoever of carrying a State, think how many would exist if their votes would be taken into account with the direct election system, even if they get no more than 1,000 votes. It would have some effect, because their votes might spell the difference between whether a candidate got 40 percent and was elected President, or 39.9999 percent. Thus, every single splinter party would have a direct and important effect on the election. Then we will have in the runoff the possibility of bidding for the support of these parties by the two major candidates.

Someone suggested in the debate, while I was here on the floor, that under the present system with the electoral college, it is entirely likely that the second choice of the people might be elected President, the person receiving fewer of the popular votes but a majority in the electoral college or a majority in the House of Representatives, if no one got a majority, certainly under the direct election plan, there is a definite possibility, even the likelihood, that the man who comes in second—all candidates getting fewer than 40 percent—might win in the runoff.

Let us assume an election in which there are four parties—and four parties would be a mighty small number of parties in years to come if we had the direct election system. Every time there is a national convention, feelings are real intense one way or another—and we have seen that type of convention in our time—what would there be to prevent a candidate who fails to get the nomination of his party saying, "All right, I am going to start a party of my own."

Politics today is a whole lot more on a personal basis, an image basis, the man basis, than it has been in the past; and less adherence to party and more seeking the best man.

Thus, it is entirely likely that some disgruntled candidate at a national convention, who might have been the people's choice but not the choice of those who had influence in the convention, might decide to run for President, saying, "I am not satisfied with the actions of the convention." There would be nothing to prevent him from running for President. There would be nothing to prevent him from getting 5 million or 10 million votes, just as the third party candidate in 1968 got nearly 10 million votes.

Mr. HANSEN. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. Mr. President, I am going to yield, on this basis, that I declined to yield to the distinguished Senator from Indiana on the theory that he has challenged the opponents of Senate Joint Resolution 1 to come in and make known their views. In the past, when we have done that, the distinguished Senator from Indiana has interrupted and has interposed his views from time to time, and I have declined now to yield to him until the conclusion of my remarks. But, feeling that the distinguished Senator from Wyoming would like to elicit information that might possibly have a bearing on the opposition to Senate Joint Resolution 1, I am delighted to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I have been listening with a great deal of interest to the very wise, valid, and logical observations of the distinguished Senator from Alabama. I am particularly intrigued by his most recent comments relating to the fact that Senate Joint Resolution 1 would encourage the proliferation of splinter parties.

The distinguished Senator from Alabama has already spoken about the third-party candidate in 1968. Is it the opinion of the distinguished Senator from Alabama that Senate Joint Resolution 1 would encourage "far out" candidates? I am not trying to identify any one end of the political spectrum; but rather I refer to those who do not find themselves comfortable within either major party. Would it not be the opinion of the distinguished Senator from Alabama that if this joint resolution were to be passed, a person who could not hope for any significant support as a candidate on one of the two major political party tickets might see an opportunity, under the direct election system, to project himself into public prominence and acquire significant name recognition throughout the United States by espousing causes, issues, and positions that did not necessarily reflect the opinions or have the support of more than a small minority of the people in this country?

Would it not be true that this type of candidate would be entitled to be afforded an opportunity to jump into the ring? If there were a number of candidates that shared the conviction that the two-party system no longer serves this country well, then it is reasonable to expect that these candidates would take votes away from the two major candidates. In view of this fact, would it not be true that there would be every inducement for persons who do not reflect the wishes, the aspirations, the hopes, and the desires of most citizens of this country to get into the race and take strength away from the other candidates? This type of faction would undoubtedly, then, become a vital bargaining force in a runoff election, or in whatever subsequent maneuvers were required?

There are many different kinds of proposals, although I recognize that Senate Joint Resolution 1 provides for a runoff election.

It would seem to the Senator from Wyoming that this sort of amendment to the Constitution would give every encouragement to people who would, indeed, seek to divide and tear the country apart. They would have an inclination not to compromise and not to try to find the mainstream that could be followed, a stream which, I submit, we have followed successfully for almost 150 years. The last time we had any trouble with the present system was in 1824. Would it be the opinion of the Senator from Alabama that this sort of amendment would provide such an opportunity and encouragement?

Mr. ALLEN. Mr. President, I certainly agree with the view expressed by the distinguished Senator from Wyoming. I feel that he has put his finger on a very vital point, a glaring defect in the direct election system. Certainly it would encourage, as the Senator says, way out candidates to run. Certainly it would encourage one-issue candidates to run.

I do not think that it would be very difficult for us to suggest right now four or five one-issue parties that would come in under the direct election plan.

Certainly direct election would tear our two-party system apart. It is entirely likely that it would be a disadvantage to have the endorsement or the nomination of one of the major parties.

There could be something of a television blitz dealing with an image drive. We could wake up one day and find someone whom no one knew, someone whom we had only seen and heard on television, elected President. We would know absolutely nothing about the extent of his loyalty to the country, what his views were, or how he would conduct the high office of President of the United States.

That is why I say that the direct election plan has the potential of tearing the country apart. That is the reason I oppose it so vigorously, and I feel sure that is the reason why the Senator from Wyoming opposes it so vigorously.

Mr. HANSEN. Mr. President, with the Senator's further indulgence, I should like to ask if he does not share the opinion of the Senator from Wyoming that one of the great strengths of our constitutional Republic, under which we have made such great progress, has been the encouragement that has been given to the two-party system and the urgency and necessity for compromise. It provides a constitutional means to reach accord and get together enough people so as to move forward in a meaningful manner, with the sole conviction that a majority of the citizens are in support of the philosophy, generally, of the banner carrier for one or the other of the two major parties.

Mr. ALLEN. Mr. President, certainly the country has fared well with our system of political parties which the direct election system would tear asunder. I think it is entirely likely that we would have 50 to 100 splinter parties if the direct election system were to go into effect.

I invite the attention of the Senator from Wyoming to a fairly amusing little situation that happened in my State of Alabama. It is easy to start a political party in Alabama. Just a handful of people can start one. A man there who is a great grandson of the last Whig Governor of Alabama—I believe he served in the early 1860's, possibly—conceived the idea of running for Governor. He is running for Governor of Alabama now on the Whig ticket.

Nine people got together in a convention and named the party the Whig Party. They nominated the man, John Watts for Governor. His name has to go on the ballots in Alabama. His name will have to be on every ballot in Alabama.

It would be just as easy, throughout the country, for the way-out candidates we speak of to do likewise. Every kook in the country could come in, set up a little party, and by petition get on the ballot. It might not be as easy as it was in my State. But it is rather easy, by petition, to get on the ballot. The voting machines would not be able to hold the names of all candidates who would qualify from the splinter parties.

The sad part is that they would get some votes. Almost any candidate would get some votes. So their votes would have to be taken into account in determining whether the leading candidate got 39.99 percent of the national vote or whether he got 40 percent and was elected President.

Mr. HANSEN. Mr. President, I would like to ask the distinguished Senator from Alabama an additional question: Observation, charges, and countercharges have been made about what

would happen in the event of a contested election. What is the opinion of the Senator from Alabama as to the implications of this proposed amendment if a charge were made of voter irregularity and a challenge were made with a demand for a recount?

Mr. ALLEN. It would just create chaos, because the direct election plan makes of the present 184,000 election precincts in the country one great big election precinct, as the distinguished Senator from North Carolina has described it.

If there were an allegation of fraud, and it was contested, or even a recount were made, for that matter, it would require an interminable amount of time. If a charge of fraud were made chaos would result throughout the country, because the amendment is silent on that matter.

It does contain the 40-percent requirement, but it does not prescribe any rules and standards. We would not know who certifies the returns. We would not know who made the final certification. Then, too, the amendment is defective because different States have different laws as to voting requirements.

One State might allow practically everybody to vote, whereas another State might have different requirements. The State having loose requirements would obviously have a greater vote than States where the franchise was in any way restricted. That would result in an imbalance among the various States, depending on their laws; whereas under the present system it does not matter what the requirements are so long as it is determined who received the vote in the State, because the election is decided State by State. Under the direct plan all the votes would be thrown into a big pot, and nothing would be certain about how the vote was to be counted, who counted the vote, or who made the final certification.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Alabama to make an introduction, with the understanding that I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE VICE PRESIDENT OF THE GRAND NATIONAL ASSEMBLY OF RUMANIA

Mr. SPARKMAN. Mr. President, I introduce a distinguished visitor who is with us today, Miss Maria Groza, Vice President of the Grand National Assembly of the Socialist Republic of Rumania. Miss Groza is in the United States as a member of the Rumanian delegation to the 25th session of the United Nations General Assembly and is Chairman, at this session, of the Third Committee of the General Assembly.

The Subcommittee on European Affairs of the Foreign Relations Committee entertained Miss Groza at lunch today. A number of Senators were present and had an opportunity to meet Miss Groza at that time. The meeting was in the nature of a preface to a visit to Rumania which members of the U.S. delegation to the Interparliamentary Union Conference will be making next week.

I ask unanimous consent to have printed at this point in the Record a brief biography of Miss Groza.

There being no objection, the biography was ordered to be printed in the Record, as follows:

Miss Maria Groza, Vice President of the Grand National Assembly of the Socialist Republic of Romania

Born in Hunedoara—Romania, on September 1st, 1918; daughter of the late President (1952–1958) and Premier of Romania (1945–1952).

Graduated the Bucharest Academy for Economic Sciences.

PROFESSIONAL ACTIVITIES

Senior officer in the Ministry of Foreign Affairs;

Assistant professor at the Academy for Economic Sciences.

STATE AND PUBLIC ACTIVITIES

Vice President of the Grand National Assembly since 1965;

Vice President of the Women's National Council of Romania since 1958.

ACTIVITY IN THE FOREIGN RELATIONS FIELD

Member of the Romanian delegation to the United Nations General Assembly's 18, 20, 21, 22, 23 and 25 Sessions;

Representative of Romania in the United Nations General Assembly's Third Committee at the 18th, 20th, 21st, 22nd and 23rd Sessions;

Chairman of this Committee at the 25th Session;

Member of the Romanian delegation to the UNESCO World Congress for Education of Youth (Grenoble—France—1964);

Representative of Romania to the U.N. seminars on Woman's Political and Civic Education (Helsinki—1967), on the Woman's Condition in the Family Law (Bucharest—1961) and on the Impact of the Scientific and Technical Development on the Woman's Condition (Yasi—1969).

OTHER ACTIVITIES

Miss Maria Groza is very active in the fields of journalism, international affairs and social-political sciences.

Mr. SPARKMAN. Mr. President, in order that Senators may meet our distinguished visitor, I ask unanimous consent that the Senate stand in recess for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Thereupon, at 2:22 p.m., the Senate took a recess for 2 minutes, during which the Vice President of the Grand National Assembly of the Socialist Republic of Rumania was greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Senator from Idaho (Mr. Jordan).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Moss, Mr. Murphy of New York, Mr. Springer, and Mr. Keith were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Rogers of Florida, Mr. Springer, and Mr. Nelsen were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a joint resolution (H.J. Res. 1346) authorizing the President to declare the week beginning the third Sunday in September 1970 as "National S.S. *Hope* Week", in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1346) authorizing the President to declare the week beginning the third Sunday in September 1970 as "National S.S. *Hope* Week", was read twice by its title and referred to the Committee on the Judiciary.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. ALLEN. Mr. President, I was engaged in colloquy with the distinguished Senator from Wyoming.

Mr. HANSEN. I appreciate very much the courtesy of the Senator in extending to me the opportunity better to understand the full impact of Senate Joint Resolution 1. I would like to ask the distinguished Senator if it is not a fact that in 1960 the late President Eisenhower gave serious consideration to requests that were made to him for a recount in that very close election. In pursuing the subject, he had occasion to examine the statutes that apply to the several States and he found the complete lack of uniformity, to which the Senator has just alluded. Because of this fact, he concluded that if a recount were to be undertaken, in even some of the States where there was a close race—despite the relatively obvious ease that would occasion that sort of recount as contrasted with recounting all the votes in each of the 50 States of the United

States and the District of Columbia—he concluded that the time lapse, the interval between the time when the people would know who their President was on the one hand, and the determination of that recount on the other, would pose too great a burden upon our Government.

After having reflected on all the elements involved in the mechanics of a recount, and the delay between the time he would have vacated the office and his successor would have been duly declared. President Eisenhower concluded that the burden on our Government was so great as to convince him not to proceed with the recount. This is true despite the fact that there were many who thought a recount might have resulted in a different outcome.

Mr. ALLEN. That is the understanding of the junior Senator from Alabama from reading publications since that time. I believe the Senator from Wyoming inadvertently said "Eisenhower" instead of "Nixon" at the start of his remarks. Since the Senator referred to the 1960 election, it was President Nixon who had that dilemma.

Mr. HANSEN. No. I meant to say, and perhaps I am wrong; but I did say President Eisenhower deliberately. He was President at that time and continued until the late John F. Kennedy was inaugurated on January 20, 1961, as a recall. It was my understanding that this appeal for a recount was made to the President of the United States, President Eisenhower, and I thought it was he, not Mr. Nixon, who made the decision not to have a recount, however, I would be happy to have that clarified.

Mr. ALLEN. I was under the impression the decision was presented to now President Nixon.

Mr. HANSEN. I see.

Mr. ALLEN. He would have had to make the decision. The Senator is exactly right. That was the conclusion I understand he made.

Mr. HANSEN. The Senator means that as the loser, or the defeated presidential candidate, Nixon at that time had the choice.

Mr. ALLEN. Yes.

Mr. HANSEN. I see.

Mr. ALLEN. It would have thrown the country into turmoil.

One advantage of the present system is that fraud or an inaccurate count is insulated and set aside, with a fence around it, so to speak, and even under that condition it is difficult to contest in time for the count in House Chamber. As the Senator pointed out, magnify that 50 times and we have the problem that would be created by just one precinct, in trying to recount all the votes. It would be an insurmountable task, an absolutely impossible task.

Mr. HANSEN. One further question: I cannot recall whether it was Theodore White, or Professor Bickel, who made the observation that our present system has the capacity or capability of insulating fraud. Whoever the author of the statement is, he likened it to a ship with compartments in it. He said the outside of the ship could be ruptured, but the ship would not flood with water and sink because the water could not get into every other part of the ship under our present system. He said we may have fraud in one State, but it cannot destroy the whole election process. It cannot thwart the will of the Republic, because each of the other 50 States, under our present system, is insulated from that fraud.

So, despite what may happen in the State of Illinois, as an illustration, if there should be corruption and fraud there, it cannot spill over into the State of Indiana or the State of Iowa. If there is to be a recount, it is a much simpler task to have it only in the area where fraud is suspected or where there has been a very close race and it is necessary for a recount to take place only in that State.

Does the distinguished Senator from Alabama consider that to be a very vital reason for the retention of some sort of electoral college system of choosing a President as we now have?

Mr. ALLEN. Yes; I think it is a very effective argument and a most persuasive one. I like the analogy of comparing the States to various compartments in a ship where, if there were some fault or flooding of one compartment, it would not necessarily sink the entire ship; it would be localized. That would be the case of fraud or an inaccurate count in a State. It would simplify the problem. The problem would be only one-fiftieth what it would be in trying to recount for the whole Nation.

Another thing that occurs to the junior Senator from Alabama is that the proposed amendment does not provide for who is going to certify those returns. Are they going to continue to be certified in the States? Are they going to set up Federal election boards? Under the present provision, Congress has that power, but nothing is said about it in the amendment. Who makes the final certification? Who counts the votes? Does each State send in an adding machine tape and say, "This is it"? It is not provided for. There is no provision for a joint session of Congress to do it, as presently provided, wherein Congress examines the returns now and the Vice President announces the result. Nothing is said about that in this proposal.

The amendment would create more problems than it would solve. It is so indefinite. The two definite features that are sought to be written into the Constitution are the two worst features. One is election by a 40-percent plurality. That is the worst feature. Then, the second worst feature is the runoff. So the two pernicious features are written into the basic law of the land.

If we submit the amendment to the States and we realize we have made a mistake, it will be difficult to submit another amendment. I do not know whether we could withdraw what had been done or not. Probably not. It would already be out there. I do not know whether it could be repealed while it was going around to the States or not. But it would certainly stop any effort toward meaningful reform if we had this proposed amendment before the States for ratification.

The junior Senator from Alabama pointed out earlier that there had been a lot of changes in the thinking of individual Senators and of the Senate as a whole in recent years. The distinguished Senator from Indiana at one time was opposed to the direct plan, and he was backing the automatic plan. So he has changed. The Senate passed the proportional change. They are not talking about passing that. They are talking about the direct election. So there has been individual change. There has been a collective change.

The junior Senator from Alabama pointed out that, on a method of electing the President and Vice President that cannot be put into effect until 1976, with 6 years between now and then, there may be a half dozen changes in the thinking, under changing conditions. So why hurry? Why rush this thing through? Why put it ahead of important measures on the Senate Calendar and in committees? The Senator from Indiana, conducting the Bayh filibuster, has already prevented the Senate committees from continuing to meet today during the session of the Senate and he threatens that this afternoon, when the effort is made to lay this business aside and get on to some of the important work of the Senate, he is going to object.

The Senator from Alabama hopes that the Senator from Indiana will relent on that declared intention; that he will not continue this filibuster. It is a filbuster against the calendar. The Senator from Alabama would like to point out to the Senator from Wyoming that the Senator from Indiana is not having a discussion on just one measure, which could not become effective until 1976; his filibuster is applicable to the entire calendar and the entire agenda of each Senate committee.

Mr. HANSEN. Will not the effect of it be essentially to bring to a grinding halt all of the really effective work the Senate might otherwise be able to accomplish?

Mr. ALLEN. Yes; very definitely. The junior Senator from Alabama pointed out we have six or seven appropriation bills, appropriating billions of dollars, one of them the military appropriation bill. All we passed was the authorizations; the appropriation bill has not been passed. If that bill cannot be turned out by the committee, how are we going to vote on that? We are already into this fiscal year, which started July 1. If they are going to say we have to vote on the pending measure, which cannot go into effect until 1976, and on which we might change our minds a half dozen times between now and then, and if we have to hold up action on really important bills to try to put something into effect in 1976, it just seems that, as a matter of priority, we ought to get down to work on the calendar.

But a filibuster is being conducted by the distinguished Senator from Indiana on the calendar, so we will have to just weigh the priorities. Which is more important? Is it the whole calendar, which the Senator from Indiana seeks to prevent us from reaching, or is it this measure, which will not apply until 1976? The issue seems clear to the Senator from Alabama.

Mr. HANSEN. It seems to the Senator

from Wyoming that it is most unfortunate that the distinguished Senator from Indiana, for whom I have the highest regard and respect, would seek to invoke such a harsh penalty on the Senate, which will, in effect, deprive it of its ability to get on with its work.

What is not generally understood is that, to the casual observer, when he comes into the gallery and looks down upon the Senate, he is unaware of the fact that most of the Senators are engaged in committee hearings; they are considering the respective bills that have been introduced, and that are before Congress, and they are listening to testimony in their various committees. As a member of the Finance Committee, I have been listening for the last several days to testimony on the President's family assistance program. I and my colleagues would like to understand it better. We hope that we can hear from people who know what effect this overhauling of the welfare program may have upon this country. The question is if the program will give the incentive to people now on welfare to move from welfare and to take jobs, or to enroll in job training programs, or in schools, so as to upgrade their abilities and their talents, and thereby enable them to be better qualified for a job.

This is some of the work that will come to a stop if the distinguished Senator from Indiana were to take this extreme measure. But before dwelling further on that, I do wish to go back one step, and ask my distinguished friend from Alabama about one further thing.

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I would like to ask the distinguished Senator from Alabama about the provision in the bill whereby we could have a President elected with 40 percent of the vote. As I understand the provisions of Senate Joint Resolution 1, if a candidate received 40 percent of the popular vote, and received more than any other one candidate, then, under the provisions of this bill, is it correct that he would be declared to have been elected President of the United States? Am I correct about that?

Mr. ALLEN. Under the resolution, if he was the high man and got as much as 40 percent of the entire popular vote of the country, he and his running mate, running as a team, would be declared elected.

Mr. HANSEN. I recall, as the then Governor of Wyoming, the tragic sequence of events which happened when the late and beloved President John F. Kennedy was assassinated. Each of the 50 Governors was invited to come to Washington to pay the respects of the State he represented to the assassinated President.

I shall not forget that when we assembled for the services in St. Matthew's Cathedral, a very old and hallowed Catholic church, we saw parade before ourselves as well as the newsreel cameras and the television cameras of the world, a deeply saddened entourage of officials from literally everywhere in the world. They had come to America to pay the respects of their countries. A unique feeling overcame me because I realized that many of our visitors were amazed that such a tragic and traumatic event could take place; and yet, under the process of government and of succession in office that characterizes this Republic of ours, no American citizen for a moment ever considered the possibility of this Government failing, of this country's legal authority being overthrown.

That never entered any American's mind, but it was very much on the minds of a great number of the foreign heads of state who were here, because, as the Senator from Alabama knows, all too often, when a president is assassinated in any of a great number of other nations, that means the end of that government. It means the necessity for bringing a new government into being; and yet here they were, this great entourage of persons who had come to pay their respects, not so much because of their personal friendship or personal knowledge of John F. Kennedy, but rather they were here because they recognized the strength of the Government of the United States. They recognized the important role that the United States plays in world affairs; and I say this with no intent to discredit the hallowed name of John F. Kennedy, but rather as a fact.

There were people who came to that sad occasion who had never met the President of the United States; but they were well aware of the extremely important post he occupied in this country, and the extremely important role that was his and would become that of his successor in world affairs.

So they were here, not so much to view the casket, but rather because they recognized the importance of this country. They were here to pay their respects to the United States as well as its fallen leader.

Our present electoral college system is old, granted, and many say it is antiquated, that it no longer serves us well and, therefore, that we ought to get rid of it, that we should throw it out, that almost anything would do a better job. I disagree. There are all kinds of ideas, as the Senator from Alabama knows, that could be substituted for it, and the sponsors of these various proposals will tell you, "Well, my idea is better, and so is someone else's, and someone else's; almost anything could be better," I would say this: Until we have reasonable assurance that we will be making an improvement, let us not be too hasty to cast aside something that has served us well. And to those who find fault with the system by which we have chosen Presidents, let me say that I know of no country in the world today that can boast of a higher standard of living than that of the average, typical American. I know of no country which has been able to bring into effect the force of its productive capability better than has the United States of America. I suggest that we remember that since the end of World War II, this people, this productive machine that we call the United States of America, has given away, to friend and foe alike, between $150 billion and $175 billion if you add together the Marshall plan assistance, all of the foreign aid, and all of the various different kinds of aid we have given to people throughout the world. It is my contention that any system of government which has the stability we have been able to demonstrate, which has the resiliency that was apparent when President Kennedy was killed, which can carry on in good times and bad, which can stand almost alone—as we have so often stood—in defending freedom in the farflung corners of this world, then I say, let us not be too quick to cast aside a system that is able to deliver this kind of government.

I say, too, that we should not be too hasty to cast our procedures aside, despite the weaknesses we find in our government today, despite the discrimination which we find in some places, despite all of the inequalities of opportunity which are called to our attention by our detractors and by those, as well, who would seek to improve our system. Despite all of these things, I say that I know of no country that has a greater record of achievement for all its people than does the United States.

I happened to hear Al Capp a few weeks ago and he was telling about the achievement made by the average citizen in this country. I am not certain that I recall precisely the figures, but, as I recall in the last decade or two the average American has seen his average annual income increased by 50 percent, and the average black is within about 6 months of having achieved the same level of educational attainment as the average white; and the average black, if I recall the figures that were presented, now has an income that approaches or perhaps exceeds $7,000 annually.

All I am saying is that any country which can do as good a job as we have done ought to examine very closely and very carefully and very critically those processes by which we have selected our leadership. I am sure that not all our leaders have been great, but, generally speaking, I think we have moved forward; we have made significant social gains; we have made significant gains in extending freedom equally and impartially to all our people. I think we have made gains educationally. We have made gains in the progress of all our people, no matter what minority they may compose.

In Wyoming, we have 2½ times as many Indians as we have blacks. There is much left to be done among the Indians, and I am one of the first to admit that. But I say: Show me another country that has done as well as we have done.

I am not ready to say that simply because this system is nearly two centuries old that it is outmoded, and that it is no longer serving us. I am not sure that I agree with those who say that because one of our electors became faithless to the implied pledge that he took when he agreed to have his name submitted as an elector in 1968, that we should throw the whole system out. I would hope that the people of this country and the Members of the Senate would consider very carefully what we have accomplished and look about the world and compare the United States, compare our Government, compare the stability of our institutions with those of almost any other foreign country, and ask themselves whether it is not better to have a system which fosters and encourages a strong, viable two-party system, so that regardless of who may be leading this country, we are going to have the steadying assurance that comes from the firm knowledge and conviction that the person who has been chosen under this electoral college process has the support of a majority of our people.

To me, these are some of the considerations that I know are very much in the mind of the Senator from Alabama. I think he is making a wonderful contribution to our Government, to a better understanding of this entire issue, in presenting, as he does, in the knowledgeable and lucid way that he does, his observations and comments, spelling matters out in detail. It is important that it be done in this fashion, because things can elude us too easily if we do not take the time to stop and listen and ponder and consider, as we are privileged to do by the presentation of the Senator from Alabama this afternoon.

I would like to express my appreciation to the Senator for his having yielded. I am grateful to him. I ask whether he shares at least some of the views I have just expressed as he has afforded me the opportunity to comment on his very remarks here today.

Mr. ALLEN. I appreciate very much the outstanding contribution which the distinguished Senator from Wyoming has made to this discussion. Certainly, I approve of his inspirational remarks. His remarks have been to the point and have pointed out the greatness that is America, the greatness we have achieved under our Constitution, the fact that we should not depart from the old landmarks that have served us so well, and that we should not abandon them and turn to the untried, the indefinite, the uncertain, the plan that would create many more problems than it would solve.

I think, too, that the Senator from Wyoming has put his finger on one of the factors that does make America great—that makes our system of government the greatest in the world—and that is the matter of the orderly succession about which he has spoken so movingly, the orderly succession to the office of President of the United States.

The distinguished Senator from Wyoming did not state it, but I believe that at the time of the assassination of the late, great John F. Kennedy, the distinguished Senator from Wyoming was serving as Governor of his State and was representing the people of his State; and he saw firsthand and heard firsthand the heads of states of other goverments, the surprise—and I am sure the wonder and appreciation—that they expressed at the greatness that is America, the provision for the orderly succession to the office of President of the United States.

Yes, he referred movingly to the late, great President John F. Kennedy. We recall that on the floor of the Senate, time and again, the argument has been made by the distinguished Senator from Indiana that if a given number of voters in one State had voted one way and a given number of voters in another State had voted another way, President Nixon, then candidate Nixon, in 1960, would have been elected President of the United States, even though he got fewer popular votes than did President Kennedy.

Let us see what Mr. Kennedy, then Senator Kennedy, had to say about the electoral college system. I read, from page 30 of the hearings of the Senate Judiciary Committee, the statement of Theodore H. White:

> I would like to use as my text a remark made by John F. Kennedy of Massachusetts on March 5, 1956, in Senate debate. He was discussing an amendment similar to this. He began by saying that "On the whole, our system has given us able Presidents, capable of meeting the increased demands upon our society. No urgent necessity for change has been proven."

Mr. President, those words spoken in debate here today would be just as applicable as when they were uttered on the Senate floor by then Senator John F. Kennedy, of Massachusetts.

> No urgent necessity for change has been proved.

This is Senator Kennedy, later President, speaking:

> When all these factors are considered, it is not only the unit vote for the presidency we are talking about, but the whole solar system of government power. If this proposal changes the balance of power in any one of the elements of the solar system, it is necessary to change all of them.

Those words could be uttered today and would be just as applicable as they were on that occasion.

Mr. HANSEN. Mr. President, will the Senator from Alabama yield on that point?

Mr. ALLEN. I am delighted to yield to the Senator from Wyoming.

Mr. HANSEN. A number of learned students of the subject of elections and electoral reform draw analogies between the electoral system, the federal system, and the composition of the U.S. Congress. As I read their testimony, it goes something like this: The electoral system is a further reflection of the federal system of the 50 States. Except as required by a runoff in the House, where each State has one vote—except in that rare, rare instance—we find reflected in the electoral college system the population of each of the 50 States along with a reflection of the entities of the States. In other words, my State of Wyoming is second only to Alaska in having the smallest population of the 50 States. Wyoming has three votes—three out of 538 electoral college votes, as I understand it.

A much larger State has more than several votes. It has votes that reflect the number of persons present in the State, plus the two votes represented by the Senators of the State. There are those who say the proposed change would give greater strength to the voice of the smaller States. I am unable to follow this logic. I am unable to see how Wyoming would gain in power if this system were to be adopted.

At present, it is my understanding that Wyoming has 3 out of 538 electoral votes. If we were to go into a direct election process, as is proposed by the distinguished Senator from Indiana (Mr. BAYH), strictly on the basis of the number of people residing in Wyoming compared with the total number in the United States, my arithmetic inclines me to believe that our strength would be diminished from three five hundred and thirty-eight thousandths to about one six hundred and thirty thousandths, because roughly we have in the neighborhood of a third of a million people in Wyoming. If the information I have is correct, there are some 210 million people in the United States today, give or take a million or two.

If Wyoming has a third of a million people, then we would have one six hundred and thirty thousandths of the total power. So I do not see how this can possibly augment the strength, increase the voice, or magnify the influence of a small State.

There are those who take this argument and turn it around and say that it shows the system needs to be changed because it is not wholly fair.

I ask those who make such a statement: If that be true, would it not be logical to take it to the next step, which would be to abolish the Senate? What reason is there to recognize in the Senate the presence of the States if we are going to rule out the electoral college system and the individuality of the States. For very good reasons, the individuality of the States was in the minds of the framers of the Constitution in constructing the election process which has served this country so well to date. If the electoral college is abolished, I suspect it will not be long until someone will come along and say, "We have instituted the one-man one-vote concept. We have had to reapportion all the legislatures which have not faithfully fulfilled the judicial concept of the one-man, one-vote. We have eliminated the electoral college system, so let us go all the way, be consistent, and abolish the Senate."

I leave it to Senators to answer my question. Would that be in the best interests of the country? Can it be demonstrated that our system of government has failed this country?

I have heard, during the few years I have been here, that the Senate is archaic. That statement does not refer exclusively to the age of its Members, but rather to the system; that it has outlived its usefulness; that our rules have made it possible for a willful group of people to hold up and impede legislation; and that this is all bad.

To those who think that, I always have to recall the words of our late, great Senator Dirksen. I regret that I cannot quote him verbatim, but essentially he said something like this:

"I have been around here a few years and have never seen an instance, when an idea came into its time and needed to be adopted, that it was possible for a willful little group of Senators to prevent its accomplishment into law."

He stated further:

"I have seen many times, and thanked God for it, when I have been able to witness that what started out as poorly conceived legislation, not adequately debated

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and only partially understood, resulted, thank goodness for a little willful group of men, in further exploration of the idea, further consideration, and the further necessity on the part of all Senators to seek that happy sort of compromise that results in men of somewhat differing ideas joining together and marching forward in one direction, when, without the leveling influence that is so much a part of the character of the Senate, there would have resulted a real loss to our country."

So I am convinced that our system is good. I am convinced that it is unnecessary to seek to justify our system here amid what we have accomplished. All the major nations of the world today agree that the United States of America has the unique distinction of being the oldest continuing form of government on the face of the earth, the only important nation that has not changed its system.

Of course, there are those who predict that our time has about run out, that we have only a few years left. It has not been hard, in going around the country in recent years, to find people who find fault with everything we do. But I am not disillusioned or bereft of hope because of these prognostications of doom.

I look at the young children of the country—our young Americans. For the most part, they are fine, decent, and inspired of just as good ideals as were the people of my generation.

I do not think we are about to give up the ghost in this country. I do not think we are going to lie down and die merely because someone says that we are almost 200 years old. I do not think that this Government is going to collapse or that the system by which we select a President will fail us now simply because some say: "It could be made better. Let us junk the whole process and take in something that has not been tried, something that has all the attributes that have brought about the splintering of opinions and the splintering of parties in Europe, which make that part of the world what it is today."

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It is the failure to develop a majority of people in a country wanting to march in one direction that I think is of real concern to many foreign governments today. This is not characteristic of our country, because our system has insured that that will not happen here. I think ours is a great system of government.

Mr. ALLEN. Mr. President, I thank the Senator from Wyoming for the contribution he has made.

Mr. GURNEY. Mr. President, will the Senator yield without losing his right to the floor?

Mr. ALLEN. Mr. President, I yield to the Senator from Florida without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, I have listened with great interest to the colloquy between the distinguished Senator from Alabama and the distinguished Senator from Wyoming on the subject of what Senate Joint Resolution 1 would do as far as some small States are concerned. It has been stated that this measure would take away some of the voting strength held now under the electoral college system by the small States. And in the case of the very small States, like Wyoming, Vermont, and Nevada, it would take away quite a bit of the leverage those States now enjoy under the electoral college system.

I certainly agree with the remarks heretofore made. That, of course, was the whole idea of setting up the electoral college in the first place by the Founding Fathers, to give the small States a greater leverage and a little more advantage in order that they could make their weight felt in our system as opposed to the States that were considerably larger.

I get the opinion that if this argument was a sound one almost 200 years ago when the country was sparsely populated, with only Thirteen Original States, that the difference was not too great between some of the States then as to population. However, now there is a vast chasm between the population of the State of Wyoming, with one Representative in the other body, and a State like New York which has, I think, 41 Representatives, which is indicative of the massive difference in population.

Certainly I think it makes all kinds of sense. Today, it makes even more sense. There is a stronger argument to preserve the weight of the small States in the presidential election in the whole system of the Federal Republic which we have.

Another thought occurs to me along the lines of small States opposed to the larger States. I think the argument also applies to the larger States that are more in the smaller city class rather than in the larger city class. My State of Florida would be one of those. It is a large State, but it still does not have tremendous cities such as New York, Chicago, Los Angeles, or places like that.

It occurs to me that, if we do away with the electoral college system and substitute this direct-election method which is proposed here in Senate Joint Resolution 1 pending before the Senate, we would run into another problem. It seems to me that we completely overemphasize the importance of a presidential election in those areas which are large urban areas now and States which contain the great cities. We have the State of New York with the city of New York. We have the State of Illinois with Chicago. We have the State of California with Los Angeles.

Why should presidential candidates be interested in campaigning in a State like Wyoming or a State like Vermont, or even in a State like Alabama, the State of the distinguished Senator, when they can go to just a few areas in the country and get the number of votes they need?

Take the area around New York City. That area encompasses not only the tremendous metropolitan area of New York—the second largest city in the country, I believe—but also includes the contiguous States of Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, and Ohio.

While those other States are not large States geographically, they are densely populated areas. Within that one area alone, within 200 miles of the State of New York, we have an enormous percentage of the population of this country. For example, compared with California, the Representatives from the States of New York, New Jersey, Pennsylvania, and Ohio comprise today more than one-fourth of the total membership of the House of Representatives. That is just those four States out of the 50 States.

Obviously it seems to me that a presidential candidate would concentrate his time there, get on the television stations in New York, Chicago, California, and perhaps in a few other scattered areas in the United States—maybe around Kansas City and St. Louis, which are big cities, and perhaps in Texas, Dallas and Houston. He could cover that area on one television media. That is all he would be interested in.

Of course those areas are important. No one downgrades their importance.

We recognize that our colleagues who represent those States have enormous interests to give voice to here and in the House of Representatives.

The point I want to make is that the problems of the smaller States are just as vital to the people who live there as are the problems of the larger States and the people who live in those areas.

I would think that under the direct election system, such as proposed in Senate Joint Resolution 1, a presidential candidate might completely overlook the problems of the small areas that may be agricultural in nature or perhaps mineral in nature and have nothing whatsoever to do with the problems concentrated in the larger cities.

Certainly the smaller areas have no ghetto problems. There are not any ghettos there. I think there are a great number of the States in the United States that lack those problems.

We know that the Governors of the larger States particularly and the mayors of the larger cities are constantly coming down to Washington for more money. We know they need more money. However, at the same time, we cannot overlook the problems of other States of the Union to take care of just a few.

Yet, if we had this direct election method, I tend to think that a presidential candidate would direct his attention only to those more populous States where the voters are. Certainly all of us in politics and in campaigns know very well how we orient our campaigns. We always say, "Go where our votes are. Do not waste your time in the areas where you cannot get enough votes to sway any election."

It seems to me that the direct election method invites that kind of political direction to only one or two areas in this country, or three or four to the neglect of the other.

Would the Senator from Alabama feel that was a weakness in this direct election method?

Mr. ALLEN. Mr. President, I appreciate the comments of the distinguished Senator from Florida. I very definitely agree with him. I think he has certainly put his finger on a very important point regarding the small States.

I think that whether a State is a small State, whether it has greater influence in the electoral college, whether the percentage of the electoral college is larger than its percentage of the total popular vote is of very little importance actually. That is not the important thing, and I do not oppose this measure because I am from the South or because I am from a relatively small State. I oppose it because I am an American and I feel that this provision, the direct election of the President, with the 40-percent proviso or the runoff proviso, would tear this counrty apart, and the effort of a candidate to receive in excess of 40 percent of the vote rather than to achieve a majority of the electors would, as the Senator so eloquently stated, cause the candidate to go to the great population centers to the exclusion of the other areas of the counrty in order to carve out his 40-percent plurality.

The dangers that are inherent to our country in that system are what cause me and, I am sure, the Senator from Florida, to oppose the plan—the danger of a plurality President, the danger of proliferation of third parties, the danger of choosing a man for President who represents no views known to the public generally, the danger of electing a President who is a television personality, who with a television blitz in the large areas would be able to necessitate 40 percent of the popular vote.

I think that is the point the Senator stresses and I agree with him on it.

Mr. GURNEY. Mr. President, will the distinguished Senator yield further?

Mr. ALLEN. Yes, I am delighted to yield to the distinguished Senator from Florida.

Mr. GURNEY. I was extremely interested and taken with the Senator's point of the 40 percent, which I neglected to mention in my argument, and the likelihood of a candidate to go to the larger States. Of course, only a 40-percent requirement—at least on the first goround—makes it even easier and more likely for a candidate to go to the metropolitan centers. I have pointed out that four States; New York, New Jersey, Pennsylvania, and California, represent better than 25 percent of the representation in the House, so I assume they represent more than 25 percent of the population. One would not have to go to more than one or two other places to pick up the 40 percent.

Another thing occurs to me in this business of concentrating upon the larger States, which I think poses a danger. Here again I use my own State of Florida as an example. I mentioned the rural States and that the presidential candidate would neglect those States. In a larger State, like Florida, which is now No. 8 in size in the United States, a very sizable State, and yet we do not have any really great metropolitan areas, I am not sure a candidate would spend too much time campaigning in my State if he could pick up the votes he needs in those States which have the large cities which would make his campaigning easier.

There is another point I would like to join in discussing with the distinguished Senator from Alabama. Earlier in the afternoon the Senator engaged in colloquy with the Senator from Wyoming speaking about the danger of splinter parties which would perhaps be encouraged by Senate Joint Resolution 1, which provides for the direct election of the President.

There has been a great deal of discussion about that here in the days we have been spending on the argument on Senate Joint Resolution 1. Certainly, this is a point we all know has troubled scholars throughout this Nation, in and out of universities, about this matter. I know I have read a great deal of copy in newspapers and periodicals by very distinguished and knowledgeable Americans, who are knowledgeable about government and politics, worrying about the growth of splinter parties.

It occurs to me we do not have to speculate this might happen. It seems to me we have a very good example that it is happening. Take the great State of New York, which was first in size in the United States. I think that now that the census has been taken it is No. 2 and California is No. 1, but still it is a sizable State.

Already in this State we have a splintering of the political parties. Where they used to have the Democratic Party and the Republican Party, now they have the Liberal Party and the Conservative Party.

I remember being in New York for a political rally of my own Republican Party about 7 or 8 years ago when I first went to the House of Representatives. At that time the Conservative Party was just beginning in New York. I remember talking to some of the members at that particular gathering at the rally and asking, "Why are you starting this party up here? Won't it weaken the parties you have already established?" The same thing is true of the Liberal Party in New York, which started up about that time. They said, "No, we do not think it will do that. We are more conservative than some of the other people. If we start a new party, we can hold their feet to the fire and bring them around to more philosophical thinking."

I do not think the people I was talking to in the Conservative Party felt the party would amount to much, and neither did I. It is 7 or 8 years later now and we know that both splinter parties, the Conservative and the Liberal Parties, are wielding a good deal of clout. That was particularly true in the election for mayor here recently and the primaries in both parties in New York recently. These splinter parties, these Liberal and Conservative Parties are, indeed, doing the very same thing that the distinguished Senator from Alabama and the distinguished Senator from Wyoming were talking about earlier this afternoon. They are acquiring members and voting strength. They are gaining with each election and as they do this kind of strength gives them the power to negotiate with the other parties and candidates, and perhaps achieve what they want to achieve.

I am not arguing that this is right or wrong, whether it is good or bad, but I think it makes a perfect case in being right now in New York, one of the greatest States in the country, where you have this very same splinter party effect which we fear under Senate Joint Resolution 1 if it goes into effect.

In New York I suppose it has not made too much difference in the legislative process so far because the parties are too young, but it will. If that same thing happens and we adopt Senate Joint Resolution 1 and we get in this body in which we are now speaking and the other body on the other side of the Capitol four or five or six parties, with Senators and Representatives in these four, five, or six parties, the wheeling and dealing that is going to occur on this floor and on the floor of the other body is something we cannot imagine. It will be something like what happened in France year after year, where De Gaulle was President, and some parties would not last more than 24 hours. There would be splinter parties like leaves falling off the trees in my native State of Maine.

I certainly share the apprehension that the distinguished Senator from Alabama has with respect to the splinter party question.

This is really the question I was going to pose: Does not the Senator see occurring in the U.S. Senate and the House of Representatives what occurred in New York recently, with the four parties they now have, if Senate Joint Resolution 1 is adopted?

Mr. ALLEN. I appreciate the Senator's remarks. I would say definitely that is a harbinger of what will happen throughout the country and here in the Senate and in the House. But the New York situation is not nearly as strong a case to show the proliferation of parties on the national scene as under Senate Joint Resolution No. 1, because Senate Joint Resolution 1 calls for a runoff, and that encourages third parties. In the general election in New York, that ends it; there is no runoff. If there were a runoff, the splinter parties could have an influence on the runoff, and we would see more splinter parties. So in the United States, under the Bayh amendment, with the runoff, we would see more splinter parties, because they would realize that the electorate could vote for their candidate in the first race knowing full well that there was going to be a runoff after the first race.

It would encourage them to form splinter parties so that they could have an influence on the bargaining going into the runoff. So there is a much stronger case to show the proliferation of parties in the United States than to use the example of what occurs in New York, where there is no runoff in the general election.

Of course, another factor that discourages the splinter parties, or third, fourth, or fifth parties, in the United States under the electoral plan is that to register at all in the electoral college, a third party, or any party for that matter, must carry the popular votes of at least one State. So they have to carry one State, and that discourages the formation of a third party. But under the Bayh plan, they would be encouraged

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because if they got only 10,000 votes, or 1,000 votes, for that matter, it would have to be a part of the grand total and it might be the difference between the candidate's getting 40 percent of the popular vote and being elected President, along with his running mate, the Vice President, or getting 39.9999 percent of the votes and having to go into a runoff. So they would be very important in the overall scheme of the national election, and the amendment would encourage the formation of third parties so that they could influence the election and it would give them a sense of importance; whereas, under the present plan, if they do not carry one State, they do not get any electoral votes at all.

On the matter of proliferation of parties, I was somewhat surprised to read something in the report on the Pastore bill. The bill provided for a limit candidates can spend on TV and radio advertising. There was a provision for equal time for all candidates for President. Free time, I believe, was arranged for the major candidates. It used to be the rule—it still is; the law has not been finally enacted—that they had to give equal time to all candidates for President. This would work a hardship because there were so many splinter parties. Some of the splinter parties are listed in the report. There were at least 14 that were discovered, going back to 1960. They ran with the provision, of course, that they had to carry a State to get any electoral votes.

Let me mention some of the splinter parties: Conservative Party of Virginia; Constitution Party; Tax Cut Party.

There again we have a proliferation of parties. We have one-issue parties.

The Anti-War Party. Reduced Taxes Party. Every issue one can think of is in there. The proposed amendment would make for more and more one-issue, one-ideology types of parties.

Going on with the list: The Prohibition Party. It had a candidate for the Presidency in 1960. Socialist Workers Party. Farmer Labor Party of Iowa. Socialist Workers and Farmers Party of Utah. National States Rights Party. Afro-American Unity Party. American Third Party. Conservative Party of New Jersey. Greenback Party. And on and on and on in 1960.

So there would be third parties that would have an influence in the election of major party candidates, who would have to offer concessions, or whatever candidates do, to gain support in a runoff. They would be forced to contend with them. So under the proposed plan we would see more and more splinter parties started.

Another fruitful source of splinter parties would be defeated candidates at national conventions where things did not go too harmoniously and a large number of candidates thought they should have been chosen instead of the ones who were chosen. They would be very disgruntled and would say, "Well, if I can't get it they are not going to get it and I will start a party." We would then find some major candidates running for President——

Mr. GURNEY. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield.

Mr. GURNEY. That is a point extremely well made, because the possibility of a defeated candidate wanting to start his own rump party and running for the Presidency not only would be likely to happen, but actually would happen, because we have seen instance after instance in just about every election we have in this country now, I suppose, within the States, where people run perhaps for Governor or for Senator. They may not make it in the party primary, if they have a convention-type primary, or, for that matter, if they do not make it in the primary where votes were cast, there is nothing in the world to stop those people from running again in a general election. That frequently happens.

As a matter of fact, one of our distinguished colleagues was telling us only yesterday that in his State the defeated candidate for Governor in the primary has done exactly that. He started his own party and is going to run in the general election as a candidate. He is obviously a spoiler. He is so disgruntled at not having won that he does not want the person who won the primary to win, either. So we have that situation, and we have always had it within our political battles in the primaries in the several States.

The reason for it is that we do not have the majority provision we have under the national election system. If we had a rule which provided that the man receiving a majority of the votes would get the nomination and nobody else would run, that would end it. In fact, that is what the electoral college does. It does not say that, but, in practice, it works that way.

So the Senator from Alabama is exactly right, and we have examples like that right now, in practically every election year. But in the competition for the great big prize, the Presidency of the United States, for somebody to run—and I was not aware of all these splinter parties that exist today; that even surprises me—the temptation would certainly be very great, and I agree with the Senator that that is exactly what we would have, candidates running on every issue, all over the land.

The Senator makes another very good point, which I think ought to be amplified, and he ought to be complimented on it: That if we have this direct election method under Senate Joint Resolution 1, then what we are going to have, as he so aptly put it, is a one-issue President—the Greenback Party, the Prohibition Party, or the Women's Liberation Party, perhaps; that seems to be well up on the docket today. The Peace Party; we certainly have that now. As a matter of fact, in my home State of Florida, we had a party of very liberal people, far leftwingers, last time called the New Party. They were mostly the very long-haired variety; and I suppose they might be a political party in another campaign.

The point of the matter is that this is the very strength of our political system now. We have two great political parties. The distinguished Senator from Alabama belongs to one and I belong to the other. And yet both of these parties are able to encompass and embrace people of all political shades. Some of us are conservative. The Senator from Alabama and I happen to be of that political persuasion, I would expect, if we were to categorize ourselves. Certain parts of the country tend to produce people of one political philosophy; other parts of the country tend to produce people of another. The fact that all of these people are encompassed within the two great political parties, to me, gives the system strength.

I find nothing wrong with the fact that there are, within my own political party, people who have a different political philosophy than I do. I think it has a good tempering effect upon some of the beliefs that I have; and I would hope that some of the beliefs that I have, perhaps, would have a tempering effect upon those of my party who may differ from me in philosophical matters.

But if we have this Senate Joint Resolution 1 direct election kind of thing, it seems to me we are going to lose that, and we are going to have people who are keenly apprehensive, perhaps, about one small issue, getting into the party that believes in that issue, and we are going to lose the all-encompassing and all-embracing kind of philosophical types we have now.

This would be a great loss to the country. Does the distinguished Senator from Alabama think there is a danger here?

Mr. ALLEN. I think there is a very definite danger, and that is one of the reasons why the junior Senator from Alabama opposes Senate Joint Resolution 1.

The fragmentation of our political party system, the proliferation of third parties and splinter parties, the confusion that would be caused, the great danger of the runoff provision, where all of these various splinter parties and people have been polarized over this specific issue that the Senator from Florida was speaking of—not part of the two political philosophies, conservative or liberal—they would be standing for one issue, and they would have a definite effect on the runoff, so that these one-issue people, by combining forces, might very well cause the election of a person who was not the choice of the people of this Nation.

It might be someone with whose views the people were not familiar. It might be someone who had conducted a television blitz and become something of a household word in a matter of a few days or a few weeks, after an expenditure of large sums on television.

I think that these splinter parties could combine and, in practice, elect a member of one splinter party, or have a major candidate so beholden to them that he could not govern the country effectively. I think there is a very definite and real danger, that might shake the very foundations of our American governmental system, if Senate Joint Resolution 1 is allowed to be passed.

Mr. GURNEY. Will the distinguished Senator yield further at that point?

Mr. ALLEN. I should be delighted.

Mr. GURNEY. The Senator's comment

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about the possibility of a candidate for the Presidency who engaged in a television blitz being elected, I think, is a very viable point, and one that could easily happen. And, of course, again in recent years, we have had examples of that. I suppose television has been perhaps the most effective way of politicking, probably, since the beginning of—well, I expect in the Kennedy-Nixon election campaign for the Presidency; and following the very effective use of television in that campaign by the winner, President John F. Kennedy, all candidates began to use television more and more in their political campaigns.

I know when I first ran for the House of Representatives in 1962, I devoted the major portion of my budget in that year to television, and I have constantly done that. I did that also when I ran for the Senate in 1968. But I think the interesting thing is what has happened in very recent years. The very thing that the Senator from Alabama is warning against here, a television blitz, has happened on numerous occasions in the last, I would say, 2 to 4 political years, and, without naming names, so that no one will be embarrassed, or no political party will be embarrassed, there are clearly at least two instances of nominees running for the U.S. Senate right now who are nominees because of a television blitz in their States. And, incidentally, those happen to be very large States, with large metropolitan areas.

One of these candidates was entirely unknown before he launched his television blitz and became the nominee, and he knocked off a candidate that everyone thought was going to win. The only way he was able to do it was by television.

The other one I am thinking of was better known politically in a small area, but not throughout the State. At least two, I think, of the candidates he was running against were better known than he was, but he had a much better financed campaign. He spent a lot more money on television, and he also was nominated. And, of course, I know of an even closer instance, in my own State, where that very thing also happened, where a political unknown, never in politics before, managed to present a very formidable campaign by a very extensive use of television in his county. I think the figures ran nearly a million dollars.

So we have examples. I have mentioned three that I can think of, but, as the distinguished Senator knows and as I know, there are other examples, too.

This year, 2 years ago, and 4 years ago, in the big political campaigns around the country for the Senate, for the governorships, and for the House of Representatives, where a well-packaged, Madison Avenue-type advertising campaign has presented a candidate the same way that you would present Camel cigarettes or Ivory soap, or anything you want to name, a picture that is a best selling item, the candidate was presented that way, and the people have bought him on election day.

So the Senator is eminently correct when he expresses concern and apprehension and fear that this is exactly what might happen if we went this Senate Joint Resolution 1 route and had a popular election.

More and more, people of great wealth in this country are interesting themselves in politics. I have talked to one or two of these types myself. Their reasoning has been that they have been very successful in business, they have amassed many millions of dollars, the challenge is over as far as business is concerned, now they are interested in something else, so they decide to go into politics and government. I do not say there is anything wrong with that; I simply say that those are the facts of the matter.

So all of a sudden, overnight, they want to be elected to public office. I am not exactly sure whether a person with no experience of any kind in politics and government is best suited to take on the onerous or representing large numbers of people in large areas. But there certainly is that possibility under Senate Joint Resolution 1.

I think it is always true that every election usually has only a few major issues. If we reflect back to 1968, the presidential election of that year, we had, as I recall, three major issues. One, of course, was the war in Vietnam. Another was the law and order business, the rising crime rate and what to do about it. The other issues, of course, was heavy government spending or inflation. As a matter of fact, those three issues are around today. They may have a little different emphasis. I think inflation probably is a bigger issue than the other two. But they are back with us again.

What I am saying is that elections always are concentrated on just a few issues. So let us say that a candidate who never ran for public office before and belonged to one of these splinter groups, never worked within the great Democratic Party of the Senator from Alabama or my great Republican Party, decided that he wanted to be President of the United States. Let us say that the issue happened to be law and order, a great issue, or perhaps the election might occur at a time when there was a Cambodian crisis or perhaps when the price of meat and coffee and bread and potatoes was more severe than at any other time. He could take that one issue and get himself a high priced Madison Avenue, New York, advertising firm and say, "I'm willing to spend x millions of dollars." There is no question that, if he could not win the election, he certainly could win a sizable number of votes, so that neither candidate of the major political parties could win the election.

Then the very thing the Senator from Alabama has spoken of would happen—we would have a runoff election, and perhaps the glamor boy with all the money, who seized upon this one issue and managed to get that message across to the people, would be in the runoff. He might end up as the resident at 1600 Pennsylvania Avenue, the President of the United States, with little or no experience about politics and government, no knowledge of how it works, no acquaintance with the people in it, either in the Senate or the House, or, for that matter, the executive branch of Government, or any of the other people who work in the political arena and the governmental arena of this great country.

I think the distinguished Senator is eminently correct. We have examples now in which that has happened in some of the biggest elections of the country for the Senate or for the governorship, in some of the biggest States, and those elections really are not different from an election for the Presidency of the United States, except that they are a little smaller in size.

So I agree with the Senator that that not only is a very real danger, but also, it has occurred in elections right now.

Mr. ALLEN. I thank the distinguished Senator from Florida for his most eloquent and persuasive contribution to this discussion. Certainly, he has highlighted the danger of the proliferation of third or splinter parties, a danger that would come about by one-issue parties.

I should like to suggest to the distinguished Senator from Florida, for his consideration, that under the runoff provision as provided in the Bayh measure, Senate Joint Resolution 1, this would encourage and foster third parties, in that it would permit members of the splinter parties to vote twice in the election; because with such a proliferation of third parties or splinter parties, it would be almost certain that there would be a runoff. This would allow members of the splinter parties to vote with their hearts rather than with their heads, in the first election as to who they really want to be President of the United States.

Under the present system, each voter is entitled to vote only once. He knows that he is going to be allowed to vote once and that that is final. He will not have a runoff or second chance. So he naturally votes for the man or woman he thinks would make the best President. Not so under the Bayh runoff plan. He would vote for the party or the man in closest affinity to him from the standpoint of geography or ideology, knowing full well that in the runoff he could vote for the person he thought was next best qualified to be President of the United States. This encourages the growth of splinter parties. It encourages their proliferation. So that we would find not the 14 splinter parties that we had in 1960, but we might have 50, 75, or a hundred, or even more, each and every one of them having a definite influence and effect on the outcome of the presidential election; because the votes they receive would be included in the total overall vote, and that would have an effect on whether or not the leading candidate received the 40 percent required for his election without a runoff.

Mr. President, approximately an hour ago, I suggested that some of the proponents of this measure say that under the present system it is possible to elect a man to the Presidency who is the second choice of the people, in that he would receive fewer popular votes than his opponent, even though he might receive a majority in the electoral college, and therefore, the person chosen might be the people's second choice.

Let us see what might happen under the direct election plan. Let us suppose

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that in a four-way race—and, as I say, a four-way race certainly would be possible and likely, in addition to several dozen minor candidacies—the leading candidate received 39 percent of the vote, the next candidate received 21 percent of the vote, totaling then 60 percent, and the remaining votes were divided between the other two candidates, 20.5 percent and 19.5 percent. This, of course, would cause a runoff between the 39-percent candidate and the 21-percent candidate. In all likelihood, the 39-percent candidate would have been regarded as the leading candidate, during the race the front runner in the race, and the other candidates would be opposed to him and would band together in the runoff and could very likely cause the election of the 21-percent candidate. So that under this plan we would certainly end up with the second choice of the American people being elected as President of the United States.

Now, Mr. President, I spoke earlier of the lack of unanimity as to this resolution and the wisdom of submitting it in its present form. I call attention to the fact that some of the very sponsors of the legislation have questions about it. Some of the very people whose names are printed on the resolution are highly critical of certain phases in it.

I also call attention to page 16 of the Judiciary Committee report, number 91–1123, and find:

> On the other hand, under the 40-percent plurality required for direct election, a minor party or combination of minor parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. The prospect of two minor party candidates, one regional and one ideological, amassing 20 percent of the vote is quite realistic in the near future of American politics.
>
> In view of this attractive political framework, the direct election plan, as embodied in Senate Joint Resolution 1, opens the door to public political bargaining with the most far-reaching consequences. Concessions wrung from major party candidates either before or after the first election would be made in a heated atmosphere conducive to the creation of public distrust. Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runner-up in the initial contest wins the runoff by wooing third-party support. In such a case, the question of legitimacy is sharpened even further if the turnout in the second election is substantly lower than in the first election.

Well, Mr. President, this is the express view, then, of the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS). I note that these Senators are cosponsors of Senate Joint Resolution 1. Even they are highly critical of it because of the runoff provision. In fact, these two Senators have introduced—and it is the pending business—an amendment to do away with the runoff provision.

The point I make is that there is no unanimity of opinion in the resolution even among those who list themselves as cosponsors of it.

Mr. President, if they are not even agreed on it as the proper plan to submit out to the States for ratification, how could the States feel that the best possible plan is being submitted?

What does the Griffin-Tydings amendment provide that is different from Senate Joint Resolution 1?

Well, it has the same provisions as to 40 percent electing the President. If the leading candidate receives 40 percent, then he and his running mate who, of course, would get 40 percent also, would be declared elected President and Vice President. If the leading candidates receive fewer than 40 percent, if they recevie 39.9999 percent of the vote, there would be a runoff. That is where all the pressure will be, to get every last vote counted because it might mean the difference between a runoff or none at all. This would make the vote of every splinter party most important because even a party that got only a thousand votes would have an effect on whether a candidate received 40 percent.

All right. Under Senate Joint Resolution 1, the Bayh plan, if no candidate, no team of candidates for President and Vice President, or no group of candidates received 40 percent, then a runoff is to be held at some unspecified time.

But under the Griffin-Tydings amendment, if no candidate receives 40 percent of the electoral votes, then it goes to the next step, a setup similar to the electoral college. Here again, every single one of the many plans being suggested, except this one providing for direct election, is built in some way around the electoral college or some modification thereof.

So under the Griffin-Tydings amendment, which is pending by these supposed sponsors of Senate Joint Resolution 1, they are taking issue with it to the point of filing a basic change in it. Then, instead of having a runoff, it is to be ascertained whether any candidate receives a majority, or if he carried States that had a majority of Senators and Representatives. Of course the electoral college is based on the number of Senators and Representatives. So that is an electoral college format without the electors. In fact, it is the automatic electoral plan originally sponsored by the Senator from Indiana (Mr. BAYH). Then, if any candidate receives a majority in this counterpart of the electoral college, which would be carrying States that would have a majority of the Members of House and Senate, then such candidates for President and Vice President would be declared elected.

Then, if no candidate received a majority in the pseudo-electoral college, the automatic casting of the electoral votes, then the matter would be decided between the top two candidates, which is different from the existing plan as provided by the 12th amendment, of voting on the top three candidates in the House of Representatives.

The Griffin-Tydings plan or amendment would provide for a joint session of the House and Senate of the incoming Congress to decide between the top two candidates so that there could be no tieup there in the House of Representatives. The Members of the House and Senate would vote, with each Member casting one vote, rather than voting as States under the present plan.

The point I make, Mr. President, is that two of the sponsors of this measure say they disapprove of it to the extent that they are submitting an amendment, and have submitted it, that would change it to the extent of doing away with the runoff and retaining a vestige of the electoral college system. So, the two Senators, who have been most critical of the runoff provision in Senate Joint Resolution 1, are two of the proposed sponsors of the measure.

Mr. President, there are numerous alternate plans that have been suggested through the years. The Senate itself, back I believe in 1956, long before I came to the U.S. Senate, passed and sent to the House the proportional plan which would divide the States' electoral votes among the candidates in proportion to the popular vote they received in the respective States. That was the Senate plan back in 1956.

The distinguished Senator from Indiana at one time sponsored the automatic plan which is now being espoused by former Attorney General Katzenbach. It would do away with the electoral college and would call for the automatic casting of the electoral vote of each State for the candidate carrying each respective State. That resolution is before the Senate. I believe it is Senate Joint Resolution 191.

The distinguished Senator from Missouri (Mr. EAGLETON) and the distinguished Senator from Kansas (Mr. DOLE) have a plan. Almost everyone has a plan to change this. But the fact remains that all of the plans, except Senate Joint Resolution 1, do have some phases of the electoral college remaining. In the more than 180 years of our existence under the Constitution, there has never been sufficient unanimity of opinion to pass in any Congress any change in the electoral college.

The distinguished Senator from Missouri (Mr. EAGLETON) and the distinguished Senator from Kansas (Mr. DOLE) have what they call a Federal plan. It provides for a popular election. I believe they changed it in recent weeks. There again that shows that no matter what we agree on now, it might not be what we want in 1976, and that is the earliest this provision can become activated. Under the Eagleton-Dole plan there is a popular election. But there is no one runoff.

That is what seems to cause most of the consternation, the idea of the runoff tearing this country asunder. The Dole-Eagleton plan has the popular election provision. It does not have any requirements as to percentage, though I understand they now require that if a candidate got 50 percent, he would be elected automatically. Originally it provided that there would be a popular election and the leading candidate would be declared elected if he carried a majority of the States or if he carried States casting half of the total nationwide vote in the election.

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If neither of those circumstances prevailed, if he did not carry 26 States or if he did not carry States casting sufficient votes to constitute a majority of the votes cast throughout the country, then the matter would be submitted to the electoral college. If no one then received a majority of the electoral college votes, we would drop all of the candidates except the top two. We would then divide the electoral votes of the other candidates among the top two candidates in proportion to the vote they received in the States carried by the splinter parties. Of course, that would elect one of the candidates at that time without a runoff. That is a pretty complicated plan.

The point is that is shows the vast differnce of opinion among the Members of the Senate as to what the best plan is.

A most intriguing plan was introduced by the Senator from Virginia (Mr. Spong). It provides for the present system, but requires a majority of the electoral college. If the candidate who received a majority in the electoral college did not also lead in the popular vote, then there would be a runoff. In other words, that would do away with the possibility that the distinguished Senator from Indiana mentions time and time again, of the candidate getting a majority in the electoral college not being the popular candidate. That is an intriguing plan.

There is another plan. By the way, this plan has been pushed for about 150 years since the 1824 presidential election when John Quincy Adams, though he ran second in the electoral college, was elected by the House of Representatives.

Gen. Andrew Jackson—possibly it was not until after he became President—supported the district plan. There is a resolution to that effect. Its chief sponsor is the distinguished Senator from South Dakota (Mr. Mundt), who has been ill and has not been able to be present to push it. It provides for allocating the electoral vote to the winner in the respective congressional districts, with two electoral votes for each State going to the State winners. That is the district plan and that was recommended by Andrew Jackson. There has never been unanimity behind that plan or any other plan to get it through Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Is it not true that although desirable for some purposes, the district plan still leaves the winner-take-all principle in effect in each district?

Mr. ALLEN. Yes, sir.

Mr. HOLLAND. That is, a minority of citizens find their votes completely eliminated by the final result in the statewide weight of electors in the same way, so that the losers statewide are eliminated entirely and their votes are not counted at all in the final counting for President and Vice President. Is that right?

Mr. ALLEN. The Senator is correct. There would be a winner take all for each congressional district and for the State as regards the two electors assigned in effect for the two Senators in the U.S. Senate.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. ALLEN. I yield.

Mr. HOLLAND. It seems to the Senator from Florida that for that reason alone the fractional system is preferable because it allows the actual counting down to one-thousandth point of every electoral vote, or the vote of every citizen. Under that system, the electoral votes of the State are proportioned among the several candidates in direct proportion as the popular votes are cast in that State so that everybody's vote counts.

It seems to the Senator from Florida that that feature alone makes the fractional system greatly more desirable than the district plan. The Senator from Florida would prefer the district plan greatly to the present winner-take-all plan under which electors are still left with their personal right to differ entirely from the expressions of those who elected them.

I wonder if the Senator from Alabama agrees with that distinction between the district plan and the fractional plan.

Mr. ALLEN. Certainly the Senator's arguments are most persuasive at that point. He said he would prefer the district plan, I believe, to the present plan; I believe he would also prefer the district plan to the direct election plan, would he not?

Mr. HOLLAND. The Senator, of course, is correct. The proposal now pending, Senate Joint Resolution 1, would be the most radical departure from the original concept of the Founding Fathers ever advanced here, as the Senator knows, in that it would make our Nation, instead of a republic—a representative government in the selection of President and Vice President—a simple democracy; and nothing was further from the plan and thought and from the principle that was incorporated in the original Constitution, than the pending program, Senate Joint Resolution 1.

The Senator from Florida is glad the Senator from Alabama has called attention to the fact that while the Senator from Florida had indicated the fractional plan was superior in his opinion to the district plan and also to the present plan in the Constitution, it is infinitely preferable to the proposed radical plan that is embodied in Senate Joint Resolution 1.

Will the Senator yield further?

Mr. ALLEN. I am delighted to yield further.

Mr. HOLLAND. The Senator from Florida believes the States still have considerable interest, as States, in who becomes President or Vice President. Does the Senator agree?

Mr. ALLEN. I agree, and that is an integral part of the federal system.

Mr. HOLLAND. The dovetailing of local and State responsibilities and State jurisdiction, and the passage of laws affecting daily lives of citizens with the federal system which is centered at Washington, is such, in my opinion, that the States, as such, always have not only a substantial but a vital interest in the selection of President and Vice President. The Senator from Florida is completely out of sympathy with Senate Joint Resolution 1 because it proposes to downgrade and eliminate entirely any State's right to have anything to say as a State in the selection of President or Vice President.

I hope the Senator from Alabama agrees with that.

Mr. ALLEN. I agree 100 percent. That is one of the major defects in Senate Joint Resolution 1, as the distinguished Senator from Florida so ably pointed out.

Mr. HOLLAND. Knowing the wisdom and sound judgment of the Senator from Alabama, I am not at all surprised to find that is his conclusion and strong feeling.

The Senator from Florida has been particularly anguished by the fact that Senate Joint Resolution 1 proposes to give to the District of Columbia—which has no sovereignty and does not pass laws for the protection and governing of its citizens and it has no jurisdiction as a State—weight at such a great rate that the weight of the District of Columbia would exceed the weight of the 11 sovereign States which happen to have populations smaller than the District of Columbia. To the Senator from Florida that appears to be about the best illustration of the radical nature of the program suggested by Senate Joint Resolution 1.

Does the Senator from Alabama feel that way also?

Mr. ALLEN. Yes, I certainly do. I would like to suggest this to the Senator for thought. With direct election there could very conceivably be as great a difference between the votes of two major candidates in the District of Columbia as there is difference between those candidates in the rest of the country and it could be that the District of Columbia, in effect, would be the tail wagging the dog of 50 States of the Union because its margin for one candidate might be more than the margin of the whole of the United States for the other candidate.

Mr. HOLLAND. Of course, the Senator is completely right, and that is a possibility. Perhaps it would never be a very great probability but it is a possibility and Senators are entitled to look at the things that can happen and would be permitted to happen under Senate Joint Resolution 1.

One of the most abhorrent and one of the most extreme things is that which the Senator from Alabama has suggested. The Senator from Florida has noted that the population in the District of Columbia would enable the District of Columbia in the election of President and Vice President by popular vote to outweigh, in several cases, two States combined. I am sure the Senator from Alabama has knowledge of that fact.

Mr. ALLEN. I have.

Mr. HOLLAND. That seems peculiarly illustrative to the Senator from Florida of the radical nature of this proposal. Here, only a few days ago, we granted the District of Columbia the right to have one nonvoting representative in the House of Representatives at the other end of this Capitol. Yet at the same time we are debating here on the floor a pro-

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posal which would give the District of Columbia such very great power, greater weight in a presidential election than that of each of 11 separate States, greater weight than several of them taken together.

It seems to the Senator from Florida that is an illustration of the way we are going—not in one direction, but moving in various directions, one day giving one nonvoting delegate to the District of Columbia in the House of Representatives, the very next day debating on the floor of the Senate a proposal which would give the District of Columbia such tremendous weight in the selection of Presidents and Vice Presidents.

Is the Senator from Alabama of a somewhat similar opinion?

Mr. ALLEN. Yes, sir; that seems to be inconsistent.

Mr. HOLLAND. I suppose we should not expect consistency any more, but the very idea of the Senate having passed one day a proposal which went to the White House, because it had been passed before by the House of Representatives, which has now become law, finally giving to the District of Columbia one nonvoting Member in the House of Representatives, and the very next day taking up this proposal to give the District of Columbia such a disparate weight in the selection of President and Vice President—as if we can do those two things consistently—seems to me to be hopelessly inconsistent and shows unsound thinking of those who support Senate Joint Resolution 1. It leaves the Senator from Florida rather despairing of any idea that we are pursuing a course of action, in debating this particular resolution which is not at all consistent either with the idea of a Federal Government as it has existed so happily for nearly 200 years or with the idea which we carried out in other fields relative to the District of Columbia only a few days ago.

I thank the Senator for yielding to me. I appreciate the fine efforts he is making in this regard, which I hope will be successful. It seems to the Senator from Florida that we are wasting our time in complete futility, because he cannot see that there would be a chance in the world of the smaller States, or, for that matter, the larger States that approved of the Federal form of government, approving or ratifying this amendment if it were submitted to the States for ratification, which the Senator from Florida hopes will never be done.

In this time when the world is in confusion, in this time when we have more to do than we can do, and most of us are tied up in conferences all day long, as the Senator from Florida has been on the farm bill conference for 4 successive days now, it seems like such a great waste of good time and good effort to give all this time in the Senate to such a futile expression as this would be, if it were adopted, because he does not see how it would ever be ratified by the 38 States that would be required to ratify it.

Does the Senator from Alabama feel somewhat that way about it?

Mr. ALLEN. Yes, sir; I certainly do. I do not feel there is any chance that 38 States will ratify it. It cannot become effective, from a practical viewpoint, until the 1976 presidential election. And while we are discussing this matter, why it is insisted that this matter be brought to a conclusion, when it does not apply until 1976 and we have literally dozens of important bills that need the action of the Senate, is something I cannot understand.

Mr. HOLLAND. The Senator from Florida agrees completely, and he thanks the distinguished Senator from Alabama for the sturdy position which he has taken in opposing Senate Joint Resolution 1.

Mr. ALLEN. I thank the distinguished Senator.

Mr. ERVIN. Mr. President, if the Senator will yield, may I commend the Senator for his most eloquent and thoughtful, and what should be most persuasive, exposition of the evils of Senate Joint Resolution 1. I am sure there are so many evils in it that, despite the diligent efforts of the Senator from Alabama on this occasion pointing out those evils, the Senator from North Carolina will have to point out some of its evils in the future.

Mr. ALLEN. Mr. President, I am about to yield the floor. I see the Senator from North Carolina——

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. ALLEN. Mr. President, before I yield the floor, I do wish to comment briefly on the Bayh filibuster in which the Senate is engaged. The distinguished Senator from Indiana this morning, as he has a right to do under the rules, objected to the meeting of the Senate committees during the session of the Senate. He has threatened to object as he has a right to do under the rules to the request when an effort is made around 5 o'clock by the majority leader to lay this business aside so that we can take up some of the most important bills on the calendar.

The measure under discussion, Senate Joint Resolution 1, cannot, from a practical point of view, become effective until the 1976 presidential election. The effort of the opponents of this measure in seeking to make and address remarks to the measure have to do only with one item, a measure to take effect in 1976, whereas the distinguished Senator from Indiana is threatening, under the rules, to prevent consideration of bills that are needed by the country now.

We have some six or seven appropriation bills either in committee or on the calendar, dating from July 1 of this year, covering the period starting July 1, 1970; and we are well into that year.

The distinguished Senator from Indiana states that he is going to object to taking those bills up and require the Senate to stay on the consideration of a measure that would go into effect in 1976. What sort of priority is that?

Mr. President, according to my understanding of a filibuster, and what a filibusterer is, I would understand a filibusterer to be a person who stops or impedes the flow of legislation in the Senate or other legislative body by the use of parliamentary devices and rules, as he is permitted to do under the rules of the Senate.

Mr. President, the stopping of the flow of legislation and the consideration of legislation must be laid at the door of the distinguished Senator from Indiana, and I say that in all due respect, because the distinguished Senator from Indiana, by merely agreeing, could allow the Senate to go on to the consideration of these important, urgently needed matters of legislation.

I say that if there is a filibuster in opposition to Senate Joint Resolution 1—and I submit there is not—the Senate debated one issue here in Congress for 49 days, and no cloture motion was filed. We have already had a cloture motion filed as to the consideration of this measure, and it is said that another cloture motion will be filed tomorrow; and we have only been on it for some 12 or 13 days. Moreover, during that time, by laying the matter aside, we have passed more important legislation here in the Senate, in this period, than, according to the distinguished Senator from North Carolina, has been passed by the Senate in any other comparable period during his tenure in the Senate.

So what kind of filibuster is that? There is no filibuster on Senate Joint Resolution 1. But, Mr. President, in the opinion of the junior Senator from Alabama, we are in the midst of what must be, to identify it, called the Bayh filibuster against the calendar. So we see before us the prospect of a filibuster against the calendar on the part of the distinguished Senator from Indiana, acting as he has a right to do, if he chooses to do so, under the Senate rules.

Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, the second section of rule XXII provides, in part, as follows:

> Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

This being so, I request, in order that certain amendments which I have proposed may be presented and read within the purview of this provision of rule XXII, that the clerk at this time read amendment No. 900, amendment No. 901, amendment No. 931, and amendment No. 942.

Mr. BAYH. Mr. President, reserving the right to object, may I first address a parliamentary inquiry? Is a parliamentary inquiry in order?

The PRESIDING OFFICER. Will the Senator from North Carolina yield for that purpose?

Mr. ERVIN. Yes, I will yield for a parliamentary inquiry, but for no other purpose.

Mr. BAYH. The Senator from Indiana did not want to interrupt the Senator from North Carolina for any other purpose.

Is the request made by the Senator from North Carolina a request that must be denied for failure of any one Senator to consent?

The PRESIDING OFFICER (Mr. GOLDWATER). Under the rule, the amendments can be read after the motion has been made, but before the vote.

Mr. BAYH. One further question. Let the record show that the Senator from Indiana did not want to object to the motion made by his friend from North Carolina. But neither did he want to preclude any other Senator who had an amendment either already submitted or to be submitted in the future from having a similar opportunity.

Is it accurate to suggest that if a cloture motion is filed, it is necessary to have any amendment read after the time of filing, if it is to be considered after cloture is invoked, but before the vote on final passage?

The PRESIDING OFFICER. It would have to be presented after that.

Mr. BAYH. After the filing of the cloture motion?

The PRESIDING OFFICER. Yes.

Mr. BAYH. I thank the Chair.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Suppose a Senator's proposed amendment cannot get to the floor; what happens to his amendment?

The PRESIDING OFFICER. That is a situation we have not been confronted with.

Mr. ERVIN. The Senator from North Carolina is prospectively confronted with that situation.

The PRESIDING OFFICER. The Chair would observe that he has not noticed that.

Mr. ERVIN. Would it be in order for the Senator from North Carolina to request the Chair to give him some instruction on the Senate rule in that respect, so that the Senator from North Carolina may guide himself accordingly?

Mr. BAYH. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. If a motion is filed, the Senator would take his chances of getting the floor and presenting amendments at that time.

Mr. ERVIN. That would mean that if I could not get the floor, the great work that I am trying to do in behalf of the American people would, like the best laid plans of mice and men, go "agley"?

The PRESIDING OFFICER. The Chair observes that in his experience, he cannot recall a Senator having too much difficulty in getting the floor, or being denied the floor. That is the right of the Senator.

Mr. ERVIN. The Presiding Officer, I am sure, has observed what has happened in times past. There is such a possibility as that precedents may be set. We have had the precedents of that past shattered by our able and distinguished friend from Indiana objecting to virtually everything that occurs in the Senate of the United States.

Therefore, Mr. President, I should like to propound a unanimous-consent request. Notwithstanding the fact that no motion to put an end to debate under rule XXII has thus far been filed, I ask unanimous consent that my amendments Nos. 898, 899, 900, 901, 931, 942, and the one I introduced this morning be considered as presented and read in a manner satisfying rule XXII, or in the event a motion to put an end to debate is hereafter filed under rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana feels that inasmuch as he has been classified as such an objecting individual, perhaps he should not let his reputation be ruined by not living up to it.

I shall feel compelled, at the end of this observation, to take advantage of my right to object. But I suggest to my friend from North Carolina, so that his amendments will not be precluded because of the rule, the Senator from Indiana will not object if he will expand his motion to include all amendments presently pending or to be introduced on the bill. However, the Senator from Indiana feels that, inasmuch as there are some Senators not now present, it is his duty to protect them.

Otherwise, with all deference to the Senator from North Carolina and with personal apologies, I do object.

Mr. ERVIN. Mr. President, I deeply regret that the able, distinguished and eminent Senator from Indiana has singled me out as an object of objection on his part. But in order to comply with his suggestion, I hereby make a unanimous-consent request that in the event a motion is filed to bring the debate upon Senate Joint Resolution 1 to a close and in the event such motion is approved by two-thirds of those present and voting, all the amendments I have enumerated and all the amendments which have been submitted heretofore to Senate Joint Resolution 1, and all amendments which may hereafter be submitted to Senate Joint Resolution 1, be considered as present and read as required by rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH and Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, reserving the right to object—and it is not my intention to object—I should like clarification of this issue.

If such a unanimous-consent request were granted, would it invalidate the germaneness rule?

The PRESIDING OFFICER. Not if the Senator is asking, as he has asked, compliance with that portion of rule XXII that requires amendments to have been read before cloture is invoked in order to be considered.

Mr. HANSEN. What is the interpretation of the Chair? Does the Senator make such a request?

The PRESIDING OFFICER. The understanding of the Chair is that the Senator from North Carolina has made an all-encompassing request as suggested by the Senator from Indiana, that all of the enumerated amendments be considsidered as having been read.

Mr. HANSEN. But it does not violate the germaneness rule?

The PRESIDING OFFICER. No, it does not.

Mr. HART. Mr. President, reserving the right to object, was it the intention of the Senator from North Carolina in his unanimous-consent request to include amendments which were presented and read, presented after the invocation of rule XXII, or is he seeking to protect only those that are filed up until then?

Mr. ERVIN. I am glad the distinguished Senator from Michigan has raised that point.

I modify my unanimous-consent request so as to make it apply to those amendments which are submitted prior to the time that cloture is invoked, if it should be invoked.

Mr. HART. Continuing the reservation, would not that right be available under rule XXII with respect to such amendments?

The PRESIDING OFFICER. Under the rule, the amendments should be read after the motion is filed but before the vote is called.

The Chair might say that if this unanimous-consent request is granted, it is the opinion of the Chair that this would be in compliance with what the Senator from Michigan is asking.

Is there objection?

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

Mr. BAYH. Mr. President, the Senator from Indiana has no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President——

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

Mr. BAYH. Mr. President, I do not want to interfere with any Senator who has extended remarks to make, but the Senator from Indiana would like to take approximately 5 minutes of the Senate's time to respond to some of the assertions that were made earlier in the day by some of those who addressed themselves to the issue before the Senate.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator will state it.

Mr. HANSEN. The Senator from Wyoming is confused. I had suggested the absence of a quorum, and I thought the distinguished Senator from Indiana did not object. Did I misunderstand?

The PRESIDING OFFICER. The Senator did not object, and the Senator from North Carolina yielded the floor.

The question now is, will the Senator from Indiana yield for the calling of a quorum?

Mr. BAYH. The Senator from Indiana has no objection to a quorum being

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called, but I understand there was a little misunderstanding, and I will proceed with my remarks, so that some other Senator who might have something else to say on this subject will have the opportunity to do so.

Repeated reference has been made to the Senator from Indiana. In fact, as a relatively junior Member of the Senate, I must say that perhaps my name has been referred to more in the last 2 or 3 hours than in the last 8 years that I have had the good fortune to serve in the Senate. Because of this, I feel compelled at least to interject a thought or two at this time.

Repeated reference was made to a letter that the Senator from Indiana addressed to his colleagues. Indeed, the Senator from Indiana did address such a letter to his colleagues, and I think the Record will show that the letter went to friend and foe alike, proponents and opponents of the amendment that is now the pending order of business. There was no effort to try to conceal this letter.

Mr. President, I ask unanimous consent to have the letter printed at this point in the Record, since it has been referred to.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 23, 1970.

Dear Senator: As you know, the Senate has been debating the question of electoral reform since returning from the Labor Day recess. The Senate already has considered S.J. Res. 1 for a longer period of time than it has devoted to the consideration of any constitutional amendment adopted in the past 100 years.

In view of a public statement by opponents of S.J. Res. 1 to the effect that they would never permit it to come to a vote, the Majority Leader was obliged to file a cloture petition. The first cloture petition failed by only six votes—a rather narrow margin considering past first attempts at cloture. Since that first vote, several Senators have indicated a willingness to consider voting for cloture but only if the Senate would make an all-out effort to debate the matter fully. I intend to see that the Senate has that opportunity.

S.J. Res. 1 was introduced in the Senate on January 10, 1969. Lengthy hearings were held on this and other electoral reform resolutions by the Subcommittee on Constitutional Amendments and by the full Judiciary Committee. The resolution, in amended form, was finally reported out of the Subcommittee on May 26 and became the pending order of business before the full Committee in September, 1969. From September, 1969, until late in February, 1970, the matter was not discussed because the Committee members had been informed of Senator Thurmond's intention of not permitting it to come to a vote.

During that period, and while the Committee was meeting during sessions of the Senate, the Committee calendar was cleared. Of course, it required the consent of the Senate to permit the Committee to meet. By the same token, when I requested permission for the Committee to meet to consider S.J. Res. 1, Senator Thurmond on three occasions interposed objections.

Finally, Senator Thurmond was forced to relent—but only after I refused to continue the practice of laying S.J. Res. 1 aside for other matters. On April 23, the Committee voted 11-6 to report favorably the direct popular vote resolution, S.J. Res. 1. After the filing of the majority report, the minority required an additional 11 weeks in which to file their views.

During the 12 days that S.J. Res. 1 has been before the Senate, I have not objected to committees meeting during the period of debate on the resolution. Nor have I objected to the laying aside of S.J. Res. 1 during the day so that other legislative matters could be considered and the calendar cleared. In short, the Senate has been afforded the unusual opportunity of conducting business as usual in the midst of a filibuster.

On three different occasions during the course of the debate I have tried to secure a unanimous consent agreement to consider any or all of the 13 amendments introduced to S.J. Res. 1. On each occasion, objection was heard. Ironically, on a number of occasions, the objecting Senator was objecting to the consideration of his own amendment. As a result, I have reluctantly been forced to the conclusion that a concerted effort is underway to deny the Senate an opportunity to vote on any type of electoral reform.

It appears, therefore, that a few of our colleagues are determined to use the rules of the Senate—which is their right—to prevent a vote on this crucial issue. Those of us who are committed to electoral reform, recognizing as we do the imminent danger of a constitutional crisis because of a malfunctioning of the present electoral system, have a sober responsibility to be as resolute in our determination to bring this question to a vote. This responsibility, as you know, weighs heavily on my shoulders as Chairman of the Subcommittee on Constitutional Amendments and as the principal sponsor of S.J. Res. 1.

After weighing this responsibility against the rush to adjournment, I have reluctantly decided to require those who are filibustering to bear the true burdens of a filibuster. Beginning tomorrow, I will object to committees sitting during the day and I will no longer consent to the laying aside of the unfinished busiess after only a few hours of speeches. The opponents of electoral reform, therefore, will be forced to speak continuously.

I recognize that this means a certain amount of inconvenience for individual Senators and for the Senate as a whole. I am hopeful that those Senators who are insistent on delaying action will realize this and permit the Senate to vote on—not necessarily for—S.J. Res. 1.

Because of my reluctance to follow this course of action and because I am aware of the hardships it imposes on you, I wanted you to know what events have transpired, thus leaving me no alternative. Again, I deeply regret the inconvenience this is causing you.

With best regards, I am
Sincerely,
Birch Bayh.

Mr. BAYH. Mr. President, the purpose of that letter was to explain to my colleagues why the Senator from Indiana was doing what he is doing. The Senator from Indiana did not take this step lightly, but only after serious consideration of the grave consequences that might befall him or the Senate or the country. Although I took this step reluctantly, once having taken this step, I am resolute in my determination to pursue this course until the matter before the Senate is presented to the Senate and we have a chance to vote on it.

I have been accused by one of my very distinguished and illustrious colleagues this afternoon of having prevented the opponents from having the opportunity to present their views. I invite anyone who reads these eloquent remarks to read back over the Record of the past 12 days or so and then judge for himself whether the Senator from Indiana monopolized the floor and prevented the opponents from having the opportunity to be heard.

Also, I invite them to investigate the accusation that I had continuously interrupted the opponents and prevented them from having a reasonable dialogue. I think the Record will put that accusation to rest. The Senator from Indiana has on occasion asked questions of his colleagues just as they have asked questions of him. Somehow or other, I thought that was the purpose of the United States Senate—to have a free discourse, a free flow of differing ideas—and I still think that such a discourse is the main vehicle we use to discuss differences and ultimately to work the will of the Senate.

I think the Record will show, for anyone who cares to peruse it, that on several occasions the Senator from Indiana suggested that, so far as he was concerned, the proponents had made their case.

Repeatedly, I have invited, and still invite those who share different views, to take advantage of the opportunity to be heard. But, I must say, and I think the Record will show, there is a little different interpretation being placed on my invitations. Our distinguished colleague the junior Senator from Nebraska, said there were eight or 10 speakers that had to be heard. But then we went for almost a week without hearing from any of them. Some opponents of the matter sat here and let the pending order of business be put aside. My good friend from North Carolina, who is an eloquent statesman and a good friend of all of us here, on one occasion even suggested that he had a long speech to make, and then, two sentences later, suggested that he did not want to take the time of the Senate on that particular occasion to make that speech. I find a little inconsistency in the argument presented by the opponents today, inconsistency in the thoughts of those who normally have great perception and great consistency. On the one hand they criticize the Senator from Indiana for suggesting that we should not put aside the pending order of business but stay here and debate it. On the other hand, the Senator from Indiana is also being criticized for having permitted the pending order of business to be put aside on previous days, thus supposedly denying us the opportunity to debate.

We have to fish or cut bait. We will either stay here and debate, or we will not. The Senator from Indiana suggests that this matter should be debated, and then we should vote it up or down.

I would take issue with the assessment that has been made by my colleagues here this afternoon that the Senator from Indiana has been arbitrary and dilatory in preventing committees from meeting, in preventing the pending order of business from being put aside, and in preventing a two-shift business from being followed by the Senate, and in stopping all the legislation.

I should like to suggest a reading of

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the rules of the Senate for the consideration of my colleagues. Rule XXV, section 5 reads as follows:

> No standing committee shall sit without special leave while the Senate is in session. . . .

That is what the Senate rule says about what is happening right now. In other words, we are following a normal course of action.

Little has been said about the fact that the distinguished Senator from South Carolina on three occasions last December actually prohibited the Judiciary Committee from meeting to consider the very matter now before us.

If one Member of this body had not stressed that the rules be complied with, we would not even be here right now. If that same person had not personally filibustered that measure in the Judiciary Committee from September to February, we would not be here right now. If we are going to abide by the rules of the Senate, we should abide by them.

If one group of opponents are going to stick to the rules, then the whole Senate should. That is why we are here. I shall not even deal with the suggestion that I am filibustering because, with all respect, it is too ridiculous to require rebuttal.

The important legislation which is before us is of significant concern to the Senator from Indiana. I have listened with amazement and concern as some of my well-intentioned colleagues have gone down the calendar. Perhaps, since they overlooked some of it, maybe they would want to put the whole calendar in the RECORD, as two or three bills were left out.

But, to suggest that the Senator from Indiana as being against motherhood, orphan children, crippled veterans, against cleaning our streams and lakes and the air—my goodness. Of course these matters are on the calendar. And they are important matters. The Senator from Indiana is extremely anxious to get down to their consideration.

But let me suggest that we will have a chance to vote on them all, as soon as these few individuals who seem to feel they have the right to deny the Senate the opportunity to vote on the pending order of business decide to stop their filibustering.

Mr. President, I ask unanimous consent that, pursuant to the questions which were raised between my distinguished friend from Alabama and North Carolina, at 2 o'clock on Tuesday afternoon next, the Senate have a final vote on Senate Joint Resolution 1.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. MONDALE). Objection is heard.

Mr. BAYH. Thank you, Mr. President.

Mr. ERVIN. Mr. President—Mr. President, will the Senator yield for a unanimous-consent request—permit me to make a unanimous-consent request?

Mr. BAYH. I would be very glad to hear the Senator's unanimous-consent request, as soon as I get through with all my own.

Mr. ERVIN. Well——

Mr. BAYH. Mr. President, I do not want to be impolite to my good friend from North Carolina, as much as I have become accustomed to the Senator's objections to my unanimous-consent requests—I think he objected to 13 being considered on each of three different occasions, but that is not a bad average; 39 out of 39 is a good record, even in the Senate. I thought, perhaps, in the ensuing period of time, he would change his mind, and his normal wisdom would surface once again and he would permit the Senate temporarily to put aside Senate Joint Resolution No. 1 until 2 o'clock on Tuesday next, and to suggest a final vote at that time, since this was suggested as a way to get some of this legislation considered. We now see that it has been objected to.

One last reference, Mr. President, as I see my 5 minutes have stretched to 7. There has been some concern about dealing with immediate legislation. There has been some reference to the fact that we cannot deal with this problem until 1976.

I do not believe that that is necessarily the case. I would be the first to suggest that we have a difficult job before us, if we are to get this enacted by the Senate, correct all the differences with the House, and then get ratification by three-fourths of the State legislatures. I, for one, do not think anything is impossible. We have a reasonable crack at each legislature. There are 46 legislatures meeting during the period of time which we specified on Senate Joint Resolution 1. Four others might indeed be meeting in special session.

The Senator from Indiana feels that the problem before us is very much like putting a shingle on a leaky roof. When it is raining and the water is pouring down, and the wall, the upholstery, the rugs, and the wallpaper and clothing are all being destroyed, then it is of fundamental importance to correct the hole in the roof. It is a crisis. But, after the rain stops, we will play golf, or mow the lawn, or do something else, because it is not leaking any more.

I suggest that we are not living up to our responsibilities unless we correct this flaw in our system right now, because the rain has stopped, or because the specter of 1968 has dimmed in our minds, or because we hope that this will not be the situation in 1972.

We must not leave it to chance, but move now, because the House has passed this by a 339-to-70 vote. It is before the Senate now. I hopefully and respectfully suggest to my colleagues that we have a responsibility to live up to the finest traditions of the Senate and provide some leadership for the country and correct this flaw now—now. Because, having gone through the ordeal of the 25th amendment, following the terrible assassination of our late beloved President Kennedy, it is the judgment of the Senator from Indiana that the election of 1968 once again pricked the conscience of the Nation and showed another weakness in our constitutional fabric.

Before the passage of the 25th amendment, a weakness existed in the presidential disability provisions. But it took a tragedy to get something done. Now that we have witnessed the near tragedy of 1968, there is heightened public interest.

The further we get from election day 1968, the less this interest is going to be felt in the country. Let me suggest that if we have a crisis, if indeed we have a repeat of 1968 in 1972 and there is a change of 40,000 votes so that a third party candidate is able to go to one of the two major party candidates and say, "What am I bid to make you President," and a deal is made in a smoke-filled room, that candidate will then become part of the government. And there is no way that we can correct that then. He will then be part of the Government structure.

It seems to me that the case is in. Let us move on.

I have spoken for 10 minutes. I hope that my friends will forgive me, after having listened to them all day, for filibustering for 10 minutes.

UNANIMOUS-CONSENT REQUESTS

Mr. ERVIN. Mr. President, I ask unanimous consent that every committee be authorized to meet tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Committee on Aeronautical and Space Sciences be permitted to meet tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, reserving the right to object, I think the Senator from Indiana has made his position very clear.

Mr. ERVIN. Mr. President, I have the floor. I do not think it is in order for the Senator from Indiana to do anything more than to object.

The PRESIDING OFFICER. Objection is heard. The Senator from North Carolina propounded a unanimous-consent request. The Chair can entertain reservations of objections at his discretion.

Mr. BAYH. Mr. President, reserving the right to object, I think that the Senator from Indiana has made his position very clear.

With great reluctance, in order to make the Senate move on the pending business, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be permitted to sit tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, reserving the right to object respectfully, pursuant to the previous explanation of the Chair. I do in fact object, with great apologies to my friend, the Senator from North Carolina, who I know is trying to pursue the business of the Senate.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services, which is charged with the duty of protecting the national security of our country, be permitted to sit tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, reserving

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the right to object, and with all deference to the importance of the security of our country, the Senator from Indiana suggests that the basic security of our country would be greatly enhanced if the Senator from North Carolina uses his influence to pass the pending business of the Senate. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Banking and Currency Committee, which is charged with the primary responsibility of keeping the dollar sound, be permitted to meet tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, reserving the right to object, and recognizing the great interest in finance of my friend, the Senator from North Carolina, and the importance of the Banking and Currency Committee, nevertheless under the previous explanation of the Chair, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, which is charged with clearing the channels of interstate and foreign commerce, be permitted to sit tomorrow notwithstanding the fact the Senate may be in session.

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana would make the observation that perhaps the commerce of the country would come to its knees if we had a constitutional crisis in which no one was elected President. Thus, I am forced to object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Indiana lose his fear of George Wallace.

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana will lose that fear automatically if the Senator from North Carolina will throw his prestige and influence behind the passage of the pending resolution before the Senate.

Mr. ERVIN. Mr. President, I cannot do that, because Senate Joint Resolution 1 is an open invitation for George Wallace and everyone else to run for President with the assurance of getting just as many votes as they receive.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senate Committee on Finance, which is charged with the responsibility of recommending legislation to obtain enough taxes to keep our Government operating, be allowed to meet tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HANSEN. Mr. President, would the Senator from North Carolina yield for a question?

Mr. ERVIN. Mr. President, I yield to my friend, the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, is the Committee on Finance the committee charged with the responsibility of considering the welfare reform proposal that has been passed by the House and which has been subscribed to by a number of Senators, I think not excluding the distinguished Senator from Indiana?

Mr. ERVIN. The Senator is correct. Not only that, but as I understand it, it has a subcommittee that has jurisdiction over veterans' affairs.

Mr. BAYH. Mr. President, if the Senator will yield——

Mr. ERVIN. Wait a minute. I would like to know what I am being asked to yield for. I have the right to the floor.

Mr. BAYH. If the Senator will yield without losing his right to the floor.

Mr. ERVIN. Mr. President, I would like to know what I am yielding for. I will yield for a question.

Mr. BAYH. Mr. President, the Senator would like to propound a question to his friend, the Senator from North Carolina. The question asked by my distinguished colleague relating to the Finance Committee has struck a compelling note of reason in the heart of the Senator from Indiana. If the Senator from North Carolina would just rephrase that unanimous-consent request referring to the Finance Committee meeting, the Senator would not object.

The Senator from Indiana would suggest to the Senator from North Carolina that if he would extend his request a bit further and ask unanimous consent that the Finance Committee be permitted to meet tomorrow, and that Senate Joint Resolution 1 be voted on finally at 2 o'clock on Tuesday, the Senator from Indiana would not object.

Mr. ERVIN. Mr. President, I want no part of such request. I care too much for the welfare of my country to make such a unanimous-consent request.

I propose again my unanimous-consent request that the Committee on Finance, which is charged with the solemn responsibility of recommending legislation which will bring into the Treasury enough shekels to keep the Government running, be permitted to meet tomorrow, notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, we live in a most troubled era in this world. It is a very precarious world. We have trouble in the mid-East. We have trouble in Asia. We have trouble looming on all horizons.

For that reason, Mr. President, I ask unanimous consent that the Senate Committee on Foreign Relations, which is charged with grave responsibilities in this field, be permitted to meet tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana might make the brief observation that perhaps our whole foreign affairs and the impression our country makes on other nations large and small throughout the world would be far greater if we had a system that guaranteed that the President would be the one who received the most votes in the election and that everyone's vote would count, and that all the people would be permitted to vote for their President.

I must respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I suggest that we need something better than Senate Joint Resolution 1. It provides that 40 percent of the votes will count and that the other 60 percent will be thrown away.

Mr. President, our great Government has to keep operating. We have to investigate to insure efficiency and economy in the field of Government operations if we are going to act wisely.

For that reason I ask unanimous consent that the Senate Commitee on Government Operations, which has jurisdiction of legislation affecting the Federal Government and the structure of the Federal Government and the power to investigate economy and efficiency in all departments and agencies of the Government, be permitted to meet tomorrow notwithstanding the fact that the Senate may be in session.

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, the Committee on the Judiciary handles more than 50 percent of all legislative proposals which come to the Senate.

For this reason, I ask unanimous consent that this important committee be permitted to meet tomorrow, notwithstanding the fact that the Senate may be in session.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana, who is a member of that committee, has not received notification that that committee has any intention of meeting tomorrow. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, while the Senator from Indiana put the objection on specific grounds, his objection prevents that committee from meeting, even though that committee might wish to meet and even though the Senator from Indiana may receive notice that it wishes to meet.

Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet tomorrow, notwithstanding the fact that the Senate may be in session.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. I object.

Mr. ERVIN. Mr. President, I make the same request with respect to the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I make the

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same request with respect to the Committee on Public Works.

Mr. BAYH. Mr. President, will the Senator from North Carolina repeat that request so that we can hear it in full?

Mr. ERVIN. Mr. President, I ask unanimous consent that the Committee on Public Works, which has jurisdiction over legislation which permits the development of our rivers and harbors and many other important public projects, be permitted to meet tomorrow notwithstanding the fact that the Senate may be in session.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, as a member of that committee, and not knowing of any planned meetings scheduled, I think it would be very inequitable to other committees if I did not object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I make the same unanimous consent request that any of these committees which may desire to meet tomorrow be permitted to meet notwithstanding the fact that the Senate may be in session.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, I have all deference for my friend from North Carolina and his deep concern that the business of the Senate be continued. Sharing his concern that present business be disposed of and believing that the present course of action is the only way to reach that goal, I object to that request.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the majority leader, if he be so moved, may be permitted to call up tomorrow the bill S. 734 now on the Legislative Calendar, a bill to revise the Federal election laws, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, as one member of the Senate, I would consider that request if and when it is presented by the majority leader. Thus, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I ask unanimous consent that the majority leader may call up tomorrow, or tonight, for that matter, S. 3785, a bill to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, with the same stipulation as before.

Mr. ERVIN. What is the stipulation?

Mr. BAYH. That the Senator from Indiana will be glad to consider that if and when the majority leader presents it to the Senate. The Senator from Indiana believes the rules of the Senate should be adhered to. Rule XXV, section 5, is clear, and the Senator from Indiana feels compelled at this time to see that we live up to that rule.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Mr. President, I make these requests to illustrate the fact that I object to action on only one resolution, namely, Senate Joint Resolution 1, until it has been fully debated. I think my unanimous consent requests clearly demonstrate that my able and distinguished friends from Indiana objects to everything.

I am reminded of the story they tell up in Mitchell County, N.C., about John Gudger. John Gudger would never agree with anybody on any proposition. He found out that cabbage did not agree with him and from then on he would not eat anything but cabbage.

I want to warn my good friend from Indiana not to get into a situation such as John Gudger got into by reason of his objecting to everything.

Mr. President, I suggest the absence of a quorum.

Mr. BAYH. Mr. President——

The PRESIDING OFFICER. Does the Senator withdraw his request for a quorum?

Mr. ERVIN. Yes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I must say I share the dedicated concern of my friend from North Carolina for the interest of our country and for the important business that the committees to which he referred contribute to the well-being of our country.

But, Mr. President, I also feel that the Senator from North Carolina is correct in suggesting that the present matter should not be considered until it is fully debated. I would suggest perhaps that we can actually fully debate Senate Joint Resolution 1 if we stop spending so much time talking about the Senator from Indiana.

Mr. HART and Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I shall disregard the counsel which has been given by the Senator from Indiana. I rise only to say that as one Senator I think the Senator from Indiana has been extraordinarily patient over these many, many months. I do not regard his actions now or at any point heretofore as arbitrary. I envy him and the quality of his patience.

Having sat with him on the Committee on the Judiciary and having attempted to support his efforts on this proposal for many, many months and having followed its slow course since then, I think the Nation is blessed in having a man of his patience and yet intense commitment.

The action we now take is the only way we have a fighting chance of permitting this body to exercise its will on a matter which I agree with the Senator from Indiana is of critical importance.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I would like to say that I think the Senator from North Carolina is a very patient man also. I think the Senator from North Carolina and those associated with him have exactly the same right as the Senator from Indiana or any other Senator to fight for those things that we think the interests of our country require we fight for.

I do not mean any criticism of my good friend from Indiana. I have been charged a number of times with objecting to his requests and I wanted to illustrate the fact that the Senator from Indiana is just as prone to object to things he dislikes.

I wish to commend the Senator from Indiana for his zeal. I have repeatedly stated he has not done a thing except what the rules of the Senate permit him to do; and we have not done a thing except what the rules of the Senate permit us to do.

I am going to respectfully suggest, without saying who is the goose and who is the gander, that what is sauce for the goose under the rules is sauce for the gander.

I do not criticize the Senator from Indiana except I do point out the difference between the efforts of those associated with me in this matter and the efforts of the Senator from Indiana. We only oppose one thing and my good friend from Indiana opposes everything except that one thing. He has a perfect right to do so. I commend him for his zeal, his earnestness, and fighting spirit. I hope to enlist his aid in some just cause in the future.

Mr. BAYH. Mr. President, I propose a unanimous-consent request that we proceed to the immediate consideration of S. 734, a bill by the Senator from Nevada (Mr. CANNON), to revise the Federal election laws, and for other purposes, and that it be voted on no later than 1 o'clock on tomorrow; and furthermore that we then proceed to a final vote on Senate Joint Resolution 1 on Tuesday at 1 o'clock.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Can a Senator propound two matters in one unanimous-consent request? The rules restrict a Senator to just one request; do they not?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that it can be done in a unanimous-consent request.

Mr. ERVIN. Is it possible, then, to interpose one objection to one part of the proposed unanimous-consent request and agree to the other part of it, because I do not object to the part of the unanimous-consent request that refers to the bill introduced by the distinguished Senator from Nevada, but I do object to the last part of the unanimous-consent request; and unless I can interpose a half objection, I shall have to interpose a whole objection?

Mr. BYRD of West Virginia. Mr. President, I object. I object only because rule

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XII would have to be waived in either case, and such waiver was not included in the Senator's request.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. BAYH. Mr. President, I appreciate the objection of the Senator from West Virginia. I think it is well taken. Of course, the same point would have to be made on a number of efforts made here this afternoon. I only pursued this course of action——

Mr. BYRD of West Virginia. No, if the Senator will yield; that same objection could not have been made to any request which I have distinctly heard since I returned to the Chamber a few minutes ago. Rule XII requires the establishment of a quorum before agreeing on a specific time or date for a final vote on a bill or joint resolution.

Mr. HANSEN. Mr. President——

Mr. BAYH. Mr. President, the Senator from Indiana has the floor; does he not?

The PRESIDING OFFICER. Yes.

Mr. BAYH. I must say the point of the Senator from West Virginia is accurately stated. Of course, the Senator from Indiana could rephrase his unanimous-consent request without specifying a time certain, but that would prove nothing.

We have gone through, if I may say this respectfully, an interesting exercise which has not proved anything except the fact that we have spent more time going through the semantics of delay than we have debating the issue before us.

With all due respect to my distinguished friend from Alabama and my distinguished friend from North Carolina—and I know they did not mean to direct any real criticism at their friend from Indiana; we have a fine camaraderie—the first half of the period this morning in which the Senator from Alabama eloquently presented his views was directed not at the issue before us, not at the need to debate the meat of the question, but at the Senator from Indiana. I am complimented by the fact that apparently I am significant enough to be the target of such eloquent discussion, but if we are going to get on with the business of the Senate, let us get on with it. Let us vote the matter up or down and let us stop playing around with it.

Mr. HANSEN. Mr. President, let me say, first of all, I very much appreciated what has been said over the days and the weeks, if indeed the discussion has continued on for that long a time, on this matter. I think it is worthwhile to take note of the fact that this is no ordinary appropriation bill. This is no ordinary authorization bill. This is no insignificant change in the law or the enacting of an ordinary law that we are talking about. We are talking about amending the Constitution of the United States, and I do not think that is something that ought to be taken lightly or ought to be resolved hurriedly or with less than full understanding.

While there may be those who contend that the efforts of some constitute a determination to filibuster, I would suggest that the public at large has indeed had occasion to study this proposal, as those of us in the Senate have. I know that a number of important columnists; I know that a number of important newspapers and news magazines, have taken positions and have spoken out with clarity and with firmness that was not exhibited earlier.

As a consequence, I do not think it has been a futile effort at all. I do not think it is an effort that ought to be concluded with less than a clear understanding by everybody in this body, because we are talking about changing an instrument that has served this country for a long, long time.

As I said earlier today, the RECORD will disclose that it has served us very well. As a matter of fact, I know of no comparable government in the world, or any nation anywhere near the size of ours, that can boast the success that is ours.

As a consequence, my belief is that a majority of the people of this country, because of this debate, are deciding whether they favor or whether they oppose Senate Joint Resolution 1. If my mail is any indication, I would say that the people of Wyoming are even more firmly convinced than they were several months ago that this proposed change in the Constitution is not in the public interest.

Rather than deplore what has been said, to make light of it, to criticize those who want to be certain that the people of this country understand, I would suggest that what we ought to do is express our gratitude to those Senators who have taken an important role in this debate, who have gone to the trouble to study the facts, to research the history, to see how our system works, and make comparisons between our system and other systems, in order that we might better understand what it is we are talking about and have a more solid basis of fact from which to make a determination as to the desirability of change.

I suspect that the cloture motion will be voted down. I suspect that if we took a vote on Senate Joint Resolution 1 itself, it would fail to get the votes required in order to submit the proposition to the people of the United States.

I have no doubt at all that, when we look back with the vantage point that time gives us, we will be pleased, indeed, that we did not hurriedly take an action which we might have regretted for a long time.

Earlier, I said one of the things I learned in the few years I have been a Member of this body I learned from the late, great Everett Dirksen. Without presuming to recall precisely what he said, he said essentially this: "I have never seen any idea whose time had arrived denied by this body because of the inability to invoke cloture. But," he said, "on the other hand, I have seen a great many issues more thoroughly debated, more clearly understood, and accommodations reached that resulted in better legislation, sounder legislation, than would have resulted had we proceeded hurriedly and without the sort of debate that characterizes the Senate as the greatest deliberative body on earth. We would have gone down the wrong path a number of times."

I think Senator Dirksen's words are just as applicable today as they were during the times when he expressed them.

With that, let me say that I am not one bit discouraged by what has happened here. I do regret that sometimes we have to go through this sort of exercise in order that everyone can understand more fully. But all I can say is that when we have something that has served the country as well as the Constitution of the United States, an instrument that historians throughout the entire world look upon with great admiration, and indeed great amazement and wonder at how those persons who framed it were able to draw it from their collective intelligence and collective wisdom and education—the variety of experiences that enabled them to hammer out something that would stand the test of time—that could be amended from time to time with these written-in safeguards, then I think we see something of the character of the instrument that we are dealing with, and we can better understand why it is important that we do not amend it hurriedly.

Mr. BAYH. Mr. President, I certainly hope that the remarks of the Senator from Indiana were not construed as in any way being critical of those who opposed his views on this particular subject, or demanded that it be discussed adequately and fully. In fact, the Senator from Indiana went through the very difficult process of objecting to those committee meetings just so that we could debate it.

What the Senator from Indiana did suggest, and what he suggests now, is that it is rather inconsistent for some Members—not including his friend from Wyoming—to have suggested, on the one hand, that the Senator from Indiana is imposing a hardship on the Senate by denying committees to meet, and, on the other hand, that he is derelict in his duty by not permitting full debate. That is exactly the nature of the remarks that were made earlier. I was said to be the one responsible for our not having full debate because I sat here 2 or 3 days, or 4 or 5 days, last week, and did not object to going on to other business; after stating that the proponents had consummated their case.

This is inconsistent, and I hope we do have a full debate. That is why we are here. I share the concern of my friend from Wyoming. Indeed, I cannot honestly say how many votes are present on final passage for this matter. But I feel we have an obligation to vote it up or down.

It seems to me, if there is wisdom in the words of our late friend and colleague, Senator Dirksen, that the filibuster rule itself is to give the country time to consider its actions on significant measures, that this test can be applied to one degree if we are debating a measure which requires 51 votes in this body, and in that case, perhaps, an argument can be made that we should have more time; but it seems a bit difficult to the Senator from Indiana to suggest that a matter that needs the votes of two-thirds of this body to support and pass it, the same

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number required for cloture, is not getting adequate protection by the number of votes required.

Furthermore, as far as the time is concerned, the Senator from Indiana would like to suggest for the consideration of his friend from Wyoming that not only do we require a higher test of support on the floor of the Senate, namely, two-thirds, for a constitutional amendment, but we require sufficient time, and the ordeal, really, of getting three-fourths of our State legislatures to ratify it.

So I would think that double test, much more strenuous than that applied to normal legislation, would cause the Senate to consider seriously the wisdom, or lack thereof, of filibustering a bill which requires two-thirds of the Senate to support it in the first place, and then the time and struggle necessary to get three-fourths of the legislators to support it.

Although I have sat through several filibusters in my period of time in the Senate, I do not recall any other time when a constitutional amendment has been filibustered.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. HANSEN. I would suggest that this, then, would afford the Senator an opportunity to tell his grandchildren of such an experience.

Mr. President, it seems to me that there is a question of semantics involved in trying to determine what is difficult, serious consideration, on the one hand, or filibustering on the other.

Mr. BAYH. I was glad to see that the Senator really did not suggest that he was participating in a filibuster, then. If that is accurate, I do not want the RECORD to show that my friend from Wyoming really believe what is going on now is a filibuster.

Mr. HANSEN. Mr. President, I will leave that to the historians and the press to determine.

Mr. BAYH. I think they will speak eloquently of what has been said, so I shall not pursue the matter further.

Mr. ERVIN. Mr. President, so that Senators may understand, I would like, for the RECORD, to explain the difference between a filibuster and an educational debate.

If those who are delaying matters and those who are speaking at length have views which are similar to yours, it is an educational debate. If those who are delaying matters and speaking at length express views dissimilar to yours, it is a filibuster.

So, by that criterion, I would submit that the Senator from Indiana is correct; since we have expressed views contrary to his, it is a filibuster, but since he expresses views contrary to those of the Senator from Alabama and myself, the filibuster is on the other side and the educational debate is on our side; and that makes the whole problem just as simple and understandable as the noonday sun in a cloudless sky.

But the fact remains that I have asked for unanimous consent by the Senator from Indiana, and I have been sharply criticized for so doing. The fact remains that those who are associated with me are opposed to an immediate vote without adequate debate on one proposition only: Senate Joint Resolution 1. My good friend from Indiana, acting perfectly within his rights, has objected to everything else. That is a fact, and I am saying it in the best of humor. I am not exasperated. I am bound to say, though, that from the standpoint of onlookers, it may appear like the fellow up in Watauga County, who went down to county court, and they told him before he left to come back and make a report on court that night at the neighborhood store.

They asked him that night how it was, and he said, "There was the judge, sittin' up high, just like he was the presiding officer; and there was the jury; and there was the witnesses and the parties; and there was the lawyers. Some of the lawyers was objectin', and the others was exceptin', and the costs was pilin' up."

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE M, 91st CONGRESS, SECOND SESSION

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive M, 91st Congress, second session, the Nice Agreement Concerning the International Classification of Goods and Services to Which Trademarks Are Applied, signed June 15, 1957, and a copy of that agreement as revised at Stockholm July 14, 1967, transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. MONDALE). Without objection it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith a certified copy of the Nice Agreement Concerning the International Classification of Goods and Services to which Trademarks are Applied, signed June 15, 1957, together with an English translation thereof, and a certified copy of that Agreement as revised at Stockholm July 14, 1967, together with an English translation thereof. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Agreements.

The organization set up by the Agreement is responsible for establishing an international classification of trademarks used in over 60 countries. It is important from the standpoint of the interest of trademark owners and from the standpoint of effective government administration of its trademark functions that the United States accede to the Agreements so that it may participate as a member in the organization.

I recommend that the Senate give early and favorable consideration to the Agreements submitted herewith and give its advice and consent to accession.

RICHARD NIXON.

THE WHITE HOUSE, *September 24, 1970.*

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 48 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 25, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 24, 1970:

ASIAN DEVELOPMENT BANK

Artemus E. Weatherbee, of Maine, who was confirmed by the Senate September 1, 1970, as U.S. Director of the Asian Development Bank, to serve on the Bank with the rank of Ambassador.

U.S. DISTRICT COURTS

Edward R. Becker, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania, vice a new position created under Public Law 91-272 approved June 2, 1970.

U.S. COAST GUARD

The following named officers of the Coast Guard for promotion to the grade of lieutenant commander:

Michael J. Schiro
Richard V. Consigli
Clifford E. Banner
Thomas F. McGrath III
Phillip J. Bull
Michael H. Dennis
Alvin Cattalini
Carl D. Bossard
Gary F. Van Nevel
Clinton H. Smoke, Jr.
Frank A. Boersma
Richard S. Bizar
Roger W. Bing
Joseph B. Coyle
William R. Wilkins
George J. Thompson
Arden B. Chittick
William J. Minor
Joseph W. Lersch
Gerald F. Woolever
Nelson H. Keeler, Jr.
James L. Webster
Harry T. Suzuki
Robert A. Major
C. Richard Mockler
Warren D. Snider
Robert L. Vence, Jr.
Gill R. Goodman
Howard B. Gehring
Richard L. Devries
Thomas D. Fisher
George J. Buffleben, Jr.
Robert P. Dickenson
Billy W. Richardson
David J. Connolly
Robert L. Kuhnle
Virgil F. Keith, Jr.
Harry D. Nelson
Karl L. Reichelt
Richard A. Walsh
William B. Waff
John E. Lindak
Harvey F. Orr
David A. Young
James J. Lantry
Kent M. Ballantyne
Philip R. North
Charles B. Mosher
George H. Brown III
John W. Greason
Robert G. Bates
Rudy K. Peschel
Robert E. P. Fenton
Michael J. Jacobs
William M. Baxley
William A. Caster
Arthur B. Shepard
Peter C. Busick

William D. Bechtel
Daniel K. Shorey
Jeffrey D. Hartman
Ernst M. Cummings
Denis J. Bluett
Edward E. Demuzzio
John D. Adams
Jan F. Smith
Charles E. Haas
Dana W. Starkweather
Roger W. Hassard
David L. Andrews
James F. McCahill, Jr.
Barham F. Thomson III
Nicholas H. Allen
Richard J. Heym
Anthony R. Adams
William A. Monson
James C. Haldeman
Karl W. Mirmak
Gerald D. Mills
Lyman B. Norton
Lynn M. Brown
Phillip J. Kies
Monette B. J. Ratcliff
Virgil J. O'Grady
Dale W. Johnson
Charles L. Gomez
Jacob P. Aucoin, Sr.
Howard H. Lindsay
Thomas E. Brown
John P. DeLeonardis
Frederic J. Grady III
John W. Lockwood
Charles W. Peterson
Marion T. Tilghman
Charles A. Carleton
Roderick Martin III
Warren A. Baker
Martin F. Heatherman
William H. Solley, Jr.
James C. Quinn
Conley D. Nelson
Barrett T. Beard
Richard J. Zwally
Morgan C. Hutto, Jr.
Gilbert Shaw
George G. Bannan
Charlie R. Polly
William F. Queen
Wilbur J. Davis
Jesse H. Burgess
Marion O. Simmons
Calvin W. Pratt
John E. Dunn
Thomas E. Bockman
Edmond R. Harless
Jackie S. Thornhill
William L. Taylor
Francis J. Taddei
Homer T. Austin, Jr.
Chester R. Brooks
Melvin W. Ellis, Jr.
Edwin M. Smithers
Penrose C. Dietz
James J. Burley
Raymond E. Aholt
Frank J. Miller, Jr.
Patrick J. Mahon
Robert C. Sachs
John P. Hart, Jr.
Clarence L. Miller
William M. Rickett
Mario J. Camuccio
Ellsworth N. Slater
Richard J. Kilroy
Warren B. Barrett
Cluese Russell
Charles R. Wilson
John H. Wiechert
Donald D. Luedke
Dalton L. Burrus
Sewell G. Loggins
Bobbie L. Bentley
Allie C. Woodcock, Jr.
Conrad A. Pasbrig
Charles M. Saylor
Harold T. Collins
William H. Speas
George R. Thomas
Alfred T. Wilcox
Hugh A. Dayton
Edward L. Weilbacher
Roger R. Roznoski
Richard R. Bock
Alfred W. Harrell
James L. Van Horn
William A. Swansburg
Donald P. Billings
Robert D. Weddell
Donald J. Strathern
Jack W. Wroton
Dennis R. Kay
David A. Meadows
Richard G. Gobble
Robert C. Wright
Harold D. Willis
Roger W. Allison, Jr.
Gerard Barton
Karl A. Luck
Gary T. Morgan
Joseph A. Fullmer
Milton C. Richards, Jr.
Frederick H. Clausen
Paul A. Dux
Lawrence A. Minor
William N. Zensen, Jr.
David O. Drake
Robert L. Armacost
Kurt G. Zimmerman
John N. Naegle
Morris D. Helton
David E. Clements
Norman T. Saunders
John R. Harrald
James C. Card
Richard D. Herr
Michael B. Stenger
Galen R. Siddall
Ray E. Henderson

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Captain to major

LINE OF THE AIR FORCE

Aaron, George B., 450440448.
Abbott, Wayne T., 440305115.
Abell, Maurice A., 217243568.
Acker, William L., Jr., 314323900.
Adams, James H., 574101776.
Adams, Thomas R., 528408902.
Adams, Willis A., 452583006.
Adamson, Cecil L., 725018425.
Agar, James R., 028201784.
Agniel, David B., 486341109.
Ahlborn, John F., 183266860.
Aho, Arthur C., Jr., 561469286.
Ahrens, Arthur H., Jr., 136325201.
Aird, Donald W., 394345093.
Akerlund, Edward T., 474342814.
Akers, Ronald L., 542388476.
Albertson, Robert L., 155267204.
Albrecht, John R., 397326125.
Albrecht, Ronald L., 008245127.
Alexander, Jimmie M., 456564612.
Alexander, John C., 489382836.
Alkire, Melvin G., 216321998.
Allen, James R., 480284043.
Allen, Jimmy W., 438449409.
Allington, Maynard F., 545365222.
Althouse, Clyde R., 202188328.
Ames, Ivan G., 109268229.
Anaclerio, Michael, 266583586.
Anderson, Alan H., 008266829.
Anderson, Arthur D., 063288658.
Anderson, Floyd R., 573427949.
Anderson, Gerald M., 156267362.
Anderson, Jack E., 458542183.
Anderson, John S., 251522767.
Anderson, John J., 173224687.
Anderson, Melvin J., 067268455.
Anderson, Philip J., 499345653.
Andrews, John F., 311305952.
Anelli, John W., 095283272.
Angell, Jerry W., 074283969.
Arbuthnot, Alfred H., 543321129.
Arceneaux, Francis X., 436526433.
Archie, Charles E., 242501505.
Armitage, Merlin E., 392268574.
Armstrong, Frederic C., 549380903.
Arnold, Lawrence D., 301284255.
Ashley, Donald L., 248423574.
Attarian, Peter J., 433580108.
Aunan, Wallace N., 728050839.
Austin, James T., 577444818.
Austin, Randall R., 314303419.
Autery, Clarence R., 459544896.
Baca, Manuel J., Jr., 525547434.
Bachem, Fritz M., 578506881.
Bachman, Ronald L., 392362510.
Backhaus, George J., 129260893.
Bailey, Bruce M., 425661869.
Bailey, Jackie L., 465287015.
Bailey, Paul D., 540381583.
Baird, Orville B., 405481801.
Baisden, Kenneth W., 477301119.
Baker, Duane A., 536324112.
Baker, Hugh H., 243423021.
Baker, Robert L., 006267236.
Baker, William E., 317348954.
Bale, William F., 301280206.
Balent, John D., 380340055.
Ball, James P., 547422104.
Ballot, Charles J., Jr., 419323953.
Balo, Ronald L., 277306860.
Banaszak, Jerome J., 132261565.
Banholzer, Alfred E., II, 287302470.
Banner, Hastings W., 230367801.
Bannon, Paul W., 417449746.
Banta, John W., 317403479.
Barbel, Richard C., 335307404.
Barbera, Richard V., 201222760.
Barckhoff, Richard L., 162262494.
Barger, James S., 094203235.
Barikmo, Norman M., 386326197.
Barker, Cole W., 565447547.
Barlow, Robert C., 461560858.
Barnes, John C., 233547495.
Barnes, Kenneth C., 537262934.
Barnes, William A., 527500986.
Barnt, Pat E., 551386098.
Barrett, Archie D., 460460040.
Barrett, John C., 579344118.
Barrett, Russell W., 565308512.
Barry, Daniel P., 542408042.
Bartholomen, Charles W., 516366587.
Bartholomew, Frank C., 543347964.
Bartlett, Henry C., Jr., 003260109.
Bartlett, Ronald A., 459520643.
Basel, Gene I, 531326899.
Bass, Stanley A., 578465310.
Bateman, Richard W., 450488890.
Bateman, Robert P., 081288902.
Bates, David B., 726079966.
Bates, John A., 581340751.
Bates, Neil G., 251643500.
Bath, William J., 261446496.
Bathke, Robert K., 468340470.
Batts, James S., 242543152.
Baughman, Harry H., 401402354.
Baumann, Paul K., 145268419.
Baumann, Paul A., 533306926.
Baumann, Walter G., 342208472.
Bavousett, Conrad L., 525563605.
Bays, Brooks G., 450487455.
Beale, Robert E., 309346423.
Beard, John R., 391323118.
Beckett, Roderick G., 562441273.
Beckett, Ronald C., 562441272.
Beckhan, Donald D., 249480222.
Beers, Alva E., 294285342.
Began, Robert J., 113245094.
Belcher, Ronald H., 335309033.
Bell, Billy N., 492269034.
Belles, Robert G., 564448244.
Belt, Robert K., Jr., 481384411.
Benjamin, Arthur J., 041286776.
Bennett, Richard L., 102268189.
Bennett, William T. Jr., 144260417.
Benoit, Harold H., 43350406.
Benson, Richard L., 287323166.
Bentley, James H., 447282071.
Bentz, Glen A., 530249586.
Bergman, Erwin, 552501919.
Bernd, David P., 207281023.
Bernert, George W., 539322463.
Berry, Stanley D., 478387238.
Berthold, Hubert M., 400407284.
Bice, Don L. F., 532522098.
Biehn, Donald R., 542369607.
Bigelow, Daniel J., 292300480.
Billett, Roger H., 473322097.
Bilyeu, Lowell D., 344262275.
Bingham, Jack E., 267486910.
Bishop, Erastus N., 721124268.
Bishop, Richard F., 376282835.
Bishop, Ronald J. B., Jr., 206260329.
Bishop, Warren E., 514327999.
Bithell, Wayne, 528383739.
Bitner, Ludie W., 464487538.
Blanch, Claude C., 529387434.
Blankenship, Jesse L., 420401495.
Blanton, William I., Jr., 249409288.
Blaylock, Bobby G., 437401018.
Blevins, Edward A., 215389775.
Blinn, Donald E., 482401298.
Blom, Roger L., 438500649.
Bloomfield, Robert E., 310321150.
Bloss, Stephen R., 512306408.
Blough, Carl W., 165282372.
Boatwright, Charles A., 252506241.
Bodington, Mountford E., 039184703.
Boggs, James A., 234543091.
Bond, Parker L., 441321450.
Bond, Ronald A., 276287736.
Bonner, William T.,. Jr., 138285819.
Bonnette, John C., 433501314.
Boone, Daniel W., 096221149.
Boone, James L., 462301511.
Boothe, Kenneth W., 441281628.
Borie, Charles E., 401503024.
Boucher, Raymond E., 032247493.
Bourcier, Lucien E., 036240447.
Bourgeois, Gerald F., 436444536.
Bowen, Phillip K., 363325941.
Bowie, Donald A., 218302556.
Bowlden, Max S., 529388394.
Bowles, Neil H., 501341114.
Bowman, Robert G., 404449213.
Boyd, John T., 261547668.
Bozeman, Gerald E., 251446786.
Bradbury, John N., 099284172.
Braden, Courtland R., 485300709.
Bradley, Edgar A., 436404109.
Bradley, Martin G., 085288114.
Bradley, Mitchell H., 419405184.
Bradley, Olin H., 458542278.
Brammer, John E. II, 287281932.
Branan, Carl K., 265506579.
Branby, Harlan E., 473322600.
Branch, Leonard J., 376264504.
Branham, Ruel K., 313329592.
Brant, Raymond F., 372346928.
Bratcher, Raymond E., 428429558.
Braue, Harold L., 156268798.
Braun, Cecil O., 563407681.
Brauner, Henry P., 154281691.
Brazell, Lee M., 511241485.
Brazelton, Douglas W., 461408091.

XUM

Breaud, Alfred A., Jr., 433487926.
Brecher, James D., 332260103.
Breckenridge, James A., 090268003.
Breedlove, William O., III, 452481606.
Breen, Andrew J., 118261786.
Brehm, Richard L., 506369509.
Brent, Frank N., Jr., 227423067.
Brestel, Max C., 505329385.
Brewer, George A., III, 465487030.
Bright, Mahrion R., 559400723.
Brininstool, Edward P., 525662026.
Britos, Peter J., 576306734.
Broers, Deryl D., 350246816.
Broske, Bernard J., 289280255.
Broussard, Ray E., 439462968.
Brown, Charles L., 304366665.
Brown, Clarence E., Jr., 246481330.
Brown, Donald E., 309306271.
Brown, James T., Jr., 579486605.
Brown, Richard A., 465483037.
Brown, Robert M., 159242645.
Brown, Troy M., 269263868.
Brown, Wallace E., 529367144.
Brumley, Wendell E., 552406532.
Bruno, Donald J., 111246424.
Bryan, Kenneth D., 311246815.
Bryant, James W., 524308524.
Bucciarelli, Marco A., 051266190.
Buchanan, Frank A., 432567775.
Buckland, Frank P., Jr., 533362360.
Buddi, John F., Jr., 264502425.
Budzowski, Benjamin M., 174246554.
Bugge, John E., 546429692.
Buglewicz, Francis J., Jr., 508344006.
Bullard, Stanley G., 420469930.
Bumgarner, Robert R., 240363520.
Bunten, Laurie A., 521400358.
Buoni, Frederick B., 153284144.
Burdick, Martin M., 215324078.
Burger, Jack T., 217326216.
Burnthorne, Bryan R., 438444958.
Burress, William R., Jr., 248588321.
Burton, Richard L., Jr., 009147870.
Busbee, John H., 465486292.
Bush, Clarence H., Jr., 224342833.
Bush, Kenneth, 128261055.
Bussard, Neil C., 557485406.
Bussell, Gerald Q., 265566923.
Bustle, Lawrence E., Jr., 263604301.
Butkewicz, Peter J., 204264708.
Butler, Gregory J., 045280540.
Butschek, Robert J., 457520821.
Byrd, William C., 412462587.
Byrus, Robert L., 481386673.
Cadieux, Ronald A., 027260903.
Caley, Don C., 310303845.
Calkin, Maynard S., Jr., 193248561.
Callis, David M., 423443155.
Calvert, Donald R., 311327049.
Campbell, Bart C., 453446207.
Campbell, Edward F., 041266149.
Campbell, Ralph N., 511303190.
Cannon, Daniel P., 175266707.
Cannon, John W., 414564254.
Cantrell, Edwin B., III, 464444164.
Cappel, John J., Jr., 295327476.
Carleton, Joseph M., Jr., 111280745.
Carlson, Donald C., 369322869.
Carlson, Milo L., 308347558.
Carlton, James E., 537280452.
Carney, Jack L., 446342424.
Carnochan, John A. F., 139260900.
Carroll, Gary K., 298302079.
Carroll, Harvey C., Jr., 242481550.
Carskadden, Thomas H., 536328988.
Carson, Harold E., Jr., 005305151.
Carter, Donald M., 251529274.
Carter, Robert D., 245608408.
Carter, William T., 259483339.
Caruso, David, 272301151.
Casari, Guido J., Jr., 181265331.
Cassell, Gerald G., 229344833.
Cassell, James D., 225381430.
Cassidy, Philip E., 058269844.
Castleberry, Allan R., 440304507.
Cataldi, Robert R., 146240448.
Catalfamo, Philip J., 094263866.
Cattee, Eugene P., 273289849.
Celick, Janet R., 542308705.
Centofanti, Joseph J., 051287653.
Chadwick, Peter D., 043263890.
Chambers, Jerry L., 445346394.
Chambers, William R., 426569164.
Chance, Victor P., 429583497.
Chaney, Clyde, 402484416.
Chansler. William A., 315302950.
Chapin, Charles T., 172288308.
Chapman, Willard T., 242466506.
Charles, Cecil M., 579461990.
Chase, Arthur L., 466467393.
Chase, Franklin L., 032249342.
Chase, Paul N., 426687845.
Chason, Lloyd R., 245422053.
Chavez, Gabriel V., 516382211.
Chesley, Paul L., 578404445.
Chiapetta, Richard L., 514249732.
Chilbert, Dominic F., 088181249.
Ching, Norman Y. S., 575301991.
Chiorino, Silvio B., 556467916.
Christensen, Gary W., 535308327.
Christensen, Merton J., 506383423.
Christensen, Richard W., 538326340.
Christie, Vern W., Jr., 232508504.
Christman, Donald O., 282283903.
Christy, Frank J., 417405180.
Church, Larry D., 519322391.
Ciambrone, Thomas W., 107265343.
Cilek, George R., 480340683.
Clair, Carl F., 007302558.
Clark, Charles R., 433505948.
Clark, Chester G., 467500578.
Clark, Don A., 528341446.
Clark, Edwin H., 349283549.
Clark, Gaylord W., 232384913.
Clark, Milton M., 448286089.
Clark, Phillip D., 314327702.
Clark, Robert N., 251580303.
Clark, Thomas S., Jr., 478363114.
Clark, William R., 425584624.
Clarke, David K., 101281819.
Clarke, Herbert F., 224408345.
Clarke, William D., III, 265502942.
Clay, Wayne J., 232460931.
Claymore, Paul T., 503307526.
Clearly, John J., 476303531.
Cleary, Patrick J., 473346538.
Clements, Douglas M., 096262923.
Clendennen, Darby L., 449584029.
Clum, Alfred D., 510308711.
Coats, George E., 418367787.
Cobeil, Earl G., 364327201.
Cochrane, John H., 577467634.
Cockrell, Allen A., 467404780.
Coffey, Robert T., 186282012.
Coker, Walter J., III, 424384346.
Coldwater, Robert E., 450566672.
Cole, Alan R., 348321113.
Coleman, Charles E., 460365455.
Collipi, Thomas C., 568425230.
Colton, Thomas A., 545422841.
Colyer, James A., 316344731.
Combs, Kenneth O., 296223930.
Comeaux, Paul C., 439389589.
Cone, Ronald L., 515302522.
Confer, Marion E., 479460778.
Connett, David C., 448302955.
Connolly, Keith B., 521368817.
Connolly, Michael F., 201268974.
Conover, Laurence W., 567405021.
Cook, George E., 309346493.
Cook, Tom R., 538364983.
Cook, William A., 420381553.
Cooke, James D., 566405891.
Cooke, Lowell T., 234409835.
Cooke, Ralph M., 406386100.
Cool, Gary D., 511286674.
Cooley Anthon E., 529401363.
Cooley, Robert B., 527400440.
Coolidge, John K., 462424207.
Cooney Joseph E., 543369537.
Cooper, Leroy D., 282245455.
Cooper Sheldon H., 074269449.
Coote, William A., 064281640.
Copley, James E., 516381805.
Corbett, James A., 141268174.
Corder, Charles V., Jr., 578442696.
Cordes, Robert A., 139263547.
Corley, Parris L., 251540287.
Cormier, Johnny E., 466341140.
Cornelison, Walter C., Jr., 449487744.
Corroon, Thomas F., 017285250.
Corry, George R., 045261161.
Corser James B., III, 463446487.
Coss, Donald L., 523324582.
Costas, William T., 247463310.
Costello, Raymond P., 524386096.
Costin, James L., 516349036.
Cothran, Thurman D., Jr., 251464795.
Couch, Joel M., 229340626.
Coursen, Franklin H., 151267455.
Couture, Donald J., 302289835.
Couture, Marcel A., 002243607.
Cowdrey, Donald H., 549506182.
Cox, Billy W., 428567807.
Cox, Hugh L., III, 455428325.
Cox, James W., 314324680.
Cox, Thomas A., 449443675.
Coyle, Francis N., 023204897.
Coyle, Harold S., Jr., 118306358.
Coyle Ronald P., 117266877.
Craft, Richard L., 405408720.
Craig, James T., Jr., 456504562.
Crawford, Gerald P., 352262186.
Crawford, Harold R., 189288399.
Crawford, John R., 460442598.
Cribb, Donald R., 238506426.
Crist Robert B., 521401132.
Critchley, Harry R., Jr., 104286012.
Crochet, Alex P., Jr., 438482320.
Crochet Calvin J., 438507702.
Croft, Eldred C., 420368790.
Crook, Richardson H., 267444791.
Cross, Charles A., 292283260.
Crowley Richard T., 138245593.
Croxton, Donovan C., 551364233.
Crum, Fred B., 443409132.
Crumroy, Otto F., Jr., 543342618.
Cudahy, George F., 396288794.
Cudmore, William T., 015267079.
Cummings. Paul, 387283933.
Cunningham, William F., Jr., 274289947.
Cuny, Leroy G., 439442248.
Curtis, Alan M., 529424134.
Curtis, Billy A., 429581581.
Cushenberry, Anthony S., 438442696.
Custer, Gomer C., 450505657.
Cutler, Harold G., 528345000.
Cyrus, Jack R., 234502762.
Dabbs, Travis D., 450586750.
Dabrowski, Charles T., 357287811.
Dahl, Sigvard, Jr., 532287443.
Dalfonso, Edward V., 172240299.
Dalton, Donald J., 478269049.
Damoth, Donald R., 114289691.
Daniels, Preston J., 326264546.
Darcey, Edward H., 577464606.
Darden, Henry R., Jr., 258507581.
Davenport, Ronald L., 449508752.
Davey, Thomas J., Jr., 556404888.
Davidson, Alfred H., III, 234463759.
Davis, David L., 497347020.
Davis, Donald H., 556446679.
Davis, Duane M., 309345356.
Davis, Eddie R., 527360948.
Davis, Edward K., 243464987.
Davis, Harland M., Jr., 145288031.
Davis, James E., 423304110.
Davis, Jon L., 324269367.
Davis, Melvin T., 193201841.
Davis, Samuel J., II, 249445591.
Daye, Jerry G., 245466752.
Dayton, Thomas E., 063269183.
Deal, Kenneth L., 519362514.
Deans, William R., 237460730.
Deardorf, Eldon N., 524386272.
Deas, Robert S., 439484925.
Debolt, James G., 321265719.
Deering, Philip A., 006328066.
Dees, Buddy E., 411521718.
Defer, Richard H., 384280068.
Degraaf, John D., 480381566.
Deken, George T., 290303605.
Dekeyser, Bernard R., 357305037.
Delashaw, Tho B., III, 455528651.
Deloach, William A., Jr., 456501723.
Demchuk, Sergi L., 119263712.
Demichieli, Lino F., 311306408.
Dempsey, George F., 321267304.
Denard, James M., Jr., 460482127.
Denham, John H., 520324266.
Dennehey, Joseph J., Jr., 009183729.
Dennis, Joseph K., 283286836.
Denton, Murray B., 454422962.

XUM

Depoorter, Win E., 409522566.
Derbyshire, Ronald E., 563440904.
Derrick, Elbert D., Jr., 537289829.
Derrick, Thales A., 528447443.
Desenfants, Robert E., 344263444.
Desmond, William B., Jr., 504286556.
Devito, Peter A., 128267957.
Devoe, Frederic A., Jr., 085265256.
Dibble, Hugh W., 048227388.
Dickens, Irvin D., 536346620.
Dickens, Milford L., 319248806.
Dickensheets, Richard E., 382349134.
Dickinson, Arthur L., Jr., 439444680.
Dickson, William E., Jr., 417348526.
Dietz, Albert E., 177269853.
Dillman, Laurie E., 525609236.
Dillon, Harley L., Jr., 466644766.
Dillon, Richard T., 118220471.
Disteldorf, Bernard N., 473367758.
Dixon, Walter J., 202267877.
Doby, Herb., 540324518.
Dolan, William G., Jr., 564389676.
Dolby, Robert C., 300280994.
Donaldson, Charles A., 339287059.
Dondero, David E., 140244167.
Donley, Jack E., 554441996.
Dooley, Thomas J., 035248251.
Dorazio, Silvio L., 009228953.
Douglas, Arthur E., 221165660.
Douglas, McCleary A., 569425055.
Dowell, Michael T., 195269036.
Downey, James L., 313328434.
Downey, Laurence R., 535301028.
Downing, Wayne E., 330287273.
Drexel, Anthony J., IV, 052308193.
Driscoll, Bruce H., 569406274.
Dubiel, Joseph J., 042264107.
Duboise, Donald E., 445322239.
Ducote, Richard J., 226428265.
Dufresne, Ronald C., 516364148.
Duggan, William Y., 453507757.
Duke, Charles M., Jr., 251643502.
Dundervill, Robert F., Jr., 259440760.
Dunham, Norbert D., 378349374.
Dunham, Robert A., 578445997.
Dunlosky, Anthony W., Jr., 200269003.
Dunn, Alden D., 101282412.
Dupont, Joseph, Jr., 039227261.
Durivage, Henry J., 034261923.
Dutt, Wendell A., 512281656.
Dwinell, Donald W., 536320511.
Dwyer, Gerald T., 052283600.
Dwyer, James P., 029247125.
Dwyer, Paul H., 478383473.
Dyke, Frank P., 430566816.
Eakin, William L., 462466580.
Eary, Verla O., Jr., 235523891.
East, Roger W., 256386223.
Easthom, James M., 308280139.
Ebert, Hugh D., Jr., 228420219.
Eden, Thomas D., 030249061.
Edinger, Robert G., 083267605.
Edler, Allan L., 488348031.
Edmundson, Johnny H., 237462838.
Edstrom, John K., 469382409.
Edwards, Donald H., 412548640.
Edwards, John R., 425642573.
Edwards, Richard D., 468328197.
Edwards, Robin W., 449647284.
Edwards, Roger S., 513281364.
Egel, Robert W., 077308317.
Ehrenfried, Charles E., 302286974.
Eibach, William J., 546446719.
Einsel, Willis E., 289362903.
Elder, Robert E., 462443556.
Eldridge, George E., 478383730.
Eliason, Norrell B., 518447699.
Eller, James M., 193280147.
Ellingson, Richard K., 544367982.
Ellis, George J., Jr., 062267964.
Ellis, Luard L., 478407454.
Ellis, William E., 178244567.
Elmer, Donald W., 397344502.
Elsby, C. N., 395323550.
Ely, Arben R., Jr., 540361617.
Emory, James W., 250464992.
Engebretson, Roger W., 501305526.
Engel, Carl R., 543360464.
English, Delmar L., 328346494.
Ennever, Robert O., Jr., 153269586.
Ensslin, Kenneth C., 145285508.
Epifani, Louis R., 561440589.
Erhart, Robert J., 552446077.
Erickson, Donald E., 560364443.
Erni, Charles A., 566483276.
Essmeier, Charles T., 439462517.
Evans, Asa L., Jr., 250604426.
Evans, Donald F., 429649362.
Evgenides, Constantine N., 080261972.
Ewald, Clarence J., 309345762.
Ewing, Robert G., 488340206.
Fabyanic, Thomas A., 166268093.
Fair, John C., 472326291.
Fake, Mary L., 449621196.
Fanelli, William B., 264601813.
Farina, Anthony F., 041264654.
Fant, Rodney E., 349224200.
Farris, Jack K., 396380881.
Farthing, Fred G., Jr., 229368678.
Faseler, Marion C., 458462301.
Featherston, Norm F., 307340453.
Feddern, Louis F., 406422014.
Federici, Fred J., Jr., 525646060.
Feliciano, Neri A., 100282195.
Fenstermacher, Gene, 468248768.
Fergus, John E., 571403040.
Ferrell, Richard O., 523408310.
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Field, Robert W., 533309696.
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Fischer, Sherril H., 073280095.
Fiscus, John E., 199267635.
Fisher, John D., 312342790.
Fisher, Robert B., 213344209.
Fitzgerald, Byron S., 563423459.
Fitzgerald, Donald N., 104245075.
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Flanagan, Joseph J., 140264178.
Flanik, Roger J., 261483295.
Fleckenstein, John F., 332282204.
Fleitz, Richard A., 271263728.
Fleming, Leon P., 265448203.
Fletcher, Carlos E., 232344747.
Fletcher, Gailon K., 463444062.
Flora, Earl L., 405383569.
Flora, Roger T., 402445312.
Flowers, Kenneth H., 454525385.
Fluhr, James F., 144261602.
Fobair, Roscoe H., 557401849.
Foote, John A., Jr., 241486934.
Foray, John, 135248732.
Ford, Joseph S., II, 242482026.
Ford, Laymond N., 465489704.
Ford, Richard T., 007261920.
Forrest, John G., Jr., 204288463.
Forshag, Donald E., 433528407.
Forsyth, Milton D., Jr., 332280457.
Fosse, James M., 359244994.
Foster, Harl R., 452325098.
Foster, Royal E., Jr., 573404740.
Fowler, Charles W., 214364977.
Fox, John F. C., 501263905.
France, John B., 503342967.
Franco, John J., Jr., 428646222.
Franco, Joseph M., Jr., 556482100.
Franell, Josep E., Jr., 121240851.
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Frazier, Lester G., 523447447.
Freathy, Frederick C., Jr., 369342297.
Fred, Richard E., 337286021.
Freed, Darryl W., 483348143.
Freeland, Edward L., 422425688.
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Freeman, David E., 421487396.
French, Harry L., 309341051.
Frick, Glenn E., 221204797.
Friesel, Clarence E., 182283062.
Friesen, Don D., 513300724.
Frisbee, John A., 263429697.
Frische, Norbert W., 358268372.
Fruehauf, Benjamin F., Jr., 380300221.
Fry, Robert S., Jr., 567381316.
Fuhrman, Richard, 193288443.
Fujimoto, Leslie I., 576244783.
Fuller, Glenn L., 442348864.
Fuller, Hughie E., 481382491.
Fullwood, Robert G., 506347323.
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Gaffney, Robert F., 507364488.
Gage, Robert G., 213262000.
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Galbraith, James L., 251462388.
Gamble, Wayne W., 485325629.
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Gano, Donald W., 538282366.
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Gapp, Frank, J. E., 468400859.
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Gardner, Richard A., 030224536.
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Gary, Roger O., Jr., 455407839.
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Gasior, Kenneth V., 141262579.
Gates, Leo V., II, 323265311.
Gauthier, Ralph A., 372347442.
Gebhardt, Kenneth N., 385325728.
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Geiger, Oswald T., Jr., 266466654.
Gentry, Charles W., 234487232.
Gentry, Jerauld R., 444304841.
Gerber, Gerald A., 482381360.
Gerding, Jay D., 282301290.
Gerhardt, Richard C., 139225364.
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Gingrich, Charles E., 185281790.
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Glazier, Dean H., 002281900.
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Gober, Edmund S., 209162806.
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Gomez, Ben I., 454421290.
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Grizzard, John L., 227421782.
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Groves, Louise L., 427382340.
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Honan, Martin F., Jr., 142266658.
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Hooker, Charles W., 427626152.
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Houston, Albert C., Jr., 183245354.
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Howard, Garnet R., 230304485.
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Hubert, David C., 168265967.
Huffman, Elmer E., 496327478.
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Huston, Richard C., Jr., 263406166.
Ingle, Jack C., 231380519.
Inouye, Roy H., 576287871.
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Jacoby, Jackie L., 373323510.
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James, Richard S., 245482942.
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Jones, Richard A. 393305960.
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Jordan, Jennie R., 239504631.
Jorgensen, Robert L., 527487644.
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Jowers, William L., 214326042.
Jowett, Francis W., Jr., 452324883.
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Keating, Michael R., 396380739.
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Kibbey, Richard A., 097263826.
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Lee, Charles S., 185287886.
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Malaney, James C., 106283628.
Mallette, Elmer, Jr., 313266814.
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Marks, Donald L., 285323303.
Marks, Samuel J., 215301829.
Markwood, Calvin H., 522442423.
Marshall, Patrick G., 450503548.
Martin, Jerome J., 187220986.
Martin, Jimmie D., 443306094.
Martin, Paul H., 403467642.
Martin, Robert L., 483309649.
Martinez, Ruben H., 573301973.
Martinson, Otto B., Jr., 227324391.
Martucci, Louis M., 070262270.
Masino, Thomas R., 104265148.
Mathieson, William J., 015289430.
Matthews, John A., 188285935.
Matthys, Leroy D., 460460309.
Maves, Roger E., 349224145.
Mavrotheris, Nicholas A., 213304333.
Maxwell, Donald J., 301284214.
May, Hollis B., Jr., 243387561.
May, Robert E., 265585037.
Mayo, Robert E., 262545842.
Mays, Melvin W., 451445781.
Mazik, Robert A., 345289935.
McCallson, Gaylord A., 548346368.
McAdoo, Raymond C., 200289771.
McCannon, Russell E., 499389591.
McCarthy, James P., 288289866.
McCarthy, Donald R., 273306016.
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McCausland, Charles, 113265988.
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McCormick, Dennis A., 112287720.
McCoy, Donald G., 573447758.
McCoy, Ivy J., Jr., 439563141.
McCoy, John F., 125267022.
McCoy, Raymond S., 283302996.
McCoy, Robert P., 302289547.
McCracken, Hugh D., Jr., 049262703.
McDermith, Clark M., 145249186.
McDonald, Charles C., 391308426.
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McDonald, Walter R., 465428744.
McDonough, Peter J., 088277314.
McElroy, Joseph H., Jr., 176267791.
McFadden, Richard A., Jr., 185287835.
McGhee, Bernice, 235543230.
McGill, Bernard G., 209240162.
McGovern, William F., 023265744.
McGraw, Jessie M., 254383077.
McGrew, Ralph L., 526349183.
McGukin, John G., 422368490.
McIndoo, Philip L., 086261934.
McIntyre, Owen O., 376321139.
McKean, John S., 286283401.
McKee, Harry L., Jr., 460487533.
McKee, Louis M., 234522937.
McKemie, George W., 433580102.
McKenney, John S., 488365896.
McKinney, Carl A., Jr., 452503919.
McKinzie, John W., 558406047.
McKoy, William G., Jr., 408660747.
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McNew, Edward E., 305381420.
McPeak, Merrill A., 554442858.
McPherson, Douglas A., 343266534.
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McSpadden, John D., Jr., 300287213.
McWilliams, John R., 413324711.
Means, Lawrence C., 508344008.
Mecham, Melvin E., 529301370.
Mecham, Norman D., 529347321.
Meek, Forrest P., 367268419.
Melancon, Clyde J., 437523677.
Melichar, Joseph F., 559404327.
Mellon, William L., Jr., 199268277.
Melly, Thomas S., 513309452.
Menees, James S., Jr., 267447091.
Merck, Edward M., 472263762.

Menefee, Clayton L., 500344994.
Merritt, Normal L., 205267508.
Merry, John G., Jr., 159288829.
Mesenbourg, John L., 471365344.
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Metz, Richard S., 287266464.
Metzger, Alfred W., Jr., 521389479.
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Milan, Bobby L., 230505634.
Miles, Richard J., 007325362.
Miles, Victor J., Jr., 268303972.
Millard, Moses K., Jr., 249346207.
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Miller, Rene J., Jr., 566402067.
Miller, Stanley J., 183261614.
Miller, William R., 519347981.
Milligan Alexander M., IV., 369345091.
Mills, Darrel L., 433465295.
Miner, Norman E., Jr., 298261534.
Mize, Oran D., 457505784.
Mizner, James J., 543349220.
Moffatt, Edwin N., 458442630.
Mog, Willis L., 512345689.
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Mohn, William T., Jr., 517269803.
Mohr, William F., Jr., 403469940.
Molina, Leopold, 526683542.
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Monroe, Graham D., Jr., 265442777.
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Montgomery, Richard D., 046240992.
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Moomau, Fred T., Jr., 446342230.
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Moore, Hubert C., 255463926.
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Mooy, Olin R., 310362650.
Moran, Carroll G., 235542137.
Morch, Herbert O., 480327882.
Morehouse, David C., 506349291.
Morelle, Fredric T., 063283501.
Morey, William F., 276309014.
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Morris, Troy R., 459603111.
Morrison, Billie E., 446260279.
Morrissey, Robert D., 366286305.
Morrow, John C., 505385958.
Morthland, Samuel, 275281331.
Morton, Allan W., 417405279.
Moser, Donald D., 283285211.
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Moser, William H., 027227136.
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Muckelbauer, Robert R., 119267309.
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Mullins, William H. L., 320346538.
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Murphy, William J., 561545525.
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Murray, Reginald A., 244462427.
Mustico, Richard J., 117223912.
Myer, Jonathan, 121284785.
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Myers, Eugene G., 569440758.
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Nance, James A., 451386604.
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Neal, Thomas A., 579425262.
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Nelson, Jimmie H., 415466873.
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Nichols, Albert P., 406387403.
Nichols, Brady W., 458484426.
Nicolai, Leland M., 548446249
Nicoli, Remo J., 535305275.
Nielson, Merrill G., 528521509.
Niemeyer, James E., 484345083.
Nikkola, Edward F., 545446858.
Nimmo, Edward H., Jr., 347269481.
Nisley, Kermit J., Jr., 168262645.
Nolen, James E., Jr., 427442435.
Nordin, Frederick R., 090268595.
Norman, Robert A., 097287000.
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Novak, Donald P., 462489049.
Nowacki, William F., 194266023.
Nyberg, Donald W., 532324603.
Nycum, William G., 188205010.
Nygaard, George M., 504345965.
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Oberg, Duane C., 154222900.
Oberst, John R., 151269590.
O'Brien, Robert J., Jr., 232626035.
Ocampo, Antonio, 566344774.
Oconnor, George P., Jr., 282308732.
Oconnor, Thomas H., Jr., 120268977.
Odle, Max L., 288268847.
Officer, Upton D., 262480072.
Offill, Phillip W., 446322255.
Ogas, John B., 525709269.
Ohlemeier, Rex P., 515262331.
Ohlemiller, Francis L., 337266557.
Oleary, Brian H., 531308481.
Oleary, Francis S., 064241595.
Olivier, Joseph I., 437383184.
Olmstead, Freeman B., 052288638.
Olsen, Thomas R., 462447344.
Olson, Albert H., Jr., 552407663.
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Olson, Wayne A., 472408937.
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Oneil, Joseph W., 020246154.
Orean, Richard E., 383304635.
Orf, Paul E., 448360064.
Orourke, John M., 116263266.
Orr, Edmond A., 426367660.
Orser, David, 501343910.
Orsini, Richard A., 037248568.
Osuchowski, Edward A., Jr., 211280085.
Oswald, Lamont J., 195286898.
Overlock, John F., 125282195.
Ow, Alexander W., 576286585.
Owen, Lewis M., 402444019.
Ownbey, C. J., 450485354.
Oxley, Charles L., 305320841.
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Pace, Addison N., 560346962.
Pachares, Anthony G., 281267367.
Padgett, James M., 245487231.
Pagani, Albert I., 085284337.
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Paliszewski, Ernest B., 207241072.
Palmer, Garrett W., 449408220.
Pandel, Michael, 171269756.
Papaccio, Philip N., 137266985.
Paparozzi, Frank A., Jr., 151260745.
Parker, Bruce M., 540403263.
Parker, David C., 093268089.
Parkinson, Bradford W., 473327155.
Parrish, Roger K., 344308060.
Parten, Warren K., 459522817.
Partridge, Thomas H., 217306336.
Pastorius, Alan S., 194261806.
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Paul, Richard D., 019287435.
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Paxson, William C., 342241670.
Payne, Charles H., 460381935.
Pease, Ralph W., 274322357.
Peat, Randall D., 329283055.
Peck, David W., 148282473.
Pehr, Frank J., 044267398.
Pentz, Russell H., 074245772.
Perritano, Frank R., 055264289.
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Peterson, Robert L., 521442676.
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Petruno, Michael J., 297285300.
Petrulzzelli, Mario M., 157182928.
Pettit, Richard J., 341266288.
Petty, Fred A., 478386556.
Petty, Gerald L., 354260341.
Pharmer, Lamont H., 267384596.
Phelps, Harold A., Jr., 007246373.
Philips, Herbert L., 527424496.
Phillips, William F., 458463375.
Philpott, Tommy R., 480360354.
Piatt, Homer R., 248485621.
Pichon, Kenneth W., 545383158.
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Pierson, Richard A., 013268647.
Pilkinton, Corinne G., 086265078.
Pillsbury, Fred T., 032284729.
Piper, Mahlon L., 482300839.
Piskos, George M., 499367593.
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Place, Stephen B., 552440641.
Platner, Bruce L., 483344141.
Platt, William P., 047266723.
Pocreva, Robert S., 189261696.
Polenske, Dale K., 508364820.
Polis, Daniel, 150247385.
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Pollock, Richard B., 299326428.
Pomajevich, Robert J., 517427501.
Poole. Grover C., 255445154.
Poorman, Donald L., 527387222.
Pope, William H., 245606406.
Porell, Alcide L., 007289892.
Porter, David J., 405343875.
Porter, Eugene M., 291244643.
Posey, Milton L., 433521378.
Potter, Dale L., 541384306.
Pouliot, Richard J., 474365894.
Powell, Clarence E., 400484041.
Powell, Furney, Jr., 246480288.
Prather, Vernon L., 439464813.
Pratt, Charles W., 508407078.
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Prentis, Cecil G., 267445836.
Preston, Charles R., 279246432.
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Price, Jerry O., 255508134.

Prichard, Leslie J., 151260787.
Prince, Neil E., 380245253.
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Prudot, Elmer J., 494323066.
Prushinski, Albert A., 577466038.
Purdue, Joseph L., 534306946.
Purdum, Richard L., 519342848.
Putnam, Gerald W., 473320501.
Puzio, Frederick J., 153248833.
Quinn, Thomas D., 200283738.
Rabe, Walter J., 405407624.
Rachlis, Warren P., 161266686.
Radlinger, William W., 136263709.
Ragagli, Dino M., 341282036.
Ragsdale, Harry E., 546361417.
Ramberger, James H., 201265648.
Ramirez, Enrique H., 580446681.
Rapko, Michael, 038185683.
Rapp, Dennis B., 557428629.
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Ravetti, Louis R., 545443488.
Rawlings, Peter E., 281264620.
Ray, David P., 021285484.
Rea, Alvin L., 522348630.
Redd, Frank J., 529384354.
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Rees, William H., 405420712.
Reeves, Jack W., 419380822.
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Reichert, Albert C., 390364543.
Reid, Robert O., 579485891.
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Reiman, Roy H., 532328174.
Reinhard, Robert F., 394321760.
Remey, Robert A., 443328789.
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Rentner, Paul E., 346268517.
Repeta, Henry J., 118243243.
Reyna, Jose G., 303323660.
Rhodes, Jimmy P., 433580732.
Rhodes, Roger T., 451523104.
Rice, Bradley A., 248461485.
Rice, Carroll A., Jr., 008189536.
Richard, Robert B., Jr., 567423684.
Richards, Gerald R., Jr., 060305310.
Richards, Jerry W., 110302237.
Richards, Malcolm E., 101266099.
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Riebau, Walter R., 558389371.
Rieke, Don M., 274287462.
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Riner, James W., 493383709.
Ringler, William C., 202263914.
Ripper, Tommy J., 462460650.
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Robinson, Roal S., Jr., 535304939.
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Rochelle, Herbert R., 410584705.
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Roder, John R., 445387396.
Rodke, Phillip M., 445342965.
Rodriguez, Robert, 266486422.
Roehm, Richard R., Jr., 516388860.
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Rogers, Joe N., 445361089.
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Rouse, Richard E., 259526491.
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Rucker, Dean A., 358288475.
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Rudasill, Charles W., Jr., 578404974.
Runge, Norman H., 506368143.
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Rush, Thomas A., 403403122.
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Ryan, Glen A., 059287280.
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Saylor, Arthur W., 540366460.
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Scarbrough, Robert O., 415483452.
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Schmucker, Franz, 347287566.
Schneider, Frank W., 031246525.
Schneider, Stanley P., 506361945.
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Schwab, Leonard D., 511345508.
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Seely, Richard R., 316347269.
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Sexson, Richard W., 317362820.
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Sickenberger, William L., 522388137.
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Siderius, Jerome D., 517363189.
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Simmons, William W., 251500833.
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Simpson, Robert L., Jr., 571267782.
Simpson, William H., 224329055.
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Slaney, John H., 341228083.
Slatcher, James R., 101289395.
Slauson, William J., 025242727.
Sloan, Harold J., 461343439.
Smart, David E., 247506645.
Smathers, Edwin D., Jr., 400548001.
Smiley, Kenneth S., Jr., 137226159.
Smith, Carl D., 460303175.
Smith, Cecil N., 338268519.
Smith, Clarence R., 202200375.
Smith, Colin A., 456480111.
Smith, Donald C., 422387999.
Smith, Donald H., 452564305.
Smith, Earle K., Jr., 139249356.
Smith, Frederic H., III, 084266839.
Smith, George D., 153221027.
Smith, Harold C., 248481629.
Smith, Horace D., 296280325.
Smith, Howard H., 442249234.
Smith, James E., 462506098.
Smith, Jedford E., 262440216.
Smith, Lee A., 542244404.
Smith, Leonard H., 115242012.
Smith, Odell F., 249369561.
Smith, Philip E., 356308708.
Smith, Raymond W., 070225610.
Smith, Richard W., 311346562.
Smith, Robert E., 561321013.
Smith, Samuel F., III, 160268455.
Smith, Scott W., III, 579488437.
Smith, Travis M., 500388341.
Smith, William A., 400422249.
Smith, William K., 210247838.
Smith, William A., 422404285.
Smyser, Craig H., 579528487.
Snide, Thomas W., 366308599.
Snovel, Edwin, 093229628.
Snow, William M., Jr., 258448732.

Snyder, Donald, 168288935.
Soderberg, Adolph D., 502303366.
Solana, Frank J., 063267734.
Solberg, Harold A., 532283517.
Solomon, Neal P., 109225090.
Soltesz, James F., 163264369.
Songer, Hubert D., Jr., 354260050.
Sorensen, Franklin W., 562609511.
Sowby, John A., 481329767.
Sparks, Billy R., 406423665.
Sparks, William I., 520341439.
Spath, Bernard A., Jr., 457541873.
Spearman, Jack L., 313306567.
Speerschneider, Lyle, Jr., 387289923.
Spence, George D., 210288457.
Spencer, James E., 529461150.
Spotswood, David T., 488308116.
Spriggs, Duane G., 543345668.
Squires, Edward A., 241482240.
Squires, John C., 384366101.
Stalker, Ronald R., 090268233.
Stallings, William T., 466148181.
Stamm, James D., 514324758.
Stammerjohn, Howard N., 354268407.
Stanley, Darrell J., 521386049.
Stark, James D., 020287232.
Starkey, Michael L., 233507923.
Staten, James D., 490347864.
St. Clair, Gilbert K., 384360319.
Stearle, Gerald F., 390269178.
Steinkamp, Henry W., Jr., 135260059.
Steinke, Shawn H., 527443649.
Stemler, Rodger L., 090267056.
Stephens, Glen, 468347105.
Stephenson, David R., 315286187.
Stephenson, Ralph W., 546425636.
Sterrett, Charles R., 185262396.
Stevens, Tommy D., 291302548.
Stevenson, John R., 043266756.
Stevenson, Richard A., 229408944.
Steves, John R., Jr., 226440250.
Stewart, Ellis C., Jr., 419221852.
Stewart, George R., 194247118.
Stewart, Glen F., 456520969.
Stewart, John J., 500321240.
Stewart, Tom E., Jr., 467403230.
Stigers, William D., 527445843.
Stillwell, Nicholas, 573382253.
Stimac, Robert M., 272283240.
Stockton, Douglas W., 449483836.
Stollenwerck, Robert C., 493301198.
Stone, Fred S., 087269741.
Stone, Joseph L., Jr., 352267046.
Stone, Richard, 287302117.
Stoner, Richard L., 217326206.
Stoob, John C., 567403130.
Stoops, David E., 525769219.
Stowell, Dibrell C., 452562580.
Strand, Stanley G., Jr., 143281006.
Strange, John E., Jr., 247485490.
Stratford, John J., Jr., 522306268.
Strickland, Reginald E., 526465712.
Stringer, Harvie L., 414505020.
Strome, Richard H., 001207358.
Strong, Dale L., 505327220.
Strong, Richard A., 371265025.
Stuart, Floyd R., 561382905.
Stuber, Carl D., 301281243.
Stuck, John G., Jr., 153242675.
Stuckey, Savery G., 436423755.
Stuntz, Jose E., 077282277.
Stutzman, Melvin F., 287304107.
Suiter, William P., 263368138.
Sullivan, Dennis J., 083285928.
Sullivan, Hiram R., 522321026.
Sullivan, Robert T., 560487512.
Sullivan, William J., Jr., 023268114.
Summers, Charles M., 506486149.
Surovic, Arthur F., 526481823.
Surovik, John H., Jr., 458425660.
Survil, Edward J., 080269339.
Sutherland, Jack W., 316328625.
Sutton, Glenn H., 139281392.
Swanson, Ralph J., 524486518.
Swanson, Robert G., 522421672.
Sweeney, James L., 053288972.
Swendner, William J., 471324681.
Swenson, William A., 529403527.
Swiderski, Donald L., 270284262.
Swihura, Edward J., 079282407.
Swofford, Donald D., 026285163.
Syracusa, Anthony S., 056281211.
Szabo, George J., 299288792.
Taddeo, John J., 268305075.
Talbert, John C., 227385133.
Tannen, Peter D., 108282355.
Tanner, John B., 460382041.
Tarvin, Albert L., 256345707.
Tate, Harlan W., 518321594.
Tatum, Walter F., Jr., 030245273.
Taylor, Gary W., 578460028.
Taylor, Edwin S., 263501148.
Taylor, Alvin, Jr., 246483680.
Taylor, Henry L., 419403697.
Taylor, John R., 157248076.
Taylor, Kenneth G., 328281254.
Taylor, Thomas J., 250483094.
Tedeschi, James R., 211260186.
Tefft, Howard E., 235487047.
Telford, Joe W., 429521200.
Telshaw, Bradley R., 178283428.
Terrell, Joseph E., 487302327.
Terry, Jack E., 228424297.
Texter, Joseph C., 096266581.
Thoeny, Alan R., 388301154.
Thomas, David H., II, 451521599.
Thomas, Donald B., 534288187.
Thomas, Frederick L., 207240039.
Thomas, George J., Jr., 206209400.
Thomas, John K., 171287918.
Thomas, John C., 299308064.
Thomas, Kenneth W., 457480484.
Thomas, Lawrence E., 085267154.
Thompson, Andrew C., Jr., 413429104.
Thompson, Fred N., 248522236.
Thompson, George E., 574122813.
Thompson, Gerald G., 554480525.
Thompson, Harry C., 198248873.
Thompson, Ian B., 577420416.
Thompson, James M., 304360283.
Thompson, James D., 434384403.
Thompson, John W., 080226417.
Thompson, John V., 460443983.
Thompson, Leslie B., 005282645.
Thompson, Thomas B., 510321123.
Thomson, Willis M., 410640995.
Thornal, Leroy W., 247383039.
Thornberry, Ronald D., 400424031.
Thornhill, John R., 459540132.
Thornton, Richard B., 462441644.
Thurston, John R., 027262282.
Tice, Robert K., 214285768.
Tieber, Julius A., III, 565423905.
Tiffault, Raymond J., Jr., 039227410.
Tillman, Frederick J., 400420499.
Tillman, John B., 304367777.
Timothy, Thomas E., 090241441.
Tinsler, Hollis C., 293246929.
Tobias, Richard L., 312369563.
Tokash, Frederick E., 143282572.
Tolley, Charles P., 228305882.
Tomasino, Vito, 128264323.
Toner, Richard J., 027262521.
Tonini, Daryl E., 530189070.
Tortorete, Joseph, 142223940.
Townsend, Cecil R., 423403892.
Townsend, Charles B., Jr., 160264856.
Trainor, Philip, 086224628.
Traynham, Gene C., 461384673.
Treece, James A., 430548655.
Trimble, Clifford J., 451361627.
Trimmell, Norman L., 514403645.
Trimpert, Michael J., 043288058.
Tringali, Charles J., 089306178.
Tristram, Edward F., 525621394.
Trombley, Donald E., 535324123.
Tschirhart, Ernest S., 449360279.
Tucker, David L., 354280286.
Tucker, John H., 045282206.
Tucker, Troy L., 459485219.
Tudor, Ronald F., 268283155.
Turley, Mack C., 447342165.
Turner, Alexander P., Jr., 229362702.
Turner, Gene C., 217308582.
Turner, Norman M., 559463695.
Tuso, Joseph F., 546387921.
Twells, Ronald G., 331286611.
Uhl, Donald P., 092300242.
Underwood, Rufus D., Jr., 422406856.
Uno, Peter K., 563423046.
Upton, William H., 255443018.
Urbanic, Frank A., Jr., 464368845.
Usher, Robert L., 312328931.
Vallerie, Eugene M., III, 040266331.
Vanarsdale, Doyle L., 525627591.
Vanbrunt, Ralph S., 440329142.
Vance, Jerry D., 310348794.
Vance, Wilson R., 416422727.
Vanderhoop, John O., 039242325.
Vanduyn, Alfred V., Jr., 145289360.
Vanhulla, Kenneth J., 393246922.
Vanweele, Jan M., 056286754.
Vaughan, Robert B., 517382655.
Vaughn, Frank S., Jr., 525785763.
Vaught, Wilma L., 350265415.
Vazquez, Francisco, 581561572.
Vincent, Alfred W., Jr., 326265659.
Vinson, Billy J., 422425217.
Vives, Peter, Jr., 101222024.
Vollmer, Albert C., 053260712.
Vonhake, Richard W., 528388512.
Voyiaziakis, Stanley, 125260626.
Vulkoff, R. C., 179265803.
Waddell, Dewey W., 257527244.
Wadman, Robert S., 230403494.
Waggener, James S., Jr., 289320693.
Wagner, Edward M., 575301326.
Waite, Leland K., 531309303.
Waite, Merrill J., 510281117.
Wakefield, Donald B., 457485313.
Walcott, Gordon M., 505447467.
Walker, David L., III, 405424910.
Walker, Donald C., 407248421.
Walker, Gerald D., 430584612.
Walker, Guary O., 504284339.
Walker, Nathan L., 555443120.
Walker, Phillip J., 387300559.
Walker, Robert H., 541346269.
Walker, Thomas E., 553463410.
Walker, William O., 322283065.
Wall, Willie R., 459525118.
Wallace, Billy J., 462461058.
Wallace, Kenneth H., 510309615.
Wallace, Roy G., 452447613.
Waller, Benjamin E., III, 413444191.
Walls, Francis H., 535268992.
Walpole, Bernard L., 062287579.
Walter, Clair E., 104281254.
Walters, Frank P., 057306889.
Walters, Ralph D., 480348413.
Walton, Gary K., 525585701.
Wampler, James P., 406446073.
Wanamaker, James E., 234528680.
Ward, Bobby L., 423405935.
Ward, Johnny M., 492382451.
Warner, Robert E., Jr., 288303500.
Warnick, Charles P., 521367549.
Warren, William C., 439423099.
Washam, Billy M., 455507920.
Watcher, Pete, 211265201.
Webb, Clarence L., 298232335.
Webb, John A., 452463072.
Webb, William B., 263604091.
Weber, Theodore W., 186287551.
Weber, Waldon R., 043262517.
Weed, Marvin J., 472302897.
Weege, Ernest J., 390309191.
Weihl, Clinton G., 369389879.
Weimer, William C., 187243601.
Weinberg, Richard M., 025241836.
Weisbrodt, James M., 405421022.
Weishuhn, William H., 380329784.
Weiss, Anthony G., 178226081.
Weissmueller, Courtney E., 264425522.
Welch, Robert E., 513248032.
Wells, Frederick L., 424361900.
Wenger, Richard D., 534320144.
Wepfer, Gordon G., 398281749.
Werling, David C., 282321524.
West Gregory R., 543346010.
Westbrook, George W., 413525375.
Westenbarger, David P., 284300519.
Westmoreland, Barney, Jr., 433461958.
Weston, Walter F., 289280753.
Weston, William R., 043283482.
Westwood, Edward C., 534307354.
Wetzl, Ralph F., 071283153.
Wheat, Ralph F., 071283153.
Wheeler, Charles E., 310326422.
Wheeler, Charles H., 404420107.
Whitaker, Joseph T., 309345728.
Whitaker, William A., 438562492.
Whitcomb, Robert J., 307306800.

White, Donald D., 451405292.
White, Edward B., 044286337.
White, Herbert V., 545463155.
White, John F., 463488107.
White, Joseph, Jr., 193280863.
White, Loyce L., 426547130.
White, Richard T., 055267324.
Whiteman, Gilbert L., 040202073.
Whitfield, Allen P., 258364717.
Whiting, Edwin K., 538303920.
Whitsett, Charles E., Jr., 424446807.
Wicker, Charles E., 213324405.
Widicus, Frederick G., 330266499.
Wiedmaier, Marcel A., 531302387.
Wiegers, Francis A., 500348411.
Wiersma, William E., 480284443.
Wiesenauer, Robert F., 071289198.
Wigal, Ralph E., 232464925.
Wiggins, Frank S., 227424143.
Wilcox, Robert E., 048229860.
Wigglesworth, Richard G., 393324121.
Wiley, Thomas S., 234567721.
Wilks, Carlton O., 263465887.
Willies, Richard E., 266462554.
Wiliams, Allen J., 253521064.
Williams, Alma L., 445344579.
Williams, Bruce, 521401095.
Williams, Cecil W., 728030041.
Williams, Charles M., 487408979.
Williams, Donald E., 455447052.
Williams, Evans C., 250460512.
Wiliams, Gordon E., 002226525.
Williams, John C., 406326168.
Williams, Morgan G., 471285901.
Williams, Robert R., 140202176.
Williams, Thomas N., 463467082.
Williamson, Roger C., 502303545.
Willming, Edward A., 483343539.
Willson, Richard D., 281287248.
Wilmot, Raymond D., 561467963.
Wilson, Charles J., 516366008.
Wilson, Denzel G., 178208211.
Wilson, Donald, 314305050.
Wilson, Duane R., 332267531.
Wilson, George R., 571464336.
Wilson, Robert C., 492340899.
Wilson, Ronald E., 129281511.
Winn, Bernard J., Jr., 115285992.
Winograd, Sanford M., 120228431.
Winterfield, Louis A. 277306950.
Wirin, William B., 554447089.
Witt, George C., Jr., 450600989.
Witte, Duane M., 469329501.
Witzel, James E., 544364919.
Wodarzak, George P., Jr., 075283582.
Wofford, Travis, 560465257.
Wojcik, Joseph J., 200284804.
Wolfe, James L., 449448300.
Wolfe, Lynn R., 225400751.
Wolinsky, Ivan L., 165287593.
Wood, Charles J., 022268110.
Wood, Fred D., Jr., 239504264.
Wood, Harry F., Jr., 218302922.
Wood, Larry S. 304348725.
Woodbury, Norman B., 528468264.
Woodward, Eldon D., 513321087.
Woody, Charles D., 429562208.
Woody, Harland G., 458407967.
Wooten, John F., Jr., 244487594.
Worch, Peter R., 116286523.
Working, Raymond W., 304384965.
Worley, John N., 260520674.
Worn, Robert W., 328309688.
Worthington E. L., Jr., 072304600.
Wright, David I., 230384287.
Wright, James H., III, 422404958.
Wright, John H. S., 214308691.
Wright, William E., 013287990.
Wubker, Robert J., 395288012.
Wucher, Jerome M., 130283830.
Wyse, David L., 396320993.
Yackiel, Thomas F., 205261554.
Yarrish, Joseph, 046223677.
Yaryan, John S., Jr., 269340964.
Yingling, William A., 185262032.
Yochum, Henry M., II, 525682316.
Yohe, Robert S., 277307873.
Yonteck, Frederick, 262522718.
Yoshizawa, Tadashi, 576302299.
Young, Carl E., 218328731.
Young, Howard D., 004366827.
Young, Joe F., 447322086.
Young, Reid C., 338288668.
Yount, John F., 408564025.
Yovin, Joseph A., Jr., 579384959.
Zahn, Harry F., III, 228384109.
Zeberlein, James W., 213324036.
Zempel, William K., 506401597.
Ziernicki, Robert S., 579460571.
Zimmer, James W., 404380762.
Zirkle, William S., 223462829.
Zock, Richard, 145268592.

CHAPLAINS

Alewine, Francis T., 247346448.
Arrendell, Cammid O., 456468268.
Brucato, Robert A., 054263571.
Bumpus, Anthony J., 460708419.
Collins, John A., 026242485.
Dangelo, Salvatore J., 221160111.
Downing, Don, 458421033.
Fahey, Kevin C., 450722843.
Flattery, John J., 328365594.
Johnson, Carrol L., 465522652.
Jones, Douglas O., 228240128.
Jordan, James E., 454324210.
Kelley, Benjamin F., 429383578.
Kramer, George C., 030201151.
Labinger, Marvin L., 130268665.
McCausland, Joseph E., 277205508.
Millian, Ronald A., 579421408.
Nelson, Waldemar H., 477181903.
Olivier, Stephen J., 381207829.
Parker, James P., 414425093.
Payne, S. J., 259426805.
Rice, Jerry L., 283246890.
Rushe, George M., 248467684.
Seiber, Richard A., 541303428.
Shelley, Patrick J., 460708418.
Spongberg, Edward G., Jr., 045205229.
Steege, Mark W., 394301605.
Ullrich, Donald W., 146221544.
Wantz, Earl B., 205224558.
Whalen, Robert B., 122166152.

DENTAL CORPS

Bailey, Ronald W., 469429727.
Barton, Ralph T., 515287423.
Bourne, William F., 251502156.
Brown, Velpo B., 308364974.
Bryk, Clarence C., 288308775.
Childress, Joseph H., 412562976.
Clark, Lawrence L., 1520247674.
Cowan, Robert D., 368368770.
Coyne, Arthur B., 020285915.
Davis, Fredric C., 543382289.
Durkin, William J., Jr., 328306440.
Farnie, John E., 455566832.
Fliss, Sheldon D., 217341101.
Francis, Michael R., 726099373.
Gault, Clovis G., 048204275.
Green, Larry E., 372360499.
Hale, Robert H., 297309055.
Hecht, Arnold, 262527224.
Hersho, Robert M., 202244869.
Holmes, Philip J., 274287632.
Jerman, Albert C., 044282637.
Kunberger, George L., 265360242.
Lindner, Marshall W., 208284795.
Long, William H., 463547445.
Masi, Victor A., 077282198.
Mauthe, Donald J., 393361237.
McDaniel, Raymond K., 509241544.
McLees, James K., 238484461.
Morley, Ronald B., 128289697.
Neurock, Isadore, 182268775.
Noderer, William H., 281308389.
Park, Paul R., 300289607.
Penn, Paul D., 390346415.
Plotzke, Anthony E., 331309959.
Pullen, Wayne G., 502262933.
Rosen, Ronald, 577460880.
Savers, Norman C., Jr., 431669290.
Schultheis, William J., Jr., 123307934.
Skaer, Wilbur C., Jr., 513324798.
Smith, Howard F., 367389607.
Streeter, Arthur H., 092300971.
Williams, Earl O., 471360947.
Windeler, Alfred S., Jr., 215345855.

MEDICAL CORPS

Allen, Benjamin R., Jr., 231442596.
Ames, Bruce A., 107228568.
Atkinson, Samuel M., Jr., 251429737.
Blacker, Gerry J., 514342632.
Box, Benjamin E., 425427213.
Brundick, Edward L., Jr., 486321480.
Buckley, Richard E., 428721201.
Burns, Matthew L., 261321753.
Corker, Frank T., 257523353.
Costanzi, John J., 204264964.
Cryan, David M., 554421703.
Dodge, Billy G., 452461062.
Dunne, John V., 093289768.
Fettus, George H., 140287575.
Fisher, James M., 449521230.
Gilman, Robert T., 039242983.
Harris, Robert E., 229383841.
Ivey, David M., 525904400.
Jaegers, Kenneth R., 403469040.
Jones, Frank L., 437401489.
Keffer, Joseph H., 158244398.
Kirschner, Leonard J., 058305079.
Koch, Howard F., 505549167.
Kramer, Edward F., Jr., 434423720.
Leachman, Wallace R., 462506843.
Lewis, Sidney T., 183244044.
Lowe, James C., Jr., 255543101.
Mahoney, Jerome J., 216343212.
Maloney, Thomas R., 492348795.
Manaker, Philip A., 071288184.
Mayes, George R., 546480181.
McAlister, Bradwell R., 248569526.
McCullough, Charles T., Jr., 401400373.
McNaughton, Grant B., 579445609.
Morris, John R., 249501756.
Moser, Royce, Jr., 015324171.
Myers, John E., 208345725.
Narboni, Gino R., 074303788.
Nixon, William H., 259480862.
Obriant, Charles R., 567466291.
Orr, Edwin R., III, 428467068.
Pace, Harrell S., 426580450.
Pate, William E., 267441996.
Perkins, John C., 059283265.
Perkins, Robert S., 015282989.
Polis, Charles T., Jr., 224420677.
Price, Terrill E., Jr., 265244300.
Raine, Charles H., Jr., 416509293.
Rayman, Russell B., 270320881.
Rieffel, Clement N., Jr., 433488331.
Rodgin, David W., 579308603.
Rodriguez, Lopez Ensor, 580448972.
Rowe, Lynn B., 528429840.
Schaller, Laird F., 320263511.
Schultz, John L., 245500753.
Shelton, Leslie W., Jr., 452502439.
Short, John G., 452569562.
Sisson, Charles A., Jr., 427606015.
Skeel, David A., 221207193.
Slarve, Richard N., 568444338.
Sobiesk, Emory, J., 323263903.
Sowell, Ellis M., 455468740.
Stinebiser, James H., 267508321.
Sturge, Karl, 094260732.
Taylor, Williams S., 159287609.
Tignor, Milton R., Jr., 224440179.
Tolar, Patrick M., 467441520.
Townsend, Amos R., 003241596.
Triebwasser, John H., 492400991.
Victor, Martin I., 097285161.
Vonhazmburg, Romulus S., 345227828.
Walker, Wesley C., 537301570.
Warren, Glen C., 427507843.
Watson, Clarence F., Jr., 432680078.
Wesche, Daniel L., 532348411.
White, John W., Jr., 578509912.
Wildemann, Mark F., 234508427.
Willis, John C., 229403874.

NURSE CORPS

Arndt, Carole L., 514281779.
Bergeron, James E., 093263331.
Bianchi, Lucile A., 545380649.
Candella, Josephine M., 437381539.
Clark, Mary H., 461387571.
Condon, Charles R., 025221709.
Connolly, Janet M., 479346655.
Cotter, Elizabeth, 112166970.
Crown, Mary F. G., 418387920.
Dame, Margaret A., 264446939.
Dohrman, Marjorie J., 311245026.
Dotter, Patsy D., 442220523.
Ellis, Helen V., 435468174.

XUM

Farrar, Catherine L., 264461912.
Fecteau, Donna M., 014266306.
Francescotto, Paula, 581529879.
Gengler, Rita E., 470349703.
Gorseth, Winifred L., 503345108.
Gotsch, Geneva, 415528674.
Guarino, Vincent A., 080264225.
Gudzan, Christina, 165226492.
Hansen, William P., 475301566.
Hargrave, David R., 224408423.
Hastings, Lois E., 537281778.
Jackson, Bernice M., 222166763.
Joyce, Claire S., 023248679.
Kallinick, Dolores M., 207240148.
Kreasky, Anna M., 168242152.
Kuhl, Shirley A., 183245134.
Lane, Joy A., 424426409.
Maxim, Elizabeth M., 209220010.
Nelson, Ethel A., 118227413.
Parry, Barbara Jay, 197267758.
Pearce, Warren T., 491284260.
Perry, Allan J., 126267907.
Ronaghan, James T., 131184082.
Ross, Betsy L., 496362307.
Shea, Delia A., 021248140.
Smilek, Franklin R., 191244021.
Spores, Kathleen D., 537322833.
Tegen, Gerald C., 391326770.
Todd, John L., 126268235.
Wilson, Eleanor M., 285309051.
Witmer, Joseph D., 518326640.
Youtzy, Cynthia R., 171288058.

MEDICAL SERVICE CORPS

Batiste, Harold E., Jr., 456385669.
Bauman, Willard H., 469321502.
Betron, Richard E., 363320257.
Boes, Robert L., 526327354.
Briggs, Edgar M., Jr., 245388604.
Brown, Dewey F., 548403778.
Brown, Duane C., 005289249.
Burton, Donald E., 006307341.
Cavanaugh, Patrick D., 442249745.
Clemons, Keith, 410386014.
Cox, Willis D., 522341037.
Dodson, Burt, Jr., 495268767.
Fairless, David S., 447303469.
Fresques, Frank J., 524362792.
Fudge, Forest W., 460386903.
Gillis, John R., 486301686.
Glenn, Clark L., 203269225.
Gregory, Joseph B., 232526080.
Hill, Robert D., 252461357.
Jacquin, John H., 051226498.
Jobe, George W., 425528280.
Johnson, Glenn E., 275243679.
Katz, Stewart H., 103288531.
Kennedy, Charles L., 237441522.
McKinney, Dana F., 234464646.
Middleton, Richard V., 246423749.
Nestor, Aloysius F., 289206748.
Parker, Lester B., 558348046.
Perri, Frank J., 206247733.
Poole, Nathan E., 241402650.
Redman, Ronald A., 543309489.
Rowney, Stanley V., 063262204.
Silfen, Arthur M., 129226445.
Slivka, William R., 047227751.
Suiter, Robert W., 505387708.
Tamse, Jacob G., Jr., 486406829.
Watson, John R., 460365342.
Whittemore, Warren W., 491262220.
Yates, John R., 420462521.
Yeomans, Richard C., 573367991.

VETERINARY CORPS

Barker, Russell B., 281267952.
Boster, Richard A., 515348684.
Erickson, Howard H., 505442270.
Flentge, Robert L., 429645172.
Jackson, Wesley E., 426662065.
Lynn, Marvin, 251544121.
New, Albert E., 509362878.
Phillips, Jere M., 423421659.
Rhoads, Dallas W., 307328671.
Schwichtenberg, Alan E., 578426525.
Vanriper, Donald C., 137228264.
Wood, David H., 491383395.

BIOMEDICAL SCIENCES CORPS

Black, Gerald N., 015262058.
Braatz, James H., 243360738.
Briggs, Thomas H., Jr., 237505698.
Eggert, Clarence V., 397284380.
Farrell, Hugh R., 104247449.
Greene, Omar V., Jr., 190229634.
Harkleroad, Lionel E., 400428867.
Johnston, Lloyd W., 310345471.
Kilton, Roger M., 324249160.
Kuchta, John C., Jr., 218289084.
Lahood, George A., 451481098.
Marraro, Robert V., 081326867.
Mockler, Nedd D., 047267818.
Newman, Harold L., 055201952.
Nikolewski, Robert F., 561448866.
Olson, Robert N., 501163457.
Silva, Donald G., 089284979.
Sparks, George P., 006287594.
Stansell, Marion J., 288267916.
Targove, Bertram D., 119246703.
Weddington, George R., 448307910.
Wilder, Nelson E., 293225959.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain, Medical

Harada, William S., 575262820.

To be captain, Dental

Ellerbruch, Eldon S., 505426612.

To be first lieutenant, Dental

Buchanan, William E., Jr., 498460667.

To be first lieutenant, Judge Advocate

Johnson, Phillip A., 478506777.

HOUSE OF REPRESENTATIVES—*Thursday, September 24, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My meat is to do the will of Him who sent me and to finish His work. John 4: 34.

O God of truth and love, who art worthy of a nobler praise than our lips can utter and of a greater love than our minds can understand and our hearts can give, in Thy presence we bow in all reverence and gratitude.

We thank Thee for people great and good, for homes where love and loyalty live, for friends tried and true, for everyone who has urged us to leave the valley of discontent and to climb the heights of devotion to the highest, and for every example of confidence and courage, given us by persons in high places and low. Our gratitude to Thee for the goodness of life and the greatness of love.

We commend our Nation to Thy providential care. Guide our people as they choose their leaders, increase our fellowship with one another, and make us one in spirit and one in purpose as we face the crucial days that lie ahead. Through all of life make us mindful of Thy presence and eager to do Thy will.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18127) entitled "An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 4 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3637) entitled "An act to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes."

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17255. An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 2984. An act to permit certain Federal employment to be counted toward retirement;

S. 3220. An act to protect a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender;

S. 3765. An act to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics;

S. 3958. An act to adjust the pay of the police forces at Washington and Dulles Airports;

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week";

S.J. Res. 110. Joint Resolution to amend the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week", approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers;

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day;

S.J. Res. 223. Joint resolution to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month"; and

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks."

KY SHOULD BE HEARD

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, Vice President Ky should be heard with respect and courtesy should he come to Washington. Particularly here in Washington at our great freedom shrines which stand as a reminder of American dedication to individual liberty. I refuse to believe that we have arrived at the time when we cannot guarantee freedom of speech in the Nation's Capital. America will no longer be the heart of freedom and the hope of mankind when we cease to guarantee freedom of speech, freedom of peaceful assembly, freedom of the press, and trial by jury. These freedoms as enunciated in the Bill of Rights are the very foundation stones of our Republic. Radicals and anarchists in America who oppose free speech should not be permitted to dictate to the American people who can speak and who cannot speak.

Even the late Lincoln Rockwell, self-styled Hitler of the American Nazi Party, was permitted to exercise frequently his right of free speech here in Washington. Washington extended every courtesy and protection of Nikita Khrushchev when the leader of Communist Russia visited here. Premier Kosygin of Communist Russia was kindly treated in New York and New Jersey. Washington welcomed Fidel Castro here on Capitol Hill and he addressed the National Press Club. It would be a national disgrace if we could not extend the same courtesy to a man who is Vice President of a friendly republic and one who served as President of this friendly nation. Whatever our views concerning world affairs, our tradition of free expression and courtesy demand that Vice President Ky be heard.

DISTRICT OF COLUMBIA RIOT INSURANCE PLAN GETTING RESULTS

(Mr. PATTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATTEN. Mr. Speaker, I think that the Members of Congress should know that the riot insurance that we passed is really helping the local merchants here in the District of Columbia; and, of course, throughout many of our States. The quarterly report, ending June 30, 1970, reveals that in the District there have been 18,944 new applications received, over 22,321 inspections completed; and in 16,426 cases rates were quoted so that insurance could be obtained. This accounts for a total of over $212,436,994 worth of insurance. Losses incurred from the inception of the program amount to $1,194,420, and the premiums earned were $1,501,419.

Beginning on October 1, the District of Columbia insurance placement facility will write vandalism and malicious mischief in addition to the basic coverage.

I think we can learn from the experience, and the proper committee should take testimony from all parties concerned as to their reaction. I know that we could receive valuable suggestions.

I do not want to give the impression that everything is now fully covered because there is a tremendous problem for these men on robberies and this is not solved by anything that we have done so far.

INFLATIONARY TRADE BILL

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, in view of the prospects of a 1971 deficit of $10 billion on a unified budget basis and $18 to $20 billion on the administrative budget, it is difficult for me to understand how Congress can countenance the inflationary provisions of the trade bill which will soon be considered by the House.

The provisions of the bill which "freeze" in the oil quota system prevent a tariff on imported oil based on the differential between the domestic producing price and the import price. The Treasury loses over a billion dollars of potential annual revenue from this source.

The domestic international sales provisions which provide a tax deferral to exporters will create a revenue loss of almost $1 billion per year according to estimates prepared by the staff of the Joint Committee on Internal Revenue Taxation.

These two provisions insure a tax loss of almost $2 billion annually.

It would be incredible folly to permit these provisions to become law.

I urge the Members of this body to insist on a rule on the trade bill which would permit a separate vote on these issues.

MAIMONIDES GROUNDBREAKING

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, on September 20 I was privileged to attend groundbreaking ceremonies for the construction of an additional schoolbuilding at Maimonides Institute in Far Rockaway, N.Y. This is but another achievement in the success story of Maimonides Institute, established in 1959 to serve the needs of exceptional children. I was first introduced to this fine institution by our former colleague, Congressman Herbert Tenzer.

The institute represents a broad effort to reduce the effects of mental and emotional limitations on children through a system of day camps, schools, clinical facilities, and rehabilitative programs. The specific objective of the institute is to make exceptional children more self-reliant, able, and productive and accepted members of our society.

Maimonides is located on 20 scenic acres in Far Rockaway and its MIND programs—Maimonides Institute for New Development—is probing the depths of the mind of exceptional children in order to bridge the gap between potential and performance. Our community can be proud of this exciting and bold project sponsored under Jewish auspices but dedicated to children of all faiths.

The new schoolbuilding will include 15 classrooms, eight therapy and remedial rooms, a medical unit, children's library, music and art rooms, indoor gymnasium, and dining room. An additional 180 exceptional students will be accommodated by the institute once the building is completed, an increase of 100 percent.

The progress report just issued by the institute is quite impressive, and I am confident that the institute will continue its rapid pace and reach new plateaus of achievement in the years ahead. I am proud to represent the district in which this outstanding institution is located, and I commend the objectives and dedication of all those associated with Maimonides Institute.

WITHHOLDING OF FUNDS FROM STUDENTS AND FACULTY MEMBERS ENGAGED IN CAMPUS DISORDERS

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute.)

Mrs. GREEN of Oregon. Mr. Speaker, I take this occasion to call attention to the Members of Congress a report that was issued by the Office of Education in regard to the numbers of colleges and universities across the country that have viewed with some concern the law which was passed by the Congress—a part of the HEW appropriation bill—that Federal funds for students or faculty members who participate in riots or in other disruptive activities should no longer be eligible for Federal assistance. I placed this report in yesterday's CONGRESSIONAL RECORD. It can be found on page 33331.

In this amazing report from the Office of Education we find that out of 2,600 colleges and universities across the country, only 86 have withheld any funds from any student or any faculty member during the preceding year which ended as of July 1, 1970.

Mr. Speaker, it seems to me that this has been a very cavalier disregard of the law of the land. On my committee we tried to get out a provision last year in regard to campus riots—and continued handing out of Federal tax dollars to those who incite or participate—or both. This amendment was defeated by one

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vote in the committee. So the House never had a chance to act upon it. In fact, if you recall, a small group insisted the guaranteed student loan come out under suspension of rules, so no amendment on campus violence could be offered by any Member of the House.

In the absence of action by the Education Committee, I suggest that the members of the Appropriations Committee take a look at the way in which their congressional requirement is being followed by the colleges and universities and also the way it is being enforced by the Office of Education.

It seems to me there is a nationwide concern about campus violence, and those very campuses which have had major disturbances are conspicuous by their absence on the list of 86 universities that have had withheld any funds at all. There are a total of 440 individuals across the country who have come under any provision of the law.

VICE PRESIDENT KY URGED TO RECONSIDER PLAN TO ADDRESS WAR RALLY

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, like many of us here I am greatly alarmed at the divisive effect and possible violence that is likely to result when Vice President Ky attempts to address the Vietnam war rally in Washington on October 3. His visit will come just at the time when cooler heads are beginning to prevail and our people are at least starting to have a more meaningful and peaceful dialog on the great domestic and international issues facing our country.

It seems to me that Vice President Ky would make a greater contribution to our mutual cause by concentrating his efforts on bringing about a negotiated settlement of the war at the Paris peace talks and by accelerating the Vietnamization program to speed the withdrawal of American troops.

I am well aware of the sadness of those who believe in free speech over this matter. But even free speech is a limited rather than an absolute right. In this case, Vice President Ky will be like the man who shouts "fire!" in a crowded theater where there is no fire. Only this time I fear there will be a fire—and it will come afterward.

It is my intention, Mr. Speaker, to circulate a letter on Monday addressed to Vice President Ky among the Members of this body making some of these observations and respectfully urging him to reconsider his plans to address the war rally. I urge each of my colleagues to endorse this letter.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 313]

Abbitt
Adair
Ashbrook
Baring
Beall, Md.
Biaggi
Blackburn
Blanton
Brock
Brooks
Brown, Mich.
Burton, Utah
Bush
Cabell
Celler
Clark
Clay
Conte
Cowger
Crane
Culver
Daddario
Dawson
Devine
Diggs
Dowdy
Fallon
Farbstein
Fisher
Flynt
Ford, Gerald R.
Gilbert
Gray
Griffiths
Gubser
Hanley
Hansen, Wash.
Harsha
Hawkins
Heckler, Mass.
Hull
Johnson, Pa.
Karth
Kluczynski
Landrum
Leggett
Long, La.
Lowenstein
McKneally
McMillan
Mailliard
Mathias
Meskill
Minshall
Mize
Morton
Moss
Murphy, N.Y.
Olsen
Ottinger
Patman
Powell
Preyer, N.C.
Price, Tex.
Rees
Reid, N.Y.
Reifel
Roudebush
Scheuer
Schneebeli
Sikes
Smith, N.Y.
Staggers
Stephens
Stokes
Stuckey
Symington
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Waggonner
Watson
Widnall
Wold
Yatron

The SPEAKER. On this rollcall 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL STATEMENT

Mr. FULTON of Pennsylvania. With the Speaker's permission, I should like to break precedent and say it is such a nice day, and being in good spirits, I should like to wish the Speaker a pleasant good morning.

APPOINTMENT OF LT. GEN. BENJAMIN O. DAVIS AS DIRECTOR OF CIVIL AVIATION SECURITY

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I would like to commend Secretary Volpe on his choice of Lt. Gen. Benjamin O. Davis to be the new Director of Civil Aviation Security.

There is no question but that the recently instituted measures to protect international air traffic will demand the unrelenting attention of well-trained personnel at all stages and a high degree of perfection if these steps are to be effective in averting air piracy, while at the same time assuring minimum risk to the safety of innocent persons.

General Davis distinguished himself many times while reaching the highest rank of any Negro in the armed services prior to his retirement from the Air Force in 1969. I am happy to see a man of his competence called up to to perform this critical assignment and I am fully confident that he will carry it out successfully with the full support of the administration and the Congress.

SOVIET UNION CAUSE OF MIDDLE EAST TURMOIL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I heard on the radio this morning a report that some people in the State Department would like to give the Soviet Union credit for the withdrawal of Syrian troops from Jordan. I hope there is no one that foolish in the State Department.

The Syrians withdrew because the Jordanian troops drove them back and because they knew full well if they had made a deeper penetration into Jordan, Israeli troops would have had to go in and mop them up.

I would be very much surprised, and very disappointed, if there are still people in the State Department who cannot understand that this turmoil in the Middle East is being masterminded by the Soviet Union.

There still are people, apparently, who cannot understand that the Soviet Union has launched a new major offensive in the Middle East. All this terrorism, all the subversion in the Middle East, is being inspired by the Soviet Union. If the Soviet Union had had anything to do with the pulling out of Syrian troops, it would have been part of a running conspiracy to keep the Middle East in turmoil, because the Soviet Union is determined to get a foothold in the Middle-East, trying to set up another cordon sanitaire of pro-Soviet captive nations in the Middle East, so Russia can get at the oil stocks and supplies which Europe needs so desperately to keep its industry going. Moscow wants to dominate the Middle East so it can control the flow of oil to Europe. Once Russia cut off the oil to Europe, she can bring all of Europe to her knees.

Only Israel is wise enough to see through the Soviet conspiracy.

Yesterday the Chicago Tribune properly suggested that stopping Soviet expansionism in the Middle East is a job for NATO. I would hope those people in the State Department would read the Tribune editorial and finally realize that this is a running conspiracy by the Soviet Union which Moscow started right after World War II when it started the civil war in Greece. The Soviet Union has kept this world in turmoil for 25 years. If there are any people in the State Department who do not at this late date understand that, then they ought to be out of there.

APPOINTMENT OF CONFEREES ON H.R. 17255, AMENDING THE CLEAN AIR ACT

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to

the request of the gentleman from Oklahoma?

The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSEN.

CONFERENCE REPORT ON S. 1933, RAILROAD SAFETY AND HAZARDOUS MATERIALS CONTROL

Mr. JARMAN (on behalf of Mr. STAGGERS) filed the following conference report and statement on the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1467)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—PURPOSE

SEC. 101. DECLARATION OF PURPOSE.

The Congress declares that the purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

TITLE II—RAILROAD SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Railroad Safety Act of 1970".

SEC. 202. RAIL SAFETY REGULATIONS.

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on the date of enactment of this title, and (2) conduct, as necessary, research, development, testing, evaluation, and training for all areas of railroad safety. However, nothing in this title shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railway Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, orders, or standards prescribed by the Secretary under this title. Nothing in this title shall be construed to give the Secretary authority to issue rules, regulations, orders, and standards relating to qualifications of employees, except such qualifications as are specifically related to safety.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, orders, or standards issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety rule, regulation, order, or standard under this title, and an opportunity shall be provided for oral presentations.

(c) The Secretary may, after hearing in accordance with subsection (b) of this section, waive in whole or in part compliance with any rule, regulation, order, or standard established under this title, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

(d) In prescribing rules, regulations, orders, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, orders, and standards under this title based upon existing safety data and standards, not later than one year after the date of enactment of this title. The Secretary shall review and, after hearing in accordance with subsection (b) of this section, revise such rules, regulations, orders, and standards as necessary.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

SEC. 203. EMERGENCY POWERS.

If through testing, inspection, investigation, or research carried out pursuant to this title, the Secretary determines that many facility or piece of equipment is in unsafe condition and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

SEC. 204. GRADE CROSSINGS AND RAILROAD RIGHTS-OF-WAY.

(a) The Secretary shall submit to the President for transmittal to the Congress, within one year after the date of enactment of this title, a comprehensive study of the problem of eliminating and protecting railroad grade crossings, including a study of measures to protect pedestrians in densely populated areas along railroad rights-of-way, together with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program proposed as a result of such study.

(b) In addition the Secretary shall, insofar as practicable, under the authority provided by this title and pursuant to his authority over highway, traffic, and motor vehicle safety, and highway construction, undertake a coordinated effort toward the objective of developing and implementing solutions to the grade crossing problem, as well as measures to protect pedestrians in densely populated areas along railroad rights-of-way.

SEC. 205. STATE REGULATION

The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

SEC. 206. STATE PARTICIPATION

(a) A State may participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order, or standard prescribed by the Secretary under this title if the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within such State are regulated by a State agency and such State agency submits to the Secretary an annual certification that such State agency—

(1) has regulatory jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State concerned;

(2) has been furnished a copy of each Federal safety rule, regulation, order, and standard, applicable to any such railroad facility, equipment, rolling stock, or operation, established under this title as of the date of the certification;

(3) is conducting the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him of each rule, regulation, order, and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary. The Secretary shall retain the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of this title) to request injunctive relief for the violation of rules, regulations, orders, and standards prescribed by the Secretary under section 202(a) of this title and to recommend appropriate action as provided by sections 209 and 210 of this title.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing—

(1) the name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) all accidents or incidents reported during the preceding twelve months by each such railroad involving personal injury requiring hospitalization, fatality, or property damage exceeding $750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding each such accident or incident;

(3) the record maintenance, reporting, and inspection practices conducted by the State agency to aid the Secretary in his enforcement of rules, regulations, orders, and standards prescribed by him under section 202(a) of this title, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations by the State agency during the preceding twelve months; and

(4) such other information as the Secretary may require.

The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretary determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to such safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification, in whole or in part, or take such other action as he deems appropriate to achieve adequate enforcement. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Secretary with respect to such safety rules, regulations, orders, and standards.

(c) With respect to any railroad facility, equipment, rolling stock, or operation for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary may enter into an agreement with a State agency to authorize such agency to provide all or any part of the investigative and surveillance activities prescribed by the Secretary as necessary to obtain compliance with any Federal safety rule, regulation, order, or standard applicable to any such railroad facility, equipment, roll-

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ing stock, or operation. An agreement entered into under this subsection, or any provision thereof, may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to provide all or any part of the investigative and surveillance activities to which the agreement relates. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

(d) Upon application by any State agency which has submitted a certification under subsection (a) of this section, or entered into an agreement under subsection (c) of this section, the Secretary shall pay, out of funds appropriated pursuant to this title or otherwise made available, up to 50 per centum of the cost of the personnel equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State, exclusive of Federal grants, for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this title.

(e) The Secretary is authorized to conduct such monitoring of State investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this title.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, order, or standard for railroads established under this title after the date of such certification until the State agency has submitted an appropriate certification in accordance with the provisions of subsection (a) of this section to provide the necessary inspection and surveillance activities in accordance with the provisions of such subsection.

SEC. 207. ENFORCING COMPLIANCE WITH FEDERAL RAILROAD SAFETY RULES, REGULATIONS, ORDERS, AND STANDARDS

In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title, or no civil action has been commenced to obtain injunctive relief under section 210 of this title, with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title, within 90 days after the date on which such violation occurred, a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title within the State where the violation occurred, may apply to the district court of the United States within the jurisdiction of which the violation occurred for the enforcement of such rule, regulation, order, or standard. The court shall have jurisdiction to enforce compliance with such rule, regulation, order, or standard by injunction or other proper process to restrain further violation thereof, or to enjoin compliance therewith, or to assess and collect the civil penalty included in or made applicable to such rule, regulation, order, or standard. The provisions of this section shall not apply in any case in which the Secretary has affirmatively determined, in writing, that no violation has occurred.

SEC. 208. GENERAL POWERS

(a) In carrying out his functions under this title, the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly with respect to those aspects of railrad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, equipment, rolling stock, operations, or persons, as he deems necessary to carry out the provisions of this title.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions and circumstances relating to accidents investigated under subsection (a) of this section, but may delegate such authority to any office or official of the Board or to any office or official of the Department of Transportation with the approval of the Secretary, as it may determine appropriate.

(c) To carry out the Secretary's and the Board's responsibilities under this title, officers, employees, or agents of the Secretary or the Board, as the case may be, are authorized to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner. Such officers, employees, or agents shall display proper credentials when requested.

(d) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary under this title, or by any State agency which is participating in investigative and surveillance activities pursuant to section 206 of this title, shall have the same force and effect as a statute for purposes of the application of sections 3 and 4 of the Act of April 22, 1908 (45 U.S.C. 53 and 54), relating to the liability of common carriers by railroad for injuries to their employees.

SEC. 209. PENALTIES

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any rule, regulation, order, or standard prescribed by the Secretary under this title.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard issued under this title a civil penalty for violation thereof in such amount, not less than $250 nor more than $2,500, as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under this title, including penalties collected pursuant to section 207 of this title, shall be covered into the Treasury as miscellaneous receipts.

(d) In any action brought under this title, subpenas for witnesses who are required to attend a United States district court may run into any other district.

SEC. 210. INJUNCTIVE RELIEF

(a) The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to section 207 of this title, have jurisdiction, subject to the provisions of rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this title.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section or under section 207 of this title, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

SEC. 211. ANNUAL REPORT

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on or before May 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties by cause occurring in such year;

(2) a list of Federal railroad safety rules, regulations, orders, and standards issued under this title in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 202(c) of this title during such year;

(4) an evaluation of the degree of observance of applicable railroad safety rules, regulations, orders, and standards issued under this title;

(5) a summary of outstanding problems confronting the administration of Federal railroad safety rules, regulations, orders, and standards issued under this title in order of priority;

(6) an analysis and evaluation of research and related activities completed (including the policy implications thereof) and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions for the enforcement of any Federal railroad safety rule, regulation, order, or standard issued under this title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies under section 206(a) of this title which were in effect during the preceding calendar year, and

(B) certifications filed under section 206 (a) of this title which were rejected, in whole or in part, by the Secretary during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies under section 206(c) of this title which were in effect during the preceding calendar year, and

(B) agreements entered into under section 206(c) of this title which were terminated by the Secretary, in whole or in part, during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

SEC. 212. AUTHORIZATION FOR APPROPRIATIONS

There is authorized to be appropriated to carry out the provisions of this title not to exceed $21,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

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TITLE III—HAZARDOUS MATERIALS CONTROL

Sec. 301. Short Title

This title may be cited as the "Hazardous Materials Transportation Control Act of 1970".

Sec. 302. General Authority

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall, within six months after the date of enactment of this title—

(1) establish facilities and technical staff to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped;

(2) establish a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law-enforcement and firefighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials; and

(3) conduct a review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

(b) The authority granted the Secretary by this title shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

(c) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties occurring in such year which involved the transportation of hazardous materials;

(2) a list of relevant Federal standards in effect or established in such year;

(3) a summary of the reason for each waiver or exemption granted pursuant to sections 831 to 835, inclusive, of title 18 of the United States Code;

(4) an evaluation of the degree of observance of safety standards for the transportation of hazardous materials; and

(5) a summary of outstanding problems created by the transportation of hazardous materials.

(d) The report required by subsection (c) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary.

Sec. 303. Authorization for Appropriations

There is authorized to be appropriated to carry out the provisions of this title not to exceed $1,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE IV—MISCELLANEOUS

Sec. 401. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

And the House agree to the same.

Harley O. Staggers,
Samuel N. Friedel,
John D. Dingell,
William L. Springer,
Samuel L. Devine,
Managers on the Part of the House.
Warren G. Magnuson,
Vance Hartke,
Howard W. Cannon,
Hugh Scott,
Winston Prouty,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

In large part the provisions of the Senate bill and the House substitute amendment were the same or similar.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the text of the Senate bill and the House amendment thereto.

The major difference between the House amendment to the text of the Senate bill and the substitute agreed to in conference is noted below. There were some clerical corrections and minor drafting and clarifying changes.

ENFORCING COMPLIANCE WITH SAFETY STANDARDS

Section 207 of the House bill permitted a State to seek only injunctive relief in Federal district courts in any case where 180 days have elapsed after a violation and no penalty has been assessed nor injunctive relief sought or the Secretary has not made a finding in writing that no violation has occurred.

Under the Senate bill the States would enforce Federal safety standards in State courts.

The substitute agreed to in conference eliminates the State enforcement of rail safety standards in State courts. It also reduces the 180-day period in section 207 of the House amendment to 90 days and permits a State to petition the Federal district court to assess and collect the civil penalty included in, or made applicable to, the particular Federal railroad safety rule, regulation, order, or standard. All penalties collected would be covered into the Treasury as miscellaneous receipts.

Harley O. Staggers,
Samuel N. Friedel,
John D. Dingell,
William L. Springer,
Samuel L. Devine,
Managers on the Part of the House.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 19318 UNTIL MIDNIGHT SATURDAY

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday, September 26, to file a report on the bill H.R. 19318.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Mr. JARMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug-dependent persons; and to strengthen existing law-enforcement authority in the field of drug abuse.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 18583, with Mr. Moorhead in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday it had agreed that the table of contents beginning on page 104 and ending on page 106 of the substitute committee amendment would be considered as read and open to amendment.

If there are no amendments to the table of contents, the Clerk will read.

The Clerk read as follows:

TITLE I—REHABILITATION PROGRAMS RELATING TO DRUG ABUSE

PROGRAMS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT RELATING TO DRUG ABUSE

Section 1. (a) Part D of the Community Mental Health Center Act is amended as follows:

(1) Sections 251, 252, and 253 of such part (42 U.S.C. 2688k, 2688l, and 2688m) are each amended by inserting "and other persons with drug abuse and drug dependence problems" immediately after "narcotic addicts" each place those words appear in those sections.

(2) Clauses (A) and (C) of section 252 of such part are each amended by inserting ", drug abuse, and drug dependence" immediately after "narcotic addiction".

(3) The heading for such part is amended to read as follows:

"Part D—Narcotic Addiction, Drug Abuse, and Drug Dependence Prevention and Rehabilitation".

(b) Part E of such Act is amended as follows:

(1) Section 261(a) of such part (42 U.S.C. 2688o) is amended by striking out "$30,000,000 for the fiscal year ending June 30, 1971, $35,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for the fiscal year ending June 30, 1973" and inserting in lieu thereof "$40,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, and $80,000,000 for the fiscal year ending June 30, 1973."

(2) Section 261(a) of such part is further amended by inserting ", drug abuse, and drug dependence" immediately after "narcotic addiction."

(3) Sections 261(c) and 264 are each amended by inserting "and other persons with drug abuse and drug dependence problems" immediately after "narcotic addicts".

(4) The section headings for sections 261 and 263 are each amended by striking out "AND NARCOTIC ADDICTS" and inserting in lieu thereof ", NARCOTIC ADDICTS, AND OTHER PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS".

(c) Part D of such Act is further amended by redesignating sections 253 and 254 as sections 254 and 255, respectively, and by adding after section 252 the following new section:

"DRUG ABUSE EDUCATION

"Sec. 253. (a) The Secretary is authorized to make grants to States and political subdivisions thereof and to public or nonprofit private agencies and organizations, and to

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enter into contracts with other private agencies and organizations, for—

"(1) the collection, preparation, and dissemination of educational materials dealing with the use and abuse of drugs and the prevention of drug abuse, and

"(2) the development and evaluaton of programs of drug abuse education directed at the general public, school-age children, and special high-risk groups.

"(b) The Secretary, acting through the National Institute of Mental Health, shall (1) serve as a focal point for the collection and dissemination of information related to drug abuse; (2) collect, prepare, and disseminate materials (including films and other educational devices) dealing with the abuse of drugs and the prevention of drug abuse; (3) provide for the preparation, production, and conduct of programs of public education (including those using films and other educational devices); (4) train professional and other persons to organize and participate in programs of public education in relation to drug abuse; (5) coordinate activities carried on by such departments, agencies, and instrumentalities of the Federal Government as he shall designate with respect to health education aspects of drug abuse; (6) provide technical assistance to State and local health and educational agencies with respect to the establishment and implementation of programs and procedures for public education on drug abuse; and (7) undertake other activities essential to a national program for drug abuse education.

"(c) The Secretary, acting through the National Institute of Mental Health, is authorized to develop and conduct workshops, institutes, and other activities for the training of professional and other personnel to work in the area of drug abuse education.

"(d) To carry out the purposes of this section, there are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1971, $10,000,000 for the fiscal year ending June 30, 1972, and $12,000,000 for the fiscal year ending June 30, 1973."

(d) Such part D is further amended by adding at the end thereof the following new section:

"SPECIAL PROJECTS FOR NARCOTIC ADDICTS AND DRUG DEPENDENT PERSONS

"SEC. 256. (a) The Secretary is authorized to make grants to public or nonprofit private agencies and organizations to cover a portion of the costs of programs for treatment and rehabilitation of narcotic addicts or drug dependent persons which include (1) detoxification services, (2) institutional services (including medical, psychological, educational, and counseling services), and (3) community-based aftercare services.

"(b) Grants under this section for the costs of any treatment and rehabilitation program—

"(1) may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and

"(2)(A) except as provided in subparagraph (B), may not exceed 80 per centum of such costs for each of the first two years after such first day, 75 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, and 30 per centum of such costs for each of the next three years after such first day; and

"(B) in the case of any such program providing services for persons in an area designated by the Secretary as an urban or rural poverty area, such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"(c) No application for a grant authorized by this section shal be approved by the Secretary unless such application is forwarded through the State agency responsible for administering the plan submitted pursuant to section 204 of this Act or, if there be a separate State agency, designated by the Governor as responsible for planning, coordinating, and executing the State's efforts in the treatment and rehabilitation of narcotic addicts and drug dependent persons, through such latter agency, which shall submit to the Secretary such comments as it deems appropriate.

"(d) The Secretary shall make grants under this section for projects within the States in accordance with criteria determined by him designed to provide priority for grant applications in States, and in areas within the States, having the higher percentages of population who are narcotic addicts or drug dependent persons.

"(e) There are authorized to be appropriated to carry out this section not to exceed $20,000,000 for the fiscal year ending June 30, 1971; $20,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973."

BROADER TREATMENT AUTHORITY IN PUBLIC HEALTH SERVICE HOSPITALS FOR PERSONS WITH DRUG ABUSE AND OTHER DRUG DEPENDENCE PROBLEMS

SEC. 2. (a) Part E of title III of the Public Health Service Act is amended as follows:

(1) Section 341(a) of such part is amended by adding immediately after "addicts" the second time it appears the following: "and other persons with drug abuse and drug dependence problems".

(2)(A) Sections 342, 343, 344, and 346 of such part are each amended by inserting "or other persons with drug abuse and drug dependence problems" immediately after "addicts" each place it appears in those sections.

(B) The section heading of section 342 of such part is amended by inserting "OR OTHER PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS" after "ADDICTS".

(3) Sections 343 and 344 of such part are each amended by inserting "or other person with a drug abuse or other drug dependence problem" immediately after "addict" each place it appears in those sections.

(4) Sections 343, 344, and 347 of such part are each amended by inserting ", drug abuse, or drug dependence" immediately after "addiction" each place it appears in those sections.

(5) Section 346 of such part is amended by inserting "or substance controlled under the Controlled Substances Act" immediately after "habit-forming narcotic drug".

(6) The heading for such part is amended to read as follows:

"PART E—NARCOTIC ADDICTS AND OTHER DRUG ABUSERS".

(b) Section 2 of the Public Health Service Act (42 U.S.C. 201) is amended by adding after paragraph (p) the following new paragraph:

"(q) The term 'drug dependent person' means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence."

RESEARCH UNDER THE PUBLIC HEALTH SERVICE ACT IN DRUG USE, ABUSE, AND ADDICTION

SEC. 3. (a) Section 303(a) of the Public Health Service Act 42 U.S.C. 242(a)) is amended by adding after and below paragraph (2) the following:

"The Secretary may authorize persons engaged in research on the use and effect of drugs to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals."

(b) Section 507 of the Public Health Service Act (42 U.S.C. 225a) is amended—

(1) by striking out "available for research, training, or demonstration project grants pursuant to this Act" and inserting in lieu thereof "available under this Act for research, training, or demonstration project grants or for grants to expand existing treatment and research programs and facilities for alcoholism, narcotic addiction, drug abuse, and drug dependence, and appropriations available under the Community Mental Health Centers Act for construction and staffing of community mental health centers and alcoholism and narcotic addiction, drug abuse, and drug dependence facilities", and

(2) by inserting immediately before the period at the end thereof the following: ", except that grants to such Federal institutions may be funded at 100 per centum of the costs".

MEDICAL TREATMENT OF NARCOTIC ADDICTION

SEC. 4. The Secretary of Health, Education, and Welfare, after consultation with the Attorney General and with national organizations representative of persons with knowledge and experience in the treatment of narcotic addicts, shall determine the appropriate methods of professional practice in the medical treatment of the narcotic addition of various classes of narcotics addicts, and shall report thereon from time to time to the Congress.

Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that title I through line 18 on page 115 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROBISON. Mr. Chairman, I move to strike the last word.

Mr. ROBISON. Mr. Chairman, I have taken this time to clarify, if I can, the impact enactment of this bill will have on persons thereafter charged with offenses involving the mere use or possession of controlled drugs, including marihuana.

In this regard, the bill before us attempts a complete revision of the existing Federal penalty structure, including making any first-time simple use or possession offense a misdemeanor, regardless of the drug involved, and easing penalties for second-time use or possession offenses. Going further, in the case of a first such offense I understand that the court may place the offender on probation for not more than a year and if, at the end of the probationary period, the offender has not violated the conditions thereof the proceedings against him, or her, may be dismissed without a court adjudication of guilt. Besides which, on a one-time-only basis, if such an offender is under 21, he, or she, may obtain a court order expunging from all official records all recordation relating to his, or her, arrest, indictment, trial, and finding of guilt.

Now, I think all this is fine, recognizing as it does the opinion of most law-enforcement experts that the existing harsh and mandatory sentences in our narcotics control laws have been a hindrance, rather than an aid, to enforcement in mere use or possession cases, and recognizing, too, that the mere use of dangerous drugs or marihuana is more of a sickness than a crime, and deserves to be treated as such, and that the real criminals are the pushers and traffickers on whom this bill comes down hard.

However, I think it ought to be made more clear than it has been, so far during this debate, that this more humane and realistic approach to the question of penalties for mere use or possession of drugs, including marihuana, will have a very limited effect across the Nation. This is because we are revising and modernizing only the existing Federal laws in this regard and—if section 708 means what it seems to say—we have no intention of preempting existing State laws in this same regard. To this limited intent, then, has to be added the fact that, although there is an overlapping of jurisdiction, it is very rare that drug or marihuana use and possession cases come into Federal purview. This is because, on the Federal level of enforcement, such agents and investigators as we have are almost solely engaged in attempting to control the sources of supply and in apprehending the major traffickers, interstate and international, in both drugs and marihuana.

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Now, then, let me ask the ranking member on the Interstate and Foreign Commerce Committee, the distinguished and able gentleman from Illinois (Mr. SPRINGER), if consideration was given in committee to this aspect of the bill's actual effect and, specifically, what problems would be involved if Congress were to seek to preempt State penal laws involving mere use or possession of controlled drugs.

Mr. SPRINGER. May I say to the distinguished gentleman from New York that we did not seek to preempt State laws and I think very wisely so.

It is not possible for the Federal Government to have an agent in every community. The law enforcement agencies at the local level ought to have laws either by virtue of county ordinances, city ordinances or State law with reference to this. It is my recollection that every single one of the 50 States has a law with reference to marihuana. Enforcement for the most part at the local level will take place through the local law-enforcement agencies, the county sheriff, the State police, and the city and local police in the local communities.

I think the gentleman very wisely can see, having Cornell University in his district, and the University of Illinois in my district, we cannot have enough Federal agencies to supervise marihuana on the campuses of the universities of this country where we know that this practice of using marihuana is very prevalent. Therefore, we have to leave it up to the local law-enforcement agencies for the most part to take over at the local law-enforcement level.

What we are seeking to do under this bill, and the main thrust of this bill, is to get better cooperation between the Federal Government and the local agencies, but principally we are after the people who sell this, who bring it in from the outside, who manufacture and put it in the form to sell to these students, and who happen to be on the university campuses, or in the high schools, or we will say in the junior high schools, and the lower grades.

Now, that is the thrust of what we are seeking to do.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ROBISON was allowed to proceed for 2 additional minutes.)

Mr. ROBISON. Mr. Chairman, I thank the gentleman for his answer.

Now, let me then ask this additional question, if I might:

If there are then valid reasons why we should not preempt State laws in this regard, and are largely only putting forth this new approach to penalties for mere use and possession as a sort of example to the several States to encourage them to reform their own drug-abuse laws in similar fashion, if he knows of any other effort being made by the Federal Government, or some official thereof, perhaps to stimulate such State action beyond whatever value enactment of this bill may have by way of example?

Mr. SPRINGER. What we are saying in this bill is that we believe this is an example which could be followed by a great many States who have what I think are, without being critical, very reactionary statutes. For instance, in the State of Virginia, which is just across the river, a student last winter received a 20-year sentence in the State penitentiary for possession of marihuana. I think all of us realize the inequity of that kind of a penalty for mere possession. The further reason, may I say to the distinguished gentleman from New York, is that it is awfully hard to get convictions if you have that kind of a penalty for mere possession. All we are trying to do is to get at the pushers, the people who peddle, the people who manufacture it.

May I say that we believe what we are doing here is in the way of getting cooperation. For instance, in my own community recently we had a Bureau of Narcotics agent sit down at a table where we had the State police, the county sheriff, and the city police of Champaign and Urbana, Ill., to see if we could not coordinate this effort to prevent marihuana from being distributed in our local communities.

Mr. ROBISON. Could I ask specifically if the gentleman from Illinois knows if real effort is being made toward encouraging uniform or model codes in this respect.

Mr. SPRINGER. It is my understanding that the Attorney General at this time is trying to bring out what would be a uniform code for all the States. This of course would be very helpful if we had uniformity of application.

May I say further that my distinguished colleague from New York has talked with me about this several times, and I commend him for the dedication he has shown, and for the interest he has exhibited in this very important problem, because I know that he has been faced with it in his own community, and in his own district, as I have in mine.

Mr. ROBISON. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

SHORT TITLE

SEC. 100. This title may be cited as the "Controlled Substances Act".

FINDINGS AND DECLARATIONS

SEC. 101. The Congress makes the following findings and declarations:

(1) Many of the drugs included within this title have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.

(2) The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people.

(3) A major portion of the traffic in controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because—

(A) after manufacture, many controlled substances are transported in interstate commerce,

(B) controlled substances distributed locally usually have been transported in interstate commerce immediately before their distribution, and

(C) controlled substances possessed commonly flow through interstate commerce immediately prior to such possession.

(4) Local distribution and possession of controlled substances contribute to swelling the interstate traffic in such substances.

(5) Controlled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate. Thus, it is not feasible to distinguish in terms of controls, between controlled substances manufactured and distributed interstate and controlled substances manufactured and distribute intrastate.

(6) Federal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic.

(7) The United States is a party to the Single Convention on Narcotic Drugs, 1961, and other international conventions designed to establish effective control over international and domestic traffic in controlled substances.

DEFINITIONS

SEC. 102. As used in this title:

(1) The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

(2) The term "administer" refers to the

direct application of a controlled substance to the body of a patient or research subject by—

(A) a practitioner (or, in his presence, by his authorized agent), or

(B) the patient or research subject at the direction and in the presence of the practitioner,

whether such application be by injection, inhalation, ingestion, or any other means.

(3) The term "agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser; except that such term does not include a common carrier, public warehouseman, or employee of the carrier or warehouseman, when acting in the usual and lawful course of the carrier's or warehouseman's business.

(4) The term "Bureau of Narcotics and Dangerous Drugs" means the Bureau of Narcotics and Dangerous Drugs in the Department of Justice.

(5) The term "control" means to add a drug or other substance, or immediate precursor, to a schedule under part B of this title, whether by transfer from another schedule or otherwise.

(6) The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule, I, II, III, IV, or V of part B of this title. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1954.

(7) The term "counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

(8) The terms "deliver" or "delivery" mean the actual, constructive, or attempted transfer of a controlled substance, whether or not there exists an agency relationship.

(9) The term "depressant or stimulant substance" means—

(A) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid; or (ii) any derivative of barbituric acid which has been designated by the Secretary as habit forming under section 502(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(d)); or

(B) a drug which contains any quantity of (i) amphetamine or any of its optical isomers; (ii) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system; or

(C) lysergic acid diethylamide; or

(D) any drug which contains any quantity of a substance which the Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(10) The term "dispense" means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling, or compounding necessary to prepare the substance for such delivery. The term "dispenser" means a practitioner who so delivers a controlled substance to an ultimate user or research subject.

(11) The term "distribute" means to deliver (other than by administering or dispensing) a controlled substance. The term "distributor" means a person who so delivers a controlled substance.

(12) The term "drug" has the meaning given that term by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act.

(13) The term "felony" means any Federal or State offense classified by applicable Federal or State law as a felony.

(14) The term "manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of a drug or other substance in conformity with applicable State or local law by a practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice. The term "manufacturer" means a person who manufactures a drug or other substance.

(15) The term "marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(16) The term "narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium, coca leaves, and opiates.

(B) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates.

(C) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in clause (A) or (B).

Such term does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

(17) The term "opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction sustaining liability.

(18) The term "opium poppy" means the plant of the species Papaver somniferum L., except the seed thereof.

(19) The term "poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(20) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(21) The term "production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(22) The term "immediate precursor" means a substance—

(A) which the Attorney General has found to be and by regulation designated as being the principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(B) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(C) the control of which is necessary to prevent, curtail, or limit the manufacture of such controlled substance.

(23) The term "Secretary", unless the context otherwise indicates, means the Secretary of Health, Education, and Welfare.

(24) The term "State" means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the Canal Zone.

(25) The term "ultimate user" means a person who has lawfully obtained, and who possesses, a controlled substance for his own use or for the use of a member of his household or for an animal owned by him or by a member of his household.

(26) The term "United States", when used in a geographic sense, means all places and waters, continental or insular, subject to the jurisdiction of the United States.

INCREASED NUMBERS OF ENFORCEMENT PERSONNEL

Sec. 103. (a) During the fiscal year 1971, the Bureau of Narcotics and Dangerous Drugs is authorized to add at least 300 agents, together with necessary supporting personnel, to the number of enforcement personnel currently available to it.

(b) There are authorized to be appropriated not to exceed $6,000,000 for the fiscal year 1971 and for each fiscal year thereafter to carry out the provisions of subsection (a).

Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that part A of title II be considered as read down through line 5, page 125, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. If there are no amendments to part A, the Clerk will read.

The Clerk read as follows:

Part B—Authority To Control; Standards and Schedules

AUTHORITY AND CRITERIA FOR CLASSIFICATION OF SUBSTANCES

Sec. 201. (a) The Attorney General shall apply the provisions of this title to the controlled substances listed in the schedules established by section 202 of this title and to any other drug or other substance added to such schedules under this title. Except as provided in subsections (d) and (e), the Attorney General may by rule—

(1) add to such a schedule or transfer between such schedules any drug or other substance if he—

(A) finds that such drug or other substance has a potential for abuse, and

(B) makes with respect to such drug or other substance the findings prescribed by subsection (b) of section 202 for the schedule in which such drug is to be placed; or

(2) remove any drug or other substance from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule.

Rules of the Attorney General under this subsection shall be made on the record after opportunity for a hearing pursuant to the

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rulemaking procedures prescribed by subchapter II of chapter 5 of title 5 of the United States Code. Proceedings for the issuance, amendment, or repeal of such rules may be initiated by the Attorney General (1) on his own motion, (2) at the request of the Secretary, or (3) on the petition of any interested party.

(b) The Attorney General shall, before initiating proceedings under subsection (a) to control a drug or other substance or to remove a drug or other substance entirely from the schedules, and after gathering the necessary data, request from the Secretary a scientific and medical evaluation, and his recommendations, as to whether such drug or other substance should be so controlled or removed as a controlled substance. In making such evaluation and recommendations, the Secretary shall consider the factors listed in paragraphs (2), (3), (6), (7), and (8) of subsection (c) and any scientific or medical considerations involved in paragraphs (1), (4), and (5) of such subsection. The recommendations of the Secretary shall include recommendations with respect to the appropriate schedule, if any, under which such drug or other substance should be listed. The evaluation and the recommendations of the Secretary shall be made in writing and submitted to the Attorney General within a reasonable time. The recommendations of the Secretary to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substance. If the Attorney General determines that these facts and all other relevant data constitute substantial evidence of potential for abuse such as to warrant control or substantial evidence that the drug or other substance should be removed entirely from the schedules, he shall initiate proceedings for control or removal, as the case may be, under subsection (a).

(c) In making any finding under subsection (a) of this section or under subsection (b) of section 202, the Attorney General shall consider the following factors with respect to each drug or other substance proposed to be controlled or removed from the schedules:

(1) Its actual or relative potential for abuse.

(2) Scientific evidence of its pharmacological effect, if known.

(3) The state of current scientific knowledge regarding the drug or other substance.

(4) Its history and current pattern of abuse.

(5) The scope, duration, and significance of abuse.

(6) What, if any, risk there is to the public health.

(7) Its physic or physiological dependence liability.

(8) Whether the substance is an immediate precursor of a substance already controlled under this title.

(d) If control is required by United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section.

(e) The Attorney General may, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard the procedures prescribed by subsections (a) and (b) of this section, place an immediate precursor in the same schedule in which the controlled substance of which it is an immediate precursor is placed or in any other schedule with a higher numerical designation. If the Attorney General designates a substance as an immediate precursor and places it in a schedule, other substances shall not be placed in a schedule solely because they are its precursors.

(f) If, at the time a new-drug application is submitted to the Secretary for any drug having a stimulant, depressant, or hallucinogenic effect on the central nervous system, it appears that such drug has an abuse potential, such information shall be forwarded by the Secretary to the Attorney General.

(g)(1) The Attorney General shall by regulation exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

(2) Dextromethorphan shall not be deemed to be included in any schedule by reason of enactment of this title unless controlled after the date of such enactment pursuant to the foregoing provisions of this section.

Mr. SPRINGER (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of section 201 of part B of title II be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any amendments to this section? If not, the Clerk will read.

The Clerk read as follows:

SCHEDULES OF CONTROLLED SUBSTANCES

SEC. 202. (a) There are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after the date of enactment of this title and shall be updated and republished on an annual basis thereafter.

(b) Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on the effective date of this part, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

(1) SCHEDULE I.—

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has no currently accepted medical use in treatment in the United States.

(C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

(2) SCHEDULE II.—

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.

(C) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

(3) SCHEDULE III.—

(A) The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(4) SCHEDULE IV.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) SCHEDULE V.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

(c) Schedules I, II, III, IV, and V shall, unless and until amended pursuant to section 201, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol.
(2) Allylprodine.
(3) Alphacetylmathadol.
(4) Alphameprodine.
(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.
(9) Betamethadol.
(10) Betaprodine.
(11) Clonitazene.
(12) Dextromoramide.
(13) Dextrorphan.
(14) Diampromide.
(15) Diethylthiambutene.
(16) Dimenoxadol.
(17) Dimepheptanol.
(18) Dimethylthiambutene.
(19) Dioxaphetyl butyrate.
(20) Dipipanone.
(21) Ethylmethylthiambutene.
(22) Etonitazene.
(23) Etoxeridine.
(24) Furethidine.
(25) Hydroxypethidine.
(26) Ketobemidone.
(27) Levomoramide.
(28) Levophenacylmorphan.
(29) Morpheridine.
(30) Noracymethadol.
(31) Norlevorphanol.
(32) Normethadone.
(33) Norpipanone.
(34) Phenadoxone.
(35) Phenampromide.
(36) Phenomorphan.
(37) Phenoperidine.
(38) Piritramide.
(39) Proheptazine.
(40) Properidine.
(41) Racemoramide.
(42) Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is

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possible within the specific chemical designation:

(1) Acetorphine.
(2) Acetyldihydrocodeine.
(3) Benzylmorphine.
(4) Codeine methylbromide.
(5) Codeine-N-Oxide.
(6) Cyrenorphine.
(7) Desomorphine.
(8) Dihydromorphine.
(9) Etorphine.
(10) Heroin.
(11) Hydromorphinol.
(12) Methylesorphine.
(13) Methhydromorphine.
(14) Morphine methylbromide.
(15) Morphine methylsulfonate.
(16) Morphine-N-Oxide.
(17) Myrophine.
(18) Nicocodeine.
(19) Nicomorphine.
(20) Normorphine.
(21) Pholcodine.
(22) Thebacon.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hullucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine.
(2) 5-methoxy-3,4-methylenedioxy amphetamine.
(3) 3,4,5-trimethoxy amphetamine.
(4) Bufotenine.
(5) Diethyltryptamine.
(6) Dimethyltryptamine.
(7) 4-methyl-2,5-dimethoxyamphetamine.
(8) Ibogaine.
(9) Lysergic acid diethylamide.
(10) Marihuana.
(11) Mescaline.
(12) Peyote.
(13) N-ethyl-3-piperidyl benzilate.
(14) N-methyl-3-piperidyl benzilate.
(15) Psilocybin.
(16) Psilocyn.
(17) Tetrahydrocannabinols.

Schedule II

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Dihydrocodeine.
(5) Diphenoxylate.
(6) Fentanyl.
(7) Isomethadone.
(8) Levomethorphan.
(9) Levorphanol.
(10) Metazocine.
(11) Methadone.
(12) Methadone-Intermediate, 4-cyano-2-dimethyl-amino-4,4-diphenyl butane.
(13 Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
(14) Pethidine.
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(18) Phenazocine.
(19) Piminodine.
(20) Racemethorphan.
(21) Racemorphan.

Schedule III

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Phenmetrazine and its salts.

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.

(2) Chlorhexadol.
(3) Glutethimide.
(4) Lysergic acid.
(5) Lysergic acid amide.
(6) Methyprylon.
(7) Phencyclidine.
(8) Sulfondiethylmethane.
(9) Sulfonethylmethane.
(10) Sulfonmethane.

(c) Nalorphine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkoloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

Schedule IV

(1) Barbital.
(2) Chloral betaine.
(3) Chloral hydrate.
(4) Ethchlorvynol.
(5) Ethinamate.
(6) Methohexital.
(7) Meprobamate.
(8) Methylphenobarbital.
(9) Paraldehyde.
(10) Petrichloral.
(11) Phenobarbital.

Schedule V

Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(d) The Attorney General may by regulation except any compound, mixture, or preparation containing any depressant or stimulant substance in paragraph (a) or (b) of schedule III or in schedule IV or V from the application of all or any part of this title if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and (2) such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that section 202 be considered as read, down through line 17 on page 143, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. PEPPER

Mr. PEPPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pepper: Page 138, insert between lines 18 and 19 the following:

"(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

"(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

"(2) Phenmetrazine and its salts.

"(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

"(4) Methylphenidate."

Page 138, strike out line 20 and all that follows down through and including line 7 on page 139.

Page 139, line 8, strike out "(b)" and insert in lieu thereof "(a)".

Page 139, line 25, strike out "(c)" and insert in lieu thereof "(b)".

Page 140, line 1, strike out "(d)" and insert in lieu thereof "(c)".

Page 143, line 8, strike out "or (b)".

The CHAIRMAN. The gentleman from Florida is recognized in support of his amendment.

Mr. PEPPER. Mr. Chairman, this amendment is offered by me, but it is also authorized and supported unanimously by all the members of the House Select Committee on Crime, because, as a result of our hearings in nine cities of the country outside Washington, in Washington, and in the suburban areas thereabout, we have become very painfully aware of the menace to this country of the dangerous drugs which are referred to in the amendment, a category of drugs which, in terms of street parlance, are generally called "speed" drugs, amphetamines, and kindred drugs.

What the amendment proposes to do is merely to move these drugs which are listed in the amendment—the "speed" drugs, amphetamines, and kindred drugs with them—from schedule 3 in section 201 up to schedule 2 in section 201.

The effect of that is to subject these dangerous drugs to a quota system of control enforced and directed by the Attorney General of the United States upon the advice and counsel of the Secretary of Health, Education, and Welfare.

What the amendment provides is that we should not wait in dealing with these dangerous drugs, popularly known as "speed" drugs, which have had such a tragic effect upon so many youths—that we should not delay putting the manufacture and distribution of these drugs under a quota system, subject to the Attorney General, upon the advice of the Secretary of Health, Education, and Welfare, until the elaborate procedures, administrative and judicial, which are provided for in the bill can be carried out.

Why do we say that, Mr. Chairman and members of the committee? Because it is undisputed that today the manufacturers of these drugs are turning 8 billion of them a year out on the people of this country, many of them into the hands, and the bodies, and the brains of the young people of this country. Eight billion. That is the equivalent, assuming our population to be 200 million, of 40 of these "speed" pills a year for every man, woman, and child in the United States.

That is 8 billion. Mr. Chairman, according to the committee's own report, on page 7, we are told and we have evidence from Dr. Cohen of the narcotic and drug abuse section of NIMH that 50 percent of those 8 billion pills, the dangerous speed pills which are being produced by the manufacturers of this country, go into illicit channels of trade. They are not subject to any regulation. They are on the black market.

Mr. Chairman, perhaps I could not better illustrate the seriousness of the problem this amendment proposes to attack than to read a letter dated September 15 from a lady in San Diego, Calif., which came to me as our intention to prepare this amendment has had currency in the press, which reads as follows:

San Diego, Calif.,
September 15, 1970.

Representative Claude Pepper,
House Select Committee on Crime,
Washington, D.C.

Dear Representative Pepper: My husband and I are so much in favor of your current drive to limit manufacture of "pep pills". If you would care to use our own son's drug abuse case to point out the drastic effects of it, then please do so.

In 1968, Sept. 6 to be exact, our son tried to kill my husband, our younger son and me under the influence of amphetamines. He fortunately was overpowered and placed with juvenile authorities. After being released in 1969, everything went well until 1970, when early this year he started "shooting up" into his veins with amphetamines. His mind has been affected we feel, but "where to turn"—we do not know! We were advised to put him out of the house because I live in fear—fear that he may become violent again on "speed".

God only knows what will become of him or us. Why are amphetamines used at all or necessary? Sweden, has outlawed them. Can't we? Certainly the heavy person for whom they are prescribed can use a little more will power or lighter foods without a dependency on drugs. Certain women I know have taken "speed" for weight problems and told me "they climbed the walls" with them.

Please do *something* to end this abuse before all American children are lost in the jungle of the drug world.

Sincerely,

Pamela I. Miller,
(Mrs. Charles W.)

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. Pepper was allowed to proceed for 5 additional minutes.)

In this morning's Washington Post is a news article the heading of which is "Speed Freaks Turning to Heroin As Antidote." That is from Los Angeles and it says:

75 Percent From Upper Economic Levels—"Speed Freaks" Turning to Heroin As Antidote

(By Harry Nelson)

Los Angeles.—Youngsters across the nation are turning to heroin as an antidote to the "strung out" aftermath of amphetamine abuse, a San Francisco physician told a physicians' meeting here.

The number of heroin addicts asking for help at San Francisco's Haight-Ashbury medical Clinic has jumped 500 per cent since the clinic was founded in 1967, said Dr. David E. Smith, the clinic's medical director.

While 9 out of 10 heroin users used to be poor and members of minority races, 75 per cent are now white and come from the middle and upper economic levels, he said.

Physicians attending the meeting also heard a University of California at Los Angeles psychiatrist predict that within five years society will be faced with the problem of dealing with dozens of new drugs with new mind-altering capabilities.

The meeting, entitled "Changing Patterns in Drug Abuse," was co-sponsored by Pfizer Laboratories and the department of psychiatry at UCLA.

Dr. Smith said the clinic now sees 50 heroin patients a day—a dramatic change from only two years ago when heroin users were relatively scarce and the bulk of patients were victims of LSD bad trips or psychotic reactions from amphetamines or "speed."

He said the Los Angeles' Free Clinic also has experienced a sharp rise in heroin addicts and predicted that youngsters in suburban communities across the nation will soon be following suit just as they did several years ago with LSD, marijuana and speed.

Dr. Smith, a faculty member of the University of California at San Francisco Medical Center, said he believes the switch to heroin is directly related to the abuse of amphetamines, a class of stimulant drugs also known as "uppers" that can be taken either in pill form or injected. When injected it is called "speed" because of its fast action.

So-called "speed freaks" go on binges that last for as long as a week during which their nervous system is kept at a highly excited level by the drug's constant stimulation.

Dr. Smith said these drug abusers have learned that heroin, which is a depressant, will calm them down and ease the feverish excitement that keeps them from either eating or sleeping.

Besides this pharmacological action, there is also a psychological explanation for the increasing popularity of heroin, he said.

"Heroin is a drug of despair. It fits in well with the growing pessimism of the radical youth culture. The optimism of the flower children is gone. The youngsters are moving from drugs that expand the consciousness to ones that constrict it," he said.

Mr. Chairman, these speed drugs not only do grievous injury to the brain and to the nervous system of the individual who takes them, but now we also have medical evidence in today's paper that the use of these speed drugs is also leading to a greater use of heroin, which comes as near to condemning one to a miserable death as almost anything we can imagine.

Mr. WALDIE. I commend my chairman, and I wish to join with him in support of this amendment.

It has struck me that those who have argued against the amendment, at least in terms of its presentation thus far, have agreed there is no question that there does not exist a need for billions of these pills, when the legitimate need does not exceed several hundred thousand, and that such a figure is excessive. But they have suggested that to take the proposed action at this time would represent a hardship for the legitimate drug manufacturer. It would apparently represent a hardship for the legitimate drug manufacturer in terms of the necessity of keeping records and in terms of perhaps having his production curtailed if the Attorney General so determines, after competent medical advice, that it should be curtailed.

It does seem to me, Mr. Chairman, that totally overlooks, as you have so properly pointed out, the grievous fact that the delay in taking this step will have untold consequences to the youngsters afflicted by the use of "speed" and amphetamine derivatives.

When we balance the equities, as to any inconvenience which might occur to the drug manufacturers as against the definitive tragedies no one argues about,

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occurring every day, it demands the action here proposed.

I believe it would also be proper to mention, Mr. Chairman, that due to the activities of your committee, and primarily as a result of your activities in the capacity as chairman, several legitimate drug manufacturers already have voluntary given up the production of these substances, in view of the information that came to their attention as the result of hearings held by your committee. If responsible drug manufacturers can voluntarily do this, recognizing the problem which exists, it does seem to me we have a right to suggest that those other responsible drug manufacturers do so, and, if necessary, under compulsion of law.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. PEPPER was allowed to proceed for 2 additional minutes.)

Mr. PEPPER. Mr. Chairman, I thank the able gentleman, who has worked so hard on our endeavor to solve this important problem.

As my distinguished colleague has suggested, there are only three known medical needs for these "speed" drugs. One is in treatment of a type of child injury called hyperkinetics. Another is in the treatment of narcolepsy, which has to do with certain children. Another is to reduce weight.

The doctors, including Dr. Cohen and other distinguished medical authorities, have said at the outside only a few thousand—not 8 billion, but only a few thousand—would be necessary for medical needs.

I have here an endorsement of our amendment by the American Public Health Association.

I add only this, Mr. Chairman: When we are dealing with so dangersous a matter, of such menacing import to so many, why wait? Let us put it under the Attorney General, whom we can trust. He will let them produce as many as they need, upon the advice of HEW.

Why should we have to wait to go through a long labyrinth of administrative and judicial procedure, which may take years, during which many other sons, like the one this lady writes about, may take their own lives or the lives of others?

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the distinguished gentleman from Alabama.

Mr. ANDREWS of Alabama. I want to commend the gentleman for the great fight he has made against crime in this country. The gentleman has traveled all over the country and conducted hearings.

I should like to ask the gentleman whether there is any evidence of a connection between the drug problem and the Vietnam war or the Southeast Asia war? Does that have anything to do with the excessive use of drugs in this country in the past few years?

Mr. PEPPER. Undoubtedly it has had a profound influence, from the men coming back here.

Mr. ANDREWS of Alabama. One of the sad byproducts of this war in Southeast Asia—there are many sad byproducts, but one of the saddest is the fact that we may be producing a generation of drug addicts there.

I know that in my district there is a great military installation, and they have had a marihuana problem there. Some people who are knowledgeable tell me it is directly connected with these young men coming back from Vietnam. A battalion surgeon recently testified that 49 percent of the men in that battalion were addicted to drugs. I have been told that one can buy drugs there as cheap as Coca-Cola.

Mr. PEPPER. The evidence shows that the drug manufacturers are not going to stop their manufacture until they are subjected to quota requirements or prohibition by law.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a few questions to the gentleman from Florida who has done so much work in this area. I think a number of us have some reservations, not objections, about his amendment. The gentleman from Florida has quoted Dr. Cohen. Now, on page 603 of the hearings Dr. Cohen said this:

> Clandestine laboratories which manufacture methamphetamine capsules and tablets have been detected during the past 3 years. If the entire licit production were curtailed, then more of these laboratories will spring up. Many foreign countries continue to be an easy source of supply for smugglers. Unless international regulation of the amphetamines can be initiated, this substance will remain in good supply even if medical uses of amphetamines were limited by law.
>
> Most amphetamines now have a sustained release. These pills are of very little interest to the abuser.
>
> I want to be assured by the gentleman from Florida that, if we follow his advice, we will not be establishing a black market or a bootleg business where there will be an impure product and a more dangerous product than we have at the present time.

Mr. PEPPER. Will the gentleman yield?

Mr. KYL. I am glad to yield to the gentleman from Florida.

Mr. PEPPER. I thank the gentleman for his very significant inquiry. We only ask for this amendment the same amount of effective enforcement by the Attorney General which the committee presupposes in respect to the narcotics that are referred to in statutes 1 and 2. The committee put narcotics in schedules 1 and 2 under a quota system administered by the Attorney General. The Attorney General will administer under the Department of HEW. I am sure that more money will be made available for that. We only ask that the same principle be applied to these dangerous speed drugs. They, too, ought to be put under the Attorney General, and, when he finds a reduction from 8 billion of these pills is in the public interest on the advice of the Department of Health, Education, and Welfare, he shall impose a quota on those that can be produced in America and allocated among those who are responsible representatives of the drug industry to produce.

I think this is the best way to get control, because if we do not have anything but registration and do not limit production by a quota system, you cannot effectively control production.

Mr. KYL. If I can beg the indulgence of the able gentleman from Florida, carrying the matter one step further, there is, of course, a difference in price between the so-called hard drugs and the amphetamines which, in a way, becomes an important factor here. Aside from simply having a supply and worrying about the bootleg business, I am now thinking of the situation which we had in Iowa where some of these homemade amphetamines included strychnine, as an illustration, and in which the drugs were not refined as they are when they come from a reputable drug company. The change of one isomer in an amphetamine makes a tremendous difference in the effectiveness of the drug. We do not regulate this illegitimate manufacturing enterprise in any way of course.

Mr. PEPPER. If we had a quota system, the manufacturers who were authorized to manufacture would be known, and all the Attorney General's representatives would proceed to do would be to go to that factory and see whether they are producing more than they are authorized to produce.

Let me give the able gentleman and the committee something that we discovered when we held a hearing in San Francisco last year. The president of a drug firm in Chicago appeared as a witness. He stated that for years his company had been shipping a large quantity of these pep pills, speed pills, to a firm in Tijuana, Mexico. The Bureau of Narcotics, and the Customs people had gotten wind of that, after some years of surveillance, and they found that this so-called consignee was the 11th hole of the Tijuana golf course and that there was not any such consignee. We had in a room at the place of the hearing in the courthouse 13 bins containing 1.3 million of these pills that a so-called reputable drug company for years had been shipping to an imaginary consignee down in Tijuana, Mexico.

Mr. KYL. I thank the gentleman for his response.

Because of the nature of the drug problem, I believe we can hold a rather simply stated criteria: A drug control program should make it harder to start and easier to quit.

Certainly, there is more to this problem than law enforcement and failure to recognize the fact continually throws more of a burden on law enforcement agencies without effecting genuine cures.

Our consideration should begin here: The problem of narcotics and drug abuse is a serious one. However, in many individual cases—some authorities say "in most cases"—there is a deep personal psychological problem which is not removed by punishment alone. The need for medical and/or psychiatric treatment is also essential.

This particular element becomes apparent when we realize that a drug user can be cleaned chemically much more easily than he can be cured psychologically.

We must not oversimplify this proposition—or, on the other hand, to over-promise results. Perhaps we can place this particular point in focus by relating the firm opinion of our Federal agency in charge of drug control. Statistics show that in terms of social cost the abuse of alcohol constitutes by far the greatest total. I need not elucidate the frustrations met in trying to solve this problem. Further, I think it is obvious that we should not expect simpler answers in reference to other drugs.

What are those other drugs? A drug company has prepared an exhibit for my use with the statement that the collection is very incomplete.

There are about 150 different pills and capsules, all developed to fill a legitimate medical need. Each is recognized as a factor in illegitimate drug abuse. The collection does not include such hard drugs as heroin, nor does it include glue, naphtha, carbon tetrachloride, or the hallucinogens symbolized by LSD.

This suggests other essential ingredients in any meaningful program. Continuing education is a must. Most Americans are not even really alerted to the dangers involved in daily use. For instance, we have a rather long list of well-known people who have died because they had consumed a normal quantity of alcohol; and shortly thereafter, a normal quantity of sleeping pills or similar depressants.

Another example is found in the frightening story of a new "kick" called "fruit bowl." Those involved, usually the young, take two different pills from the home medicine chest, mix them in a common bowl with other persons, then select two at random for consumption. In such cases, even hormone concoctions become dangerous drugs.

What I am trying to emphasize is the idea that no law, in and of itself, is going to change the attitudes and solve the psychological problems involved. We are discussing a good bill. But let no Member think our task is completed with passage of that bill.

I have visited personally with experimenters, with people who have a psychological dependence as well as those with a physical dependence. I have reviewed very many case histories, have noted the criminal connections and the tragedies resulting from abuse of drugs. I cannot overemphasize the seriousness of what has become a national sickness. But the treatment still deals with individuals.

I recommend passage of this bill as a new "starting point" in a comprehensive continuing battle. This is a beginning, and only a beginning.

Mr. PEPPER. Mr. Chairman, if the gentleman will yield further, I will add this, if we only require the registration, as this does, this drug would not be subject to any registration if our amendment does not prevail and then you would have to trace every shipment to see whether it went to the proper place. But if the factory knows it has a quota, all you have to decide is whether it has exceeded its quota or not.

Mr. CARTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regretfully oppose the amendment which has been offered by the distinguished gentleman, from Florida. Legislating on the floor of the House concerning very technical and scientific matters can cause a great deal of trouble. It can open a Pandora's box.

In this case the distinguished gentleman from Florida talks about speed, and I am against speed also. Our most prominent drug companies have stopped the manufacture of speed today. However, the gentleman's amendment, if adopted, would cover 6,100 drugs of all sorts, not just the three mentioned, not just speed, but all of the amphetamines and other drugs which are called phenmetrazine.

Mr. Chairman, I read from the book which is available on every physician's desk information which includes a résumé approved by the Food and Drug Administration which says that methylphenidate is used as a stimulant to hasten recovery——

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Not at this time, not until I have finished my statement and then I shall be glad to yield to the distinguished gentleman from Florida.

To continue my statement—to hasten recovery from anesthesia, increasing response to psychotherapy and depression, and so forth.

Now, to the best of my knowledge, and based upon what I have read in the manual which all physicians usually have on their desk, preludin is not subject to very much abuse.

And, Mr. Chairman, unthinkingly, the distinguished gentleman has included this substance and spoke of it I think mistakenly as an amphetamine. This, Mr. Chairman, shows the illogic approach of getting too technical on a bill on which this committee has worked for at least 51 different sessions, asking the advice time after time from the Department of Health, Education, and Welfare and the Department of Justice.

Mr. Chairman, I believe another inclusion that the distinguished gentleman made was phenmetrazine which is an appetite suppressant and is contained in the coverage of the Food and Drug Administration or at least it is approved by them and is in the physician's desk reference. It is effective and it lacks unpleasant side effects.

Now, Mr. Chairman, I think it is illogical for us today to include 6,100 drugs which are certainly not all amphetamines in this amendment.

I think it would be disastrous to many companies throughout the land, and I think it is almost impossible to impose a quota which would be necessary. Rather, let us let the Justice Department handle it as they want to do—and they are very eager to do this. They will have hearings, they will determine the necessity of these drugs being placed in their proper classification. I think that is the way that we should proceed in this matter.

As I say, I think it is absolutely vital that we oppose this amendment at this time.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Florida.

Mr. PEPPER. Mr. Chairman, there are two points I would like to suggest. This amendment does not impose any quotas. We do not deal with figures, we give the Attorney General of the United States, upon the advice of the Secretary of Health, Education, and Welfare, the power to impose quotas if they find it in the public interest, so that we are dealing with responsible officials.

Second, concerning the prescriptions that might be affected: The only effect of our amendment, if adopted, would be that if a physician issues a prescription for one of these very dangerous drugs, then that prescription cannot be refilled. If our amendment is not adopted, the physician can issue a prescription, and the person who gets the prescription can have it refilled five times, and he does not have to go back to the doctor.

Mr. CARTER. May I say in reference to that, that we prefer today to limit the number of prescriptions which will be written. Further, to class Ritalin, which is a rather innocuous drug, and preludin phenmetrazine, which has no unpleasant side effects, I think is beyond the realm of reason to place this in the category of morphine and other serious barbiturates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I am pleased the gentleman from Kentucky (Mr. CARTER) has taken the floor in opposition to the amendment. There is just one part of the amendment I am concerned about, and that is the part that he was referring to in his comments on Ritalin. The only interest I have in this, and the only information I have, is from the work we do in our committee with the handicapped children, and in talking to people from the Council of Exceptional Children. They tell me that Ritalin is used for brain-injured children with hyperactive behaviors.

The trouble will be that since they have to get their prescriptions refilled probably once a week many of these parents will have to go to see the doctor in order to get it refilled once a week. The average brain-injured child may take as many as 20 to 30 pills a week. The prescription could not be refilled; it would require, each time, a new prescription from the doctor.

Under the bill as written by the committee, the present regulations would still prevail, permitting as many as five refills or a maximum of 6 months between prescriptions. Unless evidence proved that a change needed to be made, these regulations would continue to prevail. If the Pepper amendment is adopted, a great hardship would be placed on many individuals. For instance, parents with a brain-injured child in a remote rural area would find it impossible to go to a doctor as often as the Pepper amendment would make it necessary for them to do. There are also other people residing in the cities who might find this difficult, and for everyone it would mean an increased cost in the medication for their child.

I do not know enough about the other drugs that the gentleman from Florida

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is concerned about, and has included in his amendment, but I do think it would be completely unwise to move Ritalin from schedule 3 to schedule 2.

Also, the doctors have this under control, it is not an addictive drug, and it is not dangerous in that sense.

So, I hope my colleagues will listen to the gentleman from Kentucky, and follow his lead in this matter.

Mr. WIGGINS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am here to speak to the Members in support of this amendment. I solicit your earnest consideration of what I am about to say.

I would like to call your attention to certain things that are indisputably true. These are the facts upon which you must judge the worth of this amendment.

One of the facts that is clearly true is this: all drugs covered by the Pepper amendment are dangerous drugs. They are. These are not innocuous little things. Ritalin, for example, is a dangerous drug if improperly used.

A second fact. The drugs covered by the Pepper amendment—speed, amphetamines, methamphetamines—are grossly abused in this country—grossly abused.

I regret to say that one of the States that has a serious drug problem is my own State. Speed is one of the principal drugs of choice. It is creating incalculable problems—crime problems, and social problems.

The third point, a fact, a simple fact, these drugs are being overproduced. There is no legitimate reason to turn out 8 billion—8 billion of these drugs.

The figure has been challenged. Some have said it is only 4 billion. Well, when the medical testimony before our committee indicates that legitimate, medicinal use of these drugs would justify their production on the order of 100,000 or 200,000—then even 4 billion is a gross overproduction.

Fourth, and this also is a fact—these dangerous drugs which are being abused and which are being overproduced are being diverted into illicit channels. Everyone admits the fact of diversion. Fifty percent is the accepted figure.

Finally, Mr. Chairman, the industry, having knowledge of the facts that I have just mentioned, has not practiced any self-restraint. They have not limited production, although the fact of overproduction is thoroughly documented.

Given these realities, and I have told you the truth—what do you think we should do about it? Is this the kind of situation that requires a legislative response? Of course it does.

Other countries have been confronted with this problem.

The use of amphetamines spread throughout Japan after the war. They had to impose a quota system and limit production and importation of amphetamines and methamphetamines in order to bring this plague under control.

Sweden has had to cope with the problem of amphetamine abuse. They were forced to limit production because of the spread of the stain of amphetamines through their society.

Is it not time that we do something as well? Of course, it is.

This amendment permits the Department of Justice to establish proper quotas. Without the amendment, they lack this power.

The only argument against giving Justice this power now is that, under the bill, the Department of Justice may, if it wishes, reschedule at some time in the future. We have a responsibility independent of the Department of Justice and it is time we exercise it. We have a responsibility to look at the indisputable facts that I have mentioned and to respond to them in an intelligent way—and the intelligent response is to reschedule these dangerous substances in Schedule II.

Why delay? Why should we wait for the Justice Department, some time down the road, to reschedule the drug? One of the reasons might be that to reschedule amphetamines would be to impose an economic burden on the drug industry.

Another reason might be that doctors would require extra bookkeeping perhaps, and in the writing of prescriptions.

Balance those reasons against the very real problem of the impact of speed in San Francisco, Los Angeles, Boston, and New York. These are the real human problems.

Balance the industry's argument against this stain on our society—and which is more important?

Mr. Chairman, I urge Members most earnestly and most sincerely to support this very important amendment.

I wish to compliment the distinguished gentleman from Florida (Mr. PEPPER), my chairman on the crime committee. We have spent hours looking into the single subject of amphetamine abuse in the country. I assure you it is a serious problem—a serious problem. I hope that we respond to it by doing something constructive, by supporting the Pepper amendment.

Mr. STEIGER of Arizona. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I wish I could impart to the Members of this Committee the urgency I feel in this matter. This is not and should not be a political matter. This is not and should not be an economic matter. I believe every Member here will agree that "speed" is a problem, not a problem to be spoken about from the stump, but a problem to be lived with in communities that know its impact.

Let me explain to those of you who may not be aware that, regardless of what the people in the Food and Drug Administration tell you about this or that drug not having a harmful side effect, when you dissolve these drugs and shoot them into your veins, as these young people do, they have a decided harmful effect.

The distinguished gentleman from Kentucky, whom I hold in the highest regard—and that is not a ritual regard that we must always recite here when we oppose someone, but is a genuine regard—cited the case of preludin, which he said was a drug with no harmful or side effects. Preludin was the very drug which caused Sweden to outlaw all amphetamines, because the young people in Sweden broke up the tablets, dissolved them, and shot the fluid into their veins, causing irreparable harm.

Really we are faced here, not with a matter of inconvenience for the constituents of the gentleman from Minnesota, the brain-damaged children—nobody wants to cause them any harm—but I submit to you that we will damage the brains and nervous systems of a great many young people who are not now damaged if we do not control the production and distribution of "speed," and this bill as it is now written does not control "speed." It permits the overproduction of "speed" to continue unabated. If we wait for the administrative remedy that is built into this bill, we will wait as long as 5 years, and 5 years at the present rate of consumption of "speed" is enough to destroy hundreds of thousands of young people.

If there should be any inconvenience or inequity to the drug companies or any inconvenience to the medical profession I say it would be as nothing compared to the harm, damage and destruction that "speed" is now doing to the fabric of our society.

I urge you to consider carefully that this is a legitimate opportunity to make a very real contribution to the control of a problem the scope of which I suspect many of you are not aware.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Kentucky.

Mr. CARTER. Of course, I agree, as I stated before, that "speed" is a harmful drug. But one of the things that we are doing here today is including 6,099 other drugs. The vast majority of those drugs cannot be injected and are not used in injectable form. It is impossible for them to be used as——

Mr. STEIGER of Arizona. I will agree that the gentleman is absolutely correct. But I also point out that under the amendment offered by the gentleman from Florida (Mr. PEPPER) those drugs that are not harmful would not be placed under a quota. No quota will be placed on them. No imposition will be placed on them. The amendment would merely give the Attorney General, not only the authority, but also the mandate to look at those that must be controlled. If this legislative body does not say, "Mr. Attorney General, you look at those drugs and you control the ones which must be controlled," then we are not doing our duty.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. That is exactly what the bill provides. If the able gentleman will permit me to explain this, we have directed that the Attorney General control these drugs. This is a controlled drug. It is not in schedule 2. It is in schedule 3. The reason it is in schedule 3 and was put there by the committee is that the medical and the scientific people, as well as the law-enforcement people, said that that is where it should be. That is the testimony, and this committee spent almost 50 sessions going into it. We have medical and scientific decisions as to where it should be. There is no department of the Government that is rougher on the abuser and that is more for law and order than the Department of Justice. Do you know what they say? They say it should not be done in this legislative way—just dump everything in a schedule, even though the scientists and the departments have determined amphetamines should be in schedule 3.

The bill provides a procedure to reschedule very simply. Also the gentleman is completely overlooking another fact.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(On request of Mr. ROGERS of Florida, and by unanimous consent, Mr. STEIGER of Arizona was allowed to proceed for 3 additional minutes.)

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman will yield further, furthermore what no one is discussing here is the fact that the committee has tightened up this whole process of manufacture and distribution, so that we can close the gap. This strengthens law enforcement.

I am sure the gentleman knows that second-year college chemistry students can go make all the amphetamines they want from commonly available chemicals. This is testimony before the committee from the doctors, and also from Dr. Cohen, who was quoted previously.

So we are licensing, in effect, the manufacturers; their security is inspected by the Justice Department. The agents can follow where these drugs go.

Also we give the Department the authority, which they will use, to select those amphetamines which should be in category II, and in that way obtain quota authority.

The committee went into this very carefully. I know the good intentions of the gentleman. Everybody wants to control drugs, and that is what this bill does. The amendment is not needed.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman. I wonder if the gentleman would mind responding. There is no conflict in our desire, that is obvious.

Mr. ROGERS of Florida. Certainly not.

Mr. STEIGER of Arizona. The gentleman from Florida points out the bill as now written says the Justice Department shall select those drugs which should be moved up to category II. I submit that the administrative action described by the bill can be appealed, which can take at best years to accomplish.

What the Pepper amendment does is literally reverse the administrative process. It says everything shall be in category II and shall be rigidly controlled except for those which are not deemed necessary to be controlled.

Mr. ROGERS of Florida. May I tell the gentleman from Arizona that in the process the committee has provided that as soon as the Attorney General goes through the process, which will not take long, they will have a hearing. When they make a decision to control it, and that drug is controlled, and will remain under control unless a court suspends the action by the Department. Any court now would take great caution after an affirmative decision based on scientific and medical evidence that such a drug should be put under a quota, and I do not believe any court would set that aside.

Mr. STEIGER of Arizona. Not questioning the efficacy of any court, but I submit the drug companies would have a right of appeal, and the court would have to take judicial notice.

Mr. ROGERS of Florida. But they do not have to set aside the control decision.

Mr. STEIGER of Arizona. Under the Pepper amendment this right of appeal would not affect the distribution and control of the drug.

Mr. ROGERS of Florida. To quote the argument of the gentleman from Florida where he said, "We are going to let the Justice Department decide whether to control them and put them under quotas"—that is his exact wording. He said they do not have to do them all. That is exactly what the bill does. It lets the Justice Department control them.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(On request of Mr. SPRINGER, and by unanimous consent, Mr. STEIGER of Arizona was allowed to proceed for 2 additional minutes.)

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I want to say to the distinguished gentleman in the well that no one is more interested in controlling drugs than we. If the gentleman will look at schedule III, he will find that "amphetamine, its salts, optical isomers, and salts of its optical isomers" and "methylphenidate," and all the drugs which the gentleman has mentioned are there.

Under the bill which we have drawn, from the time this drug is manufactured and is sold and is transported and goes to the drugstore, it must be completely controlled and accounted for. There is very little chance of diversion under this bill. We are taking care of the legislation which the gentleman wants, right here in the bill.

Mr. STEIGER of Arizona. Mr. Chairman, I only point out to the gentleman that we do not control production, and it seems to me we must control production in as arbitrary a manner as is necessary.

Mr. CARTER. Every manufacturer in the country must be inspected regularly and controlled, and they have to account for everything they manufacture.

Mr. STEIGER of Arizona. I do not want to belabor the point, but this is the greatest problem. Only four manufacturers are involved. They in turn supply some 400 distributors. They will be able to account for every one of those distributors. The manufacturer will be able to point out where those drugs went, to the distributors. From those 400 distributors on is where we get to the illegal consumption. That is the area we are most concerned about.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from New Jersey.

Mr. SANDMAN. I thank the gentleman for yielding.

At the outset I should like to join in the remarks the gentleman has made on the floor, and I wish to support the amendment offered by the gentleman from Florida.

Let me tell a little story which I believe parallels what the gentleman is trying to do today.

New Jersey probably has more drug manufacturers than all the rest of the United States put together. It was in this area where we had the first big producer of LSD, a large corporation in New Jersey. For this reason there was a great demand on the State legislature at that time to pass this kind of law.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

(On request of Mr. SANDMAN, and by unanimous consent, Mr. STEIGER of Arizona was allowed to proceed for 3 additional minutes.)

Mr. SANDMAN. We held hearings at the State house for approximately a full year or a little more. We received exactly the same objections that we are hearing today. We received them not only from the medical societies but also from a well-organized and highly financed pharmaceutical association. They told us about all of the things we are hearing about today, about the hardships that this particular kind of measure would cause.

Well, the measure was enacted into law in 1964. That was 6 years ago. The trouble they have had with the statute in New Jersey has been practically nil. The procedure is almost in the same terms we are considering here, with almost the same list of dangerous drugs as we have here.

If we match this against the benefits received, the benefits outnumber all the hardships many times over.

At the outset, only 3 weeks after the bill became law, the Sandoz Corp. stopped the manufacture of LSD in New Jersey. Countless other organizations, all responsible, stopped the manufacture and distribution of various kinds of dangerous drugs.

In this particular State we are a corridor State between two of the largest cities in the country, New York and Philadelphia, and as a result we had a tremendous number of people who were illegally involved in the distribution of drugs. Believe it or not, within 6 months after the enactment of that statute the trouble from those kinds of people almost stopped.

So, as one of the States in the Union which has adopted as a matter of State law what we are talking about today, I can tell the Members that we profited very much from this kind of State law.

I urge adoption of the amendment.

Mr. STEIGER of Arizona. I sincerely thank the gentleman for his excellent observations.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me state initially that this committee has performed a

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great service for the people of the Nation, including the industries involved, in the providing for comprehensive regulations and controls in this bill. Insofar as I know, the legitimate pharmaceutical manufacturers, and others similarly affected by this measure, are in general support of its broad provisions. In my own case, I want to state quite frankly that there are large pharmaceutical manufacturing interests centered in my congressional district. Indeed, I am proud to say that the well-known firms of Abbott Laboratories and Baxter Laboratories have large plants in my congressional district. It is my expectation that G. D. Searle & Co. may soon establish a large part of its organization in my congressional district. Last Saturday, the American Hospital Supply Co. dedicated its new building complex in Lake County, west of Waukegan—known as McGaw Park—where its principal research and related operations will be conducted. The location of these great organizations in Lake County, Ill., indicates that this area may become known as the health center of the world.

Abbott Laboratories has named its campus-like complex of modern structures and open-space land "Abbott Park." Abbott's slogan is "health care worldwide."

May I say further that with regard to American Hospital Supply Co. that this industry, as well as Abbott's, is emphasizing not only the manufacture and distribution of life-preserving products, but is also indicating a deep concern for the human environment, including an enlightened regard for the ecology or balance of nature upon which mankind's survival depends.

Mr. Chairman, with respect to the proposed amendment, let me pinpoint these facts: Abbott Laboratories manufactures and distributes a line of ethical pharmaceutical products which would be classified under section III of this bill. These products contain methamphetamines. Each tablet contains the prescribed quantity of this substance in the amount of from 5 to 15 milligrams. Abbott has been manufacturing these products for approximately 15 years. During all this period, they have maintained stringent controls and have operated in accordance with ethical practices in distributing the products through drugstores, wholesalers, physicians, and hospitals. May I say that a careful check is maintained with regard to the size of orders which are placed particularly by drugstores to the end that any suspicion of diversion of this valuable therapeutic product is investigated.

I have not been able to ascertain that any of Abbott Laboratories' products have found their way into the wrong hands.

All of the Abbott methamphetamine products are sold through physicians, drugstores, and hospitals—and scrupulous records are kept. In addition, Abbott is able to establish with a high degree of certainty through marketing research that all but a fraction of 1 percent is dispensed on physicians' prescriptions or hospital orders for the legitimate ailments for which the product is intended.

Mr. Chairman, insofar as I am able to determine, the methamphetamine products at Abbott Laboratories are appropriately designated in schedule 3. They do not have the potential for abuse that is indicated for drugs which are included in schedule 2. Their medical use in treatment of three diseases—obesity, hyperkinesis, and narcolepsy—should not be impaired by any restrictive designation in this bill which would restrict or limit such legitimate uses.

The transfer of methamphetamine products to schedule 2 would impose the requirement that the company operate under a quota which might be imposed. This would place an added and unwarranted burden upon physicians who are engaged in legitimately prescribing and upon druggists who are filling these prescriptions for methamphetamines in connection with the ailments I have mentioned.

Mr. Chairman, there are extensive clinical studies which are currently underway with respect to the use of appetite depressants—which is one of the characteristics of Abbott's methamphetamine products. When these clinical studies are completed in 1971, there will be further evidence relative to the precise scheduling of methamphetamines. Insofar as I am informed, these products should remain in schedule 3. However, that is always subject to change through a mechanism which is included in the bill.

In our zeal to reduce drug abuse, including abuse of the use of legitimate drugs, it is my hope that we will not impose undue burdens or take punitive and economically unfair steps adversely affecting the highly successful and extremely valuable pharmaceutical industries which contribute so much to the health and welfare of mankind in a great variety of ways.

I have personal knowledge of Abbott Laboratories, and I am acquainted with most if its officers and many of its other employees. I have a fairly intimate knowledge of the high principles which characterize its business activities. In the absence of convincing proof to the contrary, it does not seem to me that we should punish Abbott and similar concerns for a condition of widespread drug abuse and addiction upon which this Congress must level a comprehensive attack.

Mr. Chairman, I am pleased to see in this bill that additional weapons are provided for getting at those who traffic in illegal drugs, as well as those who attempt—for unlawful purposes—to invade the legitimate channels through which ethical drugs move. I am also pleased that additional funds and personnel are authorized in this bill for handling this critical problem.

Again, let me compliment the chairman, the ranking minority member, and all of those on the committee who have worked to produce this legislation. Let me also indicate my respect for the pharmaceutical industry, itself, which has cooperated with the committee and with Members of this body, in helping to produce this measure which can reduce the incidence of drug abuse and addiction and can also assist the Food and Drug Administration of the Department of Health, Education, and Welfare, and the Bureau of Narcotics and Dangerous Drugs of the Department of Justice, and other governmental agencies, in helping to achieve these important goals.

Mr. SPRINGER. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, if I can reduce this to what the real argument is and who is involved on one side and who is on the other, it may be helpful. I think all of us in this House have due respect for each committee. The committee essentially which is for this amendment is the Select Committee on Crime. I certainly would suppose that they have had hearings all over the country with reference to this particular matter, and for that I respect them. Now let us see what the Subcommittee on Health and Safety of the House committee has done. The committee, which is headed by the distinguished gentleman from Florida, is on crime. It has to do with crime. It does not have to do with medicine or any part of medicine. The hearings which have been had here are those delegated to the Subcommittee on Health. Gentlemen, they have held some 51 separate meetings of more than 1-hour duration at each hearing.

Mr. Chairman, the number of hours of hearings that have gone into executive sessions I cannot estimate. The bill then came to the full committee and we went into this in great detail.

Now, what you are attempting to do here is to indicate today whether or not you want to believe the testimony—I am talking about everyone who honestly gave it sincerely and in good faith—believe the testimony which they have heard on crime as against the medical testimony which has been heard here by a committee which has as its prerogative selectively to determine whether or not a health measure coming before this body, whether or not they are to be believed. That is the issue. There is no problem here of economics having to do with any drug industry. If this amendment prevails, it would not have any effect of any consequence upon the drug industry.

Mr. Chairman, the question is whether or not you ought to move amphetamines and a total of 6,000 drugs into another category.

The gentleman from Florida is talking about one. We are talking about 6,000, not one. We are talking about 6,000. Yet through one amendment the gentleman from Florida is saying, in essence, "Let us move 6,000 drugs from schedule 3 over into schedule 2 upon which there is not any evidence of any kind which has been introduced by anyone on the floor of this House which would substantiate the moving of those."

Mr. Chairman, the gentleman's amendment is broad enough and would require that that be done, without any hearings of any kind as to whether or not those remaining drugs ought to be put in schedule 2.

The gentleman has been saying that you need quotas. However, through his amendment the gentleman does not establish quotas. In his amendment, I repeat, he does not establish any quotas.

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He does not say it should be 400,000, 1 million, 4 million, or 100,000. He does not even mention any figures like this. What he does say is this, and this is all he does say in his amendment—and he is right and truthfully so—"I am giving the Attorney General the power to set quotas."

Now, let me read a letter which was written by Mr. John E. Ingersoll, the Director of the Bureau of Narcotics, addressed to the distinguished gentleman from Florida on September 15 of this year. I shall not read it all, but I want to read the part which I think is pertinent:

> You may be assured that the Bureau does anticipate utilizing the new provisions of H.R. 18583 to insure that the proper regulatory controls are imposed over those amphetamines found to require the imposition of quotas.

The gentleman's amendment does not do a single thing that is not already required in this situation except that he would move it from schedule 3 over to schedule 2 where it is mandatory. The gentleman has already said in this amendment that based upon the evidence which has been produced he will move them there anyway. That is exactly what the Director of the Bureau of Narcotics has already said.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I mentioned the gentleman's name and I shall yield to him in just a minute, as soon as I get through.

Mr. Chairman, what I do want to say to the Committee is this: In this matter, you have either got to believe this subcommittee which was headed up by the distinguished gentleman from Oklahoma, and to a large extent, the distinguished gentleman from Florida and the distinguished gentleman from Minnesota, the ranking minority member when they went into this extensively and they heard from every single part of the scientific community there was in this country.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 5 additional minutes.)

Mr. SPRINGER. All I am trying to say here is that the subcommittee did the best job that they could in trying to arrive at what ought to be done, but they did not nail this down tightly so that these could be moved from one category to another. It will be left up to the Bureau of Narcotics and HEW to determine that when these ought to be moved from one schedule to another they would be moved. What we are saying is that there is no evidence today and that they are going to take the 6,000 that the gentleman from Kentucky referred to, and say without hearing, automatically, by action of this committee, based upon all of the evidence which the gentleman from Florida's committee has, we are going to move these 6,000 over into schedule 2 with no scientific hearings on that subject.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, the able gentleman from Illinois, I am afraid, is not right when he says we did not have any scientific evidence before our committee. We held hearings in the city of Washington, and we had Dr. Cohen from the National Institute of Mental Health, and we also had medical authorities from all over the country who testified that in the opinion of most of them there was no medical need for more than a few hundred of these drugs, or at the outside a few thousand.

I am sure the able gentleman from Illinois is not suggesting that we have any lack of respect or lack of appreciation for the work of this committee. This bill is on the whole a good product. But we can have a difference of opinion about the provisions of the bill without impugning lack of competency or dedication to the authors of the bill. We are simply proposing that in our effort, sincere as I hope it will be regarded, that this matter should be considered by the House. And if, as the gentleman says, and as Mr. Ingersoll said, there should be a quota for these dangerous drugs, why can we not say so now?

Mr. SPRINGER. Mr. Chairman, I refuse to yield further. I did not say that at all. I said this, and I will read it again. Mr. Ingersoll said:

> You can be assured that the Bureau does anticipate utilizing the new provisions of H.R. 18583 to insure that the proper regulatory controls are imposed over those amphetamines found to require the imposition of quotas.

And the Director of this Bureau, at times upon scientific evidence, after hearings, can determine which ones are to be moved out of those 6,000 over into schedule 2.

Mr. PEPPER. Mr. Chairman, if the gentleman will yield further, in the same letter from Mr. Ingersoll, the first part of the paragraph referred to, it says:

> It is the Bureau's position that the rampant abuse of amphetamines, particularly methamphetamines, is creating a serious public health and law enforcement problem in the United States.

And then he says that you can be assured that they will do something about it.

I have a letter here from the executive director of the American Medical Association, and while they presented objections to the more rigid requirements in the amendment, we propose, he said:

> Manufacturing restrictions on the quantity of such substances produced undoubtedly would achieve a strong measure of control over the abuse of these drugs, and our Council on Mental Health and Council on Drugs favor such a measure to reduce the improper diversion of legally manufactured drugs.

Mr. SPRINGER. There has never been any doubt about that. The gentleman has not said a single thing new. It is the same thing that all these gentlemen have said.

What we have said is that on the question of them being transferred from schedule 3 to schedule 2, that they ought not be until there have been scientific hearings to determine how many of these 6,000 ought to be transferred into schedule 2. And that is exactly what the Director of the Bureau says.

Mr. PEPPER. Under our amendment would the Attorney General be required to impose any quota unless he upon the advice of the Secretary of HEW found it to be in the public interest to do so?

Mr. SPRINGER. He would have to impose quotas under this. What he has resisted is that you cannot have those unless you have hearings on this, because at the present time the evidence indicates that it does not belong in schedule 2, but belongs in schedule 3. And that is where they put it, and upon all the medical evidence and upon all the scientific information that we could find we put it in schedule 3.

May I say to my distinguished colleagues that this was gone into exhaustively. We went into this from almost every angle, as to whether or not this matter, on which the distinguished gentleman has made an able presentation of his case today—a very able presentation of his case. But we did this solely upon the scientific evidence and the recommendations of HEW that we ought not to put this over into schedule 2 until you had had hearings on all of them.

It is based upon this kind of approach that I think we ought to act and not upon the question necessarily, even though we admit with the distinguished gentleman from Florida, that there is a serious question in this amphetamine field and all of us realize this. This is the reason we passed a special bill in 1966 when the distinguished chairman of the committee, the gentleman from Arkansas (Mr. HARRIS) headed that up to control amphetamines and barbiturates, and we have a separate statute on them.

Mr. WALDIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have indicated previously that I support the amendment. But on listening to the opposition's remarks, I gather from one of the speaker's that there might be a possibility of 60 some additional drugs being moved from schedule 3 to schedule 2, and the last person who addressed us remarked that there might be 6,000 or 7,000 drugs moved from schedule 3 to schedule 2.

As a matter of fact, the only opposition to this amendment that has come across my desk has come from the manufacturers of amphetamines. No other drug manufacturers have expressed opposition to this particular proposal to move those drugs from schedule 3 to schedule 2.

The committee report describes those drugs that should be included in schedule 2 and on page 4 it says:

> In the case of drugs providing serious addiction or abuse problems (those listed in schedules I and II) tighter controls are provided.

Surely there is not a soul on this floor who does not believe that the amphetamine drugs that the chairman is seeking to move into schedule 2 present serious abuse problems.

There is not a person in this Chamber, I am confident, that doubts that conviction. There is not a person in this room, I am equally certain, who believes that the medical need of this 9 billion pill production can be justified.

Of the medical need that is being serviced by the 9 billion pill production, 99.99

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percent is for control of obesity and not for the control of the narcoleptic and not for the hyperkinetic child.

For controlling those legitimate needs the medical need is less than 100,000 pills annually.

It is very clear, as numerous medical authorities testified before our Committee, that less than 100,000 pills annually would meet the medical need of the hyperkinetic child and the narcoleptic patient.

So the other 8,900,000,000 being produced are for doctors treating people who are prone to overweight. Is that such a severe medical problem not susceptible to treatment by any other means than the use of these amphetamine drugs, that we should not prevent these drugs from being used for that purpose?

The consequences of this are evident in all of your neighborhoods. In all of your schools and all of your children's schools throughout this Nation. We are not dealing with just a localized and slight phenomenon that might inconvenience the drug industry or that might inconvenience some doctors—and there would be very, very few doctors—only those doctors in the trade who are known as "fat doctors" who will be inconvenienced if quotas are put on this production.

If the production of these pills for the treatment of obesity is not permitted any longer, they will be inconvenienced and three or four drug manufacturers in the entire country will be the other ones who are inconvenienced.

We are talking literally of a tragedy to the youngsters of this Nation—the youngsters in the junior high schools; in the elementary schools, in the high schools, and in the colleges.

Why do we hesitate making the decision that these are dangerous drugs that today are being abused and that they ought to be put upon that control list? There are all sorts of desirable consequences that will flow from moving them from schedule 3 to schedule 2.

The first and most desirable consequence is, and I am utterly convinced of this, that the Attorney General will demand that a quota should be imposed upon the production of this drug so that this country is not plagued with it.

The second desirable consequence that follows from moving the drug from schedule 3 to schedule 2 is that the penalties are materially increased for those selling or producing this drug illicitly.

Last year in this country 80 percent of the seizures made throughout this whole country of these pills, in the illicit traffic in the pills, by the Bureau of Narcotics, were pills produced by legitimate manufacturers. We are not talking about the basement laboratory or the clandestine laboratory. We are talking about reputable corporations that are dealing in what is becoming a tragedy in this country, and for them to suggest that they need more time to produce substitutes to control the side effects, which is essentially what they are arguing, it seems to me presents an indignity to this House.

The matter is critical. In my view, as many of you readily know, the House has responded in some instances to the problem of crime by overreacting. But where the House has acted and acted strongly, it has always been in relation to crime on the streets. Now that we are talking about crime that involves a corporation and its profits, that seems to me to be just as difficult a problem for America and ought to receive just as sincere and immediate concern in this House as does the rest of crime in America.

I was depressed, Mr. Chairman, to learn that the administration opposes this amendment. They have made a choice between protecting profits of the drug industry or protecting the children of this Nation. Their decision to favor the profits over the children is a cruel decision the consequences of which will be suffered by thousands of our young people.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. WALDIE was allowed to proceed for 1 additional minute.)

Mr. WALDIE. This is not merely a health problem, as has been proposed. This is a crime problem also. If you think it is just a health problem, you should have attended the hearings of the Select Committee on Crime. A child who is born with brain damage is materially damaged for the rest of his life. Abuse of these drugs obviously involves a health problem. But really what is involved in this particular issue is crime and the control of crime. What is happening to the youth of this country in drug abuse, through this drug, particularly, is a crime, and it will be a greater crime if this House accedes to the arguments of the drug industry and its ardent champion, the present administration, and does not take the steps that are clearly indicated.

The CHAIRMAN. The time of the gentleman from California has again expired.

(On request of Mr. PEPPER, and by unanimous consent, Mr. WALDIE was allowed to proceed for 1 additional minute.)

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the distinguished chairman.

Mr. PEPPER. Did we not have many eminent authorities in this country—and these facts pertain to the District of Columbia—state that about one-half of the violent crimes in this country are committed by people under 25 years of age, and about half of those crimes are due to the influence of drugs?

Mr. WALDIE. That is correct.

Mr. GIAIMO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. PEPPER).

Let me say at the outset, Mr. Chairman, that I strongly support this legislation. The Committees on Ways and Means and Interstate and Foreign Commerce are to be commended for producing a bill which so expertly combines the weapons of law enforcement, rehabilitation, and research for a massive attack on the drug-abuse problem in the United States. They are to be commended for drafting a more realistic and equitable penalty structure for drug offenses. They have come forth with a strong bill, a humane bill, a good bill.

By supporting this legislation, Mr. Chairman, we will give our law-enforcement officials the tools they need to crack down hard on the organized criminals and pushers who profit from agony and death. Yet, at the same time, we will recognize the fact that those who are addicted to drugs are innocent victims who must be helped, not punished.

By supporting this legislation, we will be instituting a more realistic classification of drugs based on harmfulness and potential for abuse. We will be providing more funds for research and placing more emphasis on programs of drug-abuse education. We will be restricting the importation of dangerous substances and providing for better control of drugs in interstate commerce.

In short, Mr. Chairman, we will be supporting a bill which is more than a mere vehicle for moral indignation. It is instead an offer of help—help in eliminating the tragically profitable drug trade, help in providing the needed rehabilitation for the innocent victims of drugs, help in allowing our scientific and health experts to determine the true dangers of drugs.

There is one area, however, in which I think this bill can be strengthened. In addition to stopping the organized criminals and pushers, in addition to cracking down on the importation of drugs, we must do more to cut off the supply of illicit drugs at the source.

Many of our colleagues and I have cosponsored legislation introduced by the gentleman from New Jersey (Mr. RODINO) to stem the flow of drugs from abroad. This measure would cut off economic and military assistance to any nation that does not cooperate in stopping the export of dangerous drugs to the United States. I strongly urge prompt action on this measure.

What many Americans do not realize, however, is the fact that a tremendous volume of drugs legally manufactured in the United States are used illegally in this country. Testimony here and in the other body provides shocking evidence that production of such huge quantities of drugs is not necessary and cannot be justified. Some estimates suggest that manufacturers are producing up to seven times the quantity of drugs needed for legitimate medical purposes.

These statistics are particularly striking when we discuss the manufacture of amphetamines, or pep pills or "speed" if you prefer. The Select Committee on Crime reports that—

First, 8 billion amphetamines are produced each year—enough for 40 doses for every man, woman, and child in the United States;

Second, according to the National Institute of Mental Health, the legitimate medical need for them in this country is only in the thousands;

Third, over 4 billion legally manufactured amphetamines are diverted into illegal channels. Eighty percent of the FBI amphetamine seizures in 1968 were originally legally manufactured;

Fourth, drug companies have not voluntarily curtailed production; and

Fifth, the use of amphetamines is on the increase. Some of the abusers are now found on the grade school level.

These facts speak for themselves, Mr. Chairman. They convey a sense of urgency. They demand action. The distinguished gentleman from Florida (Mr. Pepper) and his committee have given us the opportunity to act by proposing that manufacturing quotas be placed on amphetamines.

I submit that this amendment will retain the spirit of the overall legislation which already imposes manufacturing quotas on opium, methadone, and certain other drugs. I submit that this amendment will help us curb the mass production of a drug which has been taken out of legal medical channels and placed in the hands of those who would abuse it.

Why is this gross overproduction necessary, Mr. Chairman? Why are these excesses justified? Why should we allow the legitimate drug manufacturers to indirectly supply the organized criminals and pushers by producing more drugs than are necessary? When profits are made while people suffer, what difference does it make where the profits go?

I urge my colleagues to support the Pepper amendment, Mr. Chairman, and make a good bill even better.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, perhaps the most important point brought out in all the discussion on this amendment is this: The debate brings to mind all of the efforts, including quotas and outright prohibition, in regard to another dangerous drug, which is alcohol. Solving this problem is a most difficult thing. We cannot expect any more simple or quick solution to this problem than we have had in the case of alcohol. This bill is a good bill, but it is only a starting point. If it serves to interest millions more Americans in a comprehensive, continuing program of education and all the rest, then it will have served its purpose.

Mr. GUDE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. GUDE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida, and I want to commend him for his work in this area. The serious health and crime problem arising from drug abuse is compounded by the flood of these pills which are on the market.

I also want to commend all members of the committee for their work on this important legislation dealing with one of the Nation's most serious and complicated health and law-enforcement problems. It is a vast improvement over the existing law, and a far better bill than when it began.

I am particularly pleased by the section establishing a Commission on Marijuana and Drug Abuse. I sponsored legislation to establish a Marijuana Commission which was approved by the Judiciary Committee. This section owes much to the thought and effort of the gentleman from New York (Mr. Koch). I hope the Commission can clear up some of the confusion and conflicting reports that have made it so difficult to formulate a sound policy on marihuana.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I join the gentleman from Maryland in expressing support for this bill. I think the committee has done a fine job in dealing with one of the most pressing problems in the country today. I am particularly proud of the fact that the gentleman who has led this effort is the able gentleman from Oklahoma (Mr. Jarman) who has provided fine leadership on this legislation.

Mr. JARMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. My remarks will be very brief, because I think the subject has been well covered in the debate.

Mr. Chairman, I think in fairness to the Record, I should refer again to the letter from Mr. Ingersoll to the gentleman from Florida, because the letter has been referred to in part. I think the Record should reflect that in the first paragraph of his letter, Mr. Ingersoll, Director of the BWDD, says to the gentleman from Florida:

> As you are aware, this matter has been under considerable review by the Bureau of Narcotics and Dangerous Drugs and the Food and Drug Administration for the past year.

Mr. Chairman, at the end of the second paragraph—and I think this should be included in the Record—this is said:

> However, it should be noted that it is not the intention of the Bureau, at this time, to move all the amphetamines under the quota requirements of schedule II since we are still in the process of gathering all the information on these myriad drugs and their combinations.

Mr. Chairman, I think the gentleman from Florida is certainly to be commended for his concern and his activity in this field on a subject that is of such crucial importance to all of the country. All of us are concerned about "speed" and other drugs and about the necessary controls to protect the youth and the adults of our Nation. Our own subcommittee and the full Committee on Interstate and Foreign Commerce have been vitally concerned about this subject, as reflected by the many days of hearings and the many hours of executive sessions we held in consideration of the bill which we bring to the floor of the House today.

I think, with reference to the gentleman's amendment, that it should be emphasized again that the Attorney General and HEW favor the schedules as we present them to the House in the bill today and are opposed to the gentleman's amendment. The Attorney General has the right under the present terms of the bill, if he so decides, based on all the evidence, to move these drugs from the present classification under schedule III to schedule II. He has that right if the decision is finally made that it is necessary.

Mr. Chairman, I would certainly not for a minute indicate to anyone that all of us do not change our positions and our thinking on a given subject, but I would say to the House that as recently as March 2 of this year, when the gentleman from Florida testified very ably before the subcommittee on this general subject, he concluded his testimony to the Subcommittee by saying:

> I would certainly recommend to my committee that we vary our recommendations in our two bills that I have mentioned to that effect, that we remove the section prohibiting the manufacture and sale of methamphetamines and put methamphetamines in the same category with amphetamines, to be subject to a quota system—

This certainly is the imporant part—

> if such is recommended by the Secretary of HEW, to be enforced by the Attorney General.

That, I would say to the ladies and gentleman of the House, is exactly the form in which we bring the bill to the Members today.

Mr. Chairman, I urge the defeat of the amendment.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I commend very strongly the excellent job the gentleman and his committee have done in producing this bill.

Of course, the gentleman realizes there is room for an honest difference of opinion as to how best the House should proceed to wrestle with this particular problem.

As to the particular quotation from me to which the able gentleman referred, originally our committee introduced bills to prohibit the manufacture of methamphetamines and have quotas on amphetamines.

Representatives of the drug industry, outstanding manufacturers of drugs, credible people, came to us and proposed a sort of practical compromise and said, "If you will not introduce legislation and push for legislation to prohibit the manufacture of methamphetamines we will undertake to get the drug industry to agree to a quota system for all methamphetamines and amphetamines and kindred drugs."

After all, we live in a practical world, and we wanted to make some progress on this matter, so I took the responsibility of saying, as I said to the able gentleman's committee, "Very, well, in order to get the drug industry behind this effort to impose a quota system to protect the public against 8 billion of these pills being spewed out against the public we will not insist on our prohibitory bill and push for a quota system."

That is exactly what the able gentleman has quoted me as saying, in behalf of a quota system enforced by the Attorney General on representation of the Secretary of Health, Education, and Welfare. That is all we are asking for today.

The difference between the able gentleman's committee and ours is that we want to make as much progress as we can today in this House. Young people or other people are losing their lives every day on account of these dangerous drugs.

Under our amendment the Attorney General would have the authority, whenever it was recommended by HEW, to impose a quota system without having to go through the long labyrinth and finally the judicial process contemplated by the gentleman.

That is the difference.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

(By unanimous consent, Mr. JARMAN was allowed to proceed for 1 additional minute.)

Mr. JARMAN. Mr. Chairman, I would only add to what has been said and to what I have said this afternoon that again I commend the distinguished gentleman from Florida on his very effective activities in this important field. But I do urge, as reflected in the decision of our subcommittee, and of the full committee, that the House defeat the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PEPPER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PEPPER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

PARLIAMENTARY INQUIRIES

Mr. SPRINGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRINGER. Is my understanding correct that the amendment was defeated?

The CHAIRMAN. The gentleman's understanding is correct.

Mr. HOSMER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOSMER. Mr. Chairman, I was on my feet to demand a division before the gentleman made a point of order that a quorum was not present.

The CHAIRMAN. The Chair will state to the gentleman that the Chair had announced the noes appeared to have it on the amendment. Tellers were requested, and an insufficient number supported the demand for tellers, so tellers were refused.

The Chair is presently in the process of counting to determine whether a quorum is present.

Mr. HOSMER. My inquiry is, Mr. Chairman: In either event, will I still be recognized to demand a division?

The CHAIRMAN. The Chair will state to the gentleman that the amendment has been rejected. Therefore, a request for a division comes too late.

Mr. HOSMER. I thank the Chair.

Mr. PEPPER. Mr. Chairman, I ask unanimous consent to withdraw my point of order.

The CHAIRMAN. The gentleman from Florida will withdraw his point of order.

The CHAIRMAN. Are there any further amendments to this section of the bill? If not, the Clerk will read.

The Clerk read as follows:

PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

RULES AND REGULATIONS

SEC. 301. The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances.

PERSONS REQUIRED TO REGISTER

SEC. 302. (a) Every person who manufactures, distributes, or dispenses any controlled substance or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.

(b) Persons registered by the Attorney General under this title to manufacture, distribute, or dispense controlled substances are authorized to possess, manufacture, distribute, or dispense such substances (including any such activity in the conduct of research) to the extent authorized by their registration and in conformity with the other provisions of this title.

(c) The following persons shall not be required to register and may lawfully possess any controlled substance under this title:

(1) An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent or employee is acting in the usual course of his business or employment.

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of the controlled substance is in the usual course of his business or employment.

(3) An ultimate user who possesses such substance for a purpose specified in section 102(25).

(d) The Attorney General may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.

(e) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The Attorney General is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated by him.

REGISTRATION REQUIREMENTS

SEC. 303. (a) The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

(b) The Attorney General shall register an applicant to distribute a controlled substance in schedule I or II unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective control against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(c) Registration granted under subsections (a) and (b) of this section shall not entitle a registrant to (1) manufacture or distribute controlled substances in schedule I or II other than those specified in the registration, or (2) manufacture any quantity of those controlled substances in excess of the quota assigned pursuant to section 306.

(d) The Attorney General shall register an applicant to manufacture controlled substances in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule III, IV, or V compounded therefrom into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture, distribution, and dispensing of controlled substances, and the existence in the establishment of effective controls against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

(e) The Attorney General shall register an applicant to distribute controlled substances in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the

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manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(f) Practitioners shall be registered to dispense or conduct research with controlled substances in schedule II, III, IV, or V if they are authorized to dispense or conduct research under the law of the State in which they practice. Separate registration under this part for practitioners engaging in research with nonnarcotic controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Pharmacies (as distinguished from pharmacists) when engaged in commercial activities, shall be registered to dispense controlled substances in schedule II, III, IV, or V if they are authorized to dispense under the law of the State in which they regularly conduct business. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Secretary, who shall determine qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a).

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DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION

SEC. 304. (a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Attorney General upon a finding that the registrant—

(1) has materially falsified any application filed pursuant to or required by this title or title III;

(2) has been convicted of a felony under this title or title III or any other law of the United States, or of any State, relating to any substance defined in this title as a controlled substance; or

(3) has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances.

(b) The Attorney General may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) Before taking action pursuant to this section, or pursuant to a denial of registration under section 303, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

(e) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306.

(f) In the event the Attorney General suspends or revokes a registration granted under section 303, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspenion or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of sale deposited in court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e).

LABELING AND PACKAGING REQUIREMENTS

SEC. 305. (a) It shall be unlawful to distribute a controlled substance in a commercial container unless such container, when and as required by regulations of the Attorney General, bears a label (as defined in section 201(k) of the Federal Food, Drug, and Cosmetic Act) containing an identifying symbol for such substance in accordance with such regulations. A different symbol shall be required for each schedule of controlled substances.

(b) It shall be unlawful for the manufacturer of any controlled substance to distribute such substance unless the labeling (as defined in section 201(m) of the Federal Food, Drug, and Cosmetic Act) of such substance contains, when and as required by regulations of the Attorney General, the identifying symbol required under subsection (a).

(c) The Secretary shall prescribe regulations under section 503(b) of the Federal Food, Drug, and Cosmetic Act which shall provide that the label of a drug listed in schedule II, III, or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a crime to transfer the drug to any person other than the patient.

(d) It shall be unlawful to distribute controlled substances in schedule I or II, and narcotic drugs in schedule III or IV, unless the bottle or other container, stopper, covering, or wrapper thereof is securely sealed as required by regulations of the Attorney General.

QUOTAS APPLICABLE TO CERTAIN SUBSTANCES

SEC. 306. (a) The Attorney General shall determine the total quantity and establish production quotas for each basic class of controlled substance in schedules I and II to be manufactured each calendar year to provide for the estimated medical, scientific, research, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks. Production quotas shall be established in terms of quantities of each basic class of controlled substance and not in terms of individual pharmaceutical dosage forms prepared from or containing such a controlled substance.

(b) The Attorney General shall limit or reduce individual production quotas to the extent necessary to prevent the aggregate of individual quotas from exceeding the amount determined necessary each year by the Attorney General under subsection (a). The quota of each registered manufacturer for each basic class of controlled substance in schedule I or II shall be revised in the same proportion as the limitation or reduction of the aggregate of the quotas. However, if any registrant, before the issuance of a limitation or reduction in quota, has manufactured in excess of his revised quota, the amount of the excess shall be subtracted from his quota for the following year.

(c) On or before July 1 of each year, upon application therefor by a registered manufacturer, the Attorney General shall fix a manufacturing quota for the basic classes of controlled substances in schedules I and II that the manufacturer seeks to produce. The quota shall be subject to the provisions of subsections (a) and (b) of this section. In fixing such quotas, the Attorney General shall determine the manufacturer's estimated disposal, inventory, and other requirements for the calendar year; and, in making his determination, the Attorney General shall consider the manufacturer's current rate of disposal, the trend of the national disposal rate during the preceding calendar year, the manufacturer's production cycle and inventory position, the economic availability of raw materials, yield and stability problems, emergencies such as strikes and fires, and other factors.

(d) The Attorney General shall, upon application and subject to the provisions of subsections (a) and (b) of this section, fix a quota for a basic class of controlled substance in schedule I or II for any registrant who has not manufactured that basic class of controlled substance during one or more preceding calendar years. In fixing such quota, the Attorney General shall take into account the registrant's reasonably anticipated requirements for the current year; and, in making his determination of such requirements, he shall consider such factors specified in subsection (c) of this section as may be relevant.

(e) At any time during the year any registrant who has applied for or received a manufacturing quota for a basic class of controlled substance in schedule I or II may apply for an increase in that quota to meet his estimated disposal, inventory, and other requirements during the remainder of that year. In passing upon the application the Attorney General shall take into consideration any occurrences since the filing of the registrant's initial quota application that may require an increased manufacturing rate by the registrant during the balance of the year. In passing upon the application the Attorney General may also take into account the amount, if any, by which the determination of the Attorney General under subsection (a) of this section exceeds the aggregate of the quotas of all registrants under this section.

(f) Notwithstanding any other provisions of this title, no registration or quota may be required for the manufacture of such quantities of controlled substances in schedules I and II as incidentally and necessarily result from the manufacturing process used for the manufacture of a controlled substance with respect to which its manufacturer is duly registered under this title. The Attorney General may, by regulation, prescribe restrictions on the retention and disposal of such incidentally produced substances.

RECORDS AND REPORTS OF REGISTRANTS

SEC. 307. (a) Except as provided in subsection (c)—

(1) every registrant under this title shall on the effective date of this section, or as

soon thereafter as such registrant first engages in the manufacture, distribution, or dispensing of controlled substances, and every second year thereafter, make a complete and accurate record of all stocks thereof on hand, except that the regulations prescribed under this section shall permit each such biennial inventory (following the initial inventory required by this paragraph) to be prepared on such registrant's regular general physical inventory date (if any) which is nearest to and does not vary by more than six months from the biennial date that would otherwise apply;

(2) on the effective date of each regulation of the Attorney General controlling a substance that immediately prior to such date was not a controlled substance, each registrant under this title manufacturing, distributing, or dispensing such substance shall make a complete and accurate record of all stocks thereof on hand; and

(3) on and after the effective date of this section, every registrant under this title manufacturing, distributing, or dispensing a controlled substance or substances shall maintain, on a current basis, a complete and accurate record of each such substance manufactured, received, sold, delivered, or otherwise disposed of by him, except that this paragraph shall not require the maintenance of a perpetual inventory.

(b) Every inventory or other record required under this section (1) shall be in accordance with, and contain such relevant information as may be required by, regulations of the Attorney General, (2) shall (A) be maintained separately from all other records of the registrant, or (B) alternatively, in the case of nonnarcotic controlled substances, be in such form that information required by the Attorney General is readily retrievable from the ordinary business records of the registrant, and (3) shall be kept and be available, for at least two years, for inspection and copying by officers or employees of the United States authorized by the Attorney General.

(c) The foregoing provisions of this section shall not apply—

(1) (A) with respect to narcotic controlled substances in schedule II, III, IV, or V, to the prescribing or administering of such substances by a practitioner in the lawful course of his professional practice; or

(B) with respect to nonnarcotic controlled substances in schedule II, III, IV, or V, to any practitioner who dispenses such substances to his patients, unless the practitioner is regularly engaged in charging his patients, either separately or together with charges for other professional services, for substances so dispensed;

(2) (A) to the use of controlled substances, at establishments registered under this title which keep records with respect to such substances, in research conducted in conformity with an exemption granted under section 505 (i) or 512(j) of the Federal Food, Drug, and Cosmetic Act;

(B) to the use of controlled substances, at establishments registered under this title which keep records with respect to such substances, in preclinical research or in teaching; or

(3) to the extent of any exemption granted to any person, with respect to all or part of such provisions, by the Attorney General by or pursuant to regulation on the basis of finding that the application of such provisions (or part thereof) to such person is not necessary for carrying out the purposes of this title.

(d) Every manufacturer registered under section 303 shall, at such time or times and in such form as the Attorney General may require, make periodic reports to the Attorney General of every sale, delivery, or other disposal by him of any controlled substance, and each distributor shall make such reports with respect to narcotic controlled substances, identifying by the registration number assigned under this title the person or establishment (unless exempt from registration under section 302(d)) to whom such sale, delivery, or other disposal was made.

(e) Regulations under sections 505(i) and 512(j) of the Federal Food, Drug, and Cosmetic Act, relating to investigational use of drugs, shall include such procedures as the Secretary, after consultation with the Attorney General, determines are necessary to insure the security and accountability of controlled substances used in research to which such regulations apply.

ORDER FORMS

SEC. 308. (a) It shall be unlawful for any person to distribute a controlled substance in schedule I or II to another except in pursuance of a written order of the person to whom such substance is distributed, made on a form to be issued by the Attorney General in blank in accordance with subsection (d) and regulations prescribed by him pursuant to this section.

(b) Nothing in subsection (a) shall apply to—

(1) the exportation of such substances from the United States in conformity with title III;

(2) the delivery of such a substance to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business; but where such carriage or storage is in connection with the distribution by the owner of the substance to a third person, this paragraph shall not relieve the distributor from compliance with subsection (a).

(c) (1) Every person who in pursuance of an order required under subsection (a) distributes a controlled substance shall perserve such order for a period of two years, and shall make such order available for inspection and copying by officers and employees of the United States duly authorized for that purpose by the Attorney General, and by officers or employees of States or their political subdivisions who are charged with the enforcement of State or local laws regulating the production, or regulating the distribution or dispensing, of controlled substances and who are authorized under such laws to inspect such orders.

(2) Every person who gives an order required under subsection (a) shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued by the Attorney General in blank in accordance with subsection (d) and regulations prescribed by him pursuant to this section, and shall, if such order is accepted, preserve such duplicate for a period of two years and make it available for inspection and copying by the officers and employees mentioned in paragraph (1) of this subsection.

(d) (1) The Attorney General shall issue forms pursuant to subsections (a) and (c) (2) only to persons validly registered under section 303 (or exempted from registration under section 302(d)). Whenever any such form is issued to a person, the Attorney General shall, before delivery thereof, insert therein the name of such person, and it shall be unlawful for any other person (A) to use such form for the purpose of obtaining controlled substances or (B) to furnish such form to any person with intent thereby to procure the distribution of such substances.

(2) The Attorney General may charge reasonable fees for the issuance of such forms in such amounts as he may prescribe for the purpose of covering the cost to the United States of issuing such forms, and other necessary activities in connection therewith.

(e) It shall be unlawful for any person to obtain by means of order forms issued under this section controlled substances for any purpose other than their use, distribution, dispensing, or administration in the conduct of a lawful business in such substances or in the course of his professional practice or research.

PRESCRIPTIONS

SEC. 309. (a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without the written prescription of a practitioner, except that in emergency situations, as prescribed by the Secretary by regulation after consultation with the Attorney General, such drug may be dispensed upon oral prescription in accordance with section 503(b) of that Act. Prescriptions shall be retained in conformity with the requirements of section 307 of this title. No prescription for a controlled substance in schedule II may be refilled.

(b) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in schedule III or IV, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without a written or oral prescription in conformity with section 503(b) of that Act. Such prescriptions may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

(c) No controlled substance in schedule V which is a drug may be distributed or dispensed other than for a medical purpose.

(d) Whenever it appears to the Attorney General that a drug not considered to be a prescription drug under the Federal Food, Drug, and Cosmetic Act should be so considered because of its abuse potential, he shall so advise the Secretary and furnish to him all available data relevant thereto.

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Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of part C be dispensed with, and that it be considered as read down through line 2 on page 164, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN: On page 153, after line 21, insert the following:

"(e) (1) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

" 'IDENTIFICATION OF CONTROLLED DRUGS

" 'SEC. 513. (a) The Secretary may, by regulation, establish a uniform code or system of coding applicable to controlled drugs consisting of symbols representing—

" '(1) the identity of the manufacturer of each drug,

" '(2) the identity of the drug,

" '(3) the identity of the final packager (if different from the manufacturer) of the drug,

" '(4) the dosage form and strength of the drug, and

" '(5) the number of drug units in the immediate container of the drug. The Secretary shall transmit copies of such code or code system to hospitals, poison control centers, and such other persons as he deems necessary in order to carry out the purposes of this section.

"'(b) For purposes of this section, and section 502(b) and 502(p), the term "manufacturer" includes any person who manufactures, processes, or compounds a controlled drug in tablet, capsule, or other final dosage form, except that such term does not include—

"'(1) a licensed practitioner (other than a pharmacist) who in accordance with applicable local law does so in the course of his professional practice solely for the purpose of dispensing or administering such drug to a patient, or

"'(2) a pharmacist who in accordance with applicable local law manufacturers, processes, or compounds such a drug in the course of his professional practice for direct dispensing by him upon prescription of a licensed practitioner; the term "final packager" does not apply to a dispenser solely by reason of repacking a drug into the dispensed package in filling a prescription; and the term "controlled drug" means a prescription drug which is a controlled susbtance under section 102 of the Controlled Substances Act'"

"'(2) Section 502 of such Act is amended by adding at the end thereof the following:

"'(p) If it is a controlled drug, unless—

"'(1) the immediate and outside containers (if any) thereof each bear a label which has prominently placed thereon the symbol or symbols contained in the code or system of coding established pursuant to section 513 which represents—

"'(A) the identity of the manufacturer of the drug,

"'(B) the identity of the drug,

"'(C) the identity of the final packager (if different from the manufacturer) of the drug,

"'(D) the dosage form and strength of the drug, and

"'(E) the number of drug units in the immediate container of the drug; and

"'(2) in the case of such a drug manufactured, processed, or compounded in tablet or capsule form, each tablet or capsule is clearly marked with the symbol or symbols contained in such code or system of coding which represents the identity of the manufacturer and the identity and strength of the drug of which the tablet or capsule is composed: *Provided,* That the Secretary may exempt from the operation of clause (1) of this paragraph any immediate container of any controlled drug if he determines that it is impracticable for such container to bear a label which has prominently placed thereon an identifying symbol because of the size or any other relevant aspect of such container, and that such exemption will not be inconsistent with the protection of the public health: *And provided further,* That the Secretary may exempt from the operation of clause (2) of this paragraph any tablet or capsule if he determines that it is impracticable for such tablet or capsule to bear an identifying symbol because of the size, composition, or any other relevant aspect of such tablet or capsule, and that such exemption will not be inconsistent with the protection of the public health.'

"(3) Effective only with respect to drugs manufactured or finally packaged, as the case may be, after the effective date of this section, section 502(b) of such Act is amended by inserting before the period at the end thereof the following: '*And provided further,* That in the case of a controlled drug, the requirements of clause (1) shall be deemed satisfied only if the label contains the name and place of business of the manufacturer or, if different, the final package of the drug'.

"(4) Notwithstanding section 704(c), the amendments made by paragraph (2) shall apply only to drugs manufactured on or after the first day of the twenty-fifth calendar month that begins after the month in which the initial regulations pursuant to section 513 of the Federal Food, Drug, and Cosmetic Act, establishing a uniform code or system of coding applicable to controlled drugs, are promulgated."

Mr. VAN DEERLIN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Chairman, the amendment I am offering incorporates labeling recommendations made by the Department of Health, Education, and Welfare under both the Johnson and the Nixon administrations. In the compendium of the Senate hearings on prescription drug legislation, which were held last April, Dr. Roger Egeberg, Under Secretary of Health, Education, and Welfare, the top doctor in Government, quotes from President Nixon's messages to Congress on October 30 of last year. The President called for measures to assure greater protection of the public health and welfare. He asked for congressional action, and I am now quoting from President Nixon's address to this body:

> Action which would make possible for the first time the rapid identification of drugs and drug containers in a time of personal emergency.

Mr. Chairman, there have been bills offered which would require this labeling of pills or capsules for all prescription drugs. My amendment addresses itself only to those dangerous drugs which will be controlled under the act. It will authorize the Secretary of Health, Education, and Welfare to establish a uniform coding system—a system which, by the way, is already devised and ready to be used.

Mr. Chairman, this code would consist of symbols telling the following things about these dangerous drugs: First, the identity of the manufacturer of the tablet or capsule; second, the identity of the drug; third, the identity of the packager if different from the manufacturer; fourth, the dosage form and strength of the drug; and fifth, the number of drug units in the immediate container of the drug.

Mr. Chairman, this amendment is needed from two standpoints—medical and legal. It is a reasonable approach in that it gives the Department of Health, Education, and Welfare discretion as to whether the code should be established. It also would give the Department leeway in exempting controlled drugs from the requirement when labeling might prove impractical—as when a pill is too small to carry full code symbols.

Five or six leading manufacturers already have adopted this system. I would cite the longtime appearance of the "B" on common aspirin tablets with which we are all familiar.

My amendment would exempt specifically physicians or pharmacists filling individual prescriptions.

Lack of effective labeling requirements has caused great inconvenience of the Bureau of Narcotics and Dangerous Drugs. In the Bureau's testing and research laboratories, drugs of unknown origin are subjected to basically the same kind of ballistics tests as rifle bullets. This method of identification reportedly works about 80 percent of the time, because the presses that stamp out tablets leave unique "signatures," microscopic imprints that can come from only one press.

But, this method of detection takes time. Moreover, to be 100 percent effective, the Bureau would have to accumulate samples from every pill press—legitimate and clandestine, in the country—a practical impossibility. And capsules pose an even stiffer challenge to the Bureau's investigators, since they lack the minute markings left by punches and dies on all tablets. My amendment would require, if the drug is contained in capsule form, that the capsule be marked in lieu of a pill marking.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. VAN DEERLIN was allowed to proceed for 1 additional minute.)

Mr. VAN DEERLIN. In addition to simplifying the identification of a drug, the coded labels would also discourage counterfeiters seeking to capitalize on the reputation of legitimate drug manufacturers, a point that should impress the Pharmaceutical Manufacturers Association.

Now, Mr. Chairman, there is a lifesaving aspect to this amendment, having nothing to do with criminal drug abuse. That aspect was brought to our attention in a letter to the Speaker of this body from a Mayo Clinic doctor out in the district of our colleague, the gentleman from Minnesota, Mr. ALBERT QUIE, and I believe Mr. QUIE is going to touch upon this briefly in independent remarks.

Mr. Chairman, I do hope that this Committee will give full and considerate attention to this proposal—another important step in making these dangerous drugs less easily available to Americans, especially young Americans.

Mr. JARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do so on the basis that we have not had hearings on this matter. We can certainly take the position today of assuring the gentleman from California that the subcommittee will hold hearings on this subject. It is a measure that has been introduced by the gentleman and on this general subject there is a bill which has been introduced by the chairman of the full committee and which is now pending before the Committee.

We do feel that on this subject more detailed testimony is necessary as to the effect that it would have, and that hearings should be held before we make a final judgment on it.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from California.

Mr. VAN DEERLIN. I realize that my words do not always fall as pearls within this body, nor within the subcommit-

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tees of this body. I recall testifying on this subject before the subcommittee during these hearings, and I was under the assumption that mine was among the bills which were being considered in those 40 or 50 sessions of the subcommittee.

Surely on the Senate side one can see that a very fat compendium of testimony that has been taken on this and other aspects of the drug-abuse problem. On this matter of drug labeling, Senator Dominick questioned witnesses in some detail, including the president of the Pharmaceutical Manfacturers Association. A requirement for stamping and labeling is a simple thing, enabling doctors or investigators to know immediately what is in pills, and where they come from. And I can assure the gentleman that as the Representative of a district along the international border, I feel a special urgency for closing all these loopholes in the fight against free-flowing drugs.

Mr. JARMAN. I certainly recognize, I will say to the gentleman from California, that he did make reference to his bill in his testimony before our subcommittee. We did not hear testimony on the subject from the departments and from other witnesses during the hearings, and it just seems to me that the position we do take today is that it should be gone into more thoroughly and that it is only for that reason that I oppose the gentleman's amendment.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I say to my distinquished colleague, the gentleman from California (Mr. Van Deerlin), who has spent a lot of time on this subject, that the chairman of the full committee, the gentleman from West Virginia (Mr. Staggers), and I introduced a bill which is not exactly this bill, but quite similar. However, I will say that my investigation of this, after I had gone into it, left me with some hesitation until we had hearings on this as to exactly what kind of a labeling process we ought to go through.

This is something that ought to be heard, I think, in considerable detail.

I have tried to figure if I could amend the amendment offered by the gentleman from California (Mr. Van Deerlin) to bring it within the scope of what I have in mind, but I am still convinced that even if I could it would be wrong at this time to try to amend the gentleman's bill with no more information than I have presently on it. The gentleman has a good idea, I will assure the House, but I do think it would be wrong here today to take this amendment, and I have read it and reread it, and it is a complicated amendment, without any question, as to just what the extent of this would be if we put this into effect in this bill, with no more information than we presently have.

I want to commend the gentleman for this thought, because the chairman of the committee and I have been thinking along the same lines, and the bill is not exactly as this amendment, it is quite simple.

But I do oppose the amendment today because I do believe it would be precipitous to go ahead with the amendment until we had clear evidence as to exactly what should be done.

Mr. VAN DEERLIN. Mr. Chairman, would the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, without throwing in the towel, may I say to the gentleman from Illinois (Mr. Springer) that in the event my amendment should lose, as it well may, I feel I do have the assurances of both the gentleman from Illinois and the chairman of the subcommittee that the earliest hearings will be given to this subject in the new Congress.

Mr. SPRINGER. I can assure the gentleman from California that that will be insofar as I am concerned on my side.

Mr. QUIE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I expected to give strong support to the amendment offered by the gentleman from California (Mr. Van Deerlin). I, too, have listened to the assurances of the chairman of the subcommittee and the ranking member of the commmittee that they will be going into this matter and expect to bring out legislation on the labeling of drugs.

I know that the amendment proposed does not go so far as the gentleman from California wanted it to go, but I want to take this time to indicate my strong support for this amendment and the desirability of labeling the drugs.

I have talked on two occasions with Dr. Charles Moertel of the Mayo Clinic who has laid out to me the picture of the danger of unlabeled drugs and the problem that that causes doctors, pharmacists, and hospitals in trying to identify a drug.

He mentions in an article which I will ask permission to have included in my remarks when we go back into the House again, the case of a child who had swallowed some pill and he ended up in the hospital. There was no way for the hospital personnel to determine what the drug was and when they finally found the parents, it was too late. The child died. There is another instance of a young man who was on his way to his wedding rehearsal who was hurt in an auto accident and because of the inability to identify the drugs he lost his life.

I was surprised to learn about the frequency of mixups on drugs in hospitals. Many times, of course, it does not result in a death, but occasionally it does. As he mentioned, we find on little candies like lifesavers that they are able to print on "lifesavers." Likewise a number or code can easily be placed on pills to identify the drug content. It is not a hardship because of the fact that some drug companies already do put labels on all of their drugs and they can be identified. Some of them are responsible and some drug companies are doing it. There is no reason why everybody else cannot do it as well.

For these reasons, I think that since the American people spend about $3 billion a year on drugs, it is of the utmost importance to their safety that these drugs all be labeled so that it might be known what the actual drug is that a person has taken. A tremendous number of lives could be saved by following this procedure.

The above-mentioned article follows:

DEATH BY PRESCRIPTION—THE UNMARKED PILL[1]

(By Charles G. Moertel, M.D., Mayo Clinic and Mayo Foundation: Section of Internal Medicine, Rochester, Minn.)

"I do remember an apothecary,—
And hereabouts he dwells . . . .
And if a man did need a poison now . . .
Here lives a catiff wretch would sell it him."

—Romeo and Juliet V. 1.

Think about Mary Anderson, 3 years old. Mary's an only child and she came very late, so perhaps understandably her parents are reluctant to leave her with a baby sitter. But tonight's a very special night, and they have left her in the care of a well-recommended neighbor girl just home from college. Shortly after the Andersons left, a phone call came for them and the sitter politely took the message. While she was doing this, little Mary went on a treasure hunt in her parents' bedroom. She came upon a marvelous find—a gold box with jewels on the cover and filled with pink candies. When the sitter found her, Mary had eaten almost all of them. In a panic, the sitter tried to get Mary to spit out the drugs, then tried to make her throw up. In their hurry Mary's parents had not said where they could be reached; the frightened sitter called her own father who rushed Mary to the hospital. When they arrived Mary was pale and sweating. A stomach tube was put down but it was of no help and little Mary Anderson became comatose. The sitter had brought the remaining pills, and the hospital staff made frantic efforts to identify the drug so that Mary could have specific treatment; they failed—the pills had no identifying marks or characteristics. Finally Mary's parents were located—her mother knew the name of the drug—yes, there was a specific treatment which could. . . . Too late—Mary was dead. Poor Mary Anderson!

Manufactured histrionics? Things like that don't really happen?

In this country our children are poisoning themselves at a rate of roughly 1,500 a day and hundreds of these poisoned children die each year. The most common agents involved in this accidental childhood poisonings are not household cleaners or pesticides or the like—they are drugs. Half of all the poisonings in children less than 5 years of age are due to drugs, and this proportion is steadily increasing year by year. If these drugs cannot be promptly identified, children will die.

Perhaps the death of a child is too maudlin. Look at this problem then from another perspective. Consider Bill Johnson—nice young fellow—you'd like him—graduated at the top of his law class a few years ago—a bachelor but not for long—Bill's already been staked out and he's getting married this Saturday. He had to try a case out of town today and he's rushing home to get to the wedding rehearsal—maybe driving a little too fast—look out! a tire's blown—hang onto that wheel—car's rolling over—quiet green countryside jarred by the crash of metal—motorists stop—people running—police cars' flashing red lights—ambulance-sirens whooping—emergency room—rushing litters—he's unconscious—head injuries—got a bottle of pills in his pocket—rush them to the pharmacy for identification—pupils look all right—head X-rays OK—chest X-ray shows some rib fractures—

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[1] Presented at the 73rd Annual Conference of the Association of Food and Drug Officials of the United States, Miami Beach, Florida, June 1969.

pharmacist says he can't identify the pills—damn! Should be all right to observe him overnight—send him to intensive care—seems to be coming around this morning—beginning to regain consciousness—said a few words—wait!—pulse more rapid—he's pale—blood pressure down—abdomen rigid—must be a ruptured spleen—get the OR ready—crossmatch five units of blood—litters rushing—IV running—bright lights—green gowns—green masks—abdomen open—lot of blood—suction—instruments clatter and slap—got the spleen—there's the rupture—hemostats—suture—got it—blood pressure's falling—pump the blood—no pressure at all—can't get a pulse—external massage—still no pulse—open the chest—defibrillators—no response—stop the blood—gloves snap off—things were going so well I thought he was going to make it—a young fellow, too bad.

Bill Johnson is now tabulated as another traffic fatality but this wasn't why Bill died. He had a mild concussion and a ruptured spleen that was treated promptly. He should have lived. The real cause of Bill's death? The unmarked pill. Young Bill had asthma that flared with the nervous tension of his impending wedding. His doctor was treating him with a synthetic cortisone. This had suppressed Bill's adrenal glands and they were unable to respond to the consecutive stresses of the accident and major surgery. Bill died of acute adrenal failure. Had his surgeon been able to recognize the anonymous pill, cortisone would have been given before and during the operation. The plans would have been delayed a bit, but Bill would have gone to his wedding. Now he's going to his funeral.

Well, the chance of somebody taking a potent drug being involved in an accident must be—what? One in a million?

In the single year of 1967, a total of 930,000,000 out-of-hospital drug prescriptions were filled, at a total cost of well over three billion dollars. Seven out of every 10 Americans used one or more prescription drugs. There was an average of 4.75 drug prescriptions for every man, woman, and child in the United States. The toll of morbidity and mortality exacted in each year on our highways need not be reiterated, and these represent only a fraction of the whole of emergency problems presented at our hospitals. In any of these, proper recognition of drug intake may play a vital role in patient survival.

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These are not artificial problems fabricated or exaggerated for dramatic effect. They are disturbingly real. They occur in staggering numbers.

Let me take you into our hospitals and show you what may happen there. Mr. Jones and Mr. Smith are sharing a double room. Mr. Jones is recovering from surgery to repair a hernia—since he has varicose veins, his doctor wisely put him on a blood-thinning anticoagulant medicine after surgery to prevent the formation of blood clots. The laboratory tests, however, have shown that Mr. Jones is quite sensitive to these drugs and his blood is getting a little too thin. Besides, he's up and around now and should be going home in a day or two, so he really doesn't need this treatment any longer. Today his doctor has ordered vitamin K to counteract the effect of the blood thinner.

Mr. Smith on the other hand has had a mild heart attack, but he was hospitalized promptly and no real damage has been done. Today his doctor has ordered a large starting dose of an anticoagulant to quickly thin his blood and protect Mr. Smith against a more major coronary attack. So here are two routine medical problems being treated properly, and both patients should do very well.

Now today Suzie Michaels is the medication nurse. She's preparing the drugs ordered for Mr. Jones and Mr. Smith—carefully dispensing them in paper cups that contain the medication cards identifying patients and drug. As Suzie is walking briskly down the corridor with her medication tray she collides with an intern coming out of an examing room. The medication tray is jostled, cups spill. Suzie's flustered as the intern grins. She quickly puts the tray back in order, and regains her composure. Mr. Jones and Mr. Smith receive their medications, bask in Suzie's bright young smile, and the hospital settles down to its daily routine. When Suzie checks in for work the next morning she hears about all the excitement that had occurred on the night shift. Mr. Jones died suddenly of a cerebral hemorrhage, and just an hour later Mr. Smith, right there in the same room, died of a major heart attack. Suzie clucks her concern about these two nice men and says it's too bad the doctors couldn't have done more for them. Suzie never knew that she had killed them both—Suzie and the unidentified pill. You see, in that little mishap in the corridor yesterday that Suzie has since forgotten she'd switched the pills of Mr. Jones and Mr. Smith. She never knew, the pills looked so much alike, and now Mr. Jones and Mr. Smith share the same obituary page.

Too extreme? Things like that just don't happen in our modern hospitals?

Let's look at facts again. In Table 1 you see documented the rate of occurrence of drug administration errors as observed by careful monitoring in two of our fine university teaching hospitals. Some type of error was committed in 15% of all drug administrations, and in 6% this was a major and very hazardous error that involved giving the wrong drug or the wrong dose. The average hospitalized patient received six to eight doses each day; this means that each day the average hospital patient was subjected to a drug administration error and every third day he was subjected to a major drug error. These figures in no way reflect on the competence or devotion of those handling drugs in our hospital; rather they put in bold relief the striking opportunity for human error presented by the multitude of drugs that are competely unidentifiable in the form in which they are dispensed to the patient. It should be emphasized that this is reported in blue ribbon, showcase hospitals—the university teaching hospital, well staffed with highly trained personnel. Think a bit about small community hospitals struggling to maintain any kind of house staff at all.

TABLE 1.—OCCURRENCE OF DRUG ADMINISTRATION ERRORS

University teaching hospitals	Percent of administrations	
	Drug errors (all types)	Wrong drug or wrong dose
University of Arkansas	13.9	6.9
University of Florida	15.4	5.8

Source: Barker, K., Kimbrough, W., and Heller, W.: The Medication Error Problem in Hospitals. Part I. Hosp Formulary Manage 1:29–35 (Feb.) 1966.

Still not involved? Then let's put this problem on a very personal level. As you're flying home from a meeting in Washington you begin to feel a little dizzy when the plane changes altitude for landing. When you get home your head is spinning, and you can barely stagger through the door. You're nauseated; you vomit several times. Your wife gets frightened and calls your doctor—he says you'd better get to the hospital so he can find out what's going on. But everything's all right—your doctor says you've got Menier's disease—a minor swelling of the inner ear—he's started medication and will keep you in the hospital for a couple of days until you are feeling better—you'll be back to work in no time. That pill on the left of the illustration is what you're getting—it's called Merazine—an antihistamine commonly used for nausea and vertigo—so safe you can buy it over the counter without a prescription. That pill on the right is for one of your neighbors who is also in the hospital a couple of doors down from you. He's had a minor heart irregularity and he's being treated with that pill—it's called Lanoxin, the most common form of digitalis prescribed in this country. The pill in the middle there is for the patient in the room between you. Poor fellow has advanced cancer. These are common illnesses and commonly used drugs. You could find this constellation in most any hospital in the country just about any day of the week.

Oh, about that pill in the middle. Its phenylalanine mustard, a deadly poison, an anologue of mustard gas that can be used only in patients with advanced malignancy. How would you like to be playing this game of Russian roulette? What do you want to bet that there won't be a drug administration error—would you care to bet your life?

That outstanding opportunity for a fatal drug error has been presented to the American public by the Burroughs Wellcome & Company, though it's really unfair to pick on them. Actually there are more than 2,000 marketed prescription drugs that are completely indistinguishable by physical characteristics except for minor variations in size that would have to be determined with a micrometer. The blame must be placed on those persons charged with the public safety who have allowed this deplorable situation to continue.

To here, the dramatic and life-threatening aspect of the drug identification problem has been purposefully highlighted. There are many other, less flamboyant but equally important factors that should also be weighed in your judgment.

Consider this. During the year 1968, approximately 100,000 patients were seen at the Mayo Clinic for general medical examinations. The drug consumption of a large random sampling of these patients was surveyed as well as our accuracy in properly identifying these drugs. These figures were then projected to our yearly patient registration. Of the total 100,000 patients, 77,000 were taking one or more oral drugs immediately prior to their clinic examination. Thirty-five thousand patients were unable to identify the drugs they were taking. Since many patients were taking more than one drug, there was a total of 51,000 individual drugs which their examining physicians had to attempt to identify. After using all the time and assistance we were able to devote to this task, there still remained 22,000 drugs which we could not identify.

In the time that might be spent identifying five drugs, a complete history could be taken and a detailed physical examination could be performed on one more patient. Consider the fact that we have 51,000 such drugs to identify each year. The cost of time spent trying to identify drugs must of necessity be reflected in the medical charges assessed to our patients. But even more important than the economic factors is the influence of 22,000 drugs we could not identify on the quality of medical care we delivered to these patients. For such patients, it is possible that the drug effects may have obscured our diagnostic studies and we may fail to recognize a disease disguised by treatment, or perhaps an illness induced by the drug itself. If we withdrew the unknown drug from the patient we may be taking away vital therapy; if we prescribe therapy in addition to the unknown drug, we may produce a hazardous compounding of drug effect. Obviously this situation is intolerable detrimental to good medical practice, and this is not a problem peculiar to us alone. It exists in every hospital, clinic, and doctors office the country over. This situation is both tragic and absurd. It cannot be allowed to continue.

Well, if the problem is that big and that bad, surely someone must have tried to do something about it.

The pharmaceutical companies have made an effort. The *Physicians Desk Reference,* distributed free to all physicians, contains a center section with color reproductions of a number of pills, tablets, and capsules. This is occasionally useful—but of the more than 6,000 marketed hard drug items it covers only 800, largely promotional items, and many of these still cannot be accurately identified because they are either closely similar to, or identical to, other drugs so that the picture doesn't really do any good.

Organized medicine recognized the problem and tried to do something about it in 1962. The December 22 issue of the *Journal of the American Medical Association* was devoted to the cataloging of all marketed solid drugs. They were grouped according to physical characteristics. By closely examining the drug the physician would observe and record in a code form 10 separate physical characteristics of the drug. When this was done he could refer to this code number in the catalogue and hopefully identify the drug. This approach was a failure. It was time consuming and cumbersome, and even after going through all this work, too frequently the physician ran into the situation of dozens of drugs all having the same code number. For whatever this might have been worth in 1962, which wasn't very much, it is now hopelessly out of date.

The pharmaceutical industry and organized medicine have both recognized the problem—they've tried to handle it. They've failed. There is only one feasible solution to this problem and that is a universal system of drug identification under federal guidance and direction.

Well, now, that would never work—think of the organization—too many technical problems—think of the cost!

Such a system not only *can* be practical and effective—it *is* practical and effective; and here proper credit should be paid to those representatives of the pharmaceutical industry, although only a very few, which not only have recognized the importance of this problem but have acted in a truly ethical fashion by responding to this need in a practical and effective manner. Eli Lilly and Company, Parke, Davis & Company, Armour Pharmaceutical Company, Merck Sharp & Dohme, Eaton Laboratories, and now, thankfully beginning, Burroughs Wellcome & Co.—all are now clearly imprinting each of their marketed drugs with a code number that unmistakably identifies the drug. These companies market more than 700 different drug products including all varieties of capsules, tablets, and pills, in the full gamut of sizes. They have accomplished this task without necessity of a price increase for their products or a reduction in dividends for their stockholders. The total cost of this identification is actually measured in only pennies per thousand units of drug. No pharmaceutical company may now claim that the technical factors are insurmountable or that the cost is prohibitive. These contentions have been proven false by members of their own ranks.

You can buy a bag of sugar-coated candy with each piece clearly printed with the letter M or a roll with each wafer clearly impressed with the words Life Saver for only five pennies, and manufacturer, wholesaler, and retailer all make a profit. Drug prescriptions do not sell for pennies. Of course there are technical problems, but for $3,000,000,000 a year the American public is certainly entitled to the same protection accorded the purchaser of penny candies.

Well, do these systems really work? After all, getting a code number on a little pill—maybe nobody can read it without a microscope.

In Table 2 are the results of a study conducted a short time ago in which physicians were first asked to identify a random selection of uncoded drugs using their own recollection plus all available identification guides. Only 56% of the drugs could be accurately named and for this very poor batting average it took a mean time of more than 11 minutes for each identification. In sharp contrast is the performance with drugs branded with Lilly's "Identi-Code"; 96% of the drugs were properly identified and the average time required for each identification was only 14 seconds.

With this article from the pages of the *Journal of the American Medical Association* came a clarion call for a universal system of drug identification. This was 2½ years ago, and what has been done since then in answer to this plea? These overtures for cooperative progressive social action come far too infrequently from American medicine. When they do come they must be fostered and encouraged—not ignored.

TABLE 2.—ACCURACY AND EFFICIENCY OF DRUG IDENTIFICATION BY CHANCE AND BY PLAN

	Accuracy of identification, percent correct	Mean time to identify
Random drug assortment.	56	11 minutes, 6 seconds.
Drugs with "Identi-Code."	96	14 seconds.

Source: Symonds, J. U., and Robertson, W. D.: Drug Identification: Use of Coded Imprint. JAMA 199:664–665 (Feb. 27) 1967.

In summary, these are the problems created by unidentifiable drug forms. First, for these patients there is a risk of serious morbidity or death: in cases of accidental drug intoxication, especially in children, a needless morbidity and mortality resulting from inability or delay in identification of the toxic agent; in patients requiring emergency surgery, the risk of needless anesthetic death or needless operative morbidity or mortality; in the comatose patient, hazardous delay and confusion in diagnosis; in any hospitalized patient, an increased risk of potentially fatal hospital drug errors. And second, for all patients the problems that the physician encounters in drug identification result in increased cost and decreased quality of medical care. We must also realize that all of these problems will be compounded in years to come, as pharmacologic research puts in our hands increasingly more active therapeutic agents.

The solution to this problem is clear. Every marketed drug and every dosage form must be clearly imprinted or impressed with a legible identifying code number. A drug identification guide with these code numbers should be supplied to all practitioners licensed to prescribe drugs, to all pharmacists, and to all hospitals. This program should be carried out under federal guidance and direction.

This last point would seem to be absolutely essential. It is completely naive to suggest that all of the many drug manufacturers, large and small, could ever get together in such an undertaking. This problem has been recognized for years and yet of the hundreds of pharmaceutical companies only six have seen fit to do anything about it. For such a program to succeed, federal involvement is mandatory.

Let us go back now to the scenes with which we began, but let's make just one small change in the script.

The tablets that the baby sitter brought to the hospital when little Mary Anderson was poisoned are now imprinted with a code number. They are promptly identified—Mary is treated quickly and specifically—she is well and back home with her family the next day.

The pills which were found in Bill Johnson's pocket now have a clearly impressed identification code, they are immediately recognized as a synthetic adrenal steroid, and Bill receives his urgently needed cortisone preparation before and during surgery. Bill is going to his wedding even though it has had to be delayed a month.

The capsules which Suzie Michaels gave to Mr. Jones and Mr. Smith are now clearly marked with code numbers which have also been written on each of their medication cards. Following the directions given to all medication nurses, Suzie checks the code number on the capsule with the code number on the card and the patient's name before administering the drug. She quickly sees her error and both Mr. Jones and Mr. Smith receive the proper medication. They will both be able to return to work, supporting their families.

And so all of our stories have happy endings! Tragic endings because of problems of drug identification must be absolutely intolerable—to the physician, to the pharmaceutical industry, and most important to the Food and Drug Administration and the Congress who hold in their hands the primary responsibility for regulating the safety of the drugs we give to our patients. To these hands the torch is passed—it must not fail.

Mr. LOWENSTEIN. Mr. Chairman, I move to strike out the last word, and rise in support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART D—OFFENSES AND PENALTIES

PROHIBITED ACTS A—PENALTIES

SEC. 401. (a) Except as authorized by this title, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or

(2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

(b) Except as otherwise provided in section 405, any person who violates subsection (a) of this section shall be sentenced as follows:

(1)(A) In the case of a controlled substance in schedule I or II which is a narcotic drug, such person shall be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than $25,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years, a fine of not more than $50,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 6 years in addition to such term of imprisonment.

(B) In the case of a controlled substance in schedule I or II which is not a narcotic

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drug or in the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine of not more than $15,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $30,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 4 years in addition to such term of imprisonment.

(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 3 years, a fine of not more than $10,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III, or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 6 years, a fine of not more than $20,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least one year in addition to such term if imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 2 years in addition to such term of imprisonment.

(3) In the case of a controlled substance in schedule V, such person shall be sentenced to a term of imprisonment of not more than one year, a fine of not more than $5,000, or both. If any person commits such a violation after one or more convictions of him for an offense punishable under this paragraph, or for a crime under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine of not more than $10,000, or both.

(c) A special parole term imposed under this section or section 405 may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special parole term and the resulting new term of imprisonment shall not be diminished by the time which was spent on special parole. A person whose special parole term has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. A special parole term provided for in this section or section 405 shall be in addition to, and not in lieu of, any other parole provided for by law.

PROHIBITED ACTS B—PENALTIES

SEC. 402. (a) It shall be unlawful for any person—

(1) who is subject to the requirements of part C to distribute or dispense a controlled substance in violation of section 309;

(2) who is a registrant to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person or to manufacture a controlled substance not authorized by his registration;

(3) who is a registrant to distribute a controlled substance in violation of section 305 of this title;

(4) to remove, alter, or obliterate a symbol or label required by section 305 of this title;

(5) to refuse or fail to make, keep, or furnish any record, report, notification, declaration, order or order form, statement, invoice, or information required under this title or title III;

(6) to refuse any entry into any premises or inspection authorized by this title or title III;

(7) to remove, break, injure, or deface a seal placed upon controlled substances pursuant to section 304(f) or 511 or to remove or dispose of substances so placed under seal; or

(8) to use, to his own advantage, or to reveal, other than to duly authorized officers or employees of the United States, or to the courts when relevant in any judicial proceeding under this title or title III, any information acquired in the course of an inspection authorized by this title concerning any method or process which as a trade secret is entitled to protection.

(b) It shall be unlawful for any person who is a registrant to manufacture a controlled substance in schedule I or II which is—

(1) not expressly authorized by his registration and by a quota assigned to him pursuant to section 306; or

(2) in excess of a quota assigned to him pursuant to section 306.

(c) (1) Except as provided in paragraph (2), any person who violates this section shall, with respect to any such violation, be subject to a civil penalty of not more than $25,000. The district courts of the United States (or, where there is no such court in the case of any territory or possession of the United States, then the court in such territory or possession having the jurisdiction of a district court of the United States in cases arising under the Constitution and laws of the United States) shall have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce this paragraph.

(2) (A) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall, except as otherwise provided in subparargaph (B) of this paragraph, be sentenced to imprisonment of not more than one year or a fine of not more than $25,000, or both.

(B) If a violation referred to in subparagraph (A) was committed after one or more prior convictions of the offender for an offense punishable under this paragraph (2), or for a crime under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine of $50,000, or both.

(3) Except under the conditions specified in paragraph (2) of this subsection, a violation of this section does not constitute a crime, and a judgement for the United States and imposition of a civil penalty pursuant to paragraph (1) shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.

PROHIBITED ACTS C—PENALTIES

SEC. 403. (a) It shall be unlawful for any person knowingly or intentionally—

(1) who is a registrant to distribute a controlled substance classified in schedule I or II, in the course of his legitimate business, except pursuant to an order or an order form as required by section 308 of this title;

(2) to use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report, record, or other document required to be made, kept, or filed under this title or title III; or

(5) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit substance.

(b) It shall be unlawful for any person knowingly or intentionally to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under any provision of this title or title III. Each separate use of a communication facility shall be a separate offense under this subsection. For purposes of this subsection, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, and all other means of communication.

(c) Any person who violates this section shall be sentenced to a term of imprisonment of not more than 4 years, a fine of not more than $30,000, or both; except that if any person commits such a violation after one or more prior convictions of him for violation of this section, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 8 years, a fine of not more than $60,000, or both.

PENALTY FOR SIMPLE POSSESSION; CONDITIONAL DISCHARGE AND EXPUNGING OF RECORDS FOR FIRST OFFENSE

SEC. 404. (a) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this title or title III. Any person who violates this subsection shall be sentenced to a term of imprisonment of not more than one year, a fine of not more than $5,000, or both, except that if he commits such offense after a prior conviction or convictions under this subsection have become final, he shall be sentenced to a term of imprisonment of not more than 2 years, a fine of not more than $10,000, or both.

(b) (1) If any person who has not previously been convicted of violating subsection (a) of this section, any other provision of this title or title III, or any other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, is found guilty of a violation of subsection (a) of this section after trial or upon a plea of guilty, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of this probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall dis-

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charge such person and dismiss the proceedings against him. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the Department of Justice solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under this part for second or subsequent convictions) or for any other purpose. Discharge and dismissal under this section may occur only once with respect to any person.

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) of this subsection, such person, if he was not over twenty-one years of age at the time of the offense, may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained by the Department of Justice under paragraph (1)) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after hearing, that such person was dismissed and the proceedings against him discharged and that he was not over twenty-one years of age at the time of the offense, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment of information, or trial in response to any inquiry made of him for any purpose.

DISTRIBUTION TO PERSONS UNDER AGE TWENTY-ONE

SEC. 405. (a) Any person at least eighteen years of age who violates section 401(a)(1) by distributing a controlled substance to a person under twenty-one years of age is (except as provided in subsection (b)) punishable by (1) a term of imprisonment, or a fine, or both, up to twice that authorized by section 401(b), and (2) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule.

(b) Any person at least eighteen years of age who violates section 401(a)(1) by distributing a controlled substance to a person under twenty-one years of age after a prior conviction or convictions under subsection (a) of this section (or under section 303(b)(2) of the Federal Food, Drug, and Cosmetic Act as in effect prior to the effective date of section 701(b) of his Act) have become final, is punishable by (1) a term of imprisonment, or a fine, or both, up to three times that authorized by section 401 (b) and (2) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving the same controlled substance and schedule.

ATTEMPT AND CONSPIRACY

SEC. 406. Any person who attempts or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

ADDITIONAL PENALTIES

SEC. 407. Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

CONTINUING CRIMINAL ENTERPRISE

SEC. 408. (a)(1) Any person who engages in a continuing criminal enterprise shall be sentenced to a term of imprisonment which may not be less than 10 years and which may be up to life imprisonment, to a fine of not more than $100,000, and to the forfeiture prescribed in paragraph (2); except that if any person engages in such activity after one or more prior convictions of him under this section have become final, he shall be sentenced to a term of imprisonment which may not be less than 20 years and which may be up to life imprisonment, to a fine of not more than $200,000, and to the forfeiture prescribed in paragraph (2).

(2) Any person who is convicted under paragraph (1) of engaging in a continuing criminal enterprise shall forfeit to the United States—

(A) the profits obtained by him in such enterprise, and

(B) any of his interest in, claim against, or property or contractual rights of any kind affording a source of influence over, such enterprise.

(b) For purposes of subsection (a), a person is engaged in a continuing criminal enterprise if—

(1) he violates any provision of this title or title III the punishment for which is a felony, and

(2) such violation is a part of a continuing series of violations of this title or title III—

(A) which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and

(B) from which such person obtains substantial income or resources.

(c) In the case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 of title 18 of the United States Code and the Act of July 15, 1932 (D.C. Code, secs. 24–203–24–207), shall not apply.

(d) The district courts of the United States (including courts in the territories or possessions of the United States having jurisdiction under subsection (a)) shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as they shall deem proper.

PROCEEDINGS TO ESTABLISH PRIOR CONVICTIONS

SEC. 409. (a)(1) No person who stands convicted of an offense under this part shall be sentenced to increased punishment by reason of one or more prior convictions, unless before trial, or before entry of a plea of guilty, the United States attorney files an information with the court (and serves a copy of such information on the person or counsel for the person) stating in writing the previous convictions to be relied upon. Upon a showing by the United States attorney that facts regarding prior convictions could not with due diligence be obtained prior to trial or before entry of a plea of guilty, the court may postpone the trial or the taking of the plea of guilty for a reasonable period for the purpose of obtaining such facts. Clerical mistakes in the information may be amended at any time prior to the pronouncement of sentence.

(2) An information may not be filed under this section if the increased punishment which may be imposed is imprisonment for a term in excess of three years unless the person either waived or was afforded prosecution by indictment for the offense for which such increased punishment may be imposed.

(b) If the United States attorney files an information under this section, the court shall after conviction but before pronouncement of sentence inquire of the person with respect to whom the information was filed whether he affirms or denies that he has been previously convicted as alleged in the information, and shall inform him that any challenge to a prior conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence.

(c)(1) If the person denies any allegation of the information of prior conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information. A copy of the response shall be served upon the United States attorney. The court shall hold a hearing to determine any issues raised by the response which would except the person from increased punishment. The failure of the United States attorney to include in the information the complete criminal record of the person or any facts in addition to the convictions to be relied upon shall not constitute grounds for invalidating the notice given in the information required by subsection (a)(1). The hearing shall be before the court without a jury and either party may introduce evidence. Except as otherwise provided in paragraph (2) of this subsection, the United States attorney shall have the burden of proof beyond a reasonable doubt on any issue of fact. At the request of either party, the court shall enter findings of fact and conclusions of law.

(2) A person claiming that a conviction alleged in the information was obtained in violation of the Constitution of the United States shall set forth his claim, and the factual basis therefor, with particularity in his response to the information. The person shall have the burden of proof by a preponderance of the evidence on any issue of fact raised by the response. Any challenge to a prior conviction, not raised by response to the information before an increased sentence is imposed in reliance thereon, shall be waived unless good cause be shown for failure to make a timely challenge.

(d)(1) If the person files no response to the information, or if the court determines, after hearing, that the person is subject to increased punishment by reason of prior convictions, the court shall proceed to impose sentence upon him as provided by this part.

(2) If the court determines that the person that has not been convicted as alleged in the information, that a conviction alleged in the information is invalid, or that the person is otherwise not subject to an increased sentence as a matter of law, the court shall, at the request of the United States attorney, postpone sentence to allow an appeal from that determination. If no such request is made, the court shall impose sentence as provided by this part. The person may appeal from an order postponing sentence as if sentence had been pronounced and a final judgment of conviction entered.

Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that part D, title II of the bill be considered as read, down through line 9, on page 181, printed in the RECORD, and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Amend section 408 by adding on page 176 on line 16 after the word "enterprise" the words "which enterprise" includes any activity re-

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specting a narcotic drug"; and on page 176 strike lines 17 and 18 and substitute in lieu thereof the following: "imprisonment not in excess of 25 years, to a fine of not more"; and on page 176 strike lines 23 and 24 and substitute in lieu thereof the following: "which may not be in excess of 30 years, to a fine of not more than $200,000."

Mr. ECKHARDT. Mr. Chairman, this is an extremely important section of the bill. It is a section that deals with what is called "continuing criminal enterprise"; and similar language in the crime bill deals with an enhanced sentencing procedure.

Now, as I pointed out yesterday, in this bill which addresses itself specifically to the drug problem, we are entering into two fields which are experimental with respect to the general criminal law.

I am wholeheartedly for the bill in its general approach to the drug problem, but I think it is a serious mistake to utilize the drug problem vehicle to innovate new processes which tread at least on the outskirts of constitutionality. Originally the committee had before it a provision for special sentencing in cases involving continuing criminal enterprise, very similar to the provisions in S. 30 with respect to enhanced sentencing in certain types of offenses. There were serious constitutional defects in that section, the most serious of which, it seems to me, was authority to bring before the judge a report which contained some of the information upon which the sentence would be enhanced, which was really not subject to cross-examination.

The only person whom you could cross-examine was the person who appeared at the hearing. In order to avoid that constitutional question, the Dingell amendment was offered. The Dingell amendment, instead of constituting a post conviction presentencing procedure with all of its difficulties with respect to cross-examination, proposed a new section, the section on continuing criminal enterprises which appears in the bill as it comes to us here.

In a committee devoted to the problem of drug abuse, we were entering into a very basic area of criminal law. But the Dingell amendment did improve the original language in that, since there was an original crime described, that crime's elements would have to be proved in the court, and every bit of evidence that may be used to establish that a continuing criminal enterprise existed would be, of course, subject to cross-examination and to consideration by a jury if one were demanded.

Thus, the Dingell amendment afforded much better protection of constitutional rights than did the language of the original bill.

I prefer the treatment of this matter as an individual, separate, provable crime in court than treatment of it in a sort of quasi-criminal process for enhanced sentencing. Nevertheless, there are these faults in the Dingell amendment which I think it borrowed from its precursor, and they are contained in the language of the bill as it came from the committee.

In the first place, the Dingell amendment provides for a minimum mandatory penalty of 10 years. One of the great virtues of this bill is the removal of all minimum mandatory penalties except at this one place.

It is extremely important that minimum mandatory penalties be taken out. This is one of the recommendations of the American Bar Association's committee studying the questions of criminal process. The argument, of course, is quite simple, and that is this: when the jury is confronted with a case in which if it finds the defendant guilty, the penalty must automatically be 10 years or more it may hold the accused not guilty because, under the circumstances, it feels that the mandatory penalty is too high.

The CHAIRMAN pro tempore (Mr. MCFALL). The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for 5 additional minutes.)

Mr. ECKHARDT. The jury senses the fact that the case involves, say, one young man in a group of six in a co-op boarding house who have done nothing more than hand marihuana cigarettes to each other and on one occasion this man bought a $50 stash of marihuana and distributed to his fellows for a reimbursement and a small cost for his trouble. The court ought to have some choice, and the penalty should not have to be 10 years for that offense. Therefore, the jury is likely to hold the young man innocent, because it has no choice between innocence and a 10-year mandatory sentence.

The other difficulty is that the maximum penalty involved here is life. Given a situation in which someone is considered anathema in the community for reasons other than those involved in the offense and in which he can be got out of the way for life on the basis of passing marihuana cigarettes and maybe buying a $50 stash and distributing it, that man, because he is thought to have engaged in other activities that cannot be proven and perhaps are not true, can be removed from society for life by the judge issuing the sentence.

The amendment addresses itself to these flaws. First, the amendment simply requires that for the continuing criminal enterprise to exist, there must be some element, some act, some single act if you please, that involves something like heroin or morphine, that it involve a substance in schedule I or schedule II, other than those that artificially fall into schedule I because they are not for medical use. This does not mean that the whole enterprise need to deal only with morphine, heroin, or cocaine. It means that these narcotics must be in the picture—and I submit to you there is no real Mafia-type operation in the country that is dealing merely in amphetamines or marihuana. They are bound to have heroin some place in the picture, so this does not severely restrict the attack on the type of offenses that the gentleman from Illinois (Mr. SPRINGER) said the provision is directed against.

Another thing the amendment does is to remove the minimum mandatory sentence of 10 years, and to provide a maximum sentence of 25 years in the first instance, and 30 years in the second instance, instead of life imprisonment which is the maximum in both instances. It does not severely injure nor change the direction of the Dingell amendment, but it simply takes out the flaws of that amendment, both of which have been condemned by the American Bar Association.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman has time remaining, and I would like to ask him is it not true that the Attorney General has spoken out against mandatory minimum penalties in connection with this legislation?

Mr. ECKHARDT. The Attorney General has spoken in this respect and for the reasons that I have stated.

Mr. CONYERS. Mr. Chairman, I have been reading through the hearings on the drug abuse control amendments, and I think this matter of mandatory penalties ought to be very carefully considered. It is in these instances where we may, in our zeal to curb the use of drugs and control drug abuse, go overboard and indeed may make ourselves liable to civil rights and civil liberties incursions that I think many of the Members would not intend.

Mr. ECKHARDT. I thank the gentleman and certainly agree with his remarks.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Texas is one of the more distinguished lawyers of this body, and I have great respect for him, not only as a lawyer, but also as a person.

Mr. Chairman, I think it ought to be pointed out what the effect of this amendment would be. In effect, what the gentleman does here is include any activity respecting narcotic drugs. A narcotic drug does not include LSD or marihuana. Without knowing what the gentleman's situation is in his own hometown of Houston, I would say in my own community we have hard drugs, heroin, but that is not our real problem.

Our real problem in our own particular area is with LSD and especially marihuana, and the gentleman does not cover those in his amendment at all, but leaves them out.

That is what we would be doing, taking out marihuana and LSD.

I am talking about the problem involved in almost every community in the country, which is with one of these two. I will admit that in New York City, San Francisco, and the big cities, yes, hard narcotics probably represent the main problem. That may be so in Detroit, for all I know, but it is not true nationwide.

The problem we have, really, is mostly with the young people. I am talking about the junior high school, high school, college and just above those ages. And marihuana and LSD are the problems.

The gentleman, by this amendment, would eliminate those from the bill insofar as this continuing enterprise is concerned.

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Let me give an example. I do not remember the fellow who used to be on the Harvard faculty, who traveled all over the country. He came out to the University of Illinois and had a crowd of some 12,000 in the assembly hall. As I understand it, he went all over the country, and he had LSD with him. I do not know whether he was selling it or not.

Suppose we knew of someone who was doing this, who in a continuing enterprise went from town to town and sold it all the way from New York out to San Francisco, and engaged in this for 2 or 3 years. Under this continuing enterprise, which would give a judge a chance to look at the man's record, he could determine whether or not this was the first sale. We find that in some of the communities perhaps they may sell this only once, and that is all. If that man is convicted, the judge is not going to give him a life sentence in a penitentiary, or 20 or 25 years, as provided in this bill. He will give him whatever he thinks he needs, in view of the circumstances of the case. We can all understand that.

But suppose that the man is engaged in a 2 or 3 year process of going all across the country.

Did any of the Members see "Easy Rider"? If they did they saw the man merely put his stuff in a little can, I believe down where the gasoline is. He put it in there, and then he went all the way across the country selling it and dispensing it.

If a man were engaged in that process for a long period of time, under this continuing enterprise, the judge could take into consideration the fact that he was a professional in this regard, making a living at it. For that reason he would be entitled to give him a more severe sentence than he would give to a fellow who engaged in it for the first time.

What the distinguished gentleman from Texas has done is that he has left this with only narcotics, which would be the hard narcotics. Goodness knows we would certainly want to cover those, but the gentleman has left out marihuana and LSD and these others, which are not considered to be and defined as narcotics in this bill.

I believe it would be a terrific mistake, gentlemen, if we were to leave marihuana and LSD out of this and not give the judge an opportunity on the record to determine what kind of a sentence that man ought to have.

The gentleman lives down near the border, and I know he has all kinds of problems down there with respect to marihuana, because it is grown in Mexico. There are people down there trying to keep it out.

I believe it would be extremely dangerous even for a fellow in Houston, able to get it across the border to sell it in Houston over a long period of time, yet when he was brought before the judge, under the application of this continuing enterprise, it would not apply.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Of course, the gentleman is familiar with the fact that in case of a second offense for the sale of marihuana the penalty could be up to 10 years. The judge would get some discretion on the grading of the penalty, of any figure up to 10 years.

The problem that seems to me to be involved in the present language is that the judge has got to give 10 years if these facts exist. Now, if it is a hard narcotics ring, or a ring that uses heroin in any of its operations, the fact that it is selling marihuana can build up the criminal enterprise nature of the business, but there must at least be one incident of hard narcotics, under my amendment.

Mr. SPRINGER. The gentleman is right on that. That is what I object to.

The gentleman insists that a person has to sell hard narcotics to bring it in under this.

Let me give an example of what might occur. Suppose that a man is engaged in the sale of marihuana and LSD, and he goes all the way across the country selling it. Suppose the police in Cleveland saw him doing this, but did not catch him. In Chicago the police saw him but did not catch him. In St. Louis the police saw him but did not catch him. Finally out in Las Vegas they caught him. Now, under this continuing enterprise it would be possible to bring in the officers in New York and in St. Louis and in Cleveland and in Chicago and they could testify before the judge that they saw him in this continuing enterprise last February or March selling marihuana on the streets in these respective cities.

So I believe it is dangerous for us to take marihuana and LSD out of it. I think that the gentleman has very firm convictions on it. I know the gentleman's integrity. I am not trying to impugn the gentleman's motives, certainly. But I believe it is extremely dangerous to take the gentleman's amendment and leave out this continuing enterprise of marihuana and LSD.

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I share the concern of my colleague from Illinois about this amendment, although I also share his great respect for the gentleman from Texas and his always kindly manner in approaching any question with the committee. We appreciate his courtesy.

However, I would oppose this amendment. I think to restrict this to hard narcotics defeats a major portion of this bill because it does not deal just with narcotics but with the whole drug abuse problem. When you think this goes to a continuing enterprise and not just a man who is a pusher by himself but he must be in a management position with five other people, thus we see that this is a real operation we are trying to stop.

Some of these people—and I am sure that some will feel the effects of this law—who are going around to all of these rock festivals pushing drugs of all types. I think we can begin to get at that problem if we will pass the bill as the committee presented it to the House.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I am glad to yield to the gentleman.

Mr. HUNT. I want to commend the gentleman on his statement and also commmend the gentleman from Illinois (Mr. SPRINGER).

I would like to bring to your attention the case that most recently came to my mind of a pusher in the city of Miami, Fla., who was arrested not only for possession but for sale, and so forth, and then was released under $11,000 bail. Six months thereafter, while his case was still pending, he was picked up in Laredo, Tex., where he swam the Rio Grande and brought back 10½ pounds of marihuana, and with his accomplices he was in a car headed for the eastern seaboard where they had an acknowledged place for sale.

They were incarcerated there and made $10,000 bail in that city after 3½ days. Then they started off to New Jersey and were picked up en route in the State of Kansas in another marihuana deal. This is most certainly the portion of the law that this would apply to.

I respectfully submit that it will not apply too often, but in those cases where it does apply and where the pusher is continuous and the dealer is continuous this section is a fine section and should not be tampered with. This amendment ought to be defeated. There is nothing wrong with imposing a mandatory sentence on a hardheaded pusher. Mitigating circumstances should not apply to a person of this nature. The only way you can handle narcotics and get rid of the situation is to incarcerate those main pushers and help those who have unfortunately become addicted.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I will be glad to yield to the gentleman.

Mr. ECKHARDT. I would like to pose a hypothetical question to the gentleman. I would like to ask him if under the present language it would not be covered. Suppose there are six young men who are living together in a boardinghouse. They all smoke marijuana and exchange it freely among each other and have done so over a period of several years. One is the manager of the boardinghouse. They all smoke marihuana and on occasion he has purchased $50 worth of marihuana and distributed it to his fellows with perhaps a slight margin of profit over what he paid for it. Would that not be a case in which he could not be given a sentence, if these facts were proved, below 10 years, and would that not be a case in which he could be given life imprisonment?

Mr. ROGERS of Florida. Well, perhaps, that might be, but whether that would really represent substantial income—and I do not think it would—therefore I do not think any sentence in that fact situation would fall under the jurisdiction of this section.

Therefore, Mr. Chairman, I would urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 178, after line 11, insert the following:

"DANGEROUS SPECIAL DRUG OFFENDER SENTENCING

"SEC. 409. (a) Whenever a United States attorney charged with the prosecution of a defendant in a court of the United States for an alleged felonious violation of any provision of this title or title III committed when the defendant was over the age of twenty-one years has reasons to believe that the defendant is a dangerous special drug offender such United States attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special drug offender who upon conviction for such felonious violation is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special drug offender. In no case shall the fact that the defendant is alleged to be a dangerous special drug offender be an issue upon the trial of such felonious violation, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, it may order the notice sealed and the notice shall not be subject to subpena or public inspection during the pendency of such criminal matter, except on order of the court, but shall be subject to inspection by the defendant alleged to be a dangerous special drug offender and his counsel.

"(b) Upon any plea of guilty or nolo contender or verdict or finding of guilty of the defendant of such felonious violation, a hearing shall be held, before sentence is imposed, by the court sitting without a jury. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. The court shall permit the United States and counsel for the defendant, or the defendant if he is not represented by counsel, to inspect the presentence report sufficiently prior to the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant and the United States shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such felonious violation and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special drug offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felonious violation. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felonious violation. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

"(c) This section shall not prevent the imposition and execution of a sentence of imprisonment for life or for a term exceeding twenty-five years upon any person convicted of an offense so punishable.

"(d) Notwithstanding any other provision of this section, the court shall not sentence a dangerous special drug offender to less than any mandatory minimum penalty prescribed by law for such felonious violation. This section shall not be construed as creating any mandatory minimum penalty.

"(e) A defendant is a special drug offender for purposes of this section if—

"(1) the defendant has previously been convicted in courts of the United States or a State or any political subdivision thereof for two or more offenses involving dealing in controlled substances, committed on occasions different from one another and different from such felonious violation, and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commission of such felonious violation, and less than five years have elapsed between the commission of such felonious violation and either the defendant's release, or parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense involving dealing in controlled substances and punishable by death or imprisonment in excess of one year under applicable laws of the United States or a State or any political subdivision thereof; or

"(2) the defendant committed such felonious violation as part of a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

"(3) such felonious violation was, or the defendant committed such felonious violation in furtherance of, a conspiracy with three or more other persons to engage in a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or dealing, or give or receive a bribe or use force in connection with such dealing.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection. In support of findings under paragraph (2) of this subsection, it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such dealing. For purposes of paragraph (2) of this subsection, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938 for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the defendant's declared adjusted gross income under section 62 of the Internal Revenue Code of 1954. For purposes of paragraph (2) of this subsection, special skill or expertise in such dealing includes unusual knowledge, judgment or ability, including manual dexterity, facilitating the initiation, organizing, planning, financing, direction, management, supervision, execution or concealment of such dealing, the enlistment of accomplices in such dealing, the escape from detection or apprehension for such dealing, or the disposition of the fruits or proceeds of such dealing. For purposes of paragraphs (2) and (3) of this subsection, such dealing forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

"(f) A defendant is dangerous for purposes of this section if a period of confinement longer than that provided for such felonious violation is required for the protection of the public from further criminal conduct by the defendant.

"(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition of the original sentence.

"(h) With respect to the imposition, correction, or reduction of a sentence after proceedings under this section, a review of the sentence on the record of the sentencing court may be taken by the defendant or the United States to a court of appeals. Any review of the sentence taken by the United States shall be taken at least five days before expiration of the time for taking a review of the sentence or appeal of the conviction by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review of the sentence for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review of the sentence by the United States after the time has expired. A court extending the time for taking a review of the sentence by the United States shall extend the time for taking a review of the sentence or appeal of the conviction by the defendant for the same period. The taking of a review of the sentence by the United States shall be deemed the taking of a review of the sentence and an appeal of the conviction by the defendant. Review of the sentence shall include review of whether the procedure employed was lawful, the findings made were clearly erroneous, or the sentencing court's discretion was abused. The court of appeals on review of the sentence may, after considering the record, including the entire presentence report, information submitted during the trial of such felonious violation and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only on review of the sentence taken by the United States and after hearing. Failure of the United States to take a review of the imposition of the sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Any withdrawal or dismissal of review of the sentence taken by the United States shall foreclose imposition of a sentence more severe than that reviewed but shall not otherwise foreclose the review of the sentence or the appeal of the conviction. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence. Any review of the sentence taken by the United States may be dismissed on a showing of the abuse of the right of the United States to take such review.

"INFORMATION FOR SENTENCING

"SEC. 410. Except as otherwise provided in this title or section 303(a) of the Public Health Service Act, no limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence under this title or title III."

Redesignate the succeeding section accordingly.

Page 105, in the table of contents strike out "Sec. 409" and insert in lieu thereof "Sec. 411" and add the following new items after the item relating to section 408:

"Sec. 409. Dangerous special drug offender sentencing.

"Sec. 410. Information for sentencing."

Mr. POFF (during the reading). Mr. Chairman, having consulted with the chairman of the subcommittee, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Chairman, the most dangerous criminal in the criminal drug field is the organized crime offender, the habitual offender, the professional criminal.

Mr. Chairman, we need special penalties in my opinion for these special criminals. Constitutional scholars have suggested two approaches to deal with such offenders. The first is the creation of a separate crime with separate penalties. The second approach is the imposition of longer sentences upon those convicted first of the basic crime and then shown to be dangerous offenders.

Mr. Chairman, the first approach, the separate crime approach, is the approach taken by section 408 of the committee bill. The second is found in the amendment which I have just offered which adds two new sections to the bill, sections 409 and 410. The bill, I think, should pursue both approaches: first, to give the prosecution the option of approaches and, second, to strengthen the statute against possible constitutional attack.

My amendment, I believe, strengthens the bill against constitutional attack because it strengthens the protection afforded the innocent accused. My amendment insulates the jury from all possible predicate for prejudice. The jury hears only evidence concerning the basic crime which has been charged. If the jury convicts on that basic charge, then the judge, in the absence of the jury, determines whether the accused is a special dangerous offender and, if so, fixes a special penalty commensurate with the offense as aggravated by the special dangerous offense.

With respect to the sentencing process my amendment gives the defendant broad safeguards. He is entitled, first, to notice; and, second, to a hearing, to counsel, to compulsory process, to cross-examination of witnesses and the right of access to pertinent and relevant portions of the presentencing report.

In addition, my amendment gives to the defendant the right of appellate review in the circuit court of appeals in the event the trial judge imposes upon him an extended sentence under this mechanism.

That, I might add parenthetically, is a right which the defendant does not enjoy today under the sentencing procedure provided in Federal law.

My amendment is essentially the same as title X of the Organized Crime Control Act favorably reported by the Committee on the Judiciary on yesterday. It is not, however, I repeat, it is not the same as title X in S. 30 as it passed the other body. Rather, it incorporates the substantive and procedural changes recommended by the board of governors of the American Bar Association, and those changes I think better protect the rights of the accused and better structure the penalty package.

The concept of extended sentence which my amendment embraces has been endorsed by President Johnson's Crime Commission, by the American Law Institute, by the National Council on Crime and Delinquency, by the Department of Justice, and by scores of constitutional scholars in the academic community.

In summary, Mr. Chairman, I shall conclude by saying that my amendment is a supplement to the bill, and not a substitute for any part of the bill. My amendment will strengthen the bill against constitutional attack, strengthen the prospect of punishment of the guilty and strengthen the guarantee of a fair trial for the innocent.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SPRINGER, and by unanimous consent, Mr. POFF was allowed to proceed for 3 additional minutes.)

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Illinois.

Mr. SPRINGER. May I ask the distinguished gentleman from Virginia, Mr. Chairman, two questions:

There was an amendment adopted in the committee before we reported the bill, commonly known as the Dingell amendment. This amendment offered by the gentleman from Virginia does not interfere in any way with the Dingell amendment?

Mr. POFF. The gentleman is correct.

Mr. SPRINGER. Secondly, it is my understanding that the amendment offered by the gentleman is consistent with the same provisions or similar provisions of the crime bill which was reported by the Committee on the Judiciary.

Mr. POFF. It is, but it is not the same as the equivalent paragraph in the bill reported and passed in the other body.

Mr. SPRINGER. But it is consistent with that; is that correct?

Mr. POFF. It is.

Mr. SPRINGER. I thank the gentleman.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment proposed by the gentleman from Virginia. I firmly believe it is as important to achieve the goals of community education and rehabilitation with regard to drug abuse as it is to withdraw from free society those who live and profit from dealings in drugs.

The dangerous special drug offender sentencing provision I support is quite similar to that contained in the Organized Crime Control Act which the House Judiciary Committee reported out yesterday. With a maximum additional sentence of 25 years for offenders falling within the purview of this amendment, we can accomplish much today in assuring that society is rid of devastingly evil forces who reap the fruits of drug traffic.

I see no reason to treat a drug trafficker any less harshly than an organized crime racketeer. Their acts are equally heinous, the consequences equally severe, and their punishment equally justified.

I urge my colleagues to support the amendment.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, I join in support of the amendment offered by the gentleman from Virginia (Mr. POFF), and to state that the gentleman has contributed tremendously in behalf of the organized crime bill (S. 30). His contributions to this legislation as evidenced by the pending amendment are consistent with the constructive work he has performed in the Judiciary Committee on the comprehensive bill directed against the organized crime syndicate.

(Mr. WEICKER (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. WEICKER. Mr. Chairman, the necessity for revised and modernized Federal legislation in the area of narcotics and dangerous drugs has been obvious for sometime, especially in view of the fact that existing laws have been, for the most part, ineffective in halting the increased upsurge of drug abuse throughout our United States.

I am pleased to see that all of those who were directly involved in the preparation of this legislation recognized the fact that the drug problem of the forties and fifties is not the drug problem confronting us today. The decade of the sixties has brought with it new and varied types of drugs and persons abusing them, and no longer are our laws competent to adequately handle them. My own State of Connecticut is characteristic of many States which in years past had virtually little or no drug problem. My State, located in the highly drug-saturated region of the northeast, has been literally inundated with every form of abusable drug and, unfortunately, my State represents the general rule rather than the exception to the rule. However, I am confident that the legislation we are now considering will do much to turn off the tap and halt the flow of illicit drugs, not just in my State, but in every State.

I am pleased to see that this legislation utilizes a coalition of approaches.

First. It provides for drug abuse education and training.

Second. It sets enforceable penalties.

Third. It provides the tools for control and enforcement of narcotics laws under the Department of Justice.

Fourth. While the bill cracks down hard on the pusher, it recognizes the addict as a sick person in need of help.

Fifth. It will combat the problem of illegal drugs entering the country by imposing controls on the imports and exports of dangerous drugs.

The great advance of this bill is that it provides for care and rehabilitation. H.R. 18583 provides increased funds for community mental health centers which are desperately needed. We desperately need treatment centers to treat the problem close to home.

I am also particularly pleased with this bill's sophisticated and innovative approach toward the law enforcement aspects of drug abuse. I am not pretending that law enforcement is any magic panacea, but I do see it as a most vital and essential element in any total drug abuse control effort. H.R. 18583 contains a sound framework within which a firm but sensible Federal drug policy may be carried out. Adequate flexibility has been incorporated to accommodate changes brought about by increased knowledge gained through research and development of new drugs. Effective controls are imposed over the legitimate pharmaceutical industry which will deter the diversion of such drugs as the amphetamines and barbiturates from legitimate channels and will keep them out of the hands of persons willing and capable of abusing them.

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To me, however, the areas of this bill which deserve primary emphasis are the penalty and enforcement provisions, since these are the areas which have been in most need of reform. The penalty structure has been designed to accommodate all types of drug offenders, from the casual drug user and experimenter to the organized criminal syndicates engaged in unlawful importation and distribution of illicit drugs. But what is most important about this penalty structure is that it is credible in that the penalties fit the crimes and the persons who commit the crimes. By being credible, this law will be enforceable, which is not the case today with existing law.

Mr. Chairman, I firmly believe that with this penalty provision, Congress is making its exit from the paleolithic age by recognizing the fact that there is a need to distinguish between the varied types of drug offenders and to administer sentences accordingly.

This bill goes further in providing those persons charged with enforcing it a wide variety of enforcement tools which will enable them to more effectively combat the illicit drug trafficker and meet the increased demands we have imposed on them. New forfeiture provisions which will allow for the seizure of vehicles used in the trafficking of controlled drugs; broader immunity authority; expanded arrest authority for special agents of the Bureau of Narcotics and Dangerous Drugs; authority under specially defined circumstances to execute search warrants without notice of authority and purpose and administer inspection authority are but just a few of the new law enforcement tools this bill will provide.

Mr. Chairman, I firmly believe this bill is a significant step toward eliminating the cancerous problem of drug abuse, which will soon overtake us if it is not held in check. It should have our resounding support and be quickly enacted into law.

Mr. TAFT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia. I want to commend him for the fine work that he has done in the organized crime field, not just in this session of the Congress but in prior sessions of the Congress when we have worked together with him on a task force on this project.

Mr. Chairman, I think this amendment will do much at least to help a coordinated attack on the organized crime problem within the purview of this legislation. Evidence mounts daily that organized crime and the increased use and distribution of drugs are intimately related. Hopefully, we will see other legislation coming along broadening the attack on the crime syndicates even further, but we have a chance today with the Poff amendment to get off to a good start and we should not overlook it.

Mr. ECKHARDT. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, it would be far more difficult to oppose this amendment if it were not for the fact that the committee had already adopted an amendment respecting continuing criminal enterprises.

The committee considered the Dingell amendment as against the postsentencing procedure and chose the Dingell amendment in preference to the other procedure.

It would be remarkable if anyone for the committee should accept an amendment now to restore the same process which was rejected in competition to the Dingell amendment. I hope that this will not be done.

I want to point out what is wrong with this amendment. I recognize that every decent man, when he sees a case of a terrible criminal offense like selling dope, everyone wants to put the offender in jail. So do I. I support this bill and I probably will support it if it is not changed from the form in which it came out of the committee.

But we would be making a terrible mistake if, because of its emotional impact, we should throw away due process of law.

Let me show you what is the matter with the amendment. On page 2 of the amendment it says:

> In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court.

Now this is postconviction, presentencing procedure. This means that a man's sentence may be enhanced from 5 to 25 years without his knowing what the evidence against him was and what the matter is all about except that the court said, "Look, I did not really pay any attention to this section" or that "I do not think that that section, as a matter of policy, ought to get into the hands of the attorney for the accused because he might abuse it and tell who gave us the information, who the informer is."

That is not traditional American criminal process. The process provided in the Dingell amendment does not do this. Under the Dingell amendment, if you are going to prove a man guilty, you have to come into court and prove every element of the continuing criminal offense. You have to prove it under the probing conditions of cross-examination. That is the way the American jurisprudence system has effectively worked since the founding of this country.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Virginia.

Mr. POFF. The gentleman, of course, is correct. But the gentleman neglected to mention the distinction between the two approaches which I undertook briefly to describe in my remarks.

Clearly, all that the gentleman has said is relevant and accurate with respect to the approach of section 408 of the committee bill which embodies a new separate criminal offense with a separate criminal penalty.

It is not, however, relevant to the approach which my amendment pursues.

My amendment does not define a separate criminal offense. Rather it authorizes the judge to impose the extended sentence upon the defendant in the dock who has already been found guilty by the jury of the basic charge.

Mr. ECKHARDT. I understand. Let me respond that when the difference between the first offense that is charged is the difference between a penalty of 5 years and the penalty for the offense to which it is enhanced in the guise of enhanced sentencing is 25 years, and the evidence for the continuing offense upon which the enhancement occurs is produced by an administrative-type process, I see no difference between the situation of two offenses, a minor offense and a major one, and situation that is described in this amendment. I think this is a fiction that there are not two offenses.

The one offense has been that of a continuing criminal enterprise. The other offense is one of a single offense. So you bring out evidence to convict the person who has committed the single offense of a 5-year crime, and then you enhance his offense and his penalty to 25 years. I think it is intellectually fraudulent to draw a distinction between postsentencing procedure and the conviction of a separate crime.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. POFF, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Virginia.

Mr. POFF. I should say to the gentleman that if this is a fiction and if it is a fraud, then the courts are guilty of it, because the courts have already ruled on the question in the case of Williams against New York. That case holds that the rights of confrontation and cross-examination and counsel and the rules of evidence need not extend to the presentencing process.

Mr. ECKHARDT. I do not believe the courts have ever decided the question contained in this provision. I would like to point out that on page 3 of the amendment it is explicitly provided, "Cross-examination of such witnesses as appear at the hearings." What does that mean? That means that at a presentencing hearing, where a witness is brought in with a report, in that report is contained what the maker of the report gathered from a great number of witnesses. So what do you get? You get the right to cross-examine the investigator, or perhaps the thirdhand compiler of testimony gotten from the original witnesses, as to whether they told him these elements of the crime were committed.

Cross-examination is of a person who has information that is once or twice removed from the original witness. You cannot do that under the Dingell amendment, because it would be immediately objectionable as hearsay testimony to bring in evidence through somebody who had investigated this man's record and tried to introduce his report as evidence of the additional elements necessary to establish a continuing offense.

In addition to this, on page 5 it is provided that one of the elements is that if the defendant committed such a violation as a part of a pattern of dealing in controlled substances which was criminal in the applicable laws of any jurisdiction which constituted a substantial source of his income, and in which he manifested substantial skills and expertise, he is subject to this special sentencing. So evidence can be garnered from all over the United States, from hundreds of witnesses, and put into a single report. The defendant can be accused of having violated the laws of California, Texas, and any other State. He has no process by which he can effectively question the witnesses that gave the initial information.

Although he was only convicted of a crime that carries a 5-year penalty, the judge can then give him 25 years for an entirely different offense that has different elements which elements have not been proved before a jury to have existed.

Mr. CONYERS. Mr. Chairman, will the gentleman yield for a question?

Mr. ECKHARDT. I yield to the able gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, my distinguished colleague on the Judiciary Committee, the gentleman from Virginia, cited a case in support of his position in this matter. I think he said the case was Williams versus New York. Will the gentleman please give us the legal citation for that case?

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I will say to my friend on the Judiciary Committee the case is Williams against New York, 337 U.S. at page 241. If the gentleman would care, I will be glad to give him a statement of the facts in the case.

Mr. CONYERS. Mr. Chairman, will the gentleman state what position he argued in support of his case?

Mr. POFF. Williams against New York, is cited for the proposition that the confrontation and cross-examination and rules of evidence need not be extended to the sentencing proceedings.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I can see from what is being said here that we are getting into some rather technical matters of legal procedure, but I think I can simplify it a little bit if we will go back just to the ordinary county or city court which most of us know in our hometowns. Supposing a man, we will say, is brought into the city or county court in our local area for, we will say, robbery or rape. We have a conviction. The man applies for probation. What happens?

I happen to have been a curbstone judge once upon a time. The probation officer is sent out to make an investigation of the man's background. If the officer comes back and says the man has been clean and there is nothing in his background to indicate he has criminal tendencies, the judge may be willing to grant him probation or at least maybe only impose a minor sentence. But suppose the probation officer comes back with a five- or six-page report saying this boy has broken into somebody's home and gotten caught, but there was no prosecution, and then at the school he was causing all kinds of disturbances from morning to night and was kicked out of school for this, and since that time he has been engaged in distributing drugs throughout the neighborhood, and the office has the names of five or six to whom the drugs were distributed, and the officer comes in with this report, so probation is denied.

Not only that, but if the sentence for which he can be sentenced under the law is 5 years, if his record is clean, the judge will probably sentence the man only to a few years on the penal farm, or a year at the most if it is a felony, but if this man has been enaged in a whole series of acts in violation of law, the judge will give him the maximum—and I am talking about 5 or 10 years in the penitentiary.

How does this apply to what we have been talking about? It is simply because if we have someone engaged in LSD or marihuana or hard narcotics enterprises extending over a long period of time, we are back to the same situation I was talking about in the small courts in our hometown, where the judge may take into consideration the record of this man in the past in determining the kind of sentence that will be given him.

Is that unjust? Is there anything wrong with that? Certainly when we come in on a probation investigation, we do not come in with a whole lot of evidence. That is all over. He has already been found guilty. The question is what is going to be the sentence. The sentence is going to be based upon what the judge believes this man's past record has been based on all the evidence presented to him or the information presented to him as to whether or not this man is really guilty of past serious offenses or whether he is a relatively clean individual.

I am trying to put it in as simple terms as I can. All the gentleman from Texas is doing is saying we have to introduce this as evidence, but the evidence stage is all over. The man has already been found guilty. He is guilty. That has been determined.

The only question the judge is now faced with is whether or not the information which is placed before him describes the man's past, either criminal record or record in the community, upon which he then bases his sentence.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. ECKHARDT. The evidence which has been adduced to find the man guilty may be the passing of a marihuana cigarette from one man to another, and that is all, may it not?

Mr. SPRINGER. Yes.

Mr. ECKHARDT. Then the evidence adduced in this presentencing procedure is to show that he not only passed that cigarette on that one occasion, of which offense the jury found him guilty, but that he has been, as the gentleman described awhile ago, to Cincinnati, Detroit, and finally Chicago and San Francisco, and has done the same thing in these places.

Mr. SPRINGER. Yes.

Mr. ECKHARDT. But the proof there is made by nameless accusers without cross-examination.

Mr. SPRINGER. It is not nameless accusers. This is presented in writing. Every judge requires that it be presented in writing.

Mr. ECKHARDT. In a report.

Mr. SPRINGER. Either in a report, or presented in open court, one of the two. As a judge I always had both of them. I always had first the report of the probation officer, which I submitted to the defendant's lawyer, and the second thing I did was to ask, "Is there any testimony that anyone wants to introduce?"

I have had people come in from all over town saying, "Yes, this guy was caught in my backyard last year stealing chickens. I caught him but I did not prosecute him."

But there was not any question of cross-examination on it.

Mr. ECKHARDT. Is it not true the testimony as to offenses in the other cities would be introduced only by the statement of the probation officer, without necessarily a statement by a witness?

Mr. SPRINGER. That has been true forever. The question is not whether he shall receive the minimum sentence, but whether he has been guilty of other things which come before the judge.

I do not assume that the judge is going to take hearsay from anybody. He will consider it on pretty good evidence. I cannot ever remember a case which came

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to me, on a probation matter, where I did not go into that thoroughly.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 1 additional minute.)

Mr. SPRINGER. I cannot remember a single case of that.

I have also been a defense attorney, when I was defending a criminal or a violator of the law. I cannot remember ever going before a judge for probation when any defendant did not go into that matter or when the judge himself did not ask a lot of questions to determine whether or not the information was accurate.

I certainly wanted more information than just the question of guilt. If the sentence were from 2 to 5 years, the man certainly would not be given 5 years if this were his first offense, and he had done nothing else. But I certainly would not let him off with 2 years if he were guilty of a lot of other things.

I believe that is exactly what we are deciding here at this time.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MR. POFF

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Virginia (Mr. POFF).

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT to the amendment offered by Mr. POFF: amend the amendment on page 9 thereof by adding a new section to be designated 411, as follows:
>
> "SEC. 411. Notwithstanding any other provision of this section, no evidence shall be admissible for the purpose of enhancing or extending penalties or sentences because the defendant is alleged to have engaged in felonious violation as part of a pattern of dealing in controlled substances unless such acts as are alleged to make up such pattern are proved by evidence produced in such a way as (A) to be admissible to prove a continuing criminal enterprise under this section and (B) to afford the right of cross examination of any witness who has given information concerning any act which is to be used in evidence or in any report upon which the allegation of engaging in felonious violation as part of a pattern of dealing in controlled substances is based."

XUM

Mr. ECKHARDT. Mr. Chairman, I have before me the case of Williams against New York. The Supreme Court said in that case what has of course been the law since man's memory runneth not to the contrary. When a man is accused of a given crime, the extent of the sentence for which is defined in connection with that crime, and he is convicted by a jury of that crime, the court, in rendering the sentence, may consider information, some of which may not have been subject to cross-examination. Now, that is not disputed. The difference here is that the crime of a continuing criminal enterprise rests on different elements that must be proved on the basis of additional facts. It is a crime for which he has not been convicted before a jury. It is a crime that no jury has had a chance to decide on. That is the difference. The case does not touch the matter before us here top, side, or bottom.

Mr. Chairman, I have offered an amendment to the amendment offered by the gentleman from Virginia (Mr. POFF) that would cure this. It would simply require that when the basis of this offense is a continuing engagement in felonious violations as a part of a pattern in dealing in controlled substances, when that is a part of the offense, then evidence has to be produced, just as if the case were a new crime tried under the Dingell amendment, and it must be subject to cross-examination just like any other testimony on the original offense. Then the man's lawyer is able to cross-examine witnesses who come before the judge. And they are not faceless people. He is not limited to questioning someone who brings in a report. Only in that case where the new crime of continuing engagement in felonious violations is brought in, are these requirements made. I do not require under my amendment that these safeguards be applied when there are continuing offenses asserted as the basis upon which the man has been convicted.

Now, Mr. Chairman, it shocks me to hear some conservative Members of this House, men who support the conservative processes of the courts—it surprises me and shocks me to have them come in here and say the conviction of a man for a new crime should be done on the basis of an administrative report and the only people who can be cross-examined are administrators and not persons who testified before the administrators. I do not believe anyone here who believes in due process of law can sanction that sort of proceeding. At the very least you should clip the wings of this amendment to require the opportunity of the defendant to know what he is accused of and to know who his accusers are and question them and subject them to cross-examination.

Mr. POFF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not deal further with the Williams case except to quote two pertinent parts from two paragraphs:

> And modern concepts individualizing punishment have made it all the more necessary that a sentencing judge not be denied an opportunity to obtain pertinent information by a requirement of rigid adherence to restrictive rules of evidence properly applicable to the trial.
>
> We must recognize that most of the information now relied upon by judges to guide them in the intelligent imposition of sentences would be unavailable if information were restricted to that given in open court by witnesses subject to cross-examination.

Now, notwithstanding the holding of the court that the rights of due process normally available during the course of the trial do not extend to the sentencing process, I have included in my amendment these elements of due process with respect to the sentencing proceeding:

> The right to notice, the right of hearing, the right of compulsory process, the right of cross examination, the right of access to the pertinent portions of the presentencing report.

My distinguished friend from Texas—and I have nothing but the highest respect for his scholarship and his motivation—seems unduly preoccupied with the concept of cross-examination.

I am surprised that he would undertake to amend my amendment by adding the parenthetical clause concerning cross-examination since my amendment clearly and explicitly grants that right in the first instance.

I think, rather, what the gentleman is really concerned about is the right of confrontation. With respect to that right I would remind the gentleman that one of the elements of due process which has been gratuitously included in my amendment is the right of compulsory process and that right enables the defendant to bring before him at the hearing as witnesses those who have given information for the presentencing report. That, I will repeat, is one of a coterie of rights which the constitution as interpreted by the courts does not require. Further, the amendment which I have offered will give the defendant the right to go to an appellate court for review of the propriety of his sentence, a right which the present law does not grant to the defendant.

The amendment which the gentleman has offered will, if adopted, unhinge the amendment which I have offered. It will essentially convert into a parallel the approach already contained in the bill in section 408.

If the gentleman's amendment were to be adopted, there would be no point in having my amendment in the bill.

Mr. SATTERFIELD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to my colleague from Virginia.

Mr. SATTERFIELD. Mr. Chairman, I rise to ask a question to clarify in my own mind precisely what the gentleman's amendment proposes to do.

Does the conduct which triggers the additional penalty rely upon acts by the defendant for which he has not been brought to trial?

Mr. POFF. I will say in response to my colleague the first paragraph of subsection (e) defines the habitual offender. The court looks at the conviction record which is supplied by the U.S. attorney to determine whether the convictions fall within the time frame fixed in my definition; namely, 5 years.

In paragraph 2, the court decides whether the accused in the dock is a professional as defined in my amendment; that is, whether the felony of which he has been convicted is a part of a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction.

Mr. SATTERFIELD. Mr. Chairman, if the gentleman will yield further, is that tied to prior convictions which add up to make this conduct an offense?

Mr. POFF. The pattern of dealing in that context is tied to convictions as a practical matter. If the court undertakes to consider the status of a professional criminal, he would refer first to the conviction record.

Mr. SATTERFIELD. Then, it is possible he would consider some act by the person on trial about which no evidence has ever been adduced before a jury?

Mr. POFF. It is possible.

Mr. SATTERFIELD. In your amendment is there any guarantee that where these acts are to be considered the defendant is afforded the presumption of innocence until proved guilty beyond a reasonable doubt?

Mr. POFF. The defendant enjoys that presumption without benefit of specific statutory grants, and he would enjoy the presumption of innocence throughout the process.

Mr. SATTERFIELD. How about in the sentencing process?

Mr. POFF. He would in the sentencing process as well.

Mr. SATTERFIELD. I thank the gentleman.

Mr. POFF. The question of guilt has already been dispositively determined by the jury, and the court is sitting in the absence of the jury.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to my colleagues who may not be lawyers, I am sure that the extended discussion of legal cases and criminal sentencing procedures may be getting a bit boring, but I think the gentleman from Virginia (Mr. SATTERFIELD), who is himself a former prosecutor, has asked the kind of questions that I think everyone ought to be asking themselves regarding the amendment, and the amendment to the amendment.

I was not personally familiar with it myself, and so I asked my good friend on the Committee on the Judiciary for the citation a bit earlier. Of course, he graciously gave it to me, and I have read a few pages of it. I do not pretend that I have made a proper legal study of this case in the last 15 minutes, but I want the record to show that as one Member of the House I fail to see how *Williams* v. *New York,* 337 U.S. Reports, page 241, in any way substantiates or indicates approval of the dangerous special drug offender sentencing amendment. The cited case deals with a crime of murder, and it discusses the prerogatives of a judge in sentencing to consider a variety of reports and information brought to him after the conviction and prior to the sentencing.

I think there is a very fundamental distinction that can be easily made by every Member of the House who chooses to read this case; but it does not have anything to do with additional sentencing that is the basis of this amendment offered by the gentleman from Virginia (Mr. POFF). The case cited is in no way reflective upon the merits or demerits of a dangerous special drug offender's sentence. It has simply never taken the matter under consideration.

The fact of the matter is that the Poff amendment will allow the judge, without having a trial, to impose an additional sentence upon a person already found guilty of what might be a relatively minor crime.

This amendment properly offends the sensibilities of a number of Members here who may not be lawyers, and who may not, like the gentleman from Virginia, have had the advantage of reading and digesting Williams versus New York, and who do not know of the intricacies that are involved in an amendment some 10 pages long.

The committee has studied this matter for some months and felt no necessity to include this provision. I have been persuaded by the gentleman from Texas (Mr. ECKHARDT), who argued cogently on the proposition that we need not add additional conviction and penalty provisions in this measure which is already in my judgment overly laden with the concerns of sentencing rather than the problems of education, rather than the problems of cure, rather than the problems of prevention. I think it is proper at this time to suggest that with the Poff amendment this bill has now become topheavy in its grim determination to cut as deeply into the Constitution as it can.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment offered by the gentleman from Virginia (Mr. POFF).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. POFF).

The question was taken; and on a division (demanded by Mr. ECKHARDT), there were—ayes 35, noes 22.

Mr. CORMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 314]

Adair
Adams
Addabbo
Alexander
Ashbrook
Beall, Md.
Blackburn
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burton, Utah
Bush
Button
Cabell
Camp
Celler
Clark
Clay
Conte
Corbett
Cowger
Crane
Culver
Daddario
Davis, Ga.
Dawson
Devine
Diggs
Dorn
Dowdy
Edmondson
Fallon
Farbstein
Fisher
Flynt
Foreman
Fulton, Tenn.
Gallagher
Gilbert
Griffiths
Gubser
Halpern
Hansen, Wash.
Hawkins
Hébert
Henderson
Hull
Johnson, Pa.
Karth
Kleppe
Kluczynski
Landrum
Leggett
Long, La.
Lukens
McKneally
McMillan
Mailliard
Mathias
Meskill
Mikva
Mills
Minshall
Mize
Moss
Murphy, N.Y.
Olsen
Ottinger
Patman
Pike
Podell
Powell
Price, Ill.
Price, Tex.
Reifel
Rivers
Rooney, Pa.
Roudebush
Schneebeli
Sikes
Stokes
Stuckey
Symington
Talcott
Teague, Tex.
Tunney
Waggonner
Watts
Whitehurst
Widnall
Wilson,
  Charles H.
Wold
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18583) and finding itself without a quorum, he had directed the roll to be called, when 335 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was made on the absence of a quorum, the Chair had just announced the vote by division on the amendment offered by the gentleman from Virginia (Mr. POFF)—35 ayes, 22 noes.

Mr. ECKHARDT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. POFF and Mr. ECKHARDT.

The Committee again divided, and the tellers reported that there were—ayes 147, noes 61.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WIGGINS: On page 181, after line 9, add a new subsection as follows:
>
> "(e) No person who stands convicted of an offense under this part may challenge the validity of any prior conviction alleged under this section which occurred more than five years before the date of the information alleging such prior conviction."

Mr. WIGGINS. Mr. Chairman, the purpose of this amendment is to place a reasonable limitation upon the right of a defendant to attack collaterally a prior conviction which is alleged and which may affect the term of his sentence. Under the bill this right of collateral attack is unlimited, and it should be modified.

It should be pointed out and emphasized, Mr. Chairman, that this amendment affects challenges only to the validity of prior convictions and not challenges as to their existence.

To refresh the memory of the Members, the present bill fixes a double penalty in case the defendant has suffered a prior conviction which is alleged and which is proven. The bill establishes a procedure for alleging the prior conviction. It permits the defendant to deny it. It establishes a procedure for determining the validity of the prior conviction.

Under section 409, the defendant is permitted to attack collaterally this prior conviction without limitation as to when the prior conviction occurred, without limitation as to whether any defect alleged in the prior conviction has been previously resolved by appeal or rejected in a separate collateral attack.

The present bill establishes no limitation as to the right of a defendant to assert factual matters involved in his prior conviction which are stale as a result of the passage of a long period of time, or are uniquely within his knowledge.

Under the amendment, if the prior conviction alleged in the information occurred more than 5 years before the date of the information, its validity—but not the fact of its existence—is conclusively presumed and the defendant may not question it.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, I have gone into this in some detail. I am authorized to say the Department of Justice has one objection. Personally, I think it is a good amendment. I accept it.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Oklahoma.

Mr. JARMAN. Mr. Chairman, I see no objection to the amendment.

Mr. WIGGINS. Mr. Chairman, I thank both gentlemen for their comments.

In conclusion, Mr. Chairman, I wish to say this amendment addresses itself to one of the principal problems presently existing in the Federal Judiciary. Federal courts are clogged with proceedings to attach collaterally prior convictions in State courts. I hope this amendment will in some small way limit that burden.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, did the Justice Department know about this amendment?

Mr. WIGGINS. Prior to my offering it?

Mr. CONYERS. Yes.

Mr. WIGGINS. I did not consult with the Justice Department.

Mr. CONYERS. Has there been any prior discussion in the committee on it?

Mr. WIGGINS. I cannot speak for the committee. I do not know.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to be proposed, the Clerk will read.

The Clerk read as follows:

PART E—ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

PROCEDURES

SEC. 501. (a) The Attorney General may delegate any of his functions under this title to any officer or employee of the Department of Justice.

(b) The Attorney General may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this title.

(c) The Attorney General may accept in the name of the Department of Justice any form of devise, bequest, gift, or donation where the donor intends to donate property for the purpose of preventing or controlling the abuse of controlled substances. He may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey any such property other than moneys.

EDUCATION AND RESEACH PROGRAMS OF THE ATTORNEY GENERAL

SEC. 502. (a) The Attorney General is authorized to carry out educational and research programs directly related to enforcement of the laws under his jurisdiction concerning drugs or other substances which are or may be subject to control under this title. Such programs may include—

(1) educational and training programs on drug abuse and controlled substances law enforcement for local, State, and Federal personnel;

(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

(3) studies or special projects designed to assess and detect accurately the presence in the human body of drugs or other substances which are or may be subject to control under this title, including the development of rapid field identification methods which would enable agents to detect microquantities of such drugs or other substances;

(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

(5) studies or special projects to develop more effective methods to prevent diversion of controlled substances into illegal channels; and

(6) studies or special projects to develop information necessary to carry out his functions under section 201 of this title.

(b) The Attorney General may enter into contracts for such educational and research activities without performance bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(c) The Attorney General may authorize persons engaged in research to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

(d) The Attorney General, on his own motion or at the request of the Secretary, may authorize the possession, distribution, and dispensing of controlled substances by persons engaged in research. Persons who obtain this authorization shall be exempt from State or Federal prosecution for possession, distribution, and dispensing of controlled substances to the extent authorized by the Attorney General.

COOPERATIVE ARRANGEMENTS

SEC. 503. (a) The Attorney General shall cooperate with local, State, and Federal agencies concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, he is authorized to—

(1) arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

(2) cooperate in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States;

(3) conduct training programs on controlled substance law enforcement for local, State, and Federal personnel;

(4) maintain in the Department of Justice a unit which will accept, catalog, file, and otherwise utilize all information and statistics, including records of controlled substance abusers and other controlled substance law offenders, which may be received from Federal, State, and local agencies, and make such information available for Federal, State, and local law enforcement purposes; and

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

(b) When requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical advice, to him for carrying out his functions under this title; except that no such agency or instrumentality shall be required to furnish the name of, or other identifying information about, a patient or research subject whose identity it has undertaken to keep confidential.

ADVISORY COMMITTEES

SEC. 504. The Attorney General may from time to time appoint committees to advise him with respect to preventing and controlling the abuse of controlled substances. Members of the committees may be entitled to receive compensation at the rate of $100 for each day (including traveltime) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the committees, members of the committees shall be allowed expenses of travel, including per diem instead of subsistence in accordance with subchapter I of chapter 57 of title 5, United States Code.

ADMINISTRATIVE HEARINGS

SEC. 505. (a) In carrying out his functions under this title, the Attorney General may hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States.

(b) Except as otherwise provided in this title, notice shall be given and hearings shall be conducted under appropriate procedures of subchapter II of chapter 5, title 5, United States Code.

SUBPENAS

SEC. 506. (a) In any investigation relating to his functions under this title with respect to controlled substances, the Attorney General may subpena witnesses, compel the attendance and testimony of witnesses, and require the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing; except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where he was served with a subpena. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) A subpena issued under this section may be served by any person designated in the subpena to serve it. Service upon a natural person may be made by personal delivery of the subpena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpena entered on a true copy thereof by the person serving it shall be proof of service.

(c) In the case of contumacy by or refusal to obey a subpena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpena. The court may issue an order requiring the subpenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

JUDICIAL REVIEW

SEC. 507. All final determinations, findings, and conclusions of the Attorney General under this title shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals for the District of Columbia or for the circuit in which his principal place of business is located upon petition filed with the court and delivered to the Attorney General within thirty days after notice of the decision. Findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive.

POWERS OF ENFORCEMENT PERSONNEL

SEC. 508. Any officer or employee of the Bureau of Narcotics and Dangerous Drugs designated by the Attorney General may—

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant (A) for any offense against the United States committed in his presence, or (B) for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this title; and

(5) perform such other law enforcement duties as the Attorney General may designate.

SEARCH WARRANTS

SEC. 509. (a) A search warrant relating to offenses involving controlled substances may be served at any time of the day or night if the judge or United States magistrate issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant and for its service at such time.

(b) Any officer authorized to execute a search warrant relating to offenses involving controlled substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States magistrate issuing the warrant (1) is satisfied that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the executing officer or another person, and (2) has included in the warrant a direction that the officer executing it shall not be required to give such notice. Any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 510. (a) As used in this section, the term "controlled premises" means—

(1) places where original or other records or documents required under this title are kept or required to be kept, and

(2) places, including factories, warehouses, or other establishments, and conveyances, where persons registered under section 303 (or exempted from registration under section 302(d)) may lawfully hold, manufacture, or distribute, dispense, administer, or otherwise dispose of controlled substances.

(b)(1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this title and otherwise facilitating the carrying out of his functions under this title, the Attorney General is authorized, in accordance with this section, to enter controlled premises and to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

(2) Such entries and inspections shall be carried out through officers or employees (hereinafter referred to as "inspectors") designated by the Attorney General. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) a written notice of his inspection authority (which notice in the case of an inspection requiring, or in fact supported by, an administrative inspection warrant shall consist of such warrant), shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except as may otherwise be indicated in an applicable inspection warrant, the inspector shall have the right—

(A) to inspect and copy records, reports, and other documents required to be kept or made under this title;

(B) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished drugs and other substances or materials, containers, and labeling found therein, and, except as provided in paragraph (5) of this subsection, all other things therein (including records, files, papers, processes, controls, and facilities) appropriate for verification of the records, reports, and documents referred to in clause (A) or otherwise bearing on the provisions of this title; and

(C) to inventory any stock of any controlled substance therein and obtain samples of any such substance.

(4) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipment data; or

(C) pricing data.

(c) A warrant under this section shall not be required for the inspection of books and records pursuant to an administrative subpena issued in accordance with section 506, nor for entries and administrative inspections (including seizures of property)—

(1) with the consent of the owner, operator, or agent in charge of the controlled premises;

(2) in situations presenting imminent danger to health or safety;

(3) in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(4) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or

(5) in any other situations where a warrant is not constitutionally required.

(d) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or conveyance, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (b)(2) to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in conection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

FORFEITURES

SEC. 511. (a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this title.

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this title.

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2).

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2), except that—

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this title or title III; and

(B) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State.

(5) All books, records, and research, including formulas, microfilm, tapes, and data

which are used, or intended for use, in violation of this title.

(b) Any property subject to forfeiture to the United States under this title may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the United States in a criminal injunction or forfeiture proceeding under this title;

(3) the Attorney General has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the Attorney General has probable cause to believe that the property has been used or is intended to be used in violation of this title.

In the event of seizure pursuant to paragraph (3) or (4) of this subsection, proceedings under subsection (d) of this section shall be instituted promptly.

(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under the provisions of this title, the Attorney General may—

(1) place the property under seal;

(2) remove the property to a place designated by him; or

(3) require that the General Services Administration take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(d) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this title by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

(e) Whenever property is forfeited under this title the Attorney General may—

(1) retain the property for official use;

(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, but the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising and court costs;

(3) require that the General Services Administration take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau of Narcotics and Dangerous Drugs for disposition (including delivery for medical or scientific use to any Federal or State agency under regulations of the Attorney General).

(f) All controlled substances in schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this title shall be deemed contraband and seized and summarily forfeited to the United States. Similarly, all substances in schedule I, which are seized or come into the possession of the United States, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the United States.

(g)(1) All species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this title, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the United States.

(2) The failure, upon demand by the Attorney General or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

(3) The Attorney General, or his duly authorized agent, shall have authority to enter upon any lands, or into any dwelling pursuant to a search warrant, to cut, harvest, carry off, or destroy such plants.

INJUNCTIONS

SEC. 512. (a) The district courts of the United States and all courts exercising general jurisdiction in the territories and possessions of the United States shall have jurisdiction in proceedings in accordance with the Federal Rules of Civil Procedure to enjoin violations of this title.

(b) In case of an alleged violation of an injunction or restraining order issued under this section, trial shall, upon demand of the accused, be by a jury in accordance with the Federal Rules of Civil Procedure.

ENFORCEMENT PROCEEDINGS

SEC. 513. Before any violation of this title is reported by the Director of the Bureau of Narcotics and Dangerous Drugs to any United States attorney for institution of a criminal proceeding, the Director may require that the person against whom such proceeding is contemplated be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

IMMUNITY AND PRIVILEGE

SEC. 514. (a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury of the United States, involving a violation of this title, and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, including any criminal case brought in a court of a State, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, upon the request of the United States attorney for such district, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

(c) A United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant Attorney General designated by the Attorney General, request an order under subsection (b) when in his judgment—

(1) the testimony or other information from such individual may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

BURDEN OF PROOF; LIABILITIES

SEC. 515. (a)(1) It shall not be necessary for the United States to negative any exemption or exception set forth in this title in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this title, and the burden of going forward with the evidence with respect to any such exemption or exception shall be upon the person claiming its benefit.

(2) In the case of a person charged under section 404(a) with the possession of a controlled substance, any label identifying such substance for purposes of section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act shall be admissible in evidence and shall be prima facie evidence that such substance was obtained pursuant to a valid prescription from a practitioner while acting in the course of his professional practice.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this title, he shall be presumed not to be the holder of such registration or form, and the burden of going forward with the evidence with respect to such registration or form shall be upon him.

(c) The burden of going forward with the evidence to establish that a vehicle, vessel, or aircraft used in connection with controlled substances in schedule I was used in accordance with the provisions of this title shall be on the persons engaged in such use.

(d) Except as provided in sections 2234 and 2235 of title 18, United States Code, no civil or criminal liability shall be imposed by virtue of this title upon any duly authorized Federal officer lawfully engaged in the enforcement of this title, or upon any duly authorized officer of any State, territory, political subdivision thereof, the District of Columbia, or any possession of the United States, who shall be lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.

PAYMENTS AND ADVANCES

SEC. 516. (a) The Attorney General is authorized to pay any person, from funds appropriated for the Bureau of Narcotics and Dangerous Drugs, for information concerning a violation of this title, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law.

(b) Moneys expended from appropriations of the Bureau of Narcotics and Dangerous Drugs for purchase of controlled substances and subsequently recovered shall be reimbursed to the current appropriation for the Bureau.

(c) The Attorney General is authorized to direct the advance of funds by the Treasury Department in connection with the enforcement of this title.

PART F—ADVISORY COMMISSION

ESTABLISHMENT OF COMMISSION ON MARIHUANA AND DRUG ABUSE

SEC. 601. (a) There is established a commission to be known as the Commission on Marihuana and Drug Abuse (hereafter in this section referred to as the "Commission"). The Commission shall be composed of—

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(1) two Members of the Senate appointed by the President of the Senate;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(3) nine members appointed by the President of the United States.

At no time shall more than one of the members appointed under paragraph (1), or more than one of the members appointed under paragraph (2), or more than five of the members appointed under paragraph (3) be members of the same political party.

(b)(1) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Seven members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(2) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $100 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(3) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

(c)(1) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Commission, such department or agency shall furnish such information to the Commission.

(d)(1) The Commission shall conduct a study of marihuana including, but not limited to, the following areas:

(A) the extent of use of marihuana in the United States to include its various sources, the number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;

(B) an evaluation of the efficacy of existing marihuana laws;

(C) a study of the pharmacology of marihuana and its immediate and long-term effects, both physiological and psychological;

(D) the relationship of marihuana use to aggressive behavior and crime;

(E) the relationship between marihuana and the use of other drugs; and

(F) the international control of marihuana.

(2) Within one year after the date on which funds first become available to carry out this section, the Commission shall submit to the President and the Congress a comprehensive report on its study and investigation under this subsection which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

(e) The Commission shall conduct a comprehensive study and investigation of the causes of drug abuse and their relative significance. The Commission shall submit to the President and the Congress such interim reports as it deems advisable and shall within two years after the date on which funds first become available to carry out this section submit to the President and the Congress a final report which shall contain a detailed statement of its findings and conclusions and also such recommendations for legislation and administrative actions as it deems appropriate. The Commission shall cease to exist sixty days after the final report is submitted under this section.

(f) Total expenditures of the Commission shall not exceed $1,000,000.

PART G—CONFORMING, TRANSITIONAL AND EFFECTIVE DATE, AND GENERAL PROVISIONS

REPEALS AND CONFORMING AMENDMENTS

SEC. 701. (a) Sections 201(v), 301(q), and 511 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v), 331(q), 360a) are repealed.

(b) Subsections (a) and (b) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) are amended to read as follows:

"SEC. 303. (a) Any person who violates a provision of section 301 shall be imprisoned for not more than one year or fined not more than $1,000, or both.

"(b) Notwithstanding the provisions of subsection (a) of this section, if any person commits such a violation after a conviction of him under this section has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $10,000, or both."

(c) Section 304(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)) is amended (1) by striking out clauses (A) and (D), (2) by striking out "of such depressant or stimulant drug or" in clause (C), (3) by adding "and" after the comma at the end of clause (C), and (4) by redesignating clauses (B), (C), and (E) as clauses (A), (B), and (C), respectively.

(d) Section 304(d)(3)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(d)(3)(iii)) is amended by striking out "depressant or stimulant drugs or".

(e) Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended (1) in subsection (a) by striking out paragraph (2), by inserting "and" at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); (2) by striking out "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug" in the first sentence of subsection (b); (3) by striking out the last sentence of subsection (b); (4) by striking out "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug" in the first sentence of subsection (c); (5) by striking out the last sentence of subsection (c); (6) by striking out "(1)" in subsection (d) and by inserting a period after "drug or drugs" in that subsection and deleting the remainder of that subsection; and (7) by striking out "AND CERTAIN WHOLESALERS" in the section heading.

(f) Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372) is amended by striking out "to depressant or stimulant drugs or" in subsection (e).

(f) Section 702 of the Federal Food, Drug, Drug, and Cosmetic Act (21 U.S.C. 321(a)(2)) is amended by inserting a period after "Canal Zone" the first time these words appear and deleting all thereafter in such section 201(a)(2).

(h) The last sentence of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended (1) by striking out "This paragraph" and inserting in lieu thereof "Clause (2) of the third sentence of this paragraph,", and (2) by striking out "section 2 of the Act of May 26, 1922, as amended (U.S.C. 1934, edition, title 21, sec. 173)" and inserting in lieu thereof "the Controlled Substances Import and Export Act".

(i)(1) Section 1114 of title 18, United States Code, is amended by striking out "the Bureau of Narcotics" and inserting in lieu thereof "the Bureau of Narcotics and Dangerous Drugs".

(2) Section 1952 of such title is amended—

(A) by inserting in subsection (b)(1) "or controlled substances (as defined in section 102(6) of the Controlled Substances Act)" immediately following "narcotics"; and

(B) by striking out "or narcotics" in subsection (c).

(j) Subsection (a) of section 302 of the Public Health Service Act (42 U.S.C. 242(a)) is amended to read as follows:

"SEC. 302. (a) In carrying out the purposes of section 301 with respect to drugs the use or misuse of which might result in drug abuse or dependency, the studies and investigations authorized therein shall include the use and misuse of narcotic drugs and other drugs. Such studies and investigations shall further include the quantities of crude opium, coca leaves, and their salts, derivatives, and preparations, and other drugs subject to control under the Controlled Substances Act and Controlled Substances Import and Export Act, together with reserves thereof, necessary to supply the normal and emergency medicinal and scientific requirements of the United States. The results of studies and investigations of the quantities of narcotic drugs or other drugs subject to control under such Acts, together with reserves of such drugs, that are necessary to supply the normal and emergency medicinal and scientific requirements of the United States, shall be reported not later than the first day of April of each year to the Attorney General, to be used at his discretion in determining manufacturing quotas or importation requirements under such Acts."

PENDING PROCEEDINGS

SEC. 702. (a) Prosecutions for any violation of law occurring prior to the effective date of section 701 shall not be affected by the repeals or amendments made by such section, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of section 701 shall not be affected by the repeals or amendments made by such section, or abated by reason thereof.

(c) All administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on the date of enactment of this Act shall be continued and brought to final determination in accord with laws and regulations in effect prior to such date of enactment. Where a drug is finally determined under such proceedings to be a depressant or stimulant drug, as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act, such drug shall automatically be controlled under this title by the Attorney General without further proceedings and listed in the appropriate schedule after he has obtained the recommendation of the Secretary. Any drug with respect to which such a final determination has been made prior to the date of enactment of this Act which is not listed in section 202 within schedules I through V shall automatically be controlled under this title by the Attorney General without further proceedings, and be listed in the appropriate schedule, after he has obtained the recommendations of the Secretary.

PROVISIONAL REGISTRATION

SEC. 703. (a)(1) Any person who—

(A) is engaged in manufacturing, distributing, or dispensing any controlled substance on the day before the effective date of section 302, and

(B) is registered on such day under section 510 of the Federal Food, Drug, and Cosmetic Act or under section 4722 of the Internal Revenue Code of 1954,

shall, with respect to each establishment for which such registration is in effect under any such section, be deemed to have a provisional registration under section 303 for the manufacture, distribution, or dispensing (as the case may be) of controlled substances.

(2) During the period his provisional registration is in effect under this section, the registration number assigned such person under such section 510 or under such section 4722 (as the case may be) shall be his registration number for purposes of section 303 of this title.

(b) The provisions of section 304, relating to suspension and revocation of registration, shall apply to a provisional registration under this section.

(c) Unless sooner suspended or revoked under subsection (b), a provisional registration of a person under subsection (a)(1) of this section shall be in effect until—

(1) the date on which such person has registered with the Attorney General under section 303 or has had his registration denied under such section, or

(2) such date as may be prescribed by the Attorney General for registration of manufacturers, distributors, or dispensers, as the case may be,

whichever occurs first.

EFFECTIVE DATES AND OTHER TRANSITIONAL PROVISIONS

SEC. 704. (a) Except as otherwise provided in this section, this title shall become effective on the first day of the seventh calendar month that begins after the day immediately preceding the date of enactment.

(b) Parts A, B, E, and F of this title, section 702, this section, and sections 705 through 709, shall become effective upon enactment.

(c) Sections 305 (relating to labels and labeling) and 306 (relating to manufacturing quotas) shall become effective on the date specified in subsection (a) of this section, except that the Attorney General may by order published in the Federal Register postpone the effective date of either or both of these sections for such period as he may determine to be necessary for the efficient administration of this title.

CONTINUATION OF REGULATIONS

SEC. 705. Any orders, rules, and regulations which have been promulgated under any law affected by this title and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed.

SEVERABILITY

SEC. 706. If a provision of this Act is held invalid, all valid provisions that are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all its valid applications that are severable.

SAVING PROVISION

SEC. 707. Nothing in this Act, except this part and, to the extent of any inconsistency, section 307(e) and 309 of this title, shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of the Federal Food, Drug, and Cosmetic Act.

APPLICATION OF STATE LAW

SEC. 708. No provision of this title shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this title and that State law so that the two cannot consistently stand together.

APPROPRIATIONS AUTHORIZATIONS

SEC. 709. There are authorized to be appropriated for expenses of the Department of Justice in carrying out its functions under this title (except section 103) not to exceed $60,000,000 for the fiscal year ending June 30, 1972, $70,000,000 for the fiscal year ending June 30, 1973, and $90,000,000 for the fiscal year ending June 30, 1974.

Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. SATTERFIELD

Mr. SATTERFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SATTERFIELD: On page 189, line 4, strike out "(a)" and strike out line 10 and all that follows down through line 26.

Mr. SATTERFIELD. Mr. Chairman, the purpose of my amendment is to remove from this bill the provision which will permit the issuance of no-knock search warrants.

I do not intend to belabor this issue because every Member of this body has given it consideration already. I do wish to discuss, however, some aspects of it in terms of its practical application without confusing that consideration by arguments dealing with court decisions.

I am primarily concerned by an argument which has been used by proponents of this provision that it does no more than codify common law. I do not agree with that position.

In common law a police officer may not enter a dwelling without first announcing his presence. At best there are three exceptions to this rule. The first, where the person or persons within already know of the officers' authority and purpose; the second, where the officers are justified in the belief that persons within are in imminent peril of bodily harm; and third, where those within, made aware of the presence of someone outside—because, for example, there has been a knock at the door—are then engaged in activity which justify the officers in the belief that an escape or the destruction of evidence is being attempted.

I wish to emphasize that these three exceptions depend upon circumstances existing at the precise moment the officer must make his decision whether to announce his presence or break down the door and enter without doing so. I know of no ruling by the Supreme Court that would provide otherwise.

The issuance of a no-knock warrant under the provision contained in this bill is not predicated upon circumstances existing at the time of entry. Instead the warrant would be issued upon an affidavit given by the officer who seeks the warrant which would state that circumstances at a later time will be such that an announcement of his presence at the moment of entry would result in destruction of the evidence he seeks or would place him in danger of harm. Under this provision, therefore, the officer's affidavit can do no more than prophesy the circumstances which he believes will exist at a later time.

The greatest distinction between this provision and the common law is that the officer armed with a no-knock warrant, the issuance of which is not based upon circumstances existing at the time of entry, issued at a place removed from the place to be searched possesses what in effect is a license to enter the premises where he is to conduct his search regardless of what the circumstances may be when he arrives at those premises and regardless of what the circumstances may be at the moment he would otherwise be required to announce his presence.

Clearly this provision enlarges the common law. Clearly, this provision compromises the fundamental right of a citizen to security within his home free from unreasonable governmental interference.

This drug abuse bill, in my view, is a well-rounded measure vitally needed to combat a serious problem in this country. I can appreciate the feeling of urgency to act which we all share. I understand how one might feel that there may be greater reason here to relax the strictest construction of a basic individual right. No one is more interested in apprehending and convicting the criminal element in this country. However, I would remind you that once we begin to compromise a fundamental principle such as this because we feel that compromise is necessary to achieve a desired result, we establish the precedent for further compromises to meet other necessities. Once begun that process might well continue until there no longer remains a principle to be compromised.

I believe this is a highly desirable bill and I intend to support it regardless of the outcome of this amendment. Let me point out, however, that it is not this provision which makes this a good bill, and that its absence will not make it a bad bill. In my view its absence will make this a better bill. I urge you to support this amendment.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. CARTER was allowed to proceed for 3 additional minutes.)

Mr. CARTER. Mr. Chairman, today we are considering H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. I believe it should be passed, but with certain alterations. The most serious fault of this bill is that it authorizes law enforcement officers to conduct a search without knocking or giving notice to the occupants of the home subject to the search.

My opposition is founded on two considerations. First, as a practical matter, we are not giving our enforcement agents added protection but rather endangering their lives. Second, such a provision is unconstitutional.

If a no-knock search warrant is obtained and carried out in my home State, the pursuers of this course of action are running the grave risk of being greeted by a shotgun blast from the occupant who wants nothing more than to protect his family from unannounced intruders.

As we all know, we are living in a period of increased crime that affects the rural communities as much as the urban ones. We constantly read about increased firearms sales to homeowners who think they need this protection at home. People are conscious of crime and of the need to be prepared when it strikes. These are innocent, law-abiding citizens, not drug pushers, who are prepared to meet potential danger with deadly force.

Recently, in a large southern city where no-notice search warrants can be obtained, a family was awakened in the early hours of the morning by police officers standing in their home. Some of them were in uniform and others were in plain clothes. They were advised by an informant that this particular home was constantly visited by young people and that there was reason to believe that drugs were being sold. This was sufficient cause to obtain a no-knock, or no-notice, search warrant. But, as it turned out, it was a family of seven children and no evidence to support a crime was discovered. The police officers should have felt relieved that they were not attacked by this unaware citizen, who never imagined that such a move would be made against his home and family. If this had happened in almost any home in my district, the first response of the head of the house would have been to shoot now and ask later. Suppose it happened in your home, or a friend's home, what would be the result?

My second reason for opposition is that it is unconstitutional. This has been said so often that it is almost a cliché, but the evidence bears it out. Not only can it be shown to be unconstitutional, but contrary to our heritage in Western civilization.

The fourth amendment states, in part:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . .

The key, therefore, is how to define, "unreasonable." It should be defined objectively and not subjectively; that is to say, that we should not look to our immediate situation and decide upon a definition in view of our need for more law enforcement. We should look to the history behind the amendment and attempt to decide the reasons for its inclusion into the Constitution.

The Romans placed great value on the privacy and sanctity of the home, for it was a shelter for their gods as well as their families. The procedure for obtaining and carrying out a search warrant was detailed, and the penalty for disobedience was severe. Cicero summed it up when he stated:

> What is more inviolable, what better defended by religion than the house of a citizen . . . this place of refuge is so sacred to all men, that to be dragged from thence is unlawful.

The home should require such respect today, but shall it be open to all invasions by men of zeal who operate on mere suspicions? It is not the duty of this Government to protect it from invasion rather than encourage intrusions?

The Romans recognized the value in protecting the home from the government as well as from thieves, as the British would soon learn. English history is full of oppressive excise taxes that were enforced by general no-knock search warrants. During the development of common law, many attempts were made to restrict the Crown's authority to enter one's home and search without just cause, but the practice continued until the time of the American Revolution.

The roots of the fourth amendment were laid, however, and we should draw on this history as an explanatory source for the adoption of this amendment, subjects of the Crown were tired of general search warrants that did not require the listing of objects to be seized, the obtaining of a warrant without a showing of justifiable reason, and the entrance into a home without notice.

In 1766, William Pitt said, in urging Parliament to restrict the King:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his forces dare not cross the threshold of the ruined tenement.

Mr. Pitt was only partially correct, for he should have said the King of England should not enter, for he did. Although his entrance was known to be illegal, there seemed to be no power that could stop him. The only power to stop him in America was found in a revolution. England knew it was illegal, but the high officials elected to turn their backs and rationalize that the taxes were needed and these searches were the only means to guarantee their collection. The small gains made through these illegal tactics were far outweighed by domestic upheaval and revolutions, so let us learn from our history.

Those who say that the King's keys open all doors are correct only in that the doors are opened illegally, for while it was the custom for the King to enter at will, it was understood by those who authorized the act, and dissented against it, to be illegal. The leading case in this area and the one most relied upon by constitutional authorities is *Semayne's case*, S. Coke's Report 91a 77 Eng. Report 194 (K. B. 1603).

In this short opinion, it is stated approximately 10 times that notice must be given before legal entrance can be obtained for a search of the premises:

> In all cases when the King (F) is party, the sheriff (if the doors be not open) may break the party's house, either to arrest him, or to do other execution of the King's process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors (C); and that appears well by the state. Of westm 1. C. 17. (which is but an affirmance of the common law) . . .

It also states that one who enters without notice is guilty of trespass; thus, the custodian of the law becomes the offender, due to his zeal and the suspected offender becomes the victim of governmentally sanctioned illegal action. Later, 1756, the Curtis case, 168 Eng. Report 67 (1756).

While reiterating the notice requirement, held that the killing of a King's officer who attempted to enter a house without notice was justifiable homicide, neither murder nor manslaughter, but justifiable.

A study of the common law teaches us two things. One that illegal searches were conducted by those who boasted the King's keys opened all doors; and, two, that the best authorities wanted to protect the home from unreasonable searches, and a cornerstone of this protection was a requirement of notice.

The reasons why we should follow the fourth amendment are clear from its history, and its intent is clear both by reference to common law and court decisions. The only question remaining is whether we will yield to expediency or respect the rights guaranteed by the Constitution.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I want to compliment the gentleman from Kentucky for the thoughtful and scholarly summary of the position of many of the Members against this no-knock provision.

I would ask the gentleman from Kentucky is it not true that what we are trying to do in this bill is protect the innocent citizen against the criminal? And do we really accomplish that purpose by making it possible for the police officer to burst without warning into his home, as recently happened in Maryland when plainclothes officers broke into a home without knocking, frightening a family and its children only to learn that a mistake had been made in the address? Let it not be forgotten that those of us who are opposed to no-knock are trying to protect the innocent citizen.

Mr. CARTER. That is exactly right.

Mr. GRAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 18583, the drug abuse prevention and control act. This legislation is badly needed. To coin a phrase, "the hour is late, the need is great."

Mr. Chairman, the purpose of H.R. 18583 is to deal comprehensively with the menace of drug abuse in the United States through providing authority for increased efforts in drug abuse prevention and rehabilitation of users, through providing more effective means for law enforcement aspects of drug abuse prevention and control, and by providing for an overall balanced scheme of criminal penalties for offenses involving drugs.

Mr. Chairman, the Democratic-controlled Congress has taken the lead in

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providing tools with which the medical field and law enforcement officials can deal with this national menace. I believe the universities and colleges, elementary and secondary schoolteachers, professors and boards could be more helpful to students who are known drug users. First offenders should be shown compassion and a helping hand to medical attention and absolute cure. Mr. Chairman, politics has no place in this important plague now facing our country; however, the President, Vice President, and other high officials have been blaming the Democratic-controlled Congress for "alleged inaction," instead of getting to the real roots of the problem. As an example, just 2 years ago after we had passed a drug control bill on the floor of Congress, the distinguished minority leader, Mr. FORD, wrote a letter to my then-opponent, Harrisburg, Ill., Mayor Val Oshel in which among other things Mr. FORD said:

> Congressman Gray has aided and abetted dope pushers and users because he did not sponsor one of the Republican amendments offered and defeated on the Floor during Committee consideration.

I supported the bill as reported out of the Judiciary Committee and voted the same way an overwhelming majority of the House Members voted. I also voted the same way Mr. FORD did on final passage. I raise this question today in order to alert my colleagues to the fact that they may be faced with their opponents calling press conferences and television appearances waving a "Jerry Ford" letter to the effect that you are "soft on drug users and pushers." You say it cannot happen? It did to me in the last campaign. Unless we shed some light on the subject it could happen again. I think the practice is reprehensible especially from one of the leaders of this House. I resented it then—and I resent it now. I support the bill before us with the hope that we can stamp out this dreaded menace to society. The menace of retarding the minds and bodies of our youth. I hope we can all show compassion for those who are "hooked" and need help and no compassion for persons who are in the business of selling drugs. This bill will go a long way in achieving that goal.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Virginia. I strongly oppose the no-knock provision in the bill.

I think that one of the greatest threats to liberty is the well-intentioned zeal of honorable men. Having been a law enforcement officer, a sheriff for 4 years during the depression when there was a great deal of bootlegging and other crimes, never once were we compelled to break any man's door down to get evidence, even when they could destroy it. We can do as well today, even though the search may be for drugs rather than liquor.

Mr. Chairman, I believe this provision of the bill is a violation of one of the very fundamental rights of every American family in this land. We should not permit Federal officers to break a person's door down, and I oppose this expansion of these officers.

There are those who will say that by common law we can do this today. That may be so, but if you put this provision in this bill, the next time you are going to make it just a little bit stronger, and then just a little bit stronger, and still a little bit stronger all down the line.

Mr. Chairman, I say we should not allow this to be done today in the House of Representatives. If we pass this, then I say that there will come the day when every Member of this House will rue this day for having this placed in the law.

I say that law enforcement officers can get their evidence in other ways if they have the ingenuity to do it. From personal experience I know it can be done, and it can be done through means other than trying to break into someone's house.

Mr. Chairman, if this bill passes with this no-knock provision in it, I predict that there will not be just a few people killed, but I predict that there will be hundreds, and even thousands, of people killed trying to break into somebody's home.

I believe that there are a lot of Americans who would shoot first and ask questions later if someone tried to break their door down.

I do not believe this belongs in this bill. I believe it should be taken out, and I support the amendment offered by my friend, the gentleman from Virginia (Mr. SATTERFIELD).

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would ask my colleagues to go back with me in memory 150 years—back to the year 1830—or 160 or 170 or 180 years, to the days following when this Nation had just won its freedom.

I am satisfied that if a person had offered language during those days of the kind that we find in the committee bill on page 189, dealing with no-knock, he would have been tarred and feathered and ridden out of the Chamber on a rail.

The language we read on page 189 of the bill dealing with no-knock searches and seizures is, I am satisfied, the precise kind of ruling utilized by the King's officers in the days immediately preceding 1776.

I am equally satisfied that the free men in that day felt the same outrage that free men in this day are going to feel when the successors to the King's officers come barging through their doors carrying the so-called no-knock warrants.

I am well satisfied that the debate the Members are going to hear in this body shortly from my colleagues, justifying the search warrant language, the no-knock warrant, will be precisely the same language utilized by the King's officers or the King's prosecutors and by his friends in Parliament in the days prior to the great revolution that founded this Republic.

I am satisfied there is a fundamental injustice in the approach which is set out in section 509 (a) and (b), as to the right of a person to enter the dwelling of another without good cause and without appropriate protections to the sanctity of the home; and that it is precisely the same language that was heard ringing in the halls of Parliament and in the King's courts during the last days of the Colonies to justify the high-handed actions of the king's officers, which led to the Colonies breaking off from the King's power and setting themselves up as a free nation.

I am well satisfied that those arguments were well answered in the Bill of Rights and in the protections engraved in the Constitution against unreasonable searches and seizures.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. LONG of Maryland. Does not this no-knock provision really put the innocent citizen in double jeopardy—jeopardy not only at the hands of the criminal but now also at the hands of the law?

Mr. DINGELL. Absolutely. I would just point out the recent very excellent example of how this no-knock procedure works in respect to an innocent occupant of a home in Maryland, when all of a sudden the King's officers—not the King's officers but the officers of the law—broke into her door and proceeded to ransack the house.

The fact, of course, that the officers made a mistake and broke into a home some distance away—as a matter of fact, a block or so away from the point where the search should have taken place—was, of course, small comfort to the occupants of the house.

I would point out here again that the occupants of the house were given very little consideration or redress for that grievance.

I am sure every Member of this body is aware of the law of search and seizure. It says that when the flight of a felon is expected, the officers may break in. When it is anticipated that evidence is going to be dissipated or destroyed, the officers can break in. When access is refused, the officers may break in. This is the existing law—and it is not any novelty.

I would point out that the search warrant which would be issued under this section would afford little additional protection against the kind of fascistic approach that could be taken pursuant to the search warrants that would be issued hereunder.

I would say that if we were to go back to the times following the great Revolution, which gave us our freedom and our liberties, and if we were to offer an amendment of this kind to the fundamental law of the United States, I am well satisfied that the citizenry of this Nation in those days would have risen in complete and total and holy outrage and voted them out of office, to the last man, as indeed they well should have.

I would point out to my friends and colleagues that this offers very little in the way of a weapon to combat crime. It offers very little in new means or new

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methods to control the traffic in drugs. But indeed it does jeopardize a sacred and fundamental liberty that belongs to the people of this Nation, and it is engraved in the fundamental law, the Constitution of the United States, which each and every Member here present takes oath at the beginning of each session of the Congress to support and defend.

Mr. JARMAN. Mr. Chairman, I hope we can arrive at a time for concluding the debate on this amendment and all amendments thereto. I ask unanimous consent that debate on this amendment and all amendments thereto conclude at 5:45 p.m.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Oklahoma?

Mr. SPRINGER. Mr. Chairman, I object.

Mr. Chairman, I move to strike the requisite number of words.

The **CHAIRMAN.** The gentleman from Illinois is recognized for 5 minutes.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The **CHAIRMAN.** The Chair will count.

One hundred thirty-two Members are present, a quorum.

The gentleman from Illinois will proceed.

Mr. SPRINGER. Mr. Chairman, let me, if I may, see if I can simplify this question a little bit. New York State is one of the two or three liberal States in the Union. I do not believe any of us would question that fact. For some 7 or 8 years in New York State the officer seeking a search warrant has had to go before a judge and make an affidavit that evidence will be destroyed or that there will be danger to the officer seeking to break down a door or to make the search. He must get an order from the judge himself before he can have a search warrant that provides entry without knocking.

I am advised by my colleague on the committee who has served in the New York State Legislature that that law has been used about a dozen times a year. Why is it used only a dozen times a year? Because anyone who goes to get that kind of search warrant knows he has to go with rather complete evidence that there will be danger to the officer seeking to make the entrance, or that the evidence will be destroyed. That is the purpose of it.

Whom do we expect to pick up in the network of this kind of amendment? The people that the Department of Justice would expect to get under this provision are the people who are the professionals, and organized rings.

It is my understanding we can have a package of heroin no bigger than a small square, which is worth a half-million dollars.

I remember when I was a boy in a small town in Indiana I was hanging around the sheriff's office. It might have been very similar to the office of my chairman, but it was a little town. One afternoon the sheriff was going out to make a raid, because it was during the dry days. He said, "Bill, would you like to go along?" I was about 12 or 13 years old. So he took me in the car with him, with two or three deputies, and we went out to Blondie Dudley's—the town bootlegger. The sheriff went up to the door and knocked on it and said, "Blondie Dudley, open up. This is Charlie Wiley, the sheriff."

I can remember this man said, "Dorothy, it's the sheriff. Throw it down the sump." I will admit he kept the door closed for quite a while. The sheriff kept knocking on it. The only thing I can remember in addition to that is that just before the door opened, and just after we got inside, the commode flushed twice.

I give this as an example of how much easier it would be to take just a little bit of marihuana, which we will say came out of Champaign County, Ill., and which winds up on the campus of Illinois University, where we have 35,000 students, and a pusher on the campus is selling it to everybody, and we want to get some kind of search warrant to keep him from destroying the evidence. We have pretty well cased the joint, and we know where the drug is coming from, and we have the evidence of sale, and if we go out there and knock two or three times, he has it on the shelf and he is prepared to dump it down the sump.

The Members know about this provision. We had it in the District of Columbia crime bill. We voted for it then. This provision is tighter. This gives us much less leeway, because we use the words, on page 189, "will be easily and quickly destroyed or disposed of." In the District of Columbia crime bill we had the words "is likely to."

On lines 19 and 20 and 21 of this bill, under (B) we have the words:

> The giving of such notice will immediately endanger the life or safety of the executing officer or another person . . .

Mr. Chairman, the officer has to make an affidavit that it will. In the District of Columbia crime bill we said "is likely to" endanger the life, or endanger the loss of the evidence. So we have made this provision more strict. We have protected the rights of the defendant more in this bill than we did in the District of Columbia bill.

The **CHAIRMAN.** The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 3 additional minutes.)

Mr. SPRINGER. Mr. Chairman, what I am trying to say in this is that we are not changing the law any from what it was under the District of Columbia crime bill where we voted by an overwhelming majority, as I recall it on a rollcall vote, for this no-knock provision. It carried by a very sizable figure.

Let me say this. On the question of whether this is constitutional, because my friend, the distinguished gentleman from Kentucky raised the point a moment ago, that it was unconstitutional, I will say to my distinguished colleague who served in the New York State Legislature, that not only did they pass the bill, but it went through the highest court of appeal in the State of New York, and the law was affirmed. It went to the U.S. Supreme Court and certiorari was denied. So it is constitutional. Already it has been declared constitutional. There is no question about the constitutionality of no-knock. It has been decided.

I raise that point for the benefit of anyone who would think this would be unconstitutional. The Members will not be disillusioned because this has already been decided by the highest court in the land.

Further, may I say we are in a very serious problem with narcotics and drugs of all kinds. Do Members think we would come in here asking for this kind of search warrant if we did not think it was needed? I have been a prosecuting attorney and a judge, and now I come here as a legislator. The last thing in the world I would come before a body as distinguished as this, the greatest legislative body on the face of the earth, and ask for is this kind of legislation if I did not believe that the Department of Justice needed this in order to attack this very serious problem.

I respect all of the Members who sincerely believe this is not wise.

The only thing I am attacking is the question of the judgment on it, because I believe in the light of the experience we are having throughout the world, as to the importation of narcotics of all kinds from outside, one of our only hopes of landing these "big fish" in the net is this kind of search warrant, in order that we may accomplish the purposes of this act.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished chairman.

Mr. JARMAN. I thank the gentleman for yielding.

Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close at 6 o'clock.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The **CHAIRMAN.** Members standing at the time the unanimous consent agreement to limit debate was entered will be recognized for approximately 1 minute each.

(By unanimous consent, Messrs. SPRINGER and NELSEN yielded their time to Mr. HASTINGS.)

The **CHAIRMAN.** The Chair recognizes the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Chairman, I appreciate the gentlemen yielding their time to me.

I should like primarily to verify what the gentleman from Illinois (Mr. SPRINGER) said about the New York statute. I was a member of the State legislature when in 1964 we passed the no-knock statute in the State of New York. Not surprisingly, I heard the same arguments on the floor of the house of the State legislature then that we are hearing today.

I might say, in fact, the New York statute went into effect in 1965. It has since been taken to the Supreme Court of the State of New York and taken to the

Court of Appeals of the State of New York, and has been upheld as to its constitutionality in relation to the fourth amendment. A petition for certiorari was denied by the U.S. Supreme Court. I am not bothered by the constitutional question.

I believe it is important to understand, in passing this most effective and comprehensive Drug Abuse Act, that we are in fact primarily talking about law enforcement. When we talk about the utilization of the no-knock provision we are not talking about having innocent citizens in a house having their doors broken down, but we are talking about people who are trafficking in hard narcotics.

If Members will read the statute, they will see it says clearly that it must be on the commitment of a felony, and a judge has to issue to a Federal enforcement agency a warrant, based on the probable cause that the property may, and if such notice is given, will be easily and quickly disposed of, prior to their going in to exercise the no-knock warrant.

If every Member in this room believes we can have no confidence at all in our law enforcement officers at the Federal level, or in the Federal system of judges, then I could say there might be some concern. I know we can have confidence in them, therefore I can see no cause for that concern.

I can understand the concern of those expressing concern over the loss of individual civil liberties.

But bear in mind that what we are primarily doing is trying to get at those people who are trafficking in the serious drugs, the narcotic drugs and other hallucinogenic drugs, that we all express concern about. Yet when we offer a law enforcement tool that can be utilized to try to bring to trial those who traffic in these drugs, we find this opposition.

Mr. Chairman, I strongly oppose this amendment and feel, although the bill will not be destroyed if it is not included in the bill, it is a most effective tool for the law enforcement agencies of this country.

I strongly urge Members to defeat this amendment that would delete the no-knock provision from the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I think the arguments have already been cogently made in support of the amendment. I think the Members who have originally worried about it from the first time it came to the floor, about its spreading into other legislation, have now seen their worst fears realized. This very serious constitutional violation is now before the Members for their consideration again. Will we reject this abominable provision? I doubt it.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, the Constitution throws a shield around the profits of drug corporations as well as the homes of individuals. Today this House protected the profits of the drug corporations from excessive interference of governmental authority. I hope they find equal zeal in protecting the sanctity of homes of Americans from excessive governmental authority, although I doubt that that will be the case.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I respect the debate going on in this no-knock provision, but I think it is important to point out that on page 189, line 21, it is specifically provided that a policeman may not serve a warrant without knocking unless the court has specifically included in the warrant a direction that the officer executing the warrant shall not be required to give notice.

All over this country warrants are being issued today by kicking in doors. A number of our colleagues have related abuses that presently exist in serving warrants. This is occurring today without a no-knock provision. What the provision before us today says is before anyone can knock in a door to serve a warrant, they have to first get permission from the court issuing the warrant. They have to convince a court that there is a need for such a procedure. My judgment is that courts would be most reluctant to give such permission mindful of our Nation's historic concern for the sanctity of one's home.

It occurs to me that those of you who are interested in protecting the rights of the American citizen and preserving constitutional safeguards would support this language, because this language does strengthen the prohibition against knocking down doors and illegally serving warrants. It clearly says before such a procedure can be used the court must first give such direction. There is no such law any place today. I say to you this provision strengthens constitutional safeguards by having a judge decide when a warrant can be served without notice rather than having the policeman make the decision on the spot. But this provision will help policemen, with prior permission from the court, more effectively carry out their mission of apprehending dope peddlers.

I believe the committee language should be retained.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I am pleased to support the legislation before the House of Representatives today, H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. I congratulate the chairman and the Committee on Interstate and Foreign Commerce for reporting the bill to the House. I hope it passes and is speedily enacted into law.

Drug abuse in the United States is perhaps our most important crime problem, particularly because it reaches our children and teenage youth—destroying many lives before youngsters have had the real opportunity to mature and become contributing members of our society.

I have long been interested in the drug problem in America. We know from studies that a leading cause of death among teenagers in the United States today in many major metropolitan areas is overdosage of heroin. This is a countrywide threat to our youth. It is not just a ghetto problem. It is not just a suburban problem. It is a nationwide problem threatening every American home, school and church. It crosses the social and cultural life of our Nation and threatens to destroy what is best in the country.

In recent years I have done extensive research and study in the drug problem, and have tried to give assistance to my hometown of Jacksonville, Fla. in its efforts to establish a strong and continuing drug control, prevention and cure center. In May 1969, the city of Jacksonville passed a resolution calling for a drug center office in Jacksonville to cover northeast Florida. The resolution said:

> Unlawful narcotic and drug traffic and use is a serious problem in the City of Jacksonville, Florida, causing severe problems of law enforcement and juvenile delinquency and deterioration in the health and moral standards of the community.

A police officer in Jacksonville said recently that 5 years ago the police made only five or six narcotics arrest all year long and those arrested were all adults. Now, there are daily arrests, mostly involving young people.

As the committee's report states:

> Drug abuse in the United States is a problem of ever-increasing concern, and appears to be approaching epidemic proportions. One indication of the upsurge in drug abuse in the last few years can be found in arrest statistics, although for every individual apprehended, countless others go undetected.

For 1969, uniform crime reports indicate that 182,909 persons were arrested by State and local authorities for drug violations, constituting a 492-percent increase over the number of drug arrests made in 1970. Of the total number arrested in 1969, those under the age of 18 were 57,475; and 8,109 were under the age of 15. The legislation we consider today will help turn this tide, nationwide, and in cities like Jacksonville.

The bill will allow the Department of Health, Education, and Welfare to increase its efforts in the rehabilitation, treatment, and prevention of drug abuse, through community mental health centers and through public health service hospitals and facilities. Enforcement will be improved through the registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain, and there will also be stronger enforcement measures by the Justice Department for illegal transactions outside the legitimate distribution chain. The bill also establishes a presidential commission on marihuana and drug abuse, which will study and report to Congress within 1 year on problems in this area, and within 2 years on the causes of drug abuse and significance.

I believe cities like Jacksonville will benefit from the increased authorization in the bill for rehabilitation centers, such as the officials of Jacksonville, like Mayor Hans G. Tanzler, Jr. and Councilman Lynwood Roberts have worked for, cooperating with their Congressman.

While this is a sound and needed bill, there are other avenues of drug control

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we can pursue. I received a letter recently from the Federal Bureau of Narcotics and Dangerous Drugs which stated:

> It has been our experience, and indeed this experience has been corroborated by research, that in families and communities where strong moral and spiritual values exist, little abuse of narcotics and dangerous drugs is to be found.

Mr. Chairman, all of us, in the Congress, and all parents in America can learn from this message.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, it disturbs me to hear arguments used by Members stating that they would not want their door broken down and the question being asked, "Would you?"

Well, of course, I would not and no Member in this body would. I do not think any Member in this body, even those making these arguments, believe for 1 minute that a Federal judge is going to indiscriminately issue a warrant allowing an officer to enter without knocking, unless there is ample reason for him to issue that warrant. In other words, the authorities are going to have to prove the case, in effect, twice. It will have to be proven before the judge before the warrant is issued for it will take convincing evidence to get a judge to issue a "no knock" warrant and if, of course, they find the evidence, they will have to prove the case at the trial.

However, Mr. Chairman, we are dealing with emotional reactions. Some have been talking about hundreds of doors being broken down and thousands of persons being hurt or injured. This just is not going to happen to innocent citizens.

What we are doing is simply providing a mechanism whereby those who want to put an end to drug pushing and who want to do something constructive about it, will be able to do so for with this provision they can catch the pusher with the evidence before he has time to dispose of it, or in the alternative, those who want to protect a police officer in the furtherance of his duties can so do if it appears he would be in danger of bodily injury were such a warrant not to be issued.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, this is an issue that should unite liberals and conservatives. We should be joining together here on the floor of the House today, in defense of the Constitution; I am opposed to "no knock" and support the amendment which would delete it from the bill.

Mr. Chairman, we have already had one riot in the District of Columbia as a result of the use of a "no knock" warrant and I believe there will be more harm flowing from the further use of such warrants than any possible good that could come of them.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I must say that I cannot understand how this administration can consistently take a hard line on crime and consistently support this "no knock" provision which raises grave constitutional questions and in my opinion will cost the lives of many policemen acting under it when the administration is unwilling in this bill to give its own Attorney General power to curb the production of the very drugs they are trying to discover under this provision.

The CHAIRMAN. The Chair recognizes the gentleman from New York (MCCARTHY).

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I rise in opposition to the amendment.

Mr. McCARTHY. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I am not quite sure what the names of that charming couple were who were mentioned by the gentleman from Illinois as being so handy with the draw chain of the john. I think it was Willie and Ruth. I cannot for the life of me understand how a judge could tell in advance whether Willie and Ruth would flush the commode. And the requirement is that the officers testify definitely that the evidence "will" be destroyed as by flushing the commode, not just that they "believe" it may be flushed, but that it "will" be.

Now, that is the fault of this provision. A judge cannot be called on to determine whether the search and seizure is reasonable before it occurs, because you cannot tell in advance whether Willie and Ruth are going to try to destroy the evidence. You can only guess what they are going to do. And if the judge is only guessing what they are going to do, then he does not protect their rights against unreasonable search and seizure.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

(By unanimous consent, Mr. DINGELL yielded his time to Mr. PICKLE.)

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding me his time.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia (Mr. SATTERFIELD).

Mr. PICKLE. Mr. Chairman, a few weeks ago we had the District crime bill before us, and we put in it the no-knock search provision. The contention was that crime conditions were so bad in the District of Columbia that we just had to do something about it. So we agreed to do it, whether we agreed with the principle or not, that is what we did, because we felt there was such a bad situation existing in the District of Columbia.

However, we had the assurances over and over again that this was a local situation and that it would not be extended, and that we would not violate the valid right of a search warrant.

Now we find that this has been extended in this drug bill. I will tell you that if we allow the application of this principle, then we are establishing a platform from which all kinds of offenses could grow. Let me give you a few examples of what could happen next if we continue this dangerous trend of whittling away the constitutional protections from unwarranted searches. I submit to you that, although we are talking in terms of crime relative to the drug problem, that very easily this could grow into a no-knock search matter with relation to ammunition. Supposing the court was led to believe that they had ammunition in the house, then they could go in and search the house without any kind of notice being given, they could just go into the house and look for the ammunition; and, indeed, any officer could just make the observation that they wanted to see if there were guns in the house, and he could just go to the court and say that a crime might be committed.

You say that that would not happen, but I say to you that it could be extended to include even searches for financial records, and you could go right on down the line, if it was thought that a crime might be committed in a financial institution such as a bank.

Further, it could even go into such areas as income tax violations, if it was thought there might be some crime connected with it.

You might think that what I am saying is rather farfetched, but I say to you that it could happen. It could even happen under the language of this bill if you gave a legally prescribed barbiturate to your child, then you could be suspected of a crime, and therefore they could get a search warrant against you and your home, and they could break into your premises. When they make mistakes—and mistakes already have been made—innocent lives are endangered.

You say that could not happen, but I say to you that it could happen. There is a clear danger that we are on our way to a no-knock search warrant without limitations.

All we are trying to do is to tighten up in every way we possibly can to get the narcotics under control, but I submit to you that we have not solved that problem in New York, and I do not think that this provision in the bill will do it, either.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. STAGGERS yielded his time to Mr. PICKLE.)

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman for yielding his time to me.

I would like to say to the gentleman that I thought the gentleman made a very impassioned plea concerning this matter earlier.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the distinguished gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would just like to say again that on what information I have that has come out of my district, that they are all dead set against this provision. I have found no person who was for it, and I may say to the Member that if every other Member of this Congress were to canvass their districts they would find the same situation to be true there, and that if their chances of coming back to the Congress next year were to be based upon voting for this provision that three-fourths of the Members of the Congress would not come back. I believe most people do not want to have a little bit of freedom taken away time after time, have their freedoms whittled away until all is lost.

As I said before, the law enforcement officers can do this in other ways if they are doing their job.

Mr. PICKLE. I thank the gentleman. What we are really doing in the language of the bill before us is just giving the courts and/or police officials a passkey into every citizen's home—and that is going to make for more violence or to give us more difficulty than we hope to cure by the language of the bill.

Therefore, I think the very fundamental right under a search warrant should not be violated.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. DINGELL. Would the gentleman not agree that in Nazi Germany and in Communist Russia that they began just about the same way?

Mr. PICKLE. The gentleman is correct.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Rogers).

(By unanimous consent, the time allotted to Mr. Jarman was granted to Mr. Rogers of Florida.)

Mr. ROGERS of Florida. Mr. Chairman, the subcommittee considered this provision. It came over in the bill which passed the Senate. This provision has already passed the other body.

May I say that this subcommittee did have concern about this provision. We had great concern about putting it in the bill. We discussed it fully in the full committee and we felt that the language here actually is a protection rather than leading to a breaking in, based on the judgment of a police officer himself rather than allowing perhaps a newly trained officer, one who has just gone on the force, making this type of judgment as to whether his life is going to be placed in danger. There should be a basis of study by a court and a determination made that the evidence presented to that court led to the conclusion that that officer's life, under this wordage, would be in danger or will be in danger.

Further, in the other instance, that the evidence will be or would be destroyed.

Now a court is going to look at that and it is going to be a court judgment and not a police officer's judgment. That is what this bill will help to bring about.

Most of the Members are already on record on this. We have debated this fully before. All of us have concerns about extending too much authority in this area. I agree and I share that concern, but I do think we have made restrictive language. The other body has already passed it and Members here are already on record on this. This is no time to weaken our position in fighting crime in a drug abuse bill. All Americans want to see this stopped in this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Chairman, it is my feeling that this section of this bill is directed toward the traffic in heroin. If we realize that the source of heroin is Turkey and that it is transported to Italy and southern France and manufactured into heroin and then comes in through our great airports. You know we have a great transportation explosion. As many as 15,000 people come through Kennedy Airport each day.

This is the source of our heroin. Then it filters down into the other places. When we use the no-knock procedure and break down a man's door or his window or break anything to get into that home, we are only cutting off a leaf of that tree—we are not getting at the root of this thing or at the source of the trouble.

So I would ask you to think of this and to support the security and integrity of our American homes.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. STAGGERS. Mr. Chairman, I would like to compliment the able gentleman from Kentucky. I know of no man who has worked harder on the drug bill and to stop the flow of drugs into America than has the distinguished gentleman from Kentucky (Mr. Carter). The gentleman said at that time he was against this provision but that he was for a strong bill. I am for that, too, and I think every member of the committee is for a strong drug bill. But we do not want to break down the fundamental democratic right of all Americans.

Mr. Chairman, I congratulate the gentleman from Kentucky.

Mr. CARTER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Satterfield).

The question was taken; and on a division (demanded by Mr. Satterfield) there were—ayes 44, noes 84.

Mr. SATTERFIELD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Satterfield and Mr. Springer.

The Committee again divided, and the tellers reported that there were—ayes 60, noes 119.

So the amendment was rejected.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record.)

Mr. PEPPER. Mr. Chairman, for many years, and in all parts of the country, I have been continually impressed with the remarkable success of the Bureau of Customs in its antismuggling activities, especially those activities which are concerned with the introduction of narcotics, marihuana and dangerous drugs into the United States.

As you know, the House Select Committee on Crime, of which I have the honor of being chairman, held extensive hearings on the question of heroin trafficking, importation, packaging and paraphernalia in New York City on June 25, 26, 27, 29, and 30, 1970. The dedication of the Bureau of Customs was dramatically demonstrated by the testimony which we heard during those 5 days of hearings into the frightening question of heroin importation and addiction in New York, which tragically has the justifiable reputation of the heroin capital of the world.

As we are all well aware, the problem of drug abuse in the United States has now reached epidemic proportions. The Bureau of Customs is one of our key weapons in the fight against this illicit drug traffic.

There has been much concern in recent years that executive or legislative limitations might be placed on the jurisdiction of the Bureau of Customs over the smuggling of narcotics and other dangerous drugs into the United States. But as my colleagues and I read the Comprehensive Drug Abuse Prevention and Control Act of 1970, it is reassuring to note that the new bill would not in any way change the role, or modify the authority, of the Treasury Department or the Bureau of Customs with respect to the importation of narcotics and dangerous drugs. It would not reduce in any way the possibility for strong enforcement of the law. This, I therefore believe, is the first step toward a solution to our drug problem.

As I previously testified before the House Ways and Means Committee on July 28, 1970, the enormous task of fighting the war against heroin and dangerous drugs cannot be won if we do not give our Federal agencies sufficient authority to do the job. It is critical that the United States Treasury Department be recognized as having sufficient authority to effect those critical tasks which they have so steadfastly devoted time, effort and indefatigable energies to performing. There is obviously a recognized need for more men and facilities in the Bureau of Customs to carry out this vital task.

As you know, Mr. Chairman, Congress cooperated fully with the executive branch of the Government by passing in December of last year an appropriation of $8.75 million which provided for 915 additional men and improved equipment to the Bureau of Customs. Secretary Kennedy assured the Committee on Ways and Means that the Treasury Department would continue to exercise the crucial functions of enforcement and investigative responsibilities in the area of narcotics and dangerous drugs.

Although there have been some limited conflicts in the past arising out of jurisdictional disputes between the Bureau of Customs and the Federal Bureau of Narcotics and Dangerous Drugs, it is reassuring to me and to my colleagues on the House Select Committee on Crime to note that there is a renewed spirit of cooperation between these two vital Government agencies. Mr. Chairman, these agencies undoubtedly deserve all of our

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continued support, assistance and thanks for a job well done in view of the difficult circumstances which these agencies must labor under in performing their critical tasks.

Mr. KASTENMEIER. Mr. Chairman, I am pleased to note that the bill under consideration today, H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, contains as section 601 a Presidential Commission on Marihuana and Drug Abuse. The Commission thus provided for parallels very closely to the Koch bill which passed subcommittee No. 3, of the House Judiciary Committee unanimously, and the full committee overwhelmingly. This bill presently rests in the Rules Committee pending disposition of the legislation before us today.

Mr. Chairman, as chairman of Judiciary Subcommittee No. 3, I would like to congratulate the gentleman from New York (Mr. KOCH) for the initiative and for his tireless efforts to establish this valuable Presidential Commission on Marihuana. Without the gentleman's efforts, I am convinced this Commission would never have been established. I hope and trust this Commission will live up to its promise and that the recommendations it subsequently makes to the President, the Congress, and the American people will shed light on the murky and perplexing problem of marihuana. If it does we will have further cause to be grateful to the gentleman from New York (Mr. KOCH).

Mr. BOGGS. Mr. Chairman, I rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The subject of drug abuse has been of continuing concern to me throughout the years I have been privileged to serve in this body.

In the 83d Congress, I served as chairman of a special subcommitte on narcotics which conducted the first exhaustive congressional investigations into the problem of narcotics addiction in this country. We held extensive hearings, traveled widely, and recommended a basic revision of the narcotics control laws. Our recommendations resulted in the Narcotics Control Act of 1956, which provided stiffer penalties for the illegal sale of heroin, cocaine, and other "heavy narcotics," and which committed this Nation on a course of treatment and rehabilitation of narcotics addicts. That law became the model for the narcotics control laws of many of our States, and has been amended to include the modern, chemically-derived drugs—amphetamines, depressants, hallucinogens.

The experience of chairing that special subcommittee made a lasting impression upon me. In the Federal hospital in Louisville, Ky., I saw a degree of human misery I wish never to witness again. The memory of those days is always with me and, in large measure, shapes what I am saying here today.

In the Narcotics Control Act of 1956, the Congress sought to reduce the growing traffic in illegal drugs by making the sale—and to a lesser extent the use—of illegal drugs an unacceptable risk to the seller or the user. In simple language, the law sought to curtail the supply of illegal narcotics and to a greater extent I think it succeeded. Between 1956 and 1967, the number of narcotics addicts in this country dropped significantly, and the price per kilo of heroin rose from $8,000 to $30,000.

Congress soon realized, however, that penalties alone were not enough. Accordingly, we passed legislation establishing programs of education, treatment, and rehabilitation for narcotics addicts. In this type of legislation, we sought to reduce the demand for illegal narcotics, and I think we are succeeding here, also.

But, still, the general problem of drug abuse in this country continues unabated. In New York City alone, it is conservatively estimated that there are presently more than 100,000 narcotic addicts. Other informed sources say that the real number is considerably higher. But, even using the conservative estimate, the fact remains that at least 100,000 New Yorkers are daily devoting their lives to their addiction. For, to an addict, heroin is the only reality. His entire life is spent attempting to satisfy his addiction. His first thought in the morning is getting a fix and his second thought probably is getting enough cash together to buy it.

The average addict needs at least $75 a day to finance his habit. A "fence" will pay only about 20 percent of the value of stolen merchandise. So, an addict with a $75-a-day habit has to steal $375 in merchandise a day in order to survive. Multiply that figure by the number of addicts in a city like New York, and you can begin to appreciate the insidious connection between narcotics addiction and street crime. There are definite links between organized crime, which largely supplies illegal narcotics, and drug addiction, and the armed robbery of the corner grocery store.

The example I have just given you deals with only one type of drug abuse—narcotics addiction. Today, we are faced with another type of drug abuse, which in many ways is more virulent and more dangerous: the abuse of chemical derivatives such as amphetamines, depressants, and hallucinogens. Narcotics addiction is the largest single killer of adolescents and young adults in New York—this we know. What we do not know is the number of our young people who daily experiment with mind shattering drugs like "speed" and LSD.

Most amphetamines and depressants are legally manufactured, and their first sale—from manufacturer to wholesaler—is within the law. It is further down the road—after several resales—that we lose track of them and they come into the hands of the criminal.

It is estimated that 8 billion amphetamine tablets are produced annually in this country. Yet, it is estimated that the legitimate medical need for such pills can be numbered in the thousands. The truth is, about 50 percent of the "legally" manufactured amphetamines are diverted into illegal channels.

The abuse of these chemical derivatives is the latest chapter in the long and unhappy story of drug abuse in this country. I have mentioned it because I think it illustrates a fundamental prerequisite for understanding and dealing with drug abuse, and that is this: Drug abuse is, by nature, a problem which changes daily. It is influenced by developments in technology and altered dramatically by changes in our society, our culture, and within each individual.

In this morning's Washington Post, there is a story which states that youngsters who have been "strung out" by amphetamine abuse are turning to heroin as an antidote. This, I think, illustrates the ever changing character of the drug problem in this country.

In the bill before use, Congress commits the country to the ultimate eradication of drug abuse. It authorizes $403 million to carry out programs of medical research, rehabilitation, and law enforcement to prevent, control, and cure drug abuse. In that sum is included an authorization of $75 million to be spent in the treatment and rehabilitation of drug abusers in community mental health centers and public health service hospitals around the country. It authorizes another $29 million to finance drug abuse education programs. It provides funds for much needed medical research. It provides a revision of the present system of classifying dangerous drugs. It provides for the revision of the present penalty system to make them fairer, more effective, and more adaptable to the merits of each criminal case.

Finally, and I think most importantly, this bill would provide our law enforcement agencies with the tools necessary to attack the roots of illegal drug traffic. It authorizes a mandatory minimum 10-year to life imprisonment sentence for the worst offenders and contributors to our drug abuse problem—those individuals involved in a continuing series of violations taken in concert with five or more persons from which he derives a substantial income—the so-called pushers.

In summary, this bill offers our first opportunity to deal with the changing drug abuse problem in a flexible and comprehensive manner.

For these reasons, I support H.R. 18583, and I urge my colleagues to do so also.

The article follows:

"Speed Freaks" Turning to Heroin as Antidote

(By Harry Nelson)

LOS ANGELES.—Youngsters across the nation are turning to heroin as an antidote to the "strung out" aftermath of amphetamine abuse, a San Francisco physician told a physician's meeting here.

The number of heroin addicts asking for help at San Francisco's Haight-Asbury Medical Clinic has jumped 500 per cent since the clinic was founded in 1967, said Dr. David E. Smith, the clinic's medical director.

While 9 out of 10 heroin users used to be poor and members of minority races, 75 per cent are now white and come from the middle and upper economic levels, he said.

Physicians attending the meeting also heard a University of California at Los Angeles psychiatrist predict that within five years society will be faced with the problem of dealing with dozens of new drugs with new mind-altering capabilities.

The meeting, entitled "Changing Patterns in Drug Abuse," was co-sponsored by Pfizer Laboratories and the department of psychiatry at UCLA.

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Dr. Smith said the clinic now sees 50 heroin patients a day—a dramatic change from only two years ago when heroin users were relatively scarce and the bulk of patients were victims of LSD bad trips or psychotic reactions from amphetamines or "speed."

He said the Los Angeles' Free Clinic also has experienced a sharp rise in heroin addicts and predicted that youngsters in suburban communities across the nation will soon be following suit just as they did several years ago with LSD, marijuana and speed.

Dr. Smith, a faculty member of the University of California at San Francisco Medical Center, said he believes the switch to heroin is directly related to the abuse of amphetamines, a class of stimulant drugs also known as "uppers" that can be taken either in pill form or injected. When injected it is called "speed" because of its fast action.

So-called "speed freaks" go on binges that last for as long as a week during which their nervous system is kept at a highly excited level by the drug's constant stimulation.

Dr. Smith said these drug abusers have learned that heroin, which is a depressant, will calm them down and ease the feverish excitement that keeps them from either eating or sleeping.

Besides this pharmacological action, there is also a psychological explanation for the increasing popularity of heroin, he said.

"Heroin is a drug of despair. It fits in well with the growing pessimism of the radical youth culture. The optimism of the flower children is gone. The youngsters are moving from drugs that expand the consciousness to ones that constrict it," he said.

Mr. SISK. Mr. Chairman, I rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. The insidious menace of drug abuse is growing at an alarming rate across our Nation. It knows no particular geographic boundary nor does it prey on any one particular socioeconomic group. While the uniformed may equate drug abuse with the ghetto and minorities, studies show that it is a problem that has touched the sons and daughters of some Members of Congress as well as other leading members of the business, industrial, and political community of these United States. It is truly, Mr. Chairman, a problem faced by all Americans.

While there is a great divergence of opinion over the long range use of marihuana there can be little doubt as to the detrimental—yes, even fatal—effects of the unauthorized and unlawful use of narcotics and other dangerous drugs. One only has to look as far as the closest state or Federal mental institution to see the effects of such mind-bending synthetics as LSD. Or check the admission records of any hospital to learn of the spiraling increase in those persons who are taken on an emergency basis for overdoses of stimulants as well as depressants. And one has only to look at the records of the appropriate coroner or medical examiner to see the tragic increase in fatalities. In my own district there have been 40 deaths in the last 12 months directly attributable to overdoses and abuse of these materals.

Mr. Chairman, I am also pleased to support H.R. 18583 because it makes a distinction between the unfortunate user or addict of narcotics and dangerous drugs and the person perhaps most responsible for the problem in the first place: The dealer or pusher who reaps hugh financial benefits from the misery of the user. I note with interest and applaud the criminal penalties for the person who traffics in these materials. The threat of a possible sentence of life imprisonment goes a long way in removing the attraction of financial gain. On the other hand, the provisions of this bill which make possession of controlled drugs by an individual for his personal use a misdemeanor with a substantially reduced prison term, reflects humane and knowledgeable assessment of the problem. It is my considered opinion that harsh penalties for the user or addict present no deterrent whatsoever and do little to solve the overall problem.

I am also heartened to see that this bill provides authority for the Department of Health, Education, and Welfare to increase its efforts in rehabilitation, treatment, and prevention of drug abuse.

Mr. Chairman, I urge all my colleagues to support this measure in a bipartisan effort in order that we may take a great step forward in the fight against drug abuse.

Mr. OTTINGER. Mr. Chairman, today we have the opportunity to strike a telling blow at the menacing growth of drug abuse in our society.

There can be no doubt about the alarming potential that the use of narcotics poses for America. In a floor speech earlier this year I revealed that there are 25,000 teenage addicts in New York City alone, with an increase of 7 to 10 percent each month. Drugs have penetrated down to the elementary school level, and every week new deaths from overdoses are reported. Crime on the streets of our cities has grown apace, and we have substantial evidence that much of this is drug-related.

The Federal Government has been too little involved in this pernicious development. The $50 to $60 million annual appropriation scratches only the surface. We need to expand the Federal commitment, both through new initiatives and through assistance to existing programs such as that at Horizon House in New York City where dedicated ex-addicts are helping young people to overcome their drug dependency and move back into the mainstream of normal life.

The bill we are considering today, the Comprehensive Drug Abuse Prevention and Control Act of 1970, provides some of the necessary tools. It will authorize $403 million for a 3-year effort to upgrade rehabilitation, treatment, and prevention of drug abuse; more effective and rational enforcement of the law; increased criminal penalties for manufacture, distribution and sale of dangerous drugs; and tighter controls on imports and exports.

Each facet of the narcotics problem demands urgent action. A significant part of H.R. 18583 is the $75 million authorization for rehabilitation and treatment of addicts in community health centers and public health service hospitals and facilities. An additional $29 million will go to drug abuse education, and $60 million will be authorized for special facilities in areas with a high incidence of drug abuse. Another $1 million is authorized for a Commission on Marihuana and Drug Abuse, which I have been advocating for years.

H.R. 18583 places tight controls on the most dangerous drugs by providing for intensive oversight on imports and exports and by requiring recordkeeping by those individuals, such as physicians and druggists, whose business entails the legitimate purveying of drugs for medical purposes. Possession for personal use will be a misdemeanor, but stiff penalties are authorized for manufacturers and pushers who profit from the human misery and degradation that drug addiction creates.

Mr. Chairman, I have introduced my own bill, H.R. 18936, which embodies the above provisions. It is imperative, however, in our justifiable eagerness to attack drug abuse at its source that we do not enact measures of dubious constitutionality that infringe on basic civil liberties. I refer to the onerous no-knock provision in H.R. 18583 which would allow law enforcement officers to enter premises at any time of day or night unannounced, when they have probable cause to believe that evidence may be destroyed or that their lives will be endangered by announcement of their presence. This clause strikes at the elemental right to privacy of the individual in his own home, securely enshrined in the Bill of Rights, and places an ominous power in the hands of the officer whose natural inclination will be to secure a conviction regardless of the cost in personal liberty. There is no justification for such power to be given to any official in our society.

I would also hope, Mr. Chairman, that we can remove the continuing criminal enterprise section of this bill, which in its thrust for prosecution of narcotics pushers includes such vague and broadly worded terminology that it violates completely our rules of due process and judicial discretion in imposing sentence on convicted criminals. We can take resolute action against drug abuse by approving H.R. 18583, but we cannot afford diminution of our guaranteed civil liberties by including the no-knock and continuing criminal enterprise sections of the bill before us.

Mr. Chairman, my longstanding concern over the problem of drug abuse has been translated into many bills. I have introduced or cosponsored H.R. 18400, calling for suspension of foreign aid to any country which fails to take appropriate steps to prevent narcotics from leaving its borders to enter the United States; H.R. 17566, the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970; H.R. 16730, the Narcotics Education Act, authorizing Federal funds for the hiring of ex-addicts to educate youngsters in our Nation's schools to the dangers of drug abuse; H.R. 14479, to increase appropriations for drug research; H.R. 14534, to establish a Commission on Marihuana; and H.R. 13341, to establish a National Drug Testing and Evaluation Center.

I am gratified that the legislation we

will approve today contains so many of the proposals I have long advocated. Hopefully, enactment of this bill will mark the turning point in what has been till now a downward trend in our handling of the nationwide narcotics menace, and will enable us to demonstrate our commitment to ending the destruction of human potential by the blight of dangerous drugs.

Mr. PRICE of Texas. Mr. Chairman, this afternoon the House is scheduled to begin consideration of the Comprehensive Drug Abuse Prevention and Control Act of 1970. While the floor debate on the act will be quite lengthy, I urge my colleagues to give this vital matter their utmost attention.

It is clear to one and all that the drug abuse problem has reached crisis proportions. Estimates of the number of active hard narcotics addicts in America range between 65,000 and 125,000. Between one-quarter and one-half million people habitually abuse sedatives, stimulants, tranquilizers, and related drugs. And between 8 million and 12 million juveniles and adults have used marihuana at least once; this includes approximately one-third of the entire college population in this country.

The human and social cost of this drug abuse is just as staggering. Between 1960 and 1968, arrests for narcotics violations increased 322 percent. Between 1967 and 1968 alone, there was a 64-percent increase in arrests for the illegal possession or use of narcotics and marihuana. Moreover, addicts are often forced to resort to crime to support their drug habits which cost as much as $100 per day; crimes which cost the American people nearly $541 million last year, plus an incalculable amount of heartbreak, terror, broken families, and ruined lives.

Drug abuse has become a particular problem for the young. Faced with social and competitive pressures and lured by the exotic sounds of acid rock music, young people are turning in ever increasing numbers to drugs. An index of the extent of this condition is evidenced by the fact that drug arrests have increased 778 percent in the under 18-age group during the last decade, and 50 percent of all those currently being arrested on drug charges are under the age of 21. These statistics tells only part of the story, however, because experience shows that only a small percentage of offenses are discovered, not all offenders are identified as such, and not all offenders who are identified are arrested. In fact, in some locales it has become the practice, if not the official policy, for law enforcement officials to absent themselves from large gatherings of young people where marihuana and narcotics are likely to be used.

Mr. Chairman, the social manifestations of the drug problem are immense, indeed. What must not be forgotten though is that at their most basic level, drugs enslave people. They drive persons into a nether world somewhere between light and dark and reason and insanity. It is this aspect of drug abuse that is the most horrible to contemplate.

Mr. Chairman, this afternoon I have confined my remarks to some of the results of drug abuse. Tomorrow I plan to comment on what the Federal Government is doing about this menace; at that time, I will address myself to some of what I think are the more controversial sections of the Drug Abuse Prevention and Control Act of 1970.

Mr. FOREMAN. Mr. Chairman, I rise in support of H.R. 18583, a bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, on this important battle against the pollution of young people's minds. I strongly support effective, tough Federal laws and administrative measures that are being utilized to crack down on the dope pushers and halt the illegal importation of dangerous drugs and narcotics into this country, and I am grateful and appreciative of the concern and positive attitude of the SOS youngsters who are working to help others understand the tragic dangers of drug abuse and the pitfalls and heartaches of narcotics experimentation. Although this legislation certainly may not be the whole or best answer to the drug problem, it is certainly a needed start in the right direction. I commend the chairman and members of the Committee on Interstate and Foreign Commerce for their work and efforts in bringing forth such an important and necessary piece of legislation.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in strong support of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Mr. Chairman, in my judgment, this particular measure is one of the most important pieces of legislation to come before this 91st Congress and, if passed, will stand out as a hallmark in the fight against drug addiction and drug abuse.

The statistics are absolutely shocking. One out of every 3,000 persons in this country is a known addict and almost half of these known addicts are under 30 years of age. These figures include only the so-called "recorded addicts" and do not include those using marihuana, hallucinogens, depressants, and stimulants.

Some studies indicate that there may well be as many as 20 million "drug abusers" in this Nation or nearly 10 percent of the total population of the United States. Shocking as these statistics are, there are some in this country who refuse to recognize or choose to ignore the seriousness of the drug problem and attempt to pass it off as a "stage" or "phenomenon," one which we will "quickly pass through."

Is the heroin addiction of an 8-year-old girl in Harlem a "stage?" Is the total dependency on narcotics of a 7-year-old boy in Los Angeles a "phenomenon?"

The legislation now before us finally establishes penalties to fit the crime. We can and must provide Federal and State law enforcement officials with the necessary tools to crack down hard on the "pushers" and those who are trafficking in drugs, thus, preying on the weaknesses of human beings.

Drugs are literally everywhere, in high schools, colleges, and even grammar schools and are apparently easier to acquire than liquor. Pills of all types are being produced in apartments, basements, alleys, and in the attics of homes. Cocaine, hashish and other narcotics are being brought in from every corner of the globe—by both professional traffickers and by unsuspecting tourists and students.

Another most urgent problem is the treatment and rehabilitation of the addict. The Narcotic Addict Rehabilitation Act of 1966 recognized this need and provided for greater emphasis on treatment and rehabilitation than on disciplinary action as the primary role of society in coping with addicts. While these programs are constantly being improved, the gains made by the patients are seriously limited by the lack of so-called aftercare services available in so many of our communities.

However, the basic issue of the drug abuse problem continues to be "awareness." A White House conference stated some years ago:

> The general public has not been informed of most of the important facts related to drug abuse.

This was true then, and it is, unfortunately, still true.

Peter Gamble, author of an informative and valuable series on drugs on Washington radio station WWDC, has taken as the theme of his documentary, "If you are not part of the drug solution then surely you are part of the drug problem."

Quite frankly, Mr. Gamble has hit at the real heart of the drug problem today, namely, there are simply too few people concerned enough about the problem to do anything constructive about it. I congratulate Mr. Gamble for his frank and open approach to the problem.

As a parent, citizen, and legislator, I view the drug problem in America as part and parcel of the rising specter of moral, social, and national decay that is creeping over America. As I see it, we can and must educate our young people to the true hazards of drug abuse if we are to put down this threat to American youth.

This measure before us gives a tremendous boost to drug abuse education, and, until and unless we develop a hard-hitting educational program for our young people it will be impossible for us to eliminate the problem before the damage is done.

Therefore, I strongly urge favorable and immediate action on this proposal in the deep belief that it is both imperative and mandatory that we in the Congress do, in fact, become a part of the "solution," not part of the "problem."

Mr. PODELL. Mr. Chairman, the drug bill before this House today is unique; it is a comprehensive bill that is the first attempt to deal with the varied and the complex aspects of the Nation's drug problem. For this I pay tribute to the House Committee on Interstate and Foreign Commerce and to its illustrious chairman.

This bill marks a step out of the dark ages by the Federal Government and an effort to view the entire drug problem in the light of recent events. The Congress has been forced to change its medieval conception of the problem. It sees it not as a small and limited one, but as a problem having serious consequences for our entire society.

The increase in crime is directly related to the rise in drug abuse. Figures demonstrate that a drug habit costs at least $50 per day to maintain, and the addict must have his supply of the drug 7 days per week and 365 days per year. If this amount is multiplied by 270,000—the approximate number of addicts in the United States—we come up with an astounding $5 billion per year in crime.

The increase is taking its toll in our society. The use of heroin and other drugs is rising among our youth. Drugs have invaded the high schools; death from overdose has become increasingly prevalent. And although large cities still have the greatest problem with drugs, no community is immune from the drug invasion.

I am pleased to see that in the bill before us today, there has been definite movement away from a strict interpretation of drug abuse as purely a criminal matter. The health and the medical aspects of the problem are crucial to any solution and must be given dedicated effort and adequate funds if there is to be an alleviation of the problem.

Given the magnitude and varied nature of the problem, we require a multifold approach—one that includes regulation of the sale of drugs, regulation of the criminal aspects of drug abuse, and rehabilitation and treatment of existing addicts as well as prevention through education. Each part of the program is necessary, but each is insufficient in and of itself to solve the problem. As we know, patchwork remedies have merely prolonged the problem, and a comprehensive approach is needed.

The bill we are considering has a provision for increased funding for drug education programs, but the programs must be creative and must be relevant to the constituency they seek to reach and affect. The fact that the National Institutes of Mental Health has jurisdiction over the program gives me reason to believe it might prove effective. NIMH will also be in charge of training the much needed professionals to carry out this technical program.

The expansion of treatment programs, including detoxification services, institutional services—such as medical, psychological, educational, and counseling services—and community-based aftercare services is sorely needed. Once again we see that the medical aspects of the problem may finally be getting the recognition that they warrant.

As yet, no method or program of rehabilitation or treatment has proved universally effective. I would, therefore, caution against closing our minds to other solutions. For exmaple, the benefits of methadone treatment have become increasingly documented by such groups as Dr. Dole's at Rockefeller University and Beth Israel Hospital and by the Vera Foundation.

For those individuals for whom cold turkey, methadone, or other standard programs prove ineffective, we might even consider providing carefully administered doses of heroin by physicians in licensed centers while providing these patients with psychiatric help and other care. I believe that at this time no avenue of potential treatment can be summarily dismissed.

Still another aspect of the drug problem must be dealt with if we are to decrease the incidence of abuse. In the committee bill, we talk of regulating the production and distribution of "controlled substances." I believe that we must also look toward instituting a broader program to insure that illegal drugs are not smuggled into our country from abroad. I have introduced legislation proposing the establishment of an international consortium to deal with the problem of illegal drug traffic on a worldwide basis.

Unilateral attempts at controlling this traffic have not been successful. Drugs continue to find their way to our shores; our program in Turkey, although limited, was denounced by that country because of its unilateral basis. I have therefore called upon the President to press for the establishment of an international consortium under the aegis of the United Nations that would control the growing of opium in the world through a system of penalties and incentives. It would essentially be a program where farmers would be paid to grow foodstuffs instead of the poppy. I believe that Congress should make its support of such a program known.

There is, however, one aspect of the bill with which I am at serious odds. This is the no-knock provision which poses a grave threat to the freedoms of the American people. The reasons I now give are similar to my objections to the same provision as contained in the District of Columbia crime bill.

Our citizens must be guaranteed security in their homes. They should not be subject to intrusion of any sort without, at least, the courtesy of a knock on the door. The fourth amendment to the Constitution clearly protects the individual from "unreasonable searches and seizures"

The no-knock provision makes residents vulnerable to police abuse. It also puts the policeman in a dangerous position, for he is subject to the actions of a resident protecting himself from an unannounced intruder.

The increased incidence of drug abuse with the increase in related crime is one of the most serious domestic problems facing this country. Our citizens should be able to live without fear or danger. Yet, we must not substitute one fear for another, which is what we would be doing if no-knock were passed.

I believe we must recognize the problem as extraordinarily complex. It is one that seriously undermines both the health and the safety of our population. It is a job, therefore, for both the Department of Health, Education, and Welfare, as well as the Department of Justice. Each agency can contribute useful expertise to the ultimate goal—the elimination of drug abuse in the country.

To close, I would like to quote an official statement by the American Psychiatric Association that I believe summarizes the direction our efforts must take:

> For the coordination of a comprehensive and well-coordinated attack on the causes and consequences of narcotic and other drug abuse, the separation of enforcement and health-related education and research is imperative.

The bill before us today is therefore a step in the right direction.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, and I commend the committee for taking firm action in this regard.

The facts show that we are facing a drug epidemic in this country. There was a 322-percent increase in State and local drug violations between 1960 and 1968. This increase in the illegal use of drugs is predominately among the young. For example, the California Youth Authority reported a 2,000 percent increase in juvenile drug arrests from 1961 to 1968. Drug abuse, however, is not merely a problem restricted to the young. It exists at all social and economic levels and it affects both rich and poor, young and old, black and white, men and women.

Marihuana is perhaps the most widely abused drug. Of the increase in drug violations arrests between 1967 and 1968, marihuana accounted for nearly 64 percent of the total. Estimates show that between 8 and 12 million persons have tried marihuana.

Another major area of abuse is the illegal use of stimulant and depressant drugs. Of the 9 billion amphetamines and barbiturates produced legitimately in this country, nearly 50 percent were diverted into illicit channels.

The Comprehensive Drug Abuse Protection and Control Act of 1970 attacks the drug problem on all fronts—medical, educational, control, and enforcement.

First, the bill seeks to aid those who are narcotic addicts and bring them back to society. I am extremely pleased that the committee adopted a rehabilitation section which is similar to my bill, H.R. 13136. Title I provides authority for the Department of Health, Education, and Welfare to increase its efforts in the rehabilitation, treatment, and prevention of drug abuse through both community mental health centers and public health service hospitals.

The narcotic addict must be detected and taken off the streets. It is estimated that heroin addicts alone account for an economic cost of approximately $6 billion annually to society through commiting burglaries, larcenies, and robberies. In order to curb crime, we must find the narcotic addict and rehabilitate him, until he is able to return to society without the need to feed a "$100 a day habit."

Second. H.R. 18583 authorizes grants for the collection, preparation, and dissemination of educational materials on

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drug abuse and its prevention. Last year, I introduced H.R. 9674 which served as the basis for H.R. 14252, the Drug Abuse Education Act. This measure passed the House and is currently pending in the Senate. I strongly support this provision and I am confident that we will see a drug education provision in the law books this year. Drug abuse education will help eliminate the misconceptions, fallacies, and ignorance which leads a person to "experiment" with drugs.

Third. H.R. 18583 deals realistically with the control and enforcement of the illicit use of drugs. This bill cracks down hard on the pusher.

Mr. Chairman, when an individual encourages another to take drugs, when an individual sells drugs to another, he is torturing that person and ruining that person's life and we should have no sympathy for him. The penalty for the "pusher" should be equal to the misery he causes his fellow man.

In cases not involving drug traffickers, penalties are flexible, permitting judges to tailor the period of imprisonment, as well as the fine, to the circumstances involved in the individual case.

The existing penalties, involving rigid mandatory sentences, have led in many instances to reluctance to prosecute, where the penalties seem to be out of line with the seriousness of the offense.

In addition, the bill, H.R. 18583, doubles the penalty for selling to minors, while it allows a judge the flexibility to give a minor a break for illegal possession for his own personal use.

Again, Mr. Chairman, I commend you and the committee, and I endorse this necessary legislation.

Mr. HENDERSON. Mr. Chairman, I rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, along with my colleagues here today.

It is imperative that we as Members of Congress take the necessary legislative action to curb drug abuse in our Nation, reducing the number of heinous and destructive crimes that can be attributed directly to our rampant drug problem.

I urge every Member of Congress to rise in unanimous support of this urgently needed legislation.

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970.

There may well be no more important piece of legislation in the 91st Congress than the bill before us today, particularly in terms of the welfare of far too many of our young people, and the effort to combat crime.

In his message to the Congress on July 14, 1969, urging legislative action against drug abuse President Nixon provided a startling picture of the gravity of the present situation when he noted:

> Between the years 1960 and 1967, juvenile arrests, involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7000 and 9000 a year. These official statistics are only the tip of an iceberg whose dimensions we can only surmise.

The extent of the current drug problem was made unmistakably clear to Michigan citizens at a recent Rock Festival held at Goose Lake where there were gross violations of Federal and State narcotic laws.

The President proposed a 10-point program of legislative and executive action, H.R. 18583 contains many of these recommendations. They cover a wide range of efforts including better programs of rehabilitation for narcotic addicts and drug-dependent persons, the revision and strengthening of Federal control of the manufacture, sale and distribution of drugs; reform of criminal penalties with a special emphasis on more severe punishment for the drug pusher; a tightening of Federal laws covering the import and export of drugs and intensified research and drug abuse education programs. I urge adoption of the bill.

Mr. KEITH. Mr. Chairman, the cities and towns of my district—and, I am sure, every Member's district—are facing an increasingly serious problem of drug use and abuse by the young. Marihuana and dangerous hallucinatory drugs are becoming common in high schools. Addictive drugs are finding increasing popularity in the streets of our major cities. Unless we act to curb the drug abuse problem, a large segment of our young people could be trapped in lives of desperation and aimlessness.

The bill before us today correctly recognizes that the solution does not lie in imposing stiff penalties on the youngster who may be tempted to experiment with drugs for a lark. It rightly provides the stiffest punishment for those who cynically traffic in drugs to the detriment and injury of their fellow human beings. The Comprehensive Drug Abuse Prevention and Control Act is a progressive measure. It goes beyond punishment to rehabilitation and education. More community facilities in community mental health centers will be provided and information about the danger of drug abuse will be more widely disseminated.

And, under this legislation, a rational schedule of drugs and penalties is set up according to the potential for harm posed by each type of narcotic. Finally, and importantly, H.R. 18583 establishes a Commission on Marihuana to review this controversial substance objectively and recommend any modifications in existing law which might be desirable. I would hope that the members of this Commission would be from varying age groups to enhance the credibility of the report of the study commission amongst young and old alike.

Mr. Chairman, I commend my colleagues on the Interstate and Foreign Commerce and the Ways and Means Committees for their work on this important and needed measure. I urge all of my colleagues to support H.R. 18583.

Mr. BLANTON. Mr. Chairman, I urge approval of H.R. 18583. Perhaps drug abuse is one of the most critical problems facing our Nation today, because it directly affects our human resources. It is sapping the potential of our youth, contributing the climate of fear and crime, and literally ruining the lives of thousands upon thousands of persons.

The legislation we consider today is comprehensive and realistic. We have applied the band-aid approach too long. With this bill, I believe we are confronting the problem head on. How it is administered will be the ultimate test of its success, for the framework within which to work is definitely supplied here.

I particularly laud the title I approach to rehabilitation. To attempt to combat drug abuse without supplying rehabilitative measures for those already victimized with be to cut off the tops of the weeds without damaging the roots.

I believe the new authority given the Justice Department under title II is sufficient at this time, and while I have some misgivings about the criminal penalties section, it is sufficient. As for the creation of a commission on marihuana and drug abuse, this one feature seems to me somewhat depressing. I am growing weary of commissions and expensive studies by the Federal Government, for it appears as if little ever comes from them. We had a Presidential commission to determine the causative factors in civil disturbances and riots a few years ago, and its findings were ignored by that administration. We had a commission on student and campus disorders, and the current administration was attacking it before it was even officially concluded. We had a commission on pornography, and the current administration has already served notice that this million-dollar-plus study will be rejected. We have had commissions set up to determine whether there should be a volunteer army to replace the draft, another to determine whether the Joint Chiefs of Staffs in the Pentagon would be restructured, and so on down the line. You name a subject, and there has been a Federal commission to study it, and the batting average on carrying out the commission findings, or even implementing sections of it, is so low as to question the justification for expenditures from the public treasury for these costly luxuries of our Federal Government.

The concept of appointing a Presidential or Federal commission has degenerated into a gimmick—to make people think we are actually going to do something about the problem, and to relieve the pressure from constituents who want action.

I think title III of this bill, which deals with the control of imports and exports of drugs subject to abuse is a good start, but more authority needs to be given in this field.

Mr. Chairman, drug abuse has reached down into even small rural communities in my district. It is no longer an exclusive problem with urban centers and metropolitan areas. It has even affected the armed services of our Nation, and I was shocked to find on a recent visit to Vietnam to study the drug problem for the Interstate and Foreign Commerce Committee that perhaps as many as 35 percent of our servicemen use illegal drugs.

Therefore, the need for responsive legislation is mandatory, and I feel the pas-

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sage of this bill is a good start in the right direction.

Mr. BROTZMAN. Mr. Chairman, I am pleased to rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. That drug abuse has become one of our Nation's leading problems can scarcely be denied. H.R. 18583, I believe, demonstrates a keen awareness of this problem, both from the standpoint of health and rehabilitation and from the standpoint of law enforcement. In other words, the bill makes it harder to get started on drugs and easier to break the drug habit.

Title I of the bill establishes rehabilitation programs relating to drug abuse. The $75 million in increased authorizations are provided for community mental health center facilities to deal with narcotic addicts and drug dependent persons, $29 million is authorized for critically important drug education programs, and $60 million is authorized for special facilities in areas having unusually acute drug problems.

Title II of the bill deals with the other side of the drug problem: Law enforcement. Five schedules of narcotics and dangerous drugs are established. Penalties correspond to the schedules so that stiffer sentences may be imposed where more serious drug violations are involved. Persons who illegally manufacture, distribute, or dispense the hard narcotics listed in schedules I and II would be liable to serve prison terms of up to 15 years and pay fines of up to $25,000. Those who illegally manufacture, distribute, or dispense the nonnarcotics listed in schedules I and II, including marihuana and the hallucinogens, and those who illegally manufacture, distribute, or dispense the drug contained in schedule III, including amphetamines and barbiturates, would be subject to 5 years in prison and a $15,000 fine. Schedule IV, which deals mainly with minor tranquilizers, carries penalties of 3 years in prison and a fine of $10,000 for illegal manufacture, distribution, or dispensation. The penalties for violations dealing with schedule V, which consists of medical preparations containing limited amounts of narcotics, would be subject to 1 year in jail and a fine of $5,000. If distribution to minors is involved, the maximum penalties are doubled.

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These penalties are harsh, and they should be. Any one who has had the experience of having a child or a loved one addicted to narcotics or drugs can testify to this. Those who manufacture for illicit distribution and those who illegally distribute the items contained in this bill will stop at nothing to make a dollar. They are enslaving many Americans who first get hooked on drugs, and must then turn to a life of crime to feed their habits.

Among the more ominous aspects of the drug problem is the involvement of organized crime. I am pleased that we will soon have an organized crime bill on the floor, but I call attention to a feature in H.R. 18583 which bears a close relationship to that subject. The bill provides that where an individual engages in a continuing criminal enterprise involving a continuing series of violations undertaken by him, in concert with five or more other persons, and from which he derives substantial income, he is punishable by a mandatory minimum sentence of not less than 10 years and up to life imprisonment, together with a fine of up to $100,000 and forefeiture to the United States of all profits derived from the enterprise.

Mr. Chairman, I think it is also important to note several other features contained in the bill which will help law enforcement officials stop the traffic in drugs. For example, a procedure is established for the classification of future drugs which create abuse problems. If the Attorney General feels that a drug should be controlled, he will, after gathering appropriate data, ask the Secretary of Health, Education, and Welfare to conduct a scientific and medical evaluation. If the latter determines the drug should not be regulated, the matter is closed. But, if he agrees that regulation is in order, the Attorney General may publish notice in the Federal Register and proceed to implement controls in accordance with established procedures which permit, among other things, an opportunity for a hearing.

The bill provides for registration of manufacturers, wholesalers, retailers, and all others in the legitimate drug distribution chain. Transactions outside of the legitimate chain are made strictly illegal. In the case of those drug listed in schedules I and II, even tighter controls are imposed. Quotas are established for imports and for domestic manufacture. Sales or other transfers of these drugs may only be made through the use of officially prescribed order forms, copies of which must be sent to the Attorney General.

One of the serious defects in our existing drug control programs, from the law enforcement standpoint, has been a lack of adequate information on the part of the local officials who deal with the problem daily. To remedy this, the bill permits the Attorney General to authorize research and education programs relating to the law enforcement aspects of drug abuse. Cooperation between Federal and State and local officials is encouraged. Also, authority to execute search warrants to enter premises without giving notice of authority and purpose is extended to judges and U.S. magistrates if there has been a judicial determination of probable cause to believe that notice would lead to a destruction of evidence or that notice would immediately endanger the life or safety of the person executing the search.

As a former U.S. attorney for Colorado, I can say, from my own experiences, that these new enforcement devices are necessary if we are to mount a successful drive against drug abuse.

In addition to increasing the penalties for illicit manufacturers and pushers and in addition to improving the tools of law enforcement, H.R. 18583 takes a more modern and realistic approach to the problems of the user than has ever been the case before. I have already mentioned the important upgrading accorded the rehabilitation programs by title I of the bill. There is more. Possession of controlled drugs, where there is no attempt to distribute to others, is made a simple misdemeanor with a maximum jail term of 1 year and a maximum fine of $5,000. Also, with the exception of those engaged in continuing criminal enterprises, all mandatory minimum sentences are eliminated. If our goal is to solve the drug problem, courts need flexibility, and minimum sentences deny that.

In the case of a first offender, probation is available, and successful completion of the probationary period can result in a dismissal of the original charge without the adjudication of guilt. Indeed, if the offender is under 21, a successful probationary period can result in having all accounts of the incident expunged from the record. This feature is similar to a provision in the LSD bill passed in the 90th Congress and is based on the Colorado drug law.

Mr. Chairman, H.R. 18583 represents an important part of the President's program to combat crime. Inamuch as drug abuse invariably leads to other crimes and provides a ready source of revenue for organized crime, it seems to me that this bill represents the keystone of any successful Federal crime fighting program. It is, at the same time, appropriately harsh on illegal manufacturers and pushers, and appropriately compassionate and understanding toward the pusher's victim.

Before voting, Mr. Chairman, I hope every Member of this body will reflect on the news stories carried in the papers from his own district on the problems caused by and compounded by drug abuse. Any Member who does that will, I am confident, join me in voting "aye" on this measure.

Mr. HELSTOSKI. Mr. Chairman, as a cosponsor of the Comprehensive Drug Abuse Prevention and Control Act of 1970, I rise in support of this important legislation and commend the members of the committee for bringing it to the floor for House action.

I believe that this is one of the most important pieces of legislation to be considered by the Congress during this session.

Mr. Chairman, this bill deals with one of the most important health problems existing in the United States today, the problem of drug abuse. There is little disagreement upon the need to adopt a stringent measure to combat this social and health problem in a number of ways. This legislation provides for rehabilitation programs for drug abusers; it will change existing criminal penalties with respect to illegal drugs and their uses; it will provide the Department of Justice additional control over the manufacturing and distribution of drugs for legitimate uses through a system of registration and reporting; and will provide a better control of imports and exports of drugs through registration and permits for legitimate businesses.

I support this legislation because it represents an effective approach to combatting this problem of drug abuse. The size and scope of the problem make it clearly evident that the Federal Government must take an active and powerful approach to attack this menace to society. The Federal Government must have the power to take this action without further delay.

It certainly seems that the Comprehensive Drug Abuse Prevention and Control Act of 1970 is the logical and necessary step in the battle we are waging against drug abuse. In addition to this bill we should consider legislation which would cut off economic and military aid to those countries who send illegal narcotics to this country. To effectuate this program, I have introduced H.R. 18399 which should be enacted by this Congress as a companion measure to the legislation we are presently discussing.

Let us wait no longer on taking action to prevent this social menace and pass this bill for effectively controlling this serious situation which is currently sweeping the country.

Mr. BROOMFIELD. Mr. Chairman, in the context of the drug crisis, generation gap and credibility gap usually bear the same meaning. Our young can conveniently, if not justly, ignore our advice, because they are aware that our information on drugs is neither extensive nor conclusive. They have more reason to doubt their parents, who know even less than we. It is easy for the young to rationalize the use of a drug whose dangers have not yet been proven. Drugs are everywhere in our society. Television ads promise that there are pills to relieve tension, acid indigestion, falling hair, loss of energy, and lack of sex appeal. Truck drivers and college students take pep pills to stay awake. Housewives and businessmen calm their nerves with tranquilizers. These drugs can be dangerous—yet they are widely used. What, our children ask, is so much more dangerous about marihuana or speed or mescaline? And we have no hard facts with which to answer them.

The problem is only aggravated by the lack of programs to educate the young and their parents to the known dangerous effects of certain drugs.

Lack of information or misinformation provides silent encouragement to experimenters. We know that over half of our young have tried drugs. We know that college students and now high school students are using drugs with increasing regularity. We know that our Armed Forces are finding substantial numbers of their troops smoking marihuana or shooting heroin. This uninformed and uncontrolled use of drugs cannot continue: Tragedy is its only result.

I know specifically of a case in my own district which demonstrates clearly the need for massive research and educational programs. Six teenagers from the Birmingham-Southfield area of Michigan were sold capsules that supposedly contained THC—tetrahydrocannabinol, the active ingredient of marihuana—mixed with cocaine. They were not aware that this mixture is impossible to produce in the first place. They knew something of THC and something of cocaine, so they assumed the capsules would be no more than normally dangerous.

Their reactions to the drugs were especially severe, and they were immediately hospitalized. The original diagnosis attributed their adverse reaction to the presence of strychnine in what were thought to be LSD capsules. Several days later, an analysis of the pills by the State health department revealed that they were neither THC nor LSD, but phenacyclidine hydrochloride—a tranquilizer for animals with a hallucinogenic effect upon human beings.

Four of the youths took only mild doses and were released within days. The other two remained in serious condition for some time. One of those two is still suffering from emotional and psychological problems.

The case provides graphic evidence for my argument. Not only were the teenagers tragically uninformed about the drug, but so were the hospital personnel. We will never know what the pusher thought he was selling.

The Comprehensive Drug Abuse Prevention and Control Act meets our desperate need for more research and better educational programs. It creates a National Addiction and Drug Abuse Research Center and the Commission on Marihuana and Drug Abuse to examine these drugs for possible harmful effects. Further, this bill authorizes HEW grants to States or agencies for the development and evaluation of programs in drug abuse education on the school and community levels.

One problem with which the proposed National Addiction and Drug Abuse Research Center must certainly deal is that of recidivism. Why do so many supposedly cured addicts return to even harder and more harmful narcotics? Apparently, the treatment of known drug addicts has been unsuccessful—and will continue to be until we improve our present programs for rehabilitation. This bill appropriates $75 million for the treatment of drug dependents. I believe this will be money wisely spent.

Enforcement and control is the final critical area with which the measure deals. Our laws should be an effective deterrent to those who would abuse drugs. In the past they have not been.

The difficulty with our laws is twofold. First, there exists much confusion as to what exactly constitutes a crime and what penalty such a crime would draw. Simply stated, our laws in the area of drugs are too many and too widely dispersed to be effective. This bill would consolidate and codify the widely varying legislation pertaining to drug abuse.

The second and more important problem is that the penalties for drug crimes are unrealistic. At present, an 18-year-old using marihuana for the first time could receive the same sentence as a person convicted of robbery with a deadly weapon. This only fosters a grave disrespect for the law not only on the part of our young, but, strangely, on the part of our district attorneys and judges as well, who are naturally reluctant to prosecute or sentence a young person under a needlessly harsh measure. In an age of increasing lawlessness we cannot tolerate such utter disrespect, even if that disrespect is justified. The Comprehensive Drug Abuse Prevention and Control Act would fit penalties more closely to the crime. The seller would still receive the highest sanctions of law; the user, however, would be treated less severely. Provision is even made for a judge to erase the conviction of a first offender from the police record following a satisfactory probationary period. The merely curious, the one-time experimenter, will no longer be stigmatized for life by a conviction under an outmoded law. This in itself will prove a useful means for rehabilitation.

Mr. Chairman, the abuse of drugs contributes to problems in more than one area of American society. Organized crime flourishes on the illegal entry and sale of hard drugs. Most street crimes are committed by addicts in desperate need of cash. Civil disobedience in our campuses is often provoked by students who are outlaws already by virtue of their use of drugs.

Can we continue to operate as a democratic society with such a large number of our citizens engaged in criminal activity of this type? Can we allow the abuse of drugs to encourage such dangerous, if subliminal, lawlessness? I am not saying that the drug crisis lies at the root of all our ills. I am arguing, Mr. Speaker, that this particular problem has brought us squarely to the issue of our times: Whether our society can continue to rely upon the responsible participation of all its members. Too many of our citizens have ignored the boundaries of law and too many are "dropping out" of legitimate society to join the drug subculture.

I believe the Comprehensive Drug Abuse Prevention and Control Act of 1970 will be an effective tool in our fight against the drug problem. It will inform the young of the dangers of drugs and it will help those who have already experienced those dangers. Finally, Mr. Chairman, it will establish once more the respect for law upon which our society depends.

Mr. BROYHILL of Virginia. Mr. Chairman, this legislation represents not only an important, but an absolutely necessary, step forward in drug and narcotics control, which is a field of great and understandable concern to millions of parents and young people.

One of the worst problems we have encountered as a nation, in attempting to deal effectively with traffic in these substances, has involved importation and exportation.

Present law simply has been inadequate in this regard. Too many dangerous substances have found, and are continuing to find, their way into the United States through a variety of illegal pipelines.

And once inside, they quickly move into another multichanneled network which leads all too often to outlets which prey upon our young.

But this tragic story has been told and retold, not only before this Congress, but in every mass medium available, and

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there is no point in my elaborating further upon this theme now.

Suffice it to say that title III of H.R. 18583 is designed specifically to provide the regulation of imports and exports which has been so sadly lacking in the past.

Primarily, title III would bring together, and integrate, the now scattered laws governing incoming and outgoing shipments of virtually all known narcotics and dangerous drugs and other substances.

Second, title III provides for a number of changes, including penalties, aimed at producing a more flexible, more realistic, and therefore more effective, system of controls.

Just as it moves toward shutting off the unlawful entry and exit of dangerous substances, title III also offers adequate safeguards to those who need to transport legitimate drugs in a legitimate way.

In short, title III—and the rest of H.R. 18583—would unify the statutes on narcotics and drugs, much as the Government's reorganization plan has unified enforcement by placing prime responsibility in the Justice Department's Bureau of Narcotics and Dangerous Drugs.

If this House does nothing else during the 91st Congress, it should enact this legislation.

Mr. TAYLOR. Mr. Chairman, I regard this as one of the most important bills to reach the House floor this year, and I rise in its support. This is the most far-reaching effort to deal with the problems of drug traffic and drug abuse ever undertaken by Congress.

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The legislation faces that problem in many ways. It increases penalties and tools for dealing with those who traffic in drugs and try to make money by destroying other people's lives through drug addiction.

The bill gives the Department of Justice additional controls over the manufacture and distribution of drugs for legitimate uses. It provides a better system of control over imports and exports of drugs through a system of registration and permits for legitimate businesses. It encourages research into the causes of drug abuse and provides better information as to the dangers and effects of drugs. It also provides rehabilitation programs for drug users.

This legislation brings the various laws affecting drugs together in order to consolidate them and in order to make law enforcement more uniform. Law enforcement under the legislation is the responsibility of the Department of Justice, while rehabilitation of addicts and medical judgments are left with the Department of Health, Education, and Welfare.

I have often said that in my opinion the most serious problem facing our country is crime which is increasing at an alarming rate. Illegal drugs constitute one of the prime causes of crime. One-half of all violent street crimes in our country are committed by people under 25 years of age, and one-half of these are attributed to the use of drugs. The drug addict is the most dangerous criminal on the streets. He is desperate and has no judgment and will kill the victim in a $2 robbery. This is not only a drug control bill—it constitutes important crime control legislation.

This bill alone will not solve the drug problem, but it will help. The drug problem is so large that all units of Government, all institutions and organizations in the country must join in committing their resources to the elimination of illegal drug traffic and use.

Mr. MIZELL. Mr. Chairman, I rise today to commend the members of the Interstate and Foreign Commerce and Ways and Means Committees, for their outstanding work in reporting the Comprehensive Drug Abuse Prevention and Control Act of 1970. This bill contains sections dealing with the manufacture, commerce, and usage of drugs and dangerous substances. The legislation, which clarifies, and extends our existing laws controlling the use of drugs, will provide much-needed equipment to help put an end to the drug abuse which has become so blatant in our Nation today.

The present penalty of up to 1 year's imprisonment and a possible $5,000 fine or both, is maintained for first offenses of possession of illegal drugs. I feel that this provision of the legislation is significant, for it expresses the belief of Congress, that especially in this period of rampant drug abuse, no action should be taken which will, in any way, condone the casual usage of dangerous drugs or substances about which we know very little.

The legislation contains provisions directed at one of the primary contributors to drug abuse—the illegal pusher who is ruthlessly capitalizing on the destruction of many of our young people. Under this bill, a punishment of up to 10 years imprisonment and a fine of $100,000 for a first offense can be levied on professional criminals trafficking in drugs. Second offenses carry a possible 20 years in prison and a fine of $200,000.

Also important in this bill are the provisions for enforcement of the drugs laws it establishes. The Attorney General is given the badly needed tools to effectively fight the illegal traffic and usage of drugs.

In conclusion, I urge Congress to support this legislation, which I feel, will prove to be a significant weapon to fight the drug problem in our country and protect innocent persons from the destruction of body and mind which so tragically accompanies drug abuse.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in strong support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, because I believe that the drug problem is so widespread in our society today that it is imperative that Congress take positive action to bring it under control. The use of drugs is on the rise, especially by our young people and the drug culture has even permeated the halls of many of our grade schools, enticing thrill-seeking youngsters wishing to experiment. It has taken us in the Congress too long a time to realize that the statistics we read of those suffering the physical and psychological effects of drug abuse reflect a deep-seated national problem that must be dealt with vigorously and immediately. We can procrastinate no longer for the sake of our national welfare.

The bill before us effectively confronts the multifaceted aspects of the drug problem. It attacks the core of the problem by controlling the manufacture and distribution of drugs and by tightening the import-export restrictions on drugs subject to abuse. Drugs have become a big business in our country. A 10 kilogram of raw opium, worth about $400 at its overseas source, can bring nearly $250,000 in the United States when cut, reduced to heroin, and sold in $5 packets. This profitable enterprise must be stopped.

The bill completely overhauls the entire structure of criminal penalties for drug abuse. There is a realistic recognition of the temptations facing our young people today by establishing a procedure whereby an offender, under 21 years of age, may have the facts of his arrest and conviction erased. The purveyors of drugs, those who are guided by their greed and visions of the great profits their efforts will yield, with no thought of the damage, they are inflicting on their victims, are subject to heavy prison sentences and fines.

The bill also establishes rehabilitation and treatment programs for drug abusers. This is in the interest of the user since it increases the funds available to community health facilities to be used in ridding him of his self-defeating dependence; it also serves the interest of society which requires physically and psychologically healthy and stable citizens for its own well-being. Greatly expanded drug abuse research and education programs are also provided for, acknowledging that the solution to the drug problem cannot be accomplished simply by legislative fiat.

Mr. Chairman, we are faced with a national problem, one that is growing in scope and intensity. While local community groups and organizations, more aware of the peculiar needs of their particular areas, must bear a large part of the burden, we in the Congress cannot evade our own responsibility. We no longer have a choice of whether we wish to act. This problem demands action and cannot be ignored. No amount of wishing it away will bring us closer to its eventual disappearance.

Mr. HANNA. Mr. Chairman, the use and abuse of drugs in our society has long been a matter of deep concern to me. Many times have I made my feelings known in this Chamber regarding this serious problem. My concern, however, has not been limited to the illegal use of drugs by our young people, but also includes the legal abuse of drugs by their parents. That is why today I am expressing my firm support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970.

I am particularly pleased with certain aspects of this measure: First, increased funds for drug abuse education activities; second, more National Institute of Mental Health funds earmarked for research into drugs and drug abuse; third, control by the Justice Department of the registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain of drug sales; and fourth, establishment of Presidential Commission on Marihuana and Drug Abuse.

Earlier in this Congress I introduced legislation calling for increased emphasis by the National Institute of Mental Health on research concerning the physical and mental effects of drug abuse on an individual. Until we really know what happens to a person who is addicted to or dependent on drugs, we are a long way from a final solution to this problem and from an adequate way to deal with it.

Almost 50 percent of the 9 billion mood control drugs produced in this country last year were diverted into illicit channels. That is why title II of the measure we are considering today is so important. The bill allows the Department of Justice to keep track of drugs subject to abuse which are manufactured or distributed in the United States and prevent their diversion into illegitimate channels. This is a most important step toward alleviating a major part of the drug problem.

In this same context, I would like to bring to the attention of my colleagues a bill I plan to introduce in the very near future. Last year we produced enough amphetamines for 40 legal doses for every man, woman, and child in the country. Over half of this supply has found its way into illicit channels. My bill would place a penny a pill manufacturers tax on amphetamines and other mood control drugs, thereby cutting down on the overproduction of these drugs because of the expense involved.

The bill also authorizes the establishment of the Commission on Marihuana and Drug Abuse. This commission would be required to report within 1 year on the problems involved in marihuana use, and since arrests for possession of marihuana increased 200 percent from 1967 to 1969, this is obviously a question for which an answer must be found soon. The commission would also report within 2 years on the causes of drug abuse. There is no way we can bring a halt to the rapidly increasing number of drug addicts and drug dependents in America today without getting to the causes behind the skyrocketing use of drugs by all economic and age groups in our society. I am hopeful that the commission proposed by H.R. 18583 will give us a solid foundation on which to build future drug abuse legislation.

These are only a few of the many problems and unanswered questions regarding drugs and their use and abuse which are dealt with in this bill. I am not saying that this measure is a cure-all and that once it is enacted we will have solved the drug problem in America. As has been said many times in the past, by myself and others, the problem is much too diverse and complex for one bill to accomplish everything. However, this bill does begin to delve into areas which we have not yet touched in our previous drug control legislation and which must be dealt with soon. It is a major step forward, but let me caution once more against complacency and remind my colleagues of the long, hard road which still lies before us and which must yet be traveled before we can sit back and congratulate ourselves on curing one of America's greatest social ills, drug abuse.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that this bill, H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, is speedily and resoundingly approved by the House.

This wholesome measure is designed to more effectively control and eliminate one of the greatest domestic tragedies in all our history, the frightening increase in drug abuse among great numbers of our American youth.

The chief provisions in this bill authorize and inspire strengthened efforts in drug abuse prevention and rehabilitation of users, more effective means for law enforcement related to drug abuse prevention and control, and establish an overall balanced listing of criminal penalties for offenses involving drugs with the most severe penalties projected upon the drug peddlers and pushers.

Mr. Chairman, I think it is commonly agreed there are very, very few, if any, subjects waiting upon congressional action that are more vitally important to the national welfare than the control and elimination of the dangerously unlawful dissemination and abuse of drugs among and at nearly every level of youthful life in this country. To save our own children and our neighbor's children, it is absolutely essential that we join together in strengthening our Federal law to prevent this evil plague from spreading its infectious poisons any deeper into the moral fabric of our youth and, indeed, into the more mature levels of American life.

Mr. Chairman, the evidence that has been revealed in committee hearings and recited by the managers of this bill is, indeed, frightening and we are authoritatively reminded that the problem is, tragically, approaching epidemic proportions. Certainly, there is no need for me or anyone else to attempt to expand upon or emphasize what everyone of us already knows about this modern American curse. The real need is, of course, to do something to control and stop it, and that is the purpose of this bill. Let us, then, get on with whatever strengthening amendments are acceptable to the majority; let us get on with this vitally urgent legislative obligation; let us enact it.

It can be truly said that, in large measure, the future of America rests in our hands today, in our action to help the afflicted and stop this drug abuse disease that is destroying the foundations upon which rests the wholesome development of American youth.

By any standard, this bill represents a timely, prudent investment in the public interest and the lasting destiny of this Nation, let us begin the investment now and let us stand by to strengthen it, if necessary.

Mr. ROTH. Mr. Chairman, there is little doubt that a reconstruction and review of our Federal narcotic and dangerous drug statutes such as provided in H.R. 18583 is long overdue. The increasing incidence of drug abuse in this country poses such a threat to our citizens and their children that prompt Federal action is vital.

The Comprehensive Drug Abuse Prevention and Control Act not only revamps the Federal law relating to the control of dangerous substances and combines it into one statute, but also it revises the penalty structure for violations, and establishes extended authority for the Federal Government in areas of rehabilitation, education, and research. There are several provisions of this bill which I think are important to point out in considering its merits.

I am particularly pleased with the revision in the penalty structure. It is appropriate that the most heinous breed of criminal who promotes drug abuse for his own profit, and who causes the misery of others, be dealt with harshly. Under section 408 of the bill, the so-called "continuing criminal enterprises" section, such persons involved in a profitmaking enterprise in continuous violation of Federal law, are subject to a minimum of 10 years in jail and up to $100,000 in fines for a first offense; a second conviction under this section carries a minimum 20-year prison sentence and up to $200,000 in fines. Not only will this section serve as a deterrent to those who might be tempted by the vast profits which may be derived from illicit drug traffic, but it will also keep the convicted away from the society which they would corrupt. There are those who would criticize the establishment of a minimum mandatory sentence, but if their children became drug addicts they might change their minds about being soft on this kind of criminal.

It has always been my feeling that much more should be done with the tremendous resources of the Federal Government in the area of researching the effects of dangerous drugs on the individual, the reasons why people seek drugs, and how the problem of drug abuse should be controlled. This proposal offers several opportunities for the expansion of such an effort.

A Commission on Marihuana and Drug Abuse is established with an authorization of $1 million to study available information on those subjects. It would report to the President and Congress including its recommendations for legislative and administrative action. The first report would be submitted within a year and it would cover all questions relating to that controversial drug, marihuana. The second report on the general causes of drug abuse would appear within a year after that. I believe that the intensive study that Commission would provide would give us solid ground on which to base future action. Certainly the whole question of marihuana control will never be settled without such a project.

Research is also encouraged through granting the Secretary of Health, Education, and Welfare the authority to protect the privacy of drug research subjects by nondisclosure of identification data. This would give qualified researchers connected with public and private organizations the flexibility they require to assure those with whom they ex-

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periment that they are immune from prosecution for narcotic and dangerous drug violations.

Finally, research in methods of drug abuse prevention is encouraged with the establishment of a grant program under an amendment to the Community Mental Health Centers Act. Funds for the development and evaluation programs of drug abuse education for all groups including school age children would be released by this provision.

In my remarks today, I have reviewed only a few of the many valuable proposals offered in the Comprehensive Drug Abuse Prevention and Control Act. This bill represents the blending of opinions of the law enforcement and scientific communities which is often a difficult task to achieve. It is certainly a most worthwhile measure, and accordingly, I offer my support for its passage.

Mr. HOGAN. Mr. Chairman, I rise in support of the Comprehensive Drug Abuse Prevention and Control Act of 1970. Drug misuse and abuse are increasing at an alarming rate in America. Early in 1969 the U.S. Department of Health, Education, and Welfare issued a statement warning that drug abuse had reached almost epidemic proportions. Once a problem of the ghetto, this plague now strikes all segments of society, regardless of age, racial, social, and economic background. Particularly susceptible, however, are the young people of this Nation.

The figures associated with drug abuse among the young paint a frightening word picture.

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In the FBI's annual crime report issued in August 1969, the Bureau of Narcotics and Dangerous Drugs revealed that since 1960 the number of arrests for drug violations for persons under 18 years of age was up 1,800 percent. This compares with 235 percent for persons over 18 years. In 1969, three of every four arrests for drug abuse were of persons under the age of 25.

The number of casualties from drug abuse is alarming. New York City has an estimated 100,000 heroin users who spend $850 million a year on that drug and many times that number who take other dangerous drugs. In the past 3 years New York has spent $250 million on drug problems and has increased the number of beds available for the medical treatment of drug dependent persons from 375 to 5,000. Heroin caused 730 deaths in New York in 1968 and an estimated 900 more in 1969. In a 3-month period in 1969, 71 teenagers died from overdoses of drugs.

The New York Times reported that, in New York City, marihuana can be found in virtually all secondary schools. Of 30 student leaders in the city's schools, more than half said they smoked marihuana occasionally, and the remainder said they had friends who did. Students there estimated that at the average high school in the city, marihuana use ranged from 30 to 80 percent of the student bodies. Estimates of nationwide experimentation with marihuana among teenagers ranges from 2 to 10 million.

Across the Nation reports of drug abuse are similar. In a Los Angeles suburb, police found 13-year-olds shooting methedrine under their tongues. Hospital care for 4,967 San Francisco teenage drug users in 1967 cost the city $3.75 million, and drug use has increased since that time.

According to a newspaper report in January 1969, about one-sixth of the high school students in San Mateo County, Calif., had used "speed"—amphetamines—and more than one-third of them had tried hallucinogens or barbiturates. In San Mateo County juvenile arrests for dangerous drugs jumped 1,448 percent in 8 years and 324 percent in 6 months. Drug arrests in California's larger counties more than doubled during a 6-month period.

Even more alarming is the fact that experimenting with drugs is not limited to teenagers. One member of the New York State Narcotic Control Commission reported that his agency had made arrests of 7-year-old children and even had a 9-year-old heroin addict. Slum residents in New York say that some 8-year-olds are experimenting with heroin bought in the schoolyards.

According to Dr. Richard Blum, a San Francisco sociologist and former consultant to the President's Commission on Crime, many California fifth graders have already been exposed to marihuana and LSD.

He says:

> In the last eight years we have watched the age level of drug users in California drop from adults to elementary school children. We can't go much lower.

He adds:

> And generally what happens in California happens elsewhere sooner or later.

In some parts of my home State of Maryland, drug use has reached almost epidemic proportions. There is evidence of children in the second grade experimenting with drugs.

With the doubling of arrests for drug violations last year, many suburban and rural communities throughout the Nation are finding out that drug abuse can happen here. And subsequently individuals and communities are waking up to the problem and taking action to confront this plague. Even so, the task ahead is awesome.

One university psychiatrist, testifying before the House of Representative's Select Subcommittee on Crime, expressed concern that it may already be too late for many of our young people. He then made this frightening comment:

> This generation of drug users might just as well be written off because it costs $25,000 to keep an addict off a drug for a single year.

And the director of community development for a halfway house project in Chicago said that only about 35 percent of the "graduates" of this rehabilitative project stay off drugs permanently. He contends, as do I, that the real answer lies in educating youngsters against drugs before they are "hooked."

This is not to say that we can forget those already dependent on drugs. We cannot afford to write off this generation. And if only 35 percent of our drug users can be rehabilitated, that 35 percent is well worth saving. Every effort must be made to help those who are "hooked" to kick the habit and find meaningful, rewarding lives. At the same time, however, it is of prime importance that we concentrate our future efforts toward our youth before they begin experimenting with drugs. It is imperative that they have a full understanding of what it means to become an addict, to see what these drugs will do to the body and mind—to realize that, if abused, drugs "turn on you" rather than "turn you on."

Furthermore, we must inform our youth about those slave-masters who sell narcotics. There is no word in the lexicon repugnant enough to describe those who lure others into drug use for profit and destroy without pity. This criminal element is busily recruiting its clientele, primarily from our youth. While this drug crisis worsens, we hear all sorts of excuses for inaction and complaints of the difficulty we have in bridging the gap between generations. Turned away from parental communication and authority, the young frequently seek guidance elsewhere. Somehow this criminal element seems to have little trouble communicating across the generation gap.

How tragic to think what it forbodes for the future of this country if the criminal mind is capable of rapport and communications with our young, and the responsible segments of our society are not.

Somehow we must open the channels of communication—particularly in the area of drug abuse. We must point out the consequences and dangers of taking drugs without medical supervision. We must emphasize that all drugs, no matter what category, often lead not only to permanent physical damage, but also to psychological damage if abused and misused. In other words, a constant user ceases to be a productive member of society as he withdraws into this nether world, a slave to his addiction, a human vegetable. The life which could have been well spent in a conscious appreciation of reality is wasted. The talents remain unused, undeveloped. The mind is reduced to impotence. This is especially tragic for young people who stand on the threshold of life, facing the challenges, opportunities, and wholesome pleasures which a vibrant existence makes possible. What a calamity if a transitory puff of a weed or an experimental drop of acid snuffed out forever the rewards and joys and accomplishments of a bright young person. What a loss for the individual and for society.

For this reason, enlightened educational efforts aimed at all strata of society are needed at once. We must prevent a further rise in drug use and pave the way for a society free of this plague. To do so we must inoculate potential users with sophisticated and factual information and education rather than misinformation and veiled threats on the effects of drugs.

Young people themselves can and must play a key role in this war on drug abuse. However, we cannot succeed with this war until we enlist the active assistance of every citizen. Parents, counselors, administrators, teachers, nurses, social workers, law enforcement officers, civic and community leaders, and any others who have occasion to work with the young must arm themselves with the facts on drugs.

Mr. Chairman, as a Member of Congress concerned and deeply disturbed about crime in general and narcotics in particular, I urge my colleagues to dedicate themselves to solve this grave problem. At the same time, however, I urge that all Americans take prompt action to prevent us from becoming a nation of "hopheads."

The future can be a nightmare or the fulfillment of a wonderful dream. It is largely in our hands to make the choice. Let us, therefore, go forth, armed with information, to wage a war against drug abuse to insure that this dream is not an impossible one for your youth.

Mr. Chairman, the bill before us is designed to deal in a comprehensive fashion with the growing menace of drug abuse, first, through providing authority for increased efforts in drug abuse prevention and rehabilitation of users; second, through providing more effective means for law enforcement aspects of drug abuse prevention and control; and third, by providing for an overall balanced scheme of criminal penalties for offenses involving drugs.

As the sponsor of three bills, H.R. 18051, H.R. 18050, and H.R. 18433 which generally provide for the same multifaceted attack on the drug problem as H.R. 18583, I am pleased to see action on this legislation today, giving every indication that it will be successfully enacted into law during this session of Congress.

Title I of this bill provides authority for the Department of Health, Education, and Welfare to increase its efforts in the rehabilitation, treatment, and prevention of drug abuse, through community mental health centers and through public health service hospitals and facilities. Over a 3-year period $75 million in increased authorizations are provided for community mental health center facilities to deal with narcotic addicts and drug dependent persons, $29 million is authorized for drug abuse education activities, and $60 million is authorized for special facilities in areas having percentages of narcotic addicts and drug dependent persons.

Title II of the bill contains another facet of needed action—that of control by the Justice Department of problems related to drug abuse through registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain, and makes transactions outside the legitimate distribution chain illegal.

The drugs with respect to which these controls are enforced initially are listed in the bill and include all hard narcotics and opiates, marihuana, all hallucinogens, amphetamines, barbiturates, and tranquilizers subject to abuse.

A procedure is established for classification of future drugs which create abuse problems, under which the Attorney General and the Secretary of Health, Education, and Welfare coordinate to determine if a drug should be or not be controlled.

In the case of drugs providing serious addiction or abuse problems tighter controls are provided which include the establishment of quotas for imports and for domestic manufacture.

All persons in the distribution chain are required to be registered, and, with certain exceptions, must keep records regarding all transfers of controlled drugs. Practicing physicians are required to keep records of schedule I substances; keep records of narcotic drugs in other schedules which they dispense to patients; and if they charge for other controlled drugs regularly, keep records of these transactions.

The bill revises the entire structure of criminal penalties involving controlled drugs by providing a consistent method of treatment of all persons accused of violations. Possession of controlled drugs is made a misdemeanor, except where possession is for the purpose of distribution to others, and in the case of a first offense of simple possession, the court may place the offender on probation for not more than 1 year. If the offender is below the age of 21 when the offense occurs he may obtain a court order expunging from all official records all recordation relating to his arrest, indictment, trial, and finding of guilt. This may only be utilized in regard to a first offense.

Manufacture or distribution of illicit drugs is punishable by up to 15 years in prison in the case of schedule I or II narcotic drugs, and by up to 5 years in the case of non-narcotic schedule I or II drugs or any other controlled drugs in schedule III.

Second offenses carry double the penalty for first offenses. Where a person over 18 sells drugs to a person below 21, the first offense punishment is twice that otherwise prescribed.

The bill specifies a number of administrative authorities for the Attorney General, including research and education programs relating to enforcement of drug abuse laws, cooperation with State and local law enforcement officials, inspections, forfeitures, and execution of search warrants, including authority to enter premises without giving notice of authority and purpose if a judge or U.S. magistrate has authorized a "no-knock" entry in the warrant after determining there is probable cause to believe that—

(1) property sought may and, if notice is given, will be easily and quickly destroyed or disposed of, or

(2) the giving of such notice will immediately endanger the life or safety of the executing officer or another person.

I will strenuously oppose efforts to delete the "no-knock" entry authority from this bill inasmuch as I believe no-knock entries are necessary to combat organized gambling and narcotics traffic and also necessary in certain circumstances to protect the life of the officer. The "no-knock" has aided in combating illicit drug traffic in all of the 29 States where this authority exists by statute or by common law. The conclusion that "no-knock" legislation is constitutional is based on the decision in Ker against California which upheld unannounced entry and seizure of narcotics without a warrant primarily on the basis of the officer's need to prevent destruction of evidence. The Ker decision is still controlling law with respect to the constitutionality of unannounced entry. Therefore, I have no doubt in mind as to the constitutionality of this authority as contained in H.R. 18583.

Title III of the bill provides for control of imports and exports of drugs subject to abuse through a system of registration of importers and exporters.

Mr. Chairman, today we have an opportunity to provide the Federal Government the tools with which to lead the way and assist State and local governments in waging a comprehensive attack on the drug problem.

I urge the Members' approval of this legislation.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 18583, entitled the "Comprehensive Drug Abuse Prevention and Control Act." There are three key words in the title of the bill alone which are most significant. The words are, "comprehensive," "prevention," and "control." It is a comprehensive measure because it covers just about everything from importation or exportation of drugs, simple possession, legitimate drug distribution, illegal drug possession, rehabilitation, appropriations including their division between the Department of Health, Education, and Welfare and the Department of Justice and, finally, punishment for offenses provided in the bill.

H.R. 18583 is not only comprehensive, but as the title indicates, one of the purposes is the prevention of drug abuse through educational activities with emphasis upon programs in communities with high percentages of drug addiction and usage and programs under the National Institute of Mental Health for research and training activities in the area of drug abuse.

The word "control" in the title, of course, simply means enforcement by the Justice Department in problems related to drug abuse, by any person or corporation whether a manufacturer, wholesaler, or retailer. These controls cover all the hard narcotics and opiates, marihuana, and hallucinogens such as LSD, amphetamines, barbiturates, and even any tranquilizers subject to abuse.

It is interesting to note under the control for enforcement provisions the bill makes transactions outside the legitimate distribution process a misdemeanor.

In my opinion, the committee has done an excellent job in providing for offenses punishable by a series of mandatory penalties with emphasis on the sale of drugs or what has been called the pushing of drugs. For instance, when any person over 18 years of age, even though he may not have attained his majority, sells a drug to a person under 21, the penalty is automatically doubled. In other words, the emphasis is upon attacking commerce in drugs or to prevent drugs changing hands.

Most of us will stand in approval of the provisions of the bill which provides that as long as it is simple possession only and where no sale is involved and where it happens to be the first offense of a person under 21, such person may be

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placed on a one year's probation. In the event that probation is not violated, such person may later obtain a Court Order expunging from the record all information of his arrest, trial and findings of guilt. Certainly such provision makes sense. They mean an offender is given a way to write his own ticket or chart his own future. Certainly a young man who is determined to turn over a new leaf should not have to have the results of one unfortunate and lamentable act dog him all the rest of his life.

Mr. Chairman, the Committee on Interstate and Foreign Commerce is to be commended for the kind of bill they have brought before us today. As good as it is, I am sure we would all have preferred that it had been acted upon earlier in this session.

Should there be any slight doubt in the minds of any Members or should there be any possible question about the need for a comprehensive drug bill, a recitation of the following considerations should erase any such doubts.

Drug usage leads to a physical or psychological dependence, or both, and leads the user into a state where frequently his life begins to center around drugs to the exclusion of all other things, including self respect. Thereupon, the drug user has imposed not one but two problems on society.

Continued use of drugs creates a growing dependence upon them and the tolerance against them builds up to require heavier usage in order to satisfy this dependence. It has been the policy of society in general to prevent the taking of one's own life—the commission of suicide. But the confirmed drug user is headed for certain death unless a reversal is made in his way of life. If he does not willingly seek such a change, the enormous quantities of drugs he will eventually need, and the continued and growing danger of his getting contaminated materials, or the unsanitary methods by which addicts satisfy their cravings, one or the other of these will surely kill him. Or, if he does not willingly and in an enlightened way turn away from drugs the time will come when the addict's utter dependence upon them will come face to face with a situation in which they are unavailable and the addict will die from either the physiological complications of withdrawal or he will commit suicide in his frustration. In either event, society holds to a policy of preventing self-destruction.

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Second, as all other things fade into oblivion for the user except getting the drugs he wants or needs, he becomes counterproductive; unable to perform any jobs that will support his habit from legitimate earnings, even if he were willing to remain gainfully employed. It is then that he turns to crime to support his habit. Not only is such a person dangerous on the streets and highways and totally irresponsible to his simplest obligations to family or public, but he then falls into one of crime's largest categories, that part of criminal activity conducted by the nation's addicts in support of their drug cravings, the cost of which is estimated variously from $4 to $20 billion a year from holdups, robberies, shoplifting and other dollar-producing activities for the illegal purchase of illegal drugs.

Before I conclude my remarks I wish to pay tribute to Kiwanis International for what it describes as Operation Drug Alert and which has generated intense interest among all Kiwanians. Its main thrust or primary effort is educational programs directed to the early teenage child, to give support to educators by the furtherance of drug education within our schools.

These and other service organizations know and emphasize that while some think LSD turns a person on, a little later down the road in point of time LSD turns on you.

It is encouraging to know that more and more thinking people in America are beginning to realize that drugs like marihuana can lead to experimentation with hard drugs. While it is true that the charge may be somewhat speculative and thus at this point in time a matter of conjecture, marihuana does cause bronchitis and emphysema and the clear possibility of carcinoma or cancer of the lungs. The fact that marihuana may cause cancer should be a red light that any potential user should be willing to respect.

Let us hope and pray that with more education our young people will not have to learn the hard way what it is like to turn themselves off by turning on with drugs. H.R. 18583 is a good bill. As far as I can see, it should enjoy the support of every Member of the House of Representatives.

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, which while not a perfect bill, is a realistic recognition of both the punitive and rehabilitative aspects of the devastating global problem of drug abuse.

It provides needed resources to deal with drug abuse prevention and rehabilitation, including education and research, as well as increased funds for law enforcement and improved ways to reach and control the source of supply.

In the United States incidences of drug abuse have reached epidemic proportions. Obviously new and drastic steps must be taken to cope with the problem.

For example, while no one really knows how many drug abusers there are in this country, it is estimated that there is one narcotic addict for every 3,000 persons and the number is growing. One indication of the upsurge can be found in arrest statistics. The 1968 figures indicate that 162,177 persons were arrested by State and local authorities for drug violations, constituting a 322-percent increase over the number of drug arrests made in 1960.

In my city of Pittsburgh, statistics show an increase of arrests for illegal sale and possession of hard drugs of from 334 adults in 1968 to 520 in 1969. In the white population this jumped from 94 in 1968 to 176 in 1969. Arrests for youths under 18 have nearly doubled. Arrests for hard drugs among blacks remained about the same, but figures show that among white youths it has jumped considerably. The major increase in the number of arrests is accounted for in the synthetic narcotics category.

Administrators of the black action drug abuse program in Pittsburgh—the best-developed comprehensive social and rehabilitative program in Pennsylvania and the tri-State area, estimate that the number of drug users is anywhere from 10,000–15,000, in Pittsburgh and Allegheny County, and of course not all cases are reported. For example, as opposed to the hard drug users such as heroin, the users of marihuana, hallucinogens such as LSD; stimulants and depressants are seldom discovered unless they are involved in a criminal action and arrested. The sobering fact remains that in Pittsburgh we have had 21 drug-abuse related deaths this year alone.

Although we are becoming more knowledgeable about the effects of drugs with abuse potential, the abuser himself remains an enigma. True dependency does not exist as we all know just in the slum neighborhoods, but is born of problems that are sometimes family related, school related, or world related; in the case of many of our youth, the war and the draft, which has turned off many of them toward society and turned them on in another very dangerous direction.

Thousands of people caught in the web of drug abuse are not just costly in terms of the waste of human resources, but are feeding millions of dollars into organized crime and causing hundreds of thousands of dollars in property loss. The average addict spends approximately $15 a day for his drug; that means that 7 days a week, 52 weeks a year, he would require about $5,464. Some of the hard narcotic addicts require $100 a day, instead of $15. To satisfy this craving the addicts must produce money, which is the cause for most street crime and the money is fed right into the organized crime structure. Of course the taxpayer pays to rehabilitate the addict. Do we have a choice?

Clearly a total comprehensive effort is needed in every community across the country if one is to be safe to walk the streets at night. Or even in the daytime. Along with this new and better ways must be found to rehabilitate rather than incarcerate the individual who can be helped back into society.

By passing this legislation, programs such as the 1-year experimental project, which has given $140,000 to the State educational department in Pennsylvania can be continued. This project has enabled six colleges, one of them the University of Pittsburgh in my district, to set up training workshops for teams composed of teachers, doctors, lawyers, pharmaceutical representatives, and youth representatives to go back into the community with greater knowledge of how to understand and handle the drug problem.

It would also provide increased funds for community mental health centers which act as a catalyst for coping with the total problems of drug abusers—medical care, group therapy, job opportunity, housing, and so forth. This would mean that programs such as that sponsored by Black Action, Inc., and the

Craig House-Technoma Workshop, who have treated 300 hardcore heroin addicts in Pittsburgh and Allegheny County on a methadone maintenance program, and have a large waiting list, could be expanded, as could other programs now limited by funds which have operated under the Western Pennsylvania Council on Drug Abuse, and the Allegheny County Medical Society.

Mr. Chairman, I urge support for the drug abuse bill which will help enforce our laws and statutes relating to narcotic drugs, meanwhile insuring an adequate supply for medicine and research, and prevent diversion of drugs into illicit channels. It is a step forward in eliminating the social, economic, and medical menace caused by drug abuse.

Mr. COHELAN. Mr. Chairman, I rise in support of the Comprehensive Drug Abuse Control Act of 1970.

In many ways, this bill represents an enlightened approach to the increasing problem of drug abuse in this Nation. I am especially pleased with the provisions that attempt to strengthen rehabilitation and research—two fields that have been very neglected in the past.

Title I of this bill provides $75 million over a 3-year period for community health facilities and the treatment of drug-dependent citizens. In addition, there is $29 million authorized for drug education and $60 million for special facilities in areas having high percentages of persons addicted to narcotics or drugs. Representing two major urban areas—Oakland and Berkeley—I am intimately aware of the drug problem and the inability of the local government to singlehandedly meet the rehabilitation problems that face them. This money for new facilities is necessary and long overdue. The problems of drug usage are nationwide; and it is only fitting that national resources be mobilized to confront these problems.

The problem of the treatment of drug abuse remains a continuing paradox. There are no widely accepted methods for treatment of the addict. Much more remains to be done. A constructive provision in this bill in section 4 of title I gives a Secretary of HEW the authority to set guidelines for private physicians to treat patients who are dependent on drugs. This is a definite advance over existing practice. Given the legal restrictions of treatment for drug addicts, many physicians refuse to treat them for fear of becoming involved in a legal action which could result in termination of their accreditation.

I am also happy to see that $1 million will be given for the Commission to study marihuana. I am a cosponsor of the bill to establish this Commission because more research has to be done in this area. The widespread use, and I might add parenthetically, acceptance of the use of marihuana, presents one of the most significant problems not only for law enforcement but also respect for the law in general. For too long, this Nation has been operating under the assumption that marihuana and the opiates were commensurate and should be treated accordingly in a court of law. This has resulted in some horrendous sentences, the most notorious being a 25-year sentence for possession for a student in Virginia. Much remains to be done to find out the effects of marihuana. Assertions from both sides are not hard to find, but there is precious little hard clinical data on this subject. The authorization of $1 million is a beginning to improve our knowledge in this area.

I have reservations about some of the law-enforcement features in this bill. In the main, the bill, however, has distinct advantages over existing law. The major advantages in the enforcement section of this bill are that there are no mandatory penalties which gives the courts more discretion in judging the guilt or innocence of a person. This is a progressive step forward. I find congenial the idea of setting up schedules for drugs. However, I have serious reservations about the criteria used for setting up the initial schedules within this bill. In the bill there are five schedules for drugs which, in turn, determine the amount of control and penalties. The categorizations are based on "drug's potential for abuse and nonmedical use." This criteria does not take into account the amount of harm to an individual caused by each drug. The result of this oversight is that marihuana is classified in the first schedule with heroin. It seems even with only preliminary data on marihuana that this is inadvisable. However, it should be noted that the drug schedules are not fixed and that the Attorney General can propose changes subject to the veto of the Secretary of Health, Education, and Welfare.

The Secretary of Health, Education, and Welfare, charged with the responsibility for understanding the latest clinical data and the effect of certain drugs, is to use this information to correct the decisions by the Attorney General as to what schedule each substance should be placed in.

This bill makes the attempt to separate simple possession from distribution in allocating penalties. This I feel is a valid distinction. Also, there is a distinction in the bill based on the type of drug distributed. For example, the penalty for hard drugs—for example, heroin—is 15 years, and distribution of drugs that are non-narcotic—for example, marihuana—is 5 years.

There are two provisions of the penalty section which are disturbing. First is the nationwide application of the so-called "no-knock" provision. There is great legal ambiguity about this provision, but I feel it is the political and social effect of this provision that carries the greatest liabilities. No-knock will exacerbate tensions in the inner city because it is a potentially provocative practice. It can be interpreted as destroying the right to privacy guaranteed under the Constitution. There is also no data showing the effectiveness of no-knock in halting the drug traffic.

Also, the continuing criminal enterprise section partially reinstates mandatory sentencing. Mandatory sentence of 10 years to life is imposed on individuals "involved in a continuing series of violations in consort with five or more persons, from which he derives substantial income." I fear that this is vaguely worded and might provide mandatory penalties for minor violations.

My decision in handling these two sections was to vote for the amendments to delete them. On balance, this bill represents significant answers in many aspects of our treatment of drug addiction and distribution. I voted also for the Pepper amendment which would limit the production of amphetamines. There seems to be little reason why these drugs should be produced in such great numbers that far exceed the demand. This overproduction only creates the potential for abuse.

It is my hope in voting for this bill that the rehabilitation and research aspects of this bill as well as the criminal provisions will moderate the increasing illegal use of drugs in our Nation. This bill represents a beginning and attempts to deal with this large and complex problem. It is not the final answer but it is a necessary beginning. I am hopeful that the no knock provisions and the Poff amendment will be removed in conference. I feel that these two features contribute very little to the enforcement features of the bill and detract from the bill's many constructive features.

Mr. MINISH. Mr. Chairman, as the House considers H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, I think it necessary to point out that we are extremely concerned about the growing menace of drug abuse in the United States. Today's measure tries to provide increased drug abuse prevention and rehabilitation, in combination with more effective law enforcement and control and a balance of criminal penalties for drug offenses.

Today's measure provides authority for the Department of Health, Education, and Welfare to increase drug rehabilitation, treatment, and prevention through community mental health centers and public health service hospitals and facilities. Increased authorizations, it is hoped, will provide an improved community mental health program dealing with narcotic addicts and drug dependent persons, drug abuse education activities, as well as improved special facilities in certain areas.

The enforcement provisions of H.R. 18583 provide for control and enforcement by the Justice Department of drug abuse related problems through registration of manufacturers, wholesalers, retailers, and all others in the distribution chain. Included among the drugs controlled by this section are hard narcotics and opiates, marihuana, hallucinogens, amphetamines, barbiturates, and tranquilizers subject to abuse.

Future drugs with a potential for drug abuse are also considered in this legislation. The Secretary of Health, Education, and Welfare has the responsibility of determining whether or not the Attorney General should control the drug, thereby placing it under the jurisdiction of the Justice Department.

This measure revised the entire structure of criminal penalties. The concept of a continuing criminal enterprise is herein introduced. A continuing criminal enterprise involves a continuing series of violations undertaken in concert with five or more other persons. It was provided in this measure to separate the professional criminal from the youthful offender who is himself enmeshed in the drug abuse trap. The professional criminal stands to receive a mandatory minimum sentence of not less than 10 years and up to life imprisonment. Moreover, while today's legislation does away with certain mandatory sentences, it provides that a person over 18 selling drugs to another person below the age of 21 is subject to twice the first offense punishment prescribed in this bill.

A worthwhile feature in H.R. 18583 establishes a Presidential commission on marihuana and drug abuse, to study and report to the Congress within 1 year on marihuana and within 2 years on the causes of drug abuse.

This is an incorporation of a measure I had cosponsored to execute extensive and reliable marihuana research.

Mr. Chairman, we cannot act swiftly enough to handle the burgeoning problem of drug abuse and addiction. According to committee testimony, a leading cause of death among teenagers in many major metropolitan areas in the United States is heroin overdosage. Although reliable statistics are not available, it is apparent that drug abuse is increasing. It is similar to an infectious disease; one drug abuser can cause many others. One addict will provide addictive drugs to his friends in order to pay for his own habit. Moreover, addicts who cannot legitimately obtain the large sums of money needed to support their drug craving will resort to theft, mugging, and housebreaking as a source of income. Even drugs that do not cause an actual physical dependence, we have found, create a dangerous psychological dependence that medical treatment alone is insufficient to cure.

It is my belief, therefore, that the illegal traffic in drugs should be attacked with the full power of Government, while we attempt to rehabilitate the youthful abuser. That is a goal we all must seek. The Comprehensive Drug Abuse Prevention and Control Act attempts to achieve this goal.

Mr. PICKLE. Mr. Chairman, this legislation puts teeth into our laws where I firmly believe the most incisive teeth are needed. It cracks down on the pusher. The bill doubles the penalties for most pushers, including in the case of a first offense if the drug is sold to a person under 21 years of age. Simultaneously, the bill lightens the penalty for mere possession to a misdemeanor. I favor this new approach of putting the emphasis on the pusher and drying up the source. Because of the availability of drugs, many of our young people succumb to the temptation to try them—and then face the rest of their lives with a felony on their record whether or not they had ever become serious, practiced users of drugs.

The scope of this bill is much broader than mere punitive measures. The bill substantially increases the authorizations for efforts to deal with the rehabilitation of drug users. Getting these folk back on the track of being healthy, useful citizens is a responsibility which I think the Government should welcome and give a major priority in the list of services which we can offer to the citizens of this country.

The bill also establishes a Presidential Commission on Marihuana to untangle the confusion surrounding current medical and legal debates on this drug. I should hope that the findings of this Commission will give us many tools with which to deal with this major drug problem.

The bill provides for the necessary backup for the goals it contains by increasing aid to law enforcement and drug education programs, and by strengthening the judicial tools by which our law-enforcement officers may work to stop the use of drugs. Although I do not favor the principle of the "no knock" provision, overall this is a most important bill.

Mr. Chairman, I submit that this is a strong bill, it is a needed bill, and it is a good bill. I urge the support of my colleagues for this measure. With this legislation, we attack the organized crime behind the dope rackets. Equally important, we recognize the human needs of their victims—the young users. Perhaps we can redeem some young lives by helping them before they become addicts.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I rise in support of the Comprehensive Drug Abuse Prevention and Control Act of 1970. This is a good bill. It is a much better bill than that passed by the Senate which was essentially a crime bill and not a treatment bill.

The drug abuse problem in the United States is of mammoth proportions and affects every segment of our society, all age groups and every area of the country. There is no family that is naturally immune to the dangers of drug abuse. All of us are particularly concerned about the extensive use of drugs by the young people of America. Again, this is not confined to any one group of people. It hits college students and soldiers alike, teenagers and children still in grade school. The human tragedy of drug abuse is made more clear perhaps when we read of the deaths of 12- and 13-year-old children from overdoses of hard narcotics, but less dramatic damage is going on all the time.

Three major aspects of the drug problem are covered in this bill, perhaps most importantly, rehabilitation programs as created and described in title I. Title II covers the law-enforcement aspects of the problem and title III attempts to regulate the importation and exportation of drugs subject to abuse.

This is a comprehensive bill. This supplements the massive drug education program already passed by the House. This bill is not perfect to be sure. I disagree with the no-knock provision and will oppose it, just as I opposed it in the District of Columbia crime bill. I understand that certain amendments will be offered, some of them I believe will strengthen and perfect the bill.

I do commend the committees for producing such comprehensive and detailed legislation, and I am hopeful that this legislation will be one of the first steps in controlling and preventing drug abuse.

Mr. KOCH. Mr. Chairman, I would like to comment briefly on section 601 of the bill; this section provides for the establishment of a Commission on Marihuana and Drug Abuse. I think that the need for a comprehensive study of marihuana is evident in the great disagreement that exists in our country over the effects of marihuana smoking both to the individual and society.

An estimated 12 million people have already smoked marihuana. Many pot smokers claim that marihuana is their recreational weed, and the number of marihuana smokers continues to grow in the face of still severe penalties for marihuana possession in many States. Marihuana smokers now represent over 60 percent of the student body in some of our urban schools with similar statistics now rising in our high schools.

At this time there is great confusion in the public's mind over just what marihuana is all about with misinformation existing on both sides of the issue. I think, however, that we all agree that it is time we get the facts and the answers to some of the fundamental questions that really make this issue so difficult—such as how much responsibility a society has to protect people from harmful actions affecting only themselves. And most perplexing may be the question of what we do about a drug that some allege is no more injurious to a person than alcohol—in a society in which 80 million people drink, knowing that 6 million are alcoholics as a result of that drinking; 50 million people smoke cigarettes, knowing they lead to cancer and heart disease and shorten one's life an average of 7 years; and 25 to 30 million people rely on sedatives, stimulants, and tranquilizers. Support for the Commission has come from both those who believe marihuana is harmful and those who do not.

I hope that the Members appointed to the Commission will approach this matter with an open mind, sorting fact from myth, and considering the subject in the perspective of our past and what kind of society we want for the future. It is important that the Commission give this subject the kind of total examination it requires so that it can make recommendations that will receive the wide acceptance that is necessary if they are to be accepted by the public and the Congress.

Mr. Chairman, I am particularly pleased that this section has been included in the comprehensive drug bill since I introduced the original legislation in April of 1969 providing for the establishment of a Commission on Marihuana. I am indebted to the distinguished chairman of the Judiciary Committee, Mr. CELLER and his distinguished subcommittee chairman, Mr. KASTENMEIER; it was their committee that first considered this proposal and favorably reported it to the House. And I am most grateful that the distinguished chairman of the Interstate and Foreign Commerce Committee, Mr. STAGGERS and his subcommittee chairman Mr. ROGERS of Florida, to include it in the bill we are considering today.

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Mr. RYAN. Mr. Chairman, in considering H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, we are faced with a problem which is of the utmost concern to all Americans—the problem of drug use and abuse. The specter hangs over our communities and our children. Drug abuse and addiction has become increasingly prevalent, extending to teenagers and even younger children.

High crime rates reflect the desperate acts committed by drug addicts to obtain the money necessary to sustain their habits. As a result of this relationship between drug addiction and crime, in the past the drug addict has been dealt with as, ipso facto, a criminal. It belabors the obvious for me to reiterate, once again, that criminal acts—whoever the perpetrators—must be dealt with firmly and effectively. But in our surge toward combating crime, we must not fail to search out and employ the methods of education and treatment which are feasible and available to deal with the identifiable, tragic problem of drug addiction.

Drug addiction, like alcoholism, is a sickness. The addict has some psychological need for drugs and becomes the victim of physical or psychological dependence, or both. Thus, the answer to the crime drug problem is not only punitive measures—when such are necessary—but also understanding, education, and rehabilitation.

I am pleased to see that H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, takes into account these perceptions and provides some of the needed assistance. For example, the bill provides authorization for funding of community mental health centers and other facilities for the treatment, rehabilitation, and prevention of drug abuse. In addition, the bill revises the present penalty system, and makes possession of all controlled substances a misdemeanor. Further, it provides that in the case of a person under 21 who is found, or pleads, guilty as to a charge of possession, the court may, after dismissal or discharge and upon application, issue an order expunging from all official records all recordation relating to the arrest, indictment, or information, trial, finding of guilty, and dismissal or discharge.

However, this bill's worthwhile aspects, unfortunately, are couched amid provisions which assail basic constitutional rights. The bill contains an invidious no-knock provision and a continuing criminal activity provision which is of dubious wisdom. Perhaps most perilous, an amendment has been adopted today for the sentencing of so-called dangerous special drug offenders which simply refutes the very basics of due process which have marked ours as a system of rule by law and not by arbitrary men.

As the representative of a city which has the highest number of drug addicts in the Nation, I am particularly aware of the twin evil of drug addiction and crime. I have particularly addressed these problems by supporting such projects as Phoenix House and Odyssey House, as well as methadone treatment programs. In my own district, I have worked closely with Mothers Against Drugs—MAD—and ABLE in their efforts to establish meaningful, effective programs to combat drug abuse. Obviously, I would support wise prudent, forceful Federal legislation. This bill misses the mark.

Before discussing the major constitutional defects of H.R. 18583, I would note one flaw of a technical, albeit substantively important, nature. Title II, part B, section 202 of the bill deals with the scheduling of controlled substances. These substances are based on the "drug's potential for abuse and nonmedical use." Unfortunately, these criteria do not also include the drug's potential for harm to the individual who uses it. Thus, marihuana is found on schedule I with such drugs as heroin, morphine, and LSD, and is subject to the same penalties.

I am sure that all of my colleagues agree that additional research is needed regarding the effects of marihuana on its users. However, I think they will also agree that the studies which have thus far been completed show that whatever harmful effects marihuana may have, they are not comparable to the effects of the other drugs on schedule I.

My major dispute with this bill, however, goes to the incursions upon the Constitution and upon wisdom which several of its provisions essay. These incursions have been devastatingly compounded by the amendment which has been adopted regarding sentencing of dangerous special drug offenders.

The provision dealing with the punishment of persons engaged in continuing criminal enterprises authorizes a mandatory minimum 10-year-to-life imprisonment sentence for an individual involved in a continuing series of violations committed in concert with five or more persons, from which he derives "substantial income or resources."

The additional views offered in the committee report (H. Rept. 91–1444) on H.R. 18583 very cogently point out the severe shortcomings of this provision. As the authors of these views—my distinguished colleagues from California (Mr. Moss), from Michigan (Dr. Dingell), from Washington (Mr. Adams), and from Texas (Mr. Eckhardt)—note:

> Suppose, for instance, that six young men attending a college reside together in a cooperative boarding house. All of them have engaged in the practice of smoking marihuana cigarettes and there has been, on a day or more, free exchange between them of such forbidden drug. Each incident of giving a cigarette to another constitutes a felony. How long must this practice continue in order to constitue a "continuing series of violations"? Would a single day's experiment with smoking "pot" constitute a "continuing series of violations," or would it require a week, a month, or a year of such activities to make the offenses "continuing"? . . .
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> Suppose one of the young men is the house manager of the boarding house. As such he is in a general "supervisory position" or "other position of management" in the ordinary affairs of the House, but he has not ordinarily obtained any "income or resources" connected with the sale of marijuana. He has only been paid for his general house management. On one occasion he purchases $100 worth of marijuana and divides it with the other five members, selling it to them at cost. Has he then obtained "substantial income or resources" in connection with the enterprise?
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> Or what if such common purchase by one of the group is done each week? Also, does "substantial income or resources" relate to profits or, on the other hand, to mere receipt of money? Would "income or resources" include the advantage to the house manager of obtaining his own share of the marihuana at a cheaper rate because it was bought in bulk?

The very serious defects of the continuing criminal enterprise provision of H.R. 18583 are not limited to these flaws, however. Again, as the distinguished authors of the additional views on this bill state:

> The very severe penalty of the continuing criminal enterprise section (a minimum of ten years and a maximum of life imprisonment) is applicable to a broad range of criminal activities, some of which are very mild and some of which are very serious, without discrimination.

Finally, the mandating of severe minimum penalties is self-defeating. One of the major phenomena of the last 5 years in the judicial process has been the effort to evade the imposition of stringent penalties for activities involving marihuana. Most courts, juries, and citizens recognize that the penalties are incommensurate with the evil being penalized. Yet this provision, by eradicating flexibility and requiring at the minimum a 10-year sentence of imprisonment, works entirely against this perception. It encourages the hypocrisy, born of sympathy and understanding, which undermines the prestige of our laws and of our courts.

H.R. 18583 also embodies a no-knock provision—a pernicious device which I have constantly opposed. A similar provision was contained in the District of Columbia Court Reform and Criminal Procedure Act of 1970—H.R. 16196—which was before this House last March. This provision permits arbitrary police action which endangers the privacy of every family's home, as well as actually imperiling the life of the entering policeman who may meet the resistance of a frightened householder believing himself endangered by invading strangers.

Finally, an amendment has been adopted to the Comprehensive Drug Abuse Prevention and Control Act of 1970 which, in authorizing so-called sentencing for dangerous special drug offenders, rides roughshod over due process in its eager rush to substitute revenge for reason. This provision is inexcusable; it adds the final touch of repression to a bill already very much tainted.

In light of my sincere desire to support a bill which effectively deals with the drug problem, and my very deep disappointment that this bill so definitely abuses the rights of every citizen, directly or indirectly, I feel that I cannot allow this amendment to go by without detailed comment.

The amendment authorizes a special sentence of up to 25 years for any person over 21 convicted of a violation of title III or title IV of this bill, who is also found by the judge to be a "dangerous special drug offender." To be so found,

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the defendant need only fall within one of the three definitional phrases of the amendment and be deemed "dangerous." That is, a defendant is a special drug offender if:

> (1) the defendant has previously been convicted in courts of the United States or a State or any political subdivision thereof for two or more offenses involving dealing in controlled substances, committed on occasions different from one another and different from such felonious violation, and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commisison of such felonious violation, and less than five years have elapsed between the commission of such felonious violation and either the defendant's release, or parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense involving dealing in controlled substances and punishable by death or imprisonment in excess of one year under applicable laws of the United States or a State or any political subdivision thereof; or
>
> (2) the defendant committed such felonious violation as part of a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or
>
> (3) such felonious violation was, or the defendant committed such felonious violation in furtherance of, a conspiracy with three or more other persons to engage in a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or dealing, or give or receive a bribe or use force in connection with such dealing.

The element of dangerousness is established by the judge's finding that "a period of confinement longer than that provided is required for the protection of the public from further criminal conduct by the defendant."

These hearings by the judge in what is disguised as a sentencing hearing are made by him after the defendant's conviction for the current crime. The amendment provides:

> If it appears by a preponderance of the information, including information submitted during the trial of such felonious violation and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special drug offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felonious violation.

I will not stop to discuss the vagueness of the definitional language, which itself raises very serious constitutional questions.

Nor will I dwell on the constitutional defects arising from the language allowing that, in support of findings that the defendant engaged in a "pattern of dealing," "it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such dealing." Suffice it to say that this violates the fifth amendment privilege against self-incrimination by penalizing the defendant for refusing to testify (see, generally, *Marchetti* v. *United State,* 390 U.S. 39 (1968) as well as does it fail to meet the requisite nexus between unexplained income and the presumption that it must have come from an illegal source (see *Leary* v. *United States,* 395 U.S. 6 (1969)).

Nor will I more than note the standard offered by this amendment—"preponderance of the information"—a standard less than the "beyond a reasonable doubt" requirement at a trial, which, in the case of this egregious amendment, is a far less significant event than the post-trial hearing.

Nor will I more than condemn in passing the fact that the defendant at this hearing is not even accorded the right to cross-examine the sources of the information in the presentence report—the very information which may be the peg on which the judge hangs a 25-year sentence.

But let me be blunt and say that this amendment is a subterfuge designed to allow the Government to incarcerate defendants whom it cannot prove beyond a reasonable doubt have engaged in the past acts which will be taken into account in the hearing. This hearing, disguised as a procedure for sentencing, is in fact an unconstitutional trial on the issue of guilt, which need only be proved by a preponderance of the information, and which is divested of the rules of evidence which attend a trial.

Even if this were to be construed as merely a special sentencing provision, it would still require a higher standard of due process than the normal sentencing procedure. *Specht* v. *Patterson,* 386 U.S. 705 (1967). But it is, in reality, "the making of a new charge leading to criminal punishment." *Id.,* at 610. To the extent that the judge is determining whether the defendant committed certain acts, the inquiry cannot be distinguished in any way from the criminal charges which must be proved in a criminal trial—which is guarded by all the safeguards of due process.

I must mention also, the appeals provision of this amendment to H.R. 18583, for it is likewise severely defective. It enables the Government to both appeal the length of a dangerous special drug offender sentence, and the trial court's decision that a defendant is not a dangerous special drug offender.

I strongly support the recommendation of the advisory committee of the American Bar Association project on minimum standards for criminal justice that no appellate court should be empowered to set a harsher sentence than that imposed by the trial court. In effect, this procedure of allowing the Government to seek a harsher sentence penalizes the defendant. As the ABA advisory committee stated:

> The existence of such a power could well have the effect of preventing the defendant from appealing even on the merits of his conviction. The ability to seek an increase could be a powerful club, the very existence of which—even assuming its good faith use—might induce a defendant to leave well enough alone. ABA Standards on Appellate Review of Sentences 57 (1967).

Moreover, allowing the Government to appeal a finding that the defendant is not a dangerous special drug offender contravenes the constitutional bar against double jeopardy. As I have explained, the so-called sentencing hearing is really a trial on the issue of guilt. The trial judge's finding that the defendant is not a dangerous special drug offender is in effect an acquittal. And it is clear that the double jeopardy clause prohibits the Government from appealing an acquittal. *Kepner* v. *United States,* 195 U.S. 100 (1904). *Cf., Green* v. *United States,* 355 U.S. 184 (1957).

I sincerely regret the gross defects of the Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. 18583. They fatally damage what would otherwise be a welcome and enlightened approach to the problem of drug use and abuse.

Mr. PRICE of Illinois. Mr. Chairman, I appreciate having this opportunity to speak in support of H.R. 18583. I am deeply concerned with the necessity for more effective legislation to combat the problem of drug abuse.

It is a complex and very serious problem. The widespread dependence on drugs is a fact that cannot be ignored. Drug traffic has become a big business in this country. Drug abuse has become a fad. There is no cause for delay. There must be a reformation of the control and prevention procedure in this area of legislation. In my opinion, the overall effect of this bill as reported from committee will produce this result.

To be effective, legislation must recognize that this is a two-pronged problem. There must be a competent handling of both the health-medical aspect as well as the legal enforcement aspect. I am quite pleased with the attempt of this bill to balance these aspects by giving the Secretary of Health, Education, and Welfare veto power for scientific and medical reasons yet retaining the control mechanism in the Justice Department. This defining of roles should result in a very effective means for controlling the use and quotas of all substances without overemphasizing one aspect.

The reformation of the treatment-rehabilitation provisions is also of great merit and long overdue. If the problem of drug addiction is to be adequately countered, all persons with drug-dependent problems and not only narcotic addicts should have the benefit of treatment at community health centers.

If there is to be any hope of combating drug abuse, legislation must embrace all areas of the problem. Viewed in toto, this bill is comprehensive—covering enforcement, prevention, research, and rehabilitation.

This concludes my statement. Again, I wish to reiterate my support of this bill and urge its adoption.

The CHAIRMAN. Under the rule, title III of the committee amendment in the nature of a substitute shall be considered as having been read for amendment. No amendments shall be in order to title III of said substitute except amendments offered by direction of the Committee on Ways and Means.

Title III is as follows:

TITLE III—IMPORTATION AND EXPORTATION; AMENDMENTS AND REPEALS OF REVENUE LAWS

SHORT TITLE

SEC. 1000. This title may be cited as the "Controlled Substances Import and Export Act".

PART A—IMPORTATION AND EXPORTATION

DEFINITIONS

SEC. 1001. (a) For purposes of this part—

(1) The term "import" means, with respect to any article, any bringing in or introduction of such article into any area (whether or not such bringing in or introduction constitutes an importation within the meaning of the tariff laws of the United States).

(2) The term "customs territory of the United States" has the meaning assigned to such term by general headnote 2 to the Tariff Schedules of the United States (19 U.S.C. 1202).

(b) Each term defined in section 102 of title II shall have the same meaning for purposes of this title as such term has for purposes of title II.

IMPORTATION OF CONTROLLED SUBSTANCES

SEC. 1002. (a) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any controlled substance in schedule I or II of title II, or any narcotic drug in schedule III, IV, or V of title II, except that—

(1) such amounts of crude opium and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and

(2) such amounts of any controlled substance in schedule I or II or any narcotic drug in schedule III, IV, or V that the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States—

(A) during an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate, or

(B) in any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303,

may be so imported under such regulations as the Attorney General shall prescribe. No crude opium may be so imported for the purpose of manufacturing heroin or smoking opium.

(b) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any nonnarcotic controlled substance in schedule III, IV, or V, unless such nonnarcotic controlled substance—

(1) is imported for medical, scientific, or other legitimate uses, and

(2) is imported pursuant to such notification or declaration requirements as the Attorney General may by regulation prescribe.

(c) In addition to the amount of coca leaves authorized to be imported into the United States under subsection (a), the Attorney General may permit the importation of additional amounts of coca leaves. All cocaine and ecgonine (and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made) contained in such additional amounts of coca leaves imported under this subsection shall be destroyed under the supervision of an authorized representative of the Attorney General.

EXPORTATION OF CONTROLLED SUBSTANCES

SEC. 1003. (a) It shall be unlawful to export from the United States any narcotic drug in schedule I, II, III, or IV unless—

(1) it is exported to a country which is a party to—

(A) the International Opium Convention of 1912 for the Suppression of the Abuses of Opium, Morphine, Cocaine, and Derivative Drugs, or to the International Opium Convention signed at Geneva on February 19, 1925; or

(B) the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs concluded at Geneva, July 13, 1931, as amended by the protocol signed at Lake Success on December 11, 1946, and the protocol bringing under international control drugs outside the scope of the convention of July 13, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs (as amended by the protocol signed at Lake Success on December 11, 1946), signed at Paris, November 19, 1948; or

(C) the Single Convention on Narcotic Drugs, 1961, signed at New York, March 30, 1961;

(2) such country has instituted and maintains, in conformity with the conventions to which it is a party, a system for the control of imports of narcotic drugs which the Attorney General deems adequate;

(3) the narcotic drug is consigned to a holder of such permits or licenses as may be required under the laws of the country of import, and a permit or license to import such drug has been issued by the country of import;

(4) substantial evidence is furnished to the Attorney General by the exporter that (A) the narcotic drug is to be applied exclusively to medical or scientific uses within the country of import, and (B) there is an actual need for the narcotic drug for medical or scientific uses within such country; and

(5) a permit to export the narcotic drug in each instance has been issued by the Attorney General.

(b) Notwithstanding subsection (a), the Attorney General may authorize any narcotic drug (including crude opium and coca leaves) in schedule I, II, III, or IV to be exported from the United States to a country which is a party to any of the international instruments mentioned in subsection (a) if the particular drug is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of any particular drug for such purpose.

(c) It shall be unlawful to export from the United States any nonnarcotic controlled substance in schedule I or II unless—

(1) it is exported to a country which has instituted and maintains a system which the Attorney General deems adequate for the control of imports of such substances;

(2) the controlled substance is consigned to a holder of such permits or licenses as may be required under the laws of the country of import;

(3) substantial evidence is furnished to the Attorney General that (A) the controlled substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country to which exported, (B) it will not be exported from such country, and (C) there is an actual need for the controlled substance for medical, scientific, or other legitimate uses within the country; and

(4) a permit to export the controlled substance in each instance has been issued by the Attorney General.

(d) Notwithstanding subsection (c), the Attorney General may authorize any nonnarcotic controlled substance in schedule I or II to be exported from the United States if the particular substance is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(e) It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substance in schedule III or IV or any controlled substance in schedule V unless—

(1) there is furnished (before export) to the Attorney General documentary proof that importation is not contrary to the laws or regulations of the country of destination;

(2) a special controlled substance invoice, in triplicate, accompanies the shipment setting forth such information as the Attorney General may prescribe to identify the parties to the shipment and the means of shipping, and

(3) two additional copies of the invoice are forwarded to the Attorney General before the controlled substance is exported from the United States.

TRANSSHIPMENT AND IN-TRANSIT SHIPMENT OF CONTROLLED SUBSTANCES

SEC. 1004. Notwithstanding sections 1002, 1003, and 1007—

(1) A controlled substance in schedule I may—

(A) be imported into the United States for transshipment to another country, or

(B) be transferred or transshipped from one vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation,

if and only if it is so imported, transferred, or transshipped (i) for scientific, medical, or other legitimate purposes in the country of destination, and (ii) with the prior written approval of the Attorney General (which shall be granted or denied within 21 days of the request).

(2) A controlled substance in schedule II, III, or IV may be so imported, transferred, or transshipped if and only if advance notice is given to the Attorney General in accordance with regulations of the Attorney General.

XUM

POSSESSION ON BOARD VESSELS, ETC., ARRIVING IN OR DEPARTING FROM UNITED STATES

SEC. 1005. It shall be unlawful for any person to bring or possess on board any vessel or aircraft, or on board any vehicle of a carrier, arriving in or departing from the United States or the customs territory of the United States, a controlled substance in schedule I or II or a narcotic drug in schedule III or IV, unless such substance or drug is a part of the cargo entered in the manifest or part of the official supplies of the vessel, aircraft, or vehicle.

EXEMPTION AUTHORITY

SEC. 1006. (a) The Attorney General may by regulation exempt from sections 1002 (a) and (b), 1003, 1004, and 1005 any individual who has a controlled substance (except a substance in schedule I) in his possession for his personal medical use, or for administration to an animal accompanying him, if he lawfully obtained such substance and he makes such declaration (or gives such other notification) as the Attorney General may by regulation require.

(b) The Attorney General may by regulation except any compound, mixture, or preparation containing any depressant or stimulant substance listed in paragraph (a) or (b) of schedule III or in schedule IV or V from the application of all or any part of this title if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and (2) such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

PERSONS REQUIRED TO REGISTER

Sec. 1007. (a) No person may—

(1) import into the customs territory of the United States from any place outside thereof (but within the United States), or import into the United States from any place outside thereof, any controlled substance, or

(2) export from the United States any controlled substance in schedule I, II, III, or IV,

unless there is in effect with respect to such person a registration issued by the Attorney General under section 1008, or unless such person is exempt from registration under subsection (b).

(b)(1) The following persons shall not be required to register under the provisions of this section and may lawfully possess a controlled substance:

(A) An agent or an employee of any importer or exporter registered under section 1008 if such agent or employee is acting in the usual course of his business or employment.

(B) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of his business or employment.

(C) An ultimate user who possesses such substance for a purpose specified in section 102(25) and in conformity with an exemption granted under section 1006(a).

(2) The Attorney General may, by regulation, waive the requirement for registration of certain importers and exporters if he finds it consistent with the public health and safety; and may authorize any such importer or exporter to possess controlled substances for purposes of importation and exportation.

XUM

REGISTRATION REQUIREMENTS

Sec. 1008. (a) The Attorney General shall register an applicant to import or export a controlled substance in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this section. In determining the public interest, the factors enumerated in paragraph (1) through (6) of section 303(a) shall be considered.

(b) Registration granted under subsection (a) of this section shall not entitle a registrant to import or export controlled substances in schedule I or II other than those specified in the registration.

(c) The Attorney General shall register an applicant to import a controlled substance in schedule III, IV, or V or to export a controlled substance in schedule III or IV, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in paragraphs (1) through (6) of section 303(d) shall be considered.

(d) No registration shall be issued under this part for a period in excess of one year. Unless the regulations of the Attorney General otherwise provide, sections 302(f), 304, 305, and 307 shall apply to persons registered under this section to the same extent such sections apply to persons registered under section 303.

(e) The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration of importers and exporters of controlled substances under this section.

(f) Persons registered by the Attorney General under this section to import or export controlled substances may import or export (and, for the purpose of so importing or exporting, may possess) such substances to the extent authorized by their registration and in conformity with the other provisions of this title and title II.

(g) A separate registration shall be required at each principal place of business where the applicant imports or exports controlled substances.

(h) Except in emergency situations as described in section 1002(a)(2)(A), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall give manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATION

Sec. 1009. It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II—

(1) intending that such substance be unlawfully imported into the United States; or

(2) knowing that such substance will be unlawfuly imported into the United States.

This section is intended to reach acts of manufacture or distribution committed outside the territorial jurisdiction of the United States. Any person who violates this section shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.

PROHIBITED ACTS A—PENALTIES

Sec. 1010. (a) Any person who—

(1) contrary to section 1002, 1003, or 1007, knowingly or intentionally imports or exports a controlled substance,

(2) contrary to section 1005, knowingly or intentionally brings or possesses on board a vessel, aircraft, or vehicle a controlled substance, or

(3) contrary to section 1009, manufactures or distributes a controlled substance,

shall be punished as provided in subsection (b).

(b)(1) In the case of a violation under subsection (a) with respect to a narcotic drug in schedule I or II, the person committing such violation shall be imprisoned not more than fifteen years or fined not more than $25,000, or both. If a sentence under this paragraph provides for imprisonment, the sentence shall include a special parole term of not less than three years in addition to such term of imprisonment.

(2) In the case of a violation under subsection (a) with respect to a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall be imprisoned not more than five years, or be fined not more than $15,000, or both. If a sentence under this paragraph provides for imprisonment, the sentence shall, in addition to such term of imprisonment, include (A) a special parole term of not less than two years if such controlled substance is in schedule I, II, or III, or (B) a special parole term of not less than one year if such controlled substance is in schedule IV.

(c) A special parole term imposed under this section may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special parole term and the resulting new term of imprisonment shall not be diminished by the time which was spent on special parole. A person whose special parole term has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. The special term provided for in this section is in addition to, and not in lieu of, any other parole provided for by law.

PROHIBITED ACTS B—PENALTIES

Sec. 1011. (a) Any person who violates section 1004 shall be subject to the following penalties:

(1) Except as provided in paragraph (2), any such person shall, with respect to any such violation, be subject to a civil penalty of not more than $25,000. Sections 402(c)(1) and (c)(3) shall apply to any civil penalty assessed under this paragraph.

(2) If such a violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally and the trier of fact specifically finds that the violation was so committed, such person shall be sentenced to imprisonment for not more than one year or a fine of not more than $25,000 or both.

SECOND OR SUBSEQUENT OFFENSES

Sec. 1012. (a) Any person convicted of any offense under this part is, if the offense is a second or subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both. If the conviction is for an offense punishable under section 1010 (b), and if it is the offender's second or subsequent offense, the court shall impose, in addition to any term of imprisonment and fine, twice the special parole term otherwise authorized.

(b) For purposes of this section, a person shall be considered convicted of a second or subsequent offense if, prior to the commission of such offense, one or more prior convictions of him for a felony under any provision of this title or title II or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final.

(c) Section 409 shall apply with respect to any proceeding to sentence a person under this section.

ATTEMPT AND CONSPIRACY

Sec. 1013. Any person who attempts or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

ADDITIONAL PENALTIES

Sec. 1014. Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

APPLICABILITY OF PART E OF TITLE II

Sec. 1015. Part E of title II shall apply with respect to functions of the Attorney General (and officers and employees of the Bureau of Narcotics and Dangerous Drugs) under this title, to administrative and judicial proceedings under this title, and to violations of this title, to the same extent that such part applies to functions of the Attorney General (and such officers and employees) under title II, to such proceedings under title II, and to violations of title II. For purposes of the application of this section to section 510, any reference in such section 510 to "this title" shall be deemed to be a reference to title III, any reference to section 303 shall be deemed to be a reference to section 1008, and any reference to section 302(d) shall be deemed to be a reference to section 1007(b)(2).

AUTHORITY OF SECRETARY OF TREASURY

Sec. 1016. Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws.

PART B—AMENDMENTS AND REPEALS, TRANSITIONAL AND EFFECTIVE DATE PROVISIONS

REPEALS

SEC. 1101. (a) The following provisions of law are repealed:

(1) The Act of February 23, 1887 (21 U.S.C. 191–193).

(2) The Narcotic Drugs Import and Export Act (21 U.S.C. 171, 173, 174–184, 185).

(3) The Act of March 28, 1928 (31 U.S.C. 529a).

(4) Sections 2(b), 6, 7, and 8 of the Act of June 14, 1930 (21 U.S.C. 162(b), 173a, 197, 198).

(5) The Act of July 3, 1930 (21 U.S.C. 199).

(6) Section 6 of the Act of March 28, 1928 (31 U.S.C. 529g).

(7) The Opium Poppy Control Act of 1942 (21 U.S.C. 188–188n).

(8) Section 15 of the Act of August 1, 1956 (48 U.S.C. 1421m).

(9) The Act of July 11, 1941 (21 U.S.C. 184a).

(10) The Narcotics Manufacturing Act of 1960 (21 U.S.C. 501–517).

(b)(1)(A) Chapter 68 of title 18 of the United States Code (relating to narcotics) is repealed.

(B) The item relating to such chapter 68 in the analysis of part I of such title 18 is repealed.

(2)(A) Section 3616 of title 18 of the United States Code (relating to use of confiscated motor vehicles) is repealed.

(B) The item relating to such section 3616 in the analysis of chapter 229 of such title 18 is repealed.

(3)(A) Subchapter A of chapter 39 of the Internal Revenue Code of 1954 (relating to narcotic drugs and marihuana) is repealed.

(B) The table of subchapters of such chapter 39 is amended by striking out

"SUBCHAPTER A. *Narcotic drugs and marihuana.*"

(4)(A) Sections 7237 (relating to violation of laws relating to narcotic drugs and to marihuana) and 7238 (relating to violation of laws relating to opium for smoking) of the Internal Revenue Code of 1954 are repealed.

(B) The table of sections of part II of subchapter A of chapter 75 of the Internal Revenue Code of 1954 is amended by striking out the items relating to such sections 7237 and 7238.

(5)(A) Section 7491 of the Internal Revenue Code of 1954 (relating to burden of proof of exemptions in case of marihuana offenses) is repealed.

(B) The table of sections for subchapter E of chapter 76 of the Internal Revenue Code of 1954 is amended by striking out the item relating to such section 7491.

CONFORMING AMENDMENTS

SEC. 1102. (a) Section 4901(a) of the Internal Revenue Code of 1954 is amended by striking out the comma immediately before "4461" and inserting in lieu thereof "or", and by striking out ", 4721 (narcotic drugs), or 4751 (marihuana)".

(b) Section 4905(b)(1) of the Internal Revenue Code of 1954 (relating to registration) is amended by striking out ", narcotics, marihuana," and ", 4722, 4753,".

(c) Section 6808 of the Internal Revenue Code of 1954 (relating to special provisions relating to stamps) is amended by striking out paragraph (8).

(d) Section 7012 of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out subsections (a) and (b).

(e) Section 7103(d)(3) of the Internal Revenue Code of 1954 (relating to bonds required with respect to certain products) is amended by striking out subparagraph (D).

(f) Section 7326 of the Internal Revenue Code of 1954 (relating to disposal of forfeited or abandoned property in special cases) is amended by striking out subsection (b).

(g)(1) Section 7607 of the Internal Revenue Code of 1954 (relating to additional authority for Bureau of Narcotics and Bureau of Customs) is amended—

(A) by striking out "The Commissioner, Deputy Commissioner, Assistant to the Commissioner, and agents of the Bureau of Narcotics of the Department of the Treasury, and officers" and inserting in lieu thereof "Officers";

(B) by striking out in paragraph (2) "narcotic drugs (as defined in section 4731) or marihuana (as defined in section 4761)" and inserting in lieu thereof "narcotic drugs (as defined in section 102(16) of the Controlled Substances Act) or marihuana (as defined in section 102(15) of the Controlled Substances Act)"; and

(C) by striking out "BUREAU OF NARCOTICS AND" in the section heading.

(2) The item relating to section 7607 in the table of contents of subchapter A of chapter 78 of the Internal Revenue Code of 1954 is amended by striking out "Bureau of Narcotics and".

(h) Section 7609(a) of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out paragraphs (3) and (4).

(i) Section 7641 of the Internal Revenue Code of 1954 (relating to supervision of operations of certain manufacturers) is amended by striking out "opium suitable for smoking purposes,".

(j) Section 7651 of the Internal Revenue Code of 1954 (relating to administration and collection of taxes in possessions) is amended by striking out "and in sections 4705(b), 4735, and 4762 (relating to taxes on narcotic drugs and marihuana)".

(k) Section 7655(a) of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out paragraphs (3) and (4).

(l) Section 2901(a) of title 28 of the United States Code is amended by striking out "as defined by section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined by section 102(16) of the Controlled Substances Act".

(m) The last sentence of the second paragraph of section 584 of the Act of June 17, 1930 (19 U.S.C. 1584), is amended to read as follows: "As used in this paragraph, the terms 'opiate' and 'marihuana' shall have the same meaning given those terms by sections 102(17) and 102(15), respectively, of the Controlled Substances Act."

(n)(1) The first section of the Act of August 7, 1939 (31 U.S.C. 529a), is repealed.

(2) Section 3 of such Act (31 U.S.C. 529d) is amended by striking out "or the Commissioner of Narcotics, as the case may be,".

(2) Section 4 of such Act (31 U.S.C. 529e) is amended by striking out "or narcotics" each place it appears.

(3) Section 5 of such Act (31 U.S.C. 529f) is amended by striking out "or narcotics" in the first sentence.

(o) Section 308(c)(2) of the Act of August 27, 1935 (40 U.S.C. 304m) is amended by striking out "Narcotic Drug Import and Export Act" and inserting in lieu thereof "Controlled Substances Act".

(p) Paragraph (a) of section 301 of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411) is amended by striking out "as defined in section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined in section 102(16) of the Controlled Substances Act".

(q) Paragraph (a) of the first section of the Act of July 15, 1954 (46 U.S.C. 239a) is amended to read as follows:

"(a) The term 'narcotic drug' shall have the meaning given that term by section 102(16) of the Controlled Substances Act and shall also include marihuana as defined by section 102(15) of such Act."

(r) Paragraph (d) of section 7 of the Act of August 9, 1939 (49 U.S.C. 787) is amended to read as follows:

"(d) The term 'narcotic drug' shall have the meaning given that term by section 102(16) of the Controlled Substances Act and shall also include marihuana as defined by section 102(15) of such Act;

(s) Paragraph (a) of section 4251 of title 18, United States Code, is amended by striking out "as defined in section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined in section 102(16) of the Controlled Substances Act".

(t) The first section of the Act of August 11, 1955 (21 U.S.C. 198a), is amended to read as follows: "That for the purpose of any investigation which, in the opinion of the Secretary of the Treasury, is necessary and proper to the enforcement of section 545 of title 18 of the United States Code (relating to smuggling goods into the United States) with respect to any controlled substance (as defined in section 102 of the Controlled Substance Act), the Secretary of the Treasury may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of records (including books, papers, documents, and tangible things which constitute or contain evidence) relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place within the customs territory of the United States, except that a witness shall not be required to appear at any hearing distant more than 100 miles from the place where he was served with subpena. Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Oaths and affirmations may be made at any place subject to the jurisdiction of the United States."

PENDING PROCEEDINGS

SEC. 1103. (a) Prosecutions for any violation of law occurring prior to the effective date of section 1101 shall not be affected by the repeals or amendments made by such section or section 1102, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of section 1101 shall not be affected by the repeals or amendments made by such section or section 1102, or abated by reason thereof.

PROVISIONAL REGISTRATION

SEC. 1104. (a)(1) Any person—

(A) who is engaged in importing or exporting any controlled substance on the day before the effective date of section 302,

(B) who notifies the Attorney General that he is so engaged, and

(C) who is registered on such day under section 510 of the Federal Food, Drug, and Cosmetic Act or under section 4722 of the Internal Revenue Code of 1954,

shall, with respect to each establishment for which such registration is in effect under any such section, be deemed to have a provisional registration under section 1008 for the import or export (as the case may be) of controlled substances.

(2) During the period his provisional registration is in effect under this section, the registration number assigned such person under such section 510 or under such section 4722 (as the case may be) shall be his registration number for purposes of part A of this title.

(b) The provisions of section 304, relating to suspension and revocation of registration, shall apply to a provisional registration under this section.

(c) Unless sooner suspended or revoked

under subsection (b), a provisional registration of a person under subsection (a)(1) of this section shall be in effect until—

(1) the date on which such person has registered with the Attorney General under section 1008 or has had his registration denied under such section, or

(2) such date as may be prescribed by the Attorney General for registration of importers or exporters, as the case may be,

whichever occurs first.

EFFECTIVE DATES AND OTHER TRANSITIONAL PROVISIONS

SEC. 1105. (a) Except as otherwise provided in this section, this title shall become effective on the first day of the seventh calendar month that begins after the day immediately preceding the date of enactment.

(b) Sections 1000, 1001, 1006, 1013, 1103, 1104, and this section shall become effective upon enactment.

(c)(1) If the Attorney General, pursuant to the authority of section 704(c) of title II, postpones the effective date of section 306 (relating to manufacturing quotas) for any period beyond the date specified in section 704(a) and such postponement applies to narcotic drugs, the repeal of the Narcotics Manufacturing Act of 1960 by paragraph (10) of section 1101(a) of this title is hereby postponed for the same period, except that the postponement made by this paragraph shall not apply to the repeal of sections 4, 5, 13, 15, and 16 of that Act.

(2) Effective for any period of postponement, by paragraph (1) of this subsection, of the repeal of provisions of the Narcotics Manufacturing Act of 1960, that Act shall be applied subject to the following modifications:

(A) The term "narcotic drug" shall mean a narcotic drug as defined in section 102(16) of title II, and all references, in the Narcotics Manufacturing Act of 1960, to a narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954 are amended to refer to a narcotic drug as defined by such section 102(16).

(B) On and after the date prescribed by the Attorney General pursuant to clause (2) of section 703(c) of title II, the requirements of a manufacturer's license with respect to a basic class of narcotic drug under the Narcotics Manufacturing Act of 1960, and of a registration under section 4722 of the Internal Revenue Code of 1954 as a prerequisite to issuance of such a license, shall be superseded by a requirement of actual registration (as distinguished from provisional registration) as a manufacturer of that class of drug under section 303(a) of title II.

(C) On and after the effective date of the repeal of such section 4722 by section 1101 (b)(3) of this title, but prior to the date specified in subparagraph (B) of this paragraph, the requirement of registration under such section 4722 as a prerequisite of a manufacturer's license under the Narcotics Manufacturing Act of 1960 shall be superseded by a requirement of either (i) actual registration as a manufacturer under section 303 of title II or (ii) provisional registration (by virtue of a preexisting registration under such section 4722) under section 703 of title II.

(d) Any orders, rules, and regulations which have been promulgated under any law affected by this title and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed.

AMENDMENTS OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Chairman, on behalf of the Committee on Ways and Means, I offer several amendments and ask unanimous consent that they be read and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BOGGS: Page 230, line 22, insert "or section 1012" after "this section".

Page 231, line 5, insert "and in section 1012" after "this section".

Page 231, line 9, strike out "(a)".

Page 240, line 10, strike out "Substance" and insert in lieu thereof "Substances".

Page 241, line 14, strike out "302" and insert in lieu thereof "1007".

Page 242, line 24, strike out "1013" and insert in lieu thereof "1015, 1016".

Mr. BOGGS. Mr. Chairman, the purpose of these amendments is to correct several clerical errors in title III. Only the last amendment has any substantive effect. This last amendment provides that section 1013—relating to attempts and conspiracies—and section 1015—relating to the applicability of title II enforcement and administrative provisions—will take effect at the same time as the comparable provisions of title II. The amendment also provides that section 1016, which provides nothing in the bill which will derogate from the authority of the Secretary of the Treasury, will take effect on the enactment of the bill.

In other words, Mr. Chairman, these are perfecting amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. BOGGS).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Chairman, I offer one further amendment on behalf of the Committee on Ways and Means.

The Clerk read as follows:

Amendment offered by Mr. BOGGS: Page 232, line 15, strike out "409" and insert in lieu thereof "411".

Mr. BOGGS. Mr. Chairman, this, too, is a perfecting amendment. It is necessary in order to conform with the Poff amendment which was earlier adopted in the Committee of the Whole.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOGGS).

The amendment was agreed to.

(Mr. STEED asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. STEED. Mr. Chairman, for many years I have been chairman of the Subcommittee of the House Appropriations Committee responsible for the Department of the Treasury and in that capacity I have become well acquainted with the manifold activities of the Bureau of Customs. I need not recount the splendid record of this most venerable of all our agencies, for its accomplishments are well known to all of you.

Last March, when Secretary Kennedy appeared before our subcommittee, a number of Members expressed serious concerns over the possibility that certain repealers in the Senate-passed version of the bill, which is now before you, would have the effect of stripping Customs of its investigatory jurisdiction in enforcing the laws against the unlawful importation of narcotics, marihuana, and other controlled dangerous substances.

The subcomittee's concerns were enhanced by the fact that only shortly before the March hearings; namely, in December 1969, your committee and Congress, following the recommendation of the President, approved the largest supplemental appropriation in the 180-year history of the Bureau of Customs. The sum of $8,750,000 was appropriated to enable that agency to mount a major effort against smuggling of marihuana and narcotics into the United States. The 915 additional positions requested were specifically approved and the committee urged the Department to move ahead on this crucial program as rapidly as practicable. If the concerns regarding the administration's bill were well founded, we were prepared to take necessary steps to rectify the situation.

I am pleased to report, however, that those concerns were unfounded and the provisions of this bill do not detract from the authority of the Secretary of the Treasury to enforce the law against the unlawful importation of narcotics, marihuana, and controlled substances. This is made celar by section 1016 which reads:

AUTHORITY OF SECRETARY OF TREASURY

SEC. 1016. Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws.

Thus, the authority of the Secretary of the Treasury to enforce the basic "smuggling" statute—18 United States Code 545—would continue unimpaired by any provision of this bill. The Treasury will continue to have statutory authority for law-enforcement efforts against smuggling.

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VANIK. Mr. Chairman, in general, I support the provisions of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, which the House is considering for final passage today. This bill is a joint product of the hearings and deliberations of the Interstate and Foreign Commerce Committee and the Ways and Means Committee on which I serve.

I am particularly pleased that the bill authorizes $75 million to be spent over the next 3 years by community mental health centers and public health service hospitals and facilities for treatment, rehabilitation, and prevention of drug abuse. In addition, some $29 million would be authorized for drug abuse education and $60 million for special facilities for communities with certain percentages of addicts and drug-dependent persons.

It is absolutely vital that the thousands of persons who are dropping out of our society through drug use and abuse have a place where they can go to receive counseling and aid. It is probable that we need more methadone centers and methadone research run by specially trained medical personnel. It is certain that we need more mental and psychiatric aid centers which can help the addict and drug user understand the reasons which have caused him to drop out of society, can help him come to grips with the inner forces which have made him rely on the illusions created by drug use.

But, Mr. Chairman, I question, I seriously question the adequacy of the rehabilitation services provided by this bill.

First, the narcotic and drug problem has grown to staggering dimensions. In New York City alone there are between 100,000 and 200,000 heroin addicts with only 7,000 in any kind of treatment center. The seriousness of the problem there can be seen by the fact that there are an average of three deaths per day by overdose. The problem is spreading. In the District of Columbia there are now three deaths per week from overdose. In my city of Cleveland one of the two major newspapers featured a story in which its reporters were easily and openly able to buy narcotics on the street. Heroin is everywhere and the pushers, the vultures of death, are relentless.

I have great concern about the language in this proposal as it relates to the right of "no-knock" entry where violation of the law is suspected. On a teller vote, I voted against the "no-knock" language because of my grave concern about its constitutionality and by concern that the provisions might be subject to possible abuse.

I had the same objections to the similar language in the District of Columbia crime bill which I had to support because of the other features of the legislation which provided for court reform, increased number of judges, and codification of the District of Columbia Criminal Code.

Although the "no-knock" language in this bill is an improvement over the language in the District of Columbia statute, as a former judge and as a lawyer, I find this provision of questionable constitutionality. It is my hope that there will be an early court test of this language so that the courts, the enforcement officers, and the citizen may be fully apprised as to the operation of this law.

I am, of course, happy that I was able to prevail on my colleagues in the Ways and Means Committee to include language in the trade bill of 1970 which will go to the root source of the hard drug problem. These provisions in section 346 of the trade bill give the President of the United States the power to exercise trade sanctions against any country which either produces opium or processes heroin into hard drugs for illicit use in the United States. If nations engaged in production and processing of hard drugs failed to provide adequate policing and control over the production and processing of hard drugs which tend to contaminate life in every sector in this country through illicit use, the penalty of trade sanctions or embargo is certainly justified.

My amendment to the trade bill, section 346, reads as follows:

SEC. 346. TRADE WITH FOREIGN COUNTRIES PERMITTING UNCONTROLLED PRODUCTION OF OR TRAFFICKING IN CERTAIN DRUGS

The President of the United States shall have the authority to impose an embargo or suspension of trade with a nation which permits the uncontrolled or unregulated production of or trafficking in opium, heroin, or other poppy derivatives in a manner to permit these drug items to fall into illicit commerce for ultimate disposition and use in this country.

Discussion in committee about this amendment, even before it was accepted, resulted in agreement by Turkey, where some 80 percent of the illegal heroin which enters this country comes from, to drastically tighten up its policing of the narcotics laws. In addition, the French Government has begun to take vigorous efforts against smugglers in southern France who bring the opium from Turkey into the Marseilles area and process it into heroin for shipment to New York and other American ports. As a result of these increased efforts on the part of these foreign governments, the Ways and Means Committee was able to include the following section in the report on the trade bill:

TRADE WITH FOREIGN COUNTRIES PERMITTING UNCONTROLLED PRODUCTION OF OR TRAFFICKING IN CERTAIN DRUGS

Under section 346 the President would be authorized to impose an embargo or suspension of trade with a nation which permits uncontrolled or unregulated production or trafficking in opium, heroin, or other poppy derivatives in a manner to permit these drug items to fall into illicit commerce for ultimate disposition and use in this country.

The committee is greatly concerned that certain countries which commercially produce poppies for pharmaceutical uses, have not adequately controlled, regulated or otherwise policed surplus poppy crops which eventually have fallen into illicit commerce in a derivative form for ultimate disposition and use in the United States.

The language in this provision is designed to give the President the authority to restrain trade with any nation which does not exhibit a willingness to control illegal production or trafficking in opium or heroin. The testimony of John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, established that the great preponderance of illicit heroin entering the U.S. results from diversion of Turkish produced opium and its processing into heroin in southern Europe and elsewhere in the Middle East.

We are pleased that on its own initiative, Turkey has set in train a series of actions aimed at minimizing, or eliminating, the harmful effects of Turkish opium in the world. The committee has been advised that by 1971 Turkey will have reduced to four (from 21 in 1967) the number of provinces where farmers may grow opium poppies, and that production will be limited to a more easily controlled area. The committee has also been advised that Turkey is making intensive efforts to keep its opium out of illicit channels, that the amounts should be substantially reduced this year, and that it is in the process of enacting legislation providing for better control.

It is noted that the French Government is also cooperating to bring a halt to the illicit processing and merchandizing of heroin on French territory which eventually finds its way into the United States, creating a drug-abuse problem which is controllable with this kind of cooperation from abroad. The best place to control the critical drug problem in the United States is at the source of supply.

If all the countries in the world continue to provide increased cooperation to end this flow of poison into the United States—and other Nations—it will mean a dramatic step forward in ending this deadly flow of narcotics.

Mr. DENNEY. Mr. Chairman, I want to take this opportunity to express my support of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. On the whole, it is a sound piece of legislation, which will substantially assist our law-enforcement agencies in their efforts to curb the growing drug menace in this country.

Briefly, the bill under consideration consists of three titles. The first two deal with rehabilitation activities and the registration of most legitimate distributors of controlled drugs.

Title III—the most controversial and perhaps most important section of this legislation—revises the entire structure of criminal penalties in this area by providing a consistent method of treatment for all persons accused of violations.

One of the most humane aspects of the title has to do with our children. Simple possession of drugs is made a misdemeanor, and there is a provision which would allow young people who are convicted just once of possessing a drug to remove that blot from their record later in life in order to make a new beginning.

Significantly, this legislation also attacks the source of the problem strongly. Anyone over 18 who is convicted of peddling drugs to a minor will face a first-offense punishment twice that which is otherwise prescribed.

And as for the so-called no-knock authority which is included in title III, I would only remind my colleagues that this is in no way a blank check to the police to break down anyone's door. Before entering a home without knocking, the law-enforcement officer must first obtain from a U.S. magistrate or a judge a special warrant on the grounds that, first, the drugs sought would be quickly destroyed if the policeman gave notice of his presence, or, second, the giving of notice would endanger the life of the officer involved.

This is a sensible, tightly drawn provision which in no way would usher in the wholesale attack on the individual's constitutional rights which some have predicted.

As I said at the outset of my remarks, H.R. 18583 is an even-handed, humane piece of legislation which will go a long way toward protecting society from the drug pusher and his allies. For once, the emphasis is not on the victim, but rather on the individual who commits the crime.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, pursuant to House Resolution 1216, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CUNNINGHAM

Mr. **CUNNINGHAM**. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the bill?

Mr. **CUNNINGHAM**. I am, Mr. Speaker, in its present form.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CUNNINGHAM moves to recommit the bill H.R. 18583 to the Committee on Interstate and Foreign Commerce.

The **SPEAKER**. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER**. The question is on the motion to recommit.

The motion to recommit was rejected.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **SPRINGER**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 341, nays 6, answered "present" 1, not voting 81, as follows:

[Roll No. 315]

YEAS—341

Abbitt
Abernethy
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Corbett
Corman
Coughlin
Cramer
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watson
Watts
Weicker
Whalen
Whalley
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—6

Brown, Calif.
Burton, Calif.
Clay
Conyers
Eckhardt
Ryan

ANSWERED "PRESENT"—1

Cunningham

NOT VOTING—81

Adair
Adams
Addabbo
Ashbrook
Blackburn
Brock
Brooks
Brown, Mich.
Burton, Utah
Bush
Cabell
Camp
Casey
Celler
Clark
Conte
Cowger
Crane
Culver
Daddario
Davis, Ga.
Dawson
Devine
Diggs
Dorn
Dowdy
Edmondson
Edwards, La.
Fallon
Farbstein
Fisher
Flynt
Foreman
Griffiths
Gubser
Hansen, Wash.
Hawkins
Hébert
Henderson
Hull
Johnson, Pa.
Karth
Kleppe
Kluczynski
Landrum
Long, La.
Lujan
Lukens
McCloskey
McKneally
McMillan
Mailliard
Mathias
Meskill
Mikva
Mills
Minshall
Mize
Moss
Murphy, N.Y.
Olsen
Ottinger
Patman
Pike
Powell
Rees
Reifel
Rooney, Pa.
Roudebush
Schneebeli
Sikes
Stokes
Symington
Talcott
Teague, Tex.
Tunney
Waggonner
Whitehurst
Widnall
Wold
Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Lujan for, with Mr. Cunningham against.

Until further notice:

Mr. Addabbo with Mr. Adair.
Mr. Hébert with Mr. Gubser.
Mr. Edwards of Louisiana with Mr. Schneebeli.
Mr. Celler with Mr. Widnall.
Mr. Edmondson with Mr. Conte.
Mr. Brooks with Mr. Brown of Michigan.
Mr. Casey with Mr. Ashbrook.
Mr. Waggonner with Mr. Kleppe.
Mr. Mikva with Mr. Diggs.
Mr. Fallon with Mr. Hawkins.
Mr. Clark with Mr. Stokes.
Mr. Dorn with Mr. Burton of Utah.
Mr. Adams with Mr. Minshall.
Mr. Murphy of New York with Mr. Reifel.
Mr. Rees with Mr. Powell.
Mr. Yatron with Mr. Johnson of Pennsylvania.
Mr. Teague of Texas with Mr. Mailliard.
Mr. Hull with Mr. Roudebush.
Mr. Henderson with Mr. Blackburn.
Mr. Cabell with Mr. Cowger.
Mr. Daddario with Mr. Meskill.
Mr. Long of Louisiana with Mr. Lukens.
Mr. Moss with Mr. Wold.
Mr. Fisher with Mr. Brock.
Mr. Pike with Mr. Crane.
Mr. Sikes with Mr. Talcott.
Mr. Olsen with Mr. Bush.
Mr. Kluczynski with Mr. Mize.
Mr. Clark with Mr. Casey.
Mr. Culver with Mr. McCloskey.
Mr. Davis of Georgia with Mr. Whitehurst.
Mr. Mills with Mr. Devine.
Mr. McMillan with Mr. Foreman.
Mr. Patman with Mr. Mathias.
Mr. Ottinger with Mr. McKneally.
Mr. Landrum with Mr. Tunney.
Mr. Flynt with Mr. Symington.
Mrs. Griffiths with Mr. Farbstein.
Mrs. Hansen of Washington with Mr. Dowdy.

Mr. **CUNNINGHAM**. Mr. Speaker, I have a live pair with the gentleman from New Mexico (Mr. LUJAN). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **JARMAN**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 18583.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

XUM

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17123, ARMED FORCES PROCUREMENT AND PERSONNEL STRENGTH OF RESERVES

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Saturday, September 26, to file a conference report on H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The **SPEAKER.** Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for the balance of this week, if any, and the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will have no further business for this week.

The program for next week is as follows:

Mr. Speaker, we are listing all the bills under the heading of Monday and balance of the week in order that we may pick up some if we quickly dispose of those listed first.

Monday is District day and there are no District bills.

Then we will have:

S. 2264, Communicable Disease Control Amendments of 1970, which is a conference report;

S. 3558, Public Broadcasting Financing Act of 1970, which is a conference report; and

S. 1933, Railroad Safety and Hazardous Materials Control, which is a conference report.

Mr. Speaker, there may be other conference reports from the Committee on Interstate and Foreign Commerce.

Also, we will have:

House Resolution 1209, to disapprove Reorganization Plan No. 3;

House Resolution 1210, to disapprove Reorganization Plan No. 4;

H.R. 17123, military procurement authorization, fiscal year 1971, which is a conference report, which will be considered on Tuesday;

H.R. 18185, Urban Mass Transportation Assistance Act of 1970, subject to a rule being granted;

H.R. 18679, to amend the Atomic Energy Act of 1954, which is subject to a rule being granted; and

H.R. 17538, high-speed ground transportation extension, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that any other program may be announced at a later time and that other conference reports may be brought up at any time.

ADJOURNMENT OVER TO MONDAY, SEPTEMBER 28, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so only to see if we can get some information as to when we might reach adjournment of some kind or another, either a recess or sine die adjournment?

Mr. ALBERT. The communication which we have had between this body and the other body has not resulted yet in a specific date. That is the best answer I can give the gentleman at this time. We will keep the Members informed officially and unofficially as best we can.

Mr. GROSS. I know; but it is a little hard to plan on getting away from here and getting out on the campaign trail.

Mr. ALBERT. I can assure the gentleman we will have some free time before election.

Mr. GROSS. Some free time?

Mr. ALBERT. Yes.

Mr. GROSS. A day or two?

Mr. ALBERT. More than a day or two.

Mr. GROSS. I thank the gentleman. Mr. Speaker, I withdraw my reservation.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 19444 UNTIL MIDNIGHT FRIDAY

Mr. ALBERT. Mr. Speaker, on behalf of the distinguished chairman of the Committee on Ways and Means, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, September 25, 1970, to file a report on H.R. 19444, a bill to authorize for a temporary period the expenditure from the Airport and Airway Trust Fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NIX PROTESTS STONE MOUNTAIN STAMP

(Mr. NIX asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, a resolution sent to me by Mr. Frank Sullivan, president of the Philadelphia Federation of Teachers, is of significant interest to me chiefly because the resolution opposes the printing and distribution of a Stone Mountain Memorial Commemorative Stamp.

I applaud this resolution because of the significance Stone Mountain, Ga., has to millions of Americans.

It has been the site of countless demonstrations by the Ku Klux Klan and other racists.

Such a commemorative stamp will do nothing to bind up the Nation's wounds in Lincoln's phrase, since we still suffer from the effects of the 100-year-old Civil War.

The romanticizing of bloody brotherly strife is not proper.

The resolution asks the U.S. postal system to end its plan to distribute these stamps and destroy the copies already printed.

I support that resolution.

I would like to add my own objections to the use of commemorative stamps to aid a political strategy.

It is not the business of the new Postal Service to serve as a springboard for political propaganda.

I believe that commemorative stamps and other Government projects should be used to bring us together, not drive us apart.

I have for 2 years recommended that a commemorative stamp be issued honoring Dr. Martin Luther King, a man who devoted his life to reuniting this Nation so that all of its citizens shared equally the rights and privileges of American citizenship. So far, I have received a letter of acknowledgment to my request and nothing else.

The administration of the present Postal Service is blind to its duty in this case and in others. Apparently even commemorative stamps are to be used to turn back the clock in America.

The aforementioned material follows:

PHILADELPHIA FEDERATION OF TEACHERS,
Philadelphia, Pa., August 31, 1970.

DEAR FELLOW CITIZEN: You will find, enclosed, a copy of a resolution adopted by the Philadelphia Federation of Teachers, August 27, 1970. We are asking for immediate action to prevent issuance of a United States Postage Stamp honoring the Confederate heroes portrayed in the memorial at Stone Mountain, Georgia (the site of the revival of the Kiu Klux Klan in 1915).

We urge you to take appropriate steps in furtherance of the intent of this resolution.

XUM

September 19, 1970 has been announced as the stamp issuance date.

We would appreciate receiving a copy of any letter you send for this purpose.

Sincerely yours,

FRANK SULLIVAN,
President.

RESOLUTION ON THE STONE MOUNTAIN MEMORIAL POSTAGE STAMP

(Adopted August 27, 1970, by the Executive Board of the Philadelphia Federation of Teachers, on the recommendation of the Human Relations Committee.)

Whereas, the dream of Martin Luther King, "Let freedom ring from Stone Mountain," has not yet come true, and

Whereas, the Stone Mountain Memorial does honor to generals who fought against our government to prevent by force and violence the march of free labor against slavery in America, and

Whereas, Stone Mountain was the site at which the Ku Klux Klan was revived as an instrument of violent and constitutional repression of the freedom and rights of blacks, Catholic, Jewish and other minority citizens in 1915, and

Whereas, the United States Post Office has announced the forthcoming issuance of a postage stamp in honor of this infamous site, thereby educating the public to acceptance rather than abhorrence of the cause they espoused, and

Whereas, the issuance of this stamp implies the approval of the United States Government for their aims, to the humiliation of all freedom-loving, law abiding and more especially black citizens and to the further alienation of the youth of our nation who continue to believe in the ideals of liberty and justice for all, and

Whereas, the Philadelphia Federation of Teachers has traditionally upheld the cause of free labor and equal employment opportunities for all, now therefore be it

Resolved, that the Philadelphia Federation of Teachers condemn the use of the Stone Mountain Memorial on a United States postage stamp as an act dishonoring the memory of those who gave their lives that this nation might live as the land of the free, and be it further

Resolved, that we urge the cancellation of plans to introduce this stamp and the immediate destruction of all copies, and be it further

Resolved, that we recommend to the United States Post Office that it establish a permanent policy of honoring only those persons who have stood firm for liberty and justice for all, and be it further

Resolved, that we call upon all citizens and public officials of good will to join with us in support of such a policy, and be it finally

Resolved, that we communicate this resolution to all our members, to the members of the Board of Education of the School District of Philadelphia, to the Philadelphia AFL–CIO Council, to the Fellowship Commission, to the local branches of the NAACP, to the Urban League, to the Commission on Human Relations, the Mayor and Council of the City of Philadelphia, to the press and other news media of Philadelphia, to the Pennsylvania Equal Rights Council, to the Pennsylvania Human Relations Commission, to the State Representatives and Senators from Philadelphia, the Majority Leader Representative K. Leroy Irvis and the Governor of the Commonwealth of Pennsylvania, to our ten largest brother locals in the AFT, to the Director of the Civil Rights Department of the AFT, to the members of the Executive Council and the President of the AFT, to the Civil Rights Department of the AFL–CIO, to the U.S. Commission on Civil Rights, to the Representatives from Philadelphia and the Senators from Pennsylvania in the U.S. Congress, Representatives William Clay, William L. Dawson, John Conyers, Shirley Chisholm, Louis Stokes, Charles C. Diggs, Senator Edward W. Brooke, to the Postmaster-General, the Attorney-General, and the President of the United States, calling upon them to take action in furtherance of the provisions of this resolution.

RUSSIA'S ACCOMPLISHMENTS WITH LUNA 16

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the world should take note of what the U.S.S.R. has accomplished with Luna 16, which has just returned to earth from a trip to the moon. We Americans should congratulate the U.S.S.R.—and indeed we have—for demonstrating that an automated, unmanned spacecraft can go up from earth, soft land on the moon, pick up samples of the soil, and return to the "blue planet" with its precious cargo. It is the first demonstration of a landing and takeoff from another celestial body without benefit of man's presence on the scene.

Scientists around the world are pleased that the Soviet spacecraft went to the Sea of Fertility to collect its samples. This complements the exploration of the Apollo astronauts and adds to man's knowledge of the moon. It is a great scientific achievement. The United States looks forward to sharing in the information which the Soviet capsule has returned to earth.

Despite this Soviet accomplishment with an unmanned spacecraft, we should reflect on the advantages to manned exploration of the moon. Man can make a free choice between samples to be returned to earth and, of significant scientific importance, he can document the samples as they are collected. He can deploy scientific instruments which, after his return to earth, can continue to produce valuable information about the moon to supplement the knowledge which can be gained from returned lunar samples.

The enhanced capability of a roving vehicle, which will be used on the later Apollo missions, will greatly increase the mobility of the astronauts and thus the scientific return from these missions. Despite the marvels of what can be done with an automated spacecraft, man is and will continue to be a better sensing device than any instrument we can put together. His unique decisionmaking ability, on the spot, is essential to our answering the first-order scientific questions on the Earth-Moon relationship and hopefully on the nature of the universe.

I regret that NASA was forced to cancel two of its remaining lunar missions, but I understand the reasons which led to this hard decision. We do have four remaining missions and the scientific data from these missions, together with the vast amount of knowledge we have already gained in the past Apollo flights, will give scientists the world over a deep insight into the nature of man's environment—the universe.

Mr. Speaker, the Russian accomplishment serves to focus attention on the direction of their goals in space exploration. They have indicated that for the present they will place emphasis in their manned program on earth orbital space stations. This is very much in accord with our own plans. The beginning of a space station—Project Skylab—will be launched in 1972. We contemplate proceeding from there in orderly fashion to the space shuttle and space station. We and the Russians alike understand the significant purposes that men can achieve in earth orbit. In my view, the United States must keep up with the Soviet Union in the utilization of men in earth orbit. NASA is requesting a minimum budget to proceed in this direction. We must continue to demonstrate our preeminence in space. Luna 16 shows clearly that the U.S.S.R. is not abandoning, or even chipping away, at its space program. We should do no less.

TO AUTHORIZE THE PROCUREMENT OF A BUST OR STATUE OF THE LATE REVEREND MARTIN LUTHER KING, JR.

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, I am introducing today a concurrent resolution to authorize the procurement of a bust or statue of the Reverend Martin Luther King, Jr., to be placed in a suitable location in the Capitol in recognition of his outstanding contribution to America and to all mankind.

Martin Luther King, Jr., focused national attention on the reality of injustice in America. He dedicated his life to the struggle of providing equal justice to all Americans, black and white. He believed that nonviolence would prove to be the only effective means to abolish injustices in our society. In opening a new era in the struggle for freedom he spoke out strongly against poverty, discrimination, and hatred, and his leadership was a major force behind the historic enactment of the Voting Rights Act of 1965 and the Civil Rights Acts of 1964 and 1968. From the fateful days in Montgomery in 1955 when he organized a year-long bus boycott, Martin Luther King dedicated himself to bring about a new American commitment to righting the inhuman humiliations and sufferings which plague millions of Americans. He believed in America and he believed that it could one day be a place where all would be free, where the color of one's skin need not engender prejudice, bigotry, or hate; he envisioned a strong nation, yet one at peace with all people of the world. His philosophy was constructive, his methods nonviolent.

As a result of his noble ideals and inspiring leadership he enriched the lives of millions and gave fresh hope to those threatened by hopelessness. He achieved the esteem of people throughout the world, and in 1964 he received the Nobel Peace Prize. As a result of his struggle, he was imprisoned countless times. He was misunderstood, hated, vilified, stoned, and beaten; yet he continued to fight for what he believed this great Nation of ours should symbolize. Sorrowfully, it was not until after his death that many became aware of the true goodness, devotion to cause, and patriotism of this man who once lived among us.

Today his picture hangs in millions of homes throughout the country. But no such portrait memorializes him in the Capitol. In fact, although many great black Americans have made important contributions to America, not a single black American has been remembered and honored by a painting or statue in the Capitol.

On the House side of the Capitol, each State is allowed two statues of its favorite citizens, but no State has seen fit so to honor a black American. None of the artwork in the Capitol depicts any of our accomplished black Americans.

Martin Luther King's contribution to America is surely beyond question. His goals, his ideals, his aspirations are ones which we should all continue to embrace; his struggle must be carried on until his dreams, the dreams of all men, become a reality. This will be the way to render true honor to this great American. The placing of a bust or statue of Martin Luther King, Jr., in the Capitol would serve simply as a symbol of America's esteem for him and as a reminder to future Americans, who will not remember him as we do, of his contribution to mankind.

I urge other Members of the Congress to join me in support of this legislation.

ILLICIT TRAFFIC IN DANGEROUS DRUGS

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON. Mr. Speaker, last year the Los Angeles Police Department seized 275,877 amphetamine tablets and 309,531 barbiturate capsules. These seizures represent only a fraction of the illicit traffic in dangerous drugs that goes on today.

Last November, the Select Committee on Crime under the chairmanship of my distinguished colleague from Florida (Mr. PEPPER) printed testimony entitled "Crime in America—Why 8 Billion Amphetamines?" At that time Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse of the National Institute of Mental Health stated that there were 8 to 10 billion amphetamines produced in the United States yearly. Dr. Cohen also stated that legitimate medical needs would amount to figures in the thousands, not the billions. While authorities may be split on the amount of pills needed, they all agree that a disgusting proportion of those manufactured by legitimate pharmaceutical firms wind up in the illicit drug traffic trade.

Recently the Southern California Pharmaceutical Association—SCPA—passed a resolution urging that the U.S. Congress take steps to halt current abuses in the mail order drug trade. They called my attention to the ease with which unauthorized individuals can obtain massive quantities of restricted drugs by mail. The ease with which dangerous drugs can be obtained is frightening. As far back as 1962, the Food and Drug Administration determined that over 100,000 pounds of amphetamine and methamphetamine products were available in the United States. The amount in this 1-year inventory is enough to supply 250 milligrams of these stimulants or 25 to 50 doses to every person in this country.

These drugs are prescribed for a few valid medical reasons; that is, to control narcolepsy and to control certain hyperkinetic disorders of children. They may have some use in treating mild depressions, and to help these people who have taken overdoses of barbiturates or alcohol. Too often the drug is used to control appetite but is not really effective.

For narcolepsy treatment and for the treatment of children with hyperkinetic disorders there is no argument, but with the others in susceptible people the dangers are too great because it can induce psychic dependence and tolerance.

Amphetamine drugs are inexpensive, simple to manufacture, and patent rights on the basic drugs, d- and dl-amphetamine have long since expired. For this reason, most drug houses realize profits of less than one-tenth of 1 cent a tablet on the sales of these drugs. Because of this small profit margin companies simply cannot afford to scrutinize their sales.

Some companies do hold patents on amphetamine-like drugs and advertise them as superior to amphetamines. There is little scientific evidence that this is so. However, their position allows them to market these drugs at a considerably higher price than generic brands of d-amphetamine. These companies do not want their drugs to acquire the reputation for abuse. Nevertheless, most advertise their product as a weight control item. This is where the money is.

Another marketing technique is to heavily advertise a brand name. Once this name is well recognized it will be widely prescribed and can be sold for several times the cost of its generic equivalent. In reality, these drugs can be nothing more than warmed-over items from the 1930's.

Another practice is to sell a tablet which contains an amphetamine plus some other drug, usually a barbiturate or a minor tranquilizer. The rationale offered by the company is that the drugs tend to neutralize one another. Evidence obtained from addicts and from laboratory studies indicates that these combinations are much more attractive and, therefore more addictive. It has been shown that addicts offered amphetamine alone—without barbiturates and/or alcohol—find the amphetamines quite unpleasant in large doses.

Unfortunately, most pharmaceutical firms, especially those who specialize in the mail-order trade, have been almost criminal in neglecting their duty to screen those who order dangerous drugs. The Bureau of Narcotic and Dangerous Drugs in the Department of Justice informed me that while those who illegally order drugs can be prosecuted, the firms that calculatingly fill those orders are not so clearly accountable. In reality, this is a gray area of the law with penalties and restrictions unclear. The Bureau is, however, doing all within its power to combat the problem. While it needs both increased funding and manpower, as do the concerned HEW agencies, it is conducting accountability investigations and has embarked upon instituting a voluntary compliance program. Even so, the problem still remains overwhelming.

While it must be recognized that mail-order prescriptions should not be forbidden since many senior citizens and shut-ins order their prescriptions by mail and report being charged as little as one-third to one-half of what the corner drugstore charges, some improved method of control is needed to cut down on abuses.

The Southern California Pharmaceutical Association has pointed out numerous blatant violations of the law that occur daily in this area. A perfect example is the case of a California customer who signed his name to a mail-order form, wrote "Dr." in front of it, and mailed it off with a money order requesting 1,000 amphetamines and 1,000 barbiturates. A few days later he received in the mail all 2,000 tablets. The customer turned out to be a 10-year-old boy.

Even more frightening is the fact that it is reported that youngsters as young as that are getting into the drug culture by popping such pills. Some even get started at school during lunch break. Apparently it has become a game for fifth and sixth graders to raid their parents' medicine chests and grab some pills from it. Then they bring these pills to school with them. At lunchtime, they gather in a group and each child contributes the pills he has brought from home into a central pot. The pills are mixed, and then grab-bag style, each youngster picks out one or two and swallows. Results: sometimes immediate disaster, always long-range trouble. Parents who presently are worrying whether their children smoke marihuana or not, had better check their medicine chests and mailboxes. Danger lurks there as well.

For these reasons, I am supporting the amendment offered today by the gentleman from Florida (Mr. PEPPER) and other members of the Select Committee on Crime. In addition to the sad state of affairs I have already outlined, the committee reports that in their estimation over 50 percent of legally manufactured amphetamines are diverted into illegal channels. Since voluntary compliance to quotas is not working, enactment of the amendment offered is needed. There is just no excuse for production of billions of amphetamines when the legitimate need for them runs only in the hundreds of thousands. Amphetamines used for weight problems, on the average, result in a loss of only 6 pounds before becoming ineffective in combating that problem. In addition, fortunately, the number of persons suffering from narcolepsy and children suffering from hyperkinetic conditions is minuscule. Consequently, an end must be put to production of such large quantities of amphetamines, most of which are abused. Accordingly, I urge my colleagues to support the amendment before us.

POSITIVE ACTION TO STOP CAMPUS RIOTS AND DESTRUCTION

(Mr. FOREMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FOREMAN. Mr. Speaker, it is time to bring the riotous behavior of small student minorities to an end. Necessary means should be taken to require that the individuals on campus who destroy and burn property in the name of "peaceful demonstrations," who throw rocks, break and smash furniture and equipment, and totally disrupt a whole university pay for the havoc they have created. It is time to levy a charge against every single one of them for the total cost of the destruction for which they are responsible.

I have been shocked, as I believe has the vast majority of Americans, at the magnitude of recent campus disorders—disorders in which small groups of dissident students have taken over control of a campus—halted classes, and generally wrecked everything they could reach. In too many of these campus riots, the administration and faculty have been hesitant to act. Not only have they failed to take immediate and positive action to halt these destructive demonstrations but in some cases openly sympathized with unruly protesters.

If officials of a university or college are unable to maintain order, or restore order when a disturbance begins, and are also reluctant to call for assistance—it is time to give these reluctant administrators an incentive to act.

As an added measure to bring peace to the campus scene, and to assure that future demonstrations on campus by sincere young people who are capable of self-discipline and respect for the rights of others can be carried out without the disruptive acts of those intent upon violence, individuals who have participated in violent acts should be banned from the universities permanently or for a sufficient period to prevent any recurrence of violence at their hands.

Most of the universities and colleges in the United States are receiving financial support from the Federal Government. Because of the expenditure of Federal funds at these schools, the Congress has the right and obligation to take appropriate action to protect the Federal investment in higher education for our young people. The vast majority of students attend college to learn and to prepare for the careers they will pursue upon graduation. These young people have the right to receive their education without disruption by rioting and violence.

Also, in this discussion about campus violence, it is important that we keep the campus disruptions and student violence in the proper perspective. Out of some 2,400 colleges and universities in this country, only about 400 of them experienced disruption and/or suspension of the academic program during the recent student unrest. And reliable research on the situation reveals that less than 10 percent of the students were involved in the campus disorders at the 400 affected institutions. Therefore, only 10 percent of one-sixth, or one-sixtieth—less than 2 percent are creating 100 percent of the havoc and doing a grave disservice to the reputation of the overwhelming majority of our fine, respectable young Americans of today.

The hope for order in our society goes far beyond the intelligent use of restraint in keeping the peace; it draws upon the natural revulsion to violence on the part of the American people, which is making itself felt now within every group and each generation.

I am introducing today three bills proposing positive action to bring campus violence to a halt at those universities and colleges which are receiving financial assistance from the Federal Government.

The first of these bills will levy a legal liability against those who destroy to pay the bill for the damage, not the harassed taxpayer, not the student who has no part in the violence, but those students, and any others, who actively take part in the destructive activities.

The second bill will ban, from colleges and universities receiving Federal financial assistance, students who have taken part in destruction of property for a specified period.

The third bill will withhold Federal funds, equal to any damage resulting from campus disorders and violence, from any college or university receiving such funds where the administration cannot maintain or restore order, and fails to call for assistance when it becomes apparent this action is necessary if order is to be restored and further destruction of property avoided.

These proposals may not be the whole answer to campus violence. But they certainly are a start in the right direction. The sooner we stop tolerating violent troublemakers on the campus the sooner we will restore order and thereby prevent further destruction and the tragic loss of life.

The bills follow:

H.R. 19457

A bill to establish liability of persons engaging in destruction of property at educational institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, any person or persons who shall willfully engage in the wanton destruction and/or unauthorized defacement of the property, real or personal, of any educational institution receiving federal financial support, or of any federally owned installation or agency, or any person or persons who actively assist in or incite others to such destruction or unauthorized defacement of said property, shall be held, individually and collectively liable and responsible for the total cost of replacement, restoration, and/or repair of said property.

H.R. 19456

A bill to provide a period of suspension, from attendance at any institution of higher education receiving federal funds, of students who engage in destruction of property during campus disorders

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, any student, graduate or undergraduate, of an institution of higher learning which receives federal funds, who willfully engages in the destruction of property upon the campus of said institution, and/or unauthorized defacement of such property, or who actively assists in, or incites others to such destructive activities, shall be barred from attendance at any institution of higher learning which is the recipient of federal funds for a period of no less than one year from the date of said act.

At the termination of this period, an individual so banned may apply for admission to said institutions of higher learning at which time the appropriate admission authority shall determine eligibility for admission following a review of applicant's conduct during that period as a factor in determining eligibility for admission.

H.R. 19455

A bill to require administration officials of institutions of higher education receiving federal funds to maintain order on campus

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the outbreak of violence and disorder on the campus of any institution of higher education receiving any federal funds, accompanied by destruction or unauthorized defacement of property, real or personal, administrative officials of the institution shall immediately restore order.

If administrative and security personnel of the institution are inadequate for this purpose, the appropriate authority shall request local, state, and/or federal assistance.

Any institution of higher education failing to make such request will forfeit federal funds which otherwise would be available to said institution in an amount equal to the damage to property real and/or personal, on the campus resulting from said disorder.

PRISONERS OF WAR

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RIVERS. Mr. Speaker, on Tuesday, September 22, the Congress gave recognition to a very important and difficult problem. At that time the two Houses met in a joint meeting to hear Col. Frank Borman, special representative to the President on prisoners of war. Seated on the floor of the Chamber during that joint meeting were nine American servicemen who have served their country most honorably and have, in my opinion, fully met General MacArthur's definition of the American soldier as related by Colonel Borman. Those nine men were former prisoners of war in Southeast Asia.

I feel it also appropriate to point out that there were present in the gallery more than 100 wives and parents of men who are missing in action or held prisoner in Southeast Asia. Some of those families traveled from such far places as Dayton, Ohio; Syracuse, N.Y.; and Tampa, Fla., to attend the meeting. I am sure many other wives would have been in attendance had it been possible to make arrangements to be away from their home and children.

The Members may know that the National League of Families was responsible for winning approval of the leadership for this unique meeting. They met for the first time with the Speaker on

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July 10 and subsequently with Senators MANSFIELD and SCOTT, and with Representatives ALBERT, FORD, ARENDS, and BOGGS, among others. And I might add the ladies called on me to enlist my support, which I wholeheartedly gave them.

Although the families' presence in the gallery and the former prisoners' presence on the floor was known to all of us assembled in this Chamber on September 22, through an oversight the men were not introduced and the names were not read into the RECORD. Among them were such outstanding examples of American manhood as Navy Lt. Bob Frishman who was shot down over North Vietnam, held almost 2 years under horrifying conditions of imprisonment, and was released in August 1969; and Air Force Lt. Col. Norris Overly shot down over North Vietnam in 1967 and released the following year. Another was Army Maj. Nick Rowe who was a prisoner of the Vietcong for 5 years prior to his escape under the most harrowing circumstances.

By way of interpolation, he never would have escaped, and he would have been killed, but for a B–52 raid which accidentally killed his captor; and he was freed.

Mr. Speaker, I ask unanimous consent to place the names of these men in the RECORD, to indeed let them know how much we appreciate their service to their country and what they are doing for this great country.

I would like at this time to place into the RECORD a brief statement about each of these men who have served, and indeed continue to serve, their country so honorably.

The statements follow:

Biographical Statements

LT. COL. NORRIS M. OVERLY

Lt. Col. Norris M. Overly was born on November 3, 1929 and is a native of Wheeling, West Virginia. He is currently a student at the National War College. He entered the Air Force in June 1952 and was commissioned upon graduation from the Aviation Cadet Program. The majority of his Air Force career was in the Strategic Air Command as Aircraft Commander on B–47 and KC–135 aircraft. In Southeast Asia, Col. Overly was assigned to Phan Rang Air Base, South Vietnam where he flew B–57 fighter bomber aircraft. He was shot down on September 11, 1967 in North Vietnam, near Dong Hoi, while on a night road reconnaissance mission. He was subsequently captured and interned. He was released by the North Vietnamese in February 1968 and until the time of his release was officially listed as Missing in Action.

MAJ. JAMES F. LOW

Major James F. Low was born on September 10, 1925, in Mill Valley, California. He attended the University of California, receiving a B.S. degree in 1953. Entering the Air Force in December 1951, Major Low served in a number of Air Force assignments until his assignment to Southeast Asia on October 26, 1967. In Southeast Asia Major Low was assigned to the 555 Tactical Fighter Squadron, 8 Tactical Fighter Wing, Ubon Royal Thai Air Force Base, Thailand. On December 16, 1967, while flying a combat mission over North Vietnam, Major Low's F–4C aircraft was observed to receive a direct hit from intense hostile fire during egress from the target area. After a large explosion the aircraft was seen to go into a descending spin and crash. Major Low successfully ejected and was subsequently captured and interned by the North Vietnamese. He was released by the North Vietnamese on August 1968.

MAJ. JOE V. CARPENTER

Major Joe V. Carpenter was born on February 24, 1931, in Sadis, Kentucky. He attended the University of Kentucky, receiving a B.S. degree in 1954. Entering the Air Force in June 1954, he served in a number of Air Force assignments until his assignment to Southeast Asia on June 7, 1967. In Southeast Asia Major Carpenter was assigned to the 389 Tactical Fighter Squadron, 366 Tactical Fighter Wing, Da Nang Air Base, South Vietnam. On February 15, 1968, while flying a combat mission in North Vietnam, Major Carpenter's F–4D aircraft was downed by hostile fire. Major Carpenter was subsequently captured and interned by the North Vietnamese. He was released by the North Vietnamese in August 1968.

MAJ. JON D. BLACK

Major Jon D. Black was born on March 23, 1937 and is a native of Johnson City, Tennessee. He graduated from the U.S. Air Force Academy in June 1959 with a Bachelor of Science Degree. In Southeast Asia, Major Black was assigned to the 8th Tactical Fighter Wing and flew F–4C aircraft. He was shot down over North Vietnam on October 27, 1967 while on an operational mission as number two in a flight of four F–4Cs. His aircraft was struck in the engine area by hostile antiaircraft fire causing it to begin burning rapidly. He successfully ejected and was subsequently captured and interned. He was released by the North Vietnamese in February 1968.

LT. ROBERT E. FRISHMAN, USNR

Born on 18 December 1940 in Long Beach, California. His parents, Mr. and Mrs. Harry Frishman still reside there. After graduating from Long Beach City College, he attended the University of California Dental School and San Francisco State College. On 24 August 1963 in Burlingame, California he was married to the former Janet Lynn Nelson. He enlisted in the Naval Reserve in October 1963, was commissioned an Ensign in June, 1964, and was designated a naval aviator in October 1965. Lt. Frishman reported to Fighter Squadron 151 in May 1966 and was captured when his aircraft was shot down while on a combat mission over North Vietnam in August 1969 and is presently residing with his wife in La Jolla, California, while undergoing treatment at the Naval Hospital, San Diego, California. He has been awarded the Distinguished Flying Cross, Air Medal, Navy Commendation Medal, Purple Heart and the Navy Unit Commendation Medal.

LT. DAVID P. MATHENY, USNR

Born on 24 January 1944 in South Bend, Indiana. His family moved to Bakersfield, California when he graduated from East Bakersfield High School. He attended Bakersfield College. He enlisted in the Naval Aviator Cadet Program in 1965 and was designited a Naval Aviator and commissioned an Ensign in August 1966. Lt. Matheny reported to Fighter Squadron III on April 1967 and was captured when his aircraft was shot down while on a combat mission over North Vietnam on 5 October 1967. He was released by the North Vietnamese on 16 February 1968. He is presently residing with his wife in Pensacola, Florida where he is assigned to duty. He has been awarded the Air Medal and the Navy Commendation Medal, the Purple Heart.

MAJ. JAMES NICHOLAS ROWE

Born in McAllen, Texas, on 8 February 1938. Graduate of the West Point Military Academy, Class of 1960. Entered active service on 8 June 1960. Major Rowe, then a first lieutenant, was reported missing in action on 29 October 1963 while manning a permanent outpost which was overrun by a hostile force. At the time, he was serving with Detachment A–23, 5th Special Forces Group. On 13 November 1967, his status was changed from missing in action to captured based on information received from three Army returnees who had been released by the Viet Cong. Major Rowe subsequently escaped from capture and returned to military control on 31 December 1968. Currently, he is en route to Ft. Holabird, Maryland where he will attend the career course of the United States Army Intelligence School.

M. SGT. DANIEL LEE PITZER

Born in Fairview, West Virginia on 23 November 1930. Entered military service at Ft. Benning, Georgia on 22 August 1957. MSG Pitzer, then a Sergeant First Class, was reported missing in action on 29 October 1963 while manning a permanent outpost which was overrun by a hostile force. At the time, he was assigned to Detachment A–23, 5th Special Forces Group. Information that he was captured was not known until the Viet Cong announced his pending release. He was released by the Viet Cong and returned to military control on 13 November 1967. Currently, MSG Pitzer is assigned to the 6th Special Forces Group, Ft. Bragg, North Carolina.

S. SGT. KENNETH RAY GREGORY

Born in Mangum, Oklahoma on 1 May 1946. Entered military service on 18 May 1964. SSG Gregory, then a sergeant, was reported missing in action on 24 August 1968 as a result of a hostile force attacking a vehicle in which he was a passenger. Information that he was captured was received in a Missing Board of Inquiry Report which included intelligence source information indicating that he was seen in the hands of the Viet Cong. SSG Gregory escaped from the Viet Cong and returned to military control on 30 May 1969. He is currently assigned to the 2d Battalion, 10th Infantry, Ft. Carson, Colorado.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I am delighted to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I should like to compliment the gentleman on his excellent statement, and I am glad that the names of these U.S. former prisoners of war have been put in the RECORD.

As a U.S. Congressman and former U.S. Navy serviceman with Pacific duty, I have had sustained and deep interest in the plight of our U.S. prisoners of war in Southeast Asia. Following the joint meeting of both the House and Senate on Tuesday, September 22, of this week. I joined in an extensive and thorough discussion of this situation with the good wives, fathers and mothers, and relatives of U.S. prisoners from the Pittsburgh area, who made a special trip to the Nation's Capital to witness that joint session.

Members of the Pittsburgh Chapter of the National League of Families of U.S. prisoners of war in Southeast Asia gave me this advice and made known their strong feelings about affirmative action by the President and the U.S. Congress. These relatives and friends have worked untiringly to keep this vital issue in the focus of national and international attention.

Those who traveled to Washington include Mrs. Mark Ruhling, president of the local organization, Mr. and Mrs.

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John Ruhling, Mrs. Phyllis Janocha, Mrs. John Carey, Mrs. Robert Krupey, Mrs. Thomas Abraham, Mr. and Mrs. Leo R. Myers, and Mrs. Robert Pietsch. Without their indefatigable courage and devotion, which they reaffirmed at our meeting in my Washington office, the cause of American prisoners of war would not have achieved the prominence it has today.

The very presence of these wonderful dedicated people in the U.S. Capitol this week bears witness to the world that the condition, treatment, and repatriation of our captured servicemen in Southeast Asia bears a first priority in the conscience of all Americans.

As a U.S. representative in Congress, months earlier I was glad to join with the gentleman from Wisconsin (Mr. ZABLOCKI) in submitting House Concurrent Resolution 454 on November 19, 1969, a concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front. This bill received unanimous approval in the House on December 15, 1969, and was approved as well by the Senate on February 18, 1970.

It was a rewarding experience on my own personal continued concern for our U.S. prisoners of war, on December 2, 1969, I moved to recommit House Resolution 613, the bill which dealt with the peace negotiations for the Vietnam war My purpose was to add the amendment to emphasize action be taken for better treatment, identification and release of U.S. prisoners of war in Southeast Asia under the Geneva Convention. My amendment added wording to request the President to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war. The amendment passed the House unanimously.

I commend this presentation by the gentleman from South Carolina (Mr. RIVERS) and praise the perseverance of the National League of Families, and I strongly encourage such action to keep at the forefront this vital matter of our U.S. prisoners of war.

NIXON-AGNEW ADMINISTRATION OPPOSED VETERANS LEGISLATION

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, during my years in Congress I have consistently, as a World War I veteran, supported all practical veterans legislation. As a freshman Congressman, during the dark days of World War II, I was one of the World War I veterans who met in caucus in February 1943 in the House Chamber. This was the first meeting of several caucuses which resulted in drafting legislation for returning World War II veterans to aid them in transferring from military to civilian life. World War I veterans vividly remember upon their return from military service in 1919 the U.S. Government had passed no legislation to aid their return to civilian life. Many World War I veterans were compelled to wear their military uniforms for a year or more after their return for want of money to buy civilian clothes. These meetings held by congressional World War I veterans in 1943 resulted in the passage of the GI bill of rights. The original GI bill of rights has been improved and expanded many times in order to provide for all war veterans and their dependents. Every veterans' organization, including Members of Congress, have on numerous occasions paid tribute to the Honorable OLIN E. TEAGUE, chairman of the House Veterans Affairs Committee, for the great ability, foresight, and service he has rendered through his committee in expanding legislation for our war veterans during the last 25 years. On Monday, September 21 the Honorable OLIN E. TEAGUE, in addressing the House of Representatives reviewed the great accomplishments of this Congress in behalf of our veterans and their families.

I received permission from Chairman TEAGUE to incorporate verbatim statements he made on the floor of the House pertaining to veterans' legislation on the above date, and I quote excerpts from Chairman TEAGUE's speech: CONGRESSIONAL RECORD, September 21, 1970:

> Mr. Speaker, over the past 15 or more months I have become increasingly concerned about the apparent insensitivity of the Nixon Administration about veterans affairs. In April of 1969, the Administration attempted to reduce the medical care budget for veterans by $17.5 million when every indicator pointed to the need for much more money to meet soaring workloads in VA hospitals and clinics and correct serious staffing and operating shortages throughout the 166 VA hospital system. The Congress restored the proposed cut in medical care and Congress added $105 million to Administration requests to care for America's sick and disabled veterans for fiscal years 1970 and 1971.
>
> On September 11, 1970 the President made a rather intemperate and uncalled for attack on the record of the 91st Congress. I, for one, believe this Congress has amassed a good record in enacting reasoned and meaningful legislation. I know this is the case in the field of veterans affairs. And yet the Nixon Administration has either opposed or recommended deferral or reduction in benefits of almost every piece of meaningful veterans legislation which has come before the Congress.
>
> I am proud of the continuation of the bipartisanship of this Congress on veterans matters which has enabled us to pass legislation—increasing compensation rates for disabled veterans and widows and children of deceased service-connected veterans; to increase education and training allowances by 35 percent for Vietnam era veterans making this benefit meaningful to veterans heretofore discouraged by low rates from entering or continuing training; to broaden and raise the amount of insurance coverage from $10,000 to $15,000 for Vietnam and other Servicemen exposed to combat hazards; increasing housing grants for paraplegic veterans from $10,000 to $12,500 which will greatly benefit many returning seriously disabled Viet Nam veterans; increasing maximum loans under the direct loan program from $17,500 to $21,000; and preserving compensation rates for service-connected veterans who have maintained these evaluations for 20 or more years.
>
> It is a sad fact, however, that even after criticizing Congress for not acting to help America's veterans, the Nixon Administration is actively opposing legislation now being considered by the Congress to—Protect over 2 million veterans and widows from having their pensions cut because of social security increases; provide home mortgage protection insurance for paraplegic veterans—many of whom are young seriously disabled Viet Nam veterans; use national service life insurance trust funds—funds which belong to veterans who are participating in this plan—to provide hard to get housing financing for GI home loans; and permit any war veteran age 72 or over to enter a VA hospital without signing the oath of inability to pay—the so-called "pauper's oath."
>
> Viet Nam veterans who are injured in service receive service-connected compensation. Congress enacted legislation this year over the protests of the Nixon Administration to grant an 8 percent cost-of-living increase to disabled veterans. The Nixon Administration attempted to obstruct this legislation and urged that it be deferred. Upon seeing that Congress was determined to deal equitably with the service-connected disabled veterans and see that their compensation kept pace with the cost-of-living increases, the Administration then resorted to another maneuver which had it been successful, would have cost the disabled veterans of this country $100 million.
>
> Earlier in the Session, the Nixon Administration attempted to block cost-of-living increases for widows and children of Viet Nam servicemen who died from service-connected causes and other veterans whose deaths were service-connected.
>
> In an effort to realign the life insurance program covering veterans and other servicemen, Congress considered legislation to raise the amount of coverage from $10,000 to $15,000.
>
> The increase in the VA direct loan amount from $17,500 to $21,000 was opposed by the Administration and this opposition has continued. In its latest form, the Administration has recommended against extending the direct loan program to veterans for the purchase of mobile homes.
>
> Congress has been greatly concerned with problems relating to the veterans hospital program and has voted $105 million in additional funds to solve some of the serious problems confronting the medical and hospital program. The bill bearing this appropriation was vetoed by the President.
>
> The Administration opposition to veteran legislation has not been restricted to legislation involving Viet Nam veterans. The Administration has also opposed legislation designed to benefit elderly veterans. While pushing a grandiose welfare scheme which would cost billions of dollars, the Administration has opposed a bill designed to prevent veterans receiving a pension from experiencing a loss in their pension as a result of the 15 percent social security rate increase voted by the Congress effective in April of this year. Despite the opposition of the Administration, Congress is proceeding with this legislation. Another bill aimed at solving problems of the elderly was the bill to permit any war veteran age 72 or over to enter a VA hospital without signing the oath of inability to pay, or the so-called "pauper's oath." The Administration opposed this legislation.

THE MAJORITY LEADER'S PRESS RELEASE ON THE STATE OF THE ECONOMY

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHALEN. Mr. Speaker, I was

amused to read our distinguished majority leader's press release which crossed my desk this morning.

During the past several months the majority leader has expressed great concern about the state of our economy. In so doing he has attempted to shift to the present administration the blame for economic problems which began in 1966 with policies which he not only supported but which, in his leadership role, he helped initiate.

Yesterday's Consumer Price Index statistics, which clearly indicate the success of the administration's anti-inflationary program, apparently were too much for the majority leader to bear. Why? They deprive him of the opportunity for blame-shifting. Since the issue of inflation is evaporating, there no longer is any blame to shift.

So, in his press release, the majority leader, instead of rejoicing at today's restoration of the economy's health, continues to decry yesterday's illness. The only item missing was reference to the 1930 depression.

SCHADEBERG URGES NIXON TO GO TO MOSCOW

The SPEAKER pro tempore (Mr. MILLER of California). Under a previous order of the House, the gentleman from Wisconsin (Mr. SCHADEBERG) is recognized for 30 minutes.

Mr. Speaker, I rise today to discuss an issue which I believe will become increasingly important in the months ahead, especially considering the current situation we are facing in the Middle East.

I am speaking of the relative military and political strength of the Soviet Union as opposed to our own military and political strength.

Mr. Speaker, I am concerned that while the United States is pursuing a policy of unilateral withdrawal of our military forces from strategic locations around the world, the Soviet Union is pursuing quite the opposite policy. Indeed it is expanding its military and political presence and operations.

I have consistently supported President Nixon's foreign policies and I still do. But the idea of decreasing the military forces of the United States while the Soviet Union is aggressively increasing its military forces in strategic locations is becoming increasingly hard to comprehend.

I know that President Nixon understands the danger inherent in the dangerous game which Moscow is playing. I know that the President will not be caught short.

The Soviet Union, however, because of 8 years of continuous retreat and vacillation on the part of the Democrat Kennedy-Johnson administrations, no longer is able to correctly read our intentions. Even when the United States warns them, they no longer take the warning seriously.

It is for that reason, Mr. Speaker, that I believe it is time that the United States faces up to the increasing Soviet threat in a direct and public manner.

Consequently, Mr. Speaker, this morning I have dispatched a letter to President Nixon urging him to extend his present trip abroad to include a visit with Soviet officials in Moscow. Such a visit would be particularly appropriate in view of the current Soviet involvement in the Middle East. It is a matter of course that such a visit by the President does not sanction the brutal policies of the Communist regime. He goes only to extend his policies of negotiation.

The opportunity for such a visit conveniently presents itself since French President Pompidou has already announced that he will be unable to meet with President Nixon in Paris because he will be in Moscow at that time. Perhaps Mr. Nixon and Mr. Pompidou can go to Moscow together.

Recalling as I do the great honor which the then Vice President Nixon brought America some 11 years ago when he confronted the then Soviet Premier, Nikita Khrushchev during the "kitchen debate" in Moscow, I know that such a meeting between President Nixon and Soviet officials would be on more than equal ground.

President Nixon has often said, and I agree with him, that we have moved from an era of confrontation to an era of negotation. I am not sure, however, that the Soviet Union has caught the message. However, even if they, too, agree that future settlements will be made through negotiations rather than confrontations, a visit by President Nixon would certainly help to make clear exactly what the United States will and will not negotiate, in Vietnam, in the Middle East, in Berlin, and elsewhere around the world.

I have also urged the President in my letter of today to approach the subject of the increasing Soviet posture around the world with the various leaders he will see during the already scheduled part of his visit. He could certainly take advantage of his visit with President Tito of Yugoslavia to make the United States position clear. Perhaps Mr. Tito could be of help to the United States in explaining our position to Moscow.

Most especially, however, as he meets with our allies in the West, by discussing the current situation as he sees it, Mr. Nixon could encourage support from these nations for a reasonable policy to meet the Soviet threat.

Now, Mr. Speaker, in order that Members of the House are in a position to see, all in one place, the nature of the Soviet military posture outside her borders at this time, I want to discuss—country by country—the situation as we find it at this moment:

Let us look first at the Soviet strength in the Middle East, for here is a spot where the Soviets could reduce tensions by unilateral withdrawal. It is only a short while ago that the United States removed the last of its troops from the Middle East, with the withdrawal of the final contingent from the Wheelus Air Force Base in Libya. It would cost the Soviets nothing to remove their troops.

In Egypt, today, the Soviets have 8,000 military advisers and technical personnel. They have the SA-2 and the sophisticated SA-3 missiles with Soviet crews. These ought to be removed immediately.

In Syria—the source of aggressive actions against Jordan—the Soviets maintain 4,000 military advisers and technical personnel. The tanks used by the Syrians to attack the Jordanians are Soviet-made T-34's and T-54's.

In Algeria, the Soviets have 3,000 military advisers and technical personnel.

Now let us turn to Europe, where the NATO organization was set up in order to counter the Soviet threat.

In East Germany, the Soviets still maintain 20 divisions, 10 tank divisions, and 10 motorized infantry divisions. They have 250,000 troops and 4,000 tanks. This occupation force is known as the Group of Soviet Forces in Germany—GSFC—under the command of Army General V. G. Kulikov.

Hungary is still occupied by four Soviet divisions, three tank divisions and one motorized infantry division. This adds up to 1,200 tanks, and 50,000 troops, organized into the Southern Group of Forces—SGF. The commander of these forces is Lt. Gen. B. P. Ivanov, with headquarters in Budapest.

Poland has two Soviet divisions, one tank and one motorized infantry. This makes 400 tanks, and 24,000 troops. They are under the command of Col. Gen. M. T. Ton'key if with headquarters at Lee-knee'-za.

Czechoslovakia is under the power of the Central Group of Forces—CGF—numbering eight divisions, four tank divisions, and four motorized infantry divisions. This amounts to 100,000 troops and 1,600 tanks. The commander is Col. Gen. A. M. My-yor'off, with headquarters at Matz ko' vee cha, near Prague.

Finally, let us not forget Cuba, with 8,000 known Soviet military advisers right on our doorstep. In this year alone, the Soviet Union has sent three flotillas of naval vessels into Cuban ports to demonstrate its might on the seas.

This amounts to one of the most extensive military deployments in a peacetime era in the history of the world. The Soviets are daily increasing it. We can even be certain that they have military personnel in North Korea and North Vietnam.

If the Soviets want to reduce tensions, they should begin to make real concessions—they should begin to bring these troops home again, and demobilize them.

I have confidence that President Nixon could present this situation squarely to the leaders in the Kremlin, if he were to negotiate with them face to face. It would be a great step forward for peace, and I have said so in my letter to the President today.

I have suggested no deadline for withdrawal of Soviet forces, even though there is great pressure being put upon our President to declare a specific date for withdrawal of American combat troops from Vietnam. I suggest, however, that the time to begin withdrawal of Soviet forces from the Middle East is now. This is the arena of confrontation that threatens the peace of today.

I include the full text of my letter to the President in the RECORD today.

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U.S. House of Representatives,
Washington, D.C., September 24, 1970.
Hon. Richard M. Nixon,
President of The United States,
The White House,
Washington, D.C.

Dear Mr. President: Your trip to several European nations and your visits with the respective heads of state, provides you, in my judgment, with an outstanding opportunity for a political initiative. I want to suggest by this that if possible your trip should not limit itself only to the countries designated so far in your itineray but should rather be extended to other important centers of political decision-making and first of all to Moscow.

The significance of a direct conference with the Soviet Union cannot be overestimated in this critical time. The crisis in Southeast Asia and in particular the most important confrontation in the Middle East are calling for an immediate, direct initiative and action on the part of the United States.

Your trip to Moscow, I think, should be directed toward specific purposes and targets, the most important of which I think, is the mutual understanding in the reduction of tensions by means of reducing mutual military presence of both superpowers on foreign territories.

Due to your initiative thus far, the United States has begun a withdrawal of its forces around the world. I support this policy, as I know the American people support it. However, the Soviet Union apparently does not clearly understand American intentions. They must be made to understand what we will and will not tolerate, or we will find ourselves having to take drastic action. . . . possibly in the Middle East.

A trip by you, possibly in connection with French President Pompidou's visit to Moscow, could make United States intentions crystal clear. I know that the hour is late and that such arrangements take time, but when you announced your plans for this trip the situation was not nearly as critical as it is at this moment.

I know that you are far more aware of the danger of the present situation vis-a-vis the Soviet Union than I am. Your experts, I know, are able to give you precise information which would be useful in such a meeting.

I also think that you might raise the matter of Soviet presence around the world with Mr. Tito of Yugoslavia because there is the possibility that he might be helpful in explaining our policies to the Soviet Union. Certainly raising such questions with our allies would help to strengthen the Western alliance, something to which I know you have devoted a great deal of attention.

Thank you for your attention to this suggestion. I wish you God speed in your mission. Ruth and I will remember you in our prayers.

Sincerely,
Henry C. Schadeberg,
Member of Congress.

REPORT ON 91ST CONGRESS

The SPEAKER pro tempore (Mr. Miller of California). Under a previous order of the House, the gentleman from Indiana (Mr. Madden) is recognized for 15 minutes.

Mr. MADDEN. Mr. Speaker, the 91st Congress is now in the closing weeks before adjournment. During my long experience representing the First Congressional District of Indiana, I do not remember a time when the American public received more misinformation from some of its highly elected officials and news media than has been released against this Congress. Members of Congress are greatly handicapped in getting national attention in the press and on the airways as to the true facts concerning legislative enactments and accomplishments.

On the other hand, the President, members of his Cabinet and other officials controlling departments are releasing news coverage pertaining to legislation and Government decisions to the disadvantage of officials occupying lesser positions.

REPUBLICAN CAMPAIGN FUND FABULOUS

With the congressional campaign about to start, organized political propaganda is now rampant, picturing the 91st Congress as a "spending Congress" and misrepresenting the accomplishments made on important legislation. This Congress has enacted a number of major bills to bring about a recovery of our failing economy, to curb unemployment, to educate our youth, to provide homes for families, to expand hospital and health facilities, to reduce interest rates, to expand social security, to curb air and water pollution, and so forth. I predict that in this 1970 congressional campaign more millions will be spent by predatory interests in an effort to retain or expand their fabulous profits and tax loopholes than in any election in the Nation's history. The national press has already publicized the large campaign funds that have been accumulated by the Republican political committees over the last 19 months in an effort to elect a Republican Congress in November. If they succeed, it will aid the administration in carrying out its present policies which have already embedded our Nation in an inflation network which is raising the cost of living, high interest rates, increasing unemployment, and has our economy on the brink of a devastating economical depression.

MR. TAXPAYER: HERE IS THE RECORD

In 1968, the interest rate on building mortgages was 6 percent. Today, the interest rate has gone up to 9 percent and some as high as 10. The average purchaser of a $20,000 home, carrying a 30-year mortgage, at present interest rates, will pay approximately $38,000 in interest on his purchase. Simple addition of adding the price of his home to the interest rate, his $20,000 home will eventually cost him about $58,000.

If the interest rate were reduced only 2 percent, this homebuyer would save approximately $13,000. That explains in simple language why homebuilding has been practically at a standstill since the Nixon-Agnew administration assumed control.

CONGRESS ACTED ON INTEREST RATES

The news media for some reason fails to remind the public that last December the Congress of the United States by a substantial vote in both the House and Senate gave the President absolute authority under Public Law 91–151 to roll back interest rates 2½ percent and control all aspects of credit transactions in order to curtail inflation. That bill was signed by the President last December and has been dormant and molding in the files of the White House up to the present hour. Evidently the New York banking power controls our economy.

Mr. Speaker, the record of the Nixon administration on interest rates illustrates in unmistakable terms, the economic failures of the past 19 months. Prices and the cost of living continue to climb and interest rates remain at record levels. The President left the law untouched while homebuilding continues to decline. I urge the President and the Secretary of the Treasury to speak directly to the banking community and demand that rates be lowered, not only to the big customers, but to all consumers and particularly to the homebuyers. Mr. Speaker, I do not believe that the 91st Congress should adjourn until these important economic matters are dealt with in an effective and lasting manner. We should stay in session, night and day, and on weekends, if necessary. None of us should agree to adjourn until we have a specific program to bring about lower prices and interest rates to revitalize our entire economy.

Recently, the House and Senate gave the President standby authority to stabilize prices, wages, rents, living costs, and so forth. The President signed this legislation on August 15. There has been no action since the President was given this authority.

EDUCATION

Candidate Nixon, in closing his 1968 campaign said:

> My administration will be second to none in its concern for education.

His moderate budget recommendations for education was increased one billion two hundred million by the Congress.

At 9 p.m. on January 26 of this year the President commanded time on television to inform the American people that he was vetoing this moderate 10-percent increase over his educational budget. His reason for the veto was that it would set the fires of inflation aflame. Two months later the President, in another alarming broadcast, vetoed the congressional increase for hospital and welfare expansion. He vetoed this legislation because Congress increased his budget for hospital and welfare expansion by $450 million.

The President in his veto broadcast said this would rekindle additional inflation. The President failed to inform the American people in both veto broadcasts that the Congress had already reduced his 1970 budget $6 billion, $350 million. Five billion was cut from his $80 billion armament budget and the balance from his foreign aid budget. Many Members of Congress, including myself, were alarmed that he again did not inform the American people that the Congress, in reducing his mammoth armaments and foreign aid budget by approximately six billion three hundred million dollars was a great aid in curtailing inflation.

Since his veto message we have learned that his oversight in not revealing the congressional reductions might have been intentional. Almost daily we read accounts of Vice President Spiro Agnew's statements in his Republican fund-raising speeches that, "the 91st Congress is a 'spending Congress' and Democrats should be defeated."

CRIME

The people also know that President Nixon has failed to deliver on his campaign promises to halt rising crime. The fear of muggings, rape, robberies, and growing violence has made an evening walk on many downtown streets an act of bravery.

The administration's own "pussyfooting" on the congressionally enacted Safe Streets Act by keeping it from being adequately funded has greatly contributed to present crime conditions. The President's opposition to key provisions and full funding to strengthen our police and the courts in our cities is curtailing law enforcement in crime-ridden areas.

The voters of this Nation are not as gullible as the political planners at the White House believe. They will not buy the cleverly designed package of "hogwash" which Vice President Agnew is trying to sell the public in his numerous speeches to collect Republican campaign funds.

This administration has talked a great deal about legislative programs, but in all my years in Congress there has never been such a scarcity of basic and practical legislation offered by the executive department. They have made many empty promises, high-sounding pledges, but scarce action. President Nixon's Attorney General with branch offices in every State is the No. 1 law enforcer of the Nation. Why does he not act against rampant crime?

If the President is truly interested in fiscal responsibility he should join with a concerned Congress in placing priority on the Nation's greatest needs of crime, health, education, jobs, housing, antipollution, and welfare bills instead of mustering the forces of his administration to seek to provide $750 million to bail out the bankrupt Penn Central Railroad.

TAX REFORM

The tax reform bill enacted in this Congress gave "across the board" exemptions and deductions to millions of small taxpayers which will be reflected in their 1970 returns payable in 1971. Unfortunately the major tax loopholes escaped with only slight reductions made in some of their inexcusable credit exemptions and depletions. For the information of some of our taxpayers who are unfamiliar with the fabulous loopholes, especially in oil, I might record a few paragraphs from some of my speeches I made on the floor of the House in recent years opposing these loopholes:

> Former Secretary of Treasury Joseph Barr, a fellow Hoosier, testified in January of 1968 that 21 persons with incomes of over $1 million paid no taxes at all, while 155 with annual income of over $200,000 escaped Federal taxes entirely. Big oil corporations enjoying the 27½ percent oil depletion bonanza, plus other exemptions in credits on both foreign and domestic oil practically paid no taxes considering their huge profits.
>
> The Atlantic Oil Co. from the years 1962 to 1966, with annual income ranging from $61 million in 1962 to approximately $127 million in 1966, paid no Federal taxes whatsoever during that period.
>
> In 1964, Standard Oil of New Jersey, with a net income of approximately $1 billion 630 million paid 1.7 percent tax to the Federal Government. These are but a few examples of Federal tax "Loopholes".
>
> Some companies are not protected by huge high-priced lobbies like big oil. As an example, three coal companies, the Consolidated Coal Co., Pittston Coal Co., and Island Creek Coal Co. have paid annual taxes on their gross profits in figures ranging between 18 and 28 percent annually.
>
> Other less publicized tax loopholes were: The 7 percent tax credit for new machinery involving $2.3 billion.
>
> The accelerated depletion on new buildings worth $500 million annually to its beneficiaries. The corporate surtax exemption of $1.8 billion. The estate tax which will cost the Government approximately $2.5 billion annually.
>
> I could name many other tax loopholes less spectacular which were revenue losers for Uncle Sam.
>
> The tax reform bill which was enacted in this Session of Congress was merely a "slap on the wrist" to some of the fantastic loopholes similar to the ones mentioned herein.
>
> In the House of Representatives we succeeded in cutting the 27½ percent oil depletion to 20 percent but the Senate, in its generosity increased this figure to 22 percent.

I do hope that in the 92d Congress next year we can again take up the further reduction of some of the major loopholes which should have been curtailed in the present Congress. Anyhow we are making progress on tax reform.

$3.5 BILLION FARM SUBSIDY REDUCED

Mr. Speaker, 3 years ago when the House Agriculture Committee appeared before the Rules Committee to secure a rule on their $3½ billion annual farm subsidy, I was the lone voice in carrying on the fight against this huge annual tax gift for idle acres. Almost 75 percent of this fabulous sum which is annually paid to a group of large corporate farms are generally located in the South and West. I presented to the Rules Committee members a 1,240 page volume from the Senate hearings revealing the thousands of farms which received annual checks of over $5,000 per year from the Government on idle acreage. Many corporate farms received Government checks in six figures.

We succeeded that year in placing a $20,000 limitation to any one farm operation. Later when the Senate debated the bill they rejected the $20,000 limitation. When the legislation came before the House this year we again united to fight against this $3.5 billion subsidy in the Rules Committee and on the floor of the House. We again succeeded in limiting annual payments to any one farm operation to the amount of $20,000. By reason of our previous success this year the Senate cooperated to the extent that they limited payments to any one farmer to $55,000.

I know that several of my constituents have asked and written regarding the outcome of this farm subsidy battle, and I am happy to say that we have been crowned with a substantial victory in reducing these payments. During the legislative fights curtailing this farm subsidy, I had the cooperation and help of the Indiana Farm Bureau.

It is considerable consolation for the Nation to know that by reason of our consistent fight we have succeeded in saving the American taxpayer millions of dollars by reducing and curtailing the vast subsidies which the Government was paying to large individual and corporate farmers.

AIR AND WATER POLLUTION

During the last 12 years I have been a Member of the congressional group fighting for effective legislation curbing both air and water pollution. In 1966 we passed the Clean Water Restoration Act providing for a 5-year program. The Calumet region of Indiana, with its industries and also pollution from the adjacent Chicago area, is certainly interested in cleaning up our waters.

President Nixon, in his 1968 campaign, spoke very emphatically of the necessity to clean up air and water pollution. For some reason the news media failed to let the public know that President Nixon in this year's 1970 budget did not provide for the $1 billion called for in the Clean Water Act, but he merely recommended $214 million. The Congress raised the President's request into an appropriation of $800 million. For some reason the powers behind the Republican Party seem to be opposed to spending money for these necessary environmental programs. Possibly the public has forgotten that 10 years ago, in 1960, the Congress passed the Federal Water Pollution Act but it was vetoed by President Eisenhower. It was again passed by the Congress and enacted under President Kennedy in 1961 and expanded under President Johnson in 1966.

CONGRESSIONAL DUTIES

Unfortunately, it is impossible in one brief report to convey to the public the information on all important legislation considered by the Congress during the session. Most people have an idea that a Congressman's duties are confined to Federal legislation, committee hearings, and other matter pertaining to legislative activities. However, a great deal of time is devoted to working on requests from constituents, such as, matters pertaining to veterans, social security problems, cost of living, environment, immigration, medicare, taxes, housing, school requests, and so forth. In this, the 91st Congress, it seems that the abovementioned duties of a Congressman have increased many times from the congressional activities of 10 or 15 years ago.

Nevertheless, it is indeed a great satisfaction to the average Member of Congress to be in a position to aid his constituents who, on occasion, possibly through no fault of their own, and in an emergency need help from their Government in Washington.

HILARY SANDOVAL, JR., A GOOD SBA ADMINISTRATOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Williams) is recognized for 5 minutes.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I have been greatly concerned with certain news reports which, at times

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viciously, have derrogated Mr. Hilary Sandoval, Jr., as Administrator of the Small Business Administration.

I have been particularly concerned by a recent broadcast and column which claimed that President Nixon had concluded that since Mr. Sandoval was "only a second-rate administrator," Mr. Nixon had decided to offer Mr. Sandoval, "his administration's most highly-placed Mexican-American—ambassadorship in a Latin American country sometime after the November elections."

In my concern over this matter, I, as a member of the House Committee on Banking and Currency, have acquired certain facts which demonstrate, quite clearly, that the nature and sources of these attacks upon Mr. Sandoval constitute his greatest badge of merit; that it may be suggested that it is precisely for the great progress of the Small Business Administration under Mr. Sandoval's stewardship that he is being victimized.

In a letter dated September 14, 1970, I have conveyed this thought to the President in concert with certain rather self-evident facts which, as a member of the House Committee on Banking and Currency, I have acquired with reference to the nature and character of the Sandoval administration of SBA.

I suggested to the President that, in consideration of these things, "the fact remains—that Mr. Sandoval's outstanding performance—coupled with SBA's previous suffering of too many short-term Administrators, renders it mandatory that he remain on the job."

The findings which I commended to the President's attention were these:

> Mr. Sandoval's record of taking his programs to the people is unmatched by any other Washington official. He has traveled thousands of miles and has talked with hundreds of businessmen, bankers and community people and organizations in an effort to create better understanding of SBA's programs.
>
> Under his leadership, SBA has shown creativity and innovation. In an landmark action, Mr. Sandoval has instituted a revolving line of credit that promises to help overcome the bonding problems that have long plagued small contractors.
>
> He has inspired confidence in a staff whose increased productivity has resulted in record assistance to small firms. With 360 fewer employees than SBA had two years ago, SBA has made more loans, attracted more private dollars, negotiated more 8A contracts and provided more investment company assistance than ever.
>
> Last fiscal year, more small business firms received more money in SBA loans than at any time in SBA history. Banks provided the largest bank-dollar ratio ever: five to one. That, certainly, was abundant demonstration that banks respect Mr. Sandoval's integrity and leadership and respect SBA and its program under his leadership.
>
> That it is equally thus within the business community, both large and small, is demonstrated by the fact that, last year, more management and technical assistance than ever was made available to small firms. This was due to Mr. Sandoval's ability to enlist the volunteer services of several thousand businessmen.
>
> Equally vital is the fact that, under Mr. Sandoval, SBA is making a major contribution to your efforts to bring minorities into the mainstream of our free enterprise way of life. This is documented by the fact that, last fiscal year, SBA made more loans than ever to minorities, and for more dollars. Specifically, some 41 percent of all SBA loans went to minorities.
>
> Nor is it unimportant nor insignificant that Mr. Sandoval's personal direction of SBA disaster activities is unprecedented in SBA history; particularly in those instances of major disaster which you have officially declared. His great, human compassion for victims of disaster has gained him, and your Administration, untold numbers of friends in many parts of the Nation. There are, for example, the children of Waveland, Mississippi, whose library was restored personally by Mr. Sandoval.

Thus, Mr. Speaker, Hilary Sandoval has proved himself to be the man in whom the President believed when he nominated him for this job which he has done so well at SBA; a man of deep compassion, sensitivity, integrity, and sound administration; a leader dedicated to the needs of "the little guy," the small businessman who, in great part, is so much of the backbone of America.

It goes without saying that, in voting to establish and to fund the Small Business Administration, the Congress recognized, beyond doubt, the absolutely essentiality of preserving and protecting the small businessman; the essentiality of helping him to prosper as the key and the symbol of the so-called middle class which has preserved the necessary balance between the "haves" and the "have nots" in America—the balance which, when lost in other lands, has led them to totalitarianism and enslavement.

Having found, in Hilary Sandoval, a man who has demonstrated his total understanding of this most essential fact of governmental, economic, and sociological life, we must do what we can to encourage him to remain on that job—serving as he has, the public interest.

Thank you.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The number of bachelor's and first professional degrees granted by U.S. colleges increased from 311,000 in 1956 to 540,000 in 1966 and is expected to reach over 930,000 in 1976.

ENVIRONMENTAL ACTIVISTS ATTACK 12 CONGRESSMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. AYRES) is recognized for 60 minutes.

Mr. AYRES. Mr. Speaker, 2 weeks ago an article appeared in the Washington Star entitled "Environmental Activists Attack 12 Congressmen." The article read as follows:

> ### Environmental Activists Attack 12 Congressmen
>
> (By Roberta Hornig)
>
> A congressional "dirty dozen," accused of consistently voting against environmental and social legislation, today was singled out for defeat in the fall elections by Environmental Action, a group of young activists.
>
> The list of 10 Republicans and two Democrats, all supporters of the war in Vietnam, includes Rep. George Fallon, D-Md., of Baltimore, chairman of the House Public Works Committee. The group called him the "chief spokesman for the highway lobby."
>
> The second Democrat on the list is Rep. Byron Rogers of Denver, third ranking member of the Judiciary Committee and up for his 11th term.
>
> Others on the "dirty dozen" list, all Republicans, are:
>
> Rep. E. Ross Adair of Fort Wayne, Ind., the senior Republican on the Foreign Affairs Committee.
>
> Rep. William H. Ayres of Akron, a member of the House Education and Labor and Veterans Affairs Committees.
>
> Rep. William Cowger of Louisville, a member of the Banking and Currency and Government Operations Committees.
>
> Rep. David Dennis of Muncie, Ind., of the Judiciary Committee.
>
> Rep. John Kyl of Ottumwa, Iowa, a member of the Administration and Interior committees.
>
> Rep. Earl Landgrebe, of Lafayette, Ind., who is finishing out his first term and is a member of the Education and Labor Committee.
>
> Rep. Odin Langen of Moorhead, Minn., who has served six terms and is a member of the House Appropriations committee.
>
> Rep. Henry Schadeberg of Racine, Wis., a five termer serving on the Merchant Marine and Public Works committees.
>
> Rep. Lawrence Winn of Lawrence, Kan., a member of the District and space committees.
>
> Rep. Roger Zion of Evansville, Ind., a two termer who sits on the House Public Works committee.
>
> Environmental Action is the group which coordinated the Earth Day last April and since has lobbied for several environmental bills.
>
> Denis Hayes, national coordinator, said the "dirty dozen," was marked for defeat after meeting a number of tests.
>
> These include "a singularly bad record" on environmental matters and a "bad record" in such area as civil rights, the war, education, anti-poverty and general domestic priorities.
>
> The group also sought men whose November opponents would be a marked improvement and who are "running in a race where our efforts could make a difference."

Mr. Speaker, every Member of Congress knows very well that he cannot please everyone and that he may be criticized for his actions. This is part of the job, it is expected and understood. But my purpose in coming before this body today is to point out that this criticism was totally unfounded and, in fact, Environmental Action actually distorted and misrepresented many fine congressional records and in effect slandered Members of this body. Had they criticized me or the other Members listed on our full voting records and had they shown that these records were weak, then their claims would have held some legitimacy.

Shortly after the article appeared, I sent a member of my staff down to their offices in an attempt to find out the basis of the charges made against me and, when they could not list specifics, even suggested that an apology from them might be in order.

Mr. Speaker, I did not receive an apology, but another distortion of facts. Furthermore, in attempting to find out more about Environmental Action, I learned that they share an office with a group called Environmental Resources, Inc., and although Environmental Action is not tax exempt, Environmental Resources, Inc., is. In checking further, I learned that Environmental Resources pays 70 percent of the total rent for the office space, that they share 70 percent of telephone costs and have other shared duplicating expenses. This in itself would not have been irregular, but I have since discovered that Environmental Resources is supported exclusively by a grant from the Office of Education. Therefore, it appears, on the surface at least, that the Federal Government is supporting a campaign of political propaganda being waged against Members of Congress.

Mr. Speaker, other environmental groups such as the Sierra Club and Friends of the Earth—according to an article in Des Moines Register of September 10, 1970—not only disassociated themselves with the "Dirty Dozen" listing, but suggested that their organizations were greatly embarrassed by the press statement. I am proud of my record and I will stand up to any honest appraisal of it. It is my hope that in the future, organizations such as this will be fair, will be accurate, and will be responsible when they engage in this type of activity. The following is the full text of the letter and its attachments that I sent to Denis Hayes today.

SEPTEMBER 24, 1970.

Mr. DENIS HAYES,
National Coordinator, Environmental Action, Washington, D.C.

SIR: I was curious to see how far you would go in attempting to justify an attack upon me which you must know is a misrepresentation of my record in Congress. This is why I had requested from you the criteria by which I was selected for your attack and an apology for your misrepresentation of my record. Your letter of September 14th contains neither and leaves me satisfied that you have no intellectual honesty.

You stated that civil rights is not your "primary concern." Indeed, civil rights could scarcely be a concern at all of your group. Otherwise, you would not have singled out a Member who has supported virtually every civil rights proposal during the last 20 years, but would have chosen many dozens of Members who have opposed every such position.

In criticizing my civil rights record, it was interesting that you brushed past my support for acceptance of the Senate amendments to the Voting Rights Bill this June—which included giving the vote to 18 year olds. Clarence Mitchell, Chairman of the Legislative Committee of the Leadership Conference on Civil Rights, did not ignore this key vote. On July 2, 1970, he sent me a congratulatory letter (attached) saying "millions of young people and millions of minority group members will have renewed faith in our [democratic] system because of your vote."

Because your organization apparently has difficulty in researching voting records, or are not concerned with accuracy, I am enclosing my complete civil rights voting record for the last 18 years as compiled by the NAACP. Had you bothered to contact them, I am sure that they would have made it available to you also. Your letter is a painful example of awkward reaching to justify the unjustifiable. Certainly I have had a few disagreements with civil rights groups, as has almost any independent Congressman with any group, but no civil rightr leader has ever attacked my overall record.

As to my record on "social legislation," you found it convenient to ignore the fact that I sponsored many pieces of legislation in this area which have been enacted into law—including many of the major Federal programs in education. Such organizations as the National Education Association and the National Council for Exceptional Children are among those which have given me awards for my work on behalf of education. An attack on this record could come only from someone wholly unconcerned and uninformed about American education. For your information, I am attaching summaries of legislation that I have sponsored and/or supported which have been enacted into law.

I note also that in your criticism of my actions on antipoverty legislation you neglected to mention that it was I, along with Chairman Perkins, who co-sponsored H.R. 12321, which extended the entire anti-poverty program under OEO for two more years. In addition, your suggestion that my substitute proposal was a negative action designed to hurt the poor and "short change" them could not be further from the truth. The substitute, in my opinion, would have facilitated and upgraded the entire program with the ultimate benefits going to the poor.

Then we come to your alleged "main area of interest"—environmental protection. Surely in your meticulous "research" you could not have overlooked the fact that I have voted for every major piece of environmental and natural resources legislation which has come before this session of the Congress—with the single exception of the Clean Air Act which was voted upon when I was attending the meeting of the International Labor Organization in Geneva, Switzerland, as an official delegate of the United States. Of course, I would have voted for the Clean Air Act as I very much favor it.

Your careful research on environmental matters in Congress could not possibly have missed the fact that early in August—nearly a month before your ill-advised attack on me (and before I had ever heard of your "organization")—I was a co-sponsor of five major environmental bills (H.R. 18947, H.R. 18948, H.R. 18949, H. Con. Res. 706, and H.R. 18779). The first four deal with the hazards of dumping contaminants into the oceans (particularly by the military) and the fifth would strengthen the Federal Water Pollution Control Act by providing funds for the construction of waste treatment facilities.

I think that my overall voting record in this area reflects a proven concern. This concern can be found in my votes made long before ecology came into vogue. For your information, a copy of my votes cast on major environmental and natural resources legislation since 1964 (as compiled by the Library of Congress) is enclosed and should prove to be enlightening reading for you.

This is not a record which anyone could single out as being opposed to the improvement of the natural environment, and you know this very well. In truth, it appears that you have no interest in my Congressional record on any of these issues. Therefore, it seems obvious that your "main area of interest" is in fact a mask for something else and to use genuine and warranted concern about environmental and ecological dangers to mask political support for other causes is contemptible.

My concern is the distinct possibility that your actions might injure and discredit the genuine conservation and environmental groups in this country. You should share this concern. I regret that a group, such as yours, has opted to launch broadside attacks arbitrarily against Members of Congress—the justification for which is impossible. I regret, too, that you have not elected to apply your resources in a concerted effort to define some of the key environmental protection issues and, perhaps, to set forth what you believe are feasible approaches to meeting the critical environmental problems now confronting our Nation. Had you so done, you could have rendered an invaluable public service in this election year.

Fortunately, concerned environmentalists such as Congressman Paul McCloskey recognize the potential threat your imprudent, uninformed accusations pose to the total environmental effort, and he has officially disassociated himself with your cause. I quote from a letter he sent to me on September 10, 1970:

"I have just learned of the press release and political action against you by an organization called 'Environmental Action, Inc.' This organization has no relationship whatsoever to the organization which sponsored Earth Day last spring, and for which Senator Gaylord Nelson and I were cochairmen. The Earth Day effort was operated by a nonprofit corporation, Environmental Teach-In, Inc., specifically formed for the Earth Day activities and subsequently inactivated.

"Neither Senator Nelson nor I have had any relationship with the group which has come out against you.

"If you feel it would be helpful, I will be glad to hold an appropriate press conference or issue an appropriate press release disavowing any connection between Earth Day and Environmental Action, Inc., and further expressing affirmative support for your own conservation record in the House during this past year.

"I would also be glad to write a letter to any newspaper in your district which you feel would correct any erroneous information which has already been published. Please let me know your desires, and any suggestions you may have on specific action I can take to be of help."

Finally, you express concern about my interest in "Environmental Resources, Inc." Yet, you were totally unconcerned when you distorted my voting record and challenged 20 years of leadership, service and dedication to my district, my State and my country. But, when I review material given by a staff member of Environmental Resources, Inc. (letter of agreement between Environmental Action and Environmental Resources, Inc., attached), it appears on the face of it that there is an intimate connection between that organization and yours. Environmental Resources, Inc., pays 70% of the rent for the office space you share in common, 70% of the telephone costs and a major share of other office expenses. Since you co-mingle office space, share identical interests and information, and are otherwise inter-related, it would appear that the claim of "separation" of your two organizations is a fiction.

Because the Committee on Education and Labor has oversight responsibility for the Office of Education, which made a grant to Environmental Resources, Inc., and because there are indications that we have a situation wherein a tax exempt organization with a Federal grant may be helping to pay for a campaign of political propaganda which is contrary to law, as ranking Minority Member of the Committee I am concerned about a possibly illegal use of $33,000 of Federal education funds. I feel that it is my responsibility and obligation, therefore, to look into this matter and to assure that the full facts are disclosed. Several Members of our Committee find it is, at the very least, a matter of bad judgment that there is even the appearance that Office of Education funds are being used for political purposes.

If these appearances are misleading, then a complete review of the grant and circumstances surrounding it should be welcomed by you. On the other hand, if you have something to hide, you have reason to be concerned. My office is open to all and thousands of individuals pass through each year; they visit, take photographs and come and go as they wish. You, for reasons known only to yourself, felt it necessary to forbid photographers from taking pictures of individuals being paid with Federal money while working.

I find great irony in the fact that it was you who initiated the challenge against me. It was you who made unwarranted, unjustified and unfounded charges against me. It was you, serving as judge and jury, who attempted to discredit 20 years of effective service. Yet, when I raised a question of propriety about a working relationship between your organizations after reading a document given to me by one of them, it is you who implies that there is an attempt to intimidate.

While I regret that any group would attempt to mislead the public on vital issues, I welcome the opportunity you have afforded me to again call attention to my legislative record in these fields because I am proud of it. You will find that I am a person who does not duck the issues.

Very truly yours,

William H. Ayres,
Member of Congress.

P.S.—Environmental Resources, Inc. hereby subleases 70% (1890 sq. ft.) of 2700 total sq. feet for $612.50 (70% of $875.00 total rent) from Environmental Action, Inc. at 2000 P Street, N.W., Washington, D.C. for 3 months (from July 1, 1970, to October 1, 1970). In addition, Environmental Resources, Inc. agrees to pay 70% of all local phone service equipment rental, and other operating expenses for 3 months (from July 1, 1970, to October 1, 1970) to Environmental Action, Inc. Long-distance service will be paid on the basis of usage.

Stephen E. Cotton,
Co-director,
Environmental Resources, Inc.
Barbara Reid,
Co-director,
Environmental Action, Inc.

YEA AND NAY VOTING RECORD OF HON. WILLIAM H. AYRES ON ENVIRONMENTAL ISSUES—88TH–91ST CONGRESSES

(Compiled by Mary D. Arthur, American Law Division, Library of Congress)

88TH CONGRESS

March 10, 1964.—H.R. 8070. Establishes a Public Land Law Review Commission. On passage, p. 4703; (339–29); Vote: Yea.

July 2, 1964.—S. 2. Water Resources Research Center Act. On agreeing to conference report, p. 15373; (347–0); Vote: Yea.

July 22, 1964.—H.R. 3846. Establishes a Land and Water Conservation Fund. On agreeing to H. Res. 738, the rule providing for the consideration of and 4 hours of debate on H.R. 3846, p. 15963; (338–8); Vote: Yea.

July 30, 1964.—H.R. 9070. Establishes a National Preservation System. On passage, p. 16875; (374–1); Vote: Yea.

August 3, 1964.—H.R. 1096. Authorizes the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin. On suspending the rules and passing the bill, p. 17224; (164–154); (rejected); Vote: Nay.

H.R. 3672.—Provides for the construction, etc., of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act. On suspending the rules and passing the bill, p. 17237; (250–67); Vote: yea.

September 1, 1964.—H.R. 4487. Prevents or minimizes injury to fish and wildlife from the use of insecticides and pesticides. On suspending the rules and passing the bill, p. 20530; (235–111); Vote: nay.

September 23, 1964.—H.R. 1096. Authorizes the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin. On passage, p. 21938; (180–118); Vote: nay.

89TH CONGRESS

March 3, 1965.—S. 3. Appalachian Regional Development Act of 1965. On motion to recommit, designed to replace the text of S. 3 with the provisions of H.R. 4466, p. 3930; (100–323); Vote: yea. On passage, p. 3930; (257–165); Vote: nay.

April 28, 1965.—S. 4. Water Quality Act of 1965. On passage, p. 8400; (396–0); Vote: yea.

September 14, 1965.—H.R. 2091. Establishment of concession policies in areas administered by National Park Service. On motion to recommit, p. 22802; (73–298); Vote: nay. Voted aye on final passage (voice vote).

September 21, 1965.—S. 4. Water Quality Act of 1965. On agreeing to conference report, p. 23699; (381–0); Vote: yea.

September 23, 1965.—H.R. 10232. Water and sanitation systems in rural areas. On ordering the previous question on H. Res. 580, the open rule providing for 2 hours of debate on the bill. On passage, p. 24067; (326–10); Vote: yea.

September 24, 1965.—S. 306. Clean air pollution program. On motion to recommit designed to delete the provisions for solid waste disposal, p. 24166; (80–220); Vote: Yea. On passage, p. 24166; (294–4); Vote: yea.

October 7, 1965.—H.R. 2020. Nevada Water Project. On pasasge, p. 25330; (240–134); Vote: Yea.

S. 2084.—Highway Beautification Act of 1965. On motion to recommit, p. 25404; (153–230); Vote: Yea. On passage, p. 25405; (245–138); Vote: Yea.

October 20, 1965.—S. 2300. Rivers and Harbors Act of 1965. On agreeing to conference report, p. 26740; (221–139); Vote: Nay.

July 21, 1966.—S. 602. Small Reclamation Projects Act. On agreeing to conference report, p. 15886; (136–204); Vote: Nay.

September 19, 1966.—H.R. 8678. Pictured Rocks National Lakeshore, Michigan. On suspension of rules and passage, p. 21960; (248–70); Vote: Yea.

October 14, 1966.—H.R. 51. Indiana Dunes National Lakeshore. On Udall amendment designed to add 478 acres to the Indiana Dunes National Lakeshore, p. 25853; (183–147); Vote: Nay. On passage, p. 25854 (204–141); Vote: Nay.

October 17, 1966.—S. 2947. Clean Water Restoration Act of 1966.—On agreeing to conference report, p. 26079; (247–0); Vote: Yea.

90TH CONGRESS

June 19, 1967.—Roll Call No. 141. H.R. 480. Relates to the acquisition of wetlands for the conservation of migratory waterfowl. On suspending the rules and passage, p. H. 7428; (329–8); Vote: Yea.

June 19, 1967.—Roll Call No. 142. H.R. 482. Relates to hunting stamps for the taking of migratory waterfowl and other migratory birds. On suspending the rules and passage, p. H74334 (238–97); Vote: yes.

July 12, 1967.—Roll Call No. 165. S. 20. Provides for a comprehensive review of national water resource problems and programs. On passage, p. H8559; (369–19); Vote: yea.

August 14, 1967.—Roll Call No. 208. H.R. 43. Authorizes the Secretary of the Interior to construct, operate, and maintain the San Felipe division, Central Valley project, California. On passage, p. H10413; 235–83); Vote: yea.

September 11, 1967.—Roll Call No. 242. H.R. 8775. Increases the appropriation authorization for continuing work in the Missouri River Basin. On motion to suspend rules and pass, p. H11624; (225–83); Vote: yea.

September 14, 1967.—Roll Call No. 253. S. 602. Revises and extends the Appalachian Regional Development Act of 1965, and amends title V of the Public Works and Economic Development Act of 1965. On Cramer amendment to reduce the authorization by $50 million, p. H11904; (199–161); Vote: yea.

Roll Call No. 254.—S. 602. See above. On motion to recommit regarding—Funds to be provided to the Secretary of Transportation; proposed housing projects under section 221 of the National Housing Act; and Great Lakes fish projects, p. H11905; (178–184); Vote: yea.

Roll Call No. 255.—S. 602. See above. On passage, p. H11906; (189–168); Vote: nay.

September 18, 1967.—Roll Call No. 258. S. 1657. Extends for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government. On motion to suspend rules and pass, p. H12003; (320–7); Vote: yea.

November 6, 1967.—Roll Call No. 370. S. 423. Authorizes the use of additional funds to defray certain increased costs associated with the construction of the small-boat harbor at Manele Bay, Lanai, Hawaii. On motion to suspend rules and pass, p. H 14630; (291–25); Vote: yea.

November 20, 1967.—Roll Call No. 400. H.R. 12010. Grants the consent of the United States to the Wheeling Creek Watershed Protection and Flood Prevention District compact. On motion to suspend rules and pass as amended, p. H15591; (356–2); Vote: yea.

April 1, 1968.—Roll Call No. 78. H.R. 15979. Prevents or minimizes injury to fish and wildlife from the use of insecticides, herbicides, fungicides and pesticides. On suspension of rules and passage, p. H 2391; (333–25); Vote: yea.

May 13, 1968.—Roll Call No. 135. S. 3033. Increases the authorization for appropriations for continuing work in the Missouri River Basin. On passage, p. H. 3690; (296–18); Vote: yea.

July 1, 1968.—Roll Call No. 219. S. 2837. Authorizes the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina. On suspension of rules and passage, p. H 5826; (280–71); Vote: yea.

July 3, 1968.—Roll Call No. 227. H.R. 17134. Federal-Aid Highway Act of 1968. On amendment regarding the beautification program, p. H 5979; (211–145); Vote: yea.

July 15, 1968.—Roll Call No. 253. S. 3710. Authorizes the construction, repair, and preservation of certain public works on rivers and harbors for navigation and flood control. On suspension of rules and passage, p. H 6580; (307–86); Vote: yea.

Roll Call No. 254. S. 2515. Authorizes the establishment of the Redwood National Park in California. On suspension of rules and passage, p. H 6681; (389–15); Vote: yea.

Roll Call No. 257. H.R. 5117. Constructs, operates, and maintains stage 1 of the Palmetto Bend Reclamation project, Texas. On suspension of rules and passage, p. H 6692; (295–104); Vote: yea.

Roll Call No. 258. H.R. 4865. Establishes a nationwide system of trails. On suspension of rules and passage, p. H 6703; (378–18); Vote: yea.

Roll Call No. 259. S. 6. Constructs, operates, and maintains the initial stage of the Oahe unit, James Division, Missouri River Basin project, South Dakota. On suspension of rules and passage, p. H 6716; (264–128); Vote: yea.

September 12, 1968.—Roll Call No. 320. S. 2515. Establishes Redwood National Park, California. On agreeing to conference report, p. H 8595; (329–1); Vote: Yea.

Roll Call No. 321. H.R. 18260. The National Scenic Rivers Bill. On passage, p. H 8614; (267–7); Vote: yea.

September 16, 1968.—Roll Call No. 323. H.R. 551. Authorizes the establishment of the Biscayne National Monument, Florida. On suspension of rules and passage, p. H 8686; (235–92); Vote: yea.

Roll Call No. 329.—H.R. 16771. Designates certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness. On suspension of rules and passage, p. H 8758; (271–22); Vote: yea.

October 7, 1968.—Roll Call No. 371. S. 3206. Amends the Federal Water Pollution Control Act. On motion to suspend rules and pass, p. H 9546; (279–0); Vote: yea.

91ST CONGRESS

April 16, 1969.—Roll Call No. 37. H.R. 4148. Amends the Federal Water Pollution Control Act. On passage, p. H 2717; (302–1); Vote: yea.

July 15, 1969.—Roll Call No. 106. H.R. 4018. Provides for the renewal and extension of certain sections of the Appalachian Regional Development Act of 1965. On passage, p. H 5926; (273–103); Vote: yea.

September 23, 1969.—Roll Call No. 181. H.R. 12549. Amends the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality. On passage, p. H 8285; (372–15); Vote: yea.

September 24, 1969. Roll Call No. 183. S. 574. Authorizes the Secretary of the Interior to engage in feasibility investigations of certain water resource development. On passage, p. H 8377; (364–16); Vote: yea.

February 16, 1970.—Roll Call No. 12. H.R. 1049. Relates to the conservation and enhancement of the Nation's anadromous fishing resources, and encourages certain joint research and development projects. On passage, p. H 819; (300–19); Vote: yea.

February 26, 1970.—Roll Call No. 34. H. Res. 799. Provides for consideration of 2 hours of debate on H.R. 12025 to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund. On agreeing to resolution, p. H1341; (150–228); Vote: Nay.

March 16, 1970.—Roll Call No. 49. H.R. 14896. Establishes a program for the preservation of additional historic properties throughout the Nation. On suspension of rules and passage, p. H 1794; (317–9); Vote: Nay.

April 20, 1970.—Roll Call No. 86. H.R. 780. Authorizes the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon. On suspending the rules and passage, p. H3266; (271–15); Vote: Yea.

April 27, 1970.—Roll Call No. 91. H.R. 14714. Amends authority of the Secretary of the Interior under the Act of July 19, 1940, to encourage through the National Park Service travel in the United States. On motion to recommit the bill to the Committee on Interstate and Foreign Commerce, p. H 3483; (111–222); Vote: Nay. Voted Aye on final passage (voice vote).

May 25, 1970.—Roll Call No. 141. H.J. Res. 1117. Establishes a Joint Committee on the Environment. On passage, p. H 4796; (285–7); Vote: yea.

June 15, 1970.—Roll Call No. 169. H.R. 15361. Establishes a pilot program designated as the Youth Conservation Corps. On passage, p. H 5545; (255–54); Vote: yea.

June 22, 1970.—Roll Call No. 182. S. 2315. Restores the Golden Eagle program to the Land and Water Conservation Fund Act. On passage, p. H 5877; (314–1); Vote: yea.

June 23, 1970.—Roll Call No. 184. H.R. 11833. Amends the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities and improves research programs pursuant to such act. On passage, p. H 5915; (337–0); Vote: yea.

August 3, 1970.—Roll Call No. 250. H.R. 18260. Authorizes the Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance. On suspension of rules and passage, p. H 7593; (289–28) Vote: yea.

August 13, 1970.—Roll Call No. 281. S. 3547. Authorizes the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado. On agreeing to conference report, p. H 8262 (337–4); Vote: yea.

ADDITIONAL VOTES CAST BY HON. WILLIAM H. AYRES ON MAJOR ENVIRONMENT AND NATURAL RESOURCES LEGISLATION NOT LISTED BY THE LIBRARY OF CONGRESS

ENVIRONMENTAL QUALITY EDUCATION ACT

S. 3151, H.R. 18260

Authorized the United States Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

Passed House under suspension of the rules by a record vote of 288 yeas, August 3, 1970.

Ayres—yea.

WATER QUALITY IMPROVEMENT ACT OF 1969

(S. 7), H.R. 4148

Amended the Federal Water Pollution Control Act to improve the means available to control pollution of offshore waters and rivers of the United States; to provide for the control of oil and other sea-carried pollutants; sewage from vessels; acid and other pollutants from mines; and pollution from any federally-operated source. To direct the Secretary of the Interior to make a study of any and all methods of financing the cost of preventing, controlling, and abating water pollution.

Passed House with Committee amendments by a record vote of 392 yeas to 1 nay, April 16, 1969.

Ayres—yea.

House agreed to conference report (H. Rept. 91–940) by a record vote of 358 yeas, March 25, 1970.

Ayres—yea.

CLEAN AIR ACT

H.R. 17255

Established national air quality standards due to pollution by automobiles, plants, fuels, and planes. To authorize the Secretary of Health, Education, and Welfare to set ambient air quality standards on a nationwide basis for the five pollutants on which criteria has been published.

Note: H.R. 15848, the original bill, was an Administration bill.

Passed House amendment by a record vote of 374 yeas to 1 nay.

Ayres—not voting (among 54 not voting). Attending the ILO Conference in Geneva, Switzerland upon appointment as a delegate by the Speaker of the House of Representatives.

YOUTH CONSERVATION CORPS ACT OF 1969

S. 1076 (H.R. 15361)

To establish a three-year pilot program, the Youth Conservation Corps, for youth between the ages of 15 and 19, regardless of race and family income.

Passed House amended by a record vote of 256 yeas to 54 nays, June 15, 1970.

Ayres—yea.

House agreed to conference report, July 30, 1970.

INTERNATIONAL BIOLOGICAL PROGRAM

H.J. Res. 589

To express the support of the Congress, and to urge the support of the Federal Departments and agencies as well as other persons and organizations, both public and private, for the international biological program.

Passed House amended by a voice vote, November 12, 1969.

H. Res. 603, the rule under which the bill was considered, was adopted earlier, after the previous question was ordered, by a record vote of 230 yeas to 99 nays.

Ayres—yea.

(Voting record, September 1970)

CONGRESSMAN WILLIAM H. AYRES, ELECTED TO 82D CONGRESS—NOVEMBER, 1950, REPUBLICAN, OHIO

1970

The 1965 Voting Rights Act's ban against literacy tests resulted in nearly a million new Negro registrants in the South. It also made possible the election of over 500 black public officials. The ban against literacy tests was scheduled to expire in August, 1970. The Nixon Administration sought to weaken the law by killing a provision which made it apply automatically to some of the various areas of racial discrimination in voting. The Senate refused to follow the Nixon proposal and instead, on March 13, 1970, by a vote of 64 to 12, approved a bi-partisan bill which contains the strong provisions of the existing law and also gave 18 year olds the right to vote, effective January 1, 1971. The House Rules Committee granted a rule making it in order for the House to accept the Voting Rights Act as amended by the Senate. The first vote was on adoption of this rule. On June 17, 1970, the House by a vote of 224 to 183, adopted the rule. This was the key vote. Congressman Ayres voted for the motion.

On the same day the House voted for the Voting Rights Act as amended by the Senate which included giving the vote to 18 year olds. Congressman Ayres voted for the bill on final passage.

1968

Part of the Administration's original civil rights package in the 90th Congress was a bill to reform the Federal jury system by prohibiting discrimination in the selection of juries. The NAACP worked for this reform for a long time. The bill passed the House by a vote of 307 to 45 on February 26, 1968. Congressman Ayres voted for this bill.

The Civil Rights Act of 1968 first passed the House but was strengthened in the Senate by the inclusion of an open housing amendment. When the bill returned to the House, Representative Madden (D.-Ind.) offered a resolution that made it possible to adopt the Senate bill without change. Had the Madden resolution failed, the bill would have gone to conference where the housing title could have been emasculated or killed. This was the most important House vote on civil rights in the 90th Congress. The Madden resolution carried by a vote of 229 to 195 on April 10, 1968. Congressman Ayres voted for the Madden resolution.

On the same day the House passed the Civil Rights Bill with its open housing provisions by a vote of 250 to 172. Congressman Ayres voted for the bill.

1967

A bill to extend the life of the U.S. Civil Rights Commission for five years to January 1, 1973, passed the House for a vote of 284 to 89 on July 11, 1967. Congressman Ayres voted for the extension.

The NAACP has for years sought passage of a bill that would make it a Federal crime to use force or threats to interfere with the exercise of civil rights. Such a bill passed the House by a vote of 326 to 93 on August 16, 1967. (This bill became the 1968 Civil Rights

Act when it was returned to the House with a fair housing amendment added by the the Senate. Congressman Ayres voted for the bill.

1965

The 1965 Voting Rights Act, as sent to Congress by the Administration was a strong proposal, but most of the civil rights groups felt that it needed many strengthening and perfecting changes. Civil rights supporters in and out of Congress succeeded in adding language which was incorporated into the final bill. The final version of the bill banned literacy tests for five years, established a system of Federal examiners to aid in voter registration, branded the poll tax as discriminatory and instructed the Attorney General to institute court action to eliminate the tax. On July 6, 1965, the House by a vote of 333 to 85, passed the Voting Rights Act of 1965. Congressman Ayres voted for the bill.

1964

The Civil Rights Act of 1964 was the most sweeping civil rights legislation considered by the Congress since the passage of the 13th, 14th and 15th Amendments. Its passage fulfilled many of the legislative objectives that the NAACP has pursued for over fifty years. Although Congress has passed civil rights laws in 1957 and 1960, the passage of the 1964 law marked the first time since the post-Civil War period that it had acted comprehensively to protect civil rights. On July 2, 1964, by a vote of 289 to 126, the House adopted a resolution providing for House approval of the bill as amended by the Senate. The bill was then sent to the President for his signature. Congressman Ayres voted for the resolution.

1960

The Civil Rights Bill of 1960 passed by the Congress failed to meet the NAACP's standard of a meaningful civil rights bill because the Congress failed to strengthen the "skeleton" bill by adding any significant amendments. On April 21, 1960, by a vote of 288 to 95, the House passed the Civil Rights Bill of 1960. Congressman Ayres voted for the bill.

1958

The House Appropriations Committee failed to recommend any appropriation for the operation of the Civil Rights Commission. When the Appropriation Bill reached the floor. Congressman Rabaut (D.-Mich.) offered an amendment to appropriate $750,000 for the Commission's budget for 1958–1959. Congressman Ayres voted for this appropriation on April 1, 1958. The appropriation was approved by the House.

On July 17, 1958, the House passed H.R. 3, the so-called "states rights bill." Many who supported this bill did so in order to reverse some of the liberal decisions of the Supreme Court and other Federal courts. Congressman Ayres voted against H.R. 3.

Pursuant to Convention resolutions, the NAACP supported Statehood for Alaska and Hawaii. Congressman Ayres voted for Alaska Statehood on May 28, 1958.

1957

Opponents of civil rights sought to attach a sweeping jury trial amendment to H.R. 6127, the Civil Rights Bill, on June 18, 1957. This was a much broader and more damaging amendment than that which the House and Senate finally agreed upon when the bill came up for final passage. Congressman Ayres voted against the jury trial amendment and voted for the Civil Rights Bill when it came up for final passage on August 27, 1957.

1956

The NAACP prepared an amendment, which Mr. Powell offered on the floor, prohibiting the use of Federal funds for racially segregated schools. Congressman Ayres voted for this amendment on July 5, 1956. The amendment was approved and Mr. Ayres voted for the entire bill on the same day.

On July 23, 1956, the southern bloc made an attempt to send the Civil Rights Bill, H.R. 627, back to committee as it neared final passage in the House. Congressman Ayres voted against sending the bill back to committee. He voted for passage of the bill on the same day.

1955

On July 29, 1955, Mr. Powell offered an NAACP sponsored antisegregation amendment to the Housing Bill. Mr. Ayres voted for this amendment. (This vote was not a record vote because the House was in the Committee of the Whole. However, observers in the Gallery reported how the Congressmen voted.)

The NAACP has consistently supported public housing and opposed attempts to cut the number of housing units that could be built. Congressman Ayres supported public housing on July 29, 1955.

Congressman Ayres voted for Hawaii-Alaska Statehood on May 10, 1955.

1953

Congressman Ayres voted for Hawaii Statehood on March 10, 1953.

Congressman Ayres supported public housing on April 22, 1953, July 21, 1953, and April 2, 1954.

1952

President Truman vetoed the McCarran-Walter Immigration Act because it was too restrictive. The NAACP also opposed the Act and urged that the President's veto be upheld. On June 26, 1952, the House overrode the veto. Congressman Ayres voted to uphold the veto.

Prepared by: Washington Bureau, NAACP, the Congressional Building, Washington, D.C.

CONGRESSMAN AYRES' OUTSTANDING LEGISLATIVE RECORD

Congressman Ayres is well known for his personalized service to the people of the 14th Congressional District. Literally thousands of constituents over the years have been helped in problems with the Federal Government. The slogan "Ayres Cares" expresses this willingness to serve.

Fewer people in the 14th District, however, are aware of the fact that their Congressman is one of the most skilled and successful legislators in Washington. For example: in the 90th Congress (1967–68) over 20,000 bills were introduced but only 1,002 were enacted into law. Even then, 640 of these were public laws which affect us all; the rest were private laws for the relief or compensation of an individual with a claim against the government. So the chance of a bill becoming law in the 90th Congress was about one in thirty. Ayres did far better.

Congressman Ayres sponsored 26 bills during the 90th Congress, of which 11 were enacted into public law. This is a "legislative batting average" of over .400—which is great in baseball and in Congress is *15 times better than average!* In this Congress (91st) nine Ayres-sponsored bills already have become law, so he probably will surpass his great record in the 90th Congress.

Ayres-sponsored bills actually enacted into law—as shown in the attached list—include major measures in such vital fields as vocational-technical education, improved programs for older Americans, the education of handicapped children, Federal guarantees of student loans, better safety standards for workers, rehabilitation of handicapped persons, veterans education, and national security.

AYRES-SPONSORED BILLS ENACTED INTO LAW

1. Cold War G.I. Bill, approved March 3, 1966: This Act—which benefits millions of Korean and Vietnam veterans—was first suggested by Ayres with H.R. 2962, introduced in January of 1955 and reintroduced as H.R. 11862 in January 1966. While the bill that became law bears the name of the Chairman of the Committee on Veterans Affairs, it was Congressman Ayres who led the fight for this legislation.

2. Education Professions Development Act (H.R. 10943—signed into law June 29, 1967—Public Law 90–35): This Act established a wide range of Federal programs to help train both public and private and parochial school teachers and college faculty, including fellowships, summer institutes, inservice education, special training for teachers of handicapped children, and the Teachers Corps.

3. Vocational Rehabilitation Act (H.R. 12257—signed into law Oct. 3, 1967—Public Law 90–99): This Act made the most extensive improvements in the history of Federal legislation to provide job training and rehabilitation for handicapped persons, including the establishment of a National Center for Deaf-Blind Youth and Adults. It represents a major contribution to "helping people to help themselves".

4. Improvement of Library Services (H.R. 13048—signed into law Nov. 24, 1967—Public Law 90–154): This Act made technical amendments to improve the operation of the highly successful programs under the Library Services and Construction Act.

5. Internal Security Act Amendments (H.R. 12919 is identical to Senator Dirksen's S. 2171—enacted into law January 2, 1968—Public Law 90–237): This strengthens the Internal Security Act of 1950 to deal more effectively with Communist and Communist Front organizations.

6. National School Safety Patrol Week (H.J. Res. 1053 identical to S.J. Res. 72—signed into law March 29, 1968—Public Law 90–277): Designates second week of May in each year as National School Safety Patrol Week.

7. Ohio Education Funds (H.R. 13176—signed into law May 13, 1968—Public Law 90–304): Authorizes the State of Ohio to utilize the proceeds of the sale of certain public lands for educational purposes.

8. Extension of Student Assistance (H.R. 16729—signed into law August 3, 1968—Public Law 90–460): This Act provided a necessary extension of the NDEA student loan program, the insured loans for students, and vocational student loans, with technical amendments to improve the operation of the programs.

9. Early Education for Handicapped Children (H.R. 18763—signed into law September 30, 1968—Public Law 90–538): This Act provides Federal assistance for programs to encourage preschool education for America's six million handicapped children, giving them a much-needed "head start" in overcoming physical and mental handicaps.

10. White House Conference on Aging (H.J. Res. 1371—signed Sept. 28, 1968—Public Law 90–526): Provides for a White House Conference on Aging to concentrate national attention on problems of older citizens and to seek solution to these problems.

11. Eisenhower College Memorial (H.R. 19831—signed into law Oct. 12, 1968—Public Law 90–563): This Act establishes a living memorial to President Dwight David Eisenhower by the endowment of Eisenhower College.

12. Vocational Education Act Amendments of 1968 (H.R. 18366—signed into law Oct. 16, 1968—Public Law 90–576): This is the most important and comprehensive revision and modernization of the Federally-supported vocational education programs since the original Smith-Hughes Act of 1917. It includes benefits for private and parochial school pupils who need vocational training. It more than carries out Congressman Ayres' pledge to double funds for occupational

training; it will authorize over $3.5 billion in Federal funds for vocational education over the next five years, and is of vital importance to industrial areas such as Summit County and Akron. This Act will help bring education into the Age of Space and Technology where all young people must have a chance to "learn to earn."

13. Correctional Rehabilitation Study Act of 1965 (H.R. 8438—signed into law March 28, 1969—Public Law 91–6): Extends the time for filing final reports under the Correctional Rehabilitation Study Act of 1965 until July 31, 1969.

14. Construction Safety Act (H.R. 10946—signed into law Aug. 9, 1969—Public Law 91–54): This Act promotes the health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

15. Economic Opportunity Act of 1964 (H.R. 12321) (Enacted under Senate bill S. 3016—signed Dec. 30, 1969—Public Law 91–177): This Act provides for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. This authorizes a two-year extension of the "War on Poverty" as requested by President Nixon.

16. National Center on Educational Media and Materials for the Handicapped (H.R. 11785 is identical to S. 1611—signed into law August 20, 1969—Public Law 91–61): To amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped. This Center should result in major improvements in education for handicapped children in schools all over the Nation.

17. Gifted and Talented Children Educational Assistance Act (H.R. 13304—Passed House Oct. 6, 1969): This Act provides for educational assistance for gifted and talented children; included in Public Law 91–230.

18. Children With Learning Disabilities Act of 1969 (H.R. 13310—Passed House October 6, 1969): This Act provides for special programs for children with specific learning disabilities; included in Public Law 91–230.

19. Amend Vocational Education Act of 1968 (H.R. 13630—Passed House Dec. 16, 1969): To extend expiring programs authorized by the Vocational Education Act of 1968; included in Public Law 91–230.

20. President's Council on Youth Opportunity (H.J.Res. 764—signed into law Dec. 30, 1969—Public Law 91–176): To authorize appropriations for expenses of the President's Council on Youth Opportunity.

21. National Commission on Libraries (Enacted under Senate bill S. 1519—signed July 20, 1970—Public Law 91–346): This Act established a National Commission on Libraries and Information Science, and for other purposes.

Congressman Ayres' Record on Legislation for Veterans

(Compiled by the Veterans Affairs Committee Counsel)

The Honorable William Hanes Ayres was first elected to the 82nd Congress of the United States on November 7, 1950. The fact that his election was a wise choice has been reaffirmed time and again as the voters of the 14th District of Ohio have returned him to Washington to represent them in each succeeding Congress.

Because of his 20 years of dedicated public service, Congressman Ayres is one of the senior Republican Members in the House of Representatives. With seniority, of course, comes continually increasing responsibility. First, he became the top ranking minority Member of the Committee on Veterans' Affairs and now he is the senior Republican Member of a Committee that deals in several of the most difficult and controversial fields of national legislation, the Committee on Education and Labor.

His actions during the past 20 years as a Member of the Committee on Veterans' Affairs have truly reflected a sincere regard for the best interests of the Nation and its veterans. In fact, Ayres' record prompted the Chairman of the Committee on Veterans' Affairs (Mr. Teague) to state recently, "Because you have always shown the courage to place the national welfare and the best interests of veterans above political expediency, I am honored to have you on my Committee."

As a freshman Congressman in the 82nd Congress, Ayres played a leading role in the enactment of legislation providing educational benefits and home loans for almost five million veterans of the Korean conflict—the so-called Korean G.I. Bill.

In the 84th Congress, when Ayres was informed that the President intended to issue a Proclamation on January 31, 1955, terminating entitlement to the benefits of the Korean G.I. Bill, he immediately introduced a bill to provide educational benefits for those who served after January 31, 1955. Ayres introduced his bill on January 25, 1955, thus, becoming the first of a long list of distinguished Congressmen and Senators calling for a Peacetime G.I. Bill. His continuing, sometimes single-handed effort finally paid off in March of 1966, when the 89th Congress enacted a new G.I. Bill for veterans and active duty personnel with service after January 31, 1955.

In that same 84th Congress, Ayres joined the Chairman of the Veterans' Affairs Committee in spearheading the successful drive that resulted in the now famous War Orphans' Educational Assistance Act. This legislation has permitted thousands of children of men who were killed in action or died of service connected disabilities to receive free college education.

Not entirely satisfied with the scope of the new G.I. Bill or the War Orphans' Educational program, Ayres pressed for legislation to provide job training, farm training and flight training and increases in monthly training allowances and educational benefits for widows and wives of totally disabled veterans. His efforts culminated successfully in the enactment of P.L. 90–77, the Veterans' Pension and Readjustment Assistance Act of 1967, and P.L. 90–631, a bill authorizing educational benefits for widows and wives of totally disabled service connected veterans.

His efforts on behalf of the Nation's veterans are not limited to education. He, more than any other Member of Congress, is responsible for assuring a continuing supply of mortgage capital, both private and government direct, into the World War II and Korean conflict home loan programs. He has taken a leading role in providing file insurance coverage for today's servicemen and is making certain that the rates of compensation for disabled veterans and the widows and orphans of deceased veterans have kept pace with the cost of living. Just a short time ago, President Nixon approved P.L. 91–376, a bill co-sponsored by Ayres, that increased the monthly rates of compensation payable for service connected disability.

Ayres is presently leading the fight to obtain additional funds for veterans' hospitals, and to obtain increased payments and more generous benefits for veterans on the pension rolls. In the housing field, he has sponsored legislation to remove the deadline dates for entitlement to G.I. home loan benefits.

His record of success in veterans' legislation has earned for Congressman Bill Ayres the right to be called "a true champion in the cause of the Nation's veterans."

Congressman Ayres' Legislative Record on Behalf of the Handicapped

(Compiled by the Council for Exceptional Children)

Bill Ayres has long been a friend of the handicapped and his voting record on their behalf speaks for itself. He has voted for every legislative proposal that has been designed to benefit the handicapped and he has been the prime sponsor or co-sponsor on many of them.

Here is a listing of the legislation for which he worked to secure House approval which adequately reflects the extent of his concern and involvement on behalf of the handicapped:

1957: P.L. 83–531 which earmarked moneys for the retarded.

1958: P.L. 85–905 which established a program of captioned films for cultural enrichment and recreation for the deaf; P.L. 85–926 which made grants for training leadership personnel in education for the mentally retarded.

1959: P.L. 86–158 which added authorization for support grants to institutions of higher learning.

1961: P.L. 87–276 which made grants for training basic instructional personnel in education of the deaf; P.L. 87–715 which provided for the production and distribution of films.

1963: P.L. 88–164 which expanded authority to train personnel for handicapped conditions not previously included; P.L. 88–164 providing for grants for research and demonstration projects in the area of education of the handicapped.

1965: P.L. 89–36 which created a new source of higher education for the deaf; P.L. 89–105 which extended basic authorities, allowed development of research and demanstration centers; P.L. 89–313 which amended Title I of the Elementary and Secondary Education Act of 1965 to provide grants to States for children in State-operated or supported schools for the handicapped.

1966: P.L. 89–694 which created a model high school in Washington, D.C.; P.L. 89–750 which made grants to States for preschool, elementary and secondary school children; National Advisory Committee; Bureau of Education for the Handicapped.

1967: P.L. 90–170 which extended basic training authority, added new authority for training and instructing of personnel and for research in area of physical education and recreation for handicapped children; P.L. 90–247 Regional Resource Centers; Centers for Deaf Blind Children; expansion of media services and grants for recruitment and information dissemination; earmarking 15% Title III ESEA for handicapped children; intramural research and contracts for research; increased funds for State schools; changes in Title VI grants to States formula and authorizations.

1968: P.L. 90–302 which extended the School Lunch Act to provide lunches for public and private nonprofit day care centers serving the handicapped; P.L. 90–391 providing for vocational rehabilitation of the handicapped; P.L. 90–538 which provided for the establishment of innovative, model, preschool programs for all handicapped children; P.L. 90–575 which provided programs to assist handicapped children to attend college; P.L. 90–575 Vocational Education Amendments of 1968 which provided that 10% of funds be earmarked for the handicapped.

1969: P.L. 91–61 to provide for a National Center on Educational Media and Materials for the Handicapped; P.L. 91–230 which included provision for programs for the learning disabled and the gifted.

Mr. Speaker, I would like to point out that although my record in the areas of environment, civil rights, and education are ones to which I can point with pride, all of the other Members on the list could do so as well. I point to the conservation record of my colleague, DAVID DENNIS, who is criticized for not being concerned about the environment. Yet, he is a member of several environmental organizations and has been intimately

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concerned with conservation, the environment, and related subjects for many years.

The following is a letter along with a press release sent by Congressman DENNIS to an ecology group in which he is a member. The letter and the press release speak for themselves:

SEPTEMBER 16, 1970.

SOCIETY FOR PRESERVATION AND USE OF RESOURCES,
Hayes Arboretum, Richmond, Ind.

DEAR FELLOW MEMBERS OF SPUR: It has come to my attention that members of SPUR are interested—as is only natural—in the position of members of Congress, and of aspirants to that office, on matters involving conservation, the environment, and related subjects. I am happy to comply with the suggestion, which has been made by some of my friends, that I contribute a brief statement as to my own position and record in this regard.

As many of you know, Tresa and I have been members of SPUR since early in its existence, and it has been our pleasure also to contribute to SPUR's program of land acquisition in the Richmond area. As some of you know I have also been for many years a member of the Wilderness Society, and my family and I have, at various times, camped, hiked, back-packed, and climbed in the Tetons and in the Wind River Range in Wyoming, in the Front Range of the Rockies in Colorado, in the Bear Tooth and Bitter Root Mountains in Montana and Idaho, and also—since we have been in Washington—in the Blue Ridge Mountains of Virginia. I therefore believe that I can honestly claim a long standing involvement with an appreciation for the areas of interest in which SPUR and the members of SPUR are active and concerned.

My record in the Congress is consistent with this background. I have voted for the Water Quality Improvement Act, the Clean Air Act, the creation of the Council on Environmental Quality, the Clean Air Act Amendment of 1970, and the Environmental Education Act. I actively supported the successful efforts to defeat the proposed National Forest Timber Act of 1969, which act was designed to greatly increase the logging of unprotected virgin timber in our National Forests. As to this measure I stated in the Congressional Record: "This bill is to increase as rapidly as it can be done timber cutting in the remaining and presently unprotected virgin forests of America. This, I submit, is wrong; this, I strongly suggest, is a thing which we ought not to do."

Recently an effort was made by a self-styled group of alleged environmentalists to classify me, along with some other members of Congress, as an opponent of environmental causes. This obviously politically inspired and politically dishonest effort, which was actually based upon opposition to my views in non-environmental fields, broke down in the face of my well-known personal and Congressional record.

I, of course, regard the environment as a fundamental matter, as any thoughtful person must do. Reconciliation and adjustment of pressing, important, and essential environmental requirements and of the legitimate needs of the complex industrial society in which we live and through which we make our living presents one of the basic challenges of our era. As a member of Congress I have supported, and I shall continue to support, necessary and appropriate action to preserve, protect and improve the environment; and I shall give increasing attention to the adequate and successful meeting of this challenge. Like other challenges, I believe its satisfactory solution to be entirely within the American competence and genius, now that it has begun to receive our long over-due attention. I look forward to the opportunity to continue to work with and for my fellow members of SPUR in this vital undertaking.

Sincerely yours,
DAVID W. DENNIS,
Member of Congress.

DENNIS VOTING RECORD ON ENVIRONMENTAL ISSUES

In response to inquiries concerning his stand on legislation dealing with environmental problems, Congressman David W. Dennis (R.-Ind.) published today his voting record in Congress on environmental issues.

April 16, 1969.—Voted for Water Quality Improvement Act of 1969. Six-part measure for better control of oil spillage (H.R. 4148).

Sept. 4, 1969.—Voted for Clean Air Act. To extend for one year the program of research relating to fuel and vehicles by the Department of Health, Education and Welfare (H.R. 12085).

Sept. 23, 1969.—Voted for Council on Environmental Quality. Creates a five-member council to advise the President on our national environment (H.R. 12549).

Sept. 24, 1969.—Voted against the Water Resources Development Act. Authorized the investigation of eight water resource projects by the Secretary of Interior. Several such studies had been completed but had not been funded. There did not appear to be a need to authorize additional studies on projects that would not be funded. None of the eight projects were in Indiana (S. 574).

Feb. 26, 1970.—Paired against National Forest Timber Act of 1969. "The bill is to increase as rapidly as it can be done timber cutting in the remaining and presently unprotected virgin forests of America. This, I submit, is wrong; this, I strongly suggest, is a thing which we ought not to do", Dennis stated in a speech in the House opposing the bill (H.R. 12025).

March 25, 1970.—Voted for conference report on H.R. 4148. Previously passed by the House on April 16, 1969.

June 10, 1970.—Voted for Clean Air Act Amendment of 1970. Allows Secretary of Health, Education and Welfare to regulate national air quality standards (H.R. 17255).

August 3, 1970.—Voted for Environmental Education Act. Provides environmental education at elementary and secondary education levels (H.R. 18260).

Congressman David W. Dennis has recently been criticized for voting against environmental legislation. The record above speaks for itself.

Evidently the attacks on Congressman Dennis are due to his support of President Nixon's "Vietnamization" program which is progressing well in Southeast Asia. Various other issues were also mentioned as the campaign season begins.

THE COTTON PROTECTION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, yesterday I called upon the House conferees on the Agriculture Act of 1970, the so-called Cotton Protection Act, to reject two amendments added by the Senate which would add at least $90 million to the tax burden of this outrageous program. Actually, the increased cost would be more on the order of $190 million, according to the U.S. Department of Agriculture, thus making the program even more outrageous.

The increase in base acreage from 11.5 million acres to 14.5 million acres would increase the cost of the cotton program by $150 million per year, not $50 million as I stated yesterday. Thus the pittance saved by the House in enacting a $55,000 payment limit has evaporated in the eagerness of the Senate to sweeten up the cotton section of the bill.

I urge the House conferees to reject the Senate amendments and not to accept any compromise which would make the bill any more expensive.

NATIONAL COMMISSION ON INDIVIDUAL RIGHTS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce a bill to create a National Commission on Individual Rights. At the outset, however, I would like to acknowledge my debt of gratitude to the distinguished gentleman from Delaware (Mr. ROTH) who has authored the authoritative compilation of Government programs, a compilation that has brought to light, really for the first time, just how extensively the Federal Government is involved in social and economic programs.

As is evident from the Roth report, the operations of the Federal Government intimately touch the lives of all Americans. Moreover, a careful reading of the report raises in my mind, as I am confident it does in the minds of others, certain questions regarding the state of individual rights in the United States today.

I think, Mr. Speaker, it is obvious that to raise questions regarding the condition of individual rights, is not to answer them. What is less obvious though, is that there is no clear or even reasonably clear answer to these questions at all. Public officials, educators, and interested persons throughout the land can and do make sweeping generalizations regarding individual rights and liberties but nowhere, I repeat nowhere, is there any definitive evaluation as to what the real condition of these liberties and freedoms are.

One approach to providing such an evaluation would be to form a congressional committee to investigate this matter. This method, although feasible, would have certain shortcomings in my mind. Perhaps most significant would be that since Congress operates inside the federal system as a cornerstone of the federal system, Congress may not be capable of providing the clearest expression of objectivity on this vital matter.

A second and possibly more feasible approach would be to establish a national commission and empower it to investigate and evaluate Federal laws and practices as they relate to individual rights. Such a body would contain Members of Congress, as well as private citizens from all walks of life. Its activities and reports could spell out guidelines for focused congressional action. It could provide reference points from which congressional committees could investigate legislative proposals designed to foster and protect the individual rights our people hold so dear.

Mr. Speaker, I urge all my colleagues to join with me in this effort to provide a mechanization by which the state of individual freedoms can be assessed. Such action may mark a historic point in the development of our society.

ARMY BURNS TEXTBOOKS ON COMMUNIST PARTIES OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, recent reports of book burning by the Department of the Army caused me to make an inquiry of the author Lt. Col. Clyde W. Hill, who is now a retired Army officer. Colonel Hill has answered my inquiry stating he was a training specialist in the office of doctrine development and was assigned the job of compiling a textbook on communism. His manuscript was approved for publication in May of 1969, and sent for printing under Government contract. Two days after receipt of the printed books, all copies were confiscated and secured under double lock. In fact, Colonel Hill states he was not aware that the Army had destroyed all copies of the book until he learned of this action through the gossip column of Jack Anderson on August 29, 1970.

Suffice to say, many American people will find this strange behavior on the part of our U.S. Army, at a time when American men are being killed by Communist bullets and the entire free world threatened by communism. Apparently those in the high echelons of Army command do not want their troops to know the enemy or to understand what our men are fighting for by understanding what communism is against.

It would seem that the book burners have proven the need for the volume they have destroyed. One wonders if those officers are familiar with the controversial books on the Army Contemporary Military Reading List, required by the officers who attend the U.S. Army War College. See my remarks in the Congressional Record, volume 113, part 18, page 24353.

Mr. Speaker, Colonel Hill's letter and several newsclippings follow:

Asbury Park, N.J.,
September 19, 1970.

Hon. John R. Rarick,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Rarick: I am in receipt of your letter dated September 14th, 1970, in which you requested information as to the compilation of a book entitled, "Communist Party, USA," and its subsequent suppression.

During the month of December 1968, while employed by the United States Army as a Training Specialist in the Office of Doctrine Development, Literature and Plans, I was given a task of compiling a text book on the Communist Parties of the United States. This text was requested by the Department of Command Communications, United States Army Signal Center and School, and was to be utilized by that Department in a course of instruction entitled "Communism."

The text book which was compiled was based on a correspondence course of instruction from the Army Intelligence School, Fort Holabird, Maryland, entitled "Communist Party U.S.A. and has as its objectives the aims and goals of the Communist Party of the United States. It was also requested that I incorporate other documents into the text. The other documents which were incorporated into the book were all previously published by the Government, and consisted of Reports published by the House Committee on Un-American Activities, Senate Internal Security Sub-Committee Reports, FBI Reports, un-classified Army Intelligence Reports, and one article taken from the Congressional Record, (Translation of Lavia Baria's Text Book on Psycho-Politics). In addition propaganda pamphlets from the Progressive Labor Party, the Black Panther Party, the Students for a Democratic Society, the Student Mobilization Committee, the Socialist Labor Party, and the Communist Party of the United States was contained in a chapter entitled Propaganda.

The book was approved for publication in May 1969, and was sent to the print plant for printing. I understand that the book was printed by a civilian print shop under government contract. The book was returned to the Signal School in December 1969, the exact date I don't remember. However I do remember the afternoon that it was returned, there was an immediate request for copies to be distributed. Two days later, all copies were confiscated and secured under double lock. I was unaware that the book had been destroyed until Mr. Anderson released it in his column on August 29th, 1970. I was not given any reason as to the cause for the book being collected, and any reason that I could give you would only be my own opinion.

Unfortunately, I cannot forward to you a copy of the book as requested since the copies I had, as well as the draft manuscript in my possession were also confiscated. However I will provide you with an outline of the chapters based on memory.

Chapter 1.—History of the Communist Party to include its formation and ties with the Comintern.

Chapter 2.—Communist Fronts.
Chapter 3.—Communism and Labor.
Chapter 4.—Communism and Youth.
Chapter 5.—Communism and Religion.
Chapter 6.—Communism and Minorities.
Chapter 7.—Communism and Government.
Chapter 8.—Communism and Military.
Chapter 9.—The Current Party Line.
Chapter 10.—Communist Propaganda.

In addition there were Appendices littered from A thru O.

Due to the lapse of time and the volume of material contained in the text book, I cannot tell you each and every paragraph that was contained therein, however I can assure you that the book was not as described by Mr. Anderson, and no material was used in compiling the book which had not previously been published by the government. Any individual who was not aware of the aims and objectives of the Communist Party and their associated fronts and organizations, as well as their methods of operation might have considered it to be extremist material, even though it was previously published by the Government.

Looking back in retrospect however, I cannot help but be amazed that this book was not put to use especially when we see the activities taking place in our society today. It is beyond my comprehension that we must not provide any instruction against the Communist Party which might be considered to be biased, and simultaneously under the guise of academic freedom, we find Marxist-Socialist and Communist professors subverting and perverting our youth, and in many instances they are being subsidized by the taxpayer for doing it.

Hoping that this information will be of some value and will provide you with the answer to your inquiry.

Sincerely yours,
Lt. Col. Clyde W. Hill,
U.S. Army, Retired.

[From the Las Vegas Review-Journal, Sept. 1, 1970]

Army "Book" Views With "Birch" Eyes

(By Jack Anderson)

Washington.—In an outrageous goof, the U.S. Army has published a madcap 433-page encyclopedia which sees the world through John Birch Society glasses and ties the Nixon administration to the "communist conspiracy."

Entitled "Communist Party, U.S.A.," it lumps the administration, the United Nations, the Supreme Court, Dr. and Mrs. Martin Luther King, Health, Education, and Welfare Assistant Secretary James Farmer and many others into the same communist cauldron.

The 1,045-copy edition was so extreme that when Army Signal Center Commander Brig. Gen. Richard Horne III—whose unit published the book—finally read it, he ordered every copy immediately recalled.

Horne quickly ran down the 137 copies given to school instructors and to his staff. The general thought he had collected most of the others, but one of the volumes was smuggled to this column.

The thick book cost $2,425 to print, plus many more dollars to prepare. It was issued by the Center's "Office of Doctrine Development, Literature and Plans," a sort of Stone Age "think tank," to judge by the encyclopedia.

The Doctrine developers begin ominously:

"The Communist threat is not, as some would have us believe, a red herring—it is a red barracuda awaiting its chance to destroy us."

What value the book may have is destroyed when it makes "red barracudas" of the Kings, Farmer, cartoonist Jules Feiffer, writer George Plimpton and other liberals who have often harshly condemned the Soviet system.

The text reaches the height of absurdity by quoting a Communist defector—who once claimed he was heir to the Czarist throne—as an expert on State Department matters. The State Department was full of Reds in the 50's, says the volume, and "very little has changed."

"The Executive branch was and is the most vulnerable for Communist infiltration," conclude the writers, speaking of the present administration where the most famous Red-hunter of them all, Richard Nixon, is firmly in the White House.

The experts at Fort Monmouth Signal headquarters also dismiss the United Nations as "Soviet-oriented," an opinion that will no doubt surprise the Soviets.

And the U.S. Supreme Court gets an ear-boxing from the Signal Corps pundits for making it easy for the communists to "infiltrate all branches of government."

In fact, the only three organizations in America free of communist odors, to judge by the book, are the FBI and those relics of the McCarthy era, the House and Senate Internal Security committees.

Brig. Gen. Horne told my associate Les Whitten that he had destroyed all volumes he could find except for two file copies.

"I felt that the material . . . could very easily be misunderstood," he explained. "It was never used . . . by students."

Horne contended he did not know for sure who wrote the book and said no disciplinary action has been taken.

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[From the New Brunswick (N.J.) Home-News, Sept. 3, 1970]

ARMY DESTROYS EX-OFFICER'S BOOK ON U.S. COMMUNISTS

NEW SHREWSBURY.—A retired Army lieutenant colonel said Wednesday he compiled a book on the aims and activities of the Communist party in the United States that was later destroyed because it could be construed to have a right-wing bias.

Clyde W. Hill, who is now seeking a seat in Congress, said he worked on the book while serving as an education consultant at the Army Signal School in Ft. Monmouth. This was in 1969 shortly before he retired, he said in an interview with the Asbury Park Evening Press.

"I did compile the book and I can't understand how anybody could say it was one-sided. It contained a well balanced text," Hill said.

He said almost all the material used in the book came from government agencies such as the FBI and the Senate Internal Security Committee, the House Committee on Internal Security (formerly the House Un-American Activities Committee) and the Congressional Record. He denied a report that any of the material came from John Birch Society literature.

Last Saturday, Washington political columnist Jack Anderson reported that Brig. Gen. Richard C. Horne, commandant of the signal school, had ordered 1,045 copies of the book destroyed. Anderson said the book "lumps the Nixon administration, the United Nations, the Supreme Court, Dr. and Mrs. Martin Luther King . . . and many others into the same Communist cauldron."

Horne said in a statement that he had ordered the books destroyed because they could be "interpreted, or misinterpreted, as a collection of documents that would give the impression we were giving the students only the views of the far right."

A spokesman for the signal school said most copies were destroyed nine months ago.

The book was published by the Army at a cost of $2,425 and was intended for use in an advanced elective course for officers.

Hill, a National Conservative party candidate for Congress in New Jersey's 3rd District said:"I've got several questions for Mr. Anderson; I think his interpretation was a lot of garbage."

ARMY BURNS TEXT ON REDS, FEARS A MISUNDERSTANDING

FORT MONMOUTH.—Brig. Gen. Richard C. Horne III, commandant of the Army Signal Center and School, ordered destroyed 1,045 copies of a book to be used in an officers' seminar on communism because he believed the text could be misconstrued as giving only the views of the far right.

The incident, which occurred last December, was brought to light in a column written by Jack Anderson, Washington newspaperman and released Saturday.

Gen. Horne said last night "The book could be interpreted, or misinterpreted, as a collection of documents that would give the impression we were giving the students only the views of the far right."

Capt. Daniel Walden, Signal School information officer, said that the book was a compilation of the activities and aims of the Communist party in the United States. He said that the book was issued by the Signal School's Office of Doctrine Development, Literature and Plans for use in an elective seminar for officers. The information officer said that the contents of the book were taken from previously published material, and that one of the book's sources was the Congressional Record.

"Due to the manner in which a portion of the contents of the book was presented," Capt. Walden said, reading from a prepared statement, "the text could be misconstrued by persons not taking the course who would not be constrained by the perspective of the students taking the course."

The books, which cost a total of $2,425 to print, were destroyed and never used in the seminar.

In his column Anderson wrote the book "sees the world through John Birch Society glasses and ties the Nixon administration to the Communist conspiracy.

"It (the book) lumps the administration, the United Nations, the Supreme Court, Dr. and Mrs. Martin Luther King, Health, Education, and Welfare Assistant Secretary James Farmer and many others into the same Communist cauldron.

"The experts at Ft. Monmouth Signal headquarters also dismiss the United Nations as Soviet-oriented, an opinion that will no doubt surprise the Soviets."

Mr. Anderson wrote that he was in possession of a copy of the book.

Capt. Walden said that the Command Group at the Signal School approves the texts used in courses offered there. The Command Group is comprised of senior officers stationed at the School.

He said that Gen. Horne received a copy of the book as a courtesy usually shown to senior officers when a new book is published. Gen. Horne is not usually involved in the approval of course texts, Capt. Walden said, and otherwise might not have learned of the book's content.

Capt. Walden said the book was requested by the Department of Command Communications, which administers the school's curriculum. He said that no disciplinary action will be taken against those who compiled the book.

LIGHTS OUT IN THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 15 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, we have all viewed the lovely shadows which draw so beautifully across the Capitol. However, for the past few days we have been experiencing some additional shadows around here that are not only alarming but needless.

The shadows I refer to are those that darken the corridors because half the lights are out. The reason the lights are out, we all know, is because the entire east coast from here north is suffering a severe power shortage.

The reason for this, in turn, is due to a power fuel shortage which I am firmly convinced is more imaginary than real and which should and is going to be investigated by the Congress.

In the meantime, however, this problem could be alleviated over the short run by the administration. The President has executive power at his disposal to take positive action. To date he has failed to respond. Meanwhile, the lights go down and consumer power rates go up.

Yesterday, I wrote the President outlining some of the options open to him to alleviate this critical situation.

Mr. Speaker, I ask consent to place a copy of that letter in the RECORD at this point.

SEPTEMBER 23, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This morning I and other Members of the Congress from the Tennessee Valley Region received a disturbing if not distressing letter from TVA Board Chairman Wagner. A copy of that letter is enclosed.

Because of a shortage of fuel it has been made crystal clear the Nation faces the distinct threat of a severe power shortage this winter unless immediate action is taken.

This fuel shortage has already forced the announcement of an intended October 1st 23 percent increase in rates to Tennessee Valley Authority power consumers and consumers of both public and private power across the country are, or soon will be, suffering similar inflationary rate increases.

The full story behind the fuel shortage has not been told but will be, I have been assured, brought to light and treated in Congressional Hearings over the weeks ahead.

At this time, however, the underlying causes of the shortage are not as important as their potentially dire effects and something must be done immediately to prevent major power shortages in the cold weeks ahead.

It is my understanding there are three actions available to you, two of which would ease the fuel shortage and power price spiral nationally and one of which would alleviate the need for a 23 percent rate increase for TVA power consumers.

By executive action you have the power to limit the export of coal. This would significantly ease the coalcar shortage which is delaying shipment of coal to power plants nationwide. It would also make coal available for domestic power production though I realize that a considerable amount of export coal is not suited for this purpcse.

Second, you have the power to increase or temporarily suspend import quotas. Unfortunately, foreign oil today is not as plentiful as it normally is because of unexpected but hopefully temporary adverse conditions existing in some of the primary foreign export fields. Nonetheless, the opportunity for increased exports by these foreign producers, with the promise of greater revenues to the foreign nations wherein lie these fields, should provide strong incentive to remedy the causes of current production restrictions in foreign export capability.

An increase in available foreign fuel oil supplies, even a temporary one, would significantly ease the tremendous demand for coal which has sent prices skyrocketing and resulted in highly inflationary consumer price increases.

Finally, it is my understanding you have the power to approve a suspension of payments to the Federal Government by the TVA for a two-year period. Such an action on your part would, I am informed, greatly alleviate the necessity for the 23 percent TVA consumer rate increase scheduled to become effective next week.

Mr. President, Chairman Wagner points out in his letter that if coal costs continue to rise, rates will increase again. The time to stop this inflationary cost spiral is now. I am certain if you implement the actions available to you, you will find the Congress more than cooperative and the people of the Nation most appreciative.

Respectfully,

RICHARD FULTON,
Member of Congress.

FAIR PLAY FOR THE TOBACCO FARMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER), is recognized for 20 minutes.

Mr. PREYER of North Carolina. Mr. Speaker, the small tobacco farmer only asks for fair play in the smoking and health controversy. He is anxious to get a final scientific answer on the question of whether smoking is a serious health

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hazard. If it is, he will abide by the decision of the scientific evidence.

But instead of fair play and scientific facts, he gets only the antismoking public relations blitz. The latest example of this comes from the American Cancer Society, a well-intentioned and effective group which seems to lose its cool when it gets on the subject of tobacco.

On February 5 of this year, the ACS announced with great fanfare that they had at last produced lung cancer in laboratory animals through inhalation of smoke. For years, many laboratory animals have spent their lives smoking cigarettes—without a single case of lung cancer being produced. The ACS experiment, therefore, would be an important breakthrough, for the first time offering clinical evidence—rather than statistical evidence only—of the relation of smoking to lung cancer. The ACS described this as a "landmark" study, extending over 3½ years, and purporting to have shown evidence of cancer in 12 beagle dogs out of 97 dogs used in the experiment.

What has happened to this "landmark" experiment since February 5?

In the first place, the experiment was announced in an unusual way. Normally, most scientific studies of this importance are first presented to a scientific body, followed by publication in a medical journal, with full statistics and photographs. The ACS bypassed this procedure by going the press conference route. Front-page headlines predictably resulted. The ACS did promise that the complete study would be published "in the very near future."

The tobacco industry understandably was anxious to see the data. The industry suggested that the data be submitted to a panel of distinguished scientists. Three separate requests were refused.

What about publication in the medical and scientific journals? The study was first submitted to the New England Journal of Medicine. It was rejected out of hand.

It was then offered to the Journal of the American Medical Association whose editors turned it over to a special reviewing panel of 12 authorities in the field. This panel unanimously recommended that the manuscript be rejected.

Tobacco stands condemned in the press by a study that has yet to be submitted to the judgment of the scientific community. Fair play has once again been denied to the tobacco farmer.

In October I proposed that a commission be appointed to get to the bottom of the smoking and health controversy, once and for all. The history of the ACS "landmark" is one more example of the need for such a study.

I call on the ACS to submit its study to an independent panel of scientists for evaluation, or to withdraw, publicly, all claims for the study.

Recently Columnist James J. Kilpatrick wrote a very interesting account of the dog study which follows:

Has That Cigarette-Beagle Study Gone Up in Smoke?

Back on February 5, it may be recalled, the American Cancer Society staged a remarkable press conference at the Waldorf Astoria in New York. With all the trappings of publicity men at work, a landmark study was unveiled for the first time, it was announced, lung cancer had been induced in dogs subjected to intensive cigarette smoking.

Whatever became of that landmark? Almost unnoticed by the general press—though the story is arousing much talk in trade journals and in scientific circles—a shocking contretemps has developed. It is beginning to appear that the landmark may not be such a landmark after all.

By way of background, it should be said that this study was the greatest single study ever made to establish a causal relationship, in a laboratory, between cigarette smoking and lung cancer. The investigation was conducted jointly by Dr. Oscar Auerbach, a pathologist at the Veterans Administration Hospital in East Orange, N.J., and Dr. E. Cuyler Hammond, a Cancer Society vice president for statistical research.

Their investigation, conducted over a period of three and a half years, was financed jointly by the Cancer Society and by United States taxpayers through a federal grant. Ninety-seven male beagle dogs provided the source material.

Holes were opened in the windpipes of the animals, and except for a control group, cigarette smoke in various concentrations was pumped into their lungs. Twelve dogs died during the study. Two of them, it was announced, were found to have lung cancer. At the end of 875 days, all the surviving animals were killed and examined. Ten additional cases of lung cancer reportedly were discovered.

Now, in the normal course of events, a scientific study of this importance would have been published by a formal presentation before a scientific body, followed by printed publication, with full statistical evidence and photographic slides, in a major medical journal.

This is how such things are done; and when the Cancer Society bypassed such established procedures, in order to plunge into front-page headlines by the press conference route, a number of eyebrows were raised.

Nevertheless, the Society announced that the complete study, with all supporting evidence, would indeed be published "in the very near future." Such publication, said the board chairman, William B. Lewis, would show "the meticulous work that went into this latest scientific experiment which we believe meets the highest traditions and protocol of scientific investigation."

The tobacco industry understandably was eager to get its hands on the data. On February 27, Joseph F. Cullman 2d, chairman of the executive committee on the Tobacco Institute, proposed that the relevant material be submitted at once to a panel of distinguished scientists.

On March 12, Mr. Lewis refused such a professional review. In a follow-up letter on March 20, Mr. Cullman persisted.

The press release of February 5 had been widely publicized; the Congress had just completed action on the stringent tobacco labeling and advertising act. Mr. Cullman wanted the facts.

On April 17, Mr. Lewis again refused. "We do not intend to ask that these two eminent men submit their findings to any selected committee . . . their work will be judged in the traditional manner of American science . . . that is to say, the study would be judged upon its formal publication. With this exchange of correspondence, the story dropped out of the news.

What is not generally known, outside the immediate community of interest, is that the Society submitted the Auerbach-Hammond study first to the prestigious New England Journal of Medicine—which rejected it out of hand, reportedly because its editors were offended by the Society's publicity-seeking conference in February.

The manuscript then was offered to the Journal of the American Medical Association, whose editors, recognizing the importance of the study, turned it over to a special reviewing panel of 12 authorities in the field.

And this is the shocking fact: the panel unanimously recommended that the manuscript be rejected. One of the objections, it is said, was that the photographic slides submitted as proof of the cancers were of such poor quality that malignancy could not be determined.

All this happened in July. Two more months have passed, but the study still has not been submitted to the judgment of the scientific community. Is it not reasonable to ask, again, whatever became of that landmark?

SELECTIVE SERVICE DIRECTOR RETREATS ON THE MATTER OF SELECTIVE CONSCIENTIOUS OBJECTORS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on May 31, 1970, the New York Times reported the Director of Selective Service, Curtis W. Tarr, as saying that he would be willing to recommend enlarging the definition of conscientious objection so as to include those who for reasons of conscience oppose a particular war, if someone could tell him how to separate the honest objectors from the dishonest ones.

Because of my interest in this matter and because I take the position that under existing law the President could, by Executive order, establish the selective conscientious objector classification, I wrote to Mr. Tarr setting forth my recommendations for how such a classification could be administered.

I now have a response from Mr. Tarr which provides essentially nothing more than a retraction of his May 30 statement. His letter makes it clear that the Selective Service System is not giving any further consideration to providing selective conscientious objector status and that legislation is needed to specifically include selective conscientious objector status in our statutes.

This morning I testified before the Armed Services Committee's Special Subcommittee on the Draft on behalf of the legislation I have introduced, H.R. 7885 and H.R. 10501, to clarify the law's definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war.

At this time I would like to submit for printing in the Record a copy of my testimony before the Special Subcommittee on the Draft; this statement includes my correspondence with Selective Service Director Curtis W. Tarr.

Statement by Representative Edward I. Koch on the Matter of Selective Conscientious Objection

Mr. Chairman and Members of the Committee.

I do appreciate your giving me this opportunity to appear before you today on the matter which is at the core of so much of the turmoil and student unrest on the cam-

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puses; the draft and the fact that young men are being forced to kill other human beings in a war that many of them cannot in good conscience support.

While I have introduced legislation to replace the draft with a volunteer Army, I would like to limit my remarks today to those Selective Service regulations affecting conscientious objectors.

It is my position that the present Selective Service law permits a local draft board to grant Selective Conscientious Objector status to any young man who is opposed to participation in a particular war based on his religious or ethical revulsions against that war. Therefore, last year when I first came to Congress, I wrote to President Nixon urging that he direct the Selective Service System to establish the Selective Conscientious Objector classification under its rules and regulations. I am submitting for the record a copy of this letter of February 9, 1969 addressed to the President.

Since no Executive action was taken by the President, I introduced H.R. 7885 on February 27, 1969 to clarify the law's definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war. And on April 23, 1969, I introduced a complementing bill, H.R. 10501 to apply to those young men already affected by the Selective Service regulations—whether they be in combat against their conscience, in exile in another country, or in prison. H.R. 10501 would give these young men a "second chance" to offer information to their local boards in support of their claim of conscientious objection to participation in a particular war.

On May 31st of this year, the New York Times reported Selective Service Director Curtis W. Tarr as saying that he would be willing to recommend enlarging the definition of conscientious objection so as to include selective conscientious objectors if someone could show him how to separate the honest objectors from the dishonest ones.

Upon reading of Mr. Tarr's interest, I gave this matter further study, taking into consideration the June 15th Supreme Court decision in *Welsh* v. *United States*, and on July 28th I submitted to Mr. Tarr my recommendations. I would like to submit for the record both my letter to the Selective Service Director and the response of August 21st which I received from him.

Unfortunately, Mr. Tarr's response provides nothing but a retraction of his stated interest in broadening the conscientious objector regulations, making it clear that the only way that we will be able to provide Selective Conscientious Objector status during this Administration is to amend the law.

I commend both H.R. 7885 and H.R. 10501 to the Committee, and I would submit that the basic justification for enacting this legislation at this time lies in the fact that the opposition to the Vietnam War for many people has gone beyond politics; it has become a matter of morality and of deep conviction and conscience. It is time that we update our laws so as to respect such conscientious objection. Just as we can understand those who say they cannot kill in any war, we should also be able to understand and recognize the moral judgment and the position of conscience that is involved when a man refuses to kill in a particular war.

FEBRUARY 9, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I respectfully request that you take immediate action to grant exemption from military service to young men who are conscientiously opposed to the Vietnam War. As a corollary to this policy, men who have been convicted of draft evasion or who have fled the country to avoid military service in Vietnam should be given an opportunity to demonstrate that they were conscientiously opposed to the War. In all cases, those excused from military service should be required to perform alternative service comparable to that now asked of conscientious objectors traditionally exempt from military service.

It is now plain that the war in Vietnam is the most unpopular engagement in American history. Once there were only scattered protests to the War; now there is national momentum in favor of liquidating the conflict—one of the saddest chapters in our foreign policy. But although the question of the war is of vital importance to all of us, it is of special and poignant concern to the young men who are subject to military service. They stand to lose their lives or take the lives of others in a cause that a growing portion of Americans believe to be mistaken.

As President, you have already taken a very important step in recognition of the opposition to enforce service in the military by requesting the Defense Department to develop plans to establish a voluntary army as soon as circumstances permit. I applaud this step because I believe that the draft constitutes a severe and unnecessary deprivation of individual liberty and because our military needs can be satisfied by a program which pays for itself.

I understand why you are postponing implementation of the concept of a volunteer army.

But there is one major action that you can take right now if you recognize the moral basis to the war protest and really intend to bring the nation together again.

Immediate executive action should be taken by granting exemptions from military service to young men who conscientiously oppose the Vietnam War even though they are not opposed to service in all wars.

The nation has long exempted conscientious objectors because of their sincere opposition to service in war or the military. It is increasingly recognized that objection to engaging in a particular war may stem from the same depth of conscience as resistance to participation in all wars; that it is not mere political protest; that it is based on a religious and ethical revulsion against a particular conflict.

Many leading religious and moral leaders have supported this position. Shortly before his tragic death, the Reverend Martin Luther King, Jr. said that "Every young man who believes (the Vietnam) war is abominable and unjust should file as a conscientious objector." The late Father John Courtney Murray took a similar position. He said that:

"We all owe some debt of gratitude to those who, by raising the issue of selective conscientious objection, have undertaken to transform the tragic conflict in South Vietnam into an issue not simply of political decision and military strategy, but of moral judgment as well.

Moreover, delegates to the World Council of Churches voted almost unanimously last year that "the churches should give spiritual care and support . . . to those who, especially in the light of the nature of modern warfare, object to participation in particular wars they feel bound by conscience to oppose." And in a recent pastoral statement, the National Council of Catholic Bishops of the United States recommended that consideration be given those whose "reasons of conscience are more personal and specific" than "total rejection of military force."

I agree with these sentiments. I ask that you take immediate action to implement them by requesting the Director of the Selective Service System and local boards to grant exemptions in such cases. The President has the legal power to act, because the governing statute on conscientious objection can be interpreted to include the selective C.O. Indeed, several lower courts have already reached this result as a matter of judicial construction; and legal scholars have defended it.

This significant moral issue should be decided by you as Chief Executive. The Director of Selective Service, General Hershey, appears to have a closed mind on the matter. His approach is typified by his statement that "the Conscientious Objector by my theory is best handled if no one hears of him." This seems to me to be an insensitive as well as impractical attitude to a vital question of national policy.

Although I fervently hope that you will act, if you decline to do so, the Congress should amend the law to require local boards to grant exemptions for selective conscientious objectors. I shall myself introduce such a bill or join with other Members of the House in taking this action.

Whether the President or the Congress acts in this matter, it should be understood that all who are exempted from the military will be required to perform an acceptable form of alternative service such as that now performed by traditional conscientious objectors.

Some people who sympathize with the claim of selective conscientious objection have expressed the understandable concern that spurious claims will flourish if an exemption is recognized. But there is little basis for this fear. As in the case of the conscientious objector to all wars, a rigid investigation is required of each applicant. Experience shows that feigning of conscience is extremely difficult and is not the likely escape for those who wish to evade the draft through loopholes in the law.

The young men who have asserted the claim of selective objection are not lawbreakers or unpatriotic. On the contrary, they include some of our finest youth. As Father Murray said, they should be praised for raising a moral issue of profound significance. At present they are forced into the heartrending dilemma of service in a war they deeply oppose or prison or flight from the country. I believe that we have an obligation to free decent and ethical young men from this terrible choice.

As a part of the new policy, I ask that you instruct appropriate government bodies to give young men who have already suffered because of our previous policy an opportunity to demonstrate that they are sincere objectors to the Vietnam War. Men who have been convicted for avoiding the draft or who have fled the country to avoid service should be given a chance to show that they harbor a sincere conscientious objection to service.

This is only fair. Although most men who have been convicted or have fled may find it difficult to demonstrate their motivation, they should have the chance. There will be no automatic amnesty, but there will, I hope, be justice.

Sincerely,

EDWARD I. KOCH,
Member of Congress.

[From the New York Times, May 31, 1970]

TARR WOULD ENLARGE DEFINITION OF OBJECTOR

WASHINGTON.—Curtis W. Tarr, director of the draft, says he would not mind allowing conscientious objectors to choose which wars they refuse to fight, if only someone could show him how to separate honest objectors from dishonest ones.

Mr. Tarr indicated that he would be willing to recommend enlarging the definition of conscientious objection if a workable definition could be provided.

He says also the Federal Government should organize Federal work programs for conscientious objectors in which they could be of real service, adding that in many communities there are now no useful programs for such people.

Mr. Tarr concedes the war in Southeast Asia has caused young people to lose respect for military service without which, he says, it will not be possible to achieve President Nixon's goal of an all-volunteer Army.

July 28, 1970.

Mr. Curtis W. Tarr,
The Director of Selective Service, Selective Service System, Washington, D.C.

Dear Mr. Tarr: In light of recent United States Supreme Court decisions and your subsequent Local Board Memorandum No. 107 issued July 6, 1970, I ask that you consider amending Selective Service Regulation 1662.11 and recognize selective conscientious objection as a basis for a Class I–A–O deferment under the Military Selective Service Act of 1967.

It has been my long held position that the Director of Selective Service has the power to recognize selective conscientious objector status without any amendment of Section 6(j) of the Military Selective Service Act of 1967. I enclose a copy of my letter to President Nixon dated February 9, 1969 in which I set forth the reasons for my position.

Beginning with *U.S. v. Seeger,* 380 U.S. 163 (1965) and more recently *Welsh v. U.S.*, 38 U.S.L.W. 4486 (June 15, 1970) the Supreme Court has all but eliminated the need of any "religious" prerequisite as a basis for claiming C.O. status. Your Local Board Memorandum No. 107 recognized this new approach to conscientious objection by stating that "the primary test that must be used is the test of sincerity" and that "the conscientious objector must hold his beliefs with the strength of traditional religious conviction" and "demonstrate that his ethical or moral convictions were gained through training, study, contemplation or other activity comparable in rigor and dedication to the processes through which traditional religious convictions are formulated." The Supreme Court decisions and your recent memorandum make it apparent that the characteristics of "religious belief" have been relegated to a position of being useful analogies only.

With sincerity, rather than the source of belief, now the basis of the conscientious objector exemption, the strongly held views of a particular objector who claims no opposition to all wars should receive recognition and be eligible for I–A–O exemption and the protection of Selective Service System Regulation 1622.11.

The sincerity of the selective conscientious objector should be determined in the same way as that of the objector who claims opposition to all wars. However, in order to guard against fraudulent claims, the following points should be included in providing guidelines for all local draft boards:

1. The basis of selective conscientious objection to a particular war cannot rest solely upon sincere disagreement with the political purposes underlying the nation's involvement. However, the "political" factor, if one of many other considerations, should not preclude the exemption. The Supreme Court has recognized that Section 6(j) which denies conscientious objector status to those persons with "essentially political, sociological or philosophical views should not be read to exclude those who hold strong beliefs about our domestic and foreign affairs" *Welsh v. U.S.,* U.S.L.W. at 4488–89.

2. The primary prerequisite which the selective conscientious objector (SCO) should meet is whether the basis of the claim is grounded upon a sincere objection to the taking of another life by force of arms. The SCO's refusal to kill in a particular war would preclude his service in a combatant capacity. If the SCO demonstrates that his opposition to the purposes of a particular war is based on ethical or moral convictions which compel him to refuse to kill, the I–A–O exemption should be made available. The vital prerequisite of sincere objection to kill would be the primary condition for the exemption. The local boards would recognize a valid reluctance to kill but not a declared refusal to serve in a noncombatant capacity.

I believe the Selective Service System can strike the balance between individual conscience and national interest. I would appreciate your comments on my proposal at your earliest convenience.

Sincerely,

Edward I. Koch.

Selective Service System,
Washington, D.C., August 21, 1970.

Subject: Selective conscientious objection.

Hon. Edward I. Koch,
House of Representatives.

Dear Mr. Koch: This is in response to your letter dated July 28, 1970, in regard to amending the Selective Service Regulation 1662.11, and to recognize selective conscientious objection as a basis for a Class I–A–O deferment under the Military Selective Service Act of 1967.

Compulsory military service legislation in the United States has always recognized conscientious objection. The law as it exists today, in statutory form requires that a registrant's objection must be to all wars rather than to a specfic war. The Supreme Court in Welsh v. United States (No. 76–October Term, 1969) emphasized by repetition the prerequisite for conscientious objection as an objection "to all wars". It is the obvious duty of the Selective Service System, in its regulations and practices, to follow the law, and the construction of the law which has been placed on it by the highest court of the land.

Proposals to recognize selective objection to particular wars, have been considered by study commissions and the Congress, and have been rejected. Among the less complex reasons on which such proposals have been rejected are: (1) that selective nonparticipation in war is essentially a political position and should be advanced through recognized democratic processes; (2) recognition of selective non-participation in war accepts a general theory of selective disobedience of law and destroys the fabric of government; (3) the decision of whether a Nation is justified in engaging in a particular war is a foreign policy decision and properly the responsibility of the government. This decision should not, and cannot, be placed upon the individual. If such a proposal were recognized, the right to determine the justness of any particular war would place an intolerable burden on the man in uniform when the war began. As a practical matter, his decision could result in disaster to himself, his unit and the Nation. It can be well argued that it would be better to have no military force, than one whose effective use is subject to such a paralyzing rule.

Selective conscientious objection is a matter of public discussion. I have thought much about it and have concluded that the Selective Service System could not carry out its mission of insuring the maintenance of adequate armed forces if the law were to recognize selective objection.

I am unable to see the morality of a proposition which would permit the selective objector to avoid combat service by performing service in support of a war which he, theoretically, is opposed to.

I appreciate your interest in the Selective Service System and I trust my comments will be of interest to you.

Sincerely,

Curtis W. Tarr.

STUDY OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS AND NEEDS—PART I

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter and tables.)

Mr. PERKINS. Mr. Speaker, last week the Office of Education released a report, "Education of the Disadvantaged," on the operation of title I of the Elementary and Secondary Education Act during fiscal 1968. Headlines proclaimed "U.S. Aid Fails To Help School of Poor," Washington Post, September 7, 1970, and "Study Calls U.S. School Aid Inadequate and Inequitable," Evening Star, September 7, 1970. A reading of the report, however, tells quite a different story. It is a story of accomplishment in the face of great odds. In the words of the study itself:

> It may be concluded that Title I funds generally are being used for real pupil needs and not for frills, and that the funds are reaching the type of children for which they were intended but not nearly all such children and not at the level of support necessary to insure participant achievement gains.

This theme, potential excellence limited by insufficient funds, was underscored recently in a perceptive article entitled "ESEA: Five Years Later." I quite agree with statements in that article that—

> Virtually everyone connected with the legislation was convinced that the ambitious goals of ESEA would require years and annual appropriations at least 3 to 10 times greater than those of the first year.

And that—

> The nation's appropriation of $1.3 billion for Title I in 1970 is, in real purchasing power, actually less than Title I's fiscal 1966 appropriation.

I agree also with the conclusion that—

> Learning by trying is what ESEA was all about. On its fifth birthday in 1970 one wonders if ESEA has yet had a fair trial.

Several months ago, in an effort to determine the impact of Federal aid to education and pinpoint remaining problems and needs at the local level, the Committee on Education and Labor sent out detailed questionnaires to every school superintendent in the country. Over 7,500 responses, representing approximately 25 million schoolchildren—or more than half of the Nation's total public elementary and secondary school enrollment—have now been received.

Our findings further support the contention that ESEA has made a significant difference, but that its full potential has not been realized due almost exclusively to lack of adequate funding. In the wake of the Office of Education's title I study and the administration's continuing reluctance to make a full commitment to education, I believe the results of this survey will be of particular interest to my colleagues. Thus I intend to share these findings with you from time to time in the weeks ahead.

SURVEY DESCRIPTION

The survey questionnaire was composed of a series of multiple-choice questions, with additional space reserved for comments. It was sent to each school district in the country, and there is every indication that the returns are highly representative of the views of school superintendents in all regions, enrollment categories, and rural, urban, and suburban areas.

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A total of 7,469 responses have been tabulated thus far. Questions have been examined on the basis of enrollment categories and according to State and region. It is estimated that responses have been received from school officials representing 25,760,000 students. The estimate of total enrollment was made as follows:

Enrollment 1 1-1,000 students
3,132 respondents × 500=1,566,000
Enrollment 2 1,000-5,000 students
3,099 respondents × 1,000=3,099,000
Enrollment 3 5,000-35,000 students
1,141 respondents × 10,000=11,410,000
Enrollment 4 35,000-100,000 students
77 respondents × 60,000=4,620,000
Enrollment 5 over 100,000
Actual count = 5,065,060
Total enrollment = 25,760,060

The survey sought to assess the impact of various Federal policies and programs, determine the source of any problems, identify present and future needs on a priority basis, and gage the desire for additional or alternative forms of Federal aid.

OFFICE OF EDUCATION REPORT ON TITLE I

Today, I intend to present some of the firsthand information we have received on the operation of title I progams throughout the country. First, however, for the benefit of the Members who have not yet had an opportunity to read the Office of Education report, I insert a summary of the major findings:

EVALUATION OF TITLE I

When title I was adopted, neither Congress nor professional educators knew exactly how many educationally deprived pupils there were, or how many might need special programs. Nor did they know the extent to which entire school districts or schools might themselves be "deprived" in the sense that their resources were limited, or that they contained high concentrations of low-income families, or both. Indeed, there was not even any general agreement on what "educational deprivation" or "educational disadvantage" might mean.

Nor by late 1967, when Congress required a national evaluation of title I, was there enough information available to support an assessment of the nationwide impact of title I either upon local schools and school districts or upon those pupils who took part in programs assisted by title I.

The very nature of title I made it difficult to gather the kinds and quantity of data required. For title I is an assistance program that furnishes full or partial financial support for more than 30,000 separate projects in about 17,000 local public school districts. These projects span the entire spectrum of educational activities offered by public schools, from preschool to high school, from reading to health services, from remedial instruction to special trips for cultural enrichment. The relatively embryonic state of the evaluative art simply would not permit any certain or searching evaluation of such a diverse, even disparate, array of programs. New approaches and new evaluative instruments had first to be devised, then developed, then applied. This was a complex and cumulative process that could not be completed within a short period of time.

In early 1968, the U.S. Office of Education initiated several surveys and studies designed to gather the data needed for a national assessment of the "results and effectiveness" of title I. It centered these surveys and studies primarily upon public elementary schools, where title I assisted programs were less diversified and test and related data more developed than at other levels. (The 1968 Survey on Compensatory Education, the major data source on which this report relies, consisting of a nationally representative sample of 3,822 public elementary schools operating title I programs in 465 school districts of 300 or more children, is described in the appendix. A Supplementary Survey on Compensatory Education conducted in January 1969, using basically the same sample as the 1968 survey, and the 1968 Annual Statistical Report of Title I Program Activities were used as additional sources of data for some parts of this report.)

This evaluation effort yielded important new information that will permit some of the alternatives for meeting the needs of "educationally deprived" school-age children to be understood and explored with greater precision. This report highlights that information, which includes the following:

(1) An operating definition of educational deprivation and operating distinctions between different kinds and degrees of such deprivation. (The operating definitions of educational deprivation in this report use estimates of pupils' economic status and/or their teachers' assessment of the likelihood for them to finish high school as bases for delineating five different classes of "disadvantage," the term used in much of this report to describe the educationally deprived. Basic definitions and classifications are detailed in chapters III and IV.)

(2) A reliable estimate of the number and kinds of educationally deprived children in the country and of the proportions of these youngsters in different categories of school districts

(3) A reliable estimate of the number of educationally deprived youngsters affected by title I

(4) A reliable estimate of the number of educationally deprived children that title I does not reach but should

(5) Relatively detailed descriptions of socioeconomic characteristics of pupils enrolled in public schools which provide programs assisted by title I.

FOCUS AND FINDINGS

This report explored the available data in terms of five preliminary areas of concern:

(1) The relationship of title I assistance and public school district financial ability and need (Chapter II)

(2) Characteristics of schools assisted by title I (Chapter III)

(3) Characteristics of pupils enrolled in schools assisted by title I (Chapter IV)

(4) School programs provided with title I funds and selected characteristics of participating and nonparticipating pupils enrolled in the schools offering them (Chapter V)

(5) Pupil benefits associated with programs supported by title I and problems involved in measuring benefits (Chapter VI).

These are, it must be stressed, preliminary areas of concern that later reports will both expand and examine in greater detail. This report can only analyze them in the varying degrees of depth and detail that the limited data will allow. It is still impossible, for example, to reach fully valid conclusions about the national impact upon participating pupils from programs provided with title I funds. Nationally representative information about pupil benefits derived from these programs simply does not exist. On the other hand, there is enough information to fashion a fairly accurate picture of how title I succeeds or fails in distributing funds to districts and schools according to their financial abilities and needs and how public schools use those funds to meet what they believe to be the needs of certain types of pupils.

Within these limitations, this report presents a number of significant findings and conclusions. Following is a summary.

1. It is now possible to define the dimensions of the problem of reaching educationally deprived children in the Nation's public schools.

There may be as many as 16.8 million school-age children (aged 5–17) who must be regarded as "educationally deprived" (Chapter IV), using the operating definitions developed and applied in this report (Chapter III). These 16.8 million youngsters suffer from economic deprivation and/or educational disabilities which require special attention or treatment in school.

About 4,450,000 of these 16.8 million disadvantaged children are from families having less than $3,000 annual income; about 9,770,000 are from families having $3,000–$6,000 annual income; and about 2,560,000 are from families having more than $6,000 annual income, but whose teachers believe they lack the ability to complete high school. Educational disability is a factor which also applied to 1,750,000 of the children whose families have annual incomes of less than $3,000 and to 2,345,000 of the children from families with incomes of $3,000–$6,000.

In summary, the 16.8 million disadvantaged school-age children include approximately 14.2 million children who are economically deprived. About 10 million of these 14.2 million children suffer from economic deprivation without reported educational disability, but 4.1 million of them are "multiply disadvantaged," i.e., they suffer from both economic and educational disabilities. The remainder of the disadvantaged school-age population consists of 2.6 million children whose teachers believe they lack the ability to complete high school but who have neither "severe" nor "moderate" economic deprivation.

The large majority of disadvantaged pupils enrolled in elementary schools assisted by title I live in cities and rural areas rather than in suburbs. About 23 percent live in cities of 40,000 or more population, and 31 percent in nonmetropolitan rural areas.

About three-fourths of these pupils attend schools that enroll a relatively small proportion of disadvantaged pupils. About 14 percent, however, attend an elementary school in which poor children make up 50 percent or more of the total enrollment.

A disproportionate number of these schools with high concentrations of economically disadvantaged pupils are in large cities.

The proportion of disadvantaged pupils is greater among minority groups than it is in the white pupil population. Negro pupils, for example, account for 21.8 percent of all enrolled pupils, but for 34 percent of all disadvantaged pupils. Moreover, they account for 51.7 percent of those pupils suffering severe economic and educational disadvantage.

2. All available evidence seems to support the selection by Congress of the public school district as the main vehicle for reaching disadvantaged youngsters.

All disadvantaged children live in a public school district somewhere in the Nation. Approximately 95 percent live in the 10,979 title I assisted districts that enroll 300 or more pupils; about 81 percent of these, or more than 75 percent of all disadvantaged children, live in the 3,493 districts that enroll 2,500 or more pupils.

Within these 10,979 districts, about 61 percent of public school pupils attend schools that offer programs assisted by title I. About 80 percent of the disadvataged attend these "title I schools."

3. The problems that public school districts face in providing special programs for the disadvantaged seem far more complex than many of these districts are able to treat effectively.

Public school districts vary greatly in their ability to mount and maintain appropriate compensatory programs for disadvantaged pupils; indeed, they vary greatly in their ability to support the good general education curriculum upon which special compensatory programs must be built.

Schools vary in their ability to use title I funds in ways that really match and meet the special needs of their disadvantaged pupils. Public schools with very heavy concentrations of disadvantaged pupils, for example, confront a different and far more difficult problem than schools which enroll relatively smaller proportions of disadvantaged pupils.

The disadvantaged pupils themselves differ. Some suffer solely from economic disadvantage. To overcome it, they need certain "life support" services such as food and clothing, and health, medical, and dental care. Others are educationally disadvantaged, and require special remedial work in the basic number and language skills. Still others are multiply disadvantaged, and need a comprehensive set of compensatory services, both "life support" and academic in nature. For a variety of reasons, schools find it difficult to discover and differentiate between the particular needs of individual students. As a result, they frequently do not really deal with the different needs of different students.

4. Under the legislatively prescribed formula, title I funds in 1968 did not flow to school districts and their disadvantaged students proportionately to their needs. Place of residence remains a primary determinant of the quality of services available to the Nation's disadvantaged pupils.

Forty-six percent of low-income children receive their education in low-expenditure school districts. Chapter II distinguishes between low-, high-, and moderate-expenditure districts on the basis of their annual per pupil expenditure from non-Federal sources of revenue. These low-expenditure districts receive fewer title I funds for each poor child than do high-expenditure districts and both tend to spread their title I money among more pupils than they have poor children. Only moderate-expenditure districts use their title I funds on fewer participants than they have poor children.

As a result of these expenditure patterns, the poor child in a low-expenditure district finds himself disadvantaged in at least four ways: (1) He and his family are poor; (2) his school is poor; (3) his school district receives proportionately fewer title I dollars with which to provide special services; and (4) he receives a smaller share of those fewer title I dollars.

Mr. Speaker, although "Education of the Disadvantaged" describes itself as an evaluation of title I, I find this term misleading. Rather, it focuses on a description of the participating schools and students. This is valuable information which will be indispensable to further efforts aimed at improving title I services, but it hardly constitutes an indictment of the program to date. The only achievement data reported does not, in the words of the study, "allow a national evaluation of compensatory reading programs in title I elementary schools in the Nation." The majority of the States were not represented, nor was the number of usable student test scores large enough "to constitute a statistically valid sample for the Nation as a whole."

To my mind, the Office of Education report serves to remind us both of the solid conceptual foundation on which title I is based, and of the distance we have yet to travel before its full potential is realized. It provides us with new information on the number of educationally deprived students, and underscores the urgent need for financial assistance commensurate with the scope of the problem.

COMPARISON OF OFFICE OF EDUCATION REPORT AND COMMITTEE SURVEY

The findings of the Education and Labor Committee's survey of elementary and secondary education programs and needs complement the Office of Education report in several ways:

First, our data represents some 25 million pupils as compared to the 150,000 students included in the Office of Education survey;

Second, the committee survey is based on current data—data received by the committee during the past summer months on programs carried out during the 1969–70 school year. The major data sources on which the Office of Education report relies consists of a national representative sample of nearly 4,000 public elementary schools operating title I programs during school year 1967–68;

Third, we have asked the school superintendents themselves for their recommendations, opinions, needs and comments in the belief that we in Washington can benefit greatly from the lessons of their experience with Federal aid to education at the local level. Thus the committee's findings do not represent our interpretation of the data, but rather are a direct expression of the concerns, needs, and accomplishments of educators across the country; and

Fourth, we did attempt to gather information on the qualitative as well as the quantitative aspects of title I and other Federal programs. In the opinion of the vast majority of school superintendents, Federal funds have contributed to improving the quality of education in their school districts. Progress on standardized tests was reported and in many cases we have received hard data substantiating gains in reading achievement. These findings will be described in detail in my subsequent reports on the survey.

SURVEY FINDINGS ON TITLE I OF ESEA

From the responses to questions dealing directly with the uses, effectiveness, quantity, and funding of title I services, it is clear that although programs are being targeted on the areas of greatest need, insufficient funds restrict both the scope and effectiveness of service. All eligible children are not being reached, nor is adequate assistance always available in the areas of parent participation, health, and nutrition. The responses to the following eight questions spell out these findings in detail:

QUESTIONS AND ANSWERS

1. Are Title I funds for the disadvantaged being directed to the areas of greatest need?

In the largest school districts, representing more than 5 million students, 100% of the school superintendents answered "yes". 90% of these, however, cited insufficient funds as restricting the scope of their programs. In school districts enrolling 35,000 to 100,000 students, representing approximately four and a half million school children, 96% answered "yes," but 73% of these also mentioned inadequate funding.

Nationally, 95% of those receiving Title I funds responded in the affirmative; 58% however, also replied that their programs were restricted due to a lack of funds. Of the remaining 5%, 3% felt that "funds are not sufficiently concentrated on the disadvantaged." When the responses are grouped by size of enrollment, the percent of superintendents indicating that Title I funds are being directed to the areas of greatest need, but are restricted by insufficient funds, rises with each higher enrollment category.

The comments of local school officials illustrate clearly that funds are being properly directed but that a far greater fiscal effort must be made.

Rembrandt, Iowa (208): Two programs were installed for those students most in need of extra help. We believe the programs are helping us accomplish goals that we could not otherwise handle without the added funds.

Elk Grove, California (8,944): If we could finance our Title I program for all disadvantaged children we would begin to break down the walls that hold the cycle of poverty . . . All we need is funds. We can find personnel; we have the knowledge and ability. Give us some $.

Mercer County Schools, Princeton, West Virginia (14,583): We are trying to direct the programs to the needs of economically and educationally disadvantaged. We've made mistakes but are on the threshold of hitting the nail on the head . . . Both academic and service programs are operated in eligible Title I schools. The county also operates extensive summer programs under Title I. Title I has made and is making a contribution in Mercer County schools; however, not all eligible children are receiving required benefits . . . At the present time, neither facilities, equipment or personnel are available to increase the achievement and aspiration level of Title I children—to a level commensurate with their abilities. Too, only recently have we, as educators, really understood the problems of economically and educationally disadvantaged children. . . . It's presumptuous to say we are meeting the needs of eligible children when, in fact, we are really just beginning to understand their needs.

Capitan, New Mexico (230): Title I and Federal funds are imperative if small rural schools are to continue offering quality education programs. . . . We need to expand our program under Title I. Presently we are working in the reading area.

Grove City, Ohio (15,322): We are not obtaining funds any way near the amount necessary to meet the needs. We are presently having to limit program to children in early primary grades of target schools.

Great Neck, New York (10,000): The number of educationally disadvantaged is greater than those economically disadvantaged. With limited funds, we must focus on the poorest of the poor.

2. What is the principal use of Title I funds in your district?

90% of the largest districts responding use Title I funds "to make a significant improvement in performance of children in schools of *highest concentrations* of poor children." This is the principal use of Title I funds in every enrollment category and in every region. Nationally, two-thirds of the school superintendents report using funds for this purpose. About one-fourth of the responses in the smallest two enrollment categories report that Title I funds are spent for improvements in all eligible schools, while only 5 percent of the largest school districts chose this response.

In this regard, however, I would remind my colleagues of the original intent of Title I, as expressed in the Committee's report on

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ESEA in 1965. At that time we acknowledged that: "There may be circumstances where a whole school system is basically a low-income area and the best approach in meeting the needs of educationally deprived children would be to upgrade the regular program." This principle was reaffirmed in the report of the Committee on the 1967 Amendments to ESEA, and is of particular importance to small school districts in low-income areas.

The responses to the above questions appear to substantiate the following finding of the Office of Education report:

More than 80 percent of all Title I funds spent in 1967–68 were used to meet the primary needs of disadvantaged pupils for basic skills development and life support services.

The following comments from local school officials indicate not only the variety of programs and services being provided, but more importantly, they illustrate that funds are being used for "real pupil needs and not frills":

Manchester, Tennessee (1215): Title I monies have been used in a most effective remedial reading program. We are proud of the progress shown by our pupils in this program.

Rembrandt, Iowa (208): Special programs were set up to help those students that are having difficulty with the academic classes. We are particularly interested in trying to teach these students to be better readers. We feel that we have made much progress since this Title I program was inaugurated.

Buffalo, New York (6700): The principal use of Title I funds in the district is to "provide basic skill instruction for educationally deprived students. Junior high students who are seriously deficient in reading and mathematics skills represent the "target group."

Farmingdale, New Jersey (190): Title I funds are principally used for remedial reading and mathematics programs for deprived students.

Henrietta, New York (10,200): We have made strenuous efforts to improve basic reading guidelines for all deprived children in grades K, 1, and 2.

Palisades Park, New Jersey (1900): The funds are used primarily for pre-school and reading and language arts programs.

Lake Oswego, Oregon (6550): Attempt has been made to improve achievement levels in the communication skills.

East Montpelier, Vermont (1500): The principal use of Title I funds in the district is "in conjunction with state and local funds to offer services for rural children that are badly needed such as health, speech, mental health.

La Grange, Kentucky (3200): The principal use of Title I funds in the district is to make a significant improvement in performance of reading of disadvantaged children in all Oldham County Schools.

Bisbee, Arizona (2800): Our Title I funds are concentrated on the improvement of reading and language arts for educationally deprived.

Grinnell, Kansas (391): We have worked almost entirely with reading programs, so we hope to improve other areas by this work.

Aztec, New Mexico (1888): Title I ESEA funds have enabled this school district to institute a remedial English-reading program for educationally-deprived children.

Higley, Arizona (146): The principal use of Title I funds in the district is "to eliminate problems arising from poor command and understanding of the English language."

Athens, Michigan (1100): Since the distribution of eligible children is equal in our three school buildings and funding is inadequate to serve all buildings, our efforts toward improving the performance of disadvantaged children is concentrated in the early elementary and middle schools in the form of guidance counseling and social work.

La Mesa, California (14,914): The principal use of Title I funds in the district is "to make a significant improvement in performance of underachieving children in schools of highest concentrations of poor children."

Shelby, North Carolina (5390): Title I offered many physical and social needs such as medical services, dental services, and guidance services as well as food and clothing services which enabled the students to attend school regularly and attain better results in achievement.

Saratoga, Wyoming (503): Our Title I program works in the following ways:

1. Remedial reading
2. Released teacher time and reduction of class size so that the teacher has more time to work with slow students.

Spotsylvania, Virginia (4362): Funds are used for special education (mentally retarded); school health services; home-school relations; remedial reading.

Winona, Minnesota (6000): A preventive program has been started with a summer diagnostic program for pre-kindergarten students offered to insure success in the school setting.

Dearborn, Michigan (21,451): We have concentrated on early diagnosis, pre-school and family orientation.

Santa Fe, New Mexico (11,572) The principal use of Title I funds in the district to make a significant improvement in the performance of children in schools of highest concentrations of poor children. Food services, health services and psychological services also have high priorities.

Mercer County Schools, Princeton, West Virginia (14,583): Title I has changed and is changing the total educational program. Not only are educators becoming more aware of the needs of children, but Title I is forcing them (us) to develop specific programs to meet known needs.

Green Bay, Wisconsin (21,876): ESEA Title I, our largest federal program, has contributed a "lighthouse" effect to the general program. Individualization of instruction would probably be first model, followed closely by attention to evaluation.

Ponca, Nebraska (410): The Title I program has provided the extra help needed by those underprivileged pupils to enable many of them to become near average achievers and develop confidence in themselves. . . . The services provided by Title I would or could never have been provided by the school district.

Lynn, Indiana (1020): Those students who normally were enrolled in our Title I programs have remained in schools, while pupils who were borderline cases not involved in the Title I classes comprise most of the few dropouts that this corporation experiences.

Kearney, Nebraska (3750): These funds have made it possible to provide some special programs for children with varied learning disabilities. Well qualified reading teachers and other specialists have provided much needed assistance to students and professional counseling for teachers and parents. Many innovative ideas for improvement of instruction have come from Title I projects.

New Rochelle, New York (18,000): Our title I thrust has been aimed at the professional development of teachers so that they can better serve the disadvantaged child in his own classroom. Since all of our schools are integrated it means that better performance by the teacher affects all children in her class. Our teacher aides in the Kindergarten classes are supportive of the disadvantaged, but improved behavior and motivation affects others.

The disparity between the number of children now receiving special services of the type authorized by Title I and the number of children who should be receiving these services was pointed up in the responses to the following questions:

3. What percentage of the students in your school district are now receiving special services of the type authorized by Title I of ESEA?

4. What percentage of the students in your school district should be receiving special services of the type authorized by Title I of ESEA?

About half of the responses indicated that less than 10 percent of their students were receiving Title I services, but a total of 73.6 percent indicated a need for services for far more than 10 percent of their students.

In the larger enrollment categories this trend was pronounced. In category 4 (35,000-99,999), for instance, while 45.6 percent of the districts are receiving aid for less than 10 percent of their students, over 60 percent indicated a need at the 10–30 percent level. 65 percent of the largest school districts, representing over 5 million children, receive funds for less than 10 percent of their students, but 90 percent indicate a need for more; 50 percent at the 10–30 percent level and 30 percent at the 30–50 percent level.

5. If there is a disparity between the percentages in questions 3 and 4 above, to which of the following causes do you attribute the disparity? (Insufficient funds; insufficient personnel; insufficient knowledge of special areas; uncertainties of Federal funding; no disparity; none of above.) If more than one, please list according to the magnitude from 1 to 5.

90% of the large school districts ranked insufficient funds as the primary cause for a disparity between the number of children who are receiving Title I services and the number who should be. This was the first choice of the majority of responding school superintendents throughout the country.

Second priority was given to "uncertainties of Federal funding" by more than 57 percent of all respondents. In schools enrolling 35,000–99,999 children, nearly 80 percent of the respondents gave this as their second priority. "Insufficient personnel" and "insufficient knowledge of special areas" ranked third and fourth respectively.

The effectiveness of various Title I services were questioned by the Office of Education report primarily on the basis of their intensity rather than on their goals. From the responses to the following question, it appears that school districts are concentrating on providing instructional services, but they can neither serve all eligible children, nor can they provide adequate programs in the areas of parent participation, health, nutrition and other supplementary services.

6. Classify your Title I services by checking the appropriate columns on the effectiveness of each service:

(*a*) *Reaching all eligible children*—In districts enrolling more than 100,000 pupils, 93% of the respondents indicated that there was "insufficient service" in this area. Those responding "insufficient service" increased significantly in the higher enrollment categories; of those in category 4, representing about four and a half million children, 87 percent indicated a need for more effective service in this area.

(*b*) *Instructional services*—In the two largest enrollment categories, about half responded "insufficient service." Nationally, a majority of the respondents, 64 percent, felt that their service in this area was effective; however, 33 percent answered "insufficient service."

(*c*) *Parent participation*—About half of the respondents indicated "insufficient service" in this area. Over 25 percent of all school superintendents noted "effective service," and another 26 percent provide "no service." A majority of big city school superintendents, however, feel that their parent participation service is effective.

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(*d*) *Health services*—Responses to this part were about evenly divided between "effective service," "insufficient service" and "no service." Generally, districts with larger enrollments felt that their service in this area was ineffective.

(*e*) *Nutritional services*—Slightly more than 41 percent of the respondents reported that they have no services in this area. While a majority of the larger school districts have such services, they are considered insufficient by more than half of the school superintendents.

(*f*) *Other supplementary services*—Smaller school districts are less likely to provide additional services. Of all the respondents providing such services, slightly more than half believed them to be effective. The larger school districts, however, indicated that their supplementary services were insufficient.

In order to assess the level of funding necessary to provide Title I services and programs to all children in need, duing both the regular and summer sessions, the Committee asked the following questions:

7. What level of funding would be necessary if your school district were to provide Title I programs and services for all children in need of such special programs and services during the regular session?

In the largest enrollment category, which includes more than 5,000,000 children, 90% of the respondents desire 50 percent more or above. Of these, 20 percent need twice as much, and 35 percent need three times as much.

8. What level of funding for Title I would be necesary if your school district were to provide Title I programs and services for all children in need of such programs and services during the summer session?

75% of the largest school districts and more than 50 percent of those enrolling 35,000 to 100,000 students, replied that they need more than 50 percent more than they received in 1969–70. Nationally, about 30 percent of the respondents indicated a need for 25 percent more than the funds received in 1969–70, while 23 percent required 50% more.

Comments on the level of funding necessary to provide Title I programs and services for all children who are in need underscore the necessity for higher levels of funding:

Buffalo, New York (6700): Funding limits impose the necessity to operate a program at only two grade levels (7 and 8). Expanded funding could mean increased opportunity for other students at other grade levels.

North Manchester, Indiana (2189): We would need twice the amount we were allotted in 1969–70 as we are presently serving a little more than half of eligible children.

Great Neck, New York (10,000): We cannot serve all children eligible for Title I funds—we therefore choose a smaller percentage and concentrate services on them. . . . Total funds used entirely for poor children. Insufficient funds for staff development. . . . We should serve 500 children, not 200. We should do more for staff training.

Pennsauken, New Jersey (6843): We would require three times the amount we are receiving for this year to provide a program for all eligible children in the district. We can only enroll a percentage of them now.

Henrietta, New York (10,200): Requests an increase of 50% over their funding level of 1969–70, and comments: Title I funds now must be supplemented by the local district to support even a reasonable program. It barely provides the funding needed for a program.

East Montpelier, Vermont (1500): We could use 3 times our present allotment due to the rural nature of the area we serve and the needs that are evident.

Pratt, Kansas (1795): All of our present funds are in instructional salaries and as the cost of living and other factors enter into the picture, we have to narrow the scope of the project.

Aztec, New Mexico (1888): requests an increase in the allocation of 50% over 1969–70, and comments "We need to add a pre-first program for children who come from a bilingual home. We need to add a remedial mathematics program.

Baldwin City, Kansas (930): We're involved in a reading program. The funds almost provide the teacher's salary. Additional funds are needed for equipment and supplies, which we try to provide with local funds. However, we are very short of local funding.

Rembrandt, Iowa (208): Would like an additional 25% over its allocation for 1969–70, and comments: "We are unable to pay the salary of the Remedial Teacher from the Title I funds. The district has had to pick up more than 25% of the additional cost for the programs that were originally funded by Title I moneys. We are involved in 3 programs: A County Work Study program for students of educable abilities—IQ's of 75–80. A Remedial Reading program for students from K through grade 8 and a commercial program for 9th and 10th graders—involving skills that we believe will help these students—non-college bound—get a position upon graduation.

Mt. Pleasant, Iowa (2431): Our funds have been reduced each year until the present year. To provide the services originally provided would take a 25% increase. For additional services, extra money would be necessary; 50% would be a likely increase.

Cherokee, Kansas (1129): Request an allocation 50% greater than the amount for 1969–70. Additional personnel could be hired and teacher aides.

Ft. Myers, Florida (19,500): Only reaching ⅓ of children in need. 150% more with *full funding* is needed.

Yanceyville, North Carolina (5300): It would be necessary to more than double the current level of funding to provide programs and services for all children.

Marcellus, New York (2725): We would need approximately 4 times the amount of our present allocation to offer a compensatory educational program to the children in our school district. For instance, the present year's program began in January and the program concentrated on grades 1, 2 and 3.

Buffalo, New York (6700 public): Our program operates during the summer session because of limited funding, staffing and transportation. A major funding increase would be necessary if we were to conduct a program during the regular school year. 100% or more.

Washingtonville, New York (4074): ESEA Title I has not kept pace, in total amount of money available, with rising salaries for professional staff. Most projects require specialists which places them by degree and experience in the top money brackets.

Winona, Minnesota (6000): With the acquisition of so many small districts there is a need to serve these schools, too, and in the 1969–1970 school year we had to stretch the same amount of money as of previous years over a wider area and larger enrollment.

Dearborn, Michigan (21,451): Request an increase of 25% from the amount in 1969–70. This would allow us to help those families who do not live in a high concentration [of poverty] area. . . . We are only allowed to use money in the high concentration area. As a result, disadvantaged children living in areas without a high concentration do not receive the additional help.

Maple Valley, Washington (2700): We are just touching the surface. I believe that to properly assist the children we would need *at least* double the $12,000 (approx.) we are currently funded.

Saratoga, Wyoming (503): A 50% increase would about support the program that we now have. We are attempting to improve our instructional program through curriculum revision, individualizing instruction and team teaching. More money would enable us to move at a faster rate.

Palisades Park, New Jersey (1900): FY 1970 was the lowest level for Title I funds ever. Three times as much funds would be necessary to service all children in need of such special programs during the regular session.

Papillion, Nebraska (3459): We need funds based on the growth of the area. We are talking about 3 to 4 times the present appropriation. . . . We have been growing so fast during the last ten years that funds have not been available to provide programs. Our Title I appropriation is based on the 1960 census.

New Rochelle, New York (18,000): There are many unmet needs that we cannot fill unless *early* and *long-term* funding were available. The problems are mounting faster than our ability to handle them and we must provide both staffing and sufficient planning time, all of which requires commitment and money. We have the commitment.

Spotsylvania, Virginia (4362): Because of inadequate funding and personnel we are not doing some things we already know are needed. We would do if we could do.

Caldwell, New Jersey (4300): Reduced allocations for 69–70 forced cutback in services offered.

Newark Valley, New York (1950): Each year our Title I funds decrease. Our need for them does not! . . . Costs increase every year. The level of funding does not.

Washingtonville, New York (4074): Approximately 8% of our student group should be involved with programs authorized under ESEA Title I but we are able to provide services for only 3% due to limited ESEA funds and difficult fiscal year of state and federal levels.

Given the responses to the last two questions, this quote from the Office of Education Report holds no surprises:

"The intensity of title I support for the programs and services, as measured by average expenditure per participant, appears to have been so low that it probably is unreasonable to expect measurable achievement gains by the average participant."

In fact, the Office of Education agrees with the school superintendents from the largest school districts who estimated that they would need twice as much money to serve all students in need. For example, the Office of Education report conservatively estimates that an effective remedial reading program would cost at least double the amount which is currently being spent. And yet, as we have seen, most Title I funds *are* being spent for instructional services. There is simply not enough money to fully meet the need.

What *is* surprising, in view of the financial straits of our schools, is the progress which is being made *in spite of* inadequate services due to insufficient funds. The accomplishments of the Nation's educators in implementing the spirit of the law, even though these laws have lacked financial substance, must not be overlooked. In the days to come these accomplishments will be documented more fully. Preliminary analysis of the Committee's survey of elementary and secondary education programs and needs will not only justify congressional hopes for ESEA in the first five years of its operation, but will also serve as a reminder of the need for a new commitment to the realization of those goals which originally inspired our investment in the Nation's schools.

CHART OF RESULTS BY ENROLLMENT CATEGORY

[In percent]

QUESTION 1—ARE TITLE I FUNDS FOR THE DISADVANTAGED BEING DIRECTED TO THE AREAS OF GREATEST NEED?

Enrollment category	Under 1,000 (1)	1 to 5,000 (2)	5 to 35,000 (3)	35 to 100,000 (4)	Over 100,000 (5)	Total
RESPONSES						
(A) Yes	43	36	28	23	10	37
(B) Yes, but insufficient funds restrict scope of program	51	60	69	73	90	58
(C) No, funds are not sufficiently concentrated on severely disadvantaged	3	2	2	3	0	3
(D) No	3	2	1	1	0	2

QUESTION 2.—WHAT IS THE PRINCIPAL USE OF TITLE I FUNDS IN YOUR DISTRICT?

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,000 (4)	Over 100,000 (5)	Total
RESPONSES						
(A) Significant improvement in concentrated area	60.6	64.2	78.1	83.6	90	65.2
(B) Improvement in all eligible schools	27.2	23.9	11.9	11.0	5	23.2
(C) Other	12.3	11.9	9.9	5.5	5	11.6

QUESTION 3—WHAT PERCENTAGE OF THE STUDENTS IN YOUR SCHOOL DISTRICT ARE NOW RECEIVING SPECIAL SERVICES OF THE TYPE AUTHORIZED BY TITLE I, ESEA?

Enrollment category (percent)	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,000 (4)	Over 100,000 (5)	Total
RESPONSES						
(A) 0 to 9	40.7	53.3	60.6	45.6	65.0	48.9
(B) 10 to 19	28.5	24/2	21.2	36/7	15.0	25.7
(C) 20 to 29	13.6	9.9	7.8	12.7	15.0	11.3
(D) 30 to 39	7.1	5.8	4.6	3.8	3.3	6.2
(E) 40 to 49	3.5	2.9	3.0	0	5.0	3.2
(F) 50 to 59	2.2	1.8	1.4	0	0	1.9
(G) 60 to 69	1.1	.9	.8	0	0	1.0
(H) 70 to 79	1.1	.4	.3	1.2	0	.7
(I) 80 to 89	.7	.2	.2	0	0	.4
(J) 90	1.3	.4	.2	0	0	.8

QUESTION 4—WHAT PERCENTAGE OF THE STUDENTS IN YOUR SCHOOL DISTRICT SHOULD BE RECEIVING SPECIAL SERVICES OF THE TYPE AUTHORIZED BY TITLE I, ESEA?

Enrollment category (percent)	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99, 999 (4)	Over 100,000 (5)	Tota.
RESPONSES						
(A) 0 to 9	23.2	28.6	31.1	12.7	10.0	26.4
(B) 10 to 19	27.4	29.9	28.6	31.6	20.0	28.6
(C) 20 to 29	18.9	16.9	17.8	31.6	30.0	18.1
(D) 30 to 39	10.8	9.5	9.9	13.9	5.0	10.2
(E) 40 to 49	6.1	5.6	5.7	6.3	25.0	5.9
(F) 50 to 59	5.0	4.1	2.7	2.5	0	4.3
(G) 60 to 69	2.5	2.0	1.7	1.3	5.0	2.2
(H) 70 to 79	1.8	1.6	1.2	0	0	1.6
(I) 80 to 89	1.7	.7	.4	0	0	1.1
(J) 90	2.6	.9	.7	0	5.0	1.6

QUESTION 5—IF THERE IS A DISPARITY BETWEEN THE PERCENTAGE IN QUESTION 2 AND 3 ABOVE TO WHICH OF THE FOLLOWING CAUSES DO YOU ATTRIBUTE THE DISPARITY?

[If more than 1, please list according to magnitude from 1 to 5]

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,000 (4)	Over 100,000 (5)
RESPONSES					
(A) Priority 1:					
(1) Insufficient funds	37.2	53.1	57.4	72.6	90.0
(2) Insufficient personnel	2.7	1.7	1.1	0	0
(3) Insufficient knowledge of special areas	2.0	1.2	1.2	0	0
(4) Uncertainties of Federal funds	10.0	11.1	10.3	6.5	0
(5) No disparity	22.2	25.5	21.8	14.5	....
(6) None of the above	7.9	7.4	8.1	6.5	10.0
(B) Priority 2:					
(1) Insufficient funds	16.4	15.8	11.9	4.2	11.0
(2) Insufficient personnel	25.0	22.4	19.5	8.3	22.0
(3) Insufficient knowledge of special areas	4.9	3.6	3.4	4.2	10.0
RESPONSES—Continued					
(B) Priority 2:—Con.					
(4) Uncertainties of Federal funds	52.6	57.3	64.8	79.2	66.0
(5) No disparity	.7	.1	.3	4.2	0
(6) None of the above	.4	1.0	0	0	0
(C) Priority 3:					
(1) Insufficient funds	7.5	5.1	3.5	0	0
(2) Insufficient personnel	40.0	42.5	47.0	40.0	62.5
(3) Insufficient knowledge of special areas	16.2	17.9	15.7	40.0	12.5
(4) Uncertainties of Federal funds	34.4	31.1	31.3	20.0	25.0
(5) No disparity	.4	.7	.9	0	0
(6) None of the above	1.6	2.6	1.1	0	0
(D) Priority 4:					
(1) Insufficient funds	6.9	6.1	5.4	0	0
(2) Insufficient personnel	25.6	22.0	21.6	0	0
(3) Insufficient knowledge of special areas	47.9	58.5	64.9	0	100.0
(4) Uncertainties of Federal funds	.9	9.8	5.4	0	0
(5) No disparity	2.1	3.7	0	0	0
(6) None of the above	1.0	0	2.7	0	0
(E) Priority 5:					
(1) Insufficient funds	9.4	17.9	50.0	0	0
(2) Insufficient personnel	3.1	7.1	0	0	0
(3) Insufficient knowledge of special areas	31.3	14.3	0	0	0
(4) Uncertainties of Federal funds	0	10.7	0	0	0
(5) No disparity	50.0	42.9	50.0	0	0
(6) None of the above	6.3	7.1	0	0	0

QUESTION 6.—CLASSIFY YOUR TITLE I SERVICES BY CHECKING THE APPROPRIATE COLUMNS ON THE EFFECTIVENESS OF EACH SERVICE

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)	Total
RESPONSES						
(A) Reaching all eligible children:						
(1) Effective service	48	39	27	13	0	41
(2) Insufficient service	48	59	72	87	90.0	57
(3) No service	4	2	1	0	10.0	2
(B) Instructional services:						
(1) Effective service	64	63	64	51	45.0	64
(2) Insufficient service	31	35	35	49	55.0	33
(3) No service	5	2	1	0	....	3
(C) Parent participation:						
(1) Effective service	25	26	34	33	58.3	27
(2) Insufficient service	43	49	50	61	42.4	47
(3) No service	32	25	16	6	0	26
(D) Health services:						
(1) Effective service	28	36	36	22	30.0	32
(2) Insufficient service	31	34	36	55	60.0	33
(3) No service	41	30	28	23	10.0	34
(E) Nutritional services:						
(1) Effective service	30	32	30	26	35.0	31
(2) Insufficient service	25	28	31	47	55.0	28
(3) No service	45	40	39	26	10.0	41
(F) Other supplementary services:						
(1) Effective service	20	29	37	30	33.6	26
(2) Insufficient service	29	36	40	70	61.6	35
(3) No service	51	35	23	0	25.6	39

QUESTION 7—WHAT LEVEL OF FUNDING WOULD BE NECESSARY IF YOUR SCHOOL DISTRICT WERE TO PROVIDE TITLE I PROGRAMS AND SERVICES FOR ALL CHILDREN IN NEED OF SUCH SPECIAL SERVICES DURING THE REGULAR SESSION?

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)
RESPONSES					
(A) Less than level for 1969–70	1.9	0.7	0.4	0	0
(B) At the level for 1969–70	16.0	10.8	4.8	1.3	0
(C) 10 percent more than 1969–70	17.2	14.3	11.4	9.1	0
(D) 25 percent more than 1969–70	28.0	31.3	26.1	24.7	10
(E) 50 percent more than 1969–70	28.7	32.2	38.8	33.8	30
(F) Twice as much or more	6.8	8.8	14.9	27.3	55
(G) Other	1.4	1.9	2.6	3.9	5

QUESTION 8—WHAT LEVEL OF FUNDING WOULD BE NECESSARY IF YOUR SCHOOL DISTRICT WERE TO PROVIDE TITLE I PROGRAMS AND SERVICES FOR ALL CHILDREN IN NEED OF SUCH PROGRAMS AND SERVICES DURING THE SUMMER SESSION?

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)
RESPONSES					
(A) Less than level for 1969–70	4.4	3.1	3.0	2.6	0
(B) At the level for 1969–70	15.3	13.1	9.1	1.3	10
(C) 10 percent more than 1969–70	16.4	17.5	17.0	15.4	5
(D) 25 percent more than 1969–70	28.0	32.1	30.2	28.2	10
(E) 50 percent more than 1969–70	23.2	22.3	24.1	27.0	30
(F) More than twice as much	12.7	11.9	16.7	25.6	45

THE PROBLEMS OF EAST LOS ANGELES

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, the highly publicized eruptions of violence in East Los Angeles during the past few weeks, and the tragic death of Ruben Salazar, have focused the attention of many citizens on the problems of that area and have created a new sense of urgency for solving these problems. But the problems are not new, and they are certainly not simple.

Community relationship with law enforcement personnel and with the entire system of criminal justice have been a sensitive issue for many years.

Concern for inadequate educational achievement in the community resulted in large-scale demonstrations beginning 2½ years ago.

The lack of reasonable political representation has concerned community leaders for more than a generation, and increasingly concerns the ordinary citizen today.

High unemployment, poor housing, low health service standards, inadequate transportation facilities, bureaucratic welfare administration, erratic immigration procedures—all have created increasing discontent in the community.

And slowly the Vietnam war, with its high Mexican-American casualty rates, but low Mexican-American representation on draft boards and in officer ranks of the services, has resulted in changing attitudes among both youths and adults who were previously noted for their willing and proud acceptance of their military responsibility.

Talented and sensitive professionals such as Ruben Salazar sought to increase public awareness of these problems, as a necessary step in their solution. An increasing number of sophisticated and dedicated young leaders—teachers, lawyers, students, writers—have moved into community organization roles, seeking to create within the community itself the power to achieve solutions to its problems.

Thus the community of East Los Angeles is in ferment. Few of its members are untouched by one or more of the serious problems I have listed. All wish to see progress toward a better community, progress made in the democratic tradition of this Nation. They are speaking up, marching, picketing, demonstrating, and petitioning the various organs of government for redress of a broad range of grievances. They are asking for help from their elected leaders and appointed public servants. They are asking for peaceful change in public policies and in the conditions of their lives. They are asking for understanding.

The citizens of East Los Angeles are not seeking to overthrow or undermine the Government of this country. A few, as in any community confronted by desperate problems, have given up hope in the promise of democratic and peaceful change. But the militant language and action of the new generation of Chicanos speaks more of a resurgent pride of culture and race, and a new determination to win their fair place in society, than of a plot to destroy the Government.

But more and more the Mexican American citizen, in common with growing numbers of blacks and other protestors against the status quo, are refusing the role of passive acquiescence. And more and more when confronted by a society which seeks to inflict violence upon them, they are reacting with violence.

Such violent episodes solve no problems—create no understanding. Only personal tragedy and private loss result, with each side seeking to justify its actions and blame the other side for what may have occurred.

For more than 30 years I have been involved in efforts to create solutions to the problems so obvious in the minority and poor communities. My motive was a simple desire to create a better community in which the promises of this great country were progressively fulfilled for every citizen. It is obvious today that all such efforts have been inadequate. The expectations and hopes for change have increased faster than the institutions and conditions of society have allowed that change to occur.

In east Los Angeles substantial resources have been directed toward job creation, education, health care, welfare, and other needs. The improvements resulting have been meager. Los Angeles city and county law enforcement programs have been improved, but the net change has affected very little the perception of the ordinary citizen of law enforcement as a hostile force. Law enforcement in general in this country, and particularly in minority communities such as East Los Angeles, has been called to bear the burden of resisting social and political change—a task for which it is ill equipped.

We need, today, to take a new look at east Los Angeles—to see its problems and its potential in a new light and make a new commitment to helping it solve its problems. At its core, east Los Angeles is a remarkably homogenous community in which the Spanish language and culture predominates. Outsiders sometimes view the community as an aberration—one which has failed to achieve a desired integration into the majority culture—and, therefore, a backward community toward which we should redouble our efforts to obliterate its unique characteristics.

The opposite is true. The community is a vital, dynamic, essential element in the sociological processes of the Southwest. It provides the environment through which an endless stream of rural families of Hispanic culture can be urbanized, oriented to a different—but not necessarily superior—culture, and helped to make their contribution to our multifaceted society.

As it succeeds in doing this it produces, in about a generation, a new group of capable, well-educated, bicultural citizens with unique contributions to make in today's world. These citizens frequently, but not always, move out in waves from east Los Angeles to neighboring communities, or other parts of the United States, as economic opportunity directs, and are replaced by more of the rural immigrants from throughout the Southwest, Mexico, and Latin America. This process has taken place since the founding of Los Angeles, and will continue indefinitely into the future.

Solutions to the problems of east Los Angeles depend upon recognizing its unique contribution to American cultural processes and strengthening the institutions and activities which contribute to its role. It should have an adequate economic base suited to the needs and talents of its residents. Its educational institutions should reflect the unique problems of acculturation which exist here. The institutional services—health, welfare, and so forth of government should be tailored to the characteristics of the community.

Every possible opportunity should be seized to capitalize and expand upon the special contribution of the Hispanic culture to our country and the world. Centers of excellence in art, music, handicrafts, architecture, food, and even religion and philosophy should be established in the community. We sometimes forget that Los Angeles has one of the largest concentrations of Spanish-surnamed citizens in the world, and East Los Angeles is its core.

Instead of the poor and unwanted stepchild of a prosperous Anglo community, East Los Angeles should become an autonomous, healthy, productive part of a multicultural community. Instead of a politically powerless enclave subjected to outside control by frequently unenlightened officials and bureaucrats, it should have a strong framework of local government, and its own representatives at State and national levels. The abrasive effects arising from a system of law enforcement and criminal justice oriented toward the majority culture should be eliminated. The goal should be a locally controlled, bicultural police force and court system, with publicly or privately supplied bicultural legal aid services on a much broader basis.

I have taken this opportunity today to touch briefly on the problems of East Los Angeles because of recent attention focused on the violence there. Almost always we look on violence as the problem. In reality, violence is only the symptom of the problem. In the East Lost Angeles high school walkouts of 2½ years ago there was incidental violence. The Los Angeles district attorney sought to solve the problem by charging 13 leaders with conspiracy to disrupt the schools—a felony. Many of us protested that this was not only unconstitutional, but that it was not the solution to the problem. Within the past few weeks the appellate courts have stricken down the original charges. But the schools, which were the real problem, are little better, and many citizens are embittered at such a calloused reaction to the problem.

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I hope that today, instead of focusing on the violence as the problem, we will focus on the situation out of which the violence arose. Only then can we stimulate the changes which will prevent the violence of the future.

CLEVELAND GIVES QUESTIONNAIRE RESULTS—ANSWERS IT HIMSELF

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, for the eighth consecutive year, I have sent questionnaires to all of my constituents. At this time I would like to share the results with my colleagues and other readers of the RECORD.

These results have significance and meaning. In many respects New Hampshire is a microcosm of the United States. It is, on a per capita basis one of the most industrialized States in the Nation, yet an important segment of its economy is still based on agriculture and forestry. It enjoys an ever-increasing recreation and resort industry on a four-season basis. It is also blessed with many fine educational institutions.

Furthermore, New Hampshire has an outstanding record of citizen participation in government at all levels—from town meeting to presidential elections. Voter turnout is consistently among the highest in the country. New Hampshire's participation in presidential preference primaries is well known, and over the years has signaled to those who would heed extremely accurate forecasts.

This year's questionnaire was mailed out in June after eight drafts of questions and consultations with visitors, friends, and staff in a continuing attempt to phrase meaningful, unbiased questions. One of the last people to suggest changes was a visiting Dartmouth College professor, an expert in polling. His rewording of several questions, including question No. 2 on Cambodia, was accepted.

Some of the questions were asked because of their importance to the Nation. Others were asked because my mail and district visits indicated my constituents were interested in them. Still others were asked because similar questions had been asked in previous years to provide a check on opinion trends.

MAJOR INNOVATION

A major innovation in this year's questionnaire was that two more categories of answers were added—"probably yes" and "probably no" to the more standard "yes," "no," and "undecided." This was in response to complaints that my questions were often such that neither yes nor no reflected the answerer's opinion. As true as this is, it is still a fact that when a bill comes before the House a Member must vote yea or nay—occasionally present in the case of an apparent conflict of interest.

The response this year was lighter than expected, being about the same as the 16,000 returned last year in spite of the fact that this year questionnaires were sent to six additional towns with a population of over 50,000 which have been added to the Second District. The lower response was surprising in that the questionnaire was sent out while the wave of discussion and debate over President Nixon's decision to destroy privileged sanctuaries in Cambodia was still at a peak. During May my mail was overwhelmingly against the President's decision. This fact which I announced together with my early stand in support of the President subjected me to criticism for not being in touch with the views of my constituents.

The results of my questionnaire suggest that early reaction to a controversial issue as reflected by mail must be carefully weighed with other factors.

PRIORITIES—A SPOT FOR UNANSWERED QUESTIONS

For the first time since 1967 my questionnaire had an open-ended question on priorities. Many of the toughest questions this country is now facing are ones of priority: Which needs get the most money? Which programs are to be continued and which ones should be phased out? It is encouraging that there is now so much discussion on this basic issue. In my annual report for 1967 I commented that government, like individuals, must develop a sense of fiscal responsibility and establish priorities in spending. This is a central issue facing us as a nation. We must recognize the fact that there is not enough money to do everything. The Government must decide which programs are the most urgent, which can be stretched out, which can be deferred. It can then plan accordingly, allocating available resources to needs. The failure of the Great Society to recognize this, particularly while we are fighting a war in South Vietnam, has now resulted in a fiscal crisis. The inflation that many of us have been predicting is now a recognized fact.

PRIORITIES

Indeed, the chickens have come home to roost, and now that they have, the selection of priorities is even more difficult.

Prior to a discussion of my priorities, I think it is fair to touch briefly on the rather awesome challenge which faced the Nixon administration when it assumed office in January 1969. We were faced with the problem of disengaging in South Vietnam, in a manner that would still preserve our credibility as a deterrent to aggression elsewhere in the world. At home, the Nixon administration was faced with the problem of halting inflation without creating a severe depression, and of quelling domestic disturbances and crime without abridging individual rights.

These problems are easy to state, but their solution by the first administration to take office for 120 years without control of Congress has not been easy.

With most of my constituents, I agree that the war in Southeast Asia is the most important priority facing the country. With the reduction of force levels in South Vietnam by more than 100,000 troops and more reductions underway, there is certainly reason to conclude that President Nixon's policies in Vietnam have, to date at least, been successful. In stating Vietnam as a priority, however, a word of caution must be reiterated as I have frequently done in my statements concerning our involvement there. This is the stark fact that our commitment in Vietnam cannot be considered in a vacuum. Our posture and policies there have important significance elsewhere in the world.

Bluntly stated, I do not think that we can cut and run in South Vietnam and still maintain a credible posture in our efforts to deter aggression in other parts of the world. This is not to suggest that we attempt to act as policemen for the entire world. It is simply a reminder that if we as a nation wish to assist in maintaining world peace, and surely we must, then we cannot bring ourselves by words and deeds to a point where our protestations for peace become meaningless. The complicated and dangerous Middle East situation is a clear and present example.

THE ECONOMY

Another important priority is certainly the state of the economy. I am frequently astounded as I sit in the House and listen to some of my colleagues pontificate on the economy at how little attention is devoted to the interrelation between our Vietnam policies and the state of the economy. They are inextricably interrelated. Unemployment has now reached a level—5.1 percent—comparable to that which prevailed at the end of 1964. But much of this present unemployment directly reflects the efforts of the Nixon administration to reduce military expenditures and the numbers of people serving in the Armed Forces projected during this fiscal year. Total force reduction: 550,000. The loss of jobs in defense-related industries: approximately 650,000. Civilian Department of Defense jobs: 125,000. Together these figures—1,325,000—represent approximately 30 percent of the unemployment totals—4.2 million—prevailing in the month of September while these words are being written.

One of the little reported, but biting ironies of the day is the fact that some politicians who complain about unemployment also call for even greater defense cuts. They are frequently the same ones who are suggesting we crawl out of the Far East but crack down in the Middle East. As the poet said, "If I laugh at any mortal thing, 'tis that I may not weep."

OUR ENVIRONMENT

Another high ranking problem facing us today is surely the quality of our environment. Our polluted rivers, smog-choked cities, and littered countryside need corrective and preventive measures. Communities need more planning. There is a population explosion in many parts of the world, coupled with migration patterns which are packing more and more people into unpleasant and unsafe metropolitan areas or crowded suburbs.

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As a nation, we are too wasteful and materialistically oriented. Too little of our waste is recycled. DDT and mercury have come to stand for pollution rather than progress. Realization of this condition in recent years has grown rapidly. In 1967 when I last had a priority question this issue ranked 12th. It now ranks second which is most encouraging as an aroused and educated public is a first step toward a better environment in the future.

CRIME

Another priority is crime, which threatens the security of many of our citizens. Some polls show that the single worst problem facing many older people is crime and the resultant fear to go outside at night, or to go to the park to see friends, and so forth. We cannot as a nation enjoy a high quality of life as long as major segments of America are afraid to walk our city streets alone at night.

DRUG ABUSE

Most priority questions are interrelated ones. The problem of drugs and narcotics which is surely high on any national priority list is certainly a good example. The increasing dimensions of the problem certainly reflect a breakdown in communications between the young and the old, and the need for more education. In some parts of the country, of course, it is a contributing factor to the increase in crime. I am most impressed with the results of my questionnaire which indicate strong feelings that not enough is being done at the community level. Some people who have written me about this problem suggest that it is almost entirely the result of the very "untidy world" which my generation has presented to the next. In this connection, I think it only fair to point out that today's youths are not the only young people who have been faced with serious challenges. I often regret that more is not being taught about the troubled times of yesterday and how successive generations have met and solved their problems with fortitude and faith which often seem to be sadly lacking today. I am also reminded by frequent discussions and contacts with younger people that probably too much is being made of the aberrations of a few and not enough of the strengths of the many.

CONGRESSIONAL REFORM

As readers of my reports know, quite high on my personal priority list is the reform of Congress. As this report is being written, the House has at long last acted in this important area. Many people who are critical of the awesome power exercised by the executive branch fail to realize that a major cause of this is the failure of Congress to reform its procedures so that it can act more promptly and responsively to meet the challenges of changing times. As a first step toward responsively meeting some of the pressing problems of the day, it is becoming increasingly clear that Congress should put its own house in order. Many of our procedures are archaic. Congress has a very poor record for exercising badly needed watchdog functions. The Legislative Reorganization Act of 1970, if it passes the Senate, will hopefully set the stage for reformation of many of our programs and reordering of priorities during the 1970's. Although I do not think the Legislative Reorganization Act of 1970 has gone far enough, it is an encouraging one small step.

Although this concludes my discussions of priorities, I recognize that there are many that I have not discussed, and indeed, the list is almost endless.

Among them are rural and urban areas of disadvantage; the improvement of economic and educational opportunities; the restoration of stability and confidence in government and law; better communications; delivery of health services to people of all ages; meaningful programs for older citizens; highway safety; and continued reform and restructuring of existing Federal programs with increased emphasis on local participation and fiscal restraint.

VIETNAM AND CAMBODIA

Question 1: I agree that President Nixon is generally on the right track with his Southeast Asian policies. In the spring of 1968 following my first visit to Vietnam, I suggested the need for Vietnamization. Just as in Washington, the Federal Government was trying to do too much, I felt we were making the same mistake in South Vietnam. We were running the whole show and not doing enough to encourage the South Vietnamese and their allies to take over a greater share of the responsibility of their own defense.

Question 2: As I have already indicated, I approved of the Presidential decision to enter Cambodia. It is interesting to note that 12 percent more of my constituency answered positively yes on this question than on the first one. It would appear that this 12 percent feel we should be doing more in Vietnam rather than less. Last year about 9 percent of my constituency indicated we should increase our commitment in Vietnam to insure military victory.

VOTING AGE AND NEWS MEDIA

Question 3: Again this year I am in disagreement with my constituency in regard to lowering the voting age. Last year I stated that I did favor lowering the voting age and at the same time only 35 percent of my constituents agreed with me. As the answers indicate, there has been no change in either my position or that of my constituency. Earlier this year I voted in favor of lowering the voting age to 18—Voting Rights Act of 1970—although I would have greatly preferred to have had this action taken by way of a constitutional amendment which would have given the States an opportunity to express their approval or disapproval. Indeed this may be ultimately necessary if the Supreme Court decides that Congress did not have the power to lower the voting age by legislation.

Question 4: I agree with the majority of my constituents that there is considerable validity to Vice President AGNEW's charge that the national news media are often unnecessarily biased. Last year in answering my questionnaire I stated that meaningful national debate and sound legislation are at a low ebb. The reason for this wretched state of affairs is not as fully appreciated or discussed as perhaps it should be. In my opinion, it is a result, in part at least, of the poor reporting by those in Washington charged with informing the public concerning national affairs. More and more, I have come to the conclusion that the national media are increasingly out of touch with the real America and with reality. I believe that of all our national institutions which need reform, and most of them do including, of course, the Congress, the national news media is most in need of it. I am quite careful to refer to the national news media as there is a distinction between them and the local media as they are presently constituted in most parts of the country. Most reporting of local news on a day-to-day basis is adequate and in my district has been fair.

Question 5: At the time when I mailed out my questionnaire, it was probably true that not enough action was being taken at the community level to combat drug abuse, with a few notable exceptions. However, massive federal programs working closely with the State and with the Governor's crime commission have now been organized and their effects are now being felt. This development, along with the increased educational programs and awareness at community levels of the demensions of the problem and tough new laws at the Federal level reassure me that the problem of drug abuse is being met. To do this successfully quite clearly calls for education and understanding coupled with tough law enforcement at all levels of government.

ECONOMIC OPPORTUNITIES

Question 6: I do not feel that economic opportunities in New Hampshire are satisfactory. There are a good many factors involved which affect both individuals and businessmen. Prevailing wage rates in many of our industries are low by national standards. This may be in part caused by the depressing influences of unbridled imports which explains why I feel the adoption of a quota system has become necessary. In previous questionnaires, I have asked about quotas and the response has been overwhelmingly in the affirmative.

There is more to the problem, however. New England is at the end of the line from the sources of most energy supplies such as gas, oil, and coal. Attempts to build atomic generating plants are frequently stymied by local opposition.

In addition, President Nixon's economic policies, which involve the shifting from a wartime to peacetime economy obviously have lead to a lessening of opportunities in the higher paid, defense-oriented sector of New Hampshire industry.

An additional comment is pertinent here. There are people in my district and there are some areas in my district where attempts to improve economic op-

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portunities are strongly resisted. A key factor in the economic development of many areas is the construction of better roads. Here we are sometimes faced with strong opposition from well intentioned conservation interests.

Another problem is the shortage of adequate housing that prevails in much of the district and here again a shortage of financing, coupled with high interest rates, has posed barriers. There are also some people in my district who don't want any more industry because of its potential threat to the quality of our environment.

In my opinion, all of these problems can be surmounted and we can improve economic opportunities in New Hampshire and at the same time fully and adequately protect the quality of our environment.

WELFARE

Question 7: There is such a heavy consensus that we need to reform our present welfare system, that the question is not whether to make changes, but rather how to make meaningful ones which will actually improve the system. This spring I voted against the administration's family assistance plan, which would have provided an income subsidy to the working poor in addition to present welfare payments to the nonworking poor. I voted against the proposal largely because I felt that its cost—at least $4 billion a year over the present welfare costs—was unjustified by any indications of success.

In this connection, I would like to point out that I have differed with the Nixon administration on several other issues as well. For example, trade and oil policies, and in several respects with its highway policies, to mention a few.

Income subsidies have been tested in only one small pilot project involving about 100 families, and this pilot had been operating only a year. This is far too little to justify a $4 billion a year increase in welfare costs. The guaranteed annual income concept should be seriously tested in realistic and longer term pilot programs, to see whether this as yet untried theory will work in practice.

CAMPUS UNREST

Question 8: I feel that generally college and university administrations have reasonably handled student protests.

For 6 years I served as a trustee of Colgate University, a liberal arts college. I base my answer, at least in part, on that experience. I do not think it is widely recognized or fully appreciated that in recent years and in the name of academic freedom much of the internal administration of colleges and universities has become decentralized. As a result, many disciplinary matters, curriculum decisions, and other campus affairs are almost totally controlled by the faculty and students working in a rather loosely defined manner with administration officials. It may be that in the future there will be a reorganization of the manner in which campus affairs are controlled and clearly there should be. Basically, however, an academic institution has to operate as free from outside interference as possible. The basic problem is probably that revolutionary extremists have sensed the possibilities inherent in the present structure of academic institutions and have seized upon the opportunity to promote their ends. But, given the situation as it is, particularly in New Hampshire, I cannot find that the college and university administrations have not acted reasonably well.

CHINA AND TAXES

Question 9: I favor opening relations with and broadening contacts with mainland China, though it is doubtful how interested they are in expanding contacts with us. They are a significant force in the world and we would be better off if we had some contacts with them. This question has been asked in previous years in a different form, recognizing Red China, and the response has been negative. So either attitudes are changing or people—like me—want to broaden contacts without explicitly recognizing that Communist government.

Question 10: I do not feel that the Federal income tax laws are fair and equitable. I have so stated on numerous occasions and my reasons for this statement are generally that the income tax laws are too complicated and thus, by their very nature, favor those people who can afford the services of accountants, tax lawyers, and financial experts. In our last attempt to reform the income tax laws, Congress failed notably to simplify the tax laws. We nibbled away at a few areas; for example, increasing exemptions; giving the single person a better break; and generally reducing the level of taxation. But we left many areas of avoidance and outright escape virtually untouched; for example, depletion allowances, and so forth.

POLLUTION ABATEMENT—CONSUMER PROTECTION

Question 11: The response to this question is very heartening, as it supports a proposal which I have urged as a feasible way to finance the enormous cost of sewage facilities which is based on the tremendous success which the highway trust fund has had in building our system of interstate and federally supported highways. In general this means that those who use and pollute our waters should pay the cost of cleaning them up. I proposed an amendment, which was accepted, to the Water Quality Improvement Act of 1970 directing the Secretary of the Interior to study all possible means of financing necessary facilities, including but not limited to user fees. This report is due by the end of the year. This need to study new methods of financing our environmental cleanup was recently reaffirmed by the Council on Environmental Quality's First Annual Report.

Question 12: I agree with my constituents, based on my experience particularly with constituents' mail, that protection of consumers is not adequate. An increasing number of constituents have turned to me with consumer problems ranging across the whole spectrum from new cars that are lemons to electrical appliances—some made in Japan—that do not work and a 5-pound bag of flour that has lost weight on its way home from the store. A good many of the complaints seem to stem from people who have gone far from their homes in shopping for so-called bargains.

Actually, more is being done to protect the consumer than most people realize, particularly since the 1970 special session of the New Hampshire Legislature established a new consumer protection division in the office of the attorney general. That office is just now starting to investigate and handle many of the type of complaints which have come to my office in the past several years. Also, President Nixon's Consumer Advisory Council has been quite active in focusing attention on consumer problems, and in solving many specific complaints.

THANK YOU

In conclusion, I would like to express thanks to those of my constituents who participated in this year's questionnaire, not only for returning their questionnaires, but for their many interesting and constructive comments.

These are, as I have often pointed out, troubled times, but I think it is important to remind ourselves that we as a nation have faced trying times before and with fortitude and faith have met them successfully.

There are, of course, deep divisions of opinion, but it is from differences of opinion that wise decisions are reached. Although responsibility for casting my votes as your Representative in the U.S. Congress is mine, the opinions that you have supplied me with are most helpful in meeting my obligations as your Representative. That there are differences of opinion is underscored not only by the fact that I find myself differing from a majority of my constituents as indicated by my answers to two of the questions this year, but also by the following interesting statistic which I would like to share with you. This year, we asked the IBM machine a new question. "How many of the 15,246 people who returned questionnaires before tabulation answered with the majority on each and every question?" The answer: 162.

The questionnaire results follow:

QUESTIONNAIRE RESULTS

PRIORITIES

List in order of priority the six most important issues, problems, or needs facing the United States today.

	Total responses
1. War in Indochina	9,373
2. Pollution	7,927
3. Inflation	6,752
4. Student unrest	4,748
5. Crime	4,439
6. Drugs	4,439
7. Civil rights	3,586
8. Taxes	3,001
9. Government spending	2,740
10. Education	2,093
11. Welfare	2,015
12. Moral decay and lack of purpose	1,896
13. Poverty	1,839
14. Social security and medical aid	1,683
15. Foreign policy	1,364
16. Middle East	1,126
17. Overpopulation	1,090
18. Unemployment	1,027
19. Housing	923
20. Alienation in society	851
21. The courts	818

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				Probably—	
	Yes	No	Undecided	Yes	No
1. Is President Nixon generally on the right track with his Southeast Asian policies?	53.9	22.2	5.3	13.6	3.4
2. Do you approve the Presidential decision to enter Cambodia?	65.1	23.3	3.1	5.4	1.8
3. Based on your experience in your community, would you favor lowering the voting age?	34.5	52.0	3.1	5.1	3.8
4. In your opinion, is there substantial validity to Vice President Agnew's charge that the national news media are often unnecessarily biased?	57.3	21.3	5.5	9.4	3.7
5. Do you feel that enough is being done to combat the use of drugs in your community?	13.0	58.2	9.5	8.1	8.9
6. Do you feel that economic opportunities in New Hampshire are satisfactory?	32.1	42.4	8.5	9.2	5.1
7. Do you favor changing welfare to provide an income subsidy to the working poor, in addition to the present payments to those unable to work?	30.1	47.2	8.7	7.3	3.9
8. Do you, in general, feel that college and university administrations have reasonably handled student protests?	19.2	63.5	3.5	6.9	5.1
9. Do you favor opening relations with, and broadening contacts with mainland China?	41.5	35.5	9.6	8.1	3.1
10. Do you feel that, in general, the Federal income tax laws in our country are fair and equitable?	21.9	59.8	4.0	7.6	4.8
11. Would you favor user fees and/or taxes on all polluters and users of water in order to fully finance Federal water pollution abatement programs?	65.4	14.9	7.1	8.2	2.1
12. Based on your personal experience do you feel that governmental protection of consumers is adequate?	25.1	52.4	5.6	8.8	6.1

PRESIDENT'S REORGANIZATION PLAN NO. 4 IS NEW FISHERIES THREAT

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the Portland Oregonian has most appropriately labeled President Nixon's Reorganization Plan No. 4 of 1970 a "new fisheries threat." In an editorial under that headline, the Oregonian in its September 11, 1970, issue, urged the administration to revise Reorganization Plan No. 4, which would establish a National Oceanic and Atmospheric Administration—NOAA—under the Department of Commerce.

The Oregonian cited as an obvious flaw the proposal that the Bureau of Commercial Fisheries be transferred to the Department of Commerce, from which it was removed in 1942. The newspaper said this "would be a backward step of additional fragmentation of the management of the fishery resource."

In the event the administration does not revise its proposal, the Oregonian said "the House should vote 'no' to kill the National Oceanic and Atmospheric Administration."

Congressman Moss and I have introduced legislation, House Resolution 1210, disapproving of Reorganization Plan No. 4 and it is my expectation that this resolution will come up for a vote in the House in the near future.

So that the views of the Portland Oregonian may be known to my colleagues, I include the text of its editorial at this point in the CONGRESSIONAL RECORD:

NEW FISHERIES THREAT

The White House should revise its Reorganization Plan No. 4, to establish the National Oceanic and Atmospheric Administration (NOAA) under the Department of Commerce, before it comes up for a vote in the House of Representatives this month on a motion to disapprove.

The amendment should be to remove from the new organization the Bureau of Commercial Fisheries and leave it in the Department of Interior. To put this agency back in the business oriented Department of Commerce, from which it was removed in 1942, would be a backward step of additional fragmentation of the management of the fishery resource.

Virtually every conservation, fish and wildlife organization has come out against the severance of the BCF from the Fish and Wildlife Service and its companion agency, the Bureau of Sports Fisheries and Wildlife, in Interior. The basic issue is that of central management of the resource which is shared by commercial and sports fishermen.

So far as the Pacific Northwest is concerned, there is also the practical issue that the federal fishery program, especially the support of hatchery production of salmon and steelhead in the Columbia system, is now in more or less friendly hands. Although Interior has not been as sharp as the region desires in its operations, congressional support has been good. Rep. Julia Butler Hansen of Washington is chairman of the Interior subcommittee of the House Appropriations Committee which has kept the Columbia fisheries program in good health, and Rep. Wendell Wyatt of Oregon is a member. Sen. Henry Jackson of Washington is chairman of the Senate Interior Committee.

The Columbia River fisheries program was established by the federal government to compensate, in part, for the loss of valuable natural spawning because of the gigantic federal dams. The cooperative efforts of the federal government and the states to maintain these valuable salmon and steelhead runs could easily be destroyed if the Bureau of Commercial Fisheries should be moved to the Commerce Department and to other committees of Congress.

President Nixon is asking for NOAA to bring together in a single administration the major federal programs dealing with the seas and the atmosphere and to improve the overall management of programs dealing with the three-fourths of the earth covered by the oceans. The goal is laudable. But removal of the Bureau of Commercial Fisheries from Interior, unless all functions of the U.S. Fish and Wildlife Service should be put into a Department of Natural Resources and Environment, would be a false step. The fisheries resource must be managed as a whole, not fragmented.

If the White House does not make this change, the House should vote "No" to kill the National Oceanic and Atmospheric Administration and require the President to send it back in revised form. Certainly, West Coast members of Congress should not support it in its present form.

PROVIDING FOR NATIONAL ENVIRONMENTAL DATA SYSTEM

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, On September 23, 1970, my Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries ordered reported to the full committee H.R. 17436, with amendments. The legislation, as reported, would amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System.

Mr. Speaker, the President, on August 10, 1970, in his first report to the Congress on the state of our Nation's environment, pointed to the need for more adequate environmental data. He stated that—

> Existing systems for measuring and monitoring environmental conditions and trends, and for developing indicators of environmental quality, are still inadequate.

The Council on Environmental Quality in its first annual report to the President also pointed to the need for more information. The Council said:

> With less than one-quarter of the year available in which to prepare this first annual report, and with insufficient environmental quality indicators or systems by which to monitor the environment with any degree of accuracy, the Council has undertaken to bring together a description of environmental problems and issues facing the Nation.
>
> While this report is wide ranging, the Council realizes that it is incomplete and uneven in some respects. Most important, the lack of measurement tools prevents as assessment at this time of the status and trends of the major environmental classes of the Nation.

Mr. Speaker, it appears that the National Environmental Data System—that would be established by H.R. 17436—will provide the type of information and data that is so vitally needed in order to evaluate the condition of our Nation's Environment and to chart changes in its quality. I am hopeful that the bill will be brought up on the floor of the House for a vote within the very near future. My subcommittee would welcome comments on the bill from Members of the House, Federal, and State agencies, and interested individuals and organizations.

H.R. 17436, as reported by the subcommittee, is amended so as to rewrite the bill in its entirety. The new language of the bill follows:

A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (Public Law 91-190) is amended by adding at the end thereof the following new title:

"TITLE III—NATIONAL ENVIRONMENTAL DATA SYSTEM

"SEC. 301. This title may be cited as the 'National Environmental Data System Act'.

"SEC. 302. For the purpose of this title—

"(1) The term 'Data System' means the National Environmental Data System established by this title. The system shall include

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an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

"(2) The term 'Council' means the Council on Environmental Quality established in title II of this Act.

"(3) The term 'environmental quality indicators' means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

"(4) The term 'information, knowledge, and data' shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decision-making in environmental affairs.

"Sec. 303. (a) There is hereby established a National Environmental Data System.

"(b) The purpose of the Data System is to serve as the central national coordinating facility for the selection, storage, analysis, retrieval, and dissemination of information, knowledge, and data relating to the environment so as to provide information needed to support environmental decisions in a timely manner and in a usable form. Such information as shall be deemed appropriate and useful for the achievement of the purpose of the system shall be made available by all Federal agencies and shall be collected and received, where available, from all Federal agencies, private institutions, universities and colleges, State and local governments, individuals, and any other source of reliable information.

"(c) Information and data shall also be sought from international sources such as foreign governments, the United Nations, and other international institutions; and the President is encouraged to enter into such agreements as may be necessary to accomplish this purpose.

"Sec. 304. (a) The information, knowledge, and data in the Data System and the analysis thereof shall be made available on request without charge—

"(1) to the Congress and all the agencies of the legislative and executive branches of the Federal Government, and their bona fide contractors and grantees; and

"(2) to all States and political subdivisions thereof, except that, in any case where it is determined that the service requested is substantial, the payment of such fees and charges may be required as may be necessary to recover all, or any part, of the cost of providing such retrieval service.

"(b) The information, knowledge, and data in the Data System and the analysis thereof shall be made available to private persons and entities—

"(1) upon payment of reasonable fees and charges as may be established as necessary to recover the cost of providing such retrieval services; and

"(2) subject to such terms and conditions as is deemed necessary to protect the interests of the United States.

"(c) In all instances the Data System shall perform its functions so as to protect secret and national security information from unauthorized dissemination and application.

"Sec. 305. (a) There is hereby created the position of National Environmental Data System Director, who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The Director shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental data of all kinds and to appreciate its significance in the management of natural resources as required for the purpose of this Act. He shall serve full time and be compensated at the rate provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5313).

"(b) It shall be the function of the Director to—

"(1) administer and manage, under the guidance of the Council, the operations of the Data System in all of its ramifications,

"(2) institute a study to evaluate and monitor the state of the art of information technology and utilize to best advantages new and improved techniques for accomplishing the purposes of this Act,

"(3) utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data as to scope, scientific validity, quantity, and quality, to be incorporated into the National Environmental Data System network, including the development of predictive ecological models,

"(4) develop and implement a plan to establish and maintain the environmental information network anticipated to accomplish the purposes of this Act,

"(5) develop, establish, and maintain, as necessary, general standards which will permit and facilitate the compatability and integration of existing and new information systems bearing on the environment to make them consonant and cooperative with the central facility established by this Act, and

"(6) develop and publish from time to time environmental quality indicators for all regions of the United States, including its coastal and contiguous zones, and for internationally significant environments such as the atmosphere and the oceans.

"(c) In carrying out his functions under this Act, the Director shall, to the fullest extent possible, provide the Council with statistical data and other information necessary for the preparation of the annual report of the Council required under section 201 of this Act, and in the development of long-range programs for the enhancement of the environment.

"Sec. 306. (a) The Director may employ such other officers and employees as may be necessary (1) for the efficient administration, operation, and maintenance of the Data System, and (2) to carry out his functions under this title.

"(b) The Director is authorized to provide such lawful incentives as may be required to achieve the purposes of this Act. These incentives may include, but shall not be limited to, grants of money, exchanges of information, sharing of facilities, specialized advice, programs and formats, and other like incentives. The Director shall also be authorized to enter into contracts with universities, individuals, and State and local governments when needed, and to purchase information, data, and personal services as required to fulfill its purposes. He is also authorized to employ consultants as required.

"Sec. 307. (a) The head of each department, agency, or instrumentality in the executive branch of the United States Government shall make available to the Data System such information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be made available for incorporation into the Data System, as the Director deems appropriate as soon as possible after it becomes known to such department, agency, or instrumentality.

"(b) In the administration of all Federal programs resulting in financial assistance to any cooperative international study or to any State, political subdivision, or other public or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, on entering into such contract, shall take such action as may be necessary to insure that information, knowledge, and data on the environment which either directly or indirectly results from such Federal financial assistance or contract will be made available to the Data System as soon as possible after it becomes known. In respect to Federally assisted environmental programs conducted by foreign nations, it shall be the policy of the United States Government to encourage, to the fullest extent possible, the availability to the Data System of such information, knowledge, and data arising from these programs which is appropriate to the purposes of the system.

"(c) The head of each department, agency, and instrumentality in the executive branch of the United States Government shall, to the fullest extent possible, permit the Data System Director to use, on a mutually agreeable basis, including the payment of compensation, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this title; and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Data System.

"Sec. 308. There is authorized to be appropriated to carry out the provisions of this Act the sum not to exceed $1 million for fiscal year 1971, $3 million for fiscal year 1972, and $5 million for each fiscal year thereafter."

INFLATION IN OUR ECONOMY AND COMMISSIONS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

INFLATION IN COMMITTEES

Mr. MONAGAN. Mr. Speaker, from the other end of Pennsylvania Avenue, we repeatedly hear of commissions established to study the causes of the most recent crisis or press briefings announcing that the administration is disassociating itself from a commission or its findings, conclusions and recommendations, even though the Commission has not even issued a report.

Today we are in the throes of a recession involving a continuing rise in unemployment. The administration's answer is another study commission. Rather than taking steps of practical action, it appears that the President took the path of postponing action while insisting that the administration is really at work on the problem. With television fanfare, the President announced the appointment of a National Commission on Productivity and also a Regulations and Purchasing Review Board. In his television address of June 17, the President described the Commission's task as follows:

> In order to achieve price stability, healthy growth and a rising standard of living, we must find ways of restoring growth to productivity.
>
> This Commission's task will be to point the way toward this growth in 1970 and in the years ahead. I shall direct the Commission to give first priority to the problems we face now; we must achieve a balance between costs and productivity that will lead to more stable prices.

This is not the first Presidential Commission on Productivity or "full" employment. I find it difficult, if not impossible, to differentiate between the tasks

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of the Commission and the statutory responsibilities of the Council of Economic Advisers under the Employment Act, as well as the duties of the Cabinet Committee on Economic Policy and the inactive Cabinet Committee on Price Stability.

The Regulations and Purchasing Board is slated to review all Government action to determine whether Federal purchasing and regulations drive up costs and prices. It appears that this unit will duplicate work being done by, and responsibilities vested in, the General Accounting Office, General Services Administration, the Commission on Procurement, NASA Procurement and Regulations Study Group, as well as several other governmental units.

Wages, salaries, employment benefits, prices, and employment fall within the scope of study of the Commission. But what about the work being done and the studies being made by the Council of Economic Advisers, other Employment Act responsibilities, the Cabinet Committee on Price Stabilization and the Cabinet Committee on Economic Policy? The administration's Commission is obviously not a first in the field but the administration has achieved a first in the creation of the present economic condition of simultaneous recession and inflation. Prior administrations practiced a controllable slow rise in inflation together with steady rises in economic productivity and growth. The proper use and the theory underlying the use of advisory commissions is fundamentally sound. However, is there a real need, in this instance, for further study and speculation to find the source of our economic woes? Information, stautory authority and governmental offices are available if the President wished to make use of them.

INFLATION IN THE ECONOMY

There is need to fight inflation, to use the available tools and to take real—not play acting—steps. But the present administration policies only continue to fuel and feed the fire of inflation. In the meantime, growing unemployment and inflation threatens to materially further damage our economy.

Inflation is spreading like a physical disease of major proportions. The cause may be several unhealthy conditions acting singly or in unison. Inflation can be related to an oversupply of money including increased Government expenditures, an overly expansive stock market, scarcity of consumer goods due to inadequate productivity or distribution, excessive profits in some areas, an oversupply of credit which is money, excessive interest charges on credit and increased charges on the Federal debt. Inflation can also be caused by so-called wage-price escalations in which wages and prices are forced upward without regard to the increased production of goods and reasonable margins of profit.

THE CURE?

The administration's inflation cure was to cut down the supply of money in circulation and cause a reduction in the demand for consumer goods. To do this they sponsored increases in the interest rate and cut down on Federal expenditures. Other alternatives were largely ignored.

Private spending for all practical purposes is not controlled by present monetary policies, yet private spending is nine times greater than Federal spending. So any administration move reducing expenditures only effects a small percentage of the remaining 10 percent.

The increase in the interest rates only resulted in an increase in inflation. Industry has piled up hundreds of billions of dollars in additional debt without cutting down on new construction and new capital investment and merely passed the excess interest cost to the purchasing consumer, foreign or domestic, in the form of increased prices. The increase in cost prices us out of some foreign or domestic markets and results in a further decrease in productivity.

The interest rates on high grade municipal bonds and on Federal borrowing have drastically increased. The administration has changed its regulations so that 90-day or less Government notes may not be purchased by small investors without difficulty. The increase in interest rates on governmental borrowing alone comes to several billions of dollars per year. The additional cost results in greater burdens being placed on the tax paying public in order to provide necessary and essential public services.

New channels and new sources of capital funds have had to be tapped by American industry, business, public institutions and consumers in order to function. Investment funds in many instances were funneled away from customary beneficiaries into new channels. Installment credit volume rose to new heights.

THE RESULTS OF THE ADMINISTRATION'S CURE

To obtain the use of money Americans have had to pay the highest interest rates in over 100 years.

Other results are upwards of 1,700,000 additional people unemployed, an unemployment rate in excess of 5.2 percent—10 percent in Waterbury, Conn., 14.9 percent in Bristol, Conn.—pressure for additional taxes, an increased demand on welfare and insurance funds, less goods purchased at higher prices and a diminution of productivity. The purchasing power of the dollar is lower. The sting is felt in all levels of our economy and society.

At first the burden of this policy fell on the aged, the middle- and low-fixed income wage earner, the consumer, the young home buyer, and all of us caught paying the cost of price and interest increases.

In cutting Federal expenditures there have been slashes in essential health, education, housing, research and national defense programs. There have been no real or effective curbs imposed on private spending. So we cut public spending without proper order of priority. This action, too, has forced public, quasi-public and educational institutions to borrow funds at the high interest rates to replace funds formerly provided by Government grants.

At present, the burden of the administration's fiscal policies has proceeded beyond the consumer and its impact is felt in all sectors of the economy. Stockbrokers and some of our largest corporations are now appealing to the Federal Government for help. The Dow Jones industrial average is down about 200 points. More than 120 brokerage firms have disappeared through merger, takeover, or just plain failure. Incomes of securities business employees have dropped a third to one-half of what they were prior to 1968 and the entire structure of our present security market is threatened. Confidence in American securities, and the dollar has decreased and investment moneys have moved elsewhere.

TOO MUCH CURE?

Last week the Vice President appeared on Wall Street with the message that it is important for the administration to take control of Congress this year in order that the President finish his programs. Will the final result be rule or ruin?

In the late 1920's and the early 1930's the depression was triggered by a decline in the confidence and operation of Wall Street. This stock decline caused other failures in our economy. It resulted in a period in which practically all breadwinners were unfavorably affected. The danger signals are showing today. Window dressing and rhetoric are not enough to meet the challenge.

The creation of a commission and a board are attempts to distract the public's attention away from the problem. It is obvious that remedies applied by the administration are inadequate, paper thin, and wrong. We still have uncontrolled interest rates, private spending, and private credit. Inflation and recession compound each other in their continued growth.

Existing statutory tools, available knowledge, and governmental agencies are not properly utilized to fight this debilitating disease. The House of Representatives recently passed a measure giving the President greater control over interest rates and price wage spiral but it has not been used.

I am convinced that the administration has not moved effectively against inflation. I urge the administration to lead, to utilize effectively the tools it has, and to take constructive action against the real causes of the Nation's economic woes.

SALUTE TO A THINKING EDITOR

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I wish to pay tribute to an editor of one of the papers in our congressional district that I regard as a keen analyst of the faults and failures of H.R. 16311 which this administration has chosen to call the welfare reform bill.

In his column, entitled "Frank Expression" the editor and general manager of the Nevada Daily Mail, Frank Merenghi, has written one of the most comprehensive appraisals of what is wrong about the new welfare bill that I have ever read.

He points out some interesting statistics particularly the fact that there is no such thing as a $1,600-a-year guaranteed annual income, but in many instances as much as $7,520 a year to a family even if the father were to be fully employed. His astute appraisal is that

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this measure would put every eighth person in America on relief and without any true work incentives even though it has been praised by its promoters with the lofty description of workfare rather than of welfare.

As to new additions in Missouri, one of our State officials recently estimated that if this bill becomes law as many as 600,000 new recipients would go on the welfare rolls in our State. Think of it. Some of my friends from California tell me that out there, it would not be thousands or hundreds of thousands, but several millions that would be added to the welfare rolls of the Golden State.

Frank Merenghi has written an excellent article which is a keen analysis of what is wrong with H.R. 16311. I hope Frank and all of our constituents in Nevada, Missouri, and Vernon County and in fact everyone throughout our congressional district know that their Congressman opposed this bill with all the energies he could muster when it was before the House of Representatives. I want everyone to know I voted no on final passage, as is shown in the CONGRESSIONAL RECORD.

In the unhoped for event that the other body of the Congress should pass similar legislation let us pray that some of those who supported this bill when it was before the House will change their attitude and oppose the conference report. I share this editorial with my colleagues in the hope they may read it and enough will be convinced H.R. 16311 is not a good bill. Should the other body decide to act let us all pray there will be a change of heart by enough Members in the House of Representatives to undo the mistake they made when we passed this bill earlier this year.

The editorial that appeared in the Nevada Daily Mail of Thursday, September 17, 1970, under the heading, "Frank Expressions," is as follows:

FRANK EXPRESSIONS

The administration's "welfare reform bill," H.R. 16311, has been passed by the House of Representatives. It is now before the Senate Finance Committee.

There are some things about this bill that make you wonder:

It would guarantee a minimum income to all families in this country, as much as $7,520 a year to some where the father is fully employed.

It would triple the number of families on welfare.

It would increase the number of persons on welfare from 10,436,000 to 23,205,000, according to Senate Finance Committee statistics.

In some states—Arkansas, Colorado, Georgia, Indiana, Tennessee and Texas, for instance—it would more than double the number of persons on welfare. In Mississippi, Nebraska and Virginia, it would increase the number of welfare recipients nearly three times; in North Carolina and South Dakota, nearly four times; and in South Carolina and North Dakota, nearly five times.

It would put every eighth person in America on welfare.

For the first year, this welfare program would cost about $11 billion. But that's only the beginning.

The cost would go up each year. And no one can tell how high it would go.

There is already a bill pending in Congress, proposing a $5,500 minimum income, at an estimated annual cost to the taxpayer of $60 billion.

This comes at a time when Federal spending should be held in check. A deficit of $10–15 billion is projected for the current fiscal year 1971. For 1972 the deficit could reach $23 billion.

Continued excessive spending can lead to unstoppable inflation.

Business, large and small, across the country strongly favors welfare reform. Business recognizes that welfare reform is past due, and would like to see something done about it.

However, many businessmen do not favor the administration's welfare reform bill, H.R. 16311.

The reason support is lacking is not only because of the tremendous cost involved, but more especially because the bill is not a welfare reform measure, even though that is what its proponents call it.

It is welfare expansion; it merely piles another aid program on top of those which already exist.

It is not basic, it does not get to the heart of the problem. It does not solve the family welfare problem.

Welfare reform is needed, but not merely a guaranteed annual income for certain families, and a guaranteed annual tax increase for the rest of the citizens.

Therefore, many people feel that Congress should come through with a real welfare program. Specifically:

Doing a better job than is now being done of taking care of those people who are unable to support themselves, the aged, the blind, the disabled.

Meeting the living needs of able-bodied adults with children in need, and who are on AFDC–AID to families with dependent children. But these able-bodied adults should be given training for productive jobs—for self-support—and they can be.

FREE FAMILY PLANNING COUNSELING AND DEVICES

Adequate funding of day-care centers and child-care arrangements to help welfare mothers move into gainful employment and self-support.

A constructive program of occupational rehabilitation, with living allowances to help the individual meet daily family needs while in training and with built-in incentives to take a job.

We are not in favor of the HR 16311 welfare expansion program that would put every eighth person in America on relief—and that would carry with it no true work incentive for the able-bodied adult.

IT IS NOT TOO LATE TO SIGN THE DISCHARGE PETITION

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, there is presently pending on the Clerk's desk a discharge petition No. 8 which I filed on September 14. The first page is filled with signatures. There are several on the second page.

It is not and will not be my intention to claim credit for building a fire under the Judiciary Committee. However, facts are that after this discharge petition was filed, and with several signatures already on the petition, Subcommittee No. 5 of the Judiciary Committee commenced to mark up the organized crime control bill of 1970. Moreover, this subcommittee scheduled an almost unprecedented, unheard of, and almost unbelievable evening session. Undoubtedly there have been other evening sessions of the Judiciary Committee but in my 12 years here I cannot recall another instance of any Judiciary Subcommittee deciding that they were working on a matter of such urgency that it would require an evening session.

Whether we call it the Organized Crime Control Act or the anti-Mafia law, the fact remains that if we adjourn on the 16th of October such means 2 legislative weeks in October and substantially 1 week remaining in September. As I attempted to point out in a letter I sent to my colleagues urging their signature on the discharge petition, no Member would want or can afford to go home without passage by the House of S. 30 which still languishes notwithstanding some action by the House Judiciary Committee.

The time is late. Certainly more tools and weapons are needed in the fight against organized crime. Mr. Speaker, For obvious reasons, I wish to share with my colleagues a recent editorial reprinted from the San Diego Union as follows:

ANTI-MAFIA LAW LANGUISHES IN HOUSE

One of the most important pieces of unfinished business facing this session of Congress is the Organized Crime Control Act, now bottled up in the House Judiciary Committee by Committee Chairman Emanuel Celler, Democrat of New York. Despite Senate passage in January with only one dissenting vote and endorsement by the American Bar Association, the act remains under Mr. Celler's thumb.

The Organized Crime Control Act is bipartisan. It was sponsored by President Nixon in April, 1969, on the basis of recommendations by the President's Commission on Crime and the Administration of Justice which had been appointed earlier by President Lyndon Johnson. The commission found that only 257 organized crime figures out of 5,000 identified suspects were indicted during the entire decade of the 1960s. Notorious leaders in the Mafia remain at large—profiteering from prostitution, gambling, pornography and the growing traffic in narcotics. Well-known crime czars have eluded indictment because better laws are needed.

The Organized Crime Act would strengthen the legal means of obtaining and using evidence against gamblers and drug operators. Its provisions offer government witnesses special protection from reprisal, grant immunity from self incrimination to witnesses to allow them to testify before grand juries, and extend federal jurisdiction to all major illegal gambling operations that now divert as much as $50 billion annually into Mafia treasuries. An important section prohibits the investment of funds from rackets into legitimate commercial businesses.

In short the Organized Crime Act, addressed to the biggest evils now exploiting the American people, is at the heart of President Nixon's war on crime. The country has reason to hope that bipartisan leadership in the House will pry this legislation out of Rep. Celler's hands and enact it into law.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLUCZYNSKI (at the request of Mr. ALBERT) for today, on account of official business (funeral for James Guinea, late administrative assistant).

Mr. ADDABBO (at the request of Mr. BRASCO), for September 24, on account of official business.

Mr. OLSEN (at the request of Mr.

JOHNSON of California), for today, on account of official business.

Mr. ASPINALL from adjournment on September 25 until adjournment of the 91st Congress or November 5, whichever date occurs first, on account of necessity of campaigning for election to the 92d Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MADDEN for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

The following Members (at the request of Mr. RUTH) and to revise and extend their remarks and include extraneous matter:)

Mr. WILLIAMS, for 5 minutes today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. AYRES, for 1 hour, today.

Mr. FINDLEY, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. PRICE of Texas, for 15 minutes, today.

(The following Members (at the request of Mr. DANIEL of Virginia) and to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 10 minutes, today.

Mr. FULTON of Tennessee, for 15 minutes, today.

Mr. PREYER of North Carolina, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. ASHLEY and to include extraneous matter.

(The following Members (at the request of Mr. RUTH), and to include extraneous matter:)

Mr. WOLD.

Mr. KUYKENDALL.

Mr. LANDGREBE.

Mr. HOGAN.

Mr. FINDLEY in three instances.

Mr. ANDERSON of Illinois in two instances.

Mr. PRICE of Texas in two instances.

Mr. DENNEY.

Mr. MCDONALD of Michigan.

Mr. GUDE in two instances.

Mr. SCHMITZ in three instances.

Mr. HARVEY.

Mr. TAFT.

Mr. STEIGER of Wisconsin.

Mr. HALPERN.

Mr. SCOTT.

Mr. WYMAN in two instances.

Mr. GROVER.

Mr. LANGEN.

Mrs. HECKLER of Massachusetts.

Mr. BRAY in two instances.

Mr. BROWN of Ohio.

(The following Members (at the request of Mr. DANIEL of Virginia), and to include extraneous matter:)

Mr. PUCINSKI in six instances.

Mr. BRADEMAS in eight instances.

Mr. OTTINGER in two instances.

Mr. GRIFFIN in two instances.

Mr. ADDABBO in two instances.

Mr. HELSTOSKI in two instances.

Mr. BRINKLEY.

Mr. ROSTENKOWSKI.

Mr. MEEDS in two instances.

Mr. DANIELS of New Jersey.

Mr. WILLIAM D. FORD.

Mr. BINGHAM in two instances.

Mr. HUNGATE in two instances.

Mr. BLATNIK.

Mr. BYRNE of Pennsylvania.

Mr. GRAY.

Mrs. SULLIVAN in three instances.

Mr. BOLAND.

Mr. MILLER of California in five instances.

Mr. RYAN in two instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2984. An act to permit certain Federal employment to be counted toward retirement; to the Committee on Ways and Means.

S. 3220. An act to protect a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender; to the Committee on Post Office and Civil Service.

S. 3765. An act to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics; to the Committee on Interstate and Foreign Commerce.

S. 3958. An act to adjust the pay of the police forces at Washington and Dulles Airports; to the Committee on Post Office and Civil Service.

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

S.J. Res. 110. Joint resolution to amend the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week", approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers; to the Committee on the Judiciary.

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on the Judiciary.

S.J. Res. 223. Joint resolution to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 11953. An act to amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended;

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

H.J. Res. 589. Joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program; and

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of October 1970 as "Project Concern Month."

SENATE ENROLLED BILL AND JOINT RESOLUTIONS

The Speaker announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 3637. An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting;

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week"; and

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week."

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, September 28, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2401. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend the Defense Production Act of 1959, as amended, to eliminate the restriction on guaranteed transactions under section 301; to the Committee on Banking and Currency.

2402. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the act of July 3, 1930, as amended, relating to the services of consultants in connection with civil functions of the Corps of Engineers; to the Committee on Public Works.

2403. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 103 of the River and Harbor Act of 1960, pertaining to the pay of civilian members of the Board on Coastal Engineering Research; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of conference. Conference report on S. 1933 (Rept. No. 91-1467). Ordered to be printed.

Mr. HAYS: Committee on Foreign Affairs. H.R. 18012. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (Rept. No. 91-1468). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS of New Jersey: Committee on Post Office and Civil Service. S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes; with an amendment (Rept. No. 91-1469). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 18679. A bill to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirements for a finding of practical value, and for other purposes (Rept. No. 91-1470). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 19444. A bill to authorize for a temporary period the expenditure from the airport and airway trust fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 19445. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BELL of California (for himself and Mr. Hawkins):

H.R. 19446. A bill to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes; to the Committee on Education and Labor.

By Mr. BOW:

H.R. 19447. A bill to protect the personal security and academic freedom of students, faculty, staff, and other employees of institutions of higher education by requiring the adoption of procedures by the States to govern the treatment of disruptive campus violence by students, and other employees, as a precondition to Federal assistance, and to assist such institutions in their efforts to prevent and control campus disorders; to the Committee on Education and Labor.

By Mr. BURTON of Utah:

H.R. 19448. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 19449. A bill to provide for a temporary reduction in the salaries of certain officials of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. HANNA:

H.R. 19450. A bill to amend the Internal Revenue Code of 1954 to impose a manufacturers excise tax on mood drugs and to earmark the proceeds for drug education, research and rehabilitation; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 19451. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 19452. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. VANIK (for himself, Mr. Bell of California, Mr. Brown of California, Mr. Farbstein, Mr. Fraser, Mr. Gude, Mr. Harrington, Mr. Koch, Mr. Lowenstein, Mr. McCloskey, Mr. Mikva, Mr. Ottinger, Mr. Reid of New York, and Mr. Reuss):

H.R. 19453. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia (for himself, Mr. Fuqua, Mr. Gude, Mr. Hogan, Mr. Nelsen, Mr. O'Konski, Mr. Scott, Mr. Smith of New York, Mr. Springer, Mr. Thomson of Wisconsin, and Mr. Winn):

H.R. 19454. A bill to increase the borrowing authority of the District of Columbia and to direct a study by the Secretary of the Interior leading to the establishment of an appropriate area or regional entity to regulate and control the water pollution problems in the Washington metropolitan area and the water resources for such area and to provide at reasonable costs water, sewer, sanitation, and related services for such area; to the Committee on the District of Columbia.

By Mr. FOREMAN:

H.R. 19455. A bill to require administration officials of institutions of higher education receiving Federal funds to maintain order on campus; to the Committee on Education and Labor.

H.R. 19456. A bill to provide a period of suspension, from attendance at any institution of higher education receiving Federal funds, of students who engage in destruction of property during campus disorders; to the Committee on Education and Labor.

H.R. 19457. A bill to establish liability of persons engaging in destruction of property at educational institutions; to the Committee on the Judiciary.

H.R. 19458. A bill to amend the Social Security Act to prohibit the imposition of any requirement, that a physician disclose privileged information or medical records in connection with the medicare or medicaid program; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 19459. A bill to authorize the creation of a National Commission on Individual Rights; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 19460. A bill to prohibit the expenditure of Federal funds by the Secretary of Health, Education, and Welfare to promote the use of drugs in public school systems; to the Committee on Education and Labor.

By Mr. SCHEUER (for himself, Mr. Cowger, and Mr. Pollock):

H.R. 19461. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAFT:

H.R. 19462. A bill to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time law enforcement officers and firemen employed by State and local governmental instrumentalities; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 19463. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 19464. A bill to amend section 139 of title 23, United States Code, relating to additions to the Interstate System; to the Committee on Public Works.

By Mr. DICKINSON:

H.R. 19465. A bill to authorize the granting of oil, gas, and other hydrocarbon substances, and all rights in connection therewith and pertaining thereto, to certain homestead patentees who were wrongfully deprived of such property and rights; to the Committee on Interior and Insular Affairs.

By Mr. ICHORD:

H.R. 19466. A bill to clarify the coverage status under the old-age, survivors, and disability insurance program of certain service performed after 1950 and before 1969 by auto license agents of the Department of Motor Vehicles of the State of Missouri; to the Committee on Ways and Means.

By Mr. NEDZI:

H.R. 19467. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. NICHOLS:

H.R. 19468. A bill to authorize appropriations for public lands highways for fiscal years 1972 and 1973; to the Committee on Public Works.

By Mr. BINGHAM:

H. Con. Res. 750. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr., in the Capitol; to the Committee on House Administration.

By Mr. HORTON:

H. Con. Res. 751. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. LANGEN (for himself, Mr. Berry, Mr. Collins, Mr. Griffin, Mr. Abernethy, Mr. Lukens, Mr. Flowers, Mr. Gettys, Mr. Rarick, Mr. O'Neal of Georgia, and Mr. Rousselot):

H. Con. Res. 752. Concurrent resolution expressing the sense of Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

By Mr. ICHORD:

H. Con. Res. 753. Concurrent resolution authorizing the printing of additional copies of publication entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities 1955 through 1968 (84th through 90th Congresses)"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MATSUNAGA introduced a bill (H.R. 19469) for the relief of Mr. and Mrs. Logan Porter Dickinson, which was referred to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

MILITARY CUTS WOULD BE "INVITATION TO WAR"

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BOB WILSON. Mr. Speaker, the clamor of the antidefense spending lobby has grown increasingly loud and vocal in recent months and some press accounts tend to further distort the true picture of our Federal outlays for defense and domestic programs. Dr. Roger Freeman, Stanford University professor and former special adviser to President Nixon, made several cogent observations on this issue in his recent radio remarks. Professor Freeman's analysis casts a more balanced light on the military spending question and emphasizes how many overlook the serious consequences of a decline in our defense posture. I know my House colleagues will find the following article by Ray McHugh, Copley News Service, of particular interest:

TEACHER SAYS FURTHER DEFENSE BUDGET CUTS WOULD BE "AN INVITATION TO WAR"

(By Ray McHugh)

WASHINGTON.—A Stanford University professor and former special advisor to President Nixon says further cuts in the nation's defense budget would be "an invitation to war."

He also attacks the premise that defense spending has crippled U.S. educational programs.

In remarks recorded for a national radio program today (Sunday), Dr. Roger A. Freeman denies claims by Pentagon critics that the tight national budget is a direct result of increased military spending and that if arms costs are reduced education spending can be increased.

In the 1968–1971 fiscal budget period, Freeman says, defense spending has been cut 9 per cent while outlays for education and other social programs have risen 47 per cent and all other federal expenditures are up 21 per cent.

The 49 per cent increase in defense expenditures since 1953, he says, is approximately equal to the increase in prices, wages and other national economic factors using the same period.

But during the same 17-year period, spending for Health, Education, Welfare and Labor increased 944 per cent, he says, and the cost for all other government operations has risen 82 per cent.

While the defense share of federal revenues and of the gross national product has been almost halved since 1953, Freeman claims, "most of the huge savings were applied to social purposes, with education one of the main gainers."

"To slash our badly depleted defense establishment even faster or further in this troubled world," he says, "would risk the nation's very existence in an irresponsible manner and be an invitation rather than a deterrent to war."

Freeman says unrest in the nation's schools has for the first time shaken "the profound faith of the American people in their educational institutions and their belief in the wisdom of our educational leaders and in the soundness of their goals and practices." Faith, he says, has turned to "doubt and even outright disapproval."

"If a vote of confidence were asked from the people across this nation in the management and policies of their educational institutions, it would in most states no longer be as favorable as it would have been twenty, ten, or even five years ago."

This applies, he adds, not only to some prominent universities and colleges, but also to high schools and elementary schools.

Pointing out that public school enrollment has increased 88 per cent, or from 25 million to 47 million students, since 1950, Freeman said that school financial support jumped from $5.4 billion to $38.5 billion in the same 20 years.

About 93 per cent of the $33 billion of this increased financial support came from state and local governments.

"Nothing testifies more clearly to the continued effectiveness of the traditional American way of government by the consent of the governed," says Freeman.

Noting that enrollment growth in the public schools is ending in most U.S. cities, with little or no increase projected for the 1970s unless private schools are forced to close, Freeman says school funding problems should begin to ease "if the public schools can retain—or, in many cases, regain—the confidence and goodwill of the communities they serve."

JBS NO LONGER AN ISSUE IN 24TH

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. McCLOSKEY. Mr. Speaker, of the various political organizations in America identified over the years as part of the "right" sector of the political spectrum, I suppose I have disagreed more often than most with the positions taken by the John Birch Society. Indeed, I cannot recall a single one of the society's published political efforts with which I have concurred.

Nevertheless, a number of patriotic American citizens belong to the society, and particularly one of my close friends of many years, our colleague JOHN ROUSSELOT from California.

I have known JOHN as an honest, hardworking, and dedicated American since high school days and was accordingly pleased to note the following recent editorial about JOHN and the Birch Society in the San Gabriel Valley Daily Tribune:

JBS NO LONGER AN ISSUE IN 24TH

Voters in the 24th Congressional District have resoundingly registered their support of John Rousselot. Tuesday they gave him a 2–1 margin at the ballot box and sent him on his way to Washington to represent them for the duration of Glenn Lipscomb's unexpired term.

It is not surprising that Rousselot won in the preponderantly Republican district. Nor is it surprising that voter turnout in the special election was relatively light.

If there was one thing to be learned from this special election, it is, we believe, that membership in the John Birch Society is no longer an issue as far as most voters in the 24th Congressional District are concerned.

Residents have been hearing this attack on Rousselot for a decade. We were among those who questioned his ability to represent the interests of the district while having an allegiance to the JBS in 1961. But, since that time the people of the district have learned much more about what the JBS is and what it is not. This, we believe, has led most voters to discount JBS membership as a threat to responsible representative government.

If voters had retained a suspicion of the JBS and its effect on John Rousselot, there would have been a huge turnout at the polls, and the vote would have been much closer.

Admittedly, other factors entered into the voting and non-voting. But, in our opinion, Rousselot goes to Washington with the firm support of his district. During the next few months he can firmly entrench himself as unbeatable in November upset. At this time we see little likelihood of his stumbling.

BLATANT DOCTOR SHORTAGE IN RURAL AREAS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BURTON of Utah. Mr. Speaker, one of the greatest problems which afflicts many areas of rural America today is a shortage of trained medical practitioners.

The census figures show that in most rural areas, population is leaving and migrating to the cities, where employment opportunities are thought to be greater.

This has been especially true in the past few years with doctors.

The old family doctor, who used to be a fixture in the small communities of our Nation, is beginning to be rather hard to find.

In my home State of Utah, there is an area in the southern part of the State, comprising Wayne, Piute, Sevier, and Garfield Counties, which is large in territory but rather short of people.

Only a few years ago, this area had nine doctors. Today it has two. The doctor-population ratio in Utah as a whole is 1 to 1,160; in this four-county area it is 1 to 10,000.

Today I am introducing a bill which would provide scholarships and fellowships to medical students who pledge to spend some years after graduation working in the rural areas of our Nation.

I would also like to insert in the RECORD a telegram from the Standard-Examiner, in my home city of Ogden, which lauds a program which authorizes Federal funds for medical schools that establish separate departments for teaching family medicine.

As the editorial points out, the University of Utah College of Medicine has already established a new department of community and family medicine and is ready to take advantage of this Federal funding should it become available.

I would also like to call attention of my colleagues to the fact that two communities, at least, in my State have also learned that community effort helps attract doctors to their area.

The towns of Roosevelt and Gunnison, both in rural sections of Utah, have worked to provide new and modern hospital and medical facilities in their cities—with the help of medical practitioners who already live there.

These new facilities have resulted in attracting other doctors to the area and will, in the future, attract more, solving one of the problems created by the shortage of medical skills in rural areas.

The Ogden Standard-Examiner editorial, to which I commend your consideration and attention, is as follows:

[From the Ogden (Utah) Standard-Examiner, Sept. 17, 1970]

CONGRESS AIMS FOR MORE FAMILY DOCTORS

The U.S. Senate this week approved a bill that would have a beneficial effect on the health of the United States, particularly for residents of sparsely populated areas like ours.

The aim of the legislation, the AP reports, is "to head off extinction of a vanishing American breed—the family doctor."

Members of the U.S. House of Representatives are now being asked to consider the measure. We strongly urge that our congressmen get behind the bill—SB3418—and insist that it be taken out from under the present log jam of pending legislation and receive a favorable vote at the current session.

The proposal would authorize the appropriation of $425 million through fiscal 1975 for medical schools that establish "separate and distinct" departments for teaching family medicine.

It would provide a badly needed impetus for family doctors or, as they are frequently called, general practitioners. This field has, the senator rightly insists, been all but neglected over the past 30 years, an age of medical specialization.

Fortunately for Utah, if the bill does pass the House and necessary appropriations are made, our state is ready for this revival of family medicine.

Effective last July 1, the University of Utah College of Medicine established a new Department of Community and Family Medicine. This department ranks equally with the college's other three, traditional departments—those of surgery, medicine and pediatrics.

Under this framework, the University of Utah is already in an excellent, forward-looking position to participate in any federally encouraged training of family doctors.

This is no coincidence.

The Governor's Conference on Health made this recommendation some time ago and the Utah Legislature provided necessary financing for the Department of Community and Family Medicine to be started.

The college, university and their advisors realized that a general practitioner—the family doctor—usually serves as the point of first contact for those who need medical assistance. About the only common exception is an accident where victims are taken to a hospital's emergency ward.

A family physician is trained to consider the total health care needs of all family members, referring them to specialists as appropriate.

"The family physician," explained one Utah expert in the field, "is the leader, the coordinator of the health care team. This type of physician normally manages 85 per cent of personal medical problems. He gets to know the family and considers all aspects of the individual environment in their treatment. And he knows their full medical history."

Many Utah communities now have no resident doctor. In the parts of our state—or Wyoming, Nevada, Idaho or Montana—where the distances between towns is considerable, this is a critical shortage.

Few young medical school graduates have wanted to practice in the small towns, when they saw the life style of the remaining general practitioners—busy from before dawn to after dark, frequently roused out at night but still making less money than their city colleagues.

So most new doctors have headed for the big cities.

If medical colleges produced more family physicians, the burden in the small towns could be shared. Each doctor could live a reasonable life and have time—not available now to the overworked general practitioners—to continue his medical education. They'd have a better income, too, because their fellow townsmen would be less inclined to seek "outside" medical help.

This renewed emphasis on family physicians in Congress, at the University of Utah College of Medicine and in cooperating hospitals could pay rich dividends.

The program will go forward without Congress' help, we recognize. But with enactment of the Bill and adequate financing of its provisions, the day will come even sooner when Americans can count on the services of a family physician when he—or she—is needed.

KLEO COMMENTS ON THE PRESIDENT'S KANSAS STATE SPEECH

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial comment aired on radio station KLEO Wichita, which appropriately discusses the recent speech by President Nixon at Kansas State University in Manhattan as contrasted to the first national wire service reports on the event. The editorial was written by Frank M. Edmondson, Jr., a member of the KLEO news staff.

The editorial follows:

EDITORIAL COMMENT ON KLEO WICHITA, KANS.

President Nixon spoke in Manhattan today. Those who listened to the speech on radio, on television and in person—witnessed a strong speech delivered by him. Hecklers tried to drown out the President—there were about fifty in all—but the spontaneous ovations by the majority of the 15,000 plus persons at the Ahearn Fieldhouse on Kansas State's Campus drowned out the fifty easily. The enthusiasm was shared so much by the President, that at one time during the speech, he said this:

"The destructive activists at our colleges and universities are a small minority . . . My text at this point reads: '. . . their voices have been allowed to drown out the responsible majority.' That may be true in some places but not at Kansas State."

The comment was followed by a standing ovation.

However, the first national story on the speech released by United Press International showed quite a different side to the scene. Here is the story in its entirety:

"MANHATTAN, KANS.—About 50 dissidents interrupted his speech with shouted questions and obscenities as President Nixon warned today that American colleges risk losing public support unless they curb violence by 'destructive activists.' Mr. Nixon made his strongest remarks so far about radical student dissent in a speech at Kansas State University. As the dissenters tried to shout him down, Mr. Nixon called on responsible students and faculty members to 'stand up and be counted.' And he urged the hecklers to be willing to listen to someone without trying to shout him down."

That United Press International news story didn't make this particular KLEO Newsman happy. A letter has been written by this reporter to be sent to the President of the United Press International, with copies also to be sent to President Richard M. Nixon, Governor Robert B. Docking, Senator Bob Dole, Senator James Pearson. Congressman Garner Shriver and other dignitaries in public office.

LAWS THAT DO NOT WORK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial appearing in the Altoona, Pa., Mirror on Wednesday, July 22, 1970, pointing out the simple, self-evident truth that "gun control laws, of themselves, do little to retard the growth of crime."

I hope this will be of assistance to my colleagues in consideration of the continuing flow of legislation aimed at stripping law-abiding citizens of their right to possess arms for legitimate sporting and defense purposes.

The article follows:

LAWS THAT DO NOT WORK

Gun control laws, of themselves, do little to retard the growth of crime. Of the nation's 12 largest cities, four were covered by total firearms registration during the first half of 1969. Four more were under local or state laws requiring permits to buy or transfer handguns. One had an ordinance covering all firearms transfers. Three of the nation's largest cities, by contrast, had no local or state laws rigidly restricting the sale of firearms.

Among the cities with controls, New York City, Chicago, Washington, D.C. and San Francisco have, perhaps, the stiffest firearms laws. In these cities, the homicide rate during the first half of 1969 ranged from a six per cent increase in New York to a 102 per cent increase in San Francisco.

Five of the nation's largest cities with gun controls of varying stringency showed alarming increases in homicides, ranging from 53 per cent in Cleveland to 18 per cent in Philadelphia.

The other three of the nation's largest cities—Los Angeles, Houston and Milwaukee—having the least restrictive gun laws came up with these figures for the first half of 1969. Los Angeles, murders up 14 per cent; Houston, murders decreased five per cent; Milwaukee, murders decreased 18 per cent.

The foregoing are facts from figures compiled from the FBI Uniform Crime Report. They bear out the belief of Dr. Bruce Danto, director of the Detroit Suicide Prevention Center, that "gun control is not the answer" to the rising tide of violence in cities.

The sad truth is that many freedom-destroying laws aimed at law-abiding citizens are passed in an emotional fury; and, after passage, no one ever takes the time to appraise their effectiveness. It is much easier to pass another law than to remove a bad law from the statute books.

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FAD DIETS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. WOLFF. Mr. Speaker, yesterday I included in the Record several statements submitted in writing to my able colleague, the gentleman from New York (Mr. Biaggi), and me for a hearing we held earlier this month on fad diets, food myths, diet pill abuse and nutrition. Previously, I had placed into the Record the testimony of the witnesses who attended our hearing in New York City. Today, I would like to conclude this five-part series with the remaining statements submitted to us:

Statement on Fad Reducing Diets

(By Hazel Schoenberg, Good Housekeeping)

My name is Hazel Schoenberg. I am the Associate Director of the Bureau, a department of Good Housekeeping Institute. In this position I am involved in the editorial supervision of the You & Your Diet section of the magazine and I co-ordinate the test-kitchen and laboratory investigation of food products submitted for advertising. You & Your Diet is a monthly feature of Good Housekeeping devoted to information on family meal planning as well as low-calorie and therapeutic diets. I have a MS degree in nutrition and am a member of the American Dietetic Association. I have worked as a therapeutic dietitian in a teaching hospital and for five of my eight years at Good Housekeeping was the dietitian on the Bureau staff.

You have asked for my comments on the specific subject of fad reducing diets—the areas of greatest abuse and what should be done to correct these abuses. As a professional dietitian working for a women's service magazine, one of my main concerns is teaching homemakers to select well balanced meals that also meet their needs in terms of food preferences and cost as well as dietary problems. We at Good Housekeeping use the Basic Four as the meal-planning guide in developing all menus and meal plans. A tear sheet from the magazine explaining the Basic Four is attached. This standard is also used by governmental agencies, the American Dietetic Association, etc. to evaluate dietary adequacy.

The only difference between regular and low-calorie meals is in the calories; both should provide all needed nutrients. The Basic Four plan can be used for both regular and low-calorie diets. But a good reducing diet will, of course, contain few enough calories that the dieter will lose weight. At the same time caloric intake must be adequate to provide energy for basic metabolic needs. Twelve hundred calories for women and 1800 for men are commonly used levels.

A successful program should have three objectives, beyond the obvious one assuring weight loss.

1. It must produce weight loss at a safe, moderate pace.

2. It must offer variety, so that there's pleasure in dining as well as hunger satisfaction.

3. It must teach new and enjoyable eating habits, so that the dieter won't fall back into the old weight-gaining eating patterns. All the fad diets fail in these three additional objectives; many also fail in the primary goal of making the dieter lose weight.

All low-calorie fad diets currently popular are based on one of two principles: They are (1) low in carbohydrate and high in protein or (2) low in protein. The attachment, "Why Fad Diets should be Avoided," from the May 1970 Better Way section of Good Housekeeping explains the basis of 10 most popular fad diets, and the prime nutritional deficiencies of each. Summing up from this article, the prime disadvantages of the low-carbohydrate, high-protein diet are as follows: Lack of carbohydrate can lead to a condition called ketosis caused by the improper metabolism of fats. Fats cannot be metabolized properly when they are eaten without carbohydrate. Perhaps the most immediate danger to one's health on these diets, however, comes from ingesting too much saturated fats found in meat and dairy products. Saturated fats tend to raise blood-cholesterol levels. More than half the total fat intake in a normal diet should come from vegetable sources, which contain carbohydrate and polyunsaturated fats. This requirement is difficult to meet on a low-carbohydrate diet.

Five examples of high-protein, low-carbohydrate diets are: The Doctor's Quick Weight-Loss Diet, Calories Don't Count Diet, Air-Force, Mayo, and Drinking Man's Diet.

In the case of low-protein diets the nutritional imbalances take a different form but still are potentially dangerous in the following ways, again paraphrasing from the Better Way article: Protein, found in every living cell, is needed for growth and to build and repair worn-out tissues. When there is too little protein intake, the body excretes more protein than it takes in. Then the protein from lean muscle tissue has to be used for body maintenance. On low-protein diet, most weight loss is due to loss of lean muscle tissue, not the fat the dieter should lose. High protein foods are also a prime source of many essential vitamins and minerals. One of the dangers of ingesting too few protein-rich foods is the possibility of anemia resulting from the lack of iron as well as lack of protein itself. Essentially, most low-protein diets are a form of malnutrition.

The low-protein diets include The Doctor's Quick Inches Off Diet, The Banana and Skimmed Milk Diet, The Famous Rice Diet and, of course, all starvation diets.

I agree that there are specific health dangers to fad reducing diets, but I am not aware of any data which show the amount of illness actually caused by the diets. Surely some diabetic conditions, heart attacks or bouts with gout must be precipitated by the fad diets but it is virtually impossible to pin down the causes. I know that at least one girl has starved herself to death on a fad diet. But for the healthy general population, the greatest danger of fad diets is not physiological. The greatest danger is in leading the dieter away from sensible, balanced meals.

By emphasizing speed and ease of weight loss, fad diets set unrealistic standards. The dieter is kept from recognizing and accepting the fact that losing weight requires eating less than the body uses, and that this is a slow and painful process. The constant emphasis on quick weight loss discourages the dieter from accepting the need to pace dieting so the body can adjust to the decreasing food intake and weight.

For those who tend to gain weight, dieting should be a style of living rather than an on-again, off-again project. Weight should constantly be kept within bounds. Physicians believe that wide weight fluctuations place great stress on the system and are more dangerous to the health than moderate overweight. Keeping the weight within bounds requires sensible eating habits that balance the calorie expenditure against daily activity.

Also, fad diets completely shift the emphasis to dieting and away from exercise. Americans have become so comfort and transportation oriented that they don't even walk around the golf course any more. The National Research Council of the National Academy of Sciences recognized the need for more exercise in the explanatory information included with the Recommended Dietary Allowances. They wrote: "It is likely that a higher level of health would be reached if the population were more physically active. There is growing evidence that a sedentary life contributes to degenerative arterial disease, as well as to obesity and its many complications, notably diabetes mellitus."

Thus the greatest problem with the fad reducing diets is the negative effect they have on teaching Americans to eat sensibly. Teaching nutrition—even at the fundamental level of the Basic Four—is extraordinarily difficult. And nutritionists have failed. We spend most of the time talking to ourselves. But every time a doctor or anyone else publishes his latest miracle diet, it becomes more difficult to get consumers to realize that calories *do* count or that eating fewer calories than the body uses is the only way to lose weight.

What should be done to correct these abuses?

The long-term solution is education of consumers to appreciate the workings of the body, and the system of checks and balances that function in weight maintenance. In general terms, this educational campaign must be carried on throughout the school years and featured in the media. Public relation experts need to take a hand. Making nutrition an "in" thing would be the easiest way to sell it.

The approach must be soft-sell and fun. For example, any sensible individual hates exercise for exercise's sake. My personal mental image of exercising is touching my toes to bagpipe music in a school gym. If exercising had been fun then, I would be more active now. Similarly, if the foods that were good for me tasted better then, I would be less interested in candy and empty calorie goodies now. But education is a long-term goal which hopefully has been given a new life through the White House Conference on Food, Nutrition, and Health and the new consumer awareness of nutrition.

But what can be done now?

The foods people are eating can be made more nutritious. I don't believe in indiscriminate fortification of foods. But we desperately need guidelines for fortification. These guidelines could lead to the improvement of foods in many ways. Perhaps the least controversial would be the enrichment of all bread and cereal products to the level of the whole grain. This would include crackers, cake mixes, pretzels, etc. Some foods might also be fortified to higher than "natural" levels. Cereals are a prime candidate because the technology is simpler and the cereal companies are already leaders in this field. But before these enrichment and fortification programs are started, we must have guidelines. Accelerating vitamin wars—"my" orange drink has 200 times the MDR for vitamin C and "yours" has only 100 times are absurd, expensive, and dangerous. Guidelines would allow the most efficient use of vitamins and mineral fortification without the dangers of overdosing.

I see no way of preventing the circulation of fad diets unless it is related to an undefined commercial tie-in. The Calories Don't Count Diet is the classic of this type. Our principles of free press and free speech prevent (and should prevent) the suppression of cockamamie diets. I think most nutritionists realize that we have to face this frustrating proliferation of fad diets becaues we have been unable to answer the diet needs of the public. We have awakened them to the need for good nutrition without showing them how to plan the diets.

Standards for low-calories foods would help the consumer select and evaluate foods. The proposed standard that a modified low-calorie version of a food provide a maximum of 50 per cent of the calories of the regular food is an excellent example of a useful standard. These standards should also cover the full range of diet terms. For example, many products are labeled "dietetic." The

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consumer associates "dietetic" with low-calorie. These products may be low in sodium or be sugar-free, but not lower in calories. "Dietetic" products are needed but they should be labeled to make it obvious how they differ from regular foods.

It would be extremely helpful if the calories per serving were included on all food labels. This would allow the dieting consumer to select regular foods which are comparatively low in calories. And it would reinforce the concept that ordinary foods can still be used on a reducing diet. Special low-calorie products are valuable in supplementing the normal choice of foods available to the dieter. But they are usually more expensive because they are produced in a small volume and for a specialized market. The flavor sometimes is third-rate at best. Consumers prefer to use regular porducts on their reducing diets but they aren't told how to do it. Calories per serving on packaging would be a good start.

To sum up: Any program to limit fad diets must broaden its goals to consider the entire problem of nutrition education. Consumers desperately want information about foods and diets. A large percentage of the information they do find is inaccurate, incomplete, or slanted. Just a tiny fraction of the remaining accurate information is presented in a form the homemaker will understand or even want to read. We must start with the basic concept of variety in the diet. It can be called food families, a smorgasbord of foods, or the Basic Four but the purpose is the same: broaden the selection of foods made by the homemaker.

STATEMENT BY VARNUM D. LUDINGTON, VICE PRESIDENT, GENERAL FOODS CORP.

The dictionary defines "fad" as a "custom, amusement, or the like, followed for a time with exaggerated zeal; a craze." By definition, then, one expects fads to be interesting, to be fun, and to add zest to life; they season the monotonous daily routine. But the dictionary is no help in distinguishing one fad from another or in assigning relative values to different fads.

This can be serious, because faddism in some areas of life is dangerous and undesirable. One such important area is our food and eating habits. In these the pursuit of fads is totally out of place. Doctors, nutritionists, dietitians, and food scientists know this. Nevertheless, promoters of food and diet fads thrive in our society, magnifying the benefits of certain foods and reducing public confidence in conventional foods and dietary habits.

The reason food faddism is inappropriate lies in the 50 to 60 nutrients the human body needs to remain healthy and grow. They come from the food we eat. They should come in constant and regular supply. Their respective contributions to human health and growth must be judged in concert with each other. Thus it is not basically a question of what is ingested at one meal or another, or in one day or another. What is important is that the pattern of nutrients ingested is in balance. There should not be too much or too little of any nutrient for any length of time. The ideal healthy diet includes a variety of foods every day to maintain a balance of nutrients. This disqualifies at the outset the familiar claims of food faddists for the magical quality of certain foods. A helpful rule of thumb is this: If a little of a nutrient is good, it does not follow that a lot is better.

Indifference to this commonsense principle is probably one reason that food fads and food quackery have plagued mankind through the centuries. It is a little harder to understand why today, with the rising level of education, so many people continue to become the victims of food fads and faddists. And the volume of victims is high. About seven years ago it was estimated that illegal medical and food quackery cost the American public about one billion dollars a year (*Fads, Myths, Quacks—and Your Health*. Jacqueline Seaver. Public Affairs Pamphlet No. 415. Public Affairs Press. Washington, D.C.). It is surely higher today.

The food faddist's most vulnerable target is found among the people suffering from a seriously disabling or fatal ailment. They will often seize on almost any nostrum in the hope of finding relief; the exploitation they are subject to is scandalous. To make deception easier, some foods and diets do have definite restorative value in certain situations. They are prescribed by physicians or dietitians and their good effects are, of course, publicized. The fact is enough to lend credibility to the food faddist when he comes along with his "curing" food or diet. The chances are overwhelmingly in favor of it being one of the many hundreds without significant curative properties.

The great majority of the food faddist's victims, however, is a part of the general public. With them it is a simple question of nutrition and its connection with continuing good health. And what troubles large numbers of them is excess weight. Each year, hundreds of thousands of people undertake diets, with or without a physician's authority and advice, to reduce weight. Special diets and foods have been advocated for this purpose for years. Some of the people they are intended for will eat—or not eat—almost anything in order to lose weight. There's the low fat diet; the high fat diet; the high protein diet; the low carbohydrate diet; the no-potatoes diet; the drinking man's diet; the safflower oil capsule diet, and on and on and on. Not to mention a variety of pills and tablets assuring their purchasers of the desired end.

The public should be wary of any and all of these. There is no easy road to reducing body weight. A doctor is better qualified to speak to the individual consequences of any one of the available weight-reducing systems.

As a food scientist I know that calories do count and that it is hazardous to plan to reduce calories without carefully considering the overall supply of nutrients. The only reasonable solution to overweight is to go on a medically recommended regimen that includes a proper balanced diet, regular exercise, and other good living habits.

Another appeal of the food faddist is established by charging that our soil is wearing out through being depleted of nutrients—so thoroughly, it is said, that crops grown on such soil are nutritionally inferior. The charge is further extended. It says that manufactured fertilizers—chemical fertilizers, in other words—are poisoning the soil and crops grown under these conditions are not healthful. The recommendation is that only organic fertilizers should be used.

Our soils, however, are not tired or devitalized. Crops grown on soil enriched by inorganic fertilizers are no less healthful than any other kind. The use of these manufactured fertilizers has enormously multiplied yield of food. It is also worth mentioning that organic fertilizers are also composed of chemicals—but not mixed in a laboratory or factory.

The suspicion of foods that have been processed in any way is quite unjustified. There is nothing damaging to health in canned or frozen foods, for example. Whole wheat bread is no more nourishing than enriched white bread; a nutritional analysis of the two foods show them to be almost identical in their composition and level of nutrients. Whole wheat bread is good. So is enriched white bread; a nutritional analysis of the foods and natural vitamins have no advantage over manufactured foods and vitamins. The "magical" potency of natural foods so-called is a myth without scientific substantiation.

The list of dietary panaceas is long, and for every item discredited and stricken from it others are waiting to be added. There was Royal Jelly from bees for rejuvenation and sexual stimulation . . . honey to cure cancer . . . apple cider vinegar for weight reduction . . . alfalfa to cure arthritis. The list itself is a monument to human gullibility. This is not to say that these foods are without nutritional value. But it is seriously misleading to claim exceptional value for them over other nutritional foods in the diet. The public then is encouraged to substitute them for more healthful foods.

No favor is done anyone when food faddists convey such misinformation. Sound nutrition understanding is either retarded or undermined. There is also the matter of the exaggerated prices that are asked for health food products. Often the person who can least afford such prices is the most susceptible to the faddist's salesmanship. A corollary result follows, too. The case for special foods and diets is usually so skillfully put that the buyer, once persuaded about their value to him, becomes convinced normal foods are not good for him. He rejects them, and is thus cheated out of the good nutrition he could otherwise have had from a much less expensive diet.

There are widespread pockets of nutritional deficiency in the United States, occurring at all levels of society. One attack against this condition is to dispel the widespread ignorance of nutrition that exists. The public must be better informed about nutrition and about selecting a balanced diet. This goal will continue to be obstructed so long as faddist food diets enjoy their present popular acceptance and credibility.

STATEMENT OF COSMOPOLITAN MAGAZINE

(By Joan Dunn, Dieters Notebook editor)

I think that the greatest area of abuse regarding fad diets is the alacrity with which the American public accepts them. These diets nearly always promise amazingly swift weight loss with little effort. They may be made dangerous by the concurrent use of so-called diet pills, which are amphetamines and should properly be taken only under doctor's care. Diet pills taken without proper medical supervision can be fatal.

The greatest area for improvement regarding dieting, I believe, is the proper education of the American public, particularly adolescents, on the subject of nutrition. American eating habtis are atrocious. We consume an inordinate amount of fats, starches and useless calories—calories that are weight-forming, but not body-building. The eating is easy, so people think that the losing should be easy too. Enter the fad diet, the use of pills.

Finally, it should be widely and constantly publicized by the government, by the medical profession and the news media—that there is really only one way to lose weight: eat less and exercise more. And that means eating nutritionally while eating less, and exercising wisely and consistently.

Implicit in any serious weight loss is the individual's determination to change his eating habits forever. Only his own will power can effect that change, not any fad diet or pill.

STATEMENT OF HARVARD UNIVERSITY SCHOOL OF PUBLIC HEALTH

Dieting Companies, Fad Diets and Diet Foods: An increasingly popular method of dieting, especially among women, is to enroll in the courses given by dieting companies. These usually involve the patient or customer paying a fee to obtain the special dietary regimen advocated by the company (which, by the way, is usually fairly sensible) and to have the privilege of attending weekly meetings giving her advice and counsel in dieting. Suitably monitored and regulated, such companies may serve a useful role in aiding some Americans in keeping their

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weights in line; but I do feel some regulation of their activities is necessary to prevent possible abuses.

One problem is that certain persons who do not realize that they are ill might enroll in such programs thinking their problems were simply due to the fact that they were overweight, and as a result delay seeking medical advice or worsen their condition by going on the diet. I believe that laws at the state level requiring the companies to accept only persons who presented evidence of written approval from their physician might prevent such unfortunate incidents from occurring.

I am also disturbed by the claims which some of these companies' representatives or instructors make at meetings about the benefits of special low calorie food products made by them or by companies with which the dieting organizations have some sort of a tie-in. These claims are sometimes made in such a way that listeners are led to believe that these foods have special metabolic properties, outside of their low content of calorie providing nutrients, which will speed weight loss. Scientifically inaccurate statements are sometimes also made by the instructors about the special virtues of the diets of such organizations. While in my judgment these statements are most often due to real lack of knowledge on the part of the instructors (who usually have little training in the science of nutrition) rather than as a deliberate effort to defraud clients, the instructors are looked upon as authorities and specialists in nutrition by their customers, so that their mistaken notions carry somewhat more weight than those of advice from friends. Since many of these claims are made verbally in meetings rather than on printed material or on package labels, this poses a difficult problem for any sort of regulation. One possible solution might be more adequate staffing of state health departments with public health nutritionists who could serve as a source of scientifically accurate information on nutrition questions. Your own State of New York has one of the finest nutrition divisions in its State Health Department of any state in the country, but most states have sadly neglected public health nutrition efforts of this sort.

STATEMENT OF SAMM SINCLAIR BAKER

As an associate of Dr. Irwin M. Stillman (and coauthor), he has asked me to respond to your letter of August 13th, and to convey his thanks for your attention and invitation.

At age 75, he is not taking on any arduous engagements, and cannot appear at your September 8th hearing on "fad diets, food myths, and diet pill abuse."

Regarding a statement on the issue, Dr. Stillman's views are expressed in detail in his book, "The Doctor's Quick Weight Loss Diet." He notes that probably the greatest "abuse" is the common, faulty concept that "balanced dieting" is the only "proper way" to reduce. This myth has kept tens of millions of Americans dangerously overweight—after they piled on burdensome, unhealthy excess pounds due to the heavily promoted fraud that big breakfasts, fat-loaded meals, buttery high-calorie recipes, and rich, sugary desserts are "good for you."

STATEMENT OF MOUNT SINAI SCHOOL OF MEDICINE OF THE CITY UNIVERSITY OF NEW YORK

I am happy to submit the following concise statement:

I believe that fad diets represent one of the most surreptitious nutritional problems facing the citizens of our country. People who should lose weight are susceptible to a continuous parade of nutritional and diet-pattern gimmicks.

It is accepted medical knowledge that weight reduction diets must be carefully designed to:

1. Provide all of the essential nutrients in required amounts while at the same time providing caloric deficit.

2. Assure that the dieting process contains elements of proper nutrition education so that dieting is also an educational experience.

3. Accomplish weight loss in such a manner as not to induce nitrogen loss or the loss of vital body electrolytes.

4. Not induce abnormal body chemistries such as high levels of serum cholesterol and triglycerides, which if increased due to prolonged fad dieting on high saturated fat or high carbohydrate diets, might contribute to the risk of the development of coronary heart disease.

To me, the greatest area of abuse is the steady diet of crash weight reduction regimens fed to the American public appearing in lay literature.

The correction of this abuse can be made through nutrition education programs by individual physicians and by professional and public health organizations warning the public against the use of "crash" and unscientifically-designed diets, while simultaneously teaching methods of proper dieting.

STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION

(By Philip L. White, Sc. D., Secretary, Council on Foods and Nutrition, American Medical Association)

Mr. Chairman, the Council on Foods and Nutrition is an advisory Committee of the AMA Board of Trustees. In addition to providing policy recommendations to the Board, the Council and the AMA Department of Foods and Nutrition conduct programs in continuing medical education emphasizing clinical nutrition. The AMA is actively interested in public health nutrition and in matters of food composition and use. We welcome this opportunity to comment on certain aspects of fad dieting and weight control.

Among the obese population exists a higher incidence of hypertension, cardiovascular and renal diseases, disorders of the liver and gall bladder, and diabetes mellitus. Obese diabetic individuals, in particular, have a mortality rate almost four times that of non-obese diabetics. Obesity is also a considered hazard for the pregnant woman and for the surgical patient.

Insurance data indicate a positive correlation between weight gain in excess of ten percent over "best weight" and the corresponding mortality rate. The mortality rate increases proportionately to the degree of weight gain; e.g., the mortality is 13 percent greater for men who are 10% over "best weight" but rises to 40 percent for those who are 30% overweight.

Obesity is a disorder which is not easily defined. It is usually assumed that the "normal" or "best" weight for an individual is achieved between the ages of 18 and 25 years. Therefore, any significant positive departure from this "normal range" could be considered "obesity." Height-weight relationships do not always indicate fatness since an individual's build is not necessarily taken into consideration. The proportion of fat in relation to total body weight increases with age and may exceed 50 percent in very obese individuals. The degree of obesity of an individual may be a reflection of both the number of adipose cells in the body and their size. Some recent studies have shown that fat cells may multiply early in life in response to generous caloric intake. More research is needed, however, to determine if the number of fat cells in a person is related to genetics or early infant feeding practices.

To identify a single or simple causative factor for obesity would be an exercise in futility. An association of several factors is likely whether they be genetic, psychological, physiological, or environmental. Regardless of the cause, obesity is a medical problem which requires proper medical supervision. The goal for treatment should be an appropriate weight loss and the maintenance of a desirable body weight thereafter. This can only be achieved if the individual is properly motivated to change his food habits in order to decrease caloric intake as well as to alter activities in order to allow for increased caloric expenditure. For treatment to be effective, the patient must learn to make adjustments and sacrifices and not to rely primarily on medications and other "crutches." Often when treatment is prolonged and dotted with failures, obese individuals will turn to a gadget, a "shed pounds quickly" diet, a pill, or a book which offers an easy and painless reduction of weight.

For this reason, the American Medical Association has attempted, through various media, to inform the profession and public of the latest scientific advances in the area of obesity control.

In a 1947 article published in the Journal of the American Medical Association, it was emphasized that control of obesity was difficult because patients usually demanded treatment that would produce immediate miraculous changes in appearance rather than adhere to a sound weight reduction diet. This type of obese patient is easy prey to anti-obesity drugs. The patient who lacks the motivation and self-discipline needed for the diet-exercise approach is a likely candidate for any drug regimen that promises a loss of weight without the necessity of changing his food and exercise habits. Anti-obesity medications that are made available by drug companies are generally classified into 6 groups: (1) hormones; (2) diuretics; (3) anorexiants; (4) laxatives; (5) sedatives; and (6) anti-pasmodics. While some justification may exist for the short-term use of certain drugs in the management of obesity under medical supervision, the hazards associated with the use of a multiplicity of irrational drugs is not justified.

Recent action by the Food and Drug Administration has greatly reduced the number and nature of drug combinations used in the treatment of obesity. A few years ago digitalis leaf alone or in combination with thyroid hormones was used extensively in the treatment of obesity. The combination has been discouraged and each preparation must carry precautionary labeling warning against its use in programs of weight control.

The treatment of obesity with thyroid hormone can also lead to undesirable effects: (1) thyroid hormone frequently increases the appetite and possibly the consumption of food over and above any beneficial effect of increased metabolic rate; (2) thyroid may precipitate dangerous symptoms associated with thyrotoxicosis, such as palpitation, tachycardia, nervousness, angina pectoris, diarrhea and insomnia; (3) administration of thyroid to a patient with a normal gland can produce undesirable, secondary glandular changes. In addition, prolonged thyroid treatment may lead to hypothyroidism.

There is no rational basis for the use of diuretic drugs in the treatment of simple obesity. The loss of weight produced by diuretics is mainly water which is promptly regained once the diuretic is discontinued.

Perhaps the use of anorexiants in the treatment of obesity rests on a sounder scientific foundation. Most drugs of this type are amphetamine derivaties, the principal ingredient, which supposedly acts by suppressing the appetite. With long term use, anorexiants tend to become less effective and can be habit-forming. These are potent drugs whose benefits should be weighed against these dangers.

The use of laxatives in the treatment of obesity cannot be justified. A constant in-

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take of laxatives can lead to a great loss of potassium resulting in serious metabolic disturbances.

It would appear that antispasmodics, by reducing "hunger contractions" of the stomach, would be useful in the treatment of obesity. The side effects associated with a truly effective dose of this drug, however, would be unacceptable to the patient.

The proper diagnosis and treatment of obesity can best be accomplished through continued efforts to inform and educate. The American Medical Association frequently focuses attention upon those irregular practitioners and faddists who prey upon the unsuspecting public. Perhaps the most troublesome (and lucrative) practice in the area of fad weight reduction schemes is found in the publishing business. Overweight people, desperate to resolve their problems, fall prey to persuasive promises of quick, painless, and permanent weight loss. Books by physicians and laymen alike appear in regular cycles, each with some variation of the currently popular fad: low carbohydrate-high protein, low fat-high carbohydrate, high fat-high protein, high carbohydrate-low fat and low protein, etc. With all the possible variables it is no wonder that so many books have recently been published.

Other than to persuade publishers to seek competent medical opinion before accepting a manuscript, it seems that little can be done without infringing upon constitutional rights. However, advertising and other forms of promotion can be regulated within the framework of federal and/or state regulations. Unwarranted advertising claims for "successful weight reduction" can and should be prohibited in most cases. Usually there is little or no clinical evidence available to substantiate claims made. Physicians sometimes allude to case histories, but the histories are not available for impartial evaluation. "I have treated thousands . . ." is an often used reference to confirm the success of a current diet.

Presumably, responsibility for advertising evaluation falls within the purview of the Federal Trade Commission. The priority given to the regulation of such advertising is a mute question possibly best determined by the commissioners.

A subpanel of the recent White House Conference on Food, Nutrition and Health devoted its attention to deceptions and misinformation. This group, under the Chairmanship of Judge Felix Forte made a number of recommendations which we respectfully bring to your attention. We believe you will find much of interest in your review of food fads and nutrition chicanery.

STATEMENT OF CENTER FOR DISEASE CONTROL

(By Mary B. McCann, M.D., of Health, Education, and Welfare Department)

Deception concerning the healing qualities of particular foods and nutrients has been perpetrated on the public for centuries. Anacharis, a Scythian philosopher who lived about 2500 years ago, recognized this and stated "The market is the place where men may deceive each other." Unfortunately, the medieval axiom "let the buyer beware" is as pertinent today as it ever was.

In fact, the increase in scientific knowledge of nutrition and medical science has, in many instances, served to augment food faddism and food quackery. Food faddists often associate the claimed "miracle results" of their food with the report of scientific facts taken out of context, thus lending an authentic air to their claims.

HEALTH FOODS AND ILLNESS

In some cases, purchases of "health foods" do no harm except to the pocketbook. However, their apparently curative effect in some seeming illness could be achieved with conventional foods. Many of man's illnesses are psychosomatic, and an appropriate placebo—be it a sugar pill prescribed by a physician or a "miracle food" recommended by a vendor of health foods—can sometimes produce remarkable effects. These cases of "cured" psychosomatic illness undoubtedly account for many of the testimonials quoted by quacks and food faddists.

On the other hand, far too many persons with serious illnesses have been led by a hawker of health foods down a tragic path to an untimely death. Too many accept the claims of the food faddist and delay or avoid seeking proper medical care.

Misinformation or lack of knowledge of nutrition provides the foundation for food fads. Food faddists, and in fact many other individuals, do not realize that there is no *best* pattern of eating of eating, nor is any one particular food essential for good health. Good nutrition is dependent upon obtaining sufficient amounts of the specific nutrients in food. It makes little difference whether the protein is supplied by steak or fried ants, the calcium by cheese or fish bones, or the vitamin C by orange juice or rose-hips.

SOIL AND HUMAN HEALTH

One breed of food faddists, the "natural foods" advocates, states that our soil is worn out and our food worthless. These self-styled altruists insist that food must be grown on "natural" organically fertilized soil and condemn "processed" foods as "counterfeit", "prefabricated", "worthless", and "carbohydrate paste". They declare that Americans are sick people as a consequence of eating these "processed" foods.

The natural food devotees point to several reported cases of malnutrition occurring in animals fed on crops grown in limited areas where the soil, and therefore the crops, were deficient in some trace element such as copper or cobalt. From such reports they jump to the conclusion that human health is similarly affected. They fail to recognize the fact that Americans today eat a variety of food from many areas.

The only known instance where a relationship has been shown to exist between soil composition and human nutritional status is that between iodine deficiency and endemic goiter. Although it is believed that the chief factor responsible for the decline in endemic goiter in certain "goiter regions" was the use of iodized salt, other factors are also involved. Food processing and marketing systems have expanded and developed; foods grown in areas with adequate iodine were introduced into these "goiter regions". The introduction of a greater variety of foods also accounted for some changes in food habits, for example, an increased consumption of iodine-rich sea foods.

The genetic make-up of the seed, not fertilizer, is primarily responsible for the nutritional composition of foods. Corn can be bred to have more niacin, and apples bred to have more ascorbic acid, but the ascorbic acid of an apple will not be altered by a change in fertilizer. The chief effect of increased soil fertility is an increase in crop yield. There is little evidence that improvement in the amount of fat, protein, carbohydrate, or vitamins in any food is brought about by the fertility of the soil in which it is grown. The "organic gardener" and "natural food advocate" either do not know this, ignore it, or most likely simply overlook it.

However, the *mineral* content of plant products can be influenced to some extent by fertilizers. Thus, if a soil has more calcium, potassium, iron, or fluorine, it is possible that there will be more of these minerals in the plant materials, a desirable goal in those areas where these nutrients are low in average diets.

FOOD PROCESSING

The "natural food" vendor often argues that processed foods lose so much of their nutrients in processing that they are literally worthless as compared with fresh foods. It is true that fruits and vegetables are at their best in flavor and nutrition when used one or two hours after harvesting. However, most produce in our markets is over a week old and has journeyed hundreds or thousands of miles before it appears on grocery store counters. Thanks to modern transportation and refrigeration, it is still nutritious, but fresh fruits and vegetables are not superior in food value to commercially canned and frozen foods. Foods packaged by commercial food companies are picked at the proper time and are quickly and carefully processed. Canned and frozen foods contain essentially the same food values as fresh produce.

A favorite topic of faddists for centuries has been the relative merits of white versus brown bread. The controversy between white and brown bread began in earnest in the United States about a century ago with a Massachusetts clergyman, Sylvester Graham. Whole meal bread was good, he said, because it was "natural" and "vital". He condemned the practice of separating the flour from the bran. Brown bread proponents still extol the merits of whole wheat or whole grain flours and predict dire fates for the users of white flour products.

The script of the twentieth century traducers of white bread hasn't changed noticeably since the time of Graham; this is the way the Boston Nutrition Society writes it:

"The enriched white bread fed to the American public is a national scandal. First of all, the wheat grown on poor soil and fertilized with water-soluble commercial fertilizer is of low protein content. . . . The modern flour mill removes the precious vitamins and minerals. This is then bleached with a powerful oxidizing agent, chlorine dioxide (which is a poison); and to this lifeless mess, a few dead synthetic chemicals (improperly called vitamins) and inorganic iron are added. We not only think these foodstuffs are worthless; we believe that many of them are positively harmful. . . . Our hospitals are crowded to capacity. All the metabolic diseases are increasing by leaps and bounds. . . . Cancer is the leading cause of death in children under fourteen. Diabetes and mental disease are on the increase even in children. And dental caries are rampant!"

The plea for whole wheat flour in the average American diet today does not have justification. It has not been proved superior to enriched, refined flour for the nutrition of man.

SUMMARY

The real damage "natural food" faddists do is not the promotion of "natural" foods, because "natural" foods are good foods. Rather, it is the misinformation they dispense and the exorbitant prices they may demand for the wares, often from the misguided, desperate persons in search of health who can ill afford them. They ascribe to "natural foods" the powers of curing and/or preventing disease. Their claims are based on "testimonials" from the people they say they have cured. They allege that the Food Processors, the Chemical and Drug Interests, the "Old-Guard-Fishbein-Type" leadership of the American Medical Association and the Food and Drug Administration are all tied into one giant unholy alliance to protect each other and to maintain themselves and their profits in utter disregard of the health of our nation.

SOLUTIONS

The problem of food faddism is a major one, and a variety of methods must be used to solve the problem. Legislation is helpful; court actions are also of aid. But food faddism is far too big a problem for the Food and Drug Administration and the Federal Trade Commission to handle. Education, continuing education, is the weapon which will eventually prove effective against it.

Concerted efforts should be made to develop programs for public information. Nutrition education should be integrated into the school curriculum, at both primary and secondary grade levels. The teachers' colleges should have courses in nutrition. No one teacher, such as the homemaking teacher, should have the entire responsibility for nutrition education. Methods for the integration of nutritional information into various subjects in the curricula for different grade and high school subjects must be developed. The teacher should have access to current material. This material should be brief and factual. Nutrition workshops should be established for teachers and administrative personnel as well.

The public should be well informed about nutrition. Both the scientifically trained individual and the skillful professional writer can make valuable contributions to this effort. Voluntary organizations such as the Better Business Bureaus and local medical organizations can assist. The American Medical Association has worked for many years in their campaign against food faddism and has produced educational materials including a movie entitled "The Medicine Man", which is distributed by local medical societies for use in schools, clubs, and other public gatherings. The American Dietetic Association is also active in the field of nutrition education.

Physicians and scientists should assume more responsibility. It is not enough that important scientific contributions should be accurately reported to scientific groups but the investigator should take care that his research is not misrepresented to the public. Above all, reputable physicians and scientists should not allow their names to be used in introductions or acknowledgements of fad-oriented books. Publishing companies should name scientific committees to advise them on books and advertisements.

Food companies and advertising agencies should continually examine their advertising claims and have them examined frequently by technically qualified outsiders. Food corporations should also assume more responsibility in presenting accurate information to the public which supports them. While we realize that this is a highly competitive world, we cannot excuse the claims that some food concerns make that the use of a particular product will result in good health. These are the claims of faddists, not of reputable manufacturers.

Nutrition is everybody's business. It is imperative and right that everybody should have access to correct nutrition information. Knowledge is the weapon that will prove most effective in limiting the food faddist.

RECORD OF HIJACKINGS IN THE LAST 40 YEARS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. PUCINSKI. Mr. Speaker, the House Foreign Affairs Committee is currently holding hearings on legislation sponsored by myself and a number of our colleagues urging the United States to lead the way in negotiating unilateral treaties with as many nations as possible to provide for the mandatory extradition of airplane hijackers to the flag country of the aircraft hijacked so that the hijackers can be promptly prosecuted for the crime of hijacking.

The world is in a huge turmoil right now because of the most recent hijackings by Palestinian guerrillas, and there is special attention being paid to this problem.

I should like to place in the RECORD today analyses of all hijackings during the past 40 years so that we can better understand the urgent need for this legislation.

With the intensified activities in this whole field of hijacking, it occurs to me that we can wait no longer in adopting this legislation.

I should like to call attention to the House that the most staggering growth in hijacking has occurred since the Tri-Continental Congress was held in Havana, Cuba, in 1966 when Communist leaders from 83 nations in Asia, Africa, and the Americas agreed to export terrorism and subversion to an unprecedented scale.

The table of hijackings, as prepared at my request by the Library of Congress, follows:

HIJACKINGS

Sequence No.	Date	Name	Airline	Type aircraft	Flight plan	Disposition
1.[1]	1930		(F)		Peru	
2.[1]	July 25, 1947		(F)		Rumania/Turkey	
3.[1]	Apr. 8, 1948		(F)		Czechoslovakia	Landed in United States Zone of Germany.
4.[1]	May 4, 1948		(F)		do	Do.
5.[1]	June 4, 1948		(F)		Yugoslavia/Italy	
6.[1]	June 17, 1948		(F)		Rumania/Austria	
7-[1]	June 30, 1948		(F)		Bulgaria/Turkey	
8.[2]	July 16, 1948		(F)		Hong Kong	
9.[1]	Sept. 12, 1948		(F)		Greece/Yugoslavia	
10.[1]	Apr. 29, 1949		(F)		Rumania/Greece	
11.[1]	Dec. 9, 1949		(F)		Rumania/Yugoslavia	
12.[1]	Dec. 16, 1949		(F)		Poland/Denmark	
13.[1]	Mar. 24, 1950	2 Czechs	(F) Czech		Brno/Prague	Do.
14.[1]	do	do	(F) Czech		Ostrava/Prague	Do.
15.[1]	do	4 Czechs	(F) Czech		Bratislava/Prague	Do.
16.[3]	Dec. 3, 1952		(F)		Philippines/Red China	
17.[1]	Mar. 23, 1953		(F)		Czechoslovakia/West Germany	
18.[1]	Feb. 16, 1958		(F)		South Korea/North Korea	
19.[2]	Apr. 10, 1958		(F)		do	
20.[3]	Oct. 22, 1958		(F)		Cuba	
21.[4]	Nov. 1, 1958	5 men	(F) Cubana	Viscount	Miami/Veradero	Crash killed all.
22.[3]	Nov. 6, 1958		(F)		Cuba	
23.[1]	Apr. 16, 1959		(F)		Cuba/United States of America	
24.[3]	Apr. 10, 1959		(F)		Haiti/Cuba	
25.[1]	Oct. 2, 1959		(F)		Cuba/United States of America	
26.[1]	Apr. 12, 1960	4 men	(F) Cubana	Viscount	Cuba	Landed in Miami.
27.[1]	Jul. 5, 1970	2 men	do		Madrid/Havana	Do.
28.[1]	Jul. 18, 1960	1 man	do	Viscount	Havana/Miami	Landed in Jamaica.
29.[2]	July 19, 1970	do	Trans-Australia	Electra		
30.[1]	July 28, 1970	3 men	(F) Cubana		Cuba	Landed in Miami.
31.[3]	Aug. 21, 1960		(F)		U.S.S.R	
32.[1]	Oct. 29, 1960	9 men	(F) Cubana	DC-3	Havana/Isle of Pines	Landed in Key West.
33.[1]	Dec. 3, 1960	5 men	(F) Cubana			All executed.
34.[3]	May 1, 1961	Corsisi, Elpirata	NAL	CV-440	Marathon/Key West	
35.[1]	July 3, 1961	14 men	(F) Cubana	DC-3	Havana/Veradero	Landed in Miami.
36.[3]	July 24, 1961	Oquendo, Wilfredo (Ortiz, Antulio).	EAL	L-188	Miami/Tampa	
37.[4]	July 31, 1961	Britt, Bruce	PAC	DC-3	Chico/San Francisco	Prison term.
38.[4]	Aug. 3, 1961	Bearden, Leon Bearden, Cody (J)	CAL	B-707	Los Angeles/Houston	Prison—20 years. Reform school.
39.[3]	Aug. 9, 1961	Cadom, Albert	PAA	DC-8	Mexico City/Guatemala	Prison (Mexico) 8 years, 9 months.
40.[2]	do	Several men	(F) Cubana	DC-3	Havana/Isle of Pines	3 killed, 6 wounded.
41.[3]	Sept. 10, 1961	3 men	(F) Charter	YAK-12	USSR/Armenia	1 killed, 1 wounded in crash.
42.[1]	Nov. 10, 1961	6 men	(F) Transportes Aereos (Portuguese).		Casablanca/Lisbon	Landed in Brazil after refuel in Tangier.
43.[1]	Nov. 27, 1961	5 men	(F) Avensa (Venezuelan)	DC-6B	Caracas/Maracaibo	Landed in Curacao; hijackers extradited.
44.[2]	Mar. 17, 1962		(F)		France	
45.[3]	Apr. 13, 1962	Healy, David Oeth, Leonard	Private	Cessna 170	Miami (local)	20 years} 25 years} Nov. 12, 1964.
46.[2]	Apr. 16, 1962	1 man	(F) KLM		Amsterdam/Lisbon	Landed in Holland.
47.[4]	Aug. 5, 1963	Siller, Roy	Private		Miami (local)	$150 fine.
48.[1]	Nov. 28, 1963	6 men	(F) Avensa (Venezuelan)	Convair	Ciudad Bolivar/Caracas	Landed in Trinidad; hijackers extradited.

Footnotes at end of table.

HIJACKINGS—Continued

Sequence No.	Date	Name	Airline	Type aircraft	Flight plan	Disposition
49.[3]	Feb. 18, 1964	Hernandez, Enrique; Rodriguez, Reinaldo.	Private	Piper PA-23	Miami (local)	
50.[2]	Oct. 19, 1964	2 men	(F)	AN-2	U.S.S.R.	Pilot wounded.
51.[3]	Spring 1965	1 man, 1 woman	(F)		U.S.S.R.	
52.[1]	Aug. 31, 1965	Fegerstrom, Harry (J)	Hawaiian	DC-3	Honolulu	Correctional school.
53.[3]	Oct. 11, 1965	Heisler, Lawrence (S)	Aloha	F-27	Molokai/Honolulu	Hard labor; discharge.
		Boyd, Richard (S)				Hard labor; discharge.
54.[4]	Oct. 26, 1965	Perez, Luis	NAL	L-188	Miami/Key West	Acquitted, June 14, 1966.
55.[4]	Nov. 17, 1965	Robinson, Thomas (J)	NAL	DC-8	New Orleans/Florida	Correctional school.
56.[4]	Mar. 27, 1966	Cueto, Angelo	(F) Cubana	IL-18	Santiago/Havana	2 killed after pilot trick-lands in Cuba.
57.[3]	Spring 1966		(F)		U.S.S.R./Turkey	
58.[1]	July 7, 1966	9 men	(F) Cubana	IL-18	Santiago/Havana	Landed in Jamaica; 1 wounded.
59.[1]			(F)		U.S.S.R./Turkey	
60.[1]	Sept. 28, 1966	Varrier, Maria, 18 men	(F) Argentine	DC-4	Buenos Aires/Rio Gallegos	Landed in Falkland; extradited; jailed.
61.[1]	Feb. 7, 1967	Hajjaj, Riyad	(F) Egyptian	AN-24	Egypt	Landed in Jordan.
62.[1]	Apr. 24, 1967	5 men	(F) Nigerian	F-27	Benin City/Lagos	Landed in Nigeria.
63.[1]	June 30, 1967	1 man	(F) Private (United Kingdom)	HS-125	Spain/Mallorca	Landed in Algeria; Moise Tshombe aboard.
64.[3]	Aug. 6, 1967	4 Colombians, 1 Ecuadorian	(F) AVIANCA (Colombian)	DC-4	Barranquilla/San Andres Island	
65.[3]	Sept. 9, 1967	Garcia, Ramiro; Garcia, Fernando; Garcia, Joaquin.	do	DC-3	Barranquilla/Magangue (Colombia).	
66.[3]	Nov. 20, 1967	Gabler, Gabor Luis (Gabor Luis), (Marisy, Felix).	Private	Piper 150	Hollywood/Bimini	
67.[3]	Feb. 9, 1968	Clark, William (S), (Marine pfc)	PAA (military charter)	DC-6	Vietnam/Hong Kong	Hard labor; discharged. Conviction set aside, December 1969.
68.[3]	Feb. 17, 1968	Boynton, Thomas	Private	Piper	Marathon/Miami	20 years—Mar. 11, 1970.
69.[3]	Feb. 21, 1968	Rhodes, Lawrence	Delta	DC-8	Tampa/West Palm Beach	Pending.
70.[3]	Mar. 5, 1968	Analaye, Sani; Villalobos, Aristides; Acosta, Jaico.	(F) Avianca (Colombian) DC-4	DC-4	Rio Hacha/Baranquilla	
71.[3]	Mar. 12, 1968	Armenteros, Jesus; Gonzales, Gilberto; Martin, Ramon.	NAL	DC-8	Tampa/Miami	
72.[3]	Mar 16, 1968	"Hemingway"	(F) Private (Mexican)		Merida/Cozumel	
73.[3]	Mar. 22, 1968	3 men	(F) Avensa (Venezuelan)	CV-440	Caracas/Maracaibo	
74.[3]	Jun. 19, 1968	Vargas, Radhames	(F) Viasa (Venezuelan)	DC-9	Dominican Republic/Curacao	20 years—by Dominican court, Aug. 13 1970.
75.[3]	Jun. 29, 1968	Carter, E.H.	Southeast	DC-3	Marathon/Key West	
76.[3]	Jul. 1, 1968	Fonseca, Mario	NW	B-727	Chicago/Miami	
77.[3]	Jul. 4, 1968	Morris, John	TWA	B-727	New York/West Coast	5 years—convicted June 16, 1969, sentenced.
78.[3]	July 12, 1968	Bendicks, Leonard	Private	Private	Key West/Miami	Pending.
79.[4]	do	Richards, Oran	Delta	CV-880	Baltimore/Houston	U.S. Hospital, Springfield, Mo., Sept. 3, 1969.
80.[3]	July 17, 1968	Leyva, Rogelio	NAL	DC-8	Los Angeles/Miami	
81.[1]	July 23, 1968	3 Arabs	(F) El Al	B-707	Rome/Tel Aviv	Landed in Algiers.
82.[3]	Aug. 4, 1968	Jessie, Willis (S)	Private	Cessna 182	Naples, Fla. (local)	10 years, Federal prison, June —, 1969.
83.[3]	Aug. 22, 1968	1 man	do	Cessna	Nassau/Exuma (Bahamas)	
84.[3]	Sept. 11, 1968	Beasley, Charles	(F) Air Canada		St. John/Toronto	
85.[3]	Sept. 20, 1968	Garcia, Jose	EAL	B-720	San Juan/Miami	
86.[3]	Sept. 22, 1968	Garcia, Ramon	(F) Avianca (Colombian)	B-727	Barranquilla/Cartagena	
87.[3]	do	Londono, Carlos	do	DC-4	Barranquilla/Santa Marta	
88.[3]	Oct. 6, 1968	Vazquez, Mrs. Judy	(F) Aeromaya (Mexican)	HS-748	Cozumel/Merida	
89.[3]	Oct. 23, 1968	Truitt, Alben (S)	Private	Cessna 177	Key West (local)	20 years Federal prison.
90.[2]	Oct. 30, 1968		(F) SEASA (Mexican)			Landed in Brownsville, Texas.
91.[4]	Nov. 2, 1968	Pastorich, Roger (J)	EAL	DC-9	Mobile/Chicago	Probation July 18, 1969.
92.[3]	Nov. 4, 1968	Johnson, Raymond	NAL	B-727	New Orleans/Miami	
93.[1]	Nov. 6, 1968		(F) Phipippine		Philippines (local)	Escaped.
94.[1]	Nov. 8, 1968		(F) Olympic		Greece (local)	
95.[3]	Nov. 18, 1968	Torres, Hugo	(F) CMA (Mexican)	DC-4	Merida/Mexico City	
96.[3]	Nov. 23, 1968	5 men	EAL	B-727	Chicago/Miami	
97.[3]	Nov. 24, 1968	3 men	PAA	B-707	New York/San Juan	David Gonzalez and Alejandro Figuera acquitted of aiding and abetting air piracy.
98.[3]	Nov. 30, 1968	Sanchez, J. (Lopez)	EAL	B-720	Miami/Dallas	
99.[3]	Dec. 3, 1968	Canteras, Eddie	NAL	B-727	Tampa/Miami	
100.[3]	Dec. 11, 1968	1 man	TWA	B-727	Nashville/Miami	
101.[3]	Dec. 19, 1968	Washington, Thomas	EAL	DC-8	Philadelphia/Miami	Other charges pending in Philadelphia, 2 years; July 4, 1970.
102.[3]	Jan. 2, 1969	Austin, Tyrone	EAL	DC-8	New York/Miami	
103.[1]	do	Flamourides, George	(F) Olympic	DC-6B	Crete/Athens	Landed in Cairo
104.[3]	Jan. 7, 1969	1 man	(F) Avianca (Colombian)	DC-4	Rio Hacha/Malcao	Landed in Santiago.
105.[3]	Jan. 9, 1969	Bohle, Ronald	EAL	B-727	Maimi/Nassau	25 years (June 3, 1970).
106.[3]	Jan. 11, 1969	Heimey, Robert	UAL	B-727	Jacksonville/Miami	Acquitted (November 20, 1969).
107.[3]	do	Anaia, Jesus	(F) APSA (Peruvian)	CV-990	Panama City/Miami	
108.[4]	Jan. 13, 1969	McPeek, Kenneth	Delta	CV-880	Detroit/Miami	15 years, Federal prison (July 19, 1969).
109.[3]	Jan. 19, 1969	Navarro, Payano, Aristo	EAL	DC-8	New York/Miami	
110.[3]	do	3 men	(F) Ecuatoriana (Ecuador)	L-188	Quito/Miami	
111.[3]	Jan. 24, 1969	Coulter, Johnny (S)	NAL	B-727	Key West/New York	
112.[3]	Jan. 28, 1969	Booth, Byron	NAL	DC-8	New Orleans/Miami	Indicted (January 28, 1970).
113.[3]	do	3 men	EAL	DC-8	Atlanta/Miami	
114.[3]	Jan. 31, 1969	1 man	NAL	DC-8	San Francisco/Tampa	
115.[3]	Feb. 3, 1969	Hernandez, W., Babin, J	EAL	B-727	Newark/Miami	
116.[4]	do	Peparo, Michael	(J) NAL	B-727	New York/Miami	Correctional School.
		Fitzgerald, Tasmin	(J)			Do.
117.[3]	Feb. 5, 1969	Fuentes, Leonardo	(F) SAM (Colombian)	DC-4	Barranquilla/Medellin	
118.[4]	Feb. 8, 1969	Romo, Victor	(F) Mexican		Mexico City	Subdued.
119.[3]	Feb. 10, 1969	Alvarez, Pedro	EAL	DC-8	San Juan/Miami	
120.[3]	Feb. 11, 1969	3 men	(F) Aeropostal (Venezuelan)	DC-9	Maracaibo/Caracas	
121.[3]	Feb. 25, 1969	Ervin, Lorenzo	EAL	DC-8	Atlanta/Miami	Convicted, June 5, 1970; Life, July 6, 1970.
122.[3]	Mar. 5, 1969	Bryant, Anthony	NAL	B-727	New York/Miami	
123.[4]	Mar. 11, 1969	Caro Montoya, Juan	(F) Sociedad (Colombian)	DC-4	Bogota	
124.[3]	Mar. 15, 1969		(F) Aerocondor (Colombian)	DC-6	Barranquilla/San Andres	
125.[3]	Mar. 17, 1969	4 men	(F) Faucett (Peruvian)	B-727	Lima/Ecuador	
126.[3]	Mar. 17, 1969	Sandlin, Robert	Delta	DC-9	Dallas/Charleston, S.C.	Pending.
127.[4]	Mar. 19, 1969	Dickey, Douglas	do	CV-880	Dallas/New York	Mental institution, Aug. 14, 1969.
128.[3]	Mar. 25, 1969	Frese, Luis	do	DC-8	Dallas/San Diego	
129.[3]	Apr. 11, 1969	6 men	(F) Ecuadorian	DC-6	Guyaquil/Quito	
130.[3]	Apr. 13, 1969	4 men	PAA	B-727	San Juan/Miami	
131.[3]	Apr. 14, 1969	3 men	(F) SAM (Colombian)	DC-4	Medellin/Baranquilla	
132.[3]	May 3, 1969	Kivlen, John	NAL		Los Angeles/Miami	Prosecution declined.
133.[3]	May 5, 1969	Marion, N., Gagnon, J	NAL	B-727	New York/Miami	
134.[3]	May 20, 1969	3 men	(F) Avianca (Colombian)	B-737	Bogota/Pereira	
135.[3]	May 26, 1969	Samora, Crecencio; Garcia, Roberto; Bolivar, S.	NB	B-727	Miami/New York	Indicted February 18, 1970.
136.[4]	May 30, 1969	Routh, William Neimyer, Terrance.	Texas International		New Orleans/Alexandria, La	Mental Institution.
137.[1]	June 4, 1969	1 man	(F) DIA (Portugese)		Angola/Cabinda	Landed in Congo.
138.[3]	June 17, 1969	Brent, William	TWA	B-707	Oakland/New York	
139.[3]	June 20, 1969	3 men	(F) Urraga (Colombian)	DC-3	Colombia (local)	
140.[3]	June 22, 1969	1 man	EAL	DC-8	Newark/Miami	

Footnotes at end of table.

Sequence No.	Date	Name	Airline	Type aircraft	Flight plan	Disposition
141.[3]	June 25, 1969	Marques, John	UAL	DC-8	Los Angeles/New York	
142.[3]	June 28, 1969	Anthony, Raymond	EAL	B-727	Baltimore/Tampa	Pending.
143.[3]	July 3, 1969	1 man	(F) Saeta (Ecuadorian)	DC-3	Ecuador (local)	
144.[4]	July 10, 1969		(F) Avianca (Colombian)			
145.[3]	July 26, 1969	Canbera, David	(F) Mexicana	DC-6	Beracruz/Tabasco	
146.[3]	do	Crawford, J. C	CAL	DC-9	Los Angeles/Lubbock, Tex	Pleaded guilty September 14. Sentence—50 years, September, 14, 1970.
147.[4]	July 29, 1969		(F) Nicaraguan			
148.[3]	July 31, 1969	Perry, Lester	TWA	B-727	Philadelphia/Los Angeles	
149.[3]	Aug. 4, 1969	3 men	(F) Avianca (Colombian)	DC-4	Santa Marta/Riohacha	
150.[4]	Aug. 5, 1969	McCreery, John	EAL	DC-9	Syracuse/Tampa	Mental institution.
151.[1]	Aug. 12, 1969		(F) Ethiopian			Landed in Khartoum.
152.[3]	Aug. 14, 1969	2 men	NE	B-727	Boston/Miami	
153.[1]	Aug. 16, 1969	Tsironis, Dr. V	(F) Olympic (Greek)	DC-3	Athens/Agrinion	Landed in Albania.
154.[1]	Aug. 18, 1969	2 men	(F) Misrair (Egyptian)	AN	Cairo/Luxor	Landed in Egypt.
155.[3]	Aug. 23, 1969	do	(F) Avianca (Colombian)	AV-748	Burcarmanga/Bogotá	
156.[3]	Aug. 29, 1969	Klein, J. (Carballo)	NAL	B-727	Miami/Houston	
157.[1]	do	Khaled, Leila; Isawi, Salim	TWA	B-707	Los Angeles/Tel Aviv	Landed in Damascus.
158.[4]	Sept. 6, 1969	6 men, 1 girl	(F) Ecuadorian Air Force	C-47	Ecuador (local)	Landed in Santiago.
159.[2]	do	6 men	do	C-47	do	Copilot killed when refueled in Tumaco; plane abandoned.
160.[3]	Sept. 7, 1969	1 man	EAL	DC-8	New York/San Juan	
161.[4]	Sept. 10, 1969	Medina, Jose	EAL	DC-8	do	Mental institution, Jan. 3, 1969.
162.[2]	Sept. 13, 1969	3 commandos	(F) Ethiopian	DC-6	Addis Ababa/Djibouti	1 commando shot, other 2 arrested when landed in Aden.
163.[1]	do	Huete, Carlos	(F) Sahsa (Honduran)	DC-3	Honduras (local)	Arrested when landed in El Salvador.
164.[1]	Sept. 16, 1969	Toker, Sadi	(F) Turkish	Viscount	Istanbul/Ankara	Landed in Sofia; put in mental institution.
165.[3]	Sept. 24, 1969	Hernandez, Alfred (S)	NAL	B-727	Newark/Miami	
166.[3]	Oct. 8, 1969	1 man	(F) Cruzeiro De Sul (Brazilian)	Caravelle	Belem/Manaus (local)	
167.[3]	Oct. 8, 1969	Ugartteche, E	(F) Aerolineas (Argentine)	B-707	Buenos Aires/Miami	
168.[3]	Oct. 9, 1969	1 man	NAL	DC-8	Los Angeles/Miami	
169.[1]	Oct. 19, 1969	2 men	(F) LOT (Polish)	IL-	Warsaw/East Berlin	Landed in West Berlin.
170.[3]	Oct. 21, 1969	Shorr, Henry (J)	PAA	B-720	Mexico City/Miami	
171.[3]	Oct. 28, 1969	2 men	(F) Air Taxi		Buenaventura/Bogota	
172.[4]	Oct. 31, 1969	Minichiello, R. (S)	TWA	B-707	Baltimore/San Francisco	Landed in Rome; under arrest.
173.[3]	Nov. 4, 1969	2 men	(F) Lanica (Nicaraguan)	BAC-111	Miami/Mexico City	Deplaned all but crew in Grand Cayman.
174.[3]	do	5 men, 1 woman	(F) Varig (Brazilian)	B-707	Buenos Aires/Santiago	
175.[4]	Nov. 8, 1969	Melgarejo, Luis	(F) Austral (Argentine)	BAC-111	Cordoba/Buenos Aires	Talked into surrendering at refueling stop in Montevideo.
176.[2]	Nov. 10, 1969	Booth, David (J)	Delta	DC-9	Lexington, Ky./Chicago	Used girl as hostage in terminal; declared mentally incompetent 10/15/69.
177.[4]	Nov. 12, 1969	2 men	(F) LAM (Chilean)	Caravelle	Chile (local)	Overpowered by crew.
178.[3]	do	1 man	(F) Cruzeiro du Sol (Brazilian)	YS-11	Brazil (local)	
179.[3]	Nov. 13, 1969	6 men	(F) Avianca (Colombian)	DC-4	Colombia (local)	
180.[3]	Nov. 18, 1969		(F) Mexican			
181.[1]	Nov. 20, 1969	Szymankiewicz, W., Zolotucho, R.	(F) Lot (Polish)	AN-24	Wroclaw/Warsaw	Landed in Austria. Sentenced to 2 years.
182.[3]	Nov. 30, 1969	1 man	(F) VANG (Brazilian)	B-707	Lisbon/Rio	
183.[3]	Dec. 2, 1969	Hamilton, B	TWA	B-707	San Francisco/Philadelphia	
184.[1]	Dec. 11, 1969	3 men	(F) South Korean	YS-11	Kangnung/Seoul	Landed in North Korea.
185.[2]	Dec. 13, 1969	2 men	(F) Ethiopian	B-707	Madrid/Addis Ababa	Hijackers slain by security guard.
186.[3]	Dec. 19, 1969	1 man	(F) LAN (Chilean)	B-727		
187.[3]	Dec. 13, 1969	1 man	(F) LACSA (Costa Rican)	C-46	Puerto Limon/San Jose	Released 30 passengers at San Andreas.
188.[3]	Dec. 26, 1969	Martinez, M	UAL	B-727	New York/Chicago	
189.[2, 4]	Dec. , 1969	1 man	(F) Ethiopian			Hijacker slain.
190.[3]	Jan. 2, 1970	4 men, 1 woman	(F) Cruzeiro do Sul (Brazilian)	Caravelle	Montevideo/Rio	Stopped in Peru and Panama.
191.[2]	Jan. 6, 1970	Funjek, Anton	Delta	DC-9	Orlando/Atlanta	Overpowered on ground, wanted Switzerland, plead guilty July 7, 1970; sentenced 25 years, July 30 1970.
192.[2]	Jan. 7, 1970	Rodriguez, Mariano	(F) Iberia (Spanish)	CV	Madrid/Zaragoza	Wanted Albania; surrendered in Zaragoza.
193.[1]	Jan. 9, 1970	Belon, Christian	TWA	B-707	New York/Rome	Took over between Paris and Rome; landed Beirut, surrendered. Had 3 guns; fined $7 then rearrested.
194.[4]	Jan. 9, 1970	Medrano, Jorge	(F) Rapsa (Panamanian)	C-47	David City/Bocas del Toro	Shot and killed by militiaman when plane returned to refuel.
195.[3]	Jan. 23, 1970	2 men, 2 women	(F) ALM (Netherlands Antilles Airlines).	Fokker F-27	Santo Domingo/Curacao	Landed in Santiago, Cuba.
196.	Feb. 6, 1970	Bravo, Pedre; Vasquez Oscar	(F) LAN (Chilean)	Caravelle	Puerto Montt/Santiago	1 hijacker killed. 1 wounded; stewardess wounded by detectives disguised as crew.
197.[3]	Feb. 10, 1970	3 men	(F) El Al (Israeli)	B-707	Tel Aviv/London	Hurled grenades at passengers while plane parked at Municipal Airport; 1 passenger killed, 11 wounded.
198.[3]	Feb. 16, 1970	1 man (wife, 2 children)	EAL	B-727	Newark/Miami	Latin-type man armed with gun, homemade bomb; could not speak English.
199.[3]	Mar. 10, 1970	1 man (wife)	(F) Interflug (East German)		East Berlin/Leipzig	Couple reportedly committed suicide when attempt failed.
200.[3]	Mar. 11, 1970	Stubbs, Clemente (Evans, R.), (wife, 4 daughters).	UAL	B-727	Cleveland/West Palm Beach	Refueled in Atlanta.
201.[3]	do	4 men	(F) Avianca (Colombian)	B-727	Bogota/Barranquilla	Landed in Santiago, Cuba.
202.[3]	Mar. 12, 1970	1 man	(F) Varig (Brazilian)	B-707	Santiago/London	Same flight as was diverted Nov. 4, 1969.
203.[1, 2]	Mar. 17, 1970	Divivo, John J	EAL	DC-9	Newark/Boston (shuttle)	Co-pilot killed; captain, hijacker wounded; landed safely in Boston; murder.
204.[3]	Mar. 24, 1970		(F) Aerolineas Argentinas (Argentine).	Comet IV (British)	Domestic Cordoba/Tucuman	After 9-hour repair stop in Lima, Peru, landed in Cuba Mar. 25.
205.[3]	Mar. 25, 1970	1 man, 1 woman	(F) Charter	Cessna 180	Domestic, British Honduras	Refueled in Mexico.
206.[3]	Mar. 30, 1970	9 students	(F) Japan Air Lines	B-727	Domestic, Tokyo/Fukuoka	Armed with swords, youths wanted to go to North Korea; tricked into landing in South Korea. After 4½-day wait on ground, passengers exchanged for hostages and flight continued to North Korea April 3. Crew and hostage returned April 4.
207.[7]	Apr. 30, 1970	1 man	North Central	DC-9		Hijacked bus to take him to airport; got on plane where he was subdued after threatening crew.
208.[3]	Apr. 22, 1970	Meeks, Ira D.; McKinney, Diane	Charter	Cessna 172	Domestic, Gastonia, N.C	Hijacked taxi to airport; hired plane; refueled at Rock Hill, S.C., Jacksonville, Fla., and Ft. Lauderdale, Fla.
209.[3]	Apr. 25, 1970	1 man	(F) Viacao Aerea de Sao Paula (Brazilian).	B-737	Domestic	Refueled in Guyana, deplaned 36 passengers, 1 "hippie" remained voluntarily.
210.[3]	May 1, 1970	2 men (identified as American blacks).	(F) British West Indian	B-727	Jamaica/Senegal	Originally wanted to go to Algeria but diverted to Cuba.
211.[1]	May 5, 1970	**Verner, Pavel**	**(F) Executive plane (Czechoslovakian).**		**Domestic**	**Junior executive for Czech uranium plan zonked out his boss and stabbed pilot; wanted to go to West Germany for job but diverted to Linz, Austria. 1 year jail, September 2.**

Footnotes at end of table.

HIJACKINGS—Continued

Sequence No.	Date	Name	Airline	Type aircraft	Flight plan	Disposition
212.[3]	May 12, 1970	8 men	(F) ALM (Netherlands Antilles Airlines).	Fokker F-27	Santo Domingo	Dutch revolutionaries.
213.[3]	May 14, 1970	1 man	(F) Australian		Brisbane	Girl, 6, accidentally opened emergency exit door on plane as hijacker was threatening pilot with toy gun in plastic bag while plane on ground at Sydney Airport.
214.[3]	do	1 man	(F) Viacao Aerea Sao Paulo (Brazilian).	B-737	Brasilia/Manaus	Refuel at Guyana and Curacao; hijacker armed with pistol and explosives.
215.[3]	May 21, 1970	4 men	(F) Avianca (Colombian)	DC-3	Domestic, Yopal/Sogamozo	Stopped unexpectedly in Barrancabermeja and later refueled in Barranquilla.
216.[3]	May 24, 1970	3 men, 1 woman	(F) Mexicana de Aviacion (Mexican).	B-727	Domestic, Cozumel/Merida	
217.[3]	May 25, 1970	1 woman (w/son)	Delta	CV-880	Chicago/Miami	Woman was armed with 38-calber revolver, took over plane after Atlanta takeoff.
218.[3]	do	1 man	AA	B-727	Chicago/New York	Refueled at JFK in New York and deplaned passengers.
219.[1]	May 30, 1970	Stellipi, Gianlocca	(F) Alitalia (Italian)	DC-9	Genoa/Rome	Used toy pistol; landed in Cairo.
220.[3]	May 31, 1970	2 men	(F) Avianca (Colombian)		Domestic, Bogota/Bucaramaga	Refueled Barranca-bermeja.
221.[7]	June 4, 1970	Barkley, Auther G.	TWA	B-727	Phoenix/Washington, D.C.	Landed Dulles for $100,000 ransom; departed for upstate New York, returned for more ransom and was captured; armed with pistol, knife and can of fluid; pilot and hijacker wounded.
222.[1]	June 5, 1970	Mosczymsky, Josef Civanicki, Zbiginew.	(F) LOT (Polish)	AN-24 (Soviet)	Domestic Sczeczin/Dganst	Hijacker armed with 2 hand grenades; landed Copenhagen.
223.[1]	June 8, 1970	4 men, 4 women	(F) CSA (Czech)	IL-14	Domestic, Karlsbad/Prague	Landed Nuremberg, Germany; asked for political asylum.
224.[3]	June 9, 1970	2 men	(F) LOT (Polish)		Domestic, Katowice/Warsaw	Foiled by crew.
225.[2]	June 21, 1970	2 men, 1 juvenile	(F) Iranian National Airline	B-727	Iran/Iraq	Landed Baghdad.
226.[1]	June 22, 1970	Xyaert, Haxh	PAA	B-707	Beirut/New York	Landed Cairo.
227.[3]	June 26, 1970		(F) Avianca (Colombian)	B-727	Cucuta/Bogota	Refueled Barranquill.
228.[3]	July 1, 1970	1 man	NAL	DC-8	San Francisco/Miami	Hijacked by armed man after stop in New Orleans; 4 servicemen passengers roughed up at Jose Marti Airport. Hijacker boarded plane in Las Vegas.
229.[4]	July 1, 1970	3 men, 1 woman	(F) Cruzeiro do Sul (Brazilian)	Caravelle	Rio de Janeiro/Buenos Aires	Captured by Brazilian authorities; hijackers hoped to exchange passengers for jailed terrorists.
230.[3]	July 4, 1970	2 men	(F) Cruzeiro do Sul (Brazilian)			Refueled French Guiana; allowed 37 of 54 passengers to leave plane.
231.[1]	July 11, 1970	1 man	(F) Arabian	B-707	Saudi Arabia/Syria	
232.[3]	July 22, 1970	Hardin, Pvt. George (S)[8]	(F) Air Vietnam	DC-4	Pleiku/Saigon	Held pilot at knifepoint for 2 hours before surrendering; air let out of tires; all happened at Tan San Nhut Airport.
233.[1]	do	6 Arab commandos (5 men, 1 woman).	(F) Olympic (Greek)	B-727	Beirut/Athens	Released passengers after promise of Greek Government to release 7 Arab terrorists; flew plane to Cairo.
234[3]	July 25, 1970	4 men	(F) Aeronaves de Mexico (Mexican).	DC-9	Alcapulco/Mexico City	Made 30 minute refueling stop in Mexico City; no one deplaned.
235.[4]	July 28, 1970	Albornoz, Fermin Jurado	(F) Aerolineas Argentinas (Argentine).	B-737	Salta/Buenos Aires	Hijacker pulled 2 pistols; plane refueled Cordoba where 23 of 48 passengers deplaned, and Mendozo Andes snowstorm forced plane back to Cordoba where hijacker surrendered to police.
236.[3]	Aug. 2, 1970	Rios, Rudolpho	PAA	B-747	New York/San Juan	Displayed "gun" and bottle of fluid; took hostage as he and stewardess remained outside cockpit door.
237.[2]	Aug. 3, 1970	Huber, Johann	PAA		Munich/West Berlin	Threatened crew with gun; wanted to go to Budapest; was told plane did not have enough fuel and he was convinced.
238.[2]	Aug. 7, 1970	Frej, Waldemar	(F) Polish		Szczegin/Katowico	Hijacker with grenade denied entry into cockpit; landed in East Berlin; wanted to go to Hamburg.
239.[1]	Aug. 8, 1970	Father, 2 sons	(F) Czechoslovak		Domestic	Landed in Vienna.
240.[3]	Aug. 19, 1970	3 men	Trans Carib	DC-8	Newark/San Juan	
241.[1]	do	Inagaki, Sachi	(F) All Nippon (Japanese)	B-727	Domestic; Nagoya/Sappero	Ordered plane to land at Hamamatsu Air Defense Base, demanded rifle/ammunition in possible suicide plot; woman passenger feigned pregnancy pains and in confusion police came aboard and overpowered hijacker who had only toy pistol.
242.[1]	do	3 men, 2 women	(F) LOT (Polish)	IL-14	Domestic; Gdansk/Warsaw	1 hijacker had hand grenade; landed at Danish island of Bornholm; asked for asylum.
243.[3]	Aug. 20, 1970	Graves, Gregory (S) (AWOL Marine).	Delta	DC-9	Atlanta/Savannah	Said he had bomb in his lap but no one saw it.
244.[3]	Aug. 24, 1970	Labadie, Robert (S)	TWA	B-727	Las Vegas/Philadelphia	Said he had a bomb; landed in Pittsburgh for refuel but no one allowed off plane.
245.[2]	Aug. 27, 1970	Olma, Rudolf	(F) LOT (Polish)		Domestic, Katowice/Warsaw	Threatened crew with bomb, which accidentally exploded injuring hijacker and 10 passengers; wanted to go to Vienna; plane landed safely at Katowice.
246.[1]	Aug. 31, 1970	3 men	(F) Air Algerie (Algerian)	CV-640	Domestic, Annaba/Algiers	Refueled in Sardinia and Italy; wanted to go to Albania, which refused landing; went on to Yugoslavia where they asked for asylum.
247.[1]	Sept. 6, 1970	Guerrillas	TWA	B-707	Tel Aviv/New York	Palestinian guerrillas hijacked plane after stop at Frankfurt; taken to Dawson Field Jordan; plane blown up Sept. 12, 1970.
248.[1]	do	do	(F) Swissair (Swiss)	DC-8	Zurich/New York	Palestinian guerrillas hijacked plane near Paris; taken to Dawson Field, Jordan; blown up Sept. 12, 1970.
249.[1]	do	do	PAA	B-747	Amsterdam/London	2 original hijackers joined by 7 others in Beirut during refueling; blown up in Cairo Sept. 12, 1970.
250.[2]	Sept. 6, 1970	Khaled, Leila (see 157) Arguello, Patrick	(F) EL AL (Israeli)	B-707	Tel Aviv/New York	Armed El Al steward shot and killed male hijacker; female was overpowered by passengers; plane landed in London; Miss Khaled helped hijack TWA plane to Syria August 29, 1969.
251.[1]	Sept. 9, 1970	Guerrillas	(F) BOAC (British)	VC-10	Bombay/London	Palestinian guerrilla forced plane to refuel in Beirut before going to Dawson Field; plane blown up September 12, 1970.

Footnotes at end of table.

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Sequence No.	Date	Name	Airline	Type aircraft	Flight plan	Disposition
252.[1]	Sept. 14, 1970	3 men	(F) TAROM (Romanian)		Bucharest/Prague	Landed in Munich.
253.[2]	Sept. 15, 1970	Irwin, Donald B.	TWA	B-707	Los Angeles/San Francisco	Wanted to go to North Korea; wounded by Brinks guard, who was a passenger, when plane landed in San Francisco to refuel and deplane passengers.

[1] Successful to Cuba.
[2] Unsuccessful to Cuba.
[3] Successful other than to Cuba.
[4] Unsuccessful other than to Cuba.
[5] Originally thought to be hijacking.
[6] Destination unknown.
[7] No apperent destination.
[8] Escaped from custody Aug. 10, 1970; tried to hijack C-141 from Bienhoa Air Base; recaptured.

Note.—Abbreviations: F—Foreign; J—Juvenile; S—Serviceman.

CONSTITUTION DAY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DORN. Mr. Speaker, it was my great honor to represent Gov. Robert E. McNair and the State of South Carolina in ceremonies commemorating Constitution Day at the Washington Monument on September 17. These splendid ceremonies, sponsored by the Citizenship Committee for the District of Columbia, under the capable general chairman, A. Leo Anderson, marked the 183d anniversary of the signing of the U.S. Constitution. Master of ceremonies was the Honorable Philip J. Rutledge and the Constitution Day Proclamation was read by Mr. William H. Brown. The Governors of the Thirteen Original States were appropriately represented.

The principle address was delivered by Dr. Kenneth D. Wells, president and cofounder of Freedoms Foundation, Valley Forge, Pa. I commend this outstanding address to the attention of my colleagues in the Congress and to all the American people.

ADDRESS DELIVERED BY DR. KENNETH D. WELLS

As we Americans look over our shoulder to the span of the centuries since the calendar began, we find that the history of the human race has been a constant search by men and women on every continent for the fundamental high purposes and principles of human action that would provide an elevated, happy way of life with human fulfillment, as Justice Grady Head has written.

The greatest principles in this search have been known for a long time. They are hoary with age, but they are indivisibly together at this hour, as rock-like, as basic and as fundamental as when they came into being at the beginning of our calendar.

The ideals and high purposes found in the Ten Commandments received by Moses on Mt. Sinai have not been obscured, repealed, modified or improved upon in twenty centuries, except as the depth and magnificence of the expression in the Sermon on the Mount has expanded man's highest principles contained in the beloved rules given to Moses by God.

Neither hippies, nor Hitlers, nor any of their kind; nor Lenins, nor compromisers, nor fakers using hallucinatory drugs, nor smug atheist theoreticians nor surface scholars have found an ideal for a way of life that brings to your soul and mine the peace and understanding received when we follow the faith and teachings in the Sermon on the Mount.

When Justinian codified what the Roman civilization had learned through centuries, the most profound advance in the field of human law the world had to that time known became a foundation stone for the road to the future. This road to liberty under law has become rocky.

Your search, my search, everyone's search for an improved way of living together harmoniously in perfect liberty and freedom in its total sense has been an ideal that has not yet had continual constructive progress. The entire world fell back in the centuries between the days of the Caesars and the foundations of English liberty in the Magna Charta.

Every judge, every legally trained man in the world knows and, I believe, every person of high school training knows, that the elementary principles of freedom, justice and liberty indivisible under the English law originated on June 15, 1215, when the English Barons took from King John at Runnymede the concepts of the Magna Charta. But again the ideals of personal liberty in those few short centuries suffered a setback. A lack of integrity on the part of rulers and individuals, a lack of strength in great voluntary organizations existed. Because of persecution and refusal to give religious liberty, and liberty to engage in enterprise as one saw fit, the first English settlers were forced from their homeland to the shores of this Continent.

Anguish and joy grew apace. The assault on death and disease began. Free enterprise motivated everyone. Medical progress was accelerated. Single family homes were proudly built. The colonists engaged in more and great trade. Invention and opportunity were hallmark. Better farming was sought. The English government became deeply, deeply jealous of our prosperity and of our ability as individuals. They applied many forms of tyranny. The young colonists' determination grew. The winds of death and danger blew each day. They chose freedom.

Mind by mind they decided to cast off the yoke of tyranny. We became free and independent people in free and independent states. The wholeness of the ideas of rights of men, as first stated in our Declaration of Independence, had as its natural parallel a fiery desire that the rights of the individual as a child of God would be at their zenith, and every citizen knew he and she should accept responsibility as a parallel for every right, by exemplary personal conduct. Our desire for a free government that was our servant and not our master was our quest. Freedom was table talk. Our Federal Constitution was built. It has since been proclaimed a thousand times a thousand times as the greatest written document by any group of men of any nation, of any race, who desired the real blessings of personal freedom—religious, economic, and political, at least one great and respected religious denomination treats it as scripture.

From the Ten Commandments through centuries of the Sermon on the Mount to the struggle to build the Roman Code, to the forcing of King John to his knees to grant the Magna Charta at Runnymede, and to the time of our Federal Declaration of Independence and our Federal Constitution and our state constitutions and municipal ordinances man has struggled to govern himself. *These deep principles and positive truths—great in every sense—have been powerful and effective, and worthwhile, only as they have lived in the hearts and minds and daily lives of men and women.*

The Hebrews were not a great people because of Ten Commandments made them so, or because the Commandments were engraved upon stone and given to Moses by God for the governing of Hebrews.

The Hebrews became a great people and a great nation because they strove to place the great truth and principles of the Ten Commandments in every moment of their lives as individuals and as families, and in the development of their society.

The Roman Code of Law did not make the Romans great, but it became a vast nation—a world power—because the principles of Roman Law were the most advanced in the field of all human property and civil rights, responsibilities and human liberty, and they were widely applied in the lives of the people throughout the Roman Empire.

This Roman Empire fell and was smashed because the Romans did not live up to the concepts of liberty and justice in their laws. Moral decay destroyed them. Judges were dishonest. Law was not enforced. Private and public property was desecrated. Disregard for law crept throughout the land. The Roman Empire fell on history's scrapheap. Many others have been the same from the Incas to modern time.

Great Britain *was* a great leadership nation, had the greatest trade, the greatest sea power, and far-flung frontiers because the Magna Charta enumerated the great ideals and liberties under law. The common law was valid and powerful. Great Britain became a great nation because its people became on fire with the great ideas, incomplete as they were, of liberty and freedom applied in the daily work of English men and women. They worked, they prospered. Now it is different.

The United States is not the greatest nation on earth because Madison, Franklin, Jefferson, Washington, and all the others, framed the Declaration, Constitution, and Bill of Rights directed at just and personal freedom.

But, we have become the greatest nation on earth because we applied these principles of our Constitution in government without watering down their interpretation to satisfy individual group and party political needs. We are doing this now. To continue means our demise. We have been a great nation because we have been a good nation, respecting property rights, working hard, giving loyalty to God, country, and family—and seeking equity for all.

Our relations with other countries have been workable and usually stable. They have known what we believed in. They have known we would be firm yet compassionate, and have usually known what we have been committed to. Foreign nations have been able to cooperate with us because we have been

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strong. They knew where we stood. They cannot cooperate with us when we are weak. No one can co-operate with weakness—moral, political, economic or military.

There are serious people in our land who believe that the United States is in its last days of its near perfect quest for liberty and individual freedom. They honestly fear that our beloved country is in historic and unnecessary danger induced by profligacy, parental neglect, and growing secular clergy and the subsidy of indolence; indeed, placing itself on the auction block because we are not standing fast with the faith that made us free.

These numerous citizens say we are living in the last days of the American Way of Life, its liberty, and its freedoms. I share their concerns, but I do not share their view of the outcome. Let the prophets of doom be quiet. If the U.S.A. goes into chaos, it will be solely because our people and our public and private leaders have wandered away from the moral, religious, and free political and economic concepts of our land; from the basic purpose of the Ten Commandments and the Sermon on the Mount and our fundamental documents, for are these not the greatest human relation principles.

Our productive risk capital American Way of Life is endangered in every generation. We must be determined that intelligent, able and conscientious men and women of the arts, business, science, education and religion will get off their perches and think, invest, speak and act in the perpetuation to the great ideals.

There is much too little teaching of responsible citizenship. Historian Arnold Toynbee has told us that every civilization that has been overcome and smashed has been overcome by barbarians within before it was smashed by barbarians from without. There are barbarians within our country. There are many men and women and youths all over this land, who hold no high standards for themselves, who take pride in being mediocre, who are unproductive, unwilling, frequently lazy and sometimes deliberately mentally and physically unclean. These affectations are many, but if he or she has any affection for anyone, it is affection for the slick dealers, the fast buck businessman, syndicate dope-pushers, "the wise guy" who sneers at accomplishment, the fixer who has committed himself, as John G. Fleck said recently, to the "cult of the slob." His first impulse is to turn to mob action.

We see "running off at the mouth" complaint, rather than responsible protest. Honest protest in a peaceable assembly we stoutly defend, but mobs must be put down. No decent American will put up with fires deliberately set and rifles poked out windows to snipe the innocent. Why not be tough-minded like our forefathers? Where is our moral indignation? Why can't we again *refuse* to call wrong, right? I see enough young people to know that most of them are sound of mind and body, wonderful, wonderful young people. But there are always those who revel in distressing and disrupting others. These few should not dominate, disrupt, and destroy our social fabric.

It is time we said "no" to ourselves when in any manner we harm our families and country and turn from the better things to the baser things.

Man is a child of God. Everyone alive has a divine spark. Let us call on that spark to ignite our faith—strong, thoughtful and bold. No bank accounts, stock portfolios or fancy clothes can ever make up for a fatty degeneration of our moral issues. If we want successful businesses, banks, schools, cities, we must have responsible families and homes. We cannot have them if we pursue indiscriminate sex and illegitimacy in hovels and pads in preference to family life in our homes, laziness in place of ambition, security in place of opportunity. The quality of life outweighs the quantity of life on the only scales that count.

The base-rock fact is that we are an inseparable part of a sick world. The question is: will it pull us down or will we stand fast with the faith that made us free?

A simple question is before the world. It is, Is there a God? For me, there is no denial except by the vicious Communist-Socialist world structure, or by the confused. *But if there is no God, it is better, even so, to be generous rather than selfish; better to be honest than crooked and sneaky; better to be clean of mind than lewd; better to be thrifty than wasteful; better to die a brave man or woman rather than as a self-convicted moral coward.*

There are certain guidelines, simple things such as personal integrity, a good day's work, regular thrift, kindness and fairness to every man regardless of race, creed or color must prevail, or a free country cannot live.

Whether the civil disorder in over fifty cities in recent months which have shaken the basic structure of our political and social relations in the United States, destroys or does not destroy our country, our lives and our investments, *it is clear that the lack of effective teaching of the great values is the root cause of our trouble, coupled with a lack of equity and opportunity in many things for all too many Negro and white citizens. We have known what to do.* We have not done it adequately, we have over relied on government, under relied on ourselves.

Open, moral support of law enforcement agencies, is especially important. If civil order is to be preserved, it is essential that those who break the law be punished and that the innocent be protected. It is critical and urgent that the law-abiding citizens receive protection of the law from the lawless.

There is no way to have liberty under law in our business relations or in our family relations unless self-reliance and self-discipline of our citizens are shown each day by belief in respect for, and adherence to the rule of law.

We need correction of inequities in the law in an orderly plus voluntary fashion for all, regardless of race, creed or politics. Job discrimination et al. are ridiculous when people are law abiding, have good personal conduct and work sincerely. However, individuals, whether in business, the clergy, education, farming, factory, or on welfare—whoever they may be, who ignore the orderly legal processes of the United States of America, and who seek illegal redress of grievances no matter how much they are deserved, through rioting mob violence, force accompanied by sniping, burning, arson, looting, and other criminal acts of the gravest order, deserve the appropriate stern punishment of a free society. A new legal approach is long overdue to clear the country of commercialized pornography. It is a tremendously corrupting influence. Moral indignation must rise to shackle this $5,000,000-plus-a-week industry.

There are constructive things to be given assistance. Trials are delayed. This can, these must be cured. Unreasonable and unnecessary delays in the administration of justice must be cured. Orphanages are full of good kids. They should be adopted. Cities are dirty or filthy. They can be cleaned.

We pray that our lives, regardless of age, health, wealth or lack thereof, may be a tribute to our country's heritage, equal to our competence as children of God. When our beloved President Eisenhower dedicated the American Credo monument at Freedoms Foundation at Valley Forge, his wise words included, "Let no man do less than his best". Let us teach our Credo.

The Right to Worship God in One's Own Way.

The Right to Free Speech and Press.

The Right to Peaceably Assemble.

The Right to Petition for Redress of Grievances.

The Right to Privacy in Our Homes.

The Right to Habeas Corpus—No Excessive Bail.

The Right to Move About Freely at Home and Abroad.

The Right to Own Private Property.

The Right to Free Elections and Personal Secret Ballot.

The Right to Work in Callings and Localities of Our Choice.

The Right to Bargain with Our Employers and Employees.

The Right to Go into Business, Compete, Make a Profit.

The Right to Bargain for Goods and Services in a Free Market.

The Right to Contract About Our Affairs.

The Right to Service of Government as a Protector and Referee.

The Right to Freedom from Arbitrary Government Regulations and Control.

Let's put forth our real enthusiasm to improve this nation so that it is near perfect by 1976, our 200th anniversary.

SLEEPING BEAR DUNES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. VANDER JAGT. Mr. Speaker, in the debate on Sleeping Bear Dunes National Lakeshore legislation an amendment was offered to change the cutoff date exempting improved private property from condemnation from December 31, 1964 to December 31, 1968. In the ensuing teller vote I voted "no" on this amendment.

At one point in time I had seriously considered offering an amendment to this legislation calling for a cutoff date as of the date of passage of the legislation. It seems no more reasonable to provide a December 31, 1968, cutoff date than a September 22, 1970, date if the idea were only to protect those people who have gone ahead since earlier legislative proposals, which failed to be passed, to construct their summer homes.

After careful consideration I chose not to introduce this amendment. And let me state my reason.

Our basic concern in Sleeping Bear legislation is protection of the environment. Park Service plans for the area developed in 1964 have this well in mind. Their plans were prepared when it was possible to lay out the optimum locations for public use areas to minimize damage to the environment.

To allow improved property constructed after December 31, 1964, protection from condemnation is to significantly disrupt those optimum plans for protecting the environment. It would force the Park Service to use second, third, and even fourth choices for locations of its public use facilities, thus encouraging damage to the environment, damage which we can otherwise effectively avoid.

Mr. Speaker, it is out of this deep concern for the protection of the environment in the Sleeping Bear Dunes National Lakeshore Area that I voted "no" on the amendment to change the cutoff date.

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LET US NOT SURRENDER THE PANAMA CANAL

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. COLLIER. Mr. Speaker, I recently submitted House Resolution 1171, which, with reference to the Panama Canal, expresses "the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the U.S. Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization." I urge the Committee on Foreign Affairs to hold hearings on this important measure as soon as possible, in order that it may reach the floor of this body for action during the present session.

While it is true that, under the Constitution of the United States "the President shall have power, by and with the advice and consent of the Senate, to make treaties," I do not interpret this to mean that Members of the House of Representatives, a coequal branch of the Congress, should remain silent on such an important matter as the treaty which the Johnson administration negotiated between the United States and the Republic of Panama.

The treaty, which is pending before the other body, provides for: Surrender of our sovereignty over the Canal Zone to Panama; a partnership between the United States and Panama in the management and defense of the canal; giving the United States an option on a site for a canal of sea-level design; and eventually giving both the existing canal and any new canal that may be constructed to replace it to Panama, all without any compensation whatsoever.

Even if such a colossal giveaway made sense, it could not be effected constitutionally without the consent of both Houses of Congress, the House of Representatives having as much to say in the matter as the Senate. The second clause of section 3 of article IV of the Constitution reads as follows:

> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

It therefore becomes all the more necessary for Members of the House to speak out. We who must face the voters every 2 years are much closer to the people than are the Members of the other body, less than one-third of whom are seeking reelection this year. While a Senator may have been chosen by a majority of the voters of his State, his views on such a topic as the pending treaty may be diametrically opposite to those of the people who voted against him in the election or in his party's primary. It is possible that large numbers of those who supported him in the primary and in the election disagree with him in regard to the treaty. Members of the House have a duty not only to listen to the voices of their constituents, they also have a solemn duty to alert them to what is going on in the Nation's Capital, especially in this day of managed news.

I want to discuss briefly why I believe the status quo in the Canal Zone should be maintained and why I hope the pending treaty will be overwhelmingly rejected by the other body. Actually, but 34 votes are required to block ratification, but I hope rejection will be effected by a substantial majority.

Before the construction of the Panama Canal, a ship had to travel more than 13,000 miles, a distance exceeding half the circumference of the earth, in order to go from New York to San Francisco. Utilization of the canal cuts the distance to about 5,200 miles. Bear in mind that the ships that supply our fighting men in Southeast Asia utilize the Panama Canal.

Republicans are frequently accused of "wanting to go back to the days of McKinley" and are often told that we can no longer follow the counsel of Theodore Roosevelt, who advised us to "speak softly and carry a big stick!" Certainly I would not want to go back to those days, even if it were possible, but by way of rebuttal I will say that William McKinley knew what to do about Cuba and Theodore Roosevelt knew what to do about Panama. Both of these nations owe their independence, their very existence, to the United States of America.

An uprising occurred in Panama on November 3, 1903, when it was part of Colombia. The presence of the warship U.S.S. *Nashville* at Colon, where it had arrived he day before, prevented Colombian troops from crossing the Isthmus of Panama to put down the rebellion. When the independence of Panama was proclaimed, the United States was the first nation to recognize the new country.

Under the terms of the Hay-Bunau-Varilla Treaty of November 18, 1903, the United States was granted exclusive use, occupation, and control of the Canal Zone in perpetuity. The United States could exercise all sovereign powers to the entire exclusion of the exercise of sovereign powers by the Republic of Panama.

Panama was to receive $10,000,000 in cash and a $250,000 annuity to begin 9 years after the treaty was ratified. The annuity was increased to $430,000 in 1936 and to $1,930,000 in 1955. The treaty was proclaimed on February 26, 1904, and the United States formally acquired the Canal Zone on May 4, 1904.

To implement the treaty, the United States proceeded to acquire outright ownership of all land and other property in the Canal Zone by purchases from the individual owners. The rights exercised by our Nation in the Canal Zone are thus derived from both the grant from the Government of the Republic of Panama and purchases from the individual property owners.

As Panama had been a place of endemic revolution, the framers of the treaty of 1903 insisted that it contain perpetuity, sovereignty, and protective clauses, thus guaranteeing the political stability that was so essential for the future efficient operation of the canal. The United States would never have undertaken to build and subsequently maintain and operate the waterway if it had not been granted complete and perpetual control by the treaty. At this point I would remind my colleagues that Panama has experienced several unconstitutional changes of heads of government since 1930.

What has the Panama Canal cost our Nation? The net investment for acquisition of government of the Canal Zone, construction, maintenance, operation, sanitation, and police protection of the Panama Canal, offset by recoveries by the U.S. Treasury, totals approximately $1 billion.

Defense of the canal by the Army, Navy, and Air Force of the United States has cost over $4 billion, making our total investment in excess of $5 billion. Because of the presence of our Armed Forces in the Canal Zone, the Republic of Panama is spared the necessity of maintaining an elaborate and costly defense establishment. It is thus relieved of a tremendous financial burden.

Obviously the Republic has derived considerable in the way of financial and other benefits because of the huge expenditures we have made. Our Armed Forces furnish gainful employment to over 3,000 Panamanian citizens, while their dependents provide an additional stimulus to the Republic's economy because of their purchases of goods and services there.

More than $100 million is now injected into Panama's economy annually through employment and purchases. The isthmian nation has also been a passenger on the foreign aid gravy train, having received $226 million from the various foreign aid programs of the United States during the period 1946 to 1970.

Many of the benefits that Panama receives from us cannot be measured in terms of dollars. The U.S. Southern Command, which is stationed in the Canal Zone, frequently transports seriously ill or injured persons from the interior of the Republic to the capital or other sites where they can receive proper medical treatment.

Major assistance was provided in 1965 when Panama City suffered from devastating fires. Aircraft of the United States flew many missions in support of Panama's relief efforts during the floods in the Chepo region in 1967.

Due to the efforts of the U.S. Government, the Canal Zone area underwent a metamorphosis from one of the worst pestholes on earth to the healthiest spot in all the tropics. In accordance with the treaty of 1903, the United States continued to enforce sanitary and health ordinances in Panama City and Colon. The treaty of 1955 between the two nations, at the request of Panama, relieved the United States of this responsibility.

What was the result of this transfer of responsibility? Garbage accumulations in the streets of Panama City became the food sources for an unprecedented increase in rats, which are the carriers of the bubonic plague and other diseases. During one 8-hour day in 1967, the rodent control section of the Municipal

Health Board of Panama City trapped 934 rats that averaged over 2 pounds in weight.

The greatest benefit that Panama receives from our presence in the Canal Zone is its continued independence, which can be guaranteed only by our remaining on the isthmus in perpetuity. While it is true that Panama's most important natural resource is its strategic location, it must be recognized that this also constitutes its greatest danger. That danger has been greatly magnified by the Communist takeover in Cuba.

The fundamental question in the proposed surrender of our sovereignty over the Canal Zone is not whether the United States rather than Panama shall control this strategic area, but whether the United States rather than the forces of international communism shall control it. If Western civilization is to be able to defend itself against Communist aggression, it is absolutely imperative that the United States continue to control, maintain, operate, and protect the Panama Canal. If we relinquish full sovereignty over this strategic waterway, all of the nations of Latin America will inevitably and swiftly go the way of Cuba.

Surrender of the Panama Canal will encourage the overthrow of constitutional governments by Communist revolutionists throughout Latin America. It will also have a calamitous impact on such other crucially important strategic places as Southeast Asia, Gibraltar, the Suez Canal, the Red Sea, and Southern Africa.

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In the event that expanded Communist power leads to control of the Middle East, Europe would be confronted with a situation similar to that it faced in 1453 when the capture of Constantinople by the Turks forced the Portuguese to seek a new route to India via the Cape of Good Hope. A fortunate result of the fall of Constantinople was the discovery of America by Christopher Columbus—do those who advocate the surrender of the Panama Canal anticipate equally happy results?

Continued economic sanctions against Rhodesia could open the back door to war with all of Southern Africa, the countries of which are anti-Communist. Seaports and airports in Southern Africa, occupied by Red naval forces, could well dominate the sea routes around the Cape of Good Hope and close the alternate passage between the Atlantic and Indian Oceans.

Several years ago the misnamed Carnegie Endowment for International Peace issued a general staff type of war plan for a land, sea, and air assault on South Africa, to be conducted by the United Nations organization. Such a plan, if successfully carried out, would inevitably place Communist power in position to control the ocean routes adjacent to Southern Africa by submarines and aircraft, thereby strategically isolating the sea transport of Western Europe and the United States from countries bordering the Indian Ocean.

Ratification of the pending treaty by the Senate would constitute a complete surrender to Panama of our sovereignty with respect to the canal and the Canal Zone in favor of a dual managerial and governmental setup, in an area of endless bloody revolution and political instability. Such control could only lead to the unending conflicts and recriminations that inevitably accompany extraterritorial jurisdiction. It would mean the scrapping of all laws enacted by this Congress since 1904 for canal purposes and for governing the Canal Zone territory.

Such abdication of sovereignty would also mean the loss of our $5 billion investment, as Panama does not expect to pay 1 cent for what it is trying to obtain.

If Panama were to become co-manager, its policy would be adamant against any use of the canal that might offend Communist powers and our Government would become involved in a constant state of friction with Panama concerning such matters.

In 1923, Secretary of State Charles Evans Hughes told the minister from Panama that—

> It was an absolute futility for the Panamanian government to expect any American administration, no matter what it was, any President, or any secretary of state, ever to surrender any part of these rights which the United States had acquired under the treaty of 1903.

In 1903 the Republic of Panama entered into a solemn treaty with the United States—it should honor the terms of that treaty just as we have faithfully carried out our obligations thereunder.

The United States has invested over $5 billion to construct, maintain, and operate the Panama Canal—we must maintain possession of this vitally important strategic waterway.

The international Communist aggressors possess altogether too many vital locations already—they must be told emphatically to keep their hands off the Panama Canal.

Mr. Speaker, I urge the Committee on Foreign Affairs to hold early hearings and report out the strongest possible resolution. We must let the United States Senate know that the House of Representatives, the branch whose Members report to the people every 2 years and which is therefore more aware of true public opinion, is emphatically and unequivocally opposed to any effort to surrender the sovereignty of the United States in the Canal Zone.

UNITED STATES LINE INAUGURATES NEW SERVICE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. HANNA. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues a new freight service inaugurated September 11 by United States Line. The new service will encourage coast-to-coast freight and cargo shipments between east coast ports and those on the west coast. The new route will also extend to Hawaii and the Orient.

I have long been an advocate of increased economic contact between our country, particularly the west coast, and those countries in the Far East. This new route and service of United States Line is most certainly a step in the right direction.

There will be regular once a week sailings, and the round trip from New York to the west coast to the Orient and back will take only 56 days.

We are at a crossroads in the economic life of our country. We must find markets for our export goods as our traditional markets become sated. The newly developing nations of the Far East are now available and must be given primary consideration in this context. The first step in developing new export markets must be an adequate freight and cargo linkage. This new route by United States Line, with its regular and rapid service, will serve as a much needed bridge between our Nation and the Orient. The linkage is a new and interesting contribution by the business community to the healthy growth of the economy of the United States, and I congratulate them on their foresight in taking this important step.

BEHIND THE CAMPUS REVOLT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. QUIE. Mr. Speaker, the July 18 Saturday Review carried an article containing many insights into the campus unrest question. The author lays to rest many of the theories on the unrest which do not stand up under logical analysis. He further places responsibility on the faculties of universities for developing adequate methods to cope with the destructive activities of student anarchists whose goal is to destroy the university and the establishment. Those goals will be fulfilled without such constructive efforts on the part of faculties.

I commend the article to my colleagues:

BEHIND THE CAMPUS REVOLT

(By Paul Woodring)

The tragic events at Kent State University this May, followed by demonstrations involving various degrees of violence on hundreds of other campuses, occurred only a few months after a number of college presidents had expressed the opinion that the worst was over—that campus dissent, protest, activism, and violence were on the wane. Now, with the college year ended, only a few will hazard a prediction. Whether the disorder will increase or subside when they reopen seems likely to depend on future events yet unforeseen and to some extent on the effectiveness of leadership on the national level. So far this administration has been even less successful than the preceding one in gaining the confidence of the younger generation, or in convicing it that our national policy is sound.

No administrator on either the national or local level can hope to be loved, admired, or followed by that segment of the younger generation which is convinced that all administrators are evil and that the Establishment must be overthrown. But this segment is a small minority of the nation's seven million college students. The great majority still is searching for leadership that it can respect, as was demonstrated by those who shaved their beards and cut their hair in order to campaign more effectively for Senator McCarthy. There is grave danger, however, that in the absence of acceptable leadership, more students will give their allegiance to leaders who offer nothing but anarchy.

Millions of words have been written in efforts to account for the widening gap between young people and those whom they identify as "the Establishment." Though many causal factors have been listed, none of the hypothesis so far advanced adequately explains why the students of recent years differ so greatly from those of the Fifties, most of whom accepted the System and seemed eager to become a part of it. Why has there been so great a change in so short a time?

If dissent were found only in the United States, it might appear that the major cause is the moral dilemma presented to young men by our involvement in Vietnam. But, since protest and violence have become equally common in the universities of Japan, Mexico, Canada, France, Italy, and other nations not involved in the Vietnam conflict, any acceptable hypothesis must explain the world-wide nature of today's youthful activism. It must also account for the fact that college students—most of whom receive draft deferments, and few of whom get into combat even if they are drafted after graduation—protest more angrily than do the noncollege men who are called upon to do the fighting. To say that it is because they are more intelligent and better informed seems a limp explanation.

Those who blame rigid college rules and authoritarian administrators for campus revolt must explain the fact that some of the most violent protests have occurred on campuses where the administrators have been noted for their liberalism, and where students enjoy an exceptional amount of freedom. They must also explain why the revolt came in the Sixties rather than a generation or two earlier when administrators enforced far more rigid rules without meeting much protest.

The view that campus unrest results from the bureaucracy and impersonality that come with large institutional size has some validity but cannot be a sufficient cause. Several American universities were excessively large even a generation ago (New York University enrolled 31,000 students in 1936), while some of the recent disorders have occurred on much smaller campuses.

The threats to the quality of life imposed by overpopulation and pollution increase the level of anxiety but do not adequately explain the attacks on the Establishment. It is young men and women, rather than older members of the Establishment, who have most of the babies, and it is they who can reduce the birth rate if they choose to do so. Industry can legitimately be blamed for much of the pollution, but students who drive overpowered cars also contribute to it.

Those who attribute campus protest to permissive child rearing must produce evidence, first that permissiveness really is productive of protest-prone personalities, and second that the students of the Sixties were reared more permissively than those who came to college a decade earlier. In the absence of such evidence, it seems unlikely that there was much change in child-rearing practices in so short a time.

When students are asked for their own explanation of the unrest, a frequent answer is, "Because we are *aware*." And indeed they are: well aware of social injustice, of the helplessness of individuals in a mass society, and of the dangers of pollution and of nuclear war. Yet, it seems a bit presumptuous for them to assume that no previous generation has been aware of the evils of the world or of the problems facing the nation. Students of the Thirties were aware of the horrors of war and of the probability that many of them would die in a second world war. They read daily of the threats to freedom posed by the rise of Hilterism. And they knew at first hand what it means to come to maturity during a depression.

Many of the students who came to college in the late 1940s and early 1950s had been personally involved in warfare, and all of them were aware of the existence of nuclear bombs that could destroy civilization. Yet, the level of campus protest was much lower in those previous decades than it is today.

Two recently published collections of essays by academic men throw additional light on these problems even though they do not adequately explain the magnitude of dissent on campuses. *Students in Revolt*, edited by Seymour Martin Lipset and Philip G. Altbach (Houghton Mifflin, 561 pp., $8.95), presents the international picture with chapters on activism in Asia, Africa, Europe, and Latin America. *Student Activism and Protest, edited* by Edward E. Samson and Harold A. Korn (Jossey-Bass, 265 pp. $8.50), covers the American scene.

The historical portions of the first of these books make it clear that anyone who wishes to avoid a revolution should not take student activism lightly. In Germany and Austria, students played a key role in the revolutions of 1848. In czarist Russia, they spearheaded various revolutionary movements and helped pave the way for the Revolution of 1917. More recently, student demonstrations played a role in the overthrow of Peró in Argentina and Jimenez in Venezuela. In 1960 the massive riots of Japanese students against the Security Treaty between the United States and Japan forced the resignation of the Kishi government. In all these nations the number of students in universities was much smaller than in the United States today.

The contributors to *Student Activism and Protest*—seven psychologists, one sociologist, and a political scientist—identify different types of dissenters; they stress the fact that only a small minority engages in violent or illegal forms of protest. James Trent, a psychologist at UCLA, says that, while some engage in "rebellion for the hell of it" and a few are anarchists who "want devastating confrontation for its own sake," others are "rationally motivated intellectual dissenters who are not interested in bringing down the social order but in probing it, testing it, and changing it." Kenneth Keniston says that the popular stereotype of the protesting student as a long-haired and unkempt individual who is influenced by Maoist or Castroite doctrines and who also experiments with psychedelic drugs, confuses two distinct varieties of students—the alienated and the political activists. In his own studies at Harvard, he has found that alienated students are not likely to engage in demonstrations, which they see as mere role-playing. Activists are of a different psychological type, which Keniston describes as the "protest-prone personality," noting that a student who demonstrates for one cause is likely to demonstrate for a number of others. Such students are not alienated. Many of them come from families with liberal political views, and their parents support their protest activities. They are recruited from among those young Americans who have enjoyed what is commonly considered the best of American life and have had the greatest opportunity to advance within the System.

The role of the faculty in stimulating and encouraging protest movements has not yet received the attention it deserves, but Sampson, in his introductory chapter, mentions two groups of faculty members who are sympathetic to the dissenters. The first is "composed of the old, disillusioned rebels of the Thirties [who] see in the present student movement their own life replayed, now lifesized on a screen outside their offices. Though their heart is with the movement, their minds tell them that failure is all that faces these new activists."

A second sympathetic faculty group "is composed of the younger, just Ph.D.'d instructors and assistant professors who rose from the ranks of the more recent protests and who now come naturally to continue their battles. These are the faculty who can be seen huddled head to head with the student activists at every planning session, joining together with them in preparing what they hope will be the groundwork for the wave of tomorrow." These younger faculty members, like the students, are prone to see university administrators as "the enemy in residence," and, because of the rapid growth of universities in recent years, they often outnumber the older ones. Dissenting students, because of their reluctance to trust "anyone over thirty," are prone to follow the lead of the younger faculty members.

Several of the authors repeat a statement that has appeared in a dozen previous volumes: Student protest is found mostly in highly selective institutions, and is rare in less prestigious institutions "such as teachers college." In addition to being outdated by events of late, such a statement reveals a remarkable lack of awareness of recent changes in higher education. In most parts of the nation, teachers colleges as separate institutions disappeared from the scene a full generation ago. Some of the state colleges and universities that grew out of them—San Francisco State and Kent State are conspicuous examples—have had their full share of protest and violence. Activism is no longer restricted to a few campuses, or to any one type of institution.

Richard Flacks, a sociologist at the Santa Barbara campus of the University of California, offers a hypothesis that organizes a number of the contributing causes of unrest into a pattern: "The expansion of higher education in our society has produced a social stratum that tends to rear its children with values and character structures that are at some variance with the dominant culture. Affluence and secure status further weaken the potency of conventional incentives and undermine motivations for upward mobility. The outcome of these new processes is a new social type or subculture among the young—humanistic youth. Such youth are especially sensitized to injustice and authoritarianism, are repelled by acquisitive, militaristic, and nationalistic values, and strive for a vocational situation in which autonomy and self-expression can be maximized. They have been politicized and radicalized by their experiences in relation to the racial and international crisis, and by the failure of established agencies of renewal and reform, including the universities, to alleviate these crises. They also sense the possibility that opportunities for autonomy and individuality may be drying up in advanced technological societies."

One additional factor deserves mention—the contagion that has been notable since the first Berkeley disorders were televised. In the words of Donald Brown, a psychologist at the University of Michigan: "The news-hungry media tend to fan the sparks of unrest by massive and immediate publicity. . . . There is bound to be a generalization and spread of effect from campus to campus." There is little doubt that the nationwide publicity given to student protest leaders encourages the rise of such leaders on other campuses.

Whether or not our military involvement in Southeast Asia is the major cause of unrest in the United States, it seems clear that the decision to move into Cambodia provided the trigger for the violence that led to the closing of hundreds of American colleges and universities in the spring of 1970. If the withdrawal of our troops proceeds on schedule, and campus dissent remains at its present level, it will be apparent that the search for more deep-seated causes must continue.

Although some of these authors suggest possible ways of reducing campus tension—experimental programs, student participation in policymaking, special programs for the disadvantaged, and the cluster-college plan for reducing institutional size—those in search of immediate solutions will not find them in books such as these. Academic men, by virtue of their training and traditions, are more skilled in analyzing problems (and proposing further research) than in offering clear recommendations and answers to the question that many administrators have faced: What ought a college president to do when he is confronted by a group of students who present "nonnegotiable" demands and threaten violence if their demands are not met immediately? To say that the president must continue to search for underlying causes of the unrest is a feeble answer. To wait until he acts and then to criticize the action taken is irresponsible.

The faculty, as a policymaking body, has a clear responsibility to formulate procedures for dealing with such confrontations, and to support the administrative action taken when it is consistent with pre-established policy. The unwillingness of faculty members to support even the best college and university presidents has made it more difficult for administrators to deal wisely, effectively, and promptly with activities that, if continued, would bring down the institutions of higher learning.

CAMBODIA OPERATION ANALYZED BY COL. WILLIAM C. MOORE, USAF

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HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the U.S. News & World Report of June 22, 1970, carried an article entitled "Hanoi Has Suffered a Crippling Blow," and the issue of September 7, 1970, an article entitled "Cambodia Plus 2 Months." Both of these articles were written by Col. William C. Moore, the vice commander of Headquarters Command, USAF, Bolling AFB, Wash. Colonel Moore has served as a member of the Strategic Plans Group of JCS and also with SHAPE as a strategic planner. I believe his military appraisal of the Cambodian operation to be excellent and commend its reading to Members of this body.

The article follows:

"HANOI HAS SUFFERED A CRIPPLING BLOW"

(By Col. William C. Moore, USAF)

The Cambodian operation to date has been analyzed, evaluated and reported mainly in terms of statistics. The statistics are impressive. They leave no doubt that the enemy has been hurt. Now two essential questions arise: How permanently and how deeply has the enemy been hurt—and how quickly can he get well?

First, how deeply have the Communists been hurt?

The sheer magnitude of the impact that operations into Cambodia has had on the enemy's capability to fight is hard for many to comprehend.

It might help to recall MacArthur's landing at Inchon in the Korean War. Inchon serves a classic example of what happens to an enemy—no matter how well trained, organized or resolute—when his rear areas, his rest areas, his supply areas, his lines of communications are overrun.

Plans are disrupted, units decimated, communications destroyed, concerted resistance made difficult. Well-disciplined soldiers become preoccupied with their own survival, with their fear of death, capture or isolation. Their capability and effectiveness as soldiers are seriously impaired.

The Cambodian operation has not been reported in this press as a classic military flanking movement, as was Inchon. Nevertheless, it has had the same destructive effect always associated with a successful flanking maneuver or penetration. Not even the jungle can hide the facts. Not even the cleverest propaganda from the leaders in Hanoi can minimize the military debacle they have suffered.

The results to date—the booty captured, the bunkers uncovered, the enemy killed—tell the story.

Suddenly the leaders in Hanoi have suftheless, it has had the same destructive effectively contest U.S. operations, to terrorize the countryside, to disrupt urban and suburban centers of friendly forces. Suddenly there are no zones for soldiers to rest and recuperate, to regroup and replan new attacks. Suddenly the lines of communications to supply these troops are severed and the avenues to restore them are greatly diminished. Suddenly a large portion of the North Vietnamese force is no longer available to quickly and efficiently carry out Hanoi's attacks on South Vietnam. Suddenly, in the classical military sense, the leaders in Hanoi have been outmaneuvered, their lines penetrated, their communication zone supporting their frontline troops overrun.

Secondly, what lasting effect will the Cambodian operation have?

At this point the enemy has few alternatives except to continue his efforts to redress the tactical situation which is now highly unfavorable to him. The most pressing need is new supply routes and bases to replace those now controlled by U.S. and friendly forces.

In the meantime, there is an urgent need to save as many troops as possible—to regroup them, to re-equip them, to reinforce them, to re-establish them as a viable force.

How successful the leaders in Hanoi will be in doing this, only time will tell. The monsoon season will cause them trouble. It most certainly will delay their efforts.

Given time, the enemy will undoubtedly be able to improve the situation now confronting him. Some sense of order will be restored and there will be a step-up in attacks as supply lines begin to fill up. In time—much time—the enemy may be able to re-establish the capability it possessed before the operation into Cambodia. The U.S. will monitor closely his actions to do this. What the enemy does will serve as a clue to his determination and future intentions.

No matter what course of action the enemy decides upon, he can never regain the time that the Cambodian operation has provided President Nixon to proceed with the Vietnamization program and the attendant withdrawal of United States forces. Nor can Hanoi undo the shot in the arm that the Cambodian operation has given the South Vietnamese armed forces.

Without question, Hanoi desperately would like to disrupt the Vietnamization program. In the long run, Vietnamization confronts Hanoi with the dim prospect of a protracted war in which the principal adversary is not the prestigious United States but South Vietnam itself. In this light, Vietnamization confronts the leaders of Hanoi with a war in which there is little glory, less prestige and great opportunity to lose face.

This is the real military story of the Cambodian operation—the one receiving only minor attention. The operation has saved countless American lives—the exact reason for which U.S. forces entered Cambodia. No one can contest this. Moreover, the operation has engendered a new optimism that Vietnamization and its attendant withdrawal of U.S. troops will succeed. The achievement in Cambodia will rank high in the classical military sense, as passage of time reveals its full military scope and significance.

A MILITARY APPRAISAL—CAMBODIA PLUS 2 MONTHS

(By Col. William C. Moore, U.S. Air Force)

Four months have passed since U.S. forces moved into Cambodia to destroy Communist sanctuaries. Two months have passed since U.S. troops completed their mission and were withdrawn on June 30.

What are the military results at Cambodia-plus-two-months?

Sufficient time has not passed to permit a conclusive appraisal of the over-all strategic implications of the Cambodian operation. But sufficient time *has* passed to permit analysis of the tactical pluses and minuses that accrued during the operation and since.

On balance, the pluses far exceed the minuses. Most importantly, the Allied position in South Vietnam has improved far more than expected. And it was to improve the Allied position in South Vietnam that the Cambodian operation was undertaken.

The most significant failure of the Communists has been their slowness in re-establishing new base areas from which to conduct operations against South Vietnam. They are attempting to do this now in Southern Laos and Northeast Cambodia. Here the enemy has been forced to accept less efficient, more vulnerable alternatives than the sanctuaries he had in Cambodia.

Sanctuaries, assembly areas, bivouacs—call them what you wish—are extremely important to military operations. They permit combat troops to rest, regroup and plan new attacks. Most importantly, they permit combat units to assemble, to concentrate in force prior to commitment to battle.

Without base areas, concentration must be done independently by small units at the scene of battle.

Under the most favorable circumstances, this is a tricky, highly sophisticated military operation which military leaders try to avoid as extremely dangerous. To attempt such an operation—considering the climate and terrain of Southeast Asia—would be a cardinal tactical error.

The consequences to North Vietnamese commanders making such a decision would more often than not be disastrous. Commitment of forces would be piecemeal, with subsequent defeat in detail by Allied forces. The military commanders in Hanoi and in the field know this.

In order to comprehend fully what the loss of the base areas in Cambodia means to the enemy, the loss should be viewed in the perspective of history.

In 1967 the enemy base areas, known then as War Zone D, War Zone C and the Iron Triangle—and encompassing more than 1,500 square miles of area—were in South Vietnam. The Iron Triangle was only 25 miles from Saigon.

In late 1966 and early 1967 these areas were overrun and cleared out by the Allies during a series of operations, the principal one being "Junction City."

As a result, the enemy established new sanctuaries in Cambodia, principally in the areas called Fishhook and Parrot's Beak.

Now these have been disrupted by the Cambodian operation; the newest strongholds, it appears, will be in Northeast Cambodia and Southern Laos, approximately 275 miles from Saigon.

The geographical progress since 1967 in reducing the threat to Saigon, and indeed the whole of South Vietnam, is readily apparent

This retrogression is a serious blow to the enemy. Vital areas of South Vietnam are now great distances from the new bases. Enemy troops will no longer have a short midnight jaunt to their targets. Infiltration routes will no longer be as free from danger as they once were. The new sanctuaries themselves will not be immune from attack, as were the old. The Allied air forces will see to this. There will be no rest and recuperation for the troops once they leave North Vietnam.

Enemy leaders will find that planning and conducting military operations under these conditions will be far more complicated and hazardous than before. Getting troops to vital targets will be at best a long-drawn-out operation. Supplying them for any form of sustained attack will be even more difficult and time-consuming.

The dilemma facing the enemy planners will be nothing compared with that facing the individual soldier who will be operating continuously in an environment that will grow more hostile each mile he travels southward from North Vietnam. The trail south will not end in a large, well-stocked, secure rest area, as it once did. For many soldiers, apprehension and preoccupation with their own survival will make them less effective, less able to carry out the tasks assigned to them.

Under these conditions, it is doubtful whether the enemy ever again will be able to mount a large-scale operation in the Mekong Delta or, for that matter, in the southern half of South Vietnam. If he does, it will be short-lived, suicidal and of no lasting significance. The report that the enemy will return to guerrilla warfare using extremely small units is undoubtedly true. But this decision is not a preferred choice by the leaders in Hanoi. The operation into Cambodia has given them no alternative.

Since the end of the Cambodian operation, the U.S. Department of Defense has monitored statistics in South Vietnam closely to determine trends. These statistics confirm the optimism engendered during the Cambodian operation. The tactical situation is better, not worse. The chart on page 32, prepared by "U.S. News & World Report," shows the dramatic improvement since the attack on the Cambodian sanctuaries. It is worth noting that the number of enemy killed has dropped. This is a plus, not a minus. It indicates an unwillingness to stand and fight—not better performance by the enemy.

The reductions take on added significance when you consider that the statistics shown prior to the Cambodian operation are themselves a dramatic reduction from the statistics for 1969. In American lives lost, for example, the post-Cambodian figures represent a 35 per cent reduction from the pre-Cambodian figure, as shown on the chart, but this is a 60 per cent reduction below 1969 figures.

Recent reports indicate that infiltration of enemy troops into South Vietnam, based on monthly averages for the first half of 1970, has been one half the 1969 monthly average—from 12,000 to 6,000 per month. This is barely enough to replace losses.

These signs point to significant progress in the tactical military sense. This in turn portends progress in the broader strategic sense. It means progress in Vietnamization. Asian forces are assuming more and more of the burden. The number of combat operations in which absolutely no U.S. forces are involved increases daily. U.S. forces are being withdrawn on schedule. Draft quotas at home, as one result, are the lowest since 1964.

The optimism contained in this report does not mean that the U.S., South Vietnam or Cambodia itself is out of the woods. Things could change, governments could fall, the end of the monsoons could signal new initiatives on the part of North Vietnam. Targets in South Vietnam opposite the new Communist base areas are sure to come under more and more fire—as indeed some already have. The figures on the chart may rise; they may approach the pre-Cambodian figures. But at present, this seems unlikely.

The U.S. will continue to monitor closely enemy activity to determine Communist intentions. Their activity in Cambodia and Laos will be of particular interest. The leaders in Hanoi, having suffered a crippling blow to their ability to attack South Vietnam, may now attempt to redress the situation at the expense of these two countries. The odds at present, however, do not favor early success in such a venture.

A LETTER FROM VIETNAM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. ASHBROOK. Mr. Speaker, the Mount Vernon News of Mount Vernon, Ohio, carried in its September 18 issue a letter from S. Sgt. George W. Curry now serving in the jungles of Vietnam near the Cambodian border. I know that Sergeant Curry speaks for the overwhelming majority of American boys in Vietnam when he states:

> How we are fighting this war is questionable at times, but the question of it being right or wrong is so ridiculous, it amazes me.

Of course, Sergeant Curry is learning the realities of the Vietnam conflict the hard way—by actual participation in the defense of the Vietnamese people against an unbelievably cruel and brutal enemy.

But one need not be exposed to the horrors of the Vietnam conflict to arrive at the truth. The late Dr. Tom Dooley described his experiences in Haiphong in 1954 when he treated victims of Communist brutality from the Communist North. Since that time many sources have documented the utter disregard for human life which has typified the activities of the Vietcong and North Vietnamese Communists. Yet there are those clergymen, public officials, educators, and others who can still claim that the United States plays an immoral role in the Vietnam war.

Following is the letter of Sergeant Curry whose feelings, I am sure, are those of the majority of thoughtful American citizens here at home as well as those of our servicemen in Vietnam:

PEOPLE'S FORUM

EDITOR, THE NEWS:

This is the first opportunity I have had to express my feelings toward the riots, student unrest, violence, and general dissent of the American people.

I myself, am in the middle of the jungle in Vietnam with Cambodia only a stone's throw away. Being in the position to know both sides, I wonder sometimes if people actually know what they are saying by "end the war." How we are fighting this war is questionable at times, but the question of it being right or wrong is so ridiculous, it amazes me. Communism is an enemy of any democratic society, be it here in Southeast Asia or right in the middle of the public square. I feel that what we are doing here safeguards our own country, families, and our way of life. This disease called communism must be battled even at the risk of American lives, because if not stopped here, it would eventually infect the good old U.S.A.

I'm more than willing to sacrifice a year and even my life to protect the things that are held most dear to me and I'm sure that the majority, if faced with the decision, would feel the same.

Like many young men of Mount Vernon and Knox County, I was drafted into the Army. Although my tour is relatively short. I have witnessed the devastating effects that a minority can impose on the majority. The young people of our city, state, and country are not all dope addicts, hippies, or revolutionaries. There are still some who value freedom, have respect for authority, and are willing to face the problems of the world, as it is today. These young people are your leaders of tomorrow, so cultivate in them the ideals that we, as Americans, fought and died for!

I am proud to be an American doing what is necessary to preserve the idea of "Americanism." No truer words were ever spoken when it is said, "For those who have fought for it, freedom has a taste the protected will never know!"

S. Sgt. GEORGE W. CURRY.

APO SF 96490.

THE STORY OF FORCED REPATRIATION—OPERATION KEELHAUL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. PUCINSKI. Mr. Speaker, for many years now, Mr. Julius Epstein of the Hoover Institution on War, Revolution, and Peace at Stanford University has been diligently researching one of the greatest infamies carried out in American diplomatic history, that of Operation Keelhaul.

Operation Keelhaul was an Army code name used during World War II for the forced repatriation of millions of anti-Communists back to the Soviet Union, where they were either enslaved or murdered outright.

Equally responsible for this infamy was the British Government, who worked with American forces to forcibly repatriate millions of anti-Communists back to the Soviet butchers.

Since World War II the Army has kept Operation Keelhaul files classified "top secret." Mr. Epstein sued the Secretary of the Army under the Freedom of Information Act to declassify the files, and the case eventually went to the Supreme Court. Without even examining the files, the Court denied Mr. Epstein his petition of certiorari, which disregards the intent of Congress under the Freedom of Information Act.

It has been 30 years since the infamous Ribbentrop-Molotov treaty. In the light of the on-going Soviet conspiracy and the manner in which the Soviets are continuing their treachery the world over, the American public ought to know how this country and the British were deceived by the Soviets into carrying out Operation Keelhaul. We ought to know who was part of this operation, what arguments were used to carry it out, what forces were at play, what agencies were

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involved, and how this monstrous conspiracy was carried out.

In front of the National Archives Building here in Washington, one sees two inscriptions; one reads: "What is Past is Prologue," and the other: "Study the Past."

In receiving the full report on Operation Keelhaul, we Americans can be apprised of how a nation can be betrayed and from that lesson gird ourselves against a similar betrayal by the Soviets and their friends and dupes as they plunder the Middle East and prepare for new aggression into Africa, India, and other parts of the world.

Mr. Epstein will soon have published a book entitled "Operation Keelhaul—The Story of Forced Repatriation." I should like to place in the RECORD today a synopsis of his book which he prepared before the Supreme Court decision was issued.

I should also like to include in the RECORD two articles by Mr. Epstein which appeared in the Palo Alto Times concerning his legal action against the Secretary of the Army and the Supreme Court decision, and the notice from the Supreme Court denying a writ of certiorari.

Mr. Speaker, Julius Epstein is to be congratulated for his untiring efforts to bring before the American public the sordid details of Operation Keelhaul. He is a brilliant scholar whose sense of justice propels him onward to seek out the truth against those who commit crimes against humanity, serving to remind us that eternal vigilance is the price of liberty.

I also today call upon Secretary Laird to declassify the reports on his own initiative. I know this report will show a dreadful story of American duplicity but I am certain the American people are big enough, wise enough and strong enough to accept this information as an effort not ever to let it happen again.

Mr. Epstein's report follows:

OPERATION KEELHAUL AND MY LEGAL ACTION AGAINST THE SECRETARY OF THE ARMY

(By Julius Epstein)

What does "Keelhaul" mean?

According to Webster, Second Edition, "Keelhaul" means and I quote: "To haul under the keel of a ship, either athwartships or from bow to stern by ropes attached to the yardarms on each side. It was formerly a punishment in the Dutch and British navies and a method of torture used by pirates." Unquote. As naval historians tell us 95-99% of those "keelhauled" died in the process of their punishment, which is no wonder when you think of the thousands of goose barnacles on the hull of the boat which ripped the bodies of those subjected to this torture.

Fully aware of the meaning of the word "Keelhaul," the American army chose this word as the code designation of a three-volume documentary dossier, comprising the evidence of what I consider to be an American-British crime against humanity, the forced repatriation of millions of anti-Communists to Stalin's executioners and Siberian slave labor camps after World War II.

The fact that the army itself chose "Keelhaul" as code name for its own forcible repatriation of anti-Communists and especially anti-Stalinists, speaks for itself. It does not need any further comment.

The "Operation Keelhaul" dossier was assembled in 1948 by the army's historical division. It contains American as well as British documents. From its origin on, "Operation Keelhaul" was classified as Top Secret.

Before I go into the details of this classification, unjustified under American law and executive practice, and before I tell you about my lawsuit against Mr. Stanley Resor, the American Secretary of the Army, which is to the best of my knowledge, the first trial in American history to obtain the de-classification and release of improperly classified documents, I'll give you, in a nutshell, so to speak, the essence of this American-British crime against humanity, now known as "Operation Keelhaul."

Since Stalin had decreed early in the war that the Soviet Government considered every Soviet soldier who became a prisoner of war of the Germans as a "traitor to the fatherland" to be punished after his return, and since Molotov had declared and I quote: "We do not have prisoners of war in Nazi hands, we have only traitors" unquote, it is not hard to understand that the vast majority of the millions of Soviet nationals in German POW camps did not want to return to the USSR. Certainly, nobody could ever blame them for their intention not, under any circumstances, to return to the Soviet Union.

While this intention not to return prevailed among the large majority of all Soviet prisoners of war in German hands as well as among the forced laborers deported by the Germans to the Reich, there was a special group of Soviet prisoners in Germany who had additional reasons not to set foot again in the USSR. I am speaking of General Vlasov and his far more than one million followers.

Who was Vlasov?

General Andrei Andreevich Vlasov had a long and distinguished career in the Red Army. He was, of course, brought up as a Communist. In his youth, Vlasov had been deeply impressed by Lenin's promises of "peace, land and bread." He believed in the sincerity of the promises made not only by Lenin but also by Trotsky, Bukharin, Sinowjew, Kamenev, Piatakov, Rader and others, all men who turned out, if we believe Stalin, to be nothing but traitors, diversionists, agents of Western imperialism, etc. Most of them, as you know, were shot in the great Stalinist purges of the late thirties.

At the outbreak of World War II, when Hitler attacked the Soviet Union on June 22, 1941, Vlasov was Commander in Kiev. Stalin appointed him Commander-in-Chief of the 20th Army. As such, he was in charge of the defense of Moscow, now threatened by the Germans. Vlasov succeeded in pushing the Germans back to Rzhev, a distance of more than 125 miles. He had saved Moscow. For this deed, Stalin awarded him the Order of the Red Banner after he had already awarded Vlasov in January 1941 the Lenin Order.

On June 12, 1942, General Vlasov became a prisoner of war of the Germans. He was brought to Vinnitza in the Ukraine, the seat of the German High Command. It was there that Vlasov met many high ranking Red Army officers and could freely discuss for the first time in his life Soviet affairs without the perennial control and threat by Soviet commissars and the secret police.

In Vinnitza, Vlasov met the Soviet colonel Vladimir Boiarskii, Commander of the 41st Guard Division. Boiarskii told Vlasov that he hated the Soviet regime and that he thought it was possible to overthrow it with the help of the Germans. However, he was ready to cooperate with the Germans only under the condition that "liberation" and not "conquest" was planned.

Vlasov agreed. He and Boiarskii realized that a great many Russian soldiers would immediately desert if they only could be assured that they would not have to deal with the Nazis, but with a Russian national liberation movement, a liberation movement which would honestly represent the genuine national interests of the Soviet people.

The two former Red Army officers now wrote the first document of the Vlasov movement. It was a memorandum in which they declared that the vast majority of the Soviet population as well as the Soviet armed forces would welcome the overthrow of the cursed Stalin regime. Vlasov and Boiarskii stated that Stalin's forced collectivization had cost the lives of more than 10 million people, they recalled the history of the purges under the GPU chief Jeshov in the years 1936 to 1938, when every year 8 to 10 million Soviet citizens disappeared in Stalin's Siberian slave labor camps.

Sven Steenberg, whose Vlasov biography, "Vlasov, Traitor or Patriot?" appeared last year, states, and I quote:

"There is hardly any other example in history, that a regime was feared and hated by such a large segment of the population, as Stalin's regime. Only this fact explains that millions of Soviet citizens who felt no less nationalistic than the citizens of other states, were ready to enter into an alliance with the aggressor against their own regime. Only if we have this in mind can we understand that even those who had, in the beginning, no own conception, arrived at the same conclusion by the free dialogue with their compatriots." Unquote.

Thus, the Vlasov movement was born. A movement, unique in the history of war, a movement which the West has never been able to understand.

Ideologically speaking, the greatest ally of Stalin's in the fight against Vlasov and his movement with hundreds of thousands of deserters was Adolf Hitler and his East expert, Alfred Rosenberg, the Reichsminister for the Occupied Soviet Union. Both recognized only one goal: relentless subjugation and colonization of Poland and Russia. All Slavs were nothing but "Untermenschen" whose only purpose in life was to be the servants of the German "Herrenrasse."

Therefore, whatever support the Vlasov movement received from the Wehrmacht was, until very late in 1944, in contradiction to Hitler's and Rosenberg's intentions and orders. It was an expression of the Wehrmacht's opposition to Hitler's "Ostpolitik."

The message, contained in the Vlasov-Boiarskii Memorandum spread rapidly among the Soviet prisoners of war in the occupied zone as well as within the Reich itself. Millions of Soviet nationals saw themselves confronted with the problem whether or not to side with the Germans as the only practical way to destroy Stalin and Stalinism. Their other alternative was to defend the fatherland and, by doing so, to strengthen the hated regime.

To Vlasov's many friends and supporters among the German officers' corps belonged the most outstanding and courageous enemies of Hitler and everything he stood for: Colonel Count Stauffenberg who, on July 20, 1944, planted the bomb at the Fuehrer's Hauptquartier at Rastenburg and who was executed a few hours later in Berlin; the ambassador to Moscow, Count von der Schulenburg, who was also executed after July 20, 1944. Among the supporters of Vlasov and his movement we even find General Halder, Chief of the General Staff, an ardent opponent and conspirator against Hitler and Nazism. General Halder appointed Lieutenant Colonel Reinhard Gehlen to be "Director of the Department Foreign Armies East." Gehlen deeply believed in Vlasov's theory of an alliance with the Russian people in order to overthrow Stalin. He became later Chief of Chancellor Adenauer's Military Intelligence Bureau. Admiral Canaris, the chief of the German Counter Intelligence Corps, was another one among Vlasov's friends.

All these prominent people and thousands of others, less known officers, supported Vlasov and waged a courageous and immensely dangerous battle against the official Nazi Ostpolitik. They successfully sabotaged it time and again. Under the silent toleration by the German OKH (Oberkommando des Heeres) but without the knowledge of the Fuehrer's headquarters, deserters and other prisoners of war were used in steadily increasing numbers by the German front units as drivers, mechanics, ammunition carriers etc. without being officially listed.

These Soviet nationals formed the very core of the later established "Russian Liberation Army."

The formation of a "Committee for the Liberation of the Peoples of Russia" was to be proclaimed in a special radio message from Smolensk. The proclamation was the so-called "Smolensk Manifesto" which consisted of 13 programmatic points.

The "Smolensk Manifesto" demanded the abolition of forced labor and all collective farms, the re-establishment of trade and private initiative, social justice and immediate termination of the reign of terror and violence. It also demanded complete freedom of religion, conscience, speech, assembly and press, as well as the inviolability of every person and his residence. It was modeled after the American Constitution and the Bill of Rights.

The Manifesto was a revolutionary bombshell and was so received. Millions of Russians greeted Vlasov as a messiah, a new liberator from Bolshevist terror and tyranny. The Manifesto did not mention Hitler and the Nazis with a single word. The Nazis tolerated the broadcast from Smolensk only as a propaganda lure to induce more Soviet troops to surrender to the German Wehrmacht. In spite of this fact, the Manifesto had the effect of binding millions of anti-Stalinist Soviet soldiers on both sides of the front. From now on they considered themselves as ideologically belonging to the Vlasov movement.

On November 14, 1944, Vlasov proclaimed the so-called "Prague Manifesto" in the presence of many high ranking SS officers.

Again, the Nazi hierarchy, unable to stop the Vlasov movement, was forced to tolerate it under the pretext of propaganda. The Prague gathering confronts us with a unique phenomenon in modern history: High ranking SS officers, exemplifying the most brutal and atrocious part of the Nazi apparatus, listening to Vlasov's most liberal and democratic document. If anybody had dared to proclaim such a program for the Germans, oppressed by the Hitler regime, he would have been shot or put in a concentration camp within hours. But here in Prague, the SS officers had to listen and even to applaud General Vlasov.

The preamble of the "Prague Manifesto" states and I quote:

"There is no worse crime than the one Stalin commits of destroying the countries and suppressing the peoples who strive to preserve the land of their forefathers and to build their happiness by their own labor. There is no worse crime than to subjugate another people and force one's own will on them." Unquote.

Can you imagine how the SS officers, now listening to Vlasov, must have felt when they heard this accusation of Stalin which was, of course, at the same time the strongest accusation against the Hitler regime ever uttered in their presence? But they had to swallow their Nazi pride and even to applaud Vlasov. Their only weak defense was their reservatio mentalis that it was only for "propaganda reasons."

The Prague Manifesto continued:

"The Bolshevists robbed the people of freedom of speech, freedom of political convictions, their personal liberties, free choice of domicile and travel, freedom of profession and the opportunity for everyone to take his place in society in accordance with his capabilities. They replaced this freedom with terror, party privileges, and arbitrariness toward the individual." Unquote.

The Manifesto laid down once and for all the aims of the "Committee for the Liberation of the Peoples of Russia" which were to overthrow Stalin's tyranny, to end the war, an honorable peace, the creation of a new free people's political system without Bolsheviks and exploiters. This was followed by 14 main principles which included the liquidation of the kolkhozes, forced labor and the re-introduction of "inviolable private property, earned by work." The Manifesto ended with the sentence: "The Committee for the Liberation of the Peoples of Russia calls upon all of you to unite and to fight for peace and freedom." It was signed by Lieutenant General A. Vlasov and by 36 members of the Committee, as well as by 11 candidates.

At that time—November 1944—the final defeat of Hitler was already visible. With the approaching defeat of the Hitler regime in mind, Vlasov and his General staff as well as his followers decided to surrender to the Americans and the British as the case may be. They wanted to surrender to the West—not only to escape forced repatriation, which could only mean death or slave labor camps, but also because sooner or later, the West's alliance with Stalin would necessarily come to an end since it was a most unnatural and uneasy coalition. When the break would come, so Vlasov and his officers thought, their movement with far more than one million people might be a welcome ally to the West. Vlasov correctly foresaw the decay of the uneasy alliance, but he was greatly mistaken about the West's capacity to understand his own motivations.

While one million Soviet nationals had registered as volunteers in the Vlasov army, less than 50,000 men were actually armed and organized as a fighting unit. They fought their first and last battle on the Eastern front near Frankfurt on the Oder. Shortly after this engagement, the division decided—without German approval—to leave the front and to march in the direction of Czechoslovakia and the Americans.

In May 1945, the short history of the Vlasov forces reached its climax with the liberation of Prague. Most people—among them even historians—do not know that Prague was liberated from the Nazis by Vlasov troops under the Command of his Staff officer, Buniachenko. It happened on May 5, 1945. More than 300 Vlasov soldiers and officers were killed or wounded.

An American correspondent's eye-witness report appeared in the Saturday Evening Post. It stated: "Prague really was liberated by foreign troops, after all. Not by the Allies who did not arrive until the shooting was all over, but by 22,000 Russian outlaws wearing German uniforms. The leader of these renegades was General Vlasov, a former hero of the Red Army." Unquote.

While the battle between the Vlasov troops and the Czech resistance on the one side and the Nazi troops on the other was still raging, a so-called "Provisional Government" was formed. It was dominated by Communists who did not like the idea that Prague should be liberated by non-Communists. They were waiting for Marshal Koniev and Stalin's Red Army. But they could not prevent the Vlasov troops in alliance with the anti-Communist resistance movement from liberating Prague. Not before this was achieved, the resistance was overthrown. The Communists ruled the hour.

Germany capitulated on May 7, officially on May 8, 1945. The Vlasov troops resumed their march to the South. They realized that there was only one way open to them: To the Americans.

They were eager to surrender to the Americans or British, not only for the reasons already mentioned. There was another reason. They wanted to make good use of the American-British specific invitation to surrender to the West. We had dropped millions of leaflets and so-called safe-conducts, signed by Eisenhower, inviting the Germans and all those who had fought with them—including the Vlasov troops—to surrender to us. We promised in these leaflets fair treatment according to the Geneva Convention. After the War Department made first the incredible blunder to promise the Vlasov troops "speedy return to your beloved fatherland," the last thing on earth they wished for, we dropped other leaflets, entreating them to surrender to the Americans, now solemnly promising them: "We shall never return you to the Soviet Union."

We did not honor this promise.

We and the British forcibly repatriated between 2 and 5 million people to Stalin. Atrocious scenes took place in every single POW camp in Germany and Great Britain, even in Canada and the United States. Thousands committed suicide, preferring death to forced repatriation to Stalin's hell.

Let me give you just one or two examples of what really happened. Then, you'll better understand why the army chose the code name "Operation Keelhaul" for the record of American-British sponsored forced repatriation.

What happened at the American camp for Soviet war prisoners at Plattling, Germany, on the 24th of February 1946? This is what happened:

During the night before they were packed into army trucks and carted off to Stalin's slaughterhouses, the 4,000 prisoners of war slept peacefully. They had again and again been reassured officially that there was no intention to deliver them against their will to a red vengeance.

The reassurance was a cruel trick. Before dawn that Sunday morning their camp was surrounded by American armed troops under the command of grim-faced officers. Though the war had ended more than nine months before, all was in readiness for one of its bloodier—and morally most shocking—operations.

At about six, the prisoners, awakened by searchlights suddenly flooding the entire camp, were hustled out of their barracks. They were frisked for weapons—not weapons of assault but of suicide. Those who resisted were beaten up; skulls were cracked and ribs smashed. Despite careful planning of the macabre business, many of the victims succeeded in slashing their wrists and throats with concealed razor blades and jagged glass. Quickly the air was filled with cursing, wailing and the agonizing moans of the wounded.

In batches the men were driven onto the waiting trucks, each guarded by American soldiers flaunting rubber clubs and machine pistols. Hour after hour, the trucks hauled away their freight of betrayed prisoners, some of them bleeding and dying, to the communist fate they dreaded far more than death.

Identical scenes occurred to the German camps for Soviet prisoners of war at Passau, Kempten, Bad Aibling, St. Veit, Marburg and Dachau.

Let me read to you a few paragraphs from an article in the New York Times of January 20, 1946 about the events at Dachau, Bavaria. The article was written by the Times' correspondent in Germany, Kathleen MacLaughlin. I quote:

"Ten renegade Russian soldiers, in a frenzy of terror over their impending repatriation to their homeland, committed suicide today during a riot in the Dachau prison camp . . .

"Twenty-one others were hospitalized, suffering from deep gashes that they had inflicted on themselves, apparently with razor blades, but no further deaths had been reported up to a late hour tonight. Many suffered cracked heads from the nightsticks wielded by 500 American guards who were attempting to bring the situation under control . . .

"The practical certainty of the fate they

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would face on arrival in the Soviet area precipitated the disorder, which had its prelude Thursday in the resistance offered by the inmates in one of the barracks when ordered to line up to enter the trains waiting on the track inside the former concentration camp. Even though threatened with rifles and carbines, they refused to leave the shelter, begging GI guards to shoot them rather than carry out the extradition order . . .

"Authorities in headquarters of the United States Third Army at Bad Toelz stated in reporting the riot that every possible precaution had been taken to deliver the prisoners in accordance with the Yalta terms." Unquote.

Now, what were the "Yalta terms?"

It is important to deal with this subject because of the fact that in "justifying" forced repatriation always a reference to the "Yalta terms" is popping up as if some contractual agreements or terms prescribing force in carrying out repatriation could ever justify the crime. At Nuremberg we have taught the world that there can be no excuse for war crimes and crimes against humanity by referring to "higher orders." The top Nazis, tried at Nuremberg, were hanged for obeying "higher orders." This, certainly was just. But if it was international justice to disregard so-called "high orders" as extenuating circumstances in the case of the Nazi war criminals, it is equally just to apply the same norm to Americans who committed unspeakable crimes when they tried to justify them by referring to "higher orders" or to the abused "Yalta terms."

The truth is that the Yalta Agreement on the exchange of prisoners of war and displaced persons, signed at Yalta on February 11, 1945, does not refer with a single word to the use of force. Therefore, forced repatriation cannot be justified by any reference to the Yalta Agreement. To do this, would be a gross falsification of diplomatic history.

The truth is that forced repatriation of Soviet nationals by the Americans and British started in June 1944, eight months before the Yalta Agreement was signed. At that time Soviet prisoners were already forcibly repatriated from England to Odessa where it took the Soviet military police four days to disembark their prisoners who did not want to be returned.

As the record further shows, the principle of forced repatriation was officially accepted and acted upon by the Supreme Headquarters Allied Expeditionary Forces (SHAEF) as early as April 1945, weeks before the war's end.

This and other disturbing information on the sordid subject is spelled out in an official classified and unpublished document entitled: "The recovery and repatriation of liberated Prisoners of War, Occupation Forces in Europe 1945–1946." This highly interesting document which I unearthed, was compiled under the authority of the Army Chief Historian, Colonel Harold E. Potter by the Chief Archivist, Gilett Griswold.

This document proves to the hilt that not only SHAEF but the Joint Chiefs of Staff in Washington deliberately chose to use force to drive Soviet nationals to their doom—not because they had to but because they wanted to. On page 64 of this highly revealing document we read and I quote:

"The principle of forcible repatriation of Soviet citizens was recognized in Supreme Headquarters in April 1945. Although the Yalta Agreement did not contain any categorical statement that Soviet citizens should be repatriated regardless of their personal wishes, it was so interpreted by the Joint Chiefs of Staff. On instructions from the latter, Theater headquarters ordered repatriation regardless of the individual desire . . ." Unquote.

This decision, taken by the Joint Chiefs of Staff whose Chairman at that time was General Marshall, was distributed to all our European Army posts in May of that year as an equally restricted document. Its title reads, "Guide to the Care of Displaced Person in Germany—G5 Division Displaced Persons Branch." Let me read only two sentences from these instructions: Quote:

"After identification by Soviet Repatriation Representatives, Soviet displaced persons will be repatriated regardless of their individual wishes." Unquote.

And again, a few paragraphs later: Quote: "Enemy and ex-enemy displaced persons, except those assimilated to United Nations status, will be returned to their countries of nationality or former residence without regard to their personal wishes." Unquote.

The question arises: Why did SHAEF and the Joint Chiefs of Staff decide to invoke force against Soviet soldiers and civilians despite the fact that the Yalta Agreement did not make this obligatory?

Who was so anxious to rid the world of millions of anti-Communist Russians and other Soviet nationals, and why?

What we have learned in recent years about the infiltration of our government agencies, including the White House itself, by Soviet agents makes a clear solution of the mystery urgent and inescapable.

For that reason, I wrote a resolution to be introduced in the American Congress for the creation of a Select House Committee to investigate Forced Repatriation during and after World War II. The resolution was dropped into the hopper for the first time by Congressman Bosch of New York on February 8, 1955 as House Resolution 137.

I'll now read to you the preamble of the Bosch Resolution:

"Whereas the forced repatriation to Soviet-controlled countries of millions of anti-Communist prisoners of war and civilians by American military and civilian authorities in the years 1945–1947 in Germany and in other countries brought death and misery to untold thousands of these anti-Communists before Soviet firing squads, on Soviet gallows, and in the Siberian slave labor camps; and

"Whereas this forced repatriation of prisoners of war and civilians cannot be justified by the agreement on prisoners of war signed at Yalta on February 11, 1945; and

"Whereas this forced repatriation was in violation of the rulings in implementation of the Yalta agreement on prisoners of war, made public by the Department of State on March 8, 1945; and

"Whereas the forced repatriation of prisoners of war who had enlisted in the enemy's army was in contradiction to the opinions of the Judge Advocate General of the Army, as expressed during the last forty years; and

"Whereas the forced repatriation of millions of anti-Communist prisoners of war and civilians represents an indelible blot on the American tradition of ready asylum for political exiles; and

"Whereas the forced repatriation and annihilation of millions of anti-Communist prisoners of war and civilians of Russian, Ukranian, Polish, Hungarian, Baltic, and other origin is still poisoning our spiritual relations with the vigorously anti-Communist peoples behind the Iron Curtain, and is therefore impeding our foreign policy: Therefore be it

"Resolved, . . . etc.

Since the Committee on Rules of the 84th Congress did not report the resolution, Congressman Bosch re-introduced it in the 85th Congress as House Resolution 111 on January 17, 1957 and introduced it for the third time in the 86th Congress as House Resolution 24 on January 7, 1959.

Three times, the Bosch Resolution was introduced. And three times it was killed by the Committee on Rules.

Now, let me go back to "Operation Keelhaul". The British did not behave any better than the Americans. Rather worse, if this was possible. They repatriated under duress and unbelievable force more than 30,000 Cossacks including their wives and children, These 30,000 were assembled in Peggetz, a suburb of Lienz in the Austrian Eastern Tyrol. There were many old emigrés, among these Cossacks, who had left Russia between 1917 and 1920. By no stretch of the imagination could these old Russian emigrés fall under the Yalta or any other agreement. Nevertheless, they too were forcibly repatriated on June 1, 1945, the day of the great Lienz tragedy. The extradition of these old Czarist Cossacks surprised even the Soviet Repatriation Commission. The Soviet officers said that the British should never have repatriated them. Nevertheless, the Soviets did not return them to the British but shipped them to the Soviet Union where their leaders were tried and executed and the rest sent to Siberian forced labor camps.

The leader of the British in Lienz was Major Davis, who assured the Cossacks repeatedly on his word of honor as a British officer that they would never be turned over to the Russians. The British word of honor was as worthless as the American one which was given the prisoners in German camps. As one Cossack officer remarked: "The NKVD or the Gestapo would have slain us with truncheons, the British did it with their word of honor."

Under the fraudulent pretext to appear at a conference with higher British officials, all the Cossack leaders were carted off and surrendered to the Soviets already on May 28, 1945. Thus, the British got rid of 2,749 leading Cossack officers.

On June 1, 1945, the tragedy reached its climax.

At dawn of June 1, 1945, a tremendous procession went to an altar set up on the main square of the camp at Peggetz. Priests, garbed in their most ceremonial vestments, preceded it. There were thousands of crosses, flags, burning candles and holy books.

During the service, British tanks approached and heavily armed troops surrounded the camp. They belonged to the Argyll and Sutherland 8th Battalion, supported by the West-Kent 5th Battalion. Both battalions belonged to the 36th British Brigade. The tanks used in this British "Operation Keelhaul" belonged to the 11th British Tank Division.

Suddenly, during the continuing religious service, the British soldiers plunged into the Cossacks and their families and began beating with rifle butts on heads, shoulders, arms and faces. It was an unbelievable massacre.

The Austrian peasants of the villages, who witnessed the spectacle, first made the sign of the Cross, but soon started looting the tents and stealing the remaining horses and cattle. Church bells pealed. In near Doelsach, a black flag was hoisted on the Church spire. The British ordered it to be taken down.

As Mackiewicz reports in his book which only appeared in German, "Tragedy on the Drau," there were many honest soldiers among the British. The story was later told that one of them said to a Russian in broken Russian: "Don't surrender. They have no right."

A British soldier reported that a little girl came to him with a note, saying: "Kill us, but don't surrender us to the Bolshevists." With some difficulty, the soldier deciphered the note, put it in his pocket and began to cry.

There were many Cossacks who threw themselves under British tanks. Those who tried to escape were shot. Hundreds of Cossacks succeeded in committing suicide. Untold soldiers, women and children drowned in the river.

The so-called suicide cemetery at Lienz still bears witness today to the Lienz tragedy which is just another name for what in reality was a British crime against humanity. Neither the Hague Conventions of 1899 and 1907 nor the Geneva Conventions of 1929 and 1949 mention force as a means of carrying out repatriation.

Our own Secretary of State, Dean Acheson, said in his speech before Committee One of the United Nations General Assembly on October 24, 1952, when the Communists wanted the United States to return by force the Chinese and North Korean prisoners of war and I quote:

"It was quite unthinkable to the United Nations Command that it should use force to drive into the hands of the Communists people who would be resisting that effort by force. That was the attitude taken by the United Nations command. It was the attitude taken by all other governments whose troops were in Korea and who would be required to carry out this forcible return if it were instituted. So far as I know, there has been no member of the United Nations outside the Communist group that has ever suggested that it was right, proper, or necessary to return these prisoners by force." Unquote.

The question arises: If it was wrong, improper, illegal or unnecessary to return prisoners of war to the Communists by force in 1952, why was it right, proper, legal, or necessary to return them to the Communists in the years 1944–1947?

The most prominent American statesmen, politicians and Generals expressed in numerous statements their strong opposition to the idea of forced repatriation.

To give you just a few examples:

General Eisenhower said on May 7, 1953 and I quote:

"People that have become our prisoners cannot by any manner of means be denied the right on which this country was founded . . . the right of political asylum against the kind of political persecution they fear . . . consequently, to force those people to go back to a life of terror and persecution is something that would violate every moral standard by which America lives. Therefore, it would be unacceptable in the American code, and it cannot be done." Unquote.

And General George C. Marshall made the following statement in a press conference in 1947:

"It is the fixed policy of the United States Government to oppose any forced repatriation of displaced persons." Unquote.

I could go on and on but time limits do not allow me to do so.

Everybody who reads today these statements necessarily asks himself: Why then, was it done?

The answer to this question is obviously buried in the three-volume dossier "Operation Keelhaul." This documentary evidence has been kept Top Secret for more than 23 years.

It is my opinion that this classification is a gross violation, not only of common sense, but of American law. A still unredeemed violation of American administrative policy as laid down by President Eisenhower.

The law governing administrative procedures concerning classification of military reports and documents was enunciated by President Eisenhower in his Executive Order 10501 on November 5, 1953.

What does the Eisenhower Executive Order 10501 prescribe?

Let me quote one paragraph:

"Top Secret. Except as may be expressly provided by the statute, the use of the classification Top Secret shall be authorized, by appropriate authority, *only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."* Unquote.

Now, I'll read you the text of an army document which is part of the "Operation Keelhaul" dossier and which was just a few weeks ago de-classified by the Secretary of the Army, Mr. Stanley Resor and released to me.

It reads. Quote:

"Reference operation KEELHAUL conversation between Captain Prail this Headquarters and Lt. Colonel Pateugill, ALCOME in Rome, indicates the following.

"ALCOME is unable to furnish interpreters at Separation Points or any person who will be able to identify individuals wanted imperative that individuals qualified to perform the above mentioned duties be furnished the Headquarters in order that mission may be accomplished." Unquote.

Now this little request—in a rather awkward language—for more interpreters in the Russian language was Top Secret for more than 23 years! During all these years "Operation Keelhaul" was reviewed time and again. But I was always informed that not a single document including the one I just read to you, could be released since it could endanger American foreign policy and defense.

How the disclosure of this document, part of the "Operation Keelhaul" dossier, could ever fall under Eisenhower's Executive Order 10501 is a major puzzle. How any serious person could ever maintain that release of this document would in the years from 1946 to 1969 have resulted in "exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations . . ." or an armed attack against the United States and in the other dangers, specified in the Eisenhower Executive Order, is unimaginable. This released document is the definite proof of the overclassification of documents going on in the Pentagon if there ever was such proof.

There is now a chance to get the documents de-classified and released to the American people. This chance came into being when the so-called "Freedom of Information Act" went into force on July 4, 1967. It was sponsored by Congressman John E. Moss of California who had waged a more than ten year battle for his bill.

The "Freedom of Information Act," better known as "Moss Act," provides that every citizen has the right to complain in the District Courts should the Government deny access to documents under the pretext that they are classified in order to protect American Foreign Policy and National Defense.

Then, according to the Moss Act, the Government has to prove in Court—in camera, of course—that maintenance of classification is justified. Should the federal judge find that disclosure of the documents in question would never endanger American foreign policy or defense, he has the duty to enjoin the Government to release the documents.

This is the sense of the "Freedom of Information Act."

I decided to test this Public Law 89–487 in the American courts. I filed my legal action against the Secretary of the Army, Mr. Stanley Resor in the District Court of San Francisco.

I lost in the District Court. Judge Carter found that classification was "appropriate." Period. How an American judge could find classification of documents "appropriate" without having seen them will always remain a mystery in American legal history.

I had no choice but to appeal to the Ninth Circuit Court in San Francisco. My case is still pending there.

In October 1969, the American Civil Liberties Union for Northern California joined my fight for "Operation Keelhaul." The Civil Liberties Union filed a Brief of Amicus Curiae on my behalf which is the most penetrating presentation of my case I have ever seen.

The concluding paragraph of the Civil Liberties Union's Amicus Curiae Brief states:

"The judgment below must be reversed because the trial court did not discharge its statutory resposibility to determine the propriety of the Army's withholding of the requested information and because the Army did not sustain its statutory burden of establishing its claim to an exemption. The express language and the fundamental purposes of the Freedom of Information Act require a reversal." Unquote.

I am now waiting for the outcome of my appeal. With me, the American people are waiting, the people who have a right to know the truth.

Office of the Clerk, Supreme
Court of the United States,
Washington, D.C., June 15, 1970.

Re Epstein V. Resor, etc., et al., No. 1533, Oct. Term, 1969.

Paul N. McCloskey, Sr., Esq.,
Menlo Park, Calif.

Dear Sir: The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

Very truly yours,

John F. Davis,
Clerk.
(By ——— ———, *Assistant Clerk*).

[From the Palo Alto Times, June 19, 1970]

"Top Secret" Often Abused

Editor of the Times:

The Supreme Court's refusal to review my legal action, Epstein v. Resor (Times, June 15) makes the miscarriage of justice in the lower courts final. By this denial, the Supreme Court declared the Freedom of Information Act a dead letter.

This raises the question, What is Congress going to do?

Human Events of May 30 carried an article "Is the Freedom of Information Act Really Working?" by Carol D. Bauman, who lists Epstein vs. Resor among the key lawsuits based on the act, Miss Bauman wrote:

"The appellate court upheld the decision of a lower court denying release of the document. However, freedom of information specialists say that the case was significant since it was the first time the appellate court clarified its authority to determine whether information is being stamped 'secret' legimately. Some congressmen are calling for a congressional investigation into the continued classification of the Operation Keelhaul files."

Two lower courts found that nondisclosure was warranted in the interests of foreign policy and national security. They miraculously found so without having examined a single document in the three volumes of Operation Keelhaul.

Material classified on the ground of protecting foreign policy and national security is indeed exempted from disclosure but, according to the act, only if disclosure would really harm American foreign policy or national security—in other words, only if the document was properly so classified.

The Army itself proved it was improperly classifying Operation Keelhaul files "top secret" when Secretary of the Army Stanley Resor suddenly released four documents to me. Not one ever warranted "top secret" classification, In one, ALCOM, Rome asked for more Russian interpreters. This purely technical document bore for 23 years the stamp

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"top secret!" The three others are of the same character.

The American Civil Liberties Union of Northern California stated in its amicus curiae brief: "Finally, the judgment (in the lower courts) makes no sense. How can judges decide important questions without having the crucial facts before them? There was no compelling national interest to be served by precluding not only disclosure but also review in camera of the file. A citizen's right to know, a historian's scholarly research, the open disclosure policy of Congress, and the interest, vital to our judicial process, of having an adequate record to review were all sacrificed for a false sense of security."

JULIUS EPSTEIN, *Palo Alto.*

[From the Palo Alto Times, July 30, 1970]

INTENT OF CONGRESS—FREEDOM OF INFORMATION ACT AMENDMENT

(By Julius Epstein)

By the Supreme Court's denial of my petition of certiorari in my legal action, Epstein vs. Resor, the Freedom of Information Act was declared a dead letter.

I sued Mr. Resor, the secretary of the Army, in order to get the documentary dossier "Operation Keelhaul" finally declassified and released to the American people. The documents contained in the Operation Keelhaul file concern the forced repatriation of anti-Communist displaced persons found in Germany to Stalin's henchmen and slave labor camps.

The jurists agree that this forcible repatriation was a crime against humanity according to the norms laid down by the International Military Tribunal which tried the Nazi war criminals at Nuremberg.

We committed this crime against humanity in the years 1944 to 1947, when we forcibly repatriated against their will between 2 and 5 million anti-Stalinist prisoners of war and civilian displaced persons to the Soviet Union where their leaders were hanged and the others were sent to Siberian slave labor camps.

In 1955 Khruschev declared an amnesty and released the prisoners from the slave labor camps. At that occasion, Pravda remarked in an editorial: "Now, everything is forgotten and forgiven. But you will never forget how the Americans and the British forced you on the points of their bayonets unto the trucks and trains which brougnt you back to the U.S.S.R."

The official American army records of this crime against humanity are contained in the dossier Operation Keelhaul. The dossier was classified top secret when it was compiled in 1948.

Since a top-secret classification can only legally be applied if disclosure would result in "exceptionally grave damage to the nation," such as "a break in diplomatic relations, an armed attack against the United States, a war," etc., it must be assumed that the continued classification of the Operation Keelhaul dossier is completely unjustified.

The Freedom of Information Act provides the possibility to lodge a complaint in the U.S. District Court. Then, the classifying agency has to prove—in camera—that maintenance of classification is justified. If the judge finds that disclosure would not result in "exceptionally grave damage to the nation" he has the duty to enjoin the government agency from further withholding the document. This is, according to a sworn affidavit by Rep. John E. Moss, D-Sacramento, sponsor and author of the Freedom Act, the meaning of the new law.

The courts in which I lost my case (the District Court in San Francisco and the Court of Appeals for the Ninth Circuit in San Francisco) disregarded the intent of Congress as explained by Moss in his affidavit. They stuck to the text of the Freedom of Information Act. This text states that documents classified in the interest of foreign policy and national defense are exempted from disclosure.

What Congress meant was, of course, that the exemption can only be claimed if it was properly applied—in other words, if disclosure would indeed result in grave danger to the nation. The arbitrary use of the power to classify is strictly forbidden.

Unfortunately, this was not spelled out in the final text of the law itself. It was this absence of clarity which allowed the courts to decide against my complaint.

The only remedy to revive the Freedom of Information Act is an amendment to the law which would remove this gap and would spell out in the law's final text what the real intent of Congress was when it created the act.

At the suggestion of Congressman Moss, I have written this draft amendment.

DRAFT AMENDMENT

To Public Law 90-23, 90th Congress, HR 5337, June 5, 1967, 81 Stat. 55.

Exceptions. "(3) . . . On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. This includes agency records classified under Executive Orders 10501 and 10964 to be kept secret in the interest of the national defense or foreign policy. The burden is on the agency to show that classification meets the requirements of the executive order, specifically the requirement of Executive Order 10501, Section 1(a) which provides the standard for top secret classification as follows:

"Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plants, or intelligence operations, or scientific or technological developments vital to the national defense."

Nonapplicability. "(b) This section does not apply to matters that are "(1) specifically and rightfully required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

THE RIGHT TO BE HEARD

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. DE LA GARZA. Mr. Speaker, free speech means the right of a man to be heard and the right of his listeners to disagree with what he says. But disagreement should not be expressed in such a way as to disrupt public meetings by trying to shout down the speaker.

In recent days the President and the Vice President of the United States have been subjected to treatment that brings shame on these responsible for it. The right to dissent does not include any right to scream obscenities at any individual. Even if we leave aside the matters of bad manners and worse taste such disruptive efforts cannot be condoned by any American concerned with the maintenance of freedom in our country.

Mr. Speaker, the mindless hurling of insults is no substitute for reason. Enlightenment does not come from the language of the gutter. Free speech is guaranteed by our Constitution for all. Not just for those with whom we agree. It should be upheld for all.

WILLIAM A. GARRETT

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DADDARIO. Mr. Speaker, I should like to take this opportunity to call the attention of the House to the observance of a birthday and advance in his profession by William A. Garrett of the Gannett News Bureau. Mr. Garrett is an accomplished newsman, a veteran of work with the Hartford Times and, one of the distinguished corps on which we Members of the House depend to carry our words and actions to the people.

Mr. Garrett came to the Washington Bureau of the Gannett service in 1951, following years of service in Bristol and Hartford. Born in Troy, N.Y., he is a graduate of Trinity College in Hartford, and worked for a time with the New Britain Herald before he came to the Times. There he specialized in politics and crime and is notably remembered at the Times for his special assignment work on a mercy killing in Vermont to which the Times sent him for coverage of the trial. He was the Times correspondent in Bristol when I was first becoming active in Connecticut; he shared desks with Bob MacGregor and Hank Murphy at the Times and worked with their present managing editor, Nat Sestero. Both Dick Hartford, former managing editor of the Times and Nat, who holds that job now, remember him as the "fastest one finger typist in the business." He was extremely popular as a correspondent in Bristol, and as a reporter in Hartford, and I can certainly testify to the respect which those of us in Washington hold for his fairness and his abilities.

He was the host to White House correspondents on the occasion of Connecticut visits to Washington, and despite attacks in recent years, has continued to put in a hard-working time at the bureau. He has been a friend for the years I have been in Connecticut and certainly in our time in Washington, and I have found him resourceful and accurate as a reporter. I have noted his pride in the development of his family, his continued interest in the Times, where he frequently spent time on his vacation to drop by and pay respects. Cheerful, he always carried his share of responsibilities, whether in Bristol, Hartford, or Washington.

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On one or two occasions, he stepped aside from his news duties to take responsibilities in private industry or with the Government, but his basic loyalty is to the newspaper business. His friendship and mine go back many years, primarily with the Times. I understand that his retirement will come about at the end of this month with the bureau asking him to continue to make his experience and wisdom available in free-lance and consulting work. I am pleased to be a friend of a fine correspondent, and to pay tribute to his lengthy and distinguished career. The Gannett Bureau can be proud to have such a distinguished man on its staff.

DENOUNCES POW TREATMENT BY NORTH VIETNAMESE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I join my colleagues in denouncing the North Vietnamese treatment of American servicemen. The plight of our men who have been captured by the North Vietnamese has been well documented. The evidence indicates that many of these men have been, and are being, held in solitary confinement, improperly fed, harshly beaten, mistreated, prevented from receiving adequate medical care, subjected to humiliation by public display, and cut off from all communication. I am appalled that such atrocious cruelties have existed. I fear that in all probability they will continue to exist unless action is taken to undermine the objectives Hanoi has in perpetuating these cruelties.

The callousness and intransigence of the North Vietnamese toward our legitimate demands have also been demonstrated. Repeatedly they have elected to play politics with the lives and spirits of our men rather than extend to them the decency expected when man deals with man.

Our response to these flagrant and inhumane violations of the provisions of the Geneva Convention of 1949 must be to continue to mobilize world indignation against the unconscionable treatment of our men. We have seen Hanoi's response to adverse public opinion in the past. Their ill-advised decision to bring our prisoners to trial as war criminals was averted by the world outcry against that action. Such outcry must exist today. Pressure from the administration, from our negotiators in Paris, from the State Department, and from this Congress must be strenuously applied in a conscientious efforts to insure that the fundamental rights of our prisoners abroad and their families at home are upheld.

In addition, I feel that we should work diligently towards our goals through the International Red Cross. The fact that in the past North Vietnam has refused to allow the Red Cross to render their services to our men increases the gravity of their cruelty. I would hope the government of North Vietnam would cooperate with the Red Cross as most every nation in the world has. The Red Cross is not the tool of U.S. policy but an organization dedicated to the betterment of man.

Our goal must be to make it emphatically clear that the use of helpless prisoners of war as pawns in an attempt to influence our Asian policy is intolerable. Intolerable not only as a political lever but intolerable from a moral standpoint as well. While there may be disagreement as to the conduct of the war in Southeast Asia, I believe it is imperative that we unequivocably condemn the treatment of our prisoners of war by the North Vietnamese. The issue before us is not political but humanitarian. We must urge Hanoi not to be misled by our differences on policy into the belief that we are divided on this issue of human decency. We are united against this action so devoid of moral qualities.

MR. AGNEW, WHAT ABOUT THE STATE DEPARTMENT?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. RARICK. Mr. Speaker, our illustrious Vice President, the Honorable SPIRO AGNEW is presently on tour and promises in his stump talks to expose the radicals in Congress.

The American people certainly hope that he will continue his crusade, and many wonder why he does not extend his exposé to include the troglodytic leftists who infest the State Department and who it is that tolerates their remaining, against the thorough housecleaning promised the American people by President Nixon before he was elected.

The American people realize that their major menace is not the big Red Army from without but the big pink army within. With Marxism taking the world, the people are wondering why there is no mention of an obvious Communist menace within the higher echelon of our Government.

I include an article on William P. Rogers, by Frank A. Capell, which appears in the September 23 issue of the Review of the News, as follows:

WILLIAM P. ROGERS: PRESIDENT NIXON'S SECRETARY OF STATE CONTINUES TO PROTECT THE COMMUNISTS

(By Frank A. Capell)

Subversion in the U.S. State Department has for many years been a prime concern of those conservative Americans who helped elect Richard Nixon and hoped for the "housecleaning" he promised. Candidate Nixon assured America on October 13, 1968: "I want a Secretary of State that will join me in cleaning house in the State Department. We are going to clean house up there." Many actually believed him.

The *New York Times* of April 24, 1969, reported the response of Nixon's Secretary of State, William P. Rogers, when reminded of the above Nixon promise. The *Times* said Mr. Rogers laughed and declared: "You know, I come from a small town, and to us a housecleaning was something that was done once a year. The wives freshened everything up, moved things around, got rid of the things that weren't useful anymore—but they never threw out all the furniture."

It was thus that Mr. Nixon's new Secretary of State laughingly informed deluded Americans that there just was not going to be any housecleaning at State. In fact, Mr. Rogers even refused to allow Otto Otepka to return to the State Department so that Nixon could make good on another campaign promise—to see that justice was done in the case of Otepka, who had been ousted as State's top security evaluator for attempting to maintain some semblance of security in a Department seriously threatened by treason. Secretary Rogers means to have the State Department run by the same radical crowd.

William Pierce Rogers was born in Norfolk, New York, on June 23, 1913, the only child of Harrison Alexander Rogers and the former Myra Beswick. His father was a papermill executive, bank director, and local Republican leader who was left by the Depression with only a small insurance business. When William Rogers was thirteen his mother died and he went to live with his maternal grandparents, Mr. and Mrs. Pierce Beswick of Canton, New York. He graduated from Canton High School in 1930, attended Colgate University on scholarship, and was graduated from Colgate with a B.A. degree in 1934. With the help of scholarships, he continued his education at Cornell Law School, earning his degree in 1937. Bill Rogers married a fellow law student, Adele Langston of Wenonah, New Jersey, on June 27, 1936. They have a daughter and three sons.

While in college, Rogers displayed an inclination "to be with the guys who were doing big things," and had no problem penetrating the inner circle of any group he joined Then as now he was handsome, charming, and urbane. Upon graduation he joined the prestigious New York law firm of Cadwalader, Wickersham & Taft, but stayed only a few months. The place to be was obviously around Tom Dewey, who was being prepared by New York's *Insiders* for big things.

Thomas E. Dewey's rise up the political ladder had begun with publicity gained as a racket-busting New York District Attorney. Rogers went to Dewey's office and offered to work for him for nothing if permitted to join the Dewey staff of "top-notch young crime investigators." Tom Dewey was impressed, and Rogers became one of fifty young men selected from 6,000 applicants to be assistant district attorneys in New York. From 1938 to 1942 he argued over 1,000 cases in court.

Attorney Rogers joined the U.S. Navy in August of 1946. He returned to the New York District Attorney's office under Frank Hogan, who had by now replaced Dewey. In April 1947, however, Rogers resigned from the District Attorney's office to go to Washington. He became counsel to the Senate's Special Committee to Investigate the National Defense Program. In July of the same year he became Chief Counsel.

By March of 1948 the Special Committee was succeeded by the Senate investigations subcommittee of the Senate Executive Expenditures Committee. The Chairman was Senator Clyde R. Hoey, a Democrat of North Carolina, who asked Rogers to remain as Chief Counsel even though he was a Republican. Bill Rogers' only public act of anti-Communism occurred during this period. He publicized information which led to the perjury conviction of the Commerce Department's William Remington "for lying about passing secret information to Soviet spy Elizabeth Bentley." Miss Bentley forced his hand.

Rogers' other accomplishments during his stint with the Senate Committee were the jailing of Major General Bennett E. Meyers for inducing a witness to lie to the Committee during a war contracts investigation; and a perjury indictment against John Maragon,

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a White House intimate, in the investigation of the "five percenters." Rogers left the Committee March 1, 1950, to join the Washington offices of the New York legal house of Dwight, Royall, Harris, Koegel & Caskey—the "world's largest law firm." [1]

William Rogers has been in, out, and on the fringe of government service for many years. But he would probably have attained his political aims much sooner had the results of the 1948 presidential election been different. As *Parade* magazine noted in its issue of February 23, 1969: "Had Dewey been elected President in 1948, Rogers, as his protégé, would have assumed a position of importance." Thomas E. Dewey had used his reputation as a "racket-buster" to propel himself into the New York governorship, from which he took the jump into the presidential race. The "Eastern Establishment" thought its boy had it made. But, Dewey's overconfidence and his refusal to use against the Democrats the issue of Communist subversion gave Harry Truman a surprise victory.

The next opportunity for a Republican try at the presidency, and Rogers' next chance at an appointment to a top government post, would not come until 1952. William Rogers devoted himself to the practice of law for the *Insiders*. When the *Insiders* of the "Eastern Establishment" persuaded General Eisenhower to be their candidate in 1952, Rogers offered his services in the campaign to secure the Republican nomination for Eisenhower. He was active at the Republican Convention and worked with Herbert Brownell Jr. in designing the strategy which sabotaged Taft. And, Rogers was chosen to accompany vice-presidential nominee Richard Nixon on his campaign tours.

Bill Rogers was by now not only a Dewey-style *Insider* but an old friend of Richard Nixon's, having counseled him in the Hiss-Chambers affair. Rogers had advised Nixon, who was then an unknown Congressman, to go ahead with the case. Pragmatically, it was a good move. It brought Richard Nixon an undeserved reputation as an anti-Communist—*and*, it assured him a key seat in the U.S. Senate. Rogers' advice was not so much based upon any desire to expose Hiss, as to warn Nixon that since Chambers' story was backed up by microfilmed evidence it was irrefutable.

Another crisis developed while Rogers was accompanying Nixon on his campaign. Again he gave his friend excellent advice and assistance. The famous Checkers speech was Rogers' brainchild, and it saved the day for the future Vice President. Demands had been made for Nixon to withdraw as Eisenhower's running mate after enterprising reporters established that a group of California businessmen had provided a "slush fund" to pay Nixon's expenses as a Senator. Rogers advised him to stand pat, and sold the idea of a grandstand play to Tom Dewey, who was masterminding the Eisenhower campaign. Nixon went on national television and, in a speech reportedly put together by Rogers, declared he had never taken any gift except a cocker spaniel named Checkers, and that he intended to keep the dog. That speech kept Richard Nixon on the ticket.

Following the Eisenhower victory, Rogers was at the request of Dewey and Nixon appointed Deputy Attorney General. He became the Department of Justice's chief liaison with Congress and other federal departments and agencies. When Attorney General Herbert Brownell resigned in 1957, William Rogers was immediately appointed to succeed him. Anthony Lewis of the *New York Times* stated prophetically: "Rogers is important not only because he is a member of the [*Eisenhower*] Cabinet; among the close advisers of the President, he is closet to the Vice President—officially and personally. In a Nixon Administration, Rogers would be even closer than he is at present to the center of American political power."

William Rogers played a principal role during the Eisenhower Administration in the drafting of the Civil Rights Act of 1957, and in establishing the Civil Rights Division of the Department of Justice. It was Rogers who wrote the brief justifying the use of the troops in Little Rock, Arkansas, in 1957. He is known as a strong advocate of "Civil Rights"; both Rogers and his wife have been contributors to, and sponsors of, the Washington Negro Student Fund. One of the founders of this fund was Lydia Katzenbach, wife of radical Nicholas Katzenbach—who is being retained as a special consultant by the State Department under William Rogers. Another contributor and sponsor of this outfit was Adam Yarmolinsky, who once raised funds for the Young Communist League, and who has admitted: The Young Communist League believed and I was inclined to believe that a so-called Communist government was a desired end."

One of Rogers' most important roles in the Eisenhower Administration was as a key operative in the effort to put an end to the anti-Communist crusade of the late Senator Joseph R. McCarthy of Wisconsin. Also involved was another Nixon appointee, Henry Cabot Lodge, who was at the time U.S. Ambassador to the United Nations. According to a press release in November 1953, Lodge was working on leave with the White House, after the recess of the United Nations, "in connection with matters on Capitol Hill or matters relating to the Senate." This was brought out in the testimony before the Special Senate Subcommittee on Investigations to explain his presence at an anti-McCarthy strategy meeting held on January 21, 1954, in the office of the Attorney General.

Also present at that meeting were Attorney General Brownell; Deputy Attorney General Rogers; White House aides Sherman Adams and Gerald Morgan; and, John G. Adams, counselor, Department of the Army. As a result of this conference the decision was made for John Adams to start compiling notes to be used as the basis for filing charges against Senator McCarthy and members of his staff. Adams admitted before the Senate Subcommittee:

"The meeting finally concluded with the decision that I should call on the Republican members of the investigating subcommittee . . . and point out to them the two problems which I had discussed with the Attorney General's office."

One of these "problems" was the fact that Senator McCarthy planned Hearings on the loyalty board—which Senator McCarthy believed to have been clearing Communists for sensitive government positions.

As is well known, the anti-McCarthy plotters were successful. The charges against Senator McCarthy were given to the press even before they were presented to the Senators. McCarthy was "censured" by his colleagues and rendered ineffective in his efforts to clean out the Communists being harbored in our government. All this was the result of a well-planned operation hatched in the highest echelons of the Executive Department, and with much of the "responsibility" resting upon the shoulders of our present Secretary of State, William P. Rogers.

Upon his shoulders also must rest the responsibility for having Helmut Sonnenfeldt moved into a highly sensitive position on Henry A. Kissinger's staff in the National Security Council. It was during Rogers' tenure of office in the U.S. Department of Justice that Sonnenfeldt was in "very serious trouble" because of alleged "leaks of top secret and secret" classified information to foreign agents with whom he had frequent and close associations. An intense F.B.I. investigation resulted in discussions about prosecution. No such prosecution ever took place because the State Department held that it was "not in the interest of the U.S. government" to have the secrets involved become public knowledge. Rogers agreed not to prosecute and Sonnenfeldt was saved from conviction under the espionage statute.

Many other highly dubious characters have been retained, reassigned, and promoted under the new Secretary of State. Among these are such security risks as Jacob Beam (now Ambassador to the Soviet Union), Edwin M. Martin, and David H. Popper—all of whom received promotions despite long histories of association with Communist, radical, and subversive causes. More serious, Nicholas Katzenbach and George Ball were selected as special consultants, and Idar Rimestad was asked by Rogers to remain in the State Department to be in charge of all personnel.

Rimestad has been instrumental in keeping Otto Otepka, the ousted State Department security chief, from obtaining justice. The State Department just wasn't big enough for both. Rimestad is reported secretly to have learned Russian, to have conferred repeatedly in private with Soviet nationals, and to have maintained pro-Soviet and anti-American views going all the way back to 1946. Mr. Rimestad is now operating for Rogers out of Geneva.

Nicholas Katzenbach, appointed special consulant to Secretary of State Rogers, studied law with his wife Lydia under Abe Fortas at Yale University.[2] Mrs. Katzenbach (the former Lydia Stokes) comes from a famous Leftist family. Her aunt, Rose Pastor Stokes, was a notorious Communist with an ugly police record. Her uncle, James Graham Phelps Stokes, was president of the Fabian Intercollegiate Socialist Society and Counsellor for the Bolshevik Russian Information Bureau in the United States.

As Under Secretary of State, Nicholas Katzenbach issued a security clearance for John Paton Davies, a serious security risk who was heavily involved in delivering China to the Communists. Davies was cleared by Katzenbach to work as a consultant at the C.I.A.-financed Center for International Studies at M.I.T., which has a contract with the Arms Control and Disarmament Agency. The clearance was given with the consent of Secretary of State Rogers, who then ensured his continued access to Katzenbach by appointing him a special consultant. The M.I.T. center also has on its staff identified Communist Harold Isaacs, who was involved with Agnes Smedley of the Sorge Spy Ring.

George W. Ball, another of Secretary Rogers' consultants, was recommended for appointment as Under Secretary of State by Adam Yarmolinsky (himself a serious security risk) who worked in George Ball's office in Washington, D.C., from 1951 to 1954. Like many others in the Nixon Administration, the radical Mr. Ball is a member of both the Council on Foreign Relations and the Bilderbergers.

On March 5, 1969, Congressman John Rarick (D.-Louisiana) called the attention of the Congress to the fact that the citation of the National Lawyers Guild on the Attorney General's list had been rescinded by William Rogers. In light of the evidence, as Rarick noted, this was simply fantastic! Congressman Rarick quoted from public addresses of U.S. Attorney General Herbert Brownell Jr. as follows:

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[1] In recent years known as Royall, Koegel, Rogers & Wells. William Rogers did so well he became a senior partner—earning $300,000 a year, a seat on the board of directors of the ultra-Leftist *Washington Post*, and a fancy apartment in the U.N. Plaza Building.

[2] The *Washington Star* of January 19, 1969, states that "before the election . . . William P. Rogers wrote to Nixon a letter recommending that Nixon name Justice Abe Fortas as chief justice if Nixon won."

"It is because the evidence shows that the National Lawyers Guild is at present a Communist dominated and controlled organization fully committed to the Communist Party line that I have today served notice to it to show cause why it should not be designated on the Attorney General's list of subversive organizations."

Congressman Rarick continues: "On September 11, 1958, the Attorney General [*Rogers*] rescinded the proposal to designate the Guild. (1958 Annual Report of the Attorney General, Page 251.) On September 12, 1958 . . . the Attorney General [*Rogers*] had 'concluded that the evidence that would now be available at a hearing on the merits of the proposed designation fails to meet the strict standards of proof which guide the determination of proceedings of this character.' "

That was pure balderdash! Rogers' reversal of Brownell was out-and-out appeasement of the Communists. The National Lawyers Guild had already been cited as a Communist Front by the Special Committee on Un-American Activities on March 29, 1944, and by the Senate Internal Security Subcommittee on April 23, 1956. The House Committee on Un-American Activities' citation of September 21, 1950, stated that the National Lawyers Guild is the "foremost legal bulwark of the Communist Party, its front organizations, and controlled unions," and that "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

Yet, Attorney General William P. Rogers made the determination that sufficient proof was not available to keep the National Lawyers Guild on the Attorney General's list *even though* such proof had clearly been established by both Houses of Congress. As usual, he was supporting the Reds.

Another incident of Secretary Rogers' support for the Communists was brought to light by Willard Edwards in the *Chicago Tribune* of March 5, 1970. The matter concerned Communist terrorist Amilcar Cabral, whose seven-year guerrilla war in Portuguese Guinea has been waged with Communist backing and arms. Secretary Rogers had actually allowed Cabral to come to the United States for ten days so he could appear before the House Subcommittee on African Affairs. The State Department thus promoted yet another propaganda victory for the Communists. Ed Hunter pointed out in *Tactics* for March 20, 1970, that the use of the U.S. Congress as a forum for this Communist terrorist would be exploited abroad to enhance his prestige while being interpreted as a slap at Portugal, our N.A.T.O. ally.

Rogers' aid to the enemy was also brought out in the summer of 1969 when he authorized the State Department to pressure the courts in Chicago to release indicted anarchist prisoners so that they might represent the United States in Paris and in Asia. Rogers' sanction permitted self-confessed Communists Dave Dellinger, Rennie Davis, and other Leftists to negotiate with their Comrades among the Vietcong about the release for propaganda purposes of three American prisoners.

In March of 1969, Secretary Rogers laid it on the line to the Senate Foreign Relations Committee. "We are not," he said, "seeking a military victory" in Vietnam. Secretary of State William Rogers doesn't want victory over the Communists in Vietnam or anywhere else. As *Human Events* has noted: "Rogers, according to one high State Department source, is constantly thinking up ways in which the United States can make concessions to the Soviets."

During the Eisenhower Administration, Secretary of State John Foster Dulles carried forward the Leftward course of American foreign policy by "always saying the right thing and always doing the wrong thing." Rogers, thoroughly trained in the quiet behind-the-scenes maneuvers of the Eisenhower Administration, does "the wrong thing" without even bothering to say the right one. The latter task has been assigned to Vice President Spiro Agnew. But you will note that even Mr. Agnew avoids talking about "housecleaning" at the State Department.

MIDEAST OUTLOOK GRIM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DERWINSKI. Mr. Speaker, the continued crisis in the Middle East is the type which could turn optimism to pessimism. The mounting complications in the area are such that one could honestly wonder whether a solution will ever be reached. The Chicago Daily News in a very penetrating commentary in its September 17 edition very effectively analyzes the Middle East situation, as follows:

MIDEAST OUTLOOK GRIM

There's little encouragement to be had from examining events in the Middle East just now. From the grim cat-and-mouse game being played by the Arab guerrillas with their remaining hostages to the breakdown of the peace talks and the fragile state of the regime in Jordan, the news is bad.

About the only trace of a silver lining is Egypt's vow that it will hold to the cease-fire as long as Israel does, even though it considers the rest of the peace initiative dead. But if this promise is no firmer than the earler one to abide by the status quo on missile emplacements, it won't amount to much. The United States now says it has confirmed new movements of missiles in the cease-fire zone more serious than the violations previously reported.

Besides, with the guerrillas more than willing to do their dirty work, the Arab governments may simply elect to wait things out for a bit. King Hussein in Jordan appears to be an exception in opposing the guerrillas, but only because they pose a threat to his own skin. While fighting them and referring to their deeds as the "shame of the Arabs," he still calls for a united front against Israel.

The ominous clouds in the Middle East overshadow all other foreign policy considerations for the time being, as nothing could demonstrate more clearly than the just-announced itinerary of President Nixon. His end-of-the-month trip will put a world spotlight on the U.S. presence in the Mediterranean and on NATO.

As noted by Peter Lisagor, our Washington bureau chief, every stop Mr. Nixon plans bears in some way on the Mideast crisis, even though it involves such political opposites as the crusty old dictator of Spain, Francisco Franco, and that eminent Communist, Marshal Tito, in Yugoslavia. Franco's Spain still plays host to U.S. bases at the entry to the Mediterranean. Tito may still have the ear of Egypt's Nasser, though the "Third World" concept they tried to launch has fallen into disarray.

Mr. Nixon's review of the 6th Fleet is of course a direct reminder to the Russians that the United States still has power, as well as vital interests, in the Mediterranean regardless of Russia's naval buildup in that crowded sea.

The uses of power have undergone a considerable transformation since the old gunboat days, to be sure. Superbombs and missiles have proved to be no answer at all to such new phenomena as global skyjacking—a fact the Russians, too, must be pondering these days. Yet just such newfound tactics by fanatics or madmen could start a train of events unstoppable short of a clash of superpowers.

The prime objective of the United States must be to cool the hotbed in the Middle East and somehow try to get the Arab-Israeli peace talks going again. That should be the Russian objective, too, but if the Kremlin has come to that conclusion it is mighty slow in showing it.

HON. TIM LEE CARTER'S 1970 QUESTIONNAIRE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. CARTER. Mr. Speaker, I submit, for your perusal, my sixth annual questionnaire.

SEPTEMBER 1970.

DEAR FRIEND: Every two years you have an opportunity to elect your representative in Congress, and this is such a year. The only election other than for United States Congressman is that for Judge of the Third Appellate District, Kentucky Court of Appeals, which covers Adair, Clinton, Cumberland, Green, McCreary, Metcalfe, Pulaski, Russell, Taylor, and Wayne Counties. I remind you of the November 3 Election Day and encourage you to exercise your right to vote for whomever you desire, for this is the only way to insure a government that represents you.

I spend as much time in the District as possible and hope to see you personally, but it is impossible to obtain everyone's recommendations on major issues confronting us in Congress during these visits. For that reason, I am sending you the sixth annual questionnaire. Your answers will be computerized, and the consensus of your views greatly influences my voting. The results will be released to the news media when they are finalized so that you might see the opinions of your neighbors.

If I may have an expression of your thoughts it will be greatly appreciated, and if I can be of service to you in any way, please let me know.

Your Friend,

TIM LEE CARTER.

SIXTH ANNUAL QUESTIONNAIRE

Do you favor—

1. Federal gun registration laws?
2. Having Daylight Saving Time only from Memorial Day to Labor Day?
3. Passage of a Constitutional Amendment allowing prayer in schools?
4. The soil-banking of tobacco?
5. Stricter enforcement of laws to insure less pollution of our water, air and land?
6. Use of veto by the President if he believes an appropriation bill is inflationary?
7. Replacing the present military draft system with an all-volunteer Army?
8. Allowing Federal police officers, with a warrant, to enter a house without knocking, if they believe evidence being sought would be destroyed?
9. Exempting an only son, who is in the Armed Forces, from serving in a combat zone?
10. Continuation of United States Foreign Aid?

Please check answer which best expresses your feelings as to the policy the United States should follow in Vietnam:

a. Withdraw all troops immediately;

b. Withdraw all troops by end of 1971;

c. Withdraw all troops as fast as South Vietnam can assume combat duties;

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d. Use all necessary military force to win a victory.

Please check best approach for assisting poor people:

a. Guarantee of remunerative employment (work);

b. Guarantee minimum income;

c. Guarantee minimum income by supplementing earnings if the person works;

d. Offer no assistance;

e. Continue present programs.

THE FIRE ANT FIASCO

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article by a distinguished former Member of this body, the Honorable Stewart L. Udall. The article entitled "The Fire Ant Fiasco" eloquently speaks for itself:

THE FIRE ANT FIASCO

(By Stewart L. Udall)

In a triumph of bureaucratic log-rolling over common sense, the U.S. Department of Agriculture and farm agencies in nine southeastern states have proposed a $200 million, 12-year pesticide campaign to wipe out the imported fire ant. The campaign could eventually blanket 120 million acres with 450 million pounds of deadly Mirex bait, threaten human health and devastate fisheries throughout the Southeast.

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The Alabama legislature has balked at the idea of sending airplanes aloft to shower this poison down on cities, forests, fields and streams. But in Mississippi, Georgia and South Carolina the federal-state war on fire ants has been fully funded and is picking up steam.

Never in the history of USDA-inspired pesticide drives has a more destructive cannon been leveled at a less significant target. The fire ant is neither a health menace nor a threat to agriculture. It feeds mainly on other insects, including the economically destructive boll weevil, bark beetle, pinetip moth and sugarcane borer. The chief complaint against this quarter-inch stowaway from Argentina (here since 1918) is that its bite is painful and its foot-and-a-half-high nests interfere with haying operations. But such minor nuisances can readily be controlled by local, mound-to-mound doses of short-lived pesticides.

Instead, over the protests of scores of biologists, USDA's Agricultural Research Service (ARS) and the nine state agricultural departments have called for an indiscriminate serial bombardment campaign that would saturate every square foot of terrain in cities and fields alike with about 50 granules bait laced with long-lasting Mirex. Deeply concerned about the human and environmental hazards, 100 Mississippi scientists and citizens have joined with the non-profit Environmental Defense Fund of East Setauket, N.Y. in a court suit to stop the fire ant program.

The biologists' objections are twofold:

The National Academy of Sciences has reported that it is sensible to control, but not to eradicate, the highly adaptable fire ant. Between 1957 and 1963, USDA and the nine southeastern states poured $25 million into an eradication campaign—only to have the fire ant *extend* its range by 11 million acres. This preview of the present all-out war made use of heptachlor, a pesticide whose residues were banned from most foods in 1960. The heptachlor experience should have been a warning to USDA, but it wasn't The Department proceeded to embrace Mirex with unbelievably little concern for its potential toxicity to people and wildlife.

Mirex, a chlorinated hydrocarbon closely related to DDT but longer-lasting, is a threat to many species besides the fire ant. Under present plans, which call for it to be dumped on ponds and streams as well as fields and forests, it could destroy the multi-million-dollar shellfish industry in the Gulf and South Atlantic estuaries. At Senate hearings in 1969, Francis J. Mulhern, associate administrator for regulatory and control programs in the ARS, testified that "this bait does not last too long in the presence of rain." Why not? Mulhern didn't say, but it is clear that the pesticide is washed into streams and bays.

The Interior Department's biological Field Station at Gulf Breeze, Florida, has recently found that minute doses of Mirex (one part per ten billion parts of sea water) kill over a third of the shrimp tested. Mortality among young blue crabs is also high. Like DDT, Mirex appears to reach higher and higher concentrations as it moves up through food chains. Livers of treated shrimp at Gulf Breeze accumulated 24,000 times as much of the pesticide as was present in the sea water.

Last year, moreover, a government commission on pesticides reported that Mirex causes cancer in laboratory mice and should not be used unless public health conditions absolutely warrant it.

It is true, as USDA officials point out, that laboratory findings do not necessarily show what will happen in natural settings. And it is a small comfort to know that USDA is now conducting field studies near Charleston, S.C. to determine the effects of Mirex on marine organisms.

But why in the name of sanity doesn't USDA call a halt to the fire ant campaign until the Charleston studies are completed? Why has it helped its sister agencies in Mississippi, Georgia and South Carolina take unnecessary risks with the seafood industries, wildlife and people of these states? In effect, USDA is saying that neither the Gulf Breeze nor the Charleston research amounts to a hill of . . . ants.

Environmentalists all over the country are candidly perplexed by this particular USDA performance. "Given the low level of need and the potential effects on non-targets species," says Charles D. Kelley, chief of the Game and Fish Division of Alabama's Department of Conservation, "it's incredible that this program has started up again. Why mess around with a carcinogen?"

Indeed, there is no popular demand for broadcast bombings against the fire ant. A few farmers who would rather have the government subsidize a control program than foot the bill themselves have prevailed upon politicians like Rep. Jamie L. Whitten of Mississippi to make the fire ant campaign their favorite pork barrel issue.

It is no accident that fire ant war was drummed to a fever pitch after J. Phil Campbell was named Under Secretary of Agriculture in 1968. Previously, Campbell had served as Commissioner of Agriculture in Georgia, where he made fire ant eradication drives just about the biggest thing in his bailiwick.

But the overriding reason for the fire ant fiasco may simply be bureaucratic inertia. "It's one of those horrible cases where an early commitment has grown so strong that the people involved can't back down," says Joe Broder, Washington, D.C. Director for Friends of the Earth. "A bureaucratic idea has turned into an obsession."

H.R. 19387

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mr. ASHLEY. Mr. Speaker, I am joining today in cosponsoring legislation, H.R. 19387, being introduced by the distinguished gentleman from Minnesota (Mr. BLATNIK), a bill to amend the act creating the St. Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the Corporation. This is a measure vital to the economy of the Great Lakes States and important to the continued growth of the Nation. While the legislation does not go as far as the measure I introduced last year, H.R. 12909, in that the bill introduced today does not relieve the Corporation of its obligation to repay its indebtedness to the Treasury, the bill is a timely step forward.

The administration last month changed its position on this issue and now fully supports this measure, and the other body last Thursday passed the legislation with little opposition. Now is the time for colleagues interested in advancing the St. Lawrence Seaway toward a status comparable in equity to that accorded other federally supported waterways to lend their full support to the bill being introduced today.

The proposed legislation would end the requirement for the Corporation to pay interest on the seaway debt. This includes unpaid interest which has accrued to date—about $22 million—and interest that would otherwise accrue on revenue bonds issued to the Treasury under the original 1954 act.

Under the bill, the obligation to repay the Treasury the principal on the revenue bonds issued by the Corporation would continue. Projections of the Department of Transportation indicate that repayment of the bonded debt with relief from interest payments should enable the Corporation to hold the line on tolls. Thus the bill is designed to put the Development Corporation on a more sound long-term financial footing while it more effectively develops and promotes the movement of cargo through the seaway.

Over its first decade of shipping the seaway has been more responsible financially than any other waterway in the continental United States. The seaway paid for the entire cost of its operation and maintenance, totaling almost $15 million. It paid the Treasury over $29 million in interest, approximately 60 percent of its total interest obligation. Under the bill, the seaway would still be treated unfavorably in comparison with all other waterways in the United States which have been developed and operated entirely out of general tax revenues. In this light, the proposed conversion of the seaway debt to an interest-free loan is but a modest step.

For the sake of comparison, through fiscal year 1965 the Federal Government paid more than $54 million in construction costs and more than $113 million in operating costs for the Delaware River channel from Philadelphia to the sea. Combined Federal costs for the Houston ship channel were more than $67 million; for the Sacramento deep water channel, more than $50 million; and for the Mobile, Ala., channel, more than $19 million. The seaway together with the Great Lakes is a fourth seacoast and is very much like an ocean ship channel in the service it renders a particular geographic area. Yet, unlike ocean ship channels, it has had to repay invested capital, interest, and operating and maintenance costs.

Mr. Speaker, I believe that the limited remedy set forth in the legislation I am cosponsoring today will, nevertheless, permit the seaway to grow and remain viable. Failure to enact it will require substantial toll increases under terms of existing law and our agreements with Canada and may well signal the decline of one of the greatest Federal enterprises in our national history. I urge speedy consideration and enactment of the bill.

PERSECUTION OF THE JEWS IN RUSSIA

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. PHILBIN. Mr. Speaker, I want to commend the gentleman from New York (Mr. OTTINGER) for sponsoring his concurrent resolution, House Concurrent Resolution 743, and am most happy to associate myself with this effort to focus public attention upon the plight of the Soviet Jews.

As one who has long been concerned over the persecution of the Jews in the Soviet Union, I am also pleased that I am one of the 39 cosponsors of this bill, introduced in the House yesterday, which I hope will have the early attention of the House Committee on Foreign Affairs to which an earlier resolution of mine has been referred.

Because of a meeting of the conferees on the military procurement authorization bill, it was not possible for me to attend the press conference called yesterday morning by the gentleman from New York, and I now want to take this opportunity to congratulate him upon his efforts and to let him know he has my wholehearted, unstinted support on this and other resolutions urging renewed efforts by this Government to bring about an end to the religious persecution of Jews in Russia.

In December of last year, I strongly protested Soviet mistreatment of Jews in Russia. I addressed the House in a fervent plea to our State Department and the Secretary General of the United Nations to circulate among its members the request of the Israeli Government on a specific case of mistreatment it cited and refer the matter for action to the Human Rights Commission.

In addition, I urged our Secretary of State to recommend to the Secretary General that this matter be officially referred to the Commission and placed on the agenda for consideration at the earliest possible time and to use the good office of our Government with the Soviet Union to prevent these abuses.

While some consideration has been given to mistreatment and persecution of Jews in Russia, there are continued complaints that these pernicious practices are still taking place. I renew my protest and again calling on the Secretary of State to give these matters his insistent attention, so that representations can be made to the Soviet Government in behalf of our own Government that we strongly oppose any manifestation of anti-Semitism, and particularly mistreatment and persecution, and denial of human rights of the Jews in Russia.

I am pleased to join with my friend and colleague, the distinguished Congressman from New York, the Honorable RICHARD OTTINGER, in the concurrent resolution he is sponsoring in an effort to fix attention on this very regrettable situation in Russia and bring it to an end.

I think we should continue to press the Soviet Government in conferences and in the United Nations to make every effort to end persecution and discrimination, and other manifestations of anti-Semitism, so that all men and women would be entitled to equal treatment under the law, regardless of race, class, creed, or status, and would be treated and be protected in their individual and human rights.

As I have noted before, anti-Semitism is a curse and a scourge to humanity, and it must be banished by all mankind, and this great Nation of ours must set the example, as we have done in the past. I repeat, and I urge, that the Jews must be free from the cruel bondage of discrimination, mistreatment, and persecution.

I also urge our Government to take a determined stand in striking down these gross violations of ordinary, human rights, and I plead with all my heart with the Soviet Government to end these deplorable practices that shock world conscience.

This resolution also strongly urges our President to condemn persecution of any person because of his religion by the Soviet Union and to try to negotiate permission for Soviet Jews to emigrate to Israel and other countries willing to receive them.

This resolution demands human rights for the Jewish people of Russia, and I hope this can be favorably acted upon and implemented by this Government at an early date.

RESOLUTION AIMED AT HALTING AERIAL HIJACKING

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. EILBERG. Mr. Speaker, the city council of the city of Philadelphia at a meeting held September 10, 1970, unanimously adopted a resolution urging a boycott of the Arab States and to refuse landing rights to Arab planes and those airlines serving Arab countries in an effort to halt the crime of aerial hijacking. I plead with President Nixon and my colleagues to read this resolution carefully and to take all possible steps to implement it. Without action such as suggested here, many more lives of aerial passengers will be jeopardized. The resolution follows:

COUNCIL OF THE CITY OF PHILADELPHIA,

RESOLUTION NO. 298

Resolution memorializing the President and the Congress of the United States to declare a boycott of the Arab states and to refuse landing rights to Arab planes and those airlines serving Arab countries, in an effort to halt the crime of aerial hijacking

Whereas, the recent and most barbaric wave of aerial hijackings has focused world concern upon the Arab states who harbor terrorists who prey upon international air travelers; and

Whereas, at the present time more than two hundred innocent people are being held captive in the Jordanian desert by Palestinian air pirates; and

Whereas, these actions emphasize the immediate need for cessation of all American commercial flights to any Arab countries which allow plane hijackers to operate from their territory; and

Whereas, it is long past time for the airlines and governments of the world to declare a boycott of the Arab states and to refuse landing rights to Arab planes or those airlines serving Arab countries; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to take all possible steps to effect a boycott of the Arab states and to refuse landing rights to Arab planes and those airlines serving Arab countries, in an effort to halt the crime of aerial hijacking.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, the Senators from the Commonwealth of Pennsylvania and the members of Congress from Philadelphia.

Certification: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the tenth day of September, 1970.

PAUL D'ORTONA,
President of City Council.

Attest:

CHARLES H. SAWYER Jr.,
Chief Clerk of the Council.

Sponsored by Councilman George X. Schwartz (on behalf of the members).

VETERANS' ADMINISTRATION EDUCATION PROGRAMS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. VANIK. Mr. Speaker, for the benefit of those many persons who have inquired about recent changes in VA educational assistance programs, I would like to enter the following table in the RECORD at this point:

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Title	Eligibility	Assistance
1. VA orphans, wives, and widows education assistance.	Sons and daughters between 18 and 26, and wives and widows of service-connected deceased veterans or 100-percent disabled veterans.	$175 per month for full-time study; $128 for ¾ time study; $81 for ½ time study.
2. Veterans Readjustment Benefits Act of 1966.	(1) Anyone serving more than 180 days active duty, part or all after Jan. 31, 1955, discharged on conditions other than dishonorable; or (2) released from active duty after Jan. 31, 1955, for service-connected disability; or (3) any person in service 2 years and continuing on active duty.	1½ months of assistance for each month of service on active duty after Jan. 31, 1955, but not more than 36 months' assistance, however, a period of 18 months of such active duty will qualify a veteran for the full 36 months. Allowance: $1 to $230 per month plus $13 for each additional dependent over 2 depending on hours of attendance and number of dependents of student. These rates are applicable for institutional training—½ time or more. Varying rates apply to other types of training including less than ½ time.

USAF'S DUAL FRONTIERS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BRINKLEY. Mr. Speaker, on September 17, 1970, the Honorable John L. McLucas, Under Secretary of the Air Force, spoke to the Middle Georgia Chapter of the Air Force Association at Robins Air Force Base, Ga., which is so ably headed by Dr. Dan Callahan, Mister Air Force Association of middle Georgia. I was not privileged to be present when Secretary McLucas addressed this outstanding chapter of the Air Force association but my constituent and good friend, Mr. J. H. Rosenburg of Warner Robins, Ga., has brought this excellent message to my attention and I share Mr. Rosenburg's enthusiasm over the goals and outstanding programs of the Air Force outlined in this stimulating speech.

I ask your permission to share the contents of Secretary McLucas' address with my distinguished colleagues, but before doing so, I would like to take this opportunity to commend every member of our Air Force, not only for the fine job they do every day in performing their assigned military duties with honor and distinction, but also for their obvious willingness to go the extra mile in being good neighbors on an individual basis, as well as collectively, in sponsoring and participating in the many civic activities in the civilian communities near our bases throughout the country. I am particularly proud that we, in the third district of Georgia, have the fine men and women at Robins Air Force Base as our neighbors and especially appreciate the splendid leadership of Robins' commanding general, Maj. Gen. A. J. Beck.

The speech follows:

USAF's DUAL FRONTIERS: MILITARY SECURITY AND SOCIAL EQUITY

(By Hon. John L. McLucas)

In deciding what to talk to you about this evening, I was torn between two themes. Both, I think, are of major interest to this audience; and both are extremely important to the Air Force. First, is the Air Force's mission in the 70's and our capability to fulfill it. Second, is the relevance and response of the Air Force to the society we defend. Although either topic is worthy of a full volume of analysis and exposition, the two are so important to our nation and to the USAF that I have decided to offer a few key thoughts on each of these subjects.

First, let me assure you that Secretary Seamans and I and all our colleagues are fully alive to the difficult task of maintaining adequate military forces. But we must carry out this task with a shrinking military budget. Dr. Seamans terms this unenviable position of the Air Force, "a three-way crunch," caused by pressing domestic needs, continuation of our worldwide commitments and a need to modernize our military equipment.

We hope for the success of the Strategic Arms Limitation Talks with the Soviets, but at the same time we must be sure that we can continue to deter strategic war. Two developments add to our concern in this regard: first, the increased numbers and total payload of Soviet ICBMs, and second the Soviet deployment of an initial ABM system and continued extensive ABM research. The combined effect could be a considerable reduction in the effectiveness of both our land-based and sea-based missiles.

To maintain deterrence in the face of these Soviet developments, we are deploying ABM protection for our missile fields, while modernizing with Minuteman III and Poseidon. But in the future, the effectiveness of our missile forces will tend to vary depending on the length of time it takes us to respond to new Soviet capabilities. As a result, it is extremely important that we maintain the bomber portion of our deterrent capability. To do this we must modernize our aging force of B–52's, and the B–1 appears to be the answer.

The Air Force has awarded development contracts to North American Rockwell for the B–1 system and to General Electric for the B–1's engines. The five test aircraft will incorporate only such avionics as are necessary to achieve the airframe and engine test objectives using off-the-shelf equipment. No decisions have been made on production of the B–1 or development and integration of the B–1's avionics.

Regarding the tactical airpower missions, present day fighter and attack aircraft cannot cope with the requirements of the late 70's. For air-to-air combat the Air Force plans to use the F–15. McDonnel-Douglas has a development contract which calls for 20 test aircraft, one wing of fighters, and options for two follow-on wings. Actual procurement money for the F–15, as contrasted to R&D money, will be budgeted in the future.

In response to the close air support needs of the ground forces we are working on a survivable, all-theater, attack plane known as the AX. Six contractors have responded to our May 7 Request for Proposal on the AX, and the responses are now being evaluated. By early next year contracts should have been awarded to two contractors to each build two copies of a competitive prototype. We are able to build flying prototypes of this aircraft because of its relatively low cost.

The three systems I've noted are badly needed if the Air Force is to continue to carry out its mission in the 1970's.

But the armed forces now have an additional role, one of front line engagement in the war against domestic distress. The F–15 program recently provided an example of the combined domestic and military concerns of the Air Force. Through oversight, the F–15 contract was awarded without an equal opportunity clause. The overriding importance that the Air Force assigned to correction of this error was quickly apparent. Secretary Seamans, attending a conference in Puerto Rico at the time, immediately flew to St. Louis to revise the agreement and to survey the hiring practices of McDonnel-Douglas.

As we have become more and more aware since World War II, there are real injustices in the societal framework of this great country. I think Ted Sturm, the Executive Editor of the *Airman* magazine, had a fine grasp of the interacting causes when he wrote the following:

"The 'enemy' has been well defined by many people. He is the evil rampant in our society—and his offspring are the multifarious outgrowths of poverty, ignorance and discrimination. It is difficult to separate these three villains and the evils they spawn—crime, hate, fear, destroyed lives. They are closely related. Poverty is often the result of ignorance and vice versa, and both can result from discrimination. Poverty and ignorance can set up a self-perpetuating and vicious cycle that must be broken by the destruction of one, or both, and the eventual removal of the basic causes."

As Mr. Sturm implied, conditions over which an individual has no control often tend to predestine the road of life he must follow. But in traveling that highway he carries within him the seeds of revolt against the institutions that denied him a fair chance in life. He feels little commitment to a society which does not respond to his basic needs. Too often this alienation of the underprivileged results in all types of antisocial reaction. Since 1948 the Air Force, keenly aware of these factors, has vigorously campaigned against their causes.

About 16 months ago Secretary Laird established the Department of Defense Domestic Action Council. I am especially proud to be the Air Force representative to this group, whose aim is to apply DOD resources to the alleviation of domestic difficulties. Our goals for 1970 are pretty impressive. They are:

First, to establish summer youth employment opportunities at a rate equal to 4.2 jobs for each 100 Civil Service employees. A goal which we believe we have exceeded.

Second, to provide in each military department the equivalent of 200,000 man weeks of educational, recreational and cultural opportunities for disadvantaged young people.

And third, to sponsor or support at each active and reserve installation at least one significant project to improve the health and well-being of the adjacent community.

Within the Air Force, we have a Domestic Action Policy Council which provides specific service direction to the guidance of the DOD Council. The policy council monitors and guides the USAF's field efforts. Our service has two categories of domestic action—centrally managed and locally managed.

Examples of centrally managed, service-wide endeavors are Project 100,000, Project Transition, Youth Opportunity Programs, ghetto area contracts and development of new construction methods. There are about 13 of these programs, and usually they involve such an expenditure of funds or effort that they require special legislation or appropriations.

Under Project 100,000, the services enlisted 100,000 men per year who would previously have been considered mentally or physically disqualified for active duty. Rigorous inservice training and remedial courses of the most fundamental variety are making these people into productive servicemen. And the benefits will continue to grow as many of them return to a civilian society which can reward their enhanced skills.

Another important program is our research and development study of new construction methods for family housing. The pilot project at George Air Force Base, California looks like it may yield a three-bedroom house for $12,000. Such value would represent a considerable breakthrough in development of materials and techniques for low-cost housing.

Throughout the planning and execution of these programs the Air Force, through the Department of Defense, has been actively cooperating with the Departments of Labor, Housing and Urban Development, and Health, Education and Welfare. On a gratifying number of occasions, private businesses have also cooperated in sharing program costs.

Local domestic action programs are just what the name implies; they respond to the requirements of the time and the place. The field commander and his staff are in the most advantageous position to know and appreciate the area's needs and to help meet them with available resources.

Recognizing the local problem for what it is—often it's a derivative of ignorance, poverty or discrimination—and attacking the causes are the most important facets of local domestic action. Too often in the past, efforts of the well-meaning have addressed the effect rather than the cause. Thereby, they have perpetuated a status quo, altered only by a momentary anomaly within the established pattern.

The Air Force people at Tinker Air Force Base, Oklahoma, assisted a young lady to her feet through a domestic action program, but her gratitude was tempered by bitter memories. Recalling her past, she said:

"Don't offer me pity or handouts. Ones from the past burn in my heart."

The girl from Oklahoma had experienced charities which cost too much in dignity, charities directed at an effect, which did very little to eliminate the cause. We hope that our programs will go further toward long-term improvements.

At Wilford Hall USAF Medical Center, Texas, we trained a group of underprivileged girls as laboratory assistants. One of the outstanding graduates of this program, Miss Oralia Perez, a young lady who now plans to attend college in preparation for a career as a medical technologist, had this to say about the helping hand she received from the Air Force:

"It's the only way I could have received this training without first completing high school and earning enough money to pay for the course."

For a girl who had dropped out of school as a sophomore to help support her family, these goals might well have been unattainable. But those who worked with Miss Perez addressed the problem squarely and provided her a means to alter her future with dignity.

Fundamentally, the local domestic action program is dynamic neighborliness, but we couldn't call it that. In the first place the term seemed a little too exposed. We didn't want to be accused of being unneighborly when the requirements of the moment dictated full attention to our primary job. Community relations cannot become the dominant theme of Air Force activity. We must carry out our primary mission while at the same time doing whatever we can to be a good neighbor.

What is a neighbor? He's the fellow who loans you a ladder. Hancock Field made available vehicles and classrooms to the State of New York for a truck drivers school. Both jobs and untrained men were available, but facilities were in short supply.

Who else is a neighbor? He's a man who listens to your kids problems when they can't explain them to you. AIC James L. Habegger of Tyndall Air Force Base has spent the last year in just this type activity in Panama City. He's reaching out to communicate with a group of troubled teenagers. Fortunately, he digs them and they dig him. The school's curriculum coordinator labels the results, "Tremendous!"

Who is another neighbor? She's the lady who says she'll baby sit little Mike. When you come home, you find that your son's affections have been alienated by a group of very commonplace happenings, but to him they were very new and completely fascinating. Yet, what else is Project Youth at Robins AFB? Children are provided the facilities and opportunity to see, to do, to learn, to experience, and to enjoy a host of new things.

You'll also find that neighbors have taught your son to throw a curve, they've driven your wife to an appointment, and they've bandaged the scratched and bloodied knees of your offspring. There are service counterparts for them all. The "Big Brothers" of the Air Force Academy have associated themselves with disadvantaged youth in Colorado Springs. Numerous wives clubs throughout the country provide transportation and shopping services for the aged and infirm. The experimental Military Assistance for Safety and Traffic programs in San Antonio and at Luke and Mountain Home Air Force Bases provide helicopter evacuation of accident victims when requested by local traffic authorities.

There is, however, a difference between the neighborliness of your street and the more corporate variety between a base and its adjacent community. The latter takes a bit more effort and organization because it is bigger and lacks an initial, personal spark. Once underway, spontaneity can build. We have bases calling in to headquarters with imaginative campaigns which they feel deserve publicity so that other units can emulate them. Fortunately, our programs are to a degree self-sustaining which allows us greater leeway in DOD and Air Force Headquarters to examine new avenues of approaching the basic goals without fearing the collapse of our present endeavors.

Our current Domestic Action programs are reaching a large number of people. The Department of Defense has provided jobs for over 53% of the 66,000 disadvantaged youths hired by federal agencies this summer. Over 550,000 young people are engaged in service-sponsored endeavors similar to the WRAMA's Project Youth.

Domestic action is a highly important realm of endeavor for all federal agencies these days; and as has been true for many years, the armed forces are in the vanguard of the effort. That our efforts have met with as much success as they have has been attributable to two factors: First, the spare-time involvement of our airmen, officers and families. Second, the unselfish, unflagging assistance of community-minded organizations.

I'd like to salute one of the finest such agencies I know—the Middle Georgia Chapter of the Air Force Association. Your varied interests, valuable work and fantastic growth over the past year and a half border on the unbelievable. Most noteworthy I feel have been your contributions to the Project Youth Lunch program, your education scholarships, and finally the projects you have initiated on behalf of our Prisoners of War in North Vietnam. These men and their cruelly exploited loved ones at home deserve our ever-increasing efforts to secure both their rights under the Geneva Convention and their early repatriation.

The accomplishments of WRAMA, Robins AFB and the Middle Georgia Chapter of the AFA have provided the Air Force with one of its proudest examples of dynamic, productive Domestic Action. Others have noted this performance also. Next Monday at the AFA Annual Convention the Middle Georgia Chapter will be recognized in a citation as the Air Force Association's most outstanding unit in the field of community relations. Your president, Dr. Dan Callahan, will receive the Medal of Merit for his distinguished service to airpower and to the Association. General Beck will also be presented a citation for his steadfast support of the energetic AFA community in Georgia.

I see here in Middle Georgia the kind of teamwork and civil-military interaction which will go a long way to smoothing the Air Force's path as it faces the challenges of the 70's. Thank you and keep up the good work.

VIOLENCE AND TERRORISM, AMERICAN STYLE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BOB WILSON. Mr. Speaker, the recent increase in senseless terrorism and violence across our Nation has horrified Americans in all stations and walks of life. Many of us are unable to comprehend the motivation behind such useless destruction. The following editorial from the September 11 Washington Star is an excellent analysis of the background and reasons for this violence as well as what it forebodes for the future of our free society if we do not take positive steps now to stem this lawlessness and reaffirm our own faith in America and the ideals for which it stands:

VIOLENCE AND TERRORISM, AMERICAN STYLE

With attention riveted on the guerrilla-held airstrip in Jordan, it was almost possible for people here in the United States to forget, briefly, the mounting turmoil in our own society. Almost—but not quite. For some, the grim chess game being played with human pawns did not serve as a horrifying diversion, but as a reminder that terrorism is not a foreign product. It is appearing in shocking quantity right here and right now. And it is quite possible that the terrorist tactic of kidnapping and the bartering of hostages could happen here, too.

It is time for us to recognize what is taking place in this country. It can be called by a variety of names. It is, if you will, a revolution, or a guerrilla war, or a terrorist uprising. But whatever the name of the game, the goal is the same: A small, dedicated group of warped romantics is determined to topple the structure of American society.

It has been possible for members of the besieged society to find consolation in the fact that the attack is being mounted by a revolutionary army of minute size. There was reassurance to be found as well in the knowledge that terrorist tactics are not new to America; we have been through outbreaks of violence and bombing before, and we have survived. It must follow, therefore, that we will survive the present microcosmic revolution.

Both of these rationalizations for apathy should be re-examined.

The example of the Palestinian terrorists should serve as sufficient instruction in what a numerically insignificant army can accomplish once an opponent's Achilles' heel can be found. The greatest powers on earth were helpless to prevent a handful of men from kidnapping hundreds of innocents. And here at home, the achievements of a small group

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of terrorists—possibly numbering in the hundreds—is chillingly impressive. Over a recent period of 16 months, there were 4,330 bombings, many in public buildings; there were 1,475 additional attempted bombings and more than 35,000 disruptive bomb threats. More than 100 policemen have been wounded in unprovoked attacks during the first eight months of this year, more than a dozen of them fatally, and the incidence of bombing police cars, sniping at patrolmen and luring them into traps is increasing week by week.

The demonstrated vulnerability of an open society to the tactics of terror should dispel the illusion of weakness in numerical inferiority. And the comfort offered by history is equally insubstantial.

The United States has had its home-grown terrorists before the extremists who have turned to violence to change the status quo, But the radical reactionaries of the Ku Klux Klan and the Molly Maguires and the Wobblies of the early labor movement used violence and terror against a specific segment of society in pursuit of what they perceived as positive goals. We have had our anarchists, too, in the Great Red Scare of the early 1920s, practicing destruction for the sake of destruction. It was an importation of despair, brought by a handful of immigrants who harbored a paranoid hatred of authority.

But now, there is a difference. For the first time, the country is confronted with a terrorism that is both native and anarchistic. It is a movement that has no single, identifiable center. The two most publicized revolutionary groups—the Black Panthers and the Weathermen—have little in common beyond the impulse to destroy. The terrorists are not totally isolated from the main body of society. They are tacitly supported by an unthinking minority of unknown size of young Americans who share the despair if not the psychoses of the activists, who slip easily into the rhetoric of hatred, and who, if forced now to choose sides, might well rally under the black flag of anarchy.

XUM

This is the situation confronting the vast majority of citizens who believe that the American system is the farthest step yet taken by imperfect men in their endless search for the ideal form of government. What can be done about it?

First, society must move with firmness and determination to protect itself. Destruction of lives and property cannot be excused or tolerated. Those who volunter for service in the law-keeping forces deserve and must be given the full support of those they protect.

At the same time, the law-enforcers must be continually monitored to make certain that lawlessness and violence is not met in kind. Anger and panic can induce the police to take short cuts with the law. Terrorism in the protection of society is a suicidal course that must not be condoned.

Society must guard, too, against the possibility that it can be panicked into a reaction of blind repression that will succeed in achieving the goal of the terrorists: The destruction of the liberties and the constitutional protections that make this government worth fighting to preserve. We have taken such dangerous detours before, as in the Red hunt of 1920 undertaken by Attorney General A. Mitchell Palmer in response to a series of anarchist bombings when, on a single night, some 4,000 suspected radicals were arrested in 33 cities, most of them on the flimsiest of evidence. Any such action today, in this era of instant communication and excited passions, would give substance to the specter of repressiveness that now exists in the imaginations of the militants.

If the violence is suppressed without brutal repression, if the majority avoids the tempting illogic of assuming that because some destroyers are black and some have long hair, all black or long-haired youth is the enemy, the problem still will not be solved. The rash of violence is the symptom, not the illness. An end to the violence will not mean a cure.

But what disease is this that can bind together the despairing youth of the black ghetto and the affluent white youth in a deadly partnership? What common romantic aberration can make a black militant write that "dynamite is my response to your justice" and induce a Harvard student to describe his desire to blow up "the White House, the Capitol, the Pentagon, the university"—to destroy all of society because "only then will we be able to plant trees and flowers all over our woes, and begin again"?

Those who would answer that the Vietnam war is responsible are deluding themselves with an easy—and incorrect—answer. The war has been at most a catalyst hastening the chemistry of violence.

The fact is that there is no single cause, no readily isolated social virus to be cured. The black militant is reacting to a history of deprivation and a present of agonizingly slow progress toward a promised goal. The middle-class white militant is, it would seem, acting with less rationality, protesting against affluence, rejecting material wealth, striking out at the system that guarantees the right to protest.

There is, however, one common thread that runs through the confused tapestry of violence: A loss of faith.

There is a disbelief in the willingness or the ability of this government to right the wrongs that it acknowledges. There is a disdain for the past and a distrust of the future. There is a rejection of set values. There is a loss of purpose, a surrender to uncertainty, created by the repeated shock of changes that have come too quickly, and nurtured by the realization that annihilation is a daily possibility.

Exhortations, slogans, name-calling and stern lectures cannot effect a cure. The erosion of faith can only be halted if each of us who believes in the worth of our society reinforces that belief with a redefinition of goals and a candid re-evaluation of strengths and weaknesses. When faith is gone, it cannot be ordered back into being. It must be searched out and discovered anew. It is a difficult and painful process—but it must be done. The structures of a free society cannot stand on any less substantial a base.

HOW TO SUCCEED IN BUSINESS WITHOUT REALLY TRYING

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. REES. Mr. Speaker, all Members of this House are naturally deeply troubled by the difficulties being experienced by businessmen in this time of national economic travail.

Many thousands of businessmen have been forced into bankruptcy as the result of the Nixon administration's economic policies, and many thousands of others have seen their profit margins dip to the vanishing point.

It is, therefore, very encouraging when one reads about how some individual businessmen manage to succeed against great odds. It shows, indeed, that this is still the land of opportunity.

I refer, particularly, to the Horatio Alger success story of a fellow Californian by the name of F. Donald Nixon—as related in the following article in the Los Angeles Times:

[From the Los Angeles Times, Sept. 9, 1970]

ENVY OF RIVALS: DONALD NIXON'S EASY ENTREE AIDS IN SELLING

(By Robert L. Jackson)

WASHINGTON.—F. Donald Nixon is aware that some business competitors regard him as "unfair competition."

The name seems to open doors wherever he goes. And in the past eight months Don Nixon, the President's brother, has been to London, Lisbon, Athens, Rome, Mexico City and Caracas, as well as up and down the West Coast several times and back and forth between Washington and New York.

Not only does he have easy entree to business executives, but he seems to be able to see high foreign government officials almost without trying.

"I don't let my brother know when I'm going on trips," said Nixon, who was hired last January for a specially created vice president's post by the *Marriott Corp.*, a Washington-based hotel and restaurant firm that has international operations.

THE WORD GETS OUT

"Still the word seems to get out. Our ambassadors have frequently called my hotel to extend any courtesies to me. But I tell them it's a private trip."

Don Nixon's activities might not normally command much attention, except that he has been calling on many U.S. airline executives. He is asking them to shift their in-flight food catering business to Marriott, and there are indications he has been largely successful.

Since airlines are regulated by the federal government—and since President Nixon has sole authority to determine international air routes and who flies them—Donald Nixon's efforts are arousing jealousy and bitterness among many of Marriott's in-flight food service competitors, and a degree of wonder and uneasiness among some airline officials.

CRITICISM IS IGNORED

For his part, Donald Nixon is aware of the talk about him but is seemingly undisturbed by it. Interviewed in the Washington office of J. Willard Marriott Jr., the company's 38-year-old president, Nixon said he is accustomed to be criticized.

"It's nothing new," Nixon said. "Dick's been in politics many years. I've had to lead a careful life, to completely stay out of anything to do with politics, which is my brother's concern."

"He doesn't have to tell anybody who he is," said one airline executive. "He has entree into the top echelon everywhere."

Said another airline official Donald Nixon visited:

"It's a pretty fine line when you're dealing with companies that are federally regulated."

On foreign trips, when he is calling on potential customers or inspecting Marriott's overseas "flight kitchens," Donald Nixon is accorded privileges most businessmen would envy.

He dined with officials of the Greek military junta in Athens last March, and traveled recently to Caracas and met with two Venezuelan cabinet ministers. About two weeks later—although no one can show a connection—a new U.S. competitor of Marriott's in Caracas, Ara Services, Inc., experienced difficulties with the Venezuelan government and had to suspend its airline catering operations there.

Donald Nixon said he has pointedly avoided any involvement with government contracts. That was a principal reason, he said, he decided late last year to leave a similar job at Ogden Foods, an arm of the Conglomerate Ogden Corp. which has federal contracts.

Nixon had been a marketing consultant

for eight years at Ogden Foods before Marriott persuaded him to leave last January to become staff vice president.

BIG AIRLINE SWITCH

A month later, on Feb. 1, American Airlines switched a $500,000 annual food catering contract from Ogden to Marriott, this contract, at Dulles International Airport here, had been held for five years by Ogden.

An American spokesman said the decision to change caterers was made earlier—before Nixon joined Marriott. Ogden officials said they gave American "superb service" and had received no complaints.

Nixon said that "so far as any advantage to being the brother of the President, it has been a handicap to some extent because of having to avoid government contracts."

Asked if he has been handicapped while at Marriott Corp., Nixon turned to Marriott and said:

"Bill, have I been handicapped? Actually, Bill has not asked me to do anything for the company that relates to the federal government, so I'm not in conflict with any responsibilities of my brother."

PRESIDENT'S FRIEND

The firm is headed by Board Chairman J. Willard Marriott Sr., 70, who has been a longtime friend of President Nixon and a fundraiser for Republican causes. He was chairman of Mr. Nixon's 1969 inaugural committee and organized the national "Honor America Day" program on the Washington monument grounds last July 4.

Donald Nixon and the younger Marriott both denied that contacting airlines posed any conflict problems. "I don't play the game of being a brother to the President," Nixon said. "People have to find that out themselves."

Nixon, 56, is a heavy-set six-footer. He bears a strong facial resemblance to President Nixon, and his voice and gestures are strikingly similar. He lives in Newport Beach and works mainly out of Marriott's West Coast office.

Last Jan. 28, shortly after Marriott hired him, Nixon and other Marriott officials visited Trans World Airlines' corporate offices in New York to try to persuade the airline to give them more business.

For one thing, Marriott—which already serves TWA at Washington, Newark and some European stations—wanted the airline's $2 million annual contract at San Francisco, which has been held for 18 years by Club Catering, a small firm in Burlingame, Calif.

In a pattern he later followed at other airline offices, Nixon did not deal with the details of a new contract proposal. Rather, he spoke in general terms about the capabilities of the Marriott Corp. The specifics were gone into by Jerald O. Jarrard, Marriott's vice president for in-flight services.

Said Richard B. Patton, a TWA vice president who presided at the meeting: "I don't think Don Nixon believes he has much influence over his brother. And I think he's the first to tell you that."

Patton has known Nixon for four years as "a very modest, outgoing, sweet average person."

"There is bitterness around" in the airline food catering business, Patton said, because it is highly competitive. And Nixon, he said, is being unfairly attacked by some of his business opponents.

TWA officials said their eventual plans for the San Francisco contract are still in doubt. However, the airline has given Marriott additional business in Athens, where Marriott has opened a new flight kitchen.

Nixon said his responsibilities involve "customer and employe relations" in all aspects of Marriott's food and hotel business. The younger Marriott said Nixon was hired because of his long experience in the food business. His salary has not been disclosed.

KINSHIP "DOESN'T HURT"

"He's a sincere, friendly and very effective salesman," Marriott said. "And being the brother of the President doesn't hurt him."

Donald Nixon is a man of great charm, his acquaintances say, whose occasional references to his brother may only be misunderstood by critics.

He is well-tailored, belongs to the Marco Polo Club at the Waldorf Astoria in New York and, according to one source, "is a good man with a knife and fork."

"At dinner," said an airline official who has known him socially, "he often drops Dick's name or talks about the grocery store that the parents owned in Whittier. He talks about 'when Dick and I were kids.' He keeps reinforcing by implication that there's a close relationship—which, of course, there should be—but he doesn't strain to make the point."

At Western Airlines, here Nixon dined with officials in April, there was "no mention whatsoever of any White House influence," according to Richard Ensign, Western's vice president for inflight services.

THE "EXTRA GUEST"

Ensign said Nixon showed up "as an extra guest" for a dinner meeting Ensign had arranged in Los Angeles with two other Marriott officers—the younger Marriott and Jarrard. The purpose was to discuss Marriott's contract with Western at Mexico City.

"The whole group," Ensign said, "bent over backward a little bit to make clear his (Nixon's) attendance was just simply that he happened to be with them, and that was it, period."

Nixon has paid other office visits this year to three supplemental airlines headquartered in Oakland—World Airways, Trans International Airlines and Saturn Airways.

All are certificated to fly international routes and derive much of their revenue from charter flights, an area where the Civil Aeronautics Board is proposing strict new regulations.

In fact, the CAB this year filed civil complaints against World and Saturn, among others, charging violation of charter-flight rules. Those cases are still pending.

World and Saturn have granted new food catering business to Marriott, and Trans International officials said they will consider Marriott's bid later this year. Marriott's prices and services are the only considerations, officials of the airlines said.

Early in July Nixon traveled to Mexico City and Caracas on Marriott business. But he said firmly in an interview that he saw no foreign government officials. "I steer away from government officials," he said.

When asked specifically, however, if he had not conferred with the Venezuelan minister of development, Nixon said he may have. He said the Venezuelan government sought him out—not the other way around—to ask if Marriott would be interested in expanding its hotel facilities and initiating on-the-ground food service at the Caracas airport.

RIVAL FOLDS UP

Nixon said the main purpose of his trip was to meet some of Marriott's Latin-American airline customers.

Shortly after his trip, a new Marriott competitor, ARA Services, Inc., had to suspend catering operations at the Caracas airport after only four days in business.

ARA experienced trouble with the Venezuelan government over its permit to do business and was plagued by mechanical difficulties in some of its equipment. Nixon said ARA's plans to begin business were not discussed during his visit.

His Latin-American trip was similar to a European tour Nixon made last March for Marriott, highlighted by an Athens dinner attended by some leading officials of the Greek junta as well as Greek businessmen.

Nixon said he was surprised that government people were at the "social" function, which was hosted by Thomas Pappas, a Republican fund-raiser from Boston who has wide business interests in Greece.

Nixon said he inspected Marriott "flight kitchens" throughout Europe and visited with employees. In Athens his purpose was to meet officials of Olympic Airways, which has become a new client of Marriott's, he said.

Regarding air routes, Nixon said he avoids discussing the question when he contacts any U.S. airline, because he is sensitive about his brother's responsibilities in this field.

"When the matter comes up, I wish them all well," he said. "I say, 'I don't know which route you're going for.' I recognize that international routes go by the White House. I've never discussed this with my brother, and I wouldn't."

But Nixon said the matter has not come up since he joined Marriott.

Donald Nixon sees the President frequently in San Clemente or Washington, "but we only discuss family matters."

Another brother, Edward G. Nixon, 40, is a phone company official in Seattle. Edward turned down a $30,000-a-year federal position last year after being advised this might violate a 1967 antinepotism law.

Donald Nixon, for his part, says he has a right to earn his own living. "Just because my brother's President, I don't want to go on relief yet," he said.

SENATOR FULBRIGHT ERRS IN MIDDLE EAST PLAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. DERWINSKI. Mr. Speaker, the contribution, or really lack of it, to the Middle East crisis by the junior Senator from Arkansas has been widely noted in many columns and press reports. One of the most effective commentaries on the newest misdirection of Senator FULBRIGHT was carried by the Elgin, Ill., Daily Courier-News on Friday, September 4, in a column by the international correspondent of the Copley Press, Dumitru Danielopol.

The column follows:

INTERNATIONAL SCENE—SENATOR FULBRIGHT ERRS IN MIDDLE EAST PLAN

(By Dumitru Danielopol)

WASHINGTON.—Sen. Fulbright's suggestions for a Middle East settlement reinforce the belief that he lives in a world of his own.

The chairman of the Senate Foreign Relations Committee calls for an "imposed settlement" under the charter of the United Nations.

Then in the next breath he recognizes Israeli and American lack of confidence in the U.N. and suggests he would be "willing to support a significant new commitment by the United States to assure Israel survival."

This implies a military pact with Israel which would automatically bring us into the war to protect that country.

Two points in the senator's proposal are simply unrealistic.

1. The United Nations is in no position to "impose" any settlement on anyone. With its veto structure the Security Council has never been able to take any major decision with Soviet approval.

The one exception came when it ordered help to South Korea, and that action was only possible because the Russians were boycotting the council at the time.

Unless the USSR agrees on a Middle East settlement, the Security Council has nothing to say. And if the Russians are in accord on a settlement, who needs the Security Council.

A bilateral defense treaty with Israel is even more unrealistic. It would isolate us and the Israelis and expose both of us to all kinds of "credibility" tests.

Both Allies and would-be aggressors must be convinced that the United States is both willing and able to honor such a treaty with sufficient strength.

There are serious questions today about many American commitments, thanks to the performance Fulbright and his "doves" in the Senate who have done so much to undermine American re-credibility abroad.

Can one ask Israel, for instance, to take seriously Sen. Fulbright's offer to sponsor a new military commitment when one recalls what happened to his Tonkin Resolution.

It was, after all, Fulbright who sponsored and piloted that through the Senate in 1964, and then later, after he changed his mind, did everything in his power to nullify it and hamper our war effort.

Can one assure Israel that if attacked the United States would be able to muster enough support at home to come to its aid with the strength necessary to assure success?

The words of the Cooper-Church and McGovern-Hatfield amendments and the full-scale attack on our defense establishment were hardly encouraging.

Nor are the antiwar demonstrations, moratoriums, draft-dodging draft-card burning attacks against ROTC centers, slogans like "No more Vietnams," "We can't police the world," "bring our boys home," and other neo-isolationist trends in the U.S.

Sen. Fulbright has helped make the confused world in which we live. And now he wants to add more confusion.

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THE SEARCH FOR NATIONAL PRIORITIES

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. CEDERBERG. Mr. Speaker, this week I am sending to the people of the 10th Congressional District a newsletter outlining what I feel to be two of the major problems which we face today. In our efforts to stabilize the economy I feel that several aspects of our fight have been overlooked and I treat this situation extensively in my report.

The drug problem among our youth is certainly one of the more frightening problems which our Nation faces. In an effort to provide some light on this subject, I am including in my newsletter a rather comprehensive but succinct fact sheet on the drugs which are being used today. I hope that this brochure will prove useful to the people of the 10th District of Michigan and I recommend it to my colleagues for their attention.

Finally, I think it is important for our people to share their thoughts and I have, therefore, included excerpts from a letter which I received which I believe to be representative of the feelings of a great number of Americans today. I highly recommend my constituent's thoughts to the attention of my fellow Members.

The text of my newsletter follows:

THE SEARCH FOR NATIONAL PRIORITIES

I welcome this opportunity to discuss with you some of the major issues and policies which are facing our nation and its citizens and ones that I do not believe have been getting through to the public in most recent newspaper commentary.

The search for national priorities—where we put our Federal monies and our national talent—is one of the most difficult challenges confronting Congress this year and one with which I am deeply concerned.

Despite the continuation of the war in Vietnam we are making progress. In the past two years there has been a significant shift in our priorities, a shift that is certain to continue and to intensify as the war in Indochina is brought to a conclusion.

To understand what is now going on in our economy, it is important that we realize our economic system is having to make not one but two major adjustments simultaneously. It is having to adjust to a major decline in defense spending while it is also cooling off from a long inflationary overheating that had become increasingly dangerous.

The adjustment in defense spending is a far greater force on the economy than many people realize. From 1969 to mid-1970 defense spending has been reduced over $12 billion (in terms of this year's prices) and by mid-1971 the reductions will approach $20 billion.

Now this is a massive re-ordering of priorities. While some have been busy orating about the need for this, the President has been busy doing something about it. As a matter of fact, for the first time in 20 years we are spending more this year for human resource programs than we are for defense. In 1962 the Federal government spent 48 percent of its budget for defense and only 29 percent for human resources. By 1968 that comparison was 45 percent to 32 percent. This year those priorities are reversed with 37 percent for defense and 41 percent for human resource programs.

While the Administration has been struggling to break the inflationary cycle, some Members of Congress still are intent upon increasing spending. I believe that this is one of the contributing factors to our present inflation and for this reason I have voted each year to cut government spending and to balance the budget.

True, we are still feeling the grip of inflation. Inflation created by a decade of massive fiscal irresponsibility cannot be stopped overnight. The President's anti-inflationary policies are having some effect on the economy. The per capita income was at an all time peak in the second quarter of this year. Money is becoming more available. Interest rates have been edging downward. Housing starts are already increasing. Commitments for mortgages are rising. All indications are for an improved economy during the last quarter of this year.

The time is long overdue for the "big spenders" of the Congress to assume their share of responsibility if the economy is to prosper once again. Continued reckless spending as we have witnessed so often in the past will only serve to fuel the fires of inflation.

HOW PARENTS CAN HELP TO COMBAT DRUG ADDICTION AND REDUCE CRIME

As a Member of Congress, I share with all citizens and particularly parents the increasing awareness and alarm over the twin problems of drug addiction and traffic in this heinous poison. Just how serious is the drug abuse menace? The number of narcotics addicts in the United States is estimated to be in the hundreds of thousands. Between 1960 and 1967 juvenile arrests involving the use of drugs rose by almost 800 percent, and one-half of those arrested for the illicit use of drugs and narcotics were under 21 years of age. Some five to seven million persons in the United States reportedly have used marijuana at least once, an estimated one million persons have used non-barbiturate sedatives and over 400,000 have used barbiturates and amphetamines. The estimated social cost of drug abuse in this country is $540 million a year. Studies show that the average heroin addict needs $47 a day to buy drugs. Larceny, mugging, shoplifting, burgulary, drug peddling—these are the cirmes he commits most often. Merchandise stolen is usually discounted by one-half to one-third. Property valued at $150 may bring only $50 when resold. Between July of 1969 and March of 1970 drug crimes cost the nation an estimated three billion dollars. Between 30 and 70% of all crimes in our large cities are attributed to drug addicts in search of money to support their habit.

It is a tragic fact but everything from marijuana and pep pills to heroin is being sold in the schools of our nation, the schools of our 10th Congressional District—perhaps the very school your child is attending. An estimated 35 percent of all students in high school and college use marijuana Each of us must be aware of this problem. No child, no school and college use marijuana. Each of us mune to the epidemic dangers of drug abuse. It is criminal to stubbornly refuse to believe that "it can't happen in my home," for indifference and apathy are the weapons of the pushers.

Parents must stop looking the other way until the problem hits home.

As parents, teachers, and concerned citizens, let us not succumb to and have a complex about cries of "generation gap" or "communications gap" as excuses for drug abuse.

Parents, please study the information in this brochure—and most importantly, sit down and discuss the problems of drug abuse with your children. Find out how they feel about drugs, how their friends feel about it. Be sure they are fully aware of the terrible consequences of being a slave to drugs. Above all, assure your children that you are available at any time to help with any problems they might have. Stop drug addiction before it grabs hold—and save your children.

GLOSSARY OF NARCOTICS TERMS

Following is a list of major illegal drugs, how they are used, their popular names and the effects:

Marijuana—Called "pot" or "grass." Derived from female hemp plant. Usually smoked. A mild hallucinogen that distorts perceptions of time and space and coordination. Strong doses can cause short-term psychotic reactions. Long-term effects are not known. To use marijuana is to "get high," "turn on," or "get stoned." Marijuana cigarettes are called "joints."

Hashish—Called "hash," same as marijuana, except more potent.

Amphetamines—Stimulants used to combat fatigue. Taken in pill form, although some stronger forms are dissolved in a liquid and injected with a needle. They speed action of the heart and metabolism. Called "bennies," "pep pills," "diet pills," and in strong doses, "speed." Not addictive physically, but psychological dependence is common. Larger doses are required for the same effect after a while.

Barbiturates—Sedatives, called "downs" or "goofballs." They relax the nervous system, slow the heart rate, lower blood pressure and slow down breathing. Effects can resemble drunkenness and users sometimes become irritable and angry. Physically addictive, like heroin, barbiturates are a leading cause of accidental deaths in the country.

LSD—A powerful hallucinogen called "acid." It causes sharp changes in perception. Non-addictive, but can cause panic, paranoia, and hallucinations. Can also produce permanent derangement and physical defects. Mescaline, DMT, psylocybin are similar, but less potent substances.

Heroin—Called "junk," "stuff," "scag." Derivative of opium. Usually injected under the skin or "mainlined," injected directly into a vein, it depresses certain areas of the brain and nerves, causes physical and psychological dependence, and gradually takes greater quantities to achieve the same effect. Cocaine is similar.

It is possible to save a user of narcotics from a life of horror if detected early. There are not enough doctors in this world to examine each and every possible user, but there are enough parents.

I have prepared this brochure in order to alert parents to the various symptoms that drugs produce. Observe your children and note unusual changes in normal behavior.

For informative booklets on drugs, write my Washington Office: 2303 Rayburn House Office Building, Washington, D.C. 20515.

Drug used	Physical symptoms	Look for—	Dangers
Glue sniffing	Violence, drunk appearance, dreamy or blank expression	Tubes of glue, glue smears, large paper bags or handkerchiefs	Lung/brain damage, death through suffocation or choking, anemia
Heroin, morphine, codeine	Stupor/drowsiness, needle marks on body, watery eyes, loss of appetite, blood stain on shirt sleeve	Needle or hypodermic syringe, cotton, tourniquet—string, rope, belt, burnt bottle, caps or spoons, glassine envelopes	Death from overdose, mental deterioration, destruction of brain and liver
Cough medicine containing codeine and opium	Drunk appearance, lack of coordination, confusion, excessive itching	Empty bottles of cough medicine	Causes addiction
Marijuana, pot, grass	Sleepiness, wandering mind, enlarged eye pupils, lack of coordination, craving for sweets, increased appetite	Strong odor of burnt leaves, small seeds in pocket lining, cigarette paper, discolored fingers	Damage to liver, inducement to take stronger narcotics
LSD, DMT, STP	Severe hallucinations, feelings of detachment, incoherent speech, cold hands and feet, vomiting, laughing and crying	Cube sugar with discoloration in center, strong body odor, small tube of liquid	Suicidal tendencies, unpredictable behavior, chronic exposure causes brain damage
Pep pills, ups, amphetamines	Aggressive behavior, giggling, silliness, rapid speech, confused thinking, no appetite, extreme fatigue, dry mouth, shakiness	Jar of pills of varying colors, chain smoking	Death from overdose, hallucinations
Goof balls, downs, barbiturates	Drowsiness, stupor, dullness, slurred speech, drunk appearance, vomiting	Pills of varying colors	Death from overdose, unconscious

LETTERS I HAVE RECEIVED

The following is an excerpt which I believe expresses the concern of many of the Tenth Congressional District—a concern which I share.

"Many millions of good, solid American people like myself, which could be classified as silent Americans, are beginning to get anxious as to how long will the bombing of schools and burning of property by protesters and radicals, killings on street corners of our citizens throughout the land can go on. . . . What does get a person steaming mad when you read of these sad happenings throughout our land, is should the police, after spending many hours and days, apprehend our (criminals), they are put into a courtroom at public expense and immediately an attorney is hired to defend these so-called citizens to make sure their rights are not violated, again costing the taxpayers additional sums of money. What about the rights of the innocent victims and their families."

"How long will it be before serious thought will be given to protect the rights of our good Americans that work so hard that have never seen an inside of a jail, that don't draw any state or Federal aid although many would be entitled to it, especially our poor farmers that work so hard for such meager returns. In many cases if you figure by the hours that a man, wife and children spend in a cow barn, their straight time may not amount to anymore than 35¢ or 40¢ an hour. Yet, where would you ever hear of this class of people going out and burning anything? All the millions of these solid Americans' rights are violated in every direction and no one seems to care less. '

I also receive hundreds of letters from my constituents requesting assistance on a wide range of matters, from Social Security and Veteran pensions to military cases. An example follows:

Mr. D. A. of Bay City writes: "As the Congressman for my voting district I wish to ask for a little of your time in straightening out a matter of great importance to me. I have had a lot of trouble receiving my V.A. benefit for education assistance."

"I have asked many times at the V.A. office but they cannot get anyplace. Your help in this matter will be greatly appreciated."

We contacted the Veterans Administration officials in his behalf to investigate the entire matter from his first enrollment to the present time and requested that payments be made for the Fall and Winter terms. We were successful in this matter and the funds were granted.

If you have a problem with any government agency and feel I can be of help, please contact me at my Washington Office, 2303 Rayburn Building, Washington, D.C. 20515. We are not always successful, however, you may be certain that we will do everything we can to be of assistance. Also, I would very much like to hear your views on any issue you feel is important.

NEW BLOOD FOR TIRED HOSPITALS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. HANNA. Mr. Speaker, as we all are aware, the current conditions of the health-care facilities in the country today are deplorable. There are those of us in the Congress who have realized this need and who have banded together to override the President's recent veto of the Hill-Burton appropriations.

However, the realities of existing policies force upon us the realization that we cannot accomplish all we desire in this vital area. We must, therefore, seek new alternatives, fresh approaches which will inject new life and concern in our health care programs.

The meteoric rise in health-care costs cause us further consternation as we are shown the clear inadequacies of current insurance programs. Economic incentive must be employed in this area to streamline and improve the efficiency of these programs and of the participating medical facilities.

I call the attention of my colleagues to the following article which deals with these problems in a commendable manner. I urge their careful consideration of Mr. Wasyluka's observations and recommendations.

[From the Harvard Business Review, September–October 1970]

NEW BLOOD FOR TIRED HOSPITALS

(By Ray G. Wasyluka)

Foreword.—Soaring costs have precipitated a nationwide health care crisis to the danger point; only the intervention of business leadership, augmented by federal government action, can remedy the situation. Hospitals need real management skills, not just titular management that rubber stamps the recommendations of the medical staff. In arguing this point, the author also prescribes a cure which would offer a choice of two brands of health care to the consumer, so that he could select the one he felt he could afford.

(Mr. Wasyluka is Vice President of a division of W. R. Grace & Co. He initially became involved with hospitals during his work as a CPA, and later became a management consultant for hospitals.)

According to the American Hospital Association: "Rising costs of health care got a lot of press coverage in 1969. But the consumer press that reported $100-a-day stays in hospitals despite the billions of dollars supplied by the Medicare and Medicaid programs also told the public of more basic shortcomings of the health care system in this country.

"As it emerged throughout the year, the basic problem became the fact that the United States has not a system but rather multisystems of health care . . . each beset with inefficiencies that would be intolerable in any other industry." [1]

The business community has meekly avoided any involvement in this health care crisis. It has obsequiously respected the nonprofit tradition of hospital operations—except in the case of about six small publicly held companies that have become known as "hospital chains."

If the business community continues its "head-in-the-sand" attitude toward hospitals, massive intervention by the federal government is sure to eventuate. And federal bureaucracy is not the kind of medicine needed to alleviate this crisis. Instead, the managerial skills of business organizations might be a more efficacious therapy.

After first exploring the causes of our present health care crisis, I shall concentrate on what steps can be taken by business and government to remedy the situation. Then I shall conclude by offering an "exemplary profile" of what the ideal type of health care system for our country would be like.

CAUSES OF CRISIS

There are no objections to the higher costs of health care from those whose lives have been saved by the many techniques and gadgets that have come into existence in the last two decades. Who is to say whether hospitals can "afford" to offer their cardiac patients the sophisticated equipment one finds today in the intensive care units that generally did not exist 20 years ago?

Today, an average of 16 laboratory tests are performed for each in-patient, whereas just 4 laboratory tests per patient were per-

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formed then. Some of the hospitals that used unsophisticated X-ray equipment in 1950 today use nuclear medicine and very specialized equipment for their diagnostic scanning.

Insurance and welfare programs

The number of people covered by medical insurance increased from 75 million in 1950 to nearly 180 million by 1970. Millions of elderly people who previously could not afford hospital care are now provided with a very respectable quality of care. Hospitals typically derive over half their revenue from Blue Cross and other private insurance plans.

The prevalence of health insurance coverage induces even the most reputable physician to prescribe diagnostic tests and medical treatment somewhat beyond what he would otherwise do if the patient had to bear the full cost of his hospital stay. The medical doctor has a human tendency to allow the insured patient to stay an extra day or two, to ensure a complete recovery. The fee charged by the physician is often inflated as the doctor plays Robin Hood and rationalizes that the higher fee charged to the impersonal insurance carrier simply compensates him for the charitable work he does for nominal fees.

As unpleasant as it seems, there is abundant evidence that the abuses of health insurance by medical doctors are sometimes of a deceitful and disgusting nature. It is not simply a matter of hospital facilities being used for services that could—and should—be performed in the doctor's office for no other purpose than to make the insurance company absorb the expense. Investigations by review boards repeatedly disclose instances of needless surgery. Other studies have shown that tonsillectomies, hysterectomies, and appendectomies have a significantly higher incidence among patients whose insurance is of the fee-for-service type, as compared with prepaid group practice plans in which the doctor's compensation is essentially a fixed salary.

Dysfunctional compensation: We cannot avoid a frank recognition of the fact that the doctor's compensation is corollary to the amount of diagnostic work he considers necessary, the amount of therapeutic services he regards as essential, and the complexity of the services he judges to be appropriate. Stated more simply, the bigger the illness, the bigger the fee he charges. Except for the group practice plans, there is no system of financial incentives and disincentives designed to discourage the doctor from loading the patient with unnecessary medical services.

Approximately 90% of the revenues of general hospitals come from Medicare, Blue Cross, and other commercial insurance plans. Except for a small portion of the Blue Cross and commercial insurance plans, reimbursement is made on the basis of the hospital's *cost*. This type of cost reimbursement is an open invitation to inefficiency. It provides the hospital with no incentive to control costs. An administrator knows that he will never be condemned for providing too much nursing care; of course, people may talk about his costs, but he knows that providing too much care has never got an administrator fired.

Ideally, it would be nice to have magnanimous men of great virtue ordained as medical doctors. It would be reassuring to have these men compensated by some scheme which enabled them to prescribe medical treatment without being influenced by the effect their diagnosis would have on their own compensation. In fairness to these men, it would also be desirable to have our medical schools produce a sufficient number of competent doctors so that they would have a workweek like that enjoyed by other professional men. Finally, it would be nice if those admitted to this priesthood were all selected on the basis of their intellectual competence and moral dedication, rather than their social class and financial ability to support themselves through the several years of medical school and internship.

Pragmatic considerations: It is stimulating to contemplate what our national health care system *might* be like; however, the pragmatic considerations are much different. It is not realistic to think that the American Hospital Association or the federal government will be able to suddenly achieve a massive reorganization in the ownership and management of all the hospitals throughout the country. They will continue to function in their present disorganized, uncoordinated state. It is doubtful that our medical schools will suddenly increase the number of doctors produced each year, and it is unlikely that the selection criteria will be modified appreciably.

Nevertheless, there is hope for improvements in insurance and welfare programs so as to curtail the current practice of perfunctorily reimbursing hospitals for whatever they chose to spend. Moreover, there is hope that business organizations will recognize the need for the emergency of a subacute medical care industry whereby commercially operated clinics would perform much of the diagnostic work and mini-malcare functions with which hospitals are now burdened.

PROPRIETARY HOSPITALS

Hospitals are classified by ownership into three groups: (1) voluntary or charitable hospitals, (2) proprietary hospitals, and (3) state and local government hospitals. Hospitals are referred to as "general hospitals" or "special hospitals" for the purpose of classifying them according to the range of services they offer patients. General hospitals offer a relatively full range of services whereas special hospitals are exemplified by mental hospitals, children's hospitals, and chronic-illness hospitals. These specialized institutions account for 51.6% of the 10,000 hospitals in the United States.[2]

Proprietary hospitals are typically quite small and provide a very limited range of services. They are usually owned by members of the medical staff. For this reason, aspersions are often cast at the doctor-owners, contending that their profit motive improperly influences their decisions concerning patient care. These doctor-owners are accused of sometimes keeping the patient hospitalized an extra day or two when beds just happen to be available, and also of admitting patients that might not be admitted if the doctor were not sharing in the profits of the hospital.

The critics who make such allegations fail to explain that doctor-owners are affected by the profit motive in exactly the same manner as other doctors are affected by their inclination to increase their compensation. Both the doctor and the doctor-owner benefit financially in proportion to the complexity and the volume of medical services they choose to perform.

Another objection commonly made about proprietary hospitals is the limited range of services they offer. They typically avoid the "loss services" such as obstetrical and emergency rooms. The proprietary hospitals do not obtain unusually expensive equipment for which very limited usage is normally made. Such highly expensive equipment does not permit a fee structure sufficient to recapture costs, and the nonprofit hospitals have to absorb the financial burden.

A final objection made about proprietary hospitals is that they tend to be fastidious about the cases they accept, whereas the nonprofit hospitals tend to accept everyone. The proprietary hospitals tend to accept fewer charity cases. They also prefer to cater to patients who will be hospitalized a relatively short length of time. Hospital fees per patient day tend to be highest during the first few days of hospitalization when the diagnostic tests and surgery are being performed. The hospital earns only the daily room charge plus small pharmacy charges on patients who have been hospitalized for a prolonged period. There is no doubt that the proprietary hospitals pursue the "high margin business."

Appalling shortage: In spite of these objections, proprietary hospitals are being constructed at a rate faster than ever. Thus the most obvious justification for their existence is the appalling shortage of hospital facilities that currently exists in this country.

This raises a very pertinent question: Is it reasonable for entrepreneurial investment to be diverted from the hospital community when emergency cases frequently have to wait several hours in out-patient departments before a doctor examines them, when very sick people are often denied admission to large metropolitan hospitals, and when residents of a ghetto have to be transported for miles before reaching a hospital?

The voluntary hospitals and government hospitals say that they are doing their best to alleviate the crisis, but this is no consolation to the afflicted who demand competent treatment today. Richard L. Johnson has protested that government regulatory agencies should compel proprietary hospitals to assume their fair share of the loss services which they have avoided thus far. His study of proprietary hospitals produced these findings:

Proprietary hospitals have 14% fewer employees per patient than do voluntary hospitals and 7% fewer employees than do government hospitals.

Payroll is 61.5% of total expense in the voluntary hospital and 65% in government hospitals, but only 50.9% in proprietary hospitals.

The quality of care as measured by the Joint Commission on Accreditation of Hospitals is slightly better in proprietary hospitals of 200 beds or more than it is in voluntary nonprofit hospitals, and both these groups provide considerably better care than is given in state and local government hospitals.

Proprietary hospitals have no hesitation about investing in expensive patient services (i.e., operating rooms) when the volume of usage is high.

Proprietary hospitals tend to avoid offering patient services requiring large investments and high operating costs when the volume of usage is low (i.e., premature nursery).

As proprietary hospitals increase in size, they increase in efficiency, since they do not add to the scope of services provided. By comparison, the voluntary nonprofit hospital typically adds to the comprehensiveness of its service, which leads to an increased cost per "patient day."[3]

Profit motive stigma: The business organizations that own the "hospital chains" maintain a consistent policy of providing fees lower than those charged by other hospitals in the community. Centralized purchasing, accounting, bookkeeping, and staff functions accomplish the cost savings that permit these organizations to charge lower fees and still make a profit. A substantial portion of proprietary hospitals are fully accredited in every respect, and they are judged by review boards to have medical services just as competent as those offered by the nonprofit hospitals.

Of course, there is a substantial number of proprietary hospitals owned by unscrupulous members of the medical staff or "get-rich quick" entrepreneurs. Virtually every medical doctor has heard of the individual who establishes an unaccredited proprietary hospital, staffs it with unaccredited doctors, selects only "profitable business," and provides poor patient care because of his in-

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Footnotes at end of article.

satiable appetite for profit. Some individuals like this have committed the same rape behind the facade of a voluntary hospital, by hiring relatives and providing them with grossly inflated salaries.

It is outrageous to imply that maximization of revenues is something peculiar to proprietary hospitals. The voluntary hospitals might be just as culpable of maximizing revenues, even though they have no patent profit motive; instead, their motive is *loss avoidance*. They buy the equipment and perform the services that the doctors demand, and the doctors endeavor to adorn their hospitals with the most sophisticated gradgetry in order to enhance their own professional status. Since virtually everyone is insured these days, the doctor feels that the patient will not suffer any financial detriment from an inflated hospital bill.

Although the stigma of "profit motive" is ascribed to proprietary hospitals, the profit motive of physicians with nonprofit hospitals probably constitutes the greater evil. This is the microcosm that explains today's soaring costs of health care.

BUSINESS COOPERATION

The existing system has failed! The reasons for failure appear to be many. Regardless of how many factors are responsible for the breakdown in our nation's health care system, it is apparent that either one of two suggested remedies must be taken:

1. The federal government will have to adopt a national health insurance system which will enable everyone to afford the soaring costs of hospital care. In order to arrest these skyrocketing costs, this program might impose restraints on the amount of reimbursement paid to hospitals, or it might provide incentives to induce hospitals to control their costs.

2. The entrepreneurial dollar and the management skills of established business organizations will have to be contributed to the health care community.

The use of federal government bureaucracy might very well enable all people to afford the increasingly higher fees charged by hospitals. However, it certainly will not be able to—

Provide the existing caliber of health care at lower prices;

Supply the management skills hospitals so sorely need;

Offer the cost efficiencies of centralized services;

Disenthrone the doctor from the current powerful position that enables him to mold and refashion the services the hospital will provide and the resultant prices the hospital will have to charge for such services.

If our national health system is to escape the fat layers of administrative expense and the inevitable abuses that accompany greater federal control, business organizations must provide these three "wonder drugs": (1) real management, (2) a meaningful system of incentives and disincentives, and (3) the opportunity for each consumer to choose the basic medical services he feels he can afford.

Managerial skills

Except for the larger metropolitan hospitals, hospitals historically have been managed by a board of trustees composed of prominent civic leaders who generously contribute one hour or so of their time per month to oversee an operation they do not understand. They contribute kindness, rather than management. The important decisions they are compelled to make are necessarily compliant with the recommendations of the medical staff.

It is difficult to generalize about the quality of management found today in hospitals. Most hospitals now have an administrator who has been prepared for his responsibilities with several years of professional training in a university. Twenty years ago, it was common for the head nurse or head bookkeeper to function as the hospital administrator.

However, at most hospitals the practice of management has undergone little improvement over the years. This is particularly true of the small hospitals in rural areas where management is epitomized by the practice of finding out what the influential doctors want and satisfying their requests. If his request is not satisfied, the doctor may threaten to accept an opportunity to join a larger and more modern hospital in a metropolitan area.

Generally speaking, the doctor is trained to practice medicine. The administrator is trained to operate the hospital, supervise the personnel, and maintain proper relations with the community. Neither of them is trained to formulate organizational strategy, assess risks, develop multi-million dollar financial projects, and methodically transform plans into desired results. Business executives with hospital savvy constitute the only means of driving a wedge through the intimate relationship between the medical doctor and the hospital administrator. The management resources of ordinary business organizations should be injected into the power structure of some hospitals so that at least some hospitals will be able to provide the service that the businessman perceives as being desired by the consumer.

The stereotype of the U.S. businessman suggests a hard-driving executive striving to maximize profits and coldly eliminating all persons and product lines that do not meet his established corporate goals. This caricature has been drawn particularly by those who oppose corporate entry into proprietary hospitals.

Yet every time a patient swallows a pill or receives an injection, he is betting his life on a capitalistic organization having produced a product of acceptable quality. So let us dismiss any contention that business management is synonymous with a reduced caliber of patient care. Some proprietary hospitals have some incompetent and unscrupulous personnel, but there is overwhelming evidence that exactly the same conditions are found at some nonprofit hospitals.

If management in hospitals is to become something other than a titular activity, a power structure must be established whereby management personnel with hospital savvy will be given the responsibility of resolving: (a) the patient services to be provided by the hospital, (b) the price that the patients will be charged for those services, and (c) the administration of activities that will bring actual results into conformity with those desired objectives. If it wishes to stop socialized medicine from becoming an accomplished fact in this country, the medical profession must abdicate from the monopoly which it currently exercises in the areas of hospital utilization and hospital medical care.

Incentives and disincentives

No government-regulated monopoly is fortified with the privileges of (a) receiving guaranteed reimbursement of soaring costs and (b) denying services to consumers when no facilities are available. Yet this unrealistic scheme has been allowed to develop in the health care community, and it will be nourished to obesity if it is fed with even more government bureaucracy.

The last thing our country needs is a federally controlled system which would induce (or virtually coerce) a semblance of standard fees for all hospitals. For one thing, those hospitals that lacked the skills necessary to achieve low-cost efficiency would be dangerously tempted to sacrifice their quality of patient care. For another, such a system would impose a "one brand" range of health services on all the people.

One of the weaknesses of the existing health care system is that the doctors directly or indirectly choose the brand of health care they consider appropriate, and the people are expected to dutifully absorb the rising costs. If it is improper for doctors to have the exclusive discretion of resolving the brand of health care that will be provided to our people, nothing would be gained by endowing the federal government with such exclusive discretion.

What we need at this time is a health care system that offers the consumer a choice between two or more brands of health care. Instead of allowing the American Medical Association to resolve this matter through debate with Congress, a more equitable solution would be one that permits the consumer to choose between the Cadillac brand of patient care (and Cadillac prices) and the Rambler brand of patient care (and Rambler prices). There currently is no inducement for any hospital to offer this choice of brands. After all, a hospital that would espouse lower fees would risk losing some of its medical staff.

Consumer choice

The most immediate benefit of hospital investment by business organizations would be that more health care facilities would swiftly become available to deal with the critical shortage that exists today. Bills are passed in Congress, state programs are enacted, and fund raising programs are carried on by voluntary hospitals. These are well and good, but all have simply failed to provide sufficient financing for the hospital facilities that are desperately needed right now.

A massive investment in hospitals by business organizations would put the cost of basic hospital services within the reach of the average man. For example, 30 years ago an entrepreneur introduced the drive-in movie. A lower cost was offered to those patrons who were willing to sacrifice a scintillating marquee, an ornate interior, thick rugs, and cushioned seats. Yet those drive-in patrons were provided with the very same caliber of motion picture as that available at the expensive downtown theater.

Business organizations can offer a similar trade-off today to the consumers of health care. It can provide them with the opportunity to buy, say, a thoroughly competent appendectomy or tonsillectomy without having to subsidize the obstetrics (OB) department or to absorb part of the cost of some other person's open heart surgery.

Hospitals throughout this country respect a peculiar tradition of operating some facilities, such as the OB department and the emergency room, at a staggering loss year after year. Other departments, such as radiology and pharmacy, always produce an immense profit. Certain types of highly specialized surgery that are usually limited to prominent medical centers involve such extraordinary costs that there is absolutely no chance of charging fees that would recover them. Generally accepted financial policies of these nonprofit hospitals prescribe that enough revenues must be collected from the "routine business" to cover the costs of the routine services, *plus* the operating deficits of the OB department, the emergency room, and the extraordinary surgery work.

The proliferation of proprietary hospitals managed by reputable business organizations would make the basic services available at considerably lower cost. Those who desired these basic services with more human warmth and higher prices would continue to find both available at the nonprofit hospitals. The proprietary hospitals presumably would not take over any part of the extraordinary services that involved spectacular costs. The responsibility for these would remain with the nonprofit hospitals, but the absorption of their costs would not be indiscriminately levied on the people who desired fundamental medical services. It would seem more equitable that those extraordinary costs would be absorbed at least to

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some extent by the taxpayers who were fortunate enough to avoid hospitalization.

Conceivably, some people might feel that it would be terribly callous to provide price competition on basic services to the nonprofit hospitals, which might deter them from offering the extraordinary medical services that involve spectacular cost. However, pressure of this type is exactly what is needed. Such pressure would make it more difficult for four hospitals at a single intersection in California to be equipped with costly cobalt machines for the greater prestige of their staffs. Such pressure would also make it more onerous for so many nonprofit hospitals to provide their staffs with the status symbol facilites for open heart surgery.

According to the President's Commission on Heart Disease, Cancer, and Stroke, 30% of the 777 hospitals equipped to do closed heart surgery had no such cases in the year under study.[4] Of those hospitals that had cases, 87% did fewer than one operation per week. Of all hospitals equipped to do open heart surgery, 77% did not average even one operation per week, and 41% averaged under one operation per month. Little of this was of an emergency nature, and the mortality rate for both procedures was far higher than in institutions with a full workload.

GOVERNMENT ACTION

The health care crisis is so immense that massive intervention by business organizations certainly will not obviate any appropriations that might be made available by federal and state governments. Legislation and government funds are needed to effect improvements in three areas: (1) the shortage of doctors, (2) construction of new hospitals, and (3) modification of the terms of welfare programs and insurance plans.

Additional doctors

Although some unscrupulous physicians resort to deceitful practices in order to inflate their compensation, the more typical medical doctor is currently putting in a 16-hour day. Many of these doctors devote one day a week to welfare cases for which no fees whatsoever are charged. Many interns are lucky to get 5 hours sleep a night, and they are paid a ridiculous subsistence wage.

The shortage of doctors in this country is so great that approximately 20% of our new doctors each year are imported from other countries that provide distinctly inferior medical training. The benefits anticipated from national health insurance have little chance of fruition until such time that additional medical personnel are made available to provide the free services that are difficult to obtain today at staggering prices.

Hospital construction

The federal programs aimed at making funds available for new hospital construction have proceeded at a glacial pace thus far. Huge government grants have enabled some impressive hospitals to be constructed which remain only half occupied years later. It is not simply a matter of providing vast sums of money; state planning commissions are desperately needed. These commissions must be given the authority to approve or disapprove the construction of new hospitals. Beautiful hospitals, symbolizing an eternal monument to some millionaire's philanthropy, continue to be erected in spacious landscapes of suburbia; but the denizens of Harlem and Watts continue to be provided with hospital facilities the caliber of which amounts to health brutality.

An example of the type of investment program needed from the federal government is the ill-fated 13-billion Johnson proposal for a coordinated national attack on heart disease, cancer, and stroke. The program, to be headed by a Presidential committee under the direction of Dr. Michael E. DeBakey of Baylor University, called for the establishment of a five-year program that would create two networks of special facilities to attack the three great killers. There were to be 60 regional centers for clinical investigation, teaching, and patient care; and those were to be ringed by 500 special diagnostic and treatment stations.

The operational efficiency of such a system is transparently evident to every member of the health care community. Despite this, and despite its magnanimous character, the provision was opposed so vehemently by the American Medical Association that it had to be withdrawn from the Medicare Act.

Financial modifications

Some people who oppose national health insurance choose to support their physician with nothing more than a reference to what they consider to be our abysmal experience with Medicare. No one can deny that Medicare's costs have greatly exceeded expectations. The auditing and administrative expense of complying with the paperwork requirements of Medicare have been staggering. Finally, the most significant objection is the absence of some incentive to control costs.

If corporate management were to enter the hospital scene and provide good basic services at lower prices, the private insurance companies should certainly respond by making lower premiums available to those who choose to patronize the hospitals with lower prices. The terms of Medicare should also be modified to either (a) offer some incentive for the patient to avoid the inflated costs of some hospitals, or (b) provide some incentive to the hospital to control costs.

It would be flagrantly imprudent to provide a direct incentive to the patient (a payment to the patient) for patronizing a hospital that offered lower prices, but it would be quite possible to impose a financial disincentive on the patient for patronizing a hospital that charged unusually high prices. The terms of Medicare might be modified in order to cover charges up to certain limits, say, somewhat above the median amounts.

(Earlier in this article, I expressed the opinion that the last thing we need is a national health insurance program which provides for a uniform set of prices for hospital services. In spite of this, it would be viable to have a set of maximum prices for services covered by Medicare. In the first case, we are concerned with just one price for the entire clientele of the hospital. In the second case, we are concerned with just a maximum on prices that applies to a small portion of the hospital's clientele. Although the spirit of Medicare is such that its insured senior citizens are not to be treated like indigents, we should not forget that this is essentially a welfare program with which carpeted hospital rooms and color television sets are rather incompatible.)

One of the simplest means by which the cost of hospital care can be reduced is to amend the terms of Medicare so as to extend coverage to diagnostic services performed outside the hospital. It is estimated that one eighth of patients hospitalized today are hospitalized only to obtain indemnification from Medicare, Blue Cross, or some commercial insurance policy. Commercial laboratories could be utilized for much of the X-rays and laboratory analysis without wasting the use of a hospital bed.

Cost controls: Medicare and most Blue Cross plans provide for payments to hospitals on the basis of the hospital's cost. The absence of upper limits on these costs stands out conspicuously as one area in which improvement is needed. Three methods of controlling cost appear viable:

1. Control might be achieved by simply imposing upper limits on reimbursable costs and by further prescribing that hospitals would not make any supplemental charges to Medicare patients. This would differ from the current system only in its refusal to pay outlandish costs that would presumably be incurred either by luxury hospitals or by the most mismanaged hospitals.

2. Bonuses might be paid to those hospitals with lower cost levels. Thus, perhaps, no bonus would be paid to hospitals that ranked in the highest quartile of cost, a nominal bonus might be paid to those in the second and third quartiles, and a more significant bonus (as a percentage of cost) might be paid to those hospitals that achieved costs in the lowest quartile.

3. Bonuses might be paid to those hospitals that effected reductions in their costs.

The desirable feature of both the second and the third method is that some incentive would be given to the hospital to control cost. Hospitals would thus be able to finance the acquisition of additional equipment and expanded facilities by achieving lower costs, rather than by performing needless "high margin" services on patients. It would be somewhat inequitable to provide a profit or investment funds to those hospitals that might be accused of offering the lowest quality of patient care. On the other hand, the third method could be criticized for providing a profit or investment funds to those hospitals that had previously been the most wasteful in spending money.

THE EXEMPLARY PROFILE

Instead of attempting merely to patch up the weaknesses in the existing health care system, perhaps it would be more meaningful to consider what the ideal system would be like. There is no doubt that if we were starting from scratch, we would construct networks of hospitals in "cluster systems."

The nucleus of each cluster would be a medical center and medical school. It would be supported by a group of regional specialized hospitals, each of which would have a group of satellite diagnostic clinics. The diagnostic clinic would be equivalent to the neighborhood hospital. It would provide emergency room facilities, out-patient services, an OB unit, and a range of other unsophisticated services.

The patients requiring specialized services, such as ophthalmology or chest surgery, would be transferred to the regional hospital. The patients requiring truly expert services, like open heart surgery, would be taken to the medical center. There they would be treated by the prestigious faculty members, and they likewise would have the benefit of the most advanced equipment.

In terms of business operations, all activities would be centralized at the medical center. A time-sharing computer would handle the purchasing, billing, payroll, insurance records, medical records, and other financial records for the entire network of hospitals. The business office would provide specialized staff functions and training programs to all of the member facilities.

Two brands of service

An industrial engineer or business executive might be quite impressed with the factory-like efficiency with which the large metropolitan hospitals operate. Hospitals of this type constitute an infinitesimal portion of the 10,000 hospitals located throughout the United States. An entirely different impression would be drawn by observing the operations of many of the small charitable voluntary hospitals.

Many of these hospitals operate as though patient care were the expression of a virtue, and concepts of efficiency and cost control are viewed with disgust. The kindness extended to the patients effusively extends to the manner in which hospital management caters to the interests of the medical staff and the employees. These people are characteristically the fine caliber of human being. They are alutruistic, dedicated, and diligent. The only transgression of which they are

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Footnotes at end of article.

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culpable is a monolithic conviction to help the patient recover. Their simplistic financial strategy is to spend all the money that is available.

It is wonderful to have institutions that display an intense concern for afflicted human beings. However, if all hospitals shared the same strategy of providing the very best in loving care without concern for cost, the people of our nation would be provided with just *one* brand of health care. Medical doctors and hospital administrators are currently empowered with exclusive jurisdiction for the determination of the degree of loving care to be provided to their patients and the resultant cost thereof.

However, it seems more reasonable that our people should be able to exert a choice of *two* brands of service—that is, whether they want: (1) plenty of loving care at skyrocketing costs, or (2) an efficient though somewhat impersonal caliber of patient care at considerably lower cost.

At least some of the hospitals in our ideal system must be provided with an incentive to offer reasonable patient care at reasonably lower cost.

At least some of the hospitals in our ideal system must be provided with an incentive to offer reasonable patient care at reasonable prices. This does not mean that constrictive bureaucracy should be used to coerce all hospitals to meet certain cost standards. Instead, incentives should be established that would cause at least some hospitals to become concerned with a brand of patient care for those who are willing to do without tender loving care in order to receive medical treatment at more reasonable cost.

As noted earlier, the manufacturers of Cadillacs and Ramblers offer automobiles of different caliber to the people of this country. They serve different segments of the market that have divergent views as to their needs and wants. And our free enterprise system allows the consumer to resolve the question of what caliber of automobile is appropriate for him. It seems that the consumer should be allowed a similar choice in selecting a caliber of health care.

CONCLUSION

The shortage of health care facilities is partially attributable to the expanding population and the dynamic medical technology. However, the most significant causative factor is the emergence of a system which has transferred the sting of paying the bill from the patient to some faceless entities. The willingness of Blue Cross, private insurance companies, and the federal government to reimburse hospitals for their true costs, regardless of how high those costs might be, has had a notoriously propulsive effect on the cost of hospitalization.

It is one thing to theorize what the ideal health care system would be like if we were starting from scratch to build hospitals, buy equipment, and train our medical doctors; however, we are confronted with the realistic task of making today's system better. We must deal with the vanity and emotions of all the people who are now medical doctors or members of boards of trustees. We must address ourselves to the network of hospitals that exists today, not to the physical structures that should have been built to accommodate current needs.

Intervention by business organizations into the health care community will probably be the one thing that can avert a take-over of hospitals by the federal government. The financial resources of business organizations can provide the sorely needed construction of additional health care facilities. These "junior hospitals" can take over the diagnostic and subacute services, so that our large hospitals can confine their activities to the advanced illnesses that require the use of sophisticated equipment.

The management resources of business organizations will abolish the current autocracy by which medical doctors formulate strategy, prescribe operational policy, and deliver to the public the single brand of medical care which they have unilaterally chosen for the people of our country. Business executives will be responsive to today's consumer demand for a "Rambler" brand of health care that accomplishes the task without luxury and without absurd costs.

The efficiency experts of the business organization will also make a badly needed contribution to an industry that for the most part has failed to utilize the developments in computer technology. Hospital payroll expense has soared, at least in part, because the thousands of small hospitals we have in this country cannot afford the services of an industrial engineer or a computer systems expert.

On the other hand, the handful of corporations that have acquired hospital chains have achieved impressive reductions in payroll expense through the application of industrial engineering concepts and computerized operational control. The application of these engineering concepts and the repeated use of the same standardized architectural plans have enabled the hospital chain corporations to achieve enormous economies in the construction of hospitals.

The opportunities available to business organizations extend beyond the ownership of proprietary hospitals. Some of the hospital-chain companies are already running voluntary hospitals on a management fee basis. The opportunity for greatest profit (with no capital investment requirement) is the management consulting services and the training programs that could be offered to voluntary and government hospitals by business organizations which have cultivated expertise in hospital managment. The most important opportunity available to business organizations is the opportunity to perform a service for our country that is critically needed right now.

"The engine which drives Enterprise is not Thrift, but Profit." John Maynard Keynes, 1883–1946, "A Treatise on Money."

FOOTNOTES

[1] Carroll Cihlar, "Consumer Views," *Hospitals*, April 1, 1970, p. 53, italics added.

[2] "Hospitals Need Management Even More Than Money," *Fortune*, January 1970, p. 98.

[3] See "How to Make Competition Fair: Have the Same Rules for All Hospitals," *Modern Hospital*, December 1969, p. 104.

[4] *A National Program To Conquer Heart Disease, Cancer, and Stroke* (Washington, U.S. Government Printing Office, February, 1965), Vol. II, p. 55.

INTRODUCTION OF JOINT RESOLUTION TO PROCLAIM A PERIOD TO BE KNOWN AS THE "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. WALDIE. Mr. Speaker, today on behalf of myself and Congressmen Anderson of California, Bell, Brown of California, Burton, Edwards of California, Hanna, Johnson, Leggett, McCloskey, Moss, Pettis, Rees, Roybal, Sisk, Tunney, Van Deerlin, Wiggins, and Charles H. Wilson, I am introducing a House joint resolution which would authorize the President to proclaim the period of Mother's Day, May 9, 1971, through Father's Day, June 21, 1971, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks."

Mr. Speaker, this dread disease strikes its victims when they are between the age of 20 and 40 years, a time when one's hope and aspirations are in the process of accomplishment. It is a cruel time for this particularly cruel disease to cripple a young man or woman.

Multiple sclerosis is a disease which so far has mystified researchers and physicians. It occurs when the covering matter of our nerve sheaths, called myelin, is destroyed, thus "short-circuiting" messages from the brain to various parts of the body. The results of this disease are speech defects, tremors, paralysis, vision impairment, staggering, and falling.

Mr. Speaker, no two patients have the same symptoms and thus it makes diagnosis almost impossible. Once a person contracts the disease, he has it for the rest of his life.

However, there is some hope. The National Multiple Sclerosis Society is concerned with the discovery of the cause, prevention, and cure of multiple sclerosis. Research is the only hope that multiple sclerosis victims have for the future. The National Multiple Sclerosis Society also provides for the present by giving patients the opportunity for recreation and transportation as well as other vital services.

Mr. Speaker, this resolution would designate the period of Mother's Day through Father's Day of 1971, the 25th Anniversary of the Multiple Sclerosis Society, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks." The resolution additionally calls on the Governors of the 50 States to issue similar resolutions calling on the people of the Nation to join in the effort to find the cause and cure of this disease which has crippled some 500,000 persons.

The joint resolution follows:

JOINT RESOLUTION

(To authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks.")

Whereas five hundred thousand Americans, stricken usually between the ages of twenty and forty years, are affected by the ravages of multiple sclerosis and related neurological diseases; and

Whereas two million members of American families are deeply concerned with the financial and emotional problems of this disease; and

Whereas multiple sclerosis predominantly strikes young fathers and mothers in their wage-earning and family-building years and reduces the buying power of such families; and

Whereas such reduction results in a $2,000,000,000 annual economic loss to the Nation and forces the removal of two out of every three disabled multiple sclerosis victims from the Nation's work force; and

Whereas multiple sclerosis remains a disease of unknown cause, unpredictable course, and undiscovered cure; and

Whereas the National Multiple Sclerosis Society, which is celebrating its twenty-fifth

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anniversary in 1971, has launched a five-year research development plan to explore as quickly as possible promising clues that may lead to methods which will prevent or more effectively treat, multiple sclerosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation—

(1) designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

(2) inviting the Governors of the several States to issue proclamation for like purposes; and

(3) urging the people of the United States and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of persons stricken by this disease.

NIXON COMPILING GOOD RECORD

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. BOB WILSON. Mr. Speaker, in "Nixon Compiling Good Record" the San Diego Union lists the accomplishments of the Nixon administration from the international to the domestic front. The amazing thing, notes the Union, is that "all of this has occurred in a period of less than 2 years and in the face of a Congress that contains a majority of the opposite political faith!"

I agree with the Union that the Nixon administration achievements are remarkable and, therefore submit the editorial at this point in the RECORD.

[From the San Diego Union, Sept. 10, 1970]

DEEDS MATCH WORDS: NIXON COMPILING GOOD RECORD

When President Nixon was inaugurated on Jan. 29, 1969, during a period of great domestic crisis, he said that the United States of America was suffering from "inflated rhetoric."

"We cannot learn from one another until we stop shouting at one another, so our words can be heard as well as our voices," he said in his inaugural speech.

He asked also that the Administration be judged on the basis of its deeds as well as its words.

Today the President's words and deeds are being subjected to the scrutiny of public opinion as Labor Day disappears astern and we turn seriously to the fall elections that will determine the makeup of Congress.

President Nixon was in a difficult position in January of 1969. He had inherited a war that had gone politically sour—a conflict that had been a problem for the United States for five years. Inflation was a five-alarm fire. Historic allies were restive, world tensions were high, and domestic problems crowded the capital.

Today, 20 months later, the rhetoric is unfortunately still high on occasion, cloaking to some degree the really remarkable achievements of the Administration.

A presidential trip to Europe, the first order of international business in 1969, mended traditional fences. The North Atlantic Treaty Organization remains strong, and progress has been made toward the dissolution of European tensions.

The Nixon Doctrine, aimed primarily at Asia, clarified the commitment of the United States to self determination and regained some of our eroding credibility.

Progress of the Administration's Latin American policy was dramatized just a few days ago when President Gustavo Diaz Ordaz and President Nixon shared a state dinner in Coronado.

It was an American initiative that launched peace discussions in the Middle East. The United States is talking with the Soviet Union about a reduction of strategic arms. A dialogue has been reestablished with Communist China. The Administration has religiously kept every promise it had made regarding the assignment of our troops to Vietnam. By spring 265,000 fewer American soldiers will be stationed in that unfortunate land, with casualties and capital outlay correspondingly reduced from the 1968 peak.

At home the President is delicately guiding the many faceted transition from a wartime to a peacetime economy during a period of intense inflation. He has moved ahead with methodical precision to guarantee equal opportunities for all Americans. A postal corporation is a reality. The draft has been reformed, an anti-ballistic missile system inaugurated and the federal budget has been trimmed.

All of this has occurred in a period of less than two years and in the face of a Congress that contains a majority of the opposite political faith!

As the subject of the political composition of Congress keeps recurring during this election campaign, Americans might ponder how much more might have been accomplished had the President's actions been complemented by a more sympathetic legislative branch of government.

MISS NATIONAL FIRE PREVENTION 1970 BEGINS NATIONAL TOUR FROM MEMPHIS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. KUYKENDALL. Mr. Speaker, Miss National Fire Prevention 1970 left Memphis Monday, September 21, for San Francisco, Calif. During the next 12 months, Miss Rhonda James of Florence, Ala., will represent the fire service of the United States and spread the fire prevention story.

It is only fitting that Miss James should leave from Memphis and that the annual national contest should have originated in Memphis. Memphis has the lowest fire insurance rates it is possible to obtain—a tribute to the fire department of Memphis, headed by Chief Edward A. Hamilton. The department also has a class I rating, an honor shared by less than 10 other departments across the United States.

Fire Prevention Week, as proclaimed by the President of the United States, is proclaimed in October during the week in which the 7th falls, commemorating the big Chicago fire of 1871. It is the hope that during this week, the public can be made more conscious of the extreme dangers of fire in millions of dollars in property damage that result each year from carelessness and the tragic loss of life from fire that strike without warning in the middle of the night or even in the daytime, trapping the elderly, the sick, and the young.

It will be the duty of Miss James, as the Miss National Fire Prevention, to make the citizens of the Nation aware of their individual responsibilities in the prevention of deadly fires, to make them fire prevention conscious, both on the domestic and business level.

Tennessee Ninth District Congressman DAN KUYKENDALL, whose district includes Memphis, was at the airport to see Rhonda off on her tour. Aside from the pleasure of being in the company of a lovely young lady, there is a serious factor in what Miss National Fire Prevention represents.

Fire knows no political lines or geographical boundaries. It can become a common enemy and can only be controlled through the efforts each individual asserts and its growing awareness. In this respect, Miss James is to meet Governor Reagan while in California. One has only to view once the charred stumps of one's proud forest land ravaged by fire, as occurs in California almost annually, to understand why Mr. Reagan would be glad to greet Miss James and support what she represents.

Fire prevention is only one more area where the public needs to become involved, and Memphis, Tenn., through the Memphis Fire Department, with its Miss National Fire Prevention Pageant, is doing its small share in trying to bring about that awareness and involvement.

WYOMING'S ONE-SHOT ANTELOPE HUNT AND THE "GREAT DANE," LAURITZ MELCHIOR

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. WOLD. Mr. Speaker, for many years, one of the highlights of the one-shot antelope hunt, an annual sporting feature of Lander, Wyo., has been the participation of the "Great Dane," Lauritz Melchior.

The Heldentenor who is as competent with a big-game rifle, as with an opera score, is well known and highly regarded in the town of Lander and among outpublication of the American Association door-sport enthusiasts.

The August–September edition of the of Retired Persons contains an interesting article on the "Great Dane," including reference to the fact that "the big-game hunter recently was on the winning team during the annual one-shot antelope hunt in Wyoming."

Mr. Speaker, I include the AARP article on Lauritz Melchior in the RECORD with my remarks:

A BUSY OCTOGENARIAN

"The Great Dane," Lauritz Melchior is sentimental over anniversaries and special occasions. He recently was honored on his 80th birthday.

The Heldentenor was feted at gala dinners in both New York and Los Angeles by the Danish Royal Guards Societies. Melchior, who served with the Guards (the personal guards to the King of Denmark) as a young

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man, is president of all overseas chapters of ex-Guardsmen.

The West Coast party, attended by 300, benefited the Melchior Heldentenor Foundation, which financially assists young, potential heroic tenors.

Melchior, who sang for 24 seasons at New York's Metropolitan Opera, holds the Danish court title of "Kammersanger" (singer to the Royal Court).

An album of his Wagner recordings will be re-issued soon, and his autobiography, "A Matter of Love: The Melchior Story," soon will be on sale.

The big-game hunter recently was on the winning team during the annual "One-Shot Antelope Hunt" in Wyoming. He also found time to attend the opening of the new Juilliard School of Music in New York City, and appeared at a state dinner at the White House honoring Denmark's Prime Minister.

Melchior keeps busy hunting in Denmark, touring Germany by car and entertaining friends in his Beverly Hills home.

RESOLUTION ADOPTED BY THE CITY COUNCIL OF PHILADELPHIA DECLARING A BOYCOTT OF THE ARAB STATES

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Paul D'Ortona, president of the City Council of Philadelphia, has brought to my attention Resolution No. 298, which was adopted by the council on September 10. I am in hearty agreement with the sentiment expressed in the following resolution and feel it is of vital importance to call this important document to the attention of my colleagues:

RESOLUTION

Memorializing the President and the Congress of the United States to declare a boycott of the Arab states and to refuse landing rights to Arab planes and those airlines serving Arab countries, in an effort to halt the crime of aerial hijacking.

Whereas, The recent and most barbaric wave of aerial hijackings has focused world concern upon the Arab states who harbor terrorists who prey upon international air travelers; and

Whereas, At the present time more than two hundred innocent people are being held captive in the Jordanian desert by Palestinian air pirates; and

Whereas, These actions emphasize the immediate need for cessation of all American commercial flights to any Arab countries which allow plane hijackers to operate from their territory; and

Whereas, It is long past time for the airlines and governments of the world to declare a boycott of the Arab states and to refuse landing rights to Arab planes or those airlines serving Arab countries; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to take all possible steps to effect a boycott of the Arab states and to refuse landing rights to Arab planes and those airlines serving Arab countries, in an effort to halt the crime of aerial hijacking.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, the Senators from the Commonwealth of Pennsylvania and the members of Congress from Philadelphia.

STATES GIVEN MAJOR ROLE IN OCCUPATIONAL SAFETY BILL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, the role of State governments under a Federal occupational safety and health law was discussed at great length during 15 days of public hearings by the Select Subcommittee on Labor in the first session of the 91st Congress. It is a subject of much concern to both State administrators and to all those interested in a viable and effective job safety bill.

Based on the excellent testimony of State safety experts, particularly Mr. Martin Catherwood of New York and Mr. Charles Hagberg of Wisconsin, the subcommittee incorporated section 17, "State Jurisdiction and State Plans" into H.R. 16785, the occupational safety and health bill reported by the full Education and Labor Committee on July 9. There was substantial agreement in the full committee over this provision.

Under section 17, whenever a State wishes to assume responsibility for developing and enforcing standards in an area where the Secretary of Labor has already issued a standard, the State may submit a plan to him. It must contain assurances that the State will develop and enforce standards at least as effective as that developed by the Secretary, that the State will have the legal authority, the personnel and the funds necessary to do the job.

As an encouragement for State action, the bill provides also for Federal financial support to assist States in assuming their own program for worker safety. Planning grants with up to 90 percent Federal participation, and program grants with up to 50 percent Federal participation are provided.

I want to call to the attention of my distinguished colleagues a letter I recently received from the Governor of the State of New York, the Honorable Nelson Rockefeller, voicing his interest in the role of State governments in Federal occupational safety and health legislation.

Governor Rockefeller believes that States which have or are willing to develop and maintain adequate safety programs as determined by the Secretary of Labor should have this opportunity. He also feels Federal aid will play a major role in encouraging more States to develop adequate occupational health and safety programs. Governor Rockefeller further declares:

> Where States fail to provide and enforce adequate health and safety standards, however, I see no appropriate alternative to Federal standards and enforcement.

The majority of the Education and Labor Committee joined with me in sponsoring H.R. 16785. We are convinced that section 17 is the best vehicle for giving the 50 States the opportunity to assert their authority and carry out their responsibilities for the safety of workers in their respective jurisdictions. States have the additional latitude to choose to assert their authority over only one industry or several industrial operations within their boundaries, leaving the remainder of uncovered industries or hazards subject to Federal jurisdiction.

Section 17 clearly delineates Federal-State relationships, allowing the States maximum flexibility in determining their respective roles in a national job safety program, while simultaneously placing the final responsibility with the Federal Government for insuring that all workers engaged in interstate commerce have safe and healthful working conditions.

I urge my colleagues to support H.R. 16785 when it comes before this body for a vote.

The full text of Governor Rockefeller's letter follows:

ALBANY, N.Y.,
September 18, 1970.

HON. DOMINICK V. DANIELS,
Chairman, Select Subcommittee on Labor, House Education and Labor Committee, Cannon House Office Building, Washington, D.C.

DEAR MR. DANIELS: Enactment of Federal legislation on occupational health and safety is vital to the well-being of the Nation's work force and I urge your support in assuring that it receives high priority in the Congress.

Although a final bill is not yet available, there need be no disagreement with most of the provisions of the bills which have received serious consideration after extensive public hearings and consideration by labor, management and professional groups.

The State of New York has long held a leadership position in development of an occupational health and safety program and is constantly revising and improving its standards to keep up with changes in methods, materials and toxic agents.

States which have or are willing to develop and maintain adequate safety programs as determined by the Secretary of Labor should have this opportunity, thus avoiding in such states unnecessary duplication of state standards and state inspection by the Federal Government. Fortunately, this objection seems to have been accepted in the various bills under serious consideration. Federal aid, as contemplated in the various bills, can also play a major role in encouraging more states to develop adequate occupational health and safety programs.

Where states fail to provide and enforce adequate health and safety standards, however, I see no appropriate alternative to Federal standards and enforcement.

The areas of agreement contained in the several bills are substantial and I hope that such differences as still exist will not be permitted to delay or prevent the enactment of this legislation to assure occupational health and safety standards for workers throughout the entire country.

Sincerely,

NELSON A. ROCKEFELLER.

THE TRAGEDY OF DONALD LEE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. HOGAN. Mr. Speaker, time and again I have brought to the attention of my colleagues the problems surrounding the Washington ambulance crisis.

Recently we have had another glaring example that some action must be taken soon. A WWDC editorial spells out the details of this most recent tragedy and offers a remedy.

I commend it to the attention of my colleagues who travel and live in the District of Columbia:

THE TRAGEDY OF DONALD LEE

(NOTE.—Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on September 1, and 2, 1970. We welcome comments.)

The tragic thing is that people continue to die because our Government cannot or will not come to grips with the Washington ambulance crisis.

Sixteen months after our documentary, and our editorials, the situation remains the same. Ambulances still are over-worked. Ambulances still make taxi runs. People still do not grant right of way to ambulances. Our traffic lights still do not go to red when a siren nears.

And so four year old Donald Lee did not live to see five. An ambulance was rushing to what later would turn out to be a needless call. Donald Lee's mother had a green light at Fourth and Bryant. She apparently did not see or hear the approaching ambulance. The light stayed green, and Donald died.

Sixteen months ago we proposed an inexpensive addition to the city's traffic lights, a device which is activated by an approaching siren and which turns all lights in the intersection red.

If the lights at Fourth and Bryant had been red, Donald Lee would be alive today. That is the cost of living for Donald Lee.

Thank you for your interest.

SOLDIER LOOKS HOMEWARD AND SEEKS CAMPUS PEACE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. SCHMITZ. Mr. Speaker, a letter recently appeared in the Los Angeles Times which I feel will be of interest to all my colleagues. It is from a soldier fighting for his Nation in Vietnam who has a few things to say about the college students who are actively working against our war effort.

College students might also heed the advice given by Demosthenes to his colleagues in his second Phillipic when he admonished them to beware "lest in striving to rid of war, you find yourselves slaves."

The article follows:

SOLDIER LOOKS HOMEWARD AND SEEK CAMPUS PEACE

Many of us in Vietnam have been following the stories about the unrest on the nation's campuses with subdued anger.

It is demoralizing to read about our underprivileged counterparts vandalizing campus buildings, manhandling institution leaders and generally making asses of themselves.

It is painful to the thousands of less pampered "students" here who have taken their lesson from instructors in black pajamas and sandals, where the classrooms are sandbagged, hot, sweaty jungle clearings, where the Saturday night date is a cold beer and a letter from home, and where the grades are not A's, B's, C's but sudden death, crippling wounds or maybe victory.

Well, don't worry, people, because someday this war is going to be over and a half million angry men are going to descend on the 50 states with dreams of homes and families and education and jobs.

And when these men hit the campuses, I sincerely hope that someone tries to stop an ex-soldier or marine from attending classes, or that some sorry, flakey, social reject tries to plant a Viet Cong flag next to the artificial leg of a Sea Bee, or spits in the burned face of an Army medic.

I guarantee that it will only happen once.

PFC. DENNIS J. BUTLER.

REDEDICATION TO CONSTITUTION'S PRINCIPLES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 24, 1970

Mr. BYRD of Virginia. Mr. President, the September 13, 1970, editions of the Knight newspapers carried a column by John S. Knight entitled, "U.S. Must Rededicate Itself to Constitution's Principles."

The Knight newspapers include the Philadelphia Inquirer, the Tallahassee Democrat, the Miami Herald, the Akron Beacon-Journal, the Detroit Free Press, the Charlotte Observer, and the Charlotte News.

Mr. Knight is one of the outstanding newspaper publishers of the 20th century, and his recent column is an incisive analysis of the difficulties that plague us because we have departed from constitutional principles.

Mr. Knight forcefully points out that the right of dissent, guaranteed in the first amendment to the Constitution, does not provide license for the violence of the revolutionaries who seem determined to destroy our democratic institutions.

I ask unanimous consent that the text of Mr. Knight's column be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES MUST REDEDICATE ITSELF TO CONSTITUTION'S PRINCIPLES

What has happened to America? Why, in our madness, do we turn to riots and destruction, to contempt for revered institutions which made the American dream possible, to nostrums instead of cures for our economic ills, to sleazy, cheap political devices rather than exercising at least a modicum of statesmanship?

Are we indeed a part of the world revolution which seeks only to destroy while parading under the banners of democracy, Marxist style?

Why are Americans, who enjoy greater freedoms under our Constitution than are permitted anywhere else in the world, berating "the system" which makes these precious liberties possible?

How long must we permit a small band of revolutionaries to disrupt our colleges and universities, to bomb government research centers, kill innocent people and ruin the careers of devoted scientists?

What kind of a country do we live in where the flouting of law has become a national pasttime, where a law officer automatically becomes a "pig," an object of derision and attack by an untutored, undisciplined and unprincipled rabble?

Where indeed, are our leaders, the parents of our youth, the educators and the great body of law-abiding, responsible citizens?

Are the leaders too politically oriented, too concerned with their personal ambitions to stand up and be counted?

Have the educators become so supine, so dependent upon government grants or so cowardly that they stand meekly by while their institutions of learning are defiled and brought to heel by roving bands of professional anarchists?

Must we yield to the sophistry that the right of dissent—as stated so forthrightly in Article I of the Bill of Rights—can be taken as license by those willful violators of the law who cannot distinguish between dissent and disobedience?

Ironically, the destroyers who abuse our Constitutional liberties would find themselves prisoners of the Marxist police state of the authoritarian world to which they give such frenetic devotion.

The greatest of all government documents—the United States Constitution—provides ample safeguards against tryanny and injustice.

Yet the Center for the Study of Democratic Institutions has drafted a new Constitution for the United States that would concentrate all authority in the national government, strengthen the Presidency, weaken the national judiciary and create new branches of government to oversee planning, elections and economic regulations.

Dr. Rexford G. Tugwell, 79-year-old former member of Franklin D. Roosevelt's "brain trust" and author of the document, observes that cherished traditions and institutions which no longer serve the needs of modern society must be pulled down as "impediments to progress."

Along with the Black Panthers who have also put together a new Constitution, Dr. Tugwell typifies the fuzzy and radical left who would tear apart our system of government while offering the absolute authority of statism in its place.

These are the true revolutionaries—along with Socialists in the teaching profession—who are more to be feared than college youth expressing their frustrations on the campus.

Yes, our young people are being taught that there is something inherently evil about the capitalistic system, that its rewards for the industrious and thrifty segments of our society are unfair, that a "people's capitalism" would somehow solve all our problems.

Why is it, Americans, that we of the world's most affluent society, now wish to embrace the fatuous economic doctrines which have failed so miserably wherever they have been tried?

Are we like the lemmings who migrate at intervals to their own destruction?

Where were our statesmen when Congress fueled the fires of inflation by passing a "tax reform measure" which insured a huge deficit?

Can you tell us, please, why such responsible Negro leaders as Whitney Young and Roy Wilkins constantly criticize the total community for the excesses of young blacks while making no substantial contribution of their own in the direction of restraint?

Does it bug you that elementary school teachers once dedicated to character building are now setting a sorry example for our youth with their union-directed strikes on the eve of a new school year?

Or that labor's power monopoly is able to cripple the economy by making a farce of collective bargaining?

Can these distortions of an orderly society be attributed solely to the war in Indochina? Or is the current unrest symptomatic of a world society in revolution?

Whatever the cause, this is a time for the rededication of all Americans to the proposition, as stated in the Preamble of the Constitution, that this nation was conceived to "form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These were the wise and profound thoughts of our founding fathers.

That we have strayed so far from the paths of righteousness is a serious indictment of the weaknesses of man who in the almost 200 years of our Republic now finds himself for the first time seemingly incapable of constructive self-government.

For our enemies within would destroy the union, make a mockery of justice, insure domestic anarchy, gut the national defense, disregard the general welfare and repress the blessings of liberty.

This is what is happening to America, known in happier days as the Land of the Free and the Home of the Brave.

MISSOURI'S (AND OTHER STATES) DESPERATE PLIGHT IN MEDICAID

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1970

Mrs. SULLIVAN. Mr. Speaker, last year, when the Social Security Act was before the Congress, there were some changes made in requirements of the States in connection with medical assistance, to the end that it would not be permissible for any State to reduce its expenditures. This was accomplished by the adoption of an added subsection (d) to section 1902 of the Social Security Act. The consequence of such reduction would be the loss of Federal funds.

The House has previously passed H.R. 17550 and it is now before the Senate Finance Committee. A fiscal emergency has arisen in my State of Missouri, due to the failure of the residents of the State to accept a tax referendum and the unfortunate reduction by the Missouri State Senate in the amount of medicaid funds by $3.1 million, has the State faced with the loss of Federal funds. This may also be true in other States. Because of this, the junior Senator from Missouri, the Honorable THOMAS F. EAGLETON, has introduced an amendment to H.R. 17550 which would amend section 1902 of the Social Security Act which would prevent the State of Missouri or any other State from suffering a complete cutoff of Federal medicaid funds as a result of a temporary fiscal emergency.

The proposed amendment of the Senator from Missouri has great merit and it is my sincere hope that his efforts to have it adopted will be successful.

It would provide a temporary relief until the State of Missouri could put its fiscal house in order. If the amendment is accepted in the Senate, I shall do everything within my power to have it accepted by the conferees when H.R. 17550 is before them, and also to have it adopted by the House of Representatives when the legislation is returned to this body.

If such action fails, the results to the people of Missouri will be catastrophic. It would mean the loss of medicaid for medical services to 280,000 residents of Missouri who are aged, blind, disabled, mothers, unemployed fathers, and children on ADC, and those on general welfare.

No one knows how it will be possible to transfer the 4,500 persons now in skilled nursing homes to State hospitals, or what will happen to the 5,500 persons who receive inpatient hospital care each month; nor do we know what will happen to the 52,000 welfare recipients who receive doctors' services each month; to the 80,000 persons who receive prescription drugs each month; to the 13,000 persons, many of whom are children, who now receive outpatient hospital or clinical services each month.

Of equal concern is the question of what would happen to the 95,000 welfare recipients who are 65 years of age and over, whose medicare supplemental medical insurance premiums are presently paid by the State of Missouri and which would be stopped if the title XIX program under the social security law comes to an end, leaving them entirely without medical insurance protection.

Without question, the results would be very serious. The amendment which has been offered by the junior Senator from Missouri would permit the State of Missouri, or any other State that may find itself in similar circumstances in the future, a limited period of time to restore its medicaid effort and thus avoid the cutoff of Federal funds.

It is my belief that this is one of the most important and humane amendments which has been offered and I urge all Members of Congress to accept it.

BILLS INTRODUCED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. FINDLEY. Mr. Speaker, during the 91st Congress I have introduced 97 bills and resolutions. Many of the proposals they contain have since become law. Below I list those of major interest. Copies and explanations are available upon request.

H.R. 8773, to limit to $20,000 annual payments to farmers and increase water-sewer grants to rural communities. A $55,000 limit was included in the final farm bill.

H.R. 9009, to adjust agricultural production and to provide a transitional program for farmers. Later cosponsored by 50 Members and 21 Senators.

H.R. 9251, to authorize the Secretary of the Interior to establish the Lincoln Home as a national park. Cosponsored by 65 Representatives and four Senators.

H.R. 12018, to prohibit the use of the mails to convey obscene material to minors. Passed the House.

H.R. 12019, to prohibit the use of the mails to convey salacious materials to anyone. Passed the House.

H.R. 13056, to establish a Police Heroes Fund to benefit law enforcement officers and firemen killed or totally disabled in the line of duty.

House Concurrent Resolution 305, urging joint exploration of space by United States and other nations of world. Now adopted as official policy of NASA.

H.R. 13379, to establish an all-volunteer army.

H.R. 13446, to increase to $3,000 amount individuals may earn without suffering a deduction in social security benefits. Amount was later increased to $2,000.

H.R. 13447, to provide cost-of-living increases in social security benefits. Passed the House.

House Concurrent Resolution 454, urging North Vietnam to provide humane treatment of U.S. prisoners of war. Passed the House and Senate.

H.R. 13923, to amend the Employment Act of 1946 to include "maximum price stability" as a primary goal of economic policy.

House Resolution 564, supporting President Nixon's withdrawal policy in Vietnam. Cosponsored by 114 Members.

House Resolution 613, supporting President Nixon's efforts to negotiate peace in Vietnam.

H.R. 14388, to authorize elderly to exchange food stamps for meals prepared by nonprofit organizations.

H.R. 14496, to strengthen voluntary agricultural organizations to provide for orderly marketing of agricultural products.

H.R. 15125, to establish an Institute for Continuing Studies of Juvenile Justice to study problem of juvenile delinquency.

House Joint Resolution 1037, to require congressional approval before U.S. combat troops can be sent into the Middle East.

H.R. 16038 through 16044, seven bills to clean up the environment by setting air standards, studying recycling of solid wastes and providing funds for water pollution control, and providing penalties.

House Joint Resolution 1089, proposing an amendment to the Constitution to guarantee equal rights for women. Passed by House.

H.R. 16263, to prohibit diversion of highway revenue by States for nonhighway purposes.

H.R. 17323, to make use of a firearm to commit a felony a Federal crime where such use violates State law. Cosponsored by 16 Members.

H.R. 17349, to increase the availability of mortgage credit for the financing of urgently needed housing.

H.R. 18654, to require presidential reports concerning U.S. military units on foreign territory in order that the Congress may fulfill its primary responsibility for the commitment of the Nation to war, and for the regulation of its Armed Forces. Adopted substantially by Foreign Affairs Committee.

H.R. 19308, to control aircraft hijack-

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ing by boycotting those countries which harbor hijackers.

H.R. 19380, to grant tax deductions to families of prisoners of war for expenses made to secure information about them or their release.

NATIONAL MACHINE TOOL WEEK

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, pursuant to a resolution which I introduced and the Congress passed, President Nixon has designated this week, September 20 through September 26, 1970, National Machine Tool Week in recognition of the important contribution the machine tool industry has made to this great Nation of ours. For those not familiar with the term, let me explain that machine tools are a distinct class of machinery which are used to make all other tools. For instance, machine tools alone can make the machinery for farms, factories, mills, and powerplants; machine tools alone can make the special machinery for turning out building materials, office equipment, printing, clothing, and medicines; machine tools also directly make parts for products like household appliances and motor vehicles. In essence, everything we eat, wear, and use depends upon the performance efficiency of the Nation's stock of machine tools.

As President Nixon put it in his proclamation designating this special week:

> A strong machine tool industry improves the productivity of all industries and places a greater quantity of consumer goods within the reach of more people. It is vital to the continuing growth of our economy, and contributes to improving the quality of American life.

And our original joint resolution called for the designation of this special week as "a tribute to the importance of the national machine tool industry to the American economy, in recognition of its efforts on behalf of the Nation in peace and for our national defense and with the realization of the role it must play in the development of the sophisticated machinery and equipment necessary to eliminate and prevent pollution."

And so, Mr. Speaker, I want to take this opportunity to extend my commendations and gratitude to the machine tool industry of America, and particularly to those industries in the Rockford, Ill., area—the machine tool capital of the Nation. These are the people who have done so much to make our country great, and these are the people who will be in the forefront of efforts to build a better America.

Mr. Speaker, at this point in the RECORD I am including an article from the Sunday, September 13, 1970, New York Times, on the machine tool industry, its problems and prospects. The article follows:

[From the New York Times, Sept. 13, 1970]

IN MACHINE TOOLS, NOW THE LEAN YEARS

(By Robert Walker)

Successful builders of machine tools need the steady nerves of a bomb-disposal squad. They have lived through recessions before and they are about to do it again, expecting a 1970 sales decline of perhaps 12 per cent from last year's volume and 20 per cent from the record business they did in 1967.

Their understanding of the cyclical nature of the industry does not mean they welcome the slump they know they must weather—without panicky cost cutting—for at least the next two or three quarters.

For one thing, through bad times as well as good, these manufacturers must keep spending for competitive research and development. The machine tools that rifled the barrels of World War II naval guns to what seemed in 1945 like miraculously fine tolerances would look like stone axes beside today's equipment. An operator can tell a computer in Cincinnati to instruct an automated cutting tool in Detroit to adjust itself for a slightly harder grade of steel in the next batch of engine parts it is going to make.

"You could keep your earnings up through one dip in the business cycle, and look pretty shrewd for a while, simply by firing almost everybody," Henry D. Sharpe Jr. observed last week.

Mr. Sharpe, president of the Brown and Sharpe Manufacturing Company, a machine-tool builder based in Rhode Island, added, "But then you'd have no sales, service or research capability when the next upturn arrived—which is why management in this industry has to be assessed over decades of performance and on the basis of long-term profit growth."

A minority faction in the industry has been saying recently—especially to Wall Street stock analysts—that the feast-and-famine character of the business is diminishing. In rebuttal, the majority of the 350 American machine-tool concerns merely point to the current rate of shipments and new orders. They concede that some diversified concerns might be exceptions, like the industry's biggest company, Cincinnati Milacron, Inc.—formerly the Cincinnati Milling Machine Company. But only because items other than machine tools have grown to form more than a quarter of its dollar volume.

Most of the industry is cyclical because its products—the basic and generally expensive machines used to manufacture nearly all other machines—can only be sold to industrial customers that are planning or building new or enlarged production lines. Almost by definition, a machine tool is not a consumer product. For example, the hand-held drill press in a basement workshop does not qualify, although the heavier version of the same thing, bolted to the floor of a metalworking plant, does fit the definition.

Indeed, the value of new orders announced each month in Washington by the National Machine Tool Builders Association, is an eagerly awaited and closely watched indicator of the future capital spending of American industry.

INVESTMENT BUDGETS CUT

In the final stages of a recession—which is where most Americans devoutly hope the economy stands today—industry is feeling the pinch of reduced consumer spending and capital-investment budgets are being cut.

One of the first signals of this corporate belt tightening is in the new orders for machine tools—which were $538-million in the first half of this year, down a shattering 48 per cent from slightly more than $1-billion in the first six months of 1969.

Because of the time lag between order and delivery—usually between three and nine months the machine-tool builders already can see a disappointing sales year. Volume is expected to be about $1.4-billion in all of 1970, down from $1.6-billion last year.

Thus, as the industry prepares to play host to about 100,000 executives and prospective buyers at the 1970 Machine Tool Show, scheduled from Sept. 21 through Oct. 2 in Chicago, the outlook is depressingly different from that of 1965, when the last show was held.

BOOM 5 YEARS AGO

Five years ago, the domestic industry was plunging into the biggest boom in its history. In the four years from 1965 through 1968, it would sell more than $6.5-billion worth of machine tools. At the beginning of that boom, foreign tools had perhaps 5 per cent of the United States market, but when the bonanza was over they had about 10 per cent, in terms of dollar volume.

A full-scale showing of machine tools is such an enormous undertaking that the United States events have been held only once every five years since World War II. They also have excluded all but American-built products, but both these policies have been changed.

The Washington-based trade group, the National Machine Tool Builders Association, has announced that shows will be held in 1972 and every two years thereafter, welcoming exhibitors from all nations, despite the staggering problems of logistics and accommodations that this decision will create.

The show that will begin next week in Chicago will operate in conjunction with the 1970 Production Engineering Show, where prospective customers will see practically every type of industrial equipment other than machine tools—computers, conveyors, cranes, safety goggles, factory telephone systems, pulleys, clutches, gears and pumps.

TWELVE-ACRE SHOW

The Production Engineering Show will fill the Navy Pier, while the Machine Tool Show will test the capacity of the International Amphitheatre. The latter event alone will occupy more than 12 acres of floor space and will offer demonstrations of about 2,000 machine tools worth about $30-million, nearly half of them being shown for the first time.

It will attract representatives of nearly every major manufacturing corporation in the United States and most other developed nations, as well as observers from most branches of domestic and foreign governments. In view of the size of this expected crowd, the shows will not be open to the public.

For the first time within the United States, the Export-Import Bank will have an office at the scene, prepared to process applications for export financing on the spot or, at least, before the foreign buyer leaves Chicago at the end of the show.

NUMERICAL CONTROL

Just as the hottest topic at the 1965 show was the automatic operation of machine tools by punched tape—known as "numerical control"—the watchword of this year's show is expected to be "direct numerical control." It is a complex subject, but the techniques, in broad terms, are those that already are making the punched tape obsolete.

A computer, which need not be in the same metalworking plant or even in the same country as the machine tool, can adjust and revise the instructions to one or more automated tools.

These developments have led to a brisk market for small computers and related control devices, one of the several product categories into which Cincinnati Milacron has diversified.

"Business is tough, but it's been tough be-

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fore," one industry veteran said last week. "But this show will prove once again that the long-term future looks great.

"Our only real worry is whether Chicago can handle 100,000 expense-account guys who are used to the best in food and service and will want it instantly."

FIGURING HIGHWAY COSTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. BINGHAM. Mr. Speaker, having often pointed critically to our overwhelming national investment in highways at the expense of improvements in our urban mass transit system, I was most interested to read in a recent issue of the Wall Street Journal that from an accounting point of view the cost of our highways is systematically underestimated and the cost of urban mass transit overestimated. Precisely how that is so is spelled out in "Figuring Highway Costs," a letter to the editor of the Wall Street Journal by Prof. Robert B. Shaw. The item follows:

FIGURING HIGHWAY COSTS

Editor, the Wall Street Journal:

In order to rectify the present extreme imbalance in the allocation of governmental funds between highway construction and mass transit, two fundamental revisions in public attitude are essential.

First of all, the highways must be charged with the burden of their terminal functions and properties, viz., local roads, streets and parking lots. Highway proponents, including public agencies like the Port of New York Authority, have always asserted that highway projects are self-supporting, whereas rapid transit is unable even to cover its operating expenses, let alone its capital costs. This position is conveniently buttressed by the arbitrary separation of major highways, bridges, tunnels and the like from the feeder and terminal functions. Only by this device does it become possible to say that highways are "profitable," while the heavy burden of local streets, congestion, traffic control and parking are conveniently thrust upon communities and their taxpayers. Equally well, of course, the railroads could still claim that the Park Avenue tunnel or the converging lines across the Jersey Meadows were profitable—if only the towns and city at either end would assume the heavy cost of operating the terminals.

As a second point, automobile and truck users should be held liable for, not merely the actual public expenditures which they occasion, but for their usurpation of valuable space which could be used much more efficiently by other forms of surface transportation. This space belongs to everybody—not just to motorists—and should have been used to the best advantage in transporting the largest number of people—not vehicles. In practice, however, the motor vehicles were allowed, years ago, to crowd the far more efficient trolley cars off the streets, and to drive mass transit underground. This being the case, the enormously multiplied cost of building mass transit underground or on private rights-of-way is not properly chargeable to mass transit patrons, but to the motorists who have commandeered the use of public property for an extremely inefficient utilization.

In brief, to say that highways are normally self-supporting while mass transit is always a loss proposition is simply to perpetuate several superficial concepts, really nothing more than accounting conventions, widely accepted to be sure, but essentially political in nature. More thorough analysis suggests that these concepts were erroneous from the beginning, and today their replacement by sounder economic planning is imperative.

ROBERT B. SHAW,
Associate Professor of Accounting and Finance, Clarkson College of Technology.
POTSDAM, N.Y.

FEDERAL GRANTS, LOANS, AND CONTRACTS IN 20TH DISTRICT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. FINDLEY. Mr. Speaker, taxpayers from Illinois' 20th Congressional District will be interested to know where their hard-earned dollars are going. In fiscal 1969, the total Federal dollars paid into the 20th Congressional District was $363,264,066. This figure includes everything from social security and veterans' benefits paid to individuals to project grants to cities. On a county basis, the breakdown of Federal payments for the 12-month period is:

Adams	$39, 521, 942
Brown	4, 253, 134
Calhoun	3, 344, 101
Cass	10, 185, 652
Greene	11, 974, 357
Hancock	18, 683, 654
Jersey	8, 993, 292
McDonough	17, 058, 121
Morgan	20, 610, 794
Pike	13, 420, 762
Sangamon	204, 548, 656
Schuyler	6, 047, 396
Scott	4, 622, 205

Below is a listing of major Federal grants, loans, and contracts for each county during 1969 and 1970, the years of the 91st Congress. Where more than one county benefits from a program, the item appears where the primary effect is felt. Payments to individuals are not listed:

MAJOR FEDERAL GRANTS

ADAMS COUNTY

$945,000 loan to Quincy College by HUD for new women's dormitory.

$480,000 loan to Adams Electrical Co-Operative by REA for distribution lines.

$346,419 loan to Camp Point by HUD for 24 low-rent housing units for elderly.

$313,991 loan to Clayton by HUD for 22 low-rent housing units for elderly.

$297,088 to Quincy College by HEW for work-study programs, library materials, financial assistance to needy students, and National Defense Student Loans.

$134,995 loan to Payson by HUD for 10 low-rent housing units for elderly.

$125,000 contract for construction of Quincy Social Security office.

$110,024 to Quincy Public Schools for Head-Start Program.

$46,406 grant to St. Mary's Hospital by NIMH for Mental Health Authority for West Central Illinois.

$30,000 for purchase of site for new Quincy post office.

$23,400 in grants to Gem City College School of Business for work-study program and National Defense Student Loans.

$22,050 to Baldwin Field by FAA for runway improvements.

$9,964 loan to Blessing Hospital School of Nursing for student loans.

$8,600 contract to Quincy Civil Defense Agency for Community Shelter Plan for Adams County.

$3,500 to purchase site of new Liberty post office.

BROWN COUNTY

$206,000 grant and loan to Versailles by FHA to build sewer system.

$100,640 by DOT for improvements to U.S. Route 24 near Mt. Sterling.

$34,562 contract by GSA for improvements to Mt. Sterling post office.

CALHOUN COUNTY

$155,000 grant and loan to Batchtown by FHA for central water system.

$19,038 to Calhoun County by Office of Emergency Preparedness for disaster assistance from 1969 summer floods.

$13,380 grant to Hardin by Dept. of Interior for sewage treatment facilities.

CASS COUNTY

$1,014,000 authorized for longterm Clear Creek Watershed Project.

$91,372 loan by SBA for Big Indian Camp and Recreation Park.

$47,060 to repair banks of Indian Creek by Army Corps of Engineers.

$30,800 contract for improvements to Beardstown post office.

$13,998 in grants to Beardstown School District by HEW and OEO for summer Head-Start Program.

$6,000 for remodeling of Chandlerville post office.

GREENE COUNTY

$32,873 contract for improvements to White Hall post office.

$29,400 contract for improvements to Carrollton post office.

HANCOCK COUNTY

$515,172 to Hunt-Lima Lake Drainage District for work by Army Corps of Engineers.

$326,000 loan to La Harpe Telephone Company by REA for improving service.

$35,113 to Dallas City School District by HEW for aid to federally affected areas and summer training of migrant children.

$34,190 to Nauvoo School District by HEW for aid to federally affected areas.

$32,207 to Robert Morris College by HEW for work-study programs, library materials, student financial assistance, and National Defense Student Loans.

$24,000 loan to Nauvoo by USDA for waste disposal system.

$18,270 to La Harpe School District by HEW for aid to federally affected areas.

$2,772 to Carthage School District by HEW for aid to federally affected areas.

JERSEY COUNTY

$159,886 contract to Grafton Boat Company by Army Corps of Engineers for six launches and one diesel engine.

$120,364 to Principia College by HEW for National Defense Student Loans.

$49,351 to Jerseyville Industrial Commission by EDA for administrative expenses.

$3,000 to Grafton by Office of Emergency Preparedness for disaster assistance from 1969 summer floods.

M'DONOUGH COUNTY

$3,427,857 by HUD for purchase of 209 low-rent homes in Macomb.

$547,290 grant to Macomb by Dept. of Interior for improvements to sewage treatment plant.

$432,205 to Western Illinois University by HEW, Dept. of Justice, NIMH, and Nat. Science Foundation for work-study programs, library materials, financial assistance to needy students, National Defense Student Loans, research projects, and training for

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physics teachers and law enforcement career prospects.

$170,000 loan to Prairie City Community Corp. by SBA for 48-bed nursing home.

$9,980 grant to McDonough County Regional Planning Commission by FHA for water and waste disposal plan for rural areas of county.

$4,857 to Sciota School District by HEW for aid to federally affected areas.

MORGAN COUNTY

$644,008 to MacMurray College by HEW for work-study programs, library materials, financial assistance to needy students, National Defense Student Loans and training for service to mentally retarded children.

$128,309 grant increase to Jacksonville by HUD for urban renewal.

$115,098 grant to Wilbur Freitag Laborers Homes Development, Jacksonville, to supplement rental rates.

$108,392 to Illinois College by HEW for work-study programs, library materials, financial assistance to needy students, and National Defense Student Loans.

$67,620 grant to Jacksonville by Dept. of Interior for building sewage treatment plant.

$57,926 grant to Jacksonville Airport by FAA for improvements to runway.

$24,986 to Jacksonville State Hospital by NIMH for staff development and training program.

$22,660 to Elm City Rehabilitation Center, Jacksonville, by HEW to expand services.

$12,229 grant to Jacksonville School District for summer Head-Start Program.

PIKE COUNTY

$971,748 loan to Pike County Housing Authority by HUD for construction of 72 low-rent homes in Pittsfield for elderly.

$451,200 for Mississippi River bank repairs by Army Corps of Engineers.

$59,988 to Pike County by Office of Emergency Preparedness for disaster assistance from 1969 summer floods.

$55,000 loan to Milton by HUD for improvements to existing water facilities.

$27,996 grant to Pike County Summer Head-Start Program in Pittsfield.

$12,585 grant to Pike County by HUD for comprehensive urban planning.

SANGAMON COUNTY

$6,020,869 in contracts and loans to Springfield Housing Authority by HUD for 263 untis of low-rent housing and modernizing existing low-rent housing.

$2,660,220 grant to Springfield Sanitary District by Dept. of Interior for improvements to existing sewage treatment plant and a new plant.

$2,314,430 in contracts to Sangamon Electric Company by Dept. of Navy and GSA for sonar trainer units and data processing equipment.

$1,750,700 grant to St. John's Hospital by HEW for an addition.

$1,055,045 in grants to Lincoln Land Community College by HEW and Dept. of Justice for work-study program, library materials, financial assistance to needy students, National Defense Student Loans, addition to library building, and Law Enforcement Education program.

$740,000 loan to Auburn-Divernon-Girard-Pawnee-Thayer-Virden Water Commission by FHA for lake, water treatment plant, and distribution systems.

$622,736 contract to Allis-Chalmers by GSA for crawler tractors.

$300,966 in grants to Springfield and Sangamon County Community Action Agency by OEO for neighborhood services, community organization, day-care, food and medical services for poor and activities for low-income youths.

$290,000 loan to Rochester by HUD for water supply main and additions to sewage treatment facilities.

$212,378 grant to Springfield by HUD for acquisition of land in Lincoln Home area.

$161,789 to Springfield and Sangamon County Community Action Agency by OEO and HEW for Head-Start program for preschool low-income children.

$139,512 to local contractor for improvements to 7 Illinois post office buildings.

$117,000 grant to Springfield by HUD to rehabilitate housing areas.

$109,375 supplemental grant to Springfield Mass Transit District by DOT for buses.

$95,775 grant to Springfield Recreation Commission by Dept. of Interior for developing Riverside Park.

$82,000 in loans to small businesses in Springfield by SBA, such as janitor service, car wash, motel, potato chip company, and optical service.

$29,362 to Sangamon State University by HEW for work-study program, financial assistance to needy students, and National Defense Student Loans.

$27,612 grant to Land of Lincoln Goodwill Industries by HEW for equipment to improve vocational rehabilitation services.

$16,890 to Springfield Area Vocational Center by HEW for training welders.

$15,125 grant to Illinois State Historical Society for microfilm publication of Pierre Menard Papers.

$6,943 to Concordia Theological Seminary by HEW for work-study programs.

SCHUYLER COUNTY

$114,000 grant to Rushville by Dept. of Interior for improving existing sewage treatment plant.

$47,485 to Coal and Crane Creek Drainage and Levee Districts by USDA for sediment control.

$29,623 contract for improvements to Rushville post office.

SCOTT COUNTY

$703,000 loan to Illinois Rural Electric Company by REA for distribution lines.

$298,750 in loans to Winchester Area Development Corp. by SBA to assist Winchester Packaging Corporation.

$5,200 grant to Scott County Regional Planning Commission by USDA for comprehensive water and sewer planning.

ILLINOIS VALLEY ECONOMIC DEVELOPMENT CORPORATION, SERVING CALHOUN, GREENE, JERSEY, AND MACOUPIN COUNTIES

$162,482 in grants by OEO for anti-poverty program administration, planning and community organization, family planning and medical services to low-income families, job training, recreational and educational programs for low-income youths.

$104,614 in grants by OEO and HEW for summer Head-Start Programs.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

ROGERS PRAISES CHANGE OF TV MOOD DRUG ADS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. ROGERS of Florida. Mr. Speaker, the impact of television on adults has been, without question, tremendous. The impact on children is even greater.

For that reason, I have been concerned about the impression that young children are given in TV advertisements showing great changes after an individual has taken some sort of pill.

These mood drug ads have given the impression that all one has to do when he is having a bad time is to take a pill and he can change his mood in very short order.

In addition, the fact that these ads run all the time and children see adults taking pill after pill tends, I feel, to create an acceptability to taking pills in general.

I also felt that a young person who has seen these ads for 4 or 5 years would have a hard time in discerning the difference if one of his school friends offered him another type of "pill" on the school grounds, one to pick him up or make him feel better.

Because of this concern, I wrote to the manufacturers who used television for this mood drug-type advertising. I also wrote to the networks, the National Association of Broadcasters, and the Federal Trade Commission, asking each to restrict this type of ad.

During the past 5 months individual companies have responded to my request for voluntary restrictions in television ads by reviewing their ads and, in several instances, changing them or limiting them to adult-only-type programs.

One company, for instance, completely dropped all their ads until they had the opportunity to review them. Another was ready to enter a new product in the mood drug field. The company had gone to the expense of trying the product in a test market, preparing advertising, labeling, and packaging. But rather than take even the slightest chance of entering the market at a time when there is such national concern, the company has decided to drop the plan to market the product.

This week, I was pleased to receive assurances in response to my requests that the National Association of Broadcasters has issued a set of guidelines for its subscribers dealing with mood drugs.

Several of the recommendations which the NAB committee has come up with go directly to the point which I made in my early correspondence. NAB has recommended that there be no pill taking on camera, that no children be used, that no dramatic or extreme before and after presentations be made and no language indicating that a product will heighten one's spirits shall be avoided.

I would hope that the members of NAB will act favorably on these rec-

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ommendations and the pharmaceutical manufacturers will also do so.

I think that the voluntary action taken thus far on this matter is proof that there is still a means of solving a problem within voluntary measures and without Federal intervention. Of course, if the companies involved do not adhere to these guidelines I think the Congress will respond with legislation. But I hope this will not be necessary.

REFUSE ACT REVIVED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of September 23, 1970, carried a most perceptive article by Peter C. Stuart concerning the revived interest in the Refuse Act of 1899.

The article appropriately credits Congressman Henry S. Reuss with stimulating new interest in the provisions of the Refuse Act. It was Congressman Reuss, as chairman of the Government Operations Subcommittee on Conservation and Natural Resources, who pointed out not long ago that the Refuse Act contained provisions which could serve as a valuable tool in the drive to control and abate water pollution.

The Christian Science Monitor article also points out that the Army Corps of Engineers has taken action to update its regulations to bring them into conformity with the act, but it finds that the Department of Justice under Attorney General John Mitchell is reluctant to carry out its obligations under the act. With regard to Attorney General Mitchell's agency, Mr. Stuart said "the Department of Justice—so militant on 'law and order' in other fields—has been oddly permissive" insofar as polluters are concerned.

So that my colleagues may have an opportunity to be familiar with the Christian Science article, I include the text at this point in the Record:

REFUSE ACT REVIVED—OLD DOG WITH NEW TRICKS

(By Peter C. Stuart)

Washington.—It was a year—1899—of environmental innocence.

The automobile, today's prime air polluter, still was outnumbered by the nonpolluting horse.

DDT was the newfangled experiment of a German laboratory. Detergents hadn't been invented.

When Rep. Theodore Elijah Burton of Ohio introduced a bill to keep shipping channels free of sediment, it slipped quietly through President William McKinley's Congress—and into obscurity.

Seventy-one years later, the Refuse Act of 1899 is being rediscovered—and used. The old law is the newest weapon against the environmental pollution of 20th-century urban America.

It's easy to understand why. Yesteryear's law cuts through much of the red tape and loopholes of "more sophisticated" modern clean-water legislation.

The act is bitingly simple. It flatly bans the discharge of refuse (all foreign substances except liquid sewage) into navigable waters without a permit from the Army Corps of Engineers.

While recent water-pollution legislation gives polluters six months to clean up, the 1899 law demands compliance immediately.

But the real reason for the law's sudden popularity is that it invites citizen involvement. Anyone can report a violation to a federal district attorney, and collect one-half of any resulting fines (from $500 to $2,500 a day).

Citizens have caught on quickly. Since the old law was resurrected earlier this year, the public has peppered district attorneys in all parts of this country with charges against hundreds of alleged polluters.

VOLUNTEERS

The do-it-yourself volunteers are aided and abetted from Capitol Hill. Rep. Henry S. Reuss (D) of Wisconsin—whose conservation and natural resources subcommittee rediscovered the Refuse Act—has mailed more than 3,000 instruction kits.

Rep. Edward I. Koch (D) of New York offers a similar mail-order packet.

Some early results from the 1899 law:

The city of Bridgeport, Conn., was compelled to stop dumping half-burned raw sewage into marshland being filled for an airport runway.

The Bass Anglers Sportsman Society of America (BASS) brought charges in Alabama against 214 corporations and municipalities.

Rep. Michael J. Harrington (D) of Massachusetts notified authorities of 151 alleged Bay State polluters.

Rep. Reuss listed 270 alleged polluters in Wisconsin and personally sued four firms. Representative Koch turned in the names of the 10 "most flagrant" industrial polluters in New York City.

DILIGENCE CONTRASTED

The citizen diligence contrasts sharply with federal enforcement over the years.

Since 1899, the government has issued but 415 dumping permits. Only 266 of these apparently remain in effect. No permits have ever been granted in 22 states—including such industrialized ones as Connecticut, Maryland, Michigan, Ohio, Rhode Island, and Virginia.

Nor has federal enforcement improved much lately.

The Army Corps of Engineers this summer updated its permit regulations, with new alertness to environmental protection.

But the Department of Justice—so militant on "law and order" in other fields—has been oddly permissive.

Mr. Reuss recently reminded the department that the 1899 act specifies "vigorous prosecution." Assistant Attorney General Shire Kashiwa replied that "it would not be in the genuine interest of the government" to prosecute corporate polluters that spend "significant amounts of money" trying to clean up.

POSITION RETREATED FROM

The Justice Department later retreated to the position that it would prosecute only "infrequent or accidental" polluters, leaving "consistent" polluters to the Federal Water Quality Administration.

The department's reversal became complete when, under persistent prodding, it resorted to the Refuse Act to seek court injunctions against 10 "consistent" polluters for daily dumping mercury into public waters.

Nevertheless, the Justice Department now finds itself in the awkward spot of being sued—by Rep. Richard L. Ottinger (D) of New York—to vigorously enforce the Refuse Act.

Others, meanwhile, are trying to shore up the old law in different ways. Sen. Philip A. Hart (D) of Michigan and Representative Reuss want to give the corps of engineers $4 million to hire 400 new pollution inspectors.

Sen. Theodore F. Stevens (R) of Alaska proposes boosting the maximum penalty from $2,500 to $100,000 to make it effective against "large-scale violators."

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. TIERNAN. Mr. Speaker, on Tuesday, Col. Frank Borman gave us a dim report on the condition of American prisoners in North Vietnam. Presently there are approximately 1,500 American servicemen held in their prison camps; 1,500 men who, according to all reports, are treated like animals.

I have today written again to President Ton Duc Thang urging him to abide by the provisions of the Geneva Convention. This includes not only publishing the names of the prisoners, but providing them with proper food and medical care, permitting inspection of war facilities, and allowing the free flow of mail between prisoners and their families.

At the very minimum, I strongly urge the North Vietnamese to release the names of the American prisoners whom they hold. There are hundreds of families in this country whose husbands or sons or fathers are listed as "missing in action." The anxiety of these families, not knowing whether their loved ones are alive, is overwhelming. In the name of decency, I ask President Ton Duc Thang to send a list of their prisoners' names to our State Department.

I have also written to President Nguyen Van Thieu of South Vietnam, calling on his government to observe these same Geneva Convention provisions. It is difficult to maintain pressure on North Vietnam when the government in South Vietnam, which we are fighting for, also refuses to treat its prisoners humanely. It is very much in the interest of American prisoners held in North Vietnam for South Vietnam to abide by the Geneva Convention.

I am not at this time attempting to debate the merits of present American policies in Southeast Asia. The issue involved far transcends the question of international politics. It is neither a political nor a military question. It recognizes a kindred humanity of all men. It concerns basic standards of human decency and morality. For these men and women who are held prisoners do not initiate policy, but merely carry out policies which others have formulated.

The public outrage against man's continuing inhumanity to man must be voiced again and again, for world opinion is a powerful force. We must continue to speak out until the dignity of man is recognized and respected by all involved.

NINTH CONVENTION OF BYELORUSSIANS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. ADDABBO. Mr. Speaker, on September 5 through 7, the Byelorussians of North America held their ninth convention in New York City. On a number of occasions in the past I have joined with other Members of the House to review the positions and resolutions adopted by the Byelorussians of North America and to state our concern with the cultural and political oppression which these people face as a result of the Soviet dictatorship.

At this time I insert in the RECORD, for the information of my colleagues, the resolution adopted by the ninth convention of Byelorussians of North America:

RESOLUTION

Whereas the Byelorussian people in their land have been subjected to a colonial oppression from Moscow; and

Whereas the Russian Communist dictatorship in its dealings with Byelorussia's neighbors has torn away parts of the Byelorussian ethnographic territory having incorporated the largest part of it into the Russian Soviet Federated Socialist Republic; and

Whereas the key positions in the Byelorussian SSR are occupied mainly by foreigners subservient to the Moscow center and unresponsive to the needs of the Byelorussian people; and

Whereas the Byelorussian people suffer from an incredibly low standard of living as a result of exploitation of their natural and human resources which have been used by Moscow to conduct its international schemes in Latin America, Indochina, Africa and now especially the Middle East, as well as in other parts of the world; and

Whereas a policy of forcible Russification is being carried out in the Byelorussian SSR, the Byelorussian language being eliminated more and more from administration, science, education, and publications in the BSSR; and

Whereas Byelorussia is deprived of genuine diplomatic and cultural ties with the outside world, is unable to participate independently even in such international events as the Olympic games, her only foreign representation in the United Nations being a tool of Moscow's policies; and

Whereas the Government of BSSR, fully controlled by the Communist Party center in Moscow, does not care for any improvement of Byelorussia's political status and the economic and cultural well-being of the Byelorussian people, nor does it protest against economic exploitation and Russification of Byelorussia; and

Whereas the Byelorussian nation has and will never become reconciled to a state of colonial dependence, but has decidedly resisted Muscovite oppression in defense of its natural rights to be its own master; and

Whereas the Byelorussian people are still conducting their freedom fight—

We the Byelorussians of the United States and Canada unanimously reaffirm our will to support the fighting Byelorussian people in the Soviet Union in their struggle for cultural freedom and political independence. We are determined to seek further support for fighting Byelorussia among political leaders and statesmen of the United States of America and Canada. We and our children shall never cease our effort until Byelorussia will again become a free and democratic nation in accordance with the postulates and principles enunciated in the constitutional charters of the Byelorussian Democratic Republic whose freedom and independence were proclaimed in Miensk (Minsk) on March 25, 1918.

Long live Fighting Byelorussia!

Long Live the Byelorussian Democratic Republic!

New York City, September 6, 1970.

J. ZAPRUDNIK,
Chairman of the Convention.

W. STANKIEVOCH,
Chairman of the Byelorussian-American Association.

A. HRYCUK,
Chairman of the Byelorussian Canadian Alliance.

TWO ARTICLES DEALING WITH THE LEGAL DOCTRINE OF COLLATERAL ESTOPPEL

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. SCOTT. Mr. Speaker, a constituent who specializes in tax law has written two articles dealing with the legal doctrine of collateral estoppel. While a highly technical subject, he has put in simple terms the civil liability an individual may incur by being found guilty in a criminal case for income tax evasion. The articles referred to follow:

[From the Washington Evening Star, Aug. 14, 1970]

PLEA OF GUILTY ADVISED HERE

(By E. Edward Stephens)

DEAR COUNSEL: I live in Falls Church, Va. When the time came to file my 1967 tax return, I couldn't scrape up enough cash to pay the tax. So I didn't file the return, and I haven't done so to this day, although I was on time in filing returns for 1968 and 1969. Now the Internal Revenue Service and the Justice Department have caught up with me. An Assistant U.S. Attorney has told my lawyer that, if I'll plead guilty, he'll charge me only with violation of Internal Revenue Code section 7203, willful failure to file a 1967 return; but if I decline, he'll ask the grand jury to indict me under code section 7201, willful attempt to evade my 1967 tax by willfully failing to file a return. Is the deal worth considering?

Yes, Here are some points that your lawyer will discuss with you:

If you take the deal, you'll be convicted of only a misdemeanor. The punishment can't exceed a fine of $1,000 and imprisonment for one year. Chances are you'll be fined and put on probation for a year or less.

If you don't deal, the grand jury most likely will indict you under section 7201 in accord with the prosecuting attorney's request. Then you'll have the expense of defending yourself and, if convicted, you can be fined up to $10,000 and jailed up to five years. Furthermore, you'll stand convicted of a felony—far worse on your record than a misdemeanor.

Whether you make the deal or not, IRS will go after you, later, for a 1967 deficiency plus the 50 percent civil fraud penalty. And here's an important point: If you've been convicted only under section 7203, IRS will have to prove that you intended to defraud the government. You might beat the rap. In a Tax Court decision filed July 28, George Arconti, of Lutherville, Md., was relieved of civil fraud penalty liability after he had failed to file returns for three years and had been convicted under section 7203. But if you've been convicted under section 7203 you'll automatically be held liable for the civil fraud penalty whether you go to the Tax Court, the U.S. Court of Claims, or the U.S. District Court.

You'll be held liable for the civil fraud penalty under the highly technical doctrine of "collateral estoppel." That is, you'll be precluded from trying to prove that you're not liable for the penalty. Reason: the government already will have proved—in the criminal case—that you intended to defraud the United States. This is now the rule that's applied in the Tax Court, the Court of Claims and all District Courts in the Fourth and Fifth Circuits.

The harshness of this rule can best be illustrated by turning to the case of O. K. Armstrong v. U.S., decided in 1965 by the Court of Claims. Armstrong was convicted, under section 7201, of willful tax evasion for '47, '48 and '49. Then IRS went after him for deficiencies for the years '45 to '50, and added the 50 percent civil fraud penalties. Trial Commissioner W. Ney Evans allowed Armstrong to present evidence to show his lack of fraudulent intent for each of the six years. He then concluded that Armstrong had cleared himself of fraud for all six years.

Then the judges upset the apple cart. Applying the collateral estoppel doctrine, they held that, since Armstrong had been found guilty of willful evasion for '47, '48 and '49, he was automatically liable for the civil fraud penalties for those years, even though the evidence showed that he was in the clear.

[From the Washington Evening Star, Aug. 21, 1970]

ONE-WAY STREET FOR THE IRS

(By E. Edward Stephens)

DEAR COUNSEL: I was surprised to learn from last Friday's column that if a person is convicted of willfully attempting to evade his taxes, and is punished under Internal Revenue Code section 7201, the technical "collateral estoppel" rule—now applied by some courts—makes him automatically liable for additional stiff civil fraud penalties under code section 6653(b). Does the doctrine work the other way too? If he's acquitted on the evasion charge, is he automatically relieved of liability for the civil fraud penalties?

No. In a historic 1938 decision, Helvering v. Mitchell, the Supreme Court held that the Internal Revenue Service can still go after him for the civil fraud penalties.

Here's the reasoning: Even though IRS must prove the same fraudulent acts and intentions in both cases, it's easier to prove them in the second case. Since Round One is a criminal action, IRS must show that the taxpayer is guilty "beyond a reasonable doubt." But Round Two is a civil proceeding, and IRS has only to prove that the taxpayer is liable "by a preponderance of the evidence." Therefore, although IRS may lose the criminal case, it still might win the civil action, and it should have a chance to try.

As you have indicated in stating your question, some courts now sing a different song when the shoe's on the other foot. If the taxpayer loses the criminal case, these tribunals deny him the opportunity to contest his liability for the civil fraud penalties—which, in most instances, are far greater than his fine for the tax evasion conviction. This rule is now being followed by the Tax Court, the Court of Claims, and all U.S. District Courts in the Fourth and Fifth Circuits—Maryland, Virginia, West Virginia

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and the Carolinas, as well as Georgia, Florida, Alabama, Mississippi, Louisiana, Texas and the Canal Zone.

These courts reason: IRS can win both cases by proving the same fraudulent acts and intentions of the taxpayer. Since IRS has proved them in the first, more difficult action, it should not have to establish them again. However, there are some mighty strong objections to this position:

Collateral estoppel is unfair when applied in this manner. It favors IRS. It's a one-way street.

Many legal scholars are convinced that the rule enables IRS to take a taxpayer's money in violation of the Constitution's celebrated Fifth Amendment, which says that no person shall be deprived of his property without due process of law.

Even though a taxpayer has been convicted in the criminal court, he still may beat the second rap if he's given an opportunity to defend himself. For instance, he might discover new evidence, between the two trials, that will clear him.

Congress has given the Tax Court "exclusive jurisdiction" to approve or disapprove IRS determinations of civil penalties. By applying the collateral estoppel rule the court has, in effect, abandoned part of its exclusive jurisdiction, without any authority to do so.

Congress can render a great service to the public by enacting legislation that will make it clear that every taxpayer is entitled to his day in court when IRS goes after him for civil fraud penalties, even if he has been convicted of attempted tax evasion.

"DOOM-CRYING" CANNOT FOOL MANY PEOPLE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday the Senate Democratic policy committee produced a report on the economy by three Johnson administration economists which was critical of the Nixon administration policies. The fact that the release of this report happened to be on the same day as the encouraging news on the cost of living index was a pleasant coincidence for the Democratic Party. However, it must lead a few cynics around the country to wonder if the Democrats were not just keeping this report in their back pocket to serve up to counter Republican good news on the economy.

The opposition party is in the sad position of having to cry bad news in the face of obvious good news. However, there is a basic difference in the opposing views offered on the economy yesterday. The announcement by the administration of a slowing in the rise of the cost of living was a statistical fact. The report by the Senate policy committee was based on partisan opinion.

This type of doom-crying is not going to fool many people. Even the Washington Post, which has not been overly kind to the administration's economic policies, said this morning:

> With the September figures in, the clear-out trend toward a much lower rate of inflation so long sought by the Nixon Administration is unmistakable.

SAGINAW STEERING GEAR HONORED BY DEPARTMENT OF TRANSPORTATION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. HARVEY. Mr. Speaker, it was my great privilege yesterday to participate in special ceremonies at the Department of Transportation as the Saginaw Steering Gear Division of General Motors was singled out by that Department for the production of the 20 millionth energy-absorbing steering column by the division since its introduction in 1966.

Under Secretary of Transportation James M. Beggs most graciously and ably substituted for Secretary John A. Volpe as Mr. Ellis M. Ivey, general manager of Saginaw Steering Gear, presented the actual 20 millionth steering column to the Department.

In turn, Under Secretary Beggs presented to Mr. Ivey a special plaque bearing the Department of Transportation seal with the following inscription:

> The Department of Transportation salutes the Saginaw Steering Gear Division, General Motors Corporation, on the production of the 20-millionth Energy-Absorbing Steering Column.
>
> This device, since its introduction in 1966, is credited with saving an estimated three thousand lives.
>
> Awarded in grateful appreciation for an outstanding contribution to improved safety for the American motoring public.

The plaque is signed by John A. Volpe, Secretary of Transportation and is dated September 1970.

Naturally, I share with great pride this marvelous development of an outstanding automobile safety device and the deserved recognition now accorded the nearly 9,000 employees of the Saginaw Steering Gear Division.

At this time I would like to include with my remarks, a very fine statement of Mr. Ivey's relating to the events of yesterday and the energy-absorbing steering column:

STATEMENT BY ELLIS M. IVEY

> Earlier this afternoon we received a citation from the Department of Transportation, signed by Secretary Volpe, honoring Saginaw Steering Gear and General Motors for its "outstanding contribution to improved safety for the American motoring public. The citation credited the energy-absorbing steering column with saving an estimated 3,000 lives since its introduction on the 1967 model GM cars.
>
> Such recognition is high praised, indeed, and we are grateful to Secretary Volpe and Representative Harvey for making it possible. I am proud to accept it on behalf of the 8,600 employees who conceived, designed and are producing the column.
>
> I certainly don't want to bore you with statistics about the energy-absorbing steering column. However, it is worthwhile to note one or two salient facts concerning its development—an achievement in which we take considerable pride. Our divisional advanced engineering section started development of the column early in 1960. It was not a matter of improving upon an existing design. We were entering a brand new ball game. No one ever had produced such a column before. Almost no medical data existed concerning the impact forces the human body can survive. Many designs were painstakingly conceived, built, tested, and discarded—at the same time that the medical researchers were slowly and laboriously working out the parameters within which the ultimate design would have to fall. When the final design was approved late in 1965, and impact tests using dummies and cadavers proved its merit, General Motors ordered an all-out effort to produce it for the 1967 model cars. To make this almost impossible short deadline, we launched an around-the-clock, three-shift, effort to simultaneously complete a plant, fill it with the necessary production equipment, and convert an engineering design into a fully-tested, mass-produced assembly.
>
> It was an agonizing job, but we made it—and put the life-saving steering column on our cars one year ahead of the Federal regulation calling for a production of this type. We also were one year ahead of our competitors. Since that time we have developed and marketed a still better, second-generation energy-absorbing column. In addition, we have developed and added a steering column lock that simultaneously locks the steering wheel, gear-shift, and ignition. This adds significantly to the safety value of the column by reducing the number of car thefts. National Safety Council statistics show that one out of every six stolen cars is involved in a collision.
>
> The honor that has been paid us today by the Department of Transportation, and by you gentlemen, helps make our investment in time, effort, and money still more worthwhile. Our industry has no scarcity of vociferous critics, who do not hesitate to call attention to our faults, either real or imagined. We are, therefore, doubly appreciative of your recognition of this successful phase in our continuing effort to increase the safety of the American driving public.

INDUSTRY HELPS TO REDUCE AIR AND WATER POLLUTION IN ILLINOIS

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. GRAY. Mr. Speaker, a recent article in my hometown paper, the West Frankfort Daily American, has brought to my attention another outstanding illustration of how an industry in my district is helping to reduce air and water pollution. The article states:

> Construction on a third electrostatic precipitator at Grand Tower Power Station of Central Illinois Public Service Co. is approximately 70 percent complete, with the project expected to be finished by early December. The work is part of the utility's $16 million, five-year air quality control program to install the anti-pollution devices at all four of its power stations. Two precipitators serving generating unit No. 3 at Grand Tower have been in operation since early this year.
>
> The equipment now being installed will remove fly ash . . . which is residue from burning coal . . . from stack emissions of unit No. 4 at the Jackson County power plant. In addition to installation of the precipitators, a new sewage treatment plant and new ash ponds were constructed at Grand Tower as part of CIPS' anti-pollution program. The ponds, a large scooped-out area enclosed on all sides by dikes, are used to store ashes resulting from coal being burned in the power station boilers.

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Mr. Speaker, this is an excellent example of how private initiative in my district is meeting a pressing, present-day problem.

I know my colleagues would join me in extending congratulations to the Central Illinois Public Service Co. for taking this important step to "clean up our air."

ECONOMY LOOKS UP

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. BROWN of Ohio. Mr. Speaker, after more than a year and a half under the policies of the Nixon administration, the Nation's economy shows strong signs that we have successfully brought under control the most rampant inflationary forces that afflicted the United States when Mr. Nixon became President. The President did not create the fiscal chaos that set the wage and price spirals in motion and pushed up interest rates to record highs. Neither did he undertake the war in South Vietnam and then try to pay the costs of that war through huge deficit budgets that provided the major impetus for the inflationary forces at work in the economy.

For more than a year and a half, however, it has been the President's responsibility for curtailing both inflation and the war. He has been able to move the Nation ahead on both fronts, despite minimal cooperation on holding down spending from the Democratic-controlled Congress which has often seemed oblivious to its own support of the past policies of overspending that got us into the present inflationary mess in the first place. It is to the President's credit that he has been able to score the successes he has in spite of this major obstacle.

Wall Street Journal writer John O'Riley, in an article published last Monday, put the present picture of the economy into some needed perspective, especially for those who would rather spend all of their time pointing out the present difficulties without also noting what developments have taken place to move us beyond those challenges and into a more promising period. I am placing the article in the RECORD for the benefit of my colleagues who might not have had a chance to read it:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

(By John O'Riley)

Summer's gone. So is a decade. The stock market rises once again. And, despite the auto strike, the economic wise men are now nearly unanimous in the opinion that the recession—or whatever it was that hit us—is finally on the way out. What, if anything, have we learned in the 1960s about the workings of the vast and complex American economy? And where do we go from here? It may be presumptuous to say we've learned anything. It may be foolhardy to forecast the future. But some answers seem pretty clear as far as the human eye can discern.

One thing written pretty clearly on the record of the 1960s is the picture of Americans as an economically nervous people. You might almost call them economically neurotic. Rarely has a people fretted so much about recession-depression while experiencing so little of it.

The massive dynamism of the period hardly needs documenting. Starting in 1960 at $503 billion, the GNP reached $971 billion in the second quarter of this year. That's almost doubling in a decade.

Some of this has been inflation, of course. But most of it has been solid growth. The Federal Reserve's 1957–59 based industrial output index stood at 108 in 1960 and at 169 last month. In 1960 there were 65 million people with jobs in the country. And today there are nearly 80 million.

This is not to deny at all that there has been much economic pain felt by both individuals and companies in the slowdown of the past year or so. Many, many individuals have lost jobs. Many, many companies have felt sharp profit shrinkage. And people with much of their substance in stocks and bonds have suffered extremely painful losses. Still—on the larger scene—total employment, personal income, industrial production, GNP—all are at or within a whisker of their all-time highs. It scarcely adds up to a depressed economy.

What about the stock market? Have we learned anything in that area? Probably not. But one lesson does seem to be offered—whether we learn it or not: A stock market bust certainly does not always portend a bust in the economy.

During the past decade, the most sustained period of prosperity in modern times, the stock market managed to record not just one but all three of its biggest breaks of the past quarter century.

Measured by the Dow Jones Industrial Average, the declines were:

[In percentages]

Periods:	*Stock Market*
1961–62	Down 27
1966	Down 23
1969–70	Down 36

The 1961–62 period saw a barely measurable recession (actually in 1960–61) that lasted only nine months. In 1966–67 there was a slight slowdown never officially called a recession—labeled by some a "mini-recession." And the slowdown now believed to be ending has never gone far enough to bring agreement on whether it has or hasn't been a recession, as measured by historical standards.

The stock market is partly a barometer of hard economics and partly a barometer of mood. The stock-buying public's mood swings violently from unmitigated optimism to the darkest gloom, and back again. Thus the market, swings also—too far up when it's rising and too far down when it falls. Much of the steepness chronicled in the breaks above lies in the fact that the market simply got unjustifiably high in each case before the tumble.

And every big break, of course, is helped along by those who always see "the end of the world" in the bust, or at least "another 1929." This scares people. But people like to be scared. And many pay well for a steady diet of frightening advice, however unfounded it may be.

One lesson taught before but reiterated in the 1960s is this: You can't have "full employment" and price stability at the same time. Some political wizard may some day join the two together in a compatible marriage, of course. But the trick has yet to be turned.

Full employment, with the unemployment rate under 4%, for this country at least has been a phenomenon of war periods. We had it in World War II. We had it with the Korean War. And we had it with the Vietnam conflict prior to the recent throttling down of defense expenditure. But these are the only times we have had it. And each period, of course, has been marked by inflation.

If American fingers can really be withdrawn from the sticky mess in Vietnam, and if somehow the threatening fire can be smothered in the Middle East, the 1970s may be the stage for a new attack on the full-employment-no-inflation riddle. A solution won't come easy.

War and threatened war, of course, is the big shadow over the 1970s. In comparison, the General Motors strike is peanuts. The strike will hurt the economy; but it will pass. The possibility of trouble in the Middle East escalating to a point of direct confrontation between Russia and the U.S. raises the spectre of danger far beyond the scope of mere economics.

But, with peace postulated, the years just ahead should bring more prosperity to the American economy. Public buying power is high and, more important, there is no good reason to think it won't continue high.

Personal income is the backbone of buying power. And public buying power is the stuff on which all business feeds. Despite the much publicized problems of the last year, personal income in the U.S. last month reached an all-time high of $807 billion yearly. It has risen nearly $50 billion in the past twelve months. It was under $500 billion as recently as six years ago.

Despite the payroll trimming of months just past, total wage and salary payments in the nation, now at the rate of some $544 billion a year, have climbed nearly 30% in less than three years.

Personal saving as a percent of disposable income is now at the highest level in nearly 20 years. And, Puritan ethic or no Puritan ethic, it is not in the nature of the American consumer to sit on savings forever.

DRUG SONGS AND MOVIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. DERWINSKI. Mr. Speaker, WBBM Radio, Chicago, in an editorial commentary on September 17 effectively emphasized the relationship between songs and movies and the so-called drug culture. In view of the very grave concern that Members of Congress are showing in this issue, I insert into the RECORD at this point this most effective and timely editorial:

DRUG SONGS AND MOVIES

When it comes to attacking various elements of our society, Vice President Agnew has no peers. Let's make it perfectly clear we don't always agree with him, as in the case of his attack against elements of the press and broadcasting.

Nevertheless, he does make some sound arguments. Vice President Agnew says that some song writers and movie makers are glamorizing the use of drugs. In our opinion, he's absolutely right about this matter.

Just listen to what's being sung or really examine some of the movies we are being shown. Often, both songs and movies make it appear that living with drugs is the natural order of things. In fact songs and movies in many cases make it seem to be desirable to take drugs. It's helping to create a drug culture.

With all the talk of pollution these days—it's about time we became concerned about another kind of pollution—and that's the pollution of the minds of our young people.

The song writers and movie makers are

wrong. They make money, oh yes. But they're wrong nevertheless. If you don't believe me, just ask the youngsters who are getting help at Gateway House. They tell you all about the elusive joys of drugs once you're hooked. If this makes us "squares"—then so be it—we're glad to hold that title. It's better than being a dope addict—even if that's supposed to be the "in" thing.

Song writers and movie makers owe some responsibility to the public. And that responsibility includes not making the use of drugs appear to be a good or even happy experience. Drug use is bad. Songs and movies are dead wrong when they try to make it appear otherwise.

VOTING RECORD

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. FINDLEY. Mr. Speaker, each year hundreds of votes are taken in the House of Representatives. Some are on controversial subjects where the vote is close, while others receive lopsided majorities.

It is not practical to list every vote I cast during the 91st Congress. However, here is my record on some of the more important bills. A fuller explanation on these or other votes is readily available.

I voted in favor of the following bills:

Military procurement authorization for fiscal 1971.

National Science Foundation authorization for fiscal 1971.

Office of Education appropriations bill. Voted for bill as it passed House, but voted to sustain President's veto of higher inflationary conference version.

Independent Offices—HUD appropriations for fiscal year 1971. Voted for original bill, but supported the President's veto of higher inflationary conference version.

Amendment to Constitution providing for election of President and Vice President by direct popular vote.

To allow the President to institute a lottery system for selecting draftees.

To require Members of the House to report honorariums of $300 or more, and unsecured loans for more than 90 days in excess of $10,000.

To lower voting age to 18, set up a nationwide 30-day residency requirement for presidential elections, and extend provisions of the previous Voting Rights Act.

Postal reform bill including a prohibition on postal workers strikes and containing a right-to-work amendment.

Amendment to the Constitution providing equal rights for women.

To provide for reform procedures in the House of Representatives.

The Elementary and Secondary Education Act authorizing $5.3 billion per year through 1972.

To provide milk for school children at reduced cost.

Amendment to deny Federal interest subsidies on college construction loans to colleges which fail to cut off Federal aid to students who willfully violate college regulations of a serious nature and contribute to substantial disruption.

To provide for a National Center on Educational Media and Materials for the Handicapped.

To provide guaranteed Government loans at 7 percent interest to college students.

To authorize a 3-year program of research, advanced training, and remedial programs to help children with learning disabilities.

To authorize special educational programs on the dangers of drugs.

To provide for programs on environmental education.

To extend the Hill-Burton hospital construction aid program for 3 years. Later voted to uphold the President's veto due to the acceptance in the compromise proposal of the Senate's higher inflationary authorizations.

Community Mental Health Centers Construction Act with provisions for mentally-ill children.

Amendments to the Mental Retardation Facilities and Community Health Centers Construction Act of 1963.

Health Act extension bill for research and training in the fields of heart disease, cancer, stroke, and other diseases.

Family assistance bill providing for comprehensive reform of the present welfare system.

To provide additional safety standards, require closing of unsafe mines, and provide compensation for miners suffering from black lung disease.

Unemployment compensation bill to provide coverage for 4.5 million additional workers.

Food stamp program authorization for $610 million for food aid to needy people.

To authorize $348 million for a 3-year period to control water pollution.

To establish the Council on Environmental Quality.

To authorize $775 million to control air pollution.

Golden eagle program for Federal recreation areas.

To investigate crime in the United States.

To increase education benefits for 736,000 veterans.

To provide necessary hospital or domiciliary care to veterans over 70.

To provide additional mortgage guarantees for veterans.

To raise social security benefits by 15 percent.

The 1970 social security bill increasing payments by 5 percent and providing for cost-of-living benefit increase and increasing to $2,000 the outside earnings limitation.

To provide for a 15-percent increase in benefits for retired railroad workers.

To authorize $4.8 billion for housing and urban development programs.

To provide additional funds for the home mortgage market.

Antismut mail bill prohibiting such mailings to minors under 17.

To prohibit use of mails for unsolicited salacious advertising.

To provide tax relief to most taxpayers and to close many tax loopholes. Major provisions included: Increase in personal income tax exemption from $600 to $750 over the next 3 years, reduction of income tax surcharge to 5 percent through June 30, 1970—presently removed altogether—reduced depletion allowance on gas and oil from 27.5 to 22 percent, increased in stages the maximum standard deduction for taxpayers who do not itemize from the present 10 percent of income with a $1,000 ceiling to 15 percent with a $2,000 ceiling, fully effective in 1973.

Calling for humane treatment and release of prisoners of war held by North Vietnam.

Supporting President Nixon's effort to negotiate a "just peace" in Vietnam.

I voted against the following bills:

Pay increase for Members of Congress, which was untimely, ill-advised and which contributed to inflation.

Agriculture Act of 1970, which provided little progress toward market-oriented agriculture and high payments to wealthy farmers with little special aid to low-income farmers. My amendment to limit payments to $20,000 was defeated on a close vote.

Radio-TV campaign spending bill which would discriminate against broadcasters and against minor candidates.

Resolution disapproving reorganization of the executive branch, which would have prohibited President Nixon from streamlining the executive branch.

Commission to study proposals for national holidays.

To authorize each Member of the House to hire an additional staff member.

To authorize $475 million for the Appalachian Regional Commission which excluded most of the United States from benefits.

To authorize a new sports arena in Washington, D.C.

To permit retirement of U.S. judges at full pay after 20 years of service.

Proposal to override President Nixon's veto of hospital construction bill which was inflationary and would deny the President the right to manage the budget.

Senate amendment to add $587.5 million in urban renewal funds.

Local withholding tax bill under which Federal Government would serve as tax collector for cities.

TAX EXCLUSION FOR LAW ENFORCEMENT OFFICERS AND FIREMEN

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. TAFT. Mr. Speaker, I have today introduced a bill that would permit a $200 tax exclusion per month for law enforcement officers and firemen nationwide. The proposal would give these deserving public servants up to a $35 per month reduction in Federal income taxes and in effect provide an "instant pay increase." The rationale of this bill is that it is justified as the equivalent of combat pay, a position, unfortunately, that becomes more apparent daily.

When I originally introduced this proposal in 1967, I did not include firemen. Indeed, the record with reference to the

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service of firemen during civil disturbances indicates that they are subject to equal danger.

ELECTORAL REFORM TIEUP

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. GUDE. Mr. Speaker, in light of the importance and need for electoral reform, I thought the following editorial from the Evening Star yesterday was a very good analysis of the problem. I supported the amendment to provide for the direct presidential elections as I believe it reflects the direct relationship between American citizens and the Presidency which has grown in recent years. The Presidency is the last major office in the country for which the people do not have a direct vote. The American people want this amendment; it is time to stop talking and act.

The editorial follows:

> ELECTORAL REFORM TIEUP
>
> From the standpoint of popularity with the public, probably no measure before Congress is the equal of the proposed amendment for direct election of presidents. If the polls are to be credited, about 80 percent of the people regard the electoral college system—at least as it is now functioning—as an absurdity. They want a new process in effect before the 1972 election.
>
> This sentiment is recognized in Congress, and by the President. Still as pre-adjournment pressures mount, the proposal is locked in a procedural vise. Last Thursday, a motion to shut off the Senate debate on it and bring it to a vote failed, and its fate now hangs on a thin thread. We hope the cloture decision will be reversed, and that the President will choose this moment to enter the battle so that that can be achieved.
>
> The cloture motion fell six votes short of the required two-thirds approval. Thirty-six senators held out against breaking the impasse. Perhaps some of them voted that way out of devotion to the principle of extended debate, rather than because of strong feelings against the amendment. In any case, the proposition is being subjected to a double-barreled test.
>
> Since a constitutional amendment must finally receive a two-thirds majority for Senate approval, it seems unfair that this one is having to buck a preliminary two-thirds hurdle just to be advanced for a vote on its merits. While there is a strong case for the Senate's traditional filibuster sanction, as a brake on ill-considered plunges, surely on this question the requirement for a two-thirds majority on the finished product should be sufficient. Senator Mansfield correctly observed last week that the forcing of a cloture vote on the amendment "abuses the clear purpose and interest of the Senate rules" by imposing "an additional, unnecessary, uncalled-for roadblock."
>
> Senator Bayh, the chief sponsor of the electoral proposal, has assured that he is willing to consider compromises on both content and procedures. Hence senators wishing to alter or even eliminate some parts of the Bayh resolution, including the controversial runoff election provision, will have opportunities to do so if the whole effort doesn't die aborning under the filibuster.
>
> There still may be time for ratification of the amendment by the states so it can be applied in 1972, if the Senate moves speedily. It already has been approved, almost five-to-one, by the House. The Senate probably will settle the matter one way or the other within the next week, when a second vote on cloture is called. It should shut off the debate, consider revisions and bring the proposal to a vote. A minority should not be allowed to—indeed should not want to—foreclose a decision on an issue of this magnitude.

THE FIRST OPTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. SCHMITZ. Mr. Speaker, Adm. C. Turner Joy said:

> It has been said that in war there is no substitute for victory. It can also be said that in debating with the Communists, there is no substitute for the imperative logic of military pressure.

Last week I introduced a resolution calling for a formal declaration of war against the North Vietnamese Communists unless they release all American prisoners of war and start moving their armies back within their own borders. There were two major reasons for this resolution. The Communists will hardly be likely to concede anything if they are sure that all they have to do is prolong the conflict and in the end attain all their primary objectives. With the Senate debating whether or not we should surrender South Vietnam, by way of the Hatfield-McGovern amendment, which failed by only 16 votes, the Communists surely did not feel compelled to make major compromises. With the House discussing a resolution for possible Communist defeat, they may be more amenable.

The very concept of victory has been lost in the shuffling of options. It is necessary to revive this prospect in the light of the present situation, and to have our citizens reflect upon this possibility. Victory is not only possible but by far the most desirable solution to the whole question of what to do in Vietnam. It is the first option.

Three principal reasons have been advanced for not seeking a military victory: First, that it would provoke the Soviet Union; second, that the war is primarily a civil war along the lines of a popular uprising, and therefore, beating the North Vietnamese would not end the conflict; and third, that a strategy of victory would "polarize" our Nation and be divisive. As time wore on, a fourth reason crept in. People began confusing the fact that we were not trying to win with the notion that is was impossible to win.

Actually, it is almost inconceivable that the United States cannot defeat North Vietnam. If we truly cannot now achieve a military victory over North Vietnam, then why to the same people who tell us this also advocate drastic cuts in funds for national defense? If our military forces have deteriorated to the point where they are not capable of beating the North Vietnamese, where, one might ask, would further cuts leave us? Safe and sound, say the same voices, although usually in different speeches. Fortunately, most Americans understand that will and capability, while interrelated, are not the same. We have the capability; it is our will which is paralyzed.

The second and third major reasons adduced in opposition to victory have been clearly disproved by time itself. No one seriously contends any more that the war is some type of spontaneous revolt. Neither will anyone contend today that the policy of prolonging the war through refusing to win it has not been internally divisive. The ambiguous, uncertain, and hesitating nature of our policy has resulted in what amounts to a revolutionary situation in our own Nation.

Once our citizens, especially the young people, saw that we were not attempting to win the war, they began to wonder why. The LBJ administration, confounded by its own rhetoric and afraid either to win or to lose, could give them no cogent answer. Others did. They said we did not win because we were embarrassed to be fighting an unjust war; that our uncertainty and hesitation stemmed from guilt. Their logic, if not their facts, sounded a bit more reasonable than sophistries about limited war, gradual escalation, and flexible response. Even a child could see the gaping fallacies inherent in these theories—and young people did.

When one's cause is just and he has the capability, he presses on to victory. Our cause is just; we have the capability; it is time to press on. The minority, whom this might alienate, must not be allowed to determine our policy.

Fear of the Soviet Union is the major stumbling block in our path today as it was 5 years ago. The substance behind this reason for not winning has increased because Soviet power has increased. The Soviets moved into high gear in nuclear rocket production as we muddled along in neutral in Vietnam. Today, Secretary of Defense Laird says our strength is "at the edge of prudent risk."

Although the substance behind this rationale itself is as spurious as it was when first advanced back around 1950. The Soviets will not attack until they are assured a probability of success. When their strategic capability gives them the prospect of success, they will attack—but not until then. To launch an attack on the United States in response to our victory in Vietnam would be, in effect, to allow us to pick their time for attack—a time before they are assured success. This they would hardly allow us to do. Soviet Minister of Defense, Marshal Grechko, realizes full well that "the edge of prudent risk" does not mean that we have fallen into the valley of probable defeat.

It will take courage to strive for victory. It will be a disaster if we do not. If the majority of Americans who have always been for victory give their support to a formal declaration of war, I am sure our leadership will respond. The forces of surrender have taken the initiative and gained the upper hand. This must be changed. For the sake of our men suffering in enemy prisons; in memory of our good men who have died young fighting for the freedom of others; for the future of our Nation, we must work to win. We must promote the first option—Victory.

The joint resolution follows:

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H.J. Res. —

Joint resolution providing for a formal declaration of war against the Government of the Democratic Peoples Republic of Vietnam (North Vietnam) unless certain conditions are met, and for other purposes.

Whereas the Communist dictatorship controlling the Democratic Peoples Republic of Vietnam has for the past fifteen years been waging a ruthless war of aggression against the peoples of Indochina, in which at least three-fourths of a million men, women and children, including over 50,000 American soldiers, have lost their lives; and

Whereas the above-mentioned Communist dictatorship has shown itself to be barbarous and repulsive to all civilized men by, among other things, its inhumane treatment of United States servicemen captured in the line of duty and its failure to abide by the Geneva Convention regarding the treatment of prisoners of war, to which it is a signatory; and also by its continuing acts of savage terrior against the civilian population of the Republic of Vietnam, Cambodia, and Laos; and

Whereas the above-mentioned Communist dictatorship has, in the face of continued efforts by the Government of the United States and the Government of the Republic of Vietnam to arrange for an end to the bloodshed with something less than abject and complete surrender of the noncommunist nations under attack, shown itself absolutely opposed to any cessation of its aggressive activities short of the complete conquest of its intended victims; and

Whereas in the face of continuing arrogance, intransigence, and unremitting hostility the United States has shown restraint to the point of severe injury to its own national interests; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, unless within thirty days following passage of this joint resolution the government of the Democratic Peoples Republic of Vietnam indicates a genuine desire for peace in Southeast Asia by (1) the release of all United States prisoners of war and also (2) the large scale withdrawal of its fighting forces back within its own territorial limits indicating to the satisfaction of the President of the United States that their aggression is ended the state of war between the United States and the Communist government of the Democratic Peoples Republic of Vietnam which has been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire air, naval, and military forces of the United States and the resources of the Government to carry on war against the Communist government of the Democratic Peoples Republic of Vietnam; and, to bring the conflict to a successful termination, all the resources of the country are hereby pledged by the Congress of the United States.

Sec. 2. The sending of any ground, naval or air forces to the assistance of the above-mentioned Communist government after the passage of this joint resolution will be regarded as an act of war against the United States itself.

VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. LONG of Maryland. Mr. Speaker, in May 1968, Cpl. Gary Daffin, of Dundalk, Md., wrote a very moving letter to his mother in which he describes Vietnam and his own reasons for being there:

> This country is so beautiful, it's hard to put into words. Winding rivers play touch with mountains that shoot up out of the valleys as if someone had come along and carved them . . . Small towns are spotted along the winding river that flows so gently towards an even bigger body of water . . .
>
> Death is not uncommon in this country or in any other country. True, there's more during war, but men give their lives because it's what they believe in. This is what I want to put across. I am here because I believe in what I am doing. I believe in fighting for what is right. I would do it again if I had to . . .
>
> I have only seven months left, but in these last seven months a lot can happen. I will be home, I promise that . . . to see all the loved ones again that I have missed so dearly . . .
>
> There's only one more thing I wish to say and that is, that this country has two sunsets. It's so beautiful that it's beyond words.
>
> I miss you all and will be home soon.

This was the last letter that Mrs. Daffin received from her son. In September Corporal Daffin died in Vietnam from wounds received from hostile mortar fire.

MAKING CONGRESS MORE EFFECTIVE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the Committee for Economic Development released today its study of the Congress.

While the House has just completed its action on legislative reorganization the CED report entitled "Making Congress More Effective," will, I hope, give aid to the effort to get the bill passed by the other body.

Chapter 1 of the report, "Why Changes Are Imperative," outlines well the reasons for both this study and the actions of the House in passing the legislative reorganization title.

I commend this chapter along with the summary of the recommendations to all in both Houses for your study and attention:

CHAPTER 1. INTRODUCTION: WHY CHANGES ARE IMPERATIVE

This country is in the throes of change. Congress, like every institution, must respond to transformations wrought by science, technology, and education upon every aspect of urban and rural life. Business concerns of all kinds, universities, even religious organizations and the family are subject to continuous modification. There is now a rising insistence that government must also adapt itself to deal more effectively with new and challenging conditions.

As its burdens have grown in range and scope far beyond anything foreseen only a few years ago, a competent and vital Congress is more essential than ever before. The formulation of public policy is a joint responsibility shared with the Executive Branch, but in the final analysis it is Congress that adopts (or rejects) legislation that determines the health of the economy, the national security, the character of life both urban and rural, the condition of the environment, and levels of generational, racial, and other group tensions. The people of this country have every right to insist upon a responsive and effective Congress.

This Committee has recommended modernization—legislative, executive, and judicial—of state and local governments to permit them to solve currently pressing problems.[1] We have also called attention to the urgent necessity for better personnel, budgetary, and other management practices in the federal establishment.[2] Our concern in this statement is with the tasks and burdens of Congress, and with growing doubts about its ability to master them. Without improvements at all levels and in all branches of government the federal system cannot cope successfully with the swift pace of social, economic, and political change.

The quality of management throughout the federal establishment depends heavily upon Congress. The nature of basic legislation, appropriations, and legislative oversight can either impair an agency's effectiveness or make successful operation possible. Congress exercises powers in fields far beyond policy determination. It decrees organizational patterns, administrative standards, personnel arrangements, program priorities, and pay levels. The most able of executives cannot manage effectively without Congressional support. Congress is, therefore, the keystone in the governmental arch and deserves strong public support in its modernization efforts.

The Member of Congress has a very different job today from that of years past. Service is full-time, year-round, in contrast to the part-time approach of the early 1930's when, during the depths of a serious depression, Congress was in session only nine or ten months of each two-year term. The average Congressional district now contains more inhabitants than any of the original 13 states, except Virginia. The activities of the national government conducted in each district exceed those of the entire federal establishment throughout the administration of the first President. The range of knowledge expected of each Member expands steadily, while the burden of continuous campaigning grows. The hard work of dedicated Members commands sympathetic understanding and justifies a determined effort to eliminate needless workloads so that the energies of Congress may become more productive.

Each Member of Congress provides a channel for communication between the people of his constituency and the seat of government in Washington, D.C. There is a vital two-way flow of information—on governmental affairs to the citizenry and on public opinion to the nation's policy makers. Those aggrieved by actions of the bureaucracy or bewildered by governmental complexities may secure guidance from the Member in obtaining pertinent facts or finding the proper forum for a specific problem. In devising corrective measures, legitimate complaints form grist for the legislative mill.

Our primary concern in this statement, however, is with the functioning of Congress as a collective body. In this perspective, Congress has two primary responsibilities. One is to reconcile or compromise divergent interests so that the informed will of the people may find expression in legislation. The other is to review program execution and agency performance in order to check tendencies

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[1] *Modernizing Local Government* (July 1966), *Modernizing State Government* (July 1967), *A Fiscal Program for a Balanced Federalism* (June 1967), *Reshaping Government in Metropolitan Areas* (February 1970).

[2] *Improving Executive Management in the Federal Government* (July 1964), *Budgeting for National Objectives* (January 1966), *Financing a Better Election System* (December 1968)

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toward improper exercise of executive authority or perpetuation of obsolete programs. Both functions are indispensable, but Congress as it now operates is unable to fulfill either satisfactory.

Too many committees and subcommittees fragment broad policy issues into bits and pieces of legislation. There is inadequate communication between separate, independent power centers. The coordination essential to consistent and coherent decision making is lacking. Review of agency performance is badly subdivided and variable in quality, often focused upon trivia while neglecting evaluative inquiries into over-all achievement. Continuous feedback review of agency progress on approved projects and ongoing programs is the exception rather than the rule.

Congress has not brought its methods, approaches, or structures into conformity with the dynamics of change. Consequently—and regrettably—public attitudes toward Congress as a collective body are increasingly critical. The esteem accorded to individual Members cannot obscure widespread discontent with the institutional performance of Congress.

We believe that the growing difficulties encountered by Congress stem not from within but from new and powerful forces in a swiftly changing world outside legislative halls. The issues facing Congress today are far more challenging in range and intensity than those of 1900, or even of 1940. The difference in degree is of such magnitude that it has become a difference in kind. This is the basic justification for modifying the ways Congress has been doing its work and for the specific proposals advanced in this statement.

The changes visible in three primary fields of policy formation illustrate the critical need for better Congressional mechanisms to cope with the effects: (1) maintaining a healthy economy, (2) solving the interconnected problems of rural and urban America, and (3) setting policy for national security and foreign affairs. If the limitations of space permitted, other examples with comparable implications could be cited. None of these responsibilities can be adequately met within the existing framework.

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EXPANDING RESPONSIBILITIES

Maintaining a healthy economy involves complex, interrelated issues including price levels, the availability of credit, interest rates, unemployment, the balance of international payments, and federal budgets. By adopting the Employment Act of 1946, Congress placed upon the government of the United States major responsibility for actions to sustain the health of the national economy.

The magnitude of this function grows geometrically from decade to decade. The annual gross national product (GNP), about $17 billion in 1900, now approaches $1,000 billion. Federal revenues were half a billion or 3 per cent of GNP in 1900 but are now $200 billion, 21 per cent of GNP. State-local expenditures, $1 billion in 1900, are over $100 billion. Federal-state-local debt was only $5.6 billion in 1916 and is $500 billion. Federal aids to state and local governments that were $7 million in 1900 are budgeted at $27.6 billion or 4,000 times as much today.[3] Per capita personal income has grown from about $200 in 1900 to approximately $3,500 in 1969, about three and a half times as high in *real* terms.

Complexity and interdependence have made the health of this expansive economy vulnerable to dangers different in many ways from those of the 1920's or 1940's. In recognition of this challenge Congress has strengthened executive capabilities by establishing the Federal Reserve System (1913), the Bureau of the Budget (1921), and the Council of Economic Advisers (1946). Congress gave approval in 1970 to reorganization of the Executive Office of the President involving establishment of a Domestic Policy Council and a revised Office of Management and Budget. These measures have given the Executive Branch greater ability to develop and coordinate comprehensive economic plans; there were no tools to build such plans in earlier years.

But Congress retains a vital role in these matters. Executive plans and programs lack substance without statutory confirmation, even though Congressional response often takes the form of modification rather than outright rejection or adoption. Yet except for creation in 1946 of its Joint Economic Committee (which lacks power to sponsor legislation), Congress has not equipped nor structured itself to deal coherently, consistently, or effectively with wide-range economic issues.

The condition of the national economy affects every citizen of the United States. Since the federal government has assumed major responsibility for that condition, Congress must organize itself and its procedures to discharge its resulting obligations properly and in timely fashion.

The "urban crisis" deserves high priority in Congressional deliberations. Concern is commonly focused upon grave problems typical of the central sections of the nation's great cities, but the urban crisis results, in a basic sense, from phenomenal changes in American agriculture.

Fifty years ago, 30 per cent of the country's population lived on farms; now less than 5 per cent do so. In other words, one-fourth of the whole population (or about 50 million persons) has shifted from farms to cities—most commonly to metropolitan areas—in the brief span of half a century. The basis of this migration is technology built upon research, leading to explosive growth in productivity.

Paradoxically, this triumph of technology has led to acute economic distress in rural America; the swift decline in farm population has had a catastrophic impact on thousands of rural trading and service communities. Almost every statistical indicator shows the rural population, both farm and nonfarm, at a serious comparative disadvantage: poverty levels, personal incomes, mortality and morbidity rates, and educational attainments. There is a "rural crisis," now in its sixth decade, paralleling the "urban crisis" and closely intertwined with it.

The migration of tens of millions of dislocated and disadvantaged persons from rural to urban America is reflected in the congested slums and ghettos of the large central cities, and the effects reach out increasingly to their suburbs. Most inner cities are plagued by poverty, high unemployment and underemployment, family disorganization, high crime rates, racial tensions, environmental hazards, substandard housing, high death and disease rates, and weak educational and transportation systems. In large metropolitan areas the contrasts between concentrations of disadvantaged minority groups in central cities and concentrations of privileged whites in suburban enclaves aggravate these conditions.

The public looks to Congress for solutions to the nation's ills, whether urban, rural, or suburban. The states, and the local governments which are their creatures, are theoretically responsible for corrective actions. But too often the states are operationally impotent to use their legal powers, and local governments are so handicapped by structural and fiscal weaknesses that very few communities are able to deal effectively with issues of such range and scope. The resulting vacuum has stimulated federal activity on many new fronts.

This activity has been fragmented among many agencies in the Executive Branch. In January 1969, President Nixon pointed out that:

"The American National Government has responded to urban concerns in a haphazard, fragmented, and often woefully short-sighted manner . . . What we have never had is a policy: coherent, consistent positions as to what the National Government would hope to see happen; what it will encourage, what it will discourage."

The Executive Branch is not alone in its need to reconcile and coordinate divergent policy interests. The Congressional committee structure subdivides responsibility for urban affairs to an extreme degree. This is visible in the functions of the 268 Congressional subcommittees, over half of which claim some share in urban policy issues. (See Appendix.) There is no central focal point in either chamber where consideration may be given to urban problems in their entirety, nor where a suitable allocation of available resources may be made.

The Congressional approach to the issues involved in rural decline has also been narrowly focused, in this case on agriculture as such. The Senate Agriculture and Forestry Committee and the House Agriculture Committee are mainly concerned with those farms that continue to operate. Together with the Department of Agriculture, they form a powerful triangular decision-making complex, with large-scale agriculture the chief beneficiary of some $4.5 billion in annual "farm income stabilization" payments. Meanwhile, scores of thousands of small "family farms" are abandoned each year. The collateral effects of farm out-migration are largely disregarded by this powerful farm triangle.

Other committees are concerned with various aspects of the agricultural transformation: the Appropriations Committees; the House Ways and Means and Senate Finance Committees; the Public Works Committees; the Interior and Insular Affairs Committees; the Banking and Currency Committees; the Labor and Public Welfare Committee of the Senate; and the Education and Labor Committee of the House. This partial enumeration goes far to explain the continuing lack of a comprehensive national policy for the improvement and advancement of life in rural America. Congressional committee patterns are no more designed to deal with the "rural crisis" than with the problems of the cities.

As matters stand, Congress cannot hope to formulate any overall program for the rehabilitation of either urban or rural America. Congress should make the structural and procedural changes necessary to devise policies designed to relieve the urban crisis and to foster and utilize the human and material resources of rural America more effectively. All Members, whether from metropolitan or rural districts, should share in development of these policies. Congress should not limit itself to piecemeal response to Executive initiatives in these crucial fields.

* * * * *

International security and worldwide economic interdependence confront Congress with a complex of problems new to the decades since World War II. The enormous peace-keeping operations of the United States, the swift growth of private investments abroad, the vast expansion in world trade, the growth of an international monetary system, the provision of development aid through national and international institutions, and much wider contacts through travel and communications have all brought home to Americans the vital importance of a constructive foreign policy.

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[3] The comparisons shown should be read in full recognition of changes in the purchasing power of the dollar. It takes about $5 to buy what $1 would obtain in 1900, and the ratio is about four to one between 1968 and 1916. Many kinds of goods and services now in use were not available for purchase in 1900, or in 1916.

Continuous tensions have led this country over the past quarter-century to incur severe casualties, to spend over $1 trillion on defense, to assign to the Department of Defense title of land acreage larger that the combined areas of eight of the 50 states, to maintain 25 times as many men in uniform as in 1900, and to absorb in military procurement up to one-seventh of all value added by manufacturing. The implications of nuclear power place this nation's foreign relations and the quality of its diplomacy in a totally new context. The public interest ought never to be subordinated to special or parochial interests in fields of such importance.

The initiative here is in the Executive Branch, but the ultimate authority over foreign relations and military operations resides in Congress. Primary jurisdiction in these matters is divided among six separate Congressional committees; nine more play important secondary roles; and still others have marginal jurisdiction. These arrangements make it extremely difficult for Congress to fix coherent and consistent policies governing the nation's role in world affairs. The history of foreign aid legislation—both civil and military—presents one dramtic case in point. Continuing disagreements over various weapons systems provide others.

Any parliamentary body making decisions on such complex and critical matters is handicapped by a relative lack of expertise. Few, if any, Members can claim thorough personal mastery of the highly sophisticated subject areas upon which modern diplomacy and defense depend. Qualified and unbiased advisory sources in these fields are not readily available. Congressional limitations are magnified by comparable deficiencies at key leadership levels in the Executive Branch.

The President has access to few sources of expert advice outside the Department of Defense. The Bureau of the Budget has never been suitably staffed to subject Defense requests to the kind of intensive review applied to other expenditures. Congress has had to cope with Defense budget recommendations based almost entirely on personal negotiations between the Secretary of Defense and the President—without adequate staff or research aids to estimate the nation's needs independently. The public interest calls for judicious use of the $75 billion entrusted annually to the defense establishment. It is the joint responsibility of the President and Congress to make sure that security objectives are attained at the least possible cost.

The realities of American politics put pressures on Members to obtain economic benefits for their constituents from the flow of defense dollars. These pressures frequently operate against the interests of the nation at large. Public confidence is weakened by the selection process for membership on key committees. Members whose states or districts contain major defense installations or plants are often appointed to the Armed Services Committees or to Appropriations subcommittees concerned with defense. Hence, these committees tend to be dominated by Members whose constituencies are directly affected by the size and distribution of the armed forces, by the extent and nature of defense procurement, or by both. The fact that their constituencies have so great an economic interest in their decisions arouses great skepticism about the objectivity of these committees.

There is a primary need for Congress to consider diplomatic and military aspects of foreign policy in a unitary context, not as separate subjects. Furthermore, the public interest urgently requires structural and procedural changes that will check tendencies to foster local interests at the county's expense. At stake is, quite literally, the nation's survival.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Facing issues or unprecedented magnitude and scope, Congress—like most other human institutions—is reluctant to modify its long-established, habitual ways of doing business. Continuing delay in modernization of Congressional structures and procedures, however, will surely be injurious to the national interest and can lead only to further erosion in influence and effectiveness of the Legislative Branch.

Recognizing the complexities and obstacles standing in the way of change, we have limited the recommendations in this statement to proposals designed to overcome weaknesses without undertaking a complete remodeling of the present system. No further reference is made, for example, to the possible substitution of multi-member for single-member districts in the House of Representatives, or to changes that would require amendment of the Constitution.

In the following chapters we advocate significant modifications that are both pragmatic and immediately practicable, dealing with three separate though interrelated fields of action. *First*, we urge fundamental improvements in the Congressional handling of fiscal-economic decisions. *Second*, we propose readjustment of the entire committee structure and of the procedures associated with it. *Third*, we strongly support divestment by Congress of inessential and unsuitable administrative burdens, together with other measures that would strengthen public confidence in its objectivity.

The present Congressional approach to fiscal affairs is indefensible. When budget decisions are extended long past the beginning of the fiscal year for which they are intended, when there is no Congressional mechanism to tie revenues and appropriations into a coherent pattern, when no legislative procedure exists to initiate actions based on a comprehensive view of the economy, then national stability is endangered. When Congress permits its evaluation and oversight of programs to be carried out in ways that allow the continuance of obsolete programs and the wasteful management of potentially useful ones, then both the credibility and the effectiveness of the entire national government are seriously harmed. To correct these conditions we recommend that:

Means for comprehensive review of the annual budget be established and used, relating total revenues and expenditures to the state of the economy.

Annual authorizations be discontinued; instead, authorizations should be made along program and project lines, fully funded, for minimum terms of four years.

Evaluation of program performance, in terms of objectives as well as dollars, be heavily stressed.

The federal fiscal year be changed to coincide with the calendar year, so that appropriations may always precede expenditures.

Congress establish and observe deadline dates for both authorizations and appropriations.

The committee system has the crucial role in Congressional decisionmaking. As it now operates, however, decisions are fragmented; problems demanding a broad policy approach are handled in piecemeal fashion and hence poorly by the many autonomous committees and their innumerable subcommittees. These committees carry out much of their work in obscurity or secrecy which can be and often is maintained—even against the inquiries of other Members—in defiance of the elementary tenets of democracy.

Through the assignment system that determines their makeup, and by means of restrictive procedures, committees can be dominated by small groups of Members with special interests held in common—or even by the desires of a powerful and autocratic chairman. These conditions prevent Congress from making open and effective response to urgent national needs. Therefore, we recommend:

Fewer standing committees, with broader jurisdiction for each.

Better use of joint and select committees.

More flexible subcommittee arrangements, with rotating chairmanships.

Abandonment of seniority as the sole criterion in selecting committee chairmen.

Democratized procedures, with many more open hearings.

Better informational and analytical resources for committees.

There is no doubt that there has been an erosion of popular respect for Congress. This is injurious to the nation as well as to Congress as an institution. Citizens are now insisting that every level and branch of government become more responsive, more open to the demands of all the people, more attuned to current priorities, and less bound by traditional approaches or endless red tape. In the face of these trends Congress has appeared to fold in upon itself. Its endless involvement with minor details of administrative management and its open and attentive solicitude for special interest groups contrast with its negative reaction to many concerns of the general public. Prompt action on several fronts is needed to restore public trust. Hence, we propose:

Relinquishment of detailed direction of all administrative functions unsuited to management by a legislative body or by any committee of such a body.

Stronger "Codes of Ethics."

Assurance of majority rule on major issues in both chambers.

Installation of modern voting procedures which would eliminate the secrecy surrounding teller, standing, and voice votes in the House of Representatives.

Thorough reform of campaign finance, with full disclosure and tax incentives for contributions.

Prohibition of committee meetings while sessions of the chamber are in progress.

Acceptance of these recommendations would do much to improve Congressional operations and to enhance the Congressional image. Fortunately, there are no legal barriers to their adoption; changes in House and Senate rules, modification of outmoded customs, or statutory enactments in some few cases, would suffice. The Members can make the necessary changes whenever the majority chooses. Congress has considered and debated many of them in recent years, so far to little or no avail. It is now time to correct obvious weaknesses. The defects of Congress are not congenital; its wounds are self-inflicted.

VICE PRESIDENT KY ENTITLED TO FREE SPEECH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. RARICK. Mr. Speaker, certainly no thinking American can find anything wrong with victory. That is why many concerned and informed Americans are wondering why all the frantic efforts to prevent and discourage Vice President Ky from attending the March for Victory in Washington on October 3.

Mr. Ky is the elected representative of a war ally for whose people's freedom and independence, over 50,000 American men have thus far given their lives. For certain, our men who so died would be repulsed to think that a leader of such an ally would not be enthusiastically welcomed and entitled to free speech in our country.

What can it be that the vocal few so fear from the message of Mr. Ky? Our people have been exposed repeatedly to the views, the ambitions, and the line of the Communist enemy at Hanoi through her dear American friends and experts. Why should our people not hear from an ally?

Some would suggest that this is the wrong time for Mr. Ky's appearance. Pray tell, with mounting American casualties each week, when is the right time to talk about ending the war in Vietnam? After all, ending a war by victory is also an alternative—in fact, it is one of the few alternatives that our leadership has never tried nor has set to pursue.

We of the United States have a Vice President who has been highly vocal and for his forthright speeches is admired by a great number of Americans. Why should not the Vice President of Vietnam be entitled to speak his piece as best he feels represents the feelings, fears, and frustrations of his people?

I agree with Mr. Ky's right to come to our country and be received with the respect due any sovereign friend or representative. In fact I dispatched a letter to him encouraging his visit and participation. Recently, I joined with 136 fellow Democratic Congressmen in an appeal to reason in condemning efforts to disrupt campaign speeches by President Nixon and Vice President AGNEW.

I am confident that if all sides of a question can be heard, the American people will decide wisely. Without a free exchange of ideas, there can be no free society. In such exchange lies the ultimate worth of our democratic system.

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NEW ENGLAND AND THE FUEL OIL MERRY-GO-ROUND: PAY HIGHER PRICES OR FACE SEVERE WINTER SHORTAGES

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. BOLAND. Mr. Speaker, a newspaper report this week indicates it is the aim of the American oil producers' lobby to hold New Englanders as hostages to force unreasonable fuel oil price increases during the coming winter, or allow shortages to develop which might result in cold homes, power shortages, closed schools, and disrupted industries with resulting job losses.

This cruel ploy was revealed by Columnist Jack Anderson in "The Washington Merry-Go-Round" printed in the Washington Post Tuesday, September 22, under the subheadline "Fuel Shortage." Columnist Anderson wrote of the latest oil merry-go-round that New Englanders can expect this winter as follows:

FUEL SHORTAGE

Industry officials have told Paul McCracken, the President's chief economic adviser, that coal, gas and oil prices should be permitted to rise sharply. Otherwise, they warned that producers would not have enough incentive to prevent fuel shortages across the country this winter.

McCracken heads an interagency task force which is investigating the threat of fuel shortages. This threat has been aggravated by the Middle East crisis and the antipollution campaign.

There's pressure upon building owners, for example, to burn low-sulfur fuel oil. The main source is the Middle East where Arab-Israel tensions have disrupted shipments. Utility companies have also held back construction of fuel plants because of the clamor over pollution.

Meanwhile, our natural gas reserves are dropping low. Gas producers are petitioning the Federal Power Commission for huge price increases, which they claim are necessary to encourage them to explore for more reserves.

A major strike or transportation tieup or severe winter could leave a lot of homes and buildings short of heat during the cold months ahead.

Mr. Speaker, the artificial and arbitrary oil import quota system has been studied to death over the years, and the only result has been price increases and annual threats of fuel oil shortages in the Northeast.

The time has come for the administration to take positive action to alleviate these twin threats which constitutes an unjust and inequitable discrimination against millions of New Englanders.

We do not need one more study while fuel oil prices escalate and our region struggles and suffers through another frigid winter. Past studies have produced nothing more than delay until the warm air of spring returns to evaporate the crisis, and then a decision is made not to tamper with the mandatory oil import quota program in the wholly unjustified and greatly exaggerated name of national defense.

Mr. Speaker, I again urge this administration to take action, as I did in a telegram to the President on September 9, by liberalizing the oil import quota for the Northeast region this winter in an effort to alleviate the twin threats of fuel oil price increases and shortages.

I ask permission to have my telegram included at this point with my remarks, and the September 10 White House response, signed by William E. Timmons, assistant to the President, together with editorials dealing with the fuel oil crisis facing New England, taken from the Springfield Sunday Republican of September 6 and the Boston Globe today, September 24:

SEPTEMBER 9, 1970.

President RICHARD M. NIXON
The White House,
Washington, D.C.

Respectfully urge you order Interior Secretary Hickel and Defense Secretary Laird take immediate steps that would assure homeowners and industries in Massachusetts and New England of adequate fuel supplies at reasonable prices during the coming frigid winter season. I suggest this can be accomplished by further liberalizing the mandatory import quotas on No. 2 fuel oil and the emergency release of Defense Department oil quota reserves. Shortages of residual oil and coal supplies has forced industries, institutions, and utilities to seek No. 2 home heating fuel, also in short supply because of Mid-East crisis and shortage of jumbo tankers to make long voyage around Cape of Good Hope to East Coast ports due to Suez Canal closure. The Federal Government has the power to relieve the people of Massachusetts and New England of this unjust burden on their comfort and their pocketbooks. The mandatory import controls on home heating oil are artificial and arbitrary. Existing lack of flexibility in their administration serves no legitimate national purpose, but merely constitutes an unjust and inequitable discrimination against millions of Americans in the Northeast. If these proposals are not implemented to alleviate the fuel oil crisis, the alternative will be oil rationing and price controls for New England this winter.

EDWARD P. BOLAND,
Member of Congress.

THE WHITE HOUSE,
Washington, September 10, 1970.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR MR. BOLAND: I would like to thank you for your September 9 telegram to the President regarding the national energy situation and the possible fuel shortage in the New England area.

A committee, under the chairmanship of Chairman McCracken of the Council of Economic Advisers, is now engaged in a study of all aspects of the fuel situation. We believe that the studies conducted by this committee will result in specific recommendations for administrative and, to the extent necessary, legislative action. You may be assured that a high priority has been assigned to this problem.

With cordial regard,
Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

[From the Springfield (Mass.) Republican, Sept. 6, 1970]

FUEL-SHORT REGION

What may have been regarded in the past as a political agitation for lower fuel oil prices in the Northeast has emerged as something quite different. It is, obviously, not political and not a matter of cheaper fuel. The objective is fair treatment for consumers in the New England region, who face a shortage of heating oil at any price.

In the first of three regional hearings by the Governor's Emergency Commission at Springfield's city hall Thursday, public officials from the western counties colored the fuel picture black. Prices are rising sharply as supplies become scarce, it was reported. Industrial heating oil, on which much of the area's electric power supply depends, is in particularly short supply. Natural gas shortages are a problem for some industries.

But the pressure is also on home heating oil, the price of which has gone up—and which reportedly is being used by some suppliers to thin the heavier industrial oil. The prospect of fuel rationing in the coming winter, to say nothing of power brownouts, is disturbingly real.

Basically, the problem is a conflict between the interests of the domestic oil producers, who have been supported generally by both the Johnson and Nixon administrations, and the New England states, which have no oil refineries or gas supplies of their own and are remote from the production areas. The cost, and sometimes the inadequacy, of transportation has long been reflected in the high prices New Englanders have had to pay for fuel—and, indirectly, for steam-generated electric power.

Hopes of remedying the price inequity rose a couple of years ago when Occidental Petroleum Corp. announced plans to build a refinery at Machiasport, Me., which would process imported crude oil. But it was necessary for the state of Maine to apply for federal authority to establish a free trade zone in that state to free the imports of customs limitations. Also, the company needed permission, under the federal oil import quota program, to receive shipment of foreign crude oil. Neither application has succeeded.

The entire proposal was fought strenuously by the domestic oil industry, which cited "national security" as one reason to protect the home market against competition from abroad. Another reason was that the development of yet-untapped oil reserves in this country should be encouraged.

While the administration has given lip service to abandonment of the 11-year-old oil import quota system—and indeed seemed ready to replace it with a stepped-up tariff program—the picture changed abruptly in mid-August. The key was the position of the President's oil policy committee, which first recommended replacement of the quota system, then reversed itself—apparently on the strength of "national security" in the light of the Middle East situation.

(The Department of Interior, reporting on a study done for it a year ago, said that with removal of the quotas the United States could store ample oil for emergency purposes at much less cost to the nation than accrues from enforcement of the quotas. The cost to Americans because of the quotas was estimated at $7 billion to $8 billion annually.)

For now, the only apparent hope of a fair deal for New England oil users is the pressure that can be brought on Congress and the administration by public groups, such as Gov. Sargent's Emergency Energy Commission and the Massachusetts Consumers' Council, by the region's own U.S. senators and representatives—and by private individuals and organizations throughout the region.

[From the Boston Globe, Sept. 24, 1970]

WE GET IT COMING—ON OIL

The quota-sheltered, tax advantaged oil industry is telling New England it may not be able to provide adequate supplies of fuel to keep power plants and industry running and schools and hospitals warm this winter.

The public is being asked to accept this state of affairs after paying artificially inflated fuel prices for 14 years under an import quota system whose purpose was said to be to protect the security of the United States' supply in the event of a national emergency.

New England's deepening energy crisis is credible evidence of the spuriousness of the national security argument and the bankruptcy of the system.

Hospitals, universities and municipalities are today without assurance of the availability, at any price, of enough residual oil to see them through the winter.

A shortage of low-sulfur fuel for the generation of electricity threatens the Oct. 1 deadline for imposition of power plant emission standards.

A 10 percent increase in the price of home heating oil is predicted for this winter, an increase above a price already too high because of import restrictions.

Of course, the situation is not entirely the government's fault. The petroleum industry apparently underestimated potential demand for its product, natural gas is in short supply, the Middle East war has produced a worldwide shortage of tanker capacity, nuclear power generation has not increased as fast as had been expected and the pollution issue has complicated the entire situation, both at sea and in the air.

Yet charges of misfeasance, malfeasance and nonfeasance seem fairly to lie against the government in this situation, and, in particular, against the Nixon Administration.

The misfeasance was in buying the phony oil industry argument on national defense in the first place. The current crisis proves that the quota system failed to guarantee a domestic emergency supply. What it did was and is to protect the price of petroleum products against competition.

Malfeasance is an adequate description of the President's shelving of his cabinet task force report and the inclusion of a freeze-in of the oil quota system in the trade bill now before Congress. The report recommended phasing out the quotas.

And nonfeasance is about the kindest thing one can say about the unresponsiveness of the Federal authority in a situation which threatens inconvenience, hardship and even, perhaps, health hazard to this region of the country.

It is to be hoped that the White House will grant Gov. Sargent and the other New England governors a speedy and sympathetic hearing on their complaints. Such a hearing would help dispel the suspicion that the Administration has more concern for oil lobbyists than for New England homeowners and hospital patients.

But more than dialogue is needed. In a time of economic troubles, continued inflation and rising unemployment, jobs and financial stability are at stake.

The House, clearly, should knock out of the protectionist trade bill now before it, the oil import quota freeze.

The President has the power, unilaterally, to lift the quota on No. 2 home heating oil, which is now in demand not only for home heating but in industry as a low-pollutant additive and alternative to the cheaper residual oil. The prospect of industry and utilities competing with home owners for the available supply of No. 2 oil should make the home and apartment owners literally shiver.

The Administration should act to make available every possible tanker resource now, including Navy vessels in mothballs, if only to try to drive down the skyrocketing tanker charges which are blamed for a 100 percent increase in the price of residual oil here recently.

The President should use his influence to prevail upon domestic producers to switch over some refinery production from gasoline and other lighter distillates to heating oil.

With prudent respect for environmental factors, Federal policy should be to encourage construction of refinery capacity in New England, the region of the nation most dependent upon oil for warmth in winter, industrial production and power generation.

Finally, the suggestion of a legal attack in the Federal courts, not excluding a grand jury investigation of possible anti-trust aspects and a questioning of the constitutionality of the oil quota system, is recommended to the appropriate Federal and state authorities.

It is too much to expect all of these things will be done. The discouraging thing about this very worrisome situation is that, as of this morning, none of them is being done.

That this region, annually should have to go begging to its government in Washington for relief from the economic discrimination imposed upon it by national oil policy is a disgrace. Should New England encounter the crisis in energy and heating predicted by some keen observers, its citizens will know where to place the blame.

AMERICAN LEGION ASSESSMENT OF VA HOSPITAL CONDITIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. BINGHAM. Mr. Speaker, recent press reports by CBS and Life magazine, among others, have focused public attention on conditions in our Veterans' Administration Hospitals. The Kingsbridge Veterans Hospital in the area of the Bronx, N.Y., which I have the honor to represent, was prominent in the controversy. I am pleased to see that one of the most prestigious and respected of the veterans' organizations, the American Legion, through R. B. Pitkin, the editor of the American Legion magazine, has undertaken to evaluate conditions in our Veterans' Administration Hospitals, including those at the Kingsbridge Hospital. I am impressed with the fairness of this evaluation, which closely corresponds in its conclusions to my own views. The American Legion magazine article, "The Truth About the VA Hospitals," follows:

THE TRUTH ABOUT THE VA HOSPITALS

(By R. B. Pitkin)

The American Legion has been getting distress signals from members asking if a story about the 166 U.S. Veterans Administration hospitals in the May 22, 1970, issue of Life magazine is accurate or misleading.

In a dozen pictures Life showed ten scenes in the spinal injury center of the Bronx VA hospital in New York and two in the Wadsworth VA hospital in Los Angeles. They are two of the oldest hospitals in the system, both rated inadequate by the VA and slated for eventual remodeling or replacement. Life's photos and much of its text portrayed callous neglect of paralyzed veterans, staff apathy, filth, rat infestation and disarray. VA patients were called "Our Forgotten Wounded," and Life said that to be put in a VA hospital was "An Assignment to Neglect." Paralyzed patients were shown lying exposed and mainly naked in open wards; stripped of privacy and dignity; left abandoned and undried in a shower; having to aid one another for lack of staff attention; lying with garbage pails beside what seemed to be their beds; or left helpless for "up to four hours" to be attended for enemas. This story overgeneralized and misshaped a real situation that is neither good nor typical of VA hospitals. As a generality, it better fitted the pre-WW2 VA hospitals, then run as a civil service bureaucracy that was scrapped in 1946. The Administrator of the VA, Donald E. Johnson, of Iowa, advised Life's editors that the photos were staged. Life denied it, and "staged" might suggest actors and false settings. The patients were real and the hospitals were real. But nurses, aides and patients in the spinal injury center of the old Bronx hospital have described some posing, arranging and miscaptioning, if not "staging."

Life's cover photo showed a forlorn patient sitting slumped forward and unattended in a wheelchair, hair hanging over his face, stripped to the waist in a dingy ward—the picture of despair. This view was shot once, says one nursing aid, when she was giving the paralyzed patient a bed bath. She was interrupted to have the patient posed alone before she could put on his jacket and comb his hair. But another employee says that the published photo was taken on another occasion when the patient was in the midst of being dressed, then pictured without his attendant. It appeared under the heading "Our Forgotten Wounded."

A two-page photo of the same patient, alone and apparently abandoned in a shower, was captioned ". . . waiting helplessly to be dried." He was waiting helplessly while a Life crew interrupted his shower, according to his attendant. The attendant said he was shampooing the patient when he was asked to step aside for a picture of just the patient. Two other attendants confirmed that description. Several patients said that being

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left alone in the shower would be a rare thing.

Patients who were in the enema room of the Bronx hospital, where paralyzed patients who have lost the nerve responses of their colons must sometimes lie for hours on "Stryker frames" for an enema to work, described some other photos in the taking. An employee said that the picture-taking crew hauled a garbage pail away from a curtained corner and put it by one of the patients dozing on a Stryker frame, whose curtain was not pulled around it. The photo crew, said one patient, moved a garbage pail lid and added refuse to the pail. The patient on the near frame said he awoke to find a strange wheelchair patient offering him a cigarette, one garbage pail heaped and placed by his frame, and cameras snapping. As the photo appeared, the cigarette scene seemed to reinforce the idea that the patients could not get staff members to light cigarettes, while the garbage pails supported Life's phrase "a medical slum." Another patient said that he was awakened on his Stryker frame with an offer of a cigarette, but explained he didn't smoke. Life's caption said that these patients were "awaiting treatment" and "because of overcrowding, they must share a corner with garbage pails," and did not identify it is the enema room.

They were not awaiting treatment. The patients on frames were waiting for their enemas to work. The man offering the cigarette seemed to be truly crowding the scene and he was apparently invited in by the photo crew to offer the cigarette. The garbage pails were in the enema room because they have to be, to receive its unpleasant product which is then removed by the housekeeping department of the hospital. But some say they also collect general ward refuse.

Another Life photo heightened the idea that if the patients don't tend to one another, nobody will. It showed a wheelchair patient throwing a sheet over a bed patient, and Life explained to its readers that ". . . a totally crippled patient must depend on a buddy who still has the use of his arms to get a sheet thrown over him." When the picture appeared in Life the "totally crippled patient" was dismayed. He has been a paraplegic for 26 years, has full use of his arms, lives alone in an apartment, is able to take care of himself, and was then in the Bronx VA hospital temporarily for ulcer surgery. The sheet throwing, he said, was horseplay indulged in at the request of the photographer. He said he did not want a sheet and could have gotten one if he did.

Life said of quadriplegic patient Marke Dumpert, who was featured in many of its photos, that "Dumpert hopes to finish high school, and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration."

From this it is not apparent that the Pronx VA hospital has a five-man educational therapy department or that about the time the Life story appeared Dumpert was completing six months of instruction in grammar, literature, math, social studies and science under blind staff instructor Anthony Aliverti. Dumpert sailed through with no grade under 90. He has received his New York State High School Equivalency Certificate and had admission applications in with several colleges last spring. He has learned to type and to turn pages while reading, using a mouth stick.

On these pages and on our cover are shown pictures of 41 of the VA hospitals, and there 125 more, with new ones going up. No view, either accurate or distorted, of just one section of one hospital can well serve readers as either a good or a bad portrait of the whole system. The spinal injury center in the Bronx is about 1/1250th of the whole.

The VA hospital system today is made up of (1) the dwindling remains of an old, pre-1946 system, and (2) a growing new system of some of the finest hospitals in the world.

Starting in 1946, the new system began to replace the old. In 25 years, 82 brand new hospitals have been added, either as additions or to replace older hospitals. These are, without exception, magnificent. During the same period, 31 of the older hospitals have undergone modern additions and renovations. A total of 106 of the new and the improved hospitals are rated "adequate" by the VA. It is a modest use of the word. Few if any community hospitals can match them in either their facilities or the quality of medical care they give. They are on a par with, or superior to, the hospitals of the great medical centers here and abroad. Sixty hospitals in the system are rated "inadequate" by the VA. Of them eight are rated as "obsolete" and are in line, with six more of the "inadequates," for the speediest replacement possible under the ponderous legislative and budgeting pace of the Congress. Replacing these 14 is a project that will stretch well into the 1980's at the present pace.

The Bronx hospital is among the 60 "inadequates" but not among the eight "obsoletes." It is well located for patients and to command the services of good doctors. It is poorly located to attract nurses, nursing aides, attendants, and others whose VA pay has not been up to the high living costs in New York City. The building's interior is a fright as a piece of hospital architecture. It was built as a huge Catholic orphanage between 1901 and 1903. It was taken over as a veterans hospital in 1922, and D Wing was added in 1940. Of nearly 1,000 patients on any one day, from 90 to 95 may be spinal injury cases. It is a general hospital, and includes psychiatric and tubercular patients. None of the staff there is "neglecting" the patients, but the interior design heaps inconveniences on the whole staff, which is seriously shorthanded.

The devotion of this staff, from Director Dr. Abraham M. Kleinman, down, while working shorthanded . . . working shorthanded in an antiquated building never designed for hospital use, impresses everyone who comes to take a fair look. An aide to Senator Bob Dole, of Kansas, who went there to double check the Life story, put it in a nutshell in a brief report saying that the staff was absorbing the chief punishment of the hospital's handicaps and sparing the patients from most of it.

Many of the paraplegic patients (legs paralyzed but arms normal) speak well of their care there. Life would have rated undiluted applause had it stuck to a valid point it made about the need for more help, especially for quadriplegics, instead of charging neglect at the hospital and identifying exaggerated Bronx conditions with the whole VA system. A quadriplegic cannot move from his neck down, and there is no way that a staff can absorb the punishment that undermanning inflicts upon quads. They must literally ask to have their noses scratched, to be rolled over in bed, to be attended for every least thing. They need attendants to do for them the little things that the un-paralyzed do for themselves without even thinking about it. Lacking constant attendance, they do not merely suffer physical discomfort, but mental torment. To be a beggar to have your nose scratched when it itches is not just itching. To have to wait even five minutes is humiliation at your helplessness.

On these pages we show a photo of John Pearo, in the Bronx hospital, a quad except for slight use of his right hand. He was provided with an electric wheelchair, with a control in his right hand. Nurse A. T. Campion, RN, who served five years on the famous international hospital training ship *SS Hope*, asked him if he'd run his wheelchair for our camera. He tooled up and down the hall, zooming from within a fraction of an inch of one wall to a fraction of an inch of the other, wreathed in smiles. "What did the chair mean to you?" asked Miss Campion. "It gave me my liberty back," he told us. "Before then I had to scream for everything." Marke Dumpert, who cannot use either hand, now has a wheelchair run by a microswitch in his mouth.

There were not enough people in the Bronx VA hospital over the last two years to give the quads the full attendance they need, thanks jointly to a staff reduction harking back to the 1968 budget, and to recruiting problems in New York. Congressional committees got going in 1969 to raise the budget, and President Nixon pledged himself to an increase in budget and more staff last April 2.

The problem of more help is not an easy one to solve. The VA pay scale for various attendants is good for many areas of the country, but low for New York and other metropolitan areas where living costs are high. Most of the Bronx employees stay on more out of dedication and the satisfaction of the kind of service they are rendering than for the financial rewards. The place is seriously undermanned for the evening and night shifts, partly because of the difficulty of recruiting at all, partly because of unattractive hours, and partly because of insufficient budgeting by Congress.

The American Legion, other veterans organizations, and many members of Congress have loudly insisted on more adequate operating budgets, particularly for personnel and the putting into use of new medical equipment. In the May issue of this magazine, National Commander J. Milton Patrick asked every Legionnaire and Legion Post to write their Congressmen to ask them to support "sufficient VA funds to keep the high quality of care that has been famous for 20 years." He advised Legionnaires that "the start of decay" was showing "due to repeated cutbacks in staff . . ."

There is no way of knowing how many Legionnaires and Posts actually wrote to their legislators. Congressmen badly need evidence of grass roots support in order to front for an adequate VA budget.

Over the years, the American press has been largely apathetic or hostile to VA appropriations, and has either supported cutbacks or failed to oppose them. Some of the roots of the present difficulties within the system hark back to 1965, when President Johnson ordered a large-scale slash in the VA hospital system. The veterans organizations and many members of Congress bitterly opposed the order, and within six months President Johnson rescinded half of the slash, while putting the other half into effect. Thereafter, he supported many veterans programs, and initiated beneficial legislation, though he presided over a 1968 staff cutback that is the main cause of the present problems.

An examination of Life's issues during the six months battle in 1965 shows that it was editorially silent on the whole issue. This could be called a form of "neglect" by the press, but at least it wasn't hostility. The New York Times and some other major newspapers supported the cutbacks and characterized the opposition to them offered by the veterans organizations with the usual cliches about greedy veterans. With year-in-year-out apathy and hostility in the more influential press, it is not surprising that it is extremely difficult for Congressmen to do right by disabled veterans in the annual tugging and hauling over the federal budget. All who care should give them tangible support, which costs 6c postage.

Congress should, but seems unwilling to, take a step that would especially help situations like that in the Bronx. It should recognize differences in local living costs, and permit hospital pay scales that are pegged to a local cost-of-living index. Wherever living costs are high, VA hospitals are seriously handicapped in recruiting needed staff. With many categories of good hospital personnel in short supply everywhere, the inability to be competitive locally is a drawback to a hospital which is immediately reflected in what it can do for patients.

Much closer to the Time-Life Building in New York than the Bronx hospital is the magnificent Manhattan VA hospital, opened in 1954. It was not represented in Life's story, but it is one of the finest general hospitals on earth. Its competition for that ranking includes many of the other newer VA hospitals. But, as its Director, John Sheehan, told this writer, it is the very devil to recruit some of the needed people.

"Private hospitals simply raise the rates they charge to patients and pay what they have to for help. We are tied to a nationwide pay scale, which is pretty good in some places but not here in New York," Sheehan told us.

Nevertheless, the Manhattan hospital has to be seen to be believed. We accosted a patient in one of its sparkling halls who was just up and about after eye surgery. "Do you have any complaints about this place?" he was asked. He exploded, "Anyone who complains about this place ought to be kicked out!" We then identified ourselves as the editor of this magazine and gave him a chance to voice any gripe to 4½ million readers. He identified himself as Lawrence McShay, of Towaco, N.J., a 71st Infantry Regiment veteran of the WW2 European theater. "I mean it," he said. "Everything about this hospital is fantastic. It's my second time in. I was here three years ago, on my deathbed with pneumonia and complications, and these people saved my life." It says something when an infantryman of any war passes up a chance to gripe.

When Life accompanied its gloomy, special-effect photos with its message that assignment "to a VA hospital" is an "Assignment to Neglect," the copies circulated in Vietnam created in some of the servicemen there a dread of ever having to go to a VA hospital. Perhaps McShay's belligerent defense of the Manhattan hospital may reassure them. Certainly any veteran or serviceman who either must or may go to a VA hospital some day should not be given a bogie-man image of what awaits him there. Needless fear of the institution is not good for someone who is already sick or disabled. One's own spirits and outlook are an important part of restoration to good health, while dread and fear make sickness and disability worse.

Even the gloom of the old Bronx building and the burdens caused by its undermanning are pierced by the tenderness and devotion of the overtaxed staff, the good humor of many of the patients and their appreciation of the excellence of their medical care and training in the face of handicaps. One of the quadriplegics there who was featured in Life is back at his own request after having been transferred to another hospital in a better building.

Richard Carter is shown here in completely candid and undirected photos on pages 8 and 9 as he helps paraplegic Matt Raible break his standing-up record after two years off his feet. Carter has been a corrective therapist in the spinal injury center at the Bronx hospital for eight years. "The pay isn't too much," he says, "but helping these fellows gives you satisfactions that are hard to find in other work." Carter looks as if he might have passed up the world heavyweight championship, he is so burly and powerful. But the tenderness with which he helps Raible shines through in our candid photos of their regular exercise session of 11 a.m., June 24.

Equally attentive to the patients is Carter's corrective therapy teammate, James Ford. On page 10 we show a posed picture of Ford exercising paraplegic Thomas Gary. The photo is posed because Gary insisted that we pose it, so proud was he of the care that Ford gives him. Beside it, we show an unposed picture of Ford putting another paraplegic through his arm-exercise paces. Ford holds up the patient's useless legs while the patient builds up his arm and abdominal strength with pushups.

Vietnam servicemen may believe a statement in Life, attributed to Marke Dumpert, that even the GI humor that men can indulge in under fire is impossible in the Bronx hospital. In Life's photos of Dumpert he appears as a tired, dispirited man. In his shower room photo he seems to be at least 40 years old. In its cover photo where his dressing was interrupted he seems forlorn and forsaken. On page 11 we show an unposed photo of Dumpert who has just cracked a joke about the Marine Corps that set the corrective therapy patients and staff roaring with laughter. That's what Carter and Raible are laughing at in the first photo of them on page 8. Dumpert is actually bright, alert, 21, good-looking, well groomed, and, when not depressed by his terrible injury or the shorthandedness of the hospital, has a sharp sense of humor. He participates in many of the regularly scheduled parties and special events that the Bronx hospital puts on for its spinal injury patients. Thus on May 22 he was one of a party of six who were taken to Aqueduct for a day at the horseraces in a special bus with a hydraulic lift which is regularly used to take the spinal injury cases on outings in the New York area.

None of this is said to make the life of the spinal injury cases or the old Bronx hospital a bed of roses, but simply to tell it as it is, in balance. It is nothing short of a shame that these patients, especially those who cannot use their arms, do not have more attendants—but it is preposterous to pretend that they are "assigned to neglect" or that life is better under fire in Vietnam than in a VA hospital. What is better is to be whole rather than disabled, a fact without bearing on the VA hospitals.

Two other statements in Life that could dismay a prospective VA patient need attention. One was that a totally paralyzed veteran had lain on one side in bed without anyone coming to turn him over from 6 a.m. to 4 p.m. In that period there is a mandatory full day's schedule to be carried out. The statement could only have referred to the refusal of an emotionally upset patient to let anyone touch him (which *has* happened) and not to a refusal of the staff to offer help. The daily routine at the Bronx, as in all hospitals, gets under way at what often seems an ungodly hour of the morning for many patients. Nobody lies in bed unattended all day except at his own insistence. And when that happens it is a staff emergency than can go all the way up to the director if the head nurse cannot persuade the patient to accept care.

And again, Life said of the enema room for spinal injury cases that "patients wait up to four hours to be attended by a single aide." Things are not that bad. The whole enema process for patients with nerveless colons is a tedious, unpleasant bore for patients and attendants alike, due to the nature of the injury. Four hours is maximum for the whole process, from being wheeled to the enema room to being returned to bed after a shower. Most of this exasperating time is spent lying on the Stryker frame waiting for the enema to work, a process that not Life, Congress or the VA can speed up. Nobody waits four hours, or three hours or two hours, or one hour "to be attended" for an enema. Two to 3½ hours is more common for the entire process. The quads learn to doze off or fall fast asleep while on the frame, as two of them have stated they were doing when awakened by the Life crew for the garbage pail, cigarette-offer scene. According to several Bronx patients, the worst delay while *awaiting* an enema is not traceable to staff neglect, but to the slowness of the enemas of those ahead of them to work. A nerveless colon does not react normally.

Just as the revolutionary successful treatment of tuberculosis with drugs was a VA development, so the Veterans Administration is largely responsible for the enormous advances of the last quarter-century in the care and training of paraplegics, quadriplegics, and amputees. Most WW1 quadriplegics were dead within five years of the war. Many WW2 quadriplegics are going strong today after 25 years. Nobody has ever found a way to restore the severed nerves of a broken spine. The VA cares not only for war-disabled paraplegics and quadriplegics, but for war veterans who suffer such paralysis in civilian accidents, or from polio or other causes, if they cannot afford their own care (which is astronomical in cost). It returns all of them it can to private life outside of the hospitals, and trains them for a way of life if possible. The war-disabled spinal cases receive a current $400 a month for 100% disability, plus several hundred extra dollars in awards allowed by law because of the special severity of their injuries. Their physical retraining, special equipment, medical care, and further education are free, and special housing and automobiles are provided where applicable. There are other forms of four-way paralysis, such as that caused by multiple sclerosis. If a totally paralyzed service-connected multiple sclerosis case has a family who will keep him at home, the Manhattan VA hospital, for instance, will provide special equipment and send therapists up to 60 miles to their homes to train the family in the ways of care and to keep an eye on the condition of the patient. It will pay a non-VA therapist to do the job if the veteran lives off the beaten track of its own therapists.

Though the VA is doing things like this, and more, and is still in the forefront of world medicine, it is nevertheless hurting.

There has been a steady attrition of staff in the VA hospitals for several years. Without a murmur of protest in the press, the VA medical appropriation as passed by Congress in 1968 required a cutback to the 1966 levels. It was achieved by failing to replace thousands of employees who quit, were discharged or retired.

That made a belt-tightening inevitable, since the influx of new patients from Vietnam service guaranteed an increase of new patients over the 1966 levels.

We wish we could report that Life or any other medium of national influence had spoken up on behalf of a better medical appropriation in 1968 when the damage was done.

An attempt to increase the present VA medical budget failed in Congress last November, and again we can find no word of protest at the time in the media. There was plenty of protest from the veterans organizations and some of the key leaders in veterans affairs in the Congress, including committee chairman Olin E. Teague in the House and subcommittee chairman Alan Cranston in the Senate, as well as from some of the VA medical and administrative staffs.

Last April 2, more than a month before Life's story appeared, President Nixon told the press that he had approved an increase of $50 million in his VA medical care budget for fiscal year 1971—which would make it $210 million more than for 1970—and that he had authorized VA Administrator Johnson to ask Congress for an extra $15 million for

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the remainder of the 1970 fiscal year. Mr. Nixon gave the background to the press in some detail on April 2. He cited the 1968 cutback and said bluntly that it "deprived the VA's medical care program of several thousand workers in all categories of the health service professions at a time when the VA requirements for such personnel were growing steadily."

VA chief Donald Johnson was the Legion's National Commander in 1965, and led the Legion's fight against the cutback of the VA hospitals of that year. Mr. Nixon named him to head the VA in June 1969. Nixon told the press on April 2 that, after 10 months in office, Johnson had reported to him that "additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention."

The President told the press specifically that the VA has not had the funds to open and operate enough treatment centers for the amputee and spinal injury cases coming from Vietnam, where helicopter airlift and rapid evacuation is saving many who would have died on the battlefield in earlier wars. He told them that in two separate actions he had authorized a total increase of 3,500 employees for VA medical operations, perhaps most of whom were only paper additions, due to lack of funds, until June 30.

The VA hospitals have many of the most advanced treatment centers—coronary intensive care units; cobalt cancer radiation units and even three linear accelerator high voltage radiation units that are a step beyond the older cobalt units; organ transplant centers; pulmonary emphysema units and artificial kidney (hemodialysis) units which keep patients with failed kidneys alive by "cleaning" their entire blood supply twice a week.

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Many of these units have long been in operation. Some fine equipment is new but unused for lack of current operating funds. John Andreola, of the staff of this magazine, visited the Bronx hospital last winter where Director Kleinman showed him new equipment stored in crates. Congressional committees in both houses have reported more such unused equipment around the country. President Nixon told the press on April 2 that he wanted to put this equipment into use and open up more special care centers, and what was needed was funds. He pointed out that the VA has to get moving faster in these areas not only for veterans but for all Americans. Acting in partnership with many medical schools and medical centers, it has a leading role in the development of new techniques and new equipment that benefit all medical practice.

The austerity caused by the 1968 cutback to 1966 operating levels has slowed the progress of the VA's celebrated medical research programs, according to conversations that American Legion National Commander Patrick has had with the professionals of many of the hospitals. This adds weight to the President's comments about getting medical advances cracking again as well as more help for overworked patient-care staffs.

Life was silent on the President's press conference, was silent on Johnson's report to the President, was silent on Nixon's projection of VA needs and the need for funds for them. It did not mention that the Administration was seeking new funds for 1970 or 1971. It mentioned a possible increase of $122 million by Congress for next year and was silent on Nixon's proposal to make it $210 million while $15 million more should augment the VA budget for the dying year.

Congress granted the extra $15 million for the old year, and by June 30 the first 1,000-odd of the new staff members that the President sought were being hired. Rep. Teague in the House and Sen. Cranston in the Senate, with their respective committees, had, along with the veterans organizations, been working hard on an appropriations increase for more than a year.

When President Nixon's April request for an extra $210 million for 1971 over the original 1970 VA medical budget reached the House, the House passed it with an additional $25 million tacked on by Teague. In the Senate, Cranston's committee added another $80 million, and the Senate approved it. At this writing the House and Senate are scheduled to come together to agree on a final figure. If the whole package goes through it would be $315 million over 1970. The VA says that would allow it to add more than 5,000 to its hospital staffs. This should help upgrade the operating performance of the hospitals tremendously.

Perhaps the climate created by Life's article may rate some of the credit if the whole $315 million increase survives the usual tendency to compromise House-Senate-Administration differences at a lower figure. We live in an age when exaggeration seems to get more results than a balanced view of things.

The renovation or replacement of the 60 "inadequate" hospitals is another matter. It moves slowly, so much is involved. There are hospitals in the system whose need of replacement is both more urgent and simpler than that of the Bronx, and new construction is going on all the time. The San Juan, P.R., and Long Beach, Calif., hospitals are brand new. The old Hines hospital, just outside of Chicago, became completely outmoded. A brand new Hines hospital will probably open up when you read this, or shortly thereafter. The Hines hospital on our cover is the new one, and it should take in its first patient by October at the latest, to be a sister to the magnificent Chicago VA hospital. A new hospital is going up in Tampa, Fla. It ought to, and may, absorb the patients of the old Bay Pines hospital in St. Petersburg, a few miles away.

In many respects, the St. Petersburg hospital is worse off than the Bronx. It is not air conditioned—which makes it beastly in the Florida summer—and it is better located to attract retired doctors than those in active practice, while the Tampa hospital will be tied as a partner to an existing medical institution. St. Petersburg could more easily be renovated to become a VA nursing home, and it may.

Two hospitals new to the system should open in Columbia, Mo., and San Diego, Calif., next year. The Northport, N.Y. and the Lexington, Ky., hospitals will also probably be replaced before 1971 ends. A 250 bed addition to the Seattle hospital is due soon, as is a major addition to the San Francisco hospital. General hospitals at Martinsburg, W. Va., Richmond, Va., Temple, Tex. (its old section), and Vancouver, Wash., are rated obsolete, as are psychiatric hospitals at Augusta, Ga., Gulfport, Miss. (badly damaged by hurricane Camille), Marion, Ind., and Sheridan, Wyo. Plans to replace all of these by 1980 or before, are in various stages. The Richmond replacement has the needed financial OK. Site selection—no simple matter—is being worked out for Richmond. Bids are out for a new hospital at San Antonio.

Vancouver is an example of an "inadequate" hospital with a higher priority than the Bronx. It too is old. It is also poorly located for the best medical practice and not centrally located for the potential patient population. The VA has insisted since 1946 that it wed all of the hospitals it can to a medical school or center, though this is not possible in some areas. It is these partnerships, more than anything else, that raised VA care quality from perhaps the worst in the country to world leadership over the last 25 years. The Army more often places its hospitals for its convenience. Since it commands its own personnel it can take the staff wherever it wishes. The Vancouver hospital was inherited by the VA from the Army. Its replacement, though only in the talk stage today, will probably be located more centrally in the Vancouver-Portland population area.

The Bronx hospital benefits by affiliation with Mt. Sinai Hospital medical school and the Columbia U. dental school. The Manhattan VA hospital is tied to the NYU medical school and the city-owned Bellevue hospital, which is operated by NYU under contract. These three institutions, all physically together, attract a concentration of skilled doctors in all specialties and jointly formulate teamwork in practice and medical policy-making.

The huge Bronx building is a puzzler. VA engineers say that the outer shell is perfectly good, and the insides could be torn apart and restructured to make a fine modern hospital. There are few other land sites in New York, if any, that are as conveniently located except at huge cost. So far nobody has any answer to the question: What would you do with 1,000 Bronx patients during the time the insides were ripped out and rebuilt? In the New York area the Brooklyn hospital (another splendid one), the Manhattan hospital, and the fine East Orange, N.J., hospital could hardly take on the Bronx patients for a couple of years even if they shared the load.

There is reluctance to find some less perfect site for a new hospital and close out the Bronx, though in VA gabfests some say that seems the only choice. New York's Castle Point hospital, not far away, is another old one that is due for renovation or replacement, though plans are vague.

Of 31 older VA hospitals that were modernized rather than replaced in the rebuilding that started in 1946, all but seven are rated "adequate" today. Of the seven that are not, perhaps the Wadsworth hospital in Los Angeles is most critical. In spite of a modern addition since WW2 the whole thing is now rated "inadequate," and its older section hardly belongs in such a fine system.

It's clear that before the last 60 hospitals of this huge system are made completely modern a big pile of money must be spent, and each and every one of them will have to fight its way through the annual federal budget debate.

The future construction on which the VA is actively working or specifically planning today has a present estimated price tag of $250 million, spread out from now into the 1980s. It's anybody's guess that with the way costs are going that could double before the work is finished.

During 1969 alone, seven new hospitals were under construction and six, not yet started, were authorized.

Referring to the entire VA hospital system, Life said that its "standards are far below those of an average community hospital" and rated its facilities for long-term treatment and rehabilitation of paralytic injuries as "generally inferior." The VA's hospitals in general are vastly superior to the average community hospital, while the VA is excellent in its long-term treatment and rehabilitation of paralytic injuries by perhaps one or two highly specialized institutions with limited capacity.

There is not a specialty in medicine practiced in the VA in which it is not accredited by the corresponding professional medical group. Nor is this surprising, in view of the partnership established by the VA with leading medical schools and medical centers starting in 1946.

It was not always so. In 1922 the American Legion National Convention asked that the veterans hospitals be wedded to the great medical schools. It was an idea whose time had not come, and the VA hospitals developed between 1922 and 1946 as a closed system of bureaucratic medicine, with doctors on civil service. It was totally unsatisfactory, locking veterans care in the backwash of American medicine.

In 1945, Earl V. Cliff (who died early this summer) revived the idea of tying the VA hospitals in with leading professional institutions in a conversation with Dr. J. A. Pringle, head of the St. Cloud VA hospital in Minnesota.

Cliff, a practicing lawyer of Ortonville, Minn., was an American Legion volunteer rehabilitation leader in Minnesota and nationally. The idea of a medical wedding took fire in Minnesota in 1945–46, and soon Cliff (as the chief catalyst) and Dr. Pringle enlisted the support of the late Dr. Charles Mayo, of the Mayo Clinic; Dr. Harold Diehl, Dean of the University of Minnesota medical school, Dr. Paul Magnuson and others in Minnesota.

Dr. Diehl got his university's consent to team up his medical school with the Fort Snelling VA hospital if Congress and the President would revise the VA system to permit it.

Dr. Paul R. Hawley was then VA medical chief. He was later a director of the American College of Surgeons and head of Blue Cross-Blue Shield.

Using his Legion contacts, Cliff asked Dr. Winfred Rountree, head of St. Elizabeth's Hospital in Washington, to propose the idea to President Truman. Dr. Rountree had been the Selective Service medical chief in WW2. Gen. Omar Bradley, then briefly the head of the VA, called in Dr. Paul R. Hawley to hash the idea over. When Hawley endorsed it, Truman named a special medical committee to make final recommendations, including Dr. Mayo and many of the others named here. Mayo, Rountree and others also served concurrently on the Legion's medical advisory committee. The new system went into effect swiftly. In August 1954 Dr. Mayo, writing in this magazine, described the great transformation in these words:

"Nine years ago the Veterans Administration voluntarily abandoned the bureaucratic idea of medicine, which had failed to achieve medical leadership and could not have cared for the large number of disabled veterans of WW2. . . .

"The remarkable change in VA medicine since then has come about because it has been running away from 'bureaucratic' medicine as fast as it could. For the care of its veteran patients, for the conduct of its new education and research programs, and for the formulation of its medical policy, the VA asked Congress to write a new law to let private medicine assume a huge role in the VA.

"Today, 92 of the VA's hospitals are affiliated with 72 of our leading medical schools and clinics. The schools appoint Deans Committees from their staffs to help guide and formulate VA medical policy.

"To create national VA medical policy, the VA depends largely on two committees of independent physicians, totaling fifty leaders in medical specialties.

"Thousands of nongovernment doctors take residencies in VA hospitals to qualify for specialties, and VA has already contributed to the education of more doctors than are on its full-time medical staff.

"Thousands of independent doctors work on a consulting basis in VA hospitals, caring for patients and guiding medical policy.

"Most of the 4,407 full-time VA doctors are now members of the American Medical Association, while more than 11,000 nongovernment doctors participate in the program of the VA hospitals. . . .

"The whole inspiring story of VA medicine since 1946 is a brilliant example of the American way to solve enormous problems—a story of the voluntary teamwork of all concerned to accomplish what neither government nor private monopoly could ever accomplish alone. . . .

"I am proud of the care we are now giving our veterans. Some of my pride is personal, because I played a small part as one of the outside physicians who were invited to aid the medical program for veterans.

"More of my pride is professional. Our hospitals for veterans have helped raise the standards of my profession.

"Part of my pride is patriotic. I am proud that my country and the men of my profession have not forgotten, in peace and security, the awful obligation that we placed on millions of boys and young men in the prime of their lives, when they stood between ourselves and national ruin—and stood well. It is fitting, in time of peace, that if they now stand on the brink of ruin through failing health, we as a nation do not entirely forget them."

That was said by Dr. Mayo in 1954.

The essential problems of VA medicine in 1970 are two in number.

The first is to finish modernizing a system in which 106 hospitals are superlative while eight are obsolete and 52 are not fully up to the VA's exacting standards. To this end, construction is continually under way—which is not to say that good medicine cannot be and is not practiced in old buildings. In fact, when the American Medical Association's Joint Commission on Hospital Accreditation surveyed the antique Bronx hospital last December, it commended it on the "high quality" of the care given, old building or no. The Joint Commission could be called the high court of hospital evaluation in the land.

The second basic current problem is to maintain an operating budget to fit the same exacting standards.

Whether the House and Senate will approve the full $315 million increase for 1971 is not known at this writing. If they do, it will not be evident until some time next year if this is enough, in view of spiralling hospital administration costs, and new federal pay raises which any appropriations increase must absorb.

The painful cutbacks in staff in recent years have not been due to a dollar reduction in budget, but to a failure of the budgeting to keep abreast of needs. Each year, VA medicine has received more operating money from Congress, but not enough more to meet the higher costs of just exceeding 1966 levels. Specific help from the opinion-forming news media at appropriation time each year has been lacking. The Congressional veterans committees and the veterans organizations have pretty much gone it alone to rally support at that key time each year when the money was being handed out.

A PRIMER FOR VOTERS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. HUNGATE. Mr. Speaker, at a time when citizen participation in elections is more important than ever before, I would call attention to the importance of voting as stated by Luis Munoz Marin, former Governor of Puerto Rico, in Harper's magazine, September 1964:

A PRIMER FOR VOTERS

Let no one stop you from voting! If it rains, remember the hunger of your entire future is worse than one day's rain—If you have no clean clothing, vote in your work clothes—there is your future! It is not a holiday; it is the most serious day of your life. Better to come in clothing dirty from work than—with your soul filthy for having sold your own right to justice, your future and the future of your children.

Come to vote, seriously, without foolishness. You don't win justice with fooling. Above all, have faith in yourselves. Have faith in your own honor—Be the men and women that God wanted you to be.

CONGRESSMAN JACK McDONALD'S CONGRESSIONAL REPORT

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. GROVER. Mr. Speaker, a Representative must wear many hats in carrying out the responsibilities of his office. One of the most important of those is the ability to listen to and communicate with the people who have elected him to that office.

A vital tool in that listening and communications partnership is the questionnaire. Through this device, Members of Congress reach into the homes of their constituents and learn firsthand the opinions and desires of the people.

My colleague from Michigan (Mr. McDONALD) recently completed tabulations on his fourth annual questionnaire, and made public his findings through his congressional report. These findings warrant, Mr. Speaker, that this document be made available to all Members. My colleague and I come from different States, and represent different people; however, it is important to me as a legislator to know how others feel about the issues of this decade.

I submit, therefore, for printing in the RECORD, a copy of Mr. McDONALD's congressional report:

THE JACK McDONALD CONGRESSIONAL REPORT TO MICHIGAN'S 19TH DISTRICT

THE ANNUAL QUESTIONNAIRE: A VITAL LINK

My annual questionnaire is a vital communications link which makes it possible for this office to assess the needs and desires of the people of the 19th District. This year the returns were higher than ever before, reflecting continued interest in the opportunity to participate in government.

This Congressional Report contains the results of the questionnaire as well as reports on legislative items which are of deep concern to the 19th District.

There are no simple solutions to the problems and priorities that face this nation today. I feel that the response from the people of the 19th District indicates an active interest in government, and a deep understanding of the problems with which we must deal.

Of those responding, 15 per cent were in the 18–21 age group, which for the first time was offered the opportunity to take part in the questionnaire. Their approach to today's problems was, in my view, responsible, and gives me confidence that our future would be secure in their hands.

Details on the questionnaire results are on page two and three of this report.

On page 1 is a picture of Congressman McDonald and 11-year-old Clayton Edmonds of Walled Lake, with the following caption: "Aid for pollution: Congressman Jack McDonald, primary sponsor of a 7-point pollution abatement program, received some unexpected help from Clayton Edmonds, a Walled Lake youth who sent the Congressman 48 cents to be used to fight pollution."

THE 91ST CONGRESS AIMS AT IMPROVING QUALITY OF LIFE

The major aim of the 91st Congress has been to improve the quality of life for more than 200 million Americans living under our flag.

As we near adjournment, sometime toward the end of October, more legislation will come before Congress pertinent to accomplishing its stated aims.

I anticipate Senate approval of the House-passed Omnibus Crime Control and Safe Streets Act, plus House action on the Emergency Community Facilities Act and on the remainder of the 7-point pollution abatement program which I introduced earlier this year.

The Emergency Community Facilities Act provides basic safeguards for the health and well-being of Americans and checks widespread water pollution by providing funds for locally directed water and sewer projects.

The environment bills face a series of hearings before the House Public Works Committee, of which I am a member. I feel confident that this Congress will accomplish more in the field of environment control than any other previous Congress, and pledge my personal effort to get this vital legislation passed.

Items which have been passed in the House since the last Congressional Report include: reinstatement of the Golden Eagle Passport Program; the Hill-Burton Hospital Construction Bill; additional funds for the home mortgage market; three years funding for the National Foundation on the Arts and Humanities; proposed amendments to the Constitution which insures equal rights for men and women; and a bill which prohibits the use of interstate facilities, including the mails, to transport unsolicited obscene advertisements.

There have been other significant steps taken in this Congress toward making a better life for all; and much yet to be done. This report focuses on some of our achievements and some of our hopes.

THE 1970 QUESTIONNAIRE RESULTS—CRIME, POLLUTION, EDUCATION: THE MAJOR CONCERNS IN THE 19TH DISTRICT

The results of my annual questionnaire indicate 19th District residents are concerned about crime, pollution, education, and that they support withdrawal of troops from Vietnam.

In a series of McDonald in Washington columns, mailed weekly to the local press media, I covered each question as reflected in the questionnaire and gave my views on the issues.

This portion of the Congressional Report is devoted to listing the views of the 19th District as reflected in the questionnaire returns, and my views on the issues and priorities.

The first question was: Do you support President Nixon's strategy to withdraw U.S. troops from Southeast Asia?

Your view: 75 per cent of the men responding approved it. Of the women who responded, 70 per cent approved it, and of the 18–21 age group, 65 per cent approved it.

My view: I support the President's strategy to remove troops from Southeast Asia with the proviso that all troops be out on an agreed upon date. I would oppose any efforts to remove from the President his Constitutional power to use any military maneuver necessary in bringing our men home. However, I have most serious qualms about the possibility of over 200,000 troops remaining in South Vietnam by May, 1971.

Question two: Do you favor abolition of the draft as now constituted and creation of an all-volunteer Army?

Your views: 68 per cent of the men responding support this concept. Of the women, 80 per cent approved it, and of the 18–21 age group 83 per cent approved it.

My views: I feel this reorganization is long overdue and have urged Congressman Mendel Rivers, Chairman of the House Armed Services Committee, to go forward with true draft reform and not mere tokenism.

Question three: Do you favor my bill (H.R. 15283) prohibiting federal agencies from selling mailing lists to the public?

Your views: 93 per cent of the men responding favored it.

Of the women responding, 90 per cent favored it, and of the 18–21 age group, 71 per cent favored it.

My views: Several federal agencies gather private information through required forms, and sell the names and other pertinent data to commercial firms for use in direct mail advertising. I do not support this, and therefore introduced a bill preventing such a practice.

Question four: Do you approve the use of federal funds for busing of schoolchildren to achieve racial balance?

Your views: The tally against this practice was men, 91 per cent; women, 92 per cent, 18–21 age group, 85 per cent.

My views: I introduced a Resolution to the Office of Education appropriation bill preventing the use of such funds for busing for the express purpose of achieving racial balance. That language is now law, having been included in the bill passed by the Congress, vetoed by the President. and overriden by the House and Senate.

Question five: American flag ships carry approximately 6.4 per cent of the total tonnage of U.S. trade. Would you favor increased federal shipbuilding subsidies to expand and modernize our merchant marine fleet?

Your views: The tally in favor of the subsidies was men, 75 per cent; women, 69 per cent, and 18–21 age group, 65 per cent.

My views: I consider it important that American produced goods be transported on American built ships manned by American crews. I voted in favor of the $10 billion, 10-year program to strengthen and expand our merchant marine fleet. As a member of the House Merchant Marine and Fisheries Committee it has been my pleasure and duty to study closely the effects that such a program offers to the economy of this nation.

Question six: Which direction would you like taken with regard to an ABM system? (Check one) a. Gradual installation of a limited network b. An eventual full-scale network c. No funding at all.

Your views: The men voted 38 per cent in favor of a gradual, limited ABM system, 45 per cent in favor of an eventual full-scale network, and 16 per cent in favor of no ABM at all. The women voted 44 per cent gradual, 48 per cent full scale, and 8 per cent no ABM at all. The 18–21 age group supported the gradual, limited network by 57 per cent, a full-scale by 22 per cent and 21 per cent favored no ABM at all.

My views: An effective defense network is an absolute necessity for this nation. But the Safeguard ABM as proposed is simply not an effective way to strengthen our defense posture. It is technically vulnerable, of questionable effectiveness, and also expensive. The Defense Department must be as careful in its expenditures as any other government agency. If we are to maintain our peace and freedom at home, we must stop playing politics with our national defenses and develop a workable deterrent to possible nuclear attack.

Question seven: In addition to reducing federal spending, which policy would you favor to curb inflation? (Check one) a. Increased taxes. b. Wage and Price Controls c. Tighter credit.

Your views: The men voted 8 per cent in favor of increased taxes, 69 per cent in favor of wage and price control, and 23 per cent in favor of tighter credit. The women voted 2 per cent in favor of increased taxes, 76 per cent in favor of wage and price controls, and 22 per cent in favor of tighter credit. The 18–21 age group voted 9 per cent in favor of increased taxes, 84 per cent on wage and price controls and 7 per cent on tighter credit.

My views: If inflation continues its sharp increase after every possible effort has been made to control it, or in the event Congress fails to honor the budgetary restraint sought by the Administration, I would support wage and price controls. We are now paying the price for years of fiscal neglect. In my votes on budgetary legislation this session, I opposed NASA's space budget, Foreign Aid, the SST, and certain Defense Department appropriations. Fiscal responsibility by the Federal government is by no means a cure-all for our economic ills; but it's a step in the right direction.

Question eight: There is much talk these days about "reordering our national priorities." In which order would you place these programs? 1. Crime Control 2. Defense 3. Education 4. Pollution Control 5. Space 6. Urban Problems.

Your views: Men—1. Crime. 2. Pollution. 3. Education. 4. Urban Problems. 5. Defense. 6. Space. Women—1. Crime. 2. Education. 3. Pollution. 4. Urban Problems. 5. Defense. 6. Space. The 18–21 age group—1. Pollution. 2. Crime. 3. Education. 4. Defense. 5. Urban Problems. 6. Space.

My views: The pressing problems of crime control, pollution abatement, and educational aid require urgent and immediate action by Congress and every other form of government. However, attention to our domestic problems will be in vain unless we achieve peace and stabilize the economy. Peace first, for without it any effort to improve our quality of life will be meaningless. And stabilization of the economy must follow in order to restore purchasing power to tax dollars.

My votes reflect my concern for the priorities as listed above: I voted for the Omnibus Crime Control and Safe Streets Act; I was a prime sponsor of a 7-point pollution abatement program; and voted in favor of the Office of Education appropriation bill.

It is time that we began to invest in ourselves. We are working toward peace in Vietnam, and turning around the runaway inflation which has swelled costs of government this past decade. We must now put the tax dollar to work for the benefit of the American taxpayer.

On page four is a picture of Congressman McDonald and Federal Water Quality Commissioner David Dominick with the following caption: "Environmental strategy—Congressman Jack McDonald plans next move in his battle against pollution during informal conference with Federal Water Quality Commissioner David Dominick."

LOCAL BOY'S 48 CENTS INITIATES POLLUTION FUND

My efforts to obtain a cleaner environment through a 7-point pollution abatement program which I introduced early in this session received an unexpected boost when Clayton Edmonds, son of Mr. and Mrs. John Edmonds of Walled Lake sent me 48 cents to be used to fight pollution.

I forwarded the 48 cents to Secretary of the Treasury David Kennedy, who in turn put the money in a special fund established by the Environmental Quality Administration to combat pollution.

From Secretary Kennedy's reply, I gathered that Clayton's money was the first to enter the fund. The pollution abatement program which I introduced will add substantially to the monies which will be made available to clean up our environment.

More significant than the money, however, is that Clayton took the initiative in dealing with pollution. Until every American takes it upon himself to do everything possible to combat this problem, the problem will go unsolved.

No amount of Federal funds, of Federal legislation will prevent an individual from littering or otherwise polluting. Only an individual commitment, such as Clayton's, can prevent pollution of our air and water.

EDUCATION FUNDS GAIN SIGNIFICANT PROVISIONS

The $4.5 billion Office of Education appropriation bill for fiscal 1971, passed by the House and Senate, vetoed by the President and overridden by the House and Senate, contains several provisions significant to the 19th District.

Elementary and Secondary education funds were increased $232 million to $1.8 billion. Most of the funds in this category were for Title 1 of the Elementary and Secondary Education Act.

Basic vocational educational grants were increased by an additional $54 million, and nearly $1 billion was included for higher education. Many students unable to afford college may use the funds to participate in the student loan program under the Higher Education Act.

A key amendment to the appropriation bill contains language which I introduced prohibiting the use of Federal funds for the busing of students beyond normal geographic boundaries for the sole purpose of achieving racial balance.

The majority of parents and students would rather go to the schools closest to their homes. There is no justification in using Federal funds as blackmail to influence local school district policies.

TRIBUTE TO THE LATE AL DEL GRECO

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. HELSTOSKI. Mr. Speaker, a man who had established himself as a community institution in Bergen County, N.J., because of his devotion to his work and to people, his integrity and his wit has departed from this earth.

He was Mr. Al Del Greco, for 40 years sports columnist of the Record of Hackensack, N.J., who died last week of a heart ailment at the age of 64. He was widely respected, and will be truly missed by people in all walks of life.

As one who knew Al Greco from my school days as Mr. Sports Writer, I could go on endlessly reporting on all of the good things Al did for so many and particularly young athletes, but I believe the best descriptives of Al Del Greco the man, his career and his accomplishments are best set forth in the following series of articles written by his colleagues on the RECORD.

AL DEL GRECO DIES—RECORD SPORTS COLUMNIST

Al Del Greco, sports columnist of The Record for more than 40 years and dean of New Jersey sports writing, died yesterday in Hackensack Hospital of a heart ailment. He was 64.

Del Greco joined the sports staff March 18, 1928. He was with the paper nine months when he brashly told James Sutphen, then sports editor, "I can write a better column than you."

Sutphen, now senior managing editor, told him to go ahead. Ten days later Sutphen told Del Greco: "You're pretty good. The column's yours as long as you live."

That was Dec. 19, 1929. Del Greco rarely missed a day, writing what first was called At Random In Sports and later For The Record, until he was taken ill last May 17.

Del Greco had a special gift for limning the world of sports. His ability to cut down the pompous with a biting phrase was matched by a compassion equally quick to offer credit lavishly where it was due.

He often made fun of his own athletic prowess, but in truth had been a fair football halfback. He tried boxing.

"I quit," he used to quip, "when I found out the idea was to hit the other guy, not let him hit you. Brave, I was. Stupid, I wasn't."

Del Greco's personal favorites in the sports world were football, boxing, horse racing, and bowling, in which he carried a 180-plus average until giving up the sport four years ago. He claimed to have attended every New York Giant home football game since 1927.

Closest to his heart was the annual Boatjumper's dinner, a gathering of the descendants of Italian immigrants which became legendary throughout the state. In 1968, when there were nine candidates for New Jersey's gubernatorial nomination, all nine showed up. They didn't dare refuse a Del Greco command performance.

The dinner, invariably presided over by Del Greco as toastmaster, has been imitated in other counties but never equaled. It was pure Del Greco from start to finish. He arranged the catering, doled out the invitations, wrote the script.

A 1925 graduate of Garfield High School, Del Greco attended the Savage School of Physical Education, intending to become a gym teacher. He left school to join the Record.

It was as sports editor beginning in 1931 that Del Greco hit his stride.

Donald G. Borg, Editor and Publisher of The Record recalled yesterday:

"Al Del Greco was my boss in sports when I became a newspaperman. I got $25 a week in 1929, and he made me earn every dollar.

"I enjoyed working with Al then, and I enjoyed working with him since. He was one of a kind, writing his column to the end. And not the least of his virtues was that he used his magnificent sense of humor not just on others but on himself. We'll all miss him deeply and long."

One of Del Greco's last communications was to The Record's executive editor, Don Carter.

"I feel pretty bad about my therapy foundering," Del Greco wrote. "Doc had the idea no work was involved. But I took a bad turn.

"I broke down May 17 and have been off since.

". . . I'm out for a long while."

The Board of Freeholders, at its meeting last night, observed a moment of silence in Memory of Del Greco.

Del Greco was a lifelong resident of Lodi. His survivors include his widow, Mrs. Marie Senft Del Greco; a daughter, Mrs. Arthur C. Sweet of Arlington, Mass.; a son, Albert J., 24, at home; two grandchildren; and three sisters: Mrs. Mary Luggiero of Maywood, Mrs. Josephine Guidetti of Lodi, and Mrs. Anita Gallo of Atlanta.

There will be a solemn high requiem mass at 9:30 a.m. Saturday in St. Joseph's R. C. Church, Lodi. Burial will be in St. Nicholas Cemetery, Lodi.

Visiting hours at Santangelo Funeral Home, 300 Main St., Lodi, will be today and tomorrow from 2 to 5 and 7 to 10 p.m.

FORTY YEARS "FOR THE RECORD"

(By Lew Azaroff and Ron Drogo)

Al Del Greco wrote his column, For The Record, and its predecessor. At Random In Sports, for 40 years. He wrote roughly 20,000 columns and to pick the best is next to impossible—there were thousands of bests.

Here are some examples of Del Greco's best:

On basketball: "Those guys look silly running around in their underwear."

On freeloading sports writers: "There's enough invitations on my desk to eat free for a year. I might go to a couple."

On hunters: "They should give the animals guns so they can shoot back."

On fishing: "It's a bore. It gives you a chance to catch up on sleep."

On last year's New York Mets: "What a pity it will be if a bunch of stiffs like the Mets win the National League pennant."

On the New York Football Giants' No. 1 draft pick in 1965: "Who the hell is Tucker Frederickson?"

On golf: "Of all the arrogant guys in sports, my nomination would be the golf professionals because of their refusal to wear an identifying number or name on their shirt. Take away Jack Nicklaus, Arnie Palmer, a fire plug like Gene Sarazen, and the rest of the group is a horde of anonymous slashers."

On Willis Reed: "Willis Reed gets a car for being the most valuable player in the NBA and he graciously says the car belongs to the team, so-o-o how about Cazzie Russell using it for a week or so?"

On politics: "Methinks President Nixon would be sent to St. Joe., Mo., if he were a ballplayer and measured by his achievement thus far."

On cats: "There are qualities about a cat that I admire. They are sneaky and disloyal. Rub the cat's skull or make it walk along rubbing its stomach against your leg and you have a life job—or as long as it's your leg the cat wishes to rub its stomach against."

On dogs: "The dog people gave up picking dogs that look like dogs as champions quite a few years ago. Right now, the closer a dog resembles a goat, the better chance it has to win a prize. A few years ago, if the little mutts resembled black-widow spiders and you could carry them in your wristwatch case, you had a winner."

DEL GRECO AT RANDOM

First column, subbing for Jim Sutphen, Dec. 9, 1929: "It's a tossup as to who is going to have the tougher time this week: Sutphen at the Hackensack Hospital, or me with this very, very long column."

"Never came close to winning a raffle, lottery, or what-have-you. Won a pigeon once and was abused for eating it; the owner claimed it was a champion flier."

New Jersey Racing Commission: "The governor says quit dragging your feet, approve the new harness tracks. Does a gent by the name of Kenny have to give the okay, too?"

"As you grow old on the sports beat, you don't see as many of the old faces because they take to sensible things like rocking chairs and racehorse charts, and, when they're feeling sprightly, play a vigorous game of tick-tack-toe."

"Chicago Cub manager Leo Durocher and former umpire Jocko Conlon have one thing in common: they despise each other. And quite a few people think both of them have good reason."

"If a horse's coat shines, it indicates he's in good condition to run—or pull an ice wagon."

On Allie Sherman: "Personally, I'm one of his greatest admirers. He makes a good impression wherever he goes, is a gifted speaker, coins more expressions than a college professor, and can explain away loss after loss after loss."

FOOD FOR THOUGHT

"I wouldn't want to be a horse. What horses eat isn't fit to even look at. If they served oats or sour mash or the rest of that sort of junk to human beings, they'd throw it in the garbage pail."

"Every time I think of good hitters, my mind goes back to the eighth grade when a

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little teacher by the name of Miss Shea used to whack us across the face without telegraphing the slap."

"A dark gloomy day at the race track means that you bet less, you eat and drink less, you feel low down, and even a winner can't make you shake the mood."

"It's considered a gag in the East to talk about eating a horse if he can't run fast. In the West, they reach out for the utensils."

"I think I'll go up to Main Street, Hackensack, and break a few windows and steal some TV sets and sports jackets. The guy overcharged me on the price of a tie."

"Get your tickets for the Jersey Americans!"

"Oh, it gives you a headache but abstainers will never understand the fun guys can get out of sitting around, drinking, and telling lies."

"Hackensack's Ed Waldo has a collection of remarks made by Yankee broadcasters which prove, he says, they are school dropouts. He has Phil Rizzuto and Joe Garagiola dead to rights."

"It was a great weekend for golf. One guy caught a fish."

"Every one has a question. So Old Cockeye is going to answer them:

Q—You frequently mention your Italian ancestry. Isn't it true you're a Greek?

A—Not so at all. No one in the family ever owned a restaurant or a boat.

Q—What is your favorite drink?

A—Water—but I have an allergy to it so I go to champagne as a substitute.

"Lived Life to Fullest:" A Colleague's Tribute

(By Don Sherlock)

Al Del Greco took a lot of the world with him. He lived life to its fullest.

People loved what Al Del Greco wrote, or they didn't understand him. There was little middle ground.

He had a way with words. It just came naturally; he didn't have to try.

My first memories of him were as a Teaneck High School student in the 1950s. It seemed as if all he wrote about in those days was how good Hackensack was and how badly the Comets were going to beat Teaneck on Thanksgiving Day. It burned us. But Hackensack beat us bad, just as Al said.

We were of the do-nothing '50s, but Al told of a group of irate Hackensack students and athletes who didn't appreciate a column of his in which he predicted that Englewood would rout Hackensack in football. They stormed the old Record building on Main Street, splattering the walls with tomatoes and ransacking the office.

"I was never so scared in all my life," Al said. He must have told that story a thousand times. If Al ever knew fear, that was it.

There was the time The Record entertained a South Korean newspaperman in an exchange program. Al really got to like the man, but, sneaking around to the different offices where the guest was chatting with various editors, Al would get down on is hands and knees, stick his head around the corner into the office, and say, "Don't worry, I'm keeping an eye on this spy."

That was Al Del Greco as the people of The Record knew him. Always good for a barrel of laughs.

Al was from the old school of newspapermen. He was known to hoist a few every once and a while, wasn't averse to putting down a bob or two on a nag or a football game, and was always around when the tab came.

Al ran an annual show called the Boatjumpers. If you were anybody in Bergen County—in sports, business, or politics—you got an invitation.

He referred to the Boatjumpers as descendants of those guys on Christopher Columbus's ships who jumped off without passing through customs. Al was the leader.

"My first memories of Al Del Greco are that he worked me 16 to 18 hours a day for $25 a week," said Donald G. Borg, Editor and Publisher of The Record. "Oh yes, that's when we worked a six-day week, too."

"There was a time in 1932 when we were having a bit of trouble with the ITU," Borg said. "Some of our employes were members of Company G [National Guard] and they went down to the armory and came back with a bunch of .45s.

"One of them mounted guard and Ernest Zimmerman went inside. Al was sitting there writing his column and Zimmerman came up behind him and laid the muzzle to Al's neck.

"It kind of shook up Al. He left a note for the day staff saying, 'If I'm shot, Zimmerman did it!' "

In 1960, when I first joined the sports department, Al was in charge of the whole works. He wrote his column and put the paper to bed in the morning. Those were the days of the six-day work week.

I was working the late shift one Thursday night during November and there was little to do in the office except wait for the bowling league results to be delivered. So, I decided to take a ride over to Feibel's Recreation in Teaneck, hoping to meet my sports editor. I did.

The first thing he said was, "What's your name, kid?". The second was, "Want a drink?". That was Al Del Greco.

The next time I met Al was when I started working the morning shift with him about a year later. I walked into the office bright and early at 5:30 and there was Al, feet up on the desk, sound asleep.

I didn't know what to do, so I went out into the old wire room to get all the sports copy. It was gone. When I came back into the sports department, Al said: "Hi, kid, not much left to do. Start reading proofs."

About a half-hour later, after taking another short snooze, Al awoke and started typing (he was of the old three-finger, hunt-and-peck school). In a little while, he tossed over a couple of sheets of copy and said, "Read this over, will ya, kid?" It was the day's For the Record column.

Next, he headed for the composing room and started tossing around the type. He'd grab a handful and 'pie' it—that's the same as Gene Michael booting a ground ball—and say to makeup man John Amico:

"What'd you do that for, John. Can't ya do anything right? Hey, Ray, look what John did over here."

Back to the office to go through the mail. Again, there was Al with his feet up on the desk, chair tilted back. The New York Times in his lap, and his eyes shut tight.

After the paper was out and we checked it for mistakes, Al would take off for Monmouth, a Yankee game, Guido's, Petrullo's, or for lunch with his friends at the real estate office.

A crossword puzzle nut, I'd pick up The Times only to find that Al had finished the whole darned thing. That was Al Del Greco, too.

Back in early spring, Al had this hacking cough. He just couldn't shake it. Went to the doctor but there was no diagnosis. Then there was a call from Al's wife, Marie, saying Al had had an apparent heart attack. It hit like a sledgehammer.

He had rarely missed a day of work in more than 42 years at The Record.

During his stay in the hospital, Al wrote a note to Lew Azaroff, our sports copy editor who edited Al's column for the last 10 years or so.

"I lived one helluva great life and anything I get to do now is repetition—and pretty poor at that."

He signed it, "Your old buddy who always appreciated help. Al."

Looked Ahead to Reunion With Lombardi

(By Augie Borgi)

The Record reader never really knew Al Del Greco. Sure, he read what Al Del Greco had to say ever since March 18, 1928, until 10 days ago when his last column appeared.

"I guess he knew he was going to die," Father Tim Moore said yesterday, "when he talked to me in the emergency room as they put him in intensive care. Al told me that the country had lost a great man when Vince Lombardi died.

"He held my hand and said: 'I'll see him tomorrow, I guess, and I'll say hello for you.' "

Jack Armstrong never really knew Del Greco until a few years ago.

"When I was coaching," said the former Tenafly High School football coach, "I didn't know what kind of guy he was. I had read him since I was a kid, but really didn't know him until I got into the brokerage business, and then I found out he was one of the kindest men I ever knew."

"Sure he tried to keep the raucous image and I got a kick out of the impression other people got," he said. "Ever since Al took sick, my four little girls have said a prayer for him every night."

Del Greco loved sports.

"I remember him when he became sports editor," said Lud Shabazian of Ridgefield, sports editor of the Hudson Dispatch. "He was a helluva writer; such a good touch and quite a guy. The first time I met him was at Jimmy Braddock's training camp. After that we went everywhere together."

"I can still remember how he won the King and Queen (bowling tournament which is still the biggest amateur mixed doubles event in the country) in 1954," he said "He rolled 216, 202, and 201 for a 619 that went with 18 handicap pins. He and Clara Archibald of River Vale won the championship. But Al was a real competitor in that he entered every year."

Frank Esposito, owner of Paramus Bowling, said:

"Bowlers attribute to Al Del Greco everything that bowling is in Bergen County. Bergen is recognized throughout the country for its bowling activity. Al pioneered it. During the years when bowling was getting very little publicity, Al helped it grow tremendously.

"We in the bowling sport are saddened to have lost such a good friend—and a fellow bowler."

Del Greco also helped found the New Jersey Boxing Writers Association. Until Jimmy Colatto of Englewood began his promotions in North Bergen a couple of years ago, the boxing writers had more meetings than there were matches. But Del Greco never lost his enthusiasm for the fight game.

"He really liked boxing," said Charley Hoffman of Fort Lee, a close friend. "But he also liked just about everything else. I can still remember the column he wrote about me 28 years ago. He said I was the best amateur handicapper in Jersey. He really loved the races."

"We'd be at the track," he said, "and a guy would come up to him and ask him who Al had bet. Al would say: 'No. 1', and then another guy would come and Al would say: 'No. 2', and another would come and before you knew it Al told somebody every horse in the race. Then he'd say: 'I gave somebody a winner.' "

"He wrote crazy columns, but he was a wonderful guy in my book," said Jackie Farrell of Hasbrouck Heights, director of the Yankees' speakers bureau. "He had quite a reputation in Hudson and Bergen, and the writers there respected him. He wrote as he talked—a crazy guy and I loved him."

"He offered me a job in 1941," said Record copy editor Joe Lovas, former sports editor of the Passaic Herald-News. "It was for more money than I was making in Passaic but I didn't have a car and during the war it was hard to travel at night. I lived in Garfield then."

"He was the kind of guy who grew on you," he said. "I remember one year in New Brunswick at a basketball game when he was throwing coats out of the windows of the ninth floor of the hotel."

"He's been a friend of mine for years," said Col. John Roosma, a member of the Passaic Wonder teams that won 159 straight basketball games (1919–25). "He was one of the outstanding sportswriters in New Jersey. And it wasn't just writing. He had an interest in the players and the teams. He could tell me more about my days at West Point than even I remember."

Del Greco never was a basketball expert. He called it round ball. But Wally Green of Demarest, the youngest player ever to win a varsity H at Hackensack High and current president of the Hackensack Alumni Association, helped Del Greco when it came to basketball.

"Ever since the first week when he came to The Record, I remember what a wonderful guy he was," Green said. "And I remember about seven years ago he took me to Gracie Mansion as his guest. I met every big name in sports. Guys like Stan Musial down to the Giants' third-string quarterback. I can never thank him enough."

The man on the street knew Del Greco, too, if he happened to be in the vicinity of Hudson Street in Hackensack the last few years or at Guido's Restaurant, or Petrullo's, or just about any establishment in Bergen.

"He was in our office practically every day," said Phil Mancini of Myd Realty. "The last year he used our typewriter to do his column."

"Four or five days a week he'd cook for us," he said. "He'd come in and move the long tables around and cook for about 25 people. His hobby was cooking. He was great when it came to Italian stuff like pastafagiol and he was the center of attraction. Some of the guys here broke down when they found out Al died today."

The sports world lost a man who loved fun and games.

One day The Record's hunting and fishing columnist went on vacation, so Del Greco wrote Rod and Gun. Of course the name on the story was: By J. Hunter Fish. The first sentence said: "All hunters and fishermen are murderers."

The hunters and fishermen telephoned that day and asked for J. Hunter Fish and Al told them all the same thing: "J. Hunter Fish? He got fired. Did you see the stupid column he wrote today?"

Art Argauer, former Garfield High School coach, perhaps summed it up best.

"I just can't believe it," he said. "Al Del Greco was a classmate of mine at Savage School for Physical Education in New York City in 1924–25. Instead of going into education, he chose the newspaper field in which he became one of the outstanding writers. He was always fair and impartial and was respected by all who knew him and read his humorous columns.

"He was a credit to his profession, his Italian heritage, and to his family. His humorous columns will be missed. All of us have lost a fine friend."

AL DEL GRECO

(NOTE.—"Al and I started on The Record more than 40 years ago. We have shared a great many laughs, a lot of excitement, and a few tears. I have in all those years never known a man with a more devastating contempt for the phonies in the many worlds in which he moved, or a man with greater appreciation of the good and decent things in sports, his associates, and his profession." —JIM SUTPHEN, *Senior Managing Editor*)

Al Del Greco was a public institution, established and famous. He knew it, and took pains to say or do nothing that would be inconsistent with his reputation. He was, then, tough, sardonic, cynical and worldly both, candid to the edge of cruelty in his judgments on his fellowmen whether they were the athletic heroes of the season or United States Senators or bookmakers. This was his reputation, and he was faithful to it and to the countless tens of thousands who knew him and expected of him the kind of integrity they never required of their legislators and archbishops. Al was himself. Let that first be said.

And then let it be said, as it could not be said as long as he might wander into the newsroom with that hobgoblin grin and repudiate the libel in a gravelly baritone that could be heard in the next block—let it be said that Del Greco was an incurable idealist, a hopeless romantic, was the starry-eyed small boy who never grew up and didn't want to.

He was a sports writer—when the subject interested him one of the best in that mysterious field of literature. He admired that which was admirable in the athletes he knew through four decades and more: their strength, skill, intelligence, courage. He had no use for the man he suspected of doing less than his best; and for the muscular egotist who gave himself pompous airs off the field or outside the ring, Al had nothing but curt contempt. His ethical standards were high, and he tested every man he knew in politics and public life against them, and the hilarious acidity of his comment on the world around him was not a sneer but a cry of despair. Let it be said, then, that he was an idealist. Perhaps the only man who never disillusioned him was the late Vince Lombardi. They were much like each other. They had things in common and still do.

He loved the contact sports, played them, was trained to teach them. He loved the look and crash and smell of the physical games, and although he played the gentlemanly sports and wrote about them competently they did not engage him and he declined to accept an excitement over golf or tennis or track and field, not to say yachting, which he did not feel. But when the game had been honest and the men were brave, when it mattered to him who won and how, then when the shadows slanted down the field, he would hurry back to his desk and, hunched over his typewriter, take up the tale of arms and the man in a transport of joy not much unlike old Vergil's.

Al would never have stood for this, but he was a poet, a young and ageless poet, and it is heartbreaking to know that we shall not see him again. To his wife and family is extended the deepest sympathy of us who were privileged to be his friends and companions.

"MEDDLING"

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. LANDGREBE. Mr. Speaker, I am inserting in the RECORD a sermon given this past Labor Day by Rev. Hillsamer of Michigan City and sent to me by Mr. Stanley A. Lauer of Michigan City, Ind.

Rev. Hillsamer's sermon pointed up a subject long overdue for recognition and comment, and as Mr. Lauer said in his letter to me.

It should not be sentenced to oblivion.

I urge every Member's attention to its message and contents which follows:

MEDDLING

Labor Day is a time of tribute to men and women whose efforts contribute to the greatness of our land. Work in this era of mechanism and automation and through factories, no longer include the same processes as in the time when the Biblical writers described "the work of our hands."

Today, Labor encompasses an array of different activities, almost defying description. But the same motivations and relationships still exist.

This is why we turn to the Word of God for our instruction. Listen as we read from Ephesians 6:5–9: "Servants, be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of heart, as unto Christ; Not with eyeservice as menpleasers; but as the servants of Christ, doing the will of God from the heart; With good will doing service, as to the Lord, and not men; Knowing that whatsoever good thing any man doeth, the same shall he receive of the Lord, whether he be bond or free. And, ye masters, do the same things unto them, forbearing threatening; knowing that your Master also is in heaven, neither is there respect of persons with him."

This may seem a little strange in its context, but remember, labor and management was not the focus as it is today. Paul has described the family relationships, now he extends the application of Christianity to the next removed, Masters and Slaves.

Let us look at this passage: Not ideally, but practically. Not at things as they are, but as they ought to be.

In order for a person to be happy with their work, there certainly must be loyalty toward their employer. This loyalty would be manifested in our appreciation for the product manufactured or for the service rendered. To have a little regard for our work, and, or product, would be less than Christian.

This loyalty is twofold: The employee must be obedient to the employer. Our Scripture says that slaves should obey their masters. Every place I've ever worked, including my present job as minister of the First United Methodist Church in Michigan City, my employer has had ideas about how I should spend my time. Whether I agree or not, was of no importance. If I signed up for the job, then it was mine to do. The second factor about this loyalty to employer, is what might be called, singleness of purpose. The only effective way I can serve this church is as though it were mine for the rest of my life. I have a feeling that if we worked at our jobs with this attitude rather than just a living, or until I get something better, we would be living under more pleasant circumstances than we do.

If a person is to be really contributing of himself, there must be sincerity. Wherever you work, you must feel that you are contributing of yourself for the sake of living with yourself and you must also feel you contribute some small part to the whole product. The Christian ought to work harder than anyone else. Not to make more money, but because he or she represents Jesus Christ. "Working for God not as unto Men." This translation says, "Remember that the Lord will repay every man, whether slave or free, for the good work that he does."

What about compensation? How much does a person work only to be paid? Do we work just for the sake of work?

Ever since the fall of man, God has so designated work as an integral part in the livelihood of man. To live we must work, so says God. It is not God's intention that man receives something for nothing, even though this philosophy seems to be running rampant in our society today, with almost every place of business offering chances on prizes for the lucky.

It could also be said then, that God expects man to be compensated for his efforts in proportion to his accomplishments. The

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hard working farmer for the most part, is the successful farmer.

Humankind does not always compensate as God does. Hence, man has devised means for recognition and compensation. Such organizing has placed the emphasis on compensation, and less upon the dignity of work incumbent upon every human being.

Many employers are less than Christian, according to this principle, so therefore, let us look at the other side of our text.

The greatest thing that management can do for labor is to respect them. The lowly private in the line infantry company is the last in the chain of command. Orders may be given from the General of the Army on down the line until they come to the Private. That is as far down as you can be. In other words, in the last analysis, it is the Private that really does the work in Uncle Sam's Army. And the Private should be respected. If work is to be done, if labor is to be exercised, it will be the buck privates of industry, the laboring man that will do it. And the laboring man needs to be respected for what he does.

Our text says, "Masters forbear threatening." What would our society be like without threatenings? Can you imagine people respecting the wishes of others without threats? For example, the speed limit sign is posted and nobody violates the limit, not because of threats of arrest and fine, but because respect is held for it. Can you imagine raising a family according to respect? No discipline necessary because the children just wouldn't think of violating their parents' wishes. Because they have too much respect for them.

Management needs to recognize that every man has worth in God's sight, and if a man is hired for a job, let him work.

Management needs always to be reminded as our text says that the Master of Labor is their Master too. Like I told a friend of mine who had just finished Officer's Candidate School, "we all put our pants on the same way, one leg at a time". Among the priesthood of believers, is where all men meet to worship the one true God.

Management needs further to realize that while some men may be more productive than others, yet every man has the same value to God. The best men get the best jobs, but every man gets some job.

These truths we have talked about today have eternal significance, yet their manifestations have had a shorter history. The factory system here in these United States is only a little more than 150 years old. The labor-management conflict is even younger yet. And to make it even worse, only a small minority compose the Christian element.

Jesus Christ is always the answer to man's problems, regardless of dimension. It is time for Christians to witness.

Christian labor ought to be showing a loyalty to management. Christian labor ought to be convincing management of its sincerity. Christian Labor ought to be allowing God to be the paymaster.

While on the other hand, Christian Management ought to show respect to its laborers. Christian Management should also be subservient to God. Christian Management needs to be recognizing the dignity of every man. Amen.

FINANCIAL STATEMENT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the CONGRESSIONAL RECORD a statement of my financial assets and liabilities:

ASSETS

SECURITIES

	Shares
Booz-Allen Hamilton	25
Mass. Investment Trust	190
Advance Ross Corp	50
Ashland Oil Inc	60
General Motors	25
Pneumo Dynamics Corp	100
Ramada Inns Inc	55
Union Carbide Corp	50
Xerox Corp	50
A.T. & T. 8¾% bonds	6
Cash on account	$172
Total value of securities as of Sept. 24, 1970	$20,819
INSURANCE	
Prudential, cash surrender value	$2,310
GI life insurance, no cash value.	
Checking account at Sergeant At Arms, U.S. House of Representatives (Sept. 1, 1970, balance)	$2,974
SAVINGS ACCOUNTS	
South Bend Teacher's Credit Union	$90
RETIREMENT	
Equity in Federal retirement fund	$24,410
Total assets	$50,603

I have no interest in real estate or in any commercial enterprise not listed here.

Liabilities: None.

NEWSLETTER OF HON. ALBERT W. JOHNSON

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. McDONALD of Michigan. Mr. Speaker, Congressman ALBERT W. JOHNSON has just issued a newsletter, which I have found very interesting and informative, and I am submitting it for the RECORD as a part of the official proceedings of the House. The newsletter contains the usual heading of previous newsletters, as follows: "Newsletter From Your Open Door in Washington, Congressman ALBERT W. JOHNSON, 23d District of Pennsylvania, Newsletter 18, September 1970." The newsletter also contains a picture of Congressman JOHNSON holding the door open at his office, room 1424 Longworth House Office Building. The newsletter is as follows:

DEAR FOLKS IN THE 23D CONGRESSIONAL DISTRICT: Following my usual custom at this time of the year and before the close of the Congressional session, I am sending you this Newsletter, in which I will point out some of the highlights of the accomplishments of the 91st Congress as well as some of the legislative proposals remaining to be acted upon.

SOME OF THE BILLS THAT HAVE PASSED

This 91st Congress convened on January 3, 1969. The House membership now stands at 243 Democrats, 187 Republicans, and 5 vacancies. All of the 435 House seats are up for re-election now on November 3rd. The U.S. Senate is also controlled by the Democrats with the result that when President Nixon took office, it was the first time in 120 years that an incoming President of one Party faced a Congress dominated by another. However, despite this unusual situation, Congress has enacted a number of new legislative proposals which have been signed by the President. The most important being the bill turning the Post Office Department over to a government-controlled corporation, the tax reform bill, and the extension of the poverty program. Congress also increased social security benefits by 15% last year, and the House has passed a bill this year providing for an additional increase of 5% to cost $1.7 billion a year and to be financed by an increase from $7,800 to $9,000 in the social security tax base. This measure also ties future increases in benefits to the cost-of-living index. The President supports this bill. The Senate Finance Committee is now holding hearings on this proposal. Some other bills passed I will discuss elsewhere in this Newsletter. Only 4 appropriations bills out of 14 have passed to this date. Congress has a real job to do before it can adjourn.

STATUS OF BILLS REQUESTED BY THE PRESIDENT

Not yet acted upon, but urged by the President are the following:

Welfare Reform: Called the Family Assistance Act, which abolishes the discredited welfare system of the past, by providing for basic income supplements, work incentives, job training, and provision for jobs. This has passed the House and is being re-written in the Senate.

Draft Reform: A bill improving the random-selection system by direct national call of selectees, as well as a plan for a volunteer army replacing draftees.

Electoral Reform: Provides for direct popular vote election of the President. This Constitutional amendment passed the House, is now being debated in the Senate.

Crime Control: Only two bills have passed in this category, the one, the Washington, D.C. crime bill, the other, the Youth Correction Act. Awaiting action are bills to: control the drug traffic, deal with organized crime, terrorist bombings and obscene mail. This omnibus crime bill, with ten titles passed the Senate, but the House has not acted. This is a must.

Some other bills not acted upon: Vietnam Veterans Assistance Act; Amendments to the Food Stamp Act; Revenue Sharing, wherein Pennsylvania will receive $252 million, Manpower Training Act, and a host of bills in the field of education, consumer protection, mass transportation, urban affairs and pollution control.

THE PRESIDENT VETOES FOUR BILLS

This Congress will be remembered by the almost precedent shattering vetoes by the President of four appropriations bills to date, with more vetoes likely. The President is determined to hold down Federal spending in order to achieve a balanced budget and thus reduce inflationary pressures. When Nixon became President, one of the first matters placed on his desk was the fact that he would have to ask Congress to raise the National Debt by $12 billion in order to pay the bills during the first half of 1969. Congress complied as there was no other alternative. The proposed LBJ budget he inherited estimated income at $198.7 billion and expenditures at $195.3 billion. The actual spending was $196.8 billion, but revenue fell to $193.8 billion, making a deficit 6/30/70 of $2.9 billion. We are now in the fiscal year to end June 30, 1971, and revenues are estimated to be $199.1 billion, and unless huge savings are made, spending is estimated at $208.5 billion, or a possible deficit of $9.4 billion.

CONGRESS INCREASES APPROPRIATIONS AND LOWERS TAXES

And the so-called tax reform bill, it is said, will result in a reduction of taxes of about $8 billion. Against these disturbing figures, the appropriations bills as they emerge from Committee exceed the President's budget by from $350 million to $1 billion each. For instance, the 1970 Labor, Health, Education and Welfare Bill exceeded the budget by $1.1 billion; the 1971 Hospital Construction Bill by

$350 million; the 1971 Aid to Education Bill by $450 million; and, the 1971 bill for Housing, Urban Renewal, Space, Veterans, etc., by $500 million. And, while Congress was increasing spending, they put a spending ceiling on Nixon of $205.6 billion. A recent bill by Representative Ford would extend this ceiling to Congress as well. Against this backdrop of inflation, deficits and spending control, Nixon vetoed all four bills. Two were re-passed over his veto.

LOWERING THE VOTING AGE TO 18

An interesting legal development has resulted from one of the bills of nation-wide interest—the lowering of the voting age to 18. In doing so, the Congress unveiled a new method of amending the Pennsylvania State Constitution. We all thought that the only way to amend it was to call a convention, or have two separate sessions of the legislature to pass a resolution of amendment to be then voted on by the people. The U.S. Supreme Court has assumed the power to declare a Pennsylvania Constitutional provision unconstitutional, but Congress also assumed the power by declaring a provision of the Pennsylvania Constitution void. Here is the way it was done:

Article VII, Sec. 1 of our State Constitution provides: "Every citizen twenty-one years of age . . . shall be entitled to vote . . ." But Congress added a clause to the Civil Rights Act of 1970 by providing that this provision is void, (as well as similar ones in other states), as it violates the 14th Amendment of the Federal Constitution as denying 18 year olds equal protection of the laws, that is, the right to vote. Proceeding according to the Pennsylvania State Constitution, as required, Pennsylvania is already in the process of lowering the voting age to 19. This resolution has already passed the present legislature, and will be submitted to the new one in 1971, and the people will be asked to vote on it in the Fall of 1971.

This invasion of a State Constitution is a new venture for the Congress. If this newly-used method is allowed to stand, then Congress could declare that 6 year olds are being denied equal protection of the laws by being forced to go to school, thus violating the 13th Federal Amendment, the privilege against involuntary servitude.

Inasmuch as the new voting law goes into effect on January 1, 1971, the U.S. Supreme Court has been asked to pass on this Congressional invasion of states' rights before this date. 18 year olds will be registered to vote in Pennsylvania commencing December 1, 1970.

POPULATION AND CONGRESSIONAL REDISTRICTING

Many of us were disappointed when the population of Pennsylvania was reported to be 11,663,301 persons, up only 3% from 1960, as compared to the National Average of 13.6%. And, as a result of this small increase, Pennsylvania will lose two Congressmen, reducing the number from 27 to 25. There is, of course, great speculation among Congressmen as to where this loss of two will be absorbed. One target area is the City of Philadelphia, where the population is 1,926,529, a drop of 3.8% from 1960. Under the new census, a Congressional District must equal 475,000 people. Philadelphia now has five Congressmen, and if you divide 1,926,529 by 475,000, you come up with four Congressional Districts.

CENSUS REPORT ON THE 23RD DISTRICT

The population of the 23rd Congressional District has increased slightly. In 1960, the population was 429,000, and in 1970, 432,367, or an increase of 3,358 or .8%. The breakdown is as follows:

Counties	1960	1970	Increase	Decrease	Net increase	Percentage
Cameron	7,586	7,008		578		7.6
Centre	78,580	98,578	20,178			25.7
Clearfield	81,534	73,178		8,356		12.5
Clinton	37,619	37,981	362			1.0
Elk	37,328	37,039		289		.8
Forest	4,485	4,247		238		5.3
McKean	54,517	50,895		3,622		6.6
Potter	16,483	15,730		753		4.5
Venango	65,295	60,514		4,781		7.3
Warren	45,582	47,017	1,435			3.1
Total	429,009	432,367	21,975	18,617	3,358	.8

It is apparent from this chart that the population of the District is 42,633 less than that necessary for a Congressional District, which means that the District will require the addition of another County—from 10 counties to 11

REAPPORTIONMENT AND REDISTRICTING UNDER PRESENT LAW

The law requires that the Pennsylvania House and Senate be reapportioned in 1971 and the Congress redistricted. Who will prepare the reapportionment plan for the Pennsylvania Legislature? The new Pennsylvania Constitution, Article II, Section 17, answers this query. It provides that a five man reapportionment Commission shall file such a plan within 90 days after they are organized. The Commission consists of the Minority Leader and the Majority Leader of the House, and the same two officers in the Senate, plus a 5th person selected by these four, who shall act as Chairman.

Some say that it was intended that this Commission should also redistrict the Congress. However, a careful reading of this Constitutional provision indicates otherwise, according to the former Attorney General of Pennsylvania. This means that the Pennsylvania House and Senate will be doing Congressional redistricting by a bill duly enacted and signed by the Governor. Both political parties, as they are now campaigning, are eyeing this plan.

THE UNSOLVED QUESTION: WAGE AND PRICE CONTROLS

Shall this nation impose wage and price controls in order to stop inflation. In my recent Newsletter, I reported that 69% of the people in my District favored such controls. Since that time, Congress has passed legislation making controls possible. In the hearings on the bill before the Banking and Currency Committee, of which Committee I am a member, on the subject of wage and price controls, it was pointed out that such controls would require 250,000 employees and would cost $2 billion a year. Many of us saw in the bill that was passed some pre-election politics. To enable the President to put on controls would require at least a two-year authorization and a $2 billion appropriation, and wide discretion as to wage and price levels. The bill that passed and which the President reluctantly signed only gave the President discretionary power to control prices and wages until February 1, 1971, and provided no money to set up the organization, and only gave him the power to fix prices and wages at levels *no lower* than those prevailing May 25, 1970. In other words, the President could raise prices, not lower them.

The Republicans in the House wanting to find out the sense of Congress on the issue offered an amendment mandating an immediate freeze, and the House voted 270 to 11 against this amendment. However, perhaps the country is ahead of Congress and the President and really wants wages and prices frozen (the U.A.W. wages now being negotiated?) even though it would cost $2 billion a year. This is a serious question facing the nation.

QUESTIONNAIRE RESULTS FROM OTHER CONGRESSIONAL DISTRICTS

Some Congressmen have recently sent out questionnaires to their districts, and the results have been reported in the Congressional Record. Here are some interesting replies:

(a) Should the Constitution be amended to guarantee equal rights for women? No: 66% (Corbett, 18th District, Pennsylvania).

(b) Did you approve of President Nixon's use of ground troops in Cambodia? Yes: 77% (Corbett, 18th District, Pennsylvania); Yes: 56.9% (Rogers, 1st District, Colorado); Yes: 77.9% (Jones, 9th District, North Carolina); Yes: 89.6% (Duncan, 2nd District, Tennessee); Yes: 61% (Nation-wide Harris Poll).

(c) Do you favor abolishing the present military draft system for an all-volunteer army? No: 61.5% (Duncan, 2nd District, Tennessee); Yes: 55% (Steiger, 6th District, Wisconsin).

(d) Should the House approve the Cooper-Church amendment to restrict the use of funds and prohibit future military operations in Cambodia? No: 63% (Corbett 18th District, Pennsylvania).

(e) Do you favor continuation of draft deferments for college students? No: 58% (Bray, 6th District, Indiana); No: 69% (Steiger, 6th District, Wisconsin).

WHAT IS THE "ESTABLISHMENT" WHICH SOME SEEK TO DESTROY?

In the last few years, lawless elements in the United States have been on the increase, pursuing mob violence, drug addiction, destruction of our colleges, assassination and subversion. They want to destroy the so-called "establishment."

What is this "establishment" they seek to eliminate?

First of all, it is that venerable U.S. Constitution that guarantees to us all the freedoms we now enjoy. It provides for an elected government chosen by the people, and answerable to the people. It contains the Bill of Rights which we so readily take for granted, which guarantees:

(a) Freedom of religion, of speech, or assembly, of the press.

(b) The privilege against self-incrimination.

(c) That one is innocent until he is proven guilty.

(d) The right to be confronted by the witnesses against you.

(e) Trial by jury.

(f) Freedom from cruel and unusual punishment and excessive bail.

(g) Freedom from unreasonable searches and seizures.

(h) The right to keep and bear arms.

They also would destroy our free enterprise system which has made this nation the most prosperous in the world, with a standard of living unmatched in all history.

Gone would be our provision for free elections, coupled with freedom of thought resulting in the finest educational institutions in the world. Those who would close our schools do not realize that this would mean we would become a backward nation and all creative wonders would cease to be developed.

And, these disgruntled persons who seek to destroy our way of life as they travel up and down our highways, do they stop to think and appreciate the vast network of roads, freeways and turnpikes that our free nation has built for us and for them? How about our railroads and airways, now graced by the 747 plane? One of the guarantees of our way of life is the privilege to travel freely, from place to place, with no barriers, harassments, or inconvenience. All we ask is that you observe the rules of the road. Those liberty-destroyers would change all this, I suppose. Or do they know what they want?

The point I am making is that they, and we, should all stop and count our many blessings, as the song says: "Name them one by one."

BULLETINS, PAMPHLETS AND OTHER ITEMS AVAILABLE

As usual, I have available for distribution some interesting items, which I would be pleased to distribute as long as they last:

A bulletin listing over 300 Federal publications available.

1970 Official Pennsylvania Road Map.

Department of Agriculture new volume: "Food For Us All."

Large Map of Vietnam.

I hope you have found this Newsletter both interesting and informative.

Sincerely yours,

ALBERT W. JOHNSON.

FUEL OIL CRISIS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, for several months now, I have been doing everything that I can in attempting to ward off the pending fuel oil crisis which so seriously threatens my city of Chicago.

Today, I had the pleasure to appear before Senator McINTYRE's Small Business Subcommittee which has been looking into the national fuel oil emergency. In connection with this, I include in the RECORD my introductory remarks along with the excellent statement of Mr. Byron Weil, president of Oils, Inc., of Chicago:

INTRODUCTORY

Mr. Chairman: It is a pleasure for me to be here this morning to introduce to you, Mr. Byron Weil, the President of Oils, Incorporated, of Chicago. For several months now, I have been working very closely with Byron and with other representatives of the Chicago fuel oil industry in attempting to head off the grave fuel crisis which so seriously threatens our city. With the winter months fast approaching, the supply of residual fuel oil, so necessary to the operation of the city, remains at an extremely low level.

Mr. Chairman, Chicago has become an island with an insufficient energy supply source and I am afraid that there is a strong possibility that on several occasions this year, many of our citizens will have to face Chicago's famous winter without heat.

Mr. Chairman, we have tried everything. (I am sure that Byron will go into this in greater detail.) I have taken a Special Order on the House floor. I have written several letters to the President as well as to other government officials from the Secretary of the Interior, on down. I have had several meetings with representatives of both the Administration and the domestic oil industry. We have offered what we thought were reasonable alternatives that would at least provide short-term relief to an otherwise untenable situation—unfortunately our success has been limited. During all this time, which now seems like a year, Byron Weil has been a tremendous help to me and to the other members of the Chicago delegation in the Congress. He is a concerned and knowledgeable citizen who has spent much of his time and money in attempting to alert the people of Chicago to the danger of this situation. But, Byron doesn't just talk—he acts. I can think of no one who is better qualified to explain to your Committee the seriousness of the fuel oil crisis as it pertains to the city of Chicago.

STATEMENT OF BYRON S. WEIL

Mr. Chairman: Thank you very much for the privilege of appearing before you. My name is Byron S. Weil; I am President of Oils, Inc. of Chicago, Illinois. Our company is in the business of selling heating oils in the Chicago Metropolitan area, and the bulk of our business involves the sale of residual fuel oil (No. 6 oil). I have been in the fuel business for the past 25 years. Currently, I am a member of the American Petroleum Institute, the Illinois Petroleum Marketers Association, The Chicago Oilmen's Club, the Oil Heat Marketers Association and the American Society of Lubrication Engineers.

As a marketer of heavy fuel oil, I have been concerned for nearly a year about the adequacy of supply. Last January, it became increasingly evident to many that the country was headed towards a serious residual fuel oil shortage. Many refineries which had formerly supplied residual fuel oil to customers in the Middle West either had converted or were in the process of converting to the manufacture of coke, in place of residual fuel. Economically, this was a wise decision for the refiners, as petroleum coke has a long-range market potential at a far greater return than residual fuel oil.

The useable supply of residual fuel oil was reduced even further in many areas that had enacted pollution laws regarding the sulfur content of fossil fuels. We, along with all marketers in the Chicago area, have, of course, strongly supported the effort to clean up our environment, and agree that the use of high sulfur fuels has been a contributing factor to air pollution. As the Committee may know, the City of Chicago passed a new ordinance in the Spring of 1970 reducing the permissible sulfur content of fuels used in the City and the surrounding area. As a result of the new anti-pollution laws, consumers using coal have been forced to hunt for low sulfur coals which are not readily available, or convert their burners to either gas or oil. However, gas supply has also been short; for example, Peoples Gas Company in Chicago announced last June that there was a shortage of natural gas and that they would have to curtail new installations as well as cut back supplies to existing industrial customers.

As these problems developed, Oils, Inc., along with other fuel oil marketers in the Chicago area, were also giving notice to their customers and Governmental agencies, that there would be a residual fuel oil shortage during the Winter of 1970–71.

As the dimensions of the fuel oil shortage became clear over the summer, Oils, Inc. and others in the Middle West, applied to the United States Department of the Interior, Oil Import Appeals Board, for permission to import residual fuel oil into District II. We stressed the need to act quickly, as we were aware of the East Coast's problem, as well as that of Europe, in obtaining residual fuel.

On June 12th, Oils, Inc. led a group of concerned citizens and suppliers to a meeting with Congressman Dan Rostenkowski in order to familiarize him with the problems of the Mid West regarding residual fuel oil. Congressman Rostenkowski, on June 23, wrote President Nixon informing him of our problems and requesting action on the import quotas. On July 15th, Oils, Inc. headed a group of suppliers and consumers to Washington to meet with Senators Smith and Percy, Congressman Rostenkowski, and other Members of the House, again outlining our problems. On July 24th, the Oil Import Appeals Board granted quotas to seven of sixteen Midwestern suppliers based on a percentage of their appeal. In granting these awards, the Oil Import Appeals Board made the following findings:

"1. Residual fuel oil demand in areas served by the petitioners has increased significantly due to curtailment of natural gas sales to industrial, commercial and governmental purchasers of gas. This applies to new as well as historic users.

"2. New regulations to curb air pollution in many parts of the area served by these petitioners have necessitated the use of low sulfur fuels in facilities that had formerly used high sulfur coal. To meet fuel needs in the immediate future, oil must be imported because there is a general shortage of suitable domestic fuels, such as coal, natural gas, and residual fuel oils.

"3. Neither the consumers, nor the suppliers of domestic fuels anticipated shortages of suitable fuels as evidenced by depressed market conditions during the immediately preceding several years. In turn, the depressed market conditions contributed to the severe shortages by further reducing incentive to produce these fuels.

"4. The relaxation of East Coast residual fuel oil import control, announced in mid-1967, resulted in Gulf Coast residual prices being decreased to be competitive with foreign supplies. The economics then dictated that refiners develop more profitable markets for this material. This was accomplished by building refinery units such as cokers, deasphalting units and hydrocrackers, that would utilize most of these new facilities as inputs. Construction of most of these new facilities was completed in 1969 and early 1970 coinciding in time with the sudden demand outlined above.

"The Board concludes that the foregoing combination has created shortage of residual fuel oils of the desired quality in District II and has considered the requests of each petitioner to reach determination as to whether or not an exceptional hardship is suffered attributable to the limiting factors of the Mandatory Import Program. The Board has considered the physical capacity of the petitioner, its experience, and its record of sales."

After receiving our quota of 480,000 barrels, Oils, Inc. contacted some sixty sources of supply around the world, and offered to purchase low sulfur residual fuel oil. Oils, Inc. and the other Mid-Western suppliers were unable to obtain any product as a result of our strenuous efforts.

I can assure this Committee that we will continue these efforts to secure supplies from overseas sources, but, if we are unsuccessful, I would hope provision could be made for extension of these import allocations beyond March, 1971.

We have been in contact with most of the refiners in the country on many occasions in the past several months to determine whether supplies of residual fuel oil could be offered to us for the coming Winter. Our efforts met with little success. With the thought in mind that it might be useful to the Committee's record, I request permission to insert a series of letters which I have written to oil refineries in my own search for product.

As a marketer of significant quantities of fuel oils in the Chicago area, I can assure this Committee that the crisis of No. 6 is as serious in the Mid West as it is on the East Coast. Our hospitals, schools, factories and office buildings are threatened by a lack of heat in the months ahead. This must be considered as a serious threat to the health and welfare of the community. In the Chicago area many of the large consumers of fuel, such as the Chicago Housing Authority, University of Illinois and University of Chicago, as well as various city schools and hospitals, have in recent months requested but received no bids on their residual fuel oil requirements. Some have made requests for bids as many as three or four times with no response. In my statement before the Oil Import Appeals Board, I outlined the problems faced by some consumers in the Chicago area and ask that this statement be included in this Committee's record.

We have received innumerable requests not only from consumers but from other marketers, such as ourselves, for supplies of residual fuel oil; and I ask that some letters from these marketers also be included in your record.

We estimate that the City of Chicago will have less than 75% of the residual fuel oil required to meet this winter needs. The shortage of No. 6 oil in Chicago is expected to be a minimum of 50,000 barrels per day.

I might also add a comment regarding No. 2 fuel oil, home heating oil. While we are not major marketers of this product, we, and many of the people in the Chicago area who do sell it, feel that No. 2 fuel will also be in very short supply within the next few months. I would, therefore, urge that this Committee and the Government agencies examining the fuel oil situation in the Middle West also consider the needs of that area for No. 2 fuel oil.

There are, I believe, several steps which the Federal Government could take to bring significant relief to our area. I hope that the Oil Policy Committee and the White House Emergency Committee headed by Dr. McCracken would give serious consideration to the following:

1. Immediate adoption of a residual fuel oil incentive program for refiners in Districts I–IV. Under such a plan, domestic refineries would be encouraged to produce residual fuel oil by awarding them an import license for 1 barrel of crude oil for every barrel of low sulfur fuel oil they produce.

There are a number of small refineries in Districts I–IV with excess capacity that could produce additional amounts of residual fuel oil, if sufficient incentive were created by the Federal Government. Existence of this capacity offers a real opportunity for the Federal Government to take steps now to avoid a recurrence of a residual fuel oil crisis in subsequent winters.

Adoption of an incentive plan would, I believe, strengthen our nation's security by increasing residual refining capacity in the U.S., which, in case of a national emergency, could operate exclusively on domestic crude oil. I ask that a partial list of such refineries be included at this point in the Committee's record.

2. Increase imports of crude oil into the Middle West from Canada, so that refineries in the area can turn out more heating fuels. I would also urge clarification of the Oil Import Regulations to assure quota-free importation of crude oil which can be burned as residual fuel oil.

3. If we and other Mid West marketers are unable to utilize fully the residual fuel oil import allocation granted by the Oil Import Appeals Board, we request that these import rights be extended beyond March 31, 1971, if supply conditions warrant.

4. I would also urge immediate study of the possibility, as a long-range solution to the problems of the Mid West, of giving that area access to overseas supplies of residual fuel oil on the same basis as District I.

Before concluding, I should like to present for your record, chronology of the residual fuel oil crisis that may be useful to the Committee.

We have been very busy trying to forestall this crisis and our efforts and the efforts of other marketers in the Chicago area have been exhausting and expensive and to date, unsuccessful. However, we will continue to do everything in our power to prevent a disaster in our area in the coming Winter. We hope that Federal officials here in Washington who establish U.S. oil policy will assist us in this effort and will consider adopting the proposals I have recommended—before it is too late.

Thank you very much.

HIGHWAY TRUST FUND—INDIANA NEEDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. HAMILTON. Mr. Speaker, Indiana highway needs and the importance of the highway trust fund in meeting those needs were clearly stated by Mr. R. H. Harrell, executive director, Indiana State Highway Commission, in a speech delivered last Thursday morning to Indiana highway constructors meeting here in Washington:

SPEECH OF R. H. HARRELL

Our planned highway programs for fiscal 1971 and 1972 were prepared on the assumption that funds from the Highway Trust Fund would be available, on an annual basis, for the construction of the Interstate and the A. B. C. Systems, in about the same amount as was provided for in fiscal year ending July 1, 1970.

Plans have little meaning unless funds are available to do the proposed work.

Federal cut-backs (16 million dollars on July 9 of this year, the fourth time since the Trust Fund law was established), the more serious proposed legislation to divert Trust Fund money for other than highway purposes, and the new apportionment factor for distribution of funds for construction of the Interstate for fiscal years 1972, 1973 and 1974, as summarized in House Document #91–317, dated April 21, 1970, all are, or will, determine to what extent we can complete the planned programs and provide for our many highway needs. I suppose we were too optimistic when we prepared this wish list.

We were proud of our progress on the completion of the Interstate. At mid year Federal Highway Administration reports showed that Indiana was 6th in the Nation in obligating 1971 Interstate Funds. Purchase of right-of-way for the Interstate has advanced to the point where uncompleted sections can be let as fast as construction funds from the Trust Fund can be made available.

All network systems are important to the citizens of our State, but at this hour, the completion of the 972 miles of the Interstate System of Freeways, exclusive of the 157 miles of the Northern Indiana Toll Road, is, in my estimation, the most critical.

Indiana has 719 miles of Interstate open to traffic, exclusive of the Toll Road, 151 miles under construction, and 107 miles yet to be placed under construction.

The total cost of Indiana's 972 miles of Interstate, when completed, will be over 1.3 billion dollars.

The remaining 107 miles are estimated to cost over 300 million dollars.

Mr. Frank Turner, Federal Highway Administrator, in a reply to a writer for the Washington Post, stated that the new Interstate System of Freeways, is preventing both deaths and injuries. He estimated that since the Interstate program was launched in 1956, these modern, safe, highways have saved more than 35,000 lives that otherwise would have been lost on older, more dangerous roads, and has prevented more than a million injuries. Further, when the entire 42,500 miles of the System are complete, late in this decade, an estimated 8,500 lives will be saved annually.

Indiana's complete Interstate network cannot all be placed under contract before mid year 1976, if funds continue at the present rate, or at the rate that no doubt will prevail under the new distribution factor that will be applied starting with the 1972 fiscal year's obligation.

The final opening date, for the Nation-wide Interstate System, will be more than two decades after the enactment of the law and at least six years later than originally estimated.

This delay has been caused by extensions authorized, added safety features, changes in geometrics, environmental considerations, cut-backs and many other related factors.

In addition to the need to complete the Interstate, the Indiana State Highway Department has 4,367 miles of primary and urban highways and 5,986 miles of secondary roads that have not had, since the end of World War II, the many critical improvements needed to make these highways safe for the traffic load they are forced to carry today.

Traffic fatalities alone, on all of Indiana's highways, are over 1,600 persons per year, and a major portion of these are occurring on the primary, urban and secondary systems of highways.

Over 1500 miles of our total primary and urban system is in immediate need of major new construction and reconstruction. Also, an equal or larger mileage of the secondary system needs similar type construction.

Studies show that over 500 major bridges need replacement either because of their age, condition or inability to safely serve today's traffic volumes.

Railroad grade separations have been another of the forgotten programs which have not moved because of the lack of sufficient funds.

I have only attempted to list our major immediate needs, and by immediate I have arbitrarily set this time span at one decade since in today's society a six year or more time span is required from the time a project is first set in motion until a project can be open to traffic.

At today's price tags these programs are estimated to cost as follows:

$300 million required in the next 6 years to complete the Interstate.

$1.5 billion required in the next 10 years to improve the Primary and Urban Federal Systems.

$1.0 billion in the next 10 years for improvements to the farm to market or Secondary System.

$100 million for major stream and river bridge replacements.

$100 million for railroad grade separation structures.

or a total price tag of 3 billion dollars in this short span of 10 years.

Now to give you an idea of the magnitude of the apparent available funds to finance these needs, should the present methods of financing continue at about the present level, and without diversion of vehicle taxes to other modes of transportation or programs:

About $85 million per year estimated to be available from the Federal Highway Trust Fund.

$60 million of this for the Interstate on a 90–10 percent matching basis. $25 million for the A.B.C. program which is matched on a 50–50 basis. This A.B.C. money is allocated to the States on the basis of one-third on State area, one-third on State population and one-third on each State's mileage of rural delivery and star routes.

$30 million per year available from Indiana's six cents motor fuel tax, which is needed to match Federal money and to take bids on miscellaneous State projects not eligible for Federal participation.

$30 million per year from Indiana's recently enacted 2 cents increase in gas tax, restricted to the construction of Primary Roads, generally known as "killer highways".

These sources of road building funds total $145 million per year, or a little less than $1.5 billion over a ten year period.

With the ten year needs price tag set at over $3 billion, you can see Indiana will continue to drop seriously further behind in meeting our highway needs in this decade.

It has been my good fortune to have worked for the Indiana State Highway Commission for over 40 years or just a few years short of the total time we have had a State Road System in our State.

The estimates I have given you today are not altogether based on detailed studies, but are estimates that combine prior factual information with personal knowledge gained by close association with the State Highway Road System.

You, I am sure, are well acquainted with the sources of the tax levies that are collected for the Highway Trust Fund.

But you may not realize that Indiana does not get what could be considered a fair return from amounts collected from our taxpayers.

To give you an example, available records show that Indiana taxpayers contribute 173.4 million dollars of auto excise taxes to the Federal General Fund in 1968, 127.5 million dollars went into the Federal Trust Fund for highway construction. In fiscal year 1970 Indiana received authority to obligate 98 million dollars from this source.

So you can see that Indiana taxpayers are, even now under present distribution formulas, making substantial contributions to the road programs in other States—why permit other diversions.

In the opinion of Governor Whitcomb, the majority of our State Legislators and the public in general, who have not voiced that first complaint on the recent 2¢ increase in motor fuel tax, Indiana needs the continuation of the Federal Trust Fund, at least at the present level, and without periodic cutbacks or diversions of any of these funds to other than what it was intended when the law was enacted—that is for road construction.

I personally want to thank each of you for giving our Highway Department this opportunity to present this paper to you. Also, to seriously solicit your support ot see that taxes collected to build highways are retained for that purpose and without cutbacks.

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THE 60TH ANNIVERSARY OF CARNATION FARMS

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. MEEDS. Mr. Speaker, this year marks the 60th anniversary of Carnation Milk Farms located in north-central King County in my district. The achievements of the farms in animal husbandry have been highly successful and have contributed greatly to our agricultural prosperity. Pet lovers can take satisfaction in Carnation's continuing research and development of feline and canine nutrition.

Recently, Gov. Daniel Evans, of Washington, issued a statement commending Carnation Farms. I would also like to extend my best wishes for Carnation's future and would like to incorporate the Governor's statement in the RECORD at this point:

A STATEMENT BY THE GOVERNOR

Relative to commendations to Carnation Farms on its 60th anniversary.

Carnation Farms was purchased by Elbridge Amos Stuart in 1910 and is now celebrating its 60th anniversary. It has grown from 360 acres which were stump-ridden and often flooded, and is now 1,150 acres given over to animal research and nutrition.

The Holstein-Friesian breed and dairy industry breed has prospered over the years because of the Farms superior breeding developments. The first direct mail campaign to sell Registered Holstein Bulls to American dairy farms was begun here.

The first statue of a cow in the United States Segis Pietertje Prospect ("Possum Sweetheart") was erected in 1928 to honor this champion's milk and butter fat production. A herd of Purebred Polled Herefords are maintained whereby research and beef breeding management and nutrition have been extended.

The recent artificial insemination industry has grown from its national and international activities.

A sizeable cattery facility was recently erected to serve as a center for major feline nutrition and food acceptance research.

Friskies Research Kennels have studied the nutritional needs of dogs for nearly 40 years. Present facilities include research operations for livestock, poultry, pets, calves, rabbits and other small animals.

Now, therefore, I, Daniel J. Evans, Governor of the State of Washington convey greetings and congratulations on the milestone on its 60th anniversary, and wish the Farms continued growth and vigor in its service to animal breeding and nutrition the world over.

DANIEL J. EVANS,
Governor.

CURL NAMED AFA "MAN OF THE YEAR"

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. BRINKLEY. Mr. Speaker, "Every Day in Middle Georgia Is Air Force Appreciation Day" is the motto of Dr. Dan Callahan of Warner Robins, Ga., president of the Middle Georgia Chapter of the Air Force Association. This attitude is reflected in the excellent civilian-military community relations at Robins Air Force Base, Ga.

That relationship is a splendid credit to Maj. Gen. A. J. Beck, commanding general at Robins Air Force Base, and to the Air Force Association.

In the AFA Profile issue of Monday, September 21, 1970, there appears the following news article which merits special attention and a well done to the individuals and units selected as superlatives:

CURL NAMED AFA "MAN OF THE YEAR"—GEORGIA WINS "TOP UNIT" TROPHY

The men, women and organizations whose efforts helped advance the goals of the U.S. Air Force during the past year will be honored today during opening ceremonies of the Air Force Association's annual meeting.

The ceremonies, keynoted by Daniel Z. Henkin, assistant secretary of defense for public affairs, will be in the Park Ballroom of the Sheraton Park Hotel. Awards will be presented by George D. Hardy, president of AFA.

Individuals and organizations and the awards they will receive are:

"AFA Man of the Year": Lester C. Curl, Southeast Regional vice president.

"AFA Unit of the Year": The Georgia State Organization (William Kelly, president).

Special Citations (Unit): Billy Mitchell Chapter, Wisconsin; Tucson Chapter, Arizona; Santa Monica Chapter, California; Richmond Chapter, Virginia.

Special Citations (Individual): Maj. Melvin Bailey, Washington, D.C.; Jack T. Gilstrap, Alabama; Maj. Gen. A. J. Beck, Georgia; Joe Higgins, California; Foreign Liaison Division, Office of the Vice Chief of Staff, USAF.

Exceptional Service Plaques (Unit): Middle Georgia Chapter, Ga., community relations; San Bernardino Area Chapter, California, unit programming; Tennessee Valley Chapter, Alabama, aerospace education; and Utah State Organization, best single program.

Exceptional Service Plaques (Individual): Will H. Bergstrom, California; Cecil Brendle, Alabama; B. L. Cockrell, Texas; A. Paul Fonda, Washington, D.C.; James Grazioso, New Jersey; William Kelly, Georgia; Robert Lawson, California; Nolan W. Manfull, Utah; Sam E. Keith, Jr., Texas; Edward Nedder, Massachusetts; Jack Price, Utah; Margaret A. Reed, Washington; Clyde Stricker, Washington, and Herbert West, Florida.

Medals of Merit: Peter Augustus III, Massachusetts; S. Samuel Boghosian, California; Noel A. Bullock, Colorado; Dr. Dan Callahan, Georgia; Jerry Cleveland, Utah; Margaret M. Foster, California; Gerald Frewer, Florida; Paul Gaillard, Nebraska; Darlene Galbraith, Utah; John Haire, Alabama; Alexander Harris, Little Rock, Ark.; Robert Hunter, Ohio; Glen Jensen, Utah; Robert Maltby, Ohio; A. D. McCall, Texas; Maj.-Gen. Frederic Miller, Florida; J. Gilbert Nettleton, Jr., New York; Dick Palen, Minnesota; Gilbert E. Petrina, Pennsylvania; William C. Rapp, New York; V. M. Rexroad, Washington, D.C.; Dr. Robert H. Saber, Florida; Robert J. Schissell, Washington, D.C.; Norman L. Scott, Michigan; Thomas W. Shoop, Colorado; Edward A. Stearn, California; Hugh W. Stewart, Arizona; Lynn S. Summers, Utah; John F. White, Massachusetts, and Clair G. Whitney, Washington.

Top Membership Winners: Middle Georgia, top chapter; Georgia, top state organization, and Southeast, top region.

TRIBUTE TO OUR FLAG

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. LONG of Maryland. Mr. Speaker, one of my constituents, Mrs. Leota D. Martin, of Edgewood, Md., wrote a tribute to our flag on the occasion of Flag Day. I should like to share her well-expressed sentiments with my colleagues by including the poem in the RECORD:

TRIBUTE TO OUR FLAG

Only some stripes of Red and White
  And, some stars on a ground of Blue
Only a little cotton Flag
  Is it anything more to you?

Oh, yes indeed—for beneath its folds
  We are safe on land and sea
It stands for America strong and brave
  No matter wher'er it be.

As we pay tribute to our flag today
Of Red and White and Blue
And to our great democracy
To which our hearts are true

May God be always with us
And our Flag forever wave
Above our land of Freedom
And, the homes of all our brave.

RHODESIA DESERVES RECOGNITION NOW

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. LANGEN. Mr. Speaker, November 11, 1970, marks a particularly significant day. Notwithstanding the annual observation of Veterans' Day here in the United States, halfway around the world the people of Rhodesia will mark their fifth anniversary as an independent nation. Some in certain circles will attempt to pooh-pooh this occasion or to dismiss it as unfortunate. However, the time has come to face the simple fact that in spite of overwhelmingly hostile odds and anegative world public opinion, the Rhodesians do in fact exist as a completely autonomous people, and their 5 years of independence have been marked by significant economic progress, domestic peace and harmony, and a determination to work for a better tomorrow.

We who have known a traditionally warm friendship with the Rhodesian people, we who have benefited from a decisively favorable commercial relationship with that nation, and we who have set ourselves as an example to others by our self-proclaimed Declaration of Independence, have now for the past 5 years been led down a path of fruitless fantasy. We have been kidded into believing that somehow Rhodesia constitutes a "threat to world peace" and that the Rhodesians have instituted a form of government one step removed from the barbaric Dark Ages. These things are simply not true, and those who believe in such manner are sadly deluded.

However, I am not going to plead Rhodesia's moral case—that has been done many times before and simply leaves Rhodesia's critics without answer. Instead, I am merely going to state some plain, hard, unemotional facts—facts so obvious that no one should miss them. Fact No. 1—Rhodesia is moving toward her fifth anniversary as a completely autonomous state. Fact No. 2—all feeble cries notwithstanding, Great Britain exerts absolutely no sovereignty over Rhodesia and after 5 years of inconclusive activity has in reality abandoned any substantive claim to suzerainty over that former African possession. Fact No. 3—the Secretary General of the United Nations, Mr. U Thant, only recently admitted publicly that the U.N. program of economic sanctions against Rhodesia has been an utter and complete failure. And fact No. 4—both the United States and Great Britain have already gone on record in the U.N. Security Council as vetoing any stronger measures, particularly the use of armed intervention, against the people of Rhodesia.

Therefore, on the simple basis of commonsense, it is time for the United States to pull its head out of the sand and to view Rhodesia in the sunshine of reality. Accordingly, at this time I am introducing a House concurrent resolution which proposes that the United States immediately take steps to grant full diplomatic recognition and to restore full economic and social contact with Rhodesia. I call upon each Member of both the Senate and the House to join with me in introducing this legislation before his respective body, and for the prompt enactment of this resolution to aid the President in making this reasonable, necessary, and proper change in American foreign policy. For the information of my colleagues, my resolution reads as follows:

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO SANCTIONS AGAINST RHODESIA

Whereas the constitutionally elected Government of Rhodesia, with the full support of the Council of Chiefs, declared Rhodesia's independence on November 11, 1965; and

Whereas on November 11, 1969, the Government of Rhodesia observed its fourth anniversary of continuous, effective, and peaceful control over its legal territory and population; and

Whereas Rhodesia has shown continuous economic growth and stability during almost five years while being subjected to unprecedented economic sanctions; and

Whereas the Government of Rhodesia has clearly established itself as the de jure sovereign over the legal territory and population of Rhodesia; and

Whereas Rhodesia is not hostile to the United States nor an enemy of the United States either under international law or under the laws of the United States, but rather has established a tradition of warm friendship between the people of Rhodesia and the people of the United States as evidenced by the fact that Rhodesia has fought beside the United States through two wars and the fact that there have been no wanton acts of violence against American lives or property; and

Whereas United States citizens continue to be warmly welcomed in Rhodesia as would our Government representatives; and

Whereas Rhodesia is one of the very few countries in Africa which pays her own way and receives no United States aid and that trade between our two countries before sanctions had been running two to one in our favor, all on a commercial basis with no subsidies, thereby assisting our balance of payments; and

Whereas, according to the Constitution (article I, section 8, paragraph 3), only the Congress has power to regulate commerce with foreign nations and the Executive has no legal authority to block trade except under laws which control trading with the enemy; and

Whereas the United States Government, without any authority from the Congress or the American people, has adopted and encouraged a stringent policy of economic sanctions and has broken all diplomatic and consular contacts with Rhodesia; and

Whereas these sanctions have caused the United States to lose a major source of high grade metallurgical chromite ore which is militarily and industrially vital to the security of the United States; and

Whereas the United States has become almost wholly dependent on the Soviet Union for its supply of this high grade metallurgical chromite ore; and

Whereas the United States and firms doing business therein are forced to purchase high grade metallurgical chromite ore from the Soviet Union at prices ranging as high as 100 per centum greater than that at which high grade metallurgical chromite ore produced in Rhodesia can be purchased; and

Whereas United States citizens have extensive commerical interests in Rhodesia which have been severely damaged by the arbitrary application of economic sanctions; and

Whereas such United States citizens have even been prevented from performance of valid contracts and other legal and moral obligations, to their present and future great loss; and

Whereas the economic sanctions have deprived Africans in Rhodesia and from neighboring countries of employment in occupations directly affected by the sanctions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Government immediately cease its inhumane, imprudent, and economically and militarily disastrous policy of economic sanctions against Rhodesia; take necessary steps to restore normal trading relations; and accord full recognition and all diplomatic and consular rights attached thereto to the legal Government of Rhodesia.

CARNEGIE-MELLON PROFESSOR CITES COMPUTER TO AID CRIMINAL JUSTICE SYSTEMS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. MOORHEAD. Mr. Speaker, the Subcommittee on Economy in Government of the Joint Economic Committee, on which I serve, has had 2 days of hearings designed to focus on the most effective allocation of Federal resources to reduce the incidence of serious crime.

Witnesses have discussed ways to improve the court system, youth programs, new measures to deal with the impact of crime on small business, the need for Federal policies to deal with the alarming acts of terrorism such as bombing in our cities and on the campuses, and the functioning of the Federal Law Enforcement Assistance Agency and companion State agencies set up under the Safe Streets Act of 1968.

I am very pleased that Dr. Alfred Blumstein, director of the Urban Systems Institute at Carnegie-Mellon University, Pittsburgh, who served as Director of the Task Force on Science and Technology on President Johnson's Crime Commission agreed to testify this morning.

His testimony emphasizes the need for better collection and relation of social data to aid in finding new or alternative approaches in our criminal system. Under a $50,000 research grant from the Law Enforcement Assistance Administration, Carnegie-Mellon recently ran a training course in systems analysis for 30 planners from the Mid-Atlantic States. Dr. Blumstein cites the need for more funds for this type of effort in other areas of the country as well as a greater link between those who do the research and carry out the plans on the local level. His excellent

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testimony is included for the benefit of my colleagues herewith in the RECORD:

Senator Proxmire and members of the committee, I am particularly pleased and honored at the opportunity to appear before this distinguished Committee and to contribute to your deliberations on the problems of crime and particularly the operation of the criminal justice system in the United States.

The members of this Committee know very well the frequently repeated statistics regarding the annual increases of about 10 to 15% in crime rate statistics. There may be some question about how much of this increase is due to reporting rate increases and how much is due to more crimes. There may be some question about how much is due to people becoming more criminal, and how much is due to having more people with higher criminal propensities in the population. But very few people will deny that the crime rate has seriously increased over the last decade.

In response to these trends in the crime rate—or to focus more directly on the issue of concern, the victimization rate—President Johnson's Crime Commission paid particular attention to the need to deal in an integrated way with the component parts of the criminal justice system. It is necessary to recognize that what police do has an impact on the courts, that defendants pleading guilty or convicted in the courts must be dealt with by corrections, and that the failures of corrections are subsequently visited upon the police and the society at large as offenders back on the streets committing more crimes.

This emphasis on the "systemness" of the criminal justice system was reflected in the 1968 Omnibus and Safe Streets Crime Control Act, which created state criminal justice planning agencies in each of the states, established the Law Enforcement Assistance Administration, and within it the National Institute of Law Enforcement and Criminal Justice to undertake a significant research program.

The state planning agencies were to develop plans and programs to deal with the crime problem, to foster innovation within the time-encrusted criminal justice system, and to allocate Federal resources across the total criminal justice system.

These state planning agencies are the closest approximation to "system managers" within the criminal justice system. They are the channel through which Federal block grants are routed to the states. They can thus exercise a significant influence through the $480 million Federal program, a sizeable increment of almost 10 per cent over the current six billion dollar state and local expenditures on the criminal justice system.

Unfortunately, far too few states have engaged in meaningful planning. In most cases, the state planning agencies react rather than initiate—they approve or reject grant applications generated by the existing agencies much more than they "plan" in the sense of making projections into the future and testing alternative programs against such projections. While there have been some important ideas generated at these levels, it is understandable that the inertia of the system has not been overly creative in generating change or in fostering closer interaction between the police, courts, and corrections.

In large part, these state planning agencies have been limited by the very inadequate methodology that has been available to them. We know very little in a quantitative sense about what causes crime, and about the consequences in terms of crime of the many things we try to do to control it. We try an innovative community treatment program in one jurisdiction and it proves to be a remarkable success; when it is picked up in another jurisdiction with less innovative drive than the first, the success is less than remarkable. When a new director of a police planning bureau allocates his forces efficiently and someone else tries to apply those methods in another jurisdiction, statutes or police rules and regulations prevent him from adopting those procedures. We still cannot definitively determine how much good we accomplish with better street lighting, more intensive police patrol, stiffer maximum sentencing or smaller caseloads for probation officers.

This great gap in our knowledge makes it extremely difficult to project about crime and to plan rationally the operation of the criminal justice system. These conditions should cause deep concern and should bring about a concerted effort to remedy this situation. Nevertheless, the Congress has seen fit to appropriate only $7.5 million for the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA. Thus, it is not very surprising that the state planning agencies do more grant management than planning.

Part of our efforts at Carnegie-Mellon University this past year have been devoted to developing a computer model to aid state criminal justice planners in planning for their state criminal justice systems. This computer model treats the criminal justice system as a sequence of processing stages through which crime reports, suspects, defendents, cases, charges, and offenders flow. At each of the stages in the system, the flow of offenders is characterized by "branching ratios" which depict the proportion of units processed at tht stage that flow to each of the possible output stages. Using data on the costs and resources (such as judges or prison cells or patrolmen) used at each of the stages, it becomes possible to examine the resource implications of any contemplated changes within the criminal justice system. This computer model has been developed so that it is available to any state planner and is usable at a teletype terminal at his desk from some central time-shared computer facility.

Just last week, we ran a general training course in systems analysis for key personnel of each of the states in the mid-Atlantic region of LEAA. We were all very impressed with how quickly these planners—most of whom had no technical education and most of whom had never used a computer terminal—learned to use this planning tool. Within just a few hours of operation, these people were exploring the effects on the downstream parts of the criminal justice system of a wide variety of changes. What happens if we introduce public defenders into the lower court? An important argument limiting the expansion of the use of public defenders is the cost involved. It was found, however, that greater use of public defenders reduced the workload on the superior court and reduced the number of offenders sent to corrections. These cost savings would more than compensate for the cost of the additional lawyers. This, of course, is an advantage beyond the enhancement of the quality of justice dispensed.

Similarly, if we were to speed up the processing of cases at trial by such means as introducing more judges, then we might expect to reduce the time defendants have to spend in pre-trial detention. This cost saving may well be large enough to more than pay for the additional judges assigned to the courts. Again, cost advantage is in addition to the many other social values of a speedy trial—avoiding excessive detention of the innocent and swifter punishment to the guilty.

The comments by the participants in this course reflected the considerable value of even this very preliminary system planning model. Police officials were intrigued by being forced to face the consequences of what happens eventually to the people they arrest.

All the planners were forced to consider what happens in the system when they introduce a new program like expanded use of public defenders. Are more cases nolled because of an effective defense presented? Are more cases brought to trial? Are more cases pleaded guilty in order to receive lighter sentences? In the process of making such assumptions, the system planner has a tool by which he can test the implication of a variety of assumptions regarding the system he is planning. If he finds the consequences of his assumptions unacceptable—e.g., more demand for trials will call for too many judges—either he made the wrong assumptions, or he had better revise his intended plan for the criminal justice system. Thus, a model like this provides the planner with a tool which he can use to explore a wide variety of revisions within the criminal justice system.

One of the fundamental shortcomings of our model is that it does not yet incorporate the "feedback" effects, that is, it does not tell him the reduction of crime—both due to recidivism and due to the failure of deterrents that result from his various possible actions. He must still guess at those effects, largely because the appropriate data have not been collected and organized. We hope in our future work to be able to bring in data on recidivism probabilities in order to reflect the effect of the programs on crime rates.

The saddest part of the exercise involving our criminal justice planners was their universal feeling that, while the model was exciting and the availability of the tool was particularly important, their own states did not yet have the data necessary to use it immediately. They acknowledged that the model was a particularly valuable device for identifying how to collect the data in a consistent form relevant to the planning decisions to be made, but they were most skeptical that their states would soon commit the effort to collect the data.

This is an unfortunate reflection of the status of our social data. Think of where the science of economics and the practice of business management would be today without the enormous commitments made by the United States over the past three decades for the collection of a wide variety of economic data. Think of where the physical sciences would have been were it not for the major commitments by institutions such as the National Bureau of Standards, to collect basic physical measurements. In the social sciences and particularly in dealing with crime, we are little beyond the Middle Ages in terms of our understanding. In most states, particularly those that have a "minor judiciary" or local lower courts, all the criminal action that passes through them goes virtually unnoticed by anyone other than the individual magistrate. In the United States last year, we had about 7.5 million people arrested for non-traffic offenses, a rate that has increased about 25% since 1960 and has about doubled for persons under 18 years. These arrests are reasonably well reported by the FBI.

As soon as we try to follow these arrestees through the courts and into corrections, however, we find that we lose well over 90% of these, since an average daily prison population in the U.S. is about 200,000 persons. We don't know where in the courts they drop out and for what reasons, and we have a very poor idea of how many are languishing in what form of jail. The institutionalized population in state prisons is thus only a very small portion of those who run afoul of the law.

This high dropout rate suggests that the threat of imprisonment may not be the effective deterrent force many would wish it to be. One might, for instance, run a very simple

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calculation to try to measure the "expected risks and benefits" to a burglar contemplating a burglary. The average value of property stolen in a burglary is about $300. An individual who commits a burglary, on the average, has about a 1% chance of ending up in prison for that burglary. If he does go to prison, his sentence may be about three years or 1,000 days. Thus, his "expected sentence" is one per cent of 1000, or about 10 days. Thus, if he were to value his time at any less than $30 per day, then he might be quite "economically rational" to undertake the contemplated burglary. This very superficial review, of course, does not take into account the complexities of the "irrationalities" in the decision-making behavior by a potential burglar, the details of his own case (an individual with a prior prison record is much more vulnerable than one without), nor does it try to account for the wide variety of factors that he individually takes into account. It does serve to highlight, however, the fact that most offenses do not result in a direct punishment for that offense and that the deterrent threat of the criminal sanction is inherently limited.

These data also emphasize that in our determined concern to use the criminal sanction for deterrence, we see many arrests, but a very small amount of imprisonment. It may just be, for instance, that we are extending our arrest far too broadly. Our studies for the Crime Commission some years ago indicated a projection that a 10 year old boy would have about a 50% chance of being arrested some time in his life for a non-traffic offense. That was based on 1965 arrest rates, and those rates have been going up since, so that that estimate is likely to be conservative today. It may well be that making all these arrests may well reduce rather than enhance deterrence. To the extent that people are deterred by concern over the stigma of an arrest record, we reduce that concern once we give a man an arrest record. He may have less to lose the next time, and so may be less deterred. It may just be that in this respect, as well as in others, the criminal justice system operates in a counter-productive way. Furthermore, the job discrimination suffered by those who have an arrest record, particularly if his employer thinks arrest is a rare phenomenon, can be a serious hindrance to avoiding the conditions that led to his arrest in the first place. We should consider purging minor arrest records after a reasonable time so that we can renew this stigma aspect of deterrence as well as enhancing the habilitation of half of our males.

It may well be that we are blunting the criminal sanction by using it for such private behavior as gambling, prostitution, homosexuality, drunkenness, and marijuana smoking. We thereby clog the courts, the jails, and thereby weaken our ability to use these weapons against the crimes of robbery, murder and burglary, which concern us all so much more.

Consider, if you will, a theory which suggests that a society strives to keep a constant proportion of its population imprisoned. If that proportion gets too large, then the society would have to build more jails, and it may not be willing to pay that expense. Or it may not want to see so large a segment of the population identified as ultimate deviants. On the other hand, if the proportion in prison gets too small, then the society would not want to appear excessively permissive, and sends more people to prison. If that theory is correct, then with all the increase in arrests, the courts and corrections must find means of dropping people out of the system through legal technicalities, through nolles, through acquittals and dismissals, through probation or other community treatment, and through shorter sentences or earlier parole.

The evidence, in fact, does seem to indicate that the United States does have such a stable imprisonment rate (about 100–120 per 100,000 population). And we are finding more and more means to avoid imprisoning the greatly expanded number of arrested individuals. Perhaps this lies at the heart of much of the conflict between the police and the rest of the system. Perhaps people have been getting worse, or perhaps the police are merely resorting more often to the formal mechanism of arrest rather than the informal lecture many of us received as boys. Perhaps we must finally clear up our criminal laws to focus them on those issues that concern us most, and not to mock them by appearing to apply them where they are ineffective and where they may well do more harm than good.

I recognize that changing such concepts is a long, slow, difficult process. How many legislators are willing to come out "for" adultery or gambling or prostitution? And changing the relationships within the criminal justice system is similarly difficult. Our perceptions to crime and criminals seem impervious to the knowledge that most people commit crimes and most males will get arrested. The component agencies of the system still seem to be working more in conflict than in concert. The institutions within the criminal justice system have been specific targets of the entire LEAA program. Nevertheless, one would have great difficulty identifying where there have been significant positive improvements as a result of the LEAA program. We can only hope that, as the program significantly expands this year with the infusion of a half billion new dollars, that significant forces for innovation and change will be gathered. I must confess that I am not overly optimistic. How much can we expect with an investment of 0.1 per cent of criminal justice budget in research, 1/30th that which any responsible corporate executive would spend in improving his operations.

MAKING CONGRESS MORE EFFECTIVE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. HALPERN. Mr. Speaker, I commend to you a report by the Committee for Economic Development, entitled "Making Congress More Effective," which was released to the public today.

This report by a most prestigious organization is the result of a long study into the role and operations of the Congress. Many of its conclusions and recommendations are good, many are thought-provoking, and a few I might disagree with—but all of them are so vital to the operations of this body that I believe everyone should read this document.

At this time, I am inserting in the RECORD a summary of the conclusions and recommendations by the CED. I think you will agree that a study of the entire document is very worthwhile:

Summary of Conclusions and Recommendations

Facing issues of unprecedented magnitude and scope, Congress—like most other human institutions—is reluctant to modify its long-established, habitual ways of doing business. Continuing delay in modernization of Congressional structures and procedures, however, will surely be injurious to the national interest and can lead only to further erosion in influence and effectiveness of the Legislative Branch.

Recognizing the complexities and obstacles standing in the way of change, we have limited the recommendations in this statement to proposals designed to overcome weaknesses without undertaking a complete remodeling of the present system. No further reference is made, for example, to the possible substitution of multi-member for single-member districts in the House of Representatives, or to changes that would require amendment of the Constitution.

In the following chapters we advocate significant modifications that are both pragmatic and immediately practicable, dealing with three separate though interrelated fields of action. *First,* we urge fundamental improvements in the Congressional handling of fiscal-economic decisions. *Second,* we propose readjustment of the entire committee structure and of the procedures associated with it. *Third,* we strongly support divestment by Congress of inessential and unsuitable administrative burdens, together with other measures that would strengthen public confidence in its objectivity.

The present Congressional approach to fiscal affairs is indefensible. When budget decisions are extended long past the beginning of the fiscal year for which they are intended, when there is no Congressional mechanism to tie revenues and appropriations into a coherent pattern, when no legislative procedure exists to initiate actions based on a comprehensive view of the economy, then national stability is endangered. When Congress permits its evaluation and oversight of programs to be carried out in ways that allow the continuance of obsolete programs and the wasteful management of potentially useful ones, then both the credibility and the effectiveness of the entire national government are seriously harmed. To correct these conditions we recommend that:

Means for comprehensive review of the annual budget be established and used, relating to total revenues and expenditures to the state of the economy.

Annual authorizations be discontinued; instead, authorizations should be made along programs and project lines fully funded, for minimum terms of four years.

Evaluation of program performance, in terms of objectives as well as dollars, be heavily stressed.

The federal fiscal year be changed to coincide with the calendar year, so that appropriations may always precede expenditures.

Congress establish and observe deadline dates for both authorizations and appropriations.

The committee system has the crucial role in Congressional decision making. As it now operates, however, decisions are fragmented; problems demanding a broad policy approach are handled in piecemeal fashion and hence poorly by the many autonomous committees and their innumerable subcommittees. These committees carry out much of their work in obscurity or secrecy which can be and often is maintained—even against the inquiries of other Members—in defiance of the elementary tenets of democracy. Through the assignment system that determines their makeup, and by means of restrictive procedures, committees can be dominated by small groups of Members with special interests held in common—or even by the desires of a powerful and autocratic chairman. These conditions prevent Congress from making open and effective response to urgent national needs. Therefore, we recommend:

Fewer standing committees, with broader jurisdiction for each.

Better use of joint and select committees.

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More flexible subcommittee arrangements, with rotating chairmanships.

Abandonment of seniority as the sole criterion in selecting committee chairmen.[1]

Democratized procedures, with many more open hearings.[2]

Better informational and analytical resources for committees.

There is no doubt that there has been an erosion of popular respect for Congress. This is injurious to the nation as well as to Congress as an institution. Citizens are now insisting that every level and branch of government become more responsive, more open to the demands of all the people, more attuned to current priorities, and less bound by traditional approaches or endless red tape. In the face of these trends Congress has appeared to fold in upon itself. Its endless involvement with minor details of administrative management and its open and attentive solicitude for special interest groups contrast with its negative reaction to many concerns of the general public. Prompt action on several fronts is needed to restore public trust. Hence, we propose:

Relinquishment of detailed direction of all administrative functions unsuited to management by a legislative body or by any committee of such a body.

Stronger "Codes of Ethics."

Assurance of majority rule on major issues in both chambers.

Installation of modern voting procedures which would eliminate the secrecy surrounding teller, standing, and voice votes in the House of Representatives.

Thorough reform of campaign finance, with full disclosure and tax incentives for contributions.

Prohibition of committee meetings while sessions of the chamber are in progress.

Acceptance of these recommendations would do much to improve Congressional operations and to enhance the Congressional image.[3] Fortunately, there are no legal barriers to their adoption; changes in House and Senate rules, modification of outmoded customs, or statutory enactments in some few cases, would suffice. The Members can make the necessary changes whenever the majority chooses. Congress has considered and debated many of them in recent years, so far to little or no avail.[4] It is now time to correct obvious weaknesses. The defects of Congress are not congenital; its wounds are self-inflicted.

WHY THERE ARE SOME SAVINGS AND LOAN REGULATORY AMENDMENTS IN THE FORTHCOMING OMNIBUS HOUSING BILL

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mrs. SULLIVAN. Mr. Speaker, the omnibus housing bill on which we are to vote in the Banking and Currency Committee next week, H.R. 19436, now contains a number of amendments based on recommendations of an ad hoc Subcommittee on Home Financing Practices and Procedures which it was my privilege to head as chairman. This subcommittee had investigated conditions in inner city residential real estate transfers, primarily in the District of Columbia, and found some serious abuses involving federally insured savings and loans.

The full text of the report of the ad hoc subcommittee was printed in the CONGRESSIONAL RECORD of July 31 at pages 26880–26889.

The amendments agreed to in the Banking Committee to the omnibus housing bill last week, to carry out some of the unanimous recommendations of the ad hoc subcommittee, relate to the authority of the Federal Home Loan Bank Board to regulate conflicts of interest by officials of savings and loans; making it a Federal crime to submit false statements or claims in applications for loans from federally insured savings and loans; bringing all federally insured savings and loans in the District of Columbia under the clear authority of the Home Loan Bank Board for regulatory purposes even if they are not federally chartered; and setting up a new office of Assistant to the Secretary of the Department of Housing and Urban Development to assist nonprofit organizations to find their way through the maze of paperwork in participating in special programs of housing assistance for low-income families.

Another proposal from the ad hoc subcommittee prohibiting the use of straw parties in real estate transactions except under clearly defined circumstances has not yet been acted on in committee and may be offered on the floor instead because of the parliamentary situation in the committee on the omnibus bill, which is now ready for final action.

UNANIMOUS RECOMMENDATIONS OF AD HOC SUBCOMMITTEE

These five proposals were part of a series of suggestions for improvement of home financing practices made by the ad hoc subcommittee which also included Representatives HANLEY, BRASCO, and MIZE.

In our proposal for strengthening the powers of the Home Loan Bank Board in regulating conflicts of interest in insured savings and loans, we cited the importance of setting standards for appraising, as well as more effective limitations on the borrowings of any single individual from an insured savings and loan. We dealt also with the provision of goods or services to savings and loans by officers or directors of the association, or by close relatives or business associates. But the amendment does not itself try to write such standards.

Mr. Speaker, for a recent explanation as to why these reforms are needed, I submit for inclusion in the RECORD the text of a talk I gave on September 11 to the Greater St. Louis Savings and Loan League, as follows:

ADDRESS BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, OF ST. LOUIS, MO., MEMBER, HOUSE COMMITTEE ON BANKING AND CURRENCY, AT GREATER ST. LOUIS SAVINGS AND LOAN LEAGUE MEETING, CHESHIRE INN, ST. LOUIS, MO., FRIDAY, SEPTEMBER 11, 1970, AT 12:15 P.M.

Whenever I meet with officials of the savings and loan industry, which is often, the conversations seem to reflect what I believe the psychologists refer to as the "love-hate" relationship—they "love" me for what I have done *for* the home-building industry and for the savings and loans through my work as a ranking Member of the House Committee on Banking and Currency, and they "hate" me for some things they feel I have done *to* them, or about to do to them.

As the Committee Member who successfully offered the amendment which increased the insurance of bank deposits and savings and loan share accounts from $10,000 to $15,000 some years ago, and as the sponsor of the provision in the 1969 Act which subsequently raised those limits to $20,000, I have received many expressions of appreciation from your industry. And, as most people in the savings and loan field in Missouri know, it was a bill which I introduced about five years ago—after the problem was called to my attention by the Missouri League—which led to the enactment of the Savings and Loan Holding Company Act of 1966. And, for that, too, I have received many thanks. Also, as most of you know, I have helped to write many new provisions of the housing laws which have benefitted savings and loans, as well as home-buyers.

On the "hate" side, however, I have these possible demerits: I opposed, first in the National Commission to Study Mortgage Interest Rates, and then in the Banking Committee and in the House-Senate Conference Committee, the proposal to eliminate all ceilings on FHA-VA mortgage interest rates. I was also against the $250 million subsidy to the savings and loans contained in the Emergency Housing bill, but because of other things in the final version of the bill, I did join in getting it out of Conference with that provision in it, and supported its passage on the House Floor—but I'm not in sympathy with that particular subsidy because I think there are better ways of getting mortgage money out to the moderate income family in a manner which would be less costly to the Treasury and which would have the desirable effect of pressuring interest rates down instead of up. Nevertheless, my position on this subsidy to the savings and loans probably made some of you unhappy.

SOME DEFICIENCIES IN AN IMPORTANT INDUSTRY

In addition, as chairman of a special subcommittee which investigated the practices of some savings and loans in the District of Columbia which were guilty of scandalous practices in financing the predatory activities of a number of speculators in slum real estate, I raised some questions about insider-deals, connivance on fictitious straw party deals and false appraisals and other abuses, which were by no means restricted to the District of Columbia. Our Ad Hoc Subcommittee report undoubtedly was a major factor in the issuance by the Federal Home Loan Bank Board recently of proposed regulations on conflict of interest that I know the industry feels are tough.

So there is some grumbling in my direction and some of the savings and loan people have been saying to each other "Look what that Congresswoman Sullivan has done to us."

In accepting your invitation to meet with you today, I have not come here to "love" you or to "hate" you, but to discuss candidly with you what you and I, and all others who believe deeply in the vital importance of the Federally-insured savings and loans to the home financing industry in this country, can do to improve the health and strength of this great financing mechanism so that you can do an even better job for the home-buying public in the future than has been done in the past. You have been instrumental in converting the American people from a nation of renters to one of home-owners; without your industry, there would today be no such progress toward giving the

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[1] See Memorandum by Mr. Herman L. Weiss, page 61.

[2] See Memorandum by Mr. Sydney Stein, Jr., page 61.

[3] See Memorandum by Mr. Richard C. Gerstenberg, page 62.

[4] See Memorandum by Mr. Joseph L. Block, page 63.

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great majority of our families a financial stake—an equity—in their own housing; without your Associations the achievements of the last 25 years in the home-building field could never have been realized.

All of you here are already quite aware of the contributions of the savings and loans to these great achievements. In mentioning them now, I want to make sure *you* know that *I also* recognize those achievements and want to see them expanded.

But in taking such an interest in your work and in your worthwhile activities, I have also had occasion to learn about some of the glaring deficiencies in the savings and loan field, too. Assuming that all of you are running your own institutions with the highest degree of integrity and fairness and good practice, you must nevertheless be made aware, if you are not already, of the fact that not all of the associations are living up to their charter responsibilities and obligations.

And to the extent that some associations are bringing discredit, or even disgrace, upon the savings and loan concept, the well-run S&L's can be the innocent victims of restrictions aimed not at them but at those who do wrong.

CONFIDENCE OF INVESTORS ESSENTIAL

I am reminded of the days long ago when bank deposit insurance was first proposed and many bankers bitterly opposed government interference with their activities. But after the financial bloodbath of the Depression which destroyed many good banks as well as some which were not so good, deposit insurance became the key to public confidence in the banking system, and no bank today would have much success in attracting deposits without the government guarantee of the safety of the funds.

The insured savings and loans have also prospered over the years because of the *confidence* of depositors in the integrity of the system, particularly after scandals in Maryland and elsewhere led to vast losses of depositors' funds in savings and loans which were not part of the Federal Home Loan Bank system or insured by the Federal Savings and Loan Insurance Corporation.

Thus, even with all of the disintermediation which occurred—with all of the shopping around which took place by some investors for the top quarter-percentage point of interest on time deposits, there are nevertheless millions of Americans who have never touched their S&L savings accounts and who, in fact, added to their savings in your institutions during all of this chaotic period, because they had *complete confidence* in the safety of their funds.

This is your major stock-in-trade—your integrity. And anything which disturbs or challenges the public's confidence in the integrity of your institution is bad for this industry.

Unfortunately, some officials of some savings and loans seem to believe that the savings and loan business does us all such a favor by reason of merely existing that no one should dare exercise the right to question anything done by the people who run any savings and loans.

NOT JUST ORDINARY BUSINESSES

Well, of course, any legitimate business has a right to exist in this country and to run its affairs generally as its owners see fit. But the insured Federal savings and loans which are part of the Home Loan Bank System are not just ordinary private businesses—they are endowed with certain rights and certain obligations which are not extended to most other businesses. They are supposed to be member-owned and member-operated. But in a great many instances, this idea of mutual ownership and control is something of a fiction—the shareowners may own the assets of the association, but the professional managers of the association run the association as if it were their own private business. Now that the Home Loan Bank Board is proposing more membership democracy in the associations, we are told this will destroy the savings and loans—that the managers must continue to have a free hand to make all the decisions without interference from "outsiders," as in the case of a closely held family corporation.

Perhaps there are provisions of the proposed conflict-of-interest regulation issued by the Board which are unworkable or unnecessary, but I don't see how any one could object to the idea of actually notifying your members—your owners—of the annual meeting, or of any other membership meetings, instead of just having them sign a proxy card at the time of joining the association and never even knowing what it was.

When a mutually-owned association backed by the Federal Government becomes largely the extension of the business personality of one man, or of one small group of closely allied businessmen all doing business with each other and with the association and using the association primarily to further their own private business objectives, then I think the rest of us have to become deeply concerned over the legitimacy of that whole enterprise. We shouldn't have to wait for the association to get into serious financial hotwater before doing something to conserve the assets and protect the depositors and the public. With that seal on the door attesting to Federal insurance and supervision, the association is not anyone's private business preserve, to do with as he sees fit.

THE GAP IN DISTRICT OF COLUMBIA REGULATION

In Washington, there was a somewhat peculiar local situation in that most of the savings and loans, and particularly those which were in serious financial trouble, were Federally insured but not chartered. There is no local governmental regulatory agency. So, really, *nobody* was looking over their shoulders until the deals they were making with slum-area real estate speculators, in which large amounts of association funds were involved, suddenly went sour because of the consequences of tight money. And the Federal Savings and Loan Insurance Corporation found itself the embarrassed possessor of some properties you and I wouldn't in one hand and a mask to breathe through and filter out the smell. These squalid properties had been mortgaged for far more than their real value, and when tight money put the squeeze on the speculators who had used savings and loan funds to buy them up, the bottom dropped out of the whole scheme—the bubble burst—and the Federal Government was left holding the bag, or rather the bricks and mortar of some awful tenements.

More serious was the victimization of many low-income families who had purchased single-family residences at greatly inflated prices from speculators who had the inside track to savings and loan financing and who, in some instances, had actually done the "appraising" for the savings and loan from which they had borrowed the excessive mortgages.

When we checked into some of these individual loans, and were horrified by the facts we uncovered, the responsible leaders of the savings and loans industry in the District of Columbia told us they had been aware of what was going on in some of the badly-run associations, had complained about it to the Home Loan Bank System, and had urged that steps be taken to stop this kind of practice. The solution utilized by the Board was to merge one of the insured non-Federal savings and loans which had been guilty of the worst practices into a Federal institution so that the insured depositors could be protected, meanwhile having the Federal Savings and Loan Insurance Corporation take over the worst loans involved in this scandal so that the successor association would not be stuck or hurt by them. We were told that tight money had ended the schemes of the speculators, and that the cease-and-desist powers we gave the Board in 1966 could help provide leverage against future abuses of this nature by any Federally insured institutions. Perhaps so.

SOME OF THE THINGS WE FOUND IN AD HOC SUBCOMMITTEE INQUIRY

But it was a revelation to us that there are no realistic standards for the qualification of appraisers who judge the value of property on which insured savings and loans extend mortgages; there were no efforts being made to stimulate share-owner participation in the work of the institutions they presumably own; there were no restrictions on fictitious straw party deals which inflate the alleged sales price of a property; there were no real guidelines on the legitimacy of transactions between the relatives or associates of directors and the associations on whose boards the directors serve; there were altogether unrealistic limits, which were practically no limits at all, on the percentage of a savings and loan association's assets which could be lent to one individual; and there was virtually no interest on the part of most of the savings and loans in the District in lending mortgage funds directly to home-buyers in the District itself, even FHA-insured or VA-guaranteed mortgages. In the inner city area, the avenue to a savings and loan mortgage was often through the slum property speculator—he was able to obtain a loan which the individual family could not obtain in many instances from the same association, and then he transferred the mortgage to the low-income family after skimming off his substantial profit.

These were actual cases we found and documented. We were particularly appalled because we had been instrumental in developing many new programs for extending home ownership opportunities to low income families and our fear was that without adequate supervision and investigation, these programs would become new avenues for speculative windfalls. And I think you all know that this has happened to an alarming extent in some of the Section 235 programs, not only in Washington, D.C., but all over the country.

TIGHTENING CONFLICT OF INTEREST REGULATORY AUTHORITY

It was in the light of these disclosures that the Federal Home Loan Bank Board is moving now to tighten up on its own conflict of interest regulations and to ask for additional powers from Congress, including the power to make it a criminal offense to inflate fictitiously the value of a property, through fake sales or other devices, for the purpose of increasing the amount of a mortgage issued by a Federally-insured institution.

I understand that there is a great deal of unhappiness among the Federally chartered institutions over the proposed new regulations, not just the limitations placed on the directors and officers in their own business transactions with the association they run, but the requirement that members of the association be enabled in a practical manner to have some say about the policies of their associations. Either these are mutuals, as they are supposed to be, or are the private businesses of a few professional savings and loan managers. It seems to me that the stock corporations which operate in the savings and loan field have to tell their stockholders a good deal more about the structure of the company than the officials of some of the Federally chartered ones seem

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to feel is necessary to tell their member-owners.

So I am curious as to what all the outcry is about. Instead of my coming here to give you a report on what some agency of government is planning to do—and you can get all of that information from the Board and your own trade association experts—I believe it might be more useful to you and more helpful to me if we could turn this into a discussion rather than a speech: you people tell me—because I am in a position to do something about it if you can convince me one way or another—you tell me what there is about this proposed conflict of interest regulation which is oppressive or destructive to the objectives of the savings and loan system.

As you may know, our Subcommittee proposed giving the Board substantially greater power in this field of issuing regulations, in order to prevent the kind of situations which developed in Washintgon and elsewhere, situations in which public confidence in the integrity of all savings and loans is inevitably jeopardized.

Your associations are too vital a part of our economy, and of the social objectives of our nation for decent housing for all families, to permit a few bad apples to contaminate public confidence in the whole system. What do we do about it?

MARYLAND SOLDIER DIES IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. LONG of Maryland. Mr. Speaker, Sp4c. James M. Kozlowski, a courageous young man from Maryland, died recently in Vietnam. I should like to honor his memory by including the following article in the RECORD:

XUM

J. M. KOZLOWSKI, 21, DIES IN VIETNAM

An Army radioman from Overlea has died in Vietnam from wounds he received in the explosion of an enemy booby trap, the Department of Defense announced yesterday.

Spec. 4 James M. Kozlowski, 21, of 4100 Overlea avenue, died in a Saigon hospital on August 25 as the result of infection of a shrapnel wound in his stomach.

Specialist Kozlowski was on patrol in the Mekong Delta August 12 when he was struck by the booby trap explosion. Doctors amputated both legs and his left arm at the elbow in an attempt to save his life.

COMPLETED TRAINING

A member of Company B, 9th Infantry Division, he had been in Vietnam since April 27. He was drafted into the Army April 11, 1969.

He completed his basic training at Fort Bragg, N.C., and his advanced training at Fort Dix, N.J.

Specialist Kozlowski was born in Rosedale. After his graduation from City College in 1967, he worked as an electrician with the Baltimore Gas and Electric Company. He had planned to return to his job after completing his service in the Army.

Specialist Kozlowski is survived by his wife, the former Mary Ellingsworth; his parents, Joseph and Agnes Kozlowski, of Baltimore; three sisters, Mrs. Frances Beaver, Mrs. Connie Luzadder, and Mary Kozlowski, all of Baltimore; four brothers, Raymond Kozlowski, Robert Kozlowski, Joseph Kozlowski, all of Balimore, and Richard Kozlowski, of Virginia Beach, Va.

TESTIMONIAL TO JUDGE ALFRED A. NOYES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1970

Mr. GUDE. Mr. Speaker, on Saturday, September 12, Judge James C. Gulotta of the Orleans Parish Juvenile Court, New Orleans, La., was guest speaker on the occasion of a testimonial dinner in Rockville, Md., in recognition of Judge Alfred A. Noyes, for juvenile causes, of the People's Court in Montgomery County, Md.

Judge Gulotta's remarks on this occasion express the deep regard and affection which we in Montgomery County hold for Judge Noyes and, therefore, I insert Judge Gulotta's remarks in the RECORD.

TESTIMONIAL TO JUDGE ALFRED A. NOYES

(Address by Judge James C. Gulotta)

Mr. Chairman, distinguished guests, distinguished judges, ladies and gentlemen, may I express to you my sincerest thanks and appreciation in honoring me by inviting me to say a few words about a person for whom the highest esteem is felt by me personally and by the National Council of Juvenile Court Judges and the National Juvenile Court Foundation.

It is fitting that we in the National Council of Juvenile Court Judges and National Juvenile Court Foundation are asked to participate in this testimonial dinner because we feel that Bud has been the pillar upon which the entire National Council has stood for many years and blossomed from a knife and fork association for judges to an outstanding judicial training organization dedicated to the improvement in the effectiveness and integrity of the judiciary, Bud Noyes organized, guided, and led this group from its inception to its present position.

Bud Noyes came to the Bench in the year 1946. He held the position of President of the National Council of Juvenile Court Judges in 1960–61. He was Chairman of the National Juvenile Court Foundation in 1967–68. He is at present a Trustee and Treasurer of the Foundation. Bud was given the Distinguished Service Award in Atlanta, 1970, by the National Council of Juvenile Court Judges as the nation's most outstanding judge who has made the greatest contributions to the Juvenile Court System and juvenile justice. Bud has published many articles for the National Council of Juvenile Court Judges and for the National Council on Crime and Delinquency.

These accomplishments are not unusual for Bud because he makes every group, every organization, and every person feel that their cause and endeavor, their aims and their purposes, are the causes to which he also is enthusiastically dedicated. While we feel that Bud belongs to us, and while I personally feel that Bud is one of my closest friends, all with whom he has become associated jealously feel that he belongs to them. You feel this tonight. He is yours to honor. But let me say that Bud Noyes has reached the pinnacle in the judiciary not only on a national level, but also on an international one to such an extent that he is the recognized leader among judges of this nation and of the world. He epitomizes to them and to us one that possesses the highest attributes in every respect that a judge could have. Bud makes me and the national judges proud that we are judges.

I say these things not casually, nor courteously, not without meaning. I say these things because I have had the opportunity as you have to work with this distinguished gentleman under stress and in delicate situations.

I came to the National Council of Juvenile Court Judges as a new judge, starry-eyed and awed by the association with elder, established, and highly regarded jurists. It took me little time to seek the wise counsel of Bud Noyes. It took me little time to observe the high regard that all judges and persons who occupy high positions have for this outstanding man. Bud is universally regarded as an outstanding astute and learned jurist.

Though a few years separated Bud from myself and though a few years of experience separated Bud from me, I immediately felt and continue to feel a close affinity to him. I felt that we are contemporaries and the most outstanding tribute that I can pay to Bud, and his are many, is that all persons, no matter what age group they find themselves, no matter what station in life fate has befallen them, Bud is their contemporary. Bud is their friend. Bud is their leader. This is true of the new judges of our organization. This is true of the older judges. All come to him to seek counsel and advice. None are turned away.

I have been the beneficiary of his wise judgment on several occasions, more than I can probably remember. I often wonder whether sometimes I should feel that I too often look to him for solutions to problems rather than solve them myself. This gentleman's ability, depth, and sound judgment comes to the forefront when the situation becomes most delicate. Just a few short weeks ago we were in Geneva, Switzerland, together at an international meeting of judges. Gathered there were representatives from just about every nation in the world. We were cognizant of our responsibility to our judges at the international meeting of judges and to our nation.

As you might expect, different concepts, different methods of doing things, as well as language barriers, led to misunderstandings and serious disagreements which, if not judiciously handled, could cause severe repercussions. Impressions of an unfavorable nature for the American jurists, for the American public official, and of America itself might have and could have resulted. The politics of the international groups was somewhat difficult for us to understand at a time when relationships between the American delegates and some of the other delegates were possibly becoming strained because we just did not understand each other's point of view. Bud, in a caucus of our judges, as usual, calmed the waters, offered solutions and courses of action, which, when adopted by us, appeared to be simple, yet were well thought out. This is his capacity to take the most complicated problem of a delicate nature and untangle it into a simplified solution. Needless to say, we, the American delegation, received more consideration from the foreign judicial delegates because of Bud's suggestion than we had ever hoped.

I could cite many examples of this gentleman's deep analytical ability and profound mind. Bud never ceases to amaze me. He never ceases to amaze others, and I am certain that he never ceases to amaze you.

I have had the opportunity and the honor to attend many testimonial dinners. None has given me more pleasure than the invitation extended to me to this one. Though Bud is highly regarded because of his forthright honesty and integrity possessed by few men and is considered a giant among judges, nevertheless he has a sense of humor and soundness and that reduces mountains of problems to avenues of progress.

More important than all of these is his

sincere desire to help persons less fortunate. His consideration for the children and people he serves is paramount. In every deliberation, Bud's primary concern is the effect that these deliberations will have upon the children who appear in his court or in any other court in our land. I have yet to feel that Bud has ever lost sight of his and our responsibility to the children who need our help and the help of all who serve the cause of juvenile justice.

In closing, may I say to you, Bud, and to your lovely wife that I hope and trust that you will enjoy your retirement and that you get to do all the things you thought and hoped you wanted to do but had little time to do. I hope and trust that we may enjoy the benefit of your continued counsel and advice.

All who know you love you, Bud, and I say with deepest affection, sincerity, and conviction that this world is a little better place because you walked by. God bless you and good night.

CIA IN CHILE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. SCHMITZ. Mr. Speaker, an interesting letter appeared in the New York Times today counseling against CIA plotting in Chile. For my colleagues who are not familiar with the background of the author of this letter, I include at this point a short sketch drawn from a staff study prepared for the Senate Internal Security Committee entitled "the Anti-Vietnam Agitation and the Teach-In Movement," 89th Congress, first session, Document No. 72, printed in 1965. Letter and sketch follow:

CHOICE IN CHILE

To the EDITOR:

A proposed Marxist, Dr. Salvador Allende, has received the plurality of votes in the recent presidential election in Chile.

It would be fitting for all adherents of free democratic elections to see to it that the C.I.A. does not repeat its past performances in Guatemala, Santo Domingo and Bolivia by endeavoring through underground intrigue—or *coup d'etat*—to nullify the democratically expressed wishes of the people of Chile.

ANTON REFREGIER.

WOODSTOCK, N.Y.

ANTON REFREGIER

Under date of May 9, 1965, the pamphlet "National Teach-In on the Vietnam War," May 15, 1965, lists Anton Refregier, artist, as a supporter. His record follows:

Anton Refregier is listed as a sponsor of the American Peace Mobilization (official program of the American People's Meeting of the American Peace Mobilization, Apr. 5, 1941). The American Peace Mobilization has been cited as Communist by the Attorney General.

Anton Refregier is listed as a sponsor of the Arists' Front To Win the War and as a supporter of the American Artists' Congress (folder, Artists Front To Win the War, mass meeting Oct. 16, 1942, Carnegie Hall). The Artists' Front To Win the War has been cited as subversive by the House Committee on Un-American Activities.

The name of Anton Refregier appears on a list of persons affiliated with the John Reed Club who signed a protest against alleged anti-Communist propaganda (New York Times, May 19, 1930). The John Reed Club has been cited as subversive by the House Committee on Un-American Activities. John Reed was a founder of the American Communist Party.

The name of Anton Refregier appears in a list of artists calling for an American Artists' Congress (Art Front, November 1935, p. 6). The American Artists' Congress has been cited as subversive by the California Committee on Un-American Activities.

The name of Anton Refregier is listed as a sponsor of the National Council of American-Soviet Friendship, Inc. (undated leaflet). The National Council of American-Soviet Friendship, Inc., has been cited as subversive by the Attorney General and the House Committee on Un-American Activities.

The name of Anton Refregier appears on a letter to the President protesting what was described as "the badgering of Communist leaders" (New Masses, Apr. 2, 1940, p. 21). New Masses has been cited as a Communist periodical by the Attorney General.

Anton Refregier is listed as a contributor to a book of drawings under the title of "Winter Soldiers" in defense of certain Communist teachers then under charges of Communist activity ("Winter Soldiers," June 17, 1941).

Anton Refregier returned in May 1965 from a visit to the Soviet Union and Communist East Europe. The Worker of May 18, 1965, page 6, announced that he was to speak about his journey at the Philadelphia Social Science Forum, which is an adjunct of the Philadelphia School of Social Science and Art, which has been cited as subversive by the Attorney General.

The signature of Anton Refregier, member of the United American Artists, appears on a letter to FDR urging help to U.S.S.R. (Daily Worker, Sept. 16, 1941, p. 7.)

The name of Anton Refregier, mural painter, appears on a list of persons requesting the President to exert his influence to end an attack on the freedom of the press with specific reference to the New Masses. (New Masses, Apr. 2, 1940, p. 21.) New Masses has been cited as a Communist periodical by the Attorney General.

SENATE—*Friday, September 25, 1970*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, at this moment so turbulent without and tense within, we pause in this Chamber importuning Thy vivid presence to quiet our spirits, restore our souls, clarify our minds, and direct our energies toward the completion of our task.

O God, help us to stand here in the full stature of our manhood, men created in Thy image, vested with eternal value, and destined to serve Thee. In these strenuous, wearisome, and aggravating days deliver us from all pretense and posing, from all pettiness or littleness, from all rudeness or revenge—that we may quit ourselves as men of God—full of wisdom and faith—humble servants of that kingdom which is always coming but not yet here.

Receive us and use us this day and evermore.

Through Him whose love never ceases. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON RADIATION CONTROL—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with Section 360D of the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602), I am herewith transmitting to you the second annual report on the administration of this Act.

This report was prepared by the Environmental Health Service of the Department of Health, Education, and Welfare.

RICHARD NIXON.

THE WHITE HOUSE, *September 25, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Daniel H. Huyett III, of Pennsylvania, to be a U.S. district judge for the Eastern District of Pennsylvania, which was referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 24, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Public Works; the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs; the Subcommittee on Small Business of the Committee on Banking and Currency; and the Committee on Labor and Public Welfare all be authorized to meet during the session of the Senate today.

Mr. BAYH. Mr. President, pursuant to the rather extensive discussion of my reasons on yesterday, I respectfully and with great reluctance nevertheless am required to object to the requests of the distinguished Senator from Montana.

XUM

The PRESIDENT pro tempore. Objection is heard.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. ARMY

The assistant legislative clerk read the nomination of Maj. Gen. John Norton, to be a lieutenant general.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

XUM

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE NAVY AND IN THE MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Navy and in the Marine Corps which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PERMISSION FOR SENATE EMPLOYEES TO TESTIFY IN FEDERAL COURT

Mr. MANSFIELD. Mr. President, on a most important and unusual matter, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I should like to call on the distinguished Senator from Arkansas (Mr. McCLELLAN) for an explanation of the resolution.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, this resolution, which has been approved by a majority of both the Committee on Government Operations and the Senate Permanent Subcommittee on Investigations, would permit certain staff employees of the subcommittee to testify in pretrial proceedings and in the trial of a civil action in U.S. District Court for the District of Columbia.

The events which resulted in the preparation of this resolution are the following:

First. In the course of its investigation this year of bombing and terrorism in the United States, the subcommittee discovered that a man named Thomas W. Sanders, the business manager and a member of the editorial board of the radical magazine Black Politics was believed to possess significant information about certain written material on the procurement and use of bombs and other terroristic weapons. On July 1, 1970, I issued a subpena, which was subsequently duly served, requiring Sanders' appearance to testify before the subcommittee.

Second. On August 3, 1970, Thomas W. Sanders filed a civil action in U.S. District Court for the District of Columbia, listing as defendants the chairman of the subcommittee, all its members, and the general counsel. The complaint seeks temporary and permanent injunctions against enforcement of the subpena and a declaratory judgment that the subpena is null and void and that Senate Resolution 308, authorizing the subcommittee's activities, is void and illegal.

Third. Also on August 3, 1970, Sanders moved for a temporary restraining order, which motion was heard and denied on that date by U.S. District Court Judge William B. Jones.

Fourth. On August 4, 1970, after Sanders had appealed to the U.S. Court of Appeals for the District of Columbia, that court stayed compliance with and enforcement of the subcommittee's subpena, pending further order of the court of appeals to allow that court an opportunity to consider plaintiff's motion more fully and further ordered that the temporary stay should not prevent the Federal district court from proceeding expeditiously to hear Sanders' application for preliminary and permanent injunctions.

Fifth. Sanders' attorneys have requested pretrial interrogatories of certain staff employees of the subcommittee, scheduled for Monday, September 28, 1970, and have issued subpenas for the appearance of those staff employees.

Sixth. On Wednesday, September 30, 1970, a hearing on Sanders' motion for a preliminary injunction is scheduled by the U.S. district court, Judge Howard F. Corcoran presiding.

Mr. President, the resolution I have submitted is appropriate because the subcommittee has no authority to permit staff employees to testify or to disclose any information obtained in the course of investigations without the permission of the Senate.

However, Mr. President, the resolution is not a routine matter. The stay of enforcement granted by Judges Fahy and Wright of the U.S. court of appeals—Judge Tamm not participating—is the first such judicial action in the subcommittee's history of investigations, covering almost 24 years, and the subcommittee believes firmly that the order of the court represents an unwarranted abridgement of one of the basic principles of our governmental system—the separation of powers among the three branches of the Federal Government. As the resolution states, the right of the Congress to investigate for legislative purposes and to compel witnesses to appear and testify has always been upheld by the Nation's courts.

With that in mind, Mr. President, I would like to call attention to the final paragraph of the resolution, as follows:

> *Resolved*, That it is the sense of the Senate that the power of inquiry with process to enforce it is an essential and appropriate auxiliary to the legislative function, and that action by the courts which anticipatorily infringes upon or impedes the right of Congress to require the appearance of witnesses pursuant to its legislative powers, and thus stays contemplated Congressional action to be taken pursuant to its investigative processes violates the doctrine of separation of powers and would be an illegal and unwarranted infringement by the judicial branch upon the powers, responsibilities and duties of the legislative branch.

Mr. President, as I have stated, this is a resolution dealing with a court action in which an effort is being made to secure files, records, and documents from the Committee on Government Operations, which have not been made public, and have not yet been used or become a part of the public record. It is unprecedented for a court to undertake to do this.

Mr. President, I ask that the resolution be agreed to.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the resolution.

The resolution (S. Res. 471) was agreed to as follows:

S. RES. 471

Resolved, That neither the chairman of the Senate Permanent Subcommittee on Investigations, nor any of the subcommittee's members, nor the subcommittee's general council, nor any of its staff employees are to testify to or otherwise disclose in the aforementioned civil action any specific materials or information which may be in their possession which are not matters of public record; be it further

Resolved, That neither the said chairman, the said members, the said general counsel, nor any staff employees are to testify to or otherwise disclose any documents, records, correspondence, memoranda, and other written or verbal information in the possession of said individuals or of the subcommittee which are not matters of public record; be it further

Resolved, That the chairman of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations may designate and authorize any staff employees of the said subcommittee to appear and testify at proceedings in connection with the aforementioned civil action, but that such appearance and testimony of any such staff employees shall be limited to the contents of the public record of the open hearings of said subcommittee held in furtherance of the authority and direction given to the subcommittee under Senate Resolution 308 of the 91st Congress, second session, or to such matters relating to Senate Resolution 308 aforementioned which are matters of public record; be it further

Resolved, That it is the sense of the Senate that the power of inquiry with process to enforce it is an essential and appropriate auxiliary to the legislative function, and that action by the courts which anticipatorily infringes upon or impedes the right of Congress to require the appearance of witnesses pursuant to its legislative powers, and thus stays contemplated congressional action to be taken pursuant to its investigative processes violates the doctrine of separation of powers and would be an illegal and unwarranted infringement by the judicial branch upon the powers, responsibilities, and duties of the legislative branch.

The preamble was agreed to, as follows:

Whereas the case of Thomas W. Sanders versus John L. McClellan, et al., civil action numbered 2294–70, is pending in the United States District Court for the District of Columbia; and

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations has in its possession by virtue of Senate Resolution 308 of the 91st Congress, second session, certain information and evidence relating to an investigation dealing with Thomas W. Sanders and other persons; and

Whereas the aforementioned civil action numbered 2294–70 was filed in the United States District Court for the District of Columbia on August 3, 1970, at which time the plaintiff, Thomas W. Sanders, moved for a temporary order restraining the subcommittee from enforcing a subpoena ad testificandum and duces tecum issued by the Chairman of the Subcommittee and duly served upon said Thomas W. Sanders, which motion for a temporary restraining order was heard and denied by the said court; and

Whereas the plaintiff, Thomas W. Sanders, thereupon appealed to the United States Court of Appeals for the District of Columbia, which court on August 4, 1970, stayed compliance with and enforcement of the said subpoena pending further order of the Court of Appeals to allow the Court of Appeals an opportunity to consider plaintiff's motion more fully, and the United States Court of Appeals further ordered that the temporary stay should not prevent the United States District Court for the District of Columbia from proceeding expeditiously to hear plaintiff's application for preliminary and permanent injunctions; and

Whereas a hearing on plaintiff's motion for a preliminary injunction is now scheduled by the said United States District Court for September 30, 1970; and

Whereas certain staff employees of the Senate Permanent Subcommittee on Investigations have been subpoenaed by the plaintiff, by his attorneys, to appear and testify in connection with the subpoena issued by the chairman of the said subcommittee and duly served upon Thomas W. Sanders; and

Whereas the plaintiff by his attorneys, requests the chairman of the subcommittee, Senator John L. McClellan, and the members of the subcommitee, Senators Henry M. Jackson, Sam J. Ervin, Jr., Abraham Ribicoff, Lee Metcalf, Karl E. Mundt, Jacob K. Javits, Charles H. Percy, and Edward J. Gurney, and General Counsel Jerome S. Adlerman, to make certain admissions including admissions relating to their individual thoughts and philosophies on the meaning and interpretation of the First Amendment to the Constitution of the United States and upon the subject of freedom of the press generally; and

Whereas certain interrogatories addressed by the plaintiff, by his attorneys, to the defendants the chairman of the subcommittee, Senator John L. McClellan, Senators Henry M. Jackson, Sam J. Ervin, Jr., Abraham Ribicoff, Lee Metcalf, Karl E. Mundt, Jacob K. Javits, Charles H. Percy, and Edward J. Gurney, and General Counsel Jerome S. Adlerman, would require the disclosure of certain information and evidence relating to an investigation of Thomas W. Sanders and others, which information and evidence, if any, are in the files and other official records of the subcommittee; and

Whereas, for the first time in the subcommitee's history of investigations, covering almost 24 years, a United States court has seen fit to stay the subcommitee from enforcing a subpoena duly and properly served; and

Whereas the order of the court represents an unwarranted abridgement of one of the basic principles of our governmental system, the separation of powers among the three branches of the Federal Government; and

Whereas the right of the Congress to investigate for legislative purposes and to compel witnesses to appear and testify has always been upheld by the nation's courts; and

Whereas by the privilege of the Senate and by rule XXX of the Standing Rules of the Senate, information secured by staff employees of the Senate pursuant to their official duties as employees may not be revealed without the consent of the Senate.

ORDER FOR ADJOURNMENT UNTIL 12 NOON ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until the hour of 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY, SEPTEMBER 28, 1970, TO TUESDAY, SEPTEMBER 29, 1970, AT 12 NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, September 28, 1970, it stand in adjournment until noon on Tuesday, September 29, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that on Wednesday next, September 30, 1970, the Senate will convene at 10 a.m.

The PRESIDING OFFICER. The Senator is correct.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1224.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it it so ordered.

TEMPORARY EXTENSION OF FEDERAL HOUSING ADMINISTRATION'S INSURANCE AUTHORITY

The joint resolution (H.J. Res. 1366) to provide for the temporary extension of the Federal Housing Administration's insurance authority was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1206), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The resolution would provide for a temporary extension of 30 days for certain Federal Housing Administration insurance programs, which are presently under existing law, due to expire on October 1, 1970. This resolution would provide for a temporary extension of these programs until November 1, 1970.

The FHA programs which would be extended by the resolution are:

FHA title I home improvement program.

FHA general mortgage insurance authorization covering section 203 (single family sales housing) and section 207 (multi-family rental housing) and so on.

FHA section 221 program (housing for moderate income and displaced families).

FHA section 809 program (single family housing for civilians employed at certain research and development installations).

FHA section 810 program (multifamily rental housing for civilians and armed service personnel at certain research and development installations).

FHA section 1002 insurance authorization for mortgages for land development.

FHA section 1101 insurance authorization for mortgages for group practice facilities.

AMENDMENT OF THE EXPEDITING ACT

The Senate proceeded to consider the bill (H.R. 12807) to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes which had been reported from the Committee on the Judiciary with amendments on page 3, line 11, after the word "of", strike out "justice; or" and insert "justice."; after line 11, strike out:

"(2) the Attorney General files in the district court a certificate stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice; or

"(3) the district judge who adjudicated the case, sua sponte, enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice.".

And in line 20, after "(1)", strike out "or (3) or a certificate pursuant to (2)".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1214), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE AMENDMENTS

The purpose of the amendments is to provide that appeal from a final judgment in a civil antitrust action brought by the United States shall lie directly to the Supreme Court on a finding that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice by order of the district judge upon application of a party.

PURPOSE

The purpose of the proposed legislation, as amended, is to amend the Expediting Act so as to require that final judgments and interlocutory orders in certain civil antitrust cases if appealed, be heard by the circuit courts of appeals.

The bill would amend section 1 of the Expediting Act (15 U.S.C. 28, 49 U.S.C. 44) providing for a three district judge court in civil actions wherein the United States is the plaintiff under the Sherman or Clayton Antitrust Acts or certain sections of the Interstate Commerce Act, upon the filing by the Attorney General with the district court of a certificate that the cases are of general public importance. The proposal would eliminate the provision that a three judge court be impaneled. It would however retain the expediting procedure in single judge district courts.

The proposal would amend section 2 of the Expediting Act (15 U.S.C. 29, 49 U.S.C. 45) providing that appeal from a final judgment of a district court in any civil action brought by the United States under any of the acts covered by section 1 of the Expediting Act will lie only in the Supreme Court. Under the proposal only those cases of general public importance would be appealable directly to the Supreme Court and normal appellate review through the courts of appeals with discretionary review by the Supreme Court would be substituted therefor. An appeal shall lie directly to the Supreme Court on a finding that immediate consideration of the appeal by the Supreme Court is of general importance in the administration of justice by order of the district judge upon application of a party. The proposal also would eliminate the reference in existing law to expedition of civil cases brought by the United States under the original Interstate Commerce Act and subsequent statutes of like purpose.

STATEMENT

The Expediting Act became law in 1903, a time when the Sherman Act was relatively new and an untried method of restraining combinations and trusts. There was apprehension that the newly created system of courts of appeals, because of their supposed unfamiliarity with the new law and because of the additional time required by their procedures, would delay and frustrate the efforts to control monopolies. Responding to that concern the Attorney General recommended the expediting legislation and it became law after Congress approved it without debate.

One of the principal arguments offered in support of the proposal is to relieve the Supreme Court of the burden of hearing the numerous cases coming to it under the Expediting Act. Many civil antitrust cases require the Supreme Court to read thousands of pages of transcript from the district court. A question arises as to the adequacy of the review the Supreme Court can give to those cases in which there are voluminous trial records. Almost all the present Justices have, both in and out of Court, asked that these cases go first to the court of appeals. Some of the Justices are of the opinion that adherence to the customary appellate procedure would benefit the Supreme Court by reducing the numbers of matters presented to it. Further, having the initial appellate review in the courts of appeals would be of benefit to the litigants by refining the issues presented to the Supreme Court and also give litigants an opportunity of review of the district court decrees which are seldom reviewed by the Supreme Court under existing practice.

It is generally conceded that the existing law has permitted more expeditious determinations of civil antitrust cases but the factual situation prevalent when the law was enacted no longer obtains: dilatory practices, such as protracted delays in filing appeals, are not now available. Additionally, by permitting appellate review of preliminary injunctions more expeditious treatment of merger cases should obtain since the trial court's decision would be subject to an immediate review prior to a full-blown trial on all the issues.

The committee is of the opinion that the proposed legislation provides a suitable means of meeting the problems arising from the Expediting Act and would assure that the interest of all parties would be protected. Accordingly the committee recommends favorable consideration of H.R. 12807 with amendments.

LAWRENCE J. NUNES

The bill (S. 708) for the relief of Lawrence J. Nunes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) Lawrence J. Nunes of Pearl City, Hawaii, shall be considered for purposes of pay and other benefits to have received a temporary promotion to the position of foreman (leadingman) electrician (powerplant) at the United States Navy Public Works Center, Pearl Harbor, Hawaii, for the period from May 26, 1968, through June 21, 1968; and (2) the Secretary of the Navy shall pay to the said Lawrence J. Nunes a sum equal to the difference between the amount of the pay he received for such period and the amount to which he would have been entitled had he received such temporary promotion.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1212), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is that (1) Lawrence J. Nunes of Pearl City, Hawaii, shall be considered for purposes of pay and other benefits to have received a temporary promotion to the position of foreman (leadingman) electrician (powerplant) at the U.S. Navy Public Works Center, Pearl Harbor, Hawaii, for the period from May 26, 1968, through June 21, 1968; and (2) the Secretary of the Navy shall pay to the said Lawrence J. Nunes a sum equal to the difference between the amount of the pay he received for such period and the amount to which he would have been entitled had he received such temporary promotion.

STATEMENT

The facts of the case as contained in the report of the Department of the Navy are as follows:

The records of this Department show that Mr. Nunes is still an employee of the Navy Public Works Center, Pearl Harbor, Hawaii, and during the period from May 26, 1968, to June 21, 1968, he acted as foreman (leadingman) during the absence of the regularly assigned foreman. Through administrative error, the necessary documents to accomplish his temporary promotion for this period were not initiated and processed. Under decisions of the Comptroller General, it is not possible to retroactively promote an employee. For this reason, there is no corrective action available to the Department of the Navy. It should also be noted that Mr. Nunes had previously served and been paid as a foreman (leadingman) for service from August 6, 1967, to December 3, 1967.

The committee believes that the facts of this case are meritorious and accordingly recommends favorable enactment.

BILLS PASSED OVER

On request of Mr. Mansfield, and by unanimous consent, the following bills were passed over:

Calendar No. 1232, House Joint Resolution 1255, National Retailing Week; Calendar No. 1233, S. 3650, illegal transportation, use, or possession of explosives; Calendar No. 1236, S. 2348, Securities Investor Protection Act of 1970; and Calendar No. 1237, H.R. 17654, to improve operation of legislative branch.

VETERANS' HOUSING ACT OF 1970

The bill (H.R. 16710) to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans and for other purposes was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 16710 be stricken and that the text of S. 3656, the Senate companion bill as reported by the committee and which is on the calendar be substituted therefor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is as follows:

That this Act may be cited as the "Veterans' Housing Act of 1970".

Sec. 2. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Vet-

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erans' Housing Act of 1970 is hereby restored and shall not expire until used."

(c) Subsection (b) of such section 1803 is amended by striking out "1810 and 1811" and inserting in lieu thereof "1810, 1811, and 1819".

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by striking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, wherever".

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance an existing mortgage loan which is secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

"(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan to an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to veterans on such residential units when such loans meet those requirements of this chapter which he shall, by regulation, determine to be applicable to such loans."

SEC. 4. Section 1811 of title 38, United States Code, is amended—

(1) by striking out "1810" in subsections (a) and (b) and inserting in lieu thereof: "1810 or 1819";

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.";

(3) by striking out "1810 of this title" in subsections (c)(1) and (g) and inserting in lieu thereof "1810 or 1819 of this title, as appropriate";

(4) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the";

(5) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section."; and

(6) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

"(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

"(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

"(j)(1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for such builder or sponsor.

"(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place."

SEC. 5. (a) Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes and mobile home lots

"Eligibility for Loan Guaranty

"(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full or the security has been disposed of to a transferee and the Administrator, after determining that such requirements of section 1817 of this title as he determines, by regulation, to be applicable have been met, has released the veteran from all further liability to the Administrator with respect to such loan.

"Lot and Site Preparation

"(b) Subject to the limitations in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home; and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad, provided a first lien on such lot is obtained for the total loan amount.

"Automatic Guarantee of Certain Loans

"(c)(1) Any loan made to a veteran eligible under subsection (a) of this section, if made pursuant to the provisions of this chapter, by a lender of a class specified in the first sentence of section 1802(d) of this title, shall be automatically guaranteed by the Administrator if the loan is for the purpose of purchasing a new mobile home or if the loan is for the purchase of a used mobile home and such used mobile home is the security for a prior loan guaranteed under this section or is the security for a loan guaranteed or insured by another Federal agency. Any loan to be made for such purpose by a lender not specified in the first sentence of section 1802(d) of this title shall be submitted to the Administrator for approval prior to loan closing.

"Prior Approval of Certain Loans

"(2) Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made if such loan qualifies therefor in all respects.

"Payment of loan guaranty

"(3) The Administrator's guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In such accounting the Administrator shall allow the holder of the loan to charge against the liquidation or resale proceeds accrued unpaid interest to such cutoff date as the Administrator may establish and such costs and expenses as he determines to be reasonable and proper.

"Loan guaranty limitations

"(d)(1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and for the necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or site preparation or both, as determined by the Administrator.

"(2) The maximum permissible loan

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amount and the term for which the loan is made shall not exceed—

"(A) $10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only, or

"(B) $15,000 (but not to exceed $5,000 for lot acquisition) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitable lot on which to place such home, and

such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation. Such limitations on the amount and term of any loan, however, shall not be deemed to preclude the Administrator, under regulations which he shall prescribe, from consenting to necessary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of a loan.

"Loan guaranty requirements

"(e) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

"(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

"(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator;

"Interest Rate

"(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"Restoration of Entitlement

"(g) Entitlement to the loan guaranty benefit used under this section may be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full or the security has been disposed of to a transferee and the Administrator, after determining that such requirements of section 1817 of this title as he determines, by regulation, to be applicable have been met, has released the veteran from all further liability to the Administrator.

"Regulations

"(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations shall specify which provisions in other sections of this chapter he determines should be applicable to loans guaranteed under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans made or guaranteed under other sections of this chapter.

"Quality Standards

"(i) No loan for the purchase of a mobile home shall be financed through the assistance of this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. Standards prescribed by the Administrator relating to scenic and environmental conditions shall be developed by the Administrator in consultation with the Secretary of Housing and Urban Development and with representatives of other appropriate Federal, State, and local agencies or instrumentalities, taking into consideration the particular or unique conditions or physical characteristics which may exist in any geographic or local area. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and shall submit questionnaires to veteran owners and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

"Warranty Requirement

"(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

"Authority To Deny Guaranteed or Direct Loan Financing

"(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under the warranty.

"Authority To Disapprove Mobile Homes Sites or Purchases From Certain Dealers

"(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veterans purchasers.

"Annual Reports to Congress

"(m) The Administrator shall submit to the Congress, no later than one year after the date of enactment of the Veterans' Housing Act of 1970 and annually thereafter, a report on operations under this section, including the results of inspections and questionnaires required by subsection (i) of this section and experience with compliance with the warranty required by subsection (j) of this section.

"Applicability of Certain Provisions of Law

"(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making mobile home loans guaranteed under this section and to holders of such loans.

"Termination Date for Mobile Home Loan Program

"(o) No loans shall be guaranteed or made by the Administrator for the purposes described in the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

(b) The table of sections at the beginning of chapter 37 of such title is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

SEC. 6. Section 5 of this Act shall become effective sixty days following the date of enactment of this Act.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time and was passed.

The **PRESIDING OFFICER**. Without objection, the title will be appropriately amended.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that S. 3656 be indefinitely postponed.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

HISTORY OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

The resolution (S. Res. 458) authorizing the printing of a history of the Committee on Agriculture and Forestry as a Senate document was considered, and agreed to, as follows:

Resolved, That a brief history of the United States Senate Committee on Agriculture and Forestry and landmark agricultural legislation 1825–1970 be printed as a Senate document, and that there be printed nine thousand additional copies of such document for the use of the Committee on Agriculture and Forestry.

Mr. **MANSFIELD**. Mr. President, I ask

unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1222), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 458 would provide (1) that a brief history of the U.S. Senate Committee on Agriculture and Forestry and landmark agricultural legislation, 1825-1970, be printed as a Senate document, and (2) that there be printed 9,000 additional copies of such document for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,290.45
9,000 additional copies, at $128 per thousand	1,152.00
Total estimated cost, Senate Resolution 458	2,442.45

ADDITIONAL FUNDS FOR THE COMMITTEE ON BANKING AND CURRENCY

The resolution (S. Res. 460) authorizing the Committee on Banking and Currency to expend additional funds from the contingent fund of the Senate was considered and agreed to, as follows:

Resolved, That the Committee on Banking and Currency is hereby authorized to expend, from the contingent fund of the Senate, during the Ninety-first Congress, $5,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 465) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to improvements in judicial machinery was considered, and agreed to, as follows:

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 340, Ninety-first Congress, agreed to February 16, 1970, authorizing a study of matters pertaining to improvements in judicial machinery.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1223), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 465 would increase by $10,000, from $220,200 to $230,200, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to improvements in judicial machinery it is currently engaged in pursuant to Senate Resolution 340 of the present Congress.

Senate Resolution 340 as agreed to by the Senate on February 16, 1970, authorized the Committee on the Judiciary, or any duly authorized subcommittee thereof, to expend not to exceed $220,200 from February 1, 1970, through January 31, 1971, to examine, investigate and make a complete study of any and all matters pertaining to improvements in judiciary machinery.

The additional funds which would be authorized by Senate Resolution 465 are requested by the Committee on the Judiciary to enable it to meet the costs of the salary increase granted by Public Law 91-231, approved April 15, 1970.

ADDITIONAL EXPENDITURE BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 466) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to refugees and escapees was considered and agreed to, as follows:

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $6,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 345, Ninety-first Congress, agreed to February 16, 1970, authorizing a study of matters pertaining to refugees and escapees.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1224), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 466 would increase by $6,000, from $128,900 to $134,900, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to refugees and escapees it is currently engaged in pursuant to Senate Resolution 345 of the present Congress.

Senate Resolution 345 as agreed to by the Senate on February 16, 1970, authorized the Committee on the Judiciary, or any duly authorized subcommittee thereof, to expend not to exceed $128,900 from February 1, 1970, through January 31, 1971, to examine, investigate and make a complete study of any and all matters pertaining to the problems created by the flow of refugees and escapees.

The additional funds which would be authorized by Senate Resolution 466 are requested by the Committee on the Judiciary to enable it to meet the costs of the salary increase granted by Public Law 91-231, approved April 15, 1970.

AUTHORIZATION FOR THE PRINTING OF SENATE HEARINGS ON NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1971

The resolution (S. Res. 467) authorizing the printing of additional copies of Senate hearings on National Science Foundation Authorization, 1971 was considered, and agreed to, as follows:

S. RES. 467

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare one thousand additional copies of its hearings of the current Congress on National Science Foundation Authorization, 1971 (S. 3412, S. 3700).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1225), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 467 would provide that there be printed for the use of the Committee on Labor and Public Welfare 1,000 additional copies of its hearings of the current Congress on National Science Foundation Authorization, 1971 (S. 3412, S. 3700).

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 1,000 copies	$800.80

ADDITIONAL EXPENDITURES BY COMMITTEE ON COMMERCE

The resolution (S. Res. 468) authorizing additional expenditures by the Committee on Commerce was considered and agreed to, as follows:

Resolved, That the Committee on Commerce is hereby authorized to expend, from the contingent of the Senate, $100,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 324, Ninety-first Congress, agreed to February 16, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1226), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 468 would increase by $100,000, from $759,000 to $859,000, the limitation on expenditures by the Committee on Commerce for the study of various matters within its jurisdiction it is currently engaged in pursuant to Senate Resolution 324 of the present Congress.

Senate Resolution 324, as agreed to by the Senate on February 16, 1970, authorized the expenditure of not to exceed $759,000 by the Committee on Commerce, or any duly authorized subcommittee thereof, from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) Interstate commerce generally, including consumer protection;

(2) Foreign commerce generally;

(3) Transportation generally;

(4) Maritime matters;

(5) Interoceanic canals;

(6) Domestic surface transportation, including pipelines and highway safety;

(7) Communications, including a complete review of national and international telecommunications and the use of communications satellites;

(8) Federal power matters;

(9) Civil aeronautics;

(10) Fisheries and wildlife;

(11) Marine sciences; and

(12) Weather services and modification, including the use of weather satellites.

PROPOSED ADDITION TO RULE XVI OF THE STANDING RULES OF THE SENATE

The Senate proceeded to consider the resolution (S. Res. 413) proposing an addition to rule XVI of the Standing Rules of the Senate which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 4, after the figure "8.", strike out "Every general appropriation bill reported by the Committee on Appropriations during any session of the Congress shall be accompanied by a report which shall identify with particularity each item of appropriation contained therein" and insert "Every report on general ap-

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propriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation"; so as to make the resolution read:

S. RES. 413

Resolved, That Rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

The amendment was agreed to.

Mr. RUSSELL. Mr. President, before the resolution is agreed to, I would like to have a brief explanation of what effect this measure has on rule XVI.

Mr. MANSFIELD. Mr. President, the Senator from Georgia will recall that we discussed this matter and that the Senator made certain suggestions that were considered by the Committee on Rules and Administration. The Senator's suggestions were incorporated in the resolution pending before the Senate.

Senate Resolution 413, as agreed to by the Committee on Rules and Administration, would amend rule XVI of the Standing Rules by adding at the end thereof the following new paragraph:

8. Every general appropriation bill reported by the Committee on Appropriations during any session of the Congress shall be accompanied by a report which shall identify with particularly each item of appropriation contained therein which is not made to carry out the provisions of an existing law. . . .

Mr. RUSSELL. Mr. President, the Senator need not read further unless he desires to. I recall the history and background.

Mr. MANSFIELD. Mr. President, this is the handiwork of the Senator from Georgia.

Mr. RUSSELL. It is a needed addition to the rules.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CURTIS. Mr. President, the Committee on Rules and Administration considered this matter and not only adopted the recommendations of the distinguished Senator from Georgia, but was also very grateful for it.

Had he not made these recommendations for the change, I am afraid that the rule would be a little cumbersome because we would have been called upon to incorporate matters in the reports that are entirely within the jurisdiction of the House of Representatives.

Mr. MANSFIELD. Mr. President, the Senator made a very pertinent observation. That is why, as always, we seek the advice and the counsel of the distinguished Senator from Georgia, the President pro tempore of this body. Because of the Senator's suggestions, the Committee on Rules and Administration agreed to them, and justifiably so.

Mr. RUSSELL. Mr. President, I am greatly flattered by the remarks of the distinguished leader, the Senator from Montana. I can assure the Senator that I did not raise this query regarding the resolution to invite any lavish praise.

Mr. MANSFIELD. The Senator is correct. He did it deliberately so that the Senate would know what it was doing so far as this aspect of its rules is concerned.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution, as amended, was agreed to.

The title was amended so as to read:

Resolution amending rule XVI of the Standing Rules of the Senate to provide that reports on appropriation bills shall identify amendments proposing appropriations not specifically authorized by law.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1228), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 413 as referred to the Committee on Rules and Administration would amend rule XVI of the Standing Rules of the Senate by adding at the end thereof the following new paragraph:

8. Every general appropriation bill reported by the Committee on Appropriations during any session of the Congress shall be accompanied by a report which shall identify with particularity each item of appropriation contained therein which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The purpose of Senate Resolution 413 is explained by its author, Senate Majority Leader Mike Mansfield, as follows:

I have enclosed a copy of a resolution to amend rule XVI of the Standing Rules of the Senate. It was considered a preferable course to follow rather than taking the action proposed in the Foreign Military Sales Act to prohibit expenditure of funds unless specifically authorized by law.

As you will recall during last year's debate on the Foreign Aid Appropriations Act, the question arose concerning the wisdom of appropriating funds in excess of the amount authorized in the annual authorization. The proposal contained in the Military Sales Act goes well beyond the field of foreign aid or foreign military sales. It would prohibit the expenditure of any funds that were not specifically authorized by law. That would terminate many hundreds of items that are regularly passed based upon resolution (as the gratuity to survivors of Senate employees and funds for staffs of subcommittees in the legislative branch) or by direct appropriation such as the salaries of teachers on military bases around the world.

The proposed rules change would simply amend the Senate rules to specify that the Appropriations Committee would specifically identify with particularity in its report accompanying each appropriations bill each item contained in the bill which does not have a previous authorization. This would would be a most satisfactory solution to this issue. It would be similar to the purposes of the Cordon rule that presently prescribes a more ready review to every Senator of proposed changes in law.

Upon the recommendation of Senator Richard B. Russell, chairman of the Committee on Appropriations, the Committee on Rules and Administration has amended Senate Resolution 413 to limit to amendments alone the requirement to identify with particularity in Appropriations Committee reports any items for which there are no authorization. The Rules Committee agrees as to the impracticality of embracing House items within the stipulation, especially since major House items without authorization are identified in House Appropriation Committee reports. Also, the Rules Committee points out that by its approval of Senate Resolution 413 in the amended form, it is merely seeking to formalize a procedure which has already been instituted in the Committee on Appropriations. In the judgment of the Rules Committee, however, the value to Members of the Senate of the information to be gained by such procedure warrants its formal incorporation into the standing rules.

The new paragraph which would be added to rule XVI, incorporating the amendment to Senate Resolution 413 proposed by the Committee on Rules and Administration, is as follows:

8. Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The Committee on Rules and Administration has also amended the title of the resolution to reflect its amendment of the text.

ADDITIONAL COPIES OF HEARINGS ON COPYRIGHT LAW REVISION

The concurrent resolution (S. Con. Res. 81) authorizing the printing of additional copies of Senate hearings on Copyright Law Revision (S. 597, 90th Congress) was considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary two thousand additional copies of parts 1, 2, 3, 4, and index of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the Ninetieth Congress on Copyright Law Revision (S. 597).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1227), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 81 would provide that there be printed for the use of the Senate Committee on the Judiciary 2,000 additional copies of parts 1, 2, 3, 4, and index of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the 90th Congress on copyright law revision (S. 597).

The printing-cost estimate, supplied by the Public Printer, is as follows:

PRINTING-COST ESTIMATE

	Back to press, first 1,000 copies	1,000 additional copies	Subtotal
Pt. 1	$1,796.86	$370.29	$2,167.15
Pt. 2	1,681.30	334.72	2,016.02
Pt. 3	2,167.72	419.57	2,587.29
Pt. 4	1,912.99	398.43	2,311.42
Index	526.64	109.89	636.53
Total estimated cost, Senate Concurrent Resolution 81			9,718.41

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PREPARATION AND PRINTING OF REVISED EDITION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

The joint resolution (S.J. Res. 236) authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress shall have prepared—

(1) a hardbound revised edition of the Constitution of the United States of America—Analysis and Interpretation, published as Senate Document Numbered 39, Eighty-eighth Congress (referred to hereinafter as the "Constitution Annotated"), which shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971 term of the Supreme Court construing provisions of the Constitution;

(2) upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3) upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4) upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution Annotated, which shall contain cumulative annotations of all such decisions rendered by the Supreme Court which were not included in that hardbound decennial revised edition of the Constitution Annotated.

Sec. 2. All hardbound revised editions and all cumulative pocket-part supplements shall be printed as Senate documents.

Sec. 3. There shall be printed four thousand eight hundred and seventy additional copies of the hardbound revised editions prepared pursuant to clause (1) of the first edition and of all cumulative pocket-part supplements thereto, of which two thousand six hundred and thirty-four copies shall be for the use of the House of Representatives, one thousand two hundred and thirty-six copies shall be for the use of the Senate, and one thousand copies shall be for the use of the Joint Committee on Printing. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, newly elected subsequent to the issuance of the hardbound revised edition prepared pursuant to such clause and prior to the first hardbound decennial revised edition, who did not receive a copy of the edition prepared pursuant to such clause shall, upon timely request, receive one copy of such edition and the then current cumulative pocket-part supplement and any further supplements thereto. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, no longer serving after the issuance of the hardbound revised edition prepared pursuant to such clause and who received such edition, may receive one copy of each cumulative pocket-part supplement thereto upon timely request.

Sec. 4. Additional copies of each hardbound decennial revised edition and of the cumulative pocket-part supplements thereto shall be printed and distributed in accordance with the provisions of any concurrent resolution hereafter adopted with respect thereto.

Sec. 5. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of this joint resolution.

The preamble was agreed to, as follows:

Whereas the Constitution of the United States of America—Analysis and Interpretation, published in 1964 as Senate Document Numbered 39, Eighty-eighth Congress, serves a very useful purpose by supplying essential information, not only to the Members of Congress but also to the public at large;

Whereas such document contains annotations of cases decided by the Supreme Court of the United States to June 22, 1964;

Whereas many cases bearing significantly upon the analysis and interpretation of the Constitution have been decided by the Supreme Court since June 22, 1964;

Whereas the Congress, in recognition of the usefulness of this type of document, has in the last half century since 1913, ordered the preparation and printing of revised editions of such a document on six occasions at intervals of from ten to fourteen years; and

Whereas the continuing usefulness and importance of such a document will be greatly enhanced by revision at shorter intervals on a regular schedule and thus made more readily available to Members and Committees by means of pocket-part supplements: Now, therefore, be it

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1229), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Joint Resolution 236 would authorize the preparation and printing of a revised edition of The Constitution of the United States—Analysis and Interpretation (S. Doc. 39, 88th Cong.), popularly known as The Constitution Annotated, as a Senate document. Moreover, the joint resolution would establish a permanent authority for the preparation and printing of subsequent decennial revised editions thereof, and of biennial cumulative supplements to each such revised edition.

Commencing in 1913, six such compilations of annotations of decisions rendered by the Supreme Court of the United States interpreting the provisions of the Constitution have been printed, at intervals of 10 to 13 years, as Senate documents. An interesting and informative background statement relative to those publications supplied by the Legislative Reference Service of the Library of Congress, is included at the end of this report.

The Committee on Rules and Administration, which compiles and publishes the Senate Manual, is pleased to note in that statement the fact that the Manual prior to 1915 carried citations to Supreme Court decisions following the sections of the Constitution to which they related. Only when the volume of such decisions had increased considerably, and the desirability of distinguishing by annotation the points decided by the Court was raised, did the Senate issue a separate annotated volume for the purpose.

The present edition of The Constitution Annotated, printed as Senate Document 39 of the 88th Congress, contains annotations of cases decided by the Supreme Court through June 22, 1964. Because of the importance—not only to Congress, but to all citizens—of the Supreme Court decisions since that date, the desirability of incorporating the same into a new revision of The Constitution Annotated is quite incontestable. On this point, the Committee on Rules and Administration concurs wholeheartedly with Lester S. Jayson, Director of the Legislative Reference Service, Library of Congress when he states—

"The years since 1964 have witnessed a series of Supreme Court decisions, which, because of their impact on prior constitutional interpretations, Federal-State relations, and many other areas of unusual importance, may fairly be compared to the landmark decisions of the earliest Supreme Court days."

The relevance of Mr. Jayson's observation becomes apparent when it is considered that the text of the last three revisions of The Constitution Annotated have been prepared in the department he presently heads in the Library of Congress. Moreover, he was coeditor of the present edition.

Specifically, Senate Joint Resolution would provide that the Librarian of Congress shall have prepared a revised edition of The Constitution of the United States of America—Analysis and Interpretation, published as Senate Document 39, 88th Congress, which shall contain annotations of decisions of the Supreme Court of the United States through the end of its October 1971 term, construing provisions of the Constitution. Every 10 years thence the Librarian would prepare a new revised edition of the publication incorporating the decisions rendered during that period, together with appropriate annotations.

At 2-year intervals between the revised editions the Librarian would prepare cumulative pocket-part supplements containing decisions and annotations covering such intervals.

The revised or decennial editions would be hardbound, and the cumulative supplements would be paperbound, designed to fit in a pocket in the back of the hardbound volume.

Each hardbound revised edition of the Constitution Annotated and each paperbound supplement thereto would be printed as Senate documents. By virtue of this provision, the revised editions and the supplements would be available upon request to any of the more than 1,000 libraries in the United States under the depository library system.

There would be printed 4,870 additional copies of each revised edition and of the supplements thereto, of which 2,634 copies would be for the use of the House of Representatives (six per Member), 1,236 copies for the use of the Senate (12 per Member), and 1,000 copies for the use of the Joint Committee on Printing.

Newly elected Members of Congress, upon timely request, would be supplied with one copy of the most recent decennial edition and the most recent supplement thereto. When the next decennial edition is printed they would receive the normal allotment if they are still Members. Former Members, upon timely request, would receive one copy of each cumulative supplement to the most recent revised edition they had received while still a Member.

The cost of the preparation of the first revised edition of the Constitution Annotated has been estimated by the Library of Congress to be $110,000. The cost they supply for the first supplement thereto is estimated to be $23,000.

The Public Printer has supplied the Committee on Rules and Administration with a printing-cost estimate of $68,877.91 for production of the first revised edition. The first biennial supplement thereto is estimated to cost $2,976.66.

On the basis of the estimates supplied by the Library of Congress and the Government Printing Office the total expenditure involved in this joint resolution would amount to $178,878 for the first fully revised edition of The Constitution Annotated, and $25,976 for the first biennial supplement thereto.

The Superintendent of Documents has advised that as of June 30, 1970, his office had sold 18,516 copies of the present Constitution Annotated (S. Doc. 39, 88th Cong.) at a price of $15.50 each. His remaining stock of the document on that date amounted to 1,296 copies.

CONSIDERATION OF FOUR VETERANS BILLS: S. 3656; S. 3657; S. 3785; AND H.R. 370 ON THE CALL OF THE CALENDAR

Mr. CRANSTON. Mr. President, I understand that upon the call of the calendar, the Senate is about to consider a series of veterans' bills. On September 23, I reported these bills—S. 3656, S. 3657, S. 3785, and H.R. 370—from the Committee on Labor and Public Welfare, each of them with a committee amendment in the nature of a substitute and a title amendment. Before I describe briefly the purposes of these bills, I want to express my thanks to the distinguished majority and minority leaders for their great dedication to the veterans of our Nation as shown by the speedy floor action which they have scheduled on these bills.

I also wish to thank for his great assistance and cooperation the outstanding chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Texas (Mr. YARBOROUGH). Senator YARBOROUGH also serves as the ranking majority member of the Veterans' Affairs Subcommittee, which I have been privileged to chair for the last 18 months. As every Senator knows, RALPH YARBOROUGH has been a dedicated and tireless fighter for veterans' benefits. He has established a momentous record of achievement for our Nation's veterans, and those of us who have followed in his footsteps as chairman of the Veterans' Affairs Subcommittee have, indeed, been greatly challenged to live up to the example of leadership he provided as subcommittee chairman and has continued to provide as chairman of the full Labor and Public Welfare Committee.

I know that all of my colleagues on the subcommittee will miss his great energy and wisdom and that, most of all, his magnificent efforts will be missed by the 28 million veterans and their families in our Nation today.

Also most deserving of special thanks is the ranking majority member of the full Labor and Public Welfare Committee, the distinguished Senator from West Virginia (Mr. RANDOLPH). Senator RANDOLPH served as chairman of this subcommittee for almost 2 years and has always been most generous with his time and counsel in full committee consideration of our veterans legislation, as well as in consideration in the subcommittee, on which he has continued to serve.

I also wish to express my personal gratitude to the ranking minority member of the subcommittee, my fellow freshman colleague from Pennsylvania (Mr. SCHWEIKER). Senator SCHWEIKER ably assisted by the minority staff of the committee as well as his own staff, has, from the very start of our partnership on this subcommittee established a bipartisan theme. It is a great tribute to him that the four bills under consideration today now join the eight other veterans bills previously reported from the Committee on Labor and Public Welfare and unanimously passed by the Senate during this Congress in having been unanimously approved in subcommittee and unanimously approved in full committee. The four bills under consideration today were unanimously approved in subcommittee on September 15 and in full committee on September 16, and I urge that they be passed unanimously by the Senate.

I am extremely proud of this bipartisan and unanimous record, and I plan to do everything I possibly can to continue to see that the business of caring for our Nation's veterans and providing appropriate benefits for them does not become mired in partisan politics. I am confident that Senator SCHWEIKER shares my strong conviction in this regard and will continue his outstanding leadership toward the same goal.

Mr. President, I would like to briefly outline the purposes of the bills under consideration by the Senate.

S. 3656—VETERANS HOUSING ACT OF 1970

Mr. President, I introduced S. 3656 on March 31, was honored to have been able to report it to the Senate on September 23, and very pleased to urge its passage today. The committee amendment in the nature of a substitute has been inserted in place of the original bill text to amend chapter 37 of title 38 of the United States Code to achieve the following six basic purposes:

First. To restore to World War II and Korean conflict veterans all entitlements to home loan benefits which were unused and have expired—all outstanding World War II veterans entitlements expired on July 25, 1970.

Second. To remove the future expiration dates for the guaranteed and direct home loan program for all eligible war veterans—World War II, Korean conflict, and post-Korean.

Third. To establish a guaranteed and direct loan program for mobile homes and lots to place them on.

Fourth. To eliminate the fee—one-half of 1 percent of the total loan amount—now collected only from post-Korean veterans on VA direct and guaranteed home loans.

Fifth. To extend regular guaranteed and direct home loan entitlement to refinancing of existing mortgage loans made on regular houses.

Sixth. To extend regular guaranteed and direct home loan entitlement to loans for the purchase of single family residential units in condominiums approved by FHA.

The committee substitute also repeals a few obsolete provisions of chapter 37, title 38.

Mr. President, the two main features of this bill will provide substantial assistance to Vietnam veterans, as well as all post-Korean, Korean conflict, and World War II veterans in obtaining suitable housing during this time of highest interest rates and low availability of adequate living facilities. Restoration of the home loan entitlements of more than 10.3 million World War II and Korean conflict veterans, to the extent that they had not used their entitlements before they expired, should provide them with the opportunity to select the most appropriate time for them to use their entitlements to purchase a residence. Of at least equal importance, I believe that the new mobile home loan program will be of great assistance to our returning Vietnam veterans who have been experiencing great difficulty in securing suitable living arrangements. I also wish to point out that this new mobile home loan program would, by virtue of a provision in S. 3657, as reported, be available to servicemen after 180 days of active duty service.

The committee recognized that the mobile home program would be a new one for the Veterans' Administration and that mobile homes are generally a relatively phenomenon in our society. The committee substitute, therefore, imposes very specific and major responsibilities upon the Veterans' Administration to protect the veteran purchaser, as well as the interests of the U.S. Government.

Mr. President, I ask unanimous consent that the appropriate passages of the committee report, No. 91-1230, be set forth in the RECORD at this point in order to explain in detail the purposes of S. 3656 as reported, and I urge all of my colleagues to support the bill as reported.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

EXCERPT FROM REPORT NO. 91-1230

The committee substitute does not include two rather costly (total $93.2 million first full year cost) subsidy provisions (for closing costs and one point of interest for five years) which were contained in S. 3656 (section 4(b)), because the Congress has recently expressly mandated the VA, along with the FHA, to study the possibility of achieving uniformity and a reduction of closing costs and report to Congress by July 1, 1971 (P.L. 91-351, the "Emergency Home Finance Act of 1970") and in that Act also established an interest subsidy for low and middle income purchases under both FHA and VA programs.

REMOVAL OF HOME LOAN EXPIRATION DATES AND RESTORATION OF UNUSED EXPIRED ENTITLEMENTS

Provisions to accomplish these purposes were proposed by the administration in an April 16, 1970, transmission to the President of the Senate. These provisions were introduced on June 2, 1970, as amendment No. 672 to S. 3683 and are contained in sections 2(a), (b), and (c) of the committee substitute. In his transmittal letter, the Administrator of Veterans' Affairs supported the proposal as follows:

"Prior to July 6, 1961, World War II veterans, as well as Korean veterans, were limited in their use of VA loans benefits to a

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period terminated by a fixed date. This terminal date had been extended several times so that as to World War II veterans it was then fixed at July 25, 1962, and as to Korean conflict veterans at January 31, 1965.

"Public Law 87-84, approved July 6, 1961, established a phase-out formula, gearing the entitlement period to the length of the veteran's war service and the date of his discharge, with emphasis on those who served longest and were most recently discharged. Under the formula, each veteran was given entitlement of ten years from date of separation from his last period of duty which included service in the war period, plus an additional period of one year from each three months of active duty performed during the war or conflict. Under current law (38 U.S.C. 1803), the eligibility of World War II and Korean conflict veterans cannot extend beyond July 25, 1970, and January 31, 1975, respectively.

"The foregoing entitlement formula applies also to veterans of the post-Korean period having loan entitlement under section 1818 of title 38, except that the final date within which the phase-out formula operates for that group is twenty years from the date of the veteran's separation from his last period of active duty.

"Terminal dates for the eligibility of World War II veterans have been extended several times. Extensions have been made at or just prior to the statutory cut-off dates which has created a strong climate of uncertainty for veterans and other program participants. Removal of the phase-out criteria and the group cut-off dates would eliminate the element of urgency by veterans in using their eligibility, which becomes critical in periods of credit stringency.

"Elimination of the delimiting dates on eligibility for the GI loan program would be in line with the eligibility criteria for the FHA veterans' loan program. Such a change would also simplify the administration of the VA loan programs. Further, veterans could adjust the timing of their home purchases and mortgage credit needs to coincide with favorable private market conditions, when sellers and lenders are willing to participate in the loan guaranty program. No veteran would be denied use of his entitlement because it had expired at a time when guaranteed loans were unavailable. * * *"

With respect to restoration of unused expired entitlements of World War II and Korean conflict veterans, although neither the legislation proposed by the administration nor its transmittal letter, quoted above, specifically refers to such restoration, the Administrator stated in his June 9, 1970, testimony: "We believe that the amendment removing the phasing-out and program termination provisions will have this result [restoration] without such a provision." The committee substitute spells out this restoration of entitlements in the new subsection (a)(2) added to present section 1803 by section 2(b) of the substitute. This provision would restore lost unused entitlements of more than 10.3 million WWII and Korean conflict veterans who, for various reasons, may not have been able to use their entitlements or use them fully before they expired (including the 2.1 million remaining World War II veterans whose entitlements expired on July 25, 1970). Restoration is justified to provide these veterans with equitable treatment in light of the removal of expiration dates for veterans whose entitlements have not yet expired.

GUARANTEED AND DIRECT VA LOANS FOR PURCHASE OF MOBILE HOMES AND LOTS AND SITE PREPARATION EXPENSES

A new section 1819 would be added to chapter 37 of title 38, United States Code, by sections 4(4) and 5 of the committee substitute in order to authorize the Administrator of Veterans' Affairs to guarantee or make loans for veterans to purchase mobile homes and lots to place them on as well as to pay for necessary site preparations. The addition of section 1819 would be another step by the Congress in recognizing that mobile home financing offers an effective means to meet the urgent housing needs of the Nation. About two years ago, the Congress, in the Housing and Urban Development Act of 1968 (PL 90-448), authorized Federal savings and loan associations to make mobile home loans. Last year, in the Housing and Urban Development Act of 1969 (PL 91-152), the Congress authorized the Federal Housing Administration to insure loans made on mobile homes. Thus, the new section 1819 would complement those earlier acts by the Congress.

Generally, housing for low to moderate income families is critically needed in the Nation today. Such need is especially acute in respect to young veterans of the Vietnam Era. By now there are 4.2 million such veterans in civil life, with the number projected to increase by 800,000 in the current fiscal year. In five years, the number of such veterans in civil life will be nearly 7.5 million. In late March 1970, the Committee on the Vietnam Veterans, created by the President on June 5, 1969, pointed to the urgency of finding some way to enable these veterans to acquire suitable homes on terms within their payment ability and recommended that authority be granted to VA to underwrite loans on mobile homes. The report stated:

"Cost of single family home and mortgage financing have increased in recent years to the point that low and moderate income veterans are priced out of the housing market for all practical purposes. Some way must be found to enable these veterans to purchase suitable housing on terms that are within their payment ability.

"The mobile home represents an enormous potential in meeting the housing needs of many veterans with low to moderate incomes. The increasingly higher construction cost of conventional homes is a principal factor in the sudden popularity of mobile homes. Manufacturers are able to produce these homes at relatively low price.

"Existing provisions of the VA home loan guaranty law were designed to promote real estate mortgage loans to purchase conventional type housing and do not contemplate the purchase of mobile home structures on a chattel mortgage loan basis which is the customary type of loan made to individuals purchasing mobile homes. The 30 year, 100% real estate first mortgage GI loan vehicle is not a suitable mobile home financing vehicle.

"To induce lenders to make loans available to veterans on liberal terms for the purchase of mobile homes, a special type of loan guaranty or insurance underwriting vehicle should be designed which will be attractive to lenders in terms of investment return and loss exposure. At the same time, it is essential that the Government's exposure be limited to the minimum required in order to insure an adequate supply of mobile home financing for veterans in the low and moderate income brackets."

Because of a persistent, and at times rapid, escalation of the selling prices of residential properties, especially in recent years, coupled with rates of interest on loans, the VA guaranteed home loan program now primarily serves veterans who have become well established in their working careers and have moved up the income ladder into the upper middle level or beyond. This is amply demonstrated by the $21,000 average purchase price on homes recently financed with VA guaranteed loans, entailing an average loan amount of approximately $20,500. The costs associated with the amortization of such loans, interest expense thereon, and other recurring items for taxes and insurance effectively limit the benefit to veterans who are better situated financially than most Vietnam veterans.

To redress this situation, the committee has fashioned new section 1819 so as to provide a workable plan of credit assistance for veterans whose immediate housing needs can be satisfied by the purchase of mobile homes, in respect to which associated costs average substantially less than those for conventional type housing.

The salient feature of such plan are—

The mobile home must be for permanent occupancy by the veteran as his home.

A veteran who purchases a mobile home with a VA loan under this plan will not lose his basic $12,500 guaranty entitlement for a conventional type home, which will be available to him when the mobile home loan has been paid in full, or when he sells to a purchaser acceptable to the Administrator and the purchaser assumes the mortgage obligation.

The maximum loan amount will be $10,000 for a mobile home, with an extra allowance up to $5,000 for the purchase of land on which to place the unit. The maximum loan may also be increased for the cost of reasonable and accessory site preparation.

The maximum maturity will be 12 years and 32 days, except that if the loan also will finance the purchase of real estate the maximum maturity may be 15 years and 32 days.

The Administrator will be authorized to establish an interest rate for mobile home loans at such level as will assure a reasonable supply of private credit for guaranteed loans.

The Administrator's liability under the guaranty will be limited to 30% of the loan amount, a guaranty considered consistent with the prevailing practice among private lenders as to the amount of down payment required on conventional mobile home loans.

Direct VA loans will be made in towns and rural areas determined to be mobile housing credit shortage areas.

No loans will be made after July 1, 1975.

Recognizing that mobile home financing within the VA system of credit assistance for veterans will constitute a substantial residential properties, the Committee has drawn on many of the safeguards heretofore built into the existing VA loan program and provided for their application to this new mobile homes program. For example—

The site where the mobile home will be located must be acceptable to the Administrator, including specific requirements for considering scenic and environmental factors.

The Administrator will be required to prescribe standards for planning, construction, and general acceptability of mobile homes and to inspect the manufacturing processes of mobile homes to be sold to veterans, and to make site inspections and conduct surveys of purchasers of mobile homes financed under this program.

The manufacturer will become the warrantor (for a year) to the veteran or subsequent purchaser of any new mobile home financed under this plan, with such warranty specifically providing that the mobile home meets the standards prescribed by the Administrator.

The Administrator will be authorized to suspend any manufacturer who declines to permit inspections or who produces mobile homes not in conformity with prescribed standards, and the Administrator will be authorized to suspend any person or entity whose rental or sales methods, procedures, requirements, or practices in connection with a mobile home park or subdivision are determined to be unfair or prejudicial to veterans.

There may be several parties to the transaction involving a mobile home purchase particularly where there is also a site involved. These parties may be the manufacturer of the mobile home unit, the distributor of the mobile home unit, the retailer of the mobile home unit, the rental park op-

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erator, and the veteran purchaser. In addition, land may be acquired in the form of a developed site from another party or raw land may be obtained from one party with the necessary site improvements being arranged through another individual. In addition to these parties there will be the institutions and intermediaries providing or arranging the necessary financing.

The committee expects the VA to consider carefully the roles of the various parties involved in the transaction and to define clearly the nature and the proper extent of the responsibilities of each party to the veteran purchaser concerning the manufacture and construction specifications and minimum property requirements established by the VA for the protection of veteran purchasers.

The committee has provided for a July 1, 1975, program termination date in order to afford a definite time for a comprehensive review and evaluation before there is any long term commitment made by the Congress for this novel program. For the same reason, annual reports to Congress about program experience are required.

ELIMINATION OF POST-KOREAN LOAN FEE

The committee proposes (in section 2(e) of the committee substitute by repeal of subsection (d) of present section 1818) to eliminate the loan fee (set at ½ of one percent of the total loan amount) collected only from post-Korean conflict veterans. Such a fee was never and is not presently collected from World War II or Korean conflict veterans and is not considered necessary to the solvency of the loan guaranty revolving fund (under section 1824) into which it is paid. In fact, recent VA experience under that fund shows that total defaults on VA guaranteed loans have dropped by 25 percent since FY 1967, and the fund as of June 30, 1970, contained $458,981,458. In FY 1969 total receipts exceeded total payments from the fund by $1,226,503 and in FY 1970 by $16,509,662. Historically, the average net loss to the fund per year has been about $4 million per year, and, as noted above, the fund has shown a profit for the last two fiscal years. Thus, removing this discriminatory feature against Vietnam and other post-Korean veterans is a fiscally, as well as morally, sound policy.

MISCELLANEOUS

The basis for the three other substantive provisions of the committee substitute—adding to the regular VA home loan program loans for refinancing existing mortgage loans and for purchase of single-family condominiums (section 3(1) and (2) of the committee substitute) and the provision for direct VA home loans to paraplegic and quadriplegic service-connected veterans eligible for specially adapted housing assistance under chapter 21 (new subsection (i) added by section 4(6) of the committee substitute)—are adequately summarized in the Section-by-Section Analysis.

SECTION-BY-SECTION ANALYSIS

Section 1. Establishes the Act title as "The Veterans' Housing Act of 1970."

Section 2. Subsections (a) and (b). (1) Strike loan eligibility expiration dates for World War II and Korean conflict veterans in sections 1802(d) and 1803(a) of title 38, United States Code, relating to basic loan guaranty entitlement; and (2) Add (as a new paragraph (2) in subsection (a) of section 1803) a specific provision restoring expired entitlements of World War II and Korean conflict veterans and providing that such entitlements shall not expire until used.

Subsection (c). Adds an exception to section 1803(b) of title 38, United States Code, which establishes loan guaranty maximums for non-real estate loans, so that the guarantee maximum contained in the new mobile home program will apply (new section 1819 of title 38 to be added by section 5 of the committee substitute).

Subsection (d). Adds to present subsections (b) and (d) of section 1804, relating to builder and lender disqualifications, a requirement that such disqualifications shall be made only after notice and an opportunity for a hearing, except that suspensions can be made prior to hearing. This requirement accords with present VA regulations and conforms to a requirement in subsections (k) and (l) in the new section 1819 which section 5 of the committee substitute would add. (See analysis under those subsections, below.)

Subsection (e). (1) Strikes expiration of eligibility provisions for post-Korean veterans in section 1818(c) of title 38, relating to guaranteed and direct home loan entitlements of veterans serving after January 31, 1955 (also see analysis of clause (6) of section 4 of the committee substitute); (2) repeals the authority for collecting the ½-percent fee only from such post-Korean veterans (in section 1818(d) and part of 1818(e) of title 38); (3) preserves (in a new subsection (c) of present section 1818) the savings provision of section 1818(e) of title 38, which saves for World War II and Korean conflict veterans who are also post-Korean veterans the privilege of obtaining business loans and insured loans (not available to post-Korean veterans) which they would otherwise lose (4) adds (as a new subsection (d) of present section 1818) a specific provision that post-Korean veterans' entitlements shall not expire until used.

Section 3. Makes several amendments to section 1810 of title 38, relating to guaranteed loans for the purchase or construction of homes.

Clause (1). Adds a new subsection (a)(5) to permit a veteran to use his loan guaranty eligibility to refinance existing mortgage loans on dwellings or farm residences he occupies and provides that veterans using loan guarantees for such refinancing may pay points demanded by a lender which is the universal practice in refinancing. This provision will be of particular assistance to any veteran who has lost his entitlement (especially World War II veterans whose eligibility expired on July 25, 1970) and who before enactment of this bill acquired a conventional loan the terms of which permit refinancing. It will also permit a veteran to obtain a loan in excess of the existing mortgage balance, but not in excess of the reasonable value of the property as determined by the V.A.; *e.g.*, a veteran with the necessary entitlement would be able to refinance his existing mortgage loan to obtain funds for educational purposes.

Clause (2). Adds (in a new subsection (d)) authority for the VA to guarantee loans on condominium one-family residential units (already covered under the FHA program) once the HUD secretary has issued evidence of insurance on at least one such loan in a particular development. In recent years there have been some events bearing on the availability of housing units on the market which have tended to bring condominium apartments into greater supply: growing scarcity of land suitable for preparation as subdivisions at reasonable cost and in close proximity to central cities; rapid appreciation in the cost of building single family residences; investor emphasis on equity investment over fixed-dollar investments; changes in the preferences of prospective purchasers from single family units to apartments, probably reflecting reactions against high prices, commuting distances, and maintenance expenses.

Section 4. Makes several amendments to section 1811 of title 38, relating to direct VA loans to veterans in rural areas or small towns or cities where private capital is not generally available—so-called "housing credit shortage areas", to provide for direct loans for mobile homes in areas where private capital is not available.

Clauses (1), (2) and (3). Add to subsections (a), (b), (c) and (g) of section 1811 appropriate cross references (subsection (b) is partially rewritten) to the new section 1819 which would be added by section 5 of the committee substitute to establish the guaranteed loan program for mobile homes. The effect of these amendments and those in clauses (4) and (5), below, is to establish a direct loan program for mobile homes (and lots) in those areas where mobile home housing credit is not generally available; in effect, this would mean the Administrator's designating such an area as a "mobile housing credit shortage area."

Clause (4). Renders the maximum amounts for a direct loan for a regular house in subparagraph (d)(2) inapplicable to mobile home direct loans because the maximum permissible loan for a mobile home and lot for guaranty purposes is limited in the new section 1819(d)—$15,000 plus necessary site preparation expenses—to an amount which will be less than the $21,000 maximum ordinarily permitted for a veteran with full loan guaranty entitlement remaining for a regular house. The new section 1819 requires in subsection (a) that to be eligible for a mobile home loan guaranty a veteran must have maximum entitlement available, so the special formula (in subsection (d)(2) of present section 1811) for computing the maximum direct loan for a veteran with partial entitlement remaining for a regular home loan need not be made applicable to direct mobile home loans.

Clause (5). Establishes the mobile home direct VA loan maximum at the maximum permissible loan level in the new section 1819 (see analysis under clause (4), directly above).

Clause (6). Strikes subsections (h), (i), and (j) of section 1811 and inserts new subsections (h), (i), and (j). Present subsection (h) establishes a direct loan expiration date by reference to those for guaranteed loans which would be struck by section 2 of the committee substitute. In coordination with the Banking and Currency Committee which has jurisdiction over the VA direct loan program, the expiration date for the direct loan program is eliminated for World War II and Korean conflict veterans (see Banking and Currency Committee letter at the end of "Introduction"). The expiration date is eliminated for post-Korean veterans by section 2(d) of the committee substitute in striking out subsection (c) of section 1818 of title 38, in which paragraph (1)(C) contains the direct loan expiration date for post-Korean veterans.

Subsections (i)(3) and (j) of section 1811 are struck, at the request of the Veterans' Administration, since the VA terminated in 1959 its prior referral of direct loan applications to the Voluntary Home Mortgage Credit Committee (VHMCC) under paragraph (3) of subsection (i), and the existing requirement in section 1811(c)(1) that the veteran applicant show he is unable to obtain a loan from private lenders obviate the need for any such referrals. Subsection (a)(3) was added by PL 85-364 (April 1, 1958) as an amendment of section 512 of the Servicemen's Readjustment Act of 1944. Subsection (j) was added about four years after installation of the procedure involving prior VHMCC referrals of direct loan applications. The language of present subsecton (j) makes clear that its only purpose was to require timely processing of direct loan applications by VA, notwithstanding VHMCC referral of such applications.

The new subsection (h) retains the present paragraph (4) of present section (i). New subsection (i) was previously approved by the Senate on August 28, 1970, in S. 3775, reported from the Banking and Currency

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Committee. It is included here, with that Committee's approval, to simplify the revisions made in section 1811 by the committee substitute (see Banking and Currency Committee letter at the end of "INTRODUCTION"). The new subsection (j) retains in pargraphs (1) and (2) the present paragraphs (1) and (2) of present subsection (i).

Section 5. Establishes a mobile home loan guaranty program in a new section 1819 to be added to title 38. The committee substitute provision combines features of S. 3656 and S. 3683. Generally, the program provides for a 30 percent VA guaranty on loans up to $10,000 for new or used (VA or FHA already guaranteed) mobile homes for a term of 12 years and 32 days (and $15,000 for a term of 15 years and 32 days for such loans when a lot is also purchased) plus an additional amount to cover necessary site preparation expenses to all eligible veterans with full loan entitlements, and establishes some very strong acceptability standards for construction, placement, lot condition, warranties and marketing practices, as well as responsibilities on the part of the VA to oversee the program very closely.

Subsection (a) of new section 1819. Provides for loan guaranty benefits for eligible veterans (World War II, Korean conflict and post-Korean) who have maximum loan guaranty entitlements available ($12,500), and permits the restoration of entitlement used for a mobile home guaranteed loan to be restored not only upon payment in full but when another purchaser acceptable to the Administrator assumes the mortgage liability. This latter restoration feature, which does not exist under the regular VA loan guaranty program, is included here because the basic purpose of the mobile home program is to provide transitional housing to a veteran unable to afford current financing terms for regular houses, or who is generally in low or lower income groups. Permitting the veteran to sell the mobile home, if he can, to a purchaser with credit satisfactory to the Administrator, who assumes mortgage liability provides some flexibility for the veteran to purchase a conventional house in several years rather than being locked in for 12 or 15 years unless he could pay off his mobile home in full. Since the VA's maximum guaranty liability for mobile homes will generally be $4500, its overall liability assumption for (or on behalf of) one veteran would be increased by a relatively small amount, and even then, the new primary debtor is subject to VA pre-approval.

Subsection (b) of the new section 1819. Provides for the guaranteed loan also to cover the mobile home lot, when it is being purchased rather than leased, and necessary site preparations (*e.g.*, installation of utility connections, sanitary facilities and paving and construction of a suitable pad) for a lot purchased or otherwise acquired or owned.

Subsection (c) of the new section 1819. (1) Provides for automatic VA guarantee of loans to be made by any Federal land bank, national bank, state bank, private bank, building and loan association, credit union, or mortgage and loan company, that is subject to examination and supervision by an agency of the United States or of any state, to be made by any state itself, or to be made by any mortgagee approved by the Secretary of HUD and designated by him as a certified agent and which is acceptable to the Administrator. This automatic guaranty means that such organizations act, in effect, as agents of the Administrator in carrying out the requirements of the new section 1819 and need not submit such loans for prior VA approval. Prior VA approval is required, however, for lenders not of the type specified above. This is the same scheme which currently obtains with respect to regular home loans (present section 1810), purchase of farm and farm equipment loans (present section 1812), purchase of business property loans (present section 1813), and loans to refinance delinquent indebtedness (present section 1814). (2) Provides for loans for used, as well as new, mobile homes when such used homes are the security for a prior VA loan guaranty or a loan guaranteed or insured by any other Federal agency. (3) Establishes a maximum loan guaranty of 30 percentum of the loan, including any amount for lot acquisition and site preparation, and a procedure for payment of such guaranty which accords with VA regulations governing other loan programs under chapter 37 of title 38.

Subsection (d) of the new section 1819. Establishes overall maximum loan amounts and bases for determining reasonable value of the property involved.

Paragraph (1). Provides for the Administrator to establish maximum loan amounts for individual loans: For a new mobile home, generally to be based on the manufacturer's invoice costs to the dealer and such other cost factors as the Administrator determines; for a used mobile home, and for any lot and necessary site preparation, to be based on the reasonable value of the property as determined by the Administrator. The authority to the Administrator to consider "other cost factors" in establishing loan amounts for new mobile homes is intended to permit the Administrator to (1) include such additional costs as dealer preparation, overhead and profit, delivery and placement, and state sales taxes, but (2) also permit the Administrator to require a modest downpayment on the part of the veteran. Such a downpayment—which would generally not exceed 10 percent—would be required by the VA for mobile homes in order to provide the veteran with some incentive to make the best bargain possible for purchase of the home and to discourage unreasonable inflation of dealer costs. The language "based on his determination of the reasonable value of the property" with respect to establishing the maximum loan amount for a used mobile home would also permit the Administrator to require such a downpayment for a used home.

Paragraph (2). Establishes the maximum permissible loan amount and term as $10,000 for 12 years and 32 days for purchase of a mobile home alone or $15,000 (no more than $5,000 of which is for lot acquisition) for 15 years and 32 days when purchase includes a lot, plus additional amounts as approved by the Administrator for necessary site preparation. The above maximum would not preclude the Administrator from consenting to necessary advances by the lender to the veteran for the protection of the holder's lien or to a reasonable extension of the term or reamortization of the loan. This would include, among other things, advances to permit necessary repair and improvements. The maximum would not permit the guaranteed financing of most double-wides (two attached mobile home units) which generally cost about $12,000 and up or houseboats which generally cost about $17,000. The committee suggests, however, that the VA consider the appropriateness of, first revising its regulations for the regular home loan program so as to cover appropriately constructed double-wides and, second, including permanent residence houseboats under the new mobile home program's provisions.

Subsection (e) of the new section 1819. Establishes seven enumerated conditions which must be satisfied before a mobile home loan can be guaranteed. These conditions, which are based in part, on those conditions established for regular home loans in present section 1810(b), are as follows:

(1) The loan provides for repayment in approximately equal monthly installments;

(2) The terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of the program to make available lower cost housing to low and lower income veterans, especially those recently returned from service who may not have previously established credit ratings. The latter phrase, which is not contained in present section 1810(b)(3), is designed to make clear Congress purpose to make the mobile home program a source of decent lower cost housing for recently returned veterans without much credit experience, so that such veterans will be afforded every benefit of the doubt in determining whether they are satisfactory credit risks;

(3) The loan is secured by a first lien on the home and any lot acquired with the loan;

(4) The loan amount does not exceed the prescribed maximums;

(5) The veteran certifies that he will personally occupy the property as his home;

(6) The home site meets specifications established by the Administrator; and

(7) The interest rate does not exceed the permissible rate established by the Administrator.

Subsection (f) of the new section 1819. Permits the Administrator to establish an interest rate for mobile home loans as he determines necessary to assure a reasonable supply of such loan financing for veterans. The committee recognizes that in order to attract lender participation in a mobile home loan program, an interest rate—probably substantially in excess of the current maximum 8½ per cent rate applicable to the regular home loan program—must be established which is competitive with the rate prevailing in the conventional mobile home loan market.

Subsection (g) of the new section 1819. Permits restoration of mobile home guaranty entitlement by the Administrator if the veteran has repaid the loan in full or sold the property to a transferee acceptable to the Administrator and the transferee has assumed mortgage liability. However, such restoration of mobile home loan entitlement would be permitted only one time. The veteran is given the opportunity of transferring his liability once in order to permit him maximum flexibility to purchase a more expensive mobile home. Although restoration of entitlement under the regular home loan program is not permitted on the basis of such transfers of liability, a one-time restoration is provided for the mobile home veteran purchaser because the government's total mobile homes guaranty liability could, for all practical purposes, not exceed the maximum of $12,500 if applied to two mobile home purchases.

Subsection (h) of the new section 1819. Mandates the Administrator to establish regulations to implement the mobile home loan program and to specify in such regulations which of the other provisions of chapter 37 he determines to be applicable for mobile home loans. The subsection also makes clear that the Administrator possesses such powers and responsibilities with respect to the mobile home program as he has with respect to all other loans made or guaranteed under chapter 37. At the committee's request, the VA advised tentatively that if section 5 of the committee substitute is enacted as reported, the VA would likely adopt by regulations the following portions of chapter 37 of title 38, United States Code, as the committee substitute proposes to amend it:

Portions to be adopted

1. Section 1801.
2. Section 1802 (a), (c) through (f).
3. Section 1803(b).
4. Section 1804(d).
5. Section 1806(a).
6. Section 1811 (as applicable).
7. Section 1816(a) (except for first sentence).
8. Section 1817 (in substance).
9. Section 1818 (a) and (d).

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10. Section 1820 (as applicable).
11. Section 1821.
12. Section 1823.
13. Section 1824.
14. Section 1825.
15. Section 1826.
16. Section 1827.

Portions not to be adopted

1. Section 1802(b).
2. Section 1803 (a), (c), and (d).
3. Section 1804 (a), (b), (c), and (e).
4. Section 1805.
5. Section 1806(b).
6. Section 1810.
7. Section 1812.
8. Section 1813.
9. Section 1814.
10. Section 1815.
11. Section 1816(a) (first sentence only) and (b).
12. Section 1818 (b) and (c).
13. Section 1822.

Subsection (i) of the new section 1819. Establishes the responsibility of the Administrator to prescribe minimum standards for planning, construction and general acceptability for mobile homes and lots, and specifies that such standards should encourage the development of attractive residential areas free from adverse scenic and environmental conditions and which will not substantially detract from scenic or environmental conditions in the general community. VA scenic and environmental condition regulations are required to be coordinated with those for the FHA mobile home program (and be adopted in consultation with other appropriate governmental representatives) and to provide for consideration of the variations of geographic areas insofar as environmental needs are concerned. The Committee recognizes that in rural areas veterans may wish to purchase mobile homes to be placed on lots owned or to be acquired by them and which are not part of a mobile park or subdivision. In such instances the committee does not expect the VA to require the same standards relating to scenic and environmental conditions as would be applicable to mobile home parks or developments. In cases in which such lots are within a political subdivision, local zoning ordinances may substantially accomplish the committee's objective. In cases where lots are not subject to such zoning criteria applicable to scattered lots when conventional type houses are to be constructed on such lots.

Subsection (h) also charges the Administrator with the responsibility of conducting periodic inspections of mobile home manufacturing processes and the circulation of questionnaires to veteran owners and the conduct of random on-site inspections of mobile homes purchased under this program.

Subsection (j) of the new section 1819. Requires the manufacturer of a new mobile home approved for purchase under this program to become a warrantor of such home and to furnish a written warranty to the veteran purchaser. The warranty must include a statement that the home meets the Administrator's minimum standards and a provision that the manufacturer's liability to the purchaser (or subsequent owner) is limited to instances of substantial non-conformity to such standards becoming evident within one year of purchase after notice by the purchaser (or subsequent owner) not later than ten days after the end of the warranty period. The subsection also continues in full force and effect any other warranties, rights and privileges established under any other law or instrument, and specifically requires the warranty document to so provide.

Subsection (k) of the new section 1819. Authorizes the Administrator subject to notice and an opportunity for a hearing to deny guaranteed or direct financing for mobile homes constructed by any manufacturer who declines to permit the inspections provided for in subsection (j); which the Administrator determines do not conform to his minimum standards; or where the manufacturer does not discharge his warranty obligations.

Subsection (l) of the new section 1819. Authorizes the Administrator, subject to notice and an opportunity for a hearing, to refuse to approve loans when marketing practices are determined to be unfair or prejudicial to veterans or with respect to dealers who have sold homes with substantial deficiencies or who have failed to discharge contractual liabilities to veterans or who have generally conducted themselves in an unfair or prejudicial way with respect to veteran purchasers. This section is generally modeled upon present section 1804(b). Further, with respect to the dealers' operations, the committee report urges the VA to disclose in its informational literature about the program, the substantial financial advantages of lot purchase rather than lot rental and to encourage dealers to point this out as well.

The notice and hearing requirements in both subsections (k) and (l) in the new section 1819, relating, respectively, to authority to deny financing with respect to certain manufacturers' homes, and to authority to disapprove certain sites and dealers because of unfair and prejudicial selling practices, accord with the Administrative Procedure Act, are probably required by the Constitution, and are consistent with VA regulations already in effect for the regular loan program—38 C.F.R. §§ 36.4331 (Disqualification of Lenders) and 36.4361 (Right of the Administrator to Refuse to Appraise Residential Properties). These amendments do not require a hearing prior to a suspension. A conforming change has been made in section 2(d) of the committee substitute to add the same language to subsections (b) and (d) of present section 1804, on which those regulations are based and which contain counterpart authorities with respect to builders and lenders in the regular program.

Subsection (m) of the new section 1819. Requires an annual report to the Congress on operations of the mobile home program and specifically regarding results of inspections and questionnaires and compliance with the required warranty.

Subsection (n) of the new section 1819. Specifically incorporates by reference the provisions of present section 1804(d) relating to the withholding of guaranteed loans to certain misfeasing lenders or holders under either this chapter or as determined by the Secretary of HUD under the National Housing Act; and present section 1821, relating to the incontestability of evidence of guarantees issued by the Administrator.

Subsection (o) of the new section 1819. Establishes a closing date of July 1, 1975, for this new program. It is felt that this should permit sufficient experience to make an evaluation after a little more than four years of operation.

Section 6. Provides that the mobile home loan program shall become effective sixty days after enactment. Other provisions of the committee substitute would be effective upon enactment.

TITLE AMENDMENT

The title is amended to account for the elimination of the closing costs and interest subsidy provisions.

COST ESTIMATE

The administration estimate for the first full year cost of the provisions in the committee substitute is $22.05 million ($3.15 million under item 2, below, has already been approved by the Senate in passing S. 3775 on August 28), broken down as follows:

1. Removal of expiration dates and restoration of entitlements.—It is estimated that in the first year there would be 35,000 loans closed which otherwise would not be made under the VA loan program. In 5 years, the cumulative additional loans would be 179,000. It is further estimated that the additional cost for the first year, including both administrative expenses and operational losses, would be $1.6 million, and for 5 years the additional cost would be $24 million, covering both administrative expenses and operational losses.

2. Direct loans to veterans eligible for assistance under chapter 21.—It is estimated that approximately 150 eligible veterans would obtain direct loans each year, at an annual administrative cost of approximately $17,500. Outlays for making such loans would be approximately $3,150,000, which would be funded from the direct loan revolving fund and subsequently recovered through loan payments.

3. Elimination of funding fee.—It is estimated that in the first year revenues incoming to the loan guarantee revolving fund would be reduced by $17.3 million. In 5 years, the loss of revenue is estimated at $109 million.

4. Mobile homes.—The cost would be minimal.

S. 3657—VETERANS' ADVANCE EDUCATIONAL ASSISTANCE ALLOWANCE AND WORK STUDY PROGRAM ACT OF 1970

Mr. CRANSTON. Mr. President, I introduced S. 3657 on March 31, 1970, with the strong bipartisan support of 10 members of the Labor and Public Welfare Committee. Thus, I am particularly delighted to have been successful in seeing this bill through subcommittee and full committee to the point of consideration by the Senate today.

In the course of committee consideration, a committee amendment in the nature of a substitute, has been adopted in lieu of the original text of the bill as introduced. The committee substitute amends chapters 31, 34, 35, and 36 of title 38 of the United States Code to achieve the following seven purposes:

First. To provide for advance payment of the GI bill educational assistance allowance at the start of a school term and prepayment on the first of the month thereafter.

Second. To establish a student-veterans work-study program whereby needy GI bill trainees would receive a $250 advance work-study allowance for performing various services in Veterans' Administration programs.

Third. To provide that servicemen may begin to use GI bill benefits for postsecondary education and training after 180 days of active duty—they may already do so for precollege work—and to make clear that the GI bill covers courses required by the Small Business Administration in connection with minority enterprise loans.

Fourth. To correct certain provisions enacted last March in Public Law 91-219, relating to measurement of college courses for GI bill purposes, in light of information developed only after that law was enacted.

Fifth. To combine basic provisions relating to payment of allowances and general administration of the GI bill program, and contained in chapter 34, "Veterans' Educational Assistance," and chapter 35, "War Orphans' and Widows'

Educational Assistance," as applicable to both chapters 34 and 35.

Sixth. To clarify and expand action taken by the Congress on April 13, 1970, in enacting Public Law 91-230—the Elementary and Secondary Education Act Amendments of 1970—to provide for NDEA student loan cancellation based on military service; by permitting GI bill entitlement to be applied to repay prior Federal direct or guaranteed education loans, and repealing the NDEA provision.

Seventh. To accelerate the date on which GI bill allowances are increased for acquisition of dependents (originally proposed in S. 3907).

The two most significant new programs in the committee substitute are the new GI bill advance payment and prepayment systems and the new work-study program for veterans pursuing postsecondary education under the GI bill. I believe that these two new GI bill programs will offer great assistance to all veterans studying under the GI bill and also complement the new programs which were added to the GI bill in Public Law 91-219 on March 26, 1970. These two programs together should insure that GI bill trainees receive their initial educational assistance allowances at the start of the school year when their expenses are the greatest, rather than 2 or 3 months later, and that such trainees will have the opportunity to supplement their regular allowance entitlements by the $250 work-study allowance.

Mr. President, I ask unanimous consent that appropriate passages of the committee report, No. 91-1231, be set forth in the RECORD at this point in order to explain in detail the purposes of S. 3657 as reported, and I urge all of my colleagues to support the bill as reported.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

ADVANCE EDUCATION ASSISTANCE ALLOWANCE

The present system of assisting veterans who are attending school operates as follows:

In order to establish eligibility for GI bill benefits under title 38, United States Code, a veteran must first submit an application together with proof of separation from the armed services—form DD-214—and, when dependencies are claimed, other supporting documents, to the Veterans' Administration. If these papers are in order, the VA mails the veteran a certificate of eligibility.

The veteran presents the certificate of eligibility to his college or university registrar, who verifies the veteran's actual enrollment and provides details regarding it, so certifies on the certificate of eligibility, and mails it to the VA. Upon receipt of that certification, the VA is then authorized to issue an educational assistance allowance payment to the eligible veteran, and an account for him is then established at the VA's computerized payment center in Hines, Illinois. From this point, the check should reach him within 10 to 15 days.

There are two points at which the system may in many cases break down, causing financial and emotional hardship for the veteran and his family. One is during the processing of enrollment certificates at colleges and universities, which occurs during the first month of school when the school administration has an unusually heavy registration workload anyway.

The second difficulty may occur when the Veterans' Administration receives these hundreds of thousands of enrollment certificates in the space of a few weeks. Using maximum authorized overtime—because of inadequate augmentations of staff over the last three years—the VA must process these certificates and authorize the release of the first month's educational assistance allowance payment. Prior to this past fall, it was not all uncommon for the first check to reach the collegiate veteran in mid- or late November, or even December.

In testimony in the summer of 1969 before the Veterans' Affairs Subcommittee, the VA announced the initiation of an accelerated payment procedure increasing from five to nine per month the number of check processing cycles at the Hines Data Processing Center. It was hoped that this procedure would approximately halve the timelag in getting checks out to veterans.

Unfortunately, the new system, helpful as it has been in expediting the issuance of checks by the computer, cannot rectify delays which arise before an authorization for payment can be relayed to the Hines Center. And under that system the earliest that the first check reaches the veteran in mid- or late October; and it may well not arrive until November. Even then, the first check generally covers only a partial month's payment, since the first college month is usually abbreviated. For veterans beginning a new school year, this is too little, too late.

The committee substitute seeks to overcome the delay in receipt of GI bill payments by providing (in the new section 1780(b) added by section 201 of the committee substitute) for payment of the first and second months' allowances in one lump sum in advance and prepayment on the first of the month for months thereafter (new section 1780(c)). This advance system would apply to all post-secondary courses other than those on less-than-half-time basis or by correspondence. Thus far, this is essentially the system proposed in S. 3683.

However, as proposed in S. 3657, advance payment would be made to a veteran, without any action by his educational institution, based upon receipt of evidence of eligibility, as defined in section 1652(a)(1) of title 38, United States Code (a discharge paper—form DD-214—showing that he served for at least 180 days of active duty and was discharged under conditions other than dishonorable or that he was discharged for a service-connected disability), and certification by the veteran of the basic prerequisites to eligibility under the GI bill. He would certify that he intends to enroll and has been accepted for enrollment, or has enrolled, in a specified educational institution to pursue a specified approved course of education during that school year, and the number of semester hours or equivalent he intends to pursue. Unless the local office files contain conclusive evidence contradicting the facts so certified, the VA would not be authorized to examine into the veteran's actual GI bill eligibility. Notwithstanding the advance payment made on the eligible veteran's certification, the Veterans' Administration would, as it now does, develop each case to assure entitlement and the marital and dependency status of each payee. Upon receipt of the enrollment papers from the educational institution, any necessary adjustments would be made in the educational allowance payment.

Thus, an eligible veteran would be given the advance on the basis of his good faith in truthfully certifying the above facts and intentions. There would be no time-consuming processing by the educational institutions, which is now responsible for much of the delay in processing regular GI bill payments.

The committee recognizes that this good faith certification procedure may be subject to some abuse, and that some payments may thus be made to ineligible recipients. But it is satisfied that any abuses would be small, and notes that the VA has a 95-percent record of collecting regular GI bill overpayments.

This program of advance payments at the beginning of a school year should provide a vital source of funds, at a time, when none are now available under the GI bill and when the veteran-student's needs are probably the greatest, to meet the many expenses involved in beginning a school year, as well as such living expenses and initial charges as deposits and initial payments for rent, heat or telephone. This system should thus help prevent a veteran from being placed in a precarious financial situation vis-a-vis his schooling or his personal life as a result of a delay, justified or not, in receipt of the first regular educational assistance allowance check.

And the prepayment system in new subsection 1780(c) should continue the veteran's solvency. Under the new system a veteran enrolling in college on September 15 could expect to receive by November 1 two and one-half months' allowance (one and one-half months' payment on September 1—if he applied about August 15—and one month's payment on November 1).

Although neither S. 3657 or S. 3683 originally contemplated application of the advance and prepayment of allowance procedures to war orphans, wives, and widows training under chapter 35, of title 38, United States Code, the committee substitute would make the same payment system uniformly applicable to both chapters 34 and 35 of that title.

These provisions have been closely coordinated with the Veterans' Administration which advises that they can be programmed into the computer within about 60 days of enactment. This program was generally endorsed (with a somewhat different mechanism) by the President's Committee on the Vietnam Veteran in its report submitted in late March. The report stated:

"The GI Bill provides monthly allowances for veterans enrolled in and attending approved programs of education. These payments do not begin, however, until after the veteran has enrolled, and completed each month of training. The effect of this after-the-fact method of payment can be to discourage program participation by the veteran who cannot afford the initial outlay required by most schools for prepayment of fees, tuition, books, and the necessary money for subsistence for himself and his family until the first payment is received. The intent of the program is thus jeopardized. Even for the financially more fortunate veteran, the prepayment of tuition and other costs constitutes a burden since the educational allowance is partial assistance rather than a full subsidy.

"The proposal would authorize an advance payment to help the veteran enroll in school. This would be done on an individual application basis. The amount advanced can be gradually recouped over the whole period of enrollment."

VETERANS' WORK-STUDY PROGRAM

The proposed work-study program (new section 1687 added by section 203 of the committee substitute) would enable full-time GI bill post-secondary trainees with a financial need to perform 100 hours of services needed by the VA (on campuses or at VA regional offices or medical facilities) pursuant to agreement with the VA under which the veteran then becomes entitled to receive, in advance, a work-study educational assistance allowance of $250. The committee believes that this program will be of substantial benefit to individual veterans and their families, while at the same time contributing to the improvement of the entire GI bill program through increased efficiency and speed in certificate and claims

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processing and through outreach work performed by these student veterans. Work-study trainees could also perform various non-professional, badly-needed tasks in VA hospitals, especially assisting the most severely disabled patients and cleanup and general maintenance work. There seems little doubt that such services could be very effectively used in many VA medical facilities. Students would be limited to performing 100 hours of services over a semester or other enrollment period.

This program should be particularly helpful for the almost 50 percent of GI bill post-Korean trainees with families and for the 27 percent who enroll in nonpublic schools. The rate increase recently enacted in Public Law 91-219 would provide $1,575 over a full nine-month period. Although this is sufficient to cover average tuition, room and board charges at a public institution, it is far less adequate in meeting the average costs at nonpublic institutions.

One key aspect of the work-study program would be veterans performing outreach services under subchapter IV or chapter 3 of title 38 also enacted in P.L. 91-219. Using GS-12's or 13's to "pound the pavement" in search of educationally disadvantaged veterans is highly questionable on a cost-effectiveness basis. But this provision would make it possible and very economical for the VA to improve substantially its existing program of contact and outreach.

The present outreach program has not done the necessary job to reach the large numbers of high school dropouts and other educationally disadvantaged veterans who are separated from service each year. Whereas 20 percent of those separated during fiscal year 1970 were high school dropouts, only about 8 percent of that target population have been taking advantage of their education and training entitlements. In many cases, this serious lack of participation by those who desperately need to take advantage of their GI bill benefits can be remedied through more effective dissemination of information and more personalized and intensive counseling of potential trainees about the great advantages of the benefits available to them.

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As was stressed in section 241(c) of the outreach services program originally passed by the Senate on October 23 (H.R. 11959), the most effective outreach worker is one with whom the potential trainee can identify most immediately and fully. Veterans who are themselves pursuing an education should fit this prescription perfectly.

In carrying out this new work-study program, the VA would be expected to establish guidelines for determining financial need and need for the services and for selecting and using the services of veterans. Appropriate guidance for determining financial need should be sought in the Office of Education's regulations for its work-study program under the Higher Education Act of 1965, as amended.

Veterans would perform such services under agreements with the Veterans' Administration. They would not be considered VA employees for purposes of Federal employment laws administered by the Civil Service Commission—such as those governing application and selection for Federal employment, retirement and other length-of-service Federal employment benefits, and Federal employment fringe benefits such as group health and life insurance programs. Also, work-study allowances, as all other GI bill allowances, would be exempt from taxation as a "payment of a benefit under any law administered by the Veterans' Administration," as provided in section 3101(a), of title 38, United States Code.

It should also be noted that several witnesses at the hearings referred to the desirability of permitting the VA to contract with colleges and universities (under its general contract authority in section 213 of title 38) to supervise veteran work-study trainees in carrying out outreach activities in a particular locale. The committee strongly endorses this idea, which would be particularly useful if applied in areas where there is no Veterans Administration Regional Office or Veterans Assistance Center.

This program differs somewhat in detail from that proposed in S. 3657 but retains the same basic concept which was endorsed by the VA. At the hearing, the Administrator of Veterans' Affairs in support in principle of the desirability of a veterans' work-study program, agreed to staff discussions to iron out program details. Those discussions produced the provisions in the committee substitute which the VA has advised is administrable for a relatively small administrative cost ($250,000). It is estimated that the services of 56,000 student-veterans might be effectively utilized in the program in the first full year of its operation.

POST-SECONDARY IN-SERVICE EDUCATION AND SBA-TRAINING UNDER GI BILL

These two new provisions (in section 301 of the committee substitute) were contained in S. 3683 and were recommended by the President's Committee on the Vietnam Veteran. They are described in the Section-by-Section Analysis which follows.

REVISION OF MEASUREMENT OF COURSES PROVISIONS ADDED BY P.L. 91-219

The basis for these provisions (in section 303 of the committee substitute) is described in the Section-by-Section Analysis and a July 17, 1970, letter from the Administrator of Veterans' Affairs to Senator Cranston, the Chairman of the Veterans' Affairs Subcommittee, which is set forth in the Appendix to this report.

EXPEDITING INCREASE OF GI BILL ALLOWANCE BASED ON ACQUISITION OF DEPENDENTS

This provision (in section 305 of the committee substitute) incorporates the provisions of S. 3907. The purpose of the amendment is more fully to effectuate Congressional intent under chapters 31 and 34 with respect to the increase of an eligible veteran's GI bill allowance—either vocational rehabilitation subsistence allowance under chapter 31 or educational assistance allowance under chapter 34—by virtue of changes in dependency status. Presently, under section 3013 of title 38, United States Code, effective dates of such increases are to correspond, to the extent feasible, to those relating to awards of disability compensation under chapter 11 of that title. And section 3010(a) of title 38 provides that such claims for increased dependency compensation shall be payable no earlier than the date of application therefor. By regulation, the Veterans' Administration has required—by analogy to section 3010(b)—that proof of the dependency status be received within one year of acquisition of the dependent.

Application of this disability compensation rule deprives a veteran of receiving the increase in his GI bill allowance, which Congress intended to help him meet the additional costs of maintaining a household with a wife or child, until such time as his application for such an increase is received. If, for example, a veteran is unaware of that requirement and delays a few months in filing an application for increased allowance, he will lose the amount Congress intended him to have to meet those additional dependency expenses. Since he is burdened with those expenses from the time he actually acquires the dependents—the date of marriage, birth, or adoption generally—not from the date he applies to the VA, it seems far more reasonable in effectuating the purpose of the dependency augmentation of GI bill allowance for such increases to be payable from the date the dependency status and expenses therefor actually arise, as long as he files timely notice of such status. Timely notice of such status under the provision in the committee substitute retains the VA's regulatory determination that applications must be received within one year from the acquisition of the dependency status.

Further evidence of the illogic of the present effective date provision is a ruling of the General Counsel's office of the Veterans' Administration that if a veteran, even casually, mentions in writing to the VA before he acquires a dependent, that he plans to do so in the future, his allowance will be increased for the change in dependency status from the time it actually occurs. Although this ruling is laudable in giving the veteran every benefit of the doubt, there would seem to be no reason for distinguishing between such an advance notice case and the case in which notification is given and proof submitted two months after the dependent is acquired. In neither case can the VA take any action to increase the allowance until it receives the actual proof of dependency—the copy of birth certificate, adoption decree, or marriage certificate.

The new effective date would also more nearly accord with a number of other effective date provisions for disability compensation which yield retroactive results. For example, the effective date of an award of disability compenstaion filed to begin from the date of discharge would be retroactive to that date as long as received within one year of discharge. The same retroactive treatment is accorded a person disabled by VA medical treatment or while pursuing vocational rehabilitation under chapter 31; it is the date of the disablement or injury, not of the application, that governs in those instances. The same is generally true with respect to death compensation and dependency and indemnity compensation which are effective on the first of the month in which death occurs if application therefor is received within one year of death.

The Veterans' Administration supports this provision, although it favors extending the new effective date to increases in payments of disability compensation and pensions based on acquisition of dependents, under chapters 11 and 15 of title 38, United States Code. These programs are under the jurisdiction of the Senate Finance Committee and the VA's position has been called to that committee's attention.

REPAYMENT OF FEDERAL EDUCATION LOANS USING GI BILL ENTITLEMENT

Under this new provision (in a new section 1688 which would be added to title 38 by section 203 of the committee substitute), a veteran would be given the option of using GI bill entitlement (earned by service after July 1, 1970) to repay, in whole or in part, an education loan—taken (after April 13, 1970) in connection with education prior to his military service—which was made or guaranteed by the Federal Government. This provision arises out the the NDEA loan cancellation provision based on military service enacted in the ESEA expansion act on April 13, 1970 (P.L. 91-230). The new provision is substantially broader in scope than the loan cancellation provision it would replace in the NDEA (see section 306 of the committee substitute). There would be no GI bill cost under this provision until at least FY 1973, and then that cost would be partially offset by NDSL loan funds not being depleted and Federal interest subsidies not paid. It is very difficult to estimate the precise cost of this provision because of the uncertainty about whether a veteran would otherwise use his full GI bill entitlement on post-service education rather than to repay a pre-service loan. However, potential repayments for the major Federal education loan programs are provided under "COST ESTIMATE," below.

To understand the genesis of this new program more fully, especially the effective dates, it is necessary to explain in more detail the amendment in section 501 of P.L. 91–230 to provide for loan cancellation at a 12½ percent rate per year for up to four years of consecutive active military service after June 30, 1970 (that is, up to 50 percent of the total loan amount) for NDEA loans made after the date of enactment of that act, which was April 13, 1970. After this provision was enacted, considerable disenchantment with it was brought to the subcommittee's attention, principally by education groups. The two basic objections were: (1) that, in time, the cancellation provisions promised a substantial depletion of the NDSL students loan fund, and thus a reduction in NDEA loans, without a commensurate fulfillment of any of the purposes of the original loan cancellation provision— developing teachers for our country, especially for poverty areas; and (2) it unfairly discriminated against veterans who had not taken education loans or pursued education prior to service since a veteran who did take an NDEA loan could use *both* NDEA loan cancellation and GI bill entitlement earned by the same period of military service. The argument was forcefully presented: if this is really a veterans' benefit, it should be part of the GI bill.

The committee believes that no adequate basis exists for permitting acceleration of allowance to repay only loans made under the NDEA program; thus, the provision covers all Federal direct or guaranteed loans, as to which approval criteria regarding the institutions and loan terms involved have already been applied by the government. The new GI bill program effective dates are geared to those governing the NDEA cancellation provision which would be repealed retroactively by section 306 of the committee substitute so that it never really became effective (see discussion under *"Section 306."* below).

Here is how the new program would work as compared with the present NDEA loan cancellation provision (added by P.L. 91–230). Given the average NDEA total loan of about $1400, a veteran with qualifying service could, under the present provision, cancel $700 worth of such a loan after *four* years of military service. Under the proposed new section 1688 in title 38, United States Code, he could repay the full $1400, using up, at a maximum, only eight of his 36 months' GI bill entitlement (8×$175=$1400), or less than one school year's entitlement. (For Higher Education Act loans, the average is $2100, so the same general analysis would apply for such loans.)

The maximum NDEA loan that any one student can receive is $10,000 (for graduate students), so that under the present loan cancellation provision, he would be able to cancel only a maximum of $5000 (for four years' service) whereas, at a minimum (if he has no dependents) GI bill accelerated entitlement could be used to pay off $6300 of the loan amount; and if he had, for example four dependents ($256 per month), he could pay off almost the full loan—$9216 ($256×36).

It thus becomes clear that virtually any veteran who took an NDEA loan after April 13, 1970, and served after July 1, 1970, would be substantially more benefited by the proposed new repayment provision than the existing loan cancellation provision; to say nothing of all those veterans with Higher Education Act loans and all other Federal direct or guaranteed education loans, which are not now eligible for similar cancellation based on military service. The only instance where a veteran with qualifying service and a qualifying NDEA loan might be somewhat worse off under the new program would be a person who had received a very high NDEA loan ($10,000), then served four consecutive years of active duty in the military and then wanted to undertake substantially more schooling (four years) for which he would like to use his full GI bill entitlement. But such a situation demonstrates very clearly the very inequity, which the new provision is designed to correct, of the NDEA loan cancellation provision based on military service: for these seems virtually no justification for the government's paying one veteran for four years of education ($6300) and and another veteran with the same service for eight year ($11,300; $6300 plus cancellation of half of a $10,000 NDEA loan).

SECTION-BY-SECTION ANALYSIS

Section 1. Establishes the Act title as the "Veterans' Advance Educational Assistance Allowance and Work-Study Program Act of 1970."

TITLE I

Section 101. Adds to the Vocational Rehabilitation program (section 1502 in chapter 31 of title 38), which is a special education and training program for veterans with 30 percent or more service-connected disability, a cross reference to the work-study program (which would be added in a new section 1687 in chapter 34 by section 304 of the committee substitute) for which "voc rehab" trainees would also be eligible.

Section 102. Increases the "voc rehab" loan to trainees from $100, established in 1943, to $200. Most trainees take advantage of this loan and increasing it is appropriate in light of the advance payment system being developed for regular GI bill trainees and the doubling of the cost of living since its enactment.

TITLE II

Section 201. Adds to chapter 36, "Administration of Educational Benefits," a new section 1780 dealing with payment of educational assistance allowance which applies to both chapters 34 and 35 of title 38. (References to "eligible person" in this Analysis mean an "eligible veteran" under chapter 34 and an "eligible person" under chapter 35.)

Subsection (a) of the new section 1780. Incorporates present sections 1681(b)(1) and (2) and 1731(b)(1) and (2), which new section 1780 is designed to replace in part, and provides the basic enrollment period for which educational assistance allowances may be paid for all programs other than correspondence and flight training.

Subsection (b) of the new section 1780. Blends together features of S. 3657 (section 2) and S. 3683 (section 3) to establish a new GI bill educational assistance allowance payment system under which the initial payment for an enrollment period would be made in advance. Such advances would be made generally no later than 15 days after application (but no earlier than 30 days before the term is to begin) and would be based on a good faith certificate and a discharge paper provided by the eligible person. The advance amount would be for the first full month's allowance entitlement plus the applicable fraction thereof for the first month of the enrollment period. Although the original advance payment provisions in S. 3657 and S. 3683 were not applicable to chapter 35, it has been agreed informally with the VA that the advance system should also apply to allowance payments to war orphans, wives and widows. The advance payment provisions in subsection (b) of the new section 1780 are described below:

Paragraph (1). States the purposes of the advance payment and the Congressional finding of the need to provide an eligible person with funds at the outset of a school term for the many expenses that conglomerate at that time.

Paragraph (2). Provides the timing and amount of the advance payment, as described under *"Subsection (b)"*, above. Advance payments are excluded for persons pursuing study on less than a half-time basis. (Such "less-than-half-time" veterans, by virtue of an amendment, contained in P.L. 91–219, to present section 1682(b)(2) are now eligible for a lump-sum payment in the month following the month in which the VA receives certification of enrollment. This new provision was put into effect in September, 1970. It would be extended by subsection (e) of the new section 1780, to "less-than-half-time" war orphans, wives and widows training under chapter 35.)

Paragraph (3). Sets forth the contents of the application for advance payments as follows:

(A) evidence of basic entitlement for the eligible person. In the case of a veteran, this is generally the DD–214 discharge certificate. For a widow or war orphan, it would be evidence of the service-connected death of the veteran. For a wife or a child, it would be evidence of the veteran's permanent and total service-connected disablement.

(B) a certificate (i) stating that the person is enrolled in (or has applied for, been accepted by and intends to enroll in) a specified school and is pursuing (or plans to pursue) a specified approved course during the school year at such school and (ii) specifying the expected enrollment date and number of semester hours (or the equivalent) to be taken.

(C) for veterans, information as to the number of dependents (as defined in present section 1652(d) of title 38) claimed. Although the VA could request submission of evidence (birth or adoption certificates) of dependency in order to have it on file and make a final dependency determination, it could not *require* submission of such evidence at the time of application for the advance. (Also see discussion under *"Subsection (c),"* below.)

Paragraph (4). Provides that the information and certificate submitted by the person shall establish his eligibility for the advance unless evidence in the processing office files (including that on the computer) establishes that he is *not* eligible. In determining whether the veteran is entitled to a full-time or part-time allowance advance payment, the VA will determine whether the school in question has been certified for full- or part-time under the new measurement provision in section 1684(a) of title 38 (see discussion of the amendment to that provision discussed under *"Section 303."*, below.)

Subsection (c) of the new section 1780. Provides a system of prepayment of allowance after the initial advance payment, that is, on the first of the month for that month. This would mean that there might be a gap of two months from the initial payment to the second payment (e.g., if the advance payment were received on September 2, covering September and October, November's allowance would not be received until around November 1). The Administrator is also authorized to withhold the final payment in an enrollment period until he has received satisfactory proof of entitlement, enrollment, satisfactory pursuit of program, etc. Also, the last sentence of the subsection provides that a veteran who has claimed dependents for advance payment purposes shall receive an allowance, based on the number of dependents claimed, for up to sixty days or the end of the enrollment period, whichever is earlier, while he submits proof and it is adjudicated.

Subsection (d) of the new section 1780. Provides a system for recovery of erroneous payments of educational assistance allowances which are due to an erroneous advance allowance certificate filed with the application.

Subsection (e) of the new section 1780. Incorporates present section 1682(b)(2) regarding less-than-half-time veteran training and extends this lump-sum payment system to chapter 35 eligible persons also. (Also see

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the discussion "*Paragraph (2)*" of subsection (b), above.)

Subsection (f) of the new section 1780. Incorporates present subsection (c) in both present sections 1681 (chapter 34) and 1731 (chapter 35), relating to the Administrator's authority to determine enrollment, attendance and pursuit of program.

Section 202. Revises section 1681 to take account of the new section 1780 and to cover directly veteran correspondence and flight training programs. The revised 1681 is described as follows:

Subsection (a) of the revised section 1681. Incorporates present subsection (a) with a cross reference to new section 1780 added.

Subsection (b) of the revised section 1681. Makes cross reference to new section 1780 for institutional (non-correspondence or flight program) training.

Subsection (c) of the revised section 1681. Incorporates present subsection (d)(2) insofar as it regards correspondence course training.

Subsection (d) of the revised section 1681. Incorporates present subsection (d)(2) insofar as it regards apprenticeship or other on-the-job training.

Subsection (e) of the revised section 1681. Incorporates present subsection (d)(2) insofar as it regards flight training.

Section 203. Establishes new sections 1687 and 1688 in chapter 34 to create two new programs: a veterans' work-study program and a repayment of prior federal education loans option under the GI bill.

WORK-STUDY PROGRAM

Subsection (a) of the new section 1687. Requires the payment of work-study additional educational assistance allowances to veterans pursuing on a full-time basis a "voc rehab" or regular GI bill education program when such veterans enter into a work-study agreement with the Administrator. In such an agreement the veteran undertakes to perform 100 hours of services during an enrollment period, which services are required in connection with VA preparation of papers and documents at schools or regional offices, with the outreach services program (probably performing direct contact work with eligible veterans), with provision of medical treatment in VA facilities (reading to blind or other disabled veterans, engaging in cleanup, fix-up efforts, etc.), or with any other appropriate VA activities. Advances of less than $250 are permissible for proportionately fewer hours to be worked. Also permitted are agreements for services during a period between enrollments (vacations) if the veteran has already completed one enrollment period and certifies his intention to continue during the next. The "Notwithstanding any other provision of law" provision at the outset of subsection (a) is intended to exempt work-study veterans from the strictures of federal employment laws and regulations; however, as persons performing services for the federal government, such veterans would be covered by the Federal Employees' Compensation Act for injuries or death occurring while in the performance of such services.

Subsection (b) of the new section 1687. Provides a system for the Administrator's collecting (or deducting from subsequent VA benefits) pro-rata amounts of the $250 work-study allowance if the Administrator determines that the veteran has not completed his work obligation by the end of the enrollment period (or earlier if the Administrator determines that the obligation will not be completed by such time).

Subsection (c) of the new section 1687. Requires the Administrator to conduct at least annually surveys in each geographic area in the country to determine the numbers of veteran-students whose services can be effectively utilized in the work-study program in each such area during an enrollment period. The Administrator is then charged with allocating to each VA Regional Office (VARO) a number of potential agreements which the VARO Director shall attempt to make during the enrollment period or vacation period. Each VARO is then charged with further allocating to each school in its area, at which GI bill trainees are enrolled, a prorata number of potential agreements based upon the total number of veterans enrolled in all such schools in that area. However, the subsection also provides that, to the maximum extent feasible, 20 percent of the allotted number of agreements in each area shall be reserved for special allotment to those schools with disproportionately high numbers of needy veteran-students. Finally, the subsection provides that if the number of allotted agreements cannot be filled by a particular school, the number of unmade potential agreements shall be reallocated to such other schools as the Administrator determines under the program regulations.

Subsection (d) of the new section 1687. Provides the procedure and criteria for determining which veteran-students shall be offered work-study agreements.

Paragraph (1). Requires the Administrator, to the maximum extent feasible, to contract with schools for them to make recommendations, within their allotted number of agreements, as to which of their student-veterans should be offered agreements. Although the final determination would be made by the VARO Director in accordance with regulations prescribed by the Administrator, it is expected that the schools' recommendations would be given great weight. It is also expected that the Administrator in issuing regulations would be guided by those of the Office of Education for its work-study program under the Higher Education Act of 1965, as amended. Paragraph (1) also specifies that the VA regulations are to include the following criteria: (A) the veteran's need to augment his allowance; (B) the availability to the veteran of transportation to the work site; (C) the veteran's motivation; (D) the particular disadvantages of veterans who are minority group members; and (E) for "voc rehab" trainees, their physical condition.

Subsection (e) of the new section 1687. Was added in subcommittee by an amendment proposed by Senator Schweiker to prohibit work-study agreements which would displace workers or impair existing services contracts or which would involve activities in connection with a facility used for sectarian purposes. The identical language is contained in section 444(a)(1) (A) and (C) of the Higher Education Act of 1965, as amended (42 U.S.C. 2754), and applies to the Office of Education's work-study program.

REPAYMENT OF FEDERAL EDUCATION LOANS

Subsection (a) of the new section 1688. Offers veterans with GI bill entitlement a new option: namely, to use accelerated GI bill allowance (earned by service after July 1, 1970, to repay, in whole or in part, Federal direct or guaranteed education loans taken prior to military service but after April 13, 1970. (The reason for these dates is explained in the discussion of this new provision under "EXPLANATION OF THE BILL," above.) Examples of the loans which could be repaid would be those under the National Defense Education Act of 1958, the Higher Education Act of 1965, the Public Health Service Act (doctors, nurses, allied health professionals), the Omnibus Crime Control and Safe Street Act (to pursue law enforcement careers), the Migration and Refugee Assistance Act (mainly to Cuban refugees), and those made from a revolving fund for individual assistance to certain American Indians. Upon application from the veteran to exercise this repayment option, his entitlement would be based on his educational assistance entitlement (under section 1661(a) of title 38) unused as of the application date.

Subsection (b) of the new section 1688. Clause (1). Limits applications for accelerated educational asisstance allowance to four times per veteran per loan. The four is based on the fact that under section 1672 of title 38 up to two program changes after the first program are permissible—that is, three different attempts to find the right education course. The amount of the accelerated allowance payment is also limited to that which the veteran requests; i.e., he cannot be compelled to apply for some or all his allowance entitlement to repay a loan.

Clause (2). Provides that the repayment amount is to be applied to unpaid principal as well as unpaid interest (which protects the veteran).

Clause (3). Provides that computation of the amount available for loan repayment be based on unused entitlement to which the veteran would be entitled at the time of application for a full-time course; that is, his monthly allowance (including increases for the number of dependents he has at that time) multiplied by his unused months of entitlement. For example, a veteran who completes 18 months of service and thereby fulfills his active duty military obligation, would be entitled to 36 months of GI bill entitlement, pursuant to section 1661(a) of title 38. If he had one dependent, his monthly allowance would be $205 under section 1682(a); thus his total dollar entitlement available for education loan repayment purposes would be $7,380 ($205 x 36). Any amount left over could be applied to regular GI bill monthly payments for approved courses of education.

Subsection (c) of the new section 1688. Requires the Administrator upon receipt of an acceleration of allowance application, to obtain from the head of the Federal department or agency involved in making or guaranteeing that loan, a certificate showing the total loan amount then outstanding. Upon approving the application, the Administrator is required to transfer to that agency head the amount requested by the veteran (up to the amount certified as outstanding). For direct loans, that agency head would transfer the repayment amount directly to the loan fund. For guaranteed loans, he would make immediate payment to the lender in question and immediately notify the school in question or any other guarantors or endorsers on the loan, of the payment.

TITLE III

Section 301. Adds two provisions included in S. 3683.

Clause (1). Provides that a serviceman may after more than 180 days of active duty service begin to use his GI bill entitlement for post-secondary training; presently, he must wait until he has served at least two years to do so. This change complements the PREP program established in P.L. 91-219, which permits a serviceman to use his GI bill entitlement for *pre*-college level study after more than 180 days of active duty. Unlike PREP, however, use of chapter 34 educational assistance entitlement to pursue post-secondary education and training would reduce overall GI bill educational assistance entitlement. The special supplementary assistance allowance in present section 1692 of title 38, United States Code (also added by P.L. 91-219), for individualized tutorial services, would be available for such active duty servicemen pursuing post-secondary education or training.

An additional effect of this amendment to section 1652(a)(2) is to make the direct and guaranteed loan entitlement in chapter 37 of title 38 available to servicemen after more than 180 days of active duty service. This new entitlement may be of particular assistance to servicemen if a mobile home

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loan program is incorporated in chapter 37 as is proposed in S. 3656, being reported from the Labor and Public Welfare Committee at the same time as S. 3657.

Clause (2). Makes clear that a course at an educational institution required by the SBA for minority group entrepreneurs is covered under the GI bill as an approvable "program of education." Financial institutions require some training and expertise on the part of the borrower before lending money for business purposes, and the borrower's background and experience are important considerations in determining the risk involved in making the loan. Many small business ventures fail because of lack of business training. Coordinated training programs can provide the veteran with the knowledge necessary to carry on the bookkeeping, managerial, personnel, and other business functions. The new provision makes clear that a program structured to this need is to be considered a program leading to an acceptable objective under the GI bill.

Section 302. Amends section 1731(a) of chapter 35 in light of the new section 1780 that section 201 of the committee substitute would add. The amendment is substantially similar to that which would be made to present section 1681 by section 202 of the committee substitute.

Section 303. Adds a number of new provisions to chapter 36, based on present chapters 34 and 35 provisions.

Clause (1). Strikes present section 1786, relating to examination of records (which clause (2) would make subsection (b) of the new section 1787 which section 203 of the committee substitute would add) and adds a measurement of courses provision which incorporates present sections 1684 and 1733 with three changes: (1) The full-time college (including junior college) definition, revised in P.L. 91–219 (found after clause (3) of the present subsection (a)) is further revised so that even if a college charges full-time tuition for fewer than 12 semester hours (or the equivalent thereof), the veteran must take at least 12 such hours (or the equivalent thereof) to receive a full-time allowance. The P.L. 91–219 amendment left the minimum number of hours open-ended in such a situation. However, in a July 17, 1970, letter to the Chairman of the Subcommittee, the Administrator of Veterans Affairs advised that a nationwide survey conducted after enactment of P.L. 91–219 had indicated that, contrary to advice previously given (see page 53 of S. Rep. No. 91–487), there were very many schools charging full-time tuition for less than 12 hours, quite a few for only 7 or 8 hours per semester. (The letter and survey are set forth in the appendix to this report.) This would have had the effect of reducing part-time requirements to extremely low levels. The proposed revision would correct this.

(2) The credit/non-credit provision in the "Notwithstanding" clause in the present section 1684(a), also added by P.L. 91–219, is revised to permit any number of non-credit courses to be counted toward full- and part-time minimum requirements as long as such courses are required by the school to be taken. (This new provision is simplified and inserted at the start of clause (3) of the proposed new section 1786 in a parenthetical rather than in the same form as the present "Notwithstanding" provision.) The P.L. 91–219 amendment permitted such non-credit hours to be counted up to a number equal to the number of credit hours taken. The Administrator's July 17, 1970, letter, referred to in (1) above, also noted that the survey had discovered that many schools gave full non-credit programs and that under VA regulations in effect prior to enactment of P.L. 91–219, veterans enrolled in such programs would be able to use their full GI bill entitlement. This regulation (38 C.F.R. 21.4272(f)) had not been pointed out to the Subcommittee prior to enactment of this provision, which was intended to be a liberalization not a tightening of then present requirements regarding non-credit deficiency courses. The proposed revision would embody the VA regulation.

(3) The non-credit/credit provision is made applicable to chapter 35. The VA supports this extension of the statutory provision to reflect its practice already with respect to war orphans, wives and widows training under chapter 35.

Clause (2). Strikes the present section 1787, relating to false or misleading statements (which would be made subsection (d) in the new subsection), and incorporates a number of existing chapter 34, 35 and 36 provisions in this new section 1787 as follows:

Subsection (a) of the new section 1787. Clause (1). Incorporates clause (1) of the present sections 1685 and 1734, relating to overcharges by educational institutions.

Clause (2). Provides that the Administrator may disapprove a school for GI bill purposes in the future if he finds that it has altered its tuition and fee policy for veterans so substantially as to deny the benefit of the advance and prepayment of allowances system which the new section 1780 would establish. The purpose of this provision is to preserve the value of the initial advance payment for the benefit of the veteran and to discourage schools from demanding earlier payment of any substantially greater amount of tuition after the new system is enacted. (Clause (2) in present sections 1687 and 1736 is rendered unnecessary by virtue of the combination provision in chapter 36.)

Subsection (c) of the new section 1787. Incorporates present section 1786, relating to examination of records.

Subsection (d) of the new section 1787. Incorporates present section 1787, relating to false or misleading statements.

Section 304. Strikes out various provisions, redesignates others and amends the table of sections in present chapters 34 and 35, all necessary as a result of incorporation of provisions from these chapters in chapter 36 by other provisions of the committee substitute.

Section 305. Incorporates the provisions of S. 3907 to amend section 3013 of title 38, United States Code, relating to effective dates of educational benefits, to provide that a "voc rehab" or GI bill trainee who acquires a dependent shall have his GI bill allowance increased from the date he legally acquires that dependent, not when the VA receives notice of such acquisition (the present rule), as long as he gives notice within one year thereof. This new provision would be generally consistent with a number of other effective date provisions, which take effect on the happening of the event in question, for payment of disability compensation under chapter 11 of title 38.

Section 306. As a companion to the new section 1688, which would be added by section 203 of the committee substitute, repeals the NDEA loan cancellation-for-military-service provision added in P.L. 91–230 (see discussion of new section 1688 under "explanation of the bill", above). The effective date of the repealer is July 1, 1970, which would have the effect of precluding anyone from having acquired any benefit under that provision.

TITLE IV

Section 401. Establishes an effective date for the bill of the first day of the second calendar month following the month of enactment.

Title Amendment. The title would be amended to be more descriptive of the provisions included in the committee substitute.

COST ESTIMATE

The Veterans' Administration estimates the first full-year cost of the provisions of the committee substitute to be $31.25 million, broken down as follows:

Work-Study Program Provision: It is estimated that no more than 56,000 student veterans could be engaged annually under work-study agreements to serve in VA programs, resulting in a full-year cost of $14,000,000 in direct work-study allowance payments (with no adjustment for overpayments recovered because of unfulfilled agreements) and $250,000 in administrative costs.

Active-Duty Post-Secondary Education Provision: It is estimated that the first full-year cost would be $17,000,000 covering 39,000 servicemen using GI bill entitlements after 180 days of active duty service. Much of this initial cost would be cancelled out by commensurate reductions in use of entitlement by these servicemen after two years of active-duty service or after their discharge.

Repayment of Education Loan Provision: It is estimated that costs will not be entailed until the third year of operation, FY 1973, during which year they will approximate $14.7 million. Thereafter they increase yearly, and those estimates and the bases for them are set forth in the September 23, 1970, Veterans' Administration memorandum from the Chief Benefits Director to the General Counsel, which is included in the Appendix to this report.

S. 3785—GI BILL BENEFITS FOR FAMILIES OF SERVICEMEN MISSING, CAPTURED, OR INTERNED

Mr. CRANSTON. Mr. President, this bill was introduced on April 30, 1970, by Mr. Dominick—for himself, Mr. Cotton, Mr. Griffin, Mr. Hruska, and Mr. Smith. I reported it with a committee amendment in the nature of a substitute from the Committee on Labor and Public Welfare on September 23, 1970. I regret that on the reported bill, Calendar No. 1250, the name of the Senator from Illinois (Mr. Smith) was inadvertently omitted as a cosponsor of this bill and want to make perfectly clear for the record that Senator Smith is a cosponsor of S. 3785 and that his name should have appeared as such on the bill as reported.

Mr. President, the committee substitute amends chapters 35 and 37 of title 38 of the United States Code to accomplish the following seven basic purposes:

First. To authorize educational benefits for children and wives of members missing or captured who are so listed for more than 90 days.

Second. To authorize home loan benefits—guaranteed or direct—to wives of such members.

Third. To terminate the entitlement to both educational and home loan benefits when the member is no longer so listed but still allow completion of the current semester or other period in an educational program.

Fourth. To deduct any educational entitlement used from any subsequent entitlement of the wife or child under chapter 35.

Fifth. To limit the period of eligibility for educational benefits to the standard GI bill 8-year period.

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Sixth. To limit the wife's home loan entitlement to one loan.

Seventh. To provide that the wife's entitlement does not reduce the husband's entitlement to a home loan under chapter 37.

Mr. President, I believe that the benefits that this bill would provide to the wives and children of servicemen captured or missing would be small recompense for the grief and uncertainty that have befallen these unfortunate families. What the committee substitute does, in effect, is to give the wives and children the benefit of the doubt and not force them to defer utilization of GI bill benefits to which they would, in many instances, become entitled if their husbands or fathers were determined to be deceased. Otherwise, they are in the position of having to go on waiting and hoping and not being eligible for these benefits.

Mr. President, I ask unanimous consent that appropriate passages of the committee report, No. 91-1232, be set forth in the RECORD at this point in order to explain in detail the purposes of S. 3785 as reported, and I urge all of my colleagues to support the bill as reported.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

The bill as introduced provided educational assistance for the children and home loan benefits for the wives of members of the Armed Forces who are missing in action, captured by a hostile force, or detained or interned by a foreign government or power (hereinafter referred to as members missing or captured).

The purpose of the committee substitute, which was developed in agreement with the bill's sponsor, Senator Dominick, and after technical consultation with the Veterans' Administration, is to provide educational benefits for the wives as well as children of members missing or captured and to make other changes along lines suggested by the Veterans' Administration in its report.

* * * * *

At the present time, there are approximately 1472 United States servicemen listed as missing in action, captured or interned in Southeast Asia. About 150 of these men have been missing or captured for more than four years, and more than 300 of them have been missing or captured for three and one-half years. That is longer than any U.S. serviceman was held prisoner during World War II. Because hostile forces recently generally have refused to provide information on those persons whom they hold as prisoners, the uncertainty of the fate of members listed as missing or captured is greater for longer periods of time than in prior conflicts.

Meanwhile, the families of these servicemen anxiously await to hear whether their missing father or husband is dead or captured. Many of these servicemen have sons or daughters who would be eligible for educational benefits under the War Orphans' Educational Assistance Act if it could be determined that their father was killed in action or died while being held as a prisoner by enemy forces. Without this determination they must go on waiting and hoping, and they are not eligible for these benefits. Similarly, their wives would be eligible for educational and home loan benefits as war widows, if it could be determined that their husbands were deceased.

The committee considers it unfair that these benefits are denied to these children and wives of our servicemen whose service to their country has certainly cost them their freedom and perhaps their lives. The refusal of the enemy to provide information on the fate of members missing or captured makes the uncertainty faced by these dependents particularly acute, often for long periods of time.

The educational benefits proposed to be extended to the wives and children are those presently contained in chapter 35 of title 38, "War Orphans' and Widows' Educational Assistance." The home loan benefits for wives are those of chapter 37 of title 38, United States Code. In the case of education, the benefits are those to which the children or wife would be entitled under present law if the husband/parent were deceased as a result of a service-connected condition or 100 percent service-connected disabled. The home loan benefits are those now provided widows of veterans or servicemen whose death was service-connected.

Except for extending educational benefits to children of members missing or captured, the provisions of the committee substitute are generally supported by the administration. The administration suggested extending educational benefits to the wife in order to give her a head start as head of the family toward a career in the event her husband is determined to be deceased.

The most current tabulation of the numbers of members missing or captured, their wives and children is as follows:

ARMED SERVICES MEMBERS AND THEIR DEPENDENTS WHO ARE ELIGIBLE FOR VETERANS BENEFITS UNDER S. 3785 AS OF SEPT. 14, 1970

Service	Missing in action	Captured	Detained or interned	Total
Air Force	543	231	3	777
Army	266	58	0	324
Marines	93	22	0	115
Navy	111	144	1	256
Total	1,013	455	4	1,472
Wives of members:				
Air Force	412	196	3	611
Army	113	20	0	133
Marines	42	12	0	54
Navy	76	99	1	176
Total wives	643	327	4	974
Children of members:				
Air Force	877	379	10	1,266
Army	122	38	0	160
Marines	82	26	0	108
Navy	118	232	1	351
Total children	1,199	675	11	1,885
Total dependents	1,842	1,002	15	2,859

SECTION-BY-SECTION ANALYSIS

Section 1.—Adds children and wives of members missing or captured to the definition of "eligible person" in section 1701(a)(1), relating to educational benefits under chapter 35 of title 38, United States Code.

Clauses (1), (2) and (3).—Add, as a new subclause (iii) of section 1701(a)(1)(A), a child of a member missing or captured as an eligible person for chapter 35 benefits. For purposes of this new provision, the specification of the member's status as missing in action, captured by a hostile force, or forcibly detained or interned by a foreign government or power would be based on the listing by the Secretary concerned for purposes of pay and allowances under sections 551 and 556 of title 37, United States Code. This terminology is used throughout the committee amendment. The Veterans' Administration suggested that the waiting period be consistent for all categories, rather than none for "prisoners of war" (changed to "members captured by a hostile force") and one year for the other two categories. The committee agreed that the waiting period should be the same for all three categories, and adopted a 90-day rather than a one-year waiting period, on which the administration has not commented. The committee considered a one-year waiting period unnecessarily lengthy, and believed that 90 days was a reasonable period after which it may be assumed that the member's status will not change or be determined with certainty for a considerable length of time.

Clauses (4), (5) and (6).—Add, as a new clause (C) of section 1701(a)(1), a wife of a member missing or captured as an eligible person for chapter 35 benefits.

Section 2.—Extends through the end of the current semester or like period an entitlement to education benefits which is terminated by a change in the entitling status of the member missing or captured. Another entitlement may, of course, arise automatically under a separate provision, *e.g.*, for the now widow of a member who is determined to have died from a service-connected condition.

Clauses (1), (2) and (3).—Add to subsection (b) of section 1711, relating to termination of eligibility, a new clause (2), which permits wives and children of members missing or captured to complete the semester or other period when the member's status changes. Present subsection (b)(2) is redesignated as (b)(3).

Clause (4).—Conforms a cross reference in redesignated subsection (b)(3) of section 1711, which deals with disabled persons, to the appropriate entitling provision which has been redesignated (a)(1)(D) of section 1701.

Section 3.—Amends section 1712 to set limits on duration of entitlement and eligibility for wives and children.

Clause (1).—Conforms a cross reference in subsection (b) of section 1712 to the redesignated appropriate entitling provision in section 1701(a)(1), relating to widows and wives of the disabled.

Clause (2).—Adds new subsections to section 1712 as follows:

New Subsection (f).—Establishes an eight-year limit on eligibility for educational benefits for wives of members missing or captured comparable to the limit for other eligible wives or widows in present section 1712(b).

New Subsection (g).—Deducts from future entitlements any entitlement used under the new entitlements so that the duration of benefits under more than one entitlement does not exceed the present 36-month limit in section 1711(a) for a wife, widow, or child.

Section 4.—Expands a cross reference (to the applicable entitling provision) in section 1720(b) to include the new clause (C) in subsection (a)(1) of section 1701. This permits the provision of the same educational counseling for wives of members missing or captured that other eligible wives or widows presently receive.

Section 5.—Extends to wives of members missing or captured the home loan benefits of chapter 37 of title 38, United States Code, as follows:

Subsection (a).—Adds a new paragraph (3) to subsection (a) of section 1801 in order to include such wives within the definition of "veteran." The new provision is similar to present paragraph (2) making certain widows eligible. The wife would be limited to one loan, and her unused entitlement would terminate if her husband's entitling status changed.

Subsection (b).—Preserves the husband's home loan entitlement under chapter 37 even if his wife uses hers while he is missing or captured. The administration suggested that the bill as introduced be changed so as not to deprive the husband of his entitlement since his needs upon return may well be very different from those of his wife before, and since he was not in any way a party to the prior loan and thus should not himself lose benefits as a result of his wife's usage. The effect is that one family might possibly obtain three benefits under chapter 37: (1) wife obtains loan while husband is missing in action; (2) husband obtains loan upon his return, and (3) husband dies of service-connected condition and widow obtains loan.

Title Amendment.—Reflects the extension of educational benefits to wives, and the change in terminology from "prisoner of war" to "captured by a hostile force."

COST ESTIMATE

The administration estimates that the annual full year cost of the provisions in the committee substitute would not exceed $500,000. The educational benefits for children and for wives are each estimated at not more than $250,000 per year. The home loan provision only creates a potential liability, and would not result in any substantial increase in cost to the government.

H.R. 370—THE DISABLED VETERANS AUTOMOBILE ASSISTANCE AND VETERANS FLIGHT TRAINING AND FARM COOPERATIVE PROGRAMS

Mr. CRANSTON. Mr. President, the committee substitute for this House-passed bill was reported unanimously from the Veterans' Affairs Subcommittee, and was unanimously ordered reported by the full Labor and Public Welfare Committee.

As passed by the House of Representatives, H.R. 370 would have amended chapter 39 of title 38, United States Code, by raising the disabled veterans automobile allowance from $1,600 to $2,500 and by extending the benefits of the chapter to certain disabled persons on active duty.

Title I of the committee substitute improves and expands the provisions of the House-passed bill in three respects: First, the automobile allowance is raised from $1,600 to $3,000, rather than $2,500; second, the Administrator is required to provide the necessary adaptive equipment in addition to the automobile allowance, and to continue to repair and replace such adaptive devices on one car at a time for the eligible person; and, third, veterans disabled during the Vietnam era are made subject to the same service-connection standard as is applied to veterans of World War II or the Korean conflict, rather than the more stringent so-called peacetime standard now applied for all post-Korean service. The House bill would have extended the automobile allowance to the disabled person on active duty, using the World War II-Korean conflict standard for service connection. The committee substitute incorporates a similar extension of the benefit but would base the eligibility of the disabled active duty person on the same service-connection standard as would apply to him as a veteran.

Title II of the committee substitute incorporates the provisions of S. 3689, which was introduced on April 7, 1970, by Senator YARBOROUGH, and which I was privileged to cosponsor along with seven other of our colleagues, to establish a new veterans flight training loan and farm cooperative program. Both of these new programs were adopted by the Senate on October 23, 1969, as a part of H.R. 11959—which became Public Law 91-219, the Veterans Education and Training Assistance Amendment Act of 1970—but were deleted at the insistence of the House conferees on that bill. The loan program will assist veterans in obtaining a private pilot's license in order to qualify to pursue further flight training, and improves the present farm cooperative program to stress onfarm training rather than institutional instruction. The farm program is similar to the ones previously in effect under the World War II and the Korean conflict GI bills.

Mr. President, I ask unanimous consent that the appropriate passage of the committee report, No. 91-1233, be set forth in the RECORD at this point in order to explain in detail the purposes of H.R. 370 as reported, and I urge all of my colleagues to support the bill as reported.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TITLE I

* * * * *

The Veterans' Administration supported the concept of the House-passed bill and specifically endorsed the allowance increase to $2,500. It suggested and the committee agreed to the revision in the House-passed bill to remove the discrimination against veterans of the Vietnam era by applying the same service-connection standard to them as is applicable to World War II and Korean conflict veterans from the same service period. The Veterans' Administration also suggested and the committee agreed that the service-connection standards applicable for active duty personnel should be made consistent with those for veterans. The Veterans' Administration pointed out that the provision for extending the benefit to disabled persons on active duty as passed by the House could yield discriminatory results. A serviceman who accidentally incurred the qualifying disability as a result of military service after January 31, 1955, but whose disability was not incurred as the direct result of the performance of military duty, would be entitled to automobile assistance if his claim was paid prior to his release or discharge from service. However, if the processing of his claim were delayed until after his discharge, the more restrictive criteria of the so-called peace-time standard would be applicable and he would no longer be eligible for the benefit. The committee substitute was prepared after technical consultation with the Veterans' Administration, although the Veterans' Administration did not take positions on the committee substitute automobile allowance increase to $3,000, or on the provision of adaptive equipment in addition to the automobile allowance.

The increase in the automobile allowance to $3,000 is strongly supported by the American Legion, AMVETS, the Disabled American Veterans, the Disabled Officers Association, the Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States. Their letters of support are set forth in an appendix to this report.

When the automobile assistance program was established on August 8, 1946, the $1,600 maximum payment approximated the actual cost of many automobiles then available together with the necessary adaptive devices. The subsequent increase in the cost of living and the cost of automobiles has been considerable. Figures comparing cost of automobiles in 1946 to the cost in 1970 are not readily available. However, the National Automobile Dealers' Association has calculated the average retail selling price of new cars in 1949 as $2,080 and the average for the first 6 months of 1970 as $3,470. This is a 67 percent increase over the past 21 years, or an average annual increase of 3.2 percent. By using this average annual increase, a comparable 1946 average new car retail selling price of $1,876 is obtained. The ratio of this figure to the 1946 allowance of $1,600 calls for a current allowance equivalent of $2,965. compared to the current average retail selling price of $3,470. The committee substitute thus proposes a 1970 allowance figure rounded off to the nearest 100 at $3,000.

The committee substitute reflects the thought that adaptive equipment on automobiles for disabled veterans are in the nature of prosthetic devices, which are now provided on a continuing basis to service-connected disabled veterans as part of medical treatment. A one-time allowance for adaptive automobile equipment does not meet the continuing need of the disabled veteran (or serviceman). Thus, the committee substitute requires that such devices shall be provided on a continuing basis.

The provision of adaptive equipment and its maintenance, repair, replacement and reinstallation is strongly endorsed by the Paralyzed Veterans of America. In addition to relieving the economic burden on persons who require such equipment to operate a vehicle, another important purpose is served. The Administrator would, under the provisions of the committee substitute, establish safety and quality standards for adaptive equipment. Such safety and quality standards are already established for prosthetic devices provided by the Administrator as part of medical treatment under chapter 17, section 612(d) of title 38 United States Code. It is believed that the same capability within the Veterans' Administration Department of Medicine and Surgery can be effectively employed, with the addition of a few personnel positions, which the committee recommends, to carry out a similar quality control program for the automobile adaptive devices which the Administrator would provide under the revised chapter 39 contained in the committee substitute.

In the oversight hearings of the Subcommittee on Veterans' Affairs, regarding medical care in VA hospitals for Vietnam veterans, from November 21, 1969, to April 28, 1970, the importance of achieving mobility for the paralyzed, or otherwise seriously disabled, veteran was referred to repeatedly by representatives of the Paralyzed Veterans of America, the Blinded Veterans' Association, and by paralyzed and seriously disabled veterans themselves. A paraplegic's continuing and secure access to an automobile is very often the indispensable factor affording him an opportunity for a productive life. Public transportation is not appropriate for him in most instances. The committee strongly believes that providing this kind of assistance for veterans so seriously disabled by service-connected conditions should be considered a vital part of the Government's obligation for their rehabilitation.

The present chapter 39 is a short chapter consisting of five sections. Since the proposed changes required substantial amendment of each section, the committee substitute contains an entirely new chapter.

TITLE II

Title II of the committee substitute contains the flight training loan and farm cooperative training provisions of S. 3689, which in turn were substantially the same as those included as part of title I (sections 102(c) and 103(d)) of H.R. 11959 as passed by the Senate on October 23, 1969, but not accepted by the House conferees and originally contained in subsection (b) of section 1 of S. 338 (flight training) and S. 1998 (farm training).

The loan program which section 1 of title II would establish would give needed assistance to veterans who wish to obtain a commercial license but who are unable to pay

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the approximately $1,000 cost of flight-training instruction necessary to secure a private pilot's license, possession of which is a prerequisite to pursuit of flight training under the GI bill. This is a limited loan program, and contains no cancellation or forgiveness provisions.

The beneficial features of the loan are: (1) The veteran could obtain a loan of up to $1,000 or 90 percent of the established tuition charges for a private pilot's license, at a reasonable interest rate; (2) repayment of the loan is deferred until the educational objective is attained and (3) no security is required for the loan. All of these features would encourage and assist the veteran who desires to pursue advanced flight training but is deterred from doing so because of the difficulty of securing commercial financing for the preparatory flight training. GI bill benefits are presently available under section 1677 of title 38, United States Code, for flight training, and this loan program would provide substantial assistance to a veteran who seeks a career as a commercial pilot, but does not have the resources to support private pilot training.

The farm cooperative program is similar to the one previously in effect under the Korean conflict GI bill, and stresses on-farm training rather than institutional instruction. The purpose of returning to the type of farm cooperative program which was successful in attracting 785,000 trainees under the two prior GI bill programs is to attract more veterans to farm cooperative training under the current program. Since the time when the present farm cooperative program was instituted in 1967, only 836 trainees have participated, less than one-twentieth of 1 percent of the total number of trainees under the present GI bill. The attractiveness of the prior programs is demonstrated by the much higher percentage of participation in the two prior programs—7.7 percent of the total number of trainees in those two programs.

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Testimony before the subcommittee on S. 1998 indicated that there is an unmet need for young farmers, growing especially acute in light of the average high age of present farmers. For example, in Minnesota, with a projected need of 3,375 farm replacements each year, only about 1,000 students graduate yearly from agricultural schools in the State and only part of those graduates enter full-time farming. A survey by the American Vocational Association of 22 States showed unanimity for return to the World War II and Korean conflict form of farm cooperative program with combined classroom and on-farm instruction.

The new farm program proposed in the committee substitute is endorsed by the National Vocational Agricultural Teachers' Association, the National Farmers Union, and the National Grange. In addition, the State supervisors of vocational education of the following 26 States have written letters endorsing the proposed new farm program: Alabama, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, New Mexico, Pennsylvania, South Dakota, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

The administration opposed the flight-training loan program when it commented on S. 338, and when it commented on S. 1998, recommended that consideration of the farm cooperative program be deferred pending the completion of a study by the President's Committee on the Vietnam Veteran. However, the study, published in late March 1970, did not speak to farm cooperative training.

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101. Establishes the title of title I of H.R. 370 as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970."

Section 102. Reenacts a revised chapter 39 of title 38, United States Code, with a new chapter heading and table of sections, and the following new sections:

New Section 1901. Establishes applicable definitions for the chapter as follows:

Subsection (1) of new section 1901. Defines "eligible person" to include (1) persons on active duty with the same disabilities as those disabled veterans presently covered in the chapter, (2) those disabled veterans presently covered, and (3) Vietnam era veterans under the so-called "war-time" standard of service connection. The so-called "peacetime" standard of service connection is left open-ended, as it is in subsection (b) of present section 1901, and upon termination of the Vietnam era the more stringent standard would be applicable.

Clause (a).—Combines the periods of service, applicable standards of service connection for each, and the degree of disability now covered in subsections (a) and (b) of present section 1901.

Clause (b).—Includes within the definition of "eligible person" a person on active duty who is suffering from one of the disabilities specified for veterans. This is substantially the House provision (added as a new section 1906), but the committee substitute makes the service-connection standards for active duty personnel consistent with those for veterans for the same service period.

Subsection (2) of new section 1901. Restates the definition of "World War II" contained in present section 1901(c) in terms of an eligible person rather than a veteran.

New section 1902.—Establishes the type of assistance to be provided under the chapter.

Subsection (a) of new section 1902. (1) Restates the entitlement to an automobile allowance contained in the first clause of present section 1901(a); (2) raises the maximum allowance from $1,600 to $3,000; and (3) deletes the present language which provides that the allowance is to cover both the automobile and adaptive devices. The method of payment—to the seller under a sales contract—is derived from present section 1903.

Subsection (b) of new section 1902. Requires, in a new provision, the Administrator to provide eligible persons with adaptive equipment necessary for them to operate the vehicle. The standard of safety to which the automobile is to be adapted is derived from the standard now contained in the second clause of present section 1902. Rather than requiring the Administrator to insure that the person "will be licensed" to operate the vehicle, the standard is rephrased to provide that the equipment should enable the person to "satisfy applicable standards of licensure established by the State. . . ."

Subsection (c) of new section 1902; Clause (1).—Requires, in a new provision, the Administrator to repair, replace, or reinstall adaptive equipment for eligible persons on the automobile acquired under this chapter.

Clause 2.—Requires that equipment be provided, repaired, replaced, or reinstalled for any eligible person in any vehicle he may subsequently acquire. This entitles all persons who have previously obtained a vehicle under this chapter to obtain the necessary adaptive equipment and service therefor with respect to the vehicle they presently operate or may subsequently purchase.

Subsection (d) of new section 1902. Restates the provision contained in the last proviso of present section 1902 entitling an eligible person who cannot himself qualify to operate a vehicle to receive the allowance toward an automobile to be operated for him by another person. The reorganization of the chapter makes clear that this entitlement extends only to the automobile and not to adaptive equipment, which would obviously not be necessary in this situation.

New section 1903. Restates general limitations on providing assistance now contained in the present chapter.

Subsection (a) of new section 1903. Restates the prohibition, contained in present section 1904, against providing more than one automobile to an eligible person, and the prohibition, contained in the first clause of present section 1902, against repair, maintenance, or replacement of the automobile.

Subsection (b) of new section 1903. Restates the prohibition, contained in the second clause of the present section 1902, against a veteran being provided an automobile if he cannot qualify to operate it (except in cases where it is to be operated by another under subsection (d) of new section 1902).

Subsection (c) of new section 1903. Establishes, in a new provision, the limitation on the new entitlement to adaptive equipment that an eligible person may obtain the adaptive eulpment for only one car at a time.

Subsection (d) of new section 1903. Requires, in a new provision, that adaptive equipment provided under this chapter must meet standards of safety and quality prescribed by the Administrator.

Deletion of present section 1905. Existing section 1905 states that the benefits of the chapter shall be made available to those who are eligible and who apply for the benefits in accordance with regulations prescribed by the Administrator. This section is no longer necessary, and its deletion will not affect the administration of the chapter.

TITLE II

Section 201.—Adds to section 1677 of chapter 34 of title 38, United States Code, a new subsection (c) containing a new private pilot's license loan program. The loan program would assist veterans who wish to pursue flight training under the GI bill but who are unable to pay the up-to-$1,000 cost of flight training necessary to secure the private pilot's license, which under section 1677 (a)(1) is a prerequisite to qualifying for flight training educational assistance under chapter 34.

Paragraph (1) of new subsection (c). Authorizes direct loans to veterans wishing to obtain training for a private pilot's license with a view toward pursuing flight training under the GI bill (section 1677 of chapter 34) such as training for a commercial pilot's license.

Paragraph (2) of new subsection (c). Limits the loan to $1,000 or 90 percent of the established tuition charges for the flight training course, and provides that the interest rate shall be established by the Administrator at not to exceed 6 percent per year.

Paragraph (3) of new subsection (c). Requires repayment of the loan within 3 years after certain dates set as follows: (A) 1 year after the loan is made if the veteran does not obtain a private pilot's license; (B) 1 year after obtaining a private pilot's license if he fails to undertake commercial pilot's training; (C) immediately upon his failure to complete commercial training within 18 months; or (D) 1 year after he has completed commercial training. This provision is modified to correct an omission in the version in H.R. 11959 as it passed the Senate.

Section 202.—Subsection (a). Establishes the new farm cooperative program as a substitute for the present program in subsection (d) of section 1682.

New subsection (d). Replaces the present highly academically oriented farm cooperative program with a program similar to that existing under the Korean conflict GI bill. The new farm cooperative program would stress supervised work experience on a farm or other agricultural establishment and require less classwork. Presently, full-time farm cooperative training requires a minimum of 12 clock hours of classwork a week for 44 weeks of any period of 12 consecutive months. The new program would lower the requirement to a minimum of 200 hours per year, with at least 8 hours each month.

Paragraph (1) of new subsection (d). Establishes the basic farm cooperative education assistance allowance, now contained in paragraph (2) of the present subsection, eliminating allowances for part-time training which would no longer be necessary under the new type of program. The allowance for farm cooperative training would be established at the same level as is presently provided for other types of cooperative training under paragraph (1) of subsection (a) of the present section. The new farm cooperative rates for veterans with dependents would be $2 higher than presently in the farm cooperative program in paragraph (2) of the present subsection.

Paragraph (2) of new subsection (d). Establishes standards for approval of a farm cooperative training program by State approving agencie-

Subsection (b).—Establishes the effective date of the farm cooperative training program and contains a saving provision for those enrolled in existing farm training programs.

TITLE AMENDMENT

Reflects the changes in H.R. 370 made by the committee substitute: title I—extension of benefits to certain Vietnam veterans and provision of a continuing entitlement to receive adaptive equipment—and by title II—addition of the flight training loan and farm cooperative programs to the bill.

COST ESTIMATE

The first full year cost of the provisions of the committee substitute is $20 million, including $6.8 million for the automobile assistance in title I, $11.4 million for the flight training loan program, and $1.8 million for the farm cooperative program of title II.

Mr. CRANSTON. Mr. President, I very much hope that we will be able to iron out whatever differences may exist between us and the House Committee on Veterans' Affairs with respect to these bills and secure the enactment of all of them before the adjournment of this Congress. In closing, I wish to note my appreciation for the special contribution made to the work of the Veterans' Affairs Subcommittee in preparing the amendments to these four bills by Hugh Evans of the Office of Legislative Counsel and by all of those in the Veterans' Administration who so graciously offered their time and expertise in providing technical assistance to us.

VETERANS' ADVANCE EDUCATIONAL ASSISTANCE ALLOWANCE AND WORK-STUDY PROGRAM ACT OF 1970

The Senate proceeded to consider the bill (S. 3657) to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first 2 months of school, and to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Veterans' Advance Educational Assistance Allowance and Work-Study Program Act of 1970".

TITLE I—INCREASE IN THE AMOUNTS OF LOANS TO AND ELIGIBILITY FOR WORK-STUDY PROGRAM OF DISABLED VETERANS ENROLLED IN VOCATIONAL REHABILITATION

SEC. 101. Section 1502 of title 38, United States Code, is amended by adding at the end thereof a new subsection (d) as follows:

"(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, for participation in the work-study program provided by section 1687 of this title."

SEC. 102. Section 1507 of title 38, United States Code, is amended by striking out "$100" in the first sentence thereof and inserting in lieu thereof "$200".

TITLE II—ADVANCE PAYMENT OF EDUCATIONAL ASSISTANCE ALLOWANCE AND WORK-STUDY PROGRAM

SEC. 201. Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting immediately before section 1781 the following new section:

"§ 1780. Payment of educational assistance allowances

"Period for Which Payment May Be Made

"(a) Payment of educational assistance allowances to eligible veterans or persons pursuing a program of education, other than correspondence or flight, in an educational institution under chapter 34 or 35 of this title shall be paid as provided in this section and, as applicable, in section 1682 or section 1732 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment, but no amount shall be paid—

"(1) to any eligible veteran or person enrolled in a course which leads to a standard college degree for any period when such veteran or person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter or of chapter 34 or 35 of this title; or

"(2) to any eligible veteran or person enrolled in a course which does not lead to a standard college degree for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines law) during which the institution is not regularly in session.

"Advanced Payment of Initial Educational Assistance Allowance

"(b)(1) The authorization of an educational assistance allowance advance payment provided in this subsection is based upon a finding by the Congress that eligible veterans and persons need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits and payments for living quarters, the initial installment of tuition, and other special expenses which are concentrated at the beginning of a school term.

"(2) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, an eligible veteran or person shall be paid an educational assistance allowance advance payment. Such advance payment, except in unusual or extraordinary cases, shall be made within fifteen days after receipt of application therefor submitted by the eligible veteran or person pursuant to paragraph (3) of this subsection, but in no event earlier than thirty days prior to the date on which pursuit of his program of education is to commence and shall be made in an amount equivalent to the educational assistance allowance for the month or fraction thereof in which pursuit of the program will commence, plus the educational assistance allowance for the succeeding month. In no event shall an educational assistance allowance advance payment be made under this subsection to an eligible veteran or person intending to pursue a program of education on less than a half-time basis.

"(3) The application to the Administrator for advance payment shall include—

"(A) evidence showing (i) such veteran to be an 'eligible veteran' as defined in section 1652(a)(1) of chapter 34 of this title, or (ii) such person to be an 'eligible person' as defined in section 1701(a)(1) of chapter 35 of this title,

"(B) a certificate by the eligible veteran or person (i) stating that he is enrolled, or has applied for, been accepted by and intends to enroll, in a specified educational institution and is pursuing, or plans to pursue, a specified approved course of education during such school year at such educational institution, (ii) specifying the expected date of enrollment if he has not yet enrolled in an educational institution, and (iii) specifying the number of semester hours (or equivalent) or clock hours he is pursuing, or intends to pursue, and

"(C) in the case of an eligible veteran, information as to the number of persons he claims as dependents (as defined in section 1652(d) of this title).

"(4) For purposes of the Administrator's determination whether any veteran or person is eligible for an advance payment under this section, the evidence and information submitted by such veteran or person pursuant to paragraph (3) of this subsection shall establish his eligibility unless there is evidence in his file in the processing office establishing that he is ineligible for such advance payment.

"Prepayment of Subsequent Educational Assistance Allowance

"(c) Except as provided in subsection (e) of this section, subsequent payments of educational assistance allowance to an eligible veteran or person shall be prepaid each month, subject to such reports and proof of enrollment in and satisfactory pursuit of such programs as the Administrator may require. The Administrator may withhold the final payment of a period of enrollment until such proof is received and the amount of the final payment appropriately adjusted. In the case of an eligible veteran who submitted an application showing one or more dependents, but who does not submit evidence, acceptable to the Administrator pursuant to regulations he shall prescribe, of such dependents, the amount of the educational assistance allowance shall reflect the assumed existence of such dependents during a reasonable period to allow the veteran to furnish such proof, but such period shall not extend beyond sixty days or the end of the enrollment period, whichever is the earlier.

"Recovery of Erroneous Payments

"(d) If an eligible veteran or person fails to enroll in a course for which an educational assistance allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information furnished in the certificate referred to in subsection (b)(3)(B) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section

3102 of this title, from any benefit otherwise due him under any law administered by the Veterans' Administration or may be recovered in the same manner as any other debt due the United States.

"Payments for 'Less Than Half-Time' Training

"(e) Payment of the educational assistance allowance computed under section 1682(b)(1) of this title for an individual pursuing a program of education while on active duty, or under section 1682(b)(2) or 1732(a)(2) of this title for an individual pursuing a program of education on a less than half-time basis may, and the educational assistance allowance computed under section 1696(b) of this title shall, be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that such individual has enrolled in and is pursuing a program at such institution.

"Determination of Enrollment, Pursuit, and Attendance

"(f) The Administrator may, pursuant to regulations which he shall prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible veteran or person for any period for which he receives an educational assistance allowance under this chapter for pursuing such program or course."

SEC. 202. Section 1681 of title 38, United States Code, is amended to read as follows:

"§ 1681. Educational assistance allowance

"General

"(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"Institutional Training

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than correspondence or flight, at an educational institution shall be paid as provided in section 1780 of this title.

"Correspondence Training Certifications

"(c) No educational assistance allowance shall be paid to an eligible veteran enrolled in and pursuing a program of education exclusively by correspondence until the Administrator shall have received—

"(1) from the eligible veteran a certificate as to the number of lessons actually completed by the veteran and serviced by the educational institution; and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution.

"Apprenticeship and Other On-Job Training

"(d) No educational assistance allowance shall be paid to an eligible veteran enrolled in and pursuing a program of apprenticeship or other training on the job until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period; and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a program of apprenticeship or other training on the job during such period.

"Flight Training

"(e) No educational assistance allowance for any month shall be paid to an eligible veteran who is pursuing a program of education consisting exclusively of flight training until the Administrator shall have received a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof, to the veteran during that month."

SEC. 203. Subchapter IV of chapter 34 of title 38, United States Code, is amended by deleting section 1687 in its entirety and inserting in lieu thereof the following:

"WORK-STUDY PROGRAM

"§ 1687. Work-study additional educational assistance allowance; advances to eligible veterans

"(a) Notwithstanding any other provision of law, the Administrator shall pay a work-study additional educational assistance allowance (hereafter referred to as 'work-study allowance') to any veteran pursuing on a full-time basis a course of vocational rehabilitation under chapter 31 of this title, or a program of education under this chapter, who enters into an agreement with the Administrator to perform services under the work-study program established by this section. Such allowance shall be paid in advance in the amount of $250 in return for such veteran's agreement to perform services, aggregating one hundred hours during a semester or other applicable enrollment period, required in connection with (1) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans' Administration, (2) the outreach services program under subchapter IV of chapter 3 of this title, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veterans' Administration as the Administrator shall determine appropriate. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, the amount of such advance to be prorated on the basis of the amount of a full advance. The Administrator may enter into a work-study agreement with a veteran who has satisfactorily pursued his courses during at least one enrollment period for the performance of services during a period between enrollments if such veteran certifies his intention to continue the pursuit of the program during the next enrollment period.

"(b) If an eligible veteran, after having received in advance a work-study allowance under subsection (a) of this section, fails to fulfill his work obligation under the agreement for any reason, the amount due (based upon the pro rata portion of the work obligation which the veteran did not complete) as computed by the Administrator shall be considered an overpayment and shall become due and payable at the end of the enrollment period or at such time prior thereto when the Administrator determines that such obligation will not be completed prior to the end of the enrollment period. Any such amount due may be recovered from any benefit otherwise due the veteran under any law administered by the Veterans' Administration or shall, unless waived pursuant to section 3102 of this title, constitute a liability of such veteran to the United States and be recovered in the same manner as any other debt due the United States.

"(c) In order to carry out the purposes of this section and to determine the number of veterans whose services the Veterans' Administration can effectively utilize and the types of services required to be performed by such veterans, the Administrator shall, at least once each year, conduct a survey to determine the numbers of veteran-students whose services under the work-study program can effectively be utilized during an enrollment period in each geographic area where Veterans' Administration activities are conducted. Based upon the results of such survey, the Administrator shall allocate to each Veterans' Administration regional office the number of agreements under subsection (a) of this section which the head of that office shall attempt to make during such enrollment period or periods prior to the next such survey. Each regional office shall further allocate to each educational institution, at which eligible veterans are enrolled pursuant to this chapter, within its area the number of such potential agreements based upon the ratio of the number of veterans enrolled in such institution to the total number of veterans enrolled in all such institutions in the regional area, except that, to the maximum extent feasible, 20 per centum of the allocated number of agreements shall be reserved for special allocation to those institutions with a substantially higher proportion of needy veteran-students than generally prevails at other institutions within such area. If the total number of agreements allocated to any educational institution cannot be filled by such institution, the number of such unmade potential agreements shall be reallocated to such other educational institution or institutions in the regional office area as the Administrator shall determine in accordance with regulations he shall prescribe.

"(d)(1) The Administrator shall, to the maximum extent feasible, enter into agreements with educational institutions under which such institutions will recommend, within their number of allocated agreements, which particular veteran-students enrolled in such institutions should be offered work-study agreements under this section.

"(2) The determination of which eligible veteran-students shall be offered work-study agreements shall be made in accordance with regulations prescribed by the Administrator. Such regulations shall include, but not be limited to, the following criteria—

"(A) the need of the veteran to augment his educational assistance allowance;

"(B) the availability to the veteran of transportation to the place where his services are to be performed;

"(C) the motivation of the veteran;

"(D) in the case of veterans who are members of a minority group, the disadvantages incurred by members of such group, and

"(E) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatability of the work assignment to the veteran's physical condition.

"(e) No work-study agreement shall be entered into under this section which would—

"(1) result in the displacement of employed workers or impair existing contracts for services, or

"(2) involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

"§ 1688. Repayment of Federal education loan

"(a) An eligible veteran who is obligated to repay an education loan made on or after April 13, 1970, pursuant to title II of the National Defense Education Act of 1958, part B of title IV of the Higher Education Act of 1965, part C of title VII and part B of title VIII of the Public Health Service Act, the Omnibus Crime Control and Safe Streets Act of 1968, the Migration and Refugee Assistance Act, or from the revolving fund established by section 10 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 470), or any other education loan made, insured, or guaranteed on or after April 13, 1970, under any Federal program, for education pursued prior to his performance of active duty service, may make application to the Administrator to accelerate payment of the educational assistance allowance for the pur-

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pose of paying off or reducing his indebtedness for such loan. Accelerated payment of educational assistance allowance under this section shall be made on the basis of unused educational entitlement, determined in accordance with section 1661(a) of this title, earned for the performance of active duty performed after June 30, 1970. The application shall contain such information as the Administrator may by regulation prescribe.

"(b) Any payment of an accelerated allowance shall—

"(1) be made no more than four times per veteran for each loan made or guaranteed under any provision of law referred to in subsection (a) of this section, and be made in an amount which the eligible veteran, within the educational benefits available to him, determines is most advantageous to him;

"(2) be applied to both principal and interest remaining unpaid at the time the payment is made; and

"(3) be charged to any unused entitlement which the eligible veteran has remaining under section 1661(a) of this title for active duty performed after June 30, 1970, at the rate of educational assistance allowance to which he would be entitled, as computed under section 1682(a) of this title, at the time of application if he were pursuing an approved course of education on a full-time basis.

"(c) The Administrator, upon receipt of an application made pursuant to subsection (a) of this section, shall obtain a certification from the head of the Federal department or agency involved in making or guaranteeing the loan in question as to the total amount of the principal and interest outstanding on the loan. Upon approval of the application, the Administrator shall transfer to such department or agency head the amount determined by the eligible veteran under subsection (b) of this section and still outstanding on the loan or loans in question. In the case of loans federally guaranteed, directly or indirectly, the agency or department head in question shall make immediate payment to the lender of the full amount transferred to him and shall immediately send notice of such payment to the educational institution in question and other guarantors or endorsers on the loan."

TITLE III—MISCELLANEOUS AMENDMENTS TO THE VETERANS AND WAR ORPHANS AND WIDOWS EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 301. Section 1652 of title 38, United States Code, is amended by—

(1) striking out "at least two years" in subsection (a)(2) and inserting in lieu thereof "more than one hundred and eighty days"; and

(2) by adding at the end of subsection (b) a new sentence as follows: "Such term also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a))."

SEC. 302. (a) Section 1731 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) immediately after the word "shall" the following: ", in accordance with the provisions of section 1780 of this title,";

(2) deleting subsections (b), (c), and (e) in their entirety; and

(3) redesignating subsection (d) as subsection (b).

(b) Section 1735 (hereinafter redesignated as section 1733) is amended by striking out "1737" where it appears therein and inserting in lieu thereof "1734".

SEC. 303. Subchapter II of chapter 36 of title 38, United States Code, is amended by—

(1) striking out section 1786 in its entirety and inserting in lieu thereof the following:

"§ 1786. Measurement of courses

"(a) For the purposes of this chapter, chapter 34, and chapter 35 of this title—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required; and

"(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.

"(b) For the purpose of this chapter and chapter 34 of this title, an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this subsection, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year.

"(c) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under chapter 34 or 35 of this title."

(2) striking out section 1787 in its entirety and inserting in lieu thereof the following:

"§ 1787. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

"Overcharges by Educational Institutions

"(a) If the Administrator finds that an educational institution has—

"(1) charged or received from any eligible veteran or person pursuing a program of education under chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced students not receiving assistance under such chapters who are enrolled in the same course to pay, or

"(2) instituted, after the effective date of section 1780 of this title, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Administrator finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance and prepayment allowances under such section,

he may disapprove such educational institution for the enrollment of any eligible veteran or person not already enrolled therein under chapter 31, 34, or 35 of this title.

"Discontinuance of Allowances

"(b) The Administrator may discontinue the educational assistance allowance of any eligible veteran or person if he finds that the program of education or any course in which the eligible veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

"Examination of Records

"(c) The records and accounts of educational institutions pertaining to eligible veterans or persons who received educational assistance under chapter 31, 34, or 35 of this title shall be available for examination by duly authorized representatives of the Government.

"False or Misleading Statements

"(d) Whenever the Administrator finds that an educational claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action."

SEC. 304. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out in section 1677(b) in the second sentence thereof all after "certification" down to the period at the end thereof and inserting in lieu thereof "as required by section 1681(e) of this title";

(2) striking out in section 1682(b)(2) the last sentence in its entirety; and

(3) striking out section 1684 and 1685 in their entirety.

(b) Chapter 35 of title 38, United States Code, is amended by—

(1) striking out sections 1733, 1734, and 1736 in their entirety;

(2) redesignating section 1735 as section 1733; and

(3) redesignating section 1737 as section 1734.

(c) The table of sections at the beginning of chapter 34 is amended by—

(1) striking out:

"1684. Measurement of courses.
"1685. Overcharges by educational institutions.";

(2) striking out:

"1687. Discontinuance of allowances.";
and inserting in lieu thereof

"WORK-STUDY PROGRAM

"1687. Work-study additional assistance allowance; advances to eligible veterans.
"1688. Repayment of Federal education loans.".

(d) The table of sections at the beginning of chapter 35 is amended by—

(1) striking out:

"1733. Measurement of courses.
"1734. Overcharges by educational institutions.
"1736. Discontinuance of allowances.";

(2) redesignating

"1735. Approval of courses."
as
"1733. Approval of courses.";
and

(3) redesignating

"1737. Specialized vocational training courses."
as
"1734. Specialized vocational training courses.".

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(e) The table of sections at the beginning of chapter 36 is amended by—

(1) inserting immediately before

"1781. Limitations on educational assistance."

the following:

"1780. Payment of educational assistance allowances.";

and

(2) striking out:

"1786. Examination of records.
"1787. False and misleading statements.";

and inserting in lieu thereof

"1786. Measurements of courses.
"1787. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements.";

SEC. 305. Section 3013 of title 38, United States Code, is amended by deleting the period at the end thereof and inserting the following: "; except that the effective date of an increase in the award of subsistence allowance under chapter 31 of this title, or of educational assistance allowance or training assistance allowance under chapter 34 of this title, by reason of marriage or the birth or adoption of a child, shall be the date of such event if proof thereof is received within one year from the date of such marriage, birth, or adoption."

SEC. 306. (a) Section 501(a) of Public Law 91–230 (84 Stat. 174) is amended by striking out "Section 205(a)(3)" and inserting in lieu thereof "Section 205(b)(3)".

(b) Effective June 30, 1970, section 205(b)(3) of the National Defense Education Act of 1958 (20 U.S.C. 425(b)(3)) (as amended by subsection (a) of this section) is amended—

(1) by striking out "(A)" where it appears after "(plus interest)";

(2) by striking out "(i)", "(ii)", and "(iii)" wherever they appear therein and inserting in lieu thereof "(A)", "(B)", and "(C)", respectively; and

(3) by striking out ", and (B) shall be canceled for service after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan plus interest thereon for each year of consecutive service".

TITLE IV—EFFECTIVE DATE

SEC. 401. This Act shall become effective on the first day of the second calendar month following the month in which enacted.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend chapters 31, 34, 35, and 36 of title 38, United States Code, in order to make improvements in the vocational rehabilitation and educational programs under such chapters; to authorize an advance initial payment and prepayment of the educational assistance allowance to eligible veterans and persons pursuing a program of education under chapters 34 and 35 of such title; to establish a work-study program and work-study additional educational assistance allowance for certain eligible veterans; and for other purposes."

BENEFITS TO WIVES OF MEMBERS OF THE ARMED FORCES WHO ARE MISSING IN ACTION OR PRISONERS OF WAR

The Senate proceeded to consider the bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That section 1701(a)(1) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of subclause (i) of clause (A);

(2) striking out the period at the end of subclause (ii) of clause (A) and inserting in lieu thereof ", or"; and

(3) inserting a new subclause (iii) at the end of clause (A) to read as follows:

"(iii) at the time of application for benefits under this chapter is a member of the Armed Forces serving on active duty listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power.";

(4) striking out the word "or" at the end of clause "(B)";

(5) redesignating clause "(C)" as clause "(D)"; and

(6) inserting a new clause "(C)" to read as follows:

"(C) the wife of any member of the Armed Forces serving on active duty who, at the time of application for benefits under this chapter is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or".

SEC. 2. Section 1711(b) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of paragraph (1);

(2) redesignating paragraph "(2) as paragraph "(3)"; and

(3) inserting a new paragraph (2) to read as follows:

"(2) the parent or spouse from whom eligibility is derived based upon the provisions of section 1701(a)(1)(A)(iii) or 1701(a)(1)(C) of this title is no longer listed in one of the categories specified therein, or"; and

(4) striking out "1701(a)(1)(C)" in redesignated paragraph (3) and inserting in lieu thereof "1701(a)(1)(D)".

SEC. 3. Section 1712 of title 38, United States Code, is amended by—

(1) striking out "1701(a)(1)(B) or (C)" in subsection (b) and inserting in lieu thereof "1701(a)(1)(B) or (D)"; and

(2) adding at the end thereof the following new subsections:

"(f) No person made eligible by section 1701(a)(1)(C) of this title may be afforded educational assistance under this chapter beyond eight years after the date on which her spouse was listed by the Secretary concerned in one of the categories referred to in such section or the date of enactment of this subsection, whichever last occurs.

"(g) Any entitlement used by any eligible person as a result of eligibility under the provisions of section 1701(a)(1)(A)(iii) or 1701(a)(1)(C) of this title shall be deducted from any entitlement to which they may subsequently become entitled under the provisions of this chapter."

SEC. 4. Section 1720(b) of title 38, United States Code, is amended by striking out "section 1701(a)(1)(B) or (C)" and inserting in lieu thereof "section 1701(a)(1)(B), (C), or (D)".

SEC. 5. (a) Section 1801(a) of title 38, United States Code, is amended by adding a new paragraph as follows:

"(3) The term 'veteran' also includes, for purposes of home loans, the wife of any member of the Armed Forces serving on active duty who is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power. The active duty of her husband shall be deemed to have been active duty by such wife for the purposes of this chapter. The loan eligibility of such wife under this paragraph shall be limited to one loan guaranteed or made for the acquisition of a home, and entitlement to such loan shall terminate automatically, if not used, upon receipt by such wife of official notice that her husband is no longer listed in one of the categories specified in the first sentence of this paragraph."

(b) Section 1802 of such title is amended by adding at the end thereof a new subsection as follows:

"(g) A veteran's entitlement under this chapter shall not be reduced by any entitlement used by his wife which was based upon the provisions of paragraph (3) of section 1801(a) of this title."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power."

ASSISTANCE FOR DISABLED VETERANS

The Senate proceeded to consider the bill (H.R. 370) to amend chapter 39 of title 38, United States Code, to increase the amounts allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

TITLE I—AUTOMOBILE ASSISTANCE FOR DISABLED VETERANS AND SERVICEMEN

SEC. 101. This title may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".

SEC. 102. Chapter 39 of title 38, United States Code, is amended to read as follows:

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.
"1901. Definitions.
"1902. Assistance for providing automobile and adaptive equipment.
"1903. Limitations on assistance.

"§ 1901. Definitions

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or

(iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if the disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty:

"(i) The loss or permanent loss of use of one or both feet;

"(ii) The loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment

"(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance or $3,000, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such a person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

TITLE II—FLIGHT TRAINING AND FARM COOPERATIVE TRAINING

SEC. 201. Section 1677 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c)(1) In any case in which a veteran wishes to pursue a course in flight training under this section but does not possess a valid private pilot's license and has not satisfactorily completed the number of hours of flight instruction required for a private pilot's license, the Administrator is authorized to make a direct loan to such veteran to pursue the flight training required for a private pilot's license.

"(2) Loans made under this subsection may be made in any amount not exceeding $1,000 or 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight training course are required to pay, whichever amount is less; and such loans shall bear interest at a rate determined by the Administrator, but not to exceed 6 per centum per annum.

"(3) Loans made under this section shall be repayable in equal monthly installments over a period of time not to exceed three years commencing—

"(A) upon the failure of the eligible veteran to obtain a private pilot's license within one year after the loan is made,

"(B) upon the failure of the eligible veteran to enter upon a course of training under subsection (a) of this section within one year after obtaining a private pilot's license,

"(C) upon failure to complete satisfactorily such a course of training within eighteen months after enrollment in a course of training under subsection (a) of this section, or

"(D) one year after the veteran has completed his course of training under subsection (a) of this section.

"(4) Loans made under this section shall be made upon such other terms and conditions as may be prescribed by the Administrator."

SEC. 202. (a) Section 1682(d) of title 38, United States Code is amended to read as follows:

"(d)(1) An eligible veteran who is enrolled in a 'farm cooperative' training program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of paragraph (2) of this subsection shall be eligible to receive an educational assistance allowance as follows: $141 per month if he has no dependents; $167 per month if he has one dependent; $192 per month if he has two dependents; and $10 per month for each dependent in excess of two.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course provides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veterans' institutional instruction and shall include instruction and home study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

(b) The amendments made by subsection (a) of this section shall become effective on the first day of the second calendar month following the month in which this Act is enacted; but any veteran enrolled in a farm cooperative course under section 1682(d) of title 38, United States Code, prior to such effective date may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to the effective date of the amendments made by subsection (a) of this section.

Mr. YARBOROUGH. Mr. President, the bill that we are considering today, H.R. 370, incorporates in title II my bill, S. 3689, which establishes two new veterans' education programs which are designed to expand the benefits and opportunities for veterans to participate in flight training and farm cooperative training under the cold war GI Bill. Both of these programs are urgently needed if veterans are to have the opportunity to pursue careers in agriculture and commercial flying.

I. LOAN PROGRAM TO ASSIST VETERANS IN OBTAINING A PRIVATE PILOTS LICENSE

Mr. President, with the ever-increasing volume of air travel in the world, there is a pressing need for commercial pilots.

XUM

There are many veterans who are interested in pursuing a career in commercial aviation but are unable to finance the cost of obtaining a private pilot's license which is a necessary prerequisite to obtaining a commercial license. Under the present flight training program, a veteran can receive financial assistance in obtaining his commercial license; however, it is up to him to pay the cost of his private license. Many veterans simply cannot afford private pilot's license training. Furthermore, the high interest rates that banks presently charge make it practically impossible for a veteran to obtain a loan to pay for this training.

The bill that we have before us today will provide a way for veterans who are seriously interested in flying to finance their private pilot's training. This bill establishes a low-interest loan program, the principal features of which are:

First, a veteran wishing to pursue a course in flight training could obtain from the Veterans' Administration a direct loan in an amount not to exceed $1,000 or 90 percent of the cost of tuition and fees of a private pilot's license training program;

Second, such loans shall bear interest at the rate of 6 percent per year; and

Third, such loans shall be repayable in equal monthly installments over a period not to exceed 3 years. These payments shall commence within 1 year after the veteran obtains his private pilot's license. In the event the veteran, after receiving the loan, fails to enroll in a flight training program or fails to satisfactorily complete his training, the payments shall begin immediately.

XUM

This loan program is designed to aid the young veteran who is serious about flying. It is not a giveaway program which would encourage the taking of flight training for amusement. It is a serious decision for a young man to undertake a $1,000 obligation, and I frankly believe that only serious young men will use this program.

II. VETERANS FARM COOPERATIVE TRAINING PROGRAM

Mr. President, the second program established in title II of H.R. 370 was also part of my bill, S. 3689. This portion of the bill establishes a farm cooperative training program for veterans similar to the one created by the Korean GI bill. Instead of emphasizing only classroom work, this new program strikes a proper balance between classroom instruction and on-the-farm training and will be a more attractive and workable program than the one presently in operation.

Experience during the last few years has clearly demonstrated that the present veterans farm training program has failed to encourage young veterans to pursue a career in farming. Since the enactment of the present program in 1967, only approximately 400 veterans have taken farm training in contrast to 785,000 veterans who participated in the farm training programs provided under the World War II and Korean conflict GI bill.

The causes of the poor participation by veterans in farm training are: First, the low allowance rates, and second, the unrealistic requirements of the present program. With the passage in this Congress of H.R. 11959, as amended by the Senate, Congress made substantial progress toward eliminating the first cause by raising the allowance rates by 35 percent. However, this is only a partial solution. For this program to be successful, it is essential that the farm training program be revised to meet the needs of the young veteran who is struggling to start his farm and support his family. The present farm training program does meet these needs.

The most objectionable feature of the present farm training program is that it put too much emphasis on classroom work and not enough on actual on-the-farm training. Under the present program, a veteran is required to take a minimum of 12 classroom hours of instruction each week for 44 weeks of any 12-month period. There is no provision for on-the-farm training. It is almost impossible for a veteran who is trying to work and support his family to carry this heavy a weekly classroom workload.

To correct the objectionable features of the present veterans farm training program, this bill makes the following significant changes:

First, the classroom instruction reqirement is lowered to a minimum of 200 hours per year, with a minimum of 8 classroom hours each month;

Second, the individual on-the-farm instruction which was a major part of the farm training program under the Korean conflict GI bill is reinstated. The bill would require not less than 100 hours of individual instruction each year, at least 50 hours of such shall actually be on the farm; and

Third, it eliminates the onerous requirement of the Korean program that the veterans own or control a farm to take the training.

Mr. President, this new farm training program has gained the strong support of such respected farm organizations as the National Farmers Union, the National Grange, and also is supported by the American Vocation Association and the National Vocational Agricultural Teachers Association. In addition to the support this program which I have worked for has received from these farm organizations and vocational groups, it has also received the support of State agricultural education experts in 26 States. These authorities in the field of agricultural training are all united in their belief that, first, the present farm training program is not effective; second, the farm training program that I have proposed is a practical and workable program; and third, there are many veterans who would take training under a new practical program. Mr. President, I ask unanimous consent that the letters of support I received from these State agricultural education authorities be printed in the RECORD.

Mr. President, the future of farming as a vocation in the United States is dependent on whether young men choose to make it their life's work. Unless we have strong farm-training programs such as the one before us today, farming as a family vocation is doomed to fade into history. This bill will be a great step forward toward revitalizing rural America.

In conclusion, Mr. President, I wish to commend the able junior Senator from California (Senator CRANSTON), for his work as chairman of the Veterans Affairs Subcommittee for his work on this bill. I urge all of my colleagues to give this bill their full support.

I ask unanimous consent that the attached letters from State vocational educational agencies be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF EDUCATION,
Montgomery, Ala., July 14, 1970.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Thank you for your recent letter concerning your proposed Legislation for the veterans farm training program. I appreciate the opportunity to give you our views on the needs for such Legislation.

First, may I say that it has been most unfortunate that recent Legislation has been such that it has not been at all practical for our farm veterans to participate in additional programs. We feel that the rural veterans deserve a practical program and one that they can profit from just as much as those in other areas. I would also like to make the following comments concerning veterans' education:

1. Too much emphasis has been placed on classroom instruction and not enough on farm instruction. We believe that 200 hours of classroom instruction and 100 hours on farm instruction per year is sufficient for any young man who wants to farm.
2. It is a definite need for a practical farm training program of this type in Alabama.
3. I would estimate that from 10 to 15 per cent of the young men being drafted into service would enroll in the farm training program provided the requirements are practical for the situation.
4. We do not feel that the present farm training program is practical in any way, form or fashion. Too much time is required for classroom instruction and, therefore, not enough time is left for him to farm or make a living.

We all appreciate your efforts in providing Legislation for our farm veterans and you have our full support.

Sincerely yours,

T. L. FAULKNER,
State Supervisor, Vocational Agricultural Education.

DEPARTMENT OF EDUCATION,
Sacramento, Calif., July 3, 1970.

Hon. RALPH W. YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR YARBOROUGH: I have your letter of June 22 concerning the veterans' farm training program.

I concur with your judgment that the current lack of interest is a result of too much emphasis on classroom work. I also agree that there is need for a comprehensive and workable program. The present one is of no value because it is just a regular junior college or four-year college program.

I have reviewed S. 3689 and the testimony in the *Congressional Record* and believe the bill is sufficiently broad to allow us to provide practical on-the-job training in agricultural and agriculturally-related occupations. A conservative estimate of the California veterans who might participate would be 2,500 to 3,000.

If I may provide additional information or assistance, please let me know.

Sincerely your,

DONALD E. WILSON,
Chief, Bureau of Agricultural Education.

STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION,
Denver, Colo., July 29, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I appreciate your interest and concern for the veterans farm training program. In answer to your questions:

1. I believe that a program should be available for a veteran who wishes to receive training.

2. The veteran's approving is also housed with the State Board for Occupational Education and they have had about six inquiries in the past year from veterans who desire training, but none are in training.

3. I do not believe that the present program is effective because the arrangements for cooperative training were unrealistic due to too much institutional time and not enough on-the-job management training.

It is quite evident that the bill is unsatisfactory if we only have interest in the training from six veterans in Colorado.

I believe that S. 3689 will reinstate the on-the-farm training and offer a quality program.

Thank you for your support of vocational education.

Sincerely,

DARRELL ANDERSON,
Supervisor, Agriculture Education.

DEPARTMENT OF PUBLIC INSTRUCTION,
Dover, Del., July 16, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Responding to the questions in your letter, I have the following comments:

(1) I do feel that there is a need for a Veterans' Training Program in the agricultural field. I believe that this should cover more than production farming. As the wording of the bill does stipulate either a farm or other agricultural establishment, it is clear that this stipulation is met.

(2) I have no real basis on which to answer your second question. I do feel that there will be the possibility of organizing on a county basis, at least two, and possibly three, Veteran Training Centers, each of which should anticipate an enrollment of not less than twenty-five to thirty veterans.

(3) The present Veterans' Training Program has not been given an opportunity for any experience here in Delaware. There have been no programs operated. I do agree with you, though, that under the present legislation, the number of class hours would not have permitted satisfactory enrollments. Consequently, I feel that the present program would not be effective. My last direct contact with veterans' training programs was early in the '50's, at which time I was very much impressed with the results obtained in the several programs which I directed.

(4) A copy of the Bill, which you have sent to me, seems to cover the situation very well. I am concerned with the stipulations which you have made on page 4, lines 11, 12, and 13. I feel that these stipulations are probably excessively restrictive. I would suggest that, at least in our part of the country, agriculture has so changed that many services, without which the farms cannot operate, are being provided by off-the-farm related agricultural businesses. Many of the job opportunities for veterans, would therefore be in such of these businesses as might deal with services which the specific veteran either has experience in, or would wish to be trained in. I would, therefore, like to see the stipulations as to what would be included in the proposed instruction, broadened to provide for the types of activities which would be inherrent in related agricultural business services.

I thank you very much for your interest in this area of instruction, and hope that if I may be of further service, you will advise me as to what is needed.

Sincerely,

FREDRIC E. MYER,
State Supervisor, Agricultural Education.

DEPARTMENT OF EDUCATION,
Tallahassee, Fla., June 29, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: This will reply to your letter of June 17, 1970 concerning the veterans farm training program.

I have discussed this matter with G. C. Norman, a member of our staff who was state supervisor of a large veterans on-the-farm training program following World War II, and the ideas expressed below represent our best judgment.

We agree with your reasoning as to why participation in the present program is small and that there is a need for the type of program described in S. 3689. As to the number of veterans who would participate in this program in Florida, we hesitate to give a definite figure. Our considered estimate is about one-thousand.

We feel that the present program is too institutionalized and that having the veteran pay the training agency out of his allowance is one of the main causes of low enrollment. We believe that it would improve your bill to spell out the amount and the manner in which the training agency will be reimbursed.

Please let me know if further assistance or information is needed from this office.

Sincerely yours,

T. L. BARRINEAU,
Administrator, Agricultural Education.

DEPARTMENT OF EDUCATION,
Atlanta, Ga., July 20, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: May I apologize for having waited this late to answer your letter concerning the Bill which you have submitted—"S. 3689" projecting a practical farm training program for veterans. I had delayed answering in order that I might talk with the district supervisors concerning this matter.

After having discussed the matter, it is our considered opinion that your Bill does spell out a more practical type of training program for veterans interested in farming. After World War II, I worked for several years with the Veterans Farm Training Program. I am impressed that what you are spelling out in your Bill somewhat parallels what we agreed on in the program back then. We feel this is a sound approach. As a matter of fact, we feel this is the only approach to a veterans on-farm training program.

I am sorry that we are not able to give you specific information concerning demand and interest for this program in our state. We do feel there are a good number of veterans, if such a program were offered, who would be interested. We hope to make a little survey with reference to this in the better agricultural sections of our state. We definitely feel there is a need for such a program.

We thank you very much for your interest in this type of practical training for young veterans in agriculture. If we can be of service to you, please call on us.

Sincerely,

J. L. BRANCH,
State Supervisor, Agricultural Education.

DEPARTMENT OF EDUCATION,
Honolulu, Hawaii, July 1, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Receipt of your letter dated June 16, 1970 concerning Senate Bill 3689 is acknowledged.

We have made available through our Young Farmer Program provisions for training veterans but have not had any request for training by veterans from the Veterans' Administration Office in Honolulu.

The following are my *personal views* on your four questions:

1. There is a need for agriculture and related field training for returning veterans. The Bill should cover more than farming per se—agribusiness, ornamental horticulture farm services and supplies, and some areas of occupations in which veterans might be interested.

2. The construction and tourist industries of Hawaii have influenced both high school students and veterans to seek training in these fields. As stated earlier, there has been no request for agriculture training by the Veterans' Administration.

3. It is only six months since I took on this assignment as Program Specialist. I have no comments on this question.

4. S.B. 3689 could be strengthened by including more coverage of related fields of agriculture. The number of farmers each year is decreasing while related fields of agriculture are expanding.

The proposed elimination of the requirement that a veteran own or control the farm on which training is taken may be a boost to those who wish to farm but not meet the stipulations in the existing law.

Your interest in improving agriculture is appreciated.

With kindest regards,

Sincerely yours,

THOMAS G. HATAKEYAMA,
Program Specialist Agricultural Education.

BOARD OF VOCATIONAL EDUCATION
AND REHABILITATION,
Springfield, Ill., June 30, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Thank you for your letter concerning the need for farm training as proposed in S. 3689.

There is a need for farm training that includes classroom instruction of 200 hours per year coupled with an individual on-farm instruction. In response to an earlier request we estimated that 1500 men would avail themselves of such a program in Illinois this year.

The present veterans farm training program is not meeting the needs of the young men on the farm which I believe has too much class work and not enough on-farm laboratory experience.

There is need for such a program that would have similar hours for off-farm agriculture training. Those young people involved in the feed, fertilizer, seed and other jobs related to farming need such practical instruction. Also statistics show that three out of four of those involved in agriculture are engaged in the off-farm jobs. They need help also.

May I compliment you for your interest in the welfare of this important segment of our economy.

Sincerely,

G. DONAVON COIL,
Advisor, Illinois Association FFA.

KANSAS STATE EDUCATION BUILDING,
Topeka, Kans., July 2, 1970.

RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: This is in regard to your letter of June 16 in regard to the veterans farm training bill. I have suggested change for this bill already several times but it had no effect. Now in answer to your questions.

Number one: There is a need for a farm training program such as the one proposed in S. 3689.

Number two: In my opinion there would be two or three thousand veterans in our state who would participate in such a program as the one proposed in S. 3689. We had over 15 thousand veterans in the institutional on-farm-training program following world war II. Two years after the program was closed out 85% of the veterans were still on their farms. We considered that an excellent record.

In answer to question three: Do I believe that the present veterans farm program is effective? The answer is, "no, as we do not have a single program in operation in the state." The reason is largely because of the highly academic type of program, which requires entirely too much time in the classroom. It looks as though we didn't learn a thing from the good experience we went through in the late forty's and fifty's.

As to question four: S. 3689 looks better to me than anything I've seen proposed since the institutional on-farm-program.

Sincerely yours,

C. C. Eustace,
State Supervisor, Agricultural Education.

Maryland State Department of Education,
Baltimore, Md. June 26, 1970.

Senator Ralph W. Yarborough,
U.S. Senate,
Washington, D.C.

To the Honorable Senator Yarborough: I am very pleased to hear that you have a keen interest in improving the agricultural veterans work training program. The original bill was written so that it required, as you suggested, too much inclass training and consumed too much time of an individual for the amount of assistance he received for his efforts.

There is no doubt in my mind that there is a need for an agricultural training program for returning soldiers from Viet Nam. I personally would liked to have seen not only an aspect of farm training in agriculture, but included training for technical agriculturalists in the area of agri-business, agri-services, and horticultural endeavors.

In Maryland, we are finding keen interest of our youth in this area since employment opportunities are great in rural and semi-rural areas. This facet of agri-business and service program would be conducted very similar to the 1945 on-the-job training bill and would work most efficiently. After all, these particular people support the man who is in the process of producing our food and fiber within our country.

Whoever wrote the original bill, I believe had in mind that it would not be a successful program and as a result it did fail. The image of agriculture by some people appears to be that agriculture is a thing of the past and has very little employment significance.

As a supervisor of Vocational Agricultural Education, I can see that some of the legislation of HEW has done to many programs of vocational agriculture within many states. Perhaps these people think that other programs will feed our population in the future.

Again I repeat, I appreciate your sincere efforts and would be delighted to answer any further questions relative to this bill.

Sincerely,

Glenn W. Lewis,
State Supervisor of Agricultural Education.

Department of Education,
Lansing, Mich., June 26, 1970.

Hon. Ralph W. Yarborough,
U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: I appreciated very much receiving your letter pertaining to proposed legislation for an educational program for veterans planning to farm.

Senate Bill No. 3689 which you enclosed with your letter, is very similar to the Veterans' On-Farm Bill passed following World War II and the Korean War. We had several thousand veterans trained under this Bill and felt it was rather satisfactory.

In answer to the questions you have raised, I wish to offer the following:

1. There is a definite need for a farm training program such as the one you propose in Senate Bill No. 3689 in Michigan. It is estimated there is a need for replacements of fifteen hundred farm operators per year. The average age of our present farm operators is fifty-six and it is anticipated many of those will retire by the time they reach sixty-five or earlier. The above figures are based on the anticipated number of full-time farm operators expected in Michigan by 1980.

2. I am not certain how many veterans in Michigan would participate in the program as outlined in Senate Bill 3689, however you can see from my above statement that there is an opportunity for persons employed as farmers in Michigan. I checked with our branch of the Educational Services dealing with veterans and find that at the present time we have no veterans who are enrolled in a farm program seeking qualifications for a high school diploma. We have only twenty-one veterans who are enrolled in our community colleges under a farm program and only three of these are actually planning to farm. The other seventeen are involved in preparing for agricultural occupations other than farming.

3. I think it is obvious from the few number of veterans on agricultural training programs in Michigan that the current legislation is not effective. There are a number of reasons for this.

(a) Under the present farm training veterans are required to attend 528 hours of classroom instruction covering a period of forty-four weeks of each year. This amount of classroom instruction is not compatible with the operation of a farm and, therefore, is impossible for veterans interested to enroll in this type of a program.

(b) There is no provision for on-the-job instruction. This is an essential part of the program and under the present legislation helps to make the veterans' on-farm training program less attractive.

(c) Michigan institutions for providing veterans' training in farming are somewhat limited and the distance which veterans must travel to avail themselves of the training is quite often too great to interest them.

4. In the way of suggestions for strengthening Senate Bill No. 3689, I would like to have you consider:

(a) The need to provide finances for setting up training programs within reasonable driving distance of the veteran's farm operation in order that he may more readily participate in the program.

(b) In view of the opportunities for increasing employment in off-farm occupations, you might consider the possibility of broadening Senate Bill No. 3689 to include training in this important area.

We are very much interested in the veterans' program as it relates to agriculture and will appreciate being kept informed as to any new developments.

Sincerely,

Clifford G. Haslick,
Acting Supervisor, Agricultural Education.

Department of Agricultural Education,
St. Paul, Minn., July 21, 1970.

Senator Ralph W. Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: I read with interest Senate file 3689 which you introduced on April 7 to the Senate. The amendments which you suggest should make it possible for veterans to actively engage in education for farming.

Provisions for on-farm instruction and the reduction in the amount of classroom instruction required per week are two key features. The previous provision of twelve hours of classroom instruction was simply not compatible with active engagement in farming. Having taught in the I.O.F.T. program following WWII and the Korean conflict, the similar provisions which your bill provides appear to me to be highly desirable and workable in local programs.

Studies of our farm management education program have shown on-farm instruction to be of high value to the participants. Farmers consider it one of the most valuable features of instruction since it allows them to carry classroom and group instruction to the application phase on their own farm. Instructors who have attempted to operate programs with very limited on-farm instruction have, for the most part, been unsuccessful.

If veterans have not shown a high interest in the present veterans training programs for farmers, I suggest that it is not a lack of interest in education, but rather an incompatibility with the organization of the program. Several surveys in Minnesota communities have revealed large numbers of veterans (40–80 men in some counties) who are anxious to participate in programs such as those described in your bill, but have been reluctant to participate under the present provisions.

We are convinced that the form of education provided by your bill pays big dividends. Under separate cover is a copy of a USOE supported research study on the investment effects of education in agriculture. I think the benefit-cost ratio of this type of instruction is worthy of consideration.

Sincerely,

Edgar Persons,
Associate Professor, Agricultural Education Department.

Department of Education,
St. Paul, Minn., June 26, 1970.

Hon. Ralph Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: Mr. Barduson has given me your letter relative to the Veterans Training Act. I will comment on the major features of your bill.

We are in agreement with your first point on lowering the classroom requirement to 200 hours per year or a minimum of 8 classroom hours per month. We heartily endorse point 2 on the reinstatement of individual on-farm instruction.

We do not agree with point 3. We feel that to be effective and avoid criticism of training more farmers than are needed, the trainee must have control of, or own the farm.

In answer to question #1, there were in Minnesota on January 1, 1969, 5,286 veterans wanting farm cooperative training. We have one program in operation, with 2 others approved. The only limiting factor is the lack of qualified teaching personnel. I am enclosing a copy of a report compiled by the late G. R. Cochran, State Supervisor, Agriculture Education, which answers questions 1 and 2.

I submit the following in answer to question 3. First, we do not feel the program is effective because of the unrealistic classroom requirements, the lack of supervised

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on-farm instruction which is the guts of any program of vocational education in agriculture. Another lack of effectiveness is that the program does not require farm management records and a business analysis and, this is not a comprehensive program.

With these changes, I would heartily endorse the immediate passage of 3689.

Our Minnesota Ag Unit and Mr. Robert Van Tries, Assistant Commissioner, have worked hard with our own Minnesota people involved and have met several times with our Minnesota Congressmen in Washington on this very matter. Thus we sincerely appreciate your efforts.

My sincere thanks to you and your cocolleagues for sponsoring this important and much needed legislation. If additional information is needed, we shall attempt to supply it.

Sincerely,

PAUL M. DAY,
State Supervisor, Agriculture Education.

FARM COOPERATIVE TRAINING

*1. Minnesota has a potential of 5,286+ veterans that want farm cooperative training as soon as the law is modified to permit a workable program.

2. The Alexandria Area Vocational-Technical School now has 23 students enrolled in an operating program.

*3. We have specific requests from 11 other schools with enrollments of 35+ veterans in each school.

4. Farmers are older today in proportion to 10 years ago. Therefore, training replacements today is more urgent than it was during the Korean War.

5. Veterans with entitlement who wish to farm (backbone of free enterprise) should have the opportunity of participating in an effective, workable program of class, laboratory and on-farm instruction.

*6. An effective "on-the-farm training" program could be modeled after the proven and successful Minnesota Farm Management Program that has been in operation for over 10 years and the U.S. Office of Education uses it as the model for the Nation. This is a combination of class, group and individual on-farm instruction.

*7. Earlier veterans farm training programs were successful. A comprehensive study was made of 2,286 Korean veterans enrolled for 2 years in 1954–56. This study concerned itself with *tenure, financial status*, and *social outcomes* of the I.O.F.T. program under Public Law 550. In 1960 a follow-up study of 3,179 veterans was made of those who completed I.O.F. training. These studies indicate the following significant:

(1) *83.77%* of trainees were farming in 1960.

(2) *3.4%* were in agriculture related occupations.

(3) The gain in net worth from 1954 to 1956 was from *$15,183.00* to *$24,106.00*, a gain of *58.7%*. (per farm)

(4) The gain in farm capital from 1954 to 1956 was from *$18,676.00* to *$28,693.00*. (per farm)

(5) The veterans indicated in many instances that their training was responsible for their rapid financial progress.

(6) These studies show that there is a real financial return from farm training and that the trainees remain in the occupation.

(7) One of the many favorable social outcomes was that the veterans gained a favorable impression of the value of an education and became better supporters of education for their children.

REFERENCES

*1. The number of 5,286+ veterans was secured and substantiated from the records of the following departments:

(a) Minnesota Selective Service

(b) Veterans Affairs

(c) Vocational Division of State Department of Education.

*3. Requests from these 11 schools: Middle River, Willmar, Montevideo, Madison, Worthington, Jordan, Blue Earth, Waterville, St. James, Hayfield, Detroit Lakes.

*6. (a) *Vocational Agriculture Farm Management Program*, by Area Vocational-Technical School and Vocational Division of Minnesota State Department of Education.

(b) *Investments in Education for Farmers*, by Dr. Persons, University of Minnesota, U. S. O. E. Project No. 472–65.

*7. *General Survey Report Public Law 550 and Public Law 894, Institutional On-Farm Training in Minnesota 1959*, by Dr. A. M. Field, State Department of Education Consultant.

After Institutional On-Farm Training—What Then? 1960, by Stanley Novlan, Assistant State Supervisor, Agriculture Education, Minnesota Department of Education.

TOTAL NUMBER OF VETERANS RETURNED TO MINNESOTA

	Number	Approximately 50 percent returned to metropolitan areas	Approximately 25 percent returned to rural towns	Approximately 10 percent returned to farms (O.E. Code) (eligible for farm training)
Korean (1955–61)	92,179	46,089	23,044	9,218
Vietnam (1961–68)	105,012	52,506	26,253	10,501

Source: Vocational education, State Approving Agency, Veterans Training, Centennial building, St. Paul, Minn.

REFERENCES

These totals were obtained from the records of:

1. Minnesota Selective Service Headquarters.

2. Veterans Affairs' Office.

3. Minnesota State Department of Education.

STATE DEPARTMENT OF EDUCATION,
Jefferson City, Mo., June 25, 1970.

Sen. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I received your letter of June 16 relative to the Farm Veterans Training Program. Let me express to you our sincere appreciation for the interest which you have in and the work which you have done to develop a workable and a sound program for the farm veterans who have returned and who will be returning from the Vietnam War.

The three provisions which you have mentioned in your letter which are included in Senate Bill 3689 would certainly provide for a sound educational program for the farm veterans. The law under which these programs are now operated limits the attendance by virtue of the twelve hours per week in class requirement. It is impossible to develop an effective program without on-farm supervision and instruction.

I am sure that those of us in Missouri who have worked with a farm training program and who are now working in the field of vocational agriculture would agree that it should not be necessary for the veteran to own or have the farm under his control for him to benefit from the program. We would, of course, hope most of these men would have the opportunity to manage their own operation but feel sure this may be physically impossible in some cases.

The bill which you have introduced would certainly receive support from the vocational agriculture people in Missouri and I am sure it would receive the support of all agricultural people in the AVA. We would be glad to support this bill and certainly hope it receives the attention of the entire Congress.

Very truly yours,

CARL M. HUMPHREY,
Director, Agricultural Education.

OFFICE OF THE STATE SUPERINTENDENT,
Helena, Mont., July 1, 1970.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Your letter about your efforts to improve the lot of the veteran who is interested in agricultural education is appreciated. I hope the legislation you are sponsoring will become a law. For too long the young man who would like to enter the field of agriculture has been discriminated against in his efforts to obtain equal training opportunity with the veteran who goes on to college or into other types of training.

To be eligible the requirements under the present law of farm ownership or control, an unrealistic number of classroom hours of instruction which is virtually the same as for full time college training makes it completely impractical for these young men to get into a training program.

The veteran who may inquire is told of the requirements and he immediately sees how impossible the prospects are.

There is, I believe, a need for this type of training program in Montana as I've had a number of inquiries from veterans. The V.A. regional office at Fort Harrison indicates their enquiries have been relatively few and attribute this to the unrealistic eligibility requirements.

If the program would be closely patterned after the IOFT program following WWII I would expect several hundred trainees to be enrolled.

The present program is completely ineffective.

As I read S. 3689 it would overcome the objections to the present law, many veterans would be eligible for a realistic training program, and many of the present inequities would be remedied.

Thank you, Senator, for your efforts on behalf of veterans and agriculture education.

Sincerely,

BASIL C. ASHCRAFT,
Supervisor, Agriculture Education.

DEPARTMENT OF EDUCATION,
Lincoln, Nebr., July 2, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Your letter and information concerning the Veterans' On-farm program was received on June 29, and in reply to your questions, the following statements have been prepared.

1. There is a need for the farm training program such as you have proposed in S-3689.

2. How many veterans would participate? We have 8,608 veterans from the Vietnam war in agricultural employment here in Nebraska. The discharge rate is about 4,000 per year for Nebraska. It has been estimated that approximately 8% of our labor force here in Nebraska is composed of Vietnam veterans. A sizable percent of these would be young men hoping and planning to farm or ranch.

3. The present Farm Veterans' program is not practical in terms of time requirements. It lacks flexibility and creates hardships during certain times of the year.

4. S–3689 would be satisfactory as written and an improvement over the present plan, and would aid in followup and instruction geared to the individual needs.

Sincerely,

B. E. GINGERY,
Administrative Director Agricultural Education.

DEPARTMENT OF EDUCATION,
Trenton, N.J., July 28, 1970.

Hon. RALPH W. YARBOROUGH,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR YARBOROUGH: Thank you for seeking my opinion on Senate Bill 3689.

I shall give you my personal opinions. I have also spoken to two of my excellent instructors and suggested that they also write to you. Both are World War II veterans and both taught veteran classes under P.L. 346. Mr. Louis Gombosi and Mr. John Stump, both of Newton, can give you a viewpoint from the instructors stand point as well as a veterans'.

I am in complete agreement with you. A full college program would indeed take so much of the trainees time that full time active participation in farm management and operations would be impossible. Most of the agricultural college graduates in New Jersey do not return to farming.

What is true in New Jersey is true in other States as evidenced by their testimony.

After World War II hundreds of students were enrolled in G.I. "Institutional on the Farm Training". It was impossible to get enough certified agricultural instructors. Retired *successful* farmers were employed as teachers' aids to help with visitation and individual on farm instruction. They attended all classes so that they were informed and participated in class discussions.

These older *successful* men contributed stability to the young and impetuous recently released veterans. Two of my aids were directors in their local bank and knew farm finance and credit. Others were connected with Production Credit. In some cases it was almost a father and son relationship.

The World War II G.I. Bill (P.L. 346) was good legislation—it worked and produced results. Its greatest fault was many veterans became farm owners before they were enrolled for training. We could have helped them to secure better farms or a better price had we been permitted to help them before they became owners. Some acquired poor farms.

Being from New Jersey, the most populous state, I cannot close without saying "Farm Training" should be interpreted to include agricultural education in a broad sense. Nursery work, floriculture, recreational conservation and other agriculturally related jobs should be covered in the new bill.

I hope I have contributed to your efforts and look forward to your success.

Respectfully yours,

George W. Lange,
Director, Agricultural Education.

P.S.—I am sorry that you had to wait so long for my reply, but this is a one-man operation (we are understaffed), and your letter arrived at the end of the fiscal year approvals.

The State Education Department,
Albany, N.Y., June 29, 1970.

Hon. Ralph W. Yarborough,
U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: This is to answer your recent letter addressed to Dr. Noakes, Chief of this bureau. As I have been delegated the direct responsibility for adult programs in agriculture, I will try to answer your letter to the best of my ability.

To answer your questions directly:

1. We definitely believe there is a need for such a program as proposed in S–3689.

2. It is only an opinion, but I believe there would be in the neighborhood of 200 to 500 young men interested in such a training program in this state. This admittedly is considerable less than were enrolled for the on farm program following World War 2, but I believe it is realistic.

3. We believe that the present veterans farm training program is completely ineffective. To our knowledge, not a single person is enrolled in any such program in this state and we have no indication that any will be started. Two years ago we had a number of inquiries regarding such courses but apparently the current program fails completely to meet the needs of this group. We have had no inquiries whatsoever for such a program for at least a year. None of our teachers of agriculture are interested in participating under the current law.

4. I have one very definite opinion as to how S–3689 could be strengthened. I taught a full-time advanced veteran class for two years and the beginning class part-time for two years following World War 2. While the results were excellent, there was general agreement by all concerned that time requirements were excessive and resulted in a considerable waste of time and money. My suggestion would be that the time allocation for on-farm instruction be made quite flexible. Some veterans need considerable such instruction and some need relatively little. I see no objection to a maximum and minimum, but it is unrealistic to think that each person has the same needs. I know of no reason why the allowance to the veterans could not be made flexible on the basis of his actual hours of instruction both class and individual. I do add that it is our belief that on-farm instruction is most important as a part of this course and support wholeheartedly your view that ownership of a farm should not be a requirement for enrollment.

It is most gratifying to know that you have such an active interest in the welfare of these young men. So far, we have seen very little concern for them.

Furthermore, I again express what I am sure is the feeling of all vocational teachers, the very great appreciation for the continued active support you have given all phases of vocational education.

Sincerely,

Frank T. Vaughn,
Associate in Agricultural Education.

Department of Education,
Santa Fe, N. Mex., June 30, 1970.

Sen. Ralph W. Yarborough,
U.S. Senate, Washington, D.C.

Dear Senator Yarborough: This will acknowledge receipt of your letter in regard to my opinion of Senate Bill 3689.

(1) in sparsely populated areas like New Mexico there is not enough concentration of trainees in one area to warrant a class for farm training, unless there were two or more in an area in which we had a Vocational Agriculture Department where the teacher could spend extra time in the training program at night, after school and on Saturday. I think the amendments to the act are an improvement in the program and will make it more practical than it was before.

(2) we would possibly have somewhere in the neighborhood of 150 to 200 students in New Mexico who would participate in such a program in which they would not have to own or operate the farm or ranch, but could have a cooperative work agreement for placement on a farm or ranch.

(3) the present farm training program is so rigid in the number of hours that have to be spent in the institutional classroom that a trainee could not work on a farm and make a living as we would like for them to do.

(4) I think you have done an excellent job of improving the Veterans Farm Training Program through the amendments in Senate Bill 3689. I hope that you will be able to get the amendments passed in this session of Congress.

I was really shocked to hear of the death of your friend and my friend, George Hurt, longtime Vocational Agriculture Educator from Texas.

Sincerely yours,

L. C. Dalton, *State Supervisor,*
Agriculture Education.

Department of Public Instruction,
Raleigh, N.C., July 7, 1970.

Hon. Ralph W. Yarborough,
Senator, U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: I have your recent letter relative to the Veterans Farm Training Program. May I say in the beginning I appreciate your interest and efforts in behalf of this program.

Listed below are the questions which you raised and my answers based upon observations and visits with teachers of agriculture and others concerned with the program.

Question: Do you think there is a need for a training program such as the one proposed in S. 3689?

Answer: I feel there is a definite need for this type program. Many veterans in North Carolina have expressed an interest and desire an opportunity to enroll in a program of this nature. Unfortunately, at the present time we have only four schools conducting a program.

Question: In your opinion, how many veterans in your state would participate in a program such as the one proposed in S. 3689?

Answer: Soon after Public Law 90–77 was enacted, we conducted a survey among the teachers of agriculture in the State to determine the possible number of eligible veterans who might be interested in enrolling in the program. Information which we received indicated there might be approximately 3000 eligible and interested veterans. We have not conducted a more recent survey; therefore, we are not familiar as to what the situation is at this time.

Question: Do you feel that the present veterans farm training program is effective? If not, could you explain why.

Answer: I do not feel that the present program is designed to be as effective as it could be for those eligible, or those enrolled. The requirements that an enrollee must attain class for a minimum of twelve hours per week is the major problem. Also no provision is made in Public Law 90–77 for on-the-job instruction which is contrary to our philosophy in vocational education. I think the provisions contained in S. 3689 will make a much more effective program and will involve many times as many veterans as are currently enrolled.

Question: Do you have any suggestions as to how S. 3689 can be strengthened or do you have any criticism of it?

Answer: It appears to me that S. 3689 will provide for an effective program. I do not have any criticism of its provisions.

I trust that something will be done in the near future to change the program so that more veterans will take advantage of this opportunity.

Again, your interest and efforts are appreciated.

Sincerely,

V. B. Hairr,
Chief Consultant Occupational Programs.

Department of Public Instruction,
Harrisburg, Pa., June 25, 1970.

Hon. Ralph W. Yarborough,
U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: Your letter of June 16, 1970, with Bill S. 3689 and the Congressional Record of April 7, 1970, reached me today.

I thank you for sending this material to me and for drawing the whole matter to my attention. Pennsylvania had tremendous success with Institutional On-Farm Training following World War II. We were most proud of what we had accomplished.

I am going to write you again after I have had a chance to study S. 3689. At that time I will answer the four questions which you have raised.

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The present veterans farm training program in our state is not as effective as it used to be. The biggest reason for this has been that the program was taken completely out of the hands of Vocational Agriculture.

Sincerely yours,

JAMES C. FINK,
State Supervisor,
Agricultural Education.

DIVISION OF VOCATIONAL AND TECHNICAL EDUCATION,
Pierre, S. Dak., June 30, 1970

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I very much appreciate your letter concerning Senate Bill 3689 whereby it is the intent to provide on-farm instruction as well as classroom instruction for veterans who wish to take this type of training.

I am convinced that in South Dakota this would mean a greater number of veterans would be able to take and benefit by this instruction who otherwise cannot find the time to do so. It is my opinion that about 1,000 veterans would take advantage of the opportunity. This is an estimate of about 25 per class with about forty programs.

The problem with the present farm training program is that these are young men who are getting established in farming and cannot find the means or time to devote to twelve hours classroom instruction per week and still operate the farm efficiently.

I am in agreement that Senate Bill 3689 would do much to make the program more popular and beneficial. Thank you again for your interest in Vocational Agriculture.

Sincerely yours,

E. W. GUSTAFSON,
State Supervisor, Agricultural Education.

DEPARTMENT OF EDUCATION,
Montpelier, Vt., July 6, 1970.

Hon. RALPH W. YARBOROUGH,
Member of the Senate,
Washington, D.C.

MY DEAR MR. YARBOROUGH: I wish to thank you for your recent letter and concur with your statements therein. The people in Agriculture Education have been trying for a number of years to have the laws changed or amended to allow veterans farm training programs. What is needed is a program similar to the one established after the Korean War.

I understand in the present G.I. bill a veteran must sign up with an on-going program. I do not believe any state has a program in Agriculture Education in operation that will allow veterans to pursue a career in agriculture and continue his present job status.

I commend you for your stand in this regard and urge you to continue to have the present law changed or amended.

I have had a few requests for Veteran Farm-Training Programs for Vermont. Undoubtedly several others would be interested if the program could be offered similar to the one after the Korean War.

Sincerely yours,

JULIAN M. CARTER,
State Consultant, Agricultural Education.

STATE BOARD OF EDUCATION,
Richmond, Va., July 6, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR MR. YARBOROUGH: Thank you for your letter of June 16 and a copy of Senate Bill S. 3689 relating to the Veterans Farm Cooperative Training Program.

We, too, have been disturbed by the lack of participation of veterans in the farm cooperative training program. We also believe that the lack of interest in the present program is due primarily to the great amount of emphasis placed on classroom work and not enough on actual on-farm instruction. We believe there will be more intrest in the program as you have outlined in the provisions of S. 3689.

We, therefore, hope to give you our responses to the four questions asked in your letter.

1. Yes—We believe that the program proposed in S. 3689 will provide much more flexibility to the program. We particularly like the provision for minimum monthly requirements rather than weekly. Under the old bill the required hours of instruction by the week made it difficult for young farmers to carry on a farming program and meet the minimum requirements for weekly class instructions.

2. In our opinion, a large number of veterans in our state, perhaps 1,000, would participate in the farm training program if appropriate modifications are made as proposed in S 3689.

3. As stated above we do not believe that the present veterans farm training program is effective. The main reason being the twelve hours requirement per week for classroom instruction.

4. We believe that the farm training program proposed in S 3689 is a good one. The main problem as we see it is the need for sufficient number of veterans to be enrolled in order to justify the employment of a full-time instructor. This will not be a problem in localities having a large number of veterans interested in the cooperative farm training program. It may be a problem in localities where there are only a few interested veterans.

We greatly appreciate the interest and support you have given to the veterans training program. Kindly let us know if we can be of further assistance to you.

Sincerely yours,

JULIAN M. CAMPBELL,
Supervisor, Agricultural Education.

COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION,
Olympia, Wash., June 30, 1970.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Thank you for your interest in agriculture. Those of us who work in the field of agriculture truly appreciate the support, work and efforts that people like yourself devote to our business.

In response to your letter of June 16 pertaining to veterans training programs in agriculture, I have consulted the Director of our Veterans program and obtained the policies which it operates under in the State of Washington. Your first question pertaining to need for farm training programs could be answered, I think, by saying yes. At the present time we do not have anyone enrolled in such a program and I feel the main reason is because of the nature of the policy regulating this type of activity. If you will note page 3 of the materials that I am including, you will see that it states the veteran must be directly involved with agriculture which relates to cultivating the soil. This is only a small part of agriculture today, and for a program to be successful it must include agribusiness and let farm experience be replaced by an approved agribusiness establishment. In our vocational agriculture secondary program we are witnessing good growth in the agribusiness area. Our program would be "dead on the vine" if we still had it related only to the farm. I would encourage you to work towards getting changes made in this part of the control of this program.

I think your proposal for S. 3689 is a good one and is heading in the right direction. I would give my support for it.

I will look forward to hearing more about changes that take place in relation to the veterans' program. Best wishes.

Sincerely,

JAY WOOD,
Program Director, Agricultural Education.

BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION,
Madison, Wis., June 29, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Mr. Aebischer referred your letter to me. I am Chairman of the Committee on Veteran Farm Training so far as the National Association of Vocational Agriculture Teachers is concerned.

Your thinking that veterans are not receiving a realistic type of training is shared by myself. We do not have a large number participating in the program which has been initiated in Wisconsin. Although two of these programs are in existence, we expect to be operating in three additional districts by January 1, 1970.

Difficulties encountered in trying to initiate a program under the current law include a lack of interest on the part of veterans in attending class 12 hours a week. There is also difficulty in hiring competent instructors. It requires a great deal more finesse to conduct a 528 hour per year program than it does to conduct a 200 hour per year program of classroom instruction. For this reason we have gone so far as to hire men with a PhD degree to offer courses in sufficient depth to attract veterans.

There are concerns regarding your proposed bill. While I am very much in favor of this bill, and have supported a similar proposal for the last several years, it is expensive. I am not sure how many districts could afford the cost of hiring one instructor to offer 50 hours of individual on-the-farm instruction per trainee per year. This would probably mean 30–35 enrollees in this person's class. We have a program involving on-the-farm instruction, however we say the instructors should enroll a maximum of 90 people and offer considerable less on-the-farm instruction. Probably an additional factor must be considered in developing support for this bill from administrators. The Veterans Administration will of necessity need to subsidize the instructor's salary in order to develop enthusiasm among administrators for initiating such a program. It costs us approximately $14,000 per year, in addition to mileage, to employ one instructor. If the mileage is figured at $1,000 we would have a training program costing $15,000 for 35 farmers. This cost per enrollee is not out of line, however our formula for reimbursement of costs to districts would make this program more expensive than if a district hired a man to teach in a classroom. Our reimbursement policy is such that we reimburse for individual on-the-farm instruction at a rate of 10 hours for one hour of instruction. It requires 620 hours to equal one full-time student equivalency. We would reimburse at the rate of approximately $175 for this one full-time student equivalency. If an instructor teaches one student in a class for 22.5 hours per week for two semesters, 34 weeks, it is counted as a full-time student equivalent and because it is full-time training the reimbursement from state funds is approximately $350.

I believe there is a need for farm training such as the one proposed in S. 3689. My basis for believing there is a need is based on the rapidity with which our full-time young and adult farmer program is growing in Wisconsin. We have hired as many men as were qualified and who indicated an interest in teaching in this program the last two years. Our teaching staff has gone from 23 to

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about 45. Our enrollment increased from 1,300 to 2,400 and we expect it to be nearly 3,500 during the 1970–71 school year. Our program does not require nearly as much classroom instruction, but it does indicate that farmers are interested in improving their education.

My estimate of veterans in the state who would participate in the program such as the one proposed in S. 3689 is possibly more valid than it was a year ago. I believe the number would be somewhere between 900 and 1000. This is based on the number who have enrolled in our programs, the number the veterans services officers have indicated were veterans, and the number who have indicated an interest in enrolling in programs yet to be established.

The present Veteran's Farm Training program is effective. The veterans who are enrolled in it indicate enthusiasm for this type of training, however it is difficult to sell this program to many veterans. For example, we have 83 veterans enrolled in District 3. During the early talking stages of this program the Veterans Service Officers estimated there were at least 150 veterans who would avail themselves to this type of training. Either the veterans were not interested in this training, or the veterans simply did not exist in the community. Their reason for non-existence may very well have been due to off farm migration.

The present S. 3689 could be strengthened by a provision for subsidizing the instructor's salary. I believe this made the training program after World War II effective. The instructors were paid a flat salary, and were encouraged to maintain relatively low enrollments per instructor. This allowed the instructor to spend considerable time in individual on-the-farm instruction. The Korean conflict veterans paid their instructor's salary out of their benefits. Speaking only for Wisconsin, this is not possible under our Vocational laws. We cannot charge excess registration fees. Our only charges above a standard registration fee are for consumable materials. For this reason a veteran may enroll for 528 hours of classroom instruction at the very modest figure of $10 per year.

Please keep me informed as to the progress of this bill. In my travels throughout Wisconsin, I have seen much benefit from the World War II bill and the Korean bill. Agriculture is our largest income producer in Wisconsin, and it is my hope we can keep it viable for many years to come.

I, and I am sure I speak for the rest of the committee, very much appreciate your efforts on our behalf.

Sincerely,

DOYLE BEYL,
Supervisor, Vocational Agriculture.

WYOMING STATE APPROVAL AGENCY,
July 7, 1970.

Sen. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Following are answers to questions in your letter of June 16, 1970, to Mr. Percy Kirk, State Director, Agricultural Education:

(1) Yes, there is a need for farm training programs as proposed in S. 3689.

(2) I have been in this position since December of 1969 and there has been only one veteran who participated in the farm cooperative training program.

(3) No, I do not feel this training program is effective. It might be helpful to have a provision to pay instructors for night classes. This might alleviate getting to day classes for the trainee and the instructor could adapt advanced courses that might not fit his regular day time students. Also, I wonder if it is pointed out to the returning veteran the availability of this particular program upon release from the armed service.

(4) See Number 3 above.

Very truly yours,

LYLE S. MCIRVIN,
Consultant, Veterans Education.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty and to Vietnam era veterans, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof, and to amend chapter 34 of such title to authorize the Administrator of Veterans' Affairs to make loans to veterans to help meet the expenses of obtaining a private pilot's license where such veterans intend to pursue a flight training program under such chapter, and to improve the farm cooperative training program authorized under such chapter, and for other purposes."

NATIONAL CLOWN WEEK

Mr. MANSFIELD. Mr. President, I understand it is appropriate at this time to call up Calendar No. 1133, House Joint Resolution 236, having to do with the designation of the week of August 1 through August 7 as "National Clown Week."

I ask unanimous consent that the Senate proceed to the consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 236) authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7 as "National Clown Week."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with an amendment: On page 1, line 5, after "August 7,", insert "1971".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 236) was read the third time and passed.

The title was amended, so as to read: "Joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7, 1971 as 'National Clown Week'."

Mr. MANSFIELD. Mr. President, I thank the Senate for the consideration of the measures on the calendar and I thank the Senator from Indiana for his understanding.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. Under rule XXII, the clerk will state the motion.

The legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending resolution of the Senator from Indiana (Mr. BAYH)—proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

Mike Mansfield, Clifford P. Case, Charles McC. Mathias, Jr., Charles H. Percy, Edmund S. Muskie, George D. Aiken, Lee Metcalf, Walter F. Mondale, Edward M. Kennedy, Joseph D. Tydings, William Proxmire, Birch Bayh, Hugh Scott, Philip A. Hart, Fred Harris, Richard S. Schweiker, Mike Gravel.

Mr. MANSFIELD. Mr. President, for the information of the Senate, and especially the Democratic Members of the Senate, it is the intention of the majority leader to send out telegrams today to all Democratic Members and to ask them to be present at 1 o'clock on Tuesday. Hopefully, they will be here on Monday as well. This will be a telltale vote.

I think that every Member of the Senate, regardless of their feelings on this subject, should be on hand. Every Mem- of the Senate on this side of the aisle will be notified and hopefully, unless they are physically incapacitated, will be present at that time to vote on this momentous occasion.

Mr. SCOTT. Mr. President, if the Senator will yield, I will undertake to notify, either by wire or by inside mail, all Senators of the pendency of the vote on cloture at 1 o'clock next Tuesday.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, may I inquire of the distinguished majority leader what he has in mind with respect to the business before the Senate following the vote on cloture.

Mr. MANSFIELD. Mr. President, we have a number of matters which will be taken up, but the decision on what to do following the vote on cloture will not be made until after the vote is announced. At that time I intend to consult with the distinguished minority leader, so that an agreed upon course of action may be adopted.

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Mr. SCOTT. Mr. President, I thank the Senator.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, according to the rules of the Senate, after the cloture vote is taken perhaps it would be helpful to the Senate to define the rules at this time as to what happens if the vote succeeds and what happens if the vote fails as far as the pending order of business is concerned.

The PRESIDING OFFICER. If the cloture vote succeeds, the Senate will then proceed under the cloture rule. If the cloture motion fails, it will then be up to the Senate to decide what it wants to do relative to the resolution.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, to clear the record, I ask unanimous consent that, at the conclusion of the 15 minutes allocated to the distinguished Senator from Pennsylvania—and he shall have the full 15 minutes if he needs it—there be a period for the transaction of routine morning business with a time limitation on statements not to exceed 3 minutes on each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I do not wish to detract from the statement of the Senator from Pennsylvania or to diminish his time, but from the standpoint of consistency the Senator from Indiana would like to observe that the majority leader had suggested to the Senator from Indiana before the session that certain items on the unanimous-consent calendar were going to be considered. I think inasmuch as the Senator from Indiana only yesterday prohibited the consideration of other business, I should make the record unequivocally clear that the Senator from Indiana is not trying to play favorites or discriminate against some of his colleagues. For a clear distinction can be made between legislation that has the unanimous consent of the Senate and the general agreement of all parties, and on which there would be no debate under the Senate rules. The Senator from Indiana feels we should dispose of the pending order of business. That is why I did not object to the request of the Senator from Montana.

I thank the Senator for yielding.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 949

Mr. SCHWEIKER. Mr. President, I submit an amendment to H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, and for other purposes, and ask that it be appropriately referred.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment was referred to the Committee on Finance.

Mr. SCHWEIKER. Mr. President, I have long felt that our social security system should be reformed, and an amendment be added which would give an exemption from the social security employment tax on wages for religious groups opposed to insurance.

I cite the Amish as an example of people who desire and should be afforded this social security exemption.

In 1965, the first form of relief was granted the Amish. Although the Internal Revenue Code was amended to provide an exemption from self-employment tax, if a person could show he is a member of a recognized religious sect which follows the practice of making provisions for its dependent members; I now ask that this exemption be extended from self-employment tax to those who work for others and oppose for religious reasons, payment of social security employment tax on wages.

As part of their religion, the Amish refuse any form of relief or what they call government handouts. They oppose all forms of social security, including old-age pensions.

Regarding it not as a tax but rather as a policy premium in a national insurance system, the Amish are opposed to participation, because of their conscientious objection to all forms of insurance. This belief is embodied in the Dordrecht confessions, which predates our Constitution. Its doctrine of the church as the visible communion of the saints may be taken as the implicit ground for rejection of insurance in the sense that the Congregation of God's people are expected to live by faith and trust in providence. Otherwise it counsels obedience to the state which is why the Amish have no objection to the payment of taxes.

Forcing people such as the Amish to pay tax which is a form of insurance, directly opposed by the tenets of their faith is an impingement on the religious rights of any group, no matter how small.

It is difficult for me to understand why we have not been ready to permit religious groups to conscientiously object to economic regulations when we rightfully recognize their right to object to the military service.

I feel strongly that this Government must not ride roughshod over the religious rights of a minority. Such is the case under present law.

In 1961, the Federal Government seized three horses belonging to an Amish farmer in Pennsylvania and sold them at public auction to obtain money for social security payments which the man refused to make because of his religious convictions.

It was about this time that I began my effort to assist the Amish people to get relief for participating in the social security program to which they are opposed on religious grounds. In 1961 and again in 1963, I introduced a bill in the House which would have provided an exemption from participation in the Federal old-age and survivors insurance program for those whose religious doctrines forbid participation in such a program.

In 1964, there was social security legislation in Congress. Since the House was operating under a closed rule, I was unable to introduce an amendment to the 1964 social security law. However, the Senate version of the bill contained such an amendment. The House-Senate conference committee then had to decide whether to use the House version of the bill which had no provision for the Amish exemption or the Senate version which included the Senate amendment. I wrote letters to all Congressmen and personally talked to the House members of the conference committee, urging them to accept the Senate version for the Amish. Fortunately, the Treasury Department as well as the Justice Department rendered legal opinions saying that the old order Amish exemption met all constitutional requirements and was a matter of legislative policy.

Finally, the conferees agreed to accept the Senate Amish amendment for which I was very pleased.

Unfortunately, the bill died in the conference committee because of the dispute over medicare. It did, however, lay the groundwork for the first relief granted to the Amish.

On July 30, 1965, Congress amended the Internal Revenue Code allowing a person to apply for exemption from self-employment tax if he is a member of a recognized religious sect which follows the practice of making reasonable provision for its dependent members.

We must now take this one step further. I ask that we extend the provision allowing an exemption from social security tax on wages, when they work for others, not just from self-employment tax for those religiously opposed to insurance.

Specifically, my amendment provides that any member of a recognized religious sect—and there are other sects which have the same objection, such as the Amish, which I might mention specifically—in existence since at least 1950, who can show that he is an adherent of established teachings which cause him to be conscientiously opposed to acceptance of social security benefits, may file an application to waive such benefits and be exempt from social security tax.

The applicant would submit evidence to substantiate his membership in the sect and his adherence to its teachings, and would be asked to show that it has been the practice of the sect to make provision for the care of its elderly or dependent members.

In addition, the employer would continue to pay into the social security fund. Thus, eliminating any chance that such an amendment would make one employee more desirable than another. The objective here obviously, is not to make one group of people more desirable employees than another, but instead to assist those who object to social security coverage because it directly

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opposes the basic religious tenets of their faith. Since the employer would continue to pay into the social security fund, the exempted employee would offer no financial advantage over the nonexempted employee.

In this way my amendment would not discriminate against one person or another and make it more advantageous for one employer to hire one person as against another employee.

I ask unanimous consent that this amendment be printed in the RECORD and that additional material regarding the beliefs of the Amish people on social security and a letter I received in 1965 from the Treasury Department on the constitutionality of this exemption be printed at this point in the RECORD.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 949

On page 73, after line 22, insert the following:

"EXEMPTION FROM TAX ON WAGES FOR RELIGIOUS GROUPS OPPOSED TO INSURANCE

"SEC. 126. (a) Section 3121 of the Internal Revenue Code of 1954 (relating to definitions under the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

" '(r) SERVICE EXCLUDED UNDER ELECTION MADE BY MEMBERS OF CERTAIN RELIGIOUS FAITHS.—

"(1) EXEMPTION.—Any individual may file an application (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) for an exemption from the tax imposed by section 3101 if he is a member of a recognized religious sect or division thereof and is an adherent of established tenets or teachings of such sect or division by reason of which he is conscientiously opposed to acceptance of the benefits of any private or public insurance which makes payments in the event of death, disability, old-age, retirement or makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Social Security Act). Such exemption may be granted only if the application contains or is accompanied by—

" '(A) such evidence of such individual's membership in, and adherence to the tenets or teachings of, the sect or division thereof as the Secretary or his delegate may require for purposes of determining such individual's compliance with the preceding sentence, and

" '(B) his waiver of all benefits and other payments under titles II and XVIII of the Social Security Act on the basis of his wages and self-employment income as well as all such benefits and other payments to him on the basis of the wages and self-employment income of any other person,

and only if the Secretary of Health, Education, and Welfare finds that—

" '(C) such sect or division thereof has the established tenets or teachings referred to in the preceding sentence,

" '(D) it is the practice, and has been for a period of time which he deems to be substantial, for members of such sect or division thereof to make provision for their dependent members which in his judgment is reasonable in view of their general level of living, and

" '(E) such sect or division thereof has been in existence at all times since December 31, 1950.

An exemption may not be granted to any individual if any benefit or other payment referred to in subparagraph (B) became payable (or, but for section 203 or 222(b) of the Social Security Act, would have become payable) at or before the time of the filing of such waiver.

" '(2) Time for filing application.—An application under this subsection may be filed at any time.

" '(3) Period for which exemption effective.—An exemption granted to any individual pursuant to this subsection shall apply with respect to service performed by such individual during the period—

" '(A) commencing with the first day of the calendar year in which such exemption is granted; and

" '(B) ending at the end of the calendar year in which the Secretary determines that (i) such individual has ceased to meet the requirements of the first sentence of paragraph (1), or (ii) the sect or division thereof of which such individual is a member has ceased to meet the requirements of subparagraph (C) or (D) of paragraph (1).

" '(4) Application by fiduciaries or survivors.— If an individual, who has received wages with respect to employment during any calendar year, dies prior to the end of such year without having filed application for exemption pursuant to this subsection, such an application may be filed with respect to such individual not later than April 15 of the following calendar year by a fiduciary acting for such individual's estate or by such individual's survivor (within the meaning of section 205(c)(1)(C) of the Social Security Act). Any exemption granted as a result of any such application shall be effective only for the calendar year in which such individual died.'

"(b) Section 202(v) of the Social Security Act is amended to read as follows:

" '(v) (1) Notwithstanding any other provisions of this title (other than paragraph (2) of this subsection), in the case of any individual who files a waiver pursuant to section 1402(h) or 3121(r) of the Internal Revenue Code of 1954, and is granted a tax exemption thereunder, no benefits or other payments shall be payable under this title to him, no payments shall be made on his behalf under part A of title XVIII, and no benefits or other payments under this title shall be payable on the basis of his wages and self-employment income to any other person, after the filing of such waiver.

" '(2) If, in the case of any individual who has filed a waiver pursuant to section 1402(h) or 3121(r) of the Internal Revenue Code of 1954, on and after the date that there is no longer a tax exemption effective with respect to such individual as a result of any such waiver, any such waiver shall cease to be applicable in the case of benefits and other payments under this title and part A of title XVIII to the extent based on his wages and self-employment for periods after which any such tax exemption ceases to be effective with respect to him.'

"(c) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

" 'EXEMPTION FROM EMPLOYMENT OF SERVICE PERFORMED BY MEMBERS OF CERTAIN RELIGIOUS FAITHS

" '(p) Notwithstanding the provisions of subsection (a), the term "employment" shall not include any service performed by any individual during a period with respect to which a tax exemption granted under section 3121(r) of the Internal Revenue Code of 1954 is applicable to such individual.' "

REQUEST OF THE OLD ORDER AMISH FOR EXEMPTION FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX

BACKGROUND OF THE PROBLEM

The following background information indicates the basic nature of the social security program, the general character of religious objections to participation in social security, and the present situation of the Old Order Amish in relation to social security.

Compulsory nature of social security

The social security program is designed to provide old-age, survivors, and disability insurance protection for American families, regardless of family size, income, or other factors. Under this program workers (and their employers) and the self-employed contribute while working so that the contributor and his family may have a continuing income when earnings cease or are greatly reduced because of retirement in old-age, long-term disability, or death. About 9 out of 10 working people and their families are covered under the program.

Social security can carry out its purpose only under conditions of compulsory coverage. Compulsory coverage assures that there will be a given distribution of what might be called poor risks—those who will get considerably more than they pay in—and good risks. Under a voluntary program, there would be an unduly high proportion of poor risks. Many people could predict with reasonable certainty whether or not they would get a large return on their contributions and those choosing coverage would generally be the ones who could expect to receive benefit bargains. This would increase the cost of the program for all who participate. Those given a choice as to coverage would have an unfair advantage over those workers and employers whose coverage would continue to be on a compulsory basis and who would have to help bear the increased cost arising from the individual voluntary coverage. Moreover, under individual voluntary coverage, many who need social security protection most would not participate. Many low income workers would choose not to pay the contributions because of the press of day-to-day financial problems, although in the long run social security protection would be especially valuable to such workers and their families.

Individual voluntary coverage is now provided under social security only in respect to services performed in the exercise of the ministry (including the performance of the duties of a Christian Science practitioner). The exclusion from coverage of such services (where coverage is not elected) is not a personal exclusion but an occupational exclusion. Thus, a minister who engages in any employment or self-employment other than the exercise of the ministry—whether or not he elects coverage of his ministerial services—is covered on the same basis as all other persons. Once a minister elects coverage of his services in the ministry, the election is irrevocable and, once the time for election passes, a minister who has not elected coverage may no longer do so.

Religious objections to coverage under social security

Representatives of those divisions of the Amish Mennonites generally classed as Old Order Amish (with some 19,000 adult members) have objected to social security taxes on grounds that social security is a form of insurance, and that their participation in an insurance program would show mistrust in the providence and care of God to meet future needs. This basis for objection is shared by the Old Order Mennonites (about 5,000 members) by at least some of the followers of Father Divine (some 300,000 members), and by an unknown number of small sects, such as the Hutterites (a Mennonite group with 2,300 members, who practice communal living) and the division of the Plymouth Brethren known as Exclusives.

Another religious basis for opposing participation in social security is adherence to a principle of separatism—the belief that one's sect or group should keep apart from all other persons. The Old Order Amish, for example, place great importance on the scriptural admonition: "Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?" Separatism is also a cardinal principle of some groups which have not indicated their attitudes toward social security: for example, the Black Muslims, perhaps the prime exponents of separatism, and Jehovah's Witnesses, with 287,000 members in the United States, all of whom are held by the sect to be ministers. There would seem to be considerable doubt that participation in social security is compatible with the belief of Jehovah's Witnesses that the end of the world is close at hand—1984, at latest—and objections to social security have been received from individual members from time to time.

Each of the above-mentioned groups has come into conflict with Federal or State law on questions other than social security. All oppose compulsory military service, and there have been various other conflicts with State or local laws, such as the refusal of the Old Order Amish to permit their children to attend school beyond the 8th grade, and the refusal of Jehovah's Witnesses and the Black Muslims to salute the flag.

The Christian Science Church opposed provision of disability benefits under social security on religious grounds.

Old Order Amish

The 19,000 Old Order Amish Mennonites live in about 270 communities in 19 States. The communities are known as church districts; however, there are no meeting houses and worship is conducted in private homes. Each community is headed by a bishop. There is no hierarchy above the bishops and no formal organization among the various communities. Thus each bishop is able to interpret doctrine independently of views held in other communities.

Amish who do not belong to old order groups—e.g., a category known as Beachy Amish—have adopted relatively modern ways of living, and are apparently not opposed to social security. There continue to be cleavages in which Old Order Amish communities, or segments of communities, split off to adopt more modern ways of living. One-third or more of the offspring of Old Order Amish parents do not continue in the sect. As in virtually any group there are marginal members, some of whom eventually become separated from the sect. The Amish strive continually to maintain their communities against worldly temptations; an effective means of maintenance has been their stand against high school education and their doctrine of shunning,[1] with its grave economic implications for individuals who are so ill equipped to prosper outside the community.

The Old Order Amish relate practically every detail of their way of living to religious beliefs, which in turn are based on literal interpretation of scriptural texts. The Old Order Amish attempt to pursue a life similar in its course to that of the German peasant of perhaps the 17th or 18th century. The farm way of life is justified on religious grounds because being "in the country" separates the group from more worldly, less firm followers of Scripture. Consideration has been given to the use of nonmechanized farming methods as one way of differentiating (in proposed legislation) the Old Order Amish from other religious objectors to social security. But even among the Old Order Amish there have been various concessions to the changing times. For example, though a tractor may not be used in the field, it is permissible to use a tractor to furnish belt power. The Old Order Amish farmer is generally allowed to have one- or two-cylinder gasoline motors for his farm operations. The Old Order Amish make a significant distinction between owning and merely using modern conveniences. For example, in some communities it is permissible to have electric current and appliances in a mortgaged home but not after the mortgage is paid off. A significant distinction is also made between members of the sect and those who are members of the Amish community but not members of the sect—for example, Amish youngsters, who do not become members of the Old Order Amish until they are baptized (which usually occurs in their later teens). A case has been described in which a young man deferred baptism for a period of time so as to enable continued ownership of an automobile and a tractor, with which he not only provides transportation for his numerous family and neighbors but also works his father's large farm and many of his neighbors.[2]

History of the problem

The problem of the Old Order Amish with social security dates mainly from 1955 when coverage of self-employed farm operators began. (However, some members of the sect who take employment in town have been covered as far back as 1937.) Although the law does not require that social security benefits must be accepted, the Old Order Amish bishops assert that required payment of social security taxes obliges their members to participate in the social security program—an insurance program—and thus to act contrary to their religious beliefs. Though the social security tax provisions are not included with the benefit provisions in the Social Security Act, but are part of the Internal Revenue Code, the bishops seem to look upon the social security taxes as in the nature of a personal premium paid for insurance. The bishops believe that their members should pay other types of taxes, pursuant to the scriptural admonition to "render unto Caesar the things that are Caesar's." In general, the creed of the sect (also held by some other groups) dictates that members should obey civil laws except where they "militate against the law, will, and commandments of God."[3]

The religious objection to the insurance principle is not clear cut. For example, the Old Order Amish make systematic arrangements for protection against property loss from fire, storm, and other causes, under which, after a loss occurs, members contribute labor and make a monetary contribution related to their net worth. One such group arrangement, known as the Amish Mutual Fire Insurance Association of Atglen, Pa., was organized by the Old Order Amish of Lancaster County in 1875 and was licensed as an insurance company in Maryland and Pennsylvania. The Old Order Amish do not consider this type of arrangement to be insurance because there is no advance funding. Liability insurance is apparently not considered to be contrary to their religious beliefs—a conclusion based on the view that liability insurance provides indemnity not to the insured but to the party suffering damages. It seems clear, however, that the Old Order Amish are strongly opposed to life insurance even though the survivors, not the insured, are protected under it.[4]

There is no question, of course, as to the sincerity of the assertion of the Old Order Amish bishops that participation in social security is contrary to their religious beliefs, and a number of the Amish farmers carry out this objection to the point of open refusal to pay social security taxes and active resistance to the execution by the Government of liens on their bank account to satisfy unpaid taxes. During many discussions with representatives of the Social Security Administration, the bishops have consistently refused to consider any compromise solution short of exclusion from social security coverage. On the other hand, a number of individual members of the sect have claimed old-age insurance benefits under social security when they became eligible for such benefits. It appears that at least some of the Old Order Amish—particularly, younger members—are undergoing a change in attitude toward social security and are coming to regard it as a good thing. This is quite consistent with their increasing acceptance of various innovations of the 20th century.

As noted, the problem of those Old Order Amish who actively resist social security coverage is related mainly (though not entirely) to the social security self-employment tax.[5] The enforcement problem was thrust on the national scene when one Amishman, Valentine Y. Byler, of New Wilmington, Pa., who had no bank account, could not be persuaded to pay his tax for the years 1956–59. In the spring of 1961 the Government seized three of his six plow horses, sold them at public auction, and applied the proceeds against his outstanding liability. After consultation with an attorney who had become interested in civil liberties cases, Mr. Byler brought suit on the grounds of infringement of the freedom of religion guaranteed under the first amendment.

Given assurance that the constitutionality of the tax would be tested in court, and that the statute of limitations on collection of taxes would be waived by the Amish, the Commissioner of Internal Revenue agreed in October 1961, to suspend all forceful collection of tax until the issue was resolved in court. On January 21, 1963, the suit was dismissed with prejudice on motion of the plaintiffs, Mr. and Mrs. Byler. (This action was apparently based on religious objections to participating in litigation, and was taken without consultation with the plaintiff's attorney.) As an alternative course, Old Order Amish bishops appealed to the Congress and bills were introduced during the 87th Congress to exempt them from the tax. The Treasury Department and the Department of Health, Education, and Welfare pointed out objections to these bills on administrative and precedent grounds. During consideration by the 87th Congress of H.R. 10606, the Public Welfare Amendments of 1962, one of these bills (S. 2031) was adopted as a Senate amendment but was dropped in conference. Appended is a list of bills which have been introduced in the 88th Congress for the purpose of permitting exclusion from social security on grounds of religion or conscience, or to make coverage voluntary for self-employed farmers.

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[1] "Amish Society," by John A. Hostetler, p. 144.

[2] "Our Amish Neighbors," by William I. Schreiber, p. 77.

[3] "The Dordrecht Confession (1632)." In reference to civil government, this confession also directs believers "faithfully to pay it custom, tax, and tribute." One article of the confession forbids defense by force.

[4] The first reference to insurance in basic documents related to Amish religious background appears in "Christian Fundamentals," adopted by the Mennonite General Conference in 1921, which states that "life insurance is inconsistent with filial trust in the providence and care of our heavenly Father." A more recent commentary, in "The Mennonite Encyclopedia," explains: "This refers to commercial life insurance only. The (Mennonite) brotherhood has a growing awareness of its obligation to make systematic provision for the economic needs of its members including financial assistance for the widows and orphans in event of serious incapacity or death."

[5] The self-employment tax rate is now 5.4 percent, and is applicable to the first $4,800 of annual net earnings from self-employment. Virtually all self-employment, except self-employment as a doctor of medicine, is compulsorily covered under social security for any year in which an individual has annual net earnings of at least $400 from self-employment. The current social security tax rate for employers and employees is 3⅘ percent each.

Although the suit to test the constitutionality of the self-employment tax as it applies to the Old Order Amish was never tried, the moratorium on the collection of tax has not been terminated by the Internal Revenue Service. According to the most recent report of the Service, there are some 1,500 delinquent Amish accounts, the delinquencies ranging for the most part for periods from 1 to 3 years and involving nearly $250,000 in tax liabilities.

The moratorium was intended as a temporary measure. Since tax liabilities are not satisfied but only postponed by this moratorium, it cannot be extended for too long a period of time. The 6-year period of limitation on collection of tax will expire this year in some cases. Some Old Order Amish have already indicated that they would not sign waivers to extend the collection period. The Government, therefore, in these cases soon will be forced to take action for the collection of taxes due from these individuals or else allow its collection rights to lapse.

TREASURY DEPARTMENT,
Washington, August 12, 1964.

Hon. RICHARD S. SCHWEIKER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHWEIKER: I am enclosing herewith the opinion of Mr. Berlin, the General Counsel of the Treasury Department, relating to the constitutionality of optional exemption of members of a certain religious faith from the social security self-employment tax or optional recovery of the tax paid.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., August 6, 1964.

CONSTITUTIONALITY OF OPTIONAL EXEMPTION OF MEMBERS OF A CERTAIN RELIGIOUS FAITH FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX OR OPTIONAL RECOVERY OF THE TAX PAID

Legislation has been proposed in the present and the previous Congress to provide optional exemption from the social security self-employment tax for "a member or adherent of a recognized religious faith whose established tenets or teachings are such that he cannot in good conscience without violating his faith accept the benefits of insurance," upon a finding by the Secretary of Health, Education, and Welfare that his application for exemption was made in good faith and that the members of such religious faith make adequate provision for elderly members to prevent their becoming public wards.[1] Senators CLARK and SCOTT, among the chief proponents of this legislation, have explained that the faith in question is that of those Amish Mennonites who are known as the plain people or Old Order Amish who live in relative independence and isolation in rural communities and adhere strictly to many literal biblical injunctions, including reliance on divine providence for their care. The consistency and sincerity of the sect is attested to by the refusal of most of their members to accept social security benefits or pay the self-employment tax.

In the consideration of these bills in Congress the question was raised as to whether the proposed exemption would be constitutional and the views of the Treasury Department were requested. This opinion is in response to that request. Since then, additional leigslative proposals, including an alternative proposal of relief for the Amish in the form of tax recovery in place of tax exemption, have been discussed in a joint statement by the Treasury Department and the Department of Health, Education and Welfare, entitled "Request of the Old Order-Amish for Exemption from the Social Security Self-Employment Tax," which was transmitted to interested Members of Congress by a joint letter dated July 20, 1964. In connection with the earlier request, it is also appropriate to consider the constitutionality of these proposals, as well as the constitutionality of the various limitations included, or suggested for inclusion, in the definition of the faith whose members or adherents would be eligible for exemption. The joint statement referred to above reviews the religious tenets and modes of life of these Amish and provides an extended analysis of the social security system and the possible effects of an exemption. I will not, therefore, in this opinion cover any of this factual material. A copy of this joint statement is attached hereto.

Conclusion on tax exemption and tax recovery

My conclusion, based upon a review of the principles of constitutional law, is that there is no valid constitutional objection to the proposed exemption and that the question of exemption is one of public policy for Congress to determine. After discussion of the grounds for this conclusion I will review in the latter part of this opinion the constitutionality of various proposed additional limitations upon the exemption.

This conclusion concerning tax exemption comprehends any provision by Congress for tax recovery, since tax exemption is the most complete relief that could be given. In the subsequent discussion, therefore, the constitutional conclusions with respect to the requirements of uniformity, of the first amendment, and of due process should be read as also extending to a provision for tax recovery.

Congress and the States have provided for the recovery of taxes in various situations where for reasons of public policy the legislature has determined this to be appropriate. I have found no constitutional challenge of these provisions. For example, 26 U.S.C. 6420 provides for refund of the gasoline taxes paid for gasoline used for farming purposes. A similar provision in the Virginia Code, section 58–715 (Supp. 1964), includes refunds for gasoline used for public or nonsectarian school buses. Title 26 U.S.C. 6418 provides for refund of the Federal tax on sugar manufactured in the United States to those who use such sugar as livestock feed or in the distillation of alcohol.

If members of the designated religious faith were permitted to choose to recover in monthly installments the amount, and only the amount, of the social security taxes they have paid, they would be under a limitation which operated to their disadvantage as compared with other social security taxpayers to whom an indefinite amount of social security recovery would be available in the form of insurance. Consequently, it would seem that no other social security taxpayer would be in a position to claim that the tax recovery allowed to the Amish in any way discriminated against his or added to his tax burden.

1. The requirement of uniformity: The Constitution provides in article I, section 8, clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts, and excise, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excise shall be uniform throughout the United States; * * *." This canon of uniformity has been long established to be a requirement of geographical uniformity only *Knowlton* v. *Moore,* 178 U.S. 41 (1900); *Brushaber* v. *Union P. Co.,* 240 U.S. 1 (1916); *Fernandez* v. *Wiener*, 326 U.S. 340 (1945). Insofar as uniformity may be required as an element of reasonableness under the due process clause, the problems are dealt with in my discussion of the application of that clause.

2. The first amendment: The proposed exemption, if allowed, would represent a determination by Congress that an accommodation of the self-employment tax law to prevent offense to religious scruples against insurance would not be contrary to public policy. The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *." The question is whether an exemption from the social security tax would be constitutional as an accommodation or mitigation of a general requirement in order to permit the free exercise of a religion or whether it would be an "aid" to the specified religion at the expense of other religions and therefore be an unconstitutional establishment of religion.

It is my conclusion that the proposed exemption would in all probability be held to be a valid accommodation of the general law to permit religious liberty under the free exercise clause. The subsidiary question whether the definition of the persons exempted may be a reasonable classification under the due process clause is discussed in a subsequent part of this opinion. I base my conclusion on the following decisions of Federal and State course, particularly the Supreme Court, which interpret the first amendment to permit accommodations to religious beliefs. This discussion will be followed by an analysis of those cases which hold that certain government action is a violation of the establishment clause, in order to make clear that this exemption would not be an establishment of religion.

The classic example of the application of the free exercise clause is the series of cases which have upheld congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases,* 245 U.S. 366 (1919) upholding the exemption in the draft law of members of religious sects "whose tenets prohibited the moral right to engage in war." The Solicitor General had argued (p. 374) that this exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (p. 389–390).

The present Universal Military Training and Service Act enacted June 24, 1948, c. 625, 62 Stat. 604, as amended, in section 6(j), 50 U.S.C. App. 456(j), exempts from combatant training and service in the Armed Forces a person "who by reason of religious training and belief, is conscientiously opposed to participation in war in any form." This exemption continues to be recognized as constitutional under the free exercise clause. *Clark* v. *United States,* 236 F. 2d 13 (9th Cir. 1956), cert. denied, 352 U.S. 882 (1956); *United States* v. *Jakobson,* 325 F. 2d

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[1] S. 294, 88th Cong.; H.R. 10606, 87th Cong., among others.

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409 (2d Cir. 1963), cert, granted 32 L.W. 3385, May 5, 1964. Certiorari was granted in the Jakobson case and in two other conscientious objector cases,[2] apparently in order to reconcile the conflict between the second and ninth circuits as to whether the statutory definition of "religious training and belief" as being a "belief in a relation to a Supreme Being" may constitutionally be applied to exclude a conscientious objector whose belief is based on humanistic principles. This conflict is one essentially concerned with reasonable classification of an exemption under the due process clause, discussed below. It does not concern the constitutional right of Congress to exempt conscientious ojectors under the free exercise clause.

In the Jakobson case the second circuit faced the problem whether "making exemption from military service turn on religious training and belief as stated in section 6(j) aids religions, and more particularly religions based on a belief in the existence of God" (p. 414) and thereby conflicts with the holding in *Torcaso* v. *Watkins*, 367 U.S. 488 (1961). There it was determined that Maryland could not require an oath affirming a belief in God as a prerequisite to becoming a notary public. The Jakobson court concluded that "the important distinction seems to us to be that, in contrast to Maryland's notary public oath, Congress enacted this statute, in mitigation of what we assume to be the constitutionally permissible course of denying exemptions to all objectors, for the very purpose of protecting 'the free exercise' of religion by those whose religious beliefs were incompatible with military service which Congress had the right to require" (pp. 414–415).

An exemption identical with that in the 1948 military training act was specifically included in section 387(a) of the Immigration and Naturalization Act of June 27, 1952, c. 477, 66 Stat. 163, 258, 8 U.S.C. 1448(a). This statutory exemption followed the decision of the Supreme Court in *Girouard* v. *United States*, 328 U.S. 61 (1946) ruling that the naturalization law need not be, and should not be, interpreted to exclude an alien who would not promise to bear arms because of religious scruples. Justice Douglas, for the majority, reaffirming principles enunciated in earlier dissents by Justices Hughes and Holmes, said, "The struggle for religious liberty has through the centuries been an effort to accommodate the demands of the state to the conscience of the individual" (p. 68).

The general exemption from taxation of religious groups, activities and property is another example of the exercise by legislatures of the constitutional authority to make exemptions to aid in the free exercise of religion, which continues to be upheld against contentions that the exemption operates to establish the religions thus benefitted.[3] Under this exemption a unique religious doctrine may make an activity of one religious group exempt as having a religious purpose which would not be exempt when carried on by other groups not holding to that doctrine.[4] The exemption from taxation of religious activities and occupations is incorporated into the Social Security Act itself which provides optional exemptions for ministers, Christian Science practitioners, employees of religious organizations and members of religious orders (26 U.S.C. 1402 (c) and (e) and 3121(b)(8)).

A further illustration of the principle that a legislature may accommodate particular religious beliefs without violating the first amendment is the case of *Zorach* v. *Clauson* 343 U.S. 306 (1952). Here the Supreme Court held that the New York Legislature did not violate the establishment clause by authorizing public schools to release children 1 hour early every week for religious instruction off the school grounds. It said:

"When the State encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs" (pp. 313–314).

The distinction between *Zorach and McCollum* v. *Board of Education*, 333 U.S. 203 (1948) well illustrates the distinction between the two first amendment clauses for in McCollum the released time plan was held unconstitutional as an establishment of religion as classrooms and the force of the school were used in that plan.

The most important case, for our purposes, is the recent Supreme Court decision in *Sherbert* v. *Verner*, 374 U.S. 398 (1963). In this case the Court required South Carolina to accommodate the requirements of its unemployment compensation law to the religious scruples of an adherent of a particular sect, the Seventh-day Adventists. In three separate opinions the members of the Court balanced the demands of the free exercise clause against the prohibitions of the establishment clause. The opinion and the concurring opinion determined that the denial of unemployment benefits to a person unavailable for suitable work on Saturday because, being an Adventist she could not for religious beliefs work on Saturday, was a restriction on the free exercise of her religion and, therefore, unconstitutional. The dissenting opinion contended that the accommodation of Adventists was a question of policy for the legislature and that while the legislature could constitutionally exempt the Adventist from the requirements for eligibility placed upon all other persons the legislature was not required to do so. Consequently, the full Court apparently would agree that Congress could constitutionally make an exemption from the general requirements of taxation and compulsory insurance of persons who because of religious scruples are unwilling to accept social security insurance. It is solely the constitutional ability of Congress to make this exemption to which this opinion is addressed.

The reasoning in the Sherbert case needs to be examined as it bears upon the power of Congress in this area. The principle of accommodation of a general law to a particular religious scruple is the same in this situation as in Sherbert though the facts differ in that in the Sherbert case the accommodation was for the purpose of enabling the Adventist to receive welfare benefits and in the Amish situation the accommodation would be for the purpose of exempting the Amish from benefits as well as from taxation for these benefits.

First, the Court says that while "the consequences of such a disqualification to religious principles and practices may be only an indirect result of welfare legislation" and that no criminal sanctions compel work on Saturday, the indirect discrimination is nevertheless a burden on the free exercise of the Adventist's religion. It requires her to abandon her religious precept or forgo a welfare benefit generally available (pp. 403, 404). In the social security situation the employment tax is supported by civil and criminal sanctions of assessed penalties and fine, imprisonment and forfeiture, so that the justification for congressional relief is even clearer.

Second, the court points out that while the State may not discriminate invidiously between religions the accommodations required to be allowed to the Adventist would not be discriminatory but rather would remove a discrimination based upon her religion, since the law does not disqualify persons who do not work on Sundays (at 406). An exemption for those sects which cannot in good conscience accept the insurance for which they are taxed would not be an invidious discrimination against other religions which have no such scruple and whose members are therefore able to accept the insurance for which they are taxed.

Third, the court points out that the administrative problems concerned and the possibility of spurious claims do not justify a restriction on the free exercise of religion (at 407).

Then the court concludes (at 409) that its holding does not foster the "establishment" of the Seventh-day Adventist religion in South Carolina for the extension of unemployment benefits to Adventists is not like the involvement of religions with secular institutions which the establishment clause is designed to forestall as shown in its decision announced the same day, *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (June 17, 1963). In fact the Sherbert ruling reversed the State court ruling that allowance for the religious obligation of the Adventist would be an unconstitutional discrimination in her favor. See *Sherbert* v. *Verner*, 240 S.C. 286, 125 S.E. 2d 737, 746 (1962).

In the Schempp and its companion case, *Murray* v. *Curlett*, decided with the same opinion, the court found that the States were establishing religion in their public schools by requiring Bible reading and the recitation of prayers therein. These decisions are developments of the prior term's opinion in *Engel* v. *Vitale*, 370 U.S. 421 (1962) holding that the requirement of recitation in the public schools of a State-authored prayer was a violation of the establishment clause which prohibits Government from placing its "power, prestige, and financial support * * * behind a particular religious belief" (p. 431). In the Schempp case the court develops the idea that Government must remain "neutral," a term derived from the 5-to-4 decision in *Everson* v. *Board of Education*, 330 U.S. 1 (1947). In its context in the several Establishment cases this term means an inability of the State to use its powers to require religious observances or to use public funds for the support of religious institutions. None of the holdings applies the establishment clause to forbid the granting of an exemption from Government coercion of a secular action to accommodate religious scruples under the free exercise clause. The latter clause is predicated, says the Schempp court, on Government coercion which impinges on religious practice, 374 U.S. at 223. The distinction between these two historic lines of decisions has permitted the Schempp case to be decided consistently with the Sherbert case on the same day.

In sum, then, an exemption removes a handicap to the free exercise of a particular religion placed upon it by force of Government; it is not a requirement by the Government that the particular religion be prac-

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[2] *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964), and the *Jakobson* case, compared with *Peter* v. *United States*, 324 F. 2d 173 (9th Cir. 1963). The *Peter* case followed *Etcheverry* v. *United States*, 320 F. 2d 873 (9th Cir. 1963) on which certiorari was denied, 375 U.S. 320 (1963). The influence of the 2d circuit against the definition is shown in *MacMurray* v. *United States*, 330, F. 2d 928 (9th Cir. 1964).

[3] *Swallow* v. *United States*, 325 F. 2d 97 (10th cir. 1963); *General Finance Corp.* v. *Archetto* (R.I. 1961) 176 A. 2d 73, appeal dismissed, 369 U.S. 423 (1962); *Fellowship of Humanity* v. *County of Alameda*, 315 P. 2d 394 (Cal. Dist. Ct. App. 1957); *Lundberg* v. *County of Alameda*, 298 P. 2d 1(Cal. 1956), appeal dismissed, sub. nom., *Heisey* v. *County of Alameda*, 352 U.S. 921 (1956).

[4] "Golden Rule Church Association," 41 T.C. 719 (1964), (Nonacq. May 19, 1964).

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ticed or observed or supported by nonadherents.

The meaning of the Sherbert case is made unmistakable in its application by the court in the recent case. *In re Jension*, 375 U.S. 14 (1963). Here the court "in the light of *Sherbert* v. *Verner*" vacated the judgment of the Minnesota Supreme Court in *In re Jenison*, 265 Minn. 96, 120 N.W. 2d 515 (1963). The Minnesota court had held a person selected for jury duty in contempt of court for refusing to serve on the jury because of a religious belief based upon the biblical injunction against judging other persons. The Minnesota court had reasoned that jury duty, being a primary duty of all citizens, was superior to a religious belief deemed by the court contrary to public order, citing *Reynolds* v. *United States*, 98 U.S. 145 (1878) which held that Congress could prohibit polygamy as a violation of the social order.

Since the Supreme Court has now held that Government must accommodate even the highest duties of citizens to sincere religious scruples, it is probable that it would hold that Congress may accommodate the religious scruple against insurance by allowing for such a scruple an optional exemption, or a lesser form of relief, from social security taxation and benefits.

3. The due process clause: Under the due process clause of the fifth amendment tax statutes must provide reasonable classifications of the subjects taxed or regulated and reasonable exemptions, if exemptions are provided. But, as has been firmly established by the Supreme Court, particularly in cases upholding the various exemptions provided in the Social Security Act and State unemployment compensation acts (*Carmichael* v. *Southern Coal Co.*, 301 U.S. 495 (1937); *Steward Machine Company* v. *Davis*, 301 U.S. 543 (1937); *Helvering* v. *Davis*, 301 U.S. 619 (1937)), the outer bounds of what is a reasonable tax or exemption classification allow a wider play of legislative judgment than many other areas of the law where the "reasonable" standard is applied. In these cases the court assured legislatures that they had the widest powers of selection and classification in taxing some at one rate, others at another and exempting others altogether, where distinctions were based upon "considerations of policy and practical convenience."

Claims of discriminatory treatment under social security continue to be rejected as not "patently arbitrary." *Flemming* v. *Nestor*, 363 U.S. 603, 611 (1960). Recently, *Smart* v. *United States*, 222 F. Supp. 65 (S.D.N.Y. 1963), upheld a higher tax on (American) employees of the United Nations, as the means employed bore a substantial and logical relation to the objective; and *Lesson* v. *Celebreze*, 225 F. Supp. 527 (E.D.N.Y. 1963), accepted differences in dependency determination for children of a deceased mother from that for children of a deceased father, based on family support experience. See also *Cape Shore Fish Co.* v. *United States*, 330 F. 2d 961 (Ct. Cl. 1964), and *Abney* v. *Campbell*, 206 F. 2d 836 (5th Cir. 1953) on fishing vessel employment differences and on domestic service differences respectively.

The requirement that exemptions have a reasonable basis applies as well to exemptions based upon religious scruples provided by Congress in conformity with the first amendment. In a nontax area this requirement has been recently reviewed in the second circuit decisions, pending review in the Supreme Court, on the reasonableness of the selective service definition of religious training and belief as being confined to belief in a Supreme Being. *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963) and *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964); certiorari granted in both cases, 32 L.W. 3385, May 5, 1964. In these cases the court determined that an exemption from bearing arms based on religious belief was a constitutional accommodation of religion, but that a restriction of the definition of religion to a Supreme Being was too narrow in view of its conclusion that a conscience sincerely compelled to refrain from bearing arms because of a "mystical force of 'Godness'" or a "compulsion to follow the paths of 'goodness'" might be religious in nature (Seeger, p. 853). In other words, at least in the second circuit, the exemption on the grounds of religious objection must reach all who have sincere objections which could be interpreted as religious in nature.

In the social security situation, however, a classification may be as limited as circumstances require, as indicated in the Smart and other cases, supra.

In fact the Social Security Act and its amendments have characteristically carved out exemptions which are as narrow as required by the sociological facts, including differences among vocations and religious attitudes. Thus, for example, lawyers are covered by the self-employment tax, ministers, including Christian Science practitioners, are optionally covered, but doctors and persons who have taken the vow of poverty as a member of a religious order are completely exempted (26 U.S.C. 1402 (c) and (e), and 42 U.S.C. 411(c) (4) and (5)). When the self-employment tax was passed in 1950 the act excluded the performance of service by a minister of a church or a member of a religious order or by a Christian Science practitioner in the exercise of their callings, in order to avoid impairment of religious liberty (Senate Finance Committee hearings on H.R. 6000, 81st Cong., Jan. 17, 1950, pt. 1, pp. 1 and 3). The exemption was made optional in the 1954 amendment of the act for these classes of persons except the mendicant orders. These exemptions have not been challenged.

The reason for the present proposal to exempt members of religious sects, as such, is solely that they have a religious objection to receiving insurance. Accordingly, a classification of such sects for exemption purposes, with appropriate safeguards, would reach all those whom Congress would have a reasonable ground to exempt and would, therefore, not be arbitrary nor violative of due process.

This conclusion is the basis of the opinion of the staff of the Joint Committee on Internal Revenue Taxation and that of the American Law Division of the Library of Congress provided to Senator CLARK under dates of November 9, 1962, and September 19, 1962, respectively. These opinions conclude that the proposed exemption would be constitutional as it would apply to all those who fall within the classification and that the classification is reasonable, 109 CONGRESSIONAL RECORD, 463, 464 (1963). A copy of these opinions as reproduced in the CONGRESSIONAL RECORD is attached.

Since, therefore, Congress may exempt those members of a religious faith who have scruples against receiving insurance, the next question is what practical safeguards Congress may designate to assure that only those who come within the policy of the exemption obtain the exemption, without imposing arbitrary limitations.

Limitations on the exemption

The joint statement by the Treasury Department and the Department of Health, Education, and Welfare reviewing the problems created by the proposed exemption for the Amish contains in section 3 suggested additional limitations upon the exemption. These limitations are proposed as possible means to protect the social security system from an unintended extension of exemptions from compulsory insurance which would weaken and dilute it. The extensions of the exemption might occur, according to this joint statement, either through the formation of additional faiths claiming opposition to acceptance of benefits as one of their tenets or through the redefinition by various existing separatist groups of their tenets to include such opposition.

I shall consider each of these proposed additional limitations, designated "a" through "e," to determine whether the limitation may be considered by the courts to be a reasonable classification and consistent with the due process clause. I shall also suggest a limitation, designated "f," which was not among those proposed but which may be found to limit the exemption reasonably and realistically to the groups which Congress intends to accommodate by this exemption.

(a) An explicit limitation of the exemption to the old order Amish: This limitation would probably be considered arbitrary since the designation of one sect to the exclusion of other sects having the same scruple would be inconsistent with the congressional policy of removing the Government coercion of belief which constitutes the denial of the free exercise of religion. It would also probably constitute an invalid preference of one particular faith over those which were similarly situated. The facts presented to Congress indicate that they may be certain other sects of the Amish and possibly other religious groups who have the same religious scruple which is now being coerced. Furthermore, the exemption of a single named group will be held to be arbitrary[5] unless the relation to the public good is clearly demonstrable.[6]

(b) Limitation to members of a sect, excluding adherents who are not members; and (c) limitation to members of sects who "take care of their own": These limitations are being considered together since at least some of the bills before Congress provide that a necessary condition of exemption is a finding by the Secretary of Health, Education, and Welfare that the sect makes provision for its elderly "members." This condition would probably be considered a necessary and proper public policy consideration and, therefore, a reasonable condition upon which to base eligibility for exemption. The purpose of Congress in this legislation would be to assure the fulfillment of the welfare purpose of social security while relaxing that feature of social security which impinges on the free exercise of religion. Moreover, since individuals can seldom guarantee their own future against deprivation and need, it would be reasonable for Congress to provide that to qualify for an exemption a person must be a member of a sect which shares the religious commitment, both with respect to refusing State insurance and providing for that sect's welfare. Consequently, since the sect aspect is essential, it would seem reasonable to limit the qualification for exemption to persons who are members of a qualifying sect. As said by Justices Black and Douglas in *Board of Education* v. *Barnette*, 319 U.S. 624, 643 (1943): "No well-ordered society can leave to the individuals an absolute right to make final decisions, unassailable by the State, as to everything they will or will not do."

(d) Limitation to sects which require members to follow the occupation of farming as a matter of religious principle: This limitation, as phrased, would not be appropriate on the basis of the facts given in the joint statement. It is there stated that "most old-order Amish communities permit members to make their living as self-employed carpenters or masons" (p. 9). The possibility of limiting the exemption to sects which are established in farming communities for religious reasons is suggested and discussed below.

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[5] *Eyers Woolen Co.* v. *Gilsum*, 84 N.H. 1, 146 *Baltimore*, 289 U.S. 36 (1933).

[6] *William* v. *Mayor and City Council of* Atl. 511 (1929); *Baltimore* v. *Starr Methodist Protestant Church*, 106 Md. 281, 67 Atl. 261 (1907). Cf. *United States* v. *Department of Revenue of Illinois*, 191 F. Supp. 723 (N.D. Ill. 1961) invalidating a retail tax on sales to the Federal but not to the State government.

(e) Limitation to religious groups which were established before 1935: Any limitation which designates a cutoff date would generally be less reasonable than one which on its face shows some relationship to the public purpose of the statute. For example, a requirement that the sect shall have demonstrated over a period of years its ability to take care of its own members would probably be more acceptable as a classification. The text of certain of the legislative proposals already contain this principle in that they refer to the sect to be exempted as one which is "established." I would see no reason why the extent or the test of establishment might not be specifically spelled out. There is some authority that a "classification which draws a line in favor of existing businesses as against those later entering the field will be upheld if any reasonable and substantial basis can be found to justify the classification." *Del Mar Canning Co.* v. *Payne,* 29 Cal. 2d 380, 175 P. 2d 231, 232 (1946). The circumstances justifying such a discrimination must provide substantial reason. *Mayflower Farms* v. *Ten Eyck,* 297 U.S. 266 (1936). It is probable that the unusual situation of the Amish with respect to social security would be considered a substantial reason for a limitation of the classification to established sects.

(f) Limitation to sect established in farming communities for religious reasons: The faith, the members of which are to be exempted, might be described not only as one whose established tenets would be violated by the acceptance of insurance, and one which provides for elderly and dependent members, but as one which for religious reasons is established in farming communities. These limitations might be reasonable if Congress found after sufficient inquiry that they were necessary to assure that the exemption would be confined to sects which were religiously motivated and responsible, and to assure that the welfare purpose of social security would be fulfilled. Congress might reasonably find that the restriction of the exemption to those sects established in farming communities would be justified on the ground that such a sect could be more certainly relied upon to identify and provide for its dependent and elderly members than those in the mobile and transient urban environment. Conversely, the limitation would have the effect of excluding sects which subsequently organize for the purpose of exemption from social security, as it is unlikely that these would or could establish themselves in farming communities for religious or other reasons. The limitation would exclude other present separatist groups whose principles might, but do not specifically, include refusal of social security benefits. Legislation which distinguishes farming situations from others because of sociological and economic differences has taken many forms and has been accepted by the courts. See, for example, *Tigner* v. *Texas,* 310 U.S. 141 (1940), rehearing denied, 310 U.S. 659 (1940).

G. d'Andelot Belin,
General Counsel.

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum——

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. SCHWEIKER. Yes.

ART ON THE FLATHEAD RESERVATION, MONT.

Mr. MANSFIELD. Mr. President, I had the privilege this morning of meeting in my office with Thomas J. Collins, director of the University of Montana Foundation, which has with it a Divison of Indian Services, and Michele de Santene, who did some work as a member of the faculty at the University of Montana among the Flathead Indians; to be more accurate, the Salish and the Kootenais.

During the course of this she came into contact with the Flathead people, found that there was a great reservoir of artistic talent, recognized, of course, the relationship between the Flatheads and the French of an earlier day, the voyageurs, the traders, and the coming of the Jesuit priests who did so much good not only up in what is now the Flathead country but what was originally the Flathead country down in the Bitter Root Valley south of Missoula.

Because of the interest shown by Miss de Santene, because of the talents which she unearthed among the Flathead people, I ask unanimous consent that a story entitled "Indian Art—Signed Big and Bold," by Jessie Ash Arndt, in the Christian Science Monitor of February 17, 1970, be incorporated at this point in the Record.

Mr. President, before permission is granted to have the story printed, let me say I understand some of these young people, such as Alameda Addison, have extremely fine talent, if not outstanding capability.

May I say that I am personally pleased that such consideration is being given to the Flatheads. I would hope that the same type of interest would be displayed for the Crows, the Northern Cheyennes, the Assiniboines, the Sioux, the Gros-Ventres, the Chippewa-Crees, and the Blackfeet.

The PRESIDING OFFICER. Without objection, the request of the Senator from Montana is granted.

The article is as follows:

Indian Art—Signed Big and Bold

(By Jessie Ash Arndt)

Michèle de Santène was conscious of an oppressive silence, except for the sound of her own voice and an occasional giggle, half-stifled behind a hand.

It was the first day of an art course for the Salish-Kootenai Indians of the Flathead Reservation near Missoula, Mont. As she met their silent, curious gaze and knew how carefully she was being measured, she thought of the warning that she might not find it easy to communicate with these shy, rather aloof people.

She told them she had come because painting gave her an inner joy and she wanted to share it with them. No response.

This class, she explained, was not like one in accounting or a scientific subject, where you always had to be on hand; they were free to come and go. More than half sauntered out. They stayed away for about 10 minutes, then cautiously returned. She made no comment. They were satisfied.

By the end of the first three hours, they had accepted her.

From childhood Miss de Santène, a native of Nice, France, had loved Indian lore. When her husband, Dr. Oscar Sachs, of New York, was invited to do research last summer at the Pharmaceutical Laboratory of the University of Montana Foundation at Deerlodge she was invited, as an artist of international note, to teach art at the university.

As in the days of her childhood when she wouldn't play "cowboys and Indians" unless she could be the Indian, she declined, but said she would like to teach at the Flathead Reservation. Her only stipulation was that talented students be chosen for the course.

Thomas J. Collins, director of the University of Montana Foundation, with its Division of Indian Services, welcomed the idea. With the cooperation of the Billings area office of the Bureau of Indian Affairs (BIA) the 30 talented students were selected from villages all across the reservation, covering nearly a 200-mile area. Miss de Santène found them all above average in creative ability, but not necessarily in educational background. Their ages ranged from five years to 30, but most were teenagers.

Money from the foundation bought art supplies which she selected: oil pastel, magic markers, oil paint, canvases, and an abundance of paper. The students were free to choose whichever they wanted to use, and to take home with them a good two-months supply at the close of the course.

Although Miss de Santène could have returned each evening to the resort hotel where her husband and daughters, Carina and Tammy, were staying, she chose instead to occupy a crude cabin adjacent to the lodge which served as dormitory, dining hall, and art studio for the students, "so they would feel I was one of them."

The lodge, located and rented by the foundation, was one enormous room, where all but four or five of the young artists bedded down in sleeping bags at night. The others, living near enough, went home to sleep. In the morning the floor was cleared, art materials came out, and the class was under way.

On the second morning she was greeted by the blare of rock 'n' roll from the record player when she entered the lodge, but she made no comment. As she worked with the students as individuals, the noise would not prevent communication. When she wanted to speak to the class briefly, they willingly turned it off for a minute or two.

But she noted that after an hour there would be an interval when no one stopped work long enough to put on another record. The second hour found students so absorbed it was forgotten and quiet prevailed for the rest of the day's class. Although part of the afternoon was for swimming and other recreation, many returned to their painting.

She provided nothing for them to sketch. There were no assignments. She was there to encourage their own creative talent. Their first work for her she called "please-the-teacher" efforts. Then subjects from their own environment began to appear: an Indian head, a tepee, a totem (not native to them, but of which they knew). This was what she wanted.

An exhibition of their first pictures showed shy, small signatures.

"If you're part of something, you sign it big and bold," she told them.

Big, bold names identified their later work.

Through the foundation, the three adults in the class have been accepted for an art course at the university and special provision has been made for Saturday instruction for Alameda Addison, still in grammar school, whom Miss de Santène regards as having "not mere talent, but genius."

Some of Alameda's pictures, which she sent to the Galerie Duncan in Paris, where her own work is exhibited, received special note in an article by Claire Alma, well-known Paris art critic. Miss de Santène hopes later to bring Alameda to New York to be with her own two daughters and pursue her art.

Miss de Santène continues to criticize the work of all of the students who send it to her, and at Christmas she replenished art supplies for all of them. She and her husband and daughters expect to return to Montana next summer, and she hopes to conduct another course on the reservation, where she can now count on friends to welcome her.

Mr. SCHWEIKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Mobile Trade Fair Activities

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on mobile trade fair activities, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on management of federally financed research by the University of Michigan—A Case Study, dated September 25, 1970 (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. YARBOROUGH, from the committee on Labor and Public Welfare:

Malcolm R. Lovell, Jr., of Michigan, to be an Assistant Secretary of Labor.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 4397. A bill authorizing the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin, Texas, to enhance and stabilize the agricultural economy of the area; to the Committee on Agriculture and Forestry.

S. 4398. A bill to authorize a program providing two academic years of post-secondary education for all citizens of the United States prior to reaching the age of 26; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Yarborough when he introduced the bills appear below under the appropriate heading.)

By Mr. BAYH:

S. 4399. A bill for the relief of Maria Grazia Iaccarino; to the Committee on the Judiciary.

S. 4397—INTRODUCTION OF A BILL PERTAINING TO FLOOD PREVENTION IN THE LOWER RIO GRANDE BASIN OF TEXAS

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference a bill authorizing the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin of Texas, to enhance and stabilize the agricultural economy of the area.

This bill would provide for the implementation of recommendations contained in a report prepared by the Soil Conservation Service made in July of 1969. This report entitled "Comprehensive Study and Plan of Development—Lower Rio Grande Basin, Texas" is the product of an intensive 4-year examination of the Rio Grande Valley's serious flooding and drainage problems.

The people of south Texas, and particularly those engaged in trying to make a living off the land have always been at the mercy of natural disasters. It seems that every year we hear that another devastating hurricane has destroyed the life and livelihood of many of these hardy people. The winds wreak unimaginable havoc, but the aftermath of severe flooding ususally poses a threat of equal magnitude to the farms and communities of the Rio Grande Basin. Perhaps we do not yet possess the technology to control or harness the winds of a full-blown hurricane, but we do have the ability and responsiblity to do something about the flooding whether it is generated by a hurricane or not.

For example, the implementation of the provisions contained in this bill would have prevented the severe flood damages which occurred early this past summer in Willacy County located at the southern tip of Texas. Between 14 and 17 inches of rain fell on the county during a single 2-week period. It is estimated that 13,000 acres of grain sorghum and cotton were completely destroyed, and another 10,000 acres suffered at least a 50-percent loss. Altogether, 23,000 acres of crops in the county were either severely damaged or destroyed, and the local economy experienced a loss of over $3 million.

This bill would authorize $84,805,000 to be appropriated for the purpose of watershed protection and flood prevention in Willacy, Hidalgo, and Cameron Counties. We cannot continue to ignore the severity of the problem in this area through an inadequate, piecemeal program. The agricultural economy of the Rio Grande Basin requires that we implement a concerted, comprehensive attack on the problems of flooding.

My bill is a companion to a similar measure offered in the House by Congressman de la Garza.

Mr. President, I ask unanimous consent that the bill which I have introduced be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4397) authorizing the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area, introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 4397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes that flood problems of the Lower Rio Grande Basin, in Willacy, Hidalgo, and Cameron Counties, Texas, are of such a magnitude and interdependence that such problems must be treated on a basin-wide basis and such area exceeds that authorized to be treated under the Watershed Protection and Flood Prevention Act (Public Law 83–566), hereinafter referred to as Public Law 83–566, and it is the intent of Congress to provide with respect to such area for the cooperation by the United States with the State of Texas and its political subdivisions, soil and water conservation districts, flood prevention and control districts, and other local public agencies, for the purpose of preventing erosion, floodwater and sediment damages, and to provide for the conservation, development, utilization, and disposal of water, and thereby preserve, protect, and enhance the Nation's soil and water resources, the quality of the environment, and provide for the general welfare.

Sec. 2. The Secretary of Agriculture is hereby authorized and directed to carry out the plan for flood prevention, and the conservation, development, utilization and disposal of water (Phases I, II, III) substantially in accordance with the recommendations therefore contained in the Comprehensive Study and Plan of Development, Lower Rio Grande Basin, Texas, dated July 1969, prepared by the United States Department of Agriculture in cooperation with the Texas Water Development Board, the Texas State Soil and Water Conservation Board, and the Texas Water Rights Commission, a copy of which is on file with the appropriate Committee of the House of Representatives and the Library of Congress, at an estimated Federal cost hereunder of $84,805,000, which amount is hereby authorized to be appropriated.

Sec. 3. The Secretary of Agriculture is directed to utilize, to the extent feasible, ongoing programs in the carrying out of Phase III of the plan herein authorized: *Provided,* That the Secretary shall be authorized to provide financial and other assistance for accelerating the installation of land treatment measures for runoff and waterflow retardation and the control and prevention of erosion, floodwater, and sediment damages, and to cooperate with farmers and ranchers, and other landowners, operators, and occupiers in the installation of soil and water conservation practices and measures, including changes in cropping systems and land uses, needed to conserve and develop the soil, water, woodland, wildlife, and recreation resources of farm and other lands within the area included in subwatershed plans and as provided in such subwatershed plans, such assistance to be comparable to the assistance provided for planning and installing similar practices and measures under Public Law 83–566, as amended, or as may hereafter be amended, and other existing national programs: *Provided further,* That the portion of the costs of such practices and measures needed to protect structural works of improvement installed with Federal assistance

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should be that part determined by the Secretary to be necessary and appropriate to effectuate the timely installation of such practices and measures.

SEC. 4. Prior to participation in the installation of the structural works of improvement on non-Federal lands, cooperating non-Federal entities shall furnish assurances satisfactory to the Secretary of Agriculture that an adequate land treatment program is being or will be installed to provide necessary protection to the watershed lands and planned structural measures; that such entities will acquire all land rights needed in connection with the installation of such works of improvement and in such acquisition there may be used such Federal cost-sharing assistance as may be available under other Federal programs; and that such entities will operate and maintain all upstream structural works of improvement on non-Federal lands, after installation, in accordance with the provisions for non-Federal participation described herein or as may be required under other similar Federal programs.

SEC. 5. Except as herein otherwise provided, the provisions of the Watershed Protection and Flood Prevention Act (Public Law 83-566) shall apply to the furnishing of assistance hereunder.

S. 4398—INTRODUCTION OF POST-SECONDARY ACT OF 1970

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill entitled "The Postsecondary Act of 1970," to extend the concept of free public education in America beyond the high school years to embrace 2 additional years of postsecondary education. This bill provides for a system of educational assistance allowances to be paid directly to eligible students, amounting to $2,000 for each academic year of full-time study for maximum of 2 years. It also provides for cost-of-instruction allowances to be paid to the institutions involved. Eligible persons would be those legally authorized and accredited institutions offering not less than 2 years of postsecondary work. These would include not only academic institutions, per se, but also technical institutes and vocational schools.

Mr. President, we have come a long way in our efforts as a nation to give each individual an equal chance when it comes to educational opportunity, but we have not progressed far enough along that road. Thomas Jefferson believed that a free and prosperous people must be intelligent and educated, but he was unable to demand more than 3 years of free schooling for the people of his day and age, though he believed more was needed. Jefferson also thought that basic free education was the means to discover the finest talent in the general population, rich and poor, that might be drawn out for professional education and leadership positions.

By 1850, the battle for acceptance of the idea of free public education through the elementary grades had been won. By 1900, free public education through high school years was generally accepted by our citizens. These two steps in educating all of our youth were regarded as a natural right, a provision of society made in the interest of an enlightened citizenship and a more economically efficient and productive working force. This type of education was accepted because society itself demanded it for its protection and stability. Youth received this social opportunity so that youth might in turn render a greater social obligation.

Now I ask that this same general principle be extended to the 14th year as the new minimum level of free public education as the right of all citizens who can accept it with profit. This right to a free publicly supported education through the 14th year already exists in one of our States, California, and it is provided for in the original constitution of another State, Indiana. It is time now, I suggest, to extend this principle across the country on a nationwide basis, on the ground that it is in the interest of the public welfare of this country to provide higher educational opportunities for every citizen, to the extent of his capacity.

The need for this extended educational opportunity is virtually self-evident in our society. We are in a situation where less than half—46 percent, according to the U.S. Office of Education—of our young people of college age are receiving any postsecondary education. Of those who do attend college, 50 percent drop out and do not obtain degrees. Most of this attrition comes in the critical first 2 years, and it is well known that one of the major reasons for dropping out of college, or for the failure of many qualified high school graduates to attend college in the first place, is the lack of adequate financial resources on the part of the potential student. This bill would answer that need, by making funds available for all students, however disadvantaged, to support those first 2 years.

Who would benefit from this legislation? The most disadvantaged group, the young, poor, unskilled, undereducated residents of our rural areas and our urban slums and ghettos would have new doors of opportunity opened to them, to obtain the skill, training, or education needed to pursue worthwhile, meaningful careers in life. We are beset with a strange paradox in our present-day society, Mr. President, wherein we have widespread unemployment on the part of the poor, unskilled, undereducated youth while at the same time there are unfilled jobs in many of our professions.

It is also pertinent to note that the latest report of the President's Commission on Violence in America attributes the highest incidence of crime to the young, poor, unskilled, undereducated persons in our big-city ghettos; those for whom life seems to hold no promise, even at an early age. This bill, then, holds promise to fulfill both the needs of our youth, the most valuable commodity we have, and of society itself, which is badly in need of trained, skilled, educated people. Mr. President, I would like to offer this quote from Thomas Wolfe as a concluding thought: "So then, to every man his chance." Can we do less than to give to these young people their chance in life, and also benefit our society greatly at the same time?

I ask unanimous consent that this bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4398) to authorize a program providing 2 academic years of postsecondary education for all citizens of the United States prior to reaching the age of 26, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Post Secondary Education Act of 1970."

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to extend the concept of the free public school system to two years of post-secondary education.

DEFINITIONS

SEC. 3. For the purpose of this Act the term—

(1) "Commissioner" means the United States Commissioner of Education;

(2) "eligible person" means a citizen of the United States.

(3) "eligible institution" means an education institution, whether or not such institution is a nonprofit institution, which (a) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (b) is legally authorized to provide a program of education beyond secondary education, (c) provides an education program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, and (d) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, in an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or which is a business or trade school or technical or vocational institution which meets the provisions of clauses (a), (b), and (d), except that if the Commissioner determines there is no nationally recognized accrediting agency or association qualified to accredit any category of such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions as meeting this definition and shall also determine whether particular institutions meet such standards;

(4) "program of education" means any curriculum or any combination of unit courses or subjects pursued at an eligible institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective, and includes any curriculum of unit courses or subjects pursued at an eligible institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field.

AUTHORIZATION

SEC. 4. (a) The Commissioner is authorized to pay an education assistance allowance determined pursuant to subsection (b) to an eligible person who (1) has been accepted for enrollment in a program of education at an eligible institution, or, in the case of an eligible person already attending a program of education at such institution, is in good standing there as determined by the institution, and (2) is carrying at least one-half of the normal full-time course of study, as determined by the institution.

(b) An education assistance allowance for the purpose of this Act shall be paid at the rate of $2,000 for each complete academic year of full-time study, and—

(1) shall not be paid for more than two such years or an equivalent thereof in part-time study;

(2) shall be ratably reduced in the case of less than full-time study;

(3) shall be terminated on the date on which the recipient completes two such academic years of study;

(4) shall be paid only if the recipient is maintaining good standing in the program of education which he is pursuing, according to the regularly prescribed standards and practices of the institution which he is attending; and

(5) may be paid in such installments and may be subject to such adjustments (including withholding) as the Commissioner deems necessary for the purpose of this Act.

APPLICATIONS

SEC. 5. Applications for education assistance allowances pursuant to this Act shall be made at such time and in such manner, and shall contain or be supported by such information, as may be prescribed by the Commissioner.

COST OF INSTRUCTION ALLOWANCES

SEC. 6. The Commissioner shall pay a cost of instruction allowance to each eligible institution on account of the attendance at such institution of an eligible person while receiving an education assistance allowance pursuant to this Act. Such cost of instruction allowance shall be paid at the rate per academic year of full-time instruction of an amount equal to $1,000 less the tuition charge for such year, adjusted for less than full-time attendance.

PROHIBITION

SEC. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution.

AUTHORIZATION

SEC. 8. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 4039

At the request of the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 4039, to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 4348

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER) the names of the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. HANSEN), the Senator from Vermont (Mr. PROUTY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 4348, to make assaults on policemen, judges, and firemen a Federal crime.

SENATE RESOLUTION 471—ORIGINAL RESOLUTION REPORTED RELATING TO PERMISSION FOR SENATE EMPLOYEES TO TESTIFY IN FEDERAL COURT

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 471) relating to permission for Senate employees to testify in Federal Court, which was considered and agreed to.

(The remarks of Mr. MCCLELLAN when the resolution was agreed to appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 472—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON PUBLIC WORKS

Mr. BYRD of West Virginia (for Mr. RANDOLPH) submitted a resolution (S. Res. 472); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 472

Resolved, That the Committee on Public Works is hereby authorized to expend, from the contingent fund of the Senate, $60,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 326, Ninety-first Congress, agreed to February 16, 1970.

AMENDMENT OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—AMENDMENT

AMENDMENT NO. 948

Mr. KENNEDY. Mr. President, I am today submitting the Urban Crime Amendment to H.R. 17825 which will be considered by the Senate on Tuesday.

This amendment would add a new section to the Safe Streets Act which would leave the present State block grant and Federal discretionary grant provisions intact, but would authorize, in addition, a system of block grants to urban areas. The need for this provision is clear. The testimony in our hearings showed that despite the fact that Congress was prepared to authorize and appropriate an amount around the $1 billion level for Law Enforcement Assistance Activities and despite the urgent need for, and ability of the high crime urban areas to expand effectively such an amount, neither the Federal Office of Law Enforcement Assistance nor the State planning agencies, which distribute the block grants, were adequately geared up to handle that level of funding. Thus the request was only for $480 million and the House authorization was for only $650 million.

My amendment provides the urban areas with significant additional funds based on a population formula, without adding substantially to the administrative burden of the State or Federal agencies. It assumes that we can have the same kind of faith in the local governments as the act places in the State governments, and thus it allows the funds to be used at the discretion of the grantee for a long and broad—although not unlimited—list of proven and urgently needed innovations or improvements in law enforcement and criminal justice. After suitable opportunity for public and SPA consideration and comment, the urban jurisdiction would merely file its plans for making eligible expenditures from its block grants, and it then would receive an amount of $5 per capita if adequate appropriations are provided. Based on the 1960 census, this would provide some $260 million to about 140 cities in 50 States, District of Columbia, and Puerto Rico, covering the 52 million people, one-fourth of our population, who live in the highest crime areas. The authorization in the amendment is set at $290 million to allow additional amounts for eligible counties and for population growth.

If we are to take the war on crime seriously, then we cannot ask our cities to wait another 2 or 3 years until the Federal and State bureaucracies are ready to handle the amounts Congress is prepared to invest in crime control. This amendment will avoid that delay by providing for a 3-year interim alternate route for the funds to get directly to the urban areas, after which time this route can be terminated if the other routes become adequate.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 949

Mr. SCHWEIKER submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. SCHWEIKER when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 950

Mr. ANDERSON. Mr. President, I am submitting an amendment today to H.R. 16311, designed to restrict the scope of the welfare bill presently before the Committee on Finance.

Mr. President, on June 30, the chairman of the House Appropriations Committee, the Honorable GEORGE MAHON, informed the House of Representatives that our Federal budgetary situation is deteriorating. The administration estimates that in the fiscal year which just

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ended, there was a deficit of $11 billion in the Federal fund budget. During the current fiscal year, a further deficit of $10 billion is expected. This means a 2-year deficit of $21 billion. It is little wonder that Mr. MAHON characterized the budgetary situation as deteriorating.

Unfortunately, there seems to be little hope that the next fiscal year, fiscal year 1972, will see a balanced budget. Recently, the Committee on Finance had before it representatives of the Treasury Department and the Budget Bureau defending the need to increase the public debt limit. As my colleagues know, this limit has had to be raised substantially because of the 2-year, $21 billion deficit that I have already described. In executive session on the debt limit bill, Treasury Under Secretary Volcker made a gloomy prediction. He told the committee that "it would take a miracle" for the administration not to have to come back for a further increase in the $395 billion debt limitation next June. This means, Mr. President, that the administration expects and anticipates that it will be submitting a Federal fund budget in the red again next January.

One of the major reasons I am sure that the administration anticipates another deficit year is due to their expectation that the Congress will enact the administration welfare bill currently pending before the Committee on Finance. This bill would increase the number of welfare recipients from 10 million to 24 million, and would add at least $4 billion to Federal welfare costs in the first year. I can only wonder how the President can justify to himself vetoing a congressional appropriation bill for the Department of Health, Education, and Welfare as being too costly and vetoing a bill to extend the Hill-Burton Hospital construction program as being too costly—while at the same time asking the Congress to more than double the welfare rolls.

The amendment I am submitting today, Mr. President, will allow us to make some needed improvements in the welfare program, while at the same time restricting the expansion of welfare. First, the effect of my amendment will generally be to limit eligibility of families for welfare to the kinds of families eligible for welfare under present law. These are families in which the father is dead, absent, incapacitated or, at State option, unemployed. Under present Health, Education, and Welfare regulations, unemployment is defined as working less than 35 hours in most States extending aid to families with an unemployed father. Under my amendment, unemployment would be defined in the law as having less than 10 hours of employment and earnings of less than $20 in a week.

My amendment would strengthen and improve certain work incentive features of the law by disregarding a portion of earnings for purposes of determining eligibility of families for welfare. This will make some families eligible for welfare who are not now eligible, families headed by mothers who work. My amendment retains the features of the administration bill requiring States to guarantee a minimum monthly income of $110 to aged, blind, and disabled persons. However, under my amendment, the States would define blindness and disability for welfare purposes, as they do now, rather than the Secretary, as proposed by the administration.

Mr. President, we all agree that there is a need to improve the present welfare programs. It is not necesary, however, to more than double our welfare rolls under the guise of "welfare reform." Our budgetary situation is serious, and I believe this is a time for fiscal responsibility rather than largesse.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. MATHIAS). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 950) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 950

On page 7, between lines 14 and 15, insert the following:

"Exclusion of Certain Families

"(f) Notwithstanding any other provision of this part, no family shall be paid a family assistance benefit under this part for any period during which there is present the male parent of any child or children in such family unless (A) such parent is incapacitated or (B) such parent is unemployed and the agreement entered into pursuant to part E by the State in which such family resides provides supplementary payments to families described in clause (B) of section 451.

"Unemployed Male Parent

"(g) For purposes of subsection (f) of this section and clause (B) of section 451, the male parent of any child or children shall be considered to be unemployed for any week if—

"(1) during such week, he is employed for less than 10 hours and earns less than $20; and

"(2) is not eligible, for such week, to receive unemployment compensation under any Federal or State unemployment compensation law."

On page 12, line 4, strike out "A parent" and insert in lieu thereof "subject to the preceding sentence, a parent".

On page 23, line 15, immediately after "part," insert the following: "(A) to any family other than a family in which the male parent of the child or children is present and is not incapacitated, or (B) at the option of the State,".

On page 27, beginning with the word "other" on line 15, strike out all through "unemployed" on line 18, and insert in lieu thereof "described in clause (A) or (B) of section 451 (as the case may be under such agreement)".

On page 56, lines 18 to 21, strike out "and if it included assistance to dependent children of unemployed fathers pursuant to section 407 as it was in effect prior to such enactment".

On page 65, line 17, insert "and" immediately after "institutions;".

On page 65, line 24, strike out "related; and" and insert in lieu thereof "related.".

On page 66, strike out lines 1 through 5.

On page 67, line 9, insert "and" immediately after "State;".

On page 67, line 14, strike out "aid;" and insert in lieu thereof "aid.".

On page 67, strike out lines 15 through 21.

On page 84, line 5, strike out "made." and insert in lieu thereof "made.' ".

On page 84, strike out lines 6 through 8.

On page 85, strike out lines 10 through 25.

On page 94, lines 17 and 18, strike out "as defined by the Secretary in accordance with section 160(b) (4)".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 905, TO SENATE JOINT RESOLUTION 1

At the request of the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of amendment No. 905, to Senate Joint Resolution 1.

AMENDMENT NO. 915, TO H.R. 17604

At the request of the Senator from New York (Mr. GOODELL), the Senator from Texas (Mr. YARBOROUGH) was added as a cosponsor of amendment No. 915, to H.R. 17604.

AMENDMENT NO. 932, TO S. 4268

Mr. WILLIAMS of New Jersey. Mr. President, on Tuesday, September 22, 1970, Senator PERCY and I sponsored amendment No. 932 to S. 4268 for the purpose of permitting the Export-Import Bank of the United States to grant long-term low-interest loans to Israel for the purchase of defense articles and defense services. I ask unanimous consent that the names of the Senator from New Jersey (Mr. CASE) and the Senator from South Dakota (Mr. McGOVERN) be added as cosponsors of amendment No. 932 to S. 4268.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

SERMON BY REV. DR. EDWARD L. R. ELSON AT U.S. MILITARY ACADEMY, WEST POINT, N.Y.

Mr. BYRD of West Virginia. Mr. President, all of us in the Senate are well aware of, and admire, the articulate and thoughtful manner in which our beloved Chaplain, Dr. Edward L. R. Elson, in his regular invocations for this body, pinpoints our basic needs and calls upon Almighty God for the guidance which only He can give as we struggle with the often overwhelming problems confronting us. We feel privileged to enjoy Dr. Elson's ministry. However, the time allotted to him, as the result of the Senate's pressing duties, is very short. I know that we would benefit immeasurably, were we to have the opportunity to hear him at greater length. Consequently, I am pleased to ask unanimous consent to have printed in the RECORD the text of Dr. Elson's sermon when he spoke as guest preacher of the three services in the U.S. Military Academy at West Point, on September 20, 1970.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

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THE BOOK COMES ALIVE

(A sermon by the Reverend Edward L. R. Elson, S.T.D., Minister of the National Presbyterian Church and Chaplain of the United States Senate, in the Cadet Chapel, U.S. Military Academy, West Point, N.Y., on the occasion of the presentation of Bibles to the members of the fourth class by the American Tract Society, Sunday, September 20, 1970)

"I will not forget thy word." Psalm 119:16b.

The pioneer American faced the frontier and the future with three instruments in his hands. He carried an axe, a gun, and a book. With the axe he felled the trees, built his home, his school, his church. With the gun he hunted game for his table, pelts for his livelihood and protected himself from predatory forces of the wilderness. His book was the authority for his worship, the text book for his education and the guide to the erection of his political institutions.

Today's American no longer carries the axe and the gun. His axe has become his vast industrial empire. His gun has become the arsenal of the free world. His book and the person revealed in it is still alive and the pervasive influence in American life.

George Washington began the practice of laying hands on the Holy Bible as the President takes the oath of office.

Thomas Jefferson compiled passages of his own and they are still published as the "Jefferson Bible."

A graduate of this institution, President Ulysses S. Grant, declared, "Hold fast to the Bible as the sheet anchor of your liberties. Write its precepts in your hearts and practice them in your lives. To the influence of this Book we are indebted for all the progress made in true civilization and to this Book we look as our guide in the future."

Another graduate of this Academy, during his convalescence from his first heart attack, Dwight D. Eisenhower, invited me to his Gettysburg farmhouse to dedicate it with the reading of the scriptures and with prayer. Shortly after lunch he stood in a parade-rest stance in front of the fireplace and remarked, "We were both brought up on daily family prayers and reading from the Bible. During our Army days we lived in twenty-two different quarters. This is our first home. We have talked about a dedication service. It is fitting now that our pastor should lead us in this dedication by the use of the words of scripture and prayer." President Eisenhower was thoroughly familiar with the content of the scriptures.

When a British monarch is crowned, the Archbishop of Canterbury takes a volume and places it in the new King's or Queen's hands and says:

"We present this Book, the most valuable thing that this world affords. Here is wisdom, the Royal Law; these are the oracles of God."

Sir Walter Scott once declared, "There is but one book." That book of course is the Bible, a veritable library of sixty-six separate books, thirty-nine in the Old Testament and twenty-seven in the New Testament.

The Book was not only the source of worship and education but was the guide to the founding our our political institutions, as former Chief Justice Earl Warren points out:

"I believe no one can read the history of our country without realizing that the Good Book and the Spirit of the Savior have from the beginning been our guiding geniuses. . . . I believe the entire Bill of Rights came into being because of the knowledge our forefathers had of the Bible and their belief in it. Freedom of belief, of expression, of assembly, of petition; the dignity of the individual, the sanctity of the home, equal justice under law, and the reservation of powers in the people. . . . I like to believe we are living today in the spirit of the Christian religion. I like also to believe that as long as we do so, no great harm can come to our country."

How fortunate we are that the scriptures we have today are more accurate, more reliable, and more interesting than at any time in history. Archeology, ancient manuscripts, the discovery of the Dead Sea Scrolls, and techniques of language research have put our generation closer to original sources than any other generation in all history. And we may rejoice that the Bible, or some part of it, is now available in the languages spoken by ninety-seven per cent of the world population.

We are not the only people of a Book, for the Moslems have their Koran—but we are uniquely the people of this Book—the Holy Bible.

What a book this is. It is a library containing books by different authors, known and unknown, books of varying literary quality and widely divergent spiritual values. Law and prophecy are here, together with ancient wisdom, literature, and poetry. Here we listen to the thunders roll and mark the lightning flash as the Law is given at Sinai, and a motley crowd of nomads are welded into a nation under the glow of an incandescent faith. We hear the sound of "running history" as we observe the footsteps of God making broad His path in the history of the chosen people. We see the panorama take shape before our eyes. We catch the melodies of the singers as they break forth into triumphant praise before the mighty acts of God, or rise from the depths in plaintive tones as men bow before the chastening of a righteous God. The seraphic eloquence of Isaiah lifts us, and the passionate pleadings of Jeremiah grip our hearts and we catch visions of faroff things yet to be. The stern tirades and cutting invectives of the shepherd Amos from Tekoa, and the dull moanings of Hosea's broken heart—together with the rapturous visions of Ezekiel—stir our emotions.

Where will you find poetry to match the words of the shepherd's psalm—especially as strength for a soldier:

"Though I walk through the valley of the shadow of death, I will fear no evil; for thou art with me. . . .

"Thou preparest a table before me in the presence of mine enemies; thou anointest my head with oil (healing); my cup runneth over.

"Surely goodness and mercy shall follow me all the days of my life and I will dwell in the house of the Lord forever."

Or consider the 46th Psalm written during the siege of Jerusalem by the Armies of Sennacherib in the year 701 B.C.:

"God is our refuge and strength, a very present help in trouble."

"He maketh wars to cease unto the end of the earth; (God is the peacemaker; he has his own timetable.) he breaketh the bow, (the ancient rifle) and cutteth the spear in sunder: (the ancient rocket) he burneth the chariot in the fire." (the earliest tank).

Then amid the tumult the writer calls out: "Be still, and know that I am God; . . ."

Or the poetry that rises in the New Testament:

"Now we see through a glass, darkly; but then face to face: now I know in part: but then shall I know even as also I am known.

"And now abideth faith, hope, charity, these three; but the greatest of these is charity."

Or think of all the wisdom and wit packed into the Proverbs with such passages as you find in chapter 12, verse 23:

"A prudent man concealeth knowledge: but the heart of fools proclaimeth foolishness."

Where is there better music than in the Magnificat when Mary sings: "My soul doth magnify the Lord, and my spirit hath rejoiced in God my Saviour."

Or let the voices of the congregation or choir be caught up in the words of Venite:

"O come let us sing unto the Lord. Let us heartily rejoice in the strength of our salvation. Let us come before His presence with thanksgiving; and show ourselves glad in Him with songs."

There are many acts and many scenes in the Bible but the supreme actor is God—making Himself known, revealing His laws, incarnating Himself in the Saviour, guiding, disciplining, and empowering His own people.

The Bible is not an object of worship—that is bibliolatry, nor is it a talisman or good luck charm—but it is the record of the God whom we worship and His dealing with man. It contains the enduring truths about God, about man, his redemption, and his ultimate destiny. The Bible is not a scientific manual but it is the chief source book for the queen of sciences—theology—"the science of God."

Look at some ways the Bible may profitably be read today:

1. Read the Bible as literature, for it is the supreme work of literary art. No other document bound in one volume contains such a wide variety of literary forms in such high quality as does the Bible. Considered solely as literature, it takes its place among the classics and merits the attention of all men in every generation.

2. Read the Bible as history. It is history. It is His story. It does not contain all history but the history it does contain is trustworthy as a record of God's redemptive acts for man's salvation. It is a book of sacred history—the history of how salvation and new life have entered into the life of man.

3. Read the Bible for its biographies. One of the proofs that it is the Word of God is that it is so true to life. The Bible portrays man as he really is and as he ought to become. It reveals man in the depth of his sin and the majesty of his manhood. How deeply a person can become absorbed in the career of Abraham or Moses—of Amos or John the Baptist—or Saint Paul. For drama, is there anything to equal Samson and Delilah? There is Delilah—beautiful and sensuous, seducing the mighty Samson until he yields his secret and in the end loses his power because he withdraws his dedication to God. Today's screen portrayals, with all their vivid intimacies, produces nothing more explicit than you will find in the Bible. Read the Bible for its biographies revealing man in his sin and folly, and in his redemption and rise to the heights of moral and spiritual grandeur.

4. Read the Bible as the inspired Word of God. God is a person and in the Bible He is communicating with persons. Spiritual things are spiritually discerned. The Book is understood when the reader approaches it with reverent and believing heart. Get beyond the words to The Word. *Hear* what God is saying. *See* what God is doing through this Book. And in the end its message will find permanent lodgment in the heart, expression in daily life, and become a lamp that will light the pathway through the generations. Comprehension of the Bible comes when the Holy Spirit, who is the author of its message, is present in the mind and heart of the reader. Come to it in the mood of worship and prayer. Learn to worship God in the Bible way.

5. Read the Bible because it contains the truth about Jesus Christ. It is His only authentic biography. Read it because you find Him in it. Jesus knew and used the Scriptures.

As a boy in the Temple He astounded the

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rabbis with His knowledge of the Bible. To launch His public career He went into the synagogue at Nazareth and stood up before the congregation, opened the scriptures to the prophecy of Isaiah and read:

"The spirit of the Lord is upon me, because He hath anointed me to preach the gospel to the poor. He has sent me to heal the broken-hearted, to preach deliverance to the captives, and recovering of the sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord."

Then: "He closed the book and gave it again to the minister, and sat down. And the eyes of all them that were in the Synagogue were fastened on him."

With these words from the 61st chapter of Isaiah, he set out upon his radiant mission. Whenever he preached or taught he drew on the ancient Hebrew scriptures. Whenever religious experts and synagogue lawyers, the scribes and the pharisees, tried to trap him in their frequent debates, he would say, "Does not the Scripture say . . .?" and then go on to drive home his point.

Then when he came to his suffering on the cross and faced the ultimate question, crying out "My God—Why?" he drew upon the Scripture, and after declaring "It is finished!"—his very last words were a paraphrase of the 31st Psalm, verse 5: "Father, into Thy hands I commend my spirit."

If Jesus found the words of holy Scripture to be a central source of power for His life, how much more do we on the lower levels of life, struggling to follow in His footsteps, need the wisdom and the strength which come from the knowledge of His Holy Word.

Let us pray, in the words of the Book of Common Prayer:

"Blessed Lord, who hast caused all holy Scriptures to be written for our learning: Grant that we may in such wise hear them, read, mark, learn and inwardly digest them, that by patience, and comfort of Thy holy Word, we may embrace and ever hold fast the blessed hope of everlasting life, which Thou hast given us in our Saviour Jesus Christ." Amen.

GOLDEN JUBILEE OF HISTADRUT—ADDRESS BY SENATOR HUGHES

Mr. CRANSTON. Mr. President, the Senator from Iowa (Mr. Hughes) made a significant speech on the Middle East recently in Minneapolis. I believe this is a particularly appropriate time to bring the remarks of my distinguished and good friend to the attention of the Senate.

I ask unanimous consent that his speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Harold E. Hughes, Minnesota Trade Union Council for Histadrut, Histadrut Golden Jubilee Celebration, August 23, 1970

I am addicted to a modern American proverb, the origin of which is unknown.

It goes like this: "There is no solution; seek it lovingly."

As we work to preserve the way of life we prize and the country we love, we have no guarantee that we will be successful.

We have only faith that we will hand down to our children a heritage and not a holocaust.

But this is a mystery of life that all generations have shared.

If your house or your neighbor's house is on fire, you do your best to put it out. You don't stop to figure the odds.

It has always been this way. Suppose the ragged men at Valley Forge had stopped to figure the odds. We would be listening to Queen Elizabeth on television, not President Nixon.

The same individual qualities of faith and courage and staying power that brought us through then are still legal tender.

And we are not without examples, in this country and abroad, today.

Tonight we celebrate the 50th Golden Jubilee Year of Histadrut, the Labor Union of Israel.

In paying tribute to Histadrut, we honor the working men and women of the world everywhere, and we salute a nation that is a profile in courage and initiative, the nation that made the desert bloom.

No action you members of the Trade Union Council could take would be more beautifully appropriate than to build a memorial in Israel named for Walter Reuther.

Walter Reuther, like Golda Meir and Moshe Dayan, is a symbol of the value of a single individual in a mass world.

It was my privilege to have a long telephone visit with Walter on the Friday afternoon before his tragic and untimely death.

As always, I got sparks from what this Great American had to say—the kind of sparks that make you move ahead to bigger objectives and forget about the odds.

My personal impression of Walter Reuther was one of sudden sunlight and quick lightning. Within him were the contrasts of greatness. He was the toughest of fighters against injustice, and at the same time a compassionate worker and a prophetic planner for human betterment.

What you are doing to help Israel is magnificently consistent with what Reuther stood for. Building schools and hospitals, caring for children, improving the lot of working people—these are direct routes to a better world.

The work of Histadrut teaches us a lesson which should be heeded in all of American foreign policy. Building a nation requires more than building an army. However necessary certain defense measures may be, they do not, by themselves, aid the long-term growth or development of a nation.

Israel has made enormous social progress, despite its necessarily high budgets for defense. Its people have attained a literacy rate of 90 percent, which is three times the rate of their Arab neighbors. Compared with the United States, Israel has as many hospitals and 50 percent more doctors per capita, and Israelis have a greater life expectancy than Americans.

Israel's progress contrasts sharply with most of the Arab states, who lag far behind in medical facilities, literacy, and life expectancy, and where the military factions rest on shifting sands and on the backs of subsistence farmers.

America's long-range goal is to bring economic and social progress to all of the Middle East. But those developments require peace, and peace today is in short supply.

The Middle East is now on the verge of renewed fighting. The situation is changing daily, but there can be no doubt that it is volatile.

The conflicts in the Middle East are many and varied, as you all know. Sometimes, however, I think we focus too much on the East/West or Arab-Israeli aspects of the situation and ignore other profound divisions in the area. The Arab countries are themselves divided along many lines: rich and poor, stable and unstable, radical and conservative, actively belligerent and passively hostile.

These many lines of conflict make any settlement much harder to achieve. What Egypt might accept, Syria might well reject; what Jordan would favor, the guerrillas would likely oppose. Such facts make any real "solution" almost impossible. For a long time to come we will probably be faced with deeply rooted tensions, suspicions, and disagreements.

These problems have been with us for many years. What is new this year—and particularly disturbing—is the rapid increase of Soviet military involvement in the area. The Soviet Navy has become active in the Mediterranean and now has major base facilities at Alexandria. The Russians are sending in 15 to 20 thousand military advisers. These men have increased their role from merely training Egyptian forces to manning the Surface-to-Air Missile sites (the SAMs) and recently even to flying planes against Israeli aircraft.

The Russians seem to be repeating in Egypt our own myopic slide into Vietnam. They haven't learned that a little military involvement is a dangerous thing.

The more deeply involved the Russians get—for whatever reasons—the more likely they will feel compelled to stay. Rather than helping the Egyptians, the Russians might come to view the conflict as a test of their prestige. They might take us to the brink of a world war in order to avoid being viewed as a "pitiful, helpless giant."

Soviet involvement is not the only cause of increased tensions in the Middle East, but it is a major and inescapable one. All sides must tread carefully, for the slightest rumblings now could set off a war like nitroglycerin.

We all know that if the Soviet Union were not so deeply involved, especially with its own armed forces, the Middle East would be much more stable. We all know that the Israelis can defend themselves heroically, magnificently, and Heaven knows, successfully. And we all know that lasting peace will come to the Middle East only when outside forces stop trying to foment revolutions within the nations of the area.

American policy toward the Middle East has followed a sound and steady course for the past two decades. Historically, we have supported Israel and its right to exist and be recognized as an equal among nations. We have supported international restraints on the conflict in the area. We have offered friendship and development assistance to all willing nations.

This policy is based on our moral and spiritual commitment to Israel, on the belief in the rule of law rather than force, and on friendship to all who reciprocate it.

The United States does not want to inflame tensions or widen divisions in the Middle East. We would all prefer the nations of the area to work together peacefully and productively.

There is no reason to change this policy. It still serves true American interests. Those interests are not simply economic investments, but include our word as a nation and our respect for basic principles of international law.

Our choice is not between oil and Israeli survival—and it must never be posed that way. We can have both if we base our relations with the countries of the Middle East on the principles of mutual respect, national integrity and survival, and freedom of exchange in ideas and goods.

The Middle East is an arena of great conflict and, potentially, a major war. Although there are some superficial similarities to the troubles in Indochina, the situations are fundamentally different.

In both regions, it is true, there are external powers deeply and destructively involved. Both conflicts spring from intense ethnic antagonisms and contests for control of territory.

But Israel is a different and much better ally.

Israel has a democratic government which reflects the political forces within the nation and which is responsive to the needs of the people. The Government in Saigon is not democratic, is not representative of the political groups in the country, and is far from responsive to the needs of the people.

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Israel is fighting for its survival in a hostile environment, but it asks only American diplomatic support and sales of military equipment. While Israel makes such sacrifices for its defense, the Saigon generals demand continued American sacrifices of blood and treasure. Some of our so-called allies even demand bonus payments to fight on our side.

The Israelis are strong and independent; the Saigon government demands a veto on our actions.

The Israelis are willing to take substantial risks for peace. No nation in the Middle East wants peace more. But the Saigon generals are so fearful of peace that they put its advocates in jail.

The Middle East conflict is different from the one in Indochina in other respects as well. There are defined borders and visible front lines around Israel. In Indochina there are the ambiguities of areas, ruled by one group in the daytime and another at night.

The outside powers involved in the Middle East recognize their mutual interest in preserving peace. In Southeast Asia, some nations see more to be gained by continuing war.

As a result of these differences, the American stake in the outcome is much greater in the Middle East than in Southeast Asia. American withdrawal from Indochina would force the various political factions to reach some kind of accommodation. But the withdrawal of U.S. support for Israel would leave that valiant country naked prey to armies bent on genocide.

The situations are different—as different as night and day; or as right and wrong.

Two weeks ago the chances for peace suddenly brightened. Israel and Egypt agreed to begin indirect talks on a political settlement. Those talks were to be freed from military pressures by a cease-fire lasting at least 90 days. During the cease-fire, neither was to extend or improve its military position along the Suez Canal.

The basis for a settlement now exists. The Israelis have removed the roadblocks to an agreement which troubled the Arabs most. In particular, Israel now has agreed to consider withdrawal from some of the territories occupied during the 1967 war. In return, of course, Israel demands full recognition of its right to exist within secure borders. Israel has also shown a willingness to make some final settlement with the Palestinian Arabs.

The Arabs—or at least some Arab leaders some of the time—have spoken as if they could accept recognition of Israel and its legitimate security needs. They must also, of course, agree to control their own populations to prevent raids against Israel.

I do not say that the chances for a lasting settlement now are good. But the cease-fire and talks are a necessary and welcome first step.

Where we go from here depends on how well we handle the present crisis over the cease-fire.

Let us first remember one major fact: If this crisis goes unresolved much longer, all-out war is the likely result.

The prelude to the 1967 war showed that Israel cannot wait for the other side to strike first. Its margin of survival is too small.

And since Israel defense rests on the entire population, the nation cannot remain long in a state of mobilization. We have to act soon before fears and suspicions destroy the present opportunity to move a little closer to a lasting peace.

Our major problem today is how to preserve the cease-fire and achieve productive talks. But talks will never be successful in an atmosphere of uncertainty over compliance with the cease-fire agreement. Full compliance is absolutely essential in order to preserve peace in the Middle East.

But what are the facts? The Israelis say that the Egyptians and Russians are moving missiles toward the Suez Canal; the State Department says that American evidence is "not conclusive."

I don't know what the truth is. I wish I did. What have we bought with these billions of dollars for electronic devices, U–2 planes, and reconnaissance satellites?

If this were Vietnam, I am sure that our government would have released full-color photographs and detailed analyses of the number of one and two humped camels near the Suez Canal.

Instead of clearcut evidence either way, the State Department says that it will examine the Israeli evidence and then communicate privately.

This kind of secrecy and evasiveness are unacceptable. The American people deserve to know the truth.

Perhaps the evidence is truly ambiguous, but if there is honest disagreement, we should discuss it candidly.

It is imperative that we be open and unequivocal about our policy in order to avoid misunderstanding and miscalculation.

If the Egyptians are violating the agreement, we must do all within our diplomatic power to insure compliance. And we must stand ready to provide Israel with whatever is necessary to maintain its military security along the Canal.

Whatever we do must be done openly, leaving the Soviet Union with no doubts about our determination to get full compliance with the agreement and, at the same time, leaving the Israelis with no doubts about our firm support for their right to live within secure borders.

Those who love Israel and are committed to the support of her sovereignty and security both within her borders and elsewhere, can only pray for peace for their brave little country.

Man for man, no nation was ever abler or more determined to defend herself. But the fatal arithmetic of 3 million Israelis surrounded by 50 million Arabs must make it apparent to anyone what would happen over the long run to this gallant people if this fighting goes on as it has been going this past year.

I completely agree with Dayan that we "bear a heavy responsibility," since we initiated the cease-fire, and the Israelis agreed to it only after we informed them that the Soviets would abide by the stand-still.

I agree with the long-standing Israeli position that eventually Israel and Egypt must negotiate, themselves, directly or indirectly.

In the meantime, in the steps leading up to this, it is essential that we do not take too arbitrary, conventional, or simplistic an approach.

Negotiation that is not focused on the realities would be futile. Negotiation simultaneously on all of the diverse and widely conflicting aims of the various Arab nations would be predestined to failure.

The cease-fire is a start, but only a start. It must be validated; this is our burden, as I see it.

The stakes are too high, the risks are too great, to resolve these disputes over violations on the basis of aerial photographs that can be interpreted in different ways.

Analysis of photographs takes too long. It would be tragic if the chances for peace were lost now because intelligence estimates arrived too late to enable us to move quickly to expose and rectify any violations.

The only way to get adequate answers to our questions and satisfactory proof on the different allegations is to make direct inspections of military installations within the truce zone. In the present climate of suspicion, the only groups likely to be acceptable in such a role are joint Soviet-American inspection teams. Unless we both assume the responsibility for maintaining an effective cease-fire and standstill truce, the last chance for peace may slip away.

Senator Cranston of California and I proposed such joint inspection teams in a letter to Secretary of State Rogers. Last Friday, we wrote in part:

"We urge you to move forcefully now to take what we believe would be a dramatic and effective means of maintaining the ceasefire and standstill by urging the Soviet Union join with us in establishing joint inspection teams to patrol along both sides of the line. These teams, sent along the ground and in small observation planes, would enable us to detect ceasefire violations almost as soon as they occur. Indeed if we had had such teams when the ceasefire went into effect, the earlier violations could have been exposed and corrected. Moreover, the presence of such teams would have a sobering effect upon local commanders who might otherwise be tempted to improve their tactical positions during this period.

"If we and the Soviets act now it will enable Ambassador Jarring to move ahead with his diplomatic efforts and lessen the danger of a return to the expensive and costly bloodletting along this front. More importantly, joint inspection teams would reassure both parties that their military positions would not be jeopardized while the talks are going on. Hopefully as the talks proceed and the prospects for peace improve it may be possible for American-Soviet inspection teams to be replaced by Egyptian-Isareli teams."

Such inspection teams might be difficult to establish—and their task certainly would not be easy. These teams are not meant to be permanent, but would operate only until other effective steps could be found to preserve the cease-fire. All sides would benefit from this insurance against violations.

In this complex situation, there must be an unconquerable search within the realistic context of the negotiable issues for the hidden keys, the unexpected symbols that might get the wheels truly moving . . . however slowly.

Recently the Egyptians returned to Israel a wounded pilot who had been shot down during an August 3rd raid on Egyptian positions along the Suez Canal.

Maybe this was plainly and simply a public relations ploy.

But whatever it was, it was a human being restored to his people and a humane deed, even if not for all of the right reasons.

I have been as concerned as any American about the treatment of our prisoners of war in the hands of the North Vietnamese. But I have also contended that our best assurance of decent treatment of our prisoners of war is for our government to use its influence on behalf of humane treatment for all prisoners, including those taken by ourselves and the South Vietnamese forces.

A week ago last Tuesday, more than 100,000 Jews gathered at the Wailing Wall Jerusalem to begin their lamentations over the destruction of the Temple, according to the Rabbinical calendar, 1,900 years ago.

For the benefit of these people who have suffered so much through the centuries; for the benefit of the Arabs and Arab refugees who, except for the blind revolutionaries, must also long for peace; for the benefit of peace-seeking people all over the world; our government must act decisively, fairly, and imaginatively to open up new options for peace in the Mideast.

THE SUPERSONIC TRANSPORT

Mr. SCOTT. Mr. President, the Senate Appropriations Subcommittee on Transportation will soon be marking up the bill for the Department of Transportation. The most controversial item in that measure calls for expenditure

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of $289 million for a continuation of the prototype development of the supersonic transport.

Like many other Senators, I have been disturbed by the questions raised about the environmental impact that a fleet of SST's would have. I am also concerned about the possibility that the private financial sources in this country might not wish to put up the funds necessary to finance production of these aircraft. At the same time, however, I recognize that we are well along with the development of prototype aircraft, having spent over $700 million on the project. Therefore, failure to proceed with the prototype on the basis of the questions raised would mean defaulting on a potentially viable market without adequate knowledge of all the factors involved.

In this frame of mind, I invite the Senate's attention to the article on this subject written by Henry C. Wallich, published in Newsweek of September 21, 1970. In my view, it is a clear statement of the situation we face. Mr. Wallich also shares the concerns of many about this aircraft; but as he says in the article:

> It seems clear that the U.S. has little to gain and much to lose from terminating the SST project. We shall have to build.

He correctly identifies the issue. It is not, as the opponents of the SST would have us believe, the question of whether or not SST's will be flying in the 1970's. It is, rather, whether there should be an American SST flying in the 1970's. The only way we can keep that option open is to proceed with the development of the prototype.

This does not mean, however, that we must commit ourselves at this time to production of this aircraft. Indeed, it would be foolish to do so before we are sure of two things—first, the environmental impact that a fleet of SST's would have, and second, the commercial viability of the design itself. It is the environmental question about which we have heard so much in the past few months. So let me outline the current environmental research and development program that is now being conducted to study the supersonic transport.

The pending request for appropriations to continue work on the SST totals approximately $290 million. Of that request, over $12 million will be spent by private industry for environmental research. Independently of the total request for funds, the prime contractors will spend over $3 million to study the associated environmental problems.

In addition, the administration is embarking upon a massive 3-year, $27 million environmental research program to study the supersonic transport. During the current fiscal year alone, the Department of Transportation will be spending over $2.5 million on environmental problems. The National Aeronautics and Space Administration will be allocated nearly $4.4 million for similar study. And the Air Force will be conducting its own studies with a separate appropriation of $1.3 million. It is important to note that all of this coordinated environmental research will be devoted only to the study of the SST and its effect on the environment, and I urge its continuation but on an even greater scale. I, therefore, urge that an additional $5 million be appropriated this year for continued environmental research on the SST.

During the course of the administration's 3-year SST environmental research program, attention will be focused on three major anticipated problems: Noise, radiation, and weather modification. All of the resources of the Federal Government and private industry must continue to be brought to bear upon the problem of noise suppression, reduction and control. Radiation research must continue to be conducted at high altitudes to make the necessary determinations. Weather modification research must continue to be conducted on all phases of weather and climatological problems. Clearly, this administration must continue to spend a great deal of money and expend a great deal of effort to find out just what kinds of environmental problems we might expect with a fleet of SST's. In my own study of the SST and its development to date, I noted with great interest that President Kennedy, who initiated this program in 1963, never mentioned the effort that would have to be made to determine the environmental impact of the SST, although I am certain that many people in Government were well aware of the problem at that time. I mention this only to demonstrate our deep concern, 7 years and two Presidents later, over these important environmental considerations. The Nixon administration has wisely separated the building of the prototype from the possible production of the commercial fleet. What we are engaged in here, therefore, is primarily research and development; and we are in no way committed to proceed with production if that research indicates that it would be environmentally dangerous or uneconomical, in any way, to proceed with commercial production. This fact is well known to the Department of Transportation and others charged with administering the program, but it is still unnoticed by the public at large. The kinds of objections being raised in the mail I and other Senators are receiving on the subject makes that very clear.

I think we in Congress have a responsibility, therefore, to go beyond simply repeating the assurances the administration has made to the effect that construction of the prototype does not commit us to production. We need positive and straightforward language which will assure the American public that the SST will be compatible with the protection of our environment or it will not be allowed to fly. We need to support the research on environmental matters connected with the SST which the administration is conducting, research which will bring the completion of the prototype total close to $30 million. I urge that it be made abundantly clear in the language of the act itself that commercial flights will not be permitted to commence unless adequate environmental research has assured that there will be no environmental dangers inflicted upon the American public by a commercial fleet of SST's. I also urge that the language of the bill be written to make it clear that no public funds appropriated by Congress will go for the production subsidy. For my part, I will not support the production phase of the SST unless the essential environmental problems are solved following completion of the prototype phase. That is why I am urging continued appropriation for the prototype to determine whether or not we can solve these critical problems.

I am not a member of the subcommittee and, therefore, will rely upon those capable and distinguished Senators who are to wrestle with the problem. However, I urge them to include in the language of the bill the kinds of assurances I have discussed and which, in my view, the American people need if they are to give support to this program.

I ask unanimous consent that Mr. Wallich's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SST

Congress is now debating whether to appropriate $290 million to build two prototypes of the Boeing supersonic transport. If by voting down this appropriation we could ground all supersonic flights, I would favor terminating the project. The nuisance that the plane will cause to man at rest or at work outweighs its convenience to man on the wing. Sideline noise at the airport, take-off roar nearby, sonic boom wherever it goes at full speed, will make the plane a prime nuisance. Disturbance to the upper atmosphere is a remote but serious threat. The traveler's gain in time is unimpressive particularly when measured portal to portal instead of from end of departure delay to beginning of arrival stack. Rarely will so many be bothered on any day to save so little time for so few.

Some of the SST's opponents, with engaging parochialism, talk as if Congress, by denying the money, could keep all such planes from being built. Unfortunately, Congress cannot. The Franco-British Concorde—as well as the Russian TU-144—is already flying. If the Concorde proves technically and commercially viable, the only remaining question is whether the various nuisances are to be produced by their plane or ours. We cannot escape.

It is futile to argue that we can have peace and quiet by simply denying the Concorde the right to land here. What we can have is a nasty argument with a number of friends and allies. We keep out their Concordes, they keep out our jumbo jets. Since we use more airports abroad than others use here, we probably are at the short end of the stick. The eventual outcome is foreseeable: a compromise involving some noise abatement, presumably no supersonic flights over land, but all the rest pretty much as programed.

WILL CONCORDE FLY?

The question therefore is whether the Concorde will turn out to be viable. Before the plane lifted off the ground, some skepticism was in order. But now that its tests have begun, these fears or hopes are beginning to fade. The plane has not yet shown that it can do its promised top speed, because the tests have not yet reached that phase. Reports have it that the Concorde is "gaining weight," i.e., that the designers are having to reduce its payload. But reduced commercial viability can probably be made up by come-ons to the purchasers. A Concorde II, moreover, is said already to have entered the thinking stage. Seven American airlines and nine foreign ones are now lining up to buy Concordes. The Japanese and the Dutch are reported to be dickering with the Russians for the TU–144 plus some preferential air routes.

If the SST is not built, the consequences for the U.S. balance of payments will be pretty dramatic. The U.S. now is a strong exporter of planes. If the Concorde takes over the world market, we shall become a heavy net importer. The supposed stimulation of tourism, which has played a role in balance-of-payments calculations, I do not consider worth counting. I doubt that many tourists will pay premium fare for a chance to meet their maker at Mach 2.7. But even without tourism, the annual damage to the balance of payments, conservatively estimated, would be of the order of $1 billion till 1985, and with some imagination this can be parlayed above $3 billion.

WE MUST BUILD

It seems clear that the U.S. has little to gain and much to lose from terminating the SST project. We shall have to build. Nevertheless, the U.S. is not without options. We can rush to build the SST now, as is being proposed, or we can delay in order to let technology catch up with the plane, which is said to be rather ahead of our tested capabilities. Evidence of that are the big design changes which the plane has suffered since Boeing nosed out Lockheed for the contract. The SST even now is almost twice as big and almost half again as fast as the Concorde. But the plane will ultimately fly faster if built with more deliberate speed.

If such delay leads to more even sharing of the world airplane market, this would not be a total disaster. The British—less so the French—need exports too. If they can sell some Concordes, we may have to lend them less money next time there is need to stabilize the pound. But the decision whether to proceed posthaste with a commercial SST or simply continue development work is not yet upon us. The issue now is whether to keep our options by building the prototypes, or drop out altogether. Clearly we must build

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DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. SPARKMAN. Mr. President, I cannot think of any issue that we have debated in recent years that so profoundly affects the American way of life, and the future stability of this Nation, as this proposal for direct election of the President and Vice President of the United States.

I am opposed to the resolution for many reasons. While I realize that the electoral college system has its defects—it is not perfect—these defects can be eliminated by a constitutional amendment which would reform, not abolish the present presidential election process. I favor electoral reform but not the present proposal.

In a word, I see no justification for dismantling completely a system which has served this Nation so well down through the years.

Mr. President, I am much persuaded by the views of those joining in the minority report from the Judiciary Committee. I was particularly persuaded by the view that the electoral-vote system, operating as it has down through the years, makes it necessary for a successful candidate for the Presidency to put together, not just a majority, but a broadly based majority, both geographically and philosophically. The system encourages moderation. It encourages compromise and conciliation, and it discourages extremism. We often hear it said of present-day Americans that we are becoming polarized, and I believe that this is alarmingly true. The polarization of political thought in this country contributes significantly to the difficult times in which we live. This is not a time to discard entirely a basic working part of a political system that has brought us through the difficult—indeed perilous—times of the past.

In all this time the electoral college has been assailed vociferously from all sides. It has been condemned as a "tool" of every imaginable interest. Conservatives have attacked it for producing liberal Presidents; liberals have attacked it for producing conservative Presidents. It has been assailed as favoring both major political parties, and all sections of the country, at one time or another.

But the fact remains that the electoral college has provided us with an extraordinary number of outstanding men in the White House who have entered the office with a solid demonstration of public support and have governed the Nation honorably and well.

To quote from the minority views of members of the Judiciary Committee who opposed the Bayh amendment:

> It [the electoral college] has given us men who, by and large, have been free from the corrupting influence of faction precisely bebause their method of election forces them to understand the public good as something more than the sum of the interests of their friends.
>
> It has given us Presidents who have been for the most part independent of Congress and the States, but well aware of the powers and prerogatives of both.

I am still quoting the minority report:

> In short the electoral college, in conjunction with the party system which grew up in response to it, now produces . . . an energetic and independent and yet responsible and limited Chief Executive. Thus, it will not do to say that the electoral college is antiquated or outmoded; no more viable institution, nor a more salutary one, will be found today.

The minority report goes on to say that the abolition of this proven mechanism and the substitution of direct election of the President would destroy the two-party system, radicalize public opinion, endanger minority rights and undermine the federal system by removing the States as States from the electoral process.

I hold with these views.

Mr. President, the phrase "direct election" is both appealing and deceptive in its simplicity. There is little wonder that the polls that have been taken nationally show a large majority of Americans in favor of "direct election." I am quite confident that if a national poll were taken on the proposition "Do you believe that our political system should provide protection for minorities against the majority," you would get equally large percentages in the affirmative column. I would hope that this debate in the Senate—and with the help of the press it will be so—I would hope that this debate will bring home to the American people the dangers that accompany tampering with a proven, workable system. There is much talk about how it might not have worked in such-and-such a year if so-and-so had happened, but the truth is that it not only works, but it has done a good job of providing this country with distinguished leadership down through the years.

In his first inaugural address, President Thomas Jefferson declared:

> The will of the majority is in all cases to prevail, but that will, to be rightful, must be reasonable.

By "reasonable majorities" Jefferson meant those which would be disinclined or unable to interfere with the rights of others. Accordingly, in this debate on electoral reform, the crucial question is whether one method of election is better than another at creating reasonable majorities.

In other words, one method might be better in obtaining a strictly numerical majority, at the price of failing to safeguard minorities, while another might protect minorities very well indeed, but at the price of frustrating a truly reasonable majority.

In presidential elections, the electoral college seeks the ideal approach to a reasonable majority by attempting to strike a golden mean: that is, numerical majorities which are moderate in character. It grants a certain preference to numbers, in this case greater representation for the more populous States.

But it denies, quite properly, that numbers alone should be the exclusive criterion, hence minimum representation for the least populous States. In other words, the electoral college attempts to satisfy qualitative, as well as quantitative goals.

These goals include the strengthening of the Federal system by giving the States as States a say in the selection and election of Presidents. Another goal is the desirability of representing certain interests whose only drawback is the lack of great numbers. A third is the desirability of imposing institutional restraints upon the abuse of power in the office of the Chief Executive.

I do not think anyone would deny that our two-party system has done an indispensable job in promoting the dual purpose of American politics: majority rule with minority rights.

Since both parties face the same requirements in all States, an electoral majority, when it does emerge, is both geographically dispersed and ideologically moderate. The victorious party is therefore capable of governing in the best interests of the great majority of the people. The electoral college, in sum, produces truly competitive, State based, moderate political parties.

One of the gravest dangers of the direct election to the American political system is the runoff election, with its encouragement of splinter parties. With a runoff, it is not only possible, but probable, that many candidates will enter the presidential race. The consequences of this are not pleasant to consider.

Prof. Alexander Bickel of Yale Law School declared in this connection—I quote him:

> I think it altogether probable that under a system of popular election the situation would be as follows: the runoff would be, not an occasional occurrence, but the typical event. The major party nomination would count for much less than it does now—and might even eventually begin to count against a candidate. There would be little inducement to unity in each party at or following conventions. Coalitions would be formed not at conventions, but during the period between the general election and the runoff. All in all, the dominant positions of the two major parties would not be sustainable.
>
> This sort of unstructured, volatile, multiparty politics may look more open. So it would be—infinitely more open to demagogues, to quick-cure medicine men, and to fascists of left and right. It would offer, no doubt, all kinds of opportunities for blowing off steam and for standing up uncompromisingly for this or that cause, or passionately for one or another prejudice. But people who think that our democracy would become more participatory fool themselves. Weaker, yes. More participatory in real sense, no.
>
> While men continue to take varying positions on issues, compromise and coalition remain unavoidable. The only question is when and how coalitions are formed and compromises take place. Coalitions are now formed chiefly in the two-party conventions, which are relatively open and accessible and can certainly be made more so. In a multiparty system, the task of building coalitions will be relegated to a handful of candidates and their managers in the period between the election and the run-off. The net result will simply be that the task will be performed less openly, and that there will be less access to the process. Governments will be weaker, less stable and less capable than our governments are now of taking clear and coherent actions. Where multi-party systems have been tried, they have been found costly in just these ways, and they have scarcely yielded the ultimate in participatory democracy or good government. Nor have they lasted.

Under the American party system, our political parties are essentially State-dominated. The so-called "national" parties are, in fact, coalitions of State parties, and the State parties, in turn, are coalitions of county and local party organizations. Thus, the major parties are organized from the grassroots up, which enables them to accommodate a wide diversity of competing interests at the State and local level, and helps to keep elected officials responsive to State and local needs.

The thing that brings all these party units together is the campaign, every 4 years, to capture the Presidency. The role of the States as States is paramount in this procedure. And this structure of the political parties reinforces the power of the States as members of the Union.

The minority report of the Judiciary Committee—which I quoted earlier—states in this connection:

> The most obvious symbol of the State orientation of the major parties is the national convention. Delegates come to the conventions as representatives of their States, and voting power is allocated in proportion to electoral vote strength. The direct election of President, of course, would destroy the utility of having delegates selected or votes distributed in this manner.
>
> There would be no reason whatsoever for the States as such to be represented; delegates would most likely represent interest groups.

Let me again refer to the minority report—quoting:

> The electoral college asks, in effect, "Who is the choice from Texas." "California." And so on. In so doing, the electoral college shores up the power of the States of the Union. The commonly voiced argument that the Presidency is a "national" office and therefore demands a "national" constituency ignores a most important fact.
>
> For the term "National," as applied to the United States, must include the most distinctive feature of our Constitution, a Constitution which established—in the words of Mr. Justice Chase—"an indestructible union of indestructible States."

Some people may have lamented that phrase, but none can deny its impact and significance. Nor can any proposal to change the presidential election system ignore it, without upsetting the entire balance of the Constitution. The Senate should weigh this carefully before voting to make any changes in the presidential election.

The Senate also should be careful to preserve those institutions that are essential to the maintenance of political equality. Paramount among these, certainly, is the federal system.

Mr. Theodore White, author and political analyst, has testified that the direct election would drastically change the nature of our presidential campaigns. He declared:

> Our Presidential campaigns right now are balanced in each party to bring a compromise, to eliminate the extremes of both sides, and create a man who has at least the gift of unifying his party and thereafter the nation.
>
> Once you go to the plebiscite (direct) form of vote, you get the more romantic, the more eloquent and the more extreme politicians, plus their hacks and TV agents polarizing the nation rather than bringing it together.

The same authority, Theodore White, added:

> If States are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of States and becomes a media effort to capture the largest share of the national "vote market."
>
> Instead of courting regional party leaders by compromise, candidates will reply on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and the most "creative" TV talent.

Let me just add one word regarding the possibility of contested elections if our present system were abolished. Ernest Brown, professor of law at Harvard stated that under a direct election of President—and I quote him—"the mere fact of contest is a disaster." He added:

> Close elections lead to contests. And with direct election, the contest would be nationwide. Every ballot box, every voting machine, would be subject to contest.

It is easy to see how the uncertainties surrounding a recount, to determine the outcome of a close presidential election, could paralyze the Nation. The mechanical aspects of a sizeable recount would be dangerous enough. However, if legal questions concerning voter qualifications and other matters were raised, as they surely would be raised, the period of the recount would be nothing short of chaotic, as the minority report of the Judiciary Committee warned.

Under the present system, the popular vote in most States most of the time is insulated against challenge and recount. Professor Brown testified regarding this:

> The present system insulates the States. When the vote is counted by the States, the area of the contest is kept local.

Prof. Charles Black of Yale Law School, commenting on the same subject, testified:

> We now have a compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is an infrequent incident, because very often the State in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway.

Mr. President, we hear a great deal these days about participatory politics. There is the legitimate concern in the country that groups of citizens—whether because of race or age or whatever—may not feel that they have an opportunity to participate in the governmental process. I certainly feel that our system of government should provide the opportunity for all citizens to be involved. In my opinion, the direct election method proposed by Senate Joint Resolution 1 will be a step in the wrong direction. My feeling in this regard is shared by Theodore White, and he expressed it this way in testimony to the Senate Judiciary Committee:

> Finally, in politics, I believe there are things that are more important than statistics and vote counting. There are communities. We live in a world of communities which have been balanced and put together by our federalized American system. I believe it is good and right that when somebody goes to the polls in Boston, Mass., he feels he is doing something about the Massachusetts vote, and when the Tar Heel from North Carolina goes to the polls he feels he is doing something for North Carolina.
>
> I would not want to strip this sense of identity from the great historic communities of the United States of America in which each man feels he has a role to play in the larger role of his community for a role which makes him just one more digit, one of those electronic figures that will come cascading in at 70 to 80 million votes in a 6-hour period some November night in which he has no identity whatsoever.

Mr. President, the United States is a big country, with diverse regions and peoples and politics. It is no accident that we remain a strong and basically unified nation.

The system of Government under which we have lived and prospered for nearly 200 years has provided our Nation with strong and effective leadership while preserving the blessings of liberty for our millions of people. No other system of government has ever done so much.

All who have engaged in this debate agree that no system of electing the President and Vice President is perfect. I certainly agree that the electoral-vote system is not perfect. The fact remains, however, that it is the only system of any that has been proposed that has actually worked for almost 200 years.

I remember several years ago when my alma mater, the University of Alabama, had a very fine football season. In fact, I think that they had won every game that year. When they were not selected as the

No. 1 football team in the country, our coach, "Bear" Bryant, was asked for his comment, and he said "winning ought to count for something."

Mr. President, I feel very much that way about the electoral-vote system. Working ought to count for something, and the system has worked for about 200 years. If it needs some improvement, then let us get about the business of improving it. But let us not entirely discard a basic part of the system in favor of an untried and drastically different method.

A LETTER FROM PRESIDENT NIXON TO DR. JAMES McCAIN, PRESIDENT OF KANSAS STATE UNIVERSITY

Mr. DOLE. Mr. President, I have with me a copy of a letter written by President Nixon to Dr. James A. McCain, president of Kansas State University.

Dr. McCain is one of the outstanding college presidents in America. He became president of Kansas State College on July 1, 1950. Since then, Dr. McCain has guided Kansas State to its present full university stature with an enrollment of more than 14,000 students.

During times of great turmoil and disruption on many of our university campuses, Kansas State University, with the leadership of Dr. McCain, has remained strong and responsive.

Kansas State, now comprised of seven internal colleges and a growing graduate school, is not isolated. The student body includes young people from every State in this Nation and international students representing some 50 foreign nations. These students are just as aware on the national situation as any other student body in America.

President Nixon's visit to Kansas State University on September 16, and the university communities' response, proved that the overwhelming majority of young Americans—regardless of their political or ideological views—are respectful and responsive to words of reason.

I ask unanimous consent that President Nixon's letter to Dr. McCain be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., September 18, 1970.

Dr. JAMES A. MCCAIN,
President, Kansas State University,
Manhattan, Kans.

DEAR PRESIDENT MCCAIN: The tremendous reception that your university community gave me when I delivered the Landon Lecture on Wednesday was of course immensely heartening to me personally. But it was even more heartening because of its broader implications—implications that go beyond the occasion, and beyond Kansas State University itself.

Your students demonstrated dramatically that the mindless disrupters are not the voice of America's youth, and not the voice of the academic community. They showed that decency and courtesy are still cherished. By their example, and by their massive response to the few who did attempt to disrupt the meeting, they showed that there is a responsible majority and that it, too, has a voice.

I know that at Kansas State, as at our other colleges and universities, there are many and diverse views about the great issues that confront our country today. But these are questions about which rational people can argue rationally. Only those who fear the process of reason have cause to shout down those they disagree with.

What impressed me most at Kansas State was the willingness of the students to listen, and their determination to be allowed to listen. It is this determination that will restore our nation's colleges and universities as citadels of the honest search for truth.

The example set by the overwhelming majority at Kansas State will give heart and hope to those elsewhere who are equally determined to be allowed to listen. Their example will hasten the day when leaders in public life once more can routinely appear on college campuses, to meet with students, to discuss the great issues with them, to listen and be listened to—and when it will cease to be news that they are able to do so. It will hasten the day when respect for the rule of reason rather than the rule of force is once more recognized, in all of our great educational institutions, as the first prerequisite of academic life.

I am most grateful for your own gracious comments about the occasion. I hope you will also pass on to your students my gratitude for their warm reception, my appreciation of their courtesy, and my deep respect for the understanding they displayed of what a great university is all about.

With every good wish,
Sincerely,

RICHARD NIXON.

RETIREMENT OF JOHN S. FORSYTHE

Mr. CRANSTON. Mr. President on September 15, a truly great public servant retired from the service of the Senate. John S. Forsythe was a committee counsel's counsel. He spent 19 of the past 21 years as the top lawyer, first, for the House Education and Labor Committee, and then and until September 15 for the Labor and Public Welfare Committee. It was in this latter capacity that I came to know and respect Jack Forsythe and greatly value his counsel.

During my 18 freshman months in the Senate and in service on the Labor and Public Welfare Committee, Jack has been of the greatest assistance to me and my staff. He is a man of his word, wise in the ways of the Hill, its committees and the world. He never was anything less than generous with his time and good counsel. He made my job as chairman of the Subcommittee on Veterans' Affairs a great deal easier and was most cooperative on a number of amendments I was able to succeed in offering to various bills in the full committee.

I know that all in the Senate who know Jack are saddened by his departure. Yet, we all wish him well in his new work and hope for him and his wife a somewhat more leisurely pace than the hectic one he always maintained on the Hill.

THE BRAVE PEOPLE

Mr. CURTIS. Mr. President, for the past 5 years and more Americans have been held imprisoned by the North Vietnamese and denied even the most basic rights provided for by the Geneva Convention on war prisoners. The Government of North Vietnam is a signatory to these Geneva agreements but has consistently flouted the letter and spirit of the international accord.

Americans are being fed less than minimum diets and their wounds are often unattended by any medical personnel. They have been beaten and tortured and held up to open public ridicule.

They are even denied the right to communicate with their families and to receive mail and messages direct from their homes.

In spite of this the men have held up well. They have not broken. They have not succumbed to the enemy's pressure to use them as propaganda against their country. And here at home the families of these men, although deeply concerned and in mental turmoil, have held up remarkably against the pressure from the radical leftists who coax and cajole them to allow themselves to be used for anti-American propaganda purposes.

We can be proud of the record of these brave people, both those in prison and those who wait for the prisoners' release. We can do no less than support them at every step in the long battle to get the men released and returned to their homes. Liberty-loving individuals throughout the world should not still their voices until these men are released.

PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mr. DOLE. Mr. President, since the Gathings investigation in 1952, Congress has held numerous hearings on the effect of pornography on the individual and American life. The increasing proliferation of obscene literature has been documented; its marring effect on the dignity of the individual has been exposed; and its stain on the very moral fiber of this Nation has been shown. From these hearings, Congress saw that the traffic in obscenity was a matter of national concern. It was recognized that a thorough investigation to determine relationships between pornographic materials and antisocial behavior was needed. It was hoped that such an investigation could serve as the basis for recommendation of means to curtail the proliferation of pornographic materials.

To this end, Congress passed and the President, on October 3, 1967, signed Public Law 90-100, creating the Commission on Obscenity and Pornography.

Next week this Commission will submit its report to the President and to Congress. And I must say that many concerned individuals look forward to its publication with some apprehension. The news media have recently detailed indications of the majority report's contents and if these reports are accurate, the report will be a disgrace to the American public which has spent nearly $2 million to support the Commission's operations.

The Commission's preliminary draft was released to the press and indicated findings that pornography has no relation to crime or sexual deviancy, that there is no consensus as to its potential for harm to the public and that all local, State, and Federal laws against pornog-

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raphy which affect adults should be repealed. Such conclusions are reprehensible, a monumental fiasco to the mandate given by Congress. They call for investigation of the Commission's operations. Such an investigation would find numerous irregularities, including evidence to show:

First. That at the first meeting, at the behest of Chairman Lockhard, the Commission adopted a secrecy pact, thus denying to Congress and the American public, information regarding their meetings, their studies, their records, and any other part of their work.

Second. That certain studies for "technical reports" were contracted without their full knowledge of the whole Commission and that certain of these technical reports as completed were unavailable to some members of the Commission.

Third. That the Commission's structure did not allow equal and thus effective imput for all Commission members.

Fourth. That Commissioners Hill, Link, and Keating were granted insufficient time, and inadequate space and resources with which to file their minority views.

Fifth. That the four panel reports: Legal, effects, traffic, and positive approaches lack adequate scientific studies and documentation, and that the conclusions are often not warranted by the facts.

Especially disturbing is the fact that the Commission virtually ignored numerous congressional investigations into pornography.

In 1969, President Nixon called for a citizens' crusade against the obscene, and asked for stronger legislation against the intrusion of sex-oriented advertising into the home. This week, the Senate heeded that call and unanimously passed the strongest antipornography bill in our Nation's history. But the tone and content of the majority recommendations of this Commission are in fundamental opposition to our action.

Mr. President, in the light of the irregularities in operation and the runaway nature of the report of the President's Commission on Obscenity and Pornography, I ask for a full investigation of it from its inception in January 1968. A first step in this direction can be taken very simply through a reading of the testimony of Commissioners Link, Hill, and Cline on Wednesday before the Senate Subcommittee on Juvenile Delinquency.

ADDRESS BY ROBERT T. MURPHY, CIVIL AERONAUTICS BOARD

Mr. HANSEN. Mr. President, on August 25, the Honorable Robert T. Murphy, a member of the Civil Aeronautics Board appeared in Casper, Wyo., to address the Governor's Transportation Conference.

Mr. Murphy's appearance in Wyoming did much to restore the faith of the people of our State in the Federal Government's role in transportation. In the past several years, Wyoming, a State in which transcontinental transportation was pioneered, has suffered a great decline in the quality and quantity of air service. It is particularly distressing to our people because the economy and growth of Wyoming are tied to the ability to provide adequate and reliable transportation throughout the State.

Air transportation is very popular because of the vast distance between Wyoming's population centers. Mr. Murphy made it obvious to the people of Wyoming that at least one member of the Civil Aeronautics Board was vitally interested in the problems faced by sparsely populated States such as Wyoming and is working on a solution.

Mr. Murphy pointed out the need for adequate Federal subsidies and described the revision of the class rate which is now taking place and which is designed to insure that Federal subsidies will be spent by local carriers for improved service to our communities and will not be frittered away by them on facilities and equipment to compete with other airlines in the big city markets already saturated with service. He also discussed in detail the progress and difficulties which might result from use of air commuter carriers.

Mr. President, in Casper, Mr. Murphy said:

> I believe there is emerging today a whole new reason for fostering and strengthening air service to smaller communities which did not exist before.

I call it the demographic or ecological factor. In my view, if we could make it more possible for the residents of small communities to enjoy the best of both worlds, that is, the good life of the small town or city, and yet have available to them whenever they wished the social, cultural, and economic advantages of the large metropolis, we might be able to retard the surging migration to the great cities. My view is that regular, efficient air services at reasonable rates between the small towns and the great metropolis might reverse the tendency of our people to huddle in ever-increasing numbers on the fringes of our great cities with the resultant problems of air pollution, water pollution, urban plight and all the rest.

Mr. President, this statement has great significance and there is much to be learned from Mr. Murphy's address to the Governor's Transportation Conference. Senators from States suffering with problems similar to Wyoming's will find the article interesting in that it provides possible solutions to the problems presently being faced by such States. Senators from large, populous States should direct their attention to this speech because as long as the problems of the rural areas of this Nation are ignored, the political and social problems of our urban areas will be multiplied.

Mr. President, I ask unanimous consent that the address of the Honorable Robert T. Murphy before the Governor's Transportation Conference in Casper, Wyo., on August 25 be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE ROBERT T. MURPHY

It is a distinct privilege to join my old friend, Marv Stevenson, your able State Director of Aviation, here at the Governor's Transportation Conference in Wyoming. I was particularly pleased to find a number of old acquaintances such as Jerry Brooder, Jack Slichter and Dick Fitzgerald pooling their respective talents and experience at the very worthwhile panel discussion which took place this afternoon. As far as I am concerned it is always good to have a reason for returning to Wyoming and particularly to be able to share some views with the outstanding air transport experts who have gathered here at the invitation of Governor Stanley K. Hathaway.

The Governor has asked me to speak to you tonight on the problems confronting the local service airlines in providing service to rural areas of the United States and to explore with you the possibilities for providing third level commuter airline service particularly to some of the growing Wyoming communities which do not presently have air service. All of us on the Board are deeply concerned, of course, over the decline in air service to the small communities and together with our staff we have been grappling with the problem on a day-to-day basis in an effort to come up with some kind of solution which will preserve scheduled airline service to rural America without unduly draining the Federal Treasury.

I realize in discussing the problems of service to small communities with a Wyoming audience that I am speaking to experts and that there is little need to lay much background. You, in these Western states, live with small traffic points and know the problems which small communities and the airlines face in trying to maintain adequate air service. We have letters from Senator McGee, Senator Hansen and from Congressman Wold, pointing out only too clearly the problems of isolation and economic restraint which will befall your communities if air service is curtailed. I might point out that I am somewhat of an expert in this field myself since my own area of the country, New England, has experienced drastic curtailment of service by certificated airlines in recent months and years. Probably the most lucid and enlightening discussions of this whole matter occurred recently in the hearings held by the Senate Aviation Subcommittee, first in the West and later in Washington. Testimony before that committee by the communities, the airlines and our Board clearly portrayed the scope of the problem and brought out some of the constructive thinking which is being done to resolve it. I would like to give you my thoughts tonight about some of the plans which we are considering at the Board and which I expect to support in the months to come.

The starting point for any consideration of improved service to your communities is the Federal Aviation Act and, particularly, the provision which states that the carriers providing service which the Board has found to be required by the public convenience and necessity are entitled to such Federal payments as they may need "under honest, economic and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the postal service and the national defense." Mindful of that injunction by the statute, the Board has allocated subsidy through the years at levels sufficient to develop a thriving local transport industry serving America's smaller cities. Beginning about the middle sixties, the Board and the industry for various reasons undertook a program aimed at tapering down the annual subsidy payments of the local carriers year by year. From a high of $70 million of subsidy paid to the local service carriers in 1963, we had driven the amounts down until the Board's subsidy request for the present fiscal year was below $30 million. We accompanied this by route proceedings in which we tried to strengthen the local service carriers by awarding them authorizations to operate in larger and longer traffic markets in the hope that the profits there would cross-subsidize service to smaller communities. We allowed them to overfly many smaller traffic points and generally strengthened their route structures. As we reduced the subsidies, however, the local carriers were disposing of their older, smaller propeller and piston aircraft and acquiring larger and more expensive jet equipment. The cost of borrowing money and wage costs also began to mount, traffic growth slowed, and the subsidy needs of the local carriers increased instead of decreasing as we had hoped. By 1969 the nine remaining local service carriers had a subsidy need of nearly $76 million but we paid them only $36 million under the so-called class rate formulas then in effect. This, of course, left them far short of their revenue requirements and resulted in substantial losses in recent periods. Unfortunately, the brunt of these losses has fallen on the small, low traffic points as the carriers have sought to stem the flow by curtailing or eliminating service to these low traffic and frequently isolated points.

In my view, the time has come to remedy this situation. The services of the local service carriers, particularly to the rural areas, must be maintained and we have the means to do so. Beginning early this year, the Civil Aeronautics Board puts its staff to work on a crash program to review the subsidy needs of the local service carriers for the present fiscal year. We have now found, as the result of this review, that as a group the local carriers will need a total of roughly $58 million in Federal subsidy to provide their certificated services for the fiscal year ending June 30, 1971. The Board had previously requested only $30 million for this period. We now know that this will leave them $28 million short of actual need. The additional money must be made available. Most of the local carriers are experiencing staggering financial losses, collectively and individually. This cannot continue. They must have the revenues to pay their employees, pay for financing their equipment and, hopefully, make some small profit so they can remain in existence. The stakes are high, particularly in the rural areas such as those in Wyoming where the breakdown of air service would cut off the life blood of the state. So the money must come from somewhere. There is little that can be done insofar as fares are concerned. I frankly believe we are bumping against the ceiling of public tolerance and patience in fare levels already and there is little more that can be squeezed from the traveling public in these isolated areas to keep the system going.

Additional subsidy is therefore the only answer at the present time. I do not consider that increasing subsidy now will be a retrograde step. Our previous efforts to curtail these Federal expenditures were well intentioned but subsidy at those levels simply will not meet the air service needs of 1970. The $58 million total subsidy which our staff found to be the minimum required has no fat in it. We have wrung out of the estimate many of the expenses incurred by the local carriers including some parts of executives' salaries and the costs of providing unnecessary services and we have taken full account of the revenues from the recent fare increases and other sources. In my view, therefore, the answer is clear and unmistakable and I would support a request from the Board to appropriate $58 million to sustain the local service operations during this fiscal year. I fear that any lesser amount would jeopardize the ability of these airlines already struggling under massive financial burdens to maintain the minimum required service. Only by making this money available can we avoid more and more urgent requests for abandonment and curtailment of services by these carriers at smaller traffic points.

I would like to digress here briefly to mention a view I have expressed in the past with regard to the importance of maintaining air service to these communities. I believe there is emerging today a whole new reason for fostering and strengthening air service to smaller communities which did not exist before. I call it the demographic or ecological factor. In my view, if we could make it more possible for the residents of small communities to enjoy the best of both worlds, that is, the good life of the small town or city, and yet have available to them whenever they wished the social, cultural and economic advantages of the large metropolis, we might be able to retard the surging migration to the great cities. My view is that regular, efficient air service at reasonable rates between the small towns and the great metropolis might reverse the tendecy of our people to huddle in ever-increasing numbers on the fringes of our great cities with the resultant problems of air pollution, water pollution, urban blight and all the rest. I believe, in short, that an overall review of our national priorities might suggest that the maintenance and expansion of air service to smaller communities is entitled to greater consideration and a greater share of our financial resources than it is now receiving. An additional $28 million in subsidy would be a small price to pay for such benefits.

What will we do at the Board with this additional subsidy money if it is appropriated? In other words, you might properly ask, can you at CAB assure that this money be spent by the local carriers for improved service to our communities or will it be frittered away by them on more powerful, faster and luxurious jet aircraft to compete with other airlines in the big city markets already saturated with service. I think that we at the Board are capable of preventing that and can make sure that the additional money is used for the vital task of serving small communities.

As you know, the Board determines the amount of subsidy to be paid on the basis of a so-called "class rate" under which the amount of subsidy paid is related roughly to the amount of service performed in subsidy-eligible markets. We are now in the process of studying means of revising the class rate formula. It is my hope and expectation, and it will be our goal in revising the rates, to find a formula whereby the amount of subsidy will be tied more closely and identifiably to the service provided by these carriers to small communities which have below average traffic density. We must provide positive subsidy incentive to the carriers to maintain an adequate volume of transportation to smaller communities. To do this, I think we can tie the new formula payments to such factors as (1) the size of the community served in terms of passenger boardings and level of service and (2) to the degree of isolation of the particular community, including the availability of alternative common carrier transportation, access to interstate highway systems and distance from primary communities of interest. I would hope that the new formula which we develop could be graduated so as to pay the highest rates of subsidy for service to communities with the lowest passenger boardings and the greatest isolation, with a reducing rate as these factors improve. Obviously, of course, other factors affecting subsidy need will also have to be considered when the final formula is adopted. As you can imagine, the development of an equitable and effective formula based on these considerations will be difficult, but I believe it can be done.

This brings me to the next point which Governor Hathaway asked me to discuss, namely, the matter of substitution of third level commuter airlines for the services of scheduled certificated carriers. Many of you are familiar with the program of some of the local carriers of suspending service at certain low traffic points in reliance upon substitute service to be provided by commuter airlines. When I last counted these substitutions before leaving Washington, I found that we had approved 54 such arrangements and 12 more were pending. By far the greatest number of commuter carrier substitutions have been made in the East primarily by Allegheny, Mohawk, Eastern and Northeast Airlines. However, there are a number in the West also. One of the earliest was the substitution of Combs Airways for certain of Frontier's service between Cody and Billings in 1968. In April this year we authorized Frontier to suspend services temporarily between eight Montana points in favor of Apache Airlines. Earlier this month we authorized the suspension of service by Frontier at two Kansas points in reliance upon the services of a commuter line.

These substitution arrangements take several different forms. Under what I would call the most sophisticated form, the certificated carrier enters into an agreement with a commuter line to underwrite a certain number of daily flights by the latter for a term of years and to authorize the commuter to use the certificated carrier's colors and its name in providing the service. Examples of this are the Allegheny Commuters which operate now in 15 markets and the Mohawk Commuter which operates mainly in New York State. The certificated carrier agrees to provide reservation, ticketing and other services for the taxi operator at a specified fee. The agreement between the carriers and the suspension of the services by the certificated carriers are then approved by the Civil Aeronautics Board subject to the condition that, if the agreed number of services are not provided by the commuter airline, the certificated carrier will be required to step back in and provide the service itself. There are a number of variations of this arrangement. In some cases, the certificated carrier merely enters an agreement allowing the commuter line to use its name and colors and provides various services on behalf of the commuter without providing any financial guarantee. In other cases, the certificated carrier is authorized to merely suspend its service without any agreement with a commuter airline but on the basis of evidence that commuter service is being performed. In all cases, however, when the Board authorizes suspension by the certificated carrier, it conditions the suspension upon the maintenance of a given level of service by an air taxi operator.

There are many obvious benefits to these arrangements. The certificated carrier can save a great deal of expense by overflying these small traffic points with its large aircraft. The Federal Government saves some subsidy. The cities get more frequent and better timed schedules from the commuter airline than the certificated carrier was able to provide. The commuter carrier gains the benefit of using the certificated carrier's name and other facilities to increase its traffic in the markets. In many cases the substitution arrangements have produced dramatic increases in the traffic carried in the markets served.

But all is not rosy in these substitution areas and to be realistic we must recognize the drawbacks. First off, the American public has generally become accustomed to flying in large stable aircraft and there have been some indications of concern about flying in smaller aircraft. The Board does not regulate the economics of the substitute carriers. Whether they will be able to operate efficiently and profitably in these markets where the certificated carriers could not survive remains to be seen. For example, in Bowling Green, Kentucky, Reading, Pennsylvania and Waycross, Georgia, the commuters substituting for Eastern Air Lines have had difficulty maintaining the level of service specified by the Board with the financial contributions provided by Eastern. There are problems of assuring that a traveler, when he buys a ticket, is aware that part of his transportation will be performed by a commuter airline with small aircraft and not by a certificated carrier. The problem is most acute when the commuter is using the name and colors of the certificated carrier. Thus, while air taxi substitutions appear to be very desirable and practical solutions at many small points, they may not be the solution everywhere. The service problems of each city are different and the characteristics of each city must be understood and the air service tailored to each city's requirements.

To date, the Board has made no specific policy declaration as to the types of markets in which it will permit these substitutions but rather is developing a policy on a case-by-case basis. One thing, however, is of primary importance to me whenever a new replacement service is proposed to the Board and that is whether the community involved is willing to accept the substitution. Without that willingness and the cooperation and understanding of the community, I see little future for this program. Moreover, while I have every hope and expectation that these substitutions will benefit the certificated carriers financially, it is too early to determine how successful they have been in this regard. I seriously doubt, however, that commuter carrier substitutions alone will permit any major reduction in the subsidy requirements of the local service carriers in the immediate future. Even under the most optimistic assumptions I believe that Federal subsidy at sufficient levels will be required to keep the scheduled airline services operating into smaller communities for the foreseeable future.

The final point which Governor Hathaway asked me to discuss is the possibility of service by third level carriers to some of the growing Wyoming communities that do not presently have air service. In dealing with this question we have to look at it from two viewpoints; *without* subsidy and *with* subsidy. Let us first look at the matter without Federal subsidy. When a market develops to such size that it warrants service with small aircraft, I believe that enterprising operators will soon discover and develop it. This is happening all over the country. There is no lack of authority from the Civil Aeronautics Board for air taxi operators to conduct such service. We have already authorized them to fly aircraft weighing less than 12,500 pounds on a scheduled or nonscheduled basis between any points in the United States. Part 298 of our regulations, which grants this authority by exemption, requires only that these carriers comply with certain liability insurance and reporting requirements and the safety regulations of the Federal Aviation Administration. There are no tariff or accounting obligations and no minimum service requirements. The Board has deliberately refrained from imposing such demands upon these small operators in the hope that by withholding the heavy hand of regulation we could enable them to grow and prosper in an atmosphere of economic freedom. I believe the results have shown the wisdom of the Board's action. There are now literally hundreds of air taxi operators in business throughout the country. I have no current information on those now operating within Wyoming but my last information showed four commuter lines serving five Wyoming points with scheduled air taxi service.

As I indicated, the air taxi operators are currently limited to operations with aircraft below 12,500 pounds. These includes the Beech 99 and the Twin Otter. The Board recently instituted a rule making proceeding to take another look at this weight limitation to see if it should be raised or if some other standard should be used, such as the number of seats in the aircraft. It may be that larger, more comfortable equipment by the commuter carriers would enable them to meet the service needs of your cities without impinging on the certificated carriers. However, there are many ramifications to this problem and the Board is far from reaching any decision on it. One interesting fact, however, is that some of the commuter carriers today are operating equipment which will carry 15 to 19 passengers. This is very near the capacity of the old DC–3 which served small communities all over the nation for two decades.

But you might rightly say that all of this relates only to unsubsidized service voluntarily instituted by commuter carriers on their own initiative. What about the small Wyoming communities where no taxi operator has yet come forward to provide scheduled service despite all of the authority the Board has granted—can't Federal subsidy be paid for that service?

We at the Board have taken the position that under the law, subsidy cannot be paid directly to a carrier unless it holds a certificate granted by the Board after a hearing in which we find that the service is required by the public convenience and necessity. In that case, the carrier comes under an affirmative statutory duty to provide the certificated service. Such a certificate is both a benefit and a burden to the holder. While it might permit the payment of subsidy to him if a need is found and afford protection against competition, it also imposes service requirements, tariff obligations, and other duties. I personally fear that it will be difficult to find new markets in this country with sufficient traffic to support a viable operation by a commuter carrier operating under the obligations imposed by a certificate of public convenience and necessity. Therefore, I do not see much hope at this time for any direct subsidy to commuter carriers for service to points which are not presently certificated on the routes of any airline.

This is not to say, however, that there is no way that Federal subsidy can be used to help these commuter airlines. It may be possible to pay it to them indirectly through the certificated carrier when the commuter performs substituted service on the routes of a certificated carrier. While this is one of the questions which we are still exploring at the Board at the present time, I personally see no legal reason why the Board could not consider financial aid paid by a subsidized certificated carrier as part of the legitimate expenses of the certificated carrier. I can see several very valid arguments for financing such aid through the certificated carrier. When that carrier suspends service, there is a subsidy saving. Why should not some of the subsidy thus saved be passed on to the commuter airline? The latter would undoubtedly need less subsidy to provide the service than the local carrier so that the United States Treasury would benefit. At the same time the community would be receiving improved service. I think, therefore, that if this program of small carrier substitutions is to continue, we will soon have to face up to the anomaly of asking commuter airlines to do *without* subsidy what the local service airlines have failed to do *with* subsidy. I believe, therefore, that we will have to give early consideration to this possibility of routing subsidy through the local service carriers to the commuter carriers for certificated routes. As in all things, there are problems here too. In many cases there is no agreement between the certificated carrier and any particular commuter carrier. In addition, some of the certificated carriers now using commuter carriers to serve their routes, have long been off subsidy and I am afraid the Board would have to think long and hard before putting them back on subsidy as a device for indirectly subsidizing the services of the substitute commuter line.

In closing, I would like to say that while I share your distress over the decline in air service to your cities, it is refreshing to be here with so many people who appreciate the importance of air transportation. It is good to be out here in Wyoming where people look up at a silver airplane tucking its wheels up into its belly as it climbs skyward and see it as a mark of progress rather than simply a source of air pollution. Out here, the contrails of a jet airplane are signs of growth and not symbols of ecological decay. We must combine our efforts to bring air service to the communities where it is needed and wanted. I would like to think that we have made a good beginning at this Conference here in Casper.

STATEMENT BY HUBERT H. HUMPHREY ON EQUAL RIGHTS AMENDMENT

Mr. MONDALE. Mr. President, this body is now considering an equal rights amendment to insure, at long last, that American women will enjoy the full and equal role in our society which is so clearly their right.

Hubert H. Humphrey, Democratic candidate for the Senate from Minnesota, has made a compelling statement in support of this amendment. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HUBERT H. HUMPHREY

Wednesday, August 26, marks the fiftieth anniversary of the extension of the franchise to women, and Congress is currently considering legislation which would add another significant chapter to the struggle for women's rights.

I support the Equal Rights Amendment now pending in the Senate. The case for the amendment is clear. The stage has been set since 1920, the year the 19th amendment gave women the vote. Since that time, women have worked to achieve full participation in all facets of American society, and it is time—past time—to welcome their full and equal participation. We can ill afford to do without the energies and abilities of half our population. Just as we have fought to protect the rights of our minorities, we must apply the American tradition of civil liberty to women.

Opponents cite several drawbacks to passage of the measure. However, I feel that the advantages which would accrue to women would far outweigh any disadvantages which could result from enactment of this legislation. Some oppose the amendment because they feel that many of the protective labor laws relating to women may no longer be effective. Those laws which relate exclusively to women, such as work before and after childbirth, will, no doubt, be treated as bona fide physical exceptions.

However, other laws which have related to women, such as restrictions on weightlifting, have been found by the Equal Employment Opportunity Commission to discriminate against women in violation of Title VII of the 1964 Civil Rights Act. Further labor laws, such as minimum wage, overtime compensation, equal pay, fair employment practices, hours of work, rest periods, and so on, must continue to protect all workers alike, and must not be allowed to discriminate against women in the working force.

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Another possible effect noted by opponents of the amendment is the eligibility of women for the draft. First, it should be noted that there is a movement in Congress and the administration to establish a volunteer Army. In the event of enactment of this proposal, women would be accepted for military service on the same volunteer basis as men. It has been pointed out by some that military service offers to men opportunities for inservice educational and vocational advancement which may not be available to women of lower economic status. And the additional benefits of military service, such as government-financed education through the GI Bill and Veterans pensions could be extended to women who wished to serve.

Should the volunteer Army fail to become a reality, and should women become eligible for conscription, they would first face physical requirements, and, should they be inducted, would be placed in positions commensurate with their abilities. It must be noted that women in the Armed Forces are serving in Southeast Asia at present in the fields of communications and medicine, for example.

Some opponents cite Title VII of the 1964 Civil Rights Act as evidence that the amendment is unnecessary. However, Title VII concerns itself with equal employment in private business alone. The Equal Rights Amendment expressly states that, "Equality under the law shall not be denied or abridged by the United States or by any State on account of sex." It would prohibit discrimination by government on the basis of sex.

Many factors have combined to bring about a change in the role of women in our society. Not the least of these is economic necessity. More and more women have felt it necessary to work outside the home to help their husbands in support of their families in an ever-inflating economic environment. And as women have entered the business world, they have become increasingly aware that opportunities for advancement have been limited. Increasing availability of education to women has spurred the desire for intellectual challenge and responsible involvement in the workings of society, and the whirlwind pace of technological advancement has freed modern women from many of the chores which formerly consumed the bulk of their time.

There can be no doubt that women have the intellectual capacity to fill positions of authority. Eleanor Roosevelt ranks among the greatest and best loved diplomats and public servants of this century. Helen Keller was an exemplar of intellectual courage and emotional stamina who was respected by all who knew her or knew of her. And the list goes on and on. Women today serve in the judiciary, in business, in science, in law, in journalism, in education, and in government. And where they serve, they serve splendidly. But they are too few. Women constitute a majority of the population of this country, yet the percentage of women in jobs of authority falls very short of a fair representation of this majority.

Women in the more advanced industrial countries of Western Europe, particularly the Scandinavian countries, the Soviet Union and other countries of Eastern Europe are playing an even more significant role in all areas of the political, social, and economic structure. Surely, the United States, which has long prided itself upon equal rights and equal opportunities should be in the forefront of the movement for maximum participation of women in our national life. One of the untapped resources of this country is woman power. We need them in science, medicine, engineering, politics, education—in all endeavors.

The last fifty years have brought about substantial advances in the position of women in the United States. Yet an alert and responsible democracy cannot rest solely on past accomplishments. The Equal Rights Amendment offers us an opportunity to effect another phase in the progressive unfolding of America's promise of equality for all citizens.

OUR YOUNG PEOPLE

Mr. HANSEN. Mr. President, it was my very real honor this morning to attend a breakfast in this city which was part of the activities of the 1970 meeting of the Distributive Education Clubs of America.

This group, known as DECA, includes an outstanding girl from Wyoming, Miss Charlotte Dudley, who is one of the group's national officers. Miss Dudley is serving as western region vice president for the organization.

DECA is interested in marketing, merchandising, and management and I was pleased to accept the invitation of Mr. Keiji G. Okano of Cheyenne, Wyo., to attend the breakfast meeting. Mr. Okano is State director of the Wyoming Department of Education's distributive and health occupations and cooperative education programing division.

Craig J. Wilson of Minnesota is serving as president of DECA's junior collegiate division. He gave a most outstanding address at the breakfast session and I commend him for the great job he did; it was a message with a message and one that will stay with me for a long, long time.

National president of DECA's high school division this year is David Colburn of South Carolina. This young man helped preside at the breakfast meeting today and gave a most outstanding speech.

Mr. President, may I say that I thoroughly enjoyed the opportunity to meet these young people.

I came away more convinced than ever that our country's future is in good hands. As I have said on the floor of the Senate on other occasions, our young Americans are determined and decent and dedicated.

Because of the impact of David's message—one that I believe should be shared with my colleagues—I ask unanimous consent that David's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DECA—WHAT IT IS—WHAT IT DOES

WHAT IS DE?

Distributive Education identifies a program of instruction which teaches marketing, merchandising and management.

WHAT IS DECA?

DECA identifies the Program of Youth Activity relating to DE—Distributive Education Clubs of America—and is designed to develop future leaders for marketing and distribution.

DECA is the only national youth organization operating in the nation's schools to attract young people to careers in marketing and distribution.

DECA AND THE STUDENT

DE students have common objectives and interests in that each is studying for a specific career objective. DECA activities have a tremendous psychological effect upon the attitudes of students and many have no other opportunity to participate in social activities of the school or to develop responsibilities of citizenship.

DECA members learn to serve as leaders and followers, and have opportunity for state and national recognition that they would not have otherwise.

DECA AND THE SCHOOL

DECA Chapter activities are always school-centered, thus contributing to the school's purpose of preparing well-adjusted, employable citizens. Chapter activities serve the Teacher-Coordinator as a teaching tool by creating interest in all phases of marketing and distribution study, and serve as an avenue of expression for individual talent.

The Chapter is the "show window" for student achievement and progress, and is the public relations arm of the DE instructional program. It attracts students to the DE program who are interested in marketing management and distribution careers and assists in subject matter presentation.

DECA AND THE COMMUNITY

DECA members have made numerous studies and surveys to aid the economic development of their own community. Individual and group marketing projects continue to encourage this type of contribution.

Many businesses favor hiring DE students because of their interest in training and their related school study of that particular business. Many leaders in business and government have praised the DECA program for its civic-related activities.

DECA AND THE NATION

DE instruction and DECA activity constantly emphasize America's system of competition and private enterprise. Self-help among students is the rule rather than the exception, and DECA leaders give constant encouragement to continued education.

History has proven that whenever a nation's channels of distribution fail to function, that nation is shortlived. As DECA attracts more of our nation's youth to study marketing and distribution, the total DE program becomes a vital necessity to our national security.

NATIONAL DECA WEEK

The purposes of National DECA Week are to call attention to the Distributive Education program, to enhance the educational facilities of your school, and to highlight the activities of DECA. The date is set annually by the Board of Directors, and has traditionally been held to coincide with *American Education Week*. Promotional materials are made available to Chapters and State Associations at a nominal cost.

THE DECA CREED

I believe in the future which I am planning for myself in the field of distribution, and in the opportunities which my vocation offers.

I believe in fulfilling the highest measure of service to my vocation, my fellow beings, my country and my God—that by so doing, I will be rewarded with personal satisfaction and material wealth.

I believe in the democratic philosophies of private enterprise and competition, and in the freedoms of this nation—that these philosophies allow for the fullest development of my individual abilities.

I believe that by doing my best to live according to these high principles, I will be of greater service both to myself and to mankind.

I have a story which I would like to relate to you. Please listen carefully.

After the takeover, they told me that the words they scrawled above the entrance to the Capitol simply read, "We Hate Your Country." They also told me that there really wasn't much left of what was once the greatest city in the world. It seems that they

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had managed to reach this city without any difficulty whatsoever.

I came to the conclusion that somewhere along the line, something went wrong somewhere.

At first, I couldn't believe that corruption and wickedness had actually been allowed to breed among the highest levels of a once economically stable government.

They did it all across the nation, so I'm told—everything went to pieces—total confusion.

My history professor told me that it would never had happened if only there had existed some driving force, some motivating concern, of the young people themselves, for their great nation and its philosophies.

After all of the worrying and debating about maintaining that essential balance of power, we ended up destroying our own selves.

This is a nightmare; however, it could realistically happen except for one factor—the youth of today will not allow this nightmare to exist.

So you may ask: What is today's youth doing to show their concern for the direction of this nation?

125,000 young members of the Distributive Education Club of America have a creed in which they believe. It's called the DECA Creed. Listen to what it says along with my own interpretations.

VERSE 1

Nowadays you don't hear too many persons saying "I believe in the future." We of DECA believe in the future, not only our future but also our country's as well. We're concerned about our country's economic future and in effect, we are planning for futures in the field of distribution. We are also aware that our respective vocations will open the door to unlimited opportunities for us. The fact is that we are the future leaders in marketing and distribution.

VERSE 2

How much are we willing to give? We of DECA are going to put everything we have into life for the purpose of attaining our objectives. What we get out of life is the end results of our input. Our input is measured by the services we, in fact, render to our own vocation, our fellow man, our country, and our God. In the same sense, our rewards are measured by the personal satisfaction which we obtain from giving of our selves. Along with this comes material wealth.

VERSE 3

We of DECA are acutely aware of the importance of private enterprise and competition to our nation's wellbeing. Not only do we acquire an understanding but also we develop a respect for these philosophies. What can we say about freedom? Freeedom was acquired by our forefathers and ever since that time it has persevered because Americans valued it enough as far as to sacrifice their lives for it. DECA believes in the American system because under this system, each of us has the chance to fully develop our own individual talents and abilities. This is what America is all about. America is government of the people, by the people, and for the people.

We of DECA respect the lawmakers of this nation's government for displaying the competence and leadership desperately needed during such critical and trying times.

VERSE 4

This speaks for itself. The 125,000 members of the Distributive Education Club of America are, in fact, young crusaders.

We are flag raisers—not burners; patriots—not anarchists; freedom lovers—not draft card burners; and also

We are potential business leaders—not dead weights.

This is our creed. We live by its philosophies and yet, it is basically a guideline in which all mankind should believe.

There is no need for fear of a nightmare because, standing in the path of the present undermining forces, is a brick wall composed of 100,000 dedicated young people. There are other brick walls present also. However, we still need more support; we need support for this nation's lawmakers, by the powers needed in determining the directions this country needs to take.

If you are really concerned about today's youth and this country's future, you will lend a helping hand. We of DECA need your personal and legislative support, and, needless to say, this country needs DECA and thousands more like us.

Yes, we believe in the future.

DAVID COLBURN,
President, Distributive Education Clubs of America, South Carolina.

THE THREAT OF PROTECTIONISM TO MINNESOTA AGRICULTURE

Mr. MONDALE. Mr. President, the American farmer is the most productive in the world. He feeds and clothes over 200 million of the most prosperous people in the world, and still exports $6½ billion worth of food and fiber to other nations.

Our Minnesota farmers earn more than all but four other States in the Union, and we are the tenth leading exporter of agricultural products to the rest of the world. Exports of Minnesota dairy products, flour, soybeans, feed grains, wheat and other produce this year alone will bring jobs to at least 30,000 Minnesotans and over $235 million into the State.

Anything which threatens the ability of Minnesota farmers to sell to the rest of the world is an economic step backward and a grave threat to our leading industry and to the economy of our entire State.

Today we see, for the first time since the end of the Second World War, a wave of economic isolationism—a mistaken but growing loss of confidence in the productivity of the American economy—and a clear reversal of America's past leadership in promoting open, expanded trade among free world nations. Till now, we have met the responsibility of world economic supremacy by leading the way toward a reduction of artificial trade barriers among nations. While lesser economies have often feared our productivity and have resisted open trade and world competition, we have tried to expand world economic markets, confident in our productivity and technological superiority, and relying on our consistently favorable balance of trade to cover our enormous economic commitments abroad.

No one would claim that we should or even could pursue a policy of totally free trade—oblivious to the trade policies of other nations, to subsidized imports and the threat of foreign dumping, to our domestic economic and agricultural policies, to the demands of national security, or to the need to assist businesses and workers whose livelihoods may be lost to foreign competition through no fault of their own. All of these factors and special needs are recognized by the legislation and the programs by which we now trade.

I have no doubt that existing legislation can be strengthened. A new comprehensive trade bill, in fact, is needed as soon as reasonably possible in order to set the general direction for United States and world trade policies in the years ahead.

But these special needs can well be met—and our position of responsibility as the world's leading trader maintained—within a policy which continues to advocate open trade and the progressive reduction by all nations of shortsighted artificial trade barriers.

The trade legislation emerging from the U.S. House of Representatives goes far beyond any concept of "fair protection." It is a Pandora's box of protectionism which openly invites higher prices to the American consumer and serious retaliation against our major exporting industries. It is a patently political bill which may promise "protection," but which will assuredly deliver retaliation, economic isolationism and a serious setback to world trade negotiations.

No industry is more threatened by retaliatory protectionism than U.S. agriculture. In particular danger are wheat, soybeans, and feed grains, the exports of which account for some 8 percent of Minnesota agricultural cash income, and which together brought over $142 million into the State in 1968.

Soybean exports alone will earn almost $76 million for Minnesota farmers this year. The absence of trade barriers on soybeans, particularly into Europe, has been a major factor in the phenomenal growth of these exports. However, should the United States enact protective quotas, injuring European exports to us and diverting Japanese exports into the European market, retaliation is inevitable. The Common Market, which now buys a half a billion dollars worth of American soybeans yearly, has threatened to levy a consumption tax upon our exports which could mean $10 to $12 million in lost sales to Minnesota farmers alone.

Wheat and feed grain sales, already restricted by the Common Market variable import levies, are also extremely vulnerable to further retaliation. Although current indications suggest some improvement this year, these sales have been declining drastically. Feed grain exports last year were at their lowest level since 1963, and wheat exports were at their lowest in a decade. In a single year, then, due at least in part to Common Market levies, Minnesota lost somewhere around $20 million worth of exports.

The message is clear. Neither Minnesota nor the rest of this Nation can afford the inevitable trade war which would result if protectionist trade legislation passes the Congress this year. Trade is worth $750,000,000 and perhaps 70,000 jobs to our State. We cannot allow this to be sacrificed to a politically expedient but potentially disastrous piece of protectionist trade legislation.

The way to full employment, a stable and growing domestic economy, and a healthy balance of payments lies not in a shortsighted restriction of imports but in an aggressive expansion of exports. We are the leading exporting nation in the world. We will export this year some $40 billion worth of American goods to the rest of the world—a healthy $3 billion or so more than we will import.

This means direct employment for at least 4 million Americans.

It means we can finance our overseas commitments and meet our responsibilities abroad.

It means that the American consumer gets the benefit of the finest goods at the lowest possible prices.

We cannot, of course, sacrifice the American worker in competition with foreign imports any more than we can sacrifice the farmer and the worker whose livelihood depends upon exports.

We must help the industries which are struggling in competition with goods produced abroad. We must—and our existing trade agreements and trade legislation recognizes this need—provide adjustment assistance, retraining, and other aid to textile, shoe, and other industries which may not be competing successfully with overseas goods.

But this assistance does not have to turn the clock back on American trade policies.

The Japanese are aggressive competitors but they are a $1 billion customer of American agricultural exports, purchasing more soybeans, wheat, and feed grains than any other nation. I believe that we should work toward a reduction of Japanese trade barriers and toward voluntary agreements to ease the domestic impact on industries where Japan is more productive and competitive. But a wholesale erection of quota barriers places the entire burden of this problem on the American exporter, farmer, consumer, and on the overwhelming majority of American businesses and workers whose magnificent productivity is the envy—and fear—of the rest of the world.

For their sake; for the sake of economic cooperation and competition throughout the world; and the particular sake of the Minnesota farmer, I urge the Senate and the administration to retreat from the brink of a disastrous trade war and work toward the expansion—not the constriction—of American exports.

GENOCIDE CONVENTION IS CONSISTENT WITH THE CONSTITUTION AND LAWS OF THE UNITED STATES

Mr. PROXMIRE. Mr. President, one of the major arguments used by the opponents of the Genocide Convention is that it is not consistent with the Constitution and laws of the United States. In this regard, I invite the attention of the Senate to a section of the report issued by the section of individual rights and responsibilities of the American Bar Association. Section IV of the report, which recommended that the United States ratify the Convention on the Prevention and Punishment of the Crime of Genocide, is entitled "The Genocide Convention Is in All Respects Consistent With the Constitution, the Laws, and the Ideals of the United States."

I ask unanimous consent that section IV of the report by the section of individual rights and responsibilities of the American Bar Association be printed in the RECORD.

There being no objection, section IV was ordered to be printed in the RECORD, as follows:

IV. THE GENOCIDE CONVENTION IS IN ALL RESPECTS CONSISTENT WITH THE CONSTITUTION, THE LAWS, AND THE IDEALS OF THE UNITED STATES

A. THE GENERAL OBJECTIONS TO THE GENOCIDE CONVENTION MADE IN 1949–50 ARE WHOLLY OBSOLETE TODAY

The opposition to the Genocide treaty at the Senate hearings twenty years ago centered around three main points.[36] First, a general opposition to the "new concept" of government action by treaties. During the next two decades, the United States has entered into some 4,000 international agreements, without any noticeable diminution of its sovereign independence, nor any noticeable debasement of its standards to an international average. That treaties are the modern means of developing international law, just as statutes are the modern means of developing state and federal law, has been noted earlier, and hardly requires demonstration. If some felt nervous or cautious in 1949 about stepping on the new ground of multilateral treaties, including treaties affecting individuals, that fear is no longer justified. On the contrary, the only concern a United States citizen should have is that his country not be left out as the documents and issues of the new international law are drafted, debated, interpreted and applied.[37]

Second, the opposition expressed the fear that by treaties in general, and by the Genocide Convention in particular, Article 2(7) of the United Nations Charter, dealing with matters "essentially within the domestic jurisdiction of states" was being undercut. In the words of the ABA Special Committee,[38] "Shall we be governed in internal affairs by treaty law or by laws passed by Congress with a constitutional basis?" Again the answer has already been given. Article 2(7) is is no way undercut by the Genocide Convention. Domestic matters are as out of bounds for the United Nations as ever. The only effect of the Genocide Convention is to say that the issues specified in Articles II and III cover not merely one country, but all countries. If the United States wants (1) to take a complete handsoff attitude if genocide should occur somewhere in the world; or (2) to foster, shield, or protect the commission of genocide within the nation's borders, then it should certainly not join the Convention. If neither of these attitudes is real, then the argument has no appeal whatever.

Third, the opposition, focusing on certain enigmatic language of Justice Holmes in *Missouri* v. *Holland*[39] considered that the Genocide Convention might be the opening wedge in a drive to exceed the legislative powers of the Congress vis-a-vis the states through use of the treaty power. Whatever theoretical merit there might have been with respect to this point, discussed for nearly ten years in the context of the proposed Bricker Amendment,[40] it has no relevance to the Genocide Convention. No one could have any doubt about the right of the Congress to prohibit genocide. Quite apart from the treaty power, the Constitution expressly grants to the Congress the power "to define and punish Piracies and Felonies committed on the high seas and Offences against the Law of the Nation."[41] And if anyone suspected that the Genocide Convention might be used to justify federal legislation in the field of civil rights, the events since 1949 have shown that the United States Constitution as currently understood is quite adequate to sustain any civil rights legislation likely to be proposed and passed, and certainly more ample to coverage than any authority possibly derived from the Genocide Convention.

It is conceivable that a claim could have been made that depriving a racial group—say Negroes or American Indians—of the right to vote or the right to enjoy public accommodations is comprehended within Article II (b) of the Genocide Convention related to "mental harm". But this thought is hardly more than conceivable: as we have seen, the whole thrust of the convention and its origin suggest quite different goals; moreover, Article II (b) like all of the definitions of the crime of genocide, is governed by the phrase "with intent to destroy", which would not seem to apply to even the most extreme segregationist measures which may be tolerated by statute law in the United States.[42] At all events the barring of school segregation, which was accomplished without any statute,[43] the passage of the Civil Rights Acts of 1957[44] and 1964[45] and the Voting Rights Act of 1965[46] all sustained by the Supreme Court, show that blocking the Genocide Convention has given and will give no comfort to opponents of federal enforcement of rights of minorities, while ratification of the Convention will add no powers to those the Federal Government possesses.

Unconnected to the state-federal relation in the United States, the objection was also made in 1949–50 that the Convention undertakes to define a crime for which there would be punishment under federal law, without concurrence by the House of Representatives. This is simply a misunderstanding resulting from a confusion about what is and what is not a "self-executing" treaty. In fact, ratification of the Convention would obligate the United States internationally to pass the necessary implementing legislation, making the crimes specified punishable under United States law. Failure by the Congress to enact the implementing legislation would leave the United States in breach of an international obligation, but in such eventuality no one could be tried in the United States for a crime not specified in the Criminal Code. It is certain that no one can be accused of or tried for the crime of genocide in the United States until legislation making genocide a crime has been adopted in accordance with our domestic procedure for passage of a law.

B. THE SPECIFIC OBJECTIONS RAISED TO THE GENOCIDE CONVENTION ARE NOT MERITORIOUS

In addition to the general objections to the Genocide Convention discussed above, a number of particular criticisms relating to the text of the Convention were made by opponents in 1949-50.[47] These are not of a dimension sufficient, singly or together, to warrant non-ratification.

"As such"

Why, it was asked, did Article II refer to the destruction of a national, ethnical, racial, or religious group *as such?* Does this not create an ambiguity? The answer is perhaps it does, but so would the phrase without these words. Conceivably, an edict to kill all restaurant owners might be a subterfuge to kill, say, all Chinese within a country. In such an event, the words "as such" would give a possible technical defense to the authors of the deed. But that possibility seems very remote. In the past, genocide has not usually been disguised. It has been part of a deliberate, public, and political or religious campaign. Rome set out to destroy the Carthaginians; Islam set out to destroy Christians; Hitler set out to destroy the Jews, *as such*.

Footnotes at end of article.

"In whole or in part"

What did the addition of the words "in whole or in part" signify for the crime of genocide? Did it mean, in the words of one opponent, "driving five Chinamen out of town"?[50] The answer, again, is quite simple, and indeed, appears in the drafting history of the Convention itself.[51] The object of adding the words "in part" was to preclude an argument that international destruction, say, of half or two thirds of the Jews of Rumania was not comprehended in the crime of genocide.

In the context of this Convention, there can be no doubt about the distinction between intent to destroy a national, ethnical or racial or religious group and intent to destroy some individuals belonging to that group. Nothing in the history of the United States since the early Indian wars quite adds up to genocide within the meaning of this convention. If any race riot, lynching, or comparable event ever grew to the scale approaching genocide as defined in the Convention, the international obligation would surely add nothing to the determination of our own state and federal authorities to bring the perpetrators to full justice.

"Mental harm"

The thrust of the objection to this phrase, apparently, was that the critics did not understand it. As more facts of tortures both in Asia and in Eastern Europe during World War II have come out, as we have come to know about brain-washing in North Korea of our own soldiers, and in Eastern Europe of various political and religious leaders including for instance Cardinal Mindszenty, the objection to including mental harm along with bodily harm would seem to disappear.

"The place of trial"

One criticism of the Convention arose out of the possibility that, under Article VI, a person accused of genocide could be tried by an international penal tribunal, possibly without trial by jury and other safeguards to which a United States citizen is entitled under the Constitution. Again, the answer is simple. No such tribunal has been established.[52] If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advice and consent of the Senate by a two-thirds vote.

"Direct and public incitement"

The question is raised whether Article III (c) of the Convention, in prohibiting "direct and public incitement" to commit genocide is contrary to the First Amendment's guarantee of free speech. The scope of the free speech protection in the United States Constitution has been subject to various interpretations through the years, particularly as it conflicts with public order.[53] Thus it is not possible to state categorically that a given statement is or is not protected free speech, as against prescribed criminal activity. Our best judgment, for reasons spelled out below, is that any activity sufficient to support conviction for violation of Article III(c) of the Convention would fall outside of the First Amendment's protection. But the case need not rest there.

Assuming the above judgment were wrong and an activity prohibited by the Convention were held to be protected by the First Amendment, the conviction would simply be reversed. Nothing in the development of the treaty power suggests any other result. Indeed, in *Missouri v. Holland,*[54] the case most often cited as pointing the way toward expanded use of the treaty power, Justice Holmes specifically limited his speculation to "some invisible radiation from the general terms of the Tenth Amendment," [relating to reserved powers of the states] and not to "prohibitory words to be found in the Constitution," such as the First Amendment. Thus reversal of a conviction on free speech grounds would be perfectly within the powers of the Supreme Court (or indeed a lower court), notwithstanding anything in the Convention. Indeed, the Convention itself only requires (in Article V) that states undertake to enact, "in accordance with their respective Constitution" the necessary legislation to give effect to the Convention. If a portion of the implementing legislation were declared unconstitutional, generally or as applied to a given defendant, there would be no breach of the obligation under the treaty.

If the above possibility were very strong (and if incitement to genocide were the major provision of the Convention), there might be some cause for hesitation about the Convention.[55] In fact, it appears that Article III (c) is drawn precisely to satisfy the prevailing interpretations of the First Amendment to the United States Constitution.

Mr. Justice Holmes stated the argument in favor of the constitutionality of a provision such as Article III (c) in speaking for the Supreme Court in *Frohwerk v. United States,*[56] decided just after World War I.

"We think it necessary to add to what has been said in Schenk v. United States * * *[57] that the first amendment, while prohibiting legislation against free speech as such, cannot have been, and obviously was not intended to give immunity for every possible use of language. We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counseling of murder within the jurisdiction of Congress would be an unconstitutional interference with free speech."

The same thought was expressed thirty years later in a case involving an injunction against peaceful picketing to induce violation of a state law concerning trade.[58]

"It has rarely been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute. We reject the contention now."

It is worth pointing out that the author of that opinion, for a unanimous court, was Mr. Justice Black, surely a justice sensitive to violations of the First Amendment.

It is, of course, not easy to distinguish in all cases between permissible and impermissible expression, or between condemnation of a racial, religious, or ethnic group and intent to destroy such a group. The distinctions drawn by the Supreme Court in this area—for example, between *Chaplinsky v. New Hampshire,*[59] *Terminiello v. City of Chicago*[60] and *Feiner v. New York*[61] are not easy. If a person were arrested and prosecuted for inciting to genocide, doubtless the factual issues would be scrutinized with great care. The dividing line was expressed best, perhaps, by Mr. Justice Brandeis in his famous concurrence in *Whitney v. California.*[62]

"* * * even advocacy of violation, however reprehensible morally, is not justification for denying free speech *where advocacy falls short of incitement* and there is nothing to indicate the advocacy would be immediately acted on. The wide divergence between advocacy and incitement, between preparational attempt, between assembling and conspiracy, must be borne in mind." (Emphasis supplied.)

In its most recent decision in the free speech area, the Supreme Court, while discrediting *Whitney v. California*, appears to have reaffirmed the distinction drawn by Justice Brandeis in his concurrence. Reversing the conviction of a Ku Klux Klan member who staged a "rally" for television reporters, the Court said:[63]

"* * * the constitutional guarantees of free speech and free press do not permit a State to forbid or prescribe advocacy of the use of force or of law violation except *where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.*" (Emphasis supplied.)

However hard it is in practice to draw the distinctions between advocacy and incitement, it is clear that in the definition of the crime, the Genocide Convention has drawn them correctly by these standards.

In short, the particular criticisms of the text of the Convention are the sort of objections that can be made to the text of many documents. Singly or together, they do not provide reason to reject the Convention.

FOOTNOTES

[36] See *Senate Hearings* (1950) 154–230.

[37] This point, in the context of the growth of international law in the post-war period, is developed by Bernard G. Segal, President of the ABA, in a recent address to the World Peace Through Law Conference, Bangkok, Thailand, September 1969.

[38] 74 A.B.A. Rep. 320 (1949), *Senate Hearings* (1950) 160.

[39] 252 U.S. 416, 433–434 (1920).

[40] There were several versions of the Amendment. For the principal one, see S.J. Res. 1 as amended and reported favorably by the Senate Judiciary Comm. S. Rep. No. 412, 83d Cong., 1st Sess. (1953).

[41] U.S. Constitution Art. I, sec. 8, cl. 10.

[42] There have been, of course, deliberate lynchings or murders with racist aims. But such acts have always been unlawful.

[43] *Brown v. Board of Education,* 347 U.S. 483 (1954). See also *Cooper v. Aaron,* 358 U.S. 1 (1958), *Griffin v. Prince Edward School Board,* 377 U.S. 218 (1964).

[44] 71 Stat. 637 (1957), 42 U.S.C. 1971 (1964), sustained in *United States v. Mississippi,* 380 U.S. 128 (1965).

[45] 78 Stat. 243 (1964), 42 U.S.C. § 2000a-h, sustained in *Heart Of Atlanta Motel, Inc. v. United States,* 379 U.S. 241 (1964), and *Katzenbach v. McClung,* 379 U.S. 294 (1964).

[46] 79 Stat. 437 (1965), 42 U.S.C. § 1973 (Supp. 1965), sustained in *South Carolina v. Katzenbach,* 383 U.S. 301 (1966).

[47] Reference omitted.

[48] It seems no longer necessary to address the possible overlap between the new federal crime and a state crime, such as homicide. Such overlap is by now accepted without question, in areas as disparate as civil rights legislation, kidnapping, bank robbery, possession of narcotics, and as many more. For an early and authoritative statement on this point, see *United States v. Arjona,* 120 U.S. 479 (1887).

[49] See *Senate Hearings* (1950) 154–221.

[50] See *Senate Hearings* (1950) 154, 199, 201, 203.

[51] The amendment containing these words was proposed by Norway in the debates of the Sixth (Legal) Committee of the General Assembly in its debates on the draft prepared by the Economic and Social Council. U.N. Doc. E/794 (May 24, 1948). The debates appear at 3 U.N. GAOR 6th Comm. 61, 92–97, Oct. 7, Oct. 13, 1948.

[52] The last time the proposal was seriously discussed appears to have been in the Sixth (Legal) Committee of the General Assembly in 1957. 12 U.N. GAOR 6th Comm. 155 (Dec. 5, 1957).

[53] For a thorough presentation of cases and scholarly discussion, see Emerson, Haber and Dorsen, *Political and Civil Rights in the United States* 512–601 (1967).

[54] 252 U.S. 416, 433–34 (1920).

[55] It would, of course, be possible to ratify the convention but omit the language corresponding to Article III(c) from the implementing legislation. That course is expressly permitted by Article V. For the reasons stated

in the text, however, this course is not here advocated.

[56] 249 U.S. 204, 206 (1919).

[57] 249 U.S. 47 (1919).

[58] *Giboney v. Empire Storage Co.*, 336 U.S. 490, 498 (1949).

[59] 315 U.S. 568 (1924)—Conviction of a Jehovah's Witness for addressing the police officer as "a damned Fascist" upheld.

[60] 337 U.S. 1. (1948)—Conviction of a speaker addressing a crowd and attacking "Communistic Zionist Jews" reversed.

[61] 340 U.S. 315 (1951)—Conviction of a speaker for "endeavoring to arouse the Negro people against the Whites" and refusing to stop when requested by a police officer upheld. Justice Douglas, dissenting in *Feiner*, wrote "A speaker may not, of course, incite a riot any more than he may incite a breach of the peace by the use of 'fighting words'." 340 U.S. 329, 341.

[62] 274 U.S. 357, 376 (1927).

[63] *Brandenburg* v. *Ohio*, 395 U.S. 444, 447 (1969).

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and that, when that is done, the distinguished Senator from North Carolina (Mr. ERVIN) be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unfinished business will be stated by title.

The assistant legislative clerk read Senate Joint Resolution 1 by title, as follows:

> A joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. ERVIN. Mr. President, I wish to speak in behalf of the most precious possession of the American people. The most precious possession of the American people is not the broad expanse of our lands which run from the Atlantic Ocean on the east halfway across the Pacific to Hawaii on the west, and from the Canadian border to the Gulf of Mexico and our neighbor, the country of Mexico, on the south. The greatest possession of our country is not our material wealth. It is not the great Armed Forces which protect our national security in a very precarious world. The greatest resource of our country does not consist of our institutions of higher learning.

The greatest possession of our country is an old document which was penned in Philadelphia in 1787, and under which this country has enjoyed substantially the same system of government for 181 years, while other systems of government have perished and vanished from the face of the earth.

Senate Joint Resolution 1 proposes the most drastic assault on this precious possession of the American people, the Constitution of the United States, that has ever been proposed in the history of this Nation. The Constitution was brought into being by 13 separate and independent States, sparsely settled and lying along the Atlantic seaboard.

We have a proposal here, in Senate Joint Resolution 1, which would destroy, in large measure, the federal system of government which was created by the drafting and the ratification by these 13 States of the Constitution of the United States.

Make no mistake, when we destroy the function of the States in the election of the President and Vice President of the United States, we strike a mortal blow at the federal system of government, which has endured for 181 years, and which has even weathered the efforts of the man for whom Senate Joint Resolution No. 1 ought to be named—George Wallace.

It is just as logical, Mr. President, to say that since all the Members of the U.S. Senate and all the Members of the House of Representatives are Federal legislators and participate in the making of laws for all the 200 and more million Americans, they ought to be chosen in a single election precinct embracing the 50 States and the District of Columbia.

We are told by advocates of this proposal that Senate Joint Resolution 1 undertakes to make every man's vote, within 50 States and the District of Columbia, count exactly the same. I assert, without fear of successful contradiction, that proposal has an effect that only 40 percent of the people who vote in the United States should select the President, and that the votes of the other 60 percent should be disregarded, if they happened to be cast for candidates other than the one who receives 40 percent of the vote.

In short, Senate Joint Resolution 1 proposes that we have a 40-percent President. That is what it comes down to. Despite the great wisdom of the proponents of Senate Joint Resolution 1, the Senator from North Carolina is constrained to say that the men who wrote the Constitution were wiser than they are; consequently, the drafters of the Constitution proposed that no man should ever be elected President of the United States unless he receives a majority of all the electoral votes of all the States of the Union. They did not want our country to have a 40-percent President.

When all is said, Senate Joint Resolution 1 proposes that we have a minority President. That is exactly what it provides. It provides that we shall have a 40 percent President.

We have a lot of wise men in North Carolina, the State I have the honor to represent, in part, in the U.S. Senate. Incidentally, North Carolina was one of the 13 States which brought the United States of America into existence and which ratified the original Constitution of the United States. I am proud to be able to say that one of my direct ancestors, Reuben Wood, a North Carolina lawyer, had the honor of being a member of the North Carolina constitutional convention which ratified the Constitution of the United States, and that he voted in favor of its ratification.

We have, as I said a moment ago, many wise men residing in the State of North Carolina, and one of those wise men is the editor of the Durham, N.C., Morning Herald. In one of his editorials, which appeared in that great newspaper on Sunday, September 13, 1970, he correctly diagnoses Senate Joint Resolution 1.

The editorial is entitled "Providing Election by Minority," and it reads as follows:

> As the Senate debates the proposed constitutional amendment to provide for the direct election of President and vice president, it is well to remember that direct election is not the only alternative to the present system of election. Therefore enactment of this amendment is not the only way in which reform of the current system can be accomplished. The Senate debate will undoubtedly explore at length and in detail the merits and demerits of direct election.

I digress at this point to say that the distinguished Senator from Indiana does not seem to want this question debated at length, because he supports a proposal which would gag the Senators who happen to disagree with his views. But I certainly express the hope which is voiced in this editorial that Senate debate will flow at length. The editorial then details the merits and demerits of direct election.

I resume the reading of the editorial:

> Much has been made of the possibility of electing a President through the electoral college who receives a minority popular vote. This has happened only three times in the history of the Republic, when John Quincy Adams was elected by the House of Representatives in 1825, when Rutherford B. Hayes was chosen by the electoral commission—not college—in 1877, and when Benjamin Harrison received a majority of the electoral vote in 1888 after failing to receive a majority of the popular vote.
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> What advocates of the direct election amendment either fail to realize or fail to point out is that the amendment they advocate actually provides for the election of a minority President. If a candidate receiving a plurality of the popular vote gets as much as 40 percent of the popular vote, he would become under the proposed amendment, President. Thus the Nation would have in fact a minority President. The present system prevents that by requiring a majority in the electoral college, which is a nationally representative body.
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> The provision for election by a 40 percent popular vote is a serious weakness in the direct election amendment, for it makes legitimate a situation which can prove destructive of republican government and the democratic system, election by a minority. In times of crisis, particularly, there would be grave danger that a minority President would not receive national acceptance, with all the implications that would have for government.
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> The provision which makes possible the election of a minority President, with no recourse or validation by a national majority, is a sufficiently serious flaw in the proposed amendment to justify the Senate in defeating it.

The Senator from North Carolina finds himself in full agreement with the view expressed by the editor of the Durham Morning Herald, that the provision of Senate Joint Resolution 1 which makes possible the election of a minority President, with no recourse or validation by a national majority, is a sufficiently serious flaw in the proposed amendment to justify the Senate in defeating it.

The Senator from North Carolina is strongly opposed to this Nation having a 40-percent President. The Senator from North Carolina is opposed to this Nation having a 40-percent President because a 40-percent President is not likely to have the support of more than 40 percent of the people of this Nation when he is inaugurated, and is likely to suffer a decrease from month to month thereafter, until he reaches the tragic point where he has far less than 40 percent of the support of the Nation.

I do not think that this Nation can endure as a great nation of the earth if it accepts the proposition that henceforth and hereafter, despite the fact that in prior years we have had great men such as George Washington, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, Grover Cleveland, Woodrow Wilson, Franklin D. Roosevelt, Harry S. Truman, and Jack Kennedy, we are not going to have a hundred percent President, as these men were, but are going to have only a 40-percent President, instead of a majority President.

I understand that the pending business is the Tydings-Griffin amendment. Before I discuss that amendment, I should like to read to the Senate a statement made about the Constitution of the United States, which would be drastically affected if Congress should be so foolish as to submit Senate Joint Resolution 1 to the people of this land as a proposed amendment to the Constitution and if the people of this land should so far take leave of their intelligence as to ratify it as a part of the Constitution. Frankly, I do not believe that the people of this land would be foolish enough to ratify Senate Joint Resolution 1 if it should be submitted to them.

I say that for this reason: It appears from the hearings held on April 15, 16, and 17, 1970, that the legislators of 34 of the States ought to be bored for the simples, as we would say in North Carolina, if they would consent to the ratification of a proposed constitutional amendment which would not only substantially destroy the federal system of government which the Constitution was ordained to establish, but also would rob their own constituents of a substantial part of the voice they now have under the Constitution, in the selection of a President and a Vice President.

Frankly, if I thought that the big States of this Union had a monopoly upon the wisdom of this country, I might be so foolish as to support Senate Joint Resolution 1. But I have noticed that much of the wisdom of this Nation comes from the smaller States.

I have observed that when Moses wanted to know what to do about the problems which confronted him and the Hebrews of his day, instead of going to some great center of population such as Jerusalem or Babylon or Nineveh or Tyre or Sidon, he went out into the wilderness and meditated and deliberated and came to wise decisions.

Senate Joint Resolution 1 proposes that Presidents, in effect, be selected by a few of the largest States in this Union; and those who advocate it, whether they so recognize or not, are seeking to take away from 34 of the States a substantial part of their voice, under the existing Constitution, in the selection of a President and a Vice President for this great land of ours.

I say by way of illustration to our Presiding Officer, who has the honor to represent, in part, in this body one of the newer States of the Union, that Senate Joint Resolution 1 would reduce to 33 percent or less the voice which his State, Alaska, now has in the selection of a President and a Vice President. The Senator from North Carolina does not know, of course, how our Presiding Officer feels about this matter; but the Senator from North Carolina would say that he cannot comprehend how our Presiding Officer could favor Senate Joint Resolution 1 unless he reached the conclusion that the people of States like New York, California, Pennsylvania, Illinois, Ohio, and Michigan are more capable of selecting a President than are the people of the State of Alaska, which he has the honor, in part, to represent.

On page 20 of the hearings before the Senate Committee on the Judiciary, held April 15, 16, and 17 of this year, is a list of States which would lose substantial portions of their voices—their power, if you please—in the selection of a President and a Vice President of the United States if Congress should pass and submit to the States Senate Joint Resolution 1 for ratification, and if three-fourths of the States were to ratify it. Those States are: Texas, my own State of North Carolina, Virginia, Georgia, Tennessee, Maryland, Louisiana, Alabama, Iowa, Kentucky, Oklahoma, South Carolina, Kansas, West Virginia, Mississippi, Colorado, Arkansas, Nebraska, Arizona, Utah, Maine, Rhode Island, New Mexico, New Hampshire, Idaho, South Dakota, Montana, North Dakota, Hawaii, Delaware, Vermont, Nevada, Wyoming, and Alaska. This is also true with respect to the District of Columbia.

It is to be noted that among the States that would be deprived of a substantial part of their voice and power in the selection of the President are seven of the original 13 States which brought our Constitution into existence: North Carolina, Virginia, Georgia, Maryland, South Carolina, Rhode Island, and Delaware.

I happen to entertain the view that notwithstanding that some of these 34 States are relatively small, their people are just as wise, when it comes to selecting a President or a Vice President, as are the people who happen to live in States having great centers of population, such as New York, California, Pennsylvania, Illinois, Ohio, and Michigan.

To be sure, some Senators from some of the smaller States may support Senate Joint Resolution 1. I am not saying that they will. But I do not believe that the legislators of 34 States are going to vote for a constitutional amendment which would rob their people, in many cases, of two-thirds of their power to participate in the selection of a President. I say that because none of the legislators who would vote on the question of ratification in the States have served in Washington; therefore, they have never been exposed to the virulent disease which has its habitat on the banks of the Potomac River and is known as "Potomac fever."

Potomac fever has a very peculiar effect on those who succumb to it. The chief effect is that it induces in their minds a belief that the people who sent them here do not really have sufficient intelligence to manage their own governmental affairs and that they should be deprived of just as much political power as possible. Sometimes this disease takes the form of causing one to believe that there is more wisdom in the heavily populated sections of the country than there is out in the wide open spaces, where people can look up to the heavens and see the stars at night. I say this because during the First World War there was a division from Brooklyn, N.Y., which was said never to have seen a dark night until they got to the Western Front because the artificial illumination of Brooklyn had been around them to such an extent that they did not really know what darkness was. When there is no darkness, there is no good opportunity to go out and meditate under the stars, which are poetically called the forget-me-nots of angels.

The Senator from North Carolina thinks that even though Congress should be so foolish as to submit Senate Joint Resolution 1 to the States for ratification, it is inconceivable that the 34 States which would lose their power under Senate Joint Resolution 1 would be so foolish as to vote to deprive themselves of the power which the present Constitution gives to them.

One of the great constitutional scholars of the United States is a professor in the Yale Law School, Prof. Charles Black, who was originally from the great State of Texas and who has been rendering great service to our Nation by instructing law students at Yale Law School for some years.

He appeared before the Senate Judiciary Committee in the hearings in April. He testified in substance that if Senate Joint Resolution 1 should become a part of the Constitution, it would be the most radical provision that has ever been placed in the Constitution of the United States.

I cannot refrain from contrasting the attitude toward our present Constitution exhibited by Professor Black and that of our good friend, the Senator from Indiana, who says in effect that unless we accept Senate Joint Resolution 1 as an amendment to our Constitution, our country is going to experience chaos and ruin tomorrow, or at least in the next election.

While the Senator from Indiana deplores splinter parties and third, fourth,

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fifth, sixth, and seventh parties in one breath, he demands in the next breath that we submit to the States a proposed constitutional amendment calculated to destroy the two-party system which has made our Constitution operate and which would encourage a proliferation of third, fourth, fifth, sixth, and seventh party candidates.

I would commend to the consideration of the Senate these words which were spoken by Prof. Charles Black of the law school of Yale University before the Senate Judiciary Committee in April of this year. I read from pages 140 and 141 of the record of those hearings:

> But if I may be permitted a reminiscence which, though personal, I believe is entirely to the point on the present issue, I spent last summer instructing foreign law graduate students in the Constitution of the United States, teaching a course in constitutional law to young people already lawyers in their own countries, who were to go out after the summer to the many different American law schools and pursue their studies of American law and reside for the year in the United States. I told them, at the beginning of the course, "We have nothing to show you here in the way of antiquities. We will show you a house that was built in 1810 and you will laugh when we tell you it is an old house, you will laugh behind your hands, because you look at the Arch of Titus every morning when you walk to work. We have in fact only one antiquity that is worth your attention. That is the Constitution of the United States."
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> "It was put into effect when Napoleon Bonaparte was a young comer. And as the other countries of the world, almost without exception, have rolled through one constitutional revolution after another, this thing has stood there in substantially its present form, has accommodated a whole continent and now reached out to the islands of the Pacific and brought them into a political structure of obvious solidity and strength. It is our antiquity. It is what we have to show you instead of the cathedral at Chartres," I told them, "so let's get to work studying it."
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> I approach this question with that kind of bias. I approach this question with the feeling, which I believe to be validated historically as well as any can be, that the Constitution of the United States is an almost miraculously successful document, and that any change in its structure is to be approached with every presumption against it. It is often said that the electoral college system is antiquated. This is used as a sort of prerogative term for it. "Antiquated" means that it has lasted a long, long time. I do not find that an epithet of opprobrium at all. I like antiquated constitutions. They are the best kind.
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> So I want to approach this from that point of view. I think that none of the difficulties that I or Mr. Bickel or Mr. Brown or others see in these proposed changes can be proved up to the hilt. These are prophecies. These are suggestions of possible trouble. Some of them seem very convincing. Some of them seem almost inevitable to me.
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> But I do not think that it is up to the opposition to this proposal to establish beyond a doubt what will happen in the future. We are dealing with a system which has been brilliantly successful, the whole solar system, as the late President, then Senator Kennedy, called it, of the allocation of power in the United States. It is up to those who would effect a major and radical change in it to dispel very positively the doubts as to the wisdom of that change.
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> And it is with that conception of where the burden of argumentation lies that I proceed to say what I have to say.

After this very eloquent statement at the outset of his testimony, Professor Black proceeded to demolish in a most effective manner the proposal now embodied in Senate Joint Resolution 1.

I say this, and I say it with hesitation, but I say it with a firm conviction, that I do not believe the Senate should vote on Senate Joint Resolution 1 until every Senator has read the statement of Professor Black and the statements made by Alexander M. Bickel, Theodore H. White, and the secretaries of state of Louisiana and New York, who testified together before the Senate Judiciary Committee.

While Senate Joint Resolution 1 professes to leave to the States the power to prescribe the qualifications for voting, Senate Joint Resolution 1 would require the virtual annihilation of the States as viable entities in the selection of President and Vice President, and would require the passage of laws which would concentrate the complete control of the presidential and vice-presidential elections in the Federal Government in Washington. This may be something that is desirable to those who are victims of Potomac fever, but it is not desirable to those, like myself, who believe that any good system of government should be kept as near to the people as possible, and who believe that no government sitting on the banks of the Potomac River has sufficient wisdom to solve all of the problems which confront public officials and the people at local levels.

The pending business before the Senate is the Tydings-Griffin amendment. The authors of this amendment recognize very wisely that Senate Joint Resolution 1 is unwise and extremely unwise in one particular; namely, in that it provides for a runoff election in the event that 40 percent of the people voting in the United States are unable to pick a 40-percent President in the first election. So the authors of the Tydings-Griffin amendment seek to abolish the runoff election which will have to be held, as I have said, if 40 percent of the voters do not all vote for a 40-percent President in the first election.

Strange to say, they return in part to the wisdom of the electoral college, the electoral vote system which now prevails under the present Constitution. The Tydings-Griffin amendment appears at first blush to be an improvement over Senate Joint Resolution 1. I say "at first blush" because upon analysis it appears that all of the objections which can be voiced against Senate Joint Resolution 1 apply to the Tydings-Griffin amendment insofar as the first election is concerned.

To make the first election operate Congress would have to transfer the entire control over presidential and vice-presidential elections from the States and various voting precincts of the States to the National Government. They would have to abolish all State and local election officials as far as their ultimate powers were concerned and supersede them with national election officials.

As far as the Tydings-Griffin amendment is concerned, it would still leave the chief vices of Senate Joint Resolution 1 in existence insofar as the first election is concerned. It would still provide for the election, not of a majority President, but of a 40-percent President. It would still provide that the 184,000 separate election precincts—think of it, 184,000—now existing in the 50 States and the District of Columbia would be converted into one great big election precinct in which 60 or 70 million people would vote and in which a majority of one vote, whether it was coerced or purchased, or freely cast would determine who would be President or Vice President of the United States, provided that one vote was cast with the 40 percent of the people rather than with the 60 percent.

Mr. President, under the Griffin-Tydings amendment, you would still have the temptation to chicanery that appears in every close election. History shows that we had two such elections recently, the election of 1960 and the election of 1968. All of these close elections would invite controversy, would invite charges and countercharges of fraud and miscounting of votes, and the breaking down of voting machines, such as occurred on a large scale over in the State of Maryland during a recent primary.

Under that first election this country could go weeks and weeks and months and months without a President of the United States. I say that because the President has a definite term of office. It ends on a particular day. Unlike the case with respect to many public offices, he does not remain in office until his successor is chosen and qualified. This is made clear by the 20th amendment to the Constitution. Section 1 of the 20th amendment to the Constitution provides as follows:

> AMENDMENT [XX]
>
> SECTION 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Under the 20th amendment, come noon on January 20, the term of the incumbent President ends, stops short, and the term of his successor begins. The incumbent President cannot serve 1 second constitutionally beyond noon on the 20th day of January next succeeding the most recent presidential election.

So what is going to be the situation if there is established a system of direct election where every fraud committed in any one of the 184,000 election precincts and where every miscount of every vote cast by millions of people in 184,000 election precincts and where every breakdown of a voting machine in any one of the 184,000 election precincts may be litigated and controverted and made the subject of charges and countercharges, and where the truth as to who was elected President can be clouded with doubt and uncertainty and controversy and litigation for weeks and weeks and months and months.

So the situation is made possible, both by Senate Joint Resolution 1 in its original form and the Tydings-Griffin proposal in respect to the first election, that we can have noon, January 20, come around without knowing who has been elected President, and the outgoing President to go out of office and there is no successor to take his place.

What does that mean in practical effect? It means we do not have a President who has been elected even by 40 percent of the people. It means we have a period when we do not have a President for whom any person has voted.

The Constitution, insofar as the 20th amendment is concerned, recognized that danger even in such a relatively foolproof thing as the electoral college system. So there is a provision to take care of that situation. There was put in section 3 of the 20th amendment the following language:

> If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

Senate Joint Resolution 1 and the Tydings-Griffin proposal both present a very substantial danger that we will have the situation envisaged by the 22d amendment where, noon of January 20 following a general election comes around, with nobody having been chosen President or Vice President.

I digress to note that some of the contingencies covered by section 3 of this amendment cannot possibly come into being, even though this would provide some way out of the quandary if they did come into being, because Senate Joint Resolution 1 says that every voter has to vote for a President and Vice President who have joined themselves together on the ticket. A voter has to vote for both of them. Consequently, if we cannot tell who has been elected President, we cannot tell who has been elected Vice President. So instead of insuring, as the distinguished Senator from Indiana has become so accustomed to asserting, that we will have a President who is the choice of the greater number of voters—that is, 40 percent of them—we will have to have an interim President to be selected in some manner yet undetermined, who has not been voted for by a single human being casting a vote in any one of the 184,000 precincts.

It may be months and months during which we will have an acting President, for whom nobody has voted, serving as the head of the administration of this country.

That is not only a real possibility under Senate Joint Resolution 1 and under the Tydings-Griffin amendment, but I venture to assert that it is a probability. We have had cases where Presidents have received only a scant plurality of the popular votes over the opposing candidates. If one vote were cast in each of the 184,000 precincts as a result of fraud, or if one vote were miscounted in each of the 184,000 precincts, or if voting machines should break down in any area of the Nation, there would be a real probability that in close elections, when January 20 came around, we would not have anybody who had been identified as the President-elect or the Vice-President-elect, who could take office and supplant the retiring President leaving office as the Constitution requires at noon on that day.

Why should the Senate or the people be asked to abandon a system which has stood this country in good stead for 181 years, and invite troubles of this kind?

Why should we abandon the system of our Constitution which has endured for 181 years, and brought the highest degree of happiness and prosperity to a people, for such an untried thing like Senate Joint Resolution 1 or the Tydings-Griffin amendment, which may plunge this country into chaos, and is likely to do so, in respect to every close election such as those we had in 1960 and 1968?

I wish to read an article from the New Republic of September 26, 1970, entitled "Direct Election of the President."

This article was written by one of the greatest constitutional scholars of this country, Alexander M. Bickel, of the law school of Yale University, who appeared before the Senate Judiciary Committee and made a most cogent statement regarding the evils of the direct election proposal as embodied in Senate Joint Resolution 1.

The article from the New Republic reads as follows:

DIRECT ELECTION OF THE PRESIDENT

(By Alexander M. Bickel)

Though last week it narrowly rejected a move to limit debate on the proposal to abolish the electoral college and substitute direct popular election of the President, which was passed in the House by better than the required two-thirds majority, the Senate is moving toward decision.

Whether the necessary vote can be repeated there, and Senator Birch Bayh (D, Ind.) hopes it can, may depend on whether the Senate first attaches to the proposal for direct election an amendment put forward by Joseph Tydings, the Maryland Democrat, and Robert Griffin of Michigan, the assistant Republican floor leader. An amendment such as this to a proposed Constitutional amendment needs the support of only a simple majority for passage.

The direct election proposal as approved by the House provides that the winner of the popular vote by no less than 40 percent becomes President. If no one gets 40 percent, there is a run-off popular election between the two top candidates. Such a system, as I have several times pointed out in these pages, would invite multiple candidacies, and run a heavy risk of ending the dominance of two major parties in our politics, and one need not be a die-hard Democrat or die-hard Republican to appreciate the consequences of that. In order to minimize this risk, the Tydings-Griffin amendment would eliminate the run-off and provide instead that if no one gets 40 percent of the national vote, the vote is to be retabulated by states, the way it is now, and if the winner of a nation-wide popular plurality, by whatever margin, also has a majority in the electoral college, he becomes President. If he doesn't—which is to say, if nobody in the run-off has an electoral college majority, or if the loser of the popular vote has it—then a joint session of Congress shall elect a President by majority vote of the representatives and senators, each casting one ballot.

Reinserting the electoral college in the Tydings-Griffin fashion would very likely deter multiple candidacies almost as effectively as the electoral college now deters them, since only a candidate with sufficient regional strength to garner an electoral college vote could hope to gain anything by running. What he would hope to gain would be deadlock, giving him a chance to bargain in the congressional joint-session run-off. A candidate whose strength is spread more or less evenly across the country won't count for much in the electoral college, and can't entertain such hopes. Under the proposal as passed in the House, any candidate, and a number of them in the aggregate, can very well hope to produce deadlock by simply preventing anyone from getting 40 percent, and thereby driving the election into the popular run-off, with opportunities to trade support open to all.

The Tydings-Griffin amendment is thus an improvement over the popular election proposal endorsed by the House. But it is not addressed to and does not touch two other serious defects of that proposal. Direct popular election, which would be the norm under Tydings-Griffin as much as under the House proposal, would deprive cohesive, balance-of-power groups in the large industrial states of the special leverage they now have in Presidential politics. The blacks are such a group, whose influence would be diminished, and it is a wonder that liberal and civil rights organizations have supported, or at least not opposed, popular election. There are exceptions, of course, most notably Rep. William Clay, the black, Democratic congressman from Missouri, who has argued cogently against popular election, both in the House and in Senate hearings.

Any so-called Southern strategy in Presidential politics is at best a very risky business now, depending entirely on the delicate acrobatic trick of pursuing politics that attract, without quite satisfying, the South; that have appeal to ethnic and economic groups in the North and West also, and yet do not repel other groups there. Under popular election, a full-fledged Southern strategy will become a realistic possibility. Groups that will be repelled (ie, the blacks) can go hang. Who will need to carry New York or Michigan? Enough to get millions of votes there, which can be added to the large majorities on the Border, in the South, in Southern California and in solid Republican country in the middle!

The electoral college forces a Presidential candidate to think distributively; he must keep the whole country in mind, which includes combinations of small states too, and put together a national coalition. Hence strategicaly placed groups count heavily—and the blacks are, of course, not the only such group. Popular election will make other strategies possible.

Popular election—again, whether under the original House passed proposal, or under the Tydings-Griffin amendment—is capable also of producing in a close race horrors of vote counting and recounting, and of charges and counter-charges of fraud, with consequent litigation and endless delay. The electoral college system counts by states, focuses the closeness of the race on one or a few states—the result in most is plainly beyond doubt, however narrow the national margin of victory—and insulates recounts and other difficulties within those states. That is why our national elections, even the closest ones, have always been almost instantly decisive.

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> Those of us who sat anxiously before our TV sets through the night of November 5 in 1968 should try to imagine what it would feel like to sit there on and off for weeks.
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> The direct election proposal may well be called a political tower of babel.

Mr. ERVIN. Mr. President, John F. Kennedy once said with respect to the electoral system:

> It is not only the unit vote for the Presidency we are talking about, but a whole solar system of governmental power. If it is proposed to change the balance of power of one of the elements of the system, it is necessary to consider the others.

We do not know for certain what the effects of direct election will be on the various institutions that make up our political system, but history and political analysis can point out some of the more obvious dangers and probabilities. It is not, however, for the opponents to prove beyond a shadow of a doubt that these political disasters will occur. The burden is on those who would change our political institutions to show that their plan is safe—that it will not create political instability and a breakdown of our constitutional system.

At this point I would like to discuss the probable effects direct election will have on one of our most enduring political institutions—the two-party system. As our Nation has grown from a small collection of colonies hovering along the Atlantic Ocean into a vast, densely populated continental expanse, so has our diversity and range of interests. Accommodation and compromise have become absolutely essential features for the effective governing of the 200 million people who now constitute the American citizenry. Our two-party system has long served as a unique instrument of this accommodation and compromise.

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As Prof. Alexander M. Bickel of Yale Law School describes it:

> The monopoly of power enjoyed by the two major parties would not likely survive the demise of the electoral college. Now, the dominance of two major parties enables us to achieve a politics of coalition and accommodation rather than of ideological and charismatic fragmentation, governments that are moderate, and a regime that is stable. Without forgetting that of all the mysteries of government the two-party system is perhaps the deepest, one can safely assert that each major party exerts centripetal force; that it ties to itself the ambitions and interests of men who compete for power, discouraging individual forays and hence the sharply defined ideological or emotional stance; that it makes, indeed, for a climate inhospitable to demagogues; and that it provides by its very continuous existence a measure of guidance to the marginally interested voter who is eminently capable of casting his ballot by more irrelevant criteria. The system, in sum, does not altogether take mind out of politics, but it does tend to ensure that there are few irreconcilable losers, and that the winners can govern, even though—or perhaps because—there are equally few total victories.

Largely, because of the stability and strength of our two major parties, ideological fragmentation—the plague of many a democracy—has been avoided in America. The programs of minor parties seeking reform in the economic, political, and social order of our country have commonly been absorbed and advanced by the two major parties as they each attempt to build a winning national coalition.

Mr. President, it is my firm belief that our two-party system has been nurtured and protected by the manner in which we elect the President.

The electoral college system requires that a presidential candidacy, to be successful, secure broad, nationwide support. Minor-party presidential candidates and political reform parties have learned their political history well enough to understand that without sufficient strength to fashion broad-scale State electoral victories they have no chance of affecting, much less winning, a presidential election. As a consequence of this well-understood political reality, minor-party presidential candidacies have been few and far between and never successful.

The particular feature of the present system primarily responsible for discouraging third-party candidates is the unit rule. Though not constitutionally required, from an early date in the Nation's history "pledged electors" have traditionally cast their votes for the presidential candidate receiving the largest number of popular votes in the State. By awarding to the winner of a plurality in the State the State's entire electoral vote, the present system requires that any presidential contender, to have significant effect upon the outcome, secure sufficient popular support in States with enough electoral votes to affect the electoral college decision. As a corollary to this, it offers no hope of success to a candidate whose considerable and intense support is scattered around the country.

With few exceptions, only candidates with a strong enough regional base to capture State electoral votes have seriously challenged the two-party domination of presidential politics. The reasons are spelled out in the statistics of past presidential elections. In 1912 there were two important minor-party candidates. Theodore Roosevelt broke away from the Republican Party and received 4,127,788 popular votes to 6,301,254 for the winner, Woodrow Wilson. Wilson won 435 electoral votes and Roosevelt captured 88. But in reality, in 1912, it was Taft, the regular Republican nominee, who was the true third-party candidate, and he got only eight electoral votes although he had 23 percent of the popular vote. Eugene Debs received 901,255 popular votes out of the total vote of approximately 15,000,000. He won no electoral votes. Again in 1920, despite the fact that Debs won almost 1,000,000 popular votes out of 26,000,000 cast, he had no electoral votes. Senator La Follette, breaking away from the Republican Party in 1924, won 4,832,532 popular votes, more than one-half the popular total for the losing Democratic nominee, Davis. Nevertheless, while Davis' vote was translated into 136 electoral votes. La Follette received a meager 13. Finally, in 1948, Henry Wallace received a popular vote of 1,157,326 out of approximately 49,000,000 votes cast. He, too, won no electoral votes. By contrast and in the same election, STROM THURMOND, the States' Rights Party candidate, received a similar popular vote of 1,176,125 but was able to capture 39 electoral votes because of the regional concentration of his popular support.

These lessons of history must have been particularly persuasive in the presidential election of 1968. Richard N. Goodwin described the impact of the electoral college on the temptations of many antiwar critics in 1968 to mount a fourth party drive for the White House. In an article appearing in the Washington Post, of October 6, 1969, Goodwin stated that recognition of the extreme difficulty in winning any electoral votes despite the prospect of a large popular vote was the primary reason that he and others of similar political views did not challenge the major party presidential candidates. The effect of a "peace candidacy" would most likely have been, in Goodwin's judgment, a further enhancement of the election prospects of the Republican candidate. As Goodwin himself suggests, the encouragement that direct election would give to minor party candidates could not come at a worse time than now, "when the tendency to political fragmentation and ideological division is reaching new heights."

Similarly, the appeals to Wallace supporters not to waste their vote—by Republicans in the South and by Democrats in the North—significantly lowered the popular vote for Wallace in 1968. His appeal was running consistently at about 20 percent of the vote in September of 1968. But his final vote percentage was 13.6 percent. The decrease is generally attributed to the drives by both major parties to persuade voters that a vote for Governor Wallace was a wasted vote since the Governor could not gain sufficient electoral votes to affect the results of the election.

These examples of history prove two things about the present system. First, for the important third-party candidates without a regional base—Taft and Debs in 1912, Debs again in 1920, and Henry Wallace in 1948—no matter what their popular vote strength, they made no impact on the electoral college race. They did not deadlock it. They did not serve as power brokers. While their candidacies no doubt had a political impact, they were no threat to political stability and they did not shake the structure of our electoral system.

Second, the regionally based candidates—notably STROM THURMOND in 1948 and George Wallace in 1968—won proportionally more electoral votes in relation to their popular appeal. Yet even so, this group, too, did not pose a threat to the stability of our electoral system. It is worth something to note that in 1912, with four candidates in the field, the worry was what Teddy Roosevelt was doing to the Republican Party, not what he was doing to the electoral system. Yet, in 1968, when Wallace got 47 electoral votes, compared to Roosevelt's 88 in 1912, the scare talk was all about the imminent destruction of our election institutions.

I digress there to say that that is the theme song of the distinguished Senator from Indiana (Mr. BAYH) in his advocacy of Senate Joint Resolution 1.

In summary, history and logic teach us that the present system discourages third-party candidates who do not have a regional base of support. And in the rare times when candidates with a regional base do run, their impact on the race has been restricted to political influence only. They do not register significantly in the electoral vote.

Quite in contrast with the support which our present electoral college system provides for the two-party tradition, in my judgment the proposal for direct popular election harbors dangerous threats to this great American tradition.

Direct election of the President will enable third-party candidates to run more easily for the presidency. Adoption of direct election will necessitate the enactment by Congress of uniform standards for entitlement of candidates to a place on the ballot in every State. This will allow every minority party candidate to run nationwide rather than as a State, regional, or limited area candidate. It will permit votes to be drawn from all sectors of the Nation by each minority candidate. Governor Wallace secured a place on the ballot in each State in 1968, but only after several law suits and a decision by the Supreme Court. Under the existing law in a number of States, Governor Wallace's party, as well as other minor-party candidates, will have to field candidates in 1970 in order to secure a place on the ballot in those States for 1972. If such candidates do not file for office in these States in 1970, their respective parties will have to file as new parties in 1972. Such obstacles to Mr. Wallace's party and other minor parties will be eliminated under direct election plan.

The upshot of direct election and the inevitable national legislation on eligibility for the ballot will result in an unknown number of splinter parties—local, regional, and ideological.

Some of the arguments used in favor of direct election support this analysis. Proponents of direct election have argued that the unit rule of the present system bolsters the continued existence of one-party States. I would add parenthetically that the era of the one-party State appears to be ending. The theory is that supporters of the weaker party in a one-party State become so discouraged at being unable to carry the State for their party's standard bearer, that real competition for the State's electoral votes ceases to exist. Direct election would change this situation, according to its proponents, because even the weaker major party would now have an incentive to get every possible vote in the one-party State. Accepting for arguments' sake the assumptions of this theory, it should be obvious that voters who have been reluctant to support third-party candidates in the past, because of the slim likelihood of carrying their State, would now support with undaunted enthusiasm their real choices for President. The same factors which would change one-party States to two-party States will also change two-party States into three-, four-, or more, party States. These other parties may include a one-issue peace party, a States-rights party, a black-power party, an urban party, a women's liberation party, or innumerable other such presidential parties which would undoubtedly offer themselves to the voters under a system of direct election. The public confusion and fragmentation likely to surround this bartering and begging for votes will seriously undermine the integrity of the presidential election.

A few illustrations of the encouragement which direct election will give to minor-party candidates will point to the dangerous potential of direct election. If the aggregate of votes cast for minor-party candidates is very large, as may very well be the case under direct election, the third-highest popular vote candidate will have great influence.

We should remember that the total vote of all the third-party candidates need only amount to about 25 percent for the direct election process to be deadlocked. If the two major candidates split the remaining 75 percent of the vote closely, then no President can be elected. To avoid the deadlock, one major candidate must achieve a 40- to 35-percent plurality. This would be highly unusual even in an ordinary election.

Supporters of direct election seem to assume that Wallace will forever be the strongest third-party candidate. If that is so, and there is no reason to believe that it is so, every vote that every minor party candidate secures would be a boost to Wallace's bargaining strength, even those votes cast for candidates at the opposite end of the ideological spectrum. Wallace attained a September 1968 popularity of at least 20 percent. He might well have done much better under direct election, since the "wasted vote" argument used so effectively against him would not apply.

It does not take much imagination to transform the 1968 election into a direct election nightmare. Wallace with his 20 percent, Senator McCARTHY and others totaling better than 5 percent, and Nixon and Humphrey maintaining the seven-tenths percent difference between them. Wallace, as the leading third-party candidate, would have held the balance of power. The "might-have-beens" we hear from direct election supporters are a lot more probable under their plan, than under the electoral system we have.

Supporters of direct election do not seem to understand the extent to which the existing system discourages minor-party presidential candidates. It cannot be stressed too often that not since our two-party sysem developed has a minor-party candidate forced an election into the House of Representatives. No third-party candidate has ever been able to bargain with his electoral votes for concessions from major party candidates.

There is another influence that direct election will have, which is of concern to all those who value the stability that our two-party system has given this country. When we think of third-party candidates, we generally think first of the vegetarians and prohibitionists. Next we think of independent political movements which nominated candidates for the Presidency on their own. Rarely have we had a third-party candidate who ran first for the nomination of a major party, and then elected to go his own way after his loss of the nomination. A familiar example of this type of candidacy is Teddy Roosevelt's "Bull Moose" campaign.

With the advent of direct election and uniform national eligibility rules, however, we should ponder the effect on the two major parties and their nomination process. Imagine a contest in a Republican or Democratic convention between two evenly matched strong candidates, each with broad national following. To avoid a deadlock, the party chooses a darkhorse.

Or imagine that same race, with one candidate being able to secure the nomination just barely over his opponent. As a third example, consider a three-, four-, or five-way race between candidates of relatively equal strengths. Finally, consider a contest with one clear leader, but with another candidate who inspires a devoted, but relatively small following.

Now, under the existing system the losers, with more or less grace, have acceded to the wishes of the party convention and retired from the contest. The influences upon them to do this are many—party loyalty, lack of party or-organization, et cetera. But one of the strongest influences is that within a main party nomination, an aspirant to the White House is under terrific handicaps in getting himself on the ballot nationally to have a fighting chance at victory.

The ease with which third-party candidacies can be mounted under direct election applies to the losers of party nominations as well as it does to single-issue candidates. The pressures on the convention loser to enter the race as an independent will be great. The question put to him by his supporters will be: "If we have a peace candidate, a black-power candidate, a conservative candidate, and an urban candidate, why should the people not be able to vote for a man who has 40 percent of his party behind him, and who lost the party nomination by only a hair. With all these minor candidates, you can win in the runoff if you can get over 30 percent of the vote."

"And," they will be quick to add, "do not worry about being disciplined by the party. Even if you lose, the party would not dare ignore a strong leader with the 25 percent popular vote we know you can get."

Now, no one can predict what the response will be to such blandishments. But the issue will be clear to the loser of the party nomination: party loyalty versus a chance at the White House. I would not want to bet that the losing candidate could resist the lure of the White House every time. We remember that in 1968 in both parties there were two strong candidates in addition to the eventual nominees. It is profitable to speculate on what the situation might have been in November 1968 if direct election had given these forces an opportunity to pursue their goals after the conventions.

This is not idle speculation. One of the consequences of direct election may well be that the nomination by a major party convention will lose its meaning when it

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no longer is the most important way-station on the road to the Presidency. It may turn out, as some have speculated and as is suggested by New York's recent political history, that selection by a party convention may even be a handicap to a candidate. It may leave him open to charges of being the choice of the party "bosses," as opposed to his opponent, who won a few more primaries in the spring and who is the "choice of the people."

The major party presidential nomination is the linchpin of the national two-party system. Remove that linchpin—by removing the necessity for the losers of the party nomination to withdraw from the race—and we threaten to unhinge the entire national two-party structure. Without the unifying force of the party nomination and presidential campaign, the Republicans of Nebraska may have little in common with Republicans of Florida or New York. Democrats of California may have little to do with those of North Carolina or Illinois. When the party nomination no longer is the force which unifies the 50 State parties, who knows what the consequences will be for our two-party institution. Will Congress itself be able to maintain its two-party character in the face of this fragmentation? No one knows. One thing is certain, however, and that is that we cannot assume that the present political system will remain intact when we change so important an element as the Presidential electoral system. What seems as firm and as enduring as the Rock of Gibraltar may have the permanence of a rope of sand after 4, 8, 12, or 20 years of the direct election system.

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Mr. President, I respectfully submit that proponents of direct election have completely failed to carry the burden with respect to the dangers the direct election poses for our two-party system. They propose to abandon a system which has worked well for almost 200 years, no small achievement for a human institution. In its place they propose a method of electing the President which, according to almost every respected observer of our political process, poses a great threat to the survival of our great two-party tradition.

Time and time again, one-issue, ideologically oriented candidates file for State offices with no purpose other than to establish a bargaining position in the final showdown for a narrow cause or to punish a candidate who has refused to accede to the special demands of a narrow interest group. The runoff primary has been typically bitter, divisive, and cynical. The two remaining contenders are tempted to pay a very high price for the support of the defeated candidates who hold the balance of power in the runoff. I shudder to think what our presidential campaigns would become under the pressures of a popular runoff. It is my sincere belief that the legitimacy of any President will be seriously undermined if he is subjected to the conditions and consequences of fighting his way through a runoff.

The period of indecision between the first election and the runoff is in itself a great danger to political stability. In the case of very close presidential elections, where the country is evenly and perhaps intensely divided, it is important that any system for electing the President be swift and sure in its designation of a winner. The direct election proposal provides for anything but this swift and sure designation. For several weeks or even months after the November election, the country will be in doubt as to its next President. Certainly, in times of great stress and bitter political division, such delay and doubt would of itself constitute a serious national crisis.

Mr. President, a number of distinguished observers of our political system have pointed out the dangers of the runoff provision.

Prof. Ernest Brown of Harvard Law School reminded the Judiciary Committee in the course of his testimony that:

> At a time when the country suffers from sharp divisions, we should be cautious lest, though with the best of intentions, we encourage further division and discourage coalition.

Also testifying before the Judiciary Committee concerning the dangers of a popular runoff was Prof. Alexander Bickel of Yale Law School. Professor Bickel observed:

> I think it altogether probable that under a system of popular election the situation would be as follows: the runoff would be, not an occasional occurrence, but the typical event. The major party nomination would count for much less than it does now—and might even eventually begin to count against a candidate. There would be little inducement to unity in each party at or following conventions. Coalitions would be formed not at conventions, but during the period between the general election and the runoff. All in all, the dominant positions of the two major parties would not be sustainable.

The distinguished Senator from Maryland (Mr. TYDINGS) has offered an amendment to Senate Joint Resolution 1 which would eliminate the runoff. In remarks before the Judiciary Committee Senator TYDINGS warned that:

> The maneuvering and dealing in a runoff race of the two surviving candidates would certainly be intense as they desperately wooed the disappointed followers of the third-party candidates. If experience under the French electoral system is any guide, the runoff makes the first election a test of bargaining strength, leads to a further ideological hardening, and creates an atmosphere of shameless deals preceding the runoff.

The runoff provision is not the only reason which leads me to oppose Senate Joint Resolution 1. However, the likely consequences on our political institutions and traditions of the runoff provision are so dangerous that it alone warrants the rejection of Senate Joint Resolution 1.

It would be a gross error to think that these defects and dangers will all disappear if we do some patchwork on the runoff procedure. Senators GRIFFIN and TYDINGS, alarmed by the disastrous consequences of the second direct runoff election provided for in Senate Joint Resolution 1, have offered an amendment to eliminate that provision. While I share the concern of my two distinguished colleagues concerning the effects of a runoff election on our political process, I do not share their belief that its elimination cures the direct election proposal of its fundamental weaknesses as a method for electing the President.

The Griffin-Tydings amendment provides that if the leading candidate fails to reach a 40 percent plurality, he will still be President if he secures a majority of the electoral votes, automatically allocated to the candidates according to the unit rule system. If the plurality winner secures neither 40 percent of the popular vote nor a majority of the electoral votes, the election of the President is then thrown into a special joint session of the new Congress where each Congressman and Senator shall have one vote to cast between the two candidates receiving the highest popular vote total. The Griffin-Tydings amendment is designed to eliminate the development of splinter parties, so universally expected as a consequence of the runoff provision of Senate Joint Resolution 1. In my judgment, this well-meaning amendment will not accomplish its purported objective.

In the first instance, the sponsors of the runoff elimination amendment have underestimated the full impact of the direct election proposal on our two-party system. Minor-party Presidential candidacies are undertaken for reasons other than any serious intention of capturing the Presidency. The "spoiler" candidate is one example of candidacies which will quite likely appear if direct election is instituted, with or without a runoff provision. It is not a matter of loose imagination to contemplate the possibility of a bitterly disappointed presidential aspirant, rejected by his party convention, mounting a third party effort which would alone, or in combination with other minor-party candidacies, deny 40 percent of the vote to any candidate and possibly send the election to a joint session of Congress.

In addition to the "spoiler" candidate, the "ideologue" candidate will be encouraged to enter a direct election contest, with or without a runoff. The ability to amass and register a national vote total on behalf of some specific cause or to demonstrate the strength of a certain bloc vote will be an almost irresistible temptation to certain groups of voters. Under our present system, such efforts are discouraged because their State totals are lost forever unless sufficiently large to carry a State for the splinter Presidential candidate.

It will be very attractive for a women's liberation candidate, a states-rights candidate, a Black Power candidate, an urban candidate, a motherhood candidate, a secessionist candidate, an environmentalist candidate, or other such legitimate or illegitimate minor-party candidates to enter a presidential contest for the sole purpose of registering a national total on election eve to demonstrate the political potency of his—or her—cause or group. Whatever else may result from such a fragmentation of the electorate, a stable and effective method of electing the President will not.

Finally, there is the third type of third-party candidate—the loser of a major party nomination who makes a serious bid for the Presidency. Teddy

Roosevelt's Bull Moose campaign is the classic example of such a serious major party "renegade" candidacy.

Should "spoiler" candidates and "ideologue" candidates and "renegade" candidates become a regular and significant part of presidential politics, as I believe is likely under direct election even without the runoff, we would face the prospect of having our Presidents routinely elected by a joint session of Congress. The possiblity that Congress would regularly select the President must give us great concern. One of the most important principles incorporated in our Constitution is the doctrine of separation of powers. It is not an abstract theory. Its importance lies in its practical consequence of preventing the concentration of total political power in any one governmental institution. While at times I have believed it is the executive branch which has most exceeded the proper limits of power established by the Constitution, I would never favor the creation of a mechanism which might subject the Presidency to a position of eternal dependence on the Congress. Because of the failure of the Griffin-Tydings amendment to eliminate the likelihood of third-party presidential candidacies under a system of direct election, there is a great possibility that no candidate will be sufficiently strong to win the Presidency as a result of the popular election and that the Congress in special session will emerge as the body before which a presidential aspirant must bow—not the American people.

The proponents of direct election have sought to use the splinter-party problem for their own ends. For some time they have pointed to the 1968 candidacy of George Wallace and have tried to raise the specter of a 1972 candidacy as a goad to action on their proposal. One thing ought to be made clear about this argument. Whatever happens on the direct election proposal, it will have no effect on the 1972 election. To be pertinent in 1972, this constitutional change must go into effect by April 15, 1971—a bare half-year away. There is no practical likelihood that the required number of States could ratify this amendment in the short weeks between now and the April time-limit. Therefore, all the scare talk about George Wallace is disingenuous, to say the least.

Direct election opponents of the electoral college have tried to use Wallace's hairbreadth victory over Albert Brewer in the Alabama gubernatorial primary to scare the American people into believing a constitutional crisis lurks around the corner. They have argued that should Governor Wallace run as a candidate for the Presidency in 1972, he could win enough electoral votes in Southern and Border States to deny a majority to either of the majority party candidates. He could thus stalemate the election and exact a high price from a major party candidate for his support. On the other hand, they have asserted that if direct election is in effect in 1972, Governor Wallace's power to affect the presidential election would be greatly diminished if not entirely eliminated. They apparently assume that it is unlikely that Wallace can secure a sufficiently large percentage of the popular vote to deprive a major party candidate of the 40 percent popular vote necessary to avoid a runoff under the direct election proposal.

In light of this 13th-hour scare tactic of direct-election supporters, I would suggest that the plan for direct election now be designated as the "Bye-Bye Wallace" amendment.

I seriously question an approach to constitutional reform which is based, however slightly, upon the short-term political expediency of hindering one potential candidate's campaign for office. Whether George Wallace's campaign or other minority-party or independent presidential candidacies are good for the country at this particular time in our history is a subject of considerable debate and disagreement. I personally believe that ideologically oriented one-issue parties do not contribute to wise public policies and orderly government. Indeed, one of the great benefits of the present electoral college system is its discouraging impact on minor-party presidential candidacies.

Quite apart, however, from one's personal view of the consequences of minor-party presidential candidates, I trust that the Senate will not embrace the proposition that the presence of one or more particular presidential hopefuls in one particular presidential election, with the theoretical possibility of causing an electoral college deadlock, justifies abolishing a process for electing our President which has been tried and proved over two centuries of experience. It is no reason for substituting a system whose consequences are at best unpredictable and, at worst, disastrous for our constitutional framework and political stability.

In discussing the third-party issue, it is worth repeating that never since the development of our two-party system has a minor-party candidate or a combination of minor-party candidates forced the election of the President into the House of Representatives. Never has a minor-party candidate been able to bargain with his few electoral votes in return for substantial concessions from the ultimate winner. Nevertheless, we are told—on the basis of authoritative crystal-balling—that the political situation in 1972 will bring about a constitutional crisis if we do not turn to direct election of the President.

I recognize that the existing system is not perfect. That is beyond the capacity of man. But it has functioned more than adequately in giving the nation outstanding national leadership, orderly transfer of power, and stable government. In the process we have developed political institutions, traditions, and balances which have contributed mightily to the harmony, the stability, and the integrity of our system of government.

Now we are being told, "Throw all that away and leap with us into the void." We should take this action, it is urged, because of the remote possibility that the experience of a long unbroken series of presidential elections will be shattered by one candidate in one presidential election. Surely George Wallace could do no greater harm than to be the motivation for such a dangerous experiment with our constitutional system.

I am no seer capable of revealing future events. On the one hand, I hear claims that the political situation in 1972 will be such that a candidate who receives 46 electoral votes in five States plus one additional electoral vote in another State in 1968 will increase that total in 1972 and prevent any major-party candidate from receiving an electoral vote majority. On the other hand, I hear predictions that this candidate will have greater difficulty in securing support in 1972 and may not be able to mount a campaign at all.

One thing I do know. No one can state affirmatively what the political situation will be like in 1972. Even if they could, I would have grave reservations about rushing into a fundamental constitutional change because of allegations of one possible aberration in an otherwise workable system.

I am distressed about the use of George Wallace's alleged presidential ambitions for 1972 as a basis for adopting direct election.

Fundamental constitutional changes should not be used as a device to achieve short-run political objectives. But I am also of the opinion that proponents of direct election are mistaken in their assessment of George Wallace's political fate as it is related to their proposal for direct election. In my judgment, the proposal for direct election makes it much easier for Mr. Wallace, and for any other minor-party presidential candidate, to exercise significant influence over the ultimate resolution of a presidential election.

Mr. President, it is my firm belief that the direct election plan bodes serious ill for our constitutional system. I have tried to outline at some length the effects I see in our national two-party system. How direct election will affect State and local politics, the relationship between Congress and the Presidency, the governing ability of the President during his term, the balance of strength among the various political forces in our country—these are other questions which deserve serious thought by Members of the Senate. We can only speculate on these questions, but that does not mean we are raising "fanciful" issues. Direct election is unknown. It is untried. We must speculate on its consequences before we cast aside political institutions which have developed over the course of this Nation's history.

When this debate opened, the distinguished Senator from Indiana (Mr. BAYH) who has led the fight for direct election, acknowledged:

> The burden in this debate will be on those of us supporting direct popular election—as it rightly should.

Mr. President, I respectfully submit that proponents of direct election have completely failed to carry the burden with respect to the dangers the direct election poses for our two-party system. They propose to abandon a system which has worked well for almost 200 years, no small achievement for a human institu-

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tion. In its place they propose a method of electing the President which, according to almost every respected observer of our political process, poses a great threat to the survival of our great two-party tradition.

I have come to the same conclusion as that of Prof. Charles Black, of Yale Law School, that "a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States." Consequently, I cannot be satisfied at the effort made thus far by the proponents of direct election to persuade us that we are only securing an equal vote for every Presidential elector. What we are doing is tampering with a fundamental American political institution. I trust that the Senate will hold the distinguished Senator from Indiana and others who advocate such a radical departure from our constitutional and political heritage to their duty to carry the burden of proof.

(The following colloquy, which occurred during the delivery of the address by Senator ERVIN, is printed in the RECORD at this point by unanimous consent.)

Mr. ALLEN. Mr. President, I want to commend the distinguished, able, and eminent Senator from North Carolina for his most logical and persuasive argument against Senate Joint Resolution 1. The junior Senator from Alabama notes here—and he is delighted that the Senator from Indiana has come into the Chamber again, because he might wish to make a comment or two about this resolution which might be of interest to the distinguished Senator.

The junior Senator from Alabama notes that section 7 of Senate Joint Resolution 1 provides that "this article shall take effect 1 year after the 15th day of April following ratification," which, it would seem to the junior Senator from Alabama, would mean that if this resolution is not submitted by a two-thirds vote of each House of Congress, and then ratified by the legislatures of 38 States, by April 15 of 1971—which is a physical impossibility, the junior Senator from Alabama submits—then the procedure for the election of the President and Vice President of the United States provided by this resolution could not take effect and be applicable until the 1976 elections; and the junior Senator from Alabama also is mindful, and I am sure that all Members of the Senate are mindful, that we have on the calendar many important bills and resolutions that need action by the Senate.

The Senate is now in the second day of what the junior Senator from Alabama characterizes as the Bayh filibuster, because the Senator from Indiana has seen fit to grind the proceedings of the Senate to a halt with respect to all matters other than the resolution under consideration, it being a resolution that could not become effective until 1976. As the junior Senator from Alabama understands it, a filibusterer could be defined as a person in a legislative body who obstructs or impedes the normal flow of legislation or legislative action, by parliamentary devices and rules, all within the Senator's rights.

Would it occur to the distinguished Senator from North Carolina that it would be much more desirable, much more in the interest of the country, that the Senate proceed to the consideration of these important bills that need action now, rather than to continue the Bayh filibuster and insist on the wasting of time on a measure that could not become effective until 1976? Especially, the junior Senator from Alabama would like to point out, since the Senate itself has been known to change its position in this regard and the distinguished Senator from Indiana has been known to change from advocating the automatic electoral plan rather than the direct plan, and the Senate and the distinguished Senator from Indiana might change their minds a number of times between now and 1976.

Mr. ERVIN. That is certainly to be hoped. I think the Senator from Indiana has a real fear about what he thinks is going to happen in 1976. He reminds me of the little girl, a very small girl, about 7 years old, who was weeping as if her heart would break. Some kindly gentleman came along and saw her, and asked her, "What is causing you all this grief?"

The little girl said, "I just got to thinking that I might grow up and be a grown lady, and I might get married, and I might have a little daughter of my age, and my little daughter might die."

She said, "That is what was causing me to weep."

I think the distinguished Senator from Indiana is like the little girl; he is just weeping in anticipation of what he feels may happen in 1976 if we do not have a constitutional amendment that permits a 40-percent President to be elected instead of a majority President, as under the present system.

I can understand why people like the little girl and the Senator from Indiana can conjure up imaginary ghosts that really frighten them. But I am convinced that the distinguished Senator from Indiana is concerned about what he fears may happen in 1976.

Mr. BAYH. Mr. President, will the Senator yield, since he made a personal reference to me?

Mr. ALLEN. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I will do so with great pleasure, with the understanding that anything that transpires between the Senator from Indiana and myself by way of colloquy, questions, or observations shall not deprive me of my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. I have just one brief observation to my friend from North Carolina and my friend from Alabama. I have sat here for 2 days now and heard this same hypothesis proposed repeatedly. Having worked side by side with my friend from North Carolina on the Senate Judiciary Committee, I never cease to be amazed, amused, and stimulated by some of the stories of the Senator from North Carolina.

I am sure that when our grandchildren read the last 5 minutes of debate that has transpired with respect to this constitutional issue, it will go down as one of the intellectual high spots of this generation.

Mr. ERVIN. Well, it is nice to have something intellectual in connection with the debate on such an unintellectual proposition as Senate Joint Resolution 1. [Laughter.]

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I yield to the Senator from Nebraska on exactly the same terms I yielded to the Senator from Indiana: with the understanding that anything that transpires between the Senator and myself by way of colloquy, questions, or observations shall not deprive me of my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I would like to ask the distinguished Senator from North Carolina a question or two about Senate Joint Resolution 1.

Were I from a very populous State, a State which mathematically might gain by changing the method of counting the votes for the President, there would still be some features of Senate Joint Resolution 1 that, in my opinion, are very disturbing, and I should like to ask the Senator about them.

The joint resolution provides that if no candidates for President and Vice President get the required number of votes, there shall be a runoff election. My question is this: How long, in the Senator's opinion, would it take to go through all the processes of arriving at the decision that there should be a runoff from the first election, then preparing for the second campaign, having the campaign, holding the election, the process of counting, tabulation, and checking, disputes, and so on? How long would it take?

Mr. ERVIN. Mr. President, I think it would take months and months; and, in the case of close elections such as we had in 1960 and in 1968, and such as we have had on other occasions in this country, if we are going to have two elections in 1 year, since the Constitution provides that the President shall take office on the 20th of January next following the general election, I think we ought to have the general election a year and 10 days before he is to take office, so that we will be in a position to get two elections crowded in, and two campaigns, and all that goes with it, if we are going to have Senate Joint Resolution 1.

Mr. CURTIS. Does the distinguished Senator think it would be a good idea, in this day and age of tremendous world happenings, the electronic age, the space age, for this Government to go for months without a final decision being made as to the selection of an individual for President to lead this country, to speak to the foreign nations, and to give us leadership on domestic matters?

Mr. ERVIN. I think that would be the worst calamity that could befall the Nation. I alluded to it a moment ago in discussing the 20th amendment. I pointed out that an incumbent President's term expires at noon on January 20, and he

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cannot remain in office a second thereafter. If we do not have somebody to take his place, we have a situation in which Congress would have to make a provision for electing some man, who has not been voted for by anybody, to act as President, until it could be determined, after months and months, who has been elected, if anybody. I think it would be better to have a 40-percent President ready to take office at noon on the 20th of January than it would to go through the period where we would have no President whatever, merely an acting President.

Mr. CURTIS. Is it not true, also, that one election, a campaign for one election, has created problems for the candidates and the parties from the standpoint of the tremendous cost involved?

Mr. ERVIN. The cost of holding a presidential election has become astronomical.

Mr. CURTIS. What would happen to that cost if we were to switch from the system we have always had, with the House of Representatives standing by to decide a contest, to having a runoff? Would the costs of campaigning in the election of a President increase?

Mr. ERVIN. There is no question that they would be multiplied severalfold, and the good Lord knows that they are too high now.

Mr. CURTIS. Another matter that we hear discussed at election time—and I am sure that anyone in political life is fully aware of it and disturbed by it—is the tremendous burden placed upon a candidate for President. He is expected to visit every State. He must speak out on many issues. He has to travel night and day, at rapid speeds. I think it is true that our present system of campaigning is not only almost cruel and inhuman upon the candidates, but also, conceivably could actually jeopardize their health and thereby jeopardize their ability to perform. What would happen in reference to that problem if it should occur that we would have to have two elections or a runoff?

Mr. ERVIN. I think that it would virtually wreck the health of the most physically perfect human being we could imagine, especially, if as our friends the proponents of Senate Joint Resolution 1 say, this amendment would cause the candidates to campaign with as equal vigor in the small States as they do in the large States. I have some difficulty in accepting that proposition, because I think that when a person goes quail hunting, he goes where the most quail are, if he can find out. I think the candidates would ignore the smaller States, to the advantage of the larger States. I think the burden of campaigning through two presidential election campaigns would be intolerable.

Mr. CURTIS. In that connection, my tabulation indicates that under our present system of counting the votes for President, the State of Alaska has fifty-five one hundredths of 1 percent of the voting power. Should we go to a method of electing the President as described in Senate Joint Resolution 1, based upon the returns of 1968, the State of Alaska would have eleven one-hundredths of 1 percent of the voting.

That is down to one-fifth of what it is.

There is a question in my mind as to whether or not candidates for President would give very much attention to the State of Alaska. After all, it is an extremely important State in the Union. It is important from the standpoint of needed natural resources. It is important from the standpoint of foreign affairs. It is important from the standpoint of national defense.

Would the distinguished Senator from North Carolina agree with me that it is in the public interest and in the interests of all 50 States that a President or a potential President go to Alaska and be acquainted with its problems and its importance in the field of national defense and natural resources?

Mr. ERVIN. I think it is essential, if he is going to perform the duties of his office in an efficient manner.

Mr. CURTIS. I cannot think of a State that has a more strategic place from the standpoint of natural resources, national defense, and foreign affairs. Yet, its voting strength would be cut to 20 percent of what it is now.

Mr. BAYH. Mr. President, will the Senator yield to permit me to propound a question to the distinguished Senator from Nebraska, without losing his right to the floor?

Mr. ERVIN. I yield very reluctantly, because I have a great deal to say on this subject, and I do not know whether I can say it, if those who want to gag me are successful next Tuesday. Nevertheless, I yield to my genial friend the Senator from Indiana to put a question to my good friend the Senator from Nebraska, with the understanding that by so doing I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I appreciate that. I want the record to show that I in no way want to gag the Senator from North Carolina. In fact, I have hardly been able to sleep at night during the last week, ever since the Senator informed us in colloquy the other day that he has a speech to make.

Mr. ERVIN. Mr. President, I am not surprised to learn that my friend the Senator from Indiana has a guilty conscience which troubles his sleeping.

Mr. BAYH. The question I want to propound to the Senator from Nebraska is this: I share his concern for the State of Alaska. There are two matters upon which I thought the Senator might want to elaborate.

Perhaps he might care to offer his judgment as to whether the Senators from Alaska would be in a better position to determine whether the people of that State would be jeopardized by being given the opportunity to vote for their President directly. I bring this matter to the Senator's attention because both Senators from Alaska—the State about which he is so concerned—have suggested that they are prepared to vote on the direct election plan and to support it. It is rather inconsistent that if a State is jeopardized, the Senators who represent the people of Alaska should not be concerned.

Another question: Perhaps the Senator would explain why, if Alaska's importance is of paramount concern to candidates for the Presidency, no presidential candidate since 1960 has gone to Alaska during the campaign, soliciting the support of citizens of Alaska.

Theodore White said, in recounting the 1960 election, that one of the reasons to which he attributes the defeat of the present President in 1960 was that he took time to go to Alaska when he should have been spending that time in Illinois, Ohio, and some of the other States.

Mr. CURTIS. I would be happy to comment.

In regard to the first question, I cannot comment, nor do I think it would be proper for me to say anything that would question the judgment or the motives or the opinion arrived at of any other Senator. So I have no comment as to what the position of the Senators from Alaska or any other State might be.

As to the fact that candidates for President have not visited Alaska, I think that is part of the overall problem that no candidate ever finds enough time to go everywhere he would like. So, in the opinion of the junior Senator from Nebraska, the questions the Senator raises do not go to the merits of the problem at all. The questions the Senator raises do not explain the deficiencies of Senate Joint Resolution 1.

Mr. BAYH. The Senator has been very kind. I do not wish further to interrupt the Senator from North Carolina, but anyone who will read the RECORD can judge whether the questions propounded by the Senator from Indiana to the Senator from Nebraska go to the merits. I appreciate his giving me the courtesy of providing these answers.

Mr. CURTIS. Mr. President, will the Senator from North Carolina yield further?

Mr. ERVIN. Yes, I yield, on the same conditions.

Mr. CURTIS. I thank the Senator from North Carolina.

Mr. President, Senate Joint Resolution 1 proposes, instead of counting the votes by States, that we determine the total of the popular vote as to how they voted for the various candidates. If I read Senate Joint Resolution 1 correctly, and I have followed the comments of its chief sponsor, it also provides that the States shall determine the qualifications of the electors in general. Are those two propositions inconsistent and impractical?

Mr. ERVIN. They are absolutely irreconcilable.

Mr. CURTIS. Would the Senator please elaborate on that?

Mr. ERVIN. If we are going to have a fair system and count all the votes in a precinct that covers 50 States and the District of Columbia, the people who participate in an election in that great big precinct should have the same qualifications for voting; otherwise, the system is inherently unfair, because if we have one State that allows 18- or 17-year-olds to vote, and other States do not, we are putting the latter at a disadvantage. We are inviting the States to extend qualifications to incompetents, those clearly incompetent to cast votes, in order to increase their power. Aside from being inherently unfair, it is impractical, because it tempts the State to grant the franchise to persons, without regard to whether they are really qualified to vote with wisdom, in order to increase their power.

Mr. CURTIS. Would it not also mean that the courts in a State, in determining contests or other actions to enforce the right to register and vote, would be interpreting the laws differently from many other parts of the Nation?

Mr. ERVIN. Oh, yes; which would certainly add to the confusion.

Mr. CURTIS. Would it be practical in a State, whether it be Indiana, North Carolina, or Nebraska, to provide certain rules in electing a Governor, where each county in the State could determine the qualifications of the voters?

Mr. ERVIN. That would be applying exactly the same system to the counties of a State that Senate Joint Resolution 1 would undertake to apply to the States.

Mr. CURTIS. It would be both unfair and very confusing, would it not?

Mr. ERVIN. Yes.

Mr. CURTIS. Would the provision that a candidate could be declared elected President without having a majority vote be a new departure for the United States?

Mr. ERVIN. Yes, because it has been the constitutional law of the Nation, ever since the time when George Washington was first elected President of the United States, that the President should be a majority President and not a 40-percent President.

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Mr. CURTIS. Does the Senator feel that any officeholder, be he President or an officeholder in an office of lesser importance, has disadvantages and problems that he must assume in that office with less than a majority vote?

Mr. ERVIN. Yes. I think in all probability that a 40-percent President would start out at his inauguration with only 40 percent of the support of the people. As he acts in the succeeding weeks and months, his support is likely to decrease rather than increase, so that we would wind up with a 40-percent President having about 20-percent support. That would certainly be a handicap to the functioning of a great country like the United States of America.

Not only would he be at best a 40-percent President but, unfortunately, millions of Americans do not go to the polls, which is unfortunate, but under Senate Joint Resolution 1, a 40-percent President could possibly be elected because of absentees at the polling places by 25 to 35 percent of the vote, so that instead of having a 40-percent President we might have a 25-percent to a 35-percent President.

Mr. CURTIS. We have heard a great deal about the one-man, one-vote. If Senate Joint Resolution 1 should become a part of the Constitution, we could have a situation where 60 percent of the voters were opposed to candidate A, but candidate A could be elected President; is that not correct?

Mr. ERVIN. Oh, yes. That is exactly what is stated in substance in an editorial in the Durham Morning Herald, which I read into the RECORD this morning. This editorial pointed out that what Senate Joint Resolution 1 would do would actually provide for the election of a minority President. In other words, under Senate Joint Resolution 1, we would count 40 percent of the votes and we would throw away the other 60 percent of the votes. That is what we would do.

Mr. CURTIS. I think it is clear that the President and the Vice President are the only two public officials elected by the entire country, so that we have no other government offices to turn to as to how they do it. I should like to ask the distinguished Senator from North Carolina, how do important organizations who operate throughout the entire country, elect their president? Say, for instance, the U.S. Chamber of Commerce, the League of Women Voters, or the AFL–CIO, and so forth.

Mr. ERVIN. I was very much intrigued by the fact that the Senator from Indiana laid great stress on the fact that some official body in the chamber of commerce, some official body of the American Bar Association, some official body of the League of Women Voters, and some official body of the AFL–CIO support the direct election as proposed in Senate Joint Resolution 1. All these organizations, of course, are acting within their rights. They remind me of the doctor who prescribes medicine for his patient but does not take it himself.

The U.S. Chamber of Commerce does not elect its president by a vote of its members. Its president is elected by its board of directors and, strange to say, the board of directors elects members of the board of directors, subject to the limitation that members of the board of directors are eligible for reelection after a specified time and that 10 of the 25 board members elected annually must be elected from 10 designated sections of the country. Hence, the U.S. Chamber of Commerce, in its own method of electing its president, goes as far away from direct election by the vote of its members as it is humanly possible to do.

The same thing is true with respect to each of these other organizations. I have mentioned previously the fact that I happen to be a member of the chamber of commerce in my hometown. No one ever allowed me to vote for any president of the National Chamber of Commerce. Moreover, I have never been polled on how I stand on Senate Joint Resolution 1.

Mr. CURTIS. Mr. President, did the Senator ever vote for a president of the American Bar Association?

Mr. ERVIN. No. I started paying dues to the American Bar Association about the time I was a little boy, long before the chlorophyll went out of my hair. They never asked me for my opinion on any proposition. They never gave me a chance to vote for the president of the American Bar Association.

There are thousands and thousands of lawyers belonging to the American Bar Association and the only ones who get to make recommendations concerning governmental matters are the members of the house of delegates, composed of a small minority of the membership. They undertake to speak for all the members.

Mr. President, I have been receiving a tremendous amount of mail on Senate Joint Resolution 1 from people who tell me they are members of the chamber of commerce and members of the American Bar Association.

Virtually all of them tell me they do not favor it. A small handful of people professing to represent the chamber of commerce and the American Bar Association endorse the measure.

Mr. CURTIS. Mr. President, I think that is very true. The record has not been encumbered by recommendations from those organizations supporting the recommendations of the organizations.

Mr. ERVIN. Mr. President, I am just as wary of the recommendations of an organization which ignores its own members in the conduct of its affairs as I am of a physician who undertakes to write a prescription for others which he is not willing to take himself.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I have listened with interest to what the Senator has had to say. I enjoyed his discussion of the runoff proposal. To me, that proposal has seemed absolutely unworkable. Of course, the amendment to which the Senator refers would abolish that, but would provide that in case one of the candidates does not win, the election would go to Congress as a whole. Is that correct?

Mr. ERVIN. Yes.

Mr. SPARKMAN. Instead of to the House of Representatives, as in the past. Thinking back, I am rather horrified at the thought of an election of the President and Vice President having to be decided in either house of Congress, or in the two houses sitting as one body.

Mr. ERVIN. If the Senator will pardon the interruption, he might well be dismayed by that because of the close election between Samuel J. Tilden and Rutherford B. Hayes.

Mr. SPARKMAN. Congress side-stepped that election.

Mr. ERVIN. Congress side-stepped the matter by appointing an electoral commission, and the electoral commission had for consideration many charges of fraud and corruption, especially in the States of Louisiana, Florida, and South Carolina. Finally the decision was made in favor of the Republican candidate, Rutherford B. Hayes, by a strict party vote of the members of the commission, indicating the danger that the Senator apprehends.

Mr. SPARKMAN. That was made in spite of the fact Tilden only lacked one electoral vote, and they had to decide every single electoral vote in the disputed States should have gone to Hayes.

Mr. ERVIN. Without saying anything to detract from the gentlemen who composed that commission, their action gives rise to the suspicion that all of them, whether they were Republicans or Democrats, were like the billy goat that had already voted, before they were placed on the commission.

Mr. SPARKMAN. I think that is the only instance since the adoption of the 12th amendment. We did have one in the case of Jefferson-Burr. Stories have come down through the years of the trading and maneuvering that was done both in that election and in connection with this electoral commission.

As the Senator pointed out, the very fact that the electoral commission in deciding Hayes-Tilden voted a strictly party vote gives us cause for alarm with reference to second elections in either House of Congress. If we can work out a plan whereby the election will be definitely settled on election day we will all be happier.

Mr. ERVIN. It is just as Professor Bickel indicated in the article I read. We may have to sit before our television sets for weeks and weeks in the event Senate Joint Resolution 1 becomes part of the Constitution to find out who was actually elected President, if we can do it even then.

Mr. SPARKMAN. That is certainly correct. There is another matter that concerns me greatly about this proposal. Our present system—and I am not talking about the system that was established by the 12th amendment, because all that did was to spell out what the Constitution provided—was set up, if my recollection of history is correct, as part of the great compromise between the small States and the large States.

Mr. ERVIN. It has been truly said by well-versed historians that that was the compromise which made the creation of the United States possible.

Mr. SPARKMAN. And it is a compromise which made two Houses of Congress part of our system. A great many persons wanted only one House, the House that was elected frequently by the people. Another group wanted also a Senate. Finally they agreed upon a Senate by giving each State two Senators, and House Members according to the population, with the proviso that every State, regardless of population, would have at least one Representative. Is that correct?

Mr. ERVIN. That is correct.

Mr. SPARKMAN. Then, when the electoral college system was worked out, it provided that each State should have the same number of electors as the combination of House Members and Senators. That gave a little weighted advantage to the small States. In other words, it was something the smaller States were looking forward to in order to give them somewhat of an even break in this union of sovereign States.

Mr. ERVIN. That was the reason smaller States were willing to come into the Union. As a matter of simple justice, no one can seriously object to giving a little extra protection to those who are weak as against those who are strong. The strong do not need protection, they can protect themselves, but the weak cannot.

Mr. SPARKMAN. It was pillared by the agreement worked out by our forebears to distribute that degree of equity. That should be taken into consideration and it should be remembered that this effort completely revokes that agreement. I think we can say it was an agreement worked out by the founders who set up this system of government. Is that correct?

Mr. ERVIN. There is no question about that. It is a matter of absolute truth that Senate Joint Resolution 1 destroys the Federal system of government ordained by the Constitution insofar as the selection of President and Vice President is concerned.

Mr. SPARKMAN. And agreed to by the sovereign States after they had been assured of that protection.

Mr. ERVIN. Yes. In other words, the proponents of this amendment want to establish the same system of election which was established in Germany after the First World War, when they made the President of Germany elective by direct vote, and wound up with Hitler as the Fuhrer and the Second World War as the consequence.

Mr. SPARKMAN. Let me say I have long favored some kind of electoral college reform. When I was in the House I became a supporter of the Lodge-Gossett resolution, as it was known then. I supported it in the Senate. I introduced it at different times. I believe the Senator from North Carolina introduced it in the last Congress.

Mr. ERVIN. Yes. The distinguished Senator from Alabama and the Senator from North Carolina on several occasions have cosponsored an amendment of that character.

Mr. SPARKMAN. Yes. I have always felt that I would be glad to support that kind of reform because it does not change the essential protection of giving the States that which the Constitution originally intended.

The Senator will remember that several years ago our friend from South Dakota (Mr. MUNDT) introduced a proposal whereby the President and Vice President would be elected by district, with two from the State at large. I opposed it at that time. My principal fear was that it would lead to gerrymandering of districts in order to get partisan advantage. But after the Supreme Court's decision on one-man, one-vote, I thought that decision pretty well eliminated that objection to it. I am a cosponsor now with the Senator from North Carolina of the proportional representation within the States. I believe he and I are both on the Mundt resolution also—

Mr. ERVIN. I did not cosponsor the Mundt resolution.

Mr. SPARKMAN. I did.

Mr. ERVIN. However, I would certainly agree with the distinguished Senator from Alabama that there are three methods of reform far preferable to Senate Joint Resolution 1, in that they reach the serious objections to our present system without placing the future of this country in the chaotic condition that Senate Joint Resolution 1 would.

Mr. SPARKMAN. Would it be too strong to say, without tearing up our Constitution?

Mr. ERVIN. That is right, or the mainspring of the Constitution.

Mr. SPARKMAN. I would gladly support either of the other two plans, but I cannot support this plan for the reasons the Senator from North Carolina has stated.

Mr. ERVIN. I agree with the Senator from Alabama.

There are three other plans proposed. One is the one that was so long advocated by our distinguished friend from South Dakota, KARL MUNDT, which is called the district plan. Then there is another one called the Katzenbach plan. The other is the proportional voting plan.

Any one of them would be a substantial reform without involving the chaos which Senate Joint Resolution 1 would invite.

As a matter of fact, I have an amendment, which I shall call up at the proper time, to the Tydings-Griffin amendment. I intend to offer my amendment to amendment No. 711 to Senate Joint Resolution 1. That is the Tydings-Griffin amendment.

My amendment would provide, in lieu of the language proposed to be inserted by amendment No. 711, that the Senate should insert the following:

> That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by three-fourths of the legislatures of the several States within seven years from the date of its submission by the Congress:

This is the proposed amendment:

> "ARTICLE —
>
> "SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.
>
> "The office of elector of the President and Vice President, as established by section 1 of article II of this Constitution and the twelfth and twenty-third articles of amendment to this Constitution, is hereby abolished."

That would do away with the possibility of a defaulting or unfaithful elector.

I continue to read from my proposed amendment of the Griffin-Tydings amendment:

> The President and Vice President shall be elected by the people of the several States and the district constituting the seat of Government of the United States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein. The electors in such district shall have such qualifications as the Congress may prescribe. The places and manner of holding such election in each State shall be prescribed by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The place and manner of holding such election in such district shall be prescribed by the Congress. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. Such district shall be entitled to a

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> number of electoral votes equal to the whole number of Senators and Representatives in Congress to which such district would be entitled if it were a State, but in no event more than the least populous State.
>
> "Within forty-five days after such election, or at such time as Congress shall direct, the official custodian of the election returns of each State and such district shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State or the district for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State and such district shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be a majority of the whole number of electoral votes. If no person has a majority of the whole number of electoral votes, then from the persons having the two greatest numbers of electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.
>
> "The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.
>
> "The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them. The Congress shall have power to enforce this article by appropriate legislation.
>
> "SEC. 2. This article shall take effect on the 10th day of February next after one year shall have elapsed following its ratification."

This amendment which I have prepared to the Tydings-Griffin amendment—that is, amendment 711—embodies the proportional voting plan. It has many advantages over Senate Joint Resolution 1. It retains the federal system ordained by the Constitution. It keeps the States as viable constitutional entities in the selection of the President and the Vice President. It abolishes the faithless elector by abolishing his office. It provides for a fair distribution of the popular vote. It gives every citizen the right to vote in his own State, directly for President and Vice President. It provides that the candidates for these offices shall receive a proportion of the electoral vote in each State corresponding to their popular vote in the State. It does away with the present method of electing a President in case no one receives a majority of the electoral vote.

I might state, by way of digression, that one advantage about this proposal is that it provides for the election of a majority President—not a 40-percent President but a majority President—and it provides that in the event no candidate for the Presidency receives a majority of all the electoral votes, the Senate and the House of Representatives, sitting in joint session, shall select the President from among the two candidates receiving the highest electoral vote, and that, in making such selection, a majority of the Senators and Representatives in this joint session shall determine the choice.

This would reform every objectionable provision of our present system, preserve the federal system of government, and at the same time keep the Nation from fleeing to the chaos which a direct election of the Presidents, as envisioned by Senate Joint Resolution 1, would produce.

I join the Senator from Alabama in saying that I would prefer this method of electing a President over any other suggestion. However, I could vote with good grace for the so-called Katzenbach plan, or for the so-called district plan, because both of those plans would provide some needed reforms without inviting the chaos which Senate Joint Resolution 1 invites.

Now I wish to call attention to another editorial which appeared in the Durham Morning Herald, of Durham, N.C., on September 16, 1970. I mentioned the fact that this newspaper has an exceedingly wise editor, who has a capacity to analyze and clearly reveal the merits and the demerits of different proposals on various subjects of a governmental nature.

This editorial is entitled "Direct Election Splinter Boon," and reads as follows:

> As senators debate the proposed amendment to provide for the direct election of President and vice president, they should consider the impact of such an election upon the political structure of the country.
>
> A major motivation for promoting the direct election amendment at this time is the threat the Wallace third party in 1968 raised for throwing the election into the House of Representatives (together with the action of the Republican elector in North Carolina's Second District in casting his vote, not in accordance with the popular vote plurality in North Carolina for Nixon, but for Wallace).

I digress to note that the great ghost which my good friend the Senator from Indiana sees, and which prompts him to advocate Senate Joint Resolution 1, is the specter of George Wallace. For that reason, I have been so bold as to venture the suggestion that Senate Joint Resolution 1 should be called the George Wallace amendment. I do this because George Wallace inspired this amendment, or at least he is the man who fueled the enthusiasm of my good friend from Indiana for Senate Joint Resolution 1.

I resume reading from the editorial:

> The prospect of throwing an election into the House of Representatives is an alluring temptation to third-party hopefuls. But it does not work. Not since 1824 has an election been decided by the House, and then there was only one party, but four aspirants for the presidency. The Electoral College system is really the deterrent to third-party hopes of preventing the election of a major party nominee by the College. For the system is so structured that a third party nominee must win in enough states to prevent either of the other nominees from getting a majority of the electoral vote. And this is extremely difficult to do.
>
> On the other hand, direct election offers greater encouragement to third parties than does the electoral system. Under the proposed amendment, a third party's effort would be directed toward preventing the nominees of other parties from getting 40 per cent of the popular vote. This with only 21 percent of the popular vote, a third party nominee could conceivably force a runoff election (provided the rest of the vote was about evenly split between two others, neither getting 40 per cent). Such a situation would put the third party in a position to bargain with the intent of gaining the objectives of a relatively small minority in turn for delivering its votes to the candidate it might enable to win.
>
> While it is true that only once in the history of presidential elections (since accurate figures for the popular vote are available) has any nominee failed to get as much as 40 per cent of the vote, that one exception shows the circumstances which would make such a situation possible. That was the election of 1860, in a politically badly splintered nation, when Lincoln received 39.8 per cent of the popular vote.
>
> But direct election of Presidents would not merely encourage the development of a third party but also the development of other parties. Ideologically there were four parties in 1968 (as there had been with four candidates 20 years earlier), but only three major candidates, since Senator McCarthy chose not to run after failing to get the Democratic nomination. Had there been no Electoral College, there would have been greater encouragement to him to run on a fourth party ticket.
>
> The outlook, then, in the event the direct election amendment is passed, is the splintering or fragmentation of the political organization of the nation, with all the dangers for immoblizing government, in the event no party commanded a congressional majority or a majority in the popular election of a President, as the experience of France, with its multiplicity of parties, shows.
>
> Not only is the Electoral College a more democratic method of electing a President, as noted in these columns Tuesday, but it is a much more politically stabilizing influence than direct elections would be.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ERVIN. Yes, I am delighted to yield. The Senator from Indiana asked me to yield first.

Mr. HANSEN. The Senator from Indiana is not present.

Mr. ERVIN. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I was present in the Senate Chamber when the Senator from North Carolina asked unanimous consent that various committees might be able to meet today. As Senators know, there was objection to that unanimous consent request.

I would like to observe that I attended a hearing of the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee of the Senate this morning. Present at that hearing were members of Indians from the United States. There is interest in the package of bills

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that has been sent up to the Hill by the administration, which calls for important legislative reforms in the manner by which we shall deal with Indian problems.

The point I want to make is that it became my very sad duty to apprise the distinguished chairman of that subcommittee, the Senator from South Dakota (Mr. McGovern), that we would not be able to hear numerous witnesses, who have come great distances, at great expense, this afternoon. I think that is most unfortunate. It will impose further financial burdens on them. It will require them to stay over, unless it could be that in an informal way they might be able to make their point to the Senator from South Dakota, though I certainly do not countenance that sort of hearing. I think these people, interested as they are in their problems, deserve better treatment than that. I think they deserve to be heard. I think the hearings should be formal. I think reporters should be present to take down what has been said, questions that might be raised, responses that might be given.

I understand that this whole situation came about despite the objections of the Democratic Policy Committee to the manner in which we are now forced to proceed, with the exception being taken by the Senator from Indiana. I have great respect for him. I am not trying to criticize him, but I do think the Senate should be aware of what can happen when one person, despite the recommendations of his colleagues, decides that he will force the Senate to dispense with all other business. He ought to know that it can result in considerable inconvenience and considerable expense being visited upon people who have come a long way. I am told that representatives of various tribes were there from Alaska.

It certainly causes me great anguish that we would be forced, as was the distinguished Senator from South Dakota, to apprise those present that no more formal hearings could be continued this afternoon.

I thank my distinguished colleague from North Carolina.

Mr. ERVIN. I thank the distinguished Senator from Wyoming. Those associated with me have been criticized on the floor of the Senate by some because we exercised the right, under the Senate rules, to insist that we be given an adequate opportunity to point out the inequities in Senate Joint Resolution 1. We have that right under the Senate rules.

I will have to say, just by way of explanation of the action of the distinguished Senator from Indiana, he has the right to assume the exercise of powers which ordinarily belong to the majority leader of the Senate as to whether committees shall meet or how legislation shall flow in the Senate.

I am somewhat at a loss to understand why we should be criticized for exercising our rights under the rules, and why he should be extolled for exercising his rights under the rules.

If we abuse our rights, there is a remedy which can be applied by the Senate. That is, a two-thirds majority can silence us, can gag us. And there is a remedy for the action of the Senator from Indiana. The majority leader could move to lay aside Senate Joint Resolution 1 and, by a majority vote, that resolution could be laid aside, and then the Senate could go on with its other affairs.

I think every Senator is entitled to exercise any of his rights under the Senate rules. As one who loves his country and venerates the Constitution, I insist that those of us who are opposed to throwing on to the scrapheap of history a method of selecting our President which has worked well for 181 years, and given us some great presidential leaders, have a right to speak our piece. I believe we have a duty to our country to do it.

I do not believe such a drastic change in the Constitution should be made possible by a Congress of the United States in a harried and hurried atmosphere such as necessarily prevails in Congress at this time.

Mr. BYRD of West Virginia. Mr. President, what I am about to say, I say assuring the able Senator from North Carolina that I do not misunderstand his remarks, and that I am fully aware that he meant no criticism of the majority leader in what he has just said.

Mr. ERVIN. Oh, no.

Mr. BYRD of West Virginia. But I think it ought to be stated for the Record, in the absence of the majority leader, that he did give his word to Senators, following the vote on the motion to invoke cloture a few days ago, that there would be opportunity for further debate, and that after a period of time, there would be a second cloture motion introduced by him.

Having given his word—and he is a man of his word, and is so recognized by all Senators—the majority leader, I am sure, felt that it would not be incumbent upon him to move to table Senate Joint Resolution 1 until such time as a second cloture motion had been introduced and, under rule XXII, had run its course and been voted down, if that is the verdict of the Senate.

What he will do following the verdict of next Tuesday awaits to be seen. But I do feel that it ought to be said that the majority leader, being a man of his word, and having indicated that he would not move at this time to table Senate Joint Resolution 1, proceeded as he has done.

Mr. ERVIN. Mr. President, if the Senator will pardon me, I did not mean to suggest that the majority leader should move to table Senate Joint Resolution 1. What I was trying to say was that as Senators who believe in unlimited debate as the only method by which serious issues can be illuminated, we are insisting on our rights under the Senate rules. My distinguished friend from Indiana and I are both exercising privileges under the rules of the Senate. I did not say this in the spirit of criticism; I was striving to point out this fact.

The rules of the Senate secure to any Senator the right to speak until two-thirds of the Senators think he has abused the right. Then he can be silenced or gagged. That right is the remedy for the abuse of that right. I was suggesting also that there is a remedy available to the majority leader if any individual Senator assumes the power to exercise, in effect, the powers of the leadership, by objecting to committee meetings and the consideration of particular bills; I certainly did not mean to make any suggestion to the majority leader as to what he should do in the exercise of his authority. That is a matter for him, not me. I have the deepest affection and the most profound admiration for the majority leader, and certainly did not intend any criticism of him in saying these things.

Mr. BYRD of West Virginia. Mr. President, I am aware of that. I am sure of it. I understood the distinguished Senator very clearly, and I understood the spirit in which he made his statement. He would be the last to speak critically of the leader. But I thought that, in protection of the Senator himself as well as the majority leader, I should say what I have said.

Mr. ERVIN. I appreciate that, because I would not want my remarks to be misconstrued by anyone, and the Senator from West Virginia, I think has made certain that they will not be misunderstood or misconstrued.

Mr. BYRD of West Virginia. That has been my intention.

(This marks the end of the colloquy which occurred during the delivery of the address by Senator Ervin and which by unanimous consent was ordered to be printed in the Record at the conclusion of the address.)

THE VISIT OF VICE PRESIDENT KY

Mr. THURMOND. Mr. President, there has been an extraordinary amount of debate over the question of whether the Vice President of our ally, South Vietnam, should be made welcome when he comes to this country to speak before the March for Victory.

I do not understand why there should be any hesitancy or doubt over his presence in this country. This is not the leader of the Communist nation coming in false colors of peace nor is he a neutralist who refuses to do anything which advances the cause of peace and freedom.

I notice that Vice President Agnew has said:

> I have steadfastly refused to take any active part in dissuading him. I think to some extent it is an unofficial visit and what he accomplishes or does not accomplish is being grossly overplayed. We do have free speech in this country and I think it would be improper to forbid or repress his appearance.

I commend Vice President Agnew for his courage in taking this stand even though he indicates he may not agree with Vice President Ky. I certainly will not take any part either in dissuading Vice President Ky's visit.

He is the second ranking elected official of a country which is fighting gallantly for the freedom of the West.

Can it be possible that our values are so inverted and our sense of moral decency so devastated that the very word "victory" is treated in some quarters as

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an obscenity? Have we sunk so low that it is impossible for rational discourse to consider the possibility of winning against an enemy?

I would like to make my own position clear. I have always believed that a rapid military victory was the way to avoid escalation and to avoid the needless slaughter of thousands of Americans and South Vietnamese. A quick military victory would have been the humane way to avoid unnecessary killing and suffering on the part of the civilian population. For reasons known only to the civilians who proposed new doctrines on conducting the war, the Johnson administration chose to adopt a no-win policy until the events reached a point of no return. President Nixon promised to end the Vietnam war in an honorable manner and adopted the policy of Vietnamization. For the first time we trusted our allies to have the tools of war and to bear the responsibility for it. The results have been unqualified success. Much of this success must be attributed to the quality of leadership and courage of the Vice President of the Republic of Vietnam.

I do not pretend that I am in agreement with all of Mr. Ky's political philosophies or his past statements, or that I will necessarily agree with what he has to say to the American people. But we have never made total agreement a prerequisite for listening to the voice of foreign leaders. Even now, President Nixon is planning a trip to speak with Tito of Yugoslavia, a Communist responsible for many brutal murders and for the extinction of freedom in his country. I am sure that the President feels that his visit is not necessarily an endorsement of communism in Yugoslavia. Why should we feel, therefore, that a man who represents freedom in Southeast Asia will have anything to say in our country that is against the broad interest of the West? Vice President Ky may indeed bring criticism, but criticism has never been lacking on all sides of this question.

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Mr. President, two distinguished columnists and observers of the American scene have written on this matter pointing out the strange contradictions of those who are opposed to Vice President Ky's speech in Washington. The first of these is David Lawrence, writing in the Washington Evening Star on September 22, in which he says that Ky is entitled to address the rally.

Mr. President, I ask unanimous consent to have this column be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Another outstanding columnist is Maj. General Thomas A. Lane, former Commissioner for the District of Columbia. General Lane asks:

> Wouldn't you suppose that one of the leaders of a gallant ally fighting side by side with us in Vietnam would receive a warm welcome in Washington?

He points out that the political left has promoted a guilt complex about our actions. I do not believe that we should surrender to the mythology of the left.

Mr. President, I ask unanimous consent to have General Lane's column of September 29 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

KY ENTITLED TO ADDRESS RALLY

(By David Lawrence)

President Thieu of South Vietnam has given his righthand man—Vice President Nguyen Cao Ky—permission to visit the United States and speak at a "private" rally to be held on the Monument Grounds south of the White House on Oct. 3.

Some senators who happen to be supporters of President Nixon's policies in Vietnam have been worried about the plan of Ky to make a speech at the "March for Victory" demonstration in Washington because it might stir up ill feelings. The Rev. Carl McIntire, a minister who has been delivering broadcasts over many radio stations for the last seven years, made a trip to Saigon to invite Ky and has been enthusiastic about the idea. He thinks it would be a good thing for the American people to hear from the South Vietnamese leader. Mr. McIntire headed a march in Washington last April and is helping to organize the rally on Oct. 3. He says:

"Vice President Ky will be another Agnew. Possibly he will out-Agnew Agnew."

But the real question is why there are such undercurrents of apprehension and a lot of misgivings hereabouts concerning Ky's visit. In a nation which is dedicated to the principles of free speech, it should be possible for leaders from foreign nations to come here and express themselves to the American people without difficulty.

In the last two years many Americans, in and out of Congress, have criticized the Saigon government and accused it of corruption and other errors. Presumably the South Vietnamese are entitled to give their rebuttal. Perhaps they will not get "equal time," because a good deal of the adverse comment has consumed hours on television. The Congressional Record contains pages of criticism and innuendo about the South Vietnamese from critics in Congress.

Pressure, of course, has been exerted in the last few days to try to persuade Ky to give up his trip on the theory that it might embarrass the administration and Congress. No officials here concede that any such action has been taken, but several senators have openly urged that Ky remain home to avoid trouble.

There have been a great number of anti-war demonstrations around the country, including Washington, in the last two years, and the McIntire idea is to hold a "March for Victory" rally in the national capital. Presumably the presence of the vice president of the South Vietnamese government will add publicly to the occasion. Arrangements have been made also for Ky to appear before the House Armed Services Committee on an informal basis.

What has given rise to apprehension is not what Ky might say, but the possibility that anti-war activists might carry on a competing demonstration and that a riot might result which would be embarrassing. But certainly an official of any country is entitled to come to the United States and speak to the American people at any time, especially when there are controversies going on and prominent members of Congress are uttering criticisms about other governments without a corresponding opportunity for spokesmen from a foreign land to be present to give their side of the argument.

Ky speaks excellent English and is looked upon as a likely candidate for the presidency of his country in the election next year. So the trip to America may indeed have some bearing on a desire to build up his political prestige for the future. His purpose also is to help assure the American people that South Vietnam is not going to crumble and give in to the Communists but instead will make every effort to carry on the fight against the Hanoi government. He will have an opportunity to explain the effectiveness of the "Vietnamization" program and his conviction that, with the withdrawal of American troops, the South Vietnamese will be able to protect themselves against the aggressors from the north and from internal enemies.

Ky is the personal representative of President Thieu at the peace talks in Paris and is planning to stop there on his way to the United States. He is expected to arrive in Washington on October 1 and address the rally on Saturday, Oct. 3.

EXHIBIT 2

KY VISIT EVOKES SCHIZOID RESPONSE

The sick condition of the American psyche is illustrated in the reaction of public figures to the visit of Vice President Nguyen Cao Ky of the Republic of Vietnam. Mr. Ky has accepted an invitation to address a Washington Rally for Victory in Vietnam on October 3rd. U.S. Senators of both political parties have suggested that Vice President Ky should stay home.

Wouldn't you suppose that one of the leaders of a gallant ally fighting side by side with us in Vietnam would receive a warm welcome in Washington? What kind of an alliance is this? What would the American people have thought if Senators of South Vietnam had told Vice President Agnew to stay home before his recent visit to Saigon? The people of Vietnam have always given our leaders a generous welcome. That is expected of allies.

Let it be clear whom Vice President Ky represents. The people of South Vietnam are fighting for survival against the aggression of world communism. Before President Nixon took office, we and they were each suffering about 200 killed in battle weekly. Now we are withdrawing and they are taking the brunt of the battle. Our killed in action has dropped to about 70 weekly; theirs has increased to about 340 weekly. President Nixon has not reduced the scale of warfare one bit; he has simply transferred the load to our small ally.

Because South Vietnam has one-twelfth our population, its casualty rate is about sixty times as great as ours. It is as though the United States were having 4000 killed in action each week. South Vietnamese leaders know that they must win the war to put an end to the killing. Negotiation is a snare and a delusion.

American performance in Vietnam is a story of brave fighting men sacrificed by tragically inept political leadership. The Republic of Vietnam has had better leadership. Vietnamese leaders from President Diem to President Thieu have all wanted to carry the war to the enemy; they have submitted to a war of attrition only under U.S. political compulsion.

Our political Left has promoted a guilt complex about our bombing of the enemy; but no element of our political spectrum has told the people about the tragic sacrifices which American restraint has imposed on the people of South Vietnam. If the truth were grasped, our people would have a better sense of the great obligation of restitution which we owe to our injured ally. American policy has injured us too; but that injury is self-inflicted. Our ally has accepted but has never approved the policy.

Vice President Ky is a particular hero of the Vietnamese people. In 1967, after

American policy had virtually paralysed the government of South Vietnam, Air Vice Marshal Ky accepted the office of Premier, quelled the subversive activities of rioting factions and restored order in the country. He guided the country through the adoption of a new Constitution and the election of a new government. Then, working with President Thieu in the new government, he has contributed to the growing strength and unity of his people. By every rule of courtesy and decency, our government should welcome Vice President Ky with generous tributes to his leadership.

It is obvious that the United States is in precipitate retreat; but are we also determined to keep our ally from winning? President Thieu and the people of South Vietnam have not forsaken the goal of victory. Are we going to support them or are we going to oppose them? Which side of this war are we on?

The attitude of our Senators lends credibility to the communist boast that they will defeat the United Sates as they defeated France in 1954—through control of public information on the home front. Their response to this visit of a truly great allied leader bespeaks a meanness of spirit which ill becomes America. We the people are called to repudiate our leaders and give Vice President Ky a hero's welcome.

THE NATION'S COAL SUPPLY AND THE COAL CAR SHORTAGE

Mr. COOPER. Mr. President, on August 25, I introduced Senate Resolution 457, cosponsored by Senators RANDOLPH, BAKER, BYRD of West Virginia, BYRD of Virginia, COOK, JORDAN, SPONG, SPARKMAN, SCOTT, THURMOND, GRIFFIN, MAGNUSON, GORE, and SCHWEIKER, authorizing the Committee on Interior and Insular Affairs to conduct a study and investigation concerning the present shortage of coal in the United States. One of the causes for our Nation's coal shortage—a cause specified in the resolution and one which the committee is directed to investigate—is the lack of an adequate and available number of coal cars for loading and transporting coal.

Kentucky ranks second in coal production in the United States—with major fields in eastern and western Kentucky. The shortage of coal cars in eastern Kentucky—the largest producing area—has been acute during the past year and is a substantial contributing factor to the Nation's coal shortage. The car shortage has been accelerated by an increased demand of foreign purchasers of coal for export. As a result, a substantial number of coal cars have been standing idle at eastern parts awaiting loading on freighters. I am informed that a practice has developed on the part of some shippers of shipping coal to eastern ports in the Hampton Roads-Norfolk and Lambert's Point, Va., area without firm contracts for export, but on speculation of negotiating "spot" sales with foreign buyers. Coal cars carrying coal for these "spot" sales remain idle at the ports awaiting buyers during the period of negotiation, and also during the period subsequent when arrangements must be made to obtain vessels for shipment of the coal abroad.

On August 28, 1970, the Norfolk & Western and the Chesapeake & Ohio Railroads, the country's major coal carriers, announced that they would embargo coal cars moving coal to U.S. ports for export unless the shipper had received a permit to ship specified amounts of coal to these ports. I am informed that under this plan a shipper, in order to obtain a permit for the use of coal cars, must demonstrate that he has a firm contract for the sale of his coal to a foreign purchaser, and that he has engaged a vessel which is en route to the port to load the coal.

Upon being informed of the announcement by the Norfolk & Western and Chesapeake & Ohio Railroads on August 28, I wired the Louisville & Nashville Railroad, the chief coal carrier in eastern Kentucky, to consider adopting a similar program in shipments of coal to Lambert's Point, Va., for export. I was pleased to receive a reply by Mr. Philip Lanier, vice president and counsel of the L. & N., that the L. & N. would institute a similar "permit" system to Lambert's Point, in connecting with the Norfolk & Western.

I am pleased to note that in his letter dated August 31, Mr. Lanier states that the L. & N. has been urging since early in 1970 such a cooperative effort by coal carriers.

After the inauguration of this program by the L. & N. and its connecting carrier, the N. & W., at Lambert's Point, I requested the staff of the Interstate Commerce Commission to furnish me with a report on the results.

I am informed that this "permit" system will provide an estimated 2,000 additional coal cars on a weekly basis to the N. & W. and L. & N. combined and, of this total amount, some 400 cars will be additional cars for loading by the L. & N.

I have received a report from officials of the L. & N. confirming the above results. In the month of August, the L. & N. sent 2,288 coal cars to Lambert's Point. From September 1 to September 23, the L. & N. has sent a substantially reduced number—376—to Lambert's Point. The present estimate is that the L. & N. will probably send about 500 cars to Lambert's Point for the month of September, some 1,700 cars less than the month of August, resulting in approximately 400 additional L. & N. cars on a weekly basis that will be made available for loading in eastern Kentucky by the adoption of this "permit" system.

I have also contacted officials of the Chesapeake & Ohio and the Norfolk & Western Railways asking if they would be willing to supply me with information concerning the results of their programs inaugurating the "permit" system to eastern ports, inasmuch as these results affect not only Kentucky coal operations but also the coal operations in the neighboring States of Virginia, West Virginia, and Tennessee.

While I have addressed myself primarily to the car situation in eastern Kentucky in connection with my correspondence with the Louisville & Nashville Railway, I intend—and I know that all of the cosponsors of Senate Resolution 547 intend—that every effort shall be directed to securing increased shipments of coal for domestic use so as to meet the needs of our utilities and general consumers. The proposed investigation into the causes of the shortages in the production and distribution of coal is a complex matter, and it seems to me that the speediest improvement that could be made to reduce the shortage is in the area of making more coal cars available for loading coal.

The shortage of rail cars is not a new problem—it has been a persistent one since World War II—so severe at times that it has been necessary for Presidents to appoint an official in the executive department to expedite and allocate the existing supply of rail cars on a priority basis to meet the Nation's defense needs including the allocation of coal cars. This procedure may be required again. I am pleased to note that the Louisville & Nashville has adopted its present program and I hope and expect that I can report similar progress from other major coal carriers.

Mr. President, I ask unanimous consent that the article appearing in the Wall Street Journal of August 28, reporting the inauguration of the permit system by the C. & O. and N. & W., together with correspondence I have had with the L. & N. in this matter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Aug. 28, 1970]

N. & W. and C. & O. Limit Rail Cars Available for Moving Coal to U.S. Ports for Export

New York.—Two railroad systems said that, effective Monday, they will restrict the number of rail cars they make available for movement of coal to U.S. ports for export.

The Norfolk & Western and the Chesapeake & Ohio railways and the Baltimore & Ohio Railroad, which is over 90%-controlled by the C&O, said they would require "permits" for the hopper cars that move coal to the piers.

An "acute shortage" of rail coal cars has developed within the past two weeks, according to an official of Pittston Co., a leading coal producer. He said this has resulted from a combination of factors. Coal mines had their annual vacations in July, and many bulk ocean vessels, taking advantage of the currently high charter rates to move oil, have temporarily left the coal movement trade.

This has meant that many coal cars have been held up in port areas awaiting ships, he said. Further, many coal cars have been stalled at mine areas because of continued wildcat strikes in Kentucky, West Virginia, Virginia and Ohio. The Pittston official believes, however, that the coal car problem could be over in about three weeks.

There are also trade source reports that the Nixon Administration has been privately warning the railroads that it may have to embargo export coal to assure enough cars to move the coal to domestic utility plants, which are reporting low coal reserves for their generating needs.

The N&W-C&O plan would involve issuing permits for coal cars only when the arrival of coal trains at Newport News and Norfolk, Va., export piers coincided with the arrival of ocean vessels there. This will free more coal cars for movement of coal to domestic utilities and steel plants, the railroads said.

John P. Fishwick, N&W's president, said that after his road determines the number of coal cars already at Norfolk awaiting ships and the number of cars in en route to Norfolk, the N&W will "permit" the number of cars that exporters can ship. Gregory S. DeVine, president of the C&O, said that road will employ a like system.

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Many millions of tons of coal are exported via the Hampton Roads-Norfolk piers annually, and this is a major revenue source for the nation's two leading coal carriers—the N&W and the C&O. Pittston Co.'s spokesman says that about 30% to 40% of its annual production goes abroad.

Currently, the N&W is dumping coal onto ships in Norfolk at the rate of about 1,200 carloads daily. This requires a "bank" of between 16,000 and 18,000 coal cars in the immediate port area to feed the coal unloading system. Even if the schedules of dumping were ideally smooth, an N&W spokesman said, the road would need 14,000 coal cars in the port area. The N&W has 68,000 coal cars.

The C&O and B&O together own about 76,000 coal hopper cars, and they're currently building an additional 3,600.

One major coal company said it doesn't expect the permit system to affect the concern because most of its export coal to Japanese and European steel manufacturers is sold on a long-contract basis. Thus, this company doesn't anticipate any trouble getting permits, since it can order a specific number of cars, dovetailed with ship arrivals. But it contends that dealers in "spot" coal exports on a more speculative basis could be affected.

Railroads last previously used the permit system in 1955, when a spate of adverse weather disrupted ocean vessel schedules. But they kept the system for about 2½ years when they found it afforded them more effective use of their coal car fleet without the need of building more cars at that time, an industry source says.

Permits were also used during World War I, when there was a shortage of both cars and coal.

Power companies have recently been complaining about the dwindling supply of steam coal they need to generate electricity. Yesterday Duke Power Co., Charlotte, N.C., said it had acquired two coal mines in Kentucky and agreed to the joint financing of an unidentified third mine in an effort to guarantee coal supplies. Price wasn't disclosed.

August 28, 1970.

Mr. William H. Kendall,
President, Louisville & Nashville Railroad,
Louisville, Ky.:

I receive complaints almost daily from small coal operators in eastern Kentucky concerning the serious shortage of coal cars. I further understand that many coal cars of the L&N are tied up at Lambert's Point, Virginia, awaiting trans-shipment of coal for export.

I note the Norfolk and Western and the Chesapeake and Ohio railroads announced today that they were limiting coal cars available for moving coal to U.S. ports for export. In view of the serious shortage of cars in eastern Kentucky, could not the L&N adopt a similar program for limiting coal cars available for moving coal to Lambert's Point? I would appreciate very much your immediate consideration of this matter.

John Sherman Cooper,
U.S. Senator.

Louisville & Nashville Railroad Co.,
Louisville, Ky., August 31, 1970.

Hon. John Sherman Cooper,
U.S. Senate,
Washington, D.C.

Dear Senator Cooper: Mr. Kendall is absent at the present time and I am replying, for him, to your telegram of August 28 in which you comment upon the action of the Norfolk & Western and of the Chesapeake & Ohio Railroads in limiting coal cars available for moving coal to U.S. ports for export. You inquire if L&N cannot adopt a similar program for limiting coal cars available for moving coal to Lamberts Point, Virginia.

The program placed into effect by the Norfolk & Western has the very practical effect of doing precisely what you request L&N to do. L&N has received telegraphic notice from Norfolk & Western of its actions and, as a result, L&N will only deliver to Norfolk & Western cars from L&N coal fields which can move to Lamberts Point, be dumped and returned with the expedition which Norfolk & Western intends to accomplish through the inauguration of the permit system.

Because Mr. Kendall and I both know of the great interest which you have in this hopper car situation, I would like to expand this letter to give you some history of L&N's actions in this particular matter of export coal.

Being much concerned earlier this year about the great delays which were being experienced in the turnaround of L&N hopper cars moving from Eastern Kentucky to Lamberts Point on the N&W and to Newport News on the C&O, L&N explored—in January and February—the possibility of instituting a permit system such as the N&W and the C&O have now announced. This system would have applied to movements to Lamberts Point and Newport News. We did not institute the permit system at that time because Norfolk & Western would not agree to it.

We did, therefore, announce, effective April 1, 1970, cancellation of Eastern Kentucky rates on coal to Lamberts Point and Newport News. The cancellation as to the Newport News rates went into effect and no coal has moved from Eastern Kentucky mines on L&N to Newport News since that time. As to the cancellation of rates via L&N to Lamberts Point, protests were entered by Norfolk & Western, Blue Diamond Coal Company, Forreston Coal Company (of New York), which buys from small coal operators as well as large, Maryland Coal & Coke Company, which buys from small operators, Pathfork Harlan Coal Company, a small operator, and Coal Exporters Association of the United States. These firms filed with the Interstate Commerce Commission petitions for suspension of our cancellation of rates and because of the opposition, L&N withdrew its cancellation notice. As a practical matter, the cancellation would not have become effective in view of the opposition of the connecting line, *i.e.*, the Norfolk & Western.

We are, as you will understand from the foregoing, very pleased at the action of Norfolk & Western in now imposing a permit system.

Very truly yours,

Philip M. Lanier.

Mr. COOPER. Mr. President, in conclusion, I note that the Interstate Commerce Commission, on June 16, 1970, issued Service Order 1043, effective June 21, 1970, under its emergency powers. Basically, the order requires that all coal cars owned by the Louisville & Nashville, the Chesapeake & Ohio, Norfolk & Western, and other coal carriers, when made empty at an off-line point be immediately returned empty, without intervening loading, to the owning railroad. This order has been helpful to the above carriers in expediting the return of cars. The conditions set forth in the preamble of Service Order 1043 are as critical today as they were on June 16, when the order was adopted. The preamble states:

It appearing, That an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

Service Order 1043 is scheduled to expire next week on September 30.

Mr. President, because of the continuing serious car shortage in eastern Kentucky, Virginia, West Virginia, and Tennessee, I have urged the Commission to give further consideration in continuing Service Order 1043 in effect without modification or other conditions which would tend to reduce its effectiveness. I am pleased to report that I have just been informed that the Commission today has directed that Service Order 1043 continue in effect without modification to December 31.

Mr. President, I ask unanimous consent to have a copy of Service Order 1043 printed in the Record.

There being no objection, Service Order 1043 was ordered to be printed in the Record, as follows:

Service Order No. 1043.—Regulations For Return of Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of June, 1970.

It appearing, That an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stock piles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1043 Regulations for Return of Hopper Cars

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading hopper cars owned by The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, the Louisville and Nashville Railroad Company, the Norfolk and Western Railway Company, and the Penn Central Transportation Company and return empty to the owning line, either direct or via the reverse of the service route.

(2) Carriers named in paragraph (1) above are prohibited from loading all hopper cars foreign to their lines and must return such

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cars to the owner, either direct or via the reverse of the service route.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept any hopper car offered for movement loaded contrary to the provisions of paragraphs (a) and (b) of this order.

(d) The term "hopper cars," as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK" or "HT" in the Official Railway Equipment Register, I.C.C. R.E.R. No. 375, issued by E. J. McFarland, or reissues thereof.

(e) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) *Effective date.* This order shall become effective at 12:01 a.m., June 21, 1970.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2)).

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

H. NEIL GARSON,
Secretary.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Monday next, immediately following the prayer and disposition of the Journal, and any unobjected-to items on the calendar, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

ELECTORAL REFORM

Mr. BAYH. Mr. President, the Senator from Indiana would like to make a brief observation, if he may, at the risk of prolonging the session of the Senate today. I do so only because as debate has proceeded here, the Senator from Indiana has been the target of several observations by his colleagues. And they were fully within their right to make these observations. But here we are at 4 p.m., with the cloture motion having been laid before the Senate today and the vote to be taken 1 hour after we come in on the second day, which means that we have only 1 full day.

Inasmuch as the Senator from Indiana has been criticized on the one hand for causing the Senate to sit here and debate this matter, and criticized on the other hand for permitting other business to be laid down, thus denying us the opportunity for debate, I would suggest, as I have before, that it is my judgment that the proponents of vitally necessary electoral reform have made their case.

With all due respect to my colleagues I would suggest that if there is to be further attention drawn to the fact that insufficient time has not been available for debate, perhaps now would be a good time, at 4 p.m., with the afternoon still young, for this kind of discussion to continue.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. HARRIS. Mr. President, could I say, briefly, that I commend the distinguished Senator from Indiana for trying to get to a vote on this basic question in regard to the American political system.

If one studies the political history of the United States, he will find that the general trend has been toward greater popular control of government by the people themselves. It has been a good trend.

In my own State of Oklahoma, the first two Senators ever elected to the Senate were Robert L. Owen and Thomas P. Gore. Senator Thomas P. Gore was blind. He came from my hometown of Lawton.

At the time of statehood for Oklahoma, in the election of 1907, Senator Gore actually ran third, but a gentlemen's agreement has been reached at the Constitutional Convention, that there would be one Senator to represent the first two Senators ever elected by Oklahoma from eastern Oklahoma and the other from western Oklahoma. Therefore, despite the fact that Senator Gore ran third in the preferential primary, he was chosen as one of the two Senators, since he was the only one of the three top men who came from western Oklahoma.

The reason he could be elected the way he was elected, although he ran third in the preferential primary, was that the people themselves directly did not elect Senators. Senators were elected by State legislatures. The State Legislature of Oklahoma thereafter abided by the gentleman's agreement which had been made at the Constitutional Convention. They discarded the poor fellow who ran second, whose name I cannot recall as of now, and sent Robert Owen and Thomas Gore, the men who ran first and third, to the Senate.

Well, I have listened here for the past few days about how, if we allow the people's will to govern, it will destroy the parties, and that all sorts of other bad things will then ensue.

Mr. President, from my own knowledge of the history of my State, I can say that while those same arguments were entered in Oklahoma against the popular election of Senators, it has not proved to be a well-founded fear.

I can say, as a former national chairman of one of the two principal political parties in this country, I do not fear that the political system in America is so weak that to allow the people to express their will will destroy it. I would say, if that will destroy it, then perhaps it is destroyed already. Thus, I think that if we are going to err, we should err on the side of the people, as we did many years ago in Oklahoma, and as we did many years ago in many States, in the Union, by allowing the people the right to vote and to have their wishes directly—not indirectly through all sorts of devious mechanisms, but directly have their wishes effect the Government and the decisions which it makes.

Accordingly, I am greatly pleased to stand with the distinguished Senator from Indiana, the distinguished Senator from Tennessee (Mr. BAKER), and others, for getting up to vote this matter of direct election of the President and Vice President of the United States.

I think that the distinguished Senator from Indiana need make no apology—of course he need not—for availing himself of the rules of the Senate. He is doing nothing other than what every one should do; namely, require those who would stretch to the last measure the rules of this body, in order to prevent the will of this body from being effected to stand up and take whatever time it requires to read the calendar of business, or whatever is done to take up Senators' time to prevent a vote, and requiring them to do that.

I do not fault the Senator from Indiana for that. I honor him for it, and I believe that the country will honor him for it as well.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO NOON MONDAY, SEPTEMBER 28, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 13 minutes p.m.) the Senate adjourned until Monday, September 28, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 25, 1970:

U. S. DISTRICT COURT

Daniel H. Huyett, III, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania, vice a new position created under Public Law 91–272 approved June 2, 1970.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 1970:

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Norton, 421-52-8670, U.S. Army.

U.S. NAVY

Adm. Ephraim P. Holmes, U.S. Navy, for appointment to the grade of admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Charles K. Duncan, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

IN THE NAVY

The nominations beginning Richard C. Adams, to be captain, and ending Tanya Zatzariny, to be lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on Sept. 14, 1970;

The nominations beginning Carl A. Armstrong, Jr., to be lieutenant, and ending Richard D. Webb, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Sept. 14, 1970; and

The nominations beginning Herman C. Abelein, to be captain, and ending Muriel J. Lewis, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on Sept. 14, 1970.

IN THE MARINE CORPS

The nominations beginning James W. Abraham, to be colonel, and ending Arnold G. Ziegler, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 24, 1970;

The following-named temporary disability retired officer for reappointment to the grade of first lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Stevens, Arnold T., 010-76-24, USMC.

The nominations beginning Arthur R. Anderson, Jr., to be lieutenant colonel, and ending James R. Ziemann, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Sept. 16, 1970.

EXTENSIONS OF REMARKS

MEN OF MEDICINE MEET THE CHALLENGE—ADDRESS BY SENATOR RANDOLPH

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Friday, September 25, 1970

Mr. COOPER. Mr. President, one of the great challenges of the 1970's is the provision of adequate medical care at a reasonable cost. I consider that our Nation's doctors are acutely aware of this difficult problem.

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On Monday, September 21, members of the Kentucky Educational Medical Action Committee met in Louisville and, I am informed, sought to define the physician's role in society and Government and the Government's role in medicine. The keynote speaker for the occasion was Senator JENNINGS RANDOLPH, the senior Senator from West Virginia, chairman of the Committee on Public Works and who as ranking majority member of the Committee on Labor and Public Welfare has been a leader in the field of health legislation during his service in the House and Senate. Senator RANDOLPH is uniquely qualified to discuss health legislation and the role of the Government. His grasp of the interplay of public interest and congressional action in the fields of health, education, and the environment is broad and profound.

Mr. President, I ask unanimous consent that Senator RANDOLPH's address to the Kentucky Educational Medical Action Committee be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MEN OF MEDICINE MEET THE CHALLENGE

(By Senator JENNINGS RANDOLPH)

Our American society stands as a symbol of success to virtually every other nation.

We have achieved unparalled prosperity. We have made affluence obtainable to our people to an extent unknown in recorded history.

Our ability to produce material prosperity is a goal actively sought by all the world's developing nations.

But America is not the historic America of our forefathers' dream. . . . of a prosperous people living in freedom. The historic America was a land of hope and promise and example—not a land of civil disorder and mass misery and battered cities. Our greatest responsibility today is to our historic American heritage . . . a land of plenty and promise and good purpose.

It is freely acknowledged that the society we have built contained the seeds of its own destruction. Today, for the first time in our nation's history, we face a tragic prospect—the cities of the richest nation on earth may soon be uninhabitable.

Americans are rightfully alarmed about the continued survival of a good society. Americans have looked beyond our shores for threats to our survival. We have concerned ourselves with world-wide aggression and colonization carried forward by Communism. We have agonized over nuclear proliferation and the possibility of nuclear war. We have earmarked more than half of our nation's wealth for a military defense system designed to deter any and all aggressors.

Threats continue to exist. They cannot be dismissed.

Yet, it seems to me as we begin the 1970s, that the greatest threat to our civilization looms not from external aggression . . . but from weakness within our own society.

As citizens and as members of one of the largest single groups of individual taxpayers—I know you share with me the concern that has been building in recent years—concern for the future of the United States.

Most of our political leaders, government specialists, educators and businessmen appear to be in agreement. The predominately urban society we have created represents the greatest threat to our continued existence. It is a threat perhaps far more immediate than any from outside.

The urban environment we have created is polluted, noisy and ugly. It is an environment that cannot be allowed to continue.

We must eliminate air and water pollution, dispose of our solid wastes more effectively, make our streets safe from criminals and homes and schools safe from vandals . . . conserve our resources, improve transportation and eliminate urban blight and unplanned suburban sprawl.

We must create central cities that make it possible for our urban dwellers to live rather than to exist. We must enhance and provide access for our rural areas to make them more attractive for development.

Our population is approximately 209 million. Approximately 130 million—or two-thirds of all Americans—live in urban areas. In another generation, our nation's urban population will double to some 250 million. Three out of every four Americans will live in urban areas.

I am convinced that our economic prosperity cannot be preserved if most of our nation's people are clustered in a dozen major megalopolitan environments rapidly becoming uninhabitable.

One of the leading functions of the private sector must be to cooperate with all levels of government to reverse this trend. The cliche—"the only proper business of business is business"—has been changed.

Today's business and professional men and women acknowledge and accept their social responsibilities and increasingly involve themselves in the solution of social problems.

Considerable public debate has been focused on corporate social responsibility.

You are concerned with involvement of the medical profession in government . . . and the involvement of government in the medical field.

The question of the business or professional man and his political role is an old one. The debate began with the founding of our republic.

Jefferson at first took the negative side. He wanted a nation of small farmers. He wrote "While we have land to labor, let us never wish to see our citizens occupied at work-bench or twirling a distaff."

Hamilton took the other side. He wrote the "Report on Manufacturers" arguing that the interests of the new country "would be advanced, rather than injured, by the due encouragement of manufacturers."

This basic level demonstrated the different views held by the founding fathers. But there was a question of fear—fear of economic wealth and potential political power of businessmen.

Henry Wallich in his book, "The Cost of Freedom," wrote that "Throughout American history, liberals and conservatives alike have feared and sought to guard against concentration of power."

In those beginning days the equation seemed simple. Daniel Webster spoke for many when he observed: "Power naturally and necessarily follows property. . . ." To which John Taylor echoed: "As power follows wealth, the majority must have wealth or lose power."

Despite the fear of the businessman's potential political power, he was allowed a place at the national table. In 1805 President Jefferson said, apparently in some surprise, "As yet our manufacturers are as much at their ease, as independent, and as moral as, our agricultural inhabitants." And, by 1816, he dropped even this hedge. Jefferson said: "Experience has taught me that manufacturers are now as necessary to our independence as to comfort."

If we substitute the words business, or service industry, or lawyer or doctor, we begin to see that anti-establishment feelings are not new.

Some of you may not think of yourselves as allied with the businessman because of your primary mission as healer, but it is axiomatic that there can be no physical health without economic health. Emerson wrote: "The first wealth is health."

American science and technology have achieved significant accomplishments toward the betterment of people. But we have seen some shameful failures in the area of human needs.

We have learned to wipe out scarcity—but we do not know how, or we do not want to provide opportunities, to distribute the abundance.

We have reached that stage where man and machine are no longer coupled to lift a heavy load. In many cases, we no longer need the man, as machines can do the job.

We are on the threshold of becoming a nation of leisure. Yet we have inadequate schools and curricula to teach our citizens how to fashion this new-found leisure to worthwhile use.

Farmers are fleeing fields as fewer workers raise huge surpluses of foodstuffs while one-fifth of our citzens are suffering malnutrition or living on inadequate diets.

Medical science transplants kidneys and works the miracle of open heart surgery while millions of our citizens cannot afford an anual physical examination.

Man's greatest problem in the decades ahead will not be the H-Bomb or the population explosion. It will be the question of how much change the human being can accept, absorb and assimilate—and the rate at which he can take it.

Senator Kennedy, in introducing the Health Security Act on August 27, referred to health care in America as "the fastest growing failing business in the nation." Senator Yarborough, Chairman of our Labor and Public Welfare Committee, contends that it is not simply a matter of money in changing our system of health care. Some authorities estimate that $13 billion of the $63 billion we spend on health care each year is wasted. One of the reasons cited is that hospital overuse runs more than 25 percent of the beds.

The lessons of medicare and medicaid should teach us that the system needs to be changed so as to provide the motivation for better care at a more reasonable cost—not the motivation to provide more health care whether needed or not.

America has tried to be good to the underdog. When the aged on fixed incomes could no longer cope with rising medical costs, we provided medicare. Then we turned to the poor and provided medicaid. Between these groups, the average American worker and taxpayer finds himself increasingly squeezed to pay his own medical bills.

No longer can the average private health insurance policy cover the gaps in medical care, because such insurance coverage continues to emphasize the payment of expenses related to being in a hospital. Practically no emphasis is placed on diagnostic or preventive health care. At the same time, 36.3 million Americans were without any health insurance coverage according to a 1968 survey by the National Center for Health Statistics.

Proponents of the National Health Insurance proposal describe it as an idea whose time has come. Supporters of Representative Griffiths' bill say the same words. I'm sure that many of you feel that way about the "Medicredit" concept embodied in the bill introduced by Representatives Fulton and Broyhill.

The important fact is that leaders in both government and the health industry are agreed that time has come for a change. Just as the "Ma and Pa" store is being replaced by the supermarket, sole practice in medicine must inevitably give way to consolidated clinic and group practice if the health industry is to remain efficient and viable.

At the risk of embarrassing Howard Cook, I tell you that the American Medical Association has been most efficient in making its views known on Capitol Hill. In some cases the views have seemed to be contrary to the mainstream of public expression.

I feel that after a dozen years of discussion over various proposals for a national health system, Congress will look long and hard at any legislation involving sweeping change. It will depend on you for advice and counsel, for without your consent and cooperation there can be no valid change.

This is the challenge to you in your political involvement. Congress is not the enemy; you are a vital part of government and a sound segment of our society. We turn to you for help in assuring the survival of this society. In the past, you men of medicine have produced many miracles. I ask you now for one more. I urge you to give serious and objective consideration to how we can best assure a fair and equitable system of adequate health care for all Americans. The ancient proverb tells us: "He who has health has hope, and he who has hope has everything."

AIRPLANE HIJACKERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, September 25, 1970

Mr. THURMOND. Mr. President, an editorial column entitled, "U.N. Force Could Arrest Hijackers," appeared in the September 16, 1970, issue of the Florence Morning News in Florence, S.C., under the byline of Columnist David Lawrence.

Mr. Lawrence reports that there is every reason to believe that the hijacking of five airplanes and kidnaping of several hundred passengers was designed by Palestinian elements to frighten those governments which have started to engage in the peace parleys.

Mr. Lawrence accurately charges that the bulk of the weapons the Palestinians are using in their rebellion comes from Russia, the Communist East European bloc, and Red China.

Mr. President, in my judgment, these air pirates should be arrested and punished as common felons. I agree with Mr. Lawrence that air piracy has become a serious threat to air travel. All nations of the world should work together in finding a way to make our airlines safe from criminal interference.

Mr. President, I ask unanimous consent that this article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.N. FORCE COULD ARREST HIJACKERS

WASHINGTON.—There is every reason to believe that the hijacking of five airplanes and the detention of several hundred passengers with threats of execution was part of a deliberate plan to influence the current negotiations designed to settle the future relationships of the Mideast countries. While most of the prisoners were released, as the planes were blown up, about 40 were held as hostages. The whole operation was intended by Palestinian elements to frighten those governments which have started to engage in the "peace" parleys.

For the "Palestinian commandos" are comprised of several organizations, some of them peaceful. While only one group handled the hijacked prisoners and destroyed the planes, all the refugees from Palestine who are concentrated in different parts of Jordan and Lebanon have been worried about what's going to happen to them in the coming Mideast "settlements," if there are any.

"U.S. News & World Report," in its current issue, quotes an expert in the Mideast as follows:

"Palestinians had to demonstrate dramatically—yes, ruthlessly—their conviction that the only way for them to recover Palestine is by fighting, not negotiating. As the commandos see it, nobody else, but themselves is either capable or willing to do that fighting."

But where are these Palestinians getting the money for their rebellion? The bulk of the weapons for their arsenal has been coming from Russia, the Communist East European bloc and Red China. Funds are being supplied by the rulers of some of the oil-producing countries in the Arab world.

What influence will these factors have on the making of peace in the area? Israel is well aware of what is going on and is doubtless anxious that the British and American governments likewise take into account that the situation is more complex than it appears on the surface.

For one thing, the western countries whose citizens were seized and brought to a desert in Jordan by Palestinian bandits—operating under instructions from the revolutionary organizations—cannot ignore what has happened and fail to insist on the punishment of the air pirates. Compensation must be demanded for the destruction of the planes and warning proclaimed that further occurrences of this kind will not be tolerated.

The problem is obviously one for the United Nations to handle. A sharply worded resolution which would arrange for the sending, if necessary, of an international military force to the Jordan area to arrest those guilty of the hijacking is essential. Israel and Egypt will hardly be able to conduct peace negotiations unless the kidnaping has been firmly dealt with and the principal governments of the world have agreed to take action in event of a repetition. Also, the remaining hostages must be immediately released without harm and pledges given that there will be no more such incidents. If these are not forthcoming some of the airports in the Middle East probably will be cut off, and it would not be surprising if even more severe steps have to be taken.

President Nixon and Secretary of State Rogers are not announcing their next move in the hope that the Palestinian commando chiefs will recognize the dangers they face and release the prisoners. Until this is done, punitive action may be delayed, but if the prisoners aren't freed, pressure of other kinds may be applied and the active cooperation of the governments of Egypt, Jordan and other Mideast countries sought.

Although only citizens of the United States and a few other countries were involved in the incidents this time, air piracy has become such a serious threat to air travel that all the nations of the world have a deep interest in finding a way to discourage interference.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

BUSINESS DEVELOPMENT SEMINAR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. GAYDOS. Mr. Speaker, on many occasions the Federal Government and its various agencies have been the target of severe criticism for being cold, impersonal and unfeeling creations of a bureaucracy, bent only on extracting their pound of flesh from the American public. This criticism may have been warranted at times, but certainly not in all cases. Too often the sincere and earnest efforts of men who lead these departments and who seek to help their fellow Americans go unrecognized.

For example, Mr. Speaker, late last spring Mr. Lewis E. Conman, Director of the U.S. Department of Commerce division in Pittsburgh, came to my office with a unique proposal. He wanted to help the small businessman and manufacturer in the Mon-Yough Valley of the 20th Congressional District in Pennsylvania. He knew they faced a multitude of problems today, many of them seemingly insurmountable. He was deeply concerned over their plight and he wanted to help. He wanted to bring the services, facilities, abilities, and experience of Federal experts directly to the small and troubled businessman. He felt personal consultation with Federal specialists from various fields could well make the difference between a profit or a loss for the individual and the community.

The seminar, Mr. Conman explained, would be the first of its kind in Pennsylvania and it would be followed by smaller spin-off sessions with community leaders or business organizations. It would, he felt, trigger similar seminars throughout the State. How right he was. The potential benefits to be derived from such a meeting were so great that before we held our initial seminar, there were several others put on the planning boards.

Mr. Conman graciously asked if I would care to cosponsor this first Government-to-people seminar, and I readily agreed to the request. He secured the Federal experts while I, working with the cooperation of several chambers of commerce, explained the purpose of the seminar to the business community. Our "business development seminar" was held Friday, September 18, in West Mifflin, and, from all reports, it proved to be successful. Within a day or two my office was receiving inquiries as to when and where the next one would be held.

Mr. Speaker, I would like to commend Mr. Conman and the others who participated in this program. It was a coordinated effort to show the public their Government is, indeed, interested and concerned about their welfare. It was an attempt to restore public trust and confidence in the Government. These qualities, I fear, are lacking among too many Americans today.

I take great pleasure, Mr. Speaker, in singling out for recognition by my colleagues and the public the men who worked so diligently to make this seminar a success. From the Federal Government there were: Mr. Conman and William Bradley from the Department of Commerce; Joseph Sambolt from the Department of Labor; Charles Conley from the Small Business Administration; Edward G. Coll, postmaster for the city of Pittsburgh; and H. Alan Long, director of the Internal Revenue Service in the Pittsburgh district.

In addition to what they have already done, these men have volunteered to participate in any spin-off seminars which may be conducted by business groups, industrial organizations, or by individual communities.

Mr. Speaker, I also would like to commend the representatives from the various chambers of commerce which cosponsored the initial seminar: Arthur Parker, of the Mon-Yough Chamber; Robert Mehaffey, of the Duquesne-West Mifflin Chamber; Mrs. Roberta Smith, of the South Side Chamber; William Tindall, of the Steel Valley Chamber; Karl Kraft and William Casey, of the 15th Ward Chamber; and Mrs. Dorothy Bell and William Pardini, of the Braddock Chamber.

BRAKES ON THE DIRECT-VOTE PLAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. DERWINSKI. Mr. Speaker, as I pause to insert into the Record an editorial from the Monday, September 21, Chicago Today, I note that the other body is still involved in debate on the constitutional amendment which would provide for direct vote for President. Having voted against the measure when it was stampeded through the House, I am pleased to note that many of the Senators are showing proper concern over the adverse consequences of this proposal. The editorial I place into the Record at this time makes the point well:

Brakes on the Direct-Vote Plan

The Senate's failure to cut off debate on the proposal for direct popular election of Presidents has probably doomed the proposal for this year. That's fine with us. The sweeping plan to scrap the electoral college and substitute direct popular voting—in which only the totals of individual votes would count—needs all the study and debate it can get, and another year of study won't hurt.

The direct-vote idea has a rough, appealing simplicity. But it could lead to far messier complications—for instance, endless recounts of Presidential ballots—than the present system. In our view, the direct vote would sacrifice every other consideration in favor of a score-board simplicity in which nothing counted but totals—as the voters were just so many million units facing an either/or choice.

Election issues are not as simple as that. Presidential campaigns should not be based solely on running up quantities of votes, as tho they were pinball games. Such things as minority representation, regional needs, the quality of ideas and issues, count too.

The electoral system, clumsy as it is, keeps these elements in perspective, and it shouldn't be junked till someone finds a system that is not only simpler but better.

DOLLARS FOUND FOR DRONES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. MOORHEAD. Mr. Speaker, a recent editorial in the Pittsburgh Post-Gazette illustrates the questionable sense of economic priorities that the Nixon administration displays.

The House and Senate have approved a $400,000 budget for the Subversive Activities Control Board, whose function many of us in Congress have tried for the past decade to determine. This budget item received no threatened veto from the Nixon administration. Does this mean that this do-nothing sop to right-wing extremism is more important to this Nation's welfare than education or housing bills?

Granted the amount of money for this "useless appendage of government," as the Post-Gazette calls the SACB, is much smaller than the money in the HUD appropriations bill or the hospital construction bill, however, if Mr. Nixon is truly interested in economy in Government, here was as good a place as any to start. In fact it was a better budget item to trim than most.

But as long as there are substantial elements who look under their beds at night for Joseph Stalin, there will always be a Subversive Activities Control Board.

I only hope that some evening when one of these "patriots" checks under his bed for Joe Stalin, he finds him. I will have no doubts then where the encounter took place.

The editorial follows:

Dollars Found for Drones

Sandwiched between the Soldiers' Home and Tariff Commission listings on page 658 of the 1970 Congressional Directory is an agency known as the Subversive Activities Control Board. Its mission is to do nothing, and its obscure members who are paid $36,000 a year surely merit Sen. William Proxmire's description as the "highest-paid group of bench warmers in the government."

The board was created 20 years ago, ostensibly with the "power" to designate organizations as Communist-front units. But as a result of repeated federal court decisions, the SACB is barred from publishing the names of persons identified as members of the Communist party, or, in fact, from doing anything. Attorney General John Mitchell says he will remedy that by giving the board some cases to handle, a promise that is far from reassuring to those who value due process of law.

In fact, the SACB serves as a comfortable refuge for those beached by the ebb and flow of Washington political tides. One member is Otto F. Otepka, a former State Department security officer, whose demotion for an alleged security breach within his department

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became a cause celebre among right-wing groups who, of course, saw it as the work of subversives.

On another occasion, possibly for repayment for past services, possibly for laughs, former President Lyndon Johnson appointed the 29-year-old husband of a former secretary to the board. Patronage jobs at $36,000 a year, especially when the jobs entail no work at all, have some utility to a president, presumably.

Despite this staggering record of do-nothingism and mediocrity, the board was given Senate approval for an operating budget of $401,400. In light of the crocodile tears shed by the Nixon administration over a budget situation which necessitated cuts in education and domestic welfare programs, it is strange that the White House did not give serious thought to cutting out this useless appendage of government.

Defending the board's appropriation, Sen. John L. McClellan declared: "There's never been a time when there's been so much bombing, so much rioting, so much subversion as now."

So, what has the Subversive Activities Control Board been doing for the past 20 years—besides drawing paychecks?

THE INITIATIVE THAT WENT WRONG

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. OTTINGER. Mr. Speaker, an excellent editorial by Tom Wicker in the September 22 New York Times analyzes the reasons for Israel's recent withdrawal from the Mideast peace talks and points cogently to the weakness of the American response to evidence of Soviet-Egyptian violation of the truce terms. Mr. Wicker makes it clear that our deep obligation to help Israel maintain its self-sufficiency is more imperative than ever, and I include the full text of his article for the benefit of my colleagues:

THE INITIATIVE THAT WENT WRONG

(By Tom Wicker)

WASHINGTON, Sept. 21—The remarkable Mrs. Meir has now departed and much of the strain in Israeli-American relations seems to have been eased. But that does not mean that the substantive damage of the summer has been rectified or that the dangers it brought have been removed. Instead, the American "initiative" that opened the period in June has been reduced to a tenuous cease-fire across the Suez Canal, and the situation in general appears more threatening than ever.

After Mrs. Meir's visit, it is possible to see a bit more clearly what happened in these confusing months. In the first place, it is now known that Israel never had any belief at all that the American proposals would lead to a negotiated settlement (and it has even less confidence in them now). Mrs. Meir's Government agreed only under the most intense American pressures, the most telling of which was what the Israelis thought was a tacit American threat to provide no more of the Phantom jets Israel believes vital to its security.

This coincided with the advent of Soviet pilots over Suez, and the loss by the Israelis of Phantoms that suddenly seemed irreplaceable. Hence, against its inclination, the Israeli Government entered the cease-fire, only to find the Soviets and Egyptians immediately taking advantage of it to improve their missile defenses. When the United States disputed whether these violations had occurred, that meant to the Israelis that Washington was so committed to its peace plan that it "preferred not to see" the new missile sites or their military significance. Ultimately, the United States had to concede the violations—which meant that either the Israelis had been right about American motives, or that American monitoring of the cease-fire had been inadequate, or both.

Mrs. Meir, therefore, was on solid moral, political and military ground when she insisted here that Israel would not enter peace talks until the missiles had been "rolled back" to the original cease-fire line. American officials, from President Nixon down, do not appear even to have argued the point with any conviction.

It is nevertheless apparent that the missile sites are not likely to be rolled back, short of a military attack eastward across the canal. But since Mrs. Meir went home expressing herself as reasonably satisfied with her visit, no doubt she took away an understanding that there would be enough new American planes and other hardware to cope with the new military situation on the Suez.

So, militarily, at best, this dangerous situation may soon be stabilized—but at a distinctly higher level of tension and potential violence than was the case last June. The net effect is of one more lethal round in the arms buildup on both sides of the canal, and perhaps a greater likelihood that a crossing will be attempted from one side or the other.

The Egyptians, so far from appearing more tractable, as might have been thought last June, appear to have seized a quick military opportunity. The Soviets, then widely hailed as more conciliatory for their attitude in the Middle East and at the SALT talks, now appear as ruthless and unprincipled as ever (to the obscene glee of this country's cold warriors).

Moreover, the Soviet power position in the Middle East has been enhanced. (When Mr. Nixon invaded Cambodia last spring, one of the reasons Administration sources gave was that such a power play would dispel any notion that the President could be trifled with or pushed around. The Soviets apparently did not get the message.)

As for the United States, it failed to sustain its assurances that Israel would not suffer military disadvantage by the cease-fire, thus appearing to the Israelis to have risked their vital interests, as well as endangering the credibility of future assurances; now Washington can redeem that situation only by the kind of arms shipments it had hoped to avoid in the first place.

Thus, Mrs. Meir may have been "feeling better" as she flew home, but it could hardly have been because she was reconciled to all that happened. Rather, she seemed to be relieved that things may have stopped getting worse.

NEWS CENSORSHIP AGAIN SUPPRESSES COMMUNIST ACTIVITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. RARICK. Mr. Speaker, Wednesday, September 23, the House of Representatives, by a vote of 337 to 14—with 78 not voting—passed House Resolution 1220, certifying to the U.S. Attorney for the District of Columbia that Arnold S. Johnson had declined to be sworn and refused to testify before the congressional Committee on Internal Security and thereby asking for criminal action as our laws provide.

Who is Arnold Johnson?

According to Chairman ICHORD—page 33270, CONGRESSIONAL RECORD September 23, 1970—Arnold Johnson is more than a New Mobe leader; he is a national legislative director for the Communist Party, U.S.A.

Following Johnson's refusal to be sworn before the congressional committee and offer testimony which could well bear on saving American lives in Vietnam, if not on ending the war, Johnson held a press conference and among other charges and whitewash, said, in a prepared news release:

> I am a member of the Steering Committee of New Mobilization as a representative of the Communist Party USA.

Which membership he said he had held since 1936. He also stated:

> Yes, I am proud of my Communist Party Membership.

Additionally, last month, before Wednesday's vote, Johnson dispatched letters to attendees of a Milwaukee peace conference, addressing them "Dear Friends in the Peace Movement," appealing for their help in visiting and writing Congressmen to vote "No" on the contempt resolution. Interestingly enough, this brazen appeal was on the letterhead of the Communist Party U.S.A.

Strangely enough, there has been little news interest shown in the Johnson contempt of Congress matter. The mass American people are unaware of the action or the vote in Congress, although short articles in the two local Washington papers barely mentioned "New Mobe Man Cited by House for Contempt." Communism was played down.

A dual standard of reporting, when one recalls the earlier actions, for example, on holding officers of the Ku Klux Klan in contempt in 1966, for refusing to produce certain papers as ordered by the committee subpena.

In that particular case, the American people were supplied with generous news coverage. The vote was 344 to 28, with 60 not voting—CONGRESSIONAL RECORD, volume 112, part 2, page 1763.

It is strange indeed that with the Bolshevist Communist menace threatening the entire free world—with over 50,000 American boys already dead in Southeast Asia fighting Communist imperialism—with a reported crisis in the Middle East receiving much news reporting as being Communist instigated—the action of Congress on investigating internal Communist activity and threatened turmoil is of paramount importance to all our people, and worthy of detailed news coverage.

Are we to assume that the press can be entrusted with censorship over who are the enemies of the American people?

Mr. Speaker, I include a statement by Arnold Johnson, a copy of the August 24 letter from Arnold Johnson, and two press releases:

WHY I REFUSE TO TESTIFY BEFORE THE HOUSE INTERNAL SECURITY COMMITTEE

(By Arnold Johnson)

In addition to the legal grounds presented by my attorney, John Abt, in his motion to quash the subpoena and to cancel this hearing, I refused to be sworn and to testify before this House Committee on Internal Security today because I will not lend myself to any of the purposes of the Committee. These hearings are obviously calculated to intimidate and subvert the peace movement at a time when the role of the peace movement and the New Mobilization Committee is more urgent than ever before and has been made ever more important by the Nixon-Agnew escalation of the war from Vietnam to Cambodia, Laos and Thailand, and all Indo-China. This escalates the threat of world war and nuclear holocaust. That course of disaster must be reversed. That is the area of criminal violence, of imperialist aggression, of brutal atrocities that calls for an escalation of the peace movement!

At this same time, the repression within our country and the constitutional crisis has been intensified with the killings at Kent, Augusta and Jackson; and the earlier murder and jailings of Black Panthers and other black Americans. That is where the genocidal violence is at in this country, and this House Committee fails to investigate the source of that violence.

The New Mobilization Committee and the peace movement, in massive demonstration on November 15, gave expression to the desire of the majority of the American people to end the war in Vietnam, to end racism, repression and poverty at home, to give peace a chance. That is all a matter of wide public knowledge. I am a member of the Steering Committee of New Mobilization as a representative of the Communist Party, U.S.A. That is also a matter of public knowledge. There are some 100 or more persons on the Steering Committee representing all sectors of the peace movement and a wide diversity of political opinion. I have been active in the peace movement in this country for some 44 years and hold that my membership in the Communist Party since 1936 has only served to strengthen my devotion and dedication to the struggle for peace and democracy, freedom and social progress. I also hold that these objectives will be better guaranteed when this country changes from capitalism to socialism. Yes, I am proud of my Communist Party membership. I am confident that the peace movement and the interests of the American people will be best served by my refusal to testify at this hearing and by the abolition of the successor committee to the discredited House Un-American Activities Committee.

NEW YORK, N.Y.,
August 24, 1970.

DEAR FRIEND IN THE PEACE MOVEMENT: This letter is being sent to all who attended the recent Milwaukee peace conference.

On August 13, five of the nine members of the House Internal Security Committee, voted to recommend that the U.S. Congress cite me for contempt because on June 11, when under subpoena to appear before the committee, I refused to be sworn and to testify before that present version of the Un-American Committee (HUAC) and challenged its right to subpoena me or anyone else in the New Mobilization Committee. My reasons for refusing to testify and for challenging the committee's authority are expressed in the enclosed statement which I issued at that time. Thus far I am the first and only member of the New Mobe to be subpoenaed. I believe my stand is valid and can halt the committee in its campaign against the peace movement. Therefore this is not a personal issue.

The House Committee plans to ask Congress to cite for contempt, when Congress returns on September 9. Any serious debate by a number of Congressmen can convince the Congress to reject the H.I.S.C. recommendation. I want to urge that these days be used to visit your Congressman when he or she is at home, and to send letters to her or him at House Office Building, Washington, D.C.—urging "Vote No" on the request to cite. This is a time when the H.I.S.C. should be abolished. That will be a blow to repression and will give more strength to the peace movement.

I would appreciate any comment.

Sincerely yours,

ARNOLD JOHNSON.

[From the Washington Post, Sept. 24, 1970]

PROSECUTION SOUGHT

The House voted 337 to 14 to seek the contempt-of-Congress prosecution of Arnold S. Johnson, public relations director of the U.S. Communist Party, for refusing to answer questions about the New Mobilization Committee to End the War in Vietnam.

Now the Justice Department will present a federal grand jury with the charge, which originated in the House Internal Security Committee.

Rep. ——— (D.-N.Y.) wondered whether the action would intimidate anitiwar activity. But ——— (R.-Ohio) said it intended simply "to uphold the dignity of the House."

[From the Evening Star, Sept. 24, 1970]

NEW MOBE MAN CITED BY HOUSE FOR CONTEMPT

Arnold S. Johnson, a member of the New Mobilization Against the War in Vietnam who refused to be sworn in to testify before the House Internal Security Committee in June, has been cited for contempt of Congress.

Voting 337 to 14 yesterday the House sent the case to the U.S. District Court.

HISC Chairman Richard H. Ichord of Missouri called Johnson's defiance a "clear, open and patent" violation of law. Johnson contended HISC had no authority to investigate the New Mobe.

Ichord said Johnson also is publicity director of the Communist party, USA. Conviction of contempt carries a maximum penalty of a $1,000 and a year in jail.

PRESIDENT NIXON'S SPEECH AT KANSAS STATE UNIVERSITY

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SKUBITZ. Mr. Speaker, President Nixon's speech at Manhattan, Kans., may go down as a historical landmark in which the President suggested a wise course for administrators, faculty members, and students to pursue on our college campuses.

His appearance on September 16 at Kansas State University clearly demonstrated that clear-thinking students could understand what the President was trying to say.

The students at Kansas State demonstrated in the finest tradition of the State what proper behavior should be. The fine conduct of the vast majority so overshadowed the conduct of a confused few. It was heartwarming to watch the President plunge into the crowd after his speech and to receive such a warm reception. This is a credit to both the Kansas State University students and the President. The Manhattan appearance proved that the President could go to the American student and properly be received if the President spoke clearly and honestly and if the student would be honest in his response.

Many of my colleagues have commented on the President's speech. Many millions of Americans who viewed the speech and who may have a chance to see the speech again on television can testify to the President's well-stated case and the sincere reception of the students.

The President came right to the point when he said:

> The time has come for us to recognize that violence and terror have no place in a free society.

His speech was a model of self-restraint and decency.

The President was correct when he warned that those people who bomb, who ambush policemen, who hijack airplanes, who hold their passengers hostage "all share in common not only a contempt for human life but also a contempt for those elemental decencies on which a free society rests."

He was also correct when he called an end "to passive acquiescence, or even fawning approval" of violence.

The President said—

> What corrodes a society even more deeply than violence is the acceptance of violence, the condoning of terror, excusing of inhuman acts in a misguided effort to accommodate the community's standards to those of the violent few.

Several of my colleagues have placed excerpts of the President's speech into the CONGRESSIONAL RECORD. Because I thought the President's words on Vietnam were so important and which appear in the complete text, I would like to insert into the RECORD the complete text.

Also many of the fine editors in my district have made some excellent comments on the President's speech. Thus, I insert some of these editorials and also an excellent editorial comment from radio station WIBN in Topeka:

REMARKS OF THE PRESIDENT

Governor Landon, President McCain, Senator Pearson, Senator Dole, all of the distinguished guests on the platform, and all the distinguished guests in this audience for this Landon Lecture Series:

I want to express first on behalf of both Mrs. Nixon and myself our warm appreciation for your welcome. It is good to be on the campus of one of America's great universities. And for the benefit of our television audience, I should explain this tie. We were flying out to Kansas on Air Force One and Senator Pearson, Senator Lole, the Members of the Congressional Delegation and others presented this tie to me and said, "You must wear it when you speak at Kansas State."

So, I put it on. Then the television director for today saw it and said, "You can't wear that tie." I said, "Why not?" He said, "Because purple doesn't go with a blue suit."

All I can say is I am proud to wear the purple of Kansas State.

I also want to thank those who made the arrangements for this meeting for having as the waiting room before we came into the auditorium here, the dressing room for the Kansas State basketball team. It is nice to be in a room with a winner, believe me.

At this great university, in this very distinguished company, I cannot help but think about the twists of fate—and of how we learn from them.

I think of the fans of Wildcat football here today who have known what it is to lose—and then who have known what it is to win.

I think back to 1936. You were not born then. But I think then, when Governor Landon—who already knew what it was to win—the only winner among governors on the Republican side in 1934—a man who knew what it was to win up to that time, learned what it was like to lose.

And I think, too, of some of the moments of my own career: as a football player who spent most of his time on the bench; as a candidate who knew the great satisfaction of winning—and then as a candidate to learn what it is to lose.

Having won some and lost some, I know—as you know—that winning is a lot more fun.

But I also know that defeat or adversity can react on a person in different ways.

He can give up; he can complain about "a world he never made"; or he can search the lessons of defeat and find the inspiration for another try, or a new career, or a richer understanding of the world and of life itself.

When Alf Landon lost to Franklin Roosevelt in 1936, he was not a man to waste his life in brooding over what might have been. In the 34 years since then, the world has been transformed. And enriched by his experience, Alf Landon has continued to grow with the world—until now he is one of the great elder statesmen of America, a man whose wisdom and common sense, and whose outspoken concern for the welfare of this nation, have inspired and aided generations that have come thereafter.

We applaud him and commend him today for that distinguished career.

Or in a completely different field, but related, take Kansas State and its football team.

As some of you may have noted, I am somewhat of a football buff. Just three years ago, the Wildcats had a dismal seven-year record of eight wins and 60 losses. But there was a dogged spirit here, a determination, a readiness to learn new ways—and when Vince Gibson came to the campus it was that spirit, that determination, that "Purple Pride" that he helped translate into the Purple Power of today.

As for myself, I doubt that I would be President today if I had not learned from the lessons of defeat in 1960 and 1962—and I hope that I can be a better President because of those lessons.

I cite these examples not only to suggest that we here today have something in common—but also because this pattern of playing by the rules, of losing some and winning some, of accepting the verdict and having another chance, is fundamental to the whole structure on which our liberty rests.

There are those who protest that if the verdict of democracy goes against them, democracy is at fault, the system is at fault—who say that if they don't get their way the answer is to burn a bus or bomb a building.

Yet we can maintain a free society only if we recognize that in a free society no one can win all the time. No one can have his own way all the time, and no one is right all the time.

Whether in a campaign, a football game, or in debate on the great issues of the day, the answers to "losing one" is not a rush to the barricades but a study of why, and then a careful rebuilding—or perhaps even a careful re-examination of whether the other fellow may have been right after all.

When Palestinian guerrillas hijacked four airliners in flight, they brought to 250 the number of aircraft seized since the skyjacking era began in 1961. And as they held their hundreds of passengers hostage under threat of murder, they sent shock-waves of alarm around the world to the spreading disease of violence and terror and its use as a political tactic.

That same cancerous disease has been spreading all over the world and here in the United States.

We saw it three weeks ago in the vicious bombing at the University of Wisconsin. One man lost his life, four were injured and years of painstaking research by a score of others was destroyed.

We have seen it in other bombings and burnings on our campuses, and in our cities; in the wanton shootings of policemen, in the attacks on school buses, in the destruction of offices, the seizure and harassment of college officials, the use of force and coercion to bar students and teachers from classrooms, and even to close down whole schools.

Consider just a few items in the news:

—A courtroom spectator pulls out a gun. He halts the trial, gives arms to the defendant, takes the judge and four other hostages, moves to a waiting getaway van—and in the gunfight that follows four die, including the judge.

—A man walks into the guardhouse of a city park and pumps five bullets into a police sergeant sitting quietly at his desk.

—A Noble Prize winner working on a cancer cure returns to the cages of his experimental rats and mice to find them vandalized, with some of the animals running loose, some thrown out of windows into the sea, hundreds missing.

Just think, years of research which could have provided some progress to bring a cure to this dread disease destroyed without reason.

A police patrolman responds to an anonymous emergency call that reported a woman screaming. He arrives at the address. He finds the house deserted but a suitcase is left behind. He bends over to examine it. It explodes, blows off his head and wounds seven others.

These acts of viciousness all took place not in some other country, but in the United States, and in the last five weeks.

America at its best has stood steadfastly for the rule of law among nations. But we cannot stand successfully for the rule of law abroad unless we respect the rule of law at home. A nation that condones blackmail and terror at home can hardly stand as the example in putting an end to international piracies or tensions that could explode into war abroad.

The time has come for us to recognize that violence and terror have no place in a free society, whatever the purported cause or perpetrators may be. And this is the fundamental lesson for us to remember. In a system like ours, which provides the means for peaceful change, no cause justifies violence in the name of change.

Those who bomb universities, ambush policemen, who hijack airplanes and hold their passengers hostages, all share in common not only a contempt for human life, but also the contempt for those elemental decencies on which a free society rests—and they deserve the contempt of every American who values those decencies.

Those decencies, those self-restraints, those patterns of mutual respect for the rights and feelings of one another, the willingness to listen to somebody else, without trying to shout him down, those patterns of mutual respect for the rights and the feelings of one another—these are what we must preserve if freedom itself is to be preserved.

There have always been among us those who would chose violence or intimidation to get what they wanted. Their existence is not new. What is new is their numbers, and the extent of the passive acquiescence, or even fawning approval, that in some fashionable circles has become the mark of being "with it".

Commenting on the bombing three weeks ago at the University of Wisconsin, the Wisconsin State Journal recently said:

"It isn't just the radicals who set the bomb in a lighted, occupied building who are guilty. The blood is on the hands of anyone who has encouraged them, anyone who has talked recklessly of 'revolution,' anyone who has chided with mild disparagement the violence of extremists while hinting that the cause is right all the same."

What corrodes a society even more deeply than violence itself if the acceptance of violence, the condoning of terror, the excusing of inhuman acts as misguided efforts to accommodate the community's standards to those of the violent few.

When this happens, the community sacrifices more than its calm and more even than its safety. It loses its integrity and corrupts its soul.

Nowhere should the rule of reason be more respected, more jealously guarded, than in the halls of our great universities.

It is the rule of reason that is the most important.

Yet we all know that in some of the great universities small bands of destructionists have been allowed to impose their own rule of arbitrary force.

Because of this, we today face the greatest crisis in the history of American education.

In times past we have had crises in education. I remember them. We faced shortages of class rooms, shortages of teachers, shortages that could always be made up, however, by appropriating more money.

These material shortages are nothing compared to the crisis of the spirit which rocks hundreds of campuses across the country today. And because of this, to put it bluntly, today higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people.

America, and Americans, from the time of our foundation, and particularly those that did not have the opportunity to go to a great college or university, has been proud of our enormous strides in higher education. They have supported it.

The number of students in college today has doubled in the past ten years. But at a time when the quality of education is going dramatically up, its quality is massively threatened by assaults which terrorize faculty, students and university and college administrators alike.

It is time for the responsible university and college administrators, faculty and student leaders to stand up and be counted. We must remember only they can save higher education in America. It cannot be saved by Government.

If we turn only to Government to save it, then Government will move in and run the colleges and universities, and so the place to save it is here among those, the faculty, the Administrators, the student leaders. To attempt to blame Government for all the woes of the universities is rather the fashion these days. But, really, it is to seek an excuse, not a reason, for their troubles.

Listen to this: If the war were to end today, if the environment were cleaned up tomorrow morning, and all the other problems for which Government has the responsibility were solved tomorrow afternoon—the moral and spiritual crisis in the universities would still exist.

The destructive activists of our universities and colleges are a small minority. But their voices have been allowed—

My text at this point reads: The voices of the small minority have been allowed to drown out the responsible majority. That may be true in some places, but not at Kansas State.

As a result, there is a growing, dangerous attitude among millions of people that all youth are like those who appear night after night on the television screen shouting obscenities making threats or engaging in destructive and illegal acts.

One of the greatest disservices that the disrupters have done in fact is precisely that, to reflect unfairly on those millions of students, like those in this room, who do go to college for an education, who do study, who do respect the rules, and who go on to make constructive contributions to peaceful change and progress in this country.

But let us understand exactly where we are. I would not for one moment call for a dull, passive conformity on the part of our university and college students, or an acceptance of the world as it is. The great strength of this nation is that our young people, the young people like those in this room, in generation after generation, give the nation new ideas, new directions, new energy.

I do not call for a conformity in which the young simply ape the old or in which we freeze the faults that we have. We must be honest enough to find what is right and to change what is wrong in America.

But at the same time we must take an uncompromising stand against those who reject the rules of civilized conduct and of respect for others—those who would destroy what is right in our society and whose actions would do nothing to right what is wrong.

Automatic conformity with the older generation—and I say this as one of the older generation—automatic conformity with the older generation is wrong. At the same time, it is just as wrong to fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular—or considered square—not to follow their lead.

It would be a tragedy for the young generation simply to pursue the policies of the past, and it would be just as great a tragedy for the new generation to become simply parrots for the slogans of protest, uniformly chanting the same few phrases—and often with the same four letter words.

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Let us take one example—one example that deeply troubles, and I understand why it does deeply trouble, many of our young people today: The war in Vietnam. We know the slogans. I have heard them often. Most of them simply say end the war.

There is no difference between Americans on that. All of us want to end the war. And we are ending this war.

Ending the war is not the issue. We have been in four wars in this century. We ended World War I. We ended World War II. We ended Korea. The great question is how we end a war and what kind of a peace we achieve.

If it was a peace now that would encourage those who would engage in aggression and would thereby lead to a bigger and more terrible war later, it would be peace at too great a price.

As we look back over the 20th century, as we look at that whole record of this century, only 70 years, we in America have not yet in this whole century been able to enjoy even one full generation of peace.

So, the whole thrust, the whole purpose of this Administration's foreign policy—whether it is Vietnam, or the Middle East, or in Europe, or in our relations with the developing countries or with the Communist powers—is to meet our responsibilities in such a way that at last we can have what we have not had in this century: A full generation of peace. I believe we can have it.

That is why, in Vietnam, we are carrying out a policy that will end the war. It will do it in a way that will contribute to a just and a lasting peace in the Pacific, in Vietnam, and, we trust, also in the world.

There are those who say that this is the worst of times in which to live.

What self pitying nonsense that is.

I am perhaps more aware of the problems this nation has at home and abroad than most of you. But we in America, I say proudly today, have a great deal to be proud of—and a great deal to be hopeful about for the future.

Let us open our eyes. Let's look around us. We see, as we look at the whole sweep of history, that for the first time in the whole history of man, it is becoming possible here in America to do things that nobody even dreamed could be done, even 50 years ago.

We see a natural environment, true, that has been damaged by careless misuses of technology. But we also see that that same technology gives us the ability, the ability to clean up that environment, to restore the clean air, the clean water, the open spaces, that are our rightful heritage. And I pledge we can do that and shall do it.

I know the fashionable line among some: Wouldn't it be great to live in a country that didn't have all these problems of material progress?

Not at all. I have been to them. I have seen them. And I simply would like to say to you that great as our problems are as a result of our material progress, we can do things, do things for ourselves and for others that need to be done, and we must see it in that way.

Look at our nation. We are rich, and sometimes that is condemned because wealth can sometimes be used improperly. But because of our wealth, it means that today we in America cannot just talk about, but can plan for a program in which everyone in this nation, willing and able to work, can earn a decent living, and so that we can care for those who are not able to do so on some basis.

We see a nation that now has the capacity to make enormous strides in these years just ahead, in health care, in education, in the creative use of our increasing time.

We see a nation poised to progress more in the next five years, in a material sense, than it did in the last 50 years.

We see that because of our wealth, because of our freedom, because of this much maligned system of ours, we can go on to develop those great qualities of the spirit that only decades ago were still buried by the weight of drudgery, and that in 75 percent of the world today are still buried by the weight of drudgery.

We see that we can do this in America, lift that weight of drudgery, allow the developments of the qualities of the spirit, and we can do it not just for an elite class, not just for the few, but for the many. All this can happen in America. The question is how shall we use this great opportunity? Shall we toss it away in mindless disruption and terror? Shall we let it wither away in despair? Or shall we prepare ourselves, as you are preparing yourselves, and shall we conduct ourselves in a way that we will be looked back upon as the beginning of the brightest chapter ever in the unfolding of the American dream.

Making its promise real requires an atmosphere of reason, of tolerance, and of common courtesy, with that basic regard for the rights and feelings of others that is the mark of any civilized society.

It requires that the members of the academic community rise firmly in defense of the pursuit of truth—that they defend it as zealously today against threats from within as they have in the past defended it against threats from without.

It requires that the idealism of the young—and indeed, the idealism of all ages—be focused on what can be done within the framework of a free society, recognizing that its structures of rights and responsibilities is complex and fragile and as precious as freedom itself.

The true idealist pursues what his heart says is right in a way that his head says will work.

Idealism lies in the respect each shows for the rights of others. Despite all the difficulties, all divisions, all troubles that we have had, we can look to the future, I believe, with pride and with confidence. I speak here today on the campus of a great university, and I recall one of the great sons of Kansas, Dwight David Eisenhower. I recall the eloquent address he made at London's famous Guildhall immediately after victory in Europe.

On that day, the huge assemblage of all the leading dignitaries in Britain were there to honor him.

In his few remarks, one of the most eloquent speeches in the history of English eloquence, he said very simply, "I come from the heart of America."

Now, 25 years later, as I speak in the heart of America, I can truly say to you here today you are the heart of America—and the heart of America is strong. The heart of America is good. The heart of America is sound. It will give us—you will give us—the sound and responsible leadership that the great promise of America calls for—and in doing so, you will give my generation what it most fervently hopes for: The knowledge that your generation will see that promise of the American dream fulfilled.

[From the Caney Chronicle, Sept. 17, 1970]

PURPLE PRIDE

President Nixon spoke at Kansas State University at noon today and I went home to catch his talk on TV. I am glad I did.

A handful of radicals, occupying rear seats, tried to shout down the President at several intervals. They received, I believe, an education in Americanism—not only by the President—but by the thousands of Kansas State University students and faculty members who arose after almost every anti-Nixon outburst to give the President roaring and sustained ovations.

I was completely enraptured by what I saw and beheld. Frankly, in late years, I have become suspect of our two great universities, K.U. and Kansas State. But no longer am I worried about Kansas State.

As the camera zeroed in on the youthful listeners you became aware of their intense concentration upon the President's words. They leaned forward and sat almost motionless.

But they jumped to their feet, roaring approval, at such Nixon expressions as the following:

"We cannot stand for the rule of law abroad unless we observe law at home."

"Violence has no place in a free society no matter what the cause."

"The willingness to listen to somebody else without trying to shout him down—those patterns of mutual respect must be wanted by all of us."

But the remark made by the President that obtained most support from his audience followed some shouting from the back of the room.

Said Nixon:

"It is time for responsible students, faculty members and administrators to stand up and be counted."

Then he continued: "Sometimes it seems that the activists, the small minority, are the only voices coming from the campuses. That may be true in some universities, but not at Kansas State."

As of 12:30 today noon I put aside all worries about the student body at Kansas State. K-Staters have Purple Pride not only for their football team but for the America all of us love and want to keep intact.—HKG.

[From the Chanute Tribune, Sept. 17, 1970]

Warmly Received

It took the President of the United States, but they finally found someone at Kansas State more popular as a speaker than football coach Vince Gibson.

Despite cat-calls from a group of approximately 30, Richard Nixon learned quickly Wednesday that he was in friendly territory when the 15,500 repeatedly shouted their approval.

And well they might have. For a start, the President called Kansas State a great university. And those kind words were preceded by an explanation on nation-wide television of why he was wearing a Purple Pride necktie with a blue suit. And mixed in freely were words noting that two losers have risen from the ashes together—Richard Nixon from political defeat and Kansas State from gridiron ignominy.

The repeated spectacle of the President playing the crowd's cheers of approval against the hooting ignoramuses at the back tended to obscure a plain-spoken repetition of themes that have been field tested by Spiro Agnew:

There are no places in a free society for violence and terror.

In a system that provides means for peaceful change, no cause justifies violence in the name of change.

At Manhattan Wednesday, these words were met with wave after wave of roared approval. Richard Nixon knew that they would be; this foreknowledge is why he chose Kansas State for a rare campus visit.

One might speculate at the reception had he not swaddled himself in Purple Pride, the better to be embraced.

Nonetheless the rally to praise the values cherished in Middle America came off as planned, and the President can surely forgive us the fewer than 30 among more than 15,000 who displayed boorish ways.

Richard Nixon came to praise Alf Landon, and he did. With a virtuoso performance that shows he knows the fears and hopes of Middle America.

[From the Coffeyville Journal, Sept. 18, 1970]

They Stood Up and Cheered

Thousands of students cheered President Nixon at Kansas State University Wednesday while a handful of protestors attempted to heckle him. It was a dramatic illustration of the fact that troubles on America's campuses are the work of a small minority.

The fact that they are few does not make them any less a threat to orderly educational processes, but the public should understand that the so-called militants represent less than one percent of the nation's students.

Kansas State University may not be typical of all universities in the nation, but it can't be much different from others in the Middle West, including Kansas University at Lawrence which is catching so much criticism from its alumni and others.

K-State has been lucky in that its burnings happened some time ago when such events were still rightly looked upon as the work of a few mentally disturbed or distorted individuals. Today some unthinking members of the public seem to believe that burnings and bombings on campuses are condoned by faculty and administrators.

President Nixon had some pertinent things to say at Manhattan. One of the most important was this:

"The time has come for us to recognize that violence and terror have no place in a free society, whoever the perpetrators and whatever their purported cause. In a system that provides the means for peaceful change, no cause justifies violence in the name of change."

The students cheered this mightily for all of us.

He pointed out that higher education in America can not be saved by government, but must be saved by college administrators, faculty, and student leaders.

The President's experience at Kansas State was a heartening one. It must have raised his spirits and his confidence in the responsible students of our land. And just as importantly, those who watched or read about it know now that the great majority of students are not radicals at Kansas State. If they think about it they must realize that the same thing is true, with minor percentage changes, at other American universities.

The radicals have had their day in the public view. As the President said, now is the time for the others to stand up and be counted.

We think they'll do that very thing in the long run.

[From the Emporia Gazette, Sept. 18, 1970]

Comments on Nixon's Speech

President Nixon's speech at Kansas State University drew comments from nearly every daily newspaper editor in the state this week. Most of the comments about the speech were favorable, but there were a few sour notes too.

Here is a sampling:

Topeka State Journal, "Just how accurate the President was when he warned that Americans may decrease their support of higher education undoubtedly will be demonstrated in legislatures throughout the land in upcoming sessions that will be considering appropriations for state colleges and universities."

Manhattan Mercury, "Although the occasion was primarily to deliver a lecture on the increasingly prestigious Landon Series in honor of the widely respected elder statesman and former governor, Alf M. Landon, the two other thrusts of the appearance cannot be ignored. Without any attempt to assign priority, they must be listed as: (1) a major attempt on the part of Nixon to establish better and more direct communications with the campus community, and (2) to work whatever political wonders possible for Republicans in Kansas . . ."

Russell Daily News, "Alf Landon remains Kansas' most deserving—and least recognized—citizen. And we believe it is time that the people join in a belated effort to see that this Kansan is, at last, duly honored."

Hutchinson News, "The show has become greater than the substance. In other words, it has become more newsworthy at such affairs these days to review the audience than to review the speaker's content, even when the speaker is the President of the United States . . ."

Wichita Eagle, "The President made statements that should be made, and by and large, students and faculty extended the courtesy and respect due the President of the United States, or any speaker for that matter . . ."

Iola Register, "We suspect (the students') response was a good deal more thoughtful than it was naive. We think it entirely possible that our young people, along with their elders, have had their bellies full of violence—either in word or deed—and are ready to applaud the condemnation of nihilism and anarchy . . ."

Lawrence Journal-World, "Unfortunately, Kansas University has been left far behind in this field, and only by asking some of the Kansas State Speakers to stop by Lawrence on their return trip from Manhattan to the Kansas City airport have school officials been able to corral several of the Kansas State speakers for an appearance at K. U."

Hays Daily News, "The Nixon administration billed the speech as nonpolitical. Hogwash. No President can speak without politics."

University Daily Kansan, ". . . The various Kansas politicos, who in this election year hunger for any campaign boost, all claimed some hand in finally securing that political Kewpie doll for their constituents. . . . If nothing else, Nixon's visit will have added to the prestige of Kansas and Kansas State University, but the ludicrousness of the situation has cast a rainy-day pall over whatever plaudits were gained from the presidential sortie."

Of course the Republican candidates in Kansas were glad to be seen with President Nixon when he came in for the speech at K. S. U. (So was Governor Robert Docking, no doubt.) But the Landon Lecture Series should not be branded as a partisan political rally. Other speakers in the series have included Robert Kennedy, Hubert Humphrey, Nelson Rockefeller, Bishop Fulton J. Sheen, and George Romney. Future speakers in the series will be Robert S. McNamara and Earl Warren.

That is hardly a list of conservative Republicans.

[From the Independence Daily Reporter, Sept. 17, 1970]

Shameful Behavior Inexcusable

Kansans everywhere, with the obvious exception of the radical and liberal New Left, must have felt keenly embarrassed at the heckling by a minority of dissident Kansas State University students of President Richard M. Nixon when he spoke at Ahearn Field House on the K-State campus Wednesday. Ironically, the text of his address to kickoff the Landon Lecture Series honoring Alfred M. Landon, former governor, 1936 GOP presidential candidate and former citizen of Independence, was on the prevailing campus disorder in this county.

The overwhelming majority of the 16 thousand attending the event many times interrupted Nixon with thunderous applause. Only a handful of rebels high in the balcony frequently heckled the President with shouts of "End the War" with some obscenities and vulgarities thrown in for good measure, rising to give the clenched-fist salute of international communism and hoisting a banner reading "How many more will you kill?" The placard was hauled down and tossed away by plainsclothes security men.

Knowing of the dissident students' preoccupation with outrageous behavior, K-State authorities made an attempt to appease them by providing two areas on campus for the demonstrators to do their thing. Signs and banners were banned from the field house but were smuggled in any way by the radicals of the liberal New Left.

At one point Nixon departed from his text to acknowledge the cheers which had drowned out the handful of hecklers during his speech.

"My text reads: The voices of the small minority have been allowed to drown out the voices of the responsible majority," the President said at one point ignoring the sporadic heckling. "That may be true in some places, but not at Kansas State," he continued lifting his voice as the vast majority of the students and others attending gave him a standing ovation.

Nixon appropriately pointed out higher education in this country today is on trial as never before, fast losing that essential support it has had since the beginning of this country—"the support of the American people."

"It is time for responsible university and college administrators, faculty and student leaders to stand up and be counted. Only they can save higher education in America. To attempt to blame government for all the woes of the universities is to seek an excuse, not a reason for the troubles," the President said.

"If the Vietnam war were ended today, the environment cleaned up tomorrow and all other problems in the realm of government responsibility were solved," Nixon said, "the moral and spiritual crisis in the universities would still exist."

Like the Communists and other subversives have done for years, the student radicals of the liberal New Left are using the United States Constitution to their advantage. They abuse the right to peaceably assemble and petition, and of free speech and press at every turn. The underprivileged perhaps could be excused for such disgraceful behavior but for others it is inexcusable. Even the collegiate press, both underground and otherwise, gets carried away with printing vulgarities and obscenities. The underground press might be overlooked on the basis it is not intended for general public consumption but for the weak, often drug-laden minds of the mental cripples. But the official campus publications can never be forgiven for their poor taste.

It is unfortunate the millions watching on nationwide, network television President Nixon's appearance in Kansas at Kansas State University Wednesday should be given such an unfavorable impression as the result of the outlandish behavior of a few who have no business being in any college or university as students in the first place.

But happily, the overwhelming majority did Kansas and Kansas State proud.

[From the Iola Register]

Emerson Lynn, in the Iola Register, agreed that Nixon had nothing new to say. But, said Lynn, "Such overwhelming student enthusiasm for a public official was new and must have surprised a good number across the nation.

". . . Does the K-State response mean the administration has won over the students, that campus violence is on the decline and that extremism—even in defense of the right—is a thing of past? Probably not. . . . We suspect (the) response was a good deal more thoughtful than it was naive . . . We think it entirely possible that our young people, along with their elders, have had their bellies full of violence . . . and are ready to applaud the condemnation of nihilism and anarchy . . . After going on an emotional binge which started about the time of President Kennedy's assassination, perhaps we are headed back to rationalism . . . (The) response was convincing and enormously encouraging. It was an hour full of promise for the nation."

[From the Parsons Sun, Sept. 17, 1970]

Good Show

President Nixon came to Kansas and staged a good show.

He put down a handful of student hecklers, real boors without the decency to display respect either for the office of the presidency or the man who currently occupies it.

It was a clean, quick knockout and really no contest at all. The microscopic minority at Manhattan was outmatched and outwitted. It would have done better to have stayed at home on Nixon's day in Kansas.

The President talked reason. No rational person can quarrel with his evaluation of violence and terror as practiced by a heedless few in our society. His homilies pleased the immediate audience and doubtlessly fell on receptive ears beyond.

Left unanswered is the status of relations between the President and the campus in general.

There is no doubt that Kansas State University is typical of Kansas. That's not the question. Rather it is whether Kansas is typical of the nation in its political and social attitudes, for plainly the state has been at odds with the majority for most of a generation.

The President came off well on a politically-antiseptic campus. He might not do as well among the ivy in other regions, which says something about the lack of political sophistication and wisdom of his young critics, however sincere their views.

Until and unless the student majorities succeed in disassociating themselves irrevocably from the unthinking few and send the motley street crowd packing, there will be political points to be made in labeling the campus as a festering source of iniquity.

Aroused public emotions will exceed the carefully-measured distinctions laid down by a President when they are pursued with more vigor and vinegar by lesser lights in the public arena.

Those on the campus, students and faculty alike, who wish to escape such a fate must learn there are several ways of skinning political cats and indeed the least effective route is by making one's self obnoxious and odious. Patience, a luxury they can afford because most have full lives ahead, can be one of the most useful tools.

If, as one suspects, the differences between the campus and the President center more on a personality conflict than on issues, all of this becomes doubly true because Mr. Nixon has succeeded in defusing some of the throbbing problems he inherited 20 months ago—all but economic, and it is of the least direct concern in affluent academic surroundings.

A Great Week for Kansas

This was a great week for Kansas. On Wednesday, President Richard M. Nixon flew to Manhattan to speak at the Landon Lecture Series at Ahearn Fieldhouse at Kansas State University. Perhaps no event in history has reaped so much good publicity nor done so much for the image of Kansas and its youth. The President spoke on "Order in Our Society."

When a couple of dozen creepy kids who had no common courtesy for the office of the President nor the 15,500 who came to listen to the President began shouting, it was obvious they were really in the minority—by a ratio of about 500 to 1—and about as effective as a raindrop in the ocean. The response of the K-State students was overwhelming. With coverage on all three national television networks and a number of independent stations, the radio networks, and numerous big city daily newspapers from coast to coast, it was indeed a bright day in America and in Kansas—for clearly the K-State students supported the concept of working within the system to bring about change.

What impressed us was the response around the country. KSU President, Dr. James A. McCain, received telegrams from all over America applauding K-State and its students. In New York City the next day, I visited with several people. Everyone brought up the Nixon speech at K-State. They commented on the "good-looking students," the well-behaved, respectful crowd, and the enthusiasm. Indeed, all three major New York TV stations featured lengthy stories on the late evening newscasts and one New York station re-ran the entire speech Wednesday night. The NEW YORK TIMES was most complimentary of K-State and termed it Nixon's finest performance.

So . . . it was a great day for Kansas and especially Kansas State for it showed again that here in the heartland of America are the really great people of our country—the ones whose background and up-bringing give them a really fine understanding of what life in America is all about.

To the Kansas Congressional delegation—especially Bob Dole—a vote of thanks for urging the President to come to Kansas State.

To Kansas Governor Robert Docking—a salute for the non-partisan way in which he welcomed the President to Kansas.

To Alf Landon—thanks for giving K-State the vehicle through which it has been possible to attract men of great distinction to Kansas State.

But a special vote of thanks goes to K-State's President, Dr. James A. McCain. It was Dr. McCain who envisioned the Landon Lecture Series. His idea of having Governor Landon invite men of both parties to come to K-State has given Kansas State a *real* place in history.

Indeed . . . the Landon Lecture Series has made a great university even greater and on Wednesday showed America on national television that in Kansas . . . the people make the difference.

DR. C. J. "SHORTY" ALDERSON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. PICKLE. Mr. Speaker, probably every man in this body can think back upon his early years to some person who greatly shaped his thinking and his character. Dr. C. J. "Shorty" Alderson was just such a person for many young men in Texas.

Although he started out to be a lawyer, several generations of Texans knew Dr. Alderson best as a coach and as a teacher. His teaching spanned just about every phase of physical and health education known to man, and it is questionable if he had many peers at it.

He had a way with words such that many men now in their 60's can still recite pep talks he gave them as schoolboys. He had the knack of instilling in his young charges a fierce competitive spirit in line with the highest ideals of sportsmanship. Tough as nails, and never one to put on a show, he always attacked each situation with top enthusiasm and an amazing incisiveness that never failed to bring out the best in those he taught.

He was the University of Texas' first swimming coach, and it was there that I came under his tutelage. Swimming and water safety were among the many fields in which he was especially adept. One Austinite recalls that when he was 16 he was entered in the breaststroke in a city meet. He knew little about the event and called upon Dr. Alderson for some quick coaching. Alderson schooled him in the then-revolutionary butterfly stroke for just 1 hour, and the fellow ran away from the orthodox swimmers and took a whole second off the city record.

"Shorty" Alderson pursued knowledge with the same energy. During his lifetime he chalked up a bachelor of arts degree, a bachelor of law, and a masters in sociology at the University of Texas, and a masters in physical education and a doctorate in the same field at Columbia. At last count, over a decade ago, he had at least 388 hours of university credit.

He has had a great impact on college football rules in an advisory capacity. He officiated at well over 800 football games, and whenever some discrepancy or need for clarification arose, the chairman of the rules committee was sure to hear from him.

XUM

He had the knack of bridging the so-called generation gap, a knack which lasted all his long life. And despite his age and position as professor emeritus at the University of Texas, he was still going at top speed until the final day of his life, earlier this month, when a heart attack and car accident combined to stop him at the age of 82.

Mr. Speaker, Dr. Alderson is gone, but, as is the case in the finest of teachers, the energy, the competitive spirit, and the high ideals of this man have been passed on to countless younger men.

I pause today before my colleagues of this great legislative body to honor him, and I include an eloquent article by Lou Maysel in the Austin-American in the Record. It is as follows:

Alderson's Life Unbelievably Full

Wednesday would have been his wedding anniversary, but the day was a sad one. Instead of celebrating the date with him, his friends attended his funeral.

Saddened though they were by his death, friends of Dr. C. J. "Shorty" Alderson all speak in wonderment of the full and rich life he lived before a heart attack and car accident claimed him a few weeks short of his 82nd birthday.

Alderson's diverse attainments and posts he's held are such that they boggle the mind. They would seem to be the accumulation of three lifetimes, or more.

And despite his age and position as professor emeritus of the department of physical and health education at the University of Texas, he was still whirling like a dervish until his final day of life.

"I'm busier since I've retired than I was when I was teaching," Alderson told a friend recently.

Alderson's teaching spanned just about every phase of physical and health education known to man, and it's questionable if he had many peers at it.

Alderson had a way of bridging the so-called generation gap, and two of his one-time pupils put him up as the best teacher they ever had.

"I think I took every course he taught at the University because he, in my estimation, was the greatest teacher I've had," said Bobby McLean, who is principal at both Andrews and Winn Elementary Schools.

"There's no question about that. He was the greatest teacher of any person I've ever had teach me anything," claims Tex Mayhall, the owner of a local hearing-aid firm. Mayhall's statement wasn't prompted by any thoughts of eulogy. It's one he's voiced to this listener before.

HIS PHYSICAL VIGOR WAS AMAZING

Clyde Littlefield, under whom Alderson served as freshman football and track coach from 1927–34, speaks of him the same way.

"He was a great instructor," Littlefield said. "Why, he even taught dancing."

Not only taught it, but he was ready to dance all night, especially if it was good old-fashioned square dancing. Tales of his physical vigor may sound exaggerated, but McLean and Mayhall, both over 30 years his junior, claim they aren't.

"I've talked to folks who lived around him, and nobody cut his grass or weeded his yard but him," McLean said.

Mayhall recalls seeing Alderson, who learned the blacksmith's trade as a youngster at Hillsboro, chop down eight- and 10-inch trees with a couple of swings with his own well-sharpened axe after he was 70. And only a few years ago Alderson came out to Mayhall's place and put on an amazing bit of horsemanship.

The time finally came a few years back for Alderson to give up active football officiating. During his long career at it, he handled well over 800 games. The exact count isn't available, but you can bet Alderson knew exactly how many it was.

His last game was thought to have been a Blinn Junior College-Southwest Texas State B-team game at Brenham in which he was involved in an embarrassing episode. SWT had a quarterback who was slick at running the belly series and when he ran the play on one occasion, the referee blew his whistle when the fullback got stopped.

Up stepped Alderson, who was the umpire, and while he was reaching into the pileup for the ball, there was the quarterback scooting around end for a touchdown that had to be called back.

HIGHLY REGARDED AS RULES EXPERT

Despite that one unhappy play, Alderson was held in high regard in the football officiating game, both as a rules expert and a tutor and supervisor of officials. This latter capacity is one in which he would have served again this fall with the Austin chapter of the football officials.

He also has had an impact on the college rules in an advisory capacity through the years, and whenever some discrepancy or need for clarification arose, the chairman of the rules committee was sure to hear from Alderson.

His work with football rules also included helping to write the original rules for six-man football in 1937 and helping write touch football rules for women at UT.

Alderson came to the University of Texas in 1912 to study law already branded with his nickname, which was placed on him by someone when he was playing shortstop for Hillsboro High School.

Alderson followed through on that goal and started to practice law after getting his degree in 1922. But business was slow and he went to Calvert as an intermediate grades principal and coach of all sports.

He returned to Austin as a junior high instructor the following year and continued what is an amazing academic record. In addition to degrees in bachelor of arts, law and masters in sociology at UT, he added a master's in physical education and a doctor's in the same field at Columbia.

During his pursuit for knowledge, he at one time had 388 hours of university credit. That count, however, is at least a decade old and the figure may have gone higher.

HE WAS MAN OF MANY, VARIED WORDS

The declamation champion at UT in 1914, Alderson had a way with words of all kinds.

"He had a great command of English words, including cuss words," McLean recalled. McLean claims he enjoyed drawing Alderson out because Shorty was so great at putting him down.

"I saw you in the cradle two hours after you were born," Alderson liked to tell McLean. "You were red and wrinkly and you haven't improved a bit in looks in 45 years. You're still as ugly as you were then."

It was all in jest, of course. Alderson actually was a very gracious and courtly person, but he didn't affect many airs.

Billy Gilstrap, then a UT assistant football coach, remembers the time he had a prospect visiting. He took the prospect around to visit some professors and when he spotted Alderson's car outside his house, Gilstrap decided to include him on the tour.

Alderson shouted down the stairs for Gilstrap to come on up. There was Alderson buck naked lying on his bed reading.

When he saw Gilstrap had company, he jumped up and shook hands warmly with the prospect and his father but never once made a move to put on any clothing. Needless to say, the prospect was impressed—and not unfavorably since he came to Texas.

LIFE DEVOTED TO WORKING WITH YOUNG

Littlefield, Mayhall and McLean all speak of Alderson's dedication of his life to working with young people. He obviously had contact with many through his teaching and coaching, which included a stint as UT's first swimming coach in 1932–34.

Swimming and water safety were among the many fields in which he was especially adept. McLean recalls when he was 16 he was entered in the breaststroke in a city interparks meet. He knew little about the event and called upon Alderson for some quick coaching.

Alderson schooled him in the then-revolutionary butterfly stroke for an hour and McLean ran away from the orthodox breaststrokers and took a whole second off the city record.

Mayhall recalls vividly his first association with Alderson when he was a struggling football aspirant with the lowly Austin High Goldshirts. Alderson once stopped practice and shouted, "Damn it, that's the way to do it, Mayhall!"

Alderson didn't stop with that. He turned the interlude into a pep talk that made such a vivid impression on Mayhall he can recite practically all of it today.

Alderson's friends figured he would be a life-long bachelor, but he fooled them. Finally in 1959 at the age of 70, after retiring from the University, he took himself a bride—Dr. Mary E. Buice, an assistant professor of physical and health education.

McLean and Mayhall served as the ushers but Alderson had no best man. When the apparent oversight was called to his attention, he told them, "There ain't no better man than me."

And though he was kidding, he may have been right.

PRISONER OF WAR WEEK

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the Record this excellent proclamation by the Governor of the Commonwealth of Pennsylvania, Raymond P. Shafer, to set aside September 27 to October 3, 1970, as "Prisoner of War Week," a time for further and renewed reflection, prayer, and action on behalf of our captured servicemen in Southeast Asia.

The special designation of this week has come about through the good work of a particularly courageous and devoted organization of our citizens, the National League of Families of American Prisoners in Southeast Asia. On Tuesday, September 22, I was privileged to welcome several western Pennsylvania members of the league in my Washington office for extensive discussion of the plight of our American prisoners of war. Since I have maintained a sustained and active interest in the situation of our U.S. prisoners of war, as a U.S. Congressman and former U.S. Navy serviceman, I heartily commend action on all levels of government showing such concern.

Governor Shafer's proclamation follows:

Prisoner of War Week: September 27–October 3, 1970

It is a matter of deep concern to every citizen of Pennsylvania and of the United States that our American Servicemen who are prisoners of war in Southeast Asia are not treated in the true spirit of the Geneva Convention.

The National League of Families of American Prisoners in Southeast Asia are setting aside September 27–October 3, 1970, as a week during which all citizens are urged to pay special tribute to those brave men who, in the service of their County, are known to be in the hands of the enemy or missing in action.

All officials in our cities and municipalities are asked to join their fellow citizens in demanding that the government of North Viet Nam abide by the provisions of the Geneva Convention of 1954 and to: provide the United States Government with a complete list of all American prisoners; release the sick and wounded; see that all prisoners receive a proper diet and medical care; allow impartial inspection to be made of all prison facilities and permit a free flow of mail between the prisoners and their families.

Therefore, I, Raymond P. Shafer, Governor of the Commonwealth of Pennsylvania, do hereby proclaim September 27-October 3, 1970, as Prisoner of War Week in Pennsylvania, and urge all citizens to cooperate in this worthy effort to persuade Hanoi that these men are remembered by their fellow citizens. Furthermore, I urge that special prayers be offered in all churches and synagogues during this week in behalf of these brave men and their families.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this third day of September, in the year of our Lord one thousand nine hundred and seventy, and of the Commonwealth the one hundred and ninety-fifth.

RAYMOND P. SHAFER,
Governor.

HOUSE OF REPRESENTATIVES—*Monday, September 28, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We are laborers together with God. 1 Corinthians 3: 9.

O Lord, our God, we thank Thee for the gift of another day and pray that through all its hours we may live with Thee as we labor for the life of this land of liberty. Strengthen us that we may stand steady in this shaken world and amid constant change keep our faith firm with a growing trust and a deepening confidence.

Deliver us from petty concerns about ourselves, place us in the center of great needs, and open our hearts to all that we may share the glory of our human endeavors and the goal of our human energies. Reveal the heights above us that we may be mindful of Thy presence in the common routine of daily living and so bless us that we may work with integrity for the good of our fellow men. Let the gentle power of the Great Spirit be our strength in all we think and say and do; for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 24, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 22, 1970:

H.R. 18725. An act to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

On September 23, 1970:

H.R. 16539. An act to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council.

On September 25, 1970:

H.R. 11060. An act for the relief of Victor L. Ashley;

H.R. 16968. An act to increase the contribution by the Federal Government to the cost of health benefits insurance, and for other purposes;

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; and

H.J. Res. 1247. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1366. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 370. An act to amend chapter 39 of title 39, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty;

H.R. 12807. An act to amend the Act of February 11, 1903, commonly known as the Expediting Act, and for other purposes;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to remove the time limitation on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes; and

H.J. Res. 236. Joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7 as "National Clown Week."

The message also announced that the Senate had passed bills, joint resolutions, and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 708. An act for the relief of Lawrence J. Nunes;

S. 3657. An act to amend chapters 31, 34, 35, and 36 of title 38, United States Code, in order to make improvements in the vocational rehabilitation and educational programs under such chapters; to authorize an advance initial payment and prepayment of the educational assistance allowance to eligible veterans and persons pursuing a program of education under chapters 34 and 35 of such title; to establish a work-study program and work-study additional educational assistance allowance for certain eligible veterans; and for other purposes;

S. 3785. An act to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power;

S. 4368. An act to extend and amend laws relating to housing and urban development, and for other purposes;

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions; and

S. Con. Res. 81. Concurrent resolution authorizing the printing of additional copies of Senate hearings on Copyright Law Revision (S. 591, Ninetieth Congress).

PRESIDENT'S COMMISSION ON CAMPUS VIOLENCE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, this past weekend the people of America were exposed to the report of the President's Commission on Campus Violence. I have read the summary and analyses of the report by various columnists. I also heard the report discussed by three of the Commission members on national television yesterday.

Mr. Speaker, this report is about as useful as a fur coat on the equator. It appears to be a 300-page plus example of mediocrity and whitewash. There is no telling how much of the taxpayers' money was spent for this Commission to run around the country for 3 months to become so-called experts on campus violence. Judging from public statements made by some of the Commission members, I would say they had already reached their final conclusions the day they were appointed.

I hope President Nixon will accord the Commission report its proper status by placing it in file 13.

ANOTHER CUBAN CRISIS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, another crisis which may be just as ominous as the one involving Russian missiles has now been uncovered. The development of a naval base in Cuba, which is intended as an operating facility for Rus-

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sian submarines, requires immediate and forceful action by the U.S. Government.

Missiles are dangerous, but so are submarines, and submarines can escape scrutiny and can be a threat for long periods to a much broader segment of the United States. Submarines are equally a threat to surface shipping and to our own submarine fleet. We learned during World War II that submarine bases are extremely difficult to knock out. From every standpoint we are confronted with a dangerous situation which America dares not ignore. It is time to insist upon the strongest protests from the U.S. Government and we should make it clear that we are prepared to take sterner measures if they are required.

We have known about the potential for the development of a submarine base in Cuba for years. Undoubtedly the Russians have bided their time and they now feel that the agitation in this country for peace at any price in Southeast Asia will also cause our Government to mute vigorous protests against the Russian action in Cuba. This must not be the case. If a Russian submarine base right under our nose in the Western Hemisphere becomes an actuality, the Russians will have accomplished more to isolate the United States defensively and diplomatically than by any other single action of the decade.

THE PITTSBURGH PIRATES CLINCH EASTERN DIVISION CHAMPIONSHIP

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, over this past weekend an event of great national importance took place in the 14th Congressional District. The Pittsburgh Pirates, playing with great skill and courage under the leadership of Manager Danny Murtaugh in their new Three Rivers Stadium, clinched the Eastern Division championship in the National Basebal League. Ten years ago, under the same leadership, the Pirates became the world champions, and I am confident that they are going to repeat that this year. I am sure that the gentleman from North Carolina (Mr. MIZELL), a great member of that 1960 team, joins me in saying to the 1970 team—"Beat 'em Bucs."

WHO IS SITTING ON CRIME BILLS?

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, when is the majority party going to show the same concern about killings in America that they are showing about battle deaths in Vietnam? I note that the Democrats are busy participating in all kinds of rallies to end the war—but at the same time they are sitting on President Nixon's anticrime package that would help end the killing on America's streets.

Last week, there were 52 casualties in the war in Vietnam. An average of 280 murders are committed in the United States each week—some 14,590 during 1969—with FBI statistics indicating that crime is continuing to increase. The American people deserve an all-out war on crime here at home to make our streets safer, to end the fear and terror that stalks the land.

President Nixon is winding down the war in Vietnam. He has sought to wind up the war on crime here at home. But, despite a recent flurry of activity due to members of our party and the President putting the spotlight on our horrendous crime problem, the major portion of the President's anticrime legislation has not been acted on over the past year and one-half while murder, rape, robbery, and assaults continue in our streets.

I note that the leadership of the majority party has announced a lameduck session and a slowdown on legislation—if that is possible. Perhaps the 91st will go down in history as the zombie Congress—meanwhile, crime marches on.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 28, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:05 p.m. on Friday, September 25, 1970, said to contain a message from the President wherein he transmits to the Congress the second annual report of the Radiation Control for Health and Safety Act of 1968 (P.L. 90–602).

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

SECOND ANNUAL REPORT OF RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–390)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In accordance with Section 360D of the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602), I am herewith transmitting to you the second annual report on the administration of this Act.

This report was prepared by the Environmental Health Service of the Department of Health, Education, and Welfare.

RICHARD NIXON.
THE WHITE HOUSE, *September 25, 1970.*

REPORT ON SALARIES OF OFFICERS AND EMPLOYEES OF ORGANIZATIONS FUNDED UNDER ECONOMIC OPPORTUNITY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–391)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

I hereby submit the report on salaries of officers and employees of organizations funded under the Economic Opportunity Act that is required by Section 610–1(b) of the Economic Opportunity Act as amended in 1966. The report was prepared by the Office of Economic Opportunity and covers the fiscal year that ended on June 30, 1970.

RICHARD NIXON.
THE WHITE HOUSE, *September 28, 1970.*

CONFERENCE REPORT ON S. 2264, COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 23, 1970.)

The SPEAKER. The gentleman from West Virginia is recognized for 1 hour.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 316]

Adair
Adams
Anderson, Calif.
Andrews, N. Dak.
Aspinall
Beall, Md.
Betts
Biaggi
Biester
Blackburn
Blatnik
Boland
Bolling
Bow
Brasco
Bray
Brock
Brooks
Buchanan
Burton, Utah
Bush
Button
Cabell
Casey
Cederberg
Celler
Chisholm
Clark
Clay
Conyers
Cramer
Crane
Daddario
Dawson
de la Garza
Dennis
Dent
Diggs
Dowdy
Dulski

Edwards, La.
Eilberg
Esch
Farbstein
Feighan
Fish
Fisher
Ford,
 William D.
Foreman
Friedel
Fulton, Tenn.
Gallagher
Gettys
Gilbert
Gray
Green, Pa.
Griffin
Gubser
Hagan
Halpern
Hansen, Wash.
Hastings
Hathaway
Hébert
Heckler, Mass.
Helstoski
Henderson
Hungate
Karth
Kazen
Keith
Kleppe
Landgrebe
Landrum
Leggett
Long, La.
Lowenstein
McCarthy
McClory
McClure
McKneally
Macdonald,
 Mass.
MacGregor
Mailliard
Martin
Mathias
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Minish
Minshall
Mize
Mollohan
Monagan
Moss
Murphy, N.Y.
Nedzi
Nix
Olsen
Ottinger
Pepper
Pirnie
Podell
Powell
Pryor, Ark.
Purcell
Rees
Reid, N.Y.
Reifel
Roe
Rosenthal
Roudebush
Rousselot
Roybal
St Germain
Sandman
Scheuer
Shipley
Snyder
Stephens
Stokes
Stratton
Stubblefield
Symington
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Tunney
Udall
Watson
Watts
Weicker
Whitehurst
Whitten
Wilson, Bob
Wold
Wright
Zablocki
Zwach

The **SPEAKER**. On this rollcall 286 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 6778, AMENDING BANK HOLDING COMPANY ACT OF 1956

Mr. **PATMAN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, may I ask the gentleman from Texas if this bill has anything to do with secret bank accounts in foreign countries, legislation about which has been approved by the House?

Mr. **PATMAN**. No, but we have the same request for it after this request.

Mr. **GROSS**. Mr. Speaker, I withdraw my reservation of objection, and I thank the gentleman from Texas.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, and Messrs. REUSS, WIDNALL, JOHNSON of Pennsylvania, and STANTON.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 15073, AMENDING FEDERAL DEPOSIT INSURANCE ACT

Mr. **PATMAN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, let me ask the gentleman if this bill carries two or three amendments added by the Senate that are totally ungermane?

Mr. **PATMAN**. Mr. Speaker, I am not familiar with the amendments, but I understand there were three amendments attached to the bill.

Mr. **GROSS**. Mr. Speaker, I object.

Mr. **PATMAN**. Mr. Speaker, will the gentleman from Iowa withhold the objection for a moment?

Mr. **GROSS**. Mr. Speaker, I will withhold the objection.

Mr. **PATMAN**. Mr. Speaker, may I suggest that the three amendments, although they are not related, the Senate has the right under the rules to attach them, under a rule which I do not necessarily approve of, including the urban mass transit bill and two other bills.

Of course, the House position always has been to respect the rules and to not recognize the right of the other body to attach unrelated matters. This will have to be ironed out in conference.

Mr. **GROSS**. In the absence of a rule to the contrary, the other body has every right to do anything it wants with a bill sent to it by the House. Under the rules of the House, we must deal with germane amendments.

I am left no other recourse but to make it as difficult as possible, so long as these three nongermane amendments are attached to this bill, to put it through the House. It is high time the House spent some time in an effort to head off the other body from sending bills here with not one but a multiplicity of ungermane amendments.

Mr. Speaker, I do object.

The **SPEAKER**. Objection is heard.

CONFERENCE REPORT ON S. 2264, COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970

The **SPEAKER**. The gentleman from West Virginia (Mr. STAGGERS), is recognized for 1 hour on the conference report.

Mr. **STAGGERS**. Mr. Speaker, I yield myself such time as I may consume.

This conference report covers the Communicable Disease Control Amendments of 1970, the bill which passed the House by a rollcall vote of 312 to 1 on September 10.

We went to conference with the Senate, and after some consultation with the Senate they finally agreed to accept the House version of the bill in every respect, so we bring back to the House the exact bill which was passed by the House on September 10 by an overwhelming majority.

I do not believe I need to explain the bill, for it was explained very well at that time. The vote showed that it certainly met with the approval of the Members of the House.

At this time, Mr. Speaker, I want to pay tribute to a group of men who have worked hard for the betterment of the health of America—the members of our Subcommittee on Public Health and Welfare.

I refer particularly to the gentleman from Oklahoma (Mr. JARMAN), who is the chairman of the Subcommittee on Public Health and Welfare; and also to the gentleman from Florida (Mr. ROGERS); to the gentleman from Virginia (Mr. SATTERFIELD); to the gentleman from Maine (Mr. KYROS); to the gentleman from North Carolina (Mr. PREYER); to the gentleman from Minnesota (Mr. NELSEN); to the gentleman from Kentucky (Mr. CARTER); to the gentleman from Kansas (Mr. SKUBITZ); and to the gentleman from New York (Mr. HASTINGS).

These gentlemen have worked as hard as I have ever seen any subcommittee work in the Congress of the United States during my 22 years as a Member of this House. They have been in almost continuous session day after day working on health bills which affect all America. They have brought many good and great bills to the floor for the betterment of the health of the people of this land.

Mr. Speaker, during this Congress this subcommittee has held hearings covering hundreds of bills. Among the measures which they have considered which have passed the House are the drug legislation (H.R. 18583) which just passed the House last week, on which they held 11 days of hearings and 37 executive sessions morning, afternoon, and night. We have in conference now six measures from that subcommittee, S. 3586 relating to the training of allied health professionals: H.R. 18110 covering comprehensive health planning; H.R. 17570, the heart disease, cancer, stroke, and kidney disease amendments; and S. 2846, developmental disabilities services and facilities; H.R. 17255, the clear air amendment of 1970, as well as S. 2005, the Resource Recovery Act of 1970.

In addition, they have reported numerous other measures to the House, such as H.R. 10138, Public Health Service commissioned officer retirement benefits; H.R. 11102, the Hill-Burton Act extension; H.R. 11702, providing assistance to medical libraries; H.R. 14086, the community mental health centers amendments; H.R. 13448 providing for exchange of the Public Health Service Hospital at New Orleans; H.R. 15961, licensing of biological products; H.R. 14733, extending the agricultural migrant workers health programs; and H.R. 14790, providing for formula grants to schools of public health.

The subcommittee has also held oversight hearings covering the Food and Drug Administration; nutrition problems; and radiation safety standards. Their record is one of which each member of that subcommittee can justly be proud.

I should like to say that I, for one, appreciate the work they have done, and

I am sure every Member of the House does also. I am certain that every American would be grateful to them, if they knew of the work they had done. The bipartisan, or I should rather say nonpartisan, way it has worked has also been outstanding. On the drug bill (H.R. 18583), the members disagreed on only one item—no-knock. Otherwise, every bill reported from that subcommittee has been unanimously reported, with the unanimous support of the subcommittee members for every provision in the bill.

I just want to pay tribute to this subcommittee for the great work it has done.

Mr. Speaker, to return to the conference report before us, this is the same bill as the one which passed the House on September 10. I recommend that the conference report be agreed to by the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, the conference report which comes back today for a vote is the House version of the bill. There have been no changes in the conference at all. For those who have asked me about this, I want to explain that this is the House version which comes back from conference, and it is the House bill.

The Senate has not asked for nor imposed any amendments on the bill, and for that reason you have before you the same bill which you voted on in August.

Mr. PRICE of Illinois. Mr. Speaker, communicable disease remains a problem although it is not beyond our resources to control. We have the medical knowledge to eliminate many of the contagious diseases that still plague the health of the Nation. It is our responsibility to put this knowledge to use by approving the pending bill authorizing a 3-year program of project grants to State and local governments.

History has shown the dramatic role Government funds can play in combatting disease. Between 1955 and 1957, Government assistance radically reduced the incidence of polio, but after the cutback in Federal aid in 1957, polio epidemics once again occurred. This clearly evidences the value of large-scale Government financing in this area.

I find it quite distressing that while both measles and German measles can be prevented with the use of a vaccine, the number of cases of measles is increasing yearly and a major German measles epidemic has been predicted for 1970–71. Even more distressing, however, is the fact that the incidence of venereal disease has been steadily increasing for years, and as yet there are no grant funds specifically for the control of gonorrhea.

It is evident, therefore, that control programs in many areas have recently been underfunded or even nonexistent. There can be no doubt then as to the value of this legislation. As stated, the purpose of the bill before us is to authorize appropriations for a communicable disease control program designed so as to contribute to national protection against diseases that are susceptible to vaccination or to control programs. Communicable diseases are a needless threat. This bill, if passed, will provide the means for their control. I, therefore, urge the adoption of H.R. 11913.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROGERS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 292, nays 2, not voting 135, as follows:

[Roll No. 317]

YEAS—292

Abbitt
Abernethy
Addabbo
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Bell, Calif.
Bennett
Bevill
Biester
Bingham
Blanton
Boggs
Brademas
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
May
Mayne
Mikva
Miller, Ohio
Mills
Mink
Mizell
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Obey
O'Konski
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stuckey
Sullivan
Taylor
Teague, Tex.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zion

NAYS—2

Belcher
Berry

NOT VOTING—135

Adair
Adams
Anderson, Calif.
Andrews, N. Dak.
Aspinall
Beall, Md.
Betts
Biaggi
Blackburn
Blatnik
Boland
Bolling
Bow
Brasco
Bray
Brock
Brooks
Buchanan
Burton, Utah
Bush
Button
Cabell
Casey
Cederberg
Celler
Chisholm
Conyers
Cramer
Crane
Daddario
Dawson
de la Garza
Dennis
Dent
Diggs
Dowdy
Dulski
Edwards, La.
Eilberg
Esch
Farbstein
Feighan
Fish
Fisher
Ford, William D.
Foreman
Friedel
Fulton, Tenn.
Galifianakis
Gallagher
Gettys
Gray
Green, Pa.
Griffin
Gubser
Hagan
Halpern
Hansen, Wash.
Hastings
Hathaway
Hébert
Helstoski
Henderson
Hungate
Johnson, Pa.
Karth
Kazen
Kleppe
Landgrebe
Landrum
Leggett
Long, La.
Lowenstein
McCarthy
McClory
McClure
McKneally
MacGregor
Martin
Mathias
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Minish
Minshall
Mize
Mollohan
Monagan
Moss
Murphy, N.Y.
Nedzi
Nix
Olsen
Ottinger
Pepper
Pirnie
Podell
Powell
Pucinski
Purcell
Rees
Reid, N.Y.
Reifel
Roe
Rosenthal
Roudebush
Rousselot
St Germain
Sandman
Schadeberg
Scheuer
Shipley
Snyder
Stephens
Stokes
Stratton
Stubblefield
Symington
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Tunney
Udall
Watson
Watts
Weicker
Wilson, Bob
Wold
Wright
Zablocki
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Kleppe.

Mr. Brooks with Mr. Bush.

Mr. Hébert with Mr. Watson.

Mr. Eilberg with Mr. McClory.

Mr. Dowdy with Mr. Crane.

Mr. Daddario with Mr. Meskill.

Mr. Monagan with Mr. Pirnie.

Mr. Ottinger with Mr. MacGregor.

Mr. Pepper with Mr. Reifel.

Mr. St Germain with Mr. Cramer.

Mr. Blatnik with Mr. Wold.

Mr. Brasco with Mr. McKneally.

Mr. Karth with Mr. Taft.

Mr. Long of Louisiana with Mr. Roudebush.

Mr. Miller of California with Mr. Gubser.
Mr. Olsen with Mr. Johnson of Pennsylvania.
Mr. Galifianakis with Mr. Brock.
Mr. Edwards of Louisiana with Mr. Foreman.
Mr. Cabell with Mr. Zwach.
Mr. Casey with Mr. Rousselot.
Mr. Aspinall with Mr. Weicher.
Mr. Murphy of New York with Mr. Mize.
Mr. Nedzi with Mr. Minshall.
Mr. Purcell with Mr. Blackburn.
Mr. Griffin with Mr. Esch.
Mr. Fulton of Tennessee with Mr. Teague of California.
Mr. Fisher with Mr. Snyder.
Mr. Tunney with Mr. Conyers.
Mr. McCarthy with Mr. Powell.
Mr. Lowenstein with Mr. Diggs.
Mr. Pucinski with Mr. Nix.
Mr. Rees with Mrs. Chisholm.
Mr. Anderson of California with Bob Wilson.
Mr. Adams with Mr. Burton of Utah.
Mr. Celler with Mr. Betts.
Mr. Hagan with Mr. Dennis.
Mr. Dent with Mr. Adair.
Mr. Friedel with Mr. Beall of Maryland.
Mr. Stubblefield with Mr. Andrews of North Dakota.
Mr. Green of Pennsylvania with Mr. Fish.
Mr. Hathaway with Mr. Bow.
Mr. Gettys with Mr. Bray.
Mr. Gallagher with Mr. Sandman.
Mr. Moss with Mr. Reid of New York.
Mr. Minish with Mr. Halpern.
Mr. Henderson with Mr. Thompson of Georgia.
Mr. Watts with Mr. Michel.
Mr. Wright with Mr. Landgrebe.
Mr. Zablocki with Mr. Buchanan.
Mr. Leggett with Mr. Talcott.
Mr. Biaggi with Mr. Martin of Nebraska.
Mr. Boland with Mr. Schadeberg.
Mr. Helstoski with Mr. Hastings.
Mr. Dulski with Mr. Mathias.
Mr. Rosenthal with Mr. Stokes.
Mr. Gray with Mr. Cederberg.
Mr. Stephens with Mr. McClure.
Mr. Stratton with Mr. Button.
Mrs. Hansen of Washington with Mr. Symington.
Mr. Melcher with Mr. Meeds.
Mr. Udall with Mr. Podell.
Mr. Roe with Mr. Shipley.
Mr. William D. Ford with Mr. Feighan.
Mr. Mollohan with Mr. de la Garza.
Mr. Hungate with Mr. Kazen.
Mr. Farbstein with Mr. Dawson.
Mr. Landrum with Mr. Scheuer.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3558, PUBLIC BROADCASTING FINANCING ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 23, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under the conference report on S. 3558 appropriations are authorized for the Corporation for Public Broadcasting for fiscal years 1971 and 1972. For each year, an outright appropriation of not more than $30 million is authorized. Not more than $5 million is additionally authorized each year to match grants, donations, bequests, and other contributions to the Corporation from non-Federal sources.

The issues between the two Houses were simple and clear cut, so I shall not take much time discussing trem.

The Senate passed a 3-year open end authorization for the Corporation and added a provision requiring public broadcast stations receiving grants from the Corporation to keep records of their programs involving controversial issues of public importance. I should note that the administration requested the 3-year open end authorization for the Corporation.

We on the committee have been disturbed about the delay in getting up a permanent plan for financing the Corporation. We also have a policy against open end authorizations. So we cut the authorization down to 1 year, fiscal year 1971, so that we could maintain closer oversight of the progress in getting up a permanent financing plan for the Corporation. Our appropriation ceiling for 1971 has been adopted for both years covered by the conference report.

The provisions in the Senate bill requiring recordings and other records were not the subject of hearings in either House. Those provisions are not included in the conference report. The conferees agreed however, that there should be hearings in the next session on legislation requiring all broadcast stations to keep recordings of their programs involving controversial issues of public importance. I am having such legislation prepared for introduction.

Mr. Speaker, this is a good conference report and I trust that it will be adopted by the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I regret, I must say to the gentleman, that the House capitulated to the other body on the extension of 1 year. Quite a point was made, as I recall, when the bill was before the House, that the House committee would review this program next year. To extend it another year will not be helpful in that respect.

In other words, the adoption of this conference report means it will go on for an addtional year, with perhaps not too much scrutiny. I regret to see that the additional 1-year extension was given.

Mr. STAGGERS. If the gentleman will permit me to explain, we are well into the present fiscal year and if the authorization were not for 2 fiscal years we would be right back working on another authorization for CPB at the start of next year instead of looking into the question of a permanent plan for financing the Corporation. This provision will give us a little time.

We were very adamant in refusing to go over to 3 years. This will give the administration a little more time to come up with its suggestions for a permanent plan for financing the Corporation. We did close the open-end authorization.

We believe the conference report is a good compromise, and about the best we could do with the Senate under the circumstances.

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield such time as he may consume to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, I want to reiterate what the chairman already has said, that this is essentially the same bill that passed the House of Representatives recently.

The other body, of course, was insistent on having 3 years, and they did make the point to us that we would have to be right back in here in January or February to hold hearings on the program again, and that another year would give us some more time. For that reason we did compromise on this particular point.

This is a good program and I believe we should continue it. We will soon be looking into this program again. We will be holding hearings on it either late next year or early the following year. I am sure all the members of the subcommittee and of the committee will be looking over the program, and talking to those who are responsible for it in the administration. We will be having conferences and talking to those who have the responsibility for running the program; that is, the Public Broadcasting Corporation.

We are going to be keeping a very close eye on the program as a whole.

I urge my colleagues to support the conference report.

Mr. STAGGERS. I thank the gentleman from North Carolina (Mr. BROYHILL). He has been very helpful, as were all of the conferees, in working out the compromise. Particularly the chairman of the Subcommittee on Communication and Power of our committee, the gentleman from Massachusetts (Mr. MACDONALD).

At this time, Mr. Speaker, I would like to compliment that subcommittee. They have worked exceedingly hard on many bills during this Congress under their very able chairman.

They are: the gentleman from Massachusetts (Mr. MACDONALD), the chairman of the subcommittee; the gentleman from California (Mr. VAN DEERLIN); the gentleman from Pennsylvania (Mr. ROONEY); the gentleman from New York (Mr. OTTINGER); the gentleman from Rhode Island (Mr. TIERNAN); the gentleman from North Carolina (Mr. BROYHILL); the gentleman from Michigan (Mr. HARVEY); the gentleman from Colo-

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rado (Mr. BROTZMAN); and the gentleman from Ohio (Mr. BROWN).

I compliment each of those gentlemen for the job he has done on this subcommittee. It has been hard work and time-consuming, but they have worked right along without pause or complaint. I want to give them my thanks, and I think each Member of the House owes them a vote of thanks, also, for the work they have done.

At this time, Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, I thank the chairman for the very gracious remarks he has made concerning our subcommittee.

Without taking much more time of the body, I would just like to say that because we receded a little bit on the time for the financing of this program, the permanent financing aspect of the bill, only means that the subcommittee, and I am sure the full committee, will be very diligent in overseeing that a permanent financing program that the gentleman from Iowa (Mr. GROSS) suggested should be undertaken. The subcommittee feels that the gentleman is very accurate in his statement. The full committee also feels so. We compromised only because there would be a difference of maybe 6 or 7 months before the program came up again. I can assure the gentleman from Iowa that we are going to be very diligent in seeing to it that a reasonable type of permanent financing is advanced both by the Corporation and by the administration.

The conference report before us today, on the bill S. 3558, extension of financing for the Corporation for Public Broadcasting, will permit continuation of the Corporation's successful program of aid to local educational broadcasting systems.

The Corporation was established by the Public Broadcasting Act of 1967, and under the initial concept operating funds for the first years of operations have been provided by direct appropriations in slowing increasing amounts. The initial concept also called for the development of a system of permanent financing that would provide Federal funds without dependence on the annual appropriation process. This remains the intent of the Committee on Interstate and Foreign Commerce, the Congress, and the other governmental bodies involved in the creation and support of the public broadcasting system.

The objective of a long-range financing plan is to provide insulation from direct or indirect political pressures, however well intended, that might compromise the Corporation's programing in the minds of viewers and listeners.

But it has been recognized that development of permanent financing is a complex and difficult task, requiring a high degree of coordination among the executive and legislative branches and the public broadcasting community. Accordingly, in order to yield immediate benefits from the Corporation, to develop expertise in public broadcasting operation, and to gain better insights through practical experience on the volume of funds that will be needed in the future, direct appropriations have been necessary.

The present legislation extends the authorization for the Corporation through the next fiscal year, 1972. The legislation also provides for appropriations in the current fiscal year, 1971. The House, in consideration of the committee bill, H.R. 17982, approved a $30 million authorization for fiscal 1971. In addition, another $5 million was authorized for appropriation of matching funds, to be dependent on amounts received as contributions to the Corporation from non-Federal sources.

The Senate had passed authorizing legislation with no fixed amounts for the next 3 fiscal years. The Senate also approved an amendment requiring educational stations to keep tapes of all public-issue programing for later inspection by interested parties. For my own part, I have no objection to broadcasting stations keeping records of broadcast material. But it was noted that neither body had held hearings on the proposal, and that, as written, such a law would single out noncommercial stations while placing no similar obligation on commercial stations. Also, the cost burden of such a step, which would fall most heavily on low-budget operations, would most probably be very high.

The conference managers agreed to eliminate the Senate amendment on keeping recordings, but also agreed that hearings on a measure that would apply across the board to all stations should be held next session.

The Senate managers pointed out that the provision of only 1 year's authorization as voted by the House would be followed in a matter of months by the necessity of considering similar legislation for the coming fiscal year. Accordingly, they urged that a second year's authorization be added. The House conferees agreed to the request, which is set at the same level as the authorization for the present fiscal year—that is $30 million for direct appropriations and $5 million in matching appropriations.

Both sides agreed that the extension of the authorization to the second year did not diminish in any way the insistence on the part of the House committee that work on permanent financing should go forward with all possible speed. Limiting the authorization to 1 year was designed as a means of insuring very close committee oversight over the development of permanent financing. The addition of a second-year authorization, because the appropriations process for that year is already almost upon us, will not in any way dilute the committee's insistence that work on permanent financing must be pressed vigorously.

In our committee report, we noted that it would probably be necessary to make further direct appropriations, even though progress was being made on long-range financing. Permanent financing will involve complex legislation that cannot be put in place overnight. In the meantime the Corporation for Public Broadcasting can continue to expand on the successful beginning it has already achieved by means of direct appropriation funding as provided for in this conference report.

Mr. Speaker, I urge the adoption of the report.

Mr. STAGGERS. Mr. Speaker, I yield whatever time he may require to the ranking minority member, the gentleman from Illinois (Mr. SPRINGER), who has been helpful, as always, in every way.

Mr. SPRINGER. Mr. Speaker, I would like to explain that we did go over this when the bill was before the House before. The budget figure was $22.5 million plus $2.5 million in matching grants. There was a great deal of argument in the committee as to what should be done. Finally we had the budget people come down and they agreed to this figure of $30 million plus $5 million in matching grants. So what is contained in this conference report and in the original bill meets with the approval of the Bureau of the Budget.

Mr. SCHMITZ. Mr. Speaker, once again I want to state my strong opposition to this legislation. As I pointed out at the time of its original passage September 10, the stated purposes and activities of the Corporation for Public Broadcasting read like a blueprint for a Government propaganda network. Coupled with the growing restrictions by the Federal Communications Commission on the program content of private broadcasters—of which the recent FCC decision to remove station WXUR in Media, Pa., from the air for alleged violations of the "fairness doctrine" such as failing to give equal time to opponents of victory in Vietnam, is the latest and worst example—this brings us closer to outright control of the communications media by those able to influence the Federal Government in their favor.

Government broadcasting is fundamentally inimical to freedom. Every advanced totalitarian state provides for full government control of the communications media. As everyone should know by now, Federal funding means Federal control. There should be no federally funded broadcasting network. Consequently, funding for the Corporation for Public Broadcasting should be ablished, not continued.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair has been informed and understands that the original papers on the next conference report have not been messaged over to the House as yet. They will be here shortly.

The Chair will recognize the gentleman from California (Mr. HOLIFIELD) in connection with the first reorganization plan, and if the papers arrive between consideration of the first and second reorganization plans, the Chair will recognize the gentleman from West Virginia at that time.

DISAPPROVING REORGANIZATION PLAN NO. 3 OF 1970—TO ESTABLISH AN ENVIRONMENTAL PROTECTION AGENCY AS AN INDEPENDENT ENTITY OF GOVERNMENT

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1209, to disapprove Reorganization Plan No. 3; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution may continue, not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Illinois (Mr. ERLENBORN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1209, with Mr. ANDREWS of Alabama in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from California (Mr. HOLIFIELD) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I want to try to explain this resolution in as brief time as possible, the President's Reorganization Plan No. 3.

Mr. Chairman, House Resolution 1209 would disapprove Reorganization Plan No. 3 of 1970 submitted to Congress by President Nixon on July 9. The plan will create an Environmental Protection Agency.

In accordance with the Reorganization Act of 1949, if a disapproval resolution is voted favorably by either the House or the Senate within 60 days, barring adjournments for more than 3 days, a reorganization plan will not go into effect. Under the rules of the House, reorganization plans and disapproval resolutions thereon are referred to the Committee on Government Operations. In this instance Reorganization Plan No. 3 was assigned to the subcommittee chaired by the gentleman from Minnesota who held extensive hearings. Subsequently, when the disapproval resolution was filed the full committee voted to report it to the House with the recommendation that the resolution not be agreed to, thereby supporting the reorganization plan. I might say this action was by a near-unanimous vote. The committee report and the printed hearings have been sent to every Member of the House.

ENVIRONMENTAL PROTECTION AGENCY

Reorganization Plan No. 3 would establish an Environmental Protection Agency as a new independent entity in the Government. It would have a status comparable to other independent units such as the Atomic Energy Commission, General Services Administration, and Veterans' Administration which are not parts of a department.

The EPA will bring together the following agencies and functions now located elsewhere in the Government:

First, the Federal Water Quality Administration, now in the Department of the Interior—you will recall we transferred this agency to Interior from HEW by reorganization plan in 1966;

Second, the National Air Pollution Control Administration, now in the Department of Health, Education, and Welfare; parts of the Environmental Control Administration—Bureaus of Solid Waste Management, Water Hygiene, and a portion of the Bureau of Radiological Health—also from HEW;

Third, the pesticides research and standard-setting program of the Food and Drug Administration, HEW;

Fourth, the pesticides registration authority of the Department of Agriculture;

Fifth, authority to perform general ecological research, from the Council on Environmental Quality; certain pesticide research authorities of the Department of the Interior;

Sixth, the environmental radiation protection standard-setting function of the Atomic Energy Commission; and

Seventh, the functions of the Federal Radiation Council.

The Environmental Protection Agency will have a budget for fiscal 1971 of approximately $1.4 billion, mostly for water pollution efforts and over 5,600 personnel.

STATED ADVANTAGES

The President tells us the creation of the new agency will have the following advantages:

It will upgrade the effectiveness of the Federal Government's major pollution control programs.

It will provide a central focus for an evaluation of all pollution-related activities of the Government.

It will serve to upgrade the importance of environmental consideration and pollution programs within the Federal Government, and over a period of time tend to have a similar effect on program priorities within state and local governments.

It will clarify industry responsibility by providing consistent standards and a single enforcement agency.

State and local pollution control agencies will be able to look to one Federal agency for all their financial support and technical assistance.

It will insulate pollution abatement standard-setting from the promotional interests of other departments.

Since no new program or funding is proposed, I would conclude that the essence of this plan is to bring these scattered functions together under one roof for whatever benefits such coordination will produce in the overall environmental effort.

This idea apparently originated with the President's Advisory Council on Executive Organization, headed by Roy L. Ash and other well-known businessmen. The plan was supported by most of the witnesses who appeared. It was opposed by Congressman JOHN DINGELL and reservations were expressed by a number of farm organizations who prefer that pesticide registration remain in the Department of Agriculture. Mr. DINGELL will state his objections to you during this debate.

As you will note from our report, we took cognizance of the criticisms that were made. We recognized that this was a rather small step forward in the needed coordination of our many environmental programs. Also, the distinction between the work of the new Environmental Protection Agency and the Council on Environmental Quality was not made very clear.

Furthermore, the plan does set up a superstructure of high-level, high-salaried administrators in the agency even though we hear much talk from the administration about the need for economy. The President only recently undertook to lecture the Congress about spending.

Nevertheless, the environment is a matter of great public concern now and the committee felt that this plan, even though subject to some criticism should be allowed to become law.

That concludes my explanatory statement, Mr. Chairman.

I might say that in view of the fact that we have before us a resolution of disapproval that if you are in favor of the plan your vote should be "on" on the resolution of disapproval. If you are against the plan, your vote should be "yes" on the resolution of disapproval.

The committee with almost unanimous action advises that a "no" vote be given on the resolution of disapproval.

Mr. GROSS. Mr. Chairman, would the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Will the gentleman state how many employees will be transferred out of other agencies to this new Environmental Protection Agency?

Mr. HOLIFIELD. The estimate given to us by the administration was 5,600.

Mr. GROSS. It was 5,600?

Mr. HOLIFIELD. That is correct.

Mr. GROSS. Do I understand correctly that about 2,500 of these will come from the Department of the Interior?

Mr. HOLIFIELD. I believe that is about the breakdown. You see, we put the water and air pollution acts in the Department of the Interior, and they have many employees working on these programs. Their functions will be transferred over into this environmental agency, and along with the functions will go the personnel records of this agency pertaining to these subject matters.

Mr. GROSS. And this requires the establishment of an Environmental Protection Agency?

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Mr. HOLIFIELD. The Environmental Protection Agency is established by the President's plan. This, of course, is a procedure authorized by the Reorganization Act, and he may group together related functions into a new agency. He cannot abolish functions and he cannot expand functions. That has to be done by statute. But he can move them over, like moving checkers over on a checker board into one group.

Mr. GROSS. Who is going to administer this new agency?

Mr. HOLIFIELD. That will be the President's decision, of course—and the gentleman may have some control over that—but I do not.

Mr. GROSS. Not very much, I will say to the gentleman, if any.

Mr. HOLIFIELD. The President has not announced who the Administrator will be.

Mr. GROSS. But there will be an Administrator; is that correct?

Mr. HOLIFIELD. There will be one Administrator. These are administrative positions. There will be one Administrator, a Deputy Administrator and five Assistant Administrators. The Administrator is at level No. 2 which is $42,500 annual salary. The Deputy Administrator is at level No. 3 which is $40,000 annually and the five Assistant Administrators are at level No. 4 which is $38,000 each.

Mr. GROSS. That is five Assistant Administrators at $38,000 each?

Mr. HOLIFIELD. That is right.

May I say that the total, the way I figure it, is $357,000 annually for these new administrative positions.

Mr. GROSS. There are these new administrative positions—but that does not include clerical help, office space, and so on and so forth?

Will this require a new building? They are going up so fast around here that I am led to believe that all of these new creations require new buildings.

Mr. HOLIFIELD. I cannot answer that question. The bodies that are going to be in this new agency now occupy office space so that I would not see the necessity for additional office space. They may be grouped differently in different buildings. But the increase in personnel that is contemplated at this time is, so far as I can tell, only seven people.

Mr. GROSS. I call the gentleman's attention to page 102 of the hearings of the subcommittee where Mr. Lanigan of the committee staff, the general counsel, pointed out that the Federal Water Pollution Control Administration, which transferred from HEW to the Department of Interior, provided for an additional Assistant Secretary of the Interior.

Then Mr. Lanigan said that he saw no provision in Reorganization Plan No. 3 either for the transfer of this Assistant Secretary to the new agency or for the abolition of his job.

Mr. Lanigan asked:

> Was it contemplated that this additional Assistant Secretary will remain in the Interior Department?

The result of this questioning added up to the answer that this question would be disposed of in hearings on Reorganization Plan No. 4; that is the fate of this Assistant Secretary.

I have read as carefully as I could the hearings on Reorganization Plan No. 4 and I can find no disposition of this Assistant Secretary. I wonder where he is going to go?

Mr. HOLIFIELD. I suppose that following former procedure, if a secretarial function in Interior is transferred over to the new agency, that any person who takes that place would be appointed and that the old Secretary would either be dismissed or appointed to a new agency somewhere else.

Mr. GROSS. But no evidence was submitted to your committee as to whether he was going to be used as an administrator on any other job?

Mr. HOLIFIELD. The only evidence submitted to our committee was that there were going to be seven new places.

Mr. GROSS. I am sure the gentleman knows the question that is in my mind and that is, Will this reorganization plan merely result in more empire building?

Mr. HOLIFIELD. I think it will result in the concentration of the different functions into one entity. The President says that this is the way to do it and the committee has decided to go along.

I will reserve the balance of my time and let our colleague, the gentleman from Illinois (Mr. Erlenborn) further expiate on that problem.

Mr. Chairman I include the following letters referring to Reorganization Plan No. 3:

House of Representatives,
Committee on Government Operations,
Washington, D.C., August 5, 1970.

Hon. George P. Shultz,
Director, Office of Management and Budget, Executive Office of the President, Washington, D.C.

Dear Mr. Shultz: During the past several weeks of our subcommittee hearings on Reorganization Plan No. 3, there has been testimony and discussion relating to the proposed transfer of all Federal Radiation Council functions to the Environmental Protection Agency. I do not believe that there has been adequate coverage concerning what the administration proposes with respect to present ongoing study projects being conducted by the FRC.

Specifically, this committee would like to know what is planned concerning completion of the FRC study and report on radon exposures in the uranium mining industry, and the comprehensive review of the radiation protection guides which I, in my capacity as chairman of the Joint Committee on Atomic Energy, requested in my March 20 letter to Chairman Finch (copy attached). Please indicate the expected schedule for the completion of these FRC efforts.

The committee would also like to know how similar multidiscipline studies concerning guides or standards for radiation exposure would be carried out under the newly proposed organization.

Your cooperation in this matter is appreciated.

Sincerely yours,
Chet Holifield,
Acting Chairman.

Executive Office of the President,
Office of Management and Budget,
Washington, D.C., September 15, 1970.

Hon. Chet Holifield,
Acting Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in reply to your letter of August 5 asking for further information about the administration's plans with respect to ongoing projects being conducted by the Federal Radiation Council after the transfer of its functions to the Environmental Protection Agency proposed under Reorganization Plan No. 3.

The overall intent of the administration under the plan was described by Russell Train, Roy Ash, and other executive branch witnesses when they appeared before Mr. Blatnik's subcommittee on July 22 and 23. With regard to your specific questions:

(1) The review of radon daughter exposures in uranium mining will be completed under the supervision of the Interagency Review Group on Uranium Mining, which was set up by Secretary Finch, acting as Chairman of the FRC. The Surgeon General, USPHS, was directed to chair the group. The conclusions and recommendations of this Interagency Review Group are expected to be available in time for the administration to act on the change of the standard previously recommended before the effective date of January 1, 1971.

(2) The plan for review of FRC basic guidelines recommended by Chairman Finch is attached for your information. The projected time for the review of approximately 2 years was proposed by the National Academy of Sciences and supported by the FRC staff and working group. The FRC accepted the recommendations, and instructed the staff and working group to plan the Council's program accordingly.

(3) The administration has acted to insure that the ongoing programs in the functions and organizations being transferred to EPA are continued without interruption. The review of basic guidelines is already underway. The contracts with NAS and NCRP shown in the plan are in the process of being executed for fiscal year 1971. The transfer of functions will not affect the orderly progress of completing the study.

As to future multidiscipline studies concerning guides or standards for radiation exposure, we believe EPA will utilize the pattern and operational procedures already established under the FRC, and will use basically the same sources of expert advice, including critical non-Federal sources. Thus, EPA will be:

(1) Making full use of expertise available in other Government agencies;

(2) Utilizing NAS for advice on the biological effects of radiation;

(3) Utilizing the expertise in the NCRP for advice in respect to basic standards as well as advice on the most appropriate dosimetry models to be used in connection with the development of secondary standards; and

(4) Creating special task forces including experts from the Government and non-Government sectors as needed in special cases.

With the transfer of FRC to EPA under the Reorganization Plan, EPA will, of course, be bound by the existing statutory requirements to consult with the NAS, NCRP, and other qualified experts in the fields of biology, medicine, and health physics.

Sincerely,
George P. Shultz,
Director.

Mr. ERLENBORN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. Dwyer).

Mrs. DWYER. Mr. Chairman, I rise in opposition to House Resolution 1209 and urge that Reorganization Plan No. 3 of 1970 be allowed to become effective.

The net result of our Federal environmental protection effort to date is a structure incapable of coordinated and effective action in dealing with pollution. Having developed piecemeal, the environmentally related activities of Government are now scattered among a number of departments and agencies and are incapable of a concerted attack upon our pollution problems.

I have long crusaded for a more effective allocation of the resources of Government and I know of no area where reorganization is more essential than in pollution control.

Many agency missions for environmental protection have been designed without regard to the interrelatedness of the sources of air, water, and land pollution.

Reorganization Plan No. 3 would not only make possible comprehensive research, standard setting, and consistent and effective policy formulation, but would simplify intergovernmental relations. State and local governments, as well as industry, should thereby be spared some of the frustrations of dealing with a number of different agencies.

Overhauling the cumbrous machinery of Government is a task of awesome proportions and cannot be accomplished in one fell swoop. The President has redeemed his campaign pledge "to set in motion a searching, fundamental reappraisal of our whole structure of government" and is proceeding systematically and thoroughly.

The President has established environmental quality as a priority objective of this administration; Congress has long been committed to the same goal; and the public shares the same commitment. In such a climate, and in face of the need it would be unthinkable to reject this reorganization plan.

The President must be permitted not only to gain economy and efficiency in Government, but to give Government the ability to meet priority needs and thus restore the quality of life.

Admittedly, Reorganization Plan No. 3 is not the last word, nor is it intended to be. But I agree with the President that it is a sound and significant beginning toward the ultimate objective of maximizing the effective coordination and functioning of the Nation's environmental and resource protection activities.

Therefore, I urge this body to vote "no" on House Resolution 1209 and thus allow Reorganization Plan No. 3 of 1970 to become effective.

Mr. ERLENBORN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, of the many reorganization plans that have been referred to the Committee on Government Operations and debated in this body since I became a Member of Congress, none has been more in keeping with the letter and the spirit of the Reorganization Act of 1949, as amended and now codified at 5 U.S.C. 901–913, than Reorganization Plan No. 3 of 1970.

Not only is it needed to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business, but it is deliberately designed to increase the efficiency of the operations of the Government to the fullest extent practicable.

The present fragmentation of pollution control programs among several agencies of Government no longer serves the public interest. The unified system that is the environment must be matched by a corresponding interrelatedness of governmental responsibilities to protect that environment.

No matter how much additional funds we appropriate to restore and preserve the quality of our environment much of our investment will be wasted unless we remedy the fractured structure that currently inhibits effective use of funds and people.

No single agency is presently responsible for developing the integrated research, standard setting, and assistance necessary to develop and carry out a comprehensive program of pollution control.

The President has made a compelling case for proposing a separate new agency, rather than placing environmental protection activities in an existing department. Because each department's view of environmental questions is affected by its own primary mission, its objectivity as an impartial standard setter for other departments could be called into question. A strong independent agency is needed.

The Environmental Protection Agency would bring together in a single organization the major Federal pollution control programs now existing in four separate agencies and one interagency council.

The plan would combine functions carried out by the Federal Water Quality Administration—FWQA—now in the Department of the Interior; the National Air Pollution Control Administration—NAPCA—parts of the Environmental Control Administration—ECA—and the pesticides research and regulatory programs of the Food and Drug Administration, all presently located in HEW; the pesticides registration and related authority of the Department of Agriculture; the environmental radiation protection standard-setting function of the AEC; the functions of the Federal Radiation Council; some of the pesticides research conducted by the Bureau of Commercial Fisheries; and authority to conduct ecological systems research, now vested in the Council on Environmental Quality.

Thus, the new agency would include only those programs or functions necessary for it to carry out its mission of integrated policymaking and pollution control. The standard-setting function is a critical one and although only a handful of programs are being transferred, they represent an authority that can exert a great deal of leverage in improving environmental quality.

In view of this carefully worked out answer to a demonstrated need, it is difficult to understand the opposition to the plan culminating in the resolution of disapproval before us today. Nevertheless, opposition has been expressed and it deserves an answer.

The arguments that I have heard advanced against this plan are basically three in number, first, that it does not go far enough in coordinating the environmental protection activities of Government; second, that it goes too far in coordinating the environmental protection activities of Government, and finally, that the coordination of the environmental activities of Government should have been accomplished in some other place and under some other name.

The first two arguments tend to cancel each other out and are a tribute to the balance with which the proposed organizational structure is designed. The third defies argument because there is no profit in disputing differences concerning tastes.

Substantial or not, these arguments merit examination in somewhat more detail. As to the argument that the plan does not go far enough in coordinating the environmental protection activities of Government there is no question but what environmental factors exist in practically all operating programs of the Federal Government. Some of them should probably be included in this new agency and undoubtedly, at some later time, will be. That fact, however, should not militate against this very meaningful and significant plan to consolidate basic efforts to determine tolerance levels and standards for major forms of pollution affecting the general environment, to enforce those standards and to provide assistance in alleviating pollution problems.

Resistance to the separation of responsibilities for regulating the environmental effects of a particular activity from the responsibilities for promoting or developing a particular resource or activity gives rise to the second argument I mentioned earlier that the plan goes too far. While the problem is one of Federal organization subject to more than one solution, there is a growing public concern over the vesting of promotional and regulatory powers in the same agency of Government. The Department of Agriculture's regulation of pesticides and the Atomic Energy Commission's regulation of radiation levels were cited as examples having a potential for conflict of interest. Vesting these regulatory functions in an independent Environmental Protection Agency should allay any fears that special interests will prevail over the interest of the public at large.

Moreover, it should be noted that pursuant to the reorganization provisions of 5 U.S.C. 901–913, a reorganization plan cannot create any new authorities or functions. The functions of the new Environmental Protection Agency, at the outset, will be those of its constituent parts. However, those functions will be better coordinated and performed.

Finally, a word about the view that the coordination of the environmental activities of Government should have been accomplished in some other place and under some other name. Alternative proposals have ranged from maintaining the status quo to a super Department of Environment and Natural Resources. However, the vast, overwhelming majority feel that reorganization is needed and the pulling together of environmental protection functions of the Federal Government in one agency is needed if we are to get the job done that has to be done. The only question is what sort of reorganization? What the administration has done in this case is to pursue the right and only politi-

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cally feasible course. Politics is often the art of the possible. Perhaps this plan does not go as far as it should, but I believe it goes as far as it can. Logically, a case could be made for including, for example, the civil functions of the Corps of Engineers, the Forest Service, and other entrenched bureaucracies in a Department of Environment and Natural Resources, but how far would such a reorganization plan get in this Congress? While Reorganization Plan No. 3 may be only a first step in a direction that has to be traveled, it is the maximum that can be accomplished now. It is the optimum compromise between discretion and bold imaginativeness and I commend the administration for its genius in devising a plan to increase the efficiency of the operations of the Government to the fullest extent practicable.

Therefore, I urge this body to vote "no" on House Resolution 1209 and thus allow Reorganization Plan No. 3 of 1970 to become effective.

One last comment. I would like to repeat what the gentleman from California (Mr. HOLIFIELD) has said about the double negative aspect of the vote on this proposition. The President's Reorganization Plan No. 3 will become law unless a resolution of disapproval is adopted. The Committee on Government Operations almost unanimously has recommended this resolution of disapproval, which we are considering today, not be adopted. So to allow this plan to go into effect and to allow the environmental protection agency to become law, we are recommending that Members vote "no" on the resolution of disapproval.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I only have two questions. First, is it not true that if we simply had failed to bring the resolution up, with almost unanimous agreement of the committee that it be defeated and a "no" vote be cast in order to allow the Presidential reorganization plan to go through, the reorganization plan within 60 to 90 days would have gone through and have had the effect of law anyway, under the existing Reorganization Act?

Mr. ERLENBORN. The gentleman is correct. If no action is taken on the resolution of disapproval, the reorganization plan becomes law automatically at the expiration of 60 days as provided in the statute, so I think it is testimony to the fairmindedness of the acting chairman of our committee, the gentleman from California (Mr. HOLIFIELD) that he saw that this matter was scheduled, so the House could have an opportunity to vote one way or the other. If we had done nothing, the plan would have become law just by operation of the law.

Mr. HALL. My comment was toward avoiding another double negative situation.

But, Mr. Chairman, my second question and what I originally rose for was to ask the gentleman if he would care to expound a little further on just how this new consolidated agency would interface with the new Assistant Secretary of Defense for Health and Environmental Measures which was created by this body.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ERLENBORN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. HALL. As the gentleman may know, this body created the Assistant Secretary of Defense for health matters and, presumably by Presidential agreement with the Secretary of Defense, "environmental affairs," was added. I believe it is a very excellent thing.

Would this agency have any control over that function of the Department of Defense on which so much has been expended in order to clear up pollution of the air and waters and solid waste and everything else so recently in various posts, camps, and stations, under the military construction authorization and appropriations?

Mr. ERLENBORN. To answer the gentleman in the context he asked the question, the answer is "No," that this agency would have no control over the Department of Defense or the Assistant Secretary, because the reorganization plan by law cannot create any new functions. We can only transfer to a newly created agency functions already existing. But it will provide a place where the major pollution control activities of the Government will be administered under one head, and, therefore, will provide better liaison with the Department of Defense and other departments of Government.

Mr. HALL. Mr. Chairman, knowing the Assistant Secretary of Defense for health and environmental matters, I am sure he will coordinate with this agency. I intend to vote "no" for this resolution and allow the reorganization to proceed, even though in principle I disapprove of vetoes in reverse.

It is my understanding that the U.S. House of Representatives will today be asked to disapprove President Nixon's Reorganization Plan No. 3, establishing an Environmental Protection Agency. This Member will be happy to give his full support to a bringing together of the many Federal programs into an independent agency. My constituency in the beautiful Ozarks of Missouri is populated by Americans who deplore pollution and other attacks on our natural resources and our recreational areas. They have trouble knowing where to turn in their desire to solve their problems at the proper local levels.

Being one of only three physicians in the U.S. Congress, I am especially aware of the health hazards that are presenting themselves as the pollution problem grows in size. I am pleased to know that my own medical association, the American Medical Association, has pledged its support to the President's program.

There follows a letter addressed to the President and signed by Walter C. Bornemeier, M.D., president of the American Medical Association:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., July 27, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We in the medical profession have long been concerned about the health problems generated by man's interaction with his environment. The need for affirmative action by all segments of our society is immediate and great. We are extremely pleased to see that you are continuing to put the Federal House in order so that the government's environmentally-related activities can be organized rationally and systematically.

We wish to lend our fullest support to your recent reorganization plan establishing the environmental protection agency. We applaud your decision to bring together previously scattered Federal programs into one coherent and independent agency. This action will undoubtedly impart to the programs concerned a degree of public visibility that is so necessary for adequate funding and responsive administration. Then, too, this major step forward will enhance the status of these programs by providing that the head of the agency will report directly to you.

We are fully aware of the many and difficult problems that the country faces in attempting to control and to reduce environmental pollution. We, therefore, congratulate you on this progressive action which will rationalize these governmental research and enforcement programs. Please be assured that the medical profession—always active in the fight against environmental pollution—will continue to do its share.

Respectfully yours,
WALTER C. BORNEMEIER, M.D.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. KYL. Of course, there is an overwhelming temptation to vote for the establishment of anything that will coordinate efforts in the field of environmental control, but did the committee contemplate the possible results, for instance, on item No. 4, the pesticides research and standard-setting program of the Food and Drug Administration in the Department of Health, Education, and Welfare? It occurs to me if we set up a new bureau in a new department to do this kind of work we are going to have to buy all of the equipment which exists in the other agency, and hire an additional set of people to do this work, because HEW now does work of many different kinds in chemical research and toxic research and so on.

Are we merely creating a whole new office to do the same job that this other office has been doing but at the same time leaving the old office sufficient work to keep all of its personnel and all the equipment.

Mr. ERLENBORN. I believe the only way I could answer the gentleman would be to say that those people who are identified with this particular program—that is, the standard setting and pesticides research—are now in HEW, and the facilities and equipment utilized in that program will be physically transferred to the new agency. To what extent they may be physically interrelated with other research I cannot answer offhand.

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Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. On page 103 of the hearings, I will say to my colleague, there is testimony by the Honorable J. Phil Campbell, Under Secretary of the Department of Agriculture, who was accompanied by Dr. George W. Irving, Administrator of the Agricultural Research Service. He appeared and he did testify on this matter, and testified in favor of this transfer.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I hope that this reorganization will work, but very frankly, I am dubious, I will say to the gentleman, for the reason that I was here when the Department of Defense was created. Others were here at that time and they will recall that we were told the Department of Defense would be lean and hungry. It seems to me that we were told there would be about 150 additional employees over there.

I suspect that there are 10,000 to 20,000 now in the Department of Defense. Just another layer of fat, in my opinion, has been added to the administration of the military establishment of this country. After all these years there is still little commonality of information on purchasing. There are secretaries, assistant secretaries, and deputy secretaries all over the place. I do not have the faintest idea of what the administration of the Department of Defense is costing. I am sure it is the biggest one of the reorganizations in terms of personnel and in terms of cost to the public. It would be fine if these reorganization plans did what you say they will do in these hearings and in the report; that is, create efficiency and economy, but they just do not do it. I hope, if this resolution is approved, that this will be the first one that will provide for commonality in the matter of information and efficiency and economy in Government. If it does, it will be the first since I have been a Member of Congress.

Mr. ERLENBORN. I thank the gentleman, and I join in his hope.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, a few years ago my colleague, JOHN MOSS, and I came into to the well to speak against a proposal to create an Airways Modernization Board. We pointed out at that time that bill created an out-house, a shed, a temporary structure, where a major edifice was needed. Within 2 years of that time, my colleagues who were here then will recall, the Congress responded by unanimously passing the legislation that created the Federal Aeronautics Administration. In the passage of the legislation which created the FAA the very arguments were used that we had made against the Airways Modernization Board.

Today we have a similar situation before us. The Administration would have you believe that this proposal combines all of the environmental protection activities in the Federal Government in one agency. Let me tell you that is not so. Programs in the Department of Agriculture dealing with water and sewerage, programs in the Department of HUD making major grants to cities for the construction of water and sewage facilities are not transferred, and none of the environmentally directed activities in the Department of Defense or the Department of Transportation are transferred to the new agency. As a matter of fact, they are immune and exempt from this reorganization plan. One must ask why agencies which have so much to do with environmental protection of the quality of our environment have been completely passed over. The answer is that it was probably just too big and too much of a political question for the Administration to take over. It is said that this is going to result in efficiency. As a matter of fact, let me tell my colleagues that there is nothing further from the truth than that. The answer is that this proposal is going to give us first of all better than a year and probably at least 2 years wherein practically nothing will be done about environmental protection by the agencies.

My friend from Iowa pointed out some of the circumstances. First of all, they have to select the bureaucrats; second of all, they have to review all of the policies; third of all, they have to get themselves an appropriation so that they can get the proper building and properly decorated offices, and then they have to get good-looking secretaries and follow that up by kicking out all of the people who made life hard for the polluters, so that they can satisfy the polluters and their big campaign contributors. That is what will happen. You have 2 years when nothing will happen while the Nation is riven by concern over the pollution of our environment and the destruction of environmental quality in this Nation. After they have their limousines and their secretaries, their draperies and their rugs and their new offices and office furniture selected, they will begin to settle down and produce efficiency experts in their agency. They will have to bring in all of these people from the agencies where they are, and they will move them around in order to try to get matters going forward again. This will go on until a new administration comes in and starts the reorganization all over again.

So that you do not think I am being partisan, I want you to know that I intend to oppose this if another administration tries to do the same thing.

We have gone this route before when we have moved water pollution from the Department of Health, Education, and Welfare to the Department of the Interior, and if any of you watched what transpired at that time, you will know that these delays and wastes are exactly what takes place.

And, what you wind up with really is not less people doing more effective work, but more people doing a great deal less. That is what is going to transpire here. There will be a lot more bureaucrats drawing higher salaries, with more secretaries and limousines and fancy office furniture, but doing less work. While the so-called efficiency experts who will be around the Department having responsibility for this program, there will be two, three, four, or five people doing the work that can be done by one person.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I shall be happy to yield to the gentleman from Iowa.

Mr. KYL. I will say, first, that the gentleman from Michigan puts himself in jeopardy, because there will be those who will be quick to pounce upon his words as indicating that he is an enemy of environmental control.

Mr. DINGELL. Well, of course, I am not. I am very much in favor of workable programs which will strengthen our laws against environmental pollution. I would point out that I have worked hard to make our antipollution and environmental programs effective devices.

Mr. KYL. Mr. Chairman, if the gentleman will yield further, I agree with the gentleman to this extent: If we are going to reorganize all of our resources into one agency or department, we should go all the way.

Mr. DINGELL. The distinguished gentleman from Iowa is entirely correct.

Mr. KYL. It is like having one agency running one part of a program under one set of rules and another handling a different part of the program under another set of rules.

We ought to also take the military portions of this problem and put them under a broad heading if we are to have total environmental control.

Mr. Chairman, I would feel better about Reorganization Plan No. 3 if we could pull together all of these agencies because I believe we might be fragmenting as the gentleman indicates.

Mr. DINGELL. I thank my friend for his valuable contribution.

Mr. Chairman, what is needed is a program of a major emphasis, a major edifice. Also, so that my colleagues will know—and I will insert it in the RECORD at the proper time—there is legislation pending to create a Department of Natural Resources and Environmental Quality so that we will know that the affairs of Government are being upgraded and not downgraded and that a large number of agencies having direct standard-making responsibility will not be totally ignored.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DINGELL. But I think it has to be recognized that they could be totally or easily ignoring many agencies having responsibility in this area but we are effectively discrediting the old agencies and we will have Assistant Secretaries and Under Secretaries speaking on behalf of pollution abatement which will be carried out by an Administrator.

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Mr. Chairman, we are told that this is going to be like NASA. But there is a difference. NASA has been successful for two reasons. They have had the strongest kind of policy support from the Hill and the administration and we have given them the funds with which to do the job. We have supported them completely so that they could do the job. That is the reason that NASA has been successful.

Mr. Chairman, I have no doubt but what within a very short period of time this issue will be back before us and we will be called upon to recognize the warning I give you today that the program is not going to work because a major attack upon environmental pollution is required by an independent agency with the necessary funds and with the ability to do the job. If this reorganization plan goes into effect we have only today set up something temporarily which in my opinion will be clearly and plainly counterproductive.

Mr. Chairman, in my remarks before the Committee on Government Operations I cited the book "Peter Principle." One of the things discussed there was the situation where you have a major problem which outrages everyone. But for good or bad reasons, it is inexpedient to attack the problem directly. We have here such a nasty problem and a highly political one. In this case, we will be utilizing the Peter's Placebo, appearing to do something when in fact we are really going after an altogether different problem, attacking something else and not in fact doing anything at all about the main problem. But it just looks like you are doing something. That is what the Reorganization Plan No. 3 is all about today.

It is something which is going to accomplish nothing and which will not work, but it gives the appearance of doing, so that the malcontents in the audience may be convinced there is something that is going to happen. But I will promise my colleagues one thing, and that is that this is not going to make progress, it is counterproductive. I would urge my colleagues that this program should be rejected. I believe we should do something about this area, but not on a take-it-or-leave-it basis, or swallow-it-whole-or-nothing basis, as under this kind of a proceeding, but rather this should be done through legislation where together, all the people of the Nation, the persons interested in conservation as well as even the polluters, would be permitted to come forward and to make suggestions so that we could have a careful study and review of the whole situation which would in the end answer a lot of unanswered questions that are before us. Although there is not enough time, I would simply point out to my colleagues that this piece of legislation is so fraught with unanswered questions that on that basis alone, apart from the lack of wisdom and apart from the lack of effectiveness it should be summarily rejected.

The legislation to which I referred earlier is H.R. 19195, to establish a Department of Environmental Quality, which I cosponsored with my friend the gentleman from California (Mr. Moss) the text of which follows:

H.R. 19195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Environmental Quality Act".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares that—

(1) the public health, general welfare, and economic growth and stability of the Nation is dependent on the continued availability of unpolluted air and water—our irreplaceable resources; and

(2) high-density urbanization, industrial development and expansion, population growth and concentrations, resource exploitation, and new and expanding technological advances, together with the lack of adequate consideration given by public and private agencies and individuals to the impact of these activities on the total environment, has resulted in mounting dangers to the public health and welfare and our environment.

(b)(1) The Congress therefore finds that the establishment of a Department of Environmental Quality is necessary in the public interest and to protect the public health; to assure the coordinated, effective protection and enhancement of the quality of the environment; to facilitate a coordinated, effective attack on the pollutants which debase the air we breathe, the water we drink and use for recreation and agricultural purposes, and the land that supplies our food and supports our wildlife; to encourage and foster cooperation of Federal, State, and local agencies and foreign governments and private organizations and agencies and individuals toward the prompt achievement of the national environmental quality protection and enhancement objectives set forth in this Act and many other statutes; to stimulate technological advances in pollution control and prevention and environmental protection and enhancement; to provide general leadership nationally and internationally in the identification and solution of environmental problems; and to develop, further define, and to recommend to the President and the Congress new and improved programs, including the adequate financing of such programs and existing programs, and to accomplish these objectives with full and appropriate consideration of the need to encourage the growth and development of the Nation, to improve the daily lives of all of the people of the Nation, and to preserve our national security.

(2) It is hereby declared to be the national policy that the prevention of air and water pollution and the protection and enhancement of the total environment in productive harmony with the social, economic, and other requirements of present and future generations of Americans is in the paramount interest of the United States.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. (a) There is hereby established at the seat of Government an executive department to be known as the Department of Environmental Quality (hereafter referred to in this Act as the "Department"). There shall be at the head of the Department a Secretary of Environmental Quality (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(c) There shall be in the Department three Assistant Secretaries and a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time. The Assistant Secretaries shall be: for air and water pollution control; for environmental protection; and for international affairs.

(d) There shall be in the Department an Assistant Secretary for Administration, who shall be appointed, with the approval of the President, by the Secretary under the classified civil service who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(e) There is hereby established within the Department a Federal Water Quality Control Administration; a National Air Quality Control Administration; and an Environmental Protection Administration. Each of these components shall be headed by an Administrator. In the case of each Administration, there shall be five Deputy Administrators appointed by the Secretary: for Research and Development; for Loans and Grants; for Standards and Regulations Development and Intergovernmental Coordination; for Enforcement; and for Administration and Public Information. The Administrators shall be appointed by the President, by and with the advice and consent of the Senate.

(f) In addition to such functions, powers, and duties specified in this Act to be carried out by the Administrators, they shall carry out such other functions, powers, and duties as the Secretary may prescribe. The Administrators shall report to the Secretary through the applicable Assistant Secretary and the Under Secretary. Each Deputy Administrator (according to such order as the appropriate Administrator shall prescribe) shall act for, and exercise the duties of, the appropriate Administrator during his absence or disability. Each Administrator shall prescribe the functions, powers, and duties of each of his Deputy Administrators.

(g) The functions, powers, and duties as are specified in this Act to be carried out by an Administrator shall not be transferred elsewhere in the Department unless specifically provided for by reorganization plan submitted pursuant to provisions of chapter 9 of title 5, United States Code, or by Act of Congress enacted after the effective date of this Act.

TRANSFERS TO DEPARTMENT

SEC. 4. There are hereby transferred to the Secretary to be administered by him through the Administrator of the Federal Water Quality Control Administration all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior administered:

(1) by him or by the Federal Water Quality Administration pursuant to (A) the Federal Water Pollution Control Act, as amended, (B) Reorganization Plan Numbered 2 of 1966 (80 Stat. 1608), and (C) section 169(d) (1) (B) and (3) of the Internal Revenue Code of 1954, as amended, but shall not include the functions of the Bureau of Reclamation under section 3(b)(1) of the Federal Water Pollution Control Act, as amended; and

(2) by the Water Resources Division of the Geological Survey, including, but not limited to, the water monitoring functions of the Geological Survey.

(b) There are hereby transferred to the Secretary to be administered by him through such Administrator all functions, powers, and duties of the:

(1) Secretary of Agriculture administered by him through the Farmers Home Adminis-

tration insofar as such functions, powers, and duties relate to water and sewer facilities; and

(2) Secretary of Housing and Urban Development, the Secretary of Commerce, and the Appalachian Regional Commission insofar as such functions, powers, and duties relate to water and sewer facilities.

(c) (1) There are hereby transferred to the Secretary to be administered by him through the Administrator of the National Air Quality Control Administration all functions, powers, and duties of the Secretary of Health, Education, and Welfare under the Clean Air Act, as amended, and section 169(d) (1) (B) and (3) of the Internal Revenue Code of 1954, as amended.

(2) There are hereby transferred to the Secretary to be administered by him the Air Quality Advisory Board established by section 110 of the Clean Air Act, as amended.

(d) There are hereby transferred to the Secretary to be administered by him through the Administrator of the Environmental Protection Administration all functions, powers, and duties of the:

(1) Secretary of the Interior (A) under the Act of August 1, 1958, as amended (16 U.S.C. 742d–1), relating to studies of effects of insecticides, herbicides, fungicides, and pesticides, (B) which are administered by him through the Gulf Breeze Biological Laboratory, and (C) which are administered by him through the Bureau of Mines insofar as such functions, powers, and duties relate to solid waste management;

(2) Secretary of Health, Education, and Welfare which are administered by him through the Bureau of Solid Waste Management, the Bureau of Water Hygiene, and the Bureau of Radiological Health and which are vested in him for establishing tolerances for pesticide chemicals under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348) together with authority, in connection with the functions transferred, (A) to monitor compliance with the tolerances and the effectiveness of surveillance and enforcement, and (B) to provide technical assistance to the States and conduct research under the Federal Food, Drug, and Cosmetic Act, as amended, and the Public Health Service Act, as amended, except that those functions, powers, and duties carried out by the Environmental Control Administration of the Environmental Health Service through the Bureau of Community Environmental Management, the Bureau of Occupational Safety and Health, and the Bureau of Radiological Health, are not so transferred insofar as those functions, powers, and duties carried out by the latter Bureau pertain solely to (A) regulation of radiation from consumer products, including electronic product radiation, (B) radiation as used in the healing arts, (C) occupational exposures to radiation, and (D) research, technical assistance, and training related to such clauses (A), (B), and (C);

(3) Secretary of Agriculture (A) under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), under section 408(l) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(l)), and (B) which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service;

(4) Secretary of Transportation with respect to, and being administered by him, through the Office of Noise Abatement;

(5) Federal Radiation Council under section 274 of the Act of August 1, 1946, as amended (42 U.S.C. 2021(h)); and

(6) Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, which are administered through the Division of Radiation Protection Standards, to the extent that such functions, powers, and duties consist of establishing and enforcing environmental standards and safeguards for the protection of the general environment from radioactive material which standards are defined to mean: limits on radiation exposures or levels, or concentrations of or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(e) The Secretary, in administering the programs transferred under this section, shall coordinate his activities with those of the departments and agencies which administer such programs prior to the effective date of this Act.

(f) Within one hundred and eighty days after the effective date of this Act, the President may transfer to the Secretary any function of any other agency or office or part thereof if the President determines that such function relates to functions transferred to the Secretary under this section.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In addition to the authority contained in any other Act which is transferred to, and vested in, the Secretary, he or any other officer of the Department may, subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out the provisions of this Act and to prescribe their authority and duties.

(b) The Secretary may obtain services as authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed $100 per diem for individuals unless otherwise specified in an appropriation Act.

(c) (1) Except where this Act vests in any administration, agency, or board, specific functions, powers, and duties, the Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to or vested in the Secretary in this Act, delegate any of his residual functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

(2) In addition to the authority to delegate and redelegate contained in any other Act, in the exercise of the functions transferred to or specified by this Act to be carried out by any officer in the Department, such officer may delegate any of such functions, powers, and duties to such other officers and employees of the Department as he may designate; may authorize such successive redelegations of such functions, powers, and duties as he deems desirable; and may make such rules and regulations as may be necessary to carry out such functions, powers and duties.

(d) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund.

(e) The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

(f) In addition to the authority contained in any other Act which is transferred and vested in the Secretary, he or any other officer of the Department, as necessary and when not otherwise available, is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) messing facilities;

(4) motion picture equipment and film for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons; and

(6) living and working quarters and facilities.

The furnishing of medical treatment under clause (1) and the furnishing of services and supplies under clauses (2) and (3) of this subsection shall be at prices reflecting reasonable value, as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(g) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary for carrying out the missions of the Department. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

(h) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with, and advice to, the Department in performance of its functions. Such committees shall include members who are drawn from the general public and environmental organizations. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, includ-

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ing per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(i)(1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or persons for the conduct of scientific or technological research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary shall require a showing that the institutions, agencies, organizations, or persons with which he expects to enter into contracts pursuant to this subsection have the capability of doing effective work. He shall furnish such advice and assistance as he believes will best carry out the mission of the Department, participate in coordinating all research initiated under this subsection, indicate the lines of inquiry which seem to him most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutions, agencies, organizations, or persons and between them and other research organizations, the Department, and other Federal agencies.

(3) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals, such information as he deems pertinent on the research carried out pursuant to this section.

(4) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

(j) No research, demonstrations, or experiments shall, after the effective date of this Act, be carried out, contracted for, sponsored, cosponsored, or authorized under authority of the Act or any other law transferred to, and vested in, the Secretary, unless all information, uses, products, processes, patents, and other developments resulting from such research, demonstrations, or experiments will (with such exception and limitation, if any, as the Secretary may find to be necessary in the public interest) be available to the general public.

(k)(1) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary or the Department by this Act as the Director of the Office of Management and Budget shall determine shall be transferred to the agency at such time or times as the Director shall direct.

(2) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in paragraph (1) of this subsection shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(l) The Administrators appointed under this Act shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5314) and the Deputy Administrators appointed under this Act shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5315).

ANNUAL REPORT

Sec. 6. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President and to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

Sec. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act, or

(B) in the exercise of duties, powers, or functions which are transferred under this Act, by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings to the extent they do not relate to functions so transferred, shall be continued before the Department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceedings commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Secretary, or

(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this Act vests such function after such transfer.

SEPARABILITY

Sec. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

CODIFICATION

Sec. 9. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws that contain the powers duties, and functions transferred to or vested in the Secretary or the Department by this Act.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

Sec. 10. (a) This Act shall take effect ninety days after the Secretary first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

CONFORMING AMENDMENTS TO OTHER LAWS

Sec. 11. (a) Section 19(d)(1) of title 3, United States Code, as amended, is hereby amended by striking out the period at the end thereof and inserting a comma and the following: "Secretary of Environmental Quality.".

(b) Section 101 of title 5 of the United States Code, as amended, is amended by inserting at the end the following:

"The Department of Environmental Quality."

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

(d) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5 of the United States Code, as amended, is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Environmental Quality."

(2) Section 5313 is amended by adding at the end thereof the following:

"(21) Under Secretary of Environmental Quality."

(3) Section 5314 is amended by adding at the end thereof the following:

"(55) Administrator, Federal Water Quality Control Administration.

"(56) Administrator, National Air Quality Control Administration.

"(57) Administrator, Environmental Protection Administration."

(4) Section 5315 is amended by adding at the end thereof the following:

"(93) Assistant Secretaries of Environmental Quality (3)."

(5) Section 5316 is amended by adding at the end thereof the following:

"(130) Assistant Secretary for Administration, Department of Environmental Quality.

"(131) General Counsel, Department of Environmental Quality.

"(132) Deputy Administrators, Department of Environmental Quality (15)."

(6) Section 5317 is amended by striking

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out in the note thereunder "Commissioner, Federal Water Pollution Control Administration, Department of the Interior."

ABOLITIONS

SEC. 12. Subject to the provisions of section 10 of this Act, the following, exclusive of any functions, are hereby abolished:

(1) The Federal Water Quality Administration in the Department of the Interior (33 U.S.C. 466–1); and

(2) The Federal Radiation Council (73 Stat. 690; 42 U.S.C. 2021(h)).

The CHAIRMAN. The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding me the additional time.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. KYL. Since the gentleman has commented on the other side of this coin, I would like to ask this question:

What legislative committee of the Congress will now be responsible for the authorization to cover the acts contemplated in this measure?

Mr. DINGELL. I would say this, that the different statutes and the different functions which are transferred over to administer the new agency will probably remain in the existing committee structure of the Congress. I doubt very much if that would be particularly impaired. But I would urge on my colleagues that we would be far better off to do this by legislation which would come out of the same committee that has given us this outrage, and this abomination, and give to the Members who oppose it an opportunity to amend it in a calm, serene, and deliberate fashion.

Mr. KYL. I thank the gentleman.

Mr. DINGELL. I yield back the balance of my time.

Mr. ERLENBORN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I wonder if I could have the attention of the gentleman from California (Mr. HOLIFIELD), the chairman of the committee, to further discuss the comments that have been made by the gentleman from Michigan (Mr. DINGELL), since this relates to the question of committee jurisdiction over the legislation.

Does the gentleman see any changes in the jurisdictional control by the committees that now handle environmental quality programs as proposed by the Executive and/or our colleagues?

For instance, in our case, in the Rivers and Harbors Committee, we have been handling, routinely, the water pollution and water quality legislation. Will this remain under the jurisdiction of the Committee on Rivers and Harbors?

Mr. HOLIFIELD. Mr. Chairman, in my opinion the statutes that have created these entities will remain in the jurisdictional control of the committees that created them. There is no place that I know of in the plan where the statutes are transferred, the functions under the statutes are transferred.

I would also like to answer a question here that was asked me by the gentlewoman from Washington (Mrs. HANSEN) who unfortunately cannot be here today, but who asked me by phone. She was particularly concerned about the control of the appropriations for the Bureau of Commercial Fisheries being taken away from her subcommittee on appropriations. My answer to her was that in my opinion the control of the assignment of appropriations jurisdictions would still remain in the chairman of the Committee on Appropriations, and I can see nothing in this plan that would cause her jurisdictional control on appropriations for the Bureau of Commercial Fisheries to be transferred. And that would apply to all other statutes and all other commissions.

Mr. DON H. CLAUSEN. I thank the gentleman for his response because I think it is important to make this legislative history at this point, because there will be lots of people asking that question.

Mr. HOLIFIELD. I think that that is a good question, and I have answered it to the best of my knowledge on the subject matter. Previous reorganization plans did not transfer statutory control out of the jurisdiction of the committees, nor the appropriation committees or committee chairmen.

Mr. DON H. CLAUSEN. I think that by and large most people tend to agree that a committee that works in a given field tends to develop substantially more expertise than would other committees, so that is quite natural and understandable, and is the reason for my concern in this matter, and the reason for the question.

Mr. HOLIFIELD. The establishment of a new department, like the Department of Transportation, for instance, is by regular statute. That is a different situation than obtains in a reorganization plan.

Mr. DON H. CLAUSEN. I thank the gentleman for his response.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in strong opposition to House Resolution 1209 to disapprove Reorganization Plan No. 3 of 1970. This bold and sweeping reform plan advanced by President Nixon would bring under the roof of a new Environmental Protection Agency a myriad of Government activities for the purpose of waging an all-out coordinated attack on air, land, and water pollution.

In his message to the Congress on July 9, 1970, President Nixon explained the need for a new central agency to deal with the environment in these terms:

> Our National Government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action. Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness.

Simply speaking, Reorganization Plan No. 3 recognizes the inadequacies of the current proliferation of pollution functions within the Federal Government, and seeks to rectify them by bringing together these scattered components under the umbrella of a new Environmental Protection Agency. The principal roles and functions of this new agency, EPA, would include the establishment and enforcement of environmental protection standards, conducting research on the adverse effects of pollution and methods and equipment for controlling it, assisting others in combatting pollution through grants and technical assistance, and working closely with the Council on Environmental Quality in formulating new policies for environmental protection.

Mr. Chairman, I realize that there is some opposition to this new reorganization plan for various reasons. There are those who question the need for both an Environmental Protection Agency and a Council on Environmental Quality, suggesting that there might be a duplication of responsibilities and functions. I think the President handled this question quite well in his message by pointing out that the Council will continue to serve in an advisory capacity to the President on broad policy questions, while the Agency will serve as the actual operating arm of the Federal Government in our overall efforts to combat pollution and protect the environment.

There are others who criticize this plan on the grounds that it is not as comprehensive or all-inclusive as it should be. Many of these critics favor instead a Department of the Environment or a Department of Natural Resources, or a combination of the two. While this proposal may have some merit and should not be rejected out of hand, I firmly believe that we should think twice before creating a new super-bureaucracy along the lines of HEW which every Secretary to date has, in frustration, referred to as an unmanageable monster. Such a proposal could well prove to be counterproductive if it turned out that we had assigned the vital mission of managing the environment to an unmanageable monster.

For these reasons, I strongly support the creation of an Environmental Protection Agency as embodied in Reorganization Plan No. 3. In this proposal we have a realistic and manageable approach to environmental protection. In this proposal we have an agency with clearly delineated duties, responsibilities, and authority. And in this proposal we have what I feel is the best possible approach to waging the type of coordinated attack on pollution which is so necessary if we are to preserve, protect, and restore our environment.

Finally, Mr. Chairman, in this proposal I think we have the embodiment of what we are striving for in both a decade of reform and a decade of the environment.

Mr. DERWINSKI. Mr. Chairman, it is elementary commonsense to coordinate all Federal programs related to curbing pollution and its causes. Therefore, I support Reorganization Plan No. 3, which would form a new Environmental Protection Agency.

Mr. Chairman, I personally assign extremely high priority to the battle

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against pollution and believe that we are taking a constructive step this afternoon in supporting Reorganization Plan No. 3.

Mr. BLATNIK. Mr. Chairman, I think it is important that we take note of certain aspects of Reorganization Plan No. 3, which, to my mind, causes it to be found wanting. The plan sets up an Environmental Protection Agency, a very high sounding title that I am afraid may give a misleading impression to the public of just what this new agency can do. There is no doubt that we need a greater focus within the Government on the problems of our environment. This is one of the most important issues of the times. I favor a meaningful reorganization of environmental activities—but this plan does not provide it.

First of all the plan is extremely limited in scope. It takes the largest and most effective program that we have—water pollution abatement—and adds to it air pollution and a few other less significant activities—in terms of dollars being spent—and implies that this agency will control the environment. We all know that there is much more involved in the environment than this.

Meaningful environmental protection surely includes the water and sewer programs now in the Department of Housing and Urban Development. But they should be in this plan. Unfortunately, EPA, as constituted is not adequate even to administer the water program which itself is underfunded and barely holding the line in relationship to the need.

How about aircraft noise? This is a major problem of the environment; but it is not in the plan. It is still in the Department of Transportation. What about oil spills? What about the management of our public lands and forests? What about the environmental pollution caused by the numerous Federal installations spread throughout the land?

Why are all of these important and pertinent programs left out of this widely heralded Environmental Protection Agency? Frankly, I cannot understand why a so-called reorganization to improve our attack on environmental problems would take just the minimum step, as this does, instead of bringing together a significant number of these activities.

Could it be in the way this plan was developed? As I understand it, the plan was prepared by the President's Advisory Council. But I have not been able to find out who was consulted in its drafting. Certainly, those of us in the House who have labored for so many years to develop environmental programs, and who have gained considerable experience in this field were not consulted. If we had been, I think a far better reorganization plan than plan No. 3 could have been put together. I do not wish to criticize the Advisory Council but there must have been poor staff work along the line.

Even this limited plan could well cause confusion in its administration. We have not been given a clear understanding of the distinction between the new EPA and the Council on Environmental Quality. We were told that the Council makes governmentwide policy and EPA will be an operating agency for the programs which will be assigned to it. But I must say this is rather unusual in the Government for one agency to make policy and for another to carry it out. I suspect that considerable confusion will arise over the respective roles of these two groups.

The task of a proper reorganization is so great that it should be undertaken by legislation rather than by a reorganization plan. To follow through on this, a bill has already been introduced by several of my colleagues Congressmen Moss, DINGELL, REUSS and myself—H.R. 19195—which provides a basis for our work. This is preliminary effort and the subcommittee will begin a detailed consideration of this legislation, obtaining all of the necessary background materials and information. I have directed our staff to draw upon all sources and accumulate a complete study of knowledge.

I believe, in this way, that an organization which will truly contribute to the solution of our environmental problems can be produced.

I have tried to make my criticism of plan No. 3 in a positive manner and call upon all Members, industry groups, and interested citizens for their thoughts and suggestions.

The text of H.R. 19195, which creates a Department of Environmental Quality, follows:

H.R. 19195

A bill to establish a Department of Environmental Quality, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Environmental Quality Act".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares that—

(1) the public health, general welfare, and economic growth and stability of the Nation is dependent on the continued availability of unpolluted air and water—our irreplaceable resources; and

(2) high-density urbanization, industrial development and expansion, population growth and concentrations, resource exploitation, and new and expanding technological advances, together with the lack of adequate consideration given by public and private agencies and individuals to the impact of these activities on the total environment, has resulted in mounting dangers to the public health and welfare and our environment.

(b) (1) The Congress therefore finds that the establishment of a Department of Environmental Quality is necessary in the public interest and to protect the public health; to assure the coordinated, effective protection and enhancement of the quality of the environment; to facilitate a coordinated, effective attack on the pollutants which debase the air we breathe, the water we drink and use for recreation and agricultural purposes, and the land that supplies our food and supports our wildlife; to encourage and foster cooperation of Federal, State, and local agencies and foreign governments and private organizations and agencies and individuals toward the prompt achievement of the national environmental quality protection and enhancement objectives set forth in this Act and many other statutes; to stimulate technological advances in pollution control and prevention and environmental protection and enhancement; to provide general leadership nationally and internationally in the identification and solution of environmental problems; and to develop, further define, and to recommend to the President and the Congress new and improved programs, including the adequate financing of such programs and existing programs, and to accomplish these objectives with full and appropriate consideration of the need to encourage the growth and development of the Nation, to improve the daily lives of all of the people of the Nation, and to preserve our national security.

(2) It is hereby declared to be the national policy that the prevention of air and water pollution and the protection and enhancement of the total environment in productive harmony with the social, economic, and other requirements of present and future generations of Americans is in the paramount interest of the United States.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. (a) There is hereby established at the seat of Government an executive department to be known as the Department of Environmental Quality (hereafter referred to in this Act as the "Department"). There shall be at the head of the Department a Secretary of Environmental Quality (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall perform such functions, powers, and duties as the Secretary shall prescribed from time to time.

(c) There shall be in the Department three Assistant Secretaries and a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time. The Assistant Secretaries shall be: for air and water pollution control; for environmental protection; and for international affairs.

(d) There shall be in the Department an Assistant Secretary for Administration, who shall be appointed, with the approval of the President, by the Secretary under the classified civil service who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(e) There is hereby established within the Department a Federal Water Quality Control Administration; a National Air Quality Control Administration; and an Environmental Protection Administration. Each of these components shall be headed by an Administrator. In the case of each Administration, there shall be five Deputy Administrators appointed by the Secretary: for Research and Development; for Loans and Grants; for Standards and Regulations Development and Intergovernmental Coordination; for Enforcement; and for Administration and Public Information. The Administrators shall be appointed by the President, by and with the advice and consent of the Senate.

(f) In addition to such functions, powers, and duties specified in this Act to be carried out by the Administrators, they shall carry out such other functions, powers, and duties as the Secretary may prescribe. The Administrators shall report to the Secretary through the applicable Assistant Secretary and the Under Secretary. Each Deputy Administrator (according to such order as the appropriate Administrator shall prescribe) shall act for, and exercise the duties of, the

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appropriate Administrator during his absence or disability. Each Administrator shall prescribe the functions, powers, and duties of each of his Deputy Administrators.

(g) The functions, powers, and duties as are specified in this Act to be carried out by an Administrator shall not be transferred elsewhere in the Department unless specifically provided for by reorganization plan submitted pursuant to provisions of chapter 9 of title 5, United States Code, or by Act of Congress enacted after the effective date of this Act.

TRANSFER TO DEPARTMENT

SEC. 4. There are hereby transferred to the Secretary to be administered by him through the Administrator of the Federal Water Quality Control Administration all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior administered:

(1) by him or by the Federal Water Quality Administration pursuant to (A) the Federal Water Pollution Control Act, as amended, (B) Reorganization Plan Numbered 2 of 1966 (80 Stat. 1608), and (C) section 169(d) (1)(B) and (3) of the Internal Revenue Code of 1954, as amended, but shall not include the functions of the Bureau of Reclamation under section 3(b) (1) of the Federal Water Pollution Control Act, as amended; and

(2) by the Water Resources Division of the Geological Survey, including, but not limited to, the water monitoring functions of the Geological Survey.

(b) There are hereby transferred to the Secretary to be administered by him through such Administrator all functions, powers, and duties of the:

(1) Secretary of Agriculture administered by him through the Farmers Home Administration insofar as such functions, powers, and duties relate to water and sewer facilities; and

(2) Secretary of Housing and Urban Development, the Secretary of Commerce, and the Appalachian Regional Commission insofar as such functions, powers, and duties relate to water and sewer facilities.

(c)(1) There are hereby transferred to the Secretary to be administered by him through the Administrator of the National Air Quality Control Administration all functions, powers, and duties of the Secretary of Health, Education, and Welfare under the Clean Air Act, as amended, and section 169(d) (1)(B) and (3) of the Internal Revenue Code of 1954, as amended.

(2) There are hereby transferred to the Secretary to be administered by him the Air Quality Advisory Board established by section 110 of the Clean Air Act, as amended.

(d) There are hereby transferred to the Secretary to be administered by him through the Administrator of the Environmental Protection Administration all functions, powers, and duties of the:

(1) Secretary of the Interior (A) under the Act of August 1, 1958, as amended (16 U.S.C. 742d–1), relating to studies of effects of insecticides, herbicides, fungicides, and pesticides, (B) which are administered by him through the Gulf Breeze Biological Laboratory, and (C) which are administered by him through the Bureau of Mines insofar as such functions, powers, and duties relate to solid waste management;

(2) Secretary of Health, Education, and Welfare which are administered by him through the Bureau of Solid Waste Management, the Bureau of Water Hygiene, and the Bureau of Radiological Health and which are vested in him for establishing tolerances for pesticide chemicals under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 349) together with authority, in connection with the functions transferred, (A) to monitor compliance with the tolerances and the effectiveness of surveillance and enforcement, and (B) to provide technical assistance to the States and conduct research under the Federal Food, Drug, and Cosmetic Act, as amended, and the Public Health Service Act, as amended, except that those functions, powers, and duties carried out by the Environmental Control Administration of the Environmental Health Service through the Bureau of Community Environmental Management, the Bureau of Occupational Safety and Health, and the Bureau of Radiological Health, are not so transferred insofar as those functions, powers, and duties carried out by the latter Bureau pertain solely to (A) regulation of radiation from consumer products, including electronic product radiation, (B) radiation as used in the hearing arts, (C) occupational exposures to radiation, and (D) research, technical assistance, and training related to such clauses (A), (B), and (C);

(3) Secretary of Agriculture (A) under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), under section 408(l) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(l)), and (B) which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service;

(4) Secretary of Transportation with respect to, and being administered by him, through the Office of Noise Abatement;

(5) Federal Radiation Council under section 274 of the Act of August 1, 1946, as amended (42 U.S.C. 2021(h)); and

(6) Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, which are administered through the Division of Radiation Protection Standards, to the extent that such functions, powers, and duties consist of establishing and enforcing environmental standards and safeguards for the protection of the general environment from radioactive material which standards are defined to mean: limits on radiation exposures or levels, or concentrations of or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(e) The Secretary, in administering the programs transferred under this section, shall coordinate his activities with those of the departments and agencies which administer such programs prior to the effective date of this Act.

(f) Within one hundred and eighty days after the effective date of this Act, the President may transfer to the Secretary any function of any other agency or office or part thereof if the President determines that such function relates to functions transferred to the Secretary under this section.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In addition to the authority contained in any other Act which is transferred to, and vested in, the Secretary, he or any other officer of the Department may, subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out the provisions of this Act and to prescribe their authority and duties.

(b) The Secretary may obtain services as authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed $100 per diem for individuals unless otherwise specified in an appropriation Act.

(c)(1) Except where this Act vests in any administration, agency, or board, specific functions, powers, and duties, the Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to or vested in the Secretary in this Act, delegate any of his residual functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

(2) In addition to the authority to delegate and redelegate contained in any other Act, in the exercise of the functions transferred to or specified by this Act to be carried out by any officer in the Department, such officer may delegate any of such functions, powers, and duties to such other officers and employees of the Department as he may designate; may authorize such successive redelegations of such functions, powers, and duties as he deems desirable; and may make such rules and regulations as may be necessary to carry out such functions, powers, and duties.

(d) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund.

(e) The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

(f) In addition to the authority contained in any other Act which is transferred and vested in the Secretary, he or any other officer of the Department, as necessary and when not otherwise available, is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) messing facilities;

(4) motion picture equipment and film for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons; and

(6) living and working quarters and facilities.

The furnishing of medical treatment under clause (1) and the furnishing of services and supplies under clauses (2) and (3) of this subsection shall be at prices reflecting reasonable value, as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(g)(1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary for carrying out the missions of the Department. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or request to or for use of the United States.

(h) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with, and advice to, the Department in performance of its functions. Such committees shall include members who are drawn from the general public and environmental organizations. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(i)(1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or persons for the conduct of scientific or technological research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary shall require a showing that the institutions, agencies, organizations, or persons with which he expects to enter into contracts pursuant to this subsection have the capability of doing effective work. He shall furnish such advice and assistance as he believes will best carry out the mission of the Department, participate in coordinating all research initiated under this subsection, indicate the lines of inquiry which seems to him most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutions, agencies, organizations, or persons and between them and other research organizations, the Department, and other Federal agencies.

(3) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals, such information as he deems pertinent on the research carried out pursuant to this section.

(4) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

(j) No research, demonstrations, or experiments shall, after the effective date of this Act, be carried out, contracted for, sponsored, cosponsored or authorized under authority of the Act or any other law transferred to, and vested in, the Secretary, unless all information, uses, products, processes, patents and other developments resulting from such research, demonstrations, or experiments will (with such exception and limitation, if any, as the Secretary may find to be necessary in the public interest) be available to the general public.

(k)(1) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of the department by this Act as the Director of the Office of Management and Budget shall determine shall be transferred to the agency at such time or times as the Director shall direct.

(2) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in paragraph (1) of this subsection shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(l) The Administrators appointed under this Act shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5314) and the Deputy Administrator appointed under this Act shall be compensated at the rate now or hereafter provided for level V of the Eexecutive Schedule pay rates (5 U.S.C. 5315).

ANNUAL REPORT

SEC. 6. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President and to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISION

SEC. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issues, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act, or

(B) in the exercise of duties, powers, or functions which are transferred under this Act, by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings to the extent they do not relate to functions so transferred, shall be continued before the Department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) Such department or agency is transferred to the Secretary, or

(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this Act vests such function after such transfer.

SEPARABILITY

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

CODIFICATION

SEC. 9. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws that contain the powers, duties, and functions transferred to or vested in the Secretary or the Department by this Act.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 10. (a) This Act shall take effect ninety days after the Secretary first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 11. (a) Section 19(d)(1) of title 3, United States Code, as amended, is hereby amended by striking out the period at the end thereof and inserting a comma and the following: "Secretary of Environmental Quality.".

(b) Section 101 of title 5 of the United

States Code, as amended, is amended by inserting at the end the following:

"The Department of Environmental Quality."

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

(d) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5 of the United States Code, as amended, is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Environmental Quality."

(2) Section 5313 is amended by adding at the end thereof the following:

"(21) Under Secretary of Environmental Quality."

(3) Section 5314 is amended by adding at the end thereof the following:

"(55) Administrator, Federal Water Quality Control Administration.

"(56) Administrator, National Air Quality Control Administration.

"(57) Administrator, Environmental Protection Administration."

(4) Section 5315 is amended by adding at the end thereof the following:

"(93) Assistant Secretaries of Environmental Quality (3)."

(5) Section 5316 is amended by adding at the end thereof the following:

"(130) Assistant Secretary for Administration. Department of Environmental Quality.

(131) General Counsel, Department of Environmental Quality.

"(132) Deputy Administrators, Department of Environmental Quality (15)."

(6) Section 5317 is amended by striking out in the note thereunder "Commissioner, Federal Water Pollution Control Administration, Department of the Interior."

ABOLITIONS

SEC. 12. Subject to the provisions of section 10 of this Act, the following, exclusive of any functions, are hereby abolished:

(1) The Federal Water Quality Administration in the Department of the Interior (33 U.S.C. 466–1); and

(2) The Federal Radiation Council (73 Stat. 690; 42 U.S.C. 2021(h)).

XUM

Mr. BROWN of Ohio. Mr. Chairman, current executive branch assignments relating to Federal environmental activities are now scattered among a number of departments and agencies and their assignments bear no resemblance to the interrelated problems of the environment which must be perceived as an interlocked challenge. Having developed piecemeal, responsibility for pollution control is divided primarily according to the medium in which the contaminant occurs although pollution from a single source may be present in them all.

I have looked at this problem from several different directions and from my own observation know that research, standard setting, and policy formulation do not occur on a comprehensive basis.

Water, air, solid waste disposal, and atomic powerplant pollution should be considered together.

In the enforcement area under the Clean Air Act, there is authority vested in the Secretary of Health, Education, and Welfare to set standards and engage in enforcement. As a member of the Interstate and Foreign Commerce Committee where this authority originated, I am very much interested in seeing it transferred to an agency where more concentrated administration and coordinated research can be conducted in association with the more sophisticated research and standard setting already developed by the Water Quality Administration.

As a member of the Intergovernmental Relations Subcommittee of the Committee on Government Operations, I participated in a study of the Agricultural Research Service which disclosed the inability of the Department of Health, Education, and Welfare to get information out of the Agricultural Research Service that related the use of pesticides in which the Department of Health, Education, and Welfare was interested and over which the Agricultural Research Service had the licensing authority.

I have seen the frustrations experienced by industry and State and local governments who have had to deal with a fragmented Federal structure.

Therefore, I am delighted to see Reorganization Plan No. 3 of 1970 which would create a nucleus of research, standard setting and enforcement responsibilities in a single agency which will not be able to pass the buck to other agencies.

The standard-setting function is a critical factor in efforts to improve environmental quality and one should not underestimate its leverage. And standards must be based on sound research.

Others may question my terminology, but I look upon the Environmental Protection Agency as the beginning of a strong regulatory agency which should be expanded and strengthened with the inclusion of other environmental protection functions as time goes on. In some instances new legislation will be required and other laws will need revision since, pursuant to the reorganization provisions of 5 U.S.C. 901–913, a reorganization plan cannot create any new authorities or functions.

At the outset, the plan would combine the functions carried out by the Federal Water Quality Administration—FWQA—now in the Department of the Interior; the National Air Pollution Control Administration—NAPCA—parts of the Environmental Control Administration—ECA—and the pesticides research and regulatory programs of the Food and Drug Administration, all presently located in HEW; the pesticides registration and related authority of the Department of Agriculture; the environmental radiation protection standard-setting function of the AEC; the functions of the Federal Radiation Council; some of the pesticides research conducted by the Bureau of Commercial Fisheries; and authority to conduct ecological systems research, now vested in the Council on Environmental Quality.

One of the advantages that will accrue both to industry and to State and local governments, will be the ability to come to one place in the Federal Government concerned with most of the standard-setting that relates to pollution control. It is important that State and local governments, too, deal with the environment as an entity.

The Environmental Protection Agency will enable us to develop much more effective knowledge as to how to deal with pollution in the future. I believe it will be much more effective than what we have had in the past and I view the prospect with enthusiasm.

Therefore, I urge a vote "no" on House Resolution 1209 in order that Reorganization Plan No. 3 of 1970 may become law.

Mr. ROBISON. Mr. Chairman, I am pleased to have the opportunity today to cast my vote for Mr. Nixon's Environmental Protection Agency, EPA, which I regard as an important step toward making protection of our environment and the elimination of pollution a high priority Federal matter. There are those who criticize the EPA as not going far enough; however, in their zeal to have total immediate reform, they miss the positive aspects of the President's proposal, and they forget that this represents the first administrative reorganization aimed at zeroing-in Federal efforts to improve the environment. The testimony before the House Committee on Government Operations clearly indicates that EPA is just the first of what is anticipated to be a series of steps in eventually bringing all environmental efforts together under one roof.

Rather than being negative—an attitude which we have used all too often in considering protection of the environment—let us look on the positive side of EPA and see what changes it makes. A most important step in the area of radiation standards is moving the Federal Radiation Council's present authority to set maximum permissible radiation-absorption standards to the administrator of the EPA. As a result, the Atomic Energy Commission will no longer have authority to determine at what levels a nuclear plant would operate, but rather that decision will be vested in the EPA. Certainly this is a needed change, given the difficult dual role heretofore occupied by the AEC—that of both promoting and regulating the use of atomic energy.

In the area of water quality, the Federal Water Quality Administration will be shifted intact from the Department of Interior to the EPA; thereby allowing another pollution control agency to be located within the EPA. Although this is the second move in a relatively short period of time for this key water agency, nevertheless I believe the move is justified in order to better focus all of our attention on pollution and pollution control.

Similarly, the National Air Pollution Control Administration, the Bureau of Solid Waste Management, the Bureau of Water Hygiene, part of the Bureau of Radiological Health, and much of the research on and controls over pesticudes would be moved to the EPA.

In short, the President has taken important and innovative steps in focusing the attention and energies of one agency on the major environmental questions of our time.

There are some who would have preferred a department as opposed to an agency; there are some who would have suggested additional transfers to EPA; there are some who would have wished all of these pollution control efforts to be placed under Secretary Hickel's jurisdiction—indeed, I might have preferred such a move. But since this plan is an executive reorganization proposal, we can either approve it or disapprove it—we do not have the ability to amend it.

I think that there can be little doubt that on balance—and by a significant margin—the Environmental Protection Agency is a wise and much needed reorganization of Federal efforts, and I am pleased to have the opportunity to vote for it.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time and, therefore, ask for a vote of "no" on the resolution. A vote of "no" would defeat the resolution of disapproval and allow the reorganization plan to go into effect. I, therefore, ask for a "no" vote on the resolution.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H. Res. 1209

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 3 of 1970 transmitted to the Congress by the President on July 9, 1970.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House, with the recommendation that the resolution be rejected.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Sisk) having assumed the Chair, Mr. Andrews of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 1209, to disapprove Reorganization Plan No. 3, had directed him to report the resolution back to the House with the recommendation that the resolution be rejected.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution, not having the affirmative vote of a majority of the authorized membership of the House, is not agreed to.

So the resolution was rejected.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just voted upon and include extraneous material.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON S. 1933 RAILROAD SAFETY AND HAZARDOUS MATERIALS CONTROL

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire if the papers are now actually in the possession of the House?

The SPEAKER pro tempore. The Chair would advise the gentleman that the papers are at the desk.

Mr. HALL. I thank the Chair.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statements, see proceedings of the House of September 24, 1970.)

Mr. STAGGERS. Mr. Speaker, this bill was passed by the House on August 6 by record vote of 358 to 0. The major differences between the House and the Senate concern the question of whether this new Federal program would be enforced in the Federal courts by Federal attorneys or in State courts by State attorneys. In substance, the House conferees prevailed on this point. As the statement of managers shows, the States may act if the Federal Government does not act. The period in which the States' standby role would come into play was reduced from 180 days to 90 days and the States under the terms of the conference may seek penalties in addition to injunctive relief. All penalties would go into the Treasury.

In all other aspects the House version was agreed to by the Senate, and I urge adoption of the conference report.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. Devine) whatever time he might require.

Mr. DEVINE. Mr. Speaker, I reiterate what the gentleman from West Virginia has said. There was no opposition in the conference committee on this report. Our conference came out quite well. We came to an agreement, and we recommend adoption of the conference report.

Mr. ROTH. Mr. Speaker, I rise to express my wholehearted support for the conference report of S. 1933 dealing with railroad safety and hazardous materials control. Previously, on August 6, I addressed the House on this same subject and urged support for this vital legislation. I noted that the cost both financial and human of railway accidents has been distressingly high and that the tremendous growth in the transportation by rail of flammable and explosive substances constitutes an extreme hazard to our population.

The laws on the books today, many of them half a century or more old, are obviously inadequate to cope with the growing number of accidents on railroads and even more inadequate to deal with the menace of movements of hazardous materials. S. 1933 is intended to correct these inadequacies and I feel it will.

This conference report is a welcome step in that it also comes to grips with a railroad safety problem of vital concern to the people of Delaware—the high-speed rail line between Washington and New York.

Only last Thursday was the urgent need for improvement tragically underscored when a Metroliner train struck and killed a woman and her 5-month-old grandson she was carrying across the tracks at the Penn Central Station in Claymont, Del.

S. 1933 under title II, section 204, provides that the Secretary of Transportation shall prepare within 1 year after the date of enactment of this title, a comprehensive study of the problem of eliminating and protecting railroad grade crossings, including a study of measures to protect pedestrians in densely populated areas along railroad rights-of-way.

In addition the Secretary shall, using the authority of this title and his authority over transportation safety and highway construction, undertake a coordinated effort to develop and implement solutions to the grade crossing problem as well as to take measures to protect pedestrians in densely populated areas along railroad rights-of-way.

Last year, the House overwhelmingly passed the Federal-Aid Highway Act of 1969 which incorporated a legislative proposal which I had introduced to enable the Federal Government to financially assist the States concerned to remove all grade crossings along the high-speed rail line between Washington and New York. Unfortunately the Senate did not act upon this House passed bill.

I am pleased that similar proposals have again been included in the Federal-Aid Highway Act of 1970 (H.R. 19252) which was ordered reported favorably by the House Public Works Committee on Wednesday, September 23. Under this bill the Federal Government, through the Department of Transportation, would pay 90 percent of the costs in eliminating grade crossings across Federal highways and the railroads would pay 10 percent.

On State and local roads, the Federal Government would pay 80 percent, the States 10 percent, and the railroads 10 percent. I urge all my fellow Members of Congress to support these provisions to eradicate the dangers now present on the high-speed railway line.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Sisk). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

XUM

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 0, not voting 118, as follows:

[Roll No. 318]

YEAS—312

Abbitt
Abernethy
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Biester
Bingham
Blanton
Boggs
Brademas
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
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Corbett
Corman
Coughlin
Cowger
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
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Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
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Kuykendall
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Kyros
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
May
Mayne
Meskill
Mikva
Miller, Ohio
Mills
Minish
Mink
Mizell
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
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Philbin
Pickle
Pike
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Podell
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Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
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Roberts
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Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
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Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stuckey
Sullivan
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
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Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
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Young
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NAYS—0

NOT VOTING—118

Adair
Adams
Alexander
Anderson, Calif.
Andrews, N. Dak.
Aspinall
Betts
Biaggi
Blackburn
Blatnik
Boland
Bolling
Bow
Brasco
Bray
Brock
Brooks
Buchanan
Burton, Utah
Bush
Button
Cabell
Casey
Cederberg
Celler
Chisholm
Conyers
Cramer
Crane
Daddario
Dawson
de la Garza
Dennis
Diggs
Dowdy
Dulski
Eilberg
Esch
Farbstein
Feighan
Fish
Fisher
Ford, William D.
Foreman
Friedel
Fulton, Tenn.
Galifianakis
Gallagher
Gettys
Green, Pa.
Griffin
Gubser
Hagan
Halpern
Hansen, Wash.
Hastings
Hébert
Henderson
Hungate
Karth
Kleppe
Landgrebe
Landrum
Leggett
Long, La.
Lowenstein
McCarthy
McClory
McClure
McKneally
MacGregor
Martin
Mathias
Meeds
Melcher
Michel
Miller, Calif.
Minshall
Mize
Mollohan
Monagan
Moss
Murphy, N.Y.
Nedzi
Nix
Olsen
Ottinger
Pepper
Pirnie
Powell
Purcell
Rees
Reifel
Roudebush
Rousselot
St Germain
Schadeberg
Scheuer
Shipley
Snyder
Stephens
Stokes
Stratton
Stubblefield
Symington
Taft
Talcott
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Watson
Watts
Weicker
Wilson, Bob
Wright
Zablocki
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Kleppe.

Mr. Brooks with Mr. Bush.

Mr. Hébert with Mr. Watson.

Mr. Eilberg with Mr. McClory.

Mr. Dowdy with Mr. Crane.

Mr. Daddario with Mr. Adair.

Mr. Monagan with Mr. Pirnie.

Mr. Ottinger with Mr. MacGregor.

Mr. Pepper, with Mr. Reifel.

Mr. St Germain with Mr. Cramer.

Mr. Blatnik with Mr. Michel.

Mr. Brasco with Mr. McKneally.

Mr. Karth with Mr. Taft.

Mr. Long of Louisiana with Mr. Roudebush.

Mr. Miller of California with Mr. Gubser.

Mr. Olsen with Mr. Schadeberg.

Mr. Galifianakis with Mr. Brock.

Mr. Henderson with Mr. Foreman.

Mr. Cabell with Mr. Zwach.

Mr. Casey with Mr. Rousselot.

Mr. Aspinall with Mr. Weicker.

Mr. Murphy of New York with Mr. Mize.

Mr. Nedzi with Mr. Minshall.

Mr. Purcell with Mr. Blackburn.

Mr. Griffin of Mississippi with Mr. Esch.

Mr. Fulton of Tennessee with Mr. Teague of California.

Mr. Fisher with Mr. Snyder.

Mr. Tunney with Mr. Conyers.

Mr. McCarthy with Mr. Powell.

Mr. Lowenstein with Mr. Diggs.

Mr. Stratton with Mr. Nix.

Mr. Rees with Mrs. Chisholm.

Mr. Anderson of California with Mr. Bob Wilson.

Mr. Adams with Mr. Burton of Utah.

Mr. Celler with Mr. Betts.

Mr. Hagan with Mr. Dennis.

Mr. Boland with Mr. Andrews of North Dakota.

Mr. Biaggi with Mr. Bow.

Mr. Dulski with Mr. Button.

Mr. Gettys with Mr. Bray.

Mr. Green of Pennsylvania with Mr. Landgrebe.

Mr. Stephens with Mr. Mathias.

Mr. Moss with Mr. Talcott.

Mr. Zablocki with Mr. Hastings.

Mr. Mollohan with Mr. McClure.

Mr. William D. Ford with Mr. Cederberg.

Mr. Gallagher with Mr. Stokes.

Mr. Landrum with Mr. Buchanan.

Mr. Watts with Mr. Halpern.

Mr. Wright with Mr. Martin.

Mr. Alexander with Mr. Meeds.

Mr. Friedel with Mr. Fish.

Mrs. Hansen of Washington with Mr. Symington.

Mr. Melcher with Mr. Scheuer.

Mr. Hungate with Mr. Udall.

Mr. de la Garza with Mr. Farbstein.

Mr. Feighan with Mr. Stubblefield.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE A SPECIAL REPORT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a brief special report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

APPROVING REORGANIZATION PLAN NO. 4 OF 1970

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1210, to disapprove Reorganization Plan No. 4; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Illinois (Mr. ERLENBORN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1210, with Mr. ANDREWS of Alabama in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California (Mr. HOLIFIELD) will be recognized for 30 minutes and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, House Resolution 1210 would disapprove Reorganization Plan No. 4 of 1970 submitted by President Nixon to the Congress on July 9. The plan will create a National Oceanic and Atmospheric Administration within the Department of Commerce.

This plan was referred to the Committee on Government Operations where hearings were held by the Subcommittee on Executive and Legislative Reorganization, headed by the gentleman from Minnesota. Subsequently, the full committee considered the disapproval resolution and reported it to the House with the recommendation that it be not agreed to, thereby supporting the reorganization plan. The action of the committee was nearly unanimous.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Reorganization Plan No. 4 would establish a National Oceanic and Atmospheric Administration in the Department of Commerce whose mission would be to organize a unified approach to the problems of the ocean and the atmosphere. The new agency would be composed of:

First, the Environmental Science Services Administration which we created by reorganization plan in 1965 and which is already a part of the Department of Commerce;

Second, most of the Bureau of Commercial Fisheries, now in the Department of the Interior:

Third, the marine minerals technology program of the Bureau of Mines in the Department of the Interior;

Fourth, the marine sports fishing program of the Bureau of Sports Fisheries and Wildlife in the Department of the Interior;

Fifth, the Office of Sea Grant programs of the National Science Foundation; and

Sixth, elements of the U.S. Lake Survey of the Department of the Army.

Upon the establishment of NOAA, the following programs are to be transferred to it by executive action:

Seventh, the National Oceanographic Data and Instrumentation Centers of the Department of the Navy; and

Eighth, the national data buoy program of the Department of Transportation.

NOAA will have an estimated 1971 budget of about $270 million and over 12,000 personnel. The President justifies the drawing together of these activities as making possible "a balanced Federal program to improve our understanding of the resources of the seas, and permit their development and use while guarding against the sort of thoughtless exploitation that in the past laid waste to so many of our precious natural assets." He said:

> It would make possible a consolidated program for achieving a more comprehensive understanding of oceanic and atmospheric phenomena.

The new agency is a result of a recommendation of the Commission on Marine Science, Engineering, and Resources appointed by President Lyndon B. Johnson and headed by Dr. Julius Stratton. Apparently the Ash Council was not involved in this plan at all.

The principal opposition to Plan No. 4 seems to come from conservation groups who do not like to see the commercial or sports fishing programs removed from the Interior Department and put into Commerce. Essentially, they argue that the Interior Department has an orientation toward conservation and environmental protection whereas the Commerce Department is interested primarily in production and exploitation of resources. Congressman DINGELL, who is chairman of the Fish and Wildlife Subcommittee of the Committee on Merchant Marine and Fisheries, will express his views during this debate.

On the other hand, the Subcommittee on Oceanography of the Merchant Marine and Fisheries Committee supports the reorganization and its chairman testified during our hearings and will also give his views during this debate.

The committee took a very serious view of the objections that were expressed and we recognize that the Department of Commerce has not had an outstanding record of environmental protection. But, there does seem to be a certain logic in the grouping recommended and, as the President said, less dislocation would result from using Commerce as the dwelling place for the new agency.

We must remark again that additional high-level jobs are being created here and whatever benefit the plan may produce, it is not likely to be economy.

All in all, however, Plan No. 4 will help meet a most important objective in increasing our knowledge of the seas and the atmosphere and should be permitted to become law.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield, I would like to ask a few questions with regard to some reservations I have in connection with the proposed Reorganization Plan No. 4.

As the gentleman knows, the commercial fishing industry has been a very important phase of our national economy. For various reasons, the status of our commercial fishing industry has been declining during the past few years. If this very important industry, which has a vital impact on many thousands of Americans, is to be revitalized, it must receive specific and direct attention from the Federal Government. I am apprehensive that if the Bureau of Commercial Fisheries is transferred to the National Oceanic and Atmospheric Administration it will become one of several agencies competing for attention and funds and may be lost in the shuffle to the detriment of our fishermen.

Mr. HOLIFIELD. Of course, every agency and bureau has to compete for funds wherever it is located. I would not anticipate that the Bureau of Commercial Fisheries would have more difficulty in securing funds as a part of an agency concerned with the resources of the ocean than it has as a part of the vast and far-ranging Interior Department where it competes with many resource managing agencies. The Committee on Government Operations believes plan No. 4 should strengthen the agencies placed in NOAA, not weaken them.

Mrs. HANSEN of Washington. Although it is stated on page 6 of House Report 91–1465 that the Department of Commerce seems to be moving in the direction of becoming a scientific and technologic services agency with less emphasis than formerly on commerce and business, there is a question in my mind as to what extent emphasis will be given to the desperately needed research required to rejuvenate our commercial fishing industry and place it on a par with the techniques currently being used by other fishery nations. It would seem to me that under the aura of the Department of Commerce there is a good possibility that needed research may be slighted with greater emphasis being placed on the economics of fish harvest.

Mr. HOLIFIELD. Under NOAA, all phases of oceanic research should be coordinated and strengthened. This should provide more and improved research in all the marine sciences, including commercial fishery research. This is certainly the committee's intention. As I have said before the level of the agency's activities will depend on the funds recommended by OMB and approved by Congress.

Mrs. HANSEN of Washington. I share the concern expressed by various conservation groups and others interested in the protection of our biological resources about a transfer of marine sport fish activities and commercial fisheries programs from the Department of the Interior to the Department of Commerce. On page 5 of the report it is stated that the transfer will not change the orientation of these programs as directed by the Congress. Will the gentleman be so kind as to further elaborate on why the committee is so confident in this respect.

Mr. HOLIFIELD. Reorganization plans may transfer functions from one department to another, but they cannot amend the basic substantive laws governing those functions. The policies which Congress enacted into law remain just the same as they were before the functions were transferred. We trust that NOAA will administer the laws transferred to

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it with great vigor, as intended by Congress.

Mrs. HANSEN of Washington. The proposed reorganization also provides for the transfer of functions vested in the Secretary of the Interior relating to migratory marine species of game fish. It has frequently been stated in hearings before the Appropriations Committee that the distinction between sport fish and commercial fish matters is frequently a matter of judgment. Could the gentleman give me more detailed information on just what is involved in this transfer and indicate the basis on which this determination was made?

Mr. HOLIFIELD. Regardless of fine distinctions, most commercial fish live all or a large part of their lives in the ocean as do marine sport fish. They are clearly within the scope of the duties of an agency concerned with the resources of the ocean.

Mrs. HANSEN of Washington. Section 4(b) of Reorganization Plan No. 4 provides—

> Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried on in such manner as he shall direct and by such agencies as he shall designate.

During the past few years I have found the Bureau of the Budget to be not too friendly to the best interests of the Bureau of Commercial Fisheries. Consequently, I naturally suspect any carte blanche authority which is given to that office with regard to commercial fishery activities. Could the gentleman explain just what is involved here?

Mr. HOLIFIELD. This is a common ancillary provision in reorganization plans to allow the physical movement of personnel, equipment, and supplies and to permit the creation of the necessary new accounts, et cetera. We do not regard it as giving the Office of Management and Budget any carte blanche authority which would modify statutory program requirements.

Mrs. HANSEN of Washington. I understand it is proposed that various overhead or administrative functions would also be transferred under this planned reorganization. I have reference to various positions and activities, for example, in the Office of the Secretary, Department of the Interior, that might be related to Bureau of Commercial Fishery work on a pro rata basis. To what extent will the Secretary of the Interior have control over the transfer of these positions or activities?

Mr. HOLIFIELD. The actual transfers will be determined by the Office of Management and Budget. However, it is obvious that the Office will have to work and cooperate with the Secretary of the Interior in determining exactly which personnel, property, and funds shall be transferred.

Mrs. HANSEN of Washington. The National Council on Marine Resources and Engineering Development currently has an active role in oceanographic matters. In the event Reorganization Plan No. 4 is approved, what will be the effect on the activities on the National Council on Marine Resources and Engineering Development?

Mr. HOLIFIELD. Reorganization Plan No. 4 does not mention any function of the National Council on Marine Resources and Engineering Development and therefore does not change or transfer any such function.

Mr. ERLENBORN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, Reorganization Plan No. 4 represents the second major plank in the President's program to organize the Government more effectively to fight pollution and to stimulate the intelligent management and use of our Nation's resources. These organizational proposals, in turn, are part of the President's even grander environmental design to raise the quality of life by providing the necessary talent, funds, authority, management, and leadership to eliminate pollution, overcome waste disposal problems, expand park and recreational facilities preserve and upgrade land resources, and many additional tasks.

The House has just approved the plan to create the Environmental Protection Agency to rid our environment of pollution. Now, there is before us the opportunity to establish an agency to deal more effectively with our vast oceans and atmosphere. This agency will be the National Oceanic and Atmospheric Administration—NOAA—which is to be located in the Department of Commerce. It is to be headed by an Administrator who will hold the rank comparable with that of Under Secretary and will report directly to the Secretary.

The oceans, Mr. Chairman, constitute three-fourths of the entire earth's surface. Yet, they remain the least understood, least developed, and least protected of the planet's resources. Why is this so? Admittedly, man's limited ability to date to operate in an ocean environment has been a cause. But, the same could also be said about space ventures. Yet, we are now walking on the moon and surveying other celestial bodies. The fact is that, up to now, we have failed to organize our efforts, in Government or out, to meet this challenge properly and to provide the necessary incentives to spur on efforts in both sectors. Yet, this is what must be done and done immediately.

The intelligent use of the oceans is vital for our economy, defense, and quality of life. The population of the earth is expanding at a rate that will require us to improve the use of marine resources for food if the hungry of the world are to be fed. As a member of the Commission on Population Growth and the American Future, I can testify to this fact. Similarly, mineral resources from the oceans will become increasingly important in the future. Little is understood today concerning the interaction between the sea and the atmosphere. A better understanding of this will provide a significant expansion in the control and modification of the weather and in improvement of environmental quality. Agriculture and transportation will be benefited, pollution will be materially curtailed, our land resources will be better protected—all through a broadened comprehension of our oceans and atmosphere.

The establishment of NOAA will especially contribute to an improved use of our marine environment by providing coordination, direction, and overview; identifying and assessing the Nation's marine goals and activities; establishing a balance between exploration, resource development, conservation, engineering, and science; and engaging in research and development of the oceans and atmosphere on an integrated basis.

Programs and functions now scattered among four separate departments and one agency are to be transferred to NOAA. The Commerce Department will contribute a number of major activities now located in the Environmental Science Services Administration: Weather Bureau, Coast and Geodetic Survey, Environmental Data Service, National Environmental Satellite Center, and ESSA Research Laboratories.

From the Interior Department will come the Bureau of Commercial Fisheries functions related to the marine environment, marine sports fish activities, and the Marine Minerals Technology Center.

From the National Science Foundation: Office of Sea Grant program.

From the Department of the Army: Elements of the U.S. Lake Survey.

By Executive Order of the President:

Department of Navy: National Oceanographic Data Center, and National Oceanographic Instrumentation Center.

Department of Transportation: National data buoy development project.

It will be seen from the above that Reorganization No. 4 is no mere gesture to environmental protection. Rather, it constitutes a sophisticated design to pull together in one place the bulk of the oceanic and atmospheric programs within Government in an effort to develop a unified approach to what could well be the most important priority effort in ecology in the coming decade.

The reorganization locates NOAA within the Commerce Department because, as indicated above, that is where the bulk of the new agency programs, manpower and finances will come from initially. Thus, a minimum amount of reshuffling will have to take place. When completed, NOAA will employ more than 13,000 personnel and have an estimated 1971 budget of about $330 million. Approximately 83 percent of its employees and 73 percent of its funds will be drawn from ESSA.

There are those who have criticized this reorganization on the grounds that it is wrong to locate marine resource programs in the Department of Commerce. These arguments basically center around the proposition that the need exists today to preserve rather than exploit such resources and that such preservation would more likely occur in the Interior Department or in a new conservation-oriented agency than in the Commerce Department which, because of its commercial activities, is exploitive in nature.

As for creation of a new agency, I strongly believe that we may have too

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many agencies floating around loose today as it is. I supported the establishment of the Environmental Protection Agency in the belief that it is necessary to set up a separate agency to police antipollution activities without the burden of also managing substantive financial assistance programs. Such is not necessary or desirable in the present case, however, since the proper organization and supportive arrangements already exist within the Department of Commerce to assume this new responsibility.

As for locating oceanic programs or even just marine resource activities in the Interior Department, the past record of such department in conservation endeavors has not been that commendable with all due respect to the many loyal and qualified individuals who are employed there. In addition, the purpose of this reorganization is to pull together, on a unified basis, research, exploration, development, conservation, monitoring, and educational activities as they relate as broadly as possible to oceanic and atmospheric functions. This surely cannot be accomplished by keeping some activities in Interior, some in Commerce and some in 40 other places as some people would seem to have us do.

While I can only praise many programs and efforts undertaken by conservation groups, I respectfully believe they are advocating too narrow an approach in this case. Preservation alone is not enough—either in this instance or in general. The greatest benefit for man requires that a balance be developed between a wise conserving of our natural resources and an intelligent use. This can best be accomplished by wedding science, technology, commercial enterprise, and conservation together as is proposed to be done here in the creation of NOAA. The splintering, dividing and fractionalizing of operations that logically should be integrated will serve no one's best interest.

The purpose of this reorganization is to pull together in one place the facilities, personnel, and authority necessary to protect and advance oceanic and atmospheric programs. This can best be done by locating operations in the Commerce Department which is best suited to carry out this unified endeavor. Over 60 percent of the budget and manpower today in Commerce are devoted to scientific and technological purposes. It employs scores of topflight scientists. Its atmospheric operations uniquely complement the oceanic programs to be brought over. The vessels of the Coast and Geodetic Survey, when combined with those of the other agencies to be transferred, will provide incalculable information and data on marine and geological matters. Mapping services, environmental data gathering, research laboratories, training, testing, equipment, facilities, and many other related functions, now scattered among various departments and agencies, will become closely associated under Reorganization Plan No. 4 to provide for the first time a priority-oriented, systems approach to the development and protection of the oceans and the atmosphere.

We are on the verge, I believe of some major breakthrough in this area for the betterment of man. Approval of this plan can contribute to this endeavor. Moreover, we can do it without having to create a new department or independent agency with all the disruption and disorientation that can cause. Some have pointed to the proposal by the Commission of Marine Sciences, Engineering, and Resources—Stratton Commission—as support for creation of an independent agency. In answer to that one need only note that Dr. Stratton himself has announced support for this plan, as do all but one member of the Merchant Marine and Fisheries Committee, including Congressmen LENNON and MOSHER who served on the Stratton Commission. In addition, many other educators, scientists, businessmen, and experts in this field have endorsed this reorganization. This broad support is, in my opinion, convincing evidence of the merits of the plan.

I thereby urge the appropal of this reorganization plan by casting a "no" vote against the resolution of disapproval.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. The gentleman, I believe, was on the floor when I directed a question to Chairman HOLIFIELD on Reorganization Plan No. 3, as it related to the jurisdictional question of committees now handling the prime legislative responsibilities, such as I asked with respect to water quality and pollution control legislation for the Rivers and Harbors Subcommittee of the Committee on Public Works.

Does the same thing apply in this Reorganization Plan No. 4 which is before us for consideration?

Mr. ERLENBORN. In my opinion, the answer to that is "Yes."

By a reorganization plan we do not create or do away with any functions at the executive level. We transfer them from one agency to another or create a new agency to transfer them into, but this in no way affects the underlying jurisdiction based on legislation or jurisdiction of the various committees that have had jurisdiction over separate programs in the past. So the legislative jurisdiction should not be affected by the adoption of the reorganization plan, I would say.

Mr. HALL. Will the gentleman yield?

Mr. ERLENBORN. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Further proceeding along the lines of the discourse that just occurred on the floor, Mr. Chairman, it may not be generally known, but there has been for a long time an informal arrangement as far as control of at least the research and development of oceanography is concerned. This has been chaired and funded both as to authorization and appropriation by the armed services through the U.S. Navy. In recent years 76 percent of the funding has come through that body, and it is one of the examples of where defense funds go for the weal of the entire Nation and not just armed defense. I believe it is also decided that at least as far as research and development test and evaluation is concerned that the perpetual chairmanship of the Committee on Oceanography, this informal, loose arrangement, should be in the hands of the Navy and that the Navy does thereby designate such a person to chair this program. Again I am sure that the coordination would be complete inasmuch as armed service officers are adept at and are indeed trained in and taught to do staff coordination in most of their endeavors.

Does the gentleman have knowledge as to whether or not this reorganization plan would take over the functions of that prior arrangement with its informal, but very effective organization?

Mr. ERLENBORN. I wish I could answer the gentleman's question, but, in all honesty, I do not know. I can say that it is contemplated that upon the creation of NOAA by Executive order the President will transfer from the Department of the Navy the National Oceanographic Data Center and the National Oceanographic Instrumentation Center. If these are the functions that the gentleman has reference to, it is possible that there may be some effect.

Mr. HALL. I will say to the gentleman that the functions I have reference to go much deeper than that. I am conscious of those two areas and, of course, I am conscious of the President's as well as the Commander in Chief's authority to transfer these agences, but I just thought perhaps it had been discussed. I hope that a legislative record could be made on this on the floor.

Mr. ERLENBORN. I thank the gentleman.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Ohio (Mr. MOSHER) who may be able to answer the gentleman's question better than I can.

Mr. MOSHER. Commenting on the question of the gentleman from Missouri, I can assure him that it was the philosophy of the Stratton Commission and its recommendations, and our subcommittee in considering the legislation in which this reorganization plan is rooted felt that it pretty much followed the Commission's recommendations. It was the philosophy of that Commission that NOA would not in any way interfere with the oceanographic responsibilities and efforts of the Department of the Navy. However, I think I should make the statement that the gentleman from Missouri just made when he was talking about the Navy's role in coordinating oceanography.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. MOSHER. Will the gentleman yield further?

Mr. ERLENBORN. I yield to the gentleman from Ohio.

I am sure that the gentleman from Missouri recognizes the existence now and has for several years of the Marine Council on Marine Science in the Office of the Presidency in which the Under Secretary of the Navy participates as a member and which is really the coordinating body for all of this oceanographic

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effort. That has been true for several years. The Navy is a very active participant in that council.

Mr. HALL. Mr. Chairman, if the gentleman will yield further——

Mr. ERLENBORN. I yield futher to the gentleman from Missouri.

Mr. HALL. For the record I would simply state to the gentleman from Ohio that I appreciate his comments and add that the gentleman from Missouri does know about the Coordinating Council on Marine Science. In fact, if one would review the record, one would find that I stated and tried to develop a legislative record at the time it was first founded and funded, trying to establish the difference between civilian and military control over some of these areas that we need to protect and at the same time bring them together and tie them together with one ribbon.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, in further response to the distinguished gentleman from Missouri, the successor to Admiral Walters, the oceanographer of the Navy, Adm. W. W. Behrens, Jr., was in my office this morning and this question was raised. He visited my office to have me assure anyone that may raise this question that the Navy was supporting this reorganization plan very strongly and wanted to make that crystal clear, that these matters you refer to have been worked out.

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Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. Chairman, I would again call the attention of the Members of the House to the fact that the gentleman from North Carolina (Mr. Lennon) and the gentleman from Ohio (Mr. Mosher) both testified before our Subcommittee on Executive and Legislative Reorganization in support of the plan. Their testimony was most impressive and most knowledgeable as members of the Committee on Merchant Marine and Fisheries which has worked in this area for many years. Their testimony was in complete support of this reorganization plan. I would recommend that we follow the advice of these gentlemen and cast a "no" vote on this resolution.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. Lennon).

Mr. LENNON. Mr. Chairman, on July 28 of this year the distinguished gentleman from Ohio (Mr. Mosher), the ranking Republican member on the Oceanography Subcommittee, and myself in the capacity as chairman of the Subcommittee on Oceanography, had the great honor of appearing before the Executive and Legislative Reorganization Subcommittee of the Committee on Government Operations. At that time I had the honor of stating to this distinguished subcommittee that one of the 36 members of the Committee on Merchant Marine and Fisheries, which is the parent committee to the Oceanography Subcommittee, that 35 members had authorized me to say to that subcommittee that they were in full support of Reorganization Plan No. 4.

I think the members of the Committee of the Whole House on the State of the Union who are present today should recognize the fact that the Oceanography Subcommittee came into being in 1959. Its first chairman was the distinguished gentleman from California, Mr. George Miller, who served less than a year and then, of course NASA was created and and he became chairman of that distinguished committee of the House of Represenatives. The gentleman from California (Mr. Miller) was succeeded by my distinguished friend in a matter of about 6 months, the gentleman from Michigan, Mr. John Dingell. Then when the gentleman from Michigan became chairman of the Subcommittee on Fish and Wildlife, it was my honor to move to the chairmanship of the Subcommittee on Oceanography.

I have the great honor also of serving as the ranking Democrat on the Fish and Wildlife Subcommittee.

Mr. Chairman, we have spent many years in trying to find a solution to the proliferation of the various facets of oceanography and marine science programs that exist in so many agencies, departments, and bureaus of the Federal Government and have been there since their inception.

I am reminded of the fact that if, when NASA came into being we had had as many as seven to 10 Federal agencies, bureaus, or departments who were interested in space, we would never have been able to put a man on the moon. Fortunately, the only single agency of the Federal Government that was interested in space was the Air Force, and we had no problem, and that is the reason we went on as we did.

I shall not take the time to tell you the history of the Stratton Commission and its report, but I am here today to say to you that Dr. Julius Stratton, who headed this Commission, gives his unqualified support to Reorganization Plan No. 4. And I am here to tell you also that Dr. Edwin Wenk, Jr., who was Executive Director of the Marine Sciences Council, which has members at Cabinet level, with the exception of the three-member council, that he unqualifiedly supports Reorganization Plan No. 4. The only component of any department that is not included in Reorganization Plan No. 4, which was investigated by the Stratton Commission, is the Coast Guard. I want to make crystal clear that I would have preferred a legislative independent organization, but I am a realist, and I think we are moving today in the right direction in bringing together these essential components of marine science.

I believe that the future of the oceans, both in the area of food for human beings and in exploitation, if you will, in connection with its economic stake, are the most valuable things that we can see today, and I urge the Members of this House to vote "no" on the resolution of disapproval of Reorganization Plan No. 4.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the distinguished gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, I want to take this occasion to commend my distinguished colleague from North Carolina, the gentleman in the well (Mr. Lennon) for the splendid work he has done as the chairman of the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries, and also the members of his subcommittee for the support they have given Mr. Lennon.

I recall talking to him a number of years back when he was advocating a greater show of interest on our part in the area of oceanography. He has been one of the legislative pioneers who has encouraged this Congress to show and to take a greater interest in this subject, and to give it a more preeminent place in our thoughts and actions—especially in terms of research and development of the tremendous undeveloped wealth which lies on the seabeds of the oceans of the world.

In 1967 I had the honor of being one of the congressional delegates to the United Nations, representing the Government of the United States. A resolution was offered calling upon the United Nations to seek to take over the ocean beds of the world and develop them on behalf of the underfed and underdeveloped nations of the world. The distinguished gentleman from Michigan (Mr. Broomfield), our other congressional delegate to the United Nations, and I both became concerned about this, and the gentleman in the well testified before the appropriate subcommittee of the House Committee on Foreign Affairs, on which I was also serving, and expressed his great concern over any such premature action by that body.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from North Carolina.

Mr. FOUNTAIN. And the testimony of the gentleman from North Carolina (Mr. Lennon) and the action of the members of his subcommittee were helpful to us as delegates to the United Nations. Our entire delegation was able to negotiate a compromise which resulted in the seabed resolution being referred to a subcommittee of the United Nations for further and more careful consideration. Since that time I think we have been able to work this matter out on a more cooperative basis with other nations. I hope we will not be outtraded.

Again, Mr. Chairman, I want to compliment my colleague, the gentleman from North Carolina (Mr. Lennon), for the interest he has shown in this extremely important field—the field of oceanography. As I see it, oceanography has an even more vital potential in the long run than had the field of space where we entered upon that journey, because we now know that the ocean beds contain tremendous quantities of food, and the world is hungry, needs that food.

My colleague from North Carolina (Mr. Lennon), in the years that lie ahead in my opinion will have reason to be proud of the initiations he has taken in encouraging the Congress and the executive branch of this Government to move full speed ahead in oceanography .

I thank the gentleman for yielding.

Mr. LENNON. I thank the gentleman for his generous remarks.

I would remind the Members of the Committee that the Committee on Merchant Marine and Fisheries is constituted of members from every one of our coastal States from Maine to Miami on the Atlantic seaboard and the Gulf States and Pacific States, and in most of those States that have the Great Lakes in them.

So you see how generally we are interested in this program of Reorganization Plan No. 4.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of Reorganization Plan No. 4 to create a National Oceanic and Atmospheric Administration.

Organization is at least as important as programs, personnel, and money in determining whether the goals and objectives of legislation are to be carried out. We need only examine the past administration of health, education, manpower, pollution control, and consumer protection programs, among others, to see this.

In the past, as many know, I have taken a strong position against some reorganizations on the ground that they could cause more harm than good. Today, however, I am here to support this reorganization plan as I did earlier with plan No. 3.

As I view it, the President has laid out for Congress an intelligent and logical legislation package for action on environmental protection, including increased authority and money to fight pollution, protect land resources, prevent exploitation, meet the population issue, face the problem of world poverty and hunger, and conserve precious resources. That which we are taking up today is part of the organization phase of the President's blueprint—one which I believe will contribute significantly to improving the quality of life not only in the United States, but throughout the world.

It is for us here in this country, with our zeal for pollution control and our wealth for accomplishing improvement, to exercise the initiative and leadership required to preserve and improve our global environment. We, in essence, have the "room to maneuver" and the resources to lead the way. Without appearing to sound overly grim, I firmly believe that, if we fail in this endeavor, the long-range future of man is dim.

Beyond question, one of the major areas of neglect today is that relating to our oceans and atmosphere. We have tolerated pollution, permitted exploitation, ignored the benefits of a managed aquaculture, overlooked sound mineral resource management, and, in general, disregarded the necessity to deal with these two areas as an integrated whole. Instead, in research, exploration, development, training, facilities, vessels, equipment, and related matters, we have permitted the establishment and proliferation of multiple, independent, uncoordinated, and specialized units within a myriad of departments, agencies, and bureaus. At times, and for certain purposes, it is sound to establish an independent structure. We have done that today by approving Reorganization Plan No. 3 to establish the Environmental Protection Agency. Such cannot be the case, however, when it comes to managing our marine resources and atmosphere.

Creation of NOAA will put an end to this fractured existence by merging those functions of the Environmental Science Services Administration—Weather Bureau, Coast and Geodetic Survey, Environmental Data Service, National Environmental Satellite Center, and ESSA Research Laboratories—which are located in the Department of Commerce with the Commercial, Fisheries and Marine Sport Fish programs and Marine Minerals Technology Center, located in the Interior Department. In addition, there is to be transferred to NOAA the Office of Sea Grants Program from the National Science Foundation and elements of the U.S. Lake Survey from the Corps of Engineers. The President, in turn, has announced his intention of transferring by Executive order the National Oceanographic Data Center and the Instrumentation Center from the Navy Department and the National Data Buoy Project from the Department of Transportation.

NOAA, upon absorbing all these functions and authorities, will operate as an autonomous agency within the Commerce Department. It will be headed by an official who will hold a rank comparable to that of Under Secretary and will report to the Secretary.

There are those who oppose this reorganization plan on the basis that it is better to leave things where they are or to locate some of the above operations in a new department which will be more conservation minded than the Commerce Department has been in the past. While fully appreciating the sincere motives of those opposed, I do not believe their argument to be sound or well thought through.

As for leaving these functions where they are, I believe the present improper use or failure to use effectively existing resources is answer enough. About all one could say to a policy of do-nothing in this instance is that things might not get much worse under such circumstances. But, that can be no answer today as far as environmental pollution and resource depletion is concerned. A look at our failing domestic fishing industry, at the worldwide mining of marine and mineral resources, at the lack of understanding over the interaction between the sea and atmosphere, and at the waste of our lands must surely convince even those who do not choose to see a bold, unified attack on these little-understood problems must be launced.

As for locating some of the functions, to be affected by this reorganization, in a new conservation-oriented department, I can only stress that organizational independence under the wrong circumstances can constitute a one-way street to nowhere, and separation of conservation from management and use will lead to neither sound management and use or effective conservation.

To insure the soundest and sanest use of our marine resources in relation with the atmosphere, it is necessary to:

Accelerate the exploration and development of marine resources;

Expand knowledge of the marine and atmospheric environment;

Develop fundamental technology;

Promote conservation;

Rehabilitate fisheries;

Implement manpower and training programs;

Coordinate programs with other Federal, State and local operations;

Promote and advance the field of aquaculture;

Monitor, map, chart and otherwise increase data collection;

Encourage private initiative and investment;

Improve and coordinate programs at the international level;

Improve weather forecasts and environmental modification.

These functions and those related to them can, in my opinion, be best located within the Department of Commerce which increasingly over the years has upgraded and expanded its scientific and technological activities to the point today where such activities represent 60 percent of the Department's efforts. ESSA, already located in Commerce, will constitute the bulk of NOAA, as presently to be constituted. To shift these duties out of that Department and thereby contribute to downgrading its excellent efforts and reputation in the fields of science and technology would not only be unsound from the standpoint of economy and efficiency, but would also deny NOAA other important services which Commerce is able to supply, including those offered by the National Bureau of Standards and its international bureaus.

In order to meet intelligently the pollems of pollution which face us in the world's oceans, we must find out what is happening now and determine what steps can be taken to solve the problems we find developing or already existing. We dare not delay. Someplace down the road, we may want to establish a cabinet level department of natural resources, but to delay action until such a reorganization idea winds its tortured way through the conflicting interests represented in the Congress would be a disservice to a vital problem which is immediate.

There is pressing need for supporting this reorganization plan, Mr. Chairman. It has received wide support from scientists, educators, businessmen, and Members of Congress who are most knowledgeable and competent in this area.

I urge approval of Reorganization Plan No. 4.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I, too, rise in support of Reorganization Plan No. 4, and in opposition to the resolution of disapproval.

Mr. Chairman, we are finally beginning to awaken to the realization that we live on a planet with finite resources and a delicately balanced ecosystem. All the air, all the water, and most natural resources now available for sustaining life are all that are ever going to be available. So, when we pollute our air and water, despoil our lands, make species of animal life extinct, destroy tidal areas, and heedlessly exploit mineral resources, we are, in essence, either putting in serious jeopardy future generations or at least assuring their marginal existence.

We have just enacted Reorganization Plan No. 3 to establish an improved organization to fight pollution. At other times Congress has and will continue to expand programs and finances to attack the pollution problems, preserve land areas, and similar endeavors. Now is the time to vote in support of Reorganization Plan No. 4 to create a National Oceanic and Atmospheric Administration—NOAA—within the Department of Commerce to enable us more effectively to safeguard and develop marine resources and the atmospheric environment.

Without question, the oceans and the outer regions of space are the last great frontiers of man. We have organized to explore space; up to now we have failed to do the same for the oceans, even though they constitute three-fourths of our earth's surface. Yet within these regions of water, may be man's greatest resource for survival. Its food resources and mineral deposits constitute a reserve that we must carefully and knowingly research, explore, develop, and conserve. Through the establishment of NOAA we will take a bold step to meet our obligations.

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NOAA will pull together these functions in the Commerce Department now administered by the Environmental Science Services Administration. These include the Weather Bureau and Coast and Geodetic Survey plus environmental data gathering, storage and retrieval operations and research laboratories. Matched with these will be the commercial fishery, marine sport fishing and marine minerals technology programs of the Interior Department which will permit a balanced program for the oceans and atmosphere in the shape of facilities, research, trained personnel, vessels, equipment, and know-how. To further support this effort, the sea grants program of the National Science Foundation and elements of the U.S. Lake Survey of the Corps of Engineers are to be transferred, while the President has announced his intention to transfer to NOAA the Navy's oceanographic data activities and instrumentation center and the Transportation Department's national data buoy program.

It is recognized that NOAA will not have under one roof all existing Federal programs dealing with the ocean and atmosphere. The intention has been, instead, to create a nucleus of the most important civilian programs and permit a solid beginning to be made before other consolidations are to be considered.

A general consensus exists among scientists, Members of Congress, businessmen, educators, and others, expert and knowledgeable in this area, that this plan is a sound approach and they endorse this reorganization.

There has been some effort to generate opposition to this plan on the grounds that the Department of Commerce is primarily commercially oriented and will thereby exploit rather than conserve our marine resources. To me this is unjustified. In the first place, to recommend a separation of conservation from exploration and development can only mean administrative chaos, divisiveness and bureaucratic myopia. The loser, of course, is the public. Second, we cannot properly separate any of the above functions from advanced scientific and technological capabilities. The latter is itself a scarce resource. The Commerce Department, in fact, has one of the few qualified, in-depth capabilities in Government—60 percent of its operations are devoted to that end.

You can neither take conservation out of development, nor science and technology out of either without disastrous consequences. Third, to place the activities of a NOAA office in some corner by itself, as some suggest, will most likely not have the positive regenerative consequences that its advocates maintain. The secret of organization today is to develop a broad systems orientation with an in-depth backup to resources, men and ideas in order to force consideration of programs and needs. Their interrelation are so obviously essential, but yet insufficiently explored, that we are already frightfully negligent in mounting an effective coordinated attack in this area.

Bold new efforts are required to restore and protect environmental quality. Man's life depends upon a willingness to meet problems of pollution, exploitation and degradation of our ecological community.

I believe the President has taken a solid step forward by proposing the establishment of NOAA and I urge adoption of Reorganization Plan No. 4.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, we have before us a classic example of the power to delegate running wild.

This is perhaps one of the worst pieces of reorganization legislation that is going to be before this Committee, I believe, in this year or any other.

You know, I think here is a very excellent example of why the Congress should not extend the reorganization act. Here the entire oceanographic management program of the United States is being moved around inside the Federal Government without a word of consultation to the conservation organizations—without a word of consultation to the State game management agencies—and without a word of consultation with most of the Members of the Congress.

I have had a number of meetings with Secretary of Commerce Stans as to how he proposes to administer the portions of programs being transferred into his hands. I discussed the Fish and Wildlife Coordination Act, a great piece of legislation that deals with preservation, of wet lands and of waters, and wildlife. He has no idea how he is going to administer that statute as it affects his agency under plan No. 4. It moves into the hands of the Department of Commerce, the preservation of whales and of all endangered oceanographic species which are now Federal Responsibilities under two Federal Endangered Species Statutes.

Mr. Stans has no idea how those proposals are going to be implemented and how the precious resources entrusted to his administration are going to be cared for.

The Congress has had no opportunity to be in on the development of this program.

What is needed here is the creation of a Department of Natural Resources and a piece of legislation to this end is now pending, which is authored by my colleague and friend, the gentleman from California (Mr. Moss) and I, the two authors of the disapproval resolution now before the Congress. It is H.R. 19194, the text of which I insert here:

H.R. 19194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Natural Resources Act".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares and finds that the establishment of a Department of Natural Resources is necessary in the public interest and to protect the public health and welfare; to assure the coordinated, effective protection, conservation, and enhancement of the Nation's resources; to achieve a more comprehensive understanding of the oceans and their resources and the atmosphere; to encourage and foster cooperation of Federal, State, and local agencies and foreign governments and private organizations and agencies and individuals toward the prompt achievement of the natural resource and oceanic and atmospheric protection and enhancement objectives set forth in this and many other Acts of Congress; to stimulate technological advances in protecting, conserving, and enhancing natural resources when it is in the public interest to develop such resources for the public benefit; to provide opportunities for urban and rural dwellers to know and enjoy such resources; to provide leadership nationally and internationally in the identification and solution of natural resource and oceanic and atmospheric problems; and to develop, further define, and to recommend to the President and the Congress new and improved programs, including the adequate financing of such programs and existing programs, and to accomplish those objectives with full and appropriate consideration of the need to encourage the growth and development of the Nation, to improve the daily lives of all of the people of the Nation, and to preserve our national security.

(b) It is hereby declared to be the national policy that the protection, conservation, and enhancement of the Nation's natural resources and the oceans and the atmosphere in productive harmony with the environmental quality, social, economic, and other requirements of present and future generations of Americans is in the paramount interest of the United States.

DEPARTMENT OF NATURAL RESOURCES

SEC. 3. (a) The Department of the Interior in hereby redesignated as the Department of Natural Resources (hereinafter referred to as the "Department"), and the Secretary of the Interior is hereby redesignated the Secretary of Natural Resources (hereinafter referred to as the "Secretary").

(b) There shall be in the Department three additional Assistant Secretaries, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time. The Assistant Secretaries shall be for oceanic and atmospheric preservation, for national parks and forests, and for international affairs of the Department. The Assistant Secretary for Fish and Wildlife and Parks is hereby redesignated as the Assistant Secretary for Fish and Wildlife.

(c) There is hereby established within the Department a National Oceanic and Atmospheric Administration which shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. There shall also be five Deputy Administrators: for Research; for Exploration and Development; for Loans and Grants; for International Coordination and Program Planning; and for Administration and Public Information.

(d) In addition to such functions, powers, and duties specified in this Act to be carried out by the Administrator, he shall carry out such other functions, powers, and duties as the Secretary may prescribe. The Administrator shall report to the Secretary through the applicable Assistant Secretary and the Under Secretary. Each Deputy Administrator (according to such order as the Administrator shall prescribe) shall act for, and exercise the duties of, the Administrator during his absence or disability. The Administrator shall prescribe the functions, powers, and duties of each Deputy Administrator.

(e) The functions, powers, and duties as are specified in this Act to be carried out by the Administrator shall not be transferred elsewhere in the Department unless specifically provided for by reorganization plan submitted pursuant to provisions of chapter 9 of title 5, United States Code, or by Act of Congress enacted after the effective date of this Act.

TRANSFERS TO DEPARTMENT

SEC. 4. (a) There are hereby transferred to the Secretary to be administered by him through the Administrator of the National Oceanic and Atmospheric Administration all functions, powers, and duties of the:

(1) Secretary of Commerce under the laws and provisions of laws administered by him through the Environmental Science Services Administration;

(2) the Secretary of Transportation under laws administered by him for carrying out the national data buoy project; and

(3) the National Science Foundation under the National Sea Grant College and Program Act of 1966, as amended.

(b) There are hereby transferred to the Secretary to be administered by him all functions, powers, and duties of the Secretary of Agriculture under the laws and provisions of laws administered by him through the National Forest Service.

(c) The Secretary shall, within one hundred and eighty days after the effective date of this Act, transfer to the Administrator any function of any other agency or office or part thereof of the Department if the Secretary determines that such function relates primarily to functions transferred to the Secretary under this section.

(d) The Secretary, in administering the programs transferred under this section, shall coordinate his activities with those of the departments and agencies which administer them prior to the effective date of this Act.

(e) Within one hundred and eighty days after the effective date of this Act, the President may transfer to the Secretary any function of any other agency or office or part thereof if the President determines that such function relates primarily to functions transferred to the Secretary under this section.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) (1) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary or the Department by this Act as the Director of the Office of Management and Budget shall determine shall be transferred to the agency at such time or times as the Director shall direct.

(2) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in paragraph (1) of this subsection shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(b) The Administrator appointed under this Act shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5314) and the Deputy Administrators appointed under this Act shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5315).

ANNUAL REPORT

SEC. 6. The Secretary shall as soon as practicable after the end of each fiscal year, make a report in writing to the President and to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act, or

(B) in the exercise of duties, powers, or functions which are transferred under this Act, by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary or Administrator (in the exercise of any authority respectively vested in them by this Act), by any court of competent jurisdiction, or by operation of law.

(b) the provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings to the extent they do not relate to functions so transferred, shall be continued before the department or agency which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary or Administrator (in the exercise of any authority respectively vested in them by this Act), by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Secretary, or

(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this Act vests such function after such transfer.

SEPARABILITY

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

CODIFICATION

SEC. 9. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws that contain the powers, duties, and functions transferred to or vested in the Secretary or the Department by this Act.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 10. (a) This Act shall take effect ninety days after the effective date of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

ABOLITIONS

SEC. 11. Subject to the provisions of section 10 of this Act, the following, exclusive of any functions, are hereby abolished:

(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan

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No. 2 of 1965, 79 Stat. 1318), including the offices of Administrator of the Environmental Science Services Administration and Deputy Administrator of the Environmental Science Services Administration.

CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 12. (a) Section 19(d)(1) of title 3, United States Code, as amended, is hereby amended by striking out "Secretary of the Interior," and inserting therein "Secretary of Natural Resources,".

(b) Section 101 of title 5 of the United States Code, as amended, is hereby amended by striking "The Department of the Interior." and inserting therein "The Department of Natural Resources.".

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

(d) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5 of the United States Code, as amended, is amended as follows:

(1) Section 5312 is amended by striking out "(6) Secretary of the Interior." and inserting therein "(6) Secretary of Natural Resources."

(2) Section 5314 is amended by adding at the end thereof the following:

"(55) Administrator National Oceanic and Atmospheric Administration."

(3) Section 5315 is amended by striking out "(18) Assistant Secretaries of the Interior (5)." and inserting therein "(18) Assistant Secretaries of Natural Resources (8)."

(4) Section 5316 is amended:

(A) by striking out "(36) Chief Forester of the Forest Service, Department of Agriculture." and inserting therein "(36) Chief Forester of the Forest Service, Department of Natural Resources."; and

(B) by adding at the end thereof the following:

"(132) Deputy Administrators, Department of Environmental Quality (5)."

(5) Section 5316 and the note under section 5317 are amended by striking out "Department of the Interior" wherever it appears in such sections and inserting in lieu thereof the following: "Department of Natural Resources".

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I believe it is important to take a look at the agency that is going to have control of the oceans living resources. The basic charter or statute which established in 1903 the Department of Commerce says that this commission is to "foster, promote, develop foreign and domestic commerce, mining, manufacturing and shipping and fishing industries" it says nothing of preservation of natural resources. Not one word about the preservation of natural resources for the future.

The fishery resources that were under the administration of the Department of Commerce were so poorly administered that in a time long past, they were transferred from the inefficient and incompetent administration of that agency and moved over into the Department of the Interior where they have been well managed.

Indeed, I would point out that the legislation that is now before us would put the fox in charge of the chicken coop. The Department of Commerce is constituted as a servant of business and industry. As the spokesman for industry—in fact the exploiters and polluters—it has done what they wished. I believe that we should have an agency of this kind within the Federal Government. Industry needs assistance, encouragement and a spokesman.

But I do not believe that we should be so foolish as to expect an agency constituted to serve the polluters, the industrial users, and the exploiters is going to be concerned with the long-range preservation program. And programs for long range management and protection of resources should not be entrusted to such a government entry. And I would point out to my colleagues that that is the precise question before us today—whether we are going to give to the exploiters, the polluters ,and the abusers of our natural resources the preservation of the great oceanic treasure that belongs not only to this Nation but to the entire populace of the world.

There is something rather more to be ascertained and to be concerned with here. The President's Council on Environmental Quality was not consulted about this legislation. Indeed, very few people on the hill received any consultation by the agency before the presentation of the plan. I would point out that after the plan was published in a number of meetings with the Department of Commerce I continually asked questions that were entirely unanswered, and was expected and assumed to take on faith that it would be well administered.

I am not elected as Representative of the people to swallow the plans and the protestations of the Department of Commerce without better information and answers. I am always aware that an agency that is trying to make a raid on the jurisdiction of another agency is prepared to promise almost anything, no matter how outrageous and how little in conformity with its intentions, in order to succeed in carrying out its goal and its end.

You know the private organizations that have worked with this Congress and with most of us in the Congress, and that have been concerned with the creation of a sound environmental policy and with wise preservation and use of our natural resources are without exception opposed to the creation of NOAA in the Department of Commerce. The International Association of Game and Fish Conservation Commissioners just passed a unanimous resolution against the movement of NOAA to the Department of Commerce. I would point out that this includes all the game and fish conservation agencies of the United States, Canada, and Mexico. I would point out that the Sierra Club, the National Wildlife Federation, the Audubon Society, the Isaak Walton League, the Wildlife Management Institute, the Sports Fishing Institute, and every other major national conservation organization, without exception, is opposed to turning the future of this Nation and the future our oceanic resources over to the Department of Commerce.

The reason is very simple. This reorganization proposal is going to turn over the custody of the chicken coop to the fox. Some of my colleagues tell me we are going to make a conservation-oriented organization out of the Department of Commerce. I would be willing to believe that the very day these same friends and colleagues who hand me a silk purse made out of a sow's ear.

The kind of clientele, the history, and the record of that agency do not engender any trust or any belief that they are anything other than what their basic charter started them out to be; and that is servants and lackeys of the polluters and the exploiters and those who would destroy the natural resources that are going to be entrusted to their care.

I am aware that it is always appealing to say that this is going to bring about preservation, this is going to mean enhancement, this is part of a great plan to preserve the natural resources of the Nation.

But I will tell you that we had before my subcommittee the Chairman of the President's Council on Environmental Quality. I said to him:

> Mr. Train, can you tell us what qualifications are present in the Department of Commerce for the ocean resource management programs to be transferred, to the Department of Commerce?

I must tell you that he, as the President's chief adviser on matters of environment, pollution control, and preservation of natural resources of this Nation and of this world could not point out to a single qualification of the Department of Commerce, not one, whereby they could be entrusted with the preservation of oceanic resources.

I just want to give a brief catalog of some of the statutes that will be turned over to this agency:

The Fish and Wildlife Coordination Act—something which says that in the consideration of every Federal or federally financed programs for water development, that the agency concerned has to take appropriate steps to preserve fish and wildlife values.

The Anadromous Fish Act, something in which the Department of Commerce has no interest or experience whatsoever, which has brought back and restored anadromous fish in many parts of this land.

The Endangered Species Act, set up to preserve species endangered because of activities of man and environmental changes in the world.

They are going to turn over the great nearly extinct whales of the world to the Department of Commerce, which has a long record of service to the exploiters and users of whale oil and things of this kind. That will also happen to the other endangered species of the sea. The next attempted raid will be on the coastal zones of the United States, so the poluters and exploiters can get their hands on these resources.

I would warn my colleagues the fight to preserve the Nation's resources is a difficult one. We make little wins and suffer big losses. I would point out that, of the losses to be cataloged during the year of 1970, perhaps the biggest single loss the Nation is going to undergo is the turning over of our natural resources to the Department of Commerce and the setting up of NOAA in an agency that has no record of concern or interest in conservation matters.

I would point out what is needed here is an affirmative vote on the resolution. Such a vote will say we will work with the administration on an appropriate national maritime and resources program, but we want to be consulted and to participate legislatively in creation of a proper plan of action. We have expertise in these matters far beyond that which we will find in most of the departments, so far beyond that which certainly we will find in the Department of Commerce. It will say we want to work with the administration to come forward with a far better and far more responsive program. The Congress has a duty to resolve unanswered questions and consider how NOAA is going to interrelate with all the statutes which are involved in the preservation of a decent environment and in the preservation of our oceanographic resources.

I would point out if we do that, we would certainly come up with a proposal to create a Department of National Resources. It is folly to hand over the oceanographic endeavors of this Nation to the polluters and despoilers and plunderers of nature. Such precious resources must be kept in an organization within the Federal Government at Cabinet level and not again reduced far down into the hierarchy of the Department. Proponents of this measure can say NOAA is going to be in a department which is going to be concerned with environmental matters, and I suspect even have a few people in the agency who will feel such concern, but I suspect they will be so low in the Department of Commerce as to be almost totally incapable of having their views heard.

I would point out more importantly that conservation of our oceanographic resources and the wise management of them will, instead of being upgraded by this proposal, be downgraded, because where we have an Assistant Secretary in charge of the program now, we will in the future have only low-level bureaucrats, clearly prisoners of high level bureaucrats selected by industry on the basis of philosophy and record of service to exploiters and polluters. The Nation and conservation of precious resources demand better.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Mosher).

Mr. MOSHER. Mr. Chairman, I hate to disagree with my friend, the gentleman from Michigan, but I do disagree with his interpretation of NOAA, and his characterization of the Department of Commerce.

Mr. Chairman, I urge the House to vote down House Resolution 1210.

I very definitely support the President's decision to establish the National Oceanic and Atmospheric Administration and to place it within the Department of Commerce, headed by an adminsitrator at the rank of Under Secretary, for strong leadership.

I enthusiastically salute and thank the House Committee on Government Operations for its strong position in favor of NOAA, and its opposition to the resolution now before us. I emphasize that the committee's decision had overwhelming bipartisan support.

I repeat, it is extremely important that we vote down this resolution, in order to take the positive step of approving NOAA.

For several years, we on the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries have been seeking an effective solution to the extreme fragmentation which has existed in our national activities in the oceans, including the Great Lakes. Until now, the Federal Government has failed to recognize our Nation's crucially important opportunities, and necessities, in the oceans.

Closely related is the manmade chaos that existed in coastal zones, that narrow belt of land bordering the seas, where the majority of the world's population is concentrated.

And, also, we have neglected to recognize fully the vital fact that the oceans and the atmosphere are essentially one system.

Obviously, there is great necessity for better coordination of effort in all these areas, and thus for reorganization of the Federal agencies involved, in order to administer a much more vigorous, effective, visible national oceanic policy and program.

The President's proposal for NOAA is a direct result of our Oceanographic Subcommittee efforts, an excellent example of bipartisan teamwork that began about 8 years ago. And I want to recognize our debt to the subcommittee chairman, Mr. Lennon of North Carolina, for his leadership in that effort.

Today, our entire subcommittee stands strongly in support of NOAA.

Our early efforts culminated in enactment of the Marine and Engineering Development Act of 1966. That landmark legislation for the first time declared it to be the policy of the United States to develop, encourage and maintain a coordinated, comprehensive and long-range national program in marine science. This legislation established the National Council on Marine Resources, chaired by the Vice President and including six Cabinet Secretaries. It directed the President to establish a Commission on Marine Science, Engineering, and Resources composed of 15 members drawn from Federal and State Government, industry, universities and other institutions engaged in marine scientific and technological pursuits. Congressman Lennon and I served on that Commission for 2 years as advisory members. The Commission was given a mandate to investigate all aspects of marine science in order to recommend an overall plan for an adequate national program.

The Commission under the chairmanship of Dr. Julius Stratton submitted its findings to the President and the Congress on January 9, 1969. The report of the Commission entitled, "Our Nation and the Sea," together with its supporting appendixes, is a truly comprehensive analysis of our existing programs and shortcomings and points the way to the future. Upon reading "Our Nation and the Sea," one must conclude that we are, with respect to the oceans, at about the same stage of development as our space programs were when the Wright brothers first flew.

The Stratton Commission report contains many excellent recommendations for this Nation's future role in the oceans and the closely related field of atmospheric research. We have only just begun to analyze and implement these recommendations. The most widely heralded suggestion of the Stratton Commission was the establishment of an independent Government agency to spearhead these programs during the next decade. This recommendation became the focal point of our subcommittee hearings during the past year and a half. This was logical since everyone concerned with the Federal Government's role recognized that it had become fragmented among many different agencies, and that the efforts of these agencies overlapped to a wasteful degree and lacked any fundamental coordination. In recommending the establishment of an independent agency, Dr. Stratton and the other members of the Commission made it abundantly clear, however, that they did not consider themselves to be experts in the field of Government organization and were primarily concerned with identifying program deficiencies and recommending a substantive course of action for the future.

At the beginning of our hearings in 1969, I pointed out that it might be preferable for the President, through his powers under the Reorganization Act, to implement the basic structural changes called for by the Stratton Commission. Our subcommittee proceeded to consider legislation to establish NOAA, recognizing, however, that a major realinement of existing agency responsibilities posed numerous difficulties.

Consequently, the subcommittee maintained a dialog with the administration and the President's Commission on Executive Reorganization. I believe that this dialog led to the President's submission of Reorganization Plan No. 4.

Mr. Chairman, the reorganization plan differs in several respects from the organizational recommendation of the Stratton Commission. It does not include within this new structure the Coast Guard, nor does the plan create an independent NOAA. But I believe these two deficiencies are more apparent than real.

The role of the Coast Guard in NOAA, as contemplated by the Stratton Commission, was essentially to round out the organization. It seemed illogical to the Stratton Commission to leave out of NOAA such a large organization of ships and men, and yet an analysis of the Coast Guard's missions clearly indicates that the Coast Guard now and for the foreseeable future must dedicate itself primarily to matters relating to maritime safety and environmental protection. I have no doubt that as in the past the Coast Guard will work very closely with those you are primarily concerned with expanding our knowledge of the oceans and the atmosphere. I do not believe, therefore, Mr. Chairman, that the absence of the Coast Guard from NOAA will impede the development of our knowledge of the seas.

With the Coast Guard remaining in

the Department of Transportation, the largest single component of NOAA is now the Environmental Science Services Administration, ESSA. ESSA has performed commendably since its organization in 1965 under the Department of Commerce.

As Secretary Stans has pointed out, the Department of Commerce already has a solid base of science and technology which will buttress the foundation of a vigorous NOAA. That is the type of strength that NOAA will need.

Mr. Chairman, the National Oceanic and Atmospheric Administration, as provided in Reorganization Plan No. 4, does fulfill our basic goal of creating a point of national focus for oceanic and atmospheric programs of the future. The Administrator of NOAA, to be appointed by the President at level 3, will have the same rank as Cabinet Under Secretaries.

Our chief deficiency, the lack of effective coordination between governmental, private, and institutional involvement in the seas, will be overcome by NOAA. Unlike our space programs, this Nation's involvement in the oceans is a partnership between these various elements of society. Each is contributing substantially and each has a rightful role to fulfill in the future.

Mr. Chairman, I urge my colleagues to support Reorganization Plan No. 4 and thus to disapprove House Resolution 1210.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. ROGERS).

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Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to say I too regret that I must disagree with my distinguished colleague, the gentleman from Michigan (Mr. DINGELL) about this reorganization proposal.

Our committee, as has been pointed out before, on oceanography held weeks and months of hearings on the problem of NOAA. I regret that the reorganization plan did not make the agency a separate and independent agency. I think that would have been the proper approach. I regret also that the Coast Guard was not included in the reorganization.

However, I believe this is a step forward and eventually probably will result in a separate independent organization with even more of the constituent agencies.

I have heard the argument that because sports fishing and commercial fishing would be transferred they would suffer at the hands of commerce. I do not share that feeling. I believe just the opposite will be the result.

People must realize that all of the current employees basically who are now administering those programs will be transferred almost in toto. They will not have new personnel come in who are against any of these programs. Rather, I believe this will be given new impetus and new force in the Department of Commerce, because this will be the major effort now of the Department of Commerce. It will be the largest part of its budget, and the major emphasis of the Department of Commerce will be now in this area, and I believe we are going to see added help for sports fishing and the whole fisheries environment.

I am encouraged that this will happen. I am sure our committee will do oversight on all the activities they may carry out, and I am sure this will be the result.

I also believe they will give this added budget strength. Certainly, when we look at what has been done in the past with respect to sports fisheries and commercial fisheries, it is nothing which any of us can wave the flag about. We are far down on commercial fishing. We have gone down compared to other nations. I know I am not satisfied with respect to the activities of sports fishing off the coast of Florida. We ought to be doing more to protect and conserve the sports fisheries.

This is what I anticipate will be done. I would urge rejection of this resolution and approval of this plan as a first step in eventually bringing about an independent organization for the development of the resources of the sea.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise to urge the defeat of the resolution of disapproval to Reorganization plan No. 4 which would establish in the Department of Commerce a new National Oceanic and Atmospheric Administration. I enthusiastically endorse NOAA as an essential requisite in the formulation and implementation of a national policy for the oceans. And there is no doubt in my mind that there is a need for such a policy and such an organization as man turns increasingly to the sea for new solutions to the problem of survival. As former Maritime Administrator Andrew E. Gibson put it:

> It is the sea of which we must look . . . to feed a growing population. It is this sea from which we must harvest not only foodstuffs but its vast resources of minerals. It is the sea to which we must look by means of desalination for the very water necessary to sustain life in the future. . . . Put succinctly, as a nation and people . . . we will live or die by the sea.

Mr. Chairman, the Congress recognized this back in 1966 with the passage of the Marine Resources and Engineering Development Act. In that act we established a National Council on Marine Resources in the Executive Office of the President, and we authorized a 2-year study to be made by a newly created Commission on Marine Science, Engineering, and Resources under the able chairmanship of Dr. Julius A. Stratton. The results of that exhaustive study were released in January of last year in the report, "Our Nation and the Sea." One of the top priority recommendations of that Commission was the creation of a National Oceanic and Atmospheric Agency.

In the words of the Stratton Commission report:

> We believe that it will mobilize the resources of our Government in the most effective manner to lend strength and power to the Nation's marine commitment. The incremental cost in taking prompt action for consolidation will in itself be relatively small. The added effectiveness for the fulfillment of the national program should be enormous.

The Commission report went on to note that the proliferation of marine programs throughout some 23 departments and agencies of the Government made virtually impossible any unified national thrust in the oceans, and therefore, "a new, strong Federal focus for marine activity" was urgently needed.

Mr. Chairman, after reading the Stratton Commission report early last year, I concluded that this was a major area for national concern, and I testified before the Oceanography Subcommittee of this body in favor of a new organization for the oceans. All told, that subcommittee heard some 92 witnesses on the NOAA proposal, most of whom urged affirmative action on this proposal.

I think we owe a great debt of gratitude to the Stratton Commission, to the Oceanography Subcommittee, to the Ash Commission, and finally to the administration for bring this proposal to full fruition in this reorganization plan. While this NOAA differs in some respects from that originally proposed by the Stratton Commission, it still draws heavily from their recommendations both as to structure and role.

Under this reorganization plan, a number of Federal marine-related missions will be brought together under NOAA in the Department of Commerce for the purpose of fully and effectively exploring and developing our marine resources while avoiding the type of oceanic environmental degradation and depletion which might result from a haphazard approach. This plan recognizes the need and indeed the necessity for a coordinated and unified national ocean policy to avoid the perils of pollution and overpopulation and deliver on the promises and potential of this last great frontier on earth. If we do not organize effectively for the careful exploration and constructive exploitation of this last great frontier, we will soon be faced with a global resource problem of crisis proportions. It would be little consolation to know that this would be our last crisis on earth.

Mr. Speaker, I urge defeat of this resolution so that we can get on with the very exciting and urgent task of meeting the challenges and possibilities which lie waiting beyond our shores.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

I should just like to say this is an important plan, as we note when we study the number of employees, 13,250 positions, and the projection of 13,750.

Most of these functions that are to be transferred over to this one entity are related services and related functions in the field of national oceanic and atmospheric programs. We are proliferating these programs all over the map, and there has to be some concentration of them so that we will know where they are and can handle them as an entity rather than in fragmented areas.

The success of this agency will depend, in my opinion, more upon adequate funding and adequate programs than it will on the actual structure involved. It can be good the way it is, or it can be just as good or perhaps better if it is put together into one agency, but in the last analysis it will depend upon how much financial support is given to these agencies and functions that are outlined under this consolidation of like functions.

I believe that the President under the reorganization plan procedure has set up a plan which is orderly and which in general comports with the purposes of the Reorganization Act. Therefore I am supporting the plan.

Again, because this is a resolution of disapproval, those who vote on this plan who are for the plan will vote "no" on the disapproving resolution and that automatically will be a vote for the plan.

Mr. Chairman, I have no further requests for time, and it has been stated on the other side that there are no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. RES. 1210

Resolved, That the House of Representatives does not favor Reorganization Plan Numbered 4 transmitted to the Congress by the President on July 9, 1970.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be rejected.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 1210, to disapprove Reorganization Plan Numbered 4, he reported the resolution back to the House with the recommendation that the resolution be rejected.

The SPEAKER. The question is on the resolution.

The question was taken.

The SPEAKER. In the opinion of the Chair, the resolution, not having the affirmative vote of a majority of the authorized membership of the House, is not agreed to.

So the resolution was rejected.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just passed and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE AMERICAN SECURITY COUNCIL AS VIEWED BY A MAN WHO NEVER THROWS ANYTHING AWAY

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, we were treated last week to another of those campaign-year reliables, the "rating" of Senators and Congressmen according to the ideological lights of a particular organization.

The new entry in this field calls itself the American Security Council, listing headquarters at 1101 17th Street NW., here in Washington.

The council's approach was essentially the same as other rating systems on behalf of business, or labor, or organized veterans. It was based, sponsors said, on a selected group of 10 votes touching on war policy and military preparedness.

Only difference between this and other vote rating systems was that the American Security Council based its own positions on the results from a mass computerized questionnaire which it sent out in mid-July.

Impartial observers might charge that the council's multiple-choice questions were loaded, or in the main so heavy handed as to be useless in determining foreign policy positions in the world of 1970.

But that would be a matter of opinion. I am more interested at the moment in pointing up a demonstrable fact concerning the American Security Council—for the discovery of which I am indebted to my own slovenly habit of rarely throwing anything away. It is this:

The American Security Council questionnaire which was sent to me—"an opinion leader in Washington"—on July 15 carried a mailing tab unmistakably identical to mailings which have arrived at my home from numerous other organizations—all of them legitimate, but all identified with the far, far right.

One of these groups utilizing the same mail list was the Conservative Victory Fund. In this one our colleague, the gentleman from Ohio (Mr. ASHBROOK) was urging me—also by computerized letter—to join in an effort to defeat such good friends as JOHN BRADEMAS, DON EDWARDS, and DICK FULTON—and to help boost the fortunes of Senator MURPHY and Phylis Schlafly, among others.

In another mailed message delivered to my door with the very same address tab, Senator BARRY GOLDWATER asked me to send $15 to Young Americans for Freedom—ostensibly to help counter a million-dollar kitty purportedly collected by the New Mobe for their moratorium rally last October.

Still another appeal came from the National Right To Work Legal Defense and Education Foundation, Inc.—again with the same, easily identified mailing tab. the thrust of this organization's message was that union officials alone had socked $60 million into Hubert Humphrey's campaign, and unless we right-thinking citizens took legal action to halt them, those same union officials would spend even more in this year's congressional elections. The range of suggested contributions: $5 to $500.

On and on runs the identically addressed torrent—appeals from every conceivable new creation of that far-out fringe of the right, usually with the right palm turned upward in a political campaign year.

I commend these organizations on their frugality in combining mail lists. And I suppose if I did not save them all, in desk space that surely could be put to better use, I might be fooled into supposing that each of these peas came from a different pod.

Mr. Speaker, I shall be glad to share the fruits of my easily assembled detective work with anyone interested in inspecting it. Meanwhile, any colleagues low rated by the American Security Council should be no more concerned than if their rating came from the liberty lobby.

Which it probably did.

THE UNITED STATES MUST RESPOND PROMPTLY TO NEW SOVIET THREAT IN CUBA

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, the White House statement last Friday, September 25, that the United States would view with grave concern any attempt to establish a base in Cuba for the servicing of Soviet nuclear submarines, came none too early.

I fully support the President's statement.

This public warning to the Soviets appears to be based on intelligence developed by the Department of Defense, indicating that such a base is in the process of being established at Cienfuegos in the southern part of Cuba.

I am today calling the Subcommittee on Inter-American Affairs to meet in an urgent executive session with high Government officials, to review this situation.

I am also requesting the chairman of the Armed Services Committee to give every consideration to the requirements of strengthening our military and naval capability in the Caribbean region.

Nearly 3 months ago, in the course of my subcommittee's hearings reviewing the security situation in the Caribbean, I raised this very issue with high-ranking officials of the administration and the top U.S. military commanders responsible for the Caribbean region.

I had stressed that only a short time earlier, in May of this year, the second group of Soviet naval units visited the Caribbean and first stopped in Cuba at the port of Cienfuegos.

That Soviet naval force included an Echo II type submarine which had nuclear capability, eight firing tubes, and a range of approximately 400 miles.

I had pointed out to executive branch witnesses that the presence of Soviet nuclear naval units was drastically changing the security balance in the Caribbean and required the U.S. Government to take prompt steps to reverse the policy of curtailing our naval and shore facilities at Key West, at Boca Chica, at the Homestead Air Force Base, and at other installations in Southeastern United States.

Adm. E. P. Holmes, commander in chief of our Atlantic Command, agreed that it would be a "folly" to cut down U.S. military and naval capability in the face of this new Soviet threat.

On July 8, and during subsequent hearings, I repeatedly called to the ad-

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ministration's attention the many reports which I received indicating that facilities for servicing Soviet nuclear submarines were being constructed in Cuba.

Information now available to the Department of Defense and the White House seems to confirm those reports.

I believe that it would be a drastic mistake for the administration to invite a repetition of the 1962 Cuba missile crisis by failure to act promptly and decisively to nip this new Soviet challenge in the bud.

The track record of Soviet policy has demonstrated that once they embark upon the course of trying to change the military balance in a given region, they will continue ahead until they are stopped.

This has almost happened once in Cuba. It has happened since in the Mediterranean, in the Indian Ocean and in other areas.

As the first step, I believe it is imperative that the United States move promptly to beef up our military capability in the Caribbean region. This means that our facilities at Key West, Boca Chica, and Homestead should be immediately restored to full strength.

The stakes involved in any potential conflict in the Caribbean, and particularly in any United States-Soviet confrontation in that region, are going up each day.

I warned about this months ago, and I am today repeating that warning.

I believe that to wait any further is to court disaster.

The United States should and must respond promptly and forcefully to this new Soviet challenge.

I am gratified that the White House is turning its attention to this urgent problem. I hope that this will result in actions along the lines I have suggested.

Mr. SIKES. Mr. Speaker, will my distinguished colleague yield?

Mr. FASCELL. I yield to my distinguished colleague from Florida.

Mr. SIKES. I wish to commend my distinguished colleague from Florida upon his statement. I endorse what he has said and join in his concern. I feel that the United States must move, and move vigorously, and that the committees of Congress should fully explore the threat to our security and to the hemisphere, which appears to be developing, in the area to which the gentleman referred.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. I thank the gentleman. I assure him that we have known about the proposed base for some time, and I have been preparing to release some remarks on the subject. For 4 months I have been preparing remarks, which I intend to deliver today. In a conference report, consideration of which we concluded on Thursday, we have included $435 million for the Navy as a beginning effort to beef up our Navy to be able to meet the threat we know the Soviets are creating. The item is in the conference report which will be up tomorrow. But this afternoon I intend to speak on the subject.

I want to thank the gentleman. The time is now to do something about this.

Mr. FASCELL. I agree with the gentleman from South Carolina.

MRS. JESSIE BALL DU PONT PASSES

(Mr. BENNETT asked and was given permisson to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, Mrs. Jessie Ball du Pont, of Jacksonville, Fla., and Wilmington, Del., passed away at Nemours, her estate near Wilmington, on this past Saturday, and will be buried there today. She was one of the most beautiful characters I have ever known, full of love for humanity and with a zest for life, and wholesomely dedicated to making life better for others. Yet, she never claimed credit for the vast amount of good she did; and most of it was done anonymously.

Since she was the widow of an extremely able and wealthy man, Mr. Alfred I. du Pont, and the sister of another outstanding business leader, Mr. Edward Ball, some who knew her only slightly assumed that her tremendous accumulation of wealth was the result solely of the work of these able men; but those who know anything of the actual facts know that she has been an extremely successful businesswoman in her own right for half a century.

She established the Alfred I. du Pont Foundation for Crippled Children, a dream of her late husband; and she otherwise carried on the philanthropic objectives of this sensitive and strong man, whom I also had the pleasure to know before his death 35 years ago. And she had a strong conviction of the need to keep vital the independent colleges of the country, particularly those which were church oriented. Her philanthropies in this field have been little published but they were tremendous.

Several weeks ago, Mr. Speaker, my family and I went to Nemours to pay our respects during a congressional recess, as she had repeatedly asked us to do. We learned sadly from her doctors that she would not be with us long. But regardless of how certain is the closing of life, it is always a shock and a personal tragedy to those who are left behind.

Few persons ever had the outstanding talents and opportunities of this great lady; and none ever used them better for mankind, I am sure. All thoughtful Americans join me in deepest sympathy to her brother, Ed Ball, her sisters and her daughter, Mrs. Carl Zapfee, and her other relatives and close friends.

Mr. Speaker, Ralph Waldo Emerson once observed that most of us fret ourselves into nameless graves while here and there some noble soul forgets himself into immortality. Such a person was my beloved friend, Jessie Ball du Pont.

This morning's edition of the Washington Post carried the following announcement of her death:

> JESSIE BALL DU PONT
>
> WILMINGTON, DEL., September 27.—Mrs. Jessie D. Ball du Pont, 86, third wife of industrialist Alfred I. du Pont, died Saturday at her family estate near here.
>
> Her husband, who died in 1935, organized E. I. du Pont De Nemours and Co., and was one of the world's richest men. He was a grandson of the founder of the Du Pont industrial empire.
>
> It was reported in 1964 that Mrs. du Pont received from the Alfred I. du Pont estate a total of $58.8 million from 1951 to 1962, $6.6 million in 1962 alone.
>
> Mrs. du Pont was a native of Virginia and was married to the industrial magnate in Los Angeles in 1921. She was then 36. She was a descendant of Mary Ball Washington, mother of George Washington.
>
> Mr. du Pont was divorced from his first wife, the former Bess Gardner of Philadelphia, in 1906. His second wife, Mrs. Alicia Bradford Maddox, of New York City, died in 1908.
>
> Mrs. du Pont had lived in seclusion at Nemours, the family estate, for a number of years. Her secretary said she died of pneumonia.
>
> Mrs. du Pont was a major benefactor of such institutions as Hollins College, Washington and Lee University, the Virginia Museum of Fine Arts, Mary Washington College of the University of Virginia, the University of the South and the Alfred I. du Pont Institute for crippled children.
>
> In 1957, for example, Mrs. du Pont gave Hollins College a gift of $271,000, half of it to go toward a chapel and the other half for the Alfred I. and Jessie Ball du Pont scholarship fund.
>
> She made two gifts in 1947 totaling $112,000 toward Washington and Lee University's bicentennial fund.
>
> In 1956, Mrs. du Pont was selected by the Virginia Chamber of Commerce for a special award for "her service to Virginia and to education in the Old Dominion." She was the first woman to receive such an award.
>
> Mrs. du Pont broke a 210-year tradition in 1959 when she became the first woman on the Board of Trustees of Washington and Lee University. She was appointed to succeed Sen. Harry F. Byrd (D-Va.) who had resigned.
>
> Funeral arrangements were incomplete. However, burial was expected to be next to her husband at the estate.
>
> She is survived by a daughter, Mrs. Carl Zapfee, of Baltimore, three stepchildren, eight grandchildren and two great-grandchildren.

RUSSIAN SUBMARINE BASE IN CUBA

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I think all the Members of the House are greatly concerned by the evidence of the showing that Russia is trying to build a submarine base in Cuba.

I have by wire contacted the distinguished chairman of the Armed Services Committee as well as the Foreign Affairs Committee urging that the committees call the Defense and State Departments before them and investigate this matter.

It is a serious development, and the people of this Nation are vitally concerned. I am sure, as he has in the past,

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that the chairman of the Armed Services Committee will respond by looking into this matter which can vitally affect the defense of this Nation.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, I believe the gentleman understands I will approach this in a little different manner than the chairman of the Foreign Affairs Committee, but I will look into it.

Mr. ROGERS of Florida. Mr. Speaker, I thank the gentleman from South Carolina, and I would urge his close investigation into this matter.

NATION'S HOUSING CRISIS

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, the other day, one of my colleagues made a speech blaming the Nixon administration for the Nation's housing crisis. While I must admit that we are indeed in the midst of a housing crisis as severe as any this Nation has ever faced, I should point out several things:

First. President Nixon's administration did not cause the housing crisis. It was inherited from the Democrats. The Housing and Urban Development Act of 1968, the product of a Democrat administration and a Democrat-controlled Congress, documented the housing need at 26 million housing units over the next 10 years—1968–78. This goal was reaffirmed by President Johnson's National Commission on Urban Problems in its report to him in 1968.

Second. The reason why the housing crisis persists is because of inflation. And inflation is the unfortunate result of unwise guns-and-butter overspending of the Johnson administration. This inflation has hit the housing problem from several directions all at the same time. It has caused the cost of homebuilding, including land, labor, materials, management, and financing to increase 10 percent since 1968. It has made financing home purchase more difficult and costly. And it has increased the price of existing housing, often pricing it out of the market for which it was intended.

Third. Although the Nixon administration inherited a severe housing problem together with a war-induced inflation which has exacerbated the housing problem, a number of specific steps have been taken which are beginning to bring results.

The most important step to take in curing the housing crisis is to curb inflation. As Federal Reserve Board Chairman Arthur Burns said on February 7, 1970:

> There can be no doubt whatever that the single most important contribution toward improving housing market conditions would be success in the present struggle to check inflationary trends and expectations. Nonetheless, it must be recognized that it takes time to overcome an inflationary momentum that has gathered headway over a span of years dating all the way back to 1964.

The Nixon administration has instituted a number of fiscal and monetary changes designed to bring inflation under control. Just last week we heard the heartening news that the prime interest rate had dropped from 8 to 7½ percent and that the cost of living rose less in August than in any month since December 1968. Nixon's anti-inflationary policy, it appears, is paying off. This success should be reflected in an easing of the housing finance situation in the near future. The lower prime rate especially should mean that very soon home mortgages will be down to the point where the average family can begin to afford to buy a home. Unfortunately, the Democrat-controlled Congress did not see fit to adhere to Nixon's fiscal policy which called for a $1.3 billion surplus in fiscal year 1971. Such a surplus would also have had the effect of making more money available for investment and thereby forcing down interest rates. Rather than a surplus, however, the Democrats have passed legislation which so far has added $2.7 billions to the President's fiscal year 1971 budget.

The administration has also increased the flow of funds into mortgages by extending the Fannie Mae commitment and by adjusting interest rate ceilings on FHA and VA mortgages.

Attacking the housing problem from another direction, the President also took steps to stabilize the cost of building materials. The Department of Agriculture was directed to use a supplemental appropriation for fiscal year 1969 and an increased appropriation for 1970 to provide additional timber from national forests. The Department of Interior was directed to make available increased timber for sale. And the Interstate Commerce Commission issued orders to relieve the shortage of boxcars used to move lumber and plywood from the Northwest. As a result of these measures, the sharp increase in prices which had seriously affected the building costs for single family homes and small apartments was reversed. Lumber and plywood prices have declined from their high levels of a year ago.

Working to relieve the labor shortages that have helped push housing costs up, the Nixon administration has initiated special job training programs to make entrance into the labor market easier. At present, 250,000 students are enrolled in construction training; the Department of Labor is encouraging local surveys and reports on specific manpower needs; and the Department of Health, Education, and Welfare is helping States develop plans for vocational education in secondary schools, postsecondary schools, and cooperative education programs which emphasize preparation for the construction industry.

In addition to attacking inflation, materials costs, and labor shortages, the Nixon administration has launched an imaginative program, Operation Breakthrough, which aims at developing entirely new ways to go about meeting our housing needs. Operation Breakthrough seeks to apply the principles of mass production to homebuilding so that the discoveries of industrial research and technology can be used to move homebuilding out of the Middle Ages. As this succeeds, volume production and economy of scale will become possible, permitting greater efficiency in the design, production, transfer, financing, and management of our national housing effort. This will mean attractive, well-built homes at prices families can afford.

Because of these efforts by the Nixon administration, the housing outlook is a lot brighter than it was when Nixon took office in January 1969. His efforts to control the inflation which the Democrats bequeathed to the Nation in the 1960's, means that soon the housing problems that accompanied the inflation will begin to respond. The additional administration efforts to control materials costs and labor shortages and to develop new housing construction approaches will help us beat this housing shortage in the 1970's.

According to a Wall Street Journal article, appearing on September 24, there are already tangible signs that the housing situation is improving. The article follows:

> Home builders begin to sound a bit more optimistic.
>
> There's still plenty of gloom in the industry, which has been hit hard by tight money. But signs of improvement are easier to come by now. The Council of Housing Producers, whose 13 members are among the major home builders in the U.S., says members expect to build about 33% more units in 1970 than a year ago. Houston's Westchester Corp., which had anticipated selling 225 homes this year, now expects to build about 300. In Pittsburgh, Ryan Homes, a big builder of single-family units, says business is "up substantially."
>
> "We think it's quite obvious that the tight money situation is easing," says Eli Broad, chairman of Kaufman & Broad, a Los Angeles builder that expects housing starts in the last half to be up "at least 30%" from a year ago. This week's cut in the prime lending rate by major banks has added to optimism that more money will be available for housing.

THE SOVIET THREAT

The SPEAKER. Under a previous order of the House the gentleman from South Carolina (Mr. RIVERS) is recognized for 60 minutes.

(Mr. RIVERS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this Nation.

The fears that I have are those that must be shared by every American regardless of his political or social philosophy or his economic status.

All Americans have been given the blessed and priceless heritage of freedom—a freedom which I am convinced is in terrible jeopardy.

My critics, who are legion, will attempt to dismiss what I say today by categorizing them as the shrill cries of a hawk who is suffering the agonies of reduced defense expenditures.

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If this occurs, I will have failed my purpose since I believe that these critics, who love America no less than I, will, if they assess my words carefully, find that we not only have a common concern, but a common and frightening peril.

The Congress is now engaged in a great and protracted debate over foreign policy and the defense budget.

Unfortunately, the debate in the other body has again distinguished itself by its indecisiveness and, regrettably, its apparent sense of hopelessness. Thank God that this body, despite its uninhibited free swinging debate, continues to be capable of making clear-cut and courageous decisions when our Nation's security is at stake.

My words today are, therefore, intended as much for the Members of the other body as they are for you and, perhaps even more importantly, they are intended for the American people. For in the last analysis, it is the American people who stand to lose everything if we fail to discharge our awesome responsibilities in respect to our national defense.

Consideration of the defense budget, contrary to what some would have us believe, is not a question of assigning relative priorities between defense and domestic programs.

Decisions on the defense budget should be based on the simple question of national survival—and nothing more.

The issue should be "what is required to survive?"; and not "how should we allocate the national budget between defense and domestic programs?"

The final measure of our ability to survive as a nation in a hostile world will not be how well we have managed our domestic resources and domestic programs, but whether or not we have avoided and frustrated the forces of evil which would draw us into the crucible of war with the Soviet Union.

If we fail in that endeavor, we will have failed in everything.

It is this circumstance which demands that we maintain a level of strategic and conventional military capability that will insure against any misunderstanding by the leaders in the Kremlin of our intentions to survive.

Regrettably, the leaders in the Kremlin are now evidently unimpressed by both our military capability and our national determination to survive.

That our determination to survive is suspect requires no elaboration. The dissident voices in our Nation who would destroy the very fabric of our society are being interpreted by the leaders in the Kremlin as the voices of the American people. This fact together with our evident unwillingness to support a defense establishment geared to national survival has created a very dangerous atmosphere in which the Soviet Union may be tempted into actions which can only ultimately result in a nuclear holocaust.

Since the deterioration of our military capability vis-a-vis the Soviet Union is no secret to the Kremlin, I believe it is high time that we tell the American people the facts of life. I plan on doing that today.

First, since we all recognize the vital importance of being a maritime nation, and because of our dependence on the free use of the seas, let me tell you some sobering facts about Soviet naval strength.

The Soviet Union is now one of the world's two leading sea powers—and possibly the leading power. When Admiral Gorshkov assumed command of the navy in 1956, it was largely a water-borne adjunct of the ground forces. Today, it is a well balanced modern force which is equally at home on the high seas as it is in coastal waters.

Soviet naval units now frequent waters which only a few years ago were considered the private preserve of Western naval forces.

It was only in 1964 that the Soviet Navy began continuous deployments in the Mediterranean; now, since the Arab-Israel war of 1967, a flotilla of nuclear submarines and missile-armed surface ships have been continuously operating there.

This Mediterranean presence has at times attained a flotilla strength of 65 naval vessels, including submarines and support ships.

As a consequence, today Soviet naval forces constitute a major political and military presence in the Mediterranean.

This naval presence has also been extended into the Indian Ocean, and the farthest reaches of the Atlantic and Pacific Oceans.

Soviet submarines and warships equipped with missiles now operate off the coast of the United States, as well as the Caribbean and off the coast of Africa and Southeast Asia.

The worldwide Soviet naval operation "Ocean" which was conducted during April of this year involved more than 200 ships and submarines, and was their announcement to the world that they have developed and intend to flex their naval muscle simultaneously in the four corners of the world.

The Soviet surface fleet now includes two helicopter carriers, about 24 cruisers, 35 guided missile destroyers, 50 gun-armed destroyers, more than 100 destroyer escorts, and literally thousands of smaller ships, minesweepers, coastal escorts, support craft, and intelligence collectors.

The greatest Soviet naval strength is in its submarine force—the largest ever created in the history of the world. The fleet presently has approximately 350 submarines, 80 of which are nuclear powered.

The new Soviet Polaris-type submarine can fire 16 ballistic missiles to a range of at least 1,300 miles; at least 13 units of this class are already operational, and these units are being produced at the rate of 8 to 10 each year. They are testing a new submarine ballistic missile estimated to have a range of 3,000 miles. This missile will probably be back fitted into the existing Soviet submarine fleet.

At the present rate of construction, the Soviet fleet of these Y-class ballistic missile submarines will surpass the U.S. fleet of 41 Polaris submarines by 1973 or 1974.

In addition to the Y-class ballistic missile submarine, the Soviet Navy has approximately 40 older ballistic missile submarines which carry three launchers each. Nine of these submarines are nuclear powered, and are probably targeted against European or Asian targets, whereas the more modern Y-class missile submarines are, for the most part, targeted against the United States.

The Soviet Navy also has about 65 submarines, 35 of which are nuclear powered, equipped with supersonic cruise missiles, some having ranges up to 400 miles. These submarines are designed to attack both naval and merchant ships. In addition, the Soviet Union has about 240 other submarines which are designed for torpedo attack missions against surface ships or other submarines. Twenty-two of these are nuclear powered.

In evaluating the Soviet submarine fleet, it must be remembered that the German submarine fleet which almost won the battle of the Atlantic, included only 57 diesel submarines in the early months of World War II.

The Soviet nuclear submarine construction capability now is about 20 units a year based on working one work shift a day; by working three shifts a day they have the ability to produce 35 nuclear submarines a year. Today they are building at a rate of from 10 to 14 per year. One Soviet yard alone has several times the area and facilities of all the U.S. submarine yards combined.

The Soviet Union is expanding its production of Y-class nuclear-powered ballistic missile submarines, and I estimate that approximately 50 units of this new missile class will have been completed by as early as mid-1974.

By contrast to Soviet submarine strength, the United States today has only 147 operational submarines of which 88 are nuclear powered, and of which only 47 are configured as submarines primarily designed to combat the Soviet submarine threat. The other 41 nuclears are our Polaris missile firing submarines.

Despite the 47 U.S. nuclear attack submarines designed and available to combat the Soviet submarine threat, the latest Soviet nuclear submarines have a submerged speed which is significantly higher than anything we previously contemplated or expected.

It is this chilling fact that has compelled the Committee on Armed Services to insist that we go forward immediately on the construction of the new nuclear-powered 688-class submarine which we hope will be able to cope with this significant and deadly Soviet capability. However, regardless of how rapidly we proceed on the construction of this new class of submarines, it will be years before they become operational in significant numbers, and in the meantime Soviet technology will undoubtedly strive to maximize this almost unbridgeable gap in our defensive response to this Soviet submarine threat.

This existing and ever-widening gap in our defensive capability to meet the Soviet submarine threat is simply a current reflection of the past unwillingness of defense budgeteers to provide for a modern Navy.

Practically every surface ship in the Soviet fleet has the Styx missile. Now for you who do not know what the Styx missile is, let me tell you a few shocking facts. This is a short-range naval missile which travels at approximately sonic speed and can be carried on almost the smallest type of naval craft. It has tremendous reliability and, most unfortunately, we have little in the way of a reliable defense against this type of missile attack

These surface-to-surface missiles enable small torpedo boats to duel with cruisers and large combatant surface vessels by outranging the conventional naval artillery on these ships.

Unfortunately, we again do not have a missile of this capability in our own operational inventory.

The surface naval vessels of the United States are, as compared to the Soviet Union, if anything, in worse condition than those of the undersea fleet. No purpose would be served in attempting to detail these deficiencies except to point out that the Comptroller General of the United States recently submitted a secret report to the President of the United States and the Congress on the impaired combat readiness of the Navy's Atlantic and 6th Fleets.

In that report, the Comptroller General in commenting on the readiness of these naval vessels stated, and I quote:

> Approximately 80% of the major ships in the Atlantic Fleet are over ten years old, and 50% are over 20 years. In April 1969, the average age of the ships of the Sixth Fleet was 18.3 years.

The Comptroller General, in commenting on the relationship of the age of our naval vessels and their inability to maintain combat readiness pointed out that "prior to 1964 engineering casualties" represented approximately one-quarter of the circumstances which required immobilizing a ship, but because of the advancing age of the vessels "in 1964 the engineering casualties began to increase, and by the end of 1968, they accounted for about 50 percent of the total casualties."

The Comptroller General went on to say that—

> This trend was evidence of the fact that the ship's platforms and associated propulsion systems were being affected by excessive age, plus a lack of parts for equipment, which in some instances, was no longer being manufactured.

The sum total of the General Accounting Office's secret report is that under current conditions fleet readiness for sustained wartime operations is:

> At best, marginal due to the lack of qualified personnel, poor logistical support, and the need for modern ships. The fleets are capable of handling a contingency but are only marginally capable of maintaining a high level of sustained operations.

Without revealing information which would give aid and comfort to the Soviet Union, I also feel compelled to tell this House that not very long ago I was told that the combat condition of our cruisers and destroyers in the Atlantic Fleet was so bad, both from a materiel breakdown and personnel shortage viewpoint, that more than half of them were in a condition that would have seriously affected their combat capability. As a matter of fact, some of these ships could not have engaged in any kind of naval confrontation.

I cannot overemphasize the seriousness of this situation. Yet, I know that there are people in the Congress of the United States who will say "so what?" I can only warn the Members of this House that we are on the brink of disaster and I have never before been so concerned in all the years I have served in the Congress of the United States.

We must, therefore, acknowledge the fact that our naval vessels are today simply not capable of discharging their wartime mission requirements if called upon to do so.

I believe these facts are as close to proof positive as I can make available to the American people that if we are not already a second-rate naval power, we are perilously close to becoming so.

I need not emphasize that in a war with the Soviet Union there will be little solace in being in second place.

As sure as I stand before this House, there will be a confrontation in the Mediterranean between the Soviets and ourselves. They will create the incident to suit their convenience. And how will we respond? At the rate we are going now, considering the condition of the 6th Fleet, in fact the entire Atlantic Fleet, and the tremendous strides made by the Soviet naval forces, we would be forced to back down. Why do I say this? What did we do recently when a Russian trawler came within 200 yards of the nuclear submarine *James Madison*, off Cape Kennedy? We postponed the test launching of a Poseidon missile—and this is in our own backyard. Moreover, when we finally made the test launch of the Poseidon missile, the Russians literally moved into the test area and attempted to preempt our recovery of important fragments of the missile launch.

For years the Navy, in particular, has been accused of reporting Soviet submarines off our coasts just about the time the defense appropriation bill is debated on the floor. While these sightings have invariably turned out to be accurate, nevertheless those who oppose appropriations for the Navy always found it convenient to ridicule these intelligence reports which coincided with the consideration of appropriations for the Navy.

So now I would like to say to the doubting Thomases, if there are any remaining in the House, that if you would care to see for yourself a Soviet task force in the Caribbean, all you have to do is fly around the Caribbean area and you will see a Kresta class guided missile light cruiser, with surface-to-surface and surface-to-air missiles; a Kanin class guided missile destroyer, with surface-to-air missiles; a Soviet tanker and a Soviet submarine tender. I need not tell you that a submarine tender tends submarines. There are three other Soviet surface vessels in the Caribbean area: an LST; a salvage ship and a rescue ocean tug.

For those of you who have scoffed at the constant warnings that have been issued by the House Committee on Armed Services with respect to the rise of Soviet seapower, let me remind you that the Soviets deployed combatant ships to the Caribbean area in July and August of 1969, and again in May of this year.

In 1969, the Soviet task force consisted of three guided missile ships—a cruiser, a frigate, and a destroyer—two attack submarines, one nuclear-powered attack submarine; a submarine tender, and two tankers.

In May of this year, the Soviets deployed a guided missile light cruiser, a guided missile destroyer, two attack submarines, a nuclear-powered cruise missile submarine, a submarine tender and a merchant tanker.

All of these ships have conducted operations in the Caribbean area.

The deliberate and calculated offensive plans of the Soviet Union are now becoming crystal clear with the release of information by the administration of evidence of new Soviet activity in Cuba. I have no doubt that the Soviets are now building a missile-launching nuclear submarine naval base in Cuba.

We, as a nation and a free people, cannot ignore or accept this latest military action of the Soviet Union.

On October 23, 1962, President Kennedy issued a proclamation which reasserted the principle of the Monroe Doctrine as it applied to the Western Hemisphere and the introduction of nuclear weapons by a foreign power.

At that time, President Kennedy delivered an ultimatum to the Soviet Union to remove their nuclear offensive weapons capability from Cuba, or in the alternative such weapons would be removed forcibly by our military forces.

Regrettably, we are once again confronted with a crisis of the same gravity despite the waffled rhetoric which we may hear on the subject.

We cannot live with this new Soviet threat at our very doorstep.

We cannot permit the cities of the eastern seaboard to become hostages of the Soviet Union.

We must take every diplomatic, and if necessary military, step to excise this cancer from the body of the Western Hemisphere.

We must do it quickly and decisively if we are to maintain some shred of credibility as a world power—and the American people are willing to accept any action to accomplish this end.

You are eyewitnesses to the rise of Soviet seapower which is inexorably pushing us out of the Mediterranean, is firmly entrenched in the Indian Ocean, and is now established in the Caribbean.

And yet there may still be some among you who would deny additional funds to rebuild our Navy, which is fast becoming a second-rate naval power. The Soviets learned their lesson from the blockade that we threw around Cuba. Why is it that they have learned their lesson so well while our memories remain so short?

Mark my words well—one of these fine mornings we are going to be told by the Russians, in the most unmistakable terms, to get out of the Mediterranean.

In 1962 we had the power and the Soviet Union knew it, to reject such a challenge—I can tell you that today we do not have that superiority—the Soviets know it—and it is high time the American people know this bitter fact of life, and start worrying about its implications.

Do not be misled into believing we can make up for this frightening loss of naval superiority by relying upon a superior strategic nuclear capability, vis-a-vis the Soviet Union. Since 1965 the Soviet Union has engaged in a major effort to change the balance of power in this area of military capability. In that period it has more than tripled its inventory of strategic offensive nuclear weapon launchers from about 500 to 1,700, including some 200 nuclear heavy bombers in both.

In the same period, the United States has made no increase in its established level of 1,710 strategic nuclear missile launchers, and has reduced its heavy bomber strength from 780 to less than 600.

In 1965, the Soviets had none of the monster SS–9 missiles operational. Today, the U.S.S.R. has more than 200 SS–9's operational, with an ultimate total of approximately 300 when current construction effort is completed.

Although the 300 SS–9's will represent considerably less than half of the total inventory of the Soviet land-based ICBM's, this portion of the Soviet ICBM inventory will alone be capable of delivering a megatonnage in nuclear weaponry which exceeds the combined total nuclear weapon megatonnage delivery capability of all of our existing strategic delivery systems, including not only our ICBM force, but our Polaris force, as well as our heavy bomber force. Certainly this fact alone ought to raise serious questions concerning the alleged "defensive" posture of the Soviet Union.

We have no counterpart for this huge Soviet nuclear weapon delivery system.

A few weeks ago an article appeared in a prominent weekly news magazine in which the writer dismissed U.S. concern over the SS–9 missile by saying that "comparison of the Soviet SS–9 and the U.S. Minuteman is misleading; they are different weapons systems designed for different purposes." The clear inference which the writer attempted to establish was that the Soviet SS–9 would only be used by the Soviets as a defensive missile against our Minuteman strike capability; whereas our Minuteman is designed to attack cities, and consequently this tremendous difference in the megatonnage of the two weapons really was unimportant.

It is this type of wishful thinking with which some of our so-called "civilian military experts" in the news media confuse the American public. The fundamental fact remains that the Russian options on utilization of their nuclear capability has been immeasurably increased by the addition of the SS–9 to their operational inventory. The real and deadly threat to U.S. security, therefore, remains regardless of how we may temporize or sugar-coat this simple but unpalatable fact.

In 1965 neither the Soviet Union nor the United States had a depressed trajectory ICBM or a fractional orbital bombardment system—FOBS. Today, the Soviet Union has tested both, and could very well have operational versions of these weapons systems already deployed. Both of these developments have far-reaching implications on our defense capability.

Unfortunately, we have nothing like these, and to the best of my knowledge, none on our drawing boards.

Today the Soviets can launch over 200 ballistic missiles from their nuclear-powered submarines. Two years from now 400 to 500 of these Polaris-type missile launchers are expected to be operational, and by early 1974, this Soviet submarine-launched ballistic missile force will inevitably exceed the constant U.S. force we now have of 656 Polaris launchers. Further, most of our major cities are close to our coasts within short range of their potential submarine stations. Thus they can launch their attacks with little time for us to react before being hit.

Up to the present time, the Atlantic and Pacific Oceans have served to protect us from foreign attack. Today these very same oceans afford the Russians a ready means of surreptitiously bringing their missile launching submarines close to our cities from whence they can launch a deadly attack

Our tactical air capability, when compared to the Soviet capability, also raises serious questions as to our ability to cope with the Soviet Union in a conventional confrontation. For example, since 1954 the Soviets have designed and produced 18 new types of fighter planes—13 of these models we have actually photographed in flight. In the same time frame, the United States has not produced a single new air superiority fighter, and actually we have not had one on order until this year.

Now, after an unforgivable delay, we have two fighters underway—the F–14 and the F–15, but they will not be a part of our inventory for several years.

We have dilly-dallied for years until the Soviets now have an air superiority capability which we will be hard pressed to match. Yet, there are those in and out of Congress who would stop the production of our F–14's and F–15's.

The Soviet Union has at least three VSTOL fighter aircraft that have flown successfully. These are aircraft with a vertical and short takeoff capability. We are just now in the process of acquiring some Harriers which will give us this VSTOL capability. The Harrier is the only operational aircraft of its type in the free world.

Yet, there are those who would create roadblocks for the purchase of these aircraft, one group opposing their procurement on the theory that it is a British aircraft, and the other opposed on the grounds that it will be manufactured in the United States at a higher price than it could be purchased from the British. Obviously, we cannot please everyone.

And yet, procurement of this aircraft is essential if we are going to revolutionize naval air operations in the years ahead.

There are only two areas in our whole national security program in which we may have a superiority as yet unchallenged. We are the only nation that is building attack aircraft carriers. So the argument is made that since the Soviets do not have carriers we should not build any more or we should lay up those that we have.

To some, it is a crimp for the United States to be ahead of the Soviets in any area.

Then, there is the Multiple Independently Targeted Reentry Vehicle—MIRV. We are now deploying the MIRV and in this area we appear to be ahead of the Soviets. For this very reason, there are those who would eliminate any further deployment of MIRV's and even remove those already deployed. The rationale is that this would appease the Soviets and would lead them to the conclusion that we have no aggressive plans.

And while this type of specious reasoning is being propagandized throughout the United States, the Soviets continue to increase their deployment of the most powerful ICBM ever constructed, the SS–9.

I say to this House that the future of this Nation hangs by a thread.

We are in a far more serious situation than many would have you believe. Our way of life is not only being challenged from within, it is being very definitely threatened from without.

Yet sincere, conscientious people of good will will look you straight in the eye and say, "We must solve all of our domestic problems with the money we are using for national defense because we are really not threatened from without, or the threat from without is far less serious than the threat from within."

Scoff if you will; laugh if you wish, but it is your children and grandchildren who will pay the penalty for your timidity or your naivete.

You may well ask "Why, with a defense budget in recent years which has exceeded $70 billion do we find ourselves in this position with the Soviet Union?" The answer, very simply stated, is that the Soviet Union is spending relatively more on its military effort than we are.

Let me give you some of the facts:

In 1955 defense-related research and development effort in the United States was $3 billion; within the U.S.S.R. it was $2 billion.

In 1960, the United States spent $7 billion; the U.S.S.R. spent $5 billion.

In 1965, the United States spent $13 billion; the U.S.S.R. $10 billion.

In 1968, the United States spent $14 billion; the U.S.S.R. $14 billion.

In 1969, the United States spent $14 billion; the U.S.S.R. $15 billion.

In 1970, the United States will have spent $13 to $14 billion, while the U.S.S.R. will have spent $16 to $17 billion.

These figures in the R. & D. area alone reflect Soviet determination to match and pass the United States in the incorporation of advanced technology into military hardware.

Despite the increased effort expended by the Soviet Union in defense related R. & D., there has been no corresponding reduction in the resources the Soviet Union has allocated toward the R. & D. effort in the civil industrial base.

Thus, contrary to the effort in the

United States of reducing the Defense Department's R. & D. effort and allocating it to civilian agencies, the Soviet Union continues to fund both efforts at progressively increasing levels.

The significance of the greater R. & D. effort being made in the Soviet Union is that technological advances developed by this greater R. & D. effort will only be evident 4, 5, and 10 years from now, but at a time when we will be incapable of catching up to match these technological improvements and advancements.

Stated another way, if we permit the Soviet Union to create hardware which will negate our existing technological capability in offensive and defensive weapons, the Soviets will so extend us in power as to preempt any possible influence we may in the future hope to exert among the family of nations.

The determination in our military capability as contrasted to that of the Soviet Union has resulted from a combination of the Vietnam war, inflation, and the pressures of new and increased costs of our domestic programs.

In order to place this matter in better perspective, let me provide you with a few facts on this matter:

Since fiscal year 1968 the Department of Defense has attempted to combat inflationary forces with DOD reductions, totaling $17.3 billion in constant dollars.

In this same period, a reordering of national priorities has resulted in a reallocation of Federal resources from defense to other programs in amounts greater than the DOD reductions.

The fiscal year 1971 defense program in constant dollars is only $5 billion above the prewar fiscal year 1964 level. Yet, the incremental cost of the war in fiscal year 1971 is undoubtedly more than double the $5 billion budget increase. Thus, what has occurred is that the difference in funding of the Vietnam war has been accomplished by deferring weapons modernization, plant maintenance, and by reductions in operational readiness.

The impact on these factors is actually greater than these figures indicate since with inflation and a combination of pay and price increases, personnel costs have increased tremendously, wiping out even the most intensive economies achieved by the Defense Establishment.

For example, in 1965 with a military manpower level at 2.6 million, military pay cost $13.9 billion.

Under today's higher costs and with projected pay increases, if we had 2.6 million men in fiscal year 1971 and we now have in excess of 3 million, the personnel costs for fiscal year 1971 would be approximately $29 billion. Thus, personnel costs alone will have more than doubled since 1965, without regard to manpower levels. This gives one an idea of how severely manpower costs and the effort to reduce defense costs have detracted from our ability to maintain a modern technologically advanced military capability.

Let me hasten to add that these military pay increases which have been and will continue to be provided by the Congress are absolutely necessary. Moreover, additional compensation increases will, in the future, be necessary if we hope to reduce reliance on the draft, or keep any semblance of a career force which is absolutely essential as our weapons systems become more and more complex.

In terms of gross national product, our defense budget has gone from 9.7 percent in 1968 to 7 percent in 1971, while at the same time the domestic parts of our national budget have increased their share of the gross national product from 12.8 percent to well over 13.4 percent in the same time frame.

The 7 percent portion of the gross national product which is allocated to our national defense represents the smallest allocation of our gross national product to national defense purposes in 20 years. Surely no American would argue that we can put a price tag on the lives of our people. I would rather be alive at 10 percent than dead at 7.

Now let me summarize for a moment. I have outlined to you that our former 5-to-1 margin in nuclear strategic weapons has in a few short years vanished. The Soviet Union now has a nuclear strategic weapon capability in excess of ours, and this superiority will continue to increase if we do not take dramatic action to stem the tide. We can no longer look upon our threat of nuclear war as a satisfactory deterrent to aggression with conventional arms, as we could in the two decades past. From here on if we threaten nuclear war in response to aggression, we risk our own destruction.

Moreover, I pointed out that the Soviet Union has within a few short years negated our naval superiority. This same accomplishment is evident in other areas of conventional warfare, including our ground and air capabilities.

As a matter of fact, while Congress is still debating the necessity for building an advanced manned strategic bomber, the B-1, we now know that the Soviet Union has already built such an aircraft, and it should be coming into their operational inventory at least 3 to 4 years before we can hope to have our B-1 operational.

The circumstances of the B-1 bomber debate in this country illustrate the reasons why we seem hell-bent on national suicide. While we debate the question of maintaining our military capability, the Soviet Union quietly but openly forges ahead.

It may be that the gap which has now been created in our defense capability can never be bridged. The Soviets have the bit in their teeth, and make no mistake about it, are both capable and determined to maintain this newly developed superiority.

Perhaps I can best put into perspective the determined accelerated effort being made by the Soviet Union to eclipse the United States in strategic capability, both offensive and defensive, by giving you a concrete measure of this effort.

In calendar year 1969, the United States spent a total of $7.5 billion on strategic offensive and defensive weaponry. During that same period, the Soviet Union expended approximately $13 billion for the same effort. Thus, it is evident that the Soviet Union in a single calendar year has spent approximately $5.5 billion more for increased strategic capability than did the United States.

I recognize that a $5.5 billion added effort is somewhat difficult for laymen to comprehend. However, since the cost of a single Minuteman missile is approximately $4.8 million, the added Soviet effort is roughly equivalent to the procurement of a thousand Minuteman missiles.

All of this in one calendar year.

Can anyone consider this anything but an obvious effort to give the Soviet Union an insurmountable advantage in strategic weaponry over the United States before the conclusion of the SALT talks?

As a matter of fact, this circumstance alone illustrates the cold and calculating master plan of the Soviet Union, who in entering the SALT negotiations hopes to freeze the United States in an inferior position in strategic weaponry.

I pray to God that the American people, and the Congress in particular, will soon awaken to these realities and recognize that the question confronting us is no longer one involving the relative allocation of priorities in spending between defense and domestic programs, but rather the fundamental question of national survival.

We cannot as a Nation afford to spend one penny less on national defense than that amount which is required to insure that you and I, and our children, can convince the Soviets they dare not pull the trigger when a Soviet gun is placed against our heads.

The issue, therefore, is very simply how much money must we spend to insure our survival—since if we fail to demonstrate to the Soviet Union our determination to survive—the amount of money we spend for domestic programs will become merely an academic exercise.

I plead, and I beg you, my colleagues who collectively have the responsibility of the security of our Nation in your hands, to ponder these facts which I have brought to you today. They are proof positive that we are in serious trouble. Unpleasant as these facts may be, you cannot ignore them, for if you do, you are failing not only your constituency but also all the peoples of the world who, in the final analysis, look upon the United States as the fountainhead and guardian of the highest aspiration of genuine freedom in this chaotic world.

These are the facts that confront our President, our Congress, and our defense planners.

These are the facts which reflect the prophetic wisdom of an observation once made by a gentleman by the name of Mr. Richard M. Nixon, when he said:

> If present trends continue, the United States, a very few years hence, will find itself clearly in second position—with the Soviet Union undisputably the greatest military power on earth.

I am afraid that that day has already arrived.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, the distinguished gentleman from South Carolina, the chairman of the Committee on Armed Services, had to do what he has done so eloquently today.

He having spoken, many lesser birds

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would cease twittering lest they missed one lyrical note of what he says on high.

Mr. Speaker, I hasten to associate myself with your most urgent and perceptive remarks.

What you have said today can be construed as neither hawkish, or dovish, but eaglish, that gallant and magnificent creature that symbolizes the strength and honor of this great Nation. However, I fear that if the warning you have so eloquently set down today is permitted to go unheeded by the chosen and elected Representatives of the American people, these United States will run the risk of extinction, just like the eagle which has been unable to cope not only with the hunter, but also the relentless advance of the "ides" of technology and scientific progress.

You have been so forthright and strong in accentuating the positive, that I hesitate to add negatives in communications, ground armaments, and atomic testing, but my real fear is the degradation of will and moral determination of the U.S. people. This is the real McNamara "fallout."

I cannot help but recall today the farewell address of that soldier, educator, statesman, Dwight Eisenhower who said:

> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex.

These words have been flung about like so much nerve gas by those who would seek to downgrade the importance to this Nation of expenditures by the Department of Defense. However, let me now quote from that same address, the words that those who would toy with the survival of this Nation have chosen to ignore. I quote once again from General Eisenhower:

> A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.
>
> We face a hostile ideology, global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle, with liberty at stake.

Mr. Speaker, as I have asked so often from this position in the well: In the defense of freedom, if not us, who? If not now, when? If not there, where? I hear no answers.

The handwriting is on the wall, to be viewed by any, and all who would balance out the strength, prestige, and ability of this Nation not only to lead others, but to mold the opinions of its own, into a cohesive national policy of peace through preparedness and strength.

Mr. Speaker, I have written the Commander in Chief and the Secretary of Defense that in view of the evaluated intelligence reports received almost daily, this Nation must not again be reduced to a second-rate defense power without first being certain that the people of these United States know what is going on, before the fact.

Of a certainty, we must concern ourselves with the constant threat of crime in the streets. We must do our utmost to stop inflation. We must develop means and methods to protect our environment, but I say this today, and repeat that which you said so well, for emphasis: That if we do not first concern ourselves with the survival of this Nation, all the rest will go for naught.

The choice I think, is simple—it is time we set about to accomplish the task.

Mr. RIVERS. Let me answer the gentleman from Missouri (Dr. HALL) in this way: 20 centuries ago a man stood on the Mount of Olives and said this:

> O Jerusalem, Jerusalem, thou that killest the prophets, and stonest them which are sent unto thee, how often would I have gathered thy children together, even as a hen gathereth her chickens under her wing, and ye would not!

But you would not. I say that with great reverence.

We are one, the American people. The only way I know to do is to tell you now that tomorrow we will bring up the conference report we just concluded considering with the Senate conferees. We have raised it over $600 million. That is not enough, but we cannot do it all in 1 year. But at least it is a start. There is $435 million additional to be allocated to the Navy to start doing what I have talked about.

Please believe me. I have checked that speech with everybody. I have been writing that speech for at least 3 or 4 months, and it is accurate.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 30 minutes.

Mr. HALL. Mr. Speaker, I rise and take this time to renew what I have said, which is only that the pearls that flow so glibly from the distinguished gentleman from South Carolina's lips in the defense of freedom around the world, and this Nation in particular, point up indelibly the truth. It should be heralded to all of the people of the Nation by everyone from the Madison Avenue press down through the weekly county newspapers and all news media available how much we need to regenerate the will that will permit us to spend millions for defense but not one penny for tribute. I know that is what the gentleman from South Carolina had in mind. I am reminded of the statement by Emerson—

> Not gold but only men can make a nation great and strong, men who for truth and honor's sake stand fast and suffer long, brave men who work while others sigh. They dig the nation's pillars deep and lift her to the sky.

I am delighted to yield to the chairman of the Committee on Armed Services.

Mr. RIVERS. I thank the gentleman.

Mr. ICHORD. Mr. Speaker, will the gentleman yield to me?

Mr. HALL. For the gentleman from South Carolina I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker, I appreciate the gentleman yielding to me. I commend my chairman for the most courageous and timely speech which he has just delivered. The speech of the chairman of the House Committee on Armed Services conveys a terrifying message not only to the Congress but to the people of the United States. Unfortunately, the columnists whom the gentleman in the well has referred to do not have the habit of giving too much publicity to the remarks of the gentleman from South Carolina. At this time I want regrettably to concur in his assessment of the military capability of this Nation vis-a-vis the Soviet Union and challenge those columnists to dissect and question the speech in the well today. I think they will find that the gentleman from South Carolina speaks the truth. If there is any doubt that the gentleman from South Carolina speaks the truth, I would refer the House to an article in the September 21 issue of the U.S. News & World Report which reads as follows:

> Any suggestion that President Nixon order troops into Jordan to rescue American citizens seized by Arab skyjackers was quickly put down by top advisers, one of whom cautioned: "We can no longer move freely in the Mideast, even to go after international brigands, without the explicit approval of Soviet Russia. And the Russians will not approve."

The remarks of the gentleman from South Carolina have been directed mainly to this Congress and to those who would degrade the military capability of the United States by eliminating entire weapons systems, but in his message there is also conveyed a similar frightening message to the executive. I just want to analyze briefly, if the gentleman will yield further, the portion of the statement made by the gentleman from South Carolina which reads as follows:

In 1955 defense-related research and development effort in the United States was $3 billion; within the U.S.S.R. it was $2 billion.

In 1960, the United States spent $7 billion; the U.S.S.R. spent $5 billion.

In 1965, the United States spent $13 billion; the U.S.S.R. $10 billion.

In 1968, the United States spent $14 billion; the U.S.S.R. $14 billion.

In 1969, the United States spent $14 billion; the U.S.S.R. $15 billion.

In 1970, the United States will have spent $13 to $14 billion, while the U.S.S.R. will have spent $16 to $17 billion.

In the meantime the U.S.S.R. has three VSTOL-type aircraft. We have only what we got from the British in the form of the Harrier.

Mr. Speaker, the U.S.S.R. has the depressed trajectory ICBM and the FOBS. We have nothing comparable.

The U.S.S.R. has developed 18 new fighter aircraft. We do not have a single new fighter aircraft in the operational inventory.

The United States has built nothing comparable to the B–1. The gentleman from South Carolina has said that it will be 3 or 4 years before we will have anything like the B–1 in the inventory and so on. This is true with reference to the STYX missile. We have nothing comparable.

Mr. Speaker, this is where I would ask the gentleman from South Carolina to

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comment, if he will: Add up those billions in research and development while the Soviets have only spent $63 billion.

If one will look over some of those R. & D. projects one will find that we have been researching the sex life of bumblebees while the Russians have been fighting equipment and putting it into operation.

This is why it also conveys a terrifying challenge, a terrifying message to the Executive and to the Pentagon, and that is, we must have a very inefficient spending mechanism.

Mr. RIVERS. I thank the distinguished gentleman from Missouri for his contribution.

Mr. Speaker, I now yield to the gentleman from Arizona who is so knowledgeable on this subject and who is so interested in maintaining the defense security of this country.

The SPEAKER pro tempore (Mr. BENNETT). The Chair will state to the gentleman from South Carolina that the gentleman from Missouri (Mr. HALL) has the time.

Mr. HALL. Mr. Speaker, I have yielded the balance of my time to the distinguished gentleman from South Carolina. I am, however, staying on my feet under the rules of the House so I may yield to him.

Mr. RHODES. Mr. Speaker, I want to congratulate the great chairman of the Committee on Armed Services for the speech which he has made. It is a speech which had to be made and one on which I know he has been a long time in preparation.

Mr. Speaker, the distinguished gentleman from South Carolina is certainly the most knowledgeable man I know concerning the subject upon which he has spoken. He is also one of the finest patriots who has ever served in this great body. It is a privilege for me and other Members of the House to serve with the gentleman.

Mr. RIVERS. I thank the gentleman from Arizona but the gentleman had better be careful as to what he says.

Mr. RHODES. I will assure the gentleman from South Carolina that the words which I have uttered today will appear in the RECORD tomorrow.

The gentleman from South Carolina I am sure will agree with me when I query concerning the advisability of talks or negotiations with the U.S.S.R. under the present circumstances.

The situation in the last several years has been that the U.S.S.R. has been probing and pushing; whereas, we have been trying to negotiate.

The Middle East situation certainly could not possibly have arisen without the active participation of the Soviet Republic.

The situation in Cuba is just another example of that probing.

The situation in the Mediterranean which the gentleman from South Carolina has described so well is another perfect example of it, and there are many others throughout the world.

Mr. Speaker, it strikes me that it takes two to make peace as it does two to fight. I say that the only people in the world I know who are really trying to make peace are the citizens of the United States of America. I applaud this. I am for it. I hope we can succeed in bringing this fact to bear upon the rest of the people throughout the world. But I wonder if it is not time for the American people through their Government to say to the people of the U.S.S.R. that peace is the goal of the United States and we hope it is with you. But we need some indication other than your words that this is your goal. We need to have an understanding if we are to have peace. There must be a reduction of this probing, a reduction of trying to throw off balance and a reduction in trying to fish in troubled waters which should be stopped right away.

Mr. RIVERS. We must make a hard decision. We have had the disarmament talks going on in Geneva, and we have got the SALT talks going on, and all during this time the Soviet Union has been frantically exploiting every area which they could use, and putting its funds into appropriate research or in actual procurement. They have gotten a wealth of materiel and all new kinds of gadgets from that.

Only recently the Secretary of Defense has said that all during the SALT talks the Soviets increased their inventories of large megatonnage systems.

Mr. RHODES. The gentleman from South Carolina is correct.

Mr. RIVERS. We do not need to criticize the President. I talked to the President last week about it, and he is concerned—he is concerned.

Mr. RHODES. Let me hasten to tell the gentleman from South Carolina that I have no intention of criticizing the President or any other President, but I do feel the realities of the world situation, which were apparent back in 1960 when the Russians began to increase their atomic weapons capability unilaterally in violation of a solemn international agreement, and the situations which have occurred since then, have made many of us question whether the Russians really want peace or whether they do not. I think it is time that the importance of their intentions, as far as that is concerned, be made crystal clear by their own actions.

Mr. RIVERS. If you were to talk to somebody at the Atomic Energy Commission they could give you the answers as to why the Soviets are making these very large megatonnage warheads. That is to blackmail us into the fear of the destruction of our cities. They do not need all this. They have got more of a kill capability than a show dog has medals. What are they going to do with these megatonnage warheads? They have got the largest megatonnage warheads anybody has ever had, and the capability of delivering them. They are not needed just for defense.

Mr. ANDREWS of Alabama. Mr. Speaker, if the gentleman will yield, I want to commend the gentleman from South Carolina for the frightening speech that he has delivered to the House. I only wish we had more Members of the House present to hear it. I know this problem has worried the gentleman from South Carolina for years. I have discussed it with the gentleman at times, and the time has come, as the gentleman has said in his speech today, to either fish or cut bait.

For the past 10 years it has been an open secret that the Russians have built up their naval capability and their bombing capability and their missile capability while we have let ours go down. Our Navy today is in a pathetic condition, as was so ably described by the gentleman from South Carolina.

My opinion about what has happened, and I do not know whether the gentleman shares it or not, is that for the last 10 years we have been carrying on a war, and trying to have a program of guns and butter to the neglect of our military hardware, and our naval vessels which we so desperately need.

I have discussed with the gentleman from South Carolina what it might cost to bring us up to par with the Russian navy. The gentleman has stated that it cannot be done in 1 year, and it cannot be. But if I remember the figures correctly that the gentleman from South Carolina gave me a few weeks ago, the gentleman stated that it would take about 5 years and $25 billion.

Mr. RIVERS. As a minimum.

Mr. ANDREWS of Alabama. As a minimum, to bring our Navy up to what it should be in the light of what the Russians have got.

Mr. RIVERS. These are the minimum needs, at an expenditure of $5 billion a year, for 5 years.

Mr. ANDREWS of Alabama. I will say to the gentleman from South Carolina in conclusion that again I want to congratulate the gentleman on the frightening speech that he has made today.

Mr. RIVERS. I thank the gentleman.

Mr. ANDREWS of Alabama. As a member of the Subcommittee for the Defense of the Committee on Appropriations, I am going to certainly see if I cannot get some additional money in the bill this year.

Mr. RIVERS. The figures which I discussed with the gentleman from Alabama and the gentleman from Arizona are figures which Secretary Laird said he would approve and which the Navy asked for in the budget request. They are not my figures—I take no credit for anything. We provided what the Navy said they need as a minimum to begin.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, I consider it an unusual privilege to be on the floor of the House today participating in this special order with the very distinguished chairman of our Armed Services Committee, Mr. L. MENDEL RIVERS, of South Carolina.

Mr. Chairman, it is your birthday and we congratulate you. However, I believe that instead of being the recipient of gifts which are traditional, you have, through the presentation of your speech here today, in fact, given the House of Representatives, the Congress, and the Nation a birthday present on the anniversary of your birth.

I am proud to associate myself with

these remarks because we know the contents are accurate.

I further believe this will prove to be one of the most timely historical documents of our time and the gentleman from South Carolina's great dedication to the defense and security for the people of our Nation will leave its mark and he, personally, will be remembered in future history books as one of the greatest of our patriots serving the cause of freedom.

Like many great Americans before him, he has received his share of criticism. Men like Jefferson, Lincoln, Teddy Roosevelt, and Patrick Henry have all been the recipients of similar criticism and attacks.

Knowing MENDEL RIVERS as well as I do, I can say that he is most undeserving of the vitriolic utterances of his critics. It could prove to be somewhat ironic that he is the leader—the one man who will be most responsible for saving the lives and the country of these very critics.

All historians, and certainly most Americans, will remember the famous ride of Paul Revere, where he rode his horse, in the middle of the night, to "wake the town and tell the people" of the dangers that were approaching.

In my humble judgment, this historical and well documented speech of Chairman RIVERS could well record him as the "jet, space, and nuclear age Paul Revere" of our time.

I am doubly concerned about the decline in our commitment to retain maximum superiority in our naval and our air power, in particular, during the 1960's. It will be my intent to speak further on this subject in the immediate future to record some strong feelings that I hold on this entire matter.

Again, I compliment the chairman and thank him for the privilege of participating in this historic day—a day that I hope will wake up all Americans to the realism of our times and the inevitable buildup toward a confrontation with the Soviet Union. They have not changed their goal of world domination and the recent submarine base in Cuba, the events in the Middle East and Chile are just a few of the visible examples of what I mean.

Mr. RIVERS. I thank the gentleman from California.

I want to say that the House Committee on Armed Services has not once been turned down here, so I am not complaining about the House. We have never had any appreciable vote against anything we proposed.

We have had the backing of the leadership from our great Speaker. If we ever miss a man when he leaves the House of Representatives, it will be JOHN W. MCCORMACK. His one criteria and the hallmark of his dedication has always been—if we err, let us err on the side of strength.

What I am telling you in this document is to the best of my ability. I wish I could have done better, but I have done the best I can, taking into consideration things which have compelled my attention elsewhere. If I could have given more time to it, I could have done better, but I have done the best I can. But I want to say this—this country needs a lot and I am only giving you the minimum. We have had the backing of the leadership and I am talking about the leadership on both sides of the aisle. Our committee is not a partisan committee. It is a committee dedicated to the betterment of this country and to its salvation. I am bringing you this to let you know that these are things that are needed. These are things that nobody can controvert—and I mean nobody.

I want to thank our Speaker for the backing that he has given me and to thank the leadership on both sides. Our committee has been well defended and supported. We have never, ever lost a battle on this floor, as a result of the backing we have received from the leadership on both sides, our great leaders, and I want that known.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman.

Mr. DORN. Mr. Speaker, first I want to congratulate my distinguished and beloved colleague, the gentleman from South Carolina, on his birthday. I know I speak for the people of South Carolina and, indeed, for the people of this Nation and of the free world when I tell my distinguished colleague that we are grateful for his devotion and dedication to those great principles and those great ideals that have made this Nation great.

I want to congratulate you today on this magnificent and timely address made in the well of the House of Representatives to your colleagues and to the Congress. The Congress cannot escape its responsibility—in the 1920's when we put our fleet in mothballs and we sat idly by and permitted Billy Mitchell to be court-martialed and almost run out of the military for saying that a bomb could sink a battleship. That was not many years before Pearl Harbor. We must not make that mistake again.

I remember June 25, 1950, when the Communists came across the 38th Parallel in Korea. Again we found our ships in mothballs. Many of our planes had been sold. My committee investigated as to where some of the airplane engines went, and we found that they had gone to the Soviet Union and some of our enemies, sold as surplus property. Again we were unprepared.

I would remind my colleagues and the people of this country that if this happens again, it will be too late. The gentleman so ably pointed out that we were saved before by the Atlantic and the Pacific Oceans. This time there will be no Atlantic and Pacific to save the American people from the holocaust which hit Paris and London in 1940 and which hit Poland in 1939. I want to congratulate and thank the gentleman again for his very timely address, and I hope this time the Congress, my colleagues, and the people of this Nation listen and do something about it before it is too late.

Mr. RIVERS. I only hope that someone, somewhere in the smoldering ruins, if it makes any difference, will say, "Old RIVERS did the best he could. They did not pay any attention to him. He did the best he could." I am doing the best I can. I want to thank you for remaining in the Chamber this late in the evening. I know it is not easy to stay here at this time of day. We have a million things to do. But the parliamentary situation does not make it possible to deliver an address like this when everyone is able to be present. I recognize all of this. This response is what makes me so grateful to you who have remained.

Our great Speaker has sat in the Chamber and listened, and his presence warms me and touches me. I conclude from your presence you feel we are doing what we think is right.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding. I agree with the gentleman from California (Mr. CLAUSEN) who said a few minutes ago that this is a speech of historic importance. The gentleman from South Carolina, who is as well informed as any man in Government about our Armed Forces and the armed forces of other countries, has pointed, I think, very dramatically and very effectively, to a changing world picture in terms of what might be called the balance of power across the seven seas. Many of us have known and been concerned for a long time about the growing Soviet submarine strength. When the gentleman from South Carolina tells us that today the Soviet submarine force is the largest ever created in the history of the world, and documents it, he points to a matter of very grave concern and even of ominous import.

But he has gone further than that and he has shown that not only has the Soviet Union developed this unprecedented submarine striking power, far exceeding anything Nazi Germany ever dreamed of having in World War II, but he has also pointed up the buildup in cruiser strength, guided-missile destroyers, and destroyer escorts. This growing, balanced naval service strength poses a direct threat to free nations in many parts of the world previously considered safe from any kind of Red threat.

I think the gentleman has performed a great service to his country today, and I want to congratulate him upon it. I assure the gentleman that I will be present when the conference report is brought in tomorrow to back him in every way in my power in seeing that the additional funds that have been provided are voted by the House of Representatives.

Mr. RIVERS. I thank the gentleman very much.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from California.

Mr. McCLOSKEY. I thank the gentleman. I wish to commend the distinguished chairman on what he has said today. It is one of the most impressive speeches I have heard in the 3 years that I have sat in the Congress. I want to thank the chairman for calling to our attention that our primary duty is to preserve a strategic balance with the Soviet capability. I think the comment

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that we ought to maintain a level of strategic capability that will assure against any misunderstanding by the leaders in the Kremlin of our intention to survive is perhaps the key challenge that faces our country today.

But I want to ask the distinguished chairman also if, in the recent light of the deterioration of our military capability as contrasted with that of the Soviet Union, since it has resulted as the chairman has said from a combination of the Vietnam war and inflation and pressures of new and increased domestic causes, does that not face us in this body with the very serious question whether we can continue to afford the massive expenditures in Vietnam which have permitted this comparative deterioration? I think it is clear that in the last 5 years we spent over $100 billion in Vietnam while the Soviet Union has spent less than $10 billion, and it is that comparative difference in expenditure which we have authorized in this body that has led to the condition which the gentleman so aptly describes today.

Mr. RIVERS. Mr. Speaker, I think it is one of the factors. This country is tired of war. We have spent all kinds of money in waging the Vietnam conflict. I can understand very easily the feelings of the gentleman and so many other people. The people of this country have been saddled with great and terrific burdens. Along with that, there have been millions of dollars and billions of dollars spent in that part of the world. There are all sorts of factors.

What I am saying today is, we need a deterrent. If we have it, they will not hurt us. Moreover, when our allies find out how weak we are, they will start leaving us. They will be leaving us as leader of the free world—because we will not be any such thing. These things point out that a weak nation cannot lead anybody anywhere.

This is a deterrent. We do not have any offensive desires. What the gentleman has said is a factor.

I want to say this. I acknowledged the great and fine war record the gentleman has as a U.S. marine. He knows something about combat. I respect the gentleman's position. I have nothing but the greatest respect for him.

Mr. McCLOSKEY. Mr. Speaker, I thank the distinguished chairman of the committee. I just wanted to say I thought the timing of the gentleman's speech, coming as it does, almost requires that we give an overwhelming vote tomorrow on this bill as an indication of our resolve in this confrontation, in this psychological warfare we conduct.

Mr. RIVERS. Mr. Speaker, I thank the gentleman. The Marines always rise to the occasion. The gentleman knows that once a marine, always a marine.

I am not surprised to hear the gentleman's words. I thank him very much because I have a great respect for him.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I will be brief, but I want to join my colleagues in thanking the chairman of the great Committee on Armed Services for this hardhitting, factual talk he has given us.

There is so much information in this report that it would be good if all Members would go back and take a good hard look at what the gentleman has told us today.

I think one point should be mentioned again which he brought up, and that is beside the fact we are getting behind the Russians, we are also using this equipment every day in fighting a war. This will put us even further behind the Soviets, who are not actively participating in war as we are.

Mr. Speaker, again I thank the gentleman for his splendid remarks.

Mr. RIVERS. Mr. Speaker, I thank the gentleman from Mississippi.

I yield to my distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to my distinquished Speaker.

Mr. McCORMACK. Mr. Speaker, I join my other colleagues in congratulating my dear and valued friend, the gentleman from South Carolina, the distinguished chairman of the Armed Services Committee, for the historic speech he has made on this occasion.

There is no one in a better position in the Congress of the United States to know the strength and the weakness of our military posture or the strength and the weakness of the military posture of a potential enemy than the gentleman from South Carolina (Mr. RIVERS). The gentleman has made a marked contribution for the consideration not only of Members of Congress, but also for the people of our country.

I have constantly stated to audiences I have addressed, in talking with groups—or to individuals, where the subject matter came up—that international communism is still bent on world domination.

As I understand it, one of the real messages my friend is conveying is that fact, that behind the Soviet threat is the indisputable evidence existing, if one only wants to see it, that communism has not changed its intent. It might from time to time change its tactics, but the Soviet Union and international communism are just as much bent on world domination today as ever has been the case during the past 60 years.

It is well for the people of our country to waken to that fact. In the 1930's, there were a few of us who took the well to try to warn the people of our country against Nazism under Hitler and of its meaning and significance in terms of history and in terms of the national interests of our own country.

The gentleman from South Carolina (Mr. RIVERS), has taken the well of the House today to advise the Member of Congress as to the military situation, and to advise the people of our country that the intent and purpose of communism has not abated one iota, but that its military strength is so powerful as to constitute a serious threat to our very existence.

It might be well for us to keep in mind an observation the gentleman from South Carolina (Mr. DORN) made a few minutes ago, and which I have made on the floor of the House and outside the House. Well do I remember it, because the day after Pearl Harbor I took the well of the House and introduced the resolution declaring war. It was that the Atlantic Ocean is no longer our first line of defense. Fortunately for us, after Pearl Harbor it was—the Atlantic and the Pacific; but I am referring to the Atlantic.

During the entire history of our country the Atlantic was our first line of defense, and it was after Pearl Harbor. It enabled us to marshal our great resources as a great Nation, which were very weak at the time, and to build up our strength—our industrial, our military, and our manpower strength. After 3 years we were enabled to take the painful road both in Europe and in the Far East to victory.

But no longer is the Atlantic our first line of defense. What that means in plain language, whether we like it or not—I do not like it, but I have to face it, as do all other Americans in and out of Congress—is that we have to be prepared before the fact. We will never have another opportunity of preparing ourselves after the fact.

The preservation of our country is a matter of concern to all of us.

The gentleman from South Carolina in his speech referred to another observation I have made, and again I repeat it: If I am going to err in judgment I prefer to err on the side of strength rather than on the side of weakness, where the national defense of my country is concerned. It is much more so now than ever, because we could take a chance on an error of judgment before World War II but we cannot take a chance now.

Three months before Pearl Harbor a vote took place in this Chamber, and by a vote of 203, as I remember, to 202 the Selective Service Act was extended.

What would have been the condition if it had not been extended? I have asked myself that question many times. Yet every Member of this body who voted against its extension was just as good an American as I and the others who voted for its extension. However, we then had the Atlantic Ocean. That meant Hitler had to defeat the American fleet and the British fleet before any immediate danger could take place to our own country. We no longer have the Atlantic Ocean. The message that should be sent to the American people is we have to be prepared before the fact; we will never have another opportunity after the fact.

I congratulate my friend who, in my opinion, is one of the great Americans of all time where the national defense and the national interests of our country are concerned.

The SPEAKER pro tempore. The time of the gentleman has expired.

GENERAL LEAVE TO EXTEND

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks concerning the speech of the distinguished gentleman from South Carolina (Mr. RIVERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL), is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, I certainly want to commend our distinguished chairman and wish him a happy birthday as we did earlier today. He has done a great service for all of us by his speech today.

You hear so much about the reordering of priorities. Everyone seems to applaud reductions in defense expenditures. But what has happened up to now, as he has shown us, is that we have not simply cut away the fat but have cut away the muscle of this country. The chairman of the committee is sounding a warning not only for those Members who are here but those who are out of Congress. This is a message which we should ponder and heed. I do not know how best to describe this warning, but it has been factual and hard hitting. Let us hope it will be provocative. I will certainly be present tomorrow to support our distinguished chairman.

Now, Mr. Speaker, I am glad to yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I thank the gentleman for yielding.

I, too, wish to join in the congratulations to the gentleman from South Carolina on the occasion of this his birthday and express my appreciation to him for bringing so clearly to this House and to all of the American people the realities of the strategic relationships that exist between the United States and the Soviet Union.

He has quite properly pointed out that only in July of this year the world passed its first quarter of a century in the new nuclear age. During this 25 years the United States always retained the superior strength on its side in the nuclear equation. Because of this and because of the U.S. strength and its knowledge in utilizing that superior strength there has been no nuclear war on this planet. Should we lose that strength, I think that the gentleman from South Carolina has well indicated what could happen. It could be the oubreak of a nuclear war. Therefore it is incumbent upon us to follow his advice and maintain that strength. If we do so, we much realize that under this umbrella of nuclear deterrence there will constantly be contests which will either be fought or better can be deterred of a conventional nature around this planet.

And, therefore, as the gentleman from South Carolina points out, we must give these conventional forces of ours the attention and the support that they need. I say this most of all because this world is wide and troubled and in view of our national priorities, we must give attention to the defense and security of this country.

Mr. Speaker, I yield the remainder of my time to the gentleman from South Carolina.

Mr. RIVERS. I thank the distinguished gentleman from California because I know of his great dedication to the defense of this country and his attainments as a distinguished naval flag officer, as a member of the Joint Committee on Atomic Energy, and his many other manifold responsibilities. He knows of my high regard and respect for him.

Mr. DANIEL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Virginia (Mr DANIEL), a former great leader of the American Legion.

Mr. DANIEL of Virginia. I thank the distinguished chairman for yielding.

Mr. Speaker, I desire to express my continued appreciation to the distinguished chairman of the Armed Services Committee for the contribution he has made today to world peace. His remarks are not only good for our own country but I think they should be adhered to among the free nations of the world.

Mr. Speaker, while I am new in Congress, I am not new to the field of national defense. It is my judgment, Mr. Speaker, that the best guarantee for peace is to keep our country economically sound, morally and spiritually right, and militarily effective.

I also believe that the best approach to the goal of world security is through the security of the United States of America.

The gentleman from Arizona a moment ago had something to say about international agreements.

Mr. Speaker, since 1945, we have used millions of words negotiating treaties with the Soviet Union. We can count today on one hand those treaties which have been of benefit to the free people of the world. After our sad experience at Yalta, Potsdam, Cairo, and Geneva, I regret to have to say that I have come to have little faith in the processes of international bargaining.

It is my opinion that one of the great problems we have today is the difference in the meaning of words as they are related to the Soviet Union, vis-a-vis the United States. Peace to the Communists means an era in which all the people of the world have succumbed either to internal or external forces. To you and me, as well as other Members of the Congress, it means something entirely different.

Mr. Speaker, I wish to congratulate our distinguished chairman today and express to him my genuine appreciation for the great contribution he has made.

Mr. RIVERS. I thank the distinguished gentleman from Virginia for his remarks.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I would like to take this opportunity to join in the accolades of the other Members that are so well deserved by the chairman for the message he has brought to us today with reference to some of the ills that beset us.

I think that two most significant things have been said today which have been kept secret from the American people too long. One has to do with the STYX missiles, against which we have no defense and which pose a severe threat, a threat which is not thoroughly appreciated by the average layman. The other is the threat which is certainly posed by the deepwater submarine pens being built by the Soviet Union to house and tend nuclear submarines of the Soviet fleet.

Mr. Speaker, if my memory serves me correctly, at the time of the Cuban-Russian missile crisis one of the ground rules that was laid down by President Kennedy in one of the statements that he issued was that we would protect the integrity of the Western Hemisphere. We have made some serious concessions. However, one of the things which was not debatable was that Cuba could not be used as a military base against the United States and the free world for the exportation of communism.

Well, today we have seen that once again Russia has violated that understanding. I would certainly hope that the American people and the world realize that the enemy of this country is now and has always been the Soviet Union.

There would be no Berlin wall, no Vietcong, no threat from Cuba, if it were not for the Soviet Union; no Red Chinese, nor any other brand of communism that you can name.

So, Mr. Speaker, I think the distinguished gentleman has done a tremendous service for the country today. I can think of no more fitting way to cap off his "39th" birthday than by the tremendous service the gentleman has performed today.

I take this opportunity to join with my colleagues in saying "Well done."

Mr. RIVERS. I thank the gentleman very much.

About my birthday: as one who has reached my age, I can say that I dearly wish I see the next one. When you get my age, you have lived a lot of life. I thank the gentleman.

Of course, I do not look it—do not misunderstood, I do not look like any 45-year-old that I know of, and you know it.

Mr. NICHOLS. Will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Speaker, I rise to associate myself with the remarks of the distinguished chairman of the House Committee on Armed Services, and to say to the Congress that back in January, through the generosity of the chairman, several junior members of that committee were permitted to go to the Mediterranean. There we saw firsthand, Mr. Speaker, exactly what the chairman has talked about today. Everywhere we went, from country to country, we got the same identical stories that we have just heard here. What the gentleman says is true.

We need to hear him and hear him well.

I know of no member on either side

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of this Congress who is better equipped and has more knowledge to speak on this subject today than the chairman of the Committee on Armed Services.

I also know of no Member of Congress, no Member of either body of the Congress, who loves his country any more than the distinguished gentleman from South Carolina. Again I congratulate him. I will be pleased to be with him tomorrow, Mr. Speaker, to support his position on the conference report.

Mr. RIVERS. Mr. Speaker, I thank the gentleman.

I want to say to the gentleman from Alabama that it is no generosity on my part for the members of our committee to travel. I follow the example set by Mr. Vinson, and by other chairmen, and so long as I am chairman of the Committee on Armed Services the members of that committee are going to travel and gather information. I am sure we are the best-informed committee in the House. And when I say that, I think of the report that the gentleman from New York (Mr. Stratton) made for that subcommittee.

I do not see how it was possible to hold the number of meetings that subcommittee held. I think their report is a magnificent document. All of our committees, when they travel, are required to render a report. The columnists delight in belittling the trips made by Members of the Congress. Our committee does not abuse any right that they have. And I want to tell the gentleman that our committee will continue to travel, and the gentleman from Alabama will also. I have not forgotten what the gentleman did in Europe for his country. We are lucky to have the gentleman from Alabama on the committee, and the Congress itself is lucky to have the gentleman, too.

I might add that I come from a section of America that lost a war, and I for one do not want to lose another one—I do not want to lose another one—because losing a war is no fun, and the next one will be terrible—there will be nothing left.

Again I thank the gentleman.

Mr. RANDALL. Mr. Speaker, I would just like to add this one further comment before concluding.

As a member of the Committee on Armed Services, headed by the distinguished chairman, the gentleman from South Carolina (Mr. Rivers) I regard membership on that committee as one of the finest things it has been my pleasure to do since coming to the Congress. I know—and the gentleman knows—that sometimes we receive mail that is a little rough to read. I know and the chairman knows that some uncomplimentary things have been said about him. Of course, we in the committee on occasion have spirited discussions, and we do not always agree, but we always come out with a good result. But just as a final word on the gentleman's birthday, I know that the great majority of the American people and the majority of this House regard the gentleman from South Carolina as a man's man, and a patriotic American.

Mr. RIVERS. Mr. Speaker, I thank the gentleman.

I do want to say this. We have very little dissent in our committee. There is no committee in the House with such a small percentage of disagreement. We have 40 members and there are seldom more than five who disagree; sometimes maybe six or seven.

We have the best average of any committee in the history of the Congress. We have the best committee. Just think of the things that come out of our committee unanimously. It happens every day. I would not take a million dollars for the great privilege I have had of being chairman of this committee, and for the great honor of being a part of and a member of this committee.

As long as I am a member of this committee, I am going to try to run it in the interest of America and with the backing of the members of this dedicated group who compose this great committee.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. SCHMITZ. Mr. Speaker, as a new Member of this body I rise in response to the great but sobering speech by the esteemed chairman of the House Armed Services Committee, Hon. Mendel Rivers. When a man who has spent 30 years in the Congress intimately connected with the security of our country tells us that "the future of the Nation hangs by a thread" we had best listen.

Since coming to the Congress I have noticed that there are relatively few in Washington who seem overly concerned with the ability of the United States to defend itself. Many either take our military position for granted or feel that in some new type of changing world national defense is an outmoded concept. The world unfortunately has not changed to the point where the richest Nation in the world can sit happily bemused by its own delusions and expect that the Soviet Union, the most vicious aggressor ever to inflict itself upon long suffering humanity, will allow our misconceptions to dispel its desire for world empire. Strength taken for granted has not renewed itself.

In the midst of the century shrouded in more bloody wars than any other in recorded history it takes an appalling amount of ignorance and wishful thinking to come to the conclusion that since we would rather not fight a war others will conveniently decide to forego the pleasure of wrapping our wishes around the throats of ourselves and our families. In the light of 50 years of Soviet perfidy, barbarism, and conquest there are those who have come to the strange conclusion that there is just some slight misunderstanding which can be straightened out if we will just stop building the weaponry necessary to defend ourselves. If we continue to delay in taking the necessary defensive measures the misunderstanding is not going to be straightened out. We are simply going to get ourselves flattened.

Many centuries ago Demosthenes admonished the Athenians as they wavered between uncertainty and supineness:

> It follows as the inevitable and perhaps reasonable consequence, that you are each more successful in that to which your time and your interest is given—Philip in action, yourselves in words.

When the chairman of the House Armed Services Committee tells us that we are now clearly in second position to the Soviet Union in military strength I suggest that it is time that we stopped dialoging and started fulfilling our sworn duty to protect the Nation from foreign enemies.

As a Representative of several hundreds of thousands of people I for one would like to thank Chairman Rivers for the remarkable clarity he has shed on the defense situation and the contribution toward peace he has made thereby. Peace not in the sense in which it is used in the twisted semantics which have come to dominate the pseudo-intellectual journals and media discussions but peace in the true sense of the word as defined by the father of our Nation, George Washington:

> To be prepared for war is one of the most effectual means of preserving peace.

No truer words were ever spoken.

Mr. RIVERS. Mr. Speaker, I thank the distinguished gentleman from California very much.

I thank all of my colleagues for their kind attention.

Mr. BENNETT. Mr. Speaker, I congratulate the gentleman from South Carolina in bringing these facts to the attention of the country. These facts need to be known and understood; and we in Congress absolutely must take the needed steps, and make the needed corrections; not in some distant time, but right now.

ILLEGAL PRICE DISCRIMINATION IN THE HEAVY POWER TRANSMISSION EQUIPMENT INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Conte) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, with all of the controversy raging today about the need to protect certain of our domestic industries from unrestricted imports, there is at least one industry which is faced with unlawful price discrimination about which there should be no dispute. The practice of dumping foreign products in U.S. markets at prices lower than those sold in their country of origin is clearly unlawful and cannot be tolerated.

The situation is most critical in the field of heavy power transformers which are essential to development of the extra high voltage—or EHV—power systems of the future. These products are manufactured in a number of plants throughout the Nation, including General Electric's Power Transformer Department in Pittsfield, Mass., in my district which employs over 3,000 people.

As you know, Mr. Speaker, Westinghouse Electric Corp. has initiated antidumping actions against foreign transformer manufacturers from six foreign countries. If the investigations conclude that dumping has occurred, as I believe they will, then our Government will impose tariffs as penalties to equalize the prices of these foreign goods with the higher prices charged in their country of origin.

But this case is not expected to be completed for 2 to 3 more years. In the meantime irreparable damage may be done unless other steps are taken to alleviate the problem.

In the next few days I will be seeking the assistance of my colleagues from other States where such plants are located in support of a series of interim measures to reduce the adverse impact of this price discrimination.

For their information and that of all my colleagues I request unanimous consent to include at the close of these remarks a portion of my testimony on this subject, before the Ways and Means Committee on June 19, 1970, and a brief study, "Foreign Competition in Power Transmission Equipment," done by the General Electric Co.'s Power Transmission Division.

As I said at the outset, Mr. Speaker, the need to end these dumping practices is in no way related to the hue and cry about increased imports in general. These imports of heavy power equipment are clearly illegal. In fact, as my good friend, Assistant Treasury Secretary Eugene T. Rossides said recently:

> What we are doing [in enforcing the anti-dumping statute] is the very opposite of protectionism. The anti-dumping statute is pro-free trade. The proper application of this statute can alleviate pressures for protectionism by making markets function fairly.

I am pleased that Secretary Rossides and the administration are beginning to police this area vigorously, and hope that my colleagues will join me in support of this effort.

The materials referred to follow:

EXHIBIT NO. 1

THE CRISIS IN THE POWER TRANSFORMER INDUSTRY

(Excerpt from the testimony of Representative SILVIO O. CONTE before the Ways and Means Committee)

There is another important subject I wish to discuss today, Mr. Chairman. I refer to the epidemic of dumping that now afflicts our large power transformer industry. Unlike the matters I have discussed so far which involve a complex series of causes, the situation in this industry is a simple matter of price discrimination and unfair competition.

Many industries in the United States today find themselves in an economic struggle with manufacturers around the world. If this competition were free and untrammeled, it would be a healthy and vigorous indication of the international trade climate. Fair, open trade on a reciprocal basis can produce more and better products for Americans as well as for all other peoples. Free, fair trade is one of the fundamental concepts of our American system.

The Congress has demonstrated, through tariff reductions, its belief in liberal international trade during the Kennedy Round of Tariff Negotiations. Our laws have made the American market the most open in the world.

Today, however, the foreign competition that many of our industries are facing is far from free and untrammeled. In fact, the trade policies of most of the industrialized foreign nations are such that they keep their markets for many products effectively closed to American manufacturers while increasing their exports to our open market.

A good example of this worsening situation is found in the electrical equipment industry and particularly in the power transformer field.

Power transformers are major elements in all electrical transmission systems. Without them, long-distance transmission of electricity would be impossible. As the demand for electrical power and the amount of power transmitted increase, the system voltage must also increase; the size of generating stations grows and the ratings of power transformers get bigger.

For the past 80 years, American manufacturers have conducted the research, developed the technology and acquired the skills necessary to build these transformers. They are recognized as leaders in technical fitness and productive capability. One of the most prominent of these manufacturers is located in my district.

But imports of foreign-made power transformers into the United States are posing a serious threat to our domestic industry. As I have stated, this is not because of superior efficiency. Nor is it because of lower cost of foreign manufacturing. Lower labor costs abroad have been found to be offset, in large part, by more efficient production methods and facilities in the United States. It is because many foreign governments provide export subsidies to their heavy electrical equipment manufacturers and, at the same time, protect their home market at high price levels against American entry. It's a one-sided, unfair, losing battle. Recently, one manufacturer—Westinghouse—filed an antidumping action with the Bureau of Customs. It deserves a thorough hearing and complete support. Only this week an important first step in this case was taken when the Bureau of Customs made a preliminary finding that dumping was probably taking place, and launched a full investigation.

A look at the cause and effect of unfair foreign competition in this area can perhaps point to solutions.

American requirements for large power transformers are increasingly being filled from foreign sources. It is abundantly clear that unless some constructive legislative action is taken to arrest or reverse this trend, foreign manufacturers will be providing one-third of the total power transformers purchased by American utilities in four or five years. That is the situation in summary.

How did it happen?

After World War II the demand in the United Kingdom, Europe and Japan for electric power and, therefore, for large power transformers, was great. The capability of the electrical manufacturing industry in those countries was fully utilized, often with the aid of considerable American technical expertise, in keeping with our national purpose to assist the economy of these war-torn countries. When the extraordinary demands of these countries were met, their electrical equipment manufacturers found that their normal national requirements were insufficent to utilize their capacity. It was natural, therefore, that since the early 1950's they started looking to the American market. They are encouraged to do so, not just to be able to operate their facilities to capacity, but also because their governments seek American dollars.

Mergers, acquisitions and general restructuring of the heavy electrical equipment manufacturing industry in many countries, notably England, Italy, West Germany, Switzerland, France, Sweden and Japan, point to their effort to support the research and production facilities necessary to manufacturing the largest types of power transformers, for which America is the world's largest market. Their effort is paying off for them. In 1969 foreign manufacturers captured 22 percent of the dollar volume of power transformers purchased by electric utilities in the United States. Only one of the seven or eight highly competent American power transformer manufacturers secured more business than this.

One of the most disturbing factors in this gloomy picture is the action of our own government-owned utilities, primarily the Tennessee Valley Authority, and the Bureau of Reclamation. Their purchases of transformers from overseas suppliers has steadily increased to a point where they exceed 95 percent of the electrical capacity purchased, for the past three consecutive years. The reason is low price—but artificially low price.

Privately owned utilities, customarily measured for efficient procurement against government-owned utilities, are forsaking their previous preference for domestic equipment and shopping overseas for these artificially low prices. Several of them are now purchasing 20 percent or more of their requirements abroad.

In the past six years, nearly $100 million worth of power transformers have been purchased from foreign suppliers. Even at a conservative estimate, this represents at least six months' work for all of the employees in the entire United States power transformer industry. That work is lost forever to them and to the countless other American workers who supply materials and services to the power transformer industry. It also means lost tax revenue.

But that's not all. Our nation is running the risk of losing its technology in this vital area.

Electricity revolutionized American industry. We led the world in development and use of this energy form. Experts tell us that our electric utility industry must continue to double in size every ten years to keep pace with future demands for electricity. Knowledgeable people, including Secretary of the Interior Hickel, believe that a national power grid will have to be installed within a few years. Already, many areas of the country are interconnected by high-voltage transmission systems, and more inter-connections are effected each year. Such systems operate at very high voltages: 345,000 and 500,000-volt systems are quite common. Recently, one utility—The American Electric Power Company—energized a 765,000-volt system, probably the highest voltage system in the world. But even higher voltage systems may be needed in the future.

In all these systems, power transformers are essential equipment. These are the very items being purchased increasingly from foreign sources. Of the 765,000-volt transformers purchased, 21 percent have been foreign made. Overseas supplies have secured 20 percent of overall American purchases of 500,000-volt transformers, but have supplied 75 percent of TVA's requirement in this rating. These are not simple pieces of equipment. They are huge and require skillful engineering. Some of them weigh three-quarters of a million pounds and cost about as many dollars. Decades of research and experience back up the technology necessary to design and build them.

I have personally seen many of these large power transformers. I have watched them being build and tested. I know many of the engineers who design them and the skilled craftsmen who put them together. There is no doubt in my mind that the technology required for the future can be developed by American manufacturers. But why should they bother? If the current trend continues and more and more of these high-voltage units are purchased overseas, there seems little incentive for any American manufacturer to invest the time, money and manpower needed to keep up the technological pace. Power transformer technology is in danger of being transferred overseas.

But this is not the only risk. America's national well-being is involved. Great power systems in this country, dependent on foreign suppliers, might be unable to secure service or parts in time of emergency, or in periods when these foreign suppliers had to give priority to their home market demands. Besides, it is unlikely that present "cut-rate" foreign prices would long prevail, if American power transformer manufacturers were no longer considered meaningful competitors.

Nevertheless, "cut-rate" prices are the reason for the alarming upsurge in purchases of foreign-made power transformers. A hard-headed utility executive or prudent purchasing agent cannot be blamed for taking advantage of a bargain. Some foreign bids have been 25 to 30 percent lower than domestic manufacturers' prices. They have also been well below the prices at which these same foreign suppliers have sold similar equipment in their own domestic markets.

Foreign suppliers can consistently underbid their American competition in the American market because their governments subsidize them for all exports to the United States. Different countries have different forms of subsidy—tax rebates or abatements, adjustments to corporate income tax, in some instances tax forgiveness, guaranteed financing and event direct payments for power transformer exports to the United States.

These are powerful incentives, but there are still more. In many industrialized countries, the electric utility industry is either government-owned or government-controlled. Investigation has shown that these utilities purchase equipment from their domestic suppliers at prices sufficiently high to offset the low prices these same suppliers charge in the United States. At the same time, because their home markets are protected, foreign manufacturers have no fear of American competition, and frequently sell in their own domestic markets at prices higher than those charged by United States manufacturers for similar equipment.

Earlier, I mentioned that American utilities had purchased $100 million worth of power transformers from foreign suppliers during the past six years. It is noteworthy that, in the same period, the extremely few transformers sold by American manufacturers in the home markets of these foreign suppliers were special types they could not build themselves.

There is nothing reciprocal about this kind of trade. It is unfair competition. It is a one-way street.

The American electrical equipment manufacturing industry has publicly declared its support for free, fair, reciprocal international trade, I know our American producers of large power transformers have the technological, engineering and manufacturing skill, and the research and production facilities and capability to be worthy competitors in their field. But only the Congress and the Government can remove discriminatory obstacles to their export trade. Unless or until this is accomplished, this major industry, on which so much of our internal economy has depended, will remain in jeopardy.

Mr. Chairman, I referred earlier to the major Antidumping Act case filed by Westinghouse. As we watch its progress, we will have a better idea of whether legislative changes are needed to make this relief more effective.

Already there have been major criticisms of the antidumping law. It has been pointed out that the recent tendency to accept written assurances that dumping would end without an actual finding of dumping, constitutes, in effect, a license to continue dumping until a finding is about to be made.

In a thoughtful presentation before a conference on the crisis in international trade sponsored by the Industrial Union Department, AFL–CIO on March 19, 1970 U.S. Tariff Commissioner Bruce E. Clubb recommended three changes in the present law: an end to the undue delays that now occur in such cases, an end to the two-stage proceeding involving both the Treasury Department and the Tariff Commission, and provisions for a right of appeal when dumping is not found.

I urge this Committee to keep these proposals in mind and to exercise strong legislative oversight of the effectiveness of the present act and its implementation. As I said before, there is simply no justification for continuing this price discrimination.

EXHIBIT NO. 2

FOREIGN COMPETITION IN POWER TRANSMISSION EQUIPMENT

(This study is edited slightly to omit references to charts and photographs not reproducible in the RECORD)

The General Electric Company is deeply concerned with the nature and the effect of competition from foreign producers in the heavy electrical apparatus industry. We are particularly concerned with the success of foreign producers in that sector of the domesic market represented by the Federal Power Agencies. These government agencies are major purchasers of heavy electrical apparatus and their buying practices have a significant influence on the private electric utilities throughout the United States.

We would like to explore the background of this domestic market situation and some possible solutions which are within the scope of the national interest in a free, fair trade program.

At the outset it should be emphatically understood that the General Electric Company does not advocate "protectionism". On the contrary, we support the concept of free, fair trade. We feel strongly that our product offerings, costs and effectiveness permit us to compete in all open markets where the condtions for competition are fair.

The problem, as we see it, is that in the domestic market for heavy electrical apparatus trade is not fair at the present time. We plan to document this unfair trade situation in the course of our comments.

The partcular heavy electrical apparatus to which we are referring includes equipment used for transmission and distribution of electric power throughout the United States, which produces and uses 35% of the world's electric energy.

Extensive transmission lines link the utilities together throughout the nation. The most important of these transmission links are in areas of the new high voltage technology—345, 500 and 765 kilo-volts (KV)—termed Extra High Voltage or EHV. The highest voltage commercially in operation at this time is 500 KV.

Over the past few years, there has been a very rapid growth in the number and length of EHV lines designed to link the utilities together in large power pools. This linkage results in both the economical transmission of bulk power and greater reliability by providing for the interdependence of contiguous utility systems. The extent to which the United States depends on the reliability of this power system is brought sharply into focus when we consider the disastrous results which could be associated with massive blackouts in peace time, and the possible loss of our power system under conditions of war.

The Federal Power Commission report of July, 1967 commented on these points as follows:

"Economy and reliability are closely associated objectives in the supply of electric bulk power, but reliability must have priority if any conflict occurs."

"Progress toward stronger transmission systems must be accelerated if all utilities in the United States are to be able both to provide and receive strong emergency support."

"Transmission must be recognized as the principal medium for achieving reliability, both within a system and through coordination among systems. It is the cohesive force which ties together power systems."

This power grid has developed because the electric utilities have been willing to invest in the system and because the U.S. electric manufacturing industry has committed its resources to provide the needed equipment.

An example of the capacity of this equipment is the fact that one 500 KV transformer/breaker is capable of carrying sufficient power for two cities the size of Boston.

These highly sophisticated and massive equipments require unique resources in the form of technical skills, manufacturing facilities and laboratories.

General Electric has over 1700 professional personnel committed to the design, development, manufacture and application of these equipments. Over 1100 of these people are scientists, engineers or technicians.

The required investment in facilities is substantial. An example is General Electric's new $37 million transformer manufacturing facility now in production in Pittsfield, Mass.

The manufacture of large circuit breakers also requires manufacturing facilities with high head room and ability to move massive equipment.

In our Laboratories new designs and new technologies are exhaustively tested, often to destruction. The Laboratories are the most complete and modern facilities in the world for the high energy testing required to prove out this equipment.

Such laboratories and facilities are committed to providing the technology and equipment to help build the United States electrical system of today and also for tomorrow. By the year 2000, the nation must multiply the capabilities of today's electric power system seven times, while providing systems and equipment that will meet increasingly stringent reliability requirements.

The magnitude of system change, the implications for national security and the need for a strong, healthy and dynamic electrical manufacturing industry dictate that the potential for growth in electrical technology and manufacturing capacity should be maintained in the United States.

Yet in the face of this need foreign manufacturers are realizing increasing success in placing foreign EHV equipment on U.S. lines.

The pattern of success is most pronounced in the Federal Power Agencies, the Tennessee Valley Authority, the Bonneville Power Authority, and the Bureau of Reclamation. We emphasize that the EHV equipment involved represents the most advanced technological frontiers of high power transmission and it therefore is of significant importance to both the manufacturers and all electric utilities in the United States.

As we have stated, General Electric believes in free, fair trade and desires to compete world-wide on that basis. If we cannot effectively in an open market under fair competitive conditions, as business men, we believe that we should question seriously the economics of continuing in the business.

The issue we want to consider first is why are foreign producers enjoying this success in the U.S. market.

We as manufacturers feel completely capable of competing on the merits of our EHV power transmission equipment. We believe our product offerings to be technologically equal or superior to foreign manufacturers and competitive in cost. The efficiency of our direct labor and manufacturing methods fully compensate for our substantially higher per-hour labor costs, and material costs are on balance competitive.

We believe that the foothold in the U.S. market established by off-shore producers has been gained principally as the result of trade inequities intended to stimulate export sales especially into the United States, which is the largest open national market for heavy electrical apparatus in the world.

Dual pricing structures and nationalistic procurement policies practiced or supported by key foreign governments are the major instruments used for this purpose. These practices are supplemented in various countries by such additional devices as tax incentives, low cost credit, research and development subsidies, and export subsidies.

Using dual pricing, French and English manufacturers, for example, sell at high prices to the nationalized utilities in their captive home markets. The high domestic prices liquidate their total expenses, and permit offshore sales based on variable costs only. These protected home markets tolerate dual pricing as a matter of policy.

We cite three instances of this:

The first example is in the French market for power circuit breakers. Mr. R. E. Bednarek, Manager-Marketing for our Power Circuit Breaker Department, called on Electricité de France, the French National Utility, in June, 1967. We quote the following from his affidavit on the results of that meeting:

"Upon completion of my product descriptions, Mr. Michaca (directeur de Etudes de Recherche, E.D.F.) stated that there was no problem in applying our equipment to the EDF system . . . At this point I gave them prices for five ratings of power circuit breakers. The prices were essentially at the same price levels quoted to domestic U.S.A. utilities. To these prices we then added 17.6% tariff and then an additional 25% use tax. Mr. J. A. Duverny (Chief du Service Material Direction de le Equipment du Riseau de Transport) then said that all the prices with the exception of the 115 KV were competitive and 'in the same range as domestic prices.' At 115 KV, they buy a 2500 MVA unit which has a rather low price because it can be made as a single break device. . . . I then asked 'can I be allowed to tender quotations for his breaker requests?' He replied: 'at this time I am not in the market for any breakers, however, if I was I could not buy from you because it is our policy to buy only domestic products.' "

The second example is in the British market for power transformers. We quote from a letter from Sir Stanley Brown, Chairman of the Central Electric Generating Board (CEGB) of the United Kingdom on January 18th, 1968 in response to an attempt by our Canadian subsidiary to sell transformers in England.

"You also ask for 'advice as to our policy.' You are no doubt aware of the current situation in which the very low rate of growth of demand in this country coinciding with approaching completing of the main 400 KV grid is resulting in a very abrupt reduction in our requirements for large transformers. Under these circumstances, I think it is unlikely that we should need to seek tender from a wider circle than our home manufacturers."

The third and perhaps most startling example is an agreement entered into in March, 1967 between CEGB and four British switchgear manufacturers. We have copies of that document, which is quite lengthy. The agreement covers 400, 275 & 132 KV switchgear and "will run for an initial period of five years from 1st January, 1966." It provides for an "agreed Schedule of Prices," which is intended to yield the manufacturers an "agreed profit margin at 16½%" on sales, and a similar rate of return on capital employed, on the average over the five year period. It also includes a "uniform method of ascertaining costs."

These three examples illustrate the effective closing of these markets to U.S. manufacturers while the American market remains open for low price exploitation.

Tax and credit incentives such as specific insurance policies against cost escalation, and research and development subsidies—such as those available to French manufacturers—also contribute significantly to the ability of various foreign manufacturers to quote low prices in the United States.

The avenues of the support and subsidization foreign manufacturers enjoy are numerous. In 1967 the Department of Commerce issued a comprehensive report listing over sixty different ways that the French ". . . stimulate and assist the export of French products."

With regard to one such avenue, the subsidy of research and development effort, we quote from a speech given at the National Academy of Engineering in Washington in April, 1968 by Pierre Aigrain, Director General of the Recherche Scientifique et Technique of Paris:

"For the last three years, for example, we have had a scheme which is operated by the agency I am responsible for in which the government will pay fifty percent of development costs on a new product after a group of experts have felt that the product or process was interesting, fifty per cent of the development cost in the form of a loan which will be repayable with a small premium if the product is successful commercially. If it is industrially successful, if a few years later the company really makes money on this new product, then it will repay the loan by a small percentage of cost. If, on the contrary, the product is not a success, then we write off the loss.

"I will take a simple case. This scheme made it possible to develop a 765 kilovolt circuit breaker for high voltage transmission lines by a company in Grenoble. It turns out there is no market for a 765 kilovolt circuit breaker in France, and even in Western Europe at the present time, because of the general size of transmission lines, and because of the very concentrated nature of Europe, we don't have yet to resort to these extremely high voltages for high power transmission. So all sales of that circuit breaker have been to Canada, the United States, and the USSR. Not a single one has ever been sold in France, and probably none will be sold in France for some time to come."

Nor is subsidizing research and development for export products peculiar to the French. Quoting from the CEGB–Switchgear Agreement mentioned earlier: "All research and development expenses referred to in this paragraph should be charged to the home trade business only."

Our economic studies show that as one result our principal overseas competitors are pricing on the basis of labor and materials cost, with little or no allowance for overhead costs. In the case of France, and some other European countries, foreign manufacturers, through tax allowances, are spared the level of tax costs which attach to American-made products. It follows that any profit factor adopted by the foreign producer can be related to the base material and labor costs only.

The resulting disparity in export and domestic pricing is reported in a study of the British Power Transformer industry by Dr. Horace J. De Podwin. Page 91 of his report states: "This analysis shows that British manufacturers bid for U.S. contracts in 1965–66 at 25–45% below prices at which they sold comparable transformers to CEGB."

If it is considered that in connection with circuit breakers, for example, our research and engineering costs, year after year, are a substantial portion of our costs, and that our corporate and personal income taxes are not subject to rebate—if we combine these elements with the evident intent of foreign governments to actively support and encourage exports to U.S. markets through the various practices described earlier, it becomes understandable how price differentials of one-third or more can exist between U.S.-made products and foreign-produced equipment.

It is true that American manufacturers are given some advantage through the evaluations permitted under such acts as the Buy American Act. As presently administered, this grants a 6% favorable evaluation to domestic products. This is insignificant compared to the incentive provided by many foreign governments to their respective manufacturers.

On the basis of these factors, and the inviting size of the U.S. market, it is not surprising to find a wide diversity of foreign competitors in the market. Substantial U.S. domestic transformer orders have gone to manufacturers from Sweden, England, Japan, Italy and Austria. Many circuit breaker contracts have been awarded to the French who have taken an especially strong position in this product. Other breaker contracts have also gone to Swiss and Japanese manufacturers.

Foreign producers have obtained a significant share of the American market for 500 KV breakers and transformers in the last six years. Since 1963 the penetration is so great that 75% of the 500 KV circuit breakers and 73% of the 500 KV transformers on Federal systems are now foreign.

The impact of Federal Power Agency purchases cannot be minimized. They represent approximately one-third of the total U.S. market for extra high voltage transmission equipment and, by their example, place tremendous leverage on the private utilities to follow a similar buying pattern.

The foreign marketing strategy is obvious.

First, penetration of the market started at the higher voltages, which are the frontiers of the transmission technologies. It is proceeding to work down into the lower voltages.

Second, market penetration started in the Federal Power Agencies and presently dominates their purchases. It is now swinging to the private utility sector as well.

We are competing in a finite market determined by the load growth of the power systems. Once an order is lost by an American manufacturer it cannot be made up—nor can the American manufacturer secure a compensating order from a foreign industrialized nation whose purchases are limited to internal suppliers. A transaction lost to an off-shore supplier means lost hours of work for American labor, lost opportunities to hire and train people in hard core unemployment areas, and lost tax revenue for federal, state and local governments. A transaction lost adds to the growing balance of payment problems in the United States and has the effect of exporting dollars that would have been reinvested in research and development for the next generation of transmission equipment.

But the consequence is not merely the fact of lost sales and the resulting economic impact.

The capability to develop, design and build heavy electrical apparatus for the United States domestic power industry is a critical national resource.

The Report to the President on Underground Power Transmission made by the Department of the Interior in 1966 confirms this point.

"Recognizing that the technology necessary to accomplish the objectives of the program (Underground Transmission) will truly be a national resource, the research work and any necessary procurement required to develop this resource will be done with the objective and in a manner to advance *domestic* technology."

We concur wholeheartedly with this statement. We believe that the technology associated with the generation and transmission of power should be advanced from within the United States.

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We would accept the threatened loss of leadership only if we were satisfied that the foreign producers are outperforming American manufacturers—namely, *better equipment at less cost*. The best that can be said for them is that they are offering good equipment at less *price*—a price which does not have to provide for the same or similar cost elements which American manufacturers must confront.

We do not want to create the impression that American electrical manufacturers are passively submitting to these forces.

In the period from 1961 to 1968, American industry, through technology and productivity, has continuously lowered the cost of the equipment in terms of its capability ($/KVA and/or $/MVA), in turn enabling the utilities to add more and more capacity with less investment. Both transformers and circuit breakers are capable of handling more power per dollar of investment than ever before.

Notwithstanding this demonstrated progress, it is not economically feasible for the American producer to contest on all fronts simultaneously: to produce reliable equipment; to maintain the lead in technology; and to meet foreign price levels which are subsidized by mechanisms such as dual pricing and nationalistic procurement practices.

We fell that the only immediate solution to our problem will come about through specific action by the Federal Government and especially, through the Executive branch.

During the previous administration, this situation was brought to the attention of many government representatives: the Federal Power Agencies, Department of Commerce, the Department of the Interior, the Department of the Treasury, Bureau of Budgets, the Federal Power Commission, Ambassador Roth—Special Representative for Trade Negotiations—as well as many private utilities. This situation is recognized by Ambassador Roth's Report to the President, dated January 14, 1969, page 25:

"3. *Government Procurement*

"Government procurement, including direct purchases and those by state-owned companies and quasi-autonomous entities, has a substantial impact on international trade. As the scope and volume of these purchases have increased in recent years, the disparities in practice among the major trading nations have created an increasingly serious distortion of trade.

"In the United States, government procurement for use in the United States is governed by the Buy American Act and implementing regulations. The margin of preference is a clearly stated percentage difference between foreign and domestic bids. Except for certain contracts involving goods and services essential to the national security, foreign suppliers are regularly afforded a clear opportunity to bid on government projects and are awarded contracts on the basis of their bids.

"In most other countries, by contrast, government procurement is usually carried out under a very high degree of administrative discretion, unquestionably favoring domestic suppliers even where there are published standards and procedures. As a result, U.S. and other foreign suppliers frequently have no established means of competing for contracts or sometimes even of learning of the existence of a government project. Moreover, some foreign governments consistently invite bids only from domestic firms and thus exclude foreign suppliers entirely. This is especially true in the field of heavy electrical equipment."

No solutions have resulted from these efforts or from recognition of the problem, and the situation continues to deteriorate.

Under these circumstances, we believe that U.S. trade and procurement officials should make a determination—now and for as long as present non-tariff barriers and other inequities with respect to trade in EHV power transmission equipment are practiced by foreign countries and foreign suppliers—that

1. Domestic capabilities in the high technology areas of EHV power transmission equipment are a national resource and should be actively encouraged by the Federal power agencies in the national interest, and

2. Strong U.S. commitment to expanded *reciprocal* international trade can be demonstrated effectively only by affirmative action against the present *one-way* street in the international trade of power transmission equipment.

This affirmative action would be accomplished by having the various Federal Power Agencies adopt a course of action which would be in effect a moratorium on the purchase of EHV power transmission equipment until such time as present nontariff barriers and other trade inequities are removed and a free, fair international trade climate does in fact exist. Specifically, we suggest that the Federal Power Agencies be requested to adopt an effective Buy American differential—such as 50%—for foreign-made EHV power transmission equipment. We believe that there is ample existing authority for them to take such action based on the broad discretionary authority vested in them by the TVA Act and the BPA Act to observe procurement practices which best serve the public interest.

Not only would the foregoing have a significantly favorable effect on the U.S. balance of payments, it would also help to induce foreign governments to abandon their nationalistic procurement practices, promote bona fide worldwide competition for this equipment, and provide U.S. negotiators with an additional position of strength in the ongoing negotiations in OECD and GATT to remove existing non-tariff barriers.

General Electric Co.,
Power Transmission Division,
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FUEL OIL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, there must now be fast and effective action taken to relieve New England's growing emergency fuel oil crisis. With the approach of winter, which can be especially severe in New England, we have passed the point where further delay is tolerable.

Sometime this week we expect to learn the recommendations of the Energy Subcommittee of the President's Domestic Council for dealing with the national energy crisis. Obviously I trust that it will supply the answers we are looking for; however, it is my strong belief that any plan to meet the national energy crisis must spell out extraordinary action to meet New England's special needs. The energy crisis is nationwide, indeed worldwide, but New England's needs are unique because she is far more heavily dependent on fuel oil imports and a greater consumer of all fuel oils than other sections of the Nation.

For example, Massachusetts, with only 2.8 percent of the Nation's population, consumes 11.1 percent of all home heating oil and 10.3 percent of all residual oil in the Nation.

Nearly 70 percent of the fuel requirements of Massachusetts industry and electric powerplants is met by residual fuel oil. Nationwide, residual oil represents less than 10 percent of industrial and thermal electric fuel consumption. In Massachusetts, 90 percent of all schools are heated by oil. It is especially significant to note that 70 percent of all homes are heated by oil. The homeowner, already staggering under steadily rising home-heating oil bills, is going to be hit far harder if no relief is provided and if schools, powerplants and municipalities must suddenly convert to other types of fuel and fuel-burning equipment this winter. The high costs of conversion will inevitably be passed along in increased taxes.

In my district, the 10th Congressional District of Massachusetts, we have confronted crisis after crisis in recent weeks—the asphalt shortage, which seriously delayed essential road repairs; the fact that the public schools of Sharon, Wrentham, and Dover-Sherborn have found they can get no bids whatsoever to supply heating oil for the schools, Mr. Speaker, we cannot simply close our schools, barricade roads, or shut down powerplants. Our latest crisis involves the city of Taunton which has declared a state of emergency because its electric powerplant has only a few weeks' supply of residual fuel oil remaining and cannot obtain commitments for more when the supply is exhausted. City officials have considered the possibility of closing down factories for certain periods in order to conserve power for residential use. Mr. Speaker, factory shutdowns mean unemployment for workers. I deplore the possibility that any factories should have to close, sending their workers home.

My district is a microcosm, reflecting problems that are prevalent throughout New England. There will be other Tauntons unless effective relief is forthcoming rapidly. I am still working at the Federal level to insure that Taunton is guaranteed an adequate fuel oil supply. I believe that emergency sources of oil supply must be located at once, and directed to New England, if we are to meet our various crucial needs.

When I testified on fuel oil problems last week before the Small Business Subcommittee of the Senate Banking and Currency Committee, I also discussed a study just completed by the Associated Industries of Massachusetts in conjunction with Arthur D. Little, Inc., of Cambridge, of industry's increasing problems in procuring fuel oil. I was disturbed to read that small businesses are increasingly mixing No. 2 fuel oil—which is the lighter home heating oil—with heavier fuel oils, in order to reduce the sulfur content of the oil to conform with new air pollution control standards. Since I am a member of the Small Business Subcommittee of our House Banking and Currency Committee, I am deeply concerned with the difficulties facing small businesses because of oil shortages.

I strongly support Massachusetts' new air pollution control standards, which take effect October 1. However, this increasing industrial use of No. 2 fuel oil threatens to drive up the price of home heating oil for consumers. This must be prevented by procuring sufficient No. 2 fuel oil so that prices are not further inflated, while high air quality is assured.

I believe this argues strongly for AIM's recommendation that import quotas on No. 2 fuel oil, which is already scarce, should be temporarily increased until the needs of all East Coast users are met. Personally I would prefer to see mandatory oil import quotas entirely abolished.

Mr. Speaker, this summer I attempted to prevail upon the President and his Director of Emergency Preparedness to order an immediate crash study of New England's unique fuel oil problems to develop specific plans for both immediate and long-range relief, with the study to be undertaken by either the Domestic Council or the Oil Policy Committee. I shall look for specific recommendations of this kind in the Domestic Council's energy crisis report. The President, in June, took a step to provide some relief for New England by ordering small, short-term increases in imports of No. 2 fuel oil and asphalt. The administration has indicated it will review the effects of this action in January; however, in view of New England's steadily worsening problems, I think that review is needed at once.

I hope the Domestic Council proposes incentives or other means to encourage domestic industry to increase its production of residual oil and build additional refining capacity. But, to meet the present emergency, I think that we must secure whatever additional oil is obtainable from sources in Puerto Rico and Canada, although I understand the quantities available are small. I think consideration must be given to taking U.S. Navy tankers out of mothballs to help carry additional oil to New England. The flow of available oil, and the means of transporting it, must be redirected toward the Northeast, with consideration of other national needs, of course. These actions are needed at once to insure sufficient supply for the remaining winter months, and to allow the various oil companies, suppliers, and independent terminal operators to plan ahead for the procurement and transportation of oil.

In addition, I think much can be gained if the administration begins a national effort to secure voluntary conservation of fuel oil.

The crisis is here, and the consequences can only be disastrous if there are further delays in achieving a realistic response.

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RHODESIA—RICHARD COTTEN'S REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, since the UNO sanctions a declaration of economic war against Rhodesia many Americans, weary of their slanted and discredited press, have visited that country to see conditions for themselves firsthand.

Without exception, all have returned reporting Rhodesia is no threat to international peace. To the contrary, they report finding a friendly people, an atmosphere of peace under law and order, and a small nation which prospers despite malignment by the UNO at the insistence of the Government of England and rubberstamped by the party in power in the United States.

One recent such American visitor to Rhodesia was Richard B. Cotten, nationally known writer, publisher, and radio commentator of Conservative Viewpoint (Box 17194, Dulles Airport, Washington, D.C. 20041). Upon his return, Mr. Cotton published his interviews with the various government leaders in a booklet entitled "Rhodesia." His booklet, dedicated to Rhodesia, a nation where the "men of the West" have not lost the will to live, contains several interviews which I feel will be of interest to our colleagues. I include a portion of the interviews from Mr. Cotton's publication:

Rhodesia

(By Richard B. Cotten)

(Dedicated to Rhodesia, a nation where the "men of the West" have not lost the will to live.)

PRIME MINISTER IAN SMITH

Mr. Cotten. This is Richard Cotten speaking, and I speak to you today from Salisbury, Rhodesia. Many of you have listened to my radio broadcasts, Richard Cotten's Conservative Viewpoint, and are aware of our interest in the situation in Rhodesia. Prime Minister Ian Smith has very kindly consented to an interview which we trust we will have an opportunity to share with Americans from coast to coast, with a view to correcting this incredible situation wherein we fight our friends and trade with our enemies.

Mr. Smith, it is very, very kind of you to consent to this interview. I believe that Colonel Dall of Friends of Rhodesia Independence came here just some time last year and you greeted him wonderfully well, and because of that effort, we have now Friends of Rhodesian Independence, bringing another tour group. I am acting in the capacity of host to that group, and the dual capacity of getting interviews for Conservative Viewpoint.

Prime Minister. Well, I would like to wish you all good luck as we did to Colonel Curtis Dall. We found both he and his accompanists were wonderful people and I am sure we will find you the same.

Mr. Cotten. We have been here the better part of two weeks now. We have had an opportunity first to be greeted by your officials in the capital of Salisbury, and I imagine many of us expected to merely find tracks in a desert. Insted of that, we found a very modern and bustling city. We then traveled to your Eastern Highlands and were greeted by such dignitaries as the Mayor of Umtali, who is a very impressive person, and who would love to see us bring immigrants to work in the many industries. We traveled to the beautiful Victoria Falls.

I think the message that is essential to bring to Americans is the unity of your people, Europeans and Africans alike, fighting together very much what I would term shoulder to shoulder in the interests of Rhodesia. Could you comment on that, please?

Prime Minister. I think we can honestly and sincerely claim that we are standing together. Our policy is one where merit is the criterion, and we honestly believe that a man is entitled to progress, to prosper and to ascend the ladder of promotion according to his ability. And we try to make this and only this the criterion and never the color of a man's skin. I think that it is because we have been successful in this direction that we have this great racial harmony in Rhodesia today. Where although the White man is outnumbered, and considerably outnumbered by the Black man, I believe there is greater racial harmony in Rhodesia than any other country I can think of, where there is a problem of different races living together. And this is what we are striving to maintain.

Mr. Cotten. I am watching the very careful manner in which you are working with the tribal areas where there were Africans who wish to maintain that way of life and are being encouraged to do so. Yet I see they are not barred in any manner from entering the life of your cities. Is that a fair analysis?

Prime Minister. This is correct. They, as you know, only came into touch with civilization about 70 or 80 years ago, when our forefathers came here as the Pioneers of Rhodesia. So it is not surprising that they still have a long way to go up the ladder of civilization. I believe that you rush this civilizing process at your peril, I think it is something which cannot be turned into a revolution, but must remain as it has always been—an evolutionary process. So that is the basis on which I start, I would also say this to you that as far as the indigenous African is concerned, he is one of the happiest people in the world, with a wonderful way of life in their tribal areas. In fact the more one sees of this in many ways, the more disenchanted one becomes with modern civilisation. But we are trying to blend the two together—realizing that they cannot forever stay in that state. But we think it must be an evolutionary process. We must be sure of our road and our way. We mustn't make mistakes.

Mr. Cotten. This is exactly what I have seen evidenced. I have found their housing, as an example, quite adequate in and around Salisbury. One community I believe has 65,000 people in it. And, unlike our public housing, they must be employed to live there, and they must pay rent. I didn't see any evidence of a Police State maintaining law and order in it. It's really a blessing after our own capital.

Prime Minister. We are sometimes accused of being a Police State, but many things about Rhodesia have been distorted overseas, and I think this more than anything. I can assure you that we meet many people here, not only from America, but from all countries on the Continent of Europe. And this is one of the first things they laugh at—the story of a Police State. Because inevitably they say: "We see less policemen here than in our own country. It seems to be more peaceful here than in our own country", and indeed whenever they see a policeman, the policeman isn't armed. This is a regular story that we hear.

Mr. Cotten. I have had the opportunity to hear the stories of the cases where the terrorists penetrate from across the Zambezi and are turned in, in one case by one of your African schoolteachers while working with his pupils. I understand they are all rounded up in this fashion constantly. Is this correct?

Prime Minister. This is quite correct. There have been many cases I can assure you. And one of a very old African Chief who had, I think, an old shotgun that he used to keep wild game out of his crop lands. And on one occasion he, personally, with one of his assistants arrested one of these terrorists, who was hiding in a hut. Here was a terrorist who was armed to the teeth with modern automatic weapons, but it did not deter this fine old Chief. He brought him in and handed him over.

Mr. Cotten. I have had the opportunity of meeting those Chiefs who are also your Senators—eight is it?

Prime Minister. Ten.

Mr. Cotten. Ten, excuse me, and they very kindly consented to an interview and I am endeavoring to bring a message from them to our nation. I find that they are the very epitomy of representative government, right from the kraal, or whatever it is termed, right up to these Chiefs who in turn were elected by a Council of Chiefs. Is this the way that works?

PRIME MINISTER. Yes, this is correct. It is a very fine democratic system which actually goes right back to the grass roots. They have each little kraal, as it is called, which elect their kraal head, and then a number of kraals go together into a group and they elect their headman, and then a number of those groups go together and they elect a Chief for the whole of the district. And that Chief has representation right down from the lowest part of the community, the kraal. And in many ways I think it is a far more effective system than our own democratic system.

Mr. COTTEN. It's certainly more effective than the mobocracy that we have created as a democratic process in the United States. I noticed even as we asked the Chiefs to make a statement on behalf of the other Chiefs they were very hesitant. They wanted to be very sure that there was a consensus, which I understand usually ends up unanimous, before they resolve a case. I did have the opportunity to ask them if any of them would, to their knowledge, delight in seeing Whitey, meaning the European, leave, and instantly and emphatically they didn't want any part of that. They know that you are working as a team to their mutual advantage.

I have read a little of your history now. The two tribes are still a bit of a mystery to me. Could you tell a bit about that?

PRIME MINISTER. Yes. The two main tribes are the Mashona and the Matabele. Now the Matabele were the people who came from south of us, and they were orignally the Zulu that came from Zululand. That is near Natal in South Africa. A very strong and indeed a warlike tribe. They had a great history of fighting wars against the South Africans. And eventually a fraction of their tribe broke away, because the son, Mzilikazi, had a conflict with his father. And according to their tradition, even if it was his son, when he came back with his warriors they would have all put to death. So they broke away and came north. They crossed the Limpopo and settled in Rhodesia, and this is the Matabele.

And here, in the eastern part of Rhodesia, is the Mashona, from Mashonaland, and I think they traditionally came from the north.

And these are basically the two main tribes that lived in Rhodesia at the time when the white man came. And in those days they used to fight one another and massacre one another and it was mainly the Matabele, the more warlike tribe, that used to come off best. They used to go away taking the cattle and the young girls from the Mashona.

And, of course, since we've been here this has come to an end and they have now learned to live peacefully side by side, and they work together as they do with the European. So there aren't really just two main groups—the white and the black. There are three main groups—the Mashona, the Matabele and then the white group, the Europeans as we call ourselves. And we are working in great harmony today. Our major problem is that the rest of the world seems unwilling to leave us working quietly in harmony, they want to interfere to ensure that they can break that harmony.

Mr. COTTEN. Prime Minister, I was very impressed with the information accorded my group by your Ministry of Information, and that, of course, included The Ministry of Immigration. Many Americans, as they watch what we term "big brother government" grow by leaps and bounds, are thinking in terms of migration. I am finding that your country is in the middle of, what I have to term, a business boom, and, of course, sanctions appear to have hurt the African more than the European. Were it not for the sanctions, business would boom more and the European would hire the African roughly at the rate of 20 to 1, as I have seen it. Would you comment, please, on the immigration policies of your country and the availability of opportunities?

PRIME MINISTER. Well, we are a young growing country and we have lots of open spaces. I also believe we are a very rich country. I think we have some of the greatest agricultural potential that I have heard of, and minerally even today there are some wonderful deposits here which have been exploited, amongst some of the best in the world, and indeed American capital is involved here. But I believe that in this field we have hardly scratched the surface. So the possibilities are tremendous. I would say that this is one of the few opportunities left in this world for people to buy land at a reasonable price, indeed very cheap according to world standards. So we are looking for good emmigrants with know-how and capital. I think they will assist us. But I repeat I believe that they will find that there are glorious opportunities for investment in this country, where we do try to maintain high standards in keeping with the high standards of western civilization that we inherited. I wish I had a little more ready cash and I would be happy to invest it in land in Rhodesia.

Mr. COTTEN. I find the opportunities endless in your secondary industry, I guess you would term it. You manufacture your own pencils now. You have your own—oh, you name it. Every item I pick up now has a "Made in Rhodesia". You must have literally hundreds upon hundreds of new businesses springing up.

PRIME MINISTER. Well, this is so, and indeed I love to go every year to the big national Trade Fair that we hold to see what Rhodesian industrialists are doing. And I must confess that every year I am absolutely amazed at what we are producing. But this is, of course, where sanctions have assisted us. You did make the point earlier, correctly so, that sanctions effected the black Rhodesian more than the white Rhodesian. This is what makes them so hypocritical, because they are supposed to affect the white Rhodesian and help the black Rhodesian. Whereas in fact it is the reverse. I would like to say this to you that sanctions have been a boom to industry in Rhodesia. We have had sanctions for just over four years now and I believe that our industrial development has gone ahead at a pace which would have taken us twelve normal years and we have done this in four years. So this is what sanctions have done for us. It has been a great asset to industry.

Mr. COTTEN. Mr. Minister, I am sure you must wonder, and quite properly, why Americans act as they do. For example, in the matter of chrome which we are perfectly well aware we are refusing to buy even from American companies in Rhodesia, and yet we pay twice the price for it to buy it from the Soviet Union, whom we know is furnishing the weapons of war to kill our soldier sons in the Vietnamese situation. The only explanation, and I am sure you have reached the same conclusions, is in terms of international subversion—let's call it international Communism. It must be somewhat frightening to realise the inference of this—the degree of penetration of the western world—when you find all of these nations agreeing to sanctions. Your comment if you would, please—relative to the international conspiracy, this control mechanism.

PRIME MINISTER. Well, we don't understand it in Rhodesia. I find it very difficut to make any intelligent comment because the whole thing seems to me to be quite unintelligible why it is that we, who have always been part of the free world, the western world, we've stood by them, we've fought with them in two world wars and we've never asked for anything in return. We have been able to finance ourselves. We've given men and money. We are still in the western world, and yet today it seems as though the western world is attacking us even more than the traditional enemy. As far as we are concerned we believe that international Communism is the enemy of the free world. The world is divided into two camps, and we are proud to claim that we are holding one of the major parts of the line on the African continent against the advancement of international Communism.

And we say to our friends in the free world: We don't want you to give us men. We don't want you to give us machines or money. We'll hold the line. Will you sell us some of your equipment, which, of course, we are unable to make yet in a young growing country like Rhodesia. And they say no, we won't even sell you any equipment. Well, how one can comprehend this sort of thing, get any sanity out of this state of affairs, is beyond my comprehension. Maybe my intelligence is lacking. I don't understand it.

Mr. COTTEN. Prime Minister, you certainly are not lacking in intelligence. Its our deep involvement with the international bodies such as the United Nations. Those who conspire to have one world government, one world court, one world bank, will never rest. You are indeed a threat to the peace they envision, wherein they will have a one world Police State. And I thank God, most seriously, that Rhodesia does stand and I feel, even as I watch my own nation falter through its loose fiscal policies, and its now relatively pure mobocracy where our government must be elected by the mobs, I pray that you will stand tall and be that beacon light of sanity in the days ahead. Could you comment on the United Nations if you please, recognizing, as we do that the African vote there, each emergent nation cancels out our vote as a western civilized nation.

PRIME MINISTER. Well, I don't want to be too offensive and critical, but the United Nations makes even less sense to me than what is happening in the rest of the free world. They are supposed to be a body dedicated to maintaining peace in the world. Fair play. A body which would take the side of the under dog against the big chap. But it seems to be quite the reverse, when one sees for example what happened in countries like Czechoslovakia, and before that, Austria, when the great Russian war machine went into there. They hardly raised a finger, hardly one breath of protest came from the United Nations. And yet in return when we see what has happened to a small country like Rhodesia, simply because we want to be left alone to solve our own affairs. And there are many other examples. Look at the question of the conflict in the Middle East, with Israel on the one side and Arab nations on the other. The Communists go in there. They make no bones about it and I think this is why they are winning today, because they are positive and decisive. Whereas the free world seems to wish to sit on the fence in between hoping that they may in the end land in the right place, but inevitably they land in the wrong place.

I can assure you we've made up our minds. We may be wrong and we may go down, but if we go down we'll go down fighting. We are not going to go down on our knees. This is a free country, where we have decided to maintain standards. We don't like the welfare state. We believe in private enterprise and there are opportunities here for people who come here, who believe in the initiative of the individual and private enterprise. Every person who comes here can potentially one day become a great man. He has the same chance as anyone else, and we don't want the welfare state to handicap the initiative of the individual. This is Rhodesia.

Mr. COTTEN. The individual American, the silent majority we speak of, would more than

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agree. Prime Minister I believe we have run out of time. I thank you for this courtesy. I do believe you are going to stand tall, endure, and be it God's will, one day I'll be part of your community. Thank you again.

Prime Minister. Thank you very much.

MR. P. K. VAN DER BYL, MINISTER OF INFORMATION, IMMIGRATION, AND TOURISM

Mr. Cotten. Today I am speaking to you from the offices of the Minister of Information who also serves in the capacity as Minister from the offices of the Minister of Immigration and Minister of Tourism. We have a very important gentleman, Mr. P. K. van der Byl, who has very kindly offered to share these few minutes with you so you would have some understanding of his Ministry.

Mr. van der Byl, before I start, I would like to compliment you on the manner in which you greeted the Friends of Rhodesian Independence, and the fact that you have had your Mr. Douglas Garner from the American desk to accompany us on our travels, and your excellent staff, including your Mr. Williams whom I've met. I'm certainly impressed. If this is the caliber of your Ministry, I know that we're in very good hands and certainly knowledgeable in affairs of America.

Mr. van der Byl. Well, thank you very much. We have, I think, got very good people, and one of them is very well up to date in American affairs. I'm afraid, personally I'm rather behind in that I haven't been in America since 1948 when I was there and did a course at the Harvard Business School.

Mr. Cotten. Mr. van der Byl, how can we draw upon your Ministry to help tell your story in our country?

Mr. van der Byl. Well, we'd be very grateful if you would. We produce a large number of books and pamphlets and brochures, magazines, and films, etc., which give the background to mostly anything, but if there is ever any specific question which you would like to know about and publish the answer to, then of course, we'll always go into this in depth and in detail and give you the answer. Of course, as you probably know, we've also got an office in Washington, where one of my men, Mr. Hooper, is stationed and he can supply a good deal of this because he keeps supplies of our latest productions in his office.

Mr. Cotten. He has done a splendid job. I have had the pleasure of meeting him on more than one occasion, and using one such film. I have seen the wonderful material you have. One brochure just issued today deals with the Chiefs in the Senate. That is one that I'm certainly hoping to share with my people in America. The African Chiefs were so obviously gentlemen, well representing their people in your Senate. A specific question, if I may? How is it possible that despite sanctions, there is every evidence in your country of prosperity and plenty?

Mr. van der Byl. Well, we've got a large number of friends in the world of which I flatter myself, you are one. These people support us and would hate to see Rhodesia fall to the Communists or to encourage or foster Communism in this country. And this is a very real danger. You know the Chinese are moving into Africa to the north of us and are a threat toward us. We are extremely rich from a mineral and agricultural point of view and we have been able, because of the tremendous amount of energy and enterprise and initiative which our assumption of independence release here, which frankly, is at a level which no one ever expected really existed, that we've been able to switch to manufacturing a large number of things ourselves which formerly were imported. The number of new manufacturing corporations which have been instituted since our assumption of independence five years ago is probably in the region of four or five hundred.

Mr. Cotten. I have been very impressed with this. You can't pick up a candy bar or any article without seeing "manufactured in Rhodesia". I have found paper mills as I traveled about your country, and so on. Surely, the sanctions have resulted in your becoming a very very independent and self-contained people, and obviously, as I drive down the streets and see the cars, you know, in America, we picture you not having gasoline, for instance, you virtually have traffic jams going outside of your key cities. The cars—I think you even manufacture or assemble some of the cars here, do you not?

Mr. van der Byl. Yes, yes. We assemble them quite extensively—and as you can hear from the traffic at the moment, there really isn't any shortage of petrol.

Mr. Cotten. We have to laugh at the sanctions, and must realize they have strengthened you. At the same time we are embarrassed by your government's role in this matter. Could you tell me, are there any specific steps that we should take to help Rhodesia? You are well aware of the steps our government has taken and well aware that they are answerable in measure to world opinion manifest in the United Nations. What as deeply concerned individuals, do you feel we can do?

Mr. van der Byl. I think if every citizen of America realized that we in this country are the natural allies of America, that here in the southern part of Africa we're fighting, on a smaller scale, exactly the same type of war that you are fighting in Vietnam, and we would give you every support possible, if you were prepared to accept it. Now, of course, the initiators of the war in Vietnam, which of course are the Chinese Communists, are the very people who cause us to have terrorist incursions into this country from time to time. We put them down without much difficulty because they are far from their bases.

You, of course, in America have a much greater difficulty because you are fighting close to their bases and the task is very much harder. It seems to me the most absurd situation that where you've got a naturally friendly country and a friendly people such as we are, and where American interests own some of the best chrome mines in the world, that instead of buying your own chrome from Rhodesia at a reasonable price, America, or rather the policy of the American government, is that chrome should be bought instead from Russia because of the sanctions that are being levelled against Rhodesia. Russia is obviously not a friendly country to the United States of America, and chrome is an essential strategic material. Surely it is unwise, to say the least, to put yourselves in a position where you are reliant for a strategic and essential material which you now get from a country inimical to the American interest as opposed to America's own production in a country which is entirely friendly and well disposed towards America and asks nothing more than the banning of sanctions.

Mr. Cotten. You express that wonderfully, Mr. Minister. Our people generally are now aware of this chrome situation. We did concentrate on it—Senator Strom Thurmond, Congressman John Rarick, Congressman Utt, many of the men in our government deeply concerned about this specific matter of "building bridges," so-called, to the Soviet at the very time that we deliberately turned our backs on our own industry within your nation. It is incomprehensible—the man in the street understands this, but of course, we may change administrations, but the policies seem to continue endlessly. We will make this point when we return, and we can strengthen our position by making it abundantly clear that you are in no manner an illegal regime nor a police state. Of course, those are the liberal phrases for you people in our controlled press.

Mr. van der Byl. Well, I'd like to answer that because you are entirely correct in everything you say. I mean we are no more an illegal government than that of the United States of America. Our recent history is a repetition of what your country did two hundred years ago under George Washington and there really is substantially no difference whatsoever. With regard to the other point of being a police state, and this is of course the most absurd allegation that is made against us, in the whole of Rhodesia, there are 1,450 white policemen and 3,000 black policemen. In other words, 4,500 is the total police force of the entire country including those in entirely administrative positions dealing with the paper work and filing in the offices. To suggest that this is a police state frankly amuses us and we find very funny, if it wasn't so absurd.

Mr. Cotten. I've had the opportunity today in an interview with your Minister of Law and Order to point out that that we now have a murder in our nation's capital—every 30 hours according to recent statistics. He pointed out that in the entire nation of Rhodesia and for the entire year the figure was substantially under 200. You are simply not a lawless people. I don't believe I've seen any evidence of arms on the police. I do see your people stopped by the traffic and the Africans handle it. I see no racial tensions—absolutely no evidence of it.

Mr. van der Byl. You are entirely right. Our police are not armed except when they are actually engaged in fighting the terrorist bandits who come over from the north after they have been trained in Russia or China.

Mr. Cotten. Mr. Minister, having seen this much of your country, I'm wonderfully impressed. I've seen your eastern highlands, and just came from the wonderful Victoria Falls, which I assure you could not be overacted. It is simply stupendous. How has tourism been affected? I know this is under your ministry, and I'm interested in helping to whatever degree I can.

Mr. van der Byl. Well, this is a difficult question to answer. You can answer it both yes and no, becasue the fact of the matter is that our tourist inflow is rising at the rate of 10 to 11% per annum, which is extremely good, I think you will agree, and the position is that we are pushing on as hard as we can with development of amenities and things of that sort simply because at the moment we are tending to get as many tourists as we can cope with, but we want it to increase. I'm glad to say that a lot of visitors come from America and we're always delighted to see them, and the impression I have as I met a large number of them is that they get on very well here. They find no difficulty in getting on with the local population and they, generally speaking, enjoy themselves and get real value for their money. It is not our policy here, in fact, I'm entirely against any suggestion that the tourist industry should follow a policy which unfortunately is the case in some countries of trying to fleece American tourists. We want our American visitors to get the best value for their money in the world, and I think, by and large, this is what happens. Of course, tourism has been helped by the fact that we've been in the news, and I think particularly among American people, they see the point of view that by coming here they can in a way see their own history being repeated again in microcosm, and this naturally has an attraction apart from our normal tourist amenities.

But in other ways, of course, sanctions and all the rest of it has had an effect on slowing down this rate of increase which might well have been much higher. As you know, only two international air lines fly in here as a result of the United Nations sanctions. Incidentally, it is worthwhile knowing.

particularly for people in America, that we have in Salisbury the longest runway in the Southern Hemisphere. In other words we can take the jumbo jets and have masses of room to spare. There would be no difficulty at all if Pan American or TWA, or any other line, were to fly in here with the new jumbo jets, we can cope with it and we would be delighted to see them and we would be delighted to see hundreds—thousands—more Americans come here, because we find them the most agreeable and delightful visitors to entertain.

Mr. Cotten. Mr. Minister, many Americans speak broadly, as they find big brother government closing in on them, of migrating to Rhodesia. Could you suggest a specific step that is necesasry to take were they to entertain this concept.

Mr. van der Byl. Well, there are a number of steps. One of the best is to come out and have a look, and if having had a look and liked what you've seen, then there is nothing whatsoever to prevent you coming out and living here. Now where people have particular skills which we need in the national interest, in industry, or in scientific fields, and things of that sort, and many of the professions as well, we do have a scheme by which we assist in the cost of the passages from the country of origin to here. Now were it to be someone that is urgently needed in a particular type of job, then we bring him out and his family straight away. But when that's not the case, and the man, shall we say, comes out in his own, settles down, finds a job, and we of course, do everything we can to help him in conjunction with other ministries and with the private enterprise; and let us say he has found a job and settled down and decided he wants to bring his family out to join him, then we assist in the passages of the family as well.

But every sort of information as regards job opportunities, investment opportunities, and that sort of thing, can be obtained directly from the office in Washington, or by direct communication with the Ministry here where any query is dealt with as expeditiously and promptly as possible, and if again, there is some particular, complicated question we will answer it both in detail and in depth, as I said earlier on. We will do all we can to assist American people coming out and living here, We're delighted to welcome them.

Mr. Cotten. With the broad development that goes on in Rhodesia, the fact that you are both agricultural and mining and goodness knows what, and rapidly expanding, there is virtually no field but what a man could relate. Is that correct?

Mr. van der Byl. Yes, I'd say, by and large, that's absolutely correct. But of course, there could be certain highly technical people, such as nuclear physicists, for instance, or people who are experts such as in the space age, and say traveling to the moon, well, we have not quite got to that stage yet, but sir, anything short of that, there is certainly opportunity here.

Mr. Cotten. Now might I ask as to the professional fields, are there many instances or any instances, where they are barred by virtue of qualifications, acceptance, and that type of thing?

Mr. van der Byl. No, and what is accepted as proper qualifications in America would be accepted without question here—university degrees or trades union apprenticeship diplomas, or whatever thy are, are absolutely acceptable here. There would be no difficulty whatsoever. As you know, we speak the same language, which makes it easier still. In fact, it would be a little easier than it is for some of our other immigrants from other countries who have initially a certain amount of difficulty well known to America because so much of your population has come from Central Europe in the past. But they pick it up quite easily and in time the difficulties disappear, but from the point of view of the American, he has no difficulty whatsoever.

Mr. Cotten. I think an important point we might make at this point, Mr. Minister, and it was news to me to recognize the extent. I interviewed a Carlo Gardini, an Italian immigrant in the building trades here whose family now builds many of your beautiful buildings. For every European employee, they hire approximately 19 Africans. In other words, it is because they came here that there is work for the Africans, instead of any concept of putting them out of business.

Mr. van der Byl. That's absolutely correct. The greater number of European immigrants who come here, the more job opportunities immediately become available for the Africans. Now this, of course, is not simply in the realm of servants, and cooks, and things of that sort, but in the skilled and semiskilled jobs as well, which is desperately necessary to build up the opportunity of economic advancement for the African population. This is one of the reasons why the European or white immigration is absolutely essential. We need the skills, professional and technical, to enable us to expand the economy so as to bring the African into the realm of proper economic opportunity.

Mr. Cotten. Well, you're doing a splendid job in it. I was thrilled as an exjourneyman carpenter to see these men building a building. Your building standards are very high. Where we would have partitioned walls, you have solid walls of brick, your plumbing fixtures are good, your doors of hardwood, even solid, as opposed to our hollow core, and so on, really putting up a splendid building, and I would have to hunt to find a single European. Could you say that sanctions have really proven a blessing in disguise for your country?

Mr. van der Byl. I would say yes. You see what we've had here is a position created deliberately by sanctions where we had to live entirely within our means. In other words, everything we buy has to be paid for by cash which we have to earn in terms of foreign currency by export. Now obviously, with sanctions being brought to bear on us, exports of certain commodities have been inhibited, and therefore there has been a certain shortage of foreign currency, with the result that we have been in the same situation as other countries which have created artificial tariff barriers in order to encourage the development of secondary industry. Now this has happened, and several hundred new manufacturing corporations making everything from the assembly of motor cars, right down to things such as pencils, jam, marmalade, and literally anything that you like to think of. It has given a most tremendous boost and boom to manufacturing, and as a result, the employment which has been generated in this way, has caused ripple effects into things such as housing, which we mentioned, and every kind of service. We have certain difficulties, and this is without the slightest doubt whatsoever, but by and large, it has, as I said before, released the most fantastic energy and enterprise—more so that we ever realized existed here, and more than anything, this has welded the country into a solid unified nation.

Mr. Cotten. Mr. Minister, you made that point, made it well, and I think we should amplify it to this extent. It not only made Rhodesia one people, but that does not mean one European people and separately, one African people. You are truly one people, and it's quite remarkable to watch it operate. Your comments, if you would, on the unity of Rhodesians, black and white alike.

Mr. van der Byl. Yes, but I'm often asked this question. You appreciate that it's very long and a very complicated one, but I'll try and answer it as quickly and succintly as possible. The fact is that there are two separate cultural peoples here—the African with his own culture, his custom, and his way of life which we do not attempt to destroy. We respect it and regard it in the friendliest possible way, and he has the similar regard for our own European way of life and custom which is very similar to that of yours in the United States of America; but there is also a common feeling of unity and loyalty to this country, Rhodesia, which shows itself in tremendous racial cooperation and friendship between the two races inside, and united and aggressive hostility to the enemy from without. Now this is very easily proven by the fact that we've had these terrorist incursions inspired and organized by the communists, and almost every single time that this has happened, it has been the local, rural African population who have warned the security forces, which incidentally are both black and white too, that incursion was taking place, and within the matter of hours, we're on to it and our troops go in and clean it up. It would have been impossible to do this unless we had a total unity and feeling of solidarity between both the races as regards any external threat. It has always been the local African population who have not only warned us, but very often actually take part in the fight themselves. One or two, unfortunately have lost their lives. But the most interesting thing of all was recently one lone terrorist left from an incursion of a long time ago was captured and brought to the proper local authorities by a schoolmaster—an African schoolmaster—and a large group of his African school children overpowered this terrorist and brought him to justice. Well, if that doesn't prove my point, nothing does.

Mr. Cotten. Mr. Minister, it certainly should. In my own viewpoint, as I've watched subversive forces bring the world to the brink of destruction, seemingly bent upon a concept of one race, which of course, would be to me, in my terms, a mongrelized race, one nation which would be anti-God in its thinking, and one bank which seems to be the financial matter behind the thing, I see my own nation taking what to me are very serious steps toward a collectivist society. I've come here and I've found you turning more and more responsibilities back to the township. I compare the housing I found for the Africans in the townships, and find that's a local matter and they do pay for it. This is not simply public housing as we would have in the United States. Truly, I see you embarked on a program that I think makes sense, and shows your common sense, your dedication. Do you, indeed feel that you are at a crossroads in history, and if you do, and I'm speaking globally now—can you envision the future for Rhodesia, with all these mighty matters at stake?

Mr. van der Byl. Yes, I think you're absolutely right. We're at the crossroads, and in a way it's a watershed, because I believe that though there may be certain modifications that we will have struck the correct answer to the problems of a dual racial society in one country. Nobody is victimized, nobody is treated as inferior to anybody else, but differences are recognized and respected on both sides. Now, of course, at the most primitive end in the tribal areas, there is a sort of communal attitude to life, and this is inherent in the African village life, and that sort of thing, but when he evolves out of that, which he does as he wants, at his own pace, (he's not forced to do anything), it is into a millieu of free enterprise that he moves, cause we are a country though we have social services in that no one is allowed to starve, or die, or suffer, because they can't afford medical attention; this is provided, when it's necessary: Nonetheless, we're a free enterprise economy and initiative and energy and enterprise are rewarded by the success which is inherent in a free enterprise economy, which is precisely what you've had in America, in the past, at any rate.

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Mr. Cotten. We did have it at one time. I have seen the evidence of this when the people from the tribal areas come to the city, they must find employment, and they must be able to pay rent. I went to one community last night with 65,000 in residence. I saw no evidence of police, no evidence of breakage, I saw well-tended places, I saw a beer garden where I believe 3,000 drink beer at one time, and no evidence or any mishandling, mistreatment, hatred, etc. But these people, in turn, had to take their place in terms of the economic structure of the community. Is that correct?

Mr. van der Byl. Oh yes, they have. You see it's a tremendously rich country. There is an enormous potential and an enormous future. We haven't really, in spite of the evidence you see of prosperity and buildings and mining production and agricultural production, all the rest, we haven't yet really scratched the potential of this country. We're in the position here that America was in the 1870's, a hundred years ago, is probably analagous to what we're in now, and I don't need to tell you what's happened since then in the way of the tremendous expansion and opportunity in the United States of America. This is the position that we're in, so if anyone wants to get in on the ground floor, and they wished that they lived in the 1870's because of the opportunities that existed in America then, why I can't tell them is in existence here in Rhodesia right now.

Mr. Cotten. Mr. Minister, I thank you for this interview and hope I can be instrumental in interesting Americans in migrating to your country. I do believe one of my sons is going to come to your country very soon with a view to making it his home. I would like to have grandchildren born in your nation.

Mr. van der Byl. Well, we'll be delighted to have them.

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MR. J. H. HOWMAN, MINISTER OF DEFENSE AND FOREIGN AFFAIRS

Mr. Cotten. Today's interview is with the Minister of Foreign Affairs and Defense, a mightly impressive responsibility. It would be equivalent in our country to both the Secretary of Defense, and the Secretary of State. This is a Mr. John Howman who quite obviously would rather be called Jack. Am I correct?

Mr. Howman. Commonly called Jack Howman.

Mr. Cotten. All right. Well, thank you. Could you tell us something of your own background as a Rhodesian?

Mr. Howman. Well, I was born and bred here, Mr. Cotten. My father came up in the days of the pioneers. You know, this country was opened up much like the Western side of the United States—the great booming, clearing out of the buffalo, the spreading waves to the west. This country was occupied in much the same form. This was in 1890. He came up in 1896, and we have lived here ever since. I've been born and bred here, my wife has, and my children, they have too.

Mr. Cotten. Well, that's a wonderful background of history. I guess some people from the great trek are still living. Is that correct?

Mr. Howman. They're mostly dying out now. There are still a few—still a few old timers that knew the very beginnings, but they were small children then, of course.

Mr. Cotten. Yes, they would have been.

Mr. Howman. When you think of it, that it's only about 80 years ago now that the first white man really began to settle in and occupy Rhodesia, and this is why we're rather proud of what we've done in a little over 80 years.

Mr. Cotten. You've done a miracle, and the fact that you even exist now, with world opinion fighting you as it is, and I might say so unfairly. As the Minister of Defense, I'm particularly interested, and I think our people would be. I don't mean military secrets, but I've seen your army, you have both the Africans and the Europeans, and would you tell us a bit of what you do in terms of subversive forces, the size of the encounter, and that sort of thing.

Mr. Howman. I don't think I had better mention sizes of forces. Otherwise, I would be in serious trouble. But we have a very compact, very effective defense forces. We talk of defense, because we have no extraterritorial ambitions. We are not a threat to anybody at all. Our forces are balanced purely to defend Rhodesia. They consist of an army and an air force, small in size, compact in size, very effective for the operations that they have to face, which of course, are in support of the civil power, that is to say the police are the first order of law, and maintenance of law and order throughout the country, and we operate in support of the police. You are thinking, of course, of the terrorist incursions that we've had in the last few years. These have come across our borders. We've effectively met and overcome every incursion that has entered into Rhodesia, and I've no doubt of our capacity to meet any similar threat in the future. We have built up an army that is, I think I can say—I hope I'm not sounding boastful—second to none in how to meet, and how to operate in bush country, that is to say, in really unoccupied hard terrain, second to none in the capacity to live in the bush, to fight in the bush, and to survive in the bush. And our air force, of course, plays a tremendously important part, too, in cooperation with the army. There is a great sense of camaraderie and a sense of mission amongst all our forces, and of course, this is the strength of Rhodesia. Then allied and behind the regular forces, which I say are small, but efficient, is the whole of the defense, the territorial defense forces of all Rhodesia. That's to say all the young men, anybody over the age of 18 is liable to serve, called up for service, and he does nine months training initially. He does three months of that in learning the very basis of military training. He then does the remainder of his service patrolling, protecting the borders with army. So that every young man in Rhodesia plays a full part in the defense of Rhodesia. And of course, we have enormous advantage from this. There's no problems with the young people of Rhodesia. There is a sense of purpose, a sense of association with what we are, the whole country a sense of unity, a sense of purpose, a sense of mission. And this runs right through our young people in these days when the world seems to be in a state of anarchy and a state of confusion where the young folks in many parts of the world don't know where they are or what they are doing, or what they belong to. This we don't have.

Mr. Cotten. Now, I've noticed that you have both the Africans and the European forces working in perfect harmony with one another, and I believe you have some great traditions in Rhodesia of that harmony and effectiveness. I believe you fought some of our battles for us in World War II, if I'm correct.

Mr. Howman. Yes, indeed. In fact, it's a strange anomaly that Rhodesians played not an insignificant part in putting Emperor Haile Selassie back as Emperor of Ethiopia. We were there at the time, and we were greatly welcomed and nowadays, it seems a little bit unfortunate that we should be condemned from those sources. I personally was up at Abyssinia, as it used to be called, and we were in Burma, too, and I had quite a close association with some of your American forces there. You remember General Vinegar Joe?

Mr. Cotten. Very well.

Mr. Howman. Well, he came down the Irrawaddy and I was amongst the African forces from here. A lot of our people served in East Africa. A lot of Rhodesians like myself helped to officer the King's African Rifles, the African regiments up there, and I served in Burma at the time, and it was there when eventually we crossed into Burma which led to the defeat of Japan.

Mr. Cotten. What an incredible situation we find ourselves in. May I pose a question, and your comments, you are not only Minister of Defense, but also Minister of Foreign affairs. You do find terrorists coming in, they do have weapons which are communist weapons, clearly.

Mr. Howman. Yes. All Communist weapons.

Mr. Cotten. The same weapons we are finding in the terrorists of the Viet Cong.

Mr. Howman. Yes.

Mr. Cotten. Our boys die at the hands of the same force that your boys would die at if your terrorists were successful, and yet, in the matter of trade, we cut off trade with you, will not buy your chrome, which we need, incidentally, which is owned by American firms, as I understand, and yet we will trade with the Soviets. Now this to me is insanity. I assume it is to you, but your comments, if you would please.

Mr. Howman. To me it is tremendously tragic situation that this should be. You are quite right in saying the arms of Viet Cong—these arms the very latest that we find are the same ones that your lads meet in Vietnam, and incidentally, a number of Rhodesians have died with these weapons. We haven't escaped unscathed in any of these operations, but this is the price we pay for the defense of our country. But it is to me a tragic situation that we, as we believe firmly a Western Christian civilization, should find ourselves at odds with your great country. We have much more to contribute to the world than bickering between your country and my country. We have a great civilizing mission to perform in Africa as a whole, and the thought that we are fighting people with the same weapons that your own lads are fighting, and yet we're at odds behind their backs, is a tragic one that I think is most unfortunate.

Mr. Cotten. Mr. Minister, the grass roots people in America who have looked into this at all of course share that feeling. Unfortunately, thus far we have been a silent so-called majority, although because of these interviews and their outreach we'll hope to correct that situation. A lot of this is news to me. I expected to find you people rationed, as we were in war time. After all, you have sanctions, the civilized world has cut you off from trade, etc., etc. Now, you as Minister of Foreign Affairs, I assume it is part of your responsibility to endeavor to maintain relationships with other governments. I see nothing but a land of plenty. I see streets full of cars, shops full of merchandise, and I can't help but think that sanctions have strengthened you as a nation.

Mr. Howman. This is perfectly true. Of course, it mustn't be forgotten that Rhodesia has run herself as an independent country really from the time of our very creation, way back 80 years ago. We started, as you probably know, under a commercial company rather like the Hudson Bay Company that was the predecessor of the Dominion of Canada. We started in the same fashion, and we've been self-governing since 1923, so we've run our affairs, run our own business, as it were, without hindrance from any other country. So there is no question about capacity to continue to govern and to have a lively and happy country. You are quite right in saying that you see no shortages. We have our problems, of course. There's obviously these impediments in our trade and the antagonism shown towards us from the many countries in the world. All these don't help, but the fact remains that we have a great many more friends in the world, even nations, than they like to admit. There are a great number of countries in the world, that have the utmost good will for us, not merely the plain man that you referred to a moment ago, but governments, too. And we maintain links. We're not alone. We're not without friends, and these I think are building all the time. We're getting stronger and better as we go.

Mr. Cotten. Mr. Minister, I see every evidence of a building boom—high rise buildings, beautifully done, and I point with pride to the fact that for one European you appear to hire approximately 19 Africans in the building of the buildings. Could you comment—I believe it's obvious, but we might repeat it—that the sanctions designed to hurt the European have actually acted to hurt the African because you can't employ him if you don't have the materials to expand your economy.

Mr. Howman. This is so, I think perhaps the greatest single example of how the African is hurt in the imposition of sanction was in our tobacco industry. As you know, we produce some of the finest tobacco in the world and the most competent industry. Of course, a great amount of that tobacco is bought by Britain. Now that, of course, was cut off by the British, and has never been replaced. Now a tremendous amount of the labor counted in the production of tobacco is of the African people, and naturally with this cutback in the growing of tobacco is directly affecting the employment of those African people, and they have suffered. Again the limitations of our growth, and it hasn't been as spectacular as we would like it to be. It still has been spectacular, but still not its full potential. This has not created the job potential—the job opportunities that it should and, of course, the African people form a tremendous part of the labor, so they suffer where there is not the job opportunity. So really it is true to say that it is the African who has suffered more than the European. That's no cause for satisfaction to us, I may say, because of course the greater the employment opportunities that you have for our Africans, the greater their happiness as well. They resent sanctions as much as anybody.

Mr. Cotten. Would you care to send any personal message to the American people?

Mr. Howman. Well, I simply hope that you will continue to extend the same good will towards us as the ordinary American people have done in the past, and I hope we will be able to continue to supply you with the things that you want. You mentioned chrome. We've got it, you want it. I don't see why anybody should try to impede it.

Mr. Cotten. Maybe we can make this a major point in the platform of the men who run for election this fall, because surely, who would want to elect a Congressman who couldn't understand a situation as simple as this. Thank you again, Mr. Minister.

MR. D. W. LARDNER-BURKE, MINISTER OF LAW AND ORDER

Mr. Cotten. Today I have the opportunity to interview the Minister of Law and Order, Mr. Lardner-Burke. Many of you did share in many of the findings of Congressman John Rarick, when he was here in Rhodesia. This is the same gentleman who has some relationship to the terrorists. He will speak on that in just a minute. I should think that we might start the interview, Mr. Lardner-Burke, by commenting that in my capital in the United States of America, where police are armed, although frequently not permitted to use their arms intelligently, we are now at the point where we have a murder every 30 hours. Our crime rate, of course, is greatly accelerating. Here I have not even seen the evidence of arms among the police. Would you speak for a few minutes, if you would please, on crime conditions in Rhodesia, where I believe you are outnumbered 16 to one African to European.

Mr. Lardner-Burke. That is perfectly true, but the relationship between the Europeans and the Africans is good. You were talking about murder, well last year, we had for the whole of Rhodesia, that is for over five million population, a total number of murders of 176 during the whole year. As far as the crime is concerned, I can assure you that over the last three years, there has been a drop in crime of an average of 15%. As far as assaults are concerned, that has gone down 28%, and the amount of cases that were reported last year as compared with 1968, has dropped, I think, by 15%, indicating that the population are perfectly happy with the way we are living, and are pleased with government that has been able to bring back tranquility into their lives and to allow them to sleep well at night, which they couldn't do during the initial start of the terrorism when we had the local upsets as far as the nationalists were concerned.

Mr. Cotten. Mr. Burke, yesterday I had the opportunity to visit some of your townships in and around Salisbury. I saw one community, I believe, with as many as 65,000 Africans. I also saw the beer garden and gather that is a very important function in their activities, and yet I saw no evidence of police, no evidence of breakage, or disorder. I saw a gentle people, seemingly completely in harmony with the European community. This is so obviously inconsistent with what we have in America, where the hatred between races has been generated. Could you comment upon how this has come about, please.

Mr. Lardner-Burke. Yes, Mr. Cotten. If I go back to around about 1963–64, when we had quite a lot of internal trouble here when the national factions were arguing amongst themselves, one never saw a sporting fixture because the nationalists used to intimidate these Africans and make them go to a nearby field, for instance, to have a political meeting, and this would end up in riots, etc. Today, with having established law and order in the country, by firm but just means, we now find that we have international soccer teams. For instance, Clyde and another Scottish team have visited Rhodesia. They have played soccer right through the country, and in Salisbury, we have an enormous stadium, which holds about 20 to 30 thousand people, and again there we will see it packed and 90% of them will be Africans, 10% will be European. The team is a combination of Africans and Europeans, and we have a wonderful spirit of sportsmanship. We don't have any police around. They are completely happy, and after the game, we don't even have any fighting. They go home quietly. We also found that by being able to control these terrorists, people were frightened to go home at night because of being assaulted. They were also frightened to leave their homes because their families would be assaulted. Today they go home every night, enjoy their home life, they can go to the beer gardens, they can go to entertainment, and they have no fear whatsoever of being intimidated, or of being assaulted. And this has come about as a result of government's action, but in my opinion, because of the cooperation of the African population of this country who wish to live in peace. They have nothing against the European, the average African, and know they must live with the European to have a happy country. This is what has been brought about by the actions taken by the Rhodesian government.

Mr. Cotten. Mr. Lardner-Burke, I would like to point out that in our nation's capital now, where rape is rampant, the situation exists as this. The victim would still be on the way to the hospital, when and if the culprit were apprehended by the police, he would be released under the Bail Reform Act. This is the principle that says you are innocent until proven guilty. He does not have money for his own bail or a lawyer, so by Act of Congress, if you please, he is immediately released. He is free on bail until tried, and his trial, because of the crowded conditions in the court, might well be two or three years away. This means he returns to rape and pillage. We naturally, as citizens, don't like it. We think in terms of constitutional processes. We realize somehow we are victims. Now I do know that your government has come under criticism relative to detention. I wonder if you would share with us your concept of why detention, and how it does relate to keeping the peace.

Mr. Lardner-Burke. Well, I think I had better start first of all on your question of the bail. We originally had exactly the same concept as you, and we still have that concept of an individual is innocent until he is proven guilty, but we found that, like you have mentioned here, when he is given bail, the individual was perpetrating similar criminal acts after he had been let out. So it is now entirely to the discretion of the magistrate or the high court as to whether bail is given, and a certificate by our attorney general, can influence the position. If we feel that there is a likelihood of again perpetrating such a criminal action, we oppose bail, and the courts will agree with us, but this doesn't mean that they are put into prison. They are what they call remand prisoners who have privileges. They are not prisoners, and they are just held there for the benefit or for the security of the other population. Now, this is on the ordinary crime, but as far as the detention is concerned, that is an entirely different point of view. Detention is being put away, to take out of circulation these agitators, these intimidators, these subversionists which we have been putting up, who cause the riots and cause the murders and the rapes, and the arsons, and where given example of what action we take in this nature. I can give you a case of two who were accused of petrol bombing, and other bombing of certain premises. They had admitted that they had done it to the police, but when they were brought to court, and we always try to bring cases to court as soon as possible, because there was a technicality, a legal technicality, the courts found them not guilty. But they had admitted having done it, so therefore I, as the Minister of Law and Order, felt that I could not allow these people to be free on the public because the same things would have happened, and if anybody had been killed, I personally would be morally responsible for his death, and as a result I detained them. And this other one where we have people who are helping the terrorists who are coming out here, backed by Communist countries, by the OAU, and by the Chinese, where they come over fully armed with communists weapons, very sophisticated weapons, we do find that some of the tribesmen help them, harbor them, and that sort of thing. Well, in that case, we do detain them because of the threat to the law-abiding people, and I feel that this is not against justice. They are only there for a temporary manner. I can give you an example at one stage when the trouble was really rough, I think we had 600-odd people in detention. Today, the count is, I think 102, and I can assure you that within the next two or three months, I have papers before me to release another 60, so that by the end of the year, I should say that we would only have 40 or 50 in detention in respect of these actions.

Mr. Cotten. I have just returned from the area around Victoria Falls, and I find, of course, that is patrolled because of the likelihood of the terrorists coming in from adjoining—what is it, Zambia?

Mr. Lardner-Burke. Zambia.

Mr. Cotten. And I do find that your military is composed in large measure of Africans, enormously loyal to Rhodesia, just a beautiful thing to see, disciplined and proud, and could you speak on that just a little bit, the composition of the forces that do maintain your borders.

Mr. LARDNER-BURKE. Well, you realize that this is not my portfolio. That is the Minister of Defense's but I know the position. We have police who are doing the patrolling there, supported by the army, which consists of Europeans and Africans, most loyal individuals and most highly trained individuals. The Africans themselves are magnificent soldiers, and they have been in action against these terrorists on various occasions, and they have equipped themselves very well indeed, and have shown exactly what good soldiers they are, and how loyal they are to the country. We support the African troops. They are called the Rhodesian African Rifles, and these people are well trained and actually now unless you are a relation, it is difficult to get into the army. They are so keen to get in there, but we are able to pick and choose to the numbers we are able to keep in uniform.

Mr. COTTEN. You make an excellent point, Will you help my people picture your nation which is relatively large and you have three large cities, I believe, and under that various townships, and so on. How does your force of law and order relate to the town, the city, and the nation as a whole?

Mr. LARDNER-BURKE. Well, we have only one police force. That is a Rhodesian Police Force. It's called the British South Africa Police from the traditional days when the Charter Company took over Rhodesia before the turn of the century, and this name has stuck. Now these are composed of Africans and Europeans, and these people work as one force. They go into the areas. They are allowed in either area—there is no question of the African only going into the African areas and the European into the European. They are allowed in both and they maintain the law and order. I'd love your people to see on every week day when going to work, motor cars are stopped by African policemen to allow school children to pass across the road, so that they can get from the one side to their schools. Everybody obeys them, they take our African policeman as the instrument of maintaining law and order, and they obey their instructions, and I think if your people could see this, I'm for certain they would be so pleasantly surprised and would have nothing against Rhodesia. They would support us to the hilt in our fight against the British.

Mr. COTTEN. I'm sure you know, Mr. Burke, that the average American—the so-called silent majority—given the facts, would conclude as you so obviously do. I have been enormously impressed with everything I have seen in Rhodesia, traveling as I am with the Friends of Rhodesian Independence, a group of some 30. We have been feted beyond our wildest dreams, and I keep looking for any evidence of repression. I think we haven't seen it. Yesterday I had the opportunity to interview two of your African senators who were so impressed with some of the thoughts I shared with them—this is a vanity on my part—today they want me to meet all the African senators with a view of getting a message to our President. I asked them one question quite pointedly. Is there anyone among your people who would like the Europeans to leave, and they were most emphatic. There was no such thought at all. Is this the correct impression?

Mr. LARDNER-BURKE. This is completely correct. You will also see this from the point of view of the government's attitude, that when we as a government came in at the end of 1962, there had been an endeavor on the part of the previous government to play down the importance of the chiefs. But we realized that they are the traditional leaders of their people, and that they should have the backing of the government to the full of everything that they do, and this we have set about to do, and that is the reason that we felt that when we communicated with the chiefs that they should be a portion of the government, and that is why our new constitution provides that in the Senate we have 10 chiefs who are appointed by the council of chiefs. In other words, they appoint themselves at no government direction, and these people sit with the 13 European members, and as far as I'm concerned, the experiment is going extremely well. We have only just started this under the new constitution, you realize. I had the honor to be able to appear before the Senate the day before yesterday to reply to certain debates that had taken place, and I was most impressed with the dignity of the Senate, and the capabilities of the Senator chiefs who have been appointed, and they realize that they are the leaders, and they lead in a most democratic manner. We being here, we have heard so many times as far as the British and their constitution for Rhodesia was concerned, of this one man one vote, because that is the only way you can have democracy, but the tribal people work in a much better type of democracy. They all come around the chiefs and talk, the elders, the heads, and when they have come to the conclusion, the majority vote carries, sway. Whether a man objects or not, if the majority accepts that, then that is the wish, and the chief will implement it. So this I think is democracy working much better than any of our Western alleged democracies of one man one vote.

Mr. COTTEN. Well, it certainly is a representative government which ours purportedly would be. We fight the word "democracy" a bit to distinguish from "republic" which we think of in terms of representative government. But surely here what you have done instead of having a mob action with everybody shouting and pressuring the President, as we are getting in America, you truly have representation which in turn is theirs to select. Is that correct?

Mr. LARDNER-BURKE. That is correct. But we have only been merely talking about the Senate for a moment, but in our House of Assembly, we have made provision for the African, that is the one who is on the voter's roll to return his eight members by ordinary democratic matters by voting on a voting paper, but as far as the tribal trust people are concerned we feel that they are not educated enough to appreciate this. So we have made it into an electoral college basis, whereby the districts are divided and the chiefs, the headmen, and the members of the African councils which operate in the district, then a citizen electoral college and send to the House of Assembly their representative for that African tribal district. so that we have in the House now eight Africans representing more or less the urban areas and we have eight representing the rural areas which are the tribal trust, which have far the biggest number of Africans in the country. They far outweigh the urban Africans, and as a result, we are not getting the African point of view put over in the assembly from the people who live in those conditions and know exactly what is wanted, and I think that this is a magnificent step forward, because otherwise the African was being represented by the people who could talk most and who could bluff the people most.

Mr. COTTEN. I believe it's working beautifully. I trust that the American people will realize the implication of this, recognizing that we have been told falsely about conditions in Rhodesia, and we in turn, will bring a little pressure on our representatives to try to get the sanctions lifted. It was very kind of you to grant the interview. I assure you that America, in our hearts, know that you are right, and the day will come when these sanctions will be lifted, and we'll be restored to normal relationship with your wonderful government. Thank you again, Mr. Lardner-Burke.

MR. RICHARD PLOWDEN, UNDER SECRETARY—MINISTER OF INTERNAL AFFAIRS

Mr. COTTEN. Today I have the opportunity of bringing a very important gentleman to you, Mr. Richard Plowden, rather a long title but it also describes a very important mission; he is the Under Secretary in charge of the Department responsible for the information from the Government of the African people and vice versa. On his shoulders rests an enormous responsibility.

Mr. Plowden, may I introduce you to the Conservative Viewpoint audience.

Mr. PLOWDEN. Thank you Richard Cotten, it's a great pleasure for me to have you here and like all Americans, we welcome you and in particular for yourself, and we know what you are doing for our country in America.

Mr. COTTEN. Thank you Mr. Plowden. I think we had better get right to it, time is going to go all too short. I have learned so much from you. I thought I knew something about your country before I got here and I learned that I was absolutely a babe in woods. The early administration of the African tribes and their land and all I am sure would interest our people greatly.

Mr. PLOWDEN. Well, as you know the country was occupied by the Pioneer Column which operated under the B.S.A. Company, the British South Africa Company, and the first administrators appointed by this Company were given a very few simple instructions, principally these were, to go out into what was then known as Rhodesia, explore it, discover where the African people were living, study their language and their customs and above all, protect them from being exploited by the worse type of White man that may come in later on into the country.

Now, this was the foundation of the whole administration of this country from that day to this, in that, once the people were located their territory and their land as well as their customs was protected and this has resulted in the fact that, the African living under his own system in his own areas has been protected under every Constitution under which we have lived in Rhodesia since those early days. The European or White man in this country has always come here to live and to stay and to raise his children and to develop the country, he has had to do this with his own resources knowing that his fellow Black Rhodesian has been protected in these customs and his way of life.

Now, the African in Rhodesia has always lived under a social system based on very strong family ties with the head of the family being the oldest male person living in it, normally speaking this would be the grandfather, but each of his sons are the heads of their own families.

Now, they live in villages large and small some consisting of many hundreds of people and others consisting of only a handful of people, but each village has its own freely elected village head to whom the families living in that village take their problems, if he is unable to solve these problems for them, he can then take the parties up to the next step of the ladder which is a Headman.

On April 28, 1970, the 26-man Council of Chiefs met in Seke Tribal Trust Land outside Salisbury to elect 10 of their number—five from Mashonaland and five from Matabeleland—to the Rhodesian Senate.

The 10 Chiefs chosen to go forward as Senators are all men of wide experience and ability, and several of them have travelled extensively overseas. They will undoubtedly make a valuable contribution to the affairs of state.

Chief Kayisa (54) is from Ntabazinduna Tribal Trust Land in the Bubi District. He

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was made a chief in 1941 and appointed to the Council in 1960. He was a member of the Constitutional Council since 1961 and is chairman of Ntabazinduna African Council. He holds the Queen's Medal for Chiefs. Chief Kayisa has 11 children.

Chief Seke (49) is from Seke Tribal Trust Land in the Goromonzi District. He was appointed a chief in 1965 and appointed to the Council in 1968. He is Vice President of Seke African Council and has 10 children.

Chief Mafala (42) is from Runde Tribal Trust Land in the Shabani District. He was made a chief in 1959 and appointed to the Council in 1960. He went on the 1964 chiefs' tour to India, Pakistan and Britain. He has nine children.

Chief Sogwala (60) is from Lower Gwelo Tribal Trust Land in the Gwelo District. He was made a chief in 1956 and appointed to the Council in 1960. He was awarded the Queen's Medal during the Queen Mother's visit to Rhodesia in 1953. He has 12 children.

Chief Chirau (47) is from Zwimba Tribal Trust Land in the Sinoia District. He was made a chief in 1961 and appointed to the Council in 1968. He has 10 children.

Chief Mugabe (39), the youngest chief in the Senate, is from Victoria Tribal Trust Land in the Victoria District. He succeeded to the chieftainship in 1965 and was appointed to the Council in 1968. He was a member of the Tribal Trust Land Board until 1968 and was a member of the 1965 chiefs' tour in Europe and Britain. He has nine children.

Chief Mzimuni (60) is from Matshetshe Tribal Trust Land in the Gwanda District. He was made a chief in 1934 and appointed to the Council of Chiefs on its inception in 1960. He holds the Queens' Medal for Chiefs, the Coronation Medal, the Queen's Medal and the Bledisloe Medal for Land Husbandry. He is chairman of Matshetshe African Council.

Chief Mzimuni went on both the overseas tours by Rhodesian chiefs in 1964 and 1965. During the second World War his people raised money to contribute toward the cost of a Spitfire fighter aircraft for the Royal air force. In 1958 they gave 600 head of cattle to the new University College of Rhodesia and Nyasaland. He has four children.

Chief Mazungunye (53) is from Bikita Tribal Trust Land in the Bikita District. He was made a chief in 1965 and appointed to the Council in 1968. He has eleven children.

Chief Ngorima (43) is from Ngorima Tribal Trust Land in the Melsetter District. He succeeded to the chieftainship in 1956 and was appointed to the Council in 1960. He was a member of both chiefs' overseas tours. He has 15 children.

Chief Sigola (64) is from Umzingwane Tribal Trust Land in the Essexvale District. He was made a chief in 1945 and appointed to the Council in 1960. He was awarded the MBE in 1961 and also holds the Queen's Medal for Chiefs and the Bledisloe Medal.

Chief Spigola was a member of the Monckton Commission in 1960, the Whaley Commission in 1967–68 and is a former member of the Tribal Trust Land Board and the Natural Resources Board.

In 1965 he accompanied the Prime Minister, Mr. Ian Smith, to Britain to attend the funeral of Sir Winston Churchill. He has ten children.

It was through the efforts of the two Chiefs, Chief Sigola, and Chief Chirau, that your Editor had the opportunity to meet with these men, not once but on several occasions. As with one voice—and realize that they are truly "representative" of their people—they would ask why our nation would align itself with the evil forces that send the terrorists among them. They ask that our people come see for themselves, visit in the Tribal Trust Lands and see that they are a happy people, these African Rhodesians, and that African and European alike, they believe in Rhodesia. They full well know that the sanctions have made it very difficult for the country to grow as it would have grown without the sanctions.

Your editor had an opportunity to tell these chiefs something of conditions in Washington, D.C. They cannot imagine rampant illegitimacy and lack of basic morality. They quite properly ask, in effect, "Is this the nation that would tell us how to run our country?"

Now, a Headman is a man whom we tended to ignore in this country until his existence was confirmed by a very wise and expert American gentleman who came here to carry out a survey at the request of our Government in the late 50's and early 60's, this was Doctor Jimmy Green who was a member of A.I.D. and he was asked to come out here and look into the social system of the administration of the African people. Going on beyond the Headman we have a system of Chiefs.

Now, the Chiefs in Rhodesia are selected by their people on a hereditary basis it is quite true, but also on a semi-democratic basis in that, the majority of the Chiefs stem from a system of Houses. These Houses are the royal families being the descendants on the male side of the original Chief of the tribe and as a Chief dies so the inheritant passes to the next House down the line. Sometimes it takes many years before the people themselves decide on who their next Chief should be. Normally speaking it is the oldest surviving member of that particular House who is appointed the Chief by the people. Once of course the people have appointed their chief all we do from the Government and the administration side, is to recognize the wishes of the people and we then deal with them through their own appointed leader who they have chosen. This, of course, is different to the British Colonial system of which I am quite conversant having come from Britain, and I have been over there on courses at Universities with British Colonial officials in the past. There the tendency was to select a good man particularly if he was an ex-Government official, make him Chief and put him in charge or over people who may not belong to his own family group or even his own tribe and this tended for very bad administration. Secondly, in Rhodesia we have always worked with the Chiefs and through the Chiefs we have not tried to set them up as a separate Government nor have we made them part of the Governmental democratic party political machine. The situation now is that the Chiefs in Rhodesia who number well over 250 are the true representatives of all the Rhodesian Black people of this country, even those living in the townships and urban complexes surrounding our cities, all acknowledge the Chief to be the head of their particular family and clan.

Now, these Chiefs themselves elect on a regional basis, members who form the 26 man Chief's Council which it is the body the Government advises and negotiates with on any change in the Constitution. Our recent Republican Constitution has entrenched the position of the Chiefs even further by acceding to their wishes and permitting the Chiefs' Council to elect 10 of their members to sit in the Senate, the Upper House of the new Republican Constitution which is a 23 person House. The present Senate which is the first in Rhodesia, consists of these 10 African Chiefs and 13 White people of which 10 have been elected, 2 of them are women, 8 men therefore and 2 women and 3 are appointed by the President of the country. So we now have the system where the Chiefs can take part as their proper truly democratically recognized leaders of the people in any deliberations concerning our country.

Now, I mentioned earlier Doctor Jimmy Green. When he came to Rhodesia we asked him to look into our system of administration which at that time consisted in the Tribal Trust Lands, that part of the country I have already explained which was already occupied by the African people when we first came here and which have been enshrined in the Constitutions. We asked him to find out if we were going wrong in our human relations side in dealing with these people and he pinpointed various weaknesses in our system, the main weakness he discovered was that as a Government operating on a strict rigid central Government system working from the top downwards we were doing far too much for these people in the development spheres of their life, in other words, we tended to take upon ourselves everything that we could do for them and he proposed a purely voluntary system of community development and he first of all instituted a research programme which took two or three years to complete to find out what constituted a community and after that the Government has continued with its programme of encouraging these people within the community to do things for themselves. Of course side by side with this development people living in the European rural areas have also carried out a system of community development leading up to a local government and in the African Tribal Trust Lands there is provision for them to form their own local governments as well when they reach that stage. I can not emphasize too strongly that this has not been forced on the people, but in the meanwhile whilst they are deciding whether they wish to do these things for themselves or not, of course we maintain all the essential services already provided in these areas for them.

Mr. COTTEN. Mr. Plowden, time necessitates my interrupting this interview but if you would be kind enough we will certainly continue in similar vein another broadcast tomorrow. I know your message is getting through to our people in America and I am deeply appreciative of you sharing this time with our audience.

Mr. COTTEN. Yesterday and continued today, we share an interview with Mr. Richard Plowden, a very unique person with an enormous responsibility. He is, and there is no way to make the title shorter and be properly descriptive, the Under Secretary in charge of the Department responsible for the information from the Government to the African people and back from the African people to the Government, an enormous responsibility. Obviously he is a linguist of immense patience and talent and from the evidence of my own eyes I know he is highly respected by the African Chiefs.

Mr. Plowden, I wonder if you would share with our audience the background of these Chiefs, are they a one people, two people, when did they come to the land, how do they get along with each other, and the things of that nature.

Mr. PLOWDEN. Thank you, Richard, it is very nice to be with you again this evening. The Chiefs and the African people of Rhodesia are really three separate ethnic groups, there are two large ones and one small one. The small one are the Batonka who live along the northern part of Rhodesia but the two larger ones are known as the Shona and the Matabele. The former were known to come to Rhodesia when it was unoccupied, except by a few Bushmen and of course all the wild animals that were here in those days in the last 3 or 4 hundred years.

They moved in here slowly and settled by family groups all over the country. The Matabele passed through Rhodesia at the same time and were part of the Zulu nation of South Africa, from which nation they broke away in the last century, prior to the Pioneers coming into Rhodesia and having broken away from the Zulu nation under their leader, one Mzilikazi. They came into the southwest corner of Rhodesia and conquered the Shona people who were living there. The Matabele speak a totally different language to the Shona, the latter's language is actually connected grammatically with the language of the people of Africa stretching from Rhodesia as far north as Kenya along the East Coast.

The Matabele organized themselves as a warlike nation and actually terrorized the more peaceful Shona people. However, with the arrival of the Pioneer Column here law and order between these two language speaking groups was maintained by the Pioneers and today both groups remain very friendly. As a matter of fact, you will remember you entertained to lunch a Matabele Chief and a Shona Chief.

Mr. COTTEN. Yes, I did and I well recall asking them if there were any of the Chiefs who would like to see the Europeans leave and I got a very emphatic reply there were none according to these Chiefs, who would not even entertain the idea, that's the last thing they were wanting, is that correct?

Mr. PLOWDEN. That you are quite correct there, Richard, in fact, the existence of these two main language speaking groups is recognized not only by themselves but by the Government of this country, and you may recall that in an earlier interview, I spoke about the ten Chiefs in the Senate, well, five of those come from Mashonaland that part of the country in which the majority of the Shona speaking people live, and five are elected by the Matabele Chiefs from what we call Matabeleland. They worked extremely harmoniously together in their trips overseas to different countries in 1964 and 1965, both lots of Chiefs went together and learned and worked and were very good ambassadors for this country together.

We find that although there are differences in their language and background and some cases in their customs, they are very appreciative of the technological achievements of the White Rhodesians in this country and encourage their people to learn as much as they can, but when working with our own African people in industry and so on, we find they prefer to work in groups under their own leader rather than individually at a sort of particular assembly line job. This is all part of their custom because in their own Tribal Trust Lands if a man's fields are ready to be reaped he calls all his neighbors together, he throws a big beer party for them, they brew their own beer and everybody comes along and gives a hand, so this is the way they like to work as well.

We find particularly since the terrorists have attempted to invade our country, that this has helped to unite both the White Rhodesians and the Black Rhodesians and also to unite the Matabele and the Shona people together, anybody would do this when it comes to defending their own country and this, all people of Rhodesia are determined to do whatever the cost.

Mr. COTTEN. You spoke of their beer drinking which I know is quite central in their culture and I know some of the sanitary measures and so on; in fact, I went through a very stainless steel beer garden up near Victoria Falls which impressed me no end. I also know from your experience you have lived among these people where you were outnumbered some astronomical figure with virtually no crime in existence, would you stress this peacefulness of these people if you would please. Also the morality of the family unit which is very seriously misunderstood in America.

Mr. PLOWDEN. Well, for three years my wife and I lived as a party of community of Government officials of which there were 18 adults and we were surrounded by over 90,000 Africans who lived under the tribal system, that I have already described. Towards the end of our stay in this particular station, the crime figures dropped considerably, so much so that the strength of the Police which were 3 White men for these whole vast number of people, in fact, it was 4 but they reduced to 3 and the number of African Police who numbered 15 were dropped to 12 because this was all that was required to Police this particular area. As regards the morals of the African people, and I agree with you, Richard, it is not very well understood, but they have a very high moral code particularly regarding their women folk and one of the most serious crimes an African can commit is to comit adultery with another man's wife. Very heavy penalties are imposed by their own legal code, not ours, on seduction of young girls who eventually do not get married to the man who may have made her pregnant. Damages to the extent of 5 or 6 head of cattle which amount to up to 80 or 100 Rhodesian dollars in value can easily be paid for cases like this. Similar damages are paid to the husband if a man commits adultery with his wife. Of course, committing adultery with the wife of a Chief can cause you to be ostracized and banished from the area, that is the biggest crime of all.

So, the sanctity of women is well looked after and so is the upbringing of their children. This largely depends on the mother until the child is age 8 or 9 and it is during this period that the child is taught by example rather than by harsh disciplinary methods, to respect his parents.

The respect to parents by African children continues throughout his life and is bound up with his spiritual beliefs which would be necessary for me to spend a long time telling you about them.

Mr. COTTEN. Mr. Plowden has barely started to tell you many of his startling things, to me, I thought I knew something of Rhodesia, had some concept of your being very paternalistic in your Government. I knew you weren't abusing the African, but I had no real concept of how you were truly bringing him into your Government and he had every opportunity to express himself as he wished in his own tribal territories. These two interviews together I should think would help the average American to make it abundantly clear to his neighbor what the real conditions are in this wonderful area of Africa.

Mr. Plowden, just a closing question. Less than a minute remaining in the interview, I am beginning to gather that Rhodesia is a completely unique thing in the African continent, it is not merely another African state, your relationship to the African here has no parallel, is this correct?

Mr. PLOWDEN. Yes, this is quite correct particularly if you take it in the context of the colonial territorities whether they were British, Belgium or French, to the north of us. Here it must never be forgotten that the Government official who works his way up through the Civil Service goes home every night he doesn't go home every two years for a six month furlough. Here we sincerely try and study the people that we work with whoever they may be, we respect their customs and we try to work with them in this context. We have a system which has been denigrated I know, throughout the world of the African people and their Chiefs. We ourselves in the past have not recognized the power of these Chiefs particularly in the spiritual and judicial sphere of their traditional functions, but we have found that we cannot destroy this and they and the people are very much happier for this system and I see no reason why we should try and change whilst the people want it.

Mr. COTTEN. Thank you, Mr. Plowden, again for sharing this information and if we have the opportunity, Mr. Plowden, I am hoping that we can develop a lengthy tape of one or two hours duration that our audience could write to Conservative Viewpoint to obtain and call on their neighbors and friends and share with them the realities of the actual relationship between the African and the European Rhodesians, certainly one people in their many wonderful ways.

[*To Radio Audience*] This series can be very important if you will do your part and every other listener will do the same. Send in for the material that we share with you in this series on Rhodesia and become effective in writing your letters to your Senators and your Congressmen, and your letter to your Editors. We could very well be instrumental in seeing sanctions lifted. The very fact that we don't recognize this Government is beyond our comprehension, we cut off our friends and do business with our enemies.

FOREIGN TRADE LEGISLATION SHOULD NOT BE POSTPONED

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. SIKES. Mr. Speaker, I note with concern that consideration of foreign trade legislation is being postponed until after the November election. This is a very disappointing development and I sincerely hope that it does not reflect a lack of interest by the leadership of the House and Senate in obtaining action on this bill.

Those of us who are genuinely concerned about the increasing severity of the competition of foreign goods with those of American manufacturers have long urged the enactment of legislation which gives some measure of protection. We have seen American industries forced to the wall and American workmen thrown out of jobs as more and more foreign producers flood the American market each year with their products. We are not impressed by the argument that we should adhere to the free trade policies which have long been advocated by the State Department. In the main, they are free trade policies only insofar as the United States is concerned. Many foreign nations have for a long time blocked free entry for most U.S. goods by special taxes. It is time for the United States to protect its own interests.

An effective bill has been reported by the House Ways and Means Committee to establish quotas on textile and shoe imports and to provide for quotas on other goods, to create new export-spurring tax incentives, and to wipe out a special tariff wall now provided for some chemical products. Those of us who recognize the need for this legislation must now redouble our efforts. Legislation on this subject should without fail be considered and enacted this year. We cannot afford to wait another year for another Congress to take action which is becoming more and more essential to the survival of important segments of American industry.

JOINT ECONOMIC COMMITTEE SCHEDULES ENERGY HEARINGS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on August 13, I spoke in the House of my concern for the health of the entire energy producing sector of the economy. I indicated the intention of the Joint Economic Committee to undertake a thorough examination of energy prices and supplies.

Today I want to announce the schedule for our first 4 days of hearings on this vital subject. These hearings are scheduled to begin on Monday, October 5, and to continue on October 6, 9, and 10. A number of outstanding private experts have agreed to appear as witnesses, and we will also hear testimony from administration officials with responsibility in this area. I shall include the list of witnesses in the Record at the conclusion of my remarks.

My concern for the health of the energy sector has, if anything, grown larger since I last spoke about this. Throughout this summer we have again seen dramatic evidence of what our failure to plan ahead and to provide for adequate growth of energy supplies means to our local communities. Just last week the east coast has again experienced power shortages and "brownouts." Furthermore, we are told that this winter we may be in for severe shortages of basic fuels, not only for electric power production, but for home heating as well.

I do not believe these shortages can be entirely blamed on happenstance or on unfortunate coincidences. If the basic structure of our industry were sound, temporary interruptions in the supply of imported oil or occasional breakdowns of an electric generator would not be causes for alarm or serious inconvenience.

In our hearings, we intend to get behind the temporary and transitional factors which are getting so much publicity and examine the basic health of the entire energy sector of the economy. Our first week of hearings will focus on fuel prices and supplies. We want to know how severe the fuel shortage really is and how Government policies affect prices and supplies. Do we have too much regulation or too little? Do the various regulatory agencies cooperate with each other as they should? Are our import policies in the public interest? Does the Government do enough research aimed at developing efficient and environmentally sound methods of fuel production? Do Government policies encourage the industry to do enough research and exploration? Should the Government permit a growth of monopoly in the fuels sector? What is this apparent increase in monopoly power doing to fuel prices?

All these questions, and many others, require good, honest answers, because the answers to these questions can affect every consumer and every business in the country.

The material referred to follows:

HEARINGS ON THE ENERGY OUTLOOK: AN OVERVIEW OF PRICE AND SUPPLY

All sessions will be held in House Banking and Currency Hearing Room, 2129 Rayburn House Office Building, beginning at 10:00 a.m.

MONDAY, OCTOBER 5, 1970

Senator Lee Metcalf, Democrat, of Montana.

Walter S. Mead, University of California.

Willard Mueller, University of Wisconsin.

TUESDAY, OCTOBER 6, 1970

Paul W. McCracken, Chairman, Council of Economic Advisers.

James R. Nelson, Professor of Economics, Amherst College.

FRIDAY, OCTOBER 9, 1970

Senator Philip A. Hart, Democrat, of Michigan.

Irving Dawes, Chairman of the Executive Committee, Clark Oil & Refining Corp., Milwaukee.

Lee C. White, Semer, White & Jacobsen, Washington, D.C.

John N. Nassikas, Chairman, Federal Power Commission.

SATURDAY, OCTOBER 10, 1970

Russell J. Cameron, Cameron Engineers, Denver, Colo.

James T. Ramey, Commissioner, Atomic Energy Commission.

BANKERS SHOULD FORGET POLITICS AND LOWER PRIME INTEREST RATES TO 6 PERCENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is time the big banks stopped kidding the American people and came up with a meaningful reduction in interest rates—a reduction that will actually benefit the consumer.

As predicted, last week's prime rate reduction was accompanied by great excitement and public relations activity, all designed to indicate that the big banks were at long last condescending to give the public lower interest rates. Big front-page headlines ran in most of the Nation's dailies and the television commentators rushed forward with the glad tidings.

All of us want lower interest rates, but it ill serves the American people to indicate that a paltry one-half of 1 percent reduction in the lending rate to prime borrowers will actually bring about lower interest rates for low- and moderate-income families. The bank press releases were notably silent about the rate structure for automobile, consumer, farm, and housing loans.

The big bankers, of course, realize that a one-half of 1 percent reduction will not send a shock wave through the banking community—a shock wave of sufficient force to bring about a dramatic lowering of the cost of money. The big banks can well afford to lower interest rates to 6 percent. Their profit figures—combined with other favorable conditions in the banking community—will allow a reduction to at least 6 percent.

Under present banking conditions, it is fraud on the American people to announce a token one-half of 1 percent reduction from 8 to 7½ percent. In any other industry, the advertisements and announcements accompanying the reduction would have been subject to immediate scrutiny by the Federal Trade Commission for deceptive advertising.

I challenge the big banks to open their books—let the press take a look—and let the public decide whether they got a square deal—a fair deal—with that one-half of 1 percent lowering of the prime rate. I challenge the big banks to show a one-half of 1 percent reduction in automobile loans, home loans, or consumer loans.

Why should this one-half of 1 percent reduction be solely for the prime customers—the big corporations and the friendly speculators? Why should the American consumer—who in the end foots all the interest rate bill—depend on the reduction trickling down?

Mr. Speaker, I hope the American press will pursue this issue with vigor and not stop at the glorious announcement put forward by Morgan Guaranty Trust and others last week. I hope the press will make inquiries on behalf of the American consumer to find out who is getting the interest rate reduction.

Some of the press immediately caught the import of the public relations gimmickry involved in last week's announcement. Last Wednesday, the Washington Evening Star ran an excellent editorial cartoon, depicting an overweight banker dropping a tiny morsel of food in a dog dish with the American consumer kneeling in a pleading demeanor. The tiny morsel of food was labeled "one-half percent lending rate cut."

Mr. Speaker, it is incumbent on this Congress and the Nixon administration to see that full justice is done and interest rates rolled back to the 6 percent level existing the day President Nixon was elected. Both economic and banking conditions call for such a cut.

Bank profits are swollen, and I am convinced that the third quarter figures which will be published soon will reflect this fact fully. In addition, the banks are paying less today for their funds than they have for many months. Their holdings of high-priced Eurodollars are being reduced rapidly. Never have conditions been more favorable for greater earnings on the part of the banks. And as I have reminded the leaders of the banking community many times, the banks receive almost half of their funds in the form of demand deposits—checking accounts—on which they pay not one dime of interest. So this talk about the banks paying a high price for their money is so much hogwash.

To their great credit, there are some bankers who have been quite candid about the situation and have not attempted to delude the public about their earnings. John R. Bunting, president of the First Pennsylvania Banking & Trust Co. of Philadelphia—the first major bank to push for lower interest rates—has been quite honest in his appraisal of the banks' profit picture. I quote this significant paragraph from an article on Mr. Bunting which appeared in the September 28 issue of Time magazine:

> At the same time, the profits of major banks in the New York and Chicago money centers have been rising. Bunting says, for example, that in July and August the earnings of First Pennsylvania ran 25% ahead of

> the preceding year. Meanwhile, the profits of many corporate customers, who must borrow at 8% or more, are falling.

Mr. Bunting, unfortunately, is a distinct minority in the big banking community. In fact, the latest maneuvering on the prime rate once again calls attention to the misleading nature of the statements which are issued to the press and the public by so many of the Nation's big banks.

Three weeks ago, I wrote David Rockefeller, chairman of the board of the Chase Manhattan National Bank, urging him to lower the prime rate. Mr. Rockefeller replied, in a letter dated September 15, and the sum total of that letter was a resounding "no" to my request.

Mr. Rockefeller immediately followed up with full-page advertisements in many of the Nation's major daily newspapers. The advertisements were in the form of an open letter to Congressman WRIGHT PATMAN telling the Congress and the American public that Chase Manhattan was not lowering the prime rate.

These advertisements ran in newspapers on Friday, September 18. By the time the Morgan Guaranty opened its doors on Monday morning, September 21, the signals had been changed and the decision made to lower interest rates by that one-half of 1 percent.

Suddenly the action that Chase Manhattan said was impossible on Friday became a reality on Monday. Before the day was out, Chase had joined the parade of other big banks and lowered its prime rate, the national advertising and the letters to WRIGHT PATMAN notwithstanding. Many people might be embarrassed by such an absurd about-face, but when you are sitting on top of nearly $20 billion worth of assets, such embarrassments are easily overlooked.

It takes no great imagination to realize why the banks are blossoming forth with full-page advertisements and high-sounding statements about the economy and interest rates. On November 3, the American voters will be going to the polls and Mr. Rockefeller and many of his compatriots in the big banks would like to see the Nixon administration do well.

Mr. Rockefeller's advertisement carried some phrases which appear startlingly similar to material flowing from the Republican National Committee. In all fairness, his ad should have been marked "paid political advertisement."

In his open letter to me, Mr. Rockefeller was quick to deny any political implications. He wrote:

> You also imply that bankers allow election-year considerations to affect their banking decisions. This certainly is not the case at Chase Manhattan, and I cannot imagine that such thinking would have a part in the management of any reputable bank.

Mr. Rockefeller's denial of interest in politics is not very convincing even in his own financial circles. For example, the Wall Street Journal of September 22, in a story on the prime rate decrease, quoted a foreign banker as stating:

> The silly asses. I can only say it is too bad you people have an election coming up.

Quoting a London banker, the Wall Street Journal went on to say:

> To be charitable about it we must call it an internal affair of the U.S. intended to show that the recession is officially over and that the monetary policy is to expand the economy again to help Republican candidates.

Once again, I ask Mr. Rockefeller and his cohorts in the banking community to lay aside political considerations and move for a substantial and lasting interest rate reduction. A reduction to 6 percent—which is easily possible—can prove the sincerity of the big banks' intentions.

SLOWDOWN DOOMS AIR AND WATER POLLUTION LEGISLATION

(Mr. KING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KING. Mr. Speaker, the Democratic Party over the weekend showed that it is meeting itself coming around the corner on the issue of the environment. While a group of Democrats was meeting downtown, and casting aspersions on the Nixon administration for alleged deficiencies in meeting the pollution crisis, Democrats here in Congress were announcing a slowdown that virtually dooms the Nixon administration air and water pollution legislation.

Let us set the record straight. The clean air bill came to Congress on February 18 of this year, along with a bill to create the Environmental Financing Authority, a parklands bill, and a waste treatment facilities bill. None of these has become law simply because the Democrats have been too busy attending antipollution meetings and creating talk pollution to tend to the public's business. They are now trying to create a two-way stretch to cover up their poor record on environment legislation.

The Nixon administration is the first to declare war on environmental decay. It has taken decisive steps. Suits have been filed against oil companies, steel firms, and other industries. It has moved to halt DDT and mercury poisoning. None of this was even feebly attempted under the Johnson administration.

The Nixon administration has moved while the Democrats have sat on their hands. That is why they are meeting themselves coming around the corner—and apparently their left hand does not know that their right hand in Congress is in a sling.

PERFECT CREDIBILITY RECORD OF PRESIDENT NIXON

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the release of the statistics on the American casualty rate in Vietnam for the week ending September 19, which at 52 is again the lowest weekly rate in almost 4 years, points once again to the perfect credibility record of President Nixon. When the President announced that he was sending allied troops into Cambodia to clean out the enemy sanctuaries there, he predicted that the action would save American lives.

The sharp decline in the American casualty rate since the Cambodian operation has borne out that prediction. In the past 3 months the casualty rate has been less than 90 each week and on two occasions has matched a 4-year low.

Mr. Speaker, President Nixon has been candid and honest with the American people about Vietnam. Each time he has announced that troops would be withdrawn from Vietnam they have been withdrawn. He promised that the Cambodian operation would save American lives and it has saved American lives.

President Nixon has kept every promise he has made about the war in Vietnam. It is all the more reason that he should receive the support of Congress in his effort to achieve an honorable peace.

ANOTHER CUBAN CRISIS

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, once again we hear ominous reports of Russian military activity in Communist Cuba, this time the reported construction of a Russian nuclear submarine base. This would be an extremely dangerous development that would have to be met squarely by this country.

The Cuban missile crisis of 1962 was considered by some to be a victory for the United States. But many of us said at the time, and have contended ever since, Mr. Speaker, that this episode was a defeat for this country. The Russians may have withdrawn their missiles but apparently they exacted from the U.S. Government an understanding that the Communist Castro regime would be shielded by the United States from Cuban refugee groups operating from our shores. More importantly for Castro, we agreed not to invade Cuba. We further agreed to withdraw our missiles from Turkey.

Mr. Speaker, I commend to my colleagues' attention the following outstanding editorial from the Greenville, S.C., News which clearly makes the point that this time there must be no concessions:

[From the Greenville, (S.C.) News, Sept. 28, 1970]

THIS TIME, NO CONCESSIONS

> Strong indications that the Soviet Union is building a nuclear submarine base on Cuba show again that President Kennedy mishandled the Cuban missile crisis of 1962, a mistake President Nixon must not repeat in 1970.
>
> Having flopped badly on the disastrous Bay of Pigs expedition by failing to provide air cover for landing forces, President Kennedy made a big show of "standing up" to Russia when offensive missiles were found on Cuba in October 1962. He drew applause by getting Khruschev to withdraw the missiles, but paid too big a price for the "victory."
>
> The Kennedy commitment to protect the Castro Communist government of Cuba from overthrow by Cuban refugees has resulted in nothing but trouble ever since. The retired Khrushchev regards the results of the 1962 crisis as the greatest accomplishment of his regime because, as he said, it guaranteed the permanence of a Communist government and a Soviet base on Cuba.

Ever since that time Cuba has been a training ground and base of operations for subversives and terrorists in most Latin American countries and for Marxist organizations fomenting trouble in the United States. Much of the unrest, including campus violence, bombings and murders, in this country is linked to the infamous Tri-Continental Congress organizations based in Havana and sponsored by the Castro government.

The current Russian military activity on Cuba is the latest threat to stem from the Kennedy guarantee of protection for Castro.

As the White House said, a permanent submarine base on Cuba would be an offensive military installation. It would allow nuclear-powered Soviet subs, carrying atomic missiles to roam freely throughout the Caribbean Sea and along the Atlantic Coast. The mobile missile threat would be greater than the fixed-base threat of 1962.

It has to be stopped.

White House reaction to the Pentagon's report was surprisingly mild. Perhaps the administration hopes that viewing a sub base "with utmost seriousness" will cause the Russians to cease the offensive military activity.

Chances are this won't be enough. The Russians are not noted for backing away from offensive activity just because somebody views it with "seriousness." It probably will take a stronger prod than that, and the Russians can be expected to seek concessions, even if they do call off the base, just as they did in 1962.

If the Russians are building a sub-base on Cuba, the Nixon administration and the American people are in for a tough test of strength and determination. This time the American position should be clear and unmistakable.

President Nixon should tell the Russians that, come what may, there will be no Soviet sub-base on Cuba and no concessions made in order to prevent it.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Inventions in the United States are coming at a faster and faster rate. During the period from 1946–1950, 144,076 patents for inventions were issued compared to 259,971 from 1961–1965. In 1968 alone there were were nearly 60,000 patented inventions. This points up America's ever-increasing technological achievements.

CONFERENCE REPORT ON H.R. 17123

Mr. RIVERS submitted the following conference report and statement on the bill (H.R. 17123) authorizing appropriations for fiscal year 1971 for military procurement, research and development, and for anti-ballistic-missile construction, and prescribing Reserve strength:

CONFERENCE REPORT (H. REPT. No. 91–1473)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $292,100,000; for the Navy and the Marine Corps, $2,416,700,000; for the Air Force, $3,255,500,000.

MISSILES

For missiles: for the Army, $1,059,700,000; for the Navy, $932,400,000; for the Marine Corps, $12,800,000; for the Air Force, $1,485,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,711,900,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $205,200,000; for the Marine Corps, $47,400,000.

OTHER WEAPONS

For other weapons: for the Army, $67,200,000; *Provided*, That none of the funds authorized for appropriation by this Act shall be obligated for the procurement of M–16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources for supplying such weapons will continue to be available within the United States during fiscal year 1971; for the Navy, $2,789,000; for the Marine Corps, $4,400,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,635,600,000;

For the Navy (including the Marine Corps), $2,156,300,000;

For the Air Force, $2,806,900,000; and

For the Defense Agencies, $452,800,000.

Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

Sec. 203. (a) Funds authorized for appropriation to the Department of Defense under the provisions of this or any other Act shall not be available after December 31, 1970, for payment of independent research and development or bid and proposal costs unless the work for which payment is made has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation and unless the following conditions are met—

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more than $2,000,000 of independent research and development or bid and proposal payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such contractor beginning on or after the beginning of each fiscal year of the Federal Government, and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than $250,000 of such payments during their company's last preceding fiscal year;

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement; and

(3) no payments for independent research and development or bid and proposal costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a) (1) of this section, except pursuant to the terms of that agreement.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a) (1) of this section, but no agreement is reached with any such company or product division, no payments for independent research and development or bid and proposal costs shall be made to any such company or product division during the fiscal year for which agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive, subject to appeal by such company or product division under regulations to be prescribed by the Secretary of Defense.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before March 15, 1971, and on or before March 15 of each succeeding year, setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a) (1) of this section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations;

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the independent research and development or bid and proposal payments made to major defense contractors, whether or not covered by subsection (a) (1) of this section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' independent research and development and bid and proposal programs.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306(f) of title 10, United States Code.

(e) Section 403 of Public Law 91–121 (80 Stat. 204) is hereby repealed.

Sec. 204. None of the funds authorized to be appropriated to the Department of Defense by this or any other Act may be used to finance any research project or study unless such project or study has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation.

Sec. 205. It is the sense of the Congress that—

(1) an increase in Government support of basic scientific research is necessary to preserve and strengthen the sound technological base essential both to protection of the

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national security and the solution of unmet domestic needs; and

(2) a larger share of such support should be provided hereafter through the National Science Foundation.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 47,715.

(5) The Air National Guard of the United States, 87,878.

(6) The Air Force Reserve, 47,921.

(7) The Coast Guard Reserve, 15,000.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—ANTI-BALLISTIC-MISSILE CONSTRUCTION AUTHORIZATION; LIMITATIONS ON DEPLOYMENT

SEC. 401. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Technical and supporting facilities and acquisition of real estate inside the United States, $322,000,000.

(2) Research, development, test and evaluation facilities at the Kwajalein Missile Range, $3,200,000.

(3) Military Family Housing, four hundred units, $8,800,000: Malmstrom Safeguard site, Montana, two hundred units, Grand Forks Safeguard site, North Dakota, two hundred units.

(b) There are authorized to be appropriated for the purposes of this section not to exceed $334,000,000.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1971, in the same manner as if such authorizations had been included in that Act.

(d) Within the amounts of the authorizations of military construction for Safeguard, the Secretary of the Army or his designee is authorized to provide for under such terms and conditions as he may determine, two hundred and twenty-five units of temporary family housing for occupancy on a rental basis by military and civilian personnel of the Department of Defense and their dependents at each Safeguard site in connection with any military construction and installation and checkout of system equipment which is or may hereafter be authorized at a Safeguard site, if the Secretary of the Army or his designee determines that such temporary housing is necessary in order to perform the construction and installation and checkout of system equipment, and that temporary housing is not otherwise available under reasonable terms and conditions.

SEC. 402. None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic missile system at any site other than Whiteman Air Force Base, Knobnoster, Missouri; except that funds may be obligated or expended for the purpose of initiating advanced preparation (site selection, land acquisition, site survey, and the procurement of long lead-time items) for an anti-ballistic missile system site at Francis E. Warren Air Force Base, Cheyenne, Wyoming. Nothing in the foregoing sentence shall be construed as a limitation on the obligation or expenditure of funds in connection with the deployment of an anti-ballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972.

SEC. 502. Subsection (a) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed $2,800,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

"(2) No defense article may be furnished to the South Vietnamese forces, other free world forces in Vietnam, or to local forces in Laos or Thailand with funds authorized for the use of the Armed Forces of the United States under this or any other Act unless the government of the forces to which the defense article is to be furnished shall have agreed that—

"(A) it will not, without the consent of the President—

"(i) permit any use of such article by anyone not an officer, employee, or agent of that government,

"(ii) transfer, or permit any officer, employee, or agent of that government to transfer such article by gift, sale, or otherwise, or

"(iii) use or permit the use of such article for purposes other than those for which furnished;

"(B) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government;

"(C) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such article; and

"(D) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, any such article which is no longer needed for the purposes for which it was furnished.

The President shall promptly submit a report to the Speaker of the House of Representatives and the President of the Senate on the implementation of each agreement entered into in compliance with this paragraph. The President may not give his consent under clause (A) or (D) of this paragraph with respect to any defense article until the expiration of fifteen days after written notice has been given to the Speaker of the House of Representatives and the President of the Senate regarding the proposed action of the President with respect to such article. As used in this paragraph the term 'defense article' shall have the same meaning prescribed for such term in section 644 (d) of the Foreign Assistance Act of 1961. In order to allow a reasonable period of time for the Department of Defense to comply with the requirements of this paragraph, the provisions of such paragraph shall become effective sixty days after the date of enactment of this paragraph."

SEC. 503. Of the total amount authorized to be appropriated by this Act for the procurement of the F–111 aircraft, $283,000,000 of such amount may not be obligated or expended for the procurement of such aircraft until and unless the Secretary of Defense has (1) determined that the F–111 aircraft has been subjected to and successfully completed a comprehensive structural integrity test program, (2) approved a program for the procurement of such aircraft, and (3) certified in a written report to the Committees on Armed Services of the Senate and the House of Representatives that he has made such a determination and approved such a program, and has included in such written report the basis for making such determination and approving such program.

SEC. 504. (a) Of the total amount authorized to be appropriated by this Act for the procurement of the C–5A aircraft, $200,000,000 of such amount may not be obligated or expended until after the expiration of thirty days from the date upon which the Secretary of Defense submits to the Committee on Armed Services of the Senate and the House of Representatives a plan for the expenditure of such $200,000,000. In no event may all or any part of such $200,000,000 be obligated or expended except in accordance with such plan.

(b) The $200,000,000 referred to in subsection (a) of this section, following the submission of a plan pursuant to such subsection, may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C-5A aircraft program. No part of such amount may be used for—

(1) direct cost of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $200,000,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restrictions referred to in such sentence.

(c) Any payment from such $200,000,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(d) The restrictions and controls provided for in this section with respect to the $200,000,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

Sec. 505. Section 412(b) of Public Law 86-149, as amended, is amended by inserting immediately before the word "unless" the following: ", or after December 31, 1970, to or for the use of the Navy for the procurement of torpedoes and related support equipment".

Sec. 506. (a) None of the funds authorized to be appropriated by this Act shall be used for the procurement of delivery systems specifically designed to disseminate lethal chemical or any biological warfare agents, or for the procurement of delivery system parts or components specifically designed for such purpose, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

(b)(1) Section 409(b) of Public Law 91-121, approved November 19, 1969 (83 Stat. 209), is amended—

(A) by striking out "or the open air testing of any such agent within the United States" in the material immediately preceding paragraph (1) and inserting in lieu thereof the following: "the open air testing of any such agent within the United States, or the disposal of any such agent within the United States";

(B) by striking out "transportation or testing" each time it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof "transportation, testing, or disposal"; and

(C) by inserting "or disposal" immediately after "such testing" in paragraph (4)(A).

(2) Section 409(c)(1) of such public law is amended—

(A) by striking out "deployment, or storage, or both," and inserting in lieu thereof "deployment, storage, or disposal"; and

(B) by striking out "deployment or storage" immediately after "unless prior notice of" and inserting in lieu thereof "deployment, storage, or disposal".

(3) The first sentence of section 409(c)(2) of such public law is amended by inserting ", or for the disposal of any munitions in international waters," immediately after "outside the United States".

(4) Section 409 of such public law is further amended by adding at the end thereof a new subsection as follows:

"(g) Nothing contained in this section shall be deemed to restrict the transportation or disposal of research quantities of any lethal chemical or any biological warfare agent, or to delay or prevent, in emergency situations either within or outside the United States, the immediate disposal together with any necessary associated transportation, of any lethal chemical or any biological warfare agent when compliance with the procedures and requirements of this section would clearly endanger the health or safety of any person."

(c)(1) The Secretary of Defense shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam.

(2) Of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Secretary of Defense shall request that the National Academy of Sciences submit a final report containing the results of its study and investigation to the Secretary not later than January 31, 1972. The Secretary shall transmit copies of such report to the President and the Congress, together with such comments and recommendations as he deems appropriate, not later than March 1, 1972.

(d) On and after the date of enactment of this Act, no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment unless immediate disposal is clearly necessary in an emergency, to safeguard human life. An immediate report should be made to Congress in the event of such disposal.

Sec. 507. (a) No information concerning the identity or location of the person, company, or corporation to whom any contract has been awarded by the Department of Defense shall be given to any individual, including any Member of Congress, in advance of a public announcement by the Secretary of Defense of the identity of the person, company, or corporation to whom such contract has been awarded.

(b) On and after the date of enactment of this Act, whenever the identity of the person, company, or corporation to whom any defense contract has been awarded is to be made public, the Secretary of Defense shall publicly announce that such contract has been awarded and to whom it was awarded.

Sec. 508. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time.

Sec. 509. Section 412 of Public Law 86-149, as amended, is amended by adding at the end thereof a new subsection as follows:

"(d)(1) Beginning with the fiscal year which begins July 1, 1971, and for each fiscal year thereafter, the Congress shall authorize the average annual active duty personnel strength for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the active duty personnel strength of such component for such fiscal year has been authorized by law.

"(2) Beginning with the fiscal year ending June 30, 1971, the President shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the average annual active duty strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time."

Sec. 510. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

L. Mendel Rivers,
Philip J. Philbin,
F. Edward Hébert,
Melvin Price,
Charles E. Bennett,
Samuel S. Stratton,
Leslie C. Arends,
Alvin E. O'Konski,
William G. Bray,
Bob Wilson,
Charles Gubser,

Managers on the Part of the House.

John C. Stennis,
Richard B. Russell,
Stuart Symington,
Henry M. Jackson,
Howard Cannon,
Thomas J. McIntyre,
Margaret Chase Smith,
Strom Thurmond,
John Tower,
Peter H. Dominick,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TITLE I—PROCUREMENT

Prior-year funds

Included in the Department of Defense fiscal year 1971 authorization request were items identified as "Prior Programs to be Justified" involving both procurement and R.D.T. & E. accounts for each of the several Services and Defense Agencies.

The bill as passed by the House of Representatives deleted the $334,800,000 of new authorization requested by the Departments for these various older programs. The Senate concurred in the House action in denying the Department's request for new authorization in the amount of $334,800,000. However, in addition to concurring with the House action, the Senate was of the view that the Department of Defense had failed to identify or rejustify these various prior year programs for which these amounts had previously been made available but not yet obligated. Further, it was established that these unobligated funds would not be used until some time after Fiscal Year 1971.

In view of these circumstances, the Senate in addition to agreeing with the House reduction, also reduced the requested new obligational authority by the same amount in view of the availability of these prior year funds for use during fiscal year 1971.

Although the Department of Defense objected to this Senate action as representing a departure from the "full funding" concept to the "incremental funding" concept, it was unable to persuade the conferees that this action would adversely affect procurement or research and development of the Department. Therefore, the House accepted the Senate action.

The various reductions in affected programs had previously been outlined in the Senate Report, No. 91–1016, and result in a reduction in the authorizations provided for departmental programs throughout titles I and II of the bill as agreed to by the conferees.

AIRCRAFT

Navy and Marine Corps

For the Navy, the House authorized $79 million for the procurement of the S–3A ASW aircraft. The Senate deleted all procurement funds for the S–3A but provided a corresponding amount, $79 million, for research and development on the aircraft.

The conferees agreed to restore the $79 million to the procurement account. This matter is discussed further below in the review of the conferees' action on Navy Research and Development programs.

The Senate recedes.

Air Force

The House bill had provided a $30,000,000 authorization for appropriations for Fiscal Year 1971 for an international fighter aircraft. The Senate denied this request. However, after considerable discussion, the Senate receded from its position and the conferees restored the $30,000,000 authorization.

The Congress, in the fiscal year 1970 weapons authorization law (Public Law 91–121) authorized to be appropriated $28,000,000 to initiate procurement of a Free World fighter aircraft. The intention of the Congress was to make available a fighter aircraft to meet the needs of the Free World Forces in Southeast Asia, and to accelerate the withdrawal of United States Forces from South Vietnam and Thailand.

The statutory language authorizing the initiation of this procurement stipulated that the Air Force shall "prior to the obligation of any funds appropriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense."

The conferees, in taking this action last year, emphasized their support of the request of the Deputy Secretary of Defense that "necessary adjustments" be made in "the military procurement authorization bill in order to permit the Department of Defense to proceed expeditiously with the development of a new Free World fighter aircraft by the Air Force."

The Secretary of Defense, at that time, also emphasized his conviction that this type of aircraft should be made available as quickly as possible to Free World Forces when he said:

"For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (*a*) have adequate capabilities to handle the existing threat, (*b*) be as inexpensive as feasible, and (*c*) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.

"Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.

"In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, defending against the potential North Vietnamese Mig threat."

In view of these circumstances, the Congress endorsed the action requested by the Department of Defense and provided the necessary authority for the initiation of this vital program in fiscal year 1970. However, despite the fact that the need for this type of aircraft has grown more acute, no final action has yet been taken by the Department of Defense to go forward with this procurement action.

The conferees neither appreciate nor understand the "foot dragging" that is evidently taking place in both the Department of Defense and the Air Force on this vital program.

It should not be necessary to point out that the Nixon Doctrine for providing independent nations with the equipment and weapons necessary to guarantee their independence, requires that we have available a simple and relatively inexpensive fighter aircraft. Such an air weapons system must be made available at the earliest practicable date if we are to safely withdraw United States Forces now operating and maintaining our own fighter aircraft in Southeast Asia. The availability of this type of aircraft is, in the view of the conferees a matter of the greatest urgency and should, in our national interest, be accomplished as expeditiously as possible.

The conferees, therefore, in authorizing an additional $30 million for this program, suggest and urge the Secretary of Defense to personally resolve whatever remaining problems may have heretofore prevented the Air Force from going forward with this procurement action so that these aircraft can be made available to our Free World allies as soon as humanly possible.

The conferees are unaware of any legal or procedural problem that would prevent the Secretary of Defense from reaching a final decision on this procurement action. Therefore, it is expected that such a decision will be forthcoming from the Secretary without further delay.

MISSILES

Army

The House bill in its authorization of funds for procurement of missiles for the Army provided $660.4 million for the Safeguard antiballistic missile system. The House authorization included $25 million for the advance preparation of five sites for the Modified Phase II deployment. The Senate bill provided $650.4 million for procurement for Safeguard and added language which prohibits the expenditure of funds for initiating deployment of an antiballistic missile system at any site other than Whiteman Air Force Base, Knobnoster, Mo., except that funds could be authorized for initiating advance preparation for an antiballistic missile system site at Francis E. Warren Air Force Base, Cheyenne, Wyo. The Senate provision specified that it was not to be construed as a limitation on further obligation or expenditure of funds in connection with the continued deployment of the ABM system at Grand Forks Air Force Base, N. Dak., or Malmstrom Air Force Base, Great Falls, Mont., the two sites where deployment was commenced under the authority of the fiscal 1970 authorization and will be continued under the authorization in the present bill. The Senate language in effect prohibits the advance preparation for four sites as authorized by the House bill and limits the deployment of the Safeguard system to the protection of strategic missile deterrent. The Senate conferees were adamant in their position.

In accepting the Senate amendment, the House conferees want to make very clear and to emphasize their belief that adequate protection of the national command and control function is essential to our security, and the House conferees interpret the conference action as not prohibiting follow-on studies of present and future programs to assure the survivability of this vital element of our national defense.

Section 401 of the Senate bill included authorization for military construction in connection with the Safeguard system in the amount of $334 million, of which $8.8 million is for 400 units of family housing (200 at Malmstrom and 200 at Grand Forks), $322 million for Safeguard-related construction at the approved Safeguard sites and other installations, and $3.2 million for construction at Kwajalein. The House bill contained no such construction authorization. However, the House has already approved identical dollar amounts for military construction in connection with Safeguard in its passage of the military construction authorization bill, H.R. 17604. Therefore, the House recedes.

The House bill authorized $90.3 million for procurement of the Improved Hawk missile. The Senate bill reduced the authorization for the Improved Hawk to $53.3 million, a reduction of $37 million. The conferees agreed to an authorization of $81.4 million, a restoration of $28.1 million of the proposed Senate reduction.

The Senate reduction would have deleted all of the funds for procurement of missiles during fiscal 1971, leaving only the funds for continued modification of ground-support equipment and separate engineering services.

Such action might well have resulted in a 6-month break in production, with added program costs. At the urging of the House conferees, therefore, the Senate agreed to the restoration of the $28.1 million, which is consistent with the Army's requirements under a revised procurement plan which calls for a stretchout of the initial production rate to reduce concurrency to the minimum.

In agreeing to the restoration of these funds, it is the intention of the conferees that the procurement for the fiscal 1971 buy not be consummated until the successful completion of a testing program to ensure the operational readiness of the missile subject to the approval of the Secretary of Defense.

In its request for missile funding the Army included an amount of $106 million for the Tow which which is one of the Army's heavy antitank weapons. The Army has in its inventory another heavy antitank (the Shillelagh missile) which, in range and lethality, is equal to or superior to the Tow and is presently in production at a price less than the Tow. Although the Shillelagh was developed to be fired from tanks, it can be adapted to a ground mode for the use of infantry troops or to a heliborne mode.

The House Committee felt that if this adaptation could be accomplished within a reasonable timeframe and at an acceptable cost, it would result in an eventual significant savings in present and future procurement of such a weapon. Therefore, the committee approved an amount of $106 million, not specifically for the Tow, but for a *heavy antitank weapon*, provided the Army (1) conducted tests to determine the adaptability of the Shillelagh to the infantry and heliborne modes, and (2) if affirmative results were obtained, awarded a contract for the Army's total requirement for such missiles to the low bidder in a competition between the producers of the Tow and the producers of the Shillelagh.

Although the Army did not perform the aforesaid tests, they advised the Committee that they had conducted a special and intensive reevaluation of the Tow and Shillelagh systems for the infantry and helicopter roles. The results of this review established to the satisfaction of the Army that each of these weapons should be continued in their presently developed modes. Therefore, at the request of the Senate conferees, the House recedes from its provisional approval of the $106 million for a *heavy antitank weapon* and agrees to authorize that amount for Tow funding.

Navy and Marine Corps

The House bill authorized $52.7 million for the procurement of the Sparow missile for the Navy. The Senate bill authorized $46 million, a reduction of $6.7 million.

The House recedes.

The House bill authorized $25.6 million for the procurement of the Improved Hawk missile for the Marine Corps. The Senate bill authorized $10.8 million, a reduction of $14.8 million. The missile is procured for the Marine Corps by the Army. In view of the recently revised procurement program under which the Army is proceeding, procurement of the Improved Hawk missiles for the Marine Corps could not be reasonably expected to commerce until well into FY 1972. Therefore, since it appeared that money would not actually be required until 1972 for the Marine Corps the House conferees agreed to the Senate position.

The House recedes.

Air Force

The House bill eliminated all procurement funds for the Maverick missile and called for extending the development phase for another year to allow further development prior to procurement. The Senate restored $3.1 million of the House reduction. The $3.1 million will allow retaining present contract options and the production price advantages of the current contract while additional testing is performed.

The House recedes.

The House bill authorized $15 million in procurement funds for modification of the Falcon missile. The Senate bill had denied the $15 million. The conferees agreed to a restoration of $6 million.

Naval vessels

The House included $152 million for the advance procurement of the third *Nimitz*-class nuclear-powered aircraft carrier (CVAN-70). The Senate bill deleted these funds because the President in submitting the budget indicated that funds would not be obligated until completion of a study in process to assess future requirements for attack carriers. The Conference Committee reaffirmed the findings of a Joint House-Senate Subcommittee on CVAN-70 that this new carrier is needed. However, because of the singular treatment of this carrier in the President's budget message by making a condition of the building of the carrier dependent upon the outcome of a study being undertaken by the National Security Council and because the Administration, despite many pleas, has failed to make a final decision on the carrier, the Conference decided not to include the advance procurement for the CVAN-70 in this year's authorization bill. This is without prejudice to any action in future years.

The House recedes.

The House added on to the Naval vessel construction request of the President an additional $435 million for new construction for the Navy. These additional funds will provide: one fast submarine (SSN-688 class), $166 million; long lead time procurement for an additional such submarine, $22.5 million; one submarine tender, $102 million; one destroyer tender, $103 million; two oceanographic research ships, $7.5 million; and land craft, $10 million and service craft, $24 million. The Senate bill contained no such additions but approved a Naval construction program as requested by the President with the exception of the aforementioned CVAN-70 funds which were deleted by the Senate.

The additional ship construction items authorized by the House bill were designated by the Secretary of Defense as the first priority should additional funds be made available by the Congress for the Department of Defense.

The House conferees were able to convince the Senate conferees of the necessity for this additional ship construction program in view of the critical state of the Navy, and this additional $435 million was therefore retained in the bill.

The Senate recedes.

The House bill included language which would have required that $600 million of the funds authorized for Naval vessels would be authorized to be appropriated only for expenditure in Naval shipyards. The Senate bill contained no such provision. In view of the fact that the Department of Defense and the Navy strongly objected that the limitation was unworkable, the Conference Committee agreed to eliminate this provision.

The House recedes.

The House bill included a provision that no funds should be spent for shipbuilding until the National Security Council has made its report to the President with respect to the nuclear attack aircraft carrier CVAN-70. The Senate bill had no such provision. In view of the elimination of the funds for the advance procurement for the CVAN-70, there is no further necessity for this provision.

The House recedes.

The House bill included a provision that would require the construction of the new DD-963 class destroyer at the facilities of at least two different United States shipbuilders. The Senate bill had no such provision. The addition of this language was designed to make the Navy aware of the Congressional intent that the private shipbuilding industry be encouraged on the Atlantic Coast, the Gulf Coast and the Pacific Coast. The Senate conferees were adamant in their opposition to this provision.

The House recedes.

Tracked combat vehicles

The M60A1E2 tank is a modification of the M60A1. This modification consists primarily of a new turret and barrel which permits the firing of the Shillelagh missile and the 152mm caseless round. This is the same basic firepower to be incorporated in the Main Battle Tank presently being developed.

The Army has invested more than a quarter of a billion dollars in the M60A1E2 development and the program has been plagued with problems of stability and maintainability for the past five years. However, recent test results suggest that fixes for these problems have been found, and that this can be finally determined by the Engineering and Service Testing which the Army has scheduled for the near future.

The Senate deleted the $12.1 million which the Army requested this year to continue the testing of the M60A1E2. This action would have ended the program just when there is reason to believe that it may prove successful. The House conferees felt that such action would result in the loss of almost a quarter of a billion dollars plus five years of effort and might deny the Army an interim missile firing tank which it states it urgently needs pending the deployment of the new Main Battle Tank during the late seventies and early eighties. Therefore, at the request of the House conferees the Senate conferees receded from their position and the $12.1 million was restored. However, it was the decision of the conferees that there should be no further funding of the M60-A1E2 unless the Engineering and Service Testing to be completed in 1971 establishes that the fixes proposed for this tank meet the needs of the Army.

The Army requested $67.6 million for fiscal 1971 for M60A1 procurement. The Senate reduced that amount by $10.9 million which represents the cost of 150 tank chassis which was expected to be recoverable from the M60A1E2 program which would have been terminated by the Senate action discussed above.

With the restoration of the M60A1E2 program by the conferees, the 150 tank chassis were no longer available for the M60A1 program. Therefore, at the request of the House conferees, the $10.9 million was restored.

The Senate recedes.

The House approved a Marine Corps request in the amount of $1.3 million for a training device to be used in connection with a new amphibious vehicle under development. Subsequently, the Marine Corps recommended deferral of this $1.3 million because development of the training device has not been completed. Therefore, the Senate deleted this amount and the House conferees agreed to such deletion for the abovestated reason.

Other weapons

The House bill contained a provision that none of the funds authorized shall be obligated for the procurement of M-16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources will continue to be available in the United States during fiscal year 1971. The Senate bill contained no such provision.

The Senate conferees agreed to the position of the House with the understanding that in the coming year, both Houses will give attention to developing permanent policy looking beyond fiscal year 1971 on the question of having an adequate industrial capacity for meeting procurement requirements of this kind, taking into account contingencies that might arise.

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TITLE II—RESEARCH AND DEVELOPMENT

General

Both the Senate and House modified the Research and Development budget request submitted by the Department of Defense. The original request of the Department of Defense totaled $7,401,600,000. The conferees agreed upon $7,101,600,000, or a reduction of $300 million below the amount requested by the Department of Defense. The amount agreed upon is $164 million less than that previously approved by the House and is $164.1 million above the amount recommended by the Senate.

Army

For the Army, the conferees agreed upon a total of $1,635,600,000. This reflects a reduction of $100,300,000 below the departmental request and is $10 million less than was authorized by the Congress last year.

In its initial consideration, the House reduced the Army Research and Development authorization by $88 million, leaving flexibility with the Department of Defense to apply the reductions on the basis of military priorities.

The Senate, in its review, reduced the Army authorization by $126.7 million, specifying reductions to be taken in some sixteen projects. The specific program reductions are spelled out in the Senate Report (No. 91-1016). The conferees agreed to accept the Senate reductions on all of these projects except the Cheyenne helicopter and the SAM-D missile.

In the case of the Cheyenne, the Senate receded from its position and restored the full $17.6 million requested by the Department.

For the SAM-D, the Senate receded on $8.8 million of the $15 million in disagreement. The conferees authorized appropriations totaling $83.1 million for the SAM-D program.

Close air support—roles and missions

During the conference it was brought to the attention of the conferees that a roles and missions question has arisen concerning close air support for the Army. The allegation has been made that there is competition for this mission between the Harrier aircraft, the Cheyenne helicopter and the proposed AX aircraft. The House conferees want to make their position perfectly clear and state unequivocally that they see no competition among these aircraft. The House conferees agree with the decision of the Deputy Secretary of Defense that these weapon systems are complementary and not competitive.

Main battle tank (MBT-70)

While not an item in disagreement, the House conferees are concerned about the austere support proposed by the Army for the gas turbine engine development for the Main Battle Tank (MBT-70/XM803). The proposed engine program for this tank of the future supports a "derated" diesel engine. Diesel engines of the type being developed for this important weapon system are based on technologies of the 1950's, or early 1960's, rather than the technology of this decade.

The House conferees question the wisdom of relying on past technology for weapons systems of the future rather than capitalizing on the latest technology available and that which offers greater growth potential in the future. For this reason, the House conferees strongly urge the Army to proceed with the development of the gas turbine engine for the Main Battle Tank on a basis at least equal to that of the derated diesel engine development program.

Navy and Marine Corps

The conferees agreed on $2,156,300,000. This amount is $56 million below the Departmental request and is $41 million below the amount previously recommended by the House.

In its report, the Senate identified some thirteen programs for adjustment. In the case of the S-3A aircraft, $79 million submitted in the Procurement authorization request was transferred to Research and Development because the two aircraft which the funds would buy are required initially for development and test. The Senate expressed concern that ". . . concurrency of research and development and procurement is to be avoided, and that a more orderly progression is to be achieved to insure that technical problems have been minimized by the time production is started."

The conferees agreed to leave the $79 million in the Procurement authorization with the clear understanding that these two aircraft were to be treated as Research and Development test aircraft and the action is not to be interpreted as approval for release to production of the S-3A aircraft.

The conferees urge that the Secretary of Defense consider the use of the transfer authority to transfer $79 million for the S-3A from Procurement to the R.D.T. & E. appropriation consistent with the use of these funds.

Of the remaining 12 programs adjusted by the Senate, the conferees agreed to restore the following amounts to the programs indicated:

	Millions
Defense research sciences	+$2.3
Destroyer helicopter system	+5.0
F-14 B/C	+5.2
Air launched/surface launched anti-ship missile (Harpoon)	+14.0
Point defense system development	+3.8
Advanced surface ship sonar development	+.7
Surface effect ships	+10.0

The funds restored for the F-14 aircraft program are to support the development of the advanced technology engine and are not to be used for the development of the avionics package for the F-14C aircraft.

Air Force

For the Air Force, the conferees agreed on an authorization totaling $2,806,900,000. This reflects a reduction of $120,800,000 from the amount requested by the Department of Defense. The amount agreed upon by the conferees is $102.8 million below that previously authorized by the House.

The Senate, in its report, identified 16 programs for reduction in authorization amounts. The conferees agreed to restore all or portions of the reductions on ten programs as follows:

	Millions
Innovations in education and training	+$0.2
Advanced fire control/missile technology	+2.8
Subsonic cruise armed decoy (SCAD)	+10.0
Advanced tanker	+.5
B-1	+25.0
F-111 squadrons	+6.4
Short range air-to-air missile	+5.0
Minuteman rebasing	+27.0
Armament/ordnance development	+7.0
Truck interdiction	+5.0

During the past year, there has been widespread criticism, discussion and debate concerning the schedule slippages and cost overruns of military hardware contracts. While some of the criticism has been justified, it is important for everyone to obtain a better understanding of some of the reasons why cost overruns sometimes occur by reasons beyond the control of the parties immediately concerned.

The contract that best serves both the public and contractor interest is that one which is funded at a rate which produces the maximum return for each dollar spent. When a contract is funded at either a greater or lesser level than the optimum, waste inevitably results and that waste is accompanied by schedule slippage. That is the beginning of the cost overrun.

Thus, in the case of the B-1, the House supported a Defense Department recommended funding level of $100 million for fiscal year 1971. That sum was reduced to $50 million by the Senate. In spite of urging by the House conferees, the Senate conferees did not agree to the restoration of the full sum. Thus the seeds of cost overrun have now been sown in this weapons system and the House conferees, therefore, give fair warning of this unfortunate fact.

The $6.4 million for the F-111 had been deleted by the Senate because these funds had been identified for use on the AIM-7G missile, which was later determined not to be required in fiscal year 1971. The Senate agreed to restore these funds to support development of the F-111 Aircraft.

In the case of the Short Range Air-to-Air Missile, a total of $13 million was agreed upon by the conferees to be authorized. This amount will enable the Air Force to pursue three alternatives to meet their requirement resulting from the recent Air Force cancellation of the AIM-82 program.

The Senate Conferees agreed to the full restoration of $27 million for Minuteman rebasing with the understanding that the reoriented program would exclude efforts previously planned for hard rock development.

In the case of Armament/Ordnance Development, the Secretary of Defense advised that technical difficulty has precluded development of the Hard Structure Munition in Fiscal Year 1971 but that the funds would be applied to other munitions development. The Senate conferees agreed to restore these funds based upon the redirection of this program.

Defense agencies

For Defense Agencies, the conferees agreed on an authorization totaling $452,800,000. This amount is $22.9 million less than that requested by the Department of Defense and is $7.9 million below the amount previously recommended by the House.

In its earlier report, the Senate identified several program areas for reduction. The conferees agreed to restore $7.8 million of these reductions to the Advanced Research Projects Agency (ARPA). This restoration of authorization would be applied to the Defense Research Sciences program in the amount of $4.8 million and to the Advanced Engineering Program in the amount of $3.0 million.

Independent research and development

The Senate adopted language in Section 203 which provided for the following:

(*a*) Restricted payments to contractors for independent research and development (IR&D), bidding and proposal (B&P) and other technical effort (OTE) work which is relevant to Defense functions and operations.

(*b*) Required negotiation of advance agreements with all contractors who received more than $2 million in IR&D, B&P, or OTE in their last preceding year.

(*c*) Required that negotiations of advance agreements be based on submitted plans and a technical evaluation of the IR&D portion of those agreements.

(*d*) In the event negotiations are held with any company required to enter into an advance agreement, but no agreement is reached, reimbursement would be made in an amount substantially less than the contractor otherwise would have been entitled to receive.

(*e*) The Department of Defense was required to report to Congress with regard to IR&D, B&P and OTE expenditures.

(*f*) Established a ceiling of $325 million on payments to be made pursuant to advance agreements negotiated under the act, and

(*g*) Repeal of Section 403 of the fiscal year 1970 act which limited payments for IR&D,

B&P and OTE to 93 percent of the total cost contemplated by the Department.

The House version of the bill contained no comparable language.

Early this year a House Armed Services Subcommittee held hearings and issued a report on IR&D. The Subcommittee concluded that the control of defense expenditures for IR&D, B&P and OTE could be achieved through improved administration, coupled with adequate oversight, rather than through legislation. The recommendations of the Subcommittee were similar to the Senate language with the exception of the establishment of a ceiling and the section regarding relevancy.

The Senate conferees maintained that greater congressional oversight was necessary to assure adequate controls over governmental payments for IR&D, B&P and OTE to defense contractors. The House conferees acceded to the Senate where the language coincided with its subcommittee recommendations. However, in the opinion of the House conferees, specific ceilings on the total DOD reimbursement and the language with respect to relevancy were not acceptable.

Control through restrictive congressional ceilings

The provisions of the Senate language established a ceiling of $625 million for the DOD reimbursement of IR&D, B&P and OTE costs to approximately 50 major contractors and was applicable to payments under cost type contracts only. The House conferees considered this provision as a line item in the authorizing procedure. During its hearings, it was established that such a line item provision was administratively impractical. Moreover, upon examination of the computation of the Senate ceiling amount, in the view of House conferees, it was found that it was, at best, an arbitrary amount, and there were questions as to the relationship of the ceiling with costs incurred by the affected contractors and contracts. The Senate conferees conceded to the House position and the language related to the establishment of a ceiling was deleted.

Relevancy

The House conferees agreed with the basic aim of the Senate language which required that payments should be made only for IR&D, B&P and OTE that was related to department functions or operations. However, with respect to basic research conducted as IR&D it cannot always be directly related to a DOD operation or function. Basic research is that type of research which is directed toward increase of knowledge in science rather than an application to a specific product. The development of such fundamental achievements in science is vital to military research and national interests. The House conferees were of the opinion that the relevancy phrase in the Senate language would unduly inhibit the conduct of needed basic research. The conferees agreed to delete the reference to relevancy and substitute the words "in the opinion of the Secretary of Defense, a potential relationship to a military function or operation" to assure a broad interpretation of the relationship of basic research to military requirements.

Other technical effort—OTE

The conferees agreed to eliminate legislative references to OTE because of the lack of specific definition of this category of cost. The Department in its testimony before the House Subcommittee on IR&D stated that OTE as a category of cost would no longer be used and that greater efforts would be made to correctly classify "OTE" costs as IR&D or B&P, or otherwise in the negotiation of agreements and contracts.

Relevancy of research to DOD activities

Section 204 of the Senate bill provided language identical to that contained in the fiscal year 1970 procurement act. It required that research would be conducted only on work having a direct and apparent relationship to a specific military function or operation.

The House version of the bill contained no comparable provision this year. After considering the findings in the House Subcommittee Report on R. & D., it was unanimously concluded that a comparable section should not be included because of the adverse impact of narrow interpretations of relevancy in the conduct of basic research. Accordingly, House conferees maintained that the criteria of "direct and apparent relationships" should not be used as a determining factor in the support of basic research efforts of contractors, universities, or non-profit institutions. However, the conferees agreed that applied research should have a demonstrable relevance to a military requirement.

The Senate agreed to delete the phrase "direct and apparent relationship" and substitute "in the opinion of the Secretary of Defense, a potential relationship" to offer greater assurance that *basic* research activities may be conducted to provide the broadest body of scientific knowledge to support future military needs.

Interagency Council on Domestic Applications of Defense Research

The Senate amendment contained a provision in Section 205 which, if enacted, would have established an interagency advisory council to be known as the Interagency Advisory Council on Domestic Applications of Defense Research. The Council was to be composed of eight members of various governmental departments, which would have the objective to encourage and support cooperative Department of Defense-domestic research projects.

The House bill contained no comparable provision.

The House conferees pointed out that there appears to be no need for a statutory council of this type in view of the existence of the research coordinating mechanisms of the existing Federal Council for Science and Technology and, in particular, the Department of Defense-domestic agency study group formed under the Federal Council to accomplish this particular objective. The House conferees also pointed out that no hearings had been conducted by the House Committee on Armed Services on this particular provision and therefore were unwilling to accept the Senate language without a more persuasive justification of a requirement for the creation of this new statutory body.

The Senate therefore reluctantly receded from its position and agreed to delete Section 205.

Permissive authority for research on single reentry system for Minuteman III and Poseidon

Section 206 of the Senate bill provided permissive authority for the Secretary of Defense to initiate a program of research on a single reentry vehicle system for Minuteman III and Poseidon. The section provided no additional funds but stipulated the funds would be transferred from other projects. The House bill contained no such provision.

The Senate recedes.

Increase in the level of domestic research effort

The Senate amendment included a provision as section 207 expressing the sense of Congress that an increase in government support of basic scientific research is necessary to preserve and strengthen the Nation's technology base, which in turn is essential both to the protection of the national security and the solution of unmet domestic requirements.

The resolution further provided that a larger share of the increased support that should be forthcoming should be provided through the National Science Foundation.

The language of the Senate provision also stipulated that the National Science Foundation should be provided with a 20% increase in the amount of research funds made available to it for the fiscal year beginning July 1, 1971.

The House bill contained no comparable provision.

The House conferees were generally sympathetic to the objectives reflected in the sense of Congress provision on domestic research effort. However, the House conferees pointed out that this matter had not been the subject of House Committee hearings, and therefore was not a matter on which the House members were prepared to act. The House conferees, however, were sympathetic to the objectives of this provision, and therefore agreed to accept the Senate language with an amendment reflecting the House position.

Reports to be submitted on request to Senate and House committees

Section 208 of the Senate bill contained language requiring agencies of the Federal Government to submit to the House and Senate Committees on Armed Services and the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations, a copy of any report, study, or investigation requested by such committee if the report, study, or investigation was financed in whole or in part with Federal funds and was prepared by a person outside the Federal Government. The only exception provided by the language of the Senate section would be with respect to the exercise of Executive Privilege by the President. The House bill contained no such provision.

While conferees of both houses agreed that a greater effort was advisable in the surveillance of reports prepared by outside persons or agencies financed by the Department of Defense, it was agreed that the language of the section is unnecessary as a means of obtaining compliance with requests for copies of reports and studies.

The Senate recedes.

TITLE III—RESERVE FORCES

The House bill provided that for the fiscal year ending June 30, 1971, the Selected Reserve of the Coast Guard Reserve would be programmed to attain an average strength of not less than 16,590. The corresponding section of the Senate bill provided for an average strength of the Coast Guard Reserve of 15,000.

The minimum Coast Guard Selected Reserve strength required to carry out early response wartime missions is 16,590, as determined by the Coast Guard's "Force Analysis Study" and discussed in detail in House Report No. 91-1022. Budgetary limitations have forced a reduction in the actual Selected Reserve strength from approximately 17,000 to a current level of about 15,000. The budget request of $25.9 million for fiscal year 1971, and recruiting and training capabilities, will not permit the Coast Guard to reach a Selected Reserve strength of 16,590 during fiscal year 1971. In view of this situation, the conferees have agreed on an authorized strength of 15,000 for fiscal year 1971.

However, it is the belief of the House conferees that Coast Guard Selected Reserve strength should be adjusted upward next year to the 16,590 minimum required for wartime missions, and every effort should be made by the Coast Guard to plan and fund for the attainment of that level at the earliest possible date.

The House recedes.

TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION: LIMITS ON DEPLOYMENT

The Senate bill contained a separate title IV which authorized military construction in connection with the SAFEGUARD anti-ballistic missile system and included language limiting the deployment of the SAFEGUARD to specified sites in connection with the defense of our strategic missile deterrent. The House bill contained no such separate title. For reasons indicated earlier, the House agreed to the Senate provisions of construction authority in the present bill and the inclusion of Senate language on the limitation of deployment. Therefore, the House recedes on the inclusion of a separate title in regard to the ABM.

TITLE V—GENERAL PROVISIONS

Authority for the transfer of military equipment to the State of Israel

The Senate amendment to H.R. 17123 included a new Section 501 providing the President with authority to transfer military equipment to the State of Israel. There was no comparable position in the House passed bill.

The Senate Committee on Armed Services, in recommending this provision of law, explained its action in its Committee report as follows:

"The Committee action arises out of a recognition of the deteriorating military balance and the threat to world peace resulting from the deepening involvement of the Soviet Union in the Middle East, particularly their support of a war of attrition against Israel.

"The Committee believes that the sale to Israel of aircraft, and equipment necessary to use, maintain and protect such aircraft, should be authorized at once to facilitate action by the administration consistent with our policy of support for the security of Israel. The rapidity with which the military balance in the Middle East is being adversely affected by direct Soviet intervention calls for an authority in law that would make possible the sale of arms necessary to offset any past, present or future increased military assistance to other countries of the Middle East.

"In Section 501 the Committee affirms its view that the restoration and subsequent maintenance of the military balance in the Middle East is essential to the security of Israel and to world peace. In recognition of the severe economic burden presently borne by Israel in providing for its own defense, the Committee further provides that the credit terms upon which the authorized arms should be transferred be not less favorable than the terms extended to other countries receiving the same or similar armaments."

The managers on the part of the House fully concur in the urgent need for Presidential authority of this kind. However, notwithstanding the Senate action, it is the feeling of the Conferees that an expiration date should be provided in this authorization in order that the customary periodic authorization surveillance by Congress will be maintained as in other authorizations.

In order to effect this intention of the Conferees, language was added to the original Senate language which now provides that "the authority contained in the second sentence of this section shall expire September 30, 1972."

The Congress and the Committees responsible for the granting of this authority will be required to review the need for possible extension of this authority beyond September 30, 1972.

It is further understood that the Executive Branch will provide the Congress and the Committees responsible for this authorization with a semi-annual report on the implementation and utilization of the authority provided by this new section of law.

In order to insure that there is no doubt as to the interpretation of the Senate language, the Managers on the part of the House, the Senate Conferees concurring, reiterate their understanding that the language of the Senate amendment covers ground weapons, such as missiles, tanks, howitzers, armored personnel carriers, ordnance, etc., as well as aircraft. Further, it is intended that the words "equipment appropriate to * * * protect such aircraft" in the original Senate amendment be construed broadly and that they not be narrowly interpreted by the Executive Branch as imposing a requirement that only those ground weapons which are to be deployed by Israel in the physical proximity to airfields may be acquired by Israel under the authority of this section.

Support of Southeast Asia forces

The House bill contains a provision, Section 401, providing that funds authorized under this or any other act may be used in support of Vietnamese and other Free World forces in Vietnam and local forces in Laos and Thailand and for related costs on such terms and conditions as the Secretary of Defense may determine.

The corresponding section of the Senate bill, Section 502, provides a ceiling of $2,500,000,000 on such funds and provides amendments to:

1. Provide support to Vietnamese and other Free World forces "in support of Vietnamese forces." This amendment removed the geographical limits imposed by the phrase "in Vietnam" for the purpose of border sanctuaries and related operations.

2. Provide that no funds may be used in the form of additional pay for other Free World forces in Vietnam if the amount of such payment was greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the United States armed forces. The purpose of this amendment was to insure that funds provided by the section would not provide additional pay for other Free World forces in excess of the $65 per month hostile fire pay provided for U.S. forces.

3. Prohibit the use of funds authorized in this section to support Vietnamese or other Free World forces "in actions designed to provide military support or assistance to the governments of Cambodia or Laos."

4. Provide that no defense article be furnished to the South Vietnamese or other Free World forces in Vietnam or local forces in Laos or Thailand with funds authorized pursuant to this section unless the government of those forces has agreed that such defense articles will not be transferred to a third country without notification to and the consent of the President of the United States.

The House receded from its position and accepted the amendments of the Senate, with further amendments to provide a dollar limitation of $2,800,000,000 for fiscal year 1971 and to provide that the restriction on use of funds for additional pay for other Free World forces shall not apply "to the continuation of payments of such additions to regular base pay provided for in agreements executed prior to July 1, 1970."

The conferees would like it understood that the change in the dollar limitation to $2,800,000,000,000 from the Senate ceiling is solely for the purpose of supplying flexibility to the Department of Defense should it be determined that additional money, if, made available, would have the effect of speeding up Vietnamization with the resulting possibility of more rapid withdrawal of U.S. troops.

The exception provided under the limitation of additional pay to other Free World forces is to assure that the U.S. will not renege on agreements already signed with the governments of such forces.

Requirement of certification by the Department of Defense on the structural integrity of the F-111 as a prior consideration for the obligation of funds

Section 503 of the Senate bill provides that of the funds authorized for the procurement of the F-111 aircraft, $283 million may not be obligated until the Secretary of Defense has determined that the F-111 has been subjected to and successfully completed a comprehensive structural integrity test program and has approved a program for the procurement of the aircraft and has certified the approved programs and findings to the Committees on Armed Services. The House conferees were satisfied that this provision would in no way delay the further procurement of this vitally needed aircraft; and, in fact, the Department of Defense has advised the conferees that it has no objection to this requirement and was prepared to provide the needed certification as to the readiness of the aircraft. Therefore, the House recedes.

The House conferees wish to reiterate that the agreement upon language in the bill in no way reflects agreement with the position stated in the Senate report to the effect that the procurement authorized in the present bill represents the final increment of the F-111 procurement.

It is pointed out that the funds available for the F-111 for fiscal year 1971 will not even complete the fourth wing. The House conferees are unswerving in their belief that four full wings of F-111's should be procured; and it is clear, as the earlier House report indicates, that the Air Force believes six wings are required but such have been precluded for budgetary reasons. The House conferees believe that future decisions should be made in the future, and *not* made now on an arbitrary basis. A present decision on all future requirements for the F-111 is both unnecessary and unwise.

As the report of the Senate Committee makes clear, "no other aircraft in the Air Force inventory can compete with the F-111." The House conferees, therefore, will not accept the imposition of constraint on future procurement of this aircraft and shall insist that the Department of Defense consider further procurement for fiscal year 1972 if necessary for defense requirements and that no prohibition should be placed on the Air Force in planning studies for a fifth or sixth wing.

Limitations and controls on the C-5A program

Section 504 of the Senate amendment contained language which would prohibit the obligation or expenditure of $200 million authorized to be appropriated for the procurement of the C-5A aircraft unless the Secretary of Defense submitted a plan for its expenditures to the Committees on Armed Services of the Senate and House of Representatives and such Committees approved the plan.

The House bill contained no comparable restriction or prohibition.

The conferees on the part of the House pointed out that they share the concern of the Senate in this matter. However, the action recommended by the Senate raises serious Constitutional questions in requiring that the Executive Branch come into agreement with the respective Committees on Armed Services before going forward with a discretionary action of this kind. Moreover, the Senate provision would, if enacted, have the effect of putting the Armed Services Committees in a position of acting as joint program managers on a matter which in the view of the House conferees should more

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properly be the final responsibility of the Department of Defense.

In view of these House reservations, the conferees agreed to amend the Senate language to require the submission of a proposed plan of expenditure to the Committees on Armed Services of the Senate and House of Representatives with the further requirement that none of the $200 million could be obligated or expended until after the expiration of 30 days from the date upon which the plan had been submitted to the Congress.

The balance of the Senate language containing the various prohibitions and restrictions remained unchanged. The House, therefore, recedes from its position and accepts the Senate amendment with an amendment.

Requirement of authorization legislation on naval torpedoes beginning in fiscal year 1972

Section 505 of the Senate bill would provide that after December 31, 1970, no funds will be appropriated for use by the Navy for the procurement of torpedoes and related support equipment unless the appropriations of such funds has been authorized by legislation enacted after such date. The House bill contained no such provision.

The Senate amendment is consistent with language adopted by the House last year but stricken from the conference report at the insistence of Senate conferees.

The House recedes.

Chemical and biological warfare

The Senate amendment included in Section 506, language which reaffirmed the prohibition on the procurement of CBW delivery systems contained in P.L. 91-121. However, the Senate amendment contained three additional provisions not previously appearing in the language relating to CBW last year.

Briefly, these three additions are as follows:

I. Subsection 506(b) amended last year's permanent provisions on CBW activities by making more rigid the provisions on disposal of any biological or lethal chemical agent.

II. Subsection 506(c) of the Senate language provided that the Secretary of Defense shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the danger inherent in the use of herbicides and the ecological and physiological effects of the defoliation program in South Vietnam, and

III. Section 506(d) barred future disposition of chemical and biological agents unless they have been detoxified or made harmless.

There was no comparable House provision.

The Department of Defense advised the Conferees that it had no objection to the language of the Senate amendment but was concerned over the possibility that situations could arise where immediate disposal of quantities of CBW agents or munitions would be required to assure safety to individuals. Thus, it was pointed out that the delays in disposal actions caused by the notification requirements in Section 506 could in such cases jeopardize the safety of individuals. Additionally, the disposal of small laboratory quantities of lethal agents is a daily recurring action in research and development and in such instances notification for each action through the Department of Defense to HEW and the Congress would not be feasible.

The Conferees concurred in this reservation of the Department of Defense, and, therefore, agreed to amend the Senate language to overcome these problems. The amended language appears as a new paragraph (g) and is self-explanatory.

The language is as follows:

"(g) Nothing contained in this section shall be deemed to restrict the transportation or disposal of research quantities of any lethal chemical or any biological warfare agent, or to delay or prevent, in emergency situations either within or outside the United States, the immediate disposal together with any necessary associated transportation, of any lethal chemical or any biological warfare agent when compliance with the procedures and requirements of this section would clearly endanger the health or safety of any person."

The House, therefore, recedes from its position and accepts the Senate language with an amendment.

Premature disclosure of defense contract awards

Section 507 of the Senate bill precludes the Secretary of Defense from furnishing information in advance of any public announcement to any individual concerning the identity or location of a person or corporation receiving a Defense contract. The House bill contained no such provision.

The House recedes.

Employment priority for persons affected by reductions-in-force

Section 508 of the Senate bill provides a sense of the Congress Resolution that the various executive departments will give priority in filling vacant positions with career Civil Service employees who are being displaced in the Department of Defense or other departments through reductions-in-force.

The House conferees were in agreement that this amendment had no place in the Military Procurement bill and insisted that regulations or legislation regarding Civil Service employees was properly the jurisdiction of the Post Office and Civil Service Committee. Furthermore, it should be noted that the Executive Branch is already implementing the policy proposed by the provision.

The Senate recedes.

Limitation on permanent change of station assignments

Included in the Senate language as Section 509 was a Senate floor amendment which directed the Secretary of Defense to initiate new procedures aimed at reducing the expenditures in connection with permanent change of station for military personnel.

The language of the Senate amendment also directed that there be effected "not less than a 25-percent reduction" in expenditures for permanent changes of station assignments beginning July 1, 1971, "and in each fiscal year thereafter."

The Department of Defense, in commenting on this Senate action, maintained that the enactment of this provision would "present extreme administrative and budgetary problems, as well as problems in manpower programs, especially considering the short time allowed for compliance and the turbulent situation with respect to military manpower."

The Navy advised the conferees that enactment of this provision would have a devastating impact on its already austere ship to shore rotation policy. Among other things, the Navy pointed out that—

"The Navy is a sea duty oriented force and must provide a relatively equitable opportunity for shore assignments because of the privations associated with duty at sea. There are approximately 335,000 enlisted and 37,000 officer sea billets compared to 151,000 enlisted and 41,000 officer shore billets. Increasing tour lengths of duty ashore would require disproportionate extensions at sea. There are 36 "deprived" enlisted ratings, comprising 46% of the enlisted population. Men in these ratings now spend 12 to 16 years at sea during a normal 20-year career."

The House conferees fully concur in the general objectives of the Senate language. The conferees were unanimous in their view that the Armed Services frequently require military members to change duty assignments without any genuine military requirement for such transfer. These frequently unnecessary permanent changes of assignment are essentially due to either outmoded service policy or poor management, and simply result in unnecessary expenditures of millions of dollars while at the same time causing great inconvenience and hardship to service families.

On the other hand, the House conferees concede that lack of stability in the size of the Military Establishment and the personnel movements required by our commitments in Southeast Asia and other parts of the world make acceptance of the Senate language impractical at this time. Therefore, that portion of the Senate language requiring specified reductions in expenditures was deleted by the conferees.

The House therefore recedes from its objection to the Senate amendment, with an amendment that reflects the sense of Congress that the Department of Defense must initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel.

Requirement for the annual authorization for the number of active duty personnel

Section 510 of the Senate bill provides that beginning on July 1, 1971, an authorization for the average annual active duty strength of the Armed Forces would be required as a condition precedent to the appropriation of funds for this purpose.

There was no comparable House provision.

The House conferees had no objection to the Senate language, and therefore accepted the Senate amendment.

Encouragement of contractors to use closed military facilities

Section 511 of the Senate bill requires the Secretary of Defense to encourage recipients of defense contracts to use military installations being closed and to offer employment to former employees of military installations who are unemployed as a result of such closures. House conferees believed that such a proposed policy would introduce serious complications to the Department of Defense procurement program. Most defense installations are constructed for specialized purposes and would require substantial rearrangement for production purposes. House conferees insisted on a deletion of this section.

The Senate recedes.

No change in the command structure of U.S. Armed Forces

Section 512 of the Senate bill provides that no modification or change in the command structure of the United States armed forces shall be made until the Senate and House Committees on Armed Services of the 92d Congress shall have had 60 days to examine the document known as the Fitzhugh Report. The House bill contained no such provision.

The House conferees opposed the language as unnecessary and subject to misinterpretation.

The Senate recedes.

Military Recruiting At Colleges

The bill as recommended by the Armed Services Committee and passed by the House contained language in Section 402 which would have prohibited the use of funds authorized for appropriation, to be used for grants to any institution of higher learning when the Secretary of Defense or his designee determines that recruiting personnel of the armed forces were being barred from the premises or property of such institution.

The language provided that the prohibition would not apply under circumstances in which the Secretary of Defense or his designee determines the expenditure is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort.

The language of the section also provided that the Secretaries of the military services are required to furnish to the Secretary of Defense the names of any institutions of higher learning which the Secretary determines are barring military recruiters from the campus of the institution.

The Senate amendment contained no similar provision.

The Senate conferees expressed support of the objectives of the House language but expressed concern that the language of the provision might, under certain circumstances, result in a denial of federal funds to a college or university despite the fact that neither the student nor the faculty were responsible for denying military recruiters the opportunity to be located on campus.

In view of these reservations, the House conferees agreed to modify the House language to provide that this prohibition would apply when military recruitment was "barred by the policy of the institution."

The Senate therefore recedes and accepts the House position with an amendment.

Summary

The bill as presented to the Congress by the President totaled $20,605,489,000. The bill as passed the House totaled $20,571,489,000. The bill as passed the Senate totaled $19,242,889,000.

The bill as agreed to in conference totals $19,929,089,000.

The figure arrived at by the conferees is $642,400,000 less than the bill as it passed the House, $686,200,000 more than the bill as it passed the Senate, and is $676,400,000 less than the bill as it was presented to the Congress by the President.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill and agrees to the same.

L. Mendel Rivers,
Philip J. Philbin,
F. Edward Hébert,
Melvin Price,
Charles E. Bennett,
Samuel S. Stratton,
Leslie C. Arends,
Alvin E. O'Konski,
William G. Bray,
Bob Wilson,
Charles Gubser,
Managers on the Part of the House.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper (at the request of Mr. Albert), for today, an account of official business.

Mr. McClory (at the request of Mr. Gerald R. Ford), through October 12, on account of official business.

Mr. Pirnie (at the request of Mr. Gerald R. Ford), for September 28 through October 9, on account of official business.

Mrs. Chisholm (at the request of Mr. Koch), for the week of September 28, on account of official business.

Mr. Hagan (at the request of Mr. Albert), for today, on account of official business.

Mr. Olsen (at the request of Mr. Albert), for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Rivers, for 1 hour, today; and to revise and extend his remarks and include extraneous matter.

Mr. Rarick (at the request of Mr. Preyer of North Carolina), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Schmitz) and to revise and extend their remarks and include extraneous matter:)

Mr. Cunningham, for 60 minutes, on October 1.

Mr. Conte, for 10 minutes, today.

Mrs. Heckler of Massachusetts, for 10 minutes, today.

Mr. Hall, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Randall, for 15 minutes, today.

Mr. Boland (at the request of Mr. Daniel of Virginia), for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'Neill of Massachusetts and to include extraneous matter in five instances.

Mr. Holifield.

Mr. Holifield asked and was given permission to revise and extend his remarks made in Committee of the Whole today and to include extraneous matter.

Mrs. Hansen of Washington (at the request of Mr. Holifield) and to include extraneous matter following his remarks on Reorganization Plan No. 4.

Mr. Schmitz to extend his remarks during discussion of S. 3558.

(The following Members (at the request of Mr. McCloskey) and to include extraneous matter:)

Mr. Harsha.
Mr. Derwinski.
Mr. Keith.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Abbitt.
Mrs. Sullivan in three instances.

(The following Members (at the request of Mr. Schmitz) and to include extraneous matter:)

Mr. Wold in two instances.
Mr. Price of Texas in three instances.
Mr. Burton of Utah in two instances.
Mr. Scherle in 10 instances.
Mr. Conte.
Mr. Gude.
Mr. Dickinson.
Mr. Wyman in two instances.
Mr. Eshleman.
Mr. Hosmer in two instances.
Mr. Horton in three instances.
Mr. Cramer.
Mr. Don H. Clausen.
Mr. Hastings.
Mr. Schmitz.
Mr. Findley in seven instances.
Mr. Thomson of Wisconsin.
Mr. Ashbrook.
Mr. Horton in three instances
Mr. Derwinski in two instances.

(The following Members (at the request of Mr. Preyer of North Carolina:)

Mr. Edwards of California.
Mr. Dingell in three instances.
Mr. Scheuer.
Mrs. Griffiths in two instances.
Mr. Kastenmeier.
Mr. Olsen in two instances.
Mr. Vanik in two instances.
Mr. Wolff.
Mr. Rarick in five instances
Mr. Thompson of New Jersey.
Mr. Farbstein in four instances.
Mr. Van Deerlin in three instances.

SENATE BILLS, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint resolutions and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 708. An act for the relief of Lawrence J. Nunes; to the Committee on the Judiciary.

S. 3657. An act to amend chapters 31, 34, 35, and 36 of title 38, United States Code, in order to make improvements in the vocational rehabilitation and educational programs under such chapters; to authorize an advance initial payment and prepayment of the educational assistance allowance to eligible veterans and persons pursuing a program of education under chapters 34 and 35 of such title; to establish a work-study program and work-study additional educational assistance allowance for certain eligible veterans; and for other purposes; to the Committee on Veterans' Affairs.

S. 3785. An act to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; to the Committee on Veterans' Affairs.

S. 4368. An act to extend and amend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions; to the Committee on House Administration.

S. Con. Res. 81. Concurrent resolution authorizing the printing of additional copies of Senate hearings on Copyright Law Revision (S. 597, Ninetieth Congress); to the Committee on House Administration.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 1366. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 29, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2404. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a Presidential determination authorizing an increase in military grant assistance to a country in Asia, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2405. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the fourth annual report of the Commission, covering fiscal year 1969, pursuant to section 705(d) of the Civil Rights Act of 1964 (H. Doc. 91–378); to the Committee on Education and Labor and ordered to be printed.

2406. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions—personnel and administration—for fiscal year 1970, pursuant to subsection 205 of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2407. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions program equipment and facilities for the quarter ended June 30, 1970, pursuant to subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2408. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 178, *The Confederated Tribes of the Colville Reservation, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 60 Stat. 1055, 25 U.S.C. 70t, section 21; to the Committee on Interior and Insular Affairs.

2409. A letter from the Secretary of Commerce, transmitting the seventh annual report of activities for the promotion of foreign commerce through the use of mobile trade fairs, covering fiscal year 1970, pursuant to section 212(d) of Public Law 87–839; to the Committee on Merchant Marine and Fisheries.

2410. A letter from the Comptroller General of the United States, transmitting a report on management of federally financed research by the University of Michigan—a case study; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to an order of the House on Sept. 24, 1970, the following report was filed on Sept. 25, 1970*]

Mr. MILLS: Committee on Ways and Means. H.R. 19444. A bill to authorize for a temporary period the expenditure from the airport and airway trust fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising (Rept. No. 91–1471). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to an order of the House on Sept. 24, 1970, the following report was filed on Sept. 26, 1970*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 19318. A bill to amend the Public Health Service Act to expand, improve, and better coordinate the family planning services and population research activities of the Federal Government, and for other purposes; with an amendment (Rept. No. 91–1472). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to an order of the House on Sept. 24, 1970, the following conference report was filed*]

Mr. RIVERS: Committee of conference. Conference report on H.R. 17123. An act to authorize appropriations during the fiscal year 1971 of procurement of aircraft missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 91–1473). Ordered to be printed.

[*Submitted Sept. 28, 1970*]

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1223. Resolution for consideration of H.R. 17538, a bill to extend for 1 year the act of September 30, 1965, relating to high-speed ground transportation, and for other purposes. (Rept No. 91–1474). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1224. Resolution for consideration of H.R. 18185, a bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes (Rept. No. 91–1475). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1225. Resolution for consideration of H.R. 18970, a bill to amend the tariff and trade laws of the United States, and for other purposes (Rept. No. 91–1476). Referred to the House Calendar.

Mr. FASCELL: Committee on Foreign Affairs. House Joint Resolution 1077. Joint Resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association (Rept. No. 91–1477). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 6240. A bill to amend the act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minnesota", approved December 21, 1950 (Rept. No. 91–1478). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 15069. A bill to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y. (Rept. No. 91–1479). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 18884. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes; with amendments (Rept. No. 91–1480). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clasue 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON of Texas (for himself and Mr. BUSH):

H.R. 19470. A bill to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 19471. A bill to amend the Fair Labor Standards Act of 1938, to exempt certain high wage earners; to the Committee on Education and Labor.

H.R. 19472. A bill to amend the Fair Labor Standards Act of 1938 to maintain at $500,000 the annual dollar volume test for coverage by that act of the employees of certain enterprises engaged in commerce; to the Committee on Education and Labor.

By Mr. DADDARIO:

H.R. 19473. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DINGELL:

H.R. 19474. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions; to the Committee on Interstate and Foreign Commerce.

H.R. 19475. A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19476. A bill to amend the Internal Revenue Code of 1954, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 19477. A bill to provide insurance for member accounts in State and federally chartered credit unions, and for other purposes; to the Committee on Banking and Currency.

H.R. 19478. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 19479. A bill to protect a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender; to the Committee on Post Office and Civil Service.

By Mr. SNYDER:

H.R. 19480. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 19481. A bill to strengthen equal educational opportunities for all children by providing grants to State and local educational agencies to support model school programs designed to reduce and eliminate racial isolation and to provide other improvements in the quality of education in the public schools; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 19482. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and

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promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 19483. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall require the boycotting of certain movement by aircraft in cases of international aircraft hijacking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.J. Res. 1385. Joint resolution authorizing the President to proclaim the 28th day of September of each year as "Teacher's Day"; to the Committee on the Judiciary.

By Mr. LANGEN (for himself, Mr. Fisher, Mr. Flynt, Mr. McDonald of Michigan, Mr. Buchanan, Mr. Snyder, and Mr. Dickinson):

H. Con. Res. 754. Concurrent resolution expressing the sense of the Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H. Res. 1226. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DADDARIO:

H.R. 19484. A bill for the relief of Mrs. Ellis Medlock; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 19485. A bill for the relief of Eleanor Bacon-Peck; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

603. By the SPEAKER: Petition of the general president, Laundry, Dry Cleaning and Dye House Workers' International Union, Chicago, Ill., relative to minimum wage legislation; to the Committee on Education and Labor.

604. Also, petition of the President of the Republic of Peru, expressing his appreciation for the aid of the American people to the people of Peru; to the Committee on Foreign Affairs.

605. Also, petition of Mercedes G. Vda. de Calimbas, Sulucan, Bocaue, Bulacan, Philippines, relative to increased disability compensation payments for disabled veterans; to the Committee on Veterans' Affairs.

SENATE—*Monday, September 28, 1970*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of the morning hour, of the afternoon, the evening, and the night, "under the shadow of Thy wing" we have dwelt secure and come once more to serve Thee in this place. For journeying mercies, for renewed strength, and a rekindled faith, we give Thee thanks. Free us this day from all that obstructs our doing Thy will. Command all our talents of mind and heart and will in service to the whole Nation.

Eternal God, we thank Thee for the measure of peace achieved and the promise of peace yet to come. We beseech Thee, by Thy grace, to put down the pride, greed, and anger that turn man against man and nation against nation, so that wars may be ended, the peace of Thy kingdom established, and all men call Thee Father.

In Thy holy name we pray. Amen.

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MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on September 25, 1970, the President had approved and signed the following acts and joint resolution:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 203. An act to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project;

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes.

S. 1087. An act for the relief of Vernon Louis Hoberg.

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 2806. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes;

S. 2882. An act to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona;

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga);

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3617. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development;

S. 3838. An act to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes;

S. 3997. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes;

S. 4033. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; and

S.J. Res. 67. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin.

REPORT ON SALARIES OF OFFICERS AND EMPLOYEES OF ORGANIZATIONS FUNDED UNDER THE ECONOMIC OPPORTUNITY ACT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby submit the report on salaries of officers and employees of organizations funded under the Economic Opportunity Act that is required by Section 610–1(b) of the Economic Opportunity Act as amended in 1966. The report was prepared by the Office of Economic Opportunity and covers the fiscal year that ended on June 30, 1970.

Richard Nixon.

The White House, *September 28, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law-enforcement authority in the field of drug abuse, in which it requested the concurrence of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 25, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1252.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

RANDOLPH-SHEPPARD ACT FOR THE BLIND AMENDMENTS OF 1970

The Senate proceeded to consider the bill (S. 2461) to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Randolph-Sheppard Act for the Blind Amendments of 1970."

PREFERENCE FOR VENDING FACILITIES ON FEDERAL PROPERTY

SEC. 2. Section 1 of the Act entitled "An Act to authorize the operations of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes," approved June 20, 1936 (20 U.S.C. 107), is amended to read as follows:

"SECTION 1. For the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending facilities on any Federal or other property. In authorizing the operating of vending facilities on Federal property, preference shall be given, so far as feasible, to blind persons licensed by a State agency as provided in this Act; and the head of each department of agency in control of the maintenance, operation, and protection of Federal property shall, after consultation with the Secretary and with the approval of the President, prescribe regulations designed to assure such preference (including exclusive assignment of vending machine income to achieve and protect such preference) for such licensed blind persons without adversely affecting the interests of the United States."

CONCESSION VENDING SURVEYS

SEC. 3. Section 2(a)(1) of such Act of June 20, 1936 (20 U.S.C. 107a), is amended to read as follows:

"(1) Make surveys of concession vending opportunities for blind persons on Federal and other property in the United States;"

VENDING FACILITY

SEC. 4. Such Act of June 20, 1936, is further amended by striking out "vending stand" and "stand" wherever they appear and inserting in lieu thereof "vending facility" and by striking out "vending stands" and "stands" wherever they appear and inserting in lieu thereof "vending facilities".

ELIMINATION OF AGE REQUIREMENT AND VENDING OF FOOD AND BEVERAGES

SEC. 5. Section 2(a)(4) of such Act of June 20, 1936, is amended by (1) striking out "and at least twenty-one years of age", (2) striking out "articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles as may be approved for each property by the department or agency in control of the maintenance, operation, and protection thereof and the State licensing agency in accordance with the regulations prescribed pursuant to the first section:" and inserting in lieu thereof the following: "foods, beverages, and other such articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency:".

DELETION OF CERTAIN LIMITATIONS IN LICENSING BLIND OPERATORS OF VENDING FACILITIES

SEC. 6. Section 2(b) of such Act of June 20, 1936, is amended by (1) striking out "and have resided for at least one year in the State in which such stand is located", and (2) striking out "but are able, in spite of such infirmity, to operate such stands."

PROVISION OF VENDING FACILITY LOCATIONS

SEC. 7. Section 2 of such Act is further amended by adding a new subsection (d) at the end thereof:

"(d) In the design, construction, or substantial alteration or renovation of each public building after January 1, 1971, for use by any department, agency, or instrumentality of the United States, there shall be included, after consultation with the State licensing agency, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. No space shall be rented, leased or otherwise acquired for use by any department, agency, or instrumentality of the United States after January 1, 1971, unless such space includes, after consultation with the State licensing agency, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. All departments, agencies, and instrumentalities of the United States shall consult with the Secretary (or his designee) and the State licensing agency in the design, construction, or substantial alteration or renovation of each public building used by them, and in the renting, leasing, or otherwise acquiring of space for their use, to insure that the requirements set forth in this subsection are satisfied. This subsection shall not apply (1) when the Secretary (or his designee) and the State licensing agency determine that the number of people using the property is insufficient to support a vending facility or (2) to the rental of space by the Government in a building wherein the lessor retains space for a restaurant or other establishment which would be in competition with a blind operator of a vending facility purveying food and other articles."

ARBITRATION BETWEEN OPERATORS AND LICENSING AGENCIES

SEC. 8. Section 3(6) of such Act (20 U.S.C. 107b) is amended by substituting a comma for the period at the end thereof and adding the following new wording: "including binding arbitration by three persons consisting of one person designated by the head of the State licensing agency, one person designated by the licensed blind operator, and a third person selected by the two, who shall serve as chairman."

DEFINITIONS

SEC. 9.(a) Section 6(b) of such Act (20 U.S.C. 107e) is amended to read as follows:

"(b) The term 'blind person' means a person whose central visual acuity does not exceed 20/200, in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or by an optometrist, whichever the individual shall select."

(6) Section 6 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The term 'vending facility' includes, but is not limited to, automatic vending machines, snackbars, cart service, shelters, counters, and such other appropriate auxiliary equipment (as the Secretary may by regulations prescribe) as are necessary for the sale of the articles or services referred to in section 2(a)(4), which are, or may be operated by blind licensees, and such term also includes cafeterias, but only upon a demonstration by the State licensing agency if the feasibility of the inclusion of such facilities, as evidenced by a program of training and supervision of blind licensees commensurate with the proposed operation."

ARBITRATION BETWEEN AGENCIES

SEC. 10. Such Act is further amended by redesignating section 8 (20 U.S.C. 107f) as section 9 and by inserting the following new section after section 7:

"SEC. 8. (a) An arbitration board of three persons consisting of one person designated by the Secretary who shall serve as chairman, one person designated by the head of the Federal department or agency controlling Federal property over which a dispute arises, and a third person selected by the two who is not an employee of the departments concerned shall hear appeals as provided in subsection (b) of this section.

"(b) If, in the opinion of a State licensing agency designated by the Secretary under this Act, any department or agency in control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of this Act, or any regulations issued thereunder, it may appeal to the board. The board shall, after notice and hearing, render its decision which shall be binding. If the board finds and determines that the acts or practices of any such department or agency are in violation of this Act, or the regulations issued thereunder, the head of the affected department or agency shall promptly cause such acts or practices to be terminated, and shall take such other action as may be necessary to carry out the decision of the board. All decisions of the board shall be published."

JUDICIAL REVIEW

SEC. 11. Such Act is further amended by adding the following new section:

"SEC. 10. Notwithstanding other provisions of this Act, any blind person or State licensing agency suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of this Act or other relevant statutes, shall be entitled to and shall have standing for judicial review thereof."

APPLICABILITY

SEC. 12. Such Act is further amended by adding the following new section:

"SEC. 11. Notwithstanding any other provision of law, the provisions of this Act are applicable to any agency, establishment, or other entity created within the Government of any department or agency of the United States."

EFFECTIVE DATE

SEC. 13. The amendments made by this Act shall become effective January 1, 1971.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1235), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The principal objective of this bill is to enlarge the employment opportunities of qualified blind persons through the operation of vending facilities on federally controlled property. It provides that in authorizing the operation of vending facilities on

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Federal property blind persons licensed by a State agency as provided in the act shall be given, so far as feasible, preference and requires that Government agencies in control of such properties shall prescribe regulations designed to assure such preference, including exclusive assignment of vending machine income to achieve and protect such preference. This bill also would include vending machines in the definition of a vending facility and require that, after January 1, 1971, provisions for vending facilities shall be included in the design, construction, or substantial alteration or renovation of each public building controlled by a Federal agency, insofar as is judged feasible by the Secretary of Health, Education, and Welfare in consultation with the State licensing agency.

BACKGROUND OF THE LEGISLATION

The Randolph-Sheppard Act originally was enacted by the Congress in June 1936, to establish the program granting preference to blind persons in the operation of vending stands in Federal buildings. Since 1936, the vending stand program has grown until there are approximately 3,400 blind persons in the overall effort. Thousands of critically handicapped persons have thus been given the opportunity to become self-supporting entrepreneurs over the past 34 years, and their performance has served as an inspiration to countless others who are handicapped by blindness.

At the end of fiscal year 1969, there were 836 stands on Federal properties employing 972 blind persons. In addition, following the Federal lead, the State agencies for the blind and the States vocational rehabilitation agencies which license blind operators have opened employment opportunities for concessionaires in State and municipal buildings, as well as nongovernmental buildings. There were 2,084 stands employing 2,287 blind persons on non-Federal installations last fiscal year. During the fiscal year 1968, these concessions operated by blind persons recorded a gross business of $78.9 million. The average income of the blind operators was $5,580.

Since its enactment 34 years ago in 1936, the Randolph-Sheppard vending stand act has been amended only once—in 1954—when improvements to it were included in the Vocational Rehabilitation Amendments of 1954.

Further improvements to meet changing conditions over the years, such as the rapid proliferation of automatic vending machines, have been suggested by representatives of national organizations for the blind and handicapped, as well as State agencies authorized to administer the program. These changes have been incorporated in S. 2461, together with modifications suggested by Federal authorities, for the purpose of expanding the opportunities for vending facilities operations.

S. 2461 was introduced on June 30, 1969, by Senator Randolph, and referred to the Committee on Labor and Public Welfare. The bill has 51 cosponsors. A special Subcommittee on Handicapped Workers, under the chairmanship of Senator Randolph, was appointed. Two days of hearings were held July 9 and 10, 1970, at which time testimony was submitted on the bill by 19 witnesses.

Rehabilitation Services Administration Commissioner Edward Newman testified before the committee that the bill "would extend and expand this program in its efforts to provide employment opportunities for a much greater number of blind persons."

Further information provided at the hearings indicated that: Revenues from vending stands are being jeopardized by a growing trend toward the exclusive use of automatic vending machines in some Federal buildings; Federal employee recreation and welfare groups are receiving this vending machine income for their own uses, including organized family outings; extension of the program to new and renovated federally controlled installations after January 1, 1971, could expand the present 3,400 blind vending work force to an estimated 7,500 within the next 7 years; and there is a higher incidence of blindness coming out of the Vietnam conflict than was the case in either World War II or the Korean conflict.

Although the congressional intent of the Randolph-Sheppard Act was to provide to the maximum extent possible new job opportunities for the blind, the present law does not provide for exclusive assignment of vending machine income to the vending stand operations which are competing with the machines, or to the State licensing agencies which administer the programs at the local level. The Comptroller General of the United States has, on two occasions, said that these funds from vending machines are to be regarded as commissions. Blind organizations strongly contend that such funds should be devoted to the purposes of the Randolph-Sheppard Act, or otherwise they must be miscellaneously received in the U.S. Treasury.

Because the major impetus for this legislation stems from the need to update the existing law, S. 2461 is made consistent with other Federal legislation with respect to the definition of blindness.

Support for S. 2461 was indicated during the hearings by representatives of the four Federal agencies concerned: the General Services Administration, the Rehabilitation Services Administration of the Department of Health, Education, and Welfare; the Committee on Blind-made Products; and the President's Committee on Employment of the Handicapped.

Among the organizations submitting testimony in support of S. 2461 were: The American Association of Workers for the Blind; the American Council for the Blind, the American Foundation for the Blind, General Council of Workships for the Blind; Goodwill Industries of America; International Association of Rehabilitation Facilities; National Rehabilitation Association; National Council of State Agencies for the Blind; Texas State Commission for the Blind; the President's Committee on Employment of the Handicapped; National Federation of the Blind; National Industries for the Blind; International Association of Rehabilitation Facilities; National Rehabilitation Association; National Center for Deaf-Blind Youths and Adults; and American Optometric Association.

No additional cost to the Federal Government is authorized by S. 2461.

AMENDMENT OF THE WAGNER-O'DAY ACT

The Senate proceeded to consider the bill (S. 3425) to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That the Act entitled "An Act to create a Committee on Purchase of Blind-Made Products, and for other purposes", approved June 25, 1938 (52 Stat. 1196; 41 U.S.C. 46–48), is amended by striking out all after the enacting clause and inserting in lieu of the matter stricken the following: "That there is hereby created a committee to be known as the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter referred to as the 'Committee') to be composed of two private citizens conversant with the problems incident to the employment of blind and other severely handicapped individuals and a representative of each of the following Government departments or agencies: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of the Interior, the Department of Justice, the Department of Labor, and the General Services Administration. The members of the Committee shall be appointed by the President, shall serve without additional compensation, and shall designate one of their number to be Chairman. The private citizen members of the Committee shall each be appointed for a term of five years; and such members shall be eligible for reappointment.

"SEC. 2. (a) It shall be the duty of the Committee to determine the fair market price of all suitable commodities produced and offered for sale by, and suitable services offered by, blind or other severely handicapped individuals to the Federal Government from time to time by any qualified nonprofit agency for the blind or other severely handicapped, organized under the laws of the United States or of any State, to revise such prices from time to time in accordance with changing market conditions, and to make such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency or agencies to facilitate the distribution of orders (by direct allocation, subcontract, or other means) among the qualified agencies for the blind and other severely handicapped, and other relevant matters as shall be necessary to carry out the purposes of this Act.

"(b) Rules and regulations of the Committee shall provide that, in the purchase by the Government of commodities produced and offered for sale by nonprofit agencies for the blind or other severely handicapped, priority shall be accorded to such commodities produced and offered for sale by nonprofit agencies for the blind, and that, in the purchase by the Government of services offered by nonprofit agencies for the blind or other severely handicapped, priority shall, until the close of June 30, 1976, be accorded to services offered by the blind.

"SEC. 3. All suitable commodities and suitable services hereafter procured in accordance with applicable specifications by or for any Federal department or agency shall be procured from such qualified nonprofit agencies for the blind or other severely handicapped in all cases where such commodities or services are available within the period specified at the price determined by the Committee to be the fair market price for the commodity or commodities or services so procured: *Provided*, That this Act shall not apply in any cases where suitable commodities or suitable services are available for procurement from any Federal department or agency and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this Act.

"SEC. 4. For purposes of this Act—

"(a) the term 'severely handicapped' means an individual or class of individuals who is under a physical or mental disability which (according to criteria established by the Committee after consulting with appropriate agencies of the Government and taking into account the views of non-Federal agencies representing the handicapped) constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment;

"(b) the term 'qualified', when used in reference to any nonprofit agency for the blind or other severely handicapped, means such an agency which complies with such occu-

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pational health and safety standards as are specified by the Secretary of Labor;

"(c) a commodity offered for sale by any nonprofit agency for the blind or the severely handicapped shall be considered to be produced by the blind or severely handicapped only if not less than 75 per centum of the man-hours of direct labor required for the production of such commodity was performed by blind or other severely handicapped individuals; and a service offered by any such agency shall be considered to be a service provided by the blind or severely handicapped only if not less than 75 per centum of the man-hours of direct labor entailed in the provision of such service is performed by blind or other severely handicapped individuals; and

"(d) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"SEC. 5. (a) There is hereby authorized to be appropriated to the Committee $200,000 for each fiscal year commencing with the fiscal year ending June 30, 1971, to carry out the provisions of this Act.

"(b) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis."

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the ninth month following the month in which this Act is enacted.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1236), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill has two principal objectives: First, to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference; and, second, to expand the category of contracts under which the blind and severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after the enactment of the bill.

BACKGROUND OF THE LEGISLATION

The Wagner-O'Day Act was originally enacted by the Congress in June of 1938 to provide employment opportunities for the blind in the manufacture of products to be sold to the Federal Government. In the 32 years since its enactment, it has been of inestimable value in providing workshops for the blind with contracts for blind-made products at a fair market price.

As enacted in 1938, the Wagner-O'Day Act created a presidentially appointed Committee on Purchases of Blind-made Products composed of one public member and representatives of six Federal agencies concerned with utilization of blind-made products. The committee determined the fair market price of all "brooms and mops and other suitable commodities manufactured by the blind and offered for sale to the Federal Government by any non-profitmaking agency for the blind," procurement of which shall be mandatory and authorized a central non-profit-making agency (the National Industries for the Blind) to facilitate the distribution of orders and other relevant matters of procedure.

The act has been administered by personnel from the several Federal agencies purchasing blind-made products and members of the Committee on Purchases of Blind-made Products, all of whom have had their salaries paid from funds appropriated to their individual agencies.

In the past year, fiscal year 1969, 78 workshops for the blind in 35 States sold approximately $23 million worth of goods to the Federal Government, providing employment to some 5,000 blind individuals. These products, 435 in number, covered a wide range including mops, brooms, pillow cases, military neckties, barrack bags, and signal flags. While the $23 million purchased from workshops for the blind represents less than five one-hundredths of 1 percent of the total of $49.23 billion of Federal purchases, for the blind workers assisted it represents the difference between some modicum of self-sufficiency and dependency, the difference between being a taxpayer and a tax burden.

During the past 32 years the Wagner-O'Day Act has stood without amendment. In the intervening years, techniques for utilizing the innate talents of the blind and other severely handicapped have continually improved and the realization has grown that these persons can pursue useful, productive lives rather than being institutionalized or becoming burdens upon their families.

In response to the changes of the past three decades, S. 3425 was introduced on February 10, 1970, and referred to the Committee on Commerce. On March 31, 1970, the Committee on Commerce was discharged from consideration of the bill and the measure was referred to the Committee on Labor and Public Welfare. A Special Subcommittee on Handicapped Workers, under the chairmanship of Senator Jennings Randolph of West Virginia was appointed. Two days of hearings were held on July 9 and 10, 1970, at which time testimony was submitted on the bill by 14 witnesses.

As Rehabilitation Services Administration Commissioner Edward Newman testified before the Committee, "the research clearly indicates that the expansion of the Wagner-O'Day Act will benefit many severely disabled persons other than the blind and will create thousands of new job opportunities without detracting from the original intent of the program."

Further information brought forth at the hearings included the following: Through the addition of services, workshops could further diversify the number of training programs and the types of persons served; one of the most important problems facing workshops engaged in contract work is that of obtaining sufficient work to keep their handicapped clients employed; in Japan nearly a third of that country's blind and partially blind are employed but in the United States no more than one-fifth of the blind are employed; many of the more than 120,000 Vietnam veterans now drawing compensation for service-connected disabilities would be eligible for employment in workshops having contracts under the expanded Wagner-O'Day Act; last year 6,591 disabled persons moved from sheltered workshop employment to outside work in the general economy; and Government contracts would make it possible to establish workshops in rural communities where it heretofore has not been feasible to provide such services for the blind and other severely handicapped.

The Department of Health, Education, and Welfare estimates that there are some 10,000 adult blind and some 77,000 other adult severely handicapped who form the potential work force for nonprofit agency workshops which could receive contracts under the Wagner-O'Day Act, as contemplated to be changed by S. 3425.

Support for S. 3425 was indicated during the hearings by representatives of the three Federal agencies concerned; namely, the Commitee on Blind-made Products, the Rehabilitation Services Administration of the Department of Health, Education, and Welfare, and the President's Committee on Employment of the Handicapped. Among the organizations submitting testimony in support of S. 3425 were the American Association of Workers for the Blind, the American Foundation for the Blind, the General Council of Workshops for the Blind, the Goodwill Industries of America, the International Association of Rehabilitation Facilities (formerly the National Association of Sheltered Workshops and Homebound programs and the Association of Rehabilitation Centers), the National Association for Retarded Children, the National Easter Seal Society for Crippled Children and Adults, the National Industries for the Blind, the National Rehabilitation Association, and the United Cerebral Palsy Association of America.

SUMMARY OF THE BILL

Section 1 of the bill amends the Wagner-O'Day Act as follows:

(a) Section 1 of the Wagner-O'Day Act is amended to—

(1) Change the name of the Committee on Purchases of Blind-made Products to the Committee for Purchase of Products and Services of the Blind and Other Handicapped (hereinafter in this report referred to as the Products Committee).

(2) Increase from one to two the number of private citizens who are members of the Products Committee, providing that they be conversant with problems incident to employment of the other severely handcIapped as well as the blind. Provision is also made that these two private individuals shall serve for a term of 5 years instead of indefinitely as is the case presently.

(3) Add to the Products Committee representatives of the Department of Defense, Department of the Army, Department of the Navy, Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Justice, the Department of Labor, and the General Services Administration, and removing from membership representatives of the War Department, the Navy Department, and the Treasury Department.

(b) Section 2 of the Wagner-O'Day Act is amended to—

(1) Add services to suitable commodities as subject to the Products Committee's jurisdiction in determining eligibility for Government contract.

(2) Include other severely handicapped as being eligible along with the blind, with the proviso that the blind will have first preference in the sale of suitable commodities and that in the sale of suitable services the blind shall have first preference until June 30, 1976.

(3) Provide that a nonprofit agency for the blind or the severely handicapped must be qualified, as defined in section 4 of the act.

(4) Permit the distribution of orders by direct allocation, subcontract, or otherwise.

(5) Make it clear that the Products Committee is responsible for rules and regulations regarding not only procedures, but all matters relevant to administration of the act.

(6) Make other changes of a minor and technical nature.

(c) Section 3 of the Wagner-O'Day Act is amended to conform with the changes made in section 2 of the act relative to the inclusion of the other severely handicapped and services, as well as changes of a minor and technical nature.

(d) Section 4 of the Wagner-O'Day Act is amended to—

(1) Add definition of (i) "severely handicapped" of (ii) "qualified" when used in reference to any nonprofit agency for the

blind or other severely handicapped, and (iii) of a State.

(2) Provide that a commodity offered for sale by any nonprofit agency for the blind or other severely handicapped under the act must have at least 75 percent of the man-hours of direct labor required for the production of such commodity performed by the blind or other severely handicapped. This conforms with present practice. A similar requirement is stipulated with respect to services.

(e) A new section 5 is added to the Wagner-O'Day Act to—

(1) Authorize an appropriation of $200,000 annually to carry out the provisions of the act. Presently funds for the administration of the act are derived from the funds appropriated to the various Federal agencies purchasing blind-made products.

It has been indicated that the projected budget for the first full year of operation, should this bill be enacted, is less than $125,000. This committee provided for an authorization of $200,000 as a permanent authorization to allow for normal increased costs over a period of years and expresses the expectation that in the near future the appropriation requested will remain below that figure and in line with the present budget of some $125,000.

(2) Stipulate that the General Services Administration shall provide administrative services for the Products Committee on a reimbursable basis.

Section 2 of the bill provides that the amendments to the Wagner-O'Day Act made by section 1 of the bill shall take effect on the first day of the ninth month following enactment of this measure.

BILL PASSED OVER

The bill (H.R. 17604), to authorize certain construction at military installations and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

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CONVEYANCE OF RIGHT, TITLE AND INTEREST RESERVED OR RETAINED IN CERTAIN LANDS CONVEYED TO THE STATE OF MAINE

The bill (S. 752) to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey to the State of Maine, without consideration, all of the right, title, and interest of the United States reserved or retained by it in the tract of land which was conveyed to the State of Maine pursuant to the Act entitled "An Act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Maine, to the State of Maine for public purposes", approved March 3, 1905 (33 Stat. 1270) by a deed from the United States dated April 2, 1905.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-237), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize and direct the Secretary of the Army to convey to the State of Maine, without consideration, all of the right, title, and interest of the United States, retained by it, in the tract of land conveyed to the State of Maine pursuant the act of March 3, 1905 (33 Stat. 1270).

EXPLANATION OF THE BILL

The Kennebec Arsenal was originally established by the War Department in 1836 comprising 40 acres of land located on the east side of the Kennebec River in Augusta, Maine. The arsenal was abolished by order of the Secretary of War, May 1, 1901. Subsequently, under an act of Congress approved March 3, 1905, the Secretary of War, by deed dated April 12, 1905, conveyed the entire property to the State of Maine for use in connection with the Maine Insane Hospital. Both the act and the deed contained provisions which (1) restricted the property to be used only in connection with the insane hospital; and (2) authorized the President of the United States, in his discretion, to repossess the property if needed for uses of the United States.

The property has been used continuously since 1905 as part of the Maine Insane Hospital. The State has indicated that it now desires to use a portion of this property for a fire department and other public purposes, but is precluded from such use by the conditions of the conveyance. S. 752 would, in effect, authorize and direct the Secretary of the Army to release these conditions.

The Department of the Army no longer has any direct interest in this property, and there are no foreseeable future defense requirements for its use.

FISCAL DATA

The enactment of this bill will have no effect on the budgetary requirements of the Department of Defense.

CONVEYANCE OF CERTAIN LANDS AT FORT RUGER MILITARY RESERVATION, HAWAII

The bill (S. 4187) to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of the Army, or his designee, is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain lands, with the improvements thereon, within the Fort Ruger Military Reservation, Hawaii, as described in section 3 of this Act.

SEC. 2. In consideration for the conveyance by the United States of the aforesaid property, the State of Hawaii shall convey, or provide for the conveyance, to the United States of certain lands, described in section 3 of this Act, acceptable to the Secretary of the Army, or his designee, as replacement land for use as military family housing sites or other purposes in connection with the Fort Shafter-Tripler Army Hospital area, Oahu, Hawaii, and shall, at its sole expense, perform on this replacement land certain site preparations which will, in the opinion of the Secretary of the Army, or his designee, equal in cost the dollar value difference between the appraised fair market value of the property being conveyed to the State and the appraised fair market value of the land being conveyed to the United States. The site preparation shall be in accordance with plans and specifications to be approved by the Secretary of the Army, or his designee.

SEC. 3. The lands authorized to be exchanged and referred to in sections 1 and 2 of this Act are located on the island of Oahu, Hawaii, and are as generally depicted on maps on file in the Office of the Pacific Ocean Division Engineer, Honolulu, Hawaii. The lands to be conveyed by the United States comprise approximately fifty-seven acres with the improvements thereon; the replacement lands to be acquired by the United States comprise a minimum of approximately two hundred and fifty-nine acres situated adjacent to the Tripler Army Hospital Reservation. The exact description and acreages are to be determined by accurate surveys as mutually agreed upon between the State of Hawaii and the Secretary of the Army, or his designee.

SEC. 4. The lands conveyed to the United States, as described in section 3 of this Act, shall become a part of the Tripler Army Hospital Reservation and be administered by the Department of the Army.

SEC. 5. Notwithstanding any other provision of law, the cost of the lands to be acquired by the United States, as described in section 3 of this Act, and the cost of the site preparation and installation of utilities borne by the State of Hawaii, as provided herein, shall not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed on the property.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1238), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would authorize the Secretary of the Army to convey to the State of Hawaii all right, title, and interest of the United States in and to approximately 57 acres of land with improvements thereon located within the Fort Ruger Military Reservation, Hawaii, upon the following conditions: (1) the State shall convey or provide for the conveyance to the United States of approximately 259 acres of land located adjacent to the Tripler Army Hospital Reservation; (2) such lands are to be acceptable to the Secretary as replacement family housing sites for Fort Shafter—Tripler Army Hospital area; (3) the State shall at its sole expense provide site preparation on the replacement lands which, as determined by the Secretary, shall equal in cost the difference in value between the land conveyed to the State and that conveyed to the United States; (4) plans and specifications for site preparation are to be approved by the Secretary; (5) exact acreages and descriptions to be determined by accurate surveys as mutually agreed upon; and (6) the Secretary may include such other terms he deems in the public interest. The bill further provides that the lands conveyed to the United States shall become a part of the Tripler Army Hospital Reservation; and also that the cost of site preparation by the State shall not be considered in arriving at the average cost of family housing units which may later be constructed thereon.

EXPLANATION OF THE BILL

The Fort Ruger Military Reservation is located in the east sector of Honolulu on the north outer slopes of Diamond Head Crater. It was originally established in 1906 on 705.47 acres of ceded lands and 49.73 acres of land acquired in fee. Over the years the acreage has been reduced and the boundaries readjusted. The reservation currently consists of six noncontiguous parcels of land aggregating a total of 80.02 acres, of which three parcels totaling 27.98 acres are ceded lands and three parcels totaling 52.04 acres were acquired at a cost of $71,599. In addition there are lesser interests in a total of 7.64 acres of land acquired without cost for utility line rights-of-way. The improvements on the reservation include administration, storage, housing and recreational facilities, and miscellaneous appurtenances and utilities, constructed at a total cost of $1,325,600. Prior to and throughout World War II, the reservation was intensively developed and utilized for various military purposes. Thereafter, Army activities were greatly reduced and the installation is now used primarily for military housing. Prior to receipt of subject legislative proposal, this Department planned to construct 234 units of military housing at Fort Ruger as tentatively authorized for fiscal year 1971.

The State of Hawaii desires to acquire a portion of Fort Ruger lands for the establishment of an integrated medical center, a university medical school and the expansion of facilities of the State-operated Leahi Hospital which occupy lands adjacent to Fort Ruger. In order to offset the continuing military requirements of Fort Ruger for family housing, the State has offered to provide substitute lands comparable in value and utility in exchange for approximately 57 acres of Fort Ruger lands, on terms generally set forth in the bill.

The Fort Ruger lands to be conveyed to the State comprise two separate parcels, one of which contains 51.63 acres of acquired lands and one containing approximately 2.94 acres of ceded lands. Improvements consist of administrative buildings, warehouses, 39 sets of family quarters and supporting facilities. The housing quarters, by reason of age and condition, are planned for demolition upon authorization of the family housing construction program. Preliminary estimates place a current value on the lands and improvements at between $4,500,000 and $5 million.

The 259-acre tract of land to be conveyed to the Government is situated on the Koolau Mountain ridge contiguous to the northeast boundary of the Tripler Army Hospital. It is owned by the S. M. Damon Trust Estate which tentatively has agreed to sell the same to the State for reconveyance to the Government. This tract is raw undeveloped land of uneven terrain with a value estimate in the range of $1 million. By reason of the topography only about 180 acres appear economically feasible of development. To render the replacement lands comparable to the Fort Ruger lands as to utility for housing, the State proposes to perform at its sole expense necessary site preparation, such as clearing, grading, access roads, and utilities under specifications approved by the Army. The cost to be expanded for site preparation is to reflect the difference in value between the property to be conveyed to the Government and the property to be conveyed to the State Final determination will be based on detailed fair market value appraisals of both properties as mutually agreed upon.

Detailed terms and conditions relating to surveys, descriptions, acreage, possession and use of structures, and related matters will be developed by an agreement between the Army and the State. In this connection, it is understood that State legislation has been enacted authorizing the proposed exchange and necessary funds.

ADDITIONAL FACTORS

While the Fort Ruger lands are essential to current programs, it is considered that the States proposal would afford far greater benefits with respect to the overall military housing program in the Fort Shafter-Tripler area, that is (1) the Army would gain 125 acres more of potential housing sites providing support for 900 housing units; (2) the location adjacent to Tripler Hospital allows for more efficient and economic maintenance and support service; and (3) it provides better future consolidation of future housing requirements. Based on these benefits and on the premise that this exchange will be accomplished at no cost to the Government, the Department of the Army can make available 54.57 acres for conveyance to the State.

FISCAL DATA

Enactment of this legislation will have no material effect on the budgetary requirements of the Department of Defense.

CONVEYANCE OF CERTAIN LANDS AT CRAWFORD URBAN RENEWAL PROJECT, PORTSMOUTH, VA.

The bill (H.R. 14373) to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1239), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to authorize the Secretary of the Navy to effect an exchange of lands with the city of Portsmouth, Va. Under such exchange the Secretary of the Navy, or his designee, would convey to the city the improved 0.918 acre parcel of Navy land particularly described in section 1 of the bill. In consideration of such conveyance, the city of Portsmouth would be required to convey to the Government lands presently unidentified and described only as "situated within the proposed southside neighborhood development project located in the city," together with improvements thereon or to be constructed thereon, all of which shall be acceptable to the Secretary of the Navy, in addition to such interests in other lands as might be necessary to protect the Government's interests in connection with the exchange.

Senator Spong of Virginia introduced a similar bill in the Senate.

BACKGROUND OF THE BILL

Crawford Street in Portsmouth, Va., presently dead ends at an old USO building located on the Government-owned property proposed to be conveyed by the Navy to the city. The city of Portsmouth desires to extend Crawford Street through the Navy tract to provide improved access to the urban renewal project (Va–53) referred to in the bill. It is contemplated that the city, in exchange for the Government-owned property, would convey certain land in the area to the United States together with such buildings thereon or to be constructed thereon as are acceptable to the Secretary of the Navy. While certain real property exchanges may be accomplished under the authority of section 203(c) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 484(c)), this statutory authority is not utilized to effect exchanges for buildings to be constructed for Government use. In this instance, it appears that buildings may be constructed on the land by the city for conveyance to the United States as a part of the exchange transaction. Such an exchange would not be appropriate under existing statutory authority.

The bill specifically provides the property conveyed to the United States shall be of no less value, as determined by the Secretary of the Navy or his designee, than the property conveyed to the city of Portsmouth.

FISCAL DATA

Enactment of this measure will not involve the expenditure of any Federal funds.

AMENDMENT OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

The Senate proceeded to consider the bill (S. 3795) to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war which had been reported from the Committee on Armed Services with an amendment on page 2, line 17, after the word "wife," insert a comma and "or any other person,"; so as to make the bill read:

S. 3795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511), is amended by striking out "The term 'persons in military service' " and inserting in lieu thereof "The term 'person in the military service', the term 'persons in military service',".

SEC. 2. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is further amended by adding at the end thereof a new section as follows:

"SEC. 701. (a) Notwithstanding any other provision of the law, any power of attorney which—

"(1) was duly executed by a person in the military service who is listed as missing in action or as a prisoner of war by the Secretary of the military service of which such person is a member,

"(2) designates such person's wife, or any other person, as his attorney in fact for certain specified purposes or for any and all purposes, and

"(3) contains an expiration date which occurs subsequent to such person being listed as missing in action or a prisoner of war by the Secretary of the military service of which such person is a member, and which occurred prior to the date of enactment of this section or one which occurs subsequent to the date of enactment of this section,

shall be automatically extended for the entire period of time that such person is listed as missing in action or a prisoner of war by the Secretary of the military service of which such person is a member. Any power of attorney extended by the provisions of this section shall have the same validity and legality for all purposes in the same manner and to the same extent as if the expiration date specified therein had not occurred.

"(b) No power of attorney executed subsequent to the date of enactment of this section by any person in the military service shall be extended by virtue of the provisions of subsection (a) if the terms of such document, on its face, clearly indicate that the power granted by such document is to expire

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on the date specified therein regardless of whether such person, subsequent to the date of execution of such document, is reported missing in action or a prisoner of war.

"(c) The provisions of this section shall apply only in the case of persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(d) As used in this section, the term 'prisoner of war' includes being forcibly detained or interned by a foreign government or power."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to as follows:

Whereas it is declared to be a policy of the United States Government to assist those members of the military service, and their families, who are listed as missing in action or prisoners of war as a result of the Vietnam conflict; and

Whereas the indeterminable status concerning the ultimate fate of those men so listed as missing in action or prisoners of war has created problems concerning their legal status in management of their personal affairs: Now, therefore,

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1240), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

As stated in the title, the purpose of the bill as amended seeks to amend existing law to extend under certain circumstances the expiration date in a power of attorney which had been executed by a member of the armed services who is either missing in action or is held as a prisoner of war. The bill is designed to enable the wife or any other person designated as attorney in fact for the serviceman in a missing status, to continue to manage the private affairs for the family or for the services.

EXPLANATION OF AMENDMENT

The bill as proposed would limit the extension of the applicability of the proposal to powers of attorney granted to the wife of the service member who is in a missing status. Since such members may have granted powers of attorney to other than a wife, both the Department of Defense and the committee believe it should be applicable to any person who is a designee on the power of attorney. This would permit that person to continue to act on behalf of the missing member, within the limits of the authority prescribed in the power of attorney.

EXPLANATION OF BILL

As stated in the whereas clauses, it is the policy of the U.S. Government to assist the families of military service personnel who are either listed as missing in action or prisoners of war as a result of the Vietnam conflict. The bill seeks to alleviate the problems created by long absences and indeterminable status of those members in the management of their personal affairs.

Many of these service members sign powers of attorney authorizing designees to act for them in the management of property and other business maters during their absences. In many instances these powers of attorney have expired during the period of time these servicemen have been listed in a missing status. Because of this, wives, relatives, and others have been unable to conduct routine personal business transactions.

The bill seeks to extend those powers of attorney that have expired or would expire during the period that a service man is in a missing status.

Mr. MANSFIELD. Mr. President, that completes the call of the calendar.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with a time limitation of 3 minutes therein.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, in accordance with the usual request which has been granted, I ask unanimous consent that the committees may be permitted to sit during the morning hour for the conduct of business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION—OBJECTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia, the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, and the Committee on Government Operations be authorized to sit during the session of the Senate today.

Mr. BAYH. Mr. President, the Senator from Indiana has made his position very clear. He is very reluctant to object because of the resulting inconvenience to his colleagues. But he is most anxious to show what is actually going on.

Thus, the Senator from Indiana feels that he has no alternative, despite his admiration for his majority leader, and must object.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF THE PRESIDENT'S COMMISSION ON CAMPUS UNREST

Mr. BYRD of West Virginia. Mr. President, the President's Commission on Campus Unrest, like the mountain in the fable, has labored and brought forth a mouse.

The broad generalizations in the recommendation made by the Commission are little more than recapitulations of every ultraliberal cliche that has grown up around the subject, and the proposition that the President of the United States bears the primary responsibility for restoring peace in our colleges and universities is preposterous.

The report's condemnation of campus violence is perfunctory, a pro forma nod in the direction of reality. It is little more than the kind of lipservice to law and order that suddenly seems to have become fashionable on the part of many who up to now have sought to explain and excuse the campus disorders.

There is, of course, some sound material in the recommendations; for example, "When criminal violence occurs on the campus, university officials should promptly call for the assistance of law enforcement agencies." I could not agree more.

But the central thrust of the recommendations that it is up to the White House to "bring us together before more lives are lost and more property destroyed and more universities disrupted" by "taking the lead in explaining to the American people the underlying causes of campus unrest," and by such things as calling a "series of national meetings designed to foster understanding among those who are now divided" is unfair and an over-simplification of a very complex problem.

That is not to say that the President cannot help in the situation that has developed. But to attempt to make him the central figure in a situation he did not create, and which was allowed to get out of hand long before he even took office, is to take the problem out of its proper context.

To attempt to make the President responsible for straightening out the mess in our colleges and universities seems to me incredibly naive.

This is a disappointing report. What should have been a strong statement on the side of a lawful and orderly society is a namby-pamby document, indeed. In my judgment, the Commission failed miserably in what should have been a major part of its task: to come to grips with the problem of what to do about Marxist-oriented professors and the hard-core subversive leaders of campus disorders. Something more than a polite slap on the wrist is urgently needed to deal with those who have instigated and fomented the revolutionary upheaval.

Mr. GRIFFIN. Mr. President, I ask

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unanimous consent that, following the remarks by the distinguished Senator from West Virginia, a letter dated September 21, 1970, entitled "An Open Letter to College Students," from John Edgar Hoover, Director of the Federal Bureau of Investigation of the U.S. Department of Justice be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Justice,
Federal Bureau of Investigation,
Washington, D.C., September 21, 1970.

An Open Letter to College Students From John Edgar Hoover

As a 1970 college student, you belong to the best educated, most sophisticated, most poised generation in our history.

The vast majority of you, I am convinced, sincerely love America and want to make it a better country.

You do have ideas of your own—and that's good. You see things wrong in our society which we adults perhaps have minimized or overlooked. You are outspoken and frank and hate hypocrisy. That is good too.

There's nothing wrong with student dissent or student demands for changes in society or the display of student unhappiness over aspects of our national policy. Student opinion is a legitimate aspect of public opinion in our society.

(This open letter to college students from Director Hoover pinpoints eight ploys used by radical extremists in their efforts to steer justifiable campus protest into violent and destructive channels. It was furnished to United Press International on 9-21-70 and is reprinted with permission.)

But there is real ground for concern about the extremism which led to violence, lawlessness, and disrespect for the rights of others on many college campuses during the past year.

The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife, and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the Nation.

The extremists are of wide variety: adherents of the Students for a Democratic Society (SDS) including the Weatherman; members of the Young Socialist Alliance (YSA), the Trotskyist youth group; the Communist Party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist-dominated antiwar group.

Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction.

Based on our experience in the FBI, here are some of the ways in which extremists will try to lure you into their activities:

1. They'll encourage you to lose respect for your parents and the older generation. This will be one of their first attacks, trying to cut you off from home. You'll hear much about the "failures" and "hypocrisy" of your parents and their friends. The older generation has made mistakes but your parents and millions of other adults worked hard, built, sacrificed, and suffered to make America what it is today. It is their country too. You may disagree with them, but don't discredit their contributions.

2. They'll try to convert you to the idea that your college is "irrelevant" and a "tool of the Establishment." The attack against the college administration often is bitter, arrogant and unreasoning. SDSers, for example, have sought to disrupt the colleges by demanding the right to select professors, determine the curriculum, and set grading standards.

3. They'll ask you to abandon your basic common sense. Campus extremism thrives on specious generalizations, wild accusations, and unverified allegations. Complex isssues of state are wrapped in slogans and cliches. Dogmatic statements are issued as if they were the final truth. You should carefully examine the facts. Don't blindly follow courses of action suggested by extremists. Don't get involved in a cause just because it seems "fashionable" or the "thing to do." Rational discussion and rational analysis are needed more than ever before.

4. They'll try to envelop you in a mood of negativism, pessimism, and alienation toward yourself, your school, your Nation. This is one of the most insidious of New Left poisons. SDS and its allies judge America exclusively from its flaws. They see nothing good, positive, and constructive. This leads to a philosophy of bitterness, defeatism, and rancor. I would like you to know your country more intimately. I would want you to look for the deeper unifying forces in America, the moods of national character, determination, and sacrifice which are working to correct these flaws. The real strength of our Nation is the power of morality, decency, and conscience which rights the wrong, corrects error, and works for equal opportunity under the law.

5. They'll encourage you to disrespect the law and hate the law enforcement officer. Most college students have good friends who are police officers. You know that when extremists call the police "pigs" they are wrong. The officer protects your rights, lives, and property. He is your friend and he needs your support.

6. They'll tell you that any action is honorable and right if it's "sincere" or "idealistic" in motivation. Here is one of the most seductive of New Left appeals—that if an arsonist's or anarchist's heart is in the right place, if he feels he is doing something for "humanity" or a "higher cause," then his act, even if illegal, is justifiable. Remember that acts have consequences. The alleged sincerity of the perpetrator does not absolve him from responsibility. His acts may affect the rights, lives, and property of others. Just being a student or being on campus does not automatically confer immunity or grant license to violate the law. Just because you don't like a law doesn't mean you can violate it with impunity.

7. They'll ask you to believe that you, as a student and citizen, are powerless by democratic means to effect change in our society. Remember the books on American history you have read. They tell the story of the creative self-renewal of this Nation through change. Public opinion time after time has brought new policies, goals, and methods. The individual is not helpless or caught in "bureaucracy" as these extremists claim.

8. They'll encourage you to hurl bricks and stones instead of logical argument at those who disagree with your views. I remember an old saying: "He who strikes the first blow has run out of ideas." Violence is as ancient as the cave man; as up-to-date as the Weatherman. Death and injury, fear, distrust, animosity, polarization, counter-violence—these arise from violence. The very use of violence shows the paucity of rational thought in the SDS, its inability to come up with any intelligent critique of our society.

Personally, I don't think the outlook for campus unrest this year is as bleak as some prophets of pessimism proclaim. The situation at some colleges is serious, but certainly not hopeless.

Along with millions of other adults, I'm betting on the vast majority of students who remain fair-minded, tolerant, inquisitive, but also firm about certain basic principles of human dignity, respect for the rights of others, and a willingness to learn. I am confident our faith has not been misplaced.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONS IN GREECE

Mr. FULBRIGHT. Mr. President, on August 10, I brought to the attention of the Senate a most perceptive account of present conditions in Greece written by Sir Hugh Greene, the former director of the British Broadcasting Co. The article reported an exclusive interview which Sir Hugh had conducted with the head of the Greek junta, Mr. George Papadopoulos. As I told the Senate at the time, I found Sir Hugh's interpretation of Mr. Papadopoulos' remarks and his additional observations of conditions in Greece most illuminating but profoundly disturbing.

On August 24, I received a letter from Mr. P. Chrissicopoulos, "Acting Director of the Press Office" on the letterhead of the "Royal Greek Embassy." The purpose of Mr. Chrissicopoulos' letter was to transmit the "full text" of Prime Minister Papadopoulos' interview with Sir Hugh Greene and to request that, "in the interest of factual reporting," it be inserted in the Record.

I am most pleased to comply with this request and I ask unanimous consent that both the letter and the official version of the interview be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, a reading of the official text supplied by the "Royal Greek Embassy," confirms the accuracy of Sir Hugh's reporting. In those instances where direct quotations appeared in the article they correspond quite closely to the official text, making allowances, of course, for the usual variations in translation. There are no discrepencies in substantive content.

The accuracy of Sir Hugh's reporting having thus been confirmed, there remains the question of the interpretations which should be placed upon Mr. Papadopoulos' remarks. As Sir Hugh noted, there was indeed a certain lack of clarity in the language used by Mr. Papadopoulos. Having now had the benefit of reading the official text, however, I fully agree with Sir Hugh's interpretations and with his conclusion that the interview revealed a dictator "dropping the mask."

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EXHIBIT 1

ROYAL GREEK EMBASSY,
Washington, D.C., August 20, 1970.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The Congressional Record for August 10, 1970, contained Sir Hugh Greene's account of an interview granted by Prime Minister Papadopoulos, the account being published in the London Sunday Telegraph of August 2, 1970.

In the interest of factual reporting, I would be grateful to you if you would insert into the Congressional Record the enclosed *full* text of the Prime Minister's interview.

Very truly yours,
P. CHRISSICOPOULOS,
Acting Director of the Press Office.

FULL TEXT OF PRIME MINISTER'S INTERVIEW WITH SIR HUGH GREENE

The General Direction of Press and Information announced on Saturday that because the special correspondent of the SUNDAY TELEGRAPH Sir Hugh Greene, who was granted an interview by Prime Minister Mr. George Papadopoulos, had interposed his own comments, subjective critiques and arbitrary conclusions, changing the meaning of the Prime Minister's replies, the full text of the interview was being released by publication.

Opening the interview Sir Greene thanked the Prime Minister for his kindness in granting the interview. "I realise," he said "how valuable your time is, especially now that you have assumed the Foreign Ministry. On the occasion, I express my sympathy on the death of Mr. P. Pipinelis. Mr. Pipinelis was known in England as the man whose efforts during the 1967 Cyprus crisis led to by passing the tension and helped to improve relations between Turkey, Greece and the Cypriot people."

"Therefore it is natural that interest has been demonstrated in whether there will be any change of policy on the Cyprus issue."

Answer. In both speeches which I made on assuming my new duties as Minister of Foreign Affairs, I clarified absolutely that not only would there be no change whatsoever in the foreign policy of the Government, both in its general lines and in matters of special interest, but that I shall consider the continuation, as close as possible, of the policy followed by the memorable Mr. Pipinelis as a success. And, after all, that is one of the reasons why I considered it necessary to assume the responsibilities of that Ministry personally.

Question. I would like to submit certain questions on the internal affairs of the country, which are provoking special interest abroad. For example, the Prime Minister, in one of his past statements, characterised the Government as temporary. My question is whether he continues to consider it temporary today.

Answer. The final purpose of the Government is to secure for the Nation the prerequisites which are necessary for the functioning of the State in accordance with the Constitution of 1968. Under this meaning, the present special form of Government is temporary.

Question. Is the aim to lead the country to a parliamentary form of democracy?

Answer. Undoubtedly, that is the aim.

Question. Are you following a steady plan towards a parliamentary form of government?

Answer. Actually such a plan is being followed concerning the gradually developing stages of the course. However, concerning the time duration of each stage, the government, perhaps, could not stick to a predesignated scheduled or pre-dated course, because those factors creating the prerequisites which are necessary for the functioning of the 1968 Constitution are many and varied; consequently, the duration of each stage will depend on events.

Question. Which are those factors?

Answer. I have reported them in detail many times in the past. I realize, however, the wish of Mr. Greene for a new, brief enumeration of them so that he can have a full picture of the situation and the problems being confronted. Thanks to his long and distinguished career as a journalist and specialist in public affairs, Mr. Greene knows surely already that, during the pre-revolutionary years, democracy in Greece was in danger, not from immediate action by communists, but from the existence of weak areas in society which made it easy prey for communist subversion.

These weak areas were:

(1) The retarded economic development of the country.

(2) The unacceptable delay of social services and their inability to give the citizens the necessary assistance or to contribute to the improvement of living conditions,

(3) The lack of the necessary infrastructure for rapid economic and social development.

(4) The bad conditions of education which, as is known, greatly influences all other sectors of the life of a nation and,

(5) The inadequacy of administration and of the state machinery in general.

These are the sectors on which the government now concentrates all its efforts so that it can create the basic prerequisites which would allow the country the luxury of a representative form of government without undergoing the dangers which existed in 1967. Only then could the nation have a fully democratic system of government without being the target of party conquest.

Question. Under these conditions, how does the Prime Minister view the appearance of new men and new political parties in the electoral struggle which shall lead the country to a parliamentary government?

Answer. It is certainly self-understood that when the necessary conditions have been created the field will be left free to all those who consider themselves suitable to devote their energies to public life and to offer their abilities to the country. They shall have the opportunity to measure their strength in elections as members of the political opposition or of the governmental party, and to assume their places in the legislative or executive authority.

Question. I would like to ask if the Prime Minister would present himself as head of a political party. Also if he considers the lack of support from any party machine as a weakness of his government.

Answer. To the first part of the question, the reply is that I have devoted myself to the struggle for the achievement of basic targets, that is, the acquisition of the possibility for the nation to proceed to elections in safety, tranquility and peace. I am working so that it will be possible for others to govern the country, without the threat which was created previously by the existence of the aforementioned weaknesses. The only thing I can hope for is that I will offer satisfactorily the services which are required to cure the nation's needs and to guide it to a point where the functioning of a democratic system, as described in the 1968 constitution, will be possible. I hope that it will not be necessary for me to continue to govern the country in the new role of a political Prime Minister. I hope that, at that time, I shall be in a position to leave, the governing of the land to others, with the conviction that they shall believe in the same basic truths of democracy. With one word I can say the following:

My future activity in the political sector will depend on the strength which will be left in me to continue and on the needs of the nation. Personally, despite all this I believe that there shall be no need for such continuation.

Concerning the second part of the question, indeed, the lack of a political party machine behind the present government constitutes a weakness from one side. But, if one takes into consideration the fact that one of the basic efforts of the government aims at bypassing those political passions which had arrived at a frenzy during the 20-year pre-revolutionary period, then it shall become absolutely clear that the loss suffered from the lack of a political party machine is much smaller than the damage which would have followed if the country had been left to the prey of political passions.

Question. Does the Prime Minister consider the indefinite maintenance of martial law during the duration of this transitionary period necessary?

Answer. I believe that martial law or, more correctly, the shadow of it which has remained will not be maintained much longer. My intention is to lift it at the soonest possible date. I will be the happiest man on earth on that day, which I hope will be soon.

Question. I would like to note that, since there is only a shadow of martial law, its lifting would not bring about any essential change in the task of the government.

Answer. Indeed, that is how things stand, and there is a possibility for one to wonder why is this shadow still necessary and preserved. Its necessity is due to purely pschological reasons. The spirit of anarchy that has created the political tensions was so strong, that its control, by this shadow of martial law, was necessary. This shadow is more effective than an entire system of laws.

Question. On the subject of the political detainees in Greece: The recent leniency towards Theodorakis impressed public opinion greatly. Is there hope for such a leniency by the Prime Minister to other political detainees?

Answer. Time will tell. Personally, I wish to be freed from this matter of political detainees as soon as possible.

Question. I heard, Mr. Prime Minister, that you study Greek philosophy and that your political beliefs are based on the theories of Polybius and Plato's Criton. According to the theories of Polybius, political life moves within a circle which begins with autocratic regimes and, through successive stages, ends in anarchy, to return again to autocracy and a new circle begins.

Answer. Firstly, I believe that the classical Greek philosophers, and the study of history, exercise indeed a great influence on the formation of a man's ideals, independently of the sector of his interests. My concepts are not based on these two classical Greek intellectuals only. Undoubtedly, both Polybius and Plato exercised a significant influence on the formation of my personal concepts and beliefs. The views of Polybius on political matters are indeed excellent. The inquisitive mind of Plato, on the other hand, examined social and philosophical subjects in such a way as to render an invaluable contribution to the development of the human mind. However, their ideas are not the only basis for the formation of many personal concepts and beliefs. The study of the history of humanity from the days of Polybius and Plato through today, my personal experiences, the truths concluded from the study of history and the observation of current events also contributed.

Question. Would it be possible for you, Mr. Prime Minister, to say a few more words on your political ideals and especially if you believe that the democratic system is more preferable than the autocratic one?

Answer. I, indeed, believe that the democratic system is the safest, when it offers the

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people the most satisfactory conditions of justice, freedom, security and human dignity. However, those who are elected by the majority of the people and whose mission is to carry out, to the letter, the mandate of the people and rule in accordance with democratic principles, should be imbued by a deep sense of responsibility and also be inspired by the ideals with which they are identified. Only then is the democratic system applied. Otherwise, it is not applied, when the only motive of the representatives of the people is their re-election.

Question. Perhaps the Prime Minister has an explanation for the non-satisfactory character of those who exercised power according the Greek History.

Answer. This subject could keep us talking for hours, and because I am pressed for time I will try to give a brief résumé of my views, even if it is not satisfactory for either of us.

The phenomenon is, in part, due to an organic weakness of the mentality the Greek people acquired, as a result of the long duration of tortures during foreign occupations.

It is also due to a weakness of organisation, caused by an attempt to imitate democratic slogans as they are applied in other countries under entirely different conditions not adapted to our own conditions. For example, Greece today is able to apply a Constitution similar to the British one, but this was impossible for her before fifty, thirty or even twenty years.

Question. The final question is whether the suspension of the delivery of arms raises difficulties in any way for the Greek Government, or weakens its position, and whether the lifting of the subject suspension is expected soon.

Answer. I always try to see things in the most realistic manner. The present situation may be compared with that of a man who tries to safeguard his area from an enemy. If he considers it clever to supply the guard with one weapon so that he may better guard his own home, as well as the entire area, then he should give the guard a strong weapon. If the guard has no weapon, he will try to defend both the house and the area in the best possible way, but, of course, in this case the chances for the success of his mission have decreased. Certain of our allies think that they can exercise pressure on us by refusing to supply us with the necessary arms. We will find as many arms as we can to defend our small house.

We will probably fall fighting because of lack of the necessary weapons. If our allies consider supplying us with weapons as clever, so that we may be able to face the common enemy more effectively and make our small house the vanguard of the free world, then they strengthen their own defence as well. If not, then they themselves will suffer from the consequences. But what really is of interest is the following: Military aid is not an essential factor in the continuation and fulfillment of the task the Revolution undertook. Consequently, the suspension of arms supplies does not exercise pressure on the Government nor hinders its work and progress.

It is interesting to mention that, during World War II, when Greece was Britain's only active ally and fought against the enemy armies, giving England time to breathe and be strengthened, she did it with arms she had received from Germany before the war began. This, of course, does not mean that Greece will now be supplied with Russian arms, because presently she can receive all kinds of arms if she pays for them, from any ally, and it is certain that Britain will be the first to accept the exchange.

Sir Greene then thanked the Prime Minister for his kindness in giving him so much of his time.

THE SIMPLE PLEASURES

Mr. FULBRIGHT. Mr. President, with wars, hijackings, protests, riots, forest fires, and the antics of prominent public figures occupying so much of the press and television, it is a relief to find that there is someone who has not lost his perspective.

John Park Cravens is a valued constituent of mine who lives in Russellville, Ark. His wisdom is attested to by a recent letter he wrote to the editor of the Northwest Arkansas Times. I ask unanimous consent that his letter to the editor may be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Simple Pleasures

To the Editor:

I care not for the roar of the traffic, the blare of horns and screech of brakes; the sound of sirens, whistles, engines, jackhammers, and the smells of pollutions of the city.

Give me the average countryside home where I can sit by the side of the road and under a tree, and rest and relax as gentle breezes bring inspiring sounds to my ears like the calls of field larks, doves, raincrows, and especially the mocking bird. I breathe pure air, and the fragrance of wild flowers, and fresh plowed ground.

And how dear to me to hear church bells ringing in the valleys; the ripple of a brook; the sounds of a gentle waterfall; the flouncing of a fish in a pond; the low of cattle; the barking of a pack of dogs chasing a fox a mile away. It is wonderful. These things are so soothing to my heart, mind and soul, and they are true and Godly heritages. Such are the true heritages of millions that need to be protected by laws of our Great Land.

John Park Cravens.

Russelville.

THE WEST AS VIEWED BY THE EAST

Mr. FULBRIGHT. Mr. President, an article entitled "The East Thinks West Is Filthy," written by Dennis Bloodworth, was published in the Washington Post on September 20.

The article is an excellent analysis of some of the most significant characteristics of the Asian people with whom we are so deeply and tragically involved at the present time. The article, incidentally, presents some very cogent reasons why our efforts to assist Asians, as we have done and are doing, is not likely to be very rewarding. I believe that this article is worthy of the attention of Members of the Senate and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The East Thinks West Is Filthy

(By Dennis Bloodworth)

"You cannot possibly understand us," Asians have told me woundingly, "but with us it is different. We know you Europeans only too well." This is frequently a ludicrously unjustified boast.

Asia is an insanitary continent, reeking of ineradicable dirt and poverty but famous for its laundering and inhabited by different peoples who wash thoroughly before getting into a hot bath, or who bathe in running streams, dance under a shower (if in public, fully clothed) or throw bucketfuls of water over themselves from great vats or jars.

To them, the white man is disgusting, for he sits in a tub of water and rinses himself in his own filth. As to left-handed cleansing operations, the Chinese used paper before the West but preferred goosefeathers in the heyday of the hedonists, and many Orientals claim that water, sand or even stones are more hygienic.

MISUNDERSTOOD MORALS

If the Westerner is unclean, he is also ugly, and his customs sometimes take much explaning away. American soldiers are no more brutal or licentious than others, but when they are unleashed in Taipei or Bangkok or Tokyo for five days of leave from the Vietcong, they are quite naturally less concerned with national manners than country matters, and since the evil that men do lives after them, by 1968 they had fathered more than 2,000 "red-haired" Thais alone.

It is useless to protest that while the Americans were increasing the mixed population of Thailand, the Thai "Queen Cobra" regiment was doing the same in Vietnam at the average rate of one baby for every 13 men, or that in a given year, seven unlucky Americans out of 10 in some outfits had caught the "Vietnam rose" (which, by any other name, may be identified as a particularly stubborn form of gonorrhea).

Asian prejudices have been hardened by scenes of public necking and drunkeness and brawling, and by the insults offered to their wives by white men for whom every pretty girl is a prostitute. Even the best-behaved American serviceman, walking sedately down a Bangkok street arm in arm with some charming little piece, is a shameless *farang* who fans hidden fires of cultural indignation. For, strictly speaking, it is impermissible there for boy to touch girl in public.

The vices of the inventive white, yesterday damned for poisoning the wells of wise living in the Orient, are adopted by Asian governments today—provided they show a profit. The anticolonial urge to fulminate against the foreigner as if he were the sole originator of all pot, sex, booze and gambling is giving way gently to a tacit admission that he is not the only man who is vile, after all. But there is still much room for misunderstanding.

Like most of his Asian neighbors, the Lao lacks the Christian's sense of guilt. In his philosophy, man did not first come on stage against the setting of the Garden of Eden to perform Act One, Sin One, for to him good and evil are inseparable. In consequence, as long as man's actions are not motivated by a possessive urge, he may accept all opposites—the pleasure that is defined by pain as well as the pain that is defined by pleasure.

This is the middle way between the guru and the gourmand. The Lord Buddha himself condemned excessive ascetism. The enlightment which eluded him for six long years of self-denial and meditation embraced him finally after he had disgusted five fellow sages by eating a square meal and taking a bath. That inspired the outlook which gives millions of Asians their sense of perspective today.

But, as at least one devout Lao commentator has plaintively remarked, Buddhism can easily become the doctrine of lethargy and self-indulgence. If to reason is to destroy the true vision of the cosmos, don't think. If to strive is to bind yourself to this deplorable world of illusion, then don't strive. Moreover, as all Buddhists wish to "gain merit" by performing charitable acts, and so edge nearer to Nirvana, it may be kinder to take than to give.

The Buddhist bonze (monk) who holds out his begging bowl to the Thai housewife and lets her fill it with food is doing her a favor, for she is gaining merit. The pagodas bless the community by allowing themselves to be showered with candles and flowers and fruit and children. How many times Western-

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ers have embarrassed or bewildered Asians by thrusting things upon them and expecting gratitude in return it is hideous to contemplate.

Asian leaders who have taken the dollar aid and damned Washington afterward have also assumed that in the unsentimental commerce of international relations, the donor in any case gives because he needs the recipient. The recipient, therefore, renders service twice over.

TOO OLD TO SIN

The Orient produces its own fine strain of hypocrisy, however, and while the Moslems and Buddhists of Southeast Asia may remain strictly loyal to their faiths, they will argue that to cut corners is to take the straightest path.

"Fish?" an old peasant in Thailand echoed, grinning toothlessly. "No, I don't fish. I am old and will die soon. Why should I risk losing merit by killing living creatures? I leave fishing to my son. He's still young."

In Malaya, Chinese Buddhists will happily eat the bird that has been decapitated out of sight by some other unfortunate. In Burma, the rule that monks may not touch money was sidestepped long ago when the people began giving the bonzes cylinders of silver coins contained in long nets. The Theravada Buddhist usually wears his hair shirt open at the neck, as it were.

The legend of laziness in Southeast Asia must be examined, like all its legends, for its inner meaning. It is quite unjust to imagine that Oriental idleness is the same as that of the Western worker who slacks on the job while the foreman has his back turned. The white man is a thief who steals paid time, but the indolent Asian would rather have the time than the money. Slowness and the siesta are his secrets of survival in the steamy tropics, and his philosophy leaves him with simple demands.

Buddhism has taught the Lao that he must cast off ambition, that nothing fails like success, and this suits him down to the ground. When provided by solicitous Americans with new strains of seeds that would double his rice crop, he remarks with pleasure that now he need sow only half his usual acreage.

"What would I do if I worked harder and earned more money?" said a Cambodian farmer when told that he, too, could double his yield. "I don't know. I already have a bicycle and a radio. Get another wife, perhaps?" He is not lazy; he simply declines to lead the life of Reilly or Richard Nixon.

It is not surprising if many Laos look askance at modernization and miracle rice, for instinct tells them correctly what will next come to pass: The bumper crops will demand more fertilizer and insecticides, then more roads and carts and trucks, then more mills and silos, more credits, more consumers at home and buyers abroad, more human involvement. Man should not meddle.

Most Moslems believe that all is decreed in advance, and the Buddhist sees the world of illusion rolling blindly forward beyond his control. Man's illness is terminal from birth, and the patient must accept with mild resignation all the funny and unfunny things that happen to him on his way to the cemetery.

It escapes the attention of self-righteous Asians that racists—whether white, black, brown or yellow—are the same trash under the skin. The prism of color prejudice east of Suez refracts tints more subtle than the black-and-white contrasts of the West, however. For where the white man is resented for his race, he may be envied for his whiteness, and where the black man earns sympathy as the victim of white oppression, he may be despised for his blackness.

The Negro in Asia can find a landlady's door slammed in his face as surely as if he were in Little Rock, and in 1968 a Committee of the Concerned for Equal Housing was set up to fight discrimination—in Bangkok. The Asians sympathize with the black man's struggle for civil rights in the United States, as long as it stays there.

An Asian country is a land of many hues in which the basic principle of prestige is, the lighter the better. Dark Indians, dark Cambodians, dark Indonesians suffer silently the disdain of their paler compatriots. In Singapore and Malaysia, Eurasians come in all shades from ivory to ebony and yet will make cruel distinctions among themselves, off-white denying his mixed-blood brotherhood with dark-oak.

Many struggle purposefully up the color chart toward an alabaster Nirvana, deliberately seeking wives fairer than themselves so that their children—the next incarnation—will be a shade closer to the ultimate bliss. Moreover, in a multicolored subcontinent, difference of pigmentation sharpens the sense of racial superiority, and as the tide of Western colonialism ebbed in Asia, it left exposed the Herrenvolk instincts of those who had been quickest to complain of oppression by their former European masters. And none felt this more promptly than the minority hill tribes.

Shans, Kachins, Karens, Mois, Thais, Meos, Nagas, Sakkais, Papuans, Dyaks, Dusuns, Muruts, Igorots—the minorities straddle the neat national boundaries that others have drawn and ignore the borders that ignore them. And in most cases they have until recently been cheated, bullied and sometimes enslaved by new Asian masters for whom "freedom" is a war cry when used against the West but a dirty word when directed against their own brown or yellow power.

THE LEAST TRUSTED

During the war against the Communist terrorists in Malaya, it was the New Zealanders who were filtered into deep jungle to win over the Sakais, the aborigines whom the Communists recruited as farmers, guides and spies, for it had been found that the Kiwis had the knack of winning their confidence and friendship. The Australians were trusted next, then the British, then the Gurkhas. The last on the list were the Malays, the new Asian overlords of the land. But the Malays have been models of magnanimity compared with the Burmese.

Most Burmese live in the lower reaches of the Irrawaddy Valley and its delta; the great uplands in the north and the coastal areas to the south are the domains of big minorities. But when in 1947 the country stood on the threshold of independence from British colonial rule, nearly all of these peoples agreed to join a sovereign Union of Burma governed from Rangoon, provided they enjoyed certain autonomous rights.

Separate Shan, Kachin and Karen states were duly created, each with a minister in the central government and representation in the two houses. The senior Shan ruler, Sao Shwe Taik, became first president of Burma.

Almost in a matter of months, however, the Burmese were showing that they were determined to dominate the entire country—by force if necessary—and militants among the minorities took to the hills in armed rebellion. The Burmese then tossed out the constitutional right of the Shans and Karens to secede, and their trigger-happy troops moved into the mountains, sacking villages and brutally shooting or manhandling the hill people in their homes.

In Thailand, where 300,000 restive Meos live astride the northern border, the government reacted to the depredations of fewer than 200 armed tribesmen in 1968 by ordering air strikes on "suspect" villages and by treating all who did not subsequently come out of the hills to be resettled in the plains as Communists.

The western half of the vast tropical island of New Guinea became the Indonesian province of West Irian in 1963. There were muffled reports of sudden armed uprisings by discontented Papuan natives in this territory which Sukarno had "liberated" from the Dutch. I remember how Lt. Gen. Djatikusomo—Javanese soldier, diplomat, prince—spoke of Indonesia's compassionate task of freeing the oppressed Papuans from their colonial fetters as civilizing the dirty natives "if necessary at the point of the bayonet."

ORIENTAL CUISINE

It might be thought that the last citadel of Oriental culture must be the stomach. The Chinese can prepare anything delectably from bird's nest to fish lips. The Laos like chicken stuffed with peanuts and cooked in coconut milk, ants' eggs and placenta from the mother cow. The Thais work wonders with redhot peppers and lemongrass. The Burmese make cocktail snacks out of deep-fried buffalo skin.

The poorer Vietnamese survives on rice and nuoc mam, a vivid sauce made by packing salted fish in a jar and leaving them to rot, and the Korean loves kimchi, three-month-buried pickled vegetables which can give him a breath that takes everyone elses' away.

A six-month-long publicity campaign in Singapore to persuade families to change from rice to cheaper wheat converted fewer than one in 50, and for breakfast or tea. But even these tumcoats ate bread, only this stubborn defense of rice is essentially a rear-guard action.

Switch on the television, and Dr. Kildare with Malay subtitles is interrupted by clattering Cantonese voices urging hitherto happy islanders to buy American fruit juice and British baby foods, bottled essence of chicken and extracts of beef, deep-frozen fish fingers and tinned Scotch broth. Children brimming with black currant juice are shown diving into sparkling pools; tired husbands sip their reconstituted mushroom soup and assume slow, lecherous smiles.

The Asian audience is impressed, and eating habits begin to alter. The supermarkets of Singapore, originally opened for white men raised on bottles and cans, paper packets and similar unrewarding fodder, are full of eager yellow and brown faces and hands. As the edibility gap closes, people who thought that one of the most sinister aspects of the Westerner was the way he went on drinking milk long after he should have been weaned now have cream and butter in their own refrigerators at home.

Japan, farthest of all to the East, leads the way toward the West in all things. Japanese are forgetting tea and taking to coffee, and there are about 100,000 coffee houses today in their narrow islands.

The are also forgetting rice and taking to noodles and meat and milk and even cheese. By early 1969, more than 500 rice dealers in Tokyo alone had put up their shutters. The Japanese are beginning to import great quantities of mutton and lamb and beef because the steaks from their own magnificent ale-fed herds can no longer meet domestic demand. But in order to eat gross Western foods, it is necessary to use gross Western methods, and among the white-collar workers of Tokyo, chopsticks are going out and the knife and fork are coming in.

As hallowed by history as corruption, the diligent practice of piracy and smuggling on a grand scale is also part of the pattern of policies in Southeast Asia. Prime Minister Lee Kuan Yew told a slightly surprised reporter in Singapore that perhaps the most useful role the U.S. Seventh Fleet could play after British forces had withdrawn from the area would be to check the growing piracy in the Straits of Malacca.

This occupation, regarded as reprehensible in the squeamish West, had respectable origins in Malayan waters as a form of system-

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atic taxation. Henchmen of the local rajahs boarded ships when they sailed into the river estuaries bound for markets upstream and exacted a toll from them. Malacca itself—one-time powerful Venice in fee by forcing ships to put in and pay in coin or cargo for the right to proceed farther, while great war fleets of Moslem rovers, proud of their profession and sanctified by their persecution of the infidel, hovered in wait for them in the South China Sea.

Things are not what they were, and the modern Malay, Thai or Chinese pirates make do with modest enough little squadrons. But they operate in fast launches armed with machine guns or junks fitted with a row of powerful outboard motors, and hijacking smugglers or terrorizing and robbing fishing fleets are routine activities.

In the uneasy waters that lie between Borneo and the Philippines, cut-throat raids on coastal towns are one of the hazards of living. In mid-1968, four boatloads of pirates with high-powered weapons assaulted Basilian City in the southern Phillipines and fought a pitched battle with troops and police until helicopters flew in army reinforcements.

Filipino "cigarette boats" skim over the razor-edged coral at 35 to 40 knots, leaving any revenue cutter or armed hijacker to feel its way gingerly around the hazard. Slipping into the small, sun-baked ports of Sabah, the Malaysian state in North Borneo, Filipinos can cram 350 cases each contaniing 10,000 "blue seal" American cigarettes into one of these, and return safely across the 800 miles of sea to Manila. Their purchases are not illegal in Sabah, and their re-entry into the Philippines is made as smooth as a well-oiled palm.

UNLISTED EXPORT

In southeast Asia, impoverished governments resort to many unorthodox ways of raising cash. The principal Laotian export of the past decade is not officially listed.

From the springlike climate of the northern uplands, the Meo tribeswomen trudge down to the markets in the plans to barter their agricultural produce for gold, cloth and salt. And their main cash crop comes from waving fields of *papaver smoniferum*, which may yield 16 pounds of crude opium per acre.

The "smoking saloons" of Southeast Asia range from utility accommodations with wooden benches for trishaw drivers and coolies to plush tourist traps, but ask in any of these where the opium came from and the reply will be, "Yunnan." Yunnan is the mountainous southwestern province of China, but "Yunnan," like "Cognac," has become a loose generic term. It applies to the opium not only of China but of the other countries whose high frontiers converge in the same remote region of tossed hills and lush valleys—the Shan States of Burma, the northern borderlands of Thailand, the western limits of Laos—where the absurdly named "garden poppy" flourishes.

The mule trains and caravans of porters that trek southwest from Yunnan into Burma bring out between 300 and 400 tons of raw opium a year, joining the general trail of poison leading to the Thai frontier region where, in crude "kitchens" in the mountain villages, practiced hands refine much of it into powder with a morphine content of up to 80 per cent.

In northern Thailand, the commerce is organized by remnants of the Nationalist Chinese army which were forced out of Yunnan when Mao's men overran the province in 1950. While Peking and Taipei indulge in mutual mudslinging, the growers of Communist Yunnan and the former diehards of President Chiang Kai-shek cooperate—if at arm's length—in a profitable business venture.

The narcotics seep down in Bangkok and from there out into the world—in the ties of cars, in sacks of fertilizer, even embedded in the flesh of specially branded cattle. For a long time, an enterprising group of French pilots ran a transport service affectionately known as Air Opium, dropping their cargo at selected points outside Saigon or parachuting it into the Gulf of Thailand to be picked up by waiting ships.

In most countries, the traffic is officially illegal but may nevertheless have powerful protectors. In Laos, military aircraft authorized by the top brass have flown the drug, and in Thailand, marketing is invariably in the hands of men of distinction. Bribes buy blind eyes, and in some parts of the Far East, the arm of the law is more golden than long.

THE VERSATILE BOMOH

But if minds and movements in Southeast Asia must be seen through filters that bring out the threads of gold and graft, piracy and *papaver somniferum*, they must also be observed through other influences that color them, from philosophy to superstition. In an ignorant subcontinent, opium is not the only religion of the people.

The Chinese Communists have admitted repeatedly that the supernatural has been among their most stubborn ideological foes. Most people in the East are ignorant, and therefore cling to the habits and superstitions of their venerated ancestors.

Poverty is not the only criterion. A smartly turned-out Lao, sipping his scotch in the bar of the Georges Cinq in Paris, may be wearing several frayed and rather soiled threads of cotton around his wrist in place of the platinum watch one might expect. They keep his 32 souls inside his body and out of mischief.

It was not until 1960 that the first Dyak from the longhouses of Sarawak began to study modern medicine. He had been introduced to this strange science when a visiting English missionary had given him a dose of castor oil seven years before. His regular family doctor had been a bomoh, whose stock remedy was to paint his face and chant ferocious incantations.

The Malay bomoh is a versatile fellow who will undertake to locate missing corpses, drive off ghosts, heal the sick, supply love potions, put spells on a customer's enemy and much else besides. Bomohs have been involved in crimes from confidence tricks to robbing the Treasury, but their real specialty is rape.

In 1969, the Malaysian Education Minister advocated sex lessons in school to protect pupils, because "we have all heard of those bomohs and religious teachers who have been brought to court for molesting girls." One Malaysian medium took away and violated a 15-year-old after telling her mother that he was going to perform a ritual which would remove eight lethal needles hidden in her body, and an 18-year-old wife was ravished on a beach by a bomoh who assured her that this treatment would "cure her husband's stomach ache."

Not all bomohs are bad, however. The magical healers of Indonesia and Malaysia are often careful herbalists who charge no fee for their services. They were, incidentally, the first to use quinine as a cure for malaria. Today, bomohs in the backwoods of central Malaya are being given a smattering of Western medicine and many of them are turning toward antibiotics rather than arrowroot plucked by the light of a gibbous moon.

A POTENTIAL WEAPON

Among educated Malaysians to whom Oxford, Cambridge or the Middle Temple are intellectual homes, and whose tastes run to Jaguar cars, the stock market and golf, far more than would care to admit call in the family witch doctor to cure suffering—or sometimes to inflict it on others. Politicians hire bomohs as they hire bodyguards—to protect them against the bomohs of their opponents.

An attempt to liquidate President Suharto of Indonesia in mid-1968 was ascribed to a witch in the pay of the equivocal ex-Foreign Minister, Dr. Subandrio. Sihanouk consults soothsayers, and so did Sukarno.

Numerology and astrology wield an incalculate influence over public events throughout Southeast Asia, where even house numbers may be chosen for luck rather than location and do not always follow each other consecutively. When Sukarno set 270 experts the task of drawing up a national overall development plan, he was not so much concerned with the content of its 5,000 pages as with its form: it had to be divided into 17 volumes, eight parts and 1,945 clauses, because Indonesia had declared independence from the Dutch on Aug. 17, 1945.

It is now possible to graduate in astrology in Thailand after a four-year course, and it is certainly desirable that this occupation should be confided to the hands of properly qualified experts. Many believe that Mrs. Sirimavo Bandarandaike lost the general elections in Ceylon in 1965 because her astrologers goofed over the choice of polling day.

Mysticism makes its own history. The wife of the Vietnamese warlord, Gen. Khanh, commissions a geomancer to relocate her kitchen so that it will be more in harmony with the universe. But word gets out; other generals at once suspect that Khanh is unsure of his ground in more senses than one, and that the moment has arrived to mount a coup against him. Within a few weeks, Khanh is out and his rivals are in.

Does Prince Boun Oum promise democracy as the antidote for communism? No one cares. For a Lao villager who knows that there are 16 hours in the day and the world is flat, the most powerful antidote for communism is not democracy but Boun Oum's magical amulet, which enables the prince to become invisible at will in spite of his aristocratic corpulence. The ease with which magic can beat Marx in the myth-laden lands of Southeast Asia must never be underestimated.

THE MALLEABLE TRUTH

Since Asians do not regard life as a theorem of Euclid, there is no QED, and in consequence their reasoning and their objectives are sometimes mysterious.

"*Will* you get off this phone!" yelled an infuriated woman who had mistakenly called our number in Singapore three times in succession under the impression that it was that of a friend.

The minister of information in Vientiane, importuned by correspondents who complained that they were receiving conflicting reports of what was happening in the Laotian war, remarked with asperity: "If you *will* talk to different officials, naturally you get different answers."

Another minister, asked if it was really true that seven North Vietnamese battalions were attacking Phou Khoun as officially announced, replied readily enough, "Well, it's only *partly* propaganda."

The Vietcong have twisted the malleable truth of Asia into their own form of folk art. I learned in Saigon that Vietcong units were being encouraged to file false returns by instructions from above which laid down minimal killing quotas: "In February, the division will eliminate 1000 of the enemy, shoot down 50 American helicopters . . ." Back came the same figures from below at the end of the month, proving that all quotas had been fulfilled.

It is Asian to tell a man what he wants to hear, or to refrain from telling him what he does not want to hear. The courteous Malay who does not want to answer your inconvenient request with a brusque and final negative replies "Belum," and it is understood that this vague and elastic euphenism spans all future time, from "not just yet" to "never."

The white man who accuses the Asian of double-talk is simply failing to understand what he is being told in plain, straightfor-

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ward innuendo. Southeast Asia is a polite subcontinent in which you say a man has short legs by calling him tall in the saddle.

"How many members do you have?" I asked the leader of a moderate political party in Brunei as we sat barefoot in his bungalow.

"About 20,000," he replied.

"All staunch supporters?" I pressed on, in my brutal Caucasian fashion.

"Let me put it this way," he answered with a plump smile. "About 800 of them would probably have the sense not to join the extremists if there were another insurrection."

"And how many pay party dues?"

"We do not levy dues," he said loftily. "We rely on well-wishers for our funds."

It was a painless way of saying that the party was being bribed from behind, and that if it came to the crunch, about 95 per cent of its members would desert it.

THE UNSUBTLE WEST

In the East, words are often uttered only because, without them, it would be difficult to read between them, whereas in the West one is actually expected to take them at their face value. What is a subtle guide at one end of the world, therefore, may become an unsubtle disguise at the other.

Unlike the Asians, the Americans do not spell out their fantasies in words of four letters but pad out their truths with the polysyllabic falsies in which their national language is so rich. At their distorted 5 o'clock shadow of the Vietnam war known in Saigon as the daily press briefing, a helicopter attack becomes a "vertical envelopment," failure to catch the enemy is a "pursuit operation terminated with negative results" and raining 500-pound bombs and napalm on Vietnamese peasants by mistake is an "accidental delivery of ordnance which impacted on an inhabited area."

A communique dated March 16, 1968, reads: "In an action today, American divisional forces have killed 128 enemy near Quangngai City." That's the massacre at My-lai, that was.

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THE RECENT PRESIDENTIAL ELECTION IN CHILE

Mr. FULBRIGHT. Mr. President, former Ambassador to Chile Ralph Dungan has provided some well reasoned and perceptive comments on the recent presidential election in Chile. I ask unanimous consent that his article, "Chile: Test of American Maturity," which was published in the Washington Post September 23 may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, because no candidate received a majority of the votes cost, the final choice rests with the Chilean Congress. The Chilean Congress should be left alone, free from outside influence, to make this choice.

Over many years, the people of Chile have demonstrated their capacity to make a free political system work. I am sure they are capable of doing so again.

EXHIBIT 1

CHILE: TEST OF AMERICAN MATURITY

(By Ralph A. Dungan)

Whatever else follows, the recent Chilean election—in which a socialist, Salvador Allende, with some Communist Party support was the victor—provides an opportunity for the United States government to demonstrate a maturity in the conduct of its foreign relations which would be as refreshing as the Chilean situation is novel.

Several characteristics of the election can be acknowledged by almost any objective observer. As has been true historically in Chile, the elections were as honest as elections are anywhere—perhaps more so. Participation was high, as usual, and proportionately higher than in most Western countries.

Demagoguery, last minute incidents or external events do not seem to have distorted the results. To the extent that there were seriously disturbing factors present, the urban terrorism attributed to and sometimes claimed by the MIR (Revolutionary Left Movement) was more likely to have benefited center-right candidate Sr. Allesandri. The election by almost every standard was honest, orderly and in the best Chilean and Western tradition.

Therefore, there is every reason for us to adhere fully to our principle of self-determination and maintain strictly neutral posture as the Chilean people move to complete the constitutionally prescribed process on Oct. 24. On that date a joint session of the Chilean Congress will decide in a runoff ballot which of the three candidates will be president. If it adheres to tradition, Sr. Allende having the largest plurality, will be named.

It can be predicted safely that the period preceding the runoff will be marked by political jockeying as the Christian Democrats seek to gain whatever advantage their large number of seats in the Congress will yield after the poor third-place showing of their candidate, Sr. Tomic.

One can also expect some panic reaction on the part of the wealthy and the relatively large petty bourgoisie. It will be difficult indeed to stem the flow of currency into foreign banks, the relatively unimportant capital market, like similar institutions in other countries, will no doubt be chaotic. These and other manifestations of unrest and anxiety are to be expected given Sr. Allende's rhetoric during this and previous campaigns.

And the reaction may be more than the fragile social and economic structure of Chile can stand. Some elements of the military might make a move, as they have promised, to prevent Allende's taking power. Or the MIR, taking advantage of the confusion, might make a desperate move. Or, less likely, one of Chile's neighbors might threaten.

But the democratic process does not guarantee stability; it only guarantees people free choice in the selection of their government. A majority (more than 60 per cent) of the Chilean people, quite predictably, have indicated their desire for a government of the left and apparently at least a third of the electorate is not concerned with a Marxist label.

It is hoped that Chileans and Chile's friends outside the country will view the recent election in some perspective and will speak and act with restraint. Foreigners especially should recognize that despite the very substantial progress brought about under the Frei government, continued rising expectations, unsolved problems like inflation, and the desire for a change were important factors in the election.

Chile, like other modern democracies, has a large swing vote not clearly committed to party or ideology. This swing vote is young and left-leaning and looking for solutions. The choice of aging, rigid Jorge Allesandri as the candidate of the Conservatives was poorly calculated to attract center-left elements which could have made the difference in this close race.

Then there is Sr. Allende himself. A man historically in opposition, he has had no recent governmental experience. He is intelligent and committed. Above all he is a Chilean and can be expected to look for, as he has suggested, solutions which will suit the Chilean character and spirit. He will inherit large problems including a huge external debt, a probable decline in copper prices, and endemic inflation. Taking nothing away from his ideological convictions, he is too intelligent and sophisticated an observer not to realize that doctrinaire solutions usually don't work.

In any event, the central fact is that the Chilean people have chosen and are in the process of completing a constitutional and free election. It would be most unfortunate if anything interrupted the process which will determine Chile's destiny.

JEROME HOLLAND: A GREAT DIPLOMAT

Mr. GRIFFIN. Mr. President, I know of no more exacting and difficult diplomatic post than that of U.S. Ambassador to Sweden.

Pacifist, antiwar sentiment has been cleverly fanned into a widespread campaign against the United States. Some Swedish officials have proclaimed a curious "neutrality" policy which appears to be specifically in favor of our enemies.

It remained for Dr. Jerome Holland, the Nixon administration's appointee as Ambassador, to test the depth of this sentiment, and to present the case for his country.

He has done an absolutely magnificent job.

In spite of the harassment, the shrill, irrational tactics so similar to what we are encountering in this country, Jerome Holland has made a deep impression on the people of Sweden. He has given new luster to the image of America.

Just how he had done this is set forth in a very interesting article in a recent issue of the Baltimore Sun. It is a fascinating chronicle of a man in complete possession of himself, acting with a quiet self-confidence, undeterred by personal insults, unafraid of competition.

The article describes him attending a service and then delivering a lecture in the ancient Cathedral of Vasteras on "the Negro church as a social force in America." Five hundred listened attentively and respectfully, ignoring the racket outside created by the rabblerousers.

This was part of a 2-day trip during which he "met all the dignitaries in two towns, toured a mechanized farm, a family farm, a museum, and Sweden's oldest provincial newspaper."

Ambassador Holland and his wife make such tours about twice a month. The results are best summed up by one of the young harassers who trail him wherever he goes:

> This is unusual activity for a diplomat. Mr. Holland is fast becoming the best known Ambassador who ever came here. He is very effective.

We in America can be very proud of Ambassador Holland. But we should not be surprised. Here is a man who has achieved excellence in all his endeavors: as the famous "Brud" Holland, all-American football player at Cornell, as an undergraduate and graduate student earning his doctorate, as an educator who became president of Delaware State College and then Hampton Institute.

He is imbued with the same qualities which were remarked on in the recent eulogies in tribute to the late Vince Lombardi.

Mr. President, I ask unanimous consent that the article referred to be inserted in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

Swedes Harass U.S. Envoy—200 Circled Cathedral Where Holland Was Set To Lecture

(By Daniel Berger)

Vasteras, Sweden, Sept. 17—Two hundred young people surrounded the great red-brick brick Lutheran cathedral in this provincial town.

They belonged to FNL, the boisterous Swedish pro-Viet Cong group. Their posters said "Holland Go Home."

The leaflet they handed to everyone bore a cartoon that was intended to be abusive. The drawing showed President Nixon on the sidelines of an American football field, cheering on a big Negro player who carries a ball labeled "Sweden."

RAY TEAM

The car arrived. The crowd rushed. Dozens of police ran interference. The big man was out and into the cathedral before anyone could throw an egg at him.

The crowd chanted, "Holland Go Home" and other slogans in Swedish that somehow sounded like "T-E-A-M Ray Team."

Five hundred solid citizens of Vosteras waited in the gothic interior. The choir sang Swedish Lutheran hymns.

The cathedral dean briefly introduce the Negro as the United States ambassador, Jerome H. Holland. As the dean translated, he gave a 45-minute lecture on "the Negro church as a social force in the United States."

NOT SELLING AMERICA

Mr. Holland was not selling America. He was describing the separated Negro church as a responsible and effective protest movement for the past 200 years and, he predicted, for some time to come.

He sounded like a sociologist which he is giving an introductory lecture to freshmen. At the end there was no applause, only respectful silence as befitted a service. There were no interruptions. The choir sang beautifully, "Nobody Knows the Trouble I've Seen," in English.

Mr. Holland was gone; he left the police scuffling with a student at the door. It was was not much. The two big Stockholm evening tabloids each gave it a page, with pictures.

ANOTHER SCORE

That FNL cartoon was right. Brud Holland, the former twice All American Cornell end, scored again. He pierces the FNL line every time, and roams Sweden like it was the Harvard backfield.

On this two-day trip, he met all the dignitaries in two towns, toured a mechanized farm, a family farm, a museum and Sweden's oldest provincial newspaper.

Mr. Holland does this about twice a month. Thanks to FNL, he is a celebrity. Crowds gather, less to see the action than to see him. The FNL intelligence network is impressive. He is never without this troublesome escort.

UNUSUAL ACTIVITY

"This is unusual activity for a diplomat," says a Swedish member of the breed. "Mr. Holland is fast becoming the best-known ambassador who ever came here. He is very effective."

For the 15 months before Mr. Holland arrived, the United States had no ambassador here.

In 1967 and 1968, Prime Minister Olof Ualme and other politicans were contending with a fervent anti-war, anti-American sentiment in public opinion. Ambassador William W. Heath, a Texas crony of President Johnson, was ill-equipped to deal with it.

The embassy withdrew into itself and waited for the storm to subside. Communication lines to Swedes were blocked.

In perfect trim at 54, Mr. Holland would still be a terrifying spectacle on the other side of a line of scrimmage.

Entertaining Swedes and Americans at his official residence in Stockholm the other evening, nursing a martini with two olives, he was gregarious, relaxed and plain-spoken.

VISITED ALL OF SWEDEN

Since arriving in April, he has visited every part of Sweden and intently traded views on social questions with every kind of Swede.

He is often asked to discuss Negro life. "I have a certain credibility," drily suggests the author of "Black Opportunities" and former president of Hampton Institute in Virginia and Delaware State College in Dover.

But he deos not stick to that subject. Recently he addressed industrialists in Gothenburg on "Challenges to Management." While he did so, his wife was on the other side of town discussing the women's liberation movement.

ADMINISTRATION WAR LINE

An energetic woman with two young teenage children in Stockholm schools, Laura M. Holland is a lively complement to her husband's meet-the-Swedes campaign and an acute observer of Swedish politics.

Mr. Holland never brings up the war but always answers the inevitable questions about it. On this subject, and this subject alone, he restricts himself to the straight administration line.

He may not have converted a single Swede to a proadministration opinion on Vietnam but what he has done in five months is isolate the war as the obstacle to understanding, and reopen the Swedish-American dialogue on other subjects.

Mr. **GRIFFIN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

BILL ORDERED TO BE PLACED ON THE CALENDAR

Mr. **MANSFIELD**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 18583.

The **PRESIDING OFFICER** (Mr. Spong). The Chair lays before the Senate H.R. 18583, a bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, which was read twice by its title.

Mr. **MANSFIELD**. Mr. President, discussions have been had with the interested parties. I believe the request I am about to make is agreeable to all concerned.

Mr. President, I ask unanimous consent that the bill be placed on the calendar.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. **GRIFFIN**. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NATIONAL EMERGENCY DISPUTES

Mr. **GRIFFIN**. Mr. President, I had a reservation to travel last Thursday morning from Washington to New York aboard the Penn Central Metroliner. But I was not sure whether I would be able to get to New York by train until I awoke that morning and learned from news reports that railroad unions and management had finally agreed in the middle of the night to a 2-week extension of a strike deadline related to a work rules dispute that has been going on for about 11 years.

Mr. President, it is very disturbing, as this dispute continues and the real likelihood of a nationwide rail strike hangs over the head of the Nation, that the committees of the Congress with jurisdiction over labor-management legislation are apparently too busy with other matters to give this important subject their attention.

I wish to focus today, as the President did over the weekend, upon the fact that since February of this year there has been pending before the Congress a bill which I introduced in the Senate on behalf of the administration, S. 3526, entitled the Emergency Public Interest Protection Act of 1970. This legislation would place railroads and airlines under the emergency disputes provisions of the Taft-Hartley Act and would add to the present emergency provisions of Taft-Hartley three new options which would be available to the President of the United States if a dispute in certain transportation industries continued beyond the expiration of the 80-day cooling-off period.

Since the Taft-Hartley Act has generally worked well in most emergency dispute situations, it seems reasonable that the airlines and railroads should be brought under its emergency dispute provisions so as to eliminate the confusion which has existed because of parallel but differing procedures now provided by the Railway Labor Act and Taft-Hartley.

However, the key feature of the administration bill is the options which it would make available to the President, subject to congressional veto, to deal with continuing emergency disputes in the transportation industries. The options to be made available are built around the core principle that the best way to settle a labor dispute is to keep governmental intervention required for protection of the public interest to the minimum necessary while at the same time maximizing the opportunity for private settlement of the dispute. The bill goes on the

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theory that if governmental intervention is unpredictable, both in terms of occurrence and form, there would be more inducement for the parties to resolve the dispute themselves, If neither party can count on government intervention, genuine bargaining in earnest is likely to begin much earlier.

The three options to be made available to the President of the United States under the bill are as follows: One, he could extend the cooling off period for an additional period of time; or, two, he could set in motion a procedure which would enable partial operation of the enterprise; or, three, and the most important option available, he could appoint a panel which would select and give effect to one of the final offers made the parties engaged in collective bargaining.

The options mentioned would apply only to the following industries: the railroads, airlines, maritime, longshore, and trucking industries. The President of the United States, under the bill, could invoke any one of the three options, but only one.

Mr. President, I can understand that there may be differences of viewpoint concerning the merits of some provisions in this legislative proposal. But I cannot understand or justify the fact that the Congress has ignored this proposal altogether. No hearings have been scheduled by the responsible committees of either House of Congress, and we are now less than 10 days from another deadline which could be the beginning of a nationwide railroad strike.

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Perhaps the deadline will be extended again, and perhaps the Congress will meet its objectives and be able to adjourn around the middle of October. It would be unfortunate, if not irresponsible, I would suggest, if Congress were to adjourn without taking any action in this field. Indeed, I can foresee the necessity, after the election, for the President to call the Congress back into special session for the purpose of dealing with a nationwide railroad strike if we do not take action now to provide him with the necessary tools to deal with the serious situation now confronting the railroad industry and the Nation.

Mr. President, I hope that the responsible committees of the Congress will take note of the seriousness of the situation and will go to work on this problem. I believe this legislation must be assigned as high a priority—as indeed, a higher priority than some of the bills that have been coming out of the Committee on Labor and Public Welfare.

In that connection, Mr. President, I ask that the text of a letter dated September 25, 1970, from the President of the United States, addressed to the leadership of the House and the Senate, be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEXT OF A LETTER FROM THE PRESIDENT TO SENATOR MIKE MANSFIELD, SENATOR HUGH SCOTT, SPEAKER JOHN MCCORMACK AND REPRESENTATIVE GERALD FORD

On February 27, 1970, I proposed to the Congress enactment of the Emergency Public Interest Protection Act of 1970 to protect the public against the damaging effects of strikes in the transportation industry. Despite the high priority assigned to this proposal, there has been no action by the Congress to create an effective alternative to work stoppages in this vital industry.

Since I offered my proposal, two disputes involving the nation's railroads and labor unions have reached a crisis point. In the first of these, all mechanisms of the Railway Labor Act have been exhausted, and the nation this week barely averted a shutdown of the rail transportation system. If negotiations in the next two weeks prove to be fruitless and a strike occurs, the only remedy at hand will be special legislation by the Congress addressed to the specific issues involved in this case. In the second dispute I exercised last week the authority conferred upon me by the Railway Labor Act to delay work stoppages when essential transportation services are in jeopardy. I appointed an emergency board to investigate, thus achieving an automatic stay of action of parties to the dispute for a period of 60 days.

When that period ends, it is likely that the Congress will no longer be in session, and the nation's rail transportation might be totally halted. Once again events have revealed the deficiencies of existing legislation for handling labor disputes in the transportation industry. This is precisely the kind of situation I sought to prevent when I proposed emergency legislation seven months ago.

Now, I urgently ask the Congress to give immediate priority to my proposed Emergency Public Interest Protection Act so that in the future transportation services essential to the well-being of the American people will not be subject to the threats and strains of recurring crises.

Sincerely,

RICHARD NIXON.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR COMMITTEE ON THE JUDICIARY TO REPORT S. 3201, THE CONSUMER PROTECTION ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Judiciary Committee be permitted an additional extension of 7 days to report back to the Senate S. 3201 to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes. The original agreement between the chairman of the Judiciary Committee and the chairman of the Commerce Committee provided for a reporting date of September 14, which was extended by order of the Senate until today, September 28. This additional extension is requested because of the desire of the Judiciary Committee to meet on this measure this week. It is understood by the terms of this consent agreement that this bill will be reported back to the Senate automatically next Monday, October 5, without further action by the Senate or by the committee.

The PRESIDING OFFICER (Mr. SPONG). Is there objection? The Chair hears none, and it is so ordered.

THE PUEBLO DE TAOS INDIANS—60 YEARS OF INJUSTICE

Mr. GRIFFIN. Mr. President, considerable national attention has been focused recently on the problems and plight of the American Indians, and with justification. As President Nixon said in his recent Message to Congress on Indians on July 8:

> This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny.

Because of my concern for the welfare of Indians generally, and because of my special concern for some 18,000 Indians in the State of Michigan who have achieved varying degrees of progress, I am interested in seeing that sound, progressive legislation of real meaning for Indians is advanced in Congress.

For that reason I wish to indicate my support for H.R. 471.

The purpose of this legislation is to convey trust title to the Pueblo de Taos Indians in New Mexico of approximately 48,000 acres of land which the United States took from the Indians in 1906 without the payment of any compensation.

Of course, I am well aware of the desire to expedite the business of the Senate in the closing days of the session. I am conscious of the fact that there have been occasions in past sessions when bills with great merit were lost in the rush to adjournment. It would be very unfortunate if such a fate should befall this measure.

H.R. 471 was passed by the House of Representatives on September 9, 1969, more than a year ago. Similar proposed legislation was also passed by the House during the 90th Congress.

During consideration by the House in the 90th Congress, and again in this Congress, extensive committee hearings and long executive sessions were held.

The Indian Subcommittee of the Senate Interior and Insular Affairs Committee held hearings in July on the bill, and I understand that the bill may be taken up by the full committee this week.

I believe that this is a unique and singularly justifiable piece of Indian legislation since the Indians involved have used the lands concerned since the 14th century for religious and tribal purposes. Moreover, its enactment would be an important symbol of this Government's responsivenss to the just grievances of American Indians. President Nixon specifically cited the Taos claim as one such just grievance in his Indian message.

According to the Indian Claims Commission in a decision of September 8, 1965, the Indians had clearly established Indian title to an estimated 130,000 acres of aboriginal use since the 14th century, and the U.S. Government had extinguished Indian title to the land without payment by adding the land to the Taos—later Carson—National Forest in 1906. The Commission directed that the Indians be paid the value of the 130,000 acres at that time. The value has not yet been determined. The judgment will be reduced accordingly if the Indians receive trust title to the 48,000 acres within the tract.

The religious significance of this particular land to the Taos Indians is best described in the Indian Claims Commission findings of fact:

> One of the precepts of Pueblo philosophy and religion is that a way of life was established in the beginning by Mother Nature and the Pueblo's forefathers, and that things should be done as they were in the past.
>
> The native religion of the Taos Indians is to this day very much involved with the daily life of the people. This religion does now and has for centuries tied them closely to the land. The land and the people "are so closely tied together that it is what might be technically called a symbiotic relationship—the people, by their prayers and their religious functions, keep the land producing; and the land keeps the people."
>
> * * * * *
>
> Starting with the northernmost part of the eastern claim area, the most important site identified on petitioner's Exhibit No. 84(a) is Blue Lake. This is the most sacred shrine of the Taos Indians. It is claimed to be their church. In August every year the entire adult population of Taos Pueblo goes to Blue Lake for ancient religious ceremonies which have continued uninterrupted for centuries. On the first day a ceremony is held in the Canyon of the Taos River, east of the peublo. Then on the second day, the Indians go to the Blue Lake and there hold ceremonies during the day and night.

Since the Taos lost title to the area in 1906, some commercial timber harvesting has occurred. A sacred lake was dynamited. A cabin was constructed a few hundred yards from their most sacred shrine. These acts had the same meaning to the Indians as vandalizing a church would have in a Christian community.

Of course, none of these acts were permitted with the knowledge that they violated the religion of the Taos people.

Although the Taos Indians have had use of some 32,000 acres of this land since 1940 under a 50-year permit with provisions for subsequent renewals, and subject to certain control by the Forest Service, they have never been satisfied with the arrangement, and it has been a source of continuous controversy and conflict.

The Taos are apprehensive that Congress could at some future time repeal the act which allows the permit arrangement and take the land. They feel that if they had trust title, they would have a more secure right to the land than they have under the present permit, and more adequate protection of their religious interests in the area. H.R. 471 would grant them trust title to the 32,450 acres for which they have use under the present permit, plus an additional 15,550 acres.

Normally, legislation involving Indian land claims in other States does not generate mail from my constituents. However, in this case, I have received communications from the Michigan Commission on Indian Affairs and Indian constituents endorsing and urging favorable action on H.R. 471.

Because of the uniqueness of this particular Indian land claim; because the Taos Indians without question had established Indian title to a much larger area; because of the singular close religious significance which this land has to the daily lives of the Taos people; and because enactment of this legislation would go far toward restoring Indian trust and confidence in the Federal Government at a time when many new and far-reaching proposals are before them, I strongly urge the passage of the Taos-Blue Lake legislation.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report of Federal Contributions Program Equipment and Facilities, for the quarter ended June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report of Federal Contributions—Personnel and Administration, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE SUPREME COURT OF THE UNITED STATES

A letter from the Chief Justice, Supreme Court of the United States, reporting, pursuant to law, the Court will open the October 1970 term on October 5, 1970, at 10 a.m., and will continue until June 7, 1971, or until all matters before the Court are disposed of; which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIBICOFF, from the Committee on Government Operations, unfavorably:

S. Res. 433. Resolution to disapprove Reorganization Plan Numbered 4 of 1970 (Rept. No. 91–1242).

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

H.R. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments (Rept. No. 91–1243).

By Mr. HUGHES, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes (Rept. No. 91–1244).

PRINTING OF REVIEW OF REPORT ON SAN LUIS REY RIVER, SAN DIEGO COUNTY, CALIF. (S. DOC. NO. 91–106)

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague, the senior Senator from West Virginia (Mr. RANDOLPH), I present a letter from the Secretary of the Army, transmitting a report dated April 3, 1970, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on San Luis Rey River, San Diego County, Calif., requested by a resolution of the Committee on Public Works, U.S. Senate.

I ask unanimous consent that the resolution be printed as a Senate Document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHWEIKER:

S. 4400. A bill for the relief of Nemattolah Hajasgarkhan; to the Committee on the Judiciary.

By Mr. BAKER (for Mr. MURPHY):

S. 4401. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property; to the Committee on Commerce.

By Mr. PROXMIRE:

S. 4402. A bill for the relief of Sang Yol Hwang; to the Committee on the Judiciary.

IMPROVEMENT OF OPERATION OF THE LEGISLATIVE BRANCH—AMENDMENTS

AMENDMENT NO. 951

Mr. METCALF submitted amendments, intended to be proposed by him, to the bill (S. 844) to improve the operation of the legislative branch of the Federal Government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 952

Mr. METCALF submitted amendments, intended to be proposed by him, to the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENT

AMENDMENT NO. 953

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the joint resolution (H.J. Res. 264) proposing an amend-

XUM

ment to the Constitution of the United States relative to equal rights for men and women, which was ordered to lie on the table and to be printed.

ANNOUNCEMENT OF HEARINGS ON TAX CONVENTIONS

Mr. ALLEN. Mr. President, on behalf of the Senator from Arkansas (Mr. FULBRIGHT), I wish to announce that the Committee on Foreign Relations has scheduled a public hearing on Monday, October 5, 1970, to receive testimony on the following income tax conventions:

First, tax convention with Belgium, signed at Brussels on July 9, 1970 (Ex. I, 91–2);

Second, tax convention with Finland, signed at Washington on March 6, 1970 (Ex. E, 91–2);

Third, tax convention with Trinidad and Tobago, signed at Port of Spain on January 9, 1970 (Ex. D, 91–2); and

Fourth, estate tax convention with the Netherlands, signed at Washington on July 15, 1969 (Ex. G, 91–1).

The hearings on these conventions will be held in room 4221 of the New Senate Office Building beginning at 10 a.m. Any person interested in testifying should communicate with the chief clerk of the committee without delay.

ADDITIONAL STATEMENTS OF SENATORS

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A BOLD NEW INDIAN POLICY

Mr. PERCY. Mr. President, it has become fashionable to bemoan the plight of the American Indian. Books have been written, magazine and newspaper articles published, and television and radio programs aired to document the shameful harvest of centuries of oppression and injustice.

Clearly the time has come for action—not just words—for dramatic new initiatives which will allow the Indian people to take their rightful place in American society.

In his historic message to the Congress on July 8, 1970, President Nixon announced a bold new Indian policy that would assure Indians self-determination while reducing Federal paternalism. Under the President's proposals Indian tribes would still remain the subject of Federal concern and Federal support but would be authorized to assume control of Federal programs and services provided for them. Seven separate proposed bills have been sent to Congress by the Department of the Interior in order to implement the President's proposals and it is heartening that this week, hearings are being held on some of these bills by the Indian Affairs Subcommittee of the Senate Committee on Interior and Insular Affairs.

Because of the complexity of the President's proposals, both the Senate and House will need to give these measures extended study and, of course, some time will be required to ascertain the views of Indian leaders.

The President has made it clear that he wants Indian people to participate in policy development to the greatest possible degree. He has asked Vice President AGNEW in his capacity as Chairman of the National Council on Indian Opportunity to hold regional hearings throughout the country with Indian leaders. Five such meetings have been held this month and three more will be completed within the next several days before the second round of the meetings takes place in early November. The purpose of these meetings is to allow Indian leaders to examine in detail the message of the President and the legislation which has been introduced to implement it. The reactions, suggestions, and the recommendations which will result from this dialog between the Federal Government and the Indian people will play an important part in modifying the legislation before it is reintroduced in the 92d Congress.

There is one item of legislative business which need not await further deliberation and study before action. In his message to the Congress, President Nixon urged enactment of H.R. 471, a bill—already passed by the House—that would restore sacred Blue Lake lands to the Indians of the Taos Pueblo in New Mexico.

These lands were taken from the Pueblo without the payment of compensation in 1906. They are a natural cathedral containing the holy places and altars of the ancient Taos faith and their preservation as a wilderness—as H.R. 471 would assure—is essential to the sustenance of the Taos culture and religion.

The struggle of the Taos Pueblo, for over 60 years, to regain their sacred lands has captured the imagination of Indians throughout the country and people throughout the Nation and the world. The injustice done to these Indians has become a symbol of the injustices done to all Indians. As President Nixon stated in his message, the passage of H.R. 471 "would stand as an important symbol of this Government's responsiveness to the just grievances of the American Indians."

I am proud that leaders of both political parties have expressed strong support for the bold initiatives announced in President Nixon's message to the Congress which has kindled renewed hope among our Indian citizens that better days lie ahead. As a gesture of good faith Congress should swiftly pass H.R. 471 into law as requested by the President.

THE ADA AND LAWLESSNESS

Mr. BENNETT. Mr. President, I note from the radio and newspaper accounts this morning that Americans for Democratic Action have called for a congressional inquiry into what they term official lawlessness. The ADA is rightfully concerned with the shooting of students at Kent State and Jackson State. All Americans are concerned with those tragic affairs.

However, in its presentation the ADA once again demonstrated, by the position it took and the manner in which it was done, that it is an organization bordering on the extremist.

In describing the tragedy at Kent State as official lawlessness, the ADA carefully avoided the question of why the National Guard had been called to the campus. The shooting of four students was not an isolated incident but rather the culmination of several days of lawlessness and criminal and violent action on the part of some students on that campus. The Guard was called into a situation that was already supercharged with violence.

The ADA ignores the events preceding the tragedy and thus places the total blame for all of what happened at Kent State on the shoulders of a group of young Guardsmen.

There was, for instance, no mention in the press accounts of the bombing at Wisconsin University which killed an innocent graduate student working in his laboratory.

The ADA took no particular stand, according to news accounts, against the systematic bombing of Federal buildings and other public places in Minneapolis by left-wing extremists.

The ADA, according to news accounts, appears to have taken no strong stand against the wanton assassination of policemen in New York, Philadelphia, Omaha, San Francisco, Berkeley, and a dozen other cities across the country.

If the ADA is to have its voice heard as a constructive instrument in American policy rather than as a shrill and strident cacaphony on the left, it would do well to consider the whole problem of violence.

It would seem to be advisable also for responsible Americans to disavow this kind of one-sided approach to a problem of so serious a nature as that of domestic violence.

IT IS THE RIGHT OF ALL MEN TO TRAVEL FREELY THROUGHOUT THE WORLD

Mr. PROXMIRE. Mr. President, in recent weeks, all of us have been greatly concerned over the obvious mental anguish and physical discomfort suffered by the people being held hostage in Jordan, and their families. I believe that the leaders of all nations must take quick and affirmative action to see that future acts of air piracy be prevented.

Recently, the Committee for World Human Rights issued a statement, in which I concur, saying in part that it—

> Is the right of all men to travel freely throughout the world.

The committee's statement goes on to say that—

> We unconditionally condemn any and all barbarous acts of air piracy.

This committee, which has done such outstanding work in the area of human rights in the past, also called upon all governments to prevent a repetition of the events of the past weeks, which inflicted suffering upon innocent people.

Mr. President, I ask unanimous consent that the statement issued by the Executive Committee of the Committee for World Human Rights condemning air piracy and calling for unified action by all governments to forestall future acts of air piracy be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD:

STATEMENT

The infamous crime of piracy has been revived in this day and age in the form of malicious hijacking and destruction of airplanes operating in national and international commerce with consequent hazard to the life and health of innocent passengers, crews and bystanders. As members of the Committee for World Human Rights, a non-partisan and non-political group of dedicated businessmen and many concerned individuals from the United States and other countries devoted to perpetuating and fostering the ideals of World Human Rights—included in which is the right of all men to travel freely throughout the world—we unconditionally condemn any and all barbarous acts of air piracy.

The failure of demonstrable and vigorous leadership by Chief Executives undermines and vitiates public confidence in their intention and disposition to firmly and unequivocally discharge their humanitarian responsibilities in safeguarding against such bestial acts.

We call upon the Chief Executives of every nation to not only condemn such monstrous actions but to insure prompt punishment for their perpetrators; and to forestall, by unified action on the part of all governments, a repetition of the suffering inflicted upon innocent people.

THE CONDUCT OF THE WAR IN VIETNAM

Mr. DOLE. Mr. President, in the aftermath of the recent vote on the McGovern-Hatfield amendment to end the war, there have been claims by some supporters of that amendment that the doves have won the debate on the conduct of the war in Vietnam.

If one looks at the size of the vote against the McGovern-Hatfield amendment, there are some instant credibility problems with that claim. However, I would be inclined to agree in one sense. That is, both hawks and doves have won because the cause of freedom itself has won.

President Nixon has now been left unhampered to bring this war to an honorable conclusion and he is doing so. Ever since Cambodia the American weekly casualty rate has been well under 100, troop withdrawals are proceeding on schedule, and American commanders in Vietnam report increasing success with the Vietnamization program.

In addition, the fact that an overwhelming majority of Senators and Representatives refused to place any limitations on the President of the United States is a lesson that certainly is not being lost on Hanoi. The hope for peace through negotiation was never strong when Hanoi's leaders thought they could count on American public opinion to bring about a unilateral surrender. With this hope removed, we may have some significant response from the other side at Paris.

So, in one sense, I will say to the supporters of the McGovern-Hatfield amendment—yes, you have won. You will now share with all Americans in the fruits of a just and honorable peace in Vietnam.

THE FITZGERALD CASE: 309 DAYS OF WAITING

Mr. PROXMIRE. Mr. President, it is now more than 300 days since I wrote to Attorney General Mitchell asking the Justice Department to investigate the Air Force's treatment of Ernest Fitzgerald. Fitzgerald was fired by the Air Force because he told the truth to Congress about the enormous overruns occurring on the C5–A project.

No investigation should take this long, Mr. President. We ought at least to have some indication whether the Justice Department plans to prosecute by this time. For there is little doubt that the Federal statute which makes it a crime to injure anyone on account of his testimony before Congress has been violated. The only question is—who is the guilty party? It should not take 10 months to find out.

Mr. President, I call on the Justice Department to dispose of this case. Further delay is totally unwarranted.

PRESIDENT NIXON TO DISCUSS POW PROBLEMS WITH EUROPEAN LEADERS

Mr. BENNETT. Mr. President, while in Europe, President Nixon will have several opportunities to discuss with European leaders the problem of American prisoners of war being held by the North Vietnamese Communist Government.

He will again urge Pope Paul to use the great weight of his office in behalf of obtaining humane and decent treatment for the American prisoners. It is expected he may also bring up the matter when visiting with President Tito of Yugoslavia.

It is obvious that the paramount problem facing the President in his discussions with top European officials is still the critical situation in the Middle East. However, the President has indicated he will also devote time to the problem of American prisoners. His efforts will be aimed at enlarging the role of these prominent men in building the massive world opinion against the manner in which the North Vietnamese have treated Americans held prisoner.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be stated by title for the information of the Senate.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, an editorial in the Washington Post this morning has this title: "Senate Joint Resolution 1—There Is Still Room for Improvement."

Mr. President, if we are asked to change our federal system, if we are asked to deprive some 34 States from having any voting power, certainly the proponents of such a proposal should tell us what those improvements are.

Senate Joint Resolution 1 involves more than one issue. There is the issue as to whether we should abandon the federal system and no longer elect our President by counting the votes by States and go to what has been described as direct popular election. That is one issue.

It is contended that many people and organizations have spoken out on it. However, we are asked to buy the package. We are asked to buy a proposal that would, for the first time, allow the election of a President by a minority. It is written right in the amendment, intended to become a part of the Constitution, that 40 percent of the people can elect the President. That is one basic change.

It is also suggested as a part of the package that we have a runoff election. Most people think that presidential elections are long and costly now. It is suggested that we have two elections when necessary, two campaigns. It is also suggested, as a part of the package, that we have the votes tallied like one big adding machine slip, to determine how many people vote on each side, but that the States determine the qualifications of the voters, at least in many respects.

So, Mr. President, no one could disagree with the Washington Post in its statement in reference to Senate Joint Resolution 1 that there is still room for improvement in it. But, Senate Joint Resolution 1 has been the pending business for a long time. It has been the pending business since September 2. Up to this very hour, the distinguished Senator from Indiana (Mr. BAYH) has not offered any improvements. We have not heard him speak of any. I have inquired at the desk and it is my understanding that he is not offering any amendments.

Thus, so far as the country is concerned and so far as the Senate is concerned, the chief spokesman for Senate Joint Resolution 1 is still trying to get the whole package adopted.

Mr. President, I want to be candid and fair. I am opposed to abolishing our Federal system. I am opposed to depriving 34 States of the voting power that they now have. But I respect those who disagree with me. If the proponents want to change the Constitution, they should bring in the very best proposal they can, and avoid some of the confusion and chaos that will surely ensue.

Mr. President, I want to read the first part of the editorial. It states:

> As the Senate approaches another test on the direct elections amendment, some undecided Members may well find comfort in the fact that the Bayh resolution will be wide open to amendment.

Mr. President, I do not believe that the proponents are going to amend it. The Senator from Indiana (Mr. BAYH) has not offered any amendments. What reason do we have to believe that if we allow this proposal to be adopted or to proceed to adoption, that there will be any amendment?

The editorial goes on:

> Majority Leader Mansfield has called for another vote on Tuesday for limitation of debate on the measure. If he wins, it does not necessarily mean that Senate Joint Resolution 1 will be approved in its present form.

Mr. President, why did the editorial writer say that? He said it because Senate Joint Resolution 1 is not in acceptable form. It is not in a form that can be defended. It has not been defended, Mr. President.

The editorial goes on:

> Several of its supporters would prefer a different means for selecting the President if no candidate should receive at least 40 percent of the vote.

There, Mr. President, the editorial writer is referring to the runoff. How many people and how many organizations in the United States are asking that we go to a system where 40 percent of the people can choose its President, with all the responsibility that is falling upon the President in the trying times in which we live?

Certainly, we should have a President that speaks at least for the majority of the people. Yet, this proposal and the proponents have offered no changes, but invite the uncertainty and the unwisdom of having a 40 percent President, and, if that fails, of having a runoff.

The editorial goes on to say:

> The runoff provision of this resolution is widely acknowledged to be its weakest point.

Mr. President, why should we insert into the Constitution of the United States a point that is acknowledged to be weak? The Constitution has elements of permanence. It is true that we can change it, but we hope that it goes on through all time.

Why do we have to amend the Constitution this fall?

Why do we have to adopt an amendment that is a runoff provision, that is acknowledged as being a weak point?

Mr. President, I want to point out that if there had not been a delay here, if there had not been discussion on the part of the opponents of the proposal, Senate Joint Resolution 1 would have been adopted a long time ago. Senate Joint Resolution 1 happens to be in the same form now as it was before the House of Representatives, and then it is gone. Maybe the States would have refused to ratify it. I hope they would. They should. On the other hand, the argument would then be made, "Well, it must be good because Congress passed it, therefore, we should ratify it." That is like the argument made here: that this must be a good proposal because it passed the House of Representatives.

One of the reasons for having two Houses of Congress is to guard against unwise or imprudent acts on the part of one House. So the fact that it was passed by the first body is really not an argument that should sway the second body. If the legislative body which acted last always followed what the first body did, then the whole system of having two legislative houses would be destroyed.

Mr. President, I want to say something else about the runoff election. The proposal is silent as to when the runoff would be held. All those who have been willing to give an estimate of the time it would take for a runoff have said several months. The distinguished chairman of the Judiciary Committee indicated that it would probably be the next July before we found out who was the President.

Can one imagine a situation in this space age of having uncertainty from the campaign in the fall until the next July as to who would be the President of the United States? Is it any wonder that those who argue for the amendment would admit that "The runoff provision is widely acknowledged as its weakest point"?

Mr. President, on September 8 I raised the question of the runoff with the chief author of the resolution and discussed his amendment on the floor of the Senate. I want to read to the Senator his response.

I quote the distinguished Senator from Indiana (Mr. BAYH), speaking to the junior Senator from Nebraska. The Senator from Indiana said:

> I salute the Senator for bringing up this point about the runoff. As I suggested earlier, it has been a point that has bothered me.

If that bothers the distinguished Senator from Indiana, who pleads so eloquently and long to have the Nation adopt this system—if he says that one of the major parts of the provision bothers him—should we take some more time to look it over? The answer is "Yes." If we had not taken time, if questions had not been asked, it would now have been too late. The proposal would have been adopted, and only the States could save us then.

In connection with the distinguished Senator's statement that the runoff is something that has bothered him, it occurs to me that his subcommittee that advanced the resolution might resolve the distinguished Senator's doubts by holding some hearings and thrashing out the problem of a runoff election: Should one be held, and if so, how?

I do not think that very much thought has been given to the question. As I have pointed out, the distinguished Senator from Indiana said to the junior Senator from Nebraska:

> I salute the Senator for bringing up this point about the runoff. As I suggested earlier, it has been a point that has bothered me.

Also, on the same date, the junior Senator from Indiana said:

> I would suggest that if the people of France are sophisticated enough to have an electoral system in which they can have a runoff election, the people of the United States, and Congress in particular, should be sophisticated enough and intelligent enough to pick a date that would work. I would, however, like to point out that if the 40 percent provision contained in S.J. Res. 1 had been operative in France, that country would not have had to have a runoff.

Mr. President, no one has advanced any good reason why we should have a minority President. Can anyone suggest that if the President is called upon to act in a crisis at home or in a crisis abroad, this country would be in a better position because he has been elected by only 42 percent or by 40 percent? The present requirement in the Constitution is that he shall receive a majority vote.

The only possible argument that has been advanced in support of a runoff that has come to my attention is the reference to the Republic of France by the distinguished Senator from Indiana.

Mr. President, during a colloquy on the pending legislation before the Senate, the distinguished Senator of Indiana mentioned the sophistication of the people of France and the current method of runoff elections now prevailing in that country. I refer to the remarks appearing in the CONGRESSIONAL RECORD for September 8 on page 30818.

In view of the fact that the distinguished Senator of Indiana has raised the French Republic as an example of where a runoff is provided where one presidential candidate gets less than a majority of the vote, I believe it is in order to review constitutional stability of the French since 1789.

In view of the disastrous French defeat in 1940, and taking into account that the French have had to write new constitutions five times since 1789, a critique of French constitutional stability is entirely germane to our debate.

The current French Republic which the distinguished Senator of Indiana mentioned has only been in existence for a very short time. To be specific, it was created by the referendum of September 1958 which means an experience of about 12 years.

Let us review the French experience.

The first Republic was brought about by the convention of 1792 to 1795.

The Republic was proclaimed on September 21, 1792, by a radical national convention, which had been elected under the influence of the fall of the king, the prison massacres, and the Prussian invasion on the northeastern borders. The Constitution elaborated by the national convention and adopted in 1793 provided for the establishment of one legislative assembly, elected for 1 year by universal suffrage. All important legislative texts were to be submitted to popular referendum. Executive power was given to an executive council composed of 24 members, elected by the assembly. But the Constitution, barely voted upon, was suspended until peace had been restored, and in fact, was never applied.

The convention was divided between two parties, the Girondins—moderates—and the Jacobins—radicals—who were also called Montagnards. Their differences became irreconcilable after the execution of the king. The Jacobins soon took over and set up a committee of public safety which led to the dictatorship of Robespierre and the reign of terror.

THE DIRECTORY, 1795–99

The new Constitution of the year III, which set up the Directory, named after the five "directeurs" who made up the executive, sought to find a balance between the excesses of the rule by the legislative assembly and the dictatorship of the Committee of Public Safety. It reinforced the powers of the executive by making it more independent of the legislature, but not sufficiently: the executive had no powers over the legislature and no powers over the treasury and the judiciary. The separation of powers was too absolute to provide for efficient conduct of government, especially in time of war. The coup d'etat of the 18th of Brumaire (November 9, 1799), got rid of the Directory and the Constitution of the year III, and saw the advent of the Consulate headed by Napoleon Bonaparte.

THE SECOND REPUBLIC, 1848–52

The Revolution of 1848 brought about the downfall of the July monarchy. After the firing on crowds in February 1948, King Louis-Philippe abdicated in favor of his grandson in the wake of the insurrectionary mood of the Parisians. On February 24, the Republic was proclaimed and a provisional government was set up with the task of elaborating a new constitution. By November 4, 1848, the National Assembly, which had been elected in April, had completed a new constitution, providing for a single chamber and a strong president, elected directly by universal suffrage. The presidential elections of December 10, 1848, brought Louis-Napoleon Bonaparte to power. On December 2, 1851, however, Louis-Napoleon staged a coup d'etat and announced the dissolution of the assembly. On November 2, 1852, the empire was reestablished by decree.

THE THIRD REPUBLIC, 1870–1939

With the capitulation of Napoleon III at Sedan, in September 1870—during the Franco-Prussian war—the Republic was proclaimed on September 4, and a provisional government of national defense was set up to pursue the conduct of the war. In February 1871, elections for a national assembly were held, with the task of setting up a new Constitution. The Constitution finally agreed upon in 1875 was a compromise between those who hoped to leave the way open for a restoration of the monarchy and those who wished for a republican form of government. Consequently it was very vague and not very comprehensive. The President was to be elected by an absolute majority of the votes of the senate and the chamber of deputies sitting together as the national assembly. The senate was elected by a complicated system of indirect election and the chamber of deputies by direct universal suffrage. Ministers were responsible to the national assembly. The first confrontation between the President and the national assembly resulted in a victory for the latter, and the Third Republic was characterized by the preponderance of the legislative branch over the executive. World War II brought about the fall of the Third Republic. After the defeat of the French Armies in May and June of 1940, the national assembly endorsed the establishment of Marshal Petain as Prime Minister. On July 10, 1940, the national assembly granted Petain the authority to promulgate a new Constitution, which replaced the term "French Republic with that of "French State."

Mr. President, the instability of the Third French Republic is well illustrated by two lists. The first is a list of the Presidents of France from February 1871 to July 1940. The second, and the more important list, is of the French Governments from September 1870 to July 1940. I ask unanimous consent that the two lists may be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

PRESIDENTS OF THE THIRD REPUBLIC

1. Adolphe Thiers, provisional, Feb. 1871–May 1873.
2. Patrice de MacMahon, May 1873–Jan. 1879.
3. Jules Grevy, Jan. 1879–Dec. 1887.
4. Sadi Carnot, Dec. 1887–June 1894.
5. Jean Casimir-Périer, June 1894–Jan. 1895.
6. Félix Faure, Jan. 1895–Feb. 1899.
7. Emile Loubet, Feb. 1899–Feb. 1906.
8. Armand Fellieres, Feb. 1906–Feb. 1913.
9. Raymond Poincaré, Feb. 1913–Feb. 1920.
10. Paul Deschanel, Feb.–Sept. 1920.
11. Alexandre Millerand, Sept. 1920–June 1924.
12. Gaston Doumergue, June 1924–June 1931
13. Paul Doumer, June 1931–May 1932.
14. Albert Lebrun, May 1932–July 1940.

GOVERNMENTS OF THE THIRD REPUBLIC

1. Louis Jules Trochu, Sept. 1870–Feb. 1871.
2. Eugéne Chevandier de Valdrome, "the Bordeaux government," Sept. 1870–Feb. 1871.
3. Adolphe Thiers, Feb. 1871–May 1873.
4. Adolphe Thiers, May 1873–Feb. 1875.
5. Louis Buffet, March 1875–Feb. 1876.
6. Jules Dufaure, Feb.–March 1876.
7. Jules Dufaure, March–Dec. 1876.
8. Jules Simon, Dec. 1876–May 1877.
9. Albert de Broglie, May–Nov. 1877.
10. Gaëtan de Grimaudet de Rochebouet, Nov.–Dec. 1877 (10 days).
11. Jules Dufaure, Dec. 1877–Jan. 1879.
12. William H. Waddington, Feb.–Dec. 1879.
13. Charles de Freycinet, Dec. 1879–Sept. 1880.
14. Jules Ferry, Sept. 1880–Nov. 1881.
15. Léon Gambetta, Nov. 1881–Jan. 1882.
16. Charles de Freycinet, Jan.–July 1882.
17. Charles Duclerc, Aug. 1832–Jan. 1883.
18. Armand Falliéres, Jan.–Feb. 1883.
19. Jules Ferry, Feb. 1883–March 1885.
20. Henri Brisson, March–Dec. 1885.
21. Charles de Freycinet, Jan.–Dec. 1886.
22. René Goblet, Dec. 1886–May 1887.
23. Maurice Rouvier, May–Nov. 1887.
24. Pierre Tirard, Dec. 1887–March 1888.
25. Charles Floquet, April 1888–Feb. 1889.
26. Pierre Tirard, Feb. 1889–March 1890.
27. Charles de Freycinet, March 1890–Feb. 1892.
28. Émile Loubet, Feb.–Nov. 1892.
29. Alexandre Ribot, Dec. 1892–Jan. 1893.
30. Alexandre Ribot, Jan.–April 1893.
31. Charles Dupuy, April–Nov. 1893.
32. Jean Casimir-Périer, Dec. 1893—May 1894.
33. Charles Dupuy, May 1894–Jan. 1895.
34. Alexandre Ribot, Jan.–Oct. 1895.
35. Léon Bourgeais, April 1896–June 1898.
36. Jules Méline, April 1896–June 1898.
37. Henri Brisson, June–Oct. 1898.
38. Charles Dupuy, Oct. 1898–June 1899.
39. René Waldeck-Rousseau, June 1899–May 1902.
40. Émile Combes, June 1902–Jan. 1905.
41. Maurice Rouvier, Jan. 1905–March 1906.
42. Ferdinand Sarrien, March–Oct. 1906.
43. Georges Clemenceau, Oct. 1906–July 1909.
44. Aristide Briand, July 1909–Nov. 1910.
45. Aristide Briand, Nov. 1910–Feb. 1911.
46. Ernest Monis, March–June 1911.
47. Joseph Caillaux, June 1911–Jan. 1912.
48. Raymond Poincaré, Jan. 1912–Jan. 1913.
49. Aristide Briand, Jan.–March 1913.
50. Louis Barthou, March–Dec. 1913.
51. Gaston Doumergue, Dec. 1913–June 1914.
52. René Viviani, June–Aug. 1914.
53. René Viviani, Aug. 1914–Oct. 1915.
54. Aristide Briand, Oct. 1915–Dec. 1916.
55. Aristide Briand, Dec. 1916–March 1917.
56. Alexandre Ribot, March–Sept. 1917.
57. Paul Painlevé, March–Sept. 1917.
58. Georges Clemenceau, Nov. 1917–Jan. 1920.
59. Alexandre Millerand, Jan.–Sept. 1920.
60. Georges Leygues, Sept. 1920–Jan. 1921.
61. Aristide Briand, Jan. 1921–Jan. 1922.
62. Raymond Poincaré, Jan. 1912–March 1924.
63. Raymond Poincaré, March–June 1924.
64. Frédéric François-Marsal, June 1924 (5 days).
65. Edouard Herriot, June 1924–April 1925.
66. Paul Painlevé, April–Oct. 1925.
67. Paul Painlevé, Oct.–Nov. 1925.
68. Aristide Briand, Nov. 1925–March 1926.
69. Aristide Briand, March–June 1926.
70. Aristide Briand, June–July 1926.
71. Edouard Herriot, July 1926 (3 days).
72. Raymond Poincaré, July 1926–Nov. 1928.
73. Raymond Poincaré, Nov. 1928–July 1929.
74. Aristide Briand, July–Oct. 1929.
75. André Tardieu, Nov. 1929–Feb. 1930.
76. Camille Chautemps, Feb. 1930 (4 days).
77. André Tardieu, March–Dec. 1930.
78. Théodore Steeg, Dec. 1930–Jan. 1931.
79. Pierre Laval, Jan. 1931–Jan. 1932.
80. Pierre Laval, Jan.–Feb. 1932.
81. André Tardieu, Feb.–May 1932.
82. Edouard Herriot, June–Dec. 1932.
83. Joseph Paul-Boncour, Dec. 1932–Jan. 1933.
84. Edouard Daladier, Jan.–Oct. 1933.
85. Albert Sarraut, Oct.–Nov. 1933.
86. Camille Chautemps, Nov. 1933–Jan. 1934.
87. Edouard Daladier, Jan.–Feb. 1934 (9 days).
88. Gaston Doumergue, Feb.–Nov. 1934.
89. Pierre Étienne Flandin, Nov. 1934–May 1935.
90. Ferdinand Bouisson, June 1935 (4 days)
91. Pierre Laval, June 1935–Jan. 1936.
92. Albert Sarraut, Jan.–June 1936.
93. Léon Blum, June 1936–June 1937.
94. Camille Chautemps, June 1937–Jan. 1938.
95. Camille Chautemps, Jan.–March 1938.
96. Léon Blum, March–April 1938.
97. Edouard Daladier, April 1938–March 1940.
98. Paul Reynaud, March–June 1940.
99. Philippe Pétain, June–July 1940.

Mr. CURTIS. Mr. President, I call attention to the fact that during this period of only 70 years from February 1871 to July 1940 there were 99 governments of France and 14 Presidents.

THE FOURTH REPUBLIC

The constitution of 1946 perpetuated the faults of the Third Republic. The center of gravity of political power resided in the lower chamber, which was itself now called the National Assembly. The President of the Republic was elected by the two chambers, and Ministers were responsible to the National Assembly, which was able to bring down a government at will, by a vote of no confidence. Before the threat of civil war raised by the rebellious army leaders and European population in Algeria, the National Assembly voted over its powers to Charles de Gaulle by granting him the right to draft a new constitution, on June 1, 1958.

Mr. President, while the Third Republic changed governments almost as often as a person changes his shirt, the Fourth Republic was scarcely better.

Mr. President, I ask unanimous consent to have printed in the Record a list of the governments of the Fourth Republic.

There being no objection, the list was ordered to be printed in the Record, as follows:

Governments of the Fourth Republic

PRESIDENTS

Vincent Auriol, 1947–53.
René Coty, 1953–58.

HEADS OF GOVERNMENT

1. Charles de Gaulle, provisional, Sept. 1944–Jan. 1946.
2. Félix Gouin, provisional, Jan.–June 1946.
3. Georges Bidault, provisional, June–Nov. 1946.
4. Léon Blum, Dec. 1946–Jan. 1947.
5. Paul Ramadier, Jan.–April 1947.
6. Paul Ramadier, May–Nov. 1947.
7. Robert Schuman, Nov. 1947–July 1948.
8. André Marie, July–Aug. 1948.
9. Robert Shuman, Aug.–Sept. 1948 (7 days).
10. Henri Queuille, Sept. 1948–Oct. 1949.
11. George Bidault, Oct. 1949–June 1950.
12. Henri Queuille, June–July 1950 (4 days).
13. René Pleven, July 1950–Feb. 1951.
14. Henri Queuille, March–July 1951.
15. René Pleven, Aug. 1951–Jan. 1952.
16. Edgar Faure, Jan.–Feb. 1952.
17. Antoine Pinay, March–Dec. 1952.
18. René Mayer, Jan.–May 1953.
19. Joseph Laniel, June 1953–June 1954.
20. Pierre Mendès-France, June 1954–Feb. 1955.
21. Edgar Faure, Feb. 1955–Jan. 1956.
22. Guy Mollet, Jan. 1956–May 1957.
23. Maurice Bourgès-Maunoury, June–Sept. 1957 (followed by a vacancy of 36 days).
24 Félix Gaillard, Nov. 1957–April 1958.
25. Pierre Pflimlin, May 1958 (15 days).

Mr. CURTIS. Mr. President, there were 25 governments of the Fourth Republic between 1946 and 1958.

THE FIFTH REPUBLIC

The constitution of the Fifth Republic, approved by referendum in September 1958, strengthened the powers of the executive branch and curtailed those of the National Assembly. A constitutional amendment of 1962 further strengthened the position of the President by providing for his election by direct universal suffrage. The Prime Minister is responsible to both the President and the National Assembly. However, a test between the executive and the legislative under the Fifth Republic has never occurred. For the first time in the history of the French Republics, the executive branch has enjoyed a parliamentary majority, thus insuring the passage of its legislation and the endorsement of its policies.

Mr. President, the Fifth French Republic has shown some improvement over its predecessors. Only two Presidents have been at the helm since 1958. We certainly wish the French success in their quest for constitutional stability, however the record, to date, has not been one to inspire great confidence in this matter.

Mr. President, it is rather significant that so far in this debate, to my knowledge, no argument has been presented that the idea of a runoff election would be a good thing. Many people in and out of the Congress have pointed out the evils of a runoff—its delay, its expense, plus the whole change, the way of campaigning, and the whole departure from our federal system.

I do not want the record to stand and imply that I am suggesting the distinguished Senator from Indiana is advocating that we adopt something out of the French system—not at all. I pointed it out for one purpose, and one purpose only, and that was that the only argument that he has advanced in support of a runoff election was the fact that France had it. Again, I would like to read his words:

> I would suggest that if the people of France are sophisticated enough to have an electoral system in which they have a runoff election, the people of the United States, and the Congress in particular, should be sophisticated enough and intelligent enough to pick a date that would work. I would, however, like to point out that if the 40 percent contained in Senate Joint Resolution 1 had been operating in France, that country would not have had to have a runoff.

Mr. President, why have the proponents of this measure inserted a provision that a President, to be elected, had to have only 40 percent of the vote? Did they do it because there is some impelling reason that makes a minority President better than a majority President? Could it be possible that they feared the chaos that would follow if we were thrown into a runoff and that, in order to make sure that that would be unlikely to happen, the principle of having the President of a majority was abandoned and there was written into Senate Joint Resolution 1 another provision that a candidate needed to have only 40 percent?

Mr. President, I am opposed to Senate Joint Resolution 1 for many reasons. I oppose it in the first instance because, in my opinion, it abandons our federal system. I frankly admit that one of the reasons why I oppose it is that it will take away about 20 percent of the voting strength that my State now has in choosing the President. But, in addition to all of that, there are all of these provisions written into the joint resolution which no one defends and which invite chaos.

Mr. President, I think the distinguished Senator from Michigan (Mr. Griffin) should be commended for the remarks he made in the Senate on September 10. Here the distinguished Senator points out another glaring, and I think dangerous, defect in Senate Joint Resolution 1. Here is what he said. His remarks are directed to the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi (Mr. Eastland). Mr. Griffin said:

> Mr. Griffin. Mr. President, the distinguished chairman of the Committee on the Judiciary made reference to individual views of the junior Senator from Michigan, as set forth in the committee report. Although the distinguished chairman and I do not reach the same conclusions concerning the merits of the pending resolution, I must say that I share his view that it will be necessary and logical if we are to elect the President by direct popular vote, for Congress to establish uniform voter qualifications and procedures for conducting such elections. Indeed, I believe Congress would be derelict in its duty if it did not establish such uniform standards in connection with, or directly following, adoption of a constitutional amendment to elect the President by popular vote.
>
> We may, and we do, differ in our conclusions as to whether such a development would be good for the country—but the logic is unassailable. Furthermore, I can agree that the people of the several States should realize, as we consider this popular vote amendment, that uniform voter qualifications and election procedures will be a necessary and logical result. No one should be fooled on that point.
>
> Mr. Eastland. Of course that is the logical result. It is what will happen. I think it is bad for for the country. My friend disagrees with me.
>
> Mr. Griffin. I am glad to reaffirm the position and the reasoning set forth in my individual views contained in the committee report.
>
> And, I might say that I believe the amendment referred to in those views, and rejected by the committee, should be presented for the Senate's consideration. I do not know what the Senate will do. But I believe it would be consistent with adoption of the direct election amendment to the Constitution to include a provision requiring such uniform standards.

Mr. President, there are so many parts of this proposal that, in truth and in fact, do invite chaos. This one referred to by the distinguished Senator from Michigan is one of them. As Senate Joint Resolution 1 now stands, the selection of the President would be determined by national totals, but 50 different States would have a major part in saying who is entitled to vote.

The other day I likened this to a situation in a State, and I think it bears repeating. If a State were to elect a Governor or a Senator or any other officer elected statewide, it would not think then of writing into its constitution that the counties or the cities shall determine the qualifications of voters. We have such a situation in Senate Joint Resolution 1.

Is it any wonder that the Washington Post says, in reference to Senate Joint Resolution 1, "There is still room for improvement?" Mr. President, there is lots of room.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. BAYH. The Senator from Indiana, as I think the record will show, has spoken about the runoff more than the one time that the Senator from Nebraska suggested. He feels that the runoff is not really as bad as his friend from Nebraska believes.

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But, since some disagreement and concern has been expressed on this issue, the Senator from Indiana is willing to accept another alternative.

If I did so, would the Senator from Nebraska join in the support of Senate Joint Resolution 1, as amended?

Mr. CURTIS. Well, in the first place, I think the Senator from Indiana ought to offer the amendment. If he wants to improve Senate Joint Resolution 1, he should offer an amendment. He has argued here that it should be adopted because there are polls that favor it, and that it should be adopted because the House of Representatives favored it.

I can only conclude that he believes in this amendment. Now, if he is changing his position, I think he ought to offer an amendment.

Mr. BAYH. Will the Senator yield further?

Mr. CURTIS. Let me finish my answer to the Senator's question.

I oppose this proposal for many reasons. One of them is that it is an abandonment of the federal system, in my opinion, whereby we vote by States, giving every State the number of votes that it has Members of Congress.

As a part of that, if that change were made, it would reduce the voting power of my State. That is another reason why I oppose the amendment.

But I say that if the States are to be thus overrun, and this amendment is to be passed, which the Senator has a right to seek to do, he owes it to the country to have a workable and nonconfusing alternative, and Senate Joint Resolution 1 is not that.

Now I yield for a further question.

The PRESIDING OFFICER. The Senator from Nebraska yields to the Senator from Indiana.

Mr. BAYH. I thank my colleague from Nebraska for his courtesy. I do not wish to continue to interrupt him, but I feel it necessary to say a few words, inasmuch as he has spoken at some length and has been particularly critical of the runoff. As I have pointed out to this body before, I have said in conversations with the distinguished Senator from Michigan, who is one of the sponsors of an alternative proposal, that I would be glad to support that proposal, or a reasonable variation thereof that might be acceptable to other Members of this body. I do not think it is necessary for the Senator from Indiana to offer an amendment to that effect himself. I am sure that the Senator from Nebraska would take me at my word if I say I am in favor of accepting that type of thing, and would not suggest that I would be dishonest with the Senate unless I offered the amendment myself.

Frankly, I am trying to get as many people involved in this effort as I can. I have been one of the leading proponents. I do not apologize for that, but I am certainly not going to be arbitrary in saying that if there are places we can change this proposal and make it more acceptable to our colleagues, I am not willing to accept such changes, even if I do not feel that the change might be an improvement as some others suggest.

I have stated before that the runoff, which is used in a number of our States successfully and is not foreign to the American political system, has appealed to me. But if I cannot force the necessary two-thirds of this body to pass it, if it is necessary to get some other Senator's opinion adopted as a part of this amendment, I would be more than willing to accept an alternate proposal.

Mr. CURTIS. I thank the Senator for his explanation. The junior Senator from Nebraska raises no question whatever about the intellectual honesty of the Senator from Indiana. We do disagree as to our conclusions here, but certainly he has proceeded in good faith, motivated by his desire to serve his country in the best way possible.

Mr. STENNIS. Mr. President, if the Senator from Indiana has finished——

Mr. BAYH. Oh, yes.

Mr. STENNIS. Will the Senator from Nebraska yield for a question?

Mr. CURTIS. I am happy to yield.

Mr. STENNIS. Mr. President, first I wish to say that I have thoroughly enjoyed hearing the very fine contribution the Senator from Nebraska has made to this subject—and it is highly involved, and a perplexing subject to a degree. I have never seen anything that brought more earnest attention from virtually all the Members of this body than this entire subject matter of the electoral college, not just this year but in prior years as well.

The Senator from Nebraska always makes a contribution. His address shows a fine knowledge, and more than that, a learning concerning the constitutional processes and the problems we have to try to cover.

I wish to ask the Senator one or two more questions about this runoff matter. As I recall it, the Senator indicated that even among that group in the Senate who favor in a general way the proposal for the election of President and Vice President by a popular vote, he has found a very strong and deep concern about the question of the runoff and the inadequacy of the resolution now before us. Is that not true?

Mr. CURTIS. That is very true, on the part of those who have either criticized or expressed doubts about the wisdom of it. And I know of no one who comes forth and defends it.

Mr. STENNIS. I noticed that the Senator had made that point, and I have had exactly the same experience. Among the Members of this body at this time there are those who favor popular election of the President, but they shake their heads and back off from this provision, as now written, with reference to merely providing that there be a runoff, and more or less a period at that point, leaving everything else to surmise, including what may be done about it in the future.

Mr. CURTIS. Mr. President, I might point out at that point that our Constitution, both in its original drafting and in the 12th amendment, very specifically tells how we elect a President. It provides, after the votes are cast by the States, for the joint session of Congress, how the votes shall be opened, and how they shall be counted; and then it provides, if no one has a majority, the exact way in which the contest shall be decided. It says:

> The House of Representataives shall choose immediately, by a ballot, a President.

It is spelled out exactly how they do it.

Mr. STENNIS. Yes.

Mr. CURTIS. All this proposal says is that there will be a runoff. When its proponents are questioned about that they say, "Well, Congress can implement it by law."

I raise the question, When will Congress do that? Will they change the law in November, after the election? They would have a right to do that; after it appeared that there would be a runoff, the Congress then sitting, if it is left to be done by statute, could enact a statute.

At best, the proposal is hazy and inconclusive, and leaves doubt in people's minds; and it has no defenders.

Mr. STENNIS. If the Senator will yield further, we would be writing up in stone, you might say, a provision of the Constitution that would cover half of the presidential election, carrying it half way, and leave it to them to consider, perhaps under great pressure of partisan consideration, and to supply the other half of the machinery—that is, the runoff machinery for the election of the President. As the Senator has said, Congress could have the power, under this provision, to modify or change the law or change the system even after the first election, so-called, had been held.

Mr. CURTIS. That is correct. Assuming that Congress acted in the best possible manner, the proposal still lacks permanence with respect to writing rules of the game as to how the President is to be elected.

Mr. STENNIS. And it would be subject to change at the will of any Congress.

Mr. CURTIS. That is correct.

Mr. STENNIS. If the Senator will yield further, may I ask his opinion about another matter about which I have been concerned? What is the Senator's opinion with respect to splinter parties being encouraged under the popular election system? Does the Senator think it would encourage them or discourage them? What is the Senator's idea as to the impact of the new system? That is one of our great problems. It is a problem under our present system.

Mr. CURTIS. I think it would encourage and increase the likelihood of splinter parties, because, by its very nature, that would happen.

Also, I might cite the fact that a great many of the leading scholars—I am referring now to those who are opposed to this measure—have pointed out that it would increase the chances of splinter parties.

Mr. STENNIS. I believe that the Senator is correct. Frankly, to me, it is something not to be encouraged.

The Senator was a Member of the House of Representatives in 1948, when the Lodge-Gossett plan was proposed, a plan that I would heartily support as a new Member of the Senate. The same

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plaguing question was present in that plan as is present in these plans, and that is the question of the splinter parties.

I have listened with satisfaction to what the Senator has said about the undermining of the Federal system, the undermining of the system of States, and the complete removal of them from the electoral process. Are we not fooling ourselves to think if we think there is anything of substance left for the States to do or that they will have to do in connection with these Federal elections for the President and the Vice President if we adopt this plan? It is a total abolition and a taking away of their responsibility, their power, and their prerogative; is it not?

Mr. CURTIS. I think that is very true.

Mr. STENNIS. Without any substitute or safeguard of any kind being supplied in their place.

Mr. CURTIS. I agree with the distinguished Senator.

I might invite the Senator's attention to the testimony of Mr. Theodore H. White, the author and political analyst. Mr. White has given a great deal of attention to the presidential elections and presidential campaigns. He says this:

> I would submit that this Senate will consider no more important question in this decade than the matter of how we elect a President. This is the essence of the game. This is a question of leadership in a modern society. This is where I think politics and history join. In modern times, other nations have tried direct election of a president. Germany did. They tried it by direct unitary vote of the nation, and they got Hitler.

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Then he cites something else:

> I spend time covering Presidential elections. The election of 1960 was carried by one-tenth of one percent of the popular vote. It may amuse you to know that in these years since then, I have never been able to get an official count of the John F. Kennedy margin over Richard Nixon. One count says it is 113,000. The Clerk of the House says it is 119,450. And there is another count of 112,000 and another count of 122,000. There is no way now of collecting a direct official vote in the United States.

When a premium is put on that national total, that it is the determining factor, there will be no end to recounts and lawsuits and contests in many of the 180,000 precincts throughout the United States.

Mr. STENNIS. I think the Senator has answered well.

With all the ferment and dissent and protests and marching we have had in the last few years—which we pray will not continue—there certainly is a possibility of it being stirred up in a nationwide election with a popular ballot. I would think that if we were going to change this plan and make it a popular election, the only sound way to do it would be to put it in on an experimental basis and say that it would automatically be repealed after having been used one time, and then let Congress and the State legislatures decide whether or not they want to renew the system. I believe it is fraught with great danger and could be something that, for the first time, would get our constitutional processes out of kilter.

I thank the Senator.

Mr. CURTIS. I thank the distinguished Senator for his contribution.

Certainly, we do not need to apologize for the success under our existing Constitution. For almost 200 years, things have gone along, and able and good men have been elected President. Should we change this for a method that leaves us in doubt?

I would think that the proponents of Senate Joint Resolution 1 themselves would want to withdraw this proposal, not on the basis of the arguments that other people have made, but on the basis of their own doubts which have been expressed here. We should not make a major change in our Federal system if there is any doubt about how it would work out. We face no deadline. If we are to amend the Constitution, it is better that we have a good amendment in March than an ill-conceived one in September. There is no hurry. For the present, we should continue our discussion of this matter until such time as the proponents correct their amendment and confine their basic changes to a system that can be workable, that is free from confusion, and free from the danger of this country's suffering from a lack of government during the long months it would take for a runoff.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I have spoken during this debate before in opposition to Senate Joint Resolution 1. I think the RECORD clearly shows that I am opposed to it for various reasons which I think are, at least to me, so impressive that I am not disposed in any way to yield upon them.

First, I think that the resolution downgrades the States terribly. Although I come from a State which is well above average in size—in fact, ninth—I think that the States still have considerable interest in who is elected President or Vice President and that they are interested as States and as individual sovereigns because the relations between those individual sovereign and the Federal sovereign are such that it requires them to have that continuing interest.

Second, I am very sure that this resolution would produce splinter parties and make us weaker, just as has happened in other democratic nations of the world where splinter parties exist and where the other danger exists, which is noteworthy, that of lack of stability in government.

I particularly appreciated that portion of the speech of the distinguished Senator from Nebraska (Mr. CURTIS), who has just preceded me, which showed how clearly the government of our beloved sister republic, France, has suffered from want of stability which results, in the first instance, from the existence of many splinter parties in that country.

I am also strongly opposed to Senate Joint Resolution 1 because of the provision for a second election, and because of the possibility and I think the probability of long and exhaustive contests and recounts and difficulties produced by nonfunctioning election machines and other things of that kind. It is upon that point I first shall dwell in my remarks today.

Mr. President, I was greatly impressed on Friday afternoon by the speech of the distinguished Senator from North Carolina (Mr. ERVIN) opposing Senate Joint Resolution 1. In particular I appreciated his bringing out the dangers that would flow from the placing of said resolution in our Constitution relative to the possibility of nationwide contests and suits affecting any fraud that might be alleged, any miscounting of ballots, and any breakdown of voting machines.

I was particularly impressed by the fact that the distinguished Senator from North Carolina called attention to the fact that this Nation, great as it is now, has 184,000 voting precincts and that the possibilities of error are present in every one of those voting precincts.

It is very evident that the Senator from North Carolina was exactly right in stating that in the event of a direct vote for President and Vice President on a national basis, the possibilities of appeals for recount and contests of results exist in each of the 50 States and the District of Columbia and in every county in each of the 50 States. And these contests might well occur in each and every State or county, but we must remember they would not be an effective weapon as now, that is which is confined only in its application to the vote of the majority party in each State. Under Senate Joint Resolution 1, these contests would be applicable as well to the minority vote, also, since the alleged fraud, miscounting, or malfunctioning of the voting machines would be just as applicable to the minority vote as it would to the majority vote. In other words, the minority vote in any State or county would contribute to the national total and the contest or demand for recount of the minority vote in any State or county would become just as available a weapon as it is now to the majority vote in that State or county.

The net result of this possibility in the event of a close national election is almost impossible to calculate since it might tie up the election of the President and Vice President for indefinite periods of time, much beyond the date of January 20 when the term of the sitting President would come to an end and the term of the new President would begin.

The distinguished Senator from North Carolina quoted the provision of the Constitution which makes it very clear that the term of the outgoing President does end at midday on January 20 and the term of the new President does begin at midday on January 20. I think that the probabilities of a tieup after the first Tuesday after the first Monday in November, which is the date of the general election, that would last beyond January 20, the following year, are so frightening that this point alone should dissuade us from undertaking any such plan or system. Certainly it is made very clear that in the event of a close election, such as the two we had in recent years, the demands for recounts and suits, and all the contests, would make it completely impossible to hold a second election between the November general election and the January 20 following.

I do not know why that thought has not occurred to the sponsors of the joint resolution, but it seems to me that is one of the things which stands out like a sore thumb, because it calls attention to something which cannot be expected to work in the event of a close national election.

My thoughts immediately turned to what happened after the 1876 election when the Hayes-Tilden controversy raged throughout the Nation and when the final result of the election depended on the electoral votes of three States: Florida, Louisiana, and South Carolina.

As a boy, I was raised on the discussions of what happened in the case of the contest in Florida. A great many good people in our State still have great doubt as to whether that contest was properly decided.

So confused was the situation in each of these States and so variant were the actions of the canvassing officials and courts in these States that the whole contest assumed such proportions as to require finally, in the judgment of Congress, the setting up of a presidential electoral commission, an agency not authorized by the Constitution, to go into the jumbled facts for the Congress and decide these three contests for the guidance of Congress.

Let us remember that the date of inauguration of the new President at that time was March 4 and not January 20 as it now is. On checking with the Library of Congress I find that the presidential electoral commission, after going into all the facts that were available to it, decided by a vote of 9 to 8 the three cases which I have mentioned on the following dates: A decision was made in the Florida contest on February 9 assigning the electoral vote of Florida to Rutherford B. Hayes. In the case of Louisiana, its electoral vote was assigned by the same presidential election commission to Mr. Hayes on February 16. The date of the inauguration was getting very close. In the case of South Carolina, the electoral vote of that State was assigned by the presidential electoral commission to Mr. Hayes on February 28, 1877, or just 4 days before the inauguration. These three decisions decided the election in favor of Mr. Hayes over Mr. Tilden by a majority of one—that is a single electoral vote. The Library of Congress furnished me with these dates and also with the fact that Congress took action on March 2, receiving and accepting the reports of the presidential electoral commission, and counting the electoral votes of the States of Florida, Louisiana, and South Carolina for Rutherford B. Hayes, thus deciding the election on March 2, or just 2 days before the inauguration, and deciding it by a margin of only one electoral vote.

It is obvious from a review of all of the dates above named that no second election of the President could possibly have been held after the first of the decisions, February 9, in the Florida case, just 23 days before the inauguration. And I call attention to the fact that all of these contests related to States of small population and to relatively small units of government within those States. In the State of Florida the contest related only to the votes cast in two counties: Alachua and Jackson.

With the court's decision conflicting and with two canvasing returns that varied being sent to Congress, I think that every Senator can realize the problem presented in such a case and how difficult it is to decide how the electoral vote shall be counted.

Mr. President, I shall not go into any great discussion of what happened during that recount except that I think it is interesting to note the following fact about it.

At the time the commission was selected by Congress, it was thought that it leaned in the Democratic direction. But between that time and the time that the recounts were decided, one member of the commission, Mr. Justice Davis, of Illinois, resigned in order to be elected to the Senate of the United States from the State of Illinois by action of the State legislature, receiving the votes of the Democrats and the Independents. He was succeeded by the next senior member of the Supreme Court, who happened to be of the opposing political faith.

So, Mr. President, I think it is rather clear that here is a demonstration of what happens when we have serious contests following a close election, even with the time that existed then for those contests to be decided being different, because then we had the time from the first Tuesday after the first Monday in November until March 4. Now we have the time from the same time in November up to January 20.

I think it is rather absurd. In the event of a close election and the occurrence of many contests, there is no way whatever in which the proposed resolution could or would work.

It is terrible to contemplate the confusion that might result if Senate Joint Resolution 1 were adopted and became a part of our Constitution through contests and recounts in any number of States and the District of Columbia, and the complete impossibility of deciding all of these contests finally either by court action or otherwise in time to have a second national election of the President before January 20, the date the presidential inauguration takes place under the present Constitution.

Mr. President, I shall not dwell longer on that point. However, I hope that Senators reexamine the able statement made by the Senator from North Carolina last Friday which embraced a much longer treatment of this particular point than I have given here today, although not taking up the same details with which I have dealt.

I think that a Senator looking at the facts and the law, as amassed and presented by the Senator from North Carolina, will come without question to the conclusion that Senate Joint Resolution 1 simply cannot work in a close election.

Mr. President, on a previous occasion when I appeared in this debate, I stated that if one would study the unusual weather phenomena occurring during the period of the month of November when presidential elections occur, it would be readily seen how adverse weather conditions could play a part on the fairness of direct elections, and incidentally, if the proposals of the pending amendment were adopted, we should have a second election coming, let us say, in December, in which the chance of disturbance of the weight of the many States would be even more adversely affected as the weather conditions in December are generally worse than they are in November.

In order to show the effect weather conditions could have on the fairness of direct elections nationwide under the pending proposal, 2 years ago when I appeared before the committee so ably headed by the Senator from Indiana (Mr. BAYH), I procured information from the Weather Bureau regarding storm data and unusual weather phenomena occurring during the period November 2 to 8, the period of the month that presidential elections occur.

In researching the 10-year period, 1959–68, we found that during the period November 2 to 8, 1959, all of our State, Florida, most of another State, and certain areas of 16 other States had unusual weather conditions which would have hindered voters from getting to the polls. In 1960, certain areas of three States had such conditions; in 1961, nine States had such conditions; in 1962, all of one State and certain areas of five other States had such conditions; in 1963, all of two States and certain areas of eight States had such conditions; in 1964, certain areas of four States had such conditions; in 1965, all of four States and certain areas of three States had such conditions; in 1966, all of two States and certain areas of 10 States had such conditions; in 1967, all of one State and certain areas of four States had such conditions; and in 1968, all of three States and certain areas of five States had such conditions.

Mr. President, the figures I have given are based on reports to me by the U.S. Weather Bureau, made after a careful check of conditions during each of the 10 years which I have covered in this statement.

It is completely clear that in the event nationwide direct election of President and Vice President had occurred in any of the 10 years covered by the weather statistical material furnished me, the people of one or more States would not have been able to vote their full weight in comparison with other States of the Nation due to no fault of their own. Of course, adverse weather affects voting in each State, singly, and always has, but the State will still have its full electoral strength and the votes actually cast should be fairly representative of the attitude of the people of that State as a whole.

Mr. President, I have repeatedly stated that the electoral college as now set up is by no means an ideal system and have long opposed it. I have supported another method of selection of the President and Vice President, one of which passed the Senate by the very large vote required for submission to the States, but failed of such passage in the House of Representatives. The program at that time, the fractional method of deciding the vote of each State, was known as the Lodge-Gossett plan.

I am completely out of accord, however, with the adoption of the amendment discussed by the Senator from Indiana for it would simply mean that the Federal Government would take ultimately and necessarily, complete control of our election machinery and processes and would simply strike out any independence on the part of the States as sovereign entities, intended by the Constitution. It would, in the final analysis, call for federalization of our election laws.

I appreciate the fact that the distinguished Senator from Nebraska in his speech just preceding mine quoted rather extensively from the able and distinguished Senator from Michigan (Mr. Griffin) in his statement of a few days ago in which he made it very clear that the only thing that would possibly allow any part of Senate Joint Resolution 1 to work would be the adoption of uniform Federal standards affecting elections; that is, for the registration of electors, for the casting of absentee ballots, for the period of residence and age of voters, and all the other details necessary for the uniform system.

I do not favor that kind of action. I think we already have too big a Federal Government which is not functioning as well as we would like it to function and this would be just another step in stealing from the States something given them by the original Constitution in a compromise settlement which was basic and necessary to the framing of the Constitution. I do not want to see that original compromise interfered with.

That compromise made provision for small States. The first State, now so ably represented by the distinguished Senator now presiding (Mr. Boggs), has always been a small State but a great and fine State. It was one of those States so insistent on the compromise under which each State had two Senators in the Senate, and under which the electoral college consisted of representation, for each State of two electors representing the Senators and one elector for each Congressman from that State representing the population of that particular State.

Mr. President, we would not have had a Constitution if it had not been for that compromise. I hate to think of anybody now seriously discussing a program which would go back to the beginning and disregard the fact that we have lived for 181 years under that Constitution and under which we have become the oldest continuous government of any size on earth. This measure would change that program which was found so necessary to the very existence of the Constitution and the setting up of the Federal Government. I hope we shall not consider doing anything so unwise as that.

And I state, most emphatically, that I do not care to have the long and controlling arm of the Federal Government extended insofar as our election process is concerned, resulting in further centralization of Government and the taking away from the States the independence our Founding Fathers intended them to retain.

Mr. President, those who are qualified as electors do not vote simply in presidential elections. They vote for Governors of their States. The Senator now serving as Presiding Officer served as Governor of his great State, the State of Delaware. They vote for the legislature which makes the laws—a bicameral legislature in every State but one and a unicameral legislature there—and I glory in the fact that States can be independent in the way they set up what they think is the best form of a representative government to serve the people of their State. They elect State executive officials. In my State all the cabinet members are elected by the people of the State. They elect the county officials. If there is any part of the government close to the people it is the courthouse officials in every county in this country. In many States they elect their judicial servants. That is true in my State, but not in every State. I am grateful again that our form of government is so flexible as to allow our States some freedom of action as to what they think will best serve their ideas of the exercise of freedom and independence.

So, Mr. President, I do not want to see the Federal Government taking over so great a responsibility and taking over the setting up of uniform standards of participation in elections.

I think to do so would be a significant and great departure from our system of government. Do not Senators remember that in section 2 of article I of the Constitution it was provided not that the Federal Government should set up qualifications of electors, but that which would prevail in the election of congressmen would be the system which applied to the most numerous branch of the legislature, showing how fully the constitutional framers were willing to rely on State standards.

Mr. President, one of our colleagues, Senator Mundt, the author of the so-called district plan for electoral college reform, introduced in the 90th Congress as Senate Joint Resolution 12, made a statement on the floor of the Senate on February 6, 1967, in respect to meritorious and significant criticism of our present electoral college system by the Commission on Electoral College Reform of the American Bar Association. Knowing that the American Good Government Society, for many years had been in the vanguard of those advocating electoral college reform, Senator Mundt asked Mr. J. Harvie Williams of its Committee on Electoral College Reform to prepare a statement in depth discussing the pros and cons of various proposals to correct the present situation. Senator Mundt inserted into the Record of February 6, 1967, comments made by the Committee on Electoral College Reform of the American Good Government Society on the statement of the Commission on Electoral College Reform of the American Bar Association. Mr. President, while these comments appeared in the Record of February 6, 1967, I believe it well that they now appear as a part of the present debate and I ask unanimous consent that they be printed in the Record as a part of my remarks at this point.

There being no objection, the comments were ordered to be printed in the Record, as follows:

OBJECTIONS TO PROPOSED DIRECT VOTE FOR PRESIDENT

Mr. Mundt. Mr. President, as a recent statement by the Commission on Electoral College Reform, of the American Bar Association, presents some highly meritorious and significant criticisms of our present electoral college system. It demonstrates once again the basic necessity for correcting some of the perils and problems presently embedded in the manner in which we now elect our Presidents through the machinery of the electoral college.

Unfortunately, to some of us who have been crusading for electoral college reform for more than a decade, the answer or the cure proposed by the American Bar's Commission on Electoral College Reform creates many more problems than it solves and has some highly undesirable features which argue against its adoption. This is especially true when there are available at least two and possibly more reform procedures which would avoid the unfortunate repercussions and consequences which the direct vote for President proposal would set in motion.

Inasmuch as the American Good Government Society has for many years been in the vanguard of those advocating electoral college reform, I have asked the executive director, Mr. J. Harvie Williams, of its Committee on Electoral College Reform to prepare a statement in depth discussing the pros and cons of various proposals to correct the present situation.

While I happen to be the author and sponsor of the so-called District Plan for Electoral College Reform, now before the Senate as Senate Joint Resolution 12, and while I am gratified that the American Good Government Society along with many other knowledgeable groups are supporters of the district plan for reforming the electoral college, I am submitting this statement not as an argument for the approval of our amendment but as a public service to call attention to some of the pitfalls and the perils involved in departing completely from our traditions by providing for the direct popular vote for President and by discarding our great American concept of majority rule.

Too many foreign governments have already demonstrated the dangers of governments selected by a minority to give me any feeling of confidence, for example, in a proposal advocating that we now adopt a proposal openly recommending that a vote of 40 percent be considered adequate to elect our National Presidents with the inevitable concomitant that a plethora of minority parties would develop to grind away the traditional advantages which our adherence to a two-party system has uniquely provided for the United States.

The Commission on Electoral College Reform of the American Bar Association, in its report to the association, recommends that the President of the United States be elected by 40 percent of the direct nationwide popular vote; that when no candidate receives the required 40 percent of the vote a runoff election be held between the two top candidates; and that Congress have ultimate power over presidential elections, including age and residence requirements of voters.

These recommendations go far beyond what is necessary to achieve a much-needed, long overdue, and proper reform of the electoral college system by which we elect the President and Vice President. They would reshape the foundations on which the Constitution rests. Are we ready to do this?

By giving Congress control of the President's election the commission's recommendations would abolish the doctrine of separation of powers.

By abandoning the majority requirement in the President's election, the commission's recommendations would cut asunder the taproot of the two-party system. As much as the two-party system is revered we should understand clearly that it is imposed on us by the constitutional requirement of a majority vote to elect the President, by the electoral college or by the House of Representatives.

By abolishing the electoral college—that is, the office and person of elector of the President—the commission's recommendations would wipe out both the Federal element and the national element from the President's constituency which is now a representation of States and people—not voters—just as the Senate and House are a representation of both States and people. In their place this proposal, in the words of the eminent Prof. Edward S. Corwin, would "substitute a mathematical constituency, with the evils already cited, for the present geographic constituency. It would also pose a difficult problem of policing."

Heretofore, the direct, nationwide election of the President has been regarded as impossible of accomplishment. It was widely believed that the legislatures of the smaller States would not ratify such a change in the Constitution, and that Senators from these States would oppose submission of any amendment that so changed their constitutional status. I still believe this to be true, for there are 15 States having three or four members of the electoral college. Only 13 States are necessary to defeat a constitutional amendment.

Every worthy charge the commission makes against "the electoral college method of electing a President of the United States can be pinpointed as a charge against the statewide election of those members of the electoral college who exist by virtue of Members of the House of Representatives. Senate Joint Resolution 12, of which I am the sponsor, along with Senators Cotton, Curtis, Dominick, Fong, Hruska, Jordan of Idaho, Morton, Stennis, Thurmond, and Tower, would do all that needs to be done. It would make the President's constituency equivalent to that of the Senate and House of Representatives in joint session, which is exactly what the constitution provides. That provision was distorted erroneously by the State legislators a long time ago. Its correction now does not require a reshaping of our federal system.

Mr. HOLLAND. Mr. President, because the direct election of the President has not heretofore been taken seriously its true character and the problems it would create have not been closely examined. It was to remedy this, in part, that Senator Mundt asked the Committee on Electoral College Reform, of the American Good Government Society, to examine the report of the bar association's commission and offer any comment that seemed necessary. I ask unanimous consent that this position paper be printed in the body of the Record.

The material follows:

Electoral College Reform

The American Bar Association published this month *Electing the President*. A report of its Commission on Electoral College Reform.

What follows is an objective commentary on the Report. Where necessary, the comment is critical.

My comment follows a quotation from the Report which is identified by page number.

Page 1

"Three of the four basic proposals would retain the system of allocating to each State a number of electoral votes equal to the number of Senators and Representatives to which the State is entitled in Congress."

Comment

This language smacks of the language of the Rules of Democratic National Conventions, and of the Southern Wing of the Party. In that convention "votes" are "allocated" t States. In Republican Conventions "delegates" are allocated to the States and Congressional Districts, as the Constitution allocates Electors to the States.

Page 1

The "unit vote" proposal would write into the Constitution the present practice of awarding all of a State's electoral votes to the candidate who wins the greatest number of popular votes in the State.

Comment

There is no present practice of awarding votes. There is the election of a party slate of Electors who, when they meet vote by ballot. Being party men and having been elected as a party slate in each State, each Elector marks his ballot for his party's ticket. The term "unit vote" derives from Democratic conventions which permit voting under the "unit rule" whereby the majority of a State delegation.

Pages 1 and 2

The "district vote" proposal would divide each State into districts comparable to congressional districts; the winner of the popular plurality within the district would receive that district's electoral votes and the two additional electoral votes would go to the candidate receiving a plurality of the popular vote in the State.

Comment

Under this proposal the Electors to which a State is entitled by virtue of its Representatives would be elected in districts.

THE COMMISSION'S RECOMMENDATIONS

Page 3

The Constitutional Amendment should: "provide for the election of a President and Vice President by direct nationwide popular vote."

Comment

This proposal would:

(a) Eliminate the federal element from the constituency of the President of the United States of America by eliminating 100 Electors who exist by virtue of 100 United States Senators.

(b) Eliminate representation of people according to numbers by eliminating 435 Electors who exist by virtue of Representatives in Congress.

(c) Substitute a mathematical constituency of voters, which could and would vary from election to election according to weather, counter attractions, ideological issues, "ballet voters," etc., for the geographic-population constituency. Such an Amendment should also change the title of the office to "President of the Voters in America" to square it with the proposed change in the Constitutional foundation of the Executive Power.

(d) Convert the present *intra*state election of Electors to an *inter*state election of Presidential tickets which have been nominated by national party conventions unknown to the Constitution. As no Constitution, not even that of a Ladies Aid Society, is complete without imperative provisions for filling its offices, the entire apparatus of the party system would have to be brought under Federal regulation.

(e) Set the States into competition to expand their electorates by lowering age limits and franchise qualifications.

Page 3

"Require a candidate to obtain at least 40% of the popular vote in order to be elected President or Vice President."

Comment

This proposal would:

(a) Abandon the majority principle which is the taproot of the two party system. The majority requirement leaves no room for a continuing third party.

(b) Bless Constitutionally a President opposed by three-fifths of the voters.

Page 3

"Provide for a national runoff between two top candidates in the event no candidate receives at least 40% of the popular vote."

Comment

This proposal would imbed in the Constitution for use in general elections a device developed for use in primary elections of the Democratic party in the one-party States of the South. Experience with it is limited to ten Southern States, and only in primary elections of the Democratic party.

Page 3

"Provide that the places and manner of holding the presidential election and the inclusion of the names of candidates on the ballot shall be prescribed in each State by the legislature thereof, with the proviso that Congress may at any time by law make or alter such regulations:"

Comment

This proposal would:

(a) Violate the principle of separation of powers in that Congress now has no authority in the premises.

(b) Open the way for Congressional regulation of party conventions, and Presidential elections.

Page 3

"Require that the voters for President and Vice President in each State shall have the qualifications requisite for persons voting therein for Members of Congress, with the proviso that each State may adopt a less restrictive residence requirement for voting for President and Vice President provided that Congress may adopt uniform age and residence requirement."

Comment

This proposal would extend the Authority of Congress to election questions hertofore exclusively in the jurisdiction of the States, further denaturing the federal system.

Pages 3 and 4

"The electorial college method of electing the President of the United States is archaic, undemocratic, complex, ambiguous, indirect and dangerous.

"Among other things, the present system allows a person to become President with fewer popular votes than his major opponent."

Comment

There are no popular votes for President. The popular vote is for a slate of Electors in a State and the number of popular votes is the number of votes received by the Elector candidates. This is determined by multiplying the number of voters by the number of Elector offices to be filled. This interchanging of "voters" and "ballots" and "votes" confuses the whole subject.

Page 4

"Grants all of a state's electoral votes to the winner of the most popular votes in the State, thereby cancelling all minority votes cast in the State;"

Comment

What happens is that party slates of Electors run on a statewide general ticket mostly under the names of the party's national ticket. Each Elector candidate is a statewide candidate and receives a vote from each voter who marks a ballot for his slate. The minority merely loses, as all minorities do. This is not to say that the general ticket is a fair representative system. It isn't. It is everything else.

Page 4

"Makes it impossible for presidential electors to vote against national candidates of their party;"

Comment

Of more than 15,000 men and women who have been appointed Elector of the President only 8 are alleged to have voted contrary to the intentions of their supporters.

Only three of these instances have occurred since 1824, one each in 1948, 1956 and 1960. Under close examination these allegations do not stand up. If an issue at all, this is a spurious one, sheer nonsense, unworthy of serious consideration.

Page 4

"Awards all of a State's electoral votes to the popular winner of the State regardless of voter turnout in the States;"

Comment

The number of Electors in a State is established by the Constitution—two for the State as an organized political society, and one or more according to its population. The "voter turnout" is irrelevant. In voting, enfranchised Citizens represent those ineligible to vote—minors, aliens, etc.

Page 4

"Assigns to each State at least three electoral votes regardless of its size;"

Comment

This is the federal system. Each State has two U.S. Senators and at least one Representative in Congress, therefore three Electors—two *federal* or "Senatorial" Electors and at least one *national* or "Representative" Elector. This is the Federal Union of States in Congress which has the legislative power; and in the Electoral College which elects the President to wield the executive power. Both powers rest on the same base in the electorate. The only distortion—and it is a big one—is the State Legislatures' use of the statewide general ticket for the election of the *national* or "Representative" Electors.

Page 4

"Fails to take into account population changes in a State between censuses;"

Comment

No proposed amendment even tries to do this. This idea is indicative of the shallowness and thoughtless character of the Report. Direct popular election would substitute an eccentric fluctuating mathematical constituency of voters for a geographic constituency of people, of voters and nonvoters alike represented by voters. Stormy weather in some parts of the country could wreak havoc in the final outcome.

Page 4

"Allows for the possibility of a President and a Vice President from different political parties;"

Comment

This is correctable in the contingent election, by putting it in a joint session of Congress, without upsetting the federal system; in fact this suggestion would be a vast improvement.

Page 4

"Employs an unrepresentative system of voting for President in the House of Representatives."

Comment

This, as above, is correctable in the contingent election without upsetting the federal system.

Page 4

"Direct, nationwide popular vote is best of all possible methods. It offers the most direct and democratic way of electing a President and would more accurately reflect the will of the people than any other system;"

Comment

The people have a dual citizenship, in their States and in the United States. Direct popular election of the President would eliminate the State or federal part of this duality, leaving only the national citizenship. This is where the federal element is to be taken out.

Page 4

"Direct popular vote would eliminate the principal defects of the present system;"

Comment

It would also eliminate the federal element from the President's constituency and destroy dual citizenship in Presidential elections, but leave them intact for the election of Congress. The footing of the two elective powers, Legislative and Executive, in the electorate would be utterly unlike in the Constitution itself. The principal defect is, of course, the statewide election of "Representative" Electors. This is charged not against the Constitution *per se* but against the State Legislatures.

Pages 4 and 5

"It would eliminate the unit vote rule . . . which totally suppresses at an intermediate stage all minority votes cast in a State.

Comment

The Statewide general ticket for "Representative" Electors is wholly unrepresentative. As to suppressing minority votes, which is not the real question here, it is unimportant at what stage they are the losers if the system of representation is fair and just.

Page 5

"It would do away with the ever-present possibility of a person being elected with fewer popular votes than his major opponent;"

Comment

"Popular vote" as used in the Report, is not a standard of measurement for anything in our political system except the number of voters. It is no measure of the number of votes they cast.

Page 5

"It would abolish the office of presidential elector which is an anachronism and a threat to the smooth functioning of the elective process;"

Comment

The presidential elector is no more out of date than the Constitution itself. No such threat has been demonstrated. How can the constituencies of the President and of Congress be brought close to exactness without the "Senatorial" and "Representative" Electors, properly elected? This is the central question, yet the Commission ignored it.

The national parties and their conventions are extralegal. They are, in national committees and conventions, simply federations of State parties which are legal entities under State laws.

Although the Elector exists because of the Constitution, the courts have held him to be a State officer performing a federal function. He is the connecting link between the States and the United States in the election of the President and Vice President. It is the office of Elector which keeps Presidential elections intra-state, under State election laws, and free from Congressional control.

Although national conventions today make party nominations for President and Vice President, it is the party Elector, by his vote in the Electoral College of his State, who gives that nomination Constitutional status. Removal of the Elector could invite control of Presidential nominations and elections by Congress, taking this control from the States. If the Elector is removed from the Constitution, something will have to replace him. Some specific provision must be made for the performance of the Elector's separate Constitutional functions of nominating someone for President, and of electing a President when someone has an electoral majority.

Page 5

"It would minimize the effects of accident and fraud in controlling the outcome of an entire election;"

Comment

The exact opposite is true. The present system places an undue premium on fraud because of the statewide general ticket. Fraud in Chicago affects the outcome throughout the State of Illinois; fraud in St. Louis or Kansas City affects the entire State of Missouri; fraud in Philadelphia and Pittsburgh is imbedded in the final count in Pennsylvania. None of these frauds would affect the election results in any other State.

The same frauds in a direct, nationwide popular election would all be added into the final results. The premium on fraud would be greatly increased.

As to accidents: A great storm in the Northwestern States could materially reduce the turnout of voters in that part of the Country. The result would shift the center of political gravity of the entire country.

It is always easier for metropolitan voters to attend the polls, a short distance from their homes, than it is for people in more sparsely settled regions where the polling places may be several miles away.

Page 5

"It would put a premium on voter turnout;"

Comment

Voter turnout is the business of the political parties. The Constitution should be neutral, neither abetting nor blocking.

Page 5

"Perhaps the most important objection that has been voiced to direct election is that it would lead to a proliferation of parties and weaken the American two party system;"

Comment

The two party system is rooted in the majority requirement in the Electoral College; in the contingent election in the House; in the organization of the House, and in the organization of the Senate. The threat to the two party system is in the proposed 40% plurality for the President's election. It is not in the direct election proposal *per se*.

The statewide general ticket for "Representative" Electors is more conducive to third parties as "spoilers" since they can effectively shift a large pivotal state from one party to another; or on rare occasions win the electoral vote of a State. In 1948 Henry Wallace's candidacy shunted Michigan, Maryland and New York into Dewey's electoral column. That same year the regular Democratic party in four Southern States supported Thurmond instead of Truman.

Page 5

"We recommend that a candidate should receive at least 40% of the popular vote in order to be elected President;"

Comment

By abandoning the majority principle this proposal would weaken and ultimately destroy the two party system, as it would concede the Presidency to a man opposed by three-fifths of the voters.

Page 6

"We further recommend that there be a national runoff popular election between the two top candidates in the event no candidate received at least 40 percent of the popular vote;"

Comment

The "runoff" is a device used in Democratic primaries in ten one-party States in the South. It is unsuitable for nationwide general elections, as it would double the cost and most often topple the leading candidate in a three-way race. It would weaken the major parties. Wouldn't an ultimate choice by a joint session of Congress be preferable as the contingent election?

Page 6

"The president is our highest nationally elected official . . . It is only fitting that he be elected directly by the people;"

Comment

He is "President of the United States of America". The United States is a *federal union* of States with a limited Constitution of Government, or dual sovereignty. For the *legislative Power* the Senate rests on the federal principle of coequal political societies; and the House of Representatives rests on the people of the States. For the Executive Power the Electoral College rests on similar foundations by combining into one voting body the "Senatorial" or *federal* Electors (100) and the "Representative" or national Electors (435). This body is the exact counterpart of a joint session of Congress.

Dual sovereignty of the federal union gives each citizen dual citizenship. He is a citizen of the United States when he votes for a Representative in Congress and the corresponding "Representative" or national Elector. He is a citizen of his State when he votes for two United States Senators and for two "Senatorial" or *federal* Electors.

To pull the federal element out of the President's constituency would be to deprive the States as such of a part in his election, and reduce the quality of State citizenship by half.

To do this by substituting a mathematical constituency of voters for the fixed geography of the States in the President's constituency would make him "President of the Voters of America".

Page 6

"Under direct election as embodied in our recommendations, states would continue to play a vital role in the elective process. They would continue to have primary responsibility for regulating the places and manner of holding presidential elections for establishing qualifications for voting in such elections and for controlling political activities within their state boundaries;"

Comment

"Primary responsibility" is not *ultimate* responsibility. This ultimate responsibility is proposed to be given to Congress in violation of the principle of Separation of Powers.

Page 7

"In summary, direct election of the President would be in harmony with the prevailing philosophy of one person, one vote. 'The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth and Nineteenth Amendments can mean only one thing—one person, one vote.' This equality in voting should extend above all to the Presidency."

Comment

This unquestioning acceptance of undemonstrable assertions is the major weakness of the Commissions Report. For example, under the Nineteenth Amendment the vote of a New Yorker for United States Senators cannot be equated with the vote of an Alaskan for United States Senator. Under the federal principle of State representation in the Senate the comparison is irrelevant.

Nor is there any evidence that there is a "prevailing philosophy of one person, one vote".

In conclusion, every relevant and valid charge against "the electoral college method of electing a President of the United States" is, in fact, a charge against the statewide election of those members of the Electoral College who exist by virtue of members of the House of Representatives. The question is not one of voter equality but of *representation*, of the shape of the President's constituency.

When in 1842, in order to prevent use of the general ticket for Representatives, Congress first enacted a law requiring that House members be elected in single member Districts, John Quincy Adams (who had been President and Senator) had this to say, as Chairman of a Select Committee of the House of Representatives:

"The representation of the people by single districts is undoubtedly the *only* mode by which the principle of representation, in proportion to numbers, can be carried into execution.

"A more unequal mode of assembling a representation of the people in a deliberative body could not easily be contrived than that of one portion chosen by general ticket throughout the State, another portion by single districts, and a third portion by single and partly by double, treble and quadruple districts.

"This forms, in the mass, a representation not of one representative for the common standard number throughout the whole Union, but of States, and cities, and sectional divisions, in knots and clusters of population, of different dimensions and proportions . . .

"Should the general ticket system universally prevail, it is obvious that the representation of this House will entirely change its character, from a representation of the people to a representation of States, and transform the constitutional government of the United States into a mere confederation like that which, fifty-four years ago, fell to pieces for the want of ligatures to hold it together."

Should it be necessary to do violence to the structure of our Constitutional system in order to correct partisan political errors of the State Legislatures?

J. HARVIE WILLIAMS,
Director, Committee on Electoral College Reform, American Good Government Society.

JANUARY 26, 1967.

Mr. HOLLAND. Mr. President, I think at this time, since we all know that the Senator from South Dakota (Mr. MUNDT) is absent on account of prolonged illness, we should recognize he has been one of the great students of electoral reform and that he has participated most actively, and I hope none of us will ever forget his very great opposition to popular election of the President and Vice President.

Mr. President, I also ask unanimous consent to have an article appearing in the Christian Science Monitor dated September 11, 1970, entitled "Electoral Reform: Now" printed in the RECORD as a part of my remarks at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELECTORAL REFORM: NOW

Are the people of the United States prepared to reform the way they choose their president? Time and again, Congress has marched up the hill toward revamping—or abolishing—the anachronistic Electoral College. And then the troops have drifted away.

Now a new Senate debate has begun, in desultory fashion. The time for enacting a constitutional amendment, before the presidential election of 1972, is so short that only a Herculean effort could obtain the necessary approval of three-fourths of the states by that date. But this is no reason for abandoning the reformist effort, 1976 follows 1972.

Most everyone agrees that reform is needed. The Alabama primary victory of George C. Wallace has revived the worry that a third-party candidate could stalemate the Electoral College throwing the election into the House of Representatives and generating a rudderless confusion. And there is always the possibility in a narrow contest, that a candidate will receive an Electoral College majority but a minority of the popular vote, which is hardly democracy in action.

Beyond lethargy, the main hurdle to speedy action is an understandable uncertainty as to what proposal is best for the nation. The main push is behind an amendment to abolish the Electoral College and choose as president the candidate receiving the largest popular vote. This is simple. It is direct democracy. The president, standing for all the people, would be chosen by all the people. This amendment passed the House last year. Two-thirds of the Senate must now approve. Months ago Sen. Birch Bayh, chief sponsor, could count up to 60 supporters. He needs 67.

But there are substitute proposals, also up for consideration. These should be tackled with equal urgency. One would retain the Electoral College and apportion its vote among candidates, in any given state, on the basis of the state's popular vote. (No winner-take-all, as at present). Another would apportion the electoral vote according to the state's congressional districts. Both proposals retain some element of "states' rights," but eliminate the chance that a minority-vote candidate might become president.

These are somewhat more complicated propositions than the simple direct-vote proposal. But they could be less upsetting. And they are less likely to encourage the upspringing of a multiplicity of splinter parties which, in a simple-majority-wins arrangement, could keep any candidate from amassing a winning total.

We say that now is the time to vote election reform. The nation needs it. America's young people will narrowly eye postponement and apathy. Any of these reforms is better than no reform. The Senate should get on with it.

Mr. HOLLAND. Mr. President, I shall quote only two paragraphs of this article, which calls attention to the pending proposal.

But there are substitute proposals—

And I digress to say substitute proposals for Senate Joint Resolution 1—also up for consideration. These should be tackled with equal urgency. One would retain the Electoral College and apportion its vote among candidates, in any given state, on the basis of the state's popular vote. (No winner-take-all, as at present). Another would apportion the electoral vote according to the state's congressional districts. Both proposals retain some elements of "states' rights," but eliminate the chance that a minority-vote candidate might become president.

These are somewhat more complicated propositions than the simple direct-vote proposal. *But they could be less upsetting. And they are less likely to encourage the upspringing of a multiplicity of splinter parties which, in a simple-majority-wins arrangement, could keep any candidate from amassing a winning total.*" (Italics added.)

Mr. President, I have always been accustomed to giving a good deal of prominence to and having a good deal

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of confidence in the editorial opinion by the editorial staff of the Christian Science Monitor, and here is a direct expression from them referring to both the proportional system as a substitute and the district system, and I quote again this part from that able editorial:

> But they could be less upsetting. And they are less likely to encourage the upspringing of a multiplicity of splinter parties which, in a simple-majority-wins arrangement, could keep any candidate from amassing a winning total.

Mr. President, I should like now to quote from an article appearing in the September 19, 1970, issue of Human Events, entitled "Election Reform Near Decisive Vote:"

> While Baker and Bayh—

This means our distinguished colleagues, Senator BAKER and Senator BAYH—

> were singing the praises of scrapping the electoral college, columnist James Jackson Kilpatrick provided a horrifying view of what would happen with adoption of the Bayh plan:
>
> Consider for a moment, the changes that would occur in the whole business of nomination and qualification for the ballot. Under existing law, political parties hold national conventions and nominate their presidential and vice presidential candidates. Then state parties, acting under state law, undertake to get those tickets listed on state ballots.
>
> It is at this point that the machinery of federalism begins its delicate braking action. . . .
>
> The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties. Only four times in this country has a minority party won electoral votes. The Socialists, Progressives, Prohibitionists, Constitutionalists and others—

Many others could also be mentioned—

> have sputtered ineffectively within their state compartments. And because each of the two major parties has been compelled to make a broad appeal, the United States has benefited from political stability and prudent compromise.
>
> Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States.
>
> Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a federal board of elections. We could reasonably expect a Black People's party, a Peace party, a Revolutionary party, a Young Americans party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.
>
> Then what? State lines no longer would matter. We are now thinking of cumulative votes, across the nation as a whole. It requires no great work of the imagination to conceive that such an aggregation of States Righters, New Leftists, Anti-Fluoridationists, and Ban-the-Bombers could drain enough votes to prevent either of the major parties from winning 40 per cent of the total . . .
>
> Is this what we want? Is this prospect of chaos truly better than the (obsolete) but functioning system that now exists? The questions are squarely before the Senate now.

Mr. President, an editorial appeared in the Florida Times Union, under date of September 11, 1970, entitled "A Simple Idea—Too Simple," that I believe is well worth reading for the benefit of the Senate:

> The proposal to abolish, rather than reform, the Electoral College, and substitute a direct popular vote for President, is a simple idea which seems, at first glance, both logical and fair, and as American as mom's apple pie.
>
> But when one pauses and probes below the surface—as it is to be hoped the Senate will do—there becomes apparent both alarming defects and potential threats to the stability of the republic.
>
> It doubtlessly was, indeed, the very simplistic nature of the idea which explains the quick lopsided vote in the House and the polls showing support in large and small states alike. It truly is a noble and pure theory—like Prohibition—but it also is as unworkable as that earlier oversimplification of a complex problem.
>
> The main reason most people want the direct vote is simply to prevent one candidate getting the most popular votes but the other man winning the election. Assuredly this would be undesirable—but wouldn't it be just as undesirable for some candidate to lose 80 percent of the states but, by sweeping the big cities, win? Could such a victor truly be considered "President of all the people"?
>
> The basic Electoral College system achieves a highly desirable balance (thoughtfully and deliberately put there by our Founding Fathers) between the large and small states, the metropolitan and rural states, the various areas of this diverse nation with their differing outlooks and philosophies.

May I say that, different as our original 13 States were one from the other, that difference has been greatly increased now that we have 50 States, including Alaska and Hawaii, and extending, of course, from Maine to California and from Washington to Florida, containing our contiguous 48 States.

The editorial continues:

> To abolish this would strike a possibly fatal blow to the basic concept of a "federation of states" and further reduce the nation to a massive centralized monolithic bureaucracy.
>
> Another very real danger is that the direct vote would encourage splinter parties and weaken the two party system—which has accounted historically for the stability of our government in contrast to those nations where many weak parties make strong, coordinated government impossible.
>
> Extremist candidates on both fringes could easily deny any candidate a 40 percent majority (and cause a runoff) without these small parties carrying a single state. The possibility of a "divided country" would be much greater than at present.
>
> Another very real danger, as warned by Theodore White, the highly-informed author of the "Making of a President" series, is the increased danger of a stolen election through vote fraud. For with the electoral system gone, the danger will no longer be confined within state lines, or, so to speak, compartmentalized.
>
> In areas of the nation, White warns from first-hand knowledge, "votes are bought, paid for and, in all too many cases, manipulated and miscounted by thieves" . . .
>
> Imagine a national recount in a close election (in '60 just one miscounted vote in every other precinct could have reversed election results) in which ballot boxes had mysteriously "disappeared" in some precincts and were proven stuffed in others.
>
> Could the aggrieved candidate sue, if so, whom, and indeed in what court would such a matter be justifiable and how long could appeals drag on? Any decision would be bitterly disputed and as the election outcome dragged on, for weeks or months, national chaos could well result.
>
> Aside from these quite valid reasons, there is the practical consideration that a direct vote amendment may well never be ratified by the necessary 38 states—for seldom in history has power been relinquished voluntarily and this is exactly what the small states (the most numerous kind) would be doing.
>
> Accordingly, the sole result would be nothing actually accomplished—and more years—

Seven of them, Mr. President—

> without the single glaring flaw, the "winner take all" aspect which does indeed distort the popular vote, being removed from the Electoral College.
>
> The obvious solution is to reform the present, proven, sound system—either a proportional vote or a congressional district system would accomplish this—and do it without further wild goose chases.

Mr. President, another article entitled "The Politics of Electoral College Reform" written by Mr. Kevin P. Phillips datelined Washington and appearing in the Florida Times Union of September 11, 1970, is, I believe, also worthy of being included in the RECORD:

> On Tuesday the Senate began debate on an amendment to the U.S. Constitution that would abolish the Electoral College (state-by-state) method of choosing a President in favor of direct, nationwide popular election.
>
> Two-thirds support will be necessary to push this change through the Senate, and a close fight is expected. The balance of power is generally thought to rest with an undecided bloc of Farm Belt Republicans (Dole, Pearson, Young, and Miller), small-state Northeastern Republicans (Prouty, Cotton, Boggs and Williams), Southern Democrats (Spong, Byrd, Fulbright, Hollings and Long) and Rocky Mountain Democrats (Cannon, McGee, Moss and Anderson).
>
> Such indecision is surprising because the amendment in question, pushed by the Senate's leading liberals, would operate to reduce the national political muscle of the more conservative South, Farm Belt, Rocky Mountains and other lightly populated states. The detriment to these areas can be measured in three ways: (1) diminished local power in presidential elections; (2) reduced representation and influence in both parties; and (3) decreased local orientation of national party platforms and administration.
>
> To illustrate the Southern and Western loss of power, consider that in 1968 (per the 1960 census), Connecticut, Oklahoma and South Carolina each enjoyed eight electoral votes, but in terms of popular vote, Connecticut sent 1.26 million to the polls in 1968, Oklahoma 943,000 and South Carolina only 667,000. Changeover to direct election would favor high turnout areas in the industrial North and the Pacific at the expense of the poorer, low-turnout areas of the South and West. Rural America would also lose the extra weighting that the Electoral College gives sparsely populated states.
>
> Secondly, the change to direct election would greatly affect the regional distribution of power within the two parties, especially at presidential conventions. Delegates are now apportioned to states on the basis of Electoral College strength, with bonuses for partisan performance. Abolition of the Electoral College would presumably shift delegate apportionment to a system based either on total vote cast in the prior election or total vote cast for the party's nominee.
>
> In the Democratic party, such a change, which may come regardless as "reform," would greatly weaken moderate-to-conservative influence.

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A delegate reapportionment of this magnitude would put the Democratic party in the hands of left-liberals whose stance would injure party candidates in the South, Border, Plains and Rocky Mountains.

Under present ideological circumstances, now that American politics is no longer divided by the Civil War, the Electoral College favors a Republican coalition based in the South, Midwest, West and small states. GOP Senators from these areas would be foolish to abandon a system that has a built-in bias toward such a coalition in favor of one which, at best, sacrifices these regional advantages.

For these reasons, Southern, Farm Belt, Rocky Mountain and other small states have good reason to oppose abolition of the Electoral College, and if such a constitutional amendment passes the Senate, it will probably not be ratified by the states.

Mr. President, I ask unanimous consent to have printed in the Record an article written by Mr. Richard Wilson, entitled "Direct Election: A Clear and Present Danger," appearing in the Washington Star under date of September 11, 1970, as a part of my remarks at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Direct Election: A Clear and Present Danger

Some people have assumed the conclusion that the Senate's refusal to approve an amendment for the direct election of presidents is a stubborn, illiberal act of an old establishment trying to protect itself.

And that, save for illiberality, is quite true. The reason the Senate's action is good is that it affords an opportunity for people who have blindly accepted direct election as an expression of pure democracy to study the matter further and find out what the American system of government is all about.

It is not a pure democracy, never was intended to be and probably never will be. If people wish to change the form of government to go in that direction they at least should know what they are doing. It is a fair guess that not one person out of ten has the slightest conception of what the amendment would finally mean.

There is a far greater chance that the American system would end up—literally end—in riotous confusion if this amendment is ever adopted than that the time-honored electoral system would foist on the country a president who had not won election by popular vote.

This amendment is far worse than the women's rights amendment so cavalierly adopted by the House in the sense that its effect would be more damaging than the condition it is intended to correct.

Women will lose rights under the women's rights amendment and the American electoral system will lose its representative character if the direct election amendment ever goes into the Constitution.

Instead of polarizing (that's a good word) opposing views of political leadership into a reasonably clear choice between two candidates, the direct election amendment would fragment the process of election of a president, inflict a runoff, ultimately destroy the present method of composing the U.S. Senate, and doom a two-party system which is the political wonder of the world.

A multiplicity of presidential candidates and parties and the sure necessity of a runoff between the top two is enough in itself, without all the other complications, to show that direct election is a poor way to select a leader for four or eight years.

The leadership selection process has, in fact, worked remarkably well under the electoral system and this was never better illustrated than in 1968. The two major political parties, after great travail, picked the two men best fitted by training and experience—Humphrey and Nixon—and despite the third party candidate, Wallace, made a clear choice between Humphrey and Nixon.

Make no mistake about Wallace's bid for the presidency. If an election is ever to be thrown into the House of Representatives, in modern times it would certainly be under the conditions of Wallace's candidacy.

And, for that matter, what is so bad about picking a president through the House of Representatives? All of its members are subject to direct election; they sit in the House in proportion to the population of the country. There would be deals. But who says there wouldn't be deals among a dozen parties offering candidates for president in a direct election, much as there are deals now in New York State, which has four parties so fragmenting the vote that this year there is grave doubt a majority candidate can be elected?

The worst that could happen under the electoral system would be the House of Representatives choice of a president. But the worst that could happen under direct election would be the choice of a president who really did not represent anybody or anything, without political discipline and coherent conviction, but the creature solely of his ability to use and pay for exposure in the mass media.

Why do you suppose it is that we are lately getting so many United States senators who have little natural aptitude for their jobs?

This is not a case of opposing change for the usual conservative reason that change itself is to be shunned. This is a case of clear and present dangers of "the most deeply radical amendment which has ever entered the Constitution of the United States."

Merely as an afterthought, there would be no reason in constitutional logic for a Senate made up of two members per state if the direct election amendment is ever adopted. Under that theory the biggest state, California, ought to have 15 or 20 senators, or whatever figure represented its proportion of the nation's population.

Mr. HOLLAND. I wish to quote one or two paragraphs of this article:

> Some people have formed the conclusion that the Senate's refusal to approve an amendment for the direct election of presidents is a stubborn, illiberal act of an old establishment trying to protect itself.
>
> And that, save for illiberality, is quite true. The reason the Senate's action is good is that it affords an opportunity for people who have blindly accepted direct election as an expression of pure democracy to study the matter further and find out what the American system of government is all about.
>
> This amendment is far worse than the women's rights amendment so cavalierly adopted by the House in the sense that its effect would be more damaging than the condition it is intended to correct.

Mr. President, a column by Mr. John Chamberlain, entitled "Electoral College Advantages Shown," appeared in the Melbourne (Fla.) Times of September 21, 1070. Since the column shows most clearly the adverse reaction that will take place in the event of passage and ultimate ratification of the proposal now before the Senate, I ask unanimous consent that the entire column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Electoral College Advantages Shown

Sen. Birch Bayh of Indiana, author of the proposed Constitutional amendment that would abolish the Electoral College and establish direct popular choice of the U.S. President, claims he represents the "will of the people" in putting forth the bill now under consideration by the Senate. He quotes Gallup and Harris, the pollsters, as saying that "80 per cent" of the electorate are in his corner.

The question, however, is whether the "80 per cent" have ever had the opportunity to understand the issue. Up to now only a few intellectuals have explored the ramifications of the proposed extension of "one man, one vote" to the problem of Presidential selection. How many people know that the most imposing case for retaining the Electoral College has been made by certified liberals who are for "one man, one vote" in almost every other instance?

Theodore White, the author of "the making of the President" books, has, for example, weighed in with the argument that if a Chief Executive is to be chosen by "raw vote" instead of by vote of the Electoral College in accordance with a local "winner-take-all" unit rule inside each state, it would inevitably mean that the venal big city machines of the Northeast would dominate our politics from here on in.

Richard Goodwin, an old Kennedy man, echoes the White diagnosis and adds his own variation to the analysis: he says that direct election of the President by a 40 percent popular plurality, as provided for by the Bayh amendment, would saddle the whole U.S. with something analogous to the four-party politics of New York State, where the Liberal Party and the Conservative Party practice a politics of blackmail, offering endorsements and making deals that end by distorting the will of the majority.

Another liberal who condemns the Bayh proposal is Prof. Alexander Bickel of the Yale Law School, who defends the present method of choosing the President because it incorporates "the federal principle within the Presidency itself" by "requiring a sectional distribution of the vote" that makes possible "combinations that . . . give advantage to the smaller states."

Relying on the "liberals" of the Northeast for support, the conservative minority on the U.S. Senate Judiciary Committee makes several important if not incontestable points. Direct popular election of the President would "destroy the party system and encourage splinter parties; undermine the federal system; alter the delicate balance underlying separation of the powers; radicalize public opinion and endanger minorities; encourage electoral fraud; lead to interminable recounts and challenges; and necessitate national control of every aspect of the electoral process."

Candidates would cease to make appearances in small, underpopulated states such as Nevada, New Mexico, Colorado, Wyoming, Montana; instead, they would conduct "bull's eye" campaigns designed to win in Chicago, New York City, Philadelphia, Cleveland and Boston. They would no longer be any reason for a candidate to present a broadly based platform within each separate state.

To quote Theodore White, "our Presidential campaigns right now are balanced in each party to bring a compromise, to eliminate the extremes of both sides, and create a man who has at least the gift of unifying his party and thereafter the nation.

"Once you go to the plebiscite form of vote you get the more romantic, the more eloquent and the more extreme politicians, plus their hacks and TV agents polarizing the nation rather than bringing it together.

"It is that fundamental erosion of the U.S.A. that horrified me. . . . If states are

> abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the larger share of the 'vote market.'
>
> "Instead of courting regional party leaders by compromise, candidates will rely on media masters . . . the heaviest swat will go to the candidate who raises the most money to buy the best time and most 'creative' TV talent."

Mr. HOLLAND. Mr. President, there is one further point I wish to make by way of contrasting what goes on now with what is proposed.

Do the numerous small population States, particularly in the West, want to be overwhelmed by the Eastern big States and big cities?

The four Northwest Central States of North Dakota, South Dakota, Nebraska, and Kansas, together with the eight Mountain States of Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, and Nevada represent over one-third of the geographical area of the contiguous United States, and have a total of 53 electoral votes. But the total population of these 12 States is only some 13 million people, by 1960 figures, Mr. President; and therefore, under Senate Joint Resolution 1, they could be outvoted by just one State—the State of New York—or by the five eastern cities of Boston, New York, Philadelphia, Baltimore, and Washington.

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I cannot conceive that the 12 rural States would want to have their voices in selecting a President completely overshadowed by the group of eastern cities which I have mentioned, or by the one great State of New York, or, for the same reason, by the one great State of California.

I have attended, in years past, a meeting between the Western Governors' Conference and the Southern Governors' Conference. Mr. President, I found that the most active subject existing in the minds of the western Governors was the question of what States would get the water, and how much.

I can assure Senators, if they do not know it already, that those eight Mountain States will not want to be overshadowed by the one city of Los Angeles in California, much less by the State of California as a whole, because that is where the battle exists, and that is where the battlelines are drawn.

Mr. President, I shall not further prolong this colloquy, but the fact is that this amendment is drawn so as to allow great concentrations of population to completely control sovereign States, which, under our Constitution, still have to handle a large part of the legislation and a large part of the Government which affects the daily lives of our citizens.

To say that the States, as such, no longer have any interests or no longer have any recognizable concern over the right to be participant in the selection of the President and Vice President is an absurd statement. The distinguished Presiding Officer (Mr. BOGGS), who has been Governor of his own State, knows how many times there are joint matters between the States and the Federal Government that have to be settled on a give-and-take basis. He knows how many times there are matters in which the Federal Government calls upon the States for assistance; and, having had some experience in that field myself, I know that this frequently happens. To say that the States as such—with their tremendous responsibility to handle so many fields of law, life, and Government that affect the daily living of every person in the United States and every family in every hamlet, every town, every city, and every school district—would have no interest to continue, as they always have, in having a part in the selection of the President and Vice President by having assigned to them two votes in that electoral weight that gives the State weight as such, is simply ridiculous, because it just does not happen to be the case.

The States have an enormous interest in having a say, as such, in the selection of our President and Vice President, and I do hope the Senate does not lose sight of that, because I think if it does, we will find it will be a troublemaker back in the States for every Senator who supports any such idea by supporting Senate Joint Resolution 1.

Mr. ALLEN. Mr. President, will the distinguished Senator yield?

Mr. HOLLAND. I yield.

Mr. ALLEN. I have been greatly impressed by the eloquent and persuasive address of the distinguished Senator from Florida; and I do not wonder that no Senator who advocates the passage of Senate Joint Resolution 1 rises to take issue with the logic of the Senator's argument.

The distinguished Senator from Nebraska, earlier today, called attention to an editorial published this morning in the Washington Post, in which it was suggested that there would be, in the event debate on this issue is cut off, an opportunity to perfect Senate Joint Resolution 1, indicating that it needs perfecting.

But the editorial went on to quote eminent authorities—whose names were not disclosed—to the effect that the runoff provision of Senate Joint Resolution 1 would probably never have to be used in 100 years, or in 100 presidential elections.

I would like to ask the distinguished Senator from Florida if he agrees with the assessment, that the application of the runoff would be a rarity rather than the rule.

Mr. HOLLAND. Mr. President, of course, it is impossible to answer categorically, but my own feeling is that this amendment encourages the formation of splinter parties, encourages the formation of pressure groups to do some trading in a runoff no matter how that runoff is held, and that this resolution greatly increases the opportunity to deprive any candidate of getting as much as 40 percent of the vote in the first election.

It is my own view that there will be many occasions for the use of the runoff, or the second choice provision, however that could be worked out; and I think that anyone looking at what has happened would come to that conclusion.

I recall that one of our most noted liberals came to exactly that conclusion, and I quote now from that liberal, Mr. Alexander M. Bickel, as follows:

> Popular election—again, whether under the original House-passed proposal, or under the Tydings-Griffin amendment—is capable also of producing in a close race horrors of vote counting and recounting, and of charges and counter-charges of fraud, with consequent litigation and endless delay. The electoral college system counts by states focuses the closeness of the race on one or a few states—the result in most is plainly beyond doubt, however narrow the national margin of victory—and insulates recounts and other difficulties within those states. That is why our national elections, even the closest ones, have always been almost instantly decisive. Those of us who sat anxiously before our TV sets through the night of November 5 in 1968 should try to imagine what it would feel like to sit there on and off for weeks.
>
> The direct election proposal may well be called a political tower of babel.

I think that answers the Senator's question.

Another liberal, Mr. Goodwin, is quoted by Senator ERVIN in his speech of Friday in this paragraph:

> These lessons of history must have been particularly persuasive in the presidential election of 1968. Richard N. Goodwin described the impact of the electoral college on the temptations of many antiwar critics in 1968 to mount a fourth party drive for the White House. In an article appearing in the Washington Post, of October 6, 1969, Goodwin stated that recognition of the extreme difficulty in winning any electoral votes despite the prospect of a large popular vote was the primary reason that he and others at similar political views did not challenge the major party presidential candidates. The effect of a "peace candidacy" would most likely have been, in Goodwin's judgment, a further enhancement of the election prospects of the Republican candidate. As Goodwin himself suggests, the encouragement that direct election would give to minor party candidates could not come at a worse time than now, "when the tendency to political fragmentation and ideological division is reaching new heights."

Mr. President, a short reply to the Senator from Alabama would be that, in the opinion of the Senator from Florida, there would be times—and probably a good many times—when the second election, by whatever process determined, would have to be resorted to, because this is an open invitation to splinter parties and splinter ideological groups to have candidates and mount races so that they will be in a position to trade when the runoff time comes.

Mr. ALLEN. I thank the distinguished Senator from Florida. If the Senator from Florida would be kind enough to yield further, I should like to ask him this question. I believe he read a moment ago from one authority, Mr. Goodwin, that the present electoral college system has a built-in safeguard or protection against splinter parties, in that in order for any party, be it large or small, to register in the electoral college, it must, at least from a practical point of view, carry the votes of at least one State.

Mr. HOLLAND. The Senator is correct, of course. Mr. Goodwin made the point and so did the other authority, Professor Bickel, that the electoral college insulates the contest, insulates the problem, insulates the administration of the election and the fixing of the election machinery State by State; so that when there is trouble, as there was in 1876 and 1877, it boils down to just a few States, in that case three very small States—Florida, the State which I represent in part, Louisiana, and South Carolina. I stated earlier in my remarks today what happened at that memorable time. It was enough to cure any of us, all of us, of the idea of bringing on direct elections nationwide, which does away with the insulation of the States and instead pools us all together in one precinct, as the Senator from North Carolina stated so colorfully Friday, where all our votes are thrown together; and if there is any contest, Lord save us.

Mr. ALLEN. If the distinguished Senator would allow me to pursue the subject further with him. I should like to inquire whether under the direct system it would not be possible for a candidate for the nomination of one of the major parties, on being dissatisfied with the outcome at the convention and on losing the nomination, to start himself a splinter party which would have the possibility of gaining several million votes throughout the country, and still not carry the electoral votes of a single State. Would that not be a possibility?

Mr. HOLLAND. Not only would that be a possibility, but also, it has happened, even under the electoral college system, and it would be easier to happen under the system proposed in Senate Joint Resolution 1.

Mr. ALLEN. I should like to ask the Senator a further question, not on the matter of proliferation of splinter parties necessarily, but on the success that might attend the efforts of a splinter party in a presidential election. Would it not be possible for a voter who might have some geographical or ideological affinity with the candidate of a splinter party to vote for that splinter party candidate in the first election, knowing full well that, because of the proliferation of splinter parties, he would have an opportunity to vote in the runoff for the real candidate of his choice?

Mr. HOLLAND. Of course, that would be possible; and, in my judgment, it would occur in many, many instances. Human nature is such that many, many people would want to vote for their first choice, if he did not happen to be in accord with their own party choice, knowing that they would have another chance later on if they failed in the first instance.

Mr. ALLEN. The junior Senator from Alabama recalls quite vividly the 1968 presidential election. He recalls some of the public opinion polls that were held prior to that election. As he recalls, about a month before the election in November, the third-party candidate, Governor Wallace of Alabama, was shown to have some 21 percent of the popular vote throughout the country. Yet during the last 4 or 5 weeks of that campaign, there was a steady erosion of his strength, indicating to the mind of the junior Senator from Alabama that the electorate felt he had no chance to be elected and they wished to vote, knowing that they had only one opportunity to vote, for one of the candidates who in their opinion had a chance. Would it not have been possible for the adherents of the cause of Governor Wallace to have voted for him the first time, knowing that they would then have an opportunity to vote later on for Mr. Nixon or Mr. Humphrey.

Mr. HOLLAND. Certainly, it would have been possible and much more difficult weening away the nearly 8 percent of the vote that was weened away in that short period of time from Governor Wallace, which the Senator has adverted to.

The Senator from North Carolina, in his eloquent and excellent address on Friday last, called attention to this situation in this paragraph, if I may read it:

> Similarly, the appeals to Wallace supporters not to waste their vote—by Republicans in the South and by Democrats in the North—significantly lowered the popular vote for Wallace in 1968. His appeal was running consistently at about 20 percent of the vote in September of 1968. But his final vote percentage was 13.6 percent. The decrease is generally attributed to the drives by both major parties to persuade voters that a vote for Governor Wallace was a wasted vote since the Governor could not gain sufficient electoral votes to affect the results of the election.

Mr. President, this illustrates completely the point so ably made by the Senator from Alabama.

Mr. ALLEN. Would this not seem to indicate that a third or splinter party candidate like Governor Wallace, really would benefit by the direct election plan, insofar as getting votes would be concerned?

Mr. HOLLAND. Well, I think he would. Let us leave Governor Wallace. I think that there have been other attempts to form splinter parties where the results would have been even more favorable to them. I am thinking about Henry Wallace's party, back a few years earlier, and other occasions which the Senator will recall. There is not a doubt of it, that the electoral college system, meaning the kind giving the electoral weight, as under the original Constitution, to the States, but not necessarily a continuance of the electoral college system as such, which I do not favor, but giving the electoral weight portion to the State on the basis of its total representation in Congress, insulates that State from the rest of the Nation and makes it difficult for a third party to come into any State, except on a tight regional basis, where the candidate is particularly well known and admired, as was Governor Wallace, in a small part of the Nation, and make any real headway, to make it difficult for such a candidate to make headway nationwide, as the Senator has suggested. I thoroughly approve of that suggestion. That is what I think about it also.

Mr. ALLEN. I should like to ask the distinguished Senator from Florida a further question. If we assume one of the major candidates is a conservative and the candidate of the other major party is a liberal, would it not be possible, throughout the 50 States, for the conservatives in one State to encourage a splinter liberal ticket in that State, in order to draw away from the liberal candidate certain of his liberal strength in that State, which might be repeated in 50 States, thereby drawing from the liberal candidate many millions of votes, and thereby helping assure the necessity of a runoff?

Mr. HOLLAND. The Senator is so right. Exactly the opposite of that is true.

Mr. ALLEN. Yes.

Mr. HOLLAND. The liberal group would be inclined to have a conservative whom they felt they could control, or felt would be appealing to a large part of the conservative voting strength in their State to come out in the hope of breaking down the general conservative group. The thing works both ways. Both are against stability.

Mr. ALLEN. That is exactly correct. I should like to call to the attention of the distinguished Senator from Florida a quotation from the report of the Commerce Committee on the Pastore bill limiting expenditures by candidates for radio and television. In that report, it is pointed out that in the 1960 presidential election there were at least 14 other presidential candidates in addition to the candidates of the two major parties.

They list them here as: The Conservative Party; the Constitution Party; the Tax Cut Party; the Prohibition Party; the Socialist Workers Party; the Farmers Labor Party; the Socialist Workers and Farmers Party of Utah; the National States Rights Party; the American Vegetarian Party; the Socialist Labor Party; and the Industrial Government Party, and others.

Would it not be correct that no matter how many parties we might have in a presidential election—and it is easy to see that they might soon pass 100 very easily—any party that got even 100 votes would have a direct bearing on the outcome of the election, because that 100 votes might make the difference between the leading candidate getting 40 percent and 39.999 percent? Would not the votes of these other candidates have a direct and definite bearing on the outcome of the election?

Mr. HOLLAND. The Senator is exactly right. I would go further and say that the results of every splinter party lead toward no substantial, no stable government. The fact that we have not had any great success by splinter parties, the Senator from Florida attributes entirely to the system under which we operate, where the electoral weight is distributed among the States and distributed on a basis which recognizes both State sovereignty and State populations.

Splinter parties have not thrived in this country. We have as many different ideologies as France, Italy, or other countries. The difference is that under our system they have not been able to thrive. They have not been able to deal

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any adverse blow to our stable governmental system. I attribute that entirely to the provisions in our Constitution dividing the presidential weight among the various States. I want us to keep on with that division, although I much prefer its being in such a way as to allow every voter's vote to be recorded in the final analysis.

Mr. ALLEN. Speaking of the one man, one vote, do we not really have an application of the one-man, one-vote principle under the electoral college system, in that each person in each State has the same weight to his vote as any other voter in that State, as to how the electoral vote of that State shall be determined and cast?

Mr. HOLLAND. The Senator is correct as far as he has gone, but if he gets to the winner-take-all conclusion now followed under the present Constitution, it seems to me that the votes of those who constitute a minority in any particular State, in any particular presidential election, would be excluded in the final tabulation, whereas under the fractional system, they would all be counted in the final result.

Mr. ALLEN. I thank the distinguished Senator. I would like to suggest the following comment with respect to splinter parties and the weight splinter parties would have under the direct election system as compared with the electoral college system. Is it not correct that, under the present electoral college system, a splinter party would have influence or the possibility of gaining votes only in those States where it qualified as a party and went through the necessary motions to get its candidate on the ballot in that particular State. On the other hand, under the direct system, even though a splinter party was on the ballot in only one State, they would have to count those votes in adding up the overall total of all votes cast throughout the Nation for a candidate for President.

Mr. HOLLAND. The Senator is correct. The Senator from Florida is inclined to agree with the Senator from Michigan. As surely as night follows day, if this amendment were submitted and then adopted, uniform standards would have to be set up for qualification for voting on a Federal basis. And that is one of the reasons, because the Senator from Florida fears such a system, that he is implacably opposed to the amendment.

Mr. ALLEN. This has not been spelled out. It is left for the distant future and the uncertainty of the future as to what plan is going to be provided by Congress. Is that correct?

Mr. HOLLAND. The Senator is correct. That is one of the things that disturbs the Senator from Florida, because if the imagination of Congress this time is viable and it goes for this particular amendment, and if it then be ratified and adopted, there is no telling what the next step would be. The Senator from Florida wants to avoid the first big step if he can do so.

Mr. ALLEN. Mr. President, I call the attention of the distinguished Senator from Florida to a bumper sticker that I received in the mail just Saturday. It is entitled, "Long John—the Whig." This is a bumper sticker of a candidate for Governor of the Whig Party in the State of Alabama in the November election.

The Whig Party has been reactivated in Alabama for the purpose of the gubernatorial election. This party was formed at a convention in the State attended by nine persons. They set up the Whig Party. The name of that party goes on every ballot in the State of Alabama.

Under a direct system, it would go on the ballot in Alabama and I assume—but we do not know under the plan that they may have—that if splinter parties qualify in any States, it might automatically go on the ballot of all States. We do not know what Congress will provide.

Mr. HOLLAND. Mr. President, we do not know what Congress will provide, although the Senator from Florida thinks it will provide uniform standards. Until and unless uniform standards were adopted, the Senator from Alabama is so right. There would be a splinter party in every State of the Union. They might go into several States or they might be confined to one State.

I do not think the Senator from Alabama is perhaps of an age that reaches back to the existence of the Populous Party in our part of the country. The Senator from Florida can remember a little of that. It was quite an active organization while it lasted. It got on the ticket in a good many States, as the Senator from Alabama knows.

Mr. ALLEN. Yes, indeed. It came very close to carrying several elections. Its influence and appeal is still very much felt in the State.

Mr. President, the junior Senator from Alabama would gather from this colloquy that the distinguished Senator from Florida is of the opinion that the direct election method of choosing the President would endanger the very existence of our party system of national politics by the creation of numerous third parties.

Mr. HOLLAND. Mr. President, the Senator from Alabama is exactly right.

The Senator from Florida feels that it would endanger the two-party system and, what is more important, it would endanger and in part destroy the federal system as we know it.

On both counts, the Senator from Florida does not like the resolution.

Mr. ALLEN. Mr. President, I thank the Senator from Florida for his answers to the questions of the junior Senator from Alabama.

Mr. HOLLAND. Mr. President, I thank the Senator from Alabama. He has contributed very greatly to the debate.

Mr. President, I yield the floor.

Mr. MILLER. Mr. President, in 1937 the late President Roosevelt sent to Congress a proposal that Congress adopt a statute to authorize the President to appoint one additional Supreme Court Justice for every incumbent Justice over the age of 70. At that time five of the nine Justices were over 70.

The purpose of this measure, which was called the Supreme Court packing proposal, was, of course, to give the President a majority of Justices who believed in his philosophy. Of course, those additional Justices would be very carefully selected for that purpose.

The Supreme Court packing proposal had been discussed on several occasions on the Senate floor, beginning in February 1937, when President Roosevelt sent over the proposal. However, it was not until July 6 that it was called up for formal consideration. On that date, Senator Robinson of Arkansas, one of the proponents, said:

> I am prompted to make reference to the subject of a threatened filibuster. It would not seem to me appropriate to do so at this time if it were not for the fact that some of my dear friends who are in the opposition have been quoted in the press as saying that they are determined that the Senate shall never be permitted to register its conclusion on this legislation. . . . I do not believe that a filibuster will find justification in the conscience and judgment of those who believe in democratic institutions.

Senator O'Mahoney, a Democrat and one of the opponents, remarked the same day as follows:

> I objected a moment ago merely that I might have the opportunity of pointing out the conditions under which we are operating, to call attention to the fact that Democratic leadership of this body is endeavoring to throttle debate upon one of the most fundamental issues that has been presented to the Senate of the United States in two generations; and the effort is being made to lead the country to believe that all the business of the Senate is being stopped, that all of the business of the country is being held up by these vicious filibusterers who are opposed to the Court bill, whereas the fact is that the majority leadership is itself responsible for the condition that exists.

Senator Robinson's remarks echoed from the past when the junior Senator from Indiana said on September 23—last Wednesday—"It is the filibusterers who are bringing this country's business to a standstill, selfishly denying the Senate the opportunity to take an up or down vote" on the constitutional amendment abolishing the electoral college.

Well, Mr. President, in the first place this is not a measure to abolish the electoral college. If that is all there were to it, we would have passed it a long time ago, because most of us feel that the electoral college is as obsolete as the Model T Ford.

Doing away with the electoral votes for each State is another matter, and that is what the Senator from Indiana seeks to do. If he had his way, the 1968 presidential election would have seen the State of Massachusetts, which cast 2,360,000 votes offset 16 other States which cast a combined total of 7,600,000 votes. The reason is that Massachusetts gave Hubert Humphrey a plurality of 702,000 votes, whereas the 16 other States gave Dick Nixon a plurality of 691,000 votes. I must say I do not understand the fascination the State of Massachusetts holds for the Senator from Indiana, but, while I appreciate the historical importance of the State of Massachusetts, I cannot bring myself to vote for a proposition which would give one State such tremendous power in the selection of a President.

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Of course, this business about "selfishness" is a two-way street. One could just as well talk about the selfishness of the proponents of this unsound proposal who have taken up so much time of the Senate in advancing it. It would have saved all of us a great amount of time and divisiveness if they had, instead, concentrated their proposal on doing away with the abuses of the present system—doing away with the electoral college and doing away with the terribly unfair "winner take all" system of counting the electoral votes. But, oh, no, it is this or nothing. And this is worse than nothing.

I ask unanimous consent that an article by the distinguished columnist, Richard Wilson, entitled "Direct Election: A Clear and Present Danger" and an article by the distinguished columnist, James J. Kilpatrick, entitled "The Most Deeply Radical Amendment" be placed in the RECORD in further support of my position on the pending proposal.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

DIRECT ELECTION: A CLEAR AND PRESENT DANGER

(By Richard Wilson)

Some people have formed the conclusion that the Senate's refusal to approve an amendment for the direct election of presidents is a stubborn, illiberal act of an old establishment trying to protect itself.

And that, save for illiberality, is quite true. The reason the Senate's action is good is that it affords an opportunity for people who have blindly accepted direct election as an expression of pure democracy to study the matter further and find out what the American system of government is all about.

It is not a pure democracy, never was intended to be and probably never will be. If people wish to change the form of government to go in that direction they at least should know what they are doing. It is a fair guess that not one person out of ten has the slightest conception of what the amendment would finally mean.

There is a far greater chance that the American system would end up—literally end—in riotous confusion if this amendment is ever adopted than that the time-honored electoral system would foist on the country a president who had not won election by popular vote.

This amendment is far worse than the women's rights amendment so cavalierly adopted by the House in the sense that its effect would be more damaging than the condition it is intended to correct.

Women will lose rights under the women's rights amendment and the American electoral system will lose its representative character if the direct election amendment ever goes into the Constitution.

Instead of polarizing (that's a good word) opposing views of political leadership into a reasonably clear choice between two candidates, the direct election amendment would fragment the process of election of a president, inflict a runoff, ultimately destroy the present method of composing the U.S. Senate, and doom a two-party system which is the political wonder of the world.

A multiplicity of presidential candidates and parties and the sure necessity of a runoff between the top two is enough in itself, without all the other complications, to show that direct election is a poor way to select a leader for four or eight years.

The leadership selection process has, in fact, worked remarkably well under the electoral system and this was never better illustrated than in 1968. The two major political parties, after great travail, picked the two men best fitted by training and experience—Humphrey and Nixon—and despite the third party candidate, Wallace, made a clear choice between Humphrey and Nixon.

Make no mistake about Wallace's bid for the presidency. If an election is ever to be thrown into the House of Representatives, in modern times it would certainly be under the conditions of Wallace's candidacy.

And, for that matter, what is so bad about picking a president through the House of Representatives? All of its members are subject to direct election; they sit in the House in proportion to the population of the country. There would be deals. But who says there wouldn't be deals among a dozen parties offering candidates for president in a direct election, much as there are deals now in New York State, which has four parties so fragmenting the vote that this year there is grave doubt a majority candidate can be elected?

The worst that could happen under the electoral system would be the House of Representatives choice of a president. But the worst that could happen under direct election would be the choice of a president who really did not represent anybody or anything, without political discipline and coherent conviction, but the creature solely of his ability to use and pay for exposure in the mass media.

Why do you suppose it is that we are lately getting so many United States senators who have little natural aptitude for their jobs?

This is not a case of opposing change for the usual conservative reason that change itself is to be shunned. This is a case of clear and present dangers of "the most deeply radical amendment which has ever entered the Constitution of the United States."

Merely as an afterthought, there would be no reason in constitutional logic for a Senate made up of two members per state if the direct election amendment is ever adopted. Under that theory the biggest state, California, ought to have 15 or 20 senators, or whatever figure represented its proportion of the nation's population.

THE MOST DEEPLY RADICAL AMENDMENT

(By James J. Kilpatrick)

The United States Senate launches itself this week into one of the most fateful debates in American constitutional history. By the end of this month—by early October at the latest—the Senate will have voted up or down a resolution proposing the direct national election of Presidents.

"I think a case can be made," Yale's Prof. Charles Black has said, "for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

That assessment is shared by many others, both lawyers and non-lawyers, who see in the direct election proposal a fundamental alteration in the structure of American federalism. Yet the resolution has passed the House already; it reportedly commands strong popular support; and the action to be taken by the Senate has this unrecognized meaning: If the Senate approves, and the resolution goes out to the States for ratification, any further effort at electoral reform would be effectively blocked for seven years. That is the period allowed by the resolution in which three-fourths of the states must ratify or fail to ratify.

Consider, for a moment, the changes that would occur in the whole business of nomination and qualification for the ballot. Under existing law, political parties hold national conventions and nominate their presidential and vice presidential candidates. Then state parties, acting under state law, undertake to get those tickets listed on state ballots.

It is at this point that the machinery of federalism begins its delicate braking action. Major parties ordinarily have no trouble in getting their candidates on the ballot in every state. The petition process makes it more difficult for third parties. George Wallace, it will be recalled, had a terrible time in 1968 before he could get his American Independent Party qualified. When Strom Thurmond ran in 1948, he made it to the ballot in 15 states only.

The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties. Only four times in this century has a minority party won electoral votes. The Socialists, Progressives, Prohibitionists, Constitutionalists and others have sputtered ineffectively within their state compartments. And because each of the two major parties has been compelled to make a broad appeal, the United States has benefited from political stability and prudent compromise.

Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States. Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a Federal Board of Elections. We could reasonably expect a Black Peoples party, a Peace party, a Revolutionary party, a Young Americans party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.

Then what? State lines no longer would matter. We are now thinking of cumulative votes, across the nation as a whole. It requires no great work of the imagination to conceive that such an aggregation of States Righters, New Leftists, Anti-Fluoridationists, and Ban-the-Bombers could drain enough votes to prevent either of the major parties from winning 40 percent of the total.

In 1968, even with the machinery of federalism working, it was Nixon 43.5 percent; Humphrey 42.8; and Wallace 13.5, with two-tenths split among Gene McCarthy, Eldridge Cleaver, a Communist named Mitchell, the Prohibitionist Munn, and others. Given a similar situation, under the pending amendment, a run-off would be held between the top two—probably the first week in December—amidst wild cries of "deal" and "sell-out."

Is this what we want? Is this prospect of chaos truly better than the "obsolete" but functioning system that now exists? The questions are squarely before the Senate now.

ORDER OF BUSINESS

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, a number of Senators have expressed their grave concern that, under direct election, the Nation will be subjected to a series of disastrous recounts and challenges.

The distinguished senior Senator from Florida spoke at length earlier this afternoon on this very point. He went into considerable detail to document valid reasons for his concern. He called attention to what would follow in the wake of recounts and challenges, how it would disrupt confidence in our system of government. I hope Senators will take occasion to read and study carefully what he has said.

This concern has been pooh-poohed by the proponents of direct election, and they have made no attempt to reply to the merits of the charge. Their failure to come to grips with this issue underscores what the minority report of the Judiciary Committee had to say about the proponents of direct election—namely, that they were notable more for what they did not say than for what they did.

But this Senator does not see how this matter of challenges and recounts can possibly be ignored. I do not see how any Member of this body can refuse to acknowledge what the Senator from North Carolina pointed out so well last Friday—namely, that if the votes from 184,000 polling places are all pooled together without regard to State jurisdiction, we are virtually guaranteeing that we will have national political paralysis.

This is no mere idle speculation, Mr. President. It is a prediction based upon everyone's commonsense familiarity with the technical problems which necessarily attend the casting of ballots. These problems may arise from out-and-out fraud or attempts to rig elections; or they may arise from plain old human error or ordinary negligence. But whatever their cause, their effects in a national presidential plesbiscite could produce an electoral crisis the likes of which this Nation has never seen.

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Under the present system, the Nation as a whole is insulated against charges of irregularity arising in local precincts, for they can be dealt with at the State or local level without threatening to affect the national outcome. Under direct election, however, any irregularities anywhere could affect the entire Nation. A challenge anywhere would become a challenge everywhere; a recount anywhere would become a recount everywhere.

Challenges and recounts, Mr. President, are frequent and common occurrence in American politics. Fortunately, we have seldom if ever had to deal with them at the national level. But our imaginations need not work very hard to conjure up the nightmare that would take place if we did have to deal with charges of irregularity at the national level.

Just in the last week, Mr. President, major charges of irregularities came to light in no less than 10 States, local, or congressional primary elections. And I might add that these 10 instances are only those that have come to my attention in the pages of the Washington Post and the New York Times. They are therefore almost exclusively concerned with races in the greater Washington or New York areas. As to others which may have arisen elsewhere in the past few weeks, I have no actual knowledge; but if the Washington and New York examples are any indication, I think it fair to assume that similar charges and counter-charges have been aired elsewhere. But the total number of such cases is, in a sense, irrelevant, because under direct election of the President, any one of them would be sufficient to set off a chain reaction elsewhere; any one of them could spell the difference between victory and defeat; any one of them could cast doubt upon the outcome of a presidential election; any one of them could precipitate a crisis in presidential succession.

Of the 10 instances I have mentioned, four of them have arisen in New York, four in Maryland, and one each in Colorado and Wisconsin. They involved:

First. The primary in Maryland for State Comptroller;

Second. The primary in Maryland for Commissioner of Prince George's County;

Third. The primary in Maryland for the Seventh Congressional District;

Fourth. The primary in Maryland for the Fourth Congressional District;

Fifth. The primary in Colorado for the First Congressional Distrist;

Sixth. The primary in Wisconsin for the First Congressional District;

Seventh. The primary in New York for the 44th Assembly District;

Eighth. The primary in New York for the 51st Assembly District;

Ninth. The primary in New York for the 78th Assembly District; and

Tenth. The primary in New York for the 21st Congressional District.

Comment on each of these cases is in order, Mr. President, because the difficulties that arose in each are but a small and random sample of what we might have to cope with under a system of direct election of the President.

In the Republican primary for Maryland State Comptroller, it turns out that the man who had been declared the unofficial winner on September 15 actually lost the election. According to the chief clerk of the Baltimore County election board, the wrong figure had been transmitted by the news media on election night. What had originally been reported as a 2,203-vote victory for one man became a 208-vote victory for the other. But even these returns are still in doubt, for they are based upon a reexamination of the canvass in only one county. The State administrator of election laws cautioned against taking these revised figures as final, because a subsequent canvass of the other 22 Maryland counties and the city of Baltimore could turn up other discrepancies. As to how the wrong figures were obtained by the news media in the first place, no one seems to know. You can imagine, Mr. President, what might happen under direct election if CBS, or NBC, or ABC were to make a similar error in a presidential race.

In the Prince Georges County Commissioner race, a candidate who finished 21st in a field of 25 in the Democratic primary filed suit on September 23—more than a week after the election—charging that massive voting machine malfunctioning had fouled the election. According to the Washington Post for September 24:

> Voting hours had to be extended two hours at eight polling places in the county's Second Election District for Republican voters who had been turned away earlier in the day due to erroneously prepared and thus inoperative voting machines.

The article adds:

> Election officials also reported that at least 25 percent—

Consider that, Mr. President, 25 percent—

> of the county's 614 machines had failed in one way or another during the September 15 primary.

The cause of this breakdown was ascribed to human error. Human error, however, comes in many different sizes and shapes and forms. Whether the human error in this case was the result of neglect, misfeasance, or malfeasance, no one yet has any idea; nor are we likely to find out for a long, long time—if, indeed, we ever do. A new election would seem to be called for, since, as the candidate who filed suit stated, there is no way "to determine what the actual outcome of the primary election would have been had the voting machines been properly prepared."

In the Democratic primary for the Seventh Congressional District of Maryland, we behold a classic case of charge and counter-charge, the kind that involves party officials and candidates on all sides up and down the line. According to unofficial returns last week, the incumbent, Congressman SAMUEL FRIEDEL won by a 182-vote margin. The supporters of his chief opponent, Mr. Parren Mitchell, however, reported scores of alleged irregularities which they claim came about because of a conspiracy to defraud Mitchell of election victory. Among the irregularities charged, according to the Washington Post, were voting machines not delivered, or delivered to the wrong address; certain machines with Mitchell levers that would not work; polling places opening 3½ to 4½ hours late; and last-minute changes of location of polling places. In the aftermath of these allegations, one of the candidates for Governor has called for a Baltimore grand jury investigation, and the president of the Baltimore board of election supervisors has resigned.

Moreover, the Maryland advisory committee to the U.S. Civil Rights Commission has called for a new primary in at least 10 of the district's 125 precincts, and has requested an investigation by the Justice Department. In the meantime, on the basis of a canvass by an official auditor, Mr. Mitchell is now claiming victory. The primary election, in short, is enveloped in a cloud of dispute, and it may be weeks or months before the dust settles.

In yet another Maryland incident, a candidate for the Fourth Congressional District Republican nomination has charged that his name was left off the ballot in eight precincts. This irregularity could be crucial because he apparently lost the overall count by only eight votes.

In the First Congressional District of Wisconsin, it at first appeared that Douglas LaFollette had won the Democratic primary on September 8. A recount was called for by his chief opponent, however, and 2 weeks later, it turns out that LaFollette had actually been defeated.

In the First Congressional District of

Colorado, the incumbent Congressman, Byron G. Rogers, contested the 30-vote plurality of his chief opponent and petitioned the courts of his State for relief. The petition, apparently, has been turned down, on the grounds that Congress alone has jurisdiction in such matters. It is not clear from the newspaper report what the basis of Congressman Rogers' charges was, but for my purpose here, it makes no difference. What matters is that there was a dispute, a dispute which—if it had taken place in a presidential election—might well tie up the election results for weeks on end.

Mr. President, turning now to the 44th Assembly District race in New York, it appears that the winner in the June primary polled considerably more votes than his opponent, but, owing to a number of irregularities, the courts have ordered a rerun. In the 51st Assembly District of New York, according to the New York Times:

> Joseph Ferris, a Reform Democrat, and Marvin Kessler, an insurgent from the regular Democratic organization, both piled up more votes than did the organization candidate. Unofficial returns showed Mr. Ferris the winner by a narrow margin; the official canvass gave victory to Mr. Kessler by an even narrower margin, only nine votes.

As a consequence, a rerun has been ordered. On the other hand, in a disputed primary election in the 78th Assembly District of New York—where no less than 263 balloting irregularities were found—the New York Court of Appeals has ruled that a new primary was not called for.

I should point out in passing, Mr. President that the primary in each of these cases was held in June, and that the disputes are only now—better than 3 months later—being determined by the courts. And these cases are but small potatoes compared to what might arise under a presidential plebiscite. We could not afford the luxury of a 3-month delay in settling a presidential election; but as to whether a dispute could be resolved in less time under direct election, I have my doubts. Election challenges, charges, and countercharges, pose knotty problems to the courts. Witnesses must be called and evidence presented. The courts must weigh the evidence as best they can, and they must come forth with a reasonable opinion on the dispute. All these things take time—much more time than we are likely to have available in a presidential race, where the country is anxious to rally behind an undisputed winner.

Last, but by no means least, Mr. President, I would refer to the disputed primary in the 21st Congressional District of New York. An intermediate court in that State has ordered a new primary to be held, with all six candidates originally in the field once again appearing on the ballot; but this ruling is yet subject to appeal, and it may turn out that the dispute—involving some 800 votes out of some 25,000 that were cast—will be resolved in a different way. Meanwhile, the Democratic voters in the 21st Congressional District will simply have to bide their time.

I mention these examples, Mr. President, because they are typical of what happens in many areas of the country at election time. I have no idea as to whether any of these charges or allegations is meritorious, and I trust that the courts or electoral commissions will in time sort them out in a just manner. What matters here and now is not whether any of these charges is meritorious, but the simple fact that charges were brought. For once charges are brought, the entire outcome must be held in limbo until the dispute can be resolved one way or another. Any of the charges I mentioned—any one of them—if it occurred in a presidential race under direct election could spell disaster for the Nation. Charges of electoral fraud, mismanagement, or impropriety are as American as apple pie in many sections of the country, and I am appalled that the proponents of direct election dismiss that fact in such a cavalier way. The problem is real; the problem is ever present. And it ought to be dealt with by something more than dreamy assurances. There is not one thing in Senate Joint Resolution 1, or in any of the other direct election proposals, to protect us against such incidents on the national level. Not a single argument has been made by the proponents of direct election, either in their report or on this floor, as to how they propose to deal with this problem.

There are over 184,000 polling places in the United States, Mr. President. Irregularities in only a few of them under a system of direct election could thrust the entire Nation into a massive electoral squabble, with charges and counter charges being hurled back and forth in a dizzying display of rhetorical fireworks. Every candidate would accuse every other of misdeeds and foul designs. And the country would be ripe for assault on the part of those who oppose her, either at home or abroad.

Any one of the examples I have cited here—a mistake by the news media in reporting the returns, the intentional or accidental malfunctioning of voting machines, the closing or relocation of polling places, and the infinite variety of what one election official so blithely called human error—any of these things under direct election could reduce this country to a shambles. It would be, in the words of Theodore H. White, nothing short of a nightmare.

Mr. President, I ask unanimous consent that newspaper reports referred to in my remarks be inserted at this point in the Record.

There being no objection, the newspaper reports were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 25, 1970]

Cross Takes Lead for Comptroller

(By John Hanrahan)

Harold E. Cross of Bethesda, a retired Bethesda Navy captain who waged a Warren Harding-style campaign by staying mainly at home, apparently has won the Republican nomination for Maryland comptroller.

The official canvass in Baltimore County yesterday showed that Cross, 63, had picked up 2,400 votes to move ahead of Howard F. Wiedey, 54, the GOP organization-backed candidate who earlier had been declared the unofficial winner in the Sept. 15 primary.

Nathan Goldstein, chief clerk of the Baltimore County election board, said yesterday that the error had not been made by his office.

Apparently, he said, the wrong figure had been transmitted by the news media on election night.

Originally, Baltimore County reports showed only 464 votes for Cross and 9,808 for Wiedey. The canvass yesterday showed 2,028 for Cross and 8,961 for Wiedey. Statewide, the original figures reported were 43,440 for Cross and 45,643 for Wiedey. Now, these unofficial figures read 45,004 for Cross and 33,796 for Wiedey.

Willard A. Morris, state administrator of election laws, cautioned yesterday against declaring Cross as the winner. He noted that the canvass in the other 22 counties and Baltimore City, due next week, could turn up other discrepancies that would affect Cross's apparent 208-vote lead.

Wiedey could not be reached for comment yesterday. Cross was ecstatic, but said he had figured all along that the canvass would prove him the winner. He said he knew he had been short changed on the vote in Baltimore County on the original report.

"If I was blind, stupid tied up and in the gutter . . . I'd have to get more than 464 votes out of Baltimore County, since my name was up there on the top line of the ballot right between Blair and Beall," Cross said.

Wiedey was running on the official Republican organization slate that included C. Stanley Blair for governor, Herbert J. Miller Jr. for Lieutenant Governor, Thomas M. Anderson Jr. for attorney general and Rep. J. Glenn Beall Jr. for U.S. Senator. Anderson and Miller had no primary opposition, Blair and Beall won easily and Wiedey was expected to win easily since he was campaigning with the ticket and Cross was sticking close to home.

Cross acknowledged yesterday that he had ventured out of Bethesda for only three primary campaign appearances. If he wins the primary, he said he expects to be more active in the General election campaign against Democratic incumbent Louis L. Goldstein.

The Blair ticket was caught by surprise by yesterday's disclosure, but said that it would be a simple matter to replace Wiedey's name with Cross's name on future campaign brochures—if Cross is declared the winner. Members of the Blair ticket said they have met Cross, but scarcely know him.

[From the Washington Post, Sept. 24, 1970]

Balloting Machines Cited in County Suit

(By Stephen Neary)

A Prince Georges County Commission candidate who finished 21st in a field of 25 in last week's Democratic primary yesterday filed suit asking for a new primary contest. Flora Daun Fowler charged that massive voting machine malfunctioning had fouled the election.

"Lord knows what will come out of it, probably nothing," commented Mrs. Fowler, who, acting as her own attorney although she is not a lawyer, filed the suit in the county's Circuit Court.

Mrs. Fowler said she had "waited all week" for someone else to take legal action against the election before deciding to file her own suit.

Voting hours had to be extended two hours at eight polling places in the county's Second Election District for Republican voters who had been turned away earlier in the day due to erroneously prepared and thus inoperative voting machines.

"HUMAN ERROR"

Election officials also reported that at least 25 percent of the county's 614 machines had failed one way or another during the Sept. 15 primary because of what they called "human error" in setting up the machines.

In addition to asking the court to order another primary election, Mrs. Fowler's suit asks for an injunction forbidding elections officials from "tampering" with the presently impounded machines in any way until "the irregularities have been thoroughly explained to the voters."

"Tampering," Mrs. Fowler's suit said, "includes either the formal count of the primary election, which is currently being carried out, or beginning to prepare the machines for the Nov. 3 General Election.

"NO SURE WAY"

"There is apparently no sure way of determining the extent of damage done to the candidates and to the voters by this deprivation of the constitutional right to vote: nor is there any way in which to determine what the actual outcome of the primary election would have been had the voting machines been properly prepared . . ." Mrs. Fowler's suit said.

Mrs. Fowler's suit, for which no court dates for arguments have been set, also said that "the massive failures of the voting machines may be a clear indication of neglect—misfeasance and/or malfeasance—on the part of the board of supervisors of elections who supervised, or of the custodians who programmed, the machines."

[From the Washington Post, Sept. 18, 1970]

Blair Blames Mandel for Ballot Flaws

C. Stanley Blair, the Republican candidate for governor of Maryland, said yesterday that Gov. Marvin Mandel is partly responsible for irregularities reported in mainly black precincts in Baltimore during last Tuesday's primary election.

Blair called for immediate investigation of the election-day problems by the Baltimore grand jury.

He said it was "more than coincidental" that most of the election troubles were made in the precincts "where Mandel's running mate, Sam Friedel, was expecting his strongest opposition from Parren Mitchell. His reference was to Rep. Samuel N. Friedel, veteran Baltimore congressman.

Mitchell, seeking to become Maryland's first black congressman, has claimed victory in the Seventh Congressional District Democratic primary, despite an unofficial count giving Friedel a 182-vote edge. The official count is to be completed this week.

Mitchell's supporters reported scores of irregularities, which they claim came about because of a conspiracy to defraud Mitchell of election victory. The Mitchell camp has not accused any specific individual.

IRREGULARITIES CLAIMED

Among the irregularities, they claim, were voting machines not delivered or being delivered to wrong addresses, certain machines with Mitchell levers that would not work, polling places opening 3½ to 4½ hours late and last-minute changes of sites of polling places. All of this, they said, either prevented or discouraged many Mitchell supporters from voting.

In a statement yesterday, Blair said he has sent a telegram to the Baltimore grand jury asking for an investigation of "the apparent malfeasance, misfeasance and nonfeasance of the Baltimore city election board" in the handling of the primary.

"The election board," Blair said in the telegram, "either intentionally or unintentionally, deprived some voters of their right to cast their ballots in the election."

In the telegram, Blair expressed concern "that some action or lack of action by the election board will jeopardize Republican and Democratic reform candidates' chances for election" in November.

PREPARED STATEMENT

In a prepared statement Blair castigated the "highly political" election board as being "directly responsible for the chaos" last Tuesday. And, focusing again on Mandel, he said:

"I think it is more than coincidental that Gov. Mandel installed the present system when he seized control of the election process immediately after he took office."

This was a reference to a Mandel-backed bill that gave control of the board, an appointive body, to the Democrats. With Spiro T. Agnew as governor, the Republicans were authorized by law to control the board.

At a press conference Friday, Mandel would not place specific blame on the board for the problems and said there is no evidence of any conspiracy to defraud Mitchell and his supporters. Friedel was the only opposed Democratic congressional candidate that Mandel openly endorsed in the primary.

[From the Washington Post, Sept. 26, 1970]

New Baltimore Vote Asked in Several Black Precincts

(By Lawrence Meyer)

Maryland's advisory committee to the U.S. Civil Rights Commission called yesterday for a new primary in several predominantly black precincts in Baltimore where it charged that irregularities effectively deprived more than 200 persons of their right to vote.

The irregularities, according to the committee's report, were concentrated in at least 10 of the 125 precincts in the Seventh Congressional District where Parren J. Mitchell, a Negro candidate, lost to Rep. Samuel N. Friedel by 182 votes, according to an unofficial count.

In order for a new primary to be held in those precincts, a court would have to order the election. No suit has been filed yet seeking a new primary.

In a sweeping condemnation of the conduct of the primary election Sept. 15, the committee recommended that the "present board of supervisors of elections of Baltimore City be relieved of further responsibility for the November general elections."

The committee also asked the commission to request an investigation by the U.S. Justice Department to see if any federal laws were violated.

Discussing the committee findings yesterday, chairman Herbert L. Fedder said, "The limited information gathered did not disclose any indications of fraud or a conspiracy, but it did show a shocking pattern of neglect—and in any event, the result was just as damaging as if there had been deliberate efforts to circumvent established procedures.

"The black community was short-changed. There is no getting around this fact," Fedder said. "Through its ineffectiveness in the primary, the board has forfeited any confidence it once might have enjoyed in the community and in its present form is virtually worthless."

Betty Silbert, president of the board, resigned Thursday, defending the board's conduct of the primary. Gov. Marvin Mandel said yesterday that Baltimore civic leader Charles P. Crane has accepted an appointment as board president through the Nov. 3 general election.

The committee report includes several excerpts from the testimony of 37 persons who complained of being delayed, harassed or deprived of their right to vote.

Mitchell has retained two lawyers—William L. Marbury of the Baltimore firm of Piper and Marbury and Larry S. Gibson—to represent him.

He said he had been counselled to make no comment on possible litigation pending the results of the official canvas, which is expected to be completed Monday. Mitchell said he thought the committee's recommendations were "very good."

In addition to Mitchell, Samuel N. Culotta, a candidate for the Republican nomination in the Fourth Congressional District, has claimed that his name was left off the ballot in eight precincts. Culotta lost by 118 votes to David Fentress. The board's acting chief clerk, Stanley Weiner, has verified Culotta's claim.

Willard Morris, administrator of state election laws, said he knew of no precedent in Maryland in which a new primary had been ordered by a court.

In addition to the testimony of the 37 persons testifying about irregularities, the report said that, "Police estimates in approximately 11 to 14 precincts located in the western part of the city indicated that more than 200 people were not able to vote on election day morning."

Deputy Maryland attorney general Robert F. Sweeney said that his investigations, which are not yet complete, found "delays in 11 of those precincts and that 10 of those 11 precincts appeared to me to be in predominantly black residential areas."

Sweeney, who testified before the committee during its 13-hour, one-day hearing last Friday, declined to comment on the report.

The committee also noted "that voting machine delivery went very smoothly in the (Baltimore) County and that black people are aware how much better municipal services seem to be in all-white areas."

According to the report, "The committee was told that the black community was deeply disturbed by what they felt was a 'systematic, deliberate conspiracy,' and a coalition of community organizations charged that there was a 'blatant manipulation of the vote in Northwest Baltimore.' "

In addition to asking for a Justice Department investigation, the committee also requested that the commission seek federal observers to oversee the conduct of the general election in Baltimore.

Other recommendations included: determining polling place locations at least 30 days prior to an election; notifying registered voters by mail at least one week before an election of the location of their polling places, and publication of the location of polling places in local newspapers at least twice within the week preceding the election.

[From the Washington Post, Sept. 27, 1970]

Mitchell Says Friedel Lost in Official Count

(By Lawrence Meyer)

Parren J. Mitchell claimed victory by 466 votes over Rep. Samuel N. Friedel in Maryland's Seventh Congressional District Democratic primary after an official auditor released his canvass of the Baltimore City vote yesterday.

An unofficial tally of the Sept. 15 primary had shown Friedel the winner by 182 votes. The canvass of the Baltimore City vote, combined with the Baltimore County votes for the district and absentee ballots, provided an apparent reversal of 648 votes for Mitchell, who is seeking to become Maryland's first black congressman.

The canvass results will not be official until certified by the Baltimore City board of elections supervisors, which is expected to take action Tuesday.

The announcement of the apparent reversal came from Mitchell himself who was present while the official auditor, Able Temporaries, a tabulating firm, counted the votes. Mitchell took ward results, added them to the final returns from Baltimore County and asserted that the canvass showed him the winner.

Herman Goldberg, a principal auditor of the official canvass, said he could not confirm Mitchell's figures without checking them against his tally sheets and that he had no time to do so. "I'm sure that they're right, give or take one or two one way or the other," Goldberg said. "These professional politicians go over the figures themselves and they're so close it's not even funny. I'm sure that it's not an idle boast."

Mitchell's figures, combining Baltimore city

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and county, give him 23,942 and Friedel 23,476.

Mitchell's victory claim came one day after the U.S. Civil Rights Commission's Maryland Advisory Committee condemned the handling of the primary by the board of elections supervisors because of numerous irregularities, especially in black wards. One of the committee's recommendations was that a new primary be held in precincts where voters were disenfranchised."

Herbert L. Fedder, chairman of the committee, said yesterday he doubted any action would be taken on a new primary since a court suit would have to be brought and Mitchell would not be expected to bring suit under the circumstances.

George Minor, Mitchell's campaign manager, said, court action to challenge the primary is now a moot point."

Fedder said the committee would stand by the rest of its recommendations, including a federal investigation of the primary, federal observers for the general election and relieving the board of its responsibility for the Nov. 3 balloting.

The Republican candidate in the Seventh Congressional District is Peter Parker, former people's counsel before the Maryland Public Service Commission.

The district is in the midst of a profound racial transition. Once overwhelmingly white and heavily Jewish, the area—in Northwest Baltimore and the adjoining sections of the county—now is 40 per cent black and 40 per cent Jewish. Friedel, chairman of the House Administration Committee, had represented the district since 1954.

Some Baltimore Democrats are apprehensive that a Mitchell victory will drive many white voters who vote Democratic to support Parker and other Republicans Nov. 3. Mitchell, who ran his primary with the support of several white liberals, said, I don't think there will be any major defections to the Republican Party. I think there will be some, but I don't expect any substantial numbers."

Mitchell said he had been unable to reach Friedel but I certainly would welcome his support." Friedel could not be reached for comment.

If Mitchell's victory claim is certified by the board, it will be the second primary in which an entrenched Baltimore congressman was beaten in the 1970 primary. Paul S. Sarbanes, a 37-year-old state delegate, defeated Rep. George H. Fallon, chairman of the House Public Works Committee and the Fourth District Congressman since 1945.

In both the Sarbanes and the Mitchell race, support was given by the antiwar Movement for a New Congress which also supported Royal Hart in his victory over former Rep. Hervey G. Machen in the Fifth Congressional District Democratic primary.

Mitchell said that the help of the Movement for a New Congress was tremendously impactual in terms of volunteers. No question about it."

[From the Washington Post, Sept. 25, 1970]

Baltimore Elections Chief Quits

(By Lawrence Meyer)

The president of Baltimore's board of election supervisors, which has been criticized strongly for its handling of the Sept. 15 primary, resigned yesterday while defending the board's conduct.

Gov. Marvin Mandel accepted the resignation of Betty M. Silbert and announced that he had asked Charles P. Crane, a Baltimore businessman and civic leader, to serve as board president through the November elections. Crane said he would consider the request.

Herbert L. Fedder, the chairman of the U.S. Civil Rights Commission's Maryland advisory committee, which conducted an investigation of the primary, said he was not aware of Mrs. Silbert's resignation, "but I welcome that. It should have happened long ago."

The principal criticism of the board's conduct of the primary concerned more than 60 alleged irregularities that occurred in the black areas of the Seventh Congressional District. Parren J. Mitchell, who apparently lost his bid to become Maryland's first black congressman, has charged that the incidents were "not accidental."

Mitchell opposed Rep. Samuel N. Friedel, a close friend and political ally of Mandel's, who won the primary by 182 votes, according to an unofficial tally. The official canvass of the election still was being conducted yesterday afternoon.

Mrs. Silbert, whose resignation takes effect next Tuesday, said that "no member or employee of the board . . . acted in any manner that would in any way bring discredit upon the board."

She said that the problems Sept. 15 resulted from inexperienced low bidders winning contracts to prepare for the primary. She said the bidding process had been insisted upon by the city's board of estimates.

Fedder has called a press conference for this afternoon to release a report of his committee's inquiry.

Although Fedder declined to discuss the report, he said that the number of incidents in the black areas—including last-minute changes of polling places with no posted notice, machines delivered late or not at all and jammed machines—"leads one to speculate on the care or concern about the black citizens' right to participate."

He said that his committee's inquiry did not find evidence of any fraud or conspiracy, adding that intent must be shown to establish fraud and "the investigation didn't have enough depth to establish intent."

Fedder said the board was guilty of "maladministration" and that the report recommends "punitive action." Asked if the report filed with the U.S. commission, recommends criminal action against the board, Fedder said it does not, "but we don't preclude it."

In a separate incident, Samuel N. Culotta, candidate for the Fourth Congressional District Republican nomination, charged that his name was left off the ballot in eight precincts. Culotta lost by 18 votes to David Fentress.

Stanley Weiner, acting chief clerk of the board, said Culotta's charges were correct. Asked how many machines were used in the Fourth District, another board employee said he did not know and was too busy to find out.

[From the Washington Post, Sept. 22, 1970]

Colo. Plea Lost by Rep. Rogers

DENVER.—The Colorado Supreme Court today turned down a petition by 70-year-old, 10-term Congressman Byron G. Rogers (D-Colo.) contesting the 30-vote plurality of 34-year-old peace candidate Craig S. Barnes for nomination by Democrats for the Denver congressional seat.

The 7–0 Supreme Court ruling, stating that Congress alone has jurisdiction in such matters, apparently ended Rogers' long political career, which included years in the State Legislature and the attorney generalship of Colorado.

[From the Washington Post, Sept. 24, 1970]

Wisconsin Recount

KENOSHA.—A ballot recount requested by Leslie Aspin indicated that he won the Sept. 8 Democratic nomination to oppose Republican Rep. Henry C. Schadeberg.

Douglas La Follette had been declared the unofficial victor in the First District primary by 26 votes.

The recount gave a 20-vote margin to Aspin, who was a member of President John F. Kennedy's Council of Economic Advisers, later served as a Defense Department economic adviser, and is currently an instructor at Marquette University in Milwaukee.

[From the New York Times, Sept. 22, 1970]

Electoral Re-Runs

Botched electoral procedures and inordinate judicial delays have combined to produce several re-run primary elections today in the Bronx, Brooklyn and Queens. Some of these races concern only party leadership posts. Two, however, involve Democratic nominations for State Assemblyman and have an importance that transcends their district lines.

In Brooklyn's 44th Assembly District, Melvin Miller polled considerably more votes in the June primary balloting than did his opponent. Mr. Miller, a Reform Democrat, beat the regular organization designee by a margin that would normally preclude a re-run. The courts have nonetheless ordered one. The difficulty is that few people will even be aware the polls are open.

In Brooklyn's 51st Assembly District, Joseph Ferris, a Reform Democrat, and Marvin Kessler, an insurgent from the regular Democratic organization, both piled up more votes than did the organization candidate. Unofficial returns showed Mr. Ferris the winner by a narrow margin; the official canvass gave victory to Mr. Kessler by an even narrower margin, only nine votes. This result justifies a general re-run in the absence of procedures confining a run-off to the two leaders.

The risk in a re-run, however, is that organization candidates will almost always emerge triumphant for the simple reason that while many voters don't even know there is an election, the organization can be counted on to get its supporters to the polls. In today's balloting both Mr. Miller and Mr. Ferris deserve preference as reform elements are needed to bring a breath of fresh air into the musty Democratic councils of Brooklyn that are run by backroom leaders who have shown little regard for the public welfare.

Beyond today's balloting, electoral procedures require reform. Election inspectors must be selected on the basis of merit rather than party fealty as at present. In weighing election disputes, fast courtroom action is needed. A challenge to Herman Badillo's Congressional primary victory still unconscionably languishes in the courts. It is also essential that judges, many of whom owe their designations to the organization, maintain scrupulous nonpartisanship.

It must not be necessary for reform candidates to beat regulars twice, once on Election Day and again either in the courts or on a second Election Day.

[From the New York Times, Sept. 24, 1970]

Rerun in the 21st

After an inexcusable delay, the Supreme Court in Queens has handed down an inexplicable opinion. Yesterday, three months after the June party primaries and one day after rerun races in several boroughs, the court ruled that former President of the Borough of the Bronx Herman Badillo would have to undergo a rerun contest in his quest for the Democratic Congressional nomination in the city's new triborough 21st Congressional District.

The rerun election has been scheduled for Thursday, Oct. 8. It will be held then, with all six candidates originally in the field once more appearing on the ballot, unless the appellate division of the Supreme Court reverses yesterday's ruling. Mr. Badillo's margin of primary victory in this ethnically diverse district was only about 600 votes out of 25,000 cast—but it was large enough in a crowded field to have precluded the need for a rerun contest. For a polling inspector to have failed to initial a voter's card, as was alleged, is the sort of technical flaw that

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courts normally overlook. There was never even any charge that these "flawed" votes went to Mr. Badillo. In fact, the inspectors owe their jobs to the regular party organization, while Mr. Badillo is a Reform Democrat.

The problem of a rerun is that many voters may not even know it is taking place. The advantage always goes to the candidate supported by the regular organization. In another rerun contest held this week, the organization candidate who had finished last in a field of three in June finished first, as expected. The voters in the 21st owe it to themselves to see that this typical result is not duplicated in their district.

Mr. Badillo stands head and shoulders above his challengers. A vigorous and experienced public servant, he deserves support. Reform politicians and students interested in seeking peaceful change through the political process would do well to flock now to his cause.

[From the New York Times, Sept. 22, 1970]

Bronx Election Appeal Lost

ALBANY.—The State Court of Appeals held today that there was no reason to conduct a new Democratic primary in the 78th Assembly District, in the Bronx. The appeal to state's highest court was filed by Assemblyman Edward A. Stevenson, who finished second in a three-way primary for the Democratic Assembly nomination. The winner of the primary was Louise Nine, who received 715 votes, Mr. Stevenson 642, and Albert Brooks 502, but 263 balloting irregularities were found.

[From the New York Times, Sept. 25, 1970]

Badillo Says Judge Barred Testimony

Herman Badillo said yesterday there was only a "one-in-a-billion" chance that irregular votes could have affected his victory in the June 23 primary in the 21st Congressional District, but that a Queens Supreme Court justice prevented introduction of testimony to this effect before voiding Mr. Badillo's nomination.

The justice, John J. Leahy, could not be reached for comment on Mr. Badillo's charge.

Justice Leahy held on Wednesday that 798 votes in the six-man race had been irregular or void. This was 211 more than the plurality of 587 credited to Mr. Badillo, a former Bronx Borough President, in the official recount. The justice ruled that the void votes, "within a reasonable degree of probability, could have affected this election."

Mr. Badillo said at a news conference yesterday at the Overseas Press Club, 54 West 40th Street, that Justice Leahy had "directed" his lawyer to rest his case before he could introduce testimony on the odds of the voided votes affecting the outcome of the race. He called the judge's action "fascism."

The suit against the primary count was brought by the runner-up, Peter F. Vallone of Astoria. The district takes in East Harlem, South Bronx and Astoria and Corona in Queens.

[From the New York Times, Sept. 24, 1970]

Queens Court Voids Victory by Badillo

(By Peter Kihss)

Former Bronx Borough President Herman Badillo's Democratic nomination for Congress in the new three-borough 21st District was voided yesterday on the ground of irregular votes. A Queens Supreme Court justice ordered a new primary to be held Oct. 8.

The successful challenge had been made by the runner-up in the six-man June 23 primary, Peter F. Vallone, of Astoria.

Justice John J. Leahy held that 798 votes had been irregular or void. This was 211 more than the plurality of 587 credited to Mr. Badillo in the official recount.

"Considering all the evidence," Justice Leahy ruled, "it appears that the void votes here, within a reasonable degree of probability, could have affected this election, making it impossible for the court to determine who was the successful candidate."

Mr. Badillo immediately announced an appeal to the Appellate Division. Branding the decision "outrageous," he asserted: "It is absurd to claim that I was responsible for irregularities committed by election inspectors supporting my opposition."

SCHEUER ASKS INQUIRY

Bronx Representative James H. Scheuer, Democrat-Liberal candidate from the 22d District and a Badillo ally, telegraphed the State Judicial Conference to ask for an investigation of the decision, made three months after the primary.

"This decision seems calculated only to serve the interests of the Queens regular Democratic organization and is inimical to the democratic electoral process," Mr. Scheuer charged.

Mr. Vallone, a lawyer and civic leader, said:

"I know that I won the June primary, and I'm confident that the special election will conclusively show that I am the people's choice throughout the triborough district."

He said he had submitted evidence that registered Republicans and Liberals had voted in the primary, which he said the decision had sustained, as well as other challenges based on alleged forgeries in voter signatures and lack of inspector signatures. The latter challenges did not enter into the final count of irregularities, he said.

The new district has about 45,000 enrolled Democrats in its Bronx portion, 20,000 in Queens and 10,000 in Manhattan, Mr. Vallone estimated. He said the ethnic breakdown was about 30 per cent each Puerto Rican and Italian, but he declared:

"The big issue is that people should vote for a man for Congress because they think he will represent them best in that capacity and not because he wants to run for Mayor and not because he is Puerto Rican or Jewish or Irish or Italian or Greek."

RESULTS OF RECOUNT

The recount had reported the primary vote as totaling 25,552—Mr. Badillo, 7,732; Mr. Vallone, 7,145; the Rev. Louis R. Gigante, a Bronx Roman Catholic priest, 5,621; Ramon S. Velez, director of the Hunts Point Multi-Service Corporation, 2,644; former State Senator Dennis R. Coleman, 1,508, and Joseph A. Loubriel, a Correction Department driver, 902. All would be involved in the rerun.

Mr. Badillo said, "it is not enough to prove irregularities, for they happen in every election." He contended the 798 allegedly irregular votes would have all have had to go to him to affect the result—"which is logically impossible."

The decision, he said, "would set a dangerous precedent that every insurgent who seeks election will have to win twice to be elected—first at the polls and then in the courts."

Mr. Badillo's counsel is Remo J. Acito, who is also law chairman of the Bronx Democratic organization. Mr. Vallone's counsel is Fabian Palomino, professor at Brooklyn Law School.

(The following colloquy, which occurred during the delivery of the address by Senator HANSEN, is printed in the RECORD at this point by unanimous consent.)

Mr. BAYH. Mr. President, I should like to reiterate what I mentioned a while ago in a colloquy with our distinguished colleague from Nebraska. I am willing—in fact, I am committed—to work with the Senator from Michigan, the Senator from Maryland, perhaps the Senator from Kansas, and anyone else who might be concerned about the runoff provision. I do not want to suggest that anyone needs to be dissuaded by my concern, but I think it is important for us to have some basic electoral reform. I have said repeatedly that, in my judgment, despite its shortcomings, the runoff is superior to the other contingencies. I am prepared not just to lend perfunctory support to such a change of the contingency, manner, but rather to support enthusiastically another contingency plan. I am not wed to any specific contingency. I would like to see us get the best one we possibly can, perhaps a combination of the electoral college and a joint session of Congress; or perhaps simply a joint session of Congress.

Mr. President, I interrupt my good friend, the distinguished Senator from Wyoming, in this manner just to point out that, although the Senator from Indiana is the principal sponsor of Senate Joint Resolution 1, he has no particular pride of authorship. He wants as many Members of this body as possible to become involved in this matter, to make it better, and he is willing to lend what little influence he may have in this body to that end, so that we will have some basic, necessary electoral reform before the end of this session.

I appreciate the courtesy of the Senator from Wyoming.

Mr. HANSEN. Let me say that I find encouragement in the fact that this debate is focusing attention on some of the facts that we should consider in discussing such a tremendous change in our constitutional processes as would be contemplated by the adoption of Senate Joint Resolution 1. I can only conclude that the distinguished Senator from Indiana recognizes some of the things that are wrong, some of the flaws that would exist in the direct election process. His willingness now to say that if we have to have a runoff, we will not use that system, or at least to imply that, suggests to me that this debate has indeed been a very helpful exercise.

I take encouragement in believing that every Member of this body is dedicated, is sincere, is earnest, and wants to improve things. But, as oftentimes is the case, what may first catch our attention as being a step in the right direction, upon closer examination does not always represent forward motion at all.

So it is with some satisfaction and truly great admiration and respect for the distinguished Senator from Indiana that I find that he, too, recognizes some of the things that could go wrong with direct election. His statement that he would be willing to talk with others about ways in which we could improve upon the very system he has proposed, indicates to me that he is indeed a man of good will, who has the best interests of this country at heart—and I think the same about the other 99 Members of the Senate—and I welcome his observations.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield.

Mr. BAYH. Mr. President, I appreciate the kind remarks of the Senator from

Wyoming. I think it is possible for each of us to feel very strongly that a certain position is right. The Senator from Indiana recognizes the need to take into consideration the points of view of other Members of this body who are equally sincere, and he realizes that although legislation is a certain art in and to itself, the final success or failure of such pieces of legislation relies very heavily on the mathematics of the vote. The Senator from Indiana is always willing to work with others, to give and take a bit, so long as we are moving forward, in order to get enough votes. I would be glad to work with the Senator from Wyoming, and, hopefully, he will come up with a contingency plan that will be agreeable to others, and thus he can lend his support to the direct election proposal. I know that he has not closed his mind to this possibility from now until the end of time.

Mr. HANSEN. Mr. President, as all of us must be, the junior Senator from Wyoming, too, is concerned with votes. I would hope that my constituents may find merit in my position from time to time, at least sufficient merit 2 years from now, to give me an extension of my services to the State of Wyoming and to the Nation, in this great body. I would hope, though, that all of us, as we vote tomorrow on the vitally important issue of cloture, would be motivated more by what we believe to be in the long-range best interests of this country than by any other consideration.

I certainly agree with my distinguished friend, the Senator from Indiana, that votes are important; and I know that in this matter he is hoping that his side of the argument may be able to muster the necessary two-thirds. I hope that he shall be denied that victory.

I must say that long ago I found that we are short-sighted, indeed, if we do not recognize always the possibility of right in others. I do not mean to imply any omniscience, any ability to read the future and to know what is best for our country. Rather, I have had to restrict myself to an inspection of the past, an inspection of the greatness of this country, an examination of how well the processes by which we are governed and by which we choose electors has served us; and I can only say that such an examination confirms for me the judgment that our system, despite its defects, despite the occasional flaps it brings about in our body politics, has served us well.

Without being able to see in the future but, rather, trying to peer into the past and particularly into the more recent past, I would hope that we do not fall prey to the argument of some that simply because an institution or a system is old, it is wrong or outmoded. We have many old things that we respect and admire and revere, and quite properly so, in this country as the distinguished Senator from North Carolina pointed out the other day, old constitutions are the best constitutions, for they have withheld the test of time.

I do not think we have to look very far back to realize that we are much better off in America than are many other countries, because we have not incorporated into our system of choosing leaders those processes which have characterized all too many foreign countries and brought their constitutional systems to ruin.

Thus, I say, Mr. President, there is great virtue in some of the old things in this country. There is great virtue in our Constitution. I say there is great merit and virtue in the electoral vote system. While I would be the first to agree that we can make some changes in it, I must say that only minor changes would be required.

The principle that there shall be represented in the choosing of a President the expression of the States as political entities, undergirds the whole federal system of this country. Were we to reject this significant characteristic of the electoral college, we would be taking a major step down the road which would eventually abolish the Senate itself. It would provide those who would destroy our system, which has served us to well, with a reason for asking "Why should there be a Senate? Why should each State have two persons equal in this body with every other State?"

I do not think it is necessary to illustrate how good our Government and our legislative system have been. It seems quite obvious to me that such an exercise would be completely useless, because there is not a single one among us today who could not call attention to more reasons than I would have time to enumerate this afternoon that ours is, indeed, a workable and worthwhile system of government.

Accordingly, I say, Mr. President, I do not think I need attempt to explain, that merely because things are old they are outworn, outmoded, or no longer serviceable.

I am sure that every Member of this body has taken time regularly and frequently to read the Bible. I do not believe that the words of Moses are any less relevant today than they were when he brought the message down. I do not believe that the admonitions contained in the Ten Commandments are any less applicable to an ordered kind of life today than they were when they were first given to us.

I am not impressed at all with those who assert that our system of Government was designed and brought into being when things were different, when we did not have the ready communication we now have, when we had no television set to turn on, no radios, or even newspapers on a nationwide scale. Whereas today all we have to do is flick a button and we can see pictures of the war in Vietnam that were taken this morning. It is true, of course, that we could not do that when the Constitution was being framed, but I hope that we will not escape the realization that ours is, indeed, a long heritage, that our success is no accident, and that our constitutional system—far from being outmoded—has been responsive to our needs. It has proven itself fully capable of the flexibility that has been demanded by changing times, by increasing population, by instant communication, by the emergence of strong powers throughout the world, and by the necessity of being able to deal effectively and quickly with other nations.

Despite all of these changes which have come about, we find the Constitution fully as capable today as it was when it was first adopted to meet these changes.

So I cannot buy the argument that we must now discard it simply because it is old. Rather, I would hope that out of this debate, out of the excellent presentations that have been made, might come a greater appreciation and a greater awareness of how great this document is—and of how its unique principles are incorporated into the electoral vote system.

While there are those who say that the times must change and that we need to elect our leaders by a direct vote, I do not think that makes sense. Rather, I think a case has been made for continuing to choose a President by reflecting the presence of a federal system in our Government.

(This marks the end of the colloquy which occurred during the delivery of the address by Senator HANSEN and which by unanimous consent was ordered to be printed in the RECORD at the conclusion of the address.)

Mr. STENNIS. Mr. President, I wish to commend the Senator from Wyoming. Except for a few moments when I had a pressing matter outside the Chamber I listened to his entire speech. I enjoyed the extra philosophy he provided with reference to the men who wrote our Constitution.

The Senator has made a fine contribution to this debate. I especially call attention to some of his points of logic on constitutional law. I appreciate the fact that the Senator has worked so diligently on this subject, as he does on every subject, as his time permits. I thank him for being here today before this crucial vote which will be taken tomorrow.

The Senator has proven that he is a good rough-and-tumble debater and that he is good at deliberate debate. I appreciate the Senator's participation in this matter.

Mr. HANSEN. Mr. President, I appreciate the very kind remarks made by the distinguished Senator from Mississippi (Mr. STENNIS). He has been a great leader in this battle. I have been an admirer of his for a long time.

For those who may not know, he has a great following in the State of Wyoming. He is the recipient of the highest award the board of trustees of the University of Wyoming can bestow. He was given an honorary doctorate by that institution. I was a member of the board at that time.

We find great merit in the actions, leadership, and quality of statesmanship that are the hallmark of the Senator from Mississippi. I am most humbly appreciative for his kind observation.

Mr. STENNIS. Mr. President, there is nothing I could appreciate more than the Senator's great institution, what he has said, and the fine friendship, fellowship, and support I have had from the Senator from Wyoming since he has been here.

XUM

Mr. FONG. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I regret exceedingly that I was not here to listen to all the remarks made by the Senator from Wyoming. I was in attendance during the last few minutes of his speech and I heard the conclusion of his speech.

I come from a small State, as does the Senator from Wyoming. We know what direct election would do to the voting power of the small States. How it would cut down tremendously the voting power of all these small States, in some instances by as much as 80 percent to 90 percent.

I was very interested also in the observation of the distinguished Senator from Wyoming that there are approximately 184,000 voting precincts. There may be fraud in any number of these 184,000 precincts. If there were fraud, under direct elections those votes would be sealed off within the particular State in which the fraud occurred. If we did not have the electoral college system they would not be sealed—the fraudulent votes in any one of the 184,000 precincts would affect the total national vote and the vote of each candidate. The effect of voting fraud under direct election is horrendous to contemplate. It would result in chaos.

I wish to commend the Senator for his very fine address on this point.

Mr. HANSEN. Mr. President, I again express my appreciation to the distinguished Senator from Hawaii. I can think of no more appropriate time to call attention to one of the great strengths of our electoral college system than by what is brought to my memory now by his presence and by what he has just said.

Under the electoral college process it has been my contention that minorities find the greatest opportunity for effective presentation of their particular beliefs, interests, and feelings. When I think of the contributions that some of the ethnic minorities in the great State of Hawaii have made, I will do all I can to assure that this great Nation of ours shall never be denied the contribution that the Japanese people and the Chinese people have made. Those of us who serve in this Chamber are proud and appreciative that this is a great Nation composed of minorities. I am a member of a minority. I am a Dane and they tell me I am one of the few Danes who has ever slipped in here. I am glad the word did not get around before I was elected.

Mr. President, we must bear in mind that if we did not have the electoral college system, those people of many places, such as the great State of Hawaii, would not be able to cast the two extra electoral votes they now have the privilege to cast to assure that their ideas will be represented not only in the halls of Congress, but as well, in the Chief Executive of the United States. I know that not only President Nixon but other Presidents have been deeply conscious of the contribution made by the distinguished Senator from Hawaii and they want to do their best to see that we maximize the contribution these people can make, and that we understand their concerns. I think we are best assured of the important contribution they can make and have made through the electoral college.

I am grateful to my wonderful friend from Hawaii. I recognize him as a great scholar and a very well-educated man. He holds several degrees, one from the most prestigious of our law schools in the United States, and I am certain Harvard University proudly claims him as its own.

Mr. FONG. Mr. President, I thank the Senator for his very fine remarks concerning my State and me. With reference to his remarks about the place of minorities in the scheme of the electoral process, the speech which I intend to make this afternoon deals directly on this problem of how the electoral college system affects the minorities in the States. If we had a direct election of the President the minority's power, whether it is ethnic, religious, educational, social, or any other kind, would be fragmented and diluted so that presidential candidates would not look at the needs of these minorities. The minorities even by joining with other minorities would not have the influence on candidates and their parties that they now have.

I thank the Senator again for his fine remarks. I consider him one of the most able men in this body.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, and Mr. STANTON, were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1366) to provide for the temporary extension of the Federal Housing Administration's insurance authority.

HEARINGS ON SOVIET ACTIVITIES IN CUBA

Mr. CHURCH. Mr. President, as chairman of the Senate's Subcommittee on Western Hemisphere Affairs, I have called for a special briefing, to which all members of the full Committee on Foreign Relations will be invited, as soon as arrangements are made, the purpose of which will be to obtain all available facts concerning the reported construction of a possible Soviet submarine base at Cienfuegos Bay on Cuba's southern coast.

Because of mounting concern that shipping and construction work in this area may have a military purpose involving the Russians, a special hearing with the best informed members of the executive branch should be held without delay, in order that Senators may receive a full and detailed exposition of all particulars.

In October 1962, the American public learned, after the fact, of Soviet missile bases being installed on Cuban soil. The resultant crisis brought the world closer than it has ever been, before or since, to a nuclear holocaust. That is why I am asking the State Department, Pentagon, and CIA to testify in executive session with the request that a full disclosure be made of all intelligence information now in possession of the Government on what could be a potentially serious development. If necessary, we must act in timely fashion, if we are to avoid the kind of nuclear showdown that occurred 8 years ago.

In this connection, I ask unanimous consent to have printed in the RECORD an article entitled "Cuban Missile-Crisis Hint Looms," written by Mr. James Nelson Goodsell, Latin-American correspondent of the Christian Science Monitor, and published in today's edition of the Monitor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBAN MISSILE-CRISIS HINT LOOMS

(By James Nelson Goodsell)

The specter of a possible new Cuban missile crisis is haunting the Nixon administration.

Washington sources speculate it could develop over the reported construction of a Soviet naval facility at Cienfuegos on the south coast of Cuba.

As if to underline its concern and to warn both Soviet Leaders and Cuban Premier Fidel Castro of Washington's attitude, the White House Friday recalled the 1962 understanding between President Kennedy and Soviet Premier Nikita S. Khrushchev that ended the original Cuban missile crisis.

The White House also pointedly drew attention to a statement by President Kennedy Nov. 20, 1962, when he said: ". . . if all offensive weapons are removed from Cuba and kept out of the hemisphere in the future under adequate verification and safeguards, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean."

ACTIVITY REPORTED

Actually, Washington is not clear on just what is being set up at Cienfuegos. Unusual construction activity is reportedly under way and Soviet vessels have been making much more use of the port in the past few months than they had previously. In fact, four Soviet Naval vessels are there now.

But Soviet naval presence in the Caribbean, and particularly in and around Cuba, is nothing new. For more than 15 months, Soviet vessels, including nuclear submarines, have been freely plying Caribbean waters.

"It would be logical for the Soviet Union to seek some sort of deep-water anchorage in Cuba for its fleet," a United States diplomatic source said in Washington.

REFUELING FACILITY

The Nixon administration, of course, would prefer it otherwise, but the growing Soviet naval presence in the Caribbean is reluctantly accepted as a tit-for-tat arrangement in view of the United States naval activity in and around waters adjacent to the Soviet Union.

Moreover, the mere construction of a naval facility for refueling and refitting does not cause too much concern in Washington.

But construction of a strategic submarine base, perhaps for the use of missile firing Polaris-type craft, would markedly alter the picture, and this is what concerns Washington.

CONSTRUCTION CONTINUES

The White House statement Friday, given reporters in the course of a background briefing arranged to discuss President Nixon's upcoming European trip, was clearly intended to discourage Moscow from carrying out any strategic construction.

At this point, it is obvious that the Soviet activity in Cienfuegos is not of the magnitude as that eight years ago when the Soviet Union placed offensive missiles on the island.

At that time, the Soviet Union had no Polaris-type submarines. Today it has at least 13 such submarines, armed with 16 missiles each. More are under construction. A base in Cuba would enable the Soviets to keep more submarines on station for longer periods without returning to home ports for servicing and resupply.

The United States, for example, maintains such facilities at Holy Loch, Scotland; Rota, Spain; and on Guam in the Pacific.

Information on the Soviet activity is understood to have come from United States U-2 reconnaissance planes, the same aircraft that furnished the first concrete proof of Soviet missiles in Cuba in October, 1962.

Washington says there are no submarines in Cienfuegos now, but a submarine tender is there along with three other vessels, all of them part of a Soviet naval task force including nuclear submarines that arrived in the Caribbean last month.

THE DOVES ARE WINNING

Mr. CHURCH. Mr. President, on Saturday, September 26, I delivered the opening address at the Colorado National Politics Institute, held at Colorado State University. The forum of students faculty, and administrators was mannerly, alert, and concerned. They were of real credit to the growing university community at Fort Collins.

I ask unanimous consent that the full text of my remarks, entitled "The Doves Are Winning—Don't Despair," be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE DOVES ARE WINNING—DON'T DESPAIR

During the momentous summer months in Washington, it was my pleasure to work with many college students who came to the Capitol with the mission of bringing an end to the war in Vietnam. As the Summer passed without a single dramatic break-through in Congress, I watched too many of these students leave Washington, disillusioned and embittered. They returned home convinced that the military-industrial complex dominated American politics, and that the "system" had placed insurmountable roadblocks across the road to peace.

Not only do I understand, but to a certain degree I share the dismay of these young people. I have opposed our war policy in Indochina for a long, long time. It was seven years ago, in September of 1963, when I first spoke up for changing that policy. If anyone is entitled to feel frustrated, I should qualify.

There are, moreover, legitimate reasons of fresh vintage to deepen the discouragement of those who have worked so hard for peace, the most poignant of which, no doubt, was the recent defeat in the Senate of the McGovern-Hatfield amendment to end the war.

As for those students who have volunteered their help in election campaigns, the results have been inconclusive, at best. Roberty Kennedy's drive for the Presidency in 1968, was shot to death, while the aspirations of Eugene McCarthy were trampled to shreds on the streets of Chicago. Lately, however, particularly at the Congressional level, some light flickers at the end of the electoral tunnel, as indicated by the showing of Craig Barnes in Colorado, by Joe Duffy's race for the Senate in Connecticut, by Father Drinan's victory in Boston, and by Paul Sarbanes' upset in Maryland. These primary races signify something more hopeful than the accidents of age and reapportionment.

It is for the purpose of sounding a more hopeful note that I come to speak this afternoon. Even though the fighting continues in Vietnam, the truth is that our efforts have not been in vain. The government is not as immovable as it sometimes seems. The campus protest against the war has neither gone unheard nor unheeded in the nation's capital. Admittedly, the official response has been both sluggish and reluctant, but profound changes have taken place, nonetheless. Let me illustrate by asking a few rhetorical questions.

Whatever happened to all those ferocious hawks? They used to darken our political skies, poised to plunge down on any dove reckless enough to take wing.

How long has it been since we've heard their shrill battle cries: "Bomb Hanoi!" "Blockade Haiphong!" "Win the War in Vietnam!" Where has all that bravado gone?

Look closely.

The hawks are still about but quite subdued. They perch on strange new standards which proclaim: "No *Precipitous* Withdrawal." "No *Humiliating* Defeat." "Peace *With* Honor."

These are cynical standards, contrived for political effect. No responsible war critic has ever urged *precipitious* withdrawal, or called for *humiliating* defeat, or advocated peace *without* honor. These slogans are crafted for one purpose only: to give protective cover to the hawks; to conceal from public view the fact that they have largely lost the argument over Vietnam. The doves may not yet realize it, but they are winning.

No longer are we being told that our presence in Vietnam is required to "contain" communism. Six years of American warfare in Southeast Asia has succeeded only in extending communist penetration outward from Vietnam into the rest of Indochina.

Seldom, anymore, are we reminded that we went to Vietnam to prop up the "dominoes," for, even though we still remain in massive occupation of South Vietnam, the "dominoes" are falling next door. The larger parts of Laos and Cambodia have passed into communist hands.

If our purpose was to prove, as we were once solemnly told, that communist-induced "wars of national liberation" would not be tolerated by the United States, then we have managed only to prove the opposite namely that Asian civil wars, whatever their coloration, cannot be successfully suppressed by foreign intervention.

Mercifully, nowadays, we are spared the embarrassment of hearing that the SEATO treaty obligated the United States to go to the rescue of Saigon. Forgotten is the improbable argument of Dean Rusk that we were unilaterally bound by our SEATO commitment to fight for South Vietnam, despite the fact that such other major signatories as France, Pakistan and the United Kingdom disagreed. They construed the treaty according to its terms. As submitted to the United States Senate for ratification, the SEATO treaty provided only that we would "consult" in cases of communist subversion—where those could be defined.

In like manner, the other reasons once offered to justify our original intervention in Vietnam have faded away. Where can one find a reputable general to argue, with a straight face, that the defense of the United States is rooted in the jungles of Indochina? Who still pretends that Saigon stands guard over Seattle? Who honestly accepts the corrupt and repressive Thieu-Ky regime as a champion of freedom in Southeast Asia?

The truth is that even the hawks have lost their fervor for this senseless war. How often these days one hears the remark, "Of course, I think we should have stayed out of Vietnam in the first place, but now that we are there. . ."

Now that we are there, these are the code words that mark the chastened hawk, the formula words for shifting the discussion away from the perplexing *why* to the pressing *how*. "The urgent question," President Nixon counsels us, is "not whether we should have entered on this course, but what is required of us today." Never mind about why we entered the war, what matters now is how we end it.

Let it not be forgotten that it was the very question of how to end the war that originally prompted the lengthy debate between the doves and hawks. The issue was sharply drawn and well understood in the country. The hawks espoused the popular, if simplistic, view that the only way to end the war was to win it, while the doves favored a negotiated peace. At the beginning of the debate, the country, accustomed to imposing unconditional surrender on its enemies, turned a deaf ear on all talk of settlement, an attitude which accounted, doubtlessly, for the paucity of doves.

I remember it well. When Senator George McGovern and I took the floor of the Senate on February 17, 1965, to call for a political settlement of the war, *negotiation* was an unspeakable word in Washington. The liberal press was shocked; the conservative, scornful. "There is nothing to negotiate about," snorted the Secretary of State. And no less a figure than the late Everett Dirksen, President Johnson's favorite spear-carrier in the Senate, took charge of the rebuttal. With a grand display of trembling indignation, he repudiated negotiations as "simply a proposal to run up the white flag before the world and start running away from communism."

Just a few weeks later, however, it was President Johnson himself, speaking at Johns Hopkins University, who proposed "unconditional discussions" as evidence of his desire for peace, and offered a billion dollar aid program for Southeast Asia when a negotiated settlement was obtained. "We would hope," said Mr. Johnson, "that North Vietnam would take its place in the common effort just as soon as peaceful cooperation is possible." As it was now the President's proposal, no one breathed a word about "running up the white flag" or "running away from communism."

The Johnson offer, to be sure, was no more than a ploy at the start. Our "unconditional" negotiating position turned out to be "we'll quit, if you quit." Victory in the field was still the real goal of the hawks.

As this became clear, the doves more and more protested that the war—essentially political in character—could not be "won" by conventional military methods. We argued that the great buildup of American men and materiel in the South could not be decisive in an area where Vietnamese enemy could scarcely be distinguished from Vietnamese friend—but where the American soldier, the foreigner, was an easy target on every count. Only the Vietnamese, themselves, we said, could win a guerrilla war.

As for the massive bombing of North Vietnam, we contended that experience and common sense showed it wouldn't batter the North Vietnamese into submission. Rather, it would weld them together and give new fire to a revolutionary movement which had already been fighting for more than two decades. The only way to settle such a war, therefore, was not on the impossible terms the hawks had offered, but on terms that related to what the war was all about—the political composition of the government in Saigon.

In this connection, it was the late Robert Kennedy who, in February of 1966, had the perception to realize and the courage to proclaim that a political settlement between the two Vietnamese sides would have to be based on a sharing of power: in short, something in the nature of a coalition government. This suggestion was at once denounced by then Vice-President Hubert Humphery as a proposal for "putting the goat in charge of the cabbage patch." The Saigon government's reaction was less picturesque, and much more savage; Vietnamese citizens landed in prison for even uttering the forbidden word, coalition.

Although lip service was paid, from time to time, to various heavily hedged formulas for peaceful initiatives before March of 1968, the lines in fact remained clearly drawn between doves and hawks. No matter how the hawks dressed up their true feelings, one constantly found their goal unchanged: they were still pursuing the will-o-the-wisp of "military victory."

But what has happened over the past two years? Nothing less than a complete reversal of position on the part of the hawks. It has finally been borne in on them that the Vietnam war cannot be "won" after all.

Who would have thought in the Fall of 1967 that a year later the bombing of North Vietnam would have ended and that representatives of all four parties to the conflict — including the unrecognized Vietcong—would be arguing about the shape of a negotiating table in Paris? President Nixon put his seal of approval on this reversal by acknowledging that we seek "no military solution" on the battlefield. Here, again, it is obvious that the doves have won their point about the essentially political, rather than military, character of the war.

And what of the course of the negotiations? Once more we find that the hawks have moved steadily toward the position of the doves. Lyndon Johnson's original "We'll-quit-if-you-quit" has given way to Nixon's "Anything-is-negotiable-except-the - right-of - self - determination - for - the - people-of-South Vietnam - even - if - they - choose-communism." What a far cry from the hawks' initial explanation for entering the war—the "containment" of communism within the perimeters of the then-existing "communist world."

Actually, President Nixon has gone even further: during a televised news conference on May 8, 1970, he said that if the people of South Vietnam choose other leaders, or a coalition government, it will be acceptable to the United States so long as that government is not forced upon them.

It is almost as if the President were reading from the late Senator Robert Kennedy's floor speech of 1966—a thought which should set hawk feathers to fluttering!

Meanwhile, actions as well as statements seem to indicate possible movement toward breaking the negotiating stalemate at Paris. It is inconceivable to me that a statesman of the caliber of Ambassador David Bruce would have agreed to represent us at the talks if he had not been given greater latitude than his predecessors to find the subtle formula necessary to produce a compromise settlement. The return to Paris of North Vietnam's chief delegate, Xuan Thuy, together with the new proposal offered by the Vietcong's Madame Binh, at least sustains a somewhat more optimistic view of the negotiating sessions than has been possible since the overthrow of Sihanouk. Despite the continuing deadlock at the conference table, it looks very much as if the dovish position on negotiations is in the process of being adopted by our government.

And yet all observers have always recognized that North Vietnam, after 20 years of bitter warware, might very well refuse any settlement we could accept. Confronting that possibility some years ago, the doves began to argue for a planned but deliberate policy of American disengagement. Apart from our basic objections to the character of the war, by its very nature bound to be inconclusive, we urged disengagement for two major reasons. In the first place, we felt a phased withdrawal of American troops would force the Saigon government to take negotiations seriously, knowing it could no longer rely indefinitely on U.S. forces to keep it in power. Secondly, it was clear to us that conditions here at home would not permit a war without end in Southeast Asia. There are, after all, limits to what one government can do for another. At fantastic cost in men and money, the United States had waged the longest war in its history just to furnish the Saigon government with an American shield, behind which to build its own military strength and political stability. At our sole expense, the United States had trained and equipped a South Vietnamese army five times larger than the combined forces of the Vietcong and North Vietnamese arrayed against it, and one with far greater fire power. Saigon had been placed in a position to take back its war. If the army wouldn't fight, we couldn't save the government anyway; if its army would fight, the government could save itself.

At first, any mention of withdrawal was anathema to the hawks. Nothing stirred up their bile so. They abused the doves for being "cop-outs." LBJ fumed "We're not going to tuck tail and run." Red-blooded Americans were appealed to on grounds of hyperpatriotism; veterans' organizations were rallied figuratively to the bugle call for yet another charge up Hamburger Hill.

Doves were castigated as "giving aid and comfort to the enemy." Efforts were even mounted in some cases (mine being one) to recall dovish Members of the Congress for "treason." And U.S. forces in South Vietnam continued to increase to a level above a half-million men, until that memorable March day in 1968 when Lyndon Johnson announced his abdication, ended the futile bombing of the North, and followed up by sending Averell Harriman to Paris to get peace talks underway. Still, the American military buildup continued, reaching a peak figure of 542,500 in February, 1969.

And what did Richard Nixon, once the most baleful and assertive of hawks, now Republican nominee for President, have to say about all this? He said he had "a secret plan to end the war." Once he was installed in office imagine what the Nixon secret plan turned out to be? *Withdrawal!*

A hundred-fifty-thousand American troops have already been withdrawn. Another hundred-thousand more are scheduled to be pulled out by next May.

President Nixon has an artful, if cumbersome, name for his no-longer-secret plan; he calls it "Vietnamization." Its purpose, he explains is to turn the war back to the Vietnamese—the very objective the doves stood for all along!

As the position of the hawks has converged on that of the doves, the Administration's rhetoric keeps escalating to conceal this reality behind a clever word-screen. Mr. Nixon takes great pains to separate himself from his critics by stressing his steadfast opposition to "precipitous" withdrawal (which nobody in authority ever urged upon him in the first place). He thus has succeeded in shifting the argument from *Whether* to *when*. Suddenly, withdrawal is no longer the issue; instead, it is the time-frame for withdrawal that the President dangles out as bait.

The doves, I must confess, have risen to the bait. We fell at once to criticizing the President for unduly prolonging the process of disengagement; dozens of bills were introduced in Congress setting deadlines which Mr. Nixon could repudiate as "revealing our hand." Meanwhile, Vice President Agnew has had a field day, brandishing the proposed timetables as proof that their sponsors are "architects of surrender," "appeasers," and "defeatists."

Of course, such charges represent the politics of bombast and baloney. Any sensible examination of the bills introduced in Congress will reveal that the deadlines proposed—far from being "precipitate"—differ only slightly from the pace of withdrawal which the Nixon Administration has already placed in effect.

And as for timetables, it is also clear that the Administration has long since adopted one of its own. More than a year ago, Army Secretary Resor said that "Vietnamization" of the war was ahead of schedule, thus revealing there is a timetable in existence about which Saigon would have to know. Since anything Saigon knows is quickly grapevined to Hanoi, only Congress and the American people have been left in the dark.

The diversionary tactic of turning serious discussion of the war into a squabble over timetables underscores the baffling refusal of President Nixon to reach for the very prize which now lies within his grasp, the forging of a new American consensus on coming out of the war. He seems to have forsaken his campaign theme of "togetherness" in favor of dispatching his Vice President on a deliberate mission of keeping the dispute inflamed and the truth obscured.

As Mr. James Reston pointed out in the *New York Times* on August 19, the Administration ". . . didn't concede that there was something to the argument for a deadline on American involvement in Vietnam, which some of its own supporters had recommended. It attacked McGovern and Hatfield as if they were traitors to the Republic . . . According to the Vice President, the McGovern amendment was 'irresponsible' action which would assure a 'humiliating defeat.' Mr. Agnew gave no indication that the idea of a withdrawal deadline had been seriously debated within the private counsels of the Administration itself."

Apparently the President has decided that the care and feeding of the restive hawks obliges him to keep flailing away at the doves, even as he occupies their premises. If so, the time is long overdue for the doves to stop playing Mr. Nixon's game, to point out that we have been proven right about Vietnam, and that our pleadings have actually been adopted, albeit covertly, as official policy. Above all, let us avoid the pitfall of being pushed by Administration strategists into the error of adopting extreme and untenable prescriptions for instant peace.

Having achieved our basic objective of serious negotiations tied to an orderly withdrawal, what tasks remain for the doves to perform? There are two major undertakings left. First, we must keep up the pressure so that President Nixon's withdrawal from Southeast Asia will remain as "irreversible" as Secretary of State Rogers says it is. Secondly, in the absence of a political settlement in Indochina, we must work to prevent a Korean-type prolongation of our Vietnamese misadventure.

On the first count, the sudden aberration of the Cambodian invasion illustrates the danger that Mr. Nixon might yet be tempted to reverse gears and re-escalate the war, if the Vietcong and the North Vietnamese fail to lie low. Already the Administration is having to eat most of its words of reassurance to the American public, as it keeps getting edged into further involvement in Cambodia. An entire speech would scarcely do justice to that subject. Suffice it to say now that the current situation makes it overwhelmingly clear why the Cooper-Church amendment, passed by the Senate on June 30, needs to be enacted into law. It would prohibit any full-scale return to Cambodia without Congressional consent.

On the second count, it should be painfully evident that we must avoid the trap of keeping a vestigial military presence in South Vietnam for the indefinite future. An American military foothold there is unnecessary to our security, unduly expensive, and disruptive to a final resolution of the Vietnam—or Indochina—problem. Moreover, it would militate against any improvement in relations with China over the long term, which should be the central objective of American foreign policy in Asia.

The Korean example should be proof and warning enough of this thesis. Eighteen years after the end of the fighting, we are still locked into Korea. At great expense, we have kept a sizeable army there all these years. Now, as fiscal pressures compel a reduction in this force, an indignant Korean government demands another $3-billion in military assistance as severance pay.

Nevertheless, the pressures mount for making the same mistake all over again in Vietnam. Writing from Saigon, *Washington Post* correspondent Lawrence Stern recently warned in an article datelined August 26, 1970, that: "President Nguyen Van Thieu will press the case for maintaing a 50,000 man 'residual' American military presence in South Vietnam during his talks with Vice President Spiro T. Agnew.

"This, as far as Thieu is concerned, will be 'Topic A' in the conversations at Independence Palace, according to qualified official sources here.

"So far there has been no official communication between Presidents Thieu and Nixon on the size of the American troop commitment to South Vietnam in what the presidential palace has begun to call the "postwar' period.

"In a recent dinner with a few Western correspondents on July 30, Thieu first floated his proposal for a 50,000-man American military force in South Vietnam to 'guarantee the peace' after 1973—what might be described as the post-Vietnamization period . . .

" 'We still have many things to ask of you,' Thieu said to American correspondents during the July 30 dinner.

"U.S. Ambassador Ellsworth Bunker is known to feel that Thieu's position is a reasonable one and has, in private conversation, cited the precedent of South Korea where the United States maintained a 'peace-keeping' force of about 60,000 troops for 18 years."

In my view, the adoption of the McGovern-Hatfield amendment—as it had been refined—would have demonstrated that we had learned something from past experience, and that we were determined to sever the military umbilical cord which fastens us so tightly to the Saigon government. It would have removed the gnawing suspicion that Vietnamization might be intended to promote a lingering, though lessened, American military presence in South Vietnam for the indefinite future. It would have guaranteed the withdrawal of all remaining American troops by setting a deadline beyond which they could not be retained without Congressional approval. It would thus have made certain that we would neither re-escalate our involvement in Vietnam, nor permit our engagement there to be transformed into another Korean-type garrison for American troops on the mainland of Asia.

Even though the amendment failed, it may point the way toward the finding of an acceptable legislative device that could lead, at last, to a reconciliation on the war. If we could find the formula for a political accommodation, joining the Congress and the Presidency together, in a common declaration of national purpose to achieve a full and complete military disengagement from Vietnam, then we could come out of this war on the basis of a broad, bipartisan consensus. The risk of dissension and recrimination at home in the aftermath of our withdrawal, concerning which President Nixon has rightly warned, would be reduced to a minimum.

Last, but not least, the few remaining feathers would be pulled off the well-plucked hawks, and the long, acrimonious debate over the misbegotten war could be drawn to a close.

DEATH OF PRESIDENT NASSER OF EGYPT

Mr. STENNIS. Mr. President, I have just been advised, and I know Senators and their friends in the galleries will be interested to hear that the AP and UPI are carrying dispatches to the effect that Mr. Nasser of Egypt has just died. I hope that is not true. I hope it is not true for several reasons. A personal reason is for him, but as a whole I think as a leader of the Arab world since 1952 or 1953, his leadership has been superior to anyone who would have been in power. I never had more than one contact with him and that was when he came to power. He was thought to be a comer as a leader in the Arab world, which he certainly has proved to be. I hope that it does not mean upheaval and turmoil among those countries. I have reason to believe it will not. Certainly, it is a critical time, and I hope the people of Egypt will take time to select a leader.

I recall that our President is in that area of the world. Certainly, the situation over there is volatile and highly uncertain. I am sure that time will serve the people there in finding a way, and I hope those people will find a way for the proper kind of leadership.

Mr. GRIFFIN. I thank the Senator from Mississippi for bringing this matter to the attention of the Senate. Certainly, Mr. Nasser's death comes at a most unfortunate time—a time of crisis in the Middle East—a time when there is already too much instability in that area of the world. It is a most unfortunate turn of events. I trust and hope that calm will prevail, and that this event will not compound the difficulties which are so serious and so complex.

STAR PRINT OF H.R. 17604, AN ACT AUTHORIZING CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. STENNIS. Mr. President, H.R. 17604, an act authorizing construction at military installations, and for other purposes, was inadvertently reported from the Committee on Armed Services with numerous committee amendments rather than as a complete strikeout and substitute. It was the intention as reflected in the committee report, that the bill be reported as a complete strikeout.

I therefore ask unanimous consent that a star print be made of H.R. 17604 and that such print reflect a complete strikeout and an amendment in the nature of a substitute for the stricken material.

This is purely a matter of procedure and to meet a parliamentary situation.

The PRESIDING OFFICER. Is there objection to the request. The Chair hears none, and it is so ordered.

Mr. STENNIS. I thank the Chair.

WARM RECEPTION GIVEN PRESIDENT NIXON IN ITALY

Mr. GRIFFIN. Mr. President, in the swirl of international events which move so rapidly these days. I believe one event that took place today should not go unnoticed.

As the President left the Vatican today after visiting with the Pope, he ordered his driver to take an unplanned, unscheduled tour into the city of Rome. Earlier today I received a report from the White House concerning this trip by the President—a report which was most encouraging. Despite earlier concerns about the kind of reception the President might have in Italy, it is noteworthy that the people of Rome greeted him in a way that was all but unprecedented. The UPI reports that it was the warmest reception given any American President since Dwight D. Eisenhower visited Rome in 1959.

I am told that thousands and thousands of people suddenly appeared on the streets, shouting words of greeting and affection to the President. He stopped the car at several points and got out and shook hands with people; and there was no hostility whatsoever. This is a very encouraging and heartening development—one that will not go unnoticed in the rest of the world.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. ALLEN. Mr. President, the distinguished Senator from Mississippi has called attention to the untimely death of Mr. Nasser and the upheaval that this may cause in the Arab world. As we in the Senate consider the advisability of amending a tried and true provision of our Constitution, I wonder if the distinguished Senator from Mississippi would agree with the junior Senator from Alabama that one of the great strengths of the American system of government is the fact that the same Constitution which provides for our electoral college system of choosing our President and Vice President also provides for the orderly succession to the Presidency in the event of a vacancy in the office of President which is different from almost any other country in the world. For example, take Russia. If there were a vacancy in the highest office there, it might cause a revolution, whereas in America, under our Constitution, the change takes place instantly.

Is not that one of the great strengths of our Government and one of the great strengths of our Constitution?

Mr. STENNIS. Undoubtedly it is, and especially for the times in which we live. During events that have most unfortunately happened here in the last few years, we have seen that transfer of tremendous power occur automatically, and the verdict that had already been made accepted unanimously, one might say. Things moved without any interruption. I think it is one of the greatest possible tributes—and it impressed me at the time—to our system of government and its practical operation.

Mr. ALLEN. Just as we should take a long time to consider whether we should change the constitutional provision for a definite and orderly succession to the Presidency, should we not also take a long time to consider whether we should change the method of the election of the President and Vice President as it is done today?

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Mr. STENNIS. The Senator speaks so well. Things may not look perfect on paper, and we do find flaws in our system, but if we go to setting it aside and entering into one that is untried, then we will reap the fruits of the whirlwind. The Sentor made a fine analogy between the situation overseas and our own blessing.

Mr. ALLEN. I thank the Senator.

Mr. STENNIS. Mr. President, I do not have at this time any greatly extended remarks on the pending subject, with which I am vitally concerned. I think there is a growing concern among the membership of this body with reference to the far-reaching, drastic proposal which is Senate Joint Resolution 1.

I want to refer first to page 5, line 4, thereof, and to these four lines, which I quote. This I underscore with emphasis:

> If no pair of persons has such number—

Meaning 40 percent of the whole number of the votes—

> a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons who received the highest number of votes.

Mr. President, I heard the remarks, a few minutes ago, of the Senator from Indiana, who, in all frankness and good faith, mentioned his lack of complete satisfaction with that provision, and that it would be possible to write into his proposal instead one of the alternative proposals that are now before us.

I told him before he left the floor, in a personal word or two, that under the old common law pleading, as used in England and still used in a few of our States, his remarks would be what we called in common law pleading a plea of confession and avoidance.

It is a wholesome thing to do. But here is a proviso, Mr. President, that even the author of it now has decided would fail to carry out the purpose, it would fail to be workable, it would probably cause great havoc and great stir, and no doubt cause great injury. That is the provision for the runoff election, which we have referred to as being one that seems to have no defender, but to elicit more and more concern on the part of Senators.

Whatever else may be said about other provisions of this proposal, this one in itself is enough to consign it to fatal treatment here. I make the additional point that to adopt this amendment, without more certainty and with nothing more definite about when the runoff shall be, how it shall be held, and something more binding and definite about it in the Constitution would be a great tragedy. It would leave Congress with the power, it is true, to make certain rules and regulations or laws with reference to the elections, but there would be nothing in the Constitution about it. It would be like making a vehicle with two wheels, and then leaving off the hind wheels and saying, "Somebody else can put these on later."

Congress, under all kinds of pressure, and in all the kinds of turmoil that could be generated by the failure of an election to choose someone, having to operate under the worst kind of conditions and the greatest of pressure, could very well change, and be urged to change, the rules in the middle of the game. It just shows, Mr. President, how vital this matter of electing a President and Vice President of the United States is. And that Vice President is highly important, as the Senator from Alabama has pointed out and as we have had occasion to learn, unfortunately, as lately as 1963, on the succession following the lamented passing of our late President, John F. Kennedy.

These are not just theories. They are dealing with practicalities of life, one of which is that nothing that happens under our system of Government is more important than the election of a President—and a Vice President—of the United States.

So what time has been spent here has been well spent. I have been in the Senate since 1948, when I voted for the first time on one of these plans, not to set aside our present system but to bring it into a more workable condition. That time, by the way, in 1948, the resolution was called the Lodge-Gassett amendment.

That amendment passed this body by a two-thirds vote plus one. That was 22 years ago. It did not pass the House of Representatives. But this very problem has been given a great deal of time and thought and attention since then, and most of those—not all, but most of those who have really wrestled with the subject and made a deep study of it—have been more and more convinced that what we need is some modification of our present system to bring it up to date, but certainly not an abrogation or setting aside or junking of it by just saying, "Heads I win, the majority will control," and vote through on that without regard to the States.

The amendment before us would pass off the matter of the States' responsibilities, or those of the voters to the State, and suggest solving the difficult problem of what is going to happen if the leading candidate does not receive more than 40 percent of the total popular vote by just saying, "We shall have a runoff election."

This matter needs further work, Mr. President, and I believe that to vote tomorrow, or during this session of Congress—until we recess, anyway—tomorrow or thereafter, under this pressure of time, in the few days remaining, will not bring about a sound plan, but that in time we will bring up one that is modern, safe, sound, and largely tested already, and it will do the job.

I emphasize again that we could not have had this underscored any better than by the remarks of the Senator from Alabama, when he referred to what apparently is the unfortunate situation in Egypt now, with the sudden passing of Mr. Nasser.

Mr. President, the provisions of Senate Joint Resolution 1, the so-called direct-election system of electing the President and Vice President would substitute the system given us by the framers of the Constitution and used all these years with a national plebiscite.

As we consider this question it is very important that we focus on the specific issue which we are to decide. The question is not whether our present system of electing the President and Vice President of the United States is perfect and without any flaws or defects. Rather, the question is whether the proponents of the direct election system can sustain the burden of proof of demonstrating that their proposed change would be better than our present system.

It is the system we would be changing with this resolution, Mr. President. It is not just parts of the system, or bringing matters up to date, but it is the sweeping aside, with one flash of the pen, of a complete system, and substituting another.

For reasons upon which I will elaborate, I believe that the supporters of this direct election system have failed to carry this burden of proof which the proponents of any change in our Constitution are duty-bound to bear. In fact, in my judgment, such serious questions have been raised as to the workability and the underlying philosophy of the direct election system that its rejection by the Senator would be proper.

I wish to say frankly what I think is the driving wedge on this matter. We are just afraid that we will have an election in which the winner would be uncertain for a time. Say that it would be thrown into the House of Representatives; honorable men though they are, I think it would be far better to let all of the elected representatives of the people in Congress, both Representatives and

Senators, have one vote each on that matter, and change it from each State having a single vote. That is the major change I would advocate. That is not the abandonment of a system, but it is a major change in our present system that I think would remedy, in a practical way, any difficulty which exists in our present system.

In considering this important matter, we should also remember that once a provision is inserted in the Constitution, it is very difficult to remove it. If we adopted a direct election system, and experience shows, as I believe it would, that its operation was detrimental to our political values and institutions, then the entire amending process of obtaining a two-thirds vote in each House of Congress and ratification of three-fourths of the States would be required. One of the witnesses who testified before the Judiciary Committee on Senate Joint Resolution 1 was Mr. Richard N. Goodwin, a former assistant to Presidents Kennedy and Johnson. Mr. Goodwin spoke of the points I have raised in the following language:

> The American Constitution is the foundation of the oldest system of government in the Western World. One of the reasons for its stability has been our unwillingness to change it except when malfunctions had already occurred or abuses had become so manifest that there was widespread and continuing public demand. Today, we propose for the first time to amend the Constitution simply because we think something might go wrong at a future date. We will exchange a mechanism which is clumsy but has worked for an ideal construction of political theory whose consequences can't be foreseen. This, it seems to me, places a heavy burden of proof on the proponents of the measure. For it is difficult to predict the results of structural change in our democratic institutions. It is not enough to demonstrate that direct elections will probably be an improvement. It must be shown beyond all reasonable doubt that the adverse consequences which are predicted by many, including myself, will not occur. I do not believe that this burden of proof can be sustained.

At a later point in his testimony, Mr. Goodwin made the following statement which we would be wise to ponder:

> If we were starting a new country we might well do things differently. In fact, the idea of an electoral college would probably never occur to us. But that is not our privilege. We are trying rather to continue and improve a system of government which lasted longer than any other in the history of the world. Times change, of course, and so must we. I myself believe we need radical changes in our social and economic policies. But when it comes to modifying the structure itself, the process by which change comes, then we can only afford to act when we are certain of improvement. The theoretical and remote chance of what at worst would be a rather minor malfunction does not warrant a change which might have large and unforeseen consequences. And once made, of course, there is no return. And of one thing we can be certain. Unless we are wiser than any generation that ever lived, the results of abolishing the electoral college will be different from what its advocates now honestly expect. Our history is strewn with the wreckage of democratic reform—such as the initiative, referendum, and recall—which not only defeated expectations but often turned out to benefit those interests which they were designed to protect against. It is this uncertainty, the consciousness of fallibility, that has restrained past generations from changing the mechanisms of government except in cases of obvious and urgent necessity. Hopefully it will also restrain us.

Mr. President, I do not always agree with the ideas expressed by Mr. Goodwin, but I think we would do well to heed the warning he has given us, and to remember that once a provision is inserted in the Constitution, it is very, very difficult to remove it. I have said that if we were really going to do this now and try out a popular election and are just bent on adopting an amendment, if the American people want that—and I do not believe they do—the only reasonable way to do it would be to say that we are going to try it for one election, and put a termination date on it that would apply only for that election. Then, if we could look it over and liked it, we could say it shall continue indefinitely. I certainly do not want to throw everything on a firm, final constitutional amendment, because I believe it would prove to be like loaded dice and would not work as the proponents hope.

The Honorable Nicholas De B. Katzenbach, former Attorney General of the United States, concluded his statement to the Judiciary Committee in the following manner:

> And so, as I have said before, I strongly feel that on a matter so basic to the confidence and structure of the country, we ought not to abandon the familiar and workable for the new and untried without the clearest demonstration of need. In my judgment, no such demonstration has been made. We should not substitute untried democratic dogma for proven democratic experience and this is no time to tinker with success.

Mr. President, I agree with sentiments expressed by these gentlemen. Why should we abandon a system of electing the President and Vice President which has worked well for 182 years because we are told that something might go wrong with it in the future? And, in the name of reason and conscience, if we are to change or modify our system of electing the President and Vice President why should we substitute for it a system which is subject to many real and valid objections both as to the underlying philosophy and workability?

Among the cogent objections which have been made to the direct election system are that direct election of the President and Vice Party President would, first, destroy the two-party system and encourage the formation of a host of splinter parties.

I believe that is undoubtedly true. Among various geographical areas; among various ethnic groups; possibly—but we would certainly hope not—among various religious groups; among various economic groups; and among all kinds of groups, in this day of marching and demanding, many people would be led to believe that marching and clamoring long and loud would be the method to use. Others would be more astute, but many would believe that this was a new start and the opening of a door and that if they tried hard enough, they would make a showing. I think this proposal would open the door to just such a possibility and that it would be a grave problem, indeed, and would generate more problems as we held more elections.

Second, it would undermine the federal system by removing the States as States from the electoral process. "Undermine" is too mild a word. I think a stronger word is needed, in that it would absolutely take away, it would obliterate, the federal system in making this selection, which is the most important thing we do every 4 years. It is the most important process we go through in our entire system. The States, which were created for the balance, for the preservation of certain rights and responsibilities to the people, and for many other functions, would be absolutely left out and obliterated.

Third, it would create a strong likelihood of electoral fraud. That has been developed on the floor in this debate by Senators and by quotations from witnesses who were well versed in the matter from long years of observation in that field, and I will not seek to develop that further.

Fourth, it would lead to interminable electoral recounts and challenges. I think that is undoubtedly true. The whole matter then would be a national affair, a Federal affair, and all the complicated election problems that are presented throughout the Nation would be thrown into one hopper.

I recall that when I first came to the Senate, I was assigned to the recounting of some votes in an election contest, and I was very impressed with what a tremendous undertaking it would have been if the Rules Committee had had even one more contest.

Fifth. It would necessitate the national direction and control of every aspect of the electoral process. Let us not fool ourselves. If we are going to have a nationwide election and then the runoff, we are going to have to pile one bale of new Federal laws on top of another bale, and we will have innumerable codes of law and of regulations, and everything will be determined by Federal law, right down to the *n*th degree, as to how elections should be held and the ballots should be counted.

As a judge, I had to pass on several election contest cases that went into the vitals of holding an election, tabulating the returns, and every other little something that occurred. If we are going to have an election altogether Federal, nationwide, in the case of over 200 million people, all operated by the Federal Government—and that is what it will come to—rather than by the States and their subdivisions, we will be borrowing trouble that we do not deserve and, in my humble opinion, we will be creating an interminable mass of procedures and regulations that cannot be promptly followed and taken care of, thus causing confusion and, more than that, delay in determining the people's choice.

Mr. President, I believe that a strong case has been made that direct election would result in these unfortunate consequences.

Before discussing some of these unfortunate consequences of direct election, it should be emphasized that, in my opin-

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ion, Senate Joint Resolution 1 is not a true reform of our electoral system. Instead, such a drastic revision in our method of electing the President and Vice President would accomplish radical change, not reform.

If we are interested in reforming our system of electing the President and Vice President, this can certainly be accomplished without abandoning part of our federal system, which would be the result of converting to a system of direct election.

If the problems of the so-called faithless elector and the contingent procedure for election of the House of Representatives are deemed to be defects of the present system, this can by cured by the adoption of the so-called Ervin-Katzenbach or automatic plan. The automatic plan would abolish the office of electors and award the electoral votes of each State to the candidate for President and Vice President who have received the most votes in the State. The automatic plan would also modify the contingent election procedure, which presently calls for the election to be made in the House with each State having one vote to a provision for the contingent election to be held in a joint session of Congress, with each Senator and Representative having one vote.

If there is concern about the winner-take-all feature of awarding the entire electoral vote of a State to the candidates who receive the most popular votes, this can be cured by the adoption of either the "proportional plan" or "district plan." Under the "proportional plan" we would retain our system of electoral votes, but each candidate for President and Vice President would be automatically awarded the proportion of the electoral vote of a State which he received of the total popular vote in that State. Under the "district plan," the legislature of each State would divide the State into a number of districts equal to the number of members in the House of Representatives from that State. Each voter would vote for three electors, one representing his district and the other two representing his State's two senatorial electors.

Personally, I consider the "winner-take-all" aspects of our present electoral college system to be one of its worst features. It gives the large, urbanized, heavily populated States with huge blocks of electoral votes an undue advantage over the smaller, less populated States. By way of contrast to the direct election proposal, the "automatic plan," "proportional plan," and the "district plan" have one important characteristic in common. They each retain the elements of federalism in the process of electing the President and Vice President which were written into the Constitution by the wise men who drafted it. To convert to a system of direct popular election, however, would represent a complete abandonment of those portions of our federal system which were embodied by the framers in our process of electing the highest officers in the land.

For this reason, among others, it seems to me that this radical revision in our electoral system is one of the worst changes that could be made.

Mr. President, before discussing some of the serious questions raised by the direct election system, there is one particular provision of Senate Joint Resolution 1 which deserves comment and analysis. That is the provision which states that candidates for President and Vice President can be elected with a 40-percent plurality of the national popular vote. It is, indeed, strange that although the stated purposes of Senate Joint Resolution 1 are to make the election of the President and Vice President more democratic and to apply the concept of "one person, one vote" to presidential elections, that provision is made that the President and Vice President can be elected with as little as a 40-percent plurality of the popular vote.

Mr. President, I strongly agree with the statements made and the minority views of Senators EASTLAND, McCLELLAN, ERVIN, HRUSKA, FONG, and THURMOND in discussing this question. I believe it is one of the best written reports, even though it is a minority report, that I have read since I came to the Senate:

> Moreover, we cannot but think it somewhat disingenuous to condemn the electoral college for being "undemocratic" while at the same time embracing a 40 percent requirement under direct election. For that figure, turned upside down, says that the man who is not the choice of 60 percent of the electorate shall be President. To this, proponents of direct election like to reply that under the present system, Presidents have been elected with less than a simple majority of the popular vote even while winning a majority of the electoral vote. What this argument fails to recognize is the essential difference between the size of a plurality and the manner of its composition. A 43 percent vote under direct election, for example (assuming it could be acquired), represents a very different kind of popular plurality from a 43 percent popular vote under the electoral college. The popular vote under the electoral college, even when it is less than a simple majority, is always widely dispersed geographically and ideologically and is distributed, moreover, throughout all the States. Thus, even when the winning percentage is less than a popular majority, it is still possible for the electoral vote majority winner to govern. Under the direct election scheme, which is indifferent to the way in which majorities are formed or where they are located, there is no guarantee that a winner will actually be able to govern.

Mr. President, if we ought to have a system of direct popular election of the President and Vice President, the requirement that the winning candidates have to attain only a 40-percent plurality of the national popular vote in order to avoid a runoff should be amended to provide that the winning candidate must receive no less than 50 percent of the vote in a first election in order to avoid a runoff. If the national total of raw popular votes is to be the sole determining factor in the election of the President and Vice President, then let us at least assure that the will of the majority of the voters is given effect. The will of the majority could be quite easily frustrated under the 40-percent plurality system.

Even if an amendment were adopted to change the 40-percent plurality standard for attaining election to a standard of 50 percent, I would still be opposed to the direct popular election system because of the objections above mentioned. I do believe, however, that if we are to have a system of direct popular election that it would be far better to require candidates to receive 50 percent of the votes rather than a mere 40-percent plurality.

Mr. President, one of my chief objections to Senate Joint Resolution 1 is that its addition to the Constitution would inevitably result in strict Federal control and supervision of presidential elections. Supervision and control under our present system is properly left to the States. State control and supervision of these elections is in perfect harmony with our system of federalism, the keystone of which is power and responsibility divided and apportioned between the Federal and State governments and the three branches of the Federal Government

My concerns about this important issue are expressed in the minority views of the report of the Judiciary Committee on this measure, as follows:

> There is no question the rigid uniformity must be an integral part of the direct election proposal if the one-man, one-vote rule is to be truly implemented. If the President is to be popularly elected in a nationwide election, State boundaries and jurisdictions will become inconveniences. All States would, of necessity, have to conform their election laws to a single Federal standard.
>
> Serious questions must be raised concerning the new election machinery and standards which must be created in order to have a smoothly-run national plebiscite.
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> Federal laws or guidelines would have to be enacted to regulate, among other things, the elegibility of parties and candidates; the counting of ballots and the declaration of the winner; the validating and counting of absentee ballots; the penalties and prohibitions applicable to elections; the rules concerning recounts; the forum for the consideration of contested elections; the registration deadlines and a host of related matters now covered by State laws. Indeed, it is possible to envision a Federal Election Board charged with total responsibility for running the election down to and including the staffing of 180,000 polling places.
>
> Beyond the question of enacting Federal election legislation, the matter of financial responsibility for the plebiscite must be considered. At present each State bears its share of the cost of running elections. If, however, all other administrative aspects of the election are to be assumed by the National Government, it seems logical that the financial burden must also reside in Washington.
>
> The meaning of such fundamental shifts in election responsibility must be considered when analyzing the merits of the direct election proposal. These are not simply administrative matters which can be brushed aside for later consideration.

The proponents of the direct election system seek to answer our concern of the probability of complete Federal control and supervision of presidential elections by assuring us that Senate Joint Resolution 1 only grants Congress a "reserve power" to enact legislation, and that the States are allowed to retain their primary authority in the conduct of presidential elections. Let us examine this so-called reserve power that Senate Joint Resolution 1 would vest in Congress and see how innocent that power is. Section 2 of Senate Joint Resolution 1 provides that:

> The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

Section 4 provides that:

> The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law, the time, place, and manner in which the results of such elections shall be ascertained and declared.

It can be seen that although the provisions of sections 2 and 4 seem to adhere to the principle of State control of elections, that vast power is vested in Congress at its pleasure to completely overturn State laws pertaining to residency qualifications for electors and the times, places, and manner of holding presidential elections and entitlement to inclusion on the ballot. Congress is granted the authority at any time after the adoption and ratification of this amendment to enact a complete body of general law dealing with these vital matters which had been thought to be properly left with the States. For example, the "times, places, and manner of holding such elections" would certainly encompass and include such Federal functions as determining the mode of voting, deciding who will count the votes, providing supervision to prevent fraud, and promulgating a system whereby the results of the balloting could be determined and publicly proclaimed.

This is the nature of the so-called reserve power which this proposed amendment would vest in the Congress.

The whole thrust of Senate Joint Resolution 1 is that the States should have no role in the election of the President and Vice President. Uniformity is the keystone of the direct election system. If all else is to yield to the slogan, one-person, one-vote in the election of the President and Vice President, then how can one justify the various States having different residency qualifications? How can one justify one State being permitted to impose a literacy test as a requirement for voting, while other States do not have such requirements? How can one justify a situation in which a voter of one State might be denied the privilege of voting for the candidates of his choice because they were not eligible for inclusion on the ballot under the laws of the State, while citizens of other States who wish to vote for these candidates are able to do so under more lenient State standards?

Obviously, none of these variations in State laws can be justified under the logic of "one-person, one-vote," the same logic which would underlie the adoption and ratification of the direct election system. Under all of these situations, the right of a citizen to vote, or to vote for the candidates of his choice, will be denied by operation of the differences of the various State laws. This difference in treatment can only be cured by the adoption of uniform Federal laws.

It cannot be accurately said that my concern about the inevitable Federal control and supervision of the processes of national elections is based only on the groundless fears of opponents of direct election. One of the strongest supporters of direct election is the distinguished junior Senator from Michigan. As a member of the Judiciary Committee and as a Senator, he has been most active and diligent during consideration of this matter. When Senate Joint Resolution 1 was considered by the Judiciary Committee, Senator GRIFFIN offered amendments to make sections 2 and 4 thereof read as follows:

> The Congress shall prescribe the qualifications for electors of President and Vice President in each State and the District of Columbia, which qualifications shall be uniform throughout the United States.
>
> The Congress shall prescribe, by provisions of law uniform throughout the United States, the days for such elections, the requirements for entitlement to inclusion on the ballot therein; the times, places, and manner of holding such elections shall be ascertained, certified and declared; and the manner in which and the period for which ballots cast in such elections shall be preserved.

These amendments were rejected by the Judiciary Committee. Senator GRIFFIN wrote some individual views on the necessity of federally imposed uniform standards relating to presidential elections. These individual views are found on pages 22 and 23 of the committee report.

I would like to quote from certain portions of the individual views of Senator GRIFFIN:

> In addition to my reservations outlined in "Separate View" concerning the runoff election, I am concerned because Senate Joint Resolution 1 does not require that uniform election procedures and voter qualifications be established as part of the plan to elect the President by direct popular vote.
>
> To make each vote cast for President anywhere in the United States equal to every other vote is a commendable goal. But it would make no sense under such a system to count the votes of 18-year-olds in some States, 19-year-olds in others, and 21-year-olds in yet others. Of course, the current attempt to lower the voting age to 18 by statute may provide a partial answer—if the statute is held to be constitutional by the Supreme Court.
>
> Furthermore, it would be inconsistent and self-defeating to leave each State with jurisdiction, as Senate Joint Resolution 1 does, to determine which candidates for President will appear on the ballot and the circumstances under which ballots for President will be counted.
>
> In light of the premise on which the direct popular vote is founded—that is, making every vote count—it is essential to guard against any device which would tend to dilute the vote of any individual or class of individuals. To leave each State with jurisdiction to determine voter qualifications and inclusion on the ballot would invite discredit on the claim that every citizen has an equal opportunity to participate in the election of the President.
>
> Consequently, I believe Sections 2 and 4 of Senate Joint Resolution 1 should be amended in accordance with the amendments which I proposed in committee. The result of adopting such amendments will be to confirm the public expectation of equal participation in the selection of a President.

Mr. President, I do not agree with my friend from Michigan that the Federal Government should take over the State functions of holding elections and determining qualifications of voters, but I must agree with his logic in carrying the thrust of Senate Joint Resolution 1 to its logical conclusion.

My colleague from Mississippi raised this point in a speech he made on the floor on September 10. Senator GRIFFIN then made the following extremely important statement, the impact and purport of which should be understood by every Member of this body in considering this issue. I wish that everyone would heed the force and logic of the following statement made by Senator GRIFFIN, which is found on page 31149 of the CONGRESSIONAL RECORD of September 10, 1970:

> Although the distinguished chairman and I do not reach the same conclusions concerning the merits of the pending resolution, I must say that I share his view that it will be necessary and logical if we are to elect the President by direct popular vote, for Congress to establish uniform voter qualifications and procedures for conducting such election. Indeed, I believe Congress would be derelict in its duty if it did not establish such uniform standards in connection with, or directly following, adoption of a constitutional amendment to elect the President by popular vote.
>
> We may, and we do, differ in our conclusions as to whether such a development would be good for the country—but the logic is unassailable. Furthermore, I can agree that the people of the several States should realize, as we consider this popular vote amendment, that uniform voter qualifications and election procedures will be a necessary and logical result. No one should be fooled on that point.

Mr. President, I submit that this candid and forthright statement of the junior Senator from Michigan goes to the heart of this question. He does not equivocate; he does not beat around the bush. He comes to grips in a forthright manner with the proposition that the adoption of this proposed amendment to the Constitution would necessarily result in the complete and total Federal takeover of the procedures, processes, and machinery of conducting presidential elections.

He and I can disagree as to whether this would be good or bad for our system or federalism, but we can agree on the inevitable consequences of direct popular election.

Mr. President, in my judgment this is reason enough to oppose Senate Joint Resolution 1.

Mr. President, if we are to maintain our federal system of divided and shared powers, it is, in my judgment, imperative that the Senate reject Senate Joint Resolution 1, the so-called 40-percent plurality system of direct popular election of the President and Vice President.

Under our present electoral college system of electing the President and Vice President, the voters as citizens of the several States play a decisive part in the process. That is to say, the winning strategy is to assemble a coalition of States sufficiently large to win a majority of electoral votes. As a result of this, the winning candidate is under a compulsion to make a broad-based appeal to all regions of the Nation. Consequently, the one thing which can be stated with confidence about the winner of a presidential election under our electoral college system is that his support is widely dispersed geographically.

Under a system of direct popular election, none of these desirable features of our presidential election contests would necessarily continue to exist. Indeed, the winning strategy might well be to attempt to amass huge pluralities in the few large urban States and override the aggregate losses in a large number of small States.

I think that this would be a very bad situation to be endured by our people.

It is certain that under a system of direct popular election the States as such would have absolutely no influence. All votes would be counted in one grand total. If the States and the voters as citizens of the several States are to count for nothing in the process of electing the President and Vice President, then drastic political and constitutional consequences would be the impact on State power and influence on the national political parties. A related issue is whether the States would continue to play a decisive part in the nominating procedures of party candidates for the Presidency and Vice-Presidency.

One of the distinctive features of the American party system is that our parties are essentially State dominated: the so-called national parties are, in fact, coalitions of State parties; and the State parties, in turn, are coalitions of county and local party organizations. The major parties are thus organized from the grassroots up—a feature which enables them to accommodate a wide diversity of competing interests at the State and local levels, and helps to keep elected officials responsive to State and local needs. What brings the hundreds, perhaps thousands of State and local party units together is the attempt, every 4 years, to capture the presidency. It is the role of the States as States in that process which accounts for the fact that our national parties are State based. And this structure of the parties reinforces the power of the States as members of the Union.

The most obvious symbol of a State orientation of the major parties is the national convention. Delegates come to the conventions as representatives of their States, and voting power is allocated in proportion to electoral vote strength. Direct election, of course, would destroy the basis of having delegates selected or votes distributed in this manner. There would be no reason whatsoever for the States as such to be represented; delegates would most likely represent ethnic, racial, and economic groups. But without the States to act as mediators of compromise, there would be no way to determine beforehand what groups should be represented or in what proportion. It is doubtful, indeed, whether there would be conventions at all under direct election. The logic of direct election leads inevitably toward presidential primaries, perhaps regional, but most likely national in scope. One can well imagine a series of regional primaries, and, thereafter, a series of national primaries preceding the first election—to which must be added the likelihood of a runoff election after that.

It is apparent that the role of the States in the electoral college contributes greatly to national stability; it also contributes greatly to the cohesion of State party organizations. Cohesion—or the lack of it—will depend on many other facts as well, such as the strength and appeal of State and National party leaders, the volatility of issues at any given time, and the strength of the opposition party. But the importance of cohesion in State party organizations is obvious. In most States, most of the time, a single party organization is able to coordinate presidential, gubernatorial, senatorial, congressional, and other campaigns, and can thus act as a mediator among the conflicting aims of politicians and interest groups. But once the States as States are removed from the presidential election process, a strong inducement toward State party cohesion will also be removed. We cannot with any confidence predict what new forms party organizations might assume; we can confidently predict, however, that a significant restructuring of State and hence national party organizations would take place. That restructuring, in turn, would alter in unforeseen ways the power of the States to carry on political business, especially in relation to the National Government. We simply do not know with any precision how much of a Governor's or a Senator's or a Congressman's power derives from his State's role in the electoral college. We may be certain, however, that it is often considerable, and that Presidents are influenced by it.

The Framers of the Constitution were very careful to provide a distribution of powers as between the State and National Governments and as between the three branches of the National Government. One of the cornerstones of this system of distributed powers, which we call federalism, was the means by which the President and Vice President of the United States were to be elected. The States were given a definite and meaningful role in this process by the framers. If one of the underpinnings of the system of federalism which has governed this Nation since its founding is to be disregarded in the name of the slogan of "one person-one vote," then where is the attack on federalism to stop?

It is extremely interesting to note that if this proposed amendment to the Constitution is adopted by Congress, it will be ratified in a manner greatly at variance with the concept of "one person-one vote." As we all know, the process of ratification requires that the State legislatures or the State conventions of three-fourths of the States must ratify any proposed amendment to the Constitution in order to make it effective. Thus, ratification of this or any other constitutional amendment can be defeated by 13 States.

If it should happen that these 13 States are Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming, the ratification of this constitutional amendment could be defeated by persons representing States containing only 4 percent of the citizens who voted in the 1968 presidential election. The voters in these 13 States cast an aggregate total of approximately 3,053,000 votes out of a national total of approximately 73,178,000.

If the principle of one-person, one-vote is to overrule our federal system insofar as it relates to the election of the President and Vice President, then there is a much more logical method of ratifying constitutional amendments. After an amendment has been proposed by Congress it should be placed on a ballot to be voted on in a national referendum. If more people voted in favor of ratification than voted against ratification, then the amendment would be adopted into the Constitution. This procedure certainly comports with the idea of one-person, one-vote much more than the present system of ratification.

And then, of course, we have the matter of equal representation by the States in the Senate. The fact that each State has two Senators, regardless of population, is certainly an affront to the concept of "one person-one vote." Even though the framers of the Constitution stipulated that the provision calling for equal representation in the Senate would be the only existing provision of the Constitution which could not be amended except by the consent of every State, I have no doubt in the light of decisions of the Supreme Court of the United States within the last 20 years that we could amend the unamendable.

Many of the proponents of the direct election system protest that they are stanch friends of the federal system and that they support the idea of equal representation in the Senate and our present ratification procedures. I do not doubt their sincerity, but I cannot understand their logic. Certainly, the framers did not think that equality of representation in the Senate or the method of ratification of constitutional amendments would be a sufficient support of the system of federalism. That is why they decided to give the States a role in the selection of Presidents, a role that has been reinforced by our federally structured political parties. We should understand that the federal principle was incorporated within the Presidency itself, by the involvement of the States in the presidential election process. The result is a finely counterbalanced structure which, in the words of Prof. Alexander Bickel:

> Cures the inevitable under-representation of the large States in Congress, while at the same time requiring a sectional distribution of the vote that elects the President, thus

making possible combinations that also give advantage to the smaller States. This is just a long way of saying that the genius of the present system is the genius of a popular democracy organized on the federal principle.

Mr. President, a vital part of our tradition of federalism is the feeling on the part of our people that they are citizens of two great political communities: The United States of America and the State wherein they reside. This concept of dual citizenship is at the core of the idea of federalism. A number of witnesses who testified before the Judiciary Committee expressed a grave concern that one aspect of the adoption of this proposed constitutional amendment would be to weaken or destroy this concept of dual citizenship.

For instance, Mr. Theodore H. White gave the following testimony:

> Finally, in politics, I believe there are things that are more important than statistics and vote counting. There are communities. We live in a world of communities which have been balanced and put together by our federalized American system. I believe it is good and right that when somebody goes to the polls in Boston, Mass., he feels he is doing something about the Massachusetts vote, and when the Tar Heel from North Carolina goes to the polls he feels he is doing something for North Carolina. I would not want to strip this sense of identity from the great historic communities of the United States of America in which each man feels he has a role to play in the larger role of his community for a role which makes him just one more digit, one of those electronic figures that will come cascading in at 70 to 80 million votes in a 6-hour period some November night in which he has no identity whatsoever.

Mr. Richard Goodwin also touched on this problem:

> Now it is true that they are smaller, and I think that it all depends upon whether you view the United States as a sort of one homogeneous group of people randomly dispersed across the country or as a continent which shelters diverse people with very different ways of living. If you count people instead of describe them, the citizens of Ohio, or Montana are not very important. But they may be important for other reasons; as to who they are, for their way of life, and for the land they occupy.
>
> The electoral college, along with the Senate, is one of the few mechanisms we have to influence those at the center of affairs to visit outlying citizens, so as to learn about them and pay some attention. It is a very weak instrument for such a purpose. But there is something to me about blotting out State lines and counting us as one undifferentiated mass—like so many grains of wheat—that really does belong to the age of television and public relations.

Mr. President, I firmly believe that it is absolutely necessary that we do nothing to weaken the power of the several States under our system of government. We have, in my judgment, all too often witnessed the spectacle of concentration of power in the Federal Government in Washington and the erosion of the power of the States. The trend in the last 20 years has been to exalt the power of the Federal Government and debase the power of the States. I have resisted this trend and will continue to do so. History tells us that such a process leads to anarchy or tyranny.

The fact that the adoption of this proposed amendment would constitute an affront on our system of federalism affords a substantial basis for opposing the adoption of Senate Joint Resolution 1.

Mr. President, another aspect of the system of direct election of the President and Vice President that should be carefully examined by the Senate is the real possibility that such a system would lend itself to include fraud and irregularities in the voting processes. A related factor is the real danger that the adoption of the direct election system would increase the probabilities of recounts and contested elections.

I think we would all agree that any of these prospects is horrifying. They should certainly be avoided at all costs.

The proponents of this measure assure us that our fears are groundless and that there will be no greater likelihood of fraud, recounts, or contested elections under the direct election system than there is under the present system. I do not question the good faith of these assurances, but I do question their validity.

In considering this issue, the Senate should carefully study the testimony of some of the witnesses who appeared before the Judiciary Committee at the hearings on Senate Joint Resolution 1. For instance, Mr. Theodore H. White, an acknowledged authority on presidential elections had this to say to the Judiciary Committee:

> I want to approach the problem in the most sordid way and not in the high minded manner you gentlemen have been speaking in. I want to talk of crooks in elections.
>
> I believe that you cannot steal in any State of the Union more than 1 percent of the vote, but when elections get hot, votes are stolen. I would wonder whether the Senator from Indiana completely trusts the county of Lake County, out of Gary.
>
> I know that in my own town of New York last year we canceled an election, a very minor election for the Democratic nomination for the presidency of a borough because there were 1,000 irregularities in those machines and a slight margin of 100 votes between them, so we called that election off and we ran it over.
>
> I wonder here whether anybody trusts the vote in Duval County, or remembers the 87 votes of the 1948 election which made Lyndon Johnson Senator.
>
> I could go right around the Union to Philadelphia, to Kanawha County, to South Boston, and wonder whether we really want to trust the election of Presidents to a direct pool of votes where the arts and skills of these few people who do steal votes are magnified.
>
> Right now, what you have in the country is a system of self-sealing containers. Again, I speak the language of the press. If the crooks in Illinois, if the crooks in Cook County are going to steal votes and the crooks in upstate Illinois are going to steal votes, each State has built up some sort of antibody system so that it seals the theft, the stealing, the rigging of elections.

Mr. Ernest J. Brown, professor of law, University of Pennsylvania spoke of the possibility to recount and contest elections under a system of direct popular election in the following language:

> Twice in the last three elections, we have had a very close vote. We have not known the result of the popular vote for weeks, literally. And it is rather important in today's world that the result be known and not wait until absentee ballots from overseas posts filter in for counting. So just as the matter of knowing the results quickly—and this is not idle curiosity; the world waits while the U.S. President is chosen. The United States waits, too.
>
> Senator Ervin then commented: "The whole country, in a sense, I have noticed in presidential election years tends to stand still for a few months.
>
> Mr. Brown replied: "That is right. We all remember that one of the things that the division into State segments, of course, lets us know simply that the distribution is such that though the aggregate popular vote may be very close, no State may be close, so that we know the result while we are still waiting over weeks to find out what the aggregate popular vote was.
>
> So that in itself is a significant fact. But more significant is the fact that close elections—and as I say, we have had two out of the last three in popular vote terms—close elections lead to contests. And with direct popular election, the contest would be nationwide. Every ballot box, every voting machine would be subject to contest.
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> * * * * *
>
> If one candidate contests a certain area, his opponent, to protect himself, warns of a contest where he thinks something might have been adverse to him. And in a little while, the whole electorate is involved.
>
> We have seen State contests in recent years that have paralyzed State governments. And we had one contest in 1876. Without going into detail, I think the mere fact of contest is a disaster.
>
> Then how would it be conducted? Who would conduct it? I think it would be a misfortune to throw the Federal judiciary into this. But if it were a court, there is no court that would have nationwide jurisdiction other than the Supreme Court. And if I may put it that way, heaven preserve us from throwing the Supreme Court into that arena.
>
> Congress, I suspect, would supervise the contest. I do not think that would be very happy, either. But bear in mind, too, it would be the outgoing Congress, because the incoming Congress would not have taken office. And the outgoing Congress might have been greatly changed—we might put it in terms of repudiated—at that same election.

I continue to quote from Mr. Brown:

> There is no guarantee against election contests. We can have them under the present system, we can have them under any. But the present system insulates the States. When the vote is counted by States, those lines insulate the area of contest and keep it local, and they insulate the significance of contest. It has happened more than once that there might well have been contests in a given State in an election where the aggregate popular vote was quite close. But generally, the electoral majority is somewhat greater in percentage terms than the popular majority. And so a switch of a State or two would not make the difference. So those contests did not materialize. I am not gifted either with prophecy or what might have been hindsight. But I think there are very good chances that under direct popular election, we would have had damaging contests in both 1960 and 1968. We did not have them, very fortunately.

Mr. Charles Black, professor of law at Yale Law School addressed himself to the problems of recounts and contested elections under a system of direct popular election of President and Vice President. His testimony deserves the careful consideration of the Senate. He and Senator HRUSKA discussed this problem. Professor Black began by stating:

> I am appalled, as Professor Brown is, by the prospect of recounts. We have now a

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compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is of infrequent incidence, because very often the State in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway. Sometimes, though there may have been irregularities, though these may be plausibly charged, the vote will be so one sided in a State that a recount could not conceivably change the outcome as to that State, and it would still be carried by the person who seems to carry it. In a close election—and I do not care what you mean by close—if it is the difference between 39.99 percent and 40 percent, which is made so critical in any of these proposals—you have to recount every vote in every precinct, not only for the two leading candidates, but for all the others, and be absolutely certain that it was done right. All sorts of things about the propriety of write-ins would become immensely important.

Senator HRUSKA then commented:

Professor, in regard to recounts, it has been testified here that, if any recount is requested, it would tend to trigger and generate and originate additional recounts. After all, if Ohio has a recount, for example, that will lead Illinois to have one. If Illinois asks for a recount, Pennsylvania will do it, and New York. Do you see any possibility of that occurring where there is a close election in which a candidate receives 39.9 percent of the popular vote?

Mr. Black replied:

I fail to see how it could not occur. It seems to me it would be virtually the duty of the managers of a campaign to search everywhere in a close election. If a recount occurs in one place, even though, let's say, Texas has been carried two to one by one candidate, the votes in Duval County, Tex., will still be important to set off against the votes in Illinois or Vermont. I would think, for reasons on which, of course, Professor Brown is far more expert than I am, it would be almost inevitable that this would happen. So it would seem to me.

I would think that not only would this happen as a response to recount, but that the losing candidate in a very close election would almost be driven to look for a recount. We know that the counting is not all that accurate. We now concentrate on the areas where it matters, which are likely to be few, maybe none, under the present system.

But if there is a 100,000-vote difference nationwide or if it should happen under the Tydings proposal, which I have just seen today, that the crucial question was whether the man had 39.99 percent or 40 percent of the votes, then I should think it would be inevitable that a recount would be requested.

Mr. Black continued:

But even granting good faith, I think it would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully, in good faith, for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without this willful obstruction element, I should think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it.

Senator HRUSKA asked:

Is it not a fact, however, that under the present system, compartmentalized as it is among the several States, that probability would be reduced and held to a minimum?

Mr. Black replied:

It is.

Senator HRUSKA commented:

Certainly, if we judge by past experience, it has been held to a minimum.

Mr. Black continued:

It is held to a minimum, I think for the obvious reason that it just really does not matter. In most cases, it will not make a difference whether there are 400 or 500 irregular votes in Austin, Tex. Either the Texas electoral vote will not be needed because it will not make a critical difference, or the 500 votes in Austin will not affect the Texas electoral vote because the popular vote is so lopsided in Texas. In either of those cases, there is no occasion for contest or recount.

Our system does, by this compartmentalization, reduce it to a minimum. Also, when it has to happen, it happens on a much reduced scale.

I tremble to think how hard it would be to decide who won in as close an election as 1960 and 1968. I doubt that anyone will finally be satisfied who the winner was. I doubt that the meter really reads that fine, if you scrutinize carefully every single vote, and I again suggest that, even without bad faith, it would really be the duty of those in charge of a campaign to see that this is done.

Hon. Wade O. Martin, Jr., secretary of state of the State of Louisiana, was a witness before the Judiciary Committee who brought with him more than 25 years' experience as the chief election officer of one of our States. He spoke of some of the practical problems that would be caused by the inevitable Federal control and supervision of the election processes as a result of the direct election system. Mr. Martin testified as follows:

You will realize, of course, at the outset when you try to envision this most important machine in our American system of government, that over the years timetables have been established that are as close as they can possibly be. Candidates don't want to campaign too long between elections—the first primary, the second primary, or the general election. They don't want too much time to lapse unnecessarily between the time they qualify and are voted upon by the public. Envision this machine as a very delicate one—one that must be operated by people; linotype setters; mechanics who set voting machines; commissioners who conduct the elections; election officials who, on the day of election, compute, promulgate, and publish the returns. Under our present system sufficient time must be allowed for election protests in the courts. All of these functions in this intricate machine function in such a way that any change in one phase of it must be carefully considered as to its ultimate effect on the other parts of the machine.

* * * * *

These are all practical things. I cannot impress upon you too greatly the fact that any additional work to be performed by those who prepare the ballots, and any additional candidates who might be indirectly brought into the ballots, will all reflect themselves when you get to the precinct. I will go a little further than some who have said that the adoption of a direct vote system will create chaos. I agree with that; there is no question about it. We are practically in that situation in our State at the present time.

I will state further that if great precautions are not taken, which I hardly see can be taken, we will gradually go from a condition of chaos to one of disruption, and eventual destruction of our entire election machinery.

Now, let me get to some specifics. Let's begin with the matter of who can vote. I was very impressed by a statement I read by Senator Ervin, in which he expresses great concern about the fact that dual laws, Federal and State, applicable at the same time, in the same election, might cause great consternation and confusion among the citizens. That is true.

Let me say further that these dual laws could well make it impossible for those preparing ballots to perform that function satisfactorily if great care is not exercised.

Take the matter at present, for instance, of who can vote. This is where we start an election. Who is qualified to vote?

Today, in Louisiana, we have registration of voters, as do many States. I believe that if you go to any change whatsoever, every State will need some kind of registration to predetermine the eligibility of a person to vote in order that the list can be sent to the precincts. This would prevent bands of people taking a jet plane to vote in many states without proper identification.

We have these individuals who are in charge of registering people to vote. At the present time, we, in Louisiana, have a limited special registration to vote in the presidential elections. As you gentlemen well know, there is some pressure in Congress to enact a Federal law to allow people to vote in any State in presidential elections regardless of the length of time of residence. We have that law in Louisiana. So this is one special list, and this is a separate ballot already. By virtue of the Voting Rights Act of 1965, we have Federal registrars who register people to vote in the State. That is a second list.

* * * * *

Well, the great problem that necessarily follows is this. You do not only have separate lists to send the commissioners (which imposes upon them), but you must have special preparations in advance; special ballots, if they are paper; special ballot boxes in which to put them; special tabulators to tabulate them separately from the others; and if you have voting machines, you begin to crowd the capacity of the voting machine.

Now, let me dwell just a little on that. This may sound involved, but it is something that we must face, and I hope it will be well understood by everyone who is considering this.

Every time you overload anything, whether it is a plane, an automobile or an election machine, you make it susceptible to failure and attack in the courts.

* * * * *

After we decide who can vote, let us decide who can be candidates and what happens there in the practical application of the election laws. As this resolution is drawn, any two people can consent to combine themselves and agree that they can be voted upon as a unit for President and Vice President. Now, there is nothing in the resolution that I have been able to find that says where you qualify, with whom, and what the qualifications are. How do you get on the ballot? True enough, it says that the states shall attend to this matter, but it also says in this proposed constitutional amendment that Congress shall reserve the right to enact its own regulations on that subject. There again you face the possibility of a dual system, and this has to be resolved before any such system is sent to the States. Otherwise, you will be in serious trouble much sooner than you believe.

Gentlemen, there was not a presidential election in the last few years when we haven't received a stack of applications a foot or two high to get on the Louisiana ballot.

We know how to prepare the ballot, as it is now, because we know that we will have two slates of electors, one from each of the major parties. We probably will have one from the minor party, and we may by chance

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> (although it is very seldom that it ever happens), have a slate of 10 candidates for presidential electors who will seek to get on the ballot in accordance with our law, which provides that if you get on the ballot, you must have petitions of qualified electors, numbering 1,000 from each of the eight congressional districts for one elector, and also two 1,000-signature petitions for the two to be elected at-large.
>
> Perhaps some of the liberals might think this is too restrictive and too difficult, but, if you liberalize this, there will be no room on these ballots. They will be so large that they will be unusable in the machines. You couldn't possibly afford to buy enough machines to prepare the ballot, and, if you do succeed in that financial hurdle, you will never have enough time for people to vote intelligently.
>
> * * * * *
>
> Now, let's go to another question, the rules for compilation of returns.
>
> In the matter of conducting the election and the times for opening the polls, and such things as that, the States are given the authority to do it and to set the qualifications of candidates. By reserving the right in the constitutional amendment, Congress has the authority to do it; and, if they have, they probably will. Not only is this bad, but when you come to compiling the returns and certifying the results of the election, there is no discretion at all in the States. In this constitutional amendment that prerogative, in this resolution, is reserved to the Congress.
>
> Now you are putting another burden on the election officials in every State. You are having again to establish some way by which no State election officials count, tabulate, or do anything with the returns of the election for President and Vice President if Congress shall prescribe those rules and regulations. That will be separate from what you do in the State, and at present we don't know what that will be. I don't think anybody in Congress has given too much thought about how this would work either, but if Congress is undertaking to do it on the same day, in the same election as the States, it becomes quite involved. You might have a separate election which, of course, is possible, but let's not go into these complications.

Mr. President, one of the witnesses who testified before the Judiciary Committee, Mr. Mathew Beemsterboer, a practicing lawyer of the State of Illinois, has had a great deal of experience in handling election contests and recounts in the courts of that State. He made the following pertinent remarks about the possibility of a system of direct election resulting in recounts and election contests. I quote from Mr. Beemsterboer's statement as follows:

> Perhaps one of the most important factors in evaluating our present method of electing the President and Vice President, and either of the two alternatives previously commented upon and any other proposed reform, would be the potential effects of recounts, election contests and allegations of fraud or other irregularities or alleged invalidity of an election nationwide, statewide, in a congressional district or at any other level.
>
> In my home state of Illinois, in the 1960 presidential election, the successful candidate received approximately one vote per precinct more than the unsuccessful candidate. In the State of Texas, I understand the difference in popular vote was close but not quite so close. In the event that the popular vote had been reversed in those two states and one other state with a similar number of electoral votes, a different President would have been elected. To my knowledge no proceedings were instituted to contest the result of the election in the two states specifically mentioned or in any other state. Indeed in Illinois, there is some doubt whether our general election law specifically contemplates the contest of the election of presidential electors although Section 23-19 of Chapter 46, Illinois Revised Statutes (1969) does contemplate the election of any person declared elected to any office other than certain enumerated offices may be contested by any elector of the state in a proceedings in our state Circuit Court and this could be construed as encompassing a presidential elector.
>
> If my remarks are to be of any use to the Committee, I might best comment upon election contest procedures with which I am familiar and the difficulties which such procedures could create under the present system and might create under several of the proposed alternatives. My experience as a practicing attorney in Cook County, Illinois, has involved me in several hundred separate matters of election litigation. These matters have been concerned with almost every stage of the electoral process in Illinois, and have been litigated in our trial courts, intermediate appellate courts, the Supreme Court of the State of Illinois, our United States District Courts, the United States Court of Appeals and the United States Supreme Court. On the basis of that experience, and my experience as a special counsel for various election authorities and the supervision of investigation into alleged voting irregularities, and representing those election authorities in various courts, I feel I might possibly be able to provide the Committee with an educated guess as to any relative degree of uncertainty which might be injected into our present process of selecting the President and Vice President of the United States, and under several of the proposed alternatives.
>
> Under the present system, unless there existed a small difference in popular vote between the candidates in one or each of several of our states, an election contest would make very little sense. If in the 1960 presidential election, a reversal of the results in the State of Illinois would have affected the outcome of the electoral vote nationwide, a contest, either under a provision of the Illinois Election Code, or in some procedure created by the Federal Judiciary, might have occurred. The unsuccessful candidate would have alleged frauds, irregularities, or improprieties in precincts wherein he had been badly defeated, and as measure of self protection, the successful candidate would have made similar allegations in precincts where he had lost by substantial margin. Whether any meaningful resolution of those difficulties could have occurred even after numerous appeals had been taken from trial court deliberations in both state and federal courts, prior to the time specified by the Constitution for the meeting of the electoral college and the swearing in of the new President and Vice President is a matter of some doubt.
>
> Even more mischief might potentially result under a completely popular system of selecting the President and Vice President. Under such a procedure it would make very little difference whether the candidate had won or lost Illinois, or any other state, if the total popular vote was close. Then a change of ten votes in a precinct in Alaska or Illinois or anywhere, and fifty here and a hundred there might affect the outcome. The apparently successful candidate, as a matter of protection would have to ask for recounts or election contests in other precincts. The multiplicity of litigation resulting from innumerable contests in every area of the fifty states might result in the incumbents remaining in office considerably past their normal retirement date.
>
> The least amount of mischief, delay, doubt and frustration would probably occur in the event that an electoral system were retained, but that each congressional district would receive one electoral vote and each state at large could receive two electoral votes. Without sacrificing the right of any citizen to contest the results of the election of a presidential elector in either his congressional district or state, it would appear that a contest would result only if the electoral vote were very close and then only in those congressional districts or state where the popular vote were very close. Such a system would be more truly popular, or democratic, than the present system of selecting the President and Vice President, and would result in a more easily determinable, final and acceptable result than either the present system with its perils or a direct popular election. Superimposed upon that proposal might be an abolition of the present requirement of an absolute majority of the electoral vote, and a provision that in the event of an absolute tie, that each member of the House of Representatives have one vote in breaking any such tie, rather than one vote per state.
>
> A subsidiary question suggests itself. Under the present system of selecting the President and Vice President of the United States, or under any of the proposed alternatives, would it be necessary to abandon our present system of state and local control of the conduct of elections either for Presidential electors or directly for the Presidency and Vice Presidency in favor of federal control? I have regrettably had bitter experience with the intervention of the United States District Court in the election contest procedure. Worse yet has been my experience with having the same election being contested at the same time in both the state and the federal courts wherein the parties have been identical, the issues have been identical, but the outcome of the litigation has been different. What little meaning that has heretofore remained to the Tenth Amendment of the Constitution of the United States of America, is becoming almost completely emasculated by the activities of Federal Courts in many instances unjustifiably interferring with the state and local control of elections by utilizing a strained construction of various federal constitutional guarantees and utilizing the broad powers granted by Federal voting and civil rights legislation. Lest I not be misunderstood, I do not quarrel with the exercise of jurisdiction by the Federal Courts in situations where no remedy is provided by state law for deprivations of federal rights or in areas where the state courts refused to fully and fairly adjudicate the alleged deprivation of those federal or indeed state guaranteed rights. What I do object to is the almost total abolition of the established concepts of abstention and comity on the part of the Federal Courts in some instances and a tendency to escape from established principles such as res adjudicata by imaging trivial differences in parties or issues.
>
> To me, at least, it would appear unwise to have federal control of even presidential elections. Several practical considerations militate against federal control. Unless presidential elections were conducted at a time other than elections for other national and/or State offices, the same registration procedures, the same polling places, the same judges of election, the same ballots, the same voting machines and other equipment would be used for all offices concerned. Economics would indicate that separate elections not be conducted. Could we tolerate a system where what was legal in the election of the President and Vice President was illegal in the state election and vice versa? What if contests and state offices were involved? Could the same ballots and the same voting machines be impounded by both the state and the federal judiciary and the same ballot be considered valid by one court and invalid by an-

other court? Could the integrity of the ballots and the voting machines be safeguarded if one examination were conducted by one court and another by another court? Unless we are prepared to conduct completely separate elections at different times, or unless we are to have federal control of state elections as well, consideration of economics, time and practicality would militate against federal conduct of a presidential election.

Mr. President, I believe that this testimony of eminent witnesses who appeared before the Judiciary Committee should cause us to seriously examine the assurances given us by proponents of this measure that its adoption and ratification will not cause problems of voting fraud, recounts, and contested elections. I am convinced that such problems would be caused by a system of direct popular election, and that this is sufficient reason to oppose the adoption of Senate Journal Resolution 1 as a part of the Constitution.

Mr. President, in my judgment, the fact that the adoption of a system of direct election for the President and Vice President would necessitate strict Federal control and supervision of the election processes, which are now supervised and controlled by the several States, is a compelling reason to oppose the adoption of this proposed Constitutional amendment.

Mr. President, I repeat for emphasis, I think it would be a tragic error if we were to abandon and throw into the trash can, so to speak, the system which has worked almost perfectly for 182 years. I agree that it should be brought up to date and modified. One of the major changes I should like to see would be, if there is a failure in the immediate selection under our system, and the election is thrown into the Congress, where every Member of Congress, House and Senate, would promptly act to select from the top candidates, with each Member of Congress having one vote, there would be an automatic standby electoral college system with every congressional district in the Nation represented, and every State in the Nation represented by the two votes cast by the two Senators. Something of that kind, almost like that, has been tried and tested. It has stood the test of time. Let us not proceed in such a hurry on a vital matter such as this. We lack time to pass on appropriation and other bills which are vital to the operation of our Government from day to day. The work and study which has been given to this subject has been timely and it would be fruitful. I trust that we will not put aside our patience here and forget what we are dealing with, saying, "Well, we have got to pass something here. I will vote for something here and then we can get on home." I believe that would be the opposite to any basic desire we might have as Senators.

I believe that the final verdict at this session will be against adopting a new system but to provide for further study on our own with modifications.

Mr. FONG. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. FONG. I thank the distinguished Senator from Mississippi for yielding to me.

I want to commend him for the very excellent and all-inclusive statement which he has just made. I fully agree with him. As he has said, I believe that we should not do away with something that has stood our country in good stead for 186 years. I agree with the distinguished Senator from Mississippi that there are certain defects in the electoral college system but these we can easily correct by amendment. Our electoral college system is something which has stood us in good stead for 186 years and has given us a sound and stable government. I do not believe that we should abandon it but amend the things which are defective.

Mr. STENNIS. I thank the Senator from Hawaii very much. I have benefited greatly from a study of the forceful words which the Senator from Hawaii (Mr. FONG) has used in former speeches, and the very fine points he included in the minority report.

The Senator from Hawaii represents a small State. But he is standing up strong, in the finest kind of way, for his great State of Hawaii.

Whether it be a small State, or a small group, whatever name we call it, they get recognition under our system of government, and I am very glad that they do. They also get recognition from those who are elected President and Vice President. I hope that it will continue to be that way; otherwise small States and small groups might get left out and soon be forgotten.

Mr. FONG. Mr. President, our system is a system which encourages, and even requires, accommodation and compromise. Our electoral system in order to obtain a winning plurality based on a joinder of minorities does that very thing—It forces accommodation and compromise and moderation in these troubled times.

Mr. STENNIS. Mr. President, I thank the Senator from Hawaii. I yield the floor.

DIRECT ELECTION WOULD VITIATE ROLE OF MINORITIES IN PRESIDENTIAL RACE

Mr. FONG. Mr. President, on Wednesday, September 16, I spoke at great length to show the emasculating effect direct election of the President and Vice President would have on small States—such as my State of Hawaii and the 30-odd other "small" States. I analyzed the actual votes cast in the 1960 and 1968 presidential elections. The figures showed that small States under direct election lose as much as 91 percent of their present voting strength.

Today I rise to oppose Senate Joint Resolution 1 on behalf of all minorities, be they small States with a minority of voters, or geographic, ethnic, religious, economic or social minorities, wherever they find themselves in our great country.

Senate Joint Resolution 1 would substitute direct popular election of the President for our present electoral system. The adverse effect this amendment, if enacted, would have on minorities is something very personal and close to my heart.

My State of Hawaii, admitted to this Union of sovereign States only 11 years ago, struggled for 60 long, long years for that glorious day in 1959, when it joined the Nation as the 50th State.

Many, many people in Hawaii had worked hard and persevered despite the setbacks, delays and disappointments, decade after decade, which blocked Hawaii's bid for statehood.

As a legislator in the Hawaii Territorial House of Representatives, where I was vice speaker for 4 years and speaker for 6, and as vice president of the 1950 Hawaii statehood constitutional convention, I was an ardent advocate of statehood and, with my fellow citizens, toiled to make statehood a reality. The sweat and labor and tears of many, many people of our islands and of our many friends on the mainland went into the struggle for statehood. Finally, our small island territory in the mid-Pacific became a State.

Hawaii is a "minority" State—in many ways.

In terms of race. Hawaii is a State of minority ethnic people.

People whose racial ancestry is Japanese; Caucasian, which includes Portuguese, Spanish and Puerto Rican; pure Hawaiian and part Hawaiian; Filipino; Chinese; Samoan; Korean; Negro; American Indian and others live harmoniously in Hawaii, making our State a true mixture of peoples. And every race is a minority.

In terms of population, Hawaii is a minority State. Preliminary tallies of the 1970 census show we are now "home" to about 800,000 people. In the entire United States, that same census shows there are more than 200 million people.

Hawaii's population is an infinitesimal percentage of America's total population—or four-tenths of 1 percent. We do not even approach one-half of 1 percent of the total U.S. population.

In terms of geography, Hawaii is all by itself.

No other State is an island State—separated by a vast body of water from our sister States.

No other State is so far from our Capital—5,000 miles. Even Alaska, our only other noncontiguous State, is closer, being 3,400 miles from Washington.

We are truly a minority State.

As the representative of so many minorities, I am very conscious of the demeaning effect of Senate Joint Resolution 1 on every minority.

I have been the senior Senator from this minority State since it was admitted to statehood in 1959. During all these years, I have done my very best to preserve the voice in these United States that hard-won statehood achieved for Hawaii. Naturally, in analyzing the direct popular election proposal, I have been very concerned about its adverse impact on Hawaii's voting strength for President. As I showed in my address to my colleagues on September 16, even when Hawaii supported the winning candidate for President, President Kennedy, direct election of the President based on actual votes cast in that election would have resulted in Hawaii's

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losing as much as 76 percent of her voting strength.

Not to speak out in opposition to these dire results to my State of Hawaii, as well as to all other small States, would be a betrayal of the hopes and aspirations of the people of Hawaii and of all that I have fought and labored for during my lifetime.

Under the present electoral system, a candidate knows that in order for him to be elected he must look to the States for electoral votes. Richard Goodwin, who was a writer for both Presidents Kennedy and Johnson and was closely involved in several presidential campaigns, recognized the need to look to the States for electoral votes as "the arithmetic of the electoral college, which demonstrates it may be possible to lose a few major States and at the same time win the election."

Minorities—be they "minority" States or small States, or minorities within States—loom large when a candidate seeks 270 electoral votes. Four votes here, eight votes there, 12 votes from another State—they are what add to 270; these votes from small States could well be the "swing" votes to give a candidate a majority of the electoral votes. And so, today's candidates think in terms of States "rather than numbers," Mr. Goodwin testified before the Judiciary Committee, continuing:

> Most presidential campaigns are concentrated on no more than 20 per cent of the vote, the swing vote, on the assumption the rest are pretty well committed. Today, nearly every State has a swing vote which, even though very small, might win that State's electoral vote. Thus nearly every State is worth some attention. If the focus shifts to numbers alone, then the candidate will have to concentrate almost exclusively on the larger States. That is where the people are, and where the most volatile vote is to be found.

To swing the State's electoral votes to a candidate, a presidential candidate must listen to the needs of the ethnic minorities, economic minorities, racial minorities, geographic minorities, religious minorities, social minorities, and small States. These minorities, because of their common interests, frequently vote alike—or, as it is called, as a bloc.

By joining with other groups, their vote can be the cornerstone, nay, the very foundation, of the winning vote. As the junior Senator from Arizona (Mr. GOLDWATER) observed from his experience as a presidential candidate, the best chance a man has to win the Presidency is to work on bringing together the voters of varying interests.

The power of minorities comes from the skill with which they are able to join themselves to other minorities or groups to form the winning plurality. The effective joinder of minorities within a State is one of the virtues of the present electoral system.

Let me illustrate this.

Within my State of Hawaii, the 1960 census showed we had a population of 632,772. Their racial ancestries were approximately as follows: 203,455 Japanese; 207,830 Caucasians, which includes Portuguese, Spanish, Puerto Rican; almost 100,000 pure Hawaiian and part-Hawaiian; 69,070 Filipinos; 38,197 Chinese; approximately 7,000 Koreans; 4,943 Negroes; 2,400 Samoans; 472 American Indians; and others—such as Micronesians, Vietnamese, among others.

To get the electoral vote of the State of Hawaii, a candidate must court these minorities—that is how his winning plurality is attained. Each group has political clout. Each group's votes are needed for a candidate to get the electoral votes of the State.

Under direct election, a candidate would not have to bother with these ethnic groups, which loom importantly in Hawaii, as well as many other States. The same 1960 census—the latest ethnic breakdown by the Bureau of the Census—showed there were then 179,323,175 people in the entire United States, of whom 158,831,732 were white.

Since under direct election the name of the game is numbers, why should any candidate seek the vote of the ethnic minorities? Collectively, they cannot win the election for him. They total only slightly over 20 million out of 180 million, or about 11 percent of the total population.

In Hawaii, the 203,455 persons of Japanese ancestry were very influential against a total population of 632,772. They constituted over 32 percent of the total population of Hawaii. How influential will they be when they number 464,332 throughout the United States—as against a total population of 179,323,175 of whom 158,831,732 are white? They will then be a mere two-tenths of 1 percent of the total population.

In Hawaii, there are 69,070 persons of Filipino ancestry in a total population of 632,772. They were almost 11 percent of the population of Hawaii. How influential will they be when they number 176,310 throughout the United States.

And so on down the line—the same is true for the Negro, the Jew, the Catholic, the Mormon, the Buddhist, the American Indian, the Spanish American, the poor, the farmer, the many, many other small special interest groups of which our great country is composed. Such group may now be a very large minority—25 to 35 percent of the total State voters—or, as a smaller group, be the swing vote necessary to carry a State's electoral vote. Now candidates listen to their needs. But, as an infinitesimal percentage of the national popular vote, their voice will be practically ignored.

Hawaii as a State has four electoral votes. In order to win the Presidency under our present electoral system, an electoral vote of 270—one-half of the 538 electoral votes—is required. In that perspective, the four votes of my State of Hawaii have real value—they amount to 1.48 percent of the electoral vote needed by a presidential candidate to win. Hawaii's electoral votes and the votes of the 39 States with 12 or fewer electoral votes could well be the "swing" votes necessary to put a presidential candidate into the winning box. In any event, Hawaii represents seventy-four one hundredths of 1 percent, of the total electoral votes.

But, under direct election, the votes of Hawaii will be insignificant in the total count of popular votes. In 1968, Hawaii had a 275,000 voter registration out of 82,453,445 registered voters in the United States—or thirty-three one-hundredths of 1 percent of the registered voters.

Hawaii's actual vote in 1968 was 236,218 out of the 73,211,562 votes cast throughout the United States, or a mere 0.32 percent of the total popular vote.

Hawaii cast 141,324 votes for Hubert Humphrey in 1968, out of the national total of 73,211,562 votes cast for all candidates, or two-tenths of 1 percent of the total popular vote. Whereas under the electoral college, Hawaii cast seventy-four one-hundredths of 1 percent of the electoral vote for Humphrey. Therefore, Hubert Humphrey would have lost 73 percent of Hawaii's voting strength under direct popular election. In other words, Hawaii's influence on the candidate Humphrey, who won Hawaii's electoral votes, would have dropped 73 percent under a direct election.

Under direct election, in relation to candidate Humphrey, Hawaii would have had only one-fourth of the influence it now has under the electoral system.

From the point of view of President Nixon's vote of 91,425 in 1968, Hawaii's vote represents twelve one-hundredths of 1 percent of the total vote.

President Nixon was striving to win the four electoral votes of Hawaii, which represents 0.74 percent of the total electoral vote. By receiving only 0.12 percent of the total popular vote, Hawaii's potential influence on him dropped 84 percent.

Under direct election, in relation to candidate Nixon, Hawaii would have only about one-sixth of the influence it now has under the electoral system. Is that not amazing?

The presidential candidate merely looking for "numbers" will no longer have to bother to find out what Hawaii's special needs might be. Certainly, he will not feel the support of so few people out of the total vote warrants any special consideration of their needs after election.

Only as a sovereign State does Hawaii have dignity and importance.

Only as a sovereign State can Hawaii or other small States expect to receive Federal financial assistance for its special needs or Federal appointments.

As a collector of numbers of votes, Hawaii will be utterly insignificant. And, that is true of all other small States.

Under direct election—and Senate Joint Resolution 1's requirement of a 40-percent popular plurality—the impact on the election of the President of the numerically smaller groups and States cannot be significant. There would be no need need to court minorities, or to unify minorities within a State, or to court the all too few popular votes cast in small States as they would no longer be the "swing" vote now necessary to make the winning electoral vote.

Under direct election, with its emphasis only on numbers, the strength of all minorities would be diminished or eliminated. Henceforth, the major emphasis will be on the large concentrations of voters.

The representatives of minority groups who did testify were eloquent in expressing the fears of the minorities—be they ethnic minorities, racial minorities, or rural minorities—that, if direct popular election of the President were to replace the electoral college, there would be no heed paid to their voice expressing their needs—no one even to protect them against oppression by the majority.

The distinguished black Congressman from Missouri, Representative WILLIAM L. CLAY, has spoken out eloquently and frequently and at length against direct election. In addressing the Committee on the Judiciary he said, and I quote:

> If I were not deeply and sincerely concerned with this issue of electoral reform, and its potential for affecting the struggle of black citizens for equal rights and opportunities, I would not be before you here today. When 'direct popular election' came before the House of Representatives September 18, 1969, I stood in opposition with only two other liberal-oriented colleagues among the 70 House Members who voted against passage.

He stated:

> Mr. Chairman, my opposition to the proposed direct election of the President, simply stated, is predicated on the conclusion that such a system will inhibit the political influence of minority groups.

And he continued:

> I firmly believe that the direct popular vote would inhibit the political influence of minority groups. The present system maximized the importance of urban regions and especially of the high cohesion minority groups. The black vote presently and potentially registered—is more effectively applied within the two-party system which has evolved from the electoral system.

And he concluded:

> To perfect the system of government and at the same time diminish or eliminate the voice of minorities within that system is a perfection we cannot afford.

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The representative of the NAACP testified against direct election.

The representative of the American Jewish Congress testified against direct election.

The representative of the American Farm Bureau Federation testified against direct election.

Our colleagues who have themselves been presidential candidates—the senior Senator from South Carolina (Mr. THURMOND), the junior Senator from Arizona (Mr. GOLDWATER) and President Kennedy when he was junior Senator from Massachusetts—have all spoken out against direct election, as has the senior Senator from Minnesota (Mr. MCCARTHY).

The representatives of the large, powerful groups supported direct election. Among the most active are the League of Women Voters, the U.S. Chamber of Commerce, the American Bar Association, and the AFL–CIO.

Apropos of these groups whose representatives testified in support of direct election of the President, I should like to commend my colleague, the senior Senator from North Carolina (Mr. ERVIN) for a fine bit of research he did.

On September 21, in a statement which appears on pages 32846–32849 in the CONGRESSIONAL RECORD, he showed that none of these organizations whose representatives testified in favor of direct election practice what they preach—for the United States—"one man, one vote."

For example, according to the information furnished by Senator ERVIN, the League of Women Voters elect their president, first vice president, second vice president, secretary, and treasurer by a convention. The convention consists of first, delegates chosen by the members of the local leagues, with each local league receiving one delegate for each 100 voting members, and one additional delegate for each additional 100 voting members or major fraction thereof; second, three delegates chosen by the board of each State league; and third, members of the board of directors of the League of Women Voters of the United States. A quorum consists of 100 voting delegates—other than the board of directors—from at least 10 States. Fifty-one delegates from local leagues plus a few representatives of the board of directors can elect all the League of Women Voters national officers. A far cry from a direct election by each member—not exactly "one woman, one vote."

Another example, according to information supplied by the Senator from North Carolina, the U.S. Chamber of Commerce's elective officers are a president, a chairman of the board of directors, a chairman of the executive committee, one vice president to represent each division of the Chamber, of which there are 10 divisions, and a treasurer. These officers are elected annually by the board of directors. Twenty members of the board constitute a quorum. Each year 25 directors are elected by the board of directors.

As my distinguished colleague, the Senator from North Carolina (Mr. ERVIN), summed up:

> It appears that in the Chamber of Commerce the Board of Directors which elects itself elects its President.

Eleven members of a self-electing board of directors can elect the national officers of the U.S. Chamber of Commerce. A far cry from direct election and "one man, one vote."

Now let us look at the American Bar Association.

According to the data put in the RECORD by the Senator from North Carolina, the elective officers of the American Bar Association are a president-elect, who becomes president of the association upon the adjournment of the next succeeding annual meeting, a secretary, and a treasurer. They are elected by the house of delegates, by a majority of those present, whatever that number might be.

The house of delegates, according to the constitution and bylaws of the American Bar Association is composed of the following:

State delegates—one from each State.

State bar association delegates—with at least one delegate from each State bar association. If the State bar association has over 2,000 members, they are entitled to one additional delegate for each 1,250 lawyers—but a State bar association may not have more than five delegates. A five-delegate limit per State bar association, regardless of the number of its lawyer members.

Local bar association delegates, based on the number of members in each bar association—but, the additional State bar association delegates to which the State bar association is entitled is reduced by the number of delegates elected by the local bar associations within the State. So, we are back to five delegates again.

And other named officials are delegates also, such as the Attorney General of the United States, Deputy Attorney General, Solicitor General, former officers, and so forth. A far cry from direct election by the members. A far cry from "one man, one vote."

The AFL–CIO also testified in support of direct election. According to the information given by Senator ERVIN, its president and secretary-treasurer and 33 vice presidents are elected by a majority vote of their convention. The delegates to the convention represent each national or international union and organizing committee on a sliding scale. If they have—

Less than 4,000 members, one delegate.
Over 4,000 members, two delegates.
Over 8,000 members, three delegates.
Over 12,000 members, four delegates.
Over 25,000 members, five delegates.
Over 50,000 members, six delegates.
Over 75,000 members, seven delegates.
Over 125,000 members, eight delegates.
Over 175,000 members, nine delegates.
Plus one additional delegate for each 75,000 members over 175,000 members.

Where a union has fewer than 4,000 members, it is entitled to one delegate. On the other hand, in large unions, it takes 75,000 members to be entitled to one delegate. How like the large and small States representation under the electoral system. I suggest their method of election is a far cry from "one man, one vote."

These organizations want direct election of the President of the United States, yet their own national officers are not elected by direct popular vote of their members.

If their indirect, weighted systems of electing their national officers are satisfactory for their nationwide organizations, then the present electoral system, by its weighting, protects small States and minority groups and should be satisfactory to elect our national leaders, our President and Vice President.

Now let us look at where these spokesmen for direct election are located.

The headquarters of the League of Women Voters is right here, in Washington, D.C.; 1200 17th Street NW., Washington, D.C. 20036.

The headquarters of the Chamber of Commerce of the United States is also in Washington, D.C., 1615 H Street NW., Washington, D.C. 20006.

The headquarters of the AFL–CIO, yes, Washington D.C., 815 16th Street NW., Washington, D.C. 20006.

And, the American Bar Association is located at 1155 East 60th Street, Chicago, Ill. 60637.

All, curiously enough, are located in big cities—in large population concentrations.

None of these organizations can, in

good faith, be said to represent small States with a minority population, or ethnic minorities, or racial minorities, or geographic minorities, or any real minority group.

The keynote of the electoral college system is compromise and accommodation. In order to gain wide support, geographic distribution of votes, acceptance by the many minorities making up our population, whose common self-interests tend to cause them to vote as a bloc, a candidate must make himself acceptable to the greatest common denominator of voters—he cannot court the extremists of the right or left, lest he lose the votes of the opposite extremists and the moderates. So, he considers the interests of each group. He compromises. He accommodates.

Compromise is in the great American tradition that has worked so well to advance the welfare and strength of all the people of this great country of ours. There is nothing dishonorable about compromise. In fact, compromise is a healthy, moderating influence.

And, in this day and age of strife, dissension, and discord, we do not want to do anything to fan the fires of prejudice.

Under direct election, a candidate need only maximize his own votes to prevent any candidate from obtaining the necessary 40-percent vote to win the Presidency. Doctrinaire, one-issue splinter parties, catering to every craven prejudice, to every ego-maniac's whim, are all too likely to spring up—no broad geographic base will be required to make a candidacy significant. A candidate would no longer need support of the States spread across these United States. Dozens of such candidates are all too likely to appear in each election—merely as spoilers who can force a runoff and then attempt to make secret deals for the votes of their supporters.

We can all foresee candidates representing the Democratic Party, the Republican Party, the Liberal Party, and the Conservative Party, like in New York State, the American Independent Party, the Socialist Party, and any number of parties representing various racial minorities. We will have a proliferation of parties, limited only by the ideology of the candidates.

Even if the candidates of such diverse parties are not successful in their quest for the highest honor this country can bestow—the Presidency—they hurt all the people in this country and all minorities by fanning the flames of prejudice.

I need say little on the potential damage to our minorities with which extremism of the left or right is fraught.

Look at what happened to the minorities in Nazi Germany, in Fascist Spain, in Communist Russia and, to our shame, our loyal Japanese citizens during World War II.

The flames of prejudice are easily fanned. In our troubled times and troubled world, explosive conflagrations are all too likely.

Unless minorities can be protected from the tyranny of the majority, our federal form of government, our United States of America, our very civilization are in peril.

Let us not be complacent.

Mr. President, if in "perfecting" our method of electing the President we do not protect the rights and the political clout of every minority so they can protect themselves, be the minorities small States with a minority population, ethnic minorities, racial minorities, religious minorities, economic minorities, social minorities, geographic minorities, or any other minorities, I fear we are blindly buying "a protection we cannot afford"—Caveat emptor. Let the buyer beware. Let us as Senators beware. Let the States beware. Let the people beware.

If our "minorities" are to retain a voice in the election of the President and thereby maintain their dignity, their integrity and, yes, their share of their due as States and as citizens, our present electoral system must be retained.

Mr. President, I yield the floor.

ORDER FOR THE DIVISION OF TIME FOLLOWING THE DISPOSITION OF THE JOURNAL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the disposition of the Journal tomorrow, and until the automatic quorum call under rule XXII begins, the time be under the control of and equally divided between the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 43 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 29, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 28, 1970:

UNITED NATIONS

Christopher H. Phillips, of New York, to be the Deputy Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary.

DIPLOMATIC AND FOREIGN SERVICE

Turner B. Shelton, of California, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

G. Edward Clark, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Gambia.

U.S. DISTRICT COURTS

James R. Miller, Jr., of Maryland, to be a U.S. district judge for the district of Maryland, vice a new position created by Public Law 91-272, approved June 2, 1970.

J. William Ditter, Jr., of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania vice a new position created under Public Law 91-272 approved June 2, 1970.

William W. Knox, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania vice a new position created by Public Law 91-272, approved June 2, 1970.

Malcolm Muir, of Pennsylvania, to be a U.S. district judge for the middle district of Pennsylvania vice a new position created by Public Law 91-272 approved June 2, 1970.

DEPARTMENT OF JUSTICE

Benjamin F. Butler, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years vice George J. Ward, term expired.

SUBVERSIVE ACTIVITIES CONTROL BOARD

John William Mahan, of Montana, to be a member of the Subversive Activities Control Board for the terms expiring March 4, 1975; reappointment.

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the term expiring August 9, 1975; reappointment.

U.S. POSTAL SERVICE

The following-named persons to be members of the Board of Governors of the U.S. Postal Service for the terms indicated; new positions.

William J. Curtain, of Maryland, for a term of 1 year.

Frederick Russell Kappel, of New York, for a term of 2 years.

Theodore W. Braun, of California, for a term of 3 years.

Andrew D. Holt, of Tennessee, for a term of 4 years.

George E. Johnson, of Illinois, for a term of 5 years.

Crocker Nevin, of New York, for a term of 6 years.

Charles H. Codding, of Oklahoma, for a term of 7 years.

Patrick E. Haggerty, of Texas, for a term of 8 years.

M. A. Wright, of Texas, for a term 9 years.

DIPLOMATIC AND FOREIGN SERVICE

The following-named person for appointment as a Foreign Service information officer of class 2, a consular officer, and a secretary in the diplomatic service of the United States of America:

Francis S. Ronalds, Jr., of the District of Columbia.

For promotion from a Foreign Service Officer of class 4 to class 3 and to be also a consular officer of the United States of America:

John W. MacDonald, Jr., of New York.

For appointment as Foreign Service information officers in class 3, consular officers, and secretaries in the diplomatic service of the United States of America:

Dennis Askey, of the District of Columbia.

Mervin E. Haworth, of the District of Columbia.

Yale Newman, of the District of Columbia.

For promotion from a Foreign Service information officer of class 5 to class 4:

Jerry E. Kyle, of California.

For appointment as a Foreign Service officer of class 4, a consular officer, and a secretary in the diplomatic service of the United States of America:

Chandler P. Roland, of California.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Preston E. Amos, of Wisconsin.

Andrew P. Guzowski, of Florida.

Robert A. Merian, of Indiana.

Mrs. Lois W. Roth, of New York.

Tobie O. Surprenant, of Connecticut.

For promotion from Foreign Service officers of class 6 to class 5:

James L. Barnes, of Florida.

Edward S. Walker, Jr., of Pennsylvania.

For appointment as Foreign Service information officers of class 5, consular officers, and secretaries in the diplomatic service of the United States of America:

Harry Iceland, of the District of Columbia.
Leonard R. Sauble, of Florida.

For reappointment in the Foreign Service as a Foreign Service officer of class 6, a consular officer, and a secretary in the diplomatic service of the United States of America:

John Dodson Coffman, of Pennsylvania.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Ross E. Benson, of California.
John S. Blodgett, of Virginia.
Michael A. Boorstein, of Colorado.
James C. Cason, of the District of Columbia.
Peter R. Chaveas, of New Jersey.
Frederick R. Cook, of New York.
Dean Dizikes, of California.
Douglas A. Dworkin, of Tennessee.
Stephen W. Faber, of New Jersey.
Lawrence F. Farrar, of Minnesota.
Royce J. Fichte, of Illinois.
Miss Joan E. Garner, of Virginia.
Harold W. Geisel, of Illinois.
Michael L. Hancock, of Georgia.
Donald Vance Hester, of Illinois.
James G. Huff, of the District of Columbia.
Morris N. Hughes, Jr., of Nebraska.
Robert Leonard Jacobs, of Illinois.
Warren E. Littrel, Jr., of Illinois.
William A. Moffitt, of Texas.
Day Olin Mount, of New York.
Thomas F. Murphy, of Illinois.
Ronald E. Neumann, of California.
Robert C. Perry, of North Carolina.
Wayne Alan Roy, of Virginia.
Robert L. Scott, of Virginia.
Hugh V. Simon, Jr., of Tennessee.
Richard A. Smith, Jr., of Connecticut.
Joseph Gerard Sullivan, of Massachusetts.
Russell J. Surber, of Washington.
Frank P. Wardlaw, of Texas.
Charles Allen Weeks, of Pennsylvania.
Andrew Jan Winter, of New York.
Ira Wolf, of Virginia.

For appointment as Foreign Service information officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Arthur S. Berger, of the District of Columbia.
Miss Donna Marie Blatt, of Florida.
Nelson C. Brown, of Louisiana.
John F. Coppola, of New Jersey.
William Henry Graves, of California.
Robert C. Heath, of California.
John E. Katzka, of Virginia.
Thomas F. Lonergan, of California.
Michael F. O'Brien, of California.
Miss Anne M. Sigmund, of Kansas.
John C. Thomson, of California.
John Treacy, of New York.
John C. Wicart, of Virginia.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Larry G. Butcher, of Oklahoma.
Richard Dunlap Heim, of New Jersey.
John Scott Monier, of Illinois.
Miss Suzanne Sekerak, of Pennsylvania.
John Stern Wolf, of Pennsylvania.

For appointment as Foreign Service information officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Michael L. Braxton, of the District of Columbia.
Frank Dietrich Buchholz, of New York.
Howard A. Cincotta, of Maryland.
David P. Good, of New York.
Andre N. Gregory, of California.
Philip C. Harley, of New York.
Robert D. Miller, of Pennsylvania.
Robert C. Wible, of Ohio.

Foreign Service reserve officers to be consular officers of the United States of America:

William D. Carey, of Virginia.
Gerald L. Engle, of Michigan.
William A. Wolffer, of New Jersey.

Foreign Service reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

Charles R. Best, of Virginia.
Brian H. Bramson, of Virginia.
Robert Clayton Brown, of Virginia.
Rodney W. Carlson, of Virginia.
Charles A. Cooper, of California.
Christopher N. Darlington, of New York.
Frank B. Dean, of Florida.
Warren L. Dean, of Nebraska.
James B. Devine, of Maryland.
C. Harlow Duffin, of Florida.
Donald G. Eckrote, of Virginia.
Warren E. Frank, of Nebraska.
John F. Gilhooly, of Connecticut.
William R. Gray, of California.
Richard D. Harrington, of Maryland.
Raul J. Hernandez, of the District of Columbia.
James M. Howley, of Maryland.
Myron M. Kline, of Minnesota.
Jonathan F. Ladd, of Ohio.
Ishmael Lara, of California.
Robert B. Leete, of Connecticut.
Larry V. Luther, of South Dakota.
Richard M. Luther, of Virginia.
Charles A. Marquez, of New Mexico.
Martin W. Moser, of Pennsylvania.
John L. Murray, of Virginia.
Ronald P. Oppen, of Florida.
Philip W. Pillsbury, Jr., of Minnesota.
Arthur J. Porn, of Wisconsin.
Rowland E. Roberts, Jr., of Pennsylvania.
Leo Sandel, of Maryland.
Henry P. Schardt, of Illinois.
André C. Simonpietri, of the District of Columbia.
Raymond J. Swider, of Virginia.
Wendell L. Wallace, of Maryland.

Foreign Service reserve officers to be secretaries in the diplomatic service of the United States of America:

Richard M. Cashin, of Maryland.
Thomas C. Niblock, of North Carolina.
Robert T. Shaw, of Arizona.
Frederick A. Turco, of Maryland.

Foreign Service staff officers to be consular officers of the United States of America:

Miss Nancy C. Abell, of Illinois.
Walter M. Berwick, of Virginia.
Andrew S. Coe, of Texas.
John M. Hall, of Florida.
George A. Hannemann, of Texas.
John A. Hollingsworth, of California.
Robert C. LaPrade, of California.
Robert N. McGovern, of California.
Joseph A. Murray, Jr., of Washington.
David P. Reimuller, of California.
William C. Wagner, Jr., of Virginia.

U.S. NAVY

Vice Adm. Jackson D. Arnold, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

EXTENSIONS OF REMARKS

THE GENERATION GAP

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, September 28, 1970

Mr. METCALF. Mr. President, there are few among us who have not given extensive consideration to the overused and, in many cases, little understood concept of the generation gap.

In very simplistic terms, one could describe this concept as an inability to effectively communicate thoughts and feelings between individuals of different ages. That this widespread inability exists should not be surprising, for the establishment of rapport is dependent upon the degree of mutual experiences. This is particularly true in the areas of political inclination and cultural appreciation.

I was privileged recently to read a September 1970, article, published by the U.S. Information Service, written by the father of a teenage rock music group leader. As this article may be of interest to many of us who are constantly striving to bridge the generation gap, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROCK AND THE PLIGHT OF PARENTS

(By Edward Devol, IPS Staff Writer)

Summary: What is the impact of rock music on an American parent whose home is used as a rehearsal hall and who must act as chauffeur to the rock group his guitarist son leads? This is the inside story by a father who knows.

Rock music—that deafening electronic blend of guitar and drums—has made its place in the American musical firmament.

Musicologists laboriously analyze its structure and pronounce it interesting; critics declare it an expression of the times; famous rock performers become millionaires.

It is aimed at the young and they love it. Rock music is their bread, their wine, their heavenly choir. A thousand-million-dollar industry has arisen to serve their desires for recordings and public performances by rock musicians.

But what of the parents of a youngster who is unfulfilled by listening to the records, or even by sitting in a meadow with thousands of his peers while Blood, Sweat and Tears or some other popular rock group assails the open air with sounds amplified by several thousand watts?

Consider the plight of a household trying to survive a 17-year-old who wants to become a professional rock guitarist. There are millions of him. Most, of course, will never make a profession of music. They will do as their fathers did, abandon such dreams for the law, or carpentry, or selling insurance.

Practicality, however, is in a future the young rarely consider. Now the 17-year-old guitarist wants nothing but rock and the house quivers from the music of the Flotilla, as his three youth rock group calls itself. Living quarters designed for sound no louder than conversation are pounded by decibels better suited to an auditorium seating hundreds.

XUM

Flotilla rehearses once a week. Its 17-year-old leader, the elder of two sons, is not unreasonable. He formally requests permission for the weekly rehearsal and permission is granted. If his mother plans well, she can be out of the house at the appointed time. Usually her household duties keep her at home and when Flotilla begins to play, the mother winces, the dog howls, and the younger brother leaves home, trailing behind him rude remarks about the noise. (He likes rock music, but his subordinate status in the family does not permit him to express a liking for his big brother's rendition of it.)

The father is rarely home at rehearsal time. But to him falls the privilege of transporting Flotilla to its occasional public performances.

Once they played at a church, following the business meeting of a young people's organization. Half a dozen adults were also present, and the generation gap soon appeared.

While Flotilla was making ready—tuning guitars, testing amplifiers, eyeing the girls—young and old mixed comfortably, admiring the sheen of the guitars, remarking on the size of the amplifiers.

Then the music began. The youngsters rushed forward, eager to let the sound beat against their ears from close range; the adults retreated to the farthest corner and looked at one another with raised eyebrows.

One woman spoke to the father of Flotilla's leader. He could not hear her. She spoke again, again was not heard, and finally wrote on a piece of paper: "Loud, aren't they?"

The father nodded, hoping loyalty to his son permitted a slight frown.

She wrote again on the paper: "But quite good."

He nodded, this time with a smile.

Another time Flotilla invited itself to perform on the mall of a large shopping center. The authorities consented and Flotilla was transported to the mall by the father one evening after a particularly difficult day at the office. He stood patiently beside the car while the musicians unloaded their huge supply of guitars, amplifiers, speakers, drums and little bags containing electric cords, microphones, and tools for emergency repairs.

While the boys were setting up their equipment near the fountain at the center of the long mall, the father wandered from store to store. In the bookstore near the fountain, he heard one clerk say to another: "I hope those boys don't play so loud we can't hear our customers."

Perhaps they did, for the reinforcement of Flotilla's own amplifiers and speakers by several borrowed items produced a truly noble volume of sound. The mall, lined by shops on both sides, was an efficient trap for the sound: the wail of the guitars and the throb of the drums were trapped between the shop windows. The panes of glass vibrated slightly.

Soon Flotilla was surrounded by people. They came from the shops, they came from the parking lot. Both young and old listened and smiled. The young liked the music; the old were attracted by the novelty. A small boy stationed himself 18 inches from the guitar of Flotilla's leader and the father hoped the child would not jostle the guitar and interrupt the careful fingering of the performer.

The father watched the audience enjoying his son's music and framed the reply he would give if someone asked him who the musicians were. "The leader is my son," he would say calmly, and without boastfulness. And then he would wait for the words of praise for his son's dexterity and musicianship. But no one asked.

Flotilla played on, exalted by their own music. An attractive young girl replaced the small boy near the leader's guitar. The guitarist scarcely saw her. His music was all.

The father wanted to share the experience. He found a public telephone and called his home. When his wife answered, he said: "You ought to be here. They're playing very well."

He thought she said, "That's good," but Flotilla made it difficult to hear her.

"Listen," he said, and extended the telephone receiver in the direction of the music. "Did you hear it?"

"I heard something," she said. "It sounded like a train."

He decided that some experiences were impossible to share. But he had been there and he knew the people had liked Flotilla.

As for the future of Flotilla's leader, music was a fine profession, too. Perhaps practicality should wait. The young had less need of it.

And besides, the father thought, next time Flotilla might even get paid.

AGRICULTURE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. FINDLEY. Mr. Speaker, Illinois' 20th District is a combination of cities, small towns, and rural countryside. The lives of most of my constituents are centered around agriculture—either producing crops, preparing them for market, selling them, or serving those who do.

Throughout my service in Congress, therefore, I have maintained close interest in all legislation relating to agriculture. For 6 years I served on the Agriculture Committee. Since then, as a member of the Foreign Affairs Committee, I have been able to enlarge my work on behalf of farming interests, particularly expanding foreign markets.

NEW APPROACH NEEDED

Every recent indication from farmers, farming organizations, and the public has shown a demand for a new approach in farm legislation. Unfortunately, the 91st Congress failed to respond.

A comprehensive, 5-year program of transition to strengthen market income—H.R. 9009—was my principal proposal. It was later cosponsored by 71 other Congressmen—including the late Senator Dirksen. I described my 5-year plan to the House Agriculture Committee in October 1969, as "people oriented":

> Present programs are crop-oriented. (They) give income support to commodities and yield many payments of astronomical size to individual farmers, which in turn, give the big operator resources with which to get still bigger, often at the expense of the small farmer.
>
> In their place I recommend two separate but complementary approaches: first, a general cropland adjustment program not tied to individual commodities; second, a program of personal assistance available only to farmers of low income.

In March 1970, I joined with 4 other Illinois Congressmen in this plea to President Nixon:

> As Representatives of an agricultural constituency, we respectfully request that you not embrace the failures of the past, but rather, reform and build upon those portions of the farm program which hold more promise for the development of a sound market economy for American agriculture.

By May it was clear that most farmers wanted a change from the present agricultural program. In a survey of farmers in my district, 95 percent voted for substantial change and reform. Less than 5 percent preferred no change. Of those favoring change, one-third wanted H.R. 9009. Another third wanted present programs but with payments to farmers limited to $20,000. Surveys by other Congressmen confirmed my own findings.

The bill finally passed was, in effect, a 3-year extension of present law with costly gimmicks to the advantage of cotton growers, but distinctly to the disadvantage of midwestern farmers. I opposed it, as did all major farm organizations.

A $20,000 PAYMENT LIMIT

When the showdown on the farm bill came, the vote on my amendment to limit payments to $20,000 per farmer provided the test between those who wanted reform and those who favored the existing program with its big payments. For 8 years I have pressed this issue.

In May 1969, I published the names of the 425 counties in the United States which did not have a Federal food-aid program for needy people, together with the amount of Federal farm payments to wealthy farmers for not growing food in those same counties.

In May 1970, I wrote to each of the 50 Congressmen representing districts receiving the largest amount of Federal farm payments, asking them to support a responsible payment limit. I said:

> As you know, big payments to farmers of substantial means—more than any other factor—have put farm programs in disrepute with almost all citizens, urban and rural alike.

I pointed out that "each of us can fully justify support for a payment limit in terms of the wishes of our own constituency," including those from the cotton South. A farm magazine survey last year in the cotton belt showed 71 percent of those farmers want a payment limit.

On July 7, Senator RALPH TYLER SMITH of Illinois accomplished an extraordinary feat by pursuading the Senate to adopt a $20,000 limit in a pending appropriations bill.

Unfortunately, on August 5, on a very close vote, the committee's $55,000 level was chosen over the $20,000 payment limit level which I offered. Although the limit adopted was not as low as I would have liked to see, it was a step in the right direction. I will continue my efforts to establish the ceiling at $20,000.

AGRICULTURAL ADVANCES

Substantial progress was made in other areas. Transmissible gastroenteritis—TGE—which often wipes out entire litters of baby pigs, last year cost Illinois pork producers over $10 million. When the Agriculture appropriations bill was before the House, I appeared before the committee and requested additional funds for research into a cure for the disease. My request was granted.

The Agriculture appropriations bill also included $100 million in grants, I had urged for water and sewer systems in small towns. This important step will help to breathe new life into rural America. With adequate transportation, educational facilities, and municipal services, industry will bring jobs and new hope to these areas.

During this fall's corn harvest I made a detailed survey of the crop in the 13 counties of the 20th District and presented the report in a meeting to Agriculture Secretary Hardin. In it I suggested administraitve changes to cut redtape when farmers hit by crop disaster seek Federal low-interest loans.

In several conferences with European trade leaders I argued against a proposed tax which would cut our export markets for soybeans. Officials of the Department of Agriculture described this "missionary work" as helpful. While the tax is not dead, it at least is not being actively considered at this time.

FOUR HUNDRED AND SEVENTY-EIGHT YEARS OF LOYALTY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. SCHEUER. Mr. Speaker, one of the facts that has made the United States a great nation is that we are a pluralistic nation. From our earliest days, great contributions have been made to our society by the Americans whose ancestors have hailed from other lands.

Americans' pride in their own ancestry has helped make them better Americans.

It gives me great pleasure to record the words of one of my constituents, Frank Capra, commander of the Bronx County Post No. 39, Italian American War Veterans of the United States:

FOUR HUNDRED AND SEVENTY-EIGHT YEARS OF LOYALTY

We are Americans, of Italian heritage which is firmly imbedded deep in the grass roots of American History.

Italian American blood enriches the main stream of America. It has given and it continues to give strength, character and vitality to the nation. It shall always be so forever and ever.

The Italian Americans who fought and died in order to enjoy the blessings of peace, from the very beginning were prepared to defend it as well. Thus Italian American War Veterans have played an important role in the defense of American Liberty and Freedom.

To my knowledge no American of Italian descent has ever been called for an investigation by any Agency of the United States Government on matters pertaining to the security of this Government. A record of unwavering loyalty unmatched by any other group within this land. The Italian American Veteran has distinguished himself beyond the call of duty, eleven (11) have earned that highest honor that the United States Government could bestow, The Congressional Medal of Honor.

I am proud, we should be proud, all of us, to belong to the Italian American Veterans. With your cooperation, we shall unite and do our utmost, each and every one of us, in succeeding to bring forth our heritage to the highest pinnacle.

I am in firm belief that you should devote time and effort in your Organization. Participate in all Post activities, and let our nation know that we are the same men that answered the many calls our nation had summoned. That we are in readiness to protect our shores (if and when necessary).

In time of supreme crisis during World War II our nation asked for men to defend and protect our democratic society. The Italian Americans had 2,400,000 under arms, one-sixth (1/6th) of the United States forces. Why shouldn't we be proud, and proud I am, for I am an Italian American Veteran.

PEACE, AT WHAT PRICE, IN THE MIDDLE EAST?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. RARICK. Mr. Speaker, an uneasy peace has been negotiated in the Middle East, at least we are so told.

No one really won, but until the interpretive news analysts decide on how to best present the fiasco, one thing is for certain—we can be assured that the United States lost.

Many wonder what prompted the sudden decision of the Russians to encourage the Syrians and Egyptians to withdraw their military forces from infiltrated and invaded Jordan. We hear little these days of what our precise foreign policy in the Middle East is or how it may vary from country to country and from incident to incident. Time was when our Middle East policy consisted of neutrality except to defend territorial integrity. Now it has been redefined as maintaining a balance of power.

But, many Americans have not as yet forgotten the Jordanian episode which followed the Palestinian hijacking of aircraft. The U.S. 6th Fleet maneuvered in the Mediterranean, U.S. combat troops at bases in Germany and North Carolina were readied for combat alert and our State Department entered negotiations with the Russians to cool it.

Suddenly, we are told that the Russians are the good guys and they had applied heat at certain quarters which resulted in the involved Arab chiefs ceasing to kill each other and set up a peacekeeping commission. It is even suggested that the bad guys in the Jordanian escalation were Chinese Maoists and not Russian Communists.

What did peace in the Middle East and the saving of Hussein's kingdom cost the United States?

We are reminded that last Friday about the same time peace hit the Middle East, the Pentagon reported that the Soviet Russians were building a submarine base in Cuba. Sunday, we were notified that the United States should not take any action to remove the Russian threat but should resort to diplomacy. As usual, we are to talk while the Soviets continue to build. Nero fiddled while Rome burned. We are also told that the United States will replenish Jordan with arms spent during the uprising.

One thing that we can be sure of—through diplomacy, the United States lost again. U.S. diplomats play by strange rules. Our diplomats enter the game, never to win but only to ask "what else do we have to give you to slow down the pace?"

SPEECH BY DR. PAUL ASHTON, PRESIDENT, CALIFORNIA PROFESSIONAL GUILD

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. SCHMITZ. Mr. Speaker, Dr. Paul Ashton, president, California Professional Guild, recently delivered a very interesting speech to doctors and businessmen assembled in Newport Beach, Calif. Dr. Ashton is a strong advocate of free-enterprise medicine, and is currently practicing in Santa Barbara, where he has one of the most advanced cardiac centers in the world. As an item of personal interest, he is one of the few surviving members of the Bataan "Death March." He has an excellent reputation among the medical faculty. His speech follows:

SPEECH BY DR. PAUL ASHTON

The hottest topic in medical legislation today is the creeping plague of socialized medicine. Its most recent disguise is in the form of a national health insurance program for everyone, sometimes in conjunction with a prepaid health care plan. One program that would completely restructure the present delivery of health care is the one entitled "Health Security Program" recently introduced by Senator Kennedy and Congresswoman Martha Griffith, which is the Reuther Plan and is backed by AFL–CIO. The common cry of all of these programs is "Better Health Care at Lower Cost." This is a laudable goal, and everyone should work toward it, but let's see where we're going before we jump off the cliff. The Guild has made an in-depth study of the subject and some of the flaws in the various programs being advanced are so obvious that it is hard to believe they are not being presented with tongue-in-cheek. Let's examine a few of the main weaknesses. First, who are the masterminds who are planning the future of American medicine?

HEALTHOCRATS

A new breed of experts has arrived on the scene. A highly educated group of technocrats, system analysts, economists, statisticians, social planners and administrators . . . a new race of healthocrats . . . and they are going to solve the nation's health care problems because they have had special courses and studies to equip them for this monumental task? These self-appointed guardians of our nation's health boldly say that WE (the medical profession) are too simple-minded to be entrusted with such a mission; consequently, there isn't a fumbling physician, a feeble pharmacist or a doddering dentist in the bunch. We have the experience, but they are going to save the world for us . . . and from us. The writing is on the wall, big and bold: "They (meaning all medical men) will no longer have a voice in the shape of the systems under which they practice." Here are a few direct quotes:

"The institutions and organizations of the medical community must respond to the

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challenges of the times. If they refuse, their punishment will be to live under the judgment of less knowledgeable men than themselves. Indifference to the social issues of medicine will ultimately guarantee Governmental intervention . . . this is not a threat, but a realistic assessment of current trends." (John G. Veneman, Undersecretary of HEW, former California Assemblyman.)

"We are coming to recognize that there has to be a great deal more in-depth planning for the distribution of health care and manpower, and *that this doesn't necessarily require medical knowledge.*" (HEW Deputy Undersecretary Frederic V. Malek, former toolmaker.)

"I cannot help feeling that a major reason doctors have not had greater influence on such matters is that *they have usually not had enough educational background in the economic and social aspects of medical care to be able to grapple with this kind of issue* . . . if the physician wants to be one of the molders of policy he is going *to have to be equipped to do so.*" (Rashi Fein of the Harvard Center for Community Health and Medical Care.)

The HEALTHOCRATS say they advocate "no formal Federal takeover of hospitals, no socialization of doctors . . . nor any compulsion." *Who's kidding whom?*

BETTER HEALTH CARE

Let's examine the first part of the slogan . . . *"Better Health Care* at Lower Cost" . . . It is impossible to provide medical care to everyone in the country because there are simply not enough primary physicians to go around? If our medical schools would turn out more primary physicians, the natural law of competition fostered under the free enterprise system would take care of better physician distribution and better care to outlying areas. But until the experts realize this glaring deficiency in their planning, their program will just have to work with what doctors we now have.

Statistics from other countries show the patient load increases dramatically under socialized medical plans. Why can't we learn from this? In other countries, including some of the Canadian provinces that have similar health insurance programs, it has been shown that the patient load has increased tenfold; yet, interestingly enough, there has been no corresponding increase in the number of hospitalizations. This would indicate that there are no more really "sick" people—just more patients.

It's human nature for people to want something "free" whether they need it or not. So, if you are seeing around 40 patients a day now, you will be expected to see around 400 under the national health insurance program. And babies with diarrhea may have to wait weeks for an appointment because you are too busy with patients who need their band-aids changed. How can we handle such a patient load and call it "better care?" You will have to go into your waiting room and say, "All right, everyone with a backache please stand up" . . . Then you can give some group diagnosis and distribute printed sheets of do's and don'ts for back problems. Of course, if the program has enough money in it for X rays, then everyone in the group will get them . . . whether or not they are indicated. And there will be no time to help those who suffer from fear, loneliness, guilt, anxiety, or any other "illness" that is not on the fee schedule. And what about Grandma Jones who needs her gall bladder removed, but your budget is overdrawn for the year . . . will she have her cholecystectomy or will the operation be postponed until the next fiscal year when the new funds are appropriated?

(When England instituted the socialized insurance program, the standing joke was the care given to pregnant women. At the first examination, she received a rubber stamp on her stomach which read: "When this gets big enough to read without glasses, come back for another appointment.")

When any system prevents the personal one-to-one relationship between patient and doctor, *with continuity of that care* by the same doctor, *then it is less than the best.* Nothing will ever replace the doctor sitting down with a patient in an examining room and listening to his history, complaints and problems. And it must be the same doctor, with the same patient, year after year . . . one who knows his personality, his family, his history, his peculiar foibles and anxieties. To change this personal relationship for assembly-line care would be disastrous. The only conclusion is that patient care will *not* be improved . . . it will deteriorate. Now what about the claim of lower costs?

LOWER COSTS

A vast new bureaucracy will administer health care to over two hundred million people with all the present Medicare services, plus preventive medicine, plus predictive medicine, plus many other benefits and it will be for everyone, regardless of age or income, with no exclusions or deductions. This is the great giveaway . . . the biggest bargain since Barnum and Bailey. Again, we say: *"Who is kidding whom?"* Who is going to pay for the health clinics that must be built (about 2,000 of them planned across the country, many of them duplicating present facilities)? Who is going to pay for the organization costs . . . the high salaries of the Healthocrats . . . the administrative costs . . . the crushing load of paper work? The employers are supposed to pay 35% of the bill through a payroll tax; the employees will pay 25% of the costs, and the Government is supposed to pay the remaining 40%. Of course, this 40% will be passed on to the public, making double payments by the taxpayers. Sounds like an automobile pitch! The demonstration ride is free, but who is going to make the monthly payments?

Last year 67 Billion Dollars were paid to the health industry by everyone, including the Government, private citizens and insurance companies. This is big business. Now the figures being tossed into the health hopper are that the budget will be only 37 Billion . . . a *savings* of 30 Billion Dollars . . . yet everything will be Free to everyone. And all this will be accomplished by the magic of a medical budget. We recognize and agree with the crying need to provide medical care to the underprivileged and the poor, but the planning outlined by these social engineers will only compound the problems, and we resent the silly games they are playing with such vital issues. They cry "economics," but it makes one wonder *if it isn't more political than economical?* Is their goal really health to the poor, or votes at the polls? Could it also be a tool to demand the loyalty of the blue-collar worker? And even if their program was economically sound, how would it be administered?

ADMINISTRATION

The Healthocrats are going to show us how to do it. They say there will be no "formal takeover" and no "compulsion," but what do you call it when all policies and administration is set by the Government? You will be handed a pre-packaged program and will submit annual budgets for health care to be reviewed by the Healthocrats. If your costs run over your budget, then you just fill in form No. 988654709962F-aS, and in about three years you might get partial payment. *You conform or you don't get paid.* It's that simple. And these trained brains say the Government can streamline health care delivery into an efficient operation. Do you agree? Federal expertise in "health care" has already been proven . . . just look at the Veterans Hospitals. And as for their experience in "delivery," well, the Government operates a unique *mail* delivery, so why wouldn't they do as well with *health care* delivery? Put the two departments together and we will have a sort of *Medical Post Office.*

Now, one final factor no one has bothered to consider.

GOVERNMENT CONTROLS

Nothing much has appeared in print about this aspect, but it's as important, if not more so, as any of the others. To overlook it would be catastrophic. Yet the Healthocrats don't seem to realize that a doctor is probably the most independent and complete individualist left in captivity! And how long would he continue to function . . . *effectively* . . . if he were reduced to the status of a Government employee? The controls and restrictions being planned would soon reduce pharmacists to stock boys, dentists to plaster specialists and physicians to puppets (but all would be experts in filling out insurance forms!).

Under proposals now being submitted, there will be peer review, set fee schedules, no direct billing, monitoring of cases, established budgets, committee control on regional, sub-regional and local levels, working conditions, control of privileges, fixed working hours, prescribed patient loads, etc. . . . and more and more and more insurance forms and paper work. You will accept whatever changes and restrictions are set down for you by the golden boys.

Well, the program might get medical men to conform . . . and keep on conforming . . . to a point, but no one is going to tell us how to practice medicine. The success of medical science is in its freedom . . . its ability to soar off and explore new frontiers. That's what attracts many men into medicine. We are a different breed and are not geared to conform. If a doctor becomes a Federal employee on a 9–5 basis, he will soon become antagonistic, lose his dedication, incentive and enthusiasm . . . the very qualities that sent him into medicine. Medical care *cannot* be stifled and the individual expression *cannot* be thwarted. It is doubtful if the heart transplant would ever have been attempted under the program being proposed, as it was not "on the fee schedule." And what about other organ transplants and all the wide open areas ahead for medicine? The research scientist will continue to need the experience of practicing physicians to keep medicine forging ahead with new discoveries and cures. Medicine is the highest type of science and demands freedom. It is burgeoning and simply *cannot* and *must not* be curtailed and regimented.

It would fill a book to critique all the flaws in the programs being packaged for us, but we have tried to look at just a few of the major ones. We must admit that it is easy to criticize and tear down, and answers to problems as complex as ours are difficult. It is not the intent of the Guild to disparage our Government. America is the greatest nation in the world and offers unparalleled benefits, opportunities, and challenges . . . and this is why we hate to see one of our most precious commodities become a political toy. America has the best medical care in the world and it comes from the free enterprise system.

The goals are good ones, but problems cannot be solved with money and insurance forms. Guidelines have to be carefully drawn and we believe this should be done by men who have had experience and practical knowledge, not by laymen. We believe medical man can come up with better solutions. We can no longer be apathetic and say, "Maybe this issue will be something for the next generation to fight, but I will be retired before it becomes a real threat." It's upon us *NOW* and we must grasp the opportunity to be heard before it is too late. We don't *HAVE* to quietly accept what we believe will be inferior health care. Maybe we won't be able to stop the trend, but at least we'll go down hollering!

PROTEIN FOR TOMORROW'S FACES OF HUNGER

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. NELSEN. Mr. Speaker, there has come to my attention recently a paper prepared by three eminent doctors of veterinary medicine on the importance of protein in our diets. The contents of this well-documented paper should be noted in connection with our present concern with population problems.

The paper to which I have reference was prepared for the Council on Research of the American Veterinary Medicine Association by Drs. Fred D. Maurer, George C. Poppensiek, and Paul M. Newberne. This yet unpublished paper attests to the importance of veterinary medicine in maintaining our ability to provide good protein food to our ever-increasing population. As is pointed out, veterinarians in addition to protecting the health and productivity of our $50 billion livestock industry, are caring for the Nation's 58 million pet and companion animals, shielding the human population from the many animal diseases that may affect man, and contributing to the control of human disease through cooperative research.

I must emphasize, however, that the potential of the profession of veterinary medicine is almost limitless in the areas of research and disease control so necessary to the assurance of adequate and proper food supply for the teeming population of the world today and in the years to come.

I ask that the paper, entitled "Protein for Tomorrow's Faces of Hunger," be included in the RECORD at this point in my remarks:

PROTEIN FOR TOMORROW'S FACES OF HUNGER

(By Dr. Fred D. Maurer, Associate Dean, College of Veterinary Medicine, Texas A. & M. University; Dr. Paul M. Newberne, Professor of Nutritional Pathology, Dept. of Nutrition and Food Science, Massachusetts Institute of Technology, and Dr. George C. Poppensiek, Dean, N.Y. State Veterinary College—Cornell University)

INTRODUCTION

We were warned in 1798: "Population, when unchecked, increases in a geometrical ratio. Subsistence increases only in an arithmetical ratio. A slight acquaintance with numbers will show the immensity of the first power in comparison of the second."

The alarm, terrifying in its simplicity and import, came from England's famed political economist, T. R. Malthus. It was little heeded.

Only one hundred and seventy years later, physicist-writer C. P. Snow, in a lecture at Westminster College, remarked: "I have to say that I have been nearer to despair this year, 1968, than ever in my life. We may be moving—perhaps in ten years—into large-scale famine. Many millions of people are going to starve. We shall see them doing so upon our television sets."

The number of people on earth has grown with Malthusian speed. There were only 250 million people living at the time of Christ. It took all of sixteen centuries for that population to double to 500 million people. At the rate we are going now, it will take only about 25 years for our present population of 3½ billion people to double to 7 billion.

Food supplies lag far behind. The world's production of food today is not adequate—in quantity or quality—for even 3½ billion people. To feed another 3½ billion hungry mouths only 25 years from now will require enormous increases in food supplies." (1)

From a paper written by W. M. Beeson and J. L. Krider of Purdue University: "At present there are 4 million people dying from malnutrition or starvation; by the year 2000 there will be 1 billion people or more dying from starvation unless the people of the United States intervene. United States population will increase to 300 million people by 2000 A.D." (2) FAO data indicate that each single day adds 180,000 to the world's population. (3) Beeson and Krider conclude that United States scientists and farmers can increase our food production to feed 300 million United States citizens, "but how much of the world population will we need to feed? Some authorities have predicted that the United States will be feeding one-quarter to one-half the world in 10 to 20 years. The United States is not even geared today to feed 300 million people in the U.S.A. at present nutritional levels much less millions of people outside the United States." (2)

Prediction follows prediction, and world food production falls nearly 2% behind food requirements every year. The highest rate of population increase, up to 3.5% per year, occurs in the underdeveloped countries which have the lowest per capita food production. These food deficit countries which now harbor ⅔ of the world's population will contain ⅘ of the world's people by the year 2000. Sixty percent of the inhabitants already suffer from malnutrition. Optimistic estimates predict the effect of family planning during the next 20 years will only reduce food requirements by 20%. Mass starvation cannot be avoided without changing the trend of increasing food shortages: Fortunately new high-yielding cereals and improved agricultural technology (4) (5) have greatly increased production in several developing countries. While this so-called "green revolution" has great potential, it should be looked upon as one of several necessary steps toward satisfying man's future food requirements.

To neglect the problem now because of this advance will be to risk the spread of hunger to whole nations with the consequent loss of social, economic and political stability fostering aggression. If widespread starvation is to be prevented, all potential food resources must be developed.

With only 10 countries having a surplus of food and those countries containing only 15% of the world's population, it is evident that they will not long be able to make up the deficits. It has been estimated (6) that by 1985 the United States will be able to make up only 10% of the food shortage abroad. Since we cannot long provide the food, we must help the people in the undeveloped countries to increase their own food production.

Contrary to old opinion, more farmers on more land do not automatically provide a surplus of food. The mere expansion of a subsistence agriculture is no longer sufficiently productive. The shift of the population to urban centers will require production for the market at a faster rate than total food production. Between 1962 and 1985, urban populations of the developing countries are expected to increase by about 160% and in Africa by 300%. (7)

There must be a surplus beyond the needs of the farmer's family which can be sold in the cities and provide farm capital, because to apply the new technology and increase the yield per acre, farmers must buy fertilizer, pesticides, seed, water, tools and machinery. The livestock man must provide better nutrition breeding, management and health control.

ADVANCING TECHNOLOGY

The key is improved technology which provides very high rates of return on the investment.

Through such investment, the farmer or rancher will make money, not only with which to produce more effectively but with his profits to buy the finished goods of industry. With an expanding market, industry will provide more jobs for more people who can and will buy more farm products and maintain farm prices in spite of increased production.

Obviously the improved technology of food production, whether plant or animal is the source of broad economic development essential to both agriculture and industry.

In other words, efficient crop and livestock production now requires as much education, adaptive research and capital as does industry, and they must complement each other in an economic structure that provides incentive to all those involved. This approach has made our modern civilization possible.

The great success of food production in the United States provides an example and a basis for further productivity. Although blessed by abundant natural resources, US Agriculture has not been left to chance. Research in agriculture has been basic to the production of food and to our national development.

Food is a major source of our economic strength, is vital to social welfare and world supplies can mean peace or war. (8)

Prior to 1850, over 80% of our people were required to produce food and fiber. Through applied agricultural research which increased the efficiency of crop and livestock production, more and more people have been freed from the land to engage in education, research, science and industry.

Although only about 6% of our people now are required to produce adequate food for the nation, interdependence with industry requires another 6% to provide supplies and equipment for the producers, and another 10% to provide the storage, processing, and marketing of food products. If we include food transport and retailing, over 25% of our people are dependent upon food for a livelihood. (9) (10) Further, the total consuming public is much concerned with food supply, quality and price. One of our greatest national assets is that only 18% of the American consumer's income is required for the purchase of food, in contrast to most countries which require more than twice that amount. (11)

The most acute food shortage at home and abroad is for protein foods especially those of animal origin.

The relative abundance of land for more intense forage production, the large volume of by-product forage from increasing grain production, and the edible waste from human food processing will feed a much larger U.S. livestock population. With parallel support for research and training to improve animal health and productivity, U.S. requirements for animal protein can be met, some proteins will be available for export and technical assistance can increase animal protein production in food deficit countries.

Currently, plants provide 70% of the world's dietary protein, animals, 30%. Both are needed and there is considerable interdependence both in their production and consumption.

PROTEIN REQUIREMENTS

During the twentieth century, much knowledge has been gained through extensive research on protein requirements. Proteins

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participate in all biological processes; they are vital for all forms of life. Discussions of needs for calories, carbohydrates, fats, vitamins, and minerals are meaningless without indications of the amounts and kinds of proteins in the diet.

Eight of the 22 amino acids, essential for growth and maintenance of cellular tissue and other metabolic functions, cannot be synthesized by the human body, and must be provided by proteins in the diet. When the essential amino acid pattern of the dietary protein closely approximates the need, the protein is utilized more completely. Animal proteins supply amino acids in about the same proportions as those needed by the body, whereas individual plant proteins are always deficient in one or more of the essential sulfur amino acids. (12)(13).

An adequate diet during infancy, growth, pregnancy and lactation should include animal protein foods. In underdeveloped countries, prolonged breast feeding is of greatest importance, but the maternal diet must be adequate.

The protein deficiency disease, kwashiorkor, widely prevalent among undernourished children, can be prevented by ingestion of milk and other animal protein products. (14) (15)

It has been established that infants and children deprived of adequate protein during the prenatal and early postnatal period of life fail to achieve optimum physical size. Even more significant, however, is the convincing evidence that these children can never reach the level of intelligence enjoyed by their contemporaries supplied adequate protein during the critical, formative period of life. Since this deficit in native intelligence cannot be regained, these observations add emphasis to the critical need for adequate animal protein. (16).

SOURCES OF PROTEIN

From a nutritional standpoint, it is possible to obtain all the essential proteins for human growth and maintenance from plant sources. To do so requires the presence of the right variety of plant proteins, enough knowledge of nutrition to select them, enough capital and technology to process them into edible products for both infants and adults, and the incentive to eat them in adequate amounts.

The protein content of plants is often too low to serve as the only protein source; for example, it takes about a kilo of corn per day to provide enough protein. To obtain all of the essentials from such plant foods may be difficult for adults and impossible for children. Being complete proteins, the inclusion of minimal amounts of animal protein makes it possible for a wide variety of plant foods to complete an adequate diet.

There are economic and geographic considerations as well: Land for direct food crop production is definitely limited; only 8% of the world's land area is considered suitable for crops and only about 2% is ideal. In the late 1950's we were using only 13.5% of U.S. agricultural lands for direct-food crops; 4% for industrial crops, and 82.5% for livestock feeds. (17) Most gains are expected to come from intensified use of present acreage. Having already taken full advantage of mechanization and fertilizer and done much to develop more productive strains in the United States, the yields of cereals per acre here are less likely to increase as rapidly during the next few years as in the past.

Efficient plant production requires substantial research and development. Although high-yielding, disease-resistant plants have been developed for various environments, adaptive research is required for each different environment and optimum yields are obtained and maintained only under ideal conditions when using proper amounts of fertilizers, water, and crop-productive chemicals, and specialized farming methods. (18)

Livestock thrive on many foods that cannot be eaten by man. Especially in the undeveloped countries very few ruminants receive feed that could be used directly by man. Some 65% of the world's land area is only suitable for grazing. R. E. Erb of Purdue reports: "Over one-half of our total land area, about one billion acres, produces forage which has little or no value unless marketed through livestock. When this forage is marketed in the form of meat and milk from cattle, it is valued at about $8 billion annually. The value of the U.S. corn crop is in comparison, about $5 billion." Since 85% of our corn crop is fed to livestock this crop also has much reduced value until marketed as eggs, meat and milk. (6) In fact, most U.S. grains have no other market than as livestock and poultry feeds. Large numbers of animals convert the waste products of grain production into food for man. It is estimated that, by 1980, the increase in by-products from grain production in the United States, with proper supplementation, will support four times as many dairy cattle as we now have. Such forage materials are now largely wasted. Recent experiments in the Philippines show that, with especially developed grain sorghums suitable for the tropics, one 6-ton crop of IR-8 rice can be grown per hectare. Then three cuttings of grain sorghum, yielding about 6 tons each can be grown on the same land. Such developments with improved cereals provide hope not only for more rice but for the luxury of feed-grain livestock production to supplement the rice with animal protein that has been so sorely needed in the tropics. Where grain-sorghums are now grown in parts of Mexico, the hog-raising industry has increased; and it has been suggested that Mexico's poultry industry would not have grown so spectacularly had it not been for the availability of sorghum for feed. (19)

From a production standpoint, 75% of the world's people live in regions where they are dependent upon animals for agricultural power, transport, and fertilizer, as well as for much of their protein. For many millions of these people, animals also provide a way of life with great additional dependence upon animals for shelter, clothing, and fuel.

In those countries with grain shortages, the principal contribution of domestic animals to food needs is in the conversion of pastures, rough forages, and unconventional protein sources to animal protein products. In the U.S., it has been estimated that range forage production can easily be doubled. (20) Research on range livestock nutrition and supplementation, on better utilization of range, and on grass and browse on land too rough, dry, or infertile to maintain food crops can contribute greatly to the available food supplies, not only in the United States, but also in vast areas of the world not now utilized or poorly utilized for food production. (21)(22) Many grassland areas, particularly in the tropics, are stocked to only a fraction of their capacity. (23) Other tropical resources, such as molasses, crude sugar, cassaba, and bananas, are poorly used or not used at all. The potentialities of molasses, in countries poorly equipped at present for livestock raising, are shown by the experience in Japan. Molasses was purchased at 7¢/gallon; by using it in animal feed, its value increased to 21¢/gallon on the farm, in terms of marketable protein produced in the animals fed. (24)

Not only cattle and other ruminants, but also swine and chickens efficiently convert protein from various sources into meat. The feeds value of garbage, broiler house litter, and animal manures are now being studied, as well as other unusual materials. (25)(26)(27)

The role of livestock will necessarily vary with the natural and potential resources and economy of each country. For those with a surplus of grain like the U.S., the excess can be converted to more desirable animal protein. Of those countries which must use their grain directly for human food, some have abundant natural forage and crop wastes which only animals can convert to food for man. Some crowded countries will necessarily use their livestock primarily as scavengers but in each case, livestock is needed to play a vital role in the utilization of resources which would not otherwise contribute to man's food supply.

Synthetic protein foods from petroleum, algae, yeasts, and bacteria will, no doubt, provide food for livestock, and are even being publicized as the solution to future human food problems; while they may eventually make a contribution, much research and development will be required. Former President Johnson's world food panel warned against the false hope that some of these synthetic foods will provide an easy answer, and decried publicity which lessens effort to do more through conventional agriculture, livestock, dairy and poultry production. Further, custom plays a major role in the diets of people; and most people will consider synthetic foods more acceptable after animals have converted them to recognizable products like ham and eggs.

EFFECTS OF DISEASE

A productive livestock industry is possible only when loss from disease is controlled. That research points the way toward animal health and productivity is evidenced by the contrast between the developed and undeveloped regions of the world. While only 40% of the world's 3 billion head of livestock are in the developed countries, they produce 80% of the world's meat, milk, and eggs. In many countries, the yield per animal is tragically low. In parts of Africa, cattle are not slaughtered until they are 6 or 7 years old and the yield of beef is roughly 1/6 that of U.S. beef animals. In these regions, it also takes from 10 to 20 cattle to produce the milk of an average American dairy cow. (25)(28) Disease, breeding, malnutrition and poor management of livestock are prime contributors to poor reproduction, retarded growth and high mortality; but it is primarily in the undeveloped countries where existing technology has not been applied and where there are many health problems awaiting research. For these reasons, calving percentages in the tropics range from only 40 to 50% and of the calf crop obtained 10 to 15% are lost prior to weaning and some 6% from weaning to market. (23) With adequate disease control and good management prospects for much greater beef production in the tropics are excellent because there is a potential for abundant forage and there are several good productive breeds of cattle well adapted to the tropical environment.

In the U.S. today, diseases and parasites decrease animal productivity by an estimated 11%, but in countries where there are no veterinarians, losses frequently exceed 50%. Even this 11% represents significant wastage of animal protein.

It is in the underdeveloped countries where the major enzootic diseases persist. They not only handicap the production of native animals, but they prevent the establishment of imported breeding stock, remain a threat to clean countries, and prohibit the exportation of animal and animal products thereby limiting trade to the detriment of both agricultural and industrial countries. While improved nutrition, breeding, management and disease control are all essential, disease control is the key to self-help; for, with improved breeds and the income from trade, the capital with which to improve management and nutrition will be available. To fulfill this international need for disease control and to protect U.S. livestock, provides ample justifi-

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References at end of article.

cation for U.S. research and training in the prevention and control of such foreign diseases as foot-and-mouth disease, trypanosomiasis, babesiosis, anaplasmosis, East Coast fever, African swine fever, African horse sickness, bovine pleuropneumonia, and fowl plague.

Many of the disease control techniques are known and can be adapted to local needs while others need to be developed. Between 1870 and 1959, eight diseases were eradicated from the U.S., and in 1954, there was a joint program in Mexico of foot-and-mouth eradication which cost some $170 million. (25)

Texas fever once cost the U.S. cattle industry $40 million in losses per year; though it took many years of research and application to eradicate the disease, the total cost was only $40 million, and now we save that much every year. Losses from bovine tuberculosis were $150 million per year; but now that it is largely controlled, we are saving that much per year, plus the invaluable decrease in its hazard to man. Although livestock disease control programs are costly, they roughly save many times more than they cost. South of the Sahara, about ½ of the continent of Africa, capable of supporting approximately 125 million cattle, is unsuitable for cattle production because of trypanosomiasis transmitted by the tsetse fly. (25) Can the world afford this kind of cost when people are starving?

Although the U.S. has accomplished a remarkable degree of disease control, many diseases continue to take their toll. (28) (29) (30) (31) in the U.S. estimated annual losses from disease in cattle and pigs, alone, averaged $1.2 billion in 1965. Total annual losses from diseases and parasites were estimated to be approximately $2.8 billion. needing further research and control are reproductive problems (including mastitis), diseases of the newborn, diseases of feedlot cattle and hemoprotozoan diseases. In July 1967, a joint Federal-State Committee on research needs for agriculture recommended a 75% increase in scientific man years of research on animal diseases during the next 10 years.

The shortage of animal health services in the food-deficient regions of the world and the shift to large-scale methods of livestock production in the United States demands more emphasis on the widespread application of preventive medicine. Technological advance and mechanization has led to large specialized livestock and poultry operations which are more efficient and more profitable than small mixed farms which are fast disappearing. Now 600,000 or 20% of our 3 million farms produce 90% of the nation's food and fiber. Cattle feedlots that handle over 40,000 cattle per year are not uncommon. Intensive long-range research and the development of new preventive medical and management procedures will be the most economical way to reduce the 1 to 2% annual loss of animals now experienced in many feedlots.

The need for research and preventive medicine is equally great in the poultry industry where flocks of less than 10,000 birds are no longer profitable and many exceed 100,000. The success of modern livestock and poultry production is closely related to disease control. Recently, acute leukosis (Marek's disease) has caused serious losses in young chickens. At the time of processing, leukosis may account for 50% of the condemnation. In 1968, 271 million pounds of fryer chickens were condemned for all causes.

In 1968, average mortality for young turkeys was 9 percent but respiratory infections and transmissible enteritis may cause serious losses during the growing period. Disease conditions account for 85% of the condemnations in packing plants. In 1968, over 35 million pounds of turkeys were condemned for all causes. (32)

The diseases of wildlife are so closely involved with the epidemiology of diseases of domestic animals that both must be understood if either is to be controlled. Work to improve the health of wildlife is also justified by its recreational and potential economic value as a food resource. Some species of wild ruminants are more efficient in the conversion of rough forage into food for man than are domestic species.

The maintenance of animal health must include the control of toxic hazards as well as infectious disease. The extensive use of chemical insecticides, herbicides, fertilizers, and drugs—and the exposure of animals to industrial wastes—require continuing research for evaluation and control.

Problems of sterility and reproduction annually cost enormous amounts. Improved reproductive rate and production of healthy animals must be attained. During the past 25 years, a gain of only about one pig per litter farrowed and 10% in calves saved has been achieved. Death losses in 1967 totaled 2,514,000 of a 43,647,000 calf crop. (20) (10)

SUPPORT FOR ANIMAL DISEASE RESEARCH

Of the expenditures for agricultural research in 1968, only about 16% was allocated to animal disease and parasite problems; about 31% was spent for plant research, and the remainder for agricultural engineering, animal husbandry, entomology, and soil and water. The 1966 scientific man-year imputs on agricultural problems per billion dollars of product were 294 for crops, and 92 for livestock and poultry. (33) During the same year, total cash receipts from farm marketings were $9.1 billion for crops and $22.4 billion for livestock and livestock products. (33)

In view of the greater return from livestock and poultry in proportion to the research imput, it would appear prudent to increase the research expenditure for livestock research.

Although total research expenditures have increased in the past 15 years, this increase merely reflects an increase in costs, not an increase in scope. (34) There must be enough research to keep animal production economically attractive to the producers.

It is of major concern that essential research to curtail serious losses from animal diseases at home and abroad is not being accomplished while there is time to do it. Neither are enough research men being trained nor gaining experience in livestock disease research for the nation to be adequately prepared for an emergency effort when the imminence of a food crisis requires more personnel for such work. Funding agencies and the various groups that will benefit from more research on and control of livestock diseases must give long-range consideration to the availability of research scientists to do this work. A long period of relatively poor support for livestock research has caused veterinarians and other scientists to be attracted to other areas of opportunity. (23) (24) (35) In addition to protecting the health and productivity of our $50 billion livestock industry, veterinarians are caring for the nation's 58 million pet and companion animals, shielding the human population from the many animal diseases that may affect man, and contributing to the control of human disease through cooperative research.

Since profitable livestock production now requires as much education, research, and capital as industry, it appears time for the producer to take a lesson from industry to help assure his own future. Industry finds it profitable and necessary to plow back an average of 6% of gross sales into research. This is proportionately 40 times more than the state and federal governments allot to health research for livestock. The livestock industry finds it difficult to provide direct support for research to protect its great investment against loss from disease. This is partially due to the large number of independent livestock producers and the difficulty of effecting close cooperation for this purpose among the associations of producers, processors, distributors, and food retailers. If they were to speak with one voice, and contribute a very small fraction of current sales receipts to research, they could insure higher future income. A start has been made in a few places; for instance, in Iowa in 1968, 5¢ per head for feeders, and 10¢ per head for slaughter animals was collected from the sale of hogs for research on swine problems.

Likewise, the consuming public which now obtains ample food for less than 18% of its income could avoid drastic increases in food costs by becoming alert to the facts of the situation and by investing a small percentage of current food savings into research which will help insure a plentiful supply at reasonable prices in the future. The investment of 0.1% of current food costs in research now may well avoid a 10% increase in food costs later. Through example, such interested groups and enlightened consumer associations could influence the establishment of a high priority for livestock research which would contribute greatly to the national welfare.

In "The State of Food and Agriculture 1968", FAO, has stated—"Even in developed countries the efficiency of livestock production still appears to be well below its potential level. As disease control improves, and the steadily accumulating discoveries in nutrition, breeding and management are applied, substantial increases in productivity become possible. The main lines of advance are the widespread use of complete rations to improve conversion rates, the genetic selection of efficient feed converters in all classes of livestock, and improved disease control in livestock." (18)

PROTEIN FROM FISH

Aquatic animals provide an insufficiently developed resource of protein food for both man and animals. With well-planned conservation, with the maintenance of the essential conditions of a natural environment, and the necessary culture and restocking, perpetual annual harvesting has been demonstrated and found profitable. (36) Denmark, which started trout farming in 1890, exported over 7.5 million Kg in 1961. (37) Several other European countries have similar fish farming industries which provide a vital source of food.

In 1966, some 25 million pounds of channel catfish were raised in U.S. ponds, a growth from a few thousand in 1963. (38) In 6 years, Arkansas increased its fish farming 35%, to 51,000 acres in 1968. (38) U.S. fish culture annual production now retails for about $75 million. Yet 75% of all fish products used in this country are imported, indicating a much greater market potential for local production. (39) Shellfish and shrimp are also being raised frequently on farms in cooperation with rice culture in flooded paddies. (36) In addition, fish raised in flooded rice fields feeding on insects and plant pests have increased the yield of rice by as much as 7%.

An acre of sea can produce as much food as an acre of arable land. One acre of fresh water, which can be on otherwise unproductive land, with supplemental feeds can produce more than an acre of land. Reservoirs, salt marshes and other idle waters can be made productive. Fish provide the most efficient means of converting feed to edible meat; this they can do at the rate of 1.4 pounds of feed per pound of fish compared with 2.0 pounds of feed for 1 pound of chicken, either of which is more efficient than any domestic animal. Methods for the culture of marine fauna in estuaries and even at sea are being developed. To maintain winter temperatures compatible with fish culture in estuaries, the utilization of heat from the water used to cool atomic reactors has been considered.

Footnotes at end of article.

When fish are free to seek an ideal environment for the species, they migrate with changing seasons and seek conditions which provide essential nutrients, an optimal temperature range, optimal oxygen, and water free of pollution with toxic or noxious substances, all vital factors for survival, growth and reproduction. By contrast, fish farming generally involves confinement and concentration of fish into environments where health problems become apparent, often revealing serious losses which require diagnosis and control. (40)

AQUATIC ANIMAL HEALTH

Crowding of aquatic fauna not only creates the same hazards of disease concentration and transmission as in animals, but also lowers resistance and contributes to pollution. Where fish farming is well-developed, problems with viral, bacterial, fungal, parasitic, and protozoan infections are prevalent. Fish pathogens represent health hazards to man and animals, as well as handicaps to fish production.

In Finland, mycotic infections tend to be more serious in polluted waters where the pH is altered and where there is a low oxygen content. Fish eggs are especially vulnerable to the mycoses, and protozoan infections are most hazardous to young fish in crowded environments. Trematodes, with fish-eating birds as intermediate hosts, are frequently a serious problem. Cestodes, numerous in pike, perch, whitefish, and bream, not only destroy the fish, but 25% of the human population of Finland is infected from eating raw fish. Nematodes cause liver destruction in some species, and parasitic crustaceans cause serious losses. Finnish veterinarians must control tapeworms, salmonellosis, botulism, *E. coli*, *Enterococci*, and *Pseudomonas* to prevent significant hazards to human health. (41)

Maintenance of fish health is considered one of the most important conditions for proper production in Poland, which has a major fish-food industry. There, 14 major fish diseases are under constant veterinary supervision and control. The Minister of Agriculture provides funds for diagnosis, research, and disease control at five fish health centers. (40) Russia has 150 veterinary research and teaching institutions which concentrate on fish disease problems. (43)

A brief review of the literature reveals that fish and other aquatic animals serve as reservoirs and transmit numerous diseases of man and animals, such as leptospirosis, trichinosis, erysipelas, erysipelothrix, listeriosis, and salmon poisoning. An eosinophilic phlegmonous enteritis caused by a parasite from herring has been reported in the Netherlands, (44) and a meningitis in Tahiti was related to fish consumption. Mollusks are frequently incriminated in poisonings because they live near shore in waters that tend to be polluted, are eaten raw, and are filter feeders. Their ingestion and transmission of radioisotopes, (45) hepatitis virus, (46) enteric bacteria, heavy metals, and phytoplankton have all caused illness in man. Mercury poisoning has been reported in cats, birds, and man following ingestion of fish with a high concentration of organic mercury in their tissues.

These largely foreign references to disease problems give ample evidence of the need for U.S. colleges of veterinary medicine to provide training in fish diseases, to apply the world's knowledge to our domestic fish production problems through adaptive research, and to do research on the many unknowns.

The obvious primary need is for a preventive approach to eliminate the unhealthful factors or etiologic agents and provide the essential elements for health and productivity. Viewed in this light, it becomes apparent that, if natural waters are to provide a productive habitat for fish, or if we are to create artificial environments for optimal fish culture, we must first learn all of the characteristics of the ideal environment for each species, the essential nutrients, and the natural sources of its food. Since our natural water resources must also be fully utilized as supplies for our cities, for industry, irrigation, and recreation, it becomes important to learn the level of tolerance of each species of fish for alterations in its environment, and to set permissible legal limits on environmental alteration and contamination compatible with fish production in selected waters. These points are not mentioned just as an appeal for conservation, but to point up the immediate need for a team approach for research to understand the essential characteristics of the natural environment of fresh and marine waters most favorable for the desired fauna while these environments and the life they support still exist. To do otherwise will not only result in the loss of great natural food resources but, if the characteristics of the optimum environment for each species are not learned while we have a natural model, we may never be able to reconstruct it for the maintenance for productive culture of the species.

The veterinarians and other scientists must join together on the research team which will use the health and productivity of fish as barometers for control of a compatible environment. There is need for veterinarians, ecologists, nutritionists, toxicologists, geneticists, aquatic agriculuralists, water resources engineers, irrigation engineers, industrial chemists, commercial and recreational fisheries men, and legal advisors concerned with the national welfare, all working together to most wisely utilize and not destroy these resources.

SUMMARY

In summary, there must be more efficient production from all food sources if mass starvation is to be prevented.

As a humane people striving for national and international stability, we would like to prevent malnutrition or starvation any where any time. World production and distribution of food especially animal protein is inadequate in many regions and population growth is increasing shortages. Improved production methods attainable through research have demonstrated ability to meet former demands and have adequate potential for the future.

Domestic livestock and poultry, wild and aquatic animals each have great undeveloped potentials for making major contributions to the world's food supply. Improved animal health is a vital key to more efficient animal production. Veterinary medical research and training provide effective means of developing improved techniques and competent men to apply them at home and abroad. A national priority for the support of research and training is the key to optimal utilization of animals as a perpetual food resource.

People in government and education must urge support for research and development, and those people directly involved in the production, processing and distribution of foods of animal origin must not only unite in seeking support but provide self-help or all share responsibility for the disaster of spreading hunger.

April 15, 1970.

REFERENCES

(1) Syntex Corporation: Syntex and the Plague, Protein Starvation. Syntex Corporation Annual Report for the fiscal year ended July 31, 1969, p. 25.

(2) Beeson, W. M. and Krider, J. L.: Food and Man-Animal, Plant and Synthetic Resources. Talk presented at Purdue University, 1969.

(3) Clarkson, M. R.: Livestock Health and Human Food Needs. Presented at the Public Symposium on the Use of Drugs in Animal Feeds, MRC. National Academy of Sciences, Washington, D.C., Tuesday, June 6, 1967.

(4) Boerman, A. H.: The Technological Basis for Intensified Agriculture, Agricultural Development. Proceedings of a Conference sponsored by the Rockefeller Foundation, 23–25, April 1969, pp. 8–16.

(5) Wortman, Sterling: The Technological Basis for Intensified Agriculture, Agricultural Development. Proceedings of a Conference sponsored by the Rockefeller Foundation, 23–25 April 1969, pp. 17–43.

(6) Revelle, R.: Population and Food Supplies: The Edge of the Knife. Nat. Acad., Sci. 56: 1966, 328.

(7) FAO Introduction in Agriculture Development: World Needs and Potentials in Agricultural Production. Proceedings of a Conference sponsored by the Rockefeller Foundation, 23–25 April 1969, pp. 3–7.

(8) Scrimshaw, N.S.: Applications of Nutritional and Food Science to Meeting World Food Needs. Proc. Nat. Acad. Sci. 56: 1966, p. 352.

(9) U.S. Bureau of the Census: Statistical Abstract of the United States. 1967.

(10) U.S.D.A.: Agricultural Statistics. U.S. Government Printing Office, Washington, D.C., 1968.

(11) Barton, G. T.: Our Food Abundance in Protecting Our Food. The Yearbook of Agriculture 1966, U.S. Government Printing Office, p. 16.

(12) Albanese, A. A. and Orto, L. A.: Proteins and Amino Acids in Newer Methods of Nutritional Biochemistry. A. A. Albanese, Ed., Academic Press, N.Y., 1963, p. 1.

(13) Leverton, R. M.: Proteins in Food. The Yearbook of Agriculture 1959, U.S. Department of Agriculture, Washington, D.C., p. 57.

(14) Kolari, O. E.: The Use of Animal Proteins for Food. J. An. Sci. 25: 1966, p. 567.

(15) The WHO Programme in Nutrition, 1948–1964–2. WHO Chronicle, 19: 1965, p. 429.

(16) Scrimshaw, N. W. and Gordon, E.: (Eds.) Malnutrition, Learning and Behavior. MIT Press, Cambride, Mass. 1968.

(17) DeGraff, Herrell: The Importance of Animal Agriculture in Meeting Future World Food Needs. Centennial Symposium, College of Agri. U. of Illinois, October 1967.

(18) FAO: Role of Science and Technology, the State of Food and Agriculture, 1968, pp. 81 and 97.

(19) Stakman, E. C.: Genetic Potentials for Increasing Yields of Food Crops and Animals. Proc. Nat. Acad. Sci. 56: 1966, p. 370.

(20) Byerly, T. C.: The Role of Livestock in Food Production. J. An. Sci. 25: 1966, p. 552.

(21) Bohman, V. R. and Lesperance, A. L.: Methodology Research for Range Forage Evaluation. J. An. Sci. 26: 1967, p. 820.

(22) Cook, C. W., Harris, L. and Young, M. C.: Botanical and Nutritive Content of Diets of Cattle and Sheep Under Single and Common Use on Mountain Range. J. An. Sci. 26: 1967, p. 1169.

(23) Raun, N. S.: Professional Animal Scientists Throughout the World. J. An. Sci. 27: 1968, p. 267.

(24) Japan Bureau of Animal Industry, Statistics of Animal Hygiene, 1955, 1957, 1966; Organization for Economic Cooperation and Development, Food Consumption Statistics, 1954–1966, Japan.

(25) Pritchard, W. R.: Increasing Protein Foods Through Improving Animal Health. Proc. Nat. Acad. Sci., 56: 1966, p. 360.

(26) Gotaas, H. B.: Composting. WHO, Geneve, 1956.

(27) Kornegay, E. T., Vander Noot, G. W., Barth, K. M., MacGrath, W. S., Welch, J. G., and Purkhiser, E. D.: Nutritive Value of Garbage as a Feed for Swine. I. Chemical Composition, Digestibility and Nitrogen Utilization of Various Types of Garbage. J. An. Sci. 24: 1965, p. 319.

(28) FAO: Production Yearbook, 18: 1964.

(29) Maurer, F. D.: Emerging Animal Diseases. Military Medicine, 128, 4: pp. 327–333.

(30) FAO: The Economic Losses Caused by

XUM

Animal Diseases. Animal Health Yearbook, United Nations, 1962, p. 284.

(31) FAO: Freedom from Hunger Campaign. Basic Study 10: 1963.

(32) Pomeroy, B. S.: Personal Communication. Professor and Head, Department of Veterinary Microbiology and Public Health, University of Minnesota.

(33) Staff, Animal Husbandry Research Division, ARS, USDA: Animal Agriculture and Food. ARS 44-208, Jan. 1969, pp. 1-18.

(34) King, N. B.: Trends in Animal Disease Research and Financing in the United States. J.A.V.M.A. 153: 1968, p. 1040.

(35) Plimpton, R. F., Jr.: New Goals in Undergraduate Teaching in Animal Products. J. An. Sci. 27: 1968, p. 893.

(36) Anderson, A. W.: Fish and the Fishing Industry. Food, The Yearbook of Agriculture, 1959, U.S.D.A., Washington, D.C. p. 353.

(37) Christensen, N. O. et al: Fish Diseases in Denmark. Bull. Off. Int. Epiz. 59: 1963, pp. 21-29.

(38) Klussman, W. G.: In Proceedings—Commercial Fish Farming Conf., Texas A&M University, College Station, Texas, 1-2 February 1967, p. 7.

(39) Bureau of Sport Fisheries and Wildlife: Warmwater Fish Farming: An Acquacultural Success Story, 83: February 1970, p. 4.

(40) Maurer, F. D.: Fish Health a Requisite of Fish Culture. J. on Am. Vet. Med. Assoc., 154, #12: pp. 1596-1599.

(41) Ojala, Olli: Fish Diseases in Finland Bull. Off. Int. Epiz., 59: 1963, pp. 89-109.

(42) Kocylowski, B.: Etat actuel des maladies des poissous. Bull. Off. Epiz., 59: 1963, pp. 89-109.

(43) Belor, E. M.: Les maladies des poissous. Bull. Off. Int. Epiz., 59: 1963, pp. 127-130.

(44) Roskam, R. T.: A Human Disease Caused by a Nematode from Herring. Int. Council. Expl. Sea. C.M., 98: 1960.

(45) Weiss, H. V. and Ship, W. H.: Biological Concentration by Miller Clams of Cobalt 60 From Radioactive Fallout. Sci., 125; 1967, p. 695.

(46) Mason, J. O. and McLean, W. R.: Infectious Hepatitis Traced to the Consumption of Raw Oysters: An Epidemiologic Study. Am. J. Hyg. 75: 1962, p. 90.

THE PRESIDENT SHOULD TAKE THIS OPPORTUNITY TO MEET IN EUROPE WITH LEADERS OF THE INTERNATIONAL RED CROSS ON BEHALF OF AMERICAN PRISONERS OF WAR

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. WOLD. Mr. Speaker, I have wired the President proposing that a day be found during his 8-day European tour for a meeting in Geneva with leaders of the International Red Cross on behalf of Americans held prisoner in Southeast Asia.

This tour of Europe on which the President is embarked would be a marvelous opportunity to make a dramatic and unprecedented visit to the Red Cross to urge a renewed effort by that humanitarian organization on behalf of our prisoners.

I ask, Mr. Speaker, that my wire to the President be printed in the RECORD with my remarks. The wire follows:

SEPTEMBER 28, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully urge you to dedicate at least one day of your eight day European tour to a personal meeting with leaders of the International Red Cross on behalf of American Prisoners of War in Southeast Asia.

A personal visit to Red Cross Headquarters in Geneva, Switzerland would be impressive both in symbolism and in substance. It would I believe be without precedent and its significance would not be lost on the Government of North Vietnam which is very sensitive to world opinion on the prisoner issue.

This would be a singularly dramatic act on behalf of our prisoners. It would encourage other nations to take similar action on behalf of prisoners and impress North Vietnam with the strength of American determination to see our men properly treated in POW camps.

A day carved out of your schedule for a meeting with the Red Cross could produce solid results for our prisoners held in Vietnam and for their families.

Sincerely,

JOHN S. WOLD,
Member of Congress.

THE DEMOCRATS AND THE "WHITE PAPER"

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. DICKINSON. Mr. Speaker, the reaction of the Democratic Party to the news that the administration has succeeded in halting the rising cost of living was a sorry performance, even for a campaign year. This country has been suffering under a Democrat-made inflation for so long that one would think nobody would like to see it go on. But judging from their actions yesterday, some Democrats would not mind seeing a weak economy—at least until after November.

Somewhat like a magician, the chairman of the Senate Democratic Policy Committee reached under the table and produced a 26-page "white paper" which told us that—contrary to what appeared to be a brightening economic picture—the economy was in real trouble.

I think it is worth taking a look at the authors of that report—three economists who served under Presidents Kennedy and Johnson. It was these experts who advised President Johnson that this country could afford both "guns and butter." For those who do not remember it was the "guns and butter" policy which produced a $25 billion Federal deficit in 1968 and kicked off a gross inflationary spiral which is now being brought to an end by a Republican administration.

If the Democrats are going to persist in looking for dark clouds, they should at least find instant experts who have some credibility left. All in all, last week's "white paper" recalled the spectacle of Larry O'Brien, the onetime apologist for the war in Vietnam, criticizing President Nixon for not ending it.

DEMOCRATS RESPONSIBLE FOR WAR AND INFLATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. DERWINSKI. Mr. Speaker, last Wednesday, my esteemed colleague from across the aisle, the majority leader of the House, stated that he welcomed the sudden slackening of the rise in the cost of living as a relief from the inflation which has been so burdensome to consumers.

This rather surprised me. Although I was delighted to hear that a spokesman of the Democrat Party welcomed the end of inflation, it has long been my feeling that this concern is not shared by most Democrats.

Democrats, traditionally, have long enjoyed accusing Republicans of being responsible for economic difficulties. The worse the economy, they reason, the better chance for voters to support Democrats at the polls in November.

This seems to be the Democrat line this fall, now that November elections are coming up. However, there have been a number of signs recently that the war-induced inflation inherited by the Nixon administration from the guns-and-butter economy of the 1960's is easing. The prime rate is down. The cost of living has ceased its upward spiral. Workers' spending power has increased 4 months in a row. The money squeeze is easing. The balance of trade is healthy. The Standard and Poor's Index is up. Fears of recession are declining as corporate profits and total real output—GNP—increase steadily. Yet only one Democrat stood up to hail even one of these signs of the improving state of the econmy. But as I leafed through back issues of the CONGRESSIONAL RECORD, I discovered that at least a dozen Democrats have stood up on the floor to make speeches in the last month and a half criticizing Nixon's handling of the economy. They talk about a recession that simply doesn't exist, and call attention to unemployment, without explaining that it is inextricably linked to the winding down of the war in Vietnam which they were responsible for getting us into in the first place.

Which brings me to another point. It is the Democrat Party which is traditionally associated in the minds of most voters with getting this country into war. Both world wars, the Korean war and now the conflict in Vietnam were begun under Democrat administrations. That the Nixon administration was voted into the White House was due, in no small part, to this fact. People felt that Nixon was the man who could develop a sound Vietnam policy. Their hopes were justified, for almost daily we have evidence that the war in Vietnam is indeed being properly phased down. Troops are being withdrawn, the weekly death toll is lower than it has been in 4 years, and there is every sign of success in Vietnamization.

Yet, I hope I am not considered uncharitable if I suggest that I think that now, as elections are approaching, there are many Democrats who continue to try to shift the blame for the war to the Nixon administration. They got us into the war, but they would not give Nixon credit for trying to get us out—at least not until after November.

The conclusion is logical: It is the Democrats and not the Republicans who are the party of war and inflation. The record shows that it is the Democrat Party which is responsible for both problems—war and inflation. And the solid Nixon record in handling both these problems left over from the Democrats will not let them get away with turning the issues around.

RESULTS OF A QUESTIONNAIRE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HANNA. Mr. Speaker, I rise today to inform the House of the results of a questionnaire I sent to my constituents, from which I have received 30,000 responses. In a time when the Congress is in session almost the year round, it is imperative that the Members find effective and frequent channels of communication with their constituents. I have found the mailed questionnaire to be such a device and have made it a practice to poll my constituents in this way about six times a year. I have always had a large return and found the results most informative and useful. I heartily commend this technique to my colleagues for their consideration.

The most striking result was that the economy is the issue of No. 1 concern. Forty-four percent ranked inflation or unemployment as having the highest priority to them. The Vietnam war ranked second and student unrest third:

I. WHAT TO DO ABOUT INFLATION

	Percent
1. Wage/price controls	26
2. Voluntary wage/price restraints	29
3. Decrease federal spending	35
4. Increase federal spending	5
5. Nothing	2
6. No answer	3

With respect to inflation, 35 percent urged reduction in Government spending, 29 percent asked for the Federal Government to establish a program of voluntary restraint on wages and prices, and 26 percent asked for mandatory Federal wage and price controls.

II. WHAT TO DO ABOUT UNEMPLOYMENT

	Percent
1. Federal job placement program	29
2. Federal subsidy to underskilled workers	7
3. Provide job training programs	25
4. Provide unemployment compensation	2
5. Two or more of above	17
6. Do nothing	13
7. No answer	7

As a solution to rising unemployment, 29 percent of the respondents wanted Federal programs to find jobs for youth and the unemployed. Closely related was 25 percent who favored Federal job training and retraining.

III. VIETNAM

	Percent
1. Leave the President the option of attacking enemy sanctuaries	38
2. Provide military aid to Cambodia	9
3. Prepare to reduce troop levels	28
4. Withdraw all troops immediately	19
5. No answer	7

Thirty-eight percent of the sample favored allowing the President the option of attacking enemy sanctuaries near Vietnam. Twenty-eight percent favored reducing our troop levels in Vietnam, and 19 percent favored immediate and complete withdrawal of our troops from Vietnam.

IV. STUDENT UNREST

	Percent
1. State government should have control over the campus	54
2. Use of local police and National Guard	23
3. Federal aid for riot training	13
4. Federal police force	0
5. No answer	10

To cope with campus disorder, 54 percent favored increased State government control of colleges, while 23 percent favored the use of National Guard forces.

CONGRESSMAN ESHLEMAN'S LATEST NEWSLETTER

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. ESHLEMAN. Mr. Speaker, I am sending to my constituents my latest newsletter. I am including the contents of that newsletter in the RECORD at this point:

WASHINGTON SPOTLIGHT—REPORT FROM YOUR CONGRESSMAN ED ESHLEMAN

PICK A PAMPHLET

A checklist is enclosed with this newsletter. It is a catalog and order form for government publications which cover a wide variety of topics. I can get these pamphlets for you if you so desire. Just complete the order form and send it back to me. The instructions for this procedure are in my brief note on the front of the checklist.

BIG DECISION

After 15 years and $285,000 worth of planning, the Franklin Delano Roosevelt Memorial Commission has decided to plant a rose garden to honor the Nation's 32nd President.

AN APPEAL

This is the time of year when United Campaigns in nearly all localities make their annual appeal for funds. Because so many worthwhile programs are supported with the money collected by United Campaigns, your contribution is not only charitable but extremely valuable to your community.

THE SYSTEM

In a paragraph which didn't get widely reported, Vice President Agnew gave a definition of the American system which bears repeating. He said, "The system—our democratic system, here in America—is not a something-for-nothing machine. It requires that each of us contribute. Its base is not government. Its base is the people. Its great strength is not the great strength of government, but the strength of the people."

DRUG ISSUE

Most of this edition of my newsletter is devoted to the problem of drug abuse. It is an attempt to familiarize young people, parents, educators and community leaders with several aspects of the drug problem—the dangers to the individual and society, the different types of drugs, some of the language of the drug culture, and some suggestions for dealing with a deteriorating situation. I hope that I can communicate in some small way my very deep concern about the growing threat of drug abuse. I, also, am hopeful that this material will help bring about a better understanding of the whole issue.

DRUG ABUSE DEPENDENCE AND DISASTER

INTRODUCTION

Drug use is a part of our human history—and so is drug abuse. Drugs may be defined as substances which alter the structure or function of a living organism, and they have been known to man since the days of ancient Egypt and China. Down through the centuries drugs have been a blessing to man as a medical tool. Unfortunately, they also have been a curse when misused.

In modern America we are faced with widespread misuse of drugs. No one is certain exactly why we have this drug abuse problem, but some educated guesses have been offered. Some experts feel that social pressures and tensions have contributed to an irrational and impulsive use of drugs. Others feel that the mass media and instantaneous communications have made us more aware of drug abuse and therefore more susceptible to it. Still others attribute the growth of the problem to the emergence of a drug culture which views drugs as magic potions, capable of working miracles. Nearly everyone agrees that the illicit traffic in drugs has been a contributing factor since "pushers" are extremely anxious to find new and larger markets for their product. The disastrous increase of drug abuse among our young people probably can be traced to simple causes—the desire to belong to an "in" crowd, and/or the desire to escape from physical or emotional problems.

Drug abuse, then, is not new. The reasons given for its growth in recent years are not particularly startling. Nevertheless, solutions to the problem have escaped us. It is apparent that the problem cannot be dealt with legally, socially or morally until more people can separate fact from fiction in the matter of drugs, dependence on them, and the personal and social disasters they cause.

THE DANGERS

The drug user enters a dangerous world. He endangers himself and the world around him. In some cases these dangers are known and rationalized away by the user. But in other cases the dangers are unknown to a person who engages in some initial drug experimentation. Too often, individuals and society suffer because ignorance of the consequences paved the way to drug abuse.

Drug addiction is a combination of both physical and psychological dependence on drugs. An individual gives up self-determination to become a slave to drugs. His dependence may start by smoking the first joint, injecting the first fix, or swallowing the first pill. The rest is downhill.

The days of screaming meemies and violent withdrawal are pretty much over when an addict is properly treated, but other horrors remain. There are still ugly cysts and sores, scars and amputations, V.D. and infection, all the results of filth and abuse of needles. Mental collapse and long range damage to vital body organs have been shown to be directly related to drug abuse. Perhaps more far reaching, some authorities suspect that drug use may damage or change chromosomes leading to abnormalities in future generations.

Another element which cannot be overlooked is the legal aspect of drug abuse. Even the most casual exposure to certain legally controlled harmful drugs can lead an individual into a nightmare of courts, convictions and prisons which can taint an entire life and career.

The dangers of drugs to the individual are the most serious consideration, but the dangers to the whole of society cannot be ignored. All of us suffer because money is poured into the pockets of organized crime to sustain the narcotics traffic. We are the victims of the crimes committed by drug addicts who steal and even murder to get money enough to support their habit. Persons under the influence of drugs commit irresponsible acts which threaten innocent lives and valuable property.

This list of dangers is a blanket accusation of drug misuse. Drugs are guilty until proven innocent, and the responsibility for such proof rests with those who advocate legalization of the drugs we now outlaw. Until that evidence is forthcoming, drug abuse is not only illegal, it's harmful—and stupid!

DRUG TYPES AND EFFECTS

Marijuana (cannabis derivative)—This drug is worthy of some special mention because it is probably abusec more than any other. It comes from the flowering tops and leaves of the hemp plant which are dried or powdered to produce a product that can be sniffed or smoked. The effects sought by the marijuana user are sociability, euphoria and intensified sense perception. The adverse effects are impaired coordinated and memory, and a disturbed sense of time. While there is no evidence that use of this drug leads to physical dependence, the user can become psychologically dependent upon it. In addition, some recent findings at St. John's University in New York indicate that marijuana usage results in genetic damage.

Hallucinogens (Psychedelic including LSD, peyote, mescaline, DMT, DET, psilocybin, and others)—Hallucinogens usually are taken for perceptual experiences, exhilaration, distortion of the senses and enhanced creativity. The adverse effects are intensification of existing psychosis, suicidal or homicidal tendencies, panic reactions and recurrent flashbacks. Most evidence does not point to either physical or psychological dependence, but a very definite possibility of genetic damage has shown up in some tests of the hallucinogens.

DRUG SCENE: TERMS

BAG: One's favorite drug or "thing"
BIG C: Cocaine
BLASTED: Under influence of drug
BUTTONS: Peyote (cactus buttons)
BUSTED: Arrested
BURNED: Bad buy, cheated
CAP: Capsule of any drug or narcotic
COLD TURKEY: Abrupt withdrawal
FIX: Injection of narcotics
GIVE WINGS: Give first heroin injection to a friend
HIGH: Under influence of drugs
HIT: On drag on a "Joint"
HOOKED: Dependent on drugs
JUNKIE: Heroin addict "HYPE"
MAINLINE: Inject drugs intravenously
OD: Deadly overdose, "Hot Shot"
OUTFIT: Paraphernalia for injecting
PEACE PILL: Veterinarian tranquilizer P.C.P.-"Hog"
PUSHER: Seller, supplier of drugs
SPACED: Unable to concentrate "Mentally drifting"
STONED: High on drugs
TRIP: High on hallucinogens
TURN ON: To recruit or start your friends on drugs
TURNED ON: To start, be given drugs: To be made happy or excited
TURNED OFF: To quit drugs

Narcotics (Opiates including opium, morphine, heroin, dolophine, methadone and codein)—The narcotics user is most often seeking euphoria, freedom from pain and increased confidence. The effects found are depression of brain, nervous system and body functions; and a feeling of lethargy and apathy. The narcotics are both physically and psychologically addictive. Organic or genetic damage does not seem to be a threat, but there are other related dangers such as fatal overdoses.

Amphetamines (Stimulants including Benzedrine, Dexedrine, Desoxyn, Methamphetamine, Methedrine and Cocaine)—The effects sought by an amphetamine user range from increased alertness, to increased confidence in mental and physical capabilities, to loss of weight. The adverse effects which have been noted are excitability, sleeplessness, loss of appetite, and toxic psychosis. This type of drug probably does not lead to physical dependence, but psychological dependence is possible. In addition there are some indications that organic damage may occur.

Barbiturates (Depressants including Phenobarbital, Nembutal, Seconal Amytal, Butisal and Luminal)—Barbiturates are likely to be used for initial relaxation, anxiety reduction, "hazy joyousness", sleepliness, or dulling of pain. The adverse effects include slurred speech, sluggishness, loss of coordination, quarrelsomeness, and erratic behavior. These drugs can be both physically and psychologically addictive and could also bring about organic damage.

Volatile chemicals (Vapors including model glue, dry-cleaning fluids, ethyl alcohol, shoe polish, lacquer, paint thinner and others)—The user of these drugs seeks hallucinations, changed color perception, and a "floaty", relaxed feeling. The adverse effects of such use are impaired judgment and vision, slurred speech, irritability, dizziness, and loss of appetite. Physical dependence is not a very real possibility, but psychological dependence is. Organic damage is also a proven result of misuse of vapors.

TELL TALE SIGNS

We must recognize the enemy to fight it effectively. There are some common symptoms which may indicate that an individual is misusing drugs. Here are some things to watch for.

(1) Sudden changes in normal behavior and performance patterns. (2) Unusual flare-ups or outbreaks of temper. (3) Deterioration of personal appearance. (4) Wearing sunglasses at inappropriate times and places to cover bloodshot, watery eyes, with extremely wide or extremely small pupils. (5) Appetite extremes ranging from none or very little to huge, especially for sweets or liquids. (6) Adoption of abnormal ideas and ideals in place of a formerly strong values system.

If someone you know shows definite drug abuse symptoms, it's possible that a problem has developed or is developing. The drug abuser must have help to deal with his problem. The best source of aid is a doctor.

CONCLUSION

Drug abuse is expensive for all of us. We spend millions of tax dollars each year to control abuse and to treat people who have become drug dependents. The cost also must be measured in the millions of dollars of lost productivity from individuals who rob themselves of the ability to contribute to society. The drug abuse nightmare of personal destruction, social rejection and criminal activity touches each American.

Therefore, drug use is not a matter of pure individual choice, because drug use breeds drug abuse. Medical control and legal restraints must be there to guarantee that drugs will be used as tools for man and not abused in a cycle of dependence and disaster.

A REPORT FROM PARIS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. KASTENMEIER. Mr. Speaker, the following is a very provocative report recently brought back from the Paris peace talks. The report was mailed to me by Mr. James M. Dennis, a member of the Wisconsin Committee to Stop the War, and was written by Mr. Adam Schesch.

The Schesch report is based on information gathered by a commission of inquiry—a grassroots citizens group from Minnesota comprised of farmers, trade unionists, businessmen and women, professionals, members of the Black community, and members of the university community. These citizens spent June 25 through July 2 talking with the delegations of the Provisional Revolutionary Government of South Vietnam, representatives of North Vietnam, and members of our own delegation. The commission emerged spontaneously from an independent attempt by private citizens to gain facts beyond the information available through the mass media.

Efforts of the citizens group are to be commended, and offer new and valuable insights into the social and political forces now operating in Vietnam. Such knowledge is essential if we are to make meaningful progress in our efforts to bring the tragic Vietnam War to a negotiated conclusion.

I commend to my colleagues' attention this interesting report:

A REPORT FROM PARIS

(By Adam Schesch)

INTRODUCTION

On June 27 and 28, a very unusual group of American citizens held two days of intensive meetings in Paris with the delegations of the Provisional Revolutionary Government of South Vietnam and the Democratic Republic of (North) Vietnam. On Monday, June 29, this same group, called a Commission of Inquiry, had a Conference with spokesman for the Patriotic Laotian Front, known in the United States as the Pathet Lao, and the acting representative in France of a brand new guerrilla movement, the National United Front of Cambodia (NUFK).

What made this group unusual was its purposes and its composition. The Commission had grown out of the spontaneous reactions in Minneapolis-Saint Paul, Minnesota, to the invasion of Cambodia on April 30, 1970. The Twin Cities' Commission was organized for a specific reason—to go to Paris to discuss the questions about settlement most bothering the American public, with the "Other Side."

From the start, the group was bound together by a belief that total and immediate withdrawal of all U.S. forces from Vietnam is the best solution to the war. It knew, however, that it needed hard facts and concrete answers to the "Twenty Questions Americans Most Want to Know" if it was going to succeed in convincing a section of the American people that this solution is correct.

For this very reason, it decided that past expeditions to Paris had a fundamental weakness—they were not composed of the Americans who had the questions. So an American jury was picked. The people in

XUM

Minneapolis-St. Paul felt that the best group that could be chosen would be a cross section of a typical American city. They would be able to do what no group of Asian Studies experts, or famous dignitaries, or well known national antiwar activists could do. They could bring back information in a form people would understand.

The final delegation included: 1) a high school teacher (English), 2) an architect, 3) a Catholic priest, 4) a Japanese-American artist, 5) a farmer from a small town near the South Dakota-Minnesota border, 6) a Physics professor, 7) a writer, 8) a mental health worker, 9) a Vietnam Veteran, 10) a private investigator, 11 & 12) a wealthy Twin Cities businessman and his wife, 13) a Catholic mother of eight, 14) a retired assistant principal of a vocational-technical high school, 15) an electrician, 16) a dentist, 17) a mechanical maintenance worker, 18) a community organizer from the Black community in the Twin Cities, 19 & 20) two Black university students, 21) a Black secretary, 22) a physician, 23 & 24) a banker and his wife, 25) a shop steward in the United Auto Workers, 26) a truck gardener, 27) a Black educator, 28) a retired engineer, 29) a French language major, 30) a French language instructor, and 31) myself, a Ph.D. candidate in South East Asian history.

Our talks with the two delegations were held separately. On Saturday, we met with the PRG for 11 hours; on Sunday we held discussions with the DRV for 9 hours. The format of both the Saturday and Sunday sessions was similar. Each delegation chose to deliver an opening presentation, then followed a long period of questions and answers, a meal break and the showing of about an hour's worth of films. All in all, we were able to formally question the PRG delegation for more than five hours and the DRV delegation for more than four hours. Quite a bit was learned during the two hours smorgasbord meals with Vietnamese and French food, in which we broke down into small clusters of three and four and continued talking. For example, I had a half hour informal discussion with the official translator for the North Vietnamese delegation on the nation-wide village history project now underway in North Vietnam. (We are trying to gather together the personal notes from these discussions as they will enrich our account quite a bit.)

In formal statements and in the questions, the following topics took precedence: 1) the nature of the struggle in the South; 2) the question of withdrawal of American forces and the release of the prisoners of war; 3) the concrete aspects of a political solution including the holding of elections in South Vietnam; 4) the attitude of both groups to the question of reprisals; 5) the question of the Catholic minority; 6) the nature of land reform in the liberated zones in the South, in the program of the PRG, and in North Vietnam; 7) the relations between the PRG and the DRV towards Laos and Cambodia and the settlement of the Indochina question; 8) the destruction in the South and the question of reparations; 9) and the question of reunification of both halves of Vietnam.

Monday's schedule was quite different. Five people were assigned to go to the American Embassy to meet with Philip Habbid, the then acting head of the U.S. delegation to the peace talks. The basic purpose for seeing him was to find out what the official reactions were to some of the very concrete proposals we had obtained. This group spent two hours and fifteen minutes with him before rejoining the rest of the delegation which was meeting at the Friends Meeting House with three different delegations.

We met at six PM with several unofficial spokesmen for the Laotian Patriotic Front, the Pathet Lao, and from seven-eight PM with the acting spokesman for the new National United Front of Cambodia, the formal organization that grew out of the joining together of Prince Sihanouk, with the older Cambodian guerilla movement, as a result of the *coup d'etat* of March 1970.

The meeting with the Cambodian delegate brought some surprises. First of all, I obtained a copy in French of the program of NUFK which had just been released. Secondly, our group learned some unusual facts concerning the mysterious Columbia Eagle which was kidnapped on the high seas, a few weeks before Sihanouk's overthrow, by two so-called "hippies" and brought to Sihanoukville. Finally, we got a detailed explanation of the nature of Sihanouk's relation to Funk and the older "Khmer Rouge" guerilla movement of the 1960's.

Later on that evening, we attended a three hour reception given in our honor by the Union of Vietnamese in France, a large umbrella organization of more than a dozen groups whose membership is in the thousands, representing a large part of the 30,000 or so Vietnamese residing in France at the present.

With Monday night, the formal program of the Commission of Inquiry ended. Most of the group left for Minneapolis Tuesday morning. I had made arrangements however, to see several people on Tuesday, Wednesday, and Thursday, in order to utilize the trip in a more complete fashion. I was able to arrange conferences with Jean Chesneaux, Philippe Devillers, Wilfred Burchett, with the Information Officers of the PRG and the DRV, and with Anneck Levy, a French authority on Thailand. Unfortunately, Burchett was unable to make my appointment on Thursday and I had to leave for Madison without having a private interview with him.

The following text is less than one-half of the original report I prepared.

THE PROVISIONAL REVOLUTIONARY GOVERNMENT

One of the key problems of the Paris Peace Talks is the continued refusal by the United States delegation, acting on instructions from Washington, to recognize the primary position of the new Provisional Revolutionary Government. For purposes of a settlement of the war, the various forces on the "other side" consider the PRG the "senior" member of their bargaining team. In their terms this means that the PRG is the group which is going to be the most directly involved in every phase of the settlement. This point concerning the withdrawal and a political settlement was made most emphatically to our Commission in Paris.

A typical example of the ways in which the United States delegation continues its policy of non-recognition was revealed in Ambassador Lodge's formal leave-taking of Paris last year. He said goodbye to the delegations from North Vietnam and Saigon, but did not even telephone the Provisional Revolutionary delegation.

The North, the Democratic Republic of Vietnam, admits that it is indeed helping its brothers in the South, but at the same time, makes it quite clear that it is playing second fiddle to the PRG in terms of the structuring of the settlement proposals. At no time did the southern PRG say to us, "The position of the North is as follows . . .", while on the other hand the North, the DRV, used the phrase, "As the PRG has stated . . .", several times during discussion of key questions. So, in order even to talk about the points covered at the conference, it is necessary to discuss the nature of the key delegation—the PRG.

The PRG is actually the concrete symbol of the southern guerilla movement's intention to move toward a post-war government of national reconciliation. The National Liberation Front has deliberately stepped down from the international podium in order to begin the process of creating conditions increasingly conducive to the formation of varied Vietnamese groups, formal and informal, which can unite around a basic, minimum policy of national independence and internal social change. This concept of ever more embracing coalitions also seems strange because of the successful campaign over the years to represent the National Liberation Front as simply a monolithic Communist organization rather than a closely knit association of established groups and formerly unorganized peasants. In this coalition, the southern branch of the Communist Party of Vietnam, called the Peoples' Revolutionary Party, was and is a prominent but definitely minority member. No western estimates have ever put the Communist membership in the National Liberation Front at more than two per cent of the total.

The NLF, particularly since 1967, has been very definite about its desire to include in a post-war settlement, as many of the separate factions in the South as possible. Thus, during 1969, it took advantage of the growing support among previously uncommitted or formerly pro-Saigon elements, to launch the Provisional Revolutionary Government in which the NLF itself a coalition, is merely one part, although a large part. In addition to the NLF, there are two other sections to the Provisional Revolutionary Government, whose delegation we met in Paris—the non-NLF elements who joined with the NLF during 1968 and 1969 to create the PRG, and a section of seats in the top decision-making bodies which are vacant and reserved for groups yet to come in. Thus, in order to bring into focus those with whom we spoke, one must realize that the NLF is no longer functioning at the international level, although, of course, many of the PRG officials in Paris and in Vietnam were and are officials in the NLF.

THE WITHDRAWAL TIMETABLE

The question which was uppermost in the minds of the Commission and the Vietnamese delegations concerned the withdrawal of American forces. The opening talk of the PRG delegation on Saturday and some of their later responses attempted to clarify the meaning and the reasons for the PRG's use of the words "total," "immediate," and "unconditional" withdrawal of U.S. forces. They began with the explanation of the word "total."

The PRG feels that the Nixon administration is attempting to force a carefully worked out deception upon the American public. They argue that Washington is attempting to, remove during the coming year, almost all of the remaining combat ground forces in South Vietnam, and that the drastic reduction of combat casualties which will result, is purposely designed to weaken the antiwar movement by distracting a large portion of its participants from continued activity. They contend that Washington would like to leave between 200,000 and 300,000 men in Vietnam to carry on an intensified air war against the guerillas. They supported their contentions with some very hard figures on bombing tonnage increased throughout Indochina since Nixon assumed office.

The PRG's attitude toward this tactic is quite specific. They feel that by all past standards they have won the war on the ground and that the entire armed pacification program has been defeated in all its forms. Their view is that the air war is directed, not against guerilla forces, but against the population which provides the food, shelter and recruits for those forces. In other words, it is an air war of terror to drive huge sections of the population out of the rural areas and to concentrate them where they can be controlled by the Saigon troops reinforced with new equipment and supported by the United States Air Force.

The PRG contends that by this means, Washington's plan is to create a situation in which Saigon can hold on in much the same manner as South Korea.

From this argument flows one of the key demands, and a demand whose actual terms have been distorted for over a year. The PRG is demanding the total withdrawal of all

U.S. forces in the shortest time that such a withdrawal can mechanically be effected. No political conditions will be accepted as the price of that withdrawal.

"Immediate withdrawal" usually conjures up images of thousands of American soldiers dying horrible deaths as they run for their lives toward a Dunkirk-type evacuation. In fact, the Vietnamese have laid out an extremely complete and concrete timetable for the withdrawal of U.S. forces.

If the U.S. will agree in principle to a total withdrawal of all its forces over an immediate period of time which they define as extending over six months, they will treat as mechanical details the following items:

First they understand the six-month timetable to consist of an orderly, that is, a staged withdrawal, not the scramble for the boats Washington has depicted. They pointed out to the Commission that the U.S. command in Saigon has estimated a total withdrawal could be accomplished in only four months. On this point, I had the feeling that if the U.S. were to say seven or eight months, they would sit down and talk about it.

The PRG would treat the orderly withdrawal of Americans as "mechanical," i.e., not to be quibbled over. They also emphasized their willingness to treat in a similar fashion all the details of withdrawal referring to the safety of American forces. The word "safety" was used at least a dozen times during the discussion of this question.

Finally, as part of the phased military withdrawal, they would treat as mechanical details, not subject to political qualification, the release of all American Prisoners of War. This point became especially relevant when they discussed the fact that there are U.S. POW's now being held in South Vietnam by the forces of the PRG. When POW's would be released was clearly answered—all POW's will be released as part of the military ceasefire. This was repeated and emphasized. It would seem to make futile all efforts to obtain release of American POW's before such a ceasefire. Moreover, it would lay to rest any doubts that the release of the POW's would become a political football to be argued about after the war ended.

In summary, the PRG does want an immediate and total withdrawal. It has clearly stated that the word "immediate" is referring to a short and specific timetable—the period six months was used several times. The PRG would not quibble over all details connected with the orderliness and the safety of the withdarawal, and the simultaneous release of all American POW's.

The settlement of the war involves in addition to the military withdrawal of United States forces, which is seen as a necessary first step, the ultimate reconciliation of several elements among the Vietnamese people. These might be broadly grouped into four categories: 1) the Provisional Revolutionary Government, whose dominant member is the National Liberation Front; 2) the Saigon Government, which represents at this point mainly the civilian and military bureaucracy; 3) several formal and informal groups in the South who are caught between the two camps, including most of the Catholic community, several factions of the Buddhist community, intellectuals and professionals, segments of the two large religious sects (the Cao Dai and the Hoa Hao), and a small uncommitted part of the peasant population; and 4) the government and peoples of North Vietnam.

Immediately related to this complex problem of social reconciliation, is the political settlement, about which three key areas were discussed in Paris: 1) the holding of elections in South Vietnam and the creation of a post-war government; 2) the question and problem of reprisals; and 3) the question of reunification of the two halves of Vietnam.

The Provisional Revolutionary Government and the Democratic Republic of Vietnam delegations both placed a heavy emphasis on the importance and concreteness of the settlement formulas given (8 May 1969) by the PRG's predecessor in Paris, the National Liberation Front. The PRG and DRV both indicated that the U.S. delegation had yet to give a concrete reply to specific sections of that proposal. During our discussions in Paris, the two delegations referred to key sections of this ten-point settlement proposal. For example, it outlines the creation of a Provisional Government to be made up of all parties who will support a minimal program such as that suggested in the following: during the intervening period between the restoration of peace and the holding of general elections, NO party shall impose its political regime on the people of South Vietnam. The political forces representing the various social strata and political tendencies in South Vietnam that stand for peace, independence, and neutrality, including those persons who for political reasons have to live abroad, will enter into talks to set up a Provisional Coalition Government based on the principles of equality, democracy, and mutual respect with a view to achieving a peaceful, independent, democratic, and neutral South Vietnam.

The Provisional Coalition Government will carry out the military agreements concerning the withdrawal of foreign troops. Its major duty, however, will be to provide an atmosphere of unity so that all parties can work toward the holding of democratic elections, the drafting of a permanent constitution, and the formation of a government based on both. To effect this, the Provisional Revolutionary Government must work to ensure full democratic rights, the release of all political prisoners, and the absolute prevention of reprisals. Its duty specifically is: to prohibit all acts of terror, reprisal and discrimination against people having collaborated with either side and who are not in the country or abroad, as provided for in the 1954 Geneva Agreements on Viet Nam.

Then having laid stress on the fact that the Provisional Coalition Government is composed of all elements, the Ten-Point Program outlines the step-by-step route to normal political conditions.

The people of South Vietnam shall settle their own affairs without foreign interference. They shall decide for themselves the political regime of South Vietnam through free and democratic elections. Through free and democratic elections, a constituent assembly will be set up, a constitution worked out, and a coalition government of South Vietnam installed, reflecting national concord and the broad union of all social strata.

North Vietnam is quite clearly excluded from every single step in this process. It is only after all these steps have been taken and after there is a functioning government of South Vietnam which is pursuing a neutral foreign policy, that any talks on reunification can begin.

The reunification of Vietnam will be achieved step by step, by peaceful means, through discussions and agreement between the two zones, without foreign interference. Pending the peaceful reunification of Vietnam, the two zones shall re-establish normal relations in all fields on the basis of mutual respect.

Both delegations in Paris were emphatic on two related aspects of the reunification problem. The first aspect is that both parts of Vietnam are equal during the gradual reunification process. The second aspect is that Vietnam is essentially one country. This is expressed forcefully in the Ten-Point Program:

The military demarcation line between the two zones at the 17th parallel, as provided for by the 1954 Geneva Agreements, is only of a provisional character and does not constitute in any way a political or territorial boundary. The two zones shall reach agreement on the state of the Demilitarized Zone, and work out modalities for movements across the provisional military demarcation line.

The Vietnamese outlined the sequence of necessary steps to reunification. Thereafter, they talked at considerable length about particular aspects of each phase of the problem:

A. The Provisional Coalition Government is to be a major guarantee of peace. This was emphasized in the discussions relating the formation of the Provisional Coalition Government to the holding of elections and to the no-reprisal policy. The PRG argues that open participation of all groups in the PRG is in and of itself one of the best guarantees that no pressures will be brought to bear against any one faction. This is so because all factions will have a share of the interim power of the PCG as it runs South Vietnamese affairs.

B. The actual composition of the Provisional Coalition Government was intended to be a barrier against one side or the other controlling the nature of a post-war government. It is emphatically not an attempt to impose any kind of final government in advance. The PRG responded to President Nixon's charge that they wanted a guarantee of participation in a post-war government as part of a settlement package. The main goal of the Provisional Coalition Government is free elections whose outcome will rest with the voters.

C. As for the fairness of elections, three distinct points were mentioned: 1) all parties would be involved in creating and administering the election mechanism; 2) they were opposed to all outside forces intervening in the situation because it was a problem for the South Vietnamese themselves. (This is another reason why they feel the U.S. has to withdraw its forces first. While the United Nations was specifically ruled out, the International Control Commission was not banned as a possible observer of the elections. This might be worthwhile checking into); 3) the North Vietnamese are to have no role in these elections, or in the drawing up of the constitution for a post-war government for South Vietnam, or in any aspect of the political process which would begin with the formation of the Provisional Coalition Government.

D. The attitude of the North in this regard was quite clear. The North is completely in agreement with the PRG. Because of the actual history of the last fifteen years, reunification will be a careful and lengthy process in which South Vietnam participates as an equal partner with the North. The North believes, in principle, that the South Vietnamese people should decide the shape of their government themselves. Although the North is currently participating in the war in the South, its aid is not the same as U.S. aid to Saigon. They believe that Vietnam is ultimately one country.

E. Finally, the PRG made it quite clear that it wants to put its fate in the hands of the voters, obviously confident that it will get support from a significant section of the population. What Washington was unwilling to face in 1954 must be confronted by those now in power and that is that a large part of the population, this time in South Vietnam alone, is supporting a movement in which a native Communist Party is a trusted and major member. We must ask: Will we allow Washington to continue to prevent a nationwide election in South Vietnam as it did when Diem refused (1956) to hold the elections that the Geneva Agreements had specifically called for?

REPRISALS

After the opening statements on the elections in the South, the delegation felt that it should raise the question of reprisals against individuals or groups for their previous activities. We found that the PRG's discussions of the PCG and elections were reinforced by the PRG's own attitude toward the question of reprisals and what it regards as proof of its good intention. These fell into four areas: the Catholics, political opponents, the nature of the Civil War, and land reform (see the analysis section).

The PRG and the DRV took a very firm stand on the question of the Catholic minority. They said that the bulk of the Catholic community was made up of peasants who were in all ways except religion, identical to the rest of the population of the South. In all respects except religious discrimination, they had suffered from the same things that drove the non-Catholic population into a resistance movement against Diem. The PRG and DRV maintained that they do not discriminate against Catholics. They both referred to the numerically significant participation of Catholics in both the leadership of the NLF, the PRG, and in the government of North Vietnam.

Referring to the active participation of Catholics in the resistance movement, a PRG delegate asked why should the movement want to shatter the unity it had already achieved between Catholic and non-Catholic. This point was accompanied by colorful examples of how ordinary Vietnamese Catholics aided the NLF during its years of struggle, even hiding NLF cadre from Diem's police in Saigon.

The PRG discussed the question of political opponents. Here the discussion started off with a logical question—the right of the United States and the Saigon regime to talk about this factor in light of their past records. Indeed, the Diem government has admitted that between 1954 and 1960, 48,200 persons were arrested as alleged Communists in South Vietnam. The DRV delegation maintained that these figures were actually over 500,000 imprisoned and over 70,000 killed.

It was pointed out that even if the end of the war might bring an unavoidable number of deaths from personal, non-official reprisals, it would be much less than the massive killing going on right now as the war continues.

At Saturday's conference with the PRG, we saw a color film prepared by a team of internationally known French movie makers. It explored all aspects of the "health question" in the South, including the incredible damage to the countryside and to the people from our bombings. For a person who is used to enjoying the beautiful farm country of Dane County (Wisconsin), it was torture to see formerly rich rice lands turned into a landscape resembling the moon with miles of fifty to one hundred foot wide bomb crater, three to five craters wide. The horror of the war against the people was brought home to us by the scene of napalmed women and children and burning villages.

Regarding reprisals, still another consideration about the nature of the war was presented. It is a civil war in which brother has been pitted against brother. Several personal examples came from our hosts. In one case, an uncle of the speaker was in the Saigon administration. In another case, cousins were in the Saigon armed forces. "With brother, parents, cousins, and members of the same village and province in all camps, how could one conceive of a 'bloodbath' taking place?" Perhaps it was too coincidental that the Vietnamese spokeswomen reverted to English for the word "bloodbath." When questioned after the translation was given, she stated that there was no word for "bloodbath" in Vietnamese.

THE SITUATION IN THE SOUTH

The material and memories that we brought back from Paris helped us acquire a more realistic view of the Viet Cong. We had discussed the nature of the land reform in the South as well as in the North, the nature of the Woman's Liberation Movement, relations with minority peoples, the participation by ordinary people in the political decisions of the Liberated areas, and the kinds of programs being carried out by both the PRG and the DRV. For example, we saw the health programs of the PRG. This included color film sequences showing donated medicines from Europe being transported in trucks, on bikes, by foot, and in boats over South Vietnam countryside to reach village dispensaries and hospitals. At the same time, we viewed an underground jungle factory producing hospital equipment and watched an operation being performed in an underground surgery room. Finally, we saw a traveling medical team as it administered free inoculations to the members of a village. We thus realized that the PRG was already a functioning government, and that its supporters were human beings quite like ourselves. These are facts that should not easily be put aside.

As for the military situation itself, most of my information came from conversations and interviews outside the conference. (See last paragraph of Introduction for names of sources.)

According to my sources, the PRG/NLF has deliberately changed its whole military posture since Tet. It has purposely moved its operations from populated areas because the United States was relying on air strikes against all areas which appeared to be hostile. In order to keep aggressive American or Saigon ground units busy, the military strategy has been to carry out minor but continuous operations on the fringes of the populated areas, and to make daring strikes at military bases. In many cases, the Saigon Army commanders and units at the local level have either worked out secret agreements with the PRG/NLF or decided not to stir up trouble where overt military operations are not being carried out.

The military situation is reflected in the civilian aspects of the PRG. Because of the enormous gains made during the Tet offensive in rural areas, and because of its previous strength, the PRG no longer had to give military protection to its civilian governmental apparatus at the local level. In much of the rural areas, elections have been held to establish self-governing committees at the village level. In many cases, PRG officials also hold nominal positions in the Saigon bureaucracy. This kind of duplicity is intended to protect heavily populated areas from becoming the victims of indiscriminate bombing raids because they are classified as "contested areas."

A couple of very amusing accounts were told about this sort of thing, and it was pointed out to me that hardly a week goes by without some new scandal of "reconciliation" being uncovered by the Saigon secret police. Yet the overwhelming bulk of these "arrangements" have gone undetected. As one interviewer put it, "The PRG has spent the first two years eating out the Saigon administration like acid." He went on to describe Saigon as no more than a facade kept up to prevent more "Ben Tre's" (the city we "bombed to save"). In this same fashion, my French contacts discussed the steadily growing series of demonstrations for peace and negotiations in Saigon and Hue. The hand of the PRG is clearly present, and the demonstrations indicate that the question of possible reprisals is simply melting away under the impact of overt and covert arrangements.

ANALYSIS

In order to understand the political events of the last two years, one must briefly review the course of the Vietnamese revolution over the last generation. What marks the course of the Vietnamese revolution is a basic faith in the idea of a gradual revolution, a permanent revolution, the idea that the revolution is not simply a date but a series of steps to a goal.

What the Vietnamese revolutionaries have is faith that if they are given a chance to explain and educate, they can bring the overwhelming bulk of the Vietnamese people along the road to a revolutionary transformation of present-day Vietnamese society. This belief partly rests on a proven assertion that many of the practices of a revolutionary society—like cooperation in rice farming in the village—have very strong roots in precolonial Vietnam. In this sense, the Vietnamese revolutionaries have correctly analyzed that there have always been strong cooperative and community-oriented tendencies in the Vietnamese culture and social arrangements. This historic element has allowed them to fashion a complex alliance of forces whose aim is a twin revolution—a nationalist and a socialist revolution linked as mutually re-enforcing goals.

The dual nature of the Vietnamese revolution is not supported by every single socioeconomic grouping in the society. This must be made clear. In addition, every single element of the social revolutionary program is not viewed in exactly the same way by all groups supporting it. But the Vietnamese Communist Party and other secular social revolutionaries have been able to obtain overwhelming support around a core of revolutionary goals. These are what might be called the "irreducible minimum." They are the reforms that will have almost universal appeal, yet at the same time allow for possible progress to greater forms of social cooperation, including Vietnamese socialism, by being the necessary "first steps."

A key example of this kind of "revolution-building reform" is the land reform program of the NLF. All but the tiny upper strata of the landlord class can agree to it. Yet even this group is not to be crushed under the land reform program. The land reform program of the united front of all groups, including the Communists, simply demands that all surplus land beyond that which a family needs for a family farm will be redistributed.

As the PRG put it, "Land policy is consistent with the special conditions of South Vietnam, i.e., in which the whole people are participating in the war effort. This means that there is a balance between the landless and the people with land. The key is land to the tiller at the place where he works. This means land to the peasant family including families of soldiers in the puppet army. We know that many men are forced to join the army.

As for the landlords, none will lose more than the surplus, the amount beyond what his family can cultivate.

It is certainly true that the two per cent of the top landlords who held forty-five per cent of the land right into the late 1960's will lose a great deal of wealth if they stay around. That is why several thousand of them will probably choose to leave the country with suitcases full of dollar bills, as several thousands have already done.

It might help here to point out that the much discussed peasant protests in the North in 1956 did not concern moves to force people into communes and collectives but rather a poorly administered and mechanically carried out land distribution program. This is an important difference. It is also significant that only by 1960 did the number of peasant families exceed fifty per cent. This gradualist approach is reflected by the fact that even as late as 1967, the United States Army Area Handbook for North Vietnam spent several pages describing the locally controlled cooperative system, which is still the main form of organized agriculture in the North. In fact, mechanisms still exist whereby a family which wants to pull out may pull out of a cooperative in much the same manner as in the United States, by going through a formal legal withdrawal process.

In addition to land reform, the other two elements of the irreducible minimum program of social change are: 1) the emancipation of women from their subordinate roles, and 2) the granting of local control and autonomy to 750,000 hill tribes. These two aspects of the PRG program are seldom discussed in the United States, perhaps because Saigon has made no comparable commitment.

Proof of the PRG's commitment to women's liberation was the composition of the delegation. The Chairwoman of the PRG delegation and the Minister of Foreign Affairs is Madam Nguyen Thi Binh. She heads a staff which has a sexual balance at all levels of responsibility.

Women and members of minority groups are represented in important decision-making posts in the Provisional Revolutionary Government. Members of the Edeh and Jarai minorities hold several posts, including the position of representative of the Autonomous Nationalists Movements in the Central Committee of the PRG and NLF. The Central Committee also includes representatives of the lowland Khamer (Cambodian) minorities, representatives of the Cao Dia and Binh Xuyen sects, and representatives of the Catholic and Buddhist clergy and laity.

The Vietnamese revolutionaries, in addition to working on the key areas of land reform, women's liberation and minority group rights, have encouraged and built upon the cooperative aspects of the Vietnamese village through such programs and through village clinics, free health care and the construction of communically owned irrigation systems. These types of activities produce a powerful tendency toward a socialist society. Yet, this program is accepted by non-Communists as a domestic policy around which they can all unite.

It has already been stated that the PRG has made strong guarantees of safety to these groups. The real point is, though, that since the Tet offensive, the NLF and PRF have been moving to implement these guarantees. According to Phillipe Devillers and other contacts in France, the NLF and PRG have changed their focus of activity since Tet. They are concentrating on talking to people and on encouraging people to reach an accommodation with the PRG.

Over the last two years, the PRG has succeeded in reaching numerous supporters of Saigon, exiles, and fence sitters. This is extremely important. It indicates that the war in Vietnam has become a true war of national liberation, a war against a foreign invader.

In this grand anti-imperialist alliance, long-standing political differences have been put aside. This was the significance of the reception given us by the Society of Vietnamese in France. This is an umbrella organization, made up of many fence sitters, voluntary exiles, Catholics, professionals, etc., who had left Vietnam in various waves over the last few years.

The PRG has convinced large numbers of the Vietnamese community in exile that they have a positive role to play in post-war Vietnam. In Paris, there are many intellectual, doctors, professors, students, scientists, and managers who are planning for the first time to return to post-war Vietnam. How else can one explain the request which was put to me in great detail that Americans help collect scientific, medical, and professional text books for eventual shipment to Vietnam?

In Vietnam itself, the most sensitive question concerns what would happen to low ranking officers and non-commissioned soldiers in the Saigon Army. Battle casualties suggest that a tacit understanding has already been reached. When the Saigon Army invaded Cambodia, they suffered casualties far higher than in the weeks before the invasion. Yet Saigon suffered these high casualties in Cambodia at the hands of a retreating army. The earlier casualties suffered in Vietnam were presumably the result of the aggressive actions of the Saigon forces as they daringly plunged into the heart of the enemy's military concentrations. If this is so, how does Washington explain Saigon's low casualties in Vietnam?

As for the Catholic, the PRG stated to us, Archbishop Binh of Saigon, the head of the southern Catholic community, has formally endorsed the "no reprisal" assurances of the PRG/NLF and the sections of the political settlement. (Even more surprisingly, *Far Eastern Economic Review* on March 5, 1970, noted that Archbishop Binh and Denang's Bishop Pham Ngoc Chi, a refugee bishop, have even called for reunification with the North.) If they are satisfied, who are we to doubt?

In recent months, the Thieu-Ky regime has made wholesale arrests. All of the people arrested have been calling for peace and negotiations with the PRG. Those arrested include members of the Buddhist clergy, the university community, assembly members, trade union leaders, white-collar administrators, and Catholics. This means that members of all of these groups believe that the PRG has a workable program and that it will adhere to its guarantee for their well-being.

The picture, then, is that only a very small minority of the urban Vietnamese will not have worked out guarantees for their well-being and safety when the war comes to an end. In a real sense, the Provisional Coalition Government has already been formed. It includes, in addition to the PRG/NLF and its huge peasant base, the urban-based Buddhist sects, the Catholic community, the urban intelligentsia, and the reconciled civilian and military officials from middle and lower echelon positions.

Who is left? President Thieu has already shipped his two sons out of the country and his wife is rumored to have secretly purchased a villa in Rome. Others will also provide for themselves abroad. The wealthy merchants and landlords, the collaborators, the corrupt high officials, and the dope smugglers—these people will undoubtedly leave. In fact, as Devillers pointed out to me, one of the key points which is implicit in the PRG agreement to a staged withdrawal over several months was that this would allow the quiet and orderly departure of whatever upper class individuals chose to leave.

LAW AND ORDER

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. FINDLEY. Mr. Speaker, the gun as a tool of the criminal is a source of great concern. Accordingly I have proposed in House Resolution 17323 stiff penalties for possession of firearms by a criminal. I have continued, however, to oppose all proposals for Federal registration and licensing of guns. In my view, such would be unfair to the law-abiding gun owner and do nothing to deter the criminal.

I have also proposed that the Federal Government finance an expansion of the FBI academy—where several 20th district police have already received training—so all local police can take special training and refresher courses.

To help curb civil disorders I have proposed that the National Guard be given special riot weapons and training so it can serve more effectively in its growing role as a police reserve.

BEWARE OF THE "TROTS"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. ASHBROOK. Mr. Speaker, during the antiwar demonstrations here in Washington last October and November one organization which did yeomen work in reaching potential sympathizers and in organizing the demonstrations was the Student Mobilization Committee to End the War in Vietnam—SMC. Cooperating with the New Mobilization Committee and the Vietnam Moratorium Committee, SMC played a leading part in the fall offensive, that program formulated months in advance of the October and November protests to produce a public ground swell of opposition to the Vietnam war and the administration's policy in that area. Before, during, and after the demonstrations, sources such as FBI Director Hoover and a number of us here in Congress pointed out that SMC was controlled by Trotskyites, through the Socialist Workers Party—SWP—and its youth arm, the Young Socialist Alliance—YSA—who, although divorced from Moscow nevertheless worked diligently for the overthrow of the U.S. Government.

With the advent of a new school year, it is especially urgent that students on college campuses and in high schools alert themselves as to the philosophy, strategies, and tactics of the "Trots" among youth circles. In the September issue of VFW, the magazine of the Veterans of Foreign Wars, Mr. Hoover provides useful information on these organizations in an article entitled "The Red University—Goal of Trotskyist Communist in the U.S." The article notes that today there are an estimated 50 YSA chapters on college campuses throughout the Nation and "they operate openly and effectively, representing orthodox communism's most extensive current beachhead in higher education." Mr. Hoover further emphasizes the threat of these radicals to young citizens and our way of life:

> For that reason they seek to radicalize students, to teach them to hate America and jeer at our Flag, to encourage disrespect for our laws. They want young people to hate the military, to belittle our national leaders, to laugh at veterans organizations, such as the Veterans of Foreign Wars, and to ridicule the men and women who have so valiantly defended our nation around the world.

The VFW and Mr. Hoover are certainly to be commended for publicizing this information to correct the lack of knowledge about the Trotskyites and their designs for the youth of our Nation.

On September 24 the VFW issued a press release calling attention to the Hoover article in an added effort to spread the word about the Trots. I insert at this point in the RECORD the VFW press release of September 24 and the above-cited article by Mr. Hoover from the September issue of VFW.

J. Edgar Hoover Article Draws Praise From Educators

WASHINGTON, D.C. (Sept. 24).—The Young Socialist Alliance (YSA) today has an estimated 50 chapters operating openly and effectively on American campuses, according to J. Edgar Hoover.

In an article appearing in the September issue of the Veterans of Foreign Wars magazine, the F.B.I. director said these chapters represent orthodox Communism's most extensive current beachhead in higher education and are the largest and best organized youth group in left-wing radicalism.

Hoover said the Trotskyist youth group, founded in the late 1950s, has shown a vast membership growth and resurgence in the past 24 months. He cited the YSA's National Convention in Minneapolis last December that drew an estimated 1,000 members and observers.

"This sudden—and surprising—upsurge of Trotskyist Communism has sprung from the recent student unrest on our college campuses, especially the rise of New Leftism and the agitation against the war," the F.B.I. director explained.

The V.F.W. article stated a "ready-made channel of Trotskyist influence on the college campus is the Student Mobilization Committee."

Hoover said few people realize that the SMC movement is controlled by the Trotskyists and that this old-line Communism is making an almost unbelievable comeback in the U.S.

"Here lies a danger of great magnitude," the F.B.I. director warned. "This threat becomes clear when we realize that Trotskyists' activities on campus are really secondary to their main goal, namely, to bring about a Communist revolution.

"They want young people to hate the military, to belittle our national leaders, to laugh at veterans organizations such as the Veterans of Foreign Wars, and to ridicule the men and women who have so valiantly defended our nation, the director wrote.

The National Commander of the V.F.W., Herbert R. Rainwater from San Bernardino, Calif., commended Hoover on the magazine story which he said has drawn praise from educators throughout the nation.

The Red University—Goal of Trotskyist Communism in the United States

(By John Edgar Hoover, Director of the FBI)

A college student strode across the university campus. He was a clean-cut young man, his hair cut short, wearing a pair of brown trousers and a white sports tie. There was nothing of the beatnik or hippie type in his appearance.

In his hand he carried several pieces of paper, a small book and a magazine. He was on his way to meet a friend.

A few minutes later the student met his friend, another young student. The two shook hands and then started to talk in an animated fashion. The first student suddenly, as if he needed some printed data to reinforce a point he was making, took the magazine he was carrying, opened it to an article and then beckoned his friend to read it.

What was the magazine? It was a copy of "Young Socialist."

What is the "Young Socialist?" It is the organ of the Young Social Alliance (YSA), the nation's top Trotskyist youth group. (The magazine has now been replaced by another publication.)

The two young men were on their way to a meeting of the campus chapter of YSA.

On the West Coast a conference opened in a school auditorium. It was a blustery winter day, but attendance was excellent. Into the auditorium walked a tall young man and an attractive young lady. They were to be speakers at the conference.

Who were the people attending this Conference? They were members of the YSA and its parent group, the Socialist Workers Party (SWP).

What was the young man on the university campus showing his friend in "Young Socialist?" An article entitled "YSA Program for the Campus Revolt." He pointed particularly to a paragraph (under the heading "A Revolutionary Strategy") dealing with the "Red University," a major concept of Trotskyism.

"The concept of a 'Red University,'" the paragraph read, "oriented toward the needs of the working class and the oppressed first arose in Europe. The concept means that the university ought to be transformed from a factory producing robots into an organizing center for anticapitalist activities, a generator of revolutionary education, an arena for mobilizing youth in the struggle for the complete transformation of society."

The discussion in the campus YSA meeting that evening was on the role of the university in making a Communist revolution.

What was the topic of the speeches of the tall young man and the attractive young lady entering the auditorium to attend the West Coast Conference?—the "Red University."

The young man lashed out savagely against American universities. The university, he charged, was playing a despicable role in society by allowing ROTC training and military recruitment on campus. The real function of the university, he asserted, should be to expose the fallacies of capitalism and to train students to bring about a "socialist" (in Trotskyist language "socialism" means Communism) revolution.

The lady speaker was even more bitter. She denounced universities as mere "factories" producing "technicians" and "robots" for capitalism. Trotskyists, she said, must encourage young people to become dissatisfied—not only with their schools but also with the whole structure of society. That's the way to bring about the revolution. That's the way to radicalize and agitate students. That's the way to bring about the "Red University."

In these two incidents, a campus meeting and a West Coast conference, we see the everyday operations of an Old Left Communist group known as Trotskyists. We see also one of their major current aims—the influencing of young people leading, they hope, to establishing the "Red University."

Much less has been heard about the Trotskyist brand of Communism than the Stalinist Communists of the Communist Party, USA. The Trotskyists are old-line, orthodox Marxist-Leninists, basing their ideology on the teachings of Marx, Engels and Lenin.

However, they follow the interpretations of these Communist "masters" by Leon Trotsky, Lenin's famous collaborator in the Russian Revolution of 1917, instead of what they call "Stalinism," that is, the kind of Communism developed by Stalin and his successors in the Soviet Union. To the Trotskyists, Stalin "corrupted" the original teachings of Communism (especially through his terror tactics) and only they, the Trotskyists, possess what they call the "pure" version.

The Trotskyists (followers of Trotsky are called Trotskyists; their opponents call them Trotskyites) detest the Soviet Union and its representative in the United States, the Communist Party, USA (though recently the two groups have worked together in antiwar programs, more or less tolerating each other for tactical purposes).

For years, the Trotskyists (the Socialist Workers Party was founded in 1938 by members expelled from the Communist Party, USA, as a result of the Stalin-Trotsky feud) were orphans in the ideological vineyards of the left. They were small, ineffectual and virtually forgotten when compared to the much larger Communist Party, USA.

But the tables have now turned. The Trotskyists, especially its youth group (YSA was founded in the late 1950's), have shown a vast membership growth and resurgence in the last 24 months until YSA is today the largest and best organized youth group in left-wing radicalism. Trotskyist influence is especially strong in the youth field, particularly on the college campus.

For example, at YSA's National Convention in Minneapolis last December, roughly 1,000 members and observers were in attendance. Enthusiasm was high. The convention was effectively organized and run. A number of new recruits were obtained.

This sudden—and surprising—upsurge of Trotskyist Communism has sprung from the recent student unrest on our college campuses, especially the rise of New Leftism and the agitation against the war. Trotskyist leaders have skillfully exploited this situation for their own advantage.

For example, the "YSA Program for the Campus Revolt," which the two young students were discussing on the University campus, is filled with so-called "immediate demands" to attract the extremist student: "end campus complicity with the Vietnam war, abolish ROTC, end all ties between the university and the military. No military recruiters on campus. End cooperation with the Selective Service system, abolish the draft."

Then there are demands for "student-faculty control of education:

"Student-faculty control over the university, including the hiring and firing of faculty members and administrative officials, repeal all anti-student legislation, no police on campus."

In addition, YSA's program demands: "Free education through the university level for everyone who wants it. Abolish tuition. An annual salary for all students with automatic increases to offset inflation. Guaranteed jobs upon graduation."

Today there are an estimated 50 YSA chapters on college campuses throughout the nation. They operate openly and effectively, representing orthodox Communism's most extensive current beachhead in higher education.

A ready-made channel of Trotskyist influence on the college campus is the Student Mobilization Committee (SMC). The SMC is a nationwide antiwar group which, along with the New Mobilization Committee to End the War in Vietnam, has influenced literally thousands of students, faculty members and others against the war in Vietnam. SMC has received extensive publicity in the national news media and its leaders are frequently interviewed as "representatives" of student opposition to the American presence in Vietnam.

Early in 1970, an SMC National Conference was held in Cleveland, Ohio, for the purpose of organizing antiwar protest strategy. Some 4,000 individuals of varying ideological backgrounds attended. Yet, few people know that SMC is controlled by the Trotskyists. YSA and SWP leaders hold top positions in the SMC and call the signals.

Under the banner of Leon Trotsky, old-line Communism—virtually unopposed—is making an almost unbelievable comeback in the nation. Here lies a danger of great magnitude. This threat becomes clear when we realize that Trotskyists' activities on campus are really secondary to their main goal, namely, to bring about a Communist revolution.

"Our participation (in campus agitation)," says YSA's *Program for the Campus Revolt*, "is designed to demonstrate in practice how the student struggle is linked to the broader struggle to replace capitalism with socialism (Communism)."

In other words, the current situation of unrest on campuses is being used by the

XUM

Trotskyists merely as an agitational point, to stir up discontent, to radicalize students and to obtain YSA and SWP recruits. The main goal is a total transformation of our society along Marxist lines.

That's why the Trotskyists have developed the concept of the "Red University." They know that the young people of today will be the leaders of tomorrow. For that reason they seek to radicalize students, to teach them to hate America and jeer at our Flag, to encourage disrespect for our laws.

This YSA-SMC attempt to stir up discord among GIs is not motivated by any legitimate concern for the GI. To the Trotskyists, this agitation is just another tactic, as their program on campuses, to radicalize young people and to lay the groundwork for the Communist revolution.

In this process, the Trotskyists seek—in orthodox Communist teaching—to create a strong centralized party, with discipline and organization, which can serve as the vanguard of revolution. This Trotskyist resurgence should be a matter of concern to all patriotic Americans.

As citizens, veterans and Americans, you should know more about Trotskyist Communism in our country—its origins, tactics and aims.

You should be familiar with the Socialist Workers Party, the Young Socialist Alliance and the Student Mobilization Committee. The next time you see or hear about their activities, you will realize that they are not some distant, strange groups or some bland, non-revolutionary organizations which intend no harm to our country.

Many citizens, unfortunately, equate the word "socialism" as used by the Trotskyists with a democratic form of socialism. Nothing could be further from the truth. In Trotskyist language, "socialism" or "socialist" means Communism. Trotskyism is revolutionary Communism working for the destruction of this nation.

To meet this Trotskyist challenge, we must be positive in our support of America—its ideals, its values, its principles.

As never before, America needs help. In today's world, with so many forces endeavoring to disrupt democratic government, each citizen must be willing to stand up and boldly say: "You can count on me."

A free society can survive only through the wholehearted, intelligent and vigilant support of its citizenry.

I know, speaking for the readers of the *V.F.W. Magazine*, that you will do your share.

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EQUAL RIGHTS AMENDMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD a letter I received from Robert L. Kahn, president of the Society for the Psychological Study of Social Issues, expressing support for my equal rights resolution, House Joint Resolution 264. The letter follows:

THE SOCIETY FOR THE PSYCHOLOGICAL STUDY OF SOCIAL ISSUES,
September 14, 1970.

Hon. MARTHA W. GRIFFITHS,
House Office Building,
Washington, D.C.:

The Society for the Psychological Study of Social Issues is a group of approximately three thousand psychologists and allied social scientists who seek, in various ways, to bring theory and practice into focus on human problems of the group, the community, and the nation as well as the increasingly important ones that have no national boundaries.

The Society supports all women in their determination to achieve constitutional equality, and strongly urges the Senate to pass the Equal Rights Amendment to the U.S. Constitution without change as presented by the Honorable Martha W. Griffiths.

Sincerely yours,

ROBERT L. KAHN,
President.

STATEMENT BY DR. IVAN HINDERAKER

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HANNA. Mr. Speaker, in this time of increasing student unrest, I call the attention of my colleagues to a recent statement by the chancellor of the Riverside campus of the University of California, Dr. Ivan Hinderaker.

I have known Dr. Hinderaker personally for over 15 years. Over these years I have come to have a high regard for Dr. Hinderaker both as an educator and as an administrator. His statement is a constructive contribution to the unending efforts to reconcile dissent with orderly progress.

The statement follows:

TO ALL STUDENTS AT UCR

(Statement by Dr. Ivan Hinderaker)

You are members of a unique generation. It is a generation extraordinarily concerned not with things as they are but things as they should be. In this concern, you should both be encouraged and commended.

UCR has a tradition of coupling its concern for change with an equally strong concern for change with non-violence. This campus has developed in an atmosphere of freedom—an atmosphere which has allowed all of us, students, faculty, and administration, freedom of expression, freedom of dissent. In particular, UCR students have been encouraged to "do their thing." The result has been a campus where ideas, not people, have been in conflict, and vigorous inquiry, not violence, has obtained.

Apathy, or worse, indifference to such issues as war, environmental pollution, economic exploitation is not a virtue with me. It is not a virtue at UCR.

Campus rules governing dissent and its expression are few. We cannot, and will not, tolerate any action that interferes with the rights of another individual or that interrupts the functioning of this campus. That's it. The individual who cannot live within this simple policy should plan now to leave. We cannot compromise or be flexible on this issue.

So demonstrate if you choose. Present a collective statement of your views. Do so by voice, or with placards, posters, and leaflets. But do so in the awareness that dissent, like all human action, has its limits.

Dissent and demonstrations are good when they serve as a means of expressing ideas—for alerting our society to injustice, to alienation, to inequality of opportunity. Demonstrations are bad when they become an end in themselves, when they are destructive of both human needs and resources.

Students who resort to violence to express their anger or release their frustrations help destroy the one bright hope we have: the freedom of ideas and inquiry. Any UCR student who resorts to violence or any UCR student who interferes with the rights of others or interrupts the functioning of this campus will be dismissed.

The limits of dissent at UCR are broad. But when dissent crosses the line into disruption, it must be—and will be—stopped. The survival of the University and this campus is at stake today and we will not permit the actions of a few to destroy the freedom of us all.

SENATOR SKIDMORE OF TUSCALOOSA COUNTY

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. FLOWERS. Mr. Speaker, last Wednesday, September 23, we lost a great man from my home county of Tuscaloosa in the untimely death of our Alabama State senator, E. W. Skidmore. A true man of the people, "Skid" had abilities found in only the very few, and characteristically he was most generous with his time and talents in service of his fellow man. Although never afraid to take a stand on controversial matters, Senator Skidmore was equally loved and admired by friend and foe alike.

He was an old and treasured friend of mine and in tribute to his memory I include the following article from the Tuscaloosa News of September 24, so eloquently written by Associate Editor Paul Davis, at this point in the RECORD:

SENATOR SKIDMORE OF TUSCALOOSA COUNTY

(By Paul Davis, associate editor)

The old log cabin was like something out of a picturebook. It was built of logs, had a sagging front porch and those giant oak trees out front.

In the fireplace, the oak logs crackled and the senator, in khaki pants and shirt, told one tall tale after another.

It really wasn't cold enough for a fire, but the setting demanded it. There was a nip in the air and fall was on its way. All the boys had been swinging from ropes dangling from the branches of the oaks and they perspired as they sat in front of a fire that was too hot.

The senator first produced popping corn and later peanuts. There was an appropriate pan for each and the boys took turns shaking the pans over the fire, passing the handle on to a companion when the handle grew too hot or the fire started to make the knuckles on a small hand start to burn.

The older folks sat in rockers and cane-bottom chairs, but all attention was on the senator, not the kids. Finally, after much urging, he took down a black-frayed case from the mantle over the fireplace and took from it a shiny violin—he called it a fiddle. He held his fiddle tenderly, almost caressing it.

He plucked the strings about midway up the neck and the sound attracted the attention of the youngsters in front of the fireplace. They turned and watched as he twisted the wooden pegs and the vibrations on each string were perfect.

Then he took his bow and played the beautiful tunes you could hum, like "Beautiful Dreamer" and "Greensleeves." Then he'd throw in one of the real old fiddlin' tunes that made you pat your foot.

That was the man, the senator, E. W. Skidmore—a giant in the eye of young boys who clustered around him.

I was one of those boys who had the opportunity—through family and church ties—to be around the senator so many times and spend those long Saturday afternoons at his cabin and in his home. Many of those afternoons were spent on the sleeping porch of the house which for many years now has served as his office.

With his son Paul, we built houses in the trees and melted lead and made toy soldiers by the hundreds. When a mold wouldn't tighten just right and the soldiers came out a bit heavy on one side, the senator could, with a screwdriver and a pair of pliers, solve the problem in minutes. He always had a minute or two to spare.

When he died Wednesday, he was doing what he loved best, practicing law in the courtroom with 12 jurors at his side to listen to the beautiful oratory. He loved to speak and people loved to hear him.

He used the oratory as a toy many times, playing with words simply to entertain his audience. At other times, he used all the compassion he had and in a masterful way blended the words that could melt the hardest of hearts.

He used this great power to push through some of the state's most meaningful school and mental health legislation. He served the mentally ill and retarded of Alabama well and for four years was on the national mental health board.

Yet, deep down inside there was the politician image he loved.

He was the Deep South Senator that has been pictured in a thousand cartoons. He could start a rumble deep in the pit of his stomach and belch out those deep velvet tones that could make a woman swoon and every man jealous.

He was a symbol of manhood, strength and power.

He wore his trousers high, well above the stomach he developed in later years of life. The trousers were drawn in at the top and he looked like he wore a girdle. Then there was a massive chest which made him look more like an operatic baritone than a senator. But it served him well.

His son Paul had said two weeks ago that the senator was doing well, had cut his civic work load, was organizing his time and was really in his most productive years.

He had a quiet office where he was surrounded by his books and his guns. He loved the guns. They were on the wall, in his desk and he for years carried a tiny handgun in his pocket. That was during the years he was prosecuting people twice a week in city court and he often wondered if some drunk might someday become unhappy enough with him to do a foolish thing. Thus he carried the little gun, often in his coat pocket.

And on his necktie there was a miniature pistol. He delighted in showing it. He would take it off, reach into a drawer and get a cap, put it in the tiny gun and fire it, blow away the smoke and put it back on his tie.

He always loved that fiddle, too. Just a month ago, he played a tune or two at a meeting of the Tuscaloosa Civitan Club. He didn't do this sort of thing much anymore. A lack of practice and fingers that were no longer nimble make fiddlin' a bit of a chore. In his younger days, he could play half the night away, joining with fiddlers like Bob Kyle and Temo Callahan.

Another side to the senator's life—and a major side too—was his church, the Northport Church of Christ. He had been known to teach classes and preach when called on.

Church officers talked among themselves about an occasional $100 bill which popped up in the Sunday collection plate. In fact, it was once discussed in a business meeting, but the senator didn't say a word. He placed the bill there, but it was never mentioned. His regular contribution was by check, the bill was just slipped in once in awhile because he loved his church.

He was a deep thinker and he involved himself totally in everything he did—from his church work, to his legisislative duties to his legal work. And he was doing just that when he died.

"I think that's the way he wanted it to end," his son Paul said Wednesday afternoon. "He loved that courtroom and a jury trial. That was just the greatest joy of his life."

Paul is an attorney, too. While his father worked in the courtroom of Judge Dominick Wednesday, Paul was a few floors away in Judge Mize's courtroom. On his jury was the County Coroner Rufus Strickland and it was Strickland, a friend of the senator's, who gave the mouth-to-mouth resuscitation to try to save the life of a friend.

It was almost a year ago now that the senator received his first warning about his heart and the setting was similar. He was arguing a case before the Alabama Supreme court when he fell. That time he made it. This time, the heart was gone and he was dead before he reached the hospital.

Gov. Albert Brewer summed it up well yesterday:

"He used his eloquent speaking ability to plead the cause of the less fortunate and left his mark on much progressive social legislation . . . his accomplishments will benefit generations yet unborn."

The Senator was a good man.

HORTON SALUTES NANCY TURNER, OUTGOING PRESIDENT OF WOMEN'S COUNCIL OF MEMORIAL ART GALLERY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HORTON. Mr. Speaker, when I think of the outstanding cultural benefits accruing to the greater Rochester, N.Y., area because of the Memorial Art Gallery, I always think of the oft-quoted biblical statement that "man does not live by bread alone."

I was reminded of this recently when I read a fine tribute in the Rochester Democrat and Chronicle to Mrs. Richard L. Turner This was in a column headlined Nancy Spotlights The Doers and it enumerated many of the fine contributions that Nancy Turner continues to make to her community.

She recently completed 2 years as President of the Women's Council of the Memorial Art Gallery. Her tenure was marked by many outstanding events and inspiring progress in the history of the gallery. For the past 10 years much of Nancy's volunteer time has been devoted to the furthering of the Art Gallery's impact on the area. We are all indebted to her for her splendid leadership.

Especially noteworthy is Mrs. Turner's statement of appreciation for the gallery. She said:

> Art nowadays is more important than ever. We all have so much leisure, and we can't spend it all worrying about the problems of the world. The gallery is a place to refresh, to re-investigate ourselves. It is important to preserve the fine things that have been done—Rembrandt, Cezanne, the others—as well as to press on to new accomplishments.

It is always refreshing to be reminded that the Nancy Turners of this world are mighty important and valuable people. They are indeed the doers, and all of the rest of us benefit in many ways by their devotion to their causes.

I would like to share with my colleagues in the House of Representatives the newspaper column from the Democrat and Chronicle, for I believe all will find it inspiring. It was headed "It Is a Place To Refresh" and pays a well-deserved tribute to Nancy Turner. The article follows:

IT IS A PLACE TO REFRESH

"When we gave our Greek Ball at the gallery this June, it occurred to all of us that it might be interpreted as frivolous. The world, the country, everyone's own little bank account were in such jeopardy . . ."

"But we were confident that we were having a beautiful party in a place which is well worth thinking about."

Mrs. Richard L. (Nancy) Turner, who this May completed her two-year term as president of the Women's Council of the Memorial Art Gallery, has spent most of her volunteer time for the past 10 years thinking about the gallery. She started as a docent (one of the volunteer guides) and took on, successively, posts as chairman of volunteers, chairman of hospitality, and the presidency.

The presidency made her ex-officio member of gallery committees, as well as of the board of managers. She took the job in May 1968, three months before the gallery reopened after extensive re-modeling. "It's a job where you work intensely, but in spurts."

Mrs. Turner, petite and well-tanned with a casual curly hairstyle, is the mother of four children, ranging in age from 10 to 17.

Her husband, also on the board of several volunteer groups, is chairman of the board of Schlegel Manufacturing Co., a local firm making weatherstripping. Their 10-room, 130-year-old Greek Revival house at 22 Stoney Clover Lane in Pittsford overlooks a huge chunk of Western New York, five acres of which they own. They moved the house to Pittsford from Henrietta 12 years ago, cutting it in half and carting it down the highway.

At the gallery, Mrs. Turner and the Council face a similar task of recounciling an old institution with a changing environment.

The 185-member council has recently expanded its numbers, but it is still an Old Rochester, membership-by-invitation-only organization. "We're slowly becoming aware of the problems of reaching out to the community. We want to be a place for everyone . . . After all the gallery has a terrific membership, more than 8,000 members."

The Women's Council does not work with selection of exhibits or the actual running of the gallery. "Our role is supportive, to help the staff, to provide services beyond what they can do. We also do some fund-raising, of course."

Volunteers come from gallery membership lists and low-key recruitment campaigns, as well as from the Women's Council itself. "We have need for so many different kinds of abilities. We try to involve anyone interested in the gallery, and draw the most dedicated people into the Council."

The Education Department is supported by volunteers who work as docents; operate the 30-school traveling exhibit program; transport students in the Monday sculpture class for the blind and the summer-school program for inner-city youngsters; run parties for students in gallery art programs and sponsor art-appreciation courses.

Volunteers help staff the Gallery shop, as well as the Lending and Sales Gallery. They raise money through projects like the outdoor cafe at the Clothesline Art Show, the tours of foreign art centers, smaller projects like this fall's three-day tour of the Metropolitan Museum of Art in New York. That conscience-pricking Greek Ball raised more than $4,000 which probably will go towards the purchase of an art object for the gallery.

"We do our share of sherry-pouring, too," said Mrs. Turner. "You might say we provide the woman's touch at those affairs." Such affairs include openings, teas, receptions, dinners and conferences where the Gallery inevitably offers guests sherry from a glass pitcher and coffee from an urn, served by a gracious Council Volunteer.

"An important function of the Council, of any women's council really, is to generate enthusiasm for the organization. But you must be careful not to do things which are connected in people's minds with old-fashioned, very social affairs. We do some thinking before we undertake a project."

The Gallery, she thinks, is a place more people should know about, and enjoy. "Art nowadays is more important than ever. We all have so much leisure, and we can't spend it all worrying about the problems of the world. The gallery is a place to refresh, to reinvestigate ourselves. It is important to preserve the fine things that have been done—Rembrandt, Cezanne, the others—as well as to press on to new accomplishments."

Besides the Gallery, Mrs. Turner is active in the Allen's Creek Garden Club, which is helping restore the Stone-Tolan House; the Women's Council of the Rochester Museum, and of the alumni clubs of Smith College (B.A. in theater) and The Masters School in Dobbs Ferry.

CRAMER ANNOUNCES FILING IN SUPREME COURT

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. CRAMER. Mr. Speaker, as my colleagues in the House know, I have filed an amicus brief in the Charlotte-Mecklenburg case which will be heard by the U.S. Supreme Court on October 12, to consider the legality of busing in our schools. At this time I want to bring to the attention of this body the leadership role played by Congressman ALBERT WATSON in this important matter.

After counseling with me for some time, Congressman WATSON asked to join on my brief which outlines the legislative history and congressional intent of sections 401(b), of which I was the author, and 407(a) of the Civil Rights Act of 1964 prohibiting the transportation or assignment of students in public schools to overcome racial imbalance.

Due to his strong belief that busing is illegal and that the courts and school officials are defying the will of Congress and of the people in this matter, Congressman WATSON then set out to secure the support of other Members of Congress.

Greatly to his credit and as evidence of his influence with his fellow Members, 83 Congressmen and Senators agreed to join in my brief.

Answering his persuasive call were representatives of 22 States, almost equally divided between Republicans and Democrats.

Last Friday, September 25, I filed a motion in the Supreme Court formally asking leave for those 83 Members of Congress to join in my brief.

Having such a large number of Congressmen petition to enter this case is of historical importance. Hopefully it will communicate to the Court the fact that the Congress of the United States wants and expects its prohibitions against busing to be heeded.

Were it not for Congressman WATSON's efforts, this demonstration of congressional support would never have occurred. All of those who believe in local government and personal liberty can be proud and thankful of what my friend and colleague, ALBERT WATSON, has accomplished.

Following is a list of the 42 Democrats and 41 Republicans who joined in my amicus curiae brief:

PETITION

ALABAMA

Sen. John Sparkman (D).
Sen. James B. Allen (D).
Rep. Jack Edwards (R).
Rep. William L. Dickinson (R).
Rep. George Andrews (D).
Rep. Bill Nichols (D).
Rep. Walter Flowers (D).
Rep. John Buchanan (R).
Rep. Tom Bevill (D).
Rep. Robert E. Jones (D).

ARKANSAS

Rep. John Paul Hammerschmidt (R).

CALIFORNIA

Rep. Robert B. Mathias (R).
Rep. H. Allen Smith (R).
Rep. Del Clawson (R).
Rep. John G. Schmitz (R).
Rep. John H. Rousselot (R).
Rep. Barry M. Goldwater, Jr. (R).

FLORIDA

Rep. Robert L. F. Sikes (D).
Rep. Don Fuqua (D).
Rep. Charles E. Bennett (D).
Rep. Bill Chappell, Jr. (D).
Rep. Louis Frey, Jr. (R).
Rep. James A. Haley (D).
Rep. William C. Cramer (R).
Rep. Paul G. Rogers (D).
Rep. J. Herbert Burke (R).

GEORGIA

Rep. G. Elliott Hagan (D).
Rep. Maston O'Neal (D).
Rep. Jack Brinkley (D).
Rep. Benjamin B. Blackburn (R).
Rep. Fletcher Thompson (R).
Rep. John J. Flynt, Jr. (D).
Rep. John W. Davis (D).
Rep. W. S. (Bill) Stuckey (D).
Rep. Phil M. Landrum (D).

ILLINOIS

Rep. Edward J. Derwinski (R).
Rep. Philip M. Crane (R).

INDIANA

Rep. Earl F. Landgrebe (R).
Rep. William G. Bray (R).
Rep. Roger H. Zion (R).

KENTUCKY

Rep. M. G. (Gene) Snyder (R).
Rep. Tim Lee Carter (R).

LOUISIANA

Rep. F. Edward Hébert (D).
Rep. Joe D. Waggonner, Jr. (D).
Rep. Otto E. Passman (D).
Rep. John R. Rarick (D).
Rep. Speedy O. Long (D).

MISSISSIPPI

Rep. Thomas G. Abernethy (D).
Rep. Jamie L. Whitten (D).
Rep. Charles H. Griffin (D).
Rep. G. V. (Sonny) Montgomery (D).
Rep. William M. Colmer (D).

MISSOURI

Rep. Durward G. Hall (R).

NEBRASKA

Rep. Glenn Cunningham (R).

NEW JERSEY

Rep. John E. Hunt (R).

NEW MEXICO

Rep. Ed Foreman (R).

NORTH CAROLINA

Rep. Walter B. Jones (D).
Rep. L. H. Fountain (D).
Rep. David N. Henderson (D).
Rep. Wilmer (Vinegar Bend) Mizell (R).
Rep. Alton Lennon (D).
Rep. Earl B. Ruth (R).
Rep. Charles Raper Jonas (R).
Rep. James T. Broyhill (R).
Rep. Roy A. Taylor (D).

OHIO

Rep. John M. Ashbrook (R).

OKLAHOMA

Rep. Page Belcher (R).
Rep. John Jarman (D).
Rep. John N. (Happy) Camp (R).

PENNSYLVANIA

Rep. Lawrence G. Williams (R).

SOUTH CAROLINA

Sen. Strom Thurmond (R).
Rep. L. Mendel Rivers (D).
Rep. Albert Watson (R).
Rep. John L. McMillan (D).

TENNESSEE

Rep. John J. Duncan (R).

TEXAS

Rep. John Dowdy (D).
Rep. James M. Collins (R).
Rep. George Bush (R).
Rep. Robert Price (R).
Rep. O. C. Fisher (D).

VIRGINIA

Rep. G. William Whitehurst (R).
Rep. Watkins M. Abbitt (D).
Rep. W. C. (Dan) Daniel (D).
Rep. William L. Scott (R).

ISRAELI SECURITY AND THE U.S. COMMITMENT

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mrs. DWYER. Mr. Speaker, the Washington Evening Star this week carried two especially perceptive articles on the subject of United States-Israel relations in this time of great crisis in the Mideast. I believe they deserve special attention.

The first, on September 23, was written by Richard Wilson and the second, on September 24, carried the byline of Crosby S. Noyes.

Both these columns—considered individually or together—present a convincing case for a clearer and more decisive expression of the U.S. commitment to the independence, territorial integrity, and security of Israel.

This is an objective I have long and strongly advocated—for these reasons:

First. Ambiguity or equivocation about this country's commitment to Israel can only weaken Israel's confidence in the United States and provide dangerous encouragement to Israel's enemies.

Second. Hesitation or delay now can only increase the cost and the risk of any future assistance the United States provides Israel, assistance it must provide in any event if Israel's security becomes more directly threatened by joint Soviet-Arab operations or weapons.

Third. Clear, explicit, and demonstra-

XUM

ble U.S. support of Israel security will help stabilize the Mideast situation by removing all doubt about the U.S. position on the part of the disputing parties. In a shifting, complex, sensitive situation, doubt is dangerous and clarity desirable.

Fourth. Unqualified U.S. support will not arouse any greater hostility toward the United States than already exists among the Arab nations. It will not bring any added risk of further hostilities, for Israel is not an aggressive power and the Arabs can only be deterred by the certainty of effective response. Nor will such a U.S. posture reduce our ability to advance a peaceful settlement in the Mideast. By helping to equate the balance of power in that area, we would be contributing to the possibility of realistic negotiations and an equitable settlement.

The articles follow:

[From the Washington Evening Star, Sept. 23, 1970]

Arms for Israel Seems To Be Best for U.S.

(By Richard Wilson)

The net result of events in the Mideast is that the United States is now more deeply and directly involved than President Nixon originally intended.

While the odds are considered to be against direct United States intervention in Jordan, contingency plans have had to be considered. In general, involvement of U.S. forces which have moved into the eastern Mediterranean area cannot be ruled out.

These were the conditions the President wished to avoid in his original delay in withholding from Israel additional Phantom jet fighters-bombers and in making his proposal for the Mideast cease-fire. But now, following Premier Golda Meir's visit, it appears more unavoidable than ever that the United States will be compelled to supply Israel with the highly sophisticated equipment it desires to counter the Soviet-manned missile bases.

The American airline hostages held by the Palestinian Arab commandos and civil war in Jordan, with Syria's evident intervention, have immensely complicated the problem. Taken separately the fate of King Hussein is not considered vital to American interests, but as part of the general turmoil in the Middle East this is a highly explosive factor which could set off a chain reaction.

Several factors need to be borne in mind when judging what President Nixon will do in this highly dangerous situation.

It should be recalled that in the case of the seizure of the USS Pueblo by North Korea, with its crew held hostage and subjected to severe torture, the United States took no direct retaliatory action. The action was not taken because it might have endangered the lives of the Pueblo crew and because there was no way, short of an unthinkable direct invasion of North Korea, that retaliation could have been effective under the circumstances.

A similar condition seems to exist with respect to the air passenger hostages. They have been dispersed into several groups and thus could not be released in a single attack even if they survived while the rescue operation was under way.

This would seem to rule out any dramatic airlift carried out by stealth in the dark of night. Evacuation of other American personnel in Jordan, if the fighting continues, might be another matter but the State Department has seen no need for this action yet. If Nixon follows the methods used to obtain freedom for the Pueblo crew it will be attempts by secret negotiation.

Insofar as direct intervention to rescue the government of King Hussein is concerned, Washington apparently is relying heavily on the unshaken belief that the Soviet Union does not desire a confrontation from which there could be no backdown.

In spite of the bad faith of the cease-fire, during which the Egyptian military position was greatly strengthened, the Nixon administration is relying basically on Russia's interest in not having a major war in the Mideast. This faith may be proved misplaced but it is being given a further test.

Summed up, the U.S. policy is expected to continue to be so, although each day the United States is drawn in more deeply.

In the end, this may cost the United States more than a billion dollars in economic and military aid for Israel which President Nixon had been seeking to avoid.

Some speculation has centered on the point that Nixon is capable of direct and dramatic action, as in Cambodia, and thus he may act similarly in Jordan or Israel. This speculation leaves out of consideration the fact that the Cambodian operation was controllable and low risk, quite different from intervention in the Middle East where our forces are not large, when they exist at all, and do not have the immediate backup of the half-million men who were nearby in Vietnam.

The best bet, therefore, seems to lie with strengthening Israel so it will be made evident that a new Russian-backed attack by Egypt and other Arab countries would be at a very high risk for them.

This is the process which will have to begin now, and Mrs. Meir seemed to indicate when she left Washington that it would begin. Perhaps it is too late, but it is better late than never.

[From the Washington Evening Star, Sept. 24, 1970]

Israel Doubts on the United States Far From Resolved

(By Crosley S. Noyes)

Despite the atmosphere of cordiality and mutual comprehension generated in the course of Golda Meir's visit, some grave and possibly insoluble problems will continue to trouble relations between Israel and the United States.

In the immediate and fairly superficial context, the Israeli prime minister's trip was a success. She was successful in breaking the linkage—assuming any linkage existed—between an American willingness to supply arms to Israel and Israel's unwillingness to engage in any peace talks as long as Egypt and the Soviet Union continue to violate the terms of the cease-fire agreement.

On this point, the Israeli case is strong.

There is no question at all that the Egyptians and Russians have taken advantage of the cease-fire to move a complex system of anti-aircraft missiles into the zone bordering the Suez Canal's west bank. There is no question that this move—taken after all parties agreed to a "standfast" arrangement on the construction of military emplacements—seriously threatens Israel's defense lines if shooting begins again.

In this situation, any peace negotiations are out so far as the Israelis are concerned. It isn't just that the Egyptians and Russians acted with callous duplicity in the matter of the cease-fire. In the Israeli view, the violation of the cease-fire agreement is proof that any agreement that might be reached with the Egyptians would be worthless, regardless of what assurances might be given from the other side.

It also confirms their suspicions that the intention of the Egyptians and Russians is to renew their "war of attrition" against Israel as soon as they feel the time is ripe. The arrival in Egypt of bridging and amphibious equipment reinforces expectations of an attempt to break Israel's Bar-Lev defenses and invade the Sinai peninsula.

To negotiate in these circumstances, the Israelis say, would be to negotiate "with a pistol at our head." The choice, they are convinced, would be to accept the Russian and Egyptian terms or face the possibility of a military defeat. Accepting the Russian and Egyptian terms, in the Israeli view, would be the equivalent of accepting the inevitability of another all-out war.

The Nixon administration, with considerable reluctance, has agreed to go along with this line of argument at least part way. Assurances have been given that some, if not all, of Israel's military needs will be supplied, including aircraft and electronic equipment designed to offset the new sophisticated Russian missile system. The Americans also concede that Israel has been put into a sticky military position. But they also suggest that Israel's position will be no less disadvantageous if there are no negotiations and if the war of attrition resumes at the end of the 90-day truce.

The problems between the United States and Israel, however, go far deeper than this disagreement over tactics. They go, in fact, to a fundamentally different concept of how Israel's security can best be assured.

The Nixon administration apparently is basing its policy on the hope that the Soviet Union's interests are best served by avoiding a new outbreak in the fighting and a direct confrontation with the United States in the Middle East. It is convinced that negotiations under the auspices of Sweden's Gunnar Jarring offer the best possibility of a settlement of the Middle East conflict. And it seems willing to bring pressure on Israel to get the negotiations started.

For their part, the Israelis, whose sole concern is for their own security, cannot understand American passivity in the face of the rapidly expanding Soviet military presence in the Middle East. To them, this presence represents a deadly threat. For while they are confident of their ability to deal with the Arabs, they know that they cannot fight the Soviet Union and win.

The Israelis have no real trust in American assurances when it comes to our willingness and ability to guarantee Israel's security. They remember only too well how Britain, France and the United States repudiated their own guarantees of Israel's borders on the eve of the 1967 war. And their confidence has not been bolstered by the American performance in the case of the present cease-fire violation.

They are painfully aware also of their dependency on the United States as a source of arms. They fear, with some reason, that if a negotiation gets under way, the United States will use this leverage to force Israel into disastrous concessions to the Arabs—that they will, in fact, be negotiating "with two pistols at their head" and will have no choice except capitulation to Soviet-Arab terms.

In short, the crisis of confidence is very far from over. And it will take a good deal more than reassuring words to convince Israeli leaders that the United States, in a time of great peril, is a trustworthy ally.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

OLEAN WOMAN DIRECTS VFW WAR PRISONER CAMPAIGN

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HASTINGS. Mr. Speaker, the other day Frank Borman spoke at a joint session of the Congress on one of the most agonizing aspects of the war in Vietnam—the fate of U.S. prisoners of war.

In connection with Mr. Borman's speech, it is most appropriate that I call to the attention of my colleagues the work of Mrs. Alexander Cottone, of Olean, N.Y., in my district, and the organization she so ably serves—the Veterans of Foreign Wars.

Mrs. Cottone was elected president of the Auxiliary of the National VFW at its meeting last month in Miami Beach, Fla. Her first official act on returning to Olean was to launch a massive petition-signing campaign aimed at mustering national public support to obtain the release of our captive servicemen, some of whom have been prisoners longer than any American in any war.

Mrs. Cottone reflects the deep concern we all feel for the safety of the approximately 1,400 held in North Vietnam and for their anguished wives and families. She is a woman of energy, wisdom, and great dedication. She believes deeply in this cause, and as a thematic guide for this effort, she has chosen the words: "Our Flag—so proudly we hail."

Her selection to head up this project is a source of personal pride to me and to our district, as well as all of New York State where her efforts on behalf of the VFW and its many veterans-aid programs are well known.

Mrs. Cottone says:

> If Americans unite in showing that they care, they may be able to bring about the relief and release of American prisoners of war held in Southeast Asia.

It is my understanding that the United States officially lists 375 prisoners of war being held in North Vietnam; another 77 in South Vietnam, and three in Laos. Listed as missing are more than 1,000 servicemen.

The North Vietnamese have failed to live up to a single article of the Geneva agreement which they signed in 1957. They have barred inspection of prison camps by neutral groups such as the International Red Cross, and their treatment of prisoners violated all the basic standards of human decency.

It is a cruel irony that these men who hold freedom so dearly should be captive. We, as Americans, would be without conscience if we fail to do all we can to secure their release.

I urge every American to join in support of this effort by the VFW so that these prisoners of war can be reunited with their families.

ERODING PUBLIC CONFIDENCE IN THE BAR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. WYMAN. Mr. Speaker, I have long urged the disbarment of Attorney William Kunstler. On February 26, 1970, I wired the president of the American Bar Association as follows:

> FEBRUARY 26, 1970.
>
> BERNARD G. SEGAL, Esq.,
> *President, American Bar Association,*
> *Philadelphia, Pa.*
>
> What are you doing about acting to put the American Bar Association or at the very least yourself as president on public record with the New York Court of Appeals requesting disbarment of Kunstler. Am advised Santa Barbara burning of Bank of America branch yesterday directly attributable to Kunstler inflammatory incitations broadcast on national TV. No person who so conducts himself in or out of court has the right to remain in good standing. There must be some way the American Bar can act to at the very least show the American people it cares something about such flagrant misconduct.
>
> Regards,
> Congressman LOUIS C. WYMAN.

On April 10, 1970, I wrote President Segal that—

> Kunstler's activities are so blatant, flagrant, contemptuous, unethical, unprofessional, and violative of his oath as an officer of the court, as to warrant immediate effective disciplinary action.

Subsequently, on President Segal's recommendation, I wrote Attorney Bonomi of the Bar Association of the city of New York, inquiring concerning the status of proceedings to disbar Kunstler, only to receive a response that—

> All records in disciplinary matters are confidential unless made public by order of the appellate division.

In my opinion the organized bar owes it to the public to purge itself of professional activists who urge criminal activity outside the law and who demonstrably incite to overt acts of violence in this country.

The bar owes its living to public confidence and reliance. Unless it deals firmly and responsibly with those who disgrace the bar, who defy and defile the law of the land, and who make a mockery of the lawyer's oath to uphold the Constitution of the United States, public confidence in lawyers and the bar will be destroyed. The continued undisciplined incitements of Messrs. Kunstler and others to sedition, insurrection, and civil disobedience, are an indictment of the organized bar, not only of New York but throughout the Nation. Even the great American Bar Association cannot afford to stay aloof from such deliberately contemptuous conduct.

In this connection a recent column by William F. Buckley, Jr., appearing in the Washington Star of September 25 is significant.

WHY NOT DISBAR WILLIAM KUNSTLER?

(By William F. Buckley Jr.)

The other day, asked by the moderator of a debate at the University of Rochester if I could suggest a measure that would help to bring judicial reform, I answered yes, the disbarment of William Kunstler.

Many of the students booed. I replied that they could hardly be booing me, it must be that they disapproved the canon of ethics that binds lawyers in New York State.

Either Kunstler must be disbarred, I said, or the canon of ethics repealed: The two cannot coexist. The crowd was silent, but sullen, as was Kunstler, who shared the platform with me.

It was a coincidence that the day before, James L. Buckley (he is my brother, which is also a coincidence), running for the U.S. Senate in New York, called publicly for Kunstler's disbarment. He asked the other two candidates, Richard Ottinger and Charles Goodell, to join with him in asking the Association of the Bar of the City of New York to take action against lawyer Kunstler.

A still further coincidence is that the evening before the debate at Rochester I saw a pre-publication copy of the October Playboy magazine which carries a long interview with Kunstler. Some of the racier passages no doubt would have been quoted in the letter addressed by James Buckley to the president of the bar association, the Honorable Bernard Botein, if James Buckley had read Playboy.

On resistance: "It is the role of the American left," says lawyer Kunstler, "to resist rather than merely protest: To resist illegitimate authority."

What is "illegitimate authority"? Why, the authority that ordains "the draft . . . any payment of taxes to support the war in Vietnam . . . the domestic and foreign policies of a government that crushes people on every level (he means the U.S. government) . . . all the things in this society that tend to degrade and destroy people."

In very plain English, Kunstler says no American need obey the law.

How, specifically, should we go about breaking the law? Well, take the college situation. "The students can take over (their) college by occupying its buildings." Just plain occupying them? No—the students should occupy the buildings pending the administration's capitulation. If the adminministration refuses to grant the students' demands, they move one step further. "Another form resistance could take would be the burning down of a particular college building."

This was too much even for Playboy. "You condone arson" Kunstler was asked.

"Yes," said Kunstler, "if a point has been reached in a given situation where the mechanisms of society are not responding to serious grievances."

In plain English that means: Go ahead and burn down the building if in your opinion your grievances are sincere, and the mechanisms of society have not appeased you.

Speaking for myself, I can count 68 times during the period since my 21st birthday, when, applying the Kunstler Code, I'd have felt compelled, personally, to put a torch to the White House.

Can we assume that when the Vietnam war is over, so will Kunstler's war against the United States? Not at all. "I would hate to think," he told Playboy, "that the war in Vietnam could be the only catalyst for resistance. There is so much more that remains to be resisted: The oppression of black people . . . poverty . . . unequal distribution of wealth, and so on."

Really, our society is surely suicide-bent if William Kunstler is permitted to serve as a *lawyer*. One might as well license a werewolf to practice medicine.

Kunstler is a revolutionary. He wishes ardently to politicize all American institutions, and he begins, of course, with the courts.

Was the recent mess in Chicago old judge Hoffman's fault? Don't be ridiculous "No matter who the judge was, the defendants would have tried to focus on the war in Vietnam, on the issues of racism, poverty, and youth culture," Kunstler now reveals.

There is a case to be made for giving an individual a certain amount of scope for his revolutionary ambitions. But there is no tradition whatever for permitting him to work from a privileged position within an institution—our judicial system—which requires loyalty to the processes of law.

INVESTIGATION DEMANDED

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HARSHA. Mr. Speaker, the Presidential Commission on Obscenity and Pornography was created almost 3 years ago when Congress found "that the traffic in obscenity and pornography is a matter of national concern." (Public Law 90-100). Reportedly, however, as the time for the final release of the Commission's report draws near, the 18-member panel is planning to recommend a repeal of all pornography laws.

This, to me, seems to be a highly incredible solution to the ever-increasing prevalance of hard-core pornography in our society and its ever-continuing attack on our national moral fiber. Because I have long believed in the urgent and serious need for legislation to control the smut in our mails, literature and films, I seriously question the alleged findings and recommendations of the Commission. The public opinion against the rampage of pornography convinced the Congress that it should do something about the situation. It therefore created the Commission to investigate the matter, yet the Commsision is supposedly suggesting that Congress do nothing but repeal what pornography laws they have already enacted. I am not alone in my concern over these developments, and on the basis of the dissenting views of one member of the Commission is supposedly suggesting I strongly suggest Congress take a closer look at the Commission's activities.

In the first draft of his statement, Keating accuses the Commission majority of recommending that "smut peddlers of the world—have—freedom to purvey in the United States their scatological, depraved, deviated, sick, sex products." According to Commission findings which have already been privately disclosed, pornography has no relation to crime or sexual deviancy. In other words, it is not a causal factor for crime and it is not a source of corruption for minors. In view of these findings, the Commission maintains that America should adopt a liberal and lenient policy allowing hard-core pornography on the market for consenting adults. How they reached this conclusion when many experts emphatically maintain that pornography is harmful and morally debasing is extremely hard to conceive.

I am most curious, as many interested and concerned citizens and legislators are, as to the nature of the evidence and investigation which led the Commission to this irresponsible conclusion. Keating has charged that the public may never know exactly what the Commission did because, he maintains, it denied information to the public and blocked a full minority report. This was done in part by a "confidentiality" or secrecy pact adopted by the Commission. The Commission also refused to permit dissenting or minority Commission members a reasonable method by which they could report to the Congress and to the President—"much less the requisite funds, staff, and time to so report," according to Keating. He also cited instances where the Commission—or certain members of it—contracted for various studies or technical reports without the knowledge of the whole Commission. These technical reports themselves have never been submitted in their entirety to the full Commission and some of them will not be completed before the time of the Commission expires. Therefore, the complete evidence and findings could not have possibly been reviewed before the release of the Commission's final report. If Keating's allegations are indeed true, such procedures and conclusions by a Presidential Commission certainly warrant a more convincing explanation, and it is on this basis that I demand an investigation of this matter be conducted.

Mr. Speaker, the Commission on Obscenity and Pornography has spent 3 years and $2 million on its study. Judging from the preliminary data on its activities and Keating's report, it looks like the public may have been shortchanged. The public has strongly indicated its desire to extricate the media from the mire of pornography into which it is sinking. It has clamored for protection from unsolicited pornographic mailings and finally received it in landmark legislation which I supported earlier this year. This is definitely not the time to stop and to forget about controls, as the Commission reportedly suggests. It is not the time to allow smut peddlers to grow fatter on their depraved, sordid, multimillion-dollar business. It is time we take a look at the President's Commission on Obscenity and Pornography and its findings to ascertain the validity of Keating's charges before the Commission's alleged libertine recommendations set a precedent which could break the dam wide open for the most vile and repugnant onslaught of pornography America has ever endured.

GOLD STAR MOTHER'S DAY OBSERVANCE IN ST. LOUIS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mrs. SULLIVAN. Mr. Speaker, in 1936, in Public Resolution 123 of the 74th Congress, the people of the United States set aside the last Sunday in September as Gold Star Mother's Day to honor those who had made "the supreme sacrifice of motherhood" in "the World War." This was the war which was to have ended wars, and even though the seeds of World War II were already germinating, most Americans in 1936 felt and hoped we would never again be involved in warfare. Hundreds of thousands of Americans have been killed in wars since then, and American mothers are still joining the ranks of Gold Star Mothers, as civilization finds itself far from the objectives which were supposedly accomplished by the world in the termination of World War I 52 years ago.

Yesterday, at ceremonies at the Soldier's Memorial in St. Louis, it was my privilege to join with Gold Star Mothers of the St. Louis area in observing the day set aside by the 74th Congress to honor mothers whose sons have died in the armed services of the United States. My remarks on that occasion may be of interest to my colleagues in the House, and I submit them for inclusion in the CONGRESSIONAL RECORD, as follows:

REMARKS BY THE HONORABLE LEONOR K. SULLIVAN, DEMOCRAT, OF ST. LOUIS, MO., TO OBSERVE GOLD STAR MOTHER'S DAY AT THE SOLDIERS' MEMORIAL, SUNDAY, SEPTEMBER 27, 1970, AT 2 P.M.

The span of a human lifetime is so brief compared to the life of our country—now nearly 194 years old—that we know *well* only the most recent periods of that history, and take a lot for granted, or on faith, as to what transpired before our time. We studied about the heroes of our American heritage and the wise and far-sighted policies they were usually supposed to have pursued; we remember little, or never learned, about the deep and bitter discords which accompanied the development of those same policies.

There is much about present-day America which is disconcerting, disillusioning, and even frightening. On almost every plane of human endeavor, we are disappointed in the attitudes of *so many* of our people even while they are enjoying a level of material advantages never before known to any people on earth. And *so* we ask ourselves where America went wrong—what happened—why we have so much to divide us and worry us when we should be rejoicing as a people in the blessings of liberty which enable us to engage in our own ways in the pursuit of happiness.

Are these the "bad new days" compared to the "good old days" in our history? It is certainly easy to think so. Yet, if we look to the newspapers of any other era in American history, we find headlines and editorials which reflected even more emphatically than they do today a deep concern over the direction and course of American life and the impending doom of decency and civilization. If you read the debates in the Congress of the United States for almost *any* day of any bygone year, you will find expressed the same misgivings and fears for our country's future and the survival of good manners and decency as we find today.

FINDING ANCHORS OF NATIONAL FAITH

It is a good thing to refresh our understanding of our past by searching out the news and commentary of other days of strife and discord in America, for we thus develop some perspective on the worrisome problems and deep divisions we encounter today. Perhaps the *tone* of America is neither worse nor better today—but of course it certainly is *different*.

We have difficulty in finding anchors of national faith which can hold us steady against the swirling waves of controversy and the harsh winds of change and confusion.

Some say we have had it *so good for so long* that we have lost our capacity as a people to cling together in any common cause. Many Americans see no threat today from outside and no danger at home, while others see only scourge and pestilence and disaster everywhere.

But things aren't really *that* good *or* bad. They are, as I said, different—different from what we had grown up expecting, different from what we remember, different from what we like to think were the conditions which preceded us in America. In company with, I am sure, the majority of you, I don't like a lot of these changes *either*.

And yet, the basic strength of the American experiment in self-government remains tough and vibrant and alive. Lincoln called it "the last, best hope of earth"—and he used those words during one of the darkest moments in our national existence, to describe a country whose survival was in doubt and whose people were engaged in destroying each other. We have been through many terrible ordeals since that time, but nothing to match our own civil war in terms of loss of American lives. In the past, too, we suffered economic disasters beyond the comprehension or belief of today's affluent young people, and there were wars of incomparable savagery; but we not merely survived, we grew to unmatchable economic and technological power.

THE LUXURY OF UNLIMITED CRITICISM

But none of it came cheap—or by wishing—or by accident—or by villainy.

I thought of these things as I left Washington to come back to St. Louis, knowing I would be meeting with you today and joining you in celebrating a national observance of deep significance to you and of great meaning to all of those Americans who truly care what we *are* as a country and as a people. Throughout our history, most Americans were called upon to give at least a little toward the common good; many gave a lot; some gave everything. At the time these events occurred the causes for which the sacrifices were made loomed larger, perhaps, than they often appeared later in retrospect—certainly larger than they *now* appear to those who have never had to make similar sacrifices, or make any sacrifices at all. The obligations of citizenship unfortunately fall unevenly, and always have. So too, do the rewards of citizenship fall unequally. But there is a sense of pride which comes to those who have had to do much, or give much, so that others who give little can nevertheless enjoy all of the advantages of citizenship in a country which permits any one of us the luxury of unlimited criticism of everything about our national life and heritage.

Much as we sometimes might despair over the shortcomings and defects of human conduct which affront our national conscience or besmirch our heritage, these are neither new nor fatal threats to our survival as a *good* people, a decent people, a nation which enshrines freedom not merely in statues and slogans, but in our hearts, too.

Of course, it is not easy to tolerate the constant attacks on and criticisms of the structure of our government and our laws or remain calm through the raucus challenges to public order and common decency.

But our heritage requires such tolerance—not to the point of permitting lawlessness without punishment, but to clearly separate illegal acts from unpopular thoughts and opinions.

"THE HOME AS FOUNTAINHEAD OF THE STATE"

We are not *nearly as* divided as we appear. But we argue a lot—and bitterly.

In passing the joint resolution which set aside the last Sunday in September as "Gold Star Mother's Day", Congress declared that we honor *ourselves*, as well as the mothers of America, when we "revere and give emphasis to the home as the fountainhead of the state." This I deeply believe—that our country will retain greatness only as long as we revere the home as the focus, the center, of the values which give a people self-respect and national purpose. Much of the discord which attempts to destroy our unity as a people stems from the dissatisfactions and animosities and inadequacies of many American homes in providing the haven of love and mutual respect a child needs and craves for healthy growth. Where there is love and respect flowing to the child from parent and to parent from the child, there may not always be luxury or even comfort, but there is a rocklike sense of wellbeing and stability and security and that youngster will make it all right—will find satisfying avenues in life to translate his ideals into causes for his country and his fellow man.

There is great idealism among today's youth, even though it often doesn't show—or shows up sometimes in ways we find immature and offensive. Aside from the fringe of kooks and revolutionaries, most of the youth of today will find ways—satisfying and challenging ways—to contribute to change and improvement to American life, within the structure of what many of these impatient young people denounce as the "establishment."

"A PUBLIC EXPRESSION OF LOVE, SORROW, REVERENCE"

We can all remember our *own* impatience with authority when we were their age. And we have watched the older brothers and sisters of today's youth go through those same periods of doubts and questioning and even despair—and then find their way, too.

Nations go through those periods of self-doubt, too. But for those who gave a *great deal* to enable this nation to survive and to grow to its present incredible dimensions of strength and prosperity and opportunity and achievement, there can be no doubt that it was *not* in vain—this last best hope of earth, this sometimes united, often divided, raucus, argumentative place of free minds and searching souls and clashing ideas we have managed to hold together through nearly 200 years.

Young as it is among nations, the United States *is* the oldest democracy in all the world operating under the same written constitution. And the mothers here today for whom this day is named can take deep and personal and distinctive pride in that historic achievement, for it was made possible by sacrifices such as *they* have made. I salute the Gold Star Mothers as mothers of our heritage of freedom.

Some day, perhaps, the world will have learned other, better ways of assuring freedom's survival than those which have had to be used in the past. When that day comes, if it does, I'm sure every Gold Star Mother will thank God.

In the meantime, in behalf of all of your fellow citizens, I thank *you* as we here observe what Congress has instructed should be set aside as a day to demonstrate "a public expression of the love, sorrow and reverence of the people of the United States" for those mothers who suffered what Congress described in Public Resolution 123 of the 74th Congress as "the supreme sacrifice of motherhood." Thank you.

KY HAD TO BE STOPPED?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. RARICK. Mr. Speaker, the power boys had to stop Vice President Ky from coming to the United States and from being a guest speaker at a fundamental Christian American rally to end the war in Vietnam by victory. The stakes were too high. Mr. Ky's appearance and his message might have jarred the apathetic silent majority into demanding an end to the Vietnam war.

Mr. Ky's appearance might have embarrassed too many decisionmakers who could not tolerate a sudden end to the war because it woud upset international timetables.

Mr. Ky's message might damage the programs of those American Friends of Hanoi who need a no-win stalemated war to enable them to continue their divisive tactics and their operations of undermining our system of government.

Beyond any doubt, those who have worked diligently and long to discourage and prevent the appearance of Vice President Ky—at this time—and at the request of fundamental Bible-believing Christians, have revealed their typical double standard of behavior.

Is there a dime's worth of difference? Why can't the American people hear the truth for themselves, just once—at this time?

TENTH ANNIVERSARY OF AEROSPACE CORPORATION

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HOLIFIELD. Mr. Speaker, the Aerospace Corporation, which is located in my home State of California, has recently celebrated its 10th anniversary. It was on June 25, 1960, that the U.S. Air Force Ballistic Missile Division, headquartered in Inglewood, Calif., called a press conference to announce the "formation of a new nonprofit organization, the Aerospace Corporation, to serve the Air Force in the scientific and technical planning and management of missile-space programs." A few weeks before that date, Aerospace had been organized and chartered under the laws of California.

The ensuing decade, for Aerospace, has been one of achievement. The Nation is the beneficiary of its technical genius in helping the Air Force to design missile and space programs which are so important to the defense and safety of the United States. This is the technical genius of no single individual, though many distinguished scientists and engineers have been, and are, associated with Aerospace. It is the technical genius of an organization which can bring many technical talents and disciplines to bear, to keep abreast of new technologies, to probe their possibilities for defense, and to monitor contractor performance in translating ideas and design specifications into workable systems.

And, in keeping with the trend of the times and Secretary of Defense Melvin Laird's recommendation that the civil departments of Government utilize the "unique capabilities" of such nonprofit organizations in "efforts to overcome our

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domestic problems," Aerospace has been lending its talents to civil concerns. For example, techniques for analyzing human heart functions by use of computers were developed, initially by company funds and later by grants from the National Institutes of Health. This work has been expanded to encompass broad cardiac studies with the Loma Linda Medical Center.

Today, Aerospace expertise is being applied to a wide spectrum of problems in the civil sector; some are supported by earnings, others have received contract funds. Such programs include research on the chemical composition of smog—using rocket motor combustion theory, analyses of urban transportation problems, and conceptualization of personal transit systems. Other efforts include technical assistance to Los Angeles in acquisition of a police data handling system, and to El Segundo in design of a police communications system.

Aerospace also has undertaken to provide management assistance to the Department of Interior in the design and construction of a data center to process information from earth resources observation satellites. This new program is expected to result in greatly increased capability to detect, monitor, and conserve the Nation's natural resources.

In sum, within the span of 10 busy years, Aerospace has earned recognition as a powerful national resource in the world of technology. Its strength to date has been centered very largely on development of military space and missile programs; here the corporate commitment is to continue this effort. Additionally, as has been suggested so briefly above, the opportunities are very large to employ the special talents assembled at Aerospace on the many problems in the civil sector that demand early solution.

The technical excellence of this organization is reflected in the list of national leaders and other prominent persons who have served as members of the board of trustees throughout the decade. Representing leadership in science, engineering, industry, and public service, and vested with general authority over affairs of the corporation, they have established basic policies for Aerospace and have guided the direction of its work.

Without attempting to name all the distinguished men who have served as Aerospace trustees, I will note those who were called to high Federal office while serving on the board; Dr. Harold Brown, Director of Defense Research and Engineering and later Secretary of the Air Force; William C. Foster, Director of the U.S. Arms Control and Disarmament Agency; Roswell L. Gilpatric, Deputy Secretary of Defense; Dr. Robert C. Seamans, Jr., Secretary of the Air Force; Dr. Chalmers W. Sherwin, Deputy Director of Defense Research and Engineering; Dr. Jerome B. Wiesner, scientific adviser to President Kennedy and Director of the Office of Science and Technology. Most recently, T. Keith Glennan was named by President Nixon as U.S. Representative to the International Atomic Energy Agency. The present chairman is James McCormack, a retired Air Force general and former chairman and chief executive officer of the Communications Satellite Corporation.

Mr. Speaker, I take note of the many achievements of Aerospace and the 10th anniversary of its formation because the Committee on Government Operations was largely responsible for that formation. The Military Operations Subcommittee, under my chairmanship, conducted extensive studies and investigations which pointed to the need for a new organizational arrangement to give technical support and assistance to the Air Force in the development of new and very challenging defense and space systems.

Looking back, those were turbulent and exciting years, with a zest for accepting technical challenges which characterized our Government leaders and military authorities, and which today unfortunately is questioned in so many quarters. I hope that the United States, in learning the lessons of the past and how to prevent a recurrence of past mistakes, will not lose its resourcefulness, determination, and energy in advancing new technologies for the common defense and the general welfare. Aerospace stands as a symbol of a decade of technical achievement, and I look forward to its continued achievements in the future.

ROTC—THE UNIVERSITIES' STAKE IN DEFENSE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. TEAGUE of Texas. Mr. Speaker, at a time when the military in general and the ROTC in specific has become the target for the radical elements of student groups and the New Left, and even to some extent members of faculties, I believe the following article written by John Bitner to be most timely. I commend its reading to all Members of this body:

ROTC—THE UNIVERSITIES' STAKE

(By John W. Bitner)

It is time for Americans—all Americans—to take a close look at what is happening to the Reserve Officers Training Corps: the downgrading, even the elimination of the program in some of the nation's leading universities. The results can be far more serious than most citizens realize.

The roots of concern go deep into the American's attitude toward the military. National defense is, of course, essential; and it had better be in the hands of intelligent, well-trained men. But the nation has no place for a dominant military elite. Its defenders must understand the aspirations and peaceful pursuits of a free, self-governing people. And it is precisely in this light that the ROTC provides a sensitive balance.

For more than 50 years our country's ROTC program has leavened our officer corps, contributing to the strength of the civilian community and maintaining a bridge between civilian and military life. It is, and has traditionally been, the largest single producer of officers for our armed forces.

Since national security requires a well-trained officer corps, the nation is better off by far if much of that corps is composed of men with the sound academic training, disciplined individual thinking and the understanding social outlook that our colleges and universities can contribute.

The truth of this was significantly underlined by a recent special committee of civilian educators and military officers, commissioned by Secretary of Defense Melvin R. Laird to study problems of the ROTC program. The committee and its advisory panel included not only two generals and an admiral, but also nine university presidents or chancellors and other men of academic and administrative stature representing leading universities in all sections of the country.

The members of this committee advised Secretary Laird a few months ago: "most American colleges and universities do have a responsibility to share in the defense of the free society of which they are a part. It is in their institutional self interest to contribute to the leadership of the armed forces." The committee also unanimously agreed that "If ROTC were to be removed from the nation's campuses there would be grave danger of isolating the services from the intellectual centers of the public which they serve and defend."

The grave danger is here and now. Faculty and administrative actions have already caused ROTC to be terminated at a number of leading universities. Several other universities are making it increasingly difficult—in some cases perhaps impossible—for the services to remain on campus. Last year Princeton reduced ROTC from departmental status, removed academic credit for course offerings, reduced the status of ROTC instructors, and imposed restrictions on them and their families with respect to schooling, housing and other matters. Here, as in certain other schools, the conditions imposed seemed to make the situation untenable for ROTC.

It is disturbing that the attacks on ROTC have originated mainly within the very intellectual centers that provide its relevance to the national civilian-military balance.

These attacks are spearheaded by sincere but emotional individuals who use the ROTC as a symbol against which to demonstrate their moral aversion to the Vietnam war without seeing the program in its larger context; and by groups bent on generating mass disruption through the use of force to block and wreck the actions of all those with whom they disagree. They seem to disregard the possibility that there might come a time once again when the United States would be called upon to defend itself or perish—or to defend an ally whose cause they considered just. For these people, as for all of us, to eliminate ROTC is to deliver a hostage to fortune.

Since such opponents of ROTC may not regard themselves as shareholders in the university's responsibilities to our nation's defense, the burden of these responsibilities falls rather upon the trustees, the administration, and a fully informed faculty—and, perhaps, dedicated alumni. It is to these groups that we must look for the assurance that decisions are made in mature and broad perspective, and only after full consideration of all relevant factors.

In military service, as in other professional disciplines, sound fundamental training and leadership qualities should be acquired early in life from experts; and for a career officers corps, these qualities are best acquired at a time when the young man's understanding of his world is being broadened in all directions: in the arts of living and thinking as well as in the skills of command. This is the unique function of the ROTC on the college campus.

To the extent that a school rejects ROTC, the school shrugs off the challenge of that unique function. Even more disturbing: it abandons a significant area of academic free-

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dom: the right of a student to choose whether he will train for a military career at the same time he proceeds with his academic education.

Thus may a university help to defeat its own purposes. The erosion of ROTC is a threat not to the military, but to those Americans who fear and distrust the control of our armed forces by a narrow military point of view.

It is in the Ivy Group universities that the chipping away at ROTC is most alarming. No man is an island; nor is any intellectual center an island unto itself. The policies and decisions of such schools as those in the Ivy Group are watched by other schools, both large and small, all over the nation. When ROTC is shackled or banished by one institution, it becomes easier for other institutions to rationalize similar action, and to hasten the day when ROTC may be finished at the bellwether schools—and at others.

Officer candidate schools do not offer a satisfactory alternative to ROTC. Such commissioning programs are very useful when rapid expansion is needed in a national emergency. But the environment is not conducive to academic pursuits; the courses are brief, and in emergencies the faculties, quickly assembled, have no opportunity to relate the candidates to more than the restricted immediate objectives.

ROTC, on the other hand, embodies the strong asset of continuing contact between highly motivated military teaching staffs and critically-thinking, civilian-oriented faculties. Both bodies benefit from continued exposure to one another. None of the services believes that the OCS concept alone could satisfy the continuing officer procurement requirement.

The trend against ROTC programs can still be reversed. Early in 1970 Princeton, after new discussions with Army ROTC officials, relaxed some of its restrictions; and—as this is written—the Army will probably stay. The future of Air Force and Navy programs at Princeton is still in doubt; but there is at least an opening for reconsideration and negotiation by all the concerned parties.

This is the direction that all colleges and universities should be taking now: not capitulation to minority demands, frequently based on motives that are emotional though sincere; but a new examination of the function and the challenge of ROTC in the American pattern of freedom, security, and intellectual elbow-room.

Certainly there is ample room for re-examination of campus-ROTC relationships by men of good will representing both points of view. Let us then have new in-depth discussions between the colleges and universities where there has been a deterioration or cessation of ROTC on the one hand, and appropriate military department officials on the other: discussions which, with the best overall interests of our nation in mind, should be aimed at re-evaluation of how the academic world and our armed services can best relate in meeting the nation's defense training problems.

And let's have these discussions before more damage—possible irreversible damage—is done.

GOVERNMENT OPERATIONS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. FINDLEY. Mr. Speaker, while most Members of Congress are assigned to only one legislative committee, it is my good fortune to serve on two committees—Foreign Affairs and Government Operations. The Executive and Legislative Reorganization Subcommittee, of which I am a member, has jurisdiction over all proposals to reorganize the executive branch of Government.

Public concern over air and water pollution and the general state of the environment was reflected in hearings on President Nixon's proposal to consolidate all related functions in an Environmental Protection Agency. The reorganization plan was accepted by Congress on September 28. It should provide farmers and city dwellers alike greatly needed protection of cropland, air, and water.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS—SEPTEMBER 21, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HAMILTON. Mr. Speaker, violence, although always a part of our history, has increased in frequency recently. The bombing at the University of Wisconsin, the Mexican-American riot in Los Angeles, and the shooting of a Philadelphia park policeman in the last few days are grim reminders of its presence.

As the rate of increase of serious crimes in this country has gone up—13 percent in the first 3 months of 1970 over the same period in 1969—so has the number of crimes against police officers. From 1960 through 1969, 561 enforcement officers were killed in the line of duty—86 in 1969 alone. Fifteen policemen have been killed this year in unprovoked attacks.

Bombings, a more recent form of violence—though common in the late 1800's—have killed 40, injured 384, and caused some $22 million in property damage in the 15 months ending last July. From January 1969, to April 1970, the Justice Department reported a total of 4,330 bombings, 1,475 attempted bombings, and 35,129 threats of bombings in this country.

The growing menace of violence threatens our society. It is corroding the central political processes of our democatic way of life, substituting force and fear for argument and reason. Almost every large community has been affected by some pattern of violence—racial disorders, bombings of public and private buildings, conflicts between radicals and the police, or disturbances on high school and college campuses.

As I have talked with Hoosiers during recent weeks, I have found them shaken and disgusted by the rising trend of violence. All have expressed revulsion and concern that we deal firmly with crime, disorder, disruption, riots, and bombings.

The stance is correct, because we all lose by violence. It must be brought under control to safeguard life and property and to bring about the understanding and cooperation needed to remedy the underlying causes of violence. No society can remain free, much less deal with its fundamental problems, if its people live in fear. It is an ancient wisdom that a house divided against itself cannot stand.

The Government must work to make violence both unnecessary and unrewarding. To make it unnecessary, our institutions must be capable of giving each citizen a voice in the normal life of the community and the Nation. To make violence unrewarding, our institutions must be able to control violence when it occurs, and to do so firmly and fairly. Specific measures can and in some cases, have been taken:

Sharply increase the investment in the prevention of crime, and the administration of justice through law enforcement agencies, the courts, and the penal system.

Urge that public officials continue to develop effective tactics for handling both peaceful demonstrations and violent disturbances.

Give young people a larger role in shaping their own destiny by lowering the voting age, reforming the draft, and providing greater opportunities for youth to become involved in worthwhile service activities.

Improve the social conditions of family and community life for all who live in our cities and towns.

The objectives are consistent with the preamble of the Constitution. It does not speak only of justice, or only of order; it embraces both. Two of the purposes set out in the preamble are to "establish justice" and to "insure domestic tranquility." If we are to suceed in preventing and controlling violence, we must achieve both these goals.

Chairman Louis Lundborg of the Bank of America has said that—

> We have two choices as to which way we can go. We can divide into armed camps and shoot it out, or we can try to find common grounds so that we can grow together. One course is easy but blind, the other course is hard and slow but it is the path of wisdom.

This is wise counsel.

SEPTEMBER MINSHALL OPINION POLL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. MINSHALL. Mr. Speaker, following are the letter and opinion poll I am sending to the 23d Congressional District:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September, 1970.

DEAR FRIENDS: Through the years I have found the Minshall Opinion Poll one very valuable way to make my voice in Washington genuinely representative of the views of the 23rd Congressional District. Combined with the first-hand information I obtain in my committee hearings and on the House floor, the consensus obtained from these polls is most important in helping me reach legis-

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lative decisions. Further, on matters of Administrative policy-making, I always call results of the questionnaire to the attention of the White House and the President's Cabinet.

As in the past, a copy of this poll is being sent to every home in the District. If you wish additional copies, you may obtain them from my Cleveland office, 2951 New Federal Office Building, telephone 522–4382.

Because returns run into the tens of thousands, I am sure you can understand why it is impossible for me to answer each one individually. However, all will be carefully tabulated and results made known in the October "Washington Report".

No envelope is needed for the attached self-mailer. Simply cut along the dotted line, fold with the return address outside, stamp, and mail. *Please do not staple or tape together* as this slows the tabulating process. Should you have any specific question or problem in which you would like my assistance, I would appreciate your sending it separately from the poll in order to avoid delay in giving your request top-priority action.

It is always a pleasure to be of service and I thank you for giving me the very helpful benefit of your views through the Minshall Opinion Poll.

With best wishes,

Sincerely yours,

WILLIAM E. MINSHALL,
Member of Congress.

MINSHALL OPINION POLL

1. Over 144,000 U.S. troops have been withdrawn from Vietnam by the new Administration with the promise that all our combat forces will be out by next spring. Do you feel this schedule is:

(a) Satisfactory?
(b) Too slow?
(c) Too rapid?

2. In the Near East crisis, should the United States:

(a) Avoid any and all intervention?
(b) Play a diplomatic role only?
(c) Continue present level of aid to Israel?
(d) Increase aid to Israel?
(e) Send in American troops as well as aid?

3. Do you favor my resolution calling for phase-out of the draft and establishment of a peacetime All-Volunteer Army?

4. Do you approve of my vote against the Supersonic Transport (SST) program?

5. Are you in favor of my federal revenue-sharing bill which would return part of all federal taxes to states and local governments for their use?

6. To eliminate crime and violence would you support:

(a) Increased federal aid to local law enforcement agencies?
(b) More severe sentences by the courts for law-breakers?
(c) Greater emphasis on rehabilitation in penal institutions?
(d) Outlawing extremist groups that advocate violence?
(e) Stronger laws against illegal sale of drugs?
(f) Stepped-up anti-poverty programs?

7. What policies should be adopted regarding campus violence:

(a) Immediate suspension of students, faculty or other college employees who participate in riots?
(b) Suspension of federal aid to colleges where administrators permit violence to disrupt academic pursuits?
(c) Strict law enforcement to protect persons and property?
(d) No outside interference—permit colleges to solve the problem?

8. As our country shifts from a wartime to peacetime economy, do you think the following sectors of society are pursuing correct policies to solve the problems of unemployment and inflation:

(a) Federal government?
(b) State and local governments?
(c) Labor?
(d) Business and industry?

9. What do you consider the most critical problem facing our Nation today?

OUR NEW "LOW PROFILE" IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. EDWARDS of California. Mr. Speaker, the decision by the United States to resume full scale arms shipments to Greece, which for 3 years has been under the dictatorship of a military junta in complete opposition to all democratic principles, is appalling. At a time when the administration claims we are supposed to be lessening our military involvement worldwide, it is difficult to understand why we choose to support a regime which has no use for the ideals by which our own Government has endured and grown strong. I commend to my colleagues' attention the following editorial which appeared in the September 24 issue of the Washington Post:

OUR NEW "LOW PROFILE" IN GREECE

The game is over: fullscale shipment of arms to Greece is to be resumed. For three-plus years, since the colonels deposed an elected government in 1967, the United States had maintained a "selective embargo" on arms to its NATO ally, (although in view of the Pentagon's inscrutable arms-supply procedures, it remains to be seen just how "selective" the embargo was). Ostensibly, its purpose was to pressure the colonels back towards representative government. In reality, one suspects, the purpose was to appease the junta's many American and West European foes who contended, quite rightly, that a dictatorship had no proper place in an alliance of free peoples.

In the meantime, the interplay between an American bureaucracy habituated to supporting the Greek military and an outraged public was overtaken by events: first, by the Arab-Israeli war of 1967, which was quick and confined to local terrain, and then, more importantly, by the Soviet Mediterranean buildup of 1969–70 and its accompaniment of American concern. Thus did the Mideast crisis cast a regional shadow falling over Athens. When the Defense Department announced the "prudent positioning" of C–130s in Greece, for the Jordanian crisis, it was obvious time had run out. "Strategy" is back in the saddle after all; once again the celebrated "Nixon Doctrine" of diminishing involvement bites the dust.

And the United States is back in the unbecoming position of rendering its full sanction, with no semblance of official reluctance, to a regime which looks like enduring, but not much else. It is a regime which said it had to keep its promise—extracted under duress—to free Palestinian terrorists, but which refuses to keep its promise to restore constitutional government—even by its own constitution—to the Greek people. There have been some recent signs of relenting—some more political prisoners have been freed, some books taken off the proscribed list. Evidently this was done to sweeten the announcement on American arms.

A case can be made that the United States had exhausted whatever leverage its "selective embargo" had given it, and that nothing further was to be gained by holding out. If that was so, however, then a new case can now be advanced: that the Nixon administration has, by increasing its involvement, increased its leverage too. One way to put the new involvement to some good purpose is to press harder for return to democratic rule. If there was one place in the Mediterranean to keep that "low profile" Mr. Nixon is always talking about, one would have thought it was Greece. Now that the United States is going to stand up straight there, it at least ought to do so in a way that will not leave the Greek people in doubt about whatever their liberty is of any American concern.

WHITE HOUSE COMMISSION ON PORNOGRAPHY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, soon we are to officially receive the report of the President's Commission on Obscenity and Pornography, which is the result of 2 years of work and several hundred thousand dollars in taxpayers' money, which, incidentally, was a Commission that was not appointed by President Nixon but, rather, by his predecessor.

The final conclusions of this report are no secret; nor, in my judgment, are they acceptable.

The final conclusion recommends that we throw out all of our current laws relating to pornography, since, in the view of the Commission, "pornography causes no demonstrable social harm."

Quite frankly, such a conclusion is absolutely unbelievable. This House has, on two separate occasions, by a large margin, indicated that it strongly believes that pornography can, and must, be controlled. Now, a nonrepresentative group of people, not responsible to the electorate, tells us, in fact, that we do not know what we are talking about, and that we should throw away the results of several years' efforts to develop laws that will control the spread of this filth and still not violate the guarantee of free speech. America must wake up to the subtle efforts to distort the tried and true set of values among our people, particularly the younger generation.

I, for one, am not prepared to accept such a judgment on the part of a permissive group of people who controlled the Commission's activities and, hence, their final determinations. This attitude, in my judgment, has been one of the prime contributors to polarization and divisiveness in the country and has literally broken up many families.

For those who feel "free speech must be protected," I would strongly suggest that they take time to read the remarks of veteran newsman James J. Kilpatrick, which were aired on the American Broadcasting Co. on September 23. Mr. Kilpatrick has, in my judgment, presented a very rational, unemotional statement of the problem. His conclusion, namely, the rejection of the Commission's recommendations, is completely valid and reasonable and I commend him for his efforts on behalf of those of us who wish to protect society from the disease known as pornography.

I am, therefore, including Mr. Kilpatrick's remarks in the RECORD at this point:

REMARK BY JAMES J. KILPATRICK

Within the next week, the Federal Commission on Obscenity and Pornography will release the report on which it has worked for the past two years. Officially, at least, the report is not yet available, but so many advance texts have been leaked around Washington that a few words of comment are in order—first on the nature of the commission and its report, and second, on the nature of the problem itself.

The commission is known as the President's commission, but it was created before Mr. Nixon came in office. He has named but one member to it, Charles Keating of Cincinnati. Mr. Keating has dissented at the top of his lungs, and the White House, in effect, has repudiated the Report before it appears. The majority of the commission, its director and staff, embarked upon their assignment with a pre-conditioned view that may fairly be described as the generally permissive view. The principal recommendations reflect that view, in concluding that "obscenity" is without a constant meaning in law; that pornography causes no demonstrable social harm and creates no clear and present danger to society; and that laws prohibiting a traffic in pornography, except as to juveniles, should be repealed.

From that conclusion, I too dissent. Many forces that act upon society, for good or ill, are incapable of measurement or demonstration. The positive harm that is done by pornography strikes me as one of those things. The debasement of love, the exploitation of the human body, the debauchment of long-accepted standards of good taste, can be sensed by rational men. And society, I believe, has a clear right to protect itself from the disease we know as pornography.

I love free speech. As a newsman, I live by a free press. But I have learned this much, that there is indeed a clear distinction between liberty and license. Freedom depends for its survival upon order; and order embraces the preservation of certain values that society itself decides are its values. In such a scheme of things, no place exists for the commercial pornographer, preying upon the base and ugly instincts that civilized men forever struggle to rise above. The pending report of the Commission on Obscenity and Pornography ought to be read, for it contains some useful information; and it ought then to be rejected.

DEMOCRATS FLEE THE LEFT FOR THE CENTER

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. BURTON of Utah. Mr. Speaker, Columnist Joseph Alsop had noted the abrupt flip-flop of the arch-liberal wing of the Democratic Party on the issue of law and order. In his column, which appeared in the September 13, 1970, Baltimore Sun, Mr. Alsop also notes that the American people are fed up with violence and riots—and with those who have been encouraging and condoning the disruption of our college campuses and the cities of America. It is going to take a lot of fancy footwork on the part of the "radiclibs" to get this monkey off their back.

Text of Mr. Alsop's column is as follows:

DEMOCRATS FLEE THE LEFT FOR THE CENTER

(By Joseph Alsop)

WASHINGTON.—The liberal Democratic scramble to the center is so hasty, even so undignified, that it is extremely comic. But it is a nationwide phenomenon. It has great future significance. And it is getting less attention than it certainly deserves.

The fact of the scramble can be richly documented. Senator Edward Kennedy, of Massachusetts, for instance, has recently uttered the most eloquent, sensible and unqualified condemnation of student violence that has yet been heard from anyone. But it was produced in the campaign year, and not when the bullyboys of the New Left had the two leading universities of his own state in a literal state of siege.

In Illinois, again, Adlai Stevenson 3d was merely doing the fashionable thing, back in 1968, when he described the Chicago police as "storm troopers in blue." But the fashions for 1970 were revealed when Mr. Stevenson named a former U.S. attorney, Thomas Foran, the prosecutor of the Chicago Seven, as vice chairman of his campaign for the Senate.

In Connecticut, the pattern is the same. In 1968, the Rev. Joseph Duffey was the local leader of Senator Eugene McCarthy's forces and state boss of Americans for Democratic Action. That year, he told the English reporters of "An American Melodrama"—"I guess you could call me a revisionist Marxist." For Father Duffey, in those days, civil disobedience was also a useful tool of social change.

Today, however, as the Democratic senatorial candidate, Father Duffey is busily explaining to all and sundry that when he said "revisionist Marxist," he really meant that he was a strong anti-Communist. He issued a ringing statement of approval, too, when the Yale Corporation refused to give the student body two weeks off to conduct political agitation in the election year. The hard hats, he remarked in effect, do not have this kind of political privilege, so why should students have it?

In Minnesota, yet again, there is former Vice President Hubert Humphrey, who once remarked, when riots were more modish, that he could lead a pretty good riot himself. Today, however, Mr. Humphrey is being enormously aided in his Senate race by two facts indicating what is modish nowadays.

On the one hand, he was infinitely less wallowingly permissive than most other liberal Democrats in the period before the fashions changed so greatly. And on the other hand, he is remembered as the chief target of the Chicago rioters at the time of the Democratic convention two years ago. And folks in Mnnesota tend to think that rioters' targets must be pretty fine fellows.

One could cite comparable data from just about every state in which a liberal Democrat is running for the Senate this year. Some candidates, indeed, have gone from words to action. In Maryland, for instance, Senator Joseph Tydings's sponsorship of the dubious and extremely controversial D.C. anti-crime bill is one of the biggest factors in his favor in what looks like a rough race.

The scramble to the center, then, is indeed a national phenomenon. One may guess that its first impetus came from the horrifying Gallup Poll, showing that a substantial majority actively approved the Kent State shootings. One can be sure, too, that one factor that has helped mightily to turn the scramble into a stampede is an admirable book, "The Real Majority" by Richard Scammon and Ben J. Wattenberg.

Yet the political data set forth by Mr. Scammon and Mr. Wattenberg were fully available to every liberal Democratic politician long before permissive wallowing became the unbreakable rule for all liberal Democrats.

What, then, are the deeper causes of this remarkably complete and abrupt change in political fashions? How was the "mini" replaced so swifty by the "midi"—as it were?

The answer is, surely, that there has been a profound change in the country's political mood, which any politician would be a fool not to respond to. It took a long time for the vast majority of American voters to get good and mad about the riots, the disorders, the violence, the crime and the collapse of national values that the liberal Democrats used to pass over in silence, or even to condone.

The anger runs deep and strong today, however, and it is the anger itself that gives the change of political fashion permanent meaning. There is no question of the fashions changing back again. The only question is whether the liberal Democrats kept their "minis" on too long.

A STORY OF REAL PARTNERSHIP BETWEEN THE STATE OF WISCONSIN AND THE PEOPLE OF NICARAGUA

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. THOMSON of Wisconsin. Mr. Speaker, a story of real partnership has just been brought to fruition that bears telling and, indeed, merits wide dissemination. It involves not only a successful people-to-people program between the State of Wisconsin and the people of Nicaragua, but also illustrates that successful U.S. assistance does not require billions of dollars. It is a story of cooperation between peoples and coordination between governments. And it is a story which should reveal that response to a specific need at a specific time is far more valuable than the aggregate of grandiose governmental programs.

Last year, a bacterial ring rot disease drastically reduced the potato seed supply in the Jinotega area of northwestern Nicaragua where most of the potatoes in the country are grown. A study undertaken in the area recommended the importation of new potato seed for a potato improvement program and also to supplement the loss of seed to the disease. Members of a local potato-producers cooperative obtained a credit loan for the purchase of 63 tons of certified potato seed from suppliers in New England. Unfortunately, nearly 60 percent of the shipment was spoiled in transit. The reduction in the yield from the usable seed impaired the ability of the farmers to meet their loan obligations as well as seriously limiting potato production.

The plight of the farmers was reported to the Nicaragua Partners of the Alliance, a private-citizens group which is paired under the Partners of the Alliance program with people in the State of Wisconsin. Wisconsin was a leader among the U.S. States to become involved in the Partners program, which joins citizen groups in the United States and Latin America working to attain the objectives of the Alliance for Progress on a nongovernmental grassroots basis of cooperation. Today there are 40 U.S. States joined with 40 areas of 18 Latin American and Caribbean countries. The Partners of the Alliance office in the Agency for International Development served as a catalyst in bringing these people-to-people committees together to work in the fields of agriculture, health, education, cultural exchange, and trade, serving as a complement to the government-to-government program of the Alliance for Progress. Partners groups are mainly concerned with small, though important, projects in rural areas, assisting in the development of cooperatives, the building of schools, providing equipment for health clinics, promoting student and teacher exchanges, and so forth.

When the Nicaragua Partners were requested to help on the potato problem, they voted unanimously to intervene on behalf of the farmers of Jinotega and the contact with the Wisconsin Partners was made. At this same time, Gov. Warren P. Knowles of my State led a delegation of businessmen on a trade mission to Latin America and their first stop was in Wisconsin's Partner country of Nicaragua. The request of the potato farmers was brought to the Governor's attention and he endorsed the idea of assisting in this emergency.

The project to respond to the request for 10 tons of potato seed was undertaken immediately by the Wisconsin Partners coordinated by Dr. Philip H. Falk, retired superintendent of schools in Madison, and executive secretary of the Wisconsin Partners. Wisconsin asked the Partners office in AID to contact the U.S. Department of Agriculture to secure approval for the importation of the shipment and to seek their help in getting the seed to Nicaragua in time for planting. Dr. William H. Conkle, leader, Extension Service, International Programs, USDA, gave valuable assistance, along with Mr. Lawrence McGary, USDA, extension adviser in Nicaragua.

Dr. Robert Hougus, a potato expert at the University of Wisconsin School of Agriculture in Madison, was instrumental in obtaining seed which was made available as a contribution to this citizen effort Partner's project. The producers in Nicaragua handled the transportation charges from Wisconsin to Jinotega. In December, shipment was made.

The seed arrived in Nicaragua in January of this year and was delivered to the potato producers in the Jinotega area. In accordance with a plan developed by the producers, the seed was distributed to farmers and planted. The yield was nearly triple the normal previous yields. The project proved to be an outstanding success.

Governor Knowles recently received and released a letter from Alfonso Lovo Cordero, Minister of Agriculture and Livestock in Nicaragua, which I include at this point in my remarks:

MINISTERIO DE AGRICULTURA
Y GANADERIA,
Managua, D.N., August 12, 1970.

Hon. WARREN P. KNOWLES,
Governor of Wisconsin,
Office of the Governor,
Madison, Wis.

DEAR GOVERNOR KNOWLES: So often U.S. assistance abroad, regardless of its benefits, is criticized both locally and internationally while little or no mention is made of many highly successful endeavors enjoying participation at all levels of the social structure.

The purpose of this letter is to relate to you the results of a complete success carried out in Nicaragua with the participation of the Wisconsin Partners, AID, the U.S.D.A., this Ministry and the potato growers of the Jinotega area in the northern part of the country.

For many years Nicaraguan potato production has supplied only about 30 percent of the demand. This is a result of a limited area suited to potato production and inefficient production practices. For example, there had been only one potato seed importation since the U.S. Marine supplied seed in the early thirties until 1969. The 1969 shipment resulted in a 60 percent loss in transit. The poor farmers were beside themselves. Even though the sound seed produced good yields the total operation resulted in a loss to the participating farmers who were unable to service their bank loans.

The Extension Service of this Ministry did not abandon the farmer. Instead, farmers were told that they could continue to depend on this source of help.

You will perhaps recall that during the course of your brief visit late last year the Nicaraguan Partners related the unfortunate circumstance to members of the Wisconsin Partners. Upon the return of your party to Wisconsin we were advised that 200 cwts. of seed potatoes were available for immediate shipment. The seed arrived here in early January. It was moved directly to the planting area and distributed to 33 producers in accordance with a plan previously developed by them. Planting was initiated immediately and the results were remarkable. Where fertilizer was applied yields averaged about seven tons per acre and unfertilized fields yielded about four tons. This is compared to normal previous yields of about two tons. In addition, the farmers received $200 per ton for the potatoes sold. Needless to say, the farmers, as well as the related technical personnel were overjoyed with the results.

As a result of the good yields, six of the producers constructed suitable storage facilities for seed, three producers pooled their resources and bought a tractor, while one producer earned enough additional income to buy a farm.

Please excuse all of the details but they are essential in order to relate the entire magnitude of the success. Even though Nicaragua may not become self-sufficient in potato production, great forward strides have been accomplished in increasing yields, improving production efficiency and farmer income and, above all, at least 33 farmers are convinced that it pays dividends to use good seed and follow recommended cultural practices.

In this humble way, I join with the Nicaraguan Partners and the potato growers of Jinotega in expressing our thanks and gratitude to the Wisconsin Partners and to you personally for the meaningful assistance rendered.

Sincerely yours,
ALFONSO LOVO CORDERO,
Minister of Agriculture and Livestock.

RESOLUTION ADOPTED BY THE BYELORUSSIANS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. FARBSTEIN. Mr. Speaker, on September 5–7, 1970, the participants of the Ninth Convention of Byelorussians of North America, adopted the following resolution.

I commend it to the attention of my colleagues:

RESOLUTION OF THE 9TH CONVENTION OF BYELORUSSIANS OF NORTH AMERICA IN NEW YORK CITY ON SEPTEMBER 5–7, 1970

Whereas the Byelorussian people in their land have been subjected to a colonial oppression from Moscow; and

Whereas the Russian Communist dictatorship in its dealings with Byelorussia's neighbors has torn away parts of the Byelorussian ethnographic territory having incorporated that largest part of it into the Russian Soviet Federated Socialist Republic; and

Whereas the key positions in the Byelorussian SSR are occupied mainly by foreigners subservient to the Moscow center and unresponsive to the needs of the Byelorussian people; and

Whereas the Byelorussian people suffer from an incredibly low standard of living as a result of exploitation of their natural and human resources which have been used by Moscow to conduct its international shemes in Latin America, Indochina, Africa and now especially the Middle East, as well as in other parts of the world; and

Whereas a policy of forcible Russification is being carried out in the Byelorussian SSR, the Byelorussian language being eliminated more and more from administration, science, education, and publications in the BSSR; and

Whereas Byelorussia is deprived of genuine diplomatic and cultural ties with the outside world, is unable to participate independently even in such international events as the Olympic games, her only foreign representation in the United Nations being a tool of Moscow's policies; and

Whereas the Government of the BSSR, fully controlled by the Communist Party center in Moscow, does not care for any improvement of Byelorussia's political status and the economic and cultural well-being of the Byelorussian people, nor does it protest against economic exploitation and Russification of Byelorussia; and

Whereas the Byelorussian nation has and will never become reconciled to a state of colonial dependence, but has decidedly resisted Muscovite oppression in defense of its natural rights to be its own master; and

Whereas the Byelorussian people are still conducting their freedom fight—

We the Byelorussians of the United States and Canada unanimously reaffirm our will to support the fighting Byelorussian people in the Soviet Union in their struggle for cultural freedom and political independence. We are determined to seek further support for fighting Byelorussia among political leaders and statesmen of the United States or America and Canada. We and our children shall never cease our effort until Byelorussia will again become a free and democratic nation in accordance with the postulates and principles enunciated in the constitutional charters of the Byelorussian Democratic Republic whose freedom and independence were proclaimed in Minsk (Minsk) on March 25, 1918.

Long live Fighting Byelorussia!

Long live the Byelorussian Democratic Republic!

New York City, September 6, 1970

J. ZAPRUDNIK,
Chairman of the Convention.

W. STANKIEVICH,
Chairman of the Byelorussian-American Association.

A. HRYCUK,
Chairman of the Byelorussian Canadian Alliance.

CONGRESSMAN WOLFF'S REPORT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. WOLFF. Mr. Speaker, regularly I report to my constituents on my activities here in Washington and back in my congressional district. As I do on all these occasions I would like to include my current report in the RECORD at this point:

SEPTEMBER, 1970.

DEAR FRIEND AND CONSTITUENT: The 91st Congress is rapidly moving toward adjournment later this fall and pending matters are consequently speeding up here in Washington. Recently there have been a number of legislative and administrative actions about which I feel you should be advised. These items are detailed on the following pages.

I always indicate in these regular newsletters how greatly I value your comments or suggestions on matters pending in Congress. Please do not take these as idle words for I sincerely believe that I can better perform my job of representing and serving you if I know what issues concern you and what views you hold on matters of public policy. So once again permit me to say—please let me know whenever you have an opinion on a matter pending in Congress or whenever I can serve you. Best wishes.

Sincerely yours,

LESTER L. WOLFF,
Member of Congress.

WE MUST STOP HIJACKINGS

Recognizing that the only effective means of dealing with international air piracy is to deter hijackings, I recently offered a five-point program to head off any repetition of the reprehensible Arab terrorists' multiple hijacking. I was pleased that President Nixon immediately moved in the direction of my first suggestion—the stationing of special U.S. guards on all international flights of U.S. planes.

The other points I suggested were: installation of armor plates between cabins and cockpits of U.S. aircraft; a thorough search of all passengers and baggage in international flights; a comprehensive inspection of all U.S. aircraft prior to the time any crew or passengers board the plane, and an embargo on air traffic to any country which refuses to immediately return hijacking hostages and/or return the hijackers to the country of origin.

Moreover, I have introduced a resolution to crack down on hijackers. This resolution has been referred to the House Committee on Foreign Affairs, of which I am a member, and the Chairman, Rep. Thomas E. Morgan, has promised prompt hearings on my recommendations.

STOP DRUGS AT THEIR SOURCE

For years I have been active in the fight to control and end drug abuse. My work has convinced me that a most effective means of solving this problem would be to stop the drug traffic at its source to prevent the illegal importation of drugs. To put some teeth into efforts to control the international drug traffic I have sponsored legislation (H.R. 18402) to cut off American assistance to any country failing to take adequate steps to make certain that illegal drugs from those countries do not come to our shores. This legislation is based on the principle that such problems are most effectively stopped at their primary source.

WOLFF CREDIT CARD BILL GAINS

The House of Representatives has passed another bill of which I was an original sponsor—legislation to stop the unsolicited mailing of credit cards to protect the consumer from the many problems caused when a credit card is lost or stolen in the mail. This legislation will also mean that an individual will only have as much credit as he seeks and not be subjected to unfair credit practices.

REMEMBERING AMERICAN POW'S

I have joined with a number of my colleagues in the House of Representatives in a letter to the Premier of North Vietnam demanding that American prisoners of war be given humane treatment. As an original sponsor of legislation in support of our POW's, I believe we must continue to focus national and world attention on their plight and persevere in our efforts until they and all our men in IndoChina return home safely.

L. I. ECONOMIC PROBLEMS DEMAND ATTENTION

Unemployment on Long Island is running far ahead of the national average and it is obvious that our national economic ills are magnified in our own community. I am acting with many groups and individuals here on the island to ease our problem.

After a recent meeting with the Citizens Coalition to Save Jobs on Long Island, the Coalition and I wrote to President Nixon asking him to designate Long Island an economic disaster area to make us eligible for special federal assistance. We do not seek handouts nor giveaways; what we do seek is a fair share of work for Long Island in the crucial industries such as pollution control, prefabricated housing, mass transit development, educational equipment, etc.

I have undertaken to visit as many plants on the Island as my schedule permits to help devise new sources of employment for those members of our labor force out of work. In this time of economic stress I am doing all that I can to reverse the unhappy trends of rising unemployment and rising prices. But a final solution to our local economic problems cannot be achieved until our national economy is set back on the right path, as I outlined in the special letter I sent to you recently.

EMERGENCY HOUSING MONEY APPROVED

High interest rates and home building costs have been a significant inflationary factor and—since housing starts have been reduced—a cause of unemployment. Recognizing this, the House has passed the Emergency Home Finance Act, which I was pleased to support. It will make available one billion dollars for home mortgages so they will be more readily available at reasonable rates to low and middle income families. Also benefiting from this legislation will be returning veterans who today cannot secure home mortgages. This legislation will also be an indirect assist to those of you who are now unable to sell your homes because prospective buyers can't secure mortgages.

RECOGNITION DUE PUBLIC SERVANTS

Policemen and firemen serve invaluable roles in our society; we can never express adequate thanks to those men who risk their lives to make certain we are safer at all times.

In recognition of these fine men, I worked with the Nassau County Shields Organization to bring federal recognition to police officers who take such great personal risks for the benefit of society as a whole.

Also, I have sought to give due recognition to our firefighters by introducing three bills for their benefit. This legislation would do the following:

Provide federal compensation for firemen injured while protecting federal property or fighting fires in civil disorders.

Extend to non-profit activities of firemen preferred second and third-class mailing permits to cut costs in the many valuable community programs sponsored by various fire companies in our area.

Provide financial benefits to aid the cost of volunteer fire training undertaken selflessly by hundreds of men in our area and tens of thousands of men throughout the United States.

Finally, I have joined with those seeking to permit regular New York City firemen who live in areas with volunteer and alert fire companies to volunteer their services to those companies when they are off duty. If these men are willing to give their time and expertise to help local fire companies, it is absurd for them to be denied this right.

Along with my colleague, Rep. Mario Biaggi, of the Bronx, I held an all-day hearing in New York earlier this month on the problems of unhealthy fad diets, food myths and diet pill abuse which confront the American consumer. We listened to fourteen witnesses, including doctors, nutritionists, dieticians and a representative of Ralph Nader, detail how the consumer is bilked of millions of dollars with phony promises of spectacular weight loss. Not only are most of these gimmicks unsuccessful, but according to the testimony we heard, many such phony diets are truly unhealthy.

What we have is a billion dollar a year "get slim quick" business in which the government has thus far failed to protect the consumer. My hearing is the first step in a program to make sure the consumer really is protected. I intend to follow this issue up with additional hearings in Washington and legislation to crack down on quack diet promotions.

Action is needed to enable the American consumer to find effective, healthy means of maintaining body weight without being subject to a host of quacks who will trade an individual's health for a quick profit.

L.I. SOUND STUDY UNDERWAY

As I indicated to you in my last newsletter, we had made progress on the Wolff-Ribicoff Long Island Sound Bill. Now I am pleased to be able to report that we have reached an agreement in Washington which effectively accomplishes the purpose of this legislation and which will speed up the needed study and "Master Plan" for the Sound.

The existing New England River Basins Commission will undertake a comprehensive study of the Sound with a guarantee of adequate funds for the three-year, $2.8 million study. Most importantly, the Commission's authority will be enlarged to include all of the Sound and its shoreline. This is a great breakthrough since it should mean an end to the piecemeal destruction of the Sound.

Now, Senators Ribicoff and Javits, Representative Reid and I will devote our attention to creating a regulatory body with the authority and expertise to effectively enforce the recommendations made for the preservation of the Sound.

DEFENSE DEPARTMENT GRANTS WOLFF'S REQUEST FOR GI'S

The Defense Department has agreed to a request I made several months ago that those servicemen ordered into Cambodia this spring and others who have been serving in Laos be accorded the same tax benefits allowed GI's in Vietnam. Whatever one's view of the wisdom of our policy in IndoChina, I trust we can agree that all our servicemen should receive equitable treatment.

There is also pending in Committee legislation I authored to provide these same tax benefits to our men in Korea in recognition of the fact that conditions there are still hazardous. A majority of Congressmen (218) have cosponsored this bill which I drafted.

PUBLIC APATHY AND PRIVATE GREED

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. VAN DEERLIN. Mr. Speaker, the Chula Vista Star-News, a suburban newspaper in my district, has taken on the local establishment in striking a blow for cleaner air.

At issue is the opposition of the Chula Vista Chamber of Commerce to a proposition on the November ballot which would permit California's counties to divert up to 25 percent of their gas tax allocations from highway development to mass transit and pollution control.

The Star-News is unhappy with the chamber's position, and characteristically does not mince words in saying so.

Copublisher Lowell Blankfort, who wrote the editorial, underscores our interdependence in the struggle for a better environment. If a few take a permissive attitude toward polluters, then all must suffer. Mr. Blankfort recently witnessed smog over the formerly pristine Sahara Desert. Now he warns that if something does not happen soon to reverse the despoliation of the earth, mankind's final epitaph might well read:

> Here lies Homo Sapiens; he killed himself out of public apathy and private greed.

It is not a pleasant thought, but one to ponder. The editorial, which ran in the Star-News September 6, follows:

[From the Chula Vista (Calif.) Star-News, Sept. 6, 1970]

THE SMOG LOBBY

If you want to see a classic example of why our air and our rivers are filled with poison, why our hills and valleys are scarred with massive freeways and our birds and fish are dying, one need look no farther than our own Chula Vista Chamber of Commerce.

Chamber directors recently decided they would rather have yet more freeways than see adequate funds provided to fight smog and develop mass rapid transit as an alternative to the smog-spewing, traffic-congesting roads.

They went on record in opposition to a November ballot proposition, authored by our own state Senator James R. Mills, that would permit counties and cities, each at their own option, to divert up to a quarter of gas tax revenues to anti-smog research and developing mass rapid transit.

The chamber's reason: There isn't enough money for the highway programs. This at a time when the face of California, from Mission Valley to the High Sierras, continues to be slashed by freeways which, it has been proven, merely bring more traffic congestion after a few years and soon bring demands for even more freeways.

By 1980, at the present rate, the number of cars in California will almost double, to 20 million. How can they be accommodated? Other alternatives to the automobile and the poison it and industry spew must be developed.

But the special commercial interests who infest chambers of commerce and trade associations don't want other alternatives. They want more automobiles and more freeways.

Some of these special interests are obvious—people involved in the auto industry and the oil industry and the contractors and the highway engineers. Others are less obvious—subdividers and land speculators and real estate interests who profit richly with every freeway that's built and who are the big beneficiaries of the gas tax that motorists pay.

The little guy who pays the gas tax may get home a few minutes faster—for a while, until the new freeway also becomes congested—but his benefits are puny compared with the fat cats. And for those few minutes, he is increasingly taking time off his life every time he takes a breath of what was once called fresh air.

However, the special interests know how to organize, propagandize and lobby the politicians—and the little guy doesn't.

They can afford to contribute heavily to political campaigns—which is one reason that Senator Mills' opponent, a multi-millionaire himself, also has found it easy to raise money from other special interests who want to see Jim Mills out of the legislature at any price.

The special interest lobby managed to kill every single anti-pollution bill at the last session of the legislature except Senator Mills' proposed constitutional amendment.

Now, through special-interest groups such as the Chula Vista Chamber of Commerce, they are attempting to defeat that measure at the polls in November.

A short time ago, when we were flying over Africa's desolate Sahara Desert, 100 miles south of the Mediterranean coast, we looked down into a pall of smog.

Over the public address system, the pilot announced that this new smog was only six months old—that oil refineries were near and the winds also were now blowing the smog from the Mediterranean shore. Even remote parts of the earth are no longer free from fumes.

Renowned scientists say that, at the rate we are despoiling our earth, the human race has only another half century to survive. Some say that the extinction process is already irreversible.

If there is anyone left to write humanity's epitaph, he might well write: "Here lies Homo Sapiens; he killed himself out of public apathy and private greed."

VFW FREEDOM SIGNATURE WEEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. DERWINSKI. Mr. Speaker, the vigorous support that Congress is giving to all diplomatic and humanitarian efforts on behalf of American prisoners of war in Southeast Asia certainly reflect the wishes of the American public.

An example of public interest and support of our efforts is exemplified by a resolution adopted by the Marham, Ill., City Council in conjunction with which was adopted by a proclamation by Mayor Peter P. Wolff of Markham designating the week of September 20–26, 1970, as "VFW Freedom Signature Week." This is an oustanding example of the strong interest which the public has in the welfare of our American servicemen held by the enemy.

The proclamation follows:

PROCLAMATION

Whereas, there are over 1,400 servicemen held as prisoners in Southeast Asia by North Vietnam and her allies; and

Whereas, North Vietnam, despite appeals from neutral sources such as the International Red Cross, has consistently refused to divulge any information about the men on their health and well being, including even naming those they are holding, or even permitting such groups to inspect North Vietnamese prison camps to determine if they meet the minimum standards of care and treatment embodied in the Geneva Convention; and

Whereas, such callous disregard for long-established international rules for humane treatment of such prisoners is causing unbearable anguish among these American prisoners and their families at home;

Therefore, I, Peter P. Wolff, Mayor of the City of Markham, do proclaim September 20–26, 1970, as "V.F.W. Freedom Signature Week" and urge all citizens of this community to demonstrate their obligation to these fellow Americans by signing petitions requesting the immediate release of all Americans held prisoner by the North Vietnam government and by Communist political front groups in Southeast Asia.

PETER P. WOLFF,
Mayor.

STATEMENT ON THE DEATH OF ADMIRAL MacMILLAN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. KEITH. Mr. Speaker, the recent passing of Rear Adm. Donald B. MacMillan in Provincetown, Mass., is the final chapter in the amazing life of one of our Nation's greatest adventurers. He was the last surviving member of Robert E. Peary's successful expedition to the North Pole but his life meant more than that. His continuing efforts to explore unknown frontiers and to enrich man's knowledge of his planet are a tribute to the finest quality in all men.

An editorial appearing in the New Bedford Standard-Times highlights this great man's life and accomplishments and under unanimous consent I include the editorial in the RECORD:

DONALD B. MACMILLAN

The nation, and much of the world as well, will remember Rear Admiral Donald B. MacMillan of Provincetown principally as an explorer, and this is as it should be.

He was for many years the only survivor of Robert E. Peary's North Pole expedition that fought its way across the bitter Polar Sea, and his own expeditions to little known and unknown Arctic areas spanned nearly a half-century.

Moreover, his treks into the North were made in an era before air transportation revolutionized exploration of this vast 50-below frontier. In MacMillan's day, it was man and dog sled against the elements, and only the hardy and knowledgeable survived.

Yet Admiral MacMillan was far more than an explorer. In the first instance, he was a sailor of outstanding competence. Especially along the Northeast coast, to think of MacMillan is to think as well of the white-hulled schooner Bowdoin in which he logged more than 200,000 miles in the interests of contributing to man's knowledge of the world. His exploits afloat in Bowdoin, meeting the challenges of ice and gales are thrilling chapters of accomplishment in themselves.

Finally, Admiral MacMillan was a perpetual scholar and educator. He prided himself on learning something new every day. The Arctic, its people, its flora and fauna, he looked upon as a vast new world to be learned about. He not only studied it himself; he took scientists and teachers North; he encouraged the young men of his schooner crew to become scientists and teachers, and the total body of Arctic knowledge that he thus assisted in accumulating is immeasurable.

This thoughtful, gentle-spoken man, whose lectures on the North have delighted and informed thousands of Americans of all ages, made a major contribution to America and to American history, and his death will only reemphasize the lasting dimension of that contribution.

UNITED STATES ALLOWS APARTHEID REGULATIONS IN SOUTH AFRICA NASA INSTALLATION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of our colleagues the fact that the United States has bowed to the racial hiring practices used by the South African Government. The United States National Aeronautics and Space Administration has an installation in South Africa and permits its personnel hiring to be done, under apartheid regulations, by a South African national agency under contract to NASA for the operation of NASA's facility in that country.

I have urged NASA to change its policy and hire directly. It refuses to do so. I have written to President Nixon urging that he require such a change by Executive order.

I include in the RECORD a copy of the correspondence in this matter and urge my colleagues to support this request:

STATE UNIVERSITY OF NEW YORK,
Stony Brook, N.Y., July 30, 1970.

Representative EDWARD I. KOCH,
Committee on Science and Astronautics,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE KOCH: It has recently been brought to the attention of the U.S. scientific community in an article in *Science* (10 July) that Federal agencies, most notably NASA, NIH, and AEC, are using funds to support scientific research activities in South Africa that may well involve personnel policies which are discriminatory, and which appear to violate the ethical code that requires "informed" or "advised" consent from human experimental subjects.

Since the operations of NASA fall within the jurisdiction of the House Committee on Science and Astronautics, I would like to request that the Committee seek to ascertain the facts in this case and report to the public. It would seem that an arrangement whereby NASA contracts to support a tracking station in South Africa where the apartheid regulations are rigidly enforced is wholly inconsistent with the State Department policy that "the United States would not be party to any arrangement involving racial discrimination."

At a time when it is increasingly difficult for us to win public support for scientific research, and when fewer of our young people seem to be attracted to scientific careers, it is dismaying to learn that our most prestigious scientific agencies may be involved in such ventures. I would be very interested in hearing what course of action you thought might be effective in this case.

Sincerely,

LESTER G. PALDY,
Assistant Professor of Physics.

CONGRESS OF THE UNITED STATES,
Washington, D.C., August 4, 1970.

Dr. THOMAS PAINE,
Director, National Aeronautics and Space Administration, Washington, D.C.

DEAR DR. PAINE: I have received a letter from a constituent on the subject of NASA contracts supporting apartheid regulations in South Africa by permitting its hiring practices to be governed by these regulations.

I would appreciate having your response so that I may advise the constituent.

Sincerely,

EDWARD I. KOCH.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., August 19, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in further response to your inquiry on behalf of Lester G. Paldy regarding NASA activities in South Africa.

Under the terms of an intergovernmental agreement dated September 13, 1960, NASA contracted with the South African Council for Scientific and Industrial Research (CSIR) to operate a NASA tracking and data acquisition station near Johannesburg. This station was established in South Africa under earlier cooperative arrangements with the U.S. Naval Research Laboratory in anticipation of the International Geophysical Year, some years before the National Aeronautics and Space Administration was established on July 29, 1958. A detailed statement on the functions and operations of this station and the reasons for its location in South Africa are included in the attached staff paper.

NASA does not support scientific research in South Africa and the only funds expended there are for the operation and maintenance of the NASA tracking station. NASA has similar staffing and operating arrangements with Australia, the United Kingdom and Spain.

Sincerely yours,

H. DALE GRUBB,
Assistant Administrator for Legislative Affairs.

CONGRESS OF THE UNITED STATES,
Washington, D.C., August 27, 1970.

H. DALE GRUBB,
Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, Washington, D.C.

DEAR MR. GRUBB: Thank you for your letter of August 19. Your reply really does not reply to the basic question. That question is directed to NASA's employment practices in South Africa. I would appreciate knowing whether your hiring is governed by apartheid regulations mandated under South African law. If you are governed by them, then I would urge in your renewal agreement that, it being a United States installation, the facility be exempted from such regulations. If, on the other hand, that is already the case, I would be delighted to know that. I would appreciate the facts regarding this most basic question.

Sincerely,

EDWARD I. KOCH.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., September 17, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your August 27, 1970 letter regarding NASA's employment practices in South Africa.

NASA neither recruits nor employs personnel at its tracking and data acquisition station near Johannesburg, South Africa. As we indicated in our August 19, 1970 letter, the South African Council for Scientific and Industrial Research (CSIR) staffs and operates the station under contract to NASA. NASA has similar staffing and operating arrangements with Australia, the United Kingdom, and Spain. In each of these countries, hiring of local personnel by the national agency under contract to NASA for station operation is a local function.

As the staff paper we sent to you indicates, NASA's contractual relationship with the CSIR implements an agreement between the Government of the United States and the Government of South Africa, negotiated by the Department of State as in the net national interest. NASA must, of course, operate within the framework of national relationships with other countries.

Sincerely yours,

H. DALE GRUBB,
Assistant Administrator for Legislative Affairs.

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 22, 1970.

Hon. RICHARD M. NIXON,
President, the White House, Washington, D.C.

DEAR MR. PRESIDENT: I want to bring to your attention the fact that federal agencies such as NASA are engaging in hiring practices involving racial discrimination in South Africa. The defense given to me by NASA is that "NASA neither recruits nor employs personnel at its tracking and data acquisition station near Johannesburg, South Africa. . . . In each of these countries, hiring of local personnel by the national agency under contract to NASA for station operation is a local function."

I hope that you will agree with me that it is an intolerable situation which allows United States funds paid to persons performing services to the United States government, in this case NASA, to be used in support of racial discrimination. I would urge that you require that federal agencies hiring in foreign lands be required to have in their contracts with other countries provisions which permit only nondiscriminatory hiring practices in so far as they affect the United States agency.

I would appreciate knowing whether this meets with your approval and if such a directive will be forthcoming.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 22, 1970.

H. DALE GRUBB,
Assistanant Administrator for Legislative Affairs, NASA, Washington, D.C.

DEAR MR. GRUBB: I have your letter of September 17 with further regard to NASA's employment practices in South Africa.

I believe that the practices you describe in your letter of having hiring done by the "national agency under contract to NASA for station operation" is racially discriminating and is NASA's way of evading its responsibilities.

I find that an intolerable situation and urge that a change be made.

Sincerely,

EDWARD I. KOCH.

THE WHITE HOUSE,
Washington, D.C., September 24, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This will acknowledge and thank you for your letter of September 22 to the President regarding the hiring of foreign nationals by government agencies, with particular reference to NASA policies in South Africa. You may be assured your letter will be brought to the President's attention at the earliest opportunity.

With cordial regard.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

PORT TOBACCO

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. GUDE. Mr. Speaker, the Conservation and Natural Resources Subcommittee recently concluded hearings on the Potomac estuary and the possible impact of uncontrolled planning for powerplants, oil depots, and other such facilities on the entire area. One vital aspect of the southern Maryland community which we must preserve are those elements which demonstrate the history and heritage of our people—we want this for future generations and for tourism.

Port Tobacco, in Charles County, was chosen as a theme in the Montgomery County Historical Society Contest, and it exemplifies one of the forgotten areas that was once an important place in America's heritage. Miss Kimball's theme speaks eloquently of the heritage we hope to preserve and I submit it for the interest of my fellow colleagues:

PORT TOBACCO

(By Carla P. Kimball)

Once a thriving river port, the business and cultural center of Maryland, Port Tobacco, like many other small towns in the state has faded into oblivion. It is only one of the towns and villages which has failed to gain the recognition that it deserves. Located in a valley near the point where the Potomac River bends around the lower end of Charles County, Port Tobacco is one of the few communities along the eastern seaboard that can boast of having had a living community for over three centuries. Other eighteenth century villages which sprang up along the Potomac are Leonardtown, Bladensburg and Georgetown; however, it seems rather ironic that these towns are large commercial areas today, when they were of minimal importance in very early years, whereas all that exists of the town of Port Tobacco is a vague memory.

Port Tobacco did not originate as a river port town, but rather as the site of the village of the Potabac Indians.

In the early years of the colony, Father Andrew White, a prominent figure in Maryland's religious history, made frequent trips to the village. In 1639, he converted the Queen of the Potabac Indians and 130 of her subjects. From Port Tobacco, Father White's home for the greatest part of his stay in Maryland, came the first work on Indian language, customs and religion in America.[1]

The name, Port Tobacco, is also of Indian origin. Fessenend S. Blanchard, author of *A Cruising Guide to the Chesapeake,* wrote that the Indian name, Portofacco, meant "in the hollow of the hills," [2] and the present name evolved from this. It is interesting to note the various versions of the name in its evolutionary process to Port Tobacco. In 1608 it was spelled Potapaco, Potobanos in 1632, Portobacke in 1635, in 1690, Portobao, and even Porto Batto at one time.[3] As years passed, even the inhabitants of the town lost sight of the fact that the name was not derived from its location at a wealthy and prosperous tobacco port, but from the Potabac Indians, long since driven from their home by land-hungry settlers.

Like other ports on the Potomac, Port Tobacco was strategically located to tap the tobacco trade of the area and grew "under the warehousing requirements and factorage system of the colonial period".[4] With the coming of the eighteenth century, Charles County planters began to prosper from the tobacco fields, and Port Tobacco grew to be the business center and most important port in Maryland. Because of Port Tobacco's location on a spacious estuary, it enjoyed a fine harbour and ships could easily anchor to receive the annual crop of southern Maryland. This growing river port was one of the first on the Potomac to trade with England. In *The Dulaneys of Maryland,* it is written that each year the products of English looms and forges were brought to Port Tobacco on the trading vessels of London merchants in exchange for return cargoes of tobacco.[5]

When referring to tobacco towns, such as Port Tobacco, Frederick Gutheim, author of *The Potomac,* stated that in each, one would typically find a merchant with his office, store and warehouse, ready to buy tobacco and sell goods from London.[6] As an indication of the size and commercial importance of Port Tobacco, Dr. Robert Honyman who stayed in Port Tobacco a short time in 1775 stated this about the town: "Port Tobacco is about as big as New Castle (Delaware) . . . There are six stores in the place . . ." [7] Records show that these merchants included the following: Robert Fergusson, an agent for several Scottish firms; John Craig, a factor (i.e. merchant) for Cuninghame, Findlay, and Company; Robert Mundell [8] and John Robertson, both representatives of Glassford and Company at Port Tobacco; and George Gray, a factor for John Jamieson and Son of Glasgow, Scotland.[9]

In 1658, Port Tobacco was made the seat of Charles County.[10] In the same year, the first county courthouse was built [11] and as the center of county government, the major portion of the population of Charles County must have lived in and around the town of Port Tobacco. By 1747, the poor quality of Maryland's tobacco, made it necessary for an Inspection Act to be passed to improve the quality and raise the price. Certain ports were designated as authorized inspection stations; Port Tobacco was one. The Inspection Act limited the number of ports which were permitted to export tobacco, thus Port Tobacco increased in importance.[12]

By the end of the American Revolution, Port Tobacco had become the cultural center of Maryland. Situated on one of the most favored routes between the North and the South, the town "was absorbing sophistication like a sponge." This statement is supported by a record of the presentation of *The Beggar's Opera* in Port Tobacco, as early as 1752.[13] Jockey clubs came into being in the middle of the eighteenth century and distinguished meetings were held by such clubs at Port Tobacco, as well as Marlboro and Annapolis.[14] To say the least, life in this town was not dull. Court records show that, "The townspeople traded and visited, sang and prayed; slandered their neighbors and got hauled into court for it; they played on the cittern, a sort of guitar, hunted, fished in the streams and river. . . ." As the town grew and prospered, many of the wealthy land owners sent their sons and sometimes even daughters to either England, Belgium or France to be educated. Generally, it can be concluded, that Port Tobacco was a town of "wealth and consequence." [15]

Located in a valley, the hills overlooking the town were covered with the tobacco crops of the wealthy plantation owners. Many of the mansions in what is known as the Port Tobacco Valley were masterpieces of colonial architecture and still stand today in their restored state. It is amazing that this river port town has gained so little recognition, when one considers that many prominent colonial figures were among its residents. One home which overlooks Port Tobacco is Mulberry Grove, the birthplace and home of John Hanson, president of the first Continental Congress of the United States. As previously mentioned, Port Tobacco was the home of Fr. White and other Jesuit priests in Maryland, and in 1649, a large grant of land was given to Thomas Mathews as trustee for the priests.[17] The building erected on the land became known as St. Thomas Manor; the author of *Potomac Landing* stated, that it "has been owned by the Jesuits and used by them as a residence uninterruptedly for the interval of nearly three hundred years." [18] An Englishman, J. F. D. Smyth, touring the U. S. said that the sight of St. Thomas Manor "is the most beautiful place and the most elegant situation in the world." [19] St. Ignatius Church, built by the Jesuits, adjoining St. Thomas Manor was not only one of the principle early churches of the colonies, but also is the oldest active parish in the United States.[20]

Another colonial mansion in the Port Tobacco Valley, built circa 1730, was Rose Hill, the home of Dr. Gustavus A. Brown, the physician who attended George Washington in his last illness.[21] Rose Hill stands high above Port Tobacco overlooking the Potomac River. During the Civil War, the home was taken over and used as a base by Union soldiers. By 1865, the Brown Family had long since passed away and the home now belonged to the Floyds. Young Bob Floyd fought under the Confederate flag, while Mrs. Floyd and beautiful young Olivia remained in Rose Hill. Union soldiers camped on the grounds about the manor house, while officers occupied the spare rooms. Young Olivia, a loyal Southerner was in constant communication with the Army of Northern Virginia. She would creep away at night and ride to Ladler's Ferry with information she had been told by the Union soldiers.[22] However, to this day, the citizens of Port Tobacco dispute the fact that this young woman's name was Olivia Floyd, but rather, they contend that the inhabitant of Rose Hill during the Civil War was Bell Boyde, the famous Confederate spy. Nevertheless, Rose Hill stands today high above Port Tobacco overlooking the Potomac River.[23]

Habre de Venture is "one of the finest examples of Colonial and Southern architecture in Maryland." Built in 1742, it was the home of Thomas Stone, one of the state's four signers of the Declaration of Independence.[23] In 1760, Dr. James Craik built his home, La Grange. Dr. Craik was a physician in the Continental Army and a close friend of President George Washington.[24] William Chandler, a colonel in the Revolutionary War built Chandler's Hope early in 1650, which later became the temporary home of the first Carmelite nuns in the area.[25] From Chandler's Hope, the Carmelites moved to their permanent home, overlooking the Port Tobacco Valley; Mount Carmel was "the first convent of religious women established in the original thirteen colonies." [26]

With the American Revolution came the beginning of a series of destructive blows which brought an end to Port Tobacco as the business and cultural center of Maryland. Town commerce was almost entirely stopped; British factors were forced to leave the town; the prized tobacco warehouses were destroyed, thus cutting trade to a minimum. During the war years, Baltimore and other more urbanized trading communities such as Georgetown and Alexandria engrossed much of the trade and shipping that would previously have been handled in Maryland's smaller ports, including Piscataway, Bladensburg, and Chaptico, as well as Port Tobacco. Many of these areas declined.[27] As Port Tobacco's importance began to diminish, the town of La Plata, about three miles north of Port Tobacco, began to rise; the Popes Creek Railroad had established communication between the little village and the rest of the States. Moreover, by this time, the piling up of silt in Port Tobacco's harbour had made it impossible for ships to land there. By 1882, there was talk of moving the seat of Charles County from Port Tobacco to the rising town of La Plata. In 1892, the final blow was dealt to Port Tobacco, when by mysterious means,

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Footnotes at end of article.

the courthouse was burned. "Whatever the cause . . . the fire did indeed settle the issue insofar as Port Tobacco was concerned." It would have been senseless to rebuild the county courthouse in a town which had been bypassed by the railroad, and which was no longer accessable by sea; therefore, in 1895, the county seat was changed from Port Tobacco to La Plata.[28] What was left of the old courthouse and other public buildings were sold and the proceeds were applied to the costs of the buildings in the new seat of Charles County. Naturally, business followed the court and residents followed business. Fifty years later, when the town was taken in hand by the Society for the Restoration of Port Tobacco, "there was little left of the public buildings but the memory."[29] Paul Wilstach wrote this about the abandoned town:

> Nearly all the eighty houses have long since gone the way of those at St. Mary's, but the few remaining, with their mossy brick and sagging roofs and crazy chimneys, compose a unique and very quaint specimen of a derelict colonial town.[30]

Stag House, built about 1709, is one of the two homes which are still standing in the exact location of the old town.[31] The buildings mentioned previously have been restored and are occasionally opened for public tours; however, for the most part, the corn and tobacco fields cover the area where the town once flourished.

It is hoped that the reconstruction of Charles County's courthouse will constitute the first major step of the restoration of Port Tobacco, and plans are being made by the Society for the restoration of Port Tobacco for this town to become a second Williamsburg. The preceding appears to be a tragic end to the story of a town which was so much a part of Maryland's colonial history, but perhaps, if the plans of the Restoration Society succeed, Port Tobacco will live again.

FOOTNOTES

[1] Ethel Roby Hayden, "Port Tobacco, Lost Town of Maryland," *Maryland Historical Magazine*, XL (1945), 261.

[2] Fessenden S. Blanchard and William T. Stone, *A Cruising Guide to the Chesapeake*, p. 172.

[3] Hamill Kenny, *The Origin and Meaning of the Indian Names of Maryland*, pp. 21–22.

[4] Rhoda M. Dorsey, "The Pattern of Baltimore Commerce During the Confederation Period," *Historical Magazine* LXII (June 1967), 127.

[5] Aubrey C. Land, *The Dulaneys of Maryland*, p. 3.

[6] Frederick Gutheim, *The Potomac*, p. 72.

[7] Hayden, "Port Tobacco," p. 268.

[8] Information taken from a footnote of a letter from Alexander Hamilton to James Brown Company in "The Letterbooks of Alexander Hamilton, Piscataway Factor," Part III, 1775–1776, edited by Richard K. MacMaster and David C. Skaggs, *Historical Magazine*, LXII, p. 14–159.

[9] Information taken from footnotes of letters from Alexander Hamilton to James Brown Company in, "Post-Revolutionary Letters of Alexander Hamilton, Piscataway Merchant, Part I, January–June 1784," *Historical Magazine*, LXIII (March 1968), 32–41.

[10] A book compiled as the Maryland Writers' Project, *Maryland, A Guide to the Old Line State*, p. 490.

[11] Morris L. Radoff, *The County Courthouses and Records of Maryland*, Part One: The Courthouses, p. 61.

[12] Mathew P. Andrews, *History of Maryland, Province and State*, pp. 224–273.

[13] Hayden, "Port Tobacco," pp. 267–269.

[14] Paul Wilstach, *Tidewater Maryland*, p. 94.

[15] Hayden, "Port Tobacco," p. 267.

[16] Everett B. Wilson, *Maryland's Colonial Mansions and Other Early Homes*, p. 218.

[17] By the rules of their Order, Jesuits were not permitted to hold land individually. For further information see Mathew Page Andrews, *Founding of Maryland*, pp. 163–169.

[18] Wilstach, *Tidewater Maryland*, p. 102.

[19] Hayden, "Port Tobacco," p. 271.

[20] Literature published by St. Ignatius' Catholic Church.

[21] Wilson, *Colonial Mansions*, p. 221.

[22] Hayden, "Port Tobacco," p. 274.

[23] *The Counties of Maryland and Baltimore City*, p. 43.

[24] Wilson, *Colonial Mansions*, p. 216.

[25] Wilson, p. 223.

[26] *The Restoration of Mount Carmel in Maryland*.

[27] Alexander Hamilton, "Post-Revolutionary Letters," p. 23.

[28] Radoff, *Courthouses*, p. 71.

[29] Radoff, p. 71.

[30] Wilstach, *Tidewater Maryland*, p. 143.

[31] Wilson, *Colonial Mansions*, p. 217.

BIBLIOGRAPHY

Andrews, Mathew P., *Founding of Maryland*, New York, D. Appleton-Century Company, 1933.

Andrews, Mathew P., *History of Maryland, Providence and State*, Hatboro, Pennsylvania, Traditional Press, 1965.

Blanchard, Fessenden S., and William T. Stone, *A Cruising Guide to the Chesapeake*, New York, Dodd, Mead and Company, 1968.

———, *The Counties of Maryland and Baltimore City*, Baltimore, State Planning Department, 1968.

Footner, Hulbert, *Maryland Main and the Eastern Shore*, New York, D. Appleton-Century Company, Inc., 1942.

Gutheim, Frederick, *The Potomac*, New York, Grosset and Dunlap, 1968.

Hayden, Ethel Roby, "Port Tobacco, Last Town of Maryland," *Maryland Historical Magazine*, XL (1940), 261–76, Baltimore, Maryland Historical Society, 1940.

Kenny, Hamill, *The Origin and Meaning of the Indian Place Names of Maryland.*

Land, Aubrey C., *The Dulaneys of Maryland*, Baltimore, The Johns Hopkins Press, 1968.

———, *Maryland Historical Magazine*, LXII (June 1967), Baltimore, Maryland Historical Society, 1967.

———, Maryland Historical Magazine, LXIII (March 1968), Baltimore, Maryland Historical Society, 1967.

Maryland's Writers, Project, *Maryland, A Guide to the Old Line State*, New York, Oxford University Press, c. 1940.

Radoff, Morris L., *The County Courthouses and Records of Maryland*, Part One: *The Courthouses*, Annapolis, The Hall of Records Commissions State of Maryland, 1960.

The Restoration of Mount Carmelin Maryland, literature published by the Society for the Restoration of Port Tobacco, Port Tobacco, Maryland.

St. Ignatius' Catholic Church, literature published by St. Ignatius' Catholic Church, Port Tobacco, Maryland, 1966.

Wilson, Everett B., *Maryland's Colonial Mansions and Other Early Homes*, New York, A. S. Barnes and Company, Inc., c. 1965.

Wilstach, Paul, *Tidewater Maryland*, Indianapolis. The Bobb-Merrill Company, 1931.

COLLEGE OF WILLIAM AND MARY TOLD TO LOWER STANDARDS

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. ABBITT. Mr. Speaker, press reports over the weekend have revealed that the Department of Health, Education, and Welfare has blatantly demanded that the College of William and Mary take extraordinary steps to achieve a degree of integration which will satisfy the bureaucrats in the Office of Education.

According to the information available, HEW has insisted that the College of William and Mary, the Nation's second oldest educational institution, expand its efforts to achieve integration and if necessary lower its academic standards in order that more black students may qualify.

This points up once again the ridiculous position in which many educational institutions now find themselves as a result of edicts by HEW. Through its maze of guidelines and inconsistent pronouncements the Office of Education is attempting to establish percentage goals which many institutions find impossible to meet. The College of William and Mary has long been noted for its fine academic standards and its students come from all over the United States and from other countries as well. It does not exclude students of any race and accepts freely all those who seek enrollment, so long as they are able to meet the qualifications. Under this program, William and Mary has attained a substantial degree of integration of its facilities. Now, HEW is not satisfied—and seeks to substitute its own guideline in place of those established by the college administration. This is a pattern of operation which, if carried to its logical conclusion, would turn over the admissions policy of practically every school in the country to the HEW headquarters in Washington. Certainly we do not want to see this happen and if it ever should, control of our education would no longer be in the hands of the individual schools but left to the whims and fancies of fuzzy-thinking bureaucrats.

Last year I introduced a bill which would provide that any school which lowered its academic standards in order to take in otherwise unqualified students would lose its eligibility for Federal assistance. I believe very strongly that legislation of this type is very desirable in the times in which we live. It is now obvious, however, that even more stringent steps need to be taken to protect the schools from the Federal Government itself. I propose to go into this matter very fully and have strongly protested this action to the Department of Health, Education, and Welfare. It seems to me that we cannot afford to let steps of this kind go unchallenged.

EQUAL RIGHTS AMENDMENT HEARINGS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the RECORD a letter sent by the National Association of Women Lawyers, dated September 14, 1970, to the Honorable JAMES O. EASTLAND, chairman of the Senate Committee on the Judiciary, and an article carried in the New York Times. Raised are certain questions as to the selection and scheduling of witnesses before the Senate Judiciary Committee on the equal rights amendment. The items follow:

NATIONAL ASSOCIATION OF
WOMEN LAWYERS,
Chicago, Ill., September 14, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As members of the legal profession, we feel obligated to call your attention to patently biased actions in the selection and scheduling of witnesses for the Judiciary Committee hearings held September 9, 10, 11 (and to be held September 15) on the Equal Rights Amendment, under the chairmanship of Senator Sam. J. Ervin—and to protest the denial of a "day in court" to our organizations and to others who wished to be heard as proponents.

The three days during which Senator Ervin presided heard exclusively witnesses preselected as opponents of the measure, and who testified against it, with one surprising exception. We submit that the procedures followed, under your delegation of authority have reflected discreditably upon the Senate Committee on the Judiciary.

On May 5, 6 and 7, full-scale hearings were held before the Sub-Committee on Constitutional Amendments, on S.J. Res. 61. Both proponents and opponents were heard each day, alternately. Only Senators Birch Bayh, presiding, and Senator Marlow Cook attended regularly. Senator Ervin did not attend at all.

After passage of H.J. Res. 264 and its placement on the Senate Calendar by the Majority and Minority leaders, the Judiciary Committee, at request of Senator Ervin, announced additional "public hearings on September 9, 10, 11 by the full Committee" on S.J. Res. 231 and on H.J. Res. 264, purportedly "to elicit opinions from constitutional experts" and "enlist aid of competent constitutional scholars (CONGRESSIONAL RECORD, 8-21-70, p. 29672).

Nevertheless, the first witness called by Senator Ervin on September 9 was not a lawyer, and was one who had testified at the May hearings, the Vice President of the Hotel and Restaurant Employees and Bartenders International Union. In fact, only three of the eight witnesses scheduled during these three days, all invited as opponents, were law professors or scholars.

It was only after repeated requests from various sources that the hearings were extended to September 14 and 15 in order to give the PROPONENTS an opportunity to be heard. When the tentative list for those days was ascertained by arduous and persistent effort, it was revealed that 8 to 10 witnesses were listed for each of those two days—i.e. the same number in one day as had had three days to present the opposition.

The National Association of Women Lawyers and The Women's Bar Association of the District of Columbia were denied any opportunity to testify either day, and were expected to be mollified by the assurance that we might "file a statement for the record." The delays and uncertainties about when, and if, appearances would be arranged were especially inconvenient upon witnesses who would come from Florida and Ohio, or other distant places. We mention the following, in the field of law, as having been so treated and as having had appearance denied or *cancelled completely* at the last minute (although these hearings were to develop legal questions):

The Women's Bar Association of the District of Columbia—(signatory to this letter)—one of the largest such groups, with some 400 members in the Metropolitan Washington area.

The National Association of Women Lawyers—only national bar for women in the legal profession—has representation in the House of Delegates of the American Bar Association.

The Women's Equity Action League—civil rights for women in employment and education engaged in court test cases on sex discrimination.

Dr. Pauli Murray, attorney and legal scholar, Brandeis University.

Miss Marguerite Rawalt, former President of the Federal Bar Association and of the National Association of Women Lawyers.

United Automobile Workers of America, Counsel Bernard Ashe, who has been on amicus briefs in test cases under Title VII.

National Organization for Women, Regional Vice President, Miami, and other organizations whose membership includes "housewives and mothers" who stand FOR the amendment and whose requests to testify were not honored:

The General Federation of Women's Clubs—800,000 members in over 14,000 clubs in the United States, largest organization of women in the world—international president denied listing.

National Federation of Republican Women's Clubs—with thousands of members actively supporting the Amendment—denied listing.

Soroptimist Federation of America—largest organization in the world of women in executive positions.

Many advocates, denied opportunity to be heard, have expressed their feeling that they have been treated with disdain, not to say contempt, and certainly in a manner designed to weaken their espousal before the Senate and the public. And this under the aegis of the Committee of the highest legislative body, the Committee which is the watchdog for the nation over judicial due process.

We make the observation that had the desire to elicit opinions from constitutional experts and scholars been sincerely paramount, the witness list should have been weighted with such persons. The fact is that out of a total of 23 witnesses scheduled, there were six law professors and an additional four attorneys, while the two leading bar associations of women lawyers, and three organizations active in test litigation involving sex discrimination, were cancelled out or never scheduled at all.

On the second day of hearings, Senator Ervin announced that he would not chair the hearings agreed to be extended to September 14 and 15 in order to let the proponents be heard. He asked Senator Marlow Cook, the only other Senator attending these hearings, to preside. Senator Cook could not be available on September 14, but readily agreed to preside over September 15 hearings. Apparently, no other member of the Committee was willing to chair the 14th meeting. Six witnesses for the amendment were thus foreclosed from testifying, with cancellation of that day's hearings. This summarily cancelled out two outstanding women lawyers one of whom was the only black woman witness. Further, the only two bar associations of women lawyers were denied any opportunity to appear, despite the focus on developing the constitutional ramifications. Another cancellation important to the proponents was that of the Counsel for the United Automobile Workers International, the representative of millions of workers, and the leading labor union advocate of the Equal Rights Amendment.

To lawyers, such manipulated arrangements translate into a denial of due process and a cause for righteous indignation. When eight amendment opponents, upholding the views of the chair (with one unexpected exception) were allowed three days time to testify, while sixteen proponents were limited to two days, only to have half of them summarily cancelled out entirely and the other eight compacted into one day, this may well be labelled with the opponents' favorite phrase as a "blunderbuss approach" (Note: chairman and opposition witnesses repeatedly called the Equal Rights Amendment a "blunderbuss approach" to equality of rights).

It is submitted that this one-sided testimony for which wide press coverage was prearranged, has unjustifiably promulgated the negative view to the public. Since the House-passed Resolution is scheduled for debate the last week of September, since we are informed that your Committee is meeting September 16 to consider this matter, and since we do not desire any postponement of full Senate consideration, we do not ask for extended hearings or any other action that might postpone full Senate consideration.

We trust the Committee will do what it can to rectify the damage done our just cause by the unfair hearings conducted in its name by reporting favorably on Wednesday the Equal Rights Amendment as originally introduced in both Houses. The tenor of the Senate Committee report can reflect the favorable testimony offered by legal authorities that will otherwise not be known to the Senate or the public.

Respectfully yours,

MARGARET LAURENCE,
National Legislation Chairman, National Association of Women Lawyers.
MARGARET BELLER,
President, Women's Bar Association of the District of Columbia.

[From the New York Times, Sept. 13, 1970]

EQUAL RIGHTS: WHO IS AGAINST IT AND WHY

WASHINGTON.—Prof. Leo Kanowitz of the University of New Mexico Law School testified before Congress last week in favor of the equal rights amendment to the Constitution, but it was all a terrible mistake.

He had been invited to appear before the Senate Judiciary Committee because Senator Sam J. Ervin, Jr., Democrat of North Carolina, the leading opponent of the amendment, had the mistaken impression that the professor, too, opposed the amendment, which would prohibit the denial of any legal right to any person because of sex.

Professor Kanowitz thus turned out to be the only favorable witness in three long days of hearings in which Senator Ervin sought to establish that the enactment of the amendment would mean that husbands would no longer be required to support their wives and children and that such sex distinctions as separate prisons and separate public toilets would be declared illegal—arguments that supporters of the amendment say are simply ridiculous.

That Senator Ervin has "stacked" the hearing is demonstrable. He has started off with the opposition witnesses, contrary to usual Congressional practice, and is apparently planning to use the excuse of the press of other Senate business to limit the testimony of favorable witnesses to a single day this week.

PRESIDES AT HEARING

As he has presided over the hearing (he is not the chairman of the Judiciary Committee, but James O. Eastland of Mississippi, who is the chairman, has let him act as chairman in this case), Senator Ervin has shown that he shares scarcely a single idea or principle with the backers of the amendment. In the packed committee hearing room, it is almost possible to hear the amendment's advocates grind their teeth in anger and frustration as the Senator takes off on one of his oratorical flights concerning the "good Lord's plan" that men and women should be different.

However, not everyone who opposes the amendment holds to the Senator's view that, even today the place of most women is in the home. One witness who disagreed most emphatically—but was nevertheless perhaps the most forceful of all the week's opposition witnesses—was Myra K. Wolfgang, a labor union leader from Detroit. Mrs. Wolfgang is a national and local officer of the Hotel and Restaurant Employees and Bartenders Union, and she is no "pussycat" embracing the idea that domination by males is her natural and happy fate.

She told Senator Ervin, at one point, that the men in the union movement were just like men elsewhere—"full of male chauvinism."

But Mrs. Wolfgang opposes the equal rights amendment because she believes it would hurt the working women that she represents. Specifically, she fears it would wipe off the books state laws that set maximum daily and weekly hours of work for women, but none for men. Women, she said, need more protection than men from the demands of employers that they work large quantities of overtime—60 hours a week, and more—because when their day's work on the assembly line or in the laundry or hotel is done, they have to go home and cook and clean and take care of children.

And, she continued, the husbands of these working-class women rarely give them any help.

With a jerk of her head toward the college-educated women who were filling most of the seats in the hearing room, she went on to say that 10-hour days might be all right for "lady lawyers" and other women in the professional and managerial fields, whose jobs are not physically exhausting, who can pay for household help, whose husbands are more disposed to lend a hand at home and whose children, if any, are probably grown.

Mrs. Wolfgang's testimony thus highlighted the fact that much of the opinion on the equal rights amendment may be dividing on what amounts to class lines.

The relatively affluent, eductaed women who are supporting the equal rights amendment feel strongly that even laws that genuinely protect women should not be retained only for women because, as long as women are protected from certain hardships, they will also be looked down upon, and kept down, both professionally and personally. They will take their chances, willingly, with any hardships that true equality brings.

Mrs. Wolfgang's view is that such women do not know what real hardship is and that she is not about to risk such hardship for working class women for the sake of some theory about equality.

Professor Kanowitz has quite a different answer, shared by many of the amendment's advocates—namely, that the risk to the working class woman really is not great because states probably would not invalidate the maximum hours laws for women but would, instead, extend them to men.

This argument appeared likely to become the central issue over which the amendment is fought in the Senate. Eighty Senators—much more than the required two-thirds—had signed their names as sponsors of the amendment. But that was back when no one in the Senate thought the amendment would ever get through the House, which it did last month.

Now, however, Senators know their votes on this issue will matter. Many are troubled by some of the arguments that was highlighted last week. Whether the supporters will be able to answer them all in their brief day before the committee remains to be seen. The equal rights amendment has been placed on the "must" list for consideration by the Senate before it adjourns this year.

STRIKING GENERAL MOTORS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. DERWINSKI. Mr. Speaker, as the strike by the United Auto Workers Union against General Motors Corp. continues, the adverse impact on the economy, on the employees of the company, and certainly on consumers of General Motors' products cannot be minimized. An extremely objective and penetrating editorial commentary by WBBM–TV, channel 2 in Chicago on September 17 sets the strike in its proper perspective:

STRIKING GENERAL MOTORS

A long strike at General Motors Corporation by the United Auto Workers Union could cause new dislocation of the economy. There are predictions the strike will last six to eight weeks . . . and this could hurt the nation. The Wall Street Journal points out such a strike could imperil the recovery of the economy . . . could cause layoffs in plants dependent on General Motors . . . raise the total unemployment figure and make consumers cautious about spending extra funds.

General Motors sells nearly 20 billion dollars worth of products in the United States annually . . . spends over 13 billion dollars on services and materials—including 10 percent of the nation's steel output.

We haven't even mentioned the inflationary effect a costly settlement at General Motors and at the other auto companies and the rise in car prices might have on the total economy. The government has always stayed out of autoworkers' strikes . . . but we believe it should be jumping into this walkout.

We believe the administration should have set wage-price guidelines in the past—should have worked harder to forestall this strike. We believe it could enunciate guidelines for settlement now . . . certainly insist on continuous bargaining.

The public has a major role in this confrontation between the two giants of labor and management . . . and its voice should be heard through its government.

The government does not work for General Motors or the UAW alone, but also for you.

SENATE—*Tuesday, September 29, 1970*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. RUSSELL).

The Reverend Horace Churchman Lukens, pastor, the Presbyterian Church, Vienna, Va., offered the following prayer:

Almighty and gracious God, who dost overrule the affairs of men and nations, grant the presence of Thy spirit in the Senate of our beloved country.

Deliver us from the pressures of the moment. Guide us by Thy humility and wisdom.

When we are weary in well-doing, refresh us with Thy power. Bring wholeness to our tortured spirits. Clear our minds with Thy truth and move our wills into Thy will.

Send Thy gifts upon us, the spirit of openness to Thee, the spirit of honesty and love, the spirit of understanding and forgiveness.

Feed our hearts with Thy love and guide our minds in the way of peace.

Heal our land, O God, and make us a people pleasing to Thee, who hast demonstrated Thy saving mercy in Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 28, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair now lays before the Senate the unfinished business of the previous day, which will be stated.

The assistant legislative clerk read as follows: Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

CONTROLLED TIME UNDER CLOTURE MOTION

The PRESIDENT pro tempore. Under the order entered on Friday, September 25, 1970, the first hour of today's session will be equally divided between the Senator from Montana (Mr. MANSFIELD) and the minority leader, the Senator from Pennsylvania (Mr. SCOTT).

Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself 1 minute before I turn the time over to the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDENT pro tempore. The Senator from Montana is recognized for 1 minute.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance, the Committee on Commerce, and the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

Mr. BAYH, Mr. President, although it is with great reluctance, consistency compels the Senator from Indiana, who realizes the pressures and the obligations of the majority leader, to object.

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The PRESIDING OFFICER. The Senator has that right. Objection is heard.

Mr. MANSFIELD. Mr. President, I yield the remainder of the time on this side to the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDENT pro tempore. The Senator from Indiana is recognized.

LIMITING CAMPAIGN EXPENDITURES FOR RADIO AND TELEVISION ADVERTISING

Mr. SCOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SCOTT. Mr. President, last week, the Senate passed and sent to the President a bill limiting the campaign expenditures for radio and television advertising.

Both the Senator from Tennessee (Mr. BAKER) and myself as conferees refused to sign the conference report because we felt this was not good legislation and did not adequately deal with the problem of increasing expenses necessary to campaign effectively for public office.

Last week WTOP broadcast an editorial pointing up the inequities in the bill, making the point that the way to provide real fairness is to limit overall campaign spending.

I ask unanimous consent to have the broadcast editorial printed in the RECORD.

There being no objection, the broadcast editorial was ordered to be printed in the RECORD, as follows:

VETO THE CAMPAIGN SPENDING BILL

[A WTOP editorial, Washington, D.C.—broadcast Sept. 25 and 26, 1970]

WTOP urges President Nixon to veto the bill passed by Congress this week which would limit TV and radio spending in political campaigns.

The bill cannot fulfill its promise, which is to cut down the unfair advantage of the rich candidates. The theory goes that if wealthy and poor candidates have equal access to television, it won't be possible to "buy" an election with a lavish budget.

But the problem is not television; the problem is the lavish budget. A ceiling on TV and radio spending will send the rich guy scurrying to invest heavily in other media, and the unfair advantage will persist.

An alternate way to provide real fairness is to limit *overall* campaign spending. That way, candidates would have the freedom to get their cases to the public as they see best.

For TV and radio stations to oppose limits on TV and radio spending sounds, admittedly, like a self-interest pleading, but the facts are otherwise. Political dollars are not as significant to broadcasters as they seem, because they frequently replace dollars from regular advertisers.

An issue much more dear to us is that the bill sitting now on the President's desk represents another needless intrusion of government into the realm of communications. Limits this year on broadcasting almost surely will be followed by restraints on other media. The losers won't be the media; the losers will be the public.

A curb on television and radio campaigning would be misguided and dangerous, and that's sufficient reason for a veto of the bill by the President.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken equally out of both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Indiana yield me 30 seconds for a unanimous consent request?

Mr. BAYH. I yield 30 seconds to the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized for 30 seconds.

PRIVILEGE OF THE FLOOR DURING ROLLCALL VOTE ON CLOTURE MOTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, beginning with the rollcall motion to invoke cloture and until the vote is announced, the Chamber, the floor, and the lobbies be cleared of all Senators' aides, with the exception of aides to the majority and minority leaders, and aides to the Senator from Indiana (Mr. BAYH), who is the chief sponsor of the resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, I now yield 5 minutes to the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDENT pro tempore. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I oppose Senate Joint Resolution 1 because of what it provides and because of what it does not provide.

In the first place, it provides, through its provision for a 40-percent President, that we can elect a plurality President in this country. I oppose the 40-percent provision.

I also oppose the runoff provision. I believe that these two provisions are the worst features of the resolution. I oppose them for what they do not say.

Senate Joint Resolution 1 does not provide when the runoff shall take place. It does not provide who shall certify the returns of the election. It does not provide to whom the returns shall be sent in and who shall make the final determination.

It makes no provisions for contests. It makes no provisions for recounts. Further, Mr. President, the provisions of Senate Joint Resolution 1 could not, from a practical point of view, go into effect until the presidential election of 1976.

Therefore, it seems to the junior Senator from Alabama that there is no hurry about enactment of the resolution.

Further, there is no unanimity of opinion with regard to the resolution. Many of its sponsors have reservations as to its wisdom and some of its sponsors have amendments themselves to it. In fact, the very amendment under consideration at this time is an amendment of the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS), which would eliminate the runoff provision. Both Senators are cosponsors of the resolution. There are perhaps a dozen proposed amendments. Also, the distinguished Senator from Missouri (Mr. EAGLETON), another cosponsor, has an amendment to the resolution. Therefore, there is no unanimity of opinion.

The Senate itself, in the past, has submitted and passed the proportional plan, which did not pass the other body. The distinguished Senator from Indiana (Mr. BAYH) himself at one time recommended and espoused the automatic plan. So, before we send this measure out to the States for their action, we should come up with the best possible resolution. If the Senate could change its mind, if the Senator from Indiana can change his mind on what is the best approach, certainly between now and 1976, the Senate could change its mind again.

It does seem to the junior Senator from Alabama that now is no time to rush this measure through. Now is no time to cut off debate.

Furthermore, I oppose this measure because it would result in the proliferation of splinter parties. There is a built-in protection under the present system, our electoral college system, that discourages splinter parties because no party, large or small, can register in the electoral college unless it carries the popular vote in at least one State.

So, Mr. President, we are going to see third parties proliferate. We are going to see an end brought to our two-party system.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GURNEY. Mr. President, I yield 1 additional minute to the Senator from Alabama.

The PRESIDENT pro tempore. The Senator from Alabama is recognized for 1 additional minute.

Mr. ALLEN. Mr. President, we are going to see our two-party system destroyed, we are going to see our federal system destroyed if this amendment is submitted to the States, and by them ratified.

Furthermore, if this measure goes to the States for ratification, it means that for 7 years we will not have meaningful action in Congress for electoral college reform.

Possibly some changes should be made in the electoral college. But if we submit

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this measure to the States and allow 7 years for its ratification, it will foreclose the possibility of Congress submitting any meaningful reform back to the States for such 7-year period.

Let us not cut off debate. Let us decide on a better plan and submit it to the States.

Mr. President, I yield back the remainder of my time.

The **PRESIDENT** pro tempore. Who yields time?

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The **PRESIDENT** pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **GURNEY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The question before the Senate is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close?

Mr. **GURNEY**. Mr. President, I yield 5 minutes to the Senator from North Carolina.

The **PRESIDENT** pro tempore. The Senator from North Carolina is recognized for 5 minutes.

Mr. **ERVIN**. Mr. President, the most serious business that the Congress can ever perform is submitting a proposed constitutional amendment to the people of the States for ratification or rejection. I do not think this is the proper time for the Senate to reach a decision on this matter simply because 34 Members of the Senate are engaged in campaign for reelection and are not able, in many cases, to be here except at great sacrifice to themselves. For these reasons, they quite naturally are unable to give their full consideration to the various proposals that are now pending before this body.

There are at least four separate proposals pending before this body: the direct election plan, the district plan, the Katzenbach plan, and the proportional voting plan, with variations of each. I think we should consider such a serious matter as this in an atmosphere where Senators are not perplexed with election problems, where Senators can give their undivided attention to the matter pending before the Senate, and where they can solve the problem in an atmosphere of intellectual calmness.

The Senate today is in a hurried condition; it is in a harried condition. This is true because we are, we hope, in the last stages of a session. The Senate should not seek to solve this problem in the closing days of a hurried and harried session.

Furthermore, I point out that on the 3d of November we are going to have an election in which the entire membership of the House of Representatives is going to be selected by the people and in which 34 Members of the Senate are going to be selected by the people. In all human probability there may be a substantial number of retirements from Congress, either voluntary on the part of Members or involuntary, at the hands of the people. I think that when an election is to be held on the 3d day of November and perhaps new Senators and new Representatives chosen, we should not undertake to submit a constitutional amendment when the body that submits it may turn out to be, more or less, a "lameduck" Congress.

I think the people should have the right to have their freshly chosen Senators and Representatives participate in the decision as to whether the Constitution should be amended. Furthermore, we should consider this question in an atmosphere of calmness.

The junior Senator from Alabama has pointed out most eloquently that there is no possibility that any amendment which this Senate may vote to submit to the people could become effective in any event before the year 1976, and it is the height of folly, in my judgment, for a hurried and harried Senate to undertake to submit an amendment under these circumstances.

When we amend the Constitution we do not act as we do when we pass a law. A law can be changed at the next session, but a constitutional amendment cannot be changed except by the same process by which it is placed in the Constitution. It can only be removed in the same manner. When a constitutional amendment is adopted it is something which binds untold generations of Americans. For that reason I respectfully suggest this Senate should not act on this matter in these hurried and harried days when one-third of the membership is absent a large part of the time.

The **PRESIDING OFFICER** (Mr. HOLLINGS). The Senator's 5 minutes have expired.

Mr. **ERVIN**. Mr. President, I would like to have 1 additional minute.

Mr. **GURNEY**. I yield 1 additional minute to the Senator from North Carolina.

Mr. **ERVIN**. Mr. President, I recognize there should be reform in the electoral process. We should do away with faithless electors. We should do away with the archaic method of election in the House when no candidate receives a majority of the electoral vote. We should also give serious consideration to whether or not we should do away with the winner-take-all proposition in respect to the electoral votes of particular States.

I pledge, come January, if the good Lord permits me to remain in this body, that I will devote my major efforts to an electoral reform which will give us a genuine reform in the fields I have mentioned, without converting 184,000 separate election precincts into one great big election precinct, where a fraudulent vote in each precinct or a miscounted vote in each precinct would put every close election conducted in this Nation in a state of uncertainty.

The **PRESIDING OFFICER**. Who yields time?

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Alaska.

AMENDMENT NO. 954

Mr. **STEVENS**. Mr. President, I send to the desk an amendment to the Griffin-Tydings amendment, and I ask unanimous consent that it be considered as an amendment read in accordance with rule XXII in the unanimous-consent agreement entered into in this body last Friday.

The **PRESIDING OFFICER**. Is there objection?

Mr. **STENNIS**. Mr. President, reserving the right to object, and I do not know whether I will object, we did not hear the reading of the amendment.

Mr. **STEVENS**. Mr. President, I ask that this amendment be read in accordance with rule XXII.

The **PRESIDING OFFICER**. Under the order of last Thursday, blanket unanimous consent has been granted to qualify any amendment up to the time of the vote.

Mr. **STEVENS**. That is all I ask; that this amendment be accorded the same treatment as all other previous amendments.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 954

Beginning with line 1, page 5, strike out all to and including line 7, page 5, and insert in lieu therof the following:

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 40 per centum of the total number of votes cast. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress, such persons shall be elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the thirty-fourth day after the date on which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be elected President and Vice President. Immediately after such choosing, the special session shall be adjourned sine die.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 5, line 16, immediately after the period, insert the following new sentence: "No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the thirtieth day after the date on which the election occurs.".

AMENDMENT NO. 956

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be printed and considered as read.

In considering the issue of electoral reform many points of controversy, dispute and disagreement have arisen, but there have been numerous points about which a great number of observers and commentators have agreed.

One of these points is that reform is needed. Two of the three elections in the decade of the 1960's nearly resulted in constitutional crises, and the 1968 presidential election was the most potentially confusing and disruptive to take place in our country in recent history.

Many plans, proposals, compromises and substitutes have been considered and discussed in recent weeks. Some are simple, some complex. Some might pass the Congress but not the State legislatures; others would stand much better chances of passing the legislatures but not the Congress.

Out of all this confusion and variety of argument, a consensus seems to have emerged that any candidate for President who have won a simple majority of the popular vote should be the President.

Majoritarianism is an ingrained element of the U.S. political tradition, and its application to presidential politics is equally valid as in other areas of public and private life.

Regional, geographical and Federal considerations aside, the American people believe that any person who can command more than 50 percent of the vote of the people should be the President.

The greatest number of our 37 Presidents have been chosen by a majority of the votes, but in 15 elections the winning candidate has had less than a majority—sometimes substantially less and sometimes only a fraction of a percentage point less.

The distinguished senior Senator from North Carolina and others have pointed out on numerous occasions the dangers and inherent uncertainties of total reliance on the popular vote in electing the President. The opportunities for regional, one-issue, and splinter candidates to disrupt the system have been fully cataloged and explained. With sole reliance on popular vote, the election of the President would be placed on even more unsure footing than it finds itself today. Thus the proposal has been advanced that some vestige of the present electoral system should be preserved as a backup to direct election. There have been several such backup systems suggested, but the one which seems to me to be the most reliable and the most in keeping with our past practices would be the so-called automatic electoral system. This system would eliminate the office of elector and the opportunities for capricious, unpredictable or unscrupulous behavior by individuals casting electoral votes. It would instead cast electoral votes automatically on the basis of the popular vote winner in each State.

Mr. President, the plan contained in the amendment I am introducing today combines the concepts of electing the majority votegetter and the automatic electoral vote system. I believe it offers a viable alternative to many of the objections which have been raised to the plans heretofore introduced and a positive answer to the problem of reforming our presidential election system.

I ask unanimous consent that my amendment be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Hughes). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 956) is as follows:

Amendment No. 956

Strike out all after the resolving clause, and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article ——

"Section 1. The President and the Vice President shall be elected as provided in this article. No person constitutionally ineligible for the office of President shall be eligible for that of Vice President.

"Sec. 2. On the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin, unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia an election in which the people thereof shall cast their votes for President and for Vice President. In such election, each voter shall cast a single vote for two persons, one a candidate for President and the other a candidate for Vice President, who shall have consented to the joining of their names on the ballot. The places and manner of holding the election shall be prescribed in each State by the legislature thereof but shall be subject to regulation by the Congress. The voters in each State shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature. The voters in the District of Columbia shall have the qualifications prescribed by the Congress.

"There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in each State a number of electoral votes equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress. There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in the District of Columbia a number of electoral votes equal to the whole number of Senators and Representatives to which the District would be entitled in the Congress if it were a State, but in no event more than the number cast by the least populous State.

"Within forty-five days after the election, or at such other times as the Congress may direct, the official custodian of the election returns of each State and of the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each such list there shall be entered the number of votes cast for each person whose name appears thereon, the total number of votes cast for all such persons, and the name of the persons for whom the electoral votes of such State or District are cast.

"Sec. 3. On the 6th day of January following the election, unless the Congress shall by law appoint a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates. The persons joined as candidates for President and Vice President who receive the greatest number of votes cast by the voters shall be President and Vice President if such number is at least 50 per centum of the total number of votes cast. If no such persons receive at least 50 per centum of the total number of votes cast, then the persons joined as candidates for President and Vice President who receive the greatest number of electoral votes shall be President and Vice President, if such number is a majority of the total number of electoral votes. If no such persons have a majority of the total number of electoral votes, then from the two pairs of persons receiving the highest number of electoral votes the Senate and the House of Representatives sitting in joint session shall immediately choose one pair as the President and Vice President by ballot. A quorum for this purpose shall consist of three-fourths of the whole number of the Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded, and in addition there shall be cast for the persons for whom the electoral votes of the District of Columbia were cast a number of votes equal to the number of such electoral votes. The pair of persons receiving the greatest number of votes shall be chosen.

"Sec. 4. If, at the time fixed for the counting of the votes as provided in section 3, the person who would have been entitled to become President, other than by choice of the Senate and House of Representatives, shall have died, the person who is entitled to become Vice President, other than by choice of the Senate and the House of Representatives, shall be President.

"The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them; for the case of the death of both the persons who, except for their deaths, would have been entitled to become President and Vice President; and for the case of the death or withdrawal, prior to the election provided for in section 2, of a candidate for President or for Vice President."

Mr. HRUSKA. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There are 22 minutes remaining to the proponents and 11 minutes remaining to the opponents.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes. Did the Presiding Officer say we have 11 minutes?

The PRESIDING OFFICER. Yes.

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, this afternoon the Senate is once again being asked to cut off debate on Senate Joint Resolution 1 which provides for the direct popular election of the President. And once again I hope that this request will be soundly rejected.

On the opening day of discussion on this resolution I said that this proposal was "the most mischevious and dangerous constitutional amendment that has ever received serious consideration by Congress." Nothing that I have heard during this debate has changed my mind with regard to that statement; if anything, my fears concerning this proposal have increased rather than decreased.

Those of us who oppose the national plebiscite scheme have attempted to point out over the past days the dangers which would result from direct popular election of the Chief Executive. We have dwelt at some length on the probable destruction of the two-party system, on the undermining of the separation of powers, on the grave weakening of the federal system, on the radicalization of public opinion, on the erosion of protection for minority groups, on the interminable challenges and recounts, on the irresistible temptation of fraud. We have asked the proponents many questions concerning these threats to our stable Government, Mr. President. And answers come there not. Answers come there not.

Any person who seeks to alter our Constitution bears a heavy burden of proof to show not only that his proposal is salutary for some apparent immediate purpose, but that it is in the permanent and aggregate good of the Nation. It is my firm belief that the proponents have failed to meet both of these obligations.

To quote Richard Goodwin:

> For the first time it is proposed that we amend the Constituton simply because we think something might go wrong at a future date.

No other constitutional amendment in our history has been put forward with such an inadequate demonstration of what it might entail. This single reason would be sufficient to reject direct election. But the opponents have not rested our case on that proposition alone; we have put forward at least eight very compelling and very disturbing consequences of the adoption of this proposal, any one of which would justify rejection of this radical idea. Let me quote Alexander Bickel of Yale Law School on the threat to the stability of this Nation posed by direct election:

> There is a tendency, visible in the last two or three elections, toward fragmentation and I think any structural arrangement, such as direct election, that encourages that fragmentation risks, God help us, the end of this Republic and of the finest experiment in government ever known to man.

Those are very strong words, but this Senator believes with him that direct election poses that tremendous threat to this Nation.

The reason we are asked to vote on cloture today is because some claim that the opponents have been engaged in extended debate on this issue. Very candidly, let me point out that the only obstruction to Senate business began quite clearly last Thursday. There was none until last Thursday. A few facts will illustrate my point very clearly. This resolution was laid down as the pending business of the Senate on September 8. Sixteen business days have elapsed since that time; direct election has been discussed to some extent on 14 of those days. During that time the Senate has filled 1,697 pages in the CONGRESSIONAL RECORD, of which only 340 have been devoted to direct election. Just one-fifth of our debate has been on Senate Joint Resolution 1; four-fifths have gone for other things. Let me point out that in just 1 week, the 5 days directly preceding last Thursday, the Senate approved 53 measures and ratified one treaty. Fifty-three bills and one treaty. Contrast this to the entire month of July when the Senate acted on only 37 measures. Thirty-seven in a month compared with 54 in a week. That amounts to a tremendous legislative record which certainly would compare favorably with any week that I have spent in the Senate. And compare that with what has happened since last Thursday: Not one single measure has been permitted to come to the floor for debate and a vote.

Two weeks ago under similar circumstances I pointed out that during this session the Senate has spent 17 days discussing the qualification of a nominee for the Supreme Court, 47 days discussing the question of foreign military sales, and 29 days discussing military procurement—important subjects all. Now we have spent 14 days discussing a constitutional amendment which would alter our entire form of government in this Nation. To any reasonable person there seems to be an imbalance in the amount of time we have devoted to various subjects—especially when it is considered that there was no threat of cloture offered on the three longest debates.

This Senator sincerely hopes that cloture will again be defeated this afternoon. A vote against cloture is not a vote against electoral reform—there remain ample opportunities to enact meaningful reform which the States will ratify before the 1972 elections. A vote against cloture is a vote against a radical and dangerous alteration in the structure of this Nation's Government.

Mr. President, if I have any time remaining I reserve it for future use.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, hopefully with the time being taken out of both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I yield 2 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I just have this to say, in reiteration, in a way, of what I said yesterday. As one who has been here since debate on this subject in 1948, let me say at that time I voted for the so-called electoral reform idea, which was then the Lodge-Gossett measure that passed this body by a two-thirds vote plus one.

I am opposed to the invoking of cloture today, but as one who has been through many of these debates—and this is a good one—I will join on any proposals that are anywhere near my way of thinking on this subject—not like mine, but anywhere near like mine—in trying to get together on a sound, constructive, forward-looking amendment to submit to the States that will bring our method of electing the President up to date, and eliminate some of the hazards and uncertainties that we do have now.

I will work with any Senator, as I have said, who has a proposal nearly like mine. I believe we can in that way bring out, and Congress can pass, a sound, constructive proposal that will be adopted by the States.

I believe, with all due deference to the Senator from Indiana, that his amendment or anything close to it, if passed by Congress, will not be approved by three-fourths of our States. So, in the way of getting something constructive across the board, let us not impose cloture here now, but have time for deliberation, planning, and explanation, rather than the pressure of just a little more consideration and then having to vote right or left.

I thank the Senator for the time. I yield back whatever time I have left.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, nearly 2 weeks more of the Senate's time have been consumed since the Senate last voted on the pending question. On that occasion, just before the vote, I indicated my feeling to the Senate that since the Constitution itself requires a two-thirds vote to change its terms, sufficient minority protection was available. The exercise of going through the procedures of rule XXII—designed to protect precisely the same minority—was, I said, an unnecessary and unreasonable burden to impose against the Senate.

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I renew my plea that the Senate reject this effort. I do not believe the minority can in this way hide behind cloture proceedings. I think this vote—requiring two-thirds of the Senate—must be considered a vote on the merits of constitutional change.

After all, the merits of that question having been pending before the Senate since last September 2. Before that, a proposed constitutional change was before the House of Representatives, where it was overwhelmingly approved. Before that, some 4½ years ago, this precise question was the subject of a series of hearings before the Senate Committee on the Judiciary. And for years, the matter has been debated, discussed, and thrashed over.

Its success is based on a two-thirds vote. And again I point out, the success of cloture is based upon a two-thirds vote. A vote today must therefore be considered a vote on the question of constitutional change.

Finally, it should be made clear that this attempt by a few Senators to require a two-thirds vote of the Senate twice with respect to constitutional change would seem to abuse the whole purpose and intent of rule XXII. The notion of continuous debate in the Senate until two-thirds say otherwise after all is a device that was established to protect the minority. But when the question itself contains a built-in minority safeguard—as do proposed constitutional amendments—then it is clear that requiring two-thirds twice abuses the terms and intent of rule XXII and the notion of extended debate.

I hope the Senate rejects this effort and adopts the cloture motion. I hope each Senator votes today as he would on the merits of the question. A vote today against the consideration of the merits of Senate Joint Resolution 1 must be considered a vote to protect the antiquated status quo of national elections. The question today is: Can the Senate be permitted to consider changes in the electoral process?

I hope the Senate supports the direct election of the President by the people of the United States.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. First of all, I wish to make clear in the RECORD a point with which I am sure the majority leader would agree; although on many other occasions when the majority leader refers to the "minority" he is referring to those on the Republican side of the aisle. However, in the statement just made the majority leader was not referring to Republicans when he used the word "minority."

Mr. MANSFIELD. No.

Mr. GRIFFIN. I am sure he would be first to agree that this is not a partisan issue.

Mr. MANSFIELD. That is correct.

Mr. GRIFFIN. There are votes for and against this cloture motion on both sides of the aisle. Indeed, I wish to emphasize that the President of the United States is for the proposal pending before the Senate to change the Constitution and reform the electoral process.

Second, I wish to associate myself with the general thrust of the remarks made by the distinguished majority leader. When the Constitution requires a two-thirds vote on an issue, it seems to me that we ought to be able to get to a vote on the merits. Furthermore, I think it will be an unfortunate reflection on the Senate, if we cannot get to a vote on the merits of an issue which requires a two-thirds vote in order to be passed.

There is no question in my mind but that a failure to get to a vote on the merits in this case will greatly increase the pressure next January for further changes in rule XXII. I believe the Senate ought to be very much aware of that, as we proceed to a vote. I hope the cloture motion will prevail.

Mr. MANSFIELD. I thank the Senator, and am in accord with his statement as to rule XXII.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 1 minute to my colleague from Nebraska.

Mr. CURTIS. I thank my colleague.

Mr. President, I point out that there is no assurance of a vote on the merits even if cloture prevails. The last time cloture was invoked, there were dozens of amendments voted upon with roll calls in this Chamber, with no debate whatever; and there is no assurance that amendments will get consideration. But there is no assurance that even the resolution will be fully considered on its merits.

If they want to proceed on this, the proponents should show some willingness to accommodate some of these people who wish to offer amendments. It is entirely possible that we will have to vote on amendments that are not debated.

Mr. FULBRIGHT. Mr. President, will the majority leader yield to me?

Mr. MANSFIELD. If I have any time.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I yield 1 minute to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to state that I do not agree with the Senator from Michigan that a vote against cloture is a vote against electoral reform. I have, in the past, voted for a change in this constitutional provision. I voted for a proportional plan some years ago, and I think a change should be made now. I approve of electoral reform.

The Senator from Nebraska has called attention to the fact of the much longer time that was taken by the Senators who were so determined in their objections to giving this body voice in our foreign policy, that so much more time was taken in opposition to the Cooper-Church amendment.

I, for one, am for a change in the electoral college. I have not quite made up my mind which one I am going to support. I have in the past, as I say, supported the proportional plan, and may again.

But I do not think undue time has been taken on such an important matter. I hope the view is not generally accepted that, because we want the issue thoroughly debated, we do not want any reform.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The words spoken by the Senator from Arkansas, in my opinion, are well taken. We have many amendments pending here, which will qualify for a vote if cloture is voted. We do not know their substance; we do not know the arguments for and against. The legislatures that will ultimately be called upon to make a judgment on this subject will not know the arguments for and against.

Let me repeat a couple of points I made earlier: Since September 8, when this resolution was made the pending business, 16 business days have elapsed. Since that time, direct election has been discussed to some extent on 14 of those days. During that time, the Senate has filled about 1,700 pages of CONGRESSIONAL RECORD. Only 340 of those pages have been devoted to this joint resolution, Mr. President. And during the week preceding last Thursday, there were 53 measures and one treaty approved by this body. The discussion on this joint resolutive in no way interferred with the business of the Senate until last Thursday when objection was heard to consideration of any matter except direct election.

This measure, with its many ramifications, has not had ample discussion for the record, and for the guidance of those who will turn to this debate for the purpose of ultimately taking action on it if the resolution is agreed to by the Senate. I respectfully suggest that cloture should not be voted. There should not be a limitation on debate until we have had an ample opportunity to explore the many amendments, some of which we have not even had an opportunity to see or consider at all.

For that reason, I urge again that the cloture motion be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. How much time remains, Mr. President?

The PRESIDING OFFICER. One minute, to the opponents.

Mr. BAYH. Mr. President, I yield myself 4 minutes.

The Senator from Indiana does not need to tell the Senate that the pending order of business is Senate Joint Resolution 1, or, to be specifically accurate, the Griffin-Tydings amendment to Senate Joint Resolution 1. This provides for the direct popular election of the President. The Senator from Indiana happens to favor direct popular election.

We are not about to decide whether the proposition of the Senator from Indiana, the Senator from Tennessee, and several other cosponsors is to be enacted by the Senate. The issue is not whether this question is to be put to a vote on the merits, but whether we are to have any electoral reform at all. Despite the well-intentioned statements of some of our

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colleagues, let the record show that is the issue before us. Are we going to go to another election night 1968, when, if there had been a change of fewer than 42,000 votes in the right three States, we would not have elected any President.

Neither Mr. Nixon nor Mr. Humphrey would have had a majority of the electoral vote, and that would have given to a third-party candidate the chance to go from one candidate to the other and sell off the Presidency to the highest bidder. Last time the third party candidate happened to be Governor Wallace. But it could just as well have been someone on the left.

Are we going to sit still and let this happen? As a token of good faith, I have said on this floor, and I say again, to the Senator from Michigan (Mr. GRIFFIN), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. TYDINGS), and all others who have expressed concern about the runoff provision, that I am willing to yield on that and accept some workable agreement. We can get together and say we will not have a runoff, that we will go to the Electoral College and then to Congress, or make some other provision. I am willing to accept a compromise, and pledge my own effort not only to see that it is accepted by this body, but to see whether the other body will accept it. I think they will. But now we are saying that we are not going to permit the Senate to vote on anything. It has been said that we do not have enough time. It has been said by the Senator from Arkansas, I think accurately, that we have debated other issues at greater length. But I think we can make a valid distinction between the invocation of cloture on a normal piece of legislation that requires only a majority vote of this body, and a constitutional amendment. As to the former the cloture rule provides an additional safeguard against unjustifiably cutting off debate. But a constitutional amendment has greater protection built into it than rule XXII provides. You not only need two-thirds of the Senate; you need two-thirds of the House and then three-fourths of the State legislatures.

We have perused the record, and I respectfully suggest that we have already spent significantly more time debating this proposed constitutional amendment than any other constitutional amendment in more than a hundred years.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. FULBRIGHT. In the first place, this matter is very complicated. In all honesty, I am bound to say to the Senator that I have learned more about the various proposals in the last 48 hours than I had before.

As often happens, we become engaged in other matters, and only when we are faced with necessity, do we study it. I have learned a good deal about what is proposed here. I honestly think there has not been an undue amount of time devoted to this matter in view of its complexity.

I am impressed by what the Senator says about the two-thirds requirement with respect to a constitutional amendment. I am also very much interested in the preservation of rule XXII. I think it is as important as anything else about the Senate, and I do not wish to do anything to prejudice that rule.

I am not taking the position that we will never vote on this matter. The Senator says we are. I do not say that we shall never vote on it. I do not think we have taken enough time, and I am not prepared to vote on it today. That does not mean I will not be prepared to vote on it tomorrow or the next day, because I think there is much merit in what the Senator says about the constitutional amendment requiring two-thirds for adoption and, therefore, there is not the same justification of delay as might be the case with ordinary bills.

Mr. BAYH. I appreciate the position of the Senator from Arkansas. I was merely trying to point out the protection built into a constitutional amendment, and he pointed out that he understands it.

Mr. FULBRIGHT. This is complicated, a little more complicated than some of the other issues.

Mr. BAYH. The Senator is correct.

Mr. FULBRIGHT. The effect of this amendment, I dare say, a great many people do not know yet, because it is very complicated.

Mr. BAYH. I am not sure this guarantee would be persuasive to the Senator from Arkansas, but I would be willing to pledge, as the principal sponsor of Senate Joint Resolution 1—and I think the other sponsors would also be willing to pledge—that if we can get the debate terminated and we are in a position to sit down with the authors of the amendments and see how much time they think they need on each one of those amendments, I personally, would be willing to agree to any reasonable unanimous-consent request to allow adequate debate on each of those amendments.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MANSFIELD. That cannot be done, because if cloture is invoked, each Senator is limited to 1 hour, and that time is not transferable.

Mr. BAYH. Mr. President, the Senator from Indiana would like to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator will state it.

Mr. BAYH. In the event cloture is voted, is it not possible for one Senator to yield time to another Senator if unanimous consent is granted?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. BAYH. So what the Senator from Indiana is suggesting is that we can get a reasonable amount of time on each amendment, so that we will have a chance to study each of them and let them come to a vote. Of course debate is essential. I would not want to vote on any of these amendments, even one I might propound, without any time for debate at all.

I would suggest to the Senator from Nebraska that it is patently unfair to suggest that we have not made an effort to come to a vote. The Senators who have been setting in the Chamber have seen the Senator from Indiana propose on three different occasions unanimous-consent agreements to vote on any of the 13 amendments that are before the Senate. They have also seen the Senator from North Carolina object, as is his right, to each request. We have made an effort.

I have said to the Senator from North Carolina, whom I respect, that I will vote on anything. Let us get started. But he has said, "No." That is why we were forced—frankly, against my preference—to move to get the debate shut off. I would be glad to sit down with the Senator from Arkansas or any other Senator who is concerned about insufficient time to vote on these measures.

On both sides of the aisle there are Senators whose political lives are on the block right now. One of them is making a mad dash back here at this very moment. Some have canceled a whole day's schedule and traveled the whole continent to be here. I think we have to recognize that the number of times we can ask these Senators to make this sacrifice is not unlimited. They are going to be here today. I hope that we will give serious consideration to shutting off this debate and sitting down with the proponents and the opponents of the various amendments. Let us agree to a reasonable time, and then let us let the Senate work its will.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. RANDOLPH. Is it not a fact that if cloture is invoked, each Senator would have 1 hour, and we could then have 100 hours of debate, if it were thought necessary to continue this discussion? Contrary to what the public has been led to believe by opponents of cloture, the debate would continue. By invoking cloture, we would not close out floor consideration of this vital matter. If there were 8 hours of debate each day, we could use 12½ days in further argument on this issue. I regret that we did not secure cloture September 17. I doubt that we can do so now, but I emphasize that citizens generally expect Senators to come to grips with the central problem and stop the filibuster.

Mr. BAYH. The Senator, who supports cloture and electoral reform, is correct. I appreciate the Senator's bringing this up. I suggest that some Senators are not going to want to spend this hour, and I am sure they will be willing to yield it to others.

Mr. HRUSKA. It cannot be yielded.

Mr. BAYH. As the Presiding Officer just pointed out, it can be yielded by unanimous consent.

The Senator from Indiana is pledging himself in advance not to object. We will have reasonable time to debate the amendments. The Senator from Nebraska has been on committees, and he knows how complicated these things are, and so does the Senator from Indiana.

One last word. I think we really are faced by a bigger question right now than the success or failure of direct election, of the automatic plan, or of the cloture petition. I respectfully suggest that the Senate is now going to answer the question that is being posed by hundreds of thousands of people in this country, as to whether our system will work. If this system will not let the Senate vote on an issue that requires two-thirds of the vote in this body and a two-thirds vote in the House and three-fourths of the State legislatures, the Senator from Indiana finds great difficulty in protecting it as he has.

Mr. ALLEN. Mr. President, the majority report does not make a case for the direct-election amendment. It is so flawed in many respects that I find it difficult to imagine that many Senators would be willing to stand alone on the arguments presented in the report.

Let me briefly refer to the majority report in a descriptive and not in an argumentative manner.

The first 6 pages of the report consist in the main of a statement of facts. These pages outline the provisions of the proposal; the purpose of the amendment; a history of Senate Joint Resolution 1; an analysis of the resolution; a description of the electoral college system; and an inadequate, if not inaccurate, statement of the design of the framers of the Constitution in adopting the electoral college.

Mr. President, even the factual presentation is flawed by words and phrases such as "the antiquated electoral college"; "undemocratic unit vote"; "the hybrid electoral college system"; "degenerated"; "dangerous and anachronistic"; and such images as "political peritonitis."

Mr. President, the lack of valid evidence to support such rhetoric is such as to suggest that its use is most inappropriate in a serious consideration of a proposed constitutional amendment.

Let us examine what purports to be evidence to support the conclusions. As a beginning, let us examine the use of the terms "archaic" and "anachronism." The word "archaic" suggests a relationship to an earlier period. "Anachronism" has reference to a chronological misplacing of persons, events, object, or customs in regard to each other.

But, Mr. President, while it is true that the electoral college is related to its origin in the Constitution, what evidence is offered to prove that it is chronologically misplaced? There is none. The statement is a bald-faced conclusion which we are asked to accept without evidence.

Can we assume that the electoral college is an anachronism because it is associated with an earlier period? If so, the Constitution, of which it is a part, is subject to the same charge. Of course, I do not consider the Constitution or any part of it to be antiquated or anachronistic.

On the other hand, one might associate the Magna Carta with antiquity, but not the Constitution of the United States. Of course, there are some, perhaps too many, who consider Magna Carta and "due process of law" to be anachronisms. It seems to me the Supreme Court subscribes to that point of view. Then too, there are liberal extremists who suggest that the English Bill of Rights and the American Constitution are anachronisms because they are concerned with limiting powers of civil government whereas today it is contended the need of socialist governments is for more governmental powers over the people and their institutions.

But the point is that the majority report does not demonstrate that the electoral college is either antiquated or that it is an anachronism.

On the other hand, Mr. President, it can be demonstrated to the satisfaction of reasonable men that the electoral college is just as valid, viable, and useful today as it was the day it was adopted.

The nearest approach to an argument to support the charge of anachronism is based on the fact that the electoral college is the result of a compromise. It is true, of course, but what conclusions can be drawn from the fact of compromise? It has been said by participants in the Constitutional Convention, and in truth, that the Constitution itself is a "bundle of compromises." Is that evidence that the Constitution is an anachronism? Of course not.

The majority report completely ignores the fact that while there were many compromises in the Constitution, none compromised sound principles. In other words, the electoral college compromise was completely consistent with underlying and determinant principles of the form of government created by the Constitution. It is appropriate to consider some of these principles.

Is the electoral college consistent with the principle of federalism? Of course it is.

Is it consistent with the principle of dual sovereignty without which there could be no Federal Government? Of course it is.

Is the electoral college consistent with the principle of separation of powers without which there could be no checks and balances? Of course it is.

Is it consistent with the principle of a limited government—which is to say a government governed by the supreme law of the Constitution? Of course it is.

Is it consistent with the principle of diffusion of power as a protection from the dangers of political parties and factions? Of course it is.

Is it consistent with a government which recognizes the existence of separate institutions of authority in a free society of which civil government is but one and of which the Federal Government is but one of many civil governments. Of course it is.

Mr. President, it is not enough to say that the electoral college is an anachronism merely because it is the result of a compromise. This is a crude method of indirectly attacking the principles from which the compromises arose.

Mr. President, let us examine the electoral college compromise in more detail. The majority report distorts both the nature of and the essence of the compromise. As a matter of fact, one might be misled into believing that the compromise was necessary to the adoption of the Constitution. I doubt that.

The electoral college was not conceived as the primary method of electing Presidents. Madison explained that it was generally conceded that electors, no matter how appointed would vote for a candidate for President from their separate States. At one point Mr. Madison was so bold as to predict that such would be the case 99 out of 100 times. What is the significance of this estimation concerning the persons for whom the electors would vote?

For one thing, the most populous States having the largest number of electors would have the advantage in nominating leading candidates. On the other hand, electors from smaller States would have the balance of power in the election and could prevent a candidate from obtaining a majority vote. Thus, an election by the House of Representatives appeared inevitable.

In fact, an election of the President by the House was anticipated and welcomed. The effect of such a system was to permit choice of nominees by the populous States and empower the less populous States to exercise the balance of power by reason of the compromise that each State should have but one vote in the House.

The compromise balanced out the nominating advantage of larger States against the advantage of smaller States by reason of the unit vote by States in the House.

Is that undemocratic? If so, then logic would compel us to say that the process of nomination by political parties today is also undemocratic. It is a fact that presidential nominating conventions of the major political parties today are dominated by a numerically greater delegate representation from the most populous States.

Is it not true that after nominations are made by the most populous States that party candidates must appeal to the voters of the less populous States in order to get a majority of electoral votes? The difference today is in the method of nominating candidates for one thing and the fact that unit vote of States has been transferred from the House to the electoral college. One method may be better than another but not because one method is more democratic than the other.

Let it be noted, however, that under the direct election proposal, most populous States will continue to dominate the nominating conventions but they will also dominate the election. Well, I do not believe the American people are going to buy that deal. A lot more should be said about the alleged "undemocratic" electoral college. But to the best of my knowledge, no recent candidate for election to Congress has gone to the people and advocated weakening the federal system of government. He has not campaigned on a promise to fight for greater concentration of power to both nominate and elect Presidents and Vice Presidents in the populous States.

He has not said that he advocates the takeover of the election machinery of the States and to change the system of representation from population to qualified voters. Who, when, and where has any candidate campaigned on the issue that the principles of the Constitution are archaic?

However, we have read of a great deal of lipservice given to the idea of democ-

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racy and we must further examine this aspect of the case.

Mr. President, do the proponents of this direct election want democracy? I doubt it. The Constitution certainly did not structure a democracy. Why do not candidates go to the people and advocate political democracy?

In this connection, I am reminded of an observation by Plato in evaluating the principle of democracy.

> Democracy is a most accommodating and charming form of government, full of variety and diversity . . . dispensing equality to equals and unequals alike . . . and if a man has a mind to establish a state he must go to a democracy as he would go to a bazaar, where they sell them and pick out that which suits him.

With the technology at our command, it is now possible to put an electronic voting box on most every telephone pole in the United States and with the aid of electronically coded keys every qualified voter in the United States could vote on any issue with almost instantaneous computation of results. Is that the kind of democracy one wants? Why should the people in a democracy be limited the right to vote only for elected officials?

But of course this is not the democracy that proponents of the direct election contend for. They just want a "lock on the board" so to speak. A system of election that allows the most populous States to nominate as well as elect the President and Vice President. But that is as far as it goes.

The proponents invoke the imagery of Athenian democracy under the misleading and rather absurd slogan "one man—one vote." I hope the womens lib group will take hold of that silly slogan and give it a working over. But the advantages of the slogan is that it permits the sloganeer to evade the real issue. The essence of the slogan as applied to presidential elections is that the power to elect is shifted from numbers of people modified by the weight of States in the electoral college and shifted to numbers of voters who may or may not vote in elections. Such a change is too extreme to be dismissed with a slogan—one man—one vote. The slogan is the product of what even liberal critics of the Supreme Court refer to as a "judicial Bonapartism." But that is beside the point.

But how many advocates of one man, one vote would be willing to see the principle applied to any issue other than elections of the President and other public officials? Not many. In this connection, Mr. James Burnham, one of the philosophers in residence on the staff of the National Review has called attention in the issue of September 8, 1970, to the paradox existing in England today.

Burnham quotes from the ultra-liberal English New Statesman as follows:

> Even in British politics, there are some unmentionable truths. If democracy worked in an Athenian sense, this country would still exercise the death penalty, flog young criminals, forbid abortion, repatriate (colored) immigrants, punish homosexuals, ban strikes and abolish aid to poorer countries . . . We resolve the paradox by the theory of delegated democracy . . . Better the liberal elitism of the statute book than the reactionary populism of the market place.

If the real Democrats in our country who would please stand up and say so we might ask if it is not true that we would then have voluntary prayers in public schools; local control of local institutions of self-government; and impeachment of Federal judges who refuse to be bound by the law of the Constitution? Would we not reestablish the right of a free people to balance the legislative powers of their State governments if they wanted to; would we not have an end to bombings, looting, arsonists, snipers, and campus riots under the pretense of freedom of speech and assembly; would we not have Communists out of our defense plants and subversive individuals denied support from tax funds?

Under the circumstances, Mr. President, I cannot believe that those who engage in the one man, one vote Bonapartist sloganeering are altogether serious in promoting democracy and I think it shameful that such slogans should be resorted to in an effort to bamboozle the people into further undermining our federal system of government.

Mr. HRUSKA. I yield my remaining time to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the question before the Senate, more properly, it seems to me, is not, shall we deny the Senate the right to shut off all debate now, but, rather, are we to junk and to cast aside a system that has served this country very well for nearly 200 years?

I think it is significant that the Senator from Indiana pointed out that he is agreeable—he said that he has spoken to Senators DOLE, GRIFFIN, STEVENS, and TYDINGS—to change the runoff proposal on the basis of something that would be workable. I should like to underscore the word "workable." He is admitting, himself, that to try to have a runoff by direct election would not be a very workable system.

I think we must bear in mind that if we are going to have 1 hour of debate only—that means on the proposal and all amendments—we will not have a chance to debate or understand most of them.

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Tennessee is recognized for 1 minute.

Mr. BAKER. Mr. President, for whatever time I have, I shall make these remarks brief.

The Senate has discussed Senate Joint Resolution 1 at length and in depth. It has done so eloquently and well. It has examined the circumstances and it will continue to do so whether cloture is invoked or not, because electoral reform is a necessity in this country.

The sole issue today is whether we shall have electoral reform according to this formula. I think that we should. We should have the popular vote to elect President and Vice President of the United States.

I share with others in this Chamber some concern as to the runoff provision but I do not share any fear that we will not be able to accommodate appropriate modifications of that runoff procedure during the 100 hours of debate that the Senate will have, if and when cloture is invoked.

Mr. President, I intend to vote for cloture. I hope that the Senate will invoke cloture and that the Senate will then set about the business of long overdue electoral reform.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. HOLLINGS). All time has now expired. The clerk will report the cloture motion.

The legislative clerk read the cloture motion, as follows:

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending resolution of the Senator from Indiana (Mr. BAYH)—proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.
>
> Mike Mansfield, Clifford P. Case, Charles McC. Mathias, Jr., Charles H. Percy, Edmund S. Muskie, George D. Aiken, Lee Metcalf, Walter F. Mondale, Edward M. Kennedy, Joseph D. Tydings, William Proxmire, Birch Bayh, Hugh Scott, Philip A. Hart, Fred Harris, Richard S. Schweiker, Mike Gravel.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLINGS). Under rule XXII, the Chair directs that the clerk call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 333 Leg.]

Allen
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), and the Senator from Hawaii, (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the

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Senator from Alabama (Mr. Sparkman), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from California (Mr. Murphy) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDING OFFICER (Mr. Hughes). A quorum is present.

The Chair would caution the occupants of the galleries that there will be no display of approval or disapproval at the announcement of the vote.

PARLIAMENTARY INQUIRIES

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. HRUSKA. Is it correct to say that a vote of "yea" will limit debate pursuant to rule XXII, whereas a vote of "nay" will reject the limitation of debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, would the Chair kindly caution the occupants of the galleries with respect to rule XIX in connection with demonstrations of approval or disapproval?

The PRESIDING OFFICER (Mr. Hughes). The occupants of the galleries are guests of the Senate and are cautioned to refrain from making displays of approval or disapproval on announcement of the vote.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Indiana will state it.

Mr. BAYH. Mr. President, is it accurate to say that under rule XXII, if cloture should be invoked, each Senator will have 1 hour in which to debate anything that he desires, and that by unanimous consent his time can be yielded to other Senators in debate as we proceed to a final vote under the cloture motion?

The PRESIDING OFFICER (Mr. Hughes). The Chair would advise the Senator from Indiana that under a unanimous-consent request, the Senator is correct.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wyoming will state it.

Mr. HANSEN. Mr. President, is it not the case, under the parliamentary inquiry just propounded by the distinguished Senator from Indiana (Mr. Bayh), that each Senator will not have 1 hour's time to debate anything he may choose but that he shall be restricted to 1 hour during which he may debate all things in which he is interested.

Mr. MANSFIELD. That is correct—in toto.

Mr. HANSEN. I think that is an important distinction.

The PRESIDING OFFICER (Mr. Hughes). The Chair would advise the Senator from Wyoming that each Senator has a total of 1 hour.

Mr. BAYH. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Indiana will state it.

Mr. BAYH. Mr. President, to make certain that all Senators know their rights, do I correctly understand that if, after the invocation of cloture, the proponents and the opponents of the general proposition take the various amendments and sit down and come up with an agreement on a time limitation, then Senators who do not wish to speak can yield their time to Senators who do?

The PRESIDENT. Under a unanimous-consent agreement on a time limitation on each amendment, the Senator is correct.

Mr. GRIFFIN. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order has been called for.

VOTE

The PRESIDING OFFICER. Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate now is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close?

The yeas and nays are automatic.

Those in favor of closing debate will vote "yea." Those opposed will vote "nay."

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Tennessee (Mr. Gore), and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Jordan), the Senator from Alabama (Mr. Sparkman), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are absent on official business.

On this vote, the Senator from Alabama (Mr. Sparkman) is paired with the Senator from Texas (Mr. Yarborough) and the Senator from Alaska (Mr. Gravel). If present and voting, the Senator from Alabama would vote "nay," and the Senators from Texas and Alaska would vote "yea."

On this vote, the Senator from North Carolina (Mr. Jordan) is paired with the Senator from Ohio (Mr. Young) and the Senator from Oklahoma (Mr. Bellmon). If present and voting, the Senator from North Carolina would vote "nay" and the Senators from Ohio and Oklahoma would vote "yea."

Also on this vote, the Senator from Nevada (Mr. Cannon) is paired with the Senator from Tennessee (Mr. Gore) and the Senator from Hawaii (Mr. Inouye). If present and voting, the Senator from Nevada would vote "nay" and the Senators from Tennessee and Hawaii would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from California (Mr. Murphy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness and, if present and voting, would vote "nay."

If present and voting, the Senator from Vermont (Mr. Aiken) would vote "yea."

Also if present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

On this vote the Senator from Oklahoma (Mr. Bellmon) and the Senator from Ohio (Mr. Young) are paired with the Senator from North Carolina (Mr. Jordan). If present and voting, the Senator from Oklahoma and the Senator from Ohio would each vote "yea" and the Senator from North Carolina would vote "nay."

The yeas and nays resulted—yeas 53, nays 34, as follows:

[No. 334 Leg.]

YEAS—53

Anderson
Baker
Bayh
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cranston
Dodd
Eagleton
Goodell
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Symington
Tydings
Williams, N.J.

NAYS—34

Allen
Allott
Bennett
Bible
Byrd, Va.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, Idaho
McClellan
McGee
Miller
Russell
Spong
Stennis
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—13

Aiken
Bellmon
Cannon
Gore
Gravel
Inouye
Jordan, N.C.
Mundt
Murphy
Sparkman
Tower
Yarborough
Young, Ohio

The PRESIDING OFFICER (Mr. Hughes). On this vote the yeas are 53 and the nays are 34. Fewer than two-thirds of the Senators present and voting having voted in the affirmative, the motion is rejected.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 1254, H.R. 17604, a bill having to do with the authorization for certain types of military construction at military installations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. BAYH. Mr. President, would the distinguished majority leader withhold that request long enough for us to suggest the absence of a quorum?

Mr. MANSFIELD. Mr. President, I withhold my request.

Mr. BAYH. Mr. President, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I should like to express my deep personal appreciation to the majority leader, the minority leader, and their assistants for the patience and cooperation they have given us in our effort to try to find a way to correct the imperfections that exist in the electoral college system.

In addition, I wish to express my gratitude to those Members of the Senate who have been inconvenienced because of the efforts of the Senator from Indiana to try to see that the Senate would be put to a test on this question. I know that there are Senators present who should be campaigning. I can see some in the Chamber who, I am afraid, canceled an entire day's campaigning to be here and to speak out and stand up and be counted on this important issue. I, as one Member of this body, am doubly grateful to them, and I apologize if my responsibility to try to pursue a solution to this problem has caused undue hardship on them.

We did not secure enough votes to get cloture at this time. I would hope that because of the gravity of the problem and the time that has been expended not only by the Senate and individual Members thereof, but also by citizens across the country who are members of the illustrious organizations that have lent their good names to a solution of this problem, such as the American Bar Association, the Chamber of Commerce, the AFL–CIO, the UAW, the League of Women Voters, and others, we will not shirk our responsibility to the Senate or to the country. I hope that we will give serious consideration in the hours and days ahead to the gravity of the problem which exists and to the fact that it will continue to exist unless the Senate puts the question to a vote.

If Senators do not like the proposal of the Senator from Indiana and some 39 cosponsors, then let us vote it down. Let us deny it the necessary two-thirds. Then let us try to get a vote on another proposal. The Senator from Indiana does not feel that he is arbitrary; he wants to get the best solution he can. Failing to obtain a direct-election amendment, let us try to obtain something else. But I think that every Senator who has studied the question and who has shown enough interest to submit an amendment or a resolution should be given the courtesy of a vote on it.

Because of my full understanding of the responsibility that rests on the shoulders of the leadership, I am reluctant at this time to again tie up the entire Senate. I should like to have an opportunity to talk with a few Senators who have expressed a willingness to try to have this proposal considered at another time. For that reason, I will not object to the proposal of the Senator from Montana to put aside Senate Joint Resolution 1 temporarily. I emphasize "temporarily."

Mr. President, I must say I have been committed to this matter for so long and I feel it is so important I am inclined to stand here individually and push the point until doomsday; but I think it would be unrealistic and it would work a hardship on those Senators who have other responsibilities.

So, out of deference to the leadership, I foreclose my opportunity to deny this unanimous consent request. However, I believe that the leadership understands that I intend to pursue this matter further and talk to Senators individually who have different ideas, until we have a resolution of this problem.

I do not want to go through another election day like in 1968 when I looked at the television screen and realized that we almost did not elect a President at all. And at that very same moment in history one of the networks suggested Illinois was going to go for Nixon, and thus he would be President Nixon, the very next picture showed that his opponent, Mr. Humphrey had a majority of the votes. We cannot let that happen. We cannot allow a candidate with a minority of the popular vote to be elected President.

I hope in the next few hours and days we will be able to work out a resolution of this impasse. We must not hide behind a parliamentary right, but must vote for what is right or wrong, depending on the dictates of our consciences.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. DOLE. Mr. President, I appreciate the statement of the Senator from Indiana, and am wondering at this time if it might be appropriate to consider some substitute for Senate Joint Resolution 1. We have discussed this prior to this moment. There are a number of us who feel very strongly about electoral reform. I appreciate the Senator from Indiana's basic tolerance, understanding, and willingness to discuss some of the options available.

As the Senator knows, I submitted earlier today an amendment to the effect that a candidate who received 50 percent of the vote would be President; and failing that we go to the so-called Katzenbach plan making the electors automatic. If no one has a majority of the electoral vote, a joint session of the House and Senate would determine who would be President. It appears this might offer some hope and compromise because it incorporates the principle of direct election, the 50-percent provision assuring that a person receiving that percentage will be President.

At the same time, the proposed compromise does not destroy the electoral system. I say this in all good faith, because, as the Senator knows, we have commiserated about this possibility and other possibilities for some days.

Mr. BAYH. Mr. President, in answer to the distinguished Senator from Kansas, I appreciate his concern. I have already committed myself in two or three or four instances to finding a contingency other than the runoff, whether it is to be the proposal of the Senator from Kansas, or the Senator from Missouri, who has a different kind of contingency in an overall reform, or the Senator from Michigan, or the Senator from Maryland, or the Senator from Alaska or other Senators.

I am hesitant to say at this particular time which of these proposals favor. However, let the record show again that I am not only wedded to the runoff, but I am committed to finding a contingency that is better adapted than a runoff.

I have expressed concern about the 50-percent provision proposed by the Senator from Kansas, because under it the present incumbent in the White House would not have been elected by direct popular vote. My reluctance stems from that plus the proliferating effect that would result from the 50-percent provision. But I am willing to talk to the Senator from Kansas and other Senators to see if we can resolve this problem.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1971, PENDING BUSINESS TEMPORARILY LAID ASIDE

Mr. MANSFIELD. Mr. President, I renew my request that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1254, H.R. 17604.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

H.R. 17604, an act to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment to strike out all after the enacting clause and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction.

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(*First Army*)

Fort Belvoir, Virginia, $4,959,000.
Carlisle Barracks, Pennsylvania, $503,000.
Fort Dix, New Jersey, $11,671,000.
Fort Eustis, Virginia, $260,000.
Fort Hamilton, New York, $575,000.
Fort Knox, Kentucky, $8,249,000.
Fort Lee, Virginia, $98,000.
Fort George G. Meade, Maryland, $257,000.

(*Third Army*)

Fort Benning, Georgia, $2,855,000.
Fort Campbell, Kentucky, $497,000.
Fort Gordon, Georgia, $31,447,000.
Fort Jackson, South Carolina, $506,000.
Fort Stewart, Georgia, $1,534,000.

(*Fourth Army*)

Fort Bliss, Texas, $809,000.
Fort Sam Houston, Texas, $15,496,000.
Fort Sill, Oklahoma, $581,000.

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(*Fifth Army*)

Fort Carson, Colorado, $623,000.

Fort Benjamin Harrison, Indiana, $523,000.

Fort Riley, Kansas, $7,515,000.

Fort Leonard Wood, Missouri, $1,946,000.

(*Sixth Army*)

Hunter-Liggett Military Reservation, California, $2,915,000.

Fort Lewis, Washington, $3,757,000.

Presidio of Monterey, California, $2,635,000.

Fort Ord, California, $3,497,000.

Presidio of San Francisco, California, $7,004,000.

(*Military District of Washington*)

Fort Myer, Virginia, $525,000.

UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas, $4,413,000.

Alabama Army Ammunition Plant, Alabama, $117,000.

Anniston Army Depot, Alabama, $915,000.

Atlanta Army Depot, Georgia, $117,000.

Badger Army Ammunition Plant, Wisconsin, $1,604,000.

Burlington Army Ammunition Plant, New Jersey, $384,000.

Charleston Army Depot, South Carolina, $67,000.

Cornhusker Army Ammunition Plant, Nebraska, $650,000.

Harry Diamond Laboratory, Maryland, $12,898,000.

Iowa Army Ammunition Plant, Iowa, $300,000.

Letterkenny Army Depot, Pennsylvania, $410,000.

Fort Monmouth, New Jersey, $2,757,000.

New Cumberland Army Depot, Pennsylvania, $99,000.

Picatinny Arsenal, New Jersey, $752,000.

Radford Army Ammunition Plant, Virginia, $2,333,000.

Ridgewood Army Weapons Plant, Ohio, $120,000.

Rock Island Arsenal, Illinois, $2,750,000.

Sierra Army Depot, California, $369,000.

Tobyhanna Army Depot, Pennsylvania, $115,000.

Tooele Army Depot, Utah, $249,000.

Watervliet Arsenal, New York, $1,362,000.

White Sands Missile Range, New Mexico, $2,261,000.

Yuma Proving Ground, Arizona, $1,798,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia, $475,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $2,383,000.

Fort Ritchie, Maryland, $876,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $8,519,000.

ARMY MEDICAL DEPARTMENT

Walter Reed Army Medical Center, District of Columbia, $10,216,000.

CORPS OF ENGINEERS

Topographic Command, Missouri, $558,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, $3,440,000.

Oakland Army Base, California, $1,458,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, $2,955,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $6,190,000.

Vietnam, Various Locations, $25,000,000.

SAFEGUARD SYSTEM COMMAND

Kwajalein Missile Range, $560,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $2,535,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $7,864,000.

United Kingdom, Burtonwood, $1,191,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $35,000,000; Provided, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Sec. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $2,000,000.

Sec. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: Provided, That the Secretary of the Army, or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Sec. 104. The Secretary of the Army is authorized to acquire, under such terms as he deems fair and reasonable, and at the present fair market value, State owned and privately owned land and estates in land and improvements thereon located within the boundaries of the White Sands Missile Range, New Mexico.

Sec. 105. The Secretary of the Army is authorized to acquire out of appropriations which may be available for Civil Defense in the fiscal year 1971 Independent Offices Appropriations Act, under such terms as he deems appropriate, land or interests in land in approximately one hundred and sixty acres in the vicinity of Mount Joy, Pennsylvania, as he considers necessary for the construction of a prototype Decision Information Distribution System facility to augment and upgrade the Area's Civil Defense warning capability.

Sec. 106. (a) Public Law 88–174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Aberdeen Proving Ground, Maryland", strike out "$4,065,000" and insert in place thereof "$4,326,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (1) of section 602 "$155,919,000" and "$200,788,000" and inserting in place thereof "$156,180,000" and "$201,049,000", respectively.

Sec. 107. (a) Public Law 88–390, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Edgewood Arsenal, Maryland," strike out "$6,843,000" and insert in place thereof "$7,405,000".

(b) Public Law 88–390, as amended, is amended by striking out in clause (1) of section 602 "$256,536,000" and "$307,597,000" and inserting in place thereof "$257,098,000" and "$308,159,000", respectively.

Sec. 108. (a) Public Law 89–188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Aberdeen Proving Ground, Maryland," strike out "$3,419,000" and insert in place thereof "$3,874,000".

(2) With respect to "Rock Island Arsenal, Illinois", strike out "$826,000" and insert in place thereof "$835,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (1) of section 602 "$261,135,000" and "$317,996,000" and inserting in place thereof "$261,599,000" and "$318,460,000", respectively.

Sec. 109. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Fort Jackson, South Carolina", strike out "$5,565,000" and insert in place thereof "$5,928,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (1) of section 602 "$59,352,000" and "$134,067,000" and inserting in place thereof "$59,715,000" and "$134,430,000", respectively.

Sec. 110. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to Fort Lee, Virginia, strike out "$1,727,000" and insert in place thereof "$2,575,000".

(2) With respect to United States Military Academy, West Point, New York, strike out "$15,495,000" and insert in place thereof "$18,077,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802, "$284,625,000" and "$388,018,000", and inserting in place thereof "$288,055,000" and "$391,448,000", respectively.

Sec. 111. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101, as follows:

(1) With respect to "Fort Benjamin Harrison, Indiana", strike out "$4,590,000" and insert in place thereof "$7,200,000".

(2) With respect to "Pine Bluff Arsenal, Arkansas", strike out "$169,000" and insert in place thereof "$253,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (1) of Section 802 "$363,805,000" and "$450,957,000" and inserting in place thereof "$366,499,000" and "$453,651,000", respectfully.

Sec. 112. (a) Public Law 91–142 is amended under the heading "INSIDE THE UNITED STATES," in section 101, as follows:

With respect to "United States Military Academy, West Point, New York", strike out "$17,421,000" and insert in place thereof "$28,159,000".

(b) Public Law 91–142 is amended by striking out in clause (1) of section 702 "$175,853,000" and "$279,988,000", and inserting in place thereof "$186,591,000" and $290,726,000", respectively.

TITLE II

Sec. 201. The Secretary of the Navy may establish or develop military installations and facilites by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Portsmouth, New Hampshire, $5,685,000.

Naval Station, Newport, Rhode Island, $2,409,000.

Navy Public Works Center, Newport, Rhode Island, $644,000.

Naval War College, Newport, Rhode Island, $4,390,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,652,000.

FOURTH NAVAL DISTRICT

Naval Air Propulsion Test Center, Trenton, New Jersey, $356,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $697,000.

Naval Station, Philadelphia, Pennsylvania, $4,342,000.

Naval Publications and Forms Center, Philadelphia, Pennsylvania, $250,000.

NAVAL DISTRICT WASHINGTON

Bolling/Anacostia, Washington, District of Columbia, $16,200,000.

Naval Air Facility, Washington, District of Columbia, $57,000.

Naval Research Laboratory, Washington, District of Columbia, $2,628,000.

Naval Station, Washington, District of Columbia, $573,000.

Naval Academy, Annapolis, Maryland, $10,000,000.

Naval Ordnance Station, Indian Head, Maryland, $159,000.

Naval Weapons Laboratory, Dahlgren, Virginia, $530,000.

FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, $2,449,000.

Naval Station, Norfolk, Virginia, $1,120,000.

Naval Air Rework Facility, Norfolk, Virginia, $2,070,000.

Naval Shipyard, Norfolk, Virginia, $5,216,000.

Naval Supply Center, Norfolk, Virginia, $55,000.

Naval Air Station, Oceana, Virginia, $1,886,000.

Naval Weapons Station, Yorktown, Virginia, $1,221,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $470,000.

Naval Air Rework Facility, Jacksonville, Florida, $1,388,000.

Naval Station, Mayport, Florida, $519,000.

Naval Training Center, Orlando, Florida, $16,013,000.

Naval Training Device Center, Orlando, Florida, $1,665,000.

Naval Air Station, Pensacola, Florida, $8,444,000.

Naval Air Station, Whiting Field, Milton, Florida, $420,000.

Naval Air Station, Saufley Field, Florida, $457,000.

Naval Air Station, Meridian, Mississippi, $2,782,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $1,721,000.

Naval Shipyard, Charleston, South Carolina, $6,884,000.

Naval Station, Charleston, South Carolina, $2,233,000.

Naval Weapons Station, Charleston, South Carolina, $5,180,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Corpus Christi, Texas, $2,957,000.

Naval Inactive Ship Maintenance Facility, Orange, Texas, $146,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, $12,525,000.

Naval Training Center, Great Lakes, Illinois, $3,537,000.

ELEVENTH NAVAL DISTRICT

Naval Observatory Flagstaff Station, Flagstaff, Arizona, $286,000.

Naval Weapons Center, China Lake, California, $1,585,000.

Naval Dental Clinic, Long Beach, California, $1,163,000.

Naval Shipyard, Long Beach, California, $8,371,000.

Pacific Missile Range, Point Mugu, California, $2,929,000.

Naval Weapons Station, Seal Beach, California, $405,000.

Naval Air Station, Miramar, California, $3,100,000.

Naval Air Station, North Island, San Diego, California, $1,122,000.

Naval Station, San Diego, California, $1,909,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $3,973,000.

Naval Air Station, Alameda, California, $3,023,000.

Naval Weapons Station, Concord, California, $455,000.

Naval Air Station, Moffett Field, California, $48,000.

Naval Supply Center, Oakland, California, $195,000.

Naval Shipyard, Hunters Point, San Francisco, California, $5,058,000.

Naval Shipyard, Mare Island, Vallejo, California, $4,246,000.

Naval Auxiliary Air Station, Fallon, Nevada, $2,222,000.

Naval Ammunition Depot, Hawthorne, Nevada, $495,000.

THIRTEENTH NAVAL DISTRICT

Naval Ammunition Depot, Bangor, Washington, $70,000.

Naval Radio Station T, Jim Creek, Oso, Washington, $159,000.

Naval Shipyard, Puget Sound, Bremerton, Washington, $4,914,000.

Naval Air Station, Whidbey Island, Washington, $2,541,000.

FOURTEENTH NAVAL DISTRICT

Fleet Intelligence Center, Pacific, Pearl Harbor, Oahu, Hawaii, $4,579,000.

Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, $4,123,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, $220,000.

Naval Dental Clinic, Pearl Harbor, Oahu, Hawaii, $1,752,000.

Naval Ammunition Depot, Oahu, Hawaii, $529,000.

Naval Air Station, Barbers Point, Oahu, Hawaii, $2,480,000.

OMEGA Navigation Station, Haiku, Oahu, Hawaii, $3,162,000.

Naval Communication Station, Honolulu, Wahiawa, Oahu, Hawaii, $200,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska, $5,179,000.

Naval Arctic Research Laboratory, Barrow, Alaska, $2,638,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, including special relocation costs, $700,000.

Marine Corps Development and Education Command, Quantico, Virginia, $5,283,000.

Marine Corps Base, Camp Lejeune, North Carolina, $1,384,000.

Marine Corps Air Station, Cherry Point, North Carolina, $6,764,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $112,000.

Marine Corps Air Station, Yuma, Arizona, $332,000.

Marine Corps Supply Center, Barstow, California, $75,000.

Marine Corps Air Station, El Toro, California, $5,344,000.

Marine Corps Air Station, Santa Ana, California, $1,050,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $1,570,000.

Marine Corps Base, Camp Pendleton, California, $9,294,000.

Marine Corps Base, Twentynine Palms, California, $1,605,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Roosevelt Roads, Puerto Rico, $343,000.

Naval Station, San Juan, Puerto Rico, $134,000.

ATLANTIC OCEAN AREA

Naval Station, Keflavik, Iceland, $10,613,000.

Naval Facility, Argentia, Newfoundland, $1,580,000.

EUROPEAN AREA

Naval Air Facility, Sigonella, Sicily, Italy, $582,000.

Naval Radio Station, Thurso, Scotland, $282,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $747,000.

Naval Magazine, Guam, Mariana Islands, $3,287,000.

Naval Station, Guam, Mariana Islands, $1,464,000.

Naval Ship Repair Facility, Guam, Mariana Islands, $740,000.

Navy Public Works Center, Guam, Mariana Islands, $740,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $243,000.

Naval Station, Subic Bay, Republic of the Philippines, $2,128,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, $859,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $974,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committee on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, privately owned land or interests in land (including easements) contiguous to the south approach to Runway 34R of the Marine Corps Air Station, El Toro, California, as he considers necessary for safe and efficient operation of that station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 205. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, land or interests in land (including easements) in approximately four hundred eighteen acres of privately owned property contiguous to the western approach to Runway 06–24 of the Marine Corps Air Station, Santa Ana, California, as he considers necessary for safe and efficient operations at that Station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value, as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 206 (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$6,101,000" and insert in place thereof "$10,846,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$119,164,000" and "$143,327,000" and inserting in place thereof "$123,909,000" and "$148,072,000" respectively.

SEC. 207. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Air Station, Lakehurst, New Jersey, strike out "$1,284,000" and insert in place thereof "$1,448,000".

(2) With respect to Naval School, Underwater Swimmers, Key West, Florida, strike out "$100,000" and insert in place thereof "$175,000".

(3) With respect to Navy Training Publications Center, Memphis, Tennessee, strike out "$289,000" and insert in place thereof "$413,000".

(4) With respect to Naval Hospital, Corpus Christi, Texas, strike out "$8,000,000" and insert in place thereof "$9,900,000".

(5) With respect to Naval Weapons Station, Concord, California, strike out "$395,000" and insert in place thereof "$650,000".

(6) With respect to Naval Shipyard, Bremerton, Washington, strike out "$1,640,000" and insert in place thereof "$3,102,000".

(7) With respect to Marine Corps Base, Camp Pendleton, California, strike out "$1,838,000" and insert in place thereof "$2,040,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802 "$234,900,000" and "$241,765,000" and inserting in place thereof "$239,082,000" and "$245,947,000" respectively.

SEC. 208. (a) Public Law 91–142 is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows:

(1) With respect to Naval Air Station, Cecil Field, Florida, strike out "$1,135,000" and insert in place thereof "$1,288,000".

(2) With respect to Naval Hospital, Camp Pendleton, California, strike out "$19,805,000" and insert in place thereof "$24,100,000".

(3) With respect to Naval Undersea Warfare Center, San Diego, California, strike out "$6,400,000" and insert in place thereof "$6,736,000".

(4) With respect to Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, strike out "$6,519,000" and insert in place thereof "$7,278,000".

(b) Public Law 91–142 is amended in clause (2) of section 702 by striking out "$271,251,000" and "$306,305,000" and inserting in place thereof "$276,794,000" and "$311,848,000" respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Otis Air Force Base, Falmouth, Massachusetts, $81,000.

Peterson Field, Colorado Springs, Colorado, $5,998,000.

Tyndall Air Force Base, Panama City, Florida, $1,853,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, $240,000.

Griffiss Air Force Base, Rome, New York, $7,555,000.

Hill Air Force Base, Ogden, Utah, $2,090,000.

Kelly Air Force Base, San Antonio, Texas, $18,060,000.

McClellan Air Force Base, Sacramento, California, $5,514,000.

Robins Air Force Base, Macon, Georgia, $5,551,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $2,071,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $7,538,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $479,000.

Edwards Air Force Base, Muroc, California, $214,000.

Eglin Air Force Base, Valparaiso, Florida, $5,928,000.

Holloman Air Force Base, Alamogordo, New Mexico, $650,000.

Kirtland Air Force Base, Albuquerque, New Mexico, $1,263,000.

Satellite Tracking Facilities, $869,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, $8,504,000.

Columbus Air Force Base, Columbus, Mississippi, $372,000.

Craig Air Force Base, Selma, Alabama, $610,000.

Keesler Air Force Base, Biloxi, Mississippi, $8,057,000.

Lackland Air Force Base, San Antonio, Texas, $55,000.

Laredo Air Force Base, Laredo, Texas, $627,000.

Laughlin Air Force Base, Del Rio, Texas, $310,000.

Lowry Air Force Base, Denver, Colorado, $5,561,000.

Moody Air Force Base, Valdosta, Georgia, $2,227,000.

Randolph Air Force Base, San Antonio, Texas, $1,112,000.

Reese Air Force Base, Lubbock, Texas, $1,333,000.

Sheppard Air Force Base, Wichita Falls, Texas, $6,251,000.

Vance Air Force Base, Enid, Oklahoma, $1,901,000.

Webb Air Force Base, Big Spring, Texas, $349,000.

Williams Air Force Base, Chandler, Arizona, $4,199,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $677,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Anchorage, Alaska, $2,309,000.

Various Locations, $4,886,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $3,949,000.

MILITARY AIRLIFT COMMAND

Charleston Air Force, Charleston, South Carolina, $7,136,000.

Dover Air Force Base, Dover, Delaware, $8,327,000.

McChord Air Force Base, Tacoma, Washington, $619,000.

Norton Air Force Base, San Bernardino, California, $1,612,000.

Scott Air Force Base, Belleville, Illinois, $2,825,000.

Travis Air Force Base, Fairfield, California, $696,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $1,855,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $354,000.

Beale Air Force Base, Marysville, California, $590,000.

Blytheville Air Force Base, Blytheville, Arkansas, $213,000.

Castle Air Force Base, Merced, California, $82,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $404,000.

Dyess Air Force Base, Abilene, Texas, $150,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $196,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $178,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $1,089,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $483,000.

Loring Air Force Base, Limestone, Maine, $515,000.

March Air Force Base, Riverside, California, $209,000.

Malmstrom Air Force Base, Great Falls, Montana, $1,202,000.

McCoy Air Force Base, Orlando, Florida, $139,000.

Minot Air Force Base, Minot, North Dakota, $134,000.

Offutt Air Force Base, Omaha, Nebraska, $1,276,000.

Pease Air Force Base, Portsmouth, New Hampshire, $488,000.

Vandenberg Air Force Base, Lompoc, California, $3,158,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $1,176,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $663,000.

Various Locations, $430,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $337,000.

Cannon Air Force Base, Clovis, New Mexico, $645,000.

England Air Force Base, Alexandria, Louisiana, $726,000.

Forbes Air Force Base, Topeka, Kansas, $415,000.

George Air Force Base, Victorville, California, $1,156,000.

Homestead Air Force Base, Homestead, Florida, $1,735,000.

Langley Air Force Base, Hampton, Virginia, $4,792,000.

Little Rock Air Force Base, Little Rock, Arkansas, $425,000.

Lockbourne Air Force Base, Columbus, Ohio, $518,000.

Luke Air Force Base, Phoenix, Arizona, $11,719,000.

MacDill Air Force Base, Tampa, Florida, $240,000.

McConnell Air Force Base, Wichita, Kansas, $148,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $71,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $813,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,732,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina, $1,428,000.

Shaw Air Force Base, Sumter, South Carolina, $1,996,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $700,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations, $613,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $1,216,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Eastern Test Range, $243,000.

Satellite Tracking Facilities, $1,455,000.

MILITARY AIRLIFT COMMAND

Wake Island Air Force Station, Wake Island, $80,000.

PACIFIC AIR FORCES

Various Locations, $6,607,000.

STRATEGIC AIR COMMAND

Anderson Air Force Base, Guam, $2,273,000.

Goose Air Base, Canada, $862,000.

Ramey Air Force Base, Puerto Rico, $406,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,273,000.

United Kingdom, $10,695,000.

Various Locations, $1,049,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $644,000.

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Sec. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $33,792,000.

Sec. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) need and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, revert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Sec. 304. (a) Public Law 89–188, as amended, is amended under the heading "Inside the United States" in section 301 as follows:

(1) With respect to Andrews Air Force Base, Camp Springs, Maryland, strike out "$2,923,000" and insert in place thereof "$3,081,000."

(b) Public Law 89–188, as amended, is amended by striking out in clause (3) of section 602 "$216,360,000" and "$340,106,000" and inserting in place thereof "$216,518,000" and "$340,264,000", respectively.

Sec. 305. (a) Public Law 90–408, as amended, is amended under the heading "Inside the United States" in section 301 as follows:

(1) With respect to Vance Air Force Base, Enid, Oklahoma, strike out "$165,000" and insert in place thereof "$280,000."

(2) With respect to Westover Air Force Base, Chicopee Falls, Massachusetts, strike out "$150,000" and insert in place thereof "$220,000."

(3) With respect to Langley Air Force Base, Hampton, Virginia, strike out "$537,000" and insert in place thereof "$631,000."

(4) With respect to Seymour-Johnson Air Force Base, Goldsboro, North Carolina, strike out "$99,000" and insert in place thereof "$173,000."

(5) With respect to Shaw Air Force Base, Sumter, South Carolina, strike out "614,000" and insert in place thereof "$707,000."

(b) Public Law 90–408, as amended, is amended by striking out in clause (3) of section 802 "$121,917,000" and "$193,572,000" and inserting in place thereof "$122,363,000" and "$194,018,000", respectively.

TITLE IV

Sec. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Bossier Base, Louisiana, $170,000.

Sandia Base, New Mexico, $1,090,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $942,000.

Defense Depot, Odgen, Utah, $98,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,570,000.

Defense Depot, Tracy, California, $1,813,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $1,617,000.

Sec. 402. The Security of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $35,000,000: Provided, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

Sec. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand three hundred units, $31,500,000:

Redstone Arsenal, Alabama, two hundred units.

Fort Huachuca, Arizona, one hundred units.

Sacramento Army Depot, California, one unit.

Sharpe Army Depot, California, one unit.

Fort Carson, Colorado, two hundred forty units.

U.S. Army Installations, Oahu, Hawaii, three hundred units.

Rock Island Arsenal, Illinois, forty units.

Fort Leavenworth, Kansas, one hundred fifty units.

Natick Laboratories, Massachusetts, twenty-eight units.

Fort Jackson, South Carolina, two hundred forty units.

(2) The Department of the Navy, three thousand five hundred units, $84,039,000.

Marine Corps Air Station, El Toro, California, three hundred units.

Naval Air Station, Lemoore, California, two hundred fifty units.

Naval Complex, San Diego, California, nine hundred units.

Naval Submarine Base, New London, Connecticut, three hundred units.

Naval Complex, Pensacola, Florida, two hundred units.

U.S. Naval Installations, Oahu, Hawaii, three hundred units.

Naval Training Center, Great Lakes, Illinois, one hundred fifty units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units.

Naval Station, Guam, three hundred units.

(3) The Department of the Air Force, two thousand eight hundred units, $65,101,000:

Williams Air Force Base, Arizona, two hundred units.

Castle Air Force Base, California, two hundred fifty units.

Norton Air Force Base, California, two hundred fifty units.

Homestead Air Force Base, Florida, two hundred units, and additional real estate.

Moody Air Force Base, Georgia, two hundred units.

Robins Air Force Base, Georgia, two hundred units.

U.S. Air Force Installations, Oahu, Hawaii, two hundred units.

Scott Air Force Base, Illinois, four hundred units.

Keesler Air Force Base, Mississippi, four hundred units.

Seymour-Johnson Air Force Base, North Carolina, two hundred units.

Wright-Patterson Air Force Base, Ohio, three hundred units.

(b) Trailer court facilities—

(1) The Department of the Navy, fifty spaces, $150,000.

(2) The Department of the Air Force, three hundred eighty-nine spaces, $1,050,000.

Sec. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $22,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(d) Construction at Fort Leavenworth, Kansas, of units which were authorized by Public Law 89–188 (79 Stat. 793) or 90–110 (81 Stat. 279), shall not be subject to the cost limitations of subsection (a) of this section or to the cost limitations contained in prior Military Construction Authorization Acts, but the average cost of such units shall not exceed $26,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 503. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

Sec. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $5,170,000.

(b) for the Department of the Navy, $6,300,000.

(c) for the Department of the Air Force, $7,400,000.

(d) for the Defense Agencies, $326,000.

Sec. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, two hundred family housing units in foreign countries at a total cost not to exceed $5,523,000. This authority shall be funded by the use of excess foreign currencies, when so provided in Department of Defense Appropriation Acts, except that appropriation of $488,000 is authorized for purchase of United States manufactured equipment in support of the housing.

Sec. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended to read as follows:

"Sec. 515. During fiscal years 1971 and 1972, the Secretaries of the Army, Navy and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, if any, without rental charge, at or near any military installation in the United States, Puerto Rico or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than seven thousand five hundred such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of $190 per month for each military department, nor the amount of $250 per month for any one unit, including the cost of utilities and maintenance and operation."

Sec. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is amended by striking out "1970 and 1971" and inserting in lieu thereof "1971 and 1972".

Sec. 508. The Secretary of Defense, or his designee, is authorized to relocate family housing units from locations where they exceed requirements to military installations where there are housing shortages: *Provided,* That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within sixty days of such notification.

Sec. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $203,635,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $588,636,000.

TITLE VI

GENERAL PROVISIONS

Sec. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $178,957,000; outside the United States, $78,340,000; section 102, $2,000,000; or a total of $259,297,000.

(2) for title II: Inside the United States, $243,574,000; outside the United States, $24,365,000; section 202, $974,000; or a total of $268,913,000.

(3) for tiitle III: Inside the United States, $188,867,000; outside the United States, $29,587,000; section 302, $33,792,000; or a total of $252,246,000.

(4) for title IV: A total of $44,300,000.

(5) for title V: Military family housing, $792,271,000.

Sec. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized by such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committee on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agencies in the execution of the assigned construction. Further, such contracts shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts completed on other than a competitive basis to the lowest responsible bidder.

SEC. 605. (a) As of October 1, 1971, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293), and all such authorizations contained in Acts approved before December 6, 1969, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefore that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1971, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293, 315), all authorizations for military public works (other than family housing), contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90-408 (82 Stat. 367), and all authorizations for appropriations therefor, and not superseded or otherwise modified, are hereby continued and shall remain in full force and effect until October 1, 1971.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplished alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date; and

(3) Notwithstanding the repeal provision of section 705(b) of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293, 316) authorization for two hundred and sixty family housing units at Fort Polk, Louisiana.

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $3,200 per man for permanent barracks;

(2) $11,000 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 607. Chapter 159 of title 10, United States Code, is amended

(1) By striking out the figure "$200,000" in the item relating to section 2674 in the analysis and inserting "$250,000" in place thereof.

(2) By striking out the figure "$200,000" in the catchline of section 2674 and inserting "$250,000" in place thereof.

(3) By striking out the figures "$200,000", "$50,000", and "$25,000" in section 2674(b) and inserting "$250,000", "$75,000", and "$37,500", respectively, in place thereof.

(4) By striking out the figure "$25,000" in sections 2674 (a) and (e) and inserting "$37,500" in place thereof.

SEC. 608. Section 2675 of title 10, United States Code, is amended by (1) inserting "(a)" before "Notwithstanding", and by (2) adding the following new subsections:

"(b) A lease may not be entered into under this section if the average estimated annual rental during the term of the lease is more than $250,000 until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed lease is submitted to the Committees on Armed Services of the Senate and House of Representatives.

"(c) A statement in a lease that the requirements of this section have been met, or that the lease is not subject to this section, is conclusive."

SEC. 609. Section 709 of the Military Construction Authorization Act, 1970 (83 Stat. 317), is amended by (1) deleting from the first sentence thereof "1971" and inserting in its place "1972"; and (2) deleting from the last sentence thereof "$750,000" and inserting in its place "$3,000,000".

SEC. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Anti-ballistic Missile System and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community, and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense is carrying out the provisions of this section to the extent that funds are unavailable under the Federal programs.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

SEC. 611. (a) The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall result in specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety. In preparing such study, the Secretary is directed to consider the impact of each of the alternatives on:

(1) the safety and well-being of the people who live on Culebra;

(2) the natural and physical environment of Culebra and adjoining cays and their recreational value;

(3) the development of a sound, stable economy in Culebra;

(4) the unique political relationship of Culebra and Puerto Rico to the United States;

(5) the operational readiness and proficiency of the Atlanta Fleet; and,

(6) national security.

(b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved. The report required by this subsection shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 1971.

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(c) The Department of Navy is directed to terminate all weapons range activities conducted on or near the eastern coast of Culebra and the cays within three nautical miles of the eastern coast no later than January 1, 1972, unless the President of the United States determines that the national security of the United States requires the continuation of such activities beyond this date.

(d) Pending the completion of the report required by this section and its review by the President of the United States, the appropriate committees and the Congress, the Department of Navy is directed to avoid any increase or expansion of the present weapons range activities in the Culebra complex and, wherever possible, without degrading the training activities, to institute procedures which will minimize interference with the normal activities and the solitude of the people of Culebra.

SEC. 612. Effective October 28, 1969, section 1013 of Public Law 89–754 (80 Stat. 1255, 1290) as amended, is amended by (1) inserting "or if as the result of such action and other similar action in the same area," after the word "part," in subsection (a)(3), and by (2) adding the following new subsection:

"(k) The authority provided by this section to the Secretary of Defense shall also be available when the Department of Defense has ordered a reduction in the scope of operations at a military base or installation. All references in subsections (a), (b), and (c) of this section to "closures" or "closings" or words of similar effect shall be deemed to include the reduction in scope of operations at a base or installation."

SEC. 613. Chapter 159 of title 10, United States Code, is amended as follows:

(1) by adding the following new section at the end thereof:

"§ 2683. Relinquishment of legislative jurisdiction

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State all or part of this legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

"(b) The authority granted by this section is in addition to and not instead of that granted by any other provision of law."; and

(2) by adding the following new item at the end of the analysis:

"2683. Relinquishment of legislative jurisdiction."

SEC. 614. Notwithstanding any other provisions of law, the Secretary of the Army, or his designee, is authorized to convey to the Anheuser-Busch Company, subject to such terms and conditions as the Secretary of the Army shall deem to be in the public interest, all right, title and interest of the United States in and to the land generally identified as Camp Wallace located in York County, Virginia, and James City County, Virginia, comprising approximately one hundred and ninety-one acres. In consideration of such conveyance by the Secretary of the Army, the Anheuser-Busch Company shall convey to the United States unencumbered fee title to certain lands generally identified as being a portion of the Oakland Farm in Newport News, Virginia, comprising approximately one hundred and ninety-one acres, together with such buildings and improvements thereon, or to be constructed thereon without cost to the United States, as are acceptable to the Secretary of the Army and subject to such other conditions as are acceptable to the Secretary of the Army. The exact acreages and legal descriptions of both properties are to be determined by accurate surveys as mutually agreed upon by the Secretary of the Army and the Anheuser-Busch Company: *Provided further*, That the Secretary of the Army is authorized to accept the lands so conveyed to the United States which lands shall become a part of the Fort Eustis Military Reservation and be administered by the Department of the Army.

SEC. 615. Title I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1971."

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $13,700,000.

(b) Army Reserve, $9,300,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $4,500,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $6,500,000.

(b) Air Force Reserve, $3,500,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1971."

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17255.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. RANDOLPH. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and he appointed Mr. RANDOLPH, Mr. YOUNG of Ohio, Mr. MUSKIE, Mr. SPONG, Mr. EAGLETON, Mr. COOPER, Mr. BOGGS, Mr. BAKER, and Mr. DOLE conferees on the part of the Senate.

ELECTORAL REFORM

Mr. HOLLAND. Mr. President, the Senator from Florida is not in the position of being unwilling to vote on a change in the electoral system. The Senator from Florida voted for the Lodge-Gossett program when that came up some years ago. I cannot remember the exact year. The Senator from Florida has offered, in each Congress, for some time, what he thought was a perfection or improvement upon the Lodge-Gossett plan, and has appeared twice or more before the subcommittee of the Judiciary so ably headed by the Senator from Indiana.

The Senator from Florida finds it impossible to swallow that part of Senate Joint Resolution 1 which proposed such a downgrading of the States, and he thinks the best illustration of it is the fact that, under that resolution, citizens of the District of Columbia would have much greater weight in presidential elections than the people of 11 other sovereign States, when, as a matter of fact, the District of Columbia has no sovereign statehood and has no responsibility of passing legislation governing the daily lives of the citizens such as that which exists in every one of the 50 States of the Union.

The Senator from Florida simply wants to state for the record again that he is ready to vote for the fractional system, in as nearly a perfect form as can be gotten, and he thinks the form he and the Senator from North Carolina have developed through the years is a good system. If that were to be impossible, he is ready to vote for the district system, though he thinks that is not the preferable course, because it still will disfranchise, under the winner-take-all doctrine, the minority voting citizens in our districts and the minority voting citizens in every State as to the electors who will represent the State or as to the election weight which would represent the States.

But the Senator from Florida cannot give any acquiescence to the program suggested by the Senator from Indiana simply because of the complete downgrading of the States, and the leading of the Senate and the country to a highly centralized form of government of the kind which destroys our federal system, in the opinion of the Senator from Florida.

The Senator from Florida wants his friend the Senator from Indiana—who seems to pay little attention to what he is saying—to know that if Senate Joint Resolution 1 as stated is insisted upon, the Senator from Florida, insofar as he is able to stand and insofar as he is able to resist, will do so. He thinks there are a good many of us who feel the same way. He is sorry to say he thinks that all alined behind the direct election systems—all the people he knows, at least—favor a form of Federal Government in which there is a downgrading, not just in this field but in other fields, of the responsibility and jurisdiction of the several States.

That is the brief statement of the Senator from Florida. He has no animus in this matter at all. He thinks the Senator from Indiana has followed his rights courageously and properly. He has no criticism of him in the slightest. He is not going to have. But he wants him to realize that many of us still believe in the preservation of the States and of the right to serve their own citizens and, in this particular matter, in having some weight in the selection of the President and Vice President.

The Senator from Florida simply wants his friend from Indiana to realize that there is a sizable number in the Senate who still have that feeling and will continue to have it, and will have it in such degree that if his amendment, Senate Joint Resolution No. 1, were proposed, there would be a continuation of this fight before every legislature in the Union, and that we will probably tie up the chance of having any agreed upon reform of the Layering proposition which is now in the Constitution.

So there is strong opposition to Senate Joint Resolution No. 1. But I have not any unwillingness to support other approaches to this very difficult problem, which the Senator from Florida is glad the Senator from Indiana has given his time and attention to.

The Senator from Florida wants the Senator from Indiana to understand that while nobody against the amendment questions either his conscientiousness or the fact that he has spent countless hours on this question, there are many of us who have spent a good deal of time on this question, dating back many years, and that we do have strong convictions against the downgrading of the States, as would be required or permitted under Senate Joint Resolution No. 1.

I thank the Senator. I am glad to yield to him if he wishes me to do so.

Mr. BAYH. Mr. President——

Mr. HOLLAND. I am glad to yield to the Senator.

Mr. BAYH. Mr. President, is the Senator through? I would like to get the floor.

Mr. HOLLAND. I am very glad to yield the floor.

Mr. BAYH. I certainly would not want to provide further remarks. I appreciate the very thoughtful statement of my friend from Florida. I know of his long and abiding interest. As he has said, he appeared before our committee on at least two occasions, and I have appreciated his interest.

Of course, he and others are only pursuing their rights under the rules of the Senate. But I think it is important, despite the sincerity in our hearts, and despite the tenacity and the desire to pursue a course that we feel is right, that each of us recognizes how his acts are going to be interpreted by others.

I have suggested that I am willing to vote on the proposition of the Senator from Florida. I am willing to vote on the proposition of the Senator from North Carolina. In fact, I have said repeatedly that I am willing to vote on every single proposal that has been made by my colleagues.

But the fact of the matter is that those who are presently taking up the time of the Senate have not on a single occasion suggested that they are willing to give the proposition of the Senator from Indiana the same courtesy.

In essence, what we are saying is that as long as the direct election proposal is before the Senate, we are going to avail ourselves of our right to filibuster, and keep the Senate from voting, and only if our personal plan comes before the Senate will we stop doing that.

I know this is every Senator's right, and that Senators are doing it because of the concern they have over the proposition of the Senator from Indiana.

But I think that when others look at it, it is going to be painfully obvious that we are not treating everyone's proposal the same.

It seems to me that if we are really seeking to be equitable, and give everyone his equal opportunity, we should give all of these plans an opportunity to be heard.

I must say I have difficulty understanding the attitude of certain Members of this body who are my beloved colleagues. Of course, they are operating within their rights; but I do not know how to explain to the 200 million people of America a philosophy that says, "If I don't get my way, I am going to bring the whole house down. If I don't get my way on my proposal, we are not going to have any electoral reform at all."

Mr. President, that is exactly where the U.S. Senate is. That is where the body is that prides itself on the history and traditions of men like Calhoun, Clay, Webster, Kennedy, and Johnson, and on the distinguished occupants of this body now. That is where we are. At least that is how it will look to all those Americans who are questioning the system. Right now the system is not working.

Mr. BYRD of West Virginia. Mr. President, I ask for the regular order.

MILITARY CONSTRUCTION AUTHORIZATION, 1971

The PRESIDING OFFICER. The regular order is consideration of H.R. 17604, as laid before the Senate.

Mr. JACKSON. Mr. President, I yield to the Senator from Rhode Island on a privileged matter.

Mr. PASTORE. Mr. President, I have a preferred matter.

PUBLIC BROADCASTING FINANCING ACT OF 1970—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of September 23, 1970, page 33319, CONGRESSIONAL RECORD.)

Mr. PASTORE. Mr. President, I have cleared this matter with the Senator from Michigan (Mr. GRIFFIN), who is one of the conferees.

House and Senate conferees met on Tuesday, September 22, and agreed on a report which would authorize the appropriation of not more than $30 million annually for the fiscal years 1971 and 1972 for expenses of the Corporation for Public Broadcasting. In addition, in each of those fiscal years not more than $5 million would be authorized to be appropriated for payment to the Corporation under a matching fund program.

The 2-year authorization is a compromise between the Senate version of S. 3558 which would have provided a 3-year authorization and the House version which was for 1 year only.

The conferees felt that in view of the lateness of the session a 1-year authorization would only necessitate duplication of existing efforts. A 2-year authorization, on the other hand, would obviate this and also enable the Corporation to plan and negotiate future projects.

The conferees also deleted the Senate provision requiring non-commercial educational broadcast stations which receive assistance under title II of the Public Broadcasting Act to keep records, including audio recordings, for a reasonable length of time of programs they broadcast involving issues of public importance.

While the Senate conferees felt that there was merit in this provision there had been no full scale hearings on this issue by either body, and they agreed to its deletion on the assurance that hearings would be held in the next Congress on the desirablity of such a requirement not only for noncommercial stations but commercial ones as well.

Mr. President, in my opinion the provisions of this report are sound and should be of great assistance to the Corporation for Public Broadcasting and all educational broadcasting. I respectfully urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, in view of the changed circumstances from this morning, I ask unanimous consent that all committees of the Senate be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, would the Senator repeat that request?

Mr. MANSFIELD. I said, in view of the changed circumstances from this morning, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

Mr. BAYH. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATION, 1971

The Senate resumed the consideration of the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

Mr. JACKSON. Mr. President, the bill before the Senate today provides construction and other related authority for the military departments and defense agencies within and outside the United States, including authority for miltary family housing and the construction of facilities for the Reserve components. The sum total of the new authority granted by this bill is $1,654,527,000, and in addition thereto, approval is granted for an increase in prior years' authority in the amount of $33,586,000 for a total authorization of $1,688,113,000. This is approximately $104 million below the budget request.

In new authority the Army is authorized $259.3 million; the Navy, $268.9 million; the Air Force, $252.3 million; defense agencies, $44.3 million; military family housing, $792.3 million; and $37.5 million for the Reserve components. At the outset I should like to point out that the bill contains no construction authority for the Safeguard anti-ballistic-missile system, some $335 million in such authority having been previously transferred and included in the procurement authorization bill which recently passed the Senate.

Again this year, particular attention has been given to modernizing and replacing obsolescent structures in the physical plants of the military departments and to improving the living conditions of the troops.

Exclusive of funds provided for the construction upkeep and debt payments on military family housing, the major portion of the bill—about one-half—provides for operational and training facilities, followed in order of magnitude by housing and community facilities which include housing for some 26,000 bachelor personnel, and then utilities and ground improvements of which some $75 million is designated for air and water pollution in over 100 projects. Lesser amounts are provided for maintenance and production facilities, supply facilities, administrative facilities, and real estate.

Recognizing the importance of sufficient and adequate living facilities in the retention of skilled and experienced personnel, special attention has been given to the matter. The bill provides for 7,600 units of new military family housing, and 400 additional units for the two Safeguard ABM sites now under construction were included in the military procurement bill. This is the largest increment of family housing approved by the committee in several years. In this regard I might state that an increase in the average unit cost limitation has been approved at $22,500 per unit, which is an increase of $1,500, made necessary by rising construction costs. Also of particular significance is a modest increase granted this year in the per-man cost of both barracks and bachelor officer quarters. This will enable the military departments to keep pace with building cost increases, and in regard to housing for enlisted personnel, it will permit an increase in living space from 72 to 90 square feet per man and will provide other amenities for their comfort and well-being.

Now, Mr. President, I should like to mention a few specific items that I believe will be of special interest.

First, I wish to mention the expansion of the Marine Barracks here in the District of Columbia for which $700,000 is provided. The committee has gone into the matter quite thoroughly both last year when this request was denied and again this year, particularly in view of certain local opposition to the proposal. The need for the expansion of the barracks is unquestioned and is long past due. It will, however, necessitate the acquisition by the Navy of about an acre of land adjacent to the existing barracks. On a portion of this property are located some 24 housing units and two small businesses which must be acquired. There are an estimated nine families now residing in these housing units, of which three are owner-occupied. The balance of these units are vacant and are in extremely poor condition, and several are boarded up. Special language has been included in the bill to permit the Navy to adequately compensate these families that must be relocated for their property and inconvenience. This may be done under the terms of the Housing Act of 1949, as amended—42 U.S.C. 1465. The property, of course will be acquired at its fair market value. The occupants will be compensated for their actual cost of moving.

An additional $1,000 can be paid over a 2-year period, if necessary, to those tenants required to move in order to assure that they are housed in safe, decent, and sanitary facilities. Not to exceed $5,000 in additional acquisition costs may be paid to the owner occupants, and not to exceed $2,500 in addition to moving expenses can be paid as small business displacement payments.

Mr. President, I might add that with the enactment of this measure, the Department of the Navy will have up to $100,000 for this purpose if necessary. Language has been included in the committee report requiring that the Department of the Navy work with the appropriate housing authorities in the District of Columbia to insure that those families to be relocated are properly housed in equal or better facilities than they now occupy. The relocation allowances I have described in this instance in no way set a precedent and for the most part parallel the provisions in the Federal-Aid Highway Act of 1968—23 U.S.C. 501, and the following. I am confident that the families in question will be found adequate housing and will be properly compensated for their property and inconvenience.

The next item of interest is the impact upon local communities located in the area of the Safeguard ABM sites in Montana and North Dakota. The influx of construction workers and the follow-on of permanent duty personnel in several of these small rural communities has overtaxed and will continue to greatly overtax such municipal facilities as do exist in these areas, such as sewage disposal and water system, schools, medical facilities, law enforcement facilities, and so forth. These small communities have no resources to cope with this situation, and such assistance as they may expect to receive through various Government programs is inadequate to grant prompt and sufficient relief. This unquestionably is a situation generated by the Safeguard program, and, as such, should be considered a part of the program. It is indeed a national problem rather than a local one. A provision has been included in the bill to permit the Department of Defense to use such funds as are necessary and available to them for the Safeguard program to supplement the programs of other Government agencies in order to relieve this situation when it is found proper and necessary.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. JACKSON. I yield.

Mr. MANSFIELD. Mr. President, the Senator will recall that the distinguished Governor of the State of Montana, Forrest Anderson, appeared before the subcommittee of which the Senator is chairman, the Subcommittee on Military Construction of the Committee on Armed Services. He will recall also that, due to the courtesy of the distinguished Senator from Washington, the manager of the bill now being considered, the Senator from Montana, now speaking, was, as is the custom, a part of that committee at that time.

The Senator is aware of the great interest of the people of the State of Montana in the problems which will come with the implanting of the ABM system there, as well as in North Dakota, relative to the need for increased facilities and the like. If the Senator would not mind, I should like to ask him a few questions, just to make the record straight, which I believe will implement what he has already said.

Section 610 of the bill deals with certain authority granted to the Secretary of Defense in assisting communities, such as Conrad, Shelby, Chester, and other towns in Montana and North Dakota, located near approved Safeguard anti-ballistic-missile sites. As I understand the intent of this section, it directs the Secretary of Defense to provide financial assistance to small towns located in these areas in meeting the costs of increased municipal services and facilities required to support the ABM construction and operation. Is this a correct understanding?

Mr. JACKSON. The Senator is correct. This is to be done through existing federal programs, supplementing them, of course, if such is necessary.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. JACKSON. I yield.

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Mr. MANSFIELD. The distinguished chairman will recall the testimony presented by Governor Anderson of my State and witnesses from North Dakota during which they pointed out that small farming communities in sparsely populated agriculture areas find themselves faced with the immediate necessity of providing increased municipal facilities such as schools, medical facilities, sewage and water, police and fire protection, and other requirements for which they are without the resources to accomplish. It was demonstrated that State and local obligations to match funds for needed improvements would run from 30 to 70 percent. Taxes would have to be increased in these small communities to offset these expenditures. Spokesmen for Montana and North Dakota made it clear that these communities are now taxed to the legal limits and simply cannot afford to make such a substantial contribution to support the ABM which is, in fact, a national defense system. Does the distinguished chairman agree with me that Safeguard funds should be used to pay the local share of approved project costs normally required as contributions from the community?

Mr. JACKSON. The answer to the question is "yes." Of course, this program will continue until such time as the tax base increases to where they may be able to pay their own way, if that ever occurs.

Mr. MANSFIELD. I appreciate that.

Section 610(b) states that the Secretary of Defense shall carry out the provisions of this section through existing Federal programs. Does this mean that it is clearly the responsibility of the Secretary of Defense to coordinate and expedite assistance to these small communities?

Mr. JACKSON. I think this is a proper assumption to be made. The Secretary should work through the established program to which we refer.

Mr. MANSFIELD. The Senator leads me into the next question.

In the event that existing Federal programs are found to be inadequate or unresponsive, is it the intent of this section to require the Secretary of Defense to provide direct financial assistance from funds available to his Department?

Mr. JACKSON. He should do so through the proper agencies having jurisdiction over the various programs. He has this responsibility.

Mr. MANSFIELD. So that if those funds are not forthcoming from those agencies, they will be forthcoming from the Department of Defense.

Mr. JACKSON. This is correct, with Safeguard funds.

Mr. MANSFIELD. Note that a determination of need is left to the discretion of the Secretary of Defense as well as the determination of the amount of financial assistance to be made available. I question how the Secretary shall make such a determination as a local community and the Defense Department may disagree on what constitutes an immediate and substantive increase in the need for services and facilities. Does the Senator agree that an agency designated by the Governor of the State might well make the initial determination so as to prevent an impasse which might occur between the communities and the Office of the Secretary of Defense.

Mr. JACKSON. Yes. This could be helpful but, of course, the State agency should coordinate with the proper Federal agency and the office of the Secretary of Defense.

Mr. MANSFIELD. Exactly. That fits in with my thinking.

Is it the intent of this section that State agencies and communities should coordinate with various Federal agencies, or is it clear that they can deal solely with one agency; that is, the Department of Defense or its subordinate designee?

Mr. JACKSON. They should coordinate with the appropriate agencies and the office of the Secretary of Defense, which will have a coordinator, as I understand it.

Mr. MANSFIELD. Section 610(e) states that the Secretary shall transmit semiannual reports to the Armed Services Committee of the Senate and House indicating the total amount expended in the case of each local community provided assistance during the preceding 6-month period, specific projects for which assistance was provided, and the total amount provided for each such project. Would the distinguished chairman agree that this semiannual report should also be provided to the Subcommittee on Appropriations for Military Construction so that both the authorizing and appropriating committees receive concurrent information?

Mr. JACKSON. The answer is yes. I think the two subcommittees which the distinguished majority leader has referred would be the appropriate subcommittees; namely, the authorizing and appropriating committees.

Mr. MANSFIELD. May I express my thanks to the distinguished Senator from Washington, who is the chairman of the legislative committee, who now has this legislation pending, and point out that the Senator from Montana, as chairman of the Subcommittee on Appropriations for Military Construction, has worked closely with the Senator from Washington both in the matter of legislation being heard and in the matter of appropriations being considered. It has been an extremely fine and close relationship.

One more question, if I may:

Even though section 610 leaves considerable discretion to the Secretary of Defense, is it not true that the Congress intends that no unfair burden shall be placed on any small community as a result of the placement of the Safeguard system in or near its area, and that it is clearly the responsibility of the Federal Government through its agent, the Department of Defense to fund community facilities made necessary by the emplacement of the Safeguard system?

Mr. JACKSON. I agree with that statement. The burden here rests on the Secretary of Defense, to see to it that the policy is carried out when it is found to be necessary and proper.

Now, Mr. President, I want to take this opportunity to commend the able majority leader who went into this matter in great detail during our joint sessions. I must say that the testimony brought out in connection with the problem we found in both Montana and North Dakota was resolved as a result of that testimony in the way it now appears in the bill. I express my deep appreciation for the help extended to the authorizing side of this operation by the able majority leader.

Mr. MANSFIELD. I thank the distinguished Senator from Washington.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report dealing with the impact of ABM on local communities; an excerpt dealing with section 610 as printed on page 69 of the committee report accompanying H.R. 17604; and section 610 of the bill itself, as it appears on page 100 of the bill.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

IMPACT OF ABM ON LOCAL COMMUNITIES

The first two antiballistic missile sites are under construction in the vicinity of Conrad, Montana, and Langdon, North Dakota. These are both small farming communities in sparsely populated agricultural areas in the two states. With the influx of construction workers and the later-to-follow permanent party personnel, these small rural communities, which must bear the major burden of the influx, find themselves in straitened circumstances in attempting to cope with the problem. They find themselves faced with the immediate necessity of providing increased municipal facilities, such as additional schools, enlarged medical facilities, improved sewerage and water facilities, additional police and fire protection, etc., for which they are without the resources to accomplish. To be sure, the Department of the Army has designated personnel to advise and assist them with their impact problems. Such relief as can be expected, however, depends on a variety of Federal agencies and categorical programs. This, of course, takes time and affords only partial relief. Even if immediate relief could be obtained through these programs, according to testimony presented, the local and state obligations under them would run from 30 to 70 percent and taxes would have to be increased in these small affected communities to offset this difference. Spokesmen for both the states of Montana and North Dakota have made it clear that these communities for the most part are now taxed to the legal limits and they simply cannot afford to make such a substantial contribution to support the antiballistic missile program which is indeed a national defense system and not just for the protection of these two areas. They are firmly of the opinion that any improvement or expansion of municipal facilities made necessary by the impact of Safeguard construction should be a part of the programmed cost of the system and borne by the Government.

The Committee is of the opinion that this is a unique if not unprecedented situation. Consequently, there has been included an amendment to the bill, namely Section 610, which would authorize the Secretary of Defense to afford these communities such relief as he finds necessary.

Section 610 was added to the bill by the Senate Committee and authorizes the Secretary of Defense, under certain conditions, to utilize funds appropriated to the Department of Defense for carrying out the Safeguard antiballistic missile system for the purpose of assisting any local community in meeting expenses incurred by such community in providing increased municipal services and facilities as a direct result of

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the work being carried out in connection with the deployment of the Safeguard antiballistic missile system, and that an unfair and excessive financial burden will be incurred by such community as a result of the increased need for such services and facilities.

SEC. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Antiballistic Missile System and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community, and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

Mr. JACKSON. Mr. President, another matter that has been of considerable local interest is the addition to the bill by the House Committee of $2.3 million for an elementary school to be located on the Bolling Air Force Base property in the District of Columbia. This school was not requested by the Department of Defense but was added by the House above the budget. The school would be operated by the Department of Defense for the benefit of the dependents of the military personnel residing in the area of the Bolling Air Force Base. The apparent motivation for this proposal is the dissatisfaction of the parents over undesirable conditions existing in the public schools which their dependents must attend. It has been the policy of the Department of Defense, and properly so, that the education of military dependents is the responsibility of the local community and there is no precedent for establishing such a school as in this instance. The committee has not included this project in the bill before you, Mr. President, because to do so would establish a precedent of providing Federal schooling for military dependents when public schools, which now receive Federal impact aid assistance, are available.

Finally, Mr. President, I wish to mention a situation that has excited considerable public interest and that is the weapons training activities of the Navy on the island of Culebra and the surrounding cays which are located off the east coast of Puerto Rico. While it is not an issue in this bill, there are pending before the committee both a land acquisition and a disposal project in relation thereto. The Navy now owns about a third of the land comprising this island group, which has for a long period of time been used for weapons training for the Atlantic Fleet. The Navy has proposed to acquire a leasehold interest in another 2,350 acres, primarily to use as a safety zone, while at the same time excessing for conveyance to the Government of Puerto Rico some 680 acres of coastal land now under Navy control. This property is used for a weapons training area for the Roosevelt Roads Naval Station and is unquestionably highly important to the Navy. Nevertheless, there has been growing dissention among the inhabitants of Culebra and others over these continuing Navy activities. The time is at hand when something must be done to make at least a portion of the area now in use by the Navy available for development and recreational purposes and to ameliorate the distress of the local residents. The committee has gone into this matter quite extensively and as a result, there has been included in the bill a provision—section 611, page 102 of the bill—to require the Secretary of the Department of Defense to undertake a study to consider all feasible alternatives to the training now taking place on the Culebra Complex and to report to the President of the United States and the appropriate committees of the Congress as to his findings by April 1, 1971. The Department of the Navy is further directed to terminate all weapons range activities conducted on or near the east coast of Culebra and the cays within 3 nautical miles of the east coast no later than January 1, 1972, unless the President of the United States determines the national security of the United States requires the continuation of such activities beyond that date. As I have previously stated, the time is now at hand when we must face up to this problem which has been a festering sore for a number of years. The committee views are more extensively set forth beginning on page 5 of the report.

Mr. President, I believe that I have succinctly outlined the salient features of the bill before you. I am confident that the construction needs of the Defense Department will be adequately provided for during fiscal year 1971.

Mr. THURMOND. Mr. President, as the ranking Republican on the Military Construction Subcommittee, I am pleased to join with the subcommittee chairman, Mr. JACKSON of Washington, in presenting the fiscal year 1971 military construction authorization to the Senate.

The decisions of the subcommittee which received the approval of the full committee resulted in authority for military construction in the amount of $1.688 billion consisting of $1.654 billion in new authority and an increase in prior years' authorization of $33,586,000.

This year the trend of the military authorization bill continues toward emphasizing housing facilities for military personnel. The bill provides 7,600 units of new military family housing and new housing for some 26,000 bachelor personnel.

Of particular note this year was the administration's request for approval of a number of air and water pollution projects. These numbered over 100 and cost approximately $75 million.

The subcommittee members of the Senate Armed Services Committee have heard witnesses on all portions of the bill. Particular study was given to certain provisions of the bill, specifically the Marine barracks expansion in Washington, D.C., and the Culebra firing range in Puerto Rico.

Also, of special interest was the addition by the House Armed Services Committee to the military construction bill of $2.3 million for construction of an elementary school building to be located at Bolling Air Force Base.

These three issues proved to be the most controversial which the subcommittee faced.

The subcommittee acted favorably on the request of the Navy for $700,000 in funds to acquire about 1 acre of land in the District of Columbia which contains some 24 housing units and two small businesses. Special language was included in the bill to insure fair treatment of those persons presently occupying this property. The land is to be used for a much needed and long overdue expansion of the Marine barracks in the District of Columbia.

Second, the subcommittee has requested the Defense Department to make a detailed study by April 1, 1971, of the Culebra issue. This is a small island group off Puerto Rico which the Navy has used for years as their Atlantic Fleet test firing range. This firing range is critical to Navy test and training programs and, despite extensive efforts to date, an adequate substitute area has not been located.

Third, the need for a school on the Bolling-Anacostia grounds to provide a proper educational environment for military dependents residing in that area was proposed by the House Armed Services Committee. The House added $2.3 million to the bill for construction of an elementary school to meet this special need. Witnesses appeared before the Senate subcommittee citing the circumstances which they felt justified this request. I do not concur in the decision of the subcommittee to reject this project.

Leaders of the Military Parents Association of Washington, D.C., appeared before the Senate subcommittee and made out a strong case. They are merely asking that the Government meet its obligation to provide safe and adequate school facilities for children of military dependents. District of Columbia schools have failed to provide such an environment. The record is full of cases where these children of military personnel have been assaulted or robbed. We cannot continue to ignore the plight of these families.

Finally, Mr. President, the work of the subcommittee has gone most smoothly because of the outstanding leadership of the Senator from the State of Washington. Able assistance has been provided, as in past year, by Mr. Gordon A. Nease, professional staff member, and his efficient secretary, Miss Mary E. Keough.

The distinguished Senator from Colorado (Mr. Dominick) contributed greatly to the successful consideration and preparation of the bill. It was a pleasure for the minority members to work with him. I urge favorable consideration of the bill by the Senate.

Mr. **GOLDWATER.** Mr. President, will the distinguished Senator from Washington permit me to ask him a few questions?

Mr. **JACKSON.** Mr. President, I am glad to do so.

Mr. **GOLDWATER.** Mr. President, referring to page 14 of the report as it relates to the cadet activities building at West Point, I want to make it clear for the Record that the subcommittee did authorize an additional sum of money in the amount of $10,738,000. However, the subcommittee stipulated that the money not be appropriated. Is that a correct statement?

Mr. **JACKSON.** The Senator is correct.

Mr. **GOLDWATER.** West Point and the Army understands that they will have to get the money from their own sources.

Mr. **JACKSON.** The Senator is correct. The authorization is not in addition to other programs. On the contrary, it will be necessary, as the Senator from Arizona has pointed out, for the Army to take and obtain this money out of other programs. However, they are authorized to go ahead on that basis.

Mr. **GOLDWATER.** Mr. President, I might point out at this time that the experience at West Point is similar to the experience met in other areas of the United States where local unions have not been allowed to form.

As I understand it, at West Point the pay is portal to portal from as far away as New York City, and at Fort Huachuca, Ariz., from as far away as Tucson, a distance of 70 miles. For the Army, at Yuma, there would be the same situation. However, there is no other town close to it.

I would hope there would be some way, through the subcommittee and the full committee possibly working with the Secretary of Labor and with the labor movement itself, that we might be able to change this so that where we have a situation like West Point, located a long ways away from the nearest location, the unions themselves would authorize the establishment of locals nearby.

This involves a tremendous cost. Some of these costs can run as high as $40 an hour.

If we have to continue this, I do not see any way in which we can make a proper guess, or even an estimate, as to what the construction cost will amount to at West Point and other remote sites.

I point out that the particular bill we are talking about has increased by about 64 percent. I would say that most of it is in the cost of the labor and that the rest of it is in building on that hard granite they have there.

In closing, Mr. President, I am in complete agreement with what the subcommittee has further recommended at the bottom of page 14 of the report; namely, that a Facilities Advisory Board be appointed to assist in the planning and review of the West Point Academy construction program.

I am happy to inform the chairman of the subcommittee that the Board has either been fully appointed by this time or it is in the process of being appointed.

It has not been the easiest thing to get a number of qualified retired engineers and architects, graduates and nongraduates of West Point, to agree to assist in this difficult job.

Mr. President, I am glad that the subcommittee and the full committee has recommended this. I point out that at no time in history at West Point has there ever been a facility where the entire corps can be gathered. This will now be possible. I understand that this will be called Eisenhower Hall. West Point will have the proper facilities.

I take this opportunity to thank the chairman of the subcommittee, the Senator from Washington (Mr. Jackson), for his diligent learning and constantly applied work in this field. It is not easy. It requires great knowledge of the subject, which the Senator has.

While I was not of too much help to him this year because of absence, it has been a real pleasure for me to serve with him on this subcommittee.

Mr. **JACKSON.** Mr. President, I thank my good friend, the able junior Senator from Arizona.

Mr. President, I do want to take this opportunity, too, to express my appreciation to all members of the subcommittee.

We worked together on a completely nonpartisan basis, as we have done in the past. By holding joint hearings with the Appropriations Subcommittee on Military Construction, I think that we were able to do a much better job again this year, as we have in the past.

I want especially to express my deep appreciation to our very able staff people—Gordan A. Nease, and Mike Rexroad of the Appropriations Subcommittee. Mr. Nease serves as the staff director for the subcommittee of the Armed Services Committee. Without their help, as always, we know this job could not have been done.

I want to thank the distinguished Senator from Arizona for his special interest in this problem at West Point.

We have been trying, as the Senator is aware, for several years to try to bring the costs in line. We hope now that, with the final warning we have provided here, this rather sticky problem will finally be resolved in a way that will avoid further overruns in the future.

Mr. **BAKER.** Mr. President, I call up my amendment which is at the desk and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. **BAKER.** Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment proposed by the Senator from Tennessee (Mr. Baker) on behalf of himself and the Senator from New York (Mr. Javits), ordered to be printed in the Record, is as follows:

On page 104, line 6: beginning with the word "unless" strike out all through the word "date" on line 9 and insert in lieu thereof the following: "and on Agua Cay no later than January 1, 1973, and to terminate all weapons range activities on Culebra and within three nautical miles thereof not later than January 1, 1976, unless the President of the United States determines that the national security of the United States requires the continuation of any such activities beyond such date or dates and that no satisfactory alternative site or sites can be made available."

Mr. **BAKER.** Mr. President, I neither hope nor expect to detain the Senate long on this matter. I had hoped that the distinguished manager of the bill would be able to accept this amendment, but since he cannot I am bound to present it to my colleagues for their consideration and disposition.

I believe that most—if not all—members of the Senate have some familiarity with the matter of Culebra, a small island 20 miles east of Puerto Rico which has long been the heart or inner range of the U.S. Navy's Atlantic Fleet Weapons Range. On Culebra and the surrounding cays, the Navy carries out ship-to-shore bombardment, air-to-surface aerial bombardment and missile activities, practice mining of coastal waters, and other related naval munitions practice. Each of these activities is of great importance to maintaining the battle readiness of the Atlantic Fleet and must be carried out at some single location or set of locations.

Although the island of Culebra has been inhabited since these operations were undertaken nearly 30 years ago, it is only recently that the use of the island by the Navy has become a matter of serious controversy, both in Puerto Rico and in the United States. At a time when the only common use of the island by the Navy was for the purpose of ship-to-

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shore shelling, which is relatively safe and unobtrusive for other and inhabited parts of the island, and at a time when the political situation in Puerto Rico and the rest of the Caribbean was relatively stable and relations with the United States harmonious, there was little objection to the naval bombardment of Culebra.

Today it is different. Ship-to-shore bombardment has been supplemented by heavy and almost daily bombardment by supersonic aircraft. During major fleet operations, such as the annual Springboard exercise, the waters around Culebra are aswarm with various sorts of military vessels and aircraft, utilizing all kinds of actual and practice ordnance. In an incident now somewhat famous to those who know of the issue at all, a boat carrying Puerto Rican Gov. Luis Ferré was, earlier this year, lying off the waters of Culebra when a Naval shell fell close to the boat and far from its target.

The Committee on Armed Services gave the most careful and commendable consideration to this problem in its deliberation on the pending bill. Under the expert leadership of our distinguished colleague the Senator from Washington (Mr. JACKSON) the committee agreed to an approach to the problem of Culebra that marks a very significant step toward alleviating the problem. The solution of the committee is embodied in section 611, of the old bill, not the star print, which is found beginning at page 56 of the bill, line 8. The section provides that the Secretary of Defense shall conduct an exhaustive study of the Culebra problem and report to the Congress no later than April 1, 1971. The section further provides that the Navy shall avoid any increase or expansion of weapons range activities on Culebra pending the report of the Secretary of Defense to the Congress.

Finally, and of the most immediate significance to the people of Culebra and Puerto Rico, the committee bill provides that all weapons range activities on the eastern shore of Culebra will be terminated by January 1, 1972, regardless of the findings of the Secretary of Defense, unless the President determines that such operations are required by the national security of the United States.

Mr. President, again I commend the distinguished committee or including this section in the bill. I support everything that it does. The investigation and report required by section 611(a) is certainly badly needed and long overdue.

However, in the view of the people of Culebra and the very distinguished Governor to Puerto Rico, Luis Ferré, the committee provision, while highly commendable, does not go far enough. It is at the direct personal request of Governor Ferré, for whom I have the highest personal regard, that I have introduced this amendment today and urge my colleagues to accept it.

What would my amendment do? It would add three simple requirements to the existing provisions in the committee bill. First, it would require that all weapons range activities be ceased on the small and rocky Agua Cay, where aerial activity has become extremely annoying and disruptive of life in the inhabited parts of the island; these activities would cease no later than January 1, 1973, 1 year later than the end of all operations on the eastern shore. Second, my amendment would provide for the cessation of all weapons range activity on all of Culebra and the adjoining waters no later than January 1, 1976. Third, my amendment would preserve the necessary authority of the President to continue beyond such deadlines any specific activities that he finds essential to the national security, but my amendment would add the requirement that the President also find, prior to such continuation, that "no satisfactory alternative site can be made available." Such a finding is, I think, implicit in the committee language, but it seems to me well that it be made explicit and that a specific finding be required.

Mr. President, there has been a considerable degree of emotionalism connected with this issue. I do not share in that emotionalism. While I am certainly sympathetic to the circumstances in which the people of Culebra find themselves, I do not believe that the use of the island by the U.S. Navy is "shocking," "outrageous," "immoral," "inhumane," or any of the rest of those charged and misleading terms.

What I do believe is that humanitarian and political considerations require that the United States find an alternative site for conducting essential naval weapons range activities within a reasonable period of time. Five years is a reasonable period of time.

The citizens of Puerto Rico are American citizens. As such, the strength of the American Navy should be of as much importance to them as it is to citizens of the 50 States. At the same time, the needs and aspirations of our fellow American citizens in Puerto Rico—where young men enlist and are drafted to defend our country—should be a matter of real concern to this Government.

There is a growing tide of nationalism in Puerto Rico. The people of Puerto Rico are concerned about naval shelling of Culebra. The Governor of Puerto Rico has asked that the shelling be terminated at a date certain. In a letter to all Senators, the people of Culebra have asked that all activities be terminated on a date certain. The distinguished Resident Commissioner of Puerto Rico in the House of Representatives, the Honorable JORGE L. CÓRDOVA, in a letter to all Senators, has asked that all activities be terminated on a date certain. There is no equivocation on the part of these officials who so ably and accurately represent the views of the people of Puerto Rico. I believe that if we ignore these direct appeals to the Congress on behalf of the people of Puerto Rico, we will think better of it later.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at the completion of my remarks the following documents: First, a letter to me from the Honorable JORGE A. CÓRDOVA, dated September 28, 1970; second, a copy of a letter from Mr. CÓRDOVA to Senator HENRY M. JACKSON, of the same date; and, third, a copy of a letter that was sent to me and to all other Senators dated September 23 by Culebra Mayor Ramon Feliciano, Pablo Munet Santiago, president of the Culebra Municipal Assembly, and Anastacio Soto, president of the Culebra Rescue Committee and Culebran's Fishermen's Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. BAKER. Mr. President, my amendment would in no way affect the excellent requirement proposed by the Committee that the Secretary of Defense report to the Congress no later than April 1, 1971. If this report, or any subsequent report or finding by the Secretary or the President, indicates that the national security will be seriously impaired by the provisions of this act, or that no alternative site or sites can possibly be made available for such necessary activities, I am confident that the Congress would give the most prompt and thorough consideration to such a finding.

However, I do not believe that it is reasonable to hold out an open ended and vague hope to the people of Puerto Rico and Culebra that just maybe someday all of the bombardment will cease. It seems to me far more just and far better politics to say to the people of Puerto Rico that we intend to stop and we will stop all bombardment of your island by January 1, 1976, unless we find that certain of these activities simply cannot be relocated to other areas and must be carried out in the paramount interest of national security.

I do not wish to detain the Senate any longer, but I strongly urge that the Senate accept this amendment.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.

Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: I enclose copy of letter I have just addressed to Senator Jackson on the Culebra problem. It expresses the position of the Governor, as well as mine. The Governor would appreciate it if an amendment is proposed on the Senate floor providing for the total phase-out of firing on Culebra and surrounding cays within five years. As you know, this five years phase-out has been recommended by Dr. Robert Kilmarx in a report of which you probably have copy, but of which I enclose another copy, as something which is entirely feasible and consistent with the readiness of the Navy for modern warfare.

With warm personal regards,
Sincerely,

JORGE L. CÓRDOVA.

EXHIBIT 2

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: On September 21 I asked the members of the Senate to support Senator Goodell's amendment to H.R. 17604 (the Military Construction Authorization Bill) unless you should be successful in finding an acceptable solution to the problem of Culebra.

Since then the Senate Armed Services Committee has agreed to your amendment, which in my judgment would lay the foundation for an acceptable solution to the problem. I therefore wish to express to you my support of your amendment.

I am aware of the difficulties involved in obtaining the actual enactment of this amendment, and that its wording inevitably reflects compromise looking toward such enactment. Yet I must point out that it falls short of the solution desired by Governor Ferré in one respect; it does not provide for a total phase-out of firing on Culebra and its surrounding cays within five years.

I have just discussed this matter with Governor Ferré, and I am authorized to convey to you his position in this respect, as well as his appreciation, which I fully share, for the great interest you have taken in this matter, the effective work which you have done, and the very substantial contribution which has resulted from your interest and your work.

With warm personal regards,

Sincerely,

JORGE L. CÓRDOVA.

EXHIBIT 3

ESTADO LIBRE ASOCIADO DE
PUERTO RICO,
GOBIERNO MUNICIPAL DE CULEBRA,
Culebra, Puerto Rico, September 23, 1970.

AN OPEN LETTER TO EVERY U.S. SENATOR

DEAR SENATOR: We, as representatives of the citizens of Culebra, after consultation with them, declare that the overwhelming majority of the people of Culebra strongly urge passage of the Goodell-Cranston Amendment to end the naval shelling and bombardment of our island. The people of Culebra have endured this weapons practice for thirty-four years, and they believe that the time to call a halt is now! We are unwilling to endorse even one more day of anxiety and fear for our children, our wives and our fellow citizens. The people of Culebra have voted today at an open meeting to urge that the Goodell-Cranston Amendment be brought to a vote in the Senate. We believe that our basic rights as American citizens support this position.

We have been informed, however, that political realities will make it difficult to gain acceptance of this amendment in the Senate-House Conference Committee. We also recognize that, because the Navy has not been as diligent as it could have been in preparing for the use of alternative sites, arguments can be made in support of a more gradual withdrawal. Based on these two assumptions, we have consulted with our fellow citizens to discover the most unpalatable conditions which they reluctantly can accept with dignity. These conditions, which have been carefully considered and which represent our greatest concession and *not* a bargaining position, are:

(1) that the Navy terminate its weapons practice on the eastern portion of Culebra and the cays within three nautical miles thereof not later than January 1, 1972;

(2) that the Navy cease its weapons activities on Agua Cay not later than January 1, 1973;

(3) that the Navy cease all of its remaining weapons activities on Culebra and the surrounding cays not later than January 1, 1976;

The removal of weapons activity from Agua Cay is particularly important, because the target on Agua Cay, which is used for aerial jet bombardment, is the most objectionable target to the people living in the town of Dewey, for several reasons: (1) Agua Cay is the closest aerial bombing target to the town; (2) Agua Cay is the most disturbing target in terms of interference with air and ship traffic between Culebra and Puerto Rico; (3) Agua Cay is, after Cuelbrita, the most important fishing area; (4) the jets that use Agua Cay frequently pass over the town at supersonic speeds and low altitudes, causing great discomfort.

In addition, the people of Culebra cannot understand why the Navy should be permitted to acquire one-year, nonhabitation easements over the eastern portion of the island. If land speculation is the concern, can not authorization for the acquisition of easements by the Navy be conditioned, at least, upon the failure of the government of Puerto Rico to freeze development of this land before the enactment of the military construction authorization bill into law? If there are no alternatives to the easements as an assurance against the exploitation of this land by land speculators, there are two conditions which the people support: (1) if the purpose of the easements is really to prevent land speculation, an exception must be made for one-family dwellings of full-time residents; (2) the farmers of Culebra demand that they be permitted to continue to administer and control their own farms.

Although the Culebrans have many courageous supporters in the United States Senate, we would like to express our gratitude to two Senators who have been friends of Culebra: Senator Goodell and Senator Jackson. Without their efforts, we would not hold the hope and confidence which we all now share in the future of Culebra. Each man has supported the democratic wishes of our people in his own way, but each has made an enormous contribution to our cause.

Respectfully yours,

PABLO MUNET SANTIAGO,
President, Municipal Assembly.
RAMON FELICIANO,
Mayor of Culebra.
ANASTACIO SOTO,
President Culebra Rescue Committee, and Culebra Fishermen's Association.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOODELL. Mr. President, I want to express my respect to the Senator from Tennessee for his efforts to resolve this problem. He has been concerned about it, as has also the chairman of the Armed Services Subcommittee (Mr. JACKSON). He has expressed his concern. He has called upon the Navy to give explanations and justifications. He has met with the subcommittee a number of times to try to resolve this problem.

On September 1, I reintroduced an amendment to the military construction authorization bill which I had previously introduced to the military procurement authorization bill. That amendment called for immediate cessation of the Navy's shelling and bombardment of the Island of Culebra, which is a part of Puerto Rico on which nearly 800 American citizens live.

I withdrew that amendment to the military procurement authorization bill in order to allow time for the Subcommittee on Military Construction of the Armed Services Committee, of which the Senator from Wahington (Mr. JACKSON) is chairman, to negotiate with the Navy on the question of Culebra.

Section 611 of the pending legislation represents the product of that negotiation. The Senator from Washington (Mr. JACKSON) and his subcommittee have labored long on this issue, and I know that they share the goal of the Culebrans—the total cessation of shelling on the island.

Nevertheless, section 611 is inadequate to meet that objective, and it, therefore, does not, as it now stands, serve the interests of the Culebrans. Section 611 is inadequate in two major respects.

First, it provides for withdrawal by the Navy from the eastern part of the island, contingent upon national security considerations, by January 1, 1972. In covering only the eastern third of Culebra, section 611 fails to provide for cessation of shelling in the area of Dewey, the population center of Culebra; Flamingo Beach, a recreation and fishing center off Dewey; and Agua Cay, a wildlife and fishing center just off Culebra.

Section 611, therefore, fails to cover those areas which the Culebrans most cherish and which there is most need to cover in this bill.

Section 611 provides, also, for withdrawal from even the limited portion of Culebra which is covers unless the President of the United States determines that the national security of the country requires the continuation of such activities beyond January 1, 1972. The national security exemption, in my opinion, will nullify the intention of the Senator from Washington's (Mr. JACKSON) insertion of section 611, and will lead to indefinite extension of Navy shelling of Culebra.

The argument is made in support of the national security exemption that the political cost in 1972 of invoking that exemption and continuing shelling of Culebra will be so high that the President will not dare do so. I would argue, however, that it will be possible for a low-level Navy official to make the decision and to continue shelling without high political cost, since the Navy has already told Congressman BENNETT's Real Estate Subcommittee in the House and Senator JACKSON's subcommittee in the Senate that national security requires continued shelling, and that there is no alternative that would meet the Nation's national security goals.

Can we expect the Navy and the President to change their minds when they have already twice, in response to requests from the Congress, responded in such a way as to preclude withdrawal from Culebra?

Mr. BAKER. Mr. President, would the Senator from New York yield to me long enough for me to ask for the yeas and nays on the amendment?

Mr. GOODELL. I yield.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOODELL. Mr. President, I wonder how long we should go on compromising on an issue like this? American citizens are being shelled. The President of Puerto Rico, a few months ago, was cruising on his yacht near Culebra and almost was hit by one of the Navy's shells. There have been injuries and deaths. Members of Congress and Senators and committees have asked for an

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explanation, and all we get from the Navy is generalizations—it is necessary for the national security. They do not tell us why specifically. We have had expert studies that have indicated clearly that we could have alternates—either another island or artificial islands which could be satisfactory for the Navy's purposes.

While the people go on being shelled in Culebra, all we get is excuses from the Navy and a strong positive statement that there is no alternative; they just have to go on shelling Culebra.

If they were shelling a section of the State of Washington or Long Island, when American citizens were nearby and in jeopardy, I wonder if it would take us so long to bar the Navy from this kind of activity. People on Culebra are as much American citizens as you and I. They have some rights. Culebra is an island that has rather great potential for development on behalf of the Culebrans, but not while the Navy is there shelling.

We are talking about an amendment here offered by the Senator from Tennessee that would take effect by 1972, provided the President did not make a determination to have it go further.

Then we have a further provision that it would be effective by 1976—again provided the President did not make a determination that it was in the national security to go beyond that—6 years from now.

I see no reason why Congress should not assert itself at this time. Since the Navy has preferred to give us notification, my own preference is my amendment, which would immediately bar the shelling. It would not go on any more. But if we do have concern that perhaps there is some justification here, and until a substitute is found which could involve the national security, why do we not give the Navy a deadline in the future and say, "You have got to get out of there by January 1, 1972—period"? Then the Navy Department, the executive branch, will be on notice that "This is the intention of Congress, this is the will of the Congress; find yourself a substitute."

We know perfectly well that the general language here is not going to induce the Navy to take the kind of initiative, the kind of action necessary to provide an alternative, because the Navy has testified before our committees. The Navy has said there is no alternative; it is the Navy's intention to just stay there.

Now we have an amendment before us which provides that somebody in the Navy Department, in the name of the President, can say it is in the national security interests to remain there even after the date we set, and even 6 years from now. What kind of justice is that for American citizens, almost 800 of them, who live on the Island of Culebra? The shelling is going to go on—we know that—under this amendment.

As a further fallback, even if we are going to take the Baker amendment, we should require that Congress share in this decision. If there is a determination by the President that it is in the national security to continue the shelling beyond the date we set, we ought to have the President come up here and make that recommendation and persuade Senators like the distinguished Senator from Washington, chairman of the subcommittee, that they really do have some reasons why it has to be done beyond that date, to assure us that it is not a decision made by a Navy Department official who finds it is too much trouble for them to find an alternative, and who just wants to stay there.

I commend the Senator from Washington for the pressure he has already put on the Navy. But I am saying this is not enough pressure. We have got the Navy to move just a few little inches. They still are saying it is absolutely necessary to remain there, and to go on with the shelling.

I see no indication that the Navy has gotten the message that the chairman of the Armed Services Subcommittee on Military Construction wants the Navy out and wants the Navy to cease its shelling. I say the Navy is not going to get the message from this amendment. The Navy is not going to get the message from the provisions of sections 611 that are now in the bill.

Mr. President, I shall vote for the Baker amendment at this point, because it is better than the provisions of the bill as it now stands; but I shall offer an amendment to the Baker amendment which would require that not only the President, but Congress as well, make this determination that it is in the national security interest to be an exemption, and they be permitted to continue shelling after the date set in the Baker amendment.

We are talking about 6 years. We are talking about an effective date for the initial phase of this amendment over a year hence. I see no reason why, if there is justification, it cannot be brought to Congress to persuade us. It certainly has not been brought to Congress up to this point. No one has given us any specifics in secret, in confidence, or openly in public, to justify the continued shelling.

So, Mr. President, I send to the desk at this point an amendment to the Baker amendment.

The PRESIDING OFFICER (Mr. CASE). The amendment will be received.

Mr. GOODELL's amendment is as follows:

On line 8 of the pending amendment of the Senator from Tennessee (Mr. BAKER) strike out the word "determines" and insert in lieu the following: "and the Congress of the United States by joint resolution determine"

Mr. JACKSON. Mr. President, together with other members of the Subcommittee on Military Construction of the Armed Services I have been actively engaged in seeking to find realistic and practical alternatives to the Department of the Navy's present Atlantic Fleet weapons training activities now being conducted on and near the island of Culebra off the coast of Puerto Rico. This effort has involved a special hearing before the Subcommittee on Military Construction on August 11; numerous meetings with the Secretary of the Navy and his representatives; meetings with the Governor of Puerto Rico, the mayor of Culebra, and attorneys for the municipality of Culebra; and extensive discussions with the State Department, the Department of the Interior, and the White House.

The Culebra situation presents a complex problem which will not yield to simple answers. It raises important questions concerning the safety and wellbeing of the residents of Culebra, the natural environment of the area, the political relationship of Puerto Rico to the United States, and the Nation's national security interest in insuring that the young men who fly Navy aircraft and man Navy weapons are given the best possible armaments training. The importance of this latter point was emphasized with the deployment on September 18 of the attack aircraft carrier *John F. Kennedy* to the Mediterranean. When deployed in connection with the crisis in the Mideast the *John F. Kennedy* was engaged in training exercises near the Culebra complex of the Atlantic Fleet Weapons Range. More recently, reported Russian attempts to secure a submarine base in Cuba underscore the importance of the Atlantic Fleet's training mission.

All of these matters were carefully considered by the committee and are reflected in the language of section 611 of the bill and in the committee's report. The amendment adopted by the committee and the directives contained in the report furnished a sound and a realistic interim solution whch is responsive to the desires of the people of Culebra and which does not endanger national security or the preparedness of the men assigned to the Atlantic Fleet.

Section 611 as approved by the committee provides for the following:

First. The Department of the Navy is directed to terminate, no later than January 1, 1972, all weapons range activities on the eastern coast of Culebra and on the Island of Culebrita and adjoining cays.

Second. The Department of the Navy is directed not to increase or expand present activities pending the Secretary's completion of the report and transmittal of his recommendations.

Third. The Secretary of Defense is to undertake a study and prepare a report on all feasible alternatives, geographical and technological, to the training activities now taking place in Culebra.

Fourth. The report, together with the Secretary's recommendations, is to be transmitted to the President and to the Armed Services Committees no later than April 1, 1971.

Fifth. In preparing the report and recommendations the Secretary is directed to consider environmental factors, safety, the economy of Culebra, and political ramifications as well as national security.

Sixth. The Secretary is directed to consult with the people of Culebra, the government of Puerto Rico, and all appropriate Federal agencies.

In addition to the express directives set forth in Section 611 of the bill, the committee's report directs that the following actions be taken:

First. Pending completion of the report and an opportunity to act on the Secretary's recommendations no Walleye missiles are to be fired on Culebra or adjoining cays.

Second. Aircraft overflights over the town of Dewey are to be avoided.

Third. Advance notice of training schedules is to be given.

Fourth. Six hundred and eighty acres of land are to be transferred to the government of Puerto Rico.

Fifth. A safety zone in the area adjoining the northwest peninsula's ship-to-shore impact area is to be established.

Sixth. A temporary nonhabitation easement on the eastern portion of Culebra is to be acquired to insure safety while the Navy phases out of this area by January 1, 1972. This easement will also serve to prevent land speculation and unplanned development and subdivision. This will furnish Puerto Rico and the Congress an opportunity to consider the creation of a National Recreation and Seashore Area on the eastern part of the island and on the adjacent islands and cays. At present, much of this property is in Federal ownership and has great recreational potential.

Mr. President, the junior Senator from New York and the Senator from Tennessee have both expressed strong concern over the impact of the Navy's activities on the safety and solitude of the people of Culebra. I must say that I share their concern. I know they are deeply disturbed, as is the chairman of the subcommittee and the members of the committee. On the basis of many meetings and a careful review of a great deal of information, it is my view that the committee's amendment is reasonable and deserving of the Senate's full support.

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The amendment is, in part, an interim solution. It terminates the most objectionable activities on the eastern coast of Culebra, but preserves for future determination the activities on the western coast. A decision on these activities would be made after completion of the Secretary's report on April 1, 1971. This will insure that all alternatives are considered in an orderly fashion and that appropriate changes may be implemented without undue disruption of the Atlantic Fleet's important weapons training mission.

Mr. President, I should like at this point to have printed in the RECORD section 611 of the act and the pertinent language from the report explaining the provisions of section 611.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 611. (a) The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall result in specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety. In preparing such study, the Secretary is directed to consider the impact of each of the alternatives on:

(1) the safety and well-being of the people who live on Culebra;

(2) the natural and physical environment of Culebra and adjoining cays and their recreational value;

(3) the development of a sound, stable economy in Culebra;

(4) the unique political relationship of Culebra and Puerto Rico to the United States;

(5) the operational readiness and proficiency of the Atlantic Fleet; and,

(6) national security.

(b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved. The report required by this subsection shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 1971.

(c) The Department of Navy is directed to terminate all weapons range activities conducted on or near the eastern coast of Culebra and the cays within three nautical miles of the eastern coast no later than January 1, 1972, unless the President of the United States determines that the national security of the United States requires the continuation of such activities beyond this date.

(d) Pending the completion of the report required by this section and its review by the President of the United States, the appropriate committees and the Congress, the Department of Navy is directed to avoid any increase or expansion of the present weapons range activities in the Culebra complex and, wherever possible, without degrading the training activities, to institute procedures which will minimize interference with the normal activities and the solitude of the people of Culebra.

NAVAL ACTIVITIES ON ISLAND OF CULEBRA

In section 611 the Committee has adopted language which directs the Secretary of the Defense to undertake a thorough study and to prepare a report on all feasible alternatives, geographical as well as technological, to the weapons training now taking place on the island of Culebra and adjoining cays. The language of the Committee amendment specifically directs the Secretary to consider a wide range of factors in making the study and in developing recommendations to the Committees on Armed Services, to the President, and to the Congress. These factors include national security, the operational readiness of the Atlantic Fleet, the political relationship between Puerto Rico and the United States, Culebra's economy, the natural environment, and the safety and well-being of the people who live in Culebra.

The Secretary is also directed to consult with the people of Culebra, the government of Puerto Rico and other Federal agencies in undertaking the study and in the preparation of the report. Pending transmittal of the report and a reasonable period of time for the Committees to act on the Secretary's recommendations the Department of the Navy is directed to avoid any increase or expansion of its training mission in the Culebra complex and, wherever possible, to undertake actions which will reduce or eliminate potential areas of friction and misunderstanding between the Navy, the people of Culebra and the government of Puerto Rico. The report is to be transmitted to the President and to the Committees no later than April 1, 1971.

Subject to a determination by the President of the United States that the Nation's national security requires the continuation of the activities involved, the Department of the Navy is directed to terminate weapons range activities on or near the eastern coast of Culebra and adjoining cays no later than January 1, 1972. The Navy has recently terminated live bombing in this area and the remaining activities consist of strafing targets and inert bombing activities. It appears that these aspects of the Navy's mission may be met by better scheduling and by increased use of areas on and near Vieques Island, areas near the western coast of Culebra and other areas.

ACTIONS ALREADY UNDERTAKEN

The Committee is advised that the Navy has already undertaken a wide range of actions designed to make the Navy's training program more compatable with the aspirations and desires of the people of Culebra. These actions are discussed in a September 23, 1970 letter from Secretary Chafee to Senator Jackson, Chairman of the Subcommittee on Military Construction. They include suspension of weekend training activities except in extraordinary circumstances; making Flamingo Beach on the Northwest coast available for weekend use by the people of Culebra; suspension of live bombing on the islands and bays east of Culebra; advance notice and publication of training schedules; installation of warning lights and flags; the assignment of a full time officer to Culebra to work with the local community; and the creation of employment opportunities for the residents of Culebra. The Secretary's letter follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., September 23, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: In response to your request for information as to what the Navy is doing to make its training operations around Culebra less inconvenient to the local citizens, I am pleased to furnish you with the following information:

1. All weekend training around Culebra has been suspended except in extraordinary circumstances where such training is necessary to meet an operational commitment, for example, a ship deploying to the Mediterranean in the current crisis. This procedure is being strictly adhered to, and I can assure you that weekend training is no longer scheduled for the convenience of a visiting ship or aircraft squadron.

2. We are concentrating our greatest efforts in avoiding weekend training on the ship-to-shore bombardment exercises on the northwest peninsula. This will mean that Flamingo Beach will be available on Saturdays and Sundays for use by the people of Culebra, except in unusual circumstances.

3. Several weeks ago Mayor Feliciano of Culebra told Frank Sanders, Assistant Secretary of the Navy (Installations and Logistics) and Joseph A. Grimes, Jr., my special assistant, that the people of Culebra were most bothered by: (a) The live bombing of Shark Rock and Palada Cays and (b) The use of Ladrones Cay and Culebrita as targets. Accordingly, we have suspended all live bombing of Shark Rock and the Palada Cays (the only live targets on the cays and rocks to the east of Culebra). We are also making every effort to use the Vieques and west Culebra air-to-ground targets whenever possible so as to reduce use of the east Culebra targets to a minimum.

4. Several weeks ago we began publishing training schedules in the Puerto Rican press on Fridays for the following week. Changes are authorized only when operationally necessary and never with less than 24 hours notice. This, incidentally, is a further step in advance scheduling over the 72 hour ad-

vance notice procedure we instituted earlier in the summer. Hopefully, it will make planning easier for fishermen, yachtsmen and tourists as well as for the people of Culebra.

5. We are installing additional warning lights and bravo warning flags, and we have requested Mayor Feliciano's assistance in finding a location in downtown Dewey to hoist the red warning flag when the range is in operation. We also plan to acquire range safety boats that will help clear the area when boats inadvertently enter a restricted area while the range is in operation.

6. The Navy has established a billet for a full time officer on Culebra to work with the local community to assure that all avoidable inconveniences to the people are in fact avoided; that claims and complaints, if any, are expeditiously dealt with, and that possible Navy assistance to the community will be brought to the attention of higher authority. We have looked carefully for the right man, and we have now located a Spanish speaking officer with extensive experience in Latin America. We expect that he will report to Roosevelt Roads within the next few weeks.

Those are some of the steps the Navy is taking to make its training exercises around Culebra less of a burden to the people of the island. There is, however, another element, besides the level of inconvenience, that determines how a local community reacts to a military presence. That element is the positive contribution the military makes to the community.

In the past the Navy has helped with school books, ball fields, and water and molasses for the cattle during periods of drought, but many Culebrans have felt that the Navy presence on Culebra did not, on balance, benefit the community. Now, however, in addition to the steps mentioned above, we are starting to hire more Culebrans for work on the range. This will not only improve range safety but will also greatly assist the economy of the island. In fact, the number of applicants greatly exceeds the number of jobs available.

Despite many instances of good community relations in the past, it is fair to say that the Navy did not pay sufficient attention to the needs and desires of the people of Culebra. Part of the reason was that the Navy for many years expected the Culebrans to be resettled to some other location in Puerto Rico, both for their benefit and the benefit of the Navy. As you know, we abandoned that plan earlier this year, and now the Navy is making renewed efforts to adjust its training schedules to the desires of the people of Culebra. These efforts are being made in good faith, and we feel that in time most Puerto Ricans will accept them in that light.

Sincerely yours,

JOHN H. CHAFEE,
Secretary of the Navy.

COMMITTEE RECOMMENDATIONS

The Committee concurs in the actions already undertaken by the Department of the Navy to improve community relations. In addition to the actions already undertaken or planned by the Department of the Navy the Committee directs that the following additional actions be taken:

1. Walleye Missile

Culebrita island on the eastern coast of Culebra has been designated by the Navy as a target for training operations using the Walleye Missile. The prospect of firing this and perhaps other missiles on Culebrita has caused a great deal of apprehension and fear among the residents of Culebra. The Committee believes that this activity can be performed elsewhere without serious degradation in the quality of the Navy's training program. In view of these factors, pending completion of the report and an opportunity to act on the Secretary's recommendations, the Committee directs that the Walleye Missile not be fired at Culebrita or adjoining cays.

2. Overflights

The Committee directs that all possible efforts be made to avoid overflights over the town of Dewey and other occupied areas of Culebra.

3. Training Schedules

Advance notice of training schedules is desirable and will go far towards improving community relations and in avoiding an accident which could endanger lives or property. The officer assigned to Culebra should be given authority to insure compliance with the schedules and should be equipped with a communications system which will enable him to give timely warning to the people of Culebra if there should be any change in schedule due to extraordinaary circumstances.

4. Disposal of Land

Disposal Report No. 300 submitted by the Department of the Navy proposes the transfer of some 680 acres of Federally owned land to the government of Puerto Rico. This land is near the town of Dewey and on the municipality's harbor. The Committee concurs in the proposed transfer.

5. Acquisition of nonhabitation easements

Acquisition Report No. 102 submitted by the Department of the Navy proposes the acquisition of nonhabitation leasehold interests on 2,350 acres of land on Culebra. The purpose of the acquisitions are to establish safety zones which will permit continued grazing and agricultural use, but which will prevent the construction of permanent residences within the safety zone areas. The acquisitions are in two blocks. The first is on the Northwest corner of the island and is adjacent to the Northwest Peninsula which is the impact area for ship-to-shore firing. The second is on the eastern part of the island and provides a safety zone for activities conducted on Culebrita and adjoining cays.

The Committee recommends that the Northwest safety zone nonhabitation easement be acquired pursuant to the terms proposed by the Navy.

The Committee recommends that the eastern safety zone nonhabitation easement be acquired until January 1, 1972. At this date activities on the islands east of Culebra will cease.

6. Recreational value

On August 24, 1970, the Chairman of the Senate Interior Committee wrote to the Secretary of the Interior requesting a report on the suitability of the island of Culebra and adjoining cays for some form of national recreation or seashore area status. On September 8, 1970 the Department of Interior replied that "Culebra has been identified as having public recreational potential" in an inventory and study of the islands of the United States. The Bureau of Outdoor Recreation's report, "Islands of America" should be available to the Congress by October 1970.

In view of the recreational value of this area, its uniqueness, and the fact that substantial portions are now in Federal ownership, the Committee believes that the status quo should be maintained until the Secretary's report and recommendations are received and acted upon. The nonhabitation easement on the eastern portion of Culebra will insure safety, preserve the status quo and will prevent development of the area by land speculators and subdividers.

Mr. JACKSON. Mr. President, I have received this morning, upon my return to the city, a letter from the Secretary of the Navy, dated September 29, 1970, and I should like to read the pertinent parts of Secretary Chafee's letter. I ask unanimous consent that the entire letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washington, D.C., September 29, 1970.
Hon. HENRY M. JACKSON,
Washington, D.C.

DEAR SENATOR JACKSON: The rumblings on Capitol Hill are audible here in the Pentagon. Therefore, I feel that I should once again describe the training conducted around Culebra.

The training conducted at the Atlantic Fleet Weapons Range is essential to fleet readiness. The complex includes training areas on and around Culebra, at Vieques, at Roosevelt Roads, San Croix and 118,000 square miles of open ocean. Culebra is a vital part of this complex which provides integrated fleet training for the ships of the Atlantic Fleet.

Ninety percent of the Atlantic Fleet's ship-to-shore gunfire training is conducted on the northwest peninsula of Culebra, and eighty percent of the air-to-ground weapons delivery training done at the Atlantic Fleet Weapons Range is done on the rocks and cays to the east and west of Culebra. It is a unique area and one for which we have yet to find a suitable substitute.

Your proposed amendment does restrict this training and, therefore, it must have an effect on the overall readiness of the Fleet. However, by giving us some time to realign schedules and targets for the eastern range, you do provide us a means of compensation for this restriction. It is better, or course, than eliminating the entire Culebra complex as a training area at this time.

Those amendments that require the Navy to either leave immediately or provide an unrealistic and artificial deadline for leaving can only be described as detrimental to the readiness of the Atlantic Fleet.

If we were to lose Culebra as a target area for naval gunfire support we would have to increase the use of Bloodsworth Island in the Chesapeake Bay. This, coupled with the limited ability of Vieques to absorb additional naval gunfire training without an unacceptable reduction in Marine training, would permit only sixty percent of the Atlantic Fleet's ships to complete gunfire support training because of the limited capabilities and potential inherent in Bloodsworth Island and Vieques. The actual degradation of naval gunfire support training would be qualitatively reduced in excess of forty percent.

With respect to the air-to-ground training, the Navy and Marine Corps have eight targets in the Atlantic Fleet Weapons Range, seven of them around Culebra. These are used for the advanced training of squadrons, maintenance of combat efficiency of embarked carrier air wings and task force training. If the seven Culebra targets were lost, the advanced training would, of necessity, be required to be done elsewhere. Other available targets could absorb only fifty-five percent of the target time now used at Culebra. Therefore, it is evident that forty-five percent of advanced squadron combat efficiency and task force training requirements could not be accomplished.

The gradual phasing out of gunnery and bombing on Culebra and its cays would require new technology for weapons systems training and evaluation of ships and aircraft and their crews. Or, it would require suitable alternatives to Culebra. The Navy has and is continuing to work toward developing these new technologies, but the state of the art is not sufficient yet to provide a substitute to Culebra.

Some have suggested floating islands or platforms but neither of these is now a practical alternative because of the state of the art and the cost. Further, Navy studies thoroughly conducted over many years have concluded that there is no island alternative to Culebra. The many and varied alternatives mentioned by the press and others have been investigated and they have not proven to be suitable alternatives to Cule-

> bra. Therefore, the elimination of Culebra as a training area at this time or at some future but inflexible date without a viable alternative would certainly degrade fleet readiness. That, as you know, is not an academic subject. Fleet readiness or the lack thereof is real and of great concern to this country. Recent events in the Mediterranean and the subsequent reaction of our fleet there served to highlight the essential quality of the need for the highest state of fleet readiness. It may be of interest to you to know that all of the more than forty combatant ships serving in the Sixth Fleet trained at the Atlantic Fleet Weapons Range and, therefore, on the targets on and around Culebra.
>
> The integrated fleet training and advanced training they received there makes them ready to do whatever our country calls upon them to do. Without it, they would not be as fully trained and capable to professionally and efficiently carry out the tasks that could be assigned to them. Therefore, this training is essential to the safety and well-being of the men who sail our ships and fly our aircraft and to the readiness of the Fleet to carry out its mission.
>
> I have written and spoken to you before on the matter of Culebra, and this letter is to reinforce the Navy's position in the face of active debate on the subject.
>
> If I can be of further assistance to you in providing information, please do not hesitate to call on me.
>
> Very best personal wishes.
>
> Sincerely yours,
>
> John H. Chafee,
> *Secretary.*

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Mr. JACKSON. The pertinent parts I should like to read are as follows:

> The training conducted at the Atlantic Fleet Weapons Range is essential to fleet readiness. The complex includes training areas on and around Culebra, at Vieques, at Roosevelt Roads, San Croix and 118,000 square miles of open ocean. Culebra is a vital part of this complex which provides integrated fleet training for the ships of the Atlantic Fleet.
>
> Ninety percent of the Atlantic Fleet's ship-to-shore gunfire training is conducted on the northwest peninsula of Culebra, and eighty percent of the air-to-ground weapons delivery training done at the Atlantic Fleet Weapons Range is done on the rocks and cays to the east and west of Culebra. It is a unique area and one for which we have yet to find a suitable substitute.
>
> Your proposed amendment does restrict this training and, therefore, it must have an effect on the overall readiness of the Fleet. However, by giving us some time to realign schedules and targets for the eastern range, you do provide us a means of compensation for this restriction. It is better, of course, than eliminating the entire Culebra complex as a training area at this time.
>
> Those amendments that require the Navy to either leave immediately or provide an unrealistic and artificial deadline for leaving can only be described as detrimental to the readiness of the Atlantic Fleet.
>
> If we were to lose Culebra as a target area for naval gunfire support we would have to increase the use of Bloodsworth Island in the Chesapeake Bay. This, coupled with the limited ability of Vieques to absorb additional naval gunfire training without an unacceptable reduction in Marine training, would permit only sixty percent of the Atlantic Fleet's ships to complete gunfire support training because of the limited capabilities and potential inherent in Bloodsworth Island and Vieques.
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> Therefore, it is evident that forty-five percent of advanced squadron combat efficiency and task force training requirements could not be accomplished.
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> The gradual phasing out of gunnery and bombing on Culebra and its cays would require new technology for weapons systems training and evaluation of ships and aircraft and their crews. Or, it would require suitable alternatives to Culebra. The Navy has and is continuing to work toward developing these new technologies, but the state of the art is not sufficient yet to provide a substitute to Culebra.
>
> Further, Navy studies thoroughly conducted over many years have concluded that there is no island alternative to Culebra. The many and varied alternatives mentioned by the press and others have been investigated and they have not proven to be suitable alternatives to Culebra.
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> It may be of interest to you to know that all of the more than forty combatant ships serving in the Sixth Fleet trained at the Atlantic Fleet Weapons Range and, therefore, on the targets on and around Culebra.
>
> The integrated fleet training and advanced training they received there makes them ready to do whatever our country calls upon them to do. Without it, they would not be as fully trained and capable to professionally and efficiently carry out the tasks that could be assigned to them. Therefore, this training is essential to the safety and well-being of the men who sail our ships and fly our aircraft and to the readiness of the Fleet to carry out its mission.

Mr. President, I should like to conclude my remarks on the pending amendment by saying that it may well be the decision of the committee, after hearing from the Navy, that what is contained in the pending amendment should be the final decision. I want to make that very clear.

I also want to make very clear that the committee has not had an opportunity, in the time available, to be able to say that we are in a position to make a final judgment as to what area or areas should be involved in the Navy's weapons training mission. I do think, in all fairness, that the guidelines we have laid down here will make it possible to bring about a final decision by April 1. We have made a start. We have required certain actions to be taken by the Navy in the time set out in the bill. We based that decision on information we had received, which was not disputed. But, Mr. President, I think it would be a mistake to proceed without all the facts. A finding and a decision should be deferred until April 1. By that time, the committee will have the report from the Secretary of Defense. The committee then will be in a position to make a final recommendation. It may well be—and I want to emphasize this—that Congress will then decide to go along with some type of amendment such as the amendment that is now before the Senate.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GOODELL. Mr. President, I want to express my appreciation for what the Senator from Washington has said and what he has done. I, of course, feel at this point that the Navy has had ample time, that there have been studies and restudies, and that in each instance the Navy comes back with a flat assertion that there is no alternative and that they have to continue. But they do not give us any persuasive evidence of this. To my knowledge, they have not given any persuasive evidence of this to the Senator from Washington, who is the chairman of this very important subcommittee. They have given no persuasive evidence of this to any other Member of the Senate, to my knowledge.

The Senator from Washington has taken an approach that at least we will not leave this whole thing on dead center.

I should like to clarify the legislative history in the viewpoint of the Senator from Washington and, hopefully, the viewpoint of the Senate, that if the Baker amendment is rejected and the Goodell amendment is rejected and section 611 remains in the bill as it now stands, are we saying to the Navy, and is it the intention of the Senator from Washington to say to the Navy, "Look, you go out and find an alternative, if one is available consistent with the national security, an alternative to the continued shelling of Culebra, if there is one available, consistent with the national security"?

Mr. JACKSON. If there is an alternative available, I think they should move to that alternative.

Mr. GOODELL. And we are saying that in section 611, as it stands now, it is our intention that their studies should not be a study to go out and find all sorts of new reasons and justifications for what they are doing. It should be a study aggressively to find an alternative consistent with the national security, if there is one.

Mr. JACKSON. In addition, I point out that the committee will review the findings of the Navy and their report, independent of whatever recommendations they make. We intend to make the final legislative adjudication of this controversy.

Mr. GOODELL. Exactly. But the Senator does agree with my statement that that is our intention in section 611 as it now stands?

Mr. JACKSON. The Senator says it is his intention?

Mr. GOODELL. No, the intention of the Senator from Washington.

Mr. JACKSON. Yes. The whole purpose here is to see to it that every possible alternative is exhausted, so that we will have before us, by April 1, all the alternatives; and if there are no alternatives, then the committee will have to act independently. As I say, we have already moved down that road. We have set target dates, as the Senator is aware, on section 611, for their removal from the eastern side of the island, and three nautical miles on the eastern side of Culebra. We believe that this is a proper step because it is clear that there is no dispute on this point. We would have gone further, but we did not have sufficient information at the time.

Mr. GOODELL. I do not want to delve beyond permissible limits in open session, but I should like to ask the Senator from Washington if, up to this point, the Navy has presented to the Senator, as chairman of the subcommittee, any persuasive evidence that there is no alternative to the shelling of Culebra.

Mr. JACKSON. I am not satisfied——

Mr. GOODELL. I do not say that the study has not been made, but I want to know if there is persuasive evidence which has been presented to the Senator's committee that there is no alternative.

Mr. JACKSON. The Navy has indicated in the past that there is no suitable alternative. I am not satisfied with that conclusion. That is the reason why we have provided that they are to report back by April 1, 1970 as the section provides. It is useful at this point to read the language:

> The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall result in specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety—

I might say that in addition to my responsibility on the subcommittee, as chairman of the Interior and Insular Affairs Committee which has legislative jurisdiction pertaining to the government of Puerto Rico, I am deeply concerned about the implications of the current activities in connection with Culebra and that area as they relate to the political impact—the effect these activities will have on our relations in that area of the Caribbean. Thus, I have deep concern not only in connection with my responsibilities as chairman of the Military Construction Subcommittee but I should also emphasize that I feel strongly, as chairman of the Committee on Interior and Insular Affairs, that I have that dual responsibility and I intend to deal with the matter in a fair but firm way to see that the problem is resolved.

Mr. GOODELL. I appreciate what the Senator from Washington has said. I think we have made it clear now, the import in section 611 as it now stands, even if the Baker or Goodell amendments fail, and that is that the Navy shall, with all due energy, imagination, and initiative undertake the study and find a feasible alternative to the shelling of Culebra consistent with national security. We are not saying to them, "You have got another 6 months to come in with some reports and tell us why it is a good idea to keep on shelling Culebra," but we are telling them, "Intensively study this problem, because it is the objective of Congress to get the shelling ended on Culebra consistent with the national security."

I appreciate very much the agreement of the Senator from Washington on this question. He is a very important factor in this whole consideration during the months ahead.

Mr. JACKSON. I thank the Senator from New York. Might I read from page 9 of the report where we refer to item six, "Recreational Value."

I read this provision because it concerns my responsibility as chairman of the Committee on Interior and Insular Affairs:

> 6. RECREATIONAL VALUE
>
> On August 24, 1970, the Chairman of the Senate Interior Committee wrote to the Secretary of the Interior requesting a report on the suitability of the island of Culebra and adjoining cays for some form of national recreation or seashore area status. On September 8, 1970 the Department of Interior replied that "Culebra has been identified as having public recreational potential" in an inventory and study of the islands of the United States. The Bureau of Outdoor Recreation's report, "Islands of America" should be available to the Congress by October 1970.
>
> In view of the recreational value of this area, its uniqueness, and the fact that substantial portions are now in Federal ownership, the Committee believes that the status quo should be maintained until the Secretary's report and recommendations are received and acted upon. The nonhabitation easement on the eastern portion of Culebra will insure safety, preserve the status quo and will prevent development of the area by land speculators and subdividers.

In connection with section 611, we also required that the study be coordinated under subsection (b) in the bill, which states:

> (b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved.

Then we go on to say that it will be submited to the President, to the House and to the Senate.

The point I want to make is that the Department of the Interior is one of those important agencies that should and must be involved in connection with the requirements set forth in the section concerning the report that is to be prepared.

Mr. DOMINICK. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. DOMINICK. I have been listening to this debate with interest. I am privileged to sit on the subcommittee with the distinguished Senator from Washington and listened to the evidence brought before us both in public and private hearings on this particular subject.

It seemed apparent to me during this process that we are faced with a rather difficult situation, one being the understandable desire of the people of Culebra to live without being surrounded by military activities; and the other being the undoubted need of the Navy to have some form of targeting and practice areas so that the efficiency of the fleet can be maintained.

We worked hard on this and made a number of proposals and amendments in order to come up with the final form of the bill. Meanwhile, as Senators know, the so-called Real Estate Subcommittee of the Committee on Armed Services of the House of Representatives had been to Culebra to investigate the same situation, and issued a report, a copy of which I hold in my hand, dated August 4, 1970.

In order to put this in perspective, I think that a few of the comments made by that subcommittee are in order. But first I might point out that two of the Representatives serving on the subcommittee are from the State of New York, Representatives STRATTON and KING, and all are agreed on the majority of the points made in the report.

Some things that are of interest in this discussion, I think, contained in the report, are:

> 1. The committee found that the inconvenience of range firing noise to the citizens of Culebra was, in fact, infinitesimally small, and that ordinary conversation would prevent it from being heard in the town of Dewey.
>
> 2. The Navy proposal will improve the present safety of Culebrans without requiring any of them to move.

This proposal is the easement over the eastern end of the island and the transferal of 680 acres of governmental land to the Government of Puerto Rico and Culebra.

The report continues:

> 3. There are, in fact, no rare Puerto Rican parrots on the island as was alleged, and possibly there never have been, but if any rare wildlife can be found there in the future its chances of survival will be improved, not harmed by the Navy proposal to limit human habitation in certain areas.
>
> 4. Contrary to testimony received during the open hearing: there are no bombs dropped on the island of Culebra *and no napalm is dropped on Culebra or any other part of the Atlantic Fleet Weapons Range;* artillery shells fired at the northwest peninsula are scarcely audible in the town of Dewey; and it can positively be stated that none of the firings which took place during the subcommittee's visit caused the school building or any other building in the town of Dewey to tremble.

It mentions, I think, two other points which are probably not so important as those I have read. They are available in the report.

The point I make is that I think a good deal of information has been circulated which just is not so.

The military construction subcommittee and the full committee came to some kind of a compromise whereby the Armed Services committees would have continuing jurisdiction in this matter and would eliminate as of a certain date activities on the eastern end; whereby we would, with the consent of the Navy, already obtained, eliminate the firing of any missiles at all in that area; and would, with the use of the Navy study, determine whether there is any possibility of continuing the target range there or anywhere else in the Atlantic Weapons Range.

I personally thought that we came up with a pretty good proposal. I am a little bit disheartened that it has not been greeted with acclaim by the junior Senator from Tennessee and the junior Senator from New York.

I do think, in addition to what I have already said, that I should place in the RECORD at this point the actions which the Navy has undertaken and which are discussed in a letter of September 23 to the Senator from Washington (Mr. JACKSON) these include the suspension of any weekend training activities except in extraordinary circumstances. That means that over the weekends the people of Culebra can do anything they want to do without worrying about weaponry.

Flamengo Beach on the west coast will be available for weekend use for the people of Culebra.

There will be the suspension of live bombing and advance notice and publication of training schedules, warning flags, the assignment of a fulltime officer on Culebra to work with the local community, and the creation of employment opportunities for residents.

By the steps taken to date by the Navy and the provisions in the committee bill we have alleviated at least the immediate concern of people in that area and we have also laid the basis for a permanent solution to this problem.

As we get down the road, after the study is in, we can then find out whether there are other available resources, what it will cost, what the terms might be, and any other factors which deal with this matter, including the desires of the people of Culebra and the Governor of Puerto Rico, who have to be consulted in the process of this study.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GOODELL. Mr. President, will the Senator agree with the coloquy the junior Senator from New York had with the junior Senator from Washington a few moments ago, in which we agreed that the intention of section 611, as it now stands, is to direct the Navy to go out and find an alternative to the shelling of Culebra, if there is an alternative available, consistent with the national security.

Mr. DOMINICK. Yes, I would think that is accurate. Definitely, we have suggested that they do this. In fact, in that section we have demanded that they do it, keeping in mind that they might come back and say that there is not any alternative.

XUM

Mr. GOODELL. Mr. President, I understand that. They will then have to present evidence to the subcommittee to convince the subcommittee that there is no alternative. As the Senator from Washington has said, there would be a review by the committee.

We know very well that the Navy has come back in every instance in connection with every study and flatly said that there was no alternative. However, they presented no documentation or detail as to why. We have had other studies that have contradicted the Navy and said that there are alternatives.

Mr. DOMINICK. The Senator is correct. In the process we have to consider the cost and a variety of things of that nature.

There is an established air route between Puerto Rico and Saint Thomas in the Virgin Islands. If we try to redirect the method of firing, which we explored at some length, we find it will inject weapons into that air route, which will not be greeted with pleasure by the airline or by passengers flying on the airlines.

There are a number of problems that are not self-evident. If we make a simplistic approach we will almost certainly find ourselves in serious trouble.

Mr. JACKSON. Mr. President, I thank my friend, the Senator from Colorado, for his help in trying to resolve the problem pending before the Senate.

I think that the Senator from Colorado has brought out a point that has been overlooked in the debate up to this time. That is the work of the House subcommittee that visited the area. This further complicates the problem, especially when we go to conference.

I must say that I am not at all sanguine about what might happen in conference, even in connection with section 611, now in the bill.

The Senator from Colorado and I were in unanimous agreement in connection with the action we have taken here. We are both determined to see to it that this problem is resolved in a timely, but in a fair way. I want to emphasize that point.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, those of us who have studied this matter and gone into it thoroughly certainly feel great sympathy for the Puerto Ricans in this matter.

The Real Estate Subcommittee of the House held public hearings on this matter on June 10, 1970. They heard all who wished to testify at that time. Subsequently the subcommittee made an on-the-site inspection in order to gain first-hand information about the situation.

The distinguished Senator from Colorado has just mentioned some of the points brought out from their visit and on-site inspection.

The subcommittee, after having public hearings and making an on-site inspection, took certain positions. I wish to call to the attention of the Senate certain of these positions, without going into detail on all of them.

The Real Estate Subcommittee of the House came to the conclusion that the Culebra complex is irreplaceable and definitely required for our national defense.

Although the subcommittee of the House recognized that the feelings and desires of the Culebran people are important, and they did recognize that, they also found that they must give consideration to the Nation's defense needs, which in these circumstances involve the readiness of the Navy to respond promptly and effectively whenever called upon.

> The "nonhabitation" easements on this island requested by the Navy will give the protection to the people of Culebra which they have a right to expect with the continued presence of the Navy, according to the subcommittee.

The Navy convinced the subcommittee that it had made an extensive search and found no site which could be made available to the Navy to substitute for Culebra, in the essential defense program of the Atlantic Fleet Weapons Range. There have been charges in the press that the Navy cares more for its weapons than for human beings. The subcommittee repudiated that by saying that the subcommittee does not consider that to be the case. The reason for training is to develop a force to protect the way of life and the very lives of all Americans. Further, realistic training gives the fighting men in this country a better chance to survive in a combat environment.

The committee further stated that the safety zones the Navy desires, and its safety procedures, are for the very purpose of protecting the lives and property of the people of Culebra. Therefore, the subcommittee feels that the charges made by some of the news media are without foundation in fact.

Mr. President, the subcommittee made certain recommendations and took certain actions. Some of the recommendations they made were as follows:

> 1. Assign an officer to full-time duty on the island of Culebra;
>
> 2. Erect in the town of Dewey a rotating beacon or visible red flag to more adequately alert the residents of actual range usage;
>
> 3. Employ more patrol boats or helicopters to better patrol areas of the range into which boats may inadvertently enter while the range is in use;
>
> 4. Revise immediately schedule posting procedures; be certain of their accuracy; and eliminate the posting of "blanket schedules";
>
> 5. Investigate further the possibility of unexploded ordnance being in the waters around the island of Culebra; and if such are found, investigate the feasibility of their removal.

Mr. President, one item not previously discussed that the subcommittee felt the Navy should consider was the possible rerouting of the present flight patterns so that the aircraft could remain even farther away from the Island of Culebra than they do today; and if the Navy proposes the use of any new missile on Culebrita or any other island in the range, it should report to the House Committee prior to the scheduling of any such firing.

Then, they required the Navy to submit a report of the implementations of the recommendations as soon as possible.

Mr. President, in addition to this study, which seems a rather thorough study made by the Real Estate Subcommittee of the Committee on Armed Services of the House of Representatives, our Subcommittee on Military Construction went into this matter and made recommendations. Those recommendations are embodied in the committee report. I shall not take the time of the Senate now to go into detail. The point is that the Senate has gone into this matter through the Subcommittee on Military Construction and a full study will be made and a report made by the Defense Department.

In view of this it is felt that the position taken by the Subcommittee on Military Construction is the proper course and a reasonable one to protect the people down there and also to protect the national defense of this country because we have to keep both of those matters in mind.

In view of this I hope the amendment of the Senator from Tennessee, as well as the amendment of the Senator from New York will not be agreed to by the Senate.

Mr. JAVITS. Mr. President, I wish to support the position taken by my colleague (Mr. Goodell) and the Senator from Tennessee (Mr. Baker) on Culebra. Both of them have rendered a very distinct service to the people of this particular island and Puerto Rico in trying to find a rational way to settle the problem. It will be noted that the amendment originally submitted by my colleague from New York (Mr. GOODELL), which I cosponsored, was much more drastic in terms of completely eliminating testing, and so forth, on Culebra almost at once. Now, some reasonable compromise is needed to reconcile the positions.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, I would like to ask for the yeas and nays on my amendment to the Baker amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I shall be very brief because I wish to address myself strictly to the diplomatic and political phases of the matter.

Mr. President, this has become an enormous issue in Puerto Rico. As Puerto Rico represents a very key area of the United States in terms of our relations with all Latin America, typifying, as it were, our attitude toward the people of that whole area, we should do our utmost to meet their views consistent with the requirements of national security.

The great virtue of the Baker amendment is that it sets an outside date so that the people can have some sense of planning and the Navy can have some sense of planning; and it still has the national security provision which is contained in the committee amendment, as well; but it sets an outside date to terminate all weapons range activities on Culebra.

If the amendment of my colleague from New York is accepted it ties Congress into the process, which is important from the point of view of relations with Puerto Rico, because they rely on Congress.

I served on the Puerto Rico Status Commission, and I am well aware of the reliance they place on their relations with the United States, which are heavily premised in what their people wish, and what Congress requires. That was the whole burthen of the Status Commission's report, and it is the reason for the new excellent standard of relations between the United States and the Commonwealth of Puerto Rico.

In addition, I deeply feel that Governor Ferre of Puerto Rico, who has the deepest feelings about his relations with the United States and the national security of the United States, and the fact that they can look to us for security and defense, would not favor any solution which would not go the last mile to meet American views on the mainland on this subject.

Mr. President, for these reasons, and in the absence of any showing that there is a danger to the national security, I hope both amendments will be agreed to.

Mr. GOLDWATER. Mr. President, I shall be brief. I rise to oppose both of these amendments—not their intent, but I think we should take time to study this matter, as the Military Construction Subcommittee has suggested.

A firing range is probably the most valuable piece of real estate that a branch of the military has. While I realize this range has been used for over 30 years and that the island, which was once uninhabited, is now inhabited, I am convinced, having talked with Navy officials, that they will find a solution to this problem.

On the west coast we have San Clemente, off San Diego. Nobody lives on that island, so there is no problem. I can recall the problem that the Air Force found itself in just after World War II when aircraft rockets were put to use on fighter-type aircraft. We had the very fine range facilities at Yuma, Ariz. Then when we went to the 4-inch rockets, they were landing in Mexico. Naturally, when the Mexicans objected, we could no longer use that range. Fortunately, we had another range at Tyndall, Fla., where the rockets would land in the ocean. That saved our whole rocket program.

What I am concerned about is that if we vote for the amendment today the Navy is going to be forced to stop its practice of both air-to-ground and ship-to-shore target practice at a time in our Nation's history when, if anything, we should be increasing our range practice.

I would hope we would go along with the committee's recommendation. I think it is a very sound one. The Navy has convinced us that a solution can be found to this problem. I think it would be a very grave and serious mistake to chop the Navy off from any programs they now have without some place for the Navy to practice its gunnery, both air-to-ground and surface-of-the-sea-to-shore. I hope the vote will be a resounding "no."

Mr. BAKER. Mr. President, I have no further remarks on the subject other than to say I do feel the matter of the relationship between the United States and the Commonwealth of Puerto Rico is substantially at stake. That relationship has been unique and a very good one indeed. The Culebra question will not greatly alter that relationship, I trust, regardless of which way we go, but I think Congress ought to be responsive to the overwhelming sentiment of the people of Puerto Rico in this respect, and that is what I believe this amendment does.

I am ready to vote.

Mr. HATFIELD. Mr. President, the time has come to put a stop to the needless shelling and bombing of the small inhabited island of Culebra. This Puerto Rican municipality has suffered for many anguished years as the target of U.S. naval training exercises.

The Navy needs training, but not on a 7,000-acre island inhabited by U.S. citizens. Fortunately uninhabited alternative sites are available and would permit less restricted training that is superior to that now offered at Culebra.

I cannot help wondering whether the Navy shells and bombs would have fallen on Culebra and its neighboring keys if the people residing there spoke English instead of Spanish, wore white instead of dark skin, and, perhaps most important, were represented by a voting Member of the U.S. Senate.

Gov. Luis Ferre spoke to me about this increasingly serious controversy several weeks ago. All Puerto Rico is understandably incensed at this treatment of the Culebrans. I share their indignation.

I hope the Navy will decide to turn its guns away from Culebra. If, however, there is no clear decision by the Navy to end its firing on Culebra and neighboring keys, I shall cast my vote for the Goodell amendment to the military construction authorization bill to cut off funds for this unacceptable activity.

Mr. PELL. Mr. President, the use of the island of Culebra as a weapons range poses troublesome questions regarding the rights of the residents of Culebra to a measure of individual security and peace.

Because of the commonwealth status of Puerto Rico, we in the Congress bear a special responsibility to assure that the citizens of the Commonwealth are given equitable treatment. And, through their elected spokesmen, the citizens of Culebra and of Puerto Rico have made their opposition to the naval weapons range operations unmistakably clear.

We in the Congress have also the responsibility to provide for the defense of our country. In the interests of national defense, I believe our Navy men must be given the equipment, the support, and the training they require and that includes adequate weapons test and training range facilities.

In this instance, however, I question whether a confrontation between the desires of the people of Culebra and our national defense requirements is unavoidable. I question whether sufficient consideration has been given to the possibility of using other uninhabited, natural, or manmade sites for the essential weapons range activities.

This same conclusion has been reached in several independent studies of the issue, including a study conducted by the Armed Services Journal, widely known as the spokesman for the services.

Reluctantly, I must agree with the conclusion reached by the editors of the Armed Services Journal:

> Our hearts are with the United States Navy, but not about Culebra.

Mr. DODD. Mr. President, I strongly support the amendment offered by the distinguished junior Senator from Tennessee, because I do not feel the committee's recommendation is adequate.

The committee's recommendation, as I understand it correctly, is that all bombardment of the eastern shore of Culebra be terminated before January 1, 1972.

The Baker amendment adds to this a prohibition against the bombardment of Agua Cay after January 1, 1973, and a prohibition of all bombardment in the Culebra area after January 1, 1976.

If anything, I would like to see all the bombardment stopped much sooner. But since this amendment was suggested by the Governor of Puerto Rico, it is my hope that it will be acceptable to the Puerto Rican people.

XUM

This is the key to the entire situation, because we simply cannot treat the Puerto Rican people like colonial subjects, whose will we are free to disregard.

They are fellow Americans, and they demand that they be treated as fellow Americans. I urge my colleagues to vote for the amendment. But whether the amendment carries or the committee's recommendation prevails, I hope the Navy will move as rapidly as possible to reduce the intensity of their bombardment practice in the Culebra area and to find an alternative practice area in advance of the suggested deadlines.

Mr. GOODELL. Mr. President, I call up my amendment to the amendment of the Senator from Tennessee, and I am ready to vote.

The PRESIDING OFFICER. The amendment of the Senator from New York to the amendment of the Senator from Tennessee will be stated.

The legislative clerk read the amendment, as follows:

> On line 8 of pending amendment strike out the word "determines" and insert in lieu thereof: "and the Congress of the United States by joint resolution determine"

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York to the amendment of the Senator from Tennessee.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are absent on official business.

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Missouri (Mr. SYMINGTON). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Missouri would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 17, nays 58, as follows:

[No. 335 Leg.]

YEAS—17

Brooke
Fong
Fulbright
Goodell
Hart
Hatfield
Javits
Mansfield
McGovern
Metcalf
Mondale
Nelson
Packwood
Pell
Percy
Stevens
Williams, N.J.

NAYS—58

Allen
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Case
Church
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Hughes
Jackson
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McIntyre
Miller
Moss
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Spong
Stennis
Talmadge
Thurmond
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY ANNOUNCED—1

Byrd of West Virginia, against.

NOT VOTING—24

Aiken
Bellmon
Cannon
Cook
Gore
Gravel
Harris
Hartke
Inouye
Jordan, N.C.
Kennedy
McCarthy
McGee
Montoya
Mundt
Murphy
Muskie
Smith, Maine
Smith, Ill.
Sparkman
Symington
Tower
Yarborough
Young, Ohio

So Mr. GOODELL'S amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, the question recurring on the amendment which I offered earlier, I hope that the Senate will adopt this amendment. What it does is to provide an outside cutoff date of January 1, 1976, for the shelling of Culebra. It provides that if the President of the United States determines that the national security interest requires a continuation after that date, he may so certify.

This is the amendment requested by the distinguished Governor of the Commonwealth of Puerto Rico, and I hope we will respond to the wishes of the people of that Commonwealth by voting in the affirmative.

I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are absent on official business.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Ohio (Mr. YOUNG), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Maine (Mrs. SMITH) would vote "yea."

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The vote was recapitulated.

After some delay:

Mr. STENNIS. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 37, nays 39, as follows:

[No. 336 Leg.]

YEAS—37

Baker
Bayh
Boggs
Brooke
Burdick
Case
Cooper
Cranston
Dodd
Dole
Eagleton
Fong
Fulbright
Goodell
Hart
Hatfield
Hruska
Hughes
Javits
Jordan, Idaho
McGovern
Metcalf
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Russell
Scott
Stevens
Tydings
Williams, N.J.

XUM

NAYS—39

Allen
Allott
Anderson
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Church
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Jackson
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Miller
Moss
Randolph
Saxbe
Schweiker
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—24

Aiken
Bellmon
Cannon
Cook
Gore
Gravel
Harris
Hartke
Inouye
Jordan, N.C.
Kennedy
McCarthy
McGee
Montoya
Mundt
Murphy
Muskie
Smith, Maine
Smith, Ill.
Sparkman
Symington
Tower
Yarborough
Young, Ohio

So Mr. Baker's amendment was rejected.

Mr. THURMOND. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. STENNIS and Mr. DOMINICK moved to lay the motion on the table.

Mr. BAKER. Mr. President, I ask for the yeas and nays on the motion to table.

There was not a sufficient second and the yeas and nays were not ordered.

The PRESIDING OFFICER (Mr. Saxbe). The question recurs on the motion to table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GOODELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GOODELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record at this point.

The text of the amendment is as follows:

Amendment No. 915

On page 102, after line 20, strike through line 18 on page 104 and insert a new section, as follows:

"Sec. 611. None of the funds authorized to be appropriated by this Act or by any other law shall be used for research, development, test, evaluation, personnel training exercises, or the procurement of weapons or other supplies by any military department if such activities include the naval shelling or air bombardment of the island of Culebra (located off the east coast of the Commonwealth of Puerto Rico), or any of the keys adjacent to such island, or of any waters within three nautical miles of such island."

On page 49, line 23, delete "611" and insert in lieu thereof "612".

Mr. GOODELL. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state it.

Mr. GOLDWATER. Is it proper to inquire what this amendment says and what it does?

Mr. GOODELL. I will explain it. I think it would be easier that way.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read the amendment as follows:

On page 102, after line 20, strike through line 18 on page 104 and insert a new section, as follows:

"Sec. 611. None of the funds authorized to be appropriated by this Act or by any other law shall be used for research, development, test, evaluation, personnel training exercises, or the procurement of weapons or other supplies by any military department if such activities include the naval shelling or air bombardment of the island of Culebra (located off the east coast of the Commonwealth of Puerto Rico), or any of the keys adjacent to such island, or of any waters within three nautical miles of such island."

On page 49, line 23, delete "611" and insert in lieu thereof "612".

Mr. GOODELL. Mr. President, I shall not hold up the Senate for any great length of time on this amendment. The issue of the shelling of Culebra has been debated thoroughly. This is the first amendment that I have put into the military authorization bill. The Senator from Washington (Mr. Jackson) on the subcommittee inquired further into what the Navy might be able to do to suspend the shelling. This amendment would provide, as a matter of law, for the barring of any shelling of Culebra, now—immediately.

There is nothing complicated about the amendment. Other amendments have fixed dates in the future, and provisos, and leaving out exemptions, and so forth. The President said it was in the national security to continue the shelling of Culebra.

The issue here is simple. There are almost 800 American citizens on Culebra. The island has been shelled for many years. Recently, there have been some close calls where shells have fallen where children were bathing. They have also fallen near populated areas. Some individuals have been injured. Last spring, the Governor of Puerto Rico was in a boat near Culebra and a shell fell right beside the boat.

Mr. President, these are American citizens. The Navy is shelling all around them. I think it is time we stop calling on the Navy to make further studies and report back, because every time they do, they tell us it has no alternative.

To the credit of the Senator from Washington, he has now put into the bill section 611 requiring a further study. He has put the heat to the "baby" and now we want a study and we want the Navy to come back and tell us what alternatives they have to stop the shelling of Culebra.

Meanwhile, the people of Culebra are going to be subjected to a continuous shelling all around them. Some of them may be killed, maimed, or injured. All activities on the island of Culebra will be suspended.

Mr. President, I ask that the Senate now go on record as indicating that it wants this shelling to end and that it regards very highly the rights of the 800 American citizens on Culebra, rights that are now being violated by the Navy.

Mr. President, if this kind of thing were going on in Washington, in Georgia, or on Long Island, and citizens there were endangered because of shelling taking place all around them, I think that everyone representing those people would be standing up and defending their rights and trying to stop this action.

Mr. President, I ask support for my amendment.

Mr. JACKSON. Mr. President, I shall be very brief. Under section 611 of the bill, the Secretary of Defense is directed to undertake a study and report on the weapons training activities now conducted in the Culebra complex of the Atlantic Fleet weapons range.

We further direct that this study shall consider all feasible alternatives. There is no sense in talking about stopping this important training if we are not going to find some other place where proper practice and training activities can be conducted. We call upon the Secretary of Defense to study all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex. We require that the Secretary of Defense report back by April 1.

Mr. President, I share the concern expressed here earlier by the junior Senator from New York and the junior Senator from Tennessee.

The point I want to make is that we do not have before the committee and did not have before the committee adequate evidence that would warrant the immediate cessation of naval gunfire practice in that area. It has been going on for over 30 years.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GOLDWATER. Mr. President, can the Senator tell me, if he knows, how many people were living on that island when the Navy commenced to use it 30 years ago?

Mr. JACKSON. About 600. I believe there are 730 now.

Mr. GOLDWATER. No one has moved away because of the shelling?

Mr. JACKSON. That is my understanding. But I do feel there is a serious problem. I share that concern.

I want to emphasize that the committee has taken responsible action here. We have decreed by statute that the eastern area of the island and the cays within 3 nautical miles are to be relieved of any further activity on the part of the Navy no later than January 1, 1972.

The evidence before the committee made it very clear that this was warranted. I do not think that was in dispute. What we need here now are alternatives.

There are other areas along the east coast that may be affected by any such alternative decision. Senators from States on the east coast may have some interest in wanting to know where it will be.

We ought to have all of the alternatives before us. The committee will then be in a position to make a legislative adjudication of this problem. I ask the Senate to go along on the need for appropriate study.

With the alternatives considered that can be presented by the Secretary of Defense, I would express the hope, as I have earlier, that the Navy might not use Culebra. I hope this will be possible. But I cannot in conscience stand up here and accept the amendment without facts to support it.

Certainly after all these years, they should have until April 1 of next year to come forth with their findings. Then the committee can consider the whole matter de novo. We can go over it from the beginning and make our determination based on whatever evidence is submitted.

We are not bound by the findings and recommendations of the Navy or the Defense Department. We will give the matter serious consideration.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GOODELL. Mr. President, I know that the Senator from Washington will give the matter serious consideration. I might say with reference to the question raised by the Senator from Arkansas concerning no one leaving that area—and this was one of the reasons I wanted the Senator to yield at this time—that many Culebrans have left.

This is a very unhappy situation there. These people are native to the island. This is their home. Are we to say to them, "We will go on shelling because it doesn't disturb you very much."

There are still 600 or 700 living there. A great many of them have left because of these conditions and moved to various parts of the United States or Puerto Rico.

I commend the Senator from Washington for his very earnest and sincere efforts. I appreciate what he has been doing, and I know that the people of Puerto Rico and Culebra do also. However, this thing has been studied and studied.

The Navy has been required to come through with studies. Independent research groups have studied it. As a result of these studies by some of the independent sources, we find that there are alternatives to shelling Culebra.

The Navy decides in each case that they must go on shelling the island of Culebra in the national security interest. But they give no specific details on or off the record, in secret or open briefings.

The Senator from Washington has agreed that this is the case. He has not had a persuasive case presented by the Navy. The Senator from Washington wants to afford more time for study. I appreciate the reasons why the Senator from Washington wants to do that. However, I think we have studied this thing to the point where it is time for action.

Mr. JACKSON. Mr. President, as the Senator from New York knows, this matter was not even before the committee. The Senator from Washington felt sufficiently concerned to take affirmative and unilateral action. There was no matter pending before the committee.

Mr. GOODELL. I understand that.

Mr. JACKSON. The Senator from Washington, as was expressed earlier, is also chairman of the Committee on Interior and Insular Affairs and has a special interest as far as the Commonwealth of Puerto Rico is concerned. He felt, despite the study made by the House, that this matter should be gone into very carefully.

This is what we have attempted to do. We have taken legislative action on the part on which we are able to reach a conclusion. We have not been able to reach a conclusion on this overall problem. We simply did not have adequate testimony.

Again, I want to say that we will review the recommendations and findings of the Navy independently. I do not intend to take as gospel their recommendations. Again, I will say that the Department of Defense will make findings and recommendations. I do not, however, intend to take as the final word the findings of the Department of Defense.

We will review them—I emphasize that—independently so that the Senate will have a chance to know what the alternatives are. If we have to move out of Culebra—and we may—we will have to move out. But the Senate should make that determination based on adequate testimony and adequate evidence. That is all I ask for.

Mr. President, I hope we can vote on the amendment.

Mr. THURMOND. Mr. President, I rise in opposition to the Goodell amendment which would prohibit further gunnery and bombing activities on the island of Culebra and adjoining cays. If adopted, the Navy would be forced to conduct a significant amount of its Atlantic Fleet operational training by fragmenting it to areas which do not have the ingredients necessary to conduct a comprehensive training program. There are few alternatives to the Culebra range and no one of them can be considered adequate.

The loss of the Culebra target area for naval gunfire support would dictate increased use of Bloodsworth Island range in the Chesapeake Bay area. Besides the Bloodsworth Island range for naval gunfire there is only the Viegues Island area some 10 miles from Culebra which is presently serving as a Marine training site.

Well over 80 percent of the Navy's ship-to-shore firing is now being conducted in the Culebra area. The U.S. Navy has used this area for the past 34 years without any serious incidents.

Despite claims to the contrary the Navy record for safety is exceptional. This can be best proven by the fact that in all of the 34 years there has been only one claim filed against the Navy in connection with an injury or property loss on Culebra. The single claim was filed in 1968 when it was contended a calf was killed as the result of shelling in that area.

Mr. President, it is easy to stand here on the Senate floor and speculate about how simple it would be to locate another firing area. However, the Navy has made considerable efforts already in this area without success.

The Culebra site cannot be duplicated because it is exceptional from the standpoint of what the Navy needs. There is a very small population there—some 700 people. They are some 5 miles from the area being routinely shelled and 2½ miles from the nearest range where limited firing is performed.

Further, this is an area where the weather is excellent year around. The terrain on Culebra includes hills and ledges, another factor hard to find but necessary as an impact area for Navy ship-to-shore shelling.

Still further Culebra is relatively free of commercial shipping thus permitting Navy ships to conduct a wide variety of maneuvers and even land assault forces.

Finally, Culebra is only a few miles from the Navy's Roosevelt Roads Station which provides still another ingredient—a sizable support station for ships and personnel engaged in the range training areas.

The loss of the Culebra target area for naval gunfire support would dictate increased use of Bloodsworth Island in the Chesapeake Bay area. This, coupled with the limited ability of Vieques to absorb additional naval gunfire use, would permit only 60 percent of the Atlantic Fleet ships to complete naval gunfire support training.

Because of the limited capabilities and potential inherent at Bloodsworth Island and Vieques, the actual degradation of naval gunfire support training would be qualitatively reduced in excess of 40 percent.

The restricted sea area at Bloodsworth Island precludes realistic high speed maneuvering and firing at both long and short ranges. Shoal water prevents closure within 5,000 yards of the impact area which combined with an average terrain height of 2 feet does not allow ships to attain proficiency in locating and destroying targets by direct fire—a requirement for ship survival during operations off a hostile shoreline.

Finally, the terrain does not permit the placing of varied targets and observation posts which are essential for the detailed scoring and evaluation of naval gunfire support training. This kind of detailed evaluation is vitally important, because all tactics, doctrine and combat procedures are based upon the predictable performance of each weapons system.

With respect to the air-to-ground training, the Navy and Marine Corps have a total of eight targets in the Atlantic Fleet Weapons Range, seven of them at cays around Culebra. These are used for the advanced training of squadrons, maintenance of combat proficiency of embarked carrier air wings and task force training operations.

If the seven Culebra targets were lost, the advance training would, of necessity, be required to be conducted elsewhere. Targets in the continental United States, which are used primarily for basic aircrew training, would have the capability to absorb 55 percent of the target time now used at Culebra. Thus, we would still lack the target availability to meet 45 percent of our advanced squadron, combat proficiency and task force training requirements.

The outer ranges of the Atlantic Fleet Weapons Range provide the Atlantic Fleet with the only combined airspace, sea space, and electronic environment in which air-to-air and surface-to-air missile training and evaluation can be accomplished. This coupled with the air-to-ground and naval gunfire support targets on Culebra and the outlying cays provide the Atlantic Fleet the only multithreat environment within which the carriers, destroyers, submarines, amphibious ships and the service force can conduct the inter-type and task force training. This type training is essential to molding individual units into an effective force capable of employing the full range of seapower.

A gradual phasing out of gunnery and bombing activities on Culebra and its cays would require new technology for weapon systems training and evaluation of ships and aircraft and their crews. The Navy has and is continuing to work toward developing this capability, but as yet no specific alternatives to realistic land impact areas have been developed. The Navy is not optimistic that a solution can be found in the immmediate future.

The Navy has undertaken to find alternatives to Culebra. To date they have been unsuccessful. The few sites found do not come close to providing what is needed. The building of an artificial island has even been considered.

The Senate Armed Services Committee, recognizing the problems in the Culebra issue, has written into its report a requirement that the Department of Defense study this matter and report back to the committee. In the meantime, present testing is to be reduced to a minimum by January 1, 1971. It is hoped this Department of Defense study can develop some alternatives acceptable to maintaining the military preparedness of the Atlantic Fleet. Nothing short of that should be accepted.

In view of this study and the other facts I have stated it is my hope the Senate will reject the Goodell amendment. No evidence exists that the people of Culebra have been harmed by this range which has existed for these many years. Some of the incidents cited here on the floor by proponents of this amendment have been blown up despite competent testimony to the contrary.

Further, the Navy has taken steps recently to further strengthen safety measures in this island area. Some of these steps resulted from a House subcommittee report issued last June. These steps should strengthen the good relations between the Navy and the people of Culebra which have existed until recently.

The safety of the people of Culebra and the surrounding waters and islands is of paramount importance. No shelling of range areas should ever be placed above the safety of the Culebrans or anyone else. None of us would like to have the Navy or anyone else shelling in our backyards.

However, the Navy has an undisputed ownership in the Culebra area and has conducted their range firings over the years without injury to any person. Offers have been made to move the Culebrans to nearby and more prosperous islands. Land exchanges have been offered to further tighten security measures. The Navy should spare no steps in trying to work with the inhabitants of these islands.

It is my opinion land developers are mostly responsible for the present uproar about Culebra. They are generating a lot of smoke in order to turn a fast buck. We should not yield to land developers who will take this island from the poor and build fancy houses for the rich.

It would also be unwise to act hastily on a matter of such importance to our national security. Let us wait until the range control improvements suggested by the House subcommittee and the Navy are put into effect. Let us wait until the Department of Defense conducts the study requested by the Senate Armed Services Committee. These steps deserve time. The Senate should not overrule these efforts in the face of the recommendation of the responsible Senate committees.

In view of these points I urge defeat of the Goodell amendment.

Mr. FULBRIGHT. Mr. President, I will not delay the Senate. I want the record to show that the former Governor, Luis Munoz-Marin of Puerto Rico, who, in effect, was the founder of the Commonwealth and Governor for 16 years, sent me a wire expressing the interest of this Commonwealth in being released from the necessity of being bombed.

Then, the present Governor, who, if I recall correctly, is a Republican, and a leading industrialist of Puerto Rico, Governor Ferre, a man of the highest integrity, came to see me, and he pleaded with me, and I assume with other Senators, that this target practice is a great imposition upon a small community; that it is one of the most densely populated areas in the Western Hemisphere, about as densely populated as any place in the world. It has very limited land, with no way to expand it. The United States, on the other hand, has over 3 million square miles, with many islands off both coasts. Certain islands off the coast of South Carolina could be converted to this use if necessary. In any case, Puerto Rico is a small, struggling community, with a great many people and very limited land. Both of those Governors are outstanding men. I certainly think it is insensitive and callous for the great United States to take this attitude especially with troops and navies all over the world, with equipment of all kinds on foreign bases—at last count. I think we have about 450 scattered all over the world. It is simply incredible to believe there is not any place else where the Navy could conduct firing practice with obsolete guns. Certainly these guns, in view of the nuclear weapons and missiles that we have, are simply used as an exercise to keep the Navy boys happy and give them something to do. That firing range certainly could not be of great importance. It may have marginal importance for the happiness of sailors. To say that a great country like ours, with 200 million people, cannot do anything about this situation, which involves a small community with many people on it, is a very bad attitude to take. I hope the Senate will show some magnanimity and consideration for this small community.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Tennessee (Mr. GORE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH) and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. GRAVEL), the Senator from Ohio (Mr. YOUNG) and the Senator from Missouri (Mr. SYMINGTON), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Illinois (Mr. SMITH), would each vote "nay."

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 19, nays 55, as follows:

[No. 337 Leg.]

YEAS—19

Bayh
Brooke
Cooper
Dodd
Fong
Fulbright
Goodell
Harris
Hatfield
Hruska
Javits
McGovern
Metcalf
Mondale
Nelson
Packwood
Pell
Stevens
Williams, N.J.

NAYS—55

Allen
Allott
Anderson
Baker
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Hart
Holland
Hollings
Hughes
Jackson
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Miller
Moss
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—26

Aiken
Bellmon
Cannon
Cook
Cranston
Gore
Gravel
Hartke
Inouye
Jordan, N.C.
Kennedy
McCarthy
McGee
Montoya
Mundt
Murphy
Muskie
Russell
Smith, Maine
Smith, Ill.
Sparkman
Symington
Tower
Tydings
Yarborough
Young, Ohio

So Mr. GOODELL's amendment was rejected.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I should like to have the attention of the Senator from Washington.

I do not know whether an amendment is going to be necessary, but I should like at least to ask some questions for the RECORD.

If the Senator will direct his attention to section 103, at page 56, he will note that the bill provides the following:

> The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities—

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I think Senators will find that what I am about to ask is important. It could involve ultimately vast sums of money and matters of vast significance by the United States. This is not a light matter, it concerns the strategic arms race which has occasioned months of debate in this Chamber, and may again, I hope Senators will give me their close attention.

The section reads:

> The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations.

Then follow other specifications, including new weapons development. The one I am focusing on is "unforeseen security considerations."

Mr. President, these words are broad enough to justify the acquisition of new ABM sites. If, for example, the United States should enter into some form of SALT agreement with the Soviet Union and should adopt what has been widely speculated upon as the "National Command Authority" formula—that is, an ABM installation of great magnitude around Washington and one around Moscow—I see nothing in this language which would prevent the Secretary of Defense from going right ahead to do it without any further congressional authorization. He would have the difficulty probably of requiring appropriations as this section does not carry any real money. It carries $10 million. But, nonetheless, he would have authority; and perhaps could use money for missiles and other hardware already authorized or appropriated for use at other sites.

I have questioned the Senator from Washington about this, and I charge no secret motive of any kind by the committee. He tells me—and I take his word for it—that this has been the kind of provision which has been carried on for a long time to take care of contingencies which might occur under ordinary circumstances.

Within the framework of this enormous struggle over the ABM, within the framework of negotiations which are now going on with the Soviet Union—in other words, within the present circumstances—it would seem at first reading that this does represent an enormous grant of discretionary authority which could be used to fit the kind of situation that I have described. Moreover, taken literally the language of this section would allow the Secretary of the Army to move ahead with ABM sites aimed at "area defense," despite Senator JACKSON's own fine work to prevent this.

I think it is very essential, before any of us decide whether an amendment is deserved, that this matter be resolved. An amendment would be very simple. It would just confine the meaning of this to whatever has been authorized by law. But this is a new law, so I think it is essential that we have the views of the bill.

Mr. JACKSON. Mr. President, I am happy to respond to the questions posed by the able Senator from New York.

First, let me say that this section provides emergency authority for each of the three services. Identical language appears in the Navy and the Air Force titles of the bill.

The purpose of this language, which has been on the statute books for over a decade, is to deal with emergency situations. For example, in connection with our research work, the scientists could well come up with a new concept that would require the construction of a building forthwith. This particular section would make it possible for the Department of the Army to undertake that on-going research activity by building a facility to fulfill the findings made at that particular point in time. It is entirely of an emergency nature.

Another example: In connection with the military operation in 1962, as it pertained to the missile crisis in Cuba, it was necessary for the armed services to undertake various emergency activities, including construction of facilities. They operated under section 103 to do that on an emergency basis.

In any event, they would have to come to both the Armed Services and the Appropriations Committees, for reprograming of funds already available to them to accomplish construction under this section.

I assure the Senator from New York that under no circumstances could this section be used to develop a new weapons system, or to deploy a new weapons system. It is related directly and primarily to emergency situations. Certainly, the example that the Senator from New York gave—that is, the newspaper discussions about a possible tradeoff with the Soviet Union regarding their having ABM facilities in the area of Moscow and a similar arrangement for the District of Columbia in our case—would require specific authorization by Congress. There can be no question about that.

To corroborate the point legislatively, I may say to the Senator that, as he knows, the House did include in the bill on which we have just completed a conference a provision for the so-called area defense concept, which included a number of sites, including the District of Columbia. That was eliminated in conference.

I do not think there can be any doubt, under any circumstances, that they would be prohibited from utilizing the authority of this section to develop and deploy any kind of weapons system, whether it is ABM or any other. They could develop and do research work on systems but could not deploy a system under this authority.

Mr. JAVITS. If the Senator would allow me to make two observations——

Mr. JACKSON. I want to emphasize that it has been on the statute books for over 10 years.

Mr. JAVITS. I understand that, and I said that myself; but I was looking forward to the situation in which we stand now.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BROOKE. Has the $10 million authorization always been in the bill in the last decade?

Mr. JACKSON. I am advised that it has varied anywhere from $5 to $10 million—$5 million, $8 million, $10 million. But it has been $10 million for several years.

Mr. BROOKE. Is it clear that under this authorization the Secretary of Defense could not expand to area defense?

Mr. JACKSON. No question whatever. I can assure the distinguished Senator from Massachusetts that there is no authority under section 103 or any other section of this bill to undertake any such activity.

Mr. STENNIS. Mr. President, will the Senator yield.

Mr. JAVITS. I am not quite through.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. JAVITS. I yield.

Mr. STENNIS. Supplementing what the Senator from Washington has said, in years past I was chairman of the subcommittee that handled this bill for many years. A similar provision has been here all these years, and it is a necessary one. Some years very little has been used under it, as I recall. There is no question about this. It is a needed, necessary, regular routine authorization. Further, as the Senator has said, we had this real issue up in the conference on the procurement bill, which has been agreed to, and the conference report has already been approved this afternoon by the House. That bill came back here exactly as it left the Senate so far as the ABM, area defense, or anything else like that is concerned. There is no question about it, it will be before this body this week.

Mr. JAVITS. I should like to ask the Senator another question. The $10 million figure on page 56, line 20, is that $10 million an authorization limitation on the whole section or, if not, what is it a limitation on?

Mr. JACKSON. We confine the limit to section 103.

Mr. JAVITS. What I meant is, is the $10 million ceiling for anything other than under this section?

Mr. JACKSON. That is right.

Mr. JAVITS. That is correct. I see. So that it cannot exceed $10 million in authorizations in terms of cost?

Mr. JACKSON. To follow up on the Senator's point, on the top of page 57, where it reads:

> This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

They have to notify us of any activity under the section.

Mr. JAVITS. I should like very much, because we are certainly not anxious to create any big problems if there are none, to deal with the problem in a congenial way to all concerned. We have had some bitter experience with interpretations made on the floor. We could write a few books about assurances of managers of bills. For example, on the Gulf of Tonkin resolution and what was ultimately done with the Gulf of Tonkin resolution, in view of its plain words of the legislation. It occurred to my executive assistant Mr. Lakeland, who is helping me follow this bill, and I think it is a sound inquiry, in light of the situation, so that I am pursuing it. I think it will be a service to the Senate and the country. I submit this also to my colleagues, like the Senator from Kentucky (Mr. COOPER) and others, who have been leaders in this fight for months.

Would the Senator from Washington feel it was appropriate and fair to use the word he used—to wit, "emergency" and to say, "made necessary by emergency changes in Army missions, and so forth," thereby implementing this discussion and at least adding something to the bill to represent our acceptance of the word used by the Senator from Washington as the reason why we should not feel such a broad grant of authority was necessary.

Mr. JACKSON. May I respond to that——

Mr. JAVITS. Yes.

Mr. JACKSON. By saying that we did make it clear that under the provisions of section 103, which we have been discussing——

Mr. JAVITS. Fine.

Mr. JACKSON. There is authority to take advantage of any findings in the area of research, so as to authorize under this provision construction of a building necessary to support that research activity. I would point out that this is not an emergency but a matter of urgent consideration. If they should have to wait to go through the whole authorization process, invaluable time would be lost. Therefore, if it were confined to any emergency situation in every situation, I think it would work to the disadvantage of some of our important research activities.

I want to emphasize again that there is absolutely no authority under section 103 for the Army to undertake any kind of construction program that would involve deployment, of any new system.

Mr. JAVITS. If the Senator would allow me to make one suggestion here—I am submitting this to the Senator because I want to proceed in a way congenial to all concerned—perhaps we could solve the problem by inserting the word "emergency," in connection with "unforeseen security considerations," and instead of saying "unforeseen," say "emergency security considerations."

In other words, what I am trying to do is to take the statement of the Senator himself and, by making some minor change, show that we have accepted his statement as giving the necessary assurance; making it clear that it does not apply to strategic weapons systems.

Mr. JACKSON. The Senator would say that this authority cannot be used, for example, to deploy——

Mr. JAVITS. A weapons system.

Mr. JACKSON. A weapons system.

Mr. JAVITS. I would find that acceptable.

Mr. JACKSON. That is something else, but I would like to say that I would prefer to go over this very carefully, so that we do not tie our hands here in connection with an emergency development. I cite the Cuban missile crisis.

Mr. JAVITS. The Senator did, yes.

Mr. JACKSON. When President Kennedy had to use his authority——

Mr. JAVITS. Right.

Mr. JACKSON (continuing). And actually build facilities in the movement of troops in October of 1962, does the Senator not see, because of that development. I would rather think this through a little, and then come up with some limiting language at another time. I would rather not do so on the floor.

Mr. JAVITS. I do not know when else we can do it in view of the fact that the bill is now pending before us.

Mr. JACKSON. If I am here when this bill comes up next year——

Mr. JAVITS. Oh, well, I am sorry, but I do not think we want to do that. But I do not want to present the Senator with an amendment at this minute. Other Senators have amendments to offer. I have the explanation now, and I will do my best to work something out which will be agreeable.

Mr. DOMINICK. Mr. President, I think the colloquy the Senator just had with the Senator from Washington is crystal clear as to the intent, but let me give some examples where the word "emergency" would not be used.

Let us suppose, for example, that there is a further reduction and consolidation in the Armed Forces this year, and all of a sudden, in order to put this together, the Secretary of Defense decides he has to consolidate some bases and provide more construction on a base, in order to take care of the concentration of population which has not been provided for in the basic bill. That is one example.

Suppose we have a NATO agreement, in view of a Soviet threat, to decide as to how we had better boost our forces. We might have to take some emergency action with respect to that. Of course, that would not be emergency action but real action with respect to the deployment of troops, and for construction overseas, whatever it may be. This is designed to give that flexibility, still limited in amounts and still with the requirement that the Army has to inform the committees before they take irrevocable action on these particular items. So, under those circumstances, although I can see that the Senator is legitimately concerned with the breadth of the language, it would seem to me that this colloquy has ironed out those problems.

Mr. JAVITS. I have already made clear my position. I shall desist for the moment and allow other Senators to go forward. I shall see, in the meantime, if I cannot come up with something that will be mutually agreeable to those who feel as I do, and the manager of the bill.

Mr. FONG. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. EAGLETON). The amendment will be stated.

The legislative clerk read as follows:

> On page 104, line 6, after the comma after '1972' insert the following "and on the island of Kahoolawe, State of Hawaii,".

Mr. FONG. Mr. President, I am offering an amendment, on page 104, line 6 of the bill, after the comma after "1972", to insert the following: "and on the island of Kahoolawe, State of Hawaii." It goes to that paragraph in the bill that states:

> The Department of Navy is directed to terminate all weapons range activities conducted on or near the eastern coast of Culebra and the bays within three nautical miles of the eastern coast no later than January 1, 1972, unless the President of the United States determines that the national security of the United States requires the continuation of such activities beyond this date.

To this directive to terminate target activities, I have added the island of Kahoolawe. The island of Kahoolawe is 45 miles long and 6 miles southwest of the island of Maui.

By Executive Order 10346, it was set aside as a bombing range by the President. This Executive order contemplates that Kahoolawe should be returned to civilian use and that certain conservation measures should be taken on the island; namely, to protect it from erosion, to see that the cloven hoof animals do not exceed 200, and to maintain the island so that at the time it is restored to Hawaii, it be a habitable island.

In the amendment, I provide that the island of Kahoolawe be treated the same as the island of Culebra so that if, in the discretion of the President after January 1, 1972, he feels the national security of the United States requires the continuation of that island as a bombing target, it can be used in that manner.

The reason I bring this to the attention of the Senate is that I have received numerous requests from the people on the island of Maui relative to the cessation of the bombing of Kahoolawe. The people of Maui are very fearful that the bombs dropped on that island by U.S. warships, Navy, and Air Force planes may some day hit them. In fact, a 500-pound live bomb fell on the island of Maui on September 29, 1969. The bombs that have landed on Kahoolawe have constantly shaken the people on Maui. The shocks have been felt 30 miles away. Persons have been shaken and concrete slabs have been cracked.

Apropos of this, in 1965 two Navy planes were trying to bomb Kaula, just 19 miles from the island of Niihau in Hawaii, and they dropped eight 250-pound bombs on the island of Niihau. So, if the Navy navigators and Navy aviators can make a mistake 19 miles away from an inhabited island, they could certainly make a mistake and bomb the island of Maui, only 6 miles from Kahoolawe.

I have received a resolution from the county of Maui asking that the island be spared from bombing.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, Sec. 1–2 of the Charter of the County of Maui states that the County of Maui includes the island of Kahoolawe; and

Whereas, the recent bombing practice held by the United States Navy on the island of Kahoolawe created concussions which affected residents in various areas of the island of Maui; and

Whereas, there is serious danger that stray bombs from these bombing practices could destroy life and property on the island of Maui; and

Whereas, there are other unpopulated islands in the Pacific Ocean which could be used for such bombing practices; now, therefore, Be it

Resolved, by the Council of the County of Maui that it does hereby respectfully request the United States Navy to seriously consider selecting an isolated island in the Pacific Ocean for bombing practices and to return Kahoolawe to productive use such as cattle raising and to provide fishing grounds for local fishermen; and Be it further

Resolved, that a certified copy of this resolution be transmitted to the United States Navy, Pearl Harbor, Hawaii.

Mr. FONG. Mr. President, I also ask unanimous consent that Executive Order 10346 be printed in the Record.

There being no objection, the Executive order was ordered to be printed in the Record, as follows:

Executive Order 10436

RESERVING KAHOOLAWE ISLAND, TERRITORY OF HAWAII, FOR THE USE OF THE UNITED STATES FOR NAVAL PURPOSES AND PLACING IT UNDER THE JURISDICTION OF THE SECRETARY OF THE NAVY

Whereas it appears necessary and in the public interest that the Island of Kahoolawe, Territory of Hawaii, which comprises an area of approximately forty-five square miles, and which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, be taken and reserved for the use of the United States for naval purposes, except that portion comprising an area of 23.3 acres, more or less, heretofore taken for lighthouse purposes by Proclamation No. 1827 of the President of the United States dated February 3, 1928 (45 Stat. 2937); and

Whereas it is deemed desirable and in the public interest that provision be made for the conducting of a program of soil conservation on the island while the reservation made hereby is in force, and that the area within such reservation be restored to a condition reasonably safe for human habitation when it is no longer needed for naval purposes:

Now, Therefore, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

1. The Island of Kahoolawe, Territory of Hawaii, except that portion taken by the United States for lighthouse purposes by proclamation No. 1827 of February 3, 1928, is hereby taken and reserved for the use of the United States for naval purposes, and is placed under the jurisdiction of the Secretary of the Navy.

2. The Secretary of the Navy shall, within a reasonable period following the date of this order, eradicate from the island all eleven-hooved animals, or shall within such period and at all times thereafter while the area hereby reserved or any portion thereof is under his jurisdiction take such steps as may be necessary to assure that the number of such animals on the island at any given time shall not exceed two hundred.

3. The Territory of Hawaii shall have the right, at its expense and risk, at reasonable intervals to enter and inspect the island to ascertain the extent of forest cover, erosion, and animal life thereon, and to sow or plant suitable grasses and plants under a program of soil conservation: *Provided*, that such entrance and inspection shall not interfere unreasonably with activities of the Department of the Navy or of the United States Coast Guard.

4. When there is no longer a need for the use of the area hereby reserved, or any portion thereof, for naval purposes of the United States, the Department of the Navy shall so notify the Territory of Hawaii, and shall, upon reasonable request of the Territory, render such area, or such portion thereof, reasonably safe for human habitation, without cost to the Territory.

Mr. FONG. Mr. President, I ask that the island of Kahoolawe be given the same consideration as the island of Culebra. I do not think that I am asking too much. I am only asking that the committee take a look at what is happening out there in the Pacific and see whether there are alternate sites that could be used by the Navy to practice target bombing.

The island of Culebra has been given this exemption if the President should decide in the national interest that it is not necessary that we use the island of Culebra.

I am only asking that we be given the same consideration. Let us take a look at this matter.

I would hope that the distinguished Senator from Washington would accept the amendment and see what might be done.

Mr. JACKSON. Mr. President, I would like to accept the amendment. But I think I can say on behalf of the subcommittee that we do not have any evidence in regard to this matter. This is the first I have heard of it. I understand the concern of the Senator. I would be very happy, as part of this investigation, to ask the Navy to get right on this matter.

The difference between this situation and the one in subsection (c), page 104, is that in the case of the eastern end of Culebra, the language and the date that was set was worked out with the Navy. The Navy plans to get out of that area by that time. We simply set the time as it was given to us. That was one of their preliminary findings.

We do not have any information regarding the special problem adjacent to the island of Maui.

I can assure my good friend the Senator from Hawaii that we will ask the Navy to look into this matter forthwith. However, I hesitate to accept the amendment to set a cutoff date here when we have no word from the Navy as to their position on this matter.

I assure the Senator that we will go into this matter deliberately. I feel sure that I can speak for the members of the subcommittee in that regard.

Mr. FONG. Mr. President, since the distinguished Senator from Washington has assured me that he will look into this matter and will give it his utmost consideration, I am willing to withdraw my amendment. I hope that the committee really looks into the matter and asks the Navy to see whether it can find alternative sites and see what can be done in the matter.

Mr. JACKSON. Mr. President, this will be done. The Senator will be firmly advised of the action taken by the subcommittee with the appropriate responses from the Navy. We will look into it at the same time that we take a look at the report on Culebra, which comes from the Navy which must be submitted to Congress by April 1

Mr. FONG. Mr. President, I thank the distinguished Senator from Washington.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send to the desk an amendment on behalf of myself and Senators Cooper, Brooke, and Hatfield.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 57, after line 5 insert:

Provided, That this section may not be used as authority to initiate the deployment of any strategic weapons system at any site not otherwise specifically authorized by law.

Mr. JAVITS. Mr. President, I shall just be a moment. I have tried to present what the Senator himself says with respect to the ambit he wishes this amendment to touch.

Mr. JACKSON. Mr. President, I am happy to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 17604) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) is detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 338 Leg.]

YEAS—73

Allen
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Spong
Stennis
Stevens
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—0

NOT VOTING—27

Aiken
Bellmon
Cannon
Cook
Cranston
Eastland
Goodell
Gore
Gravel
Hartke
Inouye
Jordan, N.C.
Kennedy
McCarthy
McGee
Montoya
Mundt
Murphy
Muskie
Smith, Maine
Smith, Ill.
Sparkman
Symington
Tower
Tydings
Yarborough
Young, Ohio

So the bill (H.R. 17604) was passed.

Mr. JACKSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. STENNIS, Mr. ERVIN, Mr. CANNON, Mr. BYRD of Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, once again the Senate owes a deep debt of gratitude to the distinguished Senator from Washington (Mr. JACKSON). His handling of this year's military construction authorization equalled the splendid task he has performed in steering this highly inportant measure through the Senate in years past.

Senator JACKSON is to be commended. He is to be commended for his articulate presentation, for his strong advocacy and for his deep understanding. To this measure, Senator JACKSON lent all of the many outstanding legislative skills he applies to every task he undertakes in this body. We are grateful.

The Senate is grateful as well to Senator THURMOND. He, too, played a vital role in assuring the overwhelming success of this vital authorization. As the ranking minority members of the subcommittee, he cooperated and assisted with characteristic willingness and great ability.

To the Senate also, goes my personal thanks. Each Member joined to assure the efficient disposition of the military construction proposal with full regard for the views of each Member.

IMPROVING THE PORTSMOUTH NAVAL SHIPYARD

Mr. McINTYRE. Mr. President, I am pleased by the action being taken today to pass H.R. 17604, the military construction bill.

The distinguished Senator from Washington (Mr. JACKSON) the chairman of the Subcommittee on Military Construction of the Armed Services Committee, has given his expected capable leadership in bringing forth a realistic and meaningful bill to provide for this important part of our defense structure.

I am particularly pleased that this important legislation contains $5,685 million for improvements at the Portsmouth Naval Shipyard of Portsmouth, N.H.

The Portsmouth shipyard is in its 170th year of service to the Nation. It has been an integral part of the Nation's defense since 1815.

The shipyard provides the Navy with a competent, dedicated, well-staffed installation to give undergirding to our naval strength. The deterrent power of our Navy is one of the keystones of our Nation's safeguard against war. Without the kind of deterrent the Portsmouth facility is capable of efficiently and expeditiously servicing, our defense would suffer.

As we are all well aware, the shipyard has been threatened for many years with closure. It has been recently announced that the closure order has been rescinded. I am naturally pleased by this announcement. Those of us representing northern New England have worked long and hard to see that the shipyard stays open.

The action we are taking in H.R. 17604 does not directly relate to the closure of the shipyard. The funds we are authorizing here are devoted to providing needed improvements in the drydock facilities, the engineering management offices, and high pressure steam services outlets and pure water processing and distribution at the installations. This action is necessary to enable the shipyard to carry out presently assigned and vital projects irrespective of whether the shipyard does or does not close sometime in the future.

I have appreciated the chance to work with the Senator from Washington in assuring that these vital funds for the Portsmouth shipyard are included in this authorization.

I am sure that this legislation will have the wholehearted support of the Senate because of the extremely important provisions it covers in providing for the Nation's defense.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3479.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands which was to strike out all after the enacting clause, and insert:

> That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for fiscal year 1969, $5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, $50,000,000 and for fiscal year 1971, $50,000,000" and inserting in lieu thereof the following: "for each of the fiscal years 1971, 1972, 1973, 1974, and 1975, $60,000,000".

Mr. JACKSON. Mr. President, I move that the Senate concur in the amendment of the House with an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment of the Senator from Washington will be stated.

The legislative clerk read the amendment, as follows:

On lines 6 and 7, strike "1973, 1974, and 1975," and insert "and 1973,".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Widnall, Mrs. Dwyer, and Mr. Wylie were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14373) to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53)in the city of Portsmouth, in exchange for certain lands situated within the proposed southside neighborhood development project.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1153, S. 2453. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows: S. 2453, a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Equal Employment Opportunities Enforcement Act of 1970".

Sec. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(1) In subsection (a) insert "governments, governmental agencies, political subdivisions," after the word "individuals".

(2) In subsection (b) strike out all before "*Provided further*", and insert in lieu thereof the following:

"(b) The term 'employer' means a person engaged in an industry affecting commerce who has eight or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5 of the United States Code), (2) a bona fide private membership club (other than a labor oragnization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1970, persons having fewer than twenty employees (and their agents) shall not be considered employers, and during the second year after such date, persons having fewer than fifteen employees (and their agents) shall not be considered employers:"

(3) In subsection (c) beginning with the semicolon strike out through the word "assistance".

(4) In subsection (e) strike out between "(A)" and "and such labor organization", and insert in lieu thereof "twenty or more during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1970, (B) fifteen or more during the second year after such date, or (C) eight or more thereafter,"

(5) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

Sec. 3. Section 702 of the Civil Rights Act of 1964 (78 Stat. 253, 42 U.S.C. 2000e–2) is amended to read as follows:

"EXEMPTION

"Sec. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

Sec. 4. (a) Subsections (a) through (e) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5(a)–(d)) are amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the Commission upon the request of any person claiming to be aggrieved, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') as soon as practicable thereafter and shall make an investigation thereof. Charges shall be in writing, signed under oath, and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, counciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any officer or employee of the Commission who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered or certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by an officer or employee of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing.

"(g)(1) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. After the Commission issues a complaint it shall, upon application by the person aggrieved, appoint an attorney for such person in all cases in which it determines that the aggrieved party is unable to pay for an attorney without undue hardship. The Commission may grant such other person a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the Rules of Civil Procedure for the district courts of the United States.

"(2) After the Commission issues a complaint, it may, upon application by the person aggrieved, compensate such person for reasonable expenses in connection with the preparation for the hearing and in connection with participation in the hearings, including the cost of expert witness fees, transcripts, and copying. Not more than $1,000 will be allocated in any single proceeding to carry out the provisions of this paragraph. The Commission may perform the services for which the aggrieved party would otherwise seek reasonable expenses under this subsection.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), and including payment of attorney's fees pursuant to section 706(x), if the person aggrieved was represented by counsel in the proceedings before the Commission, as will effectuate the policies of this title: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the respondent for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsections (l) through (n) and the provisions of those subsections shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Finding of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record. Sections 554, 555, 556, and 557 of title 5 of the United States Code shall apply to such proceedings.

"(k) Any party aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals for the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days after the service of such order, a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to any other party to the proceeding before the Commission, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant to the petitioner or any other party, including the Commission, such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) The Commission may petition any United States court of appeals for the circuit in which the unlawful employment practice in question occurred or in which the respondent resides or transacts business, for the enforcement of its order and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that its order be enforced and for appropriate temporary relief or restraining order. The Commission shall file in court with its petition the record in the proceeding as provided in section 2112 of title 28, United States Code. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the Commission. Upon the filing of such petition, the court shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant to the Commission, or any other party, such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. No objection that has not been urged before the Commission, its members, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission its members, or its agent, and to be made a part of the record. The Commission may modify its finding as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which find-

XUM

ings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(m) If no petition for review, as provided in subsection (k), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Commission under subsection (l) after the expiration of such sixty-day period. The clerk of the court of appeals in which such petition for enforcement is filed shall forthwith enter a decree enforcing the order of the Commission and shall submit a copy of such decree to the Commission, the respondent named in the petition, and to any other parties to the proceeding before the Commission.

"(n) If within ninety days after service of the Commission's order, no petition for review has been filed as provided in subsection (k), and the Commission has not sought enforcement of its order as provided in subsection (l), any person entitled to relief under the Commission's order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the unlawful employment practice in question occurred, or in which a respondent named in the order resides or transacts business. The provisions of subsection (m) shall apply to such petitions for enforcement.

XUM

"(o) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by attorneys appointed by the Commission.

"(p) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding, the Commission shall, after it issues a complaint, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, or until the filing of a petition under subsections (k), (l), (m), or (n) of this section, as the case may be, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, shall govern proceedings under this subsection.

(q)(1) If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within sixty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has neither issued a complaint under subsection (f) nor entered into an agreement under subsection (f) or (i) which is acceptable to the Commission and to which the person aggrieved is a party, the Commission shall so notify the person aggrieved and such person may, within thirty days thereafter, bring a civil action against the respondent named in the charge. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon the commencement of such civil action, the Commission shall be divested of jurisdiction over the proceeding and shall take no further action with respect thereto; except that, upon timely application, the court in its discretion may permit the Commission to intervene in such civil action if the Commission certifies that the case is of general public importance.

"(2) The right of an aggrieved person to bring a civil action under paragraph (1) of this subsection shall terminate once the Commission has issued a complaint under subsection (f), or has entered into an agreement under subsection (f) or (i) which is acceptable to the Commission and to which the person aggrieved is a party: *Provided*, That if after issuing a complaint the Commission enters into an agreement under subsection (i) without the agreement of the person aggrieved, or has not issued an order under subsection (h) within a period of one hundred and eighty days of the issuance of the complaint, the Commission shall so notify the person aggrieved and a civil action may be brought against the respondent named in the charge at any time prior to the Commission's issuance of an order under subsection (h) or, in the case of an agreement under subsection (i) to which the person aggrieved is not a party, within thirty days after receiving notice thereof from the Commission: *Provided further*, That where there has been no agreement under subsection (i), if the person aggrieved files a civil action against the respondent during the period from one hundred and eighty days to one year after the issuance of the complaint such person shall notify the Commission of such action and the Commission may petition the court not to proceed with the suit. The court may dismiss or stay any such action upon a showing that the Commission has been acting with due diligence on the complaint, that the Commission anticipates the issuance of an order under subsection

(h) within a reasonable period of time, that the case is exceptional, and that extension of the Commission's jurisdiction is warranted.

"(3) With respect to any charge filed prior to the effective date of the Equal Employment Opportunities Enforcement Act of 1970, the Commission, if unable to secure a conciliation agreement from the respondent after determining that there is reasonable cause to believe that the charge is true, may bring a civil action against the respondent named in the charge."

(b) Subsection (f) through (k) of section 706 of such Act and references thereto are redesignated as subsections (r) through (w), respectively.

(c) Section 706(u) and (v) of such Act, as redesignated by this section, are amended (1) by striking out "(e)" and inserting in lieu thereof "(q)", and (2) by striking out "(i)" and inserting in lieu thereof "(u)".

(d) Section 706(w) of such Act, as redesignated by this section, is amended by inserting after the word "discretion," the words "and, in the case of any action or proceeding before the Commission, the Commission, in its discretion,", and by adding at the end thereof the following new sentence: "Whenever the person aggrieved has an attorney appointed by the Commission and the Commission finds that the respondent has not engaged in an unlawful employment practice the Commission shall pay a reasonable attorney's fee to the person aggrieved."

Sec. 5. Section 707 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection:

"(c)(1) Effective three years after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1970, the functions of the Attorney General under this section shall be transferred to the Commission if the Attorney General and at least three of the members of the Commission certify to the Congress that the Commission has the capability and the intention to carry out the functions set forth in this section and that a transfer under this subsection would contribute to carrying out the objectives of title VII of this Act.

"(2) In all suits commenced prior to the date any transfer occurs, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America or the Attorney General, as appropriate."

Sec. 6. (a) Subsection (b), (c), and (d) of section 709 of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e–8(b)–(d)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, may pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class or persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations for whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief: If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

(b) Section 709 of the Civil Rights Act of 1964 is amended by: (1) redesignating section 709(e) as 709(f) and (2) by adding immediately after section 709(d) as amended, the following subsection (e):

"(e) Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Commission or its representative, or to the Attorney General or his representative in connection with his authority under section 707, upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the members of the Commission nor its representative shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction to compel by appropriate process the production of such record or paper."

Sec. 7. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"INVESTIGATORY POWERS

"Sec. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply: *Provided*, That no subpena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

Sec. 8. (a) Section 703(a)(2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–2(a)(2)) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c)(2) of such Act is amended by inserting the words "or applicants for membership" after the word "membership".

(c)(1) Section 704(a) of such Act is amended by inserting "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(d)(1) The second sentence of section 705(a) is amended by inserting before the period at the end thereof a comma and the following: "and all members of the Commission shall continue to serve until their successors are appointed and qualified: Provided, That no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted".

(2) The fourth sentence of section 705(a) of such Act is amended to read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearings examiners, and employees as he deems necessary to assist it in the performance of its functions and fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: Provided, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code."

(e) Section 705(g)(1) of such Act is amended by inserting at the end thereof the following: ", and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised States (31 U.S.C. 665(b))".

(f) Section 705(g)(6) of such Act is amended to read as follows:

"(6) to intervene in a civil action brought by an aggrieved party under section 706."

(g) Section 713 of such Act is amended by adding at the end thereof the following new subsections:

"(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (i), (k), and (l) of section 706, the rulemaking power as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties, and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: Provided, That nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

"(d) The Commission is authorized to delegate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(h) Section 714 of such Act is amended by striking out "section 111" and inserting in lieu thereof "sections 111 and 1114".

Sec. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(55) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

(c) Clause (111) of section 5316 of such title is repealed.

Sec. 10. Section 715 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended to read as follows:

NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"Sec. 715. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), and in those portions of the government of the District of Columbia, and the legislative and judicial branches of the Federal Government having positions in the competitive service, shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: Provided, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

"(c) Within thirty days of receipt of notice, given pursuant to subsection (b) or a previously issued Executive order, of final action taken on a complaint of discrimination based on race, color, religion, sex, or national origin, or after ninety days from the filing of the initial charge until such time as final action may be taken, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706(q), in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(d) The provisions of section 706(q) through (w), as applicable, shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Office of Management and Budget determines relate to nondiscrimination in Government employment are transferred to the Equal Employment Opportunity Commission.

"(f) This section shall become effective one year after the date of enactment of this Act.

"(g) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution, statutes, and Executive orders."

Sec. 11. The amendments made by this Act to section 706 of the Civil Rights Act of 1964 (except those subsections designated by this Act as (o) and (q)(3) thereof) shall not be applicable to charges filed with the Commission prior to the enactment of this Act.

PROGRAM

Mr. GRIFFIN. Mr. President, I should like to inquire of the distinguished majority leader if he can give us some idea as to what the schedule might be for the rest of the day and tomorrow.

Mr. MANSFIELD. Mr. President, I shall be happy to respond to the distinguished acting minority leader.

There will be no further votes tonight. I do not know what, if anything, will be done on the pending business. The Senate convenes at 10 o'clock tomorrow morning. Hopefully—and I think this can be stated unequivocally; at least I hope it can—we will be back on the two-shift schedule.

It is anticipated that around the hour of 11 o'clock we will be able to turn to the pending business and dispose of it by 3 o'clock in the afternoon, at which time I shall discuss the situation further with the acting minority leader.

EXTRAORDINARY RECORD OF SENATOR SCOTT

Mr. JAVITS. Mr. President, I wish to call to the attention of the Senate the extraordinary record compiled by the distinguished minority leader (Mr. Scott) in many areas: the fields of human needs and race relations, his understanding of the real missions of the private enterprise system in terms of the welfare of the people, and his perceptive understanding of the situation in the Middle East and the need for good U.S.-Israel relations.

I ask unanimous consent that a statement describing Senator Scott's record be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Hugh Scott's Record on Legislation to Meet Human Needs

Pennsylvania's Senator Hugh Scott has championed the cause of the poor and the underprivileged during his service in Congress. Believing that no person should be denied the opportunity to work, to attend good schools, to live in a decent home and to eat properly, Senator Scott has dedicated himself to seeking appropriate solutions to these pressing problems.

Consumer protection is not a new issue for Senator Scott. Nearly ten years ago he sponsored a bill to establish a Select Senate Committee on Consumer Affairs. Senator Scott sees the danger of big business and big government leaving the interests of the consumer too far behind. To amplify the Federal government's interest in consumers, Senator Scott recommended Pennsylvania's Virginia Knauer as the President's Special Assistant for Consumer Affairs. Since she took office, Senator Scott has worked closely with her on several important matters such as the Wholesome Fish Act, deceptive advertising and consumer "class action" legislation.

Education matters occupy a great deal of Senator Scott's time in Washington. Federal aid to education has expanded enormously the last ten years, and Senator Scott works closely with the U.S. Office of Education to ensure that it provides the necessary innovations to enable our youngsters to achieve a quality education. Increased Federal aid is needed to supplement state and local funds, and Senator Scott has recognized that need by supporting additional funds for education.

Health care in the United States has been beset by monumental problems. High cost of medical supplies, high physician fees and a general lack of community health care facilities are just a few of these problems. With an ever-increasing population, the Federal government must take up the slack and ensure that no person suffers from a lack of good medical care. Senator Scott's interest in comprehensive health insurance plans goes back to his days in the House of Representatives. He believes that we are all entitled to federally sponsored health insurance and will push for enactment of such a program. Senator Scott helped to shape the current Medicare and Medicaid programs but knows that they are now inadequate and in great need of an overhaul. Another area in need of greater attention is mental health, and Senator Scott is working closely with Federal officials in order to increase the Government's role in solving this critical problem.

Housing is one of our greatest visible problems. Lack of adequate mortgage money and a general lack of Federal assistance has caused a critical shortage of needed housing. Senator Scott has taken positive action to reverse the trend. One of his first votes as a senator was to retain a certain number of public housing units and to keep a higher level of Federal funds for slum clearance. With three out of every four Pennsylvanians now living in an urban area, Senator Scott is devoting even more time to assuring decent housing for all residents of the Commonwealth.

Job opportunities for unskilled and semiskilled workers have increased in recent years, and Senator Scott is working hard to similarly increase Federal participation in the training of persons to fill these jobs. The unemployment rate among low-income groups is alarming, and Senator Scott has long urged job training and re-training to place unskilled or semi-skilled workers in positions of suitable employment. Senator Scott also introduced the Family Assistance Plan to overhaul the welfare system and provide job incentives.

Senior citizens are all too often the forgotten citizens of our time. But Senator Scott has not forgotten them. Time and again he has demonstrated his concern for the special needs and requirements of retirees and elder Americans. Senator Scott's efforts to improve the Social Security system have had a tremendous impact on Pennsylvanians receiving old age, survivors and disability insurance payments. The so-called Scott "expedited payments" plan, now a part of the Social Security law, ensures that Social Security recipients will get their checks on time. In addition, Senator Scott supports automatic cost-of-living increases in Social Security payments.

Senator Hugh Scott has dedicated his career to helping people help themselves. He has consistently demonstrated his concern for human needs. He truly represents all Pennsylvanians.

The following summary outlines Senator Scott's record on legislation to meet human needs:

THE 91ST CONGRESS

Legislation

S. 15—Rural Job Development Act—To provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 861—To provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1072—To authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 1300—To improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1362—To provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

S. 1689—To protect children against dangerous toys.

S. 1788—To assist in removing financial barriers to the acquisition of a post-secondary education by all those capable of benefitting.

S. 1865—To establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

S. 1896—To include dental and eyecare and hearing aids among the benefits provided by Medicare.

S. 1997—To provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

S. 2037—To authorize grants for the construction or modernization of Neighborhood Health Centers.

S. 2184—To include prescribed drugs under coverage of the supplementary medical insurance program for the aged.

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 2470—To allow the elderly to trade food stamps for prepared meals.

S. 2518—To liberalize conditions governing eligibility of blind persons to receive disability insurance benefits.

S. 2579—To authorize Commissioners of Education to make Vocational Education Opportunity Grants.

S. 3025—Urban Land Improvement and Housing Assistance Act of 1969.

S. 3204—To require safety devices on household refrigerators.

S. Con. Res. 41—Con. Res. urging adoption of policies to offset adverse effects of governmental monetary restrictions upon the housing industry (ceramic tile industry).

S. Amdt. 682—To provide a minimum monthly Social Security benefit of $100 and increases in larger monthly benefits.

S. Amdt. 683—To increase special age 72 Social Security benefits by 10%.

S. Res. 68—To authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

Supported the Consumer Products Warranty and Guaranty Act.

Voted to increase school aid for federally impacted areas by $60 million.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1968 (Hill-Burton).

Voted to create the National Insurance Development Corporation to provide reinsurance for insurance companies for losses resulting from riots and civil disorders.

Voted for the Housing and Urban Development Act of 1968.

Voted to increase appropriations for the Office of Economic Opportunity from $1,624 billion to $2,048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

Voted for a 15% increase in Railroad Retirement benefits.

THE 90TH CONGRESS

Legislation

S. 35—To amend the Internal Revenue Code to extend head-of-household tax benefits to widows, widowers, and individuals 35 or older who maintain their own households.

S. 291—To increase out-side earnings limitation for Social Security recipients to $3000.

S. 1003—To increase protection afforded consumers against injurious flammable fabrics.

S. 2053—To provide for periodic cost-of-living increases for Social Security recipients.

S. 2088—To provide incentives for creation by private industry of additional employment opportunities for residents of urban poverty areas.

S. 2134—To provide incentives for establishment of new or expanded job producing industrial and commercial establishments in rural areas.

S. 2219—To provide Federal financial assistance to help cities and communities of U.S. develop and carry out intensive local programs of rat control and extermination.

S. 2268—Requiring meaningful disclosure of the cost of credit in advertising promoting retail installment sales, loans, or open-end credit plans.

S. 2572—To establish a Domestic Development Bank for development of employment and business opportunities in certain urban and rural areas.

S. 2573—To charter an Economic Opportunity Corporation to encourage private enterprise participation in the effort to rebuild urban slums and eliminate poverty in the U.S.

S. 2871—To broaden and expand food service programs for children under the National School Lunch Act.

S. 3649—To provide private enterprise with incentives to employ and train unemployed and low-income unskilled persons residing in both urban and rural areas, and to provide community employment and training by Federal and local governments as the employer of last resort.

S. 3732—To create a Catalogue of Federal Assistance Program to aid persons in determining whether they qualify for assistance programs.

S. 3771—To allow individuals to continue to purchase vitamin and mineral supplements without a prescription.

S. 3876—To establish a community self-determination program to aid people of urban and rural communities in securing employment.

Votes

Voted for the Truth in Lending Act.

Voted to increase by $14.9 million funds for the Teacher Corps.

Voted to authorize $50 million for Fiscal Year 1969 and 1970 for school lunch programs.

Voted for the Vocational Educational Amendments of 1968.

Voted to increase by $10 million funds for the school dropout prevention program under the Elementary and Secondary Education Act.

Voted to increase funds for grants to neighborhood facilities by $15 million.

Voted to increase funds for the model cities program by $300 million.

Voted not to limit contract authorization for rent supplement program to $20 million.

Voted to restore $40 million in 1968 contract authorization for the rent supplement program.

Voted not to limit eligibility for the homeownership program to families whose income was 70 percent or less of the prescribed limits for low- and moderate-income programs.

Voted to give those whose homes were destroyed in riots and civil disorders priority in relocating in urban renewal areas.

Voted to establish a Department of Housing and Community Development.

Voted not to eliminate funds for the rent supplement program for FY 1966.

Voted not to reduce from 90 to 50 percent the Federal contribution of funds to pay the salary of any teacher in the National Teacher Corps.

Voted to establish a $200 million program of grants to employers of up to 15 percent of the cost of training the unemployed.

Voted not to abolish the Job Corps.

Voted to transfer the Headstart program for disadvantaged pre-school children from the Office of Economic Opportunity to the Office of Education so that it would be better administered.

Voted not to reduce the authorizations for the Economic Opportunity Amendments of 1967 by $198 million.

Voted to add $25 million to the Headstart program under the Office of Economic Opportunity.

Voted to increase by $215 million funds for the Office of Economic Opportunity.

Voted for Economic Opportunity Act of 1969 including additional appropriations for the Senior Opportunities and Services Program.

Voted to allow Senior Citizen welfare recipients to retain a portion of state welfare payments irrespective of the 15% Social Security increase.

Voted for the Housing and Urban Development Act of 1968 including programs of low cost rental and cooperative housing for the elderly.

THE 89TH CONGRESS

Legislation

S. 2067—To increase educational assistance allowances to war orphans.

S. 2778—To provide financial assistance for the education of orphans and other children lacking parental support.

S. 2921—To provide a special school milk program for children.

S. 3451—To assist in provision of adequate housing in areas in which there is a shortage of housing credit as a result of the occurrence of riots and other civil disorders.

Votes

Voted for the Fair Packaging and Labeling Act.

Voted to liberalize the formula providing financial assistance to local school agencies for children of low-income families.

Voted for the Elementary and Secondary Education Act of 1965.

Voted to provide $5.2 million for matching grants to the States for community development training programs.

Voted to retain the rent supplement program for disadvantaged persons.

Voted for the Housing and Urban Development Act of 1965.

Voted to provide an additional $587.5 million for the urban renewal program.

Voted for the Appalachian Regional Development Act of 1965.

Voted for the Manpower Act of 1965.

Voted for the Public Works and Economic Development Act of 1965.

Voted to retain the voluntary assistance program for needy children under the Economic Opportunity Act of 1965.

Voted for the Demonstration Cities and Metropolitan Development Act of 1966.

Voted to retain the medicare provisions of the Social Security Amendments of 1965.

Voted to provide limited disability insurance benefits for the partially blind.

Voted for the Social Security Amendments of 1965, including the Medicare and Medicaid programs.

Voted for the Housing and Urban Development Act of 1965 including rent supplements for low-income tenants.

Voted for special Social Security benefits for certain previously ineligible persons over 72.

THE 88TH CONGRESS

Legislation

S. 259—To allow income tax deduction for certain amounts spent in providing a higher education for self, wife, dependents.

S. 1249—To protect consumers against misbranding, false invoicing and false advertising of certain wood products.

S. 1262—To improve Social Security disability benefits for the blind.

S. 1274—To provide preference in awarding certain government contracts to contractors in areas of substantial and persistent unemployment.

S. 2181—To improve rehabilitation programs for the blind under the Social Security Act.

S. 2385—To improve State medical assistance programs for the aged.

S. 2751—To provide additional funds for special milk program for children.

Votes

Voted not to reduce vocational education authorizations and not to eliminate programs for residential vocational schools and work-study grants.

Voted against reducing by $100 million the authorization of appropriations to finance youth programs under the Economic Opportunity Act of 1964.

Voted for the Economic Opportunity Act of 1964.

Voted for the Social Security Amendments of 1964 including increased benefits.

Voted for the Hospital and Medical Facilities Construction Act Amendments of 1964 which increased funds for grants for the construction of nursing homes.

Voted for the Housing Act of 1964 including increased funds for loans to non-profit sponsors of rental housing for the elderly, and provided for low-interest rehabilitation loans for private home owners.

THE 87TH CONGRESS

Legislation

S. 937—The Old Age Health Insurance Program to provide a program of Federal matching grants to States to provide health insurance for persons 65 or older at reduced rates.

S. 2982—To assure decent, safe and sanitary housing to families displaced by construction of highways forming a part of the Interstate System.

S. 3384—To allow a tax deduction for travel expenses to and from work for disabled persons.

S. Res. 119—To establish a Select Committee on Consumers.

Votes

Voted to withhold authorized funds from any State or school because of segregation.

Voting not to reduce to 37,000 the number

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of public housing units authorized under the proposed Housing Act of 1961.

Voted not to reduce by $700 million authorized grants for urban renewal.

Voted for Humphrey-Scott amendment providing three-fourths Federal contribution rather than two-thirds on urban renewal housing in small communities in distressed areas.

Voted for the Housing Act of 1961.

Voted not to limit the length of time or the authorization for the retraining program of the Manpower Development and Training Act of 1961.

Voted for the Housing Act of 1961 providing direct loans for housing for the elderly and increased the Federal contribution to low-rent public housing occupied by Senior Citizens.

THE 86TH CONGRESS

Legislation

S. 563—To permit an in-school child of a deceased individual to continue eligibility for a child's Social Security benefits between ages 18 and 21.

S. 565—To increase from $1200 to $2400 the allowable outside income for Social Security recipients without suffering deductions from benefit checks.

S. 942—To establish a Commission on Equal Job Opportunity Under Government Contracts.

S. 1016—To provide for a 5-year program of assistance to school districts in meeting debt service on loans for construction of urgently needed elementary or secondary public facilities.

S. 3330—To permit needy children deprived of parental support to be eligible for assistance under the State plans for aid to dependent children.

S. 3350—To provide program of Federal matching grants to States for over-65 health insurance.

S. 3558—To establish program of financial and technical assistance to alleviate conditions of substantial and persistent unemployment in economically depressed areas.

Votes

Voted to authorize allocation of up to $600 million for school construction in each of the next 5 fiscal years.

To provide voluntary participating health benefits plan for persons 65 or over whose income is not more than $3000 individually or $4500 per couple who are not recipients of public assistance.

Voted to include tubercular and mentally ill patients in medical care for the aged provisions of the Social Security Amendments of 1960.

Voted for the Social Security Amendments of 1960, which eliminated the age of 50 as a minimum to qualify for disability benefits and liberalized the retirement test for eligibility.

THE 85TH CONGRESS

Votes

Voted not to eliminate $300 million in funds for direct loans to veterans, not to eliminate 35,000 additional public housing units, and not to cut back from two-thirds to one-half Federal share of capital grants for slum clearance.

Voted to override the President's (Eisenhower) veto of the Housing Act of 1959.

Voted not to reduce from 37,000 to 25,000 the units of public housing authorized.

Voted to provide for 37,000 additional low-cost dwelling units.

Voted for the Housing Act of 1960.

GAMAL ABDEL NASSER

Mr. HATFIELD. Mr. President, the death of Gamal Abdel Nasser has brought in its wake great speculation about the possible political and military consequences. However, aside from his well-known role as the Arabs' most prominent and charismatic leader, he was a husband, father, and grandfather. It is his widow, Thaia, his three sons, Kahlid, Hakim Amir, and Abd-al-Hamid, and his two daughters, Muna and Houda, who will suffer most from his absence; for President Nasser was a devoted husband and parent.

The man who has been called by his people the greatest leader since Saladin, accomplished what no other Arab leader had done in 2,500 years: end the rule of Egypt by foreign nationalities. The son of a postal clerk, Gamal Abdel Nasser understood his people and their problems. He was devoted to, to use his own words, the establishment of "freedom, pride, and dignity in Egypt." Next to his family, it is the Arab people who will most greatly miss him. Serving as President since 1956, he assumed almost religious stature among many of his countrymen as well as among Arabs throughout the Middle East. And because President Nasser was the only man who commanded the respect, loyalty, and following of so many people in the Middle East, that troubled land and the world has lost one of the few who had the ability to unify the Arab world.

Whether or not one agreed with his politics, President Nasser accomplished a great deal for his people and did support the U.S. peace initiative.

He was a religious man, a Moslem, and viewed himself as a "fatalist," meaning that God determined his life and the crises he faced. He was a forward-looking man concerned for the future of his land.

He once stated:

> There is little time for reflection in my job. It must go forward. This is my destiny. I believe in God and destiny, and that one should not look back.

His countrymen have begun a 40-day period of mourning, during which time I hope that we and the people throughout the world can find an affirmation of life and hope for all of the peoples of the Middle East. The Arabic word "nahdha' has, I believe, particular significance for us all with the passing of Gamal Abdel Nasser: "sit up and take notice of the world around you." For possibly through this man's tragic and untimely death we of all nations can grow closer through our common humanity and through our common effort bring to ourselves a greater dignity and peace.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, except that as to the able Senator from Wisconsin (Mr. PROXMIRE), who has been very patiently waiting, I ask unanimous consent that he be permitted to proceed for 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MILITARY AUTHORIZATION BILL A DEFEAT FOR THE SENATE

Mr. PROXMIRE. Mr. President, when the military authorization bill passed the Senate in early September, a number of us had serious doubts about it. That was true even though the Senate bill was much better than the House bill. But a whole series of amendments to improve the bill were beaten back by the managers. Because I believe that this country must have a strong defense, I voted for the bill while disagreeing with a number of its provisions. The President requested some $20.6 billion. The House authorized almost the entire amount, cutting the total by only $34 million. The Senate, however, authorized only $19.2 billion, which was $1.36 billion below the President's request. That was a 6.7-percent cut in the President's request.

SENATE CUT $1.3 BILLION FROM PRESIDENT'S REQUEST

Along with many others, I felt that the committee had done a good job in the total dollar amounts cut from the authorization. If that cut could be carried through to the appropriations bill and to a cut in actual spending by the President, we could make a significant start on reordering our priorities. My view is that this could both strengthen the United States militarily and strengthen us economically. I say that even though I differed with the committee on a number of specific aspects of the bill; namely, their authorization of the ABM, the contingency fund for the C–5A, funds for the B–1 bomber, and other items.

SENATE GOT WORST OF BARGAIN

Now the bill has returned from conference. I am disappointed in its provisions and I believe that the Senate, on the whole, got the worst of the bargain. If the Senate committee had not been so determined in the Senate floor debate to beat back, with the help of the Pentagon, virtually every amendment proposed to the bill here on the floor, they would have had far greater bargaining power in the conference committee and might well have arrived at a final bill which would be more nearly like the Senate bill we passed.

On the money provisions, the House and Senate conferees essentially split it down the middle. That is the ordinary course of events, but it certainly means that the overall cut is small—a 3.4-percent cut.

The Senate won its position on the ABM by a final agreement that the ABM system would be restricted to protection of the Minuteman bases. It refused to go along with a start on the anti-Chinese ABM system. For that, the Senate should get full marks. The only problem is that in the view of many of us, the ABM system is not needed at all, may never work, is highly vulnerable, and will be outdated before it is ever completed.

The Senate also sustained its position on the building of a third nuclear carrier, which will be postponed if not stopped. In addition, the Senate was sustained on the amendment by the Senator from Arkansas (Mr. FULBRIGHT) concerning payment to troops in Southeast Asia, and in its position on Israel credits.

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But for these the Senate paid a very heavy price. Among them were these:

CHEYENNE HELICOPTER

The $17.6 million in the House bill for continuing the development of the Cheyenne helicopter was retained. This helicopter is a lemon. As the Senate report stated, it also is a competitive system with the AX, and means that we are proceeding with a costly, duplicative system. Furthermore, it indicates how temporary alleged cuts in defense spending by the Pentagon really are. A year ago, amidst a great flurry of activity, the Pentagon announced that the Cheyenne was cancelled. But it was not cancelled. Like Old Man River it just keeps rollin' along. And it is symptomatic of everything that has been wrong with Defense procurement. Here is a weapon which is far more costly than anticipated, which if it is ever delivered will be delivered very late, and which does not work. That is what we mean about waste in the Pentagon.

FREEDOM FIGHTER

The conference also kept in $30 million for the so-called Freedom Fighter, which every unbiased source admits is a "boondoggle." None of the $28 million authorized last year has even been obligated. Yet, we are going ahead with $30 million more. This is done at the whim and at the insistence of the chairman of the House Committee, Mr. RIVERS. It is his personal and private project. When critics talk about waste in defense, unneeded weapons systems, and the fact that procurement is a mess, the Freedom Fighter is example No. 1.

This is an aircraft which even the Air Force has had thrust upon it. This authorization makes a mockery of intelligent procurement. But it is in the final bill.

THE M60A1E2 TANK

The Army's tank program has been in great trouble. The workhorse tank is the M60A1 tank. It is being produced at the rate of about 30 a month. The Army asked for $67.6 million for it.

The M60A1E2 tank, a later version, has been plagued with troubles. This tank would carry a new turret and the 152-millimeter gun Shillelagh main armament system. But the tanks were never assembled.

Because of this, the Senate committee recommended that $10.9 million of the $67.6 million asked for the M60A1 this year come from the recoverable funds and equipment of the M60A1E2 tank. That was a very sensible decision. The Senate committee refused to fund the M60A1E2 tank this year. It cut $12.1 million here.

But that very intelligent decision ran into opposition in the House committee. So, the full funding for both tanks is included in the conference report.

INDEPENDENT RESEARCH AND DEVELOPMENT

Let me turn to the issue of independent research and development, or I.R. & D. as it is known. This is research done at the discretion of the contractor which is in turn charged off against overhead on the contract. There have been numerous abuses in the past.

Last year I proposed an amendment to limit the funds for this work. As a result, the amounts were limited to 93 percent of the funds spent in the previous year. In addition, the committee held hearings on a bill I introduced and came up with a series of reforms and recommendations which appeared in this year's Senate bill.

Essentially, what the committee did was this. First, it established a ceiling of $625 million for the work done by the 50 largest contractors. This represents about 95 percent of the funds, and compares with the $759 million reported as spent for all I.R. & D. in 1969. It represents an overall cut of $114 to $117 million.

Second, the Defense Department was required to negotiate advance agreements with the major contractors.

Third, it attempted to close a loophole whereby funds disallowed for one category could be charged off against another category.

Finally, it required that no payments could be made for work which was not relevant to the functions and operations of the Department of Defense. In the past firms had charged huge amounts to the Government for research into commercial activities.

The truth is that I.R. & D. has been used in the past as a means of financing a stable of engineers, free to be used for strictly commercial purposes. The companies then charged much of this off to the Government as it charged heat, light, rent, and other items.

It was a mess, and it was done without any critical examination on the part of the Congress, the President, or the Bureau of the Budget largely because it was an unknown practice and was never a line item.

The committee's action, thanks largely to Senator MCINTYRE, chairman of the Research and Development Subcommittee, went a considerable way to reform I.R. & D. practices.

But the conference committee has emasculated the Senate committee's work. The ceiling has been removed. The restriction on relevancy to the DOD's mission and function has been changed. As the conference report states:

> The conferees agreed to delete the reference to relevancy and substitute the words, "in the opinion of the Secretary of Defense, a potential relationship to a military function or operation" to assure a broad interpretation of the relationship of basic research to military requirements.

That language, in my opinion, in spite of the talk about "basic research," gives the Secretary a blank check instead of the tight control needed.

Once again, we face a situation in which some of the activities under I. R. & D. may become scandalous.

GENERAL RESEARCH RESTRICTION NULLIFIED

Last year the Senate adopted the Mansfield amendment which prohibited the use of research funds for those projects which did not have a direct and apparent relationship to a specific military function or operation. That amendment, the Mansfield amendment, was a great public service and long overdue.

It was continued by the Senate this year. But, it too, has been emasculated in the same language that the I. R. & D. research limitations have been emasculated. It gives the Secretary of Defense a blank check. I hope very much that the majority leader, the Senator from Montana (Mr. MANSFIELD), will act to restore the original language of his bill in whatever legislative or parliamentary way he deems necessary to achieve that end. This Senator would stand behind him in such an effort.

THE C–5A AMENDMENT

As we all know, the Senate bill provided a $200 million "contingency" fund for payments to Lockheed aircraft over and above its contract for C–5A aircraft. This amount was also in the House bill. But because of the scandal over this contract the Senate Committee added language designed to make certain that it kept some jurisdiction over any plan that the Air Force and the Pentagon proposed to "bail out" Lockheed.

The Senate bill provided that the $200 million could not be obligated until the Secretary of Defense has presented a plan that has been approved by the House and Senate Committees on Armed Services.

As the Senate report states:

> In effect this means that the proposed contractual arrangement both for the use of the $200 million and the completion of the entire C–5A program will require approval of the two Committees. Through this method there will be the opportunity of a complete review by the Committees on this problem.

But the House refused to agree to even this genteel language. It merely said that the Pentagon should present its plan and wait 30 days before final action. The committees are not required to approve the plan.

This is most ironic, in view of the fact that both the Armed Services Committee of the Senate and the House are very sympathetic and understanding with regard to both Lockheed and Pentagon problems; but even that kind of exposure to criticism by sympathetic Members of Congress was deleted in the conference report.

Those of us who have followed the saga of the C–5A have no confidence whatsoever that the Air Force or the Pentagon will act responsibly in this situation. We know, already, of the proposed contract which would substitute a cost-plus arrangement for a fixed price contract, thus enabling Lockheed to recoup tens and perhaps hundreds of millions of dollars which the Air Force itself has said it does not owe the company.

This program started with a buy-in. It is ending with a bailout.

One need merely trace the highlights of the Air Force's continuing surrender to the Lockheed Corp. on the C–5A program to understand why, as a minimum and as a last resort, the appropriate congressional committees should have to approve any plan worked out for Lockheed by the Air Force.

Let me review those highlights.

BUY-IN

First, the Air Force now admits that Lockheed's proposal was a buy-in, that the contractor underbid his two rivals with the knowledge that the eventual costs would far exceed the original contract price. This fact was evident from the admission that the Air Force's own cost estimates for the program were substantially higher than Lockheed's bid. Yet, the Air Force simply ignored the obvious buy-in, and went ahead to award the contract to Lockheed.

GOLDEN HANDSHAKE

Second, the Air Force agreed to insert into the contract the now notorious repricing formula, often referred to as the golden handshake, and it kept the existence of this provision a well-guarded secret from the Congress and the general public for more than 2 years. Throughout this time, the Air Force boasted that the C–5A contract contained firm price commitments from the contractor. The contract was supposed to contain a fixed price, to which Lockheed had committed itself. But the golden handshake unhinged the fixed price and transformed the firm price commitment into jelly. What is left of the firm price commitment? It has long been forgotten and has been buried under the weight of fantastic cost overruns.

HUGE OVERRUNS CONCEALED

Third, the Air Force knew as early as 1966 that serious cost overruns were piling up on this program. Air Force teams had reported from the plant in Marietta, Ga., in 1966 and 1967 that the costs were exceeding by a wide margin the original estimates. The Air Force refused to audit the contractor's books to determine the full extent of the cost problems. The Air Force refused to take any steps to retard the cost overruns. And what is worse, the Air Force ordered all written evidence of the cost overruns to be suppressed in its own internal reports and concealed them from the Congress and the public.

As late as 1968, the Air Force was asserting in congressional hearings that there were no cost problems with the C–5A, that the costs were on target, and that the program was on time. Now, of course, we know not only that the costs were overrunning, but that the program was suffering schedule slippages as serious delays have since been announced.

DEGRADING PERFORMANCE

Fourth, throughout the development and production of the C–5A, Lockheed has encountered severe technical and engineering problems. A responsible agency would have insisted on the solution of these problems. The Air Force has taken another course of action. The Air Force's solution to technical problems has been not to solve the problems, but rather to modify and generally to degrade the technical requirements. As with the question of price, the Air Force in the past has claimed that the contractor had entered into "firm" performance commitments. Here, too, the Air Fore has made a mockery out of the so-called contractual commitments by changing them to suit the contractor's needs.

QUICK DRAW ON RUN B OPTION

Fifth, over a year ago the Air Fore conceded that the C–5A contract, with its repricing formula and other questionable provisions, was a bad deal for the Air Force, and it proceeded to negotiate for a new contract with Lockheed. One of the issues now in contention is whether the Air Force violated its contract by reducing the number of planes it intends to buy. This issue arose out of the decision of the Air Force in January of 1969, to exercise its option to buy the so-called run B increment of planes. Under the original contract, the Air Force was obligated to buy only 58 C–5A's, with an option to order an additional 62, called run B. In November of 1968, after discovering the huge $2 billion cost overrun, I formally requested an investigation by the General Accounting Office and by the Department of Defense into the costs of this program, and asked the Air Force and the Secretary of Defense to withhold its decision on the option, to not order the additional aircraft, until the investigations were complete.

But the Air Force refused to exercise such caution and, in an act of high irresponsibility, it decided in January 1969, to exercise the option. It has not investigated into the causes or even the nature of the cost overruns, as I had requested, when it made this decision.

In this instance, as in many others, the Air Force succumbed to the interests of Lockheed. Throughout the history of this program, dating from 1964, the Air Force has demonstrated an almost complete unawareness of the Government's interests and the taxpayers' interest.

NEW BAILOUT

At times it appears as if the Air Force were acting as an advocate not of national security, or of a strong Air Force, but of the Lockheed Aircraft Corp. How else can we interpret the Air Force's recent proposals to restructure the C–5A contract? This restructuring turns out to be the most shameless capitulation by the Air Force so far. It is an almost total admission of defeat, and it would take the Air Force out of business of cost control altogether. The Air Force wants to transform the original contract into a cost-plus type arrangement. Five long years after entering into the original agreement with a fixed price, the Air Force is willing, if not eager, to completely lift the lid to take the ceiling wholly off the contract.

Mr. President, the Air Force ought to be ashamed. And I dare say if we permit this situation to continue, the Senate will have reason to share in the shame.

PRIVATE RELIEF BILL

The $200 million contingency fund provision in this bill amounts to special legislation. This provision is, in effect, a private bill for the private relief of a private corporation.

SENATE BIG LOSER

For all of these reasons, the Senate lost out in the conference committee. While it split the difference on funds, it lost about two thirds of the substance of its important amendments.

I believe this episode justifies bigger and larger cuts when the military appropriation bill comes before us. That will be our last chance to make a significant cut this year in some of the excessive items in the military budget.

The experience of the military authorizations conference report should lead the Senate to cut deeper and harder in the military appropriations. Then, when the Senate goes to conference, it can retain in the final bill a large proportion of the work it has done.

I believe that is the constructive course which lies before us. In view of the disappointment in losing many of the reforms the Senate made in procurement that it is the one way in which the Senate can redeem itself and by which the taxpayers of the country may be protected.

COMMUNICATION FROM EXECUTIVE DEPARTMENTS

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT ON EXTORTIONATE CREDIT TRANSACTIONS

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on extortionate credit transactions covered by the Consumer Credit Protection Act of 1968, dated September 1970 (with an accompanying report); to the Committee on Banking & Currency.

PETITION

A petition was laid before the Senate and refered as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Philadelphia, praying for the declaration of a boycott of the Arab States; to the Committee on Foreign Relations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The PRESIDENT pro tempore announced that on today, September 29, 1970, he signed the following enrolled bills, and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 3637. An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting;

H.R. 11953. An act to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended;

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week";

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week";

H.J. Res. 589. Joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program;

H.J. Res. 1178, Joint resolution authorizing the President to proclaim the month of October 1970 as "Project Concern Month"; and

H.J. Res. 1366. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLEN, from the Committee on Government Operations, with amendments:

S. 2867. A bill to amend section 202(a) of the Federal Property and Administrative Services Act of 1949 to remove a preference accorded to the District of Columbia over State governments in the disposition of excess real property (Rept. No. 91–1245).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3070. A bill to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest (Rept. No. 91–1246).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 4141. A bill to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes (Rept. No. 91–1247).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 12943. An act to amend section 3 of the Act of November 2, 1966, to extend for 3 years the authority to make appropriations to carry out such Act (Rept. No. 91–1248).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, with amendments:

S. 642. A bill to make it a Federal offense to assassinate, kidnap, or assault a Member of Congress or a Member-of-Congress-elect (Rept. No. 91–1249).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 18104. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority (Rept. No. 91–1251).

SPECIAL REPORT ON REORGANIZATION PLAN NO. 3 OF 1970, PROVIDING FOR THE ESTABLISHMENT OF THE ENVIRONMENTAL PROTECTION AGENCY—REPORT OF A COMMITTEE (S. REPT. NO. 91–1240)

Mr RIBICOFF, from the Committee on Government Operations, submitted a report entitled "Reorganization Plan No. 3 of 1970, providing for the establishment of the Environmental Protection Agency," which was ordered to be printed.

PROHIBITION OF UNAUTHORIZED ENTRY INTO CERTAIN BUILDINGS—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–1252)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary, I report favorably with an amendment S. 2896, to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes.

I submit a report thereon and I ask unanimous consent that the report be printed, together with the individual views of the Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER (Mr. EAGLETON). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

OMNIBUS CRIME CONTROL ACT OF 1970—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–1253)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary, I report favorably with an amendment H.R. 17825, to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of Senators BAYH, HART, and KENNEDY.

The PRESIDING OFFICER (Mr. EAGLETON). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. LONG, from the Committee on Finance:

Wilmot R. Hastings, of Massachusetts, to be General Counsel of the Department of Health, Education, and Welfare.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD:

S. 4403. A bill to provide criminal penalties for acts committed in furtherance of urban terrorism, to provide licensing provisions and criminal penalties designed to control the unlawful use of explosives, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. DODD when he introduced the bill appear below under the appropriate heading.)

By Mr. DOMINICK:

S. 4404. A bill to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear below under the appropriate heading.)

By Mr. MONTOYA:

S. 4405. A bill to provide that the United States make payments on claims of nationals of the United States against the government of Czechoslovakia based on awards made by the Foreign Claims Settlement Commission, and for other purposes; to the Committee on Foreign Relations.

By Mr. MONDALE:

S. 4406. A bill for the relief of Eleftherios Papageorgiou.

By Mr. MONDALE (for Mr. KENNEDY):

S. 4407. A bill for the relief of Rocco D'Alessio, Lucia Di Biase D'Alessio and Angelo D'Alessio; to the Committee on the Judiciary.

By Mr. GOODELL (for himself and Mr. JAVITS):

S. 4408. A bill to amend section 403 of the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

(The remarks of Mr. GOODELL when he introduced the bill appear below under the appropriate heading.)

By Mr. FANNIN:

S. 4409. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization; to the Committee on Finance.

By Mr. BIBLE:

S. 4410. A bill to amend section 1 of the act of August 9, 1955, relating to the leasing of Indian lands; to the Committee on Interior and Insular Affairs.

S. 4411. A bill for the relief of Kathy Cox (Kyong Suk Han); to the Committee on the Judiciary.

By Mr. GOODELL:

S. 4412. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committe on Commerce.

(The remarks of Mr. GOODELL when he introduced the bill appear below under the appropriate heading.)

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 4413. A bill to amend the act of June 6, 1902, to remove the restriction on use with respect to certain lands and improvements heretofore conveyed to the city of Lincoln, Nebr., and for other purposes; to the Committee on Public Works.

By Mr. BURDICK (for himself and Mr. BYRD of West Virginia):

S.J. Res. 238. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

(The remarks of Mr. BURDICK when he introduced the joint resolution appear below under the appropriate heading.)

S. 4403—INTRODUCTION OF THE URBAN TERRORISM PREVENTION ACT

Mr. DODD. Mr. President, this morning someone brought to my attention the September 26 issue of the Quicksilver Times, which is perhaps the most prominent of our local underground newspapers.

Ordinarily I would not recommend to anyone that they read the Quicksilver Times, which is a sick melange of pornography and profanity and other manifestations of psychological disorientation.

But in this case, I hope that my colleagues will take the time to read this squalid publication, because it bears in the most direct way on the legislation which I shall introduce today.

The opening editorial of the Quicksilver Times says:

> With this issue and the printing in it of Underground Manual No. 3 we have crossed a bridge from the old style of underground papers . . . to the dissemination of revolutionary how-to information . . . we feel it

> is vitally . . . important to make public knowledge revolutionary information that is hard to come by as well as of immense practical value.

Eight pages of this tabloid newspaper are devoted to the republication of what is described as "Underground Manual No. 3."

In this manual there are instructions, complete with diagrams, on how to make improvised grenades, platter charges, claymore mines, telephone boobytraps, a door knob boobytrap, improvised igniters, detonators and burning fuses, time bombs, Molotov cocktails, explosives of various kinds, and numerous other terrorist devices.

At another time and in another atmosphere, such a publication might have been regarded as a curio. But in the terrible time in which we live, it can be taken for granted that the exhortation to terrorism contained in this pathetic publication, and the explicit instructions on "how to do it," will produce a certain quota of terrorist activities by some of the emotionally unbalanced young people who are exposed to the Quicksilver Times.

THE TERROR MUST STOP

Mr. President, I introduce, for reference to the appropriate committee a bill called the "Urban Terrorism Prevention Act."

This bill has been motivated by the terrifying growth of urban terrorism over the past several years. I think it no exaggeration to say that this terrorism has grown to proportions which pose a serious threat to the lives of our citizens, to the economic life of our urban community, to the continued functioning of our academic institutions, and to organized government in general.

According to the Treasury Department, between January 1969 and April of this year, there were 4,330 bombings in the United States, 1,174 attempted bombings, and over 35,000 threats of bombing. The cases of arson were even more numerous. And attacks on policemen in our major cities reached levels which caused several metropolitan police chiefs to say that they were confronted with open guerrilla warfare or open insurrection.

These terror attacks are for the most part the work of the followers of a handful of extremist organizations, some of them far right, most of them far left.

On the right, the two most notorious terrorist groups have been the KKK and the Minutemen of America. Their operations have generally taken the form of bombing or arson attacks on churches and synagogues and the homes of civil rights leaders.

On the far left, there are the Black Panthers and the White Panthers, the Weathermen, the Maoist Communists who call themselves the Progressive Labor Party, and a variety of groups and grouplets, all of them committed to revolution and acts of violence.

Our terrorists justify their acts of violence on political grounds, and they frequently point to the role played by revolutionary terrorists in bringing about the downfall of the czarist regime in Russia. But the terrorists in czarist Russia were models of rationality compared to the lunatic breed of terrorists that has sprung up in our country over the past several years.

According to Russian scholars with whom I have discussed the matter, the Russian terrorists targeted their action for the most part against czarist officials whom they regarded as guilty of oppressing the people or of specific repressive measures. And when they assassinated these officials, they would take public credit for what they called the "execution."

They did not go in for the bombing of public buildings or libraries, or research institutions, or for arson, because this is the kind of terrorism that cannot be practiced without endangering innocent lives.

And they did not go in for the random assassination of policemen and firemen. The firemen they were disposed to regard as useful public servants. The policemen they may not have liked because they looked upon them as upholders of an oppressive regime. But they did not hold them responsible for the basic social evils against which they were fighting, and they therefore did not carry out "executions" against ordinary policemen.

The breed of terrorists we are confronting today in the United States may very well be the most ruthless and irrational in the entire history of political terror.

They are obsessed people who derive an almost obscene satisfaction from the most gruesome sort of violence.

What can one say about a terrorist like Weatherman leader Bernadine Dohrn, who said about the murder of actress Sharon Tate and her friends:

> Dig it, first they killed those pigs, then they ate dinner in the same room with them, then they even shoved a fork into a victim's stomach! Wild!

Or what can one say about the mind of a man like Rap Brown, who on the night of the Cambridge, Md., riot, addressed a Negro audience in these terms:

> Look what the brothers did in Plainfield (New Jersey). They stomped a cop to death. Good. He's dead. They stomped him to death. They threw a shopping basket on his head and took his pistol and shot him and then cut him.
>
> Detroit exploded. Newark exploded. Harlem exploded. It's time for Cambridge to explode, baby.

We are dealing here with a special kind of political lunacy, but it is the kind of lunacy that can tear our society apart unless we move rapidly, because present conditions make this special brand of lunacy highly contagious.

Today it is questionable whether there are more than 4,000 or 5,000 active terrorists, of the right and of the left. But if we fail to bring the epidemic under control, several years from now we may find ourselves faced by three or four times this number.

I say that we must crack down, and crack down immediately, and crack down hard on the terrorists, both of the extreme left and of the extreme right.

We must crack down not only on those who are caught in the act of bombing or arson or shooting policemen, but on the handful of extremist organizations which advocate acts of terrorism and instruct their members and followers in the techniques of terrorism.

Advocacy, incitation, and instruction bear a direct relationship to the act. Clearly the hundreds of thousands of terrorist flyers and pamphlets that have been distributed in recent years have had more than a little to do with the thousands of terrorist incidents that have taken place. No reasonable person could argue otherwise.

The bill I am introducing today places a ban on the advocacy of urban terrorism and provides criminal penalties for such advocacy.

I know there are those who argue that any ban on the advocacy of terrorism would constitute an infringement of the right of free speech, and they will invoke certain recent Supreme Court decisions to uphold their argument.

In particular, they will refer to the Supreme Court decisions in the Dennis case and the Yates case.

I do not think that these critics have really read the decisions to which they refer.

It is true that the Supreme Court has ruled that one cannot ban the simple advocacy of revolution, when the need for revolution is presented as an abstract doctrine. However, in decision after decision, the Supreme Court has upheld the right of Government to ban the advocacy of illegal actions.

The Supreme Court said:

> The essential distinction in *Yates* v. *the United States* (354 U.S. 298, 324–25 (1957)) is that those to whom the advocacy is addressed must be urged to do something now or in the future, rather than merely to believe in something.

In its earlier decision on the Dennis case, the Supreme Court held that—

> Overthrow of the government by force and violence is certainly a substantial enough interest for the government to limit speech. Indeed, this is the ultimate value of any society, for if a society cannot protect its very structure from armed internal attack, it must follow that no subordinate value can be protected.

But in terms of the legislation I here propose, I believe that the most pertinent citation is the following paragraph from the Supreme Court decision in the Yates case:

> The essence of the *Dennis* holding was that indoctrination of a group in preparation for future violent action, as well as exhortation to immediate action, by advocacy found to be directed to "action for the accomplishment" of forcible overthrow, to violence as a "rule or principle of action," and employing "language of incitement" . . . is not constitutionally protected when the group is of sufficient size and cohesiveness, is sufficiently oriented towards action, and other circumstances are such as reasonably to justify apprehension that action will occur.

Before proceeding to draft this legislation, I asked the American Law Division of the Library of Congress to research the question of the constitutionality of a law banning the advocacy of terrorism. The research paper which they sent me expressed the belief that the measure I planned to introduce would be upheld on constitutional grounds.

In addition to banning the advocacy of urban terrorism, the bill which I have introduced today does the following things:

First. It calls for the licensing of all manufacturers and distributors of explosives. The licensing language, I might point out, is closely modeled after the licensing language of the gun bill, which has already been approved by Congress.

Second. It provides greatly increased penalties for terrorist activities and very heavy penalties for any violation of the licensing laws.

Third. It calls for the appointment of an additional Assistant Attorney General to administer the act.

Fourth. It authorizes an appropriation not to exceed $20 million, to carry out the provision of the act, including the provision of adequate supporting staff for the Assistant Attorney General and of additional investigative personnel for the Federal Bureau of Investigation.

One of the principal statements of findings incorporated in my bill says that the growing climate of violence in our society and the increasingly numerous incidents of bombing, arson, and attacks on law enforcement officers in themselves constitute circumstances under which there is substantial likelihood that incitation to specific acts of terrorism will imminently result in such acts.

I do not believe that anyone could take issue with the validity of this finding.

The penalties prescribed in my bill are far more severe than those now in the books. I believe this is warranted by the magnitude of the crime.

Bombs or Molotov cocktails are potentially weapons of mass murder, and it should therefore be a much more serious matter to manufacture or transport or be found in the possession of an explosive or incendiary device than it is to be found in the possession of a sawed-off shotgun or other concealed firearms.

Here are some samples of the very heavy penalties which my bill prescribes for terrorist activity:

The penalty for leadership or active membership in terrorist organizations is $5,000 to $10,000 fine or 5 to 10 years in prison, or if personal injury or death results directly from such advocacy or incitation or instruction, $10,000 to $25,000 fine or 10 to 20 years in prison, or both.

The penalty for manufacturing or distributing explosives without a license is $5,000 to $10,000 or 5 to 10 years in prison or both; or if personal injury or death results, $10,000 to $25,000 and 10 years to life imprisonment.

The penalty for improper possession of commercially produced explosives is $2,000 to $5,000 fine or 2 to 5 years in prison, or both.

The penalty for possession of any explosive not produced by a licensed manufacturer is $5,000 to $10,000 fine or 5 to 10 years in prison, or both.

The penalty for receiving, transporting or possessing a Molotov cocktail or other incendiary device or any explosive attached to a boobytrap mechanism or timing mechanism, is not less than $5,000 fine or not less than 5 years in prison, or both.

The penalty for threats of bombing is $5,000 to $10,000 fine, or 5 to 10 years in prison, or both.

There are some who will say that such penalties are Draconian. My argument in reply to them is that we are dealing with madmen each one of whom is a potential mass murderer, that we are confronting a national emergency, and that the most severe penalties are in order if we are to save our society from the onslaught of the bombers and the arsonists and all the other practitioners of urban guerrilla warfare.

At this juncture, the epidemic of terrorism is limited to a few thousand diseased minds. It is the purpose of this bill to terminate the epidemic by isolating the bearers of the disease of violence.

In closing my remarks, I think it pertinent to recount a true story which I heard from a veteran Russian scholar.

Many years ago this scholar had a conversation with a man who was chief of police of Petrograd under the Kerensky regime. The chief of police told him that in the summer of 1917 he had approached Kerensky and asked for permission to arrest Lenin and the Bolshevik Central Committee because he believed that this would prevent a lot of trouble in the future.

Kerensky refused to give him this permission, in part because he was an idealist, in part because he felt that the Bolshevik movement was too weak to constitute a menace.

A short while later, Lenin went into hiding in Finland, and it was too late to do anything about the proposal of the chief of police.

One cannot help but admire Kerensky for the idealism and goodness of heart which inspired his refusal to the chief of police.

However, one can also not help but reflect that had Kerensky given the chief of police the green light to arrest Lenin and his coconspirators, the Bolshevik revolution might have been avoided, and mankind might have been spared the countless millions of lost lives and untold human suffering for which the spread of communism has been responsible.

In this situation, as in so many other situations in history, there is no surer guide than the ancient adage that "a stitch in time saves nine."

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred.

The bill (S. 4403) to provide criminal penalties for acts committed in furtherance of urban terrorism, to provide licensing provisions and criminal penalties designed to control the unlawful use of explosives, and for other purposes, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4404—INTRODUCTION OF THE OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. DOMINICK. Mr. President, I introduce, for appropriate reference, a bill relating to the occupational safety and health of American employees. This bill is identical to the Steiger bill (H.R. 19200) now pending in the House. I am offering this bill for the purpose of permitting the Members of the Senate to give it consideration prior to the consideration on the floor of S. 2193, the occupational safety and health bill which has been reported by the Labor and Public Welfare Committee.

At the time S. 2193 is considered, the bill which I am introducing today will be offered as a substitute amendment for S. 2193.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appriately referred.

The bill (S. 4404) to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; introduced by Mr. DOMINICK, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4408—INTRODUCTION OF A BILL AMENDING THE APPALACHIAN REGIONAL DEVELOPMENT ACT

Mr. GOODELL. Mr. President, the Appalachian Regional Development Act was passed in March 1965—and I supported this legislation—in an attempt to alleviate the severe conditions of substandard housing, poor health, inadequate education, and heavy outward migration that existed in Appalachia. Since its inception, the Appalachian program has had an impact in such diverse areas as health, sewage treatment, education and transportation.

Through the accelerative action of the public investments provided for by the Appalachian Regional Development Act, significant strides have been made toward the development of a regional infrastructure that will prove attractive to private capital investment. Experience has demonstrated that public investment alone can achieve no more than a temporary economic uplift, which ultimately will falter and fail. But to the extent that public investments can be made to stimulate the flow of private investment, they will make a significant contribution to sound and lasting economic development.

A massive Federal revenue-sharing program such as the one recommended by the President will provide the best solution to the problems of economic development which beset all States. Clearly, no Federal agency or authority has greater knowledge of the needs and problems of an individual State than the State itself. Lacking this, however, I am convinced that the concept behind the Appalachian Regional Development Act provides the most effective and workable approach to regional development.

Currently, 14 counties of New York State's southern tier are participating in the Appalachian regional development program. These counties constitute a region of New York State which, in large measure, had been excluded from the mainstream of economic development and quality of life associated with this.

New York's Appalachian region is progressing with the construction of a regionwide network of 16 area occupational education centers which, upon completion, will give every student and adult the opportunity to acquire job relevant occupational education or reeducation. This is a considerable accomplishment in light of the fact that, during the 1950's, Appalachia lost over half its jobs in agriculture, nearly 59 percent of its jobs in mining, and 40 percent of its railroad employment.

There are other regions of New York State contiguous to the present Appalachian region which are beset with the same—and in some instances more severe—problems which the current Appalachian region has struggled so long to overcome. People in these areas are no different in their aspirations for a sound economic base, for better employment opportunities, and for a more rewarding life. The communities, towns, and counties are attempting to help themselves often through the imposition of unusually high debt burdens. The State is extending every assistance possible. But a State such as New York, with major urban centers and a magnitude of problems facing them, finds its dollars spread thin. The application of the Appalachian development concept to these areas can mean a major step toward solution of the problems.

XUM

The President has recognized the great need that exists for expansion of the Appalachian regional development area, and a study he transmitted to Congress concludes:

> There is sufficient economic justification to warrant the inclusion of portions of upper New York State in an economic development region. Further, the socio-economic orientation of the area in question appears to favor inclusion within the Appalachian region.

The study also points out that the counties in the northern portion of New York State experience generally greater distress than the counties currently included in the Appalachian program.

Accordingly, the bill I introduce today would implement the first alternative proposed in the President's study by including 34 additional counties in New York State in the Appalachian regional development area.

The time for action is now. The concept involved has been proven to be sound; the need has been established. To wait any longer simply delays the process of development. We stand to lose much more by waiting than we could ever gain by failing to enlarge this vital and fruitful program.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 4408) to amend section 403 of the Appalachian Regional Development Act of 1965, introduced by Mr. GOODELL (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Public Works.

S. 4412—INTRODUCTION OF A BILL TO PROVIDE HUMANE TREATMENT OF ANIMALS SHIPPED BY AIR

Mr. GOODELL. Mr. President, I am today introducing a bill to assure the humane treatment of animals transported by airlines. This bill is identical to the legislation introduced in the House on September 17, 1970, by Representative LOWELL WEICKER, JR. of Connecticut.

The purpose of this bill is to require the Secretary of Transportation to establish regulations for the care and humane treatment of animals that are transported by air commerce, and authorizes fines of $1,000 for violation of these rules.

At present, there are no regulations established by the Civil Aeronautics Board or the Federal Aviation Administration or the Department of Agriculture or any Federal agency for the care and humane treatment of animals shipped by air. This bill will require that more regulations be established.

Mr. President, I have received a number of complaints about the lack of Federal regulation from my constituents in New York State, and I am sure that other Senators have also heard from their constituents in this regard. Valuable animals and personal pets are regularly shipped by air, and it is important that they be given care and humane treatment in transit.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4412) to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce, introduced by Mr. GOODELL, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

"REGULATIONS GOVERNING HUMANE TREATMENT OF ANIMALS

"(g) The Secretary of Transportation shall, as soon as practicable after the date of enactment of this subsection, prescribe regulations governing the humane treatment of animals transported in air commerce."

SEC. 2. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading: "SEC. 307. Airspace control and facilities." is amended by adding at the end thereof the following:

"(g) Regulations governing humane treatment of animals.".

SENATE JOINT RESOLUTION 238—INTRODUCTION OF JOINT RESOLUTION DESIGNATING VETERANS DAY AS A NATIONAL DAY IN SUPPORT OF UNITED STATES PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. BURDICK. Mr. President, on behalf of myself and the Senator from Virginia (Mr. BYRD), I introduce for appropriate reference, Senate Joint Resolution 238, authorizing and requesting the President to declare November 11 as a National Day in Support of United States Prisoners of War in Southeast Asia.

Last week we were privileged to hear, in joint session of the Congress, Colonel Frank Borman discuss his 14-nation journey made on behalf of our American servicemen held prisoner of war and missing in action in Vietnam.

Colonel Borman painted a vivid picture of the thoughts that must be running through the minds of these men. As I listened to Colonel Borman, I realized that of the many tragedies arising from this war, none is more painful than the plight of the prisoner. Some of these men have been held longer than any other prisoners in the history of the United States.

The tragedy is not confined to the captured men, but strikes at their families, friends, and communities. In a recent issue of the Grand Forks, North Dakota, Herald, Marilyn Hagerty explained how the lives of North Dakota natives have been affected by the persistent refusal of the North Vietnamese to abide by the Geneva Conventions on Prisoners of War. I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, I doubt there is a Member of this body who has not joined an effort to publicize the attitude of the North Vietnam government. Citizens across the country are adding their names to petitions which will let the North Vietnamese government know our Nation is united in wanting the secure humane treatment and release of these servicemen. One such effort is "Freedom Signature Week" sponsored by the Veterans of Foreign Wars. During the week of September 20–26, VFW members throughout the Nation circulated petitions calling attention to the inhuman treatment of American prisoners and appealing for their release. In North Dakota, it was hoped to obtain 75,000 signatures.

Efforts such as these accord with Colonel Borman's principal suggestion he offered the Joint Session: "that every American continue maximum effort to mobilize world opinion and world awareness of this problem."

Today the Senator from West Virginia (Mr. BYRD) and I offer another means of focusing world opinion on this problem by the introduction of the resolution authorizing the President to designate November 11—Veterans Day—a National Day in Support of United States Prisoners of War in Southeast Asia. I cannot think of a more appropriate observance of Veterans Day than by the public voicing that these are not forgotten men.

The **PRESIDING OFFICER** (Mr. (Saxbe). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 238) authorizing the President to declare November 11—also known as Veterans Day—as a National Day in Support of United States Prisoners of War in Southeast Asia, introduced by Mr. Burdick (for himself and Mr. Byrd of West Virginia), was received, read twice by its title, and referred to the Committee on the Judiciary.

The article presented by Mr. Burdick is as follows:

[From Grand Forks Herald, Sept. 20, 1970, Grand Forks, N. Dak.]

Families of POWs, MIAs Wait, Pray, Write Letters

(By Marilyn Hagerty)

At night, when they go to bed, there's that gnawing, empty feeling. When they awake in the morning, it's still there.

It goes on and on—unresolved.

Families of men who are Prisoners of War (POWs) or Missing In Action in Southeast Asia (MIAs) know no peace of mind. In Grand Forks, there are five of those families. They are associated with a new national League of Families which headquarters in Washington.

While their efforts have been mainly individual from the kitchen table, they now hope to work with families in the 50 United States. Families who are joined in the common bond of waiting, praying and writing letters.

They hope to keep America aware of the more than 1,500 servicemen who should not be forgotten. They hope to encourage a mountain of mail to Hanoi.

They want to protest the secrecy that surrounds those who have been captured. They want to ask for humane treatment for them. They want to implore Hanoi and communist allies to abide by the provisions of the Geneva Peace Treaty on prisoners.

Families of the national league believe that nothing short of public outrage by citizens of the world will help improve the lot of their husbands, fathers, brothers and sons.

Of the more than 1,500 men believed to be captured, only names of 450 have been released.

Recently named as coordinator for the League of Families in North Dakota is Mrs. Leland Torkelson, Box 155, Crosby. Her son, Capt. Loren Torkelson is known to be a POW. He went down in April, 1967.

Mrs. Torkelson's daughter, Mrs. Everett Knudsvig, lives in Grand Forks.

With the captain's wife, members of the Torkelson family have worked relentlessly in the cause of prisoners.

"What people sometimes don't realize is that every day is important," says Mrs. Knudsvig.

"A few years ago," she says, "everything was hush hush. We were told all information was classified. That we could not talk about it.

"The secrecy was getting us nowhere," she says, "and it was hard on everyone."

She said since release of nine prisoners by Hanoi, the thinking has changed. The liberated men feel the silence has no effect. They are for rallying the public to the atrocities. They recommend a steady flow of letters of protest to Hanoi.

"And it does help to talk about it," says Mrs. Knudsvig.

Families of the following five men are among those here in the National League:

Capt. Loren Torkelson, USAF, Crosby, POW since 1967, brother of Mrs. Knudsvig.

Lt. jg., William M. Christensen, U.S. Navy, Missing in Action since March 1966, brother of Richard Christensen, 605 24th Ave. S.

Major Keith Hall, USAF, POW, since January, 1968, son of Mr. and Mrs. Norman Hall, 710 Ninth Ave. S.

Capt. Clifford Cushman, USAF, MIA since Sept. 1966, son of Mr. and Mrs. M. L. Cushman, 536 Oxford St.

Major Martin W. Steen, USAF, MIA since May, 1966, son of Mrs. Ethel Steen, 210 N. Sixth St.

While the wives of Capt. Torkelson and Maj. Steen have received messages from them, nothing has been heard from the others.

"It's just a vacuum," says Mrs. Steen.

She was one of several North Dakotans who went to Washington in June when the League of Families organized.

Mrs. Steen says packages are sent regularly to Maj. Steen by his wife, who lives at Tempe, Ariz. Only the nearest of kin is allowed to send a package and then only every other month.

"The first package was returned," says Mrs. Steen. "Now they are sent, but never acknowledged."

With her daughter-in-law, she feels the frustration and the loneliness of not knowing a thing. But Mrs. Steen keeps writing letters. She has no idea of what good it does.

Her son went down while returning from a mission over North Vietnam four years ago. His F105 plane was known to have been short of fuel. A searching crew the next day found his parachute belt, which had been cut.

"It indicated he must have landed on his feet," says Mrs. Steen.

But for 4½ years, no word.

Lt. Christensen, who is a native of Grand Forks, has not been heard from since he took off on an F4C Phantom Jet Fighter on a mission in March of 1966.

His brother, Richard, who works at the Area Social Service Center here, says it was in inclement weather. Christensen is a lieutenant junior grade (lt. jg.), in the Navy, a radar-navigator.

Christensen's parents are Mr. and Mrs. Charles M. Christensen, Great Falls, Mont., formerly of Grand Forks.

For almost two years, the family of Maj. Hall waited and wondered. An F4DD pilot, he was shot down by ground fire in January, 1968. He was listed as Missing In Action in Southeast Asia.

The family understood there had been some radio contact with Hall—then a Capt.—after he reached ground. Their hopes that he was alive came true when messages started coming through from him.

This year, his wife, the former Judy Waldon of Grand Forks, has received three brief messages. The last was in May. Mrs. Hall and their three children live at Ft. Walton Beach, Fla.

Maj. Hall is a 1956 graduate of the University of North Dakota.

Seven letters have come through from Capt. Torkelson to his wife, Merle, in Carmichael, Calif. the last was in May.

Torkelson, who like his wife is a UND graduate, went down in April, 1967. His F4C Phantom Jet reportedly was riddled in a "dog fight."

Later he was pictured in a Bangkok newspaper as a captured American pilot. He has been seen among POWs in North Vietnamese propaganda movies. He was recognized as one of the prisoners receiving communion in a film made at Christmas of 1968.

Torkelson has a sister, Mrs. Dennis Thomte, Omaha, who was among a small group of women from that city to go to Washington last May. Their mission was to join with others in an appeal for International Justice for Prisoners.

Spokesman for women on that mission was Carolyn Cushman of Omaha. She is the wife of Capt. Cushman of Grand Forks—missing in action since he was shot down over North Vietnam Sept. 25, 1966.

Mrs. Cushman is a tireless worker in the interest of those held prisoner and those missing in action. She is a director of the Forgotten Americans Committee in Omaha.

She is steadfast in her belief, "No matter what your political views are about the war, all Americans can be united in support of their country's servicemen—either prisoners of war or missing in action."

Carolyn Cushman is relentless in her efforts. She has written Cushman's parents here that the Forgotten Americans Committee is now organizing a big fall rally in that city. It will be a sequel to one held there last spring. The committee sets up displays at public events, passes out literature and seeks signatures on petitions. They have "action packs" available for people anywhere who start a Forgotten Citizens Committee.

The address is P.O. Box 37403, Omaha.

All of the efforts, though, cause only a ripple in the whole broad spectre.

Through it all, families hope Hanoi will take note. Their prayers are fervent.

They ask the Almighty Father to, "Give to all of us who wait and hope in the face of every disappointment the will to perservere in the cause of peace." And they ask for "wisdom to conquer hate with love and every doubt with renewed faith in You."

Mrs. Cushman says, "There is nothing in heaven or earth I would not do to bring back my beloved Cliff."

ADDITIONAL COSPONSORS OF BILLS

S. 4050

At the request of the Senator from Alaska (Mr. Stevens), the Senator from South Carolina (Mr. Hollings), the Senator from Oklahoma (Mr. Bellmon), the Senator from Colorado (Mr. Dominick), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 4050, to authorize the issuance of U.S. conservation savings bonds in order to afford an opportunity for the people of the United States, through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment.

S. 4345

Mr. HARTKE. Mr. President, it is with a sense of deep concern that I join the distinguished Senator from New Jersey (Mr. Williams) in cosponsoring S. 4345, a bill to update the retirement income credit.

Last year the Congress passed with my strong support a far-reaching Tax Reform Act.

Several measures in the new law, including a number I have advanced, will provide urgently needed tax relief for overburdened taxpayers. For example, the Act will:

Raise the personal exemption deduction in four steps from $600 to $750;

Authorize a new low-income allowance which will remove more than 5 million tax returns from the tax rolls;

Increase the standard deduction from 10 percent of adjusted gross income with a $1,000 ceiling to 15 percent with a $2,000 maximum deduction; and

Lower the tax rates for single persons.

But because of time limitations, no action was taken on a matter of vital importance for retired teachers, policemen, firemen and Federal annuitants—the need for bringing the retirement income credit up-to-date.

The retirement income credit was enacted in 1954 to provide these individuals with comparable tax relief as received by Social Security beneficiares.

Government annuitants and persons living primarily on investment income receive substantially equivalent treatment by claiming a 15-percent credit on their retirement income—their taxable pensions, annuities, interest, dividends, and rents.

Since 1962 there have been three badly needed increases in social security benefits.

Yet, the retirement income credit has not been modernized during this 8 year period, although hundreds of thousands of Government retirees are in need of tax relief.

As a consequence, the credit no longer provides an equivalent income exemption for Government pensioners.

Today the maximum amount for computing the credit is $1,524 for a single person—the same figure employed back in 1962.

In contrast, an individual may now receive $2,278 tax free under social security.

My bill would help to restore greater fairness in our tax system by placing Government annuitants on a substantially equivalent basis with persons receiving social security benefits.

First, S. 4345 would raise the maximum amount for computing the credit from $1,524 to $2,278—the maximum benefit now payable to a person under the Social Security Act. For a married couple, this figure would be increased from $2,286 to $3,417.

XUM

In terms of dollars and cents, this raise could provide a tax savings of $113 for a single taxpayer and $170 for a married couple filing jointly.

For a retired couple living on a limited fixed income, this savings could provide badly needed medical care, food for the table, or money for medicine.

In my own State of Indiana, this measure could provide $4 million in tax relief for an estimated 40,000 elderly taxpayers.

Second, S. 3445 would provide for an automatic adjustment mechanism to keep the retirement income credit current with social security increases. With this approach, Government annuitants will be protected against longstanding delays which can result in the loss of precious tax dollars.

In far too many instances, these local, State and Federal pensioners—desperately in need of tax relief—have been overlooked or ignored.

Equity in our tax system presents a very compelling argument to rectify this situation and to place these taxpayers on a par with social security beneficiaries.

For these reasons, I urge prompt and favorable consideration of S. 4345.

Mr. President, I ask unanimous consent that, at the next printing my name be added as a cosponsor of S. 4345, to adjust the amounts of retirement income for which a tax credit is allowable under the Internal Revenue Code of 1954 in order to provide benefits thereunder comparable with tax benefits accorded social security recipients.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

At the request of the Senator from New Jersey (Mr. Williams), the Senator from West Virginia (Mr. Randolph), and the Senator from Vermont (Mr. Prouty) were added as cosponsors of S. 4345, to adjust the amounts of retirement income for which a tax credit is allowable under the Internal Revenue Code of 1954 in order to provide benefits thereunder comparable with tax benefits accorded social security recipients.

SENATE RESOLUTION 473—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR SPECIAL COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey submitted the following resolution (S. Res. 473); which was referred to the Committee on Rules and Administration:

S. Res. 473

Resolved, That the Special Committee on Aging is hereby authorized to expend, from the contingent fund of the Senate, $24,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 316, Ninety-First Congress, agreed to February 16, 1970.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENTS

AMENDMENT NO. 954

Mr. STEVENS submitted an amendment, in the nature of a substitute, intended to be proposed by him to the Griffin-Tydings amendment (No. 711) to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Stevens when he submitted the amendment appear earlier in the Record under the appropriate heading.)

AMENDMENT NO. 955

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

AMENDMENT NO. 956

Mr. DOLE submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Dole when he submitted the amendment appear earlier in the Record under the appropriate heading.)

AMENDMENT NO. 957

Mr. DOLE submitted an amendment, intended to be proposed by him as a substitute for amendment No. 711, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 958

Mr. COTTON submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 959

Mr. BAYH submitted an amendment, in the nature of a substitute, intended to be proposed by him, to amendment No. 711, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 960

Mr. BAYH submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 961

Mr. BAYH submitted an amendment, in the nature of a substitute, intended to be proposed by him to amendment No. 911, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 962

Mr. BAYH submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 963

Mr. SPONG submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 964 AND 965

Mr. MONDALE submitted two amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT NO. 966

SAVING THE NATION'S FAIRS

Mr. TYDINGS. Mr. President, I rise today on behalf of myself and Senators Cotton and Murphy to submit legislation designed to preserve one of the Nation's historic institutions: the State fair. Owing to the revocation of the tax-exempt status of the Maryland State Fair and Agricultural Society, and attempts by the Internal Revenue Service to tax the Rochester, N.H., Fair, the Los Angeles County Fair Association, the Marshfield, Northampton, and Topsfield fairs in Massachusetts, and the Knox Agricultural Fair of Maine, as well as other fairs across the country, most of the Nation's fairs find themselves faced with financial disaster. Unless the tax-exempt status of these fairs is restored and preserved, they will not be able to operate without very substantial State subsidies—subsidies that will not be forthcoming given the difficult fiscal position of most of our States.

BRIEF LEGISLATIVE HISTORY

Exemption from taxation of labor, agriculture, horticultural organizations, and charitable and educational organizations was provided by the Revenue Act of 1913.

Regulations 45, article 512, issued in 1921 under the Revenue Act of 1918, provided as follows:

> Agricultural and horticultural organizations.—Agricultural or horticultural organizations exempt from tax do not include corporations engaged in growing agricultural or horticultural products or raising live stock or similar products for profit, but include only those organizations which, having no net income inuring to the benefit of their members, are educational or instructive in character and have for their purpose the betterment of the conditions of those engaged in these pursuits, the improvement of the grade of their products and the encouragement and promotion of these industries to a higher degree of efficiency. Included in this class as exempt are organizations such as county fairs and like associations of a quasi-public character, which through a system of awards, prizes, or premiums are designed to encourage the production of better live stock, better agricultural and horticultural products, and whose income, derived from gate receipts, entry fees, donations, etc., is used exclusively to meet the necessary expenses of upkeep and operation. Societies or associations which have for their purpose the holding of annual or periodical race meets, from which profits inure or may inure to the benefit of the members or stockholders, do not come within the terms of this exemption. A corporation engaged in the business of raising stock or poultry, or growing grain, fruits, or other products of this character, as a means of livelihood and for the purpose of gain, is an agricultural or horticultural society only in the sense that its name indicates the kind of business in which it is engaged, and it is not exempt from tax.

These regulations were basically unchanged until 1958, when the Internal Revenue Service adopted regulations under the corresponding provision of the 1954 code which dropped all references to racing.

In 1950, an unrelated business income tax on exempt organizations was enacted. Section 511(a) imposes a tax on the "unrelated business income" of most exempt organizations, including those described in section 501(c); that is, income derived from a trade or business "regularly carried on" by a tax-exempt organization is taxed if the business is not "substantially related" to the performance of the functions upon which the organization's exemption is based.

RACING SUBSTANTIALLY RELATED TO MARYLAND FAIR'S FUNCTION

The relevant history of the Maryland State Fair will be briefly stated, for it is typical of our Nation's fairs. The Maryland State Fair is nearly 100 years old. And, its fundamental objectives and activities have remained substantially the same since it first opened in Baltimore County in 1878.

The fair was established and continues to be operated primarily to improve and stimulate interest in the area's agricultural products. In addition, the fair offers grandstand shows, rides, and horse racing on a half-mile track—all of which have been offered since the fair's inception.

That the horse racing is an intimately related and secondary part of the fair is clear. Far more people attend the fair each day than attend the races. Indeed, all persons attending the racing events must purchase a ticket to the fair, and many of them visit the fair as well.

Thoroughbred horse racing has been conducted at the fair for nearly a century for two reasons: as an attraction to encourage greater attendance at the fair, and as a part of the State's horse-breeding industry. At a trial concerning a local real property tax assessment on the track area—which was held to be improper by the highest court of the State of Maryland because the racing area was found to be an integral part of the fair—Dr. Gordon M. Cairns, Dean of the School of Agriculture at the University of Maryland, described racing's integral role:

> Any fair exists primarily for an educational function and purpose. This is to acquaint the people of the area through demonstrations, through exhibits, displays and the like. Secondly, the competitions that are held there are the basis for the development of the various aspects of our livestock and agricultural industry.
>
> Basically, all fairs are created with the objective—with two objectives. The one is education and the other is how to get the people there to show them what is educational and they have to have the traditional, shall we say, entertainment features associated therewith to help draw the crowds to those attractions.

Imposition of the unrelated business income tax specifically was to prevent unfair competition by exempt organizations with profitmaking organizations. However, the operations of the racetrack during the fair by the Maryland State Fair is not competitive with any tracks in the State.

Furthermore, the fair's racing license always has been conditional upon the maintenance of a bona fide fair with agricultural exhibits.

In 1924, the racing commission reported that:

> The County Fairs, which have become a valuable asset to the State, enjoyed a successful season, and each year are doing more and more to benefit and promote the agriculture and breeding industries of the State. Racing constitutes an important event at each of the fairs, and the Commission is constantly seeking to improve the conditions under which it is conducted.

The 1939 report of the racing commission sums up the role which county fair racing plays in the Maryland breeding industry:

> County fair racing . . . furnish(es) an arena in which the breeders with horses that have not developed the class necessary for the big tracks can acquire purse money to reduce the losses they sustain in their breeding ventures.

Finally, though it should be obvious, it is worth pointing out that no part of the net profits of the Maryland State Fair are received by an individual. All funds go to support and improve the fair.

UNREASONABLE IRS POSITION

In 1955, the Internal Revenue Service forced the Maryland State Fair to go to court to obtain a decision that income from its horseracing is an integral part of the fair and, therefore, not subject to the unrelated business income tax. The U.S. District Court for the District of Maryland ruled in the fair's favor.

But even the court ruling apparently has not satisfied the IRS. It has attempted to tax this income in subsequent years and even has proposed revoking the tax exemption of the entire fair.

Then, in 1968, the IRS issued regulations intended to clarify the meaning of "related" activities of an exempt organization. These regulations state that a business is judged "related" if its conduct "has causal relationship to the achievement of exempt purposes; and is 'substantially related', for purposes of section 513, only if the causual relationship is a substantial one."

Given the integral relationship between the fair's racing activity and its other activities, one would have assumed that this IRS regulation had settled the matter once and for all; that racing would clearly be regarded as a related business activity.

But, later that same year, much to everyone's surprise, the IRS issued a ruling claiming that income from the operation of racing run by a fair is unrelated business income subject to Federal income tax. And, the reasons given for the ruling hardly were compelling: First, that the races are carried on in a manner similar to commercial racetracks; second, that the conduct of the races is not related to the organization's exempt purpose because it does not contribute importantly to the educational objectives of the fair; and, third, the races are not a type of recreational activity that is intended to attract the public to the fair's educational features.

The manner of the IRS approach is particularly disturbing—tax only the entertainment revenue with no offset of other fair activities expenses.

NEED FOR CONGRESSIONAL ACTION

Mr. President, a crisis generated by the Internal Revenue Service threatens the tax-free status of our fairs located in virtually every State. I have already mentioned that fairs in California, Maryland, Maine, Massachusetts, and New Hampshire have recently been subjected to IRS attempts to tax horseracing revenues. A recent survey of some of our country's fairs reveals 25 conducting some sort of horseracing as part of fairs, and these fairs are located in the States of California, Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Mexico, Ohio, Pennsylvania, South Dakota, Utah, and Vermont. And there are probably other States with fairs conducting horseracing of which we do not know. But we do know that the fairs of virtually all 50 States carry on public entertainment activities such as horseracing, rodeos, dog-racing, auto racing, water shows, thrill shows, stage shows, music shows, circuses and the like, and that there is no policy or logical difference, nor should there be any, between these types of public entertainment. And we do know that all of these entertainment activities are historically a part of fairs, many, particularly horseracing, antedating the Federal income tax, and vitally necessary today to draw crowds to witness the agricultural achievements of the area.

Mr. President, if the State fairs of this Nation are held liable for Federal income taxes, they surely will be forced to close. An important part of our agricultural economy and of the American heritage will perish. I do not believe that the Senate can afford to stand by idly while this happens.

Therefore, I am offering legislation today to amend the Internal Revenue Code of 1954 to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization in section 501(c) shall not be "unrelated business" and shall not affect the tax exemption of the organization. It is my belief that much support for such legislation exists in the Congress, since almost every State has one or more nonprofit fairs with public entertainment activities of the type I have described.

In my opinion, a new ruling by the IRS on this matter would have been preferable to additional legislation. But, since careful explanation of this desirable alternative discloses that no new ruling will be forthcoming, I believe it is incumbent upon the Congress to act. For no less is at stake than the survival of the State fair as an American institution.

I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SAXBE). The amendment will be received, printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 968) was referred to the Committee on Finance, as follows:

AMENDMENT No. 968

At the proper place insert the following new section:

INCOME FROM PUBLIC ENTERTAINMENT ACTIVITIES AT CERTAIN FAIRS AND EXPOSITIONS

SEC.—(a) Section 513 of the Internal Revenue Code of 1954 (relating to the definition of an unrelated trade or business) is amended by adding the following subsection 513(d):

"(d) SPECIAL RULE FOR FAIRS AND EXPOSITIONS.—The term 'unrelated trade or business' shall not include the operation of a public entertainment activity in conjunction with a National, State, local, regional or international fair or exposition conducted by an organization described in section 501 (c); nor shall the operation of any such public entertainment activity prevent, or cause the denial of, the exemption of such organization otherwise exempt under section 501(c)."

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1959.

AMENDMENT NO. 974

Mr. EAGLETON (for himself and Mr. SYMINGTON) submitted an amendment, intended to be proposed by them, jointly, to House bill 17550, supra, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—AMENDMENT

AMENDMENT NO. 966

Mr. HARTKE. Mr. President, I am today submitting an amendment to H.R. 17825 which amends the Omnibus Crime Control and Safe Streets Act of 1968.

This country is, in fact, fighting two wars. One in Southeast Asia and the other one in the streets of America. The latter conflict is the overtalked, but underfought, war on crime. In 1968, this war killed 12,000 persons, hospitalized 200,000 persons, and produced property losses in excess of $1 billion. If positive action is not taken—and taken soon—a crime crisis of unprecedented proportions will soon envelop our Nation.

Supposedly, title I of the Omnibus Crime Control and Safe Streets Act of 1968 could be the greatest single device at the disposal of the Federal Government to check the crime which is engulfing our cities in fear. Under title I, $63 million was made available to the States in 1969 for the creation of State planning agencies and action programs to upgrade both State and local criminal justice agencies. The appropriations under the act were increased in 1970 to $286 million with much larger expenditures slated for next year.

However, great sums of money have not produced great results as the program has operated far below its potential. The reports by the National League of Cities, the U.S. Conference of Mayors, the Urban Coalition and Urban America, the National Association of Counties, and the National Governors Conference have all indicated the lack of leadership at both the Federal and State levels that now jeopardizes the war against crime.

The Law Enforcement Assistance Administration has not actively sought to encourage excellence in programing at the local level. If the LEAA is to have an effective leadership role, it must abandon the policy of granting 50 percent of the aid under title I to the States without requiring them to designate the action money would be spent geographically and for what purposes.

The urban coalition cites the highly political focus in the distribution of action funds, as one need for reform under title I. Funds have been squandered on piecemeal projects, instead of coming to terms with the crime problem through well-funded innovative programs. Funds have been used for political rewards and not for criminal counteraction. In an attempt to share the harvest of Federal revenues, many grants are so small as to have an insignificant effect on crime. The war against crime should be placed above such political considerations and motivations.

Funds allocated under title I have often been misspent in low-crime areas. The National League of Cities study zeroes in on the seeming inability to insure that planning and action grant funds will be concentrated in those areas with the highest incidence of crime.

I am offering legislation today that will change section 306 of title I so that no more than 50 percent of the funds appropriated by Congress, as compared to the present 85 percent, would go to the States as block grants. Attached to this amendment is the proviso that a State's block-grants allocation will be increased by 20 percent from funds allocated at the discretion of LEAA, where it finds that the comprehensive State plan, required under the act, adequately deals with the the needs and problems of the urban areas and those areas of high crime incidence within the State. The legislation further guarantees that a State's block grant will be increased by another additional 20 percent from LEAA discretionary funds in the case of a State contributing at least 50 percent of the non-Federal share of the cost for programs of local government. Thus, a State that complies with the two provisos in this legislation will receive a 90-percent block-grant allocation rather than 85 percent currently provided.

The purpose of the first proviso is not to weaken the effective control that the States now exerts over title I funds but to increase the sensitivity and awareness of State governments to the needs of their major urban areas. Similarly, the second proviso is not designed to strengthen the position of the urban areas at the expense of the States, but is an attempt to establish the realities resulting from the fiscal situation of the States and cities. If the block-grant approach is to succeed, a partnership must not only be cemented among the Federal and State Governments, but also among the State and local governments. This partnership can be cemented more firmly by requiring a more equitable sharing of the costs, to alleviate the burden placed upon overextended governmental units.

This war cannot be won until we are willing to designate certain priorities and finance these priorities appropriately. We must carry this war to where it is being fought.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will lie on the table.

ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION—AMENDMENTS

AMENDMENT NO. 967

Mr. HARTKE. Mr. President, I submit an amendment to S. 2348. S. 2348 established a federally chartered corporation to protect securities investors against losses resulting from financial failure of broker-dealer firms. My amendment would protect the private pensions of millions of American workers through Federal insurance of their pension plans. The need for both steps should be obvious. The justice of offering protection not only for investors, but also to American workers should be equally clear.

I have no objection to the basic intent and purpose of S. 2348. When President Nixon mentioned in his economic speech of June 17 this concept as one of eight measures needed to "help the people who need help most in a period of economic transition." I readily indicated my support. Of course, I think it is only fair to

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mention the previous initiative and leadership of the distinguished Senator from Maine, Senator Muskie. He was the original sponsor of this bill, and has been working on it for many months.

My amendment is based on legislation I have offered in the 88th, 89th, and 90th Congresses. Similar legislation has been introduced in the House and extensive hearings on the need for pension reinsurance were held on the House side this year. I first became aware of the need for this legislation when the Studebaker plant closed suddenly in South Bend, Ind., in 1964. At that time many workers, some with 30 years of hard work behind them were denied pensions benefits to which they were entitled. My subsequent studies discovered that between 1954 and 1969, more than 10,000 private pensions have failed, leaving almost 400,000 employees with reduced, or no pensions at all.

At the present time, there are about $100 billion invested in private pension funds. These pensions are to cover the private pensions of some 25 to 30 million American workers. By 1980, it is estimated that private pension plans assets will grow to more than $250 billion, covering some 45 million workers. Clearly we should act now to protect the future and retirement income of these American workers.

Mr. President, I ask unanimous consent that my amendment and explanation of it be printed in the Congressional Record at this point.

The PRESIDING OFFICER (Mr. Hughes). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and explanation will be printed in the Record.

The amendment (No. 967) is as follows:

Amendment No. 967

On page 31, strike out lines 12 and 13, and insert in lieu thereof the following:

"TITLE I—SECURITIES INVESTOR PROTECTION ACT OF 1970

"Sec. 101. This title may be cited as the 'Securities Investor Protection Act of 1970'."

On page 31, line 14, strike out "Sec. 2." and insert in lieu thereof "Sec. 102".

On page 72, line 18, strike out "Sec. 3" and insert in lieu thereof "Sec. 103".

On page 73, line 8, strike out "Sec. 4" and insert in lieu thereof "Sec. 104".

On page 73, line 8, strike out "Act" and insert in lieu thereof "title".

On page 73, line 9, strike out "Act" and insert in lieu thereof "title".

At the end of the bill, add the following new title:

"TITLE II—FEDERAL REINSURANCE OF PRIVATE PENSION PLANS ACT

"SHORT TITLE

"Sec. 201. This title may be cited as the 'Federal Reinsurance of Private Pension Plans Act'.

"DEFINITIONS

"Sec. 202. As used in this title—

"(a) The term 'pension fund' means a trust, pension plan, or other program under which an employer undertakes to provide, or assist in providing, retirement benefits for the exclusive benefit of his employees or their beneficiaries. Such term does not include any plan or program established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employees exclusively for his or their benefit, or for the benefit of his or their survivors.

"(b) The term 'eligible pension fund' means a pension fund which meets the requirements set forth in section 401 of the Internal Revenue Code of 1954 with respect to qualified pension plans.

"(c)(1) The term 'insured pension fund' means an eligible pension fund which has been in operation for not less than three years and, for each of such years, has met the requirements set forth in subsection (b) and has been insured under the program established under this title.

"(2) Any addition to, or amendment of, an insured pension fund shall, if such addition or amendment involves a significant increase (as determined by the Secretary) in the unfunded liability of such pension fund, be regarded as a new and distinct pension fund which can become an 'insured pension fund' only upon compliance with the provisions of paragraph (1) of this subsection.

"ESTABLISHMENT OF INSURANCE PROGRAM

"Sec. 203. There is hereby established in the Department of Health, Education, and Welfare a program to be known as the Federal insurance program for private pension plans (hereinafter referred to as the 'progam'). The program shall be administered by, or under the direction and control of, the Secretary.

"CONTINGENCIES INSURED AGAINST UNDER PROGRAM

"Sec. 204. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of an insured pension fund against loss of benefits to which they are entitled under such pension fund arising from—

"(1) failure of the amounts contributed to such fund to provide benefits anticipated at the time such fund was established, if such failure is attributable to cessation of one or more of the operations carried on by him in one or more facilities of such employer; or

"(b) The rights of beneficaries of an insured pension fund shall only be insured under the program to the extent that such rights do not exceed—

"(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 80 per centum of his average monthly wage in the five-year period for which his earnings were the greatest, or $500 per month;

"(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump-sum survivor benefit on account of the death of any employee, an amount found by the Secretary to be reasonably related to the amount determined under subparagraph (1).

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefit shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

"(c) If an eligible pension fund has not been insured under the program for each of at least the three years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured and in lieu thereof the contributions made on behalf of such pension fund during such period shall be returned to the pension fund.

"PREMIUM FOR PARTICIPATION IN PROGRAM

"Sec. 5. (a) Each eligible pension fund may, upon application therefor, obtain insurance under the program upon payment of such annual premium as may be established by the Secretary. The Secretary shall establish separate premium rates for insurance against each of the contingencies described in section 204(a)(1) and section 204(a)(2). In establishing such premium rates for insurance against the contingency described in section 204(a)(2), the Secretary shall provide that the rate shall vary, to whatever extent is appropriate, for different classes of investments. Premiums rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded obligations and assets or class of assets, respectively, of each insured pension fund. The premium rates may be changed from year to year by the Secretary, when the Secretary determines changes to be necessary or desirable to give effect to the purposes of this title; but in no event shall the premium rate established for the contingency described in section 204(a)(1) exceed 1 per centum for each dollar of unfunded obligations, nor shall the aggregate premium payable by any insured pension fund for the contingency described in section 204(a)(2) exceed one-quarter of 1 per centum of the assets of such fund.

"(b) The Secretary, in determining premium rates, and in establishing formulas for determining unfunded obligations and assets of pension funds, shall consult with, and be guided by the advice, the Advisory Council (established by section 208).

"(c) If the Secretary (after consulting with the Advisory Council) determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of insured pension funds, then the Secretary shall insure the rights of beneficiaries in accordance with the following order of priorities—

"First: individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension fund, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension fund;

"Second: individuals who, at such time, have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension fund; or, if the pension fund plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension fund, are eligible for benefits upon retirement;

"Third: individuals who, at such time, have attained age forty-five;

"Fourth: individuals who, at such time, have attained age forty; and

"Fifth: in addition to individuals described in the above priorities, such other individuals as the Secretary, after consulting with the Advisory Council, shall prescribe.

(d) Participation in the program by a pension fund shall be terminated by the Secretary upon failure, after such reasonable period as the Secretary shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

"REVOLVING FUND

"Sec. 206 (a) In carrying out his duties under this title, the Secretary shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities incurred under the program shall be paid.

"(b) The Secretary is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average rate on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Secretary from premiums paid into the revolving fund.

"(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

"AMENDMENT TO INTERNAL REVENUE CODE

"SEC. 207. (a) Section 401(a) of the Internal Revenue Code of 1954 (relating to definition of qualified pension and other similar plans) is amended by adding at the end thereof the following new paragraph:

"'(11) Notwithstanding the preceding provisions of this subsection, no pension fund which, for any taxable year is insurable under the Federal Reinsurance of Private Pension Plans Act, shall be a qualified pension plan under this section if such fund is not insured for such year under the program established under such Act.'

"(b) Section 404(a)(2) of such Code (relating to deductibility of contributions to employees' annuities) is amended by striking out 'section 401(a) (9) and (10)' and inserting in lieu thereof 'section 401(a) (9), (10), and (11)'.

"(c) The amendments made by this section shall be effective with respect to taxable years which begin not less than six months after the date of enactment of this title.

"ADVISORY COUNCIL

"SEC. 208. (a) There is hereby created a Federal Advisory Council for Insurance of Employees' Pension Funds (hereinafter referred to as the 'Advisory Council'), which shall consist of nine members, to be appointed by the President, by and with the advice and consent of the Senate. The President shall select, for appointment to the Council, individuals who are, by reason of training or experience, or both, familiar with and competent to deal with problems involving employees' pension funds and problems relating to the insurance of such funds. Members of the Council shall be appointed for a term of two years.

"(b) Members shall be compensated at the rate of $100 per day for each day they are engaged in the duties of the Advisory Council and shall be entitled to reimbursement for traveling expenses incurred in attendance at meetings of the Council. The Advisory Council shall meet at Washington, District of Columbia, upon call of the Secretary who shall serve as Chairman of the Council. Meetings shall be called by such Chairman not less often than twice each year.

"(c) It shall be the duty of the Advisory Council to consult with and advise the Secretary with respect to the administration of this title."

In lieu of the matter relating to amending the title of the bill, insert the following:

"Amend the title so as to read: 'A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, and for other purposes.'"

The explanation presented by Mr. HARTKE is as follows:

PUBLIC REINSURANCE FOR PRIVATE PENSION PLANS

A. PURPOSE OF THE PROGRAM

To establish a Federal system of reinsurance for private pension plans. The program would be financed by premiums to be paid by pension funds as a condition of qualification for favorable tax treatment under the Internal Revenue Code. Such a program would be similar to the program of insurance of deposits in savings banks and savings and loan associations through the Federal Deposit Insurance and the Federal Savings and Loan Insurance Corporations and the insurance of the mortgage obligation to make future payments under the Federal Housing Act.

B. NEED FOR THE PROGRAM

Congress has provided through legislation strong incentives for the establishment of private pension plans. Although the response has been gratifying in terms of the numbers of such plans which have been instituted, the very fact that most pension programs have been in existence for so few years, has created a serious problem. Since most pension plans are newly created they are still far from being fully funded even where a program of funding has been undertaken. In fact, present tax regulations preclude the funding of past service liabilities in less than about 12 years; they do not require that they be funded at all.

As a result termination of a pension plan may mean that the funds accumulated are inadequate to even pay full pensions to those nearing retirement age, let alone to protect the benefit expectations of other workers who may find that the security they thought they had established for their older years, through the accumulation of pension credits, has disappeared overnight.

The proposal embodied herein would insure to the worker at least some measure of the security which he has rightly come to expect; and because of its self-financing feature would not result in the expenditure of 1 cent of public funds. It would protect a worker's investment in a pension fund just as his savings are insured if deposited in a savings bank or a savings and loan association which are protected by insurance through a Government corporation. It would also insure the obligations of the fund to make future payments to him just as a mortgagee's right to receive future mortgage payments is insured by FHA.

C. PENSION RIGHTS PROTECTED

It is hoped that within the maximum premium rate set by the bill that all credits earned under all private pension plans will be able to be protected against the risk of termination. If, however, the premium should prove to be insufficient, the bill establishes a series of priorities for protection.

The highest priority would go to those who have already retired and who are receiving a pension and to those who are eligible to retire under the terms of their plan and who have attained normal retirement age. Next in line for consideration would be those who are eligible to retire by virtue of having attained the age specified in the plan for early retirement. If early retirement is not provided, age 60, the usual age for early retirement, should be used.

Third in line for possible coverage would be those workers whether or not eligible to retire who are over the age of 45 and who therefore presumably will find it impossible to accumulate sufficient new credits to provide adequately for their old age.

Fourth in the line of priorities would be those workers who have reached the age of 40. And last, reinsurance would be provided for all pension credits regardless of the age of the individual at the time of termination. This last classification would of course provide the complete coverage of every earned pension credit referred to earlier as the ultimate goal of this proposal. The desirability of such extensive coverage, if at all feasible, need not be restated.

It should be understood that insurance of credits in the third, fourth, and last priorities would not mean immediate payments from the pension reinsurance system. Payments would only be made when the individual reaches the normal retirement age.

D. PENSION PLANS ELIGIBLE FOR INSURANCE

The proposal contemplates insurance for all private pension plans which qualify under the Internal Revenue Code and which have been in operation and have paid premiums for a specified number of years before the insurance became effective would seem necessary. Such a suicide clause would seem necessary to prevent the establishment of a program with the knowledge that the plan will be terminated for one of several reasons. This would exclude "pay as you go" plans but would include all funded plans whether insured or trusteed. This would include plans which provide for terminal funding, which provide only for the funding of future service liabilities, and which provide for the funding of both past and future service liabilities. It is recognized, of course, that since these different types of plans have significantly different levels of funding, that the unfunded liabilities will vary from plan to plan. Since it is this unfunded liability that will be insured, the amount of the individual plan's premium will be computed on the basis of the amount of unfunded liability.

While the bill proposes to insure all qualified pension plans, further study may prove it necessary to require a reasonable amortization program (30 or 40 years) for past service liabilities. Such a requirement may be necessary if it is determined that the reinsurance scheme would progressively become more expensive because of the large unfunded liabilities of aging firms.

The only limitation which I believe should be placed on this all-inclusive aspect of the insurance is one related to the amount of benefit which any particular plan promises to its members. This would be similar to the limitation of $10,000 of savings which are eligible for insurance under existing programs. Such limitations are set forth in the bill.

E. RISKS AGAINST WHICH THE SYSTEM SHOULD INSURE

The reinsurance system would insure against all risks to earned pension credits if it is to provide a meaningful sense of security to the employee. These risks fall into two categories: (1) risks to the plan which depend on the degree to which it is funded, and (2) risks to the plan which depend on forces outside of it and which operate irrespective of the extent to which it is funded.

A clear example of a risk in the first category would be the termination of a plan because of the business failure of the employer. In such a case the risk insured against would be its unfunded liability which is attributable to the rights which are insured. As previously pointed out, the premium for insurance of this risk would be determined by the amount of unfunded liabilities.

Since the reinsurance plan is basically underwriting the benefit levels set forth in the plan, the amount of the unfunded liability, both for the purpose of determining the liability insured and the premium charged, would be determined on the basis of a set of standard actuarial assumptions. These actuarial assumptions could be determined by the Secretary on the basis of consultation with the Advisory Council established specifically for the purpose of consultation on the proposed program.

When the employer has not gone out of business, but has closed a plant or reduced the work force, continued funding of the past service liability may become such a burden as to jeopardize the existence of the remaining operation. To protect the rights of both terminating and continuing employees, the bill provides that where there is a partial termination determined in accordance with recent Internal Revenue Service Regulations (code sec. 401(a)(7)), an appropriate portion of the assets would be allocated to the terminating employees. The reinsurance would then pick up any additional liability on behalf of those employees. The employer would continue operation of

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his plan, with the remaining assets, on behalf of the continuing employees.

Where there is no termination, the program would not be applicable but the per capita past service amortization payment on a plan exceeds some specified percentage (e.g., 200 percent) of the initial per capita past service amortization payment, usually as a result of a severe reduction in the work force, the reinsurance would assume any past service liability financing required which is in excess of the specified percentage.

The second type of risk different from those which we have been discussing and which should be insured against, is the risk of depreciation of the funded assets. The risk involved, in the situation is probably very slight and is not dependent on the size of the unfunded liability. The premium for this risk is, therefore, computed separately than the premium for insuring the unfunded liabilities. While the risk here would depend upon the types of assets, it would probably be administratively unfeasible, as well as undesirable to set reinsurance premiums for individual investments at the same time consideration might be given to vary the premium by class of assets; i.e., Government bonds, stocks, mortgages, etc.

Since the premiums established, particularly with respect to the second risk outlined above, may eventually prove to be excessive, the legislation includes a provision authorizing the administrator to provide for the suspension or reduction of either type of premium for a period of time.

F. ESTABLISHMENT AND ADMINISTRATION OF REINSURANCE SYSTEM

The most logical existing agency to administer the system of reinsurance for private pension plans would be the Social Security Administration in the Department of Health, Education and Welfare. In addition to having the actuarial and technical personnel who are engaged in a similar operation, the administration by the social security offices would provide an opportunity for automatic notification to a prospective pensioner under a private plan at the time he files an application for social security benefits.

The legislation authorizes the Secretary to borrow moneys from the Treasury for the establishment of a reinsurance fund. This money would be repaid by the premiums which the fund would receive and the legislation would thereby achieve a self-financing status at no cost to the public.

DEPARTMENT OF CONSUMER AFFAIRS ACT—AMENDMENTS

AMENDMENT NO. 969

Mr. WILLIAMS of New Jersey. Mr. President, I submit, for appropriate reference, an amendment to S. 860—the Department of Consumer Affairs Act—a bill which I have cosponsored.

The purpose of this amendment is to help provide greater assurance that the food products purchased by America's consumers are clean, high quality, and properly branded.

In 1891 Federal food inspection first began with the certification of meat for wholesomeness by the Department of Agriculture.

Since then, other major milestones include the initiation of inspection services for:

Prevention of adulterated and misbranded food from moving in interstate commerce in 1906;

Grain in 1907;

Certain dairy products in 1908;

Fresh fruits and vegetables in 1917;

Shellfish in 1925;

Dressed poultry in 1927; and

Poultry products moving in interstate commerce in 1957.

Today virtually all food products receive some form of inspection or grading activity.

Yet there is strong cause for concern. For example, a recent report issued by the Government Accounting Office revealed that there are some grave inadequacies in the Federal meat inspection program. In a sampling, serious unsanitary conditions were found. Improper slaughter operations resulted in the contamination of carcasses with fecal material and hair. Meat was found to be processed in unsanitary areas and with dirty equipment.

And there is compelling evidence to indicate that inspection for other food products is often substandard or nonexistent in some instances.

One reason for this critical problem is that our food inspection legislation has usually evolved on a piecemeal basis, designed to meet difficulties as they arose.

As a consequence, parts of the food inspection function are performed by all levels of government. Several Federal agencies are now charged with the duty of inspecting the Nation's food supply, including the Department of Agriculture; the Department of Health, Education, and Welfare; the Department of the Interior; and even the Department of Defense.

This has often led to unnecessary overlap—causing alarm among consumers, concern among advocates of more efficient government and dissatisfaction from the food industry.

GAO estimates that more than 14,500 persons are now involved in Federal food inspection alone.

Moreover, inspection is frequently performed by more than one government agency at the same establishment and oftentimes on the same product.

For instance, at a dairy products company visited by GAO, the following duplication was found to exist:

Military veterinarians made monthly sanitary inspections and tested milk samples for bacteria and butterfat;

The Department of Agriculture also checked the establishment's sanitary conditions and took butter and cheese samples;

Personnel from the Food and Drug Administration inspected periodically for potential health hazards; and

The State health department checked the company's sanitary conditions and analyzed the fluid milk for bacteria.

Because of this fragmented approach, there is no clearcut coordinated Federal policy for inspection of our Nation's food supply.

In New Jersey, legislation has been introduced which would discontinue that State's meat and poultry inspection program and rely solely upon the Federal program. While I understand that this move is being made as an economy measure, I am deeply disturbed that the health of the people of New Jersey may be jeopardized by this action. The Comptroller General's report makes clear that we must improve the quality and efficiency of our food inspection activities before the States can in good conscience defer to the Federal Government.

The American consumer pays for this neglect, which may be in the form of poorer quality or unwholesome food.

Equally disturbing are reports that, based on the law of averages, each person in the United States is likely to have a diseased, contaminated, adulterated, or misbranded food product served to him at some point during any given year. This is unnecessary and unpardonable in our modern, technologically advanced society.

For these reasons, I introduce this amendment today to bring the many food inspection services under one Federal agency, the proposed Department of Consumer Affairs:

A department that will protect the consumer in an effective and uncompromising fashion.

A department that will give added meaning to the right of the consumer to be protected against inferior quality and adulterated food.

This Department, it seems to me, would be especially well equipped for discharging this function because it can act as a central spokesman for all consumers—all 200 million Americans.

Moreover, it will be one agency charged with the duty of representing the consumer in the highest councils of Government.

With this approach, we can streamline and strengthen Federal food inspection.

By placing this duty within the jurisdiction of one Federal department, we can hope to achieve clearer lines of responsibility.

Greater coordination can also be expected because there will be no unnecessary overlapping functions between competing agencies.

And most important, when the American housewife goes to the supermarket to buy food for her family, she can be more secure that her fruits, vegetables, fish, or meat are clean, wholesome and properly labeled.

In this manner, The American consumer can be more assured of a fair and honest exchange for his hard earned dollar.

Now is the time to move closer to these goals. Now is the time to provide for an effective and coordinated food inspection service.

Therefore, I urge prompt and favorable consideration of this amendment to protect:

Consumers from having adulterated and mislabeled products pawned off on them;

Producers against market loss caused by inferior products replacing wholesome food products;

Honest businessmen maintaining high-quality standards from unfair competition; and

The health and safety of all Americans.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 969) was referred to the Committee on Government Operations, as follows:

AMENDMENT No. 969

On page 8, strike out lines 1 through 4 and insert in lieu thereof the following:

"(3) all functions, powers and duties of the Secretary of Agriculture under the Federal Meat Inspection Act (7 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451–470), and section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 16–22(h)) relating to the inspection, certification and identification of the class, quantity, quality and condition of agricultural commodities, and any other functions, powers and duties of the Secretary of Agriculture which relate to the standardization, grading, or classing of agricultural commodities for consumer consumption;".

On page 8, line 16, strike out the period and insert in lieu thereof a semicolon.

On page 8, line 22, strike out the semicolon and insert in lieu thereof a period.

ESTABLISHMENT OF A COMMISSION ON SECURITY AND SAFETY OF CARGO—AMENDMENTS

AMENDMENTS NOS. 970 THROUGH 973

Mr. BIBLE. Mr. President, I submit four amendments I intend to propose to my bill, S. 3595, to establish a Commission on Security and Safety of Cargo.

Their purpose is to change the thrust of this bill, introduced on March 16, 1970, from that of establishing a commission to recommend solutions to meet the problem of cargo theft to legislation that would also begin immediately to deal affirmatively with some of the more obvious phases of the increasingly critical public carrier crime crisis. I am confident this course of action will meet the approval of eight distinguished and equally concerned Senators who are cosponsors of this bill—Mr. JENNINGS RANDOLPH of West Virginia, Mr. HARRISON A. WILLIAMS, JR., of New Jersey, Mr. JOSEPH M. MONTOYA of New Mexico, Mr. FRED R. HARRIS of Oklahoma, Mr. JACOB JAVITS of New York, Mr. PETER DOMINICK of Colorado, Mr. ROBERT DOLE of Kansas, and Mr. TED STEVENS of Alaska.

Since the introduction of my bill, the Senate Small Business Committee, of which I have the honor to be chairman, has held additional hearings and conducted further investigation into the growing magnitude of the problem posed by cargo theft, pilferage and hijacking now threatening the normal channels of commerce nationwide.

Mr. President, I believe that some urgency is appropriate because we know that cargo crime by theft, pilferage, hijacking, and vandalism within the transportation cycle nationally in 1969 cost American businesses upward of some $1,200,000,000.

These loss figures, developed by our committee from cargo claims and other data, do not include U.S. mail thefts, as an example, showing $65 million in losses of securities and other high-value items from 1967 to 1969 at New York City's John F. Kennedy Airport alone. Today the record will bear out a judgment that there are massive assaults by organized and unorganized criminal elements on cargo moving in interstate and international commerce.

My four amendments propose:

First. That the Secretary of Transportation be required, in consultation with air, rail, truck, and water transport regulatory agencies and the Commission on Security and Safety of Cargo, to establish mandatory physical security standards immediately for docks, piers, terminals and vehicles to guarantee that steps be taken to protect cargo.

Second. That the Commission's term of existence be reduced from 5 to 2 years, thus requiring final recommendations at an earlier date.

Third. That the Commission make a specific evaluation and recommendation about the development of a Federal license and/or identification system for cargo handlers in all transport modes.

Fourth. That the Shipping Act of 1916 be amended to require the Federal Maritime Commission to establish a uniform loss reporting system immediately to be implemented by agency regulations.

In explanation of my amendments, the first would require carriers to meet certain standards. To their credit, most of the modes of transportation have attempted to establish voluntary programs to meet some physical security standards. However, data provided to our committee, some from carriers themselves, show these attempts have largely been ineffective for many reasons. As I have previously commented at our hearings, it appears many carriers are lackadaisical and slipshod in establishing security standards for cargo. Their efforts to date have failed to dent the problem. Too many public carriers, right along with some of our regulatory agencies, have failed to realize they owe responsibilities to the consumer public and to business shippers in addition to the carriers they regulate.

The second amendment really comes to the heart of the problem—the urgency of coming to grips with cargo crime generally. The bill's language is clear that the Commission be required to propose specific solutions to the Congress, the President, and the other sectors involved. I emphasized that the Commission is not intended to be merely another study commission, but is rather one with a specific mission to propose definitive, deterrent programs in an admittedly difficult area. I am convinced that members of the Commission would recognize the urgency and enormity of the problem and could, by concentrated work, propose effective action programs within a 2-year period, rather than 5 years, as originally proposed.

The third amendment deals with a complex area wherein the rights of labor, management, and the public good are involved. However, it is such a vital component, as it concerns the integrity of the thousands of cargo handlers through whose hands billions of dollars worth of goods of all sizes, shapes, and values pass daily. Whether cargo can be transported safely without improved screening and identification of employees would seem extremely doubtful, based upon evidence available today. Certainly, specific evaluations and recommendations from the proposed Commission, with its broad-base membership, are absolutely necessary.

The fourth and final amendment would require the Federal Maritime Commission to establish a uniform loss reporting system.

I am pleased to announce that it will not be necessary to require by statute that the Civil Aeronautics Board or the Interstate Commerce Commission establish such uniform loss reporting systems for air and truck carriers because I have received communications from the Chairmen of both agencies within the past week assuring me that mandatory loss reporting systems will be implemented by both agencies immediately by appropriate rulemaking proceedings. This was done in response to our committee's recommendations and my persistent personal appeals that this step be taken so that not only the regulatory agencies, but all concerned businesses and their customers may know what the true dimensions of cargo theft and loss are.

The facts are that today no governmental agency or private company, trade or service organization knows the value, the tonnage or description of cargo moving through our regular commerce cycle. Consequently, there are no accurate statistics on losses, thefts, or their locations and value.

The Federal Maritime Commission has decided against a uniform loss reporting system for its waterborne cargo. My amendment would require such a reporting system in order that the Congress, the executive branch, the shipping public, and even the Maritime Commission itself could know the true extent of maritime cargo theft and pilferage at the Nation's waterfront facilities, estimated at approximately $170 million last year.

The Federal Maritime Commission believes that certain modified data-reporting forms of the U.S. Customs Bureau will handle theft-loss statistics sufficiently for incoming international cargo, and that foreign-bound export cargo and domestic offshore—coastwise—cargo would not require loss reporting of any kind.

I cannot accept this half-way, wait-and-see attitude, while American exporters, trying to develop foreign markets abroad and do their part in the balance-of-payments trade problem, are left to shift for themselves in trying to assess their cargo thefts. The same is true for businesses who use ships in our coastwise domestic trade who would also be without knowledge of their losses or information about pinpointing theft-prone areas.

I submit that the strength of our entire public carrier transport chain is no stronger than its weakest link. I would hope the Federal Maritime Commission might have a change of heart, but if not, then I would urge that mandatory uniform loss reporting requirements be imposed. This would permit our three public carrier regulatory agencies—the ICC, CAB, and the FMC—to pull together as a team to meet the cargo crime crisis, instead of having one pulling sideways, maverick-like. The time for backing, filling, and delaying by our carried regulatory agencies is long past in the fight against business cargo crime losses and crime-inflated prices paid by the consumer in the marketplace.

Mr. President, I ask unanimous consent that correspondence between the committee and the three regulatory agencies about this matter be printed in the Record at the conclusion of my remarks, together with the proposed amendments and a statement I delivered before the Senate Commerce Committee this morning explaining in greater detail the subject area covered by my amendments proposed herewith.

We have guards riding shotgun today on our big passenger airliners to curb hijacking. Riding shotgun on some cargo shipments within this country is already in progress. Unless effective steps are taken, we may have the spectacle of more shotguns riding cargo transport carriers regulatory to save them from thieves and vandals.

The PRESIDING OFFICER (Mr. Saxbe). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments, letter, and statement will be printed in the Record.

The amendments (Nos. 970 through 973) were referred to the Committee on Commerce, as follows:

Amendment No. 970

On page 11, line 23, insert the following new section:

"(9) evaluation and recommendation on the need and desirability of developing a Federal system for the licensing and/or identification of all individuals engaged in the handling of cargo, in any mode of transportation, moving in interstate or international commerce. The report under this section shall be made to the President and to the Congress pursuant to the provisions of this Act."

Renumber the succeeding sections accordingly.

Amendment No. 971

On page 12, line 16, delete Section 9, and in lieu thereof insert the following:

"Sec. 9. The Commission shall continue in existence for a period not to exceed two years after the appointment of its members pursuant to the provisions of this Act, at which time it shall cease to exist. Prior to such date, it shall provide the Congress with a complete report on its activities pursuant to this Act, and its final recommendations."

Amendment No. 972

At the end of the bill insert the following:

"FREIGHT SECURITY STANDARDS

"Sec. 10. (a) Prior to the termination of the Commission established pursuant to this Act, the Secretary of Transportation, after consultation with the Commission, the Civil Aeronautics Board, the Interstate Commerce Commission and the Federal Maritime Commission, shall promulgate such regulations as may be necessary for the security and safety of freight in transportation (including at terminals) by each of the separate carrier modes including freight forwarders under the jurisdiction of each agency.

"(b) Regulations promulgated pursuant to this section shall be deemed to have been promulgated pursuant to the Interstate Commerce Act, the Federal Aviation Act of 1958, and the Shipping Act, 1916, respectively."

Amendment No. 973

At the end of the bill insert the following:

"UNIFORM WATER CARRIER LOST AND DAMAGED CARGO REPORTING

"Sec. 11. (a) Section 21 of the Shipping Act, 1916, is amended by inserting '(a)' after 'Sec. 21' and by inserting at the end thereof a new subsection as follows:

"'(b) Each common carrier subject to this Act shall submit to the Federal Maritime Commission, for each three month period, a report listing and evaluating all cargo damaged, lost, missing, stolen or presumed stolen from such carrier or any agent thereof during such period.'

"(b) The amendment made by this section shall be effective on the first day of the first calendar month beginning after the date of enactment of this Act."

The matters presented by Mr. Bible are as follows:

Federal Maritime Commission,
Washington, D.C., August 20, 1970.
Hon. Alan Bible,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: At the time of my testimony before your Committee on June 25, 1970, I advised that our staff would endeavor to suggest a possible reporting system that would provide better statistics with respect to lost cargo. We have endeavored to find a way through existing reports or records to accomplish the desired goal and thereby not place a further paperwork and reporting burden on an industry and a government that is desperately trying to reduce such.

We concluded that U.S. Customs Discrepancy Report, Customs Form 5931, that must currently be filed with the Bureau of Customs to report shortages and overages and the reasons therefor, could be utilized for this purpose with respect to inbound cargo if data appearing thereon was correlated into an overall report and particularly if certain modifications were made.

We found that the Department of the Treasury and its Bureau of Customs had come to the same conclusion. A revised Form 5931 has already been drafted pursuant to a proposed amendment to their rules pertaining to cargo accountability. The proposed amendments are expected to be in effect later this year and, according to Treasury and Customs officials, the statistical data yielded will show the description of the merchandise, its value, and where, when and how lost. I understand that your Committee is fully cognisant of this.

An appropriate analysis of the results on a regular and timely basis should pinpoint the trouble areas allowing those charged with custody of the goods to provide adequate protection commensurate with the risks involved as well as be an aid to law enforcement if the cargo is found to be stolen.

We were unable to locate an existing report that would provide similar information with respect to export cargo or cargo in the domestic off-shore trades. It is our view, however, based on contacts with carrier, insurance and governmental sources that the outbound problem is not as great as the inbound foreign problem. One of the prime reasons for this is, of course, the fact that cargo outbound is normally held on dock for a very short time reducing the opportunity for theft. In any event, particularly with the advent of containers, a loss in the export trades will normally not be detected until after delivery to the foreign consignee. This fact complicates a reporting system. Unlike the inbound trade where the Bureau of Customs must clear the cargo, collect duty, etc., the outbound trade has no such requirement from the standpoint of this government and the value and accuracy of reports would be reduced accordingly. All things considered, it is our present suggestion that prior to imposing a reporting requirement with respect to export cargo that the results of the revised inbound reporting requirements be evaluated and implemented to cope with the pinpointed trouble areas. It is believed that the same piers and/or terminal areas are likely to be involved and if successful in reducing thefts inbound the natural consequences will be to reduce thefts outbound as well.

The hearings of your Committee have highlighted and brought into focus the inroads that crime has made into our transportation lifeline and have caused both the private and public sectors to initiate corrective action which, hopefully, will have beneficial results.

Again, I wish to express my appreciation for the opportunity to testify before your Committee on this very important matter.

Sincerely,
Helen Delich Bentley,
Chairman.

Civil Aeronautics Board,
Washington, D.C., September 25, 1970.
Hon. Alan Bible,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Thank you for your letter of August 19, 1970, regarding the introduction of a rulemaking action to require carrier reports on air freight loss and damage.

I have now discussed the matter with other members of the Board, and am pleased to advise you that we will proceed with a proposed rulemaking notice on freight loss and damage data reporting.

In the interests of intermodal uniformity, as noted in yours of August 19, we shall review our proposed action with the Interstate Commerce Commission and Federal Maritime Commission in advance of our actual release to the public and the carriers.

Sincerely,
Secor D. Browne,
Chairman.

U.S. Senate,
Select Committee on Small Business,
Washington D.C., August 19, 1970.
Hon. Secor D. Browne,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Chairman: Thank you for your letter of July 30, 1970, concerning the cargo loss reporting system of air carriers. My primary complaint of the system proposed by the carriers is that it would not provide a true and timely picture of air cargo losses. The proposal of the air carriers would simply provide statistics based solely on claims paid by the air carriers. You are aware, I am sure, that these claims may be ones that have been resolved only after lengthy negotiation and thus could, in fact, be very old claims. Also, this would not provide adequate information on claims filed by shippers which were disallowed by the air carriers.

The Interstate Commerce Commission in Title 49, Part 1207, of the *Code of Federal Regulations* requires surface carriers to maintain a freight claim register showing each claim received for cargo loss and damage, the date and amount of the claim, the waybill number and type of commodity, etc. I have just written to the Honorable George Stafford, Chairman of the Interstate

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Commerce Commission, requesting that the ICC consider utilizing this mandatory claims register as the basis for the development of a periodic, uniform loss reporting system. A copy of my letter to Chairman Stafford is enclosed.

You are aware that air cargo theft is becoming a serious threat to the viability of the air cargo industry.

As you know, the States of New York and New Jersey have enacted legislation in the form of a bi-State compact, now pending before the U.S. Congress, in order to seek to cope with this growing problem in their respective jurisdictions. Also, the U.S. Department of the Treasury has issued new rulings with respect to curbing crime in international import air cargo traffic.

In order to have complete knowledge as to the true extent of the problem nationally, it will be necessary to have a uniform loss reporting system such as I have proposed to you on many occasions and reiterate now. I urge you as Chairman of the Civil Aeronautics Board to consider a rulemaking for each air carrier and requiring the carriers to submit to the CAB periodic, at least quarterly, compilations of statistics based on this claims register. The report should be by commodity with provision showing the actual cash value of the commodity rather than a dollar figure based on the airlines limitation of liability. I hope that you will give serious and immediate consideration to this proposal. I will be happy to assist you in any way possible to develop a program along these lines.

With all best wishes.

Cordially,

ALAN BIBLE,
Chairman.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., September 14, 1970.

Hon. ALAN BIBLE,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN BIBLE: In further reference to my letter of August 26, 1970, I am pleased to advise that the Commission has considered and approved the institution of a rulemaking proceeding to require Class I and Class II motor carriers to submit to the Commission on a quarterly basis a report of cargo loss and damage claims. It is intended that for reporting purposes claims will be reported on an "as filed" basis and will be combined in dollar amounts by various types of shipments, cause of claim (theft, damage, concealed damage, fire, etc.) and as far as practical the location where known theft occurred.

Preparation of the rulemaking notice and proposed reporting form will be processed without delay. In this regard, we will be pleased to have Mr. Evans, your Chief Investigator, or any other member of your Committee review the proposed form prior to its official release for public consideration to assure that it will fulfill the needs of your Committee and other interested parties.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

U.S. SENATE,
SELECT COMMITTEE ON SMALL BUSINESS,
Washington, D.C., August 19, 1970.

Hon. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware from recent correspondence that we have exchanged, based on the investigation of truck highjacking and cargo theft that the Senate Small Business Committee has been conducting, I feel that a periodic, uniform loss reporting system is essential if we are to ever fully understand the true extent of this problem; and its impact on the transportation economy and the shipper-consumer. Periodic, uniform loss reporting by commodity would be a significant factor in the development of a law enforcement response to crime against goods moving in surface transportation. A loss reporting system would also provide a basis on which the Federal Government as well as the surface carriers might develop improved loss prevention systems and thus provide for better safety and security of cargo.

Title 49, Part 1207 of the *Code of Federal Regulations*, Section (e) requires all Class I and II carriers to maintain a freight claims register showing each cargo loss and damage claim received. This provision requires that the claim be assigned a number and that it indicate the commodity for each claim.

After reviewing this regulation and discussing it with experts in the transportation community, I feel that this claims register would provide a sound basis on which to establish a mandatory, periodic, uniform loss reporting system. I therefore urge that you as Chairman of the Interstate Commerce Commission consider a rule-making proceeding to require that Class I and Class II trucking companies submit to the ICC at least once every quarter a compilation of all claims entered on this register stating the reason for claim, i.e., loss, damage, or theft where the fact has been established, the commodity; and the actual cash value of the item(s) involved.

These reports could then be compiled and issued by the ICC and would provide the first significant data with respect to cargo loss, theft, and pilferage.

As I indicated to Commissioner Walrath, who appeared before this Committee on June 25, I would be inclined to assist you in seeking whatever means might be necessary to accomplish this program.

I urge your serious consideration of this proposal, as I am convinced that trucking theft and highjacking losses are now approaching, according to some estimates, $1 billion a year and are a clear and present danger to the economic security of the surface transportation industry. I appreciate your prompt attention to this proposal.

With all best wishes.

Cordially,

ALAN BIBLE,
Chairman.

[From the Traffic World, July 13, 1970]

CARGO THEFTS AND LAX LAW ENFORCEMENT

For several reasons the federal, state and local government departments and agencies that have duties and responsibilities pertaining to transportation should be deeply interested—and it seems now that many of them are—in finding ways to put a stop to the alarming growth of cargo thievery in this country.

For organizations of criminals, theft or privilege has become, within the last decade, a big and extremely profitable business, especially at some large deep-water ports and at some major airports. Losses suffered by shippers, carriers and receivers as results of operations of gangs of cargo thieves have grown so huge that the planning and making of vigorous efforts to halt the activities of such depredators urgently require attention and action by legislators, other government officials, carrier managements, their customers and employes, and the general public.

At least one member of the upper chamber in the Congress of the United States, Senator Alan Bible (D-Nev.), has made it evident that he recognizes the seriousness of the cargo theft problem. Senator Bible, chairman of the Senate's select committee on small business, introduced about four months ago a bill (S. 3595) that would establish a nine-member Commission on Security and Safety of Cargo. Some of the commission's duties would be: To define the causes, scope and value of cargo losses and their disposal methods; to establish a uniform, centralized loss-reporting system for all cargo, and to recommend appropriate legislation to Congress. The Senate small business committee held hearings on the Bible bill June 24 and 25 (T.W., June 27, p. 119).

Good reasons for widespread concern about losses caused by thieves and hijackers of truck freight—losses estimated to have amounted to $702 million in 1969—were stated by Earl W. Taylor, corporate security officer of Ryder Truck Lines, Inc., and president of the National Association of Transportation Security Officers, when he testified before the Senate small business committee.

". . . Too many carriers have not yet identified the problem in their record keeping," Mr. Taylor said. "Too many law enforcement bodies have thrown up their hands at the magnitude of the problem and choose to ignore it. Too many prosecutors have chosen not to pursue what they do not understand."

Before presenting the first witness in his committee's hearing on June 24 (the witness was Chairman Helen D. Bentley, of the Federal Maritime Commission), Senator Bible made these statements:

". . . Our estimates indicate that cargo thievery represents a loss to the American businessman and consumer approaching $1 billion annually. . . . As the problem accelerates there is no real effort on the part of either federal, state or local governments to seek a solution. . . . The theft problem . . . has a real and substantial impact on the economic well-being of all our transportation modes and on the country's well-being along with it. . . ."

Mr. Taylor testified that the regulated carriers of freight had organized their own police force because they had found that:

"(1) Thefts of individual shipments, thefts of complete trailers and hijacking of complete trailers have become such a complete problem that to eliminate them meant the difference between staying in business and bankruptcy; (2) inability to get law enforcement assistance to the depth needed and with the consistency needed left no other choice; (3) the total inability to secure prosecution of guilty persons, or, for that matter, even to successfully remove them from your payroll, made the decision to create their own police force a sound one."

Numerous instances of non-enforcement of law against truck line employes caught in the act of stealing were reported to the Bible committee by Mr. Taylor and others. In one of those reported cases an investigator in Philadelphia recovered "a house full of merchandise that had been stolen" from several truck lines. The merchandise was traced to an employe of one of the carriers and to the man who was the "fence" or seller of the stolen goods. Months later, after the case finally came to trial, the "fence" was convicted and placed on probation for a year, but the larcenous employe was acquitted, and he recovered eight months' pay from the trucking company that employed him and was placed back on the company's payroll.

At the recent annual membership meeting of the Common Carrier Conference—Irregular Route, in the course of which the executive director of the conference, Henry A. S. van Daalen, and Dougold McMillan, attorney-in-charge of the Miami strike force of the U.S. Department of Justice, offered advice on how to combat cargo thieves and hijackers, we heard complaints by several carrier executives to the effect that district attorneys and courts either had not acted, had been lamentably slow to act, or had taken ineffective or "slap-on-the-wrist" action on well-substantiated reports or complaints brought to them by the motor carriers about thefts of freight from vehicles in interstate commerce. The reported nonfeasance or leniency by some of the law enforcement officers or courts was shameful.

We are aware of the anti-theft and antihijacking program undertaken by the trucking industry's TICOTH committee (the Trucking Industry Committee on Theft and Hijacking, formed early in 1969), and we note, as we read the testimony of the witnesses in the Bible committee hearing, that the Interstate Commerce Commission is participating in an effort, proposed not long ago by the Department of Transportation in conjunction with the Department of Justice, to establish a new program to combat crime in transportation. It's gratifying to know that the Justice Department is a partner in that undertaking, and the planning of such a cooperative effort is certainly praiseworthy. But although we are not generally enthusiastic about any proposals to create a new government agency, we believe establishment of a Commission on Security and Safety of Cargo that could exercise effective leadership in moves to apprehend and punish cargo thieves could prove to be a profitable investment for the nation's taxpayers. The idea seems to us to offer greater promise of far-reaching, effective remedial action than any other idea that has come to our attention.

[From Business Insurance, June 22, 1970]

Hail New Legislation Dealing With Cargo Security

(By George Langworth)

Washington.—New legislation proposed by Sen. Alan Bible (D.-Nev.), chairman of the Senate Committee on Small Business, which would establish a special five-year cargo security commission to study the problem and find new, more effective solutions, has met with unanimous approval from truckers and other cargo handlers.

Even though Sen. Bible has criticized segments of the transportation industry for their high losses and seemingly lax security measures, spokesmen from all branches of the industry were quick to support the senator's new bill.

At a recent meeting of the Commerce and Industry Assn. of New York, Sen. Bible called for a "hard look" and action on this "growing problem which is the heart of the biggest multi-billion-dollar racket nationally today—stealing from business." He charged that "poor cargo transport security is endangering the whole public carrier system. The tail is almost wagging the dog," he declared.

Probably the most difficult crime to measure, cargo thefts range from daily pilferage ("nickel and diming us to death," one trucker put it) to bizarre hijackings, like a $1 million loss experienced at New York's John F. Kennedy Airport during one week last year.

Sen. Bible blamed the lack of accurate cargo crime loss estimates on "some carriers who have fought against loss-reporting" and the fact that there have never been loss-reporting systems in use for the entire transportation industry. "Too little attention has been paid by carriers to fundamental efforts to achieve security and safety of cargo," he charged.

A search by *Business Insurance* corroborated this charge and pointed up the surprising fact that no government agency (not to mention any trade or service organization) keeps comprehensive records of the total tonnage or value of freight shipped in the country. Even the figures of the Interstate Commerce Commission (and the Dept. of Transportation) were incomplete and, as a departmental staff member there admitted, of uncertain value. If it is not known how much cargo is being transported, it must be difficult if not impossible to determine how much is being stolen.

Sen. Bible's staff, however, after some research, revealed an appalling estimate that surprised some. "Upwards of $1 billion worth of goods were stolen from truck, rail, air and marine carriers in 1969," one member of the senator's staff said. He explained that the figure included over $700 million taken from truck and rail carriers, $100 million stolen from air carriers and some $200 million taken from the nation's maritime carriers.

One of the targets which Sen. Bible has chosen is the airlines. He charged that, "air carrier thefts have tripled during the past year." One of their regular customers, the American Watch Assn. had cargo losses of $2.5 million for one year. The members of the association which comprise the bulk of the U.S. watch industry realize a yearly profit of only $10 million. Said Sen. Bible: "This is comparable to General Motors losing $300 million worth of automobiles.

The senator noted that "there is every evidence that cargo thefts from airports, from waterfront piers, and from trucks serving both, have become the favorite target of organized and unorganized crime. The answer (to this) is simple. The pickings are richer and easier. Cargoes have overwhelmed facilities. Security efforts do not provide security."

The cargo carriers are by no means insensitive to these problems. Last year, the American Trucking Assn. Inc. (ATA) created a special Trucking Industry Committee on Theft and Hijacking. In its first report to the ATA of its progress last fall, the committee noted that "a widespread general apathy toward the problems and challenges of security has been found at all levels among shippers, receivers, manufacturers, carriers by all modes, and warehousemen. Indisputably, such apathy on the various other levels of the individual companies concerned stems from and is fostered by the indifference and apathy of the top echelon of management."

Paul Shuster, vice-chairman of the truckers' committee on theft problems and president of his own Shusters Express, Inc. in Colchester, Conn., concurred with the senator's estimate. "I think it's fair to say we're losing cargo worth 3% of our revenue a year now," he said. Last year the trucking industry had $13.4 billion in profits.

"Most people hear a lot about the hijackings," remarked Mr. Shuster, who clearly felt the only reason these bizarre thefts of entire trucking units made news was because of their 'romance' value. Apparently, the press' interest was caused by an added factor in some areas, however. As reported elsewhere in this issue, at the beginning of the year, hijacks in the New York-New Jersey area were averaging 10 per week.

"What really costs us the money, though, is the day-to-day pilferage. And a lot of insurance companies just won't insure this kind of a loss," he added.

Mr. Shuster explained that his committee had offered a series of recommendations that will help the trucking industry to help itself in slowing its theft problems from a gallop down to a brisk trot, at least. The foremost of these recommendations falls directly in line with Sen. Bible's cargo security commission bill.

The truckers themselves, organizing around the existing ATA national framework, had developed state committees which will coordinate the efforts of a national subcommittee network composed of groups working on industry cooperation between a myriad of trucking association, tariff bureaus and other industry groups to develop a more reputable and more comprehensive system of reporting incidents of theft, and hijacking on local, state and national levels.

Other national subcommittees include groups devoted to employe security systems, physical security systems, shipper coordination with carriers, intermodal relations between the various types of carriers, and a legislative and regulatory affairs group based here in Washington.

Representatives of the trucking industry contacted were seldom as eager to define just who the cargo thieves are, as was Cecil D. Webster, security officer for Associated Transport Inc. in Burlington, N.C., and secretary of the National Assn. of Transportation Security Officers. Mr. Webster stated flatly that most cargo crimes were perpetrated by one or two trucking employes working in concert with one another and an outside buying source—in some cases the very retailers being serviced by the victim trucking firm.

The trucking industry, trying to cope with this problem nationally, has found it rough going. Mr. Shuster pointed out that many trucking employes, after committing crimes in one area, simply disappear from there, later turning up in a completely different part of the country. Their records rarely, if ever, follow them.

The total lack of national coordination of employe investigations is being reversed in New England, however.

Mr. Shuster explained that a trucker anywhere in New England can now check on a prospective employe through a central office of the state motor carrier council located in New Haven. The subcommittee on employe security reported that "one carrier currently fingerprints all employes and run very thorough checks on the criminal record of each. This company's long-continued work along these lines results in the rejection of about 28 out of every 29 job applicants." The subcommittee is currently working on a national personnel information file.

Many carriers are also installing a two-way radio system in their trucks as a means of alerting drivers to be on the lookout for trucks that have been recently stolen. Plans are also afoot for an automatic vehicle monitoring system that will keep track of all cargo vehicles' activity from the time they leave one terminal until they arrive at another.

Most sources in the transportation industry despaired of ever really stopping cargo thefts, even though an ongoing series of security devices and other preventive measures are being used. These thefts can only be restricted, never prevented, because the thief always developes new methods to counteract your counterattack on his last tactical 'improvement'." explained Carl McDowell of the American Institute of Marine Underwriters in New York.

As Mr. McDowell sees it however, the big problem is really with top management. "Techniques that can adequately curb thefts exist," said Mr. McDowell. "And if there's enough demand for them, they'll be called into play. Unfortunately, neither manufacturers nor the carriers are enough aware of the problems. Until top management in both these categories interests itself in the theft problem and appropriates enough money to adequately fight it, the theft problem this industry is plagued with will never be solved," he pointed out, apparently dissatisfied with the transportation industry's efforts to date.

An increase in the speed and in the movement of goods multiplies the number of jurisdictions through which the cargo must pass and heightens the problem, Mr. McDowell added. Long-distance movement of goods inhibits good security procedures since responsibility for security switches not only from one area of jurisdiction to another but also from one type of law enforcement organization to another, he explained. Coordination of the security problem must be handled on a larger than regional basis so that the "security-block" or jurisdictional lines can be broken, he pointed out.

Another problem the industry faces is one of indifference on the part of law enforcement agencies. Police tend to be more concerned about fixed property such as the local jewelry store than about moving trucks (sometimes carrying hundreds of thousands of dollars in goods) that may spend only a scant few minutes in their jurisdiction.

Mr. McDowell also warned of an alarming

increase of organized crime's involvement in cargo thefts. "Organized crime is what is growing in our cargo thefts," he said, contradicting what some industry sources contacted felt about pilferage being their largest source of losses. This form of loss is typically attributed to dissatisfied employes.

However, Mr. McDowell doesn't see a very active role for his industry in the problem. "The insurance industry can and is making a lot of noise about these cargo thefts. But we simply have to live with the fact that the solution to the problem is in other people's hands."

Sen. Bible is concerned about another controversy involving cargo transportation—that of cargo liability. Said the senator: "The Interstate Commerce Commission must decide the propriety of another example of a crime-induced hardship on both the carrier and the retail businesses—a pro-rate policy newly adopted by rail and truck carriers seeking to spread liability among all carriers in the transport chain on concealed loss and damage claims.

"This policy, tied to the insurance coverage problems, brought on by increasing thefts, dictates an alleged arbitrary conclusion that loss and damage do not occur at a single point, but that liability should be spread and borne one-third by the shipper, one-third by the truck or rail carrier, and one-third by the consignee."

Many truckers disagree that the full liability for the cargo should be placed on their shoulders. Two common reasons cited by executives contacted by *Business Insurance* are (1) truckers rarely know the worth of the goods they carry, and (2) cargo thefts are much closer to an "act of God" since they are harder to prevent than an accident and therefore truckers should be held only partially liable for the goods stolen.

Under current tariff regulations a number of items have a "released liability." This term refers to an agreement whereby the carrier has to pay only a portion of the worth of a stolen article. For example, garment cargo is "released" at $1 a garment. This means that in the event of theft, the reimbursement to the shipper for the goods stolen would be limited to $1 per garment.

The American Retail Federation is not exactly in agreement with this "maneuver."

"The way to reduce the thefts of cargo is to make the carriers 100% responsible for these losses," said Charles Washer, special consultant on transportation for the retailers' national trade organization. "As things are now, when thefts go up the carriers will either raise premium rates or reduce the released liability value," he pointed out, adding that rather than trying to reduce thefts, carriers are really trying to reduce their liability.

"Of course there may be some collusion between the shipper and the carrier or at the other end between the carrier and the retailer in some of these thefts," Mr. Washer conceded, but he stuck to the premise that cargo thefts were primarily the carriers' problem. "There are a number of things the shipper can do to help out with the theft problem, though. For instance, the organization has recommended that all exterior identification of what a container holds be discontinued. This will make it difficult if not impossible for a potential thief to tell what's worth stealing and what's not," Mr. Washer explained.

Sen. Bible has also singled out the air carriers for their "lackadaisical and slipshod" attitude toward their public responsibilities to cargo shippers. The senator charged that the "airlines panicked in March when ground delivery service fur thefts brought on insurance cancellation threats. The airlines countered by asking the Civil Aeronautics Board to cancel all normal fur shipment pickup and delivery service for the Greater New York City area, the country's fur manufacturing center, threatening paralysis for that industry.

"The Board ruled that pickup-delivery service must be continued pending further investigation. Meanwhile, the airlines' own cargo service would not pick up or deliver fur shipments, contrary to the board's order. In late April, the airlines admitted error—error which cost fur manufacturers profit dollars. The airlines blamed it on confusion and are now back handling furs again. Meanwhile, they are working on an insurance program to permit handling fur shipments normally."

The airlines were also criticized because their admitted liability was quite low. One of Sen. Bible's staff members pointed out that the air carriers' domestic liability limitation of 50c per pound of cargo was first adopted and approved in the 1880's for the railway express. International liability (with a maximum limit of $7.50 per pound of cargo) was set by the Warsaw Pact convention in the 1930s. Cargo carrier by air is worth, on the average, about $100 per pound, he added.

However, shippers can obtain adequate excess coverage on freight he ships by air. "The shipper must pay a premium for coverage in excess of this amount the air carrier assumes as his liability," said Normal Phillian, vp of traffic of Washington's Air Transport Assn. "Besides, any rise in the air carriers' assumed liability would be passed on to the shipper in increased costs," he added.

It is clear that there are few pat answers to the problems of cargo theft in the transportation industry. Sen. Bible noted that a "broad, businesslike examination must be made of the whole cargo spectrum, with a government, carrier, labor, and businessman-shipper partnership involved."

The Senator's bill, introduced in mid-March, proposes to establish a nine member, Presidentially-appointed Federal commission to investigate and recommend steps to curb cargo crime. Its members would be chosen from the ranks of air, truck, water and rail carriers, cargo labor unions, terminal-warehouse operators, the Attorney General as well as the Secretaries of Transportation and Commerce. Exofficio members would include Federal transportation regulatory agencies and the insurance industry.

The commission's duties would include:

Defining the causes, scope and value of cargo losses and their disposal methods.

Evaluation cargo theft deterrents, including packaging, containerization, personnel security, physical security, law enforcement liaison.

Establish a uniform, centralized, loss-reporting system for all cargo.

Examine insurance liability limitations of all parties concerned.

Encourage development of crime prevention technology.

Recommend appropriate legislation to Congress.

The bill proposes to maintain the commission in existence for a period of five years, its expenses controlled by appropriations by the Congress.

[From U.S. News & World Report, Sept. 14, 1970]

TRUCK HIJACKINGS FASTEST-GROWING RACKET

One of the fastest-growing crimes in this country is the stealing of freight cargoes. It has become an organized racket that costs Americans more than a billion dollars a year.

Increasingly, trucks loaded with valuable merchandise are hijacked on streets and highways. Warehouses are looted systematically. So are railroad freight yards and waterfront docks. Now airports are becoming prime targets.

Most of this massive stealing is masterminded by crime cartels, according to the Federal Bureau of Investigation.

MODUS OPERANDI

This is often the way it works:

Criminals are placed in key jobs inside the transportation industry. They "finger" the cargoes to be stolen, frequently take part in the actual theft.

Then the stolen merchandise is funneled into the nation's markets through wholesale and retail outlets controlled by organized gangs—and sold to an unsuspecting public at enormous profits.

"It is alarming that much of the loot moves through channels of legitimate business," says Gilbert Meyer, in charge of cargo-theft investigation for the American Insurance Association, whose member companies bear much of the mounting loss. "Professional thieves have established footholds in many manufacturing, distributing and merchandising industries."

U.S. Attorney General John N. Mitchell has charged that organized crime has virtually taken over the air-freight industry at one of the nation's largest airports.

A determined battle against this thievery is developing. Federal, State and local governments are moving into action. The transportation industry is tightening its security.

So far, however, it is a losing battle. The racket keeps growing. The big rise began in 1967.

Here is an idea of the size of the problem: In the year ending on June 30, the FBI received reports of 20,349 cargo thefts in interstate commerce alone. In these cases, there were 1,013 convictions and goods worth 15 millions were recovered. This does not include countless cases handled by State and city police.

GETTING AWAY WITH IT

Relatively few of the cargo thieves are caught. And Mr. Meyer expresses doubt that more than 5 per cent of the stolen goods is ever recovered.

Cargo theft has spread all across the country. But it is worst along the East Coast from Boston to Washington—especially in the New York area.

On average, about 10 trucks are hijacked and some $300,000 worth of goods stolen each week in New York City and its vicinity.

The garment district in midtown Manhattan is a hotbed of piracy. Truckloads of ready-to-wear clothing are hijacked in broad daylight in heavy traffic while being transferred only a few blocks from one place of business to another. Many of the loads are valued at $100,000 or more.

Truck hijacking is done in many ways. Sometimes a driver finds himself looking into a gun muzzle when he stops at a red light. From a car which has drawn alongside, several men emerge to take over his truck. Usually the driver is released unhurt several hours later.

Often the hijacking is done without weapons. A thief may simply present forged documents to claim a load and drive it away. Frequently, trucks or trailers are driven off or towed away when they are left standing unguarded.

Well over half the hijackings, experts say, are "giveaways" or "inside jobs." Drivers, dispatchers or other employes of a trucking firm tip off the thieves to valuable cargoes and their travel routes. Often they arrange to have the loaded truck given up without resistance or left somewhere unguarded.

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WATCHING THE MARKET

Many cargo thieves steal on order, and what they take may depend on market conditions.

Recently, shipments of metals have been in demand. In the last few months, hijackers in the New York and lower New England area have taken more than 1 million dollars' worth of ingots of silver, copper, tin and nickel.

When the price of coffee went up 25 per cent recently, coffee beans became a prize item along the waterfront. A truckload of stolen coffee beans might wholesale for as much as $20,000.

Hijackers even fit their operations to the season. In spring, when stores are preparing for the Easter trade, clothing is a prime target. In autumn, snow tires are favorites. As Christmas approaches, hijackers concentrate on whisky and gift items such as cameras, radios, television sets and electrical appliances.

CIGARS AND MICROSCOPES

Ready-made clothing is the biggest single category of stolen goods, the year around. But almost anything that can be sold is stolen. Recent hijackings in the New York area have included a load of typewriters worth $300,000, a shipment of cigars costing $205,000 and microscopes valued at $120,000.

A new trick of the trade is stealing containers—the huge, truck-size metal boxes designed to prevent pilferage. The hijacker simply drives off with the entire truck and container or lifts the container onto his own trailer. Fifty containers were reported stolen in the New York area in 1969. Three of them contained Scotch whisky worth $255,000. Because of such thefts, some marine-insurance companies have raised their rates on containers 50 per cent.

THE GROWTH SECTOR

Airport robberies are a recent and fast-growing development. Airports are inviting targets because high-value cargoes are continually moving in and out, the volume of air freight is rising enormously, and the air-freight industry is relatively inexperienced in coping with thievery.

Claims against insurance companies for air-cargo losses have almost tripled in the past two years.

A prime target among airports is the John F. Kennedy International Airport in New York. Losses reported there totaled 3.5 million dollars in 1969—including one load of currency and jewelry that was valued at $478,000.

Attorney General Mitchell did not name the airport he said has been virtually taken over by organized crime. But he said its entire freight industry "is trapped between a racketeer-dominated trade union on the one hand and a racketeer trade association on the other."

One large shipment of antibiotics, he said, was stolen from the airport terminal and sold on the European black market through a syndicate's connections.

The Post Office Department—a major victim of shipping thefts—suffers its biggest losses in airmail. Its losses are reported at 2 million dollars a month through thefts at major airports.

SUFFERING IN SILENCE

The exact amount of losses from cargo thievery is not known.

One reason: Congressional and insurance investigators find that most business firms do not keep complete records. Investigators surmise that some companies do not want to become known as prone to robberies, fearing rises in their insurance rates or cancellation of their insurance policies.

Others are said to fear gangland reprisals if they "put the finger" on criminal employes. Investigators say some firms simply shirk the red tape involved in reporting losses from thievery.

Still another reason the total losses are not known, according to investigators, is this: Importers often report stolen cargo as "not landed" so they won't have to pay the customs duties on the missing merchandise.

The New York Waterfront Commission estimates that only about one-fourth of sea-cargo thefts are reported to it.

As cargo thefts mount, governmental agencies, insurance companies and the transportation industry intensify their search for ways to combat the racket.

The U.S. Department of Transportation has organized a new unit on cargo protection. The Post Office Department and the Customs Bureau have tightened procedures for handling cargo at airports and on the waterfront.

The Post Office now requires such precautions as the use of covered carts for carrying mail in airport areas and the packaging of valuable items in heavy containers instead of in cloth bags that can be slit open easily. The Department also has announced plans to fine airlines as much as $1,000 for each piece of airmail lost.

Senator Alan Bible (Dem.), of Nevada has proposed a bill to set up a federal commission to assemble facts about the hijacking problem and to co-ordinate efforts to solve it.

After extensive hearings by the Small Business Committee which he heads, Senator Bible commented:

"What concerns me most about cargo thefts generally is that as the problem accelerates, there is no real, co-ordinated effort on the part of either federal, State or local governments to seek a solution."

Senator Bible has accused the airlines of being "lackadaisical and slipshod" in guarding their cargoes.

Some trucking officials have charged their own industry with a share in the guilt for security laxity.

An investigating committee set up by the American Trucking Associations last year has reported:

"A widespread general apathy toward the problems and challenges of security has been found at all levels among shippers, receivers, manufacturers, carriers by all modes, and warehousemen."

"The consumer gets hit." Edward Burban, chairman of the security council of the New York State Motor Truck Association, says:

"The feeling seems to be that the insurance companies will handle it.

"So the insurance companies take the brunt, and they pay, and the rates go up, and the cost of the rates gets passed down the line until finally the consumer gets hit again."

Insurance rates have gone up on cargo shipments of all types. Insurance companies also have begun canceling the policies of companies that appear to be theftprone. They have increased the "deductibles"—the amount of an insured loss that must be borne by the shipping company.

Law-enforcement agencies report frustration in their attempts to catch hijackers or other cargo thieves.

The FBI is limited in the scope of its authority. And local police, who already are overburdened with other types of crime, often lack the resources to deal with such well-organized and fast-moving operations.

Everywhere law-enforcement officials turn, they find organized crime at the root of the cargo-theft problem.

As many as 75 per cent of the truck hijackings are done under "contract," some officials estimate.

A gang will line up a buyer for a specified type of merchandise. It will have agents planted inside the shipping industry to spot the kind of goods that is desired. And a gunman may be paid as much as $1,000 to hijack a load and deliver it to the gang.

"Fencing" the goods. How does all the loot get into the market for sale to the public?

Prosecuting authorities express suspicions that some so-called "discount stores" are "fences" for much of the stolen goods—such as clothing, cameras, radios and appliances.

FBI reports tell of such incidents as this: Two truckloads of imported shoes were hijacked recently in an Eastern city. Then the shoes, valued at $18 a pair, were sold in stores in a residential neighborhood for 50 cents to $1.50 a pair.

FBI Director J. Edgar Hoover has appealed to the public to be alert to such "fencing" of stolen goods and to inform the FBI or other law-enforcement agencies when they are offered "bargains" that appear suspicious.

Whisky and cigarettes are cargoes that are easy to sell. They usually turn up in gang-controlled saloons and automatic vending machines.

How some hijacked cargoes are disposed of, however, is a mystery to investigators. For examples, they cite such items as copper pipe, metal ingots and animal skins. These, they point out, would have to be sold to factories or processors.

"The markets are already established and the property moves just like it is absorbed into our economic system just like a huge dry sponge. It just sucks it all up and it disappears," says Mr. Meyer of the American Insurance Association.

"No one person, investigative organization or law-enforcement agency has consistently been able to penetrate the veil of secrecy that envelops the criminal activity of receiving and fencing stolen property."

To get at the hijacking racket, Mr. Meyer suggests, law-enforcement agencies first must find the "fences" and put them out of business. This, however, is becoming increasingly difficult as organized crime expands its ownership of "legitimate" business enterprises.

Many security officials estimate that there are only a relatively few criminals employed by the trucking industry. But Earl W. Taylor, president of the National Association of Transportation Security Officers, says trucking companies have great difficulty in preventing crooks from being hired—and in getting rid of them even after they are detected.

Mr. Taylor tells of numerous instances where truck drivers are known to have been involved in thefts but prosecutors were unable to try them for lack of conclusive evidence—and under union rules a driver cannot be fired unless he is convicted. One driver who was fired had to be rehired and given $25,000 back pay.

Some trucking companies are spending large amounts on protective devices such as alarm systems, steel fences and floodlighting. They are tightening identification of employes. They even send out high-value cargoes in truck convoys, with armed guards.

Yet the robberies or cargoes continue to increase. And officials see no signs of a letup.

[From the Chicago Tribune, Sept. 14, 1970]

AIR CARGO THIEVERY AT O'HARE

Last year an investigation by THE TRIBUNE disclosed wholesale pilferage at Chicago harbors. Mayor Daley appointed a new port commissioner and security measures were taken.

Now TRIBUNE reporters James Strong and Ronald Koziol have found that thieves are busy at O'Hare International Airport and that air cargo losses may amount to $3 million a year. It has been suggested that organized theft rings shifted their operations to O'Hare after a crackdown on their activities at New York's Kennedy International Airport.

The Tribune investigators learned that there is no central theft reporting system at O'Hare or at other airports, so it is impossible to obtain accurate figures on losses. So far this year only three thefts, totaling $5,660, have been reported to the Chicago police, altho during the first three months of the year 24 carriers paid claims of $2,075,308 because of losses of various kinds.

This figure understates the true value of the lost shipments because airlines are required to pay only by the pound, regardless of the value of the goods. Evidently the lines consider that it is cheaper to pay the claims than to set up expensive security measures. At the same time, shippers are unconcerned because they recover losses from their insurance companies.

As the losses mount, insurance rates are increased, and the eventual losers are the public, which must pay for the insurance in higher prices for goods shipped by air.

Gov. Ogilvie has asked for an investigation of the thefts by the Illinois Commission for Economic Development. The commission will be aided by two investigative agencies, the Illinois Bureau of Investigation and the Illinois Law Enforcement Commission. Mayor Daley has ordered an investigation by responsible city agencies.

It seems likely that not much progress will be made in checking thefts until the air carriers are required to maintain records of cargo thefts and make periodic reports to a federal government agency. Such reports would make it possible to discover criminal patterns and develop an adequate security program.

The Senate Committee on Small Business has been investigating transportation industry thefts and is scheduled to hold a hearing in Washington tomorrow on a bill introduced by Sen. Alan Bible [D., Nev.], chairman of the committee. Sen. Bible has estimated that air cargo losses in 1969 for incoming international shipments reached $6 million. He placed truck theft-hijacking losses at $600 million in the same year. Accurate figures for waterfront docks are not available because there is no loss reporting system.

Sen. Bible's proposed legislation would establish a federal commission with representatives from air, truck, water and rail carriers, cargo labor unions, terminal-warehouse operators, the attorney general, secretary of transportation and secretary of commerce. The commission would be required to establish a uniform, centralized loss reporting system and make recommendations to Congress for further crime prevention measures.

Sen. Bible sees the proposed commission as a temporary agency; he is opposed to adding another layer to the permanent federal bureaucracy. Most taxpayers will agree. If air carriers were required to report cargo losses to the Civil Aeronautics Board, and if the reports were forwarded to local police, pilferage at airports would diminish.

Statement by Senator Alan Bible

Mr. Chairman, it is a pleasure for me to appear before your committee this morning in support of my bill, S. 3595, to establish a temporary Federal Commission to develop and propose solutions to the growing crisis posed by cargo theft and pilferage from air, truck, rail, and water transport industries—a crisis that is costing American business upwards of $1 billion per year and is contributing to the inflationary spiral. I wish to summarize, for the benefit of the Committee, a more comprehensive statement which you have before you for your hearing record.

Early in 1969 the Senate Small Business Committee, of which I have the honor of being Chairman, began an investigation and public hearings into the impact of crime against small business growing out of our interest in the Small Business Protection Act of 1967.

The first phase of our series of hearings centered on air cargo thefts, then maritime and truck losses, and finally the railroads, our oldest cargo transport system.

It is graphically clear that a cargo crime crisis is upon us today. Up to this point, law enforcement agencies, our Federal transportation regulatory and policy bodies, and our transport carrier industries generally have been unable to mount an effective response.

As the President of the National Association of Transport Security Officers told our Committee, "Too many carriers have not yet identified the problem in their record keeping, too many law enforcement bodies have thrown up their hands at the magnitude of the problem and choose to ignore it, and too many prosecutors have chosen not to pursue what they do not understand. . . ."

And what kind of dollar losses are we talking about? Because there are no uniform loss reporting systems in use by the government or by industry, it is impossible to determine the true extent of cargo loss. However, the Senate Small Business Committee has developed some meaningful statistics we believe are both conservative and as accurate as possible. Crime-based cargo losses nationwide for 1969 totaled approximately $1 billion, 200 million dollars. Truck thefts and hijackings led at $828 million. airline carrier losses were $50 to $100 million and probably more, maritime losses were $170 million, and railroad losses were over $100 million.

These loss figures, as I stated, are merely conservative estimates and represent only those goods stolen or pilfered. The cost to business in not having products for sale, customer goodwill, increased insurance premiums, etc., cannot be measured. But as witnesses have told us, these costs are very real.

We do have statistical evidence of one major aspect of air cargo theft. Chief Postal Inspector William J. Cotter has informed me that thefts of U.S. mails at New York's John F. Kennedy Airport between 1967 and 1969 were $65 million. If U.S. mail losses at this one facility were this great, I am confident that our estimates of air cargo losses of consumer commodities are, at the very least, conservative.

Another interesting statistic related to me is that in 1969 auto manufacturers filed claims of approximately $40 million against U.S. railroads as a result of criminal loss and damage to new automobiles moving by rail. This represents an additional $50 cost to the purchaser of each new automobile.

The cargo-theft pilferage problem is at the heart of the biggest multibillion dollar racket nationally today—stealing from business. Its worst victims are the small businessman, who can least afford it, and the general public paying crime-inflated prices. The grim fact is that, as the problem accelerates, there is no real coordinated effort on the part of the Federal. state, or local governments to seek a solution.

Today, all cargo carriers are plagued with losses never thought possible a few short years ago. One basic question is: Without some new innovative, hard-hitting, and coordinated security methods, will the transport industry have the capability of dealing with these increasingly bold and schemingly clever criminal acts as we move into the 1970s and 1980s with their record cargo loads?

There is every evidence that cargo thefts from airports, from railway cars, from waterfront piers and from trucks serving all three modes of transportation, have become the favorite target of organized and unorganized crime. The answer is simple. The pickings are richer and easier. Cargoes have overwhelmed facilities. Security efforts do not provide security. Insurance payments can no longer be substituted for good security because loss-inflated premiums have skyrocketed or policies have been cancelled out.

But, Mr. Chairman, most of all, the cargo theft problem must be attacked within the entire transport chain—truck, air, rail and water. For if security breaks down in one segment, the whole chain breaks.

This bill, S. 3595, seeks to take a hard look at this spiraling cargo theft problem, with a partnership of government, carrier, labor and shipper leaders involved. It provides an opportunity for innovative security methods to be developed that would be keyed, not as a hindrance to the free flow of commerce, but as an adjunct to it.

My bill would establish a Commission on Security and Safety of Cargo, with nine members drawn from air, truck, water, and rail carriers, cargo labor unions, terminal-warehouse operators, plus the Attorney General, the Secretary of Transportation, and the Secretary of Commerce. Ex-officio advisory members would include Federal transportation regulatory agencies, the insurance industry, and other key governmental departments. Briefly, the Commission's duties would be:

(1) To define the causes, scope, and value of cargo losses and their methods of disposal;

(2) To evaluate and devise cargo theft deterrents including packaging, containerization, personnel security, physical security, law enforcement liaison;

(3) To establish a uniform, centralized loss reporting system for all cargo;

(4) To examine carrier insurance liability limitations;

(5) To encourage development of crime prevention technology; and

(6) To recommend appropriate solutions to the Congress, the President, and other interested parties within one year after establishment of the Commission.

Mr. Chairman, the following brief points will provide the rationale for the temporary Federal Commission approach to the problem of cargo theft as proposed in my bill, S. 3595:

(1) The primary need is for adequate loss/damage reporting systems. These can be established and put into effect only by the different independent regulatory agencies.

(2) A second need is for an investigation into carrier insurance liability. This also comes under the jurisdiction of the regulatory agencies.

(3) Physical security of ports, airports, and terminals would fall within the jurisdiction of agencies of the Department of Transportation. Also, certain aspects dealing with common carrier certification are under the independent regulatory agencies.

(4) A law enforcement program would have to be coordinated among the Department of Justice, the Department of the Treasury, and local police units.

An independent commission, by an examination of loss reports from the carriers, would be able to determine what commodities were most vulnerable to theft and those factors dealing with the criminal redistribution system (fence operations). It would be in a position to work with the law enforcement community to develop a strike force to curtail these criminal acts.

(5) It is important that consideration be given to industry personnel policies having an effect on cargo security. Employment screening systems designed to weed out and to prevent new hires of active thieves must be considered. The most effective means of doing this would be by private sector and labor union cooperation, as proposed in this bill.

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(6) Private sector security operations need to be evaluated and examined by an independent commission in order to determine the efficacy and interchangeability of cargo security systems among the different modes. Mass private sector input is necessary in this regard.

As the above points show, the responsibilities and authority for developing a realistic security program for cargo are vested in many executive departments, independent regulatory agencies, and the private sector. Maximum cooperation from the insurance industry, labor organizations, and shipper groups is also vital. An independent commission, such as is recommended in S. 3595, would be able to examine into the multi-agency aspects of security in a manner better than could be done by a task force reporting to one agency. Reports and proposed solutions would be disseminated to the Executive Branch, the independent regulatory commissions, the Congress, and the private sector.

Mr. Chairman, there are those who may say that the last thing the nation's cargo problems need is another layer of Federal bureaucracy. I agree wholeheartedly, and that is why I would insist this should be a purely temporary Commission. In fact, I recommend that my bill be amended to reduce its term of existence from five years to two years. It seems crystal clear to me that the growing magnitude of the cargo theft problem makes it imperative that a more expeditious, concentrated approach be taken by the proposed Commission so that its recommendations can be developed and implemented at the earliest possible time.

On another point, Mr. Chairman, I am aware that several Federal agencies are on record opposing this industry-government cargo security Commission concept because they believe the Department of Transportation has this basic authority anyway and is seeking presently to carry out the thrust of this bill.

On another point, Mr. Chairman, I am aware that several Federal agencies are on record opposing this industry-government cargo security Commission concept because they believe the Department of Transportation has this basic authority anyway and is seeking presently to carry out the thrust of this bill.

Let me respond briefly to that. I have watched our Federal departments operate through administrations of both parties over some 16 years, and I know that many times the necessity for action here and now doesn't seem to penetrate to the right places. For example, Assistant Secretary of Transportation Charles D. Baker, testifying before our Committee on cargo thefts on July 22, 1969, declared his department was "aware and concerned about the problem" and was "sponsoring a general survey of loss and damage in transportation to get a better idea of dimensions of the problem." He stressed the point that the study was "nearing completion."

One year later the Chairmen of both the Federal Maritime Commission and the Interstate Commerce Commission mentioned this Transportation-Justice Department study in testimony before our Committee. But they reversed the study's timetable, with one saying it was now in the "organizational period" and the other saying a single "day-long symposium" had been held this summer, and *perhaps* the Transportation Department's study would be undertaken by the National Research Council of the National Academy of Sciences.

Mr. Chairman, if our Executive departments are not sufficiently motivated by this $1 billion plus cargo crime problem to do no more than has presently surfaced (and I have asked all of them to keep our Committee advised), then it seems the urgency for this Federal cargo security Commission is that much greater. Whatever position our Executive agencies take on this legislation, I believe the country's best interests in our fight against crime and our fight against inflation require more affirmative action than they have heretofore provided.

Mr. Chairman, I believe strongly that evidence developed by our Committee in the past several months shows beyond a doubt that the ability of the shipper to have his cargo moved nationwide is in serious jeopardy to the detriment of thousands of businesses and millions of customers dependent upon that cargo. Therefore, I will introduce formally before the Senate this afternoon several amendments to this bill which are designed to bring about some immediate steps I believe will aid in this cargo crime fight. I will propose:

(1) That the Secretary of Transportation be granted authority immediately to establish physical security standards for transport vehicles, docks, piers and terminals of each of the transportation modes.

(2) That an immediate study be undertaken by the Commission to determine the advisability and means of establishing a Federal licensing and/or identification system for cargo handlers in all transport modes.

(3) That the Commission's term of existence be reduced from five to two years, thus requiring final recommendations at an earlier date.

(4) That the Shipping Act of 1916 be amended to require the Federal Maritime Commission to establish a uniform loss reporting system immediately to be implemented by agency regulations.

I am pleased to announce that it will not be necessary to require by statute that the Civil Aeronautics Board and the Interstate Commerce Commission establish uniform loss reporting systems for air and truck carriers, because I have received communications from both agencies within the past several days assuring me that mandatory loss reporting systems will be implemented immediately by rule-making proceedings by both agencies. This was done in response to our Committee's recommendations and my persistent personal appeals that this step be taken so we can know what the true cargo theft and loss dimensions really are. Mr. Chairman, I submit copies of correspondence on this for your hearing record.

In conclusion, I would like to provide for your record an in-depth article from *U.S. News and World Report*, of September 14, 1970, dealing with the scope of cargo thefts nationally.

Mr. Chairman, I believe this bill offers the promise of far-reaching remedial action for an increasingly critical problem that hits every American's pocketbook . . . certainly something more than has been proposed from any other sources, governmental, or industry, that has come to my attention. The problem will not wait—delay will only accentuate it.

PROMOTION OF EQUAL EMPLOYMENT OPPORTUNITIES FOR AMERICAN WORKERS—AMENDMENTS

AMENDMENTS NOS. 975 THROUGH 978

Mr. DOMINICK submitted four amendments, intended to be proposed by him, to the bill (S. 2453) to further promote equal employment opportunities for American workers, which were ordered to lie on the table and to be printed.

(The remarks of Mr. DOMINICK when he submitted the amendments appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 665 TO H.R. 17755

At the request of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Virginia (Mr. BYRD), the Senator from Kentucky (Mr. COOK), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Amendment No. 665 to H.R. 17755, which would strike all funds for SST development from the Department of Transportation appropriations bill.

AMENDMENT NO. 932 TO S. 4286

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG) and the Senator from New York (Mr. JAVITS) were added as cosponsors of amendment No. 932 to S. 4268 to authorize the Export-Import Bank of the United States to grant long-term low-interest loans to Israel for the purchase of defense articles and defense services.

ADDITIONAL STATEMENTS OF SENATORS

OLDER WORKERS MAKE CONSTRUCTIVE CONTRIBUTION TO ECONOMY—SPECIAL WEEK OF RECOGNITION APPROPRIATE

Mr. RANDOLPH. Mr. President, on September 23 the Senate passed Senate Joint Resolution 74 which would authorize the President to issue a proclamation designating the first full week in May as "National Employ the Older Worker Week."

In March of last year, I introduced this joint resolution with bipartisan support from 17 members of the Senate Committee on Aging—Senator WILLIAMS of New Jersey, chairman of the committee, and Senators BIBLE, CHURCH, FANNIN, FONG, GURNEY, HANSEN, HARTKE, KENNEDY, MILLER, MONDALE, MOSS, MURPHY, MUSKIE, PROUTY, YARBOROUGH, and YOUNG of Ohio.

This resolution resulted in large part from information obtained by the Aging Committee's Subcommittee on Employment and Retirement Incomes, of which I am chairman.

In connection with our committee's activities I should like to point out that our distinguished chairman, the gentleman from New Jersey (Mr. WILLIAMS) has been a tireless leader in developing programs for the elderly and in calling national attention to their employment problems.

I also wish to congratulate the chairman of the Judiciary Subcommittee on Federal Charters, Holidays, and Celebrations (Mr. HRUSKA) for bringing this much needed measure to the Senate floor for passage.

Mr. President, since 1959 the American Legion has designated the first full week in May as "Employ the Older Worker Week." During this week the American Legion concentrates on recognizing the benefits to be derived from the employment of older persons—for the Nation, the individuals affected, and the industries hiring these persons. The Legion presents awards to employers demonstrating active leadership in employing older workers.

At its national convention in 1962, the American Legion adopted a resolution calling upon Congress to officially designate a "National Employ the Older Worker Week." The effect of Senate Joint Resolution 74 would make this meritorious objective a national endeavor by designating such a week to encourage public and private employers to take advantage of the skills and experience with which elderly persons are so richly endowed. I commend the American Legion for its progressive and continuing leadership in this important area.

Mr. President, the need for a "National Employ the Older Worker Week" is especially acute since our economic slowdown has had a particularly severe impact for older individuals and their families.

Today, nearly 1 million persons 45 and older are unemployed. Yet, this only represents the tip of the iceberg because the unemployment statistics do not include the labor force "dropouts"—those who have given up the active search for jobs.

Alarmingly large numbers of mature individuals are now withdrawing from the work force—too often unwillingly. During the past 20 years the number of men 55 to 64 who were not in the labor force increased from 800,000 to 1.4 million, an astounding 75 percent raise. For men 65 and older, the dropout rate was even more substantial, jumping from 2.8 million to 5.8 million.

If current labor force participation trends continue, one out of every six men in the 55–59 age category will no longer be in the work force by the time he reaches his 64th birthday. Ten years ago this ratio was only 1 to 8.

Unfortunately, there still exists false stereotypes about the effectiveness of older Americans as workers.

One of the most urgent needs in solving the unemployment problems of older workers is to educate the public as to their true capabilities.

With an officially designated "National Employ the Older Worker Week," there would be greater opportunity for employers to recognize the outstanding attributes of elderly individuals—such as experience, stability and dependability—and to promote older worker employment programs.

I urge that the House of Representatives act promptly and favorably on Senate Joint Resolution 74.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from West Virginia (Mr. Randolph).

Today workers of all ages are feeling the effects of our mounting unemployment problem. From January 1969 to August 1970, unemployment jumped sharply from 3.4 to 5.1 percent, adding nearly 1.6 million individuals to the joblessness rolls.

Our economic slowdown has had a severe impact for all workers. But, older persons and their families have been especially hard hit.

While the unemployment rate has increased by 50 percent for all age groups, it has risen by 55 percent for individuals 45 and older—from 596,000 to 922,000. Their long-term unemployment—15 weeks or longer—has also jumped precipitously from 115,000 to 210,000—nearly an 83-percent increase.

There has long been a need to focus attention on efforts to encourage the employment of elderly persons. This has been made abundantly clear in hearings before the Senate Committee on Aging, of which I am chairman.

However, several obstacles have prevented the implementation of such an undertaking—the lack of a national commitment, limited funding, and several myths about the capabilities of aged individuals.

A few days ago the Senate passed the Employment and Training Opportunities Act to provide an effective means to combat widespread unemployment for all age groups. As a sponsor of this bill, I strongly believe that this measure can help open the door for new employment opportunities through public service employment and a wide range of comprehensive manpower services.

In addition, the Senate adopted my far-reaching Middle-Aged and Older Workers Employment amendment. This measure will for the first time establish a national commitment to maximize employment opportunities for older persons. And it will also provide training, counseling and other supportive services directed at the special needs of individuals 45 and older.

Yet, our task is not complete. Unfortunately some false stereotypes still exist in Government and industry regarding the feasibility or desirability of hiring elderly persons.

Several studies have now conclusively demonstrated that aged workers perform their tasks as capably as their younger counterparts. In many instances, they are better qualified because of added experience and mature judgment.

Other studies have also refuted the notion about widespread deterioration of work skills with advancing age.

These studies have been certainly helpful, but much more remains to be done. Educational efforts and on-the-job evaluation are needed to eliminate false impressions and prejudices against older workers.

Such efforts can help to demonstrate the value of employing elderly persons by educating the public as to the true facts regarding their capabilities. Many older individuals already have an abundance of skills and experience needed in industry or government. They are stable, dependable and energetic workers. But, our Nation is still failing to take full advantage of this large resource of talent.

In our work-oriented society today, far too many elderly persons are relegated to lead empty and neglected lives. Too often their skills are overlooked or ignored. And too often old age produces loneliness and sadness, when it could be a time for continued self-development.

With the added focus provided by Senate Joint Resolution 74, we can hope to make more progress to provide a life of dignity and self-respect for older persons desiring to remain active during their later years.

Most older persons under 65 and many over 65 prefer work to retirement. Many need jobs to provide additional income for meeting their family and household responsibilities. And hundreds of thousands—especially for those over 65—need employment to supplement inadequate retirement benefits.

Since May is now designated as "Senior Citizens Month," it seems particularly appropriate to me to designate the first week as "National Employ the Older Worker Week."

Mr. President, I also urge prompt and favorable consideration of Senate Joint Resolution 74 by the House of Representatives.

THE TAOS-BLUE LAKE LEGISLATION

Mr. GRIFFIN. Mr. President, yesterday I indicated my support for H.R. 471, which would return to the Pueblo de Taos Indians in New Mexico approximately 48,000 acres of land the United States took from the Indians in 1906 without payment of any compensation.

Last evening's Washington Star contained a comprehensive article on the proposal. I ask unanimous consent that the article, written by Roberta Hornig, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Unusual Coalition Backs Indians' Sacred-Land Claim

(By Roberta Hornig)

A peculiar political coalition is trying to return 48,000 acres in Northern New Mexico to the Taos Pueblo Indians—land they have considered their sacred worship grounds for more than 600 years.

The "coalition" includes President Nixon and Vice President Spiro T. Agnew and liberal Democratic Sens. Fred Harris, George McGovern and Edward M. Kennedy. The plight of the Indians is probably one of the few issues on which such an alliance ever could come together.

For nearly 70 years, since the U.S. Forest Service took it away, the Indians have pleaded patiently with the federal government to restore the Blue Lake lands, considered by the Indians as the source of all life. They believe the lands are a natural cathedral containing holy places of their ancient religion which remains the central force of their culture.

Always they have failed to regain the land, and they have been allowed to use the wilderness only with a Forest Service permit.

This year, it could be different.

Nixon and Agnew have been waging an unprecedented lobbying effort on the Indians' behalf. Then there are the strange political bedfellows.

The issue, which may well come to a head in the Senate in the next few weeks, is filled with these strange politics and paradoxes.

Nixon's and Agnew's chief political ally in the Senate on the issue is Sen. Harris, a recent chairman of the Democratic National Committee. Administration officials also find themselves on the same side as two other leading Democrats—Kennedy and McGovern.

Interior Secretary Walter J. Hickel, whose now-famous "leaked" letter to Nixon implied criticism of the vice president, is pushing for the Indians in almost the same words Agnew is using.

The Senate Interior Committee, which

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pushes parks and wilderness bills through Congress is the stumbling block against legislation that would give the Indians back the lands.

Partially because of the form the secret Indian religious ceremonies takes the land is an untouched wilderness area and the lake is clean enough to drink from.

The reason the Taos Pueblo sacred lands dispute apparently is coming to a head is that both sides, the administration and the liberal Democrats, and the Interior Committee, want it settled.

At issue are two very different pieces of legislation.

Nixon, Agnew, Harris and the Indians are all behind a bill passed by the House last year, sponsored by a Florida Democrat, James A. Haley.

This bill would transfer the 48,000 acres to the Interior Department—the traditional trustee of Indian lands and affairs. It would hold the land for traditional and religious uses for the Taos Pueblo. The entire parcel would be preserved as a wilderness.

ANDERSON BILL

The Senate bill, written by Sen. Clinton Anderson, D-N.M., a powerful member of the Interior Committee, and backed by Chairman Henry Jackson, D-Wash., would continue the Blue Lake area as part of the Carson National Forest, administered under the Agriculture Department's Forest Service.

It would give the Indians exclusive religious use of 1,640 acres.

It also would permit the Forest Service to continue its "multiple use" concept of the land, which, the administration and the Indians contend, includes timber cutting, fencing off pasture units and "vegetative manipulation," as well as visits by tourists.

The Taos Pueblo Indians have been coming to Washington for years to plead their case. The last time was in July when the 90-year old spiritual leader of the tribe, Juan de Jesus Romero, made his first airplane trip to head a delegation appearing before the Interior Committee.

"Like Job in the Biblical story, our people have patiently endured great hardship and deprivation fighting to save the religious heritage embodied in this holy land," he told the senators.

Another delegation member told them his father had come before him to make the same appeal, and that if necessary, his son was prepared to come, if Congress once again refuses to return the land taken by the Forest Service in 1906, during Theodore Roosevelt's administration.

BILL CALLED MOCKERY

The Taos delegation called Anderson's bill "a mockery" and said its passage would destroy the tribe's religious life.

It told the committee that the entire 48,000-acre watershed "is permeated with holy places and shrines used regularly by our Indian people; there is no place that does not have religious significance to use," it said.

Romero and the delegation testified that their religion, which prohibits interference with the natural condition of the land, has been subjected to grave disturbance over the years by Forest Service activities, including construction of trails and other facilities for tourists.

They explained that their religious rituals are secret, and cannot be observed by outsiders; that on several occasions unauthorized persons and Forest Service personnel entered the sacred lands, disrupting the religious ceremonies.

The appeal did not win over Anderson, but it got to Nixon and to Vice President Agnew and other administration members, as it had years earlier the writer-anthropologist Oliver La Farge, a 1929 Pulitzer Prize winner for his novel of Navajo Indian life, "Laughing Boy."

COMMITTEE FORMED

In 1968 several persons formed a National Committee of Restoration of the Blue Lake Lands to the Taos Indians.

Because of her husband's earlier interest, the widowed Mrs. LaFarge agreed to head the committee whose members include former Interior Secretary Stewart L. Udall and John Wanamaker of the Philadelphia clothing store family.

A committee member explained in a telephone interview that the Taos will not tell even anthropologists what their religion is and said that this secrecy is the reason their ceremonies have stayed intact.

When the Spaniards came to New Mexico in the 16th century, the Taos were one of the few Indian tribes they did not consider savages. They were recognized as citizens by the Spanish, and because of this, Charles V presented the Pueblo with a gold-headed cane—a symbol of the right to self-government.

In 1863, the Taos Pueblo received another cane, this one silver-tipped, and from "A. Lincoln."

THIRD CANE RECEIVED

The Indians received their third symbolic cane this summer, when President Nixon sent Agnew's teen-aged daughter, Kim, on a trip to the Pueblo as the administration's representative.

Accompanying Miss Agnew on the trip was presidential assistant Lon Garment who told the Indians that "in the long struggle to regain title to Blue Lake the Taos Pueblo have symbolized the dream of all Indian peoples."

"In their rejection of money as a claims award they have stated to all America that a vision and a religious tradition so unique cannot be compensated for by money," he said.

In a message to Congress in July, Nixon generally outlined a new policy toward Indians, which before in American history had ranged from extermination to termination, the latter an emphasis on getting Indians into the mainstream of American life. Many Indians do not want to get into the "mainstream;" they prefer to keep their traditions.

The Nixon policy is to offer Indians the opportunity for assuming responsibility for programs, with the understanding the U.S. government will continue its trust responsibility and provide funds.

The message was general, and was specific on only one point—the return of the 48,000 acres of sacred land to the Taos Indians, which he called "a grievance" and "an issue of unique and critical importance to Indians throughout the country."

HICKEL TESTIFIES

In testifying on behalf of the Administration at the Interior Committee's July hearing, Hickel charged that the Forest Service's activities on the sacred lands have the "same meaning to the Indians as vandalizing a church would have to the Christian community.

Agnew, who is chairman of the National Council on Indians, has taken a particularly keen interest in the Taos Pueblo. This month, in an act so far unprecedented for him, administration officials report, Agnew sent personal letters to the Republican Senate leadership and members of the Senate Interior committee on the Indians' behalf.

He told The Star:

"For almost seven decades the Taos Pueblo Indians have struggled with dignity and forbearance to have their national government redress a most grievous injustice. I hope that Congress will now join with President Nixon in acknowledging the religious and cultural rights of these Americans by returning to them their sacred Blue Lake land. This would be an act of which as a nation we could be proud.

"I can think of no clearer demonstration to all American Indians that their Congress and their President understand and respect their needs and desires," he said.

The Senate Interior Committee, which meets in executive session Wednesday on the Blue Lake issue, apparently still remains a stumbling block.

PRECEDENT FEARED

Anderson's opposition rests mostly on two points, one of his aides reported. The most important is that giving the land to the Indians could set a "bad precedent," in that Indians nation-wide could ask to get their lands back.

"If you are consistent, you should follow through and turn over the rest of the country to the Indians. I think roughly 89 percent would go," he said.

Anderson rejects the position that Taos Pueblo is unique, as does Jackson. "I am afraid that Taos will trigger the biggest Indian religious revival in history," a Jackson aide said, adding that he does not doubt the Taos Pueblo's sincerity.

"If we settle this their way, in this instance," the Jackson aide asked, "will we be faced with Manhattan Island tomorrow?"

The second major Anderson argument is that the Taos Indians do not need all the land they say they do for religious purposes. "It's the old dilemma. Obviously the white man was unfair in doing what it did in the first place. But what do you do now?" his office spokesman asked.

PAYING FOR MISTAKES

Jackson's aide spoke in the same vein. "This is a question that bothers many people, but there is a principle involved: do we pay for our mistakes with money, or do we install the precedent of giving back lands?"

Meanwhile, a strategy is developing in the Senate.

McGovern, chairman of Interior's Indian affairs subcommittee, this month reported the Anderson bill to the full committee without comment. This was done, a McGovern spokesman said, "to leave it open."

Any bill coming out of the subcommittee, of which Anderson is a member, "would not be favorable to the Taos Pueblo," he said.

McGovern does not expect the full Senate Interior Committee to report a bill "favorable to the liberals" either, an aide said.

The thrust of the strategy is to get the House bill on the Senate floor. If Interior reports out the Anderson measure, which may be adjusted to give more advantage to the Taos Indians, Harris—not a committee member—will offer an amendment following the House version.

In the event the committee does not report out a bill, Harris, who testified on behalf of the Taos Pueblo Indians, plans to offer the House bill on the Senate floor.

The Democrats' moves are being observed with a great deal of interest and approval by Agnew's office—and by the National Restoration Committee.

"It really is a coalition of peculiar political bedfellows," a spokesman for the private committee observed.

PROBLEMS OF DISSENT

Mr. RIBICOFF. Mr. President, Olcott D. Smith, chairman and chief executive officer of the Aetna Life & Casualty Co. discussed the problems of dissent in the July/August 1970 issue of Aetnarama.

Amidst all the rhetoric these days, it is worth while to find a thoughtful discussion of the importance of debate and disagreement in our society.

I ask unanimous consent that Mr. Smith's article be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dissent

(By Olcott D. Smith)

Authority is sustained not by force but by the power of consent. What we consent to and dissent from has become one of the critical issues of our time. It has divided our society and our families and deprived us of perspective when we need it most.

Dissent, ranging from originality of mind to heresy, has always been the instrument of progress. Galileo, Luther, Arasmus, Jefferson, Justices Holmes and Brandeis, Einstein and Pope John in their different ways share in the tradition of dissent that shaped our world.

Because it is an instrument of progress, dissent—the right of the minority to create a new majority through persuasion—is precious to all of us. Its free exercise is essential to the continuing renewal of our society and is guaranteed by the Constitution:

Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The problem today is that some of those holding minority views seem to seek demolition of the structures that shelter dissent; and that some of those seeking to defend the foundations of our freedom seem willing to do so at the expense of our rights. The danger in this situation is not in the damage either faction can inflict by itself. The danger is in the moderate majority being frightened into believing that it must choose between one extreme or the other and thus becoming divided against itself.

The shock tactics of some dissidents seem intended to prevent persuasion from taking place. Dissenters might find the majority more easily persuaded and the authorities less readily alarmed if they used the tool of debate more and the weapon of disruption less. Flag burning, obscenity, assault and arson are ineffective ways to petition the Government or to win over public opinion. At times one wonders whether Voltaire himself could live up to E. Beatrice Hall's summary of his *Essay on Tolerance:* I disapprove what you say, but I will defend to the death your right to say it.

No one questions the sincerity of an angry mob, only its judgment. We should not, however, let the outrageous play of the irresponsible fringe prevent us from hearing what the main body of dissidents is trying to say. There is no danger in listening. If their arguments are so wise that we find ourselves persuaded we will have gained. If they are so foolish that we are unpersuaded we will have lost nothing. The danger is in refusing to listen and being unwilling to change. This gives equal value to wise and foolish arguments, and strength to the irresponsible fringe.

If we lose perspective we are unable to see our problems accurately. We see each other as archetypes and are blind to the diversity of opinion within each group. Young dissidents seem to hold their elders accountable for a world they did not create. Nondissidents seem not to realize that among those who are most critical of our country are some who expect the most of it, who love it as much as less exacting patriots.

If we lose acuity and cannot distinguish between seeming synonyms, we are guided more by slogans than by principles and indulge in rhetorical over-kill. Debate, dissent and disruption do not mean the same thing. Nor do renewal, reform and revolution. Yet the words are used interchangeably—to the point where the constitutional right to petition the Government is taken to mean a legal right to coerce the public, and the obligation of Government to protect the public is taken to be a license to still the voices of dissent.

Let us ask ourselves: is it not time for a return to rule by reason? Examples already exist to guide our path back.

One example is especially valuable because it is a form of dissent, civil disobedience. It is a symbolic act in which one man on behalf of many breaks a law as a means of forcing it to be tested against the Constitution. Mr. Elliott A. Welsh II recently did this for conscientious objectors who cannot accept military service because of deeply held ethical rather than religious convictions. The strength of his position and power of his example—and of Thoreau's, Gandhi's and King's—is willingness to accept the consequences. Such men play by the rules in breaking a rule and do not seek a guarantee of amnesty. Amnesty would rob the act of significance.

I do not mean to invite mass civil disobedience. If each of us were to elect himself to this demanding role and be guided by individual conscience, each of us would be a law unto himself. We should be cautious in what we trust to conscience alone. But the bomb-throwing radical and the patrolman who dispenses curbstone justice see themselves above the law and in accord with a higher morality. They march to the same drumbeat but wear different uniforms.

Our return must also be guided by our universities and colleges. While reason sleeps on some campuses, the right to freedom of inquiry and free exchange of ideas also slumbers. It is a sleep disturbed by nightmares.

There are signs of awakening. Faculties are beginning to assert authority against the force of internal repression and are starting to subject careless criticism to the tradition of skepticism which applies analysis and testing to criticism itself. It is advocacy based on reasoned criticism that has power to change our imperfect society, create new values and renew the lives of all. Even though the impatient find the process slow, it is more sure.

Our return to reason can be guided, as well, by the examples of the people described in this magazine. If business men and women were poor, powerless or unable to vote, perhaps they also would march in the streets. Instead they work for change, where they are, at what they can. Involved employees have been supported by the parallel efforts of their companies and by entire industries. The National Alliance of Businessmen has pledged to make 180,000 summer jobs available for disadvantaged young people. The Billion Dollar Funds of the life insurance industry have created 170,000 jobs and new housing for 118,000 families living in blighted urban areas.

Because all lasting human progress is incremental it seems to come too slowly. But we have come further and achieved more than we often recognize. The number of people living in poverty decreased from 40 to 25 million during the Sixties as the population increased. Substandard housing accounted for 25 percent of all units in 1960, or 16 percent 10 years later.

We should not, of course, equate human progress with material gains alone. The spirit also needs shelter and nurture. Only involved and caring individuals can minister to another's need for a sense of belonging. Only human beings—not their institutions—can show the regard that enables the most humble to experience their worth and perhaps dare to aspire.

If the record shows we have come far, it also shows we have far to go. We cannot reach our goal of a more open society providing growing freedom of opportunity unless we are all governed by the rule of reason. Our choice is not the illusory one between rebellion or repression. It is between tyranny or the rule of reason.

JOHNS HOPKINS UNIVERSITY APPLIED PHYSICS LAB EVALUATES NEW URBAN MASS TRANSIT SYSTEMS

Mr. TYDINGS. Mr. President, there is a growing interest in the exploration of alternative urban transit systems to help solve our urban transportation crisis. A grant from the Department of Transportation Urban Mass Transportation Administration has enabled the Johns Hopkins University Applied Physics Lab in Silver Spring, Md., to evaluate 10 different systems aimed at improving access to and through congested urban areas.

The systems vary from a small six- to 30-passenger vehicle for mobility in dense urban areas to larger vehicles for station-to-station speeds over 100 miles per hour.

I commend the Applied Physics Lab for their excellent evaluation of urban mass transit alternatives to the existing quagmire. I ask unanimous consent that the article in the September 13 News American be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Urban Transit Systems Proposed by JHU Physics Lab

The Johns Hopkins University Applied Physics Laboratory (APL) at Silver Spring has made public its reviews of proposed plans for urban transit systems.

The APL work was performed under a $500,000 grant from the government's Urban Mass Transportation Administration Department of Transportation.

The technical reviews consist of evaluations of written definitions of 10 separate systems. The 10 systems were selected from 110 different proposed systems, all aimed at improving access to and through congested urban areas.

The proposed systems range in concept from a small, 6 to 30 passenger vehicle designed for flexible operation in dense urban cores, to large vehicles designed for station-to-station speeds in excess of 100 miles per hour.

As interesting as the new concepts may be, Dr. Robert A. Hemmes, UMTA assistant administrator, warned that it could take 20 years before any of these systems are in full operation in an urban environment.

"Naturally," he said, "the time frame could be considerably shortened perhaps by as much as 10 or 15 years if some community chooses to invest the technology and money, especially the money, in a crash development-implementation program."

UMTA Administrator Carlos C. Villarreal said the next step in the New Systems Program will be engineering, development and testing.

"We are considering at least three of these systems for further development, and we shall shortly announce the first development-evaluation site for at least one personal transit vehicle," he said.

Dr. Hemmes said it will cost in excess of $3 million to get one system built and running on a test scale, and upwards of $20 million to get one operation on a full-time, small scale, basis in an urban area.

The APL reports neither compare the systems with one another nor recommend construction at particular locations, but rather assess the technological maturity of each system, identify technical problems of each and recommend paths for further development.

No consideration is given in the reports to continuous systems such as moving sidewalks and continuous loading vehicles.

Two generic types of systems are reported on: Fast Transit Link (FTL) Systems and Circulation and Distribution (CD) systems.

The FLT's are high-speed and high-capacity vehicles designed for service between major activity centers or population concentrations. They are similar to present rail rapid transit systems in their operating modes, speed, comfort and operating flexibility.

The CD systems, however, are designed to carry passengers at shorter distances within dense somewhat lower speeds over urban areas, where individual origins and destinations may be randomly scattered.

A chief characteristic of the CD systems is their short headways, or time spacing between vehicles, making possible movement of large numbers of people with little or no waiting at stations.

The suggested FTL systems include:

Aerial Transit System, a pneumatic-tired vehicle suspended below a flexible I-beam, the beam in turn being connected to a series of pylons. This system has a speed of 120 miles per hour with a passenger capacity of 50 or possibly 80 in each vehicle.

Monobeam System, a tubular vehicle suspended from the side of an elevated box-beam, with a design speed of 75 miles per hour and a capacity of 106 persons.

Gravity Vacuum Transit System, a cylindrical train, traveling on rails powered and braked by a combination of gravity and pneumatic pressure in evacuated tubes, either underground or above, with a design speed of up to 250 miles per hour, vehicle capacity of 80 persons and minimum headways of from one to three minutes.

The CD systems proposals include:

Varo Monocab System, a six-passenger vehicle suspended from above by rubber tires riding in an inverted U-channel, with a cruise speed of 34 miles per hour, top speed of 68 and headways of from three to seven seconds.

Vehicle Distribution System, a 45-mile per hour vehicle riding on rubber tires over a concrete guideway, with a capacity of from 25 to 35 passengers and headways of 40 to 60 seconds.

Capsule Transit System, a rubber-tired vehicle operating in a tracked guideway at cruise speeds of 15 to 40 miles per hour and maximum speed of 60, capacity of 15 persons and operating headways of 1.6 seconds. At 15 miles per hour it is designed as a demand responsive system.

"Our cities are in great need of new forms of urban mass transit, especially small, personal transportation vehicles which would be competitive with the private automobile," said Villarreal.

JOB LOSSES IN DEFENSE PLANTS

Mr. GOLDWATER. Mr. President, I have on previous occasions noted the interesting paradox presented by liberals who complain about economic conditions and increased unemployment while they work night and day to reduce defense expenditures in every possible category.

It strikes me that it is about time that some of our ardent slashers of the defense budget understand that they have a responsibility for economic dislocation and joblessness.

The magazine, U.S. News & World Report, estimated this week that in the past year 500,000 workers have lost their jobs at defense plants and another 500,000 will be laid off in the next 12 months. In addition to that, nearly 400,000 servicemen have left the armed services during the past year and 200,000 more are scheduled to leave the military ranks in the next year.

These figures, Mr. President, are based on official U.S. Government reports. They represent the price which must be paid by our communities and our workers when the Congress suddenly forces multibillion-dollar reductions in defense expenditures.

The article in U.S. News & World Report entitled "Where Defense Cuts Hurt Most" reflects an important result of a 2-year drive against the U.S. Defense Establishment. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE DEFENSE CUTS HURT MOST

It's the same story over much of U.S.: Economies in arms are bringing leaner times for many involved in defense work. And still more troubles are to come.

Many American businesses, communities and workers, already suffering from huge cutbacks in military spending, now face this gloomy prospect:

Even deeper slashes in outlays for defense are coming. They bode still further economic troubles.

In the past year, about 500,000 workers have lost their jobs at defense plants—and another 500,000 are expected to be laid off in the next 12 months.

Nearly 400,000 servicemen have left the armed forces in the past year, coming on the job market at a time when unemployment is on the rise. An additional 200,000 are scheduled to leave military ranks in the coming year.

DOWN BILLIONS

Spending by the Pentagon for research and procurement—including such things as aircraft, munitions, electronic gear, research work—has fallen by almost 3 billion dollars, or 9 per cent, in the past year. A further decline of the same size is taking shape for the coming year.

Dollar declines in arms buying tell only part of the story. Allowing for inflation, the actual volume of goods bought is down even more—in fact, below the level just before the Vietnam build-up.

Many small-sized defense producers, as a result, are closing up shop. A number of bigger ones, too, have found their profits sagging.

Nearly every State is being affected, one way or another. Many small cities and towns that depend on defense spending or near-by military bases are in deep trouble. More than 600 bases have been or soon will be shut down or reduced in scope.

The Seattle area, southern California, Texas and New York State, especially, have been jolted.

The charts on these pages tell the broad story of what massive cutbacks in defense have done to workers, industries and States—and what may be expected in the months ahead.

RESULT: JOB LOSSES

It's the part of the U.S. economy involved in defense that is bearing the brunt of the business slowdown, caught in what President Nixon calls an "adjustment from a wartime to a peacetime economy."

Mr. Nixon discussing defense cutbacks, recently said, "It is not hard to see where much of the current increase in total unemployment has come from."

The number of labor areas in the U.S. officially designated as having "substantial" or "persistent" unemployment has jumped from 490 in 1968 to 575 in July, 1970. Many of the additional areas are involved in defense work.

You can see the declining role of defense in generating jobs in another way:

In 1968, 1 in every 10 jobs in this country stemmed from defense—in the armed forces, the Pentagon's civilian work force or in private defense plants. By next June, according to official estimates, only 1 in 13 jobs will be related to defense.

Behind the leaner times for defense industries are the huge slashes, year after year, in the military budget.

Defense spending hit a peak of almost 70 billion dollars in the year that ended June 30, 1969. It fell to 78 billion in the following year and is estimated at 73 billion for the current year, the one ending June 30, 1971.

What's more, a special study by the Economic Unit of "U.S. News & World Report" estimates that, with a mounting deficit in prospect for the federal budget, defense outlays in fiscal 1972 will fall below 70 billion dollars.

SOME CONSOLATION

Not all the impact of the defense cutbacks, by any means, has been unfavorable. At least, Administration officials point out, the reductions have turned down one burner under inflation.

George A. Christie, chief economist for McGraw-Hill Information Systems Company, welcomes defense slashes as an indirect stimulus to housing. He says:

"Whenever there is a large diversion of resources to the Pentagon, something has to give. Typically, it's construction, or more specifically, housing. We are finally in the process of reversing the course of the past five years."

Still, the problems brought on by the winding down of the Vietnam war are widespread.

TROUBLE FOR PLANE MAKERS

Aircraft makers, in particular, have been hard hit. Production of F-111 fighter-bombers, made near Fort Worth, Tex., by General Dynamics Corporation, has been sliced from the 1,704 planes first planned to 538. Output was to have been cut back even more, but the Air Force on September 22 announced that contracts for 24 planes had been restored. Loss of aircraft contracts has also been heavy in California, Georgia and Connecticut.

Helping to soften the blows on the aerospace industry: Spending for missiles is going up—from 2.5 billion dollars in 1969 to 3.2 billion in 1971.

Cutbacks in orders for ammunition have struck hardest at South Dakota, which has lost nearly three-fourths of its prime military contracts in two years. Nebraska, Vermont and Pennsylvania have also been hit hard by declines in ammunition needs.

Delaware has lost nearly half its defense business—mostly in construction, food and petroleum. Deep cuts in contract awards to West Virginia came mainly in orders for combat vehicles.

HELP FROM SHIPBUILDING

Mississippi is one State that is bucking the trend. A big contract for shipbuilding is boosting total volume of defense work in that State. North Dakota contractors are benefiting from construction of the Safeguard missile system.

Seattle is a glaring example of how defense cuts can hurt a city badly.

Unemployment in Seattle is likely to hit 20 per cent this winter. Most of the troubles can be traced to the Boeing Company, which is beset with serious cutbacks in defense, space and commercial aviation.

As one observer put it: "When Boeing runs out of gas, Seattle comes tumbling down without a parachute."

About a fifth of the area's apartments are vacant. Some desperate landlords are forgoing deposits and even offering a month's free rent. Downtown office vacancies are up to 8.3 per cent from 2 per cent a year ago.

Still, a survey by the Gallup Poll, released on September 24, indicates that a majority of voters in all major regions of the nation, except the South, want their Congressmen to vote for even more defense cuts.

If the attitude of the American public toward defense spending carries weight, the troubles of Seattle and other areas may intensify.

HOW YOUR STATE IS WEATHERING THE SAG IN MILITARY ORDERS—PRIME MILITARY-CONTRACT AWARDS IN YEARS ENDED JUNE 30

[In millions of dollars]

	1968	1970	Change (percent)
Alabama	$409	$316	Down 22.7.
Alaska	107	76	Down 29.0.
Arizona	287	277	Down 3.5.
Arkansas	121	70	Down 42.1.
California	6, 472	5, 824	Down 10.0.
Colorado	263	218	Down 17.1.
Connecticut	2, 355	1, 238	Down 47.4.
Delaware	43	22	Down 48.8.
District of Columbia	350	316	Down 9.7.
Florida	976	849	Down 13.0.
Georgia	964	949	Down 1.6.
Hawaii	96	109	Up 13.5.
Idaho	17	11	Down 35.3.
Illinois	932	721	Down 22.6.
Indiana	1, 107	906	Down 18.2.
Iowa	261	228	Down 12.6.
Kansas	292	230	Down 21.2.
Kentucky	60	57	Down 5.0.
Louisiana	460	299	Down 35.0.
Maine	75	56	Down 25.3.
Maryland	704	729	Up 3.6.
Massachusetts	1, 619	1, 200	Down 25.9.
Michigan	796	563	Down 29.3.
Minnesota	620	605	Down 2.4.
Mississippi	369	509	Up 37.9.
Missouri	1, 357	898	Down 33.8.
Montana	20	25	Up 25.0.
Nebraska	120	73	Down 39.2.
Nevada	18	16	Down 11.1.
New Hampshire	156	99	Down 36.5.
New Jersey	1, 108	1, 007	Down 9.1.
New Mexico	87	88	Up 1.1.
New York	3, 484	3, 076	Down 11.7.
North Carolina	487	449	Down 7.8.
North Dakota	68	189	Up 177.9.
Ohio	1, 641	1, 006	Down 38.7.
Oklahoma	165	152	Down 7.9.
Oregon	120	90	Down 25.0.
Pennsylvania	1, 727	1, 174	Down 32.0.
Rhode Island	126	94	Down 25.4.
South Carolina	133	124	Down 6.8.
South Dakota	34	10	Down 70.6.
Tennessee	542	399	Down 26.4.
Texas	4, 087	2, 774	Down 32.1.
Utah	131	162	Up 23.7.
Vermont	105	44	Down 58.1.
Virginia	693	634	Down 8.5.
Washington	530	384	Down 27.5.
West Virginia	132	46	Down 65.2.
Wisconsin	406	371	Down 8.6.
Wyoming	15	14	Down 6.7.

Source: U.S. Department of Defense.

IMPORTANCE OF A RURAL-URBAN BALANCE

Mr. TALMADGE. Mr. President, I have noted with some interest the statistics which are emerging from the 1970 census. An interesting article in the Washington Post this morning pointed out that the east coast megalopolis—the densely populated strip extending from Boston to Washington—now has one-sixth of the Nation's population, 36.2 million people. This narrow strip of land has 18 percent of all U.S. residents although it contains less than 1 percent of the Nation's land.

These statistics are illustrative of the population crisis the Nation will be facing in the coming decades. This body recently took note of the developing crisis by approving title IX of H.R. 18546, the general farm legislation. By passing the bill, the Senate, for the first time, recognized the importance of achieving rural-urban balance and made a commitment to revitalize and develop rural areas. The language of title IX made a congressional finding that the continuing movement of our population to urban areas is unacceptable. In part, title IX said:

> The Congress further finds that despite a slowdown in the peak migration of approximately one million people a year in the 1950's, movement of people from rural areas still continues at a high rate. By the year 2000 or soon thereafter, one hundred million more Americans will be added to the one hundred forty million already living in our cities and suburbs. Unless this Nation makes a commitment of sufficient magnitude to reverse the present trend toward excessive concentration of population, two hundred forty million people will be crowded together in four giant strip cities.

Unless we have a sufficient commitment, not only by Congress, but by the administration and by the American people, the growth of our giant strip cities will not only continue—it will accelerate. Each successive census will bring additional evidence of unmanageable congestion in our urban areas and a gradual stagnation of our rural areas.

I am hopeful that a sufficient commitment on our part and by the House of Representatives and the administration can reverse this trend. I am optimistic that the passage of the bill containing our commitment to rural development in the Senate on September 17 was the first step in this direction.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EAST COAST MEGALOPOLIS HAS 18 PER CENT OF POPULATION

More than one-sixth of the nation's population now lives in Megalopolis, the densely populated strip extending from Boston to Washington, D.C. and covering less than 1 per cent of the nation's land.

Preliminary totals from the 1970 census indicate 36.2 million people—18 per cent of all U.S. residents—are found in this region.

Washington, D.C. and the suburban Maryland and Virginia counties surrounding it outpaced the other metropolitan areas in Megalopolis during the past decade, showing a 36.6 per cent growth in that time.

The Commerce Department reported the overall population of Megalopolis increased 11.2 per cent between 1960 and 1970.

The swathe of land from Boston to Washington, the site of most of the 17th and 18th century colonial settlements, has continued its growth in this century. Now, it is virtually one elongated metropolitan area of "strip city," the Commerce Department noted.

It stretches along 450 miles of seacoast and as much as 150 miles inland. Two metropolitan New Jersey counties and 34 contiguous standard metropolitan statistical areas are included in the region.

Except for the District and its surrounding suburbs, no other metropolitan area in Megalopolis grew more than 28 per cent in the past decade. Two New Jersey counties out-paced the Washington area, but are not considered metropolitan areas by the Commerce Department.

Seven of the metropolitan areas included in the yesterday's report have populations exceeding 1 million. The largest is New York with 11.4 million, followed by Philadelphia with 4.8 million. The others are Boston, Washington, Baltimore, Newark and Paterson-Clifton-Passaic.

ASPECTS OF THE SST PROGRAM

Mr. PACKWOOD. Mr. President, as we near the crucial vote on the SST, I think it is essential that we all have as much information about the progarm as possible. In the September 22, 1970, edition of the Oregonian, Oregon's largest circulated daily newspaper, an excellent article by Leverett Richards tells in detail some of the various aspects of the SST program.

Leverett, who is aviation editor for the Oregonian, is very knowledgeable in his field, and I believe we can all learn from his comments.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UPCOMING SENATE VOTE TO GO AHEAD OR JUNK SST MEANS MONEY TO OREGON

(By Leverett Richards)

Shall the U.S. build a supersonic transport or leave the field to the Russians, the British and the French?

That is the $25 billion question before the Senate this week as that body debates a $290 million appropriation for the SST already passed by the House.

So what? What does it mean to Oregon?

It means a possible $300 million. That is the amount the Boeing company will spend with Oregon firms in the course of building 500 SST's, according to an estimate prepared by Edward H. Cooley, president of Precision Castparts Corp. of Portland.

Nine major subcontractors can expect to produce parts and materials costing $593,000 per SST. During the height of the production program SST subcontractors will total an estimated $27 million a year.

This will mean jobs for 1,100 workers for a period of 5 to 10 years, the study shows.

Oregon will produce about 15 per cent of the titanium required for the all-titanium fuselage of the SST, the study showed.

Nine Oregon companies are major subcontractors for Boeing and expect to participate in the SST program. They are: Carter Manufacturing Company; Electronic Speciality, Portland Division; Ford Industries, Inc.; Omark Industries; Oregon Metallurgical Corporation; Peco Manufacturing Company; Precision Castparts Corp.; Rem Metals Inc.; and Ziconium Technology Corp. Twenty-three other Oregon companies would also share in subcontracts.

A detailed study of national benefits from the SST showed that the Boeing company expects to spend $1,650,000 with Oregon vendors for the two prototype aircraft alone.

The General Electric Company, which is producing the engines for the U.S. SST, has already spent $1,130,970 with four Oregon firms, Earl E. Spencer, manager of western regional relations, told The Oregonian during a recent visit, and expects to spend about $4 million in Oregon through the prototype phase of the project.

General Electric expects to spend about $50 million with six Oregon companies in the course of producing engines for the 500 SSTs expected to be sold by 1990, Spencer said.

This is but a small fraction of the $20 billion total cost of producing 500 SSTs.

If the project is abandoned the U.S. will lose "somewhere in the range of $25 billion to $45 billion over a 15-year period," writes Paul Charrington, Harvard professor of transportation who has studied the SST since 1958.

This would represent a disastrous upset in the balance of trade, economists point out. U.S. aircraft exports average $1.25 billion per year—the largest single factor in our favorable balance of trade, government reports show.

Sen. William Proxmire, D-Wis. argues that the SST would increase the flow of tourist dollars abroad and thus induce a negative balance of trade.

Rocco Siciliano, undersecretary of commerce, points out that giant jets like the Boeing 747 will continue to stimulate travel abroad long before the SSTs can start service.

These and a barrage of other objections to the SST will be aired in the Senate this week as the appropriations committee recommends approval of the $290 million for the development and testing of two SST prototypes.

Some opponents argue that the SST is a menace to society and should not be built at all.

The fact is that the SST era is already here. It dawned Dec. 31, 1968, the day the Russian TU144 supersonic transport took off, followed by the British-French Concorde March 2, 1969. Both have since flown twice the speed of sound and will be carrying passengers by 1972.

Sen. Proxmire and others contend that the U.S. can't afford to invest a total of $1.3 billion in two SST prototypes when money is needed to fight poverty.

William M. Magruder, head of the SST program for the Federal Aviation Administration, points out that the SST will fight poverty in the old American way—by providing some 150,000 jobs directly and indirectly.

The Air Transport Association estimates these 150,000 workers would create another 100,000 jobs in nonmanufacturing industries serving the SST workers.

From this $2.5 billion annual payroll the government will collect about $6.5 billion in taxes in 15 years, Magruder estimates enough to finance many poverty programs.

Opponents of the SST charge that the SST will generate a sonic boom that will shatter windows and nerves, destroy buildings, kill fish, scare the chickens and sour the milk in the refrigerator.

"The SST will hasten the end of the American wilderness . . . and pollute the upper atmosphere in such a way as may result in terrible alterations of global weather," The Friends of the Earth proclaimed in a recent series of full page ads in a few major newspapers.

They claim the SST's will weave permanent controls in upper atmosphere that will form a perpetual cloud, shut off the sun, and either bring on an ice age or melt the ice caps.

Some theoretical scientists have been quoted as saying the SST may destroy the ozone that protects the earth from cosmic rays. "If all the ozone were stripped away and the earth exposed to the full force of solar radiation "it would wipe out all life except in the oceans," Dr. Gordon MacDonald, a member of the Council on Environmental Quality, is quoted as saying.

There is no scientific or factual basis for any of these charges, Magruder, a former test pilot and designer of the Lockheed L1011, says.

1. There won't be any sonic booms from the SSTs. The U.S., Britain and France all have prohibited supersonic flights over land.

Experiments by Dr. John C. Calhoun, chairman of the National Academy of Sciences committee on oceanography, have shown that "attempts (by explosions) to influence fish acoustically have been trivial, if detectable."

Military aircraft have been flying at supersonic speeds off the coasts, including Oregon's coast, for more than 10 years and no complaints or damage claims have been filed by man or fish, the FAA reports.

Fear of clouds formed by contrails is absurd on the face of it.

Nearly 3,000 commercial jetliners have been weaving contrails in the sky over the U.S. for more than 10 years and there is no sign of any impending ice age—or melting of the ice caps.

And these subsonic jets operate between 25,000 and 40,000 feet where conditions are right for contrails much of the time, meteorologists point out.

The SST's will fly between 60,000 and 70,000 feet, where contrails, rarely ever form.

2. Dr. MacDonald did not say the SST's would destroy the ozone that protects the earth from radiation. He testified before Sen. Proxmire's Joint Economic Committee that "if ozone is decreased in the upper atmosphere we might have some effect at ground level.

"It is a very iffy subject," he emphasized.

"It would be my judgment as one who has worked in the field that the effects probably would be minor."

He added that the two prototypes would have no adverse effects.

Dr. MacDonald testified that a fleet of 500 SST's could "over a period of years, increase the water content of the upper atmosphere) by as much as 50 to 100 per cent."

He added that the water content has already increased 50 per cent from natural causes in the past five years.

He testified that the water vapor might warm the average surface temperatures by two-tenths to three-tenths of a degree Fahrenheit, which might melt the polar icecaps.

The amount of water vapor injected into the upper atmosphere by a fleet of 500 SSTs is equal to the water vapor injected by a single thunderstorm, scientists of the National Academy of Science point out—and 3,000 to 6,000 thunderstorms occur every day around the world.

"Scientists wrote me a little paper that said the temperature of the upper atmosphere went up 9 degrees between 1880 and 1940," Magruder recalled. "Nine degrees—and no icecaps melted," Magruder cryptically concluded.

In 1883 Krakatoa blew up and poured a cubic mile of sea water into the upper atmosphere where it stayed for a year or more.

"And nothing happened," Magruder pointed out. "The world temperature didn't change. The icecaps didn't melt."

The National Academy of Sciences dismisses these predictions in a long report concluding with these words: "The best scientific judgment available to the government clearly indicates that there will be no significant adverse effect on the weather."

Dr. Richard Garwin, IBM physicist, foremost opponent of the SST, charges that the SST on takeoff would be as noisy as 50 subsonic jets.

The fact is the SST's engines, in their present state of development, would produce 124 PN d Bs (perceived Noiselevel in decibels) at a point 1,500 feet away from the side of the runway, compared to 108 decibels for present subsonic jets.

Measurement of noise is a complex and inexact science, but Magruder concedes that the sideline noise of the SST engines as now designed would be three to four times as annoying as today's jetliners.

He points out, however, that General Electric and Boeing engineers have eight years in which to reduce this noise level.

The SST is the only aircraft development program ever undertaken with noise limitations written into the contract," Magruder points out.

TENNESSEE WALKING HORSE: THE HOUSE MUST ACT

Mr. TYDINGS. Mr. President, on December 18, 1969, with bipartisan support and without any objection on the part of the administration, the Senate passed my bill to outlaw the soring of Tennessee walking horses.

Soring—the practice of deliberately making the front feet of the Tennessee walking horse sore to induce a long striding step forward—is a barbaric and unnecessary practice, too often substituted for the long training period usually required to produce the magnificent prance of the Tennessee walker.

Evidence presented at Senate hearings last year indicated that Federal prohibition alone can terminate this inhumane practice.

On September 21, the House Subcommittee on Public Health and Welfare held a hearing on S. 2543. I ask unanimous consent that, following my remarks, my statement to the subcommittee and the text of the bill be printed in the Record.

It is my sincere hope that the subcommittee will consider S. 2543 favorably and that soring will soon be prohibited by Federal law. It is a vicious practice and illustrates how cruel man can be.

To purposefully injure a horse so it will lift its foot high due to the pain of walking just to win a blue ribbon reflects harshly on the trainers who do it, the owners who permit it, and the judges who condone it.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1969".

Sec. 2. (a) A horse shall be considered to be sored, if, for the purpose of affecting its gait—

(1) a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted on the horse;

(3) a chemical agent, or tacks, nails, or wedges have been used on the horse; or

(4) any other method or device has been used on the horse, including, but not limited to, chains or boots; which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme fear or distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

Sec. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhumane treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

Sec. 4. (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he took all reasonable precautions to prevent the showing or exhibiting of such sored horse.

SEC. 5. (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. The person or persons in charge of any horse show or exhibition, or such other person or persons as the Secretary may by regulation designate, shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

SEC. 6. (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than $2,000 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

SEC. 8. The Secretary, in carrying out the provisions of this Act, shall utilize, to the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

SEC. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other actions as he deems appropriate.

SEC. 12. There are hereby authorized to be appropriated such sums, not to exceed $100,000 annually, as may be necessary to carry out the provisions of this Act.

[From the St. Louis (Mo.) Post-Dispatch, Jan. 17, 1970]

Halfway to a Humane Act

It is now up to the House of Representatives to complete a measure to protect Tennessee walking horses from the unconscionable practice of mutilating their feet to produce a distinctive gait. The Senate has passed legislation making it unlawful to ship a "sored" horse in interstate commerce, show a sored horse in a horse show, or conduct a horse show in which a sored horse participates; and establishing penalties up to $2000 and six months' imprisonment. The Secretary of Agriculture would administer the law.

For this action the Senate deserves credit for eventual response if not for celerity, having taken two years to legislate against a barbarous practice which has been going on upward of 20 years. It is a victory for Senator Tydings of Maryland, chief sponsor in the upper chamber. In the House several bills to the same effect have been introduced, with Representative Whitehurst of Virginia as chief sponsor.

Hearings already held in the Senate should make it unnecessary for extensive hearings to be held in the House as should the fact that there is nothing to be said in extenuation of the practice. Soring is a resort of lazy, avaricious and unscrupulous owners to produce a gait which properly comes about through patient training. It results in a form of fraud when champions so produced earn stud fees in excess of $100,000 although sore feet could scarcely be transmitted from sire to colt. The only remaining question is that of penalties, and considering the cruelty of the practice and the scale of the monetary returns those decided upon by the Senate appear appropriate enough.

[From the Charlotte (N.C.) Observer, Feb. 9, 1970]

Bill Can Hobble Horse "Sorers"

Horse lovers who would stop the inhumane practice of "soring" Tennessee walking horses have reached the half-way point of their goal.

The United States Senate has passed legislation making it unlawful to ship a "sored" horse in interstate commerce, use in a horse style of walking.

The desired gait used to come from fine breeding and meticulous training. "Soring" is a short-cut enabling owners to make profits by sacrificing the comfort of the horse.

Under provisions of the Senate bill, it would be unlawful to ship a "sored" horse in interstate commerce, use him in a show, or conduct a show in which such a horse participated.

Penalties up to six months imprisonment and fines up to $2,000 are provided. The law would be administered by the Secretary of Agriculture.

We feel this legislation should be passed—and enforced.

[From the San Diego (Calif.) Evening Tribune, Jan. 10, 1970]

Senate Takes Humane Action

The Senate, before recessing for the holidays, took time from its concern with war, taxes, foreign aid and other weighty matters to pass a bill certain to win the applause of animal lovers.

In a voice vote, the senators forwarded to the House a measure that would outlaw the practice of "soring" show horses.

Trainers have been successful in inducing the distinctive high-stepping gait in the Tennessee walking horse by causing the horse's leg to blister. As a result, the horse lifts his feet quickly, achieving the gait that could be induced naturally only through a lengthy training process.

If approved by the House and signed by the President, the law would prohibit interstate shipment of a sored horse, the show in which a sored horse participates. Violations would carry penalties of up to $2,000 fine and six months imprisonment.

The painful soring process has been condemned by reputable trainers and concerned horse fanciers as a cruel shortcut in the training process.

The sympathetic concern of the Senate should be quickly endorsed by the House. State legislatures might also be encouraged to enact similar laws covering situations not subject to interstate commerce regulations.

The painful soring process has been condemned by reputable trainers and concerned horse fanciers as a cruel shortcut in the training process.

[From the Bloomington (Ill.) Pantagraph, Dec. 25, 1969]

A Vote for the Horses

With man's inhumanity to man seemingly beyond repair, progress against man's cruelty to animals may seem unimportant.

Just the same, the Senate has passed a bill aimed at ending the vicious practice of "soring" the forefeet of Tennessee walking horses to produce the desired gait.

Statement of Senator Joseph D. Tydings

Mr. Chairman, I appreciate this opportunity to comment briefly on the Tennessee Walking Horse legislation.

S. 2543 passed the Senate on December 18, 1969 with bipartisan support. Speaking for the Administration, the Department of Agriculture stated that it had no objection to the bill's enactment.

S. 2543 differs from H.R. 14151 and H.R. 13979 in three important respects.

1. The Senate bill contains a new section 10 clarifying the relationship of the legislation to state law. In committee, Senator Howard Baker of Tennessee amended S. 2543 to provide for concurrent jurisdiction, an amendment I fully supported. Both State and Federal laws will thus apply to instances of soring. Concurrent jurisdiction provides the flexibility to permit the states to act should they desire to do so, yet it assures Federal action against soring should the states fail to move.

2. The Senate bill exempts an individual who conducts a horse show in which a sored horse appears from the penalties imposed by the bill if such individual "can establish that he took all reasonable precautions" to prevent the participation of sored horses. The

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Walking Horse legislation focuses on the horse show, and properly so. It is at an exhibition where USDA will be able to enforce an anti-soring law. And it is the exhibitors who bear a large part of the responsibility for the practice of soring. Yet S. 2543 recognizes that it would be unfair to penalize those individuals who make a conscientious effort to exclude sored horses from their shows. Hence, the exemption.

3. The Senate bill revises the enforcement section of H.R. 14151 and H.R. 13979. Subsection 6(a) of S. 2543 provides a civil penalty of not more than $1,000 to be assessed by the Secretary of Agriculture for each violation. Subsection 6(b) provides a criminal penalty of not more than $2,000 or imprisonment of not more than six months, or both for each willful violation. The two House bills provide only for a criminal penalty of not more than $500 or imprisonment of not more than six months, or both.

S. 2543's approach is, I believe, more flexible and effective. Establishing civil penalties for nonwillful violations will probably produce more frequent enforcement efforts than would imposition of a criminal penalty for a first violation. Additionally, authorizing the Secretary of Agriculture to assess civil penalties will not add to the work of already overburdened U.S. Attorney offices. Yet stiff criminal penalties are still warranted. In instances of willful violations, criminal prosecutions by U.S. Attorneys are necessary if S. 2543 is to be an effective deterrent. Rewards from soring in terms of stud fees and prizes can easily exceed $100,000. Some individuals may well be willing to accept the civil penalties of Subsection 6(a) in order to have a winning horse. Subsection 6(b) penalties, however, should cause such individuals to have second thoughts. Thus, in terms of the size of the penalty and method of enforcement, S. 2543 bears a more reasonable relationship to the nature of the violation and the need for effective enforcement than do H.R. 14151 and H.R. 13979.

Soring is a barbaric practice. That it must now at long last be terminated is incontestable.

The atrocity of soring can only be fully realized if the practice itself is clearly understood. Soring is deliberately injuring a horse's foot in order to alter its natural gait. The Tennessee Walker is known for its high skipping gait or "walk." This walk is normally the result of careful breeding and patient training. Yet by "soring" the horse's front feet, the pain of touching the ground will force the Tennessee Walker to kick his feet up and out, exactly the gait desired. A mediocre horse can thus be made to walk like a champion. That soring hurts the horse and eventually harms the breed does not seem to matter. The object is to win the blue ribbon. Soring is therefore practiced by the trainers, condoned by the owners, and ignored by the judges.

That it requires Federal law to end this cruel practice is indeed regrettable. In 1967, when I first became involved with this issue, I initially felt that soring surely was a matter for state and local jurisdictions. I asked myself, as perhaps members of the subcommittee have asked themselves, why is this a matter for the Federal government? Can't the states handle it alone? The hearings on soring that I chaired last year convinced me that the answer is no. State and local governments appear unable or unwilling to stop soring. The pressure to win is too great. Since 1967, the practice has continued, as has the assurances of its practitioners that "given a little more time" soring will stop. But soring has not stopped nor will it without Federal law.

The need for Federal legislation was illustrated by the testimony last September of Dr. Francis Mulhern, Deputy Administrator of the Agricultural Research Service before the Senate Commerce Committee. In reply to my question about the adequacy of State anti-soring laws, Dr. Mulhern stated, "Our position toward the bill in the last Congress was that this should be a State responsibility. After investigating and noting the evidence of the soring that was occurring, even in States where they had laws, we have removed our objection." Only Federal action can stop this barbaric practice.

S. 2543 would be administered by the Department of Agriculture. USDA has stated that the additional workload for conducting the necessary inspections and enforcement activities would be carried out by the existing personnel of the Agricultural Research Service and with the assistance of State officials. Section 8 of the bill specifically calls for use of existing capabilities and encourages USDA use of state assistance. Section 12 of the bill modestly authorizes $100,000 annually to cover expenses that may occur. The Tennessee Walking Horse legislation would not lead to the creation of additional Federal personnel nor would it create a great burden on our Treasury.

The purpose of this Federal legislation is to stop soring. This practice is cruel and barbaric. S. 2543 would achieve this purpose, simply and effectively, and call a halt to the systematic torture of Tennessee Walking Horses. I therefore respectfully urge the Subcommittee to act favorably on S. 2543.

Mr. Chairman, this concludes my statement. I wish to express again my appreciation for the opportunity to place my comments before the Subcommittee.

COMMISSION ON TRANSPORTATION REGULATION

Mr. BAKER. Mr. President, I was somewhat gratified to note that on Tuesday, September 22, our distinguished majority leader, Mr. MANSFIELD, and others introduced S. 4371 calling for the abolishment of the Interstate Commerce Commission and the establishment of a temporary National Commission on Transportation Regulation to determine how best to reassign the functions of the Interstate Commerce Commission.

The reason why I was interested to see the introduction of this bill is that while I, myself, have reached no judgment concerning the fate of the Interstate Commerce Commission, I did introduce in April of this year a bill establishing a temporary Commission on Transportation Regulatory Agencies. However, unlike the bill introduced by the distinguished senior Senator from Montana, my bill reaches no prejudgments and goes beyond just the Interstate Commerce Commission to embrace a study and resulting recommendations with respect to the regulation of transportation by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board.

Mr. President, I introduced my bill, S. 3760, in recognition of the probable need to undertake a long overdue updating of our regulatory process with respect to all transportation modes. Again I repeat, I have no preconceived notions as to what the ultimate solution should be, and in this connection I insert for the possible interest of my colleagues a somewhat pertinent editorial which appeared in the Journal of Commerce of September 21.

Mr. President, in conclusion, let me say that I commend our distinguished majority leader for facing up to the particular facet of the problem addressed by his bill. While I had hoped that our Committee on Commerce, of which I am a member, might have undertaken consideration of my own bill, S. 3760, in this Congress, it now does not appear likely. I, therefore, fully intend to reintroduce it in the next Congress. I would hope that the distinguished Senator from Montana will join me in this effort. Early and favorable consideration of such legislation is necessary in order to effectively meet the growing concern of the effect of our present regulatory process upon the orderly development of a balanced transportation system.

I ask unanimous consent that an editorial on the subject be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WILD BLUE YONDER

With all the discussion currently going on relative to proposals to merge the transport regulatory agencies, it never fails to astonish us that so few spokesmen for the railroads or other carriers seem at all willing to state just what sort of a regime they think would or should follow the demise of the Interstate Commerce Commission.

There are complaints that ICC is too railroad-minded, and they may have some validity. There are complaints that its procedures are glacially slow. These have even more validity and, as indicated in a news article appearing in this newspaper last Wednesday, are almost universally held among those forced by law to spend months and even years in search of rulings on trivial as well as vital points.

Where the inquiring reporter is greeted almost invariably by a ringing silence is the point at which he asks: What happens after ICC? If it is replaced by a super-agency regulating air carriers and shipping lines as well as inland rail, motor and water carriers, how is the Gordian knot of today's regulatory delays and complexities to be cut? And if it is not cut, what reason is there for any assumption that a super-agency is somehow going to make things better?

There are no grounds for such an assumption whatever unless one accepts the alternative of deregulating all freight and passenger rates and putting them under nothing more than the restraints governing industrial pricing. This, as we have said before, would mean putting them under the antitrust acts which, in turn, would mean something else.

Under the Clayton and Sherman acts any business can set its prices where it pleases, although there are a few prohibitions, such as that applied to basing-point systems on an industry-wide basis. It cannot, however, do so under arrangements with its competitors, and it is not allowed to discriminate between customers.

The ban on discrimination was spelled out most explicitly in the Robinson-Patman Act. It is not absolute. The right to grant volume discounts is recognized. But the stipulation is made that any volume discount given one customer must be available on precisely the same terms to any other customer.

Under this law, carriers would not have to seek regulatory approval on any changes in rates and services. They wouldn't have to go through the drawnout preliminary hearings before a regulatory commission. They could simply put them into effect, with proper notification of their customers. If, however, they were found to be discriminating as between customers or otherwise violating the law, the consequences could be quite serious and quite costly. At that point they would be dealing with the Department of Justice and the courts. There could be heavy fines. And there

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could even be (as there have in the past) prison sentences.

Right now, of course, the carriers get a quid pro quo for the delays they suffer in regulatory proceedings. They can, in large measure, discriminate between customers, providing the appropriate regulatory agency doesn't object. They can set rates and agree on practices in concert. In these respects, they are immune from antitrust prosecution. That is quite an advantage, and many of them recognize it.

Some, however, appear bemused with the thought that the antitrust laws (as amended by the Robinson-Patman Act) apply only to goods, where matters of discriminatory pricing is concerned. They do not apply to services. And as they stand today, they would not prevent a carrier—freed from regulation—from charging one customer more for a 500-mile haul than another moving the identical shipment over the identical distance on another route.

But this is merely incidental. The fact that this section of the law is not applicable to common carrier services today, and cannot be applied to them as long as the combination of regulation and antitrust immunity exists, is no reason for assuming that it would not be made applicable to them simultaneously with an end of regulation. The very suggestion that Congress would free transportation of its regulatory restraints while also leaving it free of the restraints applicable to the rest of American business is unthinkable. It simply won't happen.

So what is the argument all about? The consolidation of existing restraints in a single agency offers in itself to promise of shortening the regulatory delays against which there are so many complaints. It might, in fact, make them worse. And from the reluctance of the railroads to discuss the matter at all, we would gather that they are less than enthusiastic over the prospects of confronting the Department of Justice rather than ICC. Better the devil you know, as the saying goes, than the devil you don't. That may explain something but it doesn't explain much.

It makes no sense at all to advocate sweeping changes in advance of any clear understanding of what would follow them. In this sense it seems to us that the burden of proof rests with those who are most anxious to see the transport regulatory structure overhauled. If they feel consolidation of three agencies into one would speed things up, they should explain how. If they are willing to surrender their immunity to antitrust prosecution and deal in the future with the Justice Department instead of ICC or CAB, they should say so. But if they expect to retain what they like in the present system while simultaneously being relieved of what they don't like, they will be running risks. They might well wind up with the worst of both worlds.

ABSENCE OF CONSUMER NEEDS FROM WHITE HOUSE CONFERENCE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, we are approaching an important time during this "prologue year" leading up to the White House Conference on Aging in November 1971. For it is during the latter part of this month that the elderly themselves will speak out about their needs at Older Americans White House Forums in communities and neighborhoods all across the Nation.

The information gathered from the forums will provide a valuable backdrop for the recommendations to be worked out during the conference year of 1971.

The forums will stress nine areas of need, including: Income, health, nutrition, housing, transportation, employment and retirement, education, roles and activities, and spiritual well-being. All nine areas are vital to the well-being of older Americans. However, the absence of consumer needs of the elderly concerns me, as older people are faced with unique consumer problems and they are more vulnerable to consumer fraud than other age groups.

Although it is true that older people are consumers in the areas of transportation, nutrition, health or housing, the hearings of the committee on aging, subcommittee on consumer interests of the elderly, have revealed a need for special attention to consumer issues.

The chairman of the subcommittee, the Senator from Idaho (Mr. CHURCH), conducted a valuable hearing this past year in Ann Arbor, Mich., where he heard that: Of all retired couples, as many as 36 percent cannot afford what the Bureau of Labor Statistics designates as the "lower" budget of $2,671; 56 percent cannot afford the "intermediate" budget of $3,857; and 75 percent cannot afford the "higher" budget of $6,039.

Many elderly consumers find the marketplace indifferent to their needs. For example, they cannot find adequate clothing at raesonable prices because many department stores do not want to be thought of as an "old people's market" according to one witness.

The elderly consumer experiences great difficulty in obtaining assistance from providers of goods and services, such as repairmen, banks, and legal firms. These essential services are not always reliable; they are confusing to many older individuals; and they are almost always costly. According to Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, "Too often, a $50 loss can only be recouped through a $150 lawyer's fee."

The elderly consumer is often the special target of fraudulent practices such as retirement land deals, promises of medical "cures," make-money-at-home schemes, and home repair and improvement deals. The financial loss involved in such fraudulent schemes can cut deep into an older person's limited income. Those who fall prey to quack medical cures, useless medical devices, and health fads, may even delay seeking desperately needed legitimate medical care.

Mr. President, these are serious consumer problems—and they are separate and distinct from the consumer difficulties faced by younger persons.

At the third annual meeting of the Consumer Federation of America on August 29, the following resolution was adopted which expressed the group's dissatisfaction with the absence of the consumer issue from the subjects to be studied at the White House Conference on Aging:

> Consumer Federation of America expresses appreciation to Senator Church and the Senate Subcommittee on the Consumer Interests of the Elderly in bringing to national attention the needs of this group of citizens.
>
> CFA takes note of the failure of this Administration on Aging in planning for the 1971 White House Conference on Aging to provide opportunity for explicit recognition of the consumer interests of the elderly.
>
> CFA urges the Administration on Aging to meet this deficiency by adding to the nine areas of need already designated for special study in pre-conference planning, a separate study on the needs of the elderly for consumer protection and education.

Mr. President, I believe that the consumer issue is so serious that it deserves special emphasis during this preconference year and at the actual White House Conference on Aging in November 1971.

CONCEPTS OF PRESIDENCY

Mr. ALLOTT. Mr. President, today's Washington Post contains a significant and wise column by Mr. David Broder concerning "Concepts of Presidency."

Mr. Broder is disturbed by the turn of mind that led the President's Commission on Campus Unrest to declare that "only the President" can do the things which will cool the campuses and unite the Nation.

It is Mr. Broder's feeling that something has gotten out of hand in the last few decades. The thing that has gotten out of hand is the office of the Presidency—and the attention we lavish upon it, and the expectations we have for it.

It seems to me that the only thing that has exceeded the excessive accumulation of power in the Presidency is the outlandish expectations people have come to have of particular Presidents.

It is melancholy to witness a society developing the habit of turning expectantly to high officials to solve all their problems. It is melancholy—and enervating to democracy. Needless to say, that which enervates democracy is profoundly dangerous.

Mr. Broder is quite interested in a recent paper on the Presidency authored by Mr. Thomas E. Cronin of the Brookings Institution. I hope to be able to share this paper with the Senate in the near future. Pending that, I ask unanimous consent that Mr. Broder's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 29, 1970]

CONCEPTS OF PRESIDENCY

(By David S. Broder)

"Only the President," the Scranton Commission on Campus Unrest said, "can offer the compassionate, reconciling moral leadership that can bring the country together again.

"Only the President has the platform and prestige to urge all Americans . . . Only the President, by example and by instruction, can effectively calm . . ."

Only the President. Only the President. The theme echoes as insistently as football on autumnal television. Only the President can speak for America in foreign affairs. Only the President has the knowledge to make the vital decisions for national security. Only the President can commit the nation to long-term goals to a trip to the moon, to the conquest of poverty, to the rescue of the environment.

The notion of an activist President as the protagonist of the political drama and the chief arbiter of the national destiny has dominated two generations of American thinking. Harry Truman and Richard Nixon agree on very little else, but they agree that

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"the buck stops" in the Oval Office. Every President from FDR on has acted on the assumption that, whatever the practical and constitutional limits on his authority, history and his constituents would hold him responsible, during his tenure, for the welfare of the country, in its broadest terms.

As a product of the educational and political climate of the last three decades, this reporter is thoroughly imbued with that same view, as convinced a doctrinaire of the "strong presidency" as Mr. Nixon was when he discussed the office in one of the notable speeches of the last campaign.

And yet, it deserves to be set forth as a significant fact that a strongly revisionist view of the presidency—which sees it as an office of limited power and influence, easily subject to overstrain—is coming to be held by numerous scholars and citizens.

The revisionist view first surfaced in politics in the campaigns of those oddly similar Quixotes—Barry Goldwater and Eugene McCarthy, both of whom seemed to be running "against the presidency" of the activist tradition, rather than for the office. What seemed an eccentricity in the two men has now developed into a considerable body of thought.

The "textbook presidency" we have all been taught is admirably dissected by Thomas E. Cronin of the Brookings Institution in a paper delivered earlier this month at the convention of the American Political Science Association.

Today's typical student, Cronin says, "learns that the presidency is 'the great engine of democracy,' . . . that presidents must instruct the nation as national teacher and guide the nation as national preacher . . . What is needed, most texts imply, is a man of the foresight to anticipate the future and the personal strength to unite us; to steel our moral will, to move the country forward and to make the country governable. The vision, and perhaps the illusion, is that if only we can identify and elect the right man, our loftiest aspirations can and will be accomplished."

That notion, Cronin says, is powerfully reinforced by the cliches of political journalism and, of course, by the rhetoric of most presidential campaigns.

His contention is that the revisionists have made a case that the glorified concept of the presidency has done us harm as a nation by contributing: (1) to popular disillusionment with the inevitable failings of the men who serve as president; (2) to the prevailing political apathy; (3) to the penchant for personal confrontations with, or acts of aggression against, presidents; (4) to inflation of presidential egos and distortion of presidential judgments; and (5) to neglect of other officials, and institutions' capacity for significant contributions to solving national problems.

One need not swallow this bare-bones outline of his argument whole to recognize the importance of the issues being raised. And this is no academic dispute. For there is evidence that many ordinary voters have intuitively adopted the revisionists' conclusions, without hearing all their arguments.

What may be happening among the voters is not just a shift of issues and of party preferences but a shift in the popular concept of the kind of President the nation needs—a change that can powerfully alter the political future. But more of that another time.

GEORGE HOOPER WOLFE—THE SAGE OF WILLIAMSPORT

Mr. TYDINGS. Mr. President, when George Hooper Wolfe was 7 years old, he began to walk the towpath along the C. & O. Canal driving a pair of mules, lugging hundreds of tons of coal from Cumberland, Md., to Georgetown. For the next 12 years, he met the people of the canal—the boat owners, the hired hands, the captains, the lock tenders, and the section crews, the wharf loaders, and the dredge crews, and the mules—the people who made the "big ditch" that was conceived by George Washington in 1780 to be the gateway to the West their way of life.

A native of Williamsport, a former canal town in Washington County, Md., George Wolfe later bought and renovated an old 30-room hotel. His great natural talent for the dying art of storytelling then began to unfold, especially when he spoke of old canal day stories. When he was 75 years old in 1969, he decided to gather his pictures, stories, maps, charts, and other memorabilia into a book entitled "I Drove Mules on the C. & O. Canal."

The fact that all proceeds from the book are being donated to the Methodist Church is testimony to his selflessness and outstanding citizenship.

Not only is George Hooper Wolfe—known by the people as the "Sage of Williamsport"—an authority on the C. & O. Canal, but he has also been extremely active in efforts to preserve the canal as a National Park area for future hikers, cyclists, nature lovers, and campers.

There are not many George Hooper Wolfes around.

I ask unanimous consent that the article entitled "Canaller—Storyteller and Author," published in Maryland Living of August 16, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CANALLER—STORYTELLER AND AUTHOR

(By Eleanor Heldrich)

George ("Hooper") Wolfe, of Williamsport, was born near the Potomac River in a house that stood 200 feet from the spot where the waters of the old Chesapeake and Ohio Canal crossed the Conococheague Creek via the Conococheague Aqueduct.

Williamsport was a canal town in those days. Lying midway between Cumberland and Georgetown, the town of 2,000 was the nerve center for the whole canal. Most of its people were either canal workers or canal traders. Many of the Irish brought over to build the canal in the 1830s had stayed to run the boats, which now plied their way along the 185-mile water highway. Hooper Wolfe's great grandfather, Thomas Gallagher, was one of them.

Hooper himself was the youngest of seven children. Three of his older brothers already worked on the canal. His brother Daise would one day become the captain of Canal Boat No. 4. It was natural, then, that when Hooper was seven years old and ready to go to work, he chose to work on the canal. It was part of his heritage.

Off and on for the next 12 years, young Hooper walked the towpath driving a pair of mules. He met the people of the canal, the boat owners and their families, the hired hands, the captains, the lock tenders and the section crews, the wharf loaders and the dredge crews, the men and boys, women and mules who made the "big ditch" their way of life.

"They were rough people," Hooper Wolfe says looking at you through a pair of large spectacles. "If they thought they could get by without paying a man, some of them, they'd kill him instead."

Strange words from a man whose gentle appearance and mild manners appear to disqualify him from such a violent life. But he did live on the canal and he can remember the way it was. The pay for carrying 100 tons of coal from Cumberland to Georgetown was $48, and a captain could average three trips a month for the nine months of the year that the canal was free from ice.

"What was bad," Hooper Wolfe recalls, "was the empty back loads. They could make two miles an hour going downstream loaded with coal, but the trip back up, against the current, took the same mules three miles an hour with no load at all."

The boats carried two mule drivers and four mules working in shifts. Every six hours the teams would change places and the tired mules and driver would climb up a ramp onto the boat. The mules were stabled right on the deck. At the peak of the canal years there were nearly 800 boats and 3,000 mules making the trip from Western Maryland mining country to the tidewater gateway.

At the end of the trip, in Georgetown, there would be a two or three-day layover while waiting for the boats to be unloaded. The canal people passed this time visiting back and forth across the boats. That was how Hooper met Minnie Zimmerman.

Her father was the captain of Boat No. 31 out of Big Pool, near Fort Frederick. Their courtship was a series of lucky meetings and unfortunate passings on the water until young Hooper finally convinced Miss Minnie to marry him by promising her a life away from the canal. For the next few years, the young bridegroom tried his hand at several jobs, including construction work on a new school building that was going up in Williamsport.

"You know how old I'm getting," says Mr. Wolfe with a chuckle. "They just condemned the school I helped to build."

In 1920, the young couple decided to try store keeping, so they bought a small grocery store on Conococheague St. in Williamsport. Four years later, putting together all their hopes and savings, they sold the grocery store and bought the old hotel across the street.

"Partly because it had such a good story connected with it," Hooper Wolfe admits.

The hotel was already a hundred years old during the Civil War when Gen. Robert E. Lee led his troops up Maidstone Hill across the Potomac River from Williamsport to shoot out the C. and O. Canal. The cost being shipped downstream to Union forces in Washington was an annoying thorn in the Confederates' side.

"Well, sir," says Mr. Wolfe, a storytelling gleam in his eye, "they weren't much on accuracy in those days so there was no telling where the cannon balls were going to land. A man named Jack Ensminger owned the old 30-room hotel and he didn't have much faith in Lee's intentions or his accuracy. So he cast about for a sucker who would be willing to make an immediate cash settlement on the hotel. Stables, furnishings, supplies, everything for one low, low price—$1,000. A certain Mr. W. J. Taylor rose to the bait. The next morning the Conococheague Aqueduct was a shambles, but the newly named W. J. Taylor Hotel was standing proudly without a scratch on her."

Hooper and Minnie Wolfe bought that hotel in 1924 from W. J. Taylor Jr., and changed the name to Hooper's-on-the-Square. They modernized the building, adding indoor sanitary facilities and converted it into an apartment and boarding house. On the first floor they put a general store and lunch counter.

With the opening of Wolfe's general store, Hooper's great natural talent began to unfold, for he is one of the last survivors of a dying art, storytelling, the lengendary, cracker-barrel kind.

One of his favorites is about an old man who had spent his whole life along the shores of the Potomac River. He never did a good day's work in his life, surviving solely on what he could take from the water. One day he was sitting on the bridge with his line in the Potomac River trying to catch a fish, when along came this tourist lady.

She walked up to him and said, very politely, "Pardon me, sir, but could you tell me the name of this body of water?"

"Danged if I know," replied the old man and, adds Hooper Wolfe triumphantly, "By George, he didn't!"

Hooper can remember a good story about every man, woman and child in Williamsport, and even some about the streets and buildings. Naturally, the local residents can remember some about Hooper, too, like the time a stranger came into Hooper's store and asked for "some of that there cheese."

"The Swiss?" asked Hooper.

The stranger nodded. "How much is it?"

"Sixty cents a pound."

"Oh, no!" says the fellow backing off, "I won't pay that price. Abe Martin sells it for 50 cents a pound."

"Well," says Hooper, "why don't you go and get your cheese from him?"

"He don't have any," came the reply.

"Tarnation," exploded Hooper, "if I didn't have any, I could let you have it for 40 cents a pound!"

As the years passed Hooper Wolfe began to relish in particular stories about the old canal days. He collected pictures and mementos and posted them on his wall. He became a storyteller with a specialty.

In 1969, when he was 75 years old, he decided it was time to gather his pictures, stories, maps, charts, way bills and other memorabilia into a book. Not an easy project for a man whose formal education stopped short of four full years, but education or no education, Mr. Wolfe knew he was one of the last remaining boatmen with first-hand knowledge of a life that was already fading into history. If he didn't write it, who would?

As a result of his determination to tell it like it was, George Wolfe moved out of the company of back porch story tellers and into the rank of local historians. The book, "I Drove Mules on the C. and O. Canal," is ready to go into its third printing and copies have found their way across the country and into 35 states. Not bad for a first author of more than 70 years.

"Seventy years!" exclaims Hooper Wolfe "I don't call that old!"

GAMAL ABDEL NASSER

Mr. BROOKE. Mr. President, all of us have been deeply shocked and saddened by the sudden, tragic death of Gamal Abdel Nasser, the greatest leader the modern Arab world has known, and one of the great world figures of our time.

Colonel Nasser helped to free his land and its people from the shackles of a corrupt and feudal king.

President Nasser, for all that his term in office was marked by conflict, was nevertheless a man primarily concerned with the welfare of his people. The Aswan Dam, the sale of Egyptian products abroad, the rise to new political and economic prominence of the Arab world—these were the accomplishments he favored, these were the projects he preferred to promote.

Mr. President, the American Government and the American people have often found themselves at odds with the policies of President Nasser. As the principal leader in the Arab world, he posed the greatest threat to the security of Israel; he united the Arab States in a common cause which we could not condone, and which we were forced to oppose.

But we can never forget that it was President Nasser who, only a few weeks ago, led the Arab world in acceptance of the U.S. peace proposal. And let us remember clearly, too, that the last act of his life was to bring about a truce between the Jordanian Government and the Palestinian guerrillas.

The image of Nasser as a peacemaker can not obliterate his earlier role in fostering great divisions in the troubled Middle East; it can not by any means excuse the fact that he was primarily responsible for introducing into that conflict an unacceptable level of great power participation.

But I dwell on the significance of these last, peaceful acts of President Nasser's life, in the full knowledge that it was on his final pilgrimage that the first and greatest Arab leader, the Prophet Mohammed, uttered the prayer:

> Oh God, make the end of my life the best of my life!
>
> And the best of my deeds, their conclusion!

I was struck with an interesting parallel, Mr. President, in thinking back over the life of this founder of the Muslim religion. The last time that the Prophet Mohammed left Mecca, he journeyed with several thousand followers to the town of Arafat. It was here that he confronted his God, and learned that his life's work was done.

President Nasser, too, has met his Arafat, in the very tangible person of the leader of the Palestinian liberation movement. But in the case of Egypt's President, a course has been set, but his work is not done.

There has already been much speculation in the press about who would—who could—succeed Nasser, both in Egypt and in the Arab world. I am no prophet, and I make no claims to special prescience. But I would suggest on this solemn occasion that the most appropriate way to honor the life of Gamal Abdel Nasser would be to carry on the pattern which represented the last and best of that man's life. We now pray that steps toward peace negotiations, the concluding acts of his life, will be pursued by those who succeed him. Let the peoples of the Middle East come finally to know the fullness of the blessing, so similar in their two tongues: "Sala'am," and "Shalom."

GENOCIDE CONVENTION DOES NOT ENDANGER PRISONERS OF WAR

Mr. PROXMIRE. Mr. President, opponents of the genocide convention have maintained that our ratification of this important human rights convention could subject American prisoners of war held by North Vietnam to charges of genocide.

This is nonsense. Ratification of this treaty has no bearing on any charges that might conceivably be trumped up against our prisoners of war by the enemy. Any appeal made against the genocide convention on this basis is strictly an emotional argument and does not represent the facts of the situation.

Former Attorney General Nicholas Katzenbach, a prisoner of war himself for over 2 years and aware of the dangers inherent in that type of situation, has endorsed the genocide convention. He has, in fact, said that the genocide convention would present no new dangers to American troops in Vietnam or any other country.

I agree completely with Mr. Katzenbach. If this convention did in any way represent a threat to American POW's I would be the last to argue for its ratification.

It is most important that the United States ratify this convention immediately. Time is wasting. We must go on record as opposed to this real threat to a basic right of man. I sincerely hope that the Senate Foreign Relations Committee will report this convention to the Senate in the very near future.

CONCERN FOR THE ENVIRONMENT

Mr. BYRD of Virginia. The preservation and enhancement of our environment are major national goals. The air, water, and land have been so long neglected and have become our very existence on this earth are being threatened.

The growing concern for our environment in all segments of our society indicates that we are faced with a very serious problem. Everyone recognizes this seriousness, but there is a danger that America may not dedicate itself to the continued hard work which is necessary.

I sincerely hope that our concern for the environment does not prove to be just a "fad." If we are to win the war on pollution, there must be a continuing commitment to conserve the resources on which we depend.

Each bill enacted has been a step toward a more livable environment. The Air Quality Act of 1967, the Clean Air Act of 1970, the Federal Water Pollution Control Act Amendments of 1966, the amendments to the Federal Water Pollution Control Act of 1969, and the establishment of an Office of Environmental Quality in the Executive Office of the President, are major pieces of legislation designed to improve our environment. I voted in favor of all these measures.

But we must search for new approaches to old and neglected problems.

The environmental protection agency, proposed by President Nixon, can be a step toward more efficient administration of environmental programs.

A similar proposal advanced by the Senator from Maine (Mr. MUSKIE) also provides a workable approach to this administrative problem.

I am also impressed with the list of pending environmental legislation before Congress, and I hope that each of these problems will be given careful consideration.

A few of these proposals include the international biological program, the Technology Assessment Act of 1970, the

Water Bank Act, the Joint Committee on Environment and Technology, and the Federal Lands for Recreation Act.

In addition, I cosponsored a bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles, which has passed the Senate. I also cosponsored an amendment that will insure that environment considerations—including noise problems—will be incorporated into hearings on airport expansion. This also was approved.

In the scientific and technological fields, more and continued research is necessary to devise and test new methods for combating pollution.

For example, many solid waste disposal facilities are obsolete. New methods are needed to handle the increased volume of solid waste, and to do so in a way that will not adversely affect the quality of our air and water, and local planning grants.

Such research-oriented legislation is vital and commendable. It is important that science and the Government move together in the battle against pollution.

Yet, despite the gravity of our environmental problems, we cannot afford to approach these problems in isolation.

The Nation needs cleaner water and air; but at the same time, it needs economic development to provide job opportunities for the young men and women graduating from our high schools and colleges.

A proper balance between industrial development and pollution control is necessary in order for our Nation to provide a prosperous and healthy life for its citizens.

For example, automobile exhaust emissions are a major source of air pollution. But an economic tragedy could result if the Congress were to legislate an immediate ban on the use or production of the internal combustion engine.

The Clean Air Act of 1970, recently passed by the House and Senate provides a workable compromise to achieve reductions in automobile exhaust emissions, by allowing adequate time to meet required standards. Science, business, and the Government must work and move forward together toward workable, acceptable, and timely solutions.

We can no longer ignore the problems of our environment. We must move ahead in the effort to protect our air, water, and land. Our actions must not be taken in panic, but we cannot afford to stand still.

STATEMENT ON HIGHWAY TRUST FUND BY CAROLINAS BRANCH, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

Mr. THURMOND. Mr. President, this morning the South Carolina congressional delegation was privileged to meet with the representatives of the Carolinas Branch, Associated General Contractors of America. The purpose of the meeting was to discuss the future of the Federal highway program, and particularly the highway trust fund.

The highway trust fund is the backbone of our Federal highway system. We must take the necessary steps to assure the citizens of our country that this trust fund will continue to be used for improvement of highway transportation. The money for the highway trust fund is provided through taxes imposed only on owners and users of motor vehicles. If a person does not own a motor vehicle or utilize highway transportation, he contributes no revenues to the highway program. Although everyone does not contribute, everyone benefits. At our meeting this morning, representatives of the Carolinas Branch, Associated General Contractors of America, Inc., presented an excellent statement to the congressional delegation.

Mr. President, I ask unanimous consent that this statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement: Carolinas Branch, Associated General Contractors of America, Inc.

Ladies and Gentlemen: Our mission here today is relatively simple. We wish to express to our congressional delegation, in the most positive way we know, our strong concern over the future of the Federal highway program.

As you are well aware, our group does not represent just a handful of special interests. Instead, it represents a broad cross-section of South Carolina citizens and business interests.

Today, we have restricted our petition to only one area of discusion. This is the crisis that is facing the highway trust fund.

As highway taxpayers, we take a particular pride and understandable interest in this fund. This pride stems not only from the fact that we are direct beneficiaries of improved highways, but—as South Carolina citizens—we have observed first hand the great progress which comes in the wake of improved highway transportation.

Through the highway trust fund, highway users in this country pay their own way without asking for or receiving handouts or subsidies from the Federal Government. Every penny going into the highway trust fund is taken from taxes imposed only on owners and users of motor vehicles. In other words, if a person does not own a motor vehicle or utilize highway transportation, he contributes no revenues to the highway program. In spite of the fact that everyone does not contribute, everyone benefits.

Highway transportation has provided untold benefits toward every aspect of the social, economic and cultural development of our Nation and has made the "good life" possible for many that would have been bypassed otherwise. In many parts of South Carolina, modern economic progress would have been virtually impossible without the growth of our highway system. Even though we have for decades had good ports and rail service and—more recently—fine air service, there are many sections of South Carolina that depend exclusively on highways for their transportation needs. Without economical highway transportation, these localities would be isolated from the progress enjoyed by other sections of the State.

Not only are South Carolina's great industries—textiles, electronics, aero-space components, tobacco and agriculture—heavily dependent on highway transportation, but the State's most recent one, recreational travel, is almost totally dependent on it. This is an extremely lucrative market for our State's abundant natural beauty and holds tremendous growth potential.

Nationally, recreational travel generates an estimated $32 billion annually with more than 77 million people participating. Yet, 60% of all American adults have never spent a night in a hotel or motel. And, 52% have never traveled over 200 miles from home. On an interstate highway, this is only about one-half day of comfortable driving time.

This offers a tremendous opportunity for the palmetto State to capture a larger volume of this travel business. Much of this potential business will be turned into actual business, however, only with the completion of the interstate highway system nationwide. Little will it matter if South Carolina has a fine highway system if missing links in other sections of the country make it difficult to get there.

Of course, the key to the success of our national highway program is the highway trust fund. This fund is scheduled to expire, as you know, on September 30, 1972. If that is allowed to happen, we will no longer have an effective means of paying our own way. We will simply have to accept crowded, dangerous roads as a fact of life; or, be willing to pay higher and higher general taxes to pay for a highway system whether we use it or not. It is our understanding, however, that Congress is unlikely to let the fund lapse and is now considering enactment of appropriate legislation.

In regard to this new legislation, we believe it is in the best interest of South Carolina and most of the other States that the highway trust fund be established as a permanent instrumentality for funding the Federal highway program. We feel this way because it has proven to be one of the soundest Federal programs ever devised.

We also feel that the highway trust fund should remain inviolate to the end that no highway funds are diverted to non-highway purposes. Many people believe that once the interstate system is completed, all our highway problems will be over. Actually, the worst is yet to come in the way of highway needs. Right now, there are about 105 million vehicles and 110 million drivers on the road. According to the Secretary of Transportation, that traffic volume will have doubled by 1980. His staff has estimated that $320 billion will be needed for highway improvements by 1985 if we are to keep pace with such astronomical growth.

In South Carolina, we will have some 1,857,000 motor vehicles by 1985 driving some 22.4 billion miles. Clearly, now is not the time for complacency. Nor, is it the time for diversion of highway revenues.

Only the highway trust fund, adequately protected from diversion, will permit the long-range, efficient planning that must go into a sound highway improvement program such as we will need to meet our growing needs. We feel it is absolutely essential that this fund survive in its present form.

As we all know, the highway trust fund is not a general sort of kitty. It is a pool of Federal taxes motorists pay on gasoline, tires and diesel fuel in addition to the excise taxes on trucks and buses and trailers and automotive parts as well as the special set of taxes just on trucks. In other words, the trust fund can be looked upon as a "fare box" in which users—in proportion to the degree of utilization—pay for their individual use of the public roads.

We are very much aware of some of the proposals in Washington these days to siphon off Federal highway revenues into a national transportation fund, which would finance all forms of transportation, including mass transit. This would be extremely inequitable and unfair. Rail transit, for instance, is feasible—at best—in only about 15 of the Nation's largest urban areas. What justification can be found for asking *just* the motor vehicle owners in South Carolina and elsewhere to contribute to such a program? Beyond that, the question again appears: If highway revenues are diverted to other purposes, where will we get the money needed for future highway improvements that will benefit not just 15 or so select areas but the entire country? Moreover, common sense tells us that higher costs of transportation wheth-

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er through taxes to replace diverted dollars on the delays and inefficiency brought on by inadequate and congested highways will ultimately lead to the increase in the cost of goods and services to everyone.

This delegation of South Carolina citizens is not opposed to any rail transit program if the people it is to serve want it *and* are willing to pay for it. We do, however, vigorously object to being handed the bill for this unbelievably expensive form of transportation in which experience of failure in the market place is the rule rather than the exception.

Highway transportation, on the other hand, has had a history of unparalleled success. To divert money from such a successful program to one of proven failure would seem to us to be the worst kind of folly.

We are, of course, aware that the anti-highway forces point to a few areas such as the one we're now in—Washington, D.C.—as being an example of highway transportation's inability to handle the increasing traffic volume. They say, based on this experience, that urban freeways are not an efficient way to move large volumes of people.

This is a calculated distortion of the facts. Highway people agree that the present D.C. area system won't do the job. The problem here is that this area doesn't have a freeway *system*. A sixty miles per hour expressway with a stop light at the end is not really an expressway at all. We believe that if the highway network as originally planned for this area had been built, our Nation's Capital would today stand out as a viable, mobile city with a healthy economy instead of one that sees an exodus of business to locations near existing freeways outside the city. In other words, Washington, D.C. appears to us to be not a failure of highway transportation, but a failure of those charged with the responsibility to face up to reality. We mention this today, because we do not want such irrational reasoning to tarnish the image of a continuing national highway program that holds the key for economic health in South Carolina and virtually every other section of the country.

In our judgment, the interstate system should be completed at the very earliest possible date and as soon as money becomes available. The economic and humanitarian factors alone demand this. Using the value of time at its low figure of $1.00 per hour, we estimate that the completed interstate system will bring an aggregate savings of some $110 billion to the Nation. On an annual basis, we estimate continuous savings of $21.7 billion per year to consumers from a reduction in operating costs and accidents not to mention the 8,000 lives per year that will be saved when the system is completed.

In summary then, our group vigorously endorses the tremendously successful interstate highway system. We likewise endorse the highway trust fund concept of financing which has become the backbone of the entire Federal-aid highway program. It has given the country this tremendous public facility without taking one penny from the general taxpayer and thus has had no adverse effect on any other Federal program. Whether they know it or not, this is probably the best bargain the American taxpayer has ever received in the form of a Federal program. We know of no other program in the past, present or proposed for the future that even suggests it can save the consumers of this country $21.7 billion per year and at the same time annually save 8,000 lives of our fellow citizens.

We, therefore, urge our fine men in Congress to not only vote support for the highway trust fund, but to vigorously sell and promote its virtues as the *ideal* Federal program which we feel it is. I believe our presence here this morning will assure you that the great majority of our citizens of South Carolina are behind you.

THE CATHOLIC URBAN SCHOOL: THE PATTERNS OF SURVIVAL

Mr. WILLIAMS of New Jersey. Mr. President, Dr. Francesco Cordasco, professor of education, Montclair State College, and a member of the Newark, N.J., Archdiocesan Board of Education, read an important paper last April before the 67th Annual National Catholic Education Association Convention, held in Atlantic City, N.J.

Mr. President, in order that Senators may study Dr. Cordasco's significant analysis of the present and future roles of Catholic education, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE CATHOLIC URBAN SCHOOL: THE PATTERNS OF SURVIVAL

(By Francesco Cordasco)

If there is agreement on anything in American Catholic education, it is the grim statistical data which delineate a symptomatology of decline in enrollments and the closing of schools. Catholic school enrollment has dropped 500,000 in two years; in June 1969, some 301 Catholic elementary and secondary schools closed throughout the nation, and some 111 more began phasing out grades and consolidating classes. In 1968, school closings numbered 445 with the heaviest attrition in the elementary sector; the school mortality pattern in American Catholic education was inexorably progressive: in 1966–67, 50 elementary schools closed ; in 1967–68, 152; and in 1968–69, 225. The National Catholic Education Association has predicted that some 200 schools will close in 1969–70.[1] According to Msgr. James C. Donohue, director, Division of Elementary and Secondary Education, U.S. Catholic Conference, "Enrollment in Catholic elementary and secondary schools has dropped from 5.6 million in the 1964–65 school year to an estimated 4.86 million in the current school year (1969–70)—a decline of three quarters of a million students in only five years."[2] And Msgr. Donohue couples with his notice of the declination of enrollments the severe financial straits in which Catholic schools currently find themselves, and the adverse fiscal burdens which the loss of children from the Catholic schools impose on the public schools:

The reason is obvious. When children leave a Catholic school which has closed or been forced to cut back its operations for financial reasons, they do not vanish. They go to school somewhere, and "Somewhere else" means the local public school.

The dollars and cents implication for public schools are clear. The more former students of Catholic schools enroll in public schools, the more public schools will be obliged to provide additional teachers, classrooms, equipment, and materials—and this is at precisely the time when they are increasingly hard pressed for funds.

The available figures demonstrate that this is no fantasy. For instance, it is estimated that taxpayers in the Detroit area have paid some $90 million over the past four years to accommodate in public schools some 50,000 former Catholic school students who have been forced out of Catholic schools which have closed, consolidated, or curtailed classes. This is, furthermore, a continuing expense, since these students will continue to be a drain on the taxpayers' pocketbook for as long as they remain in public school.[3]

There can be no retreat before the appalling attrition in Catholic school enrollments; and there can be no denial of the fiscal burdens which have rendered, in a period of the inflationary havoc, Catholic schools no less immune to the rigid and iron laws of economics. But Catholic leadership has failed to examine the total context out of which the declining enrollments have emerged. For the most part, Catholic educators have attributed the closing of their schools simplistically to severe financial drain, an equation which has assumed the force of a *post hoc, ergo propter hoc* demonstration in logic; and if they have not sought a causal connection between declining enrollments and the phenomenon of fiscal crisis, they have squandered an immeasurable prodigality in pleading the righteousness of their quest for public funds. But like Odysseus, the Catholic educator has not yet made his way home: for if he has encountered and vanquished federal interdiction (Polyphemus), he has been lost to the ideologies of extravagant praise for Catholic schools in America's search for a true pluralism, or to grim warnings (such as expressed by Msgr. Donohue) to the public sector as to the grave financial consequences that must follow the closing of Catholic schools.

In my judgment, Catholic educators, in their emphasis on the search for financial support, have made a twofold tragic error. First, they have attributed to the need for money, the grave and imperiled condition of Catholic schools; and second, they have failed to discern that the struggle for public support for Catholic schools can no longer be argued in the rhetoric and language which characterized the 1950's and early 1960's. And this is not to minimize the struggle of those earlier years,[4] or to suggest that the history of public support for private schools in America has been fully written.

A survey conducted by the American Jewish Congress showed that bills to provide direct state aid to parochial and other private schools were considered by 20 state legislatures in 1969, with passage achieved in three of the legislatures, but with "a continuing effort by religious groups to win public funds for parochial schools." Whatever form public support of private schools assumes, the intricacies of the pattern it assumes will be formulated within the ensuring few years.[5] The questions which should concern Catholic educators are those which ask: What is the quality of our schools? Whom are we (and whom should we be) educating? What are our responsibilities to the new poor in the cities in which our schools have been traditionally located? Have we a philosophic commitment and a set of clearly defined objectives which justify Catholic schools? What is to be done about the declination in religious vocations and the staffing of parish schools?

As always, history can be used as an instructive force in confronting current problems. The history of Catholic education in America has been written more as church history than as social process and as a consequence many of the dynamics which underlie the origins of a parochial school system have been adumbrated under the religious rubrics of the third Plenary Council of Baltimore (1884), religious protocol, and clerical and episcopal intransigence faced with the reputedly irreligious public school. What (in our judgment) has been paid little attention to is the struggle and social adaptation of an Irish peasant immigrant urban subcommunity out of which the parish school (fashioned in the mandates of the Third Plenary Council) emerged.[6]

It is my view that the improverished urban Irish community created a community school system to serve its children and that its motivation was political and social; only incidentally were the strategies of a church-school system evolved, in a measure dictated, in order that the Irish community school be

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Footnotes at end of article.

given cohesiveness, a *Gemeinschaft* strength, and an inviolable religious ideology. And this is not intended to demean the religious motivation: it is rather to note that an impoverished and deprived ("disadvantaged," if one prefers the current euphemism) urban community used both ethnicity and religion as the basic weapons against an oppressive establishment. Seen in this perspective, the Catholic parish schools are an historical analogue which should help explain the efforts of the contemporary urban poor (predominantly Black, Puerto Rican, and Mexican-American) to create community school systems which reflect their *ethos* and assure their cultural survival; and out of a multitudinous experience, Irish Catholic schoolmen should be, not only the best informed educators on urban education and the aspirations of ethnic enclaves, but should be (as they have not been) the most stalwart defenders of urban educational decentralization and of community control of schools.[7] The two basic ingredients which irretrievably relate Catholic schools to the contemporary urban context are poverty and ethnicity; and the contemporary setting is an urban America in which the parish school originated and in which it has traditionally prevailed.

The contemporary urban educational scene is one of confusion, bitterness, a worsening reality which persists despite massive federal aid and a plethora of ambitiously experimental constructs: the answers to a multitude of problems are not easy, but as Daniel P. Moynihan (who is an exemplar both of ethnicity and social class) sardonically observes, it may be that the problems have not been correctly defined:

As the decade closed the New York City Master Plan was to declare: "The plain fact is that no one yet knows how to make a ghetto school work."

This statement in itself is a considerable advance, even though the problem is still poorly stated by describing the slum school as a "ghetto" school.

(The plain fact is that nobody knows how to make a real ghetto school—that is, one made up of European Jewish students—not work. The ghetto schools of Europe were where Nobel physicists first learned calculus. One of the most profound misstatements of the situation of the black in urban America—or, for that matter, that of the Irish, Italian and other agricultural immigrants who arrived in the cities in circumstances comparable to those of the blacks—has been to state it in terms of the Jewish experience.)

Nonetheless, the illusion of knowledge faded with the New York City Master Plan, and this at least is the beginning of problem solving.[8]

Characteristically, Moynihan will have infuriated some people, but with typical perspicacity, he has cut down to the root of the matter. If education is to be effective (Moynihan is saying) in urban schools (which have traditionally been the schools of the minority poor), then it must reflect the lifestyles, the mores, and the needs of its constituency: in sum, it must be both of and by the community. The public schoolmen have not yet comprehended this elemental dynamic: the complexity of the struggle for the control of public schools cannot be understood unless one sees the struggle in ethnic and community terms with all of the intricacies of a socio-economic tableau in which new destinies and power are being forged.[9]

But the Catholic schools do understand the dynamic; both their genesis and experience confirm the fact. For the Catholic urban schools, the problem has a different dimension. As community schools, the problems of community relevancy and participation would (in my view) be quickly resolved for urban Catholic schools. An Irish, Italian, or Polish Catholic slum school which has kept intact its ethnic wellsprings and community anchorages can be equally as well a Black or hispanic Catholic slum school with the strength which ethnicity and community afford. For Catholic schoolmen, the problem quite simply is: "Will we undertake to educate the Black and hispanic poor who are the new constituencies of our urban parishes?" [10] And the answer to this question must be forthright and honest; on it hinges the survival of the urban Catholic school.[11]

It is not an easy question. And it cannot be dismissed by noting that the Black urban poor are, in the main, non-Catholic: for, if this imposes the need to define Catholic endeavour in apostolic terms, it cannot obscure the relatively modest efforts of American Catholicism in behalf of Black Americans.[12] But what of the hispanic poor, traditionally Catholic, and the mission of the Catholic urban school? How are we to explain our essentially unsubstantial efforts in their behalf? Has the urban parish school retreated so far from its twin dynamics of ethnicity and community that the hispanic poor are invisible in its midst? [13]

It is the urban *demos* which Catholic schoolmen must redefine once again. With this done, other problems will be easily resolved. If we keep in mind that it is to the urban citadels of the poor that Father McCluskey is referring in his apostrophe to the Catholic school, his words have a poignant eloquence.

Have the Catholic schools in America been a failure or a success? The first answer is a retort: Has any human institution been an unqualified failure or success? One could as easily ask: Is any marriage an unqualified failure or success? Perhaps in all fairness, we should let each generation return its own answer. In general, however, it can be readily said that in many important ways, as shall be seen, the Catholic school has been and is an outstanding success. Frankly, where it may have fallen short of its demanding ideal, a portion of the blame can be laid at the door of government whose policies on support have made the burden of financing the Catholic school such a heavy one. In any event, the Catholic school has tried to keep troth with the transcendent character of its Master's mission.[14]

I have prepared a seven-point check list of recommendations for Catholic schools, and they are skeletally appended; in my text I have intruded on most of them, and they might be considered an inventory for survival. No one of them is listed without a full awareness of the difficulties imposed and the uncertainties to be encountered. Yet, in my considered judgment, they point the way to a renaissance of Christian effort in behalf of children: For Catholic schools there can be no retreat from the urban centers and the contexts of socio-economic deprivation; Catholic schoolmen must define as their major constituency the urban poor; ethnicity and community must provide the animus which gives meaning and dimension to educational programs, governance, and participation; Catholic schools must draw support from all Catholic institutions (health services, etc.) to assure all needed service for the child and his family; the declination in religious vocations must be reversed, and the dominant administrative and teaching cadres of Catholic schools must be the religious; liaison between suburban and urban Catholic schools must be established with a major assumption of fiscal support borne by affluent suburban parishes, with a continuing exchange of staff, students, and an eclectic sharing of facilities; Catholic colleges and universities must be continuously involved in educational experimentation within Catholic schools and must become the major resource for innovation and advisement.

My recommendations are neither naive nor quixotic. If money is a necessary ingredient, it is not the major element which prognosticates success or failure. The major ingredient must be a commitment to the ideals of Christian education, and the tenets of an Judaic-Christian ethic. All else is, at best, relative. Catholic schoolmen in today's troubled times, should find encouragement in the words of St. Jean Baptiste de La Salle, an earlier Catholic educator of modest talents, who faced the staggering problems of his devout commitment with these words: "As our office offends the schoolmasters, we have in everyone of them a declared and inveterate enemy, and all in a body they have often armed the powers of the world to destroy us. Yet, notwithstanding all, the edifice is standing, although it was so often trembling on the brink of ruin. This is what leads me to hope that it will endure, and render to the Church the services she has a right to expect from it." [15]

FOOTNOTES

[1] See *Official Catholic Directory* (1969); and as a general operational and statistical compendium, see Reginald A. Neuwein, ed., *Catholic Schools in Action* (Notre Dame, Ind.: University of Notre Dame Press, 1966).

[2] Msgr. James C. Donohue, "Testimony before the Subcommittee on Education," [U.S. House of Representatives, Committee on Education and Labor], *Congressional Record*, December 20, 1969, p. E10880.

[3] *Ibid.*

[4] The best account of the struggle for federal aid to private schools is Leo R. Ward, *Federal Aid to Private Schools* (Westminster, Md.: Newman Press, 1964), for which *cf.*, review-critique, Francesco Cordasco, *The Catholic Educational Review*, 63:56–57, January, 1965; a recent trenchant review of the subject and its literature is in Neil G. McCluskey, *Catholic Education Faces its Future* (New York: Doubleday, 1969), pp. 139–183; and a sourcebook is William W. Brickman and Stanley Lehrer, eds., *Religion, Government and Education* (New York: Society for the Advancement of Education, 1961).

[5] See Donohue, *loc. cit.*, for the discussion of a number of Congressional bills which are (or have been) under consideration. The text of the Pennsylvania non-public Elementary and Secondary Education Act is available in McCluskey, *op. cit.*, pp. 291–295. This statute may well become the prototype for state support.

[6] A good example of the neglect of social history with virtually no attention paid to power and reform, is J. A. Burns and Bernard J. Kohlbrenner, *A History of Catholic Education in the United States* (New York: Benzinger Bros., 1937); nor does McCluskey, *op. cit.*, deal with the *demos* of an impoverished urban Irish subcommunity's creation of a school system as a basic leverage against a dominant old stock, white, Protestant establishment, and this failure to conceptualize a social dynamic is seen in much of the popular writing on Catholic education, *e.g.*, John Cogley, "Catholics and their Schools," *Saturday Review*, Oct. 15, 1966, pp. 72–74, 94–96. The intensity of the struggle, and its ethno-religious character in mid-nineteenth century America (*re* Archbishop John Hughes and the fight for tax support for the New York parochial schools) is vividly portrayed in Victor P. Lannie, *Public Money and Parochial Education* (Cleveland: Case Western Reserve University Press, 1968).

[7] It is instructive to note the history and experience of other non-Irish Catholic ethnic communities, and the emergence of "nationality parishes"; it is not invidious to observe that the Catholic church in America was (and is) in essence, an Irish church and that other Catholic ethnic communities entertain(ed) a subordinate relationship to Irish dominance and power. See, in this connection, Rudolph J. Vecoli, "Prelates and Peasants: Italian Imigrants and the Catholic

Church," *Journal of Social History,* 2:217–268, Spring 1969; and for the educational experience of a subordinate Catholic ethnic community, see Leonard Covello, *The Social Background of the Italo-American School Child: A Study of the Southern Italian Mores and their Effect on the School Situation in Italy and America,* edited and with an introduction by Francesco Cordasco (Leiden: E. J. Brill, 1967).

[8] Daniel P. Moynihan, "To Solve a Problem, First Define it," *New York Times* (Jan. 12, 1970), p. 62. See also Maurie Hillson, Francesco Cordasco, and Francis Purcell, *Education and the Urban Community: The Schools and the Crisis of the Cities* (New York: American Book Co., 1969).

[9] See "Reconnection for Learning: The Strategies of Community Involvement," in Francesco Cordasco, Maurie Hillson, and Henry Bullock, *The School in the Social Order: A Sociological Introduction to Educational Understanding* (Scranton: International Textbook Co., 1970), pp. 309–398.

[10] For the new urban demography, see David Alloway and Francesco Cordasco, *Minorities in the American City: A Sociological Primer for Educators* (New York: David McKay, 1970).

[11] I disagree with my colleague, Dr. Maurie Hillson, who has recommended that urban Catholic schools develop a limitedly deployed "model school" posture which would serve as a catalyst to the public educational sector; the quality which Dr. Hillson proposes should be sought, but not at the expense of the very community-wide anchorages which would assure the objectives which are to be achieved. I would opt for the expansion, not the retrenchment, of urban Catholic schools. See Maurie Hillson, "Why Catholic Schools?" *Catholic School Journal,* 8:22–24, December 1969. I would reappraise Dr. Hillson's assessment with reference to Catholic suburban schools where the case for the restructuring of Catholic schools might be postulated on his model; but the Catholic church in suburbia (and certainly, its schools) have coalesced into a cultural landscape of such homogeneity as to resist both contradistinction and definition of its elusive components. In American suburbia, Friedenberg's high school could have been Catholic or public. See Edgar Z. Friedenberg, "The Modern High School: A Profile," *Commentary,* 36:373–380, November 1963. See also Andrew M. Greeley and Peter H. Rossi, *The Education of American Catholics* (Chicago: Aldine Publishing Co., 1966).

[12] Of special note is the work of the National Catholic Conference for Interracial Justice (Chicago). See, generally, Sr. Margaret Ellen Traxler, "American Catholics and Negroes," *Phylon: The Atlanta University Review of Race and Culture,* 30:355–366, Winter, 1969.

[13] See Patricia C. Sexton, *Spanish Harlem: Anatomy of Poverty* (New York: Harper & Row, 1965), particularly, "Chapter Six: Religious Tranquilizers and Agitators," pp. 71–91; and critique-review, Francesco Cordasco, "Nights in the Gardens of East Harlem: Patricia Sexton's *East Harlem,"* *Journal of Negro Education,* 34:450–451, Fall, 1965. See, generally, Francesco Cordasco and Eugene Bucchioni, *Puerto Rican Children in Mainland Schools: A Sourcebook for Teachers* (New York: Scarecrow Press, 1968).

[14] McCluskey, *op. cit.,* p. 44.

[15] A. Ravelet, *Le Bienheureux Jean Baptiste de La Salle* (Paris: A. Mame, 1888), pp. 399–400.

PRISONERS OF WAR, THE LAW OF NATIONS AND COMMON HUMANITY

Mr. **GURNEY.** Mr. President, in his first annual foreign affairs message to Congress in February 1970, President Nixon said:

> This (treatment of prisoners of war in Vietnam) is not a political or military issue but a matter of basic humanity. There may be disagreement about other aspects of this conflict but there can be no disagreement on humane treatment for prisoners of war. I state again our readiness to proceed at once to arrangements for the release of prisoners of war on both sides.

The Communists are fully aware of the United States attitude—and indeed the attitude of the Western world—toward the treatment of prisoners of war.

We must recognize, unfortunately, that prisoners of war are used as political instruments by a number of nations in the world. The recent history of North Korea and China are cases in point. Even the Soviet Union, which we saved from Nazi conquest in World War II, has an unappetizing record in this regard.

The Communists of North Vietnam are in clear violation not only of the Geneva Convention, which Hanoi signed, but of all the internationally recognized principles of war laboriously compiled during the past two centuries. The continued maltreatment of American prisoners of war is in direct violation of the law of nations. It is in direct violation of the laws of humanity which everyone everywhere must recognize.

The total rejection by the United States of this practice should be clear to the entire world. It is totally and forever unacceptable to the United States.

THE LOOMING ENERGY CRISIS—HOW TO AVOID IT

Mr. **MONTOYA.** Mr. President, in the past several months there has been growing concern about an energy crisis. Voltage reductions on electricity supplied to consumers have been required in a number of States on several occasions in order that electric power service could be maintained. But equally as important, although it has not yet received major public attention, is the impending shortage of natural gas. Gas consumption in the United States in 1969 was at an all-time high of over 20 trillion cubic feet, valued at nearly $3.5 billion. This was an increase of 7.1 percent over 1968. Consumption is expected to continue to rise sharply again in 1970.

Although average retail prices for gas for residential heating ranged from $1.30 to $1.50 per 1,000 cubic feet in major eastern markets, the average price at the wellhead continued to be only 16.7 cents per thousand cubic feet. Average prices at the wellhead in my State of New Mexico in 1969 were measurably less than the national average. Since December 1963, average residential heating prices for gas have increased over 20 percent, or 25 to 30 cents per thousand cubic feet for an average homeowner. At the same time, average field price has increased less than 1 cent per thousand cubic feet. There is no uniform price paid for this fuel on a national basis, and there should be one. This is the responsibility of the Federal Power Commission.

In New Mexico, there are major sources of natural gas and oil in the San Juan and Permian basins. In each of these areas, producers are being offered significantly less than the going price. In truth, it can be called a classic case of internal colonialism.

In the face of looming shortages, it does not make sense to choke off private initiative in such prime areas. The Federal Power Commission has it within its power to create new incentitives for exploration and development of resources we know we possess in these areas. Now is the time to raise the price New Mexico producers receive for their depletable resources. This argument is especially powerful in light of the known fact that some States tax this natural gas more than New Mexico producers actually receive for it. If consumers are to benefit, or be prevented from being victimized, there must be a uniform price for such fuels.

The major incentitive that can be offered to reverse this trend is to permit higher field prices for natural gas. The price of natural gas used in interstate commerce is controlled at the wellhead. There has been a growing tendency on the part of producers to sell gas they do find for intrastate commerce when they can. As a result, in an uncontrolled market, the spread between controlled and uncontrolled price is reported to be as much as 10 cents per thousand cubic feet in some cases.

Who will suffer if incentives are not found to encourage discovery of new gas sources? Customers served in intrastate commerce will be first to be affected. Testimony before the Federal Power Commission has indicated there may be major gas shortages during the 1970–71 heating season. If prices are not permitted to rise to at least the intrastate level, new discoveries will continue to find their way to that market even though it may be used for inferior purposes.

Rising concern about quality of the environment will place an added burden on the natural gas industry.

Natural gas is the "cleanest" of all fossil fuels. Upon combustion it produces little or no sulfur oxides or waste solids, and less oxides of nitrogen than coal and oil. We must assure the country of an adequate supply of energy that it needs in the form required; that will least damage our environment—land, air, and water. This will mean a greatly expanded use of gas just at a time when supplies are dwindling.

A principal reason for the shortage is that field prices are so low—that exploration has declined sharply. We must not permit unrealistically low gas prices at the wellhead to aggravate the energy crisis. Adequate gas means warm homes and cleaner air. But more important, many manufacturing industries rely on natural gas for processing. Thus any interruption in the supply can bring shutdowns and loss of work. In some instances, no substitute fuels can be used—gas is essential.

My own State of New Mexico has suffered grievously already as a result of previous penalties leveled at the oil and gas industry. The recent tax reform bill, while significant in many ways, penalized the oil and gas industry in my

State, stifling incentives. Now we have arrived at a point where it is imperative that we allow such incentives to be offered this industry. If not, then the entire Nation will be hurt, and soon.

The Federal Power Commission should act promptly to set a uniform price and allow it to stand at 24 cents per 1,000 cubic feet, a level that will assure the supplies our Nation needs without victimizing consumers. We have already waited too long. Further delays could result in hardships not only to individual customers who cannot be supplied, but to the economy of our entire Nation.

NATIONAL NEWSPAPER WEEK

Mr. THURMOND. Mr. President, the free press, more than any other institution, is an indication of the personal liberty which the citizens of the United States have under our representative government National Newspaper Week reminds us that the community newspaper, of which there are more than 10,000, has played a vital role in preserving our individual rights. A recent editorial written by Thom H. Billington and published in the Sun-News of Myrtle Beach, S.C., on September 24, 1970, reminds us of this noteworthy event.

I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

National Newspaper Week

Very shortly—Oct. 4 to 10—the U.S. will observe National Newspaper Week.

The theme this year will be, "American Newspapers—200 Years of Freedom—1770's to 1970's."

Just to read those words denoting the theme of Newspaper Week should be enough to warm the heart of Mr. Average U.S. Citizen. During the year, editors duly take notice of many worthy and memorable observances. But, they cannot be blamed for calling attention, with a certain degree of pride, as well as humbleness, to their own special Week.

The fact that after 200 years personal liberty under representative government still prevails is due, in no small part, to the "eternal vigilance" of a free press. The community newspaper—and there are over 10,000 of them—is an institution that lends permanence and tangibility to individual rights as nothing else can.

Every nation has its national observances. In most, however, there is no occasion to celebrate a National Newspaper Week. Where there is no free press, the less said about the newspaper, the better.

National Newspaper Week is a heartwarming reminder that we have lived in freedom for 200 years and that the community newspaper has played an important role in preserving that freedom.

RABBI MORRIS LIEBERMAN

Mr. TYDINGS. Mr. President, last week the Baltimore community suffered the loss of one of its most prominent citizens—Rabbi Morris Lieberman. Spiritual leader of the Baltimore Hebrew Congregation since 1937, Rabbi Lieberman's vitality extended to numerous civic responsibilities in addition to his religious duties.

He was a member of Baltimore's Community Relations Commission; vice president of the board of governors of the United Services Organization; a member of the advisory committee of the Maryland branch of the American Civil Liberties Union; a life member of the NAACP; a member of the national executive board of the Central Conference of American Rabbis; and a past president of the Baltimore Jewish Council.

Perhaps the greatest legacy that Rabbi Lieberman leaves to the Balitmore community is his belief that humans can and must achieve peace in our shrinking, tension-ridden world. In an interview in 1967, he stated:

> The world, as it advances, technologically, becomes smaller in human dimension. It is now a neighborhood. In the past, one had an option about loving one's neighbor. Today or tomorrow, we either will love our neighbor or we will bring down the whole of civilization.

Rabbi Lieberman's spirituality will remain an integral part of the Baltimore religious community. I ask unanimous consent that the article commenting on this tragic passing in the Baltimore Sun be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rabbi Morris Lieberman Is Dead At 61

Rabbi Morris Lieberman, spiritual leader of the Baltimore Hebrew Congregation since 1937 and an active leader in civic affairs, died yesterday afternoon at Sinai Hospital. He was 61.

Rabbi Lieberman became rabbi at the congregation, the first synagogue to be chartered in the state, when its membership consisted of 600 families. At the time of his death its membership had grown to include nearly 1,700 families.

Rabbi Lieberman attributed this growth, somewhat modestly, to an overall trend in America of church-affiliation and to the fact that his was one of the city's first Reform congregations to move from downtown to the suburbs.

OTHER OFFICES LISTED

But many others attributed the rapid growth of his congregation to his intelligence and his dynamic personality, characteristics which were not aimed solely at his congregants but to the entire community.

Besides his religious duties he was a member of the city's Community Relations Commission, vice president of the board of governors of the United Services Organization, and a member of the advisory committee of the state branch of the American Civil Liberties Union.

Born in Cincinnati, he was graduate of the University of Cincinnati and was ordained by the Hebrew Union College in 1934. He served a congregation in Winston-Salem, N.C., before coming to Baltimore.

He served in the Army as chaplain from 1942 to 1946 and participated in the landings at Normandy in 1944. He was discharged with the rank of major.

ACTIVE IN USO

But his activities with the armed forces did not end with World War II. He became active in the USO, and under the auspices of the Army and Air Force he made several trips to military installations in North Africa, England and the Far East between 1953 and 1960.

In 1962 he was presented with the Frank L. Weil Award of the National Jewish Welfare Board for "distinguished contributions to the welfare of Jewish personnel in the United States armed forces."

Despite periods of extremism and conflict Rabbi Lieberman always viewed the future with optimism and calm. On the recent growth of youthful rebellion he once observed that "the freshness and brashness of youth makes re-examination necessary," noting that "our human world isn't good enough to be static."

Above everything else he held fast to the belief that religion was the most important viable force for achieving the unification and advancement of the human race.

In an interview in 1967 he stated: "The world as it advances technologically, becomes smaller in human dimension. It is now a neighborhood. In the past, one had an option about loving one's neighbor. Today or tomorrow, we either will love our neighbor or we will bring down the whole of civilization.

"Living by human values is the indispensable condition for human survival, and religion is the major force to insure it. This means that the need for religious organizations, religious institutions and religious activities is crucial."

Among his other civic affiliations he was vice president of the National Jewish Welfare Board, a life member of the National Association for the Advancement of Colored People, a member of the national executive board of the Central Conference of American Rabbis, and a past president of the Baltimore Jewish Council, he had served as a script writer for the Voice of America.

He is survived by his wife Lillian Lieberman; a daughter, Miss Jean Waldman; a sister, Mrs. Gerald Office, of Englewood, Ohio, and a brother, Dr. Alfred T. Lieberman, of Baltimore.

Funeral services will be held at noon tomorrow at the Baltimore Hebrew Congregation, 7401 Park Heights avenue.

ELECTRONIC WARFARE—A NEEDED COMMITMENT

Mr. MONTOYA. Mr. President, in recent statements before the Senate I described the role which is currently being played by this Nation's research and development community in pursuit of a scientific fund to be allocated toward the achievement of national technological goals. In these discussions I stressed the fact that to neglect this research and development base can only foster the most malignant form of unilateral disarmament, as well as to break the back of that civilian economy which is the offspring of defense research. To emphasize this issue I would like to address a specific area of our defense that is perhaps more dependent on research and development than any other—that area is electronic warfare.

The State of New Mexico has listed electronic warfare as a major component in its research and development catalog since the earliest days of the missile age. Indeed, a large percentage of this Nation's vital electronic warfare research and development is accomplished at White Sands Missile Range. It is there that the relationships between weapon developments, operations, training, and research are brought into sharp focus.

My personal awareness of electronic warfare and its contributions to the defense of our Nation goes back to the keynote address I made at the first missile electronic warfare technical meeting at White Sands Missile Range in 1967.

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In preparing that speech it was necessary to receive high level briefings from the Army, Navy, Air Force, and CIA. It was during these briefings that I realized the astounding impact which electronic warfare has on the defense posture of a nation, its applications to exploit vulnerabilities in weapons systems and its use to obtain vital intelligence information of potential adversaries' capabilities and intentions. Electronic warfare can be used to degrade or negate an entire national or international communications network; or it can be applied for defeat of widely dispersed tactical or strategic weapons. The effect of all these features on national command and control capability is enormous. Even more preponderant is the fundamental effect which electronic warfare considerations must necessarily have upon weapons systems design development, leadtime and life cycle.

Because of this critical importance I resolved to maintain a thorough ongoing knowledge of electronic warfare. Since that date I have been, and will continue to be, a strong advocate of an active, vigorous and aggressive electronic warfare program. This reasoning is based on my fundamental desire that our Nation have a defense capability second to none. I do not say this as a cliche, but as a guiding criteria for my every vote on defense matters. I will not tolerate large expenditures requested under the guise of defense when it is obvious that an area, such as electronic warfare, which necessarily relates to weapons systems effectiveness has, at best, been given only lip service, or what is worse—been completely ignored.

There is, in this period of extreme national and international crisis, a genuine requirement for the most effective allocation of our country's resources. Thus, I sense the need for a firm commitment to electronic warfare, not only by our weapon planners and our Armed Forces, but by those of us in the legislature who grant approval and appropriations to implement this commitment.

It is clearly apparent that the determination of a weapon's combat effectiveness requires performing a most thorough analysis to examine the weapon's true combat limitations in an environment no less hostile than the one for which the weapon was conceived. However, this is not always the case. It has been my experience in recent years to find that the vulnerability considerations for many major weapons system are either minimized in defiance of intelligence analyses, or bureaucratically buried in a graveyard of irresponsible command confusion.

Too often a scenario develops in which the defense planners rush precipitously toward weapons production while the production contractors vigorously defend the planner's deployment decision, regardless of the degree of program readiness. Any criticism of this approach is met with unreasonable abuse and often the removal of loyal civil servants whose only wish is to see their country properly defended and our national resources wisely allocated. Nor are we in the legislature free from such criticism. Loud is the cry that Senator Montoya is undermining our defense efforts on certain key votes; but I know of no better way to implement the warnings and recommendations I have made for the last 3 years toward the strengthening of this Nation's defense programs than to withhold my approval of any program which I feel does not meet the true criteria which the weapons planners had outlined.

Those who choose to ignore these critical considerations of weapons vulnerability, for reasons of blindness or self-interest, are the figures to be castigated, since it is these individuals who allow defense efforts to be dangerously threatened by an adversary whose continued gains in this area indicate his consummate understanding of contemporary warfare.

For in modern battle, a weapon not capable of effective delivery is hardly a weapon at all. No less important than considerations for propulsion, guidance, and structural integrity are those of electronic warfare, that is, electronic countermeasures and counter-counter-measures, jamming and penetration aids. Without each of these inherent features it is not possible to consider the weapon as anything more than a numerical bluff in the weapons inventory—effective for "sabre rattling" and peace-talk politics, but of what merit in the serious and costly game of defense?

Upon further examination of the electronic warfare role in modern warfare, it is clearly evident that electronic warfare considerations cannot be attached like so many optional extras upon the already produced vehicle. Rather, they must now be considered as an inherent design feature from the onset of the development cycle. Indeed, there can be no aspect of the weapon that cannot be related to performance in an electronic warfare environment. Truly the medium and the message of modern combat are now permeated by electronic warfare.

My warnings and recommendations are meant to imply those essential steps we must take if we are to come to grips with the facts facing us. The inclusion of electronic warfare in the planning and conduct of defense places a demanding burden on our research and development community and the management of its resources. We must never forget that the edge of effectivity in electronic warfare can only be honed by the minds of our Nation's scientists, engineers, and technical managers. Nor can inexperienced, inept leadership allow these critically important individuals to stand in unemployment lines, as many are now doing, only to be recalled later, when this Nation faces its next defense crisis.

The impetus to develop electronic warfare is drawn from our experiences, both painful and valuable, in the conduct of military and intelligence operations during the past 30 years. In reviewing this accumulated history of the development and implementation of electronic warfare one fact stands out above all—that is the unusually high cost of rebuilding the Nation's electronic warfare capability whenever hostilities break out, and the offhand manner with which the capability is ignored or dismantled when hostilities approach a conclusion and peace is restored. Both sides of this fact begin and end with the research and development of electronic warfare techniques, hardware, and systems. We must plan ahead.

This demand for advanced planning is not a call to an arms race but rather a responsible statement to keep our scientific premiums paid to date. For this is an insurance effort to maintain the effectiveness of the resource investment in our defense structure. Electronic warfare research and development is all the more important because each advantage gained by an opponent must be countered in a sort time frame. When we talk of new missiles or aircraft, tanks, or guns, et cetera, their research and development cycle is measured in 3–10 year periods while the electronic warfare research and development cycle can be as short as 3–6 months and 2–4 orders of magnitude less expensive than a weapon system. Examined in this light, electronic warfare is not only a necessity, but is economically attractive.

In conclusion, I plead for the viability of our Nation and way of life, and that each of my distinguished colleagues carefully weigh my remarks concerning the absolute necessity of an adequately supported and purposeful research and development program designed to protect this Nation against all adversaries. Further, I ask each of you to understand the responsibilities and opportunities electronic warfare has presented us, and with the highest respect for your wisdom, that you recognize world war III as having but one battle which at this very moment is being fought in the laboratories and missile ranges of the leading technological nations of this world.

EDITORIALS ON A SPEECH BY DANIEL WEBSTER AND ON THE MEANING OF THE FLAG

Mr. THURMOND. Mr. President, I think that it is necessary for all of us to pause occasionally and reflect upon those principles and ideals which have made the United States of America a great Nation. Two excellent editorials published in the Beaufort, S.C., Gazette, on Thursday, September 24, 1970, illustrate these ideals. The first, entitled "Nothing New," shows how appropriate today are Daniel Webster's views on those who are "anti-establishment." The second, entitled "The Meaning of the Flag," depicts the symbolism of the flag and its meaning.

Mr. President, I ask unanimous consent that these two editorials be printed in the Record.

There being no objection the editorials were ordered to be printed in the Record, as follows:

Nothing New

The following words of Daniel Webster uttered in a U.S. Senate Speech on March 12, 1838, should deflate the ego of those who think they have originated something new in their crusade against "the establishment". Said the incomparable Mr. Webster, "There are persons who constantly clamor. They complain of oppression, speculation, and per-

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nicious influence of wealth. They cry out loudly against all banks and corporations, and a means by which small capitalists become united in order to produce important and beneficial results. They carry on mad hostility against all established institutions. They would choke the fountain of industry and dry all streams."

Regardless of what they were called in Mr. Webster's day, they had the equivalent or the counterpart of today's campus radicals, communist inciters of violence and all the rest of the unpalatable breed whose chief aim in life is to create turmoil, rather than constructive dissent.

The Meaning of the Flag

Recently Mr. and Mrs. Bob Dee, publishers of the Greenfield (Missouri) Vedette invited their readers to tell "What My Country's Flag Means to Me." One of their subscribers, Mrs. Maurine Davidson, wrote:

"To me our Flag means America from her humble beginning of brave men and women who gave her birth, to present America in her strength and glory. It is our heritage from those who fought, bled and died to keep us free. It is a lump in my throat and tears of pride and joy every time I hear 'The Star Spangled Banner' or see the flag unfurled. It is anger and pity for anyone who desecrates or fails to defend it. It is thankfulness to God for permitting me to live under its protective broad stripes and bright stars."

One of the youngest readers of the paper, Miss Deann Hargis, age 14, wrote:

"The American Flag is an emblem of a living country for which I have great respect and reverence. It represents the highest ideals of individual liberty, justice and equal opportunity for all. Not only does it represent these, but also freedom, independence, security, protection, education, progress and prosperity. It makes me proud to see that people respect and care as much about the flag as I do by displaying the flag at their homes and business places on holidays. That is just a few of the things the flag means to me."

It's not a bad idea for all of us, from time to time, to stop and consider; just what does my country, and my flag, mean to me? There are very few who will not conclude that we who have been privileged to be born in America are very fortunate, indeed.

MOTHERS OF VIETNAM'S POLITICAL PRISONERS SEND LETTER TO VICE PRESIDENT AGNEW

Mr. CHURCH. Mr. President, during the recent visit of Vice President AGNEW to Saigon, mothers of political prisoners in South Vietnam sent him a letter outlining the plight of their children. A major reason for addressing the letter to our Vice President was the subsidy we provide the Thieu-Ky regime to maintain these goals. However, these ladies were not permitted to see the Vice President, nor did anyone at the American Embassy accept their letter for delivery to the Vice President or accompanying aide.

For the interest of the Senate and the public, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FRIENDS
SERVICE COMMITTEE,
APO San Francisco, September 2, 1970.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you very much for meeting with us in your office and for your kind letter of July 31. We have been in Saigon nearly a month now and are beginning to get acclimatized, but until we have some facility with the language we can feel only partially present.

We thought you might be interested in the enclosed letter from a committee of prisoners' mothers to Vice Pres. Agnew. A group of the ladies went to the U.S. Embassy while Mr. Agnew was there in an attempt to speak with him. However not only were they not admitted into the compound, but the guard on duty would neither accept their letter for delivery to the Vice President nor call someone from the Embassy staff to meet them.

We feel the letter is important for Americans to see, especially because of direct U.S. involvement in the prison system in Vietnam as outlined on page two of the letter, and hope you will find it of some interest.

Yours truly,
MICHAEL AND DIANE JONES.

Mr. SPIRO AGNEW,
Vice President of the United States of America, c/o the U.S. Embassy, Saigon.

DEAR MR. VICE PRESIDENT: We know that your visit to Vietnam is connected with the making of important decisions. We also know that you are a father, the head of a family. As a father, you have deep love towards your children and you have experienced moments of anxiety when your children are in danger. As a leader of your country, you have many concerns on the South Vietnamese Government action. It is with this knowledge that we are taking the liberty to write to you this letter.

We are the Mothers of the political prisoners detained in the various prisons of South Vietnam. None of our children is convicted of crime or robbery. All of them are being imprisoned because they have dared speak of Peace and Independence, a most profound desire of all the Vietnamese People after years and years of war. Our children were arrested and barbarously tortured. They have been denied food and drink, even medicine when they are sick. The limited amount of medicine provided to the prisoners by the American aid have been continuously smuggled or stolen by the prisons' authorities. We only learn about the terrible living conditions of our children through statements by recently released prisoners and report made by the U.S. Representatives Anderson and Hawkins after their investigation of Con Son Tiger Cages and the living conditions of the prisoners.

However, up to the present time, we still have not been allowed to visit or keep in touch with our children despite renewed requests. We have no means to send food to them at all. Only one exception has been given to those mothers who were allow to visit their children once on August 25th, 1970 at the Chi Hoa prison. We have witnessed our children's health situation. After continuous beatings, their bodies were swollen; when they were allowed to see us, they could not even walk and had to be helped by two guards. Such is the actual result of our government system of repression.

Most of our children were tried by the Military Field Court, a Court which was held unconstitutional by the Supreme Court. Yet, our children have not been released. Some of them have never been tried at all.

As a father, as a leader, you are coming to Vietnam to understand our people's aspirations for Peace and Justice. We, the Vietnamese Mothers, want to speak out the terrible sufferings of thousands of mothers who have their children being tortured and ill-treated in jail. We wish to directly inform you about the crimes committed under the prison system of South Vietnam. We hope to have privilege of meeting you while you are here.

You would have to agree that the U.S. Government somehow has to be held jointly responsible for the prison system in South Vietnam, since:

The police forces which arrest and repress our children are being paid by the Americans.

The equipment used by the Police to repress, torture and jail our children are part of the U.S. aid. The tear gas, the rockets used to repress them are "made in U.S.A." We actually witnessed the terrible repression being carried out right in front of the U.S. Embassy when we and our foreign friends demonstrated against the prison system on July 11th 1970.

The Phoenix operation, the result of which a great number of "suspected" Vietnamese people have been arbitrarily arrested and imprisoned directly by American authorities in Saigon.

In the military operations U.S. and Allied Forces have arrested and tortured many innocent Vietnamese farmers at the Intelligence Agencies or turned them to the South Vietnamese government for further detention without any "due process of law".

Our children witness the presence of American Advisors at the prisons. They know that more aid is being given to build more and bigger prisons.

Before such evidence it would be hard to deny and just say that the U.S. is not responsible for the prison system of South Vietnam. The role of the American advisors should be to improve the prisoners conditions not merely watch the tortures done to our children who suffer from hunger, thirst, disease, and survive in agony in jail.

We wish to meet you and let you know more specifically about our concern. May we ask you to convey to President Nixon the American Government and the U.S. Congress our requests that urgent improvement on the prison system can be done. Our requests are primarily the following:

1. No citizen shall be arrested without lawful ground.
2. All prisoners should be provided with proper food and drink, and should be given appropriate care when they are sick.
3. The prisoners relatives should be allowed to correspond, visit and send extra supply to the prisoners.
4. The prisoners should be allowed to write to their families.
5. Relatives of prisoners should be immediately reported when the prisoners are arrested.
6. Corruption practice in prison should be immediately abolished so that our children's food rations are not taken away.
7. The present policy of using non-political prisoners (criminals, thieves . . .) to watch political prisoners should be immediately abolished.
8. Our children should be allowed to do some reading in jail for their own culture.
9. The prisoners whose jail terms have expired must be immediately released.
10. Those prisoners who have not been tried should be released or put on further trial by a constitutional, civil court.
11. Those prisoners who were tried by the Military Field Courts should be released or retired by a civil court if they are supposed to be guilty.
12. The old, sick and under-age prisoners should be released.
13. There should be a change in the jail staff system.
14. Tiger cages, Cattle cages, mysterious caves, separate cells, discipline cells and rooms used for inhumane tortures should be abolished, not only at Con Son but also in all the prisons throughout South Vietnam.
15. The "Coolies of the Battle-fields" system used for military prisoners and "released" political prisoners should be abolished.

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16. When a prisoner dies, his body should be returned to his family for proper burial.

We also ask you to urge the American authorities to immediately end their acts of cruelty toward political prisoners and instruct them about our above mentioned requests.

In short, we want our children to have enough food, drink and medicine; their physical as well as moral life to be decently dealt with. They are not criminals but young courageous people who dared to stand up and voice for Peace. Peace is the deepest aspiration of all the Vietnamese people. Therefore, our children who are struggling for the cause of Peace and have been arrested and barbarously tortured should be considered as "Peace Heroes."

Hoping that thanks to your responsible and efficient intervention, our children will soon be removed from the present inhuman prison system of South Vietnam, may we convey to your family our best wishes of luck and happiness.

Respectfully yours,

Representatives of the Mothers whose children are being detained in the various prisons throughout South Vietnam, in the Tiger Cages, in the Disciplinary Cells . . . without trial or tried by unconstitutional Courts, or have served their jail-term or have been arrested during military operations (US, V.N. Allied).

Mothers	Son or daughter	Cities	Prison
Dang thi Muoi	Vo van Sau	Long An	Con Son.
Nguyen thi Thanh	Le thi Chi	Nha Be	Do.
Nguyen thi Nang	Tran thi Son	Binh Duong	Do.
Bui thi Diep	Le thi Kim Nang	Binh Dinh	Do.
Nguyen thi Van	Lua Ngoc Chan	Saigon	Do.
Vo thi Sam	Luu van An	Bien Hoa	Do.
Dang Thi Nguot	Nguyen van Coi	Ban Me Thuot	Do.
Nguyen thi Trinh	Nguyen Dinh Tau	Phu Xuan	Do.
Nguyen thi Anh	Le Tan Viet Nam	Gia Dinh	Do.
Nguyen thi Yen	Dang Thien (sister)	Da Nang	Do.
Nguyen thi Nhu	Nguyen Troung Con (sister)	Hue	Do.
Nguyen thi Ban	Nguyen van Tam	Tay Ninh	Do.
Vo thi Khai	Vo thi Gioi	Chi Hoa	Con Son.
Phan thi Cam	Tran van Thien	Dien Ban	Do.
Khong thi Kim	Tu Thu	Vinh Long	Do.
Vo thi Tu	Le Anh Ton	Cho Lon	Do.
Nguyen thi Binh	Thieu thi Tao	Saigon	Do.
	Thieu thi Tam	do	Do.
Dang thi Banh	Hoang thi Kim Ngan	do	Do.
	Dang cong Tam (non in law)	do	Do.
Vo thi Ti	Cao thi Hot	do	Do.
	Phan Dinh Hoat (non in law)	do	Do.
Dang thi Hoang	Nguyen thi Danh	Cho Lon	Do.
Le thi Ve	Pham Lang (husband)	Saigon	Do.

PRESIDENTIAL APPOINTMENTS TO U.S. POSTAL SERVICE

Mr. DOLE. Mr. President, I commend President Nixon on the selection of a distinguished group of men to guide the new U.S. Postal Service.

I am referring, of course, to the President's appointment of nine members to a board of Governors for the new service. These members will be responsible for the overall operation of a modern postal service which will succeed the old Post Office Department.

Two things stand out as one looks over the President's selections. First, there is the assortment of talent from divergent fields. For example, we have a distinguished educator, a legal expert, and an illustrious financier.

Second, one notes that the President has reached into all regions of this Nation to tap these gentlemen for such important and dedicated service to their country and the American public in general.

Working together, this assembled team will tackle the vital task of creating a more efficient and a more effective mail service in the years ahead.

The significance of these appointments and the contributions these men will be making should not go unnoticed today.

I wish them well as they set about improving mail service for America.

I ask unanimous consent that biographical sketches of the appointees be printed in the RECORD.

There being no objection, the sketches were ordered to be printed in the RECORD, as follows:

PRESIDENT NAMES BOARD OF GOVERNORS

Following are biographical sketches of the nine men nominated Friday by President Nixon to serve on the Board of Governors of the U.S. Postal Service:

Myron Arnold Wright, 59, is a Houston, Texas, oil executive. Since 1966, he has been Chairman of the Board and chief executive officer of Humble Oil & Refining Company. Mr. Wright received his bachelor of science degree from Oklahoma A&M College in 1933. He held various engineering positions with Carter Oil Co. of Tulsa; Standard Oil Co. of New Jersey; and International Petroleum Co., Ltd. of Coral Gables, Fla., before joining Humble Oil & Refining. Nominated for 9-year term.

Patrick Eugene Haggerty, 56, rose from an electronics engineering graduate (Marquette University, 1936) to Chairman and Chief Executive Officer of Texas Instruments of Dallas. He served as a Lieutenant in the U.S. Navy Reserve during World War II. Winner of several industry awards, including the Electronics Industry Association medal of honor (1967), he has been a member of the Texas Academy of Science, council of the National Academy of Engineering, National Alliance of Businessmen, American Association for Advancement of Science and Society of Exploration Geophysicists. Nominated for 8-year term.

Charles H. Codding, Jr., of Foraker, Oklahoma, is the owner and operator of an 18,000-acre cattle ranch, and of Codding Research Company, a firm specializing in cattle breeding. Mr. Codding has been a member of the Oklahoma Board of Agriculture since 1963. He is an active member of the Oklahoma Cattleman's Association. Mr. Codding was born in 1919. Nominated for 7-year term.

Crocker Nevin, 47, was graduated with honors from Princeton in 1946 before embarking on a distinguished banking career. He joined Marine Midland Grace Trust Co. of New York in 1952, rising to President in 1966 and Chairman of the Board and Chief Executive Officer in 1968. Mr. Nevin also has been director of CF&I Steel Corp., Crum & Foster, Marine Midland Banks, Inc., and SCM Corp. He served as Lieutenant (j.g.) in the Navy from 1942 to 1946. Nominated for 6-year term.

George E. Johnson, 42, is Founder, President and Chief Executive Officer of Johnson Products Company of Chicago. Mr. Johnson's firm, which manufactures hair preparations, had sales totaling $10 million in 1969. He is Chairman of the Board of the Independent Bank of Chicago; Director of the Lincoln National Bank of Miami; Vice-President of the Chicago Urban League. Nominated for 5-year term.

Andrew David Holt, 66, recently retired as President of the University of Tennessee at Knoxville, Tennessee, where he still lives. Dr. Holt has a distinguished academic background. A graduate of Emory University with a Masters from Columbia and a Doctorate from Union University, he was President of the University of Tennessee for 11 years beginning in 1959. He is a director of the South Telephone and Telegraph Co.; President of the Southeastern Conference; Chairman of the Executive Council and President of the Southern Association of Colleges and Schools; Chairman of the White House Conference on Education; and a member of the National Commission to Promote Eradication of Adult Illiteracy. Dr. Holt is a 32nd Degree Shriner. Nominated for 4-year term.

Theodore William Braun, 68, is a Los Angeles public relations executive with extensive federal service experience. In 1953–1954 he was assistant to the Secretary of the Treasury. He also was a staff member of the Gordon Gray Report to the President on foreign and economic policy in 1950, a member of a special commission on reorganization of the National Security Council in 1953 and a member of the advisory commission to the Secretary of Defense on general military training in 1962. Currently he is president of Braun & Co., and a limited partner of Merrill Lynch, Pierce, Fenner & Smith in Los Angeles. Mr. Braun attended Harvard. Nominated for 3-year term.

Frederick R. Kappel, former Chairman of the Board of the American Telephone and Telegraph Company, headed the President's Commission on Postal Organization. The Commission's report, known as the Kappel Report, was the basis for President Nixon's successful efforts to reform the postal service. Mr. Kappel, 68, received degrees from the University of Minnesota, Lehigh University, Knox College and Union College. He holds honorary doctorates from a number of other universities. Mr. Kappel joined the AT&T system as a ground man in Minnesota in 1924 and worked his way through the ranks to become President, Chairman of the Board and Chief Executive Officer of AT&T. He resides in Bronxville, N.Y. Nominated for 2-year term.

William J. Curtin, 39, is a practicing attorney in the District of Columbia. Mr. Curtin received a Bachelor of Science Degree from Georgetown University in 1953, a Bachelor of Laws Degree there in 1956, and his Masters in Law from Georgetown in 1957. Mr. Curtin is a member of the law firm of Morgan, Lewis and Bockius of Philadelphia and Washington, D.C. He makes his home in Chevy Chase, Md. Nominated for one-term.

SENATOR KENNEDY ASKS MODEL DEMONSTRATION COUNTY PROGRAM FOR BERKSHIRE COUNTY

Mr. NELSON. Mr. President, in Pittsfield, Mass., last night, Senator EDWARD KENNEDY delivered a major address on the environment. Speaking at Berkshire Community College in Berkshire County, one of the most beautiful and unspoiled areas of New England, Senator KENNEDY urged that a revitalized county government could become a model or demonstration county for the rest of America in solving the physical, social, economic, and human problems of the environment. With the help of Federal funds and greater authority from the State, he said, a reorganized and strengthened local government could lead the way for the entire Nation in developing new ways to approach all aspects of the environment.

In his address, Senator KENNEDY challenged the people of Berkshire County to develop new institutions of local government, capable of dealing comprehensively at the regional level with questions of environmental protection and management. He said that the county was the natural entity to solve the problems of the Berkshire region. With the proper blend of Federal financial support, delegation of State authority, and local initiative, Berkshire County could become a laboratory for the Nation in dealing with the overall environment. Given the growing national interest in a "new federalism" and in greater autonomy for local government, the rising concern over the Nation's environment could become the catalyst for shaping a new relationship between Federal, State, and local governments, with the county at the center.

In the course of his address, Senator KENNEDY emphasized that the form of county government he envisaged should have comprehensive jurisdiction not only over the physical and natural resources of the Berkshire area, but also overall the political, social, economic, and other aspects of the region.

Senator KENNEDY said the detailed blueprint of his program would have to be filled in with the cooperation of Federal, State, and local leaders, but he noted three essential elements necessary for the program to succeed:

> Imaginative Federal participation, including broad purpose grants to regional government, instead of the narrow categories of Federal programs that currently exist.
>
> Imaginative state participation, including grants of broad new government authority by Massachusetts to Berkshire County; and greater coordination among state agencies in the region.
>
> Imaginative county participation, including new patterns of county government determined and approved by the people of the area.

Senator KENNEDY estimated that at the beginning, it would probably cost no more than about $1 million new Federal dollars a year for several years to launch the basic county demonstration program. He said:

> The cost of not taking care of our environment, is no less real because it does not appear on any balance sheet or on any state or local budget. The cost of continuing as we are is the only cost we cannot afford.

Mr. President, I believe that Senator KENNEDY's remarks will be of interest to all who are concerned with the quality of our environment. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY

It's always a pleasure for me to come to Berkshire County, and I'm especially pleased to be with you again so soon after the magnificent events of this weekend's Foliage Festival. This is the time of the year when all of us who have ever shared the splendid fall beauty of the Berkshires long to return to this part of our Commonwealth that is so unique.

We are twice blessed in Massachusetts. To the East we have the unspoiled landscape of the seashores of Cape Cod. To the West, we have the magnificent beauty of the Berkshires. Indeed, Thoreau's description of Cape Cod applies equally to Berkshire County—"A man may stand here," he said, "and put all America behind him." Oliver Wendell Holmes also put it well when he said a century ago, "The best of all tonics is the Housatonic."

Perhaps the most eloquent testament, though, is from Frances Kemble, the great English actress of the past, who came each summer to Berkshire County for forty years. As she tells us:

"Few spots on earth can boast of a more perfect union of all the elements of natural beauty; there may be scenes of grandeur sublimity or richer and more fertile cultivation, but not many where all the charms of rock and river, woody upland and sunny meadow, bold mountain outlines and sweet valley depths, meet in such harmonious and various combinations. It is an enchanting region."

It is with thoughts like these that I am back with you in Pittsfield, and I am grateful to the County Commissioners for making this fine evening possible.

As the leading officers of the county, they have displayed great dedication and devotion to preserving the lasting beauty of Berkshire County. All of us in Massachusetts are in their debt for their efforts to safeguard this rich heritage of our fathers. They have accounted to us well for their stewardship, and we look to great leadership in the future.

Returning here this evening, after the excitement of yesterday's events, brings home again to me the special sense of responsibility I always feel in Berkshire County. We know that the county is not a scenic island, isolated from the rest of the busy world. It is very much a part of our nation, suffering the pressures of population and industrialization, the highway bulldozers and land use change, and pollution of the water, air and earth.

Experts agree that today, any region within a hundred and fifty miles or so of a great metropolitan center is vulnerable. It feels the impact of unrestrained and unplanned urban and suburban sprawl, heedless highways, pollution, and all the other ills of unregulated growth. Berkshire County itself is vulnerable. The signs of trouble are clear:

Williamstown and North Adams wonder whether to build a single sewage treatment plant to serve the needs of both communities, or to build separate plants to serve the needs of each.

The Hoosic River tells us how much is wrong in the relation between man and his environment. The Hoosic enters Berkshire County as a Class A river, suitable for all forms of recreation and human consumption. After 30 miles, it leaves the County as a Class D river—or at best Class C—unfit for other than limited industrial use.

Here in Pittsfield, the citizens know full well that their own river—the Housatonic—is badly deteriorating also.

In a few short years, as in so many other parts of the nation, the County has seen the loss of many of its elms to the blight of Dutch Elm disease. The possibility is all too real that this magnificent tree will soon be but a Berkshire memory, gone like the American Chestnut Tree from the face of the land.

In Sheffield, as you will know, plans are being made to construct the world's largest hydroelectric pump storage facility. The project has enormous implications for the Berkshire environment, and bears ominous witness to the growing pressure on the county from surrounding metropolitan areas.

And, the lack of adequate low-cost housing in Pittsfield and North Adams is a very real problem for the people of this area, a problem clearly arising out of the serious plight of the economy and the recession into which we have slipped.

Much has been said and written in recent months about the impact of our science and technology—our sheer growth—on the ecology of our planet at every level. The burden is worldwide, nationwide, statewide, but it is most acute in the small environments in which we spend our lives each day.

It is not my intention this evening, however, to reiterate these issues or to underscore the urgency to find solutions. I have not come here to review the substantial body of antipollution and environmental control measures that have been taken in recent years by the Federal Government, the states, and local communities. We know the challenge is serious, but we also know that we are beginning to respond.

Of course, true to our history, the Commonwealth of Massachusetts has pioneered in many of these problems. We have tried to teach America. In large part, we have succeeded. More than a decade ago, legislation was passed to support the Municipal Conservation Commission program, a movement which has now spread throughout the Eastern seaboard. More recently, laws regulating the use of coastal areas and inland wetlands have begun to serve as models for many other parts of the nation.

Berkshire County itself has a long and distinguished history of caring for its natural beauty. The people of the County will enjoy a close relationship with the land, a relationship that is increasingly rare in America today. Because your people have such wealth to save, they are more sensitive than most to the price we have to pay for pollution, the cost of haphazard growth. They know the values we lose through our heedless abuse of nature.

Despite victories already won, despite impressive recent gains, we also know that our current efforts and programs are far from adequate. Sweeping and pervasive change must come before we can gain effective management and control of our environment—we need changes in our laws, changes in our methods of education, changes in the style of our own lives, changes in our ways of thinking about the future. Above all, there must be change in our governmental institutions, in the procedures through which we establish our common goals and determine our public policy.

Some will say it can't be done, that Middle Class America, affluent and content, will be unwilling to accept—much less stimulate—change of the magnitude we need. I do not share this belief.

That is why I have come back to Berkshire County this evening. I have come to challenge the people of the County. I have come to seek their commitment, to enlist their effort in an innovative and difficult program of action that will help us match the goals we have begun to set.

The program I propose reflects my personal conviction that the problems of our environment, overwhelming as they are, can give birth to a new political awakening across the nation, a resurgence of involvement and participation on the part of people and communities throughout the land. In part, it will help to answer the question that so many concerned citizens have been asking wherever I travel in the State—"What can I do? What difference can I make? How can I help things change?" I believe we have the opportunity in Berkshire County to begin to give some answers.

Let us start by analyzing the reason for our failure to meet the problem of deterioration of our environment.

The reason is not lack of public interest or concern. People everywhere are telling us as clearly as they can that they want action, and action now.

The reason is not lack of resources to meet the challenge. America can afford to put its environmental house in order. NASA put a man on the moon in the decade of the Sixties. Surely, Detroit can take the lead out of its gasoline engines in the decade of the Seventies.

Nor is the reason a lack of understanding or professional skill. America is rich in people and organizations with innovative proposals to meet the crisis of our environment.

No, the heart of the problem lies in the priorities we have set—priorities that are directly expressed in part by the shape of our governmental institutions.

Our heritage of land and water, forests and fields, mountains and beaches has a proud unity. But our government is fragmented. It is divided into national, state and local governments. It is divided further into executive, legislative, and judicial branches.

The separate fragments do not reflect the unity of the environment. Too often, they are simply incapable of answering the demands we have to make. At best, any single governmental structure can respond to the environment only in a piecemeal fashion. At worst, it cannot act at all. The response is usually too weak. Almost always, it is too slow.

Berkshire County is a case in point. One of the most striking facts about this region is its essential physical unity. Bounded by the Taconic Range on the West, and the Berkshire Plateau on the East, the geographic boundaries of Berkshire County closely parallel those of nature. The varied landscapes of the County—its woods and farms, its villages and communities—are woven together by the tributaries in the watersheds of the Hoosic and Housatonic Rivers.

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Berkshire County is a single entity of nature, but man has made it into a patchwork of lesser pieces. The natural unity of the County contrasts sharply with the many disjointed, overlapping, and sometimes competitive governmental units, each in control and jealous of some aspect of the Berkshire environment.

For example, it is primarily at the town level that we deal with problems like zoning, land use, water, sewage and solid waste disposal. At the state and Federal level we deal with agriculture and forest management, transportation patterns, and water pollution control. Other critical issues vital to the quality of life, such as housing, economic development, public health, welfare, and other social services are scattered throughout every level of government.

We know, however, that none of these problems are separate or discreet. They are integral parts of the larger question of how we are to manage our human environment.

Berkshire County can take pride in the fact that its leaders have long recognized the need to deal with the environment in a unitary way. For many years, Phillip Ahern, Director of the Berkshire County Development Commission, has guided Berkshire development with a sensitive awareness to the environmental values of the region. In large part, he was responsible for bringing regional planning to this area. Today, Berkshire County can boast an aggressive Regional Planning Commission, representing most of the towns in the County.

Many private groups have joined with public agencies in the interest of the overall environment. Over a hundred years ago, the historic Laurel Hill Association was founded—the oldest civic improvement association in the United States.

Few regions in the nation can claim our high degree of active citizen participation in environmental organizations. Many of these organizations were established long before the environment reached the level of national conscience and became a household issue. To name these groups is to chart the history of our efforts—the Housatonic Watershed Association, the Berkshire Hills Conference, the Berkshire Panel for the Public Environment, and the Natural Resources Council, with its recently established Land Trust.

In this very building—the temporary home of Massachusetts' first community college—a new certificate program has been launched to train environmental technicians. Evening courses are being held this fall to give citizens of the community an opportunity to explore their concern for the environment. In the next few years, when Berkshire Community College moves to its new campus a few miles to the west, the environment of the County will be a major focus of the mission of the college.

And, to the north, at Williams College, we have the Center for Environmental Studies, the first such center to be established at a liberal arts college anywhere in the nation. The primary focus of the center is the County of which it is a part, and the contributions it is making are well known.

These are exciting and important local efforts, but they are often frustrated by the maze of governmental units that stand astride us. Too often, by their very number and complexity, they thwart whatever progress we could make. We must do more—much more—at every level of government to support and build on these important local efforts.

I believe that we must unify the national, state and local agencies of government that deal with the many aspects of our environment. To me, the logical level of government to deal with environmental problems and opportunities is the county. This will be a surprise to those immersed in the politics of the past, since all the textbooks point out that Massachusetts, and New England generally, have a "weak" form of county government.

That may have been true in other days, but it is no longer true today. There is growing interest in Massachusetts and in the nation in strengthening county government, especially in the challenging and complex area of the environment. Recently, our Special Commission to Modernize County Government—a legislative commission of the Commonwealth under the leadership of State Senator Denis McKenna and Representative Paul Cronin—concluded that counties could become the natural entity to solve regional problems. "In this context," the commission report declared, "the county becomes the unit of government that can provide crucial areawide resources and solutions to integral problems, which need not be taken over by state or federal intervention."

As the Special Commission recognized, Berkshire County is an ideal area for regional planning, development and management of the environment. It has a firm identity arising from a long cultural heritage. To a large extent, it already has the right size communities, the right number of people, the right transportation and recreation facilities—all of which are in jeopardy unless we meet the challenge. The county also has newspapers, civic organizations, and leaders who are especially conscious of the problems and opportunities in the county. The traditions of the past are rich, and the ground is fertile for the future.

I propose that just as Berkshire County has pioneered in the past, so it should pioneer again. It should become a model for the nation, a "demonstration" county for the best in planning, development, and management of our physical, social, and human environment.

To succeed, the program will require close cooperation at all levels of government. It will need Federal financial resources, state legislative power, and a reorganized and greatly strengthened Berkshire County government.

The detailed blueprint of the program remains to be filled out, but already we can define the broad outlines of the route we ought to take. Let me briefly suggest three of the essential elements of its structure.

The first element is imaginative Federal participation. The leaders of both political parties in Washington have made clear again and again—whether they use the phrase "the new federalism" or the phrase "strengthening local government"—that they want to turn more of the functions and activities of Washington back to the states and local units. But too often, the Federal Government is baffled and frustrated by the fragmentation, the overlapping jurisdictions, and the conflicting local policies that stifle every attempt at decentralization.

I believe that there will be wide support in Washington, in both the executive and legislative branches, for a bold experiment in regional government, capable of dealing with all the problems of the environment.

The task of the Federal Government is to provide the kind of financial support that will aid and strengthen the demonstration county experiment. Too often, Federal grants are so tightly reined that they rob a local area of the ability to guide development in a way that can be responsive to local values. Our present Federal programs are often so single-minded that it is impossible to carry out comprehensive planning and coordinated development of the sort required for adequate environmental control and management.

Our task at the Federal level is to provide new kinds of assistance for comprehensive planning and development of the environment. We need broad-purpose grants to regional government. We must recognize that we cannot succeed unless we abandon our present pattern of undermining local initiative by uncoordinated, piecemeal funding, lost in the maze of the existing Federal bureaucracy.

The second element we will need is imaginative state participation. Berkshire County itself is a creation of the Commonwealth. It can be weakened or strengthened as the state government determines.

If the demonstration county project is to succeed, Massachusetts must grant Berkshire County new legislative authority to deal with the problems of the environment. Of course, these powers could be conferred for a limited time, for a trial period. They could be revoked if the executive and legislative branches so decided. For now, however, the crucial action by the state must be the enactment of legislation to strengthen and reorganize the county government.

It is not enough, however, for the state merely to strengthen the powers of the county government. The state must also establish new relationships between its own agencies within the region. We need greater regional coordination of state agencies in areas like natural resources, transportation, pollution control, and the development of land for industry, power and housing. State administration on a purely ad hoc basis defeats the goal of managing all the physical and social resources of the region in an integrated way.

The third essential element is the response of Berkshire County to the greater freedom we propose. There must be imaginative county participation. This will be the most innovative and critical step of all. Its exact nature will depend on the people of Berkshire County, working with the executive and legislative branches of the Commonwealth.

The potential range of action is almost infinite. A number of possible alternatives were presented in the study by the Special Commission. You might establish, for example, a new kind of county executive or general manager, whose activities would be closely coordinated with the process of planning and development. Or, you might create a new public or semi-public corporation under the county commissioners, with legislative and fiscal authority over water, forests, transportation, waste disposal, economic development, and all the other areas of the environment. These new patterns of county government must be closely linked to the activities of state and local agencies, especially in the towns and cities of the county. Indeed, the most difficult—but most important—phase of the experiment will be the sensitive allocation of government authority within the county itself.

The form and power of such a new county government must be answered by you, the people of Berkshire County, but you will have the attention and support of the Commonwealth and the nation. This is a time for boldness, for innovation, for creative experimentation, because the success we achieve here can be a model for all America.

Equally important, this is a program with a price tag we can afford.

In the long run, of course, the cost of the demonstration county program will be small, whatever the price. Any change that leads to a more effective, better organized government will save money for every taxpayer. In many cases, Federal funds are already available to do the job, if only counties like Berkshire County were organized well enough to compete with states and cities to receive existing Federal sums.

We are going to pay, whatever we do. We are going to pay, either through a sensible mechanism, or through an inefficient, inequitable, unresponsive mechanism leading to ever higher costs.

The cost of not taking care of our environment is no less real because it does not appear on any balance sheet or in any state or local budget. The cost of continuing as we are is the only cost we cannot afford. More of the same is not enough, and the sooner we learn this lesson, the sooner we will be on the way to wisdom and real reform.

In the short run, I am confident that a county willing to demonstrate what regional government can really do will receive strong financial support from the Federal Government, because it will encourage a truly efficient use of limited Federal funds. At the beginning, the program I envisage would probably require no more than about one million new Federal dollars a year for several years to launch the basic county demonstration project we need.

What I am proposing, in sum, is a new, creative coalition involving Federal financial resources, state legislative power, and revitalized Berkshire County government. Such a coalition might well be unique in American government, but in the present case it is a wholly natural and appropriate response to a pressing social problem.

Berkshire County has every qualification to serve as a demonstration county. The one resource it does not have is time. We live in an age of relentless change. The only question is whether this beautiful mountainland of our fathers will be the master or the slave of the change we know must come.

I have not been talking about Berkshire County, alone, however. I have also been talking about our state and our nation. For if Berkshire County can be a model demonstration county, the success it achieves, the lessons it learns—and even the setbacks it experiences—will serve as a living example of creative control and management of the environment throughout America.

Together, we can learn to manage change. The only way to make our democracy work is by constant reassessment and experiment and improvement.

This evening, I have offered a concept, not a blueprint, to move us in the direction we must go. To achieve our goal we must find new ways to work within the flexible institutions of our democratic system. Above all, we will need a commitment of us all that rises above any partisan interest. Together, we can move ahead in the best tradition of Berkshire County pioneers.

NEED TO UPDATE THE RETIREMENT INCOME CREDIT NOW

Mr. WILLIAMS of New Jersey. Mr. President, the retirement income credit was enacted in 1954 to place teachers, policemen, firemen, and other Government annuitants on a substantially equal basis with social security recipients.

However, the maximum amount of computing the credit has not been updated since 1962.

During this same period there have been three urgently needed social security increases.

In all probability, another social security raise will be enacted during this Congress.

As chairman of the Committee on Aging, I have enthusiastically supported these measures to increase social security benefits to a more realistic level.

But, for far too long a time, local, State, and Federal retirees have been overlooked or ignored.

And for too long they have had to struggle with a tax relief measure which is grossly outdated.

Equity in our tax system provides a compelling reason to place these taxpayers on an equal footing with social security beneficiaries.

On September 15, I introduced legislation, S. 4345, to correct this longstanding inequity.

First, my bill would raise the present maximum amount for computing the credit from $1,524 to the same maximum benefit now payable under social security—$2,278.

Second, it would provide for automatic adjustments of the credit, based on increases in social security benefits.

In recent testimony before the Senate Finance Committee, Mr. Ernest Giddings—legislative representative for the National Retired Teachers Association—American Association of Retired Persons and legislative chairman for the National Conference on Public Employee Retirement Systems—presented much hard-hitting and compelling information for modernizing the retirement income credit.

Moreover, he provided additional persuasive reasons for the enactment of my proposal.

Since this measure would be germane as an amendment to the 1970 social security bill, I urge the Finance Committee to incorporate this proposal when it reports out H.R. 17550.

Mr. President, I also commend the testimony of Mr. Giddings to my colleagues and ask unanimius consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RETIREMENT INCOME TAX CREDIT HAS NOT BEEN UPDATED SINCE 1964

(By Ernest Giddings)

The retirement income tax credit provision, section 37, of the Internal Revenue Code of 1954, is out of date and has not been updated since 1962. Your committee, the Congress, and spokesmen for the United States Treasury wrote the tax credit into the law fifteen years ago, in lieu of granting the pension of the retired teacher or the public employees the same tax exemption always allowed social security and railroad retirement.

As the law stands today, the tax credit is computed on the base of $1,524. With the present lowest bracket rate of 15%, the maximum tax benefit is $228.10. This maximum benefit was established when your committee updated the tax credit in 1962. It has remained at that figure since. In the meantime, the maximum primary social security benefit has been stepped-up on three occasions and now stands at $2,324.40.

Mr. Chairman, with your cooperation, and with bills introduced by Senator Ribicoff, Senator Williams (of New Jersey), Senator Prouty, and others, you have been on the verge of correcting the retirement credit base on several occasions since 1962, without, however, accomplishing that result.

Part of the responsibility for the delay on these occasions was the proposal by treasury in 1964, and other years, which would have made an about-face in our tax policy, and made social security benefits taxable income.

In the meantime, more than 1,000,000[1] retired teachers, firemen, police, and retirees from the many other retirement systems have been discriminated against, as have those persons who have provided themselves with income in the form of pensions, interest, dividends, and rentals. They have not been permitted the same tax treatment on the retirement income they provided for themselves as that provided to recipients of social security.

It is now our hope that your committee will take action this year to update the retirement income tax credit. Two methods of obtaining that result are possible. One method is to provide that the base figure of $1,524 in the present law be changed to $2,324.40, the figure determined by the staff of your joint committee on internal revenue taxation as the 1970 counterpart of the figure $1,524. which you wrote into the tax code in 1962.

Another method is to provide that the base figure for computing the income tax credit be automatically adjusted whenever social security benefits are increased. The question of which method your committee chooses is not especially critical.

However, it is our sincere hope and recommendation that the committee will agree upon one method and write it into the social security bill now before your committee. In the name of tax equity, and equal tax treatment of all retirement income, this action should be taken by the Congress this year.

In this request to your committee for action on the retirement income tax credit, I am speaking for the National Conference on Public Employee Retirement Systems, as well as for NRTA–AARP. The National Conference on Public Employee Retirement Systems consists of 130 retirement systems located in 34 States. President of the conference is Mr. Westford Robbins, executive secretary of the Massachusetts Association of Contributory Retirement Boards.

The National Council on Teacher Retirement, and the National Education Association have authorized us to say that our several organizations are in complete accord in making this request to your committee.

LETTER FROM A SERVICEMAN IN VIETNAM

Mr. PELL. Mr. President, from time to time, I receive letters from young Rhode Island men serving in the armed

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[1] The 1,000,000 retirees I have mentioned above is substantiated by data supplied by the United States Treasury.

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services in South Vietnam. I, and I think most of my colleagues, particularly value these letters written by young men serving their country halfway around the globe from their homes and their loved ones.

The fact that these young men take the time to sit down and write to their Senator, frequently under very difficult conditions, is to me a moving indication of their dedication in our democratic government.

What they write is also frequently informative and helpful.

Mr. President, I recently received such a letter from a Rhode Islander in South Vietnam.

I believe the sincerity of the letter speaks for itself, and I ask that portions of it be printed in the RECORD at the conclusion of my remarks. I would add that I have deleted only the seviceman's name and short passages that might tend to identify him.

This young serviceman's observations are evidence of the troubling questions that arise in the minds of our young servicemen who are called to take part in this semicivil war in a strange land, and the dilemma our Nation and its youth find ourselves in as we, with the best of intentions, try to fulfill what successive administrations have considered an obligation to the Government of South Vietnam.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

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AUGUST 19, 1970.

DEAR SENATOR: As an American combat troop in Viet Nam, I would like to express my current feelings concerning this conflict. [Please excuse the informality of this letter, for I am in the jungle now, and writing conditions are very poor.]

I recently requested your speech of June 29, 1970, before the U.S. Senate, and found it quite informative. I agree with your expressed views on what I believe to be an "American Tragedy." However, within your speech, you remarked that "Speaking as an American parent, Vietnamization is of course, an improvement over past policies in that it means the substitution of Vietnam fighting soldiers for American fighting Soldiers." This statement is self-evident; however, have you been made aware of the side-effects?

I can only speak as one individual soldier; from what I have seen thus far, the Vietnamization Program has produced many negative effects. The program, since its inception, has brought Americans closer to the Vietnamese people—especially the combat troop. For he is involved in the turn-overs of base camps to the Vietnamese.

Thus far, I have been taken back by the animosity displayed so openly, by American troops toward the Vietnamese people in general—civilians as well as soldiers. Recently, when I returned from the field, I was trucked from the air field to a near-by base. On the way, I saw many things that disturbed me. While passing through a village some G.I.'s threw smoke grenades into civilian places of business—much to the horror of women and young children. Further along the road, a fragmentation grenade was thrown at one farmer's ducks, killing at least ten of them.

Yet another GI threw a concussion grenade into a body of water next to a Vietnamese guard station. Luckily no one was injured.

I talked to some of the fellows who took part in these "games" and told them that acts such as they committed would surely impair the Vietnamization of the Delta. Their reply was simply "Look, we hate all these 'Gooks.' You don't know who to trust down here in the Delta. In the daytime the people are your friends, and at night they are out to kill you." Unfortunately, this statement made sense to me in an odd way. I only saw a few of these isolated events; however, I have a strong impression that most G.I.'s do not have any love or respect for the Vietnamese people.

Because of the nature of our missions, and the number of men *NOT* filling their primary military occupational specialty (P.M.O.S.), I am beginning to suspect that something is amiss. In our own platoon, half of us have M.O.S.'s other than 11B [combat] series. Also, all platoons in the field are instructed to set up "mechanical" ambushes with Claymore mines. Just setting them up is extremely dangerous . . . we had two men hurt yesterday and two others were killed when the V.C. discovered one last week, and turned our ambush into theirs.

Last week I was disturbed when elements of "B" Company were sent out in six men killer teams, one without a qualified medic—one man was simply appointed to act as a medic.

Well, I have gone on more than I had intended. I merely felt that not enough men over here write to their Senators about matters that "Fact Finding Committees" never see or hear of. I am sure that if some of the practices over here were ever disclosed in the States, people would be up in arms.

I hope you do not view this letter as exaggerated. Since I am the only fellow in the ———, I guess you will have to take my word.

Respectfully yours,

——— ———.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1970

Mr. DOLE. Mr. President, the week of October 4 has been designated by President Nixon as "National Employ the Physically Handicapped Week." A Senate joint resolution established the national observation of this week in 1945. On September 22 of this year, the Senate amended the resolution to include all handicapped workers, not only the physically handicapped, but the mentally handicapped, as well.

For the past 25 years our Nation has been tremendously progressive in the rehabilitation and employment of our disabled citizens. The majority of these preceeding years have been characterized by national prosperity which has been made the goal of restoring the handicapped to usefulness more easily accomplished. The true test of our commitment to aid the disabled, to give them the means to self-sufficiency and dignity, comes during times such as we now experience. When unemployment effects the able-bodied, employers are less inclined to employ and retain handicapped workers. Too frequently the handicapped are categorically "last hired and first fired." However, both motivation and production of most handicapped employees actually exceed that of their able-bodied coworkers. It should be noted that the handicapped do not want special privileges. They simply ask equal consideration with other employees.

Rehabilitation and employment of the handicapped have come a long way in the past quarter century. As we observe the 25th "National Employ the Physically Handicapped Week" commencing this October 4, let us consider the capabilities of all handicapped Americans with a fresh perspective. Let us work to further eliminate all bias and misconception that hinder handicapped individuals from knowing lives of productivity and satisfaction.

EDITORIAL COMMENT ON HEALTH SECURITY PROGRAM

Mr. KENNEDY. Mr. President, last month, together with 16 other Senators, I introduced S. 4297, the Health Security Act, to establish a program of comprehensive national health insurance, capable of bringing the same high quality health care to every man, woman, and child in the Nation. As I indicated in my statement introducing this legislation, the key to the program—called the Health Security program—is the use of national health insurance as a lever to improve all aspects of health care in the Nation. Only the catalyst of national health insurance, I believe, will enable us to achieve the many basic reforms that are so urgently needed.

Last week, the Committee on Labor and Public Welfare held 2 days of extensive hearings on national health insurance. The issues surrounding the legislation I have introduced were extensively discussed. The movement is gaining momentum, and I look forward to early enactment of such legislation by Congress in the near future.

One sign of the growing debate on national health insurance is the large number of editorials—both pro and con—that appeared on the subject at the time I introduced the proposed Health Security Act last month. Many of these editorials—27 from newspapers in 21 different States—have come to my attention. I believe that they will be of interest to all Members of Congress who are concerned with the quality of health care in America. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) News, Aug. 28, 1970]

KENNEDY'S HEALTH INSURANCE

A proposal offered this week by Sen. Edward M. Kennedy (D-Mass.) and others is described broadly as a national health insurance plan. It might be labeled more properly as an omnibus bill which proposes to have the government oversee—and defray a large part of the cost of—a greater part of the medical expenses of all ailing Americans, eliminate Medicare and Medicaid, and put another hefty bite on employers and the vast majority of wage earners by raising Social Security taxes.

In addition, if the Kennedy idea became reality, the socialized health plan would drive the great majority of private health plans out of business, including those financed all or in part by employers for the benefit of their employes.

Sen. Kennedy is suggesting that the federal government intrude itself further into an area in which it already has more than a foot in the door.

Kennedy said all the financing for the plan would be handled under a trust fund similar to Social Security's. The soundness of such a plan is questionable.

The senator and his fellow sponsors are proposing to create turmoil by uprooting

Medicare and Medicaid, neither of which has been in operation long enough to prove its workability. And in the case of Medicaid, Alabama only last year enacted a series of additional excise taxes with which to provide the state's share of financing for that purpose.

Kennedy proposes to do something for Americans they very likely can do much better and at less expense by themselves.

Turning to another welfare program of highly doubtful economic wisdom is not the cure-all answer to the nation's rising health bill.

[From the Sacramento (Calif.) Bee Sept. 1, 1970]

National Health Care Program Would Meet Long Felt Need In America

The introduction of legislation to provide national health insurance for all Americans by 1973 by a bipartisan group of 14 U.S. Senators is a responsive step.

It is indicative of a sensitive ear for a matter of growing concern among an increasing number of citizens, particularly those in their middle years.

Even the 16 million Americans who now are covered by some type of private health insurance are finding the soaring costs of medical care are leaving them unprotected against the financial drain of prolonged hospitalization or catastrophic illness.

In addition there is an intensifying din of criticism directed against a patchwork of systems which is failing to deliver adequate medical care to the nation.

The new legislation, introduced by Sen. Edward M. Kennedy of Massachusetts, would finance the national program in much the same way Social Security and medicare are now funded—through a combination of federal contributions, employer payroll and employee income taxes.

The success and acceptance, along with the demonstrated need, of these two cornerstones in the democratic framework of social benefits should aid in the building of adequate health care for all Americans.

The proposal also recognizes the prime need for thorough reorganization of the nation's present systems for delivering health care. It would set up a $1 billion resources fund to accomplish this before the national health care program was inaugurated.

A health care program linked to Social Security was envisioned by the late President Franklin D. Roosevelt and was sought by President Harry S. Truman 20 years ago. A similar program for Californians was vigorously advocated by Earl Warren, chief justice of the United States, retired, during his tenure as governor. All three were successfully opposed by the powerful voice of organized medicine, which termed any such program unnecessary and undemocratic.

The realities have proved otherwise. No nation which prides itself in a high standard of living and the excellence of its medical profession can allow the needs of basic health care to get beyond the reach of its work force.

[From the Wilmington (Del.) News, Sept. 2, 1970]

Whither Health Insurance?

National health insurance for the entire population of the United States was a concept alien to the American way of life just a few years ago. Yet today it is being discussed widely and it is generally predicted that by the end of the decade not only the very poor and the elderly will have "health security" but also Mr. Average American and his family.

Several proposals in that direction are before Congress, with others promised. By far the most comprehensive plan to reach the legislative hopper to date is the proposed Health Security Act introduced by Sen. Edward M. Kennedy. Democrat of Massachusetts, on behalf of himself and 13 other senators from both sides of the aisle.

This bill is the direct outcome of the year-and-a-half long study conducted by the 100-man Committee for National Health Insurance, founded under the chairmanship of the late Walter Reuther, and having on its roster distinguished physicians, politicians, social scientists, businessmen, etc. What makes the Kennedy bill so significant is that it outlines not only a system of providing nationwide health services, but also sets forth concrete proposals for financing the program and ways of reforming the delivery of health care.

Furthermore, the proposed act is uniquely American in that it endeavors to set up a "working partnership" between the public and private sectors of the economy. There is no talk of nationalizing the medical profession; indeed the bill would retain much of the private enterprise system's flexibility permitting three different routes of compensation for medical expenses: Fee for service (the prevalent American practice); a per capita allowance; a retainer (which can be likened to the burgeoning prepaid medical insurance plans).

While more and more Americans carry some kind of private health insurance (and the very poor and the aged are helped by the government), only 43 per cent of the civilian population has insurance protection to help pay for physicians' visit and preventive medical care. Furthermore in 1968, the latest year for which figures are available, only 36 per cent of consumer expenditures for health care were recovered through insurance coverage. And though insurance coverages are being continuously extended (with premiums rising too, of course), so are costs for health services.

The Health Security Act is scheduled for hearings before the Senate health subcommittee next month. No doubt the discussions and arguments will be lengthy and no measure will be enacted this session or even the next. But at least the whole matter of health care for the American people who are continuously demanding more in that field is being tackled comprehensively instead of by familiar patchwork approach.

Every citizen can—and should—contribute to this national discussion by informing himself of the provisions and letting his congressman know how he feels about them. This type of legislation potentially affects each citizen as recipient or provider of health care—all should play a constructive part in formulating the most equitable plan possible.

[From the Washington (D.C.) Post, Aug. 30, 1970]

Health Insurance for Everyone

A legislative proposal is put forward every now and then embodying an idea so natural, so reasonable and so right that one wonders how the country could have floundered along for nearly two hundred years without it. The proposal that the American people finance their inescapable and immense annual bill for medical care through a national system of insurance seems to us just such an idea. It is not, of course, a new proposal. It has been put forward in a variety of forms, and with more or less realism and seriousness, over the past 25 years. The existing Medicare program for elderly citizens embraces an important part of its purpose. The plan sponsored in the United States Senate on Thursday by Senator Kennedy on behalf of a bipartisan group of 15 senators is but the latest expression of this idea. It is unmistakably, we think, an idea whose time has come.

We do not say that the new proposal provides a final answer to the problem of providing health care for the American people. It is, however, a considered, comprehensive plan dealing realistically with the problem and providing realistic means of attaining an essential goal. That goal, as Senator Kennedy expressed it, "is to insure that all persons residing in the nation have the opportunity to receive good health care—without barriers to the care they need, and without the crushing financial burdens that too often accompany the delivery of health services today."

America has medical skills and medical facilities unsurpassed and probably unequaled anywhere on the globe. For the fortunate who can bear the huge cost of obtaining them, these are readily enough available. But the health record in this country is an appalling one for the bulk of its population. "We are devoting an increasing share of our national economic resources to health care," said Senator Kennedy ."The cost is increasing but the quality is declining. Our rates of sickness, disability, and mortality already lag far behind the potential modern health care and the reality of such care in many foreign nations. Our record is getting no better. It may be getting worse."

To let the quality of health care depend upon the affluence of individuals is to belie the concept of equality of opportunity. This country long ago abandoned the notion that the education of children should depend upon the size of their parents' bankroll. It recognized that since education is a key to national security and national progress, good schools should be available to every child. Precisely the same may be said about good health; since it is essential to national well-being, high quality medical care must be made available to everyone in need of it.

The proposal put forward by Senator Kennedy and his associates stems from studies and discussions carried forward for the past year by the Committee of 100 for National Health Insurance organized by the late Walter Reuther, head of the United Automobile Workers Union. No more apt and admirable tribute to his memory could be devised than constructive action on this proposal. It is advanced at this time because it is expected to become an important issue in the next presidential election campaign. So it should be. The time is ripe for national discussion and national resolution of the national health problem.

[From the Miami (Fla.) Herald, Aug. 30, 1970]

Major Issue For Taxpayers: National Health Insurance

Sooner rather than later the American people will confront the issue of national health insurance. A comprehensive nonpartisan bill supported by 15 senators and introduced by Sen. Edward M. Kennedy would establish a "Health Security Program," probably by 1973.

Since President Nixon in his 1968 campaign accepted the principle but said the time wasn't ripe, national health insurance is likely to be an issue in the 1972 Presidential elections.

If that is the case, we suggest a thorough public scrutiny not only of the desirable ends but also literally of the means, or costs.

By mid-1973 Americans who are covered by Social Security payroll deductions—and that means most of them—will be paying 5 per cent of their earnings up to $7,800 a year. The present figure is 4.2 per cent. The tax could well go higher than the projected 5 per cent if history is any guideline.

So to that figure add 2.1 per cent of the first earned $15,000 for health insurance (not counting what the employer pays in either instance) under the Kennedy formula for a total of 7.1 per cent in federal programs.

This is something of a sock. Since the cost of living seems headed for a high plateau, at best, the taxpayer faces significant charges on his income for services, however desirable, which he may never need or never receive personally.

This brings us to some comparisons between 1960 and 1970 which have nothing to do with census figures.

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Since 1960, according to the Tax Foundation, a fairly representative $11,000-a-year employe has seen the cost of all government he bears go up to 104 per cent. If he had to pay a state income tax (in Florida he wouldn't) the rate would have risen 161 per cent.

Meanwhile his property tax climbed 108 per cent and he was paying significantly more in sales, use and gasoline taxes.

Perhaps he gets more and better services for the 32 per cent of his income now going for taxes against 23 per cent 10 years ago. And perhaps not, to hear complainers tell it. The point is, it doesn't come free. And especially not in dollars which have shrunk in value from par in 1960 to 77 cents today.

[From the Albany (Ga.) Herald, Sept. 1, 1970]

NATIONAL HEALTH INSURANCE?

When Medicare burst upon the American political scene and was finally, after a 20-year effort, enacted into law by Congress for our senior citizens, politico-sociological experts made the point that it would be only a matter of time until a demand was voiced for total health care for Americans of all ages.

That time has arrived.

A bipartisan measure for a national health insurance plan is being introduced in Congress by Senator Edward M. Kennedy, among others, to provide most citizens with the best possible health care at the least possible cost to the individual. What it would cost the United States Treasury, no one is yet prepared to say with any accuracy. Quite probably, even with a program of individual contributions through taxes, such as under Social Security, it will be astronomical.

Still, there is no gainsaying the figures showing that America, for all its affluence, lags behind such nations as the Soviet Union and Sweden in health care for its citizens. We rank 13th among the world nations in the death rate of infants in the first year of life. A boy baby born in America will live five years less than a boy baby born on the same day in Sweden. Even Russian babies have longer life expectancies than American babies.

The country needs more doctors, more nurses, more hospitals, more technicians, more of just about everything that has to do with the establishment and maintenance of good health. But instead of gaining on the problem, we continue at best to hold our own, at worst to slip slightly backward. There are no easy answers. Money alone will not get the job done, obviously. What seems indicated is some combination of more funds without, at one and the same time, destroying the incentives that attract men and women to the health professions in the first place. National health insurance is not the total answer, certainly. Before we plunge into it, seeking some political panacea, long, hard second looks are indicated.

[From the Danville (Ill.) Commercial-News, Aug. 28, 1970]

U.S. INSURANCE PLAN—WHO PAYS?

The comprehensive national health insurance program introduced this week by Sen. Edward M. Kennedy, D-Mass., surely will require a great deal of selling before Congress is ready to buy.

The cost suggested is enormous. And the burden, as with all other government "benefits," would fall on the already overtaxed working man and woman.

The Kennedy plan—which is really the plan conceived by the late Walter Reuther of the United Auto Workers—would derive income as follows: 40 per cent from federal general income, 35 per cent from a 3.5 per cent tax on employers' payrolls, and 25 per cent from a 2.1 per cent tax on individual income up to $15,000 annually.

Since all general federal income originates with the individual citizen in some form or other, start out with the assumption that you and you and you will pay 40 per cent of the cost.

And since the tax on employers' payrolls is figured by your employer as a cost of doing business, you can count on his having less profit. Less profit means smaller dividends to stockholders and smaller or less frequent pay increases for employes. So you will contribute substantially to the 35 per cent employers would have to pay.

According to our arithmetic, if you make $200 a week, you would be nicked for $4.20 and your employer would shell out $7. That would amount to $11.20 per week.

Even at half the salary, the tax—direct tax that is—would figure $5.60 a week.

National health care is not all that it should be.

But is the Kennedy plan the answer?

The senator says it would not create a national health service of government-owned facilities and government-employed doctors. Perhaps not. But what government finances, government controls. And we want more than the senator's declarative statement that his system would replace "the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies, and by federal, state and local governments."

As a matter of decent concern, Americans do not begrudge helping their less fortunate fellows, especially those who are ill. And it is true that illness is becoming too expensive a luxury to be indulged by many except the affluent.

We, however, are not convinced—yet—that government needs to take over everything in the medical field and stick everybody with another tax bill. Not to be flippant, but piling tax upon tax is enough to make a great many Americans sick already.

[From the Bloomington (Ind.) Herald-Telephone, Aug. 28, 1970]

ANALYZING BUSINESS OF HEALTH

American business is inextricably involved in the problem of rising health-care costs. Employers pay massive bills for health insurance. Poor health, as it results in lowered efficiency of workers and absenteeism, is an economic debit in business.

But the experience and resources of successful business enterprise can contribute much to the improvement of the nation's system of delivering health-care—in administrative efficiency, in technological procedures, in cost-performance analysis, in use of personnel and in service to customers.

Traditionally, the U.S. Chamber of Commerce has resisted federal involvement in health insurance (except for the elderly) and has encouraged a voluntary, independent approach to insurance and health services. But the expense to business and the limitations for patients resulting from current private-insurance plans have caused the Chamber to reconsider its position. It is launching a big study into the whole subject of health care and its financing.

In other recent studies, economists, medical leaders, insurance experts and government researchers have sought better answers—with agreement, at least, that some major changes are needed to improve the health of Americans not well-served at present. Rashi Fein of Harvard University has described the existing health apparatus as "a highly disorganized, wasteful delivery nonsystem." Speakers at an American Assembly on health noted that recently-developed programs for financing health care, including both private and government insurance, have helped more people but in the process have increased demand for services without increasing the supply.

Interest in national health insurance is growing, but with any new program to put health care within financial reach of all Americans must come also the kinds of reorganization and expansion of services which will make them available as needed.

Congress is expected to take up proposals for national health insurance and other aspects of government health programs early next year. The projected study of the Chamber of Commerce should prove to be a useful contribution on this important issue.

[From the Benton (Ky.) Courier, Aug. 25, 1970]

PUBLIC MEDICINE COSTS

Nobody stole anything, but a four-county sample of California's nursing home operations under Medicare showed plenty spent on nothing.

The bungling was due largely to federal bureaucratic overpayments. But the state's eligibility law for nursing home care lacks sharpness, too. So the waste touches the operation in more ways than one.

It's a reminder of past waste and an omen for the future of government medicine. What happened under the poverty war, which bought its gains dearly, could happen too, under national health insurance.

The nursing homes themselves, being small, followed the rules. When a patient died or checked out, the right forms were mailed off. But the Health, Education and Welfare Department kept on coughing out checks on the output end while its input end was trying to absorb news of the change.

Sometimes HEW duplicated itself, paying double on accounts—one check for Medicare, another under the sister program of Medicaid, for the same person.

The confusion touched 10% of the total cases surveyed in just four counties. What giant multiple of the mispayments made in Alameda, Los Angeles, Fresno and Santa Clara counties would express the waste nationwide?

Compared with comprehensive prepaid or tax-credited national health insurance, Medicare is pin money—but the high incidence of waste and bungling found in one sampling suggests what one socialistic mustard seed can grow into if fertilized with the billions public medicine would involve.

[From the Boston (Mass.) Globe, Sept. 1, 1970]

ANYONE FOR GOOD HEALTH?

Semi-private rooms in one of Boston's hospitals cost $9 to $11 per day and private rooms $13 to $21 per day when Oscar Ewing then head of what now is the United States Department of Health, Education and Welfare, first urged the adoption of national health insurance legislation in 1947. Costs in the same hospital today are $75 to $85 for semiprivate rooms and $75 to $100 for private with unannounced increases scheduled for Oct 1.

It seems unfair to make the comparison. Day labor is paid about as much per hour now as per day then, a pound of round steak that cost 40 cents then costs $1.15 today, a pound of butter that sold for 49 cents then sells for 83 cents now—and both doctors and hospital patients have to eat.

But the escalation in hospital rates and doctors' fees is at a faster clip now than at any time in that 23-year period. Blue Cross rates, for example, increased 36 percent for an individual last year, 52 percent for a family, they will go up again in some of next year's contracts by 23 and 28 percent, and hospital rates of $500 per day are predicted by the turn of the century. Moreover, an estimated 30 million Americans have no health insurance of any kind, and those who are insured pay an estimated 60 percent of the cost of any illness out of their own pockets.

It is frightening to try to calculate the number of Americans who have died because they could not afford adequate medical care

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(available only to the very poor or the very rich) or will die for the same reason—or who, even when they were in a position to pay their normal bills, were or will be driven into bankruptcy by hospital and doctors' fees. This is far from an indictment of all hospitals and doctors. It is an indictment of an inadequate and mis-managed health system whose statistics are horrifying:

Last year, according to Sen. Edward M. Kennedy, Americans spent $63 billion in a search for good health. Yet, our infant mortality rate exceeds the rate in 12 other nations, the death rate of women in child-birth exceeds the rate in six other nations. We trail 17 nations in the life expectancy of males, 10 in the life expectancy of females, 15 in the life expectancy of middle-aged males. Almost one-third of America's young men fail the draft's physical and mental tests. The whole medical system, despite the dedication of most who work in it, is so wobbly that an estimated one-half of our hospitals would collapse were it not for the importation of foreign medical manpower, and at least half a dozen of our 91 medical schools are near closing for lack of funds.

Hence, the comprehensive health insurance program for all Americans which Sen. Kennedy and 14 other senators have introduced in the United States Senate. It would be expensive. It would cost an estimated $40 billion a year. But it is fair to compare this with the $63 billion which Americans and their insurers spent last year, and it would all but eliminate both Medicare and Medicaid. It would be financed through general Federal revenues (40 percent), a 3.5 percent tax on payrolls (35 percent) and a 2.1 percent tax on individual income up to $15,000 a year (25 percent). It is not perfect. It would not cover nursing home or other custodial care, a vital essential; psychiatric and dental care, two other essentials; or certain medicines and appliances.

But it is a good bill. A difficulty in a congressional session drawing to a close is that hearings have not yet been scheduled by the health subcommittee of the Senate Labor and Public Welfare Committee, and its chances of ever getting into, let alone out of, the Senate Finance Committee, which will have to pass on it in the end, are slim indeed.

The Committee of 100 for National Health Insurance is the main driving force behind the bill, but the committee's own main driving force, Walter P. Reuther, is dead. A somewhat similar bill was introduced in the House by Rep. Martha W. Griffiths (D-Mich.) months ago and there have been no hearings on it yet. Similar bills have been introduced in almost every Congress for a quarter of a century and let die after the initial hurrah.

The main trouble is that good health, like weather, is something that everybody talks about but few legislators do anything about. A sobering fact is that national health insurance was a plank in Teddy Roosevelt's third party platform 58 years ago. There has been no dearth of talk in the interim. AMA or no AMA, what is needed now is action.

[From the Springfield (Mass.) News, Aug. 28, 1970]

Health Insurance Deserves Airing

One often hears the ironic comment that the only persons who can afford good medical care are the very rich and the very poor—the first because they have the money to pay for it and the second because welfare picks up the bill.

Senator Kennedy's proposal for a comprehensive national health insurance program is aimed at providing good care for the many in the middle who find soaring medical costs an oppressive burden.

As in the case of medical care for older citizens, national health insurance is an idea whose time will come, but probably not by mid-1973 as hoped by the senator. Financing, with new taxes needed, is a major problem in itself.

Any plan to improve medical services at reasonable cost also has to take into consideration the need for more personnel. Elaborate programs without additional doctors, for example, could merely swamp those available. Heavy bidding for available medical services could even drive costs up in some cases.

But it's none too early to give serious consideration to a national health insurance program and other steps needed to improve medical care available to the American people.

[From the Kansas City (Co.) Star, Aug. 31, 1970]

Comprehensive Health Care: No Free Ride

Whether the comprehensive national health insurance program as set out originally by the Walter Reuther group and now introduced in the Congress by Sen. Edward Kennedy is the answer for the United States will be debated and pondered over for months to come.

The Massachusetts senator says the program would pay for 70 per cent of all health expenditures in the nation (although not necessarily 70 per cent of everybody's doctor and hospital bills). He says, furthermore, that it could all be paid for with contributions of 40 per cent from the general revenue (which means the money pool that comes from your income tax and other federal payments); 35 percent from an employers' tax and 25 per cent from an individual tax which presumably would be added to Social Security (which, already, will jump to a $452 annual maximum per individual by the end of this decade).

It should seem obvious to anyone connected with hospitals and medicine that large changes are coming over the next few years. People know what can be done to save human life and prevent suffering, and they expect it as a natural right. And who can say that this attitude is wrong? A sick child ought to get proper care whether his parents can pay for it or not. It is easy to say that sick adults ought to have saved their money in days of health and youth to pay for days of sickness and old age. But how many do? And is it less costly to society to pay for the indigent ill and aged than to come up with a humane plan to care for all?

What ought to be recognized is that true health care is going to be expensive. That is because there aren't enough physicians, nurses, and technicians to go around. If this country wants more physicians, nurses and technicians to go around, it will have to pay for them. Already $50 is about the least that a private room can be had for in a hospital and that doesn't include all the laboratory tests that might be necessary and the doctor fees. And hospital labor still is going to raise costs.

If prepaid health care is coming to this country the existing insurance companies that have had experience in the matter can be used as intermediaries, although some say the job could be done more inexpensively. The companies simply will have to realize that they probably will become part of a better system or become extinct.

The insurance people, the medical profession and hospital administrators will have to realize that they exist to help sick people and that sick people do not exist to help them. Most are fully aware of this, but a few of the old-time hardliners are not.

The cost of comprehensive medical insurance is going to be very great. Like any insurance plan, it is a spreading of a risk, so that the unfortunate get help from the fortunate. The general revenue plan and the contribution from employers can reduce the cost pain for the ordinary individual. But in some countries the cost burden has been made more realistic by a national sales tax which is not altogether unfair. That possibility ought to be considered by a Congress which finds it easy to dip into general revenue on appropriations but very hard to raise direct taxes to produce the money.

[From the (Nebr.) Lincoln Star, August 31, 1970]

Obstacles Face Health Insurance

With the continued introduction to bills on the subject, national health insurance moves ever closer to the American people. It is a concept, in theory, that one can find little argument with.

The program would provide the financial means for good health care on the part of everyone, an objective with which very few could really argue. But when you try to put such a program into effect, a lot of complications arise.

To begin with, the government seemingly cannot be a part to a program over which it does not exercise some control. Thus, the standards and regulations adopted by the government frequently lead to hostility on the part of participants in federal programs.

The government has made red tape so much a part of its existing health insurance plans that those plans have incurred the wrath of many people. Thus, the government is going to have to solve this problem before national health insurance receives widespread acceptance.

Then, there is the problem of abuse. What comes to people automatically and without choice is usually taken for granted or abused. With mandatory national health insurance, people would tend to take advantage, such as going to the hospital or an aspirin simply to get it paid for by the government.

The medical profession could help in this regard but it is poor in the area of policing its patients. This is not its function in life and little should be expected of it toward such an end.

Fundamentally, mandatory national health insurance simply has not yet found the means of substituting itself for the private enterprise system. Perhaps it will or perhaps the faults of the free enterprise system will become so large as to offset the liabilities of such insurance but matters at the moment leave the national program in limbo.

[From the Jersey Journal (Jersey City, N.J.), Aug. 29, 1970]

Good Health

A bipartisan bill calling for the establishment of a national health insurance plan has been introduced in Congress by 15 senators.

It would cover three quarters of all personal health expenses for people of all ages and would be supported in large part by a trust fund into which would flow special income and payroll taxes. The rest would come from general tax revenues.

The Health Security Act would provide benefits to cover all services required for personal health except long term institutional care, psychiatric and mental care, and some drugs and medical appliances. No fees would be charged. Those who provide the service would be directly compensated by the government.

Particularly valuable is the emphasis on preventive medicine. A weakness of the present Medicare program—in addition to its age limitations—is that, like most private health programs, it helps only those who are sick instead of helping people stay healthy.

This plan is the most sweeping of any yet put before Congress. For this reason it will run into heavy opposition from entrenched medical interests and from others who fight all social legislation. Of course, it will be fairly stamped "socialized medicine." Not even its sponsors seriously expect to see it passed in this session of Congress.

But the Health Security Act—or something closely resembling it—will become law within a few years because there is no way to meet the health needs of the nation except through massive government intervention.

[From the Newark (N.J.) Evening News, Reprinted from AMA News, Aug. 10, 1970]

NHI—NOT A CURE-ALL

Recommendations presented by the Committee for National Health Insurance for a cradle-to-grave medical program can be expected to add new fuel to the current debate over how to solve the high costs and inadequacies of our present health care system. That's all to the good.

As for whether this country is now, or ever will be, ready for a nationalized health service, that's something else.

After more than a year's study, the committee has come up with a proposal for covering doctor, hospital, drug and dental bills, plus limited psychiatric and nursing home care. Financed by payroll taxes on employers and employees, and with 40% of the cost borne out of general federal revenues, the national program would largely eliminate the need for private health insurance coverage.

Walter Reuther, who had served as the committee's chairman, conceded in a speech written just before his recent death that financing and high costs were not the only basic problems in our present health-care system. But he argued that the leverage provided by use of federal funds was required to compel changes needed to remedy the health-care manpower shortage and correct shortcomings in the application of medical services.

Therein lies plenty of room for doubt. The Medicare plan for the elderly and the Medicaid plan for the needy have poured federal billions into the health-care pipeline, but without notable effects in raising the quality or quantity of service available. Instead, one major impact has been skyrocketing costs . . .

The most vital need is to increase the supply of medical and allied personnel available and to make more efficient use of their services.

The federal government certainly can help. Medical education programs should be expanded, group practice by physicians encouraged, disease-preventive services stressed, health maintenance emphasized. Beyond that, government and private groups alike must coordinate efforts to . . . control costs.

The impetus toward federal control of our health-care system has unquestionably been growing. But a federal takeover would not provide a cure-all, any more than the welfare program is eliminating poverty.

[From the Long Island (N.Y.) Express, Aug. 29, 1970]

A NEW LOOK AT HEALTH

National health insurance—a program launched by President Truman in 1948 in the face of heavy opposition—is another good idea whose time has come.

Over a 22-year period, old fears and fables connected with government health programs have been eroded by social and economic realities, and new attitudes about how to meet them.

A good bipartisan bill has been introduced in Congress by 15 senators. It would cover three-quarters of all personal health expenses for people of all ages and be supported in large part by a trust fund into which would flow special income and payroll taxes. The rest would come from general tax revenues.

The Health Security Act would provide benefits to cover all services required for personal health except long-term institutional care, psychiatric and dental care, and some drugs and medical appliances. No fees would be charged. Those who provide the service would be directly compensated by the government, either on a fee-for-service, a per-capita or on a retainer basis.

Particularly valuable is the emphasis on preventive medicine. A weakness of the present Medicare program—in addition to its age limitations—is that, like most private health programs, it helps only those who are sick instead of helping them stay healthy in the first place.

Another plus factor is the proposal to establish national standards of performance for professionals and institutions, plus a health security board to see that such standards are followed.

This plan is the most sweeping of any yet put before Congress, including Mr. Truman's eye-opener. For this reason it will run into heavy opposition from entrenched medical interests and others who fight all social legislation. It will, of course, be unfairly stamped as "socialized medicine." Not even its sponsors seriously expect to see it passed in this session of Congress.

But the Health Security Act—or something closely resembling it—will become law within a few years because there is no way to meet the health needs of the nation except through massive government intervention.

The people are ahead of their representatives in facing up to the realities. Sooner or later—sooner, we hope—the politicians will catch up.

[From the Ogdensburg (N.Y.), Journal, Sept. 2, 1970]

NATIONAL HEALTH PROGRAM NEEDED; STEP-BY-STEP APPROACH SEEMS WISE

It is predicted that a national health program will be established before the current decade is over. The need for some massive program to relieve the problem of skyrocketing costs, which can deprive a family of its life savings, is very apparent.

A number of programs are under consideration, but the most comprehensive was introduced into Congress last week by Sen. Edward Kennedy and 14 others, mainly Democrats.

The plan, drawing 60 percent of its funds from special income and payroll taxes, would aim partly at reorganizing health care services. Poor organization is blamed by the backers of the plan as being largely responsible for current high costs, which have risen twice as fast as other consumer costs in the past decade.

The plan also would scrap Medicare and Medicaid programs and provide coverage for everyone in the country, regardless of financial need.

Senator Kennedy said the program would have paid about 70 percent of the $53 billion spent for personal health services last year. One difficulty in adopting such a sweeping plan at present, however, is that it would require the government to provide about $10 billion out of general tax funds, which are overdrawn as it is.

A major problem with any such sweeping program, aside from the cost, is control of fees, which often rise sharply as soon as the government is footing the bill. Presumably a potential red tape problem would be resolved by not having to establish a financial need as is required under the Medicaid program.

Certainly a health program of some sort is needed, and the new proposal is the product of the impressive Committee of 100 for National Health Insurance, which includes a cross-section of experts.

Considering the broad sweep of the plan and the question of financing, however, it would probably be wise to move toward a full program in stages as has been done in the similar Social Security program.

[From the Tarrytown (N.Y.) News, Aug. 28, 1970]

UNIVERSAL HEALTH INSURANCE

Sen. Edward M. Kennedy, who by coincidence is seeking re-election this fall in Massachusetts, has introduced in Congress blockbuster proposals that would create a comprehensive national health insurance program, with benefits effective in mid-1973.

The program would cover all citizens, without individual limit, over nearly the entire range of health services.

This would be quite a major enterprise, as Sen Kennedy concedes in estimating that, had it been in effect last year, the plan would have cost $37 billion.

And that cost, coupled with the glossing over of serious defects in the proposal, betray this measure for what it is—a blatant political maneuver to corral votes.

It is instead another "give-away" program of disbursing federal funds through a system of double taxation of both individuals and business enterprises.

This is disguised by the airy explanation of Sen. Kennedy and his cosponsors that the money would come from a trust fund similar to that for social security.

Forty per cent of the income would be derived from general federal revenues, 35 per cent of it from a 3.5 per cent tax on employers payrolls and the remaining 25 per cent from a 2.1 per cent tax on individual income up to $15,000 a year.

Not pointed out, however, is that the same taxpayers who are contributing to the 40 per cent of general federal revenues, also are to be tapped again for their payroll contributions. The employers who pay their business taxes, would be hit again as well, with unpredictable economic damage.

Anticipating cries of "socialized medicine," Sen. Kennedy pointed out that the bill would not create a national health service of government-owned facilities and government-employed doctors.

"The program proposes a working partnership between the public and private sectors," he said.

The government, in other words, would amass the revenue and pay the bills. The question is whether such a compromise could be realistically successful.

It would necessarily set up a bureaucracy that, if Medicare and Medicaid are any guide, would immerse doctors and hospitals in a deeper than ever tangle of red tape, rate wrangles and glacial reimbursement. It also would leave unsettled the problem of what would happen to nonprofit or private health care insurers that millions now using may prefer.

And the financing could become a gigantic hurdle.

Where, for instance, could the $15 billion in federal general revenue, under the Kennedy formula, have been found for last year's budget had the plan been in effect? Where indeed, in this year's or next?

In addition, Social Security taxes go to 5 per cent next Jan. 1. That's 5 per cent on employer and 5 per cent on employee. What would the addition of another 3.5 per cent on the employer and 2.1 per cent on the employee do to operating costs and take-home pay? Is there to be no limit on the growing burden of payroll taxes?

In sum, there are many fundamental questions to be asked and answered before the Kennedy proposal can be regarded seriously.

In short, the program proves only that the medical care needs of the nation have come to the point where it has become politically palatable to start making promises about some quick and magical solution.

Hopefully, the next step will be that legislators can be induced to get down to business and develop a solution that gets to the heart of the cause of high costs and inadequate care.

[From the Punxsutawney (Pa.) Spirit, Aug. 29, 1970]

FEASIBLE—AS WELL AS LIBERAL

The present advocacy by the American Medical Association and the National Medical Association of a medicredit program

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of national health insurance is not a switch in policy. U.S. medicine, now as always, opposes what it considers unworkable plans to extend health care and supports what in its wisdom and experience it believes to be workable plans.

The country is finding that merely pouring out billions of dollars on health care schemes can in no way improve the quality or availability of medical care. The health insurance plan proposed by the Nixon Administration is similar to the proposal which has been urged upon Congress by principal medical spokesmen. The health plan offered by the latter includes a three-point program which "the medical profession hopes to see the nation pursue" in efforts to provide quality health care for everyone as economically as possible.

An AMA spokesman, in describing the medicredit health insurance proposal of the American Medical Association, says, "Under our plan, each low income person or family would receive a certificate for the purchase of a qualified and comprehensive health insurance plan. The protection would be theirs without expense or contribution since the cost of the program would be borne entirely by the federal government." A second phase of the plan, ". . . offers tax credits, on a sliding scale based on the tax liability of a family, for the purchase of qualified health benefits coverage . . . " A third phase of the plan, as proposed by the AMA, ". . . calls for a structured peer review mechanism to insure high quality of care and to prevent abuses of the medicare and medicaid programs."

The doctors have given assurance of the medical profession's cooperation in solving the nation's health care problems. As the nation realizes the solution to these problems must be feasible—as well as liberal—the health care picture will grow immeasurably brighter.

[From the Scranton (Pa.) Times, Aug. 29, 1970]

National Health Insurance

Proposals for a government-sponsored program of health insurances which would cover Americans of all ages have been under discussion for several years. In fact, the bill introduced in Congress yesterday with Sen. Edward M. Kennedy as its chief sponsor is based on the recommendations of the Committee for National Health Insurance created two years ago by the late Walter P. Reuther, president of the United Auto Workers.

Should the measure win approval by Congress and President Nixon it would mean the termination of the existing Medicare and Medicaid programs by bringing the elderly and those under 65 years under a single umbrella of protection. The current Social Security tax on earnings, which this year applied to income up to $7,800, would be replaced by a 2.1 per cent tax on individual incomes up to $15,000. These payments would make up 25 per cent of the money needed to operate the program. Of the balance, 40 per cent would be taken from the general revenues of the federal government and 35 per cent would come from a 3.5 per cent tax on employers' payrolls.

The old cry of the American Medical Association of "socialized medicine," heard so often when organized medicine was fighting the Medicare plan, probably prompted Sen. Kennedy to explain, after introducing the bill, that there is no thought of government-employed doctors and government-owned facilities. "On the contrary," he said, "the program proposes a working partnership between the public and private sectors.

It is widely conceded that something in the nature of a national health insurance program is needed. Whether or not the mechanics of the plan embodied in the Kennedy measure provide the right answer is something that should be determined by the debate which is certain to develop as the backers of the legislation try to move it through Congress.

[From the Somerset (Pa.) American, Aug. 22, 1970]

Tremendous Changes

Critics are often so busy criticizing that they fail to observe changes in the tides of human affairs basically altering the premises on which their criticism rests.

It has become habitual, among many critics of the American medical system, to view doctors as a recalcitrant group holding itself apart from such harsh problems as rising health care costs and physician and medical facility shortages. The truth is quite different.

The new president of the American Medical Association, Dr. Walter C. Bornemeier, feels that the medical profession and the AMA must do more to tell their story—to explain plans for producing qualified physicians more rapidly, for broader use of nurses in medical practice and for financing health care through tax credits and government supervised insurance programs.

As far as the decade of the 70's is concerned, he notes, ". . . I think this decade . . . will see tremendous changes and I believe we'll have a much better system of medical care. It'll still be a private enterprise, fee-for-service system . . . in 1980 and we'll have enough doctors so that we can take care of everybody, and everybody will have an insurance policy so that they can obtain the medical care that they want. I think the problems of medicine will not be over by 1980 but I think we will have solved a great many of them. And, I think the public is going to be well aware of it . . ."

The simple truth is that many of medicine's critics are beginning to sound out of date. Some of them are guilty of the very charges they have leveled at the medical profession. They are failing to keep up with the times.

[From the Providence (R.I.) Journal, Sept. 1, 1970]

No Wild-Eyed Dream

A program of national health insurance is not about to be written into the books. Even the 15 U.S. senators who favor such a program and have introduced the necessary legislation concede that years of debate will ensue before their idea takes root. Their most hopeful estimate is that national health insurance may come into being sometime "in this decade."

That is a realistic assessment. Important social advances never are achieved quickly or easily in a democratic society. They usually are achieved only after lengthy periods of study, discussion, and impassioned controversy.

For at least two decades, the idea of a national system of social security was dismissed as the wild-eyed dream of radicals on the political fringe. The same can be said for the program of unemployment compensation. Yet these wild-eyed dreams gradually attracted more responsible sponsorship and ultimately were accepted.

The same pattern prevailed in the drive to enact the program we now call Medicare. Years of discussion and debate—during which our own Rep. Aime J. Forand played an important role—and years of fierce hostility on the part of the conservative members of the medical profession preceded the enactment of Medicare.

The sponsors of a national health insurance program are concerned by the mounting evidence that the nation's health needs are not being met fairly, equitably, or efficiently. They are troubled by the shortage of doctors, the soaring costs of medical care, the lack of emphasis on preventive medicine, and the uneven manner in which the available medical services are allocated to various segments of the public.

What they advocate, in brief, is an extension of the Medicare program to embrace the entire population, rather than just those over the age of 65. It would be financed, as are the present social programs, out of special taxes, out of general revenue, or a combination of the two.

It seems fair to say at this point, in mid-1970, that this is an idea whose time has not yet come. But the 15 sponsoring senators have put the ball in motion. They have opened the way for debate and discussion, and they are hopeful, as with Social Security and the other social advances, that the debate and discussion will lead to the day when the public understands and accepts the idea.

[From the Yankton (S. Dak.), Press and Dakotan, Aug. 22, 1970]

Plan Must Be Feasible, Liberal

The present advocacy by the American Medical Association and the National Medical Association of a medicredit program of national health insurance is not a switch in policy. U.S. medicine, now as always, opposes what it considers unworkable plans to extend health care and supports what in its wisdom and experience it believes to be workable plans.

The country is finding that merely pouring out billions of dollars on health care schemes can in no way improve the quality or availability of medical care. The health insurance plan proposed by the Nixon Administration is similar to the proposal which has been urged upon Congress by principal medical spokesmen. The health plan offered by the latter includes a three-point program which "the medical profession hopes to see the nation pursue" in efforts to provide quality health care for everyone as economically as possible.

An AMA spokesman, in describing the medicredit health insurance proposal of the American Medical Association, says, "Under our plan, each low income person or family would receive a certificate for the purchase of a qualified and comprehensive health insurance plan. The protection would be theirs without expense or contribution since the cost of the program would be borne entirely by the federal government." A second phase of the plan, ". . . offers tax credits, on a sliding scale based on the tax liability of a family, for the purchase of qualified health benefits coverage. . . ." A third phase of the plan, as proposed by the AMA, ". . . calls for a structured peer review mechanism to insure high quality of care and to prevent abuses of the medicare and medicaid programs."

The doctors have given assurance of the medical profession's cooperation in solving the nation's health care problems. As the nation realizes the solution to these problems must be feasible—as well as liberal—the health care picture will grow immeasurably brighter.

[From the Chattanooga, (Tenn.), News-Free Press, Aug. 28, 1970]

National Health Insurance

Chances for its passage this session are, hopefully, not bright, but the national health insurance proposal introduced yesterday by Sen. Edward Kennedy and others is quite a disturbing element thrown in on top of a nation already beset by economic burdens and trying to extricate itself with some semblance of self-respect from a costly and frustrating war.

Other plans had already been placed before the Senate, but the new proposal has a difference—the price tag. Kennedy, who proposes that the benefits be effective in mid-1973, estimated the plan would have paid out

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$37 billion, based on 1969 figures. Its "trust fund" would be financed by some 40 per cent from federal general revenues, 35 per cent from a 3.5 per cent tax on employers' payrolls and 25 per cent from a 2.1 per cent tax on individual income up to $15,000 per year. All of this would be footed by the already heavily-burdened taxpayer.

The senator said the bill would not establish a national health service of government-owned facilities and government-employed doctors, but would be a "working partnership between the public and private sectors." He said it would replace "the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies and by federal, state and local governments. Kennedy said the plan is estimated to pay 70 per cent of all health expenditures in the nation, roughly twice the amount now paid by the Medicare and Medicaid programs for elderly and indigent. Those two programs would be scrapped.

Why worry about a plan that has little chance of passage in the near future? Simply this; it shows the thinking of a very influential group of people who are scrambling around with ideas supposedly to help the poor and needy. Granted that medical and hospital costs have soared, for a number of reasons, for everybody. But every time the government meddles with welfare, whether it is with food, medicine or cash, the result has been a big mess that doesn't bring benefits commensurate with cost.

And there is another very important factor to consider: the effect upon those many private health insurance companies that are such a vital part of the nation's economy as well as its over-all health program. If the Kennedy plan, or any other such all-embracing program, were adopted the result might be disastrous. When you deal a body blow to an industry worth billions to the economy, you are, in effect, booby-trapping your own paycheck. Anything that diminishes the free enterprise system diminishes you.

Be careful, Congress. Give thorough study to the problems of health care, but do it for all of us, else we all wind up poor and needy. Then who will pay?

[Bristol (Va.) Tennessean, Aug. 28, 1970]

THANKS, NO THANKS

Thanks, but no thanks to Sen. Edward M. Kennedy. We don't want to be included in a national health insurance program covering the entire range of health services.

We also don't want to be subjected to a 3.5 per cent tax on employers' payrolls or a new 2.1 per cent tax on individual income up to $15,000 a year.

We don't want it because we are fed up with a liberal oriented, spend-happy Congress that approaches national problems from only one viewpoint: that total uniformity should be provided for all and those with earning power should completely support those who don't want to provide for themselves.

We don't need Sen. Kennedy's meddling in our personal health protection. We are capable, as are millions of Americans, of providing for our insurance needs and we are willing to work to earn the money to pay for our insurance coverage.

For those who can't or won't work, our government is more and more designed to help them anyway with everything from Medicare and Medicaid to aid for dependent children.

Thanks, but no thanks, Sen. Kennedy.

[From the Spokane (Wash.), Spokesman-Review, August 29, 1970]

HEALTH INSURANCE

Legislation to create a comprehensive national health insurance program has been introduced by Sen. Edward M. Kennedy, D-Mass., in his effort to cover all citizens for 70 per cent of all health expenditures.

He said this would pay roughly twice the amount now paid by the Medicare and Medicaid programs for the elderly and indigent, which would be terminated.

It is possible that such a program would provide better service at a lesser cost to the taxpayer than the present programs, but it is a complex subject and should be studied at length.

Under the plan, 40 percent of the revenue needed would come from the federal general fund, 35 per cent of it from a 3.5 per cent tax on employers' payrolls and 25 per cent from a 2.1 per cent tax on individual income up to $15,000 a year.

Since most employes now are covered by some form of health insurance paid for either entirely by an employer or jointly by employer and employe, the cost may actually be less than at present.

But by covering every citizen it may be difficult to determine what such a plan will do as far as medical costs are concerned and whether it may tend to create a national health service of government owner facilities and government-employed doctors.

Summary: Haste may well make waste and the Kennedy plan should be thoroughly studied and opinions from medical experts should be obtained before conclusions are formed.

[From the Sheboygan (Wis.) Press, Sept. 1, 1970]

NATIONAL HEALTH PLAN

Senator Edward Kennedy has introduced legislation to create a comprehensive national health insurance program with benefits effective in 1973.

Other sponsors are Senators Ralph Yarborough of Texas, John Cooper of Kentucky, and William Saxbe of Ohio. Senator Yarborough is a Democrat and the other cosponsors are Republicans. This gives the proposed legislation a bi-partisan flavor.

The program would cover all citizens, without individual limit, over the entire range of health services except for certain nursing home care, mental and dental treatment, and certain medicines and equipment. The sponsors estimate that the program would pay 70 per cent of all health expenditures in the nation, about twice the amount currently paid by Medicare and Medicaid programs for the elderly and indigent. Once the new program is in operation, Medicare and Medicaid would be terminated.

In financing the program, 40 per cent would be derived from general revenues, 35 per cent from a 3.5 per cent tax on employers' payrolls, and 25 per cent from a 2.1 per cent tax on individual income up to $15,000 a year. It is estimated that the plan would pay out $37 billion a year.

The program is not intended to create a national health service of government-owned facilities and government-employed doctors. On the contrary, Sen. Kennedy said when he introduced the legislation the program proposes a working partnership between public and private sectors. He said it would replace wasteful and inefficient expenditures already being made by private citizens, employers, voluntary private agencies, and by federal, state and local governments.

No doubt, the program will undergo many changes before passage by Congress. It is possible that it will be rejected. But the proposal reflects growing public concern over the cost of medical care and the feeling that something beyond Medicare and Medicaid is necessary. The August issue of the American Legion Magazine devoted six pages to an article titled, "Better Medical Care at Less Cost Is Possible." It is unlikely that so much space would have been given to the problem if it were not for the great concern felt by Legion officers.

We are not suggesting that the proposed new program be accepted as introduced by the four senators. We are suggesting, however, that some kind of legislation will be approved eventually and that it would be well for the young and old to give it their attention.

PALESTINE: A SEARCH FOR TRUTH

Mr. HATFIELD. Mr. President, in recent weeks public attention has been particularly focused on events taking place in the Middle East. In trying to unravel the complexities of the conflicts there, one is usually faced with an unending list of books, papers, and other reference material which could be read and studied, for one must not only look to current events but also analyze the history of the area in order to begin to get an understanding of the people and the prospects for the future of that troubled land. The Middle East has been a subject of study for many years, and numerous scholars have devoted their lifetimes to the task of separating fact from fiction, truth from falsehood. The magnitude of the problems in the Middle East and the potential threat to world peace make it mandatory for our own self-interest to understand as thoroughly as possible the realities underlying those problems.

This year Public Affairs Press published a book entitled "Palestine: A Search for Truth." Edited by Alan R. Taylor and Richard N. Tetlie, both of whom have a great knowledge of and concern for the Middle East, the book includes articles and addresses by men of diversified backgrounds, but each having an acquired expertise and experience with various aspects of the Middle East. The contributors include the editors, Richard Tetlie and Alan Taylor, Hans Kohn, Martin Buber, Judah L. Magnes, Morris R. Cohen, Erskine B. Childers, Michael Selzer, Anthony Nutting, George F. Hourani, Maxime Rodinson, Lawrence H. deBivort, Albert Hourani, John S. Badeau, E. C. Hodgkin, Elmer Berger, Harry N. Howard, W. T. Mallison, Jr., Edmund R. Hanauer, John Ruedy, and Arnold Toynbee. All of these individuals, it will be noted, have exceptional credentials and reputations in their respective fields, and combined in this book bring the many facets of the Middle East conflict into perspective. I commend this book to Senators and to anyone interested in the Middle East, its history, and its potential consequences for us all, in the hope for greater understanding and an eventual resolution of the problem.

WISCONSIN PRODUCT FEEDS THE WORLD'S POOR

Mr. PROXMIRE. Mr. President, more than miles separate the bustling metropolis of Milwaukee and the remote villages of the Indian subcontinent. They are worlds apart in affluence and customs as well. Yet a product of the Krause Milling Co., of Milwaukee, is at this moment feeding millions of Indian children.

The name of the product is CSM. It is a blend of cornmeal, soy flour, and nonfat dry milk. It has a high nutritional value, a very low cost, and a high degree of acceptability around the world—even in areas where the people have traditionally lived on rice or wheat.

Now CSM is being considered for use in our Nation's domestic commodity distribution program. Pilot tests in this country have shown that it is cheap and good. In fact it is so good and so nutritious that in the pilot test counties there were many complaints when the pilot program ended and people found that they could not buy CSM in their local stores.

I think that this product is a real breakthrough in our attempt to find an acceptable food for the hungry populations of the world. I believe that Senators will agree with me when they read a well written article on CSM that was published in the Milwaukee Journal. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELP FOR THE HUNGRY

(By Jean Otto)

In a remote village in India, a small boy sat on his haunches, cavernous eyes looking up from the food in his fingers.

In Peru, people whose homes and livelihoods were destroyed by an earthquake lined up on a hillside for a daily ration.

In war torn Biafra, starving children listened for planes bringing in loads of food.

In all of these cases, the food was CSM—a mixture of three ingredients grown in the heart of America and then shipped to the world's malnourished. Cornmeal, soy flour and nonfat dried milk. Help for the hungry.

CSM is not necessarily food for poor people alone, although only the poor are getting it now. Its story is the story of government and private industry cooperating in an effort to end hunger and starvation throughout the world.

One of the leading industries making CSM is Krause Milling Co. of Milwaukee, which participated in early tests abroad and helped develop the low cost, high nutrition food. CSM is purchased by the government under Public Law 480 and sent to ports in about 120 countries around the world.

One of the ships that carried a load of CSM from Milwaukee recently was the Jaladhan, owned by the Scindia Steam Navigation Co., Ltd., of Bombay. Tied up at the Terminal 3 in Milwaukee Harbor, the ship, 9,000 tons deadweight, traveling at 17 knots, was scheduled to reach Bombay 18 days later.

For two days, dock workers and ship's crew moved bags stamped "Bulgar" (wheat) for Bombay and CSM for Madras and Calcutta from the dock to the gaping interior of the ship.

Each of the bags was stamped in red: "Donated by the People of the United States of America." Headed for Madras were 1,252 tons of CSM. Going to Calcutta were another 325½ tons. In 1969, 7% of all the packaged freight leaving Milwaukee Harbor was CSM, said Charles Krause, president of Krause Milling.

In India alone, according to Krause, CSM gets to 175,000 schools and 12 million children every day. Last winter, Krause saw his company's product at the far end of the line.

"In India," he said, "it's amazing to see it move from ship to rail car, to trucks, warehouses, and onto bullock carts. From there, the 50 pound sacks are carried on people's heads to the schools." One headmaster, he said, stores a month's supply in his bedroom to prevent theft, carrying it to school as needed.

HELPS PREVENT ILLNESS

What is valuable about CSM is what it is doing to feed the hungry, to halt nutrition based illnesses such as dreaded and usually fatal kwashiorkor. Since 1966, over 1¼ billion pounds of CSM have been sent to feed the hungry in Africa, Asia and South America. As products go, CSM is almost brand new, its manufacture going back only four years.

But, since 1907, Krause Milling has supplied the food industry—with brewers grits, grits for breakfast foods (Krause is one of the largest of the country's corn millers) and corn flour. The firm also makes an industrial corebinder, used to hold forms together when pouring molten metal, sells crude corn oil and is in the corn hominy feed business. In plants in Milwaukee and St. Joseph, Mo., and in Dodge City, Kans. (where they process sorghum grain only), Krause employs about 325 people.

In 1963, the government, searching for a low cost, high nutrition food that would be acceptable to the hungry of the world, undertook an acceptability study on precooked cornmeal. Ten thousand pounds were donated by industry for testing in food aid programs conducted by voluntary agencies in 16 countries.

In the past, efforts to provide such a food failed because the products, however nutritious, simply didn't appeal to the tastes of the people. The flavor, the texture, adaptability or some other factor went against their eating habits. And no food, however nutrition packed it is, accomplishes anything on a shelf. But processed cornmeal was received enthusiastically, even in countries where rice was the diet staple.

After an additional test with 90,000 pounds in 25 countries in 1965, the government presented the food industry with guidelines for a cereal product. Industry spent $1½ million on research equipment and technology before any sale of CSM was made.

STILL EXPERIMENTING

Krause's first formula called for 70% cornmeal, 15% dried milk and 15% soy flour. It has been changed along the way, so that now there is 64% processed cornmeal; 24% defatted soy flour; 5% nonfat dried milk; 5% refined soy oil and 2% mineral-vitamin premix.

What does this combination do? One-half cup provides an adult with these minimum daily requirements: vitamin A, 31%; vitamin D, 32%; vitamin C, 86%; niacin, 64%; riboflavin, 32%; thiamin, 43%; calcium, 43%; phosphorus, 32%; iodine, 32%, and iron, 120%. All at a cost of less than 8 cents a pound.

SATISFYING WORK

"It's nice to be in business and do something good," said Krause in the company's office at 611 E. Wisconsin Ave. "We hear stories," he said, "of people being able to see at night for the first time. The vitamin A cured their night blindness.

"There are many miracle stories. One Department of Agriculture man in the Bajar famine said it was easy to see which children were eating it."

In some instances, he said, the symptoms of kwashiorkor—bloated bellies and reddish hair—disappeared if the disease was not too far advanced.

EVEN IN RICE COUNTRY

Krause noted that corn is a very popular flavor in South America and Africa, less so in Asia where rice is the staple, "but there is still wide acceptance in Asia. There are significant CSM programs in India, Vietnam, Indonesia, the Philippines and Korea.

"I'm most impressed with the people in volunteer agencies in those countries," Krause said. "They know what they're doing, are businesslike and efficient." CARE, Catholic Relief Service, Church World Service "would be very proud of their people. Each pound (of CSM) is accounted for. The same is true of AID (Agency for International Development)."

In India, Krause said, CSM distribution is limited by Indian states' ability to pay costs of shipping from the port to their own villages.

"I figure we're reaching only 10% of the children who should be getting it," Krause said. "You can see the difference in school attendance where it is served."

Traveling 350 miles by Jeep in northern India, Krause saw Indian children prepare their own lunches, mixing CSM with local spices, including curry, to make tiny balls called peccorah which were then fried in soybean oil. Some schools, he said, have a cook who works one hour a day for 24 days a month for a total salary of $1.

According to Krause, CSM is the mainstay of relief projects in Nigeria and Biafra and the child nutrition program administered by CARE in India. But it is equally acceptable as a food in South and Central America, where the product is easily made into tortillas.

TESTED IN U.S., TOO

Such adaptability is only a start. Krause Milling conducted a four month experiment in four southern counties in three states last winter. About 20,000 persons in Chambers County, Ala.; Vance and Cumberland Counties, N.C., Lake County, Fla., were each given one pound of CSM a month.

Working with local extension services, people in all but Vance County also took part in a nutrition education program. Used as a control, Vance County simply gave its people a recipe book and the CSM.

In reviewing questionnaires after the test, Krause found that even without further instruction people had used the product. The point of the experiment was to find out whether, without education to its use, the product would be used by welfare recipients. It was.

In fact, E. W. Williams, assistant to the chairman of the board of Krause Milling, said there were many very irate people when the test ended and people could no longer get CSM.

NOT ON MARKET

During the four months they had the food, people learned to use it as filler for meat loaf, to mix it in salisbury steak, to add it to soups and chicken pot pies, to mix it with flour for biscuits, hot breads and coffee cakes, for pancakes, as a hot breakfast cereal, in a chocolate cream dessert and in oatmeal raisin and peanut butter cookies.

They also sprinkled it over salads and thickened gravies with it. People were invited to experiment with recipes of their own and report the results.

CSM is not marketed in the US.

Krause appeared at hearings of the Senate Committee on Agriculture and Forestry on May 23, 1969, pointing out how experiences overseas could be used to immediately improve the nutrition of people here at home. He called—SM a fast and economical way to provide better nutrition to the 12 million Americans who need free food and the 14 million who need partial food assistance.

Krause said that present long range goals of ending hunger and malnutrition and accompanying physical and mental retardation of children could be accomplished in months, at cost levels now being considered for doing only part of the job. He also told the senators that "we believe it can be made available in appropriate packaging for domestic distribution at less than 10 cents a pound.

COULD BE DISTRIBUTED

As soon as survey results are completed, Krause said, he and Williams will talk to representatives of the Food and Nutrition Service of the Department of Agriculture about having CSM added to the list of 22 food commodities distributed by the department. Such foods as canned meats, fruits, fresh vegetables are now on the list. CSM

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would be the first convenience food to be so distributed.

About a year ago, when a local television station showed pictures of a ship being loaded with "a high protein food" for shipment to the world's hungry people and mentioned Krause Milling's name, the company was swamped with calls and letters, Williams said.

Welfare recipients wanted to know why it was shipped to hungry people overseas, but was not available in this country. Extension home economists asked about its availability and were so impressed with the samples they received that they introduced it in their instruction program for welfare recipients, even though it can't yet be obtained here.

POOR, AGED CALLED

Low income people who are having trouble stretching their food budgets called and wrote. One mother asked tearfully about "the feasibility of supplementing canned meat dog food with CSM to obtain adequate nutrition for her husband and children," Williams said. The elderly, on small pensions or Social Security, couldn't understand why a product made here and needed here was only available elsewhere.

There were calls also, Williams said, from people who have no income problems, but are concerned with family nutrition.

Williams said that Krause Milling is not geared to marketing its product here, that it has no retail sales outlet. Acceptability of the product in this country was one of the things the company wanted to find out in its Southern test, before proceeding with any plans to market CMS in this country.

The interest is there, Williams said, and "we know this will do the job—and right now. It's a new food concept. You can't treat it like cornmeal or anything else on the market. It doesn't behave that way."

TRIED IN SCHOOLS

CMS was used experimentally last semester in six elementary and secondary school lunchrooms, according to Miss Mary Kelly, a supervising dietitian for the School Food Services Division of the Milwaukee Public School System.

They started with one school, Miss Kelly said, using basic recipes in the booklet, compiled by home economist Mary Ellen Oetzel. They adapted the recipes to quantity cookery. Then they began to substitute CMS in recipes calling for cornmeal. As recipes were worked out, five other schools were brought in, each testing as they went along and eventually comparing recipes.

Thomas J. Farley, director of the Food Service Division of the Milwaukee schools, said that testing is a steady ongoing thing, that until now CMS was meant for use in home cooking and that adapting it to such huge quantities is a problem in production. "What we want to come up with is a nutritious delicious cookie, much better than hollow carbohydrates."

The acid test for any food, he said, is the way it is accepted by the clientele, in this case, the students. So far, he said, approval has been fairly good, but they are still working on it.

Krause said that the company is extremely optimistic after the southern tests. "All reports indicate the product is gaining growing acceptance as people find out what it does," Krause said. "They like it."

THE FUEL SITUATION THIS WINTER

Mr. HANSEN. Mr. President, there has been a great wave of speculation in recent weeks as to just how serious the U.S. energy crisis is and whether some of the powerplants in the Northeast will be able to obtain sufficient fuel to keep operating during the winter.

President Nixon last month appointed a high-level committee to make an immediate study of the fuel situation and recommend whatever measures it believed to be necessary to prevent any real shortages during the coming winter and, also, to make some long-range projections, for the next 5 years.

This committee, headed by Dr. Paul McCracken, Chairman of the Council of Economic Advisers, today reported on its findings.

In the meantime, I am advised that the petroleum industry has been making plans of its own to see that no one suffers this winter and that all home heating, industrial, and utility needs will be taken care of.

The National Petroleum Council just recently released its own short-term fuel oil outlook and its recommendations at the request of Assistant Secretary of Interior Hollis Dole.

The letter of request indicated that the Department of Interior had been closely monitoring the U.S. energy market for fuel oils since the interruptions in world oil flows beginning in May 1970, and that there had been no clear indication that supplies of residual and other fuel oils, from either domestic refineries or abroad, could meet rising market requirements foreseen. In this light, the Department requested of the National Petroleum Council an appraisal of the prospects for demand and supply of distillate and residual fuel oil for the fall and winter of 1970–71, as well as its views as to general alternatives available to the Government and possible actions which might be taken individually by various segments of the industry to alleviate the situation.

The National Petroleum Council Committee on Fuels was established under the chairmanship of Mr. Warren B. Davis, director, economics, Gulf Oil Corp., and the cochairmanship of the Honorable Hollis M. Dole. The 22 members of the Committee were selected on the basis of their training, experience, and general qualifications to deal with the matters assigned, which included petroleum industry economics, supply and distribution, production, refining, transportation, and marketing.

The time permitted to organize this committee and to prepare this report—20 days—restricted the committee to an analysis of essentially published data available at the time the request was received and severely limited the degree to which data could be thoroughly checked and evaluated. It was impracticable to attempt in depth industrywide surveys to acquire more recent or detailed statistical data or information. Time was sufficient, however, to permit the development of a consensus as to the validity of judgments based on historical data.

The McCracken Committee working with other Government agencies and the oil policy committee headed by Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, undoubtedly used the National Petroleum Council report to good advantage and I am confident that the petroleum and coal industries whose members worked so assiduously on the investigation are fully capable of meeting the energy shortages brought on by events of the past several months in the Middle East and other factors.

It is, indeed, comforting, Mr. President, that we have a petroleum industry that is capable of handling an emergency like the one that has developed largely because of Federal policies—wellhead pricing of natural gas and overdependence on foreign residual oil that is now in tight supply.

I am also confident, Mr. President, that industries as competitive as the petroleum and coal industries will meet the basic energy needs of the Nation and meet them without any unnecessary price increases.

The petroleum industry is, in fact, the only industry capable of providing the energy to make America run. Industry spokesmen will, I am sure, now dispel any doubts about the ability of the industry to provide this energy where and when it is needed and, as it has in the past, provide it as reasonable prices.

I have no doubts that the fuel needs of New England and other parts of the country will be met this winter.

I do hope, though, that the near energy crisis the petroleum industry must now cure will convince some of the detractors of the oil and gas industry that the most dependable source of energy is the energy we control and have ready access to in this hemisphere, and not that produced, no matter how cheaply, in countries whose governments may turn hostile overnight and whose terrorist tactics may next be directed to American oil companies who have developed and still produce most of the foreign oil we import.

Mr. President, it is time for statesmanship on the part of Federal and oil company officials as well as those who have made a political issue out of an impending fuel shortage.

It can and will be handled and I hope some lessons about the future and long-term energy needs of our country will be learned in the process.

Mr. President, I ask unanimous consent that the report on the fuel situation released jointly today by Dr. Paul W. McCracken, Chairman of the Council of Economic Advisers, and Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PAUL W. MCCRACKEN, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, AND GENERAL GEORGE A. LINCOLN, DIRECTOR, OFFICE OF EMERGENCY PREPAREDNESS ON THE FUEL SITUATION FOR THE WINTER OF 1970–71

Last May, in anticipation of the tight electric power supply in some regions of the United States this summer, the Interagency Power and Energy Committee convened by the Office of Emergency Preparedness issued a report which identified the problem areas and suggested measures which the electric utility industry, consumers, and the appropriate agencies of the state and federal government should take to avoid a breakdown in service. The power supply problems in the

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East occurred as anticipated but the contingency planning—primarily by the electric power industry itself, but assisted by federal actions—enabled the general public to continue to be served. We have had difficulties this summer, and as recently as last week, but considering the magnitude of the problem and the potential for truly disastrous consequences, the contingency planning has worked well.

We have continued to study the energy supply situation and find that as winter approaches the nation faces a potential shortage in the supplies of natural gas, residual fuel oil and bituminous coal. The potential shortage appears to be more serious in some regions of the country than in others, but no section is completely immune from concern.

The prospect of an energy shortage arises for many reasons. Demand for energy continues to grow more rapidly than in previous years. And the demand for clean fuels to meet air pollution controls has placed extraordinary demands on natural gas and low sulfur oil and coal. Some coal stockpiles are lower than normal and some electric utilities are unable to build up their inventories, in part because of railroad transport deficiencies. A sharp rise in the worldwide demand for residual fuel oil, especially low sulfur oil, and a shortage of oil tankers caused in part by production cutbacks in Libya and interruptions of an oil pipeline in Syria, have contributed to the tightness in U.S. fuel oil supply. Increased demand and inadequate exploration and development for natural gas are contributing to its scarcity. Nuclear power plants under construction as a source of electric power are behind schedule and this results in greater demands for fossil fuels.

To avert the threatened shortages and minimize their impact will require the combined efforts of all those involved in the production, distribution and consumption of fuels—which means industry, labor, consumers, and State and local governments, as well as the Federal Government. Basically, we rely upon the proven adaptability of the American economic system which must respond to the present and prospective demands for fuel by converting to the production of what is most needed and its delivery where it is most needed. The increased national requirements, and the changes in the price structure that arise from them, provide a powerful incentive to this adjustment of supply, which is in fact already taking place. We call upon the petroleum industry, the coal industry, the railroad industry and others, in the light of the national need, to increase the supply of fuels, as is made feasible by economic factors. We also ask the cooperation of the coal miners, the railroad workers and other fuel and transportation workers to help avert a fuel shortage.

While primary responsibility for fuel supply rests with the industry under our private enterprise system, responsible government should take effective action to avert a shortage of so critical a resource.

It must be recognized that solutions in which the government can play the greatest role are more long-term in nature. Those possibilities are under study by the Energy Subcommittee of the Domestic Council. For the moment we have considered what government can effectively do now—this fall—to facilitate supply.

We have concluded that certain actions by the Federal Government can help both to assure the adequacy of supplies and thereby to moderate the increase of prices. We are, therefore taking the following actions which we believe are necessary to give reasonable assurance of the adequacy of fuel supplies this winter. In view of numerous uncertainties, no one can now be sure that these steps will be adequate. We will keep the situation under continuous observation to be prepared with further measures if they appear to be necessary.

(1) Action is being taken to:

a. Continue the importation through calendar year 1971 into the East Coast (District I) of an average of 40,000 barrels per day of No. 2 fuel oil with up to 80,000 barrels per day concentrated in the first quarter heating season.

b. Exempt natural gas liquids from the Canadian crude oil quota limitations. (These natural gas liquids are associated with the production of natural gas which we are importing from Canada.)

c. Permit the importation of liquified petroleum gas from the Western Hemisphere.

d. Permit topping of imported crude oil used for fuel into District I (East Coast) if all of the topping is used for fuel.

e. Permit topping of crude oil imported for fuel overland from Canada and the use of such topping product for fuel or for reexport to Canada.

f. Relax restrictions on viscosity requirements of crude oil used for burning.

g. Permit transportation of oil from Canada by waterway.

(It should be noted that, for all practical purposes there are currently no restrictions on importation of residual oil into District I (the East Coast) or on importation of crude oil for burning into District I and overland from Canada.)

(2) In order to increase the availability of railroad cars for moving coal, the Interstate Commerce Commission has doubled the demurrage charge for all general service and coal hopper cars standing idle in loading or unloading zones. In adition the ICC will take the following actions as conditions require:

a. Divert the use of general service hopper cars from alternative loads to the movement of coal; and

b. Require the return of all hopper cars within a specified period of time.

(3) We will continue to work closely with the electric power industry through the Federal Power Commission along the lines of our program for the summer to assure that interruptions in electric service are minimized. We urge the State and local governments to meet with the utilities in their respective service areas to review contingency plans for meeting loads this winter in those areas of tight supply identified.

(4) We are continuing to urge the consuming public to practice conservation in the use of energy. The Special Assistant to the President for Consumer Affairs will issue suggestions to the public for doing this. Federal agencies will set an example by instituting programs to conserve fuels in federal installations.

(5) We are establishing a Joint Board composed of the Director of the Office of Emergency Preparedness (Chairman), the Secretaries of Interior and Commerce, and the Chairmen of the Council of Economic Advisers, the Council on Environmental Quality, the Interstate Commerce Commission and the Federal Power Commission, to identify emergency problems in fuel supply and fuel transport and coordinate prompt and appropriate remedial action by the responsible federal agencies.

These steps are in addition to a number of measures already taken, or in the process of being prepared for implementation, to use the transportation and power systems more efficiently and respond to local shortages.

Appropriate federal agencies will be meeting with State and local authorities to discuss this winter's problems in detail. We also expect to maintain close contact with the energy industry in order to assist in averting shortages.

We are taking the actions announced today to avert serious shortages. We believe that with the cooperation and initiative of industry, labor, and consumers an energy crisis can be averted. There are certain other measures we have considered. And, if the measures taken today together with the initiatives of industry fail to avert a crisis, we shall not hesitate to resort to any additional actions necessary.

THE SST AND OUR ENVIRONMENT

Mr. EAGLETON. Mr. President, on Sunday, September 13, 1970, the Senator from Wisconsin (Mr. PROXMIRE) appeared on "ABC's Issues and Answers" with Mr. William Magruder, the Department of Transportation's Director of Supersonic Transport Development.

As I read the transcript of that program, I felt that the program dealt with several of the issues involved in the SST program in a way which would be informative to the Senate.

Much of the discussion during the program involved the possible environmental effects of the SST. I ask unanimous consent that the transcript of that program be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as folows:

ISSUES AND ANSWERS

Mr. BERGMAN. Gentlemen, will the SST pollute the earth's atmosphere?

Senator PROXMIRE. Well. we don't know that. There is the real possibility that it may. Some of the outstanding scientists in this country are very emphatic in saying that it will. It could pollute the atmosphere by increasing cloudiness, by increasing smog, by increasing the temperature and most dangerous of all some scientists say it could increase the ultra violet radiation on the planet. It could damage plant and animal and even human life. And of course there is also the noise pollution problem which is serious too.

Mr. MAGRUDER. Well, in answer to that, I would say I don't know who these "some scientists" are, Mr. Bergman. But I have gathered some of the Free World's top scientists in this area to advise the Department of Transportation on these subjects. I have submitted all of these possibilities of pollution to these scientists and to a man they advised the Department of Transportation there is no reason to not proceed, and there is no reason to delay the SST program because of these concerns.

The available data to date indicates no danger of significant pollution of the environment from a fleet of SST's operating in the late 1970's and 1980's. Now there are some needs for more data and we always need that in the scientific community so I have gathered these scientists together in a very significant research program which will cost some $51 million, so that before we go into production—and the government is only talking about investment in two prototypes at this time—and before we go into production we will have the kind of answers that will assure the public of no degradation in the environment. And as a matter of fact at this point in time I know of no scientists anywhere in the Free World who will say there is fear of a serious degradation of the environment from a fleet of SST's.

Senator PROXMIRE. Of course, what Mr. Magruder is saying is that we ought to go ahead and spend $290 million on a gamble because the scientists don't know. The fact is that some of the most eminent scientists in the world met at Williams College only about a month ago and they expressed their very deep concern that our environment could be polluted. If it is polluted, Mr. Magruder and the people in the Transportation Department say we will scrap the whole thing. Well, that is not much comfort for the taxpayer who will be required to spend $290 million on that this year and that $290 million, incidentally, is about the same amount that we spend this year for the whole country on vocational education.

Mr. Magruder. Let me interrupt for just a moment. You mentioned the MIT conference in Williamstown at Williams College. That has been a very widely misunderstood conference, so much so that the Chairman of that Council wrote me a letter expressing his concern and even anger at the way that college result is.

"That very eminent group of scientists issued a statement clearly saying to me, the Chairman, they had no idea in mind that anybody should or that they would recommend slowing down or cancelling the SST program because of concerns of the environment. We are all concerned. There are many things about the environment that we don't know and should do better. The SST is the outstanding example of an 18-year program from its very inception that has taken the environment into account, starting in 1960."

Senator Proxmire. Let me just ask you, Bill. Why are you spending $51 million this year? $51 million is a lot of money for the taxpayer to have to pay. If there weren't some concern on your part about the environment, I am sure you would not ask to spend that amount of money. $51 million is a lot.

Furthermore, even if everything works out and if we find this will not pollute the environment, $290 million this year, $1.3 billion, which is the Transportation Department's estimate, and I think it could go to two or three billion dollars, as you said at the beginning of the program is something which is a frill, something which after all will simply permit people to fly from New York to Paris a little bit faster, or fly over to Tokyo a little bit faster. It seems to me our priorities are badly misplaced when you recognize—let me make just one more point. This year we are going to spend $105 million to combat air pollution, and $290 million on the SST to increase it. Now, does that make any sense?

Mr. Magruder. Yes, I would like to answer that. It makes a lot of sense. I did not have the privilege of voting for our illustrious Senator here today because he comes from a different state than I do. But when I vote, I vote for elected officials that look ahead and I don't know what the people were doing in the 1960's that gave us these problems today that are so serious, and we are concerned about them.

Senator Proxmire. We should have looked ahead.

Mr. Magruder. You should have looked ahead. I am glad you said that because I agree with that. The SST is an 18-year look ahead. It has nothing to do with the priorities of the '70's. The SST is going to give this country not less than $22 billion in balance of trade which is going to help us have a healthy economy.

Senator Proxmire. The Treasury Department and the Joint Economic Committee both argue that from the standpoint of our balance of payments, this is likely to come out negative. They said that before the President made a decision, then they were free to make their own determination independently. Once the President made his decision, they got back on the team and said "Well, whatever the President said, we will go along with and we will modify our position."

Mr. Magruder. In other words, as long as they say something bad, you agree with them, and as long as they say something good, you don't agree with them.

Senator Proxmire. Well, I am certainly going to evaluate what they say in terms of whether they say it when they are free to make a recommendation to the President, but after the President has decided—by our President of the United States, my Secretary of the Treasury would have to agree with me or get out and I think the Secretary of the Treasury recognizes this.

Mr. Magruder. I don't think there is any evidence that the Nixon Administration has put a clamp on anybody and certainly the things that have happened in his cabinet to date indicate that that is a free administration. They speak out. Last year they put in your hands an ad hoc report which was quite critical but some things have changed.

Senator Proxmire. It was indeed. The President's decision was a big change.

Mr. Magruder. The President's decision—let's go back on that. Since J.F.K., John Kennedy authorized this program in 1963, there has been 24 appropriations committees and special congressional committees that were not beholden to anybody all approved this program over a period of seven years.

Senator Proxmire. Let me point out that what J.F.K. said, what President Kennedy said was we will not under any circumstances spend more than $750 million on the SST.

Mr. Magruder. But that is not all he said.

Senator Proxmire. Robert Kennedy, who carried on, of course, for the President so well before he was assassinated, one of the last acts before he was killed was to join me on the floor of the Senate to fight the SST because he said our priorities are wrong. We are spending our money on flying overseas and speeding up the time a little bit when there are so many things to do here on earth and pollute the environment at the same time.

Mr. Magruder. Senator Proxmire, you just said you did not look far enough ahead in the 1960's to U.S. problems in the seventies. The Commerce Department, the Treasury Department, the Council of Economic Advisors, everybody in the government. Have you ever been able to get the government to be completely unified on any one subject as they are on the SST and they are looking ahead to the priorities of the eighties. This is the single biggest revenue, national revenue-earner that the Commerce Department can identify in the eighties.

Senator Proxmire. The answer to that is because the President spoke out, they are on the President's team. The independent scientists do not agree with this at all.

Mr. Magruder. The independent scientists do agree with this. I beg your pardon.

Senator Proxmire. The position taken by the scientists up at Williams College, the 80 scientists there——

Mr. Magruder. The panel said clearly environmental hazards are not significant enough to delay or to halt the SST, but let me finish. Let's talk about the priorities of the eighties.

Senator Proxmire. All that study on research but certainly not going ahead with the prototypes.

Mr. Magruder. In the 1980's this program will give $6.5 billion in national revenues to taxes, the constitutional way to get them. It will pay back everything the government has invested, plus $1 billion in profits—let me finish. It will provide 150,000 jobs. I might add in your state alone almost $500 million worth of business potential on the production potential of the SST, which should be a very happy thing for Wisconsin.

Senator Proxmire. There are so many ways we could spend this kind of money and get far more jobs and a far better return. Housing is one. Housing is in desperate straits. Any time you spend $1,300 million you are, of course, going to create jobs. But let's find out——

Mr. Maccruder. But housing absorbs revenues and the SST generates revenues in the eighties.

Senator Proxmire. Housing is going to generate revenues and generate jobs. We have ten or eleven per cent unemployment in the construction trades now and we need those jobs badly and the President has vetoed a housing bill, but goes ahead with a supersonic transport. It just does not make sense.

Mr. Bergman. Gentlemen, let's continue this debate in just a moment. We will be back with more Issues.

* * * * *

Mr. Bergman. Gentlemen, you have been debating the merits of the SST program. I wonder from the standpoint of the average citizen, I have heard a lot of comments saying why does the government have to get involved with this? Why not let the airlines develop their own airplane? Mr. Magruder.

Mr. Magruder. Yes, the SST program is an investment on the part of the government. All of the airlines have written me letters not saying they want it but that they need it and the reason they need it is they need productivity about every five to six years to keep their costs down, their revenues up and give the flying public a break on fares.

It is not widely known, but in 27 years the airlines have provided the traveling public, which is over 25 million passengers today, and as a matter of fact it is going to be 50 per cent of our public in the 1980s of whom some ten per cent will be traveling internationally on SST routes. They are traveling today five per cent cheaper than they traveled some 27 years ago primarily because this marvelous industry, the aviation industry and the airlines, have always demanded this more productive, this more efficient means of travel about every five to six years.

Senator Proxmire. But why is government money needed?

Mr. Magruder. The reason the government must add some money in here, the SST is faced with a challenge from abroad. The SSTs are not coming; they are already here. Three other nations have invested $4 billion in the SST. This morning I spoke with the chief test pilot of the British Concorde. They will be flying at 1400 miles an hour within the next two weeks. They have already demonstrated 1100 miles an hour. Some 13 nations have anted up money in this country—excuse me—13 airlines, for 122 orders. Those orders have risk money but no single company or consortium of companies can tangle with the economics of financing a supersonic transport. Indeed, in Europe it took France and Britain to do it. If we default on the SST, we will be defaulting on the fleet leader and for the first time in 40 years this country will not be offering a complete family of airplanes to the commercial operators of the world. We are being challenged on a $100 billion business and, make no mistake, if we default—and I have 15 years' experience in this business—if we default on the fleet leader all those other airlines of the Free World will look to other places to buy their equipment. This is many jobs, not just a few jobs, and it is in every state in the United States. There is a lot of money at stake.

Senator Proxmire. May I answer that?

To listen to Mr. Magruder, you would think what happened in the last 20 years has been based on government subsidies of commercial aircraft production. The fact is that the reason we are a leader is because the government has not put its bureaucratic hand into subsidizing aircraft production. This would be the first time in which we would depart from that very, very sound principle. As a matter of fact, in the '50's, Senator Monroney got a bill through the Senate that would have had the government subsidizing subsonic jets. Fortunately the House had the wisdom to reject that. The result is that we are dominating world aviation. It is operated on a private enterprise basis and it should continue.

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Furthermore, as far as the airlines being willing to do this, for one thing, they are not putting up most of the risk money. The risk money is being put up by Uncle Sugar—might be called Uncle Sap in this case—Uncle Sam is putting up most of it.

Mr. Magruder. What is the percentage?

Senator Proxmire. The percentage is that 75 percent to 90 percent of the development costs are being put up by the federal government. Furthermore, the million dollar down payment that the airlines are putting up per plane amounts to only two and a half percent, which is only half of what they are usually required to put up. When the airlines were asked by Senator Case at a hearing only a week or two ago whether they couldn't put up more money, they said "Senator, I wish you would not ask that question," because they don't want to put up more money and they wouldn't. This is an indication of the money they have put up they have put up under pressure from the FAA which grants of course all of the airline routes. It has been put under the circumstances of the federal government risking most of the money and in the situation where we only sell 140 SST's instead of the 500 which they hope to sell, Uncle Sam would lose almost all of his investment and the airlines would make money out of it. In that kind of proposition of course you can get the airlines to put up some.

Mr. Petersen. Mr. Magruder, isn't one of your contentions that the government has already paid for the 707s and subsonic airplanes, through other military developments?

Mr. Magruder. Yes, I am not surprised that the Senator, who has not been in aviation, is ignorant of how the 707 and the jets and the previous commercial airplanes got started, but literally the entire commercial jet fleet was an off-the-shelf development from the B–52 program, identical engines, the same 75 ST aluminum, all of the components, all of the aerodynamics came right out of the military program.

In the case of the SST here and abroad that is no longer true, and I know quite a bit about the military airplanes in existence today.

As Dr. Ray Bisplinghoff has said, at the unit of Engineering at MIT, the SST represents the focal point in aviation for the future and our Secretary of Defense, Melvin Laird, recently wrote a letter to the President saying it is essential for the SST to go ahead; that the fallout into the military as well as the national benefits from trade balance, from jobs, from the revenue from taxes, is such that it is essential to go ahead with this program.

I want to make one other point. This is not a subsidy. The Senator used that word rather loosely. Every penny of the investment of the government in the development is going to go back to the Treasury and by the time we sell 500 airplanes, that is a very conservative market estimate. Some estimates are as high as 800 to 1,000 airplanes and the British and French estimate they can sell, without a U.S. SST, over 1200 Concordes. Then the profit to the government directly is not less than a billion dollars, not including the $6.5 billion from taxes, 150,000 direct and indirect jobs and not less than $22 billion in trade balance. This is truly a national effort program which is in the free enterprise system.

Senator Proxmire. Now, let me answer why this is not in the free enterprise system, with the government putting its money in.

For one thing, the argument that we would put in, that the Federal Government would put in this development—let me take the first point first, which Mr. Magruder has made.

When he said that you couldn't get fallout from the military experimentation and military expenditures that would benefit the SST, he ignores the fact that the House passed this year $100 million for a supersonic bomber. The Senate put in $50 million for it. We are developing a supersonic bomber. A great deal of the information from that would, of course, be usable in the SST.

Mr. Magruder. Can I prompt you that it is an aluminum airplane that flies at lower speeds than the SST?

Senator Proxmire. Sure it is an aluminum airplane, just as the Concorde is an aluminum airplane, but it may well be that they will find further as they have found already with the SST, as the generations progress, which has happened with the SST, they will move into a perhaps different kind of—let me just finish on your argument that you said this is not a subsidy. Let me get back to that.

Some of the economic analyses I have seen is that we will not sell 500 planes; we will sell less. If we sell less, the government will lose money and a lot of it. If we sell 500 planes and it works out perfectly, what does the government get back? You know what the government gets back? They get back their investment with a 4.3 per cent interest, although the government has to pay 7 and 8 per cent for their money now. In other words, the government cannot come out whole on this. No matter what happens, it is going to lose. The contract is a contract which will benefit the airlines. They can make substantial sums, 15 per cent or 20 per cent return, but Uncle Sam cannot get that back.

Mr. Magruder. I notice the Senator is noted as a fairly liberal thinker. I don't think that he would want the United States Government to go into competition on an even-Steven basis with private enterprise.

Senator Proxmire. I don't want them to get into this at all.

Mr. Magruder. If you take the payback of a billion dollars in profit and the $6.5 billion in revenue from taxes which is the constitutional way the government gets its revenue, then you will find a very healthy 17 per cent return on investment; not to mention the technical fallout; not to mention the $22 billion in trade balance, and these are the things that are going to under-gird our economy in the eighties so we can take on whatever the priorities of the eighties are.

I hope they are not housing, education, welfare, transportation and pollution.

By the way, speaking of pollution, I would like to say again we have complied with the Act on the environment last week, paragraph 102, which was submitted to Chairman—

Mr. Bergman. Mr. Magruder, I think we are getting into a new area and let's make sure we have enough time to cover it.

We will be back in a moment, Senator, with a few more issues and answers.

* * * * *

Mr. Bergman. Mr. Magruder, will the SST meet the government's new environmental quality standards?

Mr. Magruder. Yes, it will, Jules. We have recently complied with the Environmental Act by issuing the response to paragraph 102 (c), and I might add that Secretary Volpe has committed me in my job description and has said so publicly, if there is any reason why environmentally, technically, economic or financial resources reasons not to go ahead with the SST—and the facts show that—then we will so advise the Congress and the President. At this moment all of the facts, backed up by labor, 15 million members of labor, backed up by all of the airlines, including foreign airlines, backed up by the entire business community, the National Chamber of Commerce have said for example that the national benefits of the SST looking ahead to the '80's are so overwhelming that we should proceed with this program. Let me assure you we are only talking about two prototypes to prove the feasibility, to assure the public that there will be no environmental degradation. That is why I have done the research program and that is all clearly outlined in our response to the Environmental Act.

Senator Proxmire. The trouble is once you get big labor involved, big business involved, profits involved, jobs involved, you get an interest group which has great force. I found this again and again in 13 years in the Senate. The fact is the polls I have seen conducted by a number of Members of Congress, including myself, the polls conducted by public educational television, show that 90 percent of the American people are opposed to the SST. Yet it gets through. The reason it gets through is because these interest groups are organized and they operate and they operate very effectively.

Now let me get back to one other point that was made by Mr. Magruder, in which he said that the federal government is going to get its money back, that it is practically assured. If this is so sure, why in the world don't the airlines and the aircraft manufacturers handle it? The fact is in the production phase far more money is going to be required. This is only $1.3 biliion so far with some additional money, a little additional money from the aircraft manufacturers and the airlines. When you get into production it is billions and billions of dollars. They assure us at this stage you wouldn't need federal money.

Mr. Magruder. Would you like me to answer that question?

Senator Proxmire. Yes, I sure would.

Mr. Magruder. I have conducted reviews with all of the key people in Wall Street and will be leaving in a week to go to the West Coast to talk to the Bank of America people. We already have the two essentials in the free enterprise system for public sector of financing to step up. We have a willing buyer. They have $81 million and the airlines are on this program and $59 million is risk money. We have a proven product because Secretary Volpe has said this is just a prototype program. We are not talking about going into production. Normally in the U.S. system that would be enough to bring all of the financing to the table that you need. However, at the moment we have a depressed economy in the manufacturing and in the airlines. We must turn that around. So I have met with the labor leaders. I have met with the regulating authorities, I have met with the airlines, the air transport people as well as the manufacturing people. We must do the things to make this country have a healthy air transport industry or we will have a much more serious problem in the '80's than you can foresee now and it is much more serious than just the financing. If we can have a healthy, profit-making air transport manufacturing business by the middle '70's, I have the assurance of most of the financial system with a willing buyer, a proven article and a healthy industry we should have no trouble getting people to step up to the price stand.

Senator Proxmire. I say we have had a healthy aircraft industry, an aircraft manufacturing, airline industry; the healthiest in the world. It is far better than these foreign countries where they subsidize their airlines or do virtually all of the work. I say this is a proven system. It works and this is the system we should rely on. To the extent that the marketplace decides that the SST is not commercially viable, the marketplace will say so. We wouldn't build it. To the extent it is, we will go ahead with it. That is the way America succeeded in the past in the airlines industry and the aircraft industry and this is the way we should continue.

Mr. Petersen. Is the Senate going to approve the $290 million appropriation to continue with SST development?

Senator Proxmire. Roger, this is a very tough one. We have lost and lost by big margins before but we have had a very interesting number of shifts. We have had a

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number of conservative Republicans who voted for this who tell me they are going to vote against it and they have said so on the floor. We have had some liberal Democrats who have shifted over. I think the main problem we are up against, in addition to the interest groups which are so forceful and so effective and so well organized, the main problem we are up against is the fact that you have two mighty potent Senators from the State of Washington. You have Senator Magnuson and Senator Jackson. If you want two arguments against the SST, there they are right there in terms of power. I think if we could vote strictly on the merits there is no question in my mind that this has a much lower priority than the law enforcement protection that gets less than $290 million, than vocational education that gets only the same amount, or in air pollution or in any of these other areas.

Mr. Magruder. I would like to say this kind of treatment where we are being advised by our elected officials to look back over our shoulder and not look ahead is probably going to default probably the most important industry, single industry, we have in this country. We have always had government help in the development of our civil transports.

As I pointed out, the jets only got started because of a $2 billion investment in two prototypes on the B–52. We are being challenged from abroad. If we don't have more productive airplanes in the future, we are going to have congestion in the skies.

Mr. Bergman. Gentlemen, we could go on for hours, but we are out of time. Thank you very much, Senator Proxmire and Mr. Magruder, for being with us on Issues and Answers.

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Mr. EAGLETON. Mr. President, on August 27, 1970, Senator Proxmire reviewed the several expressions of concern by administration representatives and informed citizens about the environmental implications of the SST in his statement before the Subcommittee on Transportation of the Senate Appropriations Committee. I ask unanimous consent that this portion of the Senator's statement of August 27 also be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

ENVIRONMENTAL IMPACT—AIR POLLUTION

I turn now to another aspect of potential environmental impact from the SST, that of water vapor and jet contrails in the upper atmosphere. Last year the President's Ad Hoc Committee to Review the SST spoke of possible cloud formation, and even weather modification, from the regular use of 400 SSTs flying 4 flights a day. The Committee warned of "a significant increase in cirrus clouds," and of "a significant increase in the relative humidity from a fleet of SSTs." It also cautioned that these effects could "alter the radiation balance" and possibly affect "the general circulation of atmospheric components."

That was serious enough. It was of concern. But it evidently was not enough to persuade Congress to reconsider development of the SST.

This year, however, the President's top environmental adviser has alerted us to something potentially far worse than the mere formation of a few clouds, or a change in the global weather patterns. Russell Train, Chairman of the newly-formed Council on Environmental Quality, told the Joint Economic Committee earlier this year that the water vapor emitted by the SSTs flying at 60,000 to 70,000 feet "would react so as to destroy some fraction of the ozone in this part of the atmosphere." The effect of destroying the ozone, Chairman Train said, could be "that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased."

Subsequently, the Committee asked Dr. Gordon MacDonald, also a member of the Environmental Quality Council, about the importance of the protective layer of ozone and what would happen if it were destroyed. Dr. MacDonald's reply was chilling:

"Well, let us suppose that through some other means you stripped the ozone from the atmosphere and exposed the surface to the full force of solar ultraviolet. This would effectively wipe out life, except in the oceans, anything that would be exposed."

Subsequent to the Joint Economic Committee hearings, the Department of Transportation sought to assure the public that there was little to worry about. The Department said that "only" seven percent of the ozone might be destroyed by the SST's, and that in any event, the Department would do research in an effort to control the SST's impact. "Only" seven percent! Is the Department asking us to trade 100 percent protection against ultraviolet radiation which could "effectively wipe out life" for only 93 percent protection? Can *any* project—let alone a project which benefits less than half of one percent of the population—justify toying with the environment in this fashion?

It is hardly any wonder that a group of top scientists and government officials of very considerable prestige who met at Williamstown, Massachusetts this summer to consider environmental problems, expressed great concern over the SST project:

"A feeling of genuine concern has emerged from (our) conclusions. The projected SSTs can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences."

Mr. Chairman, how much more do we have to hear? These are responsible individuals who are talking of "altering the radiation balance", of an "effect on a global scale", and who are talking of something which could "effectively wipe out life". Shouldn't these warnings at least put us on notice that we should postpone development until we get some answers to these questions?

Mr. EAGLETON. Mr. President, subsequent to that statement and, indeed, 4 days after the ABC program was aired, the executive committee of the Federation of American Scientists expressed the federation's strong opposition to continue Government expenditures on the SST. On the point of possible upper atmospheric effects, the federation said:

> The dangers of pollution of the upper atmosphere, even if in fact quite serious, could not be researched and resolved in a sufficiently decisive fashion to prevent an economically plausible SST from being produced and used. Now is the time to protect the environment.

Mr. President, at one time I took some momentary comfort from the administration's statement that the environmental effects of the SST would be thoroughly investigated the SST program deferred or abandoned if good cause appeared from those investigations. Upon reflection, though, I saw that the environmental stakes involved in this controversy may be so high that a fail-safe philosophy should be followed—that we should not proceed with deployment of a fleet of SST's until the SST is proved to be environmentally safe.

Now I find that a distinguished body of highly qualified scientists believes that the time to protect the upper environment, and indeed the population of the earth, from the potential environmental hazards of the SST is literally now or never—that there is no fail-safe approach to development of the SST.

Mr. President, I ask unanimous consent to have printed in the Record the September 17, 1970, statement of the Federation of American Scientists in opposition to continued Government funding of the SST prototype program.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Federation Opposes the SST

The Federation of American Scientists believes continued Government expenditures on the supersonic transport (SST) are a distortion of our true priorities. Even if the prototype program were successful; even if the business community could then finance the production phase; even if the SST were then found to be economically profitable; even if the SST eventually returned the Government investment; and even if the SST did no harm to the environment; the Federation would still find the project a serious misallocation of Government resources. SST proponents estimate that 10% of our population will be flying internationally in the latter part of the century. Only a well-to-do fraction of these will use the expensive SST to save only a few hours in most cases, and a half-day in others. Meanwhile, the Government is planning to spend almost three times as much on the development of the SST *alone* as it is planning to spend over the next *12 years* for research and development of new modes of mass transit. Tens of millions of persons want to save as much total commuting time *every week or two* as the SST will save the wealthy on one or a few occasions a year. And mass transit is only one of several important urban problems—some of which we may fail to solve only at peril to domestic tranquility.

Further, the SST prototype program is a poor "business" investment for public monies. Since SST is not a high priority project, the same reasons that the Department of Transportation explained were an "insurmountable hurdle" to attracting private funding should preclude Government financing—the long "dry period" before profits, the "considerable technical risk", and the "amount of profit which would finally accrue". Indeed, while private parties might hope to gain a high return for their high risk, the Government return under this contract, even if all goes well, is conceded by the Department of Transportation to be "only a little over 4%". And, under this contract, if things go badly, private parties may make enormous sums while an unreimbursed Government is taking a loss on its investment.

Neither enhanced employment nor an induced balance of payments advantage is a good reason for Governmental support of this program. The employment loss due to cancellation of the prototype stage will be 20,000—negligible among millions of unemployed. The production phase might employ 50,000 workers several years hence. But even this benefit is of uncertain value, since the highly skilled workers in question would already be fully employed if we had returned to full employment by that time; and in this case, the extra demand for their skills would be inflationary. SST expenditures could be better spent in providing jobs in socially more productive areas, and in providing them to the disadvantaged hard-core unemployed who seek jobs almost all of the time.

The balance of payments advantages of the SST are speculative. We do not believe that policy questions of this kind should be based on balance of payments estimates of periods a decade hence.

The SST is an environmental hazard. No one can doubt that Government rules on noise and on sonic booms will be bent, if necessary, to keep the finished SST aircraft economically viable. Existing testimony already foreshadows a future decision to permit the SST greater "sideline" noise on the grounds that it is less noisy by other measures than present rules permit. And testimony indicates the possibility that the boom might be permitted over "unpopulated" areas in such a way as to admit a growing number of cross-country flights. The dangers of pollution of the upper atmosphere, even if in fact quite serious, could not be researched and resolved in a sufficiently decisive fashion to prevent an economically plausible SST from being produced and used. Now is the time to protect the environment.

The Federation notes that domestic supporters of the SST have used the threat of successful construction of the British Concorde SST in an effort to get Government support, and it is evident that mirror-image pressures have been brought to bear on the British Government by supporters of the Concorde. Our military-industrial complex is now engaging the British in a contest that is as senseless as the arms race and as prone to the same kind of domestic political manipulation. We need not, as last year's Council of Economic Advisers noted, "compete in white elephants". As in the arms race, our failure to go forward with a boondoggle that excites competition might help the other side to get off the hook, relaxing, in turn, the pressures upon ourselves to make a choice that is wrong in any case.

TOURIST TRAVEL FROM ALASKA TO SIBERIA

Mr. STEVENS. Mr. President, this summer a dramatic people-to-people type of approach toward accomplishing a better understanding between the United States and the Soviet Union began on a private basis. An air bridge between our continents has made possible personal contact between our people—going West—on a scale never before attempted.

Alaskans and other Americans are now going to Siberia on special tourist charter flights inaugurated on June 6, 1970, by Alaska Airlines.

Several enlightening articles have been written by the Americans who have experienced these very special excursions. These include: "Back Door to Russia," by Stanton H. Patty, of the Seattle Times; "Hello, Ivan," an editorial published in the Anchorage Daily Times; "Siberian Adventure Offered Surprises From Start," written by Ron and Barbara Richardson, and published in the Anchorage Daily Times; and "Our New Gateway to Russia," published in the Anchorage Daily Times.

I ask unanimous consent that these items be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Seattle Times, June 14, 1970]

Khabarovsk Is Busy Place With Overtones of Danger

(By Stanton H. Patty)

Khabarovsk, Siberia.—This is where Siberia begins, if you are an explorer from the Pacific.

You are in Asia, on the Far Eastern edge of the Soviet Union. This is the land of the Trans-Siberian Railway, the place where the great Amur River passes and journeys on to give Russia a valuable outlet to the Pacific Rim

The place is young and energetic, like a frontier community in Alaska. But many times larger and burgeoning with scores of industrial plants.

It is a focal point of danger, too. Those hazy, blue hills across the river are in Red China.

There have been bloody border clashes between the Russians and Chinese just 35 miles away. Some have been reported; others have not.

A pretty Intourist guide named Irene smiles and says: "Welcome to our town."

From that moment on, you are enveloped in warm hospitality here. Few Americans visit Khabarovsk. Most of the foreign tourists are Japanese, bent on increasing trade with resources-rich Siberia.

An American is a curiosity still. And he is welcome.

Khabarovsk is where the historical first Alaska Airlines flight from Alaska to Siberia ended the other day. But it was a beginning, not an ending.

There were toasts of "enduring friendship" at a banquet the night of the arrival. Vodka and Champagne flowed as the hour grew late.

Ponomova Tubov Ivanovna, the gracious lady submayor of Khabarovsk, greeted the visitors. Charles F. Willis, Jr., Alaska Airlines' board chairman, responded.

"You are pioneers," Mrs. Ivanovna said.

Bert Nordby, an advertising executive from Seattle, strolling in a square, was surrounded by friendly, young Russians wanting to know about America. There were formidable language barriers, but this didn't seem to matter.

Aboard one of the Amur riverboats, a Russian teenager approached Lori Giersdorf, the tall, blond wife of Robert Giersdorf, an Alaska Airlines executive. With an admiring smile, he removed a pin from the lapel of his jacket and pinned it to Mrs. Giersdorf's blouse.

On the pier, other Russians waved to the Americans. Shyly at first, then with enthusiasm.

There was no question about it. Khabarovsk was an open city for the guests from the United States.

This industrial metropolis of 480,000 persons is a youthful city, by Russian standards. It was not founded until 1858, just nine years before the United States purchased Alaska from Czarist Russia.

The Amur itself forms the border between Siberia and Chinese Manchuria before emptying into the Okhotsk Sea further on. And near Khabarovsk, another river, the Ussuri, meets the Amur.

After the revolution of 1917 in which the Communists established the Soviet Union. Japanese troops landed to take over this area. Detachments of American, British and French forces aided, and soon Soviet power was overthrown.

The foreign intervention led to mass executions in Khabarovsk. Two fifths of the population, perhaps 32,000 persons, was slain. Khabarovsk was in ruins. Then in 1922, Soviet control was re-established.

The tour bus from the airport rolls past a monument recalling that episode. But Irene, the Intourist guide who is studying to be an English teacher, politely does not remind the visitors of America's role in that long-ago civil war. Instead, she talks of things like Khabarovsk's many universities and scientific institutes.

Now the tour bus enters the airport and unloads its passengers alongside a twin-jet TU-104 of Aeroflot, the Soviet airline.

Next stop: Irkutsk, in the heartland of Siberia.

Irene waves farewell at the bottom of the ramp.

"I wish you good luck and I hope you enjoy our country," she says.

[From the Seattle Times, June 21, 1970]

Siberia: Would You Believe Mini-Skirts and Sunbathing?

(By Stanton H. Patty)

Irkutsk, Siberia.—The Russian jetliner circled low over the green countryside in the heart of Eastern Siberia.

Fabled Lake Baikal, deepest in the world, was off the left wingtip. Then Irkutsk, modern hub city of the vast region where the caravan of history has left indelible imprints.

Dreaded land of exile, prison camps and freezing temperatures?

Would you believe miniskirts, sunbathing on a scorching June day, cultural theaters and scientific institutes in an electrically charged city almost as large as Seattle?

This is Russia's booming land of the future, where young people set the pace and the hum of industry is theme music.

Irtkutsk is a long way from Moscow—and from most everywhere else. But there is no feeling of isolation here, for the Russians or for visitors.

"We don't feel parted from the rest of the world at all," Segel Merkuriev, deputy governor of the Irkutsk region, told American tourists. "With the help of aviation technology, we consider that we are in the very suburbs of Moscow."

The Americans who traveled to Siberia on the inaugural Alaska Airlines flight from Alaska found another warm welcome awaiting them here. Over and over, the Russians are urging them to see Siberia for themselves and to meet the people.

"There is an old Russian proverb," Merkuriev said, "that says it is better to see once than hear a hundred times.

"You are the first group to travel the road here from Alaska. We wish you a very fruitful visit."

A few of the visitors walked through the sun-dappled park of Kirov Square near their hotel and found the old proverb to the true.

Mrs. Bob Spring of Seattle opened her Russian phrase book and tried to decipher a greeting. Soon she was hemmed in by a tight circle of Russian children giving her a language lesson. Her photographer husband stepped back and focused his cameras on the smiling faces.

Maybe this is what they mean by people-to-people programs.

Another scene: An American went to the little tailor shop in the hotel for some minor repairs to a pair of trousers. After the job was completed, he held out a mixed handful of Russian Kopeks and American coins so the tailor could select the right change for his work.

The tailor selected an American quarter, then reached into his own pocket and produced a worn Kennedy half dollar.

"Kenn-e-dy, Kenn-e-dy," he said with a grin.

Sergei, a representative of Intourist, the Soviet tourism agency, joked with the travelers about American soap and other supplies they had brought along for the trip "behind the Iron Curtain."

There is Communist propaganda everywhere, such as free booklets on the airplanes and in hotel lobbies with titles like "Leninist Standards of Party Life" and "Consistent Peace Policy." In many languages, including English. But never is it "pushed" in a sales way. And Irkutsk, like the rest of Russia, is ablaze with signs and posters commemorating the 100th anniversary this year of Lenin's birth.

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During a visit to a technical institute, the scientific director asked barbed questions about America's involvement in Indochina. A lively but cordial debate followed.

Robert Giersdorf, an Alaska Airlines vice president, ended the discussion by telling the Soviet official:

"It is good that we can have such communication. Perhaps, in this way, we can avoid future collisions between our countries."

Today's Irkutsk began in 1651 as an outpost for the collection of tribute, payable in furs, which wilderness tribes were forced to deliver to agents of the czars. Soon Irkutsk became a center for the fur trade. It still is.

It was through Irkutsk and neighboring parts of Siberia that the explorers traveled on their way to the Pacific—and voyages that led to the discovery of Alaska in the 18th Century.

Now the Irkutsk region, an area the size of England and France combined, has a population of 2.4 million persons. The riches include minerals, forest resources and hydroelectric power.

The visitors toured one of the giant power stations here, on the swift Angara River that flows from Lake Baikal 45 miles away, and saw the world's largest dam in the vigorous new frontier city of Bratsk about 450 miles north of Irkutsk.

Back in Irkutsk, they visited ancient churches, admired the few remaining ornate log cabins which today's progress-minded Russians scorn as old fashioned, filed through the Irkutsk fur storehouse, largest in the Soviet Union, where soft sable still is the king of furs, and joined the Russians to enjoy a rollicking circus from Poland.

This is the Iron Curtain, to be sure. But somehow, mainly because of the warmth of the people, Siberia's sinister image seems out of date these days.

That old Russian proverb makes good sense.

[From the Seattle Times, June 22, 1970]

Hydrofoil Skims Across Siberia's Inland Sea

(By Stanton H. Patty)

Lake Baikal, Siberia.—The sleek, white hydrofoil called Raketa (Rocket) gathered speed and flashed toward Lake Baikal, Siberia's wondrous jewel, like a wave-skimming missile.

At 50 miles an hour there was hardly an occasional bump as Raketa headed north from Irkutsk and planed over the sun-sequined water.

The route led from the man-made hydroelectric reservoir known as the Sea of Irkutsk, past timber-clad slopes and Siberian villages with chocolate-colored log cabins, to Baikal itself.

Down in the cabin, passengers stretched out in the aircraft-style seats with snacks of dark bread, cheese and Russian beer. The 12-cylinder diesel engine pushed the 150-foot-long hydrofoil to top speed.

American tourists took turns posing for photographs by the wind-whipped Soviet hammer-and-sickle flag on the stern and training their cameras on the wilderness scenery.

Someone pinned a big gold mock policeman's star on the lapel of Sergei Saltykov, the rotund, good-natured Intourist guide who has become a favorite with the travelers on the first Alaska Airlines tour of Siberia.

"What is this?" Sergei asked with a grin.

"Secret police badge," one American joked.

"How can it be secret when it is there for everyone to see?" Sergei quipped.

Then the hydrofoil rocketed into Baikal, a lake so large the Siberians refer to it as a sea.

Surprising Baikal is the deepest lake in the world—more than a mile in depth at one point. It contains one fifth of all the fresh water on the planet—as much water as all of the Great Lakes combined or the Baltic Sea.

More than 1,800 species of marine life are found in the lake. Three fourths, including an arctic-type seal, are unique to Baikal.

Something like 336 rivers run into the 395-mile-long lake. Only one, the Angara which powers the city of Irkutsk, flows out of Baikal.

Geologists say Baikal had volcanic origins 20 million years ago. But this is an earthquake zone and the cavity still is forming. Long ago the climate here was subtropical. Fossils tell the story. There was a chain of small lakes then. Later came a period of glaciation and Baikal became one great lake.

Nobody knows for sure how the seals (there are about 40,000 in the lake now) got here. Their closest relatives are far away, in the Arctic Ocean. The most probable theory is that they migrated down the Yenisei River from the Arctic, then through the Yenisei's tributary, the Angara, into Baikal. But no seals are found anywhere in the Yenisei. It remains a mystery.

Baikal is cold the year around, with winter ice forming five feet thick. But in midsummer the surface temperature rises to about 56 degrees and some hardy Russians use it as a king-size swimming pool.

First stop on the tour is the Baikal Limnological Institute of the Soviet Academy of Sciences. The institute museum displays the fascinating fauna of remarkable Baikal.

On the opposite shore is a section of track from a previous route of the famed Trans-Siberian Railway. In the early days, they used ferries and icebreakers to span the lake for the rail system.

However, in the time of the Russo-Japanese War, when supplies and men were needed urgently at the front, they even laid railroad tracks across the ice and used horses to pull the rail cars over the ice.

It was picnic weather on the shores of Baikal today. Young Russians sunned themselves on the slopes.

The Americans paused for a lunch in a picturesque village called Listvenichnoye. You don't have to know how to pronounce the name. Just enjoy it.

There was champagne and caviar, and minor-key Russian tunes played on accordions by two music students, with the Americans clapping in tempo.

Sergei, the Intourist man, gave the visitors a lesson in how to drink—vodka—a full glass at a time. The "students" tried gamely to keep up, but Sergei was the undisputed winner.

"I have never been to Alaska, but I want to toast the very sincere people who came here with open hearts and open smiles," Sergei said, raising his glass.

Bob Atwood, a newspaper publisher from Anchorage, raised his glass of vodka and responded:

"To the day we understand each other and no longer fear each other."

There were other toasts, to Russia, to Siberia, to Baikal . . .

Lowell Thomas, the veteran newsman, stood to offer still another:

"To the most exciting land in the world—Alaska!" Thomas said.

The musicians took up another song, with lyrics that say, "Those were the days my friend . . ."

It was a lazy afternoon as the visitors strolled the birch and larch forests high above Baikal to pick bouquets of wildflowers. They waved at the Russians walking through the woods, and the Russians waved back.

Then a bus ride back to Irkutsk through the undulating taiga, the seemingly endless Siberian forest of silvery birches and evergreens.

Yes, this was a day, my friend. The Americans hoped it would never end . . .

[From the Seattle Times, June 28, 1970]

Back Door to Russia—Tashkent Industrial Giant With Colorful History

(By Stanton H. Patty)

Tashkent is a lovely woman with roses in her hair.

This ancient city of Central Asia is the land of Marco Polo and Genghis Khan. It also is another face of Russia, muscled with industry today, yet still as exotic as its storied past.

This was where the trade routes of silk and gold linking Europe with the Orient crossed; where Arabs, Turks, Mongols and other conquerors carved empires with bloody swords. Now delighted tourists travel the caravan routes of old.

The sun was a flaming red disk low on the desert horizon as the inaugural tour of Alaska Airlines' new Alaska-to-Siberia flight arrived in Tashkent from the robust frontier of Siberia.

Soon the visitors were dining on shishkabob-like shashlik and other spicy dishes of Middle Asia, with fiery Arab-style music in the background. Fountains and neons glowed against the night sky.

Hard to believe this is the Soviet Union. But it is. Tashkent, capital of Uzbekistan, one of the 15 Soviet republics, is Russia's fourth-largest city with a population of 1.4 million persons.

Uzbekistan has been part of Russia since 1865, when Czarist troops occupied Tashkent. Now more than 100 Soviet nationalities are represented here.

Few of the ancient landmarks remain. In their places are theaters, schools, apartment complexes, monuments dedicated to Communist martyrs and a spectacular new museum all about Lenin.

But the old persists . . . in the seamed, dark-hued features of the Uzbek people with their distinctive skull caps, open-air markets piled with bright-colored fruits and vegetables, occasional mosques, and a few sun-baked clay homes of the old quarter.

The tourist guides are proud, even defensive, about the signs of progress.

Instead of showing off the area where a powerful earthquake left 100,000 persons homeless four years ago, they point to acres of apartment buildings erected by construction teams that poured into Tashkent from all over the Soviet Union after the disaster.

"It is better to take pictures of new buildings than ruins," an Intourist guide declared.

Neither are the city's 14 active Moslem mosques featured on the tour.

"Only the old people are still praying," the guide said.

The summer climate is scorching—up to 115 degrees. But nights are cool. Winter brings snow and freezing temperatures.

Even on days of blistering heat Tashkent has a cool, green feeling. The flowered city is canopied with shade trees and pleasant parks with patio-like refreshment areas. Uzbeks love their trees and enjoy their many recreation parks with holiday spirit.

This is a city of industry, too, with more than 300 factories. Cotton is the main crop. Tashkent's production ranges from colorful textiles to jet airplanes.

The average worker earns the equivalent of $110 a month. He pays about 7 per cent of his wages for an apartment. Television sets cost $250 and up, yet the guide says 95 per cent of the families have television.

Tashkent's charm was displayed for the visitors as they gathered for a leisurely lunch at an outdoor pavilion on an island in Komsomol Lake, a man-made playground in the heart of the city.

"Welcome to sunny Tashkent," the host said.

"We consider your visit a symbol of mutual understanding and friendship. I wish you good luck and good health."

XUM

Pretty dancers in spangled costumes right out of the Arabian Nights whirled and dipped. The orchestra, playing flute and mandolin-like Uzbek instruments strange to American ears, set a sultry tempo.

Nearby, young Russians rowed their girl friends across the lake in small boats. Others went swimming to seek relief from the hot sunshine.

The afternoon was an intermission in what for a few hours, seemed like a make-believe land of the past.

That night a few of the Americans decided to detour away from the usual Intourist restaurant and have dinner with the Russians on the rooftop of the hotel.

There were some curious stares at first as the strangers ventured into the open-air restaurant above the city. Soon, however, the stares changed to smiles and waves.

With only a Russian phrase book for help the Americans ordered their meal and settled back to enjoy the evening.

The indigo sky was sequined with stars and a slice of moon, Songbirds chorused and the fountain of Theater Square below glowed with changing colors.

It was easy to see how the poets of old could write such lyrics about exquisite Tashkent, a city with 2,000 years of history and beauty.

Back Door to Russia

(By Stanton H. Patty)

The time machine unwinds for 25 centuries and suddenly you are strolling through the splendors of ancient Samarkand.

Samarkand . . . a dateline that summons up names like Ghenghis Khan, Tamarlane, Alexander the Great and Marco Polo. Samarkand . . . a mosaic of glistening domes, arches and minarets that took their colors from the sun and sky.

This is Central Asia, another facet of the vast Soviet Union that blends more than 100 nationalities. The borders of China's Sinkiang Province and Afghanistan are close by.

Samarkand is on the tour route for passengers on the inaugural series of Alaska-to-Siberia flights of Alaska Airlines.

Militarily, it is a sensitive area. The tourists were instructed to keep cameras and binoculars cased while flying into Samarkand in a four-engine turboprop Ilyushin-18 of Aeroflot, the Soviet airline.

But once in exotic Samarkand itself, politics of this dangerous century soon were swept away by history and enchantment. Buses carried the travelers from one panorama to another in a day when time seemed stilled.

Great empires rose and fell here in this city as old as Rome.

Persian archers, Macedonian phalanxes, Arabian horsemen and Mongol conquerors swept through Samarkand, leaving destruction and ageless monuments. The dust of history still swirls under the blazing sun.

Today's Samarkand, mostly a Moslem city of 300,000 persons, occupies the site of ancient Maracanda. Recent excavations are yielding finds as important as Pompeii.

But it is the indelible imprint of one warrior—Tamarlane—that threads together the vivid tapestry for today's tourists. Samarkand was his capital.

Tamerlane (also known as Timour) mounted his throne here in 1369 and soon his swordsmen were striking into Persia, India and China. He sacked Delhi and captured Baghdad and Damascus. Samarkand was the focal point of his great Asian kingdom.

But this Mongol marauder, descended from Genghis Khan, so they say, was mortal. He died of a fever in 1405 before he could complete his conquest of China.

Now Tamerlane lies in a turquoise-domed tomb here under a slab of dark-green nephrite jade. The Gur-Emir Mausoleum, the structure is called.

The self-styled "Sultan of the World" left his cocky epitaph to be carved on his sarcophagus:

"Were I alive today, mankind would tremble."

Buried near Tamerlane is his grandson, Ulugbek, the scholar, who left another kind of a mark on history.

Back in about 1428, Ulugbek built an observatory in Samarkand and cataloged more than 1,000 stars with amazing accuracy. The observatory site was lost for centuries, but now has been unearthed. The lower part of Ulugbek's marble sextant, shaped like the foundation for an underground escalator, is on view for visitors.

Another architectural treat is the ensemble of tombs and mosques known as Shah-i-Zinda. With its blazing blue domes and intricate tile work, this medley of structures dating to the 12th Century is among the most hallowed of places for Moslems.

Then there are the ruins of the giant Bibi-Khanym Mosque, built for Tamerlane's favorite wife. The stark remains of the mosque seem to be carved from cliffs of glowing rock.

The American tourists found another page from the past in Samarkand's outdoor market. There were curious stares and smiles from the brightly costumed Uzbeks—responding to American smiles as the visitors walked through the bazaar where stands were heaped with fruits and vegetables from nearby farms.

But this ancient center of civilization in the Uzbek Soviet Socialist Republic has more than history going for it.

Samarkand, which will begin its 26th century in September, also is an industrial center with colleges, theaters and blocks of modern apartment buildings.

Intourists, the Soviet tourism agency, soon will open an 11-story hotel here so overnight stays will be possible for foreign visitors. At present, Samarkand is a one-day tour from Tashkent, the Uzbek republic's capital city 45 air-minutes away.

Russia has ruled the area since the 1700s, shortly after the czars occupied the far reaches of Siberia. It was mainly a bloodless takeover.

But then the boastful Tamerlane was not around to contest it.

[From the Seattle Times, July 1, 1970]

Leningrad One of World's Showcase Cities

(By Stanton H. Patty)

If Czar Peter the Great really was great, the lovely city he built on the Baltic Sea is one of the reasons.

It has been called St. Petersburg, Petrograd and now Leningrad. By any name, it is one of the showcase cities of the world. A northern Venice with a Russian accent.

Last night the American tourists in Alaska Airlines' first flight to Siberia were in medieval Moscow. Then they boarded the night train to Leningrad 400 miles to the northwest and discovered a different Russia.

Peter, determined to pull backward Russia into the modern world of the 18th Century, wanted his new capital to be a "window" on the West.

There was just marshland here then in the delta of the Neva River near the Gulf of Finland. Peter built his city on 101 islands laced together by canals and bridges. Then he sprinkled it with opulent palaces, roomy parks, cathedrals and museums.

The result is Leningrad, still a gracious museum-city despite the terrible damage of World War II when a million persons died of starvation here during the 900-day Nazi siege.

German troops stormed within 2.8 miles of the city, but never entered. It was a bitter disappointment for Hitler. He even had invitations printed in advance for a victory ball in Leningrad's Astoria Hotel.

Even the war scars are gone today. Leningrad, a busy seaport and industrial center of 3.9 million persons, is the Soviet Union's second-largest city.

And still a window on the West. More than 1 million tourists, most entering from neighboring Finland, visit here yearly.

It is Peter's Leningrad, as European as Paris or Vienna, they come to see.

The heart of Leningrad still is Palace Square, on the south bank of the Neva. The baroque-style winter palace, permanent residence of the czars until the Communist revolution of 1917, is open for all to visit today as part of the famed Hermitage museum.

"I'll take you to Rembrandt," the Intourist guide said as the visitors climbed the grand staircase of the gilded palace.

She wasn't kidding. For starters, the Heritage has one room filled with 26 canvases by Rembrandt. Other halls feature works by Da Vinci, Rubens, Titian, Van Gogh, Gauguin P and, you name him.

The royal family began collecting the art treasures back in 1764 and built the original Hermitage next door to the Winter Palace in 1839 to house the collection. Now, the string of palaces and the old Hermitage are joined in one incredible museum. There are more than 2.5 million exhibits.

Outside, in the square, is the lofty Alexander Column, a stone spire commemorating the Russians' victory in the war against Napoleon in 1812.

And it was across this 20-acre square that the Communists marched on the Winter Palace on that fateful day in 1917. Nearby, the cruiser Aurora, which fired the first salvo on the czar's palace, is moored as a monument to the revolution.

Then there is Smolny, once a girls' school for the nobility, then headquarters for planning the 1917 uprising. It was here that Lenin worked and where the first decrees of Soviet power were issued.

Peter the Great's first major structure was the Peter and Paul Fortress, begun in 1703 under the czar's personal supervision. But for 200 years the structure on Hare Island had a grim history as a political prison. The dungeons still are there for visitors to see.

The fortress cathedral is the burial place for Peter, Catherine the Great and most of the other royalty dating from Peter's time. The Romanov dynasty lasted more than 300 years, until the chain of events that began here in Leningrad almost 53 years ago.

About 17 miles from Leningrad is Petrodvorets, once the czar's summer palace. It is a symphony of fountains and sculptures in a park setting.

Summertime in Leningrad is the season of the "white nights," a sort of Russian-style midnight-sun festival. This is when the Russians grow lyrical about their exquisite city of the north.

Hydrofoils flash across the breeze-ruffled waters of the Neva. The shady parks are crowded with families. Sunbathers on the beach beside Peter's fortress.

Over it all, an equestrian statue of Peter, now just a bronze cavalier, looks down on the Leningrad that was St. Petersburg.

Leningrad, by any name, had a special meaning for the Alaskans in this tour group that traveled here by way of Siberia more than 4,800 miles to the east.

For it was here that Peter wrote the orders that sent Vitus Bering on his way in a quest that resulted in the discovery of Alaska in 1741.

And it was here in 1867 that another czar, Alexander II, approved the sale of Alaska to America.

This sunny day in Leningrad, old St. Petersburg, seemed a good time to return Bering's visit of long ago.

[From the Seattle Times, July 2, 1970]

Hamburgers a Welcome Sight as Plane Heads Back

(By Stanton H. Patty)

The Soviet Aeroflot plane climbed out of hazy Moscow and set a nonstop course for Siberia seven time zones away.

This is the way home, through once-forbidden Siberia, for the trailblazing participants in Alaska Airlines' first charter flight between Alaska and the Soviet Union.

They have seen the industrial heartland of Siberia, the exotic bazaars and ancient ruins of Soviet Central Asia, and European Russia from Moscow and Kiev to Leningrad.

They entered through the back door to Russia, at Khabarovsk, in Russia's Far East, and will leave the same way. The door is wide open now for tourism from America's West Coast.

The 4,800-mile flight from Moscow to Khabarovsk slices a path between a scarlet sunset on one side and a rose-gold moonrise on the other . . . across the unbroken taiga of Siberia . . . over logging operations and gold dredges . . . then the great, meandering rivers like Alaska's own Yukon.

It is a hot Saturday in Khabarovsk (pronounced "ha-bar-ofsk") where unpredictable Red China is a close-by neighbor. The city is surging with off-duty Soviet military troops, a reminder that the bear and the dragon are poised in dangerous stances just a few miles away.

But if there is tension in Khabarovsk, it is not apparent. Children are dousing one another in water fights around the fountain in Lenin Square. Thousands of sun-loving Russians are strewn along the recreation-park beach on the Amur River in a Coney Island scene.

This is Siberia, grim land of ice and snow?

Take-off for Alaska is scheduled for tomorrow afternoon. There is one last treat in Khabarovsk tonight for the American visitors.

They have been invited to an amateur musical performance by employes of the diesel factory here. It will be the cast's first appearance before an American audience.

For the tourists who had seen programs ranging from Uzbek folk dances in Tashkent to the Bolshoi Ballet in Moscow, this turned out to be one of the hits of the trip.

The fresh, happy troupe from the diesel plant presented lively folk dancing and choral selections. The tempos were hot and hypnotic.

When it came time to leave the theater, the Americans boarded their buses and soon were ringed by curious Russians.

The visitors waved. The Russians waved back. The visitors smiled. The Russians smiled back. Shyly, at first, then with enthusiasm. It was a spontaneous, lump-in-the-throat moment.

Wonderful what a friendly smile can accomplish . . .

Now it is Sunday and almost the hour to depart for Alaska.

The Alaska Airlines Boeing 707 already is on the field here at Khabarovsk with another tour group from Alaska.

Now is the time for last-minute souvenir shopping, exit visas, money-changing—and a touching farewell to Sergei Saltykov, 39, the Soviet Intourist guide who has endeared himself to the Americans during the crisscrossing of Russia over the past two weeks.

"Yoo-hoo!" the Americans called, summoning Sergei with the high-pitched cry he used to gather his tourists on crowded streets from the Kremlin to storied Samarkand.

There were gifts and kisses for Sergei. The chubby Russian was brimming over with emotion.

"Thank you very much," he said.

"A fortnight ago, I met a lot of tourists who were afraid of me, our weather and of being watched—with a lot of wrong information about our country.

"Now I am with a group of very sincere and grand people. I ask only that you tell the truth when you go home. Please come again . . ."

A few minutes later the souvenir-laden travelers were back aboard their 707. They admired the pretty Alaska stewardesses in their mini-Cossack uniforms and pored over copies of The Seattle Times and Alaska newspapers only one day old.

The jetliner taxied out, the engines thundered, and soon Siberia was 33,000 feet below.

At the controls were Capt. Bill Lund and Capt. Sam Silver, both from the Seattle area—the same pilots who had delivered the inaugural-flight tourists to Siberia two weeks before.

"Just routine," they said of the new Alaska-to-Siberia run.

Welcome home.

The stewardesses moved through the aisle with hamburgers, each crowned with a tiny American flag.

Ask the travelers to name what they missed most while in the Soviet Union and hamburgers would have been near the top of the list. The Stars and Stripes looked great, too.

The 707 sped on toward Alaska, past the international dateline, the craggy island of Attu at the tip of the Aleutian Chain and then over the mountains near Anchorage.

Bob Giersdorf, the airline's vice president for traffic and sales, took over the microphone on the plane's public-address system to say:

"I am very proud of this group. You have pioneered this route and been where only a select, few Americans have visited. You have represented the United States and done it well.

"You have seen and learned a great deal. You have made many new friends. This is not only a new bridge, but a new bridge of understanding. To each of you, a sincere thank you.

"Spaseba (thank you, in Russian)."

The jetliner touched down at Anchorage at 3:09 a.m. in the blue twilight of a Sunday morning.

Flight 727, the first commercial passenger flight between Alaska and Siberia in history, was home.

The round-trip distance from Seattle and back to Seattle for the tour group totaled 27,000 miles—more than the distance around the world.

With a "red carpet" all the way.

Russia's back door is wide open.

[From the Anchorage Daily Times,
June 6, 1970]

HELLO, IVAN!

An example of how great spans of time are occasionally required to accomplish good things was provided today as an Alaska Airlines Boeing 707 jet left Anchorage International Airport bound for Siberia.

More than a dozen years elapsed between the planting of the seed and the plucking of the fruit, insofar as that flight was concerned.

There is an added bit of enjoyment in this inaugural trip between Alaska and Siberia for those of us at the Times, because the proposal for such a route was first made right here in this corner of the paper.

The time was December 1957—statehood was still more than a year away—when an editorial writer, dreaming a bit about things that might be, proposed that commercial aviation link Alaska with the mysterious Russian territory across the Bering Sea.

Back then, the Times was proposing regularly scheduled air routes between America and Russia by way of Anchorage.

But it is a beginning, and an exciting one, bridging as it does a remarkably historic gap between Alaska's past and its present, while at the same time opening to tourists a spectacular view of a land little known to Americans.

There have been some objections that the schedule of special tourist flights into Russia by way of the Siberian back door represents some kind of underhanded boost to communism, doing business as it is with the Soviet Union.

But there are shortsighted views, overlooking the obvious chink that is opened for better understanding between peoples of the East and West.

Far from working against our own best interests, the opportunity being presented for people of Russia to meet everyday citizens from the United States in areas where American tourists are almost unknown should go a long way toward showing some average Ivans and Natashas what life in a democracy is all about.

The flights between Anchorage and Khabarovsk, and the connections which will take Americans on tours even deeper into Asia and on toward Russia's European approaches provide a great vehicle for good will.

The governments of the two countries had to get together finally to make the flights possible.

But the journeys themselves will involve people, not governments, and that's good.

[From the Anchorage Daily Times,
July 14, 1970]

SIBERIAN ADVENTURE OFFERED SURPRISES FROM START

(NOTE.—Mr. and Mrs. W. R. Richardson of Seattle tell of their adventures on the inaugural eight-day charter trip to Siberia on Alaska Airlines. Richardson is manager of Crown Zellerbach Corp., Seattle.)

(By Ron and Barbara Richardson)

The sun rose in Anchorage one day and went down over the Amur River the next in Khabarovsk, U.S.S.R., for the 60 Americans on Alaska Airlines inaugural 8-day Siberian excursion.

During most of the eight-hour, 3900-mile flight out of Anchorage, the Boeing 707 raced the sun on even terms. But for the travelers it was the longest day in any year.

Eight Alaskans, from Anchorage, Fairbanks and Juneau, were in the tour group. For them and for the 52 other travelers from 10 states and the District of Columbia, the day that began with an Anchorage wake-up call at 5 a.m. was full of surprises.

As the clouds parted to reveal Hokkaido, northernmost island of Japan with its snow-ringed mountain peaks, the Siberia-bound Americans prepared to make entry on Russian soil. It was 3 p.m. June 21 in Khabarovsk when they stepped off the plane, but a full day's schedule of activity was ahead.

Surprise No. 1: the Americans were not in Siberia at all! Khabarovsk is a part of a rapidly-expanding region now known as the Soviet Far East. The only city in this region now open to western tourists, Khabarovsk (it begins with an "X" in Russian) is European rather than Asian in culture and population.

Surprise No. 2: the weather. It was hot, glorious summer. We quickly cleared customs and at the Centraline Hotel on Lenin Square the bus waited to take the group for a boat ride on the Amur River which a few miles upstream forms a very uneasy border with Red China.

Russian girls in bikinis and miniskirts sunned themselves on beaches as crowded as any in the United States. Rowboats, some with outboard kickers and even a few star-type sailboats cruised by. Picnickers thronged the wooded shores as the two tour boats loaded with Americans cruised up and down the river which most geographers agree is the world's eighth largest.

The passengers looked down into the rusty waters of the Amur (translated "dark") and looked up to see smoke rising from an enormous steam plant. Multi-ruddered barges laden with coal and long rafts of logs passed by.

Then back to the bus for a tour of this city of half a million where the annual population growth requires 11,000 new apartments a year, all seemingly built on the same plan: yellow, pink or blue stucco with white printed Greek columns. Hospitals, seven colleges and institutes, libraries and monuments flashed by. Stops were made for photographs. The pattern for the next seven days was already set.

Stopping in the park on the riverbank, Americans lined up with Russians to buy ice cream cones for 15 kopeks (about 14 cents), each one carefully weighed by serious girl vendors. Russian ice cream cones must weigh 100 grams (three ounces.)

Naturally, the tour included Khabarovsk's huge sports complex—the best in Asiatic Russia—with facilities for 11 different competitive sports. The Lenin Stadium, built in 1956, seats 25,000 for soccer and there are two big skating rinks for Khabarovsk's favorite sport—ice hockey. Quite a few Russians were on the tennis courts. Others streamed on and off the Amur river passenger boats carrying fishing rods or with a soccer ball tucked under an arm.

Back at the hotel for dinner, the weary group climbed off the bus to unpack and search for the coolest clothing in their bags. But the long day was just reaching its climax—the Russian circus at 8. In a one-ring tent, crowded with 2,500 enthusiastic Russians, the Americans found themselves seated side by side in the front row perilously close to the frayed ropes that supported the high wires and other aerial equipment.

It was a good show but at the 10 p.m. intermission all but a handful were glad to board the bus for the trip back to the hotel. The longest day of the year was over. Early tomorrow they would board the big four engine Russian transport for an 1800-mile flight to Irkutsk in the heart of Asia, and seven more active days in Siberia were ahead.

ON TO IRKUTSK

Siberia? To most Americans the word evokes a picture of prisoners marching across a frozen desert. Few of the 60 passengers on the inaugural tour of Siberia escaped questions from friends such as "Why go there?" or "What's there to do?" or the joke about "if you come back . . ." But all 60 did come back.

In their luggage, rolls of American color film recorded the blue waters and white birches along the shores of Lake Baikal—the world's deepest lake. Filmed too, were apartment houses rising in never-ending rows in the middle of the Siberian forest in the 15-year-old planned community surrounding the Bratsk hydro-electric dam. Also recorded were the individual strolls and side-trips made with or without Russian speaking guides.

Angara, Russian for "slick chick," is the clear, cold river that flows out of Lake Baikal northward through the central Siberian city of Irkutsk and then north into the Yenesei, one of the great Russian rivers that empties into the Arctic Ocean.

Daily the Russian-built hydrofoil transports visitors from Europe, Asia, Africa and occasionally North America up the river from Irkutsk through the tiaga, (a forest of red-trunked pine, white birch and larch) to the shores of Lake Baikal. As the boat picked up speed and rose on its foils, the Alaska tour group looked far down to see river bottom through the clear water. Its temperature was reported to be in icy four degree centigrade (about 38 degrees fahrenheit).

Agreed: Only the fjords of Norway, British Columbia and Alaska provide comparable scenery! In bright sunshine, the travelers disembarked an hour out of Irkutsk to snap pictures of the log and plank cabins with their intricately carved, blue-painted shutters and fishermen out on the lake rowing in oddly curved wooden boats.

Inside the Baikal museum they learned as much or as little as they pleased about the lake, fed by 336 rivers, which reaches a depth of 6,200 feet and holds as much water as all five of America's Great Lakes combined. But outside were tiny, fenced gardens where country people in successful "free enterprise" endeavor grow food for their own use or private sale. On the lake fishermen worked hard trying to lure the omul, which most Americans identified as a Siberian steelhead.

Champagne and vodka flowed inside the charming wooden Baikal restaurant. Toasts by Russians and Americans, (a Texas lady wearing a red, white and blue American flag pin offered a toast with milk) preceded a lunch that began with black caviar and black Russian bread. The accordionist played Lara's Theme and Russian and American tunes. A sudden clap of thunder, a 10-minute downpour, then sun again.

Bratsk, 360 miles north of Irkutsk and reached by a propellor-driven Russian plane, is in the taiga too. In 1954, before one of the world's largest hydro-electric plants was built there, the town did not exist. Only 12,000 people were scattered through the present 175 square mile area of the planned townsite of eight communities. Today the population of Bratsk is 175,000 and about 10,000 are added each year, all young people.

Most exciting to the Americans, as they sat in their buses and listened to the Intourist girl guides, was the planned nature of these frontier communities: wide roads, belts of timber, with each self-contained area built around a separate industry and containing houses, apartments, shopping areas, schools, nurseries and recreation buildings known as Palaces of Lenin.

Average age of resident: 32 years. A Russian touch: there is not a single church in any of the eight Bratsk communities.

Buryat tribesmen were original residents of this forest area where Cossack fur traders arrived with guns and horses about the time the Pilgrims landed at Plymouth. "Bratsk" is a mispronunciation of Buryat.

Today's Buryats are the young Russian technicians, well educated, well paid, living in blue or green stained wooden duplexes in the pines or more likely in one of the many four or five-story balconied apartment buildings that march ever deeper into the forest.

Wild flowers and 90-degree heat made the Siberian winter seem illusory, but the bus jolted by a mammoth brick heating plant that generates steam and hot water for the underground system that heats all the houses and apartments of Bratsk nine months of the year.

Alaskans and those from the Pacific Northwest glimpsed familiar sights—logging trucks speeding back to the woods with their trailers hoisted up piggyback and the steel towers of high voltage transmission lines. But the rights-of-way cut through these forests were wide enough for three rows of towers to carry the current from the new Bratsk dam to steel mills and other industrial plants. Under the towers were hundreds of tiny vegetable plots thriving in the hot summer sun just a few feet above the permafrost that underlies Bratsk.

First stop was at the dam, comparable to Washington state's Grand Coulee but 20 years newer. The Intourist interpreter rattled off figures as the chief engineer talked on—biggest in the world until six months ago when the Siberians brought a new dam on the Yenesei (Krasnayaska) into production.

To the Americans, more interesting than the figures were the odds against completing such a project in a land where only 90 days out of 365 temperatures go to 96 degrees in summer and in winter down to −84 degrees Fahrenheit. And even the Supreme Soviet heard about the summer construction problems—"smog flies" said the guide. "You call them mosquitoes."

Padun is the Russian word for the rapids that now lie beneath the Bratsk "sea," and Padun was the name of the picturesque log restaurant in the taiga that serves what one American termed "the best food in Russia." Lunch at the long tables, then off again to the river to board three boats for a trip several miles across the man-made sea. For the hardier, busses waited at the dock bound for the wood cellulose plant—Siberia's largest pulp mill complex located in Bratsk No. 8. (Some of the products are similar to those made at Ketchikan and Sitka.)

ECOLOGY CONCERN

Even in Siberia this is the age of ecology. Nowhere was this concern over the environment more evident to touring Americans from Alaska than in the area around beautiful Lake Baikal in the very heartland of Asiatic Russia.

What happens to water, fish and wildlife first attracted wide Soviet attention six or seven years ago when Russia's young industrial engineers began a pell-mell rush to industrialize Siberia with huge pulp mills, aluminum plants and other resource-processing factories.

Letters from prominent Soviet scientists began appearing in Pravda accusing the Pulp and Paper Industry Planning Committee of "wasting colossal sums of money on pulp and cellulose mills which will use Lake Baikal as an experimental reservoir for an untried water purifying system, inapplicable in such severe climatic conditions."

From what American tourists saw on their visit to Lake Baikal those Russian predictions of "environmental disaster" have not come to pass. The lake, at least those small portions of it Americans saw, is still clear, cold and unspoiled. You can even drink the water.

Presumably it still provides habitat for the 1800 types of fish, animals and plants in its waters and along its shores. The Russians say three-quarters of these are found nowhere else in the world. Certainly Lake Baikal and the 360 rivers and streams that feed into it provide important rest stops and summer nesting areas for many of the migratory birds of Europe, Asia and even Africa.

At the Sibgiprobum in Irkutsk where Russian engineers and scientists are planning and designing the wood products mills for all of Siberia, ecology gets top attention. "We're just as concerned about pollution abatement as you are in the United States," one engineer at the Irkutsk institute said.

"Every mill we build is designed with the local environment in mind. We take advantage of all the research information available from our universities and we observe what is being done to reduce air and water pollution in other parts of the world. A good idea has no international boundaries."

In Russia, just as in the United States, there is often conflict between the men charged with industrial development and those with responsibilities for fish, wildlife or public health. Sometimes these conflicts go all the way to the Council of Ministers in Moscow before they are resolved.

One of the Siberian mills that triggered conservationist concern all over the Soviet Union was built on the Angara River near Irkutsk in 1966. This mill, about the size of somewhat similar Alaskan pulp mills at Ketchikan and Sitka, aroused a storm of criticism when it was built.

The Forest Products Ministry of Moscow postponed the mill's startup until a special investigation had been carried out. Today this Baikal mill uses chemical, biological and mechanical treatment processes for its wastes. Effluents are finally released into the Angara river (which flows out of, not into, the lake).

Most Russian pulp mills try to make use of some of their chemical waste and pulping leftovers by converting them into protein yeast which is used to feed poultry and cattle. The big mill Alaskans saw at Bratsk produces 42,000 tons of yeast a year. It also burns all the bark from its pulpwood logs to create steam and electric power to run the huge cellulose plant, even though one of the world's largest hydro plants is located only a stone's throw away.

Air pollution also concerns the Russians, although at this time their scarcity of auto-

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mobiles gives even the largest Siberian cities quite a clean-air edge over similar sized communities in the United States.

"When we plan a new pulp mill," the director of the Irkutsk paper institute said, "we try to avoid population centers. No homes or apartments are permitted within three kilometers (slightly less than two miles) of the mill."

While these green belts may be adequate for new mills, the suburbs of Siberia's burgeoning cities are already beginning to crowd in around some of the older plants.

Already the Russians have their national park enthusiasts. Guides mentioned that much of Lake Baikal either now is or soon will be a national park. There are already many forest preserves across southern Siberia where cutting of timber is strictly controlled.

In a cold country, where heating is a necessity nine months of the year, timber cutting restrictions can lead to "people problems." In the towns and villages around Lake Baikal most homes seemed to have a well-stocked woodpile in the backyard.

Systems may be different but the problems are much the same, is the way one Russian engineer summed up this "age of ecology" for his American audience.

Looking out a hotel window in Irkutsk at a smokestack that was belching black across the sky, or at stray sawlogs bobbing about on the surface of Bratsk Sea, or smelling the "boiled cabbage" odor of a cellulose complex, what he said was believable.

Language barriers did not permit many conversations with the fishermen rowing their boats through a ghost-like early morning fog on the Angara in front of the Trans-Siberian railway station or the hikers with packs on their backs along forest trails around Lake Baikal or the picnickers along the banks of the muddy Amur near Khabarovsk. These people didn't need to talk. You knew they were dedicated conservationists.

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RUSSIANS THINK BIG

Like Alaskans, the people of Siberia think big. Nowhere was this more apparent than in the several industrial complexes visited by the Americans on the Alaska Airlines tour to the heart of Asiatic Russia.

For many, the visit to Bratsk was an eye opener. This city is actually eight different cities all called Bratsk—No. 1, No. 2, No. 3, etc. They have been cut out of the Siberian forest in an area of permafrost where winter temperatures drop to minus 84 degrees and soar to 96 degrees in summer. For the visitors from Alaska the 24-hour stay in Bratsk was all "shirt-sleeve" weather.

The heart of this huge industrial complex is one of the world's great hydro-electric plants. The huge dam rises 596 feet and forms a 3.2 mile-long concrete wall that hangs from perpendicular cliffs to block the course of the Angara river on its northward rush from Lake Baikal to the Arctic.

"We generate 4,100,000 kilowatts—that's twice the present size of your Grand Coulee," the young Russian engineer announced proudly. Russians enjoy this numbers game. In a free-wheeling question and answer session with the American tourists they quoted figures on America's big dams that were right out of the latest U.S. Department of Interior report.

"All our equipment is Russian made," the guide explained as she led the Americans through one of the two big powerhouses where a dozen 180,000 Kilowatt capacity generators hummed a symphony of power.

When it comes to hydro plants the Siberians go first class. "This is the only air conditioned building in Siberia," the guide told tourists as they walked through the immaculate powerhouse.

Generally house keeping is not a strong point with Russian industry. The power plant was an exception, with spotless white ceiling, clean black floors, orange generators and a generous use of colorful Siberian marble. Walls of thé reception room were of marble mosaic design showing the location of six big dams built or planned for the Angara.

Like our own Bonneville and Tennessee Valley systems, the Siberian power plants are tied together with a network of high voltage transmission lines which carry power across much of Asiatic Russia. Within the next few years, the Americans were told, the Siberian power net will be linked to the power system of European Russia. With nine time zones across the Soviet Union it makes much economic sense to have a transmission system capable of throwing energy where it's needed when it's needed.

With all this electrical energy has come big industry. Just outside Irkutsk one group of Americans spent a morning touring a gigantic aluminum plant where endless rows of potlines used Angara river power to convert bauxite ore from the Ural Mountains into aluminum ingots. Later, in the same plant, they saw aluminum wire and cable extruded like spaghetti.

The jovial manager of the aluminum plant fielded questions from the Americans like a public relations professional. "How many of you are Communists?" he inquired after one exchange. As so often happens the perfect answer didn't come to mind until that evening.

"We should have answered him with this question," reflected a UCLA professor who teaches Russian history, "Are any of your supervisors capitalists?"

The aluminum plant, tourists were told, employs 3,000 workers, about one-third of them women.

In Siberia the Russians expect their guests to work hard just looking at industry. Most of the visitors from Alaska took an hour-long boat ride across the 10-mile wide Bratsk Sea behind the big dam for a look at Russia's largest pulp mill. The Russians called it a cellulose complex.

Started up in 1966, and still less than half completed, this huge wood processing plant today consumes about three million cubic meters of wood a year. Current production is probably about half that figure and accounts for Russia's current wood pulp production.

Most of the equipment was first class, largely of Swedish manufacture. Despite a work force of 8,000 people, maintenance seemed badly neglected. In just four years the big Siberian mill had taken on the appearance of age. Corroding pipelines, crumbling stairway steps, unmarked holes in the floors, dim lighting and an almost total lack of paint spelled poor housekeeping.

About 44 per cent of the mill's work force are women. They do everything from wearing side arms and guarding the gates to hauling heavy logs off clogged conveyor belts. Most were young.

Russian pulp mills, like their counterparts in the United States and Canada, run around the clock seven days a week.

All Bratsk workers get premium pay for living in Siberia. An average worker earns 240 rubles a month. On the exchange rate that's $264 but these comparisons aren't very meaningful. Starting wages for a young engineer at Bratsk is 140 rubles a month. He (or she) can soon boost that to 350. There are 12 extra vacation days a year for Bratsk workers. Add those to the 24 to 30 days a year that are standard vacation time in the U.S.S.R. and the fringe benefits for Siberian employment take on new importance.

NO ICE, JUST HEAT

In frozen Siberia, who would have expected that a main problem would be too much heat and no ice?

Too much heat! Sweaters stayed in the suitcases and coats were a bother to members of the group on Alaska Airlines' Siberian Tour. In Siberia summer temperatures are said to average around 35 degrees Centigrade, which sounds reasonable, but this translates into about 100 degree Fahrenheit.

All across Siberia the American travelers hit 94 degree weather and the farther north they went, the hotter it got! Thunder showers occasionally soaked some unwary tourist, but most of the rain was at night.

"No ice! If you want ice, come to Siberia in the winter," Sergei, the Intourist representative, told complainers. There are no bars in Siberia accessible to tourists. Drinks are served in the hotel dining room and if it's closed, that's too bad. Room service does not exist.

In the dining room in Khabarovsk, the first stop, where the Moscow-bound party had been greeted with buckets of ice, not a cube remained.

On the other hand, the tap water in the hotels of Irkutsk and Bratsk was very cold and tasty. On the restaurant tables there was nearly always cool apple juice labeled "Yablochny Natural." Coffee and tea were hot and good.

Champagne and white wines were refrigerated and vodka is vodka, the group discovered, even at room temperature. The next cube of ice the party saw was on their jet, homeward bound.

To beat the heat, women with suitcases full of long-sleeved wool knits were off to shop for cotton dresses in Urkutsk.

Irkutsk, a town of nearly half a million, has a wide, blocked-off street serving as a shopping mall, but no large department stores such as Gum in Moscow or the 3-story Pasudsy Otdel magazin in Khabarovsk. Those intent on cooling off picked up simple cotton shifts from the rack, priced at about $6. More plentiful than ready-mades were the yard-goods displays. Russian saleswomen were cutting out patterns for customers and in some stores even stitching the seams for them.

Shoppers at the mall found much to see and photograph but little to buy. In the large jewelry store where Russian girls crowded the counter to be measured for wedding rings, nobody understood English. At the delicatessens, sign language (a sneeze) produced snuff instead of pepper, but tomato juice could be obtained by pointing.

For Americans, prices were cheaper and quality higher in the hotels and airports at the "Beriozka," or dollar stores, so called because only American dollars are accepted.

HOTEL AND HAIRCUTS

In a Russian hotel the "house detective" is the lady who sits at a desk by the elevator shaft on your floor and keeps the keys.

Key in hand, obtained via sign language from the lady who guards the second or third floor, the American couple approach their first Siberian hotel room. What awaits the typical traveler on a Siberian tour: a room furnished like a ship's cabin, tiny, twin-bedded, with built-in furniture. Small oriental rugs are under each bed. Clean, comfortable, not fancy.

Every room has a bath, but when the new tenant opens the door he is back 50 years! Intourist people have been so sensitized by American comments and complaints that nobody seems willing to solve the mystery of who designs and manufactures the Victorian plumbing which is installed even in the Tourist Hotel in Bratsk that opened this year.

Tourists must pay for souvenirs in Russian hotels, as Americans found out in a hurry. At Bratsk, the bus was already loaded when the front door opened, "Will the person who had Room 208 please tell the maid where she put the towel?" Red-faced, the girl opened her airline bag. "I've got it wrapped around a bottle of booze," she admitted. When a can opener disappeared at Irkutsk, a ruble was added to the hotel bill.

Curiosity or necessity sent American tourists in many directions:

High school student Doug Peck of Palo Alto was taken home by a young friend he met in the park, but the boy was embarrassed when his parents were afraid to let the American in. He finally persuaded a neighbor to entertain Doug. Another couple hinted so strongly to their Intourist guide that she took them home. Apartments are generally simply furnished and often overcrowded.

To visit a church or synagogue: In Irkutsk, a special visit to a working synagogue was arranged for the Jacob Browns of Cincinnati. Martin Selig of Seattle went along.

For men only: Barbers are usually women and give snappy razor cuts for about 50 cents.

To find out why tourists want to go to Siberia and Russia, all passengers on this summer's charter flights are being asked by Alaska Airlines to fill out a questionnaire. In advance of complete tabulations, an informal poll of the 60 passengers on the returning jet may indicate a trend.

Curiosity? Nine out of ten wanted to know more about Siberia and the U.S.S.R.

Adventure? Nine out of ten could be characterized as adventurous and most of them probably thought it would be fun to be the first Americans to enter Siberia from the west.

Been everywhere? A surprising six out of ten could definitely be classed as experienced travelers. One lady, who admitted having had half a dozen heart attacks, also said she had been to the headwaters of the Amazon last year.

Family or personal reasons? About one in 10 had a parent or spouse born in Russia.

Professional reasons? About one in 10 was a professional writer, photographer or teacher of Russian language or history.

[From the Anchorage Daily Times, June 5, 1970]

New Route Links Alaska to Siberia

The fifth spoke in a wheel of international air routes with Anchorage as the hub will come a step closer Saturday when the first flight is made from this city to Siberia.

The flight will open a new chapter in the history of the city that has successfully claimed to be the most air-minded city under the American flag.

Anchorage will become a gateway to Siberia. As such it will on the shortest route between the United States and Russia. It will be the only route that travellers can hop from his homeland into Russia without transiting another foreign land.

It is expected that when service is established on a regular basis, a heavy volume of traffic will come from the Western states to Anchorage on the short route to Russia through Siberia.

Anchorage has enjoyed the economic and cultural benefits of four other air routes that make the city an international crossroads. They are:

1. To Japan with non-stop service to Tokyo, the largest city in the world.
2. To the Lower 48 states, with non-stop service to New York City, the world's second largest city, Chicago and Seattle.
3. To the British Isles with non-stop service to London, the world's third largest city. Also non-stop service to Copenhagen, Amsterdam, Brussels, Hamburg and Paris.
4. To the Hawaiian Islands, almost due south to Honolulu.

The existing routes have provided a basis for many proud claims by the city—air crossroads, most air-minded and such.

They have given Anchorage the distinction of being the only city in the world with scheduled, non-stop air service to the world's three largest cities.

When the Siberian route becomes a permanent reality the city will have additional distinction as the nation's only gateway to Russia.

The Siberian route is still a thing of the future because this summer's operations will be on a charter basis. The U.S. and Soviet governments have approved only 10 flights.

These are considered the forerunners, or proving flights, for permanent operations. Alaska Airlines, which will fly the charters, has applied for permanent route authority with the hope of winning approval for flights direct from Anchorage to Moscow as well as to Siberian cities.

If the Moscow route is approved it will be the first for a U.S. carrier over the North Pole region. All operations in that area are now by European airlines or Japan Air Lines.

The importance of the Siberian route is obvious to longtime residents of Anchorage. It was the local residents who made Anchorage the air-minded city that it is.

From the first beginnings of aviation, Anchorage encouraged bush operators to make this home base. Through the years the city became the hub of the wheel of air routes that extends all the way to Bethel, Nome and Kotzebue as well as to Fairbanks, Juneau and other communities.

When the U.S. planned international air routes over the North Pacific, the people of Anchorage pressed for this city to be the stopping point in Alaska. The Civil Aeronautics Board approved it for more than the city had dreamed of—direct service to Seattle and also the half-way point on an international route from the East Coast to the Orient.

That was the beginning of international operations. The people of Anchorage subsequently made their city so attractive that European airlines came here for refueling and servicing en route over the North Pole to and from the Orient.

Cultural benefits have been an interesting by-product of the aviation business. Each foreign airline has two crews in Anchorage constantly. They also have other ground personnel and service people.

Each crew numbers about 10 persons, which means the city has 160 foreigners living here. They include 20 each for Japan Air Lines, Lufthansa, Scandinavian Airline System, KLM, Air France, Sabena, British Overseas Air Corporation, and Alitalia.

With that many foreigners in Anchorage, languages from far countries are common in public places. And the airline employes participate in skiclubs and other groups, giving Anchorage social activities an interesting cosmopolitan touch that is unique.

The prospect of regular flights to Siberia and Russia open the way for still more interesting visitors, mostly travellers who can stop over, but someday Russian air crews if and when that nation has operations through the Anchorage International Airport.

[From the Anchorage Daily Times, June 5, 1970]

Colorful Khabarovsk Now Next Door

300-YEAR HISTORY IN SIBERIA

Anchorage will have some interesting new neighbors when the new air route is operated between Alaska and Siberia.

By neighbors is meant anyone who lives in a city one stop by air from Anchorage. That makes them next door jetwise even though they may be distant milewise.

Anchorage already has more interesting neighbors than most cities of the world. All the population of the world's three largest cities are neighbors because they are just the next stop by jet from here.

So are all the people of Copenhagen, Amsterdam, Paris, Hamburg, Brussels and London. They are all "next door" by jet.

The new neighbors will be residents of the ancient city of Khabarovsk where the history and background of the people are different from any of the others.

Khabarovsk dates back more than 300 years. It was started as a fort in 1652 by an explorer the history books list as Y. Khabarov. He lead the first Russians into the forests and swamps of the lower Amur River.

The fort was strategically located where the Amur River and the Ussuri meet. River transportation was important then and still is today.

In 1689 under the treaty of Nerchinsk the Russians abandoned the fort to China, an action which laid the groundwork for China to still lay claim to the area today.

It was almost 200 years later, in 1868, that the Russians returned to colonize the area. The town was founded as Khabarovka and quickly became focus of the entire Russian Far East activity.

The new town was important because of its position on the crossroads of transportation. The Amur swings around northeastward to the sea where Vladivostok is the famous harbor and naval base for the U.S.S.R.

The Trans-Siberian railroad crosses the Amur River at Khabarovsk making that city an important junction on the line that stretches over 3,800 miles from Moscow on the way to Vladivostok.

At one time the entire Soviet Far Eastern territory all the way to the shore of the Bering Strait opposite Alaska's Cape Prince of Wales, was administered from Khabarovsk but the area has been subdivided for administrative purposes in recent years.

At Khabarovsk there are many modern industries. The city's population may be approaching the 400,000 mark now. It was shown as 322,744 in 1959. The people are employed in large-scale engineering and machine building, ship repairing, oil refining (oil from Sakhalin is brought in by river tanker), timber working, furniture making and many light industries producing clothing and foodstuffs.

The city has several educational institutions that teach everything from medicine to railway operation. There are museums and interesting tours with English-speaking guides.

The city is quite different from Alaska. It has industries that give it an atmosphere quite different from Anchorage. But the huge area of 318,000 square miles around it is very similar to Alaska. Khabarovsk is the capital city for the government of the area, known as a krai.

Northern Khabarovsk krai is almost all dense Siberian taiga which looks much like the Alaska timber dominated by spruce and other evergreens. The population is sparse and development minimal.

Most of the population (1,142,535 in 1959) of the krai resides in the south where the economy is developing rapidly. Coal mining, iron ore, Manganese, molybdenum, wolfran, tin and gold are all taken from there.

FEW NEON LIGHTS

One of the things you will miss in Russia is neon lights.

They are not plentiful because business establishments are not merchandizing their things the way stores do in America.

Each store is government owned. It is quite common for the store to have a modest sign—usually painted and unlighted—outside indicating what kind of a store it is. The sign might say "meat". Or it might say "milk". But that's about all.

A 1957 Editorial

The idea of tourist flights from Alaska into Siberia was first proposed in an editorial of the Anchorage Daily Times on Dec. 13, 1957, under the caption, "Airlines Should Seek Routes To Siberia."

The editorial writer of that day outlined a route of travel with points of interest that are now scheduled for the 10 charter flights of Alaska Airlines this summer.

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The idea was timely because the Soviet travel agency, Intourist, had just announced that foreign tourists for the first time would be allowed to travel into Siberia as far east as Irkutsk on Lake Baikal. The editorial writer pointed out that a flight from Alaska to Irkutsk would connect with the travellers from Europe to Irkutsk.

Alaska Airlines responded to the editorial immediately by announcing its application for such a route was being filed with the Civil Aeronautics Board. The airline said the route would be virtually the same as the one suggested.

For the 13 ensuing years the idea was left in suspension. It required two governments to give approval and apparently neither one was particularly interested. The airline, however, pressed for action whenever appropriate.

As the two nations made approaches for cultural and educational exchanges, the proposal for moving tourists through Alaska into Siberia came alive in the international discussions.

The original airline request was for permission to fly scheduled operations to Irkutsk. The permission granted is less than that. The Soviets have agreed only to 10 charter flights to Khabarovsk, which is north of Vladivostok.

The airline is hopeful, however, that the experience with the 10 charter flights this summer will be such that the proposal for scheduled operations all the way to Moscow from Alaska will be approved.

[From the Anchorage Daily Times, June 5, 1970]

NEW ADVENTURES IN ANCIENT RUSSIA

(By Norma Spring)

For several years Alaska Airlines has been knocking on Russia's back door—Siberia.

There are reasons for feeling neighborly.

At the closest point, the Diomede Islands, there are only two miles and the International Dateline separating the Soviet Union and the United States. And down the coast at Nome, home base of the airline's successful summer and winter Arctic tours, it is only about 150 miles to the Siberian mainland.

Whetted by the public interest in their "Shadow of Siberia" routing between Kotzebue and Nome, when passengers have been catching an intriguing glimpse of the misty Soviet mainland, officials periodically renewed their request. Last year, Charles Willis Jr., chairman of the board, and Robert Giersdorf, vice president of sales, took the initiative in a lively people-to-people Alaska-Soviet Union exchange program with tourism-minded Russians.

Russia's Intourist Department not only heard the knock, but now has opened that back door, and also unrolled a big welcome mat. With the blessing of the Civil Aeronautics Board, final approval was granted for Alaska Airlines to make 11 charter flights from Anchorage, 3,800 miles via the Aleutian Island chain to Khabarovsk, in Siberia.

There Aeroflot, the Soviet airline and Intourist, which handles all tourism in the U.S.S.R., lend a helping hand.

Visitors will have a choice of either an eight-day tour of Siberia at $849 or a 15-day comprehensive tour of the U.S.S.R. at $1,249. Both tours are priced from Anchorage, both are "all inclusive," guided and de luxe by all standards.

The first leg of the journey via Alaska Airline's Golden Samovar Service is geared to put visitors definitely in the mood for Russian adventure.

Traveling out the Aleutian Island chain is a rare and unusual experience in itself. The intinerary follows closely the route of those early rugged Russian explorers, but in the opposite direction. But it took them most of a year to cover the same distance under hardship conditions, while a Golden Nugget Jet flies the route in eight hours in luxurious comfort.

The Aleutian Islands are a rocky archipelago dividing the Bering Sea from the Pacific Ocean. Names like Dutch Harbor, bombed by the Japanese in World War II, and Amchitka Island, controversial site of recent nuclear tests, will sound familiar. One of the last U.S. Islands is Shemya, with a modern jet-sized airport. Next the highlight—when the jet crosses the International Dateline into tomorrow, entering Russia and landing at Khabarovsk in mysterious Siberia.

The eight-day tour includes the Siberian cities of Khabarovsk, Irkutsk, Bratsk and Lake Baikal.

Today's Siberia is a far cry from the bleak land of exile under the tsars. It is Russia's vigorous Far East frontier, with extensive virgin timber stands and barely-tapped natural resources, including hydroelectric power on a grand scale.

In fact, this pristine, pioneer land is amazingly like Alaska and so are its people. They seem recharged by the challenge of the past winter, and in summer attack the season's chores with vigor, renewing themselves with outdoor recreation. The countryside flourishes with lakes, streams, flowers, and prolific bird and animal life. These tours will change the image of Siberia.

Khabarovsk is on the Amur River teeming with barges, steamers, fishing boats, tugs, and swimmers. It is the main-eastern depot for the Trans-Siberian Railroad. It is a fine introduction to frontier Russia, a growing giant of 400,000 people as its modern look emerges from the surrounding heavy forest, or taiga.

From Khabarovsk, a modern Aeroflot jet penetrates deep into the heart of wilderness Siberia. Much of the way to Irkutsk it skirts the border of Mongolia. Hopefully, there'll be a glimpse of the legendary Chinese Wall, now 1,200 years old.

Irkutsk is one of the oldest cities in Siberia, and a flourishing one over the centuries, due to its location on the Angara River. It was at the crossroads of trade routes to the Far East, European Russia, and countries to the east. During the 18th Century, explorers and merchants exchanged supplies here before making the long trek on foot or by sled across Siberia eastward to the ocean where they built small ships of green lumber and set sail for Alaska.

Included in the itinerary is a day's trip to nearby Lake Baikal, which is 5,000 feet deep—the deepest in the world—and supports hundreds of species of aquatic life found nowhere else in the world. One of its mysteries is how seals got started and still exist there thousands of miles from the Arctic Ocean.

Bratsk is the newest city. It surrounds the industrial complexes of Siberia's newest and most ambitious project, the world's largest hydro-electric plant, located on the Angara River. When the Bratsk Dam, an hour's flight from Irkutsk, was started about a dozen years ago, the first builders had to make their way from village to village over animal paths through thick forests.

These eight-day tours will depart Anchorage June 20, July 25, Aug. 29 and Sept. 19.

The 15-day tours depart June 6, June 27, July 11, Aug. 1, Aug. 15 and Sept. 15. They include, besides the Siberian frontier, two entirely different faces of Russia.

First is the fascinating European face, as found in Moscow and the optional tour cities: ancient Kiev and 18th century St. Petersburg (now Leningrad) which may be somewhat familiar to visitors.

Russia's heart is in the Kremlin. There, and in the rest of western Russia has been preserved and revered much of the old and the beautiful. It may surprise some to find that the tour includes a very complete visit through the Kremlin; the Armory, the fantastic St. Basil's Cathedral, Lenin's Tomb.

Then there is the exotic and Oriental face, sampled in a visit to Samarkand and Tashkent, in Russia's Central Asia. Both cities, in warm, desert-like country, on the ancient camel-caravan routes are at the crossroads of traffic and history—the meeting place of many cultures since recorded history. Yes, it is most likely you'll see remnants of camel caravans from the nearby mountains. And the graceful, colorful, domed architecture, assorted national dress, old ruins and native markets are a photographer's delight.

Just about everything possible to see in the time allotted has been crammed into these Alaska Airlines pioneer tours.

RIDE ON SUBWAY IS THE BEST BUY IN RUSSIA—

One of the most interesting experiences in a visit to Leningrad or Moscow is a ride in the fabulous subway trains.

The Intourist guides usually ignore the subways, so the visitor must do it on his own. Sometimes the guide can be hired at the end of the touring day to accompany one or more visitors on her own time. Some Communists moonlight.

The subway is a thrill from the time one enters the station and goes by escalator to the train level below. Some of the escalators are unusually long. One in Leningrad goes down several hundred feet. The trip takes one minute and 48 seconds, and that's a long time on an escalator.

At the foot of the moving stairway is a subway station that looks like a palace. The floors are marble and clean. The walls are plaster with decorations in white. Light fixtures are crystal chandeliers.

Some walls have painted murals that are delightful.

The Leningrad subway is newer than the Moscow underground and perhaps more beautiful. It has only 14 stations and is about 16 miles long. Each station, however, is magnificent. Its theme reflects the economic or cultural activity at the surface above it.

It is worth while to get off the subway at each station for a stopover until the next train comes, which is never very long. This affords time for an inspection of each station.

Some have beautiful statuary of bronze. Others have it of marble. Other stations are distinguished by beautiful mosaics that tell the story of that part of the city.

The station below a glass works sparkled with crystal and glass. The pillars were covered with cut glass. Special glass light fixtures gave an air of elegance.

A station below the Baltic Sea train station was done in blue and white marble with designs that simulated ocean waves. An artist could not have done better.

Unless the government has changed it, the fare for the ride is five kopecks which is about five cents. It is probably the best buy in all of Russia.

—BUT SHOPPING AT GUMS IS A TEST OF PATIENCE

Do you want to know how the Russian mother shops for her family?

Gums, the biggest department store in Moscow, is a good place to find out. Try to buy a piece of cheese.

First you walk through the crowds, being jostled here and there and sometimes pushed. If it is raining, be prepared because the roof leaks. Some people open umbrellas.

When you find the cheese booth, get in line. Check your watch to appreciate your experience. It takes up to 15 minutes to work your way up to the counter.

The clerk asks what you want. You point, and avoid the problem of language. She weighs the cheese, wraps it and sets it aside. On a small piece of paper she writes the price. She then points toward the cashier's

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booth and you can readily understand she means for you to take the paper to that window and pay for the cheese.

Then you check your watch again because you are now in your second line. It takes another 15 minutes to get to the cashier's window. The girl has a huge abacus with huge beads on it. That's her adding machine.

You hand the cashier your slip of paper and a wad of rubles. She takes what she wants and hands you back the rest of your money, and she gives you a receipt.

Then you go back to the cheese counter. And once more you find yourself in line. Check your watch again. You're going to find another 15 minutes is required to get to the clerk who, when you give her the receipt, will hand you the cheese.

Thus it takes mamma 45 minutes to purchase the piece of cheese. Now she can go to another booth and buy bread to go with it.

PROBLEMS ON THE CAMPUS

Mr. DOLE. Mr. President, in the Sunday Star of September 27, 1970, the Vice President addressed himself to the problems on campus with special attention to the school year just beginning. I think that the article is indeed timely and I commend it to the attention of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGNEW: "LET'S RESTORE THE IVORY TOWER ON CAMPUS"

(By SPIRO T. AGNEW)

As another fall comes to the campus, American colleges and universities are being hard-pressed—from within and without—to define the role they will play in our country's future.

No one, it seems is willing to suggest that they return to teaching students to think and to learn. As controversial as that might seem—"non-relevant" would be the term for it in today's vernacular—I herewith propose it.

In other words, let's restore the Ivory Tower and the classical education that has been the bedrock of our civilization. And let's cease the endless pyramiding of irrelevant electives that give the student only "what he wants" and thus ill equip him for the demanding and competitive adult life he is about to enter.

We need more of the mental discipline that produces scholarship and the moral discipline that restores order and allows scholarship to be pursued.

Now, before I am tagged a Neanderthal who would disrupt or destroy the processes of education, or stifle dissent on the part of young people, let me assure the reader that is not my purpose. Please examine the whole argument.

First, some basic beliefs:

I believe that the current generation of young people has demonstrated that it is one of the most "concerned" generations in our history. But, while lauding their compassion and their motives to achieve justice and progress, I disagree wholeheartedly with their methods. I fear that, as far as their college education is concerned, they are losing valuable time.

I also believe that young people should involve themselves in politics and government—but not at the expense of those on the campus who are there to learn and acquire a bona fide education. The serious students of today cannot concentrate for the shouts of "Action Now!"

There is no better way to achieve "Action now" on social and environmental problems than to run for public office or work actively for the election of someone who shares your beliefs. But I do not think that colleges should suspend their classes while this takes place; and students who are so inclined might do well to engage in such activity on their own time, even if it means removing themselves from college and getting a job.

Finally, I believe that the educated person who has had some practical working experience is much better equipped to solve the problems of this society than a classroom of students, no matter how brilliant they may be.

The problem of pollution is far more likely to be solved by the working scientist than by some present-day agitator or his well-intentioned follower from the campus who stridently draws attention to it but offers no solution.

Working with the scientist will be the businessman who, before he began making a profit, studied humanities that now guide him to the realization that there is more to life than profit-making; the government official who won election by gaining the respect and confidence of his constituents instead of screaming obscenities at them; and the worker who builds rather than destroys.

That is who will solve the problem.

I do not mean that there is not a major role to be played by the academic community but its contribution must come from the research laboratory, the classroom and the library, rather than the street. Above all, its contribution must be the education of those who tomorrow must come to grips with these problems and further speed thier solution.

* * * * *

It is in the last-mentioned, real purpose of college that I feel many of our institutions are falling down today. One of the reasons is they have lost sight of the traditional, time-honored purpose of education.

Our colleges and universities have the same responsibility as the many who have preceded them—to build upon the knowledge of mankind accumulated through the centuries, and to pass this on to their students.

It is their duty and their obligation to preserve and broaden the intellectual heritage of our nation and to educate the future leaders of this country and the world.

They cannot fulfill this role—either for the seven million young people now enrolled on our campuses or the millions more who will soon follow—if they retreat from the basic goals of higher education to become emotionally "involved" with government on issues and problems.

Let me examine for a moment the question of "relevance," this modern trend of yielding to student demands for courses that concern themselves with the major political and social issues of the day. Our major universities now offer such subjects as racial conflict, urban problems, alienation of youth, equality of women, and air pollution to name just a few. They are, in effect, courses in current events.

My feelings about these were well expressed by Bayard Rustin, the civil rights pioneer and executive director of the Philip Randolph Institute, when he commended on widely publicized demands for black-oriended subjects and separate cultural centers on campus.

"Everyone knows that education for the Negro is inferior," Mr. Rustin said. "Bring them to the university with the understanding that they must have (the) remedial work they require. The easy way out is to let them have black courses and their own dormitories and give them degrees. . . .

"What in hell are soul courses worth in the real world? No one gives a damn if you've taken soul courses. They want to know if you can do mathematics and write a correct sentence."

The same thing can be said of practically all so-called "relevant" courses which deal only with current problems out of context. The information gained from such courses will be, for the most part, out of date—irrelevant, if you will—before the student gets out of college or soon thereafter.

It should be the purpose of the college course to teach method and character on the basis of factual information accumulated over the centuries.

Most "relevant" courses, as far as I have been able to perceive, do not give the student the historical perspective that is necessary in making sound judgments. Even in those where the historical background is considered, it is being considered for a special purpose. The student is aware of what he is looking for. This is not what I have always understood to be the broadening experience we normally think of as the purpose of higher education.

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In the traditional history course the student learned a body of material, the immediate value of which he did not know. And he was able to make independent judgments, one way or the other, because he was not already committed to a particular viewpoint on a current issue.

That is not so in the "relevant" courses. The material is controversial; the student is more often than not a partisan, an advocate. He may learn persuasion—important, to be sure—but he will hardly be in the best position to learn accurate observation and disinterested analysis.

Yet, this is precisely what college should teach. In everything that is read or learned, what matters are the qualities of character and mind that we retain long after the concrete means to their acquisition have vanished.

The mental qualities to which I refer are the ability to observe accurately, analyze appropriately, and propose solutions to problems that are perceived.

These abilities are hard to acquire in any circumstance, almost impossible where the task is impeded by partisan emotions. Emotional commitment to the material at hand is pleasant; it renders the burdens light by stirring our emotions.

But pleasure and ease are not the goals of college courses. They can be useful, indeed, but for a college course they must be regarded not as goals, but as means. The goals toward which such courses should aim are precisely the abilities which I have mentioned. In my opinion, these goals can most effectively be reached by utilizing material that is not exclusively "hot" or currently controversial.

Such a regimen requires discipline precisely because it is not easy. Whether this discipline comes from without or within matters little. But come it must, and I believe it is the college's duty to inspire it and to nurture it.

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The modern trend to let students follow their noses, to "do their own thing," is an irresponsible policy in higher education. This used to be what you did in your spare time. It is becoming a part of the curriculum at many institutions. The courses multiply yearly.

What if the student likes nothing but rock music and New Left cinema? If he can find a few others who feel the same way and organize an assault on the administration building, should he be given these courses?

And after a four-year, heavy diet of such courses, are we going to pronounce him Bachelor of Arts and say to all the world, "This is an educated man!"?

I do not want to indicate here that I do not think there are many matters of legitimate concern to students and reforms that are needed in all of our educational institutions. There are. But the "do your own thing" syndrome is the weakest part of the argument. It has no place in a college curriculum.

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There are those who will argue that method can be learned on any material. But as I have said, the purpose of college is not only to learn method; it is also to acquire certain traits of character. In this regard, it very clearly matters what the student reads. I, for one, am not ready to substitute Allen Ginsberg for Shakespeare or Milton.

There is a difference between what is historically significant and what is currently "relevant," and it should be reflected in the sense of values we apply to college courses. The time allowed for education is limited and precious. It should be used wisely. And the faculty, not the students, are the best judges of how it should be filled.

As for the character-building aspect of education, all of us want our children to acquaint themselves with the lofty ideals and noble character that are part of our heritage. It inspires them to reach beyond themselves.

I asked a student once why he studied history, and he told me that it gave him hope, it stimulated him to rise above the petty details of his life. When he felt small—a tiny speck in a world of three billion people—he could draw inspiration from the success of the great leaders of our republic and our world, who also overcame a myriad of problems to succeed. And they came across as individual, real men.

The advocates of relevance insist that the current events themselves are of primary importance, rather than the context in which they exist. This is reminiscent of the old professor who demands that we learn all the "footnotes" of Hamlet rather than its timeless message. What place does this emphasis on the acquisition of details for their own sake have in college education?

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Problems are not new in the world. They are always changing. What some may see as a big problem today may well be gone tomorrow. The student must concern himself with acquiring that which will serve him for the next 40 or 50 years, right down to the day he dies.

Some of our problems which we think so new and so momentous are as old as man. There was air pollution in the London of Samuel Johnson, and there was noise pollution in the Rome of Juvenal.

While we have added immeasurably to those problems, we also are moving toward conquering them for the first time in history. The country is concerned. Action must follow.

But again I say, if the pollution problem of today is to be solved, it will be solved by those who are educated and experienced, not by those students who have nothing to offer but their concern.

Today's students can look forward to solving problems many years from now which we cannot even imagine—if they prepare themselves now to deal with unforeseen difficulties.

Part of the preparation they will need is breadth of vision. That is what college offers . . . or what it can offer if its students, faculty and administrators disengage from trying to run the country and concentrate on the time-honored task at hand.

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STATEMENT BY THE PRESIDENT'S ADVISERS CONCERNING THE CURRENT FUEL SITUATION

Mr. COOPER. Mr. President, I have read with interest the joint statement by Mr. Paul McCracken, Chairman of the President's Council of Economic Advisers, and General George A. Lincoln, Director of the Office of Emergency Preparedness, this morning making a report of action taken by the Interagency Power and Energy Committee convened by the Office of Emergency Preparedness, methods to deal with the Nation's fuel situation for the coming winter.

In addition to recommendations for the importation of additional quantities of fuel oil on the east coast, the report makes certain recommendations dealing with one of the important causes of our present coal shortage—the unavailability of an adequate number of coal cars for loading and transporting coal. That part of the report on fuel relating to our coal supply is encouraging to Members from the coal producing States and others who are cosponsors of Senate Resolution 457.

The report states that, in addition to the Interstate Commerce Commission's action just taken doubling the demurrage charge for all open top hopper cars standing idle in loading or unloading zones, the ICC will take the following additional actions: First, divert the use of general service hopper cars from alternative loads to the movement of coal. I am informed that this would mean that cars presently carrying sand and gravel or ore, for example, could be diverted from that use to the use of loading and transporting coal; Second, direct the ICC to require the return of all hopper cars within a specified period of time.

In my floor statement last Friday, I noted that the ICC had just announced its continuation in effect of service order 1043 which was scheduled to expire on September 30. Service order 1043 requires, in substance, that all coal cars owned by the Louisville and Nashville, the Chesapeake and Ohio, the Norfolk and Western, and other coal carriers, when made empty at an off-line point, be immediately returned empty without intervening loading to the owning railroad. This order has been helpful to the above carriers, particularly to the L. & N., in expediting the return of cars and in reducing the turn-around time. I am very pleased that the ICC will continue this order in effect for another 90 days to December 31. It would seem to me that if the recommendation of the administration would also require a specified period of time for the return of coal cars this procedure would further speed the return of cars to the owning railroads and would aid the availability and supply of cars to these carriers.

Mr. President, I believe that the report and initial recommendations of the President's advisers in dealing with the serious problems that our Nation faces this winter with respect to a fuel shortage, and possible power shortages are important and helpful, and I invite the Senate's attention to this statement.

The honorable Paul McCracken and Gen. George A. Lincoln deserve credit and thanks for the steps taken to immediately ease and more permanently relieve the fuel shortage and, of course, President Nixon deserves our appreciation for setting in motion these necessary steps.

Mr. President, I ask unanimous consent that the statement of the President's advisers and an article appearing in this morning's Wall Street Journal reporting on the double demurrage charges on overdue hopper cars ordered by the ICC be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY PAUL W. MCCRACKEN, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, AND GEN. GEORGE A. LINCOLN, DIRECTOR, OFFICE OF EMERGENCY PREPAREDNESS ON THE FUEL SITUATION FOR THE WINTER OF 1970–71

Last May, in anticipation of the tight electric power supply in some regions of the United States this summer, the Interagency Power and Energy Committee convened by the Office of Emergency Preparedness issued a report which identified the problem areas and suggested measures which the electric utility industry, consumers, and the appropriate agencies of the state and federal government should take to avoid a breakdown in service. The power supply problems in the East occurred as anticipated but the contingency planning—primarily by the electric power industry itself, but assisted by federal actions—enabled the general public to continue to be served. We have had difficulties this summer, and as recently as last week, but considering the magnitude of the problem and the potential for truly disastrous consequences, the contingency planning has worked well.

We have continued to study the energy supply situation and find that as winter approaches the nation faces a potential shortage in the supplies of natural gas, residual fuel oil and bituminous coal. The potential shortage appears to be more serious in some regions of the country than in others, but no section is completely immune from concern.

The prospect of an energy shortage arises for many reasons. Demand for energy continues to grow more rapidly than in previous years. And the demand for clean fuels to meet air pollution controls has placed extraordinary demands on natural gas and low sulfur oil and coal. Some coal stockpiles are lower than normal and some electric utilities are unable to build up their inventories, in part because of railroad transport deficiencies. A sharp rise in the worldwide demand for residual fuel oil, especially low sulfur oil, and a shortage of oil tankers caused in part by production cutbacks in Libya and interruptions of an oil pipeline in Syria, have contributed to the tightness in U.S. fuel oil supply. Increased demand and inadequate exploration and development for natural gas are contributing to its scarcity. Nuclear power plants under construction as a source of electric power are behind schedule and this results in greater demands for fossil fuel.

To avert the threatened shortages and minimize their impact will require the combined efforts of all those involved in the production, distribution and consumption of fuels—which means industry, labor, consumers, and State and local governments, as well as the Federal Government. Basically, we rely upon the proven adaptability of the American economic system which must respond to the present and prospective demands for fuel by converting to the production of what is most needed and its delivery where it is most needed. The increaesd national requirements, and the changes in the price structure that arise from them, provide a powerful incentive to this adjustment of supply, which is in fact already taking place. We call upon the petroleum industry, the coal industry, the railroad industry and others, in the light of the national need, to increase the supply of fuels, as is made feasible by economic factors. We also ask the cooperation of the coal miners, the railroad workers and other fuel and transportation workers to help avert a fuel shortage.

While primary responsibility for fuel supply rests with the industry under our private enterprise system, responsible government should take effective action to avert a shortage of so critical a resource.

It must be recognized that solutions in which the government can play the greatest role are more long-term in nature. Those possibilities are under study by the Energy Subcommittee of the Domestic Council. For the moment we have considered what government can effectively do now—this fall—to facilitate supply.

We have concluded that certain actions by the Federal Government can help both assure the adequacy of supplies and thereby to moderate the increase of prices. We are, therefore, taking the following actions which we believe are necessary to give reasonable assurance of the adequacy of fuel supplies this winter. In view of numerous uncertainties, no one can now be sure that these steps will be adequate. We will keep the situation under continuous observation to be prepared with further measures if they appear to be necessary.

(1) Action is being taken to:

a. Continue the importation through calender year 1971 into the East Coast (District I) of an average of 40,000 barrels per day of No. 2 fuel oil with up to 80,000 barrels per day concentrated in the first quarter heating season.

b. Exempt natural gas liquids from the Canadian crude oil quote limitations. (These natural gas liquids are associated with the production of natural gas which we are importing from Canada.)

c. Permit the importation of liquefied petroleum gas from the Western Hemisphere.

d. Permit topping of imported crude oil used for fuel into District I (East Coast) if all of the topping is used for fuel.

e. Permit topping of crude oil imported for fuel overland from Canada and the use of such topping product for fuel or for reexport to Canada.

f. Relax restrictions on viscosity requirements of crude oil used for burning.

g. Permit transportation of oil from Canada by waterway.

(It should be noted that, for all practical purposes there are currently no restrictions on importation of residual oil into District I (the East Coast) or on importation of crude oil for burning into District I and overland from Canada.)

(2) In order to increase the availability of railroad cars for moving coal, the Interstate Commerce Commission has doubled the demurrage charge for all general service and coal hopper cars standing idle in loading or unloading zones. In addition the ICC will take the following actions as conditions require:

a. Divert the use of general service hopper cars from alternative loads to the movement of coal; and

b. Require the return of all hopper cars within a specified period of time.

(3) We will continue to work closely with the electric power industry through the Federal Power Commission along the lines of our program for the summer to assure that interruptions in electric service are minimized. We urge the State and local governments to meet with the utilities in their respective service areas to review contingency plans for meeting loads this winter in those areas of tight supply identified.

(4) We are continuing to urge the consuming public to practice conservation in the use of energy. The Special Assistant to the President for Consumer Affairs will issue suggestions to the public for doing this. Federal agencies will set an example by instituting programs to conserve fuels in federal installations.

(5) We are establishing a Joint Board composed of the Director of the Office of Emergency Preparedness (Chairman), the Secretaries of Interior and Commerce, and the Chairmen of the Council of Economic Advisers, the Council on Environmental Quality, the Interstate Commerce Commission and the Federal Power Commission, to identify emergency problems in fuel supply and fuel transport and coordinate prompt and appropriate remedial action by the responsible federal agencies.

These steps are in addition to a number of measures already taken, or in the process of being prepared for implementation, to use the transportation and power systems more efficiently and respond to local shortages.

Appropriate federal agencies will be meeting with State and local authorities to discuss this winter's problems in detail. We also expect to maintain close contact with the energy industry in order to assist in averting shortages.

We are taking the actions announced today to avert serious shortages. We believe that with the cooperation and initiative of industry, labor, and consumers an energy crisis can be averted. There are certain other measures we have considered. And, if the measures taken today together with the initiatives of industry fail to avert a crisis, we shall not hesitate to resort to any additional actions necessary.

ICC To Double Charge on Overdue Hopper Cars in Wake of Shortage

Washington.—The Interstate Commerce Commission moved to ease a shortage of open-top hopper cars for coal shipments by ordering a temporary doubling of the charges shippers pay railroads for holding the cars too long.

The ICC said that starting Thursday all such demurrage charges for these cars beyond the specified "free" time will be doubled. The increase will expire Dec. 1, the commission said.

It said some railroads can't furnish enough of the coal-hauling hopper cars to coal mines because of an "acute" nationwide shortage of the cars. The shortage is impeding the movement of coal for use by electric-power plants at a time when power is in short supply the ICC said. It said the cars are being held beyond free time for loading, unloading or until instructions for movement are received.

Typical normal demurrage charges for the cars include a range of $5 to $15 a day, depending on length of time held by the shipper beyond the 48-hour free time, for general hopper car charges, and $10 a day beyond the 24-hour free time for cars that are part of "unit" trains.

The commission a month ago put off for seven months, until April 1, 1971, a permanent doubling of demurrage penalty charges for all freight cars held beyond the free-time period by shippers. Railroads had requested that increase.

NAVAL WAR COLLEGE REVIEW ARTICLE ON DUTY, HONOR, COUNTRY

Mr. THURMOND. Mr. President, the U.S. Military Academy at West Point is our oldest service school for the training of career officers for the Army. An essential element in this education is living in the presence of great traditions, perpetuated by suitable memorializations and the occasional appearance of key war leaders. The motto of this great school is duty, honor, country.

One of the most illustrious graduates of West Point was Gen. Douglas MacArthur of the class of 1903. Returning to the Military Academy on May 12, 1962, to accept the Sylvanus Thayer Award in what was his final rollcall, General MacArthur made an impassioned appeal in support of the patriotic values epitomized in three hallowed words: duty, honor, country.

Though not featured in the main news media of our country at the time, as it should have been, the address was recorded and has now become immortal as an inspiration to all charged with the responsibility for the protection of the United States as well as to those to whom it was addressed.

Unfortunately, today there is a tendency to forget the meaning of these values. Some of the news media and entertainment media and many of our public leaders conspire to downgrade not only the meaning but the very importance of these sacred laws. Patriotism is turned upside down and honor inside out. The very concept of duty, and of sacrifice, and of self-restraint has been eradicated from the moral culture to which so many of our young are subjected. But it is not only some of the young who fail to acknowledge these values. The older generation, too, must bear its share of blame for adopting the attitude of the cynic and for allowing themselves to be given over to the easy paths of pleasure and self-seeking.

The tremendous propaganda campaign to downgrade the military and to destroy its place in the public esteem coincides with the general relaxing of the ethical values in our moral culture. It is fitting, therefore, that we come back to the touchstones embodied in duty, honor, country, and say as General MacArthur said in his historic speech:

> The code which those words perpetuate embraces the highest moral laws and will stand the test of any ethics or philosophies ever promulgated for the uplift of mankind. Its requirements are for the things that are right, and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle and in the face of danger and death, he discloses those divine attributes which his Maker gave when he created man in his own image. No physical courage and no brute instinct can take the place of the Divine help which alone can sustain him. However horrible the incidents of war may be, the soldier who is called upon to offer and to give his life for his country, is the noblest development of mankind.

Mr. President, in those words of General MacArthur we have summed up the answer to the moral degenerates who scream that our military posture is immoral and that our military allies are criminals. At a time when even the thought of victory has been driven from the minds of many, it is useful to reflect upon the great moral truths to which the soldier bears witness. It is highly significant that many of the violent and irrational of the war critics are precisely those who adopt physical habits and behavior which is an affront to all standards of Christian behavior. I cannot believe that such degenerates have developed a code which is superior to that of duty, honor, country.

It is singularly appropriate that the Naval War College Review, for September 1970, has published a research paper

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by Maj. Richard A. Behrenhausen, U.S. Army, a 1961 graduate of the Military Academy and a 1970 alumnus of the School of Naval Command and Staff of the Naval War College, in which he analyzes and evaluates General MacArthur's 1962 address.

Mr. President, in order that Major Behrenhausen's scholarly appraisal of the indicated address may be made available to the Nation at large, especially our educational institutions, I ask unanimous consent that his article, "Duty, Honor, Courage," and General MacArthur's May 12, 1962 address by that title be printed in the RECORD at the conclusion of my remarks.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

DUTY, HONOR, COUNTRY

(General of the Army Douglas MacArthur was not only a successful military officer, but was also one of his generation's most talented orators. One of his most eloquent speeches was "Duty, Honor, Country"—an impassioned patriotic appeal to the values of the officer corps—delivered at West Point in 1962 on the occasion of his acceptance of the Sylvanus Thayer Award. In the following article the author analyzes and evaluates this address in the light of contemporary standards of rhetorical excellence.)

(A research paper prepared by Major Richard A. Behrenhausen, U.S. Army, School of Naval Command and Staff.)

MACARTHUR OF WEST POINT

Duty, honor, country: those three hallowed words reverently dictate what you ought to be, what you can be, what you will be.

On 28 February 1962 the U.S. Military Academy announced that General of the Army Douglas MacArthur had been selected to receive the Sylvanus Thayer Award.

The award, first presented in 1958, is named for Sylvanus Thayer, known to generations of cadets as "The Father of the Military Academy." As Academy Superintendent from 1817 to 1833, Thayer instituted academic and military principles "based upon integration of character and knowledge" that remain today virtually unchanged.[1] The award is presented annually to a distinguished U.S. citizen "whose record of service to his country, accomplishments in the national interest, and manner of achievement exemplify outstanding devotion to the principles expressed in the motto of West Point—Duty, Honor, Country."[2]

On 12 May 1962, General MacArthur made his final journey to West Point. On that day he was to be presented with the award—"a handsome gold medal, a beautiful hand-painted scroll, and a citation."[3] It was a perfect day for a parade. A brilliant sunshine highlighted the spring beauty of the Hudson Valley as the Corps formed on "The Plain" in honor of the general. The ancient parade field was surrounded by more than 30,000 spectators who broke into spontaneous applause as the Old Soldier trooped the line once again.[4]

Following the parade, the award presentation was made in the cadet messhall. Maj. Gen. William C. Westmoreland, the Academy Superintendent, opened the program with a few brief remarks. Next, Lt. Gen. Leslie R. Groves, President of the Association of Graduates, recalled some of the highlights of General MacArthur's career. Following these momentary reminiscences, General Groves then read the award citation. At the conclusion of this reading, the audience, which consisted of 70 distinguished military and civilian guests, more than 300 Academy graduates of the entire 2,400 man Corps of Cadets, rose in a standing ovation as the award was presented. Then, speaking from his heart "without reference to notes or script," General MacArthur "delivered the inspiring address which will occupy forever a prominent niche in the history of West Point."[5] (See appendix I.)

This "moving and inspirational farewell speech"[6] would come to be called "Duty, Honor, Country" and would take its place alongside of "Old Soldiers Never Die" as the most famous public address of General MacArthur.

The purpose of this paper is to conduct a rhetorical critique of "Duty, Honor, Country." This criticism will include investigation in the following areas: a brief sketch of the background of General MacArthur and his methods of speech preparation; an examination of the organizational structure of the speech and of the means of proof employed within the speech; an analysis of the style and delivery of the speech; and, finally, an overall evaluation of the effectiveness of "Duty, Honor, Country" as well as an interpretation of its communicative situation.

No attempt will be made to recount in detail the many and varied highlights of the career of Douglas MacArthur. Called "the greatest front line general of the war,"[7] his daring exploits with the famous Rainbow Division during World War I are included in even the most basic history texts. Equally as familiar is his rapid rise within Army ranks to Chief of Staff. His subsequent records as Special Military Advisor to the Philippines, Commander in Chief U.S. Army Forces in the Far East, Supreme Commander of the Allied Powers for the occupation of Japan, and Commander in Chief, United Nations Forces in Korea are, again, both well known and well documented. Yet, because a speaker's "background may well contribute to his ultimate product,"[8] certain facets of General MacArthur's life and career merit investigation.

Douglas MacArthur was born in his father's Army headquarters at Arsenal Barracks, Little Rock, Ark., on 26 January 1880.[9] If, indeed, "the military officer raised in such a milieu since childhood might be influenced on a particular issue in a very positive way,"[10] then most certainly Douglas MacArthur would have been so influenced. Though he would not officially join the Army until his entrance to West Point in 1899, he "was in and of the Regular United States Army from the day of his birth."[11] He was fond of saying "the first recollection I have is the sound of Army bugles."[12] "His first books had to do with soldiering; his playmates were the children of other soldiers on the post, and like young Douglas their first playground was an Army square."[13]

Douglas' father, Arthur MacArthur, a professional soldier of considerable renown,[14] conducted an early education of his son. In addition to the three R's, he instilled in him "a stern sense of obligation." Douglas learned that he must "always do what was right and just" and that his country "was to come first" in his heart.[15] A frequent topic of conversation between father and son during these early years was "the glories of West Point." As far back as he could remember, his father had expounded on the virtues of the Academy. He frequently brought to his home "some recently graduated young shavetail to tell his son of the customs and regulations of the Academy."[16] Many years later his father would say that "he started Douglas toward West Point the day he was born."[17] General MacArthur likewise recorded in his memoirs "always before me was the goal of West Point, the greatest military academy in the world."[18]

Douglas MacArthur achieved "the fulfillment of all my boyish dreams"[19] when he entered West Point on 13 June 1899. As the son of a famous soldier, he was singled out in advance as a target for hazing. He quickly gained the respect of both his classmates and the upperclassmen by meeting a very rough summer camp hazing "like a man, with fortitude and dignity." In fact he emerged from the camp "with flying colors" and "showed himself a true soldier, easily mastering the military training."[20]

With the rigors of summer camp behind him, MacArthur began to pursue "with direct, unwavering purpose his self-set goal of surpassing his classmates." Militarily he progressed from corporal in his 2d year to company first sergeant in his 3d year. In his final year he achieved the peak of West Point military aptitude—First Captain of the Corps of Cadets. Academically he ranked number one his first 2 years, dropped to fourth in his 3d year, but returned to the top his senior year. His final 4 year average of 98.14 was the highest in the history of West Point.[21] Although not an outstanding athlete, he was proficient enough to win a starting position in the outfield of the Army baseball team and twice earned his "A." (He would wear it on his cadet bathrobe until his death in 1964.)[22] He was particularly proud of scoring the winning run against Navy in 1901 by "stretching" a base on balls into a homerun as a result of shoddy fielding by the midshipmen.[23]

Douglas MacArthur, "a tall, slender, handsome cadet, glitteringly immaculate with maroon silk sash, plumed dress hat, glinting sword, and four gold stripes of chevrons"[24] was graduated from West Point on 11 June 1903 as a second lieutenant of Engineers "prepard to live—or to die—in upholding the oath. Duty, Honor, Country."[25] Sixteen years later he would return, as the youngest Superintendent in its history, with the mission to revitalize an Academy that was "forty years behind the times."[26]

"West Point in 1919 was sorely in need of a leader of energy and vision."[27] Due to wartime demands for Army officers, the normal 4-year curriculum had been shortened to 1 year, leaving the institution in a state of disorder and confusion. In Congress and across the Nation the popular opinion seemed to be "Why have a West Point at all?" Critics of the Academy argued if World War I "was the war to end wars, the war to have democracy for all time, why go on training, at great expense, officers who would never have to fight?"[28] As MacArthur noted in his memoirs, "Even the proud spirit of the Academy had flagged."[29]

The new Superintendent lost no time in beginning his "fight for the very life of the Academy."[30] He immediately went to Washington to plead the Academy's case before Congress. He reminded the legislators that "West Point, together with the United States Naval Academy, represents the apothesis of the public school system" and called for "that spirit of generous foresight that has marked the educational system of the nation for the past century." Much to his relief, Congress supported his views and the Academy was returned to a 4-year curriculum.[31]

General MacArthur then turned his attention to the internal problems that were plaguing the Academy. He bluntly asked the Old Guard of traditionalists, "How long are we going on preparing for the war of 1812?"[32] Although frequently opposed by many academic members of this Old Guard, MacArthur was relentless in his purpose—"to change the objective of the United States Military Academy from its hide-bound and traditional lines to the specialized preparation needed for modern soldiering."[33] In 3 short years he completely rehabilitated the Academy's administrative procedures; revitalized its academic, tactical, and physical training; and laid the long-range plans for the expansion of its physical plant and facilities.

Under General MacArthur's leadership the academic departments, formerly "isolated,

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Footnotes at end of article.

tight little islands," were drawn together. Instructors were sent to colleges and universities throughout the land to take courses and observe their educational procedures. At West Point, military courses were adapted to modern needs; scientific courses were brought up to date; classical courses were instituted to be used as cultural foundations; and liberal arts courses received new and greater emphasis.[34]

As Superintendent, MacArthur was also responsible for reviving forgotten or ignored Academy traditions. Under his hand the fourth class system was reestablished, but without the brutality of physical hazing. The old customs of the Corps were not changed, instead, "Plebes would learn them in a decent soldierly way, without arrogance or abuse."[35]

MacArthur also eliminated the frivolous world of the cadet summer camp. In its place he substituted a rigorous military training system. Included in the new system was a program of sending cadets to Regular Army posts as a part of their summer training. In this way he insured that the prospective officers would receive training in the handling of modern weapons and would also encounter realistic field experiences.[36]

Cadet physical training was completely revamped during MacArthur's tour as Superintendent. The old program of optional athletic participation by interested cadets was discarded. He directed that every cadet would engage in an active athletic program and thus established West Point's new famous program of intramural athletics.[37]

Douglas MacArthur gave to and demanded from the Corps the highest standards of honor. He felt such standards were "the only solid foundation for a military career." "A code of individual conduct" was established to maintain "the reputation and well-being of the whole." To Douglas MacArthur this code was a West Pointer's "personal responsibility to his mates, to his community, and above all to his country." It was MacArthur's professed view that "In many businesses and professions the welfare of the individual is the chief object, but in the military profession the safety and the honor of the state become paramount."[38]

Douglas MacArthur's aims as Superintendent of West Point are best described in the Academy code which he wrote. This code begins "To hold fast to those policies typified in the motto of the Academy—duty, honor, country."[39] It is not possible to cite here all of his accomplishments and triumphs as Superintendent in support of these aims. It is significant to note, however, that when he departed the banks of the Hudson in 1922 "the new objective of West Point had been firmly established. A new spirit had been instilled that was to grow and thrive—a new spirit that can be positively identified with MacArthur."[40] No graduate of the U.S. Military Academy would challenge William Ganoe's appraisal, "If Sylvanus Thayer was the Father of the Military Academy then MacArthur was its Savior."[41]

Douglas MacArthur did not like to talk extemporaneously. On those few occasions when someone pushed a microphone in front of him, he most likely had already "carefully rehearsed in his own mind just what he would say." MacArthur was most articulate in carefully prepared speeches. His normal working habit was to write out his speeches in longhand on lined legal-sized yellow paper. While writing he would edit and reedit until satisfied that his finished product would contain the message he wished to convey to his listeners.[42] In a foreword to *A Soldier Speaks*, a textbook prepared for use at the Military Academy, Vorin E. Whan noted, "He often wrote his speeches in longhand in order to collect his thoughts, and then delivered them almost verbatim without using his text."[43]

The general seldom introduced his speeches or attempted to embellish them with any "that reminds me" stories. Normally, his speeches were devoid of any humor. On those occasions when he spoke, his speeches were serious.[44]

General MacArthur's speeches were his own. He never used a ghostwriter.[45] His close friend Carl Mydans observed, "No one ever wrote a line for him . . . and no one ever added a word to or deleted one from anything he had written for the public record." Mydans also recalled observing MacArthur "preparing the communiques, a steady, unhesitant flow of words written in pencil on a pad of lined legal-sized paper, as though it had all been written before and was now only being copied."[46]

In preparation for his famous "Old Soldiers Never Die" address to Congress in 1951, General MacArthur followed his normal habits of speech preparation. He worked "through the long day and into the night" honing the speech.[47] Yet, incredibly, "Duty, Honor, Country" does not fit this pattern. It appears to be a remarkable, extemporaneous speech spoken from the heart without any formal preparation. In commenting on the occasion, MacArthur stated simply, "I had no prepared address."[48] Dignitaries who were seated at the head table that day unanimously concur that the speech was delivered "without reference to notes or script."[49] The professional opinion of the editors of the text, *A Soldier Speaks*, that "Duty, Honor, Country" "was delivered extemporaneously and had not been written out by General MacArthur prior to its delivery at West Point"[50] remains unchallenged.

THE SETTING

"The long, gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses, thundering those magic words: duty, honor, country."

West Point is awe inspiring. "It is situated between the lofty Crow's Nest of New York's Bear Mountain and the venerable Storm King Mountain of the Highlands." Flowing below its "noble heights" is the majestic Hudson River, guarded since Revolutionary days by historic Fort Putnam, a familiar haunt of generations of cadets and their ladies.[51]

But the inspiration of West Point is not derived just from its magnificent physical setting or its genuine ascetic beauty. In time, the cadet, exposed to these on a daily basis, comes to regard them more with pride than awe. It is, instead, the incessant, never heard yet never silent, footsteps of the Long Gray Line which stir the heart and quicken the pulse of the cadet. "For West Point is not battlements; not ivy and cloistered halls; not parades; those things are stage-setting."[52] West Point is the joy and despair, the triumph and defeat of that ever-lengthening Long Gray Line.

Cadet parades on "The Plain" seem to be joined by those ubiquitous spirits from another day. The cadet, passing under the long, mournful shadow of Battle Monument which commemorates the Civil War, hears again the rollcall, "Grant, Lee, Jackson, Early, Sheridan, Sherman . . . all present and accounted for, sir!" There is no escape from tradition at West Point. The Long Gray Line is that tradition. The West Point cadet eats in a messhall faithfully guarded by Sylvanus Thayer. He sleeps in the same room, organized in the same manner, as did "Black Jack" Pershing. He studies under the watchful eye of George Patton—who guards the library as a lone sentry, binoculars draped jauntily around his neck, pearl-handled pistols at his side. On those few occasions when the rigors of West Point are momentarily forgotten, the cadet enjoys a limited social life within the confines of staid old Cullum Hall—on whose walls are inscribed the names of every single graduate who has ever given his life in defense of his country.

Although every graduate of the Military Academy is considered a member of the Long Gray Line, few, if any, ever truly join its ranks until their death. Douglas MacArthur was one of those few. Returning to West Point on that lovely spring day, he was not just a graduate, albeit a distinguished one. He was one of "them" Douglas MacArthur was a living part of the tradition of West Point which is so zealously passed to each succeeding fourth class. His portrait stood guard over the stone portals of the gymnasium, saluting each cadet as they passed through or paused to read the maxim he had had carved in the stone:

Upon the fields of friendly strife,
    Are sown the seeds that,
Upon other fields, on other days,
    Will bear the fruits of victory.

If a cadet stopped to view the long line of official portraits of former Academy Superintendents, one striking figure of a soldier, wearing a crushed cap and proudly displaying the Rainbow Division shoulder patch, seemed to tower above all others. Much of the modern-day lore of West Point is centered about Douglas MacArthur. His deeds and words are legend at West Point and in many cases a part of the "required" tradition. Even the newest cadet knows verbatim the text of his "Beat Navy" telegram of 1949: "From the Far East I send you one single thought, one sole idea—written in red on every beachhead from Australia to Tokyo—there is no substitute for victory."

A ripple of laughter must have passed along the Long Gray Line that day when he began his speech: "As I was leaving the hotel this morning, a doorman asked me, Where are you headed for General?' And when I replied 'West Point ' he remarked 'Beautiful place. Have you ever been there before?' "

In analyzing a speech "to unearth the nature of the occasion is also a task of the critic."[53] Correct identification of the occasion can lead to "influences on the subject, the speaker, and the speaker's purpose."[54] Occasions can be categorized into such types as ceremonial, required, routine, or perhaps spontaneous. But "whatever the occasion it is significant in rhetorical analysis and evaluation."[55]

Although the presentation of the Thayer Award was made to Douglas MacArthur at the end of a day of ceremonies, the occasion was not truly ceremonial. It was more than that; it was parochial. The award, named for "The Father of the Military Academy," was presented to an individual commonly called "The Savior of the Military Academy." The selection of the awardee had been made by a committee of seven distinguished Academy graduates.[56] The actual presentation was made in the historic cadet messhall before an audience of 2,800 cadets and graduates of the Academy. Finally, the award presentation, normally made in early March, was postponed until May in order to include a tradtional Corps review in the occasion. (The first time this had ever been done.)[57] It would have been heresy for General MacArthur to have selected any topic other than West Point for his acceptance speech.

The occasion does not alone "mold the speaker's ideas," so too does the audience. There are four simple categories of audience reaction: completely favorable, completely opposed, apathetic, and uncommitted. "Very seldom, however, can the critic find a pure reaction in any one audience."[58] Audiences

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neither come from a vacuum nor assemble in one. They come with preestablished systems of values, conditioning their perceptions."[59]

These learned opinions are probably true in the large majority of rhetorical analyses, but they seem somehow out of tune with the audience that was assembled at West Point on 12 May 1962. This was an entirely homogeneous audience, tightly packed in the artfully conceived vacuum that is West Point. Together with the speaker, they formed an integral part of the day's activities. They stood tall and proud as the old general passed by their ranks to the tune of "those treasured chants of World War I . . . 'Tipperary,' 'Smile Awhile,' 'K-K-K-Katy,' and 'My Buddy.' "[60] Then, as the nostalgic sounds of "The Official West Point March" flooded The Plain, General MacArthur stood tall as the cadets passed in review. Later, as the Corps gathered in the messhall for the noon meal, they knew that that withered old man in the dark business suit had once been "the handsomest cadet that ever came into the Academy."[61]

The values which were dominant in that group were obvious. They were the values of "duty, honor, country"—the motto of West Point. Both General MacArthur and his audience shared these same values. Douglas MacArthur's farewell speech was not designed to introduce any new values. It was intended to reinforce the cadets' preestablished values of "duty, honor, country."[62] The effectiveness of "Duty, Honor, Country" in accomplishing this task was significantly increased as a result of the cadet identification with MacArthur.

ORGANIZATION AND MEANS OF PROOF— "DUTY, HONOR, COUNTRY"

"Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, that if you lose, the nation will be destroyed, that the very obsession of your public service must be duty, honor, country."

A well-organized speech should be divided into three distinct parts: introduction, discussion, and conclusion. Each of these parts should fulfill certain specific requirements.[63]

The introduction of the speech should serve to (1) gain attention; (2) present a clear statement of the speaker's purpose; and (3) provide a thesis which suggests the main point of the speech. These three points may be usefully summarized by the terms: attention-getter, orientation, and thesis statement.[64]

The empathy between General MacArthur and his West Point audience was so strong that an attention-getter, as such, probably was not necessary in "Duty, Honor, Country." However, as a speech perfectionist, General MacArthur did choose to use an attention-getting step. The technique he employed was "reference to the occasion." Following his opening anecdote the general began "No human being could fail to be deeply moved by such a tribute as this. . . ." He continued by interpreting the award as "not intended primarily to honor a personality, but to symbolize a great moral code." MacArthur then characterized the code as "an expression of the ethics of the American soldier" while expressing his pride and humility at being thus integrated into such a noble ideal.

The orientation and thesis statement are frequently confused. The orientation should tell the audience what a speaker is going to do while the thesis statement does it. The thesis statement "is the assertion of an idea or an opinion. It is in effect a one-sentence summary, the one statement in your speech which all others support, either directly or indirectly."[65] In "Duty, Honor, Country," General MacArthur reversed the normal speech procedure, by first stating his thesis and then explaining his purpose (orientation).

After completing his reference to the occasion, MacArthur stated his thesis, "Duty, honor, country: those three hallowed words reverently dictate what you ought to be, what you can be, what you will be." Following the statement of his thesis, the general explained the purpose of "Duty, Honor, Country." This orientation was extremely effective, because, despite the general's well-known speech talents, he chose to explain his purpose in a negative manner. "Unhappily, I possess neither that eloquence of diction, that poetry of imagination, nor that brilliance of metaphor to tell you all that they mean." In this manner MacArthur completed his rhetorically sound introduction and proceeded on to the discussion portion of "Duty, Honor, Country."

In examining the discussion or body of a speech, a first consideration is whether or not the speaker supported the idea suggested in the introduction.[66] In "Duty, Honor, Country," General MacArthur never wavered from his initial thesis statement. Four different times within the body of the speech he made specific reference to his thesis. Each time the technique of repetition and restatement was used:[67] "Always for them: duty, honor country . . . the very obsession of your public service must be duty, honor, country. . . . Your guideposts stand out like a tenfold beacon in the night: duty, honor, country . . . thundering those magic words: duty, honor, country."

Although restatement was his primary rhetorical tool in supporting the thesis of "Duty, Honor, Country," MacArthur also effectively employed other means of verbal support. The general was "a conscious speech stylist" who sprinkled his speeches with liberal use of imagery and metaphor.[68] In "Duty, Honor, Country" he made frequent use of both and in one stirring passage combined the two:

"From one end of the world to the other, he has drained deep the chalice of courage. As I listened to those songs, in memory's eye I could see those staggering columns of the First World War, bending under soggy packs on many a weary march, from dripping dusk to drizzling dawn, slogging ankle-deep through the mire of shell-packed roads; to form grimly for the attack, blue-lipped, covered with sludge, and mud, chilled by the wind and rain, driving home to their objective, and, for many, to the judgment seat of God."

The powerful effect of MacArthur's use of metaphor and imagery to create and recreate is unmistakable in that passage and throughout the speech.

An additional technique of verbal support used by General MacArthur in "Duty, Honor, Country" was comparison. Using this technique he explained to the cadets what the words "duty, honor, country" could do for them, ". . . they teach you to be proud and unbending in honest failure, but humble and gentle in success . . ."

To complement his very skillful use of verbal support, MacArthur employed one additional principle of rhetoric within the body of the speech. He began his discussion by immediately refuting any opposing points of view of his thesis. To do this he resorted to parallelism[69] to dispense with "the unbelievers" who might say that duty, honor, country "are but words, but a slogan, but a flamboyant phrase." He further warned, "Every pedant, every demagogue, every cynic, every hypocrite, every troublemaker, and, I am sorry to say, some others of an entirely different character, will try to downgrade them, even to the extent of mockery and ridicule." This identification of a very different view of duty, honor, country was used by MacArthur to begin his discussion. Having thus admitted that some persons might challenge his concept of duty, honor, country, he pushed the thought aside and began his impassioned defense of that concept. Throughout the remainder of his discussion, the general artfully applied a variety of verbal support in reenforcing his thesis statement. As with the introduction, the discussion was a model of rhetorical organization.

"An effective conclusion generally consists of two parts: a summary and a direct indication of how the speech may be used."[70] The conclusion of "Duty, Honor, Country," does not fit the classical mold of "telling them what you told them," but it is effective nonetheless. The start of the conclusion was unmistakable as the general spoke, "The shadows are lengthening for me," as with the discussion, the conclusion is rich in imaginary and metaphor. "I listen vainly, but with thirsty ear, for the witching melody of faint bugles blowing reveille, of far drums beating the long roll. In my dreams I hear again the crash of guns, the rattle of musketry, the strange mournful mutter of the battlefield." As the speech neared its denouement, MacArthur injected a very brief summary by the use of restatement—". . . always I come back to West Point. Always there echoes and re-echoes: duty, honor, country." The aged general then ended with an emotional personal intention, "I want you to know that when I cross the river, my last conscious thoughts will be of the Corps, and the Corps, and the Corps."

It was not necessary for General MacArthur to include in his conclusion how "Duty, Honor, Country," could be put to use by the assembled audience. Throughout the discourse, its usefulness was unmistakable. It would stand, from that moment on, as an eloquent defense of the West Point motto—duty, honor, country.[71]

"Duty, Honor, Country" proved to be an excellent example of how a good speech should be organized. It follows the established pattern of introduction, discussion, and conclusion. Both the introduction and the discussion are models of textbook accuracy in their application of rhetorical principles of organization. While the conclusion deviates somewhat from this type accuracy, it is still superb in its impact and adds to rather than detracts from the overall effectiveness of the speech.

"Whatever end the speaker has in mind, his specific purpose is to speak with persuasive effect toward that end."[72] There are three methods available to a speaker to achieve his specific purpose. These methods are usually referred to as means of proof and are categorized as ethical, logical, and emotional.

"Ethical proof refers to the observable references in a speech that tend to indicate the character and the integrity of the speaker."[73] In employing the techniques of ethical proof, or ethos, the speaker is simply saying "listen to me because of who I am."[74]

Unquestionably MacArthur "enjoyed high ethos with the cadets."[75] To those young men who accepted the rigors of West Point for the sole purpose of embarking on a military career, Douglas MacArthur was the epitome of the military profession.

It would be impossible to say whether West Point or the Army was closer to General MacArthur's heart. "He lived in and for the Army" and "for the abstractions in the West Point motto—Duty, Honor, Country."[76] Most likely he himself could not truly have made such a judgment. He spoke eloquently of both. "No West Pointer had more loudly acclaimed or more forcefully demonstrated his love for his Alma Mater than did Douglas MacArthur."[77] MacArthur was also always lavish in his praise of the soldier, "the noblest development of mankind."[78] In his autobiography he would describe his "faithful men-at-arms" as "the driving soul of Americanism."[79] Such a judgment is not necessary. A cadet is a soldier. A West Point-

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er's first oath of allegiance is to the Army and his country. When MacArthur spoke of "the soldier" in "Duty, Honor, Country" he was speaking of those in the messhall, those they would lead and those they would follow.

The dominant ethical proof in "Duty, Honor, Country" is credibility of source.[80] The general, whose personal integrity and sincerity were unchallenged by the audience, "was fully aware of ethos factors."[81] He used his credibility throughout the speech, and in this passage it is classic: "In 20 campaigns on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation and that invincible determination which has carved his statute in the hearts of his people."

General MacArthur further strengthened his ethos with the audience by using the ethical appeal of reference to the Deity. He reminded the cadets that in war many drive home not only "to their objective" but "to the judgment seat of God." Later, in describing "the soldier" he spoke these words, "In battle and in the face of danger and death he discloses those divine attributes which his Maker gave when he created man in his own image. No physical courage and no brute instinct can take the place of the divine help, which alone can sustain him."

Emotional proof, "to convince and stimulate through appeals to emotion"[82] is a second means of proof. Here the speaker is saying "listen to me because, as a human being, I share certain motives, certain emotions, certain ambitions, with you."[83] A speech needs emotional appeal if it is to stir its audience. The speaker is able to develop this proof "by using words which refer the hearers to specific emotion or by describing and/or suggesting the emotions, moods, and feelings he wishes his audience to feel."[84]

In "Duty, Honor, Country" both types of emotional proofs are evident. In the introduction MacArthur admitted, "no human being could fail to be deeply moved by such a tribute." Again he struck an early emotional chord with the declaration, "it fills me with an emotion I cannot express." As he described the values of duty, honor, country, MacArthur included the phrase, "a vigor of the emotions." The general also clearly spelled out those emotions he wanted the audience to feel, "they create in your heart the sense of wonder, the unfailing hope of what next, and the joy and inspiration of life."

As discussed earlier, the conclusion of "Duty, Honor, Country" is overwhelming in its emotional impact. When the legendary Old Soldier soliloquized, "My days of old have vanished tone and tint. They have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty watered by tears and coaxed and caressed by the smiles of yesterday" both he and his audience reached the emotional breaking point. Many in the audience were moved to tears.[85]

"Duty, Honor, Country" was delivered in an emotion-packed atmosphere. It was spoken from the heart and with unabashed sentiment. It would not be a mistake to conclude that every single word of the speech was touched by emotion.

Even though a speech is strong in ethical and emotional proofs, a speaker should not neglect "the logical presentation of facts, using sound modes of support." Such logical support "gives credence to the thesis of the speech" as well as adding to audience acceptance.[86] When a speaker employs logical proof he is telling an audience "listen to me because of what I know."[87] Common types of logical support include events, statistics, examples, comparisons and contrasts, definitions, and testimony.[88]

"Duty, Honor, Country" contains several good examples of logical proof. The general used comparison in defining what duty, honor, country can do, "They teach you . . . to learn to laugh, you never forget how to weep. . . ." Metaphors, short, compressed comparisons, were used throughout the speech by MacArthur. "You are the leaven which binds together the entire fabric of our national system of defense." Also used frequently by General MacArthur were imagery or hypothetical examples. In "Duty, Honor, Country" it is sometimes difficult to determine where imagery ends and empirical evidence begins. Both, however, are examples of logical proof. A final example of MacArthur's use of logical support is his continual definition and redefinition of the concept of duty, honor, country during the speech.

"Duty, Honor, Country" is replete with correct examples of rhetorical means of proof. The speech is primarily ethical and emotional in its appeal, but General MacArthur also effectively interspersed logical proof. The worth and validity of these proofs are exceptional in "Duty, Honor, Country."

Style and evaluation—always victory, always through the bloody haze of their last reverberating shot, the vision of gaunt, ghastly men, reverently following your password of duty, honor, country.

Two additional rhetorical aspects remain to be examined before determining the final evaluation of "Duty, Honor, Country." They are style and delivery.

"Delivery is concerned with two areas of evaluation: voice and bodily action."[89] "Duty, Honor, Country" was delivered in 39 minutes. During a large majority of this time, General MacArthur spoke from behind a lectern making only an infrequent hand gesture.[90] This was his normal speaking pattern. "His voice is never loud but there is a pulse in it that holds the listener far more effectively than heavily accented perorations or gestures. MacArthur never gestures."[91] It should be pointed out that MacArthur did not need to resort to gestures to make his speeches effective for he possessed that great quality of charisma. Although "he grew, eventually, physically, weak, his powers were undiminished, his august presence unmistakable."[92] Even at age 82 he was still capable of producing a "throat-catching sense of excitement."[93]

General MacArthur spoke slowly and deliberately without an accent to mark him as a native of any particular part of the country.[94] His voice had a "low, compelling resonance."[95] The general was twice gassed during World War I. His larynx never recovered from these gassings, and, as a consequence, although its tone was sonorous, his voice had a "curious tremolo, a manner of delivery which those who did not understand the background would wrongly attribute to affectation."[96]

MacArthur's voice was clear and distinct as he began "Duty, Honor, Country." He related the doorman anecdote with a tone of levity. (Such use of humor was extremely uncharacteristic of MacArthur's normal speech pattern.) When the laughter had subsided, however, his voice turned serious. The general now spoke slowly and deliberately without inflection. As he spoke his thesis statement he emphasized the words "duty-honor-country" pausing slightly between each as if for strength.

MacArthur then continued in a slow and deliberate manner. He departed from his monotone when he warned with rising inflection that some "unbelievers will say they are but words." As he continued "pedant," "demagogue," "cynic," "hypocrite," and "troublemaker" all received speaker emphasis. His voice then trailed off, becoming somewhat hoarse and with the words "officer and gentleman."

The general's voice took on renewed vigor as he told the cadets of the troops they would one day command. The phrases, "American man-at-arms," and "that invincible determination" both received powerful emphasis in a resonant, rich voice. Listening to this portion of the speech is like hearing the Douglas MacArthur of an earlier, more glorious day.

When MacArthur began to paint his vivid imagery of "those staggering columns," his voice wavered almost as if he himself was "bending under soggy packs." At this point he appeared to be saving his emphasis for the words, "duty, honor, country." Each time he spoke them his voice was resonant, his enunciation clear. Once, midway through his address he paused, an inexplicable 12-second pause, apparently group for the phrase, "the Divine help." As the general neared the end of the discussion, his voice became strong again and his enunciation particularly clear. Once more, the words, "duty, honor, country" were heavily emphasized and then suddenly in dramatic, whispered tones "Only the dead have seen the end of war."

Pausing once more, "General MacArthur stepped to the side of the lectern, his hand resting on it."[97] After 18 seconds of unearthly silence, he began the emotional conclusion in a low, almost hushed, voice. As Douglas MacArthur uttered the words, "duty, honor, country," for the last time, it was as if he had lovingly caressed each with his voice. Then having pledged his "last conscious thoughts" to "the Corps, and the Corps, and the Corps," General of the Army Douglas MacArthur whispered softly, but with an unmistakable tone of finality, "I bid you farewell."

The delivery of "Duty, Honor, County" was masterful. It was a perfect complement to a well-organized, emotion-packed speech. To have expected anything less than an extremely effective delivery would have been foolish for "MacArthur understood the uses of theater; as he once put it, it is sometimes good to be 'a bit of a ham' in order to convince large audience."[98]

"Style is intrinsically woven to the effect the speaker desires."[99] Definitions of style run the gauntlet from Jonathan Swift's "proper words in proper places" to Buffon's "Style is the man himself." For the purpose of this discourse, style will be defined as an individual's "unique way of using the resources of the English language."[100] However, regardless of its definition, to be effective, a speaker's style must be clear, appropriate, and vivid.[101]

It has been said of Douglas MacArthur that "fancy language came to him as readily as Cherokee to a Cherokee."[102] MacArthur possessed an extraordinary vocabulary. He also had a gift for making impressive phrases into slogans that would be remembered. The MacArthur speeches had "a touch of poetic phraseology and rhythm."[103] In "Duty, Honor, Country" such language and phrases are abundant. "They give you a temper of the will . . . a freshness of the deep springs of life, a temperamental predominance of courage over timidity. . . ."

When the general spoke "there were no 'uhs' or 'ohs' to halt or clog his almost classical sentences, which flowed steadily like a smooth river without the splash or splatter of rapids."[104] Douglas MacArthur enjoyed talking to the degree that he monopolized most conversations. John Gunther referred to him as "an old-fashioned monologist, par excellence." Gunther admitted, however, "I have seldom met anybody who gives such a sense of the richness and flexibility of the English language; he draws out of it—like Winston Churchill—as out of some inexhaustible reservoir."[105]

The MacArthur style, as with the man himself, was not without its critics. Charles Marshall believes "Words often got out of

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hand." He also writes that MacArthur "was prodigal with such terms as insurmountable, unsurpassed, eternal and supreme—where strong, good, long-lasting and high would have served better." It is Marshall's judgment that "the Byronic streak needed curbing." [106] It should be noted, however, that a style that uses such words as divine, eternal, supreme, et cetera, adds to the ethical appeal of the speech.

Unlike Marshall, most critics of the MacArthur style fail to realize the fact that his style never varied. Whether he was delivering a prepared address or simply engaging in polite conversation it was "always an experience to hear MacArthur talk." Even in his private talks the general was "a spellbinder" who "used archaic words and terms as one might a rare spice—for extraordinary flavor." [107] Tommy Davis, aide and confidant to MacArthur for over a decade, remembers numerous instances of the general's "spontaneous grandiloquence." Once, surprising an unauthorized dalliance, MacArthur ordered, "Eject that strumpet forthwith." Davis recalls on another occasion the general sent a bewildered subordinate scurrying to the dictionary by informing him, "You have given me umbrage." [108] The MacArthur style was very apparent when he "faded away" in his speech to Congress. His critics accused him of "hamming," "but in truth he was simply using the legitimate postures of oratory to express what he himself felt." [109]

The text of "Duty, Honor, Country" illustrates the fact that, indeed, "MacArthur was a conscious speech stylist." Throughout the speech, "imagery, metaphor and elegance of language are pronounced." [110] For many speakers, "the eloquence of a Churchill may not be appropriate." [111] For MacArthur such speech eloquence was both in character and fitting for the occasion. Douglas MacArthur would never have said, "I can still remember the noise of the battlefield." The MacArthur description would be, "In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield." That was the MacArthur style. Without it, "Duty, Honor, Country" would have long since been deposited in some forgotten repository of forgettable speeches.

In a critique of "Old Soldiers Never Die," Craig Baird, a noted evaluator of rhetoric, observed that "General Douglas MacArthur will be ranked as one of America's outstanding military orators. . . . He is an orator by temperament, by habit, and by long exercise." Baird also concluded that despite its logical texture, "Old Soldiers Never Die" was primarily personal and ethical.[112] That same comment is entirely applicable to "Duty, Honor, Country." The general's limitations were also essentially the same in both speeches. MacArthur's delivery was sometimes too sonorous. On occasion, his phrasing was more volatile than meaningful.[113] But these few shortcomings did not detract from the manifold skills Douglas MacArthur brought to the lectern on 12 May 1962. Such minor defects could not penetrate the empathy that existed between the general and his audience nor could they break the spell that his manner and eloquence created. "In manner and bearing he went back to principles symbolized by aspiring young men, flashing swords, and the shiver of bugles in the air." A man of eloquence he spoke words like Honor, Courage, and Country without embarrassment." [114]

Many of the thoughts and much of the same verbiage of "Duty, Honor, Country" can be found in earlier MacArthur speeches and communiques. In a 1936 speech in Manila, General MacArthur eulogized "the soldier" in much the same manner and with similar words as he did in "Duty, Honor, Country." At one point the general used the exact same phrase, "I do not know the dignity of his birth, but I do know the glory of his death." [115] This phrase had first appeared in his lexicon during a speech given to the 1935 reunion of the Rainbow Division. It would be used again in posthumously decorating Capt. Colin Kelly in 1941 [116] and at Punchbowl National Memorial Cemetery, Honolulu, in 1951 while delivering an address en route to Washington. (Most likely General MacArthur first came upon the words in his wife's hometown of Murfreesboro, Tenn., where they are engraved on a battle memorial.) [117]

MacArthur liked to tug at the strings of emotion by announcing he was in "the twilight" of his life. As early as 1941 he wrote to a friend that he was fortunate to have had a son "in the twilight period of my life." Ten years later the general informed Congress, "I address you with neither rancor nor bitterness in the fading twilight of my life." [118] In "Duty, Honor, Country" he spoke simply, "the twilight is here."

It would be fallacious to expect Douglas MacArthur not to repeat or paraphrase old familiar thoughts and utterances on an occasion so fraught with emotion as was the presentation of the Thayer Award. MacArthur's love and devotion for West Point never wavered. In a 1951 Academy Sesquicentennial message he stated, "And as I near the end of the road, what I felt when I was sworn in on the Plain so long ago, I can still feel and say—that is my greatest honor." Again, in a 1953 address commemorating Founder's Day, MacArthur said, "This anniversary stirs many poignant memories in me—memories which in many respects are common to all graduates of the Military Academy. They take each one back to that ceremony on The Plain at West Point when he entered the military service and dedicated himself to duty, honor, country." [119] His mind must have been flooded with these and many more memories when he accepted the Thayer Award, the highest accolade of his beloved alma mater.

"Duty, Honor, Country" had a profound effect on those who were privileged to hear it. The speech was intended to reenforce cadet values which occasionally become hazy as a result of the strain placed on the cadet by the normal rigors of the military Academy. The organization, style, and delivery of the address were all exceptional. Each in its own way contributed mightily to the extraordinary effectiveness of "Duty, Honor, Country." Douglas MacArthur was eminently successful in imbuing the cadets with renewed and positive determination to devote their lives to the motto of West Point—Duty, Honor, Country.

On 15 October 1969, a Boston television channel simultaneously broadcasted a recording of "Duty, Honor, Country" against a backdrop of the day's Moratorium events. To the casual viewer this may have seemed a rather quixotic gesture done, perhaps, solely for artistic merit. Such is not the case. In evaluating "Duty, Honor, Country" it becomes apparent that Douglas MacArthur was speaking not just to his West Point audience but to all.

In 1962 the United States had not yet become mired in the quagmire of Vietnam, but, as in any peacetime situation, critics of the military were numerous.[120] Answering the old charge of warmonger, General MacArthur sounded "the ominous words of Plato . . . 'Only the dead have seen the end of war.' " Three decades earlier MacArthur had performed his duties as Chief of Staff in a similar climate of public opinion. In 1933 he warned the graduating seniors of West Point, "Pacifist habits do not insure peace nor immunity from national insult or aggression." The general also decried the "unabashed and unsound propaganda" produced by the "muddled thinking" of "peace cranks." [121]

It is not possible to evaluate the effect that "Duty, Honor, Country" had on the 1969 viewing audience. However, its potentially significant effect on an audience of an entirely different bent than the cadets of West Point should not be discounted. This potentially powerful impact has already been demonstrated. Less than one month after his impassioned defense of duty, honor, and country, General of the Army Douglas MacArthur was honored as the "outstanding American military leader" of the 20th century. The selection was made as a result of a vote of 8,000 college students across the nation.[122] The meaningfulness of "Duty, Honor, Country" was not limited solely to West Pointers or even the Army; its effect was felt by all Americans. As such, it stands as a model of rhetorical excellence.

Footnotes at end of article.

CONCLUSIONS

But in the evening of my memory always I come back to West Point. Always there echoes and re-echoes: duty, honor, country,

Abraham Lincoln, Douglas MacArthur, John Brown, Joseph McCarthy, Mark Anthony, Norman Thomas, Frederick Douglass, Thomas Jefferson—we know these men for their different political, social, and military roles. But . . . they share a similar role, that of the advocate, the man who has a point to make and a desire to persuade his fellow man and hence turns to rhetoric to discover the means of persuasion available to him.[123]

During the course of his distinguished career, "General MacArthur proved to be one of the Army's most articulate spokesmen and one of his generation's most talented orators." [124] "Duty, Honor, Country" did not receive the immediate nationwide publicity or subsequent critical investigations of "Old Soldiers Never Die." This is understandable since one was delivered to the Congress and the Nation, while the other was spoken in the closed atmosphere of the Military Academy. Yet, in retrospect, "Duty, Honor, Country" seems to tower far above "Old Soldiers Never Die."

The hurt was too great when the Old Soldier mounted the congressional rostrum. On that day Douglas MacArthur was a practitioner of the rhetoric of self-defense.[125] The center of his speech was himself. "Rarely indeed have the American people heard a speech so strong in the tone of personal authority." [126] This uncharacteristic devotion to self was not the true Douglas MacArthur. To him devotion to duty was always "of the highest importance." [127] Throughout his lifetime he placed duty, honor, and country above self. "He was required to reach further than one man can reach, to bear the strain of decision, to accept the isolation of comand, to undergo the rigors of living a moral code and personifying the spirit of dedication." [128] His abrupt departure from this creed tempers the worth of "Old Soldiers Never Die."

The converse is true in "Duty, Honor, Country." It too was emotional and ethical. Its tone of personal authority was strong. Yet, that day the center of Douglas MacArthur's speech was not Douglas MacArthur, it was the country he fought for and loved so well. In his eloquent farewell speech, Douglas MacArthur was reminding us all, private citizen or soldier, that it is every man's birthright and obligation to dedicate himself to this Nation, to defend its honor, and to perpetuate its greatness.

Douglas MacArthur was, above all, a patriot. To him, "the highest encomium you can still receive is to be called a patriot, if it means you love your country." [129] Today, when "strange voices are heard across the land, decrying this old and proven concept of patriotism" [130] the true meaning of "Duty, Honor, Country" is more significant than ever before.

In an envoi to the career of General of the Army Douglas MacArthur, William F. Buckley, Jr., wrote:

MacArthur was the last of the great Amer-

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icans. It isn't at all certain that America is capable of producing another man of MacArthur's cast. Such men spring from the loins of nations in whose blood courage runs: and we are grown anemic. That is why so many have spoken of an age that would die with MacArthur. An age when occasionally, heroes arose, acknowledging as their imperatives the Duty, Honor and Country which MacArthur cherished, but which the nation that rejected him has no stomach for, preferring the adulterated substitutes of the Age of Modulation, approved by the Pure Food and Drug Act, and adorned by the seal of *Good Housekeeping Magazine*.[131]

It was not the purpose of this paper to examine or even comment on the social and political pressures at work in the Nation today. But such is the greatness of "Duty, Honor, Country" that one cannot help but reflect on it as each day's events unfold in this troubled land. From a rhetorical standpoint, "Duty, Honor, Country" will withstand even the most "searching analysis and interpretive acumen," [132] and emerge as greatness. It exceeds every rhetorical criteria demanded for excellence in speech. But it is more than just an academically superb speech, it is indeed a "credo for all Americans" [133] and in this role may one day achieve its ultimate greatness.

FOOTNOTES—M'ARTHUR OF WEST POINT

[1] "General MacArthur Honored," *The New York Times*, 1 March 1962, p. 13:1.

[2] "Duty, Honor, Country," *Sperryscope*, 6 June 1962, p. 2.

[3] "Sylvanus Thayer Award Presented to General MacArthur," *Assembly*, Summer 1962, p. 12.

[4] *Ibid.*, p. 12–13.

[5] *Ibid.*

[6] Wil A. Linkugel, et al., eds., *Contemporary American Speeches* (Belmont, Calif.: Wadsworth, 1965), p. 153.

[7] Clarke Newlon, *The Fighting Douglas MacArthur* (New York: Dodd, Mead, 1965), p. 94.

[8] Albert E. Grzebien, "Research in Communicative Arts," *Naval War College Review*, February 1969, p. 51.

[9] Douglas MacArthur, *Reminiscences* (New York: McGraw-Hill, 1964), p. 14.

[10] Grzebien, p. 51.

[11] Robert P. Knapp, Jr., "Of War, Time, and Generals," *The Reporter*, 13 January 1966, p. 50.

[12] Clark Lee and Richard Henschel, *Douglas MacArthur* (New York): Holt, 1952), p. 9.

[13] Frank Kelley and Cornelius Ryan, *MacArthur: Man of Action* (Garden City, N.Y.: Doubleday, 1950) p. 41.

[14] Arthur MacArthur, known as the "Boy Colonel of the West," was awarded the Congressional Medal of Honor for his heroism at Missionary Ridge on 25 November 1863. Later, as a lieutenant general, he became the senior officer in the Army. MacArthur, p. 1–37.

[15] Frazier Hunt, *The Untold Story of Douglas MacArthur* (New York: Devin-Adair, 1954), p. 11.

[16] *Ibid.*, p. 15.

[17] Peyton C. March, quoted in Hunt, p. 18.

[18] MacArthur, p. 18.

[19] Vorin E. Whan, Jr., ed., *A Soldier Speaks* (New York: Praeger, 1965), p. 253.

[20] Robert E. Wood, "An Upperclassman's View," *Assembly*, Spring 1964, p. 4.

[21] Lee and Henschel, p. 29–31.

[22] Although the ribbons and decorations of his war days are without parallel, he never wears them. His uniform is unadorned but that plain black "A" never leaves its place over his heart on his lounging-robe—because from it he gains the inner spiritual strength needed to guide him over difficult times." Courtney Whitney, *MacArthur, His Rendezvous with History* (New York: Knopf, 1956), p. 316. (Note: The last photograph ever made of General MacArthur shows President Johnson visiting him in his hospital suite. The general is wearing his familiar cadet bathrobe with varsity "A.")

[23] MacArthur, p. 26–27.

[24] William A. Ganoe, *MacArthur Close-up* (New York: Vantage Press, 1962), p. 22.

[25] Lee and Henschel, p. 31.

[26] Newlon, p. 96.

[27] Gavin Long, *MacArthur as Military Commander* (Princeton, N.J.: Van Nostrand, 1969), p. 34.

[28] MacArthur, p. 77.

[29] *Ibid.*

[30] Douglas MacArthur, quoted in Earl Blaik, "A Cadet Under MacArthur," *Assembly*, Spring 1964, p. 8.

[31] MacArthur, p. 78.

[32] Douglas MacArthur, quoted in Robert B. Considine, *General Douglas MacArthur* (Greenwich, Conn.: Fawcett Publications, 1964), p. 29.

[33] Jacob L. Devers, "The Mark of the Man on USMA," *Assembly*, Spring 1964, p. 18.

[34] Robert M. Danford, "USMA's 31st Superintendent," *Assembly*, Spring 1964, p. 14.

[35] *Ibid.*

[36] Devers, p. 19.

[37] *Ibid.*

[38] MacArthur, p. 80.

[39] Kelley and Ryan, p. 84.

[40] Devers, p. 19.

[41] Ganoe, p. 167.

[42] George C. Kenney, *The MacArthur I Know* (New York: Duell, Sloan and Pearce, 1951), p. 136–138.

[43] Whan, ed., p. xix.

[44] Kenney, p. 136.

[45] Charles B. Marshall, "An Old Soldier's Rhetoric," *New Republic*, 20 November 1965, p. 26.

[46] Carl Mydans, "Memento of 25 Years," *Life*, 17 April 1964, p. 25.

[47] Considine, p. 97.

[48] MacArthur, p. 423.

[49] "Sylvanus Thayer Award Presented to General MacArthur," p. 13.

[50] Whan, ed., p. 352.

[51] MacArthur, p. 18.

[52] R. Ernest Dupuy, *Men of West Point* (New York: Sloane, 1951), p. 4.

[53] Anthony Hillbruner, *Critical Dimensions: The Art of Public Address Criticism* (New York: Random House, 1966), p. 31.

[54] Grzebien, p. 51.

[55] Hillbruner, p. 32.

[56] "Sylvanus Thayer Award Presented to General MacArthur," p. 12.

[57] *Ibid.*

[58] Hillbruner, p. 29.

[59] Jane Blankenship and Robert Wilhoit, *Selected Readings in Public Speaking* (Belmont, Calif.: Dickenson, 1966), p. 238.

[60] Considine, p. 123.

[61] Wood, p. 4.

[62] Linkugel, et al., eds., p. 151.

[63] Jane Blankenship, *Public Speaking: a Rhetorical Perspective* (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 76.

[64] *Ibid.*, p. 76–78.

[65] *Ibid.*, p. 78.

[66] Grzebien, p. 51.

[67] Linkugel, et al., eds., p. 299.

[68] *Ibid.*, p. 151.

[69] *Ibid.*, p. 299.

[70] Blankenship, *Public Speaking*, p. 90.

[71] Linkugel, et al., eds., p. 151.

[72] Blankenship, *Public Speaking*, p. 51.

[73] Grzebien, p. 52.

[74] Blankenship, *Public Speaking*, p. 51.

[75] Linkugel, et al., eds., p. 151.

[76] Marcus Cunliffe, "A Long Gray Line," *Commentary*, December 1964, p. 68.

[77] "MacArthur of West Point," *Assembly*, Spring 1964, p. 2.

[78] Douglas MacArthur, quoted in Newton, p. 13.

[79] Douglas MacArthur, *Duty, Honor, Country: a Pictorial Autobiography* (New York: McGraw-Hill, 1965), p. 121.

[80] Linkugel, et al., eds., p. 151.

[81] *Ibid.*

[82] Grzebien, p. 52.

[83] Blankenship, *Public Speaking*, p. 51.

[84] *Ibid.*, p. 69.

[85] Considine, p. 123.

[86] Grzebien, p. 52.

[87] Blankenship, *Public Speaking*, p. 51.

[88] *Ibid.*, p. 56.

[89] Grzebien, p. 52.

[90] "Sylvanus Thayer Award Presented to General MacArthur," p. 13.

[91] Kenney, p. 136–137.

[92] William F. Buckley, Jr., "Douglas MacArthur, RIP," *National Review*, 21 April 1964, p. 310.

[93] *Ibid.*

[94] Kenney, p. 137.

[95] Ganoe, p. 27.

[96] Army Times, *The Banners and the Glory* (New York; Putnam, 1965), p. 43.

[97] Considine, p. 126.

[98] John Chamberlain, "The Verdict of History," *National Review*, 15 December 1964, p. 1112.

[99] Grzebien, p. 53.

[100] Blankenship and Wilhoit, *Selected Readings*, p. 111.

[101] Blankenship, *Public Speaking*, p. 122.

[102] Marshall, p. 26.

[103] Kenney, p. 142.

[104] Ganoe, p. 132.

[105] John Gunther, *The Riddle of MacArthur* (New York Harper, 1950), p. 27.

[106] Marshall, p. 28.

[107] Mydans, p. 28.

[108] Tommy Davis, quoted in Marshall, p. 26.

[109] Lee and Henschel, p. 97.

[110] Linkugel, et al., eds., p. 151.

[111] Grzebein, p. 53.

[112] Haig A. Bosmajian, *The Rhetoric of the Speaker* (Boston, Heath, 1967), p. 43.

[113] *Ibid.*

[114] "In Remembrance of MacArthur," *Life*, 17 April 1964, p. 30.

[115] Considine, p. 52.

[116] Included in the West Point audience of 12 May 1962 was Cadet Colin Kelly, III, the son of the famous wartime hero.

[117] Lee and Henschel, p. 94.

[118] *Ibid.*

[119] Whan, ed., p. 151.

[120] Linkugel, et al., eds., p. 151.

[121] Douglas MacArthur, quoted in *Banners and Glory*, p. 76.

[122] "Students Honor MacArthur," *The New York Times*, 1 June 1962, p. 14:3.

[123] Bosmajian, p. vii.

[124] Whan, ed., p. xvii.

[125] Bosmajian, p. 22.

[126] *Ibid.*, p. 40.

[127] George W. Cocheu, "Cadet Days, 1899–1903," *Assembly*, Spring 1964, p. 6.

[128] "MacArthur Memorial Dedicated," *Assembly*, Fall 1969, p. 43.

[129] MacArthur, *Reminiscences*, p. 415.

[130] *Ibid.*, p. 414.

[131] Buckley, p. 310.

[132] Grzebien, p. 53.

[133] "Duty, Honor, Country," *U.S. News and World Report*, 4 June 1962, p. 78.

ACCEPTANCE OF SYLVANUS THAYER AWARD MEDAL SPEECH

(By General of the Army Douglas MacArthur)

General Westmoreland, General Groves, distinguished guests, and gentleman of the Corps:

As I was leaving the hotel this morning, a doorman asked me, "Where are you bound for, General?" and when I replied, "West Point," he remarked, "Beautiful place, have you ever been there before?"

No human being could fail to be deeply moved by such a tribute as this. [Thayer Award] Coming from a profession I have served so long, and a people I have loved so well, it fills me with an emotion I cannot express. But this Award is not intended primarily to honor a personality, but to symbolize a great moral code—the code of conduct and chivalry of those who guard this beloved land of culture and ancient descent. That

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is the meaning of this medallion. For all eyes and for all time, it is an expression of the ethics of the American soldier. That I should be integrated in this way with so noble an ideal arouses a sense of pride and yet of humility which will be with me always.

Duty—Honor—Country. Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying points: to build courage when courage seems to fail; to regain faith when there seems to be little cause for faith; to create hope when hope becomes forlorn. Unhappily, I possess neither that eloquence of diction, that poetry of imagination, nor that brilliance of metaphor to tell you all that they mean. The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every pedant, every demagogue, every cynic, every hypocrite, every troublemaker, and, I am sorry to say, some others of an entirely different character, will try to downgrade them even to the extent of mockery and ridicule. But these are some of the things they do. They build your basic character, they mold you for your future roles as the custodians of the Nation's defense, they make you strong enough to know when you are weak, and brave enough to face yourself when you are afraid. They teach you to be proud and unbending in honest failure, but humble and gentle in success; not to substitute words for actions, nor to seek the path of comfort, but to face the stress and spur of difficulty and challenge; to learn to stand up in the storm but to have compassion on those who fall; to master yourself before you seek to master others; to have a heart that is clean, a goal that is high; to learn to laugh yet never forget how to weep; to reach into the future yet never neglect the past; to be serious yet never to take yourself too seriously; to be modest so that you will remember the simplicity of true greatness, the open mind of true wisdom, the meekness of true strength. They give you a temper of the will, a quality of the imagination, a vigor of the emotions, a freshness of the deep springs of life, a tempermental predominence of courage over timidity, an appetite for adventure over love of ease. They create in your heart the sense of wonder, the unfailing hope of what next, and the joy and inspiration of life. They teach you in this way to be an officer and a gentleman.

And what sort of soldiers are those you are to lead? Are they reliable, are they brave, are they capable of victory? Their story is known to all of you; it is story of the American man-at-arms. My estimate of him was formed on the battlefield many, many years ago, and has never changed. I regarded him then as I regarded him now—as one of the world's noblest figures, not only as one of the finest military characters but also as one of the most stainless. His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty he gave—all that mortality can give. He needs no eulogy from me or from any other man. He has written his own history and written it in red on his enemy's breast. But when I think of his patience under adversity, of his courage under fire, and of his modesty in victory, I am filled with an emotion of admiration I cannot put into words. He belongs to history as furnishing one of the greatest examples of successful patriotism; he belongs to posterity as the instructor of future generations in the principles of liberty and freedom; he belongs to the present, to us, by his virtues and by his achievements. In 20 campaigns, on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved his statue in the hearts of his people. From one end of the world to the other he has drained deep the chalice of courage.

As I listened to those songs of the glee club, in memory's eye I could see those staggering columns of the First World War, bending under soggy packs, on many a weary march from dripping dusk to drizzling dawn, slogging ankle-deep through the mire of shell-shocked roads, to from grimly for the attack, blue-lipped, covered with sludge and mud, chilled by the wind and rain; driving home to their objective, and, for many, to the judgment seat of God. I do not know the dignity of their birth but I do know the glory of their death. They died unquestioning, uncomplaining, with faith in their hearts, and on their lips the hope that we would go on to victory. Always for them Duty—Honor—Country; always their blood and sweat and tears as we sought the way and the light and the truth.

And 20 years after, on the other side of the globe, again the filth of murky foxholes, the stench of ghostly trenches, the slime of dripping dugouts; those boiling suns of relentless heat, those torrential rains of devastating storms; the loneliness and utter desolation of jungle trails, the bitterness of long separation from those they loved and cherished, the deadly pestilence of tropical disease, the horror of stricken areas of war; their resolute and determined defense, their swift and sure attack, their indomitable purpose, their complete and decisive victory—always victory. Always through the bloody haze of their last reverberating shot, the vision of gaunt, ghastly men reverently following your password of duty—honor—country.

The code which those words perpetuate embraces the highest moral laws and will stand the test of any ethics or philosophies ever promulgated for the uplift of mankind. Its requirements are for the things that are right, and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle and in the face of danger and death, he discloses those divine attributes which his Maker gave when he created man in his own image. No physical courage and no brute instinct can take the place of the Divine help which alone can sustain him. However horrible the incidents of war may be, the soldier who is called upon to offer and to give his life for his country, is the noblest development of mankind.

You now face a new world—a world of change. The thrust into outer space of the satellite, spheres and missiles marked the beginning of another epoch in the long story of mankind—the chapter of the space age. In the five or more billions of years the scientists tell us it has taken to form the earth, in the three or more billion years of development of the human race, there has never been a greater, a more abrupt or staggering evolution. We deal now not with things of this world alone, but with the illimitable distances and as yet unfathomed mysteries of the universe. We are reaching out for a new and boundless frontier. We speak in strange terms: of harnessing the cosmic energy; of making winds and tides work for us; of creating unheard of synthetic materials to supplement or even replace our old standard basics; of purifying sea water for our drink; of mining ocean floors for new fields of wealth and food; of disease preventatives to expand life into the hundreds of years; of controlling weather for a more equitable distribution of heat and cold, of rain and shine; of space ships to the moon; of the primary target in war, no longer limited to the armed forces of an enemy, but instead to include his civil populations; of ultimate conflict between a united human race and the sinister forces of some other planetary galaxy; of such dreams and fantasies as to make life the most exciting of all time.

And through all this welter of change and development, your mission remains fixed, determined, inviolable—it is to win our wars. Everything else in your professional career is but corollary to this vital dedication. All other public purposes, all other public projects, all other public needs, great or small, will find others for their accomplishment; but you are the ones who are trained to fight; yours is the profession of arms—the will to win, the sure knowledge that in war there is no substitute for victory; that if you lose, the nation will be destroyed; that the very obsession of your public services must be Duty—Honor—Country. Others will debate the controversal issues, national and international, which divide men's minds; but serene, calm, aloof, you stand as the nation's war-guardian, as its lifeguard from the raging tides of international conflict, as its gladiator in the area of battle. For a century and a half you have defended, guarded, and protected its hallowed traditions of liberty and freedom, of right and justice. Let civilian voices argue the merits or demerits of our processes of government; whether our strength is being sapped by deficit financing indulged in too long, by Federal paternalism grown too mighty, by power groups grown too arrogant, by politics grown too corrupt, by crime grown too rampant, by morals grown too low, by taxes grown too high, by extremists grown too violent; whether our personal liberties are as thorough and complete as they should be. These great national problems are not for your professional participation or military solution. Your guidepost stands out like a tenfold beacon in the night—Duty—Honor—Country.

You are the leaven which binds together the entire fabric of our national system of defense. From your ranks come the great captains who hold the nation's destiny in their hands the moment the war tocsin sounds. The Long Gray Line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses thundering those magic words—Duty—Honor—Country.

This does not mean that you are warmongers. On the contrary, the soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war. But always in our ears ring the ominous words of Plato that wisest of all philosophers, "Only the dead have seen the end of war."

The shadows are lengthening for me. The twilight is here. My days of old have vanished tone and tint; they have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears, coaxed and caressed by the smiles of yesterday. I listen vainly for the witching melody of faint bugles blowing reveille, of far drums beating the long roll. In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield.

But in the evening of my memory, always I come back to West Point. Always there echoes and re-echoes Duty—Honor—Country.

Today marks my final roll call with you, but I want you to know that when I cross the river my last conscious thoughts will be of The Corps, and The Corps, and The Corps.

I bid you farewell.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. DOMINICK. Mr. President, the bill for equal employment opportunity has been laid before the Senate and will be the pending business tomorrow. I think that a few preliminary comments in connection with amendments which I intend to offer would be in order at this point.

Mr. President, this bill is designed to put some teeth into the enforcement procedures of the EEOC. It seems to me that this is a good idea. The question is, how do we do it, and to what extent are we going to increase the jurisdiction and the scope of the work of the Commission?

Under the bill as it has been reported by the committee, we are including within the jurisdiction of the EEOC for the first time all Federal employees, which means some 3 million additional people; all State and local employees, which means another 10 million people; and all employers who have, I believe, eight employees. The number had been 25, but I believe the limit has gone down to eight. So any employer who now has eight employees is considered covered by the bill. We know that we have at least 13 million additional people within the jurisdiction, and undoubtedly it is going to be a great deal more than that, probably much closer to 20 million—perhaps even more than that by the time we figure out the all-encompassing jurisdiction of this bill.

As I believe most people know, the Civil Service Commission at the present time has jurisdiction over allegations of discrimination in Federal employment. In most States in our country, antidiscrimination commissions have been set up to take care of problems of State employees and in many cases local employees. What we are doing in this bill—and we might as well be frank about it—is taking jurisdiction away from the Civil Service Commission and putting it in the EEOC so far as the Federal employees are concerned, and we are at least attempting to outlaw all the provisions for enforcement procedures with regard to State and local employees, whether they be of a school district or a sanitary district or any of the State employees or municipal employees of this country. It is a pretty big slice of the apple to try to swallow in one year.

I will be offering amendments which deal with four items in the bill.

The first is the question of how we are going to provide enforcement of cases where the Commission believes that there seems to be at least prima facie evidence of some method of discrimination. Under the present system, we establish a hearing examiner system, and we have to set up a bunch of hearing examiners and different types of administrative procedures to handle the problems. Under the amendment which I will offer, we will simply say that in order to enforce this, they have to go into our existing court system and go through that way.

Under the second amendment, I will simply be prohibiting the employees or the officers or the members of the commission from filing charges. I have said over and over again in committee and in this Chamber that it seems wrong to me to establish in one executive agency the powers of being an investigator, a prosecutor, a judge, and an enforcer. Yet, that is exactly what we are doing over and over again in this particular bill.

Third, I will ask that the Civil Service Commission retain jurisdiction over the equal employment questions of Federal employees. There has been very little complaint as to the job they are doing. I see no reason why we should take 3 million employees and shift the jurisdictional requirements over to the EEOC.

Fourth, on behalf of Senator SMITH of Illinois in particular, and considerable sympathy from myself, I will be moving to exclude State and local employees from coverage by the act, on the ground that I think we might be interfering with State constitutional provisions, and we certainly would be injecting the Federal Government into every State and every municipality in the country.

So at this point I send these four amendments to the desk and ask that they be printed, for further consideration during the debate on the bill tomorrow.

AMENDMENTS NOS. 975 THROUGH 978

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 2453, a bill to further promote equal employment opportunities for American workers.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 30, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 29, 1970*

The House met at 12 o'clock noon.

Rev. James Davidson, Manassas Baptist Church, Manassas, Va., offered the following prayer:

Gracious God, thank You for bringing us to the freshness of this new day.

You understand us profoundly and know how our energies are taxed and our minds often fatigued; that even in the midst of our maturest thoughts we are still children: Encourage us and give us new insight for the business of today. Because in Jesus You became human, You realize the pressures and criticisms that besiege us, throwing us constantly into the valley of decision; so make us men of conviction, leaning toward what is morally right and not merely politically expedient, knowing it is righteousness which exalts a nation.

What we ask for ourselves, we ask for the leaders of the countries of our exciting yet complex world.

Through the strong name of Jesus. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 752. An act to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine;

S. 2461. An act to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes;

S. 3425. An act to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes;

S. 3795. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; and

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

REV. JAMES DAVIDSON

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I appreciate the courtesy of the Chaplain of the House today in affording one of my constituents, the Reverend James Davidson, pastor of the Manassas Baptist Church, to open the House with prayer. Reverend Davidson is a new person in our midst, coming to us from Scotland, but some of his congregation have referred to him as another Peter Marshall. I am very glad he can be with us today.

Reverend Davidson was born in Glasgow, Scotland, in 1937. He graduated from the Baptist Seminary in Bristol, England, and took postgraduate work in Switzerland. His first pastorate in this country was at St. Matthews Church in Louisville, Ky., and he became pastor of the Manassas Baptist Church, a few miles from here, in June of this year.

Again, I welcome him as a guest of the House.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was detained on official business on Monday and missed rollcall votes on two conference reports which I support fully. Had I been present and voting, I would have voted "yea" on rollcalls Nos. 317 and 318.

HEARINGS ON LOBBYING

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, I take this means of advising Members of the House of Representatives that the Committee on Standards of Official Conduct has rescheduled hearings on lobbying practices for October 1, 7, and 8. The hearings originally scheduled for earlier this month had to be called off because, as I previously reported to you, interested witnesses were unable to appear on those dates.

We now expect to schedule public witnesses for October 1 and to hear Members of the Congress on October 7 and 8. Members desiring to testify or submit statements should advise the committee offices of their intentions.

You will recall that the House on July 8 adopted House Resolution 1031 directing the committee, which I have the honor to chair, to conduct investigations and studies of lobbying activities and campaign financing, and to report our findings and recommendations at the earliest practicable date.

Our committee, in considering the assignment, decided to deal with the two subjects separately, although they are related. Accordingly, we expect to conduct hearings on campaign money after concluding the hearings on lobbying.

DID THE DEMOCRATS CAUSE THE POWER BROWNOUT?

(Mr. KYL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. KYL. Mr. Speaker, I may have discovered an explanation for the unprecedented heat wave that has caused the latest power brownout. It could be all the hot air being generated by some Members of the majority in this Congress. The most blatant example is the latest charge by one of the wondering troubadours from the other body who claims that somehow President Nixon is to blame for the warm, dry fall that caused water shortages, cutbacks in generating capacity, and a consequent power cutback.

How desperate can a political party become for an issue? Is the party in power now supposed to intervene with the Deity, or be subjected to charges of failure? It has long been my understanding that the weather, disasters, and the forces of nature were considered beyond the ken of any political party to control.

I might note that members of the Democratic Party have always been in the forefront when attempts have been made to halt building of power generating facilities by private industry. Perhaps they may regret this past action, and seek to divert public attention from their record. I am afraid that in search of political wattage they have only short circuited their credibility, and in fact have generated more heat than light.

WHERE IS THE SOCIAL SECURITY BILL?

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, on May 21, 1970, the House passed the social security bill by a vote of 343 to 32. That was more than 4 months ago.

But where is the bill today? It is still in the other body at the mercy of the majority party there.

Is this any way to treat our senior citizens?

Inflation is eating away at their precious savings.

Skyrocketing increases in the cost of living are diluting their social security payments.

And what is the other body doing about it?

This body clearly recognized the urgency of the problem. We passed a good bill providing for a 5-percent increase and a cost-of-living escalator clause.

Now there is talk of an October 15 recess. And the other body continues to move at a snail's pace with no apparent concern for the plight of our senior citizens.

Mr. Speaker, I think the American people should know just what is happening to the social security bill and just who is stalling it.

This bill must be passed before any recess and its effective date should be changed so that it will go into effect upon its passage, for the sake of our senior citizens.

PRESIDENT NIXON SHOWS COURAGE IN RESISTING PANIC BUTTON TO PUT U.S. ECONOMY IN STRAITJACKET CONTROLS

(Mr. KING asked and was given permission to address the House for 1 minute.)

Mr. KING. Mr. Speaker, President Nixon has shown courage and tenacity in resisting those who would push the panic button and put the U.S. economy in straitjacket controls.

As a result, the economy is laying the groundwork for a decade of solid, sound growth.

The cost-of-living index for August shows the smallest increase in 20 months—and brought the rate of inflation down to 2.4 percent for the month. This, coupled with a cutback in interest rates is positive proof that the Nixon administration's game plan for the economy is working for the American people.

While winding down the Vietnam war, making the transition from a defense-dominated to a forward-looking, peace-based economy, the President has made inroads against inflation. The U.S. economy has shown its basic strength. Productivity is high. Real worker income rose in August. The surtax is gone.

There is still work to be done—the cleanup of air and water, the war against crime, and help for State and local governments. The President needs a cooperative Congress to capitalize on the opportunity to make great progressive gains during the coming decade—a decade which can reflect a better standard of living for all Americans.

BATTLE CASUALTIES LOWEST SINCE 1966

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMPLER. Mr. Speaker, last week, our distinguished colleague from Illinois (Mr. ERLENBORN) spoke to us on the progress of the Nixon administration in ending the war in Vietnam. He referred to the fact that American battlefield deaths the previous week in Vietnam were the second lowest toll in nearly 4 years.

I noticed a few days later that the U.S. military command in Saigon released figures for that week which showed that American battlefield deaths in Vietnam were the lowest since the week of March 5, 1966. Mr. Speaker, I agree with my distinguished colleague from Illinois that this is proof that the President is pursuing a most honorable course in Vietnam.

The President is ending the war. Just as I joined with the overwhelming majority of this body in voting my support for the President's policy in Vietnam on December 2, 1969, I too reaffirm my confidence in the President and his policy.

COMMENDATION FOR LETTER CARRIER LEONARD EVANS

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, in a world of social security numbers, bank account numbers, employee ID's, and ZIP codes, I have some good news—a nostalgic touch of personal service in the postal field service.

It seems that Mrs. Nels Carson of Phoenix, Ariz., had been waiting anxiously for several weeks for word from her son who is stationed in Vietnam. She would meet her mailman, Leonard Evans, each morning hoping that that would be the day to get her son's letter to reassure her of his safety.

As it turned out, Mr. Evans was sympathetic to Mrs. Carson's plight and in the best of traditions reminiscent of by-

XUM

gone days, he phoned her one morning that in sorting the mail he had come across a letter from her son and would have it for her at the start of his route.

Mr. Evans is to be commended for his thoughtfulness and it is reassuring to know that the human factor associated with our every-day affairs can still rise above the impersonalization of the numerical identity by which we are assigned to anonymity.

RADICAL-LIBERALS SUDDENLY SCRAMBLING TO GET ON RECORD AS HARD-LINE ADVOCATES OF LAW AND ORDER

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, with the elections only a month away we are being treated to the fascinating spectacle of numbers of radical-liberals suddenly scrambling to get on the record as hard-line advocates of law and order. Some of our greatest advocates of civil license have suddenly seen the political light.

It should be noted, however, that there are still a few holdouts who are holding fast to the radical-liberal dogma. In the National Observer of September 21, Mr. Adlai Stevenson—who once accused the Chicago police of being "storm troopers in blue"—continues an unblemished record by saying, and I quote:

> Violence cannot be tolerated, but the answer is not more law enforcement.

The answer, according to Mr. Stevenson, is leadership that reorders our priorities and pays more attention to the underlying causes of crime.

It is interesting to contrast Mr. Stevenson's prescription for crime fighting with actual experience here in the District of Columbia. Police Chief Jerry Wilson announced last week that the crime rate for August was down 19 percent from the same month a year ago. The basic reason, according to Chief Wilson was, interestingly enough, more police, more law enforcement. One cannot help wondering what the crime rate would have been if the District Police Department had spent the month of August reordering its priorities and searching for the underlying causes of crime.

DRAMATIC DOWNTURN IN CRIME IS GOOD NEWS TO ALL IN THE NATION'S CAPITAL

(Mr. POFF asked and was given permission to address the House for 1 minute.)

Mr. POFF. Mr. Speaker, the announcement last week by Police Chief Jerry V. Wilson that crime in the District of Columbia had taken a dramatic downturn is good news to all of us who have been concerned by the rising crime rate in the Nation's Capital.

Chief Wilson said that reported crimes in Washington for the month of August dropped to a level 19 percent fewer than for the same month last year. He also noted that this has been the second successive month that the crime rate was below the corresponding month in 1969.

While this decrease is encouraging in itself, I believe the Congress should take notice of the Chief's statement that the Police Department has set its goal as the halving of the crime rate of 1969. This will be a highly commendable record if the objective is obtained.

The Congress has already been instrumental in creating the framework for effective control of the crime problem in this city by passing the administration's District of Columbia crime bill. One of the key provisions of that act is the reform and enlarging of the District court system. The President has acted promptly to send his nominations for the new judgeships to the Congress. It can be hoped that the Congress will respond with equal dispatch in clearing these appointments.

AMERICAN LOW CASUALTY RATE IN VIETNAM FOR WEEK ENDING SEPTEMBER 19 IS HEARTENING NEWS

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, the announcement by the U.S. military command that the American casualty rate in Vietnam for the week ending September 19 was again at a 4-year low is heartening news. However, I do not believe these statistics alone tell the full story.

While the casualty rate last week was at the lowest point since the spring of 1966, it should be remembered that we now have a much higher troop level in Vietnam than existed in 1966. In April of 1966, there were about 240,000 American troops in Vietnam. Now, despite President Nixon's withdrawal of over 100,000 men, there are still about 395,000 American troops there.

When the present low casualty figures are interpreted in light of these relative troop levels, it is apparent that the effective casualty rate is even lower than it appears. While there may be many reasons for this development, there are at least two conclusions that can be drawn. One is that fewer American soldiers are engaging in heavy combat and that points to the success of the President's Vietnamization program. The second conclusion is that the enemy's capability to inflict casualties has been seriously hampered—an obvious result of the Cambodian operation. Overall, the casualty statistics are empirical proof that the President's plan to end the war is working.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT ON S. 3619

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a report on the bill (S. 3619) to revise and expand Federal programs for relief from effects of major disasters, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

TO PROVIDE FOR HOLDING DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK AT WESTBURY, N.Y.

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y., and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 18126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 112(c) of title 28 of the United States Code is amended to read as follows:

"Court for the Eastern District shall be held at Brooklyn, Mineola, and Westbury."

Mr. WYDLER. Mr. Speaker, H.R. 18126 is a bill vital to the establishment of a branch of the Federal courts in Nassau County. The administration of justice in our Nation requires adequate court facilities conveniently located for both litigants and attorneys. This bill will allow the court to establish itself in quarters in the central area of Nassau County and will allow a branch of the eastern district of New York Federal court to be established in Westbury. The needs of the people of Nassau and Suffolk Counties and all of Long Island will be served. I am asking the immediate consideration of the bill because of the necessity of prompt action. I appreciate the cooperation of the chairman of the Judiciary Committee in dispensing with the necessity for hearings since all parties concerned have not only agreed to such action but are anxious for it to be taken.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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APPOINTMENT OF CONFEREES ON H.R. 15073, TO AMEND THE FEDERAL DEPOSIT INSURANCE ACT

Mr. PATMAN. Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Banking and Currency. I move to take from the Speaker's table the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Texas (Mr. Patman) is recognized for 1 hour on his motion.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding

I assume that this is the bill to which I objected yesterday when the gentleman sought to send it to conference, this being the bill to which the other body attached three ungermane amendments. Is that correct?

Mr. PATMAN. The gentleman is correct.

Mr. GROSS. It would be my hope that the managers on the part of the House would very strenuously oppose the inclusion of these three ungermane amendments in this bill.

Mr. PATMAN. May I say that the gentleman's views will certainly be given consideration.

This is being brought up under what is known as the McCormack rule—Speaker McCormack advocated this rule over a period of years and under this rule it permits the committee to meet, a quorum being present, of course, and to instruct the chairman to make the motion to send the bill to conference and notwithstanding an objection having been made.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Patman).

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Widnall, Mrs. Dwyer, and Mr. Wylie.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the judiciary and related agencies for the fiscal year ending June 30, 1971.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 17123, ARMED SERVICES PROCUREMENT AUTHORIZATION, 1971, AND RESERVE STRENGTHS

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 28, 1970.)

Mr. RIVERS (during the reading). Mr. Speaker, in view of the fact that the conference report has been printed, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 319]

Adair
Adams
Andrews, N. Dak.
Annunzio
Aspinall
Baring
Beall, Md.
Betts
Biaggi
Boggs
Bolling
Brock
Brooks
Burton, Utah
Bush
Button
Cabell
Caffery
Casey
Cederberg
Celler
Chisholm
Clark
Clay
Conyers
Coughlin
Cowger
Cramer
Crane
Cunningham
Daddario
Dawson
de la Garza
Dent
Derwinski
Diggs
Dorn
Dowdy
Edwards, Calif.
Edwards, La.
Farbstein
Feighan
Fish
Fisher
Foreman
Friedel
Fulton, Tenn.
Gaydos
Gilbert
Gray
Green, Pa.
Hastings
Hébert
Jonas
Kleppe
Landrum
Leggett
Long, La.
McCarthy
McClory
McClure
McKneally
Macdonald, Mass.
MacGregor
Martin
Mathias
Melcher
Miller, Calif.
Murphy, N.Y.
Nedzi
Olsen
Ottinger
Passman
Pirnie
Pollock
Powell
Rarick
Reid, N.Y.
Reifel
Robison
Roudebush
Ruppe
Scheuer
Shipley
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Tunney
Vander Jagt
Waggonner
Watson
Watts
Weicker
Whitten
Wold
Zablocki
Zwach

The SPEAKER pro tempore (Mr. Evins of Tennessee). On this rollcall 329 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 17123 ARMED SERVICES PROCUREMENT AUTHORIZATION, 1971, AND RESERVE STRENGTHS

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. Rivers), is recognized for 1 hour.

Mr. RIVERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I shall try to give the House as succinctly as possible a synopsis of the action of the conference on H.R. 17123, the military weapons procurement and research and development authorization bill.

I hope the Members will bear with me because this is a long and complex piece of legislation, and there were many items in disagreement.

The bill as presented to the Congress by the President totaled $20,605,489,000. As passed by the Senate, the bill totaled $19,242,889,000.

The bill as agreed to in conference totals $19,929,089,000.

Thus, the final bill is $642,400,000 less than the bill as it passed the House. It is $686,200,000 more than the bill as it passed the Senate.

The final bill is $676,400,000 less than the bill presented to the Congress by the President.

Let me now give a rundown on action taken on major weapons systems on which there was fundamental disagreement.

First, however, I wish to point out that of the reductions from the House bill, $334,800,000 results from a general reduction due to the availability of prior year authorizations.

The House had deleted $334.8 million of new authorizations requested by Defense for various older programs. The Senate not only concurred in denying this request but made an additional cut of $334.8 million on the grounds that the Department of Defense had failed to identify or rejustify various prior year programs for which these amounts had previously been made available.

The Department of Defense was unable to persuade the conferees that the Senate action would adversely affect procurement or research and development. The House conferees, therefore, accepted the Senate's action.

Major Weapons Systems

NAVAL VESSELS

The House included in its bill $152 million for advance procurement for the third *Nimitz* class nuclear-powered aircraft carrier—CVAN-70. The Senate deleted these funds. In an unusual move, the administration while asking for the funds in the budget request, stipulated the decision to build the carrier not be made until a study by the National Security Council was completed on future carrier requirements.

It grieved the House conferees to have to recede on the CVAN–70. However, it was virtually impossible to change the mind of adamantine Senate conferees when faced with the absence of the will to make decisions on the part of the administration. The House conferees, therefore, had no choice but to agree to the elimination of the CVAN–70.

The House added $435 million for new ship construction to the Navy in addition to the budget submitted by the President. This additional construction program was identified by the Secretary of Defense as the first priority should additional funds be made available to the Department by Congress.

The House conferees were able to convince the Senate conferees of the necessity for these ships in view of the critical state of our Navy, and the Senate receded.

However, as I have indicated, the President cut out the carrier, which, in my opinion, was a serious mistake. If and when we authorize it—and we must—there will come a time when we shall have to authorize it, make no mistake about it, because whether you like carriers or not, we cannot do without them.

Here is a memo which confirms the need to authorize new nuclear carriers. It speaks for itself and reads as follows:

DEPARTMENT OF THE NAVY,
Washington, D.C., September 26, 1970.

Memorandum for Vice Admiral Rickover.

Subject: Policy on nuclear carriers.

1. Mr. Packard has authorized you to take the following position, if asked, in connection with your forthcoming testimony before the House Armed Services Committee:

"It is his policy to support funds for a CVAN in 1973 or 1974. It is his view that, while the number of carriers must be subject to question, at any reduced force level which may become necessary, we nevertheless should aspire to have an all nuclear carrier force."

E. R. ZUMWALT, Jr.

The gentleman from California (Mr. HOLIFIELD) knows what I am talking about. It will cost us at least $100 million more if and when the President makes up his mind and if and when the other body makes up its mind.

The other day the U.S.S. *Kennedy* was ordered to the Mediterranean. The U.S.S. *Kennedy* is McNamara's masterpiece. The U.S.S. *Kennedy* is an oil-burning carrier. The U.S.S. *Kennedy* should have been a nuclear carrier. Because the U.S.S. *Kennedy* had to refuel and had to travel at reduced speed, it took 2 days longer to get to its destination in the Mediterranean.

I have in my possession a memo marked "confidential." I will "deconfidentialize" it and insert it in the RECORD at this point.

The statement is as follows:

SEPTEMBER 29, 1970.

When the oil-fired aircraft carrier *John F. Kennedy* CVA 67 was recently sent from the 2nd fleet to reinforce the 6th fleet in the eastern Mediterranean, she transited about 4000 miles from Roosevelt Roads near Puerto Rico at a speed of advance of about 23 knots. This low speed of advance was necessary to conserve fuel so that a reasonable reserve would be aboard upon arrival. She refueled from the tanker *Truckee* west of the Strait of Sicily.

Had a higher speed been necessary for the transit it would have been necessary to refuel at Gibraltar as she does not carry sufficient black oil for a high speed transit of that distance without refueling. The *Kennedy* burns nearly twice as much fuel per mile steamed at 30 knots as she does at 23 knots.

A nuclear carrier could have made the transit at high speed and arrived 2 days earlier without concern for refueling.

In a real war situation the 2 days could have been decisive in battle and the tanker would have been a vulnerable target and might well have already been sunk when the *Kennedy* arrived. This is another example of the need for nuclear propulsion in our first line surface warships.

As the number of carriers in the fleet is reduced, the increased mobility of nuclear carriers will become even more important.

Mr. Speaker, had the carrier been a nuclear carrier, she could have operated at full speed to the Mediterranean, and had there been a conflict in the Mediterranean, she would have been there 2 days earlier. This is what I am talking about. The *Kennedy* is the newest carrier we have floating today and it is oil burning rather than nuclear powered—it is a disgrace to the Department of Defense—and it carries the name of a great American. It should have been a nuclear-powered carrier.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman from California.

Mr. HOLIFIELD. I want to express my complete accord with the gentleman. At the time the U.S.S. *Kennedy* was planned, the Joint Committee on Atomic Energy did everything it could to make it a nuclear-propelled carrier. We had hearings on the subject. Secretary of Defense McNamara appeared before the committee. His people had told him that it would cost $84 million more to build the *Kennedy* as a nuclear-propelled vessel, but they failed to reveal to him that there was a $30 million core in the nuclear-propulsion engine which would have obviated the need to buy fuel for about 9 years. They also failed to reveal to him, apparently, that it would carry something like 26 percent more planes, which would have given that much more striking power.

When we costed this out for a period of 20 years during the life of the carrier, it came to about $4 million difference in the nuclear-propelled carrier and the conventional one.

When they launched it, on the day they launched the *Kennedy,* I announced at that time they were launching an obsolete carrier.

Mr. RIVERS. That is exactly what happened. That is as factual as it can be. I agree with you. But I do not agree with one thing the chairman of the Joint Committee on Atomic Energy has said. I do not think anyone could have changed Secretary McNamara's mind.

Mr. HOLIFIELD. I do not think he changed it. I said we conclusively proved before him that those factors were not considered, the factors of the life of the fuel, the additional carrying capacity, and other factors. They were not costed into his computation.

Mr. RIVERS. This gives me an opportunity to say that without the backing of the gentleman from California (Mr. HOLIFIELD) and that great Joint Committee, God knows what this country would do. I pray for him every day. What he is doing in the field of nuclear propulsion and nuclear energy will be remembered by future generations. They will thank him for it.

Mr. HOLIFIELD. If the gentleman will yield further—and I thank him for his kind words—I had an opportunity this morning to look at the figures the gentleman stated on the floor last night, and I wish to point out that they are accurate, particularly the figures on the submarine comparison. I paid particular attention to them. There was something like, if I remember, 367 submarines that the Soviets have and 145 that we have. At the end of this year they will have as many nuclear submarines as we have. At the end of 1974 they will have as many underwater missile-launching submarines as we have, and, in addition, they will have about 280 conventional submarines, all built since World War II, and all of our conventional submarines have been built since World War II.

Mr. RIVERS. Mr. Speaker, I thank the gentleman from California. I appreciate his substantiating what I said on the floor.

No one can tell me that the great Committee on Appropriations is not going to rise to its responsibilities. I confidently believe they will do so and will start us on the road to try to catch up with the Soviet Union.

At this point let me refer the Members of this body to my floor speech of yesterday in which I document the problem facing our country. Read pages 33898 to 33902 of the RECORD and I am certain you will begin to better appreciate the critical need for new naval construction.

This additional money will go for one fast submarine, long lead-time procurement for another such submarine, a submarine tender, a destroyer tender, two oceanographic research ships, and landing and service craft.

The House conferees receded on three provisions in the House bill: First, to withhold shipbuilding funds until the National Security Council had finished its study of the CVAN–70; second, to require $600 million of funds authorized for naval vessels to be spent only in naval shipyards; and, third, to require the construction of the new DD–963 class destroyer at facilities of at least two different U.S. shipbuilders.

SAFEGUARD

The funds provided for the procurement of the Safeguard anti-ballistic-missile system are only $10 million below the figures in the House bill. However, there is a change in language which limits the deployment concept.

The House had approved the program

requested by the President which would allow beginning preparation of five sites which would eventually be used to provide a thin-area coverage against the potential Chinese threat.

The Senate bill prohibited work at four of these five sites and, in effect, limited the ABM development to defense of the strategic missile deterrent.

After extensive discussion, the House conferees receded and accepted the Senate position. The Senate conferees were unyielding in their position on Safeguard.

I want to make it clear that in accepting the Senate position on the ABM, the House conferees interpret the language of the bill as not prohibiting follow-on studies of present and future programs to assure the adequate protection of the national command and control function.

INTERNATIONAL FIGHTER

The House bill provided $30 million for an international fighter aircraft so as to provide a relatively inexpensive aircraft to free world forces in Southeast Asia. The Senate had denied the funds for the aircraft.

In conference we were able to convince the Senate of the wisdom of going ahead with this vital program. The Senate not only joined us in providing the funds, but joined our conferees in suggesting and urging the Secretary of Defense to personally resolve whatever remaining problems have prevented the Air Force from going forward on this aircraft.

It is the view of the conferees that the availability of this type of aircraft should, in our national interest, be accomplished as expeditiously as possible—and the Secretary of Defense is expected to share the desire of the conferees that this action be taken without further delay.

CHEYENNE

The Senate had deleted all of the $17.6 million provided in research and development money for the Cheyenne helicopter. Complex technical problems on this aircraft have now been solved and a tremendous weapons system is emerging. The Senate receded and accepted the House position.

B–1

The House provided $100 million in research and development funds for the continued development of the much needed B–1, the advanced manned strategic aircraft. The Senate had reduced this figure to $50 million. The confereees agreed on an authorization of $75 million. The House conferees were very reluctant to see even this reduction in the pace of B–1 development and give fair warning that this stretch might be sowing the seeds of a future cost overrun. The Senate conferees, however, were adamant in their position.

C–5A

While there were no dollar differences in the authorization for the C–5A, the Senate bill contained language which would have prohibited the expenditure of $200 million of the authorization for the aircraft unless the Secretary of Defense submitted a plan for those expenditures to the Armed Services Committees and the committees approved the plan. This action raised serious constitutional questions in requiring that the executive branch come into agreement with specific committees before going forward with a discretionary action. In view of the House reservations, the conferees agreed to amend the Senate language to require the submission of the proper plan of expenditures to the Committees on Armed Services of the House and Senate with the further requirement that none of the $200 million could be obligated or expended until the expiration of 30 days from the date upon which the plan had been submitted to the Congress.

With these changes, the House receded and accepted the Senate position. The House conferees are satisfied that this language will not deter the development of this vitally needed aircraft.

MAJOR ITEMS NOT IN HOUSE BILL

I would now like to discuss briefly several important items which were not included in the bill as first passed by the House but which are in the conference report.

A provision in the conference report expresses, as a statement of policy, the Congress' grave concern over the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from that involvement and authorizes the furnishing of aircraft and equipment to Israel in order to restore and maintain the military balance in the Middle East.

To furnish Israel the means of providing for its own security, the President is authorized, under this provision, to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East.

Such sale, credit sale, or guarantee shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment.

The authority to furnish such aircraft and equipment to Israel shall expire on September 30, 1972.

The provision of aid to Israel originated in the Senate Armed Services Committee. The managers on the part of the House fully concurred in the desire to provide needed help to Israel and the urgency in creating some presidential authority to provide such assistance. Members of the House should understand that without this provision in the conference report, the President would not have the authority to provide material to Israel to the extent that it is required.

The House conferees were concerned about the open ended nature of the Senate provision. The House managers were able to convince the Senate conferees that an expiration date should be provided in the authorization in order that the customary periodic authorization surveillance by the Congress will be maintained. Therefore, the provision was amended in conference to add an expiration date of September 30, 1972.

The Congress and the Armed Services Committees responsible will be required to review the need for possible extension of this authority beyond that date.

This authority is provided with the understanding that the executive branch will provide the Congress and the committees responsible for this authorization a semiannual report on the implementation and utilization.

The conferees from both Houses agreed that the language of the amendment covers, as well as aircraft, the following: ground weapons, such as missiles, tanks, howitzers, armored personnel carriers, ordnance, and related items. It is also the intention of the conferees that the words "equipment appropriate to protect such aircraft" be construed broadly and that these words not be narrowly interpreted by the executive branch as imposing a requirement that only those ground weapons which are to be deployed by Israel in the physical proximity to airfields may be acquired by Israel under the authority in this act.

Mr. Speaker, I consider that section of the bill one of the most important actions the Congress has taken or can take this year to protect freedom in the world. The Israelis have exhibited in magnificent fashion a will to defend their nation and to remain free and independent. They have exhibited a strength of will that we can only wish more of our allies would exhibit.

Let me emphasize that nothing in this provision authorizes the sending of American personnel to the Middle East, and the Israelis have no desire for such assistance. The Israelis fight their own battles.

If I can quote what a great statesman said to our Nation 30 years ago:

> Give us the tools and we will do the job.

If we give the Israelis the tools, they will do the job of protecting freedom in the interest of the Western World in the Middle East. They are fighting more than their own battle here. They are resisting the frightening spread of Soviet influence. Also, they are fighting to preserve a vital petroleum resource that supports Western Europe.

Make no mistake about it, an Arab victory over Israel would be a Soviet victory in the Middle East.

I hope the Members of the House can support this addition to the conference report.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. Of course I yield to the gentleman from California.

Mr. HOLIFIELD. Seventy-three percent of the oil used in Western Europe comes from the Saudi Arabian and the Middle East oil fields; 80 percent of the oil used in Japan comes from there. When the Straits of Malacca are closed, the oil can be shut off going to Japan, and when the Soviets establish the position they want to establish in the Middle East, they can shut off the oil of Western Europe. If this occurs, economic collapse will occur in both of those countries and will be followed by a political collapse. That is the threat right now in the Middle East, and the Soviets know full well what they are doing by moving in there.

Mr. RIVERS. I thank the gentleman. If you think the Soviets do not have a program, you just reexamine your information. They will control everything, and your Western civilization may be gone, because all of this hangs in the balance.

I want to say that the President knows this. He is not being kidded. I talked to the President about this, and he understands this. I cannot understand why France did not understand it when they held up planes for this country of Israel. I just cannot understand that.

Now, I will go on to explain other actions taken by your conferees.

AUTHORIZATION EXPANSION

This conference report extends the so-called 412 procurement authorization responsibilities of the Committee on Armed Services in two important ways.

It requires that beginning on July 1, 1971, an authorization for the average annual active duty strength of the Armed Forces will be required as a condition precedent to appropriation of funds for personnel. Up to now it has been necessary to authorize appropriations for missiles, planes, ships, tracked combat vehicles, research and development, and personnel strength of the Selected Reserve. As a result of this provision, beginning next year it will be necessary to also authorize the personnel strength of the Armed Forces.

In addition, the requirement for authorization prior to appropriations is extended to naval torpedoes. This extension is consistent with a provision in last year's House bill that was stricken in conference on the insistence of the Senate conferees at that time. Therefore, when the Senate included the requirement in the bill this year, the managers on the part of the House receded.

CONTRACT ANNOUNCEMENTS

The Senate bill included the provision that precludes the Secretary of Defense from furnishing information in advance of any public announcement to any individual concerning the identity or location of a person or corporation receiving a defense contract. Quite simply, this means the Secretary is not supposed to slip the word to a favorite Senator before public announcement of awards of major defense contracts.

I am sure the House will support its managers in going along with the restriction on this activity, since it has been my observation that the beneficiaries in the past of such a practice have been the Members of the other body.

RESEARCH AND DEVELOPMENT

I would now like to run down briefly the conference action on important research and development authorizations.

Both the Senate and House had reduced the research and development budget requests submitted by the Department of Defense.

The Defense Department had asked a total of $7,401,600,000.

The conferees agreed on $7,101,600,000, a reduction of $300,000,000.

The final total is $164,000,000 less than the amount initially approved by the House and $164,100,000 above the amount recommended by the Senate.

ARMY

For the Army, the conferees agreed on a research and development budget of $1,635,600,000. This is $100,300,000 below the Army's request.

As I already mentioned, the conference specified that the full amount requested for the Cheyenne helicopter, $17.6 million, shall be authorized.

On another major system in this category, the Senate had reduced the funds for the Sam-D missile by $15 million. The conference agreed to restore $8.8 million of the Senate reduction. This results in a total authorization for the Sam-D of $83.1 million, $6.2 million below the departmental request.

NAVY AND MARINE CORPS

The conferees agreed on $2,156,300,000 in research and development funds for the Navy and Marine Corps.

This is $56 million below the departmental request.

The conference restored the $5.2 million which the Senate had cut from the F-14 program. The conferees stipulated that the funds restored for the F-14 are to support the development of the advance technology engine and are not to be used for the development of the avionics of the F-14C.

AIR FORCE

For the Air Force, the conferees agreed on a research and development authorization of $2,806,900,000.

This is a reduction of $128,800,000 from the amount requested by the Department of Defense.

I already indicated that the conferees restored $25 million of the $50 million the Senate had cut from the B-1, leaving an authorization of $75 million.

The conference also restored all of the $27 million that the Senate had cut from the Minuteman rebasing account, leaving a total authorization of $77 million. The Senate conferees agreed to this restoration with the understanding that the program would exclude expenditures previously planned for hard-rock development.

The Senate had reduced the F-111 budget by $6.4 million. The conference agreed to restore the full $6.4 million. The Senate had deleted these funds because they had been identified for use on the Aim-7G missile, which was later determined not to be required in fiscal year 1971. The Senate agreed to restoration of funds with the understanding they are going to support the development of the aircraft.

F-111

I want to say a special word here about the F-111 aircraft. The Senate bill contained provisions requiring certification by the Department of Defense on the structural integrity of the F-111 as a prior condition to the obligation of funds. The House conferees were satisfied that this provision would in no way delay the procurement of the aircraft and that, in fact, the Department of Defense had advised the committee that it is prepared to provide the needed certification. The F-111 has gone through the most rigorous testing program that any aircraft was ever subject to. Each aircraft is meeting the tests and has already begun to return to operational status.

The House accepted the Senate provision.

However, I wish to make it unmistakably clear that in agreeing to this provision of the bill the House conferees in no way agree with the statement contained in the initial report of the Senate committee to the effect that this year's procurement will be the final buy for the F-111.

Initially it was determined that six wings of F-111's were required, and nothing has ever been presented to our committee in the way of military information to change the estimate of that requirement. However, the Air Force still believes it needs six wings. The buy was reduced for budgetary reasons.

The present plans are for only four wings, but the procurement authorized by the fiscal year 1971 buy will not even complete the fourth wing. The House managers and the Committee on Armed Services strongly object to any present decision to arbitrarily cut off production of the F-111. We believe the Department of Defense should be prepared to ask for further aircraft if they are called for by military requirements.

This is a truly unique aircraft. Even the Senate committee report says:

> No other aircraft in the Air Force inventory can compete with the F-111.

Pilots who fly this airplane say they would rather fly the F-111 than any other airplane in the world.

If it is the best plane we can give them, then I think we should not permit substitution of a lesser aircraft.

INDEPENDENT RESEARCH AND DEVELOPMENT

The conferees spent an awful lot of time determining the proper course of action on one of the very important and very complex aspects of defense procurement, the so-called independent research and development.

Mr. Speaker, I will not take the time of the House to go into detail on this right now.

The conference action is fully spelled out in the statement of the managers.

The Senate bill had provided dollar limitations and, in addition, had contained language restrictions which we feared would have greatly limited the support of basic research which helps not only the military services but has great advantage for domestic development in the country.

Thanks to the vigorous and brilliant leadership of the gentleman from Massachusetts (Mr. PHILBIN) and the gentleman from California (Mr. GUBSER), we were able to get compromise language in the conference report which eliminates the dollar restrictions and eliminates the

XUM

handcuffs on basic research while at the same time forcing greater administrative control and surveillance on expenditures in this research area.

OTHER CONFERENCE DECISIONS

Before concluding, let me briefly mention some other decisions the conference made on items which were in dispute:

Southeast Asia funding: The bill contains a provision which has been in this legislation for several years to authorize the use of funds in support of South Vietnamese and other free world forces. The House agreed with the Senate change to specify these funds can be spent "in support of South Vietnamese forces" rather than "in Vietnam." The reason for this is to allow the use of such funds in support of operations like the cleaning out of Cambodian sanctuaries which are not strictly within the borders of South Vietnam but are related to Vietnamization.

The Senate had put a limit on such funding of $2,500,000,000. The House bill had no dollar limit. The conferees agreed to a figure of $2,800,000,000. The sole reason for this increased dollar figure is to provide flexibility to the Department of Defense to program additional money under this authorization if it is found possible to speed up the Vietnamization process. Speeding up Vietnamization, of course, will speed up withdrawal of U.S. troops.

The Senate bill contained language providing additional pay to free world forces in Vietnam in excess of the $65 per month hostile fire pay given to U.S. forces. The House agreed to this provision with an amendment specifying it shall not apply to agreements executed prior to July 1, 1970. The reason for this amendment is simply to avoid reneging on pay agreements made with those Asian countries which have sent troops to Vietnam.

XUM

Improved Hawk: The conference agreed on an authorization of $81.4 million for procurement of the Improved Hawk, which represents a restoration of $28.1 million of the $37 million cut by the Senate. The statement of managers directs that the procurement buy for fiscal year 1971 not be consummated on Improved Hawk until the completion of a test program to insure the operational readiness of the missile subject to the approval of the Secretary of Defense.

The House conferees agreed to the deletion of $14.1 million for procurement of Improved Hawk for the Marine Corps. The recently revised procurement program for Improved Hawk is such that money for the Marine Corps procurement, which follows the Army buy, will not be required until fiscal year 1972.

Tanks: The conference agreed to restore $12.1 million for the Army's M60A1E2 tank which had been cut by the Senate. The Army has had a great deal of trouble in the development of this tank. However, the House conferees did not want to cut off the program, which appears now at the point where it can be brought to a successful development. The conference also restored $10.9 million which the Senate had cut from the M60A1 tank program.

Tow: The House bill had initially required a test program of adapting the Shillelagh missile to the ground mode and, if successful, a competitive procurement between Tow and Shillelagh. At the request of the Senate conferees, the House receded from its provisional approval and concurred in the authorization of $106 million for Tow funding after an intensive reevaluation by the Army established that each of these weapons should be continued in its present mode.

Falcon: The Senate eliminated $15 million for the modification of the Air Force Falcon missile. The conferees agreed to restoration of $6 million. This would allow a steady development program on modification of the missile to improve its capabilities.

Maverick: The House had eliminated procurement funds in the amount of $25.3 million for the Maverick. The Senate restored $3.1 million, which is sufficient to retain the terms of a favorable contract while the development proceeds for another year. The House receded.

CBW: The Senate bill included various additional provisions relating to the use or disposal of chemical and biological warfare agents. While the Department of Defense did not object to the main import of the Senate amendment, the House managers persuaded the conferees to amend the language to assure that it would in no way delay or prevent the immediate disposal of CBW agents when such disposal is required as a matter of health and safety.

Mr. Speaker, there are a number of other amendments the Senate had added which we did not consider advisable, and we were able to have them removed in conference. I do not want to take any more time of the House to introduce details. They are explained in the statement of the managers.

This has been a difficult job. There were many items in dispute in the conference. I believe we have done exceptionally well by the House position. We did not get everything we wanted, but we certainly did not come back emptyhanded. It was a privilege for me to be chairman of this conference. I wish to express my appreciation to all of the members of the conference committee on both sides of the aisle who worked so diligently in hammering out the agreements in the conference report.

I hope the House will support the conference report.

Mr. Speaker, this is a good conference report. Take my word for it.

We won a pretty good victory in the other body. As I recall this bill went over to the other body on May 6. It came out of there on September 1. They asked for a conference on September 15 and we accommodated them on September 16, the next day. The House had the right for the first time to preside in conference and I presided. It took us 3 days to get this conference report through. Heretofore it had taken us 3 or 4 weeks. We did not listen to a lot of rhetoric. We had fine cooperation from the greatest group of House conferees we have ever had. We did not do so badly. Of course, we had to give and take. However, we brought home more than we left. I am thankful to the members of the Committee on Armed Services. We are your committee. We have striven to leave a good image in the other body as your committee.

We recognize the fact that we are your committee. We have a good committee. We have very little dissent in our committee. Do not believe what you read, if you read that we do not have a good rapport. We are jealous of our good record and we shall continue to try to protect it.

Mr. Speaker, we bring to the House a good conference report today. We want every Member of this body to back us, because the stronger the bill that comes out of this branch or the other branch, the more notice there is to our potential enemies that we are not kidding—that we are determined to rebuild our military strength.

Mr. Speaker, we have in this bill the ingredients to save America and catch up in those areas where we have fallen behind. I commend the conference report to you.

Mr. RANDALL. Mr. Speaker, will the gentleman yield for just a half minute?

Mr. RIVERS. Of course I yield to the distinguished gentleman from Missouri, a member of the committee.

Mr. RANDALL. The conference report is so comprehensive and so good and contains so many things, including for the first time the provisions for Israel, I simply want to ask that the press, after the vote is taken today, note what happened to the doves.

Mr. RIVERS. As long as the light holds out to burn, there is time for the vilest sinner to return. Any time the doves want to come home, we have a roost for them.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I am happy to yield to my distinguished friend from Iowa.

Mr. GROSS. I would call the gentleman's attention to the language contained in the report which appears on page 30 thereof with reference to premature disclosure of defense contract awards, a provision put in by the other body and accepted by the House.

Would the gentleman address himself to that particular item briefly with an example of what this is designed to do?

Mr. RIVERS. This is one of the best things done by the other body. They put a provision in there whereby they could not announce contracts awarded to contractors. There have been occasions when there appeared in the papers the statement that "Rivers has announced the award of certain contracts." I never have announced one in my life. I do not think the Member of Congress should announce contract awards, because the minute we announce that a particular contractor received an award, the people of America may get the idea that we had something to do with it. We do not have anything to do with it. The contracts are made by the executive branch and out in the field. I feel it is a good provision.

Mr. GROSS. Then we have had some difficulty in the past with the announcement of contract awards.

Mr. RIVERS. This is a good thing, because now you will not see Members of Congress announcing the award of contracts.

Mr. GROSS. No, but I say that in the past we must have had some difficulty, or there must have been some difficulty.

Mr. RIVERS. There must have been. It did not apply to me, because I never have announced one.

Mr. GROSS. I had assumed that.

Mr. RIVERS. And this is a good thing. I have never announced the award of one since I have been in the Congress; I have never announced it in my office, but I have heard that a lot of Members of the other body have announced the awarding of contracts which they had nothing to do with. And so we accepted this proposition and we think it is a good thing.

Mr. GROSS. I thank the gentleman.

Mr. RIVERS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Illinois, Mr. Arends.

Mr. ARENDS. Mr. Speaker, the conference report that our committee brings to the floor of the House today represents the best efforts of the House managers after long and hard bargaining sessions with the Members of the Senate. It also represents, in my judgment, the minimum program we could provide for the defense of this Nation in the world as we find it today.

Our Chairman, the gentleman from South Carolina (Mr. Rivers), has adequately explained the bill in great detail, and I will try not to be repetitious. However, there are some important matters that I would like to touch on briefly.

ABM

The bill, as finally agreed on by the conferees, includes an amendment originated in the Senate which limits the deployment of the anti-ballistic-missile system to the defense of four sites in an effort to limit the deployment of the system to the strategic missile deterrent. The House bill would have permitted the President to do advance work this year on four other sites—in the Northeast, the Northwest, the Michigan-Ohio area, and the Washington, D.C., area. The additional money involved was only $25 million. However, the development of these sites would have allowed advance work to prepare for area defense should the President later determine that such is required. This area defense would have provided protection against a potential Chinese threat and would have allowed protection for bomber bases and for Washington, D.C. Elimination of this work in the present bill will delay deployment at least 1 year for most of these sites and at least 9 months for the Washington area. It should be understood that we are talking in terms of having the system ready by the late 1970's, when both the Chinese and Soviet threats will be even more dangerous than at the present.

It was, therefore, with great reluctance that the House managers conceded to the Senate position. The Senate conferees were absolutely adamant in not wishing further debate on the ABM.

The House conferees in receding made it clear, as spelled out in the statement of the managers, that nothing in the language of the conference report prohibits follow-on studies of present or future programs designed to provide adequate protection for the national command and control function. It is the belief of the House conferees that adequate protection of our command and control system is essential to the national security, and that nothing should prohibit work designed to insure the survival of this system. The bill as agreed upon will allow a year to further the test and checkout of the ABM system as presently being developed, and further extensions could be authorized next year if such are determined to be required.

ISRAEL

Mr. Speaker, all of us are aware of the deepening crisis in the Middle East, and all of us are aware of the dark and insidious involvement of the Soviet Union in that crisis.

The nation of Israel stands alone against terrible odds in the Middle East and stands not only for Israel but for the interests of the Western World in that cradle and Gethsemane of civilization.

All of us should understand that the Middle East is a powder keg which could set off world war III. If Israel can maintain her military strength, we can retain the military balance in the Middle East and lessen the threat to world peace. But as long as the Soviets are giving so much advanced military equipment to Egypt and other Arab nations, Israel is going to require help, and we must give the President authority to provide that help.

With this understanding, the managers on the part of the House were sympathetic to an amendment on the Senate bill which expressed as a matter of national policy the Congress grave concern with the deepening involvement of the Soviet Union in the Middle East. The House conferees were also in sympathy with the amendment's purpose in authorizing the transfer to Israel of aircraft and other equipment by sale, credit sale, or guarantee, so that giving Israel the means of providing for its own security could restore the military balance in the Middle East.

However, we were concerned about the lack of an expiration date on the amendment as drafted by the Senate. We felt that periodic reexamination by the Congress, as is true of any authorization, was advisable.

Therefore, the conference agreed on an expiration date of September 30, 1972. The Congress and the committees responsible will have an opportunity to review the need for possible extension prior to the expiration date.

As the chairman has, I believe, already pointed out, we express the intention of the conference in the statement of the managers that the amendment, in addition to aircraft, covers ground weapons such as missiles, tanks, howitzers, and similar equipment and provides for the broadest interpretation of the words "equipment appropriate to protect such aircraft." It is our intention that the provision of equipment not be limited to that which would have to be placed in close physical proximity to the aircraft itself.

Mr. Speaker, I think this is one of the most important actions the House will take this year in defense of world peace. I want all the Members of the House to clearly understand that without this amendment in our bill the President does not have adequate authority to provide the help that he may wish to give to Israel.

NAVY

The chairman of the Armed Services Committee has spelled out the provisions of the conference agreement on naval construction, and I will not go into a lot of detail. Simply put, the conference report provides the additional $435 million which the House had included in its bill above the President's request for the construction of naval ships. This is a beginning step to get our Navy back to the level of strength that it simply must have if we are to maintain our position in the world. And I urge the Appropriations Committee in the strongest of terms to take action to fully fund this authorization.

The Secretary of Defense has told our committee that if the money is provided he will be sure that it is spent.

Those of you who have read Chairman Rivers' magnificent speech yesterday have to be deeply disturbed about the Soviet threat in the world, particularly the Soviet advances in naval power. Those who read the chairman's words—which are irrefutable—must, I believe, in good conscience support this ship construction authorization.

We were unable to prevail upon the Members of the Senate conferees to also support the aircraft carrier which was included in the President's budget, but I believe on balance that we have taken a most important step forward in persuading the Senate to accept the need for modernizing our Navy.

The Members of the House should be aware that this is just the beginning of the program that is needed for modernizing the Navy.

CAMPUS RECRUITING

I want to say a word about one provision of the bill which I think is important as a matter of congressional policy.

The bill as passed by the House contains a provision prohibiting the use of funds authorized by the bill for grants to any institution of higher learning where the Secretary of Defense determines that recruiting personnel of the Armed Forces were being barred from the institution's campus.

Initially, objection was raised to the amendment as something that would cause many problems on campuses or be taken as a threat to academic freedom.

We were able to point out to the Senate conferees that the language of the amendment was actually identical to a law now on the books for NASA.

The Senate conferees agreed to the provision of an amendment making clear that it would apply where the military recruiters are "barred by the policy of

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the institution." This will make sure that the amendment will not result in denial of Federal funds to a college or university where neither the students nor the faculty were responsible for denying military recruiters the opportunity to be located on campus.

What the amendment does is prohibit funds being given to an institution where the administration of that institution as a matter policy denies the military recruiters the opportunity to appear on the campus.

This amendment in no way inhibits academic freedom. It in no way inhibits the pursuit of important research by universities. But it does say that we are not going to authorize the expenditure of Defense funds at institutions which are so dead set on opposing our Government that they object to even the sight of military recruiters on campus.

SUMMARY

Mr. Speaker, I do not wish to take any more time because others may wish to speak on the conference report.

I think your conferees have gotten important concessions from the Senate, and I think we have done an outstanding job.

I want to make one final observation. The bill as finally approved by the conference totals $19,929,089,000. This is $676,400,000 less than the bill as it was presented to the Congress by the President. This is true even though in one area—naval construction—the bill is $435,000,000 above the amount recommended by the President. I think these figures spell out as clearly as anything can the depth of our concern for the deterioration of our Navy, and I think they spell out with equal clarity the fact that we have come forth with a very austere bill.

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The Secretary of Defense characterized this as a "rock-bottom, bare-boned" Defense budget. We have reduced it below his estimates more than one-half billion dollars at a time when the world is in a terrifyingly unstable condition and at a time when the Soviets are building up their strategic offensive power and their naval power at an unprecedented rate.

This bill is vital to our national survivial, and I hope the program will be supported vigorously by the Members of the House not only today, but during the appropriation process as well.

Mr. RIVERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I rise to congratulate the House conferees. They have done an exceptionally skillful and dedicated job in preserving the basic position of the House. Particularly do they deserve our congratulations for having prevailed in insisting upon the House position with respect to future procurement of the F-111, undoubtedly the most modern and most versatile aircraft in our defense arsenal.

The capabilities of this aircraft have been so publicly obfuscated by a plethora of sensational publicity emanating from political charges and counter-charges unrelated to the aircraft's capability, that Chairman Mendel Rivers and the members of the House committee fully deserve our expression of confidence for their unwavering defense of fact in the face of so much highly publicized fallacy and popular fiction.

Particularly should I like to commend and call to the attention of the membership the following language from the statement of the conferees on the part of the House:

> The House conferees wish to reiterate that the agreement upon language in the bill in no way reflects agreement with the position stated in the Senate report to the effect that the procurement authorized in the present bill represents the final increment of the F–111 procurement.
>
> It is pointed out that the funds available for the F–111 for fiscal year 1971 will not even complete the fourth wing. The House conferees are unswerving in their belief that four full wings of F–111's should be procured; and it is clear, as the earlier House report indicates, that the Air Force believes six wings are required but such have been precluded for budgetary reasons. The House conferees believe that future decisions should be made in the future, and not made now on an arbitrary basis. A present decision on all future requirements for the F–111 is both unnecessary and unwise.
>
> As the report of the Senate Committee makes clear, "no other aircraft in the Air Force inventory can compete with the F–111." The House conferees, therefore, will not accept the imposition of constraint on future procurement of this aircraft and shall insist that the Department of Defense consider further procurement for fiscal year 1972 if necessary for defense requirements and that no prohibition should be placed on the Air Force in planning studies for a fifth or sixth wing.

This conclusion is fully supported by a letter to the chairman of the Senate Committee on Armed Services written on September 17 by David Packard, Deputy Secretary of Defense. The text of the letter is as follows:

> THE SECRETARY OF DEFENSE,
> *Washington, D.C., September 17, 1970.*
>
> Hon. JOHN C. STENNIS,
> *Chairman, Committee on Armed Services,*
> *U.S. Senate*
>
> DEAR MR. CHAIRMAN: In Section 503 of H.R. 17123, as reported by your Committee, specific criteria were prescribed with respect to the obligation of FY 1971 funds for the procurement of F–111 aircraft. I am in full agreement with these criteria and I agreed with the Secretary of the Air Force's actions to have a detailed examination made of the structural integrity of the F–111 aircraft over and above the normal development and test program.
>
> As a result, for the past several months the Air Force has been subjecting the F–111 fleet to a comprehensive structural integrity test program that included static and fatigue testing. Additionally, a proof test and inspection program was designed and implemented to insure that the fleet is free of all defects of the type that caused the loss of the aircraft in December 1969.
>
> The Air Force has now progressed sufficiently through the test program to permit me to conclude from the results obtained that the F–111 fleet will be structurally sound, and that it will indeed perform its intended mission. Attached hereto, as requested, is a detailed report of the entire test program and results to date which provided the basis for my determination. Accordingly, I have approved the program for the procurement of remaining F–111's in FY 1971.
>
> Sincerely,
>
> DAVID PACKARD,
> *Deputy.*

As Secretary Packard points out, the structural integrity of this aircraft has been established beyond doubt. In the summary statement analyzing the unprecedented test program to which the F–111 fleet has been subjected, the Department of Defense makes the following additional points:

> At this time, there is a high level of confidence that we can expect a 6,000 hour fatigue structure to be attained versus the 4,000 hours in the original requirement. A 6,000 hour F–111 structure would provide 15 years of operation versus the 10 years initially planned. . . .
>
> This unique program of inspections and stress testing of assembled aircraft is accepted as a severe test of the aircraft structure and each successful test increases the confidence that the F–111 fleet is free of structural flaws of the type that caused the loss of the aircraft in December 1969. The program has been demanding and critical of every detail. . . .
>
> There have been no forging defects found in over 100 aircraft inspected and proof tested and in 2800 other forgings inspected. . . .
>
> Some 199 aircraft will have completed the proof test cycle by 1 November 1970, with 120 aircraft returned to the Air Force. All aircraft currently scheduled to be proof tested will be completed by mid-1971. . . .
>
> The results to date of the inspection and proof test program provides the basis for high confidence that the F–111 fleet is free of forging defects. . . .
>
> This review of the status of the structural development of the F–111 system shows that that the static strength of the aircraft is sound and we can expect a 6,000 hour endurance will be attained in fatigue life, thus exceeding contract specifications by 2,000 hours. The results of the inspection proof test of the F–111 aircraft to date show that no forging defects have been found.

The F-111f, soon to be delivered to the Air Force, is the fruition of many years of design and testing and unquestionably combines the very best performance features of all our most modern military aircraft.

The big money already has been spent, and as the House committee pointed out, we now are in a position to secure for the defense of the country the minimum four wings which the Air Force regards as absolutely necessary—or the six full wings which it desires—at a very substantial saving in unit cost.

Beyond this, the country needs for its deterrent strength a great many more of the FB–111, the strategic long-range version. The Air Force now has only 76 of these even though it originally requested 263.

Our aging fleet of B–52's has done yeoman service in keeping the peace, just as the B–36 did in its day. But the subsonic aircraft is obsolescent by modern standards.

The controversy now surrounding the ICBM's and how to protect them—whether to bury them in the middle of a granite mountain, place them on trains, surround each by the deployment of ABM missiles—demonstrates the limitations upon the usefulness of missiles exclusively as a deterrent posture.

There is no doubt as to our need for missiles, but their application is so limited and inflexible—and so untested and hypothetical in its effectiveness—that we simply cannot afford to put all of our deterrent eggs in the missile basket.

We need bombers too, which can be used subject to the human judgment factor. We cannot expect to have in operation a fleet of B-1's at best before about 1980, and meanwhile the only aircraft which possibly can fill the gap is the advanced FB-111. I congratulate the House conferees on their recognition of this fundamental fact of life as we look to our national defenses.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question, now that the gentleman from Texas has raised the question of the F-111?

Mr. RIVERS. Certainly I yield to my very distinguished friend, the gentleman from Iowa?

Mr. GROSS. Mr. Speaker, let me ask how much there is in this bill now, since it has been to conference, for the F-111? And is that for the F-111 fighter or the F-111 bomber? I note on page 20 of the report that there is $6.4 million for the F-111. It does not say whether it is for the fighter or the bomber version.

Mr. RIVERS. This is a fighter-bomber we are talking about. It is an interdiction plane, an interdiction attack aircraft, and it has the capability to operate at great speeds at both high and low altitudes. It is the only plane the Air Force has that is capable of on-the-deck all-weather operation. It is the only plane. We have spent a great deal of money on this plane.

Mr. GROSS. Yes, and it has been on the deck for a long time.

Mr. RIVERS. Let me say this to the gentleman. I have had misgivings about this plane. We have spent a great deal of money on it, but it is out of the woods and I am glad it is. This plane has been subjected to more research and to more ways of finding out whether it will fight than any plane in the history of America. It has come through, and I am glad of it.

Mr. GROSS. Is the only money in this bill for this plane the $6.4 million as stated in the conference report?

Mr. RIVERS. This does not end the F-111 program. The plane is working, and it will continue to work.

Mr. GROSS. Is the $6.4 million in the report the money in this bill for the F-111?

Mr. RIVERS. No. The answer is "No." I will read the gentleman what it says:

> The fiscal year budget 1971 request for the F-111 aircraft is $563.3 million. This amount includes $48.2 million for continuing research and development; $283 million for new aircraft procurement; $200.5 for prior over target costs, and $31.6 million for initial spares.

Does that answer the gentleman?

Mr. GROSS. The total is what?

Mr. RIVERS. It is $563.3 million.

Mr. GROSS. So we are going to proceed now with the F-111; is that correct?

Mr. RIVERS. That is right; and it is working.

Mr. GROSS. Despite the fact that Australia is apparently the only country which originally bargained for these planes that is going to go through with the contract?

Mr. RIVERS. I do not know what Australia is going to do, but for the money we have put into this plane thank God we have got a good plane now. I am sure it is going to work.

I was never so surprised in my life as when I went down for the first time to the General Dynamics plant at Fort Worth, Tex., and talked to the Air Force personnel. This plane is loaded, believe me. McNamara put everything on this plane one could put on an airplane. The Air Force and General Dynamics have it working.

Mr. GROSS. Obviously the gentleman from South Carolina has changed his mind about this plane. I hope he is right, because he was not saying this a couple of years ago.

Mr. RIVERS. I surely was not.

Mr. GROSS. No.

Mr. RIVERS. A foolish consistency could be the hobgoblin of a little mind.

I want to congratulate the gentleman for changing his mind at times. I have taken a 180 degree turn on this plane. The gentleman is right. The Navy version of this plane did not work. McNamara cut off the fuselage, changed the aircraft, and it could not work. But the indomitable spirit of the Air Force did not give up on this plane. Thank God it is working. It is the only new plane we have.

Mr. GROSS. I hope the gentleman is right.

Mr. RIVERS. I hope I am right, too, and I believe I am right.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Ohio.

Mr. HOLIFIELD. Mr. Speaker, yesterday our distinguished colleague, the chairman of the House Armed Services Committee, MENDEL RIVERS, delivered a very significant address in this Chamber. He warned us of the growing military might of the Soviet Union, particularly the expansion of its naval forces. He drew comparisons between their growing strength and our complacency. He brought out the unfortunate new development which portends a possible rerunning of the 1962 Cuban missile crisis.

It is with deep regret that I notice the United States and the Soviet Union appear again to be moving toward a possible confrontation. It is particularly unfortunate because both nations realize the dangers inherent in a nuclear war. Both nations are working toward strategic arms limitation at Vienna and Helsinki. However, as the United States is seeking ways and means to pull away from the abyss of nuclear disaster, the Soviet Union is increasing its nuclear offensive capability.

As I said in a speech in Chicago just 2 weeks ago on September 14:

> The Soviet Union has come a long way. Its consumer goods are up. Its people are better dressed and better housed, but still it has not wavered from its desire for world domination, and anyone who believes otherwise should read the speeches of Mr. Breshnev. In 1962 the Soviet Union placed offensive nuclear weapons 90 miles from the United States shores. The Soviet Union attacked its own ally, Czechoslovakia, a scant two years ago when the Czechoslovakians gave some evidence of desiring more freedom. The Soviet Union today has more land-based nuclear missiles than the United States. Its nuclear submarine fleet may surpass the United States in the next few years. Its Navy, once confined to the North Sea, now roams the world. It is "fishing" in the troubled waters of the Middle East.
>
> These are sad and unfortunate facts of life. We must not whet the appetite of those in Communist Governments who view the United States as a "paper tiger." We must maintain our strength or else we invite disaster.

I certainly hope that the leaders of the Soviet Union will weigh very carefully the dangers inherent in what appears to be an aggressive move which can only exacerbate the delicate relationship between our two countries. And—I hope that they do not misjudge the strength and courage of the American people when presented with a clear and present danger.

Mr. WOLFF. Mr. Speaker, when a version of this legislation came before the House last May I voted against it for several reasons. I was concerned about the expansion of the Safeguard anti-ballistic-missile system to new sites. I believed then, and still believe, expansion of this program would be ill advised since there is no assurance that it will enhance our security and the cost is fantastic given the very short odds on its success.

I also objected to the bill at that time because of the lack of controls on cost overruns on several weapons systems and on independent research and development by defense contractors. Moreover, I was fearful that we were being too free in extending support to the Indochina war and in supporting allied efforts that could expand the war which, in fact, should be ended.

Now, I have reviewed the conference report and, while I still have certain reservations about this legislation, I am impressed by the significant improvements made in conference. This is a much better piece of legislation than that offered to us last May and I am prepared to support the conference report for the following reasons:

First, additional deployment of the ABM is specifically prohibited in accordance with the view I expressed last spring;

Second, a new and important section has been added to provide credit sales to Israel of vitally needed military equipment including aircraft. This is a most important addition since it should help maintain peace in the Middle East, encourage success in the peace talks being held at the United Nations, and help offset the dangerous and flagrant violations of the cease-fire by Egypt and the Soviet Union;

Third, specific and detailed controls have been placed on cost overrun payments and on Federal support for independent research and development;

Fourth, amendments prohibit the use

of support funds for Indochina forces to expand the war or to pay third-party nationals unfairly for waging the Vietnamese war;

Fifth, reductions were made in several authorizations for weapons systems whose efficacy has not been proven; and

Sixth, controls were included on the development of delivery systems for chemical and biological warfare.

Mr. Speaker, as one who has opposed certain military funding in the past I feel a special obligation to be responsible, reasonable, and rational in my calls for controls and cutbacks in military spending not related to our national security. Of course I fully support the funds which are, in fact, necessary to insure our security in this troubled world.

This latter point is most important, Mr. Speaker. At stake here is a matter of consistency—when funds are needed, when a crisis develops, when assistance can actually act as a force for peace as in the Middle East—I favor that assistance. I recognize the necessity of thwarting aggression whenever possible; for this is an important priority. It is not only responsible, it is consistent with the position I have held for some time, to vote for this conference report.

The conference report is a significant step in striking a responsible balance in military spending and sets a number of important precedents in controlling wasteful expenditures. To oppose this report out of a shortsighted or blind approach to our needs would be most unwise. Those of us who have taken a position favoring cutbacks in nonessential military spending and for a reordering of priorities have a responsibility to recognize the important advances contained in this conference report and to give it our support.

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Mr. YATES. Mr. Speaker, after considerable study and thought, I have decided to vote for this conference report. I voted against the bill when it passed the House because I thought it was bloated with unnecessary and exorbitant military programs. The Senate has corrected many of these, not to the degree I would wish for, but it is difficult to find many bills drafted exactly to my wishes. At best, legislation contains provisions that are distasteful keeping company with provisions that are good.

I believe timing is particularly important today. Tensions in the Middle East have rarely been greater. The death of President Nasser yesterday complicates even more the already complex situation. What moves will the Soviet Union make to aggrandize and make more permanent its favorable position along the Mediterranean Sea? What additional pressures will the U.S.S.R. seek to apply against Israel in concert with extremists in the Arab nations? The area which has been described so frequently as a tinderbox truly warrants that designation today. This bill, containing as it does a provision for long-term credits for sales of military equipment to Israel comes at a particularly appropriate time in reflecting the determination of the Congress that hard-pressed Israel will be given the tangible assistance it needs to survive against the Soviet-Arab missile buildup at the Suez Canal and other potential military threats.

I approve, too, of that part of the conference report which prohibits American funds being used to support troops in Cambodia or Laos. This, I believe, will help prevent any increase or escalation of the Indochina war.

I would have preferred that all funds for the Safeguard ABM be stricken from the bill. I think this system is ineffective, ill conceived, overly expensive, and a waste of taxpayers' funds. It was one of the principal reasons I opposed the bill on its first consideration. The Senate has wisely limited the Safeguard to preventing the expansion of the system beyond their stated purpose of protecting our ICBM sites. Hopefully, the system will be scrapped next year and its funds allocated to a much more constructive purpose.

Mr. BINGHAM. Mr. Speaker, I voted against this bill when it came before the House some months ago. I did so after supporting a number of unsuccessful amendments which would have limited or eliminated a number of the wasteful, provocative, and in some cases totally unnecessary weapons programs contained in this bill. However, after careful consideration and with some hesitancy, I have decided to support the conference report now before the House.

This decision was an extremely difficult one, with major considerations on both sides. It was not made easier by the extensive remarks delivered in this Chamber yesterday by the chairman of the Armed Services Committee, the gentleman from South Carolina (Mr. RIVERS). On the contrary, if this bill actually gave effect to the views on defense and strategic matters expressed by the gentleman from South Carolina, I would have to oppose it. It does not, however. His views are, as is said in the law, obiter dictum.

I am, moreover, impressed with a number of areas in which substantial improvements have been made over the House-passed version as a result of Senate and subsequent conference action. The conference version, for example, deletes the House authorization to expand the Safeguard ABM to a broad, area-defense system. Instead, it contains a somewhat more acceptable, hard-fought Senate compromise that limits deployment of ABM's to two additional sites, and to missile bases rather than population centers.

The $152 million authorized by the House bill to begin building a third nuclear-powered carrier—the CVAN-70—has been omitted. In my judgment, these extraordinarily costly carriers are fast becoming obsolete in view of the development of sophisticated missile systems for which such carriers would, in wartime, be nothing more than sitting ducks. If any more at all are to be built, it should not be until after, as the committee report notes, the National Security Council has completed the major study of the strategic value of carriers that is now underway at the request of the administration.

This conference report, Mr. Speaker, also contains the sole statutory authority for the sale of military equipment, including fighter aircraft, to Israel. The Military Sales Act, ordinarily an alternative source of such authority, has expired as a result of a House-Senate conference deadlock on the matter of the Cooper-Church amendment added by the Senate. The future of that legislation is most uncertain, and it is imperative that the President have full, uninterrupted authority to continue to insure the security of the embattled State of Israel.

Finally, Mr. Speaker, this legislation contains two provisions relating to our involvement in Southeast Asia which were not in the House bill but which were proposed in the Senate by Senator FULBRIGHT. The first prohibits U.S. military assistance funds from being used to support Thai or South Vietnamese troops in Cambodia or Laos. The second provides that payments to troops of our allies fighting in Vietnam not exceed the rate of combat pay given to American troops.

In many respects, this bill does not go nearly as far as, in my judgment, it ought to go in reducing our military hardware expenditures and adopting a less provocative strategic posture. It also contributes to the continuation of the war in Vietnam which is such a tragic mistake. Nevertheless, as I have specified, a number of provisions of this conference bill constitute reasonable and commendable steps in the right direction in comparison to the version that passed the House. On that basis, I intend to vote for it.

Mr. HELSTOSKI. Mr. Speaker, last May 6 this body passed H.R. 17123, authorizing appropriations for fiscal year 1971 for military procurement, research, and development, and for anti-ballistic-missile system construction.

I voted against this bill because I felt that the $20 billion-plus was far in excess of the needed funds for the procurement of weapons for the military.

The Senate worked its will on this bill and arrived at an authorization figure of a billion dollars less than the amount approved by the House, and thus it was placed into the hands of the House-Senate conferees to resolve the differences in the bill.

Today, Mr. Speaker, the result of this conference action is before us. This military authorization measure is less than the bill which passed the House and is less than the bill presented to the Congress by the President.

I am pleased that the military aid for Israel has been broadened to include ground weapons as well as aircraft. These ground weapons include tanks, missiles, howitzers, armored personnel carriers, and ordnance.

It is necessary that these funds be authorized to maintain the balance of power in the Middle East for the half-staffed flag of Egypt now casts a precarious shadow over the entire Middle East, and places the hope for peace under uncertain conditions.

Mr. Speaker, I shall vote for the adoption of the conference report because the conferees have made drastic cuts in the authorizations for projects which I have strenously opposed for many years.

I am pleased that this measure has reduced a substantial amount of funds to be used in Southeast Asia, a cutback of funds for missile systems, the prohibition of the procurement of chemical and biological warfare delivery systems.

In voting for this conference report, although I am not in complete accord, I am doing so with the knowledge that some of the most objectionable authorization features have been lessened to a great degree, while still authorizing enough funds to maintain our Armed Forces at a level which can preserve our national security.

The savings made under the provisions of this authorization can well be directed to one of our many domestic programs to combat the ills and to provide the necessities for a better life in our own country.

I commend the conferees on their wise judgment in bringing to us a bill that has removed, if only in part, some of the objectionable features of it. This bill is a step in the right direction of reducing military financial commitments, and I feel sure that the House will adopt it by a wider margin than the 326-to-69 vote taken on it last May.

Mr. FRASER. Mr. Speaker, I shall vote for this military procurement authorization without enthusiasm. My vote indicates approval of the roughly $600,000,000 cut this bill represents when compared to the bill we passed May 6. I believe in and support a strong military posture for the United States but I would unhesitatingly vote for much larger cuts than these agreed upon in the conference which produced this bill.

I approve of the decision not to authorize preliminary work on the so-called anti-Chinese phase of the ABM system but I continue to oppose the ABM expansion authorized by this bill.

There are other provisions of this authorization which make it impossible for me to be an outspoken advocate for the bill. But there are also improvements in this bill evident when I compare it to the House authorization I voted against in May.

I applaud the striking from the final authorization the House-approved provision for $152 million to start procurement for CVAN–70, the third nuclear-powered aircraft carrier.

I strongly approve of the amendment which bars our paying "free world assistance funds" for Vietnamese or Thai military operations on behalf of Laos or Cambodia.

I support the amendment not in the House-passed version which will bar in the future our financing overseas allowances to foreign troops that exceed those paid U.S. troops in the same theater.

And, I believe we must accept the Senate decision to establish a more flexible mechanism for providing arms to Israel. This bill now has such a provision. Another effect of this particular amendment will be the lessening of the pressure on conferees who support the Cooper-Church amendment to the Foreign Military Sales Act.

Legislation is always the product of compromise. In the recent past I have ordinarily voted "nay" on defense authorizations because they inevitably fund unneeded and expensive weapons systems. My "yea" vote today does not indicate that I now support these same or similar systems. It merely indicates that this particular compromise has more in its favor than those bills I opposed in the past.

Mr. PRICE of Illinois. Mr. Speaker, I support the adoption of the conference report on H.R. 17123, the military procurement bill for fiscal year 1971 because it contains a very important provision concerning the security of Israel. The provision, title V, section 501, authorizes the transfer of aircraft and supporting equipment to Israel by sales, credit sales, or guarantee in order to maintain that brave nation's integrity.

Included in the Senate-passed version the provision was readily accepted by the House in conference. As one of the conferees strongly in favor of the Senate language, I am pleased to have this opportunity to speak out in its favor.

The Middle East situation has assumed ominous dimensions. Despite the recent cease-fire Israel's security is threatened by the missile buildup. The military balance is askew, and the United States must honor its commitment to Israel by making available to it the necessary military wherewithal to restore that balance. This provision is both an expression of our commitment and a means of helping our Israel friends.

I, therefore, strongly urge my colleagues to vote for the adoption of this conference report.

Mr. ASHLEY. Mr. Speaker, as a Member who voted against a House-passed military procurement bill, I rise to set forth my reasons for casting an affirmative vote on this conference report today.

It will be recalled, Mr. Speaker, that an amendment was offered during House debate on this measure earlier this summer which would have prohibited expenditure of funds in Cambodia after June 30, 1970. The amendment was defeated. In the conference report before us, however, use of funds is prohibited to support Thai or South Vietnamese troops in Cambodia or Laos and payment to troops of U.S. allies fighting in Vietnam may not exceed the rate given to American troops.

A second reason that I am persuaded to vote for the conference report today is that the measure contains the only statutory authority for the sale of military equipment, including aircraft, to Israel. The United States, in my view, has a direct interest in the Middle East and in an Israel that is capable of defending herself from hostile neighbors.

I was very much against the $152 million authorization in the House bill to begin a third nuclear-powered carrier, the CVAN–70. This provision, too, has been deleted from the conference report.

Finally, the measure before us repudiates the House authorized expansion of the Safeguard ABM, instead permitting a more acceptable, hard-fought Senate compromise to limit deployment of ABM's to two additional sites and to missile bases rather than population centers.

Mr. Speaker, I continue to be strongly of the view that far too great a proportion of our resources is being directed to military might and far too little is being directed to our increasingly serious problems here at home. But it would be the height of naivete to deny that a balance must be struck between our domestic needs and the requirements of national security. The conference report before us at this time is a vast improvement over the House bill many of us voted against and, because it at least comes closer to the kind of reasonable balance we seek, I intend to support it.

Mr. PHILBIN. Mr. Speaker, I want to congratulate and commend the chairman for his outstanding remarks and effective work on this vital bill which is of such great import to the security of this Nation and to the free world.

I also commend and thank my esteemed colleagues of the House Armed Services Committee for the great ability, patriotism, discernment, and hard work that they and the outstanding staff of our committee have put into this bill.

I think we are all agreed that in this dangerous world, this Nation must be kept strong in every sense of the word, not only militarily, but economically, financially, socially, spiritually, and in every other way.

There never has been a time when our country has been under greater challenge from abroad, yes, and at home. This Congress must recognize that fact, and do something about it that will insure that the security and safety of this Nation shall be defended and protected as well as that can be done in this nuclear age. We must perform this task, even as we hope, pray, and work for total peace in Vietnam and in the world.

We must recognize the urgency of keeping the homefront secure and ready to cope with any emergency that may eventuate. I cannot emphasize this point too strongly.

One of the most vital sections in this bill is the one that deals with the problems of the Middle East, and the clear and present danger to world peace that exists in that area which cannot be ignored by this country.

It is the unanimous view of the distinguished conference that in order to insure the free, courageous nation of Israel and its gallant people the means of providing for their defense, security, and freedom this Nation must extend appropriate, effective assistance in the form of aircraft and equipment and everything that may be necessary, to enable this great, young, free nation to protect itself against determined aggression and threatened takeover by those powerful forces working to destroy it.

We have provided in this bill that the valuable aid we so willingly extend to Israel would be made on terms and conditions just as favorable as those extended to other countries in the same position, where their freedom, self-determination, and security were in danger

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from willful aggressors and determined enemies. Indeed, Israel must be helped in every possible way to protect and defend herself.

It is the considered view of the conference that it is unquestionable that the key to peace in the Middle East depends upon the independence, freedom, and self-determination of Israel threatened by other nations trying to overrun her territory, which are posing aggressive hostilities that could gravely endanger her freedoms, and the influence this brave, young country may be able to wield in helping to establish lasting peace in that part of the world.

It is our judgment that this action is similar to that which we have taken in behalf of other nations, similarly beset by threats of aggression, and is urgently needed at this time, and our decision was unanimous.

I hope and urge that the decision of the House as a whole will likewise be unanimous.

This bill involves very large expenditures, but every effort has been exerted by the committee and the conference to keep expenditures down to minimum limits that conditions in the world require. But we must make sure of the national defense and security.

We believe that the posture of strength and devotion to freedom which this bill represents will be very helpful in holding the line for an effective defense of our Nation as well as assurance to the free world that we propose to stand with firmness and resolution against willful aggressors, whatever their source, and particularly those that would destroy our liberties and those of free peoples of the free world.

At the same time, we must make it very clear that the national policy of this country is for peace, freedom, self-determination, and justice for all peoples, and that we are working with all our hearts toward the realization of these ends in the world.

Let us hope that continued efforts for peace, understanding, and cooperation by all nations to reach the goals of peace, will soon be effective in assuring a peaceful world, organized on the rule of law, where threats, force, aggression, and confiscation of territory and the rights of men be renounced and outlawed, and where peace dwells for all peoples.

Mr. Speaker, I urge the enactment of the bill. It is necessary for our defense and security and deserves the support of every Member of this House.

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Mr. VANIK. Mr. Speaker, I am particularly pleased to support section 501 of the conference report on H.R. 17123 which includes the language added by the Senate Committee on Armed Services which authorizes the President to transfer to the state of Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East.

This provision reflects a belated recognition of the deteriorating military balance and the threat to world peace resulting from the critical and intensive involvement and interference of the Soviet Union in the Middle East. The presence of Soviet weapons, equipment, and military personnel constitute an ominous danger. The men of the Soviet and their weapons—are the intruder—and constitute the threat not only to Israel, but to America and to the world.

This language affirms the view that the restoration and subsequent maintenance of the military balance in the Middle East is essential to the security of Israel and to world peace. It recognizes the severe economic burden presently borne by Israel in providing for its own defense. The language further provides that the credit terms upon which authorized arms should be transferred will not be less favorable than the terms extended to other countries receiving the same or similar armaments.

This provision serves notice upon the Soviet Union that the United States can no longer stand by while the Soviets pour armaments and men into the Middle East.

In the past, America has supplied weapons and materiel to nations headed by dictators, monarchs, and military juntas. It is time we take our stand in support of the principles of democracy and freedom of those nations which incorporate these principles as the law of the land.

In the Middle East, Israel is the outpost of democracy and freedom. It is in trouble because it is a free nation—which respects the dignity of the individual man. If these precepts are driven from this rehabilitated cradle of civilization, they will be threatened all over the world. The democracies of this planet must mutually aid and support each other. When one is destroyed—all are threatened.

Mr. Speaker, following is the language of section 501 of title V which so critically affects the future of democracy in the Middle East and in the world:

TITLE V—GENERAL PROVISIONS

> SEC. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972.

The death yesterday of President Gamal Abdel Nasser has immense and far-reaching implications. We must hope that the new leaders who emerge in Egypt will be a rallying point for agreement within the Arab bloc to seek peace with Israel. Let us hope that new leaders will bring an end to the nationalism of hate, which has characterized so much of the past.

But while we hope, we must also stand on the alert, prepared for any contingency. As a result of Soviet influences in Egypt, the reequipment of the Egyptian Armed Forces, and the uncertain policies of that nation's new leaders, the situation may further deteriorate. It is imperative that the State of Israel be equipped and prepared to defend herself against the sophisticated weapons systems provided by other superpowers.

Section 501 is a long overdue and needed response to the crisis in the Middle East. It is a sign, written on the law books of the Nation, that we support free peoples and true democracies against threat of extinction.

Mr. Speaker, although I voted against original passage of H.R. 17123, the military procurement bill for fiscal year 1971, I believe that the other Chamber and the conferees have made enough improvements in the bill to warrant my support of the bill which has come from the committee of the conference.

I still feel that there are programs in this bill which should not have been authorized. These are programs which have failed to prove themselves, which are wasteful and duplicate existing weapons systems, which are a form of overkill and contribute to the arms race.

Yet, there are significant improvements. The bill as presented to the Congress by the President asked for $20.6 billion. The bill which passed the House provided for about $35 million less than the Pentagon wanted. The bill that passed the Senate provided for $19.2 billion, or nearly $1.4 billion less. The bill reported by the conference committee of Senate and House Members provides for $19.9 billion—thus the difference between the two Chambers was rather evenly compromised.

Among the notable improvements in the final bill over the version that passed the House are the following differences:

First. While both Chambers provide essentially equal amounts of money for the ABM Safeguard system—a system whose rationale and practicability I still question—the Senate version which was finally accepted limits ABM development to several sites and prohibits expansion of this questionable program to four additional sites as proposed by the House.

The limiting of ABM sites not only holds out the promise of saving money but makes negotiations at the SALT talks easier by indicating to the Soviets that we have not irretrievably committed ourselves to a massive ABM system and a further arms race.

Second. The final bill also drops some $152 million provided by the House for construction of the third *Nimitz*-class carrier. There is no need to spend money on this project when the administration itself is not sure it wants it. In an age of increasing powerful submarines and the demonstrated success of the Soviet Styx missile against surface craft, the long-range continuing strategic worth of the carrier must be questioned.

Third. Some controls are placed on the potential payment of $200 million to Lockheed Corp. as a possible compensation for cost overruns and inefficiencies on the C–5A.

Fourth. In addition, Senate amendments were accepted which provide for more rational and careful disposal of chemical and biological warfare systems.

Mr. COHELAN. Mr. Speaker, today I am voting against the conference report to the military procurement authorization bill. I voted against the House version of this procurement bill because I felt that some of the weapon systems authorized in this legislation had little strategic or political justification. I was hopeful that when this bill returned from conference I could offer my support. However, such is not the case. After analyzing the provisions of this report I can find little justification to support the conference bill.

First, the decision to further deploy the ABM at Whiteman Air Force Base is wrong in my judgment. I cannot subscribe to the bargaining chip theory recently proposed to further justify deployment of the ABM. Since the ABM is not operational, further deployment is inadvisable—at least pending a demonstration of its component's capabilities.

Second, there is another area of strategic weapons theory that the conferees to this bill did not, in my opinion, handle satisfactorily. This is the decision to continue the deployment of the MIRV'ed Minuteman III. I offered the amendment to delete this item from this bill when it was being considered in this Chamber. At that time I pointed out that multiple warheads in our land-based missiles could be interpreted as a quantitative as well as qualitative jump in the nuclear arms race. The continuation of this step will cause nuclear asymmetry and thus assure an end to the present nuclear stalement. While the present stalement is not the ideal solution to the present nuclear threat, it is infinitely preferable to the escalation certain to result from a MIRV'ed ICBM capability.

I was also disappointed that the conference report approved the $435 million for ship construction not requested by the administration, but added by the House. This type of add on at a time when our domestic needs cannot secure adequate funding is but another example of the glaring mismanagement of priorities to which we have become accustomed.

I am further disappointed by the modifications presented in this conference bill. For instance, the changes in the structure of the allied troop supports payments was such that the present agreements will continue thus assuring continuation of the considerable overpayments. I am also disturbed by the rejection of some of the Senate language designed to control the C–5A type overruns.

While I would support adequate military assistance for Israel, I do feel that this urgent matter should be dealt with in separate legislation.

I am hopeful that the Department of Defense appropriation bill for fiscal year 1971 will be more responsive and realistic in relation to our national defense needs. I have consistently supported an adequate defense bill, but that items that I have mentioned here are so important to me that I can only register my protest by withholding support from the conference report as I did on the House-passed version of the military authorization bill earlier this session.

Mr. MONAGAN. Mr. Speaker, I support the conference report on the military procurement bill.

This bill provides the weapons needed for the proper functioning of our military services and it is important that our man in uniform be adequately supplied.

It is worthy of note that this bill reduces the overall authorization by nearly $700 million below the request made to Congress by the President. The reduction came principally in the limitation on the expansion of the ABM system and I approve of the House acceptance of the Senate language which limits the deployment of the Safeguard to specified sites connected with the defense of our strategic missile deterrent. In view of the current SALT talks this limitation is quite appropriate.

I believe that we can continue to look for opportunities to save money in the defense budget and since the instant bill is an authorization bill I feel quite confident that the actual appropriation can be brought in at a figure substantially below this authorization.

Mr. PEPPER. Mr. Speaker, I wish to warmly commend the able chairman of the distinguished Committee on Armed Services for including in section 501 of the conference report and, therefore, in this act, the concern of the Congress over the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement, which is a matter of grave import to the United States, and by authorizing the President to transfer to Israel by sale, credit sale, or guaranty, such aircraft and equipment appropriate to use, maintain, and protect such aircraft as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East.

It is further provided in this section that any such sale, credit sale, or guaranty shall be on terms and conditions not less favorable than those extended to other countries which require the same or similar type of aircraft and equipment.

Thus, we have come face to face with the threat of Russia's building up the military power of the Arab countries in the Middle East to such an extent that they would dare to enter upon a war determined to destroy the State of Israel and to wipe her people from their ancient land. We are saying in this provision that we will not allow the weakness of Israel to invite such aggression. We are telling Russia and all others who would prepare the enemies of Israel to destroy her that we will not let Israel be destroyed and we will furnish her such aircraft and, I hope, such other weapons as she may need to be sure of her ability not only to ward off and defend herself against any aggression but to possess such strength that she will deter aggression.

I have thought for a long time that we should enter into a solemn agreement with Israel that we would not allow her to be destroyed. This language and this bill will, however, I believe, serve as effective notice to those who would assist and encourage Israel's enemies to make war upon Israel that they will meet superior military might in Israel, and so much of it as may be necessary will be furnished by the United States.

Mr. RIVERS. Mr. Speaker, I yield the remaining time to the distinguished Speaker to close debate.

Mr. McCORMACK. Mr. Speaker and my distinguished colleagues, this conference report is before the House of Representatives at a very important and a very challenging period in the history of the world and in the history of the life of our own country.

I want to congratulate the conferees on the action taken, because this bill represents strength so necessary in this period and in the years that lie ahead. This bill is a recognition of the fact that the law of self-preservation applies to a nation the same as it applies to an individual. Certainly the law of self-preservation applies to our country as well as to any other country, no matter how large or powerful or no matter how small and powerless.

I have repeatedly stated, in and out of the Congress, some pertinent observations I believe we cannot ignore. Only yesterday I made reference to the fact that, on many occasions in the past—and I repeat it again today, because I believe it should be repeated and emphasized as much as possible—up to and including World War II, the Atlantic Ocean was our first line of defense. But it is no longer our first line of defense.

We have to face the realities of life whether we like it or not, because what is involved is not only our Nation of today but the Nation that the next generation or future generations will enjoy. We have the mandate, which is unwritten, from past generations, who built and strengthened our Nation, to preserve this great country of ours, to improve upon it by all the means necessary and to preserve the existence of our institutions of government.

We are very thankful after Pearl Harbor that we had a breathing spell in the sense that the Atlantic was still our first line of defense and that we had the opportunity of building up and marshaling our great resources, industrial, military, and manpower. It took at least 3 years to do that. Then we started the journey toward victory both in Europe and in the Far East.

We had that opportunity then, but we will never have it again. In a few words that no one can deny, if they have a minimum of intellectual honesty, we will never have another opportunity to prepare ourselves after the fact. Our country has to be prepared before the fact. That is a fact of life that faces us. It is not a question of how one might feel on some of the aspects of South Vietnam where we respect the views in disagreement. Everyone should recognize the fact that we will never have an opportunity and that we will not have the opportunity to prepare ourselves after the fact. Anyone with a minimum of in-

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telligence, because it requires no great intellectual ability, would know that when the next war starts, if it does, the only thing that might stop it is a strong and powerful America. When the next war starts the enemy will go all out to win the war. They are not going to go out just to win a battle or two and lose the war. They are going to go all out to win the war. That means they will have to destroy America. That means a concentrated attack. The concentrated attack will be on America, if you look ahead. Being practical, they will attack installations around them—maybe, for example, the Soviet Union—but the concentrated attack will be in a matter of minutes upon America in an attempt to destroy our military ability or to destroy it to such an extent that it will destroy our will to fight or a combination of both.

So I say there is nothing brilliant about knowing that. One can project himself into the future on those two facts. One fact is already here. We no longer have an opportunity to prepare ourselves after the fact. We have to be prepared before the fact. That already exists. World War II established that. One does not have to be brilliant to project his mind to the fact that if there is going to be an attack by a potential enemy who exists now, that potential enemy becoming an actual one is going to go all out to win the war and in order to win the war they will have to defeat America. We have heretofore said this. They will have to defeat us militarily or through a destruction of our will or a combination of the two.

I am very glad that the committee accepted certain Senate provisions in relation to the Middle East, and Israel. I want to commend the House conferees. I want to commend the distinguished gentleman from South Carolina (Mr. Rivers), the chairman of the committee, the distinguished gentleman from Massachusetts (Mr. Philbin), the distinguished gentleman from Louisiana (Mr. Hébert), the distinguished gentleman from Illinois (Mr. Price), the distinguished gentleman from Florida (Mr. Bennett), the distinguished gentleman from New York (Mr. Stratton), the distinguished gentleman from Illinois (Mr. Arends), the distinguished gentleman from Wisconsin (Mr. O'Konski), the distinguished gentleman from Indiana (Mr. Bray), the distinguished gentleman from California (Mr. Bob Wilson), and the distinguished gentleman from California (Mr. Gubser).

And, mark what was said in this conference report which will become law. It reflects the recognition of the Congress of the United States as to where the danger is. Not only does it provide the authority for our country through the President to take necessary steps in relation to Israel, but note this language. I have never seen it contained in any bill before, and it is properly there. I quote:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States.

Mr. Speaker, that is a direct statement of policy on the part of the Congress of the United States. This bill when signed by the President becomes a direct statement of policy by both the legislative and executive branches of Government.

I have never seen in my 42 years as a Member of this body language of this kind used in an authorization bill or in an appropriation bill. It is brave language and it is correct language. It states to the Soviet Union that we know who the No. 1 potential enemy is and from where the primary source of danger comes. Further, that the Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East, and so forth, as the bill and the conference report states.

So, my colleagues, let us go forward with vision and courage. Let us face as brave men and women the problems of our country today. Let it not be said that we failed the next and future generations of Americans.

The **SPEAKER** pro tempore (Mr. Evins of Tennessee). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The **SPEAKER** pro tempore. The question is on the conference report.

Mr. **RIVERS**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 341, nays 11, not voting 77, as follows:

[Roll No. 320]

YEAS—341

Abbitt
Abernethy
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zion

NAYS—11

Brown, Calif.
Clay
Cohelan
Diggs
Edwards, Calif.
Hechler, W. Va.
Kastenmeier
Mosher
O'Hara
Reuss
Roybal

NOT VOTING—77

Adair
Adams
Andrews, N. Dak.
Annunzio
Aspinall
Beall, Md.
Betts
Blatnik
Brock
Brooks
Burton, Utah
Bush
Button
Cabell
Cederberg
Celler
Chisholm
Conyers
Cramer
Crane
Cunningham
Daddario
Dawson
de la Garza
Derwinski
Dowdy
Edwards, La.
Farbstein
Feighan
Fish
Fisher
Foreman
Friedel
Fulton, Tenn.
Gray
Green, Pa.
Hastings
Hébert
Jonas
Kleppe
Landrum
Leggett
Long, La.
McCarthy
McClory
McKneally
Macdonald, Mass.
MacGregor
Martin
Mathias
Melcher
Miller, Calif.
Murphy, N.Y.
Nedzi
Olsen
Ottinger
Pirnie
Powell
Rees
Reifel
Robison
Rogers, Colo.
Roudebush
Scheuer
Shipley
Stephens
Stuckey
Symington
Taft
Teague, Tex.
Tunney
Vander Jagt
Watson
Watts
Weicker
Zablocki
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Brooks with Mr. Jonas.
Mr. Cabell with Mr. Bush.

Mr. Fulton of Tennessee with Mr. MacGregor.
Mr. Stuckey with Mr. Cramer.
Mr. Friedel with Mr. Weicker.
Mr. Ottinger with Mrs. Chisholm.
Mr. Annunzio with Mr. Taft.
Mr. McCarthy with Mr. Conyers.
Mr. Miller of California with Mr. Robison.
Mr. Shipley with Mr. Andrews of North Dakota.
Mr. Murphy of New York with Mr. Cederberg.
Mr. Edwards of Louisiana with Mr. Crane.
Mr. Zablocki with Mr. Zwach.
Mr. Teague of Texas with Mr. Hastings.
Mr. Adams with Mr. Kleppe.
Mr. Aspinall with Mr. Burton of Utah.
Mr. Blatnik with Mr. Brock.
Mr. Leggett with Mr. Cunningham.
Mr. Celler with Mr. Button.
Mr. Long of Louisiana with Mr. Watson.
Mr. Daddario with Mr. Beall of Maryland.
Mr. Dowdy with Mr. Berry.
Mr. Fisher with Mr. Roudebush.
Mr. Rooney of Pennsylvania with Mr. Pirnie.
Mr. Gray with Mr. Derwinski.
Mr. Rogers of Colorado with Mr. McClure.
Mr. Rees with Mr. Powell.
Mr. Nedzi with Mr. Reifel.
Mr. de la Garza with Mr. Mathias.
Mr. Melcher with Mr. Fish.
Mr. Macdonald of Massachusetts with Mr. McKneally.
Mr. Watts with Mr. Foreman.
Mr. Landrum with Mr. Vander Jagt.
Mr. Stephens with Mr. Martin.
Mr. Olsen with Mr. Tunney.
Mr. Farbstein with Mr. Feighan.
Mr. Symington with Mr. Scheuer.

Mr. ASHLEY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1224

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18185) to provide long-term financing for expanded urban mass transportation programs, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'Neill) is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1224 provides an open rule with 2 hours of general debate for consideration of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970.

The purpose of the legislation is to provide long-term financing for expanded urban mass transportation programs. It would permit the Secretary of Transportation to enter into long-term contracts with local communities totaling $5 billion for 5 years to provide grant assistance to local transit agencies. This new authorization would be available until the $5 billion is obligated. Appropriations for the liquidating of obligations incurred would be authorized in aggregate amounts not to exceed $130 million prior to July 1, 1971, $500 million prior to July 1, 1972; $1.15 billion prior to July 1, 1973; $2 billion prior to July 1, 1974; $3 billion prior to July 1, 1975; and not to exceed $5 billion thereafter.

The Secretary would be authorized to make loans for the acquisition of real property upon a determination that the real property is reasonably expected to be required in connection with an urban mass transportation system and that it will be used for that purpose within a reasonable period of time. These loans could be used for rights-of-way, station sites, and related purposes such as parking lots and access roads.

The Secretary would be required to report annually to Congress with respect to outstanding grants or other contractural agreements executed pursuant to the act. Not later than February 1, 1972, he would submit to the Congress additional authorization requests for fiscal years 1976 and 1977.

The bill also contains a provision which broadens the existing air pollution control requirements in the 1964 act to provide that in the planning, designing, and construction of mass transit project financed under the act, special efforts shall be made to preserve the natural beauty of the physical environment. The Secretary of Transportation would be directed to cooperate and consult with the Secretaries of Health, Education, and Welfare, Agriculture, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

Capital grants made under the bill may not exceed 12½ percent of the aggregate amount of funds authorized to be obligated except that 15 percent of the aggregate amount of the funds authorized to be obligated may be used by the Secretary without regard to this 12½-percent limitation for grants in States where more than two-thirds of the funds available under the 12½-percent limitation has been obligated.

The bill authorizes the Secretary to conduct a study on the feasibility of providing Federal assistance to help defray the operating costs of mass transportation systems and report his findings to the Congress within 1 year after the date of enactment.

Mr. Speaker, we all know the great importance of this bill. Public transit systems all over the Nation, in major cities, in medium size urban areas, are in disrepair and in economic peril.

The growing problems of our cities are aggravated by the poor public transportation systems. Job opportunities are restricted because of costly and incomplete routes. Traffic congestion is increased because the city dweller and the commuter prefer their own cars to a dilapidated public transportation system. Pollution is aggravated and made more serious by the increasing number of motor vehicles entering and traveling in the cities.

There is not a city of any reasonable size in this Nation that does not need massive improvements and extensions of its public transportation system.

This bill will go a long way toward satisfying that need. It will provide help over one of the biggest hurdles in mass transit systems, and that is money and long-term financing.

This legislation shows the commitment on the part of the Congress to expanding and improving mass transit programs.

The transportation needs of cities and metropolitan areas are great. Large amounts of money, great periods of time, and extensive research must all go into solving the transportation problems of the urban areas of the Nation. This bill is an excellent beginning.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 18185 may be considered.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, I agree with the statements just made by my colleague, the gentleman from Massachusetts (Mr. O'Neill). However, I wish to take a few moments of the time allotted to me to clear up some misunderstanding which developed in the Committee on Rules yesterday on some of the provisions of this bill—two of them in particular. One of them pertained to the question of the eligibility of communities under 25,000 population.

I am pleased to report that I have investigated the matter of the eligibility of these smaller communities with the Department and have learned that grants have been given to them and such grants can be authorized under this legislation.

I mention this as I have only one city with more than 25,000 in population in my district. But, we have transportation problems insofar as older people are concerned, especially in the larger counties. We do not have public transportation available between many of our smaller communities.

Under the provisions of this bill, such counties would be eligible even though they do not have cities over 25,000. These counties or cities could form a transit authority and apply for a grant under this program.

Second, Mr. Speaker, I would like to point out that neither this bill nor the act of 1964 discriminates against privately owned mass transportation companies in favor of publicly owned systems.

The question was raised yesterday as to whether or not the District of Co-

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lumbia transit system would be entitled, since it is privately owned, to assistance under this bill. The answer is "yes," indirectly.

Such grant assistance could be made to the District of Columbia and the District government could then lease the buses to a privately owned company.

This indirect assistance to private companies has been taking place. For example, I have been informed that three grants have been made to the State of New Jersey aggregating over $21 million to assist in providing improved railway commuter operations in the New York metropolitan area. This was done through the State appropriating required local funds to match the Federal grants, and using the total to purchase 80 modern rail commuter cars for lease at nominal rental to the Penn Central Railroad, and relocating tracks to give the Jersey Central Railroad better access to the commuter operation serving Newark.

A similar grant of $26 million was made to the Chicago-South Central Mass Transportation System to enable it to purchase 130 modern double-deck commuter cars for lease at nominal rental to the Illinois Central Railroad.

Mr. Speaker, coming now to H.R. 18185, let me say it is to amend the Urban Mass Transportation Act of 1964.

The bill seeks to insure that in future years substantial Federal assistance will be made available to assist cities in improving their mass transit systems, or to construct subway systems where they are deemed necessary.

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The bill empowers the Secretary of Transportation to make loans for the acquisition of real property which is to be used in connection with an urban mass transit system within a 10-year period. Any loan agreement must provide for the beginning of actual construction. If for any reason the real property purchased through Federal assistance funds is not so used, the then current value is to be determined and two-thirds of the appreciation is required to be paid to the Secretary of Transportation.

Any applicant for such Federal assistance is required, prior to such application, to first, hold public hearings on the matter; second, consider the impact of such a transportation system on the economic, social, and environmental factors existing in the local area; and third, insure that plans for the transit system are consistent with official plans from the comprehensive development of the urban area.

The bill also creates another new financial assistance program. The Secretary of Transportation may incur obligations in the form of grant agreements in amounts aggregating up to $5,000,000,000 to finance all programs and activities authorized by the act. This new authorization would remain available until the $5,000,000,000 is obligated. Appropriations are authorized not to exceed $130,000,000 prior to July 1, 1971; $500,000,000 prior to July 1, 1972; $1,150,000,000 prior to July 1, 1973; $2,000,000,000 prior to July 1974; $3,000,000,000 prior to July 1, 1975, and not to exceed $5,000,000,000 thereafter. The Secretary would report annually to the Congress with respect to outstanding grants or other contractual obligations. This new grant program is created to assist local communities in starting as soon as possible the many essential projects which require several years for completion, with the assurance that the Federal assistance will be available to complete the project.

Finally, the bill amends existing law with respect to the percentage of funds which each State may receive from the total amount appropriated. After July 1, 1970, each State may receive up to 12.5 percent for the grants made; this is current law. However, the Secretary retains the right to make grants amounting to 15 percent of the sums authorized. This is to be held by the Secretary to make supplemental grants to States whose prior grants are nearly exhausted. This policy will enable the Secretary to put funds where they can accomplish the most.

There are no minority views nor agency reports.

Mr. Speaker, I reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18185) to provide long-term financing for expanded urban mass transportation programs, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18185, with Mr. McFall in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, represents a significant national commitment to the development of local urban mass transportation systems through the provision of adequate long-term Federal funding. Past Federal efforts have been an important first step and have provided us with a solid foundation upon which to build. It is now time to make a truly substantial monetary contribution to the task of helping communities develop this essential public service.

The existence of good urban mass transportation is of great importance to every citizen of this country. The critical importance to all urban areas both large and small is obvious. In order for our cities to function effectively as centers of economic activity, people and goods must be able to move quickly and economically in them. In order for our cities to remain habitable, all people must be able to move comfortably and conveniently within them. Our cities must maintain both of these qualities if they are to continue to play their critical role in maintaining the prosperity of this country. Even citizens who live in the rural areas of our Nation must be deeply concerned with the health of our cities and be willing to aid in the solution of their problems.

This bill would authorize the Secretary of Transportation to make loans for the acquisition of real property upon a determination that the real property is reasonably expected to be acquired in connection with an urban mass transportation system and that it will be used for that purpose within a reasonable time. These funds could be used for rights of way, station sites, and related purposes.

The basic new direction of this bill is the provision which authorizes the Secretary of Transportation to enter into contracts in form of grant agreements beginning upon the date of enactment in amounts aggregating up to $5 billion over 5 years to finance all programs and activities authorized by the 1964 Mass Transit Act. This new authorization would be available until the $5 billion is obligated.

H.R. 18185 would also require the Secretary to report annually to Congress with respect to outstanding grants or other contractual agreements executed pursuant to this act. The Secretary would submit to the Congress additional authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972.

The bill also contains a provision which broadens the existing air pollution control requirements in the 1964 act to provide that in the planning, designing, and construction of mass transit projects financed under the act, special efforts shall be made to preserve the natural beauty of the physical environment.

Capital grants made under this bill may not exceed 12½ percent of the aggregate amount of funds authorized to be obligated except that 15 percent of the aggregate amount of the funds authorized to be obligated may be used by the Secretary without regard to this 12½-percent limitation for grants in States where more than two-thirds of the funds available under the 12½-percent limitation has been obligated.

While it is obvious that the problems which constitute the current crisis of the cities are extremely complicated and will not permit simple solutions, an indispensable ingredient of the revitalization of any city is the establishment of a good total urban transportation system. The private automobile will certainly continue to play a significant role in such systems in the future, as the flexibility and conveniences which it offers for many purposes cannot be equaled. However, the continued addition of more private automobiles and the deterioration of our public transportation systems simply cannot adequately meet this Nation's urban transportation needs. Unless we begin today to bring about a significant reorientation of our urban transportation systems, by making a substantial, long-range commitment of Federal funds to urban mass transportation, the prospects for the health of the cities in the decades ahead are truly discouraging.

There are four particularly significant problem areas in urban transportation and all are worsening rapidly. The first is the totally inadequate mobility of significant segments of our urban population—the poor, the old, the young, and the handicapped. Great numbers of people in each of these groups are either financially or legally barred from driving or having access to a car. These individuals suffer with public transportation service which is often slow, uncomfortable, dirty, inconvenient, and expensive relative to their ability to pay. However, they are captive riders who have no choice but to use the generally undesirable service offered to them. There are two particularly critical examples of this situation. Less than 50 percent of those people in this country with incomes under $3,000 have automobiles. A poor person may often be forced to spend 2 hours and transfer several times going only one way to work on public transportation. The gravity of this situation is significantly increased for an unemployed person who is searching for a job. An old person in need of regular medical attention may similarly find the journey from home to hospital an ordeal if an automobile, which so many of use take for granted, is unavailable. These obvious examples do not even hint at the tragedy of people who feel that a trip across town is such an ordeal that they rarely leave the vicinity of their homes and jobs to take advantage of those benefits which our cities have to offer.

The second major problem is congestion of urban streets and freeways which exacts an enormous toll from that vast majority of the population which is fortunate enough to be able to afford the great expense of owning and maintaining one or more cars. In a very real sense, many of these rush-hour occupants of cars are captive drivers, as there is simply no meaningful alternative form of transportation which they can use. Past studies indicate clearly that many auto users would gladly use public transportation if its quality, availability, and speed could be improved.

Some have argued that transportation users have clearly demonstrated their preference for the car by abandoning public transportation in dramatic numbers during the past three decades. Perhaps in the forties and early fifties, there was some pleasure in owning and driving your car to work. Since 1945, the number of cars in this country has more than tripled and fantastic amounts of public resources have been devoted to expanding and improving our urban roadways to accommodate them. During this same period, mass transportation has received virtually no public financial support, and as a consequence, its quality has declined to the point where a person who can afford a car is not willing to submit himself to the ordeal of riding the bus or a 50-year-old railroad car. The net result is that all cars, buses, trucks, and even pedestrians find it progressively more difficult to move about in our cities throughout the day but particularly in the morning and evening rush hours.

The third major problem with today's urban transportation is the extensive air pollution it causes. Many people are killed by it, the direct costs for cleaning up its daily fallout are enormous, and it can often cast a dreary pall over the activities of daily life in the cities. Over 60 percent of the air pollution in this country and as much as 90 percent in many urban areas is caused by automobiles. I must concede that belching buses appear to be equally guilty in this regard, but in fact a bus which can effectively remove 20 to 30 cars from the roadways twice each day produces less than one twenty-fifth of the amount of the pollution produced by 15 automobiles. In other words, the decrease in transportation-caused air pollution could be more than 96 percent. In addition, the Department of Transportation is currently involved in several developmental projects which show promise of further reducing that pollution which buses do so visibly produce.

The fourth and final major problem is the tremendous consumption of land resources in our urban areas which auto-oriented transportation has required. Not only are scarce and valuable pieces of land devoted to more roads and parking lots, but also, in a great number of instances, people are forced to move from their homes, and communities are sliced in half. While persons are paid fairly for the value of their property when their homes are taken, there is no way of adequately compensating individuals or neighborhoods for the full losses caused by forced dislocation and intrusion.

Over 70 percent of the population of the United States now lives in urban areas. It is expected that by the year 2000, our population will double and that all of this growth will occur in and around our cities. Statisticians also project that the number of cars in this country will double by the end of the century. If we unquestioningly accept such a projection and simply proceed to build the added roads needed to accommodate such numbers, it will surely prove to be a self-fulfilling prophecy. But, in spite of the many benefits of the automobile and the tremendous success of major recent efforts to improve the highway system of this country, the automobile cannot adequately solve the problems of transportation in our cities. There is not a great deal more room in our cities which we can afford to devote to great numbers of additional vehicles which often carry only a single person to and from work and lie idle in downtown parking lots for most of the day. The benefits in trying to add significantly to present highway, roadway, street, and parking resources in our urban centers are severely limited.

The dispersal of people and jobs to suburban areas which America's recent extensive commitment to roadway spending has helped to accelerate, is having the effect of devitalizing our urban centers. Over 50 percent of the area of many of our major cities is now taken up by roadways and parking lots. Let me stress this fact that over one-half of the land area of the large cities of this country is unavailable for housing, parks, office buildings, centers for social and cultural activities, and, most fundamentally, people. At the same time, our cities are becoming dehumanizing prisons for many people who are forced by circumstances beyond their control to continue to live there.

The urban residents of the greatest nation in the world should not be required daily to either struggle with traffic congestion or ride on very low quality public transportation. We must provide decent transportation to those who do not have cars; we must combat pollution; we must provide relief from the pressures on our scarce urban land resources; we must provide frustrated and economically burdened automobile drivers a reasonable alternative; we must relieve congestion and provide balanced urban transportation which permits our urban streets and highways to perform more efficiently for public transportation, for people who still choose to use their cars, and for goods carried in trucks. It is essential that we begin today to bring about a total revitalization of urban mass transportation in this country.

The urban mass transportation industry in this country is currently in very bad condition. The service offered tends to be of extremely low quality and limited scope; companies are operating at deficits; and sources of new capital are very difficult to find. Most mass transportation operations are now caught in a continuing spiral of rising costs, higher fares, loss of ridership, deteriorating service, and increasing operating deficits. There is virtually no indication that real progress will be made in the effort to break out of this vicious circle without massive Federal assistance. The transit industry has been the victim of the American desire for the automobile so that public transportation has not received much new capital and is now operating with old equipment, old ideas, and, all too often, uninspired management operating on the premise that their primary goal is to minimize losses. In recent years, 120 public transportation companies have disappeared, 70 of these being in cities of less than 25,000 population. Ninety additional companies are in significant financial difficulty. At best, this sad financial condition means that fares must be raised causing great hardship to captive riders, and, at worst, it means that vital service may be terminated completely.

In view of the apparent local nature of the problems, some people might wonder why the Federal Government should undertake the vast responsibility of assisting communities in the development of their public transportation service. The first and most significant reason is the Federal interest in keeping the cities

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of this country healthy. Good mass transportation is an essential requirement for the health of any city, but the cities simply do not have the financial resources required to revitalize their transit systems. The present financial crisis of the cities is due in significant degree to the fact that the Federal Government takes by far the largest bite out of the individual's tax dollar. It should be noted that close to 80 percent of the people in this country live in our urban areas. In view of this fact and the vital national concern in having prosperous cities, it is not only fair but essential that we assist the cities in financing needed public transportation service.

A second and perhaps less obvious reason is the fundamental Federal interest in building up this local transportation link which will enable other transportation modes to work more effectively. We have devoted huge amounts of Federal money to the development and improvement of our national highway system—$2.2 billion in fiscal year 1970 in urban areas alone against significantly less than $1 billion for urban mass transportation since 1961. We have just undertaken a new commitment to the improvement and expansion of the airport-airway system, and it is to be hoped that the railroads can be revitalized to provide significant intercity transportation to people in the decades ahead. These other modes are generally capable of moving people and goods quickly and efficiently between cities and regions within the country, but in many cases, movement may virtually grind to a halt as the individual or freight approaches a major urban center. Current urban congestion may thus often substantially negate the benefits of airplanes or highways. The airline passenger may often spend more time on the ground getting to the airport and then to his ultimate destination than he does in the air. An automobile driver may move quickly between cities and then become immobilized in traffic jams or totally frustrated in his efforts to find a place to park. Trucks moving vast quantities of goods are similarly stymied. Intercity transportation does not generally have the option of transferring to good public transportation and cannot perform very efficiently upon entering an urban area because most of the local residents have also been forced to use their automobiles and thus clog the roads and parking areas.

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The essential feature of the Urban Mass Transportation Assistance Act of 1970 is the provision of substantial long-range financial assistance to improve public transportation in the cities of this country. While the $5 billion to be made available by the bill will be used primarily for the renovation and expansion of the capital facilities and equipment of mass transportation systems, this infusion of new resources can also serve to fully revitalize such systems and the cities that they serve by producing efficiencies and economies of scale into public transportation operations and attracting talented individuals to the industry in sufficient numbers to provide the dynamism to its management which has been disappearing over the past three decades as capital resources deteriorated. Although the basic need for substantial and continuous Federal funding may be clear, I must also stress the compelling urgency dictating its immediate availability. Cities must be enabled not only to halt the current intolerable deterioration of public transportation immediately but also to begin planning for and building major new projects which will take as long as a decade to complete.

This bill was reported out of the Committee on Banking and Currency by a unanimous vote of 34 to 0, and I urge its prompt adoption.

The passage of the Urban Mass Transportation Assistance Act of 1970 today is an essential step toward the saving of our cities, and I seek the support of every Member of this body in attaining this goal.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, where in the report will I find the departmental reports on this bill?

Mr. PATMAN. I do not have the report before me, but there is no question about the agencies' approval. They testified for this bill. There is no doubt about the administration support.

Mr. GROSS. I have read the report, and I do not find a single communication from any department or agency.

Mr. PATMAN. We do not always incorporate the reports of the agencies in our report when they testify before the committee.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, if the gentleman will look on page 107 of the hearings, he will find Mr. Volpe's report and testimony advocating that the administration wants this type of program.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, of course, that is in the hearings. It is most unusual when we have a report which contains no communication from any department of Government with respect to the legislation. Frankly, I am surprised.

Let me ask the gentlemen this question. Where does the gentleman propose to get the $11,780,000 that would be committed if this bill is approved?

Mr. PATMAN. I think the gentleman is mistaken. The $5 billion is obligated over 5 years. That is the only commitment. There is a policy statement about the need for additional billions in future years, but no commitment.

Mr. GROSS. The bill provides for $130 million in fiscal year 1971.

Mr. PATMAN. Yes.

Mr. GROSS. And in fiscal year 1972 $500 million; in fiscal year 1973, $1,150,000,000; in fiscal year 1974, $2 billion; in fiscal year 1975, $3 billion; and in fiscal year 1976, $5 billion. This adds up, according to my attention, to $11,780,000,000.

I wonder from where it is proposed to get this money in the next 6 years, and what interest rate will be paid. That should be added to this. What interest rate will be paid on that money?

Mr. PATMAN. May I respectfully say to the gentleman, anything above $5 billion cannot be committed. This bill would commit only $5 billion.

Mr. GROSS. Only $5 billion?

Mr. PATMAN. Only $5 billion, for 5 years.

Mr. GROSS. That is small change around here now, is it not; $5 billion?

Mr. PATMAN. In comparison to the overall budget, which is over $200 billion, it is not large, although it is not small change.

Mr. GROSS. What does the gentleman think the interest rate on this borrowed money will amount to?

Mr. PATMAN. It depends, of course, on what the going rate will be. That will be one of the determinations, the going rate in the marketplace on comparable Federal securities.

Personally, I do not think too much of the going rate for things as important as housing for the people. I believe housing should be high on a priority "must" list and the interest rate even fixed at a reasonable level. It should not exceed 5 percent, I would say.

But, of course, in the marketplace the fellow who wants to buy a home is in competition with the speculators, the big corporations, the gambling casinos, the high-interest-rate money lenders, and he does not have much of an opportunity to keep this rate down.

That is the reason why I believe the Government should protect the homeowner, as to buying a home at a reasonable rate of interest. If it were within my power, I would do it.

It is a sad situation today when a person who purchases a $20,000 home must obligate himself to pay, according to traditional terms, $38,000 in interest. In other words, he obligates himself to pay $58,000 for a $20,000 home.

I share the views of the gentleman that we should be careful about interest rates.

Certainly the 55 to 60 million families in this country really compose this country. What we do here that is beneficial to those families will help the country, and what we do obviously deterimental to them will hurt the country.

I believe we should have a very reasonable rate, but we have not approached the time yet when we can say we will have a fixed rate.

Now, interest rates have been going down recently. We have put on a drive to get the big banks to change the prime rate. They raised it to 8½ percent. A 1-percent raise is equal to $15 billion a year of extra burden.

That can be calculated very easily and very quickly by the gentleman, just taking his own pencil and writing on the back of an envelope. He can insert the total public and private debt, which is $1.5 trillion. He can take 1 percent of that, and it is $15 billion.

The interest rates have gone down 1 percent in the last month. That means we are saving $15 billion a year. If we can just reduce the interest rate back to where it was when Mr. Nixon was elected, in November of 1968, it would be 6 percent, and that would save us an additional large sum of money.

Mr. GROSS. Let me ask the gentleman one further question, if he will yield. This is entitled the "Urban Mass Transportation Assistance Act of 1970." What is this going to do for us out in Iowa, this commitment of $11,780,000,000?

Mr. PATMAN. Well, it will be very beneficial to the gentleman. It will enable you to get your product to market. It would not do much good, after all, to get into the Chicago suburbs if you could not get to the main part of the city. We must have transportation in the main part of the city as well as between cities. I think it will be of great help to the gentleman and to his State to provide needed mass transit facilities for your people.

Mr. GROSS. You do not mean they are going to transport agricultural commodities over the subways, do you?

Mr. PATMAN. No; I did not have that in mind.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. PATMAN. I yield to the gentleman.

Mr. BARRETT. I just want to say to the gentleman from Iowa that this is a bill which concerns the low- and moderate-income people. The people in the city of Waterloo, Iowa, have a grant for approximately $325,000 for mass transportation. This will aid your State and your city of Waterloo just as well as it will every small town and city in the country of under 25,000 population.

Mr. GROSS. Will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman.

Mr. GROSS. The gentleman will have to admit that that is less than a crumb off the table in a bill committing some $11 billion.

Mr. PATMAN. Mr. Chairman, I reserve the remainder of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I am pleased to rise in support of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, which has been reported favorably and unanimously by the Banking and Currency Committee. A very similar bill, S. 3154, passed the Senate by the overwhelming margin of 84 to 4.

I think these actions, and the degree of unanimity with which they were undertaken are significant barometers of a sense of urgency, not only within this House and the other body, but in the hearts and minds of the public in every part of our Nation. The problems of mobility within our urban and metropolitan areas, not only for the affluent who can afford cars but also for the poor, the young, the old and the physically handicapped, must be solved—now. The problems of strangulation of our cities' streets and the wasteful use of valuable urban land for freeways and parking facilities by an ever increasing flood of automobiles, trucks, and buses must be solved—now. The problems of pollution of the very air we breathe by the exhaust emissions from millions upon millions of internal combustion engines must be solved—now.

I think these actions also reflect a consensus of realism. They reflect recognition that these problems can be solved only, as President Nixon has said if we can "make public transportation an attractive alternative to private car use." This in turn can only be achieved, as the bill now before the House states, by "A Federal commitment for the expenditure of at least $10 billion over a 12-year period to permit confident and continuing local planning and greater flexibility in program administration."

The Federal commitment provided for in this bill is nothing unexpected, nothing precipitous or rash, nothing undertaken without thorough study and substantial experience over a period of years. As many senior Members of the House will recall, I have long had an interest in the subject of urban mass transportation. The Housing Subcommittee of the Banking and Currency Committee has worked on it ever since the modest pilot program of loans, demonstration grants and temporary program of capital loans for urban mass transportation were authorized in the Housing Act of 1961.

The committee was intimately involved in the drafting of the Urban Mass Transportation Act of 1964, which created the mass transportation capital grant program and an ongoing program of research, development, and demonstration projects. It has watched these programs closely as they grew from an initial funding level of $60 million in fiscal year 1965 to the current level of $214 million for fiscal year 1971, and participated in the preparation of the 1966 amendments which created the technical studies planning grant program and the university research and managerial training grant programs.

It is my considered judgment, and that of the committee, that these programs have been and are as successful as could be expected, in view of the limits imposed by the annual appropriation process and the small amounts of funds actually appropriated. They also furnish a solid basis of experience for the long-term and expanded commitment of Federal resources now proposed and I am confident of the long-term success of the program. In fact, I think that the $10 billion 12-year commitment made in the bill is a minimum figure which will probably have to be revised upward after the new "contract authority" program has been in operation for a few years. Even so, I am of opinion that never in the history of this Nation has the Congress had an opportunity to do more to improve the quality of urban living with such a relatively small commitment of less Federal money than is presented by this bill. I urge its immediate passage.

Mr. Chairman, I think it might be useful if I took a few minutes to discuss H.R. 18185, both to the changes which it would make in existing law, and as to the few respects in which it differs from S. 3154 as passed by the Senate.

First. H.R. 18185 would create a new program of short-term loans to States and local public bodies and agencies thereof to finance the acquisition of real property and interests in real property planned for future use in urban mass transportation systems. The acquired real property and interests must be so used, within a period of not more than 10 years following the fiscal year in which the loan was made. When such real property is so used, or on the expiration of the 10-year period, then the loan would be due and payable, including interest at a rate based on the average interest rate being paid by the Government on its borrowings of comparable maturity. If the real property is not used for transit purposes, an appraisal would be made and the borrower would be required, in addition to repaying the loan, to pay the Government a sum equal to two-thirds of any increase in value which has accrued since the loan was made. If a Federal capital grant should be made for a mass transportation project which involves use of such real property, then the grant may include forgiveness of the loan and accrued interest as an item of project cost. S. 3154 contains substantially the same provisions.

Second. H.R. 18185 provides a greatly increased amount and a completely new method of funding the urban mass transportation program. It would authorize the Secretary to enter into obligations for funding of projects in advance of funds actually appropriated to cover the agreements, which he may not now do. This "contract authority" could be exercised by creating obligations up to a total of $5 billion immediately upon enactment of the proposed legislation, but a ceiling is provided on the authority of the Congress to appropriate funds to liquidate such obligations as follows: $130 million in fiscal year 1971; $370 million more in fiscal year 1972 for a total of $500 million; $650 million more in fiscal year 1973 for a total of $1.15 billion; $850 million more in fiscal year 1974 for a total of $2 billion; $1 billion more in fiscal year 1975 for a total of $3 billion; and $2 billion more thereafter for a grand total of $5 billion.

The Secretary would also be required to report annually to the Congress as to the grant commitments he has made and his estimate of future appropriation needs, and, after consultation with State and local public agencies, to submit his requests for authorizations for fiscal years 1976 and succeeding years. The provisions of S. 3154 are quite similar, the major difference being that the Senate version would limit the initial "contract authority" of the Secretary to an aggregate of $3.1 billion, and would limit appropriations for liquidation to an aggregate of $1.68 billion over the first 5 fiscal years.

Third. The bill would amend the 1964 act to make it clear that the local share of "net project cost" in any urban mass transportation project may be furnished in whole or in part from other than public sources, and to remove the re-

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quirement that a local public body "demonstrate" its "fiscal inability" to provide the local share from public sources before more than one-half of such share can be provided from public or private transit system funds. The requirement that any public or private transit system funds so used must come from undistributed cash surpluses, funded depreciation or replacement reserves, or new capital, is retained. The provisions of S. 3154 are identical.

Fourth. Requirements are added to the act to provide for opportunity for public hearings at the local level to permit all segments of the public to express their views as to the impact of proposed urban mass transportation projects on community growth and development, mass transportation service, and esthetic and environmental factors. S. 3154 has a similar provision.

Fifth. As stated by our Banking and Currency chairman, the 12½-percent limitation now provided by section 15 for grants in any one State would be left in effect as to the new authorization of funds, but the Secretary's discretionary fund provided for in that section, which is now fixed at $12.5 million, would be changed to a 15-percent limitation based on the amount of authorized contractual obligations.

Finally, the Secretary is directed to carry out a new study of the feasibility and utility of Federal grants to defray operating deficits of mass transportation systems, and the 50 percent emergency capital grant program is continued in effect until July 1, 1972.

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Mr. Chairman, this is a good bill. There may be some who may criticize it—who may argue that it provides too little money or too much money—who may say that we should have an urban transportation trust fund or an all-purpose transportation trust fund—who may say that the "contract authority" provisions give too much power to the Secretary and detract from the responsibility of the Congress to control expenditures by the annual appropriations process. But I say to you, that the members of our committee have worked long and hard over it, and it appears to be the most feasible means of dealing with an immediate, urgent national problem. It has languished far too long due to the press of other urgent business, and every day of delay simply increases the cost of what we have to do if our cities are to survive. I repeat—This is a good bill and I urge its immediate passage.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, this Nation is confronted by a large and growing crisis in urban transportation. While this crisis is of great significance to all segments of the country, its most critical impact is on the citizens of our cities, both large and small. The almost exclusive emphasis in recent decades on increased use of the private automobile to meet new transportation demands in the cities has produced a situation in which all persons—not just those who are poor or old or handicapped or otherwise disadvantaged in our highly individualistic society—are confronted by overwhelming problems of time-consuming congestion, disastrous pollution, inadequate mobility, devastation of the environment, and transportation which is often inordinately expensive. The quality of life for those who live in the cities is severely threatened and the efficiency of transportation of people and goods into the cities from other parts of the country is significantly diminished.

In an effort to meet the critical problems of urban transportation and provide for appropriate Federal participation in their solution, the committee has unanimously reported by a vote of 34 to 0 the Urban Mass Transportation Assistance Act of 1970, which will amend the Urban Mass Transportation Act of 1964 in eight significant ways.

First, $5 billion contract authority—This most significant provision of the bill authorizes the Secretary of Transportation to incur obligations up to $5 billion to finance all of the programs and activities provided for in the 1964 act as well as those additional activities authorized by this act. In addition, this bill states a congressional finding that $10 billion will be needed to improve urban mass transportation in our cities over the period of the next 12 years. There can be no illusions that the money we are authorizing here will provide a final solution to the transportation problems of our cities but it is a significant start which we must make now. The committee believes that $5 billion is a reasonable level of funding for the next 5 years.

Contract authority would empower the Secretary of Transportation to enter into contractual obligations immediately upon the enactment of this bill and the full faith and credit of the U.S. Government would be pledged to honor these obligations. The real benefit of this mechanism is that it provides cities with the necessary long-term assurance that substantial amounts of Federal funds will be forthcoming so that they can confidently undertake the lengthy task of planning, developing, and financing major new public transportation projects.

However, the bill also contains a schedule which provides yearly limitations on the authorizations for appropriations to liquidate the obligations incurred. This schedule will insure that the development of vast new public transportation projects will be orderly. For example, the bill would only authorize new appropriations of $130 million for fiscal year 1971 and this amount would rise at a graduated rate to an aggregate of $3 billion for fiscal year 1975 and $5 billion thereafter. In addition, the Secretary of Transportation would be required to report to the Congress biennially beginning in 1972 to request extensions of the contract authority and any necessary adjustments in the schedule of appropriations for liquidation of obligations. The committee believes that this approach provides the best balance between the urgent need for substantial long-term Federal funding and the possible danger of increasing the size of our urban mass transportation assistance program too rapidly.

Second, advance land acquisition—the bill authorizes loans to local public bodies for the acquisition of land expected to be used for urban mass transportation purposes within a reasonable period. Such land could be used for rights-of-way, station sites, maintenance buildings, parking areas, access roads, and other purposes reasonably related to the building and operation of a well planned mass transportation system. The loans provided for may be used to finance relocation payments as well as the cost of property management pending actual construction of mass transportation facilities on the land. If the land is not used for mass transportation purposes within 10 years, the recipient must not only repay the loan but must also pay to the Secretary, for credit to miscellaneous receipts of the Treasury, two-thirds of any increase in the value of the land. An applicant for such loan assistance must submit a copy of its application to the comprehensive planning agency of the community affected and give it at least 30 days in which to comment on the proposed action.

This new authorization is particularly important because of the general escalation in the cost of land as well as the continuing rapid development of those few vacant parcels of land which still exist in our urban areas. Such development would require greater acquisition costs in the future as well as entailing the displacement of families and businesses which are constructed on vacant land in the interim.

Third, Secretary's discretionary fund—This act and the 1964 act both contain a provision which sets a basic limit of 12½ percent on the amount of the funds authorized pursuant to the mass transportation program which may be expended on projects in any one State. However, this act also provides that 15 percent of the total of the new funds authorized under this act may be used by the Secretary without regard to this limitation.

The basic purpose of the limiting provision is to insure that the benefits of the urban mass transportation program are not unfairly concentrated in a few States. However, the large discretionary fund is essential to give the Secretary the flexibility needed to meet critical urban mass transportation demands in those States where the 12½-percent limitation may be undesirably restrictive. Such leeway can be of particular importance in States which contain more than one major urban center.

Fourth, study of operating subsidies—The only substantial aid provided for cities in the current Federal mass transportation program is capital assistance. That is, matching grants to assist in the acquisition, construction, or improvement of property to be used in a city's urban mass transportation system. The existing act expresses the congressional policy of helping to improve and expand existing systems by enabling cities to acquire new facilities and reflects a conscious congressional choice not to become involved in the actual operations of local transit systems. However, primarily as a result of the deepening financial crisis facing local transportation systems, there has been increasing pressure for greater Federal involvement in local transit operations through the provision of cash subsidies to defray operating deficits or operating costs generally. Such assistance could have the dual effect of keeping marginal but essential transit operations running while at the same time freeing funds for use in improving the capital position of such systems. However, in addition to a widely felt aversion to greater Federal involvement in, and scrutiny of, the day-to-day affairs of local transit operations, there is a fear that any subsidies based on operating costs may produce inefficiency in operations. An operating subsidy may simply be a treatment of the symptoms without trying to treat the cause and working for its cure.

This bill contains a provision offered by the gentleman from New York (Mr. HALPERN) directing the Secretary to conduct a study of the feasibility of a Federal program of assistance to defray operating costs and report to Congress with his findings and recommendations within a year. Such an effort will provide us with a comprehensive and factual study of the issues involved which will enable us to more intelligently evaluate the possible benefits and disadvantages of such a new program.

Fifth, public hearings—An applicant for a capital grant or loan for a project which may substantially affect a community or its mass transportation service must hold hearings after giving adequate notice unless no party with a significant economic, social, or environmental interest requests a hearing with regard to such project. In addition, the applicant must certify to the Secretary that its proposed project is consistent with official plans for the comprehensive development of the urban area in which it will be located.

The purpose of this provision is to require that an applicant consider all ramifications of a contemplated project, make certain that such project is properly coordinated with other aspects of urban development, and give affected citizens a meaningful opportunity to participate in the decisionmaking process.

Sixth, environmental protection—Section 6 of the bill is designed to insure that in the planning, designing, and construction of all mass transportation projects financed under the act, special efforts will be made to preserve our natural, historical, and cultural resources.

The Secretary will be required to cooperate and consult with the Secretaries of Health, Education, and Welfare, Agriculture, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to any project within their areas of expertise or jurisdiction that might have a substantial impact on the environment. The applicant must fully analyze the environmental impacts of its proposal and possible alternatives to it and submit with its applicant a statement similar to that required by section 102(2)(c) of the Environmental Quality Act of 1969. Before approving any capital grant project, the Secretary must hold hearings at which views of concerned persons can be presented unless he determines that there has been an adequate opportunity for a local hearing for such purpose. He must also determine that the applicant has given adequate consideration to all environmental concerns and, most importantly, that either no adverse environmental effect is likely to result from the project or that there is no feasible and prudent alternative to such impact.

While it is the committee's feeling that any mass transportation legislation is inherently beneficial to the quality of the human environment, in that it provides a desirable alternative to other modes of transportation, and also allows them to operate more efficiently, we feel it is important to provide this added specific protection so that all options and consequences with regard to the environment are adequately evaluated before significant new projects are undertaken.

Seventh, comments of Governors—an applicant for a capital loan or grant will be required to submit a copy of its application to the Governor of any State in which the project will be located if such State has statewide comprehensive transportation planning. In reviewing an application, the Secretary must consider any comments submitted by the Governor within 30 days.

In spite of its very broad State and national significance, the current problem of mass transportation is one which primarily requires local initiative and commitment for its solution. The precise transportation needs of each urban area are different, and undue State or Federal involvement in the details of projects designed to cope with local transportation problems may result in proposed solutions for specific cities which are not really appropriate in the light of their needs.

State and Federal involvement in this critical area should generally be restricted to the granting of financial assistance and in some cases the extension to localities of the broader legal powers required for the establishment of public transportation systems which can effectively service whole urban areas composed of many separate jurisdictions. Although State governments cannot generally be of great help in the formulation of specific projects, we feel that in those cases where a State actually has statewide transportation planning, the Governor should have the opportunity to comment on applications and thus to ensure appropriate coordination of State and local transportation systems.

Eighth, source of local share of project cost—The bill retains the matching grant formula set up under the 1964 act. The Federal share may not exceed two-thirds of that portion of the cost of the proposed project which cannot be financed from revenues of the transit system being aided. However, the bill will remove the present restriction that requires that 50 percent of the local share must come from public sources unless the applicant can demonstrate its fiscal inability to supply such funds. This provision has not worked well as localities are naturally reluctant to officially admit their inability to raise funds. By removing the restriction, the act will allow undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital of public or private transit systems to be used to provide the entire local share of the project costs. This provision will remove an impediment to the difficult task of raising the local share of the cost of urban mass transportation improvement projects and can facilitate increased private participation in such projects.

Most of the provisions of this bill are refinements and improvements on the basic urban mass transportation program established by the 1964 act. While the committee feels that they are all important additions, the real focus of our attention must be on the vast increase in the Federal financial commitment which the new bill provides. It was clearly demonstrated in the extensive hearings held by the committee on a variety of different bills designed to accomplish this paramount objective that the active support for this nonpartisan legislation is not narrowly confined to representatives of our largest cities and the transit industry. As well as cities of all sizes, persons interested in the welfare of all segments of the population and commerce of this country have expressed an urgent concern for the provision of adequate funding for urban mass transportation. There is no question that the primary direct benefits of this act will go to the cities, but the improved health of our cities produced by better public transportation will generate benefits which will be felt by every resident of this Nation. This act should have the support of every enlightened American citizen.

Mr. Chairman, I urge full support in securing the passage of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970.

The committee came up with this bill and voted it out 34 to 0.

Mr. Chairman, I do hope that in the best interest of everybody in this House that we can terminate the debate immediately and get to the reading of the bill.

Therefore, I ask unanimous consent to revise and extend my remarks and insert the remarks of the gentleman from Indiana (Mr. MADDEN), a member of the Committee on Rules at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MADDEN. Mr. Chairman, the House today should pass, without any important opposition, this legislation, H.R. 18185, which will greatly contribute to solving the terrific traffic congestion problem in all major urban centers in the United States. I realize it is difficult for Members from strictly rural areas to fully comprehend the almost indescribable tangle and congestion and that major metropolitan centers must get immediate traffic relief.

The Calumet region of Indiana is probably the most concentrated industrial center in the United States. It is located across the Illinois line from the city of Chicago. Ninety-five percent of the traffic coming from the east into and through Chicago and Western States

passes through the northwest corner of the State of Indiana. This same statement applies to traffic from west to east. Twelve major railroads also pass through the Calumet region. The Calumet region also has a major rail and interurban line known as the Chicago South Shore & South Bend Railroad. Fifteen or 20 years ago this line carried the major portion of the passenger traffic through this area. In recent years this railroad has completely disregarded passenger service and concentrated almost exclusively on freight traffic. Thousands of commuters from northern Indiana into Chicago are now compelled to use bus transportation which further congests our mass transportation problem.

The Federal Government should take immediate steps to investigate all railroad transportation media throughout the Nation that in recent years has completely disregarded the necessity for providing passenger transportation to the American public. The Federal Government must take a hand in compelling and assisting the railway arteries of this Nation to help relieve the passenger traffic situation by insisting that the railroads utilize their arteries to move passenger traffic congestion. Many thousands of commuters from northern Indiana and Chicago daily would gladly use railroad transportation instead of highway transportation if railway management and Government would cooperate in solving this unfortunate traffic tieup in metropolitan areas throughout the land.

This legislation would permit the Secretary of Transportation to enter into long-term contracts with local communities, totaling $5 billion for a 5-year period to provide and grant assistance to local transit agencies. The traveling public periodically is faced with increased transportation cost and declining quality of equipment and passengers have for a long time been deserting rail traffic entirely. This method of transportation could easily be restored if proper equipment and service were offered the American public.

When this bill was before the Rules Committee yesterday, I called the Members' attention to this deplorable situation which calls for immediate relief. Congressman WIDNALL, the minority leader of the Banking and Currency Committee, in testifying before the Rules Committee yesterday, aptly stated that the transportation industry of America has for years been placing cattle above people in extending transportation service. I agreed with him but also stated that he could add automobiles, steel, and many other commodities which probably bring in more fabulous profits to the railroad companies over the Nation.

This bill passed the Banking and Currency Committee by a unanimous vote and also the rule was reported from our committee yesterday unanimously. I do hope the House enacts this legislation unanimously today.

Mr. HALL. Mr. Chairman, will the gentleman yield for a question.

Mr. BARRETT. I am glad to yield to the gentleman.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding and I appreciate his desire for haste. But, I think the way this is being funded or financed, as witness the colloquy up to now, it is unclear to the Members at large who are interested, and especially some of us outside of the committee.

My first question about the bill, H.R. 18185, would be whether in addition to the funding as explained, and set forth in the bill on page 8, there is a provision under section 4(c) authorizing the Secretary to incur obligations, which means in effect he will float bonds in order to fund these procedures?

Mr. BARRETT. Yes.

Mr. HALL. Will the taxpayers then foot the bill for the interest payments on those bonds?

Mr. BARRETT. I think in general the taxpayers always foot the bill for any grant or loan made to any project enacted by the Congress.

Mr. HALL. As usual my friend is forthright and candid in his answer, and I appreciate that.

What provision is there for paying off the principal? Is it presumed that these investments, for which we are borrowing money and voting the bonds to the existing corporate bodies or others, will make enough money that we can pay off the principal of these bonds?

Mr. BARRETT. I am of the opinion that only a local government would issue bonds.

Mr. HALL. This simply, as I understand, voting the bonds would, involve the full faith and credit of the U.S. Government for those that wanted to use this money for expansion, or all of the other benefits allegedly set forth in this bill.

Now in addition you have agreed the taxpayer, or the Federal Treasury, will have to pay interest on those bonds; and further they go for a good length of time.

My question is, How would the principal be paid off?

Mr. BARRETT. It is only the local communities that get the loans or grants for equipment and not to pay off their bonds.

Mr. HALL. There would be no Federal bonds floated by the Secretary of Transportation then in the interest of the local communities? This simply authorizes them to float up to $5 million, I believe it is, on their own so that they can participate?

Mr. BARRETT. The cities, of course, could put up their one-third.

Mr. HALL. I must say that that is very unclear, as it is on the reading of the report or the bill. In the light of the two questions I have asked—one about who pays the interest payments and one as to how would the principal of these floated bonds be paid off, I would like to ask the gentleman, my friend from Pennsylvania—in view of these two questions—would that not be added to the total cost of the legislation?

Mr. BARRETT. The bill in general, from a Federal standpoint, does not authorize the Federal Government to float bonds.

The local government could float the bonds in order to pay off their share of the one-third for their local expenses.

Mr. HALL. This bill authorizes them to do that?

Mr. BARRETT. No; it does not. It is discretionary within the local authorities and if their tax revenues are adequate to do it without floating bonds, it could be done in that way.

Mr. HALL. Within the laws of that particular State?

Mr. BARRETT. Yes, sir.

Mr. HALL. Turning to another subject, if the gentleman will yield further, the gentleman will recall my interest in the basic law, section 13(c). May I ask the gentleman if the International Amalgamated Transit Union still possesses the delegated and de facto veto power over all grants under this section of the act as far as section 13 on labor standards is concerned, or does this bill, H.R. 18185, change that?

Mr. BARRETT. I do not think this bill would change that at all. They have never had a veto power.

Mr. HALL. Mr. Chairman, I submit to the distinguished gentleman that at one time other Members from across the Nation and I submitted an amendment to change 13(c) to remove the veto power which in effect they certainly have, factually and effectively; and one of the examples is the city of Springfield, Mo., which still has pending an application where the International Amalgamated Transit Union, in spite of the fact that the only intent was to increase air conditioning, to provide new buses or rehabilitation of the old buses, with a complete guarantee and a written statement by the public utilities and by the city council to the effect that it would do nothing to enhance the conditions under which the workers would work, still could not get this because there is a law in the State of Missouri that says that public utilities cannot enter into a contract with the union. Yet, because the union decided to use this legislation as a contract for a union agreement, it was because of this I tried to submit the amendment.

At that time the distinguished gentleman and others said they would help us, through compact or otherwise, to secure this aid to enhance the comfort of the riding public, to update the means of city transportation. This is in a city well over 100,000 now.

To date nothing has happened. There has been an administration change in the interim, and still nothing has happened because it is in fact delegated to the agent of the International Amalgamated Transit Workers Union to certify to the Secretary of Labor, who in turn must certify to the Secretary of Housing and Urban Development—Transportation now—before a loan can be granted, that there is no damage done to the working conditions of the laborer or the member of the union. If that is not, in fact, veto power, de facto veto, I just do not know what it is or do not read the English language or understand the effect of this peculiar situation in a very few of the States.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. HALL. The gentleman has the time. I appreciate his yielding to me.

Mr. BARRETT. I just want to point out that nobody knows better than the gentleman from Pennsylvania the inexhaustible work the gentleman from Missouri put into this Springfield, Mo., problem with which we have been concerned for many, many years. I am of the opinion that you at that time felt that it was the Secretary of Labor who had the veto power and not the Secretary of Transportation.

Mr. HALL. It is true that since HUD took this over, the basic legislation has changed it over from HUD to Transportation. But section 13(c), as I understand—and I believe the gentleman will agree—still requires that the Secretary of Labor must certify that no damage is done to the working condition of the laborer, and in turn, the Secretary of Labor, regardless whose Secretary it is, has by de facto action passed it on to the International Amalgamated Transit Workers Union, and they hold the strings or they light the fuse, or they snuff it out as to who gets these grants.

Mr. BARRETT. There may be an avenue through which you could go under the pending bill. The Governor would have 30 days to request consideration or to protest anything that is being done in connection with mass transit projects. That provision might give you an opportunity at that time if Springfield is considered for a mass transit grant or a loan. At that time you may have an opportunity to explore the problems you have had heretofore. You might get some relief from that provision.

Mr. HALL. Mr. Chairman, is the gentleman saying that there may be something in this new legislation that will do that?

Mr. BARRETT. Only by filing or having the Governor request consideration to be heard on the objection when a request is filed by any municipality, city, or town in your area.

Mr. HALL. Mr. Chairman, I certainly would appreciate the counsel of the gentleman from Pennsylvania, because through three separate Congresses this problem has been before us, not only for the city of Springfield, Mo., but also for the cities of Memphis, Tenn., Amarillo, Tex.; Yakima, Wash.; as well as many others. I would appreciate the help and guidance, as previously promised, of this gentleman, toward making this legislation work, if it is ever going to work in these areas.

One final question: Does the Bureau of the Budget, in the absence of any departmental reports in the report, have any position on this legislation?

Mr. BARRETT. I am not too sure.

The administration requested originally—and so did the Secretary of Transportation—$3.1 million.

Mr. HALL. But the members of the committee can presume that it is not budgeted, and there are no favorable departmental reports, nor is there the usual disclaimer by Bureau of Budget, or Office of Management, or whatever it is called.

Mr. BARRETT. The favorable report is from the Secretary of Transportation.

Mr. HALL. Can the gentleman show us where that is in the report?

Mr. BARRETT. That is in the hearings. If the gentleman will look on page 107, it is in the testimony.

Mr. HALL. But it is not in the committee report.

Mr. BARRETT. That has the backing of the Secretary of Transportation.

Mr. HALL. In the report?

Mr. BARRETT. It is in the hearings.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I am sure the gentleman from Pennsylvania does not want to mislead the gentleman from Missouri. His question was quite pointed in asking what the administration and the Department and the Bureau of the Budget had to say about the amount of money in this bill. I am sure the gentleman will agree with me that the money desired by the administration as the only amount of money that can be expended efficiently in this period of time was $3.1 billion and not $5.1 billion.

Mr. BARRETT. I thought the gentleman from Pennsylvania made it clear to the gentleman from Missouri.

Mr. HALL. No; the gentleman made it clear as to $80 million.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from California.

Mr. HAWKINS. Mr. Chairman, I would like to ask a question in regard to the authority of the Department of Transportation with respect to operating grants. In some communities within the cities there are certain rather flexible demonstration transportation programs which have been established. One such program in the Watts area, in my district of Los Angeles, and there is a similar one in East Los Angeles, in the district of Congressman ROYBAL. Under the proposed bill—and also I assume it is the intent of the committee—can such demonstration grants be continued and funded out of the operational grants under the Department of Transportation, provided this bill is passed?

Mr. BARRETT. Yes; at the present time, that can be done.

Mr. HAWKINS. Well, specifically, let me rephrase it another way. Would the nonprofit community-based transit systems and agencies of the State or local bodies be eligible for loans provided the applicants, upon determination of the Secretary of Transportation, have or will have, first, the legal, financial, and technical capacity to carry out the proposed project, and, second, satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment?

Mr. BARRETT. That is correct.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentlewoman from New Jersey (Mrs. DWYER).

Mr. BARRETT. Mr. Chairman, will the gentlewoman yield?

Mrs. DWYER. I am happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I just want to take a second or two to commend the gentlewoman from New Jersey, who is one of the most inexhaustible members, male or female, to serve on the Committee on Banking and Currency and also the Housing Subcommittee. We are very fortunate to have the gentlewoman from New Jersey as a Member of this body.

Mrs. DWYER. Thank you very much, Mr. Chairman.

Mr. Chairman, I am happy to rise in support of continued and expanded Federal urban mass transportation financial assistance. This legislation, I believe, will become one of the major achievements of the 91st Congress.

Over more than a decade, and on countless occasions, I have spoken to the House on the vital importance of vastly improved mass transportation not only to New Jersey but to all States which have one of the more rapidly growing metropolitan areas within their boundaries.

If we are to meet this country's future transportation needs head on, then we shall in the next two decades have to double our total existing transportation capacity. To say it another way, we shall have to provide in these coming 20 years as much additional transportation capacity as was provided during the first 200 years of our Nation's history.

And we must do this in conformity with a changing America—an America that is rapidly turning to urban areas. Five years from now, 75 percent of our people will live in metropolitan areas—in other words on 2 percent of the land. Let us narrow it down even more. About half of America will be living in three highly concentrated and continuous urban zones—one extending the full length of the California coast, another along the Chicago-Detroit-Cleveland axis, and the third, of course, is the northeast megalopolis stretching from Richmond, Va., to Portland, Maine.

We have seen the public transportation posture of this Nation deteriorate in the past 20 years. In 1950, there were 1,400 urban transit companies carrying nearly 14 billion passengers. Seventeen years later, 300 of those companies had gone out of business and the number of vehicles in their fleets had dropped from 87,000 to about 56,000. Total passengers dropped to under 7 billion for a 50-percent decrease.

Our bill, Mr. Chairman, will help arrest this decline and put us on the road back to healthy growth for mass transportation service.

There are several reasons, I believe, why we should pass this bill:

First. The Urban Mass Transportation Act was unanimously approved by the Housing Subcommittee in March, and reported—again without dissent—by the full Banking and Currency Committee in June.

Second. A similar bill was approved by the Senate in February by a vote of 84 to 4.

Third. The legislation has the support of the administration.

Fourth. For the first time in the history of the urban mass transportation program, this bill will provide the long-term authority and the funds to enable us to make a visible and substantial im-

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pact on the steady decline in public transportation service.

Fifth. Funding the program on a more realistic and long-term basis will help make possible some significant economies; by relieving pressure to build more expensive highways—expensive in term both of money and of scarce land; by enabling more people in more of our crowded urban-suburban areas to move more cheaply and efficiently; and by helping to reduce our dangerously high levels of automotive air pollution.

It is worth noting here, Mr. Chairman, that a recent study in Maryland showed that 80 percent of air pollution in suburban areas is caused by auto exhaust emissions.

There is unquestionably a lot of authority and a lot of money in this bill. But in the case of the mass transportation program, it is long overdue and it is essential.

It is overdue because, up to now, we have put almost all our transportation eggs in one highway basket. The Interstate Highway System alone will have cost us an estimated $60 billion before it is completed. And the most recent national highway needs report estimated a requirement of $320 billion for road construction in the next 15 years.

I suggest, Mr. Chairman, that we can get a great deal more transportation for our money with a genuine Federal commitment to the mass transportation program. This is especially true because mass transit is most needed and is most efficient in precisely those areas where highway construction is most expensive and most disruptive: our heavily populated urban-suburban areas.

The urban mass transportation program is essential because, without it, more and more smaller and middle-size communities are going to lose the last of their public transportation—120 transit companies have disappeared in the last 15 years—and public transportation in larger cities will decline to the point of immediate crisis for lack of capital.

I am very sure that our Nation's needs for Federal financial assistance for urban mass transit in all the 50 States far exceeds the seemingly large figure in our bill. We have received reliable testimony that $17 billion will need to be invested in capital facilities alone during the next decade. Indeed, the needs of just one large metropolitan area—that of New York City environs—alone would consume the $5 billion that the bill before us would make available over the coming 5 years.

Although the role of the Federal Government in support of urban mass transportation began in 1961 with amendments to existing housing legislation, annual Federal expenditures have not exceeded on the average $100 million, where the need in yearly amounts since long before 1961 has been nearly treble that amount. The Urban Mass Transportation Act of 1970 is the most substantial measure undertaken so far to establish parity between needs and actual expenditures.

The commitment of this bill to sustained Federal participation over the coming years of this decade is to a great many its most constructive element. That the projected availability of Federal funds over the next 10 years will serve to rejuvenate local initiative is an important realization of this administration's goal of a vigorous Federal-local partnership.

In its earlier years—and I remember them well—the mass transportation program was a controversial one. This is no longer true. For local officials throughout the country have seen the predictions of crisis come true. They are united now in recognizing the need for substantial Federal assistance and a long-term Federal commitment—not only to save what is left, but to begin to build effective transportation systems for their rapidly growing populations.

The time is late, Mr. Chairman, but the legislation before you can make a significant start in solving what is surely one of the country's most demanding problems.

Mr. PATMAN. Mr. Chairman, I yield such time as he may use to the gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD. Mr. Chairman, I rise in support of the Urban Mass Transportation Assistance Act of 1970 which provides the Federal commitment to help cities and States build the modern transportation systems to meet tomorrow's needs.

The outcome of this legislation is critical to the survival of every city's urban transportation systems.

If residents of metropolitan areas are to be given a meaningful choice in their mode of transportation, more than $10 billion will have to be spent over the next dozen years to construct new rapid transit systems, modernize existing systems, improve bus transportation, and develop new forms of public transportation.

Current mass transit funding levels are totally inadequate to meet this challenge.

Our obsession with the automobile and expressways has resulted in $16 billion being allocated between 1964 and 1968 for Federal-aid highways, while only about 3 percent of this amount went for mass transit. We have also permitted a 90–10 ratio for Federal-aid highway projects, yet insisted on a two-thirds–one-third approach for mass transit. I have called this method of funding—where we spend about $37 for highways to every $1 for mass transit—highway robbery.

With growing populations and increased automobile use, the capacity of the expressways is reached all too quickly. It is a paradox that we can cross the continent by air in a matter of hours—yet it may take just as long to get from the suburbs to the city and back by our present mode of ground transportation.

Mass transportation is not just a convenience but a necessary utility designed to serve the full needs of the community—to carry peak-hour traffic to business and industrial jobs without congestion, serve other areas of less density easily, and still permit satisfactory personal automobile driving for those who choose to use this mode of transportation.

Clearly, the need is for a balanced transportation system where the automobile, feeder buses, outlying parking provisions, and high speed rapid transit will combine to meet the urgent transportation needs of our cities—especially for the very young, old, poor, and handicapped who must rely upon exclusively public transportation.

While I would have favored the mass transportation trust fund approach financed by earmarking a portion of what is now a declining automobile excise tax specifically for mass transit—and I introduced legislation last year to this effect—nevertheless, I feel that the commitment to the communities inherent in this legislation is a Federal recognition of the gravity of the situation, and will provide the assurance and financing to assist our local communities to develop the transportation plans most suited to their own needs.

Specifically, in Pittsburgh, funding under this legislation will support the early action program of the Port Authority of Allegheny County which features a 10.5-mile elevated transit expressway—TERL—or skybus between Pittsburgh's Golden Triangle and the South Hills area. The area represented in Congress by my good friend from the other side of the aisle, the gentleman from Pennsylvania (Mr. Fulton).

The program also includes plans for two exclusive bus lanes, we call them "patways"—one covering an 8-mile stretch would go from downtown Pittsburgh to Shadyside, East Liberty, Homewood, and Wilkinsburg, ending in Edgewood; the other, would cover a 4½-mile stretch, originating in the Golden Triangle and running out to Overbrook.

We have an example of time saved in a counterpart to this idea in Washington, D.C., where two lanes of a 4-mile stretch on Shirley Highway, reserved exclusively for buses, have saved about 20 minutes for commuters coming from the suburbs to jobs in the District. I understand that this has resulted in a decrease of approximately 400 cars from the road thus far, and has increased bus riders one-third. The early action program is designed to provide efficient, safe, and comfortable rapid transit for more than 900,000 people living in 53 municipalities of Allegheny County, and is sorely needed.

While we do have a desperate need to relieve the congestion in our swollen cities, and the noise and pollution caused by our ever-increasing reliance on the automobile, this is only one side of the present urban highway problem.

Another side is reflected in the fact that highway construction has reached the point in many cities where there is now strong and understandable resistance on the part of our citizens to further wholesale taking of business and residential property. Nowhere is this more of a disaster than in Pittsburgh where residents and small business owners of the East Street Valley, on Pittsburgh's North Side, have been involved in a relocation mess for the last 10 years, as a result of the construction of Interstate Highway 79. Urban highways which require such a large amount of densely populated areas cannot be relied upon to facilitate the movement of vehicles and people from place to place involves too high a cost in the disruption of human lives.

We in Pittsburgh are beginning to realize that people are more important than pavement—homes more important than highways.

I am very proud that Pittsburgh, which has become a recognized symbol of progressive change in meeting urban problems and has been host city to four International Conferences on Urban Transportation, was chosen last year by the Department of Transportation, along with five other cities, to participate in a program for designing and implementing improved center city transportation systems, involving local organizations and groups, as well as transportation and research experts in the planning and development process.

The results of these studies in the core city areas are designed to provide the Department of Transportation with the practical information needed to put the right hardware on the streets and on exclusive rights-of-way in these cities, and ultimately across the country. The necessary money for this effort must be authorized here today.

As I see it we have eight metropolitan transportation challenges facing us today: We must achieve equality of access to urban educational, job, and cultural opportunities; improve the quality of transit services; relieve traffic congestion; enhance the efficiency of mass transit equipment and facilities; arrive at more efficient land use; provide cleaner, quieter, more attractive public transportation; provide alternative choices to metropolitan residents of mode and style of living; and find the solution to an orderly improvement of our urgent transportation problems without preempting long-range solutions for the future.

Mr. Chairman, if our cities are to continue to be the centers of banking, business, education, and culture, it is essential that we revitalize the vital arteries of rapid transit.

I am hopeful that the increased level of funding for mass transit in this legislation, the assurances provided by long-term contract authority, along with provisions for loans directly to public authorities, increased public hearings procedures, loans for advanced acquisition of rights-of-way, and an increase in the ceiling limitation for authorizations to states—so important to Pennsylvania—will permit our local communities, cities, and States to make a substantial start toward meeting the great transportation challenge of the 1970's.

Mr. RYAN. Mr. Chairman, the transportation morass which faces this Nation today is indeed a serious one.

Millions of cars clog our streets and highways every day, making rapid and efficient transportation a virtual impossibility.

Those who cannot drive or own cars find the transportation problem even more serious. They not only cannot get around quickly and efficiently, but they also have difficulty getting around at all.

This Nation has poured billions of dollars into a network of highways which have brought too many motor vehicles to the roads and which have crippled transportation as a result.

At the same time, the Nation has turned its back on ailing mass transportation. Mass transportation revenues have severely declined; service has deteriorated; and fares have been increased.

Expenditures for mass transit have been frugal to say the least. Severe funding limitations have made it difficult for present systems to expand and for new systems to be planned and implemented.

The bill before us today, H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, authorizes up to $5 billion to finance programs and activities for mass transportation as provided in the 1964 Urban Mass Transportation Act. The new authorization would be available until the $5 billion is obligated.

This authorization, although far from what is needed, is greater than that provided for in the Senate bill, S. 3154, which limits actual expenditures to $1.86 billion over the next 5 years with a contract authority of $3.1 billion.

Although the House bill is an improvement over the Senate legislation, it still does not adequately deal with the problem. A more realistic expenditure over the next 5 years would be a minimum of $10 billion.

In New York State, the State Metropolitan Transportation Authority has projected that it will need $2.1 billion over the next 7 years.

This illustrated the magnitude of financing necessary to rejuvenate our transportation system through mass transit. It has been estimated that $20 billion would be a conservative estimate of the amount needed to perform this rejuvenation.

It is time to come to grips with this problem. The Federal Government, and only the Federal Government can make the difference. Without the type of Federal support of mass transit that has been given to highway construction in the past, an adequate mass transportation network cannot be built. And if such a network is not built, the country will simply sink deeper into our present transportation morass.

The Federal Government must recognize the financial crisis facing our cities and provide operating subsidies for urban mass transit. I have introduced legislation to help underwrite operating expenses since 1966. My bill, H.R. 47, would amend the Urban Mass Transportation Act of 1964 by providing for grants on a two-thirds, one-third matching basis to go the public transportation authority having broad responsibility for maintenance of commuter transportation.

I object strenuously to arbitrary limitations placed on the amount of funds available under various Federal programs to any one State. I have introduced H.R. 627 which would repeal the arbitrary ceiling of 12½ percent that each State can receive in capital grants. Through a 1966 amendment, the Secretary has a discretionary fund of $12.5 million to use in States which receive grants in excess of two-thirds of the maximum grants under the 12½-percent ceiling.

The House bill changes the discretionary fund from $12.5 million to 15 percent of the amount of authorized contractual obligations. However, this is still putting an unrealistic restraint on States with greater transportation needs, and it should be repealed.

To deal with the severe imbalance between Federal funds for highway construction and funds for mass transit, I have introduced H.R. 48, which would allow a State to elect to use funds from the highway trust fund for the purpose of urban mass transportation. It is essential that there be a balanced transportation system.

The bill before us recognizes the transportation crisis to a greater extent than does the Senate bill, and its obligational authority of $5 billion must be retained. I urge my colleagues to resist any amendments which would reduce it. Congress has the power to begin to rescue our country from the transportation morass and to make the future one in which mobility—and not immobility—will be a way of life.

I am inserting in the RECORD my testimony before the House Banking and Currency Subcommittee on Housing on March 11, when it held hearings on mass transportation legislation:

STATEMENT OF CONGRESSMAN WILLIAM F. RYAN BEFORE THE HOUSE SUBCOMMITTEE ON HOUSING OF THE COMMITTEE ON BANKING AND CURRENCY, MARCH 11, 1970

Mr. Chairman, I am very pleased to have the opportunity to appear today before the Banking and Currency Subcommittee to discuss a matter of national importance—transportation.

I am sure that I do not have to point out to any Members of the Committee how difficult it is, in this day and age, to get from one place to another—especially within a congested city. All of us have experienced the problem of trying to get someplace and being delayed—either by traffic or poor transportation systems.

Many feel that the answer to our transportation problems is the building of new highways. I do not agree.

We presently have plenty of highways. They are virtually interstate parking lots. The number of automobiles on the road has doubled since 1950. At that time, there were about 40 million registered cars; today, that number is about 80 million.

Highways have been built too often through the inner city, displacing businesses and local residents. In the end, people have been uprooted to accommodate the construction of another road which will carry automobiles at a snail's pace.

In addition, highways do not help to solve the mobility problems of those who do not have cars, but who desperately need transportation.

This includes the poor—who cannot afford cars and the handicapped or elderly—who cannot drive or cannot afford vehicles.

Over fifty percent of the people who do not use the automobile to get to work have family incomes below $4,000. To these people, the availability of mass transit is essential.

Transportation is traditionally worse in the ghetto areas. Those who need to get to another part of the city or to a local suburb

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often find themselves making several transfers over a long period of time before they get to their destination. Others, who find commuting impossible, do not work.

The lack of transportation is a definite causal factor in the employment rate in these areas.

Recently, the Watts area of Los Angeles had a demonstration project set up to get workers to and from their jobs in other parts of Los Angeles. During a three month period, the number of people using this service increased dramatically—people were, for the first time, able to get to jobs.

An express route has been set up in Washington to facilitate persons in southeast Washington who have jobs in the northwest area, and this has met with similar success.

Thus mass transit, opens up a whole new world for those who cannot or do not own or drive a car.

Another detrimental effect of the highway and the automobile is air pollution. The auto is the primary polluter of the air.

Adequate transportation is important to every aspect of our life—employment, economic needs, and social and recreational needs.

Why then has adequate transportation been ignored?

Why has the demand for highways completely overshadowed the need for clean, efficient, and moderate transportation for all?

Although our nation has become increasingly urbanized, transit revenues have dwindled.

Twenty years ago, approximately 1400 companies were operating transit lines; today, this number is less than 1100.

Twenty years ago, there were 87,000 transit vehicles serving our citizens; today, there are only about 60,000.

The American Transit Association reports that during this 20-year period, both the number of passengers and therefore, passenger revenues were reduced. The number of passengers dwindled from 13.8 billion to 6.6 billion; revenues went from a profit of $66 million annually to a deficit of $160 million. Services were cut back and rates were increased.

The Congress must make a commitment to provide an adequate level of funding for mass transit. While the federal government has spent huge sums of money on the building of highways, it has spent very little on mass transit.

The following table shows the obligation of funds for the Urban Mass Transit Grant Fund as compared with the Highway Trust Fund:

Year	Highway trust fund	Urban mass transit fund
1967	$3,734,448,000	$156,925,000
1968	4,171,094,000	131,873,000
1969	4,599,283,000	134,871,000
1970 estimate	3,942,630,000	180,000,000
1971 estimate	4,810,420,000	214,000,000

The Senate bill, S. 3154, limits actual expenditures to $1.86 billion over the next five years with a contract authority of $3.1 billion. This is not enough.

Compare the $1.86 billion over five years for mass transit with the $4.5 billion annual expenditure for highways!

Although the Senate bill in its statement of findings states, ". . . that success will require a Federal commitment for the expenditure of at least $10 billion over a 12-year period," this language is not binding in any way. The bill does not provide obligational authority for the additional $6.9 billion.

Many cities are going to need funds to develop new, proposed transit systems as in Atlanta, Baltimore, Los Angeles, Miami, Minneapolis-St. Paul, Pittsburgh, and Washington—funds totalling $17.708 million. Boston, Chicago, Cleveland, New York, Philadelphia, and San Francisco will need funds to modernize existing facilities or work on already started systems.

The New York State Metropolitan Transportation Authority has estimated that it will require $2.1 billion over the next 7 years.

If New York receives the same percentage of mass transit appropriations as in the past, Federal assistance would be between 20 percent to 25 percent of the cost—a sum beyond the ability of local government to pay.

In testimony before the Senate Committee, Under Secretary of Transportion James Beggs estimated that new and existent transit facilities will need about $10 billion over the next ten years. Other committee witnesses felt the need was $20 billion. With the problem of inflation and rising construction costs, the $20 billion estimate is undoubtedly conservative.

I urge this Committee to provide obligational authority for at least $10 billion over the next five years.

The nation faces a transportation crisis. If it is to be solved, federal assistance is needed not only for the acquisition of capital equipment, but also for subsidization of operating costs.

I have introduced legislation since 1966, which would permit the federal government to underwrite a major portion of the operating expenses of any transportation facility which provides commuter service in an urban area.

The purpose of this legislation, H.R. 47 in the 91st Congress, would be simply to keep our commuter systems working and to put them on a self-sustaining basis.

This bill would amend the Urban Mass Transportation Act of 1964 by providing for grants on a two-thirds, one-third matching basis to go to the public transportation authority having broad responsibilities for maintenance of commuter transportation.

Certainly, we must realize that the cost of transit systems is not limited to construction and other capital improvements. Operating expenses make up a very important part of the costs of a commuter system, and they must be acknowledged.

My bill would erase the artificial line drawn between capital costs and operating costs, making both of them eligible for federal assistance.

Opponents of this approach may say that once the federal government begins to subsidize operating costs, that it will begin to set fares, schedules, and eventually run the commuter line.

This is an extremely weak argument. The purpose of the legislation is to subsidize our transit systems so that they do not continue to die. In the past, subsidies have been attempted through fare increases. But fare increases have reached the limit in most of our cities and still do not cover operating expenses.

Under the Mass Transit Act of 1964, capital grants to any one state can not exceed 12½ percent of the funds authorized, except that under a 1966 amendment to the 1964 Act the Secretary has a discretionary fund of $12.5 million to use in the states which have received grants in excess of two-thirds of the maximum grants under the 12½ percent ceiling.

I have constantly opposed such arbitrary ceilings which have no objective relationship to the actual needs of any single state, and I have introduced H.R. 627 to repeal the limitation.

The limitation ignores the hard fact that certain states with high urban populations need transit funds a great deal more than states which are predominantly rural.

This is an arbitrary limit which does not realistically look at the transportation needs of each state. For this reason alone, it should be repealed.

The original Senate bill would have provided to the Secretary of Transportation—a discretionary fund equal to 15 percent of the total authorization. Unfortunately, that was amended on the Senate floor to 7.5 percent with a limitation to any one state of 15.5 percent.

This limitation does not acknowledge that certain states have greater transportation needs than others. I still feel that a maximum percentage is an artificial barrier and should be repealed. I urge this subcommittee to at least adopt the original Senate language.

I have pointed out the disparity between federal funds for highways and for mass transit. Money in the Federal Highway Trust Fund should be available for other urban transportation. To accomplish this, I have introduced legislation in the past three Congresses.

Mr. bill, H.R. 48, would allow a state to elect to use funds from the Highway Trust Fund for the purposes of urban mass transportation.

This approach will not particularly appeal to those who advocate more highway construction. They argue that revenue from the Highway Trust Fund is collected from those who use the highways, and therefore, it is unfair to use it for mass transit.

Another way to attack the mass transit problem is to create a "trust fund" for mass transportation which would be similar to that which now provides money for highway construction.

I have cosponsored a bill with Congressman Koch, H.R. 10555, which would establish such an urban mass transportation fund.

Under present law the federal share of the net project cost is two-thirds. I believe this should be increased to 90 percent—the same ratio of federal funding as exists for highways. Local governments should not be tempted to select highways over mass transit because the federal government will finance the former to a greater extent.

As the time is growing shorter for us to solve the problems of pollution, so is it growing short for us in the field of transportation.

We have the 747 and in the near future, the SST. But what good will it do to be able to get from one part of the country, or even from abroad, to another part, swiftly by air—when after the plane has landed, it may take almost the same amount of time to get from the airport to the final destination.

We are a country of clogged highways. At rush hour, in large cities and small towns alike, we are immobile.

For those who own cars, transportation is often intolerable.

For those who do not own cars, transportation is often non-existent.

Our citizens should be rescued from this immobility. The right of transportation for all Americans must be secured.

Mr. REUSS. Mr. Chairman, as Members know, I have had my differences with the Department of Transportation, and in particular, with the decision to continue spending on the supersonic transport.

I am especially pleased, therefore, to rise in wholehearted support of H.R. 18185, which commits the Federal Government to a $10 billion 12-year program to improve urban mass transportation in this Nation. I commend Secretary Volpe, Under Secretary Beggs, and Urban Mass Transportation Administrator Carlos Villarreal for coming forward with this bold and much needed program and for their tenacity in seeing it through the Congress.

Urban mass transit has too long been the neglected stepchild under Federal aid programs for transportation. While

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we have spent more than $36 billion on highways, we have spent a paltry $795 million on urban transit. While we have steadily paved over our countryside and cities only to reap increased congestion and intolerable pollution, we have watched our urban transit systems decay and die. While we have done our utmost for automobile owners and truckers, we have left the poor, the aged, and handicapped stranded in our urban centers—stranded by transit systems that if operative at all can take them neither safely, nor speedily nor economically, to the jobs and assistance they need.

The Urban Mass Transportation Act of 1964, of which I was proud to be a cosponsor, made a start in meeting our transit crisis. But it failed to provide enough assistance to meet accumulated needs for capital improvements. And it failed to provide local governments with a long-term commitment of support from the Federal Government that would enable them to plan for large-scale transit investments.

H.R. 18185 will go far to provide the funds and the commitment that have been lacking. True, the contract authority it contains is a less iron-clad assurance of long-term funding than the trust fund that I and other Members have supported. But we have the Secretary's promise to come up with a study of a single transportation trust fund within a year—which may well be a better approach than proliferating single-purpose trust funds. In the meantime, cities can start making plans this year on the basis of the 5-year obligational authority provided in H.R. 18185.

True, $10 billion probably will not be enough to get the massive improvement in mass transit that our cities large and small so badly need. But the program we are considering today provides for an infinitely more realistic level of funding than Congress has been willing to contemplate in the past. It is a good base on which to build.

I note also, Mr. Chairman, that this program will permit an expanded research, development, and demonstration effort in urban transportation. If we are to save the centers of our cities and free them of the automobile, if we are to put order in our urban sprawl, if we are to roll back the pollution caused by the internal combustion engine, we must move beyond the bus and rail systems we have at present. The some $500 million that will be allocated to research and development under this program should help to get the new and imaginative solutions to our transit problems that we need.

Section 9 of H.R. 18185, which has been included at my request, is also intended to encourage innovation, and to get industry and Government working together on new transit technology. Specifically, this section directs the Secretary of Transportation in all ways—including the provision of technical assistance—to encourage industries suffering from cutbacks in spending on space, military, and other Federal projects to compete for the capital grants and research and development money provided in this bill.

As we reorder our priorities, as we begin to tackle the domestic problems—including mass transit—that we have too long neglected, we will need to enlist the best our industries have to offer in talent and advanced technology. We can avoid much of the pain of reconversion and get a huge social dividend if we put our giant aerospace and other defense firms to work, starting now, on our housing crisis, our polluted environment, and our outdated and inadequate systems of mass transit.

Section 9 asks for a joint industry-Government effort on mass transit. Other sections of H.R. 18185 provide the necessary wherewithal. I urge Members to give mass transit the fighting chance it deserves for the good of us all, and to support H.R. 18185.

Mr. PHILBIN. Mr. Chairman, this bill is very necessary to many communities and people all over this great Nation.

It represents a real effort to service an urgent national need that this Congress must find some way to meet adequately.

Our American society, extremely complex and intricate as it is, cannot function as to many vital areas without adequate transportation in and between our many urban and urban-related communities.

This bill should relieve many shortcomings and fill many urgent needs and I am pleased to support it wholeheartedly. It is of great importance to the Nation.

Mr. GERALD R. FORD. Mr. Chairman, I endorse the Urban Mass Transportation Assistance Act of 1970 as recommended by President Nixon. The need for this legislation is beyond question. Without revitalized mass transit, the Nation's transportation problems will never be solved. Burgeoning numbers of automobiles and thousands of more miles of concrete are not alone the answer.

I urge the approval of this program in the amount of $3.1 billion, Mr. Chairman. That is the level of investment in mass transit needed for the welfare and vitality of our urban areas and the development of efficient and coordinated mass transportation systems. This legislation has my wholehearted support.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970.

For the past decade, our cities have been choking on a growing influx of private automobiles which belch air pollution, create traffic jams, and add the blare of honking horns to other urban noises. The public's reliance on the automobile can be attributed in large part to the priorities set by Government spending. For example, in fiscal 1970, the Federal Government provided $2.2 billion for urban highways, while all programs for urban mass transit in the coming year total $214 million—less than one-tenth as much.

The bill before us today would begin to provide the funds which are necessary if we are to have an efficient mass transit system in this country. Specifically, H.R. 18185 would provide for 5-year contract authority for $5 billion for mass transit, compared to the Senate bill's $3.1 billion. Federal grants would cover up to two-thirds of the net cost of a mass transit project; and, while Federal grants would go only to States and local public bodies, nonpublic sources would be authorized to provide the local share of net project costs. This would make it possible for private transit companies to cover all the non-Federal share of net project costs, and relieve the financial burden on local governments.

This legislation would also authorize the Secretary of Transportation to provide 10-year loans for advance acquisition of real property which will be needed for urban mass transportation systems. Acquisition of such property in advance of construction has become increasingly important as urban land becomes a more scarce and valuable resource.

The environment would be protected by H.R. 18185's requirement that local public hearings, stressing a project's impact on the environment, precede obligation of Federal grants.

Commuters in my own district in Westchester County, N.Y., are painfully aware of the need for increased Federal assistance to improve our mass transit system. Regular passengers on the Penn Central's commuter divisions, they have been plagued by a series of fires and breakdowns through the summer, and can look forward only to more of the same when cold weather comes.

The Urban Mass Transportation Administration at DOT has already agreed to provide $28 million for modernization of the railroad's New Haven division once it has been taken over by the States of New York and Connecticut. However, much more Federal money will be needed if the New Haven's riders are to have comfortable, safe, and efficient service—and additional grants will be impossible without this bill.

We must change our transportation priorities and end our reliance on cars if our urban areas are to survive and if our city residents are to get to work on time. Even the amount provided in this bill is pitifully small in relation to both the needs of our commuters and the threat to our urban environment. Therefore, for the sake of my own constituents and for commuters in urban areas all over the country, I urge that my colleagues approve the full funding in the bill reported out by the Banking and Currency Committee, and resist any efforts to reduce the contract level to that approved by the Senate. We cannot begin to develop a balanced transportation system in this country until we provide adequate funding for urban mass transit.

I urge the passage of this bill.

Mr. HALPERN. Mr. Chairman, I am deeply concerned about the condition and future prospects of our urban mass transportation systems generally. For this reason, I rise to express my support for H.R. 18185, the Urban Mass Transportation Assistance Act, which, although I am listed as a cosponsor, is but a first step toward the kind of involvement by the Federal Government that is really necessary if we are to ever solve the problems of transportation in this Nation.

This morning I read in the newspaper that the Census Bureau has released data showing that one-sixth of this Nation's population lives in the populous megapolis which stretches from Boston through Washington. I and a number of my colleagues in this body represent the people of this megapolis, and we are all worried about the future of surface transportation for our constituents.

The U.S. Chamber of Commerce has polled local chambers throughout the country on the urban transportation situation in their respective communities. In all, 152 cities in 44 States responded. Of these, 41 percent indicated that their transportation problems were either critical or were growing progressively worse. Thus with these poll results, we are forewarned that nearly half of our urban mass transit systems are in trouble or heading directly for it.

These problems are serious for, even though our megapolis on the eastern seaboard is growing ever larger and the metropolitan boundaries of the cities across the land are reaching farther and farther outward, the number of people who are using the mass transit systems are dropping off each year. It is nothing less than incredible that, as population and need increases, actual usage of these systems decreases. And it is no wonder. In my own district in Metropolitan New York, many thousands of people have to go to and from work each day by taking a bus to the subway and the subway to work—or, perhaps, to another bus ride in the city, thereby paying double and even triple fares on just one leg of their commute. And when the fares jumped skyhigh last year, a large number of these commuters chose to take their cars to work rather than pay the exhorbitant commuting rates. In turn, this means the highways and parking lots are more glutted and the air is more polluted by the additional exhaust fumes.

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I stated earlier that I thought this bill represented only a first step toward what is ultimately needed by New York City and other metropolitan areas across the Nation. In committee, I urged for adoption of a provision that the Federal Government get into the business of providing operational subsidies in those cities where it is needed in order to reduce already astronomical fares or to maintain fares at their present level. The Secretary of Transportation, despite precedents in the airline industry and maritime industry, insisted such involvement would bring the Government into labor disputes. Virtually every spokesman, who appeared before the committee as a representative of a metropolis, agreed that operational subsidies are a necessity. As a result, this bill contains in section 8 a mandate from the Congress to the Secretary of Transportation, requiring that he come back to us within a year and that he give us a program which will permit the granting of operational subsidies. This does not go as far as I would like, but it is an important first step.

The bill also does not contain any provision for a highway trust fund, out of which our cities could draw the billions of dollars necessary to conduct the kind of program that is needed here. I believe that when we are ready to take this second step, we should provide the funds from this trust fund to the cities on a block-grant basis so that each city can develop the kind of well-balanced system of transportation that is needed for its people. And keep in mind, the kind of money we're talking about runs into the billions—$10 billion in the next decade is a bare-bones minimum, and we will need much, much more before it is over. New York City, alone, is committed to spending over $1 billion in city funds in the next 10 years.

Finally, I still contend that this bill ought to have created incentives for the control of pollution in all modes of transportation. I was pleased that we came out of committee with the environmental protection, but I would have been happier with a bill that included jet plane pollution, auto exhaust pollution, and others.

However, as I stated at the outset, this is merely a first step in a program that, I am sure, will expand. This is going to be a shot in the arm for an industry that is quickly falling behind. In 1968, the industry reported hauling just over 8 billion passengers—a drop of more than 1.7 billion riders in just one decade.

A decline of transit patronage inevitably sets up a vicious cycle of events which contribute to the further deterioration of the transit system. The resulting loss of revenue from shrinking patronage leads to reduced services of poorer quality as well as fare hikes. Such actions, in turn, usually lead to further declines in patronage. If the situation continues, our mass transit systems will be white elephants reserved for the very, very rich.

Thus, our problem is to stop this trend toward less and less, poorer and poorer transit service. In the chamber of commerce poll that I mentioned earlier, 78 percent state that further improvement of their transit systems would depend on additional financing.

Additional financing is precisely what H.R. 18185 will provide. It establishes a Federal commitment of $10 billion for such assistance over the next 12 years and authorizes a total of $5 billion to finance urban transit programs and activities. The $4 billion authorization is graduated into increasing annual increments to enable the program to accelerate over the next few years.

I believe this proposal contains a sufficiently firm commitment by the Federal Government to encourage local governments and transit organizations to enter with confidence into long-term programs needed by most expanding areas. Such complete confidence in the Federal policy and program is the key to the success of this revitalization effort.

Mr. Chairman, I represent Metropolitan New York, which must represent the epitome of transportation needs as it carries out its monumental task of carrying its residents around the city. Each day, New York's teeming subway system—now dirty and antiquated—carries over 4 million riders; its bus system carries over a million more. Over 700,000 cars enter the city's central section daily. These facts demonstrate to me—a layman in this area—that it is perfectly obvious that New York simply must maintain a transit system adequate enough and attractive enough to preserve a broad ratio between the two, and above all to keep the transit system as New York's prime mover.

New York is moving ahead with a substantial program to improve and expand its transportation complex. But fares alone cannot pay for the program, which is expected to cost over $2 billion. To maintain a decent level of services, there must be financial assistance from outside the industry. State bonds will help, but the undertaking is so huge as to be likely without precedent.

The answer to the problem of giving a fresh start to our urban transit systems is H.R. 18185. Without a vigorous shot in the arm from the Federal Government, these transit systems will continue to deteriorate. Now we have, at least, a beginning in our efforts to turn the tide.

Mr. Chairman, with urban transportation in the balance—and with it our cities—I support H.R. 18185. I urge that it be passed by the House.

Mr. ANDERSON of Illinois. Mr. Chairman, the bill which we are considering today is an extraordinary piece of legislation even though its parent act is now 6 years old. For one thing, this bill authorizes a $10 billion Federal expenditure for urban mass transit over a 12-year period. But even more important, for the first time ever we are granting the Secretary of Transportation long-term contractual authority to obligate $3.1 billion for mass transit projects over the first 5 years. The significance of this long-term obligational authority is obvious: it means that cities will now have the assurance that once a project has been approved, funds will be available to carry it to completion. There has been a justifiable reluctance in the past to undertake a project knowing that a funds cutoff could leave the city with nothing more than a hole in the ground.

Mr. Chairman, I want to commend the administration and the Banking and Currency Committee on this bold new departure and long overdue commitment to providing mass transportation systems in our urban areas. When one considers the fact that 70 percent of the 205 million people in this country now live in urban areas, and that, by the turn of the century, 90 percent of the projected 300 million people in the United States will live in urban areas, the need for such mass transit systems becomes readily apparent. Consider further that between 1945 and 1965, the number of automobiles in this country increased from 50 to 75 million, and that by the year 2000 there will be an additional 75 million autos in urban areas alone. Factor into all this the fact that the automobile is responsible for 80 percent of the air pollution in urban areas, not to mention its contribution to traffic congestion.

Mr. Chairman, I have no doubt that we will soon have a pollution-free automobile, but this does nothing to solve the problem of concrete and steel pollution which is strangling our urban areas. It is obvious that we must devote more of our resources to developing alternate means of transportation which are quicker, safer, and more efficient. The bill which we are considering today will go a long way toward realizing that goal.

H.R. 18185 authorizes Federal aid to urban mass transit systems on a 2-to-1 matching basis; that is, with the Federal Government footing two-thirds of the assistance and the State and local authorities contributing at least one-third of the funds. As with the 1964 act, no more than 12 percent of the total amount available for obligation can go to any one State, but unlike the 1964 act, this bill increases the Secretary's discretionary fund authority from 7.5 to 15 percent. This flexible provision clearly recognizes that the needs of the more urbanized States are greater than those of the more rural States and helps to insure that no one will be left hanging on a limb, or, to use a more accurate metaphor, left stuck with a hole.

Finally, I want to commend the committee on section 6 of the bill which deals with environmental protection. The procedures outlined in this section are totally consistent with the objectives and provisions of the National Environmental Policy Act of 1969 and the Environmental Quality Improvement Act of 1970, and are designed to insure that new projects will not have an adverse impact on the environment.

Mr. Chairman, I enthusiastically urge the passage of this bill as amended by the gentleman from Massachusetts (Mr. BOLAND).

Mr. OTTINGER. Mr. Chairman, I rise in support of the Urban Mass Transportation Assistance Act of 1970, a bill which will go a long way toward revitalizing and upgrading urban transit throughout the United States.

As our central cities become unbearably congested, as the migration to the suburbs creates massive daily traffic jams of city-bound automobiles, our underfinanced rapid transit systems have been deteriorating and operating under the most marginal conditions. Evidence brought out before the Banking and Currency Committee revealed that some 120 transit companies have been liquidated or absorbed since 1954, with possibly another 90 near bankruptcy now. Without capital financing to improve facilities and equipment, the decline of urban transportation in America will continue until we will be totally dependent on the automobile.

Mr. Chairman, massive Federal assistance for rapid transit is obviously called for if we are to prevent the automobile from clogging our highways and making our air unfit to breathe. Yet, the Federal Government, under existing authority of the Urban Mass Transportation Act of 1964, will spend only $214 million in fiscal 1971, compared to $2.2 billion in urban highway expenditures for fiscal 1970. The imbalance is obvious and shows a dangerous neglect of one important element in our present and future transportation requirements.

The bill reported out of committee includes $5 billion in new obligations for improvement of existing transit services and initiation of new projects. Though the capital requirements for an adequate urban public transit system approaches $15 billion for the next decade, we will have the opportunity to continue the programs authorized by H.R. 18185 when the $5 billion is obligated, hopefully by 1975.

Under this legislation, local authorities will be able to plan and develop new transit projects with full confidence in the long-range commitment of the Federal Government. H.R. 18185 includes a new program of loans for the advance acquisition of real property, while continuing the capital grant and loan provisions presently in force to assist in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment used in mass transportation. It also includes important requirements that economic, social, and environmental effects of mass transportation projects must be taken into acount, and guarantees adequate opportunities for public hearings when questions or local controversies arise.

Though I have sponsored legislation to establish a $10 billion mass transit fund, with other significant differences from H.R. 18185, I believe the bill before us deserves our unanimous support for its potential impact on a vital facet of the urban crisis. We should resist any attempts to cut the funds authorized by H.R. 18185, and we should further urge retention of the $5 billion level rather than the $3.1 billion approved by the Senate earlier this year. Much of the equipment and technology of urban mass transit is 30 years behind the times, and with deteriorating service resulting in declining revenues, Congress must act decisively this year to shore up and modernize urban transportation systems and thereby implement our long-range goal of a balanced national transportation system.

Mr. PRICE of Illinois. Mr. Chairman, first came the wheel. Then came another wheel, and another, and another; until today wheels are the heart of this Nation. Without them everything comes to a halt. They carry our food, our mail, and most importantly, our workers. Yet, while these wheels are, and will remain, the heart of the Nation, they are also one of its sorest frustrations. For in the wake of the wheel has come pollution, derelict cars, urban sprawl, and clogged airways, railways, and highways. And like Topsy, the problem just grew.

In a like manner have our cities just grown. Ever increasing proportions of our population now live in the cities and their suburban environs. These people depend on cities that have just grown for their livelihood and on a system of wheels that has just grown to transport them there. I think that it is past time to introduce a modicum of planning into this process.

The need is greatest and most obvious in the area of urban mass transit. Since World War II, as the committee report shows, public transportation has been the victim of a vicious cycle of increasing costs, declining profits and quality, and decreasing traffic. Urban mass transportation today relies to an overwhelming extent on the equipment and techniques of 30 years ago. Why? To a large degree this situation is our responsibility because of our tendency to make most Federal funds available for highway construction and maintenance rather than public transportation.

The urban population continues to grow and more and more people must daily get to and from our cities. If public transportation is inadequate, inconvenient, or of poor quality they will resort to automobiles. And more and more wheels will bring increasing frustration and delay to our citizens. They will bring frustration both to those who must endure traffic tieups 5 miles in length and also to the poor of our cities who cannot afford cars and who must, therefore, pay higher fares for lower quality service because passenger traffic is down.

This problem is so acute that it has spread from the larger urban areas to smaller communities with populations of less than 25,000. The problem exists and cannot be ignored or evaded. I feel that H.R. 18185 represents a realistic and farseeing attempt to deal with it.

In the first place, it places an emphasis on the coordination of mass transit services with the highway system. Coordination is a long overlooked necessity if we are to be able to cope with the enlarging size and complexity of the cities and if we are going to be able to help them define their relationship with their outlying suburbs. Second, it is the express purpose of this bill to create a partnership which permits the local community to exercise the initiative necessary to satisfy its urban mass transportation requirements. The burden is definitely on local participation and solution development. The Federal Government is only a helper. Third, there are safeguards against abuse present in this bill. For example, any party with a significant economic, social, or cultural interest in a transportation project may request a hearing. And any proposed project must make a paramount consideration the social effects of the plan and its impact on the environment. Another provision set up to prevent possible abuses is the section designed to provide program continuity. All projects must be consistent with the comprehensive development of the urban area.

All these factors, I believe, have made for a well balanced piece of legislation. Surely it is not the complete answer. There is no one ultimate, fail-safe answer that will suddenly transform our home-to-office journeys from the Frankenstein's monster we have allowed them to become to the high point of our day. However, H.R. 18185 is a beginning step along a road we have long neglected and I urge my colleagues to support its passage.

Mr. MINISH. Mr. Chairman, in 1945 there were 25 million privately registered automobiles in the United States. By 1965, this figure had grown to 75 million. It has been estimated that, if urban population projections materialize and current rates of auto acquisition continue, there will be 150 million automobiles on our roads by the year 2000.

As the demand for more and better transportation facilities has accelerated, it has been met almost entirely in the

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form of increased auto ownership and of new highway construction. In contrast, the urban mass transportation industry has experienced declining patronage and net revenues over the last quarter century. Since World War II, public transportation fares have tripled, while revenue passengers have decreased by two-thirds. As a result, an operating income increase of $149 million in 1945 became a $130 million deficit by 1968 for the public transportation industry.

A further increase in highway investment alone will not cure the congestion problems of our urban areas. Clearly a massive new effort is needed in the area of urban public transportation.

My own State of New Jersey faces one of the Nation's most severe traffic congestion problems, largely due to the fact that it is so overwhelmingly urban and densely populated. A major obstacle to implementation of New Jersey's master plan for transportation is the lack of sufficient funds. In 1968, the State's voters approved a $200 million bond issue to revamp an obsolete commuter rail system, but this amount must be supplemented by Federal participation if the project is to be fully successful.

Mr. Chairman, the Urban Mass Transit Assistance Act of 1970 provides a framework within which to begin to restore a balance to Federal transportation policy. This legislation establishes a program of long-term financing for expanded mass transit assistance, with total spending authority of $5 billion over the next 5 years. The basic 1964 act would be amended to permit the local share of project costs to be met in whole or in part from other public sources. Public hearings would be conducted in order to afford citizens an opportunity to be heard on mass transportation projects affecting their community and applicants would be required to consider the social and environmental impacts of the project. Programs financed under the act must preserve natural beauty and historical assets, and an evaluation of the environmental impact of each project is required.

Mr. Chairman, I urge approval of the Urban Mass Transit Assistance Act of 1970.

Mr. HANNA. Mr. Chairman, it is obvious to me that one of the most pressing problems facing this Nation is the disastrous plight of urban mass transportation. Of special significance is the pressing need for long term financing for the expansion and improvement of urban mass transportation systems. H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, is addressed very appropriately and effectively to this crucial area of concern. I, as one of the bill's sponsors, unhesitatingly support the enactment of this important and very timely legislation.

Today seven out of every 10 people live in urban areas and by the year 2000, 90 percent of the population will live in urban areas. The demand for urban transportation has grown with the expansion of the population and will continue to grow accordingly. Yet, the urban transportation industry has experienced declining patronage and net revenues.

Since 1945 public transportation has been caught in a cycle of increasing costs, declining profits, decreasing quality, and decreasing traffic. From 1965 to the present, public transportation has suffered larger and increasingly serious operating deficits. Many transit companies since 1954 have experienced rate increases of 300 percent with declines in the number of passengers by two-thirds.

Without the essential urban mass transportation program, more and more smaller and middle size communities are going to lose the last of their public transportation. One hundred and twenty transit companies have disappeared in the last 15 years and 90 other companies are in financial difficulty. Public transportation in larger cities is declining to the point of immediate crises for lack of needed funds.

The large amounts of Federal funds which have been made available to support highway expenditures in urban areas, $2.2 billion in fiscal year 1970, compares unfavorably to the very small amount, $214 million for fiscal year 1971, only recently made available for public urban mass transportation. The small amount has affected seriously the decisions made by local governments, local planners, and local voters in the choice between highways and public urban mass transportation as solutions to the urban transportation problem. Public transportation costs must be paid by the user every time he rides a public transportation vehicle. On the other hand, the automobile user does not feel his costs directly when he uses his car. He pays only indirectly by gas tax, highway construction taxes, and the maintenance of his automobile.

Technology and management techniques in urban mass transportation have made limited advances in the last 30 years. In fact, most of urban mass transportation today largely relies on the equipment and techniques developed before World War II. This unfortunate situation has handicapped public transportation's attempts to provide better services, more rapid transit services, and cleaner, more comfortable rides.

A number of factors have contributed in recent years to a climate favorable to new and increased Federal assistance to urban transportation. The difficulties experienced by a great number of the population who cannot afford automobiles or use them readily, the adverse environmental impact of the continued expanded use of the automobile relative to air pollution, and the extreme amount of highway congestion, all have combined to exert pressure on the Federal Government to provide alternative transportation means.

It is clear that if better transportation is provided, the American people will leave their cars to benefit from it and decrease pollution as a main side effect. In Cleveland, for example, a 4-mile rail extension to the Hopkins International Airport is being used by 4,000 passengers a day, twice the number estimated at the time of its opening. Presently, the Cleveland Transit Authority is requesting additional funds to obtain more cars in an effort to expand the program.

During the first months of operation of the new Metroliner, a congressionally approved and supported mass transit experiment, rail passengers between Washington and New York have increased by 72 percent. The high-speed trains were filled to 76-percent capacity during the first 6 months of the experiment.

Given the critical situation that I have outlined above, I must take exception to the amendment that my colleague from Massachusetts has introduced to reduce the amount of funds available in the next 5 years from $5 to $3.1 billion. The proponents of this amendment state that the administration, if given $5 billion for contract authority, will not be able to commit these amounts to a significant number of projects. I disagree with this assumption for the following reasons.

The current level of requests before the Urban Mass Transportation Administration is over $1 billion. This amount far exceeds the $130 million that the Banking and Currency Committee authorizes for appropriation as well as the $214 million appropriated in advance funding for fiscal year 1971. Further, the Administrator of the Urban Mass Transportation Administration estimated that he would be ready to obligate approximately $850 million during fiscal year 1971. Thus, the $1 billion figure does not begin to represent the total needs of the country during fiscal year 1971 and certainly not for the next 5 years.

I would point out, Mr. Speaker, that the past activities of this Congress in this area have not encouraged local commitment to these efforts. With so little funding available, most areas recognized that the chances were slim that they would receive grants. There was, therefore, little if any money and energy expended in the costly process of proposal formulation. The lack of a long-term guarantee has further discouraged the type of commitment that the mass transit field requires to develop viable solutions. Many communities do have plans available for execution. There are hundreds more that are not now in a position to make the plans and submit applications of the size required to meet their transit needs, but who will be if we do provide a significant level of Federal funding. We must bring the level of Federal funding to a point where meaningful transit modernization and construction can be contemplated.

Furthermore, we must consider the provision in the act that limits the amount of money available to each State to 12½ percent of the funds authorized plus a percentage of the remaining funds at the discretion of the Secretary of the Department of Transportation. If the amendment being offered succeeds then programs, such as Bay Area Rapid Transit system, already being built, and the Southern California Rapid Transit District's system, will be seriously inhibited to the detriment of millions of people. It is particularly vital that the original authorization for contract authority not be reduced. The most important requirement is that the money be there for commitment so that communities will know of its availability and be provided with the necessary incentives to formulate plans and make applications.

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An additional consideration is the fact that acquisition of real property in advance of construction has become increasingly important as urban land becomes a more and more scarce and valuable resource. Where there is public knowledge of planned mass transportation improvements requiring land acquisition, speculators can and often do, acquire quick possession of key tracts and greatly increase public costs. This is especially true where planned developments involve vacant tracts in urban areas which offer the greatest economy and least displacement if they can be acquired quickly and reserved for later mass transportation development. The funding commitment of this act will enable local public bodies and the Federal Government to achieve great savings in land acquisition costs.

To point out more clearly the direction we in this body must take to alleviate this deplorable situation, I would draw my colleagues' attention to the results of our past efforts, or lack thereof. Over the years, our mass transportation systems have declined significantly in patronage and quality of service, both of which can be attributed to the use of outmoded management techniques and technology. The Federal Government must bear a portion of the responsibility for this unnecessary deterioration.

A recent estimate prepared in an analysis for the UMTA by the Institute of Public Administration sets the 10-year capital requirements for construction at between $28 and $34 billion. These estimates far exceed the $5 billion recommended by the Banking and Currency Committee even though they are based only on what will be required to keep transit ridership constant. More money will be needed if additional riders are to be attracted to public transportation. We must strive to make mass rapid transit more attractive and reduce the use of the private automobile for central city and commuter travel.

We must make the necessary commitment to the Nation's mass transportation systems now for the direct benefit of the urban dweller and workingman in this country. We cannot make this commitment by drastically reducing this authorization.

Mr. PATMAN. Mr. Chairman, we have no further requests for time.

Mr. WIDNALL. We have no further requests for time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 18185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that it is imperative, if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved, to continue and expand the Urban Mass Transportation Act of 1964; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section for a project located wholly or partly in a State in which there is statewide comprehensive transportation planning shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within thirty days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property mnagement and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. A grant agreement for construction of facilities under this Act may provide for forgiveness of the repayment of the principal and accrued interest on the loan then outstanding in lieu of a cash grant in the amount thus forgiven, which for all purposes shall be considered a part of the grant and of the Federal portion of the cost of the project. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within a period of thirty days thereafter (or, in a case where the comprehensive planning agency of the community (during such thirty-day period) requests more time, within such longer period as the Secretary may determine) the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this seciton shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased, which have maturity dates in excess of forty years.

"(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant—

"(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

"(2) has considered the economic and social effects of the project and its impact on the environment; and

"(3) has found that the project is consistent with official plans for the comprehensive development of the urban area.

Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application."

SEC. 3. (a) Section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended—

(1) by striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) by striking out the next to the last

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sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of such Act, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $5,000,000,000. This amount (which shall be in addition to any amounts available to finance such programs and activities under other provisions of this Act) shall become available for obligation upon the date of the enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $130,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $500,000,000 prior to July 1, 1972, not to exceed an aggregate of $1,150,000,000 prior to July 1, 1973, not to exceed an aggregate of $2,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $3,000,000,000, prior to July 1, 1975, and not to exceed an aggregate of $5,000,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary, shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1970. Concurrenity with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

SEC. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

SEC. 5. Section 6(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605), is amended by strikng out "authorization provided in section 4(b)" each place it appears and inserting in lieu thereof "authorizations provided in section 4".

SEC. 6. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets, in the planning, designing, and construction of urban mass transportation projects for which Federal assistance is provided pursuant to section 3 of this Act. In implementing this policy the Secretary shall cooperate and consult with the Secretaries of Agriculture, Health, Education, and Welfare, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and that the project application includes a detailed statement on—

"(1) the environmental impact of the proposed project,

"(2) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(3) alternatives to the proposed project, and

"(4) any irreversible and irretrievable impact on the environmental which may be involved in the proposed project should it be implemented.

"(c) The Secretary shall not approve any application for assistance under section 3 unless he finds in writing, after a full and complete review of the application and of any hearings held before the State of local public agency pursuant to section 3(d), that (1) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect is likely to result from such project or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which a hearing has not been held before the State or local agency pursuant to section 3(d), or in which the Secretary determines that the record of hearings before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct hearings, after giving adequate notice to interested persons, on any environmental issues raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

SEC. 7. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"SEC. 15. Grants made under section 3 (other that for relocation payments in accordance with section 7(b)) before July 1, 1970 for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made under section 3 on or after July 1, 1970, for projects in any one State many not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under section 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under section 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

SEC. 8. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

SEC. 9. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

SEC. 10. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1970".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 21, strike out ," after consultation with States and local public agencies,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 25, after "Secretary," insert ", after consultation with States and local public agencies,".

The committee amendment was agreed to.

Mr. KOCH. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. KOCH. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The clerk will report the remaining committee amendments.

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The Clerk read as follows:

Committee amendments: Page 9, strike out lines 13 and 14 and insert in lieu thereof the following:

"Sec. 4. (a) Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out '1971' and inserting in lieu thereof '1972'.

"(b) Section 5 of such Act, as amended (49 U.S.C. 1604), is further amended by".

Page 13, after line 25, insert the following new section:

"Sec. 9. The Secretary of Transportation shall in all ways (including the provision of technical assistance) encourage industries adversely affected by reductions in Federal Government spending on space, military, and other Federal projects to compete for the contracts provided for under sections 3 and 6 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602 and 1605), as amended by this Act."

Page 14, line 1, strike out "Sec. 9." and insert in lieu thereof "Sec. 10.".

Page 14, line 12, strike out "Sec. 10." and insert in lieu thereof "Sec. 11.".

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Biaggi: Page 13, after line 23, insert the following new section:

"Sec. 8. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

" 'PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED

" 'Sec. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

" '(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting States and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons. Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a), and may be considered for the purposes of all other laws to have been made under such section. Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 1½ per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

" '(c) Of any amounts made available to finance research, development, and demonstration projects under section 6 after the date of the enactment of this section, 1½ per centum may be set aside and used exclusively to increase the information and technology which is available to provide improved transportation facilities and services planned and designed to meet the special needs of elderly and handicapped persons.

" '(d) For purposes of this Act, the term "handicapped person" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.' "

And renumber the succeeding sections accordingly.

Mr. PATMAN (during the reading). Mr. Chairman, the amendment has been well distributed and understood by the minority as well as the majority. Therefore, I ask unanimous consent that the amendment be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. BIAGGI. Mr. Chairman, I rise to offer a very important amendment which is entitled "Planning and Design of Mass Transportation Facilities To Meet the Special Needs of the Elderly and the Handicapped."

This amendment would require all federally assisted mass transit facilities to meet the need of the elderly and the handicapped. The amendment will also permit a portion of the total authorization to be used for loans and grants to existing systems to make modifications in their facilities. Also in order to expand our knowledge in the field of providing transportation services to the elderly and the handicapped, a third provision would set aside a portion of the research funds for this purpose.

The present designs of mass transit systems are such that some 44 million Americans will be excluded from using them. These Americans are elderly citizens, handicapped persons, cardiac patients, accident victims, and many others who are hindered in their movements by age or physical impairment.

Among these 44 million Americans are many veterans of World War II, the Korean conflict, and the Vietnam war who were permanently injured while aiding in the defense of this country. Yet, they return to this land and find public transportation systems impossible or nearly impossible to use.

Also included in these 44 million Americans are persons who are temporarily handicapped due to illness or other impairments. These may be persons with broken legs, arthritic sufferers, pregnant women or recent hospital patients.

I cannot overemphasize the importance of establishing a national policy to aid these elderly and handicapped persons so that they might have the same equal right of access to public transportation facilities that other Americans have.

The United States is one of the few nations of the Western World which does not have such a policy. I sincerely hope my colleagues will share my views that these 44 million Americans can no longer be excluded from public transportation facilities.

On September 8, the President expressed a similar view with regard to our handicapped citizens and urged action along the lines of this amendment. He said:

> Isolated from regular contact with society, many of our handicapped citizens lead lives of lonely frustration. Working together, on both public and private levels, we can—and must—insure full lives for them. Together we can topple the environmental barriers which prevent the handicapped from entering buildings or using public transportation; we can welcome back the returning disabled veterans to a life of hope; and we can bring all of our handicapped fellow citizens into the mainstream of American life.

Similarly, Commissioner John B. Martin of HEW's Administration on Aging, talked of the problems faced by the elderly in testimony before the House Subcommittee on Housing which just considered this measure. He said:

> Where inadequate income is not an obstacle to the use of mass transit, the older person may nevertheless find it extremely difficult to avail himself of this means of transportation, both because of his declining physical vigor and ability and the accessibility of the service . . . In addition, the design of transportation facilities can constitute almost insuperable barriers to some older persons.

And significantly, he talked about the cost to society of barring these Americans from public facilities:

> The lack of access to transportation, for whatever reason, can also result in difficulties in shopping and carrying out other day-to-day activities necessary to assist the older person in maintaining his independence and his ability to remain outside a home for the aged, nursing home or similar institution.

Congress has authorized expenditures to remove barriers for the elderly and the handicapped in other areas. Particularly, my colleague from Florida (Mr. Bennett) was instrumental in passing legislation that would require the removal of travel barriers from all federally funded buildings. I thank him for earlier indicating his support of my amendment.

The demonstration cities program offers opportunities to obtain Federal funds for the construction of barrier free features in their projects.

The Department of Housing and Urban Development has funds that can be used to pay for barrier-free housing if local people choose.

The Hill-Burton program for the construction of hospitals and health facilities is another source of Federal aid that supports barrier-free construction.

And under the 1968 amendments to the Vocational Rehabilitation Act, States can use their regular formula grants for the removal of architectural barriers.

Thus my amendment would extend this existing policy to mass transportation systems that are federally supported so that such barriers to travel can be removed at the program's inception with very little if any additional costs.

Mr. Chairman, colleagues, we are not talking about appropriating additional funds here. We are not talking about

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specialized programs or adding to the Federal bureacracy. We are simply talking about granting equal rights to a large segment of our population to use public facilities with the same ease as everyone else.

Other proposals have been offered that would set up special transportation facilities for the elderly and the handicapped. Others would provide subsidies so that these people could use more expensive services such as taxi cabs or limousines.

However, besides the factor of costs for these programs, they would further serve to segregate the elderly and the handicapped from our society.

This Nation has been insensitive to the needs of these Americans for too long. I think it is time this Congress saw to it that equal rights to transportation facilities are extended to these 44 million citizens. My amendment does that and I hope a majority of my colleagues will support this effort.

Mr. PATMAN. Mr. Chairman, I think the gentleman's amendment is a very worthy one and should be a part of this bill. I have conferred with my colleagues on the majority side and we are willing to accept the amendment.

Mr. BIAGGI. I thank the gentleman from Texas very much.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am privileged to yield to the distinguished gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I would like to suggest in this connection that insofar as we are concerned on this side if the word "shall" on page 2 is changed to "may." In other words, "may be set aside." This appears in the (b) section and in section (c) where there appears 1½ per centum "may be set aside." With that change it would be agreeable to this side to accept the amendment.

Mr. BIAGGI. Mr. Chairman, in response to the statement of the gentleman from New Jersey the changes which the gentleman has suggested have been made in the amendment if it had been reported in full. Those changes have already been made. I am sorry that I did not get it changed in the copy.

Mr. MATSUNAGA. Mr. Chairman, the amendment offered by my distinguished colleague from New York (Mr. Biaggi) represents a potentially significant benefit to over 40 million Americans.

At any given time, for one reason or another, about 44 million Americans are unable to use, at least use adequately, the public transportation in their respective communities. Most of these citizens are either elderly, or physically handicapped, or both.

We pride ourselves in our provision for access to most new buildings for the handicapped. It is time we take similar steps on behalf of the handicapped and the elderly who are denied access to mass transit facilities.

As I understand the amendment offered by the gentleman from New York, appropriations of about $75 million would be authorized over a period of years, for grants and loans to improve facilities to meet the mass transit needs of the elderly and the handicapped. Also, at least 1½ percent of the research funds provided by the bill would be channeled into this area.

Even if we measure strictly in balance sheet figures, Mr. Chairman, this amendment is an eminently practical one. The elderly and the handicapped participate in the labor force in significantly lower proportions than the nonhandicapped. A most central reason for this is the unavailability of adequate public transportation to potential jobs. The Department of Transportation has estimated that the minimum economic benefit resulting from eliminating the barriers to mass transit traveling would be over $800 million each year.

This estimate excludes the increased tax revenues that would be generated, lowered welfare payments, and the value of time savings by the handicapped. More importantly, however, we cannot assign a dollar value to the social and psychological benefits that accompany a feeling of self-sufficiency.

Passage of H.R. 18185 will mark the beginning of a significant new chapter of mass transit. Expanded systems, even totally new systems, are in various stages of contemplation and design around the country. The earlier that structural and design changes to effect maximum use by the handicapped are incorporated, the less expenditures and disruption they will cause. Thus, the urgency and timeliness of the pending amendment.

Mr. Chairman, it is time for the Congress to take steps to eliminate the travel barriers in mass transit that further handicap the handicapped.

I urge the adoption of the amendment offered by the gentleman from New York (Mr. Biaggi).

Mr. PATMAN. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Biaggi).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Widnall: At the proper place in the bill add the following new section:

"TECHNICAL AMENDMENTS

"Sec. 11. (a) Section 4(b) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "or contract" after the word "grant" in the last sentence thereof.

"(b) Section 6(a) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "grantor" between the word "by" and the word "contract" in the second sentence thereof."

And renumber the present section 11 as section 12.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. What is the page number of this amendment? It is not given.

Mr. WIDNALL. It is on the next to the last page of the bill.

Mr. PATMAN. Mr. Chairman, will the gentleman yield to me?

Mr. WIDNALL. Yes; I yield to the gentleman from Texas.

Mr. PATMAN. We have had the privilege of examining this amendment and we are willing to accept the amendment on our side.

Mr. GROSS. Well, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to at least know where the amendment goes in the bill. No page number was given. I have not the faintest idea where the amendment goes in this bill.

I am perfectly willing to suspend the reading of amendments to expedite matters, but I must know what is proposed and to what it applies.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will yield to the gentleman from New Jersey if the gentleman will tell me the import of the amendment.

Mr. WIDNALL. Mr. Chairman, I would like to propose two technical amendments to this act, designed to correct what I feel were inadvertent omissions in the 1964 act, and which are now causing some administrative difficulty and concern.

First, I propose an amendment to section 6(a) of the 1964 act, which authorizes the Secretary to undertake research, development, and demonstration projects in all phases of urban mass transportation. That section now provides that such projects be undertaken "independently or by contract" and does not specifically authorize such projects to be undertaken by grant.

Some of the older members will recall that the urban mass transit research, development, and demonstration program provided for under section 6(a) is an outgrowth and continuation of a pilot demonstration grant program authorized by the Housing Amendments of 1961. Under that pilot program, all projects were carried out by grant, with cost sharing between the local applicant and the Federal Government, and all applicants had to be local units of government. Under the 1964 act the requirements of a local governmental applicant and of cost sharing were deleted, research and development were added as eligible activities, but the word "grant" was omitted in specifying the means of carrying out research, development, and demonstration projects, the act saying merely that the Secretary may undertake such projects "independently or by contract."

I remember, and the legislative history makes it clear, that there was no intent to remove the power of the Secretary to carry out projects under section 6(a) by grant as well as independently or by contract. Indeed, more than three-fourths of the research, development, and demonstration projects carried on under section 6(a) of the 1964 act have been by grant to local public bodies, with cost sharing between the applicant and the Government. So, in order to remove this ambiguity, my amendment would insert the words "grant or" between the word "by" and the word "contract" in the second sentence of section 6(a).

A similar situation arises under the last

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sentence of section 4(b) of the 1964 act, which authorizes the Secretary, without regard for the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made pursuant to the act. No provision is made for such advance or progress payments on projects undertaken by contract. The last sentence of section 4(b) was taken almost verbatim from section 303 of the 1961 act—which did not authorize projects to be undertaken by contract—and the words "or contract" were inadvertently omitted. Advance or progress payments on Federal R.D. & D. contracts are authorized under many statutes, such as DOT's High Speed Ground Transportation Act and HEW's Water Pollution Control Act, and are really a necessity under modern Government procurement practice.

Accordingly, my amendment would amend section 4(b) of the 1964 act by inserting the words "or contract" after the word "grant" in the last sentence.

True, these amendments are minor and of a technical nature, but I think they will contribute to the successful operation of the urban mass transportation program without in any way changing the nature or scope of the program as Congress intended that it be.

I have discussed these amendments with the distinguished chairman of the Banking and Currency Committee, and he advises me that he has no objection to them.

Mr. GROSS. Mr. Chairman, I appreciate the explanation, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Widnall).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Boland: Beginning with line 25, page 7, strike out everything through line 19, page 8, and insert in lieu thereof the following:

"(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000, less amounts appropriated pursuant to section 12(d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91–168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated the liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972; not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended."

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a clarification?

Mr. BOLAND. I yield to the gentleman.

Mr. PATMAN. How much will this aggregate in all? I heard the different figures, but what would be the aggregate amount?

Mr. BOLAND. The aggregate amount would be $3.1 billion.

This does not change the general overall policy annunciated by the committee of providing $10 billion over the next 12 years for mass transit.

My amendment does provide an aggregate amount of $3.1 billion starting in fiscal year 1971 and running through fiscal year 1975.

I want to compliment the Committee on Banking and Currency, Mr. Chairman, for bringing this bill to the floor. The action that the committee chaired by the distinguished gentleman from Texas has taken and of the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Barrett), and the gentleman from New Jersey (Mr. Widnall) deserve to be supported by the Members of Congress.

I have a series of amendments, but I will dwell on just this one amendment now.

It is obvious that this committee wrestled with the total amount of money that ought to be appropriated over the next 5 years for urban mass transportation.

A number of bills have been filed in the Congress both on the House side and the Senate side with respect to the amount of money that ought to be expended for mass transportation.

The testimony that was developed by the distinguished gentleman from Pennsylvania (Mr. Barrett), by his subcommittee and by the Senate and the Committee on Banking and Currency clearly indicates there is a crisis in mass transportation. There is no question about it. I could not agree with this subcommittee more in that this Congress has to provide greater funds at a greater accelerating pace in order to meet the very difficult problems this nation faces in mass transportation.

The distinguished gentleman from Texas, the chairman of this subcommittee, filed the bill, H.R. 6663. That would have provided $1.8 billion over the next 4 years; $300 million for fiscal year 1971, $400 million for fiscal year 1972, $500 million for fiscal year 1973 and $600 million for fiscal year 1974.

The distinguished gentleman from New Jersey (Mr. Widnall) who has worked long and hard on mass transportation problems filed the bill, H.R. 13463, which provided for $3.1 billion—$300 million in fiscal year 1971, $462 million in fiscal year 1972, $600 million in fiscal year 1973, $800 million in fiscal year 1974 and $1 billion in fiscal year 1975.

He also filed the bill, H.R. 16261, which provided for $3.1 billion. That bill, I understand, is the administration bill. That bill is identical with Senate bill, S. 3154, which passed the Senate on February 2 of this year by a vote of 82 to 4.

The funding under that bill provides $80 million for fiscal year 1971, $310 million for fiscal year 1972, $710 million for fiscal year 1973 and $1,260 million for fiscal year 1974, and $1,800 million for fiscal year 1975 and not to exceed $3.1 billion thereafter.

The basic intent of my amendment is to provide precisely the financing that is provided in the Widnall bill, H.R. 16261. It provides the same financing in the bill S. 3154 that was passed by the Senate sponsored by Senator Williams of New Jersey. Efforts were made in the Senate to increase this to $10 billion and the effort failed.

My amendment would decrease from $5 billion to $3.1 billion the total amount of obligational authority in the bill and it makes a corresponding reduction in the schedule of appropriations to liquidate those obligations.

Although my amendment makes a reduction of $1.9 billion, the urban mass transportation administration would still be provided with a substantially increasing program.

Mr. BOLAND. I yield to the gentleman.

Mr. BARRETT. I do think the gentleman should be accurate. The Senate did not offer any amendments to increase it to $5 billion. They offered amendments over there to increase it to $10 billion over 12 years, if asked by the President.

Mr. BOLAND. In response to the gentleman from Pennsylvania, let me say that Senator Cranston of California offered an amendment which would have provided a $10 billion obligational authority for the next 12 years instead of $3.1 billion in authority which is funded under the Williams bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. Boland was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. An amendment was offered on the Senate floor by the distinguished Senator from New York, Senator Goodell, which provided, in addition to the $3.1 billion obligational authority for 1975, $6.9 billion in obligational authority for the 7 years beginning in the fiscal year 1976. That amendment was defeated 67 to 16. The Cranston amendment was defeated 62 to 24. There is no question about that. The Record clearly shows it.

Mr. Chairman, I have been one of those who have served on the Committee on Appropriations opposed to backdoor financing. That is precisely what you are doing here. We have to meet the tab. There is obligational authority granted for a rate of expenditure of $80 million for the fiscal year 1971, $310 million for fiscal 1972, and so on to $3.1 billion when we have reached the sixth year. But, Mr. Chairman, as the chairman of the Subcommittee on the Department of Transportation, who has listened over the past few years to the justifications for this program, I say there is no question about the fact that we have not been providing the amounts of money necessary to run a good mass transit program. My quarrel is with the amount provided in the committee bill. It is too large at this time. The Department of Transportation indicates that the amount of money provided in the House bill is too much at this time. It prefers the financing carried in S. 3154. There are 125 employees in the Urban Mass Transportation Administration. Clearly the evidence shows that this Department is now not in a position to supervise this huge expenditure over the next 6 years.

We are going to spend the $10 billion in the next 12 years. There is no question about that. The evidence that was adduced by Mr. BARRETT's subcommittee indicated that perhaps we need $17 billion. Various estimates on what we need with respect to mass transit have run up to $50 billion. But I think the Congress ought to have a lever on the expenditures that are going to be made in this huge area. This is an area that deserves the priority that your committee has given to it, but it is also an area that deserves the oversight of this Congress because we will be spending large amounts of money on mass transit. We are entitled to know what they are getting for it.

The large cities will get, of course, the major share of the money that will be appropriated here, and a great number of smaller cities, those of less than 100,000, and less than 25,000. My objection to the $5 billion is that it is too large at this time, and I sincerely trust, Mr. Chairman, that the $3.1 billion amendment that I have offered will prevail.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the Chairman.

Mr. BARRETT. The gentleman, I am sure, knows that the city of Springfield, Mass., is getting $425,329 in grant assistance. Does the gentleman consider that accurate and adequate for mass transit improvement in his own city?

Mr. BOLAND. I do not know that they are getting that.

Mr. BARRETT. I am telling you.

Mr. BOLAND. I do not know what we are getting. All I know is Springfield has a private transportation company in the area that is in serious financial difficulty, but this bill does not correct that difficulty.

Mr. BARRETT. I may not get an opportunity again to tell the gentleman. I do want to tell him that every Governor and every mayor in the country wants this bill.

Mr. BOLAND. I do not think there is any question about the fact that every Governor and every mayor in this country wants this bill. I am sure of that. I agree with them. And I want the bill. But I think there comes a point where the amount of money involved ought to be considered by this Congress; $3.1 billion is about what the Department says it can spend over the next 6 years. This program is a huge program. This bill provides a $10 billion commitment over the next 12 years.

I see the gentleman from New York smiling. He would like to have the whole $3.1 billion for New York, and I am sure New York could use it. There are other localities in the United States besides the city of New York, and the taxpayers who are picking up the tab for this bill are located all over the United States.

My only quarrel is with the $5 billion authority provided in the bill, that it is too large at this time. I think we ought to walk before we start to run. This is a program which is not too old. The basic legislation for mass transit passed in 1964. It is now only 6 years later. We have learned some things. The expenditures provided have not been enough. I could not agree more with that, but I submit that $3.1 billion is a substantial amount of money.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman is very simple. It will reduce the amount that it will be possible to expend in the next 5 years to $3.1 billion. In other words, the amendment will reduce the bill nearly $2 billion.

Mr. Chairman, I think the $5 billion is really insufficient. We need certainly every dime of that $5 billion. If we were to adopt the amendment as suggested, this bill would go straight to the White House, and there would be no chance to increase it. Our committee worked on this for months. We worked on it much more, I believe, than the other body did. I have a feeling that the judgment of the members of our committee should also be respected. It is our conscientious belief there should be a minimum of $5 billion, and we should not think about reducing it.

The amendment here would reduce the bill nearly $2 billion.

I do not think that should be done at all. I think it would be detrimental. Certainly it would be a reflection on the 34 members of our committee who voted for this $5 billion. There were no votes against it. So on that vote it was unanimous. The members had good reasons for their actions.

The question is, should we agree to reduce the amount voluntarily and cut it down? On the other side, we can let the matter go to conference, which is where it will go and which is where all laws really are made—in the conference—except where Members impetuously adopt an amendment here which forecloses any attempt to increase the amount. Why should we do that and thereby tie our own hands? Let the normal parliamentary procedure prevail here. Let this go to conference, and if the House Members can convince the Senate conferees that the $5 billion should not be reduced and that it can be justified and that it can be paid and that we need the amount, and they agree to it, we will have $5 billion. But if we adopt this amendment, we just absolutely stop it and make it impossible to have any more than that. I think the Members of this Congress should consider the $5 billion. It is a very small amount for this big job over a 5-year period.

The gentleman from Massachusetts suggested that there were several amendments offered to change this amount. I read the RECORD and I found only one amendment that was offered, and that was a $10 billion amendment. That was unrealistic at the time it was offered.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I do not want to make a point of it, but the fact of the matter is that on February 3, 1970, one was offered.

Mr. PATMAN. Mr. Chairman, I do not yield for that.

Mr. BOLAND. The gentleman made a statement and said only one amendment was offered. The RECORD does not show that. The RECORD clearly shows other amendments were offered.

Mr. PATMAN. That is a small matter.

Mr. BOLAND. Financially it is a large matter.

Mr. PATMAN. I am not willing to spend my time on it. That is my belief. If the gentleman objects, he can just go ahead and change it. But I will say now I only found one amendment. The gentleman referred to several, but that is not such a big thing that we should make decisions on it.

If we go ahead in favor of this amendment, we are inducing a great many Members to say we will get something for sure right now, $3 billion, so let us adopt this. That will be pretty good bait for a person who wants to take that bait, but I do not think many Members of this House want to take that bait, because they would rather have the $5 billion. If we send the matter to conference, I think we will have an absolute cinch—as near a cinch as we can get with the other legislative body—of getting the $5 billion.

So let us not foreclose the opportunity when it is in sight. It is the regular way to legislate. That is the way all laws are made.

Why should we cut ourselves out and deny ourselves the opportunity? Why should we in a few minutes time reduce this wonderful program that needs the money by $1.9 billion, nearly $2 billion. Just because the other body has certain discussion, that is no reason why we should change our minds, when we worked on it.

Our committee was unanimous in insisting on $5 billion. Please do not slap our committee in the face by saying we are going to reduce it arbitrarily.

Mr. STANTON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, once again the gentleman from Massachusetts has proved he is one of the most valuable Members of this Congress.

I believe it worthwhile, in backing this amendment, that I repeat just a couple of points which made an impression upon me, as stated by the gentleman from Massachusetts.

First, there is no one in this committee arguing over the difference between $3 and $5 billion, as to the amount of money we are going to spend on mass transportation in this country in the next 5 or 8 or 10 years. No one in this committee, and especially on our Bank-

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ing and Currency Committee, fails to realize that with this legislation we are committing ourselves to a program of mass transportation in this country the type of which we have never seen before in the entire history of our country.

What the gentleman from Massachusetts was making clear was that under all the practicalities of the moment the largest amount of money we can come anywhere near to efficiently spending in the immediate future is $3.1 billion.

Second, the gentleman from Massachusetts made the point that under the legislation before us today the Secretary of Transportation will have to come back within 2 years with a written report on the status of this particular program, and we can certainly take a look at it at that time.

Third, another point the gentleman made—and he had figures to support it—was that the Urban Mass Transportation Authority this year, I believe, has only 125 employees, and last year, to administer this program which we are talking about, of $5 billion, they had 60 employees with a total budget of $175 million. I agree wholeheartedly with the gentleman from Massachusetts that from the practical point of view the most expedient amount of money we can utilize in this regard in the next 2 or 3 years is the amount of $3.1 billion. The authority itself is just not geared to handle more.

Certainly we must have learned in this country by now that we can spend millions of dollars on schools and not educate the children of this country, and we can spend billions of dollars on programs and not cure juvenile delinquency. Let us, for once, be very practical. I certainly support the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding. I think, perhaps more importantly, the fact of the matter is that today by this legislation—and no one knows it better than the gentleman from Texas, the distinguished chairman of the committee, or the distinguished chairman of the subcommittee Mr. BARRETT—this Congress and this committee are taking a long step forward in mass transit. Here we are providing for obligational authority that absolutely and completely obligates the Department of Transportation to spend the $3.1 billion over the next 6 years. All they have to do is obligate it. They will come back to the Congress next year, and next year they will ask for $180 million to liquidate the contract authority, and then $310 million in 1972 to liquidate the contract authority.

Mr. STANTON. Absolutely.

Mr. BOLAND. All they will have to do is to come before the Appropriations Committee and say, "This is our contract. This is what we have obligated, and we have to pay the bill."

So in this sense alone we are taking a major step, a giant step forward. I am willing to take it.

I must say that over the years I have looked askance at back-door spending and obligating Federal funds in this manner, whereby Congress does not have an opportunity every year to oversee these programs.

This is a fantastic program. There is no question about it, when you think of the billions that will be spent over the next 12 years—billions that ought to be controlled in some manner by the Congress. You will never have a handle on this program unless you can be sure that the department comes up to justify the contract authority they have entered into.

Mr. BARRETT. Will the gentleman yield to me?

Mr. STANTON. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I am glad to hear the gentleman from Massachusetts (Mr. BOLAND) say that this is a giant step. We have taken a giant step. We have taken a giant step after we had practically 4 weeks of hearings on many bills. We had numerous mayors in the country and many Governors tell us to take this giant step because we are in a crisis situation in these communities because of the mass transportation system situation. Automobiles are backing up in the small towns and they are depleting the money and equipment necessary for those small transit companies to operate. We are trying to rehabilitate every small town and community and every large city in order to give them adequate transportation. I think the gentleman, if he does not adhere to our committee's judgment, ought to listen to the voices of the mayors and the Governors.

Mr. STANTON. I thank the gentleman for his contribution.

Mr. Chairman, I want to make a final statement, that really, from a practical administrative point of view the amount of money involved, $3.5 billion, is all that we can spend.

Mr. WILLIAMS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) is a very simple amendment and a very practical one.

I would not want to think that any Member of this House thought that the only source of funds for building and improving mass transit facilities would be grants from the Federal Government. The fact is that if this money is handled properly, this $3.1 billion, when reflected in additional revenues raised from revenue bonds and State as well as Federal grants, will be much closer to $20 billion.

Do not forget this: When mass transit facilities are constructed they yield revenues. When mass transit systems, existing ones, are updated, revenues increase. So what you can do actually is finance the construction of a mass transit system through the floating of revenue bonds. As one example, in the Philadelphia area, the Southeastern Pennsylvania Transportation Authority purchased the Philadelphia Transportation Co. for $54 million. They raised this money through floating revenue bonds, and those bonds were backed up by the full faith and credit of the city of Philadelphia. Then they bought the Suburban Philadelphia Transportation Co. for another $13.5 million. These bonds were backed by the full faith and credit of Delaware County.

Mr. BARRETT. Will the gentleman yield to me?

Mr. WILLIAMS. I will in just 1 minute, when I am finished.

Now, if SEPTA can get just 20 percent of their investment in the PTC, the Philadelphia Suburban Transportation Co., and the railroad commuter lines in Federal grants, they will be getting $20 million where today they have invested approximately $100 million. With this Federal-State grant money of 20 percent, all of these systems can be upgraded to a point where riders increase and revenues increase, and these revenue bonds will be paid off from the increased revenue.

Every metropolitan area can use exactly the same system. This is a method that should be used. It is a method that will produce the most practical results, and it is a method that will produce the results at the lowest cost to the taxpayers.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. WILLIAMS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I certainly do not want to debate any issues with my colleague, the gentleman from my own State, but I do want to tell you the revenue is not increasing in the fare box but, rather, is decreasing in every city and small town throughout the United States. That is the reason for giving them help.

Let me make this one point clear. You spoke of SEPTA. They got $736,000 in 1970.

Mr. WILLIAMS. It was $736,000. I tell you that is only a pittance in comparison to what SEPTA put out itself.

And let me tell you still further——

Mr. BARRETT. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAMS. Wait until I answer your first point and then I shall yield further to the gentleman.

SEPTA ridership has increased rapidly in the commuter rail service. Also, they have not had the other two properties long enough to effect the necessary improvements in order to increase the revenue. The improvements are being made now. In addition to the drastic increase in ridership on the Philadelphia commuter rail service, you will experience precisely the same thing on the other mass transit properties owned by SEPTA.

Mr. BARRETT. They are decreasing in ridership and therefore their revenue is decreasing.

Mr. WILLIAMS. Is the gentleman saying that the ridership has decreased, that under SEPTA the ridership on commuter rail service has decreased?

Mr. BARRETT. Yes.

Mr. WILLIAMS. Well, the gentleman is wrong. The ridership has increased by 40 percent.

Mr. BARRETT. The testimony we had was that there was a decrease in ridership and that is the reason they need the money. The gentleman is proposing to cut this down to a pittance.

Mr. WILLIAMS. In my remarks I made the statement that SEPTA has invested

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$100 million and I said that 20 percent of that sum would be an additional $20 million in Federal and State grants and by using this money for improvements they can increase ridership and increase revenue to retire the revenue bonds.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. Williams was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. So, I simply want to reiterate this: We do not have to have any comments about mass transit for low- and moderate-income families. The properties I have been speaking of, the transportation properties of the Philadelphia area, are serving some of the wealthiest municipalities in the country.

What is being done in the Philadelphia area can be done all over this Commonwealth through municipal authorities and county authorities facing up to their responsibilities by floating bonds and proceeding with improvements, assisted by Federal and State grants, they can raise the money to retire these revenue bonds.

This will be giving better, faster, and more improved mass transit service to the riding public and getting passengers out of their automobiles.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to direct a question to the author of the amendment.

Mr. Chairman, as the gentleman from Massachusetts (Mr. Boland) indicates, when the Department of Transportation appropriation bill was reported earlier this year, the Committee on Appropriations provided that not more than $214 million in appropriations could be approved for this fiscal year for urban mass transportation grants under the existing program.

Under the provisions of this bill, whether or not the gentleman's amendment is adopted, we, of course, have a new program with a greater or expanded financial commitment on the part of the Government to assist urban mass transportation systems around the country.

Could the gentleman tell me what steps as the chairman of the Subcommittee on Transportation, he plans to take to provide the additional sums that this bill authorizes for the new urban mass transportation programs?

Mr. BOLAND. Speaking for myself—and I do not intend to speak for the Subcommittee on Appropriations at the present moment—but as the gentleman has indicated, there was no money provided for fiscal 1971 for the Urban Mass Transportation Administration. But the subcommittee that I chaired did put the $214 million in that the gentleman mentioned. The bill now is in the Senate. It has not been reported out by the Subcommittee on Transportation or adopted by the Senate. So the Senate has taken no action.

I am sure that if the Senate provides for additional funding that there will be an agreement by the conferees to take care of the additional funding. If this bill gets by, whether it is for the $80 million which is provided for in 1971 under the amendment that I have offered, or the $130 million that is in the bill offered by the committee, then I am sure that the conferees will agree on an amount which will be acceptable.

I have no objection to spending money for mass transportation. From my own viewpoint I can respond to the gentleman by saying that insofar as I am concerned I would make sure that the amounts of money which will be provided for under either the amendment or the bill from the committee will be adequate.

Mr. MOORHEAD. I thank the gentleman very much.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I am quite sure the gentleman from Massachusetts knows that if this bill were cut down to the $3.1 billion it may not be necessary to send it to conference to work out anything; there will not be any differences between the Senate bill or this bill, therefore it may not be necessary to go to conference, it may just go to the Senate side and it may be necessary to correct some minor amendments and then be off to the President.

We are asking the gentleman to consider this, and let us work out the bill that will benefit all these cities and small towns.

Mr. BOLAND. Mr. Chairman, if the gentleman will yield further, we are talking about the funding in 1971, I would remind the chairman of the subcommittee.

Mr. BARRETT. We are also talking about this bill.

Mr. BOLAND. If the gentleman will please let me finish my statement, then we can comment on it.

The fact of the matter is, under your own bill it provides only $130 million for fiscal 1971. That is all you provide for. The amendment I have offered provides for $80 million for fiscal year 1971. In the Department of Defense appropriation bill that we passed in the House it provides $214 million for fiscal year 1971, and it was put in at the direction of both the Members on this side and the minority side. So we actually provide more in 1971 than you provide in 1971 under your own bill.

Mr. BARRETT. If the gentleman will yield further to me, the gentleman from Massachusetts is talking about working the differences out in the conference. I am talking to you about working out this bill which may not necessarily go to conference, it may just go on to the Senate side and require perhaps a few minor amendments, and then go to the President.

Mr. YATES. If the gentleman will yield, will the gentleman tell the House what we would be working out in the conference?

Mr. BARRETT. The urban mass transit bill.

Mr. YATES. As I understood what the gentleman said, he opposed the amendment offered by the gentleman from Massachusetts (Mr. Boland) on the ground that it might prevent a conference, or to give him the possibility of working out some minor differences. I was asking the gentleman to tell us what those differences were.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment, and I do so just briefly to say that the amendment offered by the gentleman from Massachusetts (Mr. Boland) literally tells the people in our cities that they will not be able to receive the amount of funds that they all stated they needed in order to improve their mass transportation systems.

We are, as I pointed out before, in a crisis where this is just as important as the housing bill. We have to give aid to these people. Automobiles are choking off the mass transportation systems in all these cities, and we cannot get adequate transportation to poor people to go across the cities for their employment.

For example, in the Naval Hospital and the Veterans Hospital in Philadelphia, the turnover of employment there is tremendous because there is lack of an adequate transportation system.

We need more mass transportation in my city badly. New York needs it badly. The mayor of New York says that what he would get out of this $3.1 billion on the basis we have outlined here today would be about $732,000 and he would not be able to buy enough corn to feed the pigeons in New York City under those conditions.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman.

Mr. PATMAN. Is it not a fact that if we were to adopt the Boland amendment and make it $3.1 billion—that would be the same as in the Senate bill and if you were to hold a conference on some other matters, that would not be in the conference? The conferees would have their hands tied. They could not do a thing even though the House conferees were able to convince the Senate conferees that $5 billion should be provided and they would say they were glad to do it. But then they would turn around and under the rules say: "No, we cannot change it one penny." That would successfully tie the hands of the conferees from here on during this Congress, and it would be impossible to get more than $3.1 billion.

So, this is a hand-tying amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman.

Mr. STANTON. I would like to remind the chairman of the committee that this morning in the full Committee on Banking and Currency we did exactly what you said today you do not want to do and that is agree to go to conference on the bill, including that bill on mass transportation, and passed by the Senate for $3.1 billion.

Mr. BARRETT. Those are different matters that the gentleman is talking about, we were talking only about mass transit matters here.

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PARLIAMENTARY INQUIRY

Mr. HANNA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this 5 minutes to propound first a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. HANNA. Mr. Chairman, as I understand the situation, the present circumstances are that the Senate has amended into another piece of legislation a mass transportation bill passed by the Senate that provides $3.1 billion in money for mass transportation.

If that is so and that is in a bill that will go to conference and has this subject matter along with other subject matters in it, I propound this question. Does it make any difference what the decision of this House is relative to this bill as to whether the conferees can bargain above $3.1 billion; or is the situation that the only bargaining the conferees will have regardless of what disposition we make here between $3.1 billion and zero?

The CHAIRMAN. The Chair would inform the gentleman that if he is discussing another bill, which is in conference, then action of the conferees thereon would not affect this bill.

However, if the gentleman is discussing this bill—or a Senate bill amended by the language of this bill—then, of course, it would be a matter of conference.

Mr. HANNA. If the subject matter, however, that is in conference is another bill, then what we decide in this bill would not in any way affect the figures that are in that other bill in the Senate?

The CHAIRMAN. The Chair would repeat that the subject matter of another bill which is in conference would not affect the subject matter in this bill.

Mr. PATMAN. Mr. Chairman, will the gentleman yield so that we may try to get an agreement on the time?

Mr. HANNA. I yield to the gentleman.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent since this has been rather fully discussed that debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HANNA. Mr. Chairman, what I would like to say to the House, as to the situation right now, here is the position that the House is in.

If we are going to be bound to go to conference with the Senate with the bill they have passed out having to do with the foreign banks in which they have amended in a nongermane amendment that covers the mass transit bill, then any conference we go to there is going to be a bargaining between $3.1 billion and zero.

If we assume that that is the case, then what should we decide here? My own belief is that we ought to take a stand in the House and say that we are much more concerned about the problems of transportation than the Senate is, and that we are trying to reach a more realistic answer to the problems of the cities and the States than the Senate has done.

In the other event, should we be able to go to conference with the Senate on a singular bill on mass transit, we will be in a position that the House characteristically is in where we have a House bill and they have their Senate bill, and we will bargain between the House and the Senate positions. Therefore, I am not constrained to go along with the amendment because it takes away from the House any bargaining it would otherwise have, and it leaves the House without taking a posture by saying, "We are more concerned about this problem." I am persuaded that in the testimony we had, particularly from San Francisco, that if we pass the bill with only the $3.1 billion in it and with the 12½-percent limitation for any State, with only 15 percent of the total at the discretion of the Secretary of Transportation, the most that California could get as a total would be around $450 million, and that does not leave enough to make the BART program go ahead, and they have already spent $1.2 billion, and the United States has helped them with only 7 percent of that amount.

San Francisco has been 19 years working on an urban and suburban system. Los Angeles has been over 10 years working on its program. What the cities want and what we seek is some realistic contract position over a 3-year period. This gives some sense and real incentive for local matching funds which in this program so far has been predominantly local funds.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

(By unanimous consent, Mr. YATES and Mr. ECKHARDT yielded their time to Mr. KOCH.)

Mr. KOCH. Mr. Chairman, as many of my colleagues know, I am supporting this bill because it is the best kind of bill we can get at this particular time. I am for a trust fund. I do not want to discuss that because the issue today is the level of funding to be authorized. To think in terms of $5 billion to be committed, not this year, not next year, but over a 5-year period by way of contract authority, with not more than $3.1 billion to be actually appropriated in the first 5 years, and to talk about this as an expenditure that we cannot support as our colleague from Massachusetts (Mr. BOLAND) proposes, just make no sense. You know that every year, this year and next year, we are going to be spending $4.5 billion on highways. I do not want to discuss the merits of that. But to think in terms of what this country needs for mass transit and to talk about reducing it from $5 to $3.1 billion simply is not justifiable at this point in time.

Let me tell you why. Some of the cities have already indicated their needs over the next 10 years and they are huge. And let me tell you that this is not a bill for New York City. I know that the gentleman from Massachusetts has alluded to the fact that I kind of smiled when he talked about $3.1 billion as maybe being not adequate. Yes, we would like more money for New York City. But it is not simply for New York City that I make this plea.

Let me tell you what the major cities in this country are asking for: Chicago, $2.2 billion; Baltimore, $1.7 billion; Southern California Rapid Transit District, $2.5 billion; Boston, $784 million; BART, $1.8 billion; New York, $2.1 billion.

That is not all Federal moneys. The fact is that a large proportion of those moneys are going to be paid by the localities.

I include in the RECORD a telegram from Dr. William J. Ronan, who is chairman of the Metropolitan Transportation Authority in New York City. In this telegram Dr. Ronan says he is counting on this bill, and he says that the city and the State of New York have already allocated the moneys for matching funds.

The telegram is as follows:

HON. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.:

The New York Metropolitan Transportation Authority has committed and has underway a rapid transit and commuter rail modernization and expansion program costing over $2 billion 100 million. This Authority will shortly be requesting federal aid for this fully authorized mass transportation program for the New York State sector of the metropolitan area. It has not filed a formal application previously as there was no federal funding for a program of this size.

The local matching funds for this MTA program have already been appropriated or committed by the Governor and Legislature of the State of New York, the Mayor, and the Board of Estimate of the City of New York. The State of New York has already appropriated $600 million in state funds to aid in the subway expansion phase of this program. The City of New York has already committed $800 million in capital funds for this subway program.

The State of New York has also committed $300 million for commuter rail improvements and expansions.

Again, may I emphasize that this Authority's over $2 billion program is fully authorized. This $2 billion 100 million program is also just phase one of a total program of more than $3 billion. More than adequate local matching funds have been appropriated or committed and construction and design of many of the elements of the program are already underway.

WILLIAM J. RONAN,
Chairman, Metropolitan Transit Authority.

What will New York State get? Once again, it is not a bill drawn for New York State. The maximum any State could get is 15 percent when you compute the 12½-percent limitation on the States plus additional moneys the Secretary might allocate through his discretionary fund. That is the maximum.

I say to you that if we turn our backs on the needs of mass transit in this Congress on the grounds that we cannot afford it, then we are turning our backs on the critical needs of our fellow citizens all across this country.

Furthermore the Appropriations Committee does not lose control. This is not a trust fund where the Appropriations Committee's role is removed. Every single year, there is going to be oversight on the part of our distinguished colleague, the gentleman from Massachusetts (Mr.

BOLAND). Every single year the appropriations for this program will go before this gentleman's committee and he will have the opportunity to do something, I hope in the direction of strengthening the mass transit program and increasing its budget; it is not a case of there being no oversight. When we consider the need, and the cost of mass transit facilities, it would be incredible at this point in time to reduce the amount from $5 billion to a lesser sum.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman listed some of the major cities in the country, but is it not true there are cities much smaller which are, nevertheless, seeking funds from the Government to deal with their local transportation problems?

Mr. KOCH. There is no question about it. Every single community in this country that has a mass transit need is covered under this bill. This is not a bill for only the large cities. This is a bill for every urban dweller.

At this point, Mr. Chairman, I would like to give further details justifying my opposition to the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The proponents of the amendment being offered today say that the administration, if given an authorization of $5 billion for contract authority and $3 billion for appropriations, will not be able to commit these amounts. I would like to substantiate my disagreement with this premise by discussing the following matters: first, the dollar amount of the applications pending with the Urban Mass Transportation Administration—UMTA; second, the magnitude of the capital requirements of the transit industry; third, the 12½ percent limitation on funds going to any one State; and fourth, today's backlog of transit needs.

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PENDING UMTA APPLICATIONS

First, it should be known that Carlos C. Villarreal, Administrator of the Urban Mass Transportation program, appeared before the House Appropriations Committee last April and submitted a list of applications pending before his administration, as of April 1970, which totaled more than $1 billion. This $1 billion far exceeds the $130 million that the Banking and Currency Committee authorizes for appropriation—in addition to the $214 million already appropriated last year in advanced funding—for fiscal year 1971. Furthermore, this $1 billion figure demonstrates that the administration has sufficient applications for commitment under the contract authority provision for the first year; in fact Administrator Villarreal has estimated that he would be ready to obligate approximately $850 million during fiscal year 1971.

POTENTIAL APPLICATIONS AND THE MAGNITUDE OF TRANSIT CAPITAL REQUIREMENTS

Second, and perhaps most important is that this $1 billion figure submitted by UMTA does not begin to represent the total needs of the country during fiscal year 1971 and certainly not for the next 5 years. The UMTA list is necessarily small because so little Federal funding has been available that cities have not been encouraged to prepare applications and submit them. This planning and application is expensive; in the past Federal funds have been so meager and with so little long-term guarantee, that it has not been feasible for many communities to even consider mass transit solutions to local traffic problems and transportation requirements.

Mr. Chairman, those who propose cutting today's bill say that the applications should be pending before an authorization is given. The problem here is that we are faced with the axiomatic question of "What comes first, the chicken or the egg?" If the Congress refuses to make authorizations before applications are submitted, while municipalities wait for an assurance that Federal funds will be available in the future before undertaking to submit an application—we will be stalled forever. While many communities do have plans available for execution even though they have not been submitted to UMTA, there are hundreds more that will not be in the position to make the plans and submit applications of the size required to meet their transit needs if we do not provide a meaningful level of Federal assistance.

I would submit, therefore, that it is incumbent upon us to bring the Federal level of funding to a point which perhaps is most suitably called "a threshold for action"—a point in the funding level which must be reached before transit modernization and construction can be contemplated and a point below which funds are simply insufficient in magnitude for a construction program to be undertaken.

This morning I received a telegram from Dr. William J. Ronan, chairman of the metropolitan transportation authority, setting forth the MAT's immediate capital program. Briefly, Dr. Ronan indicated that the New York City metropolitan area has an authorized $2.1 billion rapid transit and commuter rail modernization program. In 1968 and 1969 the city and State authorized a total of $1.4 billion for this program. Dr. Ronan also said that the MTA will be submitting shortly an application for Federal assistance in excess of $500 million in this program, but has not done so to date "as there was no Federal funding for a program of this size."

Clearly, Mr. Chairman, even though formal applications may not have been submitted to the Department of Transportation, plans are available in many cities for funding and execution.

A few preliminary studies of the transit needs have been made. Last year the Institute of Rapid Transit submitted to Congress a chart entitled "1970–79 Capital Requirements of the Rapid Transit Industry—Preliminary Study." This study included figures for transit needs during the coming decade for just 19 metropolitan systems and came out with a grand total of $17.708 billion. Almost $18 billion, and this does not begin to cover the middle size cities and the many communities that need assistance; it also does not include the annual 10 percent increase that plagues all transportation construction projects.

More recent estimates have been prepared for UMTA by the Institute of Public Administration and place the 10-year requirements at between $28 and $34 billion.

It is important to note that these estimates far exceed the $5 billion recommended by the committee even while they are based only on what will be required to keep transit ridership constant. Even more money will be needed if additional riders are to be attracted to public transportation. And, I would submit, Mr. Chairman, that if the cities are to survive, we must make mass transit more attractive and reduce the use of the private automobile for central city and commuter travel.

STATE LIMITATION

The third important factor that must be considered is the little discussed provision in the mass transportation program that limits the amount of money any one State can receive to no more than approximately 12½ to 15 percent of the funds authorized. This means that even with an authorization of $5 billion for contract authority, the very maximum—using the 15-percent figure—that would be available for commitment by any one State would be $750 million for the entire 5-year period, with actual appropriations during this same period amounting to $450 million—based on the $3 billion appropriation.

This gives some perspective to what the committee's proposed $5 billion program will actually mean to the States.

Should the amendment being offered today succeed, these figures would drop to $465 million for contract authority and $279 million in appropriations—again, for the entire 5-year period.

Again, the metropolitan transit authority will be submitting shortly an application for immediate funding of more than $500 million; and this application will be added to the $139 million application already pending from the city—this is just for New York City without accounting for the needs of the whole State.

Similarly, the State limitation squeezes States like California. Mayor Joseph L. Alioto of San Francisco testified before the Banking and Currency Committee that his city is prepared to execute a contract with UMTA for a $550 million program, almost entirely within the city's limits, supporting a Federal grant of $366 million; and, as he pointed out, this does not begin to mention the needs of the rest of the San Francisco Bay area or the southern California requirements.

Mr. Chairman, these statistics demonstrate that it is particularly important that the authorization for contract authority not be reduced. The total $5 billion sum does not need to be committed during the first year of the program—certainly UMTA's estimate that it can commit $850 milion in the first year is a good start on a $5 billion, 5-year program. The most important requirement is that the money be there for commitment so that communities will know of its availability and be provided with the necessary incentives to forulate plans and make applications for the plans they already have.

TODAY'S BACKLOG OF TRANSIT NEEDS

The fourth consideration that we must address ourselves to is that for too long the Federal Government has ignored the needs of public transportation, and as a result most all mass transit systems have been undermined by a vicious cycle of declining transit patronage, followed by a decline in profits, then a decline in the quality of service, and then an even greater fall-off in passengers. During the past two decades this has resulted in a two-third reduction in transit patronage, and it has meant that most transit systems today are relying on equipment that is 30 years old.

While the Federal Government has subsidized the construction of roads and the construction of airports and the development of the jet aircraft, it has contributed so little to mass transit: barely $1 billion since the urban mass transportation program's founding in 1964.

With demographic projections placing 90 percent of our population in urban areas in the year 2000, it is urgent that we get underway in providing the kind of transportation that is required if our cities and suburbs function efficiently.

Mr. Chairman, in the 1960's we accomplished extraordinary feats in outer space travel while back here on earth we poured a network of roads across the country linking our cities and towns with direct and fast auto travel and providing an economic boom for our rural areas.

Today, I urge that we dedicate the 1970's as the decade of the urban dweller and the working man's transportation—that we make the same commitment that resulted in delivering the astronauts to the moon to providing rapid, convenient, and clean transportation for our commuters. We must advance mass transit technology so that it can fulfill its roll in the Nation's transportation scheme and effectively complement the automobile and airplane.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I urge the rejection of this amendment. We have been spending money for every other mode of transportation. I feel it is long past due that we should consider the urban and suburban dwellers. This Congress has shown it is willing to shell out about $290 million as a beginning for the SST, which will provide for the jetsetters to get from New York to a cocktail party in London in less time than my commuters can get from Asbury Park to New York City to work.

Mr. Chairman, I think we should support the committee, and go to conference with the other body, let each body work its will, rather than have the House now cave in and say we will let the other body work its will on us.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, would the gentleman not agree that even the SST jetsetters will have to wait in line like all other commuters when they get on the ground? Is that not true?

Mr. HOWARD. That is true.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I strongly oppose the amendment, offered by the gentleman from Massachusetts and I commend the gentleman from New Jersey for his eloquent statement.

This bill represents a major step forward in the long battle many of us have been conducting to enact something like an adequate program for Federal support of mass transit.

The level of funding is substantially higher than it has been in the past, and the procedure for obligating funds is simplified and streamlined.

It would be a tragedy if the excellent work done by the committee were to be upset in the House by the adoption of the Boland amendment reducing the amount of the 5-year program by almost $2 billion.

Even the committee bill calls for an average annual figure for mass transit of only $1 billion a year. This compares most unfavorably with the sums being spent annually on our highway program—running in the neighborhood of $4.5 to $5 billion a year.

While the committee has done a fine job on this bill and deserves to be supported by the House, I hope the day will come when the House will have a chance to consider a program that would provide a balanced transportation system for this country. Such an approach, I am sure, would result in a great increase in the funding for mass transit and a decrease in the funding for superhighways.

However, pending that bright day we must do the best we can under the present framework. In this case, that course calls for the defeat of the Boland amendment.

Mr. HOWARD. Mr. Chairman, it has been said that we are taking a bold large step for mass transit today. Let us not turn it into a modest tiptoe toward doing something for the urban and suburban commuters in this country.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in strong opposition to this amendment. I do not think the $5 billion provided in this bill is sufficient. I do not think the bill goes far enough toward meeting the ever-growing plight of mass transit systems of the metropolitan areas of this country.

I agree with everything that every mayor who appeared before our committee said, that $10 billion is needed in the next 5 years to meet the minimum needs of mass urban transit. But, Mr. Chairman, the $5 billion provided in the bill is a long step forward. Let us accept the bill as it is, with the $5 billion in it, let it go to conference. Let us consider this as a step in the right direction. But let us not take a step backward, which I think this amendment would do. I trust it will not prevail.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT).

(Mr. McFALL, at the request of Mr. BARRETT, was granted permission to extend his remarks at this point in the RECORD.)

Mr. McFALL. Mr. Chairman, I rise to express my support for H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, and to give another example of how the Federal urban mass transit program can be used, and has been used in my home State of California to preserve and improve a small privately owned bus system which would otherwise surely have perished, as so many other private mass transit companies have, in all parts of the country.

In October of 1967, the Department of Housing and Urban Development, which at that time managed the program, approved a grant in the amount of $54,733 to the city of Modesto to assist in financing a project consisting of the purchase of four new, modern, air-conditioned transit buses.

Bus service in this city of approximately 55,000 is provided by a private carrier, the Modesto Motor Bus Service. The new buses are owned by the city and leased to the private firm at a nominal rental. The firm serves over 200,000 riders annually.

If this new bus fleet had not been provided, transit service in this city would in all probability have been discontinued. The old fleet was obsolete, worn out, unreliable, and unsafe, and the private operator had no funds to replace them. As is usual in small cities, the bulk of the riders are in the lower income group and include to a large extent the very young, very old, and the handicapped.

For the private operator, the new fleet spelled lower operating costs and also presented the opportunity to attract new riders. This was out of the question with the old buses, whose unattractiveness actually repelled potential riders, and which were patronized only by those who had no alternative.

With the new fleet, transit service in the city presented riders with a "new look" and helped stabilize transit in the community. If this bill is passed, many other communities similarly situated can enjoy the same benefits.

Mr. Chairman, not only does California need this bill, America needs this bill, and I strongly urge its passage.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, one would think we are not providing any money for mass transit. The amendment which I offered provides $3.1 billion for mass transit. If we listen to the gentleman from New Jersey, the $3.1 billion is not a great deal of money. It is a great deal of money in my area of Massachusetts. I do not know about the area in New Jersey which the gentleman represents, but that is a great deal of money in my area.

When the gentleman says we are tiptoeing, I would say as a matter of fact we are taking a giant step. We are providing $3.1 billion. The amendment pro-

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vides a reduction of $1.9 billion. That is precisely what the Senate bill does.

Mr. Chairman, no one has worked harder in the field of mass transit than the distinguished Senator from New Jersey (Mr. WILLIAMS), and the gentleman from New Jersey knows it. Let me read from his testimony before the subcommittee chaired by the gentleman from Pennsylvania (Mr. BARRETT). The Senator says, and I direct the attention of the gentleman from New York (Mr. KOCH) to these remarks:

> I personally would have preferred the trust fund. However, without full support, without strong support in the Senate, without administration support, passage of such legislation would have been at best highly doubtful. But this bill which was passed by the Senate is an important step forward.

Mr. Chairman, $3.1 billion over the next 5 years is a substantial sum of money.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, if the gentleman had presented the figure at $5 billion, then there would be a difference between the House and Senate figures, and an agreement could be reached on any figure in between, but the gentleman has seen fit to make the figure identical with that of the Senate. Therefore, there would be no way to change it. If the bill goes to conference and some Member suggests, "Let us make it $4 billion" the answer would be, "Oh, no, that is against the rules." And it would be. It would be out of order.

Amendments exactly alike, as between the two Houses, mean there is nothing for the conferees to consider. This would in effect tie the hands of the conferees. If we wanted to have $4 billion we could not do it, because the rules would be against it.

The amendment happens to be exactly the same as the Senate amendment, and therefore there would be no difference in the conference to consider.

I suggest, Mr. Chairman, that we have a vote on this amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 64, noes 51.

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. PATMAN.

The committee again divided, and the tellers reported that there were—ayes 76, noes 52.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BOLAND: Page 10, strike out lines 3–7 and insert in lieu thereof the following:
>
> "SEC. 5. Section 12(d) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1608(d) is amended to read as follows: '(d) There are hereby authorized to be appropriated, without fiscal year limitation out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out the functions under this Act.'."

Mr. BOLAND. Mr. Chairman, the purport of this amendment is to fund by direct annual appropriations salaries and expenses, research and development, and demonstration grants. This is what this amendment does. I know of no other Federal program where administrative expenses and research are financed under obligational authority.

Mr. PATMAN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. BOLAND. I yield to the gentleman.

Mr. PATMAN. What are the other amendments the gentleman has, if he does not mind telling me? We are willing on this side to accept this one.

Mr. BOLAND. I appreciate the action of the gentleman from Texas, the chairman of the committee, in accepting this amendment.

It does provide for additional direct appropriations for salaries and expenses and research and demonstration grants, which procedure is followed in every other program of the Government.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Texas.

Mr. PATMAN. Will the gentleman tell us about the other amendments which he plans to offer?

Mr. BOLAND. This is the only amendment now pending. I have two other amendments which I will offer after we have voted on this amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. We have had an opportunity to go over your amendments and we see no disagreement on our side.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. BOLAND. Yes, I yield further to the gentleman from Texas.

Mr. PATMAN. If the gentleman will tell us what the other amendments are then perhaps we can expedite the consideration of them.

Mr. BOLAND. I would be delighted to tell the gentleman what they are after we vote on this amendment. I do appreciate the gentleman from Texas accepting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BOLAND: Page 14, after line 23, insert the following new section:
>
> "SEC. 11. Section 5316 of Title 5, United States Code, is amended by inserting the following after paragraph (129): '(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation.'."

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. BARRETT. The gentleman does have another amendment to offer, does he not?

Mr. BOLAND. Yes. The other amendment is designed to renumber the section.

Mr. PATMAN. Mr. Chairman, if the gentleman will yield further, I wonder if the gentleman would ask unanimous consent to consider them en bloc?

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that this amendment and the other amendment which I have pending at the desk be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment to be considered en bloc.

The Clerk read as follows:

> Page 14, line 24, strike out "SEC. 11." and insert in lieu thereof "SEC. 12.".

Mr. BOLAND. Mr. Chairman, amendment No. 3 provides for a Deputy Administrator for the Urban Mass Transportation Administration.

The Urban Mass Transportation Administration is currently engaged in administering projects that total over $600 million. There are over 100 communities participating in the conduct of these projects. If this bill, increasing the budgetary authorities, becomes law the program will escalate to a level of $850 million in new approvals during fiscal year 1971. This, then, will result in a total responsibility of approximately $1.4 billion in the current fiscal year. Virtually all organizations administering programs of this magnitude have a Deputy Administrator.

The Administrator of the Urban Mass Transportation Administration does have a problem in discharging tremendous responsibilities accruing to an individual who is accountable for administering a Federal program close to $1 billion. Managerial deficiencies within UMTA have been a concern of the current Administrator and in order to provide for a position that can assume some of the responsibilities for the day-to-day operations of this financial program, a Deputy is essential. Demands made on the Administrator require attention to forward planning, creation of program goals and targets, and generally plotting the future of the substantial program of financial assistance. At the present time, this single individual also is required to pay an inordinate amount of attention to the day-to-day operations of the program. The Administrator should be relieved of some of his day-to-day operating responsibilities to enable him to map a logical plan with respect to the overall direction of the program.

Amendment No. 4—This is a technical amendment renumbering section 11.

The last amendment which was read, amendment No. 4, is a technical amendment which just renumbers section 11.

Mr. Chairman, let me review the amendments that I have offered to the pending legislation.

The first of my amendments represents the results of careful review of the UMTA program since its inception from my position as chairman of the Transportation Subcommittee on Appropriations. It would have two effects.

The first and most obvious would be to lower the obligational authority set at $5 billion by the committee to the $3.1 billion established in the other body. While I realize that the need for mass transit facilities in our cities is very large indeed and sympathize with the desire of those who wish to get on with the job as soon as possible, I must point out that our investigation of the program in the Transportation Subcommittee makes it clear that the $3.1 billion requested by the Administration is a completely adequate figure, given the present state of readiness to proceed. This applies not only to UMTA itself which is even now a small agency of less than 125 people, but also to the cities. Their needs are obvious, but their capacity to meet them will have to be built carefully in the years ahead. It would simply not be realistic to ask UMTA to grow rapidly enough to manage prudently such a huge fund. We on the committee are doing our best to see that the agency is given sufficient personnel as quickly as it can absorb them, and I can assure the House that if it becomes apparent that the program is being starved for lack of funds there will be ample opportunity to make whatever adjustments will be necessary. We should keep in mind that we are talking here about a 5-year period with the Administration coming before the Congress for a review of the funding level every 2 years starting in January 1971.

The second amendment is largely technical but represents a sound budgetary concept with which Members of the House are all familiar. The bill as it now stands would establish contract authority for all aspects of the UMTA program, including the salaries of the employees and the money earmarked for research and demonstrations. The justification for the contract authority has always been the needs of the cities to make long-term plans and commitments on the assurance that the Federal funds will be there. Such needs obviously do not include salaries and expenses money, and research programs by their very nature should not require long-range funding. For this reason, I am proposing to amend the bill to limit the use of contract authority to capital grant and loan, relocation grant, and technical studies grant activities. All other aspects of the UMTA program would be subjected to the annual appropriations process and would give not only the Appropriations Committee but the Congress as a whole an opportunity to monitor the progress of this program consistent with our constitutional obligations. The language of the amendment accomplishes this by listing the relevant sections of the bill as exceptions from the contract authority provision. It makes clear that amounts appropriated for these activities so excepted will be charged against the total figure of $3.1 billion so that the obligational level established by the bill will not be changed.

My third amendment authorizes the administration to establish the position of Deputy Administrator for UMTA at the executive level V. I am informed that the Civil Service Commission and the Office of Management and Budget desire this additional authorization because there are no such positions now available in the executive pool. I think it is obvious that if we proceed to pass this bill and establish a funding level of the magnitude called for we must attract the finest management talent possible. When one considers that there were less than 60 people in the organization only 18 months ago, it is easy to understand why the management demands are changing enough to justify this additional position.

Mr. Chairman, let me emphasize that my support of this bill is not a general endorsement of long-term contractual authority as a financing mechanism. The report on the fiscal year 1971 Department of Transportation appropriation bill—House report No. 91–1115—states:

> The committee does not favor the granting of long term contractual authority by substantive legislation.

Urban mass transportation is a program which the committee should continue to review to assess its relative priority with other programs in the budget.

Mr. PATMAN. Mr. Chairman, our side will accept those amendments. We are acquainted with them. We are willing to accept them.

Mr. WIDNALL. Mr. Chairman, we will accept the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KOCH: Page 14, insert after line 23 the following:
>
> "SEC. 11. (a) The Secretary of Transportation is authorized and directed to make a comprehensive study of the needs of intercity and intracity mass transportation for the next fifteen years. Such study shall be made in cooperation with State and local public bodies and agencies thereof providing mass transportation service and shall include but not be limited to type and estimated cost of mass transportation development and other considerations as the Secretary may deem advisable.
>
> "(b) In formulating the needs study, the Secretary shall take into consideration alternative modes of transportation and provide relative cost estimates of mass transit projects and alternative modes of transportation.
>
> "(c) The Secretary shall submit a report of his findings to the Congress not later than January 1, 1972."
>
> Redesignate section 11 as section 12.

Mr. KOCH. Mr. Chairman, what I would like to do with this amendment is to bring some parity to our programs involving mass transit, and to do something for mass transit which is already being done for the highways and for the airports.

What do I mean by that? It is this: that there ought to be a comprehensive study of the country's mass transit needs. There is no such study mandated in our bill today. We already have had a study of our highway needs for the next 15 years, and a second report is due in 1972 under the Federal Aid to Highways Act of 1968. In addition, under the Airport and Airways Development Act of 1970, which we recently passed, there is a mandate to the Secretary of Transportation to submit an airport development plan and the estimated cost of airport development for the next 10-year period.

What this amendment would do would be to mandate a similar long-range, comprehensive study for mass transit. It does not appropriate funds for mass transit. It simply says:

> Let us have the facts relative to the needs of mass transit, as we already have said we must have with regard to highways and airports.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the gentleman for offering his amendment. I think it is a most constructive move. It seems to me that any step that will indicate the magnitude of the problem we face in mass transit, and will move us toward the day when we balance the transportation needs in this country and have some rationale for deciding whether we are going to spend our transportation dollars on highways or on mass transit, is a constructive move.

Mr. Chairman, I hope that the amendment will be adopted.

Mr. KOCH. Mr. Chairman, I thank the gentleman.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I just want to really commend the gentleman on his oratory. I have observed the gentleman each time he has appeared before our committee, and he does work exhaustively, and I would hope the Committee would give his amendment every consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have watched very carefully the record of the gentleman from New York (Mr. KOCH) ever since he became a Member of the House, and I wish to say that he is a very earnest Member, and is very sincere about what he is trying to do. I feel, however, that what the gentleman is attempting to do now is already being done, and this would only compound the action which is presently being taken.

The President has directed the Secretary of Transportation to conduct a study and report on the long-term needs of all phases of transportation, including urban mass transit needs. Putting this language into the law would just add, as I said before, a compounding study to that that is already being conducted. The

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study will be completed in 1972. Therefore I believe that the amendment should be defeated.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if it is time to decide if we can have an agreement on a final vote?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and on the bill, and all amendments thereto, close in 10 minutes.

Mr. WEICKER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. PATMAN. Mr. Chairman, I move that all debate on the bill and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was rejected.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 15 minutes.

PARLIAMENTARY INQUIRY

Mr. STANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. STANTON. Mr. Chairman, how many amendments are pending at the desk?

The CHAIRMAN. There are two amendments at the desk at the present time.

Is there objection to the request of the gentleman from Texas (Mr. Patman)?

Mr. HUNT. Mr. Chairman, I object.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 20 minutes.

Mr. WIDNALL. I think it could be settled before 20 minutes, if the pending amendments could be taken up. I do not think they are particularly controversial.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. Patman)?

There was no objection.

The CHAIRMAN. The Chair has noted the names of the Members standing at the time the unanimous-consent request was granted limiting the time to 20 minutes.

Does any Member whose name has been noted by the Chair desire to speak on the amendment offered by the gentleman from New York (Mr. Koch)? If not, the Chair will put the question on that amendment.

The question on the amendment offered by the gentleman from New York (Mr. Koch).

The question was taken; and on a division (demanded by Mr. Koch) there were—ayes 30, noes 47.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WEICKER

Mr. WEICKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weicker: At the beginning of page 14 insert a new section 9 and renumber the subsequent sections:
>
> "Sec. 9. The Secretary of Transportation shall conduct a complete study of the costs, benefits, and methods of acquisition, operation, and maintenance by the Federal Government of all railroad tracks, rights-of-way, signal and train control systems, and other fixed facilities. Such study to be submitted to the Congress within one year after the date of the enactment of this Act, shall include but not be limited to the following:
>
> "(1) appropriate methods of Government acquisition, whether by eminent domain or by voluntary sale, and the type of property interest (fee simple, easement, or otherwise) to be acquired;
>
> "(2) the capital cost of Government acquisition, including consideration of compensation to the railroad companies by Government assumption of bonded indebtedness related to the initial financing of facilities, and of State and local property taxes now assessed against rail carriers by virtue of their ownership of facilities;
>
> "(3) the relationship of the Government interest in rights-of-way to the continued ownership and development by present owners of property not needed for railroad transportation, including air rights;
>
> "(4) modes of operation by the Government of signal and train control systems, including the authority to determine rights of trains as between passenger and freight trains and as between trains of different carriers using the same line of track;
>
> "(5) the need for and feasibility of Government acquisition of such fixed facilities as yards, terminals, and stations in addition to tracks and signal systems, and the mode of operation by the Government of those facilities;
>
> "(6) establishment of regular maintenance and capital improvement programs to assure uniform, high standard track and to facilitate faster, more dependable service for both passengers and freight;
>
> "(7) establishment of standards governing the size, weight, and design of locomotives and cars which may be safely and expeditiously operated over given lines of track;
>
> "(8) funding of maintenance and capital improvement programs by means of a railroad trust fund, to be financed by user charges to rail carriers;
>
> "(9) assessment of such user charges against rail passenger carriers on an incremental basis on the assumption that well-maintained track, signal and train control systems, and other fixed facilities would be required for freight service even if no passenger service were provided;
>
> "(10) the need for supplements to the trust fund by appropriations from the general fund of the Treasury, in view of the urgent need for modernization of rail facilities and the continuing substantial outlays from the general fund for other kinds of transportation facilities;
>
> "(11) extension of franchises to existing and new carriers, both passenger and freight, over given lines of track not now operated by them, to provide better service and more competition and to allow for the fullest possible utilization of the most favorable and efficient routes;
>
> "(12) a rationalization of the existing rail plant to promote more efficient utilization, reduce the overall need for maintenance and capital improvement funds, and facilitate urban and metropolitan redevelopment."

Mr. PATMAN (during the reading). Mr. Chairman, I think the amendment has been read sufficiently to indicate that the amendment is not germane to the bill. I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PATMAN. The amendment relates to a type of transportation that is not under the Secretary of Transportation. The railroads are not under the Secretary of Transportation. They are not included in the bill. Therefore the amendment is not germane.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. WEICKER. Mr. Chairman, I rise in opposition to the point of order, and I point out that it is relevant to section 8 of the bill, which states as follows:

> Sec. 8. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

I think the subject matter of the amendment is very definitely part of this bill. What we are talking about is maintenance of rights-of-way as a system to study. There is no point in duplicating effort. If the Secretary can study one phase, he can study them both at the same time.

The CHAIRMAN (Mr. McFall). The Chair is prepared to rule. The amendment authorizes and directs the Secretary of Transportation to make a study of costs, benefits, and methods of acquisition, operation, and maintenance by the Federal Government of all railroad tracks, rights-of-way, et cetera, matter within the jurisdiction of the Committee on Interstate and Foreign Commerce. The bill reported by the Committee on Banking and Currency, H.R. 18185, relates to the financing of urban mass transportation. The amendment does go beyond the scope of the pending bill and is not germane. Therefore, the Chair sustains the point of order.

Are there further amendments to be offered? Are there further requests for time? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. McFall, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18185), to provide long-term financing for expanded urban mass transportation programs, and for other purposes, pursuant to House Resolution 1224, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. PATMAN. Mr. Speaker, I demand a separate vote on the so-called Boland amendment to subsection (c), commenc-

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ing at the bottom of page 7, and extending through line 19 on page 8.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Beginning with line 25, page 7, strike out everything through line 19, page 8, and insert in lieu thereof the following:

"(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000, less amounts appropriated pursuant to section 12(d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended."

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 55, noes 40.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 146, not voting 84, as follows:

[Roll No. 321]

YEAS—199

Abernethy
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Ayres
Baring
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Blackburn
Boland
Bow
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conte
Corbett
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frey
Fuqua
Galifianakis
Gettys
Goldwater
Goodling
Gray
Griffin
Gross
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Henderson
Hicks
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kazen
Kee
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lennon
Long, Md.
Lukens
McClure
McCulloch
McDade
McEwen
Mahon
Mann
Marsh
May
Mayne
Michel
Miller, Ohio
Mills
Mize
Montgomery
Morton
Mosher
Myers
Natcher
Nelsen
Nichols
Obey
O'Konski
O'Neal, Ga.
Passman
Pelly
Pettis
Pickle
Pike
Poage
Poff
Pollock
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Riegle
Roberts
Rogers, Fla.
Roth
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Ullman
Waggonner
Wampler
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Winn
Wyatt
Wylie
Wyman
Zion

NAYS—146

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Ashley
Barrett
Beall, Md.
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Carey
Clark
Clay
Cohelan
Collier
Corman
Coughlin
Cowger
Daniels, N.J.
Dent
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Halpern
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Tenn.
Karth
Kastenmeier
Keith
Kluczynski
Koch
Kyros
Lowenstein
McCloskey
McDonald, Mich.
McFall
Mailliard
Matsunaga
Meeds
Mikva
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Nix
O'Hara
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Philbin
Podell
Price, Ill.
Pucinski
Rees
Reid, N.Y.
Reuss
Rivers
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Sisk
Stephens
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Weicker
Whalen
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Yatron
Young

NOT VOTING—84

Abbitt
Adair
Albert
Andrews, N. Dak.
Annunzio
Aspinall
Betts
Bray
Brock
Brooks
Burton, Utah
Bush
Button
Cabell
Cederberg
Celler
Chisholm
Conable
Conyers
Cramer
Crane
Cunningham
Daddario
Dawson
de la Garza
Derwinski
Dowdy
Edwards, La.
Fallon
Farbstein
Feighan
Fish
Fisher
Foreman
Friedel
Fulton, Tenn.
Gilbert
Green, Pa.
Harsha
Hays
Hébert
Jonas
King
Kleppe
Landrum
Leggett
Lloyd
Long, La.
Lujan
McCarthy
McClory
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Martin
Mathias
Melcher
Meskill
Miller, Calif.
Mizell
Murphy, N.Y.
Nedzi
Olsen
Ottinger
Pirnie
Powell
Reifel
Robison
Roudebush
Scheuer
Shipley
Stuckey
Taft
Teague, Tex.
Tunney
Vander Jagt
Watson
Watts
Whitten
Wold
Zablocki
Zwach

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Brooks with Mr. Jonas.
Mr. Annunzio with Mr. MacGregor.
Mr. Cabell with Mr. Bush.
Mr. Fulton of Tennessee with Mr. Cramer.
Mr. Friedel with Mr. Taft.
Mr. Ottinger with Mrs. Chisholm.
Mr. McCarthy with Mr. Conyers.
Mr. Miller of California with Mr. McKneally.
Mr. Shipley with Mr. Andrews of North Dakota.
Mr. Murphy of New York with Mr. Robison.
Mr. Edwards of Louisiana with Mr. Crane.
Mr. Zablocki with Mr. Zwach.
Mr. Teague of Texas with Mr. Lloyd.
Mr. Landrum with Mr. Meskill.
Mr. Aspinall with Mr. Wold.
Mr. Leggett with Mr. Conable.
Mr. Celler with Mr. Button.
Mr. Long of Louisiana with Mr. Kleppe.
Mr. Daddario with Mr. Pirnie.
Mr. Albert with Mr. Cederberg.
Mr. Dowdy with Mr. Burton of Utah.
Mr. Fisher with Mr. Brock.
Mr. Nedzi with Mr. Fish.
Mr. de la Garza with Mr. Watson.
Mr. Melcher with Mr. Roudebush.
Mr. Watts with Mr. Derwinski.
Mr. Olsen with Mr. Vander Jagt.
Mr. Farbstein with Mr. Reifel.
Mr. Green of Pennsylvania with Mr. Mathias.
Mr. Feighan with Mr. Cunningham.
Mr. Tunney with Mr. Powell.
Mr. Stuckey with Mr. Martin.
Mr. Hays with Mr. Foreman.
Mr. Gilbert with Mr. Betts.
Mr. Madden with Mr. Bray.
Mr. McMillan with Mr. Harsha.
Mr. Whitten with Mr. Mizell.
Mr. Macdonald of Massachusetts with Mr. McClory.
Mr. Abbitt with Mr. Lujan.
Mr. Fallon with Mr. King.
Mr. Scheuer with Mr. Dawson.

Mr. SISK changed his vote from "yea" to "nay."

Mr. STAGGERS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 328, nays 16, not voting 86, as follows:

[Roll No. 322]

YEAS—328

Abernethy
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Arends
Ashbrook
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conte
Corbett
Corman
Coughlin
Cowger
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Lennon
Long, Md.
Lowenstein
Lukens
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Mahon
Mailliard
Mann
Marsh
Matsunaga
May
Mayne
Meeds
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zion

NAYS—16

Andrews, Ala.
Baring
Daniel, Va.
Flynt
Fountain
Gross
Hall
Hutchinson
Landgrebe
Montgomery
O'Neal, Ga.
Quillen
Rarick
Rousselot
Scherle
Schmitz

NOT VOTING—86

Abbitt
Adair
Albert
Andrews, N. Dak.
Annunzio
Aspinall
Betts
Bow
Bray
Brock
Brooks
Burton, Utah
Bush
Button
Cabell
Cederberg
Celler
Chisholm
Conable
Conyers
Cramer
Crane
Cunningham
Daddario
Dawson
de la Garza
Derwinski
Dowdy
Edwards, La.
Fallon
Farbstein
Feighan
Fish
Fisher
Foreman
Friedel
Fulton, Tenn.
Green, Pa.
Harsha
Hays
Hébert
Jonas
King
Kleppe
Landrum
Leggett
Lloyd
Long, La.
Lujan
McCarthy
McClory
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Martin
Mathias
Melcher
Meskill
Miller, Calif.
Mizell
Murphy, N.Y.
Nedzi
Nelsen
Olsen
Ottinger
Pepper
Pirnie
Powell
Reifel
Robison
Roudebush
Scheuer
Shipley
Taft
Teague, Tex.
Tunney
Vander Jagt
Watson
Watts
Whitten
Wold
Zablocki
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Brooks with Mr. Jonas.
Mr. Annunzio with Mr. MacGregor.
Mr. Cabell with Mr. Bush.
Mr. Fulton of Tennessee with Mr. Cramer.
Mr. Friedel with Mr. Taft.
Mr. Ottinger with Mrs. Chisholm.
Mr. McCarthy with Mr. Conyers.
Mr. Miller of California with Mr. McKneally.
Mr. Shipley with Mr. Andrews of North Dakota.
Mr. Murphy of New York with Mr. Robison.
Mr. Edwards of Louisiana with Mr. Crane.
Mr. Zablocki with Mr. Zwach.
Mr. Teague of Texas with Mr. Lloyd.
Mr. Landrum with Mr. Meskill.
Mr. Aspinall with Mr. Betts.
Mr. Leggett with Mr. Bow.
Mr. Celler with Mr. Button.
Mr. Long of Louisiana with Mr. Kleppe.
Mr. Daddrio with Mr. Pirnie.
Mr. Albert with Mr. Cederberg.
Mr. Dowdy with Mr. Burton of Utah.
Mr. Fisher with Mr. Brock.
Mr. Nedzi with Mr. Fish.
Mr. de la Garza with Mr. Watson.
Mr. Melcher with Mr. Roudebush.
Mr. Watts with Mr. Derwinski.
Mr. Olsen with Mr. Vander Jagt.
Mr. Farbstein with Mr. Reifel.
Mr. Green of Pennsylvania with Mr. Mathias.
Mr. Feighan with Mr. Cunningham.
Mr. Tunney with Mr. Powell.
Mr. Hays with Mr. Martin.
Mr. Madden with Mr. Foreman.
Mr. Fallon with Mr. Bray.
Mr. Pepper with Mr. Conable.
Mr. Abbitt with Mr. Lujan.
Mr. King with Mr. McClory.
Mr. Scheuer with Mr. Harsha.
Mr. Macdonald of Massachusetts with Mr. Wold.
Mr. McMillan with Mr. Nelsen.
Mr. Whitten with Mr. Mizell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 3154, to provide long-term financing for expanded urban mass transportation programs, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban mass transportation are imperative if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by—

(1) redesignating subsection (c) as subsection (e); and

(2) striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently, with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within thirty days thereafter the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturies of such loans adjusted to the nearest one-eighth of 1 per centum plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) Any State or local public body or agency thereof which makes applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall certify to the Secretary that it has held public hearings, has afforded adequate notice of such hearings, has considered the economic and social effects of the project for which applications for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. The notice required by this subsection shall include a concise statement of the proposal for which the application is made and may be published in a newspaper of general circulation in the State or locality to be served, and shall be published in the Federal Register, and for the purpose of this sentence the Administrator of the General Services Administration shall accept and publish any such notice. Hearings need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant economic, social or environmental interest in the matter requests a hearing. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

SEC. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended by—

(1) striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1969. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

SEC. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following sentence: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

SEC. 5. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that urban mass transportation projects for which Federal financial assistance is provided pursuant to section 3 shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy the Secretary shall consult with the Secretaries of Health, Education, and Welfare, Housing and Urban Development, and Interior and with the National Environmental Quality Council with regard to each such project that may have a substantial impact on natural resources including, but not limited to water and air quality, peace and tranquility, and fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest and that the environmental considerations identified at the hearing have been adequately dealt with in the project application. The Secretary shall not grant financial assistance under section 3 for any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located.

"(c) If opposition to any application for assistance under section 3 is raised in the hearing before the State or local public agency, or in any communication to the Secretary, on the grounds that the environment would be adversely affected by the project to which the application relates, the Secretary shall not approve the application, unless he finds in writing after a full and complete review of the record of such hearing and of the application, that (1) no adverse environmental effect is likely to result from such project, or (2) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct a hearing, including adequate notice to interested persons, on the environmental issue raised by such application. Findings of the

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Secretary under this subsection shall be made a matter of public record."

Sec. 6. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"Sec. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 1½ per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States, but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

Sec. 7. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of section 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607(c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

Sec. 8. This Act may be cited as the "Urban Mass Transportation Assisance Act of 1969".

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Patman moves to strike out all after the enacting clause of S. 3154 and substitute in lieu thereof the provisions of H.R. 18185, as passed, as follows:

That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that it is imperative, if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved, to continue and expand the Urban Mass Transportation Act of 1964; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

Sec. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section for a project located wholly or partly in a State in which there is a statewide comprehensive transportation planning shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within thirty days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. A grant agreement for construction of facilities under this Act may provide for forgiveness of the repayment of the principal and accrued interest on the loan then outstanding in lieu of a cash grant in the amount thus forgiven, which for all purposes shall be considered a part of the grant and of the Federal portion of the cost of the project. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within a period of thirty days thereafter (or, in a case where the comprehensive planning agency of the community (during such thirty-day period) requests more time, within such longer period as the Secretary may determine) the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b). Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased, which have maturity dates in excess of forty years.

"(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant—

"(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings

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unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

"(2) has considered the economic and social effects of the project and its impact on the environment; and

"(3) has found that the project is consistent with official plans for the comprehensive development of the urban area.

Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application."

Sec. 3. (a) Section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended—

(1) by striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of such Act, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000, less amounts appropriated pursuant to section 12 (d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary, after consultation with State and local public agencies, shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1970. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

Sec. 4. (a) Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out "1971" and inserting in lieu thereof "1972".

(b) Section 5 of such Act, as amended (49 U.S.C. 1604), is further amended by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

Sec. 5. Section 12(d) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1608 (d)) is amended to read as follows: "(d) There are hereby authorized to be appropriated, without fiscal year limitation out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out the functions under this Act.

Sec. 6. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"Sec. 14. (a) It is hereby declared to be the national policy that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets, in the planning, designing, and construction of urban mass transportation projects for which Federal assistance is provided pursuant to section 3 of this Act. In implementing this policy the Secretary shall cooperate and consult with the Secretaries of Agriculture, Health, Education, and Welfare, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and that the project application includes a detailed statement on—

"(1) the environmental impact of the proposed project,

"(2) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(3) alternatives to the proposed project, and

"(4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented.

"(c) The Secretary shall not approve any application for assistance under section 3 unless he finds in writing, after a full and complete review of the application and of any hearings held before the State of local public agency pursuant to section 3(d), that (1) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which a hearing has not been held before the State or local agency pursuant to section 3(d), or in which the Secretary determines that the record of hearings before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct hearings, after giving adequate notice to interested persons, on any environmental issues raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

Sec. 7. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"Sec. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made under section 3 on or after July 1, 1970, for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under section 4 (c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under section 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

Sec. 8. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED

"Sec. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting States and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons. Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a), and shall be considered for the purposes of all other laws to have been made under such section. Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 1½ per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

"(c) Of any amounts made available to finance research, development, and demonstration projects under section 6 after the date of the enactment of this section, 1½ per centum may be set aside and used exclusively to increase the information and technology which is available to provide improved transportation facilities and services planned and designed to meet the special needs of elderly and handicapped persons.

"(d) For purposes of this Act, the term 'handicapped person' means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected."

And renumber the succeeding sections accordingly.

Sec. 9. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

Sec. 10. The Secretary of Transportation shall in all ways (including the provision of technical assistance) encourage industries adversely affected by reductions in Federal Government spending on space, military, and other Federal projects to compete for the contracts provided for under sections 3 and 6 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602 and 1605), as amended by this Act.

Sec. 11. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

Sec. 12. Section 5316 of title 5, United States Code, is amended by inserting the following after paragraph (1929): "(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation."

Sec. 13. (a) Section 4(b) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "or contract" after the word "grant" in the last sentence thereof.

(b) Section 6(a) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "grant or" between the word "by" and the word "contract" in the second sentence thereof.

Sec. 14. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1970".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18185) was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Clerk may make any necessary corrections in punctuation, section numbers, and cross references in the engrossment of the amendment of the House to the bill, S. 3154.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 17538, HIGH-SPEED GROUND TRANSPORTATION EXTENSION

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1223 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1223

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17538) to extend for one year the Act of September 30, 1965, relating to high-speed ground transportation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

DAVID STARR WINS CONSERVATION AWARD

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the Long Island Press is one of the Nation's leading daily papers and has long advocated stronger Federal, State, and local measures to preserve our natural resources. Last week, Mr. David Starr, editor of the Long Island Press, received the highest honor' given to the mass media by the New York State Conservation Council.

I congratulate Dave Starr on this achievement and commend him for the outstanding leadership he has provided for a more effective conservation policy over the years. He is no newcomer to the environmental field having warned the readers of the Long Island Press for many years of the constant threat to their valuable recreational resources.

Mr. Speaker, the following article about Mr. Starr and the award he received appeared in the September 25 edition of the Long Island Press and I insert the text of the article at this point in the Record:

Press Editor Starr Wins Highest Conservation Award

Monticello, N.Y.—David Starr, editor of the Long Island Press, last night was awarded the highest honor given annually to the mass media by the 350,000 member New York State Conservation Council.

He is the first newspaper editor to receive the award from the 37-year-old council.

This is the second year in a row that The Press has won a conservation award from the council, which represents clubs and conservation-sportsmen's federations in all 50 counties of the state.

Thomas Macres of Patchogue, vice president of both the State Council and the Suffolk Conservation Council, presented the award last night at the council's annual convention at the Laurels Hotel.

The Press has done more fighting over the year for conservation," said Macres, "than any other newspaper in the metropolitan-Long Island area.

"That goes for battles to protect wetlands and uplands and against all forms of pollution, from Brooklyn to the Montauk Light House."

Macres told the awards audience of some of The Press conservation campaigns in the past year:

An expose revealing that more than 100,000 gallons of noxious, raw cesspool waste was being dumped into sandy ground directly over the purest portion of the Town of Southampton's only water supply—its underground water table. The series led to a storm of local protest and plans for an adequate sewage disposal plant are now on the drawing boards.

Another exclusive Press expose revealed that a sand and gravel operation along the island's North Shore was threatening salt water intrusion into the scanty underground water supply. The operation was also endangering the shoreline and ecological values in Long Island Sound. A roar of public protest followed the Press' revalations, and the program chewing away a beautiful cliffside facing the Sound is ended.

And another award-winning Press series detailed the story of giant Jamaica Bay, telling of its current polluted condition and what could be done to improve it. The stories alerted local residents in Queens and Brooklyn to the damage that could be done to the bay and New York City's only nature sanctuary by projected plans to extend Kennedy Airport's runways into the bay.

"And while the press under Starr's leadership was working on these and other big stories, it still found time and space to headline a battle for a tiny but vital 40-acre piece of wetland in Nassau County," Macres pointed out.

The state council's vice president noted that, over the years, The Press has won many national and local awards for its conservation stories and editorials, saying: "The Press probably holds more honors in the field than any other mass media organization in our area."

Macres ended his remarks by saying, "Starr fought for conservation when it wasn't fashionable, more than 20 years ago."

Starr has received conservation awards from the Suffolk Fish and Game Association, the Suffolk Conservation Council and the Hempstead Wetland Resources Council.

Since the state council is a member of the 50-state National Wildlife Federation, Starr's selection for the top state honor makes him an automatic contender for the federation's annual national mass media conservation award.

The state council is active in legislative matters concerning conservation, such as projected plans for nuclear power plants. It also serves as advisor to both state legislative committees and state conservation officers in addition to aiding its members' local battles in New York's 50 counties.

Besides this, the council holds summer workshops for teachers and summer sessions for students at a camp of their own.

HOUSE CONSIDERATION OF THE TRADE BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, I want to applaud the leadership on both the Democratic side and the Republican side for the action that they took late last week in deciding to postpone the consideration of the trade bill or the Mills quota bill until sometime after the recess that we must take for the election. I think this is perhaps the most important piece of legislation that this Congress and this House of Representatives has faced in the year since 1930. Never has there been a more important issue to be decided.

I hope when this bill does come to the floor, the leadership will unite with some of the rest of us and allow us to try to have an open rule or to vote down the previous question on the gag rule or the closed rule that has been voted out of the Rules Committee. It seems to me every Member of this body sought to have an opportunity to express his own opinion in the form of an amendment or other type of action on this most important and most controversial piece of legislation.

Mr. Speaker, while I am not one of those who believes that the newspapers are always right or the commentators are always right, I think on this bill there has been more unanimity of opinion that this bill is by and large a bad bill, and must be changed, must be amended, or must be defeated.

Mr. Speaker, I include at this point in my remarks some of the editorial opinion from the different news media around the country:

[From the Buffalo (N.Y.) Courier Express, July 23, 1970]

WHAT OTHERS THINK OF THE "MILLS QUOTA BILL"

WHAT'S THE SENSE OF HAVING ANY IMPORT QUOTA?

President Nixon and Congress need to be reminded that there was good reason for the 23-year-old General Agreement on Tariffs and Trade outlawing nontariff trade barriers, such as quotas, among its members, which include the United States. The policy of freer trade which the United States has been following for decades is in jeopardy if quota legislation in any form is enacted.

[From the Kalamazoo (Mich.) Gazette, July 24, 1970]

HIGHER TRADE BARRIERS UNWANTED FOR NATION

Expansion of U.S. trade barriers would provoke retaliation abroad, injuring those American companies which export. It would also inflate the prices of foreign goods sold here, making it even more difficult for the hard-pressed American consumer to find low prices for needed products.

The world has grown much too small for its leading industrial nation to try to live in economic isolation. The free trade policy the United States had pursued for four decades should be maintained, and any congressional attempt to revive the anachronistic quota system should not be permitted to succeed. Neither textiles nor any other industry should be given special trade protection.

[From the Hillsdale (Mich.) News, July 16, 1970]

THE TARIFF TRAP

The protectionist chorus is delivered with a fine, patriotic fervor. We're going to protect American jobs, say the high tariff forces. They don't mention that those jobs will be protected by forcing the American consumer to pay higher prices—to subsidize American companies unable to meet competition. . . .

There is room for hard negotiations to erase inequities. There is no room for tariff battles. They always end the same way—by strangling everybody.

[From the Buffalo (N.Y.) News, Aug. 27, 1970]

GOOD FREE-TRADE OMEN

The bulging trade surplus of U.S. exports over imports recorded in June and July is a happy economic omen. . . .

We would hope such considerations might slow the protectionist drive in Congress to restrict imports of textiles, shoes or other products. These trade figures suggest that most American producers are not in desperate need of artificial protection to compete in domestic markets, and that such restrictions, to the extent they trigger retaliatory actions abroad, can harm American exporters who are now doing fine selling American products in foreign lands.

[From the Pueblo (Colo.) Chieftain, July 24, 1970]

PROTECTIONIST WIND BLOWS HARD

America's trading partners, particularly the European Common Market, have warned they will restrict American imports if their goods are blocked from the affluent U.S. market. The fear now is that the protectionist wind in Congress could blow itself into another global trade war. We may have to rely upon a Presidential veto to curtail or stop such a development.

[From the Birmingham (Ala.) Post-Herald, July 17, 1970]

A BAD TRADE BILL

If this protectionist measure passes Congress, we fear it will bring the country more grief than benefit. . . .

Quotas on imports are considered dirty pool under international trade rules, and other countries are sure to retaliate. . . .

The highest cost, though, will be paid by the poor. Any way you slice it, a quota is a device for holding up or raising prices. This means the poor person in Birmingham or Mobile or Atlanta will have to pay more for a knit shirt or cheap shoes. . . .

If it can be proved that the shoe and textile industries really require protection to survive, a better way is to give them direct subsidies. This would be honest and out in the open, and the public would know the cost. Quotas to restrict imports hide the costs to the public, and put an unfair share on the poor.

[From the Rochester (N.Y.) Times Union, Aug. 4, 1970]

AMERICA SHOULD NOT REVERSE FREE TRADE POLICY

Under the proposed legislation, jobs gained by U.S. import quotas could be more than matched by jobs lost in exporting industries, if other countries retaliated as expected against new U.S. restrictions by raising their own tariffs or imposing import quotas.

The higher domestic prices caused by shutout of foreign price competition would be paid by American consumers, and would fuel inflation. And the good will built up overseas by the U.S. through its championing of free trade would be quickly dissipated if America stirred up a new "trade war."

[From the Columbus (Ohio) Enquirer]

UNITED STATES IN DANGER OF LOSING CONTEST FOR WORLD MARKET

It was in 1930 that Congress passed the Smoot-Hawley Act, a high tariff measure listing more than 1,000 import items. Foreign nations retaliated in kind. It deepened the Great Depression, the opposite effect from what was intended.

We cannot now place the whole economy in jeopardy merely to protect isolated economic interests. History provides the lesson.

[From the Colorado Springs (Colo.) Gazette-Telegraph, Aug. 16, 1970]

FREE TRADE MUST ENDURE

There never has been a war in which both sides did not suffer, and this would certainly apply to the kind of "trade war" that is threatened by the protectionist philosophy now gaining ground in Congress. . . .

For the United States of America to abandon its historic position as a champion on free trade for the sake of easing competitive pressures on its domestic economy would be woefully short-sighted. We are an exporting nation, selling more than we buy on the world market, and aiming to sell even more. We have more to lose than to gain if economic warfare fought with tariffs and other impediments to free trade should break out among our trading partners.

[From the Toledo (Ohio) Blade, July 31, 1970]

THE MISCHIEF CAUSED BY TRADE "EXCEPTION"

The Japanese export only 26 per cent of foreign textiles reaching American consumers. The House measure, if aimed primarily at Japan, is going to hurt numerous innocents.

The textile and shoe industries have felt some pinches during the past year resulting in production cutbacks. But they are hardly alone on that count. To make special adjustments for them when there is a serious question whether they have been truly damaged by competition is the kind of move that could set off a chain reaction throughout the free-world trading nations.

[From the Cleveland (Ohio) Plain Dealer, Aug. 21, 1970]

A BETRAYAL OF FREE TRADE

That is a bad, reactionary trade bill which Chairman Wilbur D. Mills, D-Ark., brought out of his House Ways and Means Committee. . . .

The bill would lay open to new quotas and other trade barriers dozens of other products—any product which American consumers found greatly to their liking. . . .

All that is bad news for consumers. High tariffs or quotas that keep out the rest of the world's wares reduce the range of goods from which the consumer chooses, and makes him pay higher prices in a monopolized or at least artificially rigged market. . . .

The President has indicated he would veto the bill if it widened its protectionist apparatus beyond textiles. We would support him if he vetoed this type of bill, which is a betrayal of U.S. free trade policy.

[From the New Kensington (Pa.) Dispatch, Sept. 5, 1970]

A Timely Warning

The new wave of protectionism is not confined to the United States. The 77-member General Agreement on Tariffs and Trade (GATT), which oversees most of the world's trading relations, recently called on its members to counterattack. The most effective way of resisting protectionism is to continue to press in the opposite direction, toward further reduction of trade barriers.

[From the Dayton (Ohio) News, Sept. 8, 1970]

Facts Undercut Protectionism

In recent months, however, American exports have picked up and are likely to pick up even more if inflation subsides. This improvement in the balance of trade ought to take a lot of wind out of the protectionists' poormouth argument.

[From the Tarentum (Pa.) Valley News, Sept. 11, 1970]

Dangerous Protection

Not only history but current evidence provides more reasons than ever for the House to reject emphatically the protectionist trade bill it is to consider soon.

[From the Flint (Mich.) Journal, Sept. 5, 1970]

Negotiation Jargon Gets UAW Boost

Much of the concern about establishment of import quotas has stemmed from the possibility of retaliation by nations hurt by American trade restrictions.

That there is another element of the issue worthy of consideration was emphasized by President Gustavo Diaz Ordaz of Mexico when he addressed a state dinner in his honor Thursday night in Coronado, Calif.

He warned that U.S. restrictions on international trade may imperil the economy of Latin America. . . .

This possibility is not to be taken lightly. Undermining efforts of our southern neighbors to achieve economic growth and political stability by restricting their export markets raises real dangers to our own well-being.

[From the Cumberland (Md.) Times, July 26, 1970]

Industries Ask Help From Foreign Imports

This cry for a return to protectionism after more than two decades of gradually liberalized international trade policy should not be heeded by Congress. There are other ways of averting serious harm to U.S. manufacturing companies.

[From the Dodge City (Kans.) High Plains Journal, July 20, 1970]

No Turn About Is Fair Play in Proposed Import Quotas Set up By Mills Bill Affecting Agriculture

We believe enactment of the Mills Bill would be a disservice to the people of this country in the long run, and that it would have immediate damaging effects on American agriculture. We certainly join with the national and state wheat grower groups, the National Council of Farmers Cooperatives, the American Farm Bureau Federation, and the American Soybean Association in opposing it.

[From the San Diego (Calif.) Union, July 24, 1970]

Protectionist Fever Rises: Free Trade Principle Must Endure

The United States is not alone in wrestling with the temptation of protectionism. Some of our major trading partners, notably Japan and the Common Market countries, have been yielding to the same defensive impulse to favor their own economies.

A firm stand by the United States on the principle of free trade can help persuade those nations that they are taking an unwise and perilous course. Congress can support that stand by keeping the trade bill within the limited bounds outlined by the Administration.

[From the Edwardsville (Ill.) Intelligencer, Aug. 19, 1970]

Threat of Protectionism

The House Ways and Means Committee has approved a new foreign trade bill which, if it becomes law, will almost certainly mean the European Common Market will put quotas on U.S. soybeans and soybean products. It could mean European and Japanese trade retaliation and what is commonly known as a "trade war."

For the American consumer this is likely to mean higher prices for clothing—and other products on which import quotas are placed. . .

Members of the House and Senate should take a new look at the improved U.S. foreign trade situation. They should not be stampeded into adopting protectionist law.

[From the Buffalo (N.Y.) News, Aug. 21, 1970]

Opening Japan's Economic Door

Japan still retains many such barriers to investment and trade, some of them not only unfair but illegal under international trade agreements. But instead of calling upon the administration for more vigorous diplomatic action to end these inequities, Congress is taking the narrow protectionist view by seeking to set up import quotas on certain items.

[From the New Kensington (Pa.) Dispatch, Aug. 20, 1970]

Perils of Protection

To maintain a genuine and stable prosperity, America must conduct a flourishing trade with other nations. But world trade is a two-way street. If we refuse to buy from others, if we raise tariff barriers against their products, they will not buy from us. Then, where are we? We will lose much of the foreign market that is essential to our economic well being.

[From the Lancaster (Pa.) Intelligencer Journal, July 29, 1970]

Protectionism Again?

There are some industries, undoubtedly, who have suffered real harm from foreign imports. But there are other ways of giving judicious help to those industries, preferable to heavy-handed restrictions on trade.

Congress, in reaching a decision, should remember the basic rule that legislation should be in the national interest—the public at large should be the first concern, rather than the special interests of those groups who would benefit by restrictive trade barriers.

[From the Erie (Pa.) Times, July 26, 1970]

Preventing a Trade War

The regressive foreign-trade bill fashioned by the House Ways and Means Committee would, as the President said, cause an international trade war.

[From the Enid (Okla.) Eagle, July 20, 1970]

Trade World Quotas

Trade wars have often been responsible for "hot" wars. It would seem that industrial nations would have long since learned that world trade, either through reciprocal agreements or freer trade policies, is the better way to compete in merchandising products. Evidently the lesson remains unlearned.

We would hate to see the trade world turn isolationist. But the trend is in that direction.

[From the Chicago (Ill.) Daily News, June 22, 1970]

Imports and Living Costs

Restrictions on such imports would result in retaliatory measures against American exports, especially agricultural products, and increase the average family's outlay for clothing as well as shoes.

[From the Syracuse (N.Y.) Herald-Journal, Aug. 25, 1970]

Protect the Consumer!

Our senior senator, Jacob K. Javits, doesn't like the new trade bill approved by the House Ways and Means Committee, due for House consideration next month, and said so.

He directed his ire, particularly, to the freeze on oil imports and the requirement the President limit imports when U.S. industries proved to the U.S. Tariff Commission they were being hurt.

Sen. Javits warned:

"Recent events have made it clear that a President can and will use trade policy for domestic political ends" and described how quotas already are increasing consumer prices in steel, oil and beef. He pointed out the following:

Steel—Since adoption of "voluntary" restraints the price per net ton of steel jumped from a pre-quota $131.76 in 1968 to $140.84 on July 3, 1969, then to $156.26 on July 2, 1970—a percentage gain in excess of the increase in the wholesale price of all commodities.

Beef—Rib roast in one New York grocery chain increased from 99 cents per pound in 1960 to $1.49 per pound in 1970. Hamburger in the New York-Northeastern New Jersey area rose from 49 cents a pound in 1960 to 88 cents in 1970.

"The import of second grade beef is strictly controlled and it is clear that the increases in the prices of such beef have increased far more rapidly than has the consumer price index," Javits said.

Oil—The recent report of the President's cabinet task force on oil import controls estimated that in 1969 alone consumers paid $5 billion more for oil products than they would have paid in the absence of import constriction.

"This linkage between import quotas and higher prices underlines the danger of passing rigid quota legislation at the same time inflationary pressures remain high," Javits said. "Such quota legislation could make it more difficult to bring such inflationary pressures under control."

[From the Binghamton (N.Y.) Press, July 22, 1970]

How About the Consumer?

American industries that can demonstrate injury from imports are supposed to be able to get necessary help from the Federal Government in making an adjustment. By all accounts this procedure never has worked as well as it should.

It would be preferable to try and improve it, rather than to move in the direction of extending more special protection against import competition which, in the end, will hurt consumers and those who produce for export.

[From the Dayton (Ohio) News, July 28, 1970]

Trade: Card Game

Foreign trade is like a card game played with different suits. We slap down protective

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quotas on imports of shoes and textiles. The common market will trump us with a tax on their imports from us, particularly soybeans which are America's biggest export to Europe.

The market bloc with a surplus of fats would be delighted for the chance to keep American soybeans out of their countries. If we go protectionist, their protectionist position is much more defensible.

[From the Dayton (Ohio) News, July 23, 1970]

NIXON IS RIGHT

President Nixon has warned Congress not to give him a heavily protectionist trade bill, and congressmen ought to have the good sense and the responsibility to heed the warning.

President Nixon, who primed the protectionist fever during and after his campaign by saying textiles presented a "special case," at least seems aware of how self-destructive the potential flood of import quotas can be for the United States.

[From the Olean (N.Y.) Times-Herald, July 24, 1970]

NONE CAN WIN

The best interests of the United States lie in getting other nations to reduce their trade barriers rather than erecting new ones of our own.

Everyone would suffer if a chain reaction of curbs and countercurbs strangles world trade and shrinks output and the number of jobs everywhere, and that is the ultimate threat of economic isolation, a rough road the world's traders have traveled before.

[From the Joliet (Ill.) Herald-News, May 14, 1970]

THE FREE TRADE PRINCIPLE

Foreign goods find a ready market when they are of a quality equal to home-produced goods but cost less. This is the kind of competitive challenge to our industry that works ultimately to the benefit of the buying public. In the long run it is the shopper who suffers when restrictions are placed on the free flow of goods in the marketplace.

[From the St. Paul (Minn.) Dispatch, Jan. 24, 1970]

HELPING OUR FOREIGN TRADE

But continued expansion of America's foreign trade is vital to a healthy national economy. It is important for American consumers and for labor.

[From the Cincinnati (Ohio) Enquirer, Feb. 9, 1970]

THE NEED FOR A NEW TRADE ACT

For the sake of building a more prosperous and stable world, the President vitally needs authority from Congress to deal effectively with U.S. interests in world trade.

[From the Napa (Calif.) Register, July 20, 1970]

PROTECTIVE WALL FOR AMERICAN BUSINESSES

History does not lend its support to the solution being considered by Congress. Therefore, we believe industry and government should use all their ingenuity and vaunted "know how" to find other means to meet the situation before making an effort to turn the clock back to 1930.

[From the Journal of Commerce, June 23, 1970]

A NEW PERSPECTIVE

It is of more than passing interest that on the day Britain's Labor Government was voted out of office many of the more astute political commentators in London were ascribing its surprising downfall to a revolt among British housewives against soaring living costs. . . .

Congress would do very well as this point to study the impact of public wrath over rising prices on the outcome of last week's elections in Britain. It should certainly do so before voting new import curbs that could only mean further price increases here. The old argument that such curbs are necessary "to protect the American standard of living" won't do any more. Any citizen who has observed the effect of the oil import quotas on his own standard of living knows better. And elections, after all, are less than four months away.

[From the Fresno (Calif.) Valley Labor Citizen, July 24, 1970]

TRADE RESTRICTIONS

The new restrictions will bring retaliatory measures that will hurt Americans doing business overseas. The end result will be less competition, higher prices and economic woes.

[From the San Leandro (Calif.) News, July 25, 1970]

THAT OLD BUGABOO, THE TARIFF, AGAIN

Pressures are growing in Congress for restrictive trade policy laws which would literally "move back the clock" by decades. . . .

The protectionist way is tempting, particularly to politicians serving local vested interests. . . .

[From the St. Louis (Mo.) Post-Dispatch, June 30, 1970]

INVITATION TO ANARCHY IN TRADE

The way to remedy disparities caused by high levels of American wages and living conditions is not by opening Pandora's Box of tariff protection or quotas for a single industry.

Subsidizing noncompetitive American producers would help maintain the international trade structure, but it would tend to discourage efficiency in domestic industries. Still there ought to be a way, perhaps along the line of methods being used by Mr. Nixon in shoes, to provide reasonable help to disadvantaged American producers; other countries do for their industries. But we see more harm than good resulting from passage of the Mills bill.

[From the Memphis (Tenn.) Press-Scimitar, July 27, 1970]

TRADE-THREAT BILL

Such restrictinos on trade as the Ways and Means Committee is proposing are bound to lead to serious setbacks for American exports, which have been increasing in recent months. This would add to the overall deficit in U.S. dollar exchange (the balance of payments) with the rest of the world.

This bill, if enacted, could cost many American workers their jobs, because of the loss of export markets, and it certainly would lead to price increases for U.S. consumers—thus enlarging, instead of lessening, the inflation problem.

World trade is a two-way street. Congress is threatening the whole economy by trying to make it one-way.

[From the Mamaroneck (N.Y.) Times, July 22, 1970]

PROTECTIONISTS ON NOTICE

The inflation would arise from the higher domestic prices that would be protected—and encouraged—by the erection of trade barriers against competitive imports.

The President's distaste for quota systems is well grounded in an awareness of the disastrously self-defeating consequences of protectionist binges and trade wars throughout modern history.

[From the Newark (N.J.) Evening News, July 8, 1970]

CURBING TRADE

Free trade has been the goal and the policy of this country since the 1930's, and the free world's general economic advancement in that period has been based largely on a lowering of barriers to international commerce. Congress should resist any move to reverse that trend.

[From the Buffalo (N.Y.) Courier Express, Aug. 13, 1970]

TRADE BILL "SWEETENED" BUT NOT FOR CONSUMER

But even if the present bill, with all its contradictions, should be more acceptable to the White House, it will poorly serve the vast majority of Americans, who pay the bills in the nation's stores.

[From the Alexandria (La.) Daily Town Talk, July 23, 1970]

A GLOBAL TRADE WAR

The fear now is that the protectionist wind in Congress could blow itself into another global trade war.

[From the Wheeling (W.Va.) News-Register, July 29, 1970]

CONSUMERS' STAKE IN TRADE POLICY

The best trade policy would be one that promotes expansion of total trade rather than contraction. Restricting imports may seem to benefit workers in a particular industry from foreign competition but we must remember what it does to them and all Americans in their role as consumers. After all, while some are producers we all are consumers. . . .

Industries which can demonstrate actual injury from imports do and should continue to receive Government aid in adjusting to conditions. But we should not approach this problem by restricting competition from imports. To do so would be to injure the interest of consumers in competitive prices, and the broad national interest in expanded world trade.

Congressmen must view the proposed quota legislation on the basis of what is best for all Americans and not simply from the standpoint of special economic interests in their own districts.

[From the San Jose (Calif.) Mercury, July 17, 1970]

FREE TRADE POLICY ON WAY OUT?

The consumer suffers from trade barriers. Not only is he denied the opportunity to buy imports but some domestic concerns, unworried by foreign competition, may not work as hard to hold prices down.

If some businessmen gain from restricted trade, many others suffer. The U.S. still exports more than it imports. Quotas and other restrictions invite retaliation from abroad. A trade "war" affects not just dollar income but the whole fabric of international relations.

[From the New Orleans (La.) Times Picayune, July 17, 1970]

TRADE PROTECTIONISM POSES PROBLEMS

It is beyond arguing that American labor and factories should be safeguarded against dumping of foreign products on the domestic market. Yet stretching of basic protection into an elaborately restrictive policy fosters the very Balkanization this nation has worked so assiduously to lower or eliminate.

[From the Albuquerque (N. Mex.) Journal, July 18, 1970]

Quotas Threaten Economy

The House would be ill-advised to take the narrow viewpoint espoused by the protectionist, a viewpoint which could lead to economic disaster.

[From the New York (N.Y.) Post, July 27, 1970]

Averting a Trade War

The bill reported out by the Ways and Means Committee would reverse 37 years of progress toward free trade and would plunge the fragile entente between the U.S. and its partners into a bitter trade war. The very consumers whom the protectionists backing the legislations purport to be representing would in fact be the ultimate victims of such a global competition.

[From the Dayton (Ohio) News, July 31, 1970]

Through the Nose

The congressmen could be more honest about their intentions by forgetting the quotas, billing taxpayers directly for the money, and turning it over to the textile, shoe and oil industries.

[From the Erie (Pa.) Times, Aug. 13, 1970]

Higher Prices

One immediate result of a catch-all tariff bill—of the kind now being put together in Congress, with help from lobbyists representing both industry and labor unions—would be higher prices for any number of items. . . .

We hope the tariff bill is defeated in Congress. If not, we hope the President vetoes it.

[From the Springfield (Mo.) Leader & Press, July 20, 1970]

Quotas Aren't the Answer

What our government must remember, however, is that the consumer has a stake in this, and that the consumer is not an isolated industry, not a few thousand employes, but that every American is a consumer. It would be unfair to assess all our people to carry an industry that cannot meet competition, except on emergency basis. . . .

To aid and strengthen a temporarily troubled industry, yes; to solve its problems, whatever their nature, and afford permanent protection, no! Quotas are not the answer!

[From the Little Rock (Ark.) Gazette, July 21, 1970]

A Dangerous Game in Trade Restriction

The proposed new legislation is directly contrary to the spirit of the heralded Trade Expansion Act which Wilbur Mills and his committee wrote into the law early in the last decade. . . .

Arkansas is a great agricultural state and if the United States should blunder into a trade war damaging to our agricultural exports, the Arkansas economy might very well lose more than it would gain in both the long and short term.

The Ways and Means amendments to the foreign trade bill must not be allowed to stand as they are.

[From the Chickasha (Okla.) Express, July 20, 1970]

Import Quotas Cut Two Ways

But it can be shown that import restrictions also hurt consumers, particularly those with low incomes. . . . Perhaps not a door but a box, a Pandora's box, has been opened.

[From the Pittsburgh (Pa.) Post Gazette, July 22, 1970]

Removing a Menace to World Trade

The chief objection to the import quotas prescribed by the House Ways and Means Committee is that they would not remedy the ills of ailing domestic industries. As Mr. Nixon has suggested most foreign trade analysts agree that import quotas are cumbersome and ineffectual instruments for enhancing domestic prosperity. Their primary effect on the U.S. economy would be a sharp rise in consumer prices. Even more devastating would be their impact on international relations.

[From the Miami (Fla.) Herald, June 7, 1970]

Free Trade Still the Best

The advantages of freer trade to Americans are so obvious that a reversal of this 35 year old policy seems unthinkable. Yet Congress is under rising pressure from labor union spokesmen as well as business groups to slap quotas on imports.

[From the Baltimore (Md.) Morning Sun, Sept. 1, 1970]

Bad and Good

The main push of the Committee bill is, however, for quotas—fixed quotas on textiles and shoes, variable quota authorizations on practically everything else. If enacted, such a bill would interrupt 35 years of freer trade for the United States. Without the quotas, but with repeal of ASP it would affirm and fortify that record.

[From the Newark (N.J.) News, Sept. 6, 1970]

Worried Neighbor

Mr. Diaz Ordaz' speech can serve as warning of the reaction to be expected from the United States trading partners if the swing to self-defeating protectionism both in and out of Congress persists.

[From the Tarentum (Pa.) Valley News, Sept. 5, 1970]

A Timely Warning

The Mills bill caters to so many special interests—Congressional, industry and labor—that it fails the people as a whole. It should be voted down by the House.

[From the Toledo (Ohio) Times, Sept. 1, 1970]

Take Back Your Protectionism

* * * a voluntary agreement that works can set an example for other industries and obviate legislative import controls which would invite retaliation by other countries and touch off a potentially disastrous trade war.

[From the Evansville (Ind.) Press, July 25, 1970]

Trade-Threat Bill

This bill, if enacted, could cost many American workers their jobs, because of the loss of export markets, and certainly would lead to price increases for U.S. consumers—thus enlarging, instead of lessening, the inflation problem.

[From the Wall Street Journal, July 16, 1970]

Voting for Trade War

Any protectionists who think the trade picture can be improved by curbing imports are kidding themselves; Common Market countries, for instance, are already deciding which U.S. exports to attack.

Likely targets include U.S. farm products, which account for a sizable share of America's exports. . . .

Meanwhile, right here at home, the quotas guhrantee higher prices for consumers, as well as reduced choice in the market. Willy-nilly, whatever their ability to pay, they will be compelled to subsidize a lot of businessmen.

[From the Wall Street Journal, July 28, 1970]

Quotas and Prices

Markets are seldom perfect, but they do still reflect the interaction of demand and supply. If quotas restrict supply and demand remains about the same or increases, the upward pressure on prices is inescapable.

If this were not true, if domestic producers had no fear at all of being undersold by imports, why on earth would any of them be interested in quotas? Try as they will, protectionists will never succeed in selling quotas as a blessing for consumers.

[From the Journal of Commerce, July 7, 1970]

Sweeteners for Import Quotas

Perhaps we are optimistic, but we don't think the public is all that dumb. We don't think the people or the more efficient industries in this country have many illusions of the purpose of import quotas. It is not to lower prices; it is to raise them. It is not to give people a greater choice in the markets; it is to narrow it. It is not to roll back price inflation, but to free it of one of the major influences that restrain it a little today.

[From the Journal of Commerce, July 15, 1970]

The Price of Protectionism

Officials of the European Economic Community are making little secret of what their reaction will be if Washington applies import quotas to textiles and footwear. They are hinting very broadly at the likelihood that their counterblow will fall on their own imports of American soybeans. . . .

It is worth noting that, although it came in a poor second to the United States, Mainland China was EEC's largest alternate supplier of soybeans last year. . . .

If the EEC countries and Japan manage to reduce substantially their imports of American soybeans it is only logical to expect that these stocks will start building up again under government loan programs.

This would mean, in effect, that the government would be picking up the bill by paying subsidies not to the textile and footwear manufacturers who assert they are being forced to the wall in their own markets, but to the soybean producers and exporters who have been making out quite well.

Does it make sense to blight one group of producers as the price of bailing others out of their competitive difficulties? If it does, we fail to see just how.

[From the Journal of Commerce, July 21, 1970]

The Trade Policy Showdown

Mr. Nixon may feel Congress won't give him a bill so bad that a veto is unavoidable. Where he is running a risk is in the danger that the bill he receives won't be bad enough to draw a veto, but will be bad enough to set American trade policy back a long way.

[From the New York Times, May 12, 1970]

Threat to Liberal Trade

To prevent a dangerous reversal of the liberal trade policies that have served this nation well for more than three decades will demand all the determination not only of Administration spokesmen and consumer-minded Congressmen but of those business and labor groups who depend on foreign trade for their livelihood.

[From the New York Times, Sept. 21, 1970]

A Reactionary Trade Bill

Giving the President discretionary power to suspend quotas may actually worsen the legislation by making it even more discrim-

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inatory. This form of bilateralism and special dealing could lead to a form of economic racism, since the 'national interest' clause is more likely to be invoked to exempt European countries from quotas than Asians or Africans. Poor countries striving to develop their exports would also be hurt by a quota system based on past shares of markets. . . .

Opponents of this protectionist bill will be serving the country's interest by making a hard fight against it in both House and Senate. If it can be put off until the next session of Congress, reason may yet return—even to groups now prepared to act against their own interests, in much the same way that farm, labor and business groups did forty years ago.

[From the New York Times, July 16, 1970]

LOOMING TRADE WAR

There is growing danger that the protectionist drive in Congress will ensnarl the United States in a trade war with the European Common Market and create grave problems for future relations between the world's two most important trade areas. Even more broadly, if protectionism takes command in this country, it could initiate a world-wide disruption of trade capable of threatening prosperity in many countries.

[From the New York Times, July 5, 1970]

TRIGGER FOR PROTECTIONISM

Quota protection would not even serve the long-term interests of the industries and workers being protected. This point receives strong documentation from the detailed report of the Nixon Administration's own interagency task force report on the shoe industry. The task force found that high-fashion shoe imports from Italy and Spain, far from damaging domestic producers, have stimulated the growth of the shoe market as a whole in this country. Without the style stimulus injected by the European imports, the task force concluded, the over-all shoe market might be cut in half.

[From the New York Times, June 28, 1970]

AVOIDING A TRADE WAR

The Administration might well be "reluctant" to adopt mandatory quotas. For one thing, they put the United States in violation of the General Agreement on Tariffs and Trade. For another, they will almost certainly provoke retaliation against the United States bv Japan and other countries hurt by American quotas. And they are sure to intensify problems of domestic inflation.

[From the Wall Street Journal, June 24, 1970]

NOT IN THE REAL WORLD

Higher tariffs, despite their other drawbacks, would spur foreign producers to reduce their costs and prices so that they could hold or expand their share of the American market. Under quotas they would have no such urge.

With the supposed intent of protecting domestic jobs, quotas would to some extent deaden the motivation of domestic industry. Whatever the effect in the U.S. market, this would not do much to prod the industry into new markets abroad.

[From the Tucson (Ariz.) Citizen, July 25, 1970]

DON'T IGNORE THE BATTLE AGAINST FOREIGN IMPORTS

Once quotas are established for textiles and footwear, how long will it be before other American industries are claiming equal protection? . . .

In the long run, protectionism works to the detriment of all.

Driving efficient producers from world markets only serves to drive up the prices of the products in question. The majority is made to suffer for the benefit of the few—the inefficient producers. . . .

The only times the national spotlight focuses on the drab issue of international trade are when it precipitates major economic crises. Too bad, because it is vital to the nation's future economic health that the protectionist be kept on a short rein.

This nation cannot afford economic isolation any more than it can afford political and diplomatic isolation.

[From the Washington (D.C.) Post-Times-Herald, July 20, 1970]

VETO THE TRADE BILL

If enacted unchanged, the Mills bill drafted by the Ways and Means Committee will make a major contribution to inflation. It will chill prospects for continued expansion of world trade. It will abuse the interest of many trading partners among both developed and less developed countries.

[From the Washington (D.C.) Star, July 22, 1970]

FOREIGN TRADE

Many mundane arguments can be marshaled in support of free trade—more jobs, efficiency through competition, a hedge against inflation, and a more peaceful international community. All this is important, but in these times of self-doubt and division it is equally important to recall the excitement of free trade as a doctrine. Free trade is as American as the ideal of an ever-beckoning frontier. Free trade was inspired, and has since been sustained, by those hardy innovators who enjoy the constant challenge to do something different, bigger or better. And without this kind of creative restlessness mankind would still be getting by on nuts and berries.

PROTECTIONISM VERSUS FREE TRADE

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, I join with the previous speaker who addressed the House in asking that consideration be given to an open rule or at least to defeat of the previous question to open up and pave the road for an open rule.

Mr. Speaker, I intend to revise and extend my remarks today and to include with my remarks a chronological history of the trade and tariff actions of the Congresses of the United States since the very first Congress in 1776. I find that in most of the instances when I discuss trade and tariffs or protectionism or free tradism, call it what you will, I find there appears to be a very serious lack of knowledge, if not downright ignorance, of the history of trade and tariff actions of the Congresses of the United States.

Apparently there are a few in the Congress—and sometimes I am very fearful that this few in the Congress have very strong influence with a great number of Members—who have led Members to believe this Nation has climbed to its peak of progress and prosperity and influence on a policy of trade that is akin to the policy that we have today. Nothing is further from the truth. Had we adopted the kind of trade policies we are living under today, we might well be one of the nations that would be receiving aid from successful nations, rather than being the nation that is giving aid to the unsuccessful nations.

The real story of our trade history follows:

U.S. TARIFFS AND CHANGING CONDITIONS

In 1776 Adam Smith, a professor of moral philosophy at the University of Glasgow, published a revolutionary book on economics which he named "Inquiry Into the Nature and Causes of the Wealth of Nations."

Prior to this date, economic thinking had been dominated by a theory called "mercantilism." The central concept of mercantilism was that a nation is prosperous in relation to its money supply. One method of increasing the money supply was to expand exports and limit imports, thereby inducing an inward flow of gold and silver bullion. This required a host of regulations and restrictions inside the country, as well as at the borders, and swarms of enforcing agents.

Adam Smith in his "Wealth of Nations" developed a new concept. He declared that wealth comes from goods and services freely exchanged rather than from the money supply. His book introduced the idea of competition as the effective regulatory force in "free" economic society. Complete freedom of trade between different areas and different countries was a natural extension of his ideas of division of labor and competition.

The "Wealth of Nations" had a great influence upon the young patriots struggling to build a new nation out of the 13 American colonies. Alexander Hamilton was one of the first Americans to obtain a copy. Thomas Jefferson and James Madison refer to it frequently in their letters. Its ideas are constantly reflected in "The Federalist Papers."

By the close of the Revolution the prevailing opinion in America was in favor of free trade. This was a logical part of the general determination to promote "freedom"—freedom of speech, religious worship, assembly, and the other principles of personal freedom established by the Constitution and the Bill of Rights. Many of the principles set forth by Adam Smith were incorporated in those documents and in the constitutions of the individual States. They committed this country to the system of free, private, competitive enterprise.

But it is important to realize that many of the staunchest supporters of free trade, including Hamilton, appreciated the practical limitations of the theory. They saw that free trade can succeed only when applied within the boundaries of a community ruled by substantially the same laws. In this famous "Report on Manufacturers," presented to Congress in 1790, Hamilton strongly urged protective tariffs on manufactured products in contrast to his endorsement of free trade at home. He was apparently convinced that the free-trade area set up within the United States could develop its full potential only if protective tariffs were used to defend it against economic exploitation by other nations. Thus, he proposed tariffs to defend free trade within our own free markets.

Hamilton argued that the United States could attain a better balanced, more stable, more sustaining economy, better balanced for defense and national security, under a system of protective tariffs. He was concerned with the fact that the United States might remain a raw material supply area for Great Britain, as the Colonies had been, making them fully dependent upon the mother country for all manufactured goods. He wanted diversification for the Nation, just as many private enterprises today seek stability through diversification.

TARIFFS FOR REVENUE

The Colonies, however, had long been exposed to galling commercial restrictions imposed by Great Britain in her pursuit of the old mercantile theory, so that the newly established States had determined to keep government to an absolute minimum. They looked with disfavor upon the idea of import duties as unnecessary government interference. Hamilton's very able arguments were not sufficient to change the national thinking about protective tariffs. Nevertheless, almost the first act passed by Congress was a tariff law. It established duties on indigo, iron, wood, paper, leather, and even on tobacco and cotton. This tariff act was established as a revenue measure. In fact, up until the income tax law in 1913, import duties were the chief source of Federal revenue. In the 25 years from 1791 through the end of the War of 1812, Congress passed 24 different tariff acts. These merely modified rates, changed administrative procedures, or developed new classifications. Rates were, in general, fairly uniform on all commodities and it is estimated that less than 5 percent of all imports were on the free list. Collected duties appear to have been about 12.6 percent of the value of imports.

PROTECTIVE TARIFFS

The War of 1812 taught the new country many costly and bitter lessons. The war was the culmination of an attempt by Great Britain to drive American shipping from the seas and make the young republic entirely dependent upon Europe for manufactured products in exchange for raw materials. Because trade was interrupted during the war, it was necessary to establish manufacturing essential to the war effort and to civilian needs. This convinced the majority of the American people of the soundness of Hamilton's tariff principles which stimulated domestic growth of industry. Even Jefferson, who earlier had dreamed of worldwide reform in the name of free trade, changed his views. At the end of the war the new administration under James Monroe, a loyal follower of Jefferson, completely revised the tariff laws, stressing "protection" as the primary objective since many new industries, established during the war, could not compete at home with large European manufacturers.

Daniel Webster—who had, in 1824, thundered against the "obsolete and exploded notion of protection"—carried the day for high tariffs in 1828. Between 1812 and 1832 successive laws raised the general level of duties to some 45 percent of the value of all imports.

This move toward high tariffs was not uniformly applauded. The southern section of the country was much concerned since its economy depended largely on the export of tobacco and cotton in exchange for manufactured products from England and Europe. There were threats of nullification and secession in some of the Southern States.

This conflict of interest resulted in a policy of compromise sponsored by Henry Clay. His bill, passed in 1833, called for gradual reduction of all duties exceeding 20 percent, to be accomplished within 10 years. The experiment in compromise failed. By 1837 tariffs had been reduced to an average rate on dutiable goods of about 30 percent; and, of course, the average rate on all imports was much lower since many items had been put on the free list. As a result of the program of tariff reduction, the revenues collected were no longer sufficient to meet Government expenses. Moreover, the Nation's first great depression began in 1837. As a result of these circumstances, there was considerable agitation to increase tariff rates. Congress passed a new law in 1842 returning substantially to the tariff levels of 1832. Under the new act, revenues increased so that by 1846 they were in excess of Government requirements. Moreover, the country had entirely recovered from the depression.

The influence of southern politicians, however, was still potent. They forced many reductions in 1846, succeeded by sweeping reductions in 1857. Six months after this a financial panic swept the country, depressing agriculture, trade, and manufacturing alike. Most of the tariff rates had been reduced to 24 percent; and including items on the free list, duties on all commodities during the period 1857 to 1861 averaged about 20 percent. This was the lowest average rate of duties for the hundred years from 1812 to 1912.

Once again the Government was running at a deficit and the new Republican Party, although trying to avoid an open split with the South, passed the Morrill Tariff Act in 1861 which substantially restored the rates of 1846. To meet increased Government costs resulting from the Civil War, the tariff acts of 1867 and 1870 further increased tariff duties.

TARIFF COMMISSION

In the period following the Civil War, large immigration, rapid expansion into the western part of the country, extensive railroad building and the growth of other industries brought a new era of prosperity. Government receipts from customs duties were large. Once again agitation for tariff reductions developed and the Tariff Act of 1872 reduced the average rate on dutiable items to about 39 percent. Tariff rates remained a live issue and the Congress appointed the first Tariff Commission. In 1883 Congress passed a new tariff law based on the Commission's recommendations.

From 1789 until the income tax was introduced in 1913, tariffs were the principal source of revenue for the Federal Government, but there were always standard arguments against it. One argument was that tariffs would diminish imports and thus, regardless of the rates, dry up this source of income. However, the volume of imports was actually greater, and the Treasury fared better when the rates were relatively high. Indeed, in 1857 the main argument for reducing rates was that the Government was making too much money.

The experience of the country during the War of 1812 and the Civil War seems to have demolished the idea of international free trade as an end in itself. Changing political winds, and changing economic conditions, inevitably produced hundreds of changes in specific rates. The general level of rates tended to shift up when the Republicans were in power and down when the Democrats won. But the basic principles of protection consistently prevailed.

From about 1900 to 1932, minor changes were made from time to time. During the election campaign of 1908, the Republicans announced for the first time that the difference between the cost of production at home and a lower cost abroad was a basis for setting tariff rates. Nevertheless, it was not feasible to lower tariff rates significantly because import duties still remained the chief source of revenue for the Federal Government.

Under the Democrats in 1913, however, the new Federal Income Tax Law was passed. For the first time, tariff rate considerations were divorced from the compelling requirement of meeting the fiscal budget. The Democrats then passed the Underwood Tariff Act in which they made full use of the competitive principle enunciated in 1908. They acknowledged that foreign producers enjoyed a powerful advantage in low wages. Their purpose was to find rates which just offset this and other similar unnatural advantages. In theory, while exposing the domestic manufacturer to foreign competition, these rates would shield him and his workers against the effect of cheap labor abroad. The result was the most sweeping reduction since 1857.

Trade was so completely disrupted by World War I that the consequences of this radical 1913 change were not immediately felt. Promptly after the war, however, imports flooded in. The Germans actually proposed, as a means of paying off their indemnities, to sell $20 million worth of dyes per month in this country. In the face of the flood of imports, Congress passed an Emergency Act in May 1921. They then set to work preparing a new law.

A brief summary like this may leave the impression that drafting a tariff law is a fairly simple process, largely a choice between doctrines. Nothing could be more misleading. The rate on pistachio nuts, for instance, is vital to the man who has invested his life's savings in pistachio trees. He will bring to bear on his representative in Congress all the pressure he and his workers can contrive. The importer of pistachio nuts, and the farmer who fears discrimination against American wheat by foreign pistachio growers, will bring equally strong counterpressures to bear. The State Department, trying to negotiate an alliance with a pistachio-growing foreign country, and the War Department, trying to build a military stockpile of pistachio nuts, will have much to say. Trade has

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become so complicated and so tangled that any item on the list can have endless domestic and international ramifications. It was because the problem has become so complicated that Congress established the Tariff Commission to serve as a group of experts to give assistance in drafting sound tariff legislation.

In working out the Fordney-McCumber Tariff Act of 1922, Congress and the Tariff Commission had to sift thousands of these conflicting claims and find a practical compromise between extreme positions. The result was to raise the average tariff rate slightly. Another general revision in 1930, embodied in the Smoot-Hawley Act, was again worked out on a product-by-product basis. Rates on many products were adjusted, some up and some down, and various provisions designed to protect the commerce of the United States against unfair competition were strengthened. The major depression of the early 1930's, however, so distorted the economy of the United States—and the world—that it is impossible to isolate the effects of this tariff.

RECIPROCAL TRADE AGREEMENTS ACT

Immediately after the election of Franklin D. Roosevelt in 1932, plans were made for a new tariff revision. Instead of carrying the revision through Congress and the Tariff Commission, the Reciprocal Trade Agreements Act was enacted, in 1934, as an amendment to the Smoot-Hawley Tariff Act. Under this amendment, the President was authorized for a period of 3 years to enter into trade agreements with other countries without congressional approval. His authority to reduce tariffs was limited to 50 percent of the then existing rates of duty and reductions were to be made only in exchange for reciprocal reductions from other countries. The President, operating through the State Department, began at once to negotiate trade agreements which mutually reduced rates between the two countries negotiating. Of course, as soon as we reduced the tariff rate to one country, we made the reduction available to all because of the application of our traditional most-favored nation policy. The consequences of this policy, initiated by the Reciprocal Trade Agreements program, have been confused by the effect of other factors at work at the same time—first continued depression, then the demands and devastation of World War II, followed by postwar dislocations, the Korean war, and the unremitting tensions of the cold war. Two facts, however, are clear. First, by any measure, U.S. tariffs are now among the lowest in the world. Second, the main objective of the program—a similar reduction of barriers throughout the rest of the world—has not been accomplished.

The first—that U.S. tariffs are now among the lowest in the world—may come as a surprise. This is a fact which has not been made clear to the American public.

As to the second point—the failure of the Reciprocal Trade Agreements program to accomplish a similar reduction in the barriers imposed by other countries—the evidence is abundant. Tariffs are the mildest of trade barriers. Import licenses, embargoes, quotas, exchange controls, cartels, and State trading are conspicuously more restrictive.

While efforts have been made to persuade other countries to relax their nontariff barriers—mainly by way of negotiations set in motion by the General Agreement on Tariffs and Trade, an international project launched in 1947—the result to date is not encouraging. In the opinion of many persons engaged in both domestic and foreign trade our negotiators, in their enthusiasm for expansion of world trade, have often surrendered more than they gained.

It has become customary for foreign nations to negotiate reductions of our tariffs in exchange for their tariff reductions and then to establish quotas on exchange controls which are even more restrictive than was the higher tariff so that in the end we have reduced our import restrictions but other nations have actually increased their trade barriers. Many of the most restricted foreign trade barriers—import quotas and exchange controls—effect deep-seated internal problems. They become an integral part of national inflationary money policies and socialistic national economic controls. Such quantitative restrictions can be removed only when sounder governmental policies are reestablished. No amount of negotiation on our part can change the internal situations which require these policies.

In this, our generation, we have witnessed the enactment and the operation of the Kennedy Round of Trade Agreements. All of us know the results. This Nation has been impacted to a greater degree during this time by the volume of imports than any time in our history.

More industries have felt the unfair competition, more jobs have been lost, and the Nation has more private, public, and corporate debts than all the other nations put together. This Nation also has the greatest static unemployment of any industrialized nation.

NAVAL TRAINING OPERATIONS AROUND CULEBRA

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, I speak today not as chairman of the Subcommittee on Real Estate but as an individual Member of Congress.

I have looked closely into the Navy's training operations around Culebra and the effect of that training on the people and the ecology of the island and its surrounding rocks and cays.

I have also followed closely the controversy over this issue in the Senate and in the media, and I believe the time has come for a new initiative that will benefit both the Navy and the people of Culebra.

The Navy has a real need for Culebra. Roosevelt Roads is the only area in the Atlantic Basin where coordinated, realistic fleet training operations can be conducted, and a good part of that training is done around Culebra—90 percent of all ship-to-shore bombardment training for the entire Atlantic Fleet and 80 percent of the air-to-ground weapons delivery training at the Atlantic Fleet Weapons Range. The Navy really wanted all of the island for more realistic targets and for more advanced weapons, but after 15 years of trying, it bowed to what it felt were the political facts of life. Instead the Navy announced a compromise plan which was presented to House and Senate Armed Services Committees last April.

People have lived on Culebra during the entire 34 years the Navy has trained there. No civilian has been killed or injured during training operations although an allegation was recently made that a boy sustained an eye injury in 1958 while playing with an "explosive toy" that some Culebrans say may have been left by the Navy. By any standards this safety record is truly extraordinary, and the Navy deserves due credit for it.

The Navy, however, has not contributed much to the local economy, although it has recently hired 35 Culebrans. At the same time, in the interest of safety it has of necessity restricted freedom of movement, particularly for local fishermen, and the presence of the Navy has undoubtedly discouraged many extensive tourist development. Therefore, many Culebrans feel that the Navy's presence has not been beneficial on balance. However, the local population of 726 is not likely to grow much, even with tourist development, and a population of that size—or double that size—simply cannot support adequate schools, hospitals and other facilities that one takes for granted in the modern world.

A vigorous campaign has recently been mounted to force the Navy off the island entirely. Culebrans and other well-meaning people are involved, but there are also developers, antimilitary groups and members of the Puerto Rican Independence Party whose motives apparently have little to do with the welfare of the people of Culebra. These people claim the Navy can train elsewhere by finding an uninhabited island or building a floating platform. I have studied this problem in depth, and there are no suitable islands for Navy training in the Roosevelt Roads operating area. As for the other suggestions, large floating platforms are fantastically expensive and not yet state of the art as targets, and artificial islands would cost hundreds of millions of dollars—even if a suitable location could be found.

For a small fraction of that cost the people of Culebra could be moved to another location in Puerto Rico where they could have better housing with potable running water and a sewerage system. I realize many Culebrans would not willingly move simply in exchange for another house, even if it were much better. I have, therefore, introduced a bill, the Culebra Resettlement Act, which not only provides each Culebran with equal or better housing elsewhere in Puerto Rico but which also provides for a substantial cash payment to each family and to each single person who is not a member of a family. Each head of a household would receive $10,000 in cash and every other person who maintains his principal place of residence on Culebra who is not head of or member of a household would receive $5,000.

This would be the opportunity of a lifetime for the people of Culebra; yet it would cost only $2½ million in addition to the costs of moving the people and purchasing the land, which should cost about $8 to $12 million. For that cost the Navy would have a target complex where it could train on more realistic targets with its newest weapons—and without the need to worry about the safety of people living near target areas.

This act will not force the Culebrans off their land against their will. On the contrary, my bill provides for a plebiscite in which a majority of the voters of Culebra must approve the plan. Many Senators and Representatives have made impassioned statements about their concern for the people of Culebra. Now is their chance to do something for the welfare of those people by supporting passage of this bill which I have introduced today.

Some have already agrued that the Culebrans do not want to move off their island, no matter what the price. But is not this the kind of question we should ask the Culebrans themselves in a secret vote, where they will be free of any pressures except those of their own consciences? Anyone who truly believes in democracy should insist that the Culebrans be allowed to decide for themselves if they wish to accept or reject this offer which is, without any exaggeration, the chance of a lifetime.

This bill is good for the people of Culebra, good for the Navy, and good for the continued close and friendly relations between the United States and the Commonwealth of Puerto Rico. It deserves the support of all who are concerned both with the welfare of the people of Culebra and the security of this country.

REPORT ON SCRANTON COMMISSION ON CAMPUS UNREST

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the Scranton Commission on Campus Unrest has emerged from 3 months of extremely controversial hearings and deliberations with a wishy-washy, weak-kneed report. They labored to bring forth an elephant and produced a mouse. I strongly disagree both with its approach to the problem and with the final conclusions drawn.

The problem of campus unrest is one that must be dealt with primarily by educators and administrators on campus. These officials must learn to discipline students who break the law and disrupt the life of the university, by expulsion if necessary.

To lay the problem solely at society's doorstep is to ignore the responsibility which the students themselves must assume for their own actions. If they wish to be treated as adults and have a significant voice in university affairs, they must behave like adults rather than like children who throw tantrums when things do not go their way.

We have always had our problems. American society is not perfect. But constructive change must be made gradually and peacefully, not through bombings and burnings.

The "irresponsible rhetoric" of which many students complain, and for which they blame the establishment, has actually come far more often from the radical left.

Joseph Rhodes, Jr., for example, a Commission member famous for his attacks on Vice Presidential rhetoric, has often been guilty of intemperate and prejudicial palaver. Although he wraps himself in sanctimonious statements, he himself is a bigot. On "Meet the Press," he spoke of the tragedy of people's children being shot—referring to the deaths of students at Kent and Jackson State—yet he seems to have forgotten that the young men who serve in the National Guard are also someone's children. They are not test-tube babies bred by artificial insemination, but human beings subject to fear and danger, too. He also neglected to mention the tragic and violent death of a researcher at the University of Wisconsin together with the loss of many scholars' life work. Such selective compassion and concern betrays a blatant bias on the Commission's part in favor of student radicals.

I hope that this will be the last word in Commission studies and reports. We need less talk and more action. But the action must come from the college administrators themselves and that will take more guts than they have shown to date.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.

Hon. RICHARD NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: This letter is to inform you of our support in your endeavor to solve the problems on American college campuses. We believe that the report by the Scranton Commission on Campus Unrest blatantly disregards the efforts you have already made.

In addition, we are convinced that the report totally ignores reality in its recommendations for ending terror and illegal, disruptive activities in the academic community. It is our belief that "ending the Vietnam war, reforming the universities, and a continuing commitment to social justice" will not in themselves placate campus extremists. The claim that greater efforts in these areas will effectively restrain militant revolutionists is unrealistic.

We concur with F.B.I. Director J. Edgar Hoover's open letter to college students of September 21st:

"The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan for the future either for the university or the Nation."

In closing, Mr. President, we reaffirm our staunch support for your continued positive efforts to lessen campus unrest—not to pacify the radicals who seek to destroy our society, but to insure the right of all students to pursue their education.

Respectfully,
BARRY M. GOLDWATER, Jr.,
Member of Congress.
WILLIAM J. SCHERLE,
Member of Congress.

THE 25 YEARS OF PROGRESS

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, the 4-year Alabama School of Medicine is celebrating its 25th year of progress. Since moving to Birmingham, 25 years ago, the school of medicine has offered a continuing program of excellence.

At this time, Mr. Speaker, I would like to place in the RECORD a recent editorial which ran in the Birmingham News, briefly describing the school's growth and development.

The editorial follows:

THE 25 YEARS OF PROGRESS

A quarter century ago this week the two-year medical program located on the Tuscaloosa campus of the University of Alabama was moved to Birmingham's Southside.

What has transpired in the ensuing 25 years is a glittering chapter in higher education in Alabama. The four-year Alabama School of Medicine, through its training in patient care and development of a constantly growing program of research, has earned a national reputation as an outstanding institution.

The 1945 fledgling, first housed in temporary quarters, now extends across 15 square blocks of the ever-expanding Medical Center. Target of planners at the University of Alabama in Birmingham is a physical area three times that size and what is certain to become medical training and scientific research preeminence in the Southeast.

The University of Alabama's School of Medicine, constantly adding new luster to its structure, is a major asset to the State of Alabama and certainly a prized member of Birmingham's "family."

From Thursday through Saturday the School of Medicine will mark its silver anniversary, recalling the struggles and the triumphs that have brought it to its present stature, presenting a program devoted to medical-scientific subjects and reflecting upon the history of the institution.

Alabama and Birmingham very properly may applaud the success achieved in this area of higher education which they have helped make possible. Present and future Alabamians are its beneficiaries.

COMPREHENSIVE ENVIRONMENT PROGRAM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, the Vice President of the United States has called attention recently to the fact that there are a number of members of the Johnny-come-lately Club who have discovered that crime is a problem in America and that radical extremism is a danger to a stable and progressive American society. Such politicians are like the French leader who had to run through the alleys of Paris to stay ahead of the crowd he thought were his followers.

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I would also like to nominate for membership in the Vice President's Club of Come-latelys those noble folks on the majority side of the aisle who have recently become critical of the Nixon administration for not solving in its first 20 months in office the pollution problems which afflict our Nation and the world. To them I must ask, "Who was in charge of the Government—both the executive branch and both Houses of Congress—while environmental quality in America was deteriorating?"

I realize, as my Democratic colleagues do, that the assault on the environment has been going on for some time. But gentlemen and ladies, this Government was in your hands for 8 years from 1960 through 1968, the most recent period of your ascendency. Where was your concern then?

President Nixon has had the perception to recognize this crisis and to do something about it. He has taken more steps administratively and recommended more legislative action than the current Democratic leadership in Congress has found time to consider.

The President can only do certain things on his own authority. Unfortunately, his party does not control the Congress of the United States and so he must wait for action from the world's greatest deliberative body. And that is what the rest of the country is doing, too: Waiting. We have waited for 8 years while the Potomac became too thick to drink but too thin to plow, while the Great Lakes became fire hazards, and the Los Angeles smog became a nationwide phenomenon.

The records of both the past 20 months and the previous 8 years are well documented. The past 8 years when the Democrats held the administration has seen the destructive forces eroding America's environment go largely unchallenged. Some amendments to laws initiated in the Eisenhower era were passed. They sounded good, but proved unable to cope with the problems. Things got worse, instead of better. Shortly after my Democratic friends lost control of the administration they mysteriously received some new sense of mission in the antipollution crusade and have begun challenging the present administration to tackle the mammoth problems they had been unable to cope with. Apparently they hope that Americans will believe the suffocating air, the dirty water, the constant din of noise, the destroyed green space, and the crumbling inner cities have all occurred in the past 20 months. My friends, they were already there, and getting worse, before President Nixon had even been nominated by his party to run for the office he now holds.

The Nixon record of the past 20 months is in clear contrast to the virtual "nonrecord" of the previous 8 years under the Democrats. Not only new and far-reaching legislative programs have been developed and presented to the 91st Congress, but the President has taken numerous administrative actions to halt the assault on our environment. That record is too long for me to recite here. However, since it is apparent that some of my colleagues on the other side of the aisle have failed to read it, I include it in the RECORD for their attention. Then, I challenge them to get busy with the legislative proposal before them so the job can be done, and quit wasting time that jeopardizes the future of America in this important area of concern.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter, including the following 37-point program of executive action and legislative proposals of the Nixon administration, which is the most comprehensive environmental program ever proposed:

NIXON'S 37-POINT PROGRAM

Water pollution

1. Authorization of $4 billion to cover the Federal share of $10 billion needed for construction of municipal waste treatment plants. To be allocated at a rate of $1 billion per year over the next four years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

2. Establishment of Environmental Financing Authority to ensure that every municipality can finance its share of treatment plant construction costs.

3. Revision of statutory formula governing allocation of grants for treatment plant construction, to permit construction of plants where need is greatest and where greatest improvements in water quality will result.

4. Requirement that treatment plants be built to prescribed design, operation and maintenance standards, and be operated only by certified operators.

5. Requirement that municipalities imposes users fees on industrial users sufficient to meet costs of treating industrial wastes.

6. Requirement of comprehensive river basin plans, to assure that construction of municipal treatment plants is complemented by abatement of all other sources of water pollution.

7. Encouragement of construction of large-scale, regional treatment facilities.

8. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal resources.

9. Provision that violation of established water quality standards is sufficient cause for court action.

10. Revision of Federal enforcement procedures to permit swifter court action against those in violation of water quality standards.

11. Provision that violation of established water quality standards is subject to court-imposed fines of up to $10,000 per day.

12. Authorization for the Secretary of the Interior to seek immediate injunctions where severe water pollution threatens imminent danger to health or irreversible damage to water environment.

13. Extension of Federal pollution control authority to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

14. Tripling of Federal operating grants to state pollution agencies—from $10 million now to $30 million in 1975.

Air pollution

15. Publication of new, more stringent motor vehicle emissions standards for 1973 and 1975.

16. Revision of auto emissions enforcement procedures, to ensure that all new autos are in compliance with Federal standards.

17. Authorization for the Secretary of Health, Education, and Welfare to regulate gasoline composition and additives.

18. Initiation of a research and development program to produce an unconventionally-powered, low-pollution auto within five years.

19. Initiation of testing and evaluation programs to assist private developers of unconventional, low-pollution autos.

20. Establishment of national air quality standards, with the states preparing abatement enforcement plans to meet national standards.

21. Accelerate designation of inter-state air quality control regions.

22. Establishment of national emissions standards for pollutants that are extremely hazardous to health and for specified classes of new facilities.

23. Extension of Federal air pollution control authority to both inter- and intra-state situations.

24. Provision that violation of air quality standards and national emissions standards are subject to court-imposed fines of up to $10,000 per day.

Solid waste management

25. Redirection of solid waste research toward techniques for re-cycling materials and producing packaging materials that are easily degradable.

26. Council on Environmental Quality to develop bounty payment or similar system to ensure prompt scrapping and re-cycling of junk automobiles.

27. Council on Environmental Quality to work with appropriate industry and consumer groups to develop other incentives or regulations for re-cycling or easier disposal of consumer goods.

Industrial involvement

28. Establishment of National Industrial Pollution Control Council.

29. Priority treatment for patent applications which could aid in curbing environmental abuses.

Parks and recreation

30. Full funding of the $327 million available under the Land and Water Conservation Fund.

31. Review of all Federally-owned real estate to identify properties that can be converted to public recreational use, or sold, with proceeds used to acquire additional recreational areas.

32. Relocation of Federal installations that occupy locations that could better be used for other purposes.

33. Provision that the Land and Water Conservation Fund is maintained or increased as a source of funds for purchase of lands in future years.

34. Authorization for the Department of the Interior to convey surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100%.

35. Revision of budget accounting procedures to encourage Federal agencies to make more efficient use of their properties.

36. Assistance to State and local governments for making constructive recreational use of idled farmlands.

37. Authorization of long-term contracts with owners of idled farmlands for reforestation and other improvements for public recreational use.

II. HIGHLIGHTS OF PRESIDENT'S ENVIRONMENT PROGRAM: WATER POLLUTION

Municipal pollution

Major problems: 1. Federal funding for construction of water treatment plants has been far below the nation's needs.

2. Municipalities with serious pollution problems have often been unable to finance their share of treatment plant construction costs.

Administration proposals: 1. Federal funding to provide waste treatment in every community in the nation at the fastest rate

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possible. $10 billion program to begin now, with assessment in 1973 of needs for 1975 and beyond.

2. Environmental Financing Authority to ensure that all municipalities needing treatment plants can finance local costs.

Industrial pollution

Major problem: 1. Regulations on disposal of industrial wastes (regulations apply to municipal wastes as well) have been too weak to prevent increasing water pollution.

Administration proposal: 1. Reform pollution control program to greatly strengthen regulations on industrial and municipal polluters and permit swift enforcement actions.

Agricultural pollution

Major problem: 1. Agricultural pollution sources are diffuse, necessitating control of agricultural methods and materials.

Administration proposal: 1. Phasing out of DDT and other hard pesticides. Water quality controls on concentrated animal feedlots.

AIR POLLUTION

Automobile pollution

Major problems: 1. Emissions from motor vehicles must be reduced greatly if air pollution is to be brought under control.

2. It may be impossible to reduce emissions from conventional automobiles sufficiently to reduce air pollution beyond 1980 in the face of increasing numbers of autos.

Administration proposals: 1. Strengthen Federal automobile emissions standards and reform enforcement procedures to ensure that they are applied to all new autos. Regulate gasoline composition and additives to achieve maximum possible pollution reduction.

2. Begin a research and development program to produce an unconventionally-powered, low-pollution auto by 1975 if we cannot reduce pollution sufficiently from conventional vehicles.

Pollution from stationary sources

Major problem: 1. The present program for regulating air pollution from stationary sources is extremely limited in scope and does not provide sufficient enforcement authority against polluters.

Administration proposal: 1. Establish national air quality standards and extend abatement regulations to all areas of the nation where air quality is below national standards. Establish national emissions standards for extremely hazardous polluters and certain classes of new facilities. Strengthen enforcement authority for swift action against polluters.

SOLID WASTES

Major problem: 1. New consumer technologies and marketing methods are creating an increasing volume of waste and refuse. There are few incentives for reusing wastes or disposing of them efficiently.

Administration proposal: 1. Develop incentives and regulations for reducing volume of wastes, by encouraging products that can be re-cycled or easily disposed.

PARKS

Major problems: 1. Metropolitan expansion is claiming potential recreation areas which will be irretrievable if not acquired *now*.

2. Federal funding for acquisition of recreation areas has been far below national needs.

3. The Federal government has not made imaginative use of its vast real estate assets.

Administration proposals: 1. Full funding of the Land and Water Conservation Fund: $327 million for fiscal 1971.

2. Identification and conversion of Federal properties which could better be used for public recreation. Selling of some Federal lands for financing of additional recreation areas.

3. Increased use of idled farmland for public recreation.

DEMOCRATS ATTACK PRESIDENT NIXON'S ENVIRONMENTAL EFFORTS

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, I concur most heartily with what the gentleman from Ohio (Mr. BROWN) said a moment ago about the unfair attack by the Democrats against President Nixon's environmental efforts. I also agree with him that the Republican record is so clear regarding the Nixon administration's strenuous efforts to bring this problem under control that it can stand by itself. Until the Democrats can match this record, they had better quiet down and quit polluting our political environment with such baseless charges.

Under unanimous consent to revise and extend my remarks I include the following:

REPUBLICAN ENVIRONMENTAL POLICY INITIATIVES

PUBLIC LEADERSHIP—MAJOR PRESIDENTIAL STATEMENTS AND MESSAGES

Message to Congress on Population Growth (July 21, 1969).—Examined the implications of a continued population growth rate that will result in world population of 8 billion and a U.S. population of 300 million in the year 2000.

Recommended creation of a Commission on Population Growth and the American Future to examine (1) the probable course of population growth, internal migration and related demographic developments between now and the year 2000, (2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population, and (3) ways in which population growth may affect the activities of Federal, state and local governments.

The President also outlined government activities to increase research on population problems, encourage more trained persons to work in population and family planning programs at home and abroad, expand and better integrate family planning services.

State of the Union Message—January 22, 1970.—The President pledged to propose the most comprehensive and costly program to provide clean air, clean water, and open spaces in the nation's history.

Message on the Environment—February 10, 1970.—The President outlined a comprehensive program embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order in the fields of: water pollution control, air pollution control, solid waste management, parklands and public recreation, and improved governmental organization in these fields.

Statement on Industrial Pollution Control Council—April 9, 1970.—By Executive Order, President Nixon created the *National Industrial Pollution Control Council* comprised of prominent industrial leaders. In creating the Council, President Nixon stated, *"The problem of the environment is one area where private enterprise can do the job only if government plays its proper role."* The Council, he indicated, ". . . *will allow businessmen to communicate regularly with the President, the Council on Environmental Quality, and other government officials and private organizations which are working to improve the quality of the environment."*

National Council on Marine Resources and Engineering Report—April 14, 1970.—The National Council on Marine Resources and Engineering, headed by Vice-President Agnew, stated in its annual report to the President and Congress that the oceans as well as the air and land must be included in the battle against pollution.

Message on Control of Dumping in the Great Lakes and the Oceans—April 15, 1970.—The President recommended legislation to stop dumping of polluted dredged spoil into the Great Lakes and directed that a study of ocean dumping be completed by September 1, 1970.

Message to Congress on Oil Pollution—May 20, 1970.—The President proposed legislation and announced administrative actions to reduce the risks of oil pollution. In this message the President expressed the strong commitment of the Administration to protect the national environment without "retarding social and economic progress."

Message to Congress on Administrative Reorganization—July 9, 1970.—The President proposed Reorganization Plan No. 3 of 1970 which would establish the Environmental Protection Agency (EPA) and Reorganization Plan No. 4 of 1970 which would create a National Oceanic and Atmospheric Administration within the Department of Commerce. The President stated, *"Despite its complexity, for pollution control purposes, the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness."* In proposing the new organization the President said that *"it would permit response to environmental problems in a manner beyond the previous capability of our pollution control programs."*

Status.—House—passed H.R. 17255 on June 10, 1970. This bill is similar to the Administration proposal. Senate—The Committee on Public Works is considering legislation containing major differences from the Administration bill.

Solid Waste Legislation

The Administration proposal would authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, and to extend provisions of the Solid Waste Disposal Act.

Status—House—passed H.R. 11833 on June 23, 1970. This bill is similar to the Administration bill. Senate—Committee on Public Works has reported S. 2005, which has major differences from the Administration bill.

Parks and Recreation Legislation

The Administration proposal would amend the Land and Water Conservation Act to provide for converting Federal properties which could better be used for public recreation.

Status.—House—Two bills involving the President's program have been reported from Committee—H.R. 18275 from the Committee on Government Operations and H.R. 15913 from the Committee on Interior. Senate—Hearings have been held on a revised Administration bill by the Committee on the Interior.

Great Lakes Dumping Legislation

The proposal prohibits the disposal of polluted dredging in the Great Lakes or its waterways and provides for establishment of containment facilities.

Status.—Referred to the Committees on Public Works in the House and Senate.

Oil Pollution Control Legislation

The Ports and Waterways Safety Act of 1970 enables the Coast Guard to protect against oil spills by authorizing them to control vessel traffic in inland and territorial waters, to regulate the handling and storage of dangerous cargoes, and to establish safety requirements for waterfront facilities.

LEGISLATIVE LEADERSHIP—THE PRESIDENT'S ENVIRONMENTAL PROGRAM

On February 10, 1970, the President proposed *7 major bills* designed to carry out the pledges and recommendations outlined in

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his State of the Union and Environmental Messages to Congress.

Water pollution control legislation

Environmental Financing Authority.—Establishes an Environmental Financing Authority to ensure that all municipalities needing treatment plants can finance local costs. Authority would be authorized to make commitments to purchase obligations and participations issued by State and local public bodies to finance the non-Federal share of treatment construction projects deemed by the Secretary of Interior to be eligible for direct Federal assistance.

Facilities Construction.—Amends the Federal Water Pollution Control Act to establish a $10 billion ($4 billion Federal share) program of construction for waste treatment facilities. Federal funds to be allocated at a rate of $1 billion per year over the next 4 years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

Enforcement.—Authorizes the Secretary of Interior to develop comprehensive water quality programs and grants authority to permit swift enforcement.

Research and Development.—Amends the Federal Water Pollution Control Act to authorize research, investigation, training and demonstration projects to improve State and interstate pollution control programs. Greater flexibility is provided for the grant programs.

Status.—House—the 4 Administration bills have been referred to the Committee on Public Works. No hearings have been scheduled. Senate—Hearings have been held on the 4 Administration bills in the Committee on Public Works.

Air pollution control legislation

Clean Air Act Amendments.—Extends the Clean Air Act for 3 years; authorizes the Secretary of HEW to set national air quality standards and standards for emissions from stationary sources; establishes standards for composition of transportation fuels and fuel additives; provides for mandatory testing and certification of systems to control emissions from new motor vehicles and engines.

Status.—House—Hearings held by the Committee on Merchant Marine and Fisheries. Senate—referred to Committee on Commerce.

The Vessel Bridge-to-Bridge Radiotelephone Act requires the use of bridge-to-bridge radiotelephones on vessels.

Status.—House—Reported by Committee on Merchant Marine and Fisheries on December 10, 1969 and passed House on December 16, 1969. Senate—Referred to Committee on Commerce.

Towboat Operator Act requires uninspected towing vessels to be under the direction and control of a licensed operator.

Status.—House—Hearings have been held by Committee on Merchant Marine and Fisheries. Senate—Referred to Committee on Commerce.

Administrative Leadership—Administrative Actions to Protect and Reclaim the Environment.

Appointment of a Cabinet Committee on the Environment—May 29, 1969. In creating the committee by executive order, the President stated he was acting because "the quality of American environment is threatened as it has not been threatened before in our history." The Committee is a Cabinet-level advisory group to the President to provide a focal point for Administration efforts to protect all our natural resources.

Implementing the Environmental Quality Act of 1969.—Recognizing the urgency of improving environmental quality, the President in his *first official act of 1970* signed the Environmental Quality Act of 1969 creating a Council of Environmental Quality within the Executive Office of the President. Outstanding men were appointed to the new Council on Environmental Quality (CEQ).

Chairman: Russell E. Train, former Under Secretary of Interior and President of the Conservation Foundation.

Member: Robert Cahn, Pulitzer Prize winning reporter for the Christian Science Monitor.

Member: Gordon J. F. McDonald, Vice Chancellor for Research and Graduate Affairs, University of California, Santa Barbara.

The Council is already engaged in a series of significant activities including: supervision of the Executive Order to curtain pollution by Federal installations; development of bounty system to promote prompt scrapping of all junk autos; working with industry and consumer representatives to develop incentives to encourage re-use, re-cycling and easier disposal of commonly used goods.

First Meeting of CEQ—Involving the State and Local Sector.—On February 6, 1970, President Nixon met in Chicago, Illinois with governmental leaders and pollution control officials. The purpose of the conference was to allow the President and his advisors to hear from State and local officials about their attempts to abate pollution. The meeting continued the Administration's policy of involving the local sector in pollution control.

Executive Order To Curtail Pollution by Federal Installations—February 4, 1970.—The order requires that all projects or installations owned by or leased to the Federal government be designed, operated and maintained so as to conform with air and water quality standards—present and future—which are established under Federal legislation.

The order established a $359 million program for achieving this objective and prohibits the transfer of these funds to other programs. The order also requires that all facilities which are built in the future must be pollution free; budget requests for new facilities must include all necessary funds for pollution control.

The Nixon Executive Order strengthens previous executive orders in the field by:

Setting a specific date, December 31, 1972, when existing Federal installations must comply with pollution control standards.

Setting specific pollution control standards to replace the old vague standards.

Requiring that an agency use funds designated for pollution control. Under previous order, many funds had frequently been reprogrammed for other uses.

Providing for oversight of the order by the Council on Environmental Quality.

Covering ground water pollution and accidental pollution which were not previously covered.

WATER POLLUTION

The President authorized the Secretary of Interior to spend the full $800 million appropriated for FY 1970 for sewage treatment plants.

Secretary has been directed to institute the following reforms:

Require Federally assisted treatment plants to meet prescribed design, operation, and maintenance standards, and to be operated by State-certified operators.

Require municipalities receiving Federal assistance in constructing plants to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes.

Require development of comprehensive river basin plans at an early date, to ensure that Federally assisted treatment plants will in fact contribute to effective clean-up of entire river basin systems.

Encouragement, where feasible, of communities to cooperate in the construction of large regional treatment facilities.

One of the first manpower training programs started under the Nixon Administration in 1969 was the upgrading of 941 underskilled persons in their work as waste treatment plant operators in 20 states.

AIR POLLUTION

The Secretary of HEW has published notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 models.

As an incentive to private developers, the President ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation.

The Secretary of HEW, Secretary of Transportation, and FAA Administrator reached an agreement with 31 scheduled and charter airlines to reduce air pollution caused by certain jetliners by 1972. This agreement will reduce the 34,500 pounds of solid pollutants discharged into the air each day by flying jets by 70–80%.

SOLID WASTE

The President has ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for re-cycling materials, and on development and use of packaging and other materials which will degrade after use, *i.e.*, which will become temporary rather than permanent wastes.

PARKS AND PUBLIC RECREATION

The President has stated that "the time has come to make more rational use of our enormous wealth of [Federal] real property, giving a new priority to our newly urgent concern with public recreation—and make more imaginative use of properties now surplus to finance acquisition of properties now needed." The President has therefore:

By Executive Order, directed the heads of all agencies and GSA to institute a review of all Federally owned real properties that should be considered for other uses. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreation lands.

Established a Property Review Board to review GSA reports and recommend what properties should be converted or sold.

PESTICIDE REFORM

In implementing the President's executive order to curtail pollution on Federal installations, Secretary of Interior Hickel on June 17, 1970 placed a ban on the use of pesticides on more than 500 million acres of Federal land. He placed thirty-two chemicals on a "restricted list" to be used only with approval of the Cabinet subcommittee on pesticides.

The Department of Agriculture proposed on June 10, 1970, reforms of the 1947 pesticides law which would—

Give power to HEW to enter manufacturing plants to check on the conduct of quality control program of pesticides.

Restrict dangerous pesticides to use by licensed, trained technicians who will be legally responsible for their misuse.

Permit Secretary of Health, Education, and Welfare to order a "preliminary suspension" of pesticides he considers dangerous. This would stop sales pending prompt administrative proceedings.

INDUSTRIAL POLLUTION CONTROL COUNCIL—INVOLVING THE PRIVATE SECTOR IN THE FIGHT AGAINST POLLUTION

On April 9, 1970, by Executive Order, President Nixon created the *National Industrial Pollution Control Council.*

The appointment of the Council reflects the Administration's belief that "the effort to restore and renew our environment cannot be successful unless the public and the private sector are both intensively involved in this work—with their efforts closely coordi-

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nated." The Council will provide an important mechanism for achieving this coordination.

The functions of the Council are to:

Coordinate the efforts between the private and public sector to restore and renew the environment.

Give industry an active and visible part in planning programs to abate pollution from industrial sources.

Allow private business men to communicate directly with the President, the Council on Environmental Quality, and other government officials and private organizations working to improve the environment.

Survey, evaluate, and propose plans and actions of industry in the field of environmental quality.

MERCURY POLLUTION CONTROL

Due to possible damage to human organic systems from mercury poisoning and the fact that mercury is appearing in streams, fish, cattle, and hogs, the Department of Agriculture has canceled Federal registration for some 60% of mercury compounds.

In a further effort to end pollution by mercury, Attorney General John N. Mitchell on July 24, 1970 authorized the filing of suits against eight companies on charges of dumping mercury into lakes and rivers. The suits, filed under the Refuse Act of 1899 ask the court to halt the dumping of poisonous mercury and require the alleged polluters to take immediate remedial action.

POLLUTION DEVICE PATENT PRIORITY

In order to process inventions promising to clean up the environment, President Nixon has ordered that the United States Patent Office give special priority to the processing of applications for patents which could aid in curbing environmental abuses. The Patent Office's plan is to process environmental protection devices in 6–8 months instead of the usual 3 years.

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OIL POLLUTION

In his message to Congress on May 20, 1970, President Nixon outlines the following actions being taken by the Administration to reduce the risks of oil pollution:

Submission to the Senate for its advice and consent two conventions, signed by the U.S. in conjunction with the Intergovernmental Maritime Consultive Organization to allow preventive action against vessels that threaten pollution danger to a country's coasts.

Secretary of State is being instructed to seek effective multilateral action to establish international standards for construction and operation of oil tankers.

All government agencies are being instructed to require their vessel and aircraft commanders to report all oil spills immediately and that the Coast Guard is increasing its offshore air patrols and enforcing all anti-pollution laws vigorously.

A radar system has been developed in San Francisco which enables tankers to move through congested areas with much less risk. More of these will soon be established.

Research and development efforts will be continued until solutions are found to the problems of oil spillage, cleanup, and the mitigation of ecological damage. Also, a new system of cleanup has been developed that will pump up to 20,000 tons of oil a day from a stranded tanker.

Calls upon private industry and Secretaries of Commerce, Interior, Transportation to develop port facilities for disposal of waste oil.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

In fulfillment of his February 10, 1970 pledge to recommend improved administrative machinery to meet the problems of pollution, President Nixon, on July 9, 1970 submitted to Congress Reorganization Plan No. 3 of 1970, which creates an *Environmental Protection Agency*. EPA will eliminate the cross-purposed, multi-departmental pollution control programs already existing by bringing together into a single organization those programs. EPA will have a budget of $1.4 billion for F 1971 and 5,650 personnel. Under the terms of Reorganization Plan No. 3, the following would be moved to the new Environmental Protection Agency:

The functions carried out by the Federal Water Quality Administration (from the Department of the Interior).

Functions with respect to pesticides studies now vested in the Department of the Interior.

The functions carried out by the National Air Pollution Control Administration (from the Department of Health, Education, and Welfare).

The functions carried out by the Bureau of Solid Waste Management and the Bureau of Water Hygiene, and portions of the functions carried out by the Bureau of Radiological Health of the Environmental Control Administration (from the Department of Health, Education, and Welfare).

Certain functions with respect to pesticides carried out by the Food and Drug Administration (from the Department of Health, Education, and Welfare).

Authority to perform studies relating to ecological systems now vested in the Council on Environmental Quality.

Certain functions respecting radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.

Functions respecting pesticides registration and related activities now carried out by the Agricultural Research Service (from the Department of Agriculture).

The creation of the EPA will have the following advantages:

It will strengthen, unify, and improve the effectiveness of pollution control programs of the Federal Government.

A single agency will provide a central focus for an evaluation of all governmental pollution control programs.

A single agency will clarify industrial responsibility by providing consistent standards.

State and local pollution control agencies will be able to look to one Federal agency for all financial and technical assistance.

It will provide strong, united pollution control effort that will cover all aspects of pollution rather than just one or two.

Hearings are now being held on the proposal. EPA will go into effect by September 7, 1970, unless disapproved by Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

In fulfillment of his February 10, 1970, commitment, President Nixon sent to Congress on July 9, 1970, Reorganization Plan No. 4 of 1970 which would create a *National Oceanic and Atmospheric Administration*. NOAA would bring together into one administrative agency within the Department of Commerce all the major Federal programs dealing with the oceans and the atmosphere. The purpose of NOAA is to organize a united approach to the problems of the pollution of the atmosphere and ocean and to provide a a center of strength within the public sector of the Federal government for this purpose. NOAA, having 12,000 personnel and a budget of $270 million, will consist of the following:

The Environmental Science Services Administration from the Department of Commerce.

Most of the Bureau of Commercial Fisheries from the Department of the Interior.

The Marine Minerals Technology Program of the Bureau of Sports Fisheries and Wildlife from the Department of the Interior.

The office of Sea Grant Programs of the National Science Foundation.

Elements of the U.S. Lake Survey from the Department of the Army.

The National Oceanographic Data and Instrumentation Center of the Department of the Navy.

The National Data Buoy Program from the Department of Transportation.

ENVIRONMENTAL CONTROL TRAINING

In order to provide trained personnel to aid in fighting pollution, HEW, on July 16, 1970, initiated a project financed by the Labor Department that will provide classroom-type training in environmental control occupations for 1,100 jobless or underemployed persons. The trainees will receive instruction in such occupations as water and sewage plant operator, water and waste-water technician, fire prevention specialist, reforestation and timber stand improvement aide. In addition, the program will provide job placement assistance to trainees upon completion of the course.

INTERNAL COMBUSTION ENGINE

To fulfill his February 10, 1970 pledge President Nixon, on July 17, 1970 announced the establishment of a program to help develop an un-conventionally powered, low polluting alternative to the internal combustion engine by 1975. $4.5 million has been allocated for research grants and, in addition, $4.5 million is available for incentive grants to companies offering plans for vehicles powered by alternative systems. If a prototype proves successful, the government is willing to purchase up to 300 vehicles for additional testing.

EXECUTIVE ORDER FOR THE PROTECTION AND ENHANCEMENT OF THE ENVIRONMENTAL QUALITY

On March 5, 1970, President Nixon, by Executive Order, directed all Federal agencies to monitor, evaluate, and control their activities to protect and enhance the quality of the environment. This is part of the President's program to establish Federal Government leadership in environmental protection.

STUDENT COUNCIL ON PROTECTION OF THE ENVIRONMENT—INVOLVING YOUTH IN POLLUTION CONTROL

On December 10, 1969 Secretary of Interior Hickel formed a Student Council on Protection of the Environment (SCOPE). The Council, consisting of nine regional Councils and a National Council, is made up of students elected from educational institutions across the country. The Council both advises the Secretary on pollution control and provides a communication link between the Federal government and the student sector.

PARTISAN ATTACK AGAINST REPUBLICAN PERFORMANCE

(Mr. CONABLE asked and was given permission to address the House for 1 minute and revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, I wish to associate myself with the remarks of the two gentlemen from Ohio (Mr. Brown and Mr. Devine).

The Democratic Policy Council has once again lashed out in a partisan attack against Republican performance since taking office in 1969. I do not have the full text of their remarks yet, but I do happen to have a copy of their "America in the 1970's" released in February. This document also takes the Republicans to task on virtually every major issue facing our country today. Since I suspect their song has changed little, if any, since February, I would like to take this opportunity to review their charges one by one, setting them against the Nixon administration's record in each area.

Anyone who reads the Republican record will see that the Republicans have greatly improved upon the suggestions of Democrats and have in addition made a number of needed reforms that the Democrats never undertook or even thought of.

PRIORITIES

In their statement, the Democratic Policy Council called for a "decisive shift of resources" from pursuits which destroy man's capacity for life to those which enhance man's capacity for life.

REPUBLICAN RECORD

A week before the Democrats issued their statement, the President proposed just such a reordering of priorities in the national budget for fiscal year 1971.

For the first time in 20 years, Federal spending for defense needs has fallen below spending for human needs.

[In percent]

	Fiscal year—		
	1961	1969	1971 estimate
National defense	48	44	37
Human resource programs	30	34	41
Other	22	22	23

These figures reflect only the Federal budget. State and local outlays go almost exclusively toward meeting human needs.

Furthermore, in their statement, the Democrats contradict themselves by accusing the administration of a failure to "relate" the defense budget to "threats" to American security, and then stating that we need to make a "serious and determined effort to reduce our military budget."

As noted, the President has shifted priorities from defense needs to human needs, but he recognizes the need to keep America strong.

MANAGEMENT

According to the Democratic Policy Council, the "executive branch urgently requires the decisionmaking and command mechanism that would be provided by a National Domestic Council."

REPUBLICAN RECORD

President Nixon has already implemented such a Council. A new Cabinet-level Domestic Council has been established to formulate domestic policy, and a new Office of Management and Budget has been organized to implement the policy set down by the Domestic Council.

CRIME

The Democrats say that we "must swiftly and substantially increase the resources devoted to law enforcement and the administration of justice."

REPUBLICAN RECORD

The President has proposed 13 separate crime bills to Congress, but only one—the District of Columbia crime bill—has gotten to the President's desk for signature.

The District of Columbia crime bill is intended to serve as a national model anticrime program. Other Nixon administration proposals concerned organized crime, drug abuse, pornography, bail reform, antibombing legislation, and community treatment centers.

Under the Nixon administration, appropriations for the law enforcement assistance program, which provides Federal funds to help localities fight crime, have been increased to $650 million in fiscal year 1971 as compared with only $63 million in fiscal year 1969.

EDUCATION

The Elementary and Secondary Education Act of 1965 made it the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational program. But according to the Democrats:

> To date these commitments remain unfulfilled and either ignored or undefined by the Republican Administration.

REPUBLICAN RECORD

The title I program which provides Federal aid for local school districts with high concentrations of low-income families, has been reorganized and restaffed with high caliber people by the Nixon administration. Following these changes, HEW implemented program guidelines, much stricter than before, which require a school district to spend as much for the education of disadvantaged children as it does for advantaged children before it can receive title I funds. These efforts promise to help untangle some of the redtape and out-right misuse of title I funds under the Democrats and put the program back on a proper course for the first time.

According to the Democratic version:

> Existing program, including the landmark Elementary and Secondary Education and Higher Education Acts, remain underfunded.

REPUBLICAN RECORD

Under the Democrats, title I of the Elementary and Secondary Education Act funding for fiscal year 1970 totaled $1.2 billion; under the Republicans, the funding for fiscal year 1971 totals $1.5 billion.

Under the Democrats, the Higher Education Act budget requests for fiscal year 1970 totaled $897 million; under the Republicans in fiscal year 1971 the funding totals $968 million.

The Democrats say:

> We need to make greater efforts in areas of pre-school education, child development, facilities and methods for teaching disadvantaged children.

REPUBLICAN RECORD

Shortly after taking over, President Nixon announced the creation of the Office of Child Development in the Department of Health, Education, and Welfare. This new office was designed to serve as a focal point for early childhood programs and to demonstrate the Nixon administration's commitment to the "first 5 years of life."

Under the Nixon administration, Parent and Child Centers have doubled and planned variations of child development programs have been undertaken to find better ways of meeting children's needs.

The Office of Economic Opportunity has recently devoted $2.6 million for the first comprehensive survey of existing child development resources and needs as a first step toward developing new responses to this perennial problem.

The family assistance plan, proposed by the Nixon administration, if enacted would provide $365 million to provide child care service for an estimated 450,000 children.

Forty Republican Members of Congress and five Republican Senators sponsored the "Comprehensive Head Start Child Development Act of 1970" which many eminent child development and child care authorities have hailed as "one of the best bills ever seen" and "a measure which offers a chance to make real progress in this field."

MEDICAL CARE

The Democrats propose that—

> The time has come to look particularly at ways for the federal government to help establish and support national programs of health insurance.

REPUBLICAN RECORD

In June of 1970, President Nixon proposed basic reforms in health care for poor families.

In January 1971, the administration plans to offer legislation to establish a new family health insurance plan which will:

Cover all poor families with children, bringing equitable treatment for the working poor.

Require a modest contribution from participating families which will be scaled to increase with income so that there is no work disincentive "notch."

Provide a Federal floor of medical services nationwide which the States could supplement in a manner similar to their proposed role in family assistance.

WELFARE

On welfare, the Democrats maintain that the President's proposed family plan is not adequate. They say that the Government should instead implement "the broader proposals" made by the Heineman Commission on Income Maintenance.

REPUBLICAN RECORD

Actually, the family assistance plan provides greater assistance than the Heineman Commission's proposal. The Heineman Commission recommended income for family of four: $2,400. Family assistance plan for family of four on welfare will provide no less than $2,460—$1,600 in direct Federal payment plus $860 in food stamps.

Nevertheless, the Democrats go on to say that the minimum payments should be increased. Senator EUGENE MCCARTHY has proposed a program similar to the FAP except that the levels of support would be much higher.

REPUBLICANS POINT OUT

Under the McCarthy proposal, some 22 million male workers would qualify for welfare, and the cost would be close to $60 billion a year. The Democratic Policy Council fails to mention any type of work incentive or other attempt to decrease the numbers on the welfare rolls. The FAP reverses the present policy of penalizing work and rewarding nonwork—no longer will a man be forced to quit his job or leave his family in order to receive assistance. By including the working poor, $4 billion will be added to the amount presently spent on welfare—actually an investment now to

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save money later. Without change, the present AFDC system would cost an estimated $12 billion by 1975.

TRANSPORTATION

In their statement, the Democrats proclaimed:

> We need workable mass transportation systems to eliminate the daily worsening traffic congestion of the highways in our metropolitan centers.

REPUBLICAN RECORD

During his first year in office, President Nixon proposed a $10 billion mass transit program for the next 12 years, which is the largest request of any administration in American history.

HUNGER

The Democrats proposed that we need a "total commitment by the Federal Government to eliminate hunger and malnutrition" in the United States.

REPUBLICATION RECORD

In 1969, President Nixon made a pledge to end hunger and malnutrition in the United States, and he has taken steps in that direction.

Since May of 1969, the number of poor people participating in Government food programs has gone from 6.9 million to 10 million in May of 1970.

ECONOMY

In their statement, the Democrats said that if we are to use the resources of America wisely for the benefit of all, we will need to maintain a "strong and sound economy." They go on the way that this goal is "threatened by the cruel reality of inflation."

REPUBLICAN RECORD

In their 1968 platform, the Democrats failed to recognize the "cruel reality" of the inflation that started under the Johnson administration. It only became an issue for them when Richard Nixon became President.

Nevertheless, the President has made attempts to control the inflation he inherited from the Johnson administration. For the first time since the administration of President Eisenhower, we have had a balanced budget. The President has taken other steps to control inflation, including:

A new Productivity Commission, formed to help the economy operate more efficiently.

Occasional "inflation alerts" to bring attention to significant wage and price increases.

A Regulations and Purchasing Review Board to guide Government economic policy.

The economic course charted by the President is starting to pay dividends.

The rise in the cost of living has slacked sharply in recent months. The increase in August—only 0.2 percent—was the smallest since September 1967.

Interest rates in the money markets—including the prime interest rate—are declining.

Real income reached an all-time high mark during the first half of 1970 while inflation dropped from the 6.4 percent generated by Johnson's 1968 budget to 4.2 percent.

The surplus of exports over imports stands at an annual rate of $5 billion, as compared with a 1968–69 postwar low of $1 billion.

DEMOCRACY AND GOVERNMENT

The Democrats pledged elimination of voting discrimination on the basis of race, and attacked the Nixon administration for failure to support the Voting Rights Act.

REPUBLICAN RECORD

The President proposed a voting rights act which was nationwide, not sectional, in its approach. He signed the Voting Rights Act passed by the Congress, and for doing this he was "hailed" by Senator EDWARD BROOKE, Roy Wilkins, and Clarence Mitchell.

The Democrats claimed that the administration was delaying school desegregation.

REPUBLICAN RECORD

Nixon's recommended emergency school aid program, proposing an outlay of $1.5 billion to assist school desegregation can hardly be called a delay. His request for $150 million under existing authority was cut in half by the Democratically controlled Congress.

The Democrats accuse the Republican administration of opposing legislation to strengthen the enforcement powers of the Equal Employment Opportunity Commission.

REPUBLICAN RECORD

In August 1969, the administration's proposed Equal Employment Opportunity Enforcement Act was introduced in the Senate and House. Stronger than the legislation introduced by the Democrats, because it would involve the courts, this act has not been passed by either House of the democratically controlled Congress.

Additionally, the introduction of the "Philadelphia plan" to require building and construction trades unions to accept more minority groups members, has been hailed by usually critical civil rights leaders as potentially the most constructive step toward economic equality taken by a President since the 1930's.

In their section on reform of American government, the Democrats expressed their support for an amendment to lower the voting age.

REPUBLICAN RECORD

The President has been a longtime supporter of an amendment to lower the voting age, and signed the act passed by Congress to lower the voting age to 18 in all States.

ENVIRONMENT

The Democrats, in their statement, say that in the field of environment, "Federal Government must assert national leadership."

REPUBLICAN RECORD

On February 10, 1970, President Nixon, proposed seven major bills dealing with environment, which would carry out the program that he outlined in his state of the Union message. None of these bills has reached the President's desk for signature.

Recognizing that the Federal Government cannot and should not act in this area alone, the President has proposed joint action with States and local communities.

In April, President Nixon established the National Industrial Pollution Control Council.

Also in April, the President requested the Congress to take the necessary measures for environmental control of our estuarine resources, as well as a message on waste disposal and control of the Great Lakes and the oceans.

CONSUMER PROTECTION

The Democrats say:

> The 1970's must be a time of expanding the consumer's right to choose and his right to be heard.

REPUBLICAN RECORD

The President has proposed a buyers' bill of rights, which would include an Officer of Consumer Affairs in the White House, a Division of Consumer Protection in the Justice Department, efforts to strengthen the Federal Trade Commission, and new laws that would enable private citizens and the Government to bring deceptive industries into court. The Consumer Product Testing Act would promote the development of adequate and reliable methods of testing characteristics of consumer products. The Drug Identification Act and the Consumer Warranty Act would provide important new standards in their respective areas. None of these bills has been acted on in either House of the Democratically controlled Congress.

In their statement of policy, the Democratic Policy Council made no mention of significant accomplishments and recommendations of the present Nixon Republican administration. Some of those we would call to your attention are:

Revenue sharing which would provide States and lesser political units of this country with revenues from the Federal income tax revenues. This aspect of the new federalism is consistent with the basic concept which seeks a new sense of partnership between the Federal Government and State and local governments, assigning responsibility and authority for public functions to the level best qualified to carry them out.

Commission on Population Growth and the American Future, proposed by President Nixon has been approved by the Congress and is now in operation.

Manpower Training Act is the new federalism in action. It would reverse for the first time the process that for more than a third of a century has taken responsibilities away from State and local governments and lodged them in Washington. It would consolidate in the interests of flexibility, decentralize where operations are best managed locally, and assert national standards of performance, and provide automatic adjustments to changes in the national economy.

Social security reforms were proposed by President Nixon, to make it a more equitable and effective instrument of income security for the aged, including automatic cost-of-living adjustments in social security benefits. Having passed the House, this is currently pending before the Senate.

Postal Reorganization Act is a first step and a solid structure upon which improvements can be made as the new system is established.

Draft reform which changed the order of call by Selective Service form the oldest-first to the youngest-first thus reducing the period of prime vulnerability to 1 year was passed.

AMENDMENT TO MEET THE TRANSPORTATION NEEDS OF THE ELDERLY AND THE HANDICAPPED

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, this body will consider later today H.R. 18185, entitled the Urban Mass Transportation Assistance Act, which—if passed—will initiate a $5-billion Federal assistance program to build mass transit facilities across the Nation. At that time, I intend to introduce an amendment to permit 44 million Americans access to these facilities who would otherwise be excluded.

There is no question that our cities must have efficient mass transportation systems if they are to survive. More highways and the automobiles that fill them will only result in a slow death by strangulation for our central cities and asphyxiation for the residents. This measure would thus have a tremendous beneficial impact for the vast majority of our citizens.

However, Mr. Speaker, the present designs of mass transit systems are such that some 44 million Americans will be excluded from using them. These Americans are elderly citizens, handicapped persons, cardiac patients, accident victims, disabled veterans and many others who are hindered in their movements by age or physical impairment.

Also included are persons who are temporarily handicapped due to illness or other impairments.

In order to correct this glaring inequity at the start of our Federal mass transportation assistance program, I will introduce a floor amendment to H.R. 18185 which will require all federally assisted mass transit facilities to meet the needs of the elderly and the handicapped.

The United States is one of the few nations of the Western World which does not have a national policy to aid these persons. I sincerely hope my colleagues will share my view that these 44 million Americans can no longer be excluded from public transportation facilities and support my amendment when it is offered.

GARDNER'S CAMPAIGN TO GET THE COUNTRY TO RUN

(Mr. MORSE asked and was given permission to adress the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, I was privileged to be able to have in my office this morning John W. Gardner, former Secretary of Health, Education, and Welfare, director of the Urban Coalition, and creator of a new political reform movement, "Common Cause," and to discuss at some length with him this innovative operation.

"Common Cause" is a stimulating and exciting concept, a prodigious undertaking to say the least, but one that is much needed and that has enormous potential. Certainly the reactivation and reinvigoration of the "public process," developing a more healthy relationship between the public and the Government, and instilling the individual citizen with a more positive and constructive attitude toward the political process, is a venture worthy of our attention and wholehearted support.

It is, therefore, a particularly happy coincidence that I am able to include in these remarks the following article while appeared in this morning's Washington Post:

GARDNER'S CAMPAIGN TO GET THE COUNTRY TO RUN

(By Edward P. Morgan)

Is John W. Gardner's "Common Cause," a new nonpartisan venture in political reform, a lost cause even as it has just begun? Some of his best friends despair that the former Secretary of Health, Education and Welfare, who now runs the Urban Coalition, is wasting his time as a modern Don Quixote. But Gardner believes that, far from breaking lances on windmills, he is developing an unsecret weapon that can make the machinery of government work. He is out to conquer what he considers the open society's deadliest enemy—apathy—and he is happily surprised, not to say downright astonished, at the public interest Common Cause had stirred up even before it was formally launched a few weeks ago.

Gardner's thesis, which is also the core of his latest book, "The Recovery of Confidence," is that people and their politicians are not concentrating enough attention on the country's main issue, which he calls the public process. Granted the urgency and divisiveness of such substantial issues as the war, race, crime, poverty and the economy, none of these, Gardner reasons, can be tackled realistically until we realize to what a "primitive" state we have let government at all levels deteriorate. "No successful executive," he says, "would tolerate such inefficiency in his business and yet he actually encourages primitivism in government by failing to exercise his social responsibilities as a citizen."

By concentrating on issues, by demonstrating how public pressure can and must force governmental decision-making out in the open where it can be seen, Common Cause hopes to mobilize a kind of moral indignation movement which will overcome a despairing citizen's "there's-nothing-I-can-do-about-it" reaction with a conviction that his voice and his vote can be made to count.

Gardner, a liberal Republican, a psychologist and teacher who has been called one of the clearest-thinking minds in the country, agrees with the Richard Scammon-Ben Wattenberg theory in their book "The Real Majority," that most voters are concentrated in the middle. But he rejects the inference that the middle cannot be moved except by playing to its own prejudices. "If we waited for the middle to move itself," Gardner says, "we would all still be living in caves. Inspiration and influence comes from the fringes."

Is he talking about leadership? Yes. He illustrates his concept of it by quoting a 19th century Japanese philosopher: "Some citizens are so good that nothing a leader can do will make them better. Others are so incorrigible that nothing can be done to improve them. But the great bulk of the people go with the moral tide of the moment. The leader must help create that tide." Gardner does not expect a flood tide of support for Common Cause. But responses to its first membership drive promise to triple and possibly quadruple the original projections by the experts handling its direct mail campaign. When news of the camaign filtered out prematurely, it made front pages from coast to coast, spiced with speculation that Gardner himself was a 1972 presidential prospect. This led to guest appearances on both network and local television.

Gardner is somewhat flabbergasted by the identity this exposure has swiftly given him. It produced a dollar bill from a ghetto resident and a thousand-dollar check from a corporation head, and these are not isolated instances. Roughly $400,000 of the half million Gardner figured was needed to get Common Cause off the ground has either been raised or pledged. This is apart from the organized membership drive needed to keep it going. In Boston's Logan airport the other day a young man, a total stranger, approached Gardner and asked to be put on Common Cause's mailing list. "I guess you missed my name the first time around," he said. On the plane, a stewardess handed him a note from a fellow passenger, a businessman, with the same request. The experience has been repeated in San Francisco and many other cities. From Zanesville, Ohio, a citizen wrote, "I want to volunteer, what can I do to help?" Such volunteers get personal long distance calls from Gardner's Washington office explaining how they can solicit members and organize local chapters to deal with issues on a community level—in addition to the pressures Common Cause hopes to put on state legislatures and Congress.

What does this response mean? "I think" Gardner says, "that people are beginning to realize they've got to do something about the public process before it's too late. Maybe they're no more than an activist one per cent but they're the people we're looking for,"—whether they're hard-headed businessmen or Ralph Nader types.

Is this the beginning of a third or fourth party Gardner-for-president movement? "I'm not a candidate for anything," Gardner still insists, as he has for at least five years. And he vehemently does not believe in splinter parties—though Common Cause's emergence has hardly quieted speculation about political alternatives for 1972. John W. Gardner denies that he's running for anything but he doesn't deny he's trying to get the country to run.

POWER SHORTAGE IN WASHINGTON

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BERRY. Mr. Speaker, it is nothing less than humorous when Members of Congress and employees in the Government bureau downtown talk about a power shortage in Washington.

I thought when they had this "brownout" event during this past week that there might be some changes made, but I drove across the 14th Street Bridge last night, through the heart of Government buildings, and every light, in every room, on every floor of every Federal building in that entire complex west of the Capitol was burning.

I assume that some of the lights are necessary for the people who are doing the cleaning of these offices, but why can not the cleaning people turn on the light as they go into a room and turn it off as they leave?

I returned across the 14th Street Bridge at 11 o'clock last night and every building was still ablaze. There must be something wrong, Mr. Speaker, there must be someone whose business it is to try to save the taxpayers a few dollars and to try and stop this wanton, wasteless waste of energy and power. I have seen the same thing almost every night prior to this "brown out" and so-called power shortage, but I thought possibly someone might have learned something, but I guess that is expecting too much.

If this thing is not stopped then Congress should investigate this reckless waste of taxpayers' money and electrical energy.

It is almost as bad as having all of the dozen escalators in the Rayburn Building running 24 hours a day, 7 days of the week, that few, if any people ever use.

CONGRESS SHOULD COMPLETE ITS WORK BY OCTOBER 15

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, I would like to call attention of all Members of this body to an excellent editorial which appeared in last night's Washington Evening Star, and I ask unanimous consent that the text of the editorial appear at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The editorial follows:

CONGRESS CAN DO IT

Congress should step on the gas and try to avoid the lame-duck session which some members now regard as likely and perhaps even inevitable. The lawmakers are capable of completing their business and getting out of town by October 15, as scheduled, if they can summon a bit more energy and cooperative spirit.

There is a singular glumness in a flap-end session, resumed after a general election, and that's a reason why there hasn't been one since 1950. It is no fun to legislate in the Jingle Bells swirl, and members who are defeated in November, as some must be, will not be in much of a gung-ho mood. Diselection is a proven incentive to absence.

Moreover, once a sizable number of legislators become convinced that an extended session is virtually certain, they will feel that the pressure is off and the result will be an immediate slowdown. Many will go home to campaign before the recess and the backlog for the lame-duck session will pile up ponderously.

The logjam still can be broken, and the Senate can make the first break tomorrow by voting to shut off debate on the constitutional amendment for direct election of presidents. The senators have been occupied with it since September 7, and it's time to invoke cloture and bring the question to a vote.

Also, the Senate should move the administration's Family Assistance Plan out of committee for an early vote. Hearings on it have been under way for many weeks, and nothing substantive can be achieved by extending them. Several other major items remain on the agenda, including defense appropriations, foreign aid, farm legislation and the controversial trade bill. But Congress, with some night work, should be able to vote on all of them by mid-October.

Many members of Congress who are battling for re-election quite naturally would rather postpone voting on controversial bills until after the election. Sweet upon their ears were Speaker McCormack's words last week end; he predicted a recess and a return to the hotter issues in November. But Senator Mansfield still clung to the hope of an October 15 adjournment, and we hope his colleagues will rally to that intent.

Mr. FINDLEY. Mr. Speaker, it starts by saying:

> Congress should stop on the gas and try to avoid the "lameduck" session which some Members now regard as likely and perhaps even inevitable. The lawmakers are capable of completing their business and getting out of town by October 15, as scheduled, if they can summon a bit more energy and cooperative spirit.

In addition to the argument very ably set forth in this editorial, I would like to raise one very fundamental question: Is it really serving the public interest for the old Congress, which had been replaced by a vote of the American people just a few days before, to deal with vital questions? These questions should be left for the newly mandated Congress. I question the public interest being served by a "lameduck" session.

At this point I would be glad to yield to anyone who can make an argument in behalf of a "lameduck" session. We have more than 2 weeks remaining before mid-October. Surely we can wind up the business of the Congress and adjourn the 91st Congress by that date.

I will be glad to yield to anyone who can shed light as to why we should have a lameduck session of this Congress.

THE GREAT PROBLEM OF OUR ECOLOGY

(Mr. HANNA asked and was given permisson to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I listened with great interest but too little edification as several of our friends on the Republican side of the aisle hailed the record of their administration on improving the environment. It was interesting to me because in 1966, when I first made a presentation on this subject in the well of the House, I predicted that the problem of pollution of the environment was going to become one of the great political issues, and so it has come to be.

Particularly in the next few weeks, there will be contending voices striking out with bold rhetoric, expounding sweeping cures for the ills of pollution. But, Mr. Speaker, it conjures up in my mind a vision of contesting finger painters. Excited by the presence of a white sheet of new expanse for initial legislation and with the bright paint of abstract theories for legislative language everyone delightfully sets to making abstract designs much like an enthusiastic kindergarten class.

Let'me say that when all the fun and games are over, I would hope that this administration, and any that should follow, would find a more useful understanding and a more promising place to pick up this problem. In my judgment, there will be no progress out of reorganization plans, nor from a plethora of well-intentioned programs, if there is an absence of sophisticated and proven measuring devices so that standard setting will make sense.

Several things disturb me. Obviously, existing devices are not capable of measuring conditions accurately enough so that their findings are acceptable. Serious questions can be lodged as to whether standards set by existing devices can be met or that performance in meeting standards can be adequately measured. Especially ironic is the fact that this administration, while bragging up its accomplishment, has actually broken up the scientific and technological capability that created the sophisticated measuring devices for space and has put this talent on the streets and in unemployment lines. These are the very people who ought to be at work creating and developing devices and instrumentation that will make sense out of standards and could assure performance out of programs.

I suggest it ill behooves any of us to stand bragging about our finger painting competition while our greatest capabilities are being laid waste and committed to idleness. When we move this environment problem toward solutions resting upon the scientific and technological capabilities developed in the space race, we will have put some intelligence and some noteworthy progress into our efforts.

GEN. THADDEUS KOSCIUSZKO

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, I am happy today to cosponsor the Byrne bill, H.R. 18161, to create a General Thaddeus Kosciuszko Home National Historic Site in Philadelphia. I am especially happy to join my colleague from Pennsylvania in this, the 300th birthday year of my own State of South Carolina, for this bill will honor a Revolutionary War hero who made such a great contribution to the Revolutionary War effort in the South.

On September 17, 1970, it was my pleasure to place in the CONGRESSIONAL RECORD a brief but excellent account of the Revolution in the South. This and other historical accounts make it clear that were it not for the strategic victories of General Nathanael Greene after Greene's arrival in the South in December 1780, the American Revolution could not ultimately have been successful.

South Carolinians are justly proud of the exploits of their patriot partisans such as Francis Marion, Andrew Pickens, and Thomas Sumter. But we are also proud of the indispensable contributions to the revolutionary effort made by General Kosciuszko. This Polish patriot became General Greene's military engineering officer; his work was essential to Greene's strategy of picking the proper time and place to match his outnumbered patriots against the British. In fact, General Greene's success in the South depended in large measure on Kosciuszko's calculations. We can still today discover evidence of Kosciuszko's work around Old Star Fort at Ninety Six, S.C., including the tunnel built to undermine that British fort. In General Greene's papers are maps and plats most probably prepared by Kosciuszko from which the South Carolina Department of Archives and History are restoring Revolutionary War sites in South Carolina. After the patriots' classic victory at Cowpens, in which Daniel Morgan trapped the British in a double envelopment much as Hannibal had done to the Romans 2,000 years earlier, General Cornwallis set out after the patriots and sought to avenge this defeat. For 2 weeks the British troops pursued the outnumbered patriots; the British most probably would have caught the patriots were it not for the fact that General Kosciuszko had had the foresight to construct wheeled carriages for quick movement.

Mr. Speaker, it is fair to say that without the military and engineering skill of General Kosciuszko the patriots' victories in the South would not have been possible. These Southern victories contributed largely to the final victory at Yorktown. Mr. Speaker, I urge passage of this bill, so that all Americans might appreciate the important contribution to our nationhood made by General Kosciuszko.

After the Revolution had been won, a grateful Congress voted the General an American citizenship and a land grant and Kosciuszko became one of the founders of the Society of Cincinnati.

In 1784 he returned to his beloved Poland, where for the next 15 years he fought in Poland's heroic struggle against Russian domination. He was a leader of the Polish revolt of 1794, and was held captive by the Russians for 2 years. After his liberation from the Russians, General Kosciuszko came to live in Philadelphia in the house that this bill would preserve as a National Historic Site.

It is "fitting and proper," Mr. Speaker, that in the cradle of liberty, the City of Brotherly Love, we preserve the house of General Kosciuszko. Again, I am happy to join in sponsoring this bill with my friend, the gentleman from Pennsylvania (Mr. BYRNE), and I hope it is expeditiously passed by the Congress.

POINT OF ORDER

Mr. DELANEY. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York makes the point of order a quorum is not present. Does the gentleman from Massachusetts withdraw his motion for the time being?

Mr. O'NEILL of Massachusetts. Mr. Speaker, I ask unanimous consent to withdraw my motion.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Does the gentleman from New York withdraw his point of order?

Mr. DELANEY. No; Mr. Speaker, I do not.

Mr. GROSS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. There are certain matters in connection with the operation of the House that the Chair would like to have taken care of. If possible, we would like to meet tomorrow at 11 o'clock, and there are some unanimous-consent requests.

Mr. PEPPER. Mr. Speaker, I would like to make a statement.

The SPEAKER. Under the present parliamentary situation the Chair cannot recognize the gentleman from Florida.

Does the gentleman from Iowa withhold his motion?

Mr. DELANEY. Mr. Speaker, I will withhold for a statement; yes.

Mr. GROSS. Mr. Speaker, I will withhold.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I was detained on official matters, and I arrived after the vote was taken on the bill H.R. 18185 on expanded urban mass transportation. I was here during the debate, and I participated in voting on the amendments, and if I had been here, I would have voted in the affirmative.

Mr. Speaker, I thank the gentlemen for withholding.

HOUR OF MEETING TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

PARLIAMENTARY INQUIRY

Mr. PICKLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLE. Mr. Speaker, if the House adjourns to convene early, to meet at 11 o'clock in the morning, would this bill be the first order of business?

The SPEAKER. The Chair will state in response to the inquiry that we are hopeful we will be able to get through early tomorrow, in connection with the religious obligations of Members of the House.

There was one other bill which it was the intention to bring up, and after the rule was adopted unanimous consent was going to be requested to have it considered in the House as in the Committee of the Whole, and that would have been the termination of the business for today.

There are two other bills for consideration tomorrow: the bill to amend the Atomic Energy Act of 1954 and what might be called the international piracy bill, which came out of the Committee on Ways and Means. It was the hope to dispose of those bills before 3 o'clock tomorrow, particularly if permission were granted for the House to meet at 11 o'clock tomorrow morning.

The Chair is giving that information in response to the parliamentary inquiry made by the gentleman from Texas.

The Chair would feel, however, in response directly to the question, that if the House adjourns this particular bill would not be brought up; but if the point of order that a quorum is not present were not pressed, the pending resolution and the bill it makes in order would be in the first order of business tomorrow; that is, the bill for the high-speed ground transportation extension. That would be the opinion of the Chair.

Mr. PICKLE. Mr. Speaker, reserving the right to object—and I shall not object——

The SPEAKER. The gentleman was making a parliamentary inquiry, rather than stating a reservation of objection.

Mr. PICKLE. I wish to make a further observation, Mr. Speaker, reserving the right to object to the unanimous-consent request.

Mr. BOGGS. That is correct, Mr. Speaker; I made a unanimous-consent request.

Mr. PICKLE. It will be necessary for me to be out of the city part of the time tomorrow, until 3 o'clock or thereabouts, and I wanted to offer an amendment to the bill. I will not object, however, in the hope that I can get some other Member to offer the amendment with respect to the high-speed ground transportation bill.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object to the unanimous-consent request, is it fair to assume, considering the way we are expediting business for the purposes stated by the Chair for tomorrow, that we can expedite the business in the following 2 weeks so that we can expect adjournment sine die?

The SPEAKER. The Chair is unable to answer that question at the present time.

Mr. HALL. Mr. Speaker, it would certainly seem to the Members that we should make every effort to do this. The Member speaking, from Missouri, is not unknowledgeable about the interrelations of the two bodies of Congress as to the need for sine die adjournment. In view of the refusal of the other body to vote cloture today, and extended actions in the past on matters that were moot to the people of America, it would seem unconscionable to have a rump session of the Congress return after the election, and not to adjourn sine die at the earliest possible date following the 10th of October.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, a review of the activities of the President's Commission on Obscenity and Pornography reveals a history replete with biased and self-serving interests.

Were it not for the excellent work of a small—but vocal and well-informed—minority this country might have fallen victim to one of the biggest hoaxes in its history.

As I indicated in my previous remarks on this subject, the $2 million spent by the Commission is resulting in a majority report the validity of which this Congress cannot in good conscience accept.

Indeed, were it not for Rev. Morton A. Hill, S.J., Winfrey C. Link, and Charles H. Keating, Jr., the members of the Commission who constitute the dissenting minority, we in Congress would be facing extreme embarrassment.

We would have been saddled with a report which the money-hungry dealers in smut could depend upon as the greatest boon to date for their deplorable business.

If Congress were to follow the recommendations of the Commission majority, the filth peddlers would be able to surface with immunity and reap the harvest of more and more millions of dollars in profits at the expense of the moral structure of our great Nation.

To their credit, the minority would have no part of this hoax. These dedicated individuals fully recognized and accepted the mandate of Congress, worked diligently to fulfill it—and against unbelievable odds. Lesser men would have surrendered quickly in light of the adverse conditions they faced.

I cite just one example of the hardships confronting the minority. The Commission adamantly refused to hear the views of the public. Commissioners Hill and Link recognized that the absence of such views would have a detrimental effect on the workings of the Commission.

As a countermeasure, at their own expense, they held public hearings in a number of cities throughout the land. Prodded by the Hill-Link hearings, the Chairman finally conducted two public hearings, but these obviously were completely inadequate toward accurately reflecting the true public sentiment.

Even as the Commission's work was concluding, the adversity faced by the minority continued. The newest Commission member, Charles H. Keating, Jr., was forced to seek legal redress so that he would have an opportunity to include a full written dissent to the report.

This probably is the first time in the history of Presidential Commissions that a Commission member was compelled to seek a court injunction in order to be assured that his own complete views would be incorporated in the report. The necessity for such a course is deplorable, to say the least.

Except for this conscientious minority, Congress would have been faced with a Commission report not only contrary to the very purpose for which the Commission was created, but also lacking the vital and appropriate views of the dissenters.

The excellent and detailed dissent of Commissioners Hill and Link, concurred in by Commissioner Keating, should serve as the guide for future congressional action.

I believe this minority report warrants being brought to the attention of the Congress and the public as a separate document.

Mr. Speaker, as part of my remarks I am including the text of the minority report:

TEXT OF MINORITY REPORT OF THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

(Report of Commissioners Morton A. Hill, S.J., and Winfrey C. Link; concurred in by Charles H. Keating, Jr.[*] of the Commission on Obscenity and Pornography)

OVERVIEW

The Commission's majority report is a Magna Carta for the pornographer.

It is slanted and biased in favor of protecting the business of obscenity and pornography, which the Commission was mandated by the Congress to regulate.

The Commission leadership and majority recommend that most existing legal barriers between society and pornography be pulled down. In so doing, the Commission goes far beyond its mandate and assumes the role of counsel for the filth merchant—a role not assigned by the Congress of the United States.

The Commission leadership and majority recommend repeal of obscenity law for "consenting adults." It goes on, then, to recommend legislation for minors, public display and thrusting of pornography on persons through the mails.

The American people should be made aware of the fact that this is precisely the situation as it exists in Denmark today. The Commission, in short, is presumptuously recommending that the United States follow Denmark's lead in giving pornography free rein.

We feel impelled to issue this report in vigorous dissent.

The conclusions and recommendations in the majority report will be found deeply offensive to Congress and to tens of millions of Americans. And what the American people do not know is that the scanty and manipulated evidence contained within this report is wholly inadequate to support the conclusions and sustain the recommendations. Thus, both conclusions and recommendations are, in our view, fraudulent.

What the American people have here for the two million dollars voted by Congress, and paid by the taxpayer, is a shoddy piece of scholarship that will be quoted ad nauseam by cultural polluters and their attorneys within society.

The fundamental "finding" on which the entire report is based is: that "empirical research" has come up with "no reliable evidence to indicate that exposure to explicitly sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults."

The inference from this statement, i.e., pornography is harmless, is not only insupportable on the slanted evidence presented; it is preposterous. How isolate one factor and say it causes or does not cause criminal behavior? How determine that one book or one film caused one man to commit rape or murder? A man's entire life goes into one criminal act. No one factor can be said to have caused that act.

The Commission has deliberately and carefully avoided coming to grips with the basic underlying issue. The government interest in regulating pornography has always related primarily to the prevention of moral corruption and *not* to prevention of overt criminal acts and conduct, or the protection of persons from being shocked and/or offended.

The basic question is whether and to what extent society may establish and maintain certain moral standards. If it is conceded that society has a legitimate concern in maintaining moral standards, it follows logically that government has a legitimate interest in at least attempting to protect such standards against any source which threatens them.

The Commission report simply ignores this issue, and relegates government's interest to little more than a footnote—passing it off with the extremist cliche that it is "unwise" for government to attempt to legislate morality. Obscenity law in no way legislates individual morality, but provides protection for public morality. The Supreme Court itself has never denied society's interest in maintaining moral standards, but has instead ruled for the protection of the "social interest in order and morality."

The Commission report ignores another basic issue: the phrase "utterly without redeeming social value." This language has been propagandized by extremists and profit-seekers, and it is so propagandized in this report as being the law of the land. It is not the law of the land, since no Supreme Court ever voiced such an opinion, yet this erroneous concept has been built into the statutes of the states as a result of extremists asserting that it is a necessary "test" enunciated by the Supreme Court. This erroneous conception has led to a vast upsurge in the traffic in pornography in the past four years. The fact is, it is nothing more than an opinion of three judges, binding on no one, neither court nor legislature.

In sum, the conclusions and recommendations of the Commission majority represent the preconceived views of the chairman and his appointed counsel that the Commission should arrive at those conclusions most compatible with the viewpoint of the American Civil Liberties Union. Both men single-mindedly steered the Commission to this objective.

In the interest of truth and understanding, it should be noted here that the policy of ACLU has been that obscenity is protected speech. Mr. Lockhart, the Chairman of the Commission, has long been a member of the American Civil Liberties Union. Mr. Bender, his general counsel, is an executive of the Philadelphia Civil Liberties Union.

The two million dollars voted by Congress have gone primarily to "scholars" who would return conclusions amenable to the extreme and minority views of Mr. Lockhart, Mr. Bender and the ACLU.

OUR POSITION

We stand in agreement with the Congress of the United States: the traffic in obscenity and pornography is a matter of national concern.

We believe that pornography has an eroding effect on society, on public morality, on respect for human worth, on attitudes toward family love, on culture.

We believe it is impossible, and totally unnecessary, to attempt to prove or disprove a cause-effect relationship between pornography and criminal behavior.

Sex education, recommended so strongly by the majority, is the panacea for those who

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[*] Mr. Keating, while concurring in this report is preparing a separate dissent.

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advocate license in media. The report suggests sex education, with a plaint for the dearth of instructors and materials. It notes that three schools have used "hard-core pornography" in training potential instructors. The report does not answer the question that comes to mind immediately: Will these instructors not bring the hard-core pornography into the grammar schools? Many other questions are left unanswered: How assure that the instructor's moral or ethical code (or lack of same) will not be communicated to children? Shouldn't parents, not children, be the recipients of sex education courses?

Children cannot grow in love if they are trained with pornography. Pornography is loveless; it degrades the human being, reduces him to the level of animal. And if this Commission majority's recommendations are heeded, there will be a glut of pornography for teachers and children.

In contrast to the Commission report's amazing statement that "public opinion in America does not support the imposition of legal prohibitions upon the consensual distribution" of pornography to adults, we find, as a result of public hearings conducted by two of the undersigned in eight cities throughout the country, that the majority of the American people favor tighter controls. Twenty-six out of twenty-seven witnesses at the hearing in New York City expressed concern and asked for remedial measures. Witnesses were a cross section of the community, ranging from members of the judiciary to members of women's clubs. This pattern was repeated in the cities of New Orleans, Indianapolis, Chicago, Salt Lake City, San Francisco, Washington, D.C., and Buffalo. (And yet, one member of the Commission majority bases his entire position for legalization on the astounding "finding" of the Commission survey that "no more than 35% of our people favor adult controls in the field of obscenity in the absence of some demonstrable social evil related to its presence and use.")

Additionally, law enforcement officers testifying at the Hill-Link hearings were unanimous in declaring that the problem of obscenity and pornography is a serious one. They complained that law enforcement is hampered by the "utterly without redeeming social value" language. The Commission's own survey of prosecuting attorneys indicates that 73% of prosecutors polled said that "social value" is the most serious obstacle to prosecution. The decision not to prosecute is usually a manifestation of this obstacle. This figure and information is strangely missing from the report's "Overview of Findings."

We point also to the results of a Gallup poll, published in the summer of 1969. Eighty-five out of every 100 adults interviewed said they favored stricter state and local laws dealing with pornography sent through the mails, and 76 of every 100 wanted stricter laws on the sort of magazines and newspapers available on newsstands.

We believe government must legislate to regulate pornography, in order to protect the "social interest in order and morality."

OUR REPORT

To the end that Congress asked for recommendations to regulate the traffic in obscenity and pornography, we will—at the close of this report—as much as it is in our power, carry out the mandate given us by the Congress to analyze the laws on obscenity (see Appendices), recommend definitions, and recommend such legislative, administrative and other advisable or appropriate action to regulate effectively and constitutionally the traffic in obscenity and pornography.

In addition, we will point up the astonishing bias of the Commission majority report by presenting to the President, the Congress and the American people, a history of the creation of the Commission, and a brief report on the heretofore secret operation of this Commission.

We shall document Commission bias and slant in the area of Effects, on which the entire report is based, and in the Legal area where the American people are asked to accept a misleading philosophy of law.

I. HISTORY OF CREATION OF COMMISSION

For several years prior to 1967 legislation to create a Commission on Obscenity and Pornography was introduced into the Congress. It passed the Senate each time, and each time died in House Committee.

Legislation was vigorously opposed by the American Civil Liberties Union, which reads the First Amendment in an absolutist way (cf. Annual Report, American Civil Liberties Union, July 1, 1965 to January 11, 1967, page 9). Their position that "obscenity as much as any other form of speech or press, is entitled to the protection of the First Amendment," can be found in an *amicus* brief in *Jacobellis v. Ohio,* 1964, among others.

In 1967, however, the feeling of the Congress was such that legislation to create a Commission was certain to pass. Now, the ACLU strategy changed. In April of that year, the Director of the Washington Office of the American Civil Liberties Union testified on such legislation before the House Subcommittee on Education and Labor.

He called for "scientific studies" in effects on the part of such a Commission, and maintained that *the public* and private groups should not be involved in the workings of the Commission.

A bill to create the Commission was considered by the Senate in May of 1967. The bill made no mention of effects studies, and drew for membership from both houses of Congress, from various governmental agencies, education, media, state attorneys general, prosecutors and law enforcement. It provided for public hearings and power of subpoena.

The bill which ultimately passed the Congress called for effects studies, drew heavily from the behavioral sciences for membership, and the power of subpoena had been removed. In other words, it was considerably weakened, and much more in line with the libertarian concept of such a Commission.

A White House press release dated January 2, 1968 reported that William B. Lockhart had been "selected" Chairman of the Commission, although public law 90–100 mandated that a chairman and vice-chairman be elected by the Commission from among its members.

Five months later, the Commission met for the first time. After five months, during which Mr. Lockhart had laid much groundwork, talking "effects" with several universities, the Commission voted to affirm his chairmanship.

Mr. Lockhart had present as an observer, at all sessions of the first Commission meeting, Mr. Paul Bender, who was later retained as general counsel to the Commission.

Mr. Lockhart has long contended that "scientific proof" of harmful effects is needed before an item can be adjudged obscene. (See Lockhart-McClure articles, U. of Minn. Law Rev.) This reasoning, followed to its logical conclusion, would have all obscenity law repealed, for it is virtually impossible to prove that one book or one film caused one person to commit an anti-social act or a crime. No court, nor any legislature, has ever demanded such "scientific proof" as requested by Mr. Lockhart and his civil libertarian confreres.

After the appointment of the Commission and the "selection" of the Chairman, no further word was heard, to our knowledge, from the Civil Liberties Union until October of 1969, when the same director of the Washington office testified before the House Subcommittee on Postal Operations. This time, he urged that no legislation against pornography be enacted *until the issuance of the Commission report.*

The Commission thus had its beginning in bias and never changed course. Using procedures wholly undemocratic, the Commission Chairman has marched the Commission from a preconceived assumption along a precharted path to a predetermined conclusion.

II. OPERATION OF COMMISSION

At this first meeting of the Commission, the Chairman asked for "confidentiality" or secrecy on the part of the members. The commission concurred.

No by-laws have ever been drawn up to our knowledge. No parliamentary procedure has been observed. There has not been a call for approval or amendment of minutes, distributed by mail. Because of this, one of the undersigned asked that meetings be taped or recorded. This request was refused.

Agenda for Commission meetings and for panel meetings were prepared by a handpicked staff, and received shortly before meetings, giving Commission members little time for preparation.

Two or three members who were in obvious and open disagreement with the Commission leadership were all but excluded from participation. From the beginning, Commission members heard only one viewpoint; seldom hearing alternatives.

Because of this, and because the Commission under its leadership had consistently refused to go to *the public* and hear other views firsthand, two Commissioners conducted public hearings at their own expense in eight cities throughout the country. At the completion of the hearings of Commissioners Hill and Link, the Commission voted to refuse them reimbursement for expenses incurred, deciding to hold two "official" hearings lest their report not receive public acceptance. (Note above the libertarian specification that *the public* should not be involved in the workings of such a Commission. Note also Commission majority explanation for not having conducted hearings until the end of the Commission's life.)

Commissioners themselves were not put into direct contact with the problem of obscenity in the concrete. A few films were shown at the first meeting; samples were "available," but no Commissioner was asked to become conversant with the problem in the concrete, so that he could be equipped to make judgments.

At the first meeting the Commission was summarily divided into four "working" panels. Panel members were not aware of what was transpiring in other panels, except for oral reports at meetings and brief written reports distributed by mail.

Full Commission meetings were held approximately every other month in the beginning. However, from October 1969 to March 1970 there was a lapse of five months between full meetings.

III. CRITIQUE OF COMMISSION BEHAVIORAL RESEARCH

Dr. Victor B. Cline, University of Utah psychologist and specialist in social science research methodology and statistics, has called the Commission's Effects Panel Report—upon which the majority report and its recommendations are based—a "scientific scandal."

Dr. Cline is the author of over 40 published research papers, principle investigator on a number of research projects funded by the Office of Naval Research, National Institutes of Mental Health, Offices of Education, etc. He teaches courses in clinical, experimental and child psychology, and is a practicing clinical psychologist.

Testifying before the Commission in Los Angeles on May 4, Dr. Cline called for, and has since repeatedly called for, the assemblage of an unbiased panel of scientists to (a) evaluate the original research sponsored by the Commission, and (b) assess what conclusions might legitimately be drawn from the assembled evidence. The Commission leadership and majority have ignored his request. In view of this, the signers of this dissenting report asked Dr. Cline to serve as an unpaid consultant. He agreed to do so, in the interest of scientific honesty and truth.

Following is Dr. Cline's evaluation of the Commission report, Effects Panel report, and "findings."[1]

A careful review and study of the Commission majority report, their conclusions and recommendations, and the empirical research studies on which they were based, reveal a great number of serious flaws and grave shortcomings. There are so many, in fact, that the entire report is suspect and lacking in credibility.

Readers of the majority report are at the "mercy" of the writers of that report, and must assume that evidence is being presented fairly and in good faith on both sides of the issue. This is also true for most Commission members themselves. It should be stated that members of the Commission Minority were allowed to look at most of the Commission-sponsored 85 research studies but only after repeated, dogged requests. And then a number were finally and most reluctantly released to them perilously close to the Commission-set deadline for this dissent.

A number of the research studies upon which the report is based suggest significant relationships between pornography, sexual deviancy and promiscuity. Yet, time and again data suggesting this linkage are omitted or "concealed." Findings from seriously flawed research studies or findings which do not follow from the data are frequently presented as fact without mentioning their very serious limitations. The scholarship in the preparation of this report, in short, is unusually shoddy. Since most of their studies are unpublished it will be virtually impossible for any interested social scientists to adequately critique their report—at least at the present time.

A typical example of omission is found in a Commission-contracted study by Alan Berger and associates in Illinois. In the study, they surveyed 473 adolescents, primarily in the age range of 14–18 (from working class backgrounds) with an extensive questionnaire which asked questions about their exposure to pornography, their sexual behavior, etc. In carefully reviewing these findings, it is distressing to note that those data not "favorable" to the Commission leadership and majority point of view are either played down or not mentioned.

In the study of the 473 high school students, they found a relationship between frequency of seeing movies depicting sexual intercourse and the adolescent engaging in intercourse (their table 46, page 101 is duplicated in part below.)

FREQUENCY OF SEEING MOVIES DEPICTING SEXUAL INTERCOURSE

[In percent]

	Not at all	1 to 4 times	5 to 10 times	11 or more times
Percent of males engaging in premarital intercourse	53	62	73	88
Percent of females engaging in premarital intercourse	10	29	44	....

This data is in the Commission-financed technical report, but is not discussed[2] or presented, despite the fact that it has an important bearing on the "effects" question.

One example of improper reporting of research results is found in Chapter V of the Effects Panel Report. Here the Commission majority states:

"A comparison study of 39 delinquents and 39 non-delinquent youth (Berninghausen & Faunce, 1964) found no significant differences between these groups in the number of 'sensational' (obscene) books they had read. Non-delinquent youth were somewhat more likely (75%) than delinquent youth (56%) however, to report having read at least one 'possibly erotic' book."

What the Commission majority does not tell the reader is that:

(a) A significantly greater number of delinquent boys (than non-delinquent) had read two or more adults books (with erotic content); and a greater number of delinquents had read three or more erotic books than the non-delinquents.

(b) The authors of this particular research concluded that their primary measuring instrument (which determined what books were actually read) was unreliable. So the results appear to be worthless and should not be cited.

The writers of the Commission report make three errors: (a) They cite data to prove a point from a worthless study.

(b) They do not tell the reader that the study is flawed.

(c) They present only that evidence which favors their point of view. They fail to cite contrary findings.

Readers who will never read the original study will assume that the writers of the report are honestly supplying complete data. This is not the case.

The majority report of the Commission has made recommendations which involve repeal of all laws pertaining to sale or distribution of pornography to adults, and the same for children (except for pictorial material).

However, whenever sweeping changes in social policy, laws, regulations, etc., are recommended, changes which might affect the health and welfare of the nation's citizens, the burden of proof for demonstrating "no harm" or "no adverse results" is ordinarily thought to be on the shoulders of the innovators. The innovators, the Commission majority in this case, have not adequately demonstrated "no harm," and in fact have repeatedly "withheld" evidence suggesting negative effects, or potential deleterious consequence of being exposed to pornography.

A number of brief comments should be made about the research evidence which the Commission staff assembled and led them to conclude that they had "found *no* evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults . . . or that exposure to erotic materials is a factor in the causation of sex crimes or sex delinquency," when *no* adequate casual studies were done. And again—it should be emphasized: To say *"we have no evidence,"* as they do, is not sufficient when one is recommending major changes in law and social policy which might effect the health and welfare of the nation's citizens.

1. *No Longitudinal Studies*. There were no longitudinal studies contracted by the Commission, studying the long-range effects of exposure to pornography and its effect on sexual activities, sex offenses, changes in moral values, etc. Nearly all studies involved covered only a few days or weeks or less (and in many cases only an hour or two).

2. *No Clinical Studies*. There were no in-depth clinical studies of individuals assessing the impact of use of pornography on attitudes, sex offenses, character, anti-social, or other types of behavior.

3. *Omission of Studies on "Porno-Violence"*. No attention was paid to the problem of porno-violence where pornography and violence are linked together in fiction and in motion pictures. This omission is particularly surprising since the Commission focused most heavily on "effects" and in view of the findings in the Final Report of the National Commission on the Causes and Prevention of Violence (1969) which link visual presentations of violence to aggressive acting-out behavior. Their findings would appear to have some important implications for situations where violence and pornography are combined (e.g. sexual abuse, assault, etc. directed toward the female).

4. *Omission of Studies and Evidence in "Imitative Learning" Area*. There is an omission of research, concern or even discussion of studies in the area of imitative and social learning by such investigators as Albert Bandura and his associates at Stanford University. Since this body of research suggests that a significant amount of learning occurs through watching and imitating the behavior of others, this would logically appear to have great relevance to any "pornography effects" studies.

If Bandura's work (as well as others in this area) have any validity, it would suggest that certain types of pornography, involving whole sequences of behaviors, probably would effect some individuals if they saw it consistently modeled on the screen or in fiction. In view of this type of evidence and findings presented by the Bandura "school" it would seem, at the very least, that the Commission staff would indicate same cautions or concerns. There are none when one reads their recommendations.

5. *Over Reliance on Questionnaire and Verbal Self-Report Data*. Nearly all of the studies presented in evidence relied heavily on "verbal self report" without outside verification. A number of factors can make this data suspect, and caution must be exercised. (a) Subjects may consciously falsify or distort. (b) Questions in the sexual area in particular could lead to defensiveness, distortion, or "protective dishonesty" of responses. (c) It has been repeatedly demonstrated that slight changes in wording a question can make major differences in the number of people who will respond "yes" or agree with it. This was demonstrated in this study in a most dramatic fashion, when in the Commission-sponsored national survey of a national sample by Abelson, only 23% of the males admitted that pornography sexually roused them vs. 77% agreeing to this in the Kinsey studies. Whom can you believe? (d) Confusingly written questions or difficult vocabulary frequently render your data useless. Thus when in one study cited 40% of a male prison group denied ever having a "sexual orgasm," their response was most probably due to not knowing what the word "orgasm" meant.

The Commission writers tend to treat all "verbal report" as fact, and when there are discrepancies they tend to consider as significant only that data which favors their point of view.

Example:

Harris Poll (1969): 76% of U.S. wants pornography outlawed.

Gallup Poll (1969): 85% of U.S. favor stricter laws on pornography.

Commission Study (1970): 2% of U.S. viewed (Abelson) pornography as a serious problem.

However, when one looks at the question which Abelson asked in this Commission-financed study, it is not difficult to see why he came up with such a low percentage: "Would you please tell me what you think are the two or three most serious problems facing the country today?" It is doubtful that even the most concerned citizen would list pornography as among the first two or three when the country is faced with the problems of war, racial conflict, youth rebel-

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[1] Since the minority were allowed only a limited amount of space to respond to the Final Report and the 4 Panel Reports this critique will necessarily be very limited and deal only with some of the flaws and limitations found.

[2] Except for a single sentence.

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lion, law and order disruption, pollution, etc.

The Commission recommends abolition of nearly all laws regulating pornography, and justifies this by saying in their Legal Panel Report: *"A majority of the American people presently are of the view that adults should be legally able to read or see explicit sexual materials if they wish to do so."* They are basing this only on *some* of the responses of U.S. Citizens to Abelson's survey, but not on other data from the *same* survey (e.g. 88% would prohibit sex scenes in movies, when they were put there for entertainment). And, of course, they are rejecting out-of-hand results of the Harris and Gallup Polls who have been in business for several decades. This sort of picking and choosing of favorable statistics is indefensible, especially when most Americans, or even social scientists will probably never have an opportunity to view the original data on which their recommendations and conclusions are based.

Another example of flagrant distortion in the presenting of "results" is in the Legal Panel Report. For some reason they *also* review the empirical research findings on pornography's effects, public attitudes toward it etc., duplicating part of the Effects Panel Report.

While the writers of the Effect Panel report have made major changes and modifications in what they say, but only after heavy fire and criticisms by the minority and others about "flawed methodology" etc., which has resulted in some modesty and more care in their presentation of results—the same cannot be said for Legal Panel Report. Any law student or other reader of that report will find data which has been systematically marshalled to favor one point of view. This is particularly true in the "public attitudes" toward pornography section. Key data giving opposing evidence is excluded.

6. *Flawed Methodology*. Some of the studies were badly flawed methodologically. These limitations were rarely mentioned when discussing their conclusions. In fairness it should be stated that since the writing of the first draft of the "Effects Panel Report", which was so severely criticized, a major attempt has been made to be more cautious, accurate, and scientifically modest.

Some of the studies did not have control groups. This means that if you expose people to pornography and get "before" and "after" measures of their sex behavior you never know for sure to what the changes or no changes may be attributed to.

Example: In the Mann (1970) study of married couples exposure to pornography, they found that after the study was over their couples reported being more "stimulated" by having to fill out a lengthy sex diary every morning (which listed a number of explicit sex activities which they had to check as to whether or not they were engaged in) than by the several erotic movies shown them. In this study which thoughtfully did use control couples (who were *not* exposed to pornography), they found the "control" wives *significantly* higher at the study's conclusion on self ratings of "being adequate as marital partners." These women had not been exposed to anything. This kind of startling and explainable finding is not unusual in social science research. If this kind of "spontaneous result" had occurred with the wives exposed to pornorgraphy it would have been tempting to conclude that pornography was the cause. Control groups attempt, though not always successfully, to minimize this type of error.

The Kutschinsky study

In the final "Effects Panel Report" the Commission staff write, *"A survey (Kutschinsky, 1970) of Copenhagen residents found that neither public attitudes' about sex crimes nor willingness to report such crimes had changed sufficiently to account for the substantial decrease in sex offenses between 1958 and 1969."*

In the Final Report "summary section" they put it even more strongly,

"Other research showed that the decrease in reported sexual offenses cannot be attributed to concurrent changes in the social and legal definitions of sex crimes or in public attitudes toward reporting such crimes to the police, . . ."

The average reader or even social scientist will probably never get an opportunity to see what this Danish psychologist actually wrote in this report or what he did. He, of course, was studying the issue of why, with increasing pornography in Denmark, has the rate of sex crimes apparently dropped. Maybe pornography has a "therapeutic effect" on sex criminals. What Kutschinsky did, in fact, was intensively interview a carefully drawn sample of adult men and women throughout Cophenhagen surveying (a) whether they had ever been a victim in a sex crime, (b) did they report it, (c) would they report certain types of sex crimes now (or ignore it), (d) have they "changed their mind" over the past few years about the seriousness of certain sex offenses, and (e) how did they feel about these same things 10 years ago. He found that 26% of the men and 61% of the women of Copenhagen had been victims of some category of "sex crime" (some minor, some serious). However, only 6% of the male viewed (primarily homosexual molestation) and 19% of the female victims reported it to the police. This is consistent with statements made by the U.S. Department of Justice in their 1970 Unified Crime Reports referring to rape, "This offense is probably one of the most under reported crimes due primarily to fear and/or embarrassment on the part of the victims." This means overall that sex crime statistics are very "shaky" and have to be viewed with caution simply because most are probably never reported.

Kutschinsky concludes after a careful and extended analysis of his data that, "The decrease in (sexual) exhibitionism registered by the police during the last 10 years may be fully explained by a change in people's attitudes toward this crime and towards reporting it to the police." He concludes in about the same terms with regards to the sex crime of "indecency towards women" (which can involve anything short of a direct rape attempt on a female.) If the reader will go back and read again what the Commission said about Kutschinsky findings, we again get an example of critical omissions of important factual data. With regards to "peeping" a non-violent sex crime which has declined 79.9% in that last decade his data suggest that the availability of all sorts of visual pornography, films and live sex shows probably have reduced the need of the peeper to risk arrest looking through people's window when he can see much more in any porno shop. We would agree with this conclusion. In the only other sex crime which he evaluated, "Indecency toward girls" his data suggested little or no change in public attitudes towards its seriousness or lack of willingness to report it. The decline in this offense remains a puzzle with Kutschinsky suggesting pornography possibly being a (poor) substitute for little girls for this type of offender.

The Commissions presentation of the Denmark sex crimes data omits certain types of sex offenses such as incest which most people would regard as fairly serious. If as Kutschinsky's study suggests, there have been no real declines in sex crimes in certain categories, only a change in people's conception about their seriousness and a lessened inclination to report them, this should be given thoughtful and careful consideration. That Danish people have more liberal sex attitudes has been documented by various surveys including another by Kutschinsky which indicated that only 32% of Danes regard sex intercourse with an agreeable 14 year old as a crime, and only 12% would regard the rape of a female as a crime where she permitted the rapist to engage in prior petting.

The kind of sex crime most people would be concerned with would involve a personal assault as in rape, or on a child, or the situation involving exhibitionism which might "traumatize" some women and possibly effect their psychosexual feelings and attitudes negatively.

If we look at the Copenhagen rape statistics (combining rape, rape with robbery, attempted rape, and intercourse on threat of violence) which all involve a sexual assault on another—we get the following picture:

Rape (all categories)—Number of cases

Year:	
1958	57
1959	55
1960	37
1961	48
1962	53
1963	50
1964	39
PORNOGRAPHY FREELY AVAILABLE	
1965	42
1966	70
1967	44
1968	50
1969	35

If one looks at the table and notes that it was in about 1965 when pornography became generally available (even though legal recognition of this wasn't to come for several years) it presents a rather puzzling picture—in that until 1969, there were no major changes in rape rate other than the normal fluctuations common to preceding years. In any event it would certainly be injudicious to conclude that there has occurred a true change or decline in some sex crimes, at least yet, in the light of the above statistics or in view of Kutschinsky's findings that with certain sorts of sex offenses the "decline" can be partially or fully attributable to changes in people's attitudes about certain sex crimes and their changes in "reporting" practices. Other sorts of data which would be useful to have in studying this whole problem would be divorce rate figures for the past 10 years, venereal disease rates, changes in extra marital sex patterns, and prostitution figures for the decade.

The Propper study

The Commission in the summary of their Effects Panel Report conclude:

"In sum, the empirical research has found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults. The Commission cannot conclude that exposure to erotic materials is a factor in the causation of sex crime or sex delinquency."

Based on the above paragraph, cited again and again in various forms throughout the whole report, we have the basis for recommending the removal of all pornography controls for adults and all controls (except pictoral pornography) for children.

Yet if we review the research of Propper, in his study of 476 reformatory inmates (see table 1 [3]) we note again and again a relationship between high exposure to pornography and "sexually promiscuous" and deviant behavior at very early ages, as well as affiliation with groups high in criminal activity and sex deviancy. This study was financed and contracted by the Commission, and while they refer to Propper's study often, no mention is made of any of these specific results in the Commission Report. This study was for many months in the hands of the professional committee that assembled and wrote the report as well as available for inspection of any of the Com-

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[3] Table omitted.

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mission members who wished to read it (but no one else). As the reader can scarcely fail to note, there is a striking relationship between heavy use of pornography and various kind of sexual "acting out," deviancy, and affiliation with high crime risk groups.

Davis and Braught study

Davis and Braught (1970) in a study of seven different populations of subjects comprising 365 people assessed the relationship between exposure to pornography and moral character, deviance in the home, neighborhood, sex behavior, etc. Samples of city jail inmates, Mexican-American college students, black college students, white fraternity men, conservative protestant students and Catholic Seminarians were studied intensively. In addition each had one female friend fill out a character scale about their behavior. In their study, which was impressive in its rigorous methodology and statistical treatment, they state, *"One finds exposure to pornography is the strongest predictor of sexual deviance among the early age of exposure subjects"* (pages 36). They note that since exposure in this subgroup is NOT related to having deviant peers (bad associations and companions) and similar type variables, it would be difficult to blame the sexual promiscuity and deviancy of these subjects on other influences such as being influenced by friends (rather than pornography) into these kinds of anti-social activities.

Once again it should be noted that this research report was contracted and financed by the Commission, was in the hands of the Commission staff, for many months, is referred to many times in their report—but not a single mention is made of these findings. This is a particularly important finding in that it suggests real dangers in exposing children and young adolescents to heavy quantities of pornography, the strong implication being that pornography can affect and stimulate precocious heterosexual activity and deviant sex behavior (homosexuality). Obviously more research must be done here, but like the studies linking smoking with lung cancer, it would seem incredibly irresponsible not to report such findings and especially in a report such as this where so few people have access to the original research, and where publication in the scientific literature, if it does occur, would be at least one or two years in the future. It is entirely possible that only one or two of the actual members of the Commission have read this report, and it is doubtful if many of the others would understand fully the scientific jargon and extended discussions of statistical treatment of the data.

The Mosher-Katz study

In another Commission sponsored study by Mosher and Katz (1970) studying male aggression against women in a laboratory setting, they concluded (page 23) that, "The data clearly support the proposition that aggression against women increases when that aggression is instrumental to securing sexual stimulation (through seeing pornography)." This finding was particularly true for men with severe conscience systems as well as for those feeling guilt about being aggressive. This suggests that the need for sexual stimulation (via pornography) can overrule conscience and guilt in "permitting" aggressive behavior towards women. And while this is only a laboratory demonstration, with many limitations, it still constitutes another "negative effects" type of evidence which no attention is paid to by the writers of the Commission report.

Berger's study

In Berger's study (1970) two of the most significant relationships in his research with young people was between exposure to large amounts of pornography and engaging in high levels of sexual activity. This was true for both high school students (gamm: .394 (males)) page 48, and college age subjects (gamma: .380 (males)) page 62. These relationships were lower (but still significant) for women. An example can be seen below.

Percent college males engaging in sex intercourse, etc.

Amount of pornography exposed to student	
Hi 5–6	77
4	62
3	60
2	44
Lo 1	4

And while the Commission Report writers correctly point out that just because there is a high association between two variables this doesn't necessarily mean that one "caused" the other. But it does suggest the *possibility* of causation, as in the early smoking-lung cancer studies.

The Walker study

Another Example of Using Flawed Data:

In Chapter V of the Effects Panel Report the Commission reviews the research of Walker (1970) studying sex offenders and non-offenders.

"The mean age of first exposure (to pornography) of the rapists was ½ year or more later than that of the matched non-sex offenders in reference to eight of the 15 items (types of pornography) and ½ a year or more earlier in reference to two. The biggest difference between the groups occurred in relation to depiction of heterosexual intercourse for which non-sex offenders had a mean age of first exposure of 14.95 and rapists a mean age of first exposure of 18.19."

The Commission reports this as fact when a quick look at Walker's tables shows that it can possibly be true. The table below is produced directly from their data.[4]

To claim that the Non-Sex Offenders saw pictures of a male and female having intercourse 1.3 years before they first saw a picture of a male sex organ, or nude female with breasts exposed, etc., demands a great deal of credulity from the reader. It likewise stretches the imagination for one to believe that the Sex Offender group witnessed pictures of animal-human intercourse, oral intercourse, and homosexual relations a year or less before ever seeing pictures of male-female intercourse. These data are obviously in error. And while it's not too difficult to imagine a single typographical error, we have two independent errors here both occurring in the same area. Common sense would dictate a recheck of this data by Walker or the Commission. This never occurred.

The issue of whether sex offenders come from sexually deprived backgrounds

The Commission in their Effects Panel Report, Final Summary Report and elsewhere again and again cite data to show that sex offenders come from conservative, repressed, sexually deprived backgrounds. Quotations from Chapter V, Effects Panel Report, capture well the essence of their conclusions:

"Sex offenders generally report sexually repressive family backgrounds, immature and inadequate sexual histories and rigid and conservative attitudes concerning sexuality."

Or another quote:

"The early social environment of sex offenders may be characterized as sexually repressive and deprived. Sex offenders frequently report family circumstances in which, for example, there is a low tolerance for nudity, or absence of sexual conversation, punitive or indifferent parental responses to children's sexual curiosity and interest. Sex offenders histories reveal a succession of immature and impersonal sociosexual relationships, rigid sexual attitudes, and severely conservative behavior."

Or still another quote:

"Suggest that sex offenders inexperience with erotic material is a reflection of their more generally deprived sexual environment. The relative absence of such experience probably constitutes another indicator of atypical and inadequate sexual socialization."

There are a number of things very wrong about these conclusions. In some of the studies where they compare sex offenders and non-offenders they, inexcusably, lump all different types of offenders together "into one bag" (e.g., Cook & Fosen, & Johnson, et al., 1970). The problem here, as the Kinsey Institute studies well demonstrate, is that there are at least 21 categories of sex offenders, some of whom show striking differences in family, sexual and psychosocial backgrounds. To draw general conclusions about such a diverse group is like doing a study on what religious people are like and include in your group Catholics, Unitarians, Buddhists and Black Panthers, treating them as a single "type." For example, aggressive rapists are very impulsive, having extremely high levels of sexual activity from an early age with very high degrees of criminality. They are very dangerous. The "Peeper" on the other hand tends to have very low rates of sexual experience, tends not to marry, and is poorly socialized.

Another type of problem is the use of an inadequate control group. To illustrates how this might cause serious problems consider the following: "Protestants are a more criminally inclined group of citizens than atheists." We study a group of protestants at the state prison and compare them with atheists taken from the general population, and sure enough our conclusion is correct. Or another (again made purposely absurd to illustrate the point). "Men who drink carrot juice will have a high sex drive" and we compare men 20–25 years of age who drink carrot juice with men 90 and over who don't drink it on a variable like frequency of intercourse. If we conclude this study shows that drinking carrot juice is related to or causes a "higher sex drive," we are in error. It has demonstrated no such thing. If we report this and *also* fail to mention that we didn't have a comparable control or comparison group, or not mention that the controls exceeded 90 years of age, then we've made a second serious error.

One of the studies that the Commission cites as giving evidence that "sex offenders" come from sexually deprived backgrounds is that of Thorne and Haupt (1966). Six percent of their college students report TRUE "I have never had a sexual orgasm" vs almost 30% for the rapists." While they don't have a matched control group to compare the rapists to, they do have data on murderers and property crimes offenders who one might guess would tend to be more similar in social class background, intelligence and age to the rapists (than the college students). When we look at their responses to this question we find an amazing 40% who indicate never having sexual orgasm. Since by the very nature of their offense it would be difficult to believe that 30% of the rapist sample never had orgasm, and in view of the Kinsey findings, findings that very nearly all of rapists (which they studied) engaged in premarital intercourse and nearly 80% engaged in extramarital sex after they married, these findings appear even more difficult to believe. However, if one is aware of the fact that most rapists, murderers, and property crimes felons come from lower socioeconomic backgrounds, have lesser education, etc. a very simple explanation offers itself. A significant number of these men didn't understand what the term "sexual orgasm" meant. Again, incorrect conclusions are drawn from the data.

Thus one can see the extreme importance of having matched control groups. If we use the murderers and property crimes felons as controls for the rapist sample (a risky thing to do) and compare how this typical sex offender compares on sexual repression, deprivation, etc., we find that (because they are in jail) they *do* tend to feel more guilty about their sex behavior, but there are no real differences overall. However, if one compares all the prison population against the college students on attitudes we do find them a little more prudish in what they say—but not apparently in what they do, compared to the college students. This undoubtedly reflects the difference between current middle and lower class cultures out of which they emerge.

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[4] Table omitted.

In the study of Goldstein and associates (1970) they attempted to obtain a good control sample to compare their sex offenders against. But unfortunately they were not too successful. His controls were significantly younger and better educated than his offender groups. (Example: nearly 80% of his controls were under 30 vs only 25% for one of the child molester groups). This makes it very dangerous to say that sex offenders are different or the same compared to "normals" when your comparison group is different. Remember the carrot juice and its relation to sexual activity?

The almost total disregard for these very elementary considerations in evaluating research findings by the Commission report writers leaves one very concerned about how they arrived at their conclusions.

Sex crimes in the United States data

The Commission after being criticized for inaccuracies in their early reports on incidence of sex crimes in America have made a number of corrections. However, a summary of this data would be in order here. Some have argued that because sex crimes have apparently declined in Denmark while the volume of pornography has increased, we need not be concerned about the potential effect in our country of this kind of material, because, essentially, of Denmark's benign experience. However, two considerations must be noted. First, we are a different culture with a major commitment to the Judeo-Christian tradition (which Denmark tends not to be); and secondly, we are actually only a year or so behind Denmark in the distribution and sale of pornography. Hardcore written pornography can be purchased anywhere in the U.S. now. Hardcored still pictures and movies can now be purchased over the counter in some cities. Anything can be purchased through the mails. And in a few cities people can attend hardcore pornographic movies. About the only thing we don't have, which Denmark has, are live sex shows. What is most relevant are sex crime statistics in this country, *not* Denmark. Since it was in about 1960, at the beginning of the decade that pornography began to flower in the U.S. relevant statistics should be examined carefully.

Reported rapes (verified): Up 116 percent 1960-69; up 9 percent 1960-69 per 100.000 females.

Rape arrests: Up 56.6 percent all ages, 1960-69: up 85.9 percent males under 18, 1960-69.

Prostitution and commercialized vice: Up 80.1 percent 1960-69 all ages; up 120.2 percent 1960-69 girls under 18.

Note: The bulk of prostitutes are 15-24 years, peak age: 22; only 13 percent of sex offenses (arrests) are women.

Source: "Unified Crime Statistics," 1970.

Illegitimate births—General note: During decade 1947-67 rate of illegitimacy doubled per 1.000 never married females. 1960-67 illegitimacy ratio up 71 percent (which is the number of illegitimate births per 1,000 live births).

Source: P. 31, 1970, "Natality Statistics."

Illegitimate births 1940 to 1967: Under 15, 2.1 to 6.9 (350 percent increase); 15-19, 40.5 to 144.4 (350 percent increase). During this period, the population of the United States increased 50 percent. "The greatest current rate of increase in illegitimacy is with 15-19 year olds" (source: p. 31, "Natality Statistics" 1970, U.S. Public Health Department).

VD—Gonorrhea—All ages: 1960-69: Up 76 percent; females 15-19: Up 52 percent, 1965-68; females 20-24: Up 36 percent 1965-68; females 25-29: Up 25 percent, 1965-68. VD fact sheet, 1969, U.S. Public Health Service.

"Sex offenses" (homosexual acts. statutory rape. etc.), All ages, 1960-69; Down 17 percent; under 18, 1960-69. Down 21 percent. This is spurious decline. Is due to change in law enforcement policy, primarily involving homosexual acts—Justice Department.

Source: "Unified Crime Report," 1970.

Divorce rate 1960, 393,000 (2.2 per 1.000 population); 1969, 660.000 (3.3 per 1.000 population).

Source: Monthly Vital Statistic Report. Mar. 12. 1970. U.S. Public Health Service.

From this data it would be difficult to argue for a decline in sex crimes and other social indicator data in the U.S. associated with an increase in all types of pornography. It would appear from all the social indicator data that our society is going through a period of considerable social upheaval and distress.

OPINIONS OF PROFESSIONAL WORKERS

In their summary section the Commission states, "Professional workers in the area of human conduct generally believe that sexual materials do not have harmful effects." While this appears to be true, these conclusions are based on a mail-back survey in which only a third of their sample responded. They also neglect to state that 254 psychiatrists and psychologists *had* seen cases where they reported they had seen/found a direct causal linkage between involvement with pornography and a sex crime, while another 324 professionals reported seeing cases where such a relationship was suspected. This totals, in actual numbers, 578. While these therapists represent a small group percentagewise, it would seem to this reviewer irresponsible to gloss over them as if they didn't exist. What if 900 of 1000 physicians indicated that they had found no relationship between cancer of the cervix and use of the coil contraceptive; but the other 100 physicians indicated that in their practice they had come across cases where there was a suspected or definite relationship. Do we discount the experience of the minority because they are outvoted where a possible health hazard is involved.

Additionally, they do not report (though they were aware of its existence) of another survey conducted by a religious group, the Archdiocese of New Jersey, in 1967 of professionals seeing a relationship between involvement with pornography and anti-social sex behavior. The majority of therapists here reported noting such a relationship at some time during their practice. This study is also flawed because of a low return of "mail-backs" by the professionals. But such is also true of the Lipkin and Carns study. Such omission of contrary evidence is difficult to understand.

The Goldstein study

In another Commission financed study by Goldstein (1970)[5] a study was made of the exposure to pornography and its relationship to sex activities of groups of sex offenders and others. In all, nine separate groups of male subjects were studied and compared. They found that the rapists were the group reporting the highest "excitation to masturbation" rates by pornography both in the adult (80%) as well as teen (90%) years. Considering the crime they were imprisoned for, this suggests that pornography (with accompanying masturbation) did not serve adequately as a catharsis, prevent a sex crime or "keep them off the streets." Fifty-five percent of the rapists report being "excited to sex relations by pornography." When reporting on "peak experiences" in exposure to pornography during their teens, 80% of the rapists report "wishing to try the act" that they had witnessed or seen demonstrated in the pornography exposed to them. This is far higher than with any other group. When asked if in fact *they did follow through* with such sexual activity immediately or shortly thereafter 30% of the rapists replied "yes." An even higher number of blacks (38% replied "yes") which is consistent with many studies showing very high rates of sexual activity early in life for this group. Even among the "normal" controls 28% replied "yes". If we can accept what they say at face value, this would suggest that pornography potentially does effect behavior and possibly adversely. This would also suggest serious concerns about exposing young people, especially to pornographic-violence. Since the writers of the Commission Report base most of their findings on data using "verbal self report" there is little reason not to at least consider as partially valid what these people say about pornography and its influence in their lives. When one asks them about the adult years and to what extent they "tried out behaviorally" what pornography had suggested to them, the figures drop somewhat (15% for rapists, 25% for child molesters, etc.) but still suggests an "effect."

CONCLUSION

Since the Commission is recommending sweeping changes in laws and social policy, the burden of proof is on them to demonstrate "no harm" in suggesting exposure of wider sections of the population to more intense types of pornographic stimulus. This they never do. They can conclude only, as they do, that they have *found no evidence* that it causes harm. This is a shaky foundation for recommending such changes when a number of people *do* claim to have found such evidence including 254 clinical psychologists and psychiatrists (in the Lipkin and Carnes survey) a majority of law enforcement personnel, etc.

Their recommendations are especially surprising when one considers the possible "mental health" implications of the problem as well as the issue of values and "public morality."

With the absence of any significant data clearly demonstrating that pornography is generally "harmless or just a nuisance" and with the presence of a considerable body of data from their own studies that exposure to pornography IS related to a variety of anti-social and sexually deviant behaviors (which is not mentioned in the majority report) serious questions about credibility certainly must be raised about this report. There are a number of excellent studies available to the Commission which could yield a great deal of useful information. Instead, the Commission report is fraught with flaws, omissions, and inaccuracies.

The writer again strongly urges that an independent panel of unbiased social scientists, competent in behavioral science research methodology, be called to review the original studies assembled, as well as review what conclusions could be drawn from them.

LEGAL "FINDINGS" OF COMMISSION

We vigorously object to the words "findings" with regard to legal issues. Section IV of the majority report is an attempt to foist upon the people and upon the President and the Congress a philosophy of law which is misleading at best.[6]

The section headed letter "C" states that the "prevailing view" in the Supreme Court is that to be classified as obscene an item must meet three—and all three—criteria. These criteria, the report claims, are: (1) the dominant theme of the material, taken as a whole, must appeal to the prurient interest of the average person; (2) the material must be patently offensive according to contemporary community standards; and (3) the material must lack redeeming social value.

This is a misinterpretation of the law, as counsel to the Commission must know, for he originally stated in his Legal Panel Report that No Majority of the U.S. Supreme Court has ever accepted the proposition that "utterly without redeeming social value" is a

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[5] Table 9-10, pages 48. 50.

[6] On September 10, as this dissent was going to press, Mr. Lockhart called Commissioner Gill and instructed him to make certain modifications in these statements so that the legal panel report no longer reads the same as it did when the Commission was influenced by it to vote for the legalization of obscenity at their first meeting of August 11 & 12 and the final meeting of August 26 & 27.

"test" for obscenity. To say that an item may not be adjudged obscene if it does not meet all three of these criteria is false. It is exactly the promotion of this canard which has brought us to the deplorable state we are in today in this nation insofar as obscenity is concerned. No Supreme Court opinion so holds. In fact, the *Roth* case says the opposite. This is the only case where the Supreme Court gives us a definition of obscenity. The "utterly without redeeming social value" language is assumed to have been built into the *Roth* test by an opinion in the *Memoirs* (Fanny Hill) case of 1966.

However, this was the opinion only of three Justices: Brennan, Warren and Fortas. It was not the opinion of the Court, and so is not the law of the land. It is a three-Justice out of nine opinion, not binding on anyone. In 29 American Jurisprudence 2nd, at Section 195 of the topic "Courts," we find the following:

"A decision by an equally divided court does not establish a precedent required to be followed under the stare decisis doctrine. And where the members of the court unanimously or by a majority vote reach a decision, but cannot even by a majority agree on the reason therefor, no point of law is established by the decision and it cannot be a precedent covered by the stare decisis rule."

The Supreme Court of the United States has said in 218 U.S. at 213 that unless a majority of the Supreme Court agrees on an opinion the case cannot become "an authority either in this or in inferior courts."

The *Roth* case gives us only the prurient interest test and this test has not been modified by *any* subsequent Supreme Court decision. In *Roth* the Court said, an item is obscene when to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest.

This brings us to the Legal Panel Report, prepared by general counsel Bender and staff, with the apparent assistance of Mr. Lockhart, from which the "Legal Findings" section is drawn, and upon which legislative recommendations are based.

The Legal Panel Report should reflect the concepts of the Commission, their conclusions, their interpretations and analysis and their recommendations for legislative action. Instead, the Commission is asked to adhere to ideas, concepts, suggestions, analyses and recommendations prepared by staff members appointed by the Chairman and his general counsel, and reflecting their points of view.

This Bender-Lockhart Panel Report is misleading in many fundamental areas of the law, and so misleads the Commission, so as to cause those members, many of whom are unlearned in the law, to come to fundamentally erroneous conclusions of the state of the law. We object specifically to the following misleading statements in the Bender-Lockhart Legal Panel Report:

1. "Unless there is a basis for finding that certain sexually explicit materials create such a danger (clear and present danger of significant social harm), therefore, general prohibitions upon the dissemination of 'obscene' speech would appear constitutionally invalid under ordinary principles." We are told on the next page that this analysis was rejected in *Roth* by the Supreme Court. Why then do they state it as a fact and ask the Commission to accept it?

2. Shortly after this, the Panel Report begins to take after the United States Supreme Court decision in *Roth* and suggests that it is erroneous and should be reversed and in fact has in effect been reversed by the decision in *Stanley* v. *Georgia* in 1969. They discuss the meaning of *Stanley* vis-a-vis *Roth* as they interpret it and make the following statements:

(a) "Obscenity prohibitions were found constitutional in the *Roth* decision * * * without investigation into or conclusions regarding the actual social effect of the dissemination of obscene materials. It is the conclusion—that obscenity prohibitions regulating what even consenting adults may obtain may be upheld without any indication of social harm—that has been brought into question by * * * *Stanley*."

(b) "*Redrup* may be read as doubting whether *Roth* was actually still the law."

(c) "In *Stanley* * * * the Court threw greatly into doubt the continuing validity of the fundamental premise of the *Roth* case that the dissemination of 'obscene' materials may be prohibited without reference to First Amendment values, and suggested, instead, the strong constitutional significance of the question whether such materials are in fact socially harmful."

(d) "The question of the social effect of obscenity, which *Roth* had deemed irrelevant has assumed critical importance in *Stanley* 'in order to determine whether the state there had a valid regulatory interest sufficient to prohibit private possesion of obscene materials.' The Court held in *Stanley* that it did not."

(e) "Prohibition upon the commercial dissemination of obscenity to consenting adults may interfere with the right of adultc to read or see what they wish in their own homes."

(f) "*Stanley* appears to have held that government may not rest prohibitions upon what consenting adults may read or view upon a desre to control their morality."

(g) "It further held that adult prohibitions premised upon a desire to prevent crime or anti-social behavior must, at least, rest upon a solid empirical foundation."

A Commission member, reading these statements and the continual "pounding" of *Stanley v. Georgia* at every opportunity throughout the rest of this panel report, would naturally assume that these statements are true and that *Roth* in some way has been overturned in a very fundamental manner by *Stanley v. Georgia*. But as a matter of fact *Roth* has not been overturned. It has been specifically confirmed in *Stanley* at 22 L. Ed. 2d 542, where the Court says:

"Roth and the cases following that decision are not imparied by today's holding. As we have said, the states retain broad power to regulate obscenity; that power simply does not extend to mere possesion by the individual in the privacy of his own home."

If the Bender-Lockhart Panel Report was intended to give the Commission an unbiased view of the state of the law, why was not the meaning of this phrase expounded? Since *Roth* is still the law of the land, then the following are the true facts (as stated in *Roth*):

(1) It is not necessary to prove that "obscene material will perceptively create a clear and present danger of antisocial conduct or will induce its recipients to such conduct."

(2) That the basis for federal and state proscription for obscentity is "the social interest in order and morality."

It is also to be noted that the Court said its decisions following *Roth* are not impaired.

In *Ginsberg v. New York*, at 20 L. Ed. 2d 195, the Court said:

"Our conclusion in *Roth* * * * that the clear and present danger test was irrelevant to the determination of obscenity made it unnecessary * * * to consider the debate among the authorities whether exposure to pornography caused antisocial consequences."

The *Ginsberg* case was subsequent to *Roth*. Why was it not mentioned? Among other United States Supreme Court decisions subsequent to *Roth* that should have been mentioned are the following, all contradicting the Bender-Lockhart thesis that somehow *Stanley* has changed things:

1. *Times Film* (*1960*)—(State has right to censor obscene motion pictures.)

2. *Freeman v. Maryland* (*1965*)—(State may require prior submission of motion pictures to a Board of Censors.)

3. *Ginzburg v. U.S.* (*1966*)—(State has a valid interest in preventing pandering to "the widespread weakness for titillation by pornography" books and magazines.)

4. *Mishken v. New York* (*1966*)—(State has interest in protecting homosexuals from obscenity.)

5. *Interstate Circuit v. Dallas* (*1968*)—(Municipality may enact an ordinance regulating motion pictures for adults as well as children and censoring those obscene.)

Each of the statements made in (a), (b), (c), (e), (f), and (g) above in the Bender-Lockhart Report are incorrect when we look at *Stanley v. Georgia's* reaffirmation of *Roth* and cases thereafter. The statement made in (d) above is misleading that "private possession" is permissible because it fails to complete the quotation "in the privacy of his home."

It would appear that for purposes of the Bender-Lockhart Panel Report, the "wish is father to the thought." They would like *Stanley v. Georgia* to say what they say it says but that desire is not borne out by the facts of that case.

It is quite clear that *Stanley v. Georgia* stands for a very narrow position and that is that a state may not convict a person of a crime "for mere possession of printed or filmed matter in the privacy of a person's *own home*." 22 L. Ed. 2d 542. And again, at 22 L. Ed. 2d 551, the "right to be free from state inquiry into the contents of *his library*." The State has no business "telling a man sitting alone *in his own home*, what books he may read or what films he may watch."

It could not be much clearer that this was the narrow proposition decided. The Court said it *four* times while specifically upholding *Roth* and all subsequent decisions.

3. The Bender-Lockhart Panel Report hits us with two phrases. One appears to be the invention of the authors in lieu of the use of the word "obscene" and that is the phrase "explicit sexual material." The other phrase is the catchword "consenting adults" which is a euphemism to express the authors' position that there are no restraints on "explicit sexual material" as long as "consenting adults" patronize it. Translated simply, it means "Legalize Obscenity for Adults" and the authors of this report should have so labeled it since this is the net effect of their suggestions. Nowhere is it explained that neither of these terms is used in any Supreme Court opinion, nor is it explained that this is the phrase used by those who would have the Court legalize the showing of "I Am Curious (Yellow)" in both Massachusetts and Maryland where it has been held obscene. In fact, there is an amazing parallel between the Bender-Lockhart Panel Report and the language used in the briefs for the distributors of that motion picture. Both sing the same tune. The Panel Report suggests that adults have "a right to obtain [explicit sexual materials] they wish to see." They cite no justification for setting up this false premise. Certainly *Stanley v. Georgia* never said it. They then proceed to state the motivations of the government in regulating "explicit sexual materials" (which we translate to "obscene"). They fail completely, however, to give the real reason which is the "social interest in order and morality." Having set up two false premises, they then proceed to obfuscate the true situation. There is a bald misstatement of the law when the Panel Report says:

"In a series of cases subsequent to *Roth*, the Court made clear that where attempts were made to prohibit only specific distributional activities connected with sexual materials—and not to prevent consenting adults from obtaining material they wished to see—more inclusive definitional standards than that imposed in *Roth* would be permitted to be applied. The first case leading in this direction was *Ginzburg* v. *United States*. There the Court * * * permitted the conviction of the defendant to stand because he was found to have 'pandered' the materials in an offensive manner rather than merely to have sold them to persons who wished to obtain them. Thus the Court permitted a conviction which it would not have permitted had the defendant merely been engaged in neutral dissemination to consenting persons."

You would assume that Mr. Bender and staff, who ought to know, have told the Commission members what the *Ginzburg* case held. Nothing could be further from the truth. As they ought to know, this is *not* what *Ginzburg* held, since:

(a) The term "consenting adults" is nowhere used or implied in that case.

(b) The Court did not say anything about *Ginzburg* not having "merely sold them to persons who wished to obtain them." It didn't mention that at all.

(c) The implication that the case stands for the right to receive "obscenity" by consenting adults is misplaced. The Courts said in *Ginzburg* that the materials *were not* "obscene in the abstract".

4. The Bender-Lockhart Panel Report suggests that "some of" the federal mailing statute may be unconstitutional under *Stanley*. This is another non-sequitur. The mailing statute has nothing to do with invading a man's home.

5. The implication on page 13 that there is something in *Redrup* which proves a theory that "consenting adults" have a right to receive obscenity is also misplaced. *Redrup* found the materials not to be obscene.

6. On page 16, the Bender-Lockhart panel Report states that:

"Stanley v. Georgia, if given full effect, would mean * * * that the individual's right to see materials of his own choice may only be overcome where there is a substantial social basis for government regulation. As a result, many applications of general prohibitions may no longer be permissible. The *Roth* standard for determining the 'obscene' retains potential validity only in those areas where *Stanley* permits general prohibitions to apply."

Now, if this problem were not so important to our country, the immediate reaction to such a non-sequitur from *Stanley* v. *Georgia* would be to shrug it off as ridiculous. There is absolutely nothing in *Stanley* to warrant this misinformation.

Roth is supreme," says Stanley—not the other way around. *Stanley* cannot be exploited or expanded to help the pornographers in this fashion.

7. Eventually, the Legal Panel Report abandons the position that *Fanny Hill* has modified the *Roth* test and engages in the business of counting Justices who have adopted the "patently offensive" test. Four of these six Justices are no longer on the Court so this maneuver fails. The footnote reference to Black and Douglas also fails since they have never enunciated this standard. The reference to Stewart and Harlan refers to federal cases only. The reference to the American Law Institute standard is misleading since that Institute never used the phrase "patently offensive".

8. Again, the Panel Report abandons its original claim that the *Roth* test included an "utterly without redeeming social value" element, and now tries to give new dignity to the opinion of three Justices (two of whom, if we use his technique, we should note are no longer on the Court) by calling it a plurality opinion. As we point out in our discussion of "Fanny Hill," under the decisions of the United States Supreme Court, an opinion of three Justices is no precedent, does not establish the law and does not bind either the United States Supreme Court or "any inferior court."

9. The Legal Panel Report finally admits that *Memoirs* "utterly without redeeming social value" "test" is not a test at all, not having been adopted by a majority, but they suggest that it is nice to incorporate the same in statutes because Black and Douglas are on the bench and this is two strikes against you. They state, "So long as at least three other Justices employ the three-part test," no application of a general prohibition which does not employ this test will be upheld on appeal. What kind of specious reasoning is this? The Bender-Lockhart Legal Panel Report seems so intent on keeping this unnecessary language in our statutes (which contradicts *Roth*—see our comments under *Memoirs* case) that they employ the scare tactics that you only need two more people against you and you lose. Is this what our statutes should be based on in this vital area? Is this what this Commission was formed for, "to estimate percentages"? Fortas and Warren are gone, leaving only Brennan who adheres to this pernicious concept. Presumably then, eight out of nine Justices will adhere to *Roth*, which rejects this so-called test and says that once it is obscene by the *Roth* test (which has no social value language), then it is proscribable. But this is not our function. We are to interpret *Roth* honestly and give the country an honest definition of obscenity. Such a definition does not include the "Brennan" so-called "test". It is to be noted, that the Legal Panel Report does not quote the recent decisions in Maryland, Massachusetts and Arizona that say that there is no "social value" test in *Roth* (see our comments in Appendix under *Fanny Hill*) nor do they say that New York is proposing repeal of this part of their statute (see our remarks under *Fanny Hill*).

10. The Bender-Lockhart Panel Report states that the Supreme Court believes that the *Roth* standard does not permit a finding of obscenity to be made under a prohibition of what consenting adults may obtain with regard to a large class of pictorial material. Again we note that there is no opinion of the Supreme Court that supports this statement that somehow "consenting adults" are a separate class under the *Roth* standard. That phrase is not used in any Supreme Court opinion.

V. CONCLUSIONS

We submit: That the Commission majority has not carried out the mandates of Congress.

We submit: That its legislative recommendations should be excluded from consideration by the Congress and States, since they are not responsive to the mandate of Congress to regulate the traffic in pornography. It is irrelevant legislation and deserves condemnation as inimical to the welfare of the United States, its citizens and its children.

We submit: That the purpose of the Commission's report is to legalize pornography.

In the pursuit of the mandates of the Congress, and in compliance therewith, we have made a review of the law and the decisions of the United States Supreme Court; and have analyzed the same in detail. This review is attached as Appendix I. In the light of that review and comment thereunder, and in view of our other mandates, we make the following recommendations.

VI. RECOMMENDATIONS

1. Recommended test or definition of obscenity

A thing is "obscene" if, by contemporary community standards, and considered as a whole, its predominant appeal is to the prurient interest. As a matter of public policy, anything which is obscene by the definition shall be conclusively deemed to be utterly without redeeming social importance. Any slight social value in such obscenity shall be deemed outweighed by the social interest in order and morality.

"Prurient interest" is defined as a shameful or morbid interest in nudity, sex or excretion which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for, or directed to a specially susceptible audience, the subject matter shall be judged with reference to such audience. When the subject matter is distributed or exhibited to minors who have not attained their 18th birthday, the subject matter shall be judged with reference to an average person in the community of the actual age of the minor to whom such material is distributed or exhibited. In all other cases, the subject matter shall be judged with reference to the average person in the community.

Comment

This formulation is taken from the *Roth* case which is the only case in which the Supreme Court defined obscenity and the *Ginzburg* case, in which the Supreme Court accepts the concept of variable obscenity as it applies to minors. It rejects the suggestion of three of the nine Justices that "utterly without redeeming social value" is a test for obscenity, since the Supreme Court has never adopted this suggestion. In fact, it is this unnecessary "test" that has caused the flood of hardcore pornography in motion pictures, books, magazines and other publications.

A complete review of the lack of constitutional necessity for this so-called "test" is found in Appendix I in our comments under the *Memoirs* (*Fanny Hill*) case.

The *Roth* Test, it is claimed by some is subjective. Upon examination, however, it is plain that the individual juror is not instructed to apply his subjective concept of what is obscene, but to determine something objective *viz.* "the prurient interest of the average person." This is very similar to what juries are called upon to do in negligence cases where the juror is asked to determine if a person used that degree of care that a "reasonably prudent man" would use. This determination has never been thought to be subjective nor too impractical or difficult to apply. We have confidence in the ability of the Anglo-Saxon jury system to determine obscently if properly instructed. (See Judge's charge in *Roth* case Appendix I).

Our recommendations are squarely based on the concept that the State has, as the Supreme Court says, a right to enact obscenity legislation based on the "social interest in morality." There is a distinction that should be made between individual morality and the level of general morality which the state needs to protect.

A person's beliefs and practices depend on what he relies on for an authority as to what is right and best. As children grow up, they come under various authorities' influences: parents, relatives, friends, teachers, writers, actors celebrities, clergyman and a host of others. They are also influenced in various ways by other forces of good and evil.

At every point in life a person has a certain moral character. It is the sum total of what he then believes and practices in the area of right and wrong. This overall moral character is constantly changing under the interplay of the aforementioned influences. Thus if a person accepts higher standards, his moral character improves; if he accepts lower standards, his moral character deteriorates.

Not only does every individual reflect a certain moral character, but so does every group of individuals, a club, a city, a state, or even a nation—*the essence of which is determined by a general consensus of individual standards*. It is, stated another way, the distillation of all the individual moralities or the *level* of morality generally. It is this level, this distillation, this average,

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this essence, which the state has an interest in protecting. The state protects this level from falling and creates an atmosphere by which it can rise. The obvious morals protected are chastity, modesty, temperance, and self-sacrificing love. The obvious evils being inhibited are lust, excess, adultery, incest, homosexuality, bestiality, masturbation and fornication.

A discussion of the background of the other aspects of this definition may be found in our comment on the Model State Obscenity Statute in Appendix II.

2. Recommended Federal legislation

We recommend:

(a) That the United States Codes Sections 1461, 1462, 1463, 1464, 1465 of Title 18, and Section 1305 of Title 19, and Section 4006 of Title 39 be amended to define "obscene" in accordance with our recommended definition of obscenity mentioned above.

(b) That so much of our recommended Model State Statute, found in Appendix II, which is suitable for incorporation in these federal statutes be therein incorporated.

(c) We recommend that Congress note that Section 4009 of Title 39, Prohibiting of Pandering Advertisements in the Mails, was specifically upheld by the U.S. Supreme Court in *Rowan* v. *U.S.*, decided May 4, 1970. This statute, it should be noted, gave a parent the right to require, also, that the mailer stop sending mail to "any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee."

While the decision did not turn on this specific point, it is nevertheless an indication that the Supreme Court will accept at least an age 18, and possibly 19 or older, as a division line between minor and adult in the obscenity field. Certainly under 16 is too low.

(d) We have reviewed anti-obscenity legislation now before Congress which we believe will help, effectively and constitutionally, to regulate obscenity. This review is attached as Appendix III.

(e) We recommend legislation or a Presidential Directive establishing a Division, in the Office of the Attorney General of the United States, under the direction of a Deputy Attorney General, made up of a team of skilled lawyers ready and able to assist District Attorneys throughout the nation in prosecutions against sex exploiters. We have personal knowledge of the fact that district attorneys generally are desperately in need of this type of assistance. The urgent necessity for the same was enunciated in March of 1965 by the presiding Judge of Franklin County, Pa., Judge Chauncey M. Depuy, when he said:

"Whenever a prosecution for obscenity occurs in a county, the well-heeled purveyors of smut act with lightning alacrity to provide high-priced counsel for the defendant. Legal smut specialists are called into the county from the nationwide staff. These professionals soon place the local district attorney's staff, unacquainted with a highly specialized field of law, at a great disadvantage. The average district attorney or assistant is no match for these well-experienced 'pros' who move from county to county and state to state . . . There is no hope for government to serve the interest of the general citizen in managing this flood of pornography unless a massive effort is made at the Department of Justice level. An effective mechanism must be devised, on a permanent basis, as a division of the department, having . . . highly skilled lawyers ready to be loaned at any time . . . to assist the district attorney in connection with any prosecution against the sex exploiters."

It should be noted that if it is believed that such a mechanism could not be set up on the federal level without enabling legislation, such legislation could be based on the Commerce clause, since most obscenity is transported interstate or imported. A model could be found in language used in the Civil Rights Act of 1964.

(f) We recommend the establishment, by Federal legislation, of a National Crime Research and Reference Library on the Law of Obscenity. The Library will be unique, since the Librarian of Congress has indicated that after diligent search, "no reference to any special law library in this area has been found, and . . . such a library would be unique and unduplicated as a single collection."

The purpose of the library will be to service prosecutors nationwide to expedite preparation of cases. It will be available also to the judiciary, behavioral scientists, clergymen, writers and other professionals who can contribute to the effort to stem the flow of obscene material. The district attorneys of New York City are of the unanimous opinion that such a library will prove invaluable to law enforcement agencies. It will contain everything written on the law of obscenity: statutes, ordinances, decided cases, texts, commentaries, etc. It will also contain a section on medical, psychiatric and psychological research relative to obscenity. Law enforcement officials believe that the convenience of finding all precedents, statutes, briefs, etc. in one location will save countless hours in case preparation.

3. Recommended State legislation

(a) *Model State Obscenity Statute.*—Attached to this Report as Appendix II is our recommended Model State Obscenity Statute based on the concept of variable obscenity and taking into consideration all U.S. Supreme Court cases. We believe it is a constitutionally effective statute that will effectively regulate the traffic in obscenity. The suggested statute is explained and annotated in the Appendix.

(b) We also recommend to the States that they establish, by legislation, a Board of Film Review which would require—under carefully prescribed rules based on Supreme Court decisions discussed in Appendix I—the submission of all motion pictures for licensing prior to their exhibition. This proposed statute is taken from Maryland Statutes Article 66A which has been revised to comply with *Freedman* v. *Maryland*, a Supreme Court decision. In our opinion it will withstand constitutional attack. A copy of this proposed Model Statute on Film review is attached as Appendix IV.

(c) In addition, we suggest that some States might desire to permit local ordinances for the establishment of Film Review Boards, generally, or for the purpose of establishing classification of films as suitable or unsuitable for minors under 18. Such States should enact legislation confirming the existing right of municipalities to adopt such legislation, and permitting them to apply for injunctive relief in the courts; and requiring a prompt judicial determination of the issue. A suggested statute to be used as a model is Section 418A, again of the State of Maryland, found in Appendix V. It should be used as a supplement to any State statute or local ordinance on Film Review or classification. This model should be modified where used in aid of local ordinances to permit the Chief Legal Officer of the municipality, or the Film Review or Classification Board, to apply also for an injunction in the case of motion pictures.

(d) We recommend the employment of the injunctive remedy, found in 22a of the New York Statute or 418A of the Maryland Statute, to supplement the Model State Statute generally. This is a most effective weapon sanctioned by the decisions of the U.S. Supreme Court, and will reach all types of obscenity. See appendix V.

(e) We recommend that the Attorney General's Office be required to review for possible prosecution and type of suspected obscenity distributed or about to be distributed, of which he gains knowledge, and which falls into any of the descriptive categories listed below:

1. The Stag Film.
2. The Sexploitation Film.
3. The Commercial X-rated Film.
4. The Commercial Unrated Film.
5. Advertisements for X and Unrated Films.
6. Underground Sex Publications.
7. Underground Newspapers.
8. Mimeographed Underground Newspapers.
9. Sensational Tabloids.
10. Homosexual Magazines.
11. Sex-violence Magazines.
12. "Spreader" or "Tunnel" Magazines.
13. Teenage Sex Magazines.
14. Pseudo-Scientific Sex Publications.
15. So-called Nudist Magazines.
16. Lyrics on Commercially Distributed Rock Records.
17. Sex-action Photographs.
18. Sex-action Records.
19. Sex-action Slides and Tapes.
20. Mail Order Advertisements for the Above.
21. Paperbacks with themes of: Homosexuality, Sado-masochism, Incest, Bestiality.
22. Hardcover Books Devoted to Homosexuality, Sado-masochism, Incest.

(f) We advocate the establishment in the office of the Attorney General of each State, a team of one or more skilled attorneys, under the direction of a Deputy Attorney General, to be used to assist in the local prosecutions where intrastate commerce is involved or where federal assistance from the Department of Justice is not readily available.

(g) We advocate the establishment in State Police headquarters of a similar division, working closely with the legal staff just mentioned. The state police have experts in arson, ballistics and other specialties. The formation of a special unit on pornography is long overdue.

(h) We advocate the establishment of permanent State Commission to examine the laws on obscenity, to make recommendations to the legislature, and recommendations for more effective means of enforcement. A suggested statute is attached in Appendix VI, and is modeled on a statute of the State of Illinois, approved September 6, 1967.

(i) We recommend the establishment of a State Commission to review and classify Motion Pictures and printed materials for minors. A suggested statute in this respect, based on our review of *Bantam Books v. Sullivan* is attached as Appendix VII.

(j) As minimum legislation, we advocate elimination of the phrase "utterly without redeeming social value" in any State statute. A suggested statute is attached as Appendix VIII.

4. Recommended local ordinances

(a) We recommend a review of existing ordinances in the light of our review of U.S. Supreme Court decisions in Appendix I, and the modifying or amending of same to comply therewith, including the elimination of the phrase, "utterly without redeeming social value" whenever found.

(b) We recommend the adoption of local ordinances (wherever the State has not adopted a Film Review Statute) to review Motion Pictures—based on Maryland Statute recommended above.

(c) On an optional basis, or as part of a general ordinance on motion picture review, we recommend a Film Review and Classification Ordinance for minors. The suggested ordinance, attached as Appendix IX is liberally designed to meet Supreme Court requirements.

(d) We recommend an ordinance designed to protect minors from being exposed, on the highway or street, to drive-in movie scenes of motion pictures that are unsuitable for children. The suggested ordinance attached as Appendix X has been approved by

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the United States Court of Appeals for the Fifth Circuit in the case of *Chemline Ind. v. City of Grand Prairie,* decided August 8, 1966, 364 F 2d. 721.

(e) We recommend a local ordinance to penalize the showing of obscene motion pictures, and to penalize the licensee found guilty. See Appendix XII, based on a second ordinance upheld in *Chemline* case above, containing pure *Roth* test.

5. Recommended private action by the public

(a) We recommend that private citizens join with or form private, non-sectarian, community organizations that take organized, but constitutional action against obscenity.

(b) We recommend citizens bring official legal complaints whenever evidence of obscenity comes to their attention.

(c) We recommend that citizens continually urge their municipal, State and federal officials, to prosecute obscenity cases. Here, again, this is best accomplished in an organized manner, working through an existing community organization.

Note.—Appendices are withheld.

"VICTORY IS ESSENTIAL TO THE SURVIVAL OF FREEDOM"—RICHARD M. NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, in October 1963, an American destined for leadership said:

> The Communist goal is to impose slavery on the free world. Our goal must be nothing less than to bring freedom to the Communist world.

In the same article he warned that the Communst leaders of Russia hope to perpetuate the slavery of 97 million Eastern Europeans by negotiating a nonaggression pact between the NATO nations and the Communist Warsaw Pact group. This he warned, would give the Communists what they want—recognition by the West, of the legality and permanence of the Soviet control and ownership over all the Eastern European countries behind the Iron Curtain.

At that time, this forward speaking American said:

> I believe that only the mobilization of the aroused and informed American public opinion will prevent the sellout of the right of 97 million enslaved people in Eastern Europe to be free.

Richard M. Nixon's evaluation of the Communist threat was correct in 1963 and it is just as correct today as he serves as Chief Executive of the largest free Nation in the world.

This October 3, when our Nation's Capital is hosting a march for victory and expecting several hundred thousand concerned Americans to petition for an end to the war and a freedom from communism, the White House will be dark, and the Russians will be building their submarine base in Cuba.

President Nixon's itinerary calls for him to be behind the Iron Curtain visiting the Communist State of Yugoslavia where he will be entertained by Chairman Tito and later host the old Bolshevik at a State dinner in Belgrade. His schedule also announces that he is to place a wreath at a monument to the Yugoslav unknown soldier—we assume a Communist hero who perhaps earned his glory roll in the execution of General Draza Mihajlovic and the Christian Cetniks.

Certainly, no one with the grasp of the Communist threat who prepared a paper on Khrushchev hidden weakness in 1963 could plead innocence to the capture and execution of the Cetniks by Marshal Tito—Congressional Record, volume 113, part 25, page 34854—nor the infamous Operation Keelhaul, one of the most sordid involvements of our country in the history of civilized mankind—see the remarks of Hon. Roman C. Pucinski, Congressional Record, September 24, 1970, page 33720.

Now, 25 years after World War II, this once-proud freedom fighter and stanch anti-Communist has remained silent and by his inaction has refused to make public to the American people the contents of the Operation Keelhaul files kept classified as top secret by the Army.

Does Richard M. Nixon still remember the young Hungarian railroad worker sending by him that unforgettable message, "Don't let us down; we want freedom too?"

The material follows:

[From the Saturday Evening Post, Oct. 12, 1963]

Khrushchev's Hidden Weakness

(By Richard M. Nixon)

On July 24 I went into Communist East Berlin escorted by five carloads of Communist agents and East German newsmen. The people I met were obviously afraid to show any signs of recognition or friendship. Those who did speak to me were immediately questioned by the police. Two small boys asked for autographs—I later learned they were picked up by the police and reprimanded. This was my depressing introduction to the most brutally repressive of all the Communist states.

But that same evening I went back to East Berlin without advance notice. This time the secret police were not aware of my presence until I had been in the city for over two hours. And now people came up to me to express their friendship for America and their hatred of the Communist government under which they were forced to live. As I was about to cross Checkpoint Charlie and return to freedom, a man walked up in the dark. "We are glad you came to East Berlin," he said. "The Americans are our only hope."

I had just seen the difference between day and night behind the Iron Curtain.

Last summer I also visited Budapest with my wife and two daughters, Tricia, 17, and Julie, 15. This is the city where seven years ago—in October of 1956—Khrushchev put down a revolution, while the request of the free Hungarian government for American help went unanswered. For this reason I did not expect a friendly reception. Yet everywhere we went we were completely swamped by people who wanted to shake hands, or say a word of greeting, or ask a question about America. It seemed that every other person I met had a relative who had fled to the United States after the 1956 revolution. One after another, even with policemen standing nearby, they said, "I wish I had gone too."

At an open-air market we were loaded down with scores of bouquets of flowers which people of very modest means had purchased to give us as a remembrance of our visit. When John Zimmerman, our *Saturday Evening Post* photographer, was taking pictures of the crowd around us, a policeman tried to stop him. Promptly, hundreds of Hungarians surrounded the policeman, berating him until he finally relented and allowed Zimmerman to continue with his photography. For three days we were given the same reception: People were openly critical of their own Communist government and openly friendly to the United States and to an American who to them represented the United States.

My experiences in Budapest and by night in East Berlin brought back memories of my arrival in Warshaw in 1959. Khrushchev had been given a cool reception in Poland only three weeks before, despite great efforts by the Polish government to give him a "spontaneous" demonstration of affection. Flowers had even been given to the people by Communist officials so they could throw them at his car and thus give him a "typical Polish welcome." But most of the Poles kept them instead.

I was therefore amazed to find that although the time of my arrival and my route through the city had not been announced, 100,000 cheering people lined the streets shouting, *"Niech zyje America"*—long live America. So many hundreds of bouquets of flowers were showered on us that the driver had to keep stopping the car to clear the windshield. We were told by the proud Poles, "This time we bought our own flowers!"

These personal incidents could be multiplied a thousandfold by the experiences of other Americans who have traveled in Communist-controlled Eastern Europe—in Romania, Czechoslovakia and Bulgaria, as well as in Poland, Hungary and East Germany.

And this is why I saw Khrushchev react so violently to the 1959 Captive Nations Resolution in which Congress called on free people to pray for the liberation of "enslaved peoples" behind the Iron Curtain. I remember clearly my first official call on the Soviet dictator in the Kremlin shortly after this congressional action. Rising out of his chair, he pounded the table and shouted, "This resolution stinks!" Then he described what he meant in a series of four-letter words so crude that even Oleg Troyanovsky, his usually suave translator, blushed as he translated them into English for my benefit.

For Khrushchev knows that he is sitting on a powder keg. He knows that the overwhelming majority of the people of East Germany, Hungary, Czechoslovakia, Poland, Bulgaria and Romania hate their Communist governments and would rise against them if they thought they had a chance to succeed. He knows that the Eastern European nations, through history and by tradition, hate and fear Russian imperialism. He knows that millions behind the Iron Curtain would leave their homes and go to Free Europe or the United States if they were allowed to do so by their governments. And he knows that despite the United States' failure to give more support to the 1956 Hungarian revolution, the people of the captive nations still consider America to be their main hope for ever obtaining freedom.

This is why the ugly Berlin Wall stands as a shocking symbol of Soviet fear and failure. Like the minefields, the watchtowers and barbed wire stretching along the Hungarian border, the Wall's purpose is not to keep enemies out but to keep the people in. It is not surprising, therefore, that Khrushchev's main foreign-policy objective at this time is to keep the lid on this Pandora's box of troubles for his Communist empire.

Today Khrushchev hopes to do this by negotiating a nonaggression pact between the NATO nations and the Communist Warsaw Pact group. This would give him exactly what he wants—recognition by the West of the legality and permanence of his Eastern European Communist regimes. He knows that all he now has are squatters' rights in these countries, obtained through very questionable means. For him, a nonaggression pact

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would be a quitclaim deed—a legal title from the West. Yet there are now high officials in the Free World who ask: Why shouldn't we give this recognition to the Warsaw Pact governments? Don Cook of the New York *Herald Tribune*, writing from Paris on August 29, reports that a nonaggression pact is favored by Britain, Belgium, Luxembourg, Denmark, Canada and Italy. And, he goes on to say, "The Kennedy Administration is inclined to want to try the nonaggression-pact idea, but is not pushing or urging the plan."

In the early stages of the test-ban negotiations in Moscow, several trial balloons were sent up from "usually reliable" Administration sources, suggesting that the United States should agree to a nonaggression pact if this were the only way we could get Khrushchev to agree to a test ban. The public reaction in the United States to such a deal was so overwhelmingly unfavorable that all our negotiators finally agreed to do was "to discuss" this and other proposals in a future conference.

Because there are strong pressures from within as well as from outside the Kennedy Administration to make such a deal, I believe that only the mobilization of an aroused and informed American public opinion will prevent the sellout of the right of 97 million enslaved people in Eastern Europe to be free.

Those who favor a nonaggression pact argue that the Hungarian revolution proved we couldn't do anything in support of the people of Eastern Europe anyway, and besides, it is a small price to pay to keep Khrushchev in a "mellow mood." We heard the same argument in support of a policy of talking softly and carrying a toothpick in dealing with Castro. In short, we are hearing more and more talk about "accommodation," "disengagement," "coexistence" and other devices which add up to our approval of Soviet domination of Eastern Europe, and less and less talk about eventual freedom for the people living under Communist repression.

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I believe the time has come for a complete change of direction and emphasis in American foreign policy toward Eastern Europe. We must begin by doing some clear thinking about what is at stake for the Eastern Europeans, for the Communists and for the Free World.

It would be shockingly immoral for the United States to do anything directly or indirectly which would give the impression that we accept Khrushchev's price—namely, that in return for "peaceful coexistence" we would draw a line down the middle of Europe and accept as permanent the Communist enslavement of 97 million Eastern Europeans. Not only would this be outrageous in the human sense, but it would be dangerously detrimental, both politically and strategically, to American foreign-policy interests.

THE WORLD—SLAVE OF FREE?

The Communist goal is to impose slavery on the Free World. Our goal must be nothing less than to bring freedom to the Communist world. Our policy must be guided by one overriding principle: We stand for freedom—not only for ourselves but for all people.

I believe we can and must accomplish this objective without war. The people who live in the captive nations have traditionally been oriented toward the West rather than toward Russia and the East. They became Communists not by choice but through force, subversion and coup d'etat.

Today these countries constitute the most dramatic evidence of the failure of Communism as a political, economic and social system. In terms of economics we need only to compare the slow growth of the bloc countries with the booming production of Western Europe. But it is in terms of human liberty that the contrast is greatest—the refreshing aliveness of West Berlin compared with the deadly drabness of East Berlin, the free spirit of Vienna compared with the stricken soul of Budapest. You can't eat freedom, it is said, and you can't see it either, but you can certainly feel it once it has been denied you. The Soviet Union has denied freedom to the 97 million people of Eastern Europe. And the result, as John Foster Dulles once said, is that "never has any imperialist system in history been more successful in extending its domination and less successful in gaining the approval of the people upon which it was imposed."

Eastern Europe is Khrushchev's greatest potential weakness; it is the area of our greatest potential strength. What then, can we do to help these people achieve their freedom?

We must first recognize that there are some things that we cannot do. There should be no loose talk of starting revolutions in countries like Poland, Hungary and East Germany in which thousands of Soviet troops are stationed, with millions more poised on the border.

We need only to recall the tragedy of the Hungarian Revolution in 1956. This was a true peoples' revolution. Thousands of workers and students succeeded in overthrowing the tyrannical Communist government. Then the Soviet army marched into the streets of Budapest. The freedom fighters asked for help; we gave them sympathy. We did nothing except to protest to the United Nations and open our doors to the fleeing refugees. I stood on the border near Andau, Austria, on a bitter-cold night in December of 1956 and saw the refugees coming into Austria and freedom. It was both an inspiring and a terribly depressing sight. These men and women had risked everything. They had fought magnificently for freedom. Then a hated foreign oppressor had moved in; they were forced to leave their land to find freedom elsewhere. Soon even this escape route was cut off.

It is, of course, easy to second-guess. But looking back, I believe we should have done more than we did. Unfortunately the Hungarian revolution could not have come at a more difficult time from our standpoint. The British, French and Israelis had chosen the same period to march into Egypt. We believed that there should be a single standard with regard to the use of armed force and that it should be applied both to our friends and enemies alike. When we referred the Suez case to the United Nations, our friends withdrew their forces as law-respecting, civilized governments would be expected to do. But when we took the same action with regard to Soviet suppression in Hungary, Khrushchev did what he always does—uses the U.N. when it helps him and ignores it when it hurts him. We ended up with a debate in the U.N.; the Hungarian Freedom Fighters ended up without a country.

What more could have been done short of risking world war is open to question. But I think the crime of Khrushchev and his Communist puppets in Hungary was so great that more dramatic methods should have been used to bring it to the attention of the world and to keep it there. Four actions would have served this purpose. First, we should have recognized the anti-Communist Nagy government promptly. This would have deprived Khrushchev of the legal argument that the Communist Kadar government had "invited" the Soviet forces to come in. Second, when Khrushchev refused to withdraw his troops from Budapest, we should have broken off diplomatic relations with the Soviet Union. Third, we should have permitted the organization of "volunteers" in free countries to help the freedom fighters. This is the action the Kremlin has taken in corresponding situations. Fourth, when the puppet Kadar government was set up in place of the free government, we should have recognized a government-in-exile. Such a government-in-exile by itself could not have changed the situation. But it would have been a symbolic rallying point not only for Hungarians but for people throughout Eastern Europe, who admired their courage and shared their ideals of freedom.

Because of our sympathy for the Hungarian Freedom Fighters, Hungary presents probably the strongest case for the adoption of an American policy designed to gain freedom for the people of Eastern Europe.

On the other hand, Hungary also provides strong ammunition for those who oppose such a policy. They argue that the revolution of 1956 showed the hopelessness of supporting any positive action to overthrow the Communist governments. And now that the test ban has been agreed to, the argument goes that this shows what can be accomplished in "reducing tensions" if we soft pedal issues on which Khrushchev is particularly sensitive, such as the captive nations of Eastern Europe and the Communist domination of Cuba. One American foreign-policy adviser said to me in Europe, "If the Kennedy Administration had not watered down the Captive Nations Resolution as it did this year, Khrushchev might never have agreed to the test ban." I doubt this conclusion. But assuming it is correct, was the test ban worth the price we paid? Did we sell out freedom for expediency?

Americans have always contended that if we are to retain freedom for ourselves we must support the cause of freedom for others. It is ironical that in the United States some of those who pride themselves on being "liberal" in foreign and domestic policy are the most violent opponents of any move to launch a peaceful offensive for freedom for the Eastern European peoples. They charge that those who support this program are "reactionary warmongers." The only appropriate "liberal" point of view is to downplay the "freedom issue" in our discussions with Khrushchev so that we can make progress on the "peace issues." To inject talk of captive nations in East-West negotiations will "rock the boat." Yet these same people are uncompromising in their demand for freedom from Portugal for Angola, full freedom for the black population of South Africa, and for the Negroes in America. In those cases, they are not bothered by the fact that raising these issues causes embarrassment to the governments of South Africa, Portugal and the United States.

I believe that we must have a single standard for freedom. Its denial in whole or in part, any place in the world, including the Soviet Union as well as the United States, is surely intolerable.

The ghetto, that grim relic of man's injustice to man, must go wherever it exists in the world. And this includes Eastern Europe, the most shocking ghetto of them all. We cannot write off 97 million people—people who now live in a place they are not allowed to leave, under a government they did not choose, and with no right to demonstrate, to vote or otherwise to voice their opinions against the tyranny which has been imposed upon them. Let us continue to be against those few remaining outposts of the old colonialism imposed by whites over nonwhites. But let us at the same time be just as vigorous in our opposition to the new Communist colonialism imposed by whites on whites which we see in Eastern Europe and in Cuba.

The moral argument is justification enough for a new policy of peaceful action in behalf of the peoples of Eastern Europe. An equally strong case can be made on solely strategic and political grounds. Let us take at face value the claim that Khrushchev will be irritated by our raising the issue of freedom for the captive peoples. Is this not the time to test his intentions? We have just agreed with him to a test ban. The "new" Khrushchev is being pictured all over the

Free World, as well as in the Communist world, as the leader in the fight for peace and in reducing tensions between East and West.

But what has he actually done to reduce tensions? In Western Europe, in the United States and in Latin America, the Communist parties with Khrushchev's approval and support are stepping up their programs aimed at the overthrow of free governments. Communism has made its greatest gains through this kind of indirect aggression. Are we, on our part, now going to give Khrushchev a hunting license in the free world and a privileged sanctuary in the Communist world?

It is claimed that the dangers of a war have been reduced because of the signing of the test ban. This claim is open to question. But there is no doubt whatever that if the danger of war has been decreased, the danger of defeat without war has been substantially increased. On August 29 the Associated Press in Washington reported, "David E. Bell, the foreign-aid director, predicted today that the Soviet Union and China would increase their campaign to dominate undeveloped areas once the nuclear treaty took effect." Moreover there is a genuine danger that, as a result of the test-ban agreement, our real sense of urgency may be replaced by a false sense of security. Some European powers will not be as quick to meet NATO defense goals; the concern about Communist subversion in free countries is now inevitably going to be less than it should be; the respectability of Communist-front organizations will now increase. I would not even be surprised to see a revival of the old American-Soviet Friendship Society—supported and controlled by the Communist Party, of course.

I believe that we are now entering a period of the greatest danger of Communist expansion in the Free World since immediately after World War II. As a Hungarian student told me in Budapest, "The Russian bear is always most dangerous when its arms are outstretched in a gesture of seeming friendship. If you get too close, you will be crushed to death." All signs point to an inescapable conclusion: A great new Communist offensive is being launched against the Free World, an offensive without resort to war, an offensive all the more dangerous because it is so difficult to recognize and to meet effectively.

We cannot meet and defeat such an offensive by a static policy of defense. It is altogether right and necessary that the President of the United States has declared to the people of West Berlin that if they are attacked we will help defend them. But at the same time we must make it clear that we will not stop there. Khrushchev does not hesitate to declare that Communism's goal is not simply to defend what Communism already has but to extend it throughout the world. Our goal for freedom can be nothing less. Much of Communism's appeal is that it is revolutionary in character. A revolution cannot stand still. If it does it dies. Khrushchev recognizes that the Communist revolution must grow if it is to survive. Our goal must not be simply to keep freedom from shrinking but to make it grow too. Our goal must be a free Cuba, a free Eastern Europe, a free Russia, a free China. And every policy must be directed to reach that goal through peaceful means. This was once the stated policy of the Kennedy Administration, but it has been watered down and wrapped in double talk from the time negotiations for the test ban began.

The great and vital issue of freedom for the oppressed is being kept on a back burner. It is high time for us to put it on the front burner, to make it a top-priority objective in every international negotiation.

What are some positive things the United States could do in behalf of freedom for the 97 million people of Eastern Europe?

We must above all keep the hope of freedom alive in their hearts. This means we must resist every attempt on the part of Khrushchev to gain recognition of the legality and permanence of Communist domination of these countries.

We must treat each of these countries as an individual nation. Although they all have Communist governments, they are no longer a bloc in the monolithic sense that they were 10 years ago. The people in each of these countries fear and distrust the Russians; they also have great national differences among themselves. Communism for a while tended to blot out these differences. Nationalism however, is growing in Eastern Europe, just as it is in Western Europe. In Western Europe it is a problem for us. In Eastern Europe it is a problem for Khrushchev. Nationalism there is our ally. The Congress should give the Administration the power to be flexible in its economic and diplomatic policies toward these countries.

We should do nothing for any of the Communist governments of these countries unless its purpose and effect will be to help the people get relief from Communist oppression. For example, our whole program of aid to Yugoslavia must now be very critically reappraised. We provided nearly $2.3 billion in military and economic assistance to Yugoslavia from mid-1945 through mid-1962. We gave most of this aid because Tito had split with the Kremlin, and we believed that by subsidizing Tito we could widen the split. Now Khrushchev and Tito have thrown their arms around each other, and it is quite apparent that the military equipment we provided for Tito would be on the Soviet side in the event of world conflict. Yet because Tito was against first Stalin and then Khrushchev, some people in the United States gained the false impression that his brand of Communism was more "liberal" than the Soviet brand. On the contrary, the people of Yugoslavia have suffered even more at the hands of their Communist government in recent years than the people of the Soviet Union. American aid has brought little if any relief to the *people* of Yugoslavia.

In the light of our experience in Yugoslavia, under no circumstances should military aid be provided for any country with a Communist government. Such military assistance may appear at the moment it is granted to be justified on the ground that it would strengthen the hand of a satellite Communist government against the Soviet Union. But we must recognize that while the Communists have differences among themselves, when the chips are down they are going to join forces against us. The Soviet-Chinese quarrel is significant in this respect. What they are arguing about is not how to beat each other, but how to beat us. This is their fight. We most certainly should stay out of it.

We should set these minimum goals: (1) Get the Soviet occupation forces out of the countries of Eastern Europe; (2) get the governments of these countries to adopt policies which will allow people to leave if they desire to do so; (3) get the Communist governments to adopt a let-live policy toward the established churches in these countries and toward other institutions of freedom; (4) increase contact with the people of these countries as distinguished from the governments, including visits from high-ranking U.S. officials to remind these people that they have not been forgotten; (5) increase the exchange of publications, broadcasts and other instruments of communications, especially communications designed to keep the young people in contact with the Western world and free institutions.

As a specific example, we should not agree to "normalize" relations with the outlaw Kadar regime in Hungary unless these minimum conditions are met: (1) removal of Soviet troops from Hungary; (2) removal of the "wall" of barbed wire, minefields and watch towers which separates Hungary from Free Europe; (3) satisfaction of the conditions Cardinal Mindszenty insists upon for relations between the Catholic church and the government; (4) greater freedom for Hungarians to leave the country if they desire to do so; (5) removal of restrictions on the flow of information from Free Europe and America into Hungary by radio, newspapers and magazines. This latter point is vital. Although the overwhelming majority of the people of Hungary and other Eastern European countries are opposed to Communism now, there is a real danger that an entirely new generation will grow up with no knowledge of any other way of life, due to lack of contact with the Free World. That is why the policy advocated by some well-intentioned anti-Communist groups "to cut off all contact with countries with Communist governments" is wrong. We must increase contact with the people of these countries without putting the stamp of approval on their Communist governments.

OUR BEST POTENTIAL WEAPONS

We should agree to only those economic programs that will have the effect of serving the objectives I have listed above. Programs of trade and aid are our biggest potential weapons; at the same time, they are the most difficult to use effectively. No American action should be taken if it strengthens a Communist government's strangle-hold on the people. If a satellite government indicates a clear intention to pursue a course independent of and even opposed to the U.S.S.R. in foreign policy, we should provide economic co-operation, but only if the satellite government also combines its anti-Soviet policy with some relaxation of its repression against its own people. In Tito's case, for example, we paid too much attention to his differences with the U.S.S.R. and too little to the terrible plight of the Yugoslav people and to our responsibility to help relieve it.

In our policies and pronouncements, we must not fail to distinguish between the Communist regimes and their subjects, between the Kremlin and puppet governments on the one hand and people on the other. The Kremlin's failure to win the voluntary, free allegiance of its peoples is one of the strongest deterrents preventing it from risking actions that might lead to war. We must never forget that the Communist governments may be our enemies but that the people living under those governments are our friends.

This is admittedly a complex and controversial answer to the problem. It would be much simpler to follow the approach of the "liberals" and ignore the plight of 97 million people in the Eastern European countries so that we will not jeopardize our efforts to seek other goals in dealing with Khrushchev. It would be much simpler to follow the approach of the "reactionaries" and support a program of encouraging revolutions in these countries to be followed by American forces to support such revolutions without regard to the risk of world war this policy would entail. And, of course, it would be even more "popular" simply to advocate cutting off all contact with the governments and peoples of Eastern Europe and denying any economic cooperation on the ground that "we shall provide no aid to Communists."

But we are confronted here with a tragic human problem of 97 million people living under Communist tyranny. The great majority of these people are against their Communist government; and their hopes for freedom, no matter how limited, are with America. We demonstrated in 1956 that we cannot support a revolution in the event they begin one. On the other hand, we cannot be completely negative in our policy. I believe our only responsible course of action is to find positive, peaceful methods of achieving more freedom and a better life for these people. A negative, do-nothing policy can only have the effect of leaving them at the mercy of their Communist governments and destroying the morale of millions of anti-Communists in the Communist world.

And there is an even more far-reaching consideration. We cannot appear to acquiesce in the Communist enslavement of millions behind the Iron Curtain and still make our opposition to Communism elsewhere credible. If it is all right with us to see Hungarians, Poles, Czechs enslaved, why not logically Venezuelans and Malayans and Cubans? By surrendering the Eastern Europeans to their Communist masters, we are surrendering our presumed leadership of anti-Communist forces throughout the world.

I wish every American could have the opportunity to travel in Eastern Europe, as I have had again last summer. I am sure that no American would then feel complacent about the plight of these captive peoples. For those who are fortunate enough to take such a trip, I say: When you get to Budapest or Warsaw or East Berlin, don't be satisfied with the guided tour—hotels, buildings, restaurants, statutes are pretty much the same in all the capitals of the world. The people, their problems, their hopes, their dreams—this is the real and important story.

As our train was leaving the Budapest railroad station for Vienna, a young railroad worker came up to me. Speaking in halting English, he said, "My brother left in 1956 and is now living in Columbus, Ohio. If you should see him, will you tell him that he was right? I should have gone too. And I hope to join him before it is too late."

The train had started to move before he finished. I sat down in my seat and as I looked out the open window I saw that he was running alongside. "The address," he shouted, "I forgot to tell you the address. It is on Euclid Avenue in Columbus. Tell him I hope to join him—tell him—tell him." The train had pulled away before I could get his name or the street number.

He was trying to send his message to his brother living in Columbus, in the very heart of America. But as far as I was concerned he was sending a poignant and unforgettable message through me to the heart of America—"Don't let us down. We want freedom too."

[From the Washington Post, Sept. 25, 1970]

NIXON TO SPEAK TO 6TH FLEET FROM CARRIER

(By Ken W. Clawson)

President Nixon will pay a personal call on the alerted 6th Fleet during the early part of his eight-day European tour that starts Sunday, the White House announced yesterday.

Mr. Nixon will address the entire fleet from the deck of the aircraft carrier USS Saratoga, which has been patrolling off the coast of Israel and Lebanon. It was pulled back from the alert zone to 30 minutes helicopter flying time out of Rome, and will take on the President Monday night.

The President's remarks from the carrier Tuesday will be piped to the rest of the fleet in the eastern Mediterranean.

The President is expected to receive personal reports from American ambassadors to Middle East nations Wednesday at NATO's Naples headquarters. He will also confer with NATO commanders.

Mr. Nixon will be accompanied by his wife, Secretary of State William P. Rogers and other White House officials.

His itinerary, released yesterday, shows a ceremonial-studded tour that includes private talks with President Tito of Yugoslavia, Generalissimo Franco of Spain, Pope Paul VI, Prime Minister Edward Heath and Queen Elizabeth II of Great Britain, President Saragat of Italy and President de Valera of Ireland.

Air Force One will leave Andrews Air Force Base at 7:30 a.m. Sunday, arriving in Rome that night. The President will be welcomed by President Saragat in ceremonies at Quirinale Palace.

Private talks between the Presidents, an audience with the Pope and a meeting with student priests at the North American College of the Vatican are scheduled before the President helicopters to the Saratoga.

After reviewing jet launchings and recoveries and weapons firings Tuesday, the President will fly to the USS Springfield, flagship of the fleet, to confer with fleet commanders. He will then return to Naples and confer with ambassadors Wednesday morning.

He arrives in Belgrade Wednesday afternoon, and will join President Tito in a motorcade through the city. In the evening, Tito will give a state dinner.

The two Presidents will confer Thursday morning. In the afternoon, Mr. Nixon will go to Zagreb in Croatia, and to Kumravec, birthplace of the Yugoslavian President. That night, the Nixons will give a state dinner for Tito in Belgrade.

The Nixons arrive at midday Friday in Madrid for ceremonies that include a motorcade with Generalissimo Franco through the city, private talks with Prince Juan Carlos, Vice President Carrero Blanco, and a state dinner.

Mr. Nixon arrived in London on Saturday, Oct. 3, and will go to Chequers, Prime Minister Heath's country residence, for private talks followed by luncheon with the queen.

Later Saturday, the Americans fly to Shannon, Ireland, where they will travel by car to Kilfrush House, 17 miles south of Limerick, for the night. The house is owned by New York industrialist John A. Mulcahy, a friend of Mr. Nixon's.

On Sunday, an entire morning will be spent on the Paris peace talks with Mr. Nixon and Secretary Rogers meeting with Ambassadors David K. E. Bruce and Philip C. Habib, and Henry Kissinger, Mr. Nixon's national security adviser.

Mr. Nixon will spend Sunday night in another Mulcahy residence at Waterville, 35 miles southwest of Killarney. He will helicopter Monday to Timahoe to visit a graveyard where some of his maternal ancestors are buried.

A final, 90-minute motorcade will take the President to Dublin for a meeting with President de Valera. The party arrives back at Andrews AFB early Monday evening, Oct. 5.

[From the New York Times, Sept. 25, 1970]

NIXON SCHEDULE OUTLINED

WASHINGTON, September 24.—On his European trip, President Nixon will spend eight nights in seven cities, motor through downtown Madrid and rural Irish towns, consult with American diplomats, visit the graves of ancestors and place a wreath at a monument to the Yugoslav Unknown Soldier.

TENTH ANNIVERSARY OF NIGERIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, on October 1, Nigeria will mark the 10th anniversary of its independence. A decade may not be long in history, but history has been long and full in this decade for Nigeria. Nigeria's independence, like that of our own country, is in one sense a social experiment with lessons for all mankind. Nigeria is exploring how pluralist states and indeed the international community can achieve the goal so well expressed in its national anthem, "though tribe and tongue may differ, in brotherhood we stand."

As Nigeria moves into the second decade of its independence, we in the United States look forward to continuing the efforts of our two countries in the search for a better life for our people. We have worked together in many areas within the past 10 years, both between ourselves and international organizations. I would like especially to commend the Nigerian Government's ongoing efforts to promote regional economic and trade programs in West Africa. The United States shares the view that the lives of neighbors can be enriched by mutual cooperation. There is an important role for Nigeria to play in the future of all of Africa.

Today, we Americans reaffirm the bond of friendship which has always existed between our two countries. That bond, as the revered first Prime Minister of Nigeria remarked to the U.S. Congress in 1961, is twofold. Within Nigeria and the United States reside the largest concentration of peoples of African descent of any countries in the world. But above all, Sir Abubakar Tafawa Balewa said, "we share a history of common struggle to achieve freedom from anything that is oppressive to the human spirit." We look forward to marching shoulder to shoulder with Nigeria in that common struggle in the decades ahead.

PRISONS AND VISITS BY WIVES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. KOCH. Mr. Speaker, not very long ago an investigation took place into the conditions existing at the men's detention center in Manhattan commonly known as the Tombs. That investigation occurred as a result of a riot by the prisoners. During the course of the riot and subsequent investigation the commissioner of the New York City Department of Corrections verified that the inhumane conditions complained of by the prisoners did in fact exist. The subsequent investigation conducted under the auspices of State Senator John R. Dunne again confirmed what has been known for many years, that the conditions under which prisoners are held at the Tombs are inhumane and must be corrected.

I am sorry to report that not much has taken place by way of correction except for, and admittedly it is a most important exception, some reduction in the overcrowding. The Tombs originally built for 932 men had within the last year more than 2,000 prisoners confined in the same accommodations. The number of prisoners held today in the Tombs is 1,357, still 146 percent of capacity.

Anyone familiar with corrections knows that unless and until we provide decent minimum standards covering not only physical facilities but also rehabilitation and educational programs we will be releasing men who in great numbers will return to prison within the year. Recidivism is high and in one police precinct in New York City I have been informed that more than 50 percent of those apprehended in burglaries and robberies in that district are former convicts.

I would like to call attention to what are in my judgment the harmful attitudes of the New York State Department of Corrections headed by Commissioner Paul D. McGinnis. My experiences with that commissioner and his department have brought me to the conclusion that whatever is wrong with the New York City Department of Corrections, is compounded on the State level. I would like to recite one simple illustration of the kind of attitude displayed by the New York State Department of Corrections. It concerns itself with simple nonconjugal visitation and rather than state in detail what I wish to call to the attention of this House I would prefer to let the correspondence in this matter speak for itself. After reading the correspondence I would hope that our colleagues will join in cosponsoring H.R. 16794, a bill which would establish minimum standards for local and State correctional institutions seeking Federal financial assistance.

The correspondence follows:

NAPANOCH, N.Y.,
May 30, 1970.

Mr. EDWARD I. KOCH,
Member of Congress, House of Representatives, Washington, D.C.

DEAR SIR: I am sending this letter to you because you were recommended to me by a fellow inmate now serving time with me at the Catskill Reformatory, Napanoch, N.Y. He told me that you helped him while he was at the tombs in N.Y.C. If you cannot help me in my present dilemma would you kindly forward this letter to someone who can. I was convicted on my own improvided plea of guilty to section 2205 R.P.L. (Possession of a Dang. Drug & Implements) as a class "A" misdemeanor accepted by Magistrate Lane on Nov. 25, 1969 in & before the Supreme Court Of The City Of New York, Part 16, County Of The Bronx. I was therein sentenced on March 6, 1970 to serve a max. term of 1 yr. in the county jail (Rikers Island Reformatory For Men) under the supervision, jurisdiction, and custody of The New York City Department Of Correction. However two wks. after I had been delivered to Rikers Island I was transferred to The Catskill Reformatory here at Napanoch, N.Y. and placed under the jurisdiction of the State Of N.Y. I inquired into obtaining information as to whether my imprisonment herein is by virtue of any mandate sentencing or committing me hereto. I was informed by an Administrative Official that no such mandate is possessed. It seems apparent that the City Commissioner Of Correction is without legal justification to fail to comply, violate or contravene the actual execution of this defendants sentence of judicially ordered imprisonment in a county jail. Therefore the City Commissioner may not administratively or arbitrarily transfer this duly committed city prisoner out of his lawful custody to conditions that now amount to unordered jurisdiction of the State Department Of Correction. The fact of my imprisonment in The Catskill Reformatory has deprived me of numerous benefits & rights which I had enjoyed in the City Institution such as:

* A. Unrestricted freedom of correspondents as to sending and receiving mail, permission to freely write to anyone friend and relative.

B. Authorization to post one personal letter a day.

* C. Geographically closer to counsel to confer on legal matters.

D. Within geographically reasonable reach of visitors.

E. Guidance staff readily available to make phone calls for inmates.

F. Licensed physicians in attendance for medical treatment and emergencies.

G. Sufficient uniform clothing distributed to all inmates.

H. Confinement in dormitories rather than 17 hrs. a day in cell.

I. Greater variety in the preparation and serving of meals to inmates.

J. Availability of work release program.

K. Higher hourly wages paid to inmates who work in county jail.

* A. I have been personally denied (5 times) by the Superintendent of this State Institution to correspond with my common-law-wife whom I had lived with for the past 4 years. She has also been denied the priviledge of visiting me. We are still close to one another.

* C. There are other legal technicalities concerning my sentence to Rikers Island which are far too lengthy and detailed for me to even attempt to get all of them onto one sheet of stationary. (I had to hoard in order to send these two pages to you.) I would definitely have to discuss them personally with my lawyer, and he is simply too busy at this time to travel the 90 miles to come up here.

All of which collectively amounts to an unwarranted deprivation of liberty, contrary to due process of law, and a denial of the equal protection of the law, violative of inalienable rights secured by the 5th & 14th Amendments to the United States Constitution, as guaranteed by the Glorious Majesty of the Constitution; yet guarantee and practice though made with equal promise can often be worlds apart.

Sir, my sentence of 1 yr. is up on Dec. 31, 1970 with time off for good behavior, please I beg of you, if you find that I am legally correct about my present conditions of confinement would you kindly see to it that I am redelivered to Rikers Island as soon as it is humanly and humanely possible. Thank you for your time and your indulgence.

My lawyer firm name is Markowitz & Chorney, Counsellors at Law, 1844 Nostrand Avenue, Brooklyn, N.Y. 11226.

Respectfully,
NATHAN WRIGHT, No. 309.

P.S.—Please excuse any errors that this letter may contain as I explained before however stationary is limited here.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1970.

Mr. NATHAN WRIGHT,
Napanock, N.Y.

DEAR MR. WRIGHT: Thank you for your letter of May 30th.

I am presently looking into the points you raised in your letter, and I will be in communication with you again as soon as I have a response to my inquiries.

Sincerely,
EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1970.

Hon. GEORGE MCGRATH,
*Commissioner of Corrections,
New York, N.Y.*

DEAR GEORGE: I have received a letter from Nathan Wright now held at the Catskill Reformatory in Napanoch. He claims that he was sentenced to serve in the county jail by the Supreme Court of the City of New York, but later moved from Rikers to the Catskill Reformatory. He feels that this move from Rikers is contrary to the court's sentence.

I know that you do have authority to move prisoners to the state prisons to prevent overcrowding; could you please give me the statute citation for this authority so that I might forward it to Mr. Wright. In addition, he claims hat he is not allowed to write to his common-law wife of four years, nor is she allowed to visit him. Is this indeed the state's policy—and does this differ from the policy at Rikers Island?

Thanking you, I am,
Sincerely,
EDWARD I. KOCH.

OFFICE OF THE COMMISSIONER OF CORRECTION, CITY OF NEW YORK,
New York, N.Y., July 1, 1970.

Hon. EDWARD I. KOCH,
*Congressman,
New York, N.Y.*

DEAR CONGRESSMAN KOCH: This is in response to your letter of June 8, 1970.

Section 6-g, of the New York State Correction Law provides that in order to relieve overcrowded conditions in the New York City Correction facilities, we may enter into an agreement with the State to house City sentenced inmates in New York State Correction facilities. The New York City Department of Correction has entered into such an agreement with New York State, pursuant to Section 6-g of the Correction Law.

In New York City Correction facilities, inmates are permitted to write to and receive mail from anyone. Upon approval by the Warden of the institution, an inmate may be visited by a common-law spouse if the inmate designates the common-law spouse as one of his or her visitors.

We have no specific information with respect to the policy relating to mail and visitors at New York State Correction institutions. I suggest that you write to the office of the State Commissioner of Correction, Paul D. McGinnis, for such information.

Very truly yours,
GEORGE F. MCGRATH,
Commissioner.

NAPANOCH, N.Y.,
July 4, 1970.

Mr. EDWARD I. KOCH,
*Member of Congress,
House of Representatives,
Washington, D.C.*

DEAR SIR: Thank you for your prompt response to my letter of May 30th.

I am sending this letter to you hoping that you have made sufficient inquiries concerning my predicament, and that I will discover what your findings were in your reply to this letter of July 4th.

I have been granted a writ of habeas corpus by Justice John H. Pennock, of The Supreme Court of New York State, Ulster, County Special Term July 5, 1970, Calendar No. 21. As the writ is dated June 29, 1970, I expect to be before the bench of Justice Pennock any day now, so any favorable information that you may be able to supply me with at this time will be greatly appreciated.

My application for the above mentioned writ is in conjunction with the contents of my May 30th letter to you. Thank you for your indulgence.

Sincerely,
NATHAN WRIGHT.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 14, 1970.

Hon. PAUL D. MCGINNIS,
Commissioner, New York State Department of Correction, Gov. Alfred E. Smith State Office Building, Albany, N.Y.

DEAR COMMISSIONER: A prisoner, Nathan Wright, incarcerated at your Catskill Reformatory in Napanoch has complained to me that he is not allowed to write to his common-law wife of four years, nor is she allowed to visit him. It is my understanding from Commissioner McGrath that in the New York City Correction facilities inmates are permitted to write to and receive mail from anyone; and, upon approval by the Warden, an inmate may be visited by a common-law spouse.

XUM

I should appreciate receiving from you clarification of the state's policies.

Thanking you, I am,

Sincerely,

Edward I. Koch.

State of New York,
Department of Correction,
Albany, N.Y., July 24, 1970.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Congressman Koch: I have your letter of July 14 with reference to an inmate, Nathan Wright, who was formerly incarcerated at Catskill Reformatory.

Actually this man was returned to the New York City Department of Correction on April 27, 1970, so your question as far as he is concerned is moot.

Yours very truly,

John R. Cain,
Deputy Commissioner.

U.S. House of Representatives,
Washington, D.C., July 27, 1970.

Mr. John R. Cain,
Department of Correction,
Alfred E. Smith State Office Building,
Albany, N.Y.

Dear Mr. Cain: I have your letter of July 24th, and I do appreciate your responding. However, I am a bit puzzled over how you can report that Mr. Wright was returned to New York City on April 27th when I have received correspondence from him from the Catskill Reformatory as recently as July 4th.

Again, I would appreciate your looking into this as soon as possible—it may interest you to know that I have also been contacted about this by Mr. Nathan Wright's priest. Even if Mr. Wright has been moved back to New York City I would appreciate your advising me of your policies regarding inmate writing and visitation privileges with respect to common-law spouses.

Thanking you, I am.

Sincerely,

Edward I. Koch.

P.S.—Is it possible, not withstanding your security arrangements that there is an extra prisoner in your detention center?

State of New York,
Department of Correction,
Albany, N.Y., August 6, 1970.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Congressman Koch: Your letter of July 27 regarding Nathan Wright was received at the beginning of Commissioner Cain's vacation. Unfortunately, a misunderstanding of communications resulted in an erroneous entry on our records regarding Wright's whereabouts. Mr. Wright is still confined in Eastern New York Correctional Facility.

The reason that he has not been permitted contact with his common-law wife is because Wright is still legally married. In cases in which either of the parties involved in a common-law relationship still have legal spouses, permission for contact is withheld until such time as some form of legal separation can be produced.

Yours very truly,

Joseph M. Ryan,
Senior Administrative Assistant.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., August 24, 1970.

Mr. Paul D. McGinnis,
Commissioner, State Department of Correction, State Office Building, Albany, N.Y.

Dear Mr. McGinnis: I have received word from your office (by letter of August 6th signed by Joseph M. Ryan) that the reason prisoner Nathan Wright in the Catskill Reformatory is not able to see or write to his common-law wife is because he is still legally married to another woman.

I have been told by Commissioner George F. McGrath that in New York City Correction facilities, "inmates are permitted to write to and receive mail from anyone." Why should the state's policies be any more strict, particularly since many City sentenced prisoners are being incarcerated in state prisons (Mr. Wright is one of them)?

Furthermore, your own pristine regulations regarding visitation privileges seem to be ludicrously misplaced, particularly in view of the want of so many social and educational rehabilitation services that would be really helpful to the prisoners. Your policy is such an absurdity; we are not even talking about conjugal rights for the prisoners, but rather supervised visitations whose opportunities are few enough.

Mr. Wright has lived with his common-law wife for four years. It seems to me that a policy could be established which would make visitation allowances for such cases.

My interest is not only in Mr. Wright, but in all of the prisoners in similar situations. I would urge that you take whatever steps necessary to update your regulations to make these accommodations, as well as allowing prisoners to write and receive mail from anyone.

Sincerely,

Edward I. Koch.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., August 25, 1970.

Paul D. McGinnis,
Commissioner, State Department of Correction, State Office Building, Albany, N.Y.

Dear Commissioner: I have received word from your office (by letter of August 6th signed by Joseph M. Ryan) that the reason prisoner Nathan Wright in the Catskill Reformatory is not able to see or write to his common-law wife is because he is still legally married to another woman.

I have been told by Commissioner George F. McGrath that in New York City Correction facilities, "Inmates are permitted to write to and receive mail from anyone." Why should the state's policies be any more strict, particularly since many City sentenced prisoners are being incarcerated in state prisons (Mr. Wright is one of them)?

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Mr. Wright has lived with his common-law wife for four years. It seems to me that a policy could be established which would make visitation allowances for such cases.

My interest is not only in Mr. Wright, but in all of the prisoners in similar situations. I would urge you to take whatever steps necessary to update your regulations to make these accommodations, as well as allowing prisoners to write to and receive mail from anyone.

Sincerely,

Edward I. Koch.

State of New York,
Department of Correction,
Albany, N.Y., September 9, 1970.

Hon. Edward I. Koch,
Member of Congress,
Washington, D.C.

Dear Congressman Koch: I have your letter of August 25, 1970 censuring our rules and regulations, relating to visitations and correspondence particularly as applied to common-law marriages.

As you know, the State of New York outlawed common-law marriages by Chapter 606 of the Laws of 1933, effective April 27, 1933. In a recent case involving the question of common-law marriages, the Court of Appeals said: "There can be little doubt that the public policy of this State has been to withhold recognition of common-law marriages and it is unassailable that in its broad powers to regulate society, the State has the power to set standards and procedures to control such a basic institution as marriage." (People v. Ernest Allen, decided July 2, 1970.) Your recommendation would encourage such illicit relationship and lead to the grievous situation of having a married inmate who is on parole jeopardize his parole status by consorting with a woman not his wife.

With reference to Nathan Wright and other New York City prisoners similarly situated, we advised Commissioner George F. McGrath that if he will authorize such females to be placed on the City Inmates' Visiting List, we will honor his designation.

Very truly yours,

Manuel T. Murcia,
Counsel.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., September 15, 1970.

Paul McGinnis,
Commissioner of Correction, State of New York, The Governor Alfred E. Smith State Office Building, Albany, N.Y.

Dear Commissioner: I refer to our earlier correspondence and the most recent letter which I received from your Counsel, Manuel T. Murcia, Esq., dated September 9. I asked you to review your policy in this matter. Your pristine regulations regarding visitation privileges seem to be ludicrously misplaced, particularly in view of the lack of so many psychological and educational rehabilitation services that would really be helpful to the prisoners. Your policy can only be described as an absurdity: we are not even talking about conjugal rights for prisoners, but rather supervised visitations whose opportunities are few enough.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives of both lawful and "common law."

I await your reply.

Sincerely,

Edward I. Koch.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., September 15, 1970.

Hon. John R. Dunne,
Garden City, N.Y.

Dear John: You will recall in our chance meeting at Columbus Circle that I mentioned to you the outrageous situation prevailing in state prisons concerning visits to prisoners by women whom they consider to be their wives but to whom they are not necessarily legally married.

I have received a letter from Manuel T. Murcia which is so outrageous that I call it to your attention with the hope that you will take all measures necessary to see to it that this situation is immediately remedied. I trust that Commissioner McGrath will provide the letter of authorization so as to protect city prisoners delivered into the custody of the state but it will take your intercession to provide such relief to state prisoners.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives both lawful and "common law."

I await your response.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.

ROBERT R. DOUGLASS,
Counsel to the Governor, The Executive Chamber, Capital, Albany, N.Y.

DEAR BOB: I am enclosing correspondence which I have had with Commissioners McGinnis and McGrath and with Manuel T. Murcia, Counsel to the Commissioner McGinnis on the subject of permitting visits to prisoners by women whom the prisoners consider to be their wives although not necessarily legally married to them. It appears now that such privilege may be granted to city prisoners held in custody in state institutions.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives both lawful and "common law."

I await your reply.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.

GEORGE MCGRATH,
Commissioner of Correction, City of New York, New York, N.Y.

DEAR GEORGE: You have received a letter from Manuel T. Murcia, a copy of which I am enclosing for your convenience, on the subject of permitting prisoners sent to State correctional institutions by the City to have as visitors women with whom they have lived who are not necessarily their lawful wives. This subject came up in connection with one such prisoner, Nathan Wright, but obviously it affects many more.

I am certain, knowing you to be the compassionate person that you are, that you will immediately provide the necessary letter of authorization not only for Mr. Wright but for all other prisoners so situated. The callousness of Commissioner Paul D. McGinnis and his Counsel, Manuel T. Murcia, exhibited not only at the hearing which I conducted on May 23, 1970 but in correspondence which I have had with them continues to evidence itself.

Sincerely,

EDWARD I. KOCH.

OFFICE OF THE COMMISSIONER OF
CORRECTION, CITY OF NEW YORK,
New York, N.Y., September 21, 1970.

Hon. EDWARD I. KOCH,
Representative in Congress, Longworth Office Building, Washington, D.C.

DEAR CONGRESSMAN KOCH: In reference to your letter of September 15, 1970 regarding visitation privileges for City prisoners housed in State correctional facilities, please be advised that under our rules members of the immediate family who are 16 years of age or over may visit an inmate of any of our institutions. Common-law wives or husbands are classified as members of the immediate family. In addition, any person, 16 years of age or over, who is not a member of the immediate family, may be permitted to visit an inmate, provided that no member of the immediate family objects to the visit.

Pursuant to your request, we are sending to Mr. Manuel T. Murcia, Counsel to the State Department of Correction, a letter of authorization for common-law wives to visit City prisoners held in State facilities.

Sincerely yours,

GEORGE F. MCGRATH,
Commissioner.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.

MANUEL T. MURCIA, Esq.,
Counsel to Commissioner Paul D. McGinnis, State of New York, Department of Correction, Alfred E. Smith State Office Building, Albany, N.Y.

DEAR MR. MURCIA: I have your letter. I am astounded at your reply and would like further clarification. Is it presently the parole procedure that if a parolee lives with a woman not his wife that his parole status is thereby jeopardized?

I was, to say the least, shocked by the implication of your letter that you are not able, as counsel to the Department of Correction, to distinguish between a state policy and statute of not recognizing "common law" marriages affecting rights relating to alimony and inheritance and the denial to an inmate the right to see a woman visitor he considers to be his wife although not legally married to him.

I have written to Commissioner McGrath urging that he immediately authorize women having that relationship to prisoners to be placed on the New York City inmates visiting list, so that you will at the very least permit prisoners sent to you by New York City that privilege.

I am writing to Governor Rockefeller's counsel, Robert Douglas and Senator John Dunne urging that they take whatever measures are necessary to see to it that state prisoners are similarly treated.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives both lawful and "common law".

I await your reply to my question.

Sincerely,

EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., September 23, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have your letter of September 15, addressed to Commissioner Paul McGinnis, and a letter of the same date addressed to Mr. Manuel T. Murcia, Counsel.

First, although Mr. Joseph M. Ryan, Senior Administrative Assistant, has already apologized to you for erroneous information contained in our letter of July 24, in view of your continued castigation of the Department, please accept this as a formal letter of apology for the fact that a temporary employee made an entry on the wrong card.

I note your P.S. "Is it possible notwithstanding your security arrangements that there is an extra prisoner in your detention center?" My only reply is that anything is possible.

With my letter of July 24, had I known that he was still confined in the Eastern New York Correction Facility, I would have sent to you a copy of my letter to Mr. Wright under date of June 5, 1970, copy attached, which I believe is fully self-explanatory.

Our agreement with the City of New York is that we will permit visitation and correspondence privileges with any one certified by the New York City Department of Correction. In the absence of any such advice from the City Department of Correction, we attempt to apply the rules of the State Department of Correction to those cases. The simple facts of this case, and which is apparently your only complaint, is that this Department is making an attempt to recognize the sanctity of marriage, and not to encourage promiscuity.

In several of your letters you have characterized our regulations as "pristine." If you are using one definition of the word as being primitive, then, of course, you are entirely in error. If you are using another definition of the word which states extremely pure, untouched, unspoiled, I can only regret that our rules are not pure enough.

Your allegation that our "visitation privileges seem to be ludicrously misplaced," leads me to wonder just what is wrong. How can an elected Congressman from the 17th District of the State of New York find anything to incite laughter or ridicule in the sincere efforts of a Department to carry out its obligations to the unfortunate people who have been committed to our care?

You also allege that our "policy can only be described as an absurdity;" just the opposite is true. We have tried to base our rules and regulations on reason, truth, and a rational application of the attitude of society in this quickly changing world.

I hesitate to even comment on the paragraph of your letter to Mr. Murcia in which you state: "I was, to say the least, shocked by the implication of your letter that you are not able, as counsel to the Department of Correction, to distinguish between a state policy and a statute of not recognizing 'common law' marriages affecting rights relating to alimony and inheritance and the denial to an inmate the right to see a woman visitor he considers to be his wife although not legally married to him." I do not know of any employee of the Department of Correction, least of all our very able counsel, who does not readily recognize this difference.

In both of your letters to Mr. Murcia and to Commissioner McGinnis you write: "It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives both lawful and 'common law'. Again, when a Congressman representing the 17th District of New York could form such an opinion of one of the outstanding Departments of Correction in the nation, I would believe that he is entitled to a full and complete reply which I have attempted to give to you by this letter.

I certainly want to thank you for your interest in the New York State Department of Correction, and I trust that when you become more familiar with its obligations, your opinion might change. We do not claim to be perfect, but we are trying to be better.

Along these lines, and for your information, I am sending to you a copy of our regulations covering the Designation and Classification of Institutions. We believe that just the removal of the words "prison" and "reformatory" and calling all of our institutions "Correctional Facilities" is a small step in the right direction.

I am also enclosing copy of regulations promulgated by Commissioner McGinnis, and which will be effective October 19, 1970, covering Procedures for Implementing Standards of Inmate Behavior and for Granting Good Behavior Allowances, and a copy of the regulations covering Special Housing Units.

Again, thank you for your interest in this Department, and assuring you of our continued cooperation, I am

Yours very truly,

JOHN R. CAIN,
Acting Commissioner

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., September 24, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Supplementing my letter of September 23, I respectfully submit a copy of a letter received today from the Division of Law Enforcement Assistance in the State of Mississippi.

Apparently the officials in the State of Mississippi are not as sure as you are that New York State is far behind the State of Mississippi in correctional matters.

Yours very truly,

John R. Cain,
Acting Commissioner.

State of Mississippi,
Office of the Governor,
Jackson, Miss., September 21, 1970.

Deputy Commissioner Cain,
Department of Corrections, Governor Alfred E. Smith Senate Office Building, Albany, N.Y.

Dear Mr. Cain: This letter is to confirm our telephone conversation of September 14, with reference to visiting your state and studying your Department of Corrections.

Senator James Molpus, Chairman of the Legislative Penal Study Committee and I plan to leave Jackson October 25 for Albany. We will meet with you and your staff on Monday, the 26th of October for a briefing. The rest of our visit will be spent visiting various institutions of your system.

We will look forward to seeing New York's Department of Corrections. I will be in contact with you at a later date as to specific times for a meeting on Monday. Looking forward to meeting and talking with you, I am.

Sincerely,

Kenneth W. Fairly,
Executive Director.
Jeannine Townsend,
Planning and Research Assistant.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., September 28, 1970.

Manuel T. Murcia,
Department of Correction, State of New York, Albany, N.Y.

Dear Mr. Murcia: I have received word from Commissioner McGrath that he has authorized you to permit common-law wives to visit city prisoners held in State facilities.

I would appreciate receiving your letter advising me of the date that you issue the appropriate regulation.

Sincerely,

Edward I. Koch.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., September 28, 1970.

Robert Douglass,
Office of the Governor, State of New York, Albany, N.Y.

Dear Bob: I am surprised that I have not received a response to my letter to you of September 15.

Since writing, I have received two letters, one from Commissioner George McGrath which is really splendid and I enclose a copy for your information.

The second letter is from Acting Commissioner John R. Cain. The letter reinforces my feelings that there should be a complete investigation into the State Corrections system. The letter, a copy of which I enclose is so silly as not to require a reply on my part. It should, however, merit an investigation on your part of not only the conditions in the institutions but also of the caliber of the people in charge of them.

It is most distressing after prison matters receive public attention as a result of some riot that in fact little is done by those responsible for correcting the injustices. I hope you will give this matter your attention.

Sincerely,

Edward I. Koch.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., September 28, 1970.

Hon. John R. Dunne,
Garden City, N.Y.

Dear John: I am surprised that I have not received a response to my letter to you of September 15.

Since writing, I have received two letters, one from Commissioner George McGrath which is really splendid and I enclose a copy for your information.

The second letter is from Acting Commissioner John R. Cain. The letter reinforces my feelings that there should be a complete investigation into the State corrections system. The letter, a copy of which I enclose, is so silly as not to require a reply on my part. It should, however, merit an investigation on your part of not only the conditions in the institutions but also of the caliber of people in charge of them.

It is most distressing after prison matters receive public attention as a result of some riot that in fact little is done by those responsible for correcting the injustices. I hope you will give this matter your attention.

Sincerely,

Edward I. Koch.

Congress of the United States,
U.S. House of Representatives,
Washington, D.C., September 28, 1970.

Mr. Nathan Wright,
No. 309, Box R,
Napanock, N.Y.

Dear Mr. Wright: You will be pleased to know that, as a result of your request and my taking the matter up with the State and City Correction officials, a new policy has been established with respect to City prisoners held in State institutions. The City Correction Commissioner has authorized the State to allow common law wives of City prisoners held in State institutions to visit them.

I know that you will shortly be leaving the institution and so this new policy will not affect you to any great extent. But it is a legacy which you have left your fellow prisoners.

Sincerely,

Edward I. Koch.

PORNOGRAPHY: THE THREAT AND THE SOLUTION

(Mr. STEED asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STEED. Mr. Speaker, we are all aware of the increasing concern of the public at the spread of pornographic literature, especially through the mails. This has come about largely as the result of court decisions.

Postmaster General Winton M. Blount has been in the forefront of efforts to deal with this problem because of the responsibility of his Department. He has perforce become an authority on this issue, and his address given Monday, September 28, to the Nashville Area Chamber of Commerce is an able contribution. I share his conclusions and hope they will be further implemented.

The address follows:

Remarks by Postmaster General Winton M. Blount, Nashville Area Chamber of Commerce, Nashville, Tenn., September 28, 1970

This is a time of paradox in the United States. It is a time of great opportunity, and a time of grave concern.

We have within our grasp a future of peace and prosperity with justice and freedom for all. But all about us we see the limits of our freedoms being tested.

We see militants of the left and right claiming absolute freedom where framers of our constitution intended relative freedom.

And today you can work your way through the Bill of Rights and at almost any point find those rights abused.

How we respond to these abuses will have a lot to do with the kind of country we pass on to our children.

How we respond to these abuses will help determine whether they shall inherit a nation that is strong, free and at peace with itself, or a nation crippled by its own moral ambiguity and characterized by a greater concern for its appetites than for its integrity.

One of the most time-consuming and certainly the most unpleasant part of my job involves dealing with one of those abuses—the problem of pornography.

The sea of obscenity that floods America from within the nation and from without is a truly disturbing example of an open society under attack.

Most disturbing of all is the fact that this attack is predicated on our First Amendment freedoms.

The First Amendment to the Constitution, as you know, is one of the keystones of America's structure of ordered liberty. The amendment says, in part, that "Congress shall make no law . . . abridging the freedom of speech or of the press . . ."

Under the cover of this amendment, the dirt merchants have erected a multi-million dollar empire dedicated to human degradation.

We are now testing whether that empire will stand or if it will be destroyed.

The post office is a primary force in the struggle to see it destroyed.

The law forbids the use of the mails for conveying obscene materials. The mere existence of the law, however, has not prevented pornographers from making extensive use of the mails for this purpose.

The number of dealers in mail-order pornography has increased in recent years to something over four hundred; of that number, however, only about twenty at any one time are considered major dealers. These are big-league operators, who use direct-mail advertising on a scale comparable to the nation's large mail-order houses.

These mailers commonly send two and three million advertising pieces into American homes during an advertising campaign, frequently with little or no discrimination as to the recipient.

As a consequence, our children are often subjected to pictures and printed matter of the most vile sort.

As a parent and a grandparent, I find that unacceptable, and I find particularly unacceptable the use of the postal system for this purpose.

But there is another dimension to the matter. In any discussion of the problem of pornography, the effect of pornography on the young always seems to emerge as the central issue. Certainly it is of critical concern. But, personally, I am deeply concerned about the effect of pornography on any human being, and on the civilization of which each human being is a member.

If we consider for a moment those values which underlie our American institutions, we find that what America is all about can be summed up in two words: human dignity.

We seek freedom for our people because freedom is the condition most conducive to human dignity. We seek security for the same reason.

We seek prosperity, because prosperity is the condition most conducive to human dignity; because poverty crushes the human spirit.

At our best we honor diversity—because the right to be what he chooses, to act and live as he chooses are all vital to the dignity of the human being.

But what do we mean by "human dignity?" What is it that gives these two words so much importance to us here in America?

Let me tell you in this manner: In the story of Creation, the Bible says: "And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul."

As a people we believe that each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve and sustain these, we preserve and sustain human dignity.

As we violate these for sensation or for profit, we act against the dignity of man, and we act against all that we have suffered and struggled to build for more than two centuries on this continent.

Pornography is not simply a threat to the best interests of our children.

It is an act of violence against the human spirit.

With disturbing frequency, however, it is being argued that pornography ought to be legalized.

What are the arguments of those who favor such a course?

One of the most important—the one we pay perhaps the greatest attention to—is the argument that censorship of pornography violates the First Amendment's prohibition against interference with freedom of speech and of the press.

If this prohibition were absolute, the argument would be sound.

But it is not absolute.

It was Justice Holmes who pointed out that the first amendment would not protect a man who falsely shouted fire in a crowded theater, for such an act created the sort of clear and present danger that Congress has the right to prevent. In a different way, but to the same effect, we have laws against libel which make freedom of the press relative.

The argument that pornography cannot be censored without destroying our civil liberties is, it seems to me, fundamentally wrong.

There is the argument that we cannot be sure pornography has an effect on children.

If we are to take this seriously, then we must ask if any book—if any picture—has an effect on children; indeed, such a position questions the effect of education itself, for education asks that a child respond to what he is exposed to. And how shall a child respond to a photograph of, for example, a human being, without clothing, bound helplessly, and being beaten with whips to the apparent gratification of all involved.

This example, if you will believe me, is relatively innocuous in comparison to much of the smut that is pushed on people in this country. I am far from being a prude, and I don't want to be hypocritical about that. But I have seen things in this job that would make the most sophisticated people sick to their stomach.

And yet we're told we can't be sure this has any effect on children. Who's going to swallow that? Who's going to risk swallowing that?

Childhood is a constant testing of what is fantasy and what is reality; it is a time when values are established. Are we willing to accept, in the service of some dubious argument about the limits of civil liberty, the argument that we cannot be sure pornography has an effect on children, and the logical extension of that argument, that it therefore ought not to be prohibited?

There is the position that if we legalize pornography, it will soon lose its interest for people, and eventually the traffic will end.

Well, one of the members of the President's Commission on Obscenity and Pornography is the Reverend Winfrey Link from over in Hermitage, and Reverend Link's comment about pornography being eliminated through availability was this: he said, "I don't run an open sewer through my yard and think that after a month the germs won't bother me any more."

I think that's pretty much to the point.

And then, of course, we have the argument that there is no evidence that pornography has an adverse effect on adults, and even if it could be shown to have such an effect, adults have a right to abuse themselves in this manner if they choose.

Let's examine that argument.

I think it is false on both counts.

While it is difficult to establish a cause and effect relationship between an anti-social act and an avid interest in pornography, it is possible to suggest that an inclination toward anti-social behavior may be reinforced and even encouraged by pornography.

Cases in the files of the Post Office Department provide sufficient instances of people acting out in fact the fantasies of the pornography they have collected, of people engaging children in unnatural acts, or seducing children into this behavior, to justify a concern that there is some relationship between pornography and anti-social behavior.

There is a significant risk, I believe, that some people may be led by curiosity to purchase this material, then to purchase material showing even more bizarre behavior, until finally they are led to commit the same behavior.

Now, is it true that these people have the right to subject themselves to these ill effects if they choose?

I don't think so.

Such a position supposes that these effects are kept within the individual. This is not the case.

The evidence suggests that people can become addicted to pornography just as others become addicted to alcohol or drugs. And just as the alcoholic and the junkie are capable of anti-social behavior beyond their own will, so is the person hooked on pornography.

Some have seriously argued that pornography may have a beneficial effect. This is the theory of catharsis, and it maintains that pornography provides a harmless outlet for sexual energy which might otherwise be expended in some objectionable manner.

The logic of this position would require that sex crimes should go down as the availability of pornography goes up. All the evidence available indicates that this doesn't happen.

I find that reassuring. I am not a psychologist. Neither am I indifferent to the fact that there are a lot of lonely people in this society.

But is the human condition so mean, and the resources of our culture so limited that the only therapy we can provide for repressed and lonely people is pornography?

As I am sure most of you know, Denmark has lifted certain restrictions on pornography. This has had a dual effect on the United States. It has on one hand substantially increased the flow of pornographic material coming into the country.

And it has, at the same time, increased the pressure from proponents of the legalization of pornography in America. Those who argue for legalization make the case that the legalization of pornography has produced a drop in the sex crime rate in Denmark.

Of course it has.

Pornography used to be a crime there and now it isn't. Therefore the crime rate dropped. Statutory rape used to be a crime; now it isn't. So this contributed to the drop in the crime rate. If they legalize burglary, it will drop some more. They'll have the same number of burglaries, but these won't be crimes anymore.

We have gone to Denmark and talked to the authorities there and the real sex crime rate has not dropped. Period.

But this is the sort of reasoning we see applied to the matter. It seems to me that we have a very great deal at stake here and I think we had better stop thinking with our glands and start using some sense about these problems.

If I read the President correctly, this Administration is not going to legalize pornography. Whether the courts will do it is a different question. We hope they won't. In the past decade, some of our courts have been persuaded that the virtual impossibility of defining pornography precisely is sufficient reason for granting absolute license.

But there are few, if any, precise definitions in Western jurisprudence. What mathematical formula identifies a "fair preponderance" of the evidence in a civil suit? At what precisely defined point is guilt established beyond any "reasonable" doubt? And what is a reasonable doubt? What is an unreasonable doubt?

There is a problem here, certainly. We are giving fallible men the responsibility for making judgments that go to the heart of our democratic freedoms, and one man's smut may be another man's art.

But it is difficult to suppose that by weighing the content of a work and the apparent intent of the creator and the purveyor of that work that we cannot tell what is pornography and what is not. And where we cannot tell, then let the presumption be in favor of the contested work, and we will still be adequately protected.

I know what the First Amendment to the Constitution says, but I think we read our Constitution selectively. I recommend reading the whole thing right from the beginning which establishes the purpose of that Constitution.

It says, We the people of the United States . . . in order to promote the general welfare . . . do ordain and establish this Constitution. . . . If there is anything conducive to the general welfare in a graphic representation of the most repulsive filth imaginable, I confess it escapes me. It apparently doesn't escape some of our courts, unfortunately.

I am not overly optimistic about our ability to deal conclusively with this problem. For one thing, even with courts firmly disposed to eliminate this problem, there is the sheer overwhelming fact that our court system is too overburdened to deal effectively with these matters.

This fact alone contributes to the proliferation of pornography.

And for another thing, pornography is a business. It's a very big business, and like some businesses it puts a premium on survival at any cost.

So we have to find a way to reduce the profits of that business and to make it impossible for them to operate at any price.

In the Post Office Department we have put a great deal of effort into this, and I think we are having some success.

We have more than four hundred dealers under investigation. In the fiscal year just ended we indicted sixty dealers and ten more dealers were indicted in the first two months of this current fiscal year.

So far, we have gotten some fourteen convictions.

On the sixteenth of this month, we won a major victory in this battle when the Ninth Circuit Court of Appeals in Los Angeles upheld the conviction of Marvin Miller. Mr. Miller is a major dealer in pornographic materials and enjoyed the distinction of being singled out for the attention of a national magazine recently. In February, 1969, he was sentenced to five years imprisonment and a fine of $7,500 for himself and $15,000 for his company. The appeals court which upheld this conviction has reversed pornography convictions in the past. We hope and we believe that we are seeing a new attitude here on this matter.

In the last six months of 1969, we had approximately 178,000 complaints from postal patrons about receipt of pornographic material. In the first six months of 1970, these were down to roughly 105,000.

The President has put the full weight of his office into this battle. He has asked Congress to make it a Federal crime to put pornography into the hands of anyone eighteen years old or under; to make it a federal crime to exploit a prurient interest in sex through advertising; and to broaden the ability of the homeowner to prevent sexually-oriented advertising material from entering his home through the mail.

Now the Congress has begun to respond; it has passed legislation that will enable homeowners to protect themselves from unwanted sex-oriented advertising, and it is, we hope, to enact the remainder of the President's legislative requests in this area.

But with everything, the deciding factor in this matter is going to be the American public.

If the people decide against pornography, we can do away with it.

If we endorse stringest laws;

If we elect and appoint discerning judges;

And if, above all, we refuse to patronize the pornographer, then

We can put him out of business.

Movies show violence because it shows a profit. They show cheap sex because it shows a profit.

It is the same with all media.

If it isn't profitable, it doesn't play.

I'm not suggesting a witch-hunt. I'm sure there are a lot of heavy breathing crusaders waiting in the wings for the call to arise. I'm always a little suspicious of those people, and psychiatrists frequently find them interesting. I think we can do this job without bringing the lunatics and the smear artists out of the woodwork. At bottom, the answer rests on a very simple foundation, and that is taste.

It is still considered sophisticated in some quarters to scoff at American culture, but for a young nation we have contributed greatly.

Whitman, Robinson, Masters, Sandburg, Frost, Marianne Moore, and T. S. Eliot are all American poets.

Clemens and Melville and Fitzgerald were American writers.

Whistler and Cassatt, Eakins and Pollock and Ben Shahn are American painters.

Copeland and Gershwin are American composers. Blues and jazz are American contributions to music. The greatest symphony orchestra in the world is an American orchestra.

We have virtually stamped out polio.

Our cancer research is among the most advanced in the world.

We have gone to the moon.

These are the things that reflect America. This is the heritage we must pass on. There is no room in America for the commercial degradation of the human spirit.

There is no room in America for those who use our freedoms to destroy the very habits of mind and spirit that give meaning to these freedoms.

It is true, as the poet said, that

Not only under ground are the brains of man / Eaten by maggots.

Shall we then pay allegiance to those things we have in common with any animal?

Or shall we hold ourselves above the animals, where God placed us, and pay allegiance to that spark of divinity in each of us—the spark of divinity that this nation was founded to protect and to exalt?

Ladies and gentlemen, in the awful balance between human degradation and human dignity, let us put ourselves down on the side of dignity as our people have always done.

PUBLIC SUPPORT NEEDED FOR U.S. POW'S

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, many people are now convinced that only a massive public outcry will compel North Vietnam to extend to the American servicemen they hold captive, the rights afforded them under the Geneva Convention on Protection of Prisoners of War, which it signed in 1957. North Vietnam has repeatedly said that its government is sensitive and responsive to public opinion in this country and I feel the time has come to "put their feet to the fire" and just see how sensitive they really are.

The few American POW's who have escaped and returned have reported that our men are being isolated, beaten, and mentally tortured in North Vietnam, hung by their wrists in Laos, led around like animals or summarily shot in South Vietnam. In addition, they are deprived of all contact with the outside world, they cannot receive mail or packages and, in most instances, their families and loved ones do not even know if they are dead or alive. By any civilized standards, this is inhuman treatment and the kind of torture that outrages all sense of humanitarianism.

For the first time in modern history, the International Red Cross has been denied any and all contact with prisoners of war. The International Control Commission is not permitted to inspect the prisons or facilities in which these men are being confined. Our Government's requests for the names of the POW's they hold have been repeatedly ignored. The wives of these men have personally appealed to Hanoi's representatives in Paris and time after time, been scoffed at or put off. And, once again, the U.N. has proved totally ineffective and without a voice on such a humanitarian cause as this.

Clearly, we, as people, can no longer afford to stand aside and pay no attention to what is happening with respect to these young Americans and their families. Regardless of how we feel about the war in Vietnam, the fact remains that nearly 1,400 American servicemen listed as "missing in action" in Vietnam over the past 5 years, are being subjected to unspeakable indignities and human suffering.

I have met with the wives of some of these men, I have cosponsored a resolution expressing the sense of the Congress on this question, and I have written letters appealing for humane treatment for these men. I have appealed to my constituents for public support. I intend also to do everything possible to insure that these brave men languishing in Communist prison camps are not forgotten here at home.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The phenomenal growth rate of the American economy is exemplified by the projection that over the next 10 years the gross national product will increase $500 billion which is more than the entire growth of our economy in the first 160 years.

CRACKDOWN ON SMUGGLING IMPORTANT TOOL IN FIGHT AGAINST DRUGS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is sad but true that oftentimes criminals can stay one step ahead of the law in the pursuit of their illegal activities. So, it gives me a great deal of pleasure to learn that there are law enforcement officers as quick witted and ingenious as some criminals are.

A story in yesterday's Washington Star detailed the efforts of the U.S. Bureau of Customs to curb illegal drug traffic into Dulles International Airport. These drug smugglers are dealing in cargoes worth millions on the black market, and often mean death for those who buy their wares. As chairman of this body's Select Committee on Crime, I have learned all too well the difficulties of ending drug smuggling. Yet this traffic in death must stop, if we are to save the children of America.

I commend the Bureau of Customs and its many dedicated agents for the difficult job they do. I wish Commissioner Ambrose, who testified before our committee's heroin hearings in New York, continued success. Let us as Congressmen remember the difficult job facing the Bureau of Customs and provide the bureau with the necessary manpower to do this vital job.

So that my colleagues may share the information in the Star article, Mr. Speaker, I include it in the RECORD at this point:

DRUG SMUGGLING IS AN ART, SO IS STOPPING

(By Walter Taylor)

"My first official directive to you, Mr. Ambrose, is to make this (anti-smuggling of narcotics) program the first order of business in the Bureau of Customs."—Treasury Secretary David M. Kennedy at swearing-in ceremonies for Commissioner of Customs Myles J. Ambrose, August 5, 1969.

On Christmas Eve last year, an attractive 19-year-old woman with a pronounced British accent appeared at an air cargo terminal at Washington's Dulles International to claim a holiday package that had arrived there from England.

Inside the carton were two ceramic jars, one containing cheese and the other plum

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pudding, and a paper box filled with liquor candies.

Of considerable interest to agents of the Bureau of Customs was the less traditional Christmas fare they discovered concealed in the cheese and pudding—about 5 pounds of hashish.

In that month, inspectors checking luggage of passengers on a late afternoon flight into Dulles made what stands as the current record for a hashish seizure at the airport.

"WEIRDO"

Inside what was described as a "weirdo" fibreglass statue that one agent thought weighed more than it should have, investigators found 38 pounds of the hallucinogenic weed, worth more than $150,000.

More recently, customs agents at Dulles have made three sizable narcotics seizures, the latest early this month when two South Americans allegedly attempted to smuggle nearly 30 pounds of marijuana into the country in false compartments of a suitcase.

On Aug. 23, a 31-year-old former Catholic priest was arrested and charged with smuggling after customs agents said they found some 9.5 pounds of hashish taped in chunks to various parts of his body. He pleaded guilty Friday.

And a few days later four Washington area young people were arrested when they tried to claim an ice chest shipped to the airport from Jamaica. Hidden in the insulation of the cooler were 15 pounds of marijuana, investigators said.

These are just 5 of more than 185 seizures in the Washington area made by agents of the Customs Bureau since July of last year, just a month before Treasury Secretary David M. Kennedy admonished his new customs chief to make as his "first order of business" a crackdown on narcotics smuggling.

There is no official breakdown of the statistics, but officials at the bureau say a vast number of the seizures have involved illegal drugs and almost all have taken place at Dulles.

VARIETY OF REASONS

These same officials cite a variety of reasons for the bureau's increasing success—40 percent more seizures in fiscal 1970 than in fiscal 1969.

Some credit Ambrose, at 44 the youngest man ever to hold the office of commissioner. Ambrose came to the bureau after 15 years of law enforcement experience as assistant to the Secretary of Treasury for law enforcement during the Eisenhower administration, as an administrative assistant to the U.S. attorney for the Southern District of New York and as executive director of the Waterfront Commission of New York Harbor.

One of his first acts as commissioner was to increase the strength of the bureau by nearly 10 percent by hiring an additional 1,000 agents, port investigators and inspectors to join in the fight against narcotics trafficking.

In May, in the first official notice of its kind, Ambrose asked indulgence of travellers to the United States, warning of a "grave danger from drug abuse" facing this nation.

"The U.S. Customs is charged with the responsibility of keeping illicit narcotics, marijuana and dangerous drugs from being smuggled into our country," he said "We ask your understanding and cooperation . . . to help combat this serious problem."

Others in the department think the recent appointment of Harold F. Smith, a veteran of more than 33 years of government investigative work, to the post of assistant commissioner of customs for investigations has had much to do with the bureau's recent successes.

Smith, who supervises the enforcement and investigative activities of more than 900 enforcement officers in the bureau's five domestic and two overseas regions, was described by one of his men recently as "the J. Edgar Hoover of the Customs Bureau."

INNOVATIVE TECHNIQUES

Ambrose and Smith, however, credit their men and innovative investigative techniques being tried at a number of bureau facilities. The commissioner cites one additional factor:

"More amateurs are shipping drugs into the country," he said in a recent interview. "Our people are trained to catch professionals, so it's relatively easy to catch amateurs.

"More novices are shipping, more of them are getting caught and the bureau is getting pretty good publicity because of it," he said.

The bureau is experimenting with a number of electronic devices to detect drug smugglers at some air and sea ports in other parts of the country, Ambrose said, but at Dulles it relies strictly on its inspectors and investigators.

Basically, the bureau if concerned with passengers on overseas flights terminating at Dulles and commercial cargo that is shipped to the airport for business firms and private individuals in the Washington area.

The number of international passengers using Dulles increased from 213,656 in fiscal 1969 to 263,818 during fiscal 1970, according to statistics of the Federal Aviation Administration.

Over all passenger traffic—on international and domestic flights—totalled 2.2 million last year, a 66 percent gain from 1967.

In a long line of air cargo terminals at the airport, a small crew of inspectors process more than 1,000 packages that arrive each month. According to Fred Huber, supervisor of inspections at Dulles, about two-thirds of these are opened and meticulously examined.

YEARS OF EXPERIENCE

"After years of experience—you're not infallible of course—you know when to open four boxes or six boxes" of a commercial shipment. "It's a sixth sense that you develop over the years."

Shipments to individuals are given particularly close attention. "We take a look into each and every one," Huber said as he stopped to squeeze the foam rubber seat on a Japanese motorcycle awaiting pickup in one of the barn-sized, corrugated-steel warehouses.

Despite this close inspection of personal packages, Huber said, smugglers still attempt to slip contraband items through. One agent, Tom Cash, explained the smuggler's scheming:

"I am a smuggler. I play the odds. I wait until 5 o'clock when it's a good bet there's a lot of people in here to pick things up. I figure the inspector won't want to hold everybody up, and he won't look too closely."

It's actually not such a good bet.

Fred Cornetta, another agent, stood by a sign in the passenger terminal that reads: "Patience, please—A few extra minutes to clear customs is a small price to pay to help us keep drugs away from your child."

Cornetta, who recently was transferred from a customs checkpoint on the Canadian border, is in charge of investigations at the airport. He is a soft-spoken man, educated at Georgetown University here. His face and voice hardens when he speaks of narcotics.

LIKE A DISEASE

"It's like a disease. It's like a cancer. We have to be worried about other things out here, people trying to avoid (paying) duty, that sort of thing, but all the time you're trying to cut out the cancer. That's what you're shooting at primarily."

Both he and Cash liken their jobs to others in the law enforcement field. "Fred and I try to approach law enforcement on a gentleman's level," said Cash.

"A lot of people expect to run up against some ignorant callous type who knocks them up against the wall and says, 'I can search you any time I want so I think I will.' But it's not like that here.

"We try to be courteous all the time. If we have to arrest somebody it can be done in a gentlemanly fashion, in private so nobody has to be embarrassed about it."

Cornetta, a veteran of eight years with the bureau following a five-year tour with the Bureau of Narcotics and two years as a security officer with the State Department, soon will become the first resident agent at Dulles. He will supervise the 40-odd inspectors and port investigators presently assigned to the sprawling, federally owned facility.

One day recently Cornetta, Cash and Huber stood talking near the new customs wing of the airport when the first passengers of a flight from Frankfurt, Germany, began trickling past Immigration Department screening stations to claim their luggage.

MINGLES WITH THRONG

Cornetta walked away from the others and began mingling with the throng of passengers. Cash stationed himself near one customs checkpoint. Huber made his way to another.

A kinky-haired youth in a corduroy sports jacket and toting a haversack caught Cornetta's eye.

The agent nodded to a port investigator and the young man found himself channelled into a line of passengers at a secondary screening station, one of nearly a dozen long tables near one end of a long corridor.

Another young man, a bulging camera case hanging from his shoulder, was routed to another station. A portly, older man wearing a bow tie and struggling with an overstuffed suitcase was directed to a third.

For each passenger who passed on to a customs checkpoint where an inspector would carefully go through each piece of his luggage, a half dozen others claimed their suitcases and paper sacks of souvenirs from a conveyer belt and moved unhampered from the corridor into the huge airport lobby beyond.

At the checking station each passenger was asked to open his luggage. An inspector rifled carefully through each bag, occasionally unzipping an electric razor case or peeking into the battery chamber of a transistor

The young man with the kinky hair had a difficult time unloading his knapsack but the inspector stood by patiently, acknowledging with a smile the small pile of dirty underwear the youth pulled from the top of the bag.

COUNTER MAN GIVES CUE

The inspector's expression changed somewhat, however, when the youth extracted a quart-sized soda bottle containing a number of dry, leafy twigs. On cue from the counter man, Cornetta and Cash ambled toward the young man as did a plant quarantine inspector who had been standing nearby.

The bottle, it turned out, contained four sprigs of heather.

Although Cornetta and Cash insist physical appearance does not determine whether passengers are routed through the checkpoints, virtually every young person on the flight was asked to open his luggage for inspection.

Couples with small children and large assortments of baggage generally were passed without displaying their belongings.

Only the man with the heather was detained for more than a few minutes. When the youth balked briefly after an inspector asked him to remove the wrappings from a candy bar in his knapsack, he was escorted into a private office nearby to be searched. He was released a short time later.

"Once you start on somebody, all lights are green," explained Cornetta as he watched the youth disappear into the office with Cash.

A few minutes later, Cornetta and Huber left the terminal and headed for a jumbo 747 passenger jet parked far out on a runway.

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Inside the aircraft, the agents wandered down the long aisles peering under seats and occasionally lifting the edge of a seat cover. The giant aircraft, Cornetta said, presents "a whole new concept of flight; we have to develop new concepts of searching it."

He motioned toward the front of the plane. "A regular plane is bad enough; look at this thing—it's like a ship."

The two agents explained that it is necessary to search all planes that have terminated overseas flights at Dulles and are continuing to other stateside airports. Contraband could be concealed on the plane, they said, while passengers or crew members were clearing customs inside the terminal. The cargo could then be retrieved without fear of detection, they said.

"NOBODY'S IMMUNE"

"Nobody's immune from bringing things in," Cornetta said. "We've arrested airline personnel; we've even arrested an ambassador."

He stopped, attracted by a loose panel in the ceiling of the plane.

"Look at that. You could hide just about anything in a place like that . . . Or there . . . or there," he said, pointing to a row of overhead compartments in the plane. Cornetta climed onto a seat, pried loose the ceiling panel and peered inside. Nothing.

Back at the terminal, Cash and about a dozen inspectors were beginning to process another planeload of passengers. Six overseas flights were expected at the airport within the next four hours. The checks, the surreptitious nods, the inspections and the searches would go on.

INTRODUCTION OF PUBLIC EMPLOYEE RELATIONS ACT

(Mr. CLAY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLAY. Mr. Speaker, today Mr. WALDIE and myself are joined by 33 of our House colleagues in introducing the National Public Employees Relations Act. For years public employees have been granted the dubious distinction of being denied the fundamental right of every American worker to organize, bargain collectively, and to be protected from unfair labor practices.

Federal, State, and local government employees have been dependent upon Government bureaucrats, State legislatures, and Congress to provide them with adequate incomes and decent working conditions, which have been afforded to their nongovernmental brothers for over a generation.

The National Public Employee Relations Act would remedy this situation by defining the rights of public employees, providing for union dues deductions by Government employers, and defining unfair labor practices by both public employers and employees.

The recent strikes of the postal workers and teachers are examples of the harvest we reap when workers are denied the right to organize and effectively represent and defend their own interests. In the absence of a true collective bargaining framework in which employees and employers can iron out their differences, those differences are taken to the streets rather than the bargaining table.

With the exception of the Iron Curtain countries, every nation in the world affords the protections to labor unions that are denied to Federal, State, and local government employees. These protections are granted to every working American through the National Labor Relations Board and in the Federal courts, and the National Public Employees Relations Act would provide the means to cover Federal, State, and local government employees.

The National Public Employees Relations Act would define the rights of public employees, establish a procedure for choosing labor representatives of public employees through elections, and provide additional procedures for the resolution of unfair labor practice complaints by either management or labor. The collective bargaining framework established by the bill contemplates the possibility of binding agreements for the arbitration of unresolved grievances and disputed interpretations and allows either party to go to court to enforce provisions of such agreements once they have been authoritatively determined. Finally the bill provides for administration of its procedures by a five-man National Public Employee Relations Commission appointed by the President and confirmed by the Senate, and for mediation of disputes by the Federal Mediation and Conciliation Service.

REPORT TO THE PEOPLE OF THE FIRST CONGRESSIONAL DISTRICT OF MARYLAND

(Mr. MORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORTON. Mr. Speaker, it has been my privilege to represent the people of the First District of Maryland during the 88th, 89th, 90th, and 91st Congresses. In order that they can fully understand the extent to which the Federal Government is participating in the improvement and economic development of the district, I should like to take this means of reporting to them on the various projects in which there has been or is to be the granting of Federal funds or action by Federal agencies.

These projects, which either have been initiated, are underway, or have been completed, directly affect many aspects of community life and progress throughout the 12 counties of the First Congressional District. They represent the efforts and cooperation of many individuals. They redound to the credit of many people—town and county officials, employees of the Federal agencies, civic organizations, and, of course, private citizens. My staff and I have devoted time and energy to them all.

The dollars shown are the total Federal expenditures in the counties. They include civilian and military payrolls, retirement and social security benefits, and maintenance and improvements to Government buildings and installations. They also include contracts with and sales to the Federal Government.

This accounts for the vast differences in the level of expenditure in the various counties. For example, the Naval Academy in Anne Arundel accounts for the vast difference between it and other counties. Cecil County is another example where defense contracts account for a large share of Government expenditures.

I welcome this opportunity to congratulate and express my appreciation to the many people, both in Government and out, who have helped bring these projects into being.

Mr. Speaker, permit me to add that officials of the Federal Government have been quite fair and equitable in their treatment of our district in these matters. Close examination and comparison with other districts reveals that the First District has fared very well.

Before listing the individual projects, I should like to indicate in another way the extent to which the Federal Government is participating in the economic and physical development of our district. During an average fiscal year of my incumbency, Federal outlays and expenditures in each county have been:

Anne Arundel	$338, 000, 000
Calvert	7, 000, 000
Caroline	13, 000, 000
Cecil	70, 000, 000
Dorchester	16, 000, 000
Kent	12, 000, 000
Queen Annes	9, 000, 000
St. Marys	58, 000, 000
Somerset	9, 000, 000
Talbot	13, 000, 000
Wicomico	23, 000, 000
Worcester	12, 000, 000

Grand total of Federal expenditures in the district overall during an average fiscal year has been a very creditable $580 million.

Mr. Speaker, each of the federally funded projects in the First District is of great importance to some people and some of them are vital to a great number of people. One which is important to the entire district—to the entire Chesapeake Bay region—and one which came about as a result of legislation I prepared and introduced is the Chesapeake Bay Study, which includes construction of the Hydraulic Model and Technical Center. This $15 million project is designed to effect short-term improvement and long-range planning for Maryland's greatest asset, the Chesapeake Bay. I am pleased to report that the study is nearing completion, land has been transferred from the State of Maryland to the Federal Government—62 acres at Matapeake, Kent Island—and site preparation for accelerated construction of the Hydraulic Model and Technical Center will begin soon.

Another Federal project of benefit to the entire region which stems directly from legislation I introduced is the Assateague Island National Seashore—a $16.5 million project to establish a recreational area encompassing conservation and utilization of 19,000 acres for present and future generations. I am pleased to report that 80 percent of the land acquisition has been completed or is in litigation; that day—use facilities are near completion and that 1½ million persons have visited the area during the current season.

The Chesapeake & Delaware Canal project, calling for an ultimate expenditure of $100 million and designed to improve Maryland's maritime commerce, is another project destined to be of universal benefit. It is now about 80 percent complete.

Other significant projects, which are being initiated, are now underway or have recently been completed, include:

ENVIRONMENTAL IMPROVEMENTS

GENERAL

Aquatic weed problem—northern bay section.

Anne Arundel County oil spill—Monitor the problem closely and request necessary cleanup on the Federal level.

Black Walnut Point—Dredging.

Calvert Cliffs powerplant—Monitored project closely. Met with scientists, professional people, State and Federal agencies, to assure that no detrimental effects will result.

Cambridge deepwater port—Arrange Federal maintenance.

Cambridge Hospital—Land from dredged material transfer to hospital—pending.

Cecil County—Spoil disposal areas, negotiated minimum local damage and inconvenience.

Chesapeake Bay—Initiated algae study for northern bay region.

Chesapeake Bay Basin study—Construction of hydraulic model. Site selection made at Matapeake. Land transferred from State.

Chester River—Maintenance dredging completed.

Chincoteague Bay—Pocomoke River Canal project—5-year study complete.

Choptank River—Relocation of navigation devices.

Church Creek—Dredging project.

Columbia storm erosion and sediment control—Amount: $280,000. For demonstration and quantitative evaluation of storm water erosion and sediment control practices in a developing urban area.

Crisfield Harbor project—Dredging.

Bellevue—Small boat harbor.

Deal Island beach erosion—Stabilization assistance.

Dogwood Harbor—Dikes are under construction to contain the dredged material. Dredging to start soon.

Elk River—Dredging.

Ewell channel project—Dredging.

Ewell—Navigational aids, fog horn, and light.

Farm Creek—Assistance in arranging seawall through State cooperation.

Fishing Creek channel project—Dredging.

Honga River and Tar Bay—Dredging.

Kent Narrows—Maintenance dredging complete.

Maryland water resources aid—Legislation authorizing hydrological study of Delmarva Peninsula.

Mount Vernon-Websters Cove project—Lighted navigational aid.

Muddy Hook Cove project—Dredging, $39,900.

Ocean City—Sinepuxent Bay and Ocean City harbor and inlet dredging, $75,456.

Ocean City channel project—Maintenance dredging, two wrecked vessels removed.

Oxford beach erosion—First on east coast.

Pocomoke Sound project—Dredging.

Pond Creek area project—Preserved for wildfowl—originally planned for dredged material disposal.

Poplar, Jefferson, and Coaches Island project—Working for transfer ownership of property to Smithsonian Institution, making area eligible for Federal assistance on beach erosion control.

Rock Hall project—Stone jetty repair making harbor useful.

Rhodes Point project—Small boat harbor.

Rumbley project—Harbor.

St. Catherine's Sound—Placement of navigational aids, installation of new lights.

St. Catherine's Sound—Maintenance dredging scheduled.

St. Jerome's Creek project—Maintenance dredging.

Sinepuxent Bay, Upper and Lower—Maintenance dredging complete.

Susquehanna River project—Channel dredging to Havre de Grave.

Susquehanna River debris—$14,000 study authorized for permanent correction of problem.

Town House Creek project—Added navigational aids.

Tred Avon River project—Dredging, $322,900—pending.

Tyler Cove project—Dredging, $24,100.

Tylerton project—Dredging, small boat harbor.

Upper Thorough—Repair stone breakwater.

Weems Creek project—Working with Corps of Engineers regarding siltation from soil erosion due to construction projects.

Wells Cove project—Establish breakwater study, $17,000.

Wicomico River project—Dredging, $137,608.

Worcester County—Coastal stabilization study. Three-year program: $115,000—complete.

Susquehanna River compact—Presently before Congress for Federal approval.

ENVIRONMENTAL IMPROVEMENTS

WATERSHED PROJECTS

Aydelotte watershed project—Wicomico County.

Big and Little Elk Creeks watershed project—Cecil County.

Coonfoot watershed project—$154,800 total cost; $104,600 Federal; soil drainage, Worcester County.

Corsica watershed project, Queen Annes County.

Dividing Creek watershed project—Wicomico County.

Franklyn Branch watershed project—$164,520 total; $112,560 Federal grant, Worcester County.

Goldsboro watershed project—Caroline County.

King's Creek watershed project—Somerset County—application pending.

Long March watershed project—Queen Annes County.

Marshyhope watershed project—Caroline County.

Marumsco watershed project—Somerset County—application pending.

Middletown watershed project—Dorchester County.

Ninepin Branch watershed project—Worcester County.

Passerdyke watershed project—Wicomico County.

Rehobeth watershed project—Somerset County—application pending.

St. Marys watershed project—Project approved and out of committee.

Shingle Landing watershed project—Worcester County.

Timmonstown Branch watershed project—Worcester County.

Turkey Branch watershed project—Somerset County—application pending.

Upper Choptank watershed—Soil drainage program; 18 percent in Caroline County. Total cost: $4,908,150.

Upper Manokin watershed project—Somerset County.

ENVIRONMENTAL IMPROVEMENTS

WATER AND SEWAGE PROJECTS

Betterton water and sewage project—$454,000.

Broadwater wastewater treatment plant.

Cambridge water and sewage project—Grant: $140,000. Modifications to existing sewage treatment plant to provide secondary treatment.

Cambridge—Sewer facilities and other small projects. Grant: $174,250.

Cecilton water and sewage project—Grant: $441,000.

Centerville water and sewage project—Total: $120,600. Grant: $30,150.

Charlestown water and sewage project—Awaiting legislation.

Chesapeake Beach water and sewage system—$765,430.

Chestertown sewage project—Total: $672,400. Grant: $47,700.

Crisfield sewage project—$1.2 million.

Denton sewage project—Total: $483,500. Grant: $112,120.

Easton water and sewage—Expansion now underway.

Edgewater water and sewage project—Bonds issued for construction of centralized system.

Elkton sewage project—$485,032.

Fairlee water and sewage project—$133,460.

Franklin Manor and Cape Anne water and sewage project—Total: $827,444. Previous amount of $33,000 for construction of two pumping stations and secondary sewage treatment plant.

Frenchtown-Rumbley water and sewage project—$104,100.

Fruitland water and sewage project—$805,000.

Galena sewage project—Total: $160,000. Grant: $43,000.

Hebron Sewage Treatment Plant.

Hurlock sewage disposal system—Total: $928,000.

Kennedyville water and sewage project—Total: $93,400.

Lexington Park water and sewage project—Construction grant for intercepting sewer system.

Millington sewage project—Total: $179,200. Grant: $14,500.

Neavitt Harbor project—$31,000.

Newark water and sewage project—$362,000.

North Beach water and sewage system.

North East Sanitary District sewage project—Total: $613,000. Grant: $148,250.

Ocean City water and sewage project—Cost: $3,700,000. Completed.

Perryville water project—Total: $660,000—town to pay half, no application has been filed.

Port Deposit sewage treatment project—Total: $475,100. Grant: $141,000.

Preston sewage project—Total: $93,500. Grant: $22,500.

Prince Frederick water and sewage project—$665,000.

Queenstown water and sewage project—$700,000.

Rock Hall sewage disposal project—$774,900—pending.

Rose Haven water and sewage system.

St. Michaels—Worked with community to get pilot program for sewage treatment plant. Result, oyster taking areas left open that would have been otherwise closed.

Secretary sewage project—Total: $608,800. Grant: $154,000—under construction.

Snow Hill sewage project—Total: $347,900. Grant: $86,600.

Sudlersville water and sewage project—$365,000.

Willards water and sewage project—$956,600.

Worton water and sewage project—$553,100.

COMMUNITY IMPROVEMENTS

PUBLIC HOUSING PROJECTS

Annapolis housing project—Preliminary loan: $50,000. Construction of 250 new units—200 units especially designed for the elderly.

Annapolis housing project—Grant: $232,000. For modernization of low-rent housing. Construction of a day-care center, enlargement of existing community building, rewiring units, and painting.

Bow Street housing project—Complete.

Cambridge public housing project—$2 million Federal loan.

Cambridge Urban renewal—$1,137,000 Federal grant.

Crisfield public housing project: $729,189 Federal loan.

Crisfield housing project: Total: $3,735,322—200 units completed.

Easton housing project—Getting underway.

Elkton urban renewal—$66,353 survey and planning grant.

Elkton Courthouse—$187,642 Federal grant for expansion and renovation, $1,595,083 total cost.

Hughesville housing development—$50,427.

Hurlock housing project—Development of low income housing project—underway.

Queen Anne housing project—Worked with OEO group to fund housing study. Assisted in setting up housing group. Worked with FHA for private construction loans. Assisted in getting additional help for faster handling of applications.

St. Michael's Housing Authority—Project under construction.

Salisbury urban renewal—$1,010,102 total; $866,983 Federal.

COMMUNITY IMPROVEMENTS

PARKS

Annapolis parks—Grant: $20,563. Park beautification, Harbor Park, Memorial Park, and Paca Gardens.

Anne Arundel County Park—Grant: $17,950; acquisition of 17.96 acres of land for recreational park.

Elkton Park—Grant: $13,003. Purchase of additional 6 acres next to existing 18-acre park.

Leonards Mill Park—Obtained necessary funds for park.

Long Wharf Park—Grant: $51,500. Development of 5 acres of the 15 acres of park.

Pocomoke Cyprus Park—Grant: $4,815. Development of 7-acre park.

St. Clement's Shores Park—Grant: $15,344 for development.

Snow Hill, Byrd Park—Grant: $11,770 for development of 27 acres.

COMMUNITY IMPROVEMENTS

GENERAL

Assist independent telephone company in obtaining Federal loan for modernization and line extension.

Berlin Health Center—$35,000 Federal share.

Blackbird control—Federal assistance from the Department of Interior to find solution.

Blackwater Game Refuge—Visitors facility expansion.

Brice House—Historic recognition for national historic landmark.

Chase-Lloyd House—Received national historic landmark.

Chesapeake College—Guidance for Federal assistance.

Court House Point—Recreational pond.

Crisfield — Radar station — surplus property—arranged facility to be turned over for local school.

Crisfield—Weather equipment—Somers Cove Marina.

Denton—Diversion of farmland to golf course and country club; $151,190 Federal loan.

Eastern Neck National Wildlife Refuge—Funding.

Easton—Talbot County Health Center, $300,000 total; $100,000 Federal.

Easton—Memorial Hospital expansion: $4,340,800 total; $625,000 Federal share.

Easton—St. Michael's railroad crossings—Successful in having signs removed alleviating traffic hazard.

Easton railroad bridge—Successful in having hazardous bridge removed.

Easton—Airport resurfacing runways: $242,900 total; $121,450 Federal grant. Completed.

Elk Neck—Mosquito control project.

Elk Neck State Park—Swimming area permit expedited.

Flood insurance—Now available in Ocean City for property owners to pay regular rates. Government will pay additional amount.

Friendship International Airport—Retention of existing schedules and addition of supplemental services.

Great Mills High School Recreation Center—Grant: $13,722 for development of 3 acres.

Greene's Freehold—Restoration grant: $47,500 plus $140,000.

Impacted school assistance—$280,000 per year.

Knapps Narrows—Purchase of Coast Guard site.

London Town Public House—Received national historic landmark. Restoration grant: $90,255.

Millington Swim Club—Amount requested: $63,500. Completed.

Nassawango Country Club—Loan and grant: $497,100, total project: $436,600, other funds: $63,600.

Naval Academy Library and Education Center—Contract award: $8,923,000.

Ocean City Jetty—Rehabilitation of jetty is required. Cost will be $300,000. Funding necessary.

Ocean City—Arranged for old Coast Guard station to be turned over to town of Ocean City.

Paca House—Work to receive funding for restoration of historic house.

Patuxent River bridge—Received permit. Now up to the State roads commission.

Pirates Cove, Galesville—Pollution problem in area.

Restoration for fish and wildlife programs—$114,000.

St. Mary's County—Surplus property of U.S. Naval Test Center—transferred.

St. Mary's County Schools—Grant: $722,026.

Salisbury-Wicomico Airport—ILS equipment has been approved. Participated in obtaining airport improvement funds.

Salisbury State College—Assisted in establishing the college library as a depository library in the First Congressional District.

Smith Island—Removal of junked cars from island by Navy and fire department.

Tulip Hill—Received national historic landmarks.

GOVERNMENT IMPROVEMENTS

Assateague Island—80 percent land acquired or in litigation; $3,000,000 has been spent for development of day facilities. Annual visitation 1½ million.

Beach erosion—$115,000 study complete for the stabilization of Maryland coastline. Study in final stages of review, will be presented to 92d Congress. Estimated Federal share $30.5 million. Local share $4 million.

Bainbridge—Wave barracks construction—$1,091,000.

Centreville—Federal building. Total cost: $377,000.

Coast Guard move from Tilghman to Dorchester County.

Crisfield—New Coast Guard Station.

Crisfield—Tangier mail route retained and prevented relocation to Onancock.

Crumpton—New post office facility approved.

Hillsboro—Retain post office.

Hurlock—Post office, new facility.

Kent County Board of Education—Grant: $19,998. For instruction of teachers regarding problems dealing with desegregation.

Kent County—Coast Guard Station complete.

Leonardtown Post Office—Working for door-to-door delivery.

Naval Academy Midshipmen's Store—See that all military academies were furnished the same privileges.

North East—New post office facility: $61,000.

Ocean City—Coast Guard facility.

Odenton Post Office retained.

Perry Point Hospital—Work to improve facilities and equipment.

Perry Point Hospital—Retention of complete facility for veterans service.

Preston postal facility replacement.

Public schools received Federal assistance in areas where large amount of

Government employees work and areas cannot be taxed.

Public schools in the First Congressional District received Federal assistance through the normal procedures established by the Maryland State Board of Education and Federal Government.

Queenstown—New post office facility.

Rhodes Point—Door-to-door postal service delivery.

Ridgely drop zone—U.S. Air Force.

Salisbury—Federal building. Total cost: $731,520 for land and construction.

Smith Island—Establish door-to-door mail delivery.

ECONOMIC IMPROVEMENTS

GENERAL

Anne Arundel County Economic Opportunity Committee—Continuous grants and assistance.

Anne Arundel County Economic Opportunity Committee—Strongly recommended to Donald Runsfeld consideration of yearly budget request.

Anne Arundel County Economic Opportunity Committee—Grant: $61,968. Job placement and follow-up.

Anne Arundel school system—Request for surplus property at Fort George G. Meade for use of county schools.

Bainbridge—Retention of training center.

Baiting regulations—Clarify wording of baiting regulations. House committee report has gone back to Interior.

Bay Country Festival—Arranged Federal participation.

Biological control—Working with experimental station regarding pesticides and insecticides regarding elimination of DDT.

Bloodsworth Island—Commitment from Navy to decrease size of explosives used in target practice.

Business—Government conferences held in Annapolis, Salisbury and Elkton.

Button industry—Effect tariff change favorable to button industry.

Chesapeake Bay Seafood Association—Continue to work on numerous problems such as funding, marketing, identification, mechanization, and other general fishery problems.

Chesapeake Clamchip Corp.—EDA loan.

Choptank River—Oyster harvest. Worked with State to correct pollution problems.

Cordova poultry—Worked for fair treatment with inspection practices.

Crab processing machine—Worked with local developers. Crisfield Maritime Industrial Park—$1.5 million grant, $3 million project.

Delmarva Council planning grant: $87,200.

Delmarva poultry industry—Inspection services changes opposed freight rate decrease—pending general assistance in all aspects.

Dorchester Industrial Development Corp.—Assisted in obtaining loan for starting of business to create jobs.

Elkton Police radio interference—Frequency changed.

Elkton Vocational and Technical Training Center.

Farmers Home Administration—1970—Total: $6,152,400. Private housing loans 461, Economic Opportunity loans 435, farm operating loans 140, and farm ownership loans 40.

General Cable Corp.—Negotiate for lease of equipment from Navy.

Kent County planning grant: $27,650. Total: $41,475.

Maryland tobacco—Included in 5-cent subsidy for export.

Milford Laboratory—Effort to retain Milford Laboratory for continuation of oyster research. Laboratory closed—arrangements made for nucleus group to continue research.

Milk market—Worked for consolidation with Baltimore, Philadelphia, and Washington milk shed.

Ocean City sand dollars project—To be used by the Ocean City Fire Company to put out plastic tokens. Approval received from the Treasury Department to raise money for fire company.

Princess Anne—Custom pet foods—Assisted in establishing new business for creation of jobs: $710,000.

Perry Point rental increase—Opposed rent increase of 140 percent. Appeal pending.

Salisbury nursing homes—To remove obstacles with Blue Cross-Blue Shield regarding determination if homes were approved for payment of intensive care patients. Would alleviate overcrowding of hospital.

School lunch program—Clarified school lunch program administration favorable to area canners.

Seafood Market News Office retained.

St. Michaels—Flight pattern revised by Dover Air Force Base to alleviate problems caused by noise. Will now fly over bay area.

Sweet corn—Added to school lunch program.

Sweet potatoes—Artificial regulations. Placed on school lunch program. USDA to purchase surplus.

Tag-A-Long Trailers—SBA loan bogged down. Local SBIC concern made the necessary arrangements to accelerate loan. Will increase employment in Centreville area.

University of Maryland—Authorized by Congress to allow university to purchase land and buildings from the Department of the Interior, located in center of campus.

UNREASON ON OUR CAMPUSES

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, at this time of year, as the American people brace themselves against the possibility of renewed violence on the Nation's campuses, I believe it may be helpful for all of us to read and reflect upon a very thoughtful address delivered last May by the retiring chancellor of the State University of New York, Dr. Samuel B. Gould.

All too often these days we gain the impression that almost all of our Nation's college administrators have tended to support student efforts at disruption on the campus or at least to excuse them. Few voices have been heard speaking out from college administrators and college faculty members to point out what these disruptive actions are threatening to do to the basis of free American education.

Dr. Gould's address is therefore a very welcome voice, almost one crying in wilderness, to point out the profound dangers that are involved in these disruptive tactics, that all too often do seem to be encouraged and fostered by shortsighted faculty members and administrators. Here is a man who knows what he is talking about.

Under leave to extend my remarks, I include the address by Chancellor Gould, delivered on May 28, 1970, at the commencement ceremonies of the Albany Medical College of Union University, in Albany, N.Y.:

THE GROWING ASSAULT ON REASON

(This address was given by Samuel B. Gould, Chancellor, State University of New York, at the Commencement of Albany Medical College, Albany, New York, on May 28, 1970)

I.

The assertion is made so often and with such vehemence these days that the university is an anachronism. It is charged with having no proper or defined place in our modern world; it still has the decayed aroma of medievalism in spite of the strong countervailing smog of technology; added to all this is a mystifying but heady atmosphere of politicalization.

If even part of this accusation is true, then how much more anachronistic or superfluous is the commencement speaker? Even in the best of times he has been the extra baggage of the ceremonial trip, the suitcase that is always in the way while en route and that doesn't have much of usefulness inside once it is opened. He is cumbersome, heavy, a nuisance even to check in a convenient locker and forget. He is, in short, the one superfluous element in the day's celebration.

You can imagine, therefore, that I approach my task with a certain sense of trepidation. Yet, the past couple of months have been so shattering to intellectual life in America in so many ways that I am deeply grateful for the opportunity to talk briefly with you this afternoon.

II.

I want to talk about only one thing: my sharpening impression that we have entered a period where reason is being challenged, assaulted, and ripped out of more and more of our whole society. To me, it represents the single most fundamental value change of our time.

Some people find this change exhilarating and liberating. Some find it disquieting and alarming. Personally, I have been observing it with a fearful sort of fascination.

As short a time as a decade ago would anyone have believed that a considerable portion of America's intelligent, even brilliant, students and scholars would be banding together to reject reason as the primary path of learning? The number is not large yet, but is enough to question whether the central place of intellect should not now be occupied by instinct, spontaneous feelings, and pleasant sensations. Would anyone have believed that the fuzziest kind of formlessness would be considered preferable to the disciplined analysis, concentrated questioning, and scientific rigor of university life? Would anyone have believed that the search for individuality among students that has been so highly prized and championed by our colleges (even though too rarely achieved), would be supplanted in places by a surge toward individual acts of terror or mob license? Would anyone have believed that some students and younger scholars would jointly be advocating violence or the continuing threat of violence as the only solution to the problems of higher education or society? Not *all* students, not even a majority, and not *all* scholars, only a small portion, but enough of them to bring almost any campus to its knees and keep it there.

Wherever we turn, we can find ample illustrations of the turn away from reason. Think of it: the most highly educated nation in the world is reviving astrology and occultism, and importing obscurantist pundits from exotic corners of the world to give advice. And it is not the poor and absolutely distraught who are doing this, but some of the most highly educated and affluent. Sensitivity institutes are springing up everywhere, in which the emphasis is not on the interaction of minds but on the release of emotions and the encouragement of impulse.

In cultural circles there is the phenomenon of so-called Impossible Art. For example, Claes Oldenburg, a man of considerable talent, digs a grave in Central Park, fills it up again, and calls it art. This may seem amusing and harmless, but a commentator in one of the leading art periodicals, *Art in America*, reported that Impossible Art is causing "a violent upheaval in the art worlds of America and Europe, and attacking the art establishments of dealers, private collectors, galleries, museums, critics, and art historians in much the same way that students are attacking college institutions." The theater seems to concentrate more and more of its efforts on new forms of soul- and body-baring that blunt and numb not only the mind but ultimately the senses as well. In films and books American directors and authors often act like smirking juveniles who have just discovered the titillations of pornography and don't know whether to feel guilty or liberated. In music we find serious musicians discarding their work of creating edifying liquid architecture and toying with random electronic squeaks and roars, while a growing portion of popular music has a decibel volume that not only destroys its occasionally ingenious subtleties and touching lyrics but creates a form of mass catalepsy.

And over the whole scene hangs the miasma of drugs. Millions of persons now escape frequently from the reality, responsibilities, and complexity of life through drugs, preferring to plunge into the lethargic fantasies of their irrational selves. For many current college students, marijuana, "speed," and LSD are the modern equivalents of the 1920's hip flask of bad whiskey. Last year Americans purchased, and presumably consumed, three and one-half *billion* pep pills, and almost as many tranquilizers. We seem increasingly to prefer the self-imposed chemical pollution of our bodies to the really tough confrontation of our minds with our huge social problems. With growing hypocrisy, we preach the urgent need for greater intelligence, concern for others, and sustained social action; and then we cop out with a trip into personal gratification or self-pity, replacing constructive efforts with freak-outs, rationality with sensations.

This growing number of forms through which the rational instrument of our mind is being pushed aside in the emerging life styles, this rejection of history and disregard of the future leaving only the *now* as life's essential element, this fever pitch of emotionalism, hedonism, and righteous moralism, however stimulated—these have now become distinguishing features of our society.

III.

As I need hardly tell you, the protagonists in pressing for this new philosophy have been our young people. This is nothing radically new; youth has always been in the forefront of fun, romance, adventure, and challenges to the status quo. What is different about contemporary America though are three things: the size and health of our youth; the location and nature of work of most of our youth; and, most important, the amount of attention paid to their desires by the rest of society. We have moved into a new society which some of our sociologists call a juvenocracy. It is an age characterized by a remarkable adult preoccupation with young people and a corresponding preoccupation of young people with themselves, their own wishes, and their new sense of power.

Contrary to popular reports, America's population is not getting younger. The median age, in fact, rose from 24 in 1910 to 30 in 1950, dropped slowly to 27.5 in 1968, and has now levelled off at just under 28. By 1980 the median age is expected to rise another six months. What has increased dramatically, however, is the number of America's youth—in the past 10 years the number of persons between 15 and 25 increased from 27 to 39 million, or 44 percent—and the health of this age group. Because of the miracles of modern medicine and scientific research and this nation's public health programs, far fewer young persons are maimed, crippled, or weakened by childhood diseases and deficiencies. They are privileged with greater good health and undisturbed vigor than any previous generation. According to a recent National Health Survey, the chief cause of death of persons between 15 and 25 is no longer tuberculosis or diptheria or influenza; it is automobile accidents. Fifty-five percent of all youth who die these days are killed by accidents, mainly by automobiles. America's youth, unlike those of India, Spain, or Brazil, can take healthy exuberance for granted.

Another dramatic change has been the astounding increase in the number of young people in *school*. Whereas almost two-thirds of America's youth between 15 and 25 were out working at jobs 20 years ago, today 55 percent are in school studying full-time. The college population, for example, has nearly tripled since 1950. Thus, the pursuits, preoccupations, and leisure time of young people have shifted markedly.

But possibly the clearest manifestation of modern juvenocracy is the amount written or said about our youth; that is, the attention paid to them by adults. Our newspapers and periodicals are flooded with stories of the exploits and oddities of the young. Radio and television panels address themselves almost daily to the question of why the new generation thinks and acts as it does. Social scientists turn out studies in inordinate quantities, all purporting to offer keys to the puzzles of alienation, political extremism, the disdain for legal authority, the fascination with drugs, and the so-called sexual revolution. The producers of goods have suddenly discovered that in our young people they have an enormous market, and they now woo them assiduously with huge advertising campaigns. And, a growing number of adults across the nation pay youth the greatest compliment of all by styling virtually everything to their specifications and in their image.

While all this is going on in our society, we witness a strange paradox. At the very time that America is becoming a juvenocracy, many young men and women are complaining with mounting bitterness that they are neglected, misunderstood, and even forgotten as a generation. They claim that modern life depersonalizes them and drains away or represses their freedom and individuality. They argue that the world has given them nothing but botched enterprises, outmoded structures, and imminent chaos and death. A portion of them believe in their hearts that most adults are craftily working to enslave their souls.

To escape, to liberate themselves, an increasing number of young people annually flout the accepted mores of society in what seem to some to be outrageous actions, or they adopt the rhetoric, slogans, and even the tactics of jungle guerrillas or terrorist anarchists. A growing proportion maintain that what they believe in their hearts or feel in their bellies has a greater truth than all the piles of evidence, accumulations of facts, or rational arguments that others assemble for their scrutiny. We seem almost to be going back to the days of Galileo, with what youth consider to be revealed truth fighting the findings of modern science.

Our colleges and universities, open to new ideas and relatively defenseless, seem an ideal launching pad for the assaults on society and upon reason itself. Where else can one talk about and practice exhibitionalism or anarchism, or any other kind of *ism*, with such impunity? What better place is there for getting maximum attention for one's thrusts against society, democracy, and reason while receiving at the same time maximum protection from the legal authorities and the powerful and sometimes equally irrational counter-forces?

Thus, the modern university has become a staging area and a battleground. It is both the focal point and the mirror for the new characteristics of our society. What a sublime irony! The institution in society that has steadfastly championed freedom of thought as an inviolable right of man finds itself contributing to its own extermination because it can discover no acceptable way to resist the most violent actions that stem from such freedom of thought. The institution that has as its reason for being the advancement of the life of the mind finds itself increasingly used as the base from which reason is being challenged and derided.

IV.

I am sometimes asked whether I think we are experiencing a faddist upheaval among our youth or a fundamental change that will lead to a whole new concept and style of life in America. It is a difficult query to answer. After all, we have had retreats from reason before, both in the history of the world and in the history of the United States. They have come and gone, and the university has survived them. Violence is not a stranger to this land, and confrontation was a vital ingredient in the birth of this nation. Is there anything truly different about today? Are we viewing a peripheral set of circumstances that will not finally upset the major efforts of society or alter its values? Or are we due for a reassessment of all of man's hitherto accepted philosophies?

I wish I had a clear answer to these questions. I can only say that, although a review of history provides a modicum of reassurance, I am very uneasy about what may happen. Many of you may recall the etching by Goya with the inscription, "The sleep of reason brings forth monsters."

One major reason for my unease is that so many new elements now contribute to the difficulty of maintaining rational, peaceful, humane forms of civilization. The speed at which change now takes place and our growing inability to adjust to such change are only two such elements. Science and technology advance with such rapidity that humanistic considerations inevitably lag behind. An increasing number of young persons look at much of this scientific and technological change with suspicion, distaste, and sometimes with utter revulsion—even while they promptly adopt its penicillin and computers, its jet planes and birth control pills. As they see it, the use of reason has led only to increased ugliness and tragedy—to the despoiling of our natural resources, to mass killings, to the increasingly manipulative patterns by which men deal with each other. Much of what reason has created must be torn down, they feel. And reason itself has to be pulled off its pedestal.

I can understand this new distrust of reason. But I find it hard to accept the view that the path to a better life lies in disruption and destruction and in the elevation of feelings to a position of primacy in regulating our individual and social behavior. This country has ample legal, governmental, and social instruments, at hand, through which more rapid social charge can occur, through which more humane, life-regarding patterns can be evolved. That these instruments have not been used more effectively is not the fault of the instruments so much as it is the fault of the men using them. And it is the fault of the men using them. And it is the fault of adults and youth alike. Youth has no monopoly on idealism and adults are not the only hypocrites in society. We have all contributed to many of our society's well-publicized shortcomings, just as we have all contributed to many of our society's less talked about but internationally envied successes.

One of our successes, for all its imperfections and tribulations, has been and still is the American university. It is not too much to say that America's colleges and universities represent a triumph. They have done what no one thought could be done—expanded in quantity while at the same time growing in quality. America's colleges have educated four times as large a percentage of young people as any nation in the world, while rising to undisputed scholarly eminence in dozens of fields of inquiry, from poetry to space engineering, from sociology to biochemistry.

The American university will continue to exist, no matter how much it is transformed in structure, governance, or academic style, so long as it insists upon the central role of thought and reason. If the university surrenders its belief in reason, or if forces in society compel it to give up reason as its central activity, the university will decline and lose its point for being there. Ecstasy, sensitivity, pleasure, political debate, and emotional exercise can be gained from numerous other activities and institutions in society.

Whether our colleges and universities will continue to move ahead or, indeed, survive depends largely on whether we can find enough persons and devise adequate ways to keep alive the enterprise of intellectual inquiry. I can assure you that this is not easy to do in these times of fierce political controversy, intense moral fervor, and sensational cultural change. In case you think I am some kind of academic Jeremiah, I would point out that dozens of American colleges and universities are already close to a breakdown of teaching and objective inquiry—including a few of our very best.

Yet our society and our universities *must* keep alive the march of reason, the quest for truth, the pursuit of more beauty and greater justice for men. We need to gather up our courage, to reassemble and reassert our principles, to halt the retreat from reason. To do this takes fortitude, understanding, a degree of discriminating judgment, and a sense of humor that is not overabundant, either inside or outside our campuses today.

Somehow we must learn to distinguish between youthful derision and justifiable rage, between the cruelly pelting, factually untrue, and deliberately provocative hail of verbal and other abuse, and the criticism that is borne out in fact. We must be prepared to act humanely but vigorously when minor episodes of hooliganism turn into ugly and vicious displays of wanton violence. We must learn to delineate between massive impatience for constructive change and raw passion for destruction. I say this knowing that most persons at our universities face these tests with a minimum of experience in such matters and a maximum of distaste for confronting them.

The skills and creative abilities for stemming the flight from reason and for revamping our society to meet the new needs of the hour and of the future are all around us, waiting to be used. You graduates have your full share of them. You need only take full cognizance of the current historical trends and face them with flexibility but with an unshakable will, with patience but with vigorous courage, with determination but with characteristic American cheerfulness. Otherwise, the society you will soon be ministering to will increasingly be surrendering to no more than expressions of feeling unbuttressed by rationality.

Reason, like the colleges and universities that seek to foster it, is a fragile sword, sharp but slender, and double-edged. But it is still man's best weapon. I beg each of you to help prevent the mounting heat of dogmas, politics, and passions from melting it down. And I would ask you also never to forget the absolutely vital role that institutions such as this Medical College play in the sustenance and encouragement of the curiosity, precision, and power of the human mind.

Good luck. May each of you have rewarding careers and lives of service to others.

GENERAL LEAVE TO EXTEND ON MILITARY PROCUREMENT AUTHORIZATION CONFERENCE REPORT

Mr. MATSUNAGA. Mr. Speaker, on behalf of the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. RIVERS) I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the adoption by the House today of the conference report on the military procurement authorization for fiscal year 1971, H.R. 17123.

The SPEAKER pro tempore (Mr. STRATTON). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHEUER (at the request of Mr. BINGHAM), for today, on account of illness.

Mr. OLSEN (at the request of Mr. UDALL), for today and September 28, on account of official business.

Mr. SHIPLEY (at the request of Mr. ALBERT), for today and September 28, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DULSKI, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ZION) and to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. RIEGLE, for 15 minutes, today.

Mr. RIEGLE, for 15 minutes, on September 30.

(The following Members (at the request of Mr. MATSUNAGA), to revise and extend their remarks and to include extraneous matter to:)

Mr. RARICK, today, for 10 minutes.

Mr. DIGGS, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KOCH, to include extraneous material with his statement today when the House is in the Committee of the Whole.

Mr. WYDLER, immediately prior to the passage of H.R. 18126 today.

Mr. HOLIFIELD during general debate on the conference report on H.R. 17123, Military Procurement and Reserve Strength, and to include extraneous matter.

Mr. YATES in three instances and to include extraneous matter.

Mr. PEPPER prior to the vote on the conference report on H.R. 17123.

(The following Members (at the request of Mr. ZION: and to include extraneous matter:)

Mr. HUNT.
Mr. SHRIVER in three instances.
Mr. GROVER.
Mr. DON H. CLAUSEN.
Mr. ERLENBORN.
Mr. WYMAN in two instances.
Mr. CARTER.
Mr. DERWINSKI.
Mr. FINDLEY.
Mr. McDADE.
Mr. BROTZMAN in two instances.
Mr. MILLER of Ohio in four instances.
Mr. WOLD.
Mr. BRAY in two instances.
Mr. DELLENBACK.
Mr. MORTON.
Mr. CONTE.
Mr. SCHMITZ in two instances.
Mrs. HECKLER of Massachusetts.
Mr. ASHBROOK in two instances.
Mr. BELL of California.
Mr. SCHWENGEL in two instances.
Mr. STEIGER of Arizona.
Mr. COLLIER in five instances.

(The following Members (at the request of Mr MATSUNAGA), and to include extraneous matter:)

Mr. DINGELL in four instances.
Mr. CAREY in two instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. ROGERS of Colorado.
Mr. COLMER in three instances.
Mr. ANDERSON of California in two instances.
Mr. CLARK.
Mr. FRASER in four instances.
Mr. PEPPER.
Mrs. SULLIVAN in three instances.
Mr. HAWKINS in two instances.
Mr. MAHON in two instances.
Mr. RARICK in two instances.
Mr. BURLISON of Missouri.
Mr. STOKES in two instances.
Mr. PURCELL in two instances.
Mr. ABBITT.
Mr. COHELAN in two instances.
Mr. WOLFF in two instances.
Mr. DULSKI in five instances.
Mr. OLSEN in two instances.
Mr. PRYOR of Arkansas in two instances.
Mr. VANIK.
Mr. DENT in four instances.

XUM

Mr. BROWN of California.
Mr. MONAGAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 752. An act to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine; to the Committee on Armed Services.

S. 2461. An act to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

S. 3425. An act to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

S. 3795. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Veterans' Affairs.

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; to the Committee on Armed Services.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, September 30, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2411. A letter from the Executive Director, Federal Communications Commission, transmitting a report of the backlog of applications and hearing cases in the Commission as of August 31, 1970, pursuant to section 5(e) of the Communications Act as amended; to the Committee on Interstate and Foreign Commerce.

2412. A letter from the Administrator of General Services, transmitting a report of claims settled during fiscal year 1970 by the Administration under the Military Personnel and Civilian Employees' Claims Act of 1964, pursuant to section 3(e) of the act; to the Committee on the Judiciary.

2413. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 23, 1969, submitting a report, together with accompanying papers and an illustration, on Goleta, Calif., and vicinity, Santa Barbara County South-Coastal Streams, Calif., in partial response to an item in section 209 of the Flood Control Act of 1962 (H. Doc. 91-392); to the Committee on Public Works and ordered to be printed with an illustration.

2414. A letter from the Secretary of Health, Education, and Welfare, transmitting the preliminary report concerning current information on the health consequences of using marihuana, pursuant to title V, Public Law 91-296; to the Committee on Interstate and Foreign Commerce.

2415. A letter from the Secretary of the Treasury, transmitting a report of operations by Federal departments and establishments in connection with the bonding of officers and employees for the fiscal year ended June 30, 1970, pursuant to section 14(c) of the act of August 9, 1955 (6 U.S.C. 14); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 19000. A bill to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe (Rept. No. 91-1498). Referred to the Committee of the Whole House and the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes; with amendments (Rept. No. 91-1499). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the impact of credit cards on small business (Rept. No. 91-1500). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 15008. A bill to establish the Plymouth-Provincetown Celebration Commission; with amendments (Rept. No. 91-1501). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges (Rept. No. 91-1502). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. H.R. 12650. A bill to amend title 10 of the United States Code to allow wounded members of the Armed Forces to inform their families of such injuries by telephone at Government expense; with amendments (Rept. No. 91-1517). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 18359. A bill to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton, Jr., General Joseph Stillwell, General Mark W. Clark,, and General James A. Van Fleet (Rept. No. 91-1518). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. S. 1628. An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes (Rept. No. 91-1519). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2175. A bill to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released; with amendments (Rept. No. 91-1520). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age (Rept. No. 91-1521). Referred to the House Calendar.

Mr. RIVERS: Committee on Armed Services. H.R. 15216. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes; with amendments (Rept. No. 91-1522). Referred to the Committee of the Whole House on the State of the Union.

Mr. GALLAGHER: Committee on Foreign Affairs. House Joint Resolution 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission (Rept. No. 91-1523). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes; with an amendment (Rept. No. 91-1524). Referred to the Committee of the Whole House on the State of the Union.

Mr. GALLAGHER: Committee on Foreign Affairs. House Joint Resolution 1146. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States (Rept. No. 91-1525). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 12061. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; with an amendment (Rept. No. 91-1526). Referred to the House Calendar.

Mr. NICHOLS: Committee on Armed Services. S. 583. An act to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941 (Rept. No. 91-1527). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14301. A bill to implement the Convention on Offenses and

Certain Other Acts Committed on Board Aircraft, and for other purposes (Rept. No. 91-1535). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG: Committee on Rules. House Resolution 1227. Resolution for consideration for H.R. 18679, a bill to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes (Rept. No. 91-1530). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1228. Resolution for consideration of H.R. 11547, a bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans (Rept. No. 91-1537). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1229. Resolution for consideration of H.R. 15560, to amend the Federal Insecticide, Fungicide, Rodenticide Act, as amended (7 U.S.C. 135-135k), to prohibit the importation of certain agricultural commodities to which economic poisons have been applied, and for other purposes (Rept. 91-1538). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1230. Resolution for consideration of H.R. 16408, to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (Rept. No. 91-1539). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1231. Resolution for consideration of H.R. 19444, a bill to authorize for a temporary period the expenditure from the airport and airway trust fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising (Rept. 91-1540). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 378. An act for the relief of Peter Rudolf Gross (Rept. No. 91-1481). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 732. An act for the relief of Mrs. Nimet Weiss (Rept. No. 91-1482). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 737. An act for the relief of Konrad Ludwig Staudinger (Rept. No. 91-1483). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1123. An act for the relief of Ah Mee Locke (Rept. No. 91-1484). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3167. An act for the relief of Kimoko Ann Duke (Rept. No. 91-1485). Refererd to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3212. An act for the relief of Curtis Nolan Reed (Rept. No. 91-1486). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3263. An act for the relief of Maria Pierotti Lenci (Rept. No. 91-1487). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3265. An act for the relief of Mrs. Anita Ordillas (Rept. No. 91-1488). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3529. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.); with an amendment (Rept. 91-1489). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3600. An act for the relief of Kyung Ae Oh (Rept. No. 91-1490). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3620. An act for the relief of Mrs. Anastasia Pertsovich (Rept. No. 91-1491). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3675. An act for the relief of Ming Chang (Rept. No. 91-1492). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3813. An act for the relief of Kim Julia and Park Tong Op (Rept. No. 91-1493). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3853. An act for the relief of Mrs. Pang Tai Tai (Rept. No. 91-1494). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3858. An act for the relief of Bruce M. Smith (Rept. No. 91-1495). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 4073. An act for the relief of Joo Lee and Myung Joo Lee (Rept. No. 91-1496). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. Senate Concurrent Resolution 79. Concurrent resolution favoring the suspension of deportation of certain aliens (Rept. No. 91-1497). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2302. A bill for the relief of Mrs. Rose Thomas (Rept. No. 91-1503). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 11676. A bill for the relief of Philip C. Riley and Donald F. Lane; with an amendment (Rept. No. 91-1504). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13806. A bill for the relief of Irwin Katz; with an amendment (Rept. No. 91-1505). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 15864. A bill for the relief of Robert L. Stevenson; with an amendment (Rept. No. 91-1506). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 15865. A bill for the relief of Marion Owen; with an amendment (Rept. No. 91-1507). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 16276. A bill for the relief of William E. Carroll; with an amendment (Rept. No. 91-1508). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 16502. A bill for the relief of Gary W. Stewart; with an amendment (Rept. No. 91-1509). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17272. A bill for the relief of certain employees of the Department of Defense; with amendments (Rept. No. 91-1510. Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17853. A bill for the relief of Carlo Bianchi and Company, Inc.; with an amendment (Rept. No. 91-1511). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. S. 878. An act for the relief of James E. Miller (Rept. No. 91-1512). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. S. 882. An act for the relief of Capt. William O. Hanle (Rept. 91-1513). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 1422. An act for the relief of Donal E. McGonegal (Rept. No. 91-1514). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 2755. An act for the relief of Donald N. O'Callaghan; with amendments (Rept. No. 91-1515). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 3138. An act for the relief of Ruth E. Calvert (Rept. No. 91-1516). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 14543. A bill for the relief of Mrs. Rolando C. Dayao (Rept. No. 91-1528). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 15767. A bill for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska); with an amendment (Rept. No. 91-1529). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 15922. A bill for the relief of Leela Messin Bell; with amendments (Rept. No. 91-1530). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 16857. A bill for the relief of Soon Ho Yoo; with an amendment (Rept. No. 91-1531). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 17431. A bill for the relief of Jacqueline and Barbara Andrews; with an amendment (Rept. No 91-1532). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 17508. A bill for the relief of Jung Yung Mi and Jung Ae Ri; with an amendment (Rept. No. 91-1533). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary: H.R. 17912. A bill for the relief of Jin Soo Park and Moon Mi Park; with an amendment (Rept. No. 91-1534). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19486. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 19487. A bill to eliminate certain authority of the Administrator of General Services with respect to trade and exchange of real property, and for other purposes; to the Committee on Public Works.

By Mr. BURLISON of Missouri:

H.R. 19488. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such product, except under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS:

H.R. 19489. A bill to protect a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender; to the Committee on Post Office and Civil Service.

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By Mr. CLAY (for himself, Mr. Waldie, Mr. Adams, Mr. Annunzio, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Brown of California, Mr. Burton of California, Mr. Button, Mr. Carey, Mrs. Chisholm, Mr. Conyers, Mr. Dent, Mr. Diggs, Mr. Eckhardt, Mr. Edwards of California, Mr. William D. Ford, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Jacobs, and Mr. Leggett):

H.R. 19490. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. Waldie, Mr. Lowenstein, Mr. Meeds, Mr. Mikva, Mr. Moorhead, Mr. Reuss, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Thompson of New Jersey):

H.R. 19491. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mrs. Green of Oregon, and Mr. Saylor):

H.R. 19492. A bill to amend the Higher Education Act of 1965, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD:

H.R. 19493. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. LOWENSTEIN:

H.R. 19494. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mrs. MINK (for herself, Mr. Bingham, Mr. Button, Mr. Cohelan, Mr. Fraser, Mr. Gude, Mr. Horton, Mr. Karth, Mr. Koch, Mr. Moorhead, Mr. Murphy of New York, Mr. Patten, Mr. Stokes, and Mr. Tiernan):

H.R. 19495. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 19496. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner war; to the Committee on Veterans' Affairs.

By Mr. O'HARA (for himself, Mr. Nedzi, Mr. William D. Ford, and Mr. Dingell):

H.R. 19497 A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 19498. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 19499. A bill to amend title 5, United States Code, to provide for the continuance of Federal employees group life and accidental death and dismemberment insurance during periods of active duty and active duty for training with the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 19500. A bill to amend part B of title XVIII of the Social Security Act to include drugs requiring a doctor's prescription, and colostomy irrigation equipment, among the medical expenses with respect to which payment may be made under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. SCHMITZ (for himself, Mr. Bennett, Mr. Crane, Mr. Dent, Mr. McKneally, Mr. Rarick, Mr. Rousselot, Mr. Thompson of Georgia, and Mr. Zablocki):

H.R. 19501. A bill to amend title 10 of the United States Code to provide that an abortion in facilities of the uniformed services may be performed only in accordance with the requirements of the law of the State in which the abortion is performed; to the Committee on Armed Services.

By Mr. THOMPSON of New Jersey:

H.R. 19502. A bill to establish an American Folklife Foundation, and for other purposes; to the Committee on House Administration.

By Mr. WOLD:

H.R. 19503. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. FALLON (for himself, Mr. Blatnik, Mr. Jones of Alabama, Mr. Kluczynski, Mr. Wright, Mr. Gray, Mr. Clark, Mr. Edmondson, Mr. Johnson of California, Mr. Dorn, Mr. Henderson, Mr. Olsen, Mr. Roberts, Mr. Kee, Mr. Howard, Mr. Anderson of California, Mr. Caffery, Mr. Roe, Mr. Cramer, Mr. Harsha, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, and Mr. McEwen):

H.R. 19504. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. FALLON (for himself, Mr. Duncan, Mr. Schadeberg, Mr. Snyder, Mr. Denney, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, and Mr. Miller of Ohio):

H.R. 19505. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. DORN:

H.R. 19506. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAM D. FORD:

H.R. 19507. A bill to adjust the pay of employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LENNON:

H.R. 19508. A bill to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Education and Labor.

By Mr. MOLLOHAN:

H.R. 19509. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 19510. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 19511. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability benefits thereunder; to the Committee on Ways and Means.

By Mr. BELL of California:

H.J. Res. 1386. Joint resolution authorizing the President to proclaim annually the day of November 1 as "National Women in Education Day"; to the Committee on the Judiciary.

By Mr. BENNETT:

H.J. Res. 1387. Joint resolution to establish the Culebran Commission for the purpose of resettling the inhabitants of Culebra; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H. Con. Res. 755. Concurrent resolution expressing the sense of the Congress with respect to an International Convention at the Hague for the purpose of drafting a treaty on unlawful seizure of aircraft; to the Committee on Foreign Affairs.

By Mr. ROBISON of New York (for himself, Mr. Hansen of Idaho, Mr. Button, Mr. Schwengel, and Mr. Preyer of North Carolina):

H. Con. Res. 756. Concurrent resolution expressing the sense of Congress that U.S. troop withdrawals from Indochina continue on an irreversible basis according to a set schedule; to the Committee on Foreign Affairs.

By Mr. YATES (for himself and Mr. Bob Wilson):

H. Con. Res. 757. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 19512. A bill for the relief of M. Sgt. George C. Lee, U.S. Air Force; to the Committee on the Judicary.

By Mr. JARMAN:

H.R. 19513. A bill for the relief of Ronald K. Downie; to the Committee on the Judiciary.

By Mr. RUTH:

H.R. 19514. A bill for the relief of Juanito Bernard Manzano; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 19515. A bill for the relief of Harry Leonard Martin; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 19516. A bill for the relief of Sherry Saunders; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

606. The SPEAKER presented a petition of Dr. Harry E. Stockman, Arlington, Mass., relative to certain Air Force procurement tactics, which was referred to the Committee on Armed Services.

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EXTENSIONS OF REMARKS

FURTHER COMMENT FROM WYOMING ON STUDENT UNREST

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. WOLD. Mr. Speaker, on September 18, I included in the RECORD a few remarks concerning the current problems which the campuses of our Nation face in terms of disorder and violence. I also had printed the thoughts and comments of some of the citizens of my State. I include the text of my newsletter together with some additional remarks made by the people of Wyoming:

JOHN WOLD: YOUR WYOMING CONGRESSMAN REPORTS ON CAMPUS UNREST

DEAR FRIEND: "On strike—shut it down!" was a chant that many students and faculty dissenters screamed this spring in hopes of closing their school. Seven-hundred-sixty colleges and universities across the country came to their knees under the pressure of such groups! It meant that nearly 1.5 million students had to temporarily abandon their plans for an education.

We cannot tolerate such actions in Wyoming. Wyoming young people have generally had able school administrators. Wyoming can be proud that our state leads the Nation in per capita investment for education. Last year the University of Wyoming faced student unrest to a degree it had never before experienced. Restraint prevailed and serious confrontations were avoided, but there was a potential for trouble. Our responsibility is to explore and solve campus problems ahead of time.

Change is vital to progress but we must be cautious that constructive protest doesn't erupt into destructive violence. The purpose of this report is to squarely face these problems and to come up with constructive solutions. I want you to know what I have done in this area as your Congressman. I also would appreciate your sentiments written on the enclosed form so that I can tell the U.S. Congress how Wyoming feels on this important problem.

Sincerely,

JOHN WOLD,
Your Congressman.

CAMPUS UNREST! ROAD TO REVOLUTION?

VIOLENCE IS NOT LEGITIMATE DISSENT

The rights of dissent and protest are fundamental to a democratic society. Our government should not interfere with the right of dissent as long as it is peacefully conducted and the rights of others are respected.

Violence in any form, in any measure, under any circumstance, is not a legitimate means of protest on or off a campus.

THOSE BEHIND CAMPUS VIOLENCE

The facts show that the bulk of campus violence is caused by the extreme new left led by the so-called Students for a Democratic Society (SDS).

SDS leaders have been open in their statements of purpose. Greg Calvert, an SDS spokesman, has said: "We are trying to build a guerrilla force in an urban environment; we are actively organizing sedition."

The SDS publication, New Left Notes, says: "When we move with the people of the world to seize power from those who now rule, we can expect their pig lackeys to come down on us . . . We've got to actively fight. We've got to bring the war home to the mother country of imperialism, 'Amerika'—the final front."

We cannot afford to ignore or underestimate the potential of SDS efforts directed at our colleges and high schools. Their dissent movement has shifted from peaceful protest to an outright declaration of war on the American system.

It is interesting that Lenin, before gaining control in Russia, used the college youth to promote anarchy and to destroy government in Russia—actions very similar to those being taken by the leaders of the new extreme left in the United States today.

THE PRICE OF STUDENT VIOLENCE

The cost of student violence has been high in lives and property damage. In the 15-month period between January 1969 and April 1970, this country suffered a total of 4,430 bombings, 1,475 attempted bombings and 35,129 threatened bombings. This cruel form of terrorism accounted directly for the deaths of 40 people and $21.8 million in property damage.

Campus disorders, according to the Treasury Department, accounted for 56 percent of these incidents of terrorism.

The price of these incidents decreases the amount of loans and scholarships available to deserving students.

REASONS FOR VIOLENCE

It is fashionable to attribute most student unrest to the Vietnam War. That is partially true.

Young people have always been in revolt against their parents. But what is unprecedented about today's outburst is the support they receive from so many people who should know better. In many cases we see professors, not only endorsing violent behavior, but out throwing rocks at the policemen.

FBI Director J. Edgar Hoover told President Nixon's Commission on Campus Unrest that student dissent is threatening to plunge the nation's educational facilities to the brink of chaos. "The activities of student dissidents and violence-prone campus radicals have implanted the notion in our youth that the road to progress lies in threats, disruption and destruction," Hoover said. "Most of our youth are a credit to their parents and to this country, but a minority steeped in an attitude of indulgence and materialism, has terrorized whole academic communities, bringing the nation's educational facilities to the brink of chaos."

WHAT ABOUT THE MAJORITY OF YOUNG PEOPLE?

FBI estimates indicate that the SDS and their sympathizers number only about one percent of the students at our colleges and universities. While that rabble with filthy bodies and filthier mouths monopolize the headlines, there are millions of responsible young college students who are more concerned about getting an education than destroying the system that is providing their educational opportunities.

Even more thoroughly ignored are the millions upon millions of young Americans who decide to go to work instead of to college. These young people are experiencing the same daily hardships of other Americans. They pay bills, pay taxes, raise their families and keep a home together, usually with the added handicaps of less money, less experience and fewer possessions.

HOPEFUL SIGNS

Students who go to college to get an education should begin to challenge those who want to start a revolution. If they don't, they may find their precious heritage of freedom and opportunity gone down the drain.

In increasing numbers, however, young people seem to be turning from demonstrations and protest, and concentrating instead on change through the political process. The college student who works to elect a candidate who supports his point of view is doing far more for his cause than he could possibly achieve by participating in a protest demonstration.

WHAT CAN YOU DO?

We are now approaching the fall and the return of a large number of young people to the campuses. We must place faith in these young people. This generation, perhaps more than any other, is sensitive to the shortcomings of our society and wishes to become meaningfully involved in their solution. We must encourage that interest and concern without losing sight of the need to deal firmly with violence and disorder.

There must be an assertion of leadership among the law-abiding students, professors, administrators, alumni, and public officials. At the same time an effort must be made to anticipate trouble, to remedy valid grievances, and to maintain clear channels for the effective handling of requests and complaints.

Young people must learn that while dissent is healthy, violence is not. Those who disagree with public policy have the right to dissent, but not to destroy property or interfere with the rights of others, including the right of other students to get an education.

REMARKS BY PEOPLE OF WYOMING

"I am a senior majoring in Education at the University of Wyoming. I am simply appalled by the radical actions taken by a large share of students involved in expressing campus unrest. I think police and college officials ought to have a strong arm in dealing with radicals. Withdrawing financial aid to radicals is an excellent idea. I am a member of ROTC."—Kenneth P. Marx, Laramie.

"Our young people do have some legitimate beefs such as the fact that they can pay taxes and be drafted to fight in wars which they feel are wrong, but they cannot legally drink, smoke or vote. Their peaceful protests and demonstrations often turn to violence because peaceful protests go unheeded or their significance is deliberately suppressed by the media—see the attached letter (which was not printed). I do not believe in letting campus militants disrupt or take over a college. I'm with Mr. Hayakawa on that, and have publicly stated this view."—Gil Stevenson, Laramie.

"I feel the colleges and high schools should have more *rules* that apply to *each* student and if not obeyed—have the students expelled. Our school system, I feel, has let down the students and parents that are really trying to get an education. Also, we need more *trade schools* and help for the students that aren't college material. We also need more communication between *teachers* and *students*. I think high school education or age 18 should be made a law."—Helen A. Cossitt, Sheridan.

"I feel that students have the right to peaceful dissent *but* violence has no place in our society and I feel that either students or faculty members engaging in violence should be immediately suspended from the university or college permanently."—C. W. Lyon, Cheyenne.

"We are suggesting legislation that would immediately expell or dismiss any of these people (students and faculty) from our colleges that in any way contribute to violence, property damage, etc. This would give the

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greater percentage of our young people the right to an education. We further suggest that all of your views be extended to cover the high-school level."—Mr. & Mrs. Byron B. Rawlings, Sheridan.

"I am in complete harmony with the view that we are foolish, weak and apathetic to allow a small minority of rabble rousers to paralyze our educational system. They have no rights they are trying to preserve, but rather they deprive many Americans of basic rights we have had for generations. Laws which protect these rights should be enforced. I feel the right to peaceful protest is one thing, but interpreting this right to cover violence, and to champion the cause of an enemy government and to destroy our freedoms should be curtailed."—LaMont R. Merrit, Afton.

"The only way to achieve peace on the campus, in my opinion, is to: 1) Adopt strict, clearly-defined, rules against any and all interruptions, demonstrations or violence on our college campuses; 2) then, strictly enforce these rules without regard to who breaks them; 3) violators should be expelled immediately followed by prosecution in the courts; 4) and finally, all rules and enforcement should apply to the *College Professors* since they are *much more responsible* for the problem than the student."—Roy H. Guess, Casper.

"Part of the college's job is to turn out at graduation time, responsible, well-behaved adults. If they (the colleges) do not do this, they are failing in their duty to parents and society."—Mrs. J. G. Wannschaff, Casper.

"I believe that students not obeying the rules and regulations of the college which they are attending should be immediately expelled from school; and especially the State supported schools such as the University of Wyoming. We taxpayers are getting fed up with the added taxes that such unrest in the schools demands."—Mrs. J. S. Bookout, Wheatland.

"If there are injustices, correct them. Expell student trouble makers and fire faculty members who support student rioting and terrorism. Prosecute individuals who are guilty of destroying property."—George W. Steinbrech, Lander.

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PROBLEMS FACING U.S. 6TH FLEET

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 29, 1970

Mr. THURMOND. Mr. President, in view of the present threats to peace in the Middle East, I invite the attention of Congress to a news column written by Henry J. Taylor and published in the State newspaper, Columbia, S.C., on September 25, 1970.

Mr. Taylor correctly points out the decline of U.S. seapower as evidenced by our naval forces in the Mediterranean. He notes the U.S. 6th Fleet is facing a growing and more modern Soviet Navy in that area of the world as well as elsewhere.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Sixth Fleet Up Against It: Aging U.S. Ships Face Growing Red Armada

(By Henry J. Taylor)

Athens.—While rumors swept the Middle East that the U.S. Sixth Fleet would intervene against the Palestine commando skyjackers, our force was tied up tighter than a drum in the eastern Mediterranean.

In fact, this country—Greece—is the only country in the entire eastern Mediterranean where the Sixth Fleet can congenially call.

It cannot go to neighboring Turkey, long a solid anchor of NATO in the eastern Mediterranean, without provoking street riots, protest-bombings and crippling internal strikes. That represents a complete reversal in our defense capability in this explosive part of the world. And in the light of the fiery Israel-Arab situation, it is the main immediate problems of U.S. Vice Admiral Isaac C. Kidd Jr., now newly commanding the Sixth Fleet.

Moreover, west of Turkey and except for Israel, Tunisia and Morocco, the entire southern rim of the Mediterranean is hostile to us. Syrian, Egyptian and Algerian harbors are available to the expanding Soviet Mediterranean fleet. And even on the Iberian peninsula at the Atlantic gate to the Mediterranean, opinion is incensed over what millions of Spaniards and Portugese call our double-standard—one for colonial powers, another for the Afro-Asians.

Meanwhile, Admiral Kidd, aboard his flagship, the USS Springfield, a light guided-missile cruiser, has taken over a profoundly worried fleet now alerted for immediate call in a nearly impossible situation.

Behind the scenes, and at this moment, Admiral Kidd's command consists of about 50 vessels, including two aircraft carriers and 200 aircraft. The personnel numbers 25,000. Even with the additional Marines arriving aboard the helicopter carrier Guam, his force has only a combat-ready battalion landing team of a scant 3,000 Marines.

His ships are also aging ships which show an encroaching obsolescence. Admiral Kidd does not see how he can compensate for time's natural wastage. An alarming proportion of his fleet was built during the 1939–45 war period and is 25 years old.

Its support by the once all-powerful British navy is all but negligible. In fact, Admiral Kidd finds that the entire worldwide British navy has now been reduced to 3 aircraft carriers, 2 commando ships, 8 nuclear-powered submarines, 33 conventional submarines, 3 cruisers, and 87 large and small destroyers and frigates. British naval strength in the Mediterranean is merely the converted carrier Albion at Cyprus, the guided-missile destroyer Fife at Malta, and the frigate Euryalus at Gibraltar.

Moreover, Admiral Kidd is constantly harassed today by the Soviet probings in these waters. For example, the Soviet "tanker" Kustanaia suddenly arrived on the flank of his flagship Springfield in the crisis over the planes and passengers skyjacked to the Jordanian desert. A Soviet helicopter hovered nearby. Both were loaded with electronic gear to intercept messages between Admiral Kidd's Springfield and Sixth Fleet units cruising off Lebanon's coast regarding our possible intervention.

Although the Soviet has no aircraft carriers (anywhere), its Mediterranean fleet's ships now outnumber Admiral Kidd's command. Then, looking further, he sees the Soviet naval expansion not only in the Mediterranean but to all the seven seas.

Admiral Kidd estimates that the Soviet fleet now consists of 75 nuclear-powered and 320 diesel-powered submarines, 25 cruisers, 100 destroyers, another 100 destroyer escorts, 275 patrol vessels, 300 mine sweepers, 300 torpedo boats, 125 missile boats, 2 helicopter carrier vessels, 130 amphibious craft and literally thousands of support, auxiliary and service craft.

Of nearly equal importance, the Reds have in these waters and worldwide a nearly new fleet. Only 1 per cent of the entire Soviet fleet is 20 years old, NATO Supreme Commander Gen. Andrew J. Goodpaster told me. That the Soviet is driving all out to seize supreme seapower from our country seems obvious to Admiral Kidd—While the United States Navy is admittedly inadequate to meet our worldwide national and international commitments.

The quiet, oh, so quiet expansion of Soviet maritime power was the military phenomenon of the 1960s. At close hand this looks like a relentlessly rising flood tide in the 1970s.

Admiral Kidd has his work cut out for him around here, as the Mideast continues to boil, the skyjackers add to that explosive turmoil, and the Kremlin makes its bid to achieve the balance factor in global power.

After a visit to our NATO naval headquarters near Naples, to the Greek island of Corfu, where elements of our Sixth Fleet are visiting, and then here at our eastern Mediterranean command's control center, the grim question arises: Who is policing the peace of the world now?

FOREIGN POLICY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. FINDLEY. Mr. Speaker, foreign policy touches every family intimately. In recent years we have seen how remote, limited wars not only shatter international peace but also the basic fabric of our own society, destroying the peace and destroying precious lives and other resources. As a member of the House Foreign Affairs Committee, I have worked to strengthen the role of the Congress—the people's branch of the Government—in the control of war-making authority and foreign policy generally. Following is a brief summary of my efforts (full texts of statements, resolutions, bills or amendments mentioned available upon request):

SOUTHEAST ASIA

With the change in administration 2 years ago, the greatest problem faced by our Nation was the war in Vietnam. On March 24, 1969, just 2 months after President Nixon took office, I urged our new Commander in Chief to begin troop withdrawals. In a speech on the floor of the House, I stated:

> Hanoi will concede nothing of importance at the negotiating table.
>
> There is no reason that the South Vietnamese troops, who substantially outnumber the Communists, cannot if they have sufficient spirit, fight their own battle aided by our material support.

On March 25, I placed in the Congressional Record the names of the 31,379 Americans killed in hostile action in Vietnam prior to the time that Richard Nixon become President. Covering 122 pages with fine print, this Vietnam Roll of Honor—which I have since updated four times—is meant to honor the courage of the men who fought and died in Vietnam and also to show in the most graphic way why our combat involvement must be ended.

Shortly thereafter, President Nixon announced the first withdrawal of 25,000 ground combat troops.

By October 1969 the country was again getting restless over the progress, or seeming lack of it, in the Vietnam war. Some thought that a quick military blow might end the war, while many others thought that the rate of withdrawal should be greatly speeded up.

On October 6, I introduced a resolution declaring that:

> The substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

Nearly one-fourth of the membership of the House cosponsored my resolution. Shortly after this initiative, I received a personal letter from President Nixon thanking me for introducing the resolution, stating that "this legislative action is greatly appreciated."

In November 1969, as the Vietnam issue continued to boil in the country, I introduced, together with the leadership in the House of Representatives, a resolution supporting the President's diplomatic initiatives to bring an end to the conflict and calling for a "just peace" in Vietnam. However, I argued that it was not sufficient for the House merely to endorse the President's diplomatic initiatives in Vietnam. Supported by President Nixon's letter thanking me for my earlier resolution, I offered an amendment to the pending resolution "support[ing] the President's expressed determination to withdraw our remaining ground combat forces at the earliest practicable date."

To the full House, I argued:

> Clearly, the House of Representatives has a duty to formulate a position on basic Vietnam policy, and I would hope it will endorse the policy being pursued by the President. . . . Our new Commander-in-Chief deserves a vote of confidence in the fundamental policy change he has initiated.

Despite my pleas, my proposal, for which the President himself had voiced approval, was not adopted.

With the approach of Christmas, my staff in Washington began collecting money for the annual "Christmas in Vietnam" project. Volunteers bought and wrapped $3,000 worth of gifts for our servicemen in Vietnam. American and Pan American Airlines airlifted the gifts directly to Vietnam, where they were distributed on Christmas eve.

On April 30, 1970, the defense procurement authorization was before the House of Representatives for consideration. I offered an amendment to the bill prohibiting any of the funds authorized to be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of Congress "except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam." Debate became hot, and the House finally adjourned without voting on my amendment to await the President's address to the Nation.

That very evening, President Nixon announced in a televised address that he had sent American combat troops into Cambodia because he felt that enemy positions in the sanctuary areas were capable of endangering the lives of American troops remaining in Vietnam.

Shortly thereafter, I met with the President at the White House. Present also were other members of the House Foreign Affairs Committee and the Senate Foreign Relations Committee. President Nixon stated to the group his support for my amendment and said he thought it "splendid." He said that he hoped that it would pass when the bill was voted on that week.

Although adopted over all other pending amendments pertaining to the Cambodian intervention, when the final vote came, the House decided to say nothing.

In the aftermath of the sending of U.S. troops into Cambodia, public demonstrations were organized for Washington. I felt that such demonstrations did not provide young people with a constructive way to set forth their ideas and arguments effectively. A tremendous number of leaderless people massed together in front of the White House add up to confusion, not clarity. To help provide young people with a proper forum, I organized a special committee of Congressmen to hold 2 days of hearings on student views toward U.S. policy in Southeast Asia. Over 60 students from 50 different colleges and universities traveled at their own expense to Washington to testify. The leadoff witness was a young man from Kent State University who, like several others, spoke in support of President Nixon's policies. Other witnesses expressed opposition. All were opposed to violence in any form as a means to achieve a change in policy, and said they were willing to work within the system. The hearings have been printed and copies are available upon request.

WAR-MAKING POWERS

A bill to require Presidential reports on the commitment of U.S. troops, which I introduced, has been adopted virtually intact by the House Foreign Affairs Committee and is expected to be approved soon by the full House. The bill specifies that the President shall submit promptly to Congress a report giving his detailed reasons, and authority for sending troops to foreign soil without first securing specific approval from Congress, and the expected scope of the activities contemplated. This step will help the Congress fulfill its constitutional responsibility in the warmaking field, and I feel, reduce the possibility of new Vietnam-like involvements in the future.

NATIONAL SECURITY

In 6 years work as delegate to international conferences on security, I have developed a proposal which will strengthen NATO and yet permit a substantial reduction in our troops in Europe while protecting our national interests. On September 9, I had the privilege of presenting the details in a 35-minute discussion personally with President Nixon. On September 24 I met with Admiral Moorer, chairman of our Joint Chiefs of Staff for the same purpose. Earlier I presented it to German, French, and British leaders, and am gratified to know it is now receiving active consideration throughout our NATO alliance.

THE FLIMSY CASE FOR THE SST

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 29, 1970

Mr. BYRD of Virginia. Mr. President, the Roanoke Times of September 24, 1970, contains an excellent editorial entitled "The Flimsy Case for the SST."

I agree with the conclusion drawn in the editorial that the SST is at the present time a nonessential and expensive project.

The editor of the editorial page of the Roanoke Times is Forrest M. Landon.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FLIMSY CASE FOR THE SST

By this time, with the Senate vote on appropriations so near, both sides on the supersonic transport question are, we think, exaggerating their case. We have not stopped our ears, but we have ceased to pay quite as much attention to the outcries about the sonic boom's potential effect or the damage that may result from SST vapor trails in the upper atmosphere. That kind of harm may yet result, but the threat is speculative right now.

Yet even if we discount all the environmental and social arguments against the SST, we remain unimpressed by the justifications offered for it. What earthly need have we, or the rest of the world, for an 1,800-mile-an-hour airplane while earthbound traffic is mired up? Indeed, the chief point put forward by the Nixon Administration seems to be that we must develop an SST because other nations are doing it and if we don't, our balance of payments and our preeminent position in the aircraft industry will suffer.

Perhaps they will. But the federal government already has invested $738 million in SST development and is being asked now to put in another $290 million. Administration spokesmen have indicated they would be willing if necessary to go the last mile and underwrite not only development (at a total cost of $1 billion) but also production (another $3 billion).

And this is before there is demonstrable market demand for the craft, before there can be any assurance that enough of our SSTs would sell for the federal government to recoup its investment.

If they didn't sell, what good would that do our balance of payments or our aircraft industry's rating? Meantime, what good would all this added federal spending have done for the budget or the anti-inflation effort?

Our view is that the SST is an unnecessary prestige project, and if it is too expensive and risky for the aircraft industry to shoulder it, then neither should the taxpayer. If the industry, now in a slump, needs federal help to bail it out, let it be put to work on more useful tasks, like developing pollution-free mass-transit vehicles for our roads and streets.

WE MUST SAVE OUR SCHOOLS, AND OUR PEOPLE FROM CRIMINALS IF WE ARE TO SAVE OUR NATION

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1970

Mr. WHITTEN. Mr. Speaker, I wish to thank my friend and distinguished colleague G. R. "SONNY" MONTGOMERY for arranging today's discussion. He has been in the forefront in efforts to save public education.

My friends, our public school system is being destroyed, and it is being destroyed needlessly and without bringing about the objective sought by those who are responsible for its destruction. This is a subject I have discussed many times in the Congress; and while the House of Representatives has passed provisions which I have offered as limitations on the appropriations bill for the Department of Health, Education, and Welfare at least 5 times, only this year were we able to get the amendments through the other body without seriously weakening them. Of course we had the all-out support of our Senators.

These provisions, which appear in Public Law 91–380 as Sections 209 and 210, read as follows:

Sec. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Sec. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964 Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or

* * *

These amendments, while a limitation on the use of funds, passed the House and Senate by overwhelming votes, clearly showing the feelings of the people of the United States, as evidenced by the "People's Branch" of our Government, the Congress.

Notwithstanding this, we see the Federal judiciary rushing in to complete the destruction of the system which has existed for generations, usurping powers not given the courts by the Constitution, a course the judges would not dare to follow if the Department of Justice, the executive department, would say no; for the courts, or the judges, are dependent upon the Marshals, representatives of the executive department, to carry out their orders.

Not only have communities been torn up by the problems thus brought to our schools, but the students are being deprived of an education. This will be felt for the rest of their lives by every child who suffers through this period of poor and unsatisfactory schooling.

I would point out again that no society or nation in history has stood for any great length of time unless it provides 3 things: internal protection of its people; protection of property rights, so men will have the incentive to work and save; and the education of its people. I can do no better than to repeat here what I have said on other occasions.

Law enforcement was seriously hampered by the Federal courts in my section of this country, and it has spread all over the United States until now in this area, as in most other cities, you are afraid to get out on the streets at night. The morning newspaper lists almost a half page on the major crimes of each preceding day. Last year we had 18,000 robberies and 9,000 burglaries and another 9,000 cases of other crimes of violence in Washington.

PROPERTY RIGHTS

The Nation's courts let property rights be destroyed in my section. It spread to the burning of Detroit, Cleveland, Washington, Los Angeles, and hundreds of other cities.

So it is here. If you stand by and let HEW or the courts destroy quality education in my section, it is bound to come home to you.

You would not believe what has been done. We have home economic students being sent to schools where they do not have the equipment for teaching the subject.

We have youngsters in the lower grades who are going to schools where all the facilities are large, constructed for seniors and juniors. We have juniors and seniors going to schools with low blackboards, low commodes, and low drinking fountains, facilities intended for elementary school students. The interchange of faculty is unbelievably disastrous. Teachers have quit and you have to hire whoever you can get. One parent, discussing the math teacher, said she was fine until she got into fractions, long division and decimals.

We are violating the intent of the Civil Rights Act of 1964. Believe you me, we are destroying public education for all races. It is my section now but if not stopped it will spread to yours, just like violence and property destruction did.

In my hometown there are colored as well as white people who come to me and say: Congressman, isn't there something you can do to save our schools? Congressman, won't you help us see that our children can go to school where we want them to go—do they have to be carried all around over the country to teachers who are not qualified?

I have never been one who would want to visit on any section of the United States what has happened in my section. The schools and public education have been destroyed as of the moment. We are having children hauled miles from one direction to another against their wishes, to create a racial mix to satisfy some court or judge. I have one constituent—a man whose daughter and son are in one school and now the daughter in the next class is going 12 miles in another direction to a different school; and next year she will have to go 12 miles in another direction to another school—against everyone's wishes.

I am told we have more than 475 schools over our region which have been closed; we have had new school buildings closed. Yet in some cases classes are held from 7 to 5 o'clock in the overcrowded remaining buildings.

I have joined with numerous colleagues in a request to intervene and appear before the Supreme Court in pending cases to urge that Court and through it the Judges of the Court of Appeals and the District to let up.

Let us return our educational system to the local school boards, to the parents and, yes, to the teachers before it is too late.

This the Federal judges can do. To this end we need the executive department, the President, to exercise his separate and equal power as Chief Executive, to withdraw his support of the present dangerous course. Without the support of the executive department there is not a court that can or, in my judgment, would even try to carry out a single one of these school orders.

AMERICAN LABOR MAGAZINE SPOTLIGHTS A LABOR UNION AND ITS LEADER

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 29, 1970

Mr. HARTKE. Mr. President, American Labor magazine is one of the few national news magazines devoted to the labor scene. As such, it is indispensable reading material for those who are concerned about the future of America's working men and women.

The 1970's are a time of challenge for all Americans, and this includes those who are part of our Nation's vital transportation network. We are in a period of great technological change and our economy and our society must cope with problems of a complexity and size unprecedented in our history.

In these years ahead, America needs a strong, free, democratic trade union movement. And in these years ahead, our Nation will be better and stronger as the labor movement produces new ideas and new concepts for the improvement of the standard of living and the quality of life of every citizen.

When a recent issue of American Labor magazine crossed my desk, I was

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pleased to see pictured on the cover one of my old friends—C. L. "Les" Dennis—the leader of the largest transportation union in the AFL–CIO and a man who has made the Brotherhood of Railway and Airline Clerks a modern union on the move.

In a 10-page article, the editor-in-chief of American Labor magazine turns the spotlight on "the largest and most diversified transportation union in the AFL–CIO," its leader and his views on future trends in the transportation industry.

Illustrating the innovative thinking which characterizes Les Dennis is his bold, new plan to aid the financially troubled rail industry. In recent testimony before the Senate Commerce Committee, Les Dennis proposed that $1 billion from the railroad retirement account be loaned to the railroad industry for capital and service improvements. Whether or not this plan becomes a reality, it is nonetheless an intriguing idea and demonstrates a fresh and imaginative approach to an old and recurring problem: Whither the railroads?

I think that Senators would be interested in reading some of the highlights of this article. I ask unanimous consent that excerpts be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM AMERICAN LABOR MAGAZINE

Dennis gets things done; no doubt about that. The size and strength of his union and the benefits he has helped win for the membership is proof enough of his abilities, but the total atmosphere is a relaxed one, for "C. L.", as most everyone refers to him, is regarded by his staff as more of a concerned leader than as a demanding boss.

The labor organization he heads covers a range of personnel that includes all clerical and related employes in the railroad industry and those in the airline and steamship industries as well—freight handlers, ticket clerks, janitors, people in the accounting departments, IBM operators, the drivers for the Railway Express Agency (REA). It also covers the patrolmen, the telegraphers, taxidrivers in Florida and Georgia . . . and much more.

Considered a craft union by some, since its founding in a cigar store in Sedalia, Missouri, on December 29, 1899, the Brotherhood has grown from 33 railway clerks to a membership of over 300,000 and is, in reality, a kind of "universal union" in the transportation industry.

Over the past several years, mergers with the Railway Patrolmen's International Union and with the Order of Railroad Telegraphers (ORT) have been accomplished. More recently, the Federation of Business Machine Technicians and Engineers (an independent association) has been brought under the umbrella as well. In the public sector, the BRAC roster includes personnel involved in water resources and sewer systems. The range is wide . . .

ON TOMORROW

In discussing the overall economy as it related to his own particular industry, Dennis saw the unprecedented population growth not so much as a potential for business profit but as a period of re-analysis of the people's aims and needs.

Automation, with its attendant attrition of jobs and potential massive dislocation of employment opportunities, he felt was going to remain one of the major bargaining issues for the foreseeable future . . .

"But as technology advances, as it inevitably must," he pointed out, "we have to think about the millions of people who will be entering the workforce in the years ahead. They have to live and make enough to supply themselves and their families a decent standard of living. And from every actuarial estimate, tomorrow's population will be living longer than we do now. It's a brain buster."

From the long-range viewpoint, he was convinced that some way would have to be found to develop an economy which would guarantee the creation of continuous earning capacity for the greatest number possible—regardless of whatever technological developments came along.

"Without income, there's no buying capacity," he said. "And automating millions of people out of an ability to earn their way, is a prospect of terror I don't even want to think about.

"The protection of people must come first," he said. "Without them—there is nothing."

ON BRAC'S GROWTH POTENTIAL

Looking at the potential prospects of growth for his own union, Dennis felt that the airline industry (many of whose major carriers are still only partially organized) and the airline-related freight forwarding companies, represented the largest void that needed attention. The numbers he mentioned were in the neighborhood of 150,000. He saw another possible 75,000 in the supervisory and subordinate official family of the railroads as well: the major chief clerks, the IBM analysts, the personal secretaries, assistant office managers, etc. The present union membership in the 50 United States, Puerto Rico and Canada is 305,000 . . .

Tall, big-boned, heavy set, BRAC's president moves with a surprising speed. If one of the basic qualities of leadership is energy, a cataloguing of his multiplicity of union and charitable involvements on a year-round basis would be irrefutable testimony that nature has given him this ingredient in abundance. Few individuals have started lower in the economic barrel to make it to the top.

Whatever the drives and talents that led Dennis to success in his chosen field, the overall journey has sensitized one phase of his makeup in a manner different. It has enlarged rather than diminished his feeling of kinship with people at every level.

One can say of a lot of individuals, "This is a leader." And Dennis certainly fits that category. But what lingers on long after that fact has been acknowledged is the deeper image not so much of power as of the respect he engenders.

STUDY ON RIOTING MERITS STUDY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. HUNT. Mr. Speaker, everyone is familiar with the proliferation of committees and commissions to study endless problems and to make recommendations with respect to the recommendations made by predecessor committees and commissions. One Commission of note was the National Commission on the Causes and Prevention of Violence. It was born on June 10, 1968 and, for more than 2 years, studied violence, a subject that is perhaps as old as the history of man. Violence continues, and much to the consternation and frustration of public officials, law enforcement authorities, and the general public which is demanding a solution.

A solution, of course, comes with understanding the problem and I believe Eugene H. Methvin, associate editor of Reader's Digest, has come up with a revealing and enlightening study of violence in his book "The Riot Makers." I recommend its reading and commend to your attention the following review of the book by Walter Trohan in the September 4, 1970 issue of the Chicago Tribune:

STUDY ON RIOTING MERITS READING

(By Walter Trohan)

WASHINGTON.—This is the age of riots. For some years many have wondered about explosions of violence in our streets and on our verdant campuses: Are they spontaneous or are they planned?

Now comes the ringing answer that the riots are a part of a program of social demolition by old and new radicals in the volume "The Riot Makers," by Eugene H. Methvin, associate editor of Reader's Digest, who has been studying the problem for more than five years. His 587 page book, published by Arlington House at $10, is one of the most important studies undertaken of our contemporary society.

No one can pretend to discuss this problem until he has read this book. William Shakespeare divided the life of man into seven ages. Methvin discovered the seven stages of rioting—organizational deployment, preconditioning, sloganeering and hate targeting, creating the crowd nucleus and screen, on the scene crowd management, police baiting and "confrontation," and manufacturing martyrs.

Methvin traces the technology of rioting back in history, giving a poison ivy crown of evil to Nikolai Lenin. He warns against attempts to separate the threats of "left wing" and "right wing" radicalism, noting that the two frequently blend.

Josef Stalin ordered the German Communist Party to form a united front with Hitler and his Nazis in order to wreck the Wiemar Republic. Benito Mussolini was an old revolutionary socialist. Fidel Castro and his "martyred" pal, Che Guevara, were both early admirers of Hitler and might have followed in his footsteps had he not gone down in flames with his particular brand of totalitarianism before they came into power.

Today, Lenin's writings are surpassing the Bible in the number of published translations. If Stalin hadn't perfected his program of social demolition, Methvin says it would have been with us anyway, because others began it and others would have developed it.

Lenin and his followers were both borrowers and lenders of the techniques of social demolition. Borrowings came from such extremes as the vast outdoor functions in front of St. Peter's in Rome and the crowd playing of Adolph Hitler.

Methvin details what some may have forgotten, which is how the Communists encouraged dupes to make torches of themselves to gain propaganda advantage in Viet Nam. These immolations induced the United States to turn its head when President Diem was assassinated. In 1960, organized rioting in Tokyo forced President Eisenhower to cancel a state visit.

But there is more to this book than past history or even detailing of the radical influences at work in the organized social demolition underway from coast to coast. He not only tells how riots can be started, but how they can be prevented, in large part thru proper public education.

XUM

Methvin, the son of a Georgia newspaperman, who was born to the craft he loves, has done one of the finest jobs of reporting these aging eyes have seen. He wrote his book because a study of rioting was needed; there were no experts on the subject even tho this country was being damaged by rioting abroad and at home.

Let it not be assumed that Methvin is expounding a gospel of the extreme right. He is aware that there could be no rioting unless there were explosive tinder lying about in slums, unrest and discontent. These have a role in his program of counter action but he cautions against launching any study of the problem by stacking committees and commissions with people who have made up their minds before they know the problem.

DESTRUCTION OF RESEARCH FACILITIES ON COLLEGE CAMPUSES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 29, 1970

Mr. THURMOND. Mr. President, the problem facing Government research centers on college campuses was the subject of an editorial entitled "A Look at Campus Research," published in the Aiken, S.C. Standard, of September, 22, 1970.

The editor of the Aiken Standard, Mr. Samuel A. Cothran, has written a thoughtful article which deserves the attention of the Congress. It is my feeling the views Mr. Cothran has expressed in this editorial are similar to those of the present administration and of Congress.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A LOOK AT CAMPUS RESEARCH

Defense Secretary Laird is quite correct in saying that need now exists for a good look at the question of government research on college campuses. Mr. Laird's comment was occasioned by the bombing of the Army's math research center at the University of Wisconsin, a deplorable act but one which could provide a point of departure for an overall program evaluation.

If, Secretary Laird observed, federal research facilities on campus are adding to administrators' headaches, then there are other locations where they could be built. That, certainly, is an alternative, but not necessarily the best course. If security is a prime consideration, relocation may be advisable. If it is not, cost factors deserve attention.

New buildings and complex equipment take money and the taxpayers have a stake in such government spending. Savings are realized in some university research centers where federal and institutional projects make use of the same labs, tools and manpower.

Reaction of student militants has focused attention on defense research, but sight should not be lost of the multi-million-dollar projects in such fields as health and environmental sciences which are included in the federal research program on campuses. What contributions are anticipated from which projects must be measured carefully before decisions are made to divorce federal research from college centers.

We question the argument of liberals and leftists that there is no place at a university for defense-related research while in the same breath they demand of that university greater political involvement and a larger role in reshaping society. If it is wrong for a university to conduct or help conduct scientific research that is military-oriented, then it is equally wrong for the university to enter the political arena or to engage in efforts to effect socio-economic changes in the neighborhood.

If, after a hard look, departments of the federal government elect to make changes in campus research programs, their erasons should be other than the hue and cry raised—and the bricks and bombs tossed—by would-be revolutionaries. The idea of a minority band of student dissidents and drop-outs telling the American government where it can have research done is hard to swallow.

LEGISLATIVE REPORT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SHRIVER. Mr. Speaker, during the 91st Congress I have introduced more than 70 bills and resolutions in the House of Representatives. Many of the proposals they contain have become law. Following is a report on those of major interest:

H.R. 50, to increase the personal income tax exemptions of a taxpayer from $600 to $1,200. Exemption increased to $750 in Tax Reform Act of 1969.

H.R. 10595, to extend the Great Plains conservation program. Enacted as Public Law 91–118.

H.R. 4599, to extend in lieu of taxes payments on certain federally owned properties, such as Air Force Plan 13 in Wichita, to assist Sedgwick County, Derby and Wichita school districts. Passed House and reported by Senate Government Operations Committee.

H.R. 6290, to extend head of household benefits to single taxpayers. Some provisions enacted as part of Tax Reform Act.

H.R. 9331, to improve the operation of the legislative branch of Government including amendments to end secret voting procedures. Passed House, pending in Senate.

H.R. 11047, to provide cost-of-living increases in social security benefits. Passed the House, pending in Senate.

H.R. 11046, to increase to $3,600 amount individuals may earn without suffering deduction in social security benefits. Amount was increased to $2,000 in legislation now pending in Senate.

H.R. 11142, to prohibit the use of the mails to convey salacious materials to anyone. Passed the House.

H.R. 12490, to extend the Golden Eagle passport fee program into Federal recreation areas. Exacted into law.

H.R. 8188, to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Wichita, Kans. Enacted into law.

H.R. 16038 through 16044, seven bills to clean up the environment by setting air standards, studying recycling of solid wastes and providing funds for water pollution control, and providing penalties. H.R. 16039 to authorize Council on Environmental Quality to conduct certain studies relating to solid wastes passed the House. H.R. 16039 to amend Clear Air Act passed and in House-Senate conference.

House Concurrent Resolution 359, expressing sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with requirements of Geneva Convention relating to humane treatment of prisoners of war. Passed the House and Senate.

House Resolution 614, expressing support of President Nixon's efforts to negotiate peace in Vietnam.

H.R. 18876, to provide for fiscal responsibility through the establishment of a limitation on budget expenditures. Pending in Government Operations Committee.

House Concurrent Resolution 729, expressing sense of Congress that the administration should act immediately to enter into bilateral agreements with all nations providing for mandatory extradition of hijackers of aircraft. Hearings held by Foreign Affairs Committee.

MISSISSIPPI A GOOD AND SAFE PLACE TO LIVE

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. COLMER. Mr. Speaker, for many years we Mississippians have advocated that our State is a good place in which to live. Once again it has been pointed out, by an outstanding journalist in my congressional district, Mr. Clayton Rand, that Mississippi has the lowest crime rate nationwide, thus further emphasizing the "safe" and the "good" aspects of the Magnolia State.

I want to take this opportunity to insert in the RECORD the article by Mr. Rand in this regard:

CRIME ON INCREASE

(By Clayton Rand)

Director J. Edgar Hoover of the Federal Bureau of Investigation in his report for 1969, shows that there were nearly 5,000,000 serious crimes committed, with the risk of becoming a victim having increased 120 percent since 1960. There was an increase of 12 percent over 1968.

Of the 50 states, Mississippi had the lowest crime rate in 1969, as it has before, and California had the highest. The crime rate for Mississippi was only 740.5 crimes per 100,000 population, while the California rate was 4,110.5 per 100,000 or over five times as high as Mississippi.

Mississippi is often made the scapegoat among the states by the sensational press and the networks for its alleged violence. They should be told that according to the FBI record Mississippi is the safest place to raise a family, own a business, or stay alive.

In the observance and enforcement of the law, Mississippi leads. One's person is secure there unless one happens to be a Communist or an outside meddler.

Mississippi is also censured because it has the lowest per capita wealth and earning power of the States. She is poor but proud, and being the most impoverished state, she has proven that poverty is not the primary cause of crime.

VITAL MESSAGE ON CAMPUS UNREST

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, in its editorial "Vital Message on Campus Unrest," the Boston Herald Traveler writes about a recent article by Dr. Sidney Hook which caught the attention of the President who recommended it to some 1,000 college and university officials.

Dr. Hook, a professor of philosophy at New York University, warns that although the university was once in danger of intimidation and intellectual corruption from without the system, it is now in danger from within. The goal of learning, he says, has been changed to a goal of political action, and many campus leaders are condoning tactics of force and violence by those leading the assault on academic freedom.

To assume that campus unrest and disruption will continue until the political and social problems of our society are solved is nonsense, says Dr. Hook, as that leads inevitably to the conclusion it will never stop because we will always have problems which need solving.

As the report of the Commission on Campus Unrest has just been released, I think my colleagues will find this editorial of particular interest:

VITAL MESSAGE ON CAMPUS UNREST

On today's editorial page, the Herald Traveler is pleased to reprint the text of an excellent article by Dr. Sidney Hook, a professor of philosophy at New York University.

Yesterday President Nixon sent copies of Professor Hook's article to nearly 1,000 college presidents and other university officials, with a note reminding them that they bear the primary responsibility of maintaining order and discipline on the nation's campuses.

Professor Hook is one of America's most distinguished scholars. His reputation is based, more than anything else, on his staunch defense of academic freedom over the years. A generation ago, Dr. Hook warned that academic freedom was in danger as a result of ignorance and intimidation outside the Halls of Ivy. Today, he says, it is menaced by intimidation and intellectual corruption coming from within the academy itself.

Too many college administrators, faculty members and students are yielding quickly and easily to the unreasonable demands of campus dissidents, he asserts. And too many of them are quick to blame the foreign policies of the Nixon administration—or almost anything else, for that matter—as the cause of campus violence.

The assumption that collegiate unrest and disruption will continue until the political and social problems of our society are solved, says Hook, is nonsense, For that leads inevitably to the conclusion that it will never stop, since we will always have problems to solve.

Even if that were not so, he reminds us, no assumption concerning the causes of student unrest can justify the perversion of the university's purposes from the goal of learning to the goal of political action—much less condone the tactics of force and violence employed by many of those who are leading the assault on academic freedom today.

Dr. Hook's article contains a message rather similar to the one which President Nixon delivered last week in his speech at Kansas State University. So it is no surprise that Mr. Nixon would describe it as "one of the most cogent and compelling documents I have read on the question of campus violence," and that he should send it along as recommended reading for many of the nation's top college officials.

We trust that he also sent copies to members of the White House commission on campus unrest, headed by former Pennsylvania Governor William Scranton, which is expected to issue a report shortly that will arrive at somewhat different conclusions. From what we hear, the commission is unlikely to bear down on the vital point stressed yesterday by Mr. Nixon—to wit, that "those who cannot accept the rule of reason, those who resort to the rule of force, have no place on a college campus."

EASING THE PROBLEMS OF OUR SENIOR CITIZENS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, we have become increasingly aware of the difficulties faced by our senior citizens in coping with their financial problems. Congress has sought to ease this burden in a number of ways. Enactment of medicare did much to dispel the fear of the cost of protracted illness. More recently, Congress has raised the level of social security benefits to keep pace with inflation. And earlier this year, the House passed and sent to the Senate legislation raising the level of annual earnings from $1,680 to $2,000 a year which a person receiving social security benefits may retain without penalty.

One of the most difficult problems confronting the senior citizen is that of meeting ever rising real property taxes. It is for this reason, Mr. Speaker, that I take this opportunity to draw the attention of my colleagues in our State delegation to a referendum question which will appear on the November 3 election ballot in New Jersey. That referendum question will propose that the State constitution be amended to increase from $80 to $160 the tax deduction allowed on real property for New Jersey residents 65 years of age and over.

Mr. Speaker, this may seem to be a modest sum, but I can assure you that this additional $80 tax saving would, in many cases, mean the difference between a senior citizen's ability to retain a home or lose it. I am also aware that our municipalities can ill afford to lose tax income. But the proposed amendment takes that situation into account by providing that the $80 increase will be reimbursed to the municipalities by the State. I sincerely hope and trust that my colleagues will join me in supporting this worthy proposal and in bringing it to the attention of our respective constituencies.

THE PROPERTY ACQUISITION AND DISPOSAL REFORM ACT OF 1970

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation which would eliminate the Federal Government's practice of exchanging surplus lands for the buildings and other real property it needs. The bill, known as the Property Acquisition and Disposal Reform Act of 1970, requires that surplus lands and other real property be sold outright to the highest bidder so that there can be no question about whether or not full value is received by the American people.

My bill would eliminate the poor business practices which result when the General Services Administration negotiates property trades rather than coming to Congress for appropriations to erect necessary facilities.

I understand, Mr. Speaker, that the GSA needs sufficient authority to act quickly on high priority projects, and there are provisions in my bill providing for that. Sixty percent of the proceeds of surplus real property sales would go into the U.S. Treasury. However, the other 40 percent would be retained in a Federal property fund and would be available to the GSA without going through the appropriation process, where the projects in question have been authorized by Congress. The establishment of the Federal property fund will enable the GSA to move even more quickly on high priority projects than is presently the case in exchange negotiations.

Another provision of the bill gives the GSA Administrator authority to construct or acquire buildings without specific congressional authorization if the total cost of the project is under $100,000. The same authority would be extended to the GSA to alter or renovate existing public buildings if the total cost of the project is under $200,000.

Recently, Mr. Speaker, the GSA took steps to tighten up its procedures for determining the fair market value of properties involved in trades, but in my opinion this is merely treating the symptom, not the ailment. There is no doubt in my mind that, regardless of how scrupulously the GSA supervises its appraisal procedures, the exchange procedure places the Federal Government in a poor bargaining position, and the chance that full value will not accrue to the American people hangs heavily over every transaction.

I want to carefully note that I am not criticizing the GSA and its employees for the system which exists. They are dedicated public servants who want to provide the public with essential buildings and other properties with a minimum of lost time. The fault lies in the system within which the GSA must operate. That system was set up by Congress.

Mr. Speaker, I hope it will be possible to consider this legislation before the conclusion of the 91st Congress.

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THEODORE ROOSEVELT

HON. BYRON G. ROGERS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. ROGERS of Colorado. Mr. Speaker, my constituent, Mr. George Fair, of 1375 South Clermont Street, Denver, Colo., has been a student of history for many years and has written an article concerning the late President Theodore Roosevelt, and I am inserting it in the RECORD so that it may be read by other Members of Congress:

THE LATE THEODORE ROOSEVELT

(By Mr. George Fair)

My first time to see Theodore Roosevelt was at the Union Station in Indianapolis in June, 1918. His train from St. Louis was three hours late because of a wreck on the Pennsylvania lines. It was one of those hot, humid Indiana days, but despite the heat and the long delay, a huge crowd of people awaited the arrival of the dynamic man from Sagamore Hill. When he emerged from the station and entered an open car, he was greeted by a spontaneous burst of applause, which was one of the greatest I was ever to see or to hear.

After all of these years, I can see him now, standing in the back of the car waving an old Panama hat to the people leaning out from windows high above the street and to the ones pressing close to his car. Theodore Roosevelt's boundless energy generated enthusiasm to people in all walks of life.

My two brothers and I were fortunate in obtaining standing room close to the speakers platform in the coliseum at the Indiana State Fair Grounds. We could look up and see the former president delivering his speech, the perspiration rolling down his face, as he exhorted a large and enthusiastic crowd of people to buy Liberty Bonds. He was interrupted many times by shouts from the huge coliseum, "T. R. for President in 1920."

As his birth date, October 27, nears, fond memories of those colorful and stirring days in Indiana during the Presidential campaign of 1912 come back to me. Roosevelt was nominated by the Progressive Party at its Convention in Chicago. At the close of the convention, the delegates sang "Onward Christian Soldiers," and Roosevelt started his campaign with the battle cry, "We stand at Armageddon and battle for the Lord."

We looked upon Theodore as our friend and mentor as thousands of others in Indiana and across the nation did. We thought of him as fair to the working man but he was ever ready to denounce a Samuel Gompers if he was convinced labor was wrong in its demands. On the other hand, he was quick to condemn "the malefactors of great wealth." He was President of all the people.

He awakened the imagination of the American people and fired it with his forceful ardor to strive for more noble ends. Roosevelt touched the nation's pride and made the world appraise the greatness of America. He was a fighter, a challenger, ever ready to do battle for a righteous cause, and he had a hatred of dishonesty and trickery. Throughout his life, he had independence, character, and courage. When convinced he was right, he had no fear of any public clamor or pressure from any source.

Those large, black headlines in the Indianapolis Sun on January 6, 1919, "Roosevelt Dead" were heard to believe, for Theodore Roosevelt always gave one the impression of lasting youth that would go on and on. It seemed that his vigor would never diminish and that his enthusiasm and love of the strenuous life would always sustain him.

TWENTY-TWO HOUSE MEMBERS URGE PRESENT THIEU ABIDE BY TERMS OF GENEVA CONVENTION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. HAWKINS. Mr. Speaker, today 22 Members of this House have sent a letter to His Excellency Nyguyen Van Thieu, President, Republic of Vietnam. The text of that letter is appended to this statement, as is the text of a letter to Ambassador Ellsworth Bunker.

Those of us who signed the letter have done so because we are concerned about our prisoners of war now held by the North Vietnamese and treated in an inhumane way. We believe that it is in the interests of our own kith and kin that we do all we can to assure humane treatment for prisoners of war captured and held by our own U.S. Army and those forces allied with us. When we ask that the Geneva Convention be observed by all parties involved in combat in Vietnam we are first and foremost desirous of aiding our own young men held in captivity but recognize that all military prisoners, no matter by whom held, are entitled to the protection of the Geneva Convention.

The letter follows:

SEPTEMBER 29, 1970.

HON. ELLSWORTH BUNKER,
Ambassador Extraordinary and Plenipotentiary, U.S. Embassy, Saigon, Vietnam.

DEAR MR. AMBASSADOR: The original of the enclosed letter was sent directly to President Nguyen Van Thieu. The mails what they are, I am taking the liberty of asking that you forward to His Excellency the within copy so as to make certain that delivery is made.

I do hope, Mr. Ambassador, that you agree with the sentiments expressed in the letter addressed to His Excellency Nguyen Van Thieu and that you will endeavor to support in the strongest terms our request. An additional copy of the letter is enclosed for your file.

Sincerely,

AUGUSTUS F. HAWKINS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 29, 1970.

His Excellency NGUYEN VAN THIEU,
President, Republic of Vietnam,
Saigon, Vietnam.

DEAR PRESIDENT THIEU: As Members of the United States House of Representatives, we are directly appealing to your humanity and that of your nation in the matter of military and political prisoners of war now held by your government. In the conflict that is taking place in Vietnam, prisoners of war must include those taken in actual combat as well as those men, women, and children who are taken into custody by your government as political prisoners.

It is with a growing sense of outrage that the American people and many Members of Congress view your nation's continued insensibility to the feelings of the families of these prisoners. You have disregarded basic standards of human decency and morality in your nation's continued refusal to abide by the terms of the Geneva Convention. That Convention requires that you not only publish the names of those prisoners in your custody, provide them with proper food and medical care, permit inspections of your prisoner of war facilities and allow the free flow of mail between prisoners and their families but that you also provide recognized standards in your detention facilities. Your government's violation in providing such facilities was recently documented at Con Son and caused most Americans to be filled with revulsion against your practices.

As Members of the House of Representatives, we will not now attempt to debate the merits of present American policies in Southeast Asia. Many of us hold differing views on such policies but we are united in our insistence that you exercise compassion and humanity to those prisoners of war who are now in your custody. This concern far transcends questions of international politics; it recognizes a kindred humanity apart from consideration of race, color, or political persuasion.

We are among those Members of Congress who have written a letter to President Pham Van Dong appealing to his humanity and that of his government in the matter of prisoners of war who are our sons now in their custody and have advised him that the families of these men and a concerned American people look to him as the leader of his government to respond to our plea.

We look to you for a similar response.

Sincerely,

EDWARD I. KOCH, JOSEPH P. ADDABBO, WILLIAM R. ANDERSON, JONATHAN B. BINGHAM, DANIEL E. BUTTON, SHIRLEY CHISHOLM, JEFFREY COHELAN, AUGUSTUS F. HAWKINS.

CHARLES C. DIGGS, JR., DON EDWARDS, JAMES G. FULTON, MICHAEL J. HARRINGTON, HENRY HELSTOSKI, ALLARD K. LOWENSTEIN, ABNER J. MIKVA.

ROBERT N. C. NIX, RICHARD L. OTTINGER, BENJAMIN S. ROSENTHAL, EDWARD R. ROYBAL, JAMES H. SCHEUER, LOUIS STOKES, and ROBERT O. TIERNAN,
Members of Congress.

MESSAGE FROM W. A. BOYLE, PRESIDENT, UNITED MINE WORKERS OF AMERICA

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. CLARK. Mr. Speaker, I would like to insert the following message in the RECORD from W. A. Boyle, president of the United Mine Workers of America:

W. A. (Tony) Boyle, president, United Mine Workers of America, today called for federal loan guarantees to help overcome the severe shortage of coal cars.

Boyle said that while he is generally opposed to such federal guarantees, the "facts of life" make them necessary at this time because of the growing energy crisis in the United States. He said also that present tight money, high-interest policies make relevant the question of an interest subsidy to stimulate coal car construction.

"The United States today faces a major energy crisis because of past inattention to the problem of coal. We have all the coal we need to meet this energy crisis. One of the major obstacles is the lack of means to transport coal to electric power plants," the UMW president said.

Boyle urged congressional hearings without delay into the problems of the coal car shortage. He said that such hearings should consider both the problem of coal car financing and of locating power plants at or near the mine mouth.

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"A crash program of coal car construction and rehabilitation must be undertaken at once if we are to meet the energy needs of the 1970's. International problems threaten world oil supplies; natural gas is already in short supply; our hydro-electric sites are all but exhausted; atomic power presents serious hazards to human life and will grow increasingly expensive because of the already apparent exhaustion of uranium ores. In these circumstances, there will be increasingly reliance upon coal transportation and the alternative to national action may well be serious brownouts.

"Mine mouth power represents a viable alternative to rail transportation and, used in conjunction with coal car construction, can do much to meet the energy shortage now looming while minimizing urban air pollution. Congressional inquiry should focus upon the lack of research in this area. Certainly, American ingenuity can find answers to transmission difficulties that will make it possible to meet much of our growing need for power by shipping it via wire from the mine areas to the consumer," Boyle said.

AMERICAN LABOR MAGAZINE SPOTLIGHTS A LABOR UNION AND ITS LEADER

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. OLSEN. Mr. Speaker, American Labor magazine is one of the few national news magazines devoted to the labor scene. As such, it is indispensable reading material for those who are concerned about the future of America's working men and women.

The 1970's are a time of challenge for all Americans, and this includes those who are part of our Nation's vital transportation network. We are in a period of great technological change and our economy and our society must cope with problems of a complexity and size unprecedented in our history.

In these years ahead, America needs a strong, free, democratic trade union movement. And in these years ahead, our Nation will be better and stronger as the labor movement produces new ideas and new concepts for the improvement of the standard of living and the quality of life of every citizen.

When a recent issue of American Labor magazine crossed my desk, I was pleased to see pictured on the cover one of my old friends—C. L. "Les" Dennis—the leader of the largest transportation union in the AFL–CIO and a man who has made the Brotherhood of Railway & Airline Clerks a modern union on the move.

In a 10-page article, the editor in chief of American Labor magazine turns the spotlight on "the largest and most diversified transportation union in the AFL–CIO," its leader and his views on future trends in the transportation industry.

Illustrating the innovative thinking which characterizes Les Dennis in his bold, new plan to aid the financially troubled rail industry. In recent testimony before the Senate Commerce Committee, Les Dennis proposed that $1 billion from the railroad retirement account be loaned to the railroad industry for capital and service improvements. Whether or not this plan becomes a reality, it is nonetheless an intriguing idea and demonstrates a fresh and imaginative approach to an old and recurring problem: whither the railroads?

I think my colleagues in the House would be interested in reading some of the highlights of this article—excerpts are reprinted below:

Dennis gets things done; no doubt about that. The size and strength of his union and the benefits he has helped win for the membership is proof enough of his abilities, but the total atmosphere is a relaxed one, for "C. L.", as most everyone refers to him, is regarded by his staff as more of a concerned leader than as a demanding boss.

The labor organization he heads covers a range of personnel that includes all clerical and related employes in the railroad industry and those in the airline and steamship industries as well—freight handlers, ticket clerks, janitors, people in the accounting departments, IBM operators, the drivers for the Railway Express Agency (REA). It also covers the patrolmen, the telegraphers, taxidrivers in Florida and Georgia . . . and much more.

Considered a craft union by some, since its founding in a cigar store in Sedalia, Missouri on December 29, 1899, the Brotherhood has grown from 33 railway clerks to a membership of over 300,000 and is, in reality, a kind of "universal union" in the transportation industry.

Over the past several years, mergers with the Railway Patrolmen's International Union and with the Order of Railroad Telegraphers (ORT) have been accomplished. More recently, the Federation of Business Machine Technicians and Engineers (an independent association) has been brought under the umbrella as well. In the public sector, the BRAC roster includes personnel involved in water resources and sewer systems. The range is wide . . .

ON TOMORROW

In discussing the overall economy as it related to his own particular industry, Dennis saw the unprecedented population growth not so much as a potential for business profit but as a period of re-analysis of the people's aims and needs.

Automation, with its attendant attrition of jobs and potential massive dislocation of employment opportunities, he felt was going to remain one of the major bargaining issues for the foreseeable future . . .

"But as technology advances, as it inevitably must," he pointed out, "we have to think about the millions of people who will be entering the workforce in the years ahead. They *have* to live and make enough to supply themselves and their families a decent standard of living. And from every actuarial estimate, tomorrow's population will be living longer than we do now. It's a brain buster."

From the long-range viewpoint, he was convinced that some way would have to be found to develop an economy which would guarantee the creation of continuous earning capacity for the greatest number possible—regardless of whatever technological developments came along.

"Without income, there's no buying capacity," he said. "And automating millions of people out of an ability to earn their way, is a prospect of terror I don't even want to think about.

"The protection of people must come first," he said. *"Without them—there is nothing."*

ON BRAC'S GROWTH POTENTIAL

Looking at the potential prospects of growth for his own union, Dennis felt that the airline industry (many of whose major carriers are still only partially organized) and the airline-related freight forwarding companies, represented the largest void that needed attention. The numbers he mentioned were in the neighborhood of 150,000. He saw another possible 75,000 in the supervisory and subordinate official family of the railroads as well: the major chief clerks, the IBM analysts, the personal secretaries, assistant office managers, etc. The present union membership in the 50 United States, Puerto Rico and Canada is 305,000.

Tall, big-boned, heavy set, BRAC's president moves with a surprising speed. If one of the basic qualities of leadership is energy, a cataloguing of his multiplicity of union and charitable involvements on a year-round basis would be irrefutable testimony that nature has given him this ingredient in abundance. Few individuals have started lower in the economic barrel to make it to the top.

Whatever the drives and talents that led Dennis to success in his chosen field, the overall journey has sensitized one phase of his makeup in a manner different. It has *enlarged* rather than diminished *his feeling of kinship with people at every level*.

One can say of a lot of individuals, "This is a leader." And Dennis certainly fits that category. But what lingers on long after that fact has been acknowledged is the deeper image not so much of power as of the *respect* he engenders.

VOTING RECORD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SHRIVER. Mr. Speaker, each year hundreds of votes are taken in the House of Representatives. Some are on controversial issues where the vote is close while others receive overwhelming majorities.

Since coming to Congress in 1961, there have been 1,708 recorded votes to date, and we have not yet completed this second session of the 91st Congress.

It is not practical to list every vote I cast during the 91st Congress. However, in order that I can report to my Kansas constituents, I herewith present my record on some of the more important bills.

LEGISLATION SUPPORTED BY CONGRESSMAN SHRIVER

I voted in favor of the following bills:

Amendment to Constitution providing for election of President and Vice President by direct popular vote.

To allow the President to institute a lottery system for selecting draftees.

To provide for reform procedures in the House of Representatives.

Postal reform bill including a prohibition on postal workers strikes and containing a right-to-work amendment.

The Elementary and Secondary Education Act authorizing $5.3 billion per year through 1972.

Office of Education 1971 appropriation bill of $4.4 billion, including amendment prohibiting use of funds for forced busing.

Unemployment compensation bill authorizing States to amend their programs to provide for 13 weeks' additional benefits during periods of widespread unemployment.

To provide additional funds for the home mortgage market.

To authorize $775 million to control air pollution.

To establish the Council on Environmental Quality.

To authorize $348 million for a 3-year period to control water pollution.

To amend the Omnibus Crime Control and Safe Streets Act.

To authorize special educational programs on the dangers of drugs.

Drug Abuse Prevention and Control Act of 1970.

To extend the Hill-Burton hospital construction aid program for 3 years. Later voted to override Presidential veto.

Community Mental Health Centers Construction Act with provisions for mentally ill children.

Health Act extension bill for research and training in the fields of heart disease, cancer, stroke, and other diseases.

Tax reform bill closing or modifying various tax loopholes; increasing the amount of the personal exemption from $600 to $750 and a gradual increase in the standard deduction; phaseout of surtax; and 15-percent increase in social security benefits.

To provide for a 15-percent increase in benefits for retired railroad workers.

Agriculture Act of 1970 including $55,000 limitation upon crop payments.

Supporting President Nixon's effort to negotiate a "just peace" in Vietnam.

Calling for humane treatment and release of prisoners of war held by North Vietnam.

To increase education benefits for 736,000 veterans.

To provide necessary hospital or domiciliary care to veterans over 70.

To provide additional mortgage guarantees for veterans.

LEGISLATION OPPOSED BY CONGRESSMAN SHRIVER

I voted against the following bills:

Senate amendment to add $587.5 million in urban renewal funds.

Lowering the voting age to 18 by statute rather than through submission to the States of an amendment to the Constitution.

Guaranteed minimum wage in family assistance plan.

To authorize each Member of the House to hire an additional staff member.

To authorize $475 million for the Appalachian Regional Commission which excluded most of the United States from benefits.

To authorize a new sports arena in Washington, D.C.

Senate amendment to Export Control Act which would ease U.S. exports of nonstrategic goods to Communist countries.

Authorization for 1970 foreign-aid program of $2.2 billion.

Pay increase for Members of Congress which was untimely, ill-advised, and contributed to inflation.

Seating of Adam Clayton Powell of New York.

UNITED STATES AND ASIA

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. ERLENBORN. Mr. Speaker, Mr. Walt Rostow, assistant for national security affairs to former President Lyndon Johnson, has written an article for the New York Times in which he explores the consequences of unconditional immediate withdrawal from Southeast Asia.

Mr. Rostow discusses the possible effects this would have not only on Southeast Asia nations, but also such other nations as China, Burma, Japan, and India. Lastly, he asks that out of our knowledge of our country's history and character, could we passively deal with our domestic problems as we read of "slaughter in Vietnam and elsewhere; of an Asia thrown into chaos or worse; of a world seized of a proliferating arms race?"

For the benefit of my colleagues, I include the article "United States and Asia" in the RECORD.

[From the New York Times, Sept. 22, 1970]

UNITED STATES AND ASIA

(By W. W. Rostow)

Contrary to every short-run political and personal interest, three successive American Presidents decided over the past decade that the events set in motion by a prompt withdrawal of our forces and commitment from Vietnam and the Asian mainland would risk a larger war there and create dangerous instability elsewhere.

Right now, in sustaining that assessment, we face at home: rising unemployment and rising prices, yielding insufficient real resources for public purposes from the tax base; an infirm balance of payments; acute racial tension; massive tasks of urban rehabilitation; an ardent margin of the affluent young who have come to believe that a quick route to the humane and decent life they seek lies in confrontation, violence and destruction.

Driven by these domestic pressures, some Americans have concluded that the United States should abandon its commitment to Asia and let the forces at work there find their way to chaos or equilibrium, war or peace.

No one can reconstruct fully the lines of argument which led the Presidents to their contrary, painful judgment. But at least some of the costs of unconditional immediate withdrawal from commitment in Southeast Asia are apparent.

First, such withdrawal of commitment would change radically the terms of the debate going forward within mainland China. Powerful forces are at work there to move post-Mao-China toward concentration on the modernization of its life. American withdrawal would inevitably lead Peking to exploit its new opportunities to the south. No one can predict the precise way in which a nuclear China, with preponderant ground forces, would exercise its power in the vacuum we would create. But it is most unlikely that Peking would remain passive.

Second, the nations of Southeast Asia, certainly as far as Singapore—quite possibly as far as Indonesia—would lose their independence or be thrown into a protracted military or quasi-military effort which would shunt them from promising paths of economic, social, and political progress.

Third, Burma would either fall under Communist domination or become the scene of an Indian-Chinese struggle.

Fourth, almost certainly Japan and India would quickly move to manufacture their own nuclear weapons; and the Nonproliferation Treaty would probably die. The willingness of many nations to forgo the production or acquisition of nuclear weapons is based on a carefully balanced calculation that reliance on the United States, explicit or implicit, provides somewhat greater security and less risk than would going it alone and creating a national nuclear capability. The reversal of American policy in Asia would shift that marginal calculation. An America that walked away from a treaty commitment because it could not handle its domestic problems, after putting into the field a half-million of its armed forces and encouraging a small ally to fight desperately for its independence, might well not be regarded as a reliable ally.

An American withdrawal from a treaty commitment on the grounds of domestic problems could well be judged an extraordinary event related to the subject matter of the Nonproliferation Treaty jeopardizing the supreme interests of nations which now depend upon us.

Fifth, there is a question every American must answer for himself, out of his knowledge of our country, its history, and its character: Would the United States observe passively these consequences of its decision? Would we turn with energy and pride and unity to clean the air and the water, deal with ghettos and racial inequity as we read of Hue-like slaughter in Vietnam and elsewhere; of an Asia thrown into chaos or worse; of a world seized of a proliferating nuclear arms race?

And what of the effects of all this in Moscow and Cairo?

We might repeat the process of erratic withdrawal and return to the world scene which has cost us—and all humanity—so much in this century. We might, again, deceive our adversaries as Vishinsky once accused us of "deceiving" Moscow about the seriousness of our interest in South Korea. But it is most unlikely that, in the end, we will turn our backs on Asia.

GOLDBERG WANTS TO LEGALIZE MARIHUANA

HON. JAMES R. GROVER, JR

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. GROVER. Mr. Speaker, the pledge by New York gubernatorial candidate Arthur Goldberg to lead a drive to legalize marihuana if a scientific commission so recommends is symbolic of the Democratic Party's attitude on law and order—do not enforce the laws, just remove the penalties.

Goldberg said he would not recommend marihuana for children, of course. I am certain that parents of America can count as a measure of thanksgiving the fact that Goldberg no longer sits on the Supreme Court which is wrestling with the problems of law enforcement, compounded by the drug traffic in which marihuana plays a major role.

Goldberg is the darling of the arch-liberal wing of the Democratic Party,

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which AFL-CIO chief, George Meany, has warned is taking over control of the party's leadership. The failure of this Congress to move for over a year on anticrime legislation is further proof that the opposition party's leadership is inflicted with unenthusiasm for an all-out war on crime.

One thing certain about Mr. Goldberg's blatant appeal to the hophead vote—his campaign has really gone to pot.

BURLISON BILL LIMITS DISPENSING OF DRUGS

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. BURLISON of Missouri. Mr. Speaker, I am introducing legislation today which if enacted would put an end to an unseemly practice which threatens to besmirch the reputation of the Nation's physicians. The bill is directed at those physicians Senator HART has aptly called the "doctor-merchants." These unscrupulous practitioners charge their patients for professional services. Then switching from the role of doctor to that of pharmacist, they sell drugs and other devices to the patient, generally at inflated prices. I believe there are no such doctors in my district. Nevertheless, the national problem is enough to warrant action.

The abuse takes several forms—some obvious, some subtle. The doctor may simply assign one of his office girls or nurses to fill the prescriptions he has ordered. The cost of the drugs is added to the charges for professional services. This endangers the patient in at least two ways. Those who dispense drugs in doctor's offices are seldom properly trained for the job. Second, space will not allow a doctor to keep a large enough inventory of drugs to fill all the possible prescriptions. The unfortunate tendency in such cases is to prescribe the next best thing. When the exact drug needed is available at the drugstore around the corner, second best is not good enough.

If the doctor does not want to use his own staff to fill prescriptions, he may own or take a percentage lease on a pharmacy, frequently on his own premises. This practice can be a bonanza especially when several doctors are involved. Most independent pharmacies net a profit of no more than 5 percent. By contrast physician-owned pharmacies may make much more. In one year a pharmacy owned by a group of doctors in southern Illinois netted $110,000 on gross sales of $333,000. The reasons for success are clear. In his patients, the doctor has a ready market for his pharmacy. Since the market is, for all intents and purposes, captive, he need not concern himself with competitive pricing. Prices may be readily set several percent higher than those of the independent drugstores.

A less apparent, but equally profitable, system is provided through the physician-owned drug companies. They are not really drug companies. Rather they are small, regional "repackaging" companies buying established drugs in bulk and marketing them under their own brand names. Since druggists must follow a prescription to the letter, the doctor-stockholder is free to specify the products of the company in which he has an interest. If the pharmacist wants to keep the doctor's business, he must stock the doctor's brand irrespective of its comparative quality or economy.

The vast majority of physicians, Mr. Speaker, do not engage in these practices, but the profit potential is so alluring that the physician is subjected to very great temptation. Despite the publicity of several years of congressional hearings and the ethical ban of the American Medical Association, the number of doctor-owned drug companies and the number of percentage-lease drugstores has increased.

The bill I introduce would put an end to these practices by prohibiting doctors from merchandising the products they prescribe. However, it would clearly not prohibit doctors from dispensing drugs in emergencies, in one-dose units, when there is no community pharmacy, or if it is occasional dispensing and not a part of his usual course of business.

CHURCH AND POLITICS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 29, 1970

Mr. THURMOND. Mr. President, there is much discussion in the country about the churches getting into politics. We see every day in every field where supposedly religious men are engaging in active lobbying and pressure politics designed to influence legislation in the direction which suits their ideological motivations.

Many people are fed up with this attitude since there is usually no connection between true religious feelings and the ideological politics which are being waged in the name of the church.

The Charleston News and Courier last Sunday had an interesting editorial entitled "Church and Politics" which points up this problem. In this editorial the News and Courier endorses the idea that the church perhaps has a role in the political arena. However, the role is not the role being played by the political churchmen.

The News and Courier's suggestion is that if members of the churches feel that public policy is not adequate that the members themselves should get out into the rough and tumble of secular politics. The News and Courier says:

> Perhaps if church members themselves had been less reticent in the past either to run for office or support others' campaigns the churches might have been less likely, as institutions, to enter the "rough and tumble of secular politics." Certainly there is plenty of all kinds of work for laymen to do, inside the church and out, if they are willing to do it.

Mr. President, I ask unanimous consent that the editorial, entitled "Church and Politics," be printed in the Extensions of Remarks at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHURCH AND POLITICS

Many church members have been disturbed when their church has entered political or economic arenas in which ecclesiastical leaders are ill-equipped or poorly informed to act. There are members, however, who believe their church has a duty to go beyond its walls in some way and seek an active part in secular affairs.

It is to these, perhaps, that Stephen C. Rose addresses himself in his book, "Sermons (Not Preached) in the White House." It has become fashionable, writes Mr. Rose, "in sophisticated church circles to play down politics, to accuse the churches of having canonized politics to the exclusion of emphasis in changes that can be brought about outside the political arena. Personal conversion. Meditation. The renewal of home life. But this complaint reveals an institutional confusion."

Churches, says Mr. Rose, are wholly inadequate as political instruments. "Even if they were adequate," he says, "nothing would be less desirable than for the churches, as institutions, to seek to influence public policy by political means. We have had enough of that." (To which many will add a hearty "amen.")

What, then, ought churches to be doing? Mr. Rose's suggestion is remarkably simple: get laymen out of "church work" and "into the rough and tumble of secular politics." The church, he says, "would do well to stay out of politics while encouraging lay members to immerse themselves in it. Then the church and its minister in his role as preacher can bring biblical and theological criticism to bear on the political options."

Mr. Ross suggests that "the establishment person who is serious about seeking change should run for office. And if he is reticent, let him either encourage others to run and support their campaigns or enter some other phase of politics to exert pressure on existing political institutions."

Perhaps if church members themselves had been less reticent in the past either to run for office or support others' campaigns the churches might have been less likely, as institutions, to enter the "rough and tumble of secular politics." Certainly there is plenty of all kinds of work for laymen to do, inside the church and out, if they are willing to do it.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

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ABORTION ON DEMAND IN U.S. MILITARY HOSPITALS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SCHMITZ. Mr. Speaker, American law has never admitted the concept that "the king can do no wrong." Certainly the Federal Government was never intended to be above the law, or a law unto itself.

In accordance with the provisions of the Constitution, Federal statutes can take precedence over State law in certain instances. But this has never been extended to basic criminal law. Crimes are defined by State law, with some Federal additions, and subject to the review, for constitutionality, by the Federal courts, which has been so much abused lately.

But this year, a middle echelon Federal bureaucrat has acted on his own to override the criminal laws of 49 out of the 50 States by creating a sanctuary for their violation in U.S. military hospitals. Only one State, Hawaii, permits abortion on demand without even a limit on the age of the fetus to be killed. In every other State, abortions, performed outside specified legal limits, including a limit on the age of the fetus, are crimes, even though carried out by a licensed physician.

By a mere exchange of bureaucratic memorandum within the Defense Department, abortion with no limit except the requirement that a doctor perform it, has now been legalized for every U.S. military hospital. Only July 22 of this year, Surgeon General Alonzo A. Tower of the U.S. Air Force submitted a memorandum regarding sterilizations and abortions in U.S. military hospitals to Dr. Louis Rousselot, Deputy Assistant Secretary of Defense for Health and Environment, which contained the following sentence: "3. Abortion: (a) Abortions will be performed within the limits of local State laws."

On July 31, Dr. Rousselot replied as follows:

> Your proposed implementation of our memorandum of May 20 and July 16 is approved with the exception of paragraph 3(a). In accordance with the policy guidance set forth in our memorandum of May 22, authorized family planning procedures should be provided in military facilities in the United States without regard to local State laws.

Neither the May 22 memorandum nor any other applicable regulations place any restrictions on abortions by doctors in military hospitals. Dr. Rousselot's office has confirmed that there is no limit on the age of the aborted fetus.

Those who support Government-sponsored birth control, but still oppose abortion on demand, should take note that the Government planners now regard both as "authorized family planning procedures." And even those who may not take the abortion issue as seriously as I maintain it should be taken, should grasp the significance of this new Federal intrusion into the jurisdiction of the States. If Federal institutions are to become, by mere bureaucratic memoranda, sanctuaries for acts which are criminal according to the law of the State in which they are located, an extremely dangerous precedent will have been set which could further undermine remaining restraints upon potential tyranny in this country.

On September 29 I introduced a bill to nullify this action of the Department of Defense regarding abortion and to require that military hospitals comply with State laws on abortion. The bill will be cosponsored by at least eight other Congressmen—four Republicans and four Democrats representing districts in California, the Northeast, the Middle West, and the South. Incidentally, the majority of them are Protestants. This is far from being, as abortion advocates would have it, a sectarian religious issue.

Any hope for action on this legislation at this late date in the session depends upon Speaker JOHN W. MCCORMACK, who is by no means hostile to it. Letters to him expressing public concern about this issue might strengthen his hand in giving support to this bill.

Since the continuing clamor of the "population explosion" propagandists has done so much to create a climate of opinion favorable to abortion, every American should be aware of the immense significance of the returns from the 1970 Census, which show that our population has been overestimated by no less than five and a half million. Instead of the 205,700,000 people we were supposed to have, the actual total according to the nearly complete census count is 200,200,000—a level we were supposed to have passed 3 years ago.

OREGON HOSTS NATIONAL DISCUSSION FORUM CONCERNING FEDERAL LAND RESOURCES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DELLENBACK. Mr. Speaker, my State of Oregon has just hosted a National Discussion Forum to review the recommendations of the Public Land Law Review Commission concerning Federal land resources. This was the first public forum on the recommendations of the Commission, which issued its report in July following 5 long years of deliberation and study of the 6,000 laws which have built upon themselves since the birth of this Nation. I should like to commend the Commission chairman, a Member of this body, Representative WAYNE ASPINALL of Colorado, the other Members of Congress on the Commission and the dedicated Commission staff, all of whom gave of their time, talents, and energy to this important project. Recommendations of the Commission are of vital importance to my State of Oregon, which has 52 percent of its land area under Federal control. Praise also is due Oregon's Governor, Tom McCall, for the State's hosting of this important forum, and to Oregon State Representative Sam Johnson of Redmond who has been a member of the Commission and did so much to bring the forum into being.

Gathering for 3 days at the Hilton Hotel in Portland were persons concerned with all aspects of public land management. Such diverse viewpoints as those of the Sierra Club and various forest product associations were represented in six concurrent panels which discussed the topics of land disposition and acquisition; financing intensive resource management; user fees, revenue sharing, payments in lieu of taxes; recreation and wildlife; multiple use policies, and advisory committees and appeal procedures.

A speaker was featured at a forum luncheon held on each of the 3 days. They were Mrs. Nancy Smith, a member of the Public Land Law Review Commission and a member of the board of supervisors of San Bernardino County, Calif.; Roy Utke, president of Western Wood Products Association and general manager of Fruit Growers Supply Co., a companion company with Sunkist; and Phillip Berry, an attorney from Oakland, Calif., and president of the Sierra Club.

Serving as master of ceremonies for the Tuesday luncheon was Carl Stoltenberg, renowned educator and dean of the School of Forestry at Oregon State University. His comments on Mr. Utke's address affirm my reasons for inclusion of that address in the CONGRESSIONAL RECORD.

Roy Utke is typical of the new leadership in the forest industry. He has been a director of Western Wood Products Association, the Nation's largest lumber trade association, for several years, and was elected president in March of this year. He also serves on the board of directors of the National Forest Products Association, headquartered in Washington, D.C. He joined Fruit Growers Supply Co., in October 1947, as supervisor of industrial relations for three mills in northern California, and was named general manager in 1967. Dean Stoltenberg said:

> I believe Mr. Utke's comments are typical of those voiced by participants throughout the course of this conference. Mr. Utke is an outstanding leader of an industry which is producing vital benefits to the public from Federal land resources. He speaks in a clear and forthright manner in his area of expertise. He also listens attentively. His comments today indicate his sincere awareness of the importance of other inputs and other expertise in ultimate decisions concerning how our public lands can best be used to serve all of the people of this country. The breadth of his concern and his open reception of new insights regarding the management of both public and private lands for the production of public benefits is typical of the concerns and awareness of top leaders in the forest industries today.
>
> Mr. Utke, we thank you for your contributions to this conference and also for the insights and expertise which you have shared with us. We also thank you for your receptiveness to new ideas. It is the purpose of

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this conference to bring together you and others with varying outlooks concerning the management of our public lands.

Mr. Utke's address follows:

Address by Roy Utke

I am a citizen of the United States who is very much concerned with the condition of this Nation in which we live—including its lands, cities, forests, air, and water. I know of no person affiliated with Western Wood Products Association who feels otherwise.

My own interests are deeply involved in both agricultural and timber land. Fruit Growers Supply Company, where I earn my livelihood, is a lumber and container manufacturer. It is also a separate but companion company with Sunkist, which markets many varieties of citrus fruits. The involvement of a company such as ours in the lumber business is indicative of the changes in American life which occur through the years—changes which have affected our public land as well as those of private industry. Fruit Growers Supply Company is in the lumber business because more than 60 years ago we bought timber land and started sawmills to assure our owners of an adequate supply of shipping boxes for citrus fruit. Today, oranges, lemons, grapefruit, or tangerines are no longer packed in wooden boxes. We still have lands growing timber and a sawmill so we are in the business of manufacturing lumber for homes and supplying those much needed shipping containers from corrugated wood fibre material manufactured in our own separate facilities especially built for that purpose. Citrus sales and the distribution of citrus through this vehicle—the carton—have been supported by the Nation's Consumer—the public—for which we are deeply grateful.

Strangely enough, years ago when we were manufacturing citrus shipping boxes, we were also manufacturing a unique type of furniture. Many of you in my generation will recall how difficult it was to establish a new household before or after World War II. Many a young husband, a returned veteran probably, was attending school. There was no money for furniture, but the young couple had to have bookcases, chairs, even vanities. Many young homemakers obtained these by the simple process of building them out of orange crates—the young housewife decorated the product with a bit of cloth, and serviceable furniture was provided.

Certainly, when Fruit Growers Supply Company was manufacturing citrus crates, it did not think it was manufacturing furniture. That was a by-product created by the using public. An administrative decision relating to public lands may be made with one thought in mind, but the final result may be completely different from the original plan. And sometimes that final result may not be as beneficial to the public as was the conversion of citrus crates into furniture. Such thinking may be applied to forest preservation without access or forests infested with insects. I am thinking of the 191,502 acres of timber destroyed last month by lightning fires in the North Cascades, and the 1,394,280 acres of beetle-infested trees in the Yellowstone Park vicinity. In fact, 111,280 of those acres are inside the park itself. No one responsible for the care of these lands planned for this final result. The plans were made for a far better purpose, and might well have been achieved through the application of accepted technology which makes intensified forest management possible.

The Public Land Law Review Commission reviewed 6,000 laws during five years of intensive study of our nation's public land problems. Thousands of persons testified before the commission. This meeting is the first major national discussion to be held on the recommendations of the commission. It is showing that the recommendations are controversial. They are controversial in that they cannot possibly please all points of opinion of those who concern themselves with the management of our public lands. If the recommendations were all things to all people, then those five long, hard years of study put in by the Commission and its staff would be worthless. However, the recommendations of the Land Law Review Commission were hardly dry upon the paper when those recommendations were attacked in a type of knee-jerk reaction by a segment of the public which thinks that only its position can possibly be correct.

Apparently from this reaction their idea of two sides to a question is their side and the wrong side. Fortunately, some of the most respected members of Congress and of the Senate served on the commission, and their findings will be weighed carefully by their fellow legislators before laws are finally drafted to implement the recommendations of the commission.

We have suffered for some time from the view of many in this country that wilderness is good and managed forests are automatically bad. We have also labored under the thought that common sense would finally prevail in our land management problems, but I am slowly coming to the conclusion that much discussion and good listeners will be needed since common sense does not appear to be too common.

Those in the forest products industry and stockmen who could be most directly affected have not made immediate comments or taken an early position upon the recommendations of the Commission. After all, this document of 342 pages contains 137 primary recommendations plus many other appropriate suggestions. All of these deserve the best of our deliberations, and thoughtful study necessarily takes time.

Those who seem best informed, and those who have thought deeply about this matter, including our Association's Board of Directors, commend Commission Chairman Wayne Aspinall, the congressional and other members of the commmission and its staff for their effort in the difficult task of reviewing the great multitude of land laws accumulated since the birth of the Nation and for its profound report and recommendations to simplify and improve the management of the public lands and their resources. The members and staff of our Association have been asked to make the necessary commitment of time and effort to provide the soundest possible advice on individual recommendations before the next Congress convenes.

My interests as a lumberman can perhaps be considered unique in that I am a resident of a megalopolis—that environmental problem area known as Los Angeles. As an urban resident who commutes to work on crowded freeways, through smog-laden air, I am quite concerned over my environment. I can relate to others who have the same concerns including those of urban rehabilitation and pursuits of a better life. As an urban resident who is in the lumber and manufacturing business, I also am aware that if we are to renovate our cities and rehabilitate many of our older residences, then the best and most reasonably priced material to use is wood. This means that to enhance our urban environment, we will have to alter our forest environment. This is not a permanent alteration, and this is what many urban residents do not realize. Nor do many understand that forestry under proper management plans can enhance the environment in many ways—within the forest and at home. We harvest trees to benefit man, and we re-seed and re-plant either by assisting nature, or by direct methods, to provide a continuing growing stock of new trees. When a city neighborhood becomes old, decrepit and dangerous, corrective action either can tear it down and rebuild it from scratch or rehabilitate it. Is it not then in the public interest when the forest industry seeks to utilize forests which have also become overripe and in need of revitalization? For years we have replaced this type of timber crop on private lands with new, vital and growing forests. We feel strongly that the long range effect of better managed forest operations are well established and lay positively in the public interest regardless of ownership.

There have been periodic predictions of impending timber famine over the last three quarters of a century. One of the earliest was made by another Californian, a Congressman from that State named Loud. When the forest preserves—predecessors of our national forests—were established, Congressman Loud said: "The moment you open the forest reservations to the cutting of timber you begin to destroy the forest reserves themselves." Today, the Forest Service alone annually appraises and puts up for sale more than 12 billion board feet of timber each year, some of it on land producing its second or third crop of trees. In 1928, another warning was given that the nation's forests were being denuded. This was contained in a widely distributed pamphlet written by a man who organized and headed the Philippine Forest Service, Major George P. Ahern. He warned that "by 1937 it will be difficult to find in the entire United States 20 percent of our forests meeting a standard" of well stocked and well managed forest. Managed forests helped prove the predictions of timber famine to be in error. Shortly after the 1937 date, the forest industry provided wood resources in tremendous quantity which helped the nation win a great war. Later in 1952 an intensive National Timber Resource Review conducted by the Forest Service revealed that the nation is growing more timber volume than ever. Today, our nation's forest growth exceeds current use of wood products.

But today, also, the finite extent of the Nation's forest resource is recognized in the face of the needs of a constantly increasing population. The wood resource need in this country in the foreseeable future will require intensive *forestry* practice on all forest lands capable of producing such crops. The concerns for our nation's timber resource and that of housing for a constantly increasing population must be met squarely—and soon—or we will fail in our objectives to meet the interests of this nation's people.

Intensive forestry practices have been a concern for several centuries. Those of you who live in the East are beginning to hear more than those of us in the West about something called "The Third Forest." This third forest is in the Southeastern part of the United States. Simply stated, it means that *three forests have now grown in the South* to satisfy man's needs. The first forest, standing when the first settlement in Georgia was made by Governor Oglethorp in 1723, was harvested and utilized to develop that part of our nation. It was replaced by a second forest, which in turn was utilized by man for further development in the area. Today, the third forest is growing on the timberlands of the South and it, in turn, will serve our needs. Intensive scientific forest management will assure that a fourth forest will appear, as will others, until the end of time.

Some of the best forest around Lake Tahoe is a second forest. The original forest was used to develop the Central Pacific Railroad and the Comstock Silver Mines in the 1800's. There are men who could be still alive who remember the complete liquidation of the first forest in the Mother Lode country by the miners from 1849 through to 1900. These areas now support beautiful stands of coniferous forests which many visitors consider a forest primeval. Similar examples can be shown in other areas of this great, forested nation.

A forest, being a living thing, follows a life-cycle the same as all other living things. It is born, matures, ages and dies in a natural cycle. This natural cycle continues, it cannot be frozen in its present stage to be kept unchanged.

The beautiful Douglas fir forests of Oregon and other forests of shade-intolerant coniferous species came into being because of ancient forest fires. These fires, as big as or bigger than the Tillamook Burn, or other natural catastrophes, cleared the areas and let the new forest grow in its preferred seed bed of bare soil, warmed by direct sunlight. With human settlement and social development, there is the necessary control of these great fires. If man does not then open the forests, Douglas fir, for example, will be replaced by other less desirable species.

Where man abrogates the responsibilities he has undertaken, then nature moves quickly to show the fang and claw of destruction. An example of this occurred this summer in northern Washington, where 191,502 acres of federal, state and private forestland were burned over by lightning-caused fires. Some of this was in the Pasayten Wilderness, some in the new North Cascades National Park. Other acreage was in areas which the Forest Service had announced were being proposed as roadless and scenic areas. Another example of nature's destruction is the 1,394,280 acres of beetle-killed trees in the Yellowstone Park vicinity of the Rocky Mountains. 111,280 acres are in the Park itself. This area now presents a sorry picture in comparison to the forest that was intended to be preserved for all time. The benefits of multiple use management have been proven. We should not discard this proven principle in favor of non-management or unproven procedures.

Basically, the Land Law Review Commission has recognized that our growing population brings changing conditions and needs. While recognizing the great significance of management to maintain and enhance a livable environment, the Commission does not assume a doomsday attitude regarding the problems at hand. The report, in fact, expresses a "cautious optimism" due to recognition of a "growing awareness of the danger" and recognizes that steps are being taken which should correct any damaging trends.

Before commenting further on the Commission's report, let us refer briefly to the Organic Act of June 4, 1897, in which *it was directed that "No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States."*

The intent of that legislation is as valid today as it was a little over 70 years ago. Congress in creating the Commission and directing its work said: "It is hereby declared to be the policy of Congress that the public land of the United States shall be (A) retained and managed or (B) disposed of, all in a manner to provide the maximum benefit for the general public." The Commission's praiseworthy effort to review and correlate the more than 6,000 laws dealing with the nation's public lands has been a monumental task. Perhaps an indication of just how monumental was the task is the fact that the Commission found that there apparently were 1,000 more laws dealing with public lands than the Commission had previously planned to review.

In doing its job, the Commission has expressed a highly desirable idealism. It will, however, remain for Congress to assess the costs to all users of public land resources in moving from the "here" of present-day laws to the "there" proposed by the Commission. The ultimate goals of the Commission are important, and we in the industry will press for many of those goals.

Let me now expand upon the Commission's report on some specific topics:

Many of the Commission's proposals are based on the assumption that a massive land use planning classification of the federal public lands can be performed promptly and effectively. This may well be too optimistic. Land use planning in sufficient intensity and with sufficient public acceptance to resolve land use conflicts would be a fantastic attainment. It is a commendable objective, the development of which should be fostered, and supported. State or local zoning is still in the formative stage and so far has not been an entirely satisfactory panacea. Despite the state and local problems, if land use planning can be achieved by any reasonable means within the public interest, it would aid greatly in this nation's land problems.

The Commission recommends that Congress establish a network of goals, guidelines, standards and performance requirements for virtually every facet of land use planning and resource management for the public lands. Over the years, it is hoped that Congress will do all that the Commission has recommended. Resource agency performance has no doubt suffered from lack of this guidance from Congress. However, it is unrealistic to expect Congress to act on all these recommendations all at once. By design, a legislative body is weighted against hasty decision and action, and rightly so. The Commission has accomplished a tremendous task, and I am sure that Congress is likely to be greatly influenced by its recommendations.

The Commission recommends public participation in land use planning. This would be by means of public hearings and by consultation and coordination requirements with State and local government agencies and interagency and regional coordination of plans. These are worthy objectives, but the defect in this recommendation is the possibility of delay for the sake of delay which is inherent in any provision for elaborate consultation and coordination.

Construction of the Three Sisters Bridge, in Washington, D.C. crossing the Potomac River has recently been halted by court order because requirements for a public hearing on its design were not met. The start of this bridge project had already been delayed for several years by disputes at every step of the planning and programming process. Those who brought the suit which resulted in the court order appear to have little if any interest in the bridge design. They just want construction stopped. Of course, it is possible to get across the Potomac on other bridges and to endure the traffic congestion which this new crossing would relieve. But, intricate procedural requirements such as now involved in the Three Sisters Bridge situation can become a means to obtain a court order to stop timber sales until a minor procedural defect is remedied. This could be fatal to a local timber-dependent mill, causing loss of jobs and distress in the local community.

It is important that management of our nation's land be vested in professionally trained individuals under stronger and clearer direction from Congress. Land management by poll, by emotional campaign or by promises offered in political campaigns are not in the best interests of either the land, the public or the nation. The physician is allowed to treat his patient without interference. The newspaperman writes his story as he is trained to do. You would not expect the circus performer on the high wire to have the competence of a football player. Therefore, in any public hearing, the conducting agency must, in public interest, weigh most heavily the testimony of those trained and educated in land management.

All public administration is presently going through a major change in which the right to challenge administrative decisions is being greatly expanded by the courts. We all have much at stake in the progress of this transition for the Federal resource managing agencies. A way must be found that will not endanger the ability of the agencies to maintain schedules of planned flow of timber offerings or other resources to avoid serious disruption of useful products to the detriment of the general public.

Forestry with tree harvesting is the one use which provides benefits to every member of this nation's population. These include benefits to those larges masses of people in our urban centers who—in the main—are going to have little or no opportunity to enjoy the other assets of our public lands.

The "merger of the Forest Service with the Interior Department into a new Department of Natural Resources" is one of the recommendations of the Commission which has received many of the headlines. In 1950, before a Congressional Committee seeking to implement a Hoover Commission recommendation for consolidation in Government timber management agencies, one of our predecessor associations, Western Pine Association, testified that we were wholeheartedly in favor of the efficiencies and economies to be expected from a single Federal timber management Bureau, but we were dubious then of removing this function from Agriculture and turning it over to Interior.

One of the benefits from the merger as conceived by the Commission would be to open the way for consolidation of Congressional committee jurisdictions. This is an important consideration for Federal forestry. The experience of our industry with Congress does not indicate that interest in timber and the national forests by both the Interior and Agriculture Committees is entirely unworkable or inadvisable. But it would be much more logical to keep the "service" functions of the Forest Service that relate to timber growing on all stands inside Agriculture with other crop growing services. Federal forest land issues might be well handled in a single department. Of substantial interest would be the creation of an independent federal timber corporation which the Commission sees as a desirable alternative. No doubt, Congress will watch closely the development of the Corporation for the Federal post office service with a view to using it as a model for other efficiencies which can be achieved in government.

The Commission indicated that there are some 40 plus million acres of Federal land which should be classified for dominant timber use. But there are indications within our industry that this figure is far too small. Let me suggest why.

First, there is absolutely nothing wrong with growing timber whenever and wherever timber grows. The better it grows, the better for posterity and the public, intensive timber growing practices with very few exceptions, benefit the other multiple uses. Or—if that term "multiple use" bothers you—the "corollary benefits" in watershed, range, outdoor recreation, wildlife and fish production will be increased.

Second, the prevailing concept of the areas best suited for dominant timber use appear to be those areas of historically high timber production such as the Douglas fir region here in the Northwest and the pine forests of the Southern States. But of great importance for the future is the productive potential for growing timber in hitherto undeveloped forest lands, with no history of production.

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In this connection, most predictions from both Federal and private studies indicate that intensive timber management will produce an additional two billion board feet per year from Federal lands in the Douglas fir region. However, intensive forest management studies by the Government indicate this much or more additional volume could be produced each year from Federal timber lands in the Rocky Mountain area if developed and properly managed. This includes an access road system, prompt planting, spacing, and an attitude of management for maximum timber growth. The eventual needs of this country may well require that intensive timber management be practiced in both areas.

Maximum timber production must be encouraged in any area that will grow timber, knowing that the corollary benefits of water, range, access, recreation, fish and game can also be enhanced. The adoption of a rigidly classified "dominant use" could lead to management for one use to the detriment of other desperately needed uses.

Dominant use, if we are speaking of good forestry including tree harvesting, does not preclude enjoyment of most of the other benefits. In particular, good forestry is recognized by all experts as a vital function of wild life management.

The Commission's recommendations must now be acted upon by the Congress. I am sure that our lawmakers will carefully scrutinize each recommendation. They will then move in this Nation's historical way to place into law those recommendations of the Land Law Review Commission Act which direct the provision of the maximum benefit for the general public. Our industry can be expected to provide continued assistance and support.

In our concern today with the pursuit for a better life for all of the citizens of this Nation we must not forget that, as far as natural resources are concerned it is not a case of either food or recreation; either shelter or hiking, but instead food and recreation; shelter and hiking. This Nation has achieved its prominent position in the world through utilization of its natural resources by man's technology. We must turn that technology to the correction of any ills which we find apparent. We cannot for our own well-being and that of the world, afford to discard man's capabilities for wise use of his natural resources in favor of a return to nature. To do so would disregard the techniques and knowledge obtained through education and training from those who serve our governments, our universities and our industry.

THE 1971 BUDGET SCOREKEEPING REPORT—AS OF SEPTEMBER 23, 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. MAHON. Mr. Speaker, I am inserting certain factual highlights from the introductory section of the 11th in a series of periodic "budget scorekeeping" reports prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. This report reflects the cumulative actions of the Congress on the President's budget estimates—as originally submitted and as revised by him—through September 23, 1970.

This report, distributed to all Members on September 28, reflects all the cumulative actions of Congress to September 23 as identified by the Joint Committee staff—beginning with the actions of each committee as a bill is reported—on regular appropriation bills; on legislation containing so-called "backdoor" appropriations; on legislation providing for mandatory spending; inactions on legislative proposals to reduce budget authority and outlays—the negative spending proposals—and actions or inactions on revenue-producing proposals.

In briefest summary, as of September 23

[In billions]

ENACTED BY CONGRESS	
1. The Congress, in final actions to date (appropriation bills, +$335 million; legislative bills +$1,754 million) has *increased* budget spending (outlays) by about	+$2.1
2. The Congress, in final action to date (appropriation bills, +$373 million; legislative bills, +$2,600 million) has *increased* new budget obligating authority by about	+3.0
INITIAL HOUSE ACTIONS	
1. Initial House actions to date (appropriation bills, +$226 million; legislative bills, +$3,225 million) have increased budget spending (outlays) by about	+3.5
2. Initial House actions to date (appropriation bills, −$746 million; legislative bills, +$6,313 million) have increased new budget obligating authority by about	+5.6
INITIAL SENATE ACTIONS	
1. Initial Senate actions to date (appropriation bills, +$1,045 million; legislative bills +$1,752 million) have increased budget spending (outlays) by about	+2.8
2. Initial Senate actions to date (appropriation bills, +$1,369 million; legislative bills, +$3,068 million) have increased new budget obligating authority by about	+4.4

NOTE.—The supporting detail, bill by bill, is shown in Supporting Table No. 1, September 23 "budget scorekeeping" report.

In reference to variations in the above totals, it should be noted that while some bills have passed through both the House and the Senate—sometimes in identical amounts, sometimes otherwise—other bills have passed the House but not the Senate, and vice versa. Examples: The House has passed 12 of the 1971 appropriation bills; the Senate has passed eight. The House has passed the bill for increased social security benefits above the budget; the Senate has not yet acted.

In elaboration, the following is from the introduction to the September 23 budget scorekeeping report:

INTRODUCTION: STAFF REPORT ON THE STATUS OF THE 1971 FISCAL YEAR FEDERAL BUDGET

HIGHLIGHTS AND CURRENT STATUS OF THE 1971 BUDGET

Presidential revisions in the budget

A. New budget authority for fiscal 1971 in the February 2 budget submission was estimated to be $218,030,495,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimates for new budget authority for 1971 by $4,080,566,000 to a new total of $222,111,061,000.

B. Budget outlays for fiscal 1971 in the February 2 budget submission were estimated to total $200,771,129,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimated budget outlays for fiscal 1971 by $6,082,871,000 to a new total of $206,854,000,000.

C. Budget receipts for fiscal 1971 in the February budget submission were estimated to total $202,103,000,000, including $1,522,000,000 for increased taxes proposed to the Congress. By additional revenue proposals for estate and gift taxes ($1,500,000,000) and leaded gasoline tax ($1,600,000,000) offset by some adjustments downward in his May 19, 1970 reestimates, the President has increased fiscal 1971 estimated receipts by a net of $2,006,000,000 to a new total of $204,109,000,000.

Congressional changes in the budget

A. Budget authority for fiscal 1971:

1. *House* actions to September 23, 1970 on all spending bills—appropriations and legislative—have *increased* the President's requests for fiscal 1971 budget authority by $5,567,375,000.

2. *Senate* actions to September 23, 1970 on all spending bills—appropriations and legislative—have *increased* the President's budget authority requests for fiscal 1971 by $4,436,524,000.

3. *Enactments* of spending bills—appropriations and legislative—to September 23, 1970 have *added* $2,973,074,000 to the President's budget authority requests for fiscal 1971.

B. Budget outlays for fiscal 1971:

1. *House* actions to September 23, 1970 on all spending bills—appropriations and legislative—have *added* a net of $3,450,723,000 to the President's total estimated outlays for fiscal 1971.

2. *Senate* actions to September 23, 1970 on all spending bills—appropriations and legislative—have *added* a net of $2,796,629,000 to the President's total estimated outlays for fiscal 1971.

3. *Enactments* of spending bills—appropriations and legislative—to September 23, 1970 have *added* $2,089,161,000 to the President's total estimated outlays for fiscal 1971.

C. Budget receipts requested by the President for fiscal 1971 requiring Congressional actions total $4,622,000,000:

1. *House* actions to September 23 on revenue proposals total $548,000,000 (including a net of $13,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,087,000,000 for revenue increases requested by the President but a balance of $4,074,000,000 to meet the President's estimated budget requirements.

2. *Senate* actions to September 23 on revenue proposals total $1,011,000,000 (including $693,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,304,000,000 for revenue increases requested by the President but a balance of $3,611,000,000 to meet the President's estimated budget requirements.

3. *Enactments* of revenue proposals to September 23 total $516,000,000 (including $194,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,300,000,000 for revenue increases requested by the President but a balance of $4,106,000,000 to meet the President's estimated budget requirements.

Facts on the budget deficit

The budget for fiscal 1971 submitted to Congress February 2, 1970 reflected a unified budget surplus of $1.3 billion, made up of an $8.6 billion surplus from the trust funds and a $7.3 billion deficit in the general Federal funds.

The budget for fiscal 1971 as revised by budget amendments, additional legislative proposals, and reestimates, exclusive of any separate direct Congressional actions on the budget, as announced by the President on May 19, 1970, reflected a unified budget deficit of about $1.2 billion. Including congressional actions, as announced by the President May 19, 1970, the unified budget deficit was estimated to be $1.3 billion, made up of an $8.7 billion surplus from the trust funds and a $10 billion deficit in the general Federal funds.

Since the budget for fiscal 1971 was updated by the President on May 19, additional amendments have been transmitted and reestimates of certain designated uncontrollable items have been announced by the President in connection with adjustments in the outlay limitation established by Public Law 91-305. The updated estimates have added about $1,511 million to the May 19 outlay estimates; and of this amount $333 million are in trust fund outlays. This updating of estimated outlays increases the projected May 19 deficit of $1.3 billion to about $2.8 billion, prior to reflecting the Congressional actions and inactions outlined below. This revised deficit estimate is made up of an $8.4 billion surplus from the trust funds and an $11.2 billion deficit in the general Federal funds.

These surplus and deficit projections are dependent upon various factors of an uncertain nature, such as:

1. Experience shows that actual outlays are likely to increase over earlier projections—thus increasing the deficit. For example, as reported earlier, since submission of the fiscal 1971 budget in February the President has revised his official outlay estimates upward by about $6.1 billion. Congressional enactments to September 23 have also added approximately $2,089 million to the total estimated outlays for fiscal 1971.

2. The economic slowdown may decrease actual revenues from the amounts projected—thus increasing the deficit. The staff of the Joint Committee on Internal Revenue Taxation estimated last May that revenue collections for fiscal 1971 will be about $3.2 billion less than the administration was then projecting.

3. The revised budget contained about $2,414 million in estimated outlay reductions for legislative proposals to the Congress such as postal rate increases, sales of surplus stockpile commodities, revisions in various Veterans benefits, Medicaid reform, sale of Alaska Railroad, etc. The effective date of the proposed $1,568 million postal rate increases has been delayed by at least six months reducing that saving by at least $784 million (which is reflected as a Congressional increase in spending above); and only $180 million of the $250 proposed surplus sales have been approved. No other actions have been completed. Thus $666 million of these proposed outlay reductions have not yet been acted upon by the Congress.

4. The budget as revised to May 19, 1970 contains receipt estimates from various revenue producing proposals in the amount of $4.8 billion (including $503 million for trust funds of which $194 million was not requested by the President) which, if not enacted by Congress, will automatically reduce receipts of the Treasury by the amounts estimated—thus increasing the deficit. Congress has enacted, to date, $322 million of the President's new revenue requests plus $194 million in new revenue not requested by the President. This leaves a balance of about $4.3 billion of the revenue requests of the President not yet enacted or, because of the enactment of $194 million not requested by the President, a balance of $4.1 billion yet to be enacted toward meeting the President's estimated revenue requirement.

Taking into account Congressional actions to date on the uncertain budget estimates outlined above, and unless pending budget proposals for outlay reductions and additional revenues are enacted, the unified budget deficit for fiscal 1971 estimated by the President on May 19, 1970 to be about $1.3 billion would be increased to about $8.1 billion. Adding the $1.5 billion for increased outlays from updated estimates adjusting the outlay limitation this unified budget deficit estimate would be increased to about $9.6 billion. Adding the loss of $3.2 billion revenue collections as estimated by the Joint Committee on Internal Revenue Taxation the total unified budget deficit could be as much as $12.8 billion, made up of a $7.6 billion surplus in trust funds and a $20.4 billion deficit in general Federal funds.

These deficit figures are not projections. They are simply arithmetic computations. Additional and pending actions by the Congress enacting revenue measures or increasing or decreasing expenditures will have a direct effect on any deficit computations. In addition, any increase in uncontrollable expenditures, like interest, or any additional savings made by the Executive will also have a direct impact on the projected deficit.

SUMMARY OF ACTIONS AFFECTING 1971

Mr. Speaker, in addition to the summary highlights quoted above, I include a tabulation summarizing the effects of congressional actions and inactions to September 23 on various spending and revenue measures affecting the President's budget estimates. This summary has been compiled from tables 1, 3, and 4 of the comprehensive "budget scorekeeping" report.

The tabulation reflects the effects of congressional actions and congressional inactions in terms of both budget authority and budget outlays. The budget outlay side of the picture has been combined with the actions remaining to be taken on various revenue-producing proposals to reflect the current status of the President's May 10, 1970, fiscal 1971 deficit estimate as that deficit estimate has been affected by congressional actions or the lack of congressional actions to September 23 and by reestimates upward of certain uncontrollable outlays as reported by the President.

Again, the arithmetical deficit figures shown in this summary tabulation are not projections; the many remaining actions of the Congress on various spending and revenue proposals which are pending disposition will necessarily adjust these figures up or down as those actions are taken.

Furthermore, these deficit figures do not reflect consideration of any shortfall in revenues below those projected in the budget estimates.

The tabulation follows:

FISCAL YEAR 1971 BUDGET SCOREKEEPING REPORT—AT A GLANCE—AS OF SEPT. 23, 1970

[In thousands of dollars]

Spending authorization	Changes from the budget					
	Budget authority			Budget outlays		
	House	Senate	Enacted	House	Senate	Enacted
1. Appropriation bills	−745,549	+1,369,844	+373,412	+226,150	+1,044,500	+334,850
2. Legislative bills with "back-door" spending authorization	+4,774,851	+1,407,051	+974,851	+50,000	+50,000	+50,000
3. Mandatory-type spending authorizations in legislative bills (pay, pensions, etc.)	+599,073	+876,629	+840,811	+2,240,575	+918,129	+920,311
4. Legislation affecting proposals to reduce budget authority and outlays—on which final action has been taken	+939,000	+784,000	+784,000	+934,000	+784,000	+784,000
5. Total changes from the budget as of Sept. 23—for spending authority (the sum of items 1-4)	+5,567,375	+4,436,524	+2,973,074	+3,450,723	+2,796,629	+2,089,161
Other adjustments affecting the budget and the deficit						
6. Legislative proposals to reduce budget authority and outlays—on which no Congressional action has been taken				+450,564	+665,564	+665,564
7. Balance of $4,622,000,000 in revenue requests or equivalent still pending enactment				+4,074,000	+3,611,000	+4,106,000
8. Impact of spending changes and remaining unmet revenue requests on the deficit (the sum of items 5, 6, and 7)				+7,975,287	+7,073,193	+6,860,725
9. Increase in uncontrollable outlays since May 19, as stated by the President				+1,511,000	+1,511,000	+1,511,000
10. Presidential deficit estimate May 19, 1970, excluding Congressional actions				1,234,000	1,234,000	1,234,000
Total deficit—potential without further Congressional changes in revenue or spending, or without reestimates of either (the sum of items 8, 9, and 10)				10,720,287	9,818,193	9,605,725

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THE POLAR REGIONS AND CONGRESSIONAL OVERSIGHT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DINGELL. Mr. Speaker, the discovery of vast stores of oil beneath the permafrost of the north slope of Alaska and the adjacent seabed of the icy Arctic Ocean has focused the eyes of the world on a region long thought to be virtually useless and of little concern to civilized man except for its effect on our weather. Even those who were aware of the great potential wealth in those barren, inhospitable regions were frustrated by the seeming impossibility of extracting it and getting it to market. But the oil is there and man will get it out as testified to by the historic voyage last year of the giant icebreaking tanker *Manhattan* through the Northwest Passage of the Arctic Archipelago. The frozen stillness of earth's last frontier has been shattered.

As the inevitable commercial exploitation proceeds, this Nation should be sure that it knows what is being done; that it understands, through science, the nature of the environment and the effects of the technology of exploitation; and that there is the organization and oversight necessary to regulate these activities and strike a balance between development and environmental control.

The environmental impact of major Arctic development must come under full consideration.

I have quoted from a thought-provoking article appearing in the June issue of Undersea Technology magazine, entitled "The Polar Regions and Congressional Oversight." The author calls attention to the "almost totally lacking" review by the Congress of the Arctic and Far North ecosystems and interrelationships of economic and political factors. And the situation is similar with regard to Antarctica. He urges that the polar areas receive a serious focus of attention by the Congress and suggests that the proposed new Joint Committee on the Environment, which passed the House in May as House Joint Resolution 1117, might provide an excellent forum to initiate the needed comprehensive study.

The text of the article by John M. Drewry, marine consultant and former Chief Counsel of the House Merchant Marine and Fisheries Committee, follows:

THE POLAR REGIONS AND CONGRESSIONAL OVERSIGHT

(By John M. Drewry)

More and more attention is being focused on the Arctic by the national interests with jurisdiction over the various territorial portions of it. The apparent imminence of economic pay-out from exploitation of the oil discovered on the Alaskan North Slope places fresh emphasis on the need for survey and understanding of the resources of the Arctic. The mineral potential, especially oil and gas, throughout the whole Alaska/Canada northland is considered to be tremendous.

Until recently, hopes for economically feasible exploitation of these resources have been constrained due to the inhospitable environment and resultant high costs. However, the possibility of year-round or even substantial seasonal use of the Northwest Passage is stimulating thoughts of exploitation of all the far-north mineral resources on a large scale.

Strategic considerations affecting the western world *vis-a-vis* the Soviet Union are evident.

Yet, despite these very important factors, U.S. review of the Arctic and far-north ecosystems and interrelationships of economical and political factors by the Congress has been almost totally lacking.

In a paper entitled "The North Today," Prof. Trevor Lleyd, chairman of the Board of Governors of the Arctic Institute of North America, made these observations:

"The North of today is increasingly international and it will be even more so tomorrow. The present upsurge of northern interest is circumpolar, and it may prove more lasting than any in the past. Having at last started to roll, the northwest course of development may this time keep right on, so that, at long last, the North will be drawn into the urban-technological world. Against that time, intensive study and research will be needed to anticipate the physical and social problems that will be encountered."

Three years ago, the Senate Committee on Appropriations requested and received "A Report on Federal Arctic Research" from the Legislative Reference Service of the Library of Congress (90th Congress, 2nd Session, Senate Document No. 71). The late Senator E. L. Bartlett of Alaska requested this study as chairman of the Senate Legislative Appropriations Subcommittee. As a result, Sen. Bartlett had recognized the inadequacy of the current situation and the necessity for meaningful and remedial action. To our knowledge, nothing else has been done.

In 1966, the Atomic Energy Commission published a 1,250-page report, including charts and maps, entitled "Environment of the Cape Thompson Region, Alaska." It covered a comprehensive, $4.5 million environmental study conducted between 1957 and 1962 in the area of Cape Thompson, Alaska, near Kotzebue Sound, where the AEC had proposed blasting an experimental ship harbor of major magnitude. The Kotzebue proposal was part of the Plowshare program and was referred to as Project Chariot. After 1962, nothing came of this tremendous study, except the publication of the Cape Thompson report in 1966.

In light of the North Slope discoveries, the potentialities of the *Manhattan* voyage last summer and the possible uses of the Northwest Passage to both the East and the West, it appears worthwhile at this time for a high-level Congressional review of the previous studies to see whether major port facilities in Arctic Alaska might now serve an even far greater purpose than the Plowshare people originally had in mind. Such major facilities providing refuge, repair and other services would be essential in developing a viable transarctic transportation system.

As the inevitable commercial exploitation proceeds, this nation should be sure that it knows what is being done; that it understands, through science, the nature of the environment and the effects of the technology of exploitation; and that there is the organization and oversight necessary to regulate these activities and strike a balance between development and environmental control.

The environmental impact of major Arctic development must come under full consideration.

Recently the impact problems have received some attention. Injunction action has been brought against the Secretary of the Interior to inhibit the issuance of a pipeline permit. The needs of Arctic Research have been recognized to the extent of consolidating responsibilities in this area within the National Science Foundation. However, NSF has requested only $2 million in Fiscal '71 for its various responsibilities in coordinating and assessing the Arctic research activities, stimulating technological development of the area and facilitating international cooperation in Arctic research.

The Trudeau Government of Canada has formally introduced bills in the House of Commons asking for authority to expand Canada's sovereignty over offshore waters from 3 mi. to 12 mi., to close off certain unspecified bodies of water to foreign fishing fleets and to assert anti-pollution jurisdiction over "safety control zones" reaching 100 mi. into Arctic waters.

ANTARCTICA

Antarctica, in the South Polar region, belongs to this commentary also. At what we call the bottom of the Earth is a continent of nearly 6 million square miles in area, largely contained within the Antarctic Circle. Although the problems of the North and South Polar Regions are quite distinct, there are, nevertheless, relationships and similarities which seem fully to justify their joint consideration.

Since the early 19th Century, there has been a great deal of interest on the part of many nations in this forbidding area. But except for whaling activities in the plankton-rich seas, exploitation opportunities in Antarctica have been sparse.

The International Geophysical Year in the late 1950's focused major attention on Antarctica. U.S. participation in the program which began at that time has been kept alive, but no Administration has wanted either to downgrade it too much or to take any steps toward significant development. In other words, level-funding support has been continued and has kept the show on the road, but there has been little enthusiasm for advancing the cause.

Much good work has been and is continuing to be done under the auspices of NSF's Antarctic Research Program. But NSF funding for the program in recent years has held at about $7 million annually.

The polar regions are vital portions of the environmental systems affecting the so-called "civilized" world. What we may do in these seemingly barren and useless areas could wreak irrevocable harm on future generations.

We believe that the most effective Congressional appraisal of the problems of the polar environmental systems should be accomplished through not more than one committee of each House. Congress is not organized along precise lines of environmental jurisdictions. We do not propose at this time any changes or consolidation of traditional areas of legislative jurisdiction among the existing committees.

The problem of which committee or committees should take the burden of our subject matter is highlighted by last year's water pollution and environmental quality control bills. Two committees of each House were actively involved in hearings and action on both of these measures since each bill met the standards for referral to them. And each committee had sufficient interest to press for action.

Committee jurisdiction over matters dealing with Antarctica presents another example of the problem of which is the "right" committee in a unique situation.

In 1968, George Doumani of the Science Policy Research Div. of the Library of Congress' Legislative Reference Service published an article in the *Bulletin of the Atomic Scientists* entitled "Science Policy for Antarctica." Doumani reviewed the recent background history of U.S. and world interest in the region. He called attention to the periodic legislative proposals on Antarctic matters introduced in Congress since 1938, noting that they had been "referred to different committees at different times with no discernible pattern."

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Doumani wondered which congressional committees should assume responsibility for our Antarctic affairs. Should they be referred to the committees dealing with foreign relations, by virtue of Antarctica's "foreignness?" Should the Appropriations Committees play the major role? Or should they be handled by the Judiciary Committees? But, then, since our proclaimed interests in Antarctica are mainly scientific, perhaps they should be referred to one of the committees concerned with science and technology.

He concluded that the Committee on Science and Aeronautics might be best suited. His conclusion is undoubtedly strengthened now that this committee has been authorized responsibility over the National Science Foundation, which, in turn, is responsible for the U.S. Antarctic Research Program. And it is further strengthened by the fact that NSF is the lead agency for the International Decade of Ocean Exploration and the lead agency for a National Arctic Research Program. The Committee on Science and Astronautics also overviews responsibility of matters involving international scientific cooperation.

Despite the strong case that can be made for the House Science and Astronautics Committee and its Senate counterpart to conduct the polar studies proposed here, it does not rule out conflicts with jurisdictions of other existing committees.

Avoidance of friction and a happy solution to the dilemma may soon be found, depending on favorable Congressional action on a House Joint Resolution to establish a Joint Committee on Environment and Technology. The proposed joint committee would be comprised of members of the Senate and House from majority and minority members of the several committees that are concerned in important ways with environmental and technological matters. It would not be a legislative committee, but would rather provide oversight and review and recommend legislative directions.

The bill, with minor amendments, was passed by the House last month, but there has not yet been any action in the Senate. No matter what happens to the proposed joint committee—indeed, no matter to which committee or committees this matter may be referred—time should not be allowed to drain off much longer. The potentials of both the Arctic and the Antarctic have too long been neglected from the standpoint of comprehensive Congressional oversight. The unique characteristics, the vital importance and the current awareness of the polar areas in regard to the national and, indeed, world interest justify a serious focus of attention by the Congress.

UNICO HONORS JOSEPH ZAZZERA

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. McDADE. Mr. Speaker, on Saturday evening it was my distinct privilege to address the 11th Annual Past President's Night of the Carbondale Chapter of UNICO National. On this occasion the dinner was in honor of past President Joseph Zazzera who concluded an extremely successful year as president of this outstanding organization before turning the gavel over to the current president, Mr. Paul Carachilo.

During the course of the evening Toastmaster William F. Farber reminded us of UNICO's dedication to civic action. Dr. Benjamin A. Cottone, president-elect of UNICO National, stressed the volunteer spirit that UNICO exemplifies and reminded all that the initials of UNICO stand for unity, neighborliness, integrity, charity, and opportunity. At that point it became the duty of Mr. Joseph Lopez to provide a history of President Zazzera's tenure during the years 1969–70. The report was indeed impressive and exemplified the spirit contained in the remarks of Dr. Cottone and Messrs. Carachilo and Farber.

I bring to the attention of the House some of the beneficiaries of UNICO's civic action: St. Joseph's Hospital School of Nursing, Carbondale Chamber of Commerce, our servicemen in Vietnam, the Junior Football League, the United Fund, Catholic Charities, the Salvation Army, the national health program, YMCA, Carbondale Library Fund, Carbondale Teener League, and the Little League of Simpson.

What better example can one find of civic action by a group of public-spirited men? To them I extend my warmest congratulations.

A GREAT WOMAN HAS PASSED OUR WAY—EDNA GELLHORN—A LEGEND IN HER LIFETIME

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mrs. SULLIVAN. Mr. Speaker, all of us who are in public life meet and greet unknown numbers of people as we go on our way. Some make an indelible impression upon us and we often recall their activities and contributions to the way of life. One who became a legend in her lifetime has left us—Edna Fischel Gellhorn, of St. Louis. No one who knew her or of her would mention her name without recalling at least a few of her countless activities and her expertise and indefatigable support of causes which she believed to be in the common good. Mrs. Gellhorn reached the wonderful age of 91 years—active to the end in her beloved causes. The League of Women Voters, in paying tribute to her memory, has said:

> Edna Fischel Gellhorn, founder of the League of Women Voters, died September 24, 1970. Her contribution to the League was so vast that it can only be matched by the devotion of everyone who knew her.

It was my privilege to know, work with and admire Mrs. Gellhorn over a period of many, many years—she was truly a great, great woman.

The St. Louis Post-Dispatch, in an article has told of some of her activities which I would like to share. It is as follows:

MRS. EDNA GELLHORN DIES AT 91; SUFFRAGIST WORKER, CIVIC LEADER

Mrs. Edna Gellhorn, a national leader in civic reform, charter member of the League of Women Voters and pioneer in the struggle to obtain for American women the right to vote, died of infirmities of age yesterday at her home 5961 Laclede Avenue. She was 91 years old.

A commemorative service will be at 4 p.m. on Oct. 11 at Graham Chapel on the Washington University campus. Funeral services will be private, with burial in Bellefontaine Cemetery.

Mrs. Gellhorn, a tireless worker for public causes, headed the old Missouri Equal Suffrage League in 1919 and 1920. She was head of the St. Louis Equal Suffrage League when the national organization held its jubilee convention here in 1919.

The next year, when the suffrage objective had been achieved, Mrs. Gellhorn became first vice president of the National League of Women Voters. She was elected also as the first president of the newly formed Missouri League of Women Voters.

Mrs. Gellhorn led the Missouri League's campaign in support of the Missouri Constitution that was adopted in 1945. Ten years earlier, she had led a National League drive against the spoils system in Government. She was president of the St. Louis League and a director of the national organization.

Her advocacy of the merit system helped move the St. Louis and state governments toward civil service. She was instrumental in bringing about better personnel practices in St. Louis public schools, and helped found John Burroughs School, a private institution.

"She belongs to almost all the white-hat organizations," a friend once said. The list at one time included the Social Hygiene Association, the Interracial Committee, the Social Security Commission, the Slum Clearance Commission and the boards of Children's Guardians and the People's Art Center.

BACKED UNITED NATIONS

In recent years, she helped organize chapters of the American Association for the United Nations. She was one of the founders of the Citizens Committee on Nuclear Information and was active in its behalf.

Mrs. Gellhorn was the daughter of Dr. and Mrs. Washington E. Fischel, leaders in the Ethical Culture movement here. She was introduced to society when the family lived in the 2600 block of Wisconsin Avenue. She attended Mary Institute, where she was class president, and Bryn Mawr College in Pennsylvania, where she became life president of the class of 1900.

In 1903, Edna Fischel married Dr. George Gellhorn, a Breslau-born German physician who had come to St. Louis three years earlier. He became professor of clinical obstetrics and gynecology at Washington University. He died in 1936.

ENCOURAGED BY HUSBAND

With her husband's quiet encouragement, Mrs. Gellhorn plunged into the suffragist work that led to adoption in 1920 of the Nineteenth Amendment to the U.S. Constitution. Later, she was fond of commenting that "you never find a good woman worker in any cause but that she has a generous husband behind her."

When she became an active worker for the vote, Mrs. Gellhorn already had a reputation for resourceful campaigning in charity drives.

She borrowed eight elephants from a circus to attract customers to a concession booth at a Delmar Garden hospital event. From merchants she begged peanuts to sell. The combination was a financial success even though the elephants got loose and had to be hunted down.

Mrs. Gellhorn's apartment on Laclede Avenue, half a block from Forest Park, remained a center of women's civic activities.

When she reached her seventy-fifth year, Mrs. Gellhorn made a statement in an interview that some of her friends considered an admirable summing up of a career not ended.

"I'm glad I was born in a time of stress. I'm glad to have lived through it. And I have infinite faith in the future."

Surviving are a daughter, Martha, a novelist living in London, who was married to Ernest Hemingway; and two sons, Walter, a professor of law at Columbia University,

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and Alfred, dean of the University of Pennsylvania Medical School.

Another son, George Gellhorn, Jr., died in 1968. He was president of the International Finance and Development Corp.

CAMPUS UNREST AFFECTS RESEARCH

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. WOLD. Mr. Speaker, we have seen many unpleasant trends developing on the campuses of our country over the past few years. They are also surprising because the sources of these trends are in large measure found among the people who might be expected to inveigh most ardently against them.

I refer to the threat to academic freedom and the free use of guilt by association which American universities have witnessed recently. One example has been the treatment of Government-sponsored research.

Anyone doing business on Government grants seems to be held responsible for every act of the White House; although it is interesting to note that radicals studying as a result of Federal scholarships and loans are not held to the same standards. There have also been frequent attempts to expel such Government-sponsored projects from the campus.

A recent article from the C. & E.N. points up the particular problems which this situation has presented for chemical education, particularly those departments and professors which are funded by the Department of Defense. I ask unanimous consent to include in the RECORD the article "Campus Unrest Affects Chemical Education."

The article follows:

CAMPUS UNREST AFFECTS CHEMICAL EDUCATION—DOD-FUNDED RESEARCH TROUBLES SCIENCE DEPARTMENTS, CHEMISTRY "COMMUNITIES" FORM TO COPE WITH DISSENT

It's been a quiet summer for science and engineering departments in most universities across the country. But there is an air of nervous expectation that when the campuses reopen shortly the widespread unrest, activism, and even violence of the past two or three years will recommence.

Such concern was heard again and again from witnesses at hearings of the President's Commission on Campus Unrest. And it is a view shared by many university administrators, professors, and students interviewed by C&EN's Lloyd Dunlap and Bob Hadsell during the summer.

Although the continuing war in Vietnam seem to be the major source of student discontent, even were the war to end soon student activism wouldn't cease, University of Wisconsin chemistry professor Robert West says. And his opinion is echoed by students and faculty members across the country. The war, the environment, DOD funding, and other yet undefined issues are likely to keep the campuses politicized for years to come.

Apart from the human toll—deaths, injuries, arrests—direct costs stemming from student unrest have become a heavy burden for universities to bear. Damages on campuses nationally exceeded $9.5 million during the past academic year, according to J. Edgar Hoover, director of the Federal Bureau of Investigation. In fact, insurance may be the single most rapidly rising cost for universities today.

TURBULENCE

Departments of chemistry and chemical engineering have inevitably been swept up in the turbulent currents of activism and protest. Their students and professors have joined—to varying degrees—in the debates and demonstrations. In certain critical areas the issues have produced not only an outgoing concern with broad social problems but also a turning inward to grapple with values and purposes that are basic to science teaching and research.

The nature of chemical education is being altered, and some of the changes are ominous: growing enmity among faculty members and perceived threats to a free choice of research topics. Other changes, however, seem to be enabling some departments to move smoothly through periods of crisis, such as the turmoil in May following the Cambodia incursion by the U.S. Chief among these changes is the growing participation of students in departmental affairs, particularly with the formation of "chemistry communities."

Research financed by the Department of Defense is the one target of student protest that holds the greatest potential for disruption of chemical education. Classified research has been a long-standing issue, and most schools have either traditionally prohibited classified research or have in recent years taken steps to remove classified research from their campuses under pressure from students and faculty. But the protests are shifting to research that may be interpreted as war-related or that is DOD-funded—which puts some chemistry professors squarely in the target.

Two universities found the issue had suddenly come to a head in the agitation that followed the Cambodia event and the subsequent killing of four students in demonstrations at Kent State University. DOD-funded research was the subject of faculty resolutions at Princeton University and at the Stony Brook campus of State University of New York.

RESOLUTIONS

Stony Brook moved in the direction of a ban on DOD-funded research when the faculty senate on May 8—four days after the Kent State event—passed a resolution "that it be SUNY/SB policy not to seek research grants and contracts from the Department of Defense. . . ." This resolution was only advisory, however, and was sent to the graduate council, an elected faculty body that deals with academic matters affecting graduate education.

Also early in May, the university cabinet of vice presidents and deans proposed a similar ban on war-related research. The distinction between the proposal and the faculty resolution is that DOD-funded research may be unrelated to war, and war-related research may be funded by agencies other than DOD. The graduate council considered both the faculty and cabinet statements and sent its recommendations to acting president T. Alexander Pond on July 21.

On Aug. 25, prior to the return of Stony Brook president John S. Toll, Dr. Pond sent a memorandum to the faculty saying that he would submit to the faculty senate the graduate council's recommendation that "research on campus be determined by academic and scholarly criteria, not political ones." The graduate council would make recommendations on any research project questioned by a faculty member. The faculty senate is expected to consider the matter in late September or early October.

In the memorandum, Dr. Pond notes that it is already university policy that "no project is acceptable which by the nature of its results is directly, specifically, or intentionally dedicated to the advancement of the methodology or instrumentation of warfare."

ISSUE

DOD-funded research has been an issue with student activists at Stony Brook for the past two years, according to chemistry professor Francis T. Bonner, who has just returned to full-time teaching and research after 12 years as department chairman. The issue figured in raids on files of research records, an explosive situation that nearly closed the campus, and in a narrowly defeated motion by the faculty senate to "phase out by attrition" all DOD-funded research.

CHEMISTRY STUDENTS GRADUATE ON TIME AT KENT STATE

When the campus at Kent State University closed on May 4, five weeks of classes were left uncompleted. But after recovering from the shock of four students being shot to death my an Ohio unit of the National Guard on that day, chemistry students and professors gathered in faculty homes and in laboratories as far away as Gambler, Ohio, and Pittsburgh, Pa., to finish course work by June commencement.

Several classes—particularly advanced courses taken by small numbers of chemistry majors—met in their teachers' homes, says Dr. Milton Manes, acting chairman of the chemistry department during the absence of vacationing chairman Raymond R. Myers. Professors with larger classes rented space in Cleveland or in local Kent, Ohio, churches. About two thirds of the students in a biochemistry course intended primarily for nursing students continued their lectures and clinical training in two Cleveland hospitals.

For students who were unable to remain in Kent, courses were continued by correspondence. Even laboratory data were sent by mail, so students could finish lab reports. Final examinations were also of the take-home type.

Graduate students were permitted to return to their laboratories after about two weeks, but students in several undergraduate laboratory courses managed to continue their experiments elsewhere. Dr. William F. Barker moved his freshman honors lab to the Gambier campus of Kenyon College. Dr. Manes took his students in instrumental analysis to Pittsburgh's Carnegie-Mellon University for a day of lecture-demonstrations.

General chemistry coordinator Norman V. Duffy and graduate students Kenneth Klassen and Richard Hankett made films of 10 experiments that students in the general chemistry course had been unable to complete. The films were shown at weekly "help" sessions.

"So we really kept going," Dr. Manes says. Attendance in his two classes was better than normal, he adds. Some of the students took an "incomplete" grade in their courses, but most graduated on time.

The faculty senate resolution on May 8 to stop DOD-funded research was a consequence of the events of the preceding few days, Dr. Bonner says. Particularly, he says, it was a consequence of the faculty's support on May 6 for the third of three demands of the national student strike proposed on May 2 by leaders of a Black Panther support rally in New Haven, Conn. The demand called for an end to defense research, among other activities. But there was a sense of concern at the faculty senate meeting that academic freedom might be threatened by a committee review of all research for relevance to university purposes, Dr. Bonner says. The criteria of DOD-funding instead removes research from further judgment.

As at Stony Brook, the Cambodia and Kent State events gave a final push to a concern with DOD funding that had been building at Princeton for several years. On May 6 at Princeton University, the "Princeton chemistry community" of faculty, undergraduate, graduate, and postdoctoral students, and staff passed several resolutions, including two that dealt with research.

One urged Congress "to seek methods to transfer funds for basic research from the Department of Defense to civilian agencies as soon as possible." Not content to leave the matter entirely up to Congress, however, the following resolution stated that "the department [of chemistry] will henceforth discourage all faculty members from accepting any new grants from DOD or any of its subagencies." Faculty who already have DOD funds "are requested to seek other sources of support, as soon as possible."

POLICIES

On the same day, May 6, the Princeton faculty passed a resolution asking the university council to appoint a committee to study Princeton's policies on DOD and other sponsored research in general. The resolution also gives the committee two proposals to consider: "That the university refuse to accept any outside funds for research on campus which is directly and specifically related to weapons and weapons systems," and "That Congress be asked to chanel all funds in support of research to universities through civilian departments and organizations. . . ." The council will send a report on the committee's findings to the faculty by Nov. 1.

The issue of DOD funding is already becoming a divisive one among faculties, setting science and engineering departments against the humanities and social sciences. There is also growing tension between DOD-funded scientists and those without DOD funds.

At Stony Brook, for instance, most of the faculty who voted in favor of the resolution on DOD funding won't be affected by it, Frank W. Fowler, assistant chemistry professor, says. Some of the faculty feel that they are dependent on DOD funds and they are very unhappy, Dr. Bonner adds.

At Princeton, chemistry professor Donald S. McClure, who receives a minor portion of his funds from the Navy, feels that the resolutions of the chemistry community were passed "in the heat of the moment," with no clear thinking before the meeting. There were perhaps 100 students and 20 faculty present, he says, and the faculty was outvoted.

THREATENED

The principle of academic freedom is very much at issue since the events of May, both with respect to limits on a professor's research and with respect to political positions taken to represent not individuals but entire departments, faculties, or universities. It is generally agreed that academic freedom is threatened or at least compromised by group resolutions on research funding or political issues. But opinions vary on the importance of academic freedom when weighed against other issues. The idea of faculty taking a political position is something new. Stony Brook's Bonner says, and it is disturbing to all of us.

The introduction to the resolutions passed by the Princeton chemistry community may be a good expression of the present mood: "The great dangers inherent in institutional political statements are apparent to us. In particular we are loath to appear to commit those of us who must be absent or who may not be in total agreement with us. It seems to us, however, that the dangers to the university and the Republic presented by our Government's internal and external policies constitute such a clear and present peril that great risks and drastic action are warranted."

But the Princeton resolutions aren't viewed as a threat to academic freedom by chemistry department chairman Kurt M. Mislow. The chemistry community isn't the chemistry department, he points out, and this makes the resolutions simply an expression of opinion from a group of people with common interests. A second point is that the resolutions merely request research funding from a source other than DOD, he says, and leave each faculty member free to take DOD funds if he chooses.

Even if the faculty resolution on DOD-funded research at Stony Brook is not accepted by the administration, the atmosphere created by the resolution is not conducive to freedom of choice on academic matters, says chemistry professor Edward M. Kosower. Dr. Kosower is one of two chemistry professors at Stony Brook whose research is funded by DOD. His research, which he describes as "fundamental chemistry for the investigation of the topology of active sites of enzymes," is indirectly related to the action of a drug used to treat malaria, a disease traditionally studied under grants from the Army.

NO PRESSURE

Dr. Kosower says that he is under no pressure from within his research group or from anywhere else to stop taking DOD funds. Nevertheless, he has had "DOD" painted on his office door, and he discovered his name on a sign at a campus demonstration in 1969 during an international meeting at Stony Brook.

Dr. Kosower has filled out an application for a renewal of his DOD grant. This renewal, along with several grant applications from other departments, has become an unresolved test case for policy on DOD research at Stony Brook.

Beyond the specific issue of DOD-funded research, some chemistry and chemical engineering students agree with assistant chemistry professor Maitland Jones at Princeton that the Cambodia event produced no sudden change in political activity of scientists but simply triggered a release of antiwar feelings that had been formed previously. But others side with chemistry graduate student Andrew V. Nowak of Massachusetts Institute of Technology, who says that many people became newly involved in political activities. They may not stay involved, he says, but these people may be on tap in the future for organizations formed by others who have been active all along.

The extent to which political opinions should be sponsored by departments rather than by individuals acting as such was perplexing to many in the activities that followed the Cambodia event. The problems of academic freedom and dissension raised by positions on DOD funding are raised by any political resolutions.

RADICALS PLAY A CATALYTIC ROLE AT STANFORD

In the course of pursuing the subject of unrest on the campus, our editors noted the historical paradox of how small groups can often alter or control much larger groups or institutions. We asked one of our editors, Lloyd Dunlap, to reflect on this phenomenon on one of the campuses (Stanford) in light of his talks with students, faculty, and administrators. What follows is his brief interpretation:

There is, apparently, a willingness by those at the university to doff the cap in recognition of the catalytic role played by the estimated 50 to 200 students who actually took part in violent activity at Stanford. Chemistry graduate student Fred Schwenk, at least, believes that the violence was probably an essential forerunner to consequent campuswide, peaceful activity. Which brings out an important moral conflict: Activist students, even when peaceful and within their Constitutional rights, contribute to the success of the radical fringe by legitimizing, through their participation or acquiescence, the goals of the lawless element on campus.

Dr. Kenneth Pitzer, whose career as a college administrator was cut short perhaps by legal dissent as well as by the more wild and woolly variety (it is doubtful that any 50 to 200 students, standing alone and totally without additional student support, could paralyze any university of 7000) has said of demonstrations: "In fact, [they are] inherently an ugly, sometimes fierce threat to and infringement upon the rights of researchers to research, students to study, and teachers to teach."

Someone, it appears, must eventually bear the responsibility for campus violence and for the erosion of the very rights to research, study, and teach that Dr. Pitzer spoke of.

It is intriguing to speculate as to whether Ken Pitzer might still be in charge at Stanford if it were not for graduate students Carol Clericuzio, Don Marquardt, Fred Schwenk, and their counterparts across the campus. It is also intriguing to imagine the possibility that demands for relevant education and a humane technology are merely steps along the way toward a totalitarianism of "now"—an impatience with any necessity to work and wait for one's rewards.

Chemists at MIT, Yale, Cornell, and Stanford—as well as those at Princeton—took political positions on the Vietnam war after the events of Cambodia and Kent State. Except at Cornell, this was an unprecedented move at each school. But in most cases, professors took great pains to explain that the resolutions didn't represent official departmental positions, and that students and staff, such as technicians and secretaries, had been included in the voting.

War-related issues have shared the stage at some meetings with university governance, an issue that cuts across all the other issues that provoke campus unrest. For every issue seems to involve a struggle for the power to make decisions that will settle the issue one way or another.

RESPONSIBILITY

University presidents have come under increasing pressure from both students and faculty to share in some degree administrative responsibility. At San Francisco State University, president S. I. Hayakawa believes firmly in the approach he has used with apparent success so far.

As a first principle, Dr. Hayakawa tells C&EN, college administrators must be more decisive. Many administrators have simply failed to realize what was happening until it was too late, he says. "My perceptions of what needed to be done turned out to be accurate. When people said, 'We are going to close the college,' many replied, 'We must listen to the young people,' I said, 'I've heard them.' "

Dr. Hayakawa's manner is clipped and certain. No, he does not think the role of the university has changed or will change. Current new left anti-intellectualism will leave little mark, he believes. Fundamentally, he is firmly convinced that universities are "inevitably intellectual institutions" and that today's furor is just an aberrant blip on the chart of higher education's long history.

Dr Hayakawa believes, however, that some tactics regarding young people should be changed. He would like to see draft exemptions for college students abolished, for example.

"People seriously claim," he notes, "that since expulsion means being drafted, being drafted means going to Vietnam, and going to Vietnam means beink killed, that expulsion is equivalent to execution. It's a silly argument, but people take it seriously."

University presidents at MIT, Yale, Princeton, and Cornell receive high marks from their professors for having "anticipated" issues that might have caused trouble. But there have been several notable resignations of presidents during the past few months. At the University of Wisconsin, president F. Harvey Harrington will step down this fall, having found his own tough stance against disruptors not tough enough to please some state legislators.

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INJUNCTION

Other university presidents are also turning to the police or National Guard, as did Dr. Harrington, as campus security forces and student judicial systems prove to be inadequate. There is also a growing use of the court injunction as a means for preserving order. The court injunction has ended sit-ins effectively at some schools, but its use in other instances has seemed repressive to some.

At State University of New York at Buffalo, for instance, a sit-in at a basketball game on Feb. 24 escalated into violence in the student union on the 25th, during which both police and students were injured. Demonstrations and fire-bombings continued, and on March 5 a preliminary injunction requested by the school's administration was issued by a state supreme court justice prohibiting interference with normal university functions.

On March 15, 45 faculty members were arrested at a sit-in in the administration building and charged initially with criminal trespass. A charge for criminal contempt in violation of the injunction was soon added, as well as charges of civil and criminal contempt brought by the university. The university's charges were tried in the state supreme court in April, and the resulting conviction for criminal contempt is now on appeal. The charges brought by the Erie County district attorney will probably be tried this fall.

The injunction was used again to arrest four of about 24 people who walked out of Buffalo's commencement exercises in June. The injunction was finally allowed to lapse on July 15. Late in August, charges against the four were withdrawn by the university.

The injunction isn't repressive as worded, but it seems bad as enforced, says Robert Fleming, university advocate. Because of the injunction, the "Buffalo 45" could have been arrested for meeting anywhere on campus, in principle—with the possible exception of the student union, adds Dr. Richard A. Finnegan, professor of medicinal chemistry and one of the 45 arrested.

While administrators struggle to assert their authority, students are gaining an increasing involvement in the affairs of science departments. In some cases the arrangement is formal, as with student-faculty curriculum committees, and in other instances the involvement is through the more informal mass meeting of a "chemistry community." Student involvement has been invited by the faculty at some schools, while at others the channels of communication have been opened spontaneously in times of crisis.

At Cornell University, the "Baker Lab community" originated in the turmoil of a racial confrontation in April 1969 that climaxed with black students emerging with weapons from Willard Straight Hall after a 36-hour occupation of the student union. There were calls for a strike, chemistry department chairman Gordon Hammes says, and everyone connected with the chemistry department met as often as three or four times a week during that period to discuss issues and responses to the issues.

COMMUNITY

The community of faculty, students, and staff evolved from these meetings, and Dr. Hammes credits its existence with easing the transition of Cornell's chemistry department through the difficult period after the Cambodia and Kent State events. There were again calls for a strike—which did not occur—and the community was a ready-made forum for communication, he says.

Resolutions on national policies were passed by the Baker Lab community after the Cambodia event, and political positions had been taken by the community in the past, Dr. Hammes says. But the resolutions are just "a consensus of the community" and not positions taken by the chemistry department, he emphasizes.

The April 1969 crisis at Cornell also led to formation of a "chemical engineering forum," and the engineering students became active in studying and reforming the curriculum, says chemical engineering chairman Charles Winding. The forum includes everyone in the department and is organized with several committees, such as one on faculty-student relations. During the past year, however, the forum didn't meet regularly and has "practically disintegrated," Dr. Winding says. Now the faculty is concerned with how to get the students involved again.

Although campus unrest may have improved communication between science faculty and students at some schools, there is some concern that science and technology are being viewed with increasing suspicion and hostility by nonscientists. The "concerned members of the chemistry department, University of California, Berkeley," stated the case indicting science in a way that even the most radical leftist might appreciate: "We feel," the 263 (out of 286 who voted) chemists said, "that the technology which science has developed, when applied in maintaining and escalating the war in Indochina, is a brutal bastardization of the entire concept of science."

On the other hand, MIT's chemistry department hasn't been the focus of any student protests, says chemistry professor Frederick D. Greene. Much of the research there is related to health matters instead of military matters, he adds. Buffalo chemistry chairman Howard Tieckelmann finds no antiscience attitudes among students at his school, either. Windows of the chemistry building there have remained conspicuously unbroken during demonstrations and riots, and student activists have even been observed surreptitiously attending chemistry lectures while supposedly on strike, he notes.

ATTITUDES

There may be more subtle changes in student attitudes, nevertheless. Graduate student Don Marquardt says that over his stay at Stanford he has detected an appreciable change in attitudes of incoming students whose high school experiences have been quite different from his. Carol Clericuzio, another Stanford chemistry graduate student who participated in a roundtable discussion with other students and faculty members, notes that students are much less "monastic" than in former years. Does this new emphasis on broad social problems mean less attention to classical chemistry? Yes, almost inevitably, the Stanford participants feel.

From outside the campuses, however, there is a growing clamor for local and state control of schools whose administrators seem unable to control unrest. Academic science is sure to be hurt by the reaction of alumni, trustees, and legislators, in the view of Berkeley chemistry professor George Pimentel.

Already in California, he notes, there have been budget cuts across the board. The summer quarter was simply canceled at US, despite the fact that departments had been staffed and had readied services. Ironically, the summer quarter had been instituted as an economy move and was then dropped for the same ostensible reason. Punitive action has taken other forms: Cost of living rates have been held up; the academic senate has had its flow of funds interrupted; the regents have interferred in faculty hiring and there is even some concern, Dr. Pimentel says, that the regents may invade the classroom by censoring course content.

"I feel that it's going to be terribly important for society to realize that this strong political influence from the right is invading the campus and threatening the quality of our educational system," Dr. Pimentel says, "not just at Berkeley but across the country, and is putting fuel on the fire for the far left, which is doing the same thing. Society has got to recognize that you can't have a good educational system if it's going to be a political tool—either for the right or the left."

IMMEDIATE

At the same eastern universities, however, chemistry professors see a more immediate threat to chemical education. MIT professor Greene says that the decrease in support for basic research at MIT and elsewhere, along with the difficult job situation, may be the chief cause of a real change in the number of students going into chemistry. MIT will have only 52 first-year graduate students going into chemistry this fall instead of the usual 65 to 70, and a lack of funds is the reason. Yale will admit 19 instead of the usual 40.

Perhaps the greatest difficulty in trying to predict what the coming academic year will bring is that the universities are so vulnerable to the unpredictable forces of events beyond their campuses. The level of student involvement in fall election campaigning depend on what the Federal Government does, says MIT graduate student Nowak, just as things would have been different in May if U.S. troops hadn't moved into Cambodia.

It is, at least, easy to agree with Harry Mosher, acting head of Stanford's chemistry department at the time of the Kent State incident, when he says, "it's safe to say that things [in the chemistry department] are not the same as they were and that they'll never be the same again."

OPERATION MAINSTREAM

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. MILLER of Ohio. Mr. Speaker, there is no doubt we are facing a crucial challenge in this country in providing increased economic opportunities for our citizens. To date many of our efforts have been stopgap measures and have produced only limited benefits.

However, through effective job training programs we have been able to give many low-income persons the necessary job skills to lift themselves up the economic ladder. Helping people to help themselves has been a hallmark of the Department of Labor's Operation Mainstream program.

Operation Mainstream is an adult work training experience program which places emphasis on work as a means of producing income. Its goal is to enhance the productivity and employability of disadvantaged workers and directly aid their job placement. The training activities involve the improvement of the social and physical environment of the community. This program has been particularly successful in Meigs County, Ohio, where it is being carried out under the Leading Creek Conservancy District. A recent article which appeared in the Athens Messenger describes the contribution the OM program is making in securing meaningful employment for area residents.

The article follows:

XUM

JOB TRAINING PROGRAM HELPS MORE THAN 100 IN MEIGS

(By Beulah Jones)

RUTLAND.—A new approach to the job problem in Meigs County which has been carried out under the Leading Creek Conservancy District, has resulted in more than 100 job placements with industries in the area.

Jack Crisp, president of the Leading Creek Conservancy Board, and director of the Operation Mainstream-E Program, which operates under the Vocational Labor Department, reported that 27 enrollees have been trained and placed in jobs with local industry since July 6, and that 112 have been placed in jobs since the program began three years ago in 1967.

Crisp announced this week that the Operation Mainstream-E Program now has five job openings at $1.76 per hour for 30 hours per week.

Under the training and job placement program, enrollees are given training in various types of employment during the operation of small bulldozers, timber work, and they receive wages while learning, then are placed in industry in the area.

Crisp reported that they have had excellent cooperation with local firms and have been able to place all of the trainees with the exception of one or two. Crisp said that contrary to the popular notion that there are no local jobs available, there are openings not filled because of lack of trained workers, especially in the field of heavy equipment operators.

Crisp is hoping to secure approval to purchase larger equipment which will be used to train jobless men in Meigs County and to secure employment for them in the area.

The program is also conducting Remedial Education and Counseling classes in such subjects as math and English, budgeting, consumer credit, first aid, planned parenthood, Christmas shopping, geography and film, and local government.

The Meigs County Ministerial Association members have volunteered their time and assistance in counseling, and the remedial educational classes being conducted for the job enrollees and their families. The trainees are counseled on the importance of being at work daily and on time.

Crisp has received letters from firms that have employed some of the trainees expressing concern with the program.

One of the companies, the F. A. Bartlett Tree Expert Co., in a recent reply to Crisp stated appreciation for the help received from the conservancy program in seeking men for jobs.

The letter from L. W. Rimmons, public utility manager of the company stated: "In the past I have been critical of government programs to assist the poor people. My thinking has been that they were directed more at temporary make work projects, rather than aimed at solving the problem.

"I have observed that your program has at least two long lasting results: cleaning off the creek banks has produced very evident results in reducing flooding in the area. In the process, the men are learning to use the equipment necessary to make a living, utilizing the natural resources of the area.

"Four times in the last six months I have taken men from your project to use as foremen. If these men had not had experience with your project they would not have been able to be leaders."

This same company also pointed out that they could use trained power saw operators from time to time in right-of-way clearing jobs. They also indicate an interest in trained men who could climb and trim trees, saying that they would be willing to send a man to train those men under 30 willing to permanently relocate and at the present time could use as many as 25 trained men throughout the eastern United States.

The trainee program also includes a physical examination and those found to have medical problems will be referred to appropriate health service agencies for treatment needed and follow up, including the Bureau of Vocational Rehabilitation.

Projects of Mainstream seek to reclaim areas seriously damaged due to siltation and sulphuric acid run-off. This would be accomplished by four projects; by building small, but efficient silt retention dams; proper use of lime to sweeten the sulfuric acid deposits; removal of trees and brush from the streams to speed up the run-off of water during a heavy rain, allowing the silt and acid to be flushed out and diluted until no longer damaging, and to plant trees on barren strip mine areas, which will result in building the soil and holding moisture.

It appears that the Conservancy District has a proven record of success in the area of Job Development and Job Placement.

This is the only such program being carried out in the county other than the vocational program at the Meigs High School and the Distributive Job Training courses being offered at the school.

These are the types of programs where Meigs County can work to help itself become self-supporting. This points up the need for a survey of available labor and the type of skill and those desiring to use their skills in industry. There should perhaps be a central reporting agency to collect this information and place it where the public may give such information as well as receive it.

TOWARD UNDERSTANDING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DINGELL. Mr. Speaker, the respected editor in chief of the Christian Science Monitor, Erwin D. Canham, served as a member of the President's Commission on Campus Unrest. In a column appearing in the September 26–28, 1970, issue of the Monitor, Mr. Canham comments on the Commission's work and its impact on him. I found Mr. Canham's comments to be thoughtful and compassionate. I include the text of the column at this point in the CONGRESSIONAL RECORD:

TOWARD UNDERSTANDING

(By Erwin D. Canaham)

WASHINGTON.—Service on President Nixon's Commission on Campus Unrest has come close to being the most stirring extra-curricular episode in my professional life. And that includes membership on President Eisenhower's Commission on National Goals in 1960.

The need for bridging the gap of understanding between the conventional culture and the "new" culture, largely shared by young people, is very serious indeed. It exists all over the world, but especially in an advanced industrial society like the United States.

VIOLENCE CONDEMNED

The contents of the Scranton commission's report are being very fully covered in news columns, on radio and television. What I should like to emphasize here is how a group of nine very different people, with no partisan political overtones whatever, came to grow together into a very closely agreed perception of the problem.

We nine have all sorts of difference in life experience, in race, in age, in style. But after we had looked at the facts, we had very little difficulty in agreeing, even in language. No one of us would have written our report in the exact terms in which it appears. But on the thrust and general thinking we were deeply in accord.

We are all fully in accord in condemning violence and lawbreaking. We are aware of the shortcomings of university administrations, and point them out. We recognize the operation of deliberate troublemakers, although we identify their limited scope. We describe many of the follies and oversimplifications of some protesters. But what is most important is our profound sense of the challenge and significance of the new culture.

The crisis, in our view, is one of violence on both sides—which must be condemned and prevented—and of understanding—which must be awakened.

We urge President Nixon to draw the nation closer together, rather than drive it farther apart. We feel this must be his own instinct, even if the immediate political advantage may seem to be to take a hard line. But a sharp distinction must be drawn between a hard line manifest as effective and wise law enforcement and a hard line which comdemns, angers or even kills students.

VOTES AT WHAT COST?

The law must be enforced. But an anti-intellectual wave is easy to arouse in the United States today. It might gain votes in 1970. It would desperately harm the country in the long run.

At any rate, readers can ponder our report and recommendations for themselves, and reach their own conclusions. Ours came from our on-the-spot investigations and from direct exposure to many people, young and old. We also discussed and formulated our views for many long hours, pooling our observations and convictions.

We hope our report will not be made a political football, for petty advantage. We regret the political attacks which preceded its issuance, based on misinformation and misjudgment.

ENFORCEMENT NEEDED

We do not think we overestimate the gravity of the crisis. We are aware of some very explosive situations on many campuses today. We recommend the most vigorous law enforcement to cope with them. These immediate sparks must be put out. But such sparks exist in the minds of a vast mass of tinder. It is the tinder that concerns us most, the misunderstanding between groups in American society, the divisions in a nation which is proudly diverse but should never be riven by chasms of misunderstanding and of hate.

Speaking for myself, I learned a great deal in these last few months. I learned more vividly than before why blacks feel themselves increasingly the victims of repressive—they say genocidal—policies even though their material conditions are improving in some ways.

Relatively, and in profound spiritual ways, their status has not improved that much. I learned why many young people also feel themselves repressed and alienated, even though objectively society is growing freer. I learned how their deepest goals express the unfulfilled American dream.

I learned that the American nation must move toward deeper mutual respect, away from violence, toward understanding.

THE PROBLEM OF SMUT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DULSKI. Mr. Speaker, one of the most aggravating problems of concern to society is the continued and increasing flow of smut into our Nation's homes.

The Committee on Post Office and Civil Service has been tussling with this matter for years, certainly throughout my membership on the committee. The problem is not an easy one to find legal controls that will stand the test of our courts.

But our committee has been successful in several important instances and has approved additional legislation which is awaiting Senate consideration.

The subject of obscenity and pornography is particularly in the limelight today on the eve of the issuance of the report of the President's Commission on Obscenity and Pornography.

In a special order in the House today I have included the text of the minority report which, regrettably, is the only redeeming feature of the Commission's work. The Commission majority chose to ignore the congressional mandate, went off on a tangent and came up with a fiasco.

Instead of recommending ways to control smut, the majority wants our Nation to follow in the footsteps of Denmark and abolish all related laws.

Who can honestly believe that smut will go away because you repeal all the restrictive laws? Will burglaries cease because you make them no longer a crime? Will auto thefts stop because you make them no longer a crime?

Of course not.

One of the great—though reluctant—conveyors of smut is the U.S. mail. This is despite the vigilant efforts of the Post Office Department. It is also despite the efforts of our committee and the Congress to provide the Department with the needed tools to control the flow.

I was delighted to notice the Postmaster General's concern with this subject when he made it the single theme of a speech last night in Nashville, Tenn. His remarks speak for themselves and since they are so timely I am including them with mine:

REMARKS BY POSTMASTER GENERAL BLOUNT, NASHVILLE AREA CHAMBER OF COMMERCE, NASHVILLE, TENN., SEPT. 28, 1970

This is a time of paradox in the United States. It is a time of great opportunity, and a time of grave concern.

We have within our grasp a future of peace and prosperity with justice and freedom for all. But all about us we see the limits of our freedoms being tested.

We see militants of the left and right claiming absolute freedom where framers of our constitution intended relative freedom.

And today you can work your way through the Bill of Rights and at almost any point find those rights abused.

How we respond to these abuses will have a lot to do with the kind of country we pass on to our children.

How we respond to these abuses will help determine whether they shall inherit a nation that is strong, free and at peace with itself, or a nation crippled by its own moral ambiguity and characterized by a greater concern for its appetites than for its integrity.

PROBLEM OF PORNOGRAPHY

One of the most time-consuming and certainly the most unpleasant part of my job involves dealing with one of those abuses—the problem of pornography.

The sea of obscenity that floods America from within the nation and from without is a truly disturbing example of an open society under attack.

Most disturbing of all is that fact that this attack is predicated on our First Amendment freedoms.

The First Amendment to the Constitution, as you know, is one of the keystones of America's structure of ordered liberty. The amendment says, in part, that "Congress shall make no law . . . abridging the freedom of speech or of the press . . ."

Under the cover of this amendment, the dirt merchants have erected a multi-million dollar empire dedicated to human degradation.

We are now testing whether that empire will stand or if it will be destroyed.

The post office is a primary force in the struggle to see it destroyed.

USE OF MAILS FORBIDDEN

The law forbids the use of the mails for conveying obscene materials. The mere existence of the law, however, has not prevented pornographers from making extensive use of the mails for this purpose.

The number of dealers in mail-order pornography has increased in recent years to something over four hundred; of that number, however, only about twenty at any one time are considered major dealers. These are big-league operators, who use direct-mail advertising on a scale comparable to the nation's large mail-order houses.

These mailers commonly send two and three million advertising pieces into American homes during an advertising campaign, frequently with little or no discrimination as to the recipient.

As a consequence, our children are often subjected to pictures and printed matter of the most vile sort.

As a parent and a grandparent, I find that unacceptable, and I find particularly unacceptable the use of the postal system for this purpose.

But there is another dimension to the matter. In any discussion of the problem of pornography, the effect of pornography on the young always seems to emerge as the central issue. Certainly it is of critical concern.

WHAT ABOUT EFFECT ON OTHERS?

But, personally, I am deeply concerned about the effect of pornography on any human being, and on the civilization of which each human being is a member.

If we consider for a moment those values which underlie our American institutions, we find that what America is all about can be summed up in two words: human dignity.

We seek freedom for our people because freedom is the condition most conducive to human dignity. We seek security for the same reason.

We seek prosperity, because prosperity is the condition most conducive to human dignity; because poverty crushes the human spirit.

At our best we honor diversity—because the right to be what he chooses, to act and live as he chooses are all vital to the dignity of the human being.

MEANING OF HUMAN DIGNITY

But who do we mean by "human dignity?" What is it that gives these two words so much importance to us here in America?

Let me tell you in this manner: In the story of Creation, the Bible says: "And Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul."

As a people we believe that each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve and sustain these, we preserve and sustain human dignity.

As we violate these for sensation or for profit, we act against the dignity of man, and we act against all that we have suffered and struggled to build for more than two centuries on this continent.

Pornography is not simply a threat to the best interests of our children.

It is an act of violence against the human spirit.

LEGALIZATION EFFORTS

With disturbing frequency, however, it is being argued that pornography ought to be legalized.

What are the arguments of those who favor such a course?

One of the most important—the one we pay perhaps the greatest attention to—is the argument that censorship of pornography violates the First Amendment's prohibition against interference with freedom of speech and of the press.

If this prohibition were absolute, the argument would be sound.

But it is not absolute.

It was Justice Holmes who pointed out that the first amendment would not protect a man who falsely shouted fire in a crowded theater, for such an act created the sort of clear and present danger that Congress has the right to prevent. In a different way, but to the same effect, we have laws against libel which make freedom of the press relative.

ABOUT THE ARGUMENTS

The argument that pornography cannot be censored without destroying our civil liberties is, it seems to me, fundamentally wrong.

There is the argument that we cannot be sure pornography has an effect on children.

If we are to take this seriously, then we must ask if any book—if any picture—has an effect on children; indeed, such a position questions the effect of education itself, for education asks that a child respond to what he is exposed to.

And how shall a child respond to a photograph of, for example, a human being, without clothing, bound helplessly, and being beaten with whips to the apparent gratification of all involved.

This example, if you will believe me, is relatively innocuous in comparison to much of the smut that is pushed on people in this country. I am far from being a prude, and I don't want to be hypocritical about that. But I have seen things in this job that would make the most sophisticated people sick to their stomach.

EFFECT ON CHILDREN

And yet we're told we can't be sure this has any effect on children. Who's going to swallow that? Who's going to risk swallowing that?

Childhood is a constant testing of what is fantasy and what is reality; it is a time when values are established.

Are we willing to accept, in the service of some dubious argument about the limits of civil liberty, the argument that we cannot be sure pornography has an effect on children, and the logical extension of that argument, that it therefore ought not to be prohibited?

There is the position that if we legalize pornography, it will soon lose its interest for people, and eventually the traffic will end.

Well, one of the members of the President's Commission on Obscenity and Pornography is the Rev. Winfrey Link from over in Hermitage, and Rev. Link's comment about pornography being eliminated through availability was this:

He said, "I don't run an open sewer through my yard and think that after a month the germs won't bother me any more."

I think that's pretty much to the point.

RIGHTS OF ADULTS

And then, of course, we have the argument that there is no evidence that pornography has an adverse effect on adults, and even if it could be shown to have such an effect, adults have a right to abuse themselves in this manner if they choose.

Let's examine that argument.

I think it is false on both counts.

While it is difficult to establish a cause and effect relationship between an anti-social act and an avid interest in pornography, it is possible to suggest that an inclination toward anti-social behavior may be reinforced and even encouraged by pornography.

Cases in the files of the Post Office Department provide sufficient instances of people acting out in fact the fantasies of the pornography they have collected, of people engaging children in unnatural acts, or seducing children into this behavior, to justify a concern that there is some relationship between pornography and anti-social behavior.

CASES IN POST OFFICE FILES

There is a significant risk, I believe, that some people may be led by curiosity to purchase this material, then to purchase material showing even more bizarre behavior, until finally they are led to commit the same behavior.

Now, is it true that these people have the right to subject themselves to these ill effects if they choose?

I don't think so.

Such a position supposes that these effects are kept within the individual. This is not the case.

The evidence suggests that people can become addicted to pornography just as others become addicted to alcohol or drugs. And just as the alcoholic and the junkie are capable of anti-social behavior beyond their own will, so is the person hooked on pornography.

Some have seriously argued that pornography may have a beneficial effect. This is the theory of catharsis, and it maintains that pornography provides a harmless outlet for sexual energy which might otherwise be expended in some objectionable manner.

PORNOGRAPHY AS THERAPY?

The logic of this position would require that sex crimes should go down as the availability of pornography goes up. All the evidence available indicates that this doesn't happen.

I find that reassuring. I am not a psychologist. Neither am I indifferent to the fact that there are a lot of lonely people in this society.

But is the human condition so mean, and the resources of our culture so limited that the only therapy we can provide for repressed and lonely people is pornography?

As I am sure most of you know, Denmark has lifted certain restrictions on pornography. This has had a dual effect on the United States. It has on one hand substantially increased the flow of pornographic material coming into the country.

And it has, at the same time, increased the pressure from proponents of the legalization of pornography in America. Those who argue for legalization make the case that the legalization of pornography has produced a drop in the sex crime rate in Denmark.

Of course it has.

RESULTS IN DENMARK

Pornography used to be a crime there and now it isn't. Therefore the crime rate dropped. Statutory rape used to be a crime; now it isn't. So this contributed to the drop in the crime rate.

If they legalize burglary, it will drop some more. They'll have the same number of burglaries, but these won't be crimes anymore.

We have gone to Denmark and talked to the authorities there and the real sex crime rate has not dropped. Period.

But this is the sort of reasoning we see applied to the matter. It seems to me that we have a very great deal at stake here and I think we had better stop thinking with our glands and start using some sense about these problems.

If I read the President correctly, this Administration is not going to legalize pornography. Whether the courts will do it is a different question. We hope they won't. In the past decade, some of our courts have been persuaded that the virtual impossibility of defining pornography precisely is sufficient reason for granting absolute license.

FEW PRECISE DEFINITIONS

But there are few, if any, precise definitions in Western jurisprudence. What mathematical formula identifies a "fair preponderance" of the evidence in a civil suit? At what precisely defined point is guilt established beyond any "reasonable" doubt? And what is a reasonable doubt? What is an unreasonable doubt?

There is a problem here, certainly. We are giving fallible men the responsibility for making judgments that go to the heart of our democratic freedoms, and one man's smut may be another man's art.

But it is difficult to suppose that by weighing the content of a work and the apparent intent of the creator and the purveyor of that work that we cannot tell what is pornography and what is not. And where we cannot tell, then let the presumption be in favor of the contested work, and we will still be adequately protected.

I know that the First Amendment to the Constitution says, but I think we read our Constitution selectively. I recommend reading the whole thing right from the beginning which establishes the purpose of that Constitution.

THE FIRST AMENDMENT

It says, We the people of the United States . . . in order to promote the general welfare . . . do ordain and establish this Constitution . . . if there is anything conducive to the general welfare in a graphic representation of the most repulsive filth imaginable, I confess it escapes me. It apparently doesn't escape some of our courts, unfortunately.

I am not overly optimistic about our ability to deal conclusively with this problem. For one thing, even with courts firmly disposed to eliminate this problem, there is the sheer overwhelming fact that our court system is too overburdened to deal effectively with these matters.

This fact alone contributes to the proliferation of pornography.

And for another thing, pornography is a business. It's a very big business, and like some businesses it puts a premium on survival at any cost.

So we have to find a way to reduce the profits of that business and to make it impossible for them to operate at any price.

PORNOGRAPHY IS BIG BUSINESS

In the Post Office Department we have put a great deal of effort into this, and I think we are having some success.

We have more than four hundred dealers under investigation. In the fiscal year just ended we indicted sixty dealers and ten more dealers were indicted in the first two months of this current fiscal year.

So far, we have gotten some fourteen convictions.

On the sixteenth of this month, we won a major victory in this battle when the Ninth Circuit Court of Appeals in Los Angeles upheld the conviction of Marvin Miller. Mr. Miller is a major dealer in pornographic materials and enjoyed the distinction of being singled out for the attention of a national magazine recently.

In February, 1969, he was sentenced to five years imprisonment and a fine of $7,500 for himself and $15,000 for his company. The appeals court which upheld this conviction has reversed pornography convictions in the past. We hope and we believe that we are seeing a new attitude here on this matter.

In the last six months of 1969, we had approximately 178,000 complaints from postal patrons about receipt of pornographic material. In the first six months of 1970, these were down to roughly 105,000.

LEGISLATIVE EFFORTS

The President has put the full weight of his office into this battle. He has asked Congress to make it a Federal crime to put pornography into the hands of anyone eighteen years old or under; to make it a federal crime to exploit a prurient interest in sex through advertising; and to broaden the ability of the homeowner to prevent sexually-oriented advertising material from entering his home through the mail.

Now the Congress has begun to respond; it has passed legislation that will enable homeowners to protect themselves from unwanted sex-oriented advertising, and it is, we hope, to enact the remainder of the President's legislative requests in this area.

But as with everything, the deciding factor in this matter is going to be the American public.

If the people decide against pornography, we can do away with it.

If we endorse stringent laws;

if we elect and appoint discerning judges;

and if, above all, we refuse to patronize the pornographer, then

we can put him out of business.

COOPERATIVE EFFORT NEEDED

Movies show violence because it shows a profit. They show cheap sex because it shows a profit.

It is the same with all media.

If it isn't profitable, it doesn't play.

I'm not suggesting a witch-hunt. I'm sure there are a lot of heavy breathing crusaders waiting in the wings for the call to arise. I'm always a little suspicious of those people, and psychiatrists frequently find them interesting.

I think we can do this job without bringing the lunatics and the smear artists out of the woodwork. At bottom, the answer rests on a very simple foundation, and that is taste.

It is still considered sophisticated in some quarters to scoff at American culture, but for a young nation we have contributed greatly.

Whitman, Robinson, Masters, Sandburg, Frost, Marianne Moore, and T. S. Eliot are all American poets.

Clemens and Melville and Fitzgerald were American writers.

Whistler and Cassatt, Eakins and Pollock and Ben Shahn are American painters.

Copeland and Gershwin are American composers. Blues and jazz are American contributions to music. The greatest symphony orchestra in the world is an American orchestra.

We have virtually stamped out polio.

Our cancer research is among the most advanced in the world.

We have gone to the moon.

OUR MANY CONTRIBUTIONS

These are the things that reflect America. This is the heritage we must pass on. There is no room in America for the commercial degradation of the human spirit.

There is no room in America for those who use our freedoms to destroy the very habits of mind and spirit that give meaning to these freedoms.

It is true, as the poet said, that—

Not only under ground are the brains of men—Eaten by maggots.

Shall we then pay allegiance to those things we have in common with any animal?

Or shall we hold ourselves above the animals, where God placed us, and pay allegiance to that spark of divinity in each of us—the spark of divinity that this nation was founded to protect and to exalt?

XUM

Ladies and gentlemen, in the awful balance between human degradation and human dignity, let us put ourselves down on the side of dignity as our people have always done.

MR. HOOVER'S OPEN LETTER TO STUDENTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. WYMAN. Mr. Speaker, J. Edgar Hoover's recent open letter to college students is an excellent statement of concern at the highest of Federal investigative levels that the natural intent ideology of youth should not be subverted by advocates of violence from the new left. I am sure the Congress to a man is responsive to the just interests and concerns of young people. In the same sense, I am confident that our governmental system permits adequate expression of those concerns and the fruition of those that are meaningfully constructive in improving the quality and conditions of life in America for all citizens to benefit from.

The door to the offices of Congress is open to the youth of America at all times. Speaking for myself as one Member, I can only say that I value and respect the recommendations of both individual young persons and groups, and will work to see that those which have socially constructive values are implemented—to the extent this is possible in the legislative branch.

I hope all young people will take the time to read and ponder Mr. Hoover's message because it is their world and future that the extremist minority that advocates violence and campus chaos seeks to destroy.

The open letter follows:

AN OPEN LETTER TO COLLEGE STUDENTS FROM JOHN EDGAR HOOVER

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., September 21, 1970.

As a 1970 college student, you belong to the best educated, most sophisticated, most poised generation in our history.

The vast majority of you, I am convinced, sincerely love America and want to make it a better country.

You do have ideas of your own—and that's good. You see things wrong in our society which we adults perhaps have minimized or overlooked. You are outspoken and frank and hate hypocrisy. That is good too.

There's nothing wrong with student dissent or student demands for changes in society or the display of student unhappiness over aspects of our national policy. Student opinion is a legitimate aspect of public opinion in our society.

But there is real ground for concern about the extremism which led to violence, lawlessness, and disrespect for the rights of others on many college campuses during the past year.

The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife, and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the Nation.

The extremists are of wide variety: adherents of the Students for a Democratic Society (SDS) including the Weatherman; members of the Young Socialist Alliance (YSA), the Trotskyist youth group; the Communist Party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist-dominated antiwar group.

Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction.

Based on our experience in the FBI, here are some of the ways in which extremists will try to lure you into their activities:

1. They'll encourage you to lose respect for your parents and the older generation. This will be one of their first attacks, trying to cut you off from home. You'll hear much about the "failures" and "hypocrisy" of your parents and their friends. The older generation has made mistakes but your parents and millions of other adults worked hard, built, sacrificed, and suffered to make America what it is today. It is their country too. You may disagree with them, but don't discredit their contributions.

2. They'll try to convert you to the idea that your college is "irrelevant" and a "tool of the Establishment." The attack against the college administration often is bitter, arrogant, and unreasoning. SDSers, for example, have sought to disrupt the colleges by demanding the right to select professors, determine the curriculum, and set grading standards.

3. They'll ask you to abandon your basic common sense. Campus extremism thrives on specious generalizations, wild accusations, and unverified allegations. Complex issues of state are wrapped in slogans and cliches. Dogmatic statements are issued as if they were the final truth. You should carefully examine the facts. Don't blindly follow courses of action suggested by extremists. Don't get involved in a cause just because it seems "fashionable" or the "thing to do." Rational discussion and rational analysis are needed more than ever before.

4. They'll try to envelop you in a mood of negativism, pessimism, and alienation toward yourself, your school, your Nation. This is one of the most insidious of New Left poisons. SDS and its allies judge America exclusively from its flaws. They see nothing good, positive, and constructive. This leads to a philosophy of bitterness, defeatism, and rancor. I would like you to know your country more intimately. I would want you to look for the deeper unifying forces in America, the moods of national character, determination, and sacrifice which are working to correct these flaws. The real strength of our Nation is the power of morality, decency, and conscience which rights the wrong, corrects error, and works for equal opportunity under the law.

5. They'll encourage you to disrespect the law and hate the law enforcement officers. Most college students have good friends who are police officers. You know that when extremists call the police "pigs" they are wrong. The officer protects your rights, lives, and property. He is your friend and he needs your support.

6. They'll tell you that any action is honorable and right if it's "sincere" or "idealistic" in motivation. Here is one of the most seductive of New Left appeals—that if an arsonist's or anarchist's heart is in the right place, if he feels he is doing something for "humanity" or a "higher cause," then his act, even if illegal, is justifiable. Remember that acts have consequences. The alleged sincerity of the perpetrator does not absolve him from responsibility. His acts may effect the rights, lives, and property of others. Just being a student or being on campus does not automatically confer immunity or grant license to violate the law. Just because you don't like a law doesn't mean you can violate it with impunity.

7. They'll ask you to believe that you, as a student and citizen, are powerless by democratic means to effect change in our society. Remember the books on American history you have read. They tell the story of the creative self-renewal of this Nation through change. Public opinion time after time has brought new policies, goals, and methods. The individual is not helpless or caught in "bureaucracy" as these extremists claim.

8. They'll encourage you to hurl bricks and stones instead of logical argument at those who disagree with your views. I remember an old saying: "He who strikes the first blow has run out of ideas." Violence is as ancient as the cave man; as up-to-date as the Weatherman. Death and injury, fear, distrust, animosity, polarization, counter-violence—these arise from violence. The very use of violence shows the paucity of rational thought in the SDS, its inability to come up with any intelligent critique of our society.

Personally, I don't think the outlook for campus unrest this year is as bleak as some prophets of pessimism proclaim. The situation at some colleges is serious, but certainly not hopeless.

Along with millions of other adults, I'm betting on the vast majority of students who remain fair-minded, tolerant, inquisitive, but also firm about certain basic principles of human dignity, respect for the rights of others, and a willingness to learn. I am confident our faith has not been misplaced.

THE BEST ADVICE I EVER RECEIVED

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SCHWENGEL. Mr. Speaker, in a column entitled "The Best Advice I Ever Received," Maj. Gen. Joseph G. May, adjutant general of Iowa wrote the following.

This is an excellent, reflective dissertation from which all could benefit. I encourage all my colleagues to read it:

THE BEST ADVICE I EVER RECEIVED

When I was appointed a second lieutenant, I received the following advice from my first battalion commander (Col. Charles Radosevich, deceased), which I have used as a guiding principle during my military career:

"As a leader of men you will never be more than their evaluation of you, and it is that evaluation that will be your real efficiency report. The individual soldier has a very sensible view toward leadership. From most of them you can expect courage to match your courage, guts to match your guts, endurance to match your endurance, motivation to match your motivation, esprit to match your esprit and a desire for achievement to match your desire for achievement.

"You can expect a love of God, country and duty to match your love of God, country and duty. They won't mind the heat if you sweat with them. They won't mind the cold if you shiver with them.

"From time to time you'll receive orders appointing you to a command, but remember this . . . There are no orders, no letters,

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no insignia of rank that can appoint you a leader . . . Leadership is an intangible thing. Leaders are made . . . they are not born . . . and leadership must be developed within yourself.

"You can't wear leadership on your sleeve, shoulder, cap or calling card . . . be you a lieutenant now . . . or a higher rank in years to come. You've got to convince the men in the ranks of this fact . . . and they'll meet you more than halfway.

"You don't accept troops . . . They were there long before you got there . . . They accept you . . . and when they do you'll know.

"It won't be with a beating of drums or the waving of flags . . . nor can you expect to be carried off the drill field on their shoulders. But maybe it will be something as subtle as someone raising a canteen cup of beer at a company party and saying, 'Lieutenant, you're O.K.' . . . Just that . . . and nothing more. Then you'll know you've passed the test."

SPEECH OF HON. DURWARD G. HALL

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. CARTER. Mr. Speaker, on Monday, September 21, 1970, U.S. Representative DURWARD G. HALL spoke to the members of KEMPAC, Louisville, Ky. His remarks were appropriate; they covered the spectrum of medical needs of our country and also proposed developments in the medical field. I commend them for your perusal:

SPEECH BY REPRESENTATIVE DURWARD G. HALL

I thank you so much for your kind words of introduction, after hearing myself so eloquently eulogized, I feel that the only decent thing left for me to do is to expire.

Seriously, it goes without saying that I am more than pleased to be with you this evening. Your State of Kentucky has contributed so much to the history of this Republic, that I always look forward to my visits.

Kentucky gave us Churchill Downs and the run for the roses. Kentucky gave us the baron of basketball, Adolph Rupp. Kentucky gave us great statesmen like Abe Lincoln, Henry Clay, and Jefferson Davis.

It was Kentucky's Alben Barkley who teamed with Missouri's Harry Truman to pull off the political upset of the century.

And, of course, I would be remiss if I did not pay tribute to another great Kentuckian, a man who coined a phrase that ranks with "I've just begun to fight", and "don't give up the ship." I refer to those imortal words that ring throughout the land, "It's finger lickin' good", by Colonel Sanders. Bourbon, my ancestors and AMA friends—Ingram and Long—Joe Sandford and Tim Lee Carter.

All joking aside, I would like to spend the remainder of my time discussing what I deem to be the proper role (if *any*), for the Federal Government in the area of health insurance.

There is little doubt that the concept of national health insurance is being built into a major issue for the 1972 presidential and congressional elections. More than 300 bills suggesting changes in medicare and medicaid have already been tossed in the hopper during this session of the Congress.

As of now, the health care "sweepstakes," counts at least six major entries in the field, with more in various stages of development.

There is the AMA "medicredit" bill, the UAW-Kennedy proposal, one by Governor Rockefeller, another by Senator Javits, Congresswoman Griffiths has another, and the list goes on. *Even I* am going to offer an idea or two that could possibly end up as a compromise version of all.

To date, of all the plans that I have had an opportunity to review, the AMA's "medicredit" appears to be the most preferable, mainly because it neither disturbs the medical care system, but properly improves it, nor does it displace the in-being insurance industry with a federally operated program.

The AMA's proposal is designed to encourage all people to be protected against illness through health insurance policies. They would hope to achieve this end by a system of tax credits.

The AMA has suggested that all families having an income tax liability of $300 per year or less, be given a certificate that could be used to pay health insurance premiums. This certificate would buy a policy from the private carriers, with certain specifications on what the policy would have to provide. Those families with larger income tax liability would have available an income tax credit. The resulting benefit would be 100 percent of the health insurance premium when the income tax liability is $300 or less. The benefit-ratio would then grade downward for persons with higher income tax liability.

The acceptable *minimum* health insurance policy for those with income tax liability of more than $300 would be similar except that a system of cost-sharing would be permitted.

The cost of the AMA's plan has been estimated to run something like $10.2 billion per year, to the Federal Government. If this plan were to be adopted, the elimination of *medicaid* would result in a savings of $2.6 billion, giving a net cost of about $7.6 billion. There are those who say that the figure is too low, and that the cost would probably run considerably higher. I might add that, historically, the House has not dealt favorably with "tax credit" plans.

Incidentally, the AMA plan would incorporate a proposal for *peer review*, by the *State* medical societies.

Most of the national publicity in the health field of late has been focused on the so-called "committee of 100" proposal. This plan, introduced in the Senate by Teddy Kennedy, is the brainchild of the late Walter Reuther, and is the most sweeping, and expensive of all. I might add that in my opinion it is also the *worst*.

This plan, national in scope, would apply to all residents of the United States. The benefits provided would be most comprehensive, and would have few limitations, and cost sharing provisions. The benefit structure would be so devised as to strongly favor comprehensive *group practice prepayment plans,* and to discriminate *against* individual practitioners.

Among the services to be provided *without cost sharing* would be:

Hospital, nursing home (except for a 120 day maximum per illness), physicians' services, drugs, dental up to 15 years of age, even eyeglasses and ambulances. The list is almost without end.

The various providers would be reimbursed in a manner that would strongly control costs; in essence, by a "strait jacket" method. The total funds available, after first using 2 percent to 5 percent for developing group practice prepayment plans (GPPP's) would be *apportioned* on an *"appropriate"* basis to the ten regions of the Nation. The money available in each region would then be apportioned to the various institutional providers of services on a "cost" basis based on *advance* budgeting. Whatever money would be left over, would be divided up among those physicians not in the GPPP's, or agreeing to provide services on a capitation basis in proportion to their charges.

The Kennedy-UAW Committee for National Health Insurance, now chaired by Leonard Woodcock, the new president of the United Auto Workers, would be financed from three sources. 35 percent by employer payroll taxes (on total payroll, without a maximum taxable earnings base): 25 percent by contribution of individuals, at a uniform rate on the first $15,000 of earnings and other income; and 40 percent from general revenues, that's you—the taxpayer! In other words, the Federal Government subsidy would be equal to two-thirds of the combined employer and individual taxes. Total cost of this package has been conservatively estimated to be a "whopping" $40 billion annually to the Federal Government, and that figure may be way too low.

Now, I have offered *another* plan, that would, I think, do the job that has to be done correctly as need be, while at the same time holding down the cost.

As one of the three physicians in the House of Representatives, I have long been concerned with the health of the American people, and legislation proposed to the Congress to deal with it. Recently, I have felt it incumbent on me to offer legislation based on my personal knowledge of the field of medicine, and that legislative expertise (if I may use the sophisticated term), that I have gained from ten years in the Congress.

I now have on my desk a bill which I will soon offer that is designed to serve a *two fold* purpose. It will provide for those who are unable to provide for themselves, and will also assist those who *are* able to meet their health care responsibilities; yet run the risk of being "wiped out" should an extensive *catastrophic* illness or injury occur.

First, let's examine part I, which is directed toward the "medicaid" type recipient. This part will in fact do away with the *medicaid* program should it be enacted.

Research has shown that the average cost, per individual, paid out by *medicaid*, is in the neighborhood of $400 per person, per year. Let me stress that this is the *national average,* the figure is arrived at by simply dividing the total number of people receiving public assistance (about 1 million), and dividing by the amount of money paid out, which is about $4.5 billion. Of that $4.5 billion (60 percent), was the *Federal share,* with the remainder paid by the states.

For these individuals, my bill specifies that the Federal Government will purchase for them an insurance policy, from the regular, established, private, insurance companies. This *would mean* of course, that the Government would keep up the premiums.

In order to preserve the Federal-State relationship, *the States would* participate in the program, whenever the recipient used up the benefits provided in his federally furnished policy. This would mean that the States would assume the financially devastating, but rare expenses of the catastrophic cases (injury as well as disease), based on the $400 national average figure, the States share would be roughly 15 percent.

Figuring prominently in such a plan would be the eligibility requirements. They would, quite naturally, be based on the economics, definition, and cost-of-living figures, of the area in which they lived. Where living is high such as New York, the eligibility requirement might be as high as $4,500 for a family of four. Where the living is a bit easier, it could be as low as $2,600. In all probability, an average national amount of about $3,500 would emerge. (That will get you on the federally established poverty roles anyway.)

I feel that the States would be more than willing to go along with a proposal such as this for three reasons:

1. It would *cost them* considerably *less* in "pay out" than they are spending. Now days most all State governments are singing the economic "blues."

2. They could *plan,* budget, and appropriate for it much easier. They would have a pretty accurate and dependable basis on which to calculate and work.

3. The States would be acting in their *tra-*

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ditional role of assuming long term care such as tuberculosis, mental illness, etc.

Although the Federal share would be increased by about $1 billion annually, the Federal Government should be agreeable to such a plan because sudden fluctuations and vagaries would be eliminated. It would improve planning and budgeting, if nothing else. It would avoid big State "steals"!

As far as national health coverage is concerned, part II of my bill involved itself in that area by offering assistance to those who are financially able to purchase their own health plan, but could find themselves in financial difficulty in the event of a *catastrophic illness*.

Research has shown that the average *quality* health insurance policy gives protection of up to about $5,000. That assures the *average* beneficiary of good *quality* care. However, they can become vulnerable when those dollars are used up. The daily newspapers frequently point up examples of such occurrences. If these individuals are to be included, it will require a financial contribution on their part, albeit an insignificant amount. Remember, as you medical doctors know best, the catastrophic case is relatively *rare,* exceptionally costly to the family—even to the point of ruinous accidents, living vegetable cases, and chronic illness, but *most* publicized; yet percent least part of medical expense.

1. For those who contribute to social security, there would be an additional .4 percent placed on their taxable earnings. This amount paid by the individual worker, would total something like $40 a year if he was in the $10,000 bracket.

2. Those who are not in the social security framework would pay, on their income tax return, .4 percent of their taxable earnings.

3. All persons with gross non-earned income in excess of $2,000 would pay on their income tax return, .4 percent of those earnings. There would be the proviso, that no one individual would pay more in total, than .4 percent times the maximum taxable earnings base under social security.

I have been given estimates that about $2.5 billion could be collected annually under such a system.

This money would be placed in a "pool" from which the Social Security Administration would be able to reimburse 90 percent of the medical expenses per family, in excess of either $5,000 annually *or,* if larger, 25 percent of the gross income.

For individuals 65 and over, because of their "medicare" protection, the benefit would be 90 percent of the medical expenses (per family) actually paid by the individual (or family) in excess of either $1,000 annually or, if larger, 25 percent of the gross income. In other words, a Part I Medicare policy is now worth approximately $4000 annual when used to maximum.

All government efforts to date have been directed at *first* medical dollar coverage, with the relatively large administrative costs involved in processing small claims, that eat away at the substance of the program. *My aim,* is to protect the public from disastrously *high* costs, and at the same time, give meaningful relief to those hardest hit by extensive medical expenses, while making the greatest possible use of the dollars available.

It appears that the time is fast approaching when drastic changes in the nation's health programs will be brought about by the Congress. The programs offered to date from the *socialistic* Kennedy-United Auto Workers Committee for National Health Insurance proposal costing $40 billion annually, to the AMA's package tabbed at $7.6 billion. Mine is still under all, estimated at about $4.6 billion.

It is important that the initiative be taken by *responsible* people, lest we find ourselves "waiting at the church" while some "glib talking, irresponsible, socialist-oriented, super salesman," foists off another unworkable ill-advised, and costly piece of legislation on the American people. It is my intention to do my utmost to keep such a travesty from occurring, and I suggest that you do the same.

In a little more than a month, a most important election will be held. Let me recommend that before you go to the polls, you look carefully into the qualifications of the individual whom you intend to support, and more importantly, where he stands on the issues of the day. This is elementary to casting any vote, but it must be said over and over. A.M.P.A.C. and K.E.M.P.A.C. gentlemen, as far as the health of the people of this republic is concerned, we must be able to make the best deal possible. For the nation, the States, the family, and the needy individual. We must do it prudently and unemotionally. I am speaking of quality health care for all people, not just those in absolute need. Certainly not for the greedy! The time for action is now. I hope we are up to the task.

PURPOSEFUL ACTIVISM

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. BURTON of Utah. Mr. Speaker, while a minority of our young people are out protesting, the majority of our young Americans are engaged in a motley assortment of worthwhile projects. These young people should be given credit for committing themselves to such admirable social service projects as: tutoring, recreational programs in nursing homes, work with mentally retarded, and sundry community action programs. These industrious young people should be recognized in this time of news-grappling radicals. I submit to the RECORD an article praising productive "student activism":

[From the Provo (Utah) Daily Herald, Sept. 18, 1970]

CONSTRUCTIVE STUDENT EFFORT

Students who participate in campus demonstrations are far outnumbered by those taking part in constructive activities aimed at improving conditions in the community around them.

A survey of the 101 universities holding membership in the National Association of State Universities and Land-Grant Colleges reveals that student involvement in social service projects will be at an all-time high this fall.

Activities have expanded to the extent that many campuses have set up centralized offices to match student volunteers with community needs.

Rutgers University, for example, has appointed a community development specialist who will take over the coordination of student volunteers this fall. North Carolina A&T University has set up a similar position.

Other universities with central offices for volunteer placement include Pennsylvania State University, the University of Kansas, the University of California at Irvine, Clemson University, Delaware State College and the University of Arizona.

In addition, new courses, many of which call for community service as part of their requirements, are also springing up.

Some examples of the "new activism":

At Michigan State University 10,000 students (one out of every four MSU students) worked through its Volunteer Program Office last year.

At the University of Illinois, 800 students assisted 40 different community agencies in a variety of projects, including tutoring, recreation work and programs in nursing homes, mental health and retardation.

At the University of California in Santa Barbara, 3,000 students donated nearly 160,000 hours in community service.

At Michigan State University, students opened a 24-hour refuge center, "The Raft," where juvenile runaways could come for shelter or just to "rap"—talk—with someone who tried to understand them. A student agency at the University of Colorado has a "rapline" people can call when they need help.

At Montana State, architect students are helping Blackfeet Indians plan community buildings and University of Connecticut students are taking performing artists and exhibits into prisons to interest prisoners in vocational or avocational opportunities in the arts.

The list is a long one—at least 101 universities long. It's something to keep in mind to balance against the news telling of the latest campus riot.

"NATIONAL WOMEN IN EDUCATION DAY"

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. BELL of California. Mr. Speaker, I have introduced today a resolution calling upon the President to designate the first day of November each year as "National Women in Education Day." In a time of vigorous public debate over issues of public importance, the great majority of our Nation's women are pursuing educational and community service goals which will better enable them to exercise their franchise and the leadership which they have gained through responsible use of their vote.

In an effort to encourage women to continue their educational pursuits, Aware International—Association for Women's Active Return to Education—has offered scholarships for both part-time and full-time study to women beyond the usual college age. This year, Aware International is celebrating its 50th year of distinguished service and activity.

In addition, its members are joining the celebration of other anniversaries of importance to women this year including the 50th anniversary of women's suffrage.

It is a privilege to contribute to this effort by commending to my colleagues the resolution calling for observance of "National Women in Education Day."

JOINT RESOLUTION

Authorizing the President to proclaim annually the day of November 1 as "National Women in Education Day."

Whereas, it is recognized that a complex, technological society such as the United States requires expanded knowledge, acquired both formally and through experience, by all its citizens;

Whereas, the genius and skill of our Nation's youth is dependent in great measure upon the wisdom and technical knowledge of the Nation's women during the critical formative years;

Whereas, historically women have had less opportunity than men to participate to their own full educational potential;

Whereas, the women of this Nation have continually and persistently, at a cost of great personal sacrifice in many instances, expended energy, money, and time in acquiring advanced education from the Nation's great institutions of learning;

Whereas, further achievements by women will be encouraged by recognition of the contributions of the educated women of this Nation; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the first day of November as "National Women in Education Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

SAN DIEGO BAY MODEL FOR THE UNITED STATES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DINGELL. Mr. Speaker, the September 25, 1970, issue of the New York Times carried an excellent article by Mr. E. W. Kenworthy on the effort to clean up San Diego Bay. Mr. Kenworthy's article makes it clear that our water pollution problems can be resolved if we but utilize the knowledge and technical means which are at hand.

So that my colleagues may have an opportunity to read this article, I include it at this point in the RECORD:

SAN DIEGO CLEANS UP ONCE-DIRTY BAY AS MODEL FOR UNITED STATES

(By E. W. Kenworthy)

SAN DIEGO.—In this sea-washed city where the sun shines an average of 353 days a year and the mean high temperature of the coldest and warmest months varies by only 14 degrees, autumn comes imperceptibly.

The warm waters of San Diego Bay are blue and sparkling and clear. They are also clean—with a purity well above the antipollution standards set by the State of California.

As recently as the summer of 1963, however, the bay was not blue. It had a brownish-reddish cast, imparted by the proliferation and death of phytoplankton, the salt-water equivalent of the algae that is causing the eutrophication of so many fresh-water lakes.

The transformation from the 1963 condition was cited last month by the President's Council on Environmental Quality as one of the two outstanding examples in the nation of water quality recovery by a municipality. The other example, cited in the council's first annual report, was Seattle's cleanup of Lake Washington.

These two cities have demonstrated that waters receiving sewage can be cleaned up by a combination of aggressive and imaginative leadership by a few citizens and a willingness by the electorate to pay off the bonds. In Seattle the charge is $2 a month per household; in San Diego it is $1.50.

LITTLE FEDERAL HELP

Both cities undertook the job long before environmental decay became a national issue, and they finished it with almost no Federal subsidies. The Federal Government contributed about $8.5-million to Seattle's $145-million program and about $2.5-million to San Diego's $60-million program.

San Diego Bay is a crescent-shaped basin 15 miles long and one-quarter to 2½ miles wide, with a single outlet to the Pacific at Point Loma. It is the home port for one-fourth of the Navy's active ships and 100 tuna fishing vessels and is a port of call for about 700 commercial ships a year.

On weekends the bay is dotted with white sails and churned by the wake of power boats. The bayside beaches opposite the United States Naval Station, where aircraft carriers, cruisers and destroyers are berthed, are crowded with swimmers and water skiers. The sea-walls of harbor and shelter islands are lined with fishermen.

Posh motels have recently been constructed on harbor and shelter islands.

In 1963, though, the plankton "bloomed" wildly as a result of the nutrients—phosphates and nitrates—supplied by the sewage that was dumped into the bay from San Diego and its suburbs. The sewage discharge had risen from 37 million gallons a day in 1951 to over 60 million gallons a day. Most of the sewage received inadequate primary treatment (the settlement of solids) from a single, overloaded plant. The City of Coronado was dumping into the bay 2.5 million gallons of raw sewage a day, and the Naval Amphibious Base was dumping 200,000 gallons.

In addition, there were 3.7 million gallons a day of industrial discharges, mostly from tuna canneries and a kelp processing plant, plus an undetermined amount from naval and commercial ships.

PLANKTON DECOMPOSITION

The oxygen in the bay waters was consumed not only by these sewage and industrial wastes but also by the decomposition of plankton after death.

Water clarity—as measured by the distance from the surface that an eight-inch disk can be seen—was an average of six feet and was down to one foot in some areas.

Along one stretch of the waterfront in the central city, solids had formed a sludge mat on the bay floor 900 yards long, 200 yards wide and seven feet deep.

Most serious of all, from a public health viewpoint, was the density of coliform bacteria. In 1956, because of an alarming increase in the coliform density, San Diego, Coronado and the Naval Amphibious Base were ordered by the state's Regional Pollution Control Board at San Diego to chlorinate sewage discharges. While this emergency program reduced coliform intensity in some areas, it was not able to keep up with the city's increased discharge, and in some areas the count was 10 times the permissible level. Several beaches were quarantined.

The prelude to the San Diego success story was long, arduous and often disheartening. It began in 1949 when the State Legislature passed a water pollution control act, providing for nine regional pollution control boards to be appointed by the Governor.

The San Diego regional board was set up in 1950, and two men immediately stood out as leaders. They were Dr. J. B. Askew, the county health officer, who served for 19 years, 13 as chairman; and the late Harold E. Miller, a sanitary engineer who was the board's first executive officer and who later became executive officer of Seattle's metro sewerage system.

In 1952, the board employed the State Departments of Health and Fish and Game to make environmental studies of the bay. They revealed dangerous bacteriological concentrations, oxygen depletion and sludge deposits.

The same year a team of three engineers hired by San Diego County at the instigation of the regional board prepared a study of sewage disposal needs.

The engineers, Mr. Miller and the regional board all agreed that the problem could only be dealt with on an area basis; that interceptors should be built around the bay leading to a primary treatment plant on the ocean side of Point Loma, and that the treated effluent should be dumped far offshore in deep water through diffusers—openings in the pipe that would scatter the discharge.

In 1953 the city and county accepted the engineers' recommendations. The city decided that it should finance, construct, operate and own the core facility and negotiate contracts with surrounding incorporated suburbs and sanitary districts for tie-ins to the system.

NEW SITE IS SOUGHT

In 1954 the city went to the voters with a $16.5-million bond issue. There was no significant political or industrial opposition to the project because it was obvious the bay was so grossly and dangerously polluted that, as Dr. Askew said in a recent interview, the system either had to be enlarged or a whole new system had to be built.

Nevertheless the bond issue was defeated. Dr. Askew attributed this to three things—first, many people thought the planned plant on Point Loma was too close to a residential area; second, there was considerable opposition to the plan for paying off the bonds through an ad valorem property tax rather than by a standard monthly charge for each household, and finally, the inclusion on the ballot of a referendum on fluoridation of drinking water helped to defeat the sewerage bond issue.

As a result, the city spent $100,000 a year over the next five years for oceanographic and biological studies with the hope of finding an alternative site. Another engineering concern was engaged in 1958 to prepare a new plan.

By this time, the situation in the bay had become so bad that, despite emergency chlorination programs, the beaches had to be put under quarantine and the Navy issued warnings to all personnel about bodily contact with bay water.

The new engineering report moved the plant almost to the end of Point Loma. Where the old plan would have run the outfall only 7,500 feet into the ocean at a depth of 125 feet, the new plan called for discharge 11,450 feet—over two miles—from shore at a depth of 200 feet through two Y-shaped diffuser legs, each 1,368 feet long.

In 1960, the voters overwhelmingly approved a $42.5-million bond issue. Construction began in 1961 and the system began operating Aug. 15, 1965. The system now serves seven cities and six sanitary districts and all the naval shore installations.

The final cost of the core system was $51-million, and, with ancillary projects, the total cost was $60-million. The metro now serves a population of about one million; it is designed to serve 2.5 million.

The results of the project were prompt, according to Dennis A. O'Leary, executive officer of the San Diego Regional Water Quality Control Board.

FROM BROWN TO BLUE

"Almost immediately," he said in a recent interview, "remarkable change occurred. We had expected slow improvement, but the bay quickly began to clear as if there had been a few, great tidal flushings. Where the bay had been brown and red, it became blue and sparkling."

The phytoplankton disappeared at the outset. As early as April, 1964—eight months after the system began operating—sculpin, sole, sand bass, steelhead trout, silver salmon, bonefish, black sea bass, barracuda, bonito, yellowtail, octopus, shark, seal and porpoise "were swarming back into the bay," according to a 1965 report by the United States Public Health Service.

Dissolved oxygen is now at safe levels, water clarity ranges from 10 to 30 feet and the

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sludge beds have been cut in half. Most important, coliform density has decreased so that the beaches are now safe for swimming, although it remains high near naval piers where ships continue to dump raw sewage.

The discharge of sewage, galley and laundry wastes from naval ships and of toxic industrial wastes from the North Island Naval Air Base is the biggest remaining problem in the cleanup of the bay,

The Navy in 1968 announced a five-year, $253-million plan to eliminate raw discharge from vessels. Congress, which must appropriate the funds said in this year's Water Quality Improvement Act that all boats—naval, commercial and pleasure—must be fitted with waste disposal devices.

Outside the Navy, the most troublesome industrial wastes come from Kelco, a kelp-processing plant, and from tuna-packing plants. But a tie-in with the metro system is expected to be completed within a year.

A year ago an official from the Federal Bureau of the Budget asked Dr. Askew, "What institutional mechanisms did you employ to get this cleanup of San Diego Bay?"

Dr. Askew smiled and said: "We said to the people of San Diego, 'you regard yourself as a high-quality community, then let's have a high-quality response to your problem."

A STERN DRUG BILL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. MONAGAN. Mr. Speaker, the response to the passage of the new drug bill has met with an extremely favorable public reaction.

People are increasingly dismayed about the growth and depth of the drug problem and the evidence that the Congress is deeply concerned about this matter and seeks to provide legal means of coping with it has been received with general approval.

An excellent analysis of the bill appeared in the Waterbury, Conn., Republican on September 29 and this editorial describes the bill so clearly and conveys its message so completely that I am happy to reproduce it here for the benefit of my colleagues.

Let us hope that with the passage of this bill we have constructed a foundation upon which we can build a competent system for controlling the traffic and illegal use of drugs. The article follows:

HOUSE VOTES STERN DRUG BILL

Responding to the menacing drug crisis in the nation, the House has passed a bill by a 341 to 6 vote designed to impose stiffer penalties on narcotics traffic but with reduced penalties for users. The legislation, which is similar to that passed by the Senate last January, should provide additional impetus for controlling drug abuse while relaxing punitive sentences for the unfortunate user.

The differences between the House and Senate will be reconciled by a joint conference committee. One important measure incorporated in the House bill is the muchly debated "no knock" provision. This gives federal agents with warrants permission to break into homes or offices if they believe those inside would destroy illicit drug supplies if notice were given.

The "no knock" provision has been opposed on the basis that is is a violation of privacy. The limitation placed on the provision by restricting the privilege only to federal narcotics agents who must first obtain a search warrant makes it unlikely that it will be misused or abused. A surprise entry and search is often the only way narcotics agents can obtain evidence of drug pushing.

The bill reduces possession of narcotics for one's own use from a felony to a misdemeanor, but stiffens punishment for those convicted of distributing drugs for profit. Pushers who can be connected with the Mafia or other syndicate drug peddling will draw extra-long sentences.

The House bill wisely differentiates between the unfortunate user and the profit-motivated pusher, who indiscriminately destroys lives through distribution of his pernicious wares. Stern application of the search and punitive powers incorporated in the bill should do much to curb the drug traffic which has reached epidemic proportions in this country.

AWARD-WINNING SHAKER HEIGHTS HIGH SCHOOL PRESENTATION OF EURIPIDES' "THE TROJAN WOMEN"

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. VANIK. Mr. Speaker, although the August recess provided an opportunity for Members to return to their congressional districts and work on local problems, it unfortunately prevented the House from having an opportunity to see the performance in Washington of Euripides' "The Trojan Women," staged in the Nation's Capital by the drama department of the Shaker Heights, Ohio, High School of my congressional district.

The Shaker Heights High School drama department, under the brilliant directorship of Mr. John C. Barner, presented the play—by invitation—to the National Convention of the American Educational Theatre Association which met at Gallaudet College on Sunday evening, August 23, at 8:30 p.m. It was my hope that if Congress had been in session, an additional performance could have been given in one of the caucus rooms of the House Office Buildings for Members and staffs as a demonstration of what creative drama work can be performed at the high school level by a high quality educational system.

I was privileged to be present for the Washington performance at Gallaudet College. It was an exciting and stimulating experience.

The 58 Shaker Heights High School students in the play spent much of the summer working at odd jobs on the East Side of Cleveland to raise the money to come to Washington to present the play. The students, together with a parents' advisory committee raised a total of some $3,000 necessary to obtain the two buses, scenery truck, and cover room and board in Washington. In sum, the sending of the students to Washington was a total community effort—and an effort the community can well be proud of.

The excellence of the Shaker Heights presentation is just another example of the work of this remarkable school district. Just 2 years ago, Lomond Elementary School in the Shaker Heights system was rated as one of the 10 best primary schools in the Nation. Several weeks ago, it was announced that the Shaker Heights High School had more National Merit Scholar winners than any other school in the State of Ohio and, with 36 winners, probably established an all-time record in Ohio.

I believe that the quality of the production and the work which went into it can best be seen by in the words of the students and faculty themselves.

Printed below is a fact sheet about the play, about the translator, Mr. Henry A. Strater, teacher of Greek and Latin at Shaker Heights High, and the director, Mr. Barner.

I wish to congratulate the entire Shaker Heights school system for its successful educational endeavors.

I might add, Mr. Speaker, that I am sure that the fine tradition of the Shaker Heights system will continue and I would be more than happy to match the Shaker drama department from my congressional district against any other in the country.

FACT SHEET—THE TROJAN WOMEN—SHAKER HEIGHTS HIGH SCHOOL DRAMA DEPARTMENT

(About the play: From Thucydides' "History of the Peloponnesian War," as presented by Miss Agnes Knight, Classics Instructor, Shaker Heights High School.)

"The Trojan Women" was written at a time when the streets of Athens were filled with thousands of women and children to be sold in the slave markets.

The year before the Athenians had sent an embassy to the little island of Melos, a neutral area, demanding that it submit to Athenian control. They needed it for strategic purposes in their struggle against Sparta. The people of Melos did not wish to give up their liberty. The Athenians in the hands of the war party, crushed the little island, killed all the men, and brought back the women and children as slaves. Thucydides, the historian, regards this action as a crime of war, with no excuse for this inhumanity. Melos fell in 416 B.C. The following spring the fleet of the sackers of Melos was sent out against Syracuse in Sicily. "The Trojan Women" was presented in Athens at the same time. Two years later the whole Athenian fleet was destroyed.

Euripides does not mean Melos when he says Troy. The story is of the Trojan War. Strife, hatred and trouble are forecast in the speeches of Cassandra, and Poseidon promises destruction of the fleet of Menelaus, Ajax, and Odysseus.

Yet Euripides' heart was filled with compassion for the suffering women and children in the slave markets of Athens. Their crying and their pitiful small desires inspired "The Trojan Women." There is little desire for revenge in the play. It is a crying, a presentation of the suffering caused by war.

The Athenians, after the destruction of their own fleet, in the midst of their own anger and turmoil at home, looked upon Euripides with hatred. Had he cast an evil omen on them? They knew that his play represented their own times (all times?) as well as the Trojan War, and so they forced him into exile. Otherwise he would have met the fate of Socrates—the hemlock cup.

ABOUT THE TRANSLATOR

Mr. Henry A. Strater, the translator, is a teacher of Latin and Greek at Shaker Heights

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High School. He is married and has two children, ages 1½ and 3. At his age of 35, he has a Master's Degree in Classical Language from John Carroll University and a similar degree in English from Case Western Reserve Unity, both in Cleveland. Beginning in September, 1970, he will be on a sabbatical leave from Shaker Heights High School to complete his Ph. D. in Classical Languages from Ohio State University.

QUOTE FROM "TRANSLATOR'S NOTE"

Several years ago Mr. John Barner suggested that I work out a fresh translation of Euripides' "Trojan Women." His arguments were both that I had some experience in acting and directing amateur theatricals and that I knew classical Greek. We agreed that any new translation had to fulfill two conditions: it had to be faithful to the spirit and ideas of the original, and it had to be playable and understandable.

As I worked on the translation, we decided on several things which may appear strange when this new translation is compared to others: assignment of lines to the chorus, use of a small men's chorus, modernisms, colloquialisms, the simplification of names, and the absence of many geographical allusions . . . .

Thus, our translation has accomplished its aims: it is as clear as possible for the audience to understand, yet it is true to the spirit, and for the most part, even to the letter of Euripides' original.

About the director:

The director of "The Trojan Women," John C. Barner, is the head of the drama department of Shaker Heights High School. He holds a Master of Fine Arts Degree in Drama from Carnegie-Mellon University and has taught at Shaker for nine years. In 1959 he was elected the first Director of the Secondary School Theatre Conference, a new division of the American Educational Theatre Association. Ten years later, 1969, he was given The Wally Peck Memorial Award by the Secondary School Theatre Conference for "outstanding service to Secondary School Theatre" at their convention in Detroit. He and his wife, Agnes, will be attending the AETA Convention at the Washington Hilton while his students present the play for that Convention.

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THREE ARTICLES OF NATIONAL INTEREST BY DR. STEFAN T. POSSONY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. ASHBROOK. Mr. Speaker, the CONGRESSIONAL RECORD of September 22 carries a series of articles by Dr. Stefan T. Possony on various national issues of topical importance. As indicated at that time, Dr. Possony is presently the director of the international political studies program at the Hoover Institution on War, Revolution, and Peace at Stanford University. During World War II, he served with the French Foreign and Air Ministries, and upon coming to the United States in 1941, he joined the Institute for Advanced Studies at Princeton. Later he served with the Office of Naval Intelligence, was on the faculty of the National War College in Washington, D.C., and in 1955, he became an associate of the Foreign Policy Research Institute at the University of Pennsylvania. Dr. Possony has testified over the years before various congressional committees and has taught courses on communism, psychological warfare, geopolitics, political philosophy, and on strategy and revolution in the 20th century. The author of many books on historical and military subjects, he is in addition the strategy and military affairs editor of the American Security Council, a research and educational association dealing solely with issues affecting our Nation's security.

The following articles on the use of propaganda, aspects of military victory, and reflections on international law are both topical and informative which, of course, comes as no surprise when reflecting on Dr. Possony's extensive background and scholarship:

PROPAGANDISTS AND PROPAGANDA CARRIERS

We did a good job defending ourselves against nazi propaganda but during the current era Americans appear to be highly confused by such problems as propoganda detection and defense against propaganda. In academic curricula propaganda is no longer given the attention it received in previous years. Newspapers have de-emphasized factual news reporting and they report but rarely on communist propaganda campaigns against the United States.

Let us look at the structure of organized propaganda.

An organized propaganda effort is run by a small number of professionals operating like orchestra leaders. It is successful when large numbers of publicists freely take over parts or all of the propaganda messages and distribute them through the media and if, furthermore, the audiences accept those messages and communicate them to their friends.

"Organized music" needs composers, talent agents, orchestra administrators, conductors, soloists, orchestra instrumentalists, audiences, publicity agents, and media such as concert halls, radios and records. Organized propaganda is structured in a similar manner.

The originators and planners of the propaganda effort are performing like a general staff and they are directing regional and local staffs.

Communists propaganda operators have at their disposal their own media (e.g. the communist press and international broadcasting), and they have contacts in the media owned by non-communists. Some of those contacts are dedicated overt and covert communists, and others are sympathizers and non-communists that can be influenced on certain issues. The propaganda organization also has at its disposal communicators (e.g. writers) who have access to certain media and who may be overt or covert communists or sympathizers, or professionals for hire.

Communists propaganda directives may originate in party congresses and conferences, the central committee of the CPSU and of other parties, and the speeches and writings of prominent leaders within the International Communist Movement. Many directives are announced openly and the "general line" is usually announced by a CPSU Congress speaking for the International Communist Movement (or at least for its soviet controlled wing).

The operational meaning of those directives is understandable to those who master communist semantics. It is invariably misunderstood by those texts naively.

There also are secret directives which by different methods are transmitted through secret channels.

The formulators of communist propaganda in the field may invent their own themes and arguments, and they make full use of previous experiences. They are apt to continue and sharpen campaigns which proved successful and to take over and adapt appeals which were used effectively by non-communists.

Communist propaganda has been extraordinarily steady and repetitive. It is designed to drive home a limited number of simple and seemingly plausible points and through those points change the "categories" or the framework of political thinking. The basic ideas have been driven home indefatigably for half a century.

However, the communists display great ingenuity in adapting their basic message to changing "concrete" conditions in their numerous target countries and groups. They accept contradictions and they insist on constant renewal of the "packaging" and the semantic refinement of their messages. They also are adapt at the art of variation. Now campaigns are launched frequently to stimulate and keep audience attention. Faithful disciples of Lenin, the communists are excellent sloganizers.

Propaganda is always transformed into agitation, i.e. live and burning issues. And "agit-prop" serves to recruit and organize, whereupon the enlarged organization intensifies its psychological operation.

Originally communist propaganda was easily recognized because of its over-use of Marxist-Leninist terminology. Since 1935, however, when the Communist International decided to forgo the use of "sectarian language", the communists have been systematically using their so-called Aesopian language, especially in messages addressed to non-communists. This means they are expressing their points through terms which are known and accepted and which instead of causing resentment, evoke positive associations. Thus, outside the party, the communists rarely talk about "armed struggle", "revolutionary war", or "world revolution", let alone "dictatorship", but they stress terms like democracy and peace. They also concentrate on matters and events which are regarded as critical by large numbers of non-communists, such as peace which the communists interpret in their own fashion.

The result is that in many ways, communist propaganda tends to merge with the propaganda of non-communist groups. This happens especially whenever non-communist groups propose policies which the communists think could help them to achieve operational objectives. In many instances they "amplify" the themes pressed by non-communist politicians whose attitudes are to their liking.

The primary purpose of Aesopian language is "to gild the lily," just as a hospital is doing when it reports a half-dead patient is "resting comfortably" or is in a "fair condition".

A second purpose is to change the meaning of terms. Thus, according to communist doctrine peace is predicated upon a socialist order and cannot be attained before the final victory of communism. Aesopian language, in addition to creating the impression that the communists are "peace-loving" now, here, and everywhere, also issued to convey the idea that the lovers of peace, if they want to be consistent, better embrace the cause of communism: For unless communism rules, there cannot be peace; and unless communism is accepted voluntarily, war will be inevitable. Such war, of course, will not be due to the communists but to the imperialists. Those who resist communism are imperialists by definition.

A third purpose of Aesopian language is to deceive about communist objectives and realities.

Thus, the jobs of Aesopian-style CP propagandists are face-lifting, disguising, and seducing.

Communist propaganda, far from beating the drums for the communist ideology, is designed to black out understanding of communism and to present the red wolf as a white sheep.

Operationally, communist propaganda, including the non-Aesopian part, serves to *activate* party members and sympathizers and to transform them into fighters, organizers, and propagandists. Propaganda also is used by the communist to *paralyze* their opponents by inciting them against one another and disarming them materially and morally. Thirdly, propaganda is employed to *neutralize* the "masses" in order to make them believe it is not worthwhile, or necessary, to resist communism as well as harmful to side with "anti-communists" (who, being "anti", obviously don't and can't have any constructive thoughts in their head).

In the narrow sense of word, communist propaganda is that type of communication which is originated by communist parties and propagated through communist communicators and communist media. In the broader sense communist propaganda includes that type of communication which is originated by communist parties and is propagated by non-communist communicators through non-communist media; the communist origin of that communication as well as its function within the overall communist propaganda effort (and within communist strategy) is concealed.

Occasionally, the communists may make use of anti-communist communicators and media.

"Narrow" communist propaganda handles communist themes and arguments exclusively. "Broad" communist propaganda handles additional themes and arguments that overlap with and parallel specific non-communist communications for the purpose of amplifying those and conditioning audiences for better receptivity. Pseudo anti-communist propaganda may be supported by communists in order to polarize a target society. Note that while the communists want to build a strong external left, they also want an extreme right and they want the extremists to fight one another, otherwise the polarization of society cannot be achieved.

Communist propaganda, therefore, is perpetrated by communists on specific communist subjects and on subjects which have no apparent relation to communist programs. Communist propaganda also is perpetrated by non-communists on communist subjects as well as on subjects which appear to be unrelated to communist issues.

Communist propaganda also serves to "taboo" certain subjects and to hide various facts. Non-communist media often participate in CP stratagems of concealment and diversion.

This particular pattern is not exclusive with the communists. During World War II, for example, British and American propaganda agencies were using what was then called white, gray, and black propaganda.

The methods by which communists enlist non-communists or even anti-communists to do their bidding differs from case to case. Communists systematically infiltrate public opinion media and they may utilize agents to subvert communicators and communication channels. It is, however, far more effective if, because of its intrinsic merit of persuasiveness, the overt or covert communist message is taken over spontaneously by non-communists.

Propaganda which is not self-propelled and which fails to develop chain reactions does not propagate widely and thus cannot reach the "masses". (Nevertheless, it may influence small key groups.)

The persuasion power of communist messages depends in large part upon prior conditioning of the communicators. This conditioning was achieved by earlier propaganda and by the impact of the repetitive and basic long run propaganda upon the educational systems.

The effectiveness of the steady and permanent communist psychological effort is precisely that gradually the number of those conditioned to be receptive to communist propaganda is increasing.

In the short run, the effectiveness of communist propaganda depends significantly on the number, skill, and dedication of non-communist propaganda *carriers*. This effectiveness is enhanced because the density, variability, and attractiveness of the messages depend on the number of carriers and because those carriers appear to be above suspicion.

The carrier's services to the communists will be the greater the more naive they are about communism, the less they understand communist intentions and techniques, and the less they are interested in determining the sources of the ideas they are pushing.

Through the carriers communist propaganda is being marketed by means of "capitalist methods".

When carriers who inadvertently "swallowed a line" and are honestly non-communists, are told they are peddling communist propaganda, they either are incredulous or offended, or they regard the "coincidence" as irrelevant or as less important than their "own" message. Some carriers like to exclaim, "it is about time the communists realize what's right". Others frankly welcome communist support for their activity—every support is acceptable. Still others ridicule the "alleged tie".

Carriers are differentiated by sophistication and honesty. Some carriers are under the direct influence of overt or covert communists, and they may know or ignore the true color of their advisers.

To repeat: short-range communist propaganda which deals with current issues is successful to the extent that it is propagated by non-communist carriers and that the source as well as the utility of that propaganda for communist strategy remains hidden.

Communist propaganda must not necessarily be mendacious. It can be truthful or may appear to be truthful, especially in those cases when it is camouflaged as a communication for a non-communist cause.

Communist propaganda is rarely disseminated through financial arrangements such as bribes or stipends to non-party writers.

The communists fare best when they can latch on to an argument which is perfectly meritorious in and by itself and which its proponents are obligated to continue advocating, e.g. social betterment. This is one of the reasons why the communists—since the times of Marx—have been trying to ride the coat-tails of liberalism and moderate socialism and why they adopt suitable non-communist reform ideas and exploit those to strengthen their own case directly or indirectly.

Does this mean that the advocates of sensible progress and reform have no choice but to become communist propagandists? Of course not. Does it then mean that the communists, simply because they exist and engage in communist and non-communist propaganda, have polluted free speech? I don't doubt that much communist pollution of free speech has taken place.

But the communists cannot really be blamed for this pollution, because they have only been doing their job, which is precisely that of subverting democracy. The blame rather rests on those who haven't been doing *their* job of strengthening democracy. Liberals are not "liberals," and even "liberals" and socialists usually are not disguised communists. But if non-communist progressives are unable to make the distinction clear, they haven't thought through their own program; and if as a group they are unwilling to draw a visible separation line, they haven't kicked out the infiltrators; or they don't realize that unavowed or temporary, or *any* alliances with the communists are a sure way to joining the "great majority" of the politically dead.

The communists always have taken prolabor postures—they claim to be the "vanguard of the proletariat." Hence it was only "natural" that they would support the labor movement. Why should a labor organization reject much-needed help? It did not take the American labor leaders too long to find out that communist support for wage demands and social programs was nothing but a CP operational tactic. The communists were instigating unrest, not in order to improve the welfare of the workers, but to promote class warfare and revolution, and they were forever ready to sacrifice the interests of the workers for CP interests. Whenever there was a suitable opportunity, they provoked unnecessary troubles and strikes that were designed to harm the country rather than increase the take-home pay. They also used "labor struggles" in the hope of establishing power positions and to create command leadership over the labor force by means of which they might acquire a capability to paralyze and seize the country. Fortunately, most of the American labor unions eliminated communist influence before it grew too strong.

Labor is the social "class" in the United States which best understands communism, its deceptions, and its perils; and which also knows that communist economics and totalitarian rule are medieval reaction and oppression, not modern progress and liberation.

The communists need labor but labor not only does not need the communists but it had to get rid of them to defend its own interests. American labor leaders realized that communist solicitude was that of the fox who robbed the raven of his cheese. They also knew the communists wanted to unload the dirty work of defeating the U.S. on the American labor movement. They understood—and they acted. The labor movement is stronger for having broken the communist stranglehold.

MILITARY VICTORY?

In a letter to Joseph Alsop, Senator Edward Kennedy concluded that the motivation of American political leadership in moving into Cambodia was the "illusion that a military victory can be won in Vietnam". Was that so, really? What would have happened if we had not moved? From the very start, this war *always* was an Indochinese war. Before the North Vietnamese were able to attack South Vietnam in force, they had, for logistics reasons, no choice but take eastern Laos; and before they could attack the Vietnamese heartland, they had no choice but move through eastern Cambodia. The Tet offensive of 1968, which had such an enormous impact upon American domestic politics, was, to a large extent, based on the Cambodian "spring boards". (The expression is General Giap's.)

Throughout the period of conflict in South Vietnam there was no let-up in military operations throughout Laos; and there were military operations in Cambodia, except that those were of a non-violent nature. Thailand also has been involved since 1965 and so have most of the remaining countries in Southeast Asia.

Before the American initiative, the Cambodians kicked out Sihanouk and the Chinese communists, seemingly with North Vietnamese concurrence, embarked on a strategy designed to put Sihanouk back into power as a communist puppet. Communist forces struck to keep the Sihanoukville supply line open and to occupy key areas of the country, including the capital. Thus, the shooting war was expanded into Cambodia *before* a single American soldier ever crossed the border.

In the face of this situation which we did not create, we could, of course, have remained passive. In this case, whether or not Sihanouk returned to Cambodia, or a more

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authentic communist ruler was installed, the North Vietnamese would have taken over the entire eastern border of Cambodia and they would have gained an advantage which, in all likelihood, would have proved decisive.

Through his initiative of April 1970, Mr. Nixon spoiled this communist undertaking and he freed a large portion of the South Vietnam border and territory from immediate pressure. As a *bonus* the chances for the communists to develop strong aggressive power below the 13th or 14th parallel have been reduced, or else the force requirements for the communists have been considerably increased. In addition, a new possibility has been created for South Vietnam to establish effective common defenses with Thailand and Cambodia.

That this one initiative does not solve all problems is self-evident. However, in the absence of this initiative, our problems would have been far worse, and the capabilities of the communists would have been far greater. Withal, it wasn't the President who expanded the war into Cambodia, but the President reacted to the fact that Cambodia suddenly had become an active military theater; and that geographic enlargement of fighting was no illusion but a hard reality.

There has sprung up in this country a party which advocates "military victory" and another party which advocates "political settlement". The former consists of persons called "hawks", the latter of "doves". In zoology, the cross-breeding of two species of birds is impossible, but in politics it can be done. Nevertheless, this classification makes little or no sense. The dividing line must be traced along a different front.

If there were no military operations, there would be no conflict and no need for a political settlement. If military operations had no political objective, they would not take place. A purely military strategy cannot exist even in a most violent and total war for survival, while an exclusively political strategy against an aggressive opponent cannot have any effectiveness and cannot endure. By its very nature, strategy is a composite of political and military operations (as well as of many additional types of undertakings). Every successful strategy is derived from political direction of the entire effort in the pursuit of a political goal. A strategy oblivious to political factors and dominated by military and purely operational considerations will invariably fail but if the political leadership prescribes rules which negate operational effectiveness, deny tactical requirements, and preclude military success, such strategy will fail, too.

From the beginning, our strategy in Southeast Asia was hampered by political limitations which did not necessarily prevent victory but which rendered military success very difficult of attainment. Is military victory therefore an illusion? It would be more correct to say this: "Given the rules under which the war in Southeast Asia is being fought, military victory probably presupposes excessive expense and long endurance."

I hasten to add that, naturally *every* war must be fought under some political limitations. But several limitations have been imposed which created unnecessary handicaps and a few key limitations were poorly conceived, e.g. gradual and slow escalation.

The problem is, negatively, to allow for the irreducible minimum of both military and political expediency, and positively, to determine the best harmony between military and political necessities.

During the first few years of conflict, we were unsuccessful in harmonizing political with military strategy. If we were compelled to fight a really powerful opponent in the style of the Vietnam engagement, we would be soundly trounced. Our command and decisionmaking structures are far below the customary level of American efficiency.

A carefully nurtured super-skepticism is rampant in this country about the efficacy of the military operations we have been conducting in Vietnam. If there is a communist attack somewhere, Mr. John Q. Public is told that again, again, and again our efforts had been for naught. But if there are no enemy attacks, the enemy is said to lie low for a while and will resume the offensive whenever and wherever he chooses—there just is no hope that we might have weakened him.

I suspect that some of this skepticism is due to some reporting of battlefield events. Some of the most brilliant battles in all history were fought in Vietnam, yet Americans never heard about them. Still, seasoned civilian reporters and social scientists should understand that even after crippling defeats, guerrilla forces remain capable of launching counter-attacks and that, especially in thinly populated jungle and mountain areas, surprise blows cannot be prevented.

Any study of military operations in South Vietnam shows that the situation has improved very dramatically and that in most areas the country has been pacified, while five years ago the guerrillas attacked almost at will. This assessment has appeared self-evident to all recent travelers. There is no need to accept the so-called statistics which are being produced to "measure" pacification, nor to assume that the enemy cannot step up operations again, or that the South Vietnamese have fully succeeded in digging out the communist infra-structure. The truth is that our military undertakings have been highly successful and that in the course of five years the overall posture of VC and the North Vietnamese forces has been weakened step-by-step. This is a long time, yes, but this type of war is time-consuming. We started way behind, we never were at full strength for any length of time, and we have been de-escalating for two years. While we were attriting the enemy, we simultaneously, of our own free will, attrited ourselves.

The great costs to the Vietnamese economy which result from military operations are a subject of continuous lament. Of course, destructions are objectionable, but they are hardly avoidable. We must cost the damage, but we must also look at positive developments, such as road building, agrarian reform, augmentation of agricultural yields, increase of electric power production, improved communications, and some expansion of medical services. Note that the labor force grows annually by 300,000 persons (*Neue Zuercher Zeitung*, May 2, 1970, p. 17).

The economic difficulties of Vietnam can be deplored endlessly and they continue to be awesome, especially inflation and a highly negative balance of payments. But it is also true that standards of living have been improving and that large investments have been made, e.g. in transportation. Whether the country has reached the take-off point of rapid economic development remains to be seen, but the old traditions of low productivity are being discarded and economic progress is beginning. Nothing of this kind would have happened if the Vietcong had not been defeated militarily. It is, therefore, a bad mistake to underrate the importance of the military factor. For that matter, war is rarely profitable but it *often* accelerates economic development.

The term "victory" has multiple meanings. If communist aggression either ceases or Hanoi agrees to stop further military attacks, we achieved our objective and we would be successful, regardless of how this success was described. It is *not* our objective to destroy North Vietnam, which would be easy, *nor* to knock out the communist dictatorship at Hanoi, *or* to unify Vietnam under Saigon. Whether we have chosen our objective wisely, can be argued. But the statement that military victory is not possible really means that Hanoi will never stop aggression and that there is nothing we can do about this. In that case a political settlement also would appear to be an illusion, in fact a far worse illusion than the notion of military victory.

The assertion that we do not actively pursue a political settlement is false. We were trying to get such a settlement even *before* we deployed into Vietnam. President Johnson's peace rhetoric in 1964, while addressed to the American electorate, also was directed at Hanoi. Every step of escalation and de-escalation we took, every truce we accepted, every troop withdrawal we announced, every economic incentive we offered, and every diplomatic initiative we tried was an attempt to achieve a political settlement. All this has been utterly unsuccessful. Hanoi never yet was interested in a political settlement.

This situation does not show any signs of changing. In a remarkable speech in the House of Lords, the Earl of Avon, former British prime minister and foreign secretary, called attention to the "added complication" of the relationship between Moscow and Peking which "has never been worse". "Representatives of the two countries might not wish at this particular time to sit down at a table in the company of others." (*Congressional Record*, May 28, 1970, p. 17531.)

Accordingly, we find ourselves in a position where both a military and a political decision seem to be excluded. In similar situations, the historical remedy always has been to change military strategy. We have done so by switching to Vietnamization and the more active promotion of Asian self-defense. From a strictly military point of view, this new strategy is not ideal, that is, Vietnamization and Asianization while absolutely necessary, have been long overdue and may require complementary operations and continuing American support. The critics say this strategy won't work. This does not seem the judgment of Hanoi which shows itself to be furious about Vietnamization. The fact is this strategy can be made to work if we pursue it with energy and support it with the requisite moral and material resources. The question, therefore, is this: will we adopt this strategy in a serious fashion or will we, because we have grown to detest the Indo-Chinese conflict, make it fail?

The critics suggest that since the country allegedly rejects more assertive military moves, we better change political strategy and offer conditions which Hanoi would accept. The main consequence of the Church-Cooper Amendment, as passed by the Senate, would be to prevent—in any event, to delay—Southeast Asian self-defense. If this road toward self-defense is to be narrowed or blocked, what alternative solution did the sponsors of the amendment propose? What are the prospects of a political breakthrough?

Double Think on International Law

A heavy barrage of criticism has been directed at President Nixon that by having American forces cross into Cambodia, he violated international law. This cross-border operation was described as an "invasion" and when criticizing Senators were told that use of this term was most inaccurate, some became impatient about semantic "quibbling". The term "invasion" was very handy for the critics because if there *was* invasion, Mr. Nixon must have started a new war; and if that was the case, he not only had violated international law but also constitutional law.

One writer asserted that Mr. Nixon was the first President "in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking Congressional approval and support".[1] The statement is ascribed to Mr. Richard Goodwin who was an assistant to President Johnson at the time when Mr. Johnson "sent American Marines storming ashore in the foreign nation of Santo Domingo and then advised Members of Congress after it was a fact", to quote Senator Hansen (*Congressional Record,* May 15, 1970, p. 15731).

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[1] Three precedent cases are reported in *Congressional Record*, June 3, 1970, p. 18096.

The Columbia Society of International Law, whose members are *students* at the Columbia University School of Law, analyzed the legal aspects of the Cambodian action: "The United States is in fact applying the very kind of power politics for which we condemn the Soviet Union. But the consequences of their invasion of Czechoslovakia cannot compare to the devastation and prolonged civil war which will now engulf this defenseless country." "The United States invaded a small country without its consent or invitation, in total disregard of its sovereign rights."

Students who write this sort of nonsense in a term paper should be asked to repeat the course or to look for another instructor.

In a linguistic sense, the crossing by a military force of a frontier can be described as an "invasion" of the country into which that force is moving. But that is not the legal meaning. During World War II, the Germans passed military units through Sweden and Finland, but they did not invade those two countries because the governments had granted rights of passage. The Germans also crossed through Denmark to Norway, but this *was* an invasion because the two governments were hostile to one another and because Germany took over the country and administered it for its own benefit.

In 1944, the United States and Britain carried out the Normandy "invasion", but they did not, for that matter, legally invade France, despite the fact that the then government of France under Marshal Pétain did *not* approve of the operation. This case was not even argued: it was clear that the Nazi had invaded France and that the French government, though legally constituted and widely recognized, was acting under duress.

Another example, in 1938, the Nazis invaded Austria and in 1939, they invaded Czechoslovakia. In both cases they claimed they had the consent of, and even had been invited by, the ruling governments. Yet both operations were held by the Nuremberg Military Tribunal to be invasions in the legal sense of the word. The Nazis had previously maneuvered pro-Nazi types into the government and both governments had been coerced.

The United States would have "invaded" Cambodia if there had been a hostile relationship between the American and the Cambodian government, if the U.S. had infiltrated the government of Cambodia, and if the American operation had been directed at the country's sovereignty. This, of course, was not the case. The American operation was directed against a *non*-Cambodian military force which was in Cambodia against the will of the Cambodian government, which had established control over a portion of the Cambodian territory, which had been invited to leave, and which was refusing to leave. Moreover, this force, which was illegally in Cambodia, undertook aggressive military operations against South Vietnam with which country Cambodia was at peace. Thus, Cambodian neutrality was suspended, at least in that part of the Cambodian territory that was occupied by the foreign belligerent force. Hence the rights of self-defense of *all* parties aggrieved by this occupation became activated.

If the Cambodian operation was a breach of international law, the United States and Britain should have been indicted *together with the Nazis* at Nuremberg, for the invasions of Austria, Czechoslovakia, Denmark, Norway, Holland, Belgium, and France.

Whether or not the Cambodian government invited the American initiative or acquiesced into it, formally or informally, is not reliably known at this time because secrecy is maintained. Accusations about alleged breaches of international law of this type tend to be presumptuous because no court has been set up to adjudicate them. If such a court were established, it would follow proper legal procedure and examine the evidence. This evidence is not available to self-appointed accusers.

In the present case, the Cambodian government, as observable in the daily press, acted *as though* it wanted the U.S. and South Vietnamese initiative but did not care to issue a formal invitation. Moreover, the U.S. government, for reasons of security, apparently did not provide full information beforehand. In similar circumstances it is unreasonable to require that the enterprising government should ask for a formal invitation to enter at a specific place and a specific time.

There is, of course, no rule in international law which says that a military penetration into foreign territory must be by explicit formal invitation or agreement, or else it is illegal. The intervening party is not expected to nullify its operation by giving warning to the opponent, nor to provide the enemy with an opportunity to entrap the advancing forces. International law is not in contradiction to common sense. Accordingly, it recognizes that whenever such a procedure is infeasible, it is not required. The point is amply covered by article 38/1/b and c of the Statute of the International Court of Justice.

For example, did any one in 1944 expect the King of Denmark to send a formal invitation from nazi-occupied Copenhagen to London and Washington asking Britain and the United States to please chase out the nazis?

The question is, therefore, whether the government of the pentrated country is hostile or unfriendly to the penetrator, whether the two countries are on amicable terms, and whether this particular government desires or consents to the penetration, regardless of the method by which that attitude is communicated. The legality of this government as well as the intentions of the penetrator also would have to be investigated in order to test whether the penetration was legal. Naturally, assertions have been made that the CIA created the Lon Nol government but to be valid, assertions must be plausible (which they are not) and they must be substantiated (which they are not, either).

The assent by the government of the penetrated state is useful but not necessary; and such a government's opposition to penetration would *not* diminish or invalidate the legal rights of the state under attack by a force operating from supposedly neutral territory. The right of self-defense is not circumscribed by borderlines; and neutrality, to be respected, must be real and not spurious.

Originally, the communists penetrated into Cambodia by consent and, therefore, technically speaking, they did not then invade the country. However, they were asked to leave both by Sihanouk and Lon Nol; and when they refused to leave, they forfeited the rights of passage that had been granted to them. At that juncture, they became *an invading force.* If they had remained within the areas that were assigned to them, the dispute *might* have been regarded as being in resolution. But they became invaders *again* because they seized *additional* territory and started to exercise rights of sovereignty in the areas which had been leased to them only for a specific purpose.

The communist intrusion into Cambodia became really meaningful to us because (1) the North Vietnamese built on neutral territory military facilities and staging bases; (2) they were using those bases for training and sanctuaries; (3) they conducted military operations from those bases; and (4) they were initiating new operations that were threatening to South Vietnam, the state they had attacked before and, in fact, never ceased attacking.

In operating from Cambodian bases against South Vietnam the communists were violating the neutrality of Cambodia *for the purpose of aggression.*

In legal theory, it was the job of the Cambodians to defend their own neutrality and to chase out the violators. In practice, this theory can almost never be applied, because a strong neutral does not lease his territory to a foreign power for purposes of aggressive military operations, while the weak neutral lacks strength to repel the aggressor. Hence the presumption usually would be that the violation was *imposed* upon the neutral power and it is *only* on the presumption of coercion that the intruded state can be deemed to have adhered to its self-proclaimed neutrality. In the absence of coercion, the temporary cession of territory for aggressive purposes would mean that the intruded state has made common cause with the aggressor and, therefore, is a hostile belligerent. In any event, if the neutral state is unable to protect its own neutrality, the aggrieved belligerent is entitled to take measures *against the violator* and to re-establish the *status quo* in the neutral state. After March 18, Cambodia tried unsuccessfully to evict the intruder; and it rejected a request by China to allow North Vietnam to continue using the staging bases.

The violation of Cambodian neutrality provided legal title for counter-action by the United States and South Vietnam. In 1940, the Germans invaded Holland and Belgium, two neutral countries, and they were later found legally guilty of aggression in this case. Upon penetration by the Wehrmacht, the French and British armies also penetrated into Belgium and Holland, but this act did not constitute a violation of international law but was an act of collective and individual self-defense. Since it also was directed against an aggressor, it executed provisions of international law.

The rules say that counter-measures against the violator of neutrality must be proportionate to the violation. The United States has adhered to this rule very strictly. In fact, the American intervention has fallen short of being fully proportionate. The meaning of the rule is not that, for example, counter-measures against a staging base must be restricted against that base or that if the violation was executed by one division, counter-measures must be limited to one division. The essential meaning is that the state taking counter-measures is not entitled to invoke defense against violations of neutrality as a pretext for appropriating territory.

Another rule which has not been referred to, so far as I read the Senatorial debate, is that the party which takes counter-measures is not supposed to interfere with, or assume the sovereign rights of the state whose neutrality was violated. The U.S. has strictly adhered to this rule, too. In support of the objectives of the Phnom Penh government, the U.S. is most interested in the Cambodians resuming full control over their entire territory and re-establishing genuine neutrality.

The point has been raised that the communist staging bases had been in Cambodia for years and that international law authorizes action against a violator of neutrality only in case of an *immediate* danger. This rule exists and it has a very specific meaning. In 1940, when the nazis attacked Norway, a neutral country, they claimed they were entitled to act because Britain was about to invade and violate Norwegian neu-

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trality, which would have posed a threat to German security. The Nuremberg court did not assign too much validity to evidence the defendants adduced to show that Britain indeed had been planning to move into Norway. This evidence was perhaps stronger than it appeared to the court, yet German documents also showed that the nazis were planning the invasion *before* the British showed any interest in Norway.

In any event, the British had taken early action only against German violations of the neutrality of Norwegian coastal waters. The British mined those waters but they made no overt move to invade Norway. The Germans might have honestly misread the British intention which was to stop German traffic in neutral coastal waters and to bring help to Finland in its war against the USSR, for which purpose they might have wanted to secure rights of passage through Northern Norway. Yet except for a British reprisal against a German violation, there was no conclusive proof, let alone an overt act through which the British were violating Norwegian neutrality and which had to be repelled. Consequently, when the Germans attacked, *they* became the violators.

The Germans also claimed they were entitled to violate Belgian neutrality because the British and French, who were patiently waiting at the Belgian border, had announced they would defend Belgium against German invasion. But no illegal French and British move occurred. Since there was no clear and pressing necessity, the German claim could not be sustained.

However, the requirement of an *urgent* need for self-defense measures which involve penetration into neutral territory, does not apply under all circumstances. The British were able to react quickly against the German invasion of Norway. If they had not been assembling a force they wanted to send to Finland, they would have been unable to react at all for several months. As it was, they were unable to expel the Germans in 1940. But this did not mean they lost the legal title to take action against the German breach of Norwegian neutrality. Nor did it mean the German occupation became legal because it remained undisturbed for several years or that the British "invasion" of 1945 was illegal because it occurred five years after the original breach.

In the present case, the communists have been violating Cambodian neutrality since 1965. South Vietnam and the United States were entitled to take immediate countermeasures but this was merely their legal right. They were *not* obligated to take those measures immediately lest their rights be forfeited. As long as the violation continued, their rights remained active. Hence, they could take counter-measures when it suited their purposes or when they had the requisite capabilities. The communist occupation of the sanctuaries did *not* become legal because it lasted for five years.

When the counter-measures were instituted, this was in response to a major *current* change, namely the Cambodian request that the staging bases be liquidated, communist refusals to heed the request, attacks for the purpose of enlarging the bases and to overthrow the Cambodian government, the communist meeting in China which disclosed enemy intent, and communist preparations for, as well as initiation of large scale attack. Moreover, the customary cross-border attacks had not ceased. Hence, *enough* urgent reasons for counter-measures were visibly in existence.

The comparison of Cambodia with the Soviet invasion of Czechoslovakia in 1968 is invalid. The USSR was not involved in conflict with any power in which Czechoslovakia was a neutral. The neutrality of Czechoslovakia was not violated for the purpose of an attack on the USSR, or for any purpose; and Czechoslovakia itself did not make any military preparations, nor commit any hostile acts against the USSR. On the contrary, Czechoslovakia still was an ally of the Soviet Union. The government of Czechoslovakia had in no way, directly or indirectly, consented to the Soviet intrusion. The Soviets invaded, not to eliminate a threat to themselves, whether immediate or delayed, but in order to change the government of Czechoslovakia. They have since continued a *de facto* occupation through which the sovereignty of Czechoslovakia has been curtailed. The Soviet invasion of Czechoslovakia constituted aggression against an allied country.

Professor Kahin of Cornell University has disputed President Nixon's statement of April 30, that the United States and South Vietnam did not move against the communist bases in Cambodia before "because we did not wish to violate the territory of a neutral nation". According to Mr. Kahin, there were several hundred incidents in 1964 and 1965 as well as a few limited intrusions, and air and artillery attacks. The International Control Commission stated in July 1965 that "none of those incidents were provoked by the Royal Government of Cambodia". (*Congressional Record*, May 19, 1970, p. 16073).

This again is topsy-turvy reasoning. Since the American initiative was not directed against the government of Cambodia, but against the communist violators of Cambodian neutrality, the fact that the Cambodians did not provoke any of the border violations is irrelevant. Our policy was never to cross the border save in exceptional cases of "hot pursuit" of communist non-Cambodian attackers.

According to the data produced by Mr. Kahin, the overwhelming majority of the incidents took place during 1964 and 1965, that is *prior* to the United States assuming a major share of the strategic responsibility. Since he did not quote more than a handful of incidents of the later period, it would seem that indeed the United States was very meticulous in keeping on the Veitnam side of the incessantly violated border.

In many areas this border is very poorly demarcated. It was consistently crossed by communist guerrillas who were attacking South Vietnam and were seeking refuge and rest in Cambodia. As those forces became involved in a fight, it was only natural that South Vietnamese and American troops might have pursued them into Cambodia. For that matter, international law clearly authorizes hot pursuit in such instances, including artillery and air attack. Hot pursuit does *not* constitute any violation of neutrality.

As to the B-52 strikes mentioned by Mr. Kahin, if they were not related to hot pursuit, they might, of course, have resulted from error. Technically, this would have been violations but not hostile acts, because the policy was *not* to bomb targets in Cambodia. Incidents of this sort would normally be settled through compensation.

Naturally, the United States and South Vietnam were legally entitled *at any time* to bomb North Vietnamese troops using operations bases in Cambodia for attacking South Vietnam. We chose deliberately not to bomb them. Therefore, an occasional attack which occurred in spite of our self-chosen policy does not show that we intended to violate Cambodian neutrality. (I have argued on the hypothesis that the facts were as Mr. Kahin presented them. To evaluate the case properly the details of B-52 attacks would have to be analyzed.)

There are numerous borders in the world where border incidents occur with great frequency. Such incidents may happen without specific orders from the respective governments, and they usually are not indicative of policy. Planned incidents which serve specific tactical purposes display a pattern which is quite different from that which prevailed at the Vietnam-Cambodian frontier.

The conditions of the Vietnam-Cambodian border have been such that incidents were bound to happen almost on a daily basis. Mr. Kahin's data do not show any excessive frequency, certainly not after 1965. Hence he did not demonstrate an American intent to violate Cambodian neutrality, but rather proved the contrary intent. The mere occurence of incidents happening spontaneously or in line with hot pursuit does not in the slightest invalidate President Nixon's statement.

The critics who argue that Mr. Nixon started a new war shouldn't really be too happy with Mr. Kahin's theory that we have been operating in or against Cambodia all along. In this case nothing of any consequence could possibly have occurred on April 28.

If we just look at the facts, it is quite clear that the United States and South Vietnam tolerated that the communists were operating from their staging bases in Cambodia till April 28, 1970, and that at that time the two governments invoked several international rights to stop this abuse. Thereupon, the Cambodian army joined forces with American and South Vietnamese units and confronted the communists.

This is the simplest refutation of the pseudo-legal double-think on "invasion." The critics must be short of ammunition if they feel compelled to create artificial issues.

A REASONED PLEA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. STEIGER of Arizona. Mr. Speaker, a constituent in the Third Congressional District of Arizona, Mr. Ted J. Lopez, sent me a copy of a letter he recently wrote to one U.S. Senator, known for his opposition to United States assistance of South Vietnam.

I believe that his thoughts reflect that of the majority of Americans, and I would like to share them with you:

PHOENIX, ARIZ.

Senator McGOVERN,
Washington, D.C.

DEAR SENATOR: I know that you are a dedicated man and I also know you mean well. However, I also know that even a dedicated Senator can be wrong.

I am a retired M/Sgt and I want to take this opportunity to thank you and the rest of the American people for giving me the privilege of serving my country as a member of the US Army and the US Air Force for 26 years. I served in World War II, and the Korean War and yes, the Viet Nam war, too. I was retired two years ago.

You know Senator, every morning when I raise my flag in front of my beautiful home, I thank the Lord for the freedom we enjoy as Americans—freedom bought and paid for by our fighting men. I also thank God that people like you are in the minority or we would still be fighting World War II. I am sincere when I say this—I wonder what would have happened in World War II or the Korean War if we would have had people like you and Senator Church.

I am sure you are sincere when you say you want to bring our boys back from Viet-Nam and who doesn't want them home? If you are really concerned the best and only thing to do is back our President. I know how badly our boys want to come home—I know because I have been there three times, I also know that since they are there through no

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fault or choice of their own, it is your duty and mine and every "real American" to support them to the fullest extent.

We all know Mr. Kennedy, a very dear and personal friend of mine, made a terrific blunder when he committed us to this situation and then Mr. Johnson made it worse by committing more and more troops without a definite goal of victory until we passed 500,000. Let's compare what Mr. Nixon has accomplished in comparison to Mr. Kennedy and Mr. Johnson—he did not commit any greater numbers of American troops; instead he started cutting down and is continuing to cut down to where we will have about half as many troops committed by the end of the year.

Whether you like it or not President Nixon's Vietnamization program has been a complete success—even though you and a few others have reneged your support.

When Mr. Nixon took a gamble in the operation of Cambodia out of necessity for the protection of our troops; people like you made a lot of noise because you were so certain it would fail. But now that it has proved to have been such a terrific success, you don't have the courtesy to admit publicly your mistake and throw your support behind our President to unite our country; instead of that you have tried to tie his hands.

I am a member of the American Legion Post 41, the second largest in the nation and we would like to ask that you support our President. As you know, Mr. Johnson left him with a bucket of worms in the Viet-Nam situation and he is doing an excellent job of coming out of it. All he needs now is your support and mine as he already has the support of 90% of the real American people. The other 10%, I am sure he doesn't want and I am sure that you do not either.

Sincerely,

TED J. LOPEZ.

GWENDOLYN POINDEXTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. STOKES. Mr. Speaker, it is always a pleasure to acknowledge the unique talents and accomplishments of gifted individuals in our communities. I would, therefore, like to bring to the attention of my colleagues the outstanding achievements of Cleveland's very dedicated educator and delightful puppeteer, Miss Gwendolyn Poindexter.

Miss Poindexter has been a teacher in the Cleveland inner city for over 10 years, and has worked extensively with preschool children and their families. She has piloted a variety of community organizations for disadvantaged youngsters while serving as supervisor for four Headstart Centers in recent years.

Miss Poindexter's teaching ability is surpassed only by her sheer wizardry with puppets. Since 1960, she has directed a traveling theater offering informative lectures and entertaining performances for all age groups. Her presentations reflect her varied talents—her puppets are handmade; she designs and manufactures their costumes; and she writes the scripts and designs the scenery. Without question, this young lady has both inspired and delighted all those who have been privileged to witness her productions.

Miss Poindexter has served as director of puppetry workshops for the Cleveland Summer Arts Festival for the past 3 years. By 1969, her workshops had an enrollment of over 300 youngsters from the Cleveland area. While continuing in her teaching capacity for the Cleveland Board of Education, she has directed several classes in the history of puppets and the art of puppetmaking for settlement homes and cultural centers. Miss Poindexter has made a number of appearances on radio and television stations throughout the city. She has also entertained audiences at a variety of schools, hospitals, churches, banks, and community centers. Miss Poindexter has been praised as often in the Cleveland newspapers as in the many letters of thanks that she has received from her audiences. I feel, Mr. Speaker, that more individuals should be given an opportunity to witness Miss Poindexter's magical talents.

REMARKS MADE BY VICE ADM. A. G. RICKOVER IN THE INTRODUCTION OF CONGRESSMAN WILLIAM R. ANDERSON

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. COLMER. Mr. Speaker, under leave to extend my remarks, I submit herewith the remarks made by Vice Adm. H. G. Rickover in the introduction of Congressman WILLIAM R. ANDERSON. The occasion was the dedication of the submarine overhaul facility at the Ingalls Shipbuilding Corp., a division of Litton Industries, in my hometown of Pascagoula, Miss., on Saturday, August 22 last. My object in placing the remarks of this distinguished American in the RECORD is not a self-serving one considering the compliments paid the Mississippi delegation in the Congress. Rather, it is to again express my admiration for Admiral Rickover, a great American, a dedicated scientist, and, in my humble judgment, a real genius.

Admiral Rickover is not only the father of the nuclear submarine, he is one of the great geniuses of our time. It was a great honor to have him down at Pascagoula on this momentous occasion. I am confident that he would not have been there had he not been in accord with the objective to be achieved by both the Navy and Ingalls.

Admiral Rickover's remarks follow:

I have been asked to introduce to you the main speaker for this occasion. However, I would be remiss if I did not first acknowledge the presence among us of two other distinguished guests, my friends Congressmen William Colmer and Jamie Whitten.

Mr. Colmer has served this district since 1932 with great honor and distinction. He has risen to the Chairmanship of the House Committee on Rules, one of the most responsible, influential, and difficult jobs in the Congress—indeed, in our entire Government. He performs this arduous role with dedication, skill, and purpose. I have been privileged to know Mr. Colmer for many years. He is a true politician, in the sense that politics is the highest calling a human being can engage in. This is so because it is through politics that we get things done; that the world is kept moving. To be a good politician one must possess far more than intelligence; he must also have the human touch, the innate ability to know how people think and feel, and what must be done for their welfare. Mr. Colmer is that kind of politician. In our form of government the basic function of a Congressman or Senator is to represent the people of his district or of his State; he also has a duty to the United States as a whole. Balancing these two interests can present a difficult task for a legislator, but Mr. Colmer has handled this task with wisdom and integrity. He has looked out for his district *and* for the United States.

Mr. Whitten has represented Mississippi's second district since 1941. A man can be a doer or a critic. Today, when more and more critics are competing loudly for popular attention and applause, Mr. Whitten remains what he has always been, a *doer;* a man of dedication and vision. He has been on the House Appropriations Committee since 1943, first on the subcommittee for naval appropriations, and later on the subcommittee for all defense appropriations. During World War II Congressman Whitten personally visited combat theaters in Europe and the Pacific, conferring with such leaders as Admiral Nimitz and General MacArthur. Like Mr. Colmer, Congressman Whitten has added immeasurably to making our nuclear Navy possible. In 1959, Mr. Whitten was author of the motion to override the second Presidential veto of the Public Works Appropriation bill. The passage of this bill resulted in the opening of Pascagoula Harbor and enabled the atomic submarines from this Yard to reach the sea.

I also want to pay brief tribute to your two distinguished Senators, James Eastland and John Stennis. Both of these gentlemen in their many years of service to your state and to our nation have demonstrated extraordinary statesmanship and wisdom. I am particularly grateful to Senator Stennis, Chairman of the Senate Armed Services Committee, for the time and effort he has devoted to strengthening our Navy, and for the unflagging and wholehearted support he has given to the Naval Reactors Program.

Above all, the four gentlemen I have just named share in common a deep and dedicated love of our country; they have made major contributions to the defense and to the domestic welfare of the United States. As an official of our Government and as a private citizen, I shall always be grateful for their leadership and support. I am proud to be associated with these men who have brought such honor to your State.

I will now introduce our principal speaker, the Honorable William R. Anderson, Congressman from the Sixth District of Tennessee. Mr. Anderson, a native Tennessean, graduated from the Naval Academy in 1942 and immediately entered the submarine service. He participated in eleven submarine patrols in the Pacific, for which he was awarded the Bronze Star and other combat awards.

I have been personally associated with Congressman Anderson since 1956, when he entered the Naval Nuclear Propulsion Program to become Captain of the *Nautilus*. Under his command, the *Nautilus* became the first submarine to transit under the Arctic ice on a nonstop, submerged, transpolar voyage from Pearl Harbor, Hawaii, to Portland, England, a distance of over 6,000 nautical miles. For this feat, Captain Anderson received the Legion of Merit and his ship was awarded the Presidential Unit Citation.

Mr. Anderson left the Navy in 1962 to enter upon a career much more hazardous than the submarine service—that of elective politics. He has performed with distinction in this career as well, being elected to the Congress in 1964 and returned to office in the two succeeding elections. Mr. Anderson's best known legislative achievement is his authorship and promotion of the law enforcement education bill, enacted in 1968, which opened broad opportunities for young men and women in police and corrections careers. His most important current effort is directed toward programs for rural revitalization and small community development.

Congressman Anderson is a vigorous advocate of a strong defense establishment and a staunch supporter of our nuclear Navy. It is his valuable support, and the support of other dedicated members of the Congress, on which we must rely to maintain an adequate defense posture in the critical times ahead.

I have the honor of presenting to you the Honorable William R. Anderson of Tennessee.

VETERANS OF FOREIGN WARS ISSUES PROCLAMATION

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. ABBITT. Mr. Speaker, these are times when many freedom loving Americans find themselves greatly ashamed at the actions of some of their fellow citizens who seem to have lost much of their respect for the American flag and our democratic system of Government.

It is, therefore, encouraging to see some organizations which are taking a lead in encouraging a reaffirmation of their faith in the Constitution and our whole system of Government. Jacob J. Pearson Post 637 of the Veterans of Foreign Wars of the United States, located at Hopewell, Va., recently issued a proclamation in support of the Constitution and reaffirming what many of us steadfastly believe. The text of this resolution is so pertinent to our needs today that I would like to have it incorporated in the CONGRESSIONAL RECORD at this point. I commend Post Commander Andy W. Amburgey and other members of the Jacob J. Pearson Post 637 for recalling to our memory these great receipts upon which our country was founded.

The text of the resolution follows:

VETERANS OF FOREIGN WARS, HOPEWELL, VA.
PROCLAMATION

Whereas, on September 17, 1787, after five months' labor the majority of 55 delegates from 12 states, meeting in Philadelphia, approved the first U.S. Constitution consisting of preamble and seven articles;

Whereas, generations of Americans, sheltered by the concepts of the Constitution, have found both motivation and a continuing sense of destiny in the ideals of human dignity and worth for which our Nation's founders fought and died;

Whereas, today, with the ideals of the Constitution being disregarded, there is an even greater need for dedication to a high sense of patriotic purpose;

Whereas, the sustaining force of patriotism is the source of positive values which endow our lives with pride and purpose, and enable us to pursue our destiny, as guaranteed by the Constitution, as a people and a nation;

Now, therfore, I, Andy W. Amburgey, Post Commander of Jacob J. Pearson Post 637, Veterans of Foreign Wars of the United States, in recognition of the wisdom and foresight of the designers of our constitution, and of its vital importance to us, as a nation, do, on this date hereby proudly proclaim that the more than 900 members of Jacob J. Pearson Post 637, both individually and collectively reaffirm their faith in the Constitution of the United States, and publicly rededicate themselves to supporting this noble document, the very cornerstone of our nation and I urge our citizens to keep faith with our heritage by fostering an enduring belief in, and constructive use of, its ideas; and to safeguard our heritage through our willingness to take whatever steps and make whatever sacrifices are necessary for our national safety.

Done this day, September 16th, 1970, at the Post Home, Hopewell, Virginia, in witness thereof I have hereunto set my signature and the official seal of my office.

ANDY W. AMBURGEY,
Post Commander.

HUNGER AND MALNUTRITION

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. PURCELL. Mr. Speaker, the Democratic Study Group Task Force on Food and Agriculture and on Consumer Affairs conducted 2 days of hearings here in Washington, D.C., on September 18 and 19 to give additional exposure to the problems of hunger and malnutrition in this country.

The House Committee on Agriculture, of which I am a member, and the Senate Select Subcommittee on Nutrition and Human Needs had previously afforded food industry representatives the opportunity to address themselves to the Congress about their efforts in resolving the crisis.

The problem is one nesessarily requiring the combined resources, efforts, and cooperation of the public and private sector.

Whatever can be said in the way of criticism of the industry, it cannot be said that it is refusing to cooperate in resolving the hunger and malnutrition problem.

In testimony of this fact I would like to place in the RECORD the statement submitted to the DSG panel by Mr. R. Hal Dean, chairman of the board and chief executive officer of the Ralston Purina Co. Mr. Dean leaves no doubt that this leader in the field of animal nutrition is successfully translating its basic animal nutrition knowledge into workable, low-cost human food products and food systems which will meet people's protein needs and food preferences here and abroad. The company has products available for the USDA's school lunch and commodity distribution programs, is participating in the Rutgers University study, and is considering the production of a 50-percent protein, full-fat soy product in cooperation with one of the West African countries. Additionally, other high protein products are being perfected for human consumption. 'These are significant steps forward, and efforts such as these by responsible private industry should be acknowledged and praised.

The statement follows:

STATEMENT OF R. HAL DEAN BEFORE THE HEARING OF THE DEMOCRATIC STUDY GROUP TASK FORCE OF FOOD AND AGRICULTURE AND ON CONSUMER AFFAIRS

My name is R. Hal Dean. I am chairman of the Board and Chief Executive Officer of the Ralston Purina Company.

I welcome the opportunity to review Ralston Purina Company's interest and activity in the area of hunger and malnutrition. This statement will deal with our previous and current activities with the Federal government as well as an updating of our product development work.

In the last several years both the Congress, the Administration and the food industry have become increasingly mindful of the problem of hunger and malnutrition in this country. Accordingly, various representatives of the food industry have had the opportunity to report on their efforts to the Congress. In the last 18 months, we addressed ourselves to this very question on two separate occasions.

In April, 1969, I strongly testified before the House Committee on Agriculture and endorsed legislation (H.R. 7919) introduced by the Honorable Thomas S. Foley, Congressman from the State of Washington and Chairman of the DSG Task Force on Food & Agriculture. This legislation called for the establishment of an Assistant Secretary of Human Nutrition in the Department of Agriculture. Although the bill has not been enacted it has served, in my opinion, as one of the catalysts which prompted the Administration to establish a Food and Agriculture Nutrition Service in the USDA. This Service has significantly strengthened the Administration's efforts relating to human nutritional needs.

We are extremely pleased to have played a small part in this development. We share this Committee's deep interest in the Administration's positive action in this area and hope the Food and Nutrition Service will continue to sensitize our government's leadership in the fight against hunger and malnutrition.

On July 22, 1969, I testified before the Senate Select Committee on Nutrition and Human Needs.

At that time, I outlined to the Chairman, Senator George S. McGovern and the members of his committee, our company's corporate interest and capabilities in the area of protein research and nutrition. While we have diversified considerably, the company today is the world's largest producer of formulated livestock and poultry feeds with plants and physical facilities in more than 40 states and 30 foreign countries. Our principal corporate objective has been the efficient production of meat, milk and eggs by the use of highly nutritious and balanced feed rations coupled with improved animal breeding, farm management and sanitation practices. Seventy-six years of experience in animal nutrition research has established our company as a leader in the field of animal nutrition.

As a broadly based, protein resourcing corporation our interests, experience and capabilities are tied directly to the subject of protein research and nutrition. In recent years, our research people have been working to translate our basic animal nutrition research knowledge into workable, low cost, human food products and food systems which will meet today's needs.

Although we are working closely with, and keeping abreast of developments in single cell and fish protein concentrate research, we feel soy protein sources hold the most realistic near term promise for solutions to today's protein hunger and malnutrition problems. Through this research, we have

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developed isolated edible soy proteins for human consumption. However, research is continuing in order to improve flavor, texture and economic viability.

Recently significant breakthroughs have been achieved which have enabled us to overcome a number of these problems. As a result, we now have the capability of producing a substantial variety of "engineered" or structured food products. These products can serve effectively as vehicles for high impact nutrition as well as desired supplementation of vitamins and minerals. In other words, today, we can totally engineer the food product and "build" into it the specific nutrition required to meet a specific deficiency. I want to point out that Ralston Purina Company is not by any means the only company engaged in research in this important, exciting field.

Furthermore, it is important to keep in mind that these new protein products have been and are being developed to meet specific dietary needs. They are not designed, nor intended, as replacements for food staples we know today.

Approximately one year ago we proposed specific nutritional programs in Phoenix, Arizona and East St. Louis, Illinois, in conjunction with local Office of Economic Opportunity personnel. In each case, we had submitted detailed specifications, cost data and guidelines to implement the nutritional feeding programs. Unfortunately, sufficient funding has not been forthcoming from OEO or USDA and the projects have been held in abeyance.

Before we discuss the current Ralston Purina Company activity and planning, I would preface my comments by referring to a recommendation of the November, 1969 White House Conference on Food, Nutrition and Health. The following is a quote from the conferees of Panel Number 6 of the White House Conference:

"By even conservative estimates snack foods occupy a prominent position in the diet of American youth, being in many cases a significant source of young people's daily nourishment. This is also true of large segments of population below the poverty level, chiefly in U.S. urban centers.

"Industry has the freedom to add to the nutritive value of these products, as there are no standards of identification for them. Because the nutritional value of some snack foods is often negligible, it would be desirable for the food industry to consider the question of enriching the nutritional content of such foods. This would be especially pertinent in the development of new snack items intended for the adult market.

"It is recommended: That industry accelerate its efforts to make available nutritious snack foods."

It is extremely encouraging to those of us in the food industry that the report of this White House Conference has touched on several key issues inherent in the problems of supplying nutritious foods to the American public—specifically, those Americans, young and adult, who are in deepest need on the subject of nutrition.

Our research and experience in the market place has proven that products cannot be sold to the public solely on the basis of their nutritional content. People want nutrition . . . but most people are interested in taste, and other real or imagined benefits from food. In addition, we know that there is a great deal of confusion in the public's mind on the subject of nutrition.

Based on this accepted body of knowledge and the aforementioned admonition of the White House Conference, our company has actively pursued the necessary Research and Development to produce a highly nutritious snack food.

Again, building on our expertise in the vegetable protein field, we have produced, thoroughly researched and placed in selected test markets, a high protein/low cost, culturally acceptable snack product. The test product carries the Ralston Purina brand name of "Potato Crispers." It was introduced in August, 1970, in test markets in Ft. Wayne and South Bend, Indiana. To date, consumer acceptance has been excellent. I have taken the liberty of having samples of the product available for your personal review.

The product looks and tastes like potato chips . . . but it has four times the protein and 30-40% less fat than potato chips. Ounce for ounce Potato Crispers contain as much protein as choice T-bone steak, 80% more protein than fresh eggs and five times as much protein as fresh milk.[1]

We feel this product offers great promise not only for the needy or malnourished, but also for the average consumer.

Turning to additional specific activities, our company is working closely with the USDA to develop products for the School Lunch Program, the Commodity Distribution Program and the Rutgers University School Feeding Project. In addition, we are working with the Appalachian Regional Commission and are undertaking long-range planning concerning food habits and product preferences of ethnic groups.

We feel that application of edible protein products into workable public/private sector nutritional programs is of the utmost importance. Recent serious discussions regarding the private sector's role in solving the problems of malnutrition are extremely encouraging. We feel we have the resources, the expertise and the desire to make these programs work. However, if help is needed from the private sector, government must understand the need for proper funding and collateral cooperation.

In the area of the School Lunch Program, an activity where we feel we can make significant contributions, our management has been encouraged by several recent expressions directed to private industry by the USDA.

In a recent address to State School Lunch Directors and Supervisors, Mr. Edward J. Hekman, Administrator, Food and Nutrition Service, U.S. Department of Agriculture, said:

"The Department of Agriculture believes that a properly balanced diet of conventional foods can provide adequate nutrition. However, we are also aware of changes in dietary habits as well as changes in the nutritional quality of processed foods. *Thus, we are interested in 'engineered foods' to the extent that such new foods can offer improved nutrition to the general public. Engineered foods are defined as those foods which are so prepared and processed that they:*

(A) Improve nutrition.
(B) Reduce cost.
(C) Offer greater convenience in meal preparation.
(D) Improve acceptability.
(E) Improve stability.

Mr. Hekman went on to say:

"But, we want to see the engineering of foods for nutritional improvement oriented toward acceptance by the general population through the commercial market—not solely for government purchase."

This type of language is indeed encouraging. It should be noted, however, that there is an area of concern in moving these new foods to the commercial markets. In establishing labeling regulations and product "Standards of Identity" it is important that the products be described in clear and straightforward language that informs the consumer without danger of prejudice.

The product we have introduced in test markets, Potato Crispers, meets the criteria as outlined by Mr. Hekman. Furthermore, other products, in various stages of Research and Development are also designed to answer the requirements as outlined by the USDA. Some are designed as meal supplements, one in particular is designed as virtually a whole meal.

We are extremely hopeful that these products will be accepted and implemented immediately in nutritional study programs.

The contractual agreement between USDA, OEO and Rutgers University for school lunch feeding programs offers additional encouragement. Our company is currently preparing a proposal for high-protein products to be used in the Rutgers Study.

We are encouraged that this study is being undertaken to explore new ways to provide the necessary nutrition for school children on a Type A lunch . . . especially in schools with limited food handling facilities.

Again, referring to Mr. Hekman's speech, he reminded the School Lunch Directors and Supervisors of the following regulation, published in the Federal Register last January:

"The Child Nutrition Division of the Food and Nutrition Service *may approve variations in the food components of the Type A lunch on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic or physical needs.*"[2]

One of the products we are exploring for the Rutgers Study . . . when consumed with an 8 oz. glass of whole milk . . . meets the nutritional requirements for a Type A lunch.

This engineered food product is being designed to provide more nutrition for less tax dollars. In addition, of course, it offers: 1) extreme ease of handling, 2) lower cost, 3) high level of acceptability, 4) reduction of clean-up and waste, and 5) a variety in the basic menu (it will be available in three varieties).

Again, I might reiterate the need for intense cooperation which is needed between the public and private sector. We feel private industry in general and Ralston Purina Company specifically can make a sizeable contribution to nutritional development of our most important asset, our youth.

In closing I would like to mention that our company, due in part to our sizeable international operations, realizes that protein deficiencies exist in varying degrees around the world and the geographic boundaries of this, or any country, offer no special immunity to those who suffer from malnutrition and hunger.

During the past ten years we have been helping to translate our knowledge of animal agriculture and nutrition into developing nations to increase their productivity and reduce consumer prices of farm products. At present, we are discussing a joint venture with the government of a West African country to build a plant to process a full-fat, soy protein product.

This facility will produce a nutritious soy product yielding 50% protein. It will be used in school feeding programs, hospitals, military feeding and possibly consumer markets.

Solving the problems of hunger and malnutrition is a big job. However, a great deal is at stake. It will require the combined resources, efforts and cooperation of the public and private sector.

Our involvement in these projects, here and in the developing nations, demonstrates our sincere interest, enthusiasm and desire to make a meaningful contribution toward the elimination of the problems of hunger and malnutrition. Our proposals for the School Lunch Program, our active participation in the Rutgers University Study and

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[1] Comparisons are based on data from *USDA Agricultural Handbook #8.*

[2] USDA, Food and Nutrition Service, National School Lunch Program, Title 7 Agriculture, 210.10 January 20, 1970, Federal Register (35 F.R. 753).

the introduction of our new protein snack product offer concrete evidence of Ralston Purina's affirmative and positive action. We ask only for the continued encouragement and cooperation that will be needed to solve the multitude of problems that are before us.

Thank you.

HOUSING AMERICANS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. HAMILTON. Mr. Speaker, the Christian Science Monitor has just completed an excellent in-depth analysis of the housing pinch being faced by most Americans today.

I commend the following five-part series to the attention of those of my colleagues seeking an understanding and a solution to what has been widely labeled as "the American housing crisis":

[From the Christian Science Monitor Sept. 19–21, 1970]

So You Want a House?—Forget It

(NOTE.—Does the United States housing pinch really hurt as much as one hears? The poor have always been badly housed. But now that even middle-income Americans feel it, some see the housing crisis as a potentially hot political issue. First of five articles.)

(By Merelice Kundratis)

SAN FRANCISCO.—Over half the Nation's population might as well forget about wanting to buy a house—or live in an apartment big enough to meet their needs.

The housing crisis is that bad.

If it hasn't hit you yet, hang on. At the rate things are going, it will—as soon as you want to make your next move. And this applies to people at all income levels.

Major business firms, because of the crisis, are transferring personnel less frequently. Families simply refuse to make the move. One young Texas family recently had to pay twice as much in California for a home that compared with the one they were leaving.

Residents in wealthy Wilmette, Ill., note that only a year ago, it was impossible to find a house. Now, an upper-income executive simply couldn't sell his high-cost home.

That is not to say there isn't plenty of demand for housing. But it's the people making between $8,000 and $12,000 a year who are especially in trouble.

Most homes are not being built for families making less than $1,000 a month. Besides that, all of their bills—car, new furniture, etc.—must be paid off, says Lee Williams of Doelger Builders here.

APARTMENTS ALSO SHORT

Some 32,000 houses have been sold by Doelger, Mr. Williams explains. Ten years ago, he continues, the homes were in the range of $21,000. Their cost has increased $1,000 a year.

Buyers today might even have the down payment when they come in, but Mr. Williams still has to say, "I'm so sorry. We simply can't help you." Too low an income disqualifies them for financing.

President Nixon, in the "Second Annual Report on National Housing Goals," noted that the "median price of all conventionally built new homes now being offered for sale is about $27,000." Nearly half of all American families, he further noted, cannot afford more than $15,000.

So the swing is to apartments, where the shortage—for middle- as well as low-income levels—is equally acute.

Single careerists in New York who have progressed to maintaining their own apartments find they have to revert to dormitory days and double or triple up to pay today's rents.

Here in the cosmopolitan city of spectacular hills, residents gripe bitterly about skyrocketing rents. Their next complaint—a common one throughout the nation—landlord neglect.

Time after time, renters say: "My landlord doesn't have to worry about keeping my apartment nice and making repairs. He does not care whether I move. He could rent it again without any trouble."

Poor people are used to such neglect. But it is becoming almost as common among middle-income tenants. And the reaction is the same—little incentive to fix up a place. Says Sheila Datz, who came here from Boston:

"I was going to get carpeting for my apartment. But now I won't bother. I looked three months for my last apartment, lived there one month, the rent was raised, and I had to move. When my present lease is up, I might have to move again."

Sheila wouldn't want to return to Boston, however. Since she left a year ago, chaos has hit Boston rents—despite a recently formed rent-review board. Swamped by college students, that eastern city contends with tougher and tougher housing shortages each fall—and higher and higher rents.

One Boston secretary saw her rent climb 33 percent in the last two years.

In Chicago, Anne and David are gritting their teeth and looking at new high-rise, in-town apartments costing $300 a month for one bedroom.

New Yorkers, in turn, must be willing to pay that much for just a studio apartment in downtown Manhattan.

EVEN REWARDS OFFERED

In housing, as in most big-city problems, New York sets pace—a dubious honor indeed as the city's vacancy rate hovers at a frighteningly low 1 percent and the race is on for ratholes.

Few large cities come near the 4 or 5 percent vacancy rate considered normal for the smooth movement of this nation's highly mobile population.

One young man in New York had a fairly firm idea of what he wanted in an apartment. He joined four other prospects that a real estate agent was taking around in a group. When they walked into one apartment, he quickly glanced around from the doorway and immediately blurted, "I'll take it," leaving the others with their jaws dropped. He got it, and was glad he did.

At another Manhattan—Manhattan, Kan. (adjacent to Fort Riley)—newspaper want ads include such wry remarks as "reward for information leading to the rental of an apartment."

Here in San Francisco, a Chinese shopkeeper talks about commuting 20 minutes to his business. With his large family, he cannot afford the $150 monthly rent for cramped, rundown quarters in famed Chinatown.

And every city has its enclaves of the elderly struggling to make a home out of the cheap rooms they rent on fixed, limited incomes.

Here are some of the sobering statistics that are affecting these people:

Almost two years ago, the President's Committee on Urban Housing assessed the nation's need at a minimum of 26 million additional units in 10 years (by 1978). That means 2.6 million a year.

In 1969, the nation managed to produce only 1.49 million units—the largest number, however, since 1963. And in 1970 it is doing only slightly better.

The 26-million goal does not include an additional 2 million units that should be rehabilitated without public assistance.

While the 10-year goal does cover replacing dilapidated housing with standard units, it does not attempt to solve the overcrowding that already exists in standard units.

Although the United States on an average outdoes other nations in providing comfort and space in housing, an overwhelming number of Americans are still ill-housed.

RURAL POOR ASK HELP

Naturally the poor are the hardest hit. And 6 million of the 26 million goal are chalked up as subsidized housing. That 6 million housing units—even though it is more than the country has ever tried to produce—is a bare minimum.

A hue and cry also is rising from the rural poor who live in areas where bad housing and unemployment conditions have driven people to the cities. Some 100 participants at a 1969 national rural-housing conference stressed the need to raise the level of government-assisted units from 6 to 13 million—with 7 million located in rural areas and small towns of less than 25,000 population.

Perhaps few problems have been as ignored, while at the same time being talked and legislated about, as housing. There have been plenty of programs—but little money and national commitment.

George Romney, Secretary of the Department of Housing and Urban Development, stresses: "In my view, we face a full-scale national housing crisis.

"I consider it an emergency," he continues, "because of the important role housing plays in meeting the physical and social needs of people. After all, food, clothes, and shelter—those are the three fundamentals.

"In terms of a satisfactory environment for a family and the rearing of a family," Mr. Romney points out, "a good home is a very vital need."

MOBILIZATION STRESSED

A year ago, when Gov. Francis S. Sargent of Massachusetts similarly called attention to the housing crisis, one response came from the executive director of Boston's Urban League. Melvin H. King, a longtime advocate of better housing both in New England and in the South, wrote:

"If you say it is an emergency, then you would call out the National Guard and mobilize all the resources of the commonwealth to solve the problem. Now, if there really was a 'state of emergency,' you would 'draft' all the architects, engineers, building construction people, bankers, and insurance companies and mount a massive program that would have housing built on around-the-clock basis."

Mr. Romney contends the job could be done "if the nation is convinced it should be done." But he admits: "We have not made the commitment to meet the housing and urban needs that we made in the space program earlier. If we are going to get the job done, it's going to take that sort of a commitment."

Other housing experts note, as does Secretary Romney, that such a commitment becomes more likely as more and more Americans are hit by shortages and appalling costs. There's little doubt also among public officials that unless there is noticeable relief, housing is bound to become a powerful political issue.

$421 BILLION NEEDED?

To meet the goal set for the remaining 8 years of the 10-year period will cost (excluding land) an estimated $421 billion: $20 billion for mobile homes, $321 billion for private housing, and $80 billion for government-subsidized units and rehabilitations.

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Mobile homes, once dismissed as a real alternative to home-buying, are perhaps the best gauge of how severe the housing crunch has become. Business is booming in the mobile-home industry.

Typically, a mobile home sells for about $6,000 including furnishings and drapes, though some more elegant units can total $15,000 to $20,000 or more. Even the 12x60 unit for $6,000, however, is much homier than the camp trailers that used to characterize mobile living as gypsy living.

With sales over the 400,000 mark in 1969—and expected to top that this year—mobile homes made up 90 percent of all homes sold for under $17,500. Future growth depends somewhat on developing more mobile-home parks which, in turn, depends largely on overcoming the sleazy reputation that parks have in some areas.

PARK IMPROVEMENT NOTED

Offensive parks, in fact, still exist. But new developments are much more likely to resemble the "Colonial Mobile Manor" of Olen and Carmen Dalton in San Jose, Calif.

To rate its five stars in Woodall's Mobile Home Park Directory, the manor abides by such requirements as having wide paved streets, curbs and landscaping, attractive entrance and recreation hall, modern homes with porches and foundation "skirts," and facilities like a swimming pool, shuffleboard, etc.

Communities also complain that parks do not pay taxes equal to the burdens they place on local services. Park owners hotly retaliate by pointing out that although mobile homeowners pay only a personal-property tax rather than a real-estate tax, the park itself pays local taxes (collected by renting its lots).

"Parks pay more than their share," insists Mrs. Dalton. "Since the park is private property, the community does not have to worry about upkeep. Parks pave their own streets, put in their own fireplugs, provide their own police patrol."

In addition, most mobile-home residents are either young couples without children or with preschool children, or retirees. In neither case would they add to the burden of the local school system.

CLUBLIKE ATMOSPHERE

Mr. and Mrs. Dalton are complete converts to mobile-home living. They enjoy the country-clublike atmosphere which sets their park—and the park's rents—a notch above the avearge parks. Most of their plots, prepared for "double-wide" units, rent for $77 to $84 a month. Median monthly fee in the nation was between $30 and $39 in 1969, according to Woodall.

California alone has 4,800 mobile-home parks—about a fifth of the nation's total—with a heavy concentration in the San Jose area, which is also the fastest growing urban area in the United States. But there remains an acute need for family parks that provide playground and recreational facilities for children. So here, as in apartments, families feel the pinch more.

House-hunting for any individual has never been easy. When the hassle of moving is over, it's natural to sigh, "I've got mine," and then forget others.

Now that "others" are quickly becoming a majority of the nation's population, it remains to be seen whether fierce competition for limited and sometimes dreary living quarters will polarize the combatants—pitting against each other students, families, senior citizens, minority groups, and middle-class Americans—or whether the nation can rally support to tackle housing woes at all levels.

To date, the trend is toward polarization. And housing promises to explode as a divisive issue instead of the broad-based problem that it actually is.

70 Percent of the People on 2 Percent of Land

(By Merelice Kundratis)

Chicago.—Out in Western Kansas, far from the flurry of urban chaos and in the midst of acres and acres of farmland, Paul V. Johnson lives 18 miles from the nearest town. The next farmhouse is 1½ miles down the road.

In the prairie, short, wiry Charles Todd raises cattle and grows wheat and soybeans on a farm settled in 1876 by his grandfather.

These men know what is meant when the United States is described as "land rich." The level of density—number of houses or people per acre—is not a problem where they live.

And yet, Mr. Todd and Mr. Johnson are part of this nation's housing crisis. They both have children (seven and three, respectively) who have left the farm. As college students, as new families, as new urban dwellers, many farm children illustrate the shifting national population.

With modern farm equipment, it takes fewer and fewer workers to run larger and larger farms. The average age of farmers gets higher while young people turn to the cities for jobs.

All Americans would have to group into an area the size of Texas and Oklahoma combined to match the density of West Germany or Britain, says the 1968 report of the President's Committee on Urban Housing. And anyone crossing this nation would certainly wonder why housing experts talk about land shortages, land demands, and the high cost of land.

POPULATION IMBALANCE

But housing gets built where the jobs are—in our near urban areas. About 70 percent of the population is piled on 2 percent of the land.

That makes the city land story different.

Miles of new highways cut wide swaths through what used to be urban residential areas. City land that could help solve the housing crunch is turned into outdoor parking lots—again showing more deference for the car than for people.

And in city after city that has seen the ravages of urban "renewal," empty land stands idle while housing-development funds dry up because of rising construction costs, or red tape snarls people's hopes that better homes that they can afford will be built where their old ones were razed.

Los Angeles sprawl blankets with houses and highways whatever natural loveliness once existed. Land is used, misused, abused, and expensive.

As part of the soaring cost of an average single family house, land has leaped from 11 percent in 1950, to 18 percent in 1960, to 25 percent in 1970. In dollar amounts, that means an average house lot jumped from $1,144 to $2,808 to $6,200 in those 10- and 20-year periods.

The National Association of Home Builders (NAHB), which compiles such statistics, explains that galloping increases are due in part to higher costs of land improvements—putting in streets, curbs, sewage pipes, and underground utility lines.

LAND-COST SPIRAL CITED

Some specific examples of the dizzy land-cost spiral during the last 10 years: a house lot in Boston up from $3,694 to $9,210; Dayton, Ohio, from $3,589 to $8,228; Beaumont, Texas, from $2,309 to $5,294; Lafayette, Calif., from $5,090 to $10,752; and metropolitan Washington from $4,353 to $9,268.

There are at least two aspects to land problems: finding land and then putting it to good use. In both aspects, people first need to be convinced there is in fact a problem.

"It has been said that the United States has no shortage of land," wrote Max S. Wehrly, former executive director of the Urban Land Institute, in the Professional Builder. "I think the continuation of this notion—as it applies to urban areas especially—has been responsible for much of our wasteful and inefficient use of land for urban purposes. It's time we revised our thinking in this respect."

George Romney, secretary of the Department of Housing and Urban Development (HUD) agrees: "People generally in this country don't think we have a land problem yet. The people who have to buy a lot to build a house—they do. But then they forget about it."

To reach the national goal set in 1968 of adding 26 million badly needed housing units by 1978, an estimated 8 million acres of land could be needed. If land costs continue to shoot up, that could be a major obstacle to a goal that already seems unlikely after only two years of the 10-year program.

TRANSPORTATION NETWORK

Improved transportation networks—enabling people to go greater distances to their jobs—can open up land formerly too remote for housing. But that raises questions not only about the distances people are willing to commute daily, but also about community planning and how best to use the land.

Entire new towns complete with their own employment opportunities are on the drawing board. And little by little, planners no longer are cutting automatically an acre of land into four squares and stripping them bare to make room for four houses.

Scattered throughout this nation are imaginative examples of houses tastefully clustered together so residents can enjoy sweeping spaces and recreational facilities on land that otherwise would have been eaten up by housing sprawl.

But the nation still is a long way from being convinced that the American dream of a one-family house on its own quarter acre of land can be improved.

Inevitably tied in with the question of land use is the practice of zoning. Zoning regulations were devised mainly to protect residential areas from the intrusion of industry.

But they now protect certain kinds of residents from other kinds of residents—often in the name of the right to self-government.

Chicago attorney Richard F. Babcock, who wrote the book entitled "The Zoning Game," predicts zoning will become an even more complex issue in the courts than school desegregation.

"I am absolutely firmly convinced," says Mr. Babcock, "that there will be no major change in zoning locally until the court does take a stand." He further indicates the issue will be untidy and chaotic.

The power to regulate local zoning—which in turn has resulted in keeping out the elderly, young couples, and others who cannot afford housing limited to two-acre plots—is derived from the state. And Mr. Babcock confesses to being uncomfortable about letting people preserve their own way of life by using a government law meant to promote the "general welfare" of its citizens. He maintains that general welfare is broader than the private decision of a community arbitrarily to outlaw higher density on its land.

Though land costs account for the most inflationary portion of house prices (and are probably the most ignored portion), it is not the whole story. There also are the rising costs of construction materials and labor (sometimes lumped together as "structure"), overhead and profit for the developer, and financing (initially for the builder and then the buyer).

BUILDERS, LABOR INDIGNANT

Working with what statistics it can compile, NAHB has developed its "best estimates possible" for the breakdown of the cost of a single-family house. NAHB's data show that, while the dollar amounts of all aspects of

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house prices have gone up, the structure and the overhead and profit have declined as a percent of the total cost.

In fact, both builders and organized labor are especially indignant when they are blamed for the high cost of housing.

"The actual cost of constructing a house," counters Louis R. Barba, president of NAHB, "has risen slower than the cost of living over the past 10 years." He insists that "money is by far the principal problem facing housing today."

Financing the construction of a house has in fact increased from $1,070 in 1960 to $2,900 in 1970, from 7 percent of total building cost to 12 percent, NAHB statistics show.

Echoing Mr. Barba are two labor leaders.

"Labor wages are not comparable to other factors creating the housing shortage," maintains John E. Evans, director of the AFL–CIO's department of urban affairs. He insists that high interest rates on mortgage loans inhibit housing production more than any other factor.

In addition to high interest rates, the increasing costs of land and construction materials also are to blame for the housing shortage, says Peter Terzick, general treasurer of the United Brotherhood of Carpenters and Joiners of America.

HOUSING PRODUCTION

Still, average hourly earnings and fringe benefits in the building trades have climbed in the last five years from $5.40 to $7.51. Mr. Evans emphasizes, however, that building tradesmen rarely work year-round. On the other hand, he does not point out that overtime work to make up for the very things that hold back year-round construction is not uncommon.

Both small builders and organized labor insist that when the problem of high interest rates is brought under control, conventional on-site construction will get into full gear again. There is no doubt that they are right—and that the housing-production will enjoy a much-needed upturn.

But if past experience is any indication, the upturn will not be enough. It might result in a surplus of certain kinds of houses (mainly those for upper-middle-income buyers). But many people in lower-income brackets still won't have decent places to live at prices they can afford.

Resistance to streamlining housing production in the factory crops up from a collection of fears. Small builders—the backbone of the housing industry—actually have done an exceptional job in the past and do not want to be driven out by the big corporations now entering the housing business.

ARCHAIC BUILDING CODES

Union construction workers—already wary of the vagaries of one-site jobs being dependent on weather, deliveries of construction materials, and a healthy building rate—view factory-built housing as still another threat rather than a way to stabilize their own jobs into year-round employment.

One way in which unions can exercise some influence against mass production is by supporting archaic building codes. Like zoning, building codes started out as a needed protection.

No one wants to move into a house that could collapse or is fire prone. But with some 5,000 different codes in the nation—each developed and administered by the local building inspector—new, cost-saving materials and building methods often don't get the chance to prove themselves. And union members with outdated skills lobby to preserve old materials and methods sometimes to the detriment of housing improvements.

Lou Chaitman, executive vice-president of the Builders Association of Greater Boston, suggests that codes should specify performance rather than specific materials. Many building materials might accomplish the same strength and safety, he notes.

Mass production, of course, is hindered by variations of, for example, some 76 different codes for the towns and cities in Greater Boston and the 85 different codes in the Chicago area.

CONTRACTS SIGNED

Gradually, however, union resistance is being tempered somewhat as unions sign precedent-setting national contracts with industrialized housing manufacturers to provide union labor in the factory and at the site of assembly.

If this nation sets out in earnest to accomplish its goal of 26 million housing units, today's labor shortage—which already enables unions to bargain for sizable salary increases—will be mild compared to future need.

The housing industry, especially if it moves significantly into the factor, could be one of the nation's most promising fields for providing training and work to the unemployed.

Bringing together labor, big business, and local communities that are willing to study zoning and building codes is unlikely to bring about major reductions in the cost of housing. But such cooperation could deal with the other side of the housing-problem coin —simply, the drastic need for more of it. Eliminating some fears and restrictions could help spur the rate of housing production.

HOW DO HOMES BECOME JUST PLAIN SLUMS?

(By Merelice Kundratis)

WASHINGTON.—Jeremy was wading in the water on a sunny day, happily kicking up splashes.

His play area was the gutter in a slum section of this hot, teeming city. The water came from a fire hydrant. Jeremy's family lives in some of Washington's crowded, substandard slum housing.

The scene can be repeated across the United States. Tourists come to see San Francisco's cable-car hills, elegant shops at Ghirardelli Square, and bustling Fisherman's Wharf. But on a not-too-distant hill, with a magnificent view to rival any of the city's tourist hills, sits Hunters Point project, dreary and dilapidated World War II "temporary" housing, still in use.

Slum housing of itself isn't "news" in the sense of being a novel discovery. But out of the compaction of many people into small areas of this nation's cities comes news daily—news of crime, drug and alcohol abuse, of sickness and mortality rates, of poor race relations, and of poor job-training, education, and employment opportunities.

There is nothing particularly mysterious about how slum housing gets that way. But neither is the process as simple as some would like to believe.

MANY FACTORS INVOLVED

Slum housing cannot be blamed, for example, just on lazy, uneducated, or destructive, residents. Nor simply on profit-milking, absentee landlords. Nor only on inadequate city services for overcrowded areas. Nor on insurance companies and banks that "red line" a neighborhood as a bad risk. Nor just on suburban "snob zoning" which prevents families of lower incomes from choosing to move to better housing.

They are all involved. They are all to blame. They all must be changed together for genuine progress.

Of this nation's 66 million housing units, more than 10 percent are substandard, four million lack indoor plumbing, and 2.7 million are in dilapidated condition. (A house is classified as substandard if it is: (a) sound but lacking full plumbing; (b) deteriorating and lacking full plumbing; (c) dilapidated.)

The 1960 census figures showed that the percentage of nonwhites occupying substandard housing was 58.9 in Pittsburgh, 56.9 in New Orleans, 51.6 in St. Louis, 45.9 in Dallas, 42.8 in Chicago, and 42.4 here in New York. The 1970 census will of course update these statistics.

New York's "refugees in residence"—more simply known as squatters—talk readily not only about struggles to find decent housing but also about overcrowding in standard units.

NOWHERE—TO GO

Samuel and Janice Jackson and their five-month-old son were living with Mr. Jackson's family—eight people in five rooms. For three months after the baby's birth, Mrs. Jackson looked for housing they could afford.

Then in July, they simply moved into a four-room, fifth floor walk-up which was being kept vacant on East 11th Street.

"I don't know of any apartments under $300—unless you want junk," says Mrs. Jackson. "People are here because they have nowhere else to go—not because it's just something to do."

A five-year resident in the same building, Miss Susan Hirsch, says she is glad the squatters filled empty apartments.

"Empty apartments," she explains, "are vulnerable to derelicts and prostitutes. They encourage others to leave. This is a good building which shouldn't be deserted."

MANY FAMILIES WAITING

A "good building" by New York standards would shock visitors. It can be old, dark, crowded. But if it is still solid and clean, it is "good."

The neighborhood is being considered for higher density zoning. So this building's landlord is said to be leaving apartments vacant because he hopes to tear down the building and replace it with a high-rise—which his present tenants couldn't afford.

With 130,000 families on a waiting list for New York's public housing, the desperation of squatters is being viewed here with some toleration. Most squatters, furthermore, pay rent even before landlords request it.

Some suggestions proffered by Mrs. Frances Goldin, vice-chairman of the Metropolitan Council on Housing, apply equally to other cities where similar suggestions often are made:

Call a moratorium on housing demolition.

Open up the 50,000 abandoned units in the city, most of which, she contends, are sound structures.

Build for low- and middle-income families on every piece of vacant or badly used land. Mrs. Goldin cites such examples of badly used land as abandoned warehouses and schools, parking lots, and "four corners with four gas stations at one intersection."

BUILDINGS DESERTED

Chicago, Philadelphia, Washington, and Boston are among other major cities suffering the scourge of abandoned buildings which—if they aren't already—quickly become rundown and a source of increasing neighborhood blight.

Such abandonment is most usually blamed on those landlords who have gotten what profits they want out of a building which they would then rather desert than fix up.

What is supposed to happen instead is a process known in the housing field as "filtering." As a house ages, its inhabitants move on to more expensive housing. Then the house passes down to the next economic level.

But for the filtering process to work to everyone's advantage, houses at all price levels must be available.

With today's housing crunch, the prices even of decaying houses are climbing. Moreover, if the transfer is from a white owner to a black, the price goes still higher since

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housing shortage for a black is aggravated by discrimination outside ghetto areas. He often has no choice except to live in a ghetto.

URBAN RENEWAL INVOLVED

When poor families move into a changing neighborhood, they often must double up to afford the rents. Also, urban-renewal programs have torn down more units than have so far been replaced—forcing additional overcrowding in what remains.

Meanwhile such city services as street cleaning and garbage pickup usually remain at the same level for two to three times the number of dwellers.

Inadequate city services, aging houses going unrepaired, and poverty itself—having to choose between buying cleanser or food for the baby—can make cleanliness hard to come by in the slums, even for people who earn their living as domestics and custodians.

As recently as three years ago, it was impossible to obtain house insurance, mortgage insurance, or home-improvement financing in racially changing or deteriorating neighborhoods. While it is still a problem, some insurance companies and banks now are trying to reverse, instead of foster, this galloping pace toward squalor and abandonments.

Ending Rural Squalor

Elk Grove, Calif.—Farm worker Oscar Romero, his wife, Martha, and their seven children used to live crammed into four rundown, small rooms—till they came here to build their own house.

Without question, migrant farm workers are often the most wretchedly housed in the United States. They are among the 14 million rural Americans—including American Indians and Appalachian whites—living in shacks, hovels, tents, and car bodies.

While this series is focusing largely on urban-suburban housing needs, the lack of attention given shabby rural housing should be noted. Alleviation of rural squalor could stem some of the migration which substantially increases the city's burdens.

One modest program, however, looms as a major development in rural housing today. Small clusters of migrant workers from Florida to California are getting together to help each other build their own places to live.

MUCH TO LEARN

It's a long haul. There's a lot to learn about building, and much of the construction must be done by floodlight at night when workers are not out harvesting crops.

Women and children pitch in when they can during the long months of construction. Last New Year's, on a drizzly cold day here, migrants worked on their houses.

Is it worth it?

"Oh yes," smiles Mr. Romero without hesitation. His wife happily nods agreement.

Now it is a languid, hot August day. Mrs. Romero shows her visitor around the four-bedroom home which the family moved into just three weeks previously. She chats quietly, easily—about how she helped build, how much the bedroom space means to her and her children, how she'd like to fix the backyard, how she enjoys her modern kitchen.

When she returns to her family in the dining area, Mrs. Romero resumes speaking Spanish. They are Mexican-Americans.

Down the street, Antonio Guzman is still working on the finishing touches of his house—varnishing baseboard strips.

"If it were not for this self-help program," he stresses, "I would never own a home. A farm worker would never make that much."

Mr. Guzman was elected board member of the local nonprofit corporation set up to receive the funds that make self-help housing possible. There are some 26 such groups across the nation. A year ago there were only about 15 groups. Each group might sponsor several small developments such as the 17 houses here in Sacramento Valley's Elk Grove. The houses must be built in communities with populations under 5,500.

The self-help program is funded by the federal government's Office of Economic Opportunity (OEO), mostly through its migrant division. In cooperation with the Farmers Home Administration of the Agriculture Department, OEO has been a major spur to helping the rural poor get housing.

TRAINING PROVIDED

The OEO provides community organizers to get interested and qualified families together. Then it provides technical, financial, and maintenance training and supervision of the 8 to 12 migrant families who want to build their houses.

The families work as a team. No one goes ahead on his house until each stage is completed on every house—with the workers moving as a group from foundation to foundation, flooring to flooring, erecting walls on one house then the next, etc.

Work by the migrants is called "sweat equity" and is accepted in lieu of a down payment. About 1,000 to 1,500 hours of labor are credited with $2,000 to $4,000 worth of sweat equity.

"They don't walk away from a home when they've put that much work into it," notes F. Mike Cardenas, energetic executive director of the housing corporation here.

Mortgage credit to pay for the land and building materials comes from the Farmers Home Administration. In California, a four-bedroom self-help house could cost just $7,500 plus sweat equity.

Last year, Congress also appropriated $2,125,000 through the Farmers Home Administration for technical assistance, thus supplementing the OEO's work. But as desperately as the money is needed, it has yet to get spent. Critics charge that the Farmers Home Administration sets unrealistic and restrictive qualification guidelines not only for the technical-assistance funds, but sometimes also for the mortgage credit.

At the same time, there is general recognition that:

The Farmers Home Administration is grossly understaffed.

A single Farmers Home Administration county agent must administer 26 different loan programs.

Only one of these loan programs deals with the self-help, low-income housing program.

Cooperation from the Farmers Home Administration depends largely on the inclinations of local county agents, some of whom dislike working with poor and minority groups.

Other county agents place low priority on the program merely because, until recently, housing was a miniscule part of the Farmers Home Administration budget and they still are geared more to the farming and agricultural needs of farm owners.

With an estimated OEO funding since 1965 of some $8 million, 1,146 self-help housing units have been built, 606 are under construction, and 612 mortgage applications are being processed.

But when one talks about 500,000 migrant workers—with more than half the nation's substandard housing in rural areas—2,000 new homes constitute just a start. Still, it exceeds in number the 1,600 units now slated for the Nixon administration's much-touted, technologically experimental "Operation Breakthrough."

PROGRAM CRITICIZED

In fact, over 100 participants at a 1969 national rural-housing conference called Breakthrough "an endless pursuit of some technological Holy Grail which it is hoped will enable us to house the poor without "cost." They concluded:

"We remain convinced that housing the poor is more a political than technological problem. We are skeptical of the prospects of any cost-cutting breakthroughs being as significant as an end to the moral inertia which prevents the public, the President, and the Congress from launching an adequate housing program."

In short, those committed to alleviating this nation's hideous rural housing feel as frustrated as those fighting for decent urban housing.

Many a Wolf on the Way to Grandma's House

(By Merelice Kundratis)

Washington.—Tight money brought the housing crisis to the middle-class American. And the housing shortage could become an explosive political issue.

It is not surprising, therefore, that tight money is one of the first aspects of the housing crisis that the Nixon administration tackled with its recently signed Emergency Home Finance Act of 1970. Of course the federal government has taken other steps to lessen the severity of the housing crisis. But the money question came first.

While many housing and economic observers say it is "too optimistic" to expect a significant drop in mortgage-interest rates—which in some areas are up to 9½ and 10 percent—even having more money available for home mortgages is an improvement.

A spokesman here at the Department of Housing and Urban Development (HUD) described the administration's simultaneous bouts with inflation and the housing shortage.

LONG-TERM LOAN SOUGHT

When Mr. American home buyer wants a mortgage, he most often goes to a savings-and-loan institution or a mutual savings bank. He is looking for a long-term loan. The institutions, in turn, get their money through savings accounts that are short-term.

If the saving public can get a higher return elsewhere, for example on corporate bonds, the savings that ordinarily go into those savings institutions that provide mortgage money is sidetracked to better investments.

The demand for what mortgage money is left drives up interest rates. And, in fact, mortgage money can virtually run out regardless of what anyone is willing to pay for it.

When inflation hits, a government usually tightens money throughout the economy—cuts its flow and raises its prices. The first victim of a tight-money policy is housing. So while maintaining a generally strong anti-inflation stance, the administration also is channeling money into the home-mortgage market with emergency home-finance measures.

MONEY PUMPED INTO MARKET

Through three agencies—Fannie Mae, Ginnie Mae, and the Federal Home Loan Bank system—more than $12 billion has been pumped into the mortgage market since the start of this administration in 1969, says the HUD financial spokesman. (Fannie Mae and Ginnie Mae are HUD's pet names for FNMA, the Federal National Mortgage Association, and GNMA, the Government National Mortgage Association.)

One of these three agences might buy up old mortgages, thereby providing money to lending institutions for new mortgages. Or it might loan money directly to a savings institution, again providing another source of mortgage money besides savings accounts.

In addition to authorizing funds for these functions, the Emergency Home Financing Act expands the types of home mortgages that can be so bolstered. And in an unusual program the act also provides a three-year annual subsidy of $105 million for middle-income families, bringing borrowing rates down to 7 percent in some cases.

Without question, however, curbing inflation is priority No. 1. And George W. Romney, Secretary of HUD, concurs with President Nixon's Aug. 11 veto of the HUD bill (which the House subsequently sustained).

Congress had appropriated $3.643 billion for housing programs—$650 million more than the administration's requested $2.993 billion.

While the administration's request had increased appropriations for certain subsidized housing programs over last year, it did not break the mold of according relatively low priority to this nation's acute housing need. During his term, the President has vetoed four bills as being inflationary—all of them for domestic programs.

Administration emphasis is largely on home-ownership programs and encouraging private builders in the housing field—even for public housing. As with former administrations, this one faces a congressional reluctance to fund programs for the poor.

Morton A. Baruch, director of HUD's low- and moderate-income housing division, notes that mortgaging and rent-supplement programs for moderate- or middle-income families have a history of getting funded. Low-income subsidies usually get sliced.

One housing program on which the administration's request was cut back by Congress is Operation Breakthrough. Most of the ballyhoo about Breakthrough is because the program encourages better technology to get houses built and promotes a big-business approach to developing a national market for industrialized housing.

When the nation can reach the moon, and industry can roll major items off a mass-production line, what's delaying housing? This is the question that challenges and excites industry.

But another aspect of Breakthrough could be even more crucial to this nation's housing health: planning.

PLANNING ESSENTIAL

Without planning, better technology and marketing could simply speed up past mistakes—hastening housing sprawl or piling the poor on top of each other more quickly.

Alfred A. Perry, national director of Operation Breakthrough, stresses that "good planning means a community provides for the entire life span of its citizens." It also allows, he says, "for people to live, work, and play in the same community."

Few argue against the logic of his statements. But when it comes to specific steps, such community planning would require a change of heart that would mean:

Suburbs like Newton, Mass., would fight for, instead of against, low-income housing for the elderly.

Posh towns like Lincoln, Mass., would zone for apartments that its own schoolteachers could afford instead of restricting building to expensive single-family houses on two-acre plots.

Communities like San Jose, Calif., would allow, rather than voting to block, public housing for poor Mexican-Americans who labor at nearby farms.

SHOWCASE EXAMPLES

By providing showcase examples for people to see, Mr. Perry maintains, Breakthrough will demonstrate that good planning is to a community's advantage. It is hoped this will enable communities to realize:

Industrialized (factory-produced) housing is safe, attractive, and no more expensive than conventional housing.

This housing can be built swiftly and efficiently, and on a year-round basis.

Land for such sports as riding, golfing, and hiking could be available nearby if housing were clustered rather than sprawled in "cookie cutter" fashion.

Various types of housing can blend well and that a community can provide housing for all its citizens—laborers as well as lawyers—families, single careerists, young couples, and retirees.

Some states—such as California, New York, Michigan, and Massachusetts—are taking significant steps toward housing breakthroughs by legislating statewide building codes that preempt local codes, charging suburban communities to help provide low- and moderate-income housing, and by floating sizable bond issues to finance home building.

While housing and urban experts generally admit there is some good legislation on the books, they still contend that the commitment and funding fall woefully short of the crying need.

PIONEERING BUILDERS FIND PIONEERING BUYERS

(By Merelice Kundratis)

SACRAMENTO, CALIF.—Mrs. Carey contends that prefab housing is cheap and temporary.

Mr. Morgan thinks trailer parks consist of transient campers who ruin a community.

Mr. and Mrs. Jennings are afraid that the federal government's Operation Breakthrough housing program will dump poor people on their doorstep.

Misconceptions like these make innovations hard to come by in the housing industry. And housing innovators—in the face of such criticism—have become defensive.

Manufacturers of factory-produced housing, for example, shy away from the word "prefab" and its negative connotation of ugly, postwar housing. Instead, they talk about "industrialized" housing.

Olen and Carmen Dalton in San Jose, Calif.—and other owner-managers like them—resent having their attractive mobile-home park called a trailer park. Some mobile-home fanciers refer to their homes as "relocatable" rather than "mobile."

City, state, and federal officials of Operation Breakthrough stress the benefits of the program for the whole community—not just for low-income residents.

SKEPTICS ON HAND

Changes that capture attention (and controversy) in housing production today most often are linked with technological advances—updating "horse and buggy" techniques. But like the early days of the car, many skeptics of factory-built housing are hooting the equivalent of, "Get a horse!"

In housing terms, that could include: Leave building codes alone! Make mine single-family with an acre of grass around it! Don't use any new kinds of building materials! Work carefully! (that means slowly).

David Stirling Jr. of Stirling Homex Corporation (a major modular-housing producer) puts it this way: "There must be pioneer consumers for pioneering industries."

Mobile homes were unquestionably the forerunner of "boxes," modules, or sections, as the factory-produced units are variously called.

There are other, in fact more flexible types of industrialized housing such as component parts with columns, frames, floors, and wall panels.

But finding a lot of buyers for industrialized housing—enough to make mass-production profitable—must be preceded by widespread education and promotion. That's only one of the aims of Operation Breakthrough, the administration's program to encourage factory-built housing by setting up showcase sites, evaluating and certifying them, and developing new markets for them.

Almost from the start, Operation Breakthrough ran into trouble on its showcase sites—even though it was thought the 11 sites chosen from among 218 proposals would be bursting their buttons with pride. But local ire percolated over misconceptions that the housing would be "cheap" and that it was exclusively for low-income residents (some of it is).

In fact, perhaps one of the more disappointing conclusions drawn so far about industrialized housing is that it might not save money at all. Often what is gained by bulk purchases of materials is lost by transportation costs to the site of assembly.

So the speed with which housing is produced in the factory could be its most valuable contribution.

In a recent interview, George Romney, Secretary of Housing and Urban Development (HUD), insisted that local resistance to Operation Breakthrough diminished when "we gave them the facts."

OBJECTIONS VOICED

Still, when Congress cut HUD's budget for research and technology (President Nixon then later vetoed, for further cuts, what Congress passed), the two most angry communities were the first Operation Breakthrough sites to go—sites near Wilmington, Del., and Houston.

Showcase sites that remain will demonstrate multifamily and single-family units; low-rise, medium-rise, and high-rise housing; garden apartments; and town houses. The sites are in Jersey City, N.J.; Memphis, Tenn.; St. Louis, Mo.; Seattle, Wash. (two sites); Kalamazoo, Mich.; Macon, Ga.; Indianapolis, Ind.; and here in Sacramento, Calif.

Walter J. Slipe, Sacramento's assistant city manager, explained—while driving around the site—why he thought the former state fairground was acceptable to both HUD and the local neighbors. Out the car window—behind a high wire fence—stretched flat, unkempt land with overgrown weeds, a dead tree grove, and unfinished demolition.

Mr. Slipe noted that the site is:

Rundown enough so that the community looks forward to its being upgraded.

Not so rundown that it is beyond hope.

In the city with utilities, medical facilities, sewage lines, and transportation already available.

Open land which the state was willing to sell and which will not involve any displacement of people.

For all Operation Breakthrough's limitations, including dwindling of production from 3,000 to 1,600 units, the program still draws praise from its participating housing producers. Homex's Mr. Stirling says Operation Breakthrough attacks "tremendous attention to housing and identifying the need for changes."

Stirling Homex Corporation has already successfully identified its paying market—multi-family town houses—and its major consumer, government-assisted programs. The company has projects in 10 states and recently shipped modules by rail all the way to Corinth, Miss., from its Avon, N.Y., plant.

But Homex actually has stuck with traditional materials and styles so that its units abide by local building codes. In Rochester, N.Y., people living in Homex town houses didn't realize (and didn't mind when they found out) that their homes were factory built.

Mrs. Annie Floyd simply said about her home: "I'm crazy about it. I couldn't ask for more." She and her three children moved into their five-room Homex town house from what she described as a "filthy," two-room apartment where they had had to share the bath in the hallway.

Acceptance of building methods that are more out of the ordinary is slower in coming as Neil B. Mitchell Jr. of Neil Mitchell Associates in Cambridge, Mass., can attest. His time-consuming experience of meeting obstacles in a Detroit housing plan showed that an open market for different—although tested—building procedures was not around the corner.

PRODUCTS PROVED

However, in Lancaster, Pa., Mr. Mitchell found what Homex found in Akron, Ohio, "pioneer consumers for pioneering indus-

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tries." And this enabled them to prove their products.

Hartford, Conn., is running a kind of mini-Breakthrough project of its own by comparing four types of industrialized housing with conventional housing. From its 10 scattered sites, the city expects to learn about costs, materials, labor, and length of construction time.

HUD correctly hopes that industrialized housing will double this nation's present housing production very soon. The need is at least that great to begin to catch up with the nation's stated goal of 26 million units added by 1978.

For all the promise the factory holds, however, the President's Committee on Urban Housing noted less than two years ago: "We only caution that such systems do not offer a broad and universal cure for housing ills in a free society."

Slow acceptance of new ideas is discouraging. But even more discouraging is the limited scope of those innovations which do exist. Few people, compared with the total overwhelming need, are touched by them.

Meanwhile, conventional builders point out that they, too, are always updating their onsite procedures—including using prebuilt parts. Small-volume builders are still the back-bone of housing construction—65 percent of all builders in 1969 each built less than 25 single-family houses.

ROOM FOR BOTH

Major companies now involved in housing—companies like General Electric, U.S. Steel, Westinghouse, Alcoa—bring new elements to the housing industry. These include ability to tap new financing available to such corporations (outside the traditional mortgage market), management techniques and efficiency not found in smaller builders, and large-scale marketing experience.

It is too soon to tell whether housing will be taken over by big business. So far, the trend has not been strong. And in fact, given the nation's acute housing shortage, there is room—and need—for both conventional and industrialized builders.

One can assume the administration will continue to emphasize the necessity to put a lid on inflation, the steps it is taking to ease the tight money situation in home mortgages, and the role of private enterprise and big business in housing.

If so, the nation can anticipate construction of more middle-income housing and a stabilization of costs. But with the majority of Americans then settled once again, there could still remain no broadbased commitment to:

Develop rural areas sufficiently to stem migration.

Halt unplanned suburban sprawl (unless the ecologists discover housing and land planning as they have detergents, automobile exhaust, and dirty furnaces).

Rid the cities of rotting decay and overcrowding.

Put decent housing within economic grasp of all the poor.

Encourage use of new materials and building methods.

In short, recognize—and make politically popular—the concept that the accessibility of well-planned, varied housing in rural areas, the suburbs, and the cities is a goal worth spending for.

GROWING TREES FOR AN EXPANDING POPULATION

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, I marvel over the flexibility of America's rural people and their ability to meet changing conditions with new ideas and new directions. In my State of Arkansas, these traits, reminiscent of pioneer ingenuity, are reflected by the agricultural families who are keeping pace with demands placed upon them by a changing economy and society. Planning and management reveals the kind of thinking that will meet their needs and that of the country today and in the years ahead.

As an example, a lot of Arkansas farmers have moved into production of timber in an unprecedented number, indicating their long view of the future both from an economic and an environmental outlook. This is a crop which was given scant attention until after World War II, but today is a booming reality that will help maintain many rural communities as the timber matures and enters the national market. In 1950 only 251 tree farms were counted in Arkansas, and as of this year the 2,000th Arkansas tree farm is being commemorated.

Tree farms not only provide income to the landowner, but develop the industries and communities which are required to process and distribute the wood products. With this type of resource development rural America, particularly in my State, is going to have a better chance to grow and take its place within the improving decade of the 1970's.

This compartively new endeavor is a result of individual private initiative combined with State and Federal cooperation—an outstanding instance of what the future can hold for the country in other phases of our national life.

Dedication of the 2,000th tree farm in Cleveland County, Ark., on September 16 was indeed a milestone to which we can all offer our jubilant applause. Other States may well follow the example of my State because the demand for timber by the year 2000 will be enormous. Nearly 70 percent more softwood and 40 percent more hardwood will be needed only a generation and a half from now, compared with the 1968 output.

I was pleased to note that executive assistant to the Secretary of Agriculture Fritz Behrens was present at the 2,000th tree farm dedication and delivered the address that spelled out the unprecedented development which is receiving the commendations of not only State and Federal officials but private industry and the American Forest Institute as well.

For the information of my colleagues and rural development officials in other regions I call attention to the report presented by Mr. Behrens at the dedication which I submit herewith for inclusion in the CONGRESSIONAL RECORD.

GROWING TREES FOR AN EXPANDING POPULATION

Many with us today are tree farmers and foresters; many of you are land owners; and most of you, I'm sure, are more than a little concerned about the future of our land and our environment.

I hope that what I have to say may be of interest to all of you.

That all of us are here—tree farmers, foresters, land owners, farmers, businessmen, government officials like Virgil Cotheren, your own State Forester, and myself, from the Federal level, is, I think, worth noting because the forests are important to all of us.

When many Americans think of forests today, they think of some place far off, miles away from their homes where the air is clear, where streams run clean and hillsides are softened with a deep green blanket.

Americans today are concerned about environment and there is concern that our forests may soon disappear, that our forest land will take on the appearance of an ill animal's mangy coat, and that there will soon be little land left where one can hear the constant movement of air thru pine trees, hear the rustle of leaves, or enjoy the brilliant hues of fall.

We must be concerned for our forests—just as we must be concerned for the rest of our environment; but we must not make the mistake of thinking that the only way to have our forests is to rope them off from man's use.

America's demands on her forests are greater today than at any time in her past—and our requirement for forest products and other values and uses continues to grow rapidly. But I don't think this need spell doom for our forests and I would like to tell you some of the reasons why I feel this way.

Let me begin by repeating a bit of history.

Soon after he landed in the new world in 1607, Captain John Smith wrote home asking for permission to explore the vast commercial possibilities he saw in the forests.

Smith's request was granted and a few months later Polish and Dutch millwrights were hard at work in a crude sawmill at Jamestown; thus, American's first industry was born as logs for stockades, ships' hulls, decks and masts, furniture and wood for homes began to meet men's needs in the new world, not only in Virginia, but back in England.

It is an interesting comment on wood's versatility and universal appeal to man that many of these same needs are being fulfilled from our forests even today.

This forest, America's *first* forest, did much to stimulate the industrial revolution during the early 1800's when sawmills sprang up throughout the south to make lumber for churches, schools, roads, homes, factories and farms. Many of these buildings, now part of a proud heritage, are standing today.

But by 1909, a few years as history goes, Gifford Pinchot, the head of the United States Forest Service, predicted that America's forests were facing extinction. The end, he said, would come "by 1930 at the very latest."

Of course we know that despite the doomsayers of the day, our forests have not vanished.

That they have not disappeared from the face of our nation is in great measure due to a farsighted young lumberman named Henry Hardtner, who with other men of vision, between 1910 and 1915, introduced the practice of forestry in the South and other parts of the Nation.

Hardtner's first forestry efforts began to turn the hillsides green again as men began to apply common sense to harvesting, reforestation, and as they learned that it would be profitable to grow trees.

So, contrary to earlier predictions, there was no funeral for the Southern Forest in 1930. By the 1930's, lumber production began to inch up and then soared to meet the requirements of World War II.

Heavy wartime demands were not a setback for the South's Second Forest because the tree farm movement, with the support of State Foresters and the Forest Service, promoted the practice of forestry by private landowners and aided them in obtaining technical assistance. In 1942, Arkansas, along with three other states, became the cornerstones of the American Tree Farm System.

By 1947, Col. W. B. Greeley, former chief of the United States Forest Service, was able to report after a tour of southern forest lands that "the southern forests are now

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supplying a greater volume—and a greater value—of forest products than they ever yielded in the heyday of virgin timber."

Since Col. Greeley's report in 1947, production of pulpwood in the South has quadrupled, and production of southern pine lumber which declined in the 1950's began to rise.

I think the growth of the tree farm program here in Arkansas speaks rather well for the South. From 251 tree farms in 1950, the program expanded nearly four times to include 856 tree farms in 1960. Today, of course, we commemorate the 2,000th Arkansas Tree Farm.

In this February 10, 1970, message on Environmental Quality to Congress and the American people, President Nixon said:

"At the turn of the century, our chief environmental concern was to conserve what we had—and out of this concern grew the often embattled, but always determined, 'conservation' movement. Today, 'conservation' is as important as ever—but no longer is it enough to conserve what we have; we must also restore what we have lost."

The American tree farm movement is indeed a great step toward this goal.

The third Forest concept developed by the forest products industry of the South anticipated some of the goals set out by the President and the industry is indeed to be commended for its farsightedness—a tradition begun by Quincy Hardtner and carried forward by those who followed him.

The objective of the Third Forest is to increase growth of southern forests to meet year 2000 needs. Annual growth will have to total 13-billion cubic feet—nearly 70 percent more softwood and 40 percent more hardwood growth than in 1968. This must be achieved on a shrinking land base; in the face of increasing demands for clean air, clean water, beauty, wildlife, and recreation; and within a highly competitive labor market.

But the efforts by industry, by states, and by the Federal Government to meet the goals within this framework can't be emphasized too much. In the South, particularly, forest resource development and full use is of paramount importance, both for its own welfare and that of the Nation. It is the key to rural development and employment opportunities which can reverse the tide of migration to beleaguered cities.

However, the surface of full forest development and use has barely been scratched. So we must get on with the job now.

I would like to sketch a very brief picture of what we can expect in the way of demand for forest products in the years to come—from today through the next thirty years.

Our own United States Forest Service estimates project an 80 percent increase in the demand for forest products by the year 2000. Demands for pulpwood, plywood and veneer are expected to increase more than two-and-a-half times the 1962 level. And demands for lumber are expected to rise about 47 percent during this period.

When you look at where our timber comes from today, you learn that one-half of the wood harvested nationally comes from small, non-industrial private ownerships—owned by some 4 million people from all walks of life, including many absentee owners.

Some of these individuals—among the nearly four million of them—realize what all of us must learn if we are to meet tomorrow's forest products needs; that our forests can benefit all the people best when they support a wide range of *multiple uses*, including hunting and fishing, camping, wildlife management, watershed management and, of course, production of timber on a sustained yield basis to provide employment in local communities, and to produce the raw material to meet the housing needs of an expanding population.

We can enjoy all these things in our forests and have an adequate timber supply for future needs, but we must do two very important things.

We must bring additional land into managed timber production, and this means, for the most part, additional medium and small-sized tracts of privately owned land. It is in the area of privately owned land that we have the greatest opportunity to benefit from reforestation and scientific management.

Next, we must learn to manage all the forest land we have in the most efficient way possible—through genetic research, planting and harvesting techniques, and through more effective means of disease and insect control.

In the Department of Agriculture and other areas within the Federal Government we are at work on several fronts.

We have proposed a program of incentives to insure higher levels of forest production, management and environmental quality on non-industry, private lands.

This program would provide federally funded financial assistance to individuals who install certain timber production, wildlife, and evironment enhancement projects.

The program is somewhat different from some of our other Departmental programs in that it is designed to increase production instead of reduce a surplus.

In the areas of genetic research, we have developed a cottonwood which matures in about one-third the time formerly required. This tree can be expected to flourish on about thirty percent of the forest land here in Arkansas. The results in terms of greater profitability and increased production are obvious.

The Cooperative Forest Management Act of 1950 provides funds to the states to provide forest management assistance, but the workload is too great and additional efforts must be devised to broaden this assistance. Also to be remembered is the fact that public initiative is meaningful only in terms of private enterprise. It is individual interests, responsibility, and anticipation of future forests that truly motivate our national interests.

Through its Tree Farm System, the American Forest Institute is working to provide programs for tree farmers in the areas of harvesting assistance, marketing assistance, and forest management.

I hope that I have made clear that while the Department of Agriculture shares the concern for our forests and environment, I feel that common sense by all of us, and wise forest management by those of us involved in timber production, can meet our physical needs while still providing us with the forest beauty it is our nature to enjoy—and which we have a right to expect.

Our forests, both public and private, with their trees and wildlife, are our one renewable resource. With care they can go on providing us with material for homes and wood products, as well as recreation benefits forever. No other raw material can make this claim!

We will continue to have communities of men on this earth and they will continue to need the wood of our forests for homes, for paper, for chemicals, and other wood products. The world's society consists of communities of people. Many of these communities produce trees. *All* of them depend on the simple wood fibre from the forests for the newspapers they read and the homes they live in.

Experience has shown us we need not rope off our land for one single use; we need to manage it well, for many uses. The dedication of this 2000th tree farm in Arkansas is evidence that we know there can be achieved a balance in the demands *on* and the production *of* the forests of America.

THE PASSING SHOW THE TRUTH ABOUT THE GREAT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. DERWINSKI. Mr. Speaker, John Dienhart, the editor of the Economist Newspapers is a veteran journalist who has always kept news coverage in historical perspective. This is reflected in his column of Wednesday, September 23 in the Suburbanite Economist in which he reports on the interesting traits of a number of renown individuals:

THE PASSING SHOW—THE TRUTH ABOUT THE GREAT

(By John W. Dienhart)

Some idiosynchrasies of the great and near great:

While talking with a member of his cabinet, President Woodrow Wilson used to write limericks. He said his doing so enabled him to concentrate on the subject of their conversation.

President Herbert Hoover was a doodler. He scrawled geometric and other designs with a pencil while talking on the telephone.

President Theodore Roosevelt was so sensitive to criticism that when he had decided to propose a policy or project to Congress he first would invite a trusted Washington newspaper correspondent to listen to his ideas while he shaved. The correspondent would reveal the details in his dispatch to his paper, but he would attribute the authority to a "source close to the White House". If the proposal encountered Congressional or editorial opposition, Roosevelt would disclaim any knowledge of it. His scheme was called "a trial balloon".

Presidents Harry Truman and Warren G. Harding were avid poker players. They would invite poker-playing senators and congressmen to spend an evening in the White House and play until long after midnight. Congressman John Kluczynski was one of them.

President John F. Kennedy was a cigar smoker, but he never smoked in public. He was fearful a photographer would catch him with a long cheroot between his lips and that it would make him appear undignified. But in his Oval office in the White House he practised no such restraint.

President Dwight D. Eisenhower liked to cook vegetable soup and Brunswick stew. On fishing trips he would prepare a kettle of either, let it stand overnight and feed it to his companions the following day. Ike contended the taste was improved by allowing the mixture to marry overnight. Ike also invariably ate steak for breakfast.

President William Howard Taft had a huge bathtub installed in the White House to accommodate his 300 pounds. President Wilson, his successor, had it yanked out.

President Richard M. Nixon is an avid sports fan and enjoys visiting with athletes in their locker room.

President Lyndon Baines Johnson thrilled in throwing barbecues for scores at his Texas ranch. He also likes Mexican food, and when President Kennedy's French chef turned up his nose at preparing chile, tamales and such, Johnson let him go and brought to the White House kitchen a woman chef from Texas.

William Randolph Hearst, who owned a string of 21 newspapers, dozen * * * luxury fit for a king. His dining room seated more than a hundred, and between the huge solid silver candalabera were bottles of catsup

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mustard and other condiments in their original containers. He said the reason he did not use silverware for the stuff was to constantly remind himself and his guests that they could someday suffer financial reverses.

Walter Winchell, the columnist who coined such words as whoopee, which became common usage, wore a tattered dressing gown and had a pencil stuck between two fingers of his right hand when he wrote his daily output.

Winston Churchill consumed a fifth of Napolean brandy a day, and he burned half a dozen long, Havana cigars rolled especially for him.

President Franklin D. Roosevelt liked Irish whiskey, and when he took his frequent trips on a navy cruiser, a case of his favorite brand was sent abroad. During Roosevelt's record tenure of the White House, Sunday evening meals always were scrambled eggs and bacon prepared by Mrs. Roosevelt in a chafing dish at the table.

CONSERVATION AGENCIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an admirable speech by the Honorable Ralph A. MacMullan, Director of the Michigan Department of Natural Resources, entitled "Conservation Agencies' Views on Agricultural Chemicals."

This fine address, given before the International Association of Game, Fish, and Conservation Commissioners in New York City recently merits the careful consideration of everyone concerned with a decent and wholesome environment:

CONSERVATION AGENCIES' VIEWS ON AGRICULTURAL CHEMICALS[1]

(By Ralph A. MacMullan, Director Michigan Department of Natural Resources)

I am grateful for the opportunity to speak for the conservation agencies on what is still one of the most troublesome problems of wildlife management. I have been speaking out against the "hard" or persistent insecticides for several years now. We launched the attack in Michigan in January, 1968, with publications of "The Case Against Hard Pesticides," an article which has been re-issued and reprinted widely—perhaps more than half a million copies. And much has been written and done since then in Michigan and elsewhere. Consequently, I will not burden you with what I now consider a foregone conclusion—that the persistent chlorinated hydrocarbon insecticides must and will go!

I am going to devote myself this afternoon to other aspects of the problems posed by agricultural chemicals, and to propose some solutions. I regret we have to be tough again, and perhaps appear unorthodox, as we have in the past. But the conventional has not worked and will not work. Witness where we are today.

First let me outline some of the factors which work to inhibit a solution of the problems posed by pesticides. Foremost among these is the pitfall of calling them "agricultural chemicals" a trap into which we all fall, including your program committee in labeling the topic now before this two-man panel. The adjective "agricultural" seems to convey a righteous, holy, "American," and therefore thoroughly justifiable basis for acceptance.

"Agricultural chemicals" they may have once been. Today they are equally "urban chemicals" and "silvicultural chemicals." Today they are "environmental chemicals." So agriculture may be unfairly blamed for the unsavory attributes of certain of the pesticides, as when dieldrin used to mothproof rugs and clothing in dry-cleaning is allowed to escape into rivers. Let's be frank about it and identify these chemicals in legal parlance—they are "economic poisons."

Now to another problem. When pesticides were used mainly on the farm, it was entirely reasonable to have their control delegated by legislatures and the Congress to Departments of Agriculture. With heavy urban and forest use and knowledge of the global mobility of the hard pesticides, it is now no more reasonable for control of pesticides to rest within a Department of Agricultrue than it is to have a U.S. Forest Service within a Department of Agriculture.

When pesticides were used mainly on the farm and were thought to stay there, and to affect only the applicator and the consumer, it was perfectly reasonable to have use of pesticides regulated by Departments of Agriculture with some control over residues by the Food and Drug people. Later, when volume of pesticide use increased and the mobilit of pesticides and their effects on wildlife became clear, advice of wildlife biologists was solicited. However, control was slight, and the biologists' advise was rarely heeded by a Department of Agriculture with an ear attuned to increased farm production, and apparently deaf and blind to the rest of the environment.

Under the sanctity of "agricultural need," it was only natural that substantial protection to the pesticide chemical industry was built into the laws authorizing the use of these chemicals. As the market and hence production grew, the agency registering these chemicals developed a thoroughly understandable "protective" attitude and resisted any efforts toward restricting the "miracle" chemicals. Even now when some of the less toothsome attributes of certain pesticides have become evident, the built-in protection of notices, appeals, committee review, and more appeals ad infinitum, ad nauseam, prevents or delays the withdrawal of uses of many of the noxious hard pesticides.

Developing parallel with the "pesticide protective" philosophy of the law and within the regulating agencies. Is an understandably similar attitude in the land-grant and other state agricultural colleges. Students were being trained as farmers, or for positions in the pesticide industry, or in the cooperative extension service, or as professors teaching entomology or farm crop management, all with liberal overtones of chemical insect and weed control. Thus students become professors and then administrators—deans and/or directors of experiment stations—who perpetuate the attitudes and system. This condition is not being improved by personnel interchange between pesticide companies and the colleges. Even worse has been the muzzling of biology or wildlife professors in universities with powerful agriculture colleges. Only since biologists have labelled themselves "ecologists" has a breakthrough been possible.

I have alluded to the role of the pesticide industry in these processes. The chemical industry is the woof that crosses the warp, and colors the combined fabric of farmer, government agency, and agricultural college. After all, pesticide manufacturers exist only to see pesticides. Everything they can do to maintain or increase sales will be done. Anything that would decrease sales will be resisted in the fang and claw melee for survival in the market place. They will not hesitate to employ Madison Avenue sales tactics of half-truths which ignore unpleasant realities so long as the glowing claims made are also true. They are not immune to another Madison Avenue failing of over-selling, over-recommending. Not so long ago a two-page advertisement in national magazines urged farmers to broadcast dieldrin for corn root insects every year. Chemical industry "scientists" have impeccable credentials, but they must still earn their pay.

Another problem related to the pesticide industry is the manner in which pesticide salesmen become advisors to the farmer. Aided by attractive, effective sales brochures and primed with ready answers, they perpetuate the "we gotta spray" syndrome. In a survey of farmers in a Midwestern cornbelt state, they far outranked the cooperative extension service as a source of information on pesticides.

All of this sounds very discouraging and it would be if it were not for a growing number of courageous college professors, biologists, and ecologists; lawyers and Congressmen and legislators; natural resource agency heads; environmental action councils; and just ordinary John Q. Citizens, following the lead of Clarence Cottam and George Wallace, who question the platitudes and steamroller tactics of the agrico-chemico-business behemoth. They are now sufficiently "fed up," numerous, and vocal to make their voices heard in state legislatures and the halls of Congress, in the courts, and in offices of government officials.

Significant beginnings are being made. Our President has proposed a new Environmental Protection Agency which would take over the pesticide regulation function of the Department of Agriculture. Our host state, New York, has established an Environmental Conservation Department which has been given responsibility for pesticide regulation. In the upper Great Lakes region the governors of five states have set up a Cooperative Interdisciplinary Pesticide Committee for more rational use of pesticides. Environmental Quality Councils are blossoming out in state after state and reviewing the problem of agricultural chemicals. In others, pesticide review boards involving several disciplines, are placed in departments other than agriculture, or act independently of any department.

Some states and provinces, notably Wisconsin, Michigan, Washington, Florida, California, Arizona, and Ontario, have grown weary of waiting for federal action and have made great strides toward eliminating or reducing use of the persistent chlorinated hydrocarbon biocides. We hear much of the new accord in Washington, D.C., whereby the Departments of Agriculture, Interior, and HEW will put the federal pesticide house in order. But all we seem to note in the press is the continued determination of the Department of Agriculture to maintain the same over-cautions, foot-dragging system of notices, appeals, committee meetings, more appeals, cancellation of pesticide registrations which permits continual sale on appeal, rather than suspension.

I have been talking very generally about agricultural chemicals and pesticides and complaining loudly about the system which sustains them. It may seem that I eschew all such materials. Nothing could be farther from the fact. I recognize that many agricultural chemicals are necessary tools of the farmer, home owner, and public agency. Many, by virtue of their quick and effective action and short life, will be useful public servants. What I am pleading for is change in a system which enables continuation of ecologically undesirable blemishes on the environment of my state, my country, and the North American continent, if not the entire Space Ship Earth.

Changing the system will require the hard work of many, combined, concerned conservation and environmentally oriented persons and groups. Changing the system wil

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[1] Presented at the International Association of Game, Fish, and Conservation Commissioners Annual Meeting, New York City, September 17, 1970.

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require an overhauling of legislation to require a thoroughly ecological approach to registration of new pesticides and to permit prompt review and withdrawal without interminable delays of those already registered whenever their ecological unacceptability is demonstrated. We must have legislation to prohibit use, as well as sale, of pesticides which are not registered or for which registration has been withdrawn. Changing the system will mean admitting the ecologist to the discussion table at each and every step of deliberations on the acceptability of a pesticide.

Changing the system means adopting the premise that we cannot risk admitting a new pesticide into the environment without full knowledge of its ecological impact. We must know more about many pesticides now in use. We must know more than which bugs they will kill, or how they affect the applicator, or how they affect a few laboratory animals. Simply put, it means that contrary to the precepts of common law, some pesticides must be presumed guilty until proven innocent. We have no other choice. The risk is too great.

Changing the system will not destroy agriculture and the chemical industry. Changing the system will mean the continued use of pesticides, but with sharp shooting, riflelike chemicals, not with shotgun, blunderbuss or bludgeon biocides. Changing the system will mean a careful, calculated integration of biological, cultural, and physical means of pest control with the conventional, all-too-frequent, chemicals-only attack. Changing the system will mean the training of a new breed of pest control educator, agency administrator, and sales organization. May the agriculture colleges of this country rise to the occasion and provide the sensitive, ecological training that will make this possible. Changing the system must mean a cleaner and more viable environment for wildlife and man alike.

Not until we capitalize on the combined know-how and concern of the total scientific community, will there be relief. So in the Conservationist's view I see the agricultural chemicals as both a threat and a promise, a millstone and an opportunity, the former if we permit present day progress to wither away, the latter if we use these useful tools with discretion, moderation, and only when needed. The choice, fellow administrators of natural resources, may well be yours. Most of us have accepted the challenge and have actively entered the fight for a cleaner environment. Here is one significant way you can exert your influence to assure posterity of a world worth living in, with the diversity of wildlife we have come to prize. We who have chosen to act on pesticides invite your support.

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REVENUE SHARING IS ESSENTIAL TO SOLVE THE URBAN PROBLEMS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. ANDERSON of California. Mr. Speaker, I have recently received a letter from the mayor of Los Angeles, the Honorable Sam Yorty, regarding appropriations for the Department of Housing and Urban Development.

Mayor Yorty, an experienced administrator of the Nation's second most populous city, feels that increased Federal funds are needed, in order "to solve the urban problems" in our country.

Mr. Speaker, our cities need financial help. The property tax cannot be increased—the local taxpayer cannot shoulder a greater burden. Thus, the cities, in order to continue necessary services, must come to the Federal Government for help.

We can help by approving a revenue sharing bill, and we can help by increasing the Federal financial share to our troubled cities.

Local officials know the problems; they are optimistic about solving the problems if they have the funds, and a greater portion of those funds must come from the Federal Government.

At this point, I place Mayor Yorty's letter in the CONGRESSIONAL RECORD:

OFFICE OF THE MAYOR,
Los Angeles, Calif., September 15, 1970.
Hon. GLENN M. ANDERSON,
Longworth Building,
Washington, D.C.

DEAR GLENN: I want to express appreciation for your position and vote on the HUD Appropriation Bill.

It is extremely important to the City of Los Angeles and other cities that the Congress express a positive commitment to solve the urban problems in this great nation.

Many of the fine accomplishments of our urban development programs would be in jeopardy should the Federal Government fail to maintain its commitment to the cities. Los Angeles asked for $14.8 million in Neighborhood Development Program funds which was slashed $7.3 million. This meant that, instead of a planned 1,032 units of inner-City low and moderate income housing, for example, only 732 will be started. Relocation plans have been scaled down from 670 families to 467.

For this reason, I urge you to oppose any reduction in the HUD portion of the Independent Offices and HUD Appropriation Bill, especially the $1.35 billion urban renewal portion. Other less essential and low priority areas could be reduced.

Your support of the cities and local governments is respectfully and urgently requested.

Sincerely,

SAM YORTY,
Mayor.

OATHING IN THE DISTRICT OF COLUMBIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. RARICK. Mr. Speaker, a precedent in degradation of everything sacred has now occurred in Washington, D.C. Last Thursday, a so-called community leader was purported to be sworn in as a trustee of the District of Columbia Library Board, using in lieu of a Bible, the autobiography of Malcolm X.

President Nixon's appointed Commissioner of the District of Columbia, affectionately called "the Mayor" by the liberal news media, and other executives of our Nation's Capital were present and participated in this sacrilegious "swear-in" service. By their willing presence, we must assume that they condone such disgraceful activity. Some may wonder how they can provide leadership for the crime problem which blights the seat of our Government? If these are the kind of leaders the people of the District of Columbia must look to, no wonder they have lost their way and gone astray.

Following the "new oathing" ceremony the affiant is quoted as having said, "For the life of Malcolm—right on."

The revolting mockery was even carried as news by NBC on channel 4 television.

This woman is a member of the Library Board which receives Federal grants? Is she a de jure appointee or is her position now de facto?

And, to think that these recipients of the American people's tax dollars are to be the beneficiary of home rule for the District.

Will the new nonvoting delegate for Congress be allowed to refuse taking his oath of office in the traditional manner and choose to use a like mockery?

A newsclipping follows:

[From the Washington Post, Sept. 24, 1970]

APPOINTEE "RIGHT ON" THE DISTRICT OF COLUMBIA LIBRARY BOARD

Lola Singleterry, a Southeast Washington community leader, was sworn in as a member of the D.C. board of library trustees yesterday, using a copy of the autobiography of Malcolm X instead of a Bible.

At the end of the oath of office, administered by Maltin Schaller, executive secretary to Mayor Walter E. Washington, Mrs. Singleterry said, "For the life of Malcolm—right on!"

Mrs. Singleterry, 35, was appointed to the nine-member board by Mayor Washington to replace Dr. Albert W. Atwood, the 91-year old chairman who retired this year. Her appointment followed complaints that the library board did not reflect a cross-section of the community.

DRUG ABUSE AND YOUTH

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. COHELAN. Mr. Speaker, my good friend and valued colleague, Representative RICHARD HANNA, has been a leader in the House on the problems of drug addiction. His concern in this area is reflected in his contributions to Federal legislation dealing with drug abuse.

Just recently, Representative HANNA has continued his attack on the proliferation of drugs by sending his constituents an informative pamphlet outlining the effects of drugs. This pamphlet is a valuable addition to the search for an adequate drug education program.

I feel that my colleagues should be fully informed of this effort and I am enclosing for their information Representative HANNA's letter and summary of the pamphlet:

A SPECIAL REPORT: DRUG ABUSE AND YOUTH

DEAR FRIEND: I know you share my concern over the alarming abuse of drugs by many young people. Many of you have asked me what you, as a concerned citizen, can do to help solve this problem.

The first and most important thing you can do is become as familiar as possible with the means, methods, and symptoms of drug use, and its effect upon our young.

With this in mind I am providing you with this booklet which is designed to provide vital and understandable information on the drugs, narcotics and chemicals that are being most frequently abused and which are easily available to young people on the illegal "street market"; also how the user will look, act, and then detailing some of the harm done.

Everything said in this summary brochure is substantiated by both medical and law enforcement authorities. No longer do we have to rely on speculation, scare campaign or dubious personal opinions. There is now enough factual data available to make the "Case Against Drug Abuse" uncontestable.

We as concerned citizens have long told our young "Don't use Drugs." But now we can authoritatively say with the aid of this brochure, why drugs should not be used and the irreparable harms that can result if they use them.

The increase in juvenile drug-related arrests is staggering, with almost every urban and suburban community acknowledging 'a drug problem.' This problem should not be the sole responsibility of governmental officials, teachers, administrators, doctors, counselors and enforcement personnel. Given correct information we can all be a powerful force in intelligently and effectively advising young people on the technical subject of drug abuse.

RICHARD T. HANNA,
U.S. Congressman,
34th Congressional District.

A SUMMARY FOR PARENTS AND STUDENTS ON THE SUBJECT OF TEENAGE DRUG ABUSE

(In outline form, some of the dangerous drugs, narcotics and volatile chemicals that are being used by some of our teenagers and sub-teenagers—also, briefly detailing some of the harm that results.)

There is an alarming increase in the abuse of drugs by some of our young people. Yet there is a real lack of practical knowledge by parents on the dangerous drugs, narcotics and volatile chemicals that are being used.

This brochure is designed to provide vital and understandable information on the drugs, narcotics and chemicals that are being most frequently abused and which are easily available to our children on the illegal 'street market'; also how the user will look, act, and then detailing some of the harm done.

Everything said in this summary brochure is substantiated by both medical and law enforcement authorities. No longer do we have to rely on speculation, scare campaign or dubious personal opinions. There is now enough factual data available to make "the Case Against Drug Abuse" uncontestable to any reasonable mind.

We as parents have long told our children "Don't use Drugs." But now we can authoritatively say with the aid of this brochure, why drugs should not be used and the irreparable harms that can result if they use them.

This brochure outlines and diagrams some of the stimulants, depressants and hallucinogens. It is the first in a series of five nonprofit summaries providing parents with current, correct, and understandable information on drug abuse.

The increase in juvenile drug-related arrests is staggering with almost every urban and suburban community acknowledging 'a drug problem.' This problem should not be the sole responsibility of governmental officials, teachers, administrators, doctors, counselors and enforcement personnel. Given correct information, parents can and must be a powerful force in intelligently and effectively advising their children on the technical subject of drug abuse.

HORTON COMMENDS MR. AND MRS. ALEX SAPERSTONE FOR THEIR HELP TO OTHERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. HORTON. Mr. Speaker, I imagine we all are familiar with the adage that it is more blessed to give than to receive. It is always inspiring, however, to learn of that adage proving its truthfulness to individuals who have found exceptionally great joy in giving of themselves to the cause of helping others.

Mr. and Mrs. Alex Saperstone of Irondequoit, in the Rochester area, are such people. A little more than a year ago they got involved in volunteer work at the Jewish Home and Infirmary and have learned to their great satisfaction that their lives have changed because of their good deeds. They honestly feel that the efforts they put into the work are small compared to the great satisfaction and reward they get in return.

The Rochester Democrat and Chronicle recently saluted Mr. and Mrs. Saperstone in the "Nanci Spotlights the Doers" column. It was brought out that their involvement with volunteer work came about by chance.

While attending the formal opening of a new wing at the home, they were both impressed by the great opportunities the home offered for volunteers to assist in making life more interesting and fruitful for the aged living there. Simultaneously, they realized that here was an opportunity for them to give of themselves and their talents, and they acted upon the inspiration.

Since reaching their decision, the Saperstones devote their Tuesday afternoons to work at the home. Being an amateur barber, Mr. Saperstone gives haircuts to the bedridden patients while Mrs. Saperstone uses her skills with bookkeeping and other clerical work.

For others who might want to do volunteer work, Alex Saperstone has this thought.

> I'm sure people would do more if they had any idea of the great amount of satisfaction that comes from giving a little of yourself. There are times I'm tired and don't especially want to get off the couch. But then I see how thankful the old folks are. That's the reward that makes it worthwhile.

The Jewish Home and Infirmary is a beautiful and efficiently operated place. I have visited it many times, Mr. Speaker, and it is a real inspiration to see the aged men and women there being encouraged to live continuing interesting and full lives. With the additional help of good people like Mr. and Mrs. Alex Saperstone, even more joy is being brought into the lives of the patients.

I commend the Saperstones for their fine work and I feel that my colleagues in the Congress join me in wishing them continued happiness in their own lives as they add to the pleasures in the lives of others.

I would like to share the Democrat and Chronicle's salute to the Saperstones with my fellow Members of the House of Representatives.

The newspaper article follows:

THERE'S JOY IN GIVING

"We both suddenly reflected on all the people who have helped us throughout the years and decided it was about time we did something in return."

The "we" is Mr. and Mrs. Alex Saperstone, 76 Northfield Road, Irondequoit, who devote time each week to work at the Jewish Home and Infirmary, 1180 St. Paul St. The Saperstones have been doing volunteer work there for a year and it's changed their lives.

"It's the feeling we have gotten from giving of ourselves-together," Mrs. Saperstone says.

They got involved in volunteer work quite by chance.

"We went to the opening of the new wing at the Home about a year ago. Suddenly we just looked at each other and knew we wanted to get involved in helping people there in any way we could."

Mrs. Saperstone says the timing was right. "Our children were grown, my husband was semiretired and we found ourselves with extra time on our hands."

Saperstone, 58, is semi-retired from his frozen food business and has been an amateur barber for years, giving free haircuts to friends and neighbors. Mrs. Saperstone did bookkeeping before she was married and kept her husband's books for his business while raising their family.

Every Tuesday for three hours in the afternoon, he gives haircuts to bedridden patients, and she helps out with bookkeeping and other clerical work.

"Sometimes if I get done early, I go up to the ward and sit and talk with some of the patients, help feed them, do anything I can," she says.

The Saperstones agree that the hardest part of volunteer work "is just getting started."

"So many people feel they have to devote a lot of time, or they just don't know where to get information to begin."

"I'm sure people would do more if they had any idea of the great amount of satisfaction that comes from giving a little of yourself. There are times I'm tired and don't especially want to get off the couch. But then I see how thankful the old folks are. That's the reward that makes it worthwhile," Saperstone said.

They feel that working with older persons "makes you think a lot about yourself and your life."

"You have to think, maybe someday I'll be in that position, and you realize how dependent they are on others for the very basic things. I feel very grateful that I'm in the position to do something for someone else."

Says Mrs. Saperstone, "There's a woman there whose room is loaded with plants she cares for, she crochets, and she's always smiling and doing for others. Then there are other older persons who sit, doing nothing for hours on end, taking no interest in anything."

"I feel it's a lesson that we're all going to grow old. We can either be constructive about it or retreat into ourselves and make no one happy."

For the Saperstones, volunteer work is turning out to be a "great pleasure and a joy of giving."

"We didn't know what would happen when we started, but after a year we can say that what we put into it is small compared to the great satisfaction and reward we get in return."

The Sapperstones have been married 29 years. They are avid square dancers, belong to the Echo Squares and dance twice a week. They also play bridge and love to fish.

RESULTS OF FIRST DISTRICT QUESTIONNAIRE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. OLSEN. Mr. Speaker, I have tabulated the results of my annual questionnaire which was distributed throughout my district earlier this year. I feel that these results give a true indication of the sentiments of the residents of western Montana. I would like to share them with my colleagues along with my thoughts on many of the vital issues facing the country today. I ask permission to include my Washington Report containing both my letter and the questionnaire results immediately following these remarks:

ARNOLD OLSEN'S WASHINGTON REPORT—1970 POLL RESULTS

ADMINISTRATION POLICIES ADD RECESSION TO INFLATION

(By Arnold Olsen)

Early last year I predicted the Nixon Administration's policy of high-interest and tight money would benefit only the big, Eastern banks and would bring growing inflation, unemployment and recession. Unfortunately, that prediction is now reality.

The Administration itself has fallen victim to the economic tailspin. First the President predicted a $1.3 billion surplus this fiscal year. Now the Administration admits a $4 billion miscalculation and expects a deficit of $2.91 billion.

Take a look at what is happening. Increased interest rates resulting from turning the fiscal reins over to the big banks have added more than a billion dollars to the taxpayers' load in fiscal 1970, and it will probably be twice that much next year. More than half a billion dollars more was laid out by our government for unemployment compensation in 1970 due to rising joblessness under the President's policies, and Administration spokesmen say unemployment will continue to skyrocket.

The recession is here, whether or not the Administration admits it. As a result, tax revenue for this year is down approximately $1 billion. Next year it will likely drop $2 billion. Unemployed workers and unprofitable businesses don't pay taxes.

My efforts in the Congress have been directed at achieving a reversal of the inflationary, recessionary spiral. I have worked hard in support of efforts to:

Reduce spending for wasteful, unnecessary defense programs and "overkill" supplies of war tools.

Reduce spending for foreign aid, especially military-type assistance.

Withdraw American troops from Southeast Asia, sharply reduce troop numbers in Western Europe, and reduce the possibility of additional military involvements abroad.

Set in motion federal machinery to make more money available at lower interest rates for home building. (Emergency Home Finance Act).

Contrary to Administration efforts to blame big spending on the Congress, the record proves that Republicans and Democrats in the Congress were effective in trimming nearly $7 billion from the President's own appropriations budget last year. We hope to reduce spending still further this year.

The Congress has provided more for education, health, housing and Social Security than the President wanted, but it more than offset these increases by reducing appropriations in such areas as foreign aid and Pentagon spending.

The records of the Administration and the Congress demonstrate the contrast between the President's emphasis on defense and big business and the Congress' emphasis on the real needs of the people.

I was pleased, for example, that we were able to reject an all-out effort on the part of the Administration to provide nearly $1 billion in federal funds to bail out the big banks holding notes and debts against the Penn Central conglomerate. Such action would have repaid the big banks but it wouldn't have solved the bankrupt railroad's problems.

OLSEN NEWS NOTES

VETO OVERRIDE

Arnold Olsen joined forces with a bi-partisan group of Congressmen to over-ride the President's veto of hospital construction appropriations. Olsen called the over-ride "a most encouraging sign. Such domestic programs as health research, hospitals and education must be top priority items. They cannot take a back seat to massive and wasteful defense spending on such things as missiles, useless military aircraft and other tools of war."

SEEKS STOP TO DRUG FLOW

Arnold Olsen has introduced legislation authorizing the President to suspend economic and military aid to countries which refuse to act to halt the flow of drugs into the U.S.

LEADS BATTLE FOR INCREASED SOCIAL SECURITY

Arnold Olsen was among leaders in recent House action to improve Social Security benefits. Key features of the bill are a five per cent increase in monthly benefits, an automatic cost-of-living increase provision, and an increase in retirement exemptions. Olsen pledged to continue his fight to have restrictions on outside income eased or eliminated.

INTRODUCES EMERGENCY HOME FINANCE ACT

Arnold Olsen joined in the introduction of the Emergency Home Finance Act to make more mortgage credit available for housing. "One of the first victims of the Administration's high-interest and tight-money economic policy was the housing industry," Olsen asserted. "The Congress can and must act to get badly needed housing construction under way."

URGES TIGHTER AUTO-EXHAUST CONTROLS

Arnold Olsen is sponsor of legislation to control auto exhaust and establish enforcement procedures. The measure calls for the creation of national emission control standards and the designation of penalties for violations.

WAR STATISTICS SUPPORT 18-YEAR-OLD VOTE

Defense Department figures show that half of American fatalities in Vietnam were 21 years of age or younger. "25,916 young men have been killed in Vietnam who never had the opportunity to vote," Olsen said. "Young people who are being asked to put their lives on the line for their country should have an active voice in electing government officials who formulate our policies relative to war and peace."

OPPOSES BILL TO INCREASE TIMBER HARVEST

Arnold Olsen opposed House consideration of the National Forests Conservation and Management Act and was successful in having it sent back to the Agriculture Committee for further deliberation. Charging that the bill was misnamed, Olsen said on the House floor that the legislation was "timber harvest oriented," and insisted that revised legislation provide clear safeguards for conservation and other multiple use interests. "What we desperately need now is a tree-planting bill, not a tree-cutting bill," he said.

SUPPORTS MEAL PROGRAM FOR ELDERLY

Arnold Olsen is sponsor of a bill "to provide for establishment of a low-cost meal program for senior citizens in a social setting."

The Congressman said demonstration projects under the Older Americans Act and other local projects now operating demonstrate the potential for such a program. The legislation would combine federal and state funds to establish a wholesome, low-cost meal program for persons 65 and over at strategically located community centers. He cited government studies revealing that lack of mobility, skill, knowledge or desire causes frequent cases of inadequate nourishment among the elderly.

MY 1970 QUESTIONNAIRE RESULTS

[Results in percent]

1. Do you support President Nixon's approach to achieving peace in Viet Nam?

Yes	58.3
No	41.7

2. If U.S. troop level has not been substantially reduced by the end of 1970 do you favor:

a. Continuing military operations at present level while pursuing further negotiations	5
b. Immediate withdrawal, the only consideration being the safety of our troops	46.2
c. Increased offensive operations	13.5
d. Phased withdrawal of U.S. troops with transfer of responsibility for the war to the South Vietnamese, regardless how long it takes	35.3

3. Tax cuts may create a budget deficit which could have an inflationary effect. In which of these areas of federal spending would you make cuts?

a. Space program	70.7
b. Education	11
c. Aid to cities	24.1
d. Welfare	42.1
e. Health research	6.3
f. Military spending	69.4
g. Pollution programs	7.1
h. Highway construction	31.1

4. Interest rates have spiraled to the highest level since the Civil War and the housing industry has been brought to its knees. Should the President:

a. Relax credit restrictions to avoid possible recession	45.9
b. Maintain credit restrictions until inflation is halted	54.1

5. Some experts insist inflation cannot be controlled without applying price and wage controls. Would you favor such controls?

a. Now	48.7
b. As a last resort	39.2
c. Never	12.1

6. Regarding foreign aid, do you favor:

a. Its complete elimination	27
b. Continuation only of self-help aid for developing countries	65.9
c. Continuation of self-help as well as military tools for developing nations	7.1

Answer only if you selected "b" in question number six. If the only foreign aid bill to come before the Congress included some military assistance, would you vote to

a. Reject the entire bill	54.1
b. Accept a bill with some military assistance	45.9

7. Assuming the need of continuing the Armed Forces in some form, would you favor

a. Continuation and improvement of the existing lottery draft system	41.4
b. Elimination of the draft and establishment of an all-volunteer Army	58.6

8. Do you favor

a. Emphasizing increased Federal expenditure to control pollution?	18.9

b. Emphasizing laws requiring polluting industries to install controls at their own expense?	81.1

(Many respondents checked both boxes.)

9. Do you favor

a. Extension and improvement of the existing farm program with firm price support loans?	37.2
b. The administration's proposal to give the Secretary of Agriculture power to set price support loans on a sliding scale from zero to 90 percent of parity?	19.1
c. Elimination of all farm programs?	43.7

10. Are you engaged in farming?

Yes	18.5
No	81.5

11. The proposal to lower the Montana voting age to 19 will be on the ballot this November. Do you favor extending the voting privilege to those over 19?

Yes	60.9
No	39.1

12. The present U.S. troop level in Western Europe is approximately 310,000. Do you believe this force should be

a. Maintained	18.3
b. Slightly reduced	23.7
c. Sharply reduced	58

13. Freight rates are traditionally lower in areas where water transportation facilities compete for freight shipments. Water routes to the Gulf of Mexico and the Pacific Ocean serving Montana are engineeringly feasible. Do you favor their development?

Yes	46.5
No	53.5

14. In your opinion, what are the three greatest problems facing our nation today?

Problems cited related to

Vietnam	41.4
Pollution	40.7
Economy	36.6
Crime and violence	21.8
Civil Rights	11.3
Student unrest	10.6
Welfare	8.3
Militarism and Defense waste	7.8
Communism	7.3
Taxes	6.4
Poverty	5.7
Congress	5.6
Drugs	5.6
Education	5.2
Moral decay	5.1

(The preceding figures represent the percentage of the total qustionnaires returned which cited each category.)

OLD-FASHIONED FUN AND FRIENDLINESS AND GENEROSITY

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. BROTZMAN. Mr. Speaker, a couple of Saturdays ago some residents of my hometown, Boulder, Colo., got together to show what can be accomplished in an atmosphere of unity and amity. The Mapleton Hill area of Boulder is one characterized by lovely old homes and stately shade trees. Unfortunately, many of the trees have been damaged through disease and last year's unusually harsh winter. As the editorial from the Boulder Daily Camera which follows notes, more than $3,000 was raised by the various activities held in conjunction with a festival, and a city took advantage of its excellent opportunity to get together and work for a common good:

MAGNIFICENT SUCCESS

It was one of the most heart-warming events seen in a long time in Boulder. The Mapleton Hill festival Saturday brought thousands of people together in old-fashioned fun and friendliness—and generosity.

Purpose was to raise funds to replant trees along the historic parkway, where many old maples have disappeared or are deteriorating because of disease and storms. More than $3,000 came in during the six-hour festivities that included folk dancing, singers, band and other music, kids' carnival, book and art displays, ice cream social, sales of a wide variety of items—and many other activities.

The financial success of the affair was gratifying. But perhaps more important was its effect on the people. Almost without exception they sparkled with smiles and enthusiasm. Many renewed old acquaintances. Many strangers became friends. There was a light-hearted spirit in the air and a general feeling that something precious had been recaptured—something that tends to be lost in the bustle of pressures of daily affairs.

One of the volunteer workers, who spent the entire six hours "on the job" without a break, commented, "Instead of feeling fatigued, I felt refreshed." Numerous people said Boulder needs more of this kind of thing.

In this era of demonstrations, here was one that made a lot of sense. What a difference there is between a group of protesters making demands and a group of citizens pitching in to solve a neighborhood problem. The one tends to divide people and ruffle tempers; the other unites them in amity and constructive action.

We do indeed need more of this sort of initiative.

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SHRIVER. Mr. Speaker, during the past 2 or 3 weeks there have been repeated and heartening signs that the economic condition of the Nation is not nearly so bad as some would like the American people to believe, now that November elections are just around the corner. I think that the following article, taken from yesterday's Wall Street Journal, presents both the optimistic and pessimistic points of view regarding the state of the economy, and is, all in all, a fair analysis of where we stand. I request permission that the article be inserted into the RECORD so that my colleagues can read it and judge for themselves. The article follows:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

A professor who has advised U.S. Presidents on economic matters set forth the deeply pessimistic scenario he envisages for the U.S. economy in the years just ahead. There will be bouts of inflation, he forecast, followed by half-hearted attempts to restrain the inflation, followed by worse inflation, followed by more half-hearted attempts at restraint, followed by still worse inflation. Where will it all end? a visitor asked. It will end, the professor said, when the inflation becomes so painful that the country will be willing to suffer a severe recession, possibly even a depression, in order to stop it.

The interview took place a year ago. At the time, the Government was attempting to restrain the worst bout of inflation in the post-World War II era. The Federal Reserve was keeping a tight lid on the nation's money supply, usually defined as currency in circulation plus private checking accounts. And the Administration was trimming defense spending in an effort to hold down overall Government expenditures and balance the budget.

The restraint clearly has had an impact. Prices still rise briskly and interest rates still are high. But price increases are smaller and interest rates lower than in the recent past. It's true that unemployment has risen. But the jobless rate remains low for a period when inflation appears on the wane; the rate is lower than in the early years of the long economic expansion of the 1960s.

In many respects, things seem to be looking up—despite strikes, troubles abroad, pollution and other worries. Most forecasters believe that inflation will continue to diminish, general economic activity will gradually pick up and unemployment will soon begin to decline. A recent survey of 194 members of the Nation Association of Business Economists, mostly men who advise corporations about the outlook, came up with this consensus for 1971: A 2.8% rise in gross national product, adjusted for price changes, a steady slowing in the annual rate of consumer price increase and 4.8% unemployment by year's end.

If anything like this materializes—and the association's track record is good—it would represent a happy development. Price-adjusted GNP declined in late 1969 and early 1970. Consumer prices, on the average, are expected to increase at an annual rate of nearly 6% over the course of this year. The unemployment rate has recently been above the 5% mark.

It is only when one recalls the scenario suggested by the economics professor that doubts about the outlook creep in. His pessimism was based mainly on a conviction that no Administration and no Congress—Republican or Democratic—would possess the political courage to apply economic brakes hard enough and long enough to allow prices to become close to stable.

At first glance, recent activities of economic policy makers hardly contradict this view. Last fall's exercise in restraint has ended. The money supply, so rigidly contained a year ago, has soared in some recent weeks. The Federal budget, far from being in balance, is in deepening deficit. Alan Greenspan, a New York economist who occasionally advises the Nixon team on budgetary matters, recently estimated that the deficit would top $12 billion in the current fiscal year and could exceed $15 billion in fiscal 1972.

Is another half-hearted attempt at restraint concluded and another bout of inflation, possibly worse than the last, about to get under way?

Some economists are beginning to voice concern. Raymond J. Saulnier, an economics professor at Barnard College in New York, recently stated that although a full-blown recession has apparently been avoided, "success in the war against inflation is quite another thing." After being sluggish early in the year, general business activity has begun to pick up, he said, yet prices continue to climb at a troublesome pace. In such circumstances, he warned, "it will be all too easy" for the price rise to accelerate in coming months.

A still more concerned view comes from Eliot Janeway, a New York economist who, unlike many of his colleagues, correctly forecast the recent stock market slide. Much

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easier monetary policy at the Federal Reserve and deepening budget deficits add up to "an explosive inflationary combination," Mr. Janeway recently warned in a letter to his clients.

A more widely shared opinion, however, is that we are not off to the races again.

Wage-price controls, it should be noted, play no part in this optimism. Nearly 96% of the business economists who forecast diminishing inflation in 1971 also voted against wage-price controls. Their general view was expressed in a recent economic letter of New York's First National City Bank: "Controls are a tranquilizer at best, dispensed to dull the symptoms of the inflationary disease rather than to eliminate the cause."

The belief that inflation will continue to diminish is based instead on the fact that the economy has been operating far below its potential for a considerable time. Government estimates show that output of goods and services can grow at about 4.5% per year without placing undue strain on resources of labor and material. They further show that even before the General Motors strike, economic output was running at an annual rate about $40 billion below capacity. Accordingly it may be premature to fear that inflation is about to get worse.

Henry C. Wallich, the Yale economics professor, is among those who share this view. "The economy has been slowed to the point of suffering a slight contraction," he recently stated. Now with "a substantial margin of excess capacity in the economy," he added, "resumption of economic expansion need not interfere with the subsidence of inflation."

To be sure, highly expansionary economic policies, if carried on indefinitely, would lead eventually to worse inflation. But there are reasons to doubt this would happen. For one thing, present efforts of policy makers to speed up the economy partly reflect concern about the November elections. Once the elections are over, there should be less pressure to expand business at an excessive rate.

ALFRED L. MALABRE, Jr.

THE IMPENDING COMMUNIST TAKEOVER IN CHILE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SCHMITZ. Mr. Speaker, the impending Communist takeover in Chile is the subject of one of my recent weekly newsletters, which I include at this point for the RECORD:

THE IMPENDING COMMUNIST TAKEOVER IN CHILE

"Ours is the only road for the country to take and not fall to the Communists."—President Eduardo Frei of Chile, 1964.

With these words the first Christian Democrat Party ever to rule in Latin America came to power in Chile in 1964. Six years later the Communists are on the verge of coming to power through the electoral process in the person of Salvador Allende, an outspoken Castroite who won a plurality in the recently held presidential elections. Why did the Christian Democrat road, welcomed so enthusiastically by U.S. policy makers at the time as the real answer to Communism in Latin America, turn into a runway for Red power?

The Christian Democrats did everything a good "liberal" regime is theoretically supposed to do effectively undercut the Communist movement in their country. They began radical land reform programs which took the land away from the local "exploiters" and gave it to the government in the name of the peasants. They immediately embarked on a program of "bridge bulilding for peace" with the Communist bloc nations, by establishing diplomatic relations with Poland, Hungary, Czechoslovakia, Rumania, Bulgaria, and the Soviet Union.

They conducted an extended dialogue with the Communist Party of Chile and waged a continuous campaign of vilification against the Right, which was pictured as the real danger to the country. They "eased tensions" with Cuba by giving refuge to the remnants of "Che" Guevara's beaten guerrilla band fleeing from Bolivia, and allowing the Latin American branch of the Cuba-based Tricontinental Organization (OLAS) to set up branch headquarters in Chile. They "reformed" everything they could get their hands on.

How could the Communists be so crass as to win the next election? How could the people of Chile be so ungrateful as to vote the Christian Democrat candidate, picked to succeed Frei, third in a field of three? According to all good "liberal" theory, things are not supposed to work out this way.

If this turn of events in Chile is illustrative of anything, it shows that Twentieth Century liberalism, sometimes known as the socialism of the mentally unkempt, is not the answer to the Communist threat. In fact, it is nearer to the answer to the Communists' dreams. The electoral victory of the Communist-Organized, directed, and dominated coalition candidate in Chile should once and for all put the lie to the shibboleth that a government can undercut Communist programs by being "responsive"—the new favorite word—to the demands of various groups of leftist agitators. It should vividly bring forth the truth that compromises with Communists are compromises towards Communism. The Communist victory in Chile once more reveals the "liberal" incapacity to deal with the Reds and get anything but the worst of the bargain for the people they are representing.

It is not too late, however, for Chile to bring itself back from the brink on which it totters. Since none of the three candidates received a majority, the Chilean Congress must vote, October 24, on who shall become President. This is a saving grace which those who wish to do away with the Electoral College in the United States might well ponder. The Chileans and the United States, in its position of possible influence, must recognize several points.

The first point is that, although Allende received a slight plurality, his total vote represents something less than one-ninth of the total population of Chile. He does not represent anywhere near a popular majority or reflect the desires of a major portion of Chile's citizenry. But if the Chilean Congress regrets his plurality as a mandate and elects him president, there will in all probability be no more free elections in Chile. The wave of the future can already be seen in the recent statement by the Inter-American Press Association, headed by such distinguished men as James S. Copley of the Copley newspapers, that "Freedom of the press in Chile is being strangled by Communist and Marxist forces and their allies."

The second point to be stressed is that the hope for avoiding violence by allowing the Communists to take over is baseless. If the Communists do take over, there will be a tremendous amount of violence against all groups posing a present or potential danger to the totalitarian system which is Communism. The Communist policy of liquidate and rule is basically the same everywhere not, then Peru, which already has a far-left and always.

The third point we must understand is that if Chile falls to the Reds, peacefully or not, then Peru, which already has a far-left government, and Bolivia, which has a blossoming guerrilla war underway, will be ripe for Red domination. Although the sound of dominoes falling in South East Asia may not worry some, a collapse in Latin America should worry everyone.

Allende does not represent a majority of the people of Chile. His regime will usher in a wave of violence and directly threaten other nations in Latin America. The Chilean Congress should vote no on Allende, no on slavery and the national purge, and should know that it will have the support of the United States in doing so.

UNDER SECRETARY VENEMAN ADDRESSES CENTENNIAL CELEBRATION AT UNIVERSITY OF IOWA'S COLLEGE OF MEDICINE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. SCHWENGEL. Mr. Speaker, I recently had the pleasure of listening to an outstanding address by the Under Secretary of the Department of Health, Education, and Welfare, the Honorable John G. Veneman. The occasion for his address was the 100th anniversary of the founding of the University of Iowa's College of Medicine. His comments on the challenges and the opportunities facing the medical profession are most thought-provoking, and I commend them to my colleagues:

REMARKS BY UNDER SECRETARY JOHN G. VENEMAN

I would like to wish the College of Medicine a very happy hundredth birthday!

You have witnessed a number of trends in medicine come and go over the past 100 years. Medical education has had to keep up with these trends, and you at the University of Iowa have never failed to recognize your responsibilities. At the Department of Health, Education, and Welfare, we have welcomed the opportunity to cooperate with you, and we look forward to an equally pleasant relationship in the future.

The struggle to develop a great medical institution such as this one is almost unimaginable. When one considers the progress of medicine over the past 100 years—from the traveling remedy salesman and country doctor to monitoring the blood pressure of a man on the moon—only a fool would speculate on where we will be 100 years from now.

But one thing is apparent to all of us: The current morass of problems facing the country's health industry could constitute the greatest challenge with which we have ever had to contend.

We spend more than $60 billion a year for health in the United States, yet tens of millions of Americans are not getting the care they need because they can't afford it.

We pride ourselves on having the finest biomedical research establishment in the world, yet we are tragically inept at running research knowledge into improved health care.

We operate more than a hundred schools of medicine, yet we do not have enough doctors to care for the sick and keep the healthy well.

We have added hundreds of thousands of hospital beds in the last quarter century, yet vast areas of this country and the people in them are without adequate health care facilities.

These are but a few of the challenges we face. We are past the stage when an aspirin and a band-aid will help. We need what I think you in the healing arts call "heroic measures".

In the health field, the call for change has been loud and clear. It is finally being heard in governmental circles—and for a good reason.

The stake of government in this enterprise is reflected in the fact that it is currently purchasing more than 37% of the total output of the health care system. This figure indicates that the use of its purchasing power is probably the government's primary source of leverage to initiate changes in the organization and delivery of health care.

For example, only four years ago, nearly 70% of health expenses for the elderly were privately paid. Today, Medicare and Medicaid, are paying 72% of the health bill for the Nation's aged.

Medicare, Medicaid, and private health insurance now finance health care for 85% of our population. These economic entrees to the health care system have been seized upon by a public that knows the value of good health. These same economic entrees have forced us to face a critical and worsening imbalance in supply and demand.

These programs have placed demands on our resources that cannot be satisfied. Unless we in the United States are able to make better use of what we have in the way of health manpower, facilities, and funds, we will—without a doubt—see some emergency scheme develop that will serve neither the people of this country nor the health industry in any acceptable way.

But I don't plan to give you an essay on the nature and scope of this country's health problems. For me to do that in this distinguished company would be superfluous.

I would, however, like to give you an idea of the thinking behind some steps we are proposing to help *gain control of the problems* that confront us all in the area *of health care.*

To overcome our problems will require some very substantial changes in the health system of this country. But it need not require a radical change in the basic structure of the American health enterprise. What we have to do is correct the defects in the system, while building on its proven strengths. I believe firmly that we now have an excellent opportunity to do precisely that.

These are among the major objectives of the Social Security Amendments of 1970 that have passed the House of Representatives and are now before the Senate Finance Committee.

We have asked the Congress to amend the Social Security Act so that the health programs carried out under it can directly work toward improving the delivery of health care.

For example, we are seeking the authority to limit reimbursement to providers of health services for capital costs that are not in accord with an approved state or local health facility plan.

We have talked for years in this country about the need for comprehensive health planning, regional planning, and rational expansion and replacement of health facilities. But the truth is we are only beginning to make progress toward this objective.

This legislation would put teeth into the comprehensive planning concept by requiring prior approval of major capital expenditures as a condition of full reimbursement.

We have also asked the Congress to authorize what has come to be known as the health maintenance organization option. Under this option, Medicare beneficiaries would be able to choose to obtain comprehensive health care from a single source for an annual fee paid in advance.

We envision that a wide variety of organizations could be established to provide a form of pre-paid health care. Under Medicare, hospitals, medical societies, university medical centers and other health organizations might well organize themselves as health maintenance organizations and establish group plans. As in the most successful of pre-paid practices, health maintenance organizations would aim at keeping patients out of the hospital unless they absolutely had to be there—keeping people *well,* not just caring for them when they are *ill.*

Let me say, at this point, that reform of our system of health care is not the exclusive responsibility of government, it depends upon *all* of us.

We recognize that medical schools have their problems, especially with finances. But I believe it is time the medical schools began to search their consciences to determine whether their dollars are being used to the greatest benefit of the people of this country.

While we in the government attempt to change our priorities, you in the colleges should do the same.

Last year, we attempted to cut back certain medical research funds that were going into grants which, in our view, served no useful and relevant purpose. But the lobby effort by the medical community was a vigorous one—and those research funds were reinstated.

I ask you now if you have not honestly seen a great deal of money—which should have been used to implement policies which would help people—spent to conduct irrelevant research projects?

For example, an application came into the National Institutes of Mental Health and was approved for over $23,000 to a particular hospital for research into the toilet training of exceptional and normal children.

Changing these priorities is not the sole responsibility of universities or of the government.

The private doctor, cloistered in his private office, lobbying through the traditional institutions, is no longer in step with the times.

For some time, consumers and providers of services have been urging us to reform our delivery system.

Now an additional voice is being heard. Many of our young doctors and medical students are no longer satisfied with a system of health care delivery which does not serve the people as it should.

I had the opportunity last year to meet with a group of medical students at Harvard. I saw first-hand that they were no longer talking among themselves about where they would practice, where their residency would take place and ultimately how much money they would make. They were asking questions instead about health services in the ghettoes, how they might work to cut the cost of health care, how they might work to increase health services in rural areas, how medical schools might increase their output of doctors to meet our crucial health manpower needs. This attitude is encouraging and I came away with the feeling that those of us in government who are trying to alter the health care delivery system had found a new ally.

But medical students and young doctors are at a disadvantage in the medical community. They face the barriers of age, experience and power that characterize the "establishment" in every occupational group.

They will have to work within those institutions which have always lobbied and represented the medical community so well and so aggressively. But they will have to up-date the awareness and concern of those groups of contemporary health problems—with both the patients and their own financial well-being in mind.

The institutions and organizations of the medical community must respond to the challenge of the times. If they refuse, their punishment will be to live under the judgment of men less knowledgeable than themselves. Indifference to the social issues of medicine will ultimately guarantee governmental intervention. The price of freedom from intervention is responsible action in the public interest.

This is not a threat, but a realistic assessment of current trends.

Many people are very skeptical about this kind of approach to dealing with defects in the American system of health care. Some individuals insist that the system is sound and should be left alone. Others demand that we throw out the baby with the bath water and replace our pluralistic health enterprise with some monolithic scheme in which the Federal Government controls everything.

I think both points of view are wrong. The deep troubles of the health care enterprise have been nurtured by many factors, not the least of which is past failure to plan and prepare for the soaring demand that many thoughtful and observant people knew was coming. But I do not believe that past neglect means that we now have to start over and pursue some course of action that would be entirely alien to the traditions that this College of Medicine has helped to shape.

I simply cannot subscribe to the idea that we must now break—utterly and totally—with the past. If that were the case, the history of this institution would be meaningless. The men and women whom it prepared for careers in the field of health would be all but useless at a time when we need them most.

I cannot tell you whether the next hundred years of growth at this College of Medicine will be harder than the last. In a Century, medicine has moved from an infant science to one of the most powerful forces affecting life on this planet. To train men and women in the wise and humane use of that force is an awesome responsibility.

But to bring the achievements of medical science into the lives of people who have lived and suffered without them is perhaps an even greater responsibility. The medical colleges of this country, along with the rest of us who labor in the field of health, have to help bear that burden. But it is the students and young people who will determine whether we succeed or fail.

If the American health enterprise fails, it will not fall through lack of discovery but through lack of will.

Medical students . . . and all students . . . in every field of endeavor have shown they do not lack for will.

From what I have seen of their knowledge and compassion, I am convinced that we will succeed, and that long before you celebrate your two hundredth birthday, health will be secure among the basic rights of all Americans.

VICTIM OF DDT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD an excellent editorial appearing in the West Side, Detroit, Mich., Courier of Thursday, September 10, 1970.

That excellent editorial points out the perils, hazards and evil of unwise and often unnecesary use of DDT.

What a shame.

VICTIM OF DDT

Recent carefully documented research has proven that the widespread use of the insecticide DDT has wiped out the free-flying peregrine falcon in most of the nation, leaving only a few dozen in the western mountains, also threatened with extinction.

The cause of the birds' demise was not discovered in time to save them and experts believe there is enough DDT residue left in the nation's fields and streams to doom the remaining birds. Thus only in islands far from these shores, or in Alaska, is this magnificent falcon likely to survive.

The disappearance of the duck hawk, as this bird is known in some areas, shows what science can do when care is not taken in the application of new poisons and insecticides. How many Americans have become sick from overdoses of sprays and poisons? How many fish have been killed? How many other animals and birds have been poisoned to death? The experts estimate their number in the millions.

ALCOHOLISM AND SST

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, I would like to direct to the attention of my colleagues a thoughtful editorial, "Alcoholism and SST" that appeared in the September 20, 1970, issue of the Arkansas Gazette. Alcoholism is a disease which afflicts 5 million persons in the United States and which for entirely too long has been the subject of neglect. I wholeheartedly endorse the bill S. 3835 adopted on August 10, 1970, by the Senate authorizing an appropriation of $395 million over a 3-year period to combat this disease.

It would seem to me that if the Congress can vote a Government subsidy of $290 million to develop a supersonic transport plane which, according to a Cabinet task force report, may produce unacceptable noise levels and environmental pollution and which would contribute only meagerly to both our technological development and our international prestige, we can certainly approve an adequate appropriation to wage a vigorous fight against alcoholism. For 2 years, I have opposed the SST appropriation. I have found it difficult to subscribe to the view that such a funding item should occupy a high place on our national priority list during this time of severe inflation and swollen Federal budgets.

I feel that we should give serious consideration to supporting a high level of funding to reduce alcoholism which, as pointed out in this timely editorial, costs industry, business, government, and households billions of dollars a year.

Recognizing the seriousness of the problem of alcoholism, the South Arkansas Mental Health Center in El Dorado, Ark., submitted an application several months ago to the National Institute of Mental Health for a staffing grant for the treatment of alcoholism as well as drug addiction. The proposed program of the center represents a highly innovative and creative approach to tackling this grave national problem. I would like to take this opportunity to commend the staff of the South Arkansas Mental Health Center for having come up with such an imaginative proposal which I hope will be funded in the near future.

Under leave granted to extend my remarks, I include the Arkansas Gazette editorial:

ALCOHOLISM AND SST

Alcoholism by all accounts costs industry, business, government and households billions of dollars a year in this country. Indeed, the loss of taxes on lost income because of the disease surely must cost government many millions of dollars.

Even so, relatively little attention is given at the federal level to reducing the incidence of alcoholism as a disease that affects millions of Americans. This year, finally, the Senate has moved vigorously to help create what the president of the National Council on Alcoholism calls "an adequate federal, state and local mechanism for the treatment of alcohol abuse and alcoholism." The bill passed by the Senate would provide $395 million over a three-year period to finance various steps combating the disease.

Nixon administration officials, however, are engaged in trying to get even that amount reduced in the cause of reducing the federal budget. An administration spokesman has supported in testimony before a House subcommitte the idea behind the Senate bill, but he has not supported the level of spending set by the Senate.

The same administration is supporting the spending this year alone of $290 million on further development of the supersonic transport, which is costing a total of well over $1 billion, despite the shaky justification that has been offered by federal involvement in the SST.

One argument cited for the SST is that eventually it will return in revenues all the federal money spent in its development and therefore is a good long-range investment. Many economists have questioned that argument. What we can be a good deal more sure about, however, is that money spent on reducing alcoholism clearly will eventually be returned to the federal government in the form of taxes on regained income and productive capacity. The bonus in that case will be for many Americans freedom from a disease that they might still have without the federally financed programs that offered them the opportunity for a cure.

HON. WILLIAM R. ANDERSON SPEAKS IN MISSISSIPPI

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. COLMER. Mr. Speaker, on August 22 last, at the dedication of the new submarine overhaul facility of the Ingalls East-Division's Shipyard in my hometown of Pascagoula, Miss., the Honorable William R. Anderson, of Tennessee, made a splendid, instructive, and appropriate speech. We were also honored on that occasion by the presence of my able and distinguished colleague from Mississippi, Congressman Jamie Whitten, the senior democrat on the House Appropriations Committee. Mr. Whitten has, on many occasions, not only demonstrated his interests in national defense but also in the continued growth of Mississippi's greatest industry, Ingalls Shipbuilding Corp.

Mr. Whitten spoke in his usual effective manner without manuscript or notes and, he too, was well received by his fellow Mississippians.

I was delighted that Congressman Anderson was our principal speaker on that occasion, not only because he is a learned and valuable member of the important Rules Committee which channels all important and appropriate legislation from other committees of the House for floor consideration, but also because of his knowledge and expertise in the operation of nuclear submarines. It will be remembered that Congressman Anderson, although a comparatively young man, is a retired captain of the U.S. Navy. It will also be recalled that it was Captain Anderson to whom the Secretary of the Navy intrusted the important as well as perilous mission of steering the Navy's atomic powered submarine, the *Nautilus*, under the icecap of the North Pole. Incidently, to the best of my knowledge, this mission, successfully performed by the former Captain Anderson, is the only one of its nature in the history of the world.

Because of my high respect for my colleague and because of the informative and important contents of Congressman Anderson's speech on that occasion, I take pride and pleasure in submitting it to be included in the Congressional Record for posterity.

The speech follows:

Dedication of Ingalls East Division's New Submarine Overhaul Facility, Pascagoula, Miss., August 22, 1970

I am honored to participate in this occasion and to stand in the presence of three men who have made vast contributions to our nation.

Congressman Jamie Whitten, the distinguished Chairman of the House Appropriations Subcommittee on Agriculture, has withstood broadside after broadside from the big metropolitan Congressional delegations in Congress in his work to enhance the vitality and economic prospects of our farmers, small towns and cities. Despite increasingly heavy odds, he has come out the victor. His victories are all the more noteworthy because he has accurately foreseen that a revitalized rural America is the best answer to the problems which plague our overcrowded cities. Thus, he has served our entire nation, and served it well.

As a Tennessean, I am acutely aware of the contribution of inexpensive TVA-produced public power to the development of the Tennessee Valley region. Recently, TVA announced an earth shaking 25 percent increase in power rates. Most of the reason for the huge rate increase is the fact that the cost of coal for TVA's numerous coal fired generating plants has virtually doubled in the short span of one year. This means that nuclear power for commercial, industrial and home consumption has, almost overnight, become cheaper than electricity produced from coal. Three years ago no one even dreamed this would be the case. Because of cost factors and the grave air pollution problems inherent in coal fired plants, this nation needs vast nuclear generating facilities, not in the 1980's or '90's as projected a few years ago, but right now—in 1970.

Admiral Rickover is known as the Father of the Nuclear Submarine. History will record his remarkable contributions to his country in a much larger context. He is, in fact, Father not only of nuclear propelled naval ships, but Father of nuclear power for peaceful purposes as well. It all started with his studies at Oak Ridge more than two decades ago when the only coooperation he received was from the atom itself. In making practicable the Polaris deterrent force he has made the most significant contribution of this age to our national security; we will soon recognize the equally important contribution to our domestic economic security and well-being derived from his pioneering work in nuclear power generating plants.

You will recall Judge Howard Smith of Virginia, long a Member of the House, long the famous Chairman of the Committee on Rules. Bill Colmer, your own distinguished Representative, succeeded Judge Smith three and one-half years ago. For quite a few years Mr. Colmer sat on Judge Smith's right—the ranking Democrat—next in line of succession. If any one man knows another man well, Judge Smith knows Bill Colmer. I want to share with you what Judge Smith told me this past week.

He said, "I love Bill Colmer. I think so highly of him I can hardly express it in words. From my long and close affiliation with him, both on the Rules Committee and in the House, I saw him as one of those rare public men who put sound principle before political maneuvering. He is a man who stands up for what he believes in. What he believes in, he sticks to. He will stand up to the lobbyists; he will stand up to other Members; he will stand up to the Speaker—yes, even the President of the United States. He is a man of great courage—great convictions—great strength."

All of us in the House, and especially those of us privileged to serve on the Rules Committee under Bill Colmer, share fully Judge Smith's love and high esteem of your Congressman.

We are here today to dedicate facilities which add to the capability of this shipyard to contribute to our national defense.

Ingalls has made a notable record in the shipbuilding industry since its beginning in 1938. During World War II they made a major contribution to the war effort by building over 60 naval vessels. After the War, Ingalls concentrated on commercial shipbuilding but in 1952 resumed naval construction. In 1955 Ingalls established its Nuclear Power Division and subsequently entered the important field of nuclear powered submarine construction. To date they have built eight nuclear powered attack submarines and have contracts to build four more.

Today we are observing a new landmark in Ingalls development—the introduction of facilities with which the shipyard can overhaul and refuel nuclear submarines. These include the new graving dock which is already being used, and several highly specialized service and shop facilities. With these modern tools Ingalls will participate in the highly demanding but very vital task of repairing and maintaining our nuclear submarine fleet.

Nuclear power has given these ships almost unlimited range and endurance and, speaking from personal experience, there are no ships anywhere that are run harder. Operating throughout the oceans of the world for months at a time these ships need highly expert attention when they are taken off the line for their infrequent overhauls. The task may not be as appealing as building a ship from keel up but in many ways it is far more demanding. Certainly it is a vital task if these first line ships are to continue to serve our nation in peace or war. It is certainly appropriate that we give recognition to this new capability at Ingalls and to the part it will play in our defense efforts.

Looking more broadly at the U.S. submarine program, I am deeply concerned that our present efforts are not sufficient to meet the challenge from the Soviet Union. In unmistakable terms the Soviets have mounted a naval program that is overtaking the U.S. in almost every area. They are doing this even though the Soviet Union already is the world's foremost land power and does not need a world-wide navy for her defense purposes. Her naval buildup is solely for the purpose of projecting Soviet influence abroad and neutralizing the presence of western navies primarily that of the United States.

As demonstrated during two world wars, the United States depends upon free use of the seas for our very survival as a nation. Without a navy capable of maintaining this freedom against all threats we cannot hope to be invincible in time of war. Thus the efforts of the Soviet Union to counter our naval strength strike at the heart of our defense posture. The challenge is particularly acute in the field of submarines. The Soviets since World War II have placed great emphasis on submarines. They have produced more than 570 new ones in the 25 years through 1969, while the United States produced only 105.

Currently the Soviet Union has a total of some 355 modern submarines, more than 75 of which are nuclear powered. All of their units have been built since World War II. In comparison, the U.S. total is 147, 88 of which are nuclear powered. Most of the remaining U.S. Diesel units are of World War II vintage. Russia has scrapped or sent to reserve status submarines more modern than ones the U.S. is still operating.

The Soviets have invested tremendous resources in facilities to build and overhaul submarines. They have the largest and most up-to-date submarine construction yards in the world with a capacity well above that available in the United States. They are estimated to be capable of producing 20 nuclear powered submarines a year while working only eight hours a day. Obviously, this construction rate could be greatly expanded by simply working additional hours.

Since we were the first nation to have nuclear powered submarines, we have come to expect a lead in this area. In fact, this has always been used as a major reason why we did not have to compete with the Russians in total numbers of submarines. Yet, because of our lagging building program in past years we are now faced with the loss of our nuclear submarine lead by the end of this year. The momentum of the current Soviet effort means that we will be increasingly outnumbered in the years to come.

While we are losing our superiority in numbers of nuclear submarines, we are also losing our lead in almost all aspects of submarine technology. The United States has only produced one new nuclear submarine design in a decade; the Soviets have put out a number of new nuclear designs in just the last two years.

Today, our technological lead has been reduced in almost all aspects of submarine performance characteristics, submarine sensors, and submarine weapons. Take, for example, speed. For many years our submarines were assumed to have a marked speed advantage over the Soviets. Today this is no longer true. Every submariner knows that speed advantage can be all-important.

Another area of real concern is submarine weapons. The Soviets have wide-spread deployment of the long range anti-ship cruise missile which represents one of the most serious threats to our surface naval and maritime ships. This unique weapon is installed in some 65 submarines all capable of sitting astride our vital sea lanes and interdicting our ocean commerce. The United States has no comparable weapon. Rather, we continue to put all our eggs in one basket, relying almost exclusively on torpedoes as our principal tactical submarine weapon. Even now we are unable to give our fleet the modern torpedo it needs. Our current designs do not have the speed, range, acquisition or depth capability required to counter the modern, fast, deep-diving Soviet submarines. Further, our inventory of these weapons is also woefully inadequate. The Mark 48 torpedo program was supposed to remedy this but has encountered continuing delays. The failure of this one program seriously impairs the effectiveness of our entire submarine fleet.

In other key aspects of submarine technology, such as reliability, sonar and quietness of operation, the Soviets are well on their way to attaining equality with us, and in some cases may already be superior.

Last year, Soviet submarines stretched their operations for longer periods and at greater distances than ever before. They have now established mobile task forces in which their submarines are repaired and maintained from large tenders while underway, thus greatly expanding their operating capability and range. This is a new and unique contribution to the art of submarine warfare. With this system, the Soviets can now move a naval task force into the Indian Ocean, the South Atlantic, the South Pacific, or any other area they wish.

Most importantly, the Soviet Union has developed an awesome technical and industrial capacity to continue the expansion and improvement of their submarine fleet and extend their advantage over us in the coming decade. They have developed a huge technical force of trained engineers to support their naval program. They have from six to seven times the number of students studying naval architecture and marine engineering as we do in the United States.

In summary, these facts mean that the balance of world naval power is swinging rapidly in favor of the Soviet Union. It is critically important that the Administration, the people of America, that we all recognize the seriousness of this threat, and that we begin at once to structure our own submarine program to meet it.

Admiral Rickover has repeatedly and eloquently testified regarding our urgent needs along these lines.

The Congress has continued to urge a greater effort to build a modern U.S. submarine force and to keep it strong, but the Defense Department has often ignored this advice and has allowed much of the vital lead we once had in this field to be lost. Apparently, the lesson still has not been learned, for just this fiscal year the Department of Defense submitted only a minimal request for three high speed submarines. The House of Representatives has increased that number to four. But this is only a small part of a much bigger task. If we in this country are going to prevent the Soviet Union from becoming the dominant naval power in the world, it is clear much more will need to be done. If we do not face up to the task, peace will continue to be an increasingly elusive goal.

COAL EXPORTS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. VANIK. Mr. Speaker, I want to take this time to urge the President and the administration to exercise authority under the Export Control Act to limit the exportation of low-sulfur coal which is currently being shipped in huge quantities to Japan. Last year, we exported over 20 million tons of low-sulfur coal to Japan. This year we are exporting low-sulfur coal to Japan at a rate approximating 28 million tons per year, an increase of 40 percent.

The skyrocketing increase in the export of quality coal has created acute shortages in this country resulting in

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prices which have almost doubled. These export policies have forced domestic utilities into the use of high-polluting, high-sulfur fuels. This will result in higher utility bills and dirtier air in the urban areas of America.

Under the terms of the Export Control Act, it is the policy of the United States to exercise controls to such extent as is necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand. These conditions presently exist with respect to low-sulfur fuel and warrant the exercise of controls.

Unless export controls are immediately applied to low-sulfur coal, the fuel crisis in America will be out of control and the pollution problem will be critically compounded.

EPA AND NOAA—OR CEQ?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1970

Mr. DINGELL. Mr. Speaker, the October 1970 issue of the Environmental Journal, the National Parks and Conservation magazine, carries an article entitled "EPA & NOAA—or CEQ?" The article presents in considered terms a discussion of the proposals to create an Environmental Protection Agency—EPA—and a National Oceanic and Atmospheric Administration—NOAA—and contrasts these proposals "to the central need" for enhancing the role of the Council on Environmental Quality—CEQ.

So that my colleagues will have an opportunity to read this article, I insert its text at this point in the CONGRESSIONAL RECORD:

EPA AND NOAA—OR CEQ?

Government reorganization is a chronic affliction in the nation's capital. The Earth movement, triggered by a chain reaction of environmental crises, has renewed concern about federal coordination of more than 80 environmental programs. Jurisdictional confusion in key areas severely handicaps federal programs.

Who is responsible, for instance, for balancing promotion and protection within a department or agency? For protecting estuaries and coastal waters? For avoiding future oil spills? For controlling pollution of the open sea? For dealing with regional air pollution? For the environmental damage done by federal highways? For making the Army Corps of Engineers enforce the 1899 Refuse Act? For the damage done by development-thirsty giants such as the Corps, the Bureau of Reclamation, and the Bureau of Mines? For regulating the dumping of waste at sea and underground? For determining tolerable noise levels? For the adequacy of reforestation efforts? The first annual report of the Council on Environmental Quality (CEQ) takes up 326 pages to raise these questions and many others.

In July President Nixon announced a reorganization of environmental programs by executive orders. Many programs would remain scattered among the departments. Others would be transferred to a new agency in the Department of Commerce, or to a new independent agency. Executive Reorganization Plan No. 3 would create the Environmental Protection Agency (EPA). Plan No. 4 would create the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce. Both plans will become effective automatically on October 3 unless Congress votes disapproval, in which case there would be no deadline for further discussion and action.

EPA would be an independent agency whose administrator would be of sub-cabinet rank. It would have 5,650 personnel and an estimated budget of $1.4 billion in fiscal 1971. The following would be moved to the new agency: the Federal Water Quality Administration, Interior Department pesticide studies, the National Air Pollution Control Administration, the Bureau of Solid Waste Management, the Bureau of Water Hygiene, some functions of the Bureau of Radiological Health, certain pesticide programs of the Food and Drug Administration, authority to study ecosystems (from the new Council on Environmental Quality), certain functions of the Atomic Energy Commission and the Federal Radiation Council governing radiation criteria, and pesticide registration functions and related activities of the Agricultural Research Service. The President sees EPA and the Council on Environmental Quality as complementary, not competing.

NOAA is supposed to bring together in a single administration (the Department of Commerce) the major federal programs dealing with the seas and atmosphere. These programs presently exist in four departments and one agency. NOAA would have over 12,000 personnel and an estimated budget of about $270 million in fiscal 1971. It would be made up of the following parts of the federal corpus: the Environmental Science Services Administration (already a major prestige unit of the Department of Commerce), most of the Bureau of Commercial Fisheries, the Marine Minerals Technology Program, the marine sports fishing program of the Bureau of Sports Fisheries and Wildlife, the Office of Sea Grant Programs, elements of the United States Lake Survey, the National Oceanographic Data and Instrumentation Centers, and the National Data Buoy Program.

The Presidential initiative is to be commended. Conservationists are deeply concerned, however, that *further* jurisdictional confusion may result from the Administration's two plans. EPA and NOAA merely transfer some existing environmental programs. Jurisdictional conflicts remain unsettled and should be resolved by the Council on Environmental Quality.

The President listed as contributors to the plans the President's Advisory Council on Executive Organization (the Ash Council); the Commission on Marine Science, Engineering and Resources (the Stratton Commission, appointed by President Johnson); the President's special task force on oceanography headed by Dr. James Wakelin; and "the information developed during both House and Senate hearings on proposed NOAA legislation."

But in House and Senate subcommittee hearings considering EPA and NOAA, it was revealed that neither committee had been asked for an opinion by the White House before fixing the final form of Plans 3 and 4. Furthermore, Roy Ash and CEQ chairman Russell Train admitted that neither adviser had influenced or been briefed on the final plans.

However, the president of the National Agricultural Chemicals Association, Parke C. Brinkley, expressed satisfaction in *his role* regarding EPA's formulation. "When this plan [EPA] was first brought to our attention, our reaction was negative," Brinkley candidly stated. "After careful reflection, however, we accept the plan. We say that though there have been instances where pesticides have contributed to environmental problems, pesticides have done far more to clean the environment than to despoil it . . . The emotion stems from the discovery of pesticide residues in nontarget species but without regard to the benefits achieved when these calculated risks are taken.

"We then look forward to the opportunity to deal principally with one agency where there will be an opportunity for prompt communication between the regulators and the regulated . . . The Agency must accept a premise that is not particularly popular at the moment and that is that there is a desperate need to continue pesticide use for the protection of food, the protection of the public health, and for the improvement in the quality of the environment."

What caused the pesticide industry's lobby organization to change its position on EPA? Why does it now seem confident that the new agency will accept the industry's premise that pesticide use is vital to food supplies, public health, and "the quality of the environment"? (This latter phrase is meaningless in such a context.)

Dr. Spencer Smith, a registered conservation lobbyist for over 15 years, pointed out the major issues: "The basic problem . . . is what functions do you include [in EPA] and what functions do you exclude and what are your criteria for doing either . . . We understand that EPA is neither perfect nor immutable, but . . . we wish the program were more perfect and less immutable than the proposal the committee is now considering."

What troubles most conservationists is that only 10 environmental programs out of nearly 80 throughout the federal government are being transferred to EPA. And even these few will have to defend themselves from the budget knife without a spokesman in the cabinet. The feared results will be an 18-month delay in research findings and effective regulation while EPA gets organized and functioning. Increased fragmentation of environmental research, standard-setting, and enforcement will result from many closely related programs remaining behind in other agencies and departments. Congressman John Blatnik of Minnesota, who favors an independent research-enforcement agency, argued, "All we are asking [of EPA] is a reasonably good start, a strong foundation to build upon." He fears that under the existing plan many programs will be "lost between the administrative cracks." Blatnik is chairman of the House Subcommittee on Executive Reorganization.

Not included in EPA are many key environmental programs such as the water and sewer grant program in the Department of Housing and Urban Development, DOT'S noise pollution program, the environmental effects of the mining research program in the Bureau of Mines, HEW's consumer protection and occupational protection programs, the highway beautification program, the Army Corps of Engineers, and HEW's National Institute of Health Sciences. Congressman Benjamin Rosenthal (D-NY), a member of Blatnik's subcommittee points out that the HEW 1969 Annual Report clearly states: "The mission of the National Institute of Health Sciences is to identify the chemical, physical, and biological factors in the environment that can adversely affect man, to learn how these operate, and to provide scientific bases for the development of control measures by other agencies." Yet this important unit is not to be transferred to EPA.

NOAA's creation presents a different host of problems. Dr. Smith calls Reorganization Plan No. 4 "completely irrational and without justification by the Administration's own criteria." The Department of Commerce has always made its major mission one of promotion and development of natural resources, not protection and regulation of these resources. Locating NOAA in the Department of Commerce, Smith thinks, would place these objectives in direct conflict. "It involves promoting a particular resource use and concommitantly being held responsible for regulating the environmental effects of such activity." History seems to have made clear that executive branch agencies have extreme difficulty balancing promotion and regulation of a specific resource.

Senator Gaylord Nelson (D-Wis), while supporting the basic concept of EPA, has introduced a resolution to disapprove Plan 4 pending thorough congressional consideration of alternatives. He took exception to remarks by CEQ's Russell Train and Under Secretary of Commerce Rocco Siciliano at the July 9 press conference announcing the plans. Train, when asked why NOAA was not put in EPA, replied: "Because the new EPA is intended to focus on the control of pollution . . . ocean programs, obviously, go far beyond that, development efforts of all sorts." To a similar question Siciliano replied: "As far as NOAA is concerned, let's make a comparison. One is a standard-setting enforcement-type agency which needs independence and this is your EPA. The other is a research, development, protection, and conservation function which we are doing already in the Commerce Department. . . ."

Senator Nelson is concerned that NOAA does not unscramble the jurisdictional tangle of federal agencies having marine responsibilities. "The Corps of Engineers lets all kinds of waste dumping go on beyond the 3-mile limit off our coasts, because it is unsure of its authority in this area, and for inshore waters, the Corps recently did not even know how many permits it had issued. Plan Number 4 does not deal with this serious inadequacy in federal policy."

Senator Nelson, who has introduced two bills to protect the environmental integrity of the oceans, feels that it would be far better to reorganize and strengthen the Department of Interior or to build on the foundation of EPA than to place NOAA in the Department of Commerce.

Maine's Senator Edmund Muskie, chairman of the Senate Public Works Subcommittee on Air and Water Pollution, is concerned about the money and manpower commitment behind the Administration's Reorganization Plans 3 and 4. Muskie is troubled by the President's remarks on July 9. "It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action," Nixon said. Muskie argues that "We should not expect expenditures for these already underfunded, undermanned programs to decrease."

An alternative approach to Senator Nelson's resolution to place NOAA in EPA was introduced by Congressman John D. Dingell (D-Mich). Dingell, who is chairman of the Merchant Marine and Fisheries subcommittee on Fisheries and Wildlife Conservation, introduced two resolutions recommending House disapproval of Reorganization Plans 3 and 4. He favors subsequent legislative action to coordinate environmental programs and jurisdictions.

Reorganization Plans 3 and 4 bear further implications. At present, environmental programs are represented at the cabinet level, although the cabinet members in question often have to serve both promotion and protection interests of their clientele. EPA would be headed by an administrator below cabinet rank, similar to the directors of NASA and the AEC. Both these agencies, however, have been essentially promotional, not regulatory, agencies. They have received almost undivided support and significant funds because promotion usually means spending federal money in one or more congressional districts. Promotion-prone agencies reap political support. But this tends not to be the case with regulatory agencies when their performance is effective. The EPA director would be unlikely to possess clout equivalent to that of the NASA and AEC directors.

Coordination of *all* environmental programs, as opposed to transfer of several programs to a new agency, should be the keystone of an urgently needed environmental executive reorganization. *Not needed* is another congregation of an incomplete list of existing federal programs to be transferred to an umbrella agency possessing no new coordination authority. *Needed* is more strength within the newly created President's Council on Environmental Quality. This enhanced authority of the CEQ should range from coordination of operating environmental programs to stop-order authority against environmentally destructive construction projects or programs to more sophisticated research capabilities that would better assist the CEQ in exercising its enhanced authority. The CEQ should and could become the focus of environmental research, planning, and coordination at the Presidential level, with review and stop-order authority. Executive reorganization is tangential to the central need for SEQ policy coordination and enforcement authority.

HOUSE OF REPRESENTATIVES—*Wednesday, September 30, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt love the Lord thy God with all thine heart and with all thy soul and with all thy might.—Deuteronomy 6: 5.

Almighty and ever-living God, by whose mercy we have come with our Hebrew brethren to the beginning of another year, grant that we may enter it together with humble and grateful hearts. Confirm our resolutions, we pray Thee, to walk more closely with Thee and to labor more faithfully for the good of our fellow men according to the teaching of our law and the example of our Lord.

We invoke Thy blessing upon our country. Enlighten with Thy wisdom and sustain with Thy power those whom the people have set in authority, our President, our Speaker, Members of Congress, and all who are entrusted with our safety and our freedom. May peace and good will live in the lives of our citizens and may religion spread its blessings among us, exalting our Nation in righteousness.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3558) entitled "An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17255) entitled "An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Randolph, Mr. Young of Ohio, Mr. Muskie, Mr. Spong, Mr. Eagleton, Mr. Cooper, Mr. Boggs, Mr. Baker, and Mr. Dole to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17604) entitled "An act to authorize certain construction at military installations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Stennis, Mr. Ervin, Mr. Cannon, Mr. Byrd of Virginia, Mr. Thurmond, Mr. Tower, and Mr. Dominick to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 3479. An act to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON S. 30, THE ORGANIZED CRIME CONTROL BILL

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report on the bill (S. 30) relating to the control of organized crime in the United States.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, and if I may have the attention of the gentleman from New Jersey, I assume this has been cleared with the minority members of the committee?

Mr. RODINO. Mr. Speaker, if the gentleman will yield, I have every reason to believe so.

Mr. GROSS. Well, Mr. Speaker, I wonder if the gentleman under these circumstances will withhold his request briefly?

The SPEAKER. Will the gentleman withhold briefly his unanimous-consent request until he is able to contact the ranking member on the minority side and the Republican leadership?

Mr. RODINO. I shall be glad to do so, Mr. Speaker.

THE WHINERS AND COMPLAINERS OUGHT TO THANK THE PRESIDENT'S COMMISSION ON CAMPUS UNREST

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RIEGLE. Mr. Speaker, some of those who blindly criticize the findings of the President's Commission on Campus Unrest—whether they realize it or not—are slapping the President in the face. After all, the men who wrote this report were selected by the President; given their charter of responsibility by the President; and their findings are the direct responsibility of the President.

Actually, the whiners and complainers ought to thank the President—and thank the Scranton Commission—because it has done an excellent job—and has made a correct and compelling set of recommendations.

The truth, gentlemen, is never the enemy—and we ought to be big enough to face facts—even if we dislike them.

Like it or not, the President of the United States has the greatest opportunity, and responsibility, to provide moral leadership for our country. He asked for that responsibility, the voters gave it to him in good faith, and we do him no favors when we suggest otherwise. And do not sell him short—I think he wants that responsibility.

The fact is that the President of the United States can do more than any other person to help the country understand the campus unrest problem. The country desperately needs his full leadership in this area. All of us can do more to help solve this problem—including the President—and it is time that each of us step up to that challenge.

If the political arsonists now out throwing firebombs of inflamed rhetoric and explosive anger would stop complaining long enough to offer even one constructive suggestion, the country would be much better off. The caustic condemners and complainers who know all the problems and none of the answers, ought to listen to the President's Commission on Student Unrest—at least until they have something more constructive to offer themselves.

JOINT ECONOMIC COMMITTEE'S ENERGY HEARINGS POSTPONED

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the following release has just been issued:

Representative Wright Patman (D-Tex.), Chairman of the Joint Economic Committee, today announced that hearings on "The Energy Outlook: An Overview of Price and Supply," previously announced for October 5, 6, 9, and 10, would be postponed until a later date. Mr. Patman explained that, because of the press of other Congressional business prior to the anticipated October 15 recess, it had been found that it would be difficult for the Committee members to devote adequate time to these hearings. It was decided that the extensive investigation of the energy sector of the economy which the Committee plans to undertake could better be initiated at a later date.

Mr. Patman emphasized his appreciation to the government officials and other experts who had agreed to testify and expressed the hope that they would again be available to assist the Committee when the hearings are rescheduled.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE A REPORT ON S. 30

Mr. RODINO. Mr. Speaker, I renew my unanimous-consent request that the Committee on the Judiciary may have until midnight tonight to file a report on the bill S. 30, the proposed Organized Crime Control Act.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TO STRENGTHEN LAW RELATING TO COUNTERFEITING OF POSTAGE METER STAMPS

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14485) entitled "An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, after "That" insert "(a) notwithstanding the amendment made to".

Page 1, line 3, strike out "is" and insert "such section is".

Page 1, strike out lines 5 and 6 and insert:

"§ 501. Postage stamps, postage meter stamps, and postal cards"

Page 2, line 15, strike out "Department," and insert "Department or by the Postal Service,".

Page 2, line 16, strike out "said department" and insert "the Department or Postal Service".

Page 2, line 22, strike out "Department," and insert "Department or the Postal Service,".

Page 2, after line 24, insert:

"(b) Section 6(j)(6) of the Postal Reorganization Act is repealed.".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume from the Clerk's reading of the Senate amendments that they are germane to the bill, but will the gentleman from Colorado state that the amendments adopted in conference are germane to the bill?

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Speaker, they are germane. You see, we had to bring the bill into conformity with the so-called postal reform bill.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation, and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE CONQUEST OF CANCER AS A NATIONAL CRUSADE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Concurrent Resolution 675 entitled "Concurrent Resolution expressing the sense of the Congress with respect to the conquest of cancer as a national crusade", with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 2, line 4, after "That" insert "it is the sense of".

Page 2, line 4, strike out "appropriate the funds" and insert "that sufficient funds be appropriated".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, is it the opinion of the gentleman presenting handling the resolution that the second senate amendment would make this an open ended funding of this cancer crusade bill?

Mr. ROGERS of Colorado. That is already the case. There has been an open end authorization for cancer research in existence for many years. The second Senate amendment does not affect that at all. Any and every appropriation must go through the regular appropriation procedure.

Mr. HALL. Mr. Speaker, I think it is important to establish that legislative record.

Mr. ROGERS of Colorado. Yes, sir.

Mr. HALL. I will ask the gentleman from Colorado further if this is the piece of legislation coming back from the other body that was proposed by our colleague, the gentleman from New York (Mr. ROONEY), which is known as the Rooney Cancer Crusade resolution.

Mr. ROGERS of Colorado. Yes, it is.

Mr. HALL. I thank the gentleman. Mr. Speaker, I withdraw my reservation of objection.

Mr. ROONEY of New York. Mr. Speaker, I am highly gratified by the unanimous adoption of House Concurrent Resolution 675 with the Senate Amendments which I introduced in the House in its original form on March 4, 1970. I am glad that my colleagues in both Houses have joined in the Crusade for the Conquest of Cancer by 1976, the 200th anniversary of the independence of our Nation.

I am aware that it is difficult, if not impossible, to set a precise time as the target date for the solution of a disease like cancer. I am also sure, however, that our national dedication to such a goal and such a target date may well provide the added motivation necessary for its success. The sense of Congress is now clear: It is to provide the means for the men and women in the scientific community to address themselves to the solution of cancer without stint and without unreasonable limitation on the resources at their disposal. With this knowledge and the confidence that will flow from it, they can proceed at a more rapid rate than has ever been possible before. They will know that the research they start will be carried to a conclusion and that new men with new ideas will enter the field of cancer research and give added impetus to the total effort. With these forces brought into play, it is my conviction that the goal will be reached as we in the Congress carry out the intent of this resolution.

There is a study of the cancer problem now going on under the auspices of the other body. The panel making the study will report its findings soon. It is a panel of brilliant men and women, scientists of stature and laymen who are leaders in industry and finance. Their recommendations, I am sure, will be worthy of our earnest consideration. The resolution which you have just adopted in final form will spur congressional support of the recommendations they make. I am confident that next year, the year of 1971, will be the year which medical historians will record as the beginning of the end of cancer.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. ROGERS)?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO SIT DURING SESSION TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be permitted to sit today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, has this request been concurred in by the minority?

Mr. BOGGS. It is, by the ranking member of the committee who has also asked permission that they sit today.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I have just left an important, vital, and previously scheduled committee meeting in order to convene with Members for essential legislation, at an unusual hour agreed to by unanimous consent, after much coordination and staffing yesterday.

I see no particular reason why if we are going to expedite our business regardless of the cause, that these committees should sit. What is proper for one is proper for the other. If the gentleman will yield for that purpose, Mr. Speaker, I do object.

The SPEAKER. Objection is heard.

NATIONAL VOLUNTEER FIREMEN'S WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1154) authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments as follows:

> Page 1, line 5, strike out "September 19," and insert "October 24,".
>
> Page 1, line 5, strike out "September 26," and insert "October 31,".
>
> Amend the title so as to read: "Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from October 24, 1970, to October 31, 1970."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I merely want to ask the gentleman if this proposed resolution, and it is my understanding that he has two or three additional and similar resolutions, authorize the expenditure of any funds whatsoever.

Mr. ROGERS of Colorado. It does not in any manner whatsoever, I can assure the gentleman.

Mr. GROSS. Nor do any of the other amendments that the gentleman is prepared to offer today?

Mr. ROGERS of Colorado. That is true as to those already offered and adopted and those to be considered hereafter.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

NATIONAL CLOWN WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 236), authorizing the President to designate the week of August 1 through August 7 as "National Clown Week", with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments as follows:

> Page 1, line 5, after "August 7" insert ", 1971".
>
> Amend the title so as to read: "Joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7, 1971, as 'National Clown Week'."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING JOINT RESOLUTION ESTABLISHING "NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK"

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate Joint Resolution (S.J. Res. 110) to amend the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week," approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 110

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first two sentences of the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week", approved August 11, 1945 (59 Stat. 530), are amended to read as follows: "That hereafter the first week in October of each year shall be designated as National Employ the Handicapped Week. During such week appropriate ceremonies shall be held throughout the Nation, the purposes of which will be to enlist public support for and interest in the employment of otherwise qualified but handicapped workers."

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO DESIGNATE JANUARY 1971 AS "NATIONAL BLOOD DONOR MONTH"

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate joint resolution (S.J. Res. 223) to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

XUM

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 223

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the vital contribution of the voluntary blood donor to medical care, the President is authorized and requested to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month", and calling upon the people of the United States and interested groups and organizations to observe such month with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Rogers of Colorado: On page 1, line 5, strike the word "annually".

On page 1, line 6, strike out the phrase "of each year" and insert in lieu thereof "1971".

The amendments were agreed to.

The Senate Joint Resolution was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize and request the President to issue a proclamation designating January 1971 as 'National Blood Donor Month.' "

A motion to reconsider was laid on the table.

XUM

APPOINTMENT OF CONFEREES ON H.R. 17604, MILITARY CONSTRUCTION AUTHORIZATIONS, 1971

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17604), to authorize certain construction at military installations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. Rivers, Hagan, Charles H. Wilson, Nichols, Daniel of Virginia, Bray, Clancy, King, and Foreman.

PRESIDENT'S COMMISSION ON CAMPUS UNREST HAS DRAWN A BLANK

(Mr. SIKES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the President's Commission to study campus unrest has drawn a blank. The report is an exercise in phonetics and nothing more. It simply passes the buck for campus problems back to the President who, in the opinion of most people, has plenty to do without trying to police the campuses. Admittedly, there is much to be done to preserve order on the campuses and admittedly the President, as Chief Executive, has a measure of responsibility, but there is much more to the problem than the report would indicate. The report should have dealt with the immediate need for forceful action on the part of college administrators.

Colleges have been opening all over the land for the fall term. A straightforward approach by college heads to stress the attitudes and activities which are expected of the students is imperative. The students should be made to realize that they have responsibilities to help preserve law and order. They should be told that agitators will not be welcome. Much of the trouble in recent years has stemmed from the fact that college heads simply failed to assume the responsibility entrusted to them in dealing with problems of student unrest.

It is equally important that useful alternatives be provided to the students. It is to be assumed that most students will have their time fully occupied with academic requirements. That is why they are in college. When they have time on their hands, it is doubly important that sound outlets be provided for their energies. There are many worthwhile programs which offer such outlets, and leadership and participation on the campus in these activities should be encouraged.

The most serious danger is a do-nothing attitude toward campus disorders on the part of those responsible for college administration.

PROVIDING FOR CONSIDERATION OF H.R. 17538, HIGH-SPEED GROUND TRANSPORTATION EXTENSION

Mr. O'NEILL of Massachusetts. Mr. Speaker, I call up House Resolution 1223 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17538) to extend for one year the Act of September 30, 1965, relating to highspeed ground transportation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1223 provides an open rule with 1 hour of general debate for consideration of H.R. 17538 to extend the High-Speed Ground Transportation Act.

The purpose of H.R. 17538 is to extend existing law relating to high-speed ground transportation for 1 year. It authorizes an appropriation for fiscal year 1971 in the amount of $21.7 million for research and development and demonstrations in high-speed ground transportation.

Five years ago the Congress passed high-speed ground transportation legislation. We recognized then, as we know even better now, that fast, efficient, mass transportation had to be developed to replace the polluting and congesting increase of the automobile in American life.

American technology is the greatest in the world. It has not been directed to many of the pressing domestic needs of the Nation. High-speed ground transportation can be successfully developed, built, and utilized.

This authorization will enable many of the research projects which have been developed to be built. It will provide for engineering research and development and demonstration projects.

The research and development of reasonably priced, efficient, high-speed ground transportation will benefit the economy and the ecology of the entire United States.

This 1-year extension and the additional funding will furnish the opportunity to effect the transition into transportation equipment and assist in the programing of future requirements.

Mr. Speaker, I urge the adoption of House Resolution 1223 in order that H.R. 17538 may be considered.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to extend for 1 year—through fiscal 1971—existing law with respect to high-speed ground transportation.

The bill authorizes appropriations of $21,700,000 during the year for research and development and for demonstration projects in the field.

During this year the Department of Transportation will begin to use its new laboratory facilities at Cambridge, Mass., and its high-speed ground test site in Colorado. New equipment will be purchased with some of the funds as the Department's test programs expand.

The administration supports the bill as evidenced by letters from the Secretary of Transportation. There are no minority views.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 323]

Abbitt
Andrews, N. Dak.
Ashley
Aspinall
Ayres
Betts
Bingham
Bray
Brock
Brooks
Burton, Utah
Bush
Button
Cabell
Cederberg
Celler
Chisholm
Clark
Clay
Colmer
Conyers
Cramer
Crane
Daddario
Dawson
de la Garza
Derwinski
Diggs
Dowdy
Edwards, La.
Fallon
Farbstein
Feighan
Fish
Fisher
Ford, Gerald R.
Foreman
Friedel
Fulton, Tenn.
Gallagher
Gilbert
Green, Pa.
Harsha
Hays
Hébert
Ichord
Jones, N.C.
Keith
Kleppe
Landrum
Lloyd
Long, La.
Lowenstein
McCarthy
McClory
McKneally
Macdonald, Mass.
MacGregor
Mann
Martin
Melcher
Meskill
Miller, Calif.
Minshall
Mizell
Morse
Murphy, N.Y.
Nedzi
O'Konski
Olsen
Ottinger
Pepper
Pickle
Pirnie
Pollock
Powell
Reifel
Robison
Rosenthal
Rostenkowski
Roudebush
Satterfield
Scheuer
Shipley
Skubitz
Staggers
Stephens
Stratton
Taft
Teague, Tex.
Thompson, N.J.
Tunney
Watson
Weicker
Wilson, Charles H.
Wold
Zablocki

The SPEAKER. On this rollcall 332 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bills and joint resolutions that were previously adopted.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 2175, RESIDENTIAL COMMUNITY TREATMENT CENTERS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to file a supplemental report, containing a Ramseyer, on H.R. 2175 dealing with residential community treatment centers.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ROSH HASHANAH

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, we welcome the advent of the Jewish New Year, Rosh Hashanah, marking the beginning of the year 5731 as recorded by the Hebrew calendar.

The Jewish New Year this autumn comes at a time when our Government is actively concerned about the events surrounding the Holy Land, where the religions of the Jewish people and other great faiths originated. We give thanks to God for delivering safety the hostages, whose safety concerned all Americans.

The cause of America is served by the spirit of the Jewish New Year. We reflect on the past and seek guidance to meet the trials of the future. In this wholesome pursuit, this quest for renewal, we can fully identify with our fellow citizens of the ancient Hebrew faith.

It is a source of pride to this Congress that our President is now abroad seeking to perpetuate peace, justice, and freedom. His leadership has been constructive. I wish to refer to the practical steps just taken by this House to provide the necessary items of defense to Israel to deter aggression in the Middle East. We feel this is a constructive contribution to the preservation of peace.

I wish to extend my sincere greetings to the Jewish community on this solemn and sacred occasion. I would like to join in praying for peace for Israel and all mankind. May the coming Jewish year see a new era of human understanding and compassion. Let us cherish and preserve our own Nation's great moral heritage which is so much based upon the teachings of the Old Testament.

Let us strive for a year of progress, human dignity, peace, and law and order—at home as well as abroad. And let us give thanks anew to the Divine Creator of us all, the compassionate God whose trust we seek to keep.

AMERICA'S DIPLOMACY IN THE MIDDLE EAST

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, we have heard remarks in recent days from commentators and writers who should know better about America's "gunboat diplomacy" in the Middle East.

Surely, Mr. Speaker, it is not gunboat diplomacy to take the steps necessary to bring about peace anywhere in the world without imposing America's will on those nations at the brink of war.

Gunboat diplomacy was the use of the Navy for seizing rights for Americans in other nations.

In no way does that apply here.

America's move and the President's decision were made in order to maintain peace in the Middle East and in the world.

Can there by any nobler purpose for the use of a nation's armed might?

Mr. Speaker, some Americans have grown accustomed to the sight of their Nation backing off at the first sign of danger. Some, today, even demand that we retreat to the shores of an isolationist America. The President is not one of those.

It is to his credit and the Nation's honor that he recognizes America's proper role in the world and that he does not cringe at the sight of danger.

PROVIDING FOR CONSIDERATION OF H.R. 18679, TO AMEND THE ATOMIC ENERGY ACT OF 1954

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1227 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1227 provides an open rule with 1 hour of general debate for consideration of H.R. 18679 to eliminate the requirement for a finding of "practical value," and for other purposes.

The purpose of the bill is to revise the Atomic Energy Act of 1954, as amended, to accomplish three principal objectives, as set forth below.

The bill would abolish the statutory requirement for a finding of practical value before nuclear powerplants can be licensed for industrial or commercial purposes and would clarify the prelicensing antitrust review process applicable to the Atomic Energy Commission's regulation of nuclear plants used for industrial or commercial purposes.

H.R. 18679 would require the Government to enter into an arrangement with the National Council on Radiation Protection and Measurements and the National Academy of Sciences for a comprehensive and continuing review of basic radiation protection standards and for recommendations by these scientifically preeminent bodies respecting basic radiation protection standards.

The bill would reaffirm, with even greater clarity, the original intention of the Joint Committee on Atomic Energy underlying a provision of the Private Ownership of Special Nuclear Materials Act. This has to do with the statutory basis for AEC's charges for enriching services incident to the production of nuclear fuel.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule would make in order, with 1 hour of general debate under an open rule, H.R. 18679. The gentleman from Texas (Mr. YOUNG) has already, I believe, very well summarized the three principal features of this legislation.

This bill contains the following three features:

First. The abolition of the concept of a finding of practical values and clarification of the prelicensing antitrust review of nuclear power plants by the AEC.

Second. Slight revision of the statutory language which governs AEC's basis for charging for uranium enriching services, to assure that, as heretofore, AEC will continue to charge for enriching services on the basis of recovering the Government's full costs averaged over a period of years.

Third. The imposition of a requirement that the Government arrange with the National Council on Radiation Protection and Measurements and with the National Academy of Sciences for a continuing and comprehensive review of basic radiation protection standards and for recommendations by these scientifically preeminent bodies respecting basic radiation protection standards.

The report was a unanimous report, and I am sure that the substantive features of the legislation will be fully explained by the chairman and ranking member of the committee.

I know of no objection to the rule, Mr. Speaker, and I reserve the remainder of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 19444, PROVIDING FOR GUARDS TO ACCOMPANY AIRCRAFT OPERATED BY U.S. AIR CARRIERS

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules and on behalf of our distinguished chairman (Mr. COLMER), I call up House Resolution 1231 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1231

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19444) to authorize for a temporary period the expenditure from the Airport and Airway Trust Fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by United States air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising, and all points of order against said bill for failure to comply with the provisions of clause 3, rule XIII, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 1231 provides a closed rule with 1 hour of general debate for the consideration of H.R. 19444, providing for revenue to cover the costs of guards on American airlines.

Mr. Speaker, I urge adoption of the rule.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in this case the Committee on Ways and Means requested a closed rule of the Committee on Rules on the proposition of the theory that to do otherwise would open up the entire Internal Revenue Code, because this is a bill that does change the tax code with respect to the tax on passenger tickets on American airlines. It is a matter that relates, I would emphasize, solely to the question of financing the costs of the guards who are now on U.S. air carriers. The authority to put those guards on those air carriers was already, we were told, with the Secretary of Transportation. Therefore this is merely a bill dealing with the question of financing.

The waiver of points of order comes about because of the committee's obvious inability to comply with the Ramseyer Rule. This is the only reason for the request that all points of order be waived against the bill. It is because of the failure to comply with the provisions of clause 3 of rule XIII of the rules of the House.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am glad to yield to the distinguished gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from Illinois yielding.

My question is trying to rationalize his first statement about the waiver of all points of order with his immediate past statement concerning the waiver of points of order only for failure to comply with clause 3 of rule XIII, which we all know is the Ramseyer Rule.

I have read this resolution, and as I read it, any other point of order except those based on clause 3 of rule XIII would be in order in the consideration of H.R. 19444.

Mr. ANDERSON of Illinois. The gentleman is absolutely correct in his interpretation of the resolution. If I indicated otherwise, I would certainly hasten to correct the impression, because the rule does use the words "all points of order," but solely with reference to this failure to comply with the Ramseyer Rule. The gentleman is correct that other points of order could be raised and would lie against the bill.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am glad to yield to the distinguished chairman of the Committee on Ways and Means.

Mr. MILLS. I can assure my friend from Missouri that there are no other points of order that could be made to the bill except the one point of order cited. It is a moot question, because no other points of order could be made.

Mr. HALL. Will the gentleman yield further?

Mr. ANDERSON of Illinois. I am glad to yield.

Mr. HALL. Certainly in the interests of economy and the saving of printing, I feel it is not necessary to reprint every word of this change, every time we have up for consideration the entire tax code, or even that portion that this resolution might amend. I think that is good. I do find fault, of course, as the gentlemen both know, with the purported chronic and almost constant elimination of the rights of individuals to raise points of order against any and all tax bills.

The gentleman in his opening statement said that points of order were waived because the Committee on Ways and Means requested it and they were afraid that it would open up the entire tax proposition to amendments and, of course, this is why no amendments are in order except by the Committee on Ways and Means or the chairman thereof.

But, I wanted to make the legislative record to the effect that should there be any other points of order in this particular legislation that this rule makes in order, they could be lodged at least in the Committee of the Whole, or otherwise, if they did not conform to clause 3 of rule 13.

Mr. ANDERSON of Illinois. I certainly have a great measure of sympathy for what the gentleman from Missouri has just said. I personally, find it exceedingly difficult myself, as do other members of the committee to deal with these constant requests for closed rules. But this certainly did not seem to the majority of the Committee on Rules to be the time to depart from that rule in matters of this kind.

Mr. Speaker, I wish to take this opportunity to commend the committee and to commend the administration which I think acted very expeditiously on a very important and critical problem. Of course we all recognize that it is not the entire solution to the problem. Yet, in view of the very volatile situation that exists in the Middle East

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and the hijacking of American air carriers, it seems to me that the administration has come up very quickly with the best solution that can be devised. However, we cannot control this matter with respect to foreign air carriers, but we hope this legislation will be a precursor to further efforts on their part to deal effectively with the problem.

Mr. Speaker, I know of no objection to the rule and have no requests for time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HIGH-SPEED GROUND TRANSPORTATION EXTENSION

Mr. DINGELL. Mr. Speaker, I call up the bill (H.R. 17538) to extend for 1 year the act of September 30, 1965, relating to high-speed ground transportation, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 11 of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (49 U.S.C. 1641), is amended (1) by striking out "and", and (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "and $21,700,000 for the fiscal year ending June 30, 1971.".

(b) The first sentence of section 12 of such Act of September 30, 1965 (49 U.S.C. 1642), is amended by striking out "1971" and inserting in lieu thereof "1972".

Mr. DINGELL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill extends existing law relating to highspeed ground transportation—Public Law 89–220, September 30, 1965—for 1 year.

It authorizes an additional $21.7 million for fiscal year 1971. The original authorization was $90 million for 3 years. If appropriated, the present request of $21.7 million would bring the total appropriations to $97.7 million for the 6-year period.

Hearings were held before the Subcommittee on Transportation and Aeronautics on June 11. Favorable testimony was received from the Federal Railroad Administration. The legislation was also supported in writing by the Department of Transportation and the Bureau of the Budget. No opposition was received. On June 16, the subcommittee reported the bill unanimously without amendment, as did the full committee on June 23.

The Office of High-Speed Ground Transportation has been given the responsibility for implementing the legislation over the past 5 years. Many research projects have been completed and are now ready for transition into efficient transportation equipment. The extension sought here and the additional funds will permit the transition. The Department of Transportation has acquired NASA's research center at Cambridge, Mass. It will be used for research and development, and the high-speed ground test site in Colorado will serve as a proving ground for new vehicles. The committee believes that this work is of high importance to the Nation, and through it we can advance high-speed rail, tracked air cushion and tube vehicles which will be able to operate at speeds up to 150, 300, and 500 miles per hour respectively.

Mr. Speaker, the committee has strongly endorsed the legislation. We know of no opposition. The level of expenditure in its entirety comes within the recommendation of the Bureau of the Budget and the President's budget.

It would be my hope, Mr. Speaker, that the bill be speedily passed as it is presented to the body.

Mr. SPRINGER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the bill before us today is a 1-year extension of a research and demonstration program in high speed ground transportation which has now been going forward for 5 years. Most people think immediately of the Metroliner train which now runs between Washington and New York or the turbo train which links Boston and New York when this subject comes to mind. These projects are a part of this effort and have contributed greatly to the experience with high quality rail service in the northeast megalopolis, but they are only two units in a great effort.

While these more apparent and more newsworthy projects went forward, other work was being done by the Office of High Speed Ground Transportation to assist in developing entirely new means of ground transportation for the Nation. Great progress has been made in working with unconventional forms of locomotion such as the air-cushioned vehicle and the linear induction power system. Vehicles of these kinds can be expected to perform satisfactorily at speeds up to 300 miles per hour. Tube-type vehicles, which are technically feasible, would operate as high as 500 miles per hour. The extension of authority and the money authorized in this bill would keep this work going.

When the original authorization was made 5 years ago it was contemplated that we should make a good start including initiation of the Metroliner. Our expectations have been realized. This is remarkably good in view of the progress in unconventional systems which could only be hoped for but hardly predicted so soon.

The Department of Transportation acquired the electronic research center at Cambridge, Mass., formerly operated by NASA, in which to conduct continuing research on advanced systems and other technology of ground transportation. Also in the making is a test site in Colorado which will provide facilities for trying out new vehicles.

In comparison with research efforts in other fields such as health, this whole program has been very modest in its demands upon the Treasury. Its results, however, have been exceptionally satisfying. Certainly ground transportation for passengers has already become one of the acute problems of the Nation. We all know that it will get much worse before it gets much better. The answer must lie in new and improved types of vehicles and systems which can carry people rapidly, safely and comfortably between distant points by means of surface transportation.

The future demands an efficient system of rail passenger service or some replacement therefor. As time goes on we will need all the development which air travel can hope for, but we shall also need new means of traveling on the surface as well. This program, despite its appearance as a minor, almost invisible item in the huge Federal budget holds our hopes for this accomplishment. It is proceeding in orderly fashion at about the rate it can make best progress, and I recommend support of the measure as it has come from the Committee on Interstate and Foreign Commerce.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAMS: Page 1, line 10, strike out "21,700,000" and insert in lieu thereof "$36,650,000".

(Mr. ADAMS asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. ADAMS. Mr. Speaker, at the conclusion of my remarks I shall include a letter from the Department of Transportation to the distinguished gentleman from Texas (Mr. PICKLE) dated September 14, 1970.

Mr. Speaker, I am offering this amendment which was discussed in committee and which is actually an amendment which was developed by the gentleman from Texas (Mr. PICKLE) to add to this bill approximately $14,950,000.

This was discussed at great length in the committee and at that time the gentleman from Texas was unable to receive a specific statement from the Bureau of the Budget regarding it, and he also did not have a particular letter from the Department of Transportation as to precisely what was needed during the next fiscal year. I have asked that they be included at the conclusion of my remarks, the letter which the gentleman from Texas (Mr. PICKLE) has now received from Mr. Myles Mitchell of the Department of Transportation. Listed in this is a specific breakdown of the amount of money that should be appropriated for the fiscal year 1971 for the development of high-speed ground transportation, and in particular, certain vehicles.

I would point out to the Members on the floor today, and those who are from the New England area and those who are particularly involved in the urban areas of the Nation—in California, Chicago, Washington, D.C., Philadelphia, and many others such as my own city of Seattle, that this particular bill is the one that has created and provided money for the development of vehicles such as the Metroliner and the train presently running to Boston, the TurboTrain.

We know we are going to have to have money for the improvement of these vehicles.

In addition to that, we are trying to develop a low cost rail intercity vehicle or hovercraft vehicle. We presently have a bill pending before the Committee on Rules, and we will try to bring it to the floor of the House within the next 2 or 3 weeks, and hopefully, before that, provides for intercity rail transportation.

This would involve a government corporation. It is sponsored by the present administration. It was supported by the prior administration.

This bill, with a government corporation, would designate areas where rail passenger trains would run between the major cities in order to solve the problem we presently have—the inability to transport people between our urban cities.

Again, the airplane is only capable of carrying approximately 10 percent of the people in and out of the city, with our present configuration of airports and their connections to the cities.

We are at the present time in a position where certain cities have had to say—no more combustion-engine vehicles.

So we are going to try to maintain the train. To do that we need this bill, and in particular we need the development of vehicles which will be able to run on these rights-of-way that we have in an efficient fashion.

The gentleman from Texas (Mr. PICKLE) has informed me, that he has discussed this matter with the Bureau of the Budget. They are not in a position to make recommendations on particular bills of this nature. But they do not indicate to him any opposition to it.

It was discussed in the full committee, and the only reason it was not made a part of the bill and put in at that time was because we did not have the recommendation of the amount of money, which we now have, and that amount of money is the precise amount of money that is in the amendment I have offered.

I think I would just close by saying this: There are three vehicles presently being developed in the United States—the linear induction motor vehicle, the Aerotrain and TurboTrain. The Department of Transportation is presently working on these.

I would hope that the committee would accept this amendment. It carefully details how the money would be spent and I think we need it over the years in developing these vehicles.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. DINGELL. On behalf of the committee I cannot accept the amendment the gentleman offers. I would point out that this is an important amendment. Its function is to afford a level of funding for the project that the gentleman has alluded to, a level at which the money can be spent efficiently.

I believe that construction is highly desirable and I would hope that at an early time our funding of our rapid and high-speed ground transportation endeavors would be at a level that would begin to pay off before we finally find ourselves in a major environmental crisis and a major transportation crisis, which is a matter which immediately impends over the head of this Nation.

Mr. ADAMS. I thank the gentleman very much. I just want to point out that the reason for the fundings at this time of some of the vehicles I have mentioned is, for example, the air cushion research vehicle, what they call TACV, will take 5 years to develop. What they are trying to do with this is to develop a vehicle that will travel at the rate of 300 miles an hour and will not require the actual building of rails and the very, very expensive type of right-of-way development presently required by rail transportation. The Metroliner, for example, which has already been developed under this program, is currently carrying 3,000 passengers a day. It took almost 5 years to develop.

The only train we now have available to send out through the Midwest and through the areas of the United States that we hope to provide for rail passenger service is the turbotrain, and that is part of this program. I hope the committee will adopt the amendment.

Mr. Speaker, I include at this point the entire letter which I have referred to:

DEPARTMENT OF TRANSPORTATION,
FEDERAL RAILROAD ADMINISTRATION,
Washington, D.C., September 14, 1970.
Hon. J. J. PICKLE,
House of Representatives,
Washington, D.C.

DEAR MR. PICKLE: In response to your inquiry of September 11, 1970, soliciting recommendations whereby intercity high speed ground transportation can be advanced in a meaningful manner with increased funding emphasis, I offer the following information.

The Office of High Speed Ground Transportation has, over the past several years, conducted the necessary studies leading to improved intercity ground transportation. These studies included both the engineering viability of various potential systems and the resulting economic impact should they be exploited. Engineering research and exploratory development has been initiated on those candidate systems which appear to offer the maximum benefit to the public. A balance between programs for near-term application and advanced systems was used to provide an immediate payoff while the longer range, advanced systems are being developed. An example of this process is the Metroliner Demonstration and the 300-mile per hour Tracked Air Cushion Research Vehicle (TACRV). The Metroliner is currently carrying over 3,000 passengers daily whereas the TACRV will take five to six years to develop.

The Office is now in a position to move more rapidly in the area of hardware development and prototype testing on components subsystems and complete systems of several concepts which will lead to an early solution to our existing intercity ground transportation dilemma. Unfortunately, hardware development requires considerably more funds than engineering studies. It is, therefore, very difficult to move forward with intercity ground transportation on several fronts simultaneously without appropriate consideration of the balance between other transportation modes and their funding requirements.

As you know, the President's budget supports the FY71 appropriation request of $21-688,000 for the Office of High Speed Ground Transportation. This amount was determined by evaluating the needs and priorities of intercity ground transportation against other national needs within the overall budget constraints. This Office endorses and supports the request.

You requested that I submit to you a listing of programs and associated funding whereby we could, in a prudent manner, accelerate our activities should monies be made available. The enclosed summary is in response to that request.

I would add, however, in addition to the funding constraints, that a detriment to the advancement of intercity ground transportation is the lack of an industry motivating force. They do not have sufficient visibility downstream with regard to system implementations. Currently, the High Speed Ground Transportation Act of September 30, 1965 and extensions thereto do not provide legislative authority beyond the development of candidate systems and demonstrations. This, of course, inhibits the realization of the Congressional purpose that there be maximum participation by private industry.

I hope the above provides you with the needed information.

Sincerely,

MYLES B. MITCHELL,
Acting Director, Office of High Speed Ground Transportation.

OFFICE OF HIGH SPEED GROUND TRANSPORTATION PROGRAMS

METROLINER DEMONSTRATION PROGRAM

The OHSGT has determined that an engineering program to solve the technical deficiencies of the Metroliner is required before the demonstration will reach fruition. The Government is negotiating with Penn Central in this joint venture. It is anticipated that the Government's share will be approximately $3 million to fix a single six-car consist this year. An additional $5 to $8 million will be required next year to modify the remainder of the fleet.

TURBO TRAIN DEMONSTRATION PROGRAM

The only rail passenger equipment of advanced design available for nonelectrified railroads which can be produced immediately is the Turbo train of United Aircraft Corporation. United has offered to sell 11 Turbos (each of 325 seat capacity) for $27.5 million, or $2.5 million apiece. The trainsets could be produced in 14 months and would incorporate modifications found desirable as a result of DOT's Boston-New York Demonstration.

The fleet of 11 trains would equip a total of from three to five demonstrations of intercity service in selected corridors around the country.

ADVANCED SYSTEMS

Several advanced systems currently being exploited by OHSGT could be accelerated in FY71. Most of the activity would, however, be devoted to the subsystem or component level. They are listed, with funding, as:

1. Suspended Vehicle Systems	$400,000
2. Tube Vehicles	750,000
3. Automobile Related Systems	800,000
4. Rail Technology	3,000,000
5. Communications	300,000
6. Tunneling	1,800,000
7. Single Sided Linear Induction Motor	2,000,000
8. Power Conditioning	250,000
9. Intercity TACV Demo. Planning	1,000,000
10. Regional Ground Transportation System Demo. Planning	3,000,000

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HIGH SPEED GROUND TEST CENTER

High speed ground transportation development and testing of advanced systems will be done at the High Speed Ground Test Center at Pueblo, Colorado. Several of the programs, as well as the development of the Center, are being deferred for several years to conform with the budget limitations. An acceleration in some areas would be beneficial. They are:

1. Completion of the Linear Induction Motor (LIM) Test Track—Construction of the initial segment of the test track is underway. It is approximately six miles in length. Completion of the LIM track loop (15 mile balance of 21 miles) would allow the LIMRV tests to be extended to its maximum potential of 250 mph. This novel concept—marrying the best of wheel-rail technology with the new propulsion and braking systems growing out of advanced systems research is a very attractive intermediate mode of ground transportation. At the same time, upper limits of rail guidance can be better established through use of this facility. The cost of this extension would be approximately $6 million.

2. Federal Rail Test Track—Construction of a conventional rail test track is planned for FY73. Advancing this activity to FY71 would be very beneficial to both the Government and the rail industry. The purpose of the test track is to provide a controlled, flexible facility for checking out new equipment and concepts, experimenting with track standards for both comfort and safety and better defining construction and maintenance cost associated with higher speed running. It will also provide the ability to experiment with the stability of continuous welded rail track, which is prone to sudden type failures and is thus difficult to test in service. The program cost is estimated at $3 million.

3. Facilities—The present master planning of the Test Center calls for facility development as program activity accelerates. However, three items which should be augmented are the initial six-month operating contract, the construction of the control center, and the building for administraive offices. Additional funding required is $2 million.

Also, Mr. Speaker, I ask that the gentleman from Texas (Mr. Pickle) may revise and extend his remarks at the conclusion of my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PICKLE. Mr. Speaker, earlier today, my good friend and colleague, Brock Adams, introduced an amendment in my behalf to H.R. 17538, the High Speed Ground Transportation Act. A long standing prior commitment prevented me from being present on the floor during the debate.

Although H.R. 17538, the bill extending the High Speed Ground Transportation Act for another year passed unanimously in both the full committee and the subcommittee, I reserved the right to make an amendment on the floor requesting more money be put into the bill if it could be shown that additional funds could be prudently used. At my request, Mr. Myles Mitchell has written me pointing out specific programs upon which more money could wisely be spent in fiscal year 1971.

I am offering this amendment to increase the authorization for funding of the Office of High Speed Ground Transportation because I believe that we should be concentrating our efforts in research and development of new types of land transportation equipment. Of the $21.7 million authorized in H.R. 17538, only a little over $18 million is authorized for research and development. I wonder if we are not putting priority on the wrong type of transportation spending.

Yesterday Congress authorized billions of dollars for urban mass transportation and the Commerce Committee has recently reported out the railway passenger bill authorizing the spending of several hundreds of millions of dollars. I support both of these bills, but we may have the cart before the horse. Both the railway passenger bill and the urban mass transit bill are involved with traditional, conventional equipment. I do not feel that this is the way real progress is made. We should be concentrating our efforts on trying to find faster, more efficient ways of moving groups of people. In the 1970's we should launch a program in developing new transportation means in the same manner that we undertook the space programs in the 1960's.

By introducing this amendment, I am not out of line with the original intent of the Commerce Committee. Even if the $21.7 million authorized by H.R. 17538 plus the $14.9 million authorized by my amendment were fully appropriated, the total appropriation would only be $111.6 million of a total $164 million authorization.

I wish to submit for your information a list of priority programs presented to me by Myles Mitchell at my request. The total cost of these priority programs would cost an additional $14,950,000. Mr. Mitchell's list describes these programs:

OFFICE OF HIGH SPEED GROUND TRANSPORTATION PROGRAMS

1. Suspended Vehicle Systems	$400,000
2. Federal Rail Test Track	3,000,000
3. Completion of LIM Test Track	6,000,000
4. Single Sided LIM	2,000,000
5. Rail Technology	3,000,000
6. Power Conditioning	250,000
7. Communications	300,000
Total	14,950,000

These are areas where additional funding in FY 1971 could cause an acceleration in the advancement of high speed ground transportation technology and lead to early implementation of advanced systems. A brief note on each follows:

SUSPENDED VEHICLE SYSTEMS

Of all of the high speed advanced ground transportation systems, the suspended vehicle system appears the most promising for early public demonstration of systems which go beyond the flexibility and performance potential of TACV. Because of the necessary development cycle; i.e., engineering feasibility analysis, exploratory development, fabrication, and demonstration, the Office cannot justify a greater expenditure in FY 1971. In FY 1972, model testing can be conducted and the funding requirement for that activity is estimated at $3 million.

RAIL TEST TRACK

Construction of a conventional rail test track is planned for FY 1973. Advancing this aotivity to FY 1971 would be very beneficial to both the Government and the rail industry. The purpose of the test track is to provide a controlled, flexible facility for checking out new equipment and concepts, experimenting with track standards for both comfort and safety and better defining construction and maintenance cost associated with higher speed running. It will also provide the ability to experiment with the stability of continuous welded rail track, which is prone to sudden type failures and is thus difficult to test in service. The program cost is estimated at $3 million.

LINEAR INDUCTION MOTOR (LIM) TEST TRACK

Construction of the initial segment of the test track is underway. It is approximately six miles in length. Completion of the LIM track loop (15 mile balance of 21 miles) would allow the LIMRV tests to be extended to its maximum potential of 250 mph. This novel concept—marrying the best of wheel-rail technology with the new propulsion and braking systems growing out of advanced systems research is a very attractive intermediate mode of ground transportation. At the same time, upper limits of rail guidance can be better established through use of this facility. The cost of this extension would be approximately $6 million.

SINGLE SIDED LIM

The most readily developed linear induction motor is the one where two halves of the active portion straddle the reaction rail which extends upward from the guideway. An arrangement where a single active member faces a reaction surface which lies flat on the guideway offers much greater flexibility in vehicle and guideway design, plus a simpler, sturdier rail. We are well into our program on the double LIM and are ready to begin applying the electrical knowledge gained there to the single sided motor—which presents unique mechanical problems to be solved.

RAIL TECHNOLOGY

This effort is directed at near-term rail passenger service and would be divided between improvements in train equipment in the Northeast Corridor, derivation of specifications for a next generation of medium speed (120 to 150 mph) rail vehicles—taking into account all recent experience here and abroad—acceleration experiments with new suspension techniques and proving out roadbeds on which comfort at such speeds may be maintained economically.

POWER CONDITIONING

Application engineering to bring down the space, weight, and cost of electrical apparatus installed in HSGT vehicles, thus making this pollution-free, noiseless form of propulsion more economical.

COMMUNICATIONS

The application of modern electronics technology to the burgeoning demand for information and accessibility is moving steadily but slowly, limited only by funding levels. The Metroliner telephones are only a sample of the service which can be provided to moving vehicles to increase their attraction, counteracting in part the occupancy time relative to air travel.

Installation of a communication system on the LIM Research Vehicle Track and perhaps on the TACRV guideway is planned to determine performance of the system with communication to and from a high speed vehicle and also to establish preferable low cost installation techniques.

Mr. SPRINGER. Mr. Speaker, I rise in opposition to the amendment, and for very good reason. If I may say to my colleagues in the House, my distinguished colleague and beloved friend from Texas (Mr. Pickle) offered the amendment in the subcommittee and it was not accepted. He offered it in the full committee and it was rejected. He did reserve the right to offer it on the floor of the House even though he had been defeated on it twice.

We have considered most carefully the

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amount of money that ought to be put into this program. Overwhelmingly the Committee on Interstate and Foreign Commerce felt that the best we could do this year, if we were to spend money wisely, was $21.7 million. The proposal to add roughly another $14,950,000 to that amount would almost double the amount of money that we have determined, we think wisely, could be spent.

The Bureau of the Budget is opposed to it. It would almost double the Budget figure to add this $15,560,000 to it. I do not want to take anything away from the dedication of the gentleman from Texas. He has been a hard-working member of the Subcommittee on Transportation and Aviation. But he has submitted the amendment to the subcommittee and it has been defeated; he has submitted it to the full committee and it has been defeated, and I think for very good and very solid reasons, in spite of what my distinguished colleague from Michigan (Mr. DINGELL) and my equally distinguished colleague from Washington (Mr. ADAMS) have said. We do not need this money in the next few years. This is an extremely technical development, may I say.

High-speed ground transportation development is exceedingly technical. I would hope that the House would stay with the committee because, as I recall, there were only one, two, or three votes in favor of the amendment when it was offered in the committee.

I trust that my colleagues will defeat the amendment and that we can pass the legislation as it came from the committee.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I should like to ask someone knowledgeable in this matter how many millions have been expended over the 5-year life of this program.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. DINGELL. About $78 million.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. SPRINGER. The distinguished gentleman from Michigan has predicted the amount with the present $21.7 million included. We have spent $78 million. We have committed $78 million. With the proposed additions it would come out to $97 million.

Mr. GROSS. So with the addition proposed in the pending amendment, it would be much more than $100 million?

Mr. SPRINGER. That is correct. It would be not quite double the amount—$14.9 million as against $21.7 million, about 40 percent.

Mr. GROSS. Now let me ask what we have to show for the expenditure of $78 million up to this point?

Mr. DINGELL. We have a great deal to show. There is nothing much in the way of trains moving from place to place, because most of what has been done has been highly innovative in character. For example, we have come to the point where we will be able to consider very shortly the actual utilization of a linear induction motor, which is an entirely new method of applying propulsion, where the vehicle itself is actually part of the motor that moves it from place to place. We have high-speed tracks, air-cushion vehicles, which are now approaching the point where they can be utilized for actual carriage of passengers from place to place on a highly efficient and high-speed basis at probably a great deal less cost, both in terms of pollution, environmental destruction, and in terms of construction costs in vehicle travel from point to point.

We have the multilinear and we have the turbotrains which are highly successful devices for moving people much more cheaply and efficiently from places like New York to Washington and New York to Boston.

Mr. GROSS. Did none of the experimentation and development take place before this program was initiated?

Mr. DINGELL. I would tell the gentleman from Iowa there was experimentation that was conducted. Very little was conducted either by the Government or by Government-financed endeavors previous to the origination of the program that this piece of legislation would extend.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois, but first I would like to ask someone what effect, if we go out and continue to spend millions of dollars on the development of these trains, this will have on the economic future of the jumbo jets and other aircraft?

Mr. SPRINGER. This has nothing whatever to do with air transportation. This is solely high-speed ground transportation.

Mr. GROSS. I understand that perfectly, but what is going to be the effect on air transportation?

Mr. SPRINGER. I think we ought to go a little further on, and we will have later in the session legislation which is before the Rules Committee. We will designate corridors and routes where passenger service would still continue. It is probable that passenger service would be discontinued on some routes, but continued on others. The only one we can point to presently we know will be continued will be the Washington to New York, and probably it would be extended to Boston, and probably there will be, if there is sufficient demand, a Chicago to St. Louis, and Chicago to Minneapolis, maybe Chicago to Omaha, maybe in the West, San Francisco to Los Angeles, and in the East, I would suspect there would be several—I cannot name them, but there may be several more.

The purpose of this experimentation, may I say to my distinguished colleague, the gentleman from Iowa, is to see if we can improve the type of service, not only just what the people ride in, but also the speed at which these vehicles will get over the ground. Unless we can do that, there cannot be any inducement to ride ground transportation.

When Secretary Alan Boyd, Secretary of Transportation, came before our committee 4 years ago, he gave us figures for 1975 and 1980 and 1990 and 1995, showing the people who would travel over the ground in this country. That absolutely astounded me, because it showed it would be an absolute impossibility to carry all these people by air. We will have to have ground transportation. We cannot even carry them all by bus.

The gentleman ought to have a more detailed answer. On the suspended vehicle systems, this is something similar to what the Japanese are doing with great success, but they can do it better because their distances are shorter between points. It works well for them.

The SPEAKER. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. SPRINGER. We did not attempt to get into this from the Federal angle of spending money ourselves to get into research, because we do not have the technology to do the job. It has to be done by people who are experts in the field of transportation. A little has been done in the universities, but most of it has been done by companies who presently are in this field but who are not going to undertake this kind of research without our help.

Mr. GROSS. Mr. Speaker, in the light of what happened to the Penn Central, the merger of which was supposed to do great things, I wonder how much of this money is going down a rathole.

Mr. SPRINGER. What happened with the Penn Central does not reflect upon this as far as I can see.

There were great areas of the Penn Central where passenger service simply was not profitable. This was one of the reasons why they went under. They were losing about $60 million a year on passenger service.

Mr. GROSS. The gentleman from Michigan spoke of success of the new Metroliner, running between New York and Washington, D.C.

Mr. DINGELL. That is correct.

Mr. GROSS. I seem to remember that with the first snow flurry last year they were practically stopped.

Mr. DINGELL. Most of the rail transportation stopped on that occasion.

Mr. GROSS. In this part of the country. I do not recall that it stopped out West, where they make some pretense of having equipment capable of dealing with snow. But this Metroliner was not operating, or was practically at a standstill, during that entire snowstorm.

The SPEAKER. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division—demanded by Mr. ADAMS—there were—ayes 23, noes 42.

So the amendment was rejected.

Mr. BOLAND. Mr. Speaker, I rise in support of H.R. 17538 extending for 1 year the high-speed ground transportation program.

During the past 5 years the Office of High-Speed Ground Transportation has made great strides toward providing faster, more efficient rail transportation

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The Metroliner and Turboservice demonstrations, I believe, will prove that it is still possible to have acceptable rail passenger transportation.

I am particularly impressed with the Turboservice demonstration project, Turboservice was initiated between Boston and New York, 229 miles, on April 8, 1969. The service is operated by Penn Central, utilizing two, three-car trains built and maintained by the United Aircraft Corp., and leased for a 2-year period by DOT. The demonstration is designed chiefly to test public reaction to experimental equipment incorporating significant new design features. It is also providing economic and technical data and operating costs which reflect aircraft-type components replacement and preventive maintenance techniques.

The present contract for this project was scheduled to end next month. I am advised, however, that with the $900,000 contained in this legislation the Department of Transportation will be able to continue the Turbo train demonstration.

With the selection of the high-speed ground test site in Colorado and the acquisition of NASA's Electronic Research Center at Cambridge, Mass., this office is now prepared to move ahead with research and development of more sophisticated ground vehicles, such as tracked air-cushioned vehicles and tube vehicles.

The Department of Transportation and its Office of High-Speed Ground Transportation should not attempt to proceed into the demonstration stage with a large variety of costly high-speed systems without first conducting sufficient research to determine the most efficient system and vehicle.

Mr. Speaker, I urge the adoption of the bill.

Mr. STRATTON. Mr. Speaker, I intend to support H.R. 17538, the bill to extend the High-Speed Ground Transportation Act of 1965 for 1 year, and to authorize an additional appropriation of $21.7 million for fiscal year 1971.

The concept of the legislation, to promote a "safe, adequate, economical, and efficient national transportation system" through "research and development in high-speed ground transportation" is one which should not only continue to be implemented, but should be extended. This concept, with emphasis on rail transportation, is important for two reasons:

First of all, we are at last becoming concerned over the state of our environment and the effects of automobiles on the air we breathe. A national system of high-speed rail transportation would seem to be a very effective way of reducing the number of cars and trucks on our highways and therefore reduce pollution caused by combustion engine exhausts.

Second, no one can deny that we are facing a major transportation crisis in this Nation. We have just about reached a saturation point both in air travel and in highways. Mass rail transportation is the only practical way to alleviate the congestion on both our highways and our airways.

The effects of the original 1968 act has been dramatically illustrated by the success of the Washington to New York Metroliner, the demonstration project contracted by the Department of Transportation under that act.

Such a demonstration will be continued by H.R. 17538. But I also hope this legislation will be utilized to extend those projects. In particular, I would urge that the Secretary of Transportation use the authority in this bill to contract for plans to extend the same kind of Metroliner service from New York City to Albany. We need this kind of fast 1-hour service between these two points. It is time the people of upstate New York had first-rate train service. During peak hours the thruway is often clogged bumper to bumper, airplanes are frequently stacked up for hours because of the overcrowded air corridors serving New York City.

While an Albany to New York City Metroliner is not specifically provided for in this legislation, the funding and authority is clearly there, and should be used. I would have preferred that such a project be specifically spelled out in the text of the bill, but since the authorization is broad enough to include such a project, I hope the Department will take steps without delay to get the Metroliner project extended from New York City to Albany.

Mr. MONAGAN. Mr. Speaker, I support H.R. 17538, the High-Speed Ground Transportation Extension Act. The need to improve our rapid-speed ground facilities cannot be denied. One need only ride our congested roadways or wait hours on an airport runway for takeoff to realize this. In the past as transportation demands have multiplied, they have been met through increased auto ownership and new highway construction. In 1945 approximately 25 million automobiles were registered in the United States, and out on our highways. By 1965 this figure had jumped to almost 75 million. The time has now come to emphasize additional transportation facilities.

This legislation authorizes an appropriation of $21.7 million for research, development, and demonstrations in high-speed ground transportation during the fiscal year 1971. The High-Speed Ground Transportation Act was originally established in 1965. Since that time it has provided funds to effect the transition from the past into transportation ideas and equipment of the future. Such successful projects as the New York to Boston Turboservice and the New York to Washington Metroliner have received much needed impetus from the High-Speed Ground Transportation Act. The Turboservice, which serves my own State of Connecticut, has received some $.9 million. As an experiment in new transportation methods it has proved many important points in modern railroading and could help usher in a whole new era of high-speed rail transportation.

The bill we are considering today, which authorizes funds for an additional year of the High-Speed Ground Transportation Act, will allow completion of several valuable projects already begun. The Department of Transportation plans to use this extension to coordinate facilities in Colorado and Massachusetts into a unified research and testing operation. High-speed ground transportation plans also include research and development to meet the door-to-door problems of transportation. One of the most demanding and challenging problems in transportation involves the need to improve both in speed and convenience the door-to-terminal and terminal-to-door segments of transportation. The funding which this bill provides will attack such problems. Finally, work will be continued under this legislation to improve the actual terminal-to-terminal ground travel. Previous work already indicates that high-speed rail equipment can perform satisfactorily for speeds of up to 150 miles per hour. Yet to be developed tracked air-cushioned vehicles will be able to operate at speeds of up to 300 miles per hour. Tube vehicles may reach 500 miles per hour speeds.

The High-Speed Ground Transportation Extension Act continues a program that has proved successful in the past, that plans for the future, and that is consistent with the administration's budget request. For these reasons it is a good bill and deserves our consideration and passage.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3730) to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, I am not sure what the gentleman is requesting.

Mr. DINGELL. I have made a unanimous-consent request for the immediate consideration of an identical Senate bill in the House. This is simply to expedite the business of the House.

Mr. SPRINGER. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 11 of the Act entitled "An Act to authorize the Secretary of Transportation to undertake research and development in high-speed ground transportation", approved September 30, 1965 (Public Law 89–220; 79 Stat. 893; 49 U.S.C. 1631–1642), as amended, is amended by striking out ", and" and the period at the end thereof and inserting a semicolon and the following: "and $21,700,000 for the fiscal year ending June 30, 1971.".

(b) The first sentence of section 12 of such Act of September 30, 1965, as amended, is further amended by striking out "1971" and inserting in lieu thereof "1972".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17538) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 19504

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Friday to file a report on H.R. 19504, the Federal-Aid Highway Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Economic Development of the Committee on Public Works may be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. HALL. There is, Mr. Speaker. I object.

AMENDING ATOMIC ENERGY ACT OF 1954

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18679, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD), will be recognized for 30 minutes and the gentleman from California (Mr. HOSMER), will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us, H.R. 17679, covers three main features and several items that are needed to update, clarify, and improve the provisions of the Atomic Energy Act of 1954, as heretofore amended.

The bill was unanimously adopted by the Joint Committee on Atomic Energy, which I have the honor to chair. It was reported out by our committee without a dissenting vote. The legislation it embodies is distilled essence from a number of legislative proposals during the past several years, considerable testimony and submitted comments by representatives of the Government, industry, and other interested groups and, finally, very thorough consideration by the joint committee.

I will briefly summarize the contents of H.R. 18679, and then I, and my fellow committee members of the House, will be pleased to answer any questions that may be raised.

First, the bill would erase from the Atomic Energy Act of 1954 the requirement that the Atomic Energy Commission must make a finding of practical value before nuclear powerplants or other nuclear facilities may be licensed for industrial or commercial purposes. The Commission has not yet made a finding of practical value for any type of nuclear facility, and consequently nuclear powerplants are still being licensed as research and development facilities. The concept of a finding of practical value as a condition precedent to commercial licensing appeared to be a good idea in 1954, when the generation of electrical energy through the use of nuclear reactors was just a promising prospect for the distant future. Now, this concept serves no useful purpose. It is simply an unnecessary roadblock to the commercial licensing of nuclear powerplants. The bill removes this hurdle. Pursuant to section 6 of the bill, nuclear facilities—defined in the Atomic Energy Act as utilization and production facilities—that are to be used for industrial or commercial purposes, would have to be licensed accordingly, unless some future law otherwise specifically authorizes or a particular application is covered by either of the two small exception categories specified in revised section 102 of the Atomic Energy Act.

In amending the Atomic Energy Act to remove the concept of a finding, the bill clarifies and revises the present provisions of subsection 105(c) of the act, relative to prelicensing antitrust review of applications for nuclear facilities for commercial or industrial purposes. The revised subsection 105(c), as spelled out in section 6 of the bill and as further explained in the report accompanying the bill, represents many hours of careful consideration by the committee and its staff. Particularly close attention was devoted to all the ingredient details. In the committee's unanimous judgment, the procedure set forth in section 6 of the bill is reasonable, fair, and workable. It subjects applications for nuclear powerplants to a process involving a review by the Attorney General and then a finding by the Atomic Energy Commission as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws. The Attorney General has up to 180 days to render advice to the Commission, and if the Attorney General recommends that there may be adverse antitrust aspects and recommends that there be a hearing, the Commission must conduct a hearing and give due consideration to the advice received from the Attorney General and also to such evidence as may be provided during the proceeding; and the Commission must then make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105(a) of the Atomic Energy Act. Additionally, if the Attorney General does not so advise and recommend, but antitrust issues are raised by another in a manner according with the Commission's rules or regulations, the Commission would be obliged to give such consideration thereto as may be required by the Administrative Procedure Act and the Commission's rules and regulations. In the latter regard, the committee intends that, in any event, the Commission's rules and regulations will set a fixed period in which such issues may be raised. It is hoped that this period will coincide with and not extend beyond the specified period in which the Attorney General's advice may be rendered. The bill contemplates that all aspects of the antitrust considerations constituting part of the Commission's total licensing procedure, including the ultimate findings by the Commission, would be dealt with in such a way as not to impose an additional delaying factor. We believe a separate board can be utilized by the Commission in connection with such antitrust considerations. This feature of the total licensing process should be completed by the Commission before the radiological health and safety matters are concluded in the licensing procedure.

I must emphasize, and it must be borne in mind, that this whole antitrust feature of the Atomic Energy Commission's licensing procedure will be completely separate and apart from the application of the antitrust laws now on the statute books. The antitrust laws, and the authorities and responsibilities of the Attorney General and others by virtue of these laws or in connection therewith, and the implementation of these laws, remain completely unaffected by the antitrust review dealt with in section 6 of the bill. The antitrust laws referred to in subsection 105(a) of the Atomic Energy Act are not qualified, limited, extended, or interfered with in any way whatsoever.

The second main feature of the bill is the amendment to the Atomic Energy Act contained in section 8 of the bill. When I use the word "amendment" I overstate somewhat, because the committee's recommended change in language as set forth in section 8 merely is intended to assure that the original intent of Congress underlying the present wording of the statute will continue to be complied with by the Atomic Energy Commission.

Section 8 of the bill amends subsection 161(v) of the Atomic Energy Act which was added by the Private Ownership of Special Nuclear Materials Act of 1964. It relates to the furnishing by the AEC of uranium enrichment services—increasing the percentage of fissionable isotopes in natural uranium so that the enriched material can be used as fuel in nuclear reactors. The 1964 amendment provided that the AEC was to establish prices for that service "on a basis which will provide reasonable compensation to the Government." It further provided that the AEC was to establish written criteria for the furnishing of that service and the prices to be charged. The legislative background clearly indicated that it was intended that the basis for the charges would be the Government's costs.

In compliance with the statutory mandate and in keeping with the legislative history, including hearings and the joint committee report accompanying the statute, the AEC proposed and the joint committee after further extensive hearings concurred in, criteria which provided for prices based on the recovery of appropriate Government costs over a reasonable period of time. These criteria were formally established and remained in effect. In June of this year, the AEC proposed radically revised criteria which are not based on the recovery of the Government's costs. AEC has proposed shifting from pricing based on recovery of Government costs to charges based on a hypothetical, privately owned plant of the future, using assumed factors for construction costs, capital structure, operating costs, and profits that are not pinned down in terms of numbers or dollars. In other words, the new criteria are completely rubbery and can serve to justify whatever prices AEC may decide on from time to time.

The process for enriching uranium is under Government monopoly. There is no similar commercial operation. The concept of charging for enriching services performed by the Government on the basis of appropriate cost recovery is consistent with traditional methods of Government pricing for materials and services made available to others. The U.S. Government is not a profitmaking operation, and neither the joint committee nor the Congress, in authorizing the AEC to perform this service, intended to create a profitmaking operation.

The committee has consistently obtained the advice of the General Accounting Office on this subject. In 1966, the GAO reported that the then proposed and subsequently adopted, criteria relative to pricing provided a reasonable basis for recovering the Government costs. In 1967, after reviewing the actual price to be charged, the GAO reported that such price—$26 per unit—was adequate to recover appropriate costs and was consistent with the established criteria. In response to the joint committee's request for a review of AEC's proposed change in criteria, the GAO reported that the revised criteria do not appear to be consistent with the intention of the Congress. GAO also expressed the opinion that there is doubt that AEC's revised criteria are authorized.

Before I end my brief discussion of this feature, I would like to emphasize the amendment in this bill may not prevent price increases. AEC's new price may also be justified on the basis of the old criteria. The amendment will assure that any price charged is on the basis of recovery of the Government's costs—factors which at any point in time are known or ascertainable—concrete factors—not hypothetical, assumed factors which can easily be twisted and stretched to conform to any intended price. Just, fair and reasonable criteria can assure not only the validity of the price, based on the recovery of appropriate Government costs over a reasonable period of time, but also reasonable price stability so essential to reliable, long-range planning necessarily employed in the electric power industry. This is what Congress intended in 1964 and this is what section 8 of the bill will assure—no more and no less.

Section 11 covers the third principal feature of the bill. This section of H.R. 18679 would enlist the preeminent scientific talents of the National Council on Radiation Protection and Measurements and the National Academy of Sciences in a comprehensive and coordinated effort to review the presently applicable basic radiation protection standards, and the scientific bases therefor, pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use, or control of atomic energy.

Any Government agency designated by the President would be authorized and directed to enter into and administer arrangements with two uniquely qualified bodies under which they would conduct full-scale reviews on a continuing and comprehensive basis, furnish annual and other reports of their findings, and submit their recommendations. The National Academy of Sciences would conduct a comprehensive and continuing review of the biological effects of radiation on man and the ecology in order to provide information pertinent to basic radiation protection standards. The arrangement with the National Council on Radiation Protection and Measurements would essentially focus on radiation protection standards. Pursuant to section 11, the arrangements would provide for the conduct of the activities of the National Council on Radiation Protection and Measurements and of the National Academy of Sciences in accordance with high substantive and procedural standards of sound scientific investigation and findings; among other things, this should assure that all interested and qualified individuals and groups would have the opportunity to present information and views to these bodies.

If Reorganization Plan No. 3 becomes law, the President could, for example, designate the Environmental Protection Agency created by that plan as the contracting or administering agency for the Government. Both the National Council on Radiation Protection and Measurements and the National Academy of Sciences have advised the joint committee informally that they would be pleased to enter into the arrangements contemplated by section 11.

Under the bill, reports by the National Council on Radiation Protection and Measurements and the National Academy of Sciences would be promptly published, and all recommendations in such reports pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use or control of atomic energy would have to be carefully considered by any Government agency having authority to establish such standards. Additionally, within a reasonable period of time, each of such Government agencies would be required to submit a report to the Congress setting forth in detail its determinations respecting the recommendations by the National Council and the Academy, and the measures, revisions, or other actions it plans to take, adopt, or effect in relation to the recommendations. Such agencies would, of course, be free to continue to avail themselves of any expert outside advice.

The Joint Committee believes that the public can only be reassured by the knowledge that the finest scientific brains in the country are keeping abreast of scientific developments on a continuing and comprehensive basis, and providing recommendations in regard to basic radiation protection standards. The Joint Committee unanimously believes that such a solid basis incident to the establishment of basic radiation protection standards would be invaluable.

I should like to have inserted in the Record at this point the section-by-section analysis of the bill, as contained in the committee's accompanying report. This material, together with the remainder of the report—all of which should be perused by anyone deeply interested in all the aspects of the bill and its background—elaborates on each section. The section-by-section analysis also contains a paragraph which the committee specially wished to add to lay to rest any concern that section 272 of the Atomic Energy Act, which relates to commercially licensed nuclear powerplants, was intended to modify or affect in any way the provisions of the Federal Power Act. It was not so intended, and the committee unanimously reaffirms this. Incidentally, this explanatory paragraph, which appears on page 27 of the report accompanying the bill was intended to precede the paragraph starting with the words "section 4 of the bill."

The material follows:

Section-by-Section Analysis

Section 1 of the bill amends paragraph (4) of subsection 31 a. of the Atomic Energy Act of 1954, as amended, which now reads as follows:

"(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, *including industrial uses*, the generation of usable

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energy, and *the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes;* and" (italic added)

The italicized portions would be re-worded to accord with the subsequent provisions of the bill respecting the elimination of the concept of a finding of "practical value" and concerning the licensing of utilization and production facilities for industrial or commercial purposes. The phrase "including industrial uses" would be revised to "including industrial or commercial uses" and the phrase "the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes" would be changed to "the demonstration of advances on the commercial or industrial application of atomic energy." These changes are essentially technical in nature; they do not effect any major substantive alteration of subsection 31 a. of the Act.

Section 2 of the bill amends the second sentence of section 56 of the Atomic Energy Act of 1954, as amended, which now provides:

"The Commission shall also establish for such periods of time as it may deem necessary but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the isotope 233 produced in a nuclear reactor by a person licensed *under section 104* and delivered to the Commission within the period of the guarantee." (Italic added.)

The italicized phrase would be revised to "under section 103 or section 104". With respect to guaranteed purchase prices for U233, which the Commission has recently established for a 5-year period, it is appropriate and advisable that these apply to licensed nuclear facilities, including, as provided for in the bill, those licensed under section 103.

Section 3 of the bill amends section 102 of the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding by the Commission "that any type of utilization or production facility has been sufficiently developed to be of practical value for industrial or commercial purposes" as a condition precedent to the "commercial" licensing of such type of facility under section 103.

Under the revised section 102, all utilization and production facilities for industrial or commercial purposes, with two exceptions, would be subject to licensing under section 103. The two exceptions would be (i) facilities constructed or operated under an arrangement with the Commission entered into under the cooperative power reactor demonstration program, unless the applicable law required licensing under section 103, and (ii) facilities covered by a subsection 104b. construction permit or operating license before and at the time the bill is enacted into law. In regard to (i), the bases for arrangements under the cooperative power reactor demonstration program, which program has for many years been separately covered in the AEC's authorization acts, are carefully reviewed by this committee. Should it be desirable in the case of any contemplated future cooperative demonstration project to require that the nuclear facility involved be licensed under section 103 instead of subsection 104b., this could be done in the enabling statute. In regard to (ii), the committee believes it would impose an unnecessary hardship on subsection 104b. licensees to compel them to convert their permits to section 103 licenses; the matter of potential antitrust review of certain subsection 104 licenses is specifically dealt with in section 6 of the bill, and is discussed below, and it appears to the committee that no useful purpose could be served by compelling any conversion to section 103. The committee here visualizes that amendments, as such, to an existing subsection 104b. license will not affect the exception to section 103 licensing. If, however, the facility is to be modified to such a degree as to constitute a new or substantially different facility, as provided in a regulation or order issued by the Commission, the exception to section 103 licensing is not intended to be applicable to the necessary license amendment. Aside from these two exception categories—demonstration facilities under the cooperative power reactor demonstration program and previously licensed 104b. facilities—any license for a utilization or production facility for industrial or commercial licenses would be issued under section 103, unless some future law otherwise specifically provides.

Section 4 of the bill amends the first sentence of subsection 103 a. of the Act which now reads as follows:

During the hearings pertaining to this legislation there was a suggestion that there ought to be a clearer indication of Congressional intent that section 272 of the Atomic Energy Act did not constitute a modification of the Federal Power Act. The Joint Committee very carefully considered this item and concluded that the legislative history of section 272 indicated quite clearly that the committee and the Congress had not intended thereby to modify or affect in any way the provisions of the Federal Power Act. The committee unanimously reconfirms this intention. In effect section 272 should be read as if the clause "to the extent therein provided" appeared at the end of the text.

"*Subsequent to a finding by the Commission as required in section 102,* the Commission may issue licenses to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, such type of utilization or production facility." (Italics added.)

The italicized clause would be deleted, since the requirement for a "practical value" finding would be eliminated. The concluding clause "such type of utilization or production facility" would be changed to "utilization or production facilities for industrial or commercial purposes." The revised version would provide for the issuance to persons of "commercial" licenses with respect to "utilization and production facilities for industrial or commercial purposes."

Section 5 of the bill would revise subsection 104 b. of the act to authorize the issuance of licenses under that subsection for utilization or production facilities for industrial or commercial purposes (i) where specifically authorized by law, or (ii) where the facility is constructed or operated under an arrangement with the Commission entered into under the cooperative power reactor demonstration program, and the applicable statutory authorization does not require licensing under section 103, or (iii) where the facility was theretofore licensed under subsection 104 b.

In revising the text of subsection 104b, the committee has retained the present requirement that "the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under the Act," but deleted the balance of the present text because subsection 104b licenses would not be convertible to section 103 licenses under the bill, and because there is no longer any need to provide for priority of licenses "to those activities which will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes."

In retaining the present language respecting the imposition of the minimum amount of regulations and terms of license, the committee wishes to emphasize that the only purpose here was to reiterate, not to make new law; thus, requirements of applicable laws, such as the National Environmental Policy Act of 1969 (Public Law 91–190) and the Water Quality Improvement Act of 1970 (Public Law 91–224), enacted subsequent to the Atomic Energy Act of 1954, remain unaffected by the reiteration of this feature of the present provisions of subsection 104b.

The bill does not affect in any way subsections 104a, 104c, or 104d, or the caption of section 104, "Medical Therapy and Research and Development."

The committee is aware that university-licensees under subsection 104c, and other licensees under subsections 104a or 104c, sometimes use these reactors for industrial or commercial purposes. It is the intention of the committee that such insubstantial use not affect licensing under section 104; however, should the Commission find that any facility so licensed is being used substantially for industrial or commercial purposes, then the Commission shall determine whether such use is sufficiently substantial to entail licensing under section 103.

Section 6 of the bill clarifies and revises subsection 105 c. of the act. The bill does not affect in any way the important features contained in the provisions of subsections 105 a. and 105 b. of the 1954 act. These subsections remain separate, distinct and wholly unaffected by the proposed revised subsection 105 c. For example, the Attorney General's advice under the new subsection 105 c., and the participation by the Attorney General or his designee in the proceedings referred to in paragraph (5) of the subsection, would be completely separate and apart from any actions the Attorney General may deem advisable in relation to the antitrust laws referred to in subsection 105 a. Also, under paragraph (1) of the new subsection 105 c., the Attorney General may, in his discretion, should he consider that his advice might prejudice planned actions under the antitrust laws referred to in subsection 105 a., or for any other reason, render no advice to the Commission.

Paragraph (1) of revised subsection 105 c., requires the Commission promptly to transmit to the Attorney General a copy of any license application to construct or operate a utilization or production facility under section 103. Paragraph (1) also requires the Commission promptly to transmit to the Attorney General written requests for potential antitrust review which are made by persons who intervened, or who sought by timely written notice to the Commission to intervene, in the construction permit proceeding for a facility licensed under subsection 104 b. prior to the enactment of the bill into law.

The Attorney General would have "a reasonable time, but in no event to exceed 180 days after receiving a copy of such application or written request" to "render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission" with respect to antitrust considerations. The committee expects full and expeditious cooperation by the applicant, the Commission and the Attorney General. To facilitate an early review by the Attorney General, the committee suggests that, promptly upon enactment into law of this bill, the Commission and the Attorney General work out a suitable understanding in regard to the nature of the information the Attorney General would wish to have at the outset; the Commission could then plan to obtain the information from the applicant at the same time that the application is submitted to the Commission.

The advice which the Attorney General may provide would be advice which he "determines to be appropriate in regard to the finding to be made by the Commission." The advice need not necessarily fall within the orbit of the present clause "tend to create or maintain a situation inconsistent with the antitrust laws." If the Attorney General deems it to be appropriate, he need not render any advice, in which case he should so inform the Commission. If he renders advice, subparagraph (1) requires that it include "an explanatory statement as to the reasons or basis therefor"; this requirement is only fair and reasonable, and it should help facilitate and expedite the subsequent procedure.

Paragraph (2) of revised subsection 105c. provides that the potential antitrust review shall not apply to an application for a license to operate a utilization or production facility for which a construction permit was issued under section 103 "unless the Commission determines such review is advisable on the ground that significant changes have occurred in the licensee's activities or proposed activities subsequent to the previous review by the Attorney General and the Commission under this subsection in connection with the construction permit for the facility." The committee sees no sense in two such exercises unless there have been significant intervening changes. The committee expects that the Commission will consult with the Attorney General in regard to its determination respecting significant changes. The term "significant changes" refers to the licensee's activities or proposed activities; the committee considers that it would be unfair to penalize a licensee for significant changes not caused by the licensee or for which the licensee could not reasonably be held responsible or answerable.

The committee recognizes that applications may be amended from time to time, that there may be applications to extend or review a license, and also that the form of an application for a construction permit may be such that, from the applicant's standpoint, it ultimately ripens into the application for an operating license. The phrases "any license application", an application for a license", and "any application" as used in the clarified and revised subsection 105 c. refer to the initial application for a construction permit, the initial application for operating license, or the initial application for a modification which would constitute a new or substantially different facility, as the case may be, as determined by the Commission. The phrases do not include, for purposes of triggering subsection 105 c., other applications which may be filed during the licensing process.

Paragraph (3) provides that with respect to any Commission permit issued under subsection 104 b. before enactment of the bill into law, any person who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceeding to raise the prelicensing antitrust issue will have the right to obtain an antitrust review under this subsection; to do this, such person must make a written request to the Commission within 25 days after the date of initial Commission publication in the Federal Register of notice of the filing of an application for an operating license for the facility or the date of enactment into law of this subsection, whichever is later. It is the committee's intent that such potentially eligible intervenors must be persons who could have qualified as intervenors under the Commission's rules at the time of the initial attempt to intervene if prelicensing antitrust review were then properly for Commission consideration.

Paragraph (4) provides that, upon the request of the Attorney General, the Commission shall furnish or cause to be furnished "such information as the Attorney General determines to be appropriate" for the advice he is to give. The committee expects that the Commission will make every reasonable effort to provide information sought by the Attorney General.

There is an important aspect that the committee considers must be recognized and especially dealt with in a prudent and responsible manner, and that is the matter of proprietary information or data. The system in subsection 105 c. as in connection with other aspects of the licensing procedure, should be such as to provide reasonable safeguards against any leaks or unwarranted dissemination of information or data of a proprietary nature provided by or in behalf of the applicant, and whether or not the applicant is the proprietor.

Paragraph (5) requires that the Commission promptly publish in the Federal Register the advice it receives from the Attorney General. It further provides that if the Attorney General "advises that there may be adverse antitrust aspects and recommends that there be a hearing" that the Attorney General or his designee may participate as a party "in the proceedings thereafter held by the Commission on such licensing matter in connection with the subject matter of his advice." Such proceedings must be held by the Commission if the Attorney General advises that there may be adverse antitrust aspects and recommends a hearing. Also, if he does not so advise and recommend, but antitrust issues are raised by another in a manner according with the Commission's rules or regulations, the Commission would be obliged to give such consideration thereto as may be required by the Administrative Procedure Act and the Commission's rules or regulations. Paragraph (5) requires that the Commission "give due consideration to the advice received from the Attorney General and to such evidence as may be provided during the proceedings in connection with such subject matter." Whether or not the Attorney General appears as a party, all advice and information provided by the Attorney General that is utilized by the Commission in arriving at its finding must be made a matter of record. Paragraph (5) further requires that the Commission "make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a." This finding by the Commission is required only in those cases where the Attorney General advises there may be adverse antitrust aspects or antitrust issues are raised by another in a manner according with the Commission's rules and regulations.

With respect to the above finding, although the words "reasonable probability" do not appear in the standard, the concept of reasonable probability is intended to be a silent partner to the factors in the standard. The standard must be considered in the focus of reasonable probability—not certainty or possibility.

The standard pertains to the activities of the license applicant. The activities of others, such as designers, fabricators, manufacturers, or suppliers of materials or services, who, under some kind of direct or indirect contractual relationship may be furnishing equipment, materials or services for the licensed facility would not constitute "activities under the license" unless the license applicant is culpably involved in activities of others that fall within the ambit of the standard.

Paragraph (6) provides that if the Commission finds "the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105 a." that the Commission "shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems necessary to protect the public interest." On the basis of all its findings—the finding under paragraph (5) and its finding under paragraph (6)—the Commission would have the authority "to issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate." While the Commission has the flexibility to consider and weigh the various interests and objectives which may be involved, the committee does not expect that an affirmative finding under paragraph (5) would normally need to be overridden by Commission findings and actions under paragraph (6). The Committee believes that, except in an extraordinary situation, Commission-imposed conditions should be able to eliminate the concerns entailed in any affirmative finding under paragraph (5) while, at the same time, accommodating the other public interest concerns found pursuant to paragraph (6). Normally, the committee expects the Commission's actions under paragraph (5) and (6) will harmonize both antitrust and such other public interest considerations as may be involved. In connection with the range of Commission discretion, the committee notes that pursuant to subsection 105 a. the Commission may also take such licensing action as it deems necessary in the event a licensee is found actually to have violated any of the antitrust laws. Of course, in the event the Commission's finding under paragraph (5) is in the negative, the Commission need not take any further action regarding antitrust under subsection 105 c.

Paragraph (7) of revised subsection 105c. substantively carries over from the present text the exception that the Commission "with the approval of the Attorney General, may except from any of the requirements of this subsection such classes or types of licenses as the Commission may determine would not significantly affect the applicant's activities under the antitrust laws."

Paragraph (8) endeavors to deal sensibly with those applications for a construction permit which, upon the enactment of the bill into law, would have to be converted to applications under section 103. In some cases, there might well be hardships caused by delays due to the new requirement for a potential antitrust review under revised subsection 105 c. Paragraph (8) would authorize the Commission, after consultation with the Attorney General, to determine that the public interest would be served by the issuance of a permit containing conditions to assure that the results of a subsequently conducted antitrust review would be given full force and effect. Paragraph (8) similarly applies to applications for an operating license in connection with which a written request for an antitrust review is made as provided for in paragraph (3).

Section 7 of the bill effects a perfecting change in subsection 161 n. of the act to delete the reference to a finding of practical value.

Section 8 of the bill changes several words in the first proviso of subsection 161 v. to support the intention of the Congress when this subsection was enacted into law. The clarified provision expressly indicates that the prices for enriching services "shall be on a basis of recovery of the Government's costs over a reasonable period of time." As the legislative history of this statute discloses, and as the Comptroller General has discerned in his report to the Joint Committee on July 17, 1970, it was intended that the price to be charged by the AEC for toll enrichment should be based on the recovery of appropriate Government costs averaged over a period of years. Under the clarified version of subsection 161 v., the committee intends that the criteria in effect since 1966 will continue to be in effect subject to any Commission proposed revisions thereto that conform to the requirement of the statute and are submitted to the committee for its review. The committee expects that the Commission will consult with the General Accounting Office in regard to any such proposed revisions.

Section 9 of the bill amends subsection 182 c. to delete the phrase "within transmission distance" and to amend the general notice provision.

Section 10 of the bill amends the first sentence of subsection 191 a. which now requires that of the three members of any Atomic Safety and Licensing Board two members "shall be technically qualified," and the third "shall be qualified in the conduct of administrative proceedings". Section 10 would permit two members to have "such technical or other qualifications as the Commission deems appropriate to the issues to be decided"; the third member would continue to be one "qualified in the conduct of administrative proceedings."

Section 11 of the bill revises the present text of subsection 274 h. to abolish the Federal Radiation Council and to provide for contractual arrangements with the National Council on Radiation Protection and Measurements and with the National Academy of Sciences. Under the revised text, any Government agency designated by the President for the purpose would be authorized and directed to enter into and administer an arrangement with the National Council on Radiation Protection and Measurements for a comprehensive and continuing review of basic radiation protection standards, and the scientific bases therefor, pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use or control of atomic energy. Any Government agency designated by the President for the purpose would also be authorized to enter into and administer an arrangement with the National Academy of Sciences for a comprehensive and continuing review of the biological effects of radiation on man and the ecology in order to obtain information pertinent to basic radiation protection standards. The revised subsection 274 h. specifies that the respective arrangements shall require the conduct by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, respectively, of a number of functions relative to the fields of radiation and the biological effects of radiation. Under the arrangements the National Committee on Radiation Protection and Measurements and the National Academy of Sciences will concern themselves essentially with information and matters relative to the "hard" sciences, as distinguished from sociological or "soft" science considerations. The latter considerations would be identified and dealt with by the Government agency having authority to establish radiation protection standards. All matters pertaining to basic radiation protection standards pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use or control of atomic energy would be promptly reported to the Joint Committee. The contracting Government agency may, in the discretion of the President, be any Government agency or agencies; the contractual arrangements may be administered by any Government agency or agencies designated by the President.

At this point I want to depart from my prepared script to say that this country is facing a crisis in electrical energy. We must double the electrical generating capacity of this country within the next 10 years, and then double that again in the succeeding 10 years.

We Members in this Capitol know that just a week ago we had half of the lights turned off in the Capitol because of reduced availability of power in this area. I am telling you that this whole country faces that situation; we are facing brownouts and blackouts unless we get these electrical plants into operation—these new additional generating capacities.

Now, I am speaking today for nuclear power alone. I am saying that we are going to have to have electricity from uranium, from coal, from oil, and from gas. We are going to need every kilowatt we can produce from all of these substances, and we are going to have to revise our methods so that present contaminating effluents are removed.

Now, the public is going to have to pay for that, and they will pay for it. If we want a clean environment we are going to have to pay for it, and the public will pay for it through increased rates, and I think they will want to pay for it.

Already we have had brownouts and blackouts.

I tell you, we will never—never solve the problem of pollution itself without adequate nonpolluting energy. I do not care whether the problem is cleaning up our water, or taking the particulates out of smokestacks so we can have clean air, or whether it is solidifying old automobiles into small masses to be disposed of properly or recycled for some reuse of material—it does not make any difference what field of pollution we face, we are going to have to have adequate, economical, and clean electricity to solve that problem. We are just kidding ourselves if we overlook this basic fact.

This is one of the reasons we are here on the floor of the House today—to see, in connection with this bill I am explaining, that we do have an adequate chance to get these plants into operation without a lot of interference from people who do not have a sufficient understanding of the technical problems involved or about the technical safeguards that have been engineered into nuclear plants.

These people, who are ignorant in some instances and misinformed in many cases, do not realize the obstructive harm they are doing.

Seventy percent of electrical energy is used in industry which provides their jobs.

Thirty percent of electrical energy is used for local and residential services. It runs their appliances, their refrigerators, and their air conditioners.

When the brownouts and blackouts hit their communities they will suddenly realize the foolishness of their actions. Then it may be too late. It takes 4, 5, and 6 years to build a modern generating plant. You cannot wave a wand and create electricity.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. EDMONDSON. Mr. Chairman, I want to commend the chairman of the committee for what he has just said, and said very forcefully and very honestly, as to the energy crisis confronting this country.

The chairman of the Joint Committee on Atomic Energy has demonstrated to me through the years the capacity and the ability to see down the road as far as anybody I know in the House. When the gentleman tells us that our power requirements are going to double in 10 years, I think he is, if anything, understating what the situation is.

Mr. HOLIFIELD. The gentleman will agree with me, coming from a gas-producing area, that there is going to be a shortage of gas this winter.

There is already a shortage of coal and delays in the delivery of coal. You cannot get a contract today for coal longer than 1 or 2 years. The customary time used to be 5 and 10 years for coal contracts for delivery at a specified time.

On the average, the cost of coal has gone up about 56 percent in the last 18 months. The cost of imported residual low sulfur content oil has almost doubled. So these are some of the factors that are building up to an actual and serious scarcity of energy.

The fact that the coal is not being delivered, pursuant to contracts to these electrical plants, as it has been in the past, is another factor.

These are the factors that make me believe we are going to have serious blackouts and brownouts in this country before we realize it.

Mr. EDMONDSON. We are already having them, as the chairman well knows, and we are going to have more of them this winter and next summer, regardless of what we do.

What we must do is to address ourselves to this problem as rapidly as possible.

I know that the chairman did not intend to omit, when he listed the principal sources of power, another source, which he has always supported vigorously, and that is hydroelectric power.

Mr. HOLIFIELD. That is right. Let me say, I did not mention it because it only amounts to a very few percent of the total electrical supply. It is important as it can be, because it is clean and because it is cheap. Every hydroelectric facility in the Nation should be utilized because we are going to need every kilowatt that we can get.

Mr. EDMONDSON. I agree wholeheartedly with what the chairman is saying. I think he has emphasized it at a most appropriate time. I congratulate the gentleman on his presentation.

Mr. HOLIFIELD. I will append to my remarks some very pertinent excerpts from national papers and magazines on the national fuel shortage:

NATIONAL FUEL SHORTAGE

I. COAL

TVA had invited coal supply bids at the same time as the nuclear but none were forthcoming, and apparently it wouldn't have mattered anyway. TVA said its cost analysis showed that a coal-fired plant would have had to have coal at 19c/million Btu to be competitive with the nuclear power-production costs. This would have been the equivalent of about $4.30/ton of average coal and TVA said recent coal bids it has received have been about twice that price. ("Nucleonics Week," September 3, 1970.)

During the 3½ years elapsing between our studies, the change in the cost of coal as burned completely negates any assertion that "coal alone could provide the nation with economical and dependable fuel for generation." In March 1966, our system average coal cost was 26.9c per million Btu. By December 1969 it had increased to 30.9c. By July, 1970, our coal cost had reached 42.1c. (Duke Power Company—letter of August 31, 1970 in response to Sporn Report.)

TVA reports that its coal delivery schedules

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are not being met. It says stockpiles to feed the coalburning generating plants that produce 80 per cent of the system's electric power are reaching critically low levels.

The utility, which has already established a priority schedule for winter "brownouts," reports that unless coal deliveries are increased and the decline in stockpiles halted, sharp power cutbacks are inevitable.

Dover, Ohio registered a 65 per cent increase in its coal prices in the first six months of this year.

In Hamilton, Ohio, the electric company a year ago paid $4.97 a ton for coal, plus $3 transportation. Last month, the utility received bids of $10.25 and $11.25 a ton, plus $4.20 for transportation. ("New York Times"—September 28, 1970.)

II. OIL

Braintree Electric Light Department's shortages started a few weeks ago when its old contract for oil expired. Braintree had been paying $1.78 a barrel for oil. Now its oil is supplied on a day-to-day basis at $3.65 a barrel, and there is no guarantee of delivery.

Braintree has appealed to 25 oil firms all the way down to New Jersey to bid on a new contract. But no one is interested.

In Montpelier, Vt., Alan Weiss, the superintendent of schools, says that the schools' supplier makes no guarantee that he can provide enough oil this year. To conserve fuel, Montpelier schools may have to hire a custodian to keep thermostats down at night.

Changes in the international situation started price soaring in May this year. By September 1, 1970, the price has zoomed to $2.72 a barrel; and the spot (non-contracted) price had risen to as much as $3.85 a barrel—almost double the price in May ($1.80). ("Christian Science Monitor"—September 28, 1970.)

During the past year, the city of Vineland Electric Utility converted to oil to meet state air pollution regulations. We now use 90,000 gallons daily. The supplier has cut back delivery to 50,000 gallons daily September 1 and will promise no oil whatsoever after October 1, 1970. We have contacted six or seven of the biggest suppliers. None will offer any oil in October. Coal is also unavailable. Unless the U.S. Government orders priority to utilities for oil deliveries after October 1, we face shut down of 80 per cent of our plant production which will mean most of our customers will be without light and power service. (Vineland Electric Utility Company, Vineland, N.J. telegram of August 21, 1970 to American Public Power Association.)

The "Inflation Alert" reported that prices of industrial fuel oil rose at an annual rate of 48% during the first half of 1970, and bituminous coal prices increased at an annual rate of 56%. ("Inflation Alert"—August 7, 1970 published by President Nixon's Council of Economic Advisers.)

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. JONES of Alabama. Mr. Chairman, I, too, want to commend the gentleman from California and particularly for the knowledge the gentleman has about the energy situation which confronts us, and which will be with us certainly for the next decade.

At the present time, the building or construction period is some 6 years that it takes to build a plant producing say, 500,000 kilowatts. So there is need for great haste. I am pleased that the chairman of the committee, the gentleman from California (Mr. HOLIFIELD) has pointed out to the committee the dire necessity of hastening the production of atomic energy and fissionable material that is going to be required along with other impediments that face us in supplying the fuel that is necessary for the generation of power.

Certainly, if we are going to live in the comfort of the past, we are going to have to recognize and confront the problem, and the sooner the better.

Again I want to express my appreciation for the vast amount of work that you have done in the past in accumulating the knowledge, practices, and policies that have been sound and rewarding to the American people.

Mr. HOLIFIELD. I thank the gentleman from Alabama.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman. I wish to join in the statements that have been made in congratulating the gentleman in the well for his leadership in this field. However, I feel there are one or two points that should be given consideration in addition to the great need for power in this country. I am sure the gentleman is, and always has been, a champion of the protection of our environment at the same time as an advocate of nuclear power. Serious questions have been raised regarding the effect on our environment and our ecology that nuclear power presents. On this score I have wondered if the gentleman in the well would comment on Reorganization Plan No. 3, which has just passed the House, which actually separates the functions of the AEC. This is a development I have been trying to achieve in Congress for some time. I believe it is important that we separate the functions of the AEC which in the past has had the responsibility for both promoting nuclear power as well as acting as the policeman of nuclear power.

According to the Environmental Protection Act, which is established under the Reorganization Plan No. 3:

> There are hereby transferred to the Secretary to be administered by him through the Administrator of the Environmental Protection Administration all functions, powers, and duties—
>
> . . . consist of establishing and enforcing environmental standards and safeguards for the protection of the general environment from radioactive material which standards are defined to mean: limits on radiation exposures or levels, or concentrations of or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

Mr. HOLIFIELD. The answer to the gentleman is "yes." The gentleman knows that I handled Reorganization Plan No. 3 on Monday of this week. The gentleman has read a section from the plan. It does transfer people who set the environmental radiation standards over from the Atomic Energy Commission into the Environmental Protection Agency. I was just about to address myself to the third section of the bill having covered the first two, because it deals in substance in this area.

The gentleman from California knows of the gentleman's longstanding interest in this matter, and the gentleman I think can feel today quite satisfied that the changes that are proposed to be made by the Presidential reorganization plan are along the lines that he has been advocating.

Mr. WOLFF. I thank the gentleman.

Mr. HOLIFIELD. I will address myself to that section which pertains to the radiation protection of the people. Section 11 covers the third principal feature of the bill. This section of H.R. 18679 would enlist the preeminent scientific talents of the National Council on Radiation Protection and Measurements and the National Academy of Sciences in a comprehensive and coordinated effort to review the statutorily applicable radiation protection standards and the scientific bases thereof.

The National Academy of Sciences, by the way, was established in 1863 under President Abraham Lincoln's administration. That is how old that institution is. The National Council on Radiation Protection and Measurements was established in 1929. It is composed of some 65 or 70 distinguished scientists from all over the United States, from the universities, fields of medicine, and many other fields.

These people serve without special compensation. They serve as members of an honorable body chartered by Congress, they are most knowledgeable in the field of radiation and its biological effects.

The National Academy of Sciences has an equally distinguished list of scientists. They are particularly interested in the effects of radiation on humans. Their recommendations will have to be considered and I hope the agencies will be guided by them.

We want to allay forever the fears of the ignorant and uninformed as to the source of recommendations for the standards of allowable and permissible radiation from any of these reactors. We want the people to know what the expert bodies recommend and not have to rely only on bureaucrats or administrators in Government. We want to go to the source of the greatest fund of wisdom in this field that there is in the world, because some of these people are also members of the International Commission on Radiological Protection and these bodies work in harmony. So, we can go no further than that toward protecting the people of the United States.

I believe the people will place their trust in the most eminent bodies of scientists that exist in the world.

I hope they will refuse to be scared and deceived by the few sensation-seeking, biased pseudo-scientists that are obstructing and delaying the production of electricity.

I also wish to say to many of the new converts to antipollution causes that they should weigh carefully their opposition to generating plants whether they are fossil fueled or nuclear. They should consider the futility of solving all of our environmental pollution problems without an abundant supply of electrical energy.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

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Mr. HOLIFIELD. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, coming from the State of Kansas, I can say we are quite interested in the disposition of atomic waste, as it appears possibly one of the best places to put these atomic wastes is in the saltbeds, which quality as a sort of garbage pail for this material.

My question is, when a license is granted one of these privately-owned nuclear powerplants, who has the responsibility of determining where that waste material will be taken?

Mr. HOLIFIELD. The Atomic Energy Commission has the responsibility for the health and safety of the people of America in that respect as in other radiological respects. The responsibility has been placed in them by statute.

Mr. MIZE. With the AEC?

Mr. HOLIFIELD. Yes.

Mr. MIZE. I thank the gentleman from California.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I believe the accolades and commendations to the members of the committee are deserved for bringing in these changes in the Atomic Energy Act of 1954. They are well deserved.

I have studied the bill, and I have read the report. I am personally interested in this, and I admire the work of the committee. There is just one thing that bothers me a little about this, and I wonder if the gentleman would expound on it a little more than he did in his obvious haste to dispatch our business today. That is, the first concept, the finding of practical value. This committee and this House are very familiar with the need and the formulae for developing cost-benefit ratios. I full well understand the exclusions that are earned in many of the research and development projects for the Atomic Energy Commission and laboratories and so forth, but it would seem to me on the face of it, reading no deeper than I have and not being privy to an intense study of the hearings, that a little explanation is in order as to why we are eliminating the practical value concept right at the time when we should be applying it to each commercial firm that we want to license.

Mr. HOLIFIELD. It is a little difficult to explain, but I think the gentleman will understand. Congress is eliminating the need for an administrative finding of practical value. We are not waiting for the AEC to make this finding. We are eliminating the necessity for making a finding of practical value, because in the judgment of this committee, in a real sense, these nuclear reactors have achieved practical value. They are being bought, without Government subsidy, by utilities all over the Nation, and therefore we feel these reactors should come under regular commercial practices.

It is a little bit confusing, because it was a part of the act of 1954, which did not envision arriving so soon at the point we are now at. It is in effect a stamp of approval by the Congress that no longer should these reactors be considered as research and development reactors and therefore potentially eligible for research and development subsidies. Light water reactors have arrived. They are now of utility and commercial value.

Mr. HALL. The gentleman is convinced that he has, in the wording of the legislation before us, done just that?

Mr. HOLIFIELD. That is right.

Mr. HALL. The gentleman has explained it adequately to me. As I understand it, we are eliminating the double negative, having proved through the years since 1954 that this is of commercial value, and hereafter licensing will be direct but they will still be subject to the antitrust laws, et cetera.

Mr. HOLIFIELD. Yes. It will take its place in private industry.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I have just one point. In making this change in the law the committee is not recommending and the Congress is not in any way relaxing or lifting any of the safety requirements which are in the law?

Mr. HOLIFIELD. No. The gentleman makes a valuable contribution. The AEC is still responsible for the radiological safety and health of the people and will continue, under this committee's jurisdiction, to watch that very closely. I am glad the gentleman brought up that point.

Mr. Chairman, I reserve the remainder of my time.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman of the Joint Committee on Atomic Energy has ably summarized the principal features of H.R. 18679. I would like to add a few brief comments.

In my judgment, each of the three principal features of this bill is timely and important.

The advisability of removing the requirement of a finding of practical value before nuclear powerplants can be commercially licensed has been endorsed by every single witness who testified before our committee during the hearings held last year and this year on this subject. No one needs it or wants it. There is simply no reason to retain it. It is not only useless, but has grown into a major source of irritation and controversy—preventing, as it has, the commercial licensing of nuclear facilities that are being industrially or commercially employed. The bill excises this licensing wart.

Opening the door to routine commercial licensing involved a close look at a related provision of the Atomic Energy Act of 1954; namely, subsection 105(c). This provision, normally characterized as prelicensing antitrust review, is written simply in terms of advice from the Attorney General. And the nature and scope of the advice are described in a broad-brush, imprecise, clause. The committee concluded that it was imperative to clarify and revise the present text of subsection 105(c). H.R. 18679 does this. The proposed revision of subsection 105(c) in the bill clarifies the antitrust review standard and explicitly describes the Commission's authority and responsibility in relation to advice from the Attorney General. The committee and its staff spent many hours on the standard and the procedures described in the clarified, revised version of subsection 105(c). The resulting product is a fair, reasonable compromise which the committee unanimously approved. Frankly, I do not like each and every ingredient aspect of subsection 105(c) in the bill, and I do not know a single committee member who does. However, there are many aspects which I do favor, and this, too, represents the opinion of each of my colleagues on the committee. In its totality—as a package product—revised subsection 105(c) represents a desirable improvement of the present provisions, and I, together with all the members of the joint committee, support it.

As for the aspects that I favor, let me briefly point to a few:

First. Paragraph (1) of subsection (c) provides that the Attorney General's advice must include an explanatory statement as to the reasons or basis therefor.

Second. Paragraph (2) of subsection (c) calls for the antitrust review in connection with the application for a construction permit, and provides that it is not to be repeated at the operating license stage "unless the Commission determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission under this subsection in connection with the construction permit for the facility."

Third. By virtue of subsection 102(b), AEC licenses issued prior to enactment of the bill into law maintain their status as 104(b) licenses.

Fourth. The report accompanying the bill clearly expresses the important intention that the standard applies to the activities of the license applicant. As stated in the report:

> The activities of others, such as designers, fabricators, manufacturers, or suppliers of materials or services who, under some kind of direct or indirect contractual relationship may be furnishing equipment, materials or services for the licensed facility would not constitute "the activities under the license" unless the license applicant is considerably involved in activities of others that fall within the ambit of the standard.

Thus, unless the license applicant is seemingly in a collusion or conspiracy situation with respect to suppliers or others, its license application would not be encumbered or held up by any antitrust considerations pertaining to the activities of others.

Fifth. Paragraph (8) of subsection (c) enables the Commission to avoid delaying the issuance of licenses in certain cases, pending the antitrust review. The committee intends that this flexibility be benevolently and sensibly used to help avoid unnecessary delays in the scheduling of needed power plants. In connection with paragraph (8), I must mention for the record another important com-

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mittee concern and related intention. It is not intended that a construction permit proceeding that is in progress at the time the bill becomes law be begun anew procedurally because of the new section 103 status. That would be foolish and self-defeating in this time of power shortages, or for that matter at any other time. We want to see this licensing procedure as an aid in obtaining a safe and adequate supply of power to the people—not an impediment. We want no snags whatsoever to cause delay because of licensing. We expect no lack of attention to this matter whatsover on the part of the Atomic Energy Commission. Rather, it is intended that the Commission, by rule or regulation, provide for a sensible transition into the section 103 licensing posture so that, to the fullest extent reasonably practicable, the measures and substance of the licensing proceeding theretofore conducted will continue to be recognized and utilized and delay held to a minimum.

The purpose here is to avoid hardships as specified at the top of page 32 of our report on this bill. Now, hardships are not limited to, say, situations where the utility involved might risk bankruptcy by any delay. What the committee is talking about here is things that might delay or impede bringing necessary and desirable power to the utility system. In short, hardship in the sense of this bill has a very broad and liberal connotation.

I want to make it perfectly clear that the principle of no impediment and no delay applicable to the transition to the provisions of this bill applies equally to pending construction permit applications and to pending operating license proceedings. There is need for expediency in both instances.

Sixth. The change in section 10 of the bill introduces greater flexibility in the composition of atomic safety and licensing boards. This flexibility should be utilized in accordance with the Commission's discretion; it is not intended for example, that the Commission's judgment respecting the qualifications of members of a board should be opened to challenge in relation to the nature of the matters that may be considered in the antitrust review. Nor, for example, is it intended that all three members of a board must be present at all times during the conduct of a board's business. Incidentally, Chairman Holifield and I have been much concerned with the apparent recent trend toward procrastination, and administrative and legal roadblocks, in the overall licensing system. We are worried about the apparently deteriorating licensing situation, and have recently written a letter to Dr. Seaborg which I would like to have inserted in the Record at this point.

Before leaving this feature, I, too, want to join Chairman Holifield in emphasizing the fact that this whole antitrust review in the Commission's licensing procedure in no way extends, impairs, amends, or affects any of the antitrust laws or prevents their application. This major point is underwritten by subsection 105(a) of the Atomic Energy Act, which remains unchanged. By like token, this bill in no way enlarges the substance of the antitrust review in any respect over the provisions of the existing law for commercial licenses. What we are trying to do is clear away precedural uncertainties in the manner in which both the Justice Department and the AEC are to proceed.

The second feature of the bill—the statutory basis for the Commission's charges for uranium enriching services—is not really directed at the recently announced increase in price from $26 to $28.70 per separative unit. The price increase may represent an appropriate price adjustment in the light of the criteria for pricing that the Commission has consistently used since subsection 161(v) became law in 1964.

The bill merely changes several words in subsection 161(v) to reaffirm with greater clarity the underlying intention, as evidenced by the legislative history and as correctly discerned by the Comptroller General in his recent report, that AEC's charges are to be based on the recovery of Government costs averaged over a period of years. AEC's new criteria not only conflicted with the congressionally intended application of subsection 161(v), but they are unnecessarily vague and essentially meaningless. They really do not serve any useful purpose and they provide the appearance of potential for maladministration or mischief.

The third feature of the bill—to utilize on a continuing and comprehensive basis the unique talents of the National Council on Radiation Protection and Measurements and the National Academy of Sciences—I view as even more uniformly acceptable and less controversial these days than motherhood. The Federal Radiation Council, which we recognize statutorily in subsection 274(h) of the Atomic Energy Act has not really done its job as effectively as was originally contemplated by the committee and the Congress. The abolition of the Council, as a result of section 11 of the bill which emphasizes the need to enlist our most preeminent scientists in the determination of appropriate basic radiation protection standards, coincides with the President's intention to abolish the Council under the Reorganization Plan No. 3 on which the House took some favorable action earlier this week.

Mr. Chairman, in summary, the legislation before us will do three things.

First, it will eliminate, as Members have heard, the practical value requirement found in the Atomic Energy Act of 1954. Sixteen years ago, when we passed this act, the state of the technology as to generating nuclear power was rather new, and every license that has been issued for a nuclear power reactor in this country has been issued as a research and development or experimental reactor license.

The act provided that when nuclear power achieved practical value and practical value was found to exist—not by the Congress but by the AEC—then new plants were to be licensed under commercial procedures, and when that occurred, as a prelicensing requirement, there was to be an antitrust investigation by the Justice Department to make certain that in this large new technology everyone had an opportunity to enjoy some of the benefits, principally because the Government had put so much money into it.

Technology has proceeded, and now it is quite obvious that nuclear power has commercial value, and this seems to have overtaken the present law, and we propose to take this anachronism out of the law. As we do so, that brings in this feature about prelicensing investigation from an antitrust standpoint. We are not trying to take it out. What we are trying to do is to specify the procedures which will be employed for the first time, both by the Justice Department and by the AEC, so that the licensing of this great source of power will not be impeded, and power can go on the line and be available to our people.

In short, we are trying to take a step forward here to avoid blackouts and brownouts so far as nuclear power is concerned. I believe we have done it in a careful way.

I wish to congratulate the chairman of the Joint Committee on Atomic Energy for being able to negotiate this through the shoals of what might otherwise have been a private power versus public power fight, on account of the various interests involved. He skillfully avoided that.

Congratulations can also be accepted by the other members of the committee for negotiating this in such a way that the legislation could be brought to the floor without disagreement among the Republicans or the Democrats, the Senate Members or the House Members, so far as this legislation is concerned.

The second thing that the bill does is simply to say that since Uncle Sam is the only source of enriched uranium for the fuel for the Nation's power reactors and, in fact, the world's power reactors, this enriched uranium from the AEC's great gaseous diffusion plants will be made available on the usual basis. When Uncle Sam performs a service he is supposed to be paid for it, in an amount equivalent to the cost of doing business, and no more than that. That is quite a sensible way to operate. There apparently was some lack of clarity with respect to this requirement that the bill here seeks to dispel and make clear.

The third thing, as has been pointed out, is that this bill simply says whoever in the U.S. Government—it is about to be this new Environmental Protection Agency—whoever it is—that establishes the basic standards for radiation protection of the general public relative to nuclear activities shall do so not on any arbitrary basis. It will not just be left up to some bureaucrat who is a good paper shuffler but really does not know much about radiation considerations. Whoever it is who has responsibility to set Federal standards, is required by this Congress at least to go to two places for advice—the two places with the most qualified experts in the world for proper advice on this very important subject. One is the National Academy of Sciences and the other the National Council on Radiation Protection and Measurements.

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This is an excellent piece of legislation, in my opinion, and I trust that we will have the support of the House when the time comes for a vote.

(Mr. McCULLOCH, at the request of Mr. Hosmer, was given permission to extend his remarks at this point in the Record.)

Mr. McCULLOCH. Mr. Chairman, I rise to associate myself with the views so clearly articulated by Mr. Hosmer.

As a member of the joint committtee, I know first-hand of the need for H.R. 18679 and of the careful work of our committee in arriving at the legislative proposal now before us.

I particularly want to underscore Mr. Hosmer's remarks about the fair and reasonable compromise that revised subsection 105(c) represents. This was a most difficult item for the committee to chart precisely. Potential issues in the sensitive, public-private power area seemed to be lurking behind each seeming suitable alternative. But the committee persevered, and ultimately unanimously arrived at a reasonable, workable compromise procedure which, I think, all fair-minded persons and groups should consider fair, nondiscriminatory, and appropriate.

I fully support H.R. 18679.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield

Mr. HOSMER. I am glad to yield to the gentleman from Illinois, a member of the committee.

Mr. ANDERSON of Illinois. When this matter was presented to the Committee on Rules yesterday, in a prepared statement that was delivered at that time to our committee by the distinguished chairman of the Joint Committee on Atomic Energy (Mr. Holifield) he said:

> The ranking minority member of the Joint Committee on Atomic Energy is invariably the essence of sagacity, perspicacity, wit, aplomb, and brevity.

He has earned that accolade, which was given him on that occasion, by his performance in the well of the House this afternoon.

I should like, as a member of the Joint Committee, to join him in support of this legislation.

Mr. HOSMER. Let me say I think the gentleman was wise to get unanimous consent to revise and extend his remarks, because he went pretty far out on a limb with respect to the gentleman in the well.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I am glad to yield to the gentleman.

Mr. KYL. I thank the gentleman for yielding.

I would like to take advantage of this occasion and take advantage of the sagacity and perspicacity and the erudition of the gentleman in the well to get an answer to a couple of questions.

Permit me to premise it in this fashion. We now have in the space of about 25 miles on one of our Great Lakes one atomic energy power generation plant about ready to go into operation and another under construction. The people there or some of the people there are considerably worried that the warm water generated by these plants will keep the ice shelf from freezing along the shore and therefore the beaches and dunes and properties might be destroyed by winter storms. They also worry about the atmospheric questions, and so on.

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My question is specifically this: Are we actually progressing in the method of obtaining efficiency from the heat generation in these plants so that in fact the volume of hot water is being significantly reduced?

Mr. HOSMER. Let me answer the gentleman in this way: Any time you produce electric power you are converting one form of energy into another form of energy. The process is not 100-percent efficient. Today in the plants they are fired by coal and oil the efficiency is about 40 percent. That means that 60 percent of the B.t.u.'s out of the fuel that is burned goes into the environment.

And, generally, they either go up a stack or they will go into some condenser cooling water. In the case of a conventionally-fired plant they go both ways. In the case of nuclear plants, we have a new technology whereby we are able to get about 35 percent efficiency which means a few more B.t.u.'s dispersed into the environment. Since you do not discharge heat through a stack in a nuclear plant essentially all of the waste heat goes into the condenser cooling water. So, you are putting more of the heat into these areas by a nuclear plant than by a conventional plant. But as efficiency improves, of course, it will equalize. Moreover, this heated water is dispersed as a result of the cold water going into these areas and the overall ambient temperature will be about the same.

The three plants which the gentleman from Iowa mentioned in the area of Lake Michigan together undoubtedly put into Lake Michigan a minuscule quantity of heat compared to that which the sun daily puts into Lake Michigan just by shining on it. But instead of putting it all over the lake they put it in at these three relatively restricted locations, and in that immediate location there is some heating of the water over the normal temperature of the lake. However, as it spreads out, it equalizes the ambient temperature.

Unfortunately, the Federal Government has informally proposed a standard that the ambient temperature can only be exceeded by 1 degree in discharging water at any particular point. That, of course, is virtually impossible.

When it rains, the city of Chicago could not discharge into Lake Michigan the water from its storm drains under that regulation, because that storm water is at least 3 or 4 degrees above the ambient temperature of the lake. So, you would always have to pay some price to get rid of the storm water in the city of Chicago, and you have to pay some price by way of some potential changes in natural conditions in order to have power. However, net value should always be considered in regard to the price.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from New York.

Mr. WOLFF. On that same question there appears an article in the New York Times that states as follows:

> The National Environmental Policy Act, signed last year with great fanfare, will be of very little use unless President Nixon tells his subordinates that it means exactly what it says. The Atomic Energy Commission, for one, has a notion that in licensing nuclear plants it has no authority even to consider a threat of thermal pollution, though the Act clearly enjoins all Government agencies to weight environmental factors in their decisions.

Are the factors of thermal pollution considered by the Atomic Energy Commission in the licensing of a plant?

Mr. HOSMER. Let me say to the gentleman that the New York Times in this case, as often in other cases, in search of some desirable objective, leaves a lot to be desired in the way it approaches these matters.

In the licensing procedure that has been established under the law and the procedure that has been followed up until the passage of the National Environmental Policy Act, the AEC was directed, authorized and had the power in its licensing proceedings to consider only matters having to do with radiation. But let me say that with the passage of this Environmental Policy Act, all governmental agencies, including the AEC, are required to take into consideration all environmental matters in connection with the major actions which they might take. The AEC interpreted the licensing of a nuclear powerplant as a major action and, therefore, it does, under this law, refer the papers and the situation to the Environmental Quality Council, the Department of the Interior, and all other interested Federal agencies.

Mr. HOLIFIELD. And to the States involved.

Mr. HOSMER. It is referred not only to these Federal agencies but to essentially any agency that has any relevant expertise at all for its recommendation with respect to the particular licensing procedure.

So, I say that the New York Times is substantially in error. It is way off course in this summary.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I will yield further to the gentleman in just one moment, but first I want to yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for yielding, and I want to supplement what the gentleman says, because Congress passed the Water Quality Improvement Act of 1970 which continues the States' authority to control the water quality, and that includes whether it is too hot or too cold, as well as too dirty. The AEC must, as the gentleman says, take into consideration the Water Quality Improvement Act as well as the National Environmental Policy Act, which this Congress has passed.

Mr. HOSMER. The gentleman is entirely correct.

Mr. WOLFF. If the gentleman will yield, on that basis there seems to be somewhat of a conflict between the two gentlemen.

Mr. HOSMER. There is no conflict

whatsoever with respect to the advice of one of the Government agencies. The AEC follows those procedures with respect to the Water Quality Improvement Act, and it is met by the certification by the States of reasonable assurance that water quality standards will not be violated as is spelled out under that act.

Mr. WOLFF. If the gentleman will yield further, in the hearings that have been conducted at Shoreham, the hearing board referred over to the State the question of thermal pollution. Now, by referring it over to the State, am I to infer from that that this releases the Atomic Energy Commission from further consideration?

Mr. HOSMER. Of course not. The matter was referred to the State, insofar as the procedures were applicable, and its advice and certification are required under the Water Quality Improvement Act. The AEC on this same question also referred it over to the Interior Department and to other agencies and departments of the U.S. Government for such relevant advice on this same point that they were qualified to give in connection with this licensing procedure.

Mr. WOLFF. The hearing board will take into consideration, then, the advice of a State in making the final determination, or take into consideration the thermal pollution involved?

Mr. HOSMER. I think there should be a taking into consideration of environmental matters involved vis-a-vis the purpose and the need for a particular plant to produce electricity to meet the requirements of the community. In other words, there should be a balancing job in which nobody presumably will be allowed to get away with anything more than is reasonable in relation to the modus vivendi that has to be established in a high-energy society between the production of that energy and the environmental elements that are involved.

Mr. HOLIFIELD. If the gentleman will yield further, the AEC as a condition of granting a license requires that the applicant provide certification from the State in which the facility is located that it has met the water quality standards, and that came from the Committee on Public Works headed by the gentleman from California (Mr. JOHNSON).

Mr. HOSMER. I thank the gentleman for verifying exactly where the procedure is undergone.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman from California for yielding.

I was going to merely amplify the point that I think has already now been made by the chairman of the committee, that in the actual writing of the construction permit the Atomic Energy Commission actually does write into each construction permit that is issued, each permit and operating license for a nuclear plant, an expressed condition that within 3 years of the date of this Water Quality Improvement Act that the licensee must submit to the AEC certification from the State involved that the discharges from the plant are or are planned to be within the applicable water quality standards, as they are promulgated by the State or other authority. So that is an expressed written condition in the licensing permit granted by the Atomic Energy Commission.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. HUTCHINSON. The gentleman referred in his remarks, and the chairman of the committee, to the prelicensing antitrust investigation by the Department of Justice.

My question is: Is this done prior to the construction permit or is it to be done prior to the operation permit?

Mr. HOSMER. The answer to that is in the report and it explains it. In connection with the application for the construction permit, that is the initial action. The antitrust investigation is made in the scope that is provided in the Atomic Energy Act.

Then, if the construction permit is granted and the antitrust procedures have been met, it will take up to 5 or 6 years for the plants to be built. As it nears the end of that construction period, the utility will go in for an operating license.

Now, unless there has been a significant change in the antitrust circumstances, it is not intended that there be a review de novo of the antitrust considerations. Only if there has been a substantial change in this regard, would it be intended that there be another investigation.

As a matter of fact, with respect to the pending applications for construction permits, but where the permit is not yet issued, the Atomic Energy Commission will establish such procedures to assure that this whole business does not have to be de novo, but that the equities on either side can be met without delaying the issuance of the construction permit.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I am delighted to yield to the gentleman.

Mr. HUTCHINSON. I certainly thank the gentleman for the clarification.

Perhaps the gentleman now in the well may have surmized that my question was prompted by the experience of two plants in my district in the State of Michigan. To the best of my knowledge, there never was any objection from anybody at the time the construction permit was granted. But now that the utility seeks an operation permit, the question of thermal pollution has completely tied up one of those plants. My concern was that this antitrust investigation would not amount to the same thing so that the utility could be permitted to expend millions of dollars in the construction of the plant.

Mr. HOSMER. The gentleman's concern is certainly well founded. We are trying to accomplish this with respect to this antitrust business.

The objections that have been made in the plants that the gentleman has referred to, have been made on any ground that could possibly be dredged up by people who either are just dead set against any nuclear power or who want to hold those particular plants for ransom for the installation of cooling towers and for the installation of certain very sophisticated type of radiation protection equipment.

Mr. Chairman, I have no further requests for time.

Mr. PRICE of Illinois. Mr. Chairman, concern has been expressed that this legislation would permit the Atomic Energy Commission to exempt a license applicant from the necessity of correcting an antitrust abuse included in a Commission finding where the Commission finds that the need for power in the area or other factors are overriding.

The committee, as stated in the report, expects the Commission normally to take care of both the need for energy as well as to remedy the situation where there has been an affirmative finding under paragraph (5). The report on page 31 in this respect states:

> While the Commission has the flexibility to consider and weigh the various interests and objectives which may be involved, the committee does not expect that an affirmative finding under paragraph (5) would normally need to be overriden by Commission findings and actions under paragraph (6). The Committee believes that, except in an extraordinary situation, Commission-imposed conditions should be able to eliminate the concerns entailed in any affirmative finding under paragraph (5) while, at the same time, accommodating the other public interest concerns found pursuant to paragraph (6). Normally, the committee expects the Commission's actions under paragraphs (5) and (6) will harmonize both antitrust and such other public interest considerations as may be involved.

Considerations involving "the need for power in the affected area" or "other factors" will not permit the Commission to ignore an adverse antitrust finding under paragraph (5) of subsection 105(c).

Paragraph (6) provides that the Commission may issue a license which is so conditioned as to require subsequent corrective action in regard to antitrust problems while allowing the construction or operation of the facilities by the applicant to go forward. Paragraph (6) gives the Commission the opportunity to help cure deficiencies from an antitrust standpoint while enabling timely construction and operation of nuclear power facilities. On the other hand, there may be situations where the Commission might conclude that the public interest would be better served by delaying the issuance of a license until antitrust problems are solved.

The bill provides for the creation of a separate board to hear antitrust issues, and as the report on the bill notes:

> The committee anticipates that all the functions contemplated by these paragraphs would be carried out before the radiological health and safety review and determination process is completed, so that the entire licensing procedure is not further extended in time by reason of the added antitrust review function.

Paragraph (5) does not preclude in any manner the right of the Department of Justice to pursue antitrust suits, civil or criminal in nature, in the courts, whether or not there are involved parties, facts, or issues that were, or are being, considered by the Commission and nothing in the bill would preclude or limit the intervention or participation of the Department of Justice in proceedings before other regulatory agencies where antitrust issues are involved, and irrespective of whether they involve parties, facts, or issues pertinent to Commission proceeding.

The intent in this regard is made clear in the report on the bill which states:

> The bill does not affect in any way the important features contained in the provisions of subsections 105 a. and 105 b. of the 1954 act. These subsections remain separate, distinct and wholly unaffected by the proposed revised subsection 105 c.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of subsection 31 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial or commercial uses, the generation of usable energy, and the demonstration of advances in the commercial or industrial application of atomic energy; and".

Sec. 2. The second sentence of section 56 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "The Commission shall also establish for such periods of time as it may deem necessary, but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the isotope 233 produced in a nuclear reactor by a person licensed under section 103 or section 104 and delivered to the Commission within the period of the guarantee."

Sec. 3. Section 102 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"Sec. 102. Utilization and Production Facilities for Industrial or Commercial Purposes.—

"a. Except as provided in subsections b. and c., or otherwise specifically authorized by law, any license hereafter issued for a utilization or production facility for industrial or commercial purposes shall be issued pursuant to section 103.

"b. Any license hereafter issued for a utilization or production facility for industrial or commercial purposes, the construction or operation of which was licensed pursuant to subsection 104 b. prior to enactment into law of this subsection, shall be issued under subsection 104 b.

"c. Any license for a utilization or production facility for industrial or commercial products constructed or operated under an arrangement with the Commission entered into under the Cooperative Power Reactor Demonstration Program shall, except as otherwise specifically required by applicable law, be issued under subsection 104 b."

Sec. 4. The first sentence of subsection 103 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "The Commission is authorized to issue licenses to persons applying therefor to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, utilization or production facilities for industrial or commercial purposes",

Sec. 5. Subsection 104 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"b. As provided for in subsection 102 b. or 102 c., or where specifically authorized by law, the Commission is authorized to issue licenses under this subsection to persons applying therefor for utilization and production facilities for industrial and commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act."

Sec. 6. Subsection 105 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. (1) The Commission shall promptly transmit to the Attorney General a copy of any license application provided for in paragraph (2) of this subsection, and a copy of any written request provided for in paragraph (3) of this subsection; and the Attorney General shall, within a reasonable time, but in no event to exceed 180 days after receiving a copy of such application or written request, render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission pursuant to paragraph (5) of this subsection. Such advice shall include an explanatory statement as to the reasons or basis therefor.

"(2) Paragraph (1) of this subsection shall apply to an application for a license to construct or operate a utilization or production facility under section 103: *Provided, however,* That paragraph (1) shall not apply to an application for a license to operate a utilization or production facility for which a construction permit was issued under section 103 unless the Commission determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the preview review by the Attorney General and the Commission under this subsection in connection with the construction permit for the facility.

"(3) With respect to any Commission permit for the construction of a utilization or production facility issued pursuant to subsection 104 b. prior to the enactment into law of this subsection, any person who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination shall have the right, upon a written request to the Commission, to obtain an antitrust review under this section of the application for an operating license. Such written request shall be made within 25 days after the date of initial Commission publication in the Federal Register of notice of the filing of an application for an operating license for the facility or the date of enactment into law of this subsection, whichever is later.

"(4) Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate for the advice called for in paragraph (1) of this subsection.

"(5) Promptly upon receipt of the Attorney General's advice, the Commission shall publish the advice in the Federal Register. Where the Attorney General advises that there may be adverse antitrust aspects and recommends that there be a hearing, the Attorney General or his designee may participate as a party in the proceedings thereafter held by the Commission on such licensing matter in connection with the subject matter of his advice. The Commission shall give due consideration to the advice received from the Attorney General and to such evidence as may be provided during the proceedings in connection with such subject matter, and shall make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105 a.

"(6) In the event the Commission's finding under paragraph (5) is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems necessary to protect the public interest. On the basis of its findings, the Commission shall have the authority to issue or continued a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate.

"(7) The Commission, with the approval of the Attorney General, may except from any of the requirements of this subsection such classes or types of licenses as the Commission may determine would not significantly affect the applicant's activities under the antitrust laws as specified in subsection 105 a.

"(8) With respect to any application for a construction permit on file at the time of enactment into law of this subsection, which permit would be for issuance under section 103, and with respect to any application for an operating license in connection with which a written request for an antitrust review is made as provided for in paragraph (3), the Commission, after consultation with the Attorney General, may, upon determination that such action is necessary in the public interest to avoid unnecessary delay, establish by rule or order periods for Commission notification and receipt of advice differing from those set forth above and may issue a construction permit or operating license in advance of consideration of and findings with respect to the matters covered in this subsection: *Provided,* That any construction permit or operating license so issued shall contain such conditions as the Commission deems appropriate to assure that any subsequent findings and orders of the Commission with respect to such matters will be given full force and effect."

Sec. 7. Subsection 161 n. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"n. delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in section 51, 57 b., 61, 108, 123, 145 b. (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145 f., and 161 a.;"

Sec. 8. The first proviso in subsection 161 v. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: *Provided,* That (i) prices for services under paragraph (A) of this subsection shall be established on a nondiscriminatory basis; (ii) prices for services under paragraph (B) of this subsection shall be no less than prices under paragraph (A) of this subsection; and (iii) any prices established under this subsection shall be on a basis of recovery of the Government's costs over a reasonable period of time:"

Sec. 9. Subsection 182 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. The Commission shall not issue any license under section 103 for a utilization or production facility for the generation of commercial power until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services incident to the proposed activity; until it has published notice of the application in

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such trade or news publications as the Commission deems appropriate to give reasonable notice to municipalities, private utilities, public bodies, and cooperatives which might have a potential interest in such utilization or production facility; and until it has published notice of such application once each week for four consecutive weeks in the Federal Register, and until four weeks after the last notice."

SEC. 10. The first sentence of subsection 191 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "Notwithstanding the provisions of 7(a) and 8(a) of the Administrative Procedure Act, the Commission is authorized to establish one or more atomic safety and licensing boards, each comprised of three members, one of whom shall be qualified in the conduct of administrative proceedings and two of whom shall have such technical or other qualifications as the Commission deems appropriate to the issues to be decided, to conduct such hearings as the Commission may direct and make such intermediate or final decisions as the Commission may authorize with respect to the granting, suspending, revoking or amending of any license or authorization under the provisions of this Act, any other provision of law, or any regulation of the Commission issued thereunder."

SEC. 11. Subsection 274 h. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"h. Any Government agency designated by the President is hereby authorized and directed to enter into and administer an arrangement with the National Council on Radiation Protection and Measurements for a comprehensive and continuing review of basic radiation protection standards, and the scientific bases therefor, pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use or control of atomic energy, and an arrangement with the National Academy of Sciences for a comprehensive and continuing review of the biological effects of radiation on man and the ecology in order to provide information pertinent to basic radiation protection standards. The respective scopes of the arrangements may, in the discretion of the President or the designated Government agency, also encompass exposure to the effects of radiation from sources other than the development, use or control of atomic energy. The respective arrangements shall require—

"(1) the conduct by the National Council on Radiation Protection and Measurements of a full-scale review of the radiation protection guides presently in effect by virtue of the recommendations of the Federal Radiation Council, and of all available scientific information;

"(2) the conduct by the National Academy of Sciences of a full-scale review of the biological effects of radiation, including all available scientific information;

"(3) consultations between the National Council on Radiation Protection and Measurements and the National Academy of Sciences to assure effective coordination between these bodies to serve the objective of the arrangements;

"(4) consultations by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, respectively, with scientists outside and within the Government;

"(5) the preparation and submittal by the National Council on Radiation Protection and Measurements to the President, or to the Government agency administering the arrangements, and to the Congress, by December 31, 1970, of its first complete report of its review activities, which shall also set forth its recommendations respecting basic radiation protection standards and the reasons therefor;

"(6) the maintenance by the National Council on Radiation Protection and Measurements of reasonably thorough knowledge of scientific matters pertinent to basic radiation protection standards within the scope of the arrangement, including studies and research previously performed, currently in progress or being planned;

"(7) such recommendations by the National Council on Radiation Protection and Measurements and the National Academy of Sciences respecting the conduct of any studies or research directly or indirectly pertinent to the basic radiation protection standards, or the biological effects of radiation on man and the ecology, under the respective scope of each arrangement, as either body deems advisable from time to time;

"(8) the furnishing of scientific information and advice by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, within the respective scopes of the arrangements, to the President, Government agencies, the states, and others, at the request of the President or the Government agency administering the arrangements;

"(9) the furnishing of scientific information and advice by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, within the respective scopes of the arrangements, to the Congress pursuant to the request of any Committee of the Congress;

"(10) the preparation and transmittal to the President or to the Government agency administering the arrangements, and to the Congress, by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, at the end of each calendar year subsequent to 1970, of a report covering their respective review activities during the year; the report by the National Council on Radiation Protection and Measurements shall also set forth any significant scientific developments relative to basic radiation protection standards, including any recommendations; and the report by the National Academy of Sciences shall set forth any significant scientific developments bearing on the biological effects of radiation on man and the ecology including recommendations;

"(11) the preparation and transmittal to the President, or to the Government agency administering the arrangements, and to the Congress, by the National Council on Radiation Protection and Measurments, of a prompt report of any significant changes which it deems advisable to recommend in regard to its previous recommendations respecting basic radiation protection standards or the scientific bases therefor and not theretofore identified in its reports; and

"(12) the conduct of the activities of the National Council on Radiation Protection and Measurements and of the National Academy of Sciences, under the respective arrangements, in accordance with high substantive and procedural standards of sound scientific investigation and findings.

"Reports received from the National Council on Radiation Protection and Measurements and the National Academy of Sciences under the arrangments shall be promptly published by the Government agency administering the arrangements. All recommendations, in such reports by the National Council on Radiation Protection and Measurements, respecting basic radiation protection standards pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use or control of atomic energy, shall be carefully considered by any Government agency having authority to establish such standards and, within a reasonable period of time, such Government agency shall submit to the Joint Committee a report setting forth in detail its determinations respecting the recommendations and the measures, revisions, or other actions it proposes to take, adopt, or effect in relation to the recommendations."

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, the committee has no amendments to offer and knows of no amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes, pursuant to House Resolution 1227, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 0, not voting 83, as follows:

[Roll No. 324]

YEAS—346

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Baring
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney

Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Long, Md.
Lujan
Lukens
McCarthy
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nix
Obey
O'Hara
O'Neal Ga.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Rousselot
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zion
Zwach

NAYS—0

NOT VOTING—83

Abbitt
Aspinall
Ayres
Beall, Md.
Betts
Bray
Brock
Brooks
Burton, Utah
Bush
Button
Cabell
Cederberg
Celler
Chisholm
Colmer
Conyers
Cramer
Daddario
Dawson
de la Garza
Derwinski
Dowdy
Edwards, La.
Fallon
Farbstein
Feighan
Fish
Fisher
Flood
Ford, Gerald R.
Foreman
Friedel
Fulton, Tenn.
Gilbert
Green, Pa.
Harsha
Hays
Hébert
Hull
Johnson, Pa.
Jones, N.C.
Kleppe
Landrum
Lloyd
Long, La.
Lowenstein
McClory
McMillan
MacGregor
Mann
Martin
Melcher
Meskill
Miller, Calif.
Murphy, N.Y.
Nedzi
Nichols
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Pepper
Pickle
Pirnie
Powell
Reifel
Robison
Rostenkowski
Roudebush
Satterfield
Scheuer
Shipley
Staggers
Stratton
Taft
Thompson, N.J.
Tunney
Watson
Weicker
Wold
Yates
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Taft.
Mr. Hébert with Mr. Gerald R. Ford.
Mr. Hays with Mr. Ayres.
Mr. Brooks with Mr. Cederberg.
Mr. Murphy of New York with Mr. Pirnie.
Mr. Celler with Mr. Fish.
Mr. Zablocki with Mr. Harsha.
Mr. Rostenkowski with Mr. Martin.
Mr. Green of Pennsylvania with Mr. Cramer.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Edwards of Louisiana with Mr. Burton of Utah.
Mr. Long of Louisiana with Mr. Bray.
Mr. Cabell with Mr. Derwinski.
Mr. Aspinall with Mr. Foreman.
Mr. Hull with Mr. Betts.
Mr. Jones of North Carolina with Mr. Wold.
Mr. Miller of California with Mr. Robison.
Mr. Nedzi with Mr. Weicker.
Mr. Nichols with Mr. Roudebush.
Mr. Olsen with Mr. Lloyd.
Mr. Pickle with Mr. Bush.
Mr. Shipley with Mr. McClory.
Mr. Staggers with Mr. Watson.
Mr. Daddario with Mr. Meskill.
Mr. Colmer with Mr. Reifel.
Mr. Scheuer with Mr. Powell.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Abbitt with Mr. Kleppe.
Mr. Mann with Mr. MacGregor.
Mr. Pepper with Mr. O'Konski.
Mr. Fisher with Mr. de la Garza.
Mr. Flood with Mr. Johnson of Pennsylvania.
Mr. Gilbert with Mr. Conyers.
Mr. Satterfield with Mr. Dowdy.
Mr. Stratton with Mr. Button.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Tunney with Mr. Feighan.
Mr. Yates with Mr. Farbstein.
Mr. Melcher with Mr. Ottinger.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 18679, the bill just passed, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California

There was no objection.

ANNOUNCEMENT OF PROGRAM

(Mr. MILLS asked and was given permission to address the House for 1 minute.)

Mr. MILLS. Mr. Speaker, I have been asked by the Speaker to advise the membership of the House that immediately upon the conclusion of House consideration of H.R. 19444, there will be considered a conference report on an appropriation bill.

The SPEAKER. By unanimous consent.

Mr. MILLS. By unanimous consent.

PROVIDING FOR GUARDS TO ACCOMPANY AIRCRAFT OPERATED BY U.S. AIR CARRIERS

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19444), to authorize for a temporary period the expenditure from the airport and airway trust fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

The SPEAKER. The Chair designates as Chairman of the Committee of the Whole the gentleman from Rhode Island, (Mr. St Germain), and requests that the gentleman from New York (Mr. Rooney) temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19444, with Mr. Rooney of New York (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Arkansas (Mr. Mills) will be recognized for 30 minutes, and the gentleman from Wisconsin (Mr. Byrnes) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Arkansas (Mr. Mills).

Mr. MILLS. Mr. Chairman, I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. MILLS. Mr. Chairman, H.R. 19444 is designed to authorize certain expenditures to be made from the Airport and Airway Trust Fund, and for certain revenues to be provided for that fund to compensate for the additional expenditures from that fund. The bill covers a very important subject matter, and is a matter with which I believe all of the Members of the House will be concerned.

In brief, the bill would authorize for a temporary period, actually a period beginning November 1, 1970, and extending through June 30, 1972, expenditures from the Airport and Airway Trust Fund of amounts required for the training, salaries, and expenses of guards to accompany aircraft operated by U.S. flag air carriers.

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In order to finance the payments from the trust fund for this purpose, the bill provides for a temporary increase in the domestic airline ticket tax from 8 to 8.5 percent and a temporary increase in the international travel facilities tax from $3 to $5 per person departing the United States. Both of these increases would be temporary in nature covering only the period beginning November 1, 1970, and ending June 30, 1972.

This bill is in response to the increasing occurrence and the violent nature of aircraft hijacking and the mounting danger therefrom to the lives of airline passengers. In brief, the bill for a temporary period will raise the revenue and authorize expenditures from the Airport and Airway Trust Fund for the training, salaries, and the expenses of these aircraft guards.

Let me emphasize—so there will be no mistake about it—that the bill deals solely with providing revenue for payment of guards out of the trust fund. It does not by any means, nor is it intended to provide a greater authorization for the use of guards than is already provided under existing law. This is clearly set forth in the committee report. The bill deals only with the means of payment of these guards and the raising of revenue for that purpose. These are matters, of course, solely within the jurisdiction of the Committee on Ways and Means.

Mr. Chairman, this bill is a part of a seven-point program outlined by the President on September 11 to deal with the problem of air piracy. Other parts of the program include extension of the use of electronic surveillance equipment, development of other security measures, including new methods for detecting weapons and explosive devices, consultation with other governments concerning a full range of techniques to foil hijackers, promotion of a multilateral convention providing for extradition or punishment of hijackers, and the urging of a meeting of the U.N. Security Council to consider this vexing worldwide problem.

In line with the President's program, the Committee on Ways and Means believes that the Secretary of Transportation and other interested agencies should continue and accelerate their program of research on an emergency basis as to ways of protecting persons and property aboard aircraft, as well as the aircraft themselves. To implement this view, the committee has requested the Secretary of Transportation to conduct such an emergency program of research and to report back to the Congress his findings and recommendations, including ways of financing them, within 1 year of the date of enactment of this bill.

The committee also expects the Department of Transportation to see to it that as rapidly as possible detection equipment is installed and operated at all appropriate places, and that so far as possible this program is designed to meet not only the hijacking problem but other dangers to passengers and property as well. The Secretary of Transportation has indicated that positive action will be taken on these problems.

Mr. Chairman, the urgent need for an answer to the problem of air piracy was highlighted in testimony by the Secretary of Transportation in public hearings held last week in the Committee on Ways and Means. The statistics now show that during the 7 years, 1961 through 1967, there were only seven successful aircraft hijackings and five unsuccessful attempts to hijack U.S. aircraft; during 1968, there were 18 successful hijackings and four unsuccessful attempts; during 1969 there were 33 successful hijackings and seven unsuccessful attempts; and thus far this year there have been 16 successful hijackings and four unsuccessful attempts.

The recent hijackings in the Middle East leave no room in my mind for doubt that the personal safety of the passengers and crews is very much endangered today.

Mr. Chairman, while the longer run measures in the President's program are under consideration and development, this bill provides for temporary affirmative action designed to deter the despicable hijacking of airplanes and the endangering of the lives of innocent passengers. It is temporary in nature and it will provide time for the appropriate agencies to explore whether the payment for guards in this manner represents the best solution to this problem, or whether this program will continue for a longer period of time. The committee is convinced that it is essential that the bill be enacted into law at this time.

Mr. Chairman, the Secretary of Transportation indicated that the administration had submitted to the Senate Appropriations Committee a fiscal year 1971 budget amendment in the amount of $28 million to finance the guard program, with language making the funds available contingent upon the increased revenues provided in this bill. He stated that this amount would cover the costs of the guard program for the remainder of the current fiscal year, and that the $28 million would permit the hiring and training of approximately 2,500 guards—with this number to be reached as soon as possible.

It is estimated that the additional tax collections from the increased ticket taxes will be $29 million in fiscal 1971. I should point out here that the estimated additional collections is approximately the amount requested before the Senate Appropriations Committee by the administration. In fiscal 1972, collections from the increased ticket taxes are estimated to be $57.3 million. This is also near the amount of the projected cost of the guard program for the full fiscal 1972.

The committee believes that it is appropriate that the cost of the Government guards aboard the U.S.-flag air carriers should be paid for by those who use these transportation facilities. As noted in the committee report, this is comparable to situations where guards were used on transportation facilities in the past wherein the guards and the costs of the guards were customarily provided for directly by the carriers. As a result, the committee decided to finance the cost of training, salaries, and other expenses of these guards through the airport and airway trust fund, which in large part is a user-financed fund established by the Airport and Airway Revenue Act of 1970.

Mr. Chairman, the last part of this bill deals with a provision in the Airport and Airway Revenue Act of 1970. This relates to the requirement that the ticket and the advertising of fares show only the total of the basic air fare and the domestic ticket tax, and that the separate statement of the air fare and the tax on the ticket or in the advertising of fares is prohibited. Concern has been expressed that this previous legislation may have the effect of hiding the Federal ticket tax from the purchaser of the ticket.

I might note to my colleagues that the legislation did not prevent the statemen on the ticket or in advertising of fares that the total price included an 8-percent Federal excise tax, nor did the legislation prohibit any airline employee or ticket agent from directly informing the purchaser of a ticket the specific amount of the tax.

Mr. Chairman, the amendment in this bill clears up this misunderstanding; at the same time it maintains the basic intent of the initial legislation to insure a statement of the total cost to the air passenger. To achieve this, the bill continues to require the showing of the total price to be paid—including the tax—both on the ticket and in the advertising of air fares. However, the bill removes the prohibition against a separate statement of the basic fare and the ticket tax. Thus, the airlines and travel agents will be in a position to show on the airline ticket and in the advertising of fares both the amount of the fare excluding tax and the amount of the tax as long as the total of these two amounts to be paid by the purchaser is also shown.

I urge the approval of the bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished gentleman, the chairman of the Committee on Ways and Means, yielding.

Did I correctly understand the gentleman to say that no part of this tax will be hidden from the customer at the airlines?

Mr. MILLS. That is right. Under the provision of existing law they cannot write on the ticket anything except the total amount. We modify that provision, so that the airlines can write on the ticket, the fare plus the tax and come to a total figure.

Mr. HALL. This bill will go even further than making this new add-on tax for the trust fund available to the consumers. It will repeal that change which the other body hung onto the previous bill as a Christmas tree ornament.

Mr. MILLS. The gentleman is correct in stating that the bill removes the prohibition against stating the tax and the fare separately on the ticket and in the advertising.

Mr. HALL. Would there be anything in this bill or authorization that could be interpreted as the law, if it becomes law, as implemented by regulation, as paying the various airlines for the travel space occupied by these guards?

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Mr. MILLS. No; but the Secretary of Transportation informed the committee that all of the airlines will provide space on the plane for the guards free of any charge. Of course, in addition they will be provided with their meals while on the planes free of any charge. The Air Transport Association informed the committee that they want these air guards on these planes.

Mr. HALL. I certainly should think it would be to their advantage, rather than to have their planes wantonly blown up in some desert airport.

Mr. MILLS. My friend from Missouri probably knows that the airlines do not like this idea, of course, of this cost of the guards being paid for out of the Airport and Airway Trust Fund through this additional tax. They would prefer, of course, as everybody else prefers, that everything be paid for out of the already heavily encumbered general fund. We are already providing some money available for airports and airway safety from the general fund, in addition to what is collected and deposited into this trust fund. It looks like the claims against the general fund will build up if we are not careful.

Mr. HALL. I will say to the chairman of the committee, as one of the heavy users of airlines, I am willing to pay for this, and I believe they should be.

I hope the Judiciary Committee will back up this protection and that the necessary committees—if, indeed, it is not under this committee—will see to it that there is additional backing with respect to findings and arrests they make, in addition to the protection they provide; and, finally, I hope they will not be prosecuted, as some of our soldiers and marines are being prosecuted when they execute the laws.

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Mr. MILLS. I know my friend from Missouri will be interested in the point made by the Department of Transportation, either by the Secretary or by Mr. Shaffer of the FAA, when it was stated that for the average ticket—and this is just the average—the tax would be increased by only 21 cents as a result of this additional one-half of 1 percent tax.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I am glad to yield to my colleague on the committee.

Mr. VANIK. I would appreciate it if our distinguished chairman would tell the Committee about the effect of the increase in the tax to 8½ percent, on the increased fare structure that was recently authorized by the CAB permitting the rounding off of fares.

Mr. MILLS. Yes.

Mr. VANIK. Will this result in an increased fare schedule?

Mr. MILLS. In many instances it will not result in an increase in the total amount paid. Whenever they rounded off to the nearest dollar in the past, they may for example have gained a fare increase of 50 cents. If the new tax results in a 25-cent increase it is my understanding that they will still round to the same next highest dollar under that new scheduling of fares. As a result there would not be any increase in that particular ticket, if the amount of the additional tax were only 25 cents, or even if it were 40 cents.

Mr. VANIK. It would be considered within the original rounding off?

Mr. MILLS. That is my understanding, although, of course, how fares are worked out is a matter for the CAB and not a matter to be dealt with in tax legislation.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I want to compliment the gentleman for taking some action in this very dangerous field. I was wondering if the gentleman could explain whether or not the pilots association or the airlines testified on having these guards.

Mr. MILLS. The pilots did not appear before the committee, but the Air Transport Association representative did appear. He was strongly in favor of these air guards. He differed with the recommendation of the Secretary of Transportation in that he wanted the cost of it to be paid out of the general fund of the Treasury and not out of the trust fund. He did not want the ticket tax to be increased to 8½ percent. However, the association was in agreement that this was a wise step to put these guards on these planes.

Mr. MACDONALD of Massachusetts. As the gentleman knows, I am a member of the Committee on Interstate and Foreign Commerce, which has jurisdiction over aeronautics matters. I have received a good deal of mail and I am sure other members of the committee have, also, from pilots and airlines suggesting that this may be an even more dangerous practice than not having guards. They are very troubled about the fact that bullets may be flying around these pressurized aircraft. While, of course, nobody questions the gentleman's authority or the authority of his committee to raise the taxes, my question, sir, is this: Is it necessary to protect the public or, when this scheme or this plan goes into effect, can you assure the committee that this will indeed improve the safety aspects of the traveling public with respect to conditions existing during a hijacking?

Mr. MILLS. My friend from Massachusetts knows that I would always be reluctant to give any assurance that I could not back up myself. The Secretary of Transportation told our committee that the mere fact that it was known publicly that guards would be on planes—whether or not there happened to be a guard on a particular plane was immaterial—it would have a deterrent effect to anyone taking out a pistol and trying to get to the pilot to get him to take him to Cuba or somewhere else. I have been told that if nothing better could be done, this guard then would be expected to disarm this hijacker to keep him from taking the passengers to some other destination. However, I could not give the gentleman that assurance.

Let me also point out on this entire subject matter that whether there will be guards on these planes is a matter in the jurisdiction of the gentleman's committee. The Secretary of Transportation says that in existing law there is authority to use guards. Those guards are presently on these planes. The only question remaining is how shall they be paid. The Committee on Ways and Means felt that they should be paid from the trust fund and that the trust fund should not be depleted by $57 million a year, a full year's cost of operation, in view of the needs that already exist for other aspects of air safety. We should make additional money available to the trust fund, we felt, if the cost of guards was to be paid out of the trust fund. That is why we imposed this tax. The airlines, let me make it clear, wanted it to come out of the general fund, but that would have been a draw of $57 million on the general fund. You and I know that the general fund does not have a surplus to meet this additional expense.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, how much money is it anticipated that this act will raise?

Mr. MILLS. About $57 million on a full-year basis. Almost the identical amount is the estimate of the cost, for a full year, to train and to pay the salaries and expenses of these guards that they put on the planes. They already have the guards on the planes. They have a request before the Committee on Appropriations of the other body for $28 million to pay for the salaries and expenses of these guards for the remainder of this fiscal year.

Mr. KAZEN. That is for the remainder of this year?

Mr. MILLS. Yes.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, this is not in conflict with this tax that you are proposing here?

Mr. MILLS. No; there is no conflict. The Committee on Appropriations must appropriate money for the guards before any amount may be paid out of the trust fund, in addition to the action taken in this bill. The additional one-half of 1 percent provided by this bill merely goes into the trust fund, as does the 8 percent.

Mr. KAZEN. What will keep them from using the other funds?

Mr. MILLS. If necessary, they could use some of the other Airport and Airway Trust Fund moneys, or they can use less than the $57 million of additional revenue developed here. If they do, during this period of time, that excess money from the one-half percent would be used for the purposes of airport construction or airway operation and safety for which we provided funds in the Airport and Airway Revenue Act of 1970.

Mr. KAZEN. Suppose the one-half of 1 percent is not enough?

Mr. MILLS. Then they can use some of the revenues derived from the basic 8 percent or the other taxes going into the fund. They are not by this bill limited to the revenues from the one-half of 1 percent. They do not have to use this new revenue for this specific purpose. The new revenue goes into the fund, and the Committees on Appropriations have to pass upon how much revenue in the fund will be used to pay the expenses of guards.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Indiana.

Mr. JACOBS. It seems to me that I saw something in the press about the President saying that present military personnel on active duty in Europe might be trained to assume these positions.

Mr. MILLS. Yes; upon release from active duty, I believe is what he said.

Mr. JACOBS. Mr. Chairman, if the gentleman will yield further, the matter that occurs to me is that it seems that between $12 and $14 billion a year is being spent for these security personnel in Europe and yet the first time we really have a specific security problem we have to go out and hire someone else.

Mr. MILLS. There are about 400, if I remember correctly what the Secretary said in his testimony before the committee, about 400 persons already in Government that they are drawing on right now to serve on these planes. They, perhaps, will have to make some reimbursement to the agency that actually employs them. However, I do not know about that. However, they plan to employ some 2,500 people. They will have quite a problem in selecting people with the proper temperament and providing them with the proper training because as I understand it the guarding of human life on these planes is no easy matter.

Mr. JACOBS. Mr. Chairman, if the gentleman will yield further, I think the point is well made by the Chairman. However, the only thing that occurs to me is this: Here we are spending between $70 billion and $90 billion for security in the United States when at the same time a Mig landed down in Florida a year or so ago. It would seem to me that out of the 300,000 military personnel, it is indicated that 2,000 cannot be selected who would have this type of training with which to do this particular job.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. In the event we work out some international treaties with reference to the hijacking of these planes and it becomes unnecessary to use these marshals, what will happen to the unused funds?

Mr. MILLS. If that happens prior to the end of June 1972, there is no reason why Congress cannot repeal this new tax. The tax would not go on beyond July 1, 1972, anyway.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. HUTCHINSON. I am sure that the gentleman is of course aware of the fact that there has been a lot of correspondence coming into the Members' offices relative to the fact that in the present law we did not provide for a separate listing of the tax.

Mr. MILLS. We are doing that in this bill.

Mr. HUTCHINSON. I just wanted to inquire about it.

Mr. MILLS. We are doing that in this bill. We repeal that provision that we enacted earlier.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, this is a most unusual piece of legislation. It is a precedent-setting one in every respect. It is the first time to my knowledge that this great Nation has decided to tax the users to force them to pay for protection against piracy in international commerce. We are going to do this by levying $155 million of new taxes upon the users.

Mr. MILLS. Mr. Chairman, if the gentleman will yield, it will be $57 million.

Mr. MOSS. I have the figure of $155 million from the counsel of the Commerce Committee, over a 3-year period.

Mr. MILLS. $57 million per year for the first year.

Mr. MOSS. It is $57 million a year?

Mr. MILLS. Yes.

Mr. MOSS. And it is to continue for 2 years?

Mr. MILLS. Twenty months.

Mr. MOSS. The fact is this: That you are going to go from 8 percent a ticket to 8.5 percent, and that is an increase of about 6 or 7 percent immediately following an increase from 5 percent to the 8 percent. And for international passengers we started out with no head tax, and under the Airport and Airway Act we imposed a $3 head tax, and now it is going to be increased to $5, or an increase of 66⅔ percent.

And we are going to increase the number of guards from 20 to somewhere between 2,000 or 2,500, with undefined duties, without any hearing record showing whether or not it is the concensus of the best informed in the industry whether having these armed guards aboard these large planes might not provoke a greater danger to the passengers than it would prevent.

I do not know how well they are going to be trained, but I know that firing a shell into a vital system of these very complex aircraft could bring it to the ground far more rapidly than a hijacker.

I think that my views are concurred in by some pretty good experts. This bill is opposed by the Civil Aeronautics Board; it is opposed by the Air Transport Association, and it is specifically opposed by Pan-Am and TWA, two of the largest international carriers carrying the American flag into world commerce. They are not opposing it because of a conviction it would give greater security, and they are not opposing it because they want in any way to impair the security, they oppose it on two principles. I think the important principle is the one of the precedent of taxing American users to protect them from international piracy.

This Nation has always been able to carry that burden before. If this is a legitimate charge on the airway users trust fund, then why should we not impose a charge on the highway users trust fund and put special guards on trucks, because the hijacking of trucks in this Nation is reaching alarming proportions.

The value of commodities hijacked in commerce in this Nation every day is astronomical, it is running into the hundreds of millions of dollars every year, and are we going to look to this precedent now in the future? We should also look at this Federal bureaucracy and how it has the habit of sustaining itself forever, once given the seed to start.

What are we going to do in 1972 with the 2,000 or 2,500 specially trained guards working for the Federal Aviation Administration and, I assume, having acquired some standing as employees of that agency? What are we going to do with them? Cut them off suddenly on the 30th day of June and send them home? Or are we not going to have some more pressure to continue the tax and to continue the guards, again without one day's hearings as to what we really intend.

The chairman of the Committee on Ways and Means, a very distinguished Member of this House, is technically very correct when he said that the jurisdiction is with the Committee on Interstate and Foreign Commerce and that they have not in the Committee on Ways and Means impinged upon that jurisdiction.

But the fact is that the practical effect of this legislation is to expand the authority under the airport modernization act the purposes for which revenue raised in connection with it can be expended. We never had contemplated for one moment during the hearings on the authorization of that program the possibility of assessing charges for guards on commercial aircraft. To that extent this is an expansion, and a significant expansion. The committee the other day by a unanimous vote, as I recall it, voted to voice its objections to this method of bringing into being an agency or an expansion of an agency.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am pleased to yield to the gentleman.

Mr. MILLS. I would call to the gentleman's attention the fact, and I know he knows this, that if you do not want guards on these planes then all in the world you have to do is to report legislation from your committee saying that they cannot be used. You have complete jurisdiction—and if the House goes along with it—that is the end of it.

Mr. MOSS. You can have guards on these planes under the same authority that will exist if you enact this. The only difference will be that you will not be assessing the users and you will be having the Government of the United States assuming its historical role of protecting those in commerce without leveying a charge upon the users.

It in no way impairs the authority of the Government to put guards on board. If they have the authority now, they have it whether or not the bill is passed. The difference is, who pays for it, and what principles do you put into law?

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I

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wish to point out here that the statement of the gentleman from Massachusetts and the gentleman from California illustrates clearly that the question here is a question of substance with respect to airplanes and with respect to the control of them.

The dangers that the gentleman from Massachusetts raised are real dangers. We heard these matters for about a week on this question alone in our committee. At that time there was no recommendation for guards.

Now I recognize that other facts have occurred and I am in no sense condemning the Committee on Ways and Means for doing something as a short-term emergency measure.

But if this is the committee's intent, they need not recommend anything further than the first paragraph of the bill, which would permit the use of the airport and airway trust funds. The fund has just been established. It can be dipped into. It is true, of course, that it has to be fed by the general fund at the present time.

But it would stand behind and insure ultimate repayment of withdrawals from the general fund to meet an immediate emergency. There was no need for the Ways and Means Committee to establish a tax for 20 months at this time.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from California.

Mr. MOSS. Is not there a very important question as to liability? Who is liable in the event of a shooting up between these guards and hijackers?

Mr. ECKHARDT. It is very difficult to answer that question without exploring it in a hearing, but serious problems can be envisioned. Suppose, for instance, the pilot who is like the captain of the ship, tells the stewardess to go back and tell the U.S. marshal to subdue the hijacker. In the firing that ensues a fuel line is pierced which later requires the ship to make a forced landing causing injury to a great number of passengers. If this scenario had occurred in a situation in which all persons involved were employees of the airline, there might be a very real question of whether or not the negligence of the employees of the airline was the cause of ditching and subsequent injury of the passengers. But in this instance, the captain may not have been negligent because he acted reasonably in directing that the hijacker be subdued. It was the method used in subduing him that resulted in crippling the ship. But the marshal may not have been negligent either, because he was not aware that the shooting under the circumstances would cripple the plane. If all persons involved were employees of the airline, the airline might be held to the standard, as the principal, of prudent conduct performed by persons reasonably knowledgeable as to the technicalities and dangers involved in firing the pistol in a way that would not cripple the aircraft.

But you see, this raises the same kind of different questions that the distinguished gentleman from Massachusetts raised: For instance, the question of whether or not the presence of an armed guard increases or decreases risks to the passengers and crew. These are the kinds of questions we considered when we explored this problem of airline hijacking in our committee for about a week. At that time it was thought that a policy of coolness and restraint was the one most likely not to endanger lives; and experience supports this conclusion, because I do not believe any hijacking involving an American carrier has resulted in a single fatality to a passenger or a crewmember to date.

I understand that these questions may need to be reopened in view of the action of the Palestinian guerrillas but there are difficult questions involved that need to be explored.

Now, in the meantime, it would be perfectly proper for the President to do what he feels necessary to protect the public against subversion and violence. But it is urged by the distinguished chairman of the Ways and Means Committee and the distinguished minority member of that committee that the committee has not authorized any activity which the President cannot now do. The Ways and Means Committee may have been justified in going to the extent of simply releasing money from the airport and airway trust fund to get a short-term program started, but it acted wrongly in establishing a tax to be in effect for 20 months which more or less sets the stage for a permanent policy respecting airline safety.

Such policy is within the jurisdiction of the Interstate and Foreign Commerce Committee. If it is established, it is up to Ways and Means to determine whether or not a tax should be enacted. I do not think that these delicate questions should be decided in the atmosphere of panic after a 1-day hearing by the Ways and Means Committee. That committee has not technically invaded the jurisdiction of the Commerce Committee, but it has gone further than it should have gone in creating a sort of fait accompli respecting a wholly administrative policy decision designed to run for a considerable period of time.

Action of this kind by the executive department and by Congress is frequently a knee-jerk response to matters prominently in the news that should not be crystallized in congressional policy without having been more fully examined by the appropriate committee after adequate hearings.

The complaint that I am making at this time is that the Ways and Means Commitee has not done the minimum that needs to be done in the emergency, but has in fact acted in a way so that a decision is made which extensively entrenches on the jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. MILLS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. VANIK) a member of the committee.

Mr. VANIK. Mr. Chairman, I support the bill. I supported it in the committee.

I want to take this time to call to the attention of the House to a matter that affects this whole subject in a related manner. Under emergency powers in the law, without asking anybody, without any action on the part of this Congress, the Department of Transportation committed the U.S. Government to $3.1 billion of coverage on aircraft involved in intercontinental travel. The liability is not yet complete. It could go as high as $10 billion. This is a contingent liability of the Federal Government which falls upon the shoulders of every taxpayer of this country.

I think we ought to be aware of the ease with which a stroke of the pen in the Department of Transportation or in the administration can commit this country to an insurance program that was never discussed in a committee of the Congress or never discussed in the Congress itself. Something must be done about these emergency powers which are used to put the Federal Government into the insurance business.

In this instance it may be necessary and right, but if the Government is going to be an insurer of last resort, what about the man whose house in the central part of the city is uninsurable?

If we are going to be insurers of last resort, I think we ought to think about someone other than the owners of aircraft, which in considerable part are the bankers of America, who own the mortgages on the aircraft. This aircraft insurance program to a good extent constitutes Government insurance on bank loans.

If we are going into the insurance business, the Congress ought to have a discussion of the question. The committees ought to go into the matter, and I think it is high time that we remove the emergency powers under which the administration insures intercontinental aircraft and under which it attempted to provide almost a billion dollars of coverage on Penn Central bank loans.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Iowa.

Mr. GROSS. Where does the power originate?

Mr. VANIK. In the emergency powers of the President.

Mr. MILLS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, this is an emergency matter. It seems to me the committee has made it clear that it is an emergency matter. I hope the Interstate and Foreign Commerce Committee will bring out a comprehensive bill in the future. I want to congratulate the committee.

Mr. Chairman, I am pleased that the Ways and Means Committee has taken such prompt action in providing ways to fund the costs of having armed guards on commercial aircraft. I support this bill and I sincerely hope that the House Interstate and Foreign Commerce Committee will hold hearings in the near future on additional ways to prevent aircraft hijackings. I support an amendment to the administration proposal which falls under the jurisdiction of the

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House Interstate and Foreign Commerce Committee, which would require the Secretary of Transportation to conduct an emergency program of research and development on ways to protect aircraft and persons and property aboard, and shall within 6 months from the enactment of this measure, report to Congress his findings and recommendations. The Secretary of Transportation may, in case of his finding of specific need and emergency, grant to any airline, upon application therefrom, up to 90 percent of the cost of any structural modification of aircraft that may be needed to accomplish the protections herein sought. The thrust of my amendment was endorsed by the Ways and Means Committee in the report on the legislation we are now considering.

I feel strongly that Congress should not only be concerned with what is to be done after an aircraft hijacking takes place, but more importantly, to aid in preventing air piracy from occurring in the first place.

Mr. MILLS. Mr. Chairman, if I have any time remaining, I yield it to the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, I rise in opposition. This bill, in essence, would require that airline passengers pay a special tax in order to obtain the protection of their Government.

Recent events have dramatically demonstrated the need for armed guards on our commercial airliners. I certainly do not quarrel with the basic wisdom of the plan to hire and train about 2,500 of these guards during the current fiscal year.

But, I can and do take issue with the mechanism proposed by H.R. 19444 for financing this protection: an increase in the domestic air passenger ticket tax from 8 to 8.5 percent, plus $2 boost in the international travel facilities tax.

Enactment of this plan would represent a drastic break in our national tradition of a concerned Government giving—and I emphasize the "giving"—protection to any of our citizens with a legitimate need for it.

One glowing example: For years, the U.S. Coast Guard has diligently protected lives and property at sea—but no one has ever seriously suggested that a beleagued fisherman pulled from the water should pay for this help.

The costs of such assistance has always been assumed to be covered by our regular taxes. Adding a surtax, as H.R. 19444 would do, amounts to double taxation. The costs of the guards should be assessed against general funds, as has always been the case when endangered citizens turn to their Government for protection.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentlemen who were questioning this bill raised three points: First, there is the question of whether the Ways and Means Committee is usurping the jurisdiction of some other committee; second, there is a question of who will pay the cost—and somebody has to pay it—of the guards being put on the planes; and third, there is the question whether we are creating a precedent in financing these guards through a user tax.

In commenting on those three questioning, I will not comment on the remarks of the gentleman from Ohio (Mr. VANIK) because the subject he raised has nothing to do with this particular legislation. I think the gentleman made that point clear, but let me emphasize it to avoid confusion, because if we acted in that area, we would certainly be usurping the jurisdiction of the Committee on Banking and Currency, which was responsible for the original act under which the Department of Transportation was authorized to set up an insurance fund of this kind.

First, Mr. Chairman, in the matter of jurisdiction, this bill does not say that there shall be guards on planes or that there shall not be guards on planes. There is nothing in this legislation which affects that issue one way or the other. We are advised that present law authorizes the placing of guards on planes, and in fact, we have guards on some planes today.

If the Committee on Interstate and Foreign Commerce, or any other committee, feels it has jurisdiction in the area and objects to having guards on planes, all it would have to do would be to report in legislation saying so.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman for yielding. I rise simply to be sure I understand the gentleman's statement that this bill authorizes or legalizes nothing which is not authorized or legalized today, and it does so neither directly nor indirectly. There is, for instance, a list on page 2 of the report, under "Reasons for the Bill," listing a seven-point program to deal with the problem of piracy. Then there is a specific outline of what the President intends to do, which is set forth, and there is reference to a number of specific activities.

Do I understand that if these activities are now legal, this bill only makes money available? If any of these activities or all of them are not legal, this bill does not by implication make them legal. Is that correct?

Mr. BYRNES of Wisconsin. That is my understanding, because all the gentleman need do is take up the bill itself and read what it says:

> Amounts in the Trust Fund shall also be available, as provided by appropriation Acts, to pay those obligations of the United States incurred before July 1, 1972, for the training, salaries, and other expenses of guards having the same powers as United States marshals to accompany aircraft operated by air carriers which are United States citizens.

We do not say that this authorizes the employment of guards. We say if there are to be guards under some other authority, this is the way the guards shall be paid. That is what we have done in this bill.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield to the chairman of the committee to respond to this question?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I join myself with the remarks of the gentleman from Wisconsin in responding.

On page 1 of the report, down toward the bottom of the page, before the last full sentence, if the gentleman will look, he will see these words, "and in no way changes the existing authority to provide these guards."

Then, over on page 3 of the report, at the bottom of the page, beginning with the last paragraph, is this language:

> This bill, however, deals only with providing revenue for payment of guards and authorization for such payments out of the Airport and Airway Trust Fund. It does not, and is not intended to, provide a greater authorization for the use of guards than is already provided under existing law. It deals only with the payment of these guards and the raising of revenue.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

Mr. MILLS. Thus I want to answer the gentleman's question in the affirmative; "Yes."

Mr. ECKHARDT. Mr. Chairman, will the gentlemen yield?

Mr. BYRNES of Wisconsin. I yield further to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman. Therefore, I understand this does not by implication recognize the existence of a pirate.

Mr. BYRNES of Wisconsin. We are not taking any position on that at all, because it is not in our jurisdiction. That is in the jurisdiction of the Committee on Interstate and Foreign Commerce as it relates to airplanes, at least, and probably as to railroads.

Mr. MILLS. Mr. Chairman, will the gentleman yield further?

Mr. BYRNES of Wisconsin. I yield further.

Mr. MILLS. The Secretary of Transportation made it quite clear in our committee that he needed no additional authority to employ guards; that he was already employing guards under existing authority given him by legislation coming from the gentleman's committee.

Mr. BYRNES of Wisconsin. That is the whole underlying presumption of the form of this legislation as it is here before us.

Now we come to the second question, concerning who is going to pay the cost of providing these guards? I believe it is the hope of every member of the Ways and Means Committee, and the hope of every Member of Congress, that a better system, a more certain system, can be developed to provide protection against hijacking and other acts which adversely affect the proper rendering of airline service today. We have specifically asked the Secretary of the Department of Transportation to focus, in a most intensive way, on this problem, with the aim of developing new techniques.

We know, however, that this cannot be accomplished in only a week or two. Specific action on the problem is required now while our efforts are proceeding in all of these areas. We make it clear in the bill that this provision to pay for the guards is not permanent. It will expire in 20 months. At that time the financing provided in this bill would expire. Concurrent with this expiration we can take a careful look at the situation.

But, who is going to pay the cost of this protection in the meantime? I am reminded of the old stage coach "shotgun rider" in the frontier days. There is no record that Uncle Sam ever paid for that shotgun rider, yet I suppose he had to be there to protect the passengers, the mail, and the freight. However, it was the stage coach company that paid for the protection.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MOSS. Is there any record that Uncle Sam ever ordered the collection of a special tax to pay for those guards riding on the old stage coach?

Mr. BYRNES of Wisconsin. We did not have to, because it was not a charge against Uncle Sam. The party who had to pay was the one rendering the service. Of course it was passed on to the customer. There is no question about that. But admittedly, we do not have many precedents to guide us in this area. There are most unusual circumstances we have today. There is no question about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. Surely; I yield to the gentleman.

Mr. HALEY. I would like to tell the gentleman this: We have had these hijackings going on for approximately 3 years now, and I am very happy that some committee of the Congress has come up and tried to do something to stop this terrible situation.

Mr. BYRNES of Wisconsin. I thank the gentleman.

The question now is who pays for this protection. Why should the cost of providing this additional safety not be imposed on the user, just as many other safety measures that we provided for in the Airport and Airway Development Act of 1970. That is all that is suggested here.

While this program is in effect for the next 20 months it would require an increase of one-half of 1 percent in the domestic passenger tax, which now stands at 8 percent, and a $2 increase in the overseas tax, which is now $3.

Should we let the general fund pay for these costs? In the next fiscal year the general fund will already be tapped for nearly $500 million for airway and airport development. Are we going to put another burden on the general fund, when we know it is in no condition to stand the strain?

The general fund really should be relieved of burdens, instead of having new ones added. So, knowing this, we have provided this special tax. It is simply a question of who pays for the protection.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Texas.

Mr. ECKHARDT. I would like to ask a clarifying question.

As I understand it, the captain is in command of the plane as a captain is in command of a ship. If the guard is an employee of the United States but the captain is in direction of the plane and the captain is his principal, if the guard acts negligently, does an action rest against the airline, or is the guard and the airline isolated from recovery because of the sovereignty of the United States?

Mr. BYRNES of Wisconsin. We do not establish any change in liability by this particular bill. We did determine that the captain of the plane will be the one who is in charge of the plane.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. This guard will have the status of a U.S. marshal. That means he is there for the purpose of maintaining law and order on this aircraft. He is in charge of the maintenance of law and order. In the instance that you talked about, under the provisions of existing law, as I understand the provisions, this person is acting as the agent not of the airlines but as the agent of the Federal Government. Any negligence on his part I would not think would subject the airlines to any prosecution, but the Federal Government might well be prosecuted.

Mr. BYRNES of Wisconsin. I think that was brought out in the hearings.

Mr. MILLS. It was.

Mr. BYRNES of Wisconsin. It is a general recognition of the fact that if the marshal were negligent, the individual would have recourse under the Federal Tort Claims Act against the Federal Government to the same extent as when damages are inflicted through the negligence of other Federal law-enforcement officers.

Now let me call your attention to the fact that we do have situations in this country where people render certain services which they feel calls for special protection. Many hotels, for example, hire house detectives. Many industrial plants feel they need special protection. We do not furnish them with special police protection. They have to hire it themselves, as do stores which have unusual problems with looting.

Generally, in a specific emergency, the local police force moves in to give people the protection they need. But there has never been, as I understand it, any precedent for the Federal Government to be responsible for providing special police protection on a continuing basis against risks that arise in the conduct of a given business. I think we have to bear this in mind with reference to the question of paying for protection against hijacking.

Surely, there is a legitimate question as to what is the best procedure to follow. But the majority of your committee—and in fact, all of the members present when the bill was reported out—believe that this was the appropriate way to do it.

So, we bring this bill to you on that basis. We do not bring it to you, however, with the idea of creating a precedent, about which some Members have expressed concern. On this point, Mr. Chairman, let me refer the Members of the Committee of the Whole House on the State of the Union to our committee report where we try to make this point amply clear by saying:

> Your committee does not believe that it is appropriate to view this temporary provision for charging for protection provided under emergency circumstances as a precedent for extending this to other areas.

Therefore, it is certainly understood by the committee, and I would hope it is understood by the membership of this House, that this is not in any way intended as the establishment of a precedent.

I trust, Mr. Chairman, that this bill will be approved by the House. I think it is a necessary action in a very serious emergency that we face.

Mr. Chairman, I yield back the balance of my time.

Mr. SCHMITZ. Mr. Chairman, while I thoroughly approve of the policy of placing armed guards in passenger airliners, proposed by President Nixon immediately after the recent concerted series of hijackings by Middle East revolutionaries and now embodied in legislation, I do not believe that we should require American passengers on American airlines to pay extra for the basic protection of life and limb which any American Government should provide for them by right. We do not ask the property owner to pay extra for police protection of his particular piece of property, nor do we ask the automobile driver to pay extra for the service of the highway patrol. Neither should we levy a tax on air travelers and an additional charge for their particular protection against violent crime. This cost, like basic law enforcement costs everywhere, should be borne equally by all taxpayers.

In keeping with my commitment to the voters who elected me, that I would never vote for an overall tax increase except in case of a war declared by Congress, I could not vote for this measure. However, I want to reiterate my conviction that armed guards on passenger airliners are urgently needed, to make it very clear to all prospective air hijackers that at long last we are taking firm action to halt their depredations.

Mr. MONAGAN. Mr. Chairman, international air piracy presents an immediate danger to the safety of domestic and international air travelers and I support H.R. 19444 to fund the training of guards to accompany aircraft operated by U.S. air carriers.

Earlier this month the world was shocked by several aircraft hijackings perpetrated by irresponsible and reckless combinations which proceeded to utilize innocent men, women, and children, as well as the aircraft, as pawns to further their own political ends.

The four recent hijackings dramatically underscore the extreme vulnerability of air traffic to lawless individuals and groups and have created a heightened urgency for protective legislation.

Several months ago in the wake of an armed attack upon a commercial aircraft, I introduced House Congressional Resolution 534, urging the President to determine and undertake appropriate action to stop armed attacks upon aircraft in international air travel, and the Foreign Affairs Committee of which I am a member is presently holding hearings on that bill. That bill by directing the President to seek stronger international agreements governing air piracy, is a good adjunct to the bill we are considering today, and I am hopeful that the House will have an opportunity to act on the measure in this Congress.

The bill we are considering today provides funds for implementing the most urgent parts of the President's September 11 seven point proposal to deal with the problem of air piracy and I am happy to support the President's efforts to provide air travelers with this needed protection.

The bill enacts the administration's recommendation of raising revenues to finance the guard program by temporarily increasing the 8-percent excise tax on domestic air tickets to 8.5 percent and increasing from $3 to $5 the tax on international travel facilities. The question of financing the cost of the protection and detection program arose in hearings now underway in the Foreign Affairs Committee and in the course of the hearings, I pointed out that the costs for this service should be provided by international air travelers and should not come out of the general revenues of the Treasury. The new protections to be provided to international travelers and air carriers are tailored to their specific needs and I am pleased to note that the expenditures authorized by this bill will come out of the airport and airways trust fund as I suggested.

This measure is necessary and urgent, and I urge my colleagues to join me in voting for passage.

Mr. RARICK. Mr. Chairman, I certainly favor every action that can be taken to prevent hijacking of our aircraft and endangering the lives of the passengers. However, this bill, H.R. 19444 does nothing but raise taxes.

It seems to be the pattern of our time—that we allow the criminals to run rampant until the people at home demand action out of utter exasperation and then rather than utilize the existing police facilities, laws, and protection, we in Congress are called upon to solve the problem by raising taxes and adding an additional increment to the ever-increasing Federal police force.

I feel that had stringent measures been immediately applied, we would not now be calling for additional taxes.

We have ample criminal laws presently on the books which would deter kidnapping and hijacking, but we have never sufficiently enforced them but have permitted the offenders to become almost immune to punishment. We now find ourselves in such a position that out of desperation our Government is again asking the people for more money to hire a larger Federal police force.

With the exorbitant taxes my people are already paying and with the number of U.S. marshals and Justice Department employees swarming all over our southern schools to enforce racial balance, certainly those in leadership could find sufficient funds and manpower without penalizing the innocent air travelers' pocketbooks.

Although our southern classrooms quite frequently have guards the President has not suggested that the parents of schoolchildren pay the guards' salaries to protect children from violence.

A question of command is also presented by the placing of Federal guards having the same powers as U.S. marshals on commercial airliners. Who will be in command, the pilot or the U.S. marshal in cases of emergency? What will happen when their commands overlap?

Mr. Chairman, I regret that I must cast my people's vote against H.R. 19444.

Mr. RANDALL. Mr. Chairman, I oppose H.R. 19444, the armed guard tax bill, which provides for the further increase from 8 to 8½ percent in domestic airline ticket tax and the increase in the new international passenger tax from $3 to $5.

It should go without saying I am against hijacking and skyjacking as well as any other form of piracy wherever and whenever it may occur, whether in the air, on the ground, or on the seas. I have a long and consistent record for fighting crime of every kind. It is a matter of pride that I am the author of a discharge petition which some believe has prompted our judiciary committee to mark up and to report out the organized crime bill passed by the other body earlier this year, and which hopefully, will be passed by the House before we adjourn.

To conclude that any Member who opposes a bill that puts a special tax on a selected group to pay taxes for protection which should be given by their Government or by the carrier are therefore somehow in favor of hijacking, is absurd and ridiculous.

Never before in our history has there been a charge against users to provide law enforcement to protect our citizens against acts of international piracy. We have had to fight international piracy since the time of Thomas Jefferson, but there has never before been a request for a special tax to protect American citizens. In the days of President Jefferson the attacks was against our ocean shipping. Today, it is an attack against U.S. aircraft. Because of the current Mideast crisis our airplanes are an easy target. Yet it remains an indisputable fact there is no difference between paying Government personnel who defend attacks against United States flag aircraft and paying members of the FBI or any other U.S. law enforcement agents to protect and then to punish similar offenses against travel by rail, bus or ship.

What we are doing today by this special tax is very much like assessing a separate tax against a community because it happens to be the temporary scene of disorders which requires the National Guard to be called into town to restore order.

Along with everyone else, when the announcement was made, I applauded the placing of guards on U.S. air carriers. But I am against any further increase in taxes, and particularly a tax increase of this size, when the guards should be paid either by the airlines themselves or paid for out of general revenue.

To recapitulate, I am as much against hijacking as anyone in the Congress or any of our people outside of Congress. Yet, the best way to prevent skyjacking is to make a thorough and complete search of every one who gets on a plane. No one is compelled to travel by air. Air travel is not a right but a privilege. If air passengers refuse to submit to a thorough search, they can go by bus or by rail or by ship. Or not go at all. Many of the airlines have established devices that will detect metal objects hidden or concealed on a person. Personal searches are now being made of hand luggage on all flights daily and nightly right here at National Airport. This is all to the good and should be continued.

To oppose H.R. 19444 does not make one in favor of hijacking. It only means we are against a further increase in a new and special tax. Our citizens who travel by air should expect and receive security provided by the airlines. Then upon the carriers ommission or failure to do so, provision of Federal personnel should be paid for out of general revenue.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 208(f)(1) of the Airport and Airway Revenue Act of 1970 is amended by adding at the end thereof the following new sentence: "Amounts in the Trust Fund shall also be available, as provided by appropriation Acts, to pay those obligations of the United States incurred before July 1, 1972, for the training, salaries, and other expenses of guards having the same powers as United States marshals to accompany aircraft operated by air carriers which are United States citizens."

Sec. 2. Section 4261 of the Internal Revenue Code of 1954 (imposition of tax on transportation of persons by air) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Temporary Increase in Rates.—Effective with respect to transportation which begins after October 31, 1970, and before July 1, 1972—

"(1) in the case of amounts paid after October 31, 1970, and before July 1, 1972, the rate of the taxes imposed by subsections (a) and (b) shall be 8.5 percent in lieu of 8 percent, and

"(2) the rate of the tax imposed by subsection (c) shall be $5 in lieu of $3."

Sec. 3. (a) Section 7275 of the Internal Revenue Code of 1954 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended to read as follows:

"Sec. 7275. Penalty for Offenses Relating to Certain Airline Tickets and Advertising.

"(a) General Rule.—In the case of transportation by air all of which is taxable transportation (as defined in section 4262) or would be taxable transportation if section 4262 did not include subsection (b) thereof—

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"(1) the ticket for such transportation shall show the total of (A) the amount paid for such transportation, and (B) the taxes imposed by sections 4261 (a), (b), and (c), and

"(2) any advertising made by or on behalf of any person furnishing such transportation (or offering to arrange such transportation) which states the cost of such transportation shall state the total of (A) the amount to be paid for such transportation, and (B) the taxes imposed by sections 4261 (a), (b), and (c).

"(b) PENALTY.—Any person who violates any provision of subsection (a) is, for each violation, guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100."

(b) The amendment made by subsection (a) shall apply to transportation beginning after the date of the enactment of this Act.

The CHAIRMAN. No amendments are in order except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ST GERMAIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19444) to authorize for a temporary period the expenditure from the airport and airway trust fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising, pursuant to House Resolution 1231, he reported the bill back to the House.

The SPEAKER. Under rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 323, nays 17, not voting 89, as follows:

[Roll No. 326]

YEAS—323

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Baring
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hawkins
Heckler, Mass.
Helstoski
Henderson
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Lennon
Long, Md.
Lujan
Lukens
McCarthy
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Madden
Mahon
Mailliard
Marsh
Mathias
May
Mayne
Meeds
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Rousselot
Ruppe
Ruth
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zion
Zwach

NAYS—17

Brown, Calif.
Eckhardt
Gonzalez
Hechler, W. Va.
Hicks
Leggett
McFall
Macdonald, Mass.
Matsunaga
Moss
Pike
Randall
Rarick
Roybal
Schmitz
Sisk
Van Deerlin

NOT VOTING—89

Abbitt
Aspinall
Ayres
Beall, Md.
Betts
Bray
Brock
Brooks
Burton, Utah
Bush
Button
Cabell
Cederberg
Celler
Chisholm
Clancy
Colmer
Conyers
Cramer
Daddario
Dawson
de la Garza
Dent
Derwinski
Dowdy
Edwards, La.
Fallon
Farbstein
Feighan
Fish
Fisher
Flood
Ford, Gerald R.
Foreman
Friedel
Fulton, Tenn.
Green, Pa.
Hansen, Wash.
Harsha
Hays
Hébert
Hull
Jones, N.C.
Kleppe
Landrum
Lloyd
Long, La.
Lowenstein
McClory
McMillan
MacGregor
Mann
Martin
Melcher
Meskill
Miller, Calif.
Mollohan
Murphy, N.Y.
Nedzi
O'Konski
Olsen
Ottinger
Pepper
Pickle
Pirnie
Podell
Pollock
Powell
Reifel
Robison
Rostenkowski
Roudebush
Satterfield
Scheuer
Shipley
Smith, Iowa
Snyder
Staggers
Stratton
Symington
Taft
Teague, Tex.
Thompson, N.J.
Tunney
Watson
Weicker
Wold
Yates
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Ayres.
Mr. Hébert with Mr. Gerald R. Ford.
Mr. Hays with Mr. Betts.
Mr. Brooks with Mr. Bush.
Mr. Murphy of New York with Mr. Cederberg.
Mr. Celler with Mr. Fish.
Mr. Zablocki with Mr. Harsha.
Mr. Staggers with Mr. Foreman.
Mr. Green of Pennsylvania with Mr. O'Konski.
Mr. Fulton of Tennessee with Mr. Kleppe.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Long of Louisiana with Mr. Pollock.
Mr. Cabell with Mr. Lloyd.
Mr. Aspinall with Mr. Burton of Utah.
Mr. Podell with Mr. Reifel.
Mr. Yates with Mr. Robison.
Mr. Miller of California with Mr. McClure.
Mr. Nedzi with Mr. Clancy.
Mr. Olsen with Mr. Pirnie.
Mr. Pickle with Mr. Derwinski.
Mr. Shipley with Mr. Martin.
Mr. McMillan with Mr. MacGregor.
Mr. Daddario with Mr. Meskill.
Mr. Colmer with Mr. Roudebush.
Mr. Scheuer with Mrs. Chisholm.
Mr. Lowenstein with Mr. Conyers.
Mr. Friedel with Mr. Brock.
Mr. Mollohan with Mr. Snyder.
Mr. Fisher with Mr. Taft.
Mr. Flood with Mr. Weicker.
Mr. Stratton with Mr. Button.
Mr. Fallon with Mr. Watson.
Mr. Tunney with Mr. Powell.
Mr. Landrum with Mr. Wold.
Mr. Melcher with Mr. Beale of Maryland.
Mr. Pepper with Mr. Bray.
Mr. Symington with Mr. Abbitt.
Mr. Dent with Mr. Rostenkowski.
Mr. Teague of Texas with Mr. Feighan.
Mr. de la Garza with Mr. Ottinger.
Mr. Satterfield with Mr. Smith of Iowa.
Mrs. Hansen of Washington with Mr. Farbstein.
Mr. Hull with Mr. Jones of North Carolina.
Mr. Mann with Mr. Dowdy.

Mr. REES changed his vote from "nay" to "yea."

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The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days within which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO SIT DURING THE REMAINDER OF THE DAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may be permitted to sit during the remainder of the evening, after 4 o'clock p.m., today.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. ROONEY of New York submitted the following conference report and statement on the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1548)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17575) "making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 13, 14, 15, 32, and 33.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 9, 12, 21, 22, 24, 25, 26, 27, 31, and 34 and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,150,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,795,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$39,000,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,750,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$140,713,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,365,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,050,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$9.00"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,050,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,485,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,033,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 17, 23, and 35.

JOHN J. ROONEY,
(except as to amendments Nos. 29 and 30),
ROBERT L. F. SIKES,
JOHN M. SLACK,
NEAL SMITH
(except as to amendments Nos. 29 and 30),
JOHN J. FLYNT, Jr.,
GEORGE MAHON,
FRANK T. BOW,
ELFORD CEDERBERG,
MARK ANDREWS,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
ALLEN J. ELLENDER,
JOHN O. PASTORE,
J. W. FULBRIGHT,
(except amendment No. 4),
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

TITLE I—DEPARTMENT OF STATE

Administration of foreign affairs

Salaries and Expenses

Amendment No. 1: Appropriates $221,850,000 as proposed by the Senate instead of $220,100,000 as proposed by the House.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the language of the Senate regarding the purchase of passenger motor vehicles.

Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the language of the Senate regarding payments in Ceylonese rupees.

International Organizations and Conferences

Contributions to International Organizations

Amendment No. 4: Appropriates $140,911,000 as proposed by the Senate instead of $144,611,000 as proposed by the House.

International Commissions

International Fisheries Commissions

Amendment No. 5: Appropriates $2,505,800 as proposed by the House instead of $2,605,800 as proposed by the Senate.

Educational Exchange

Mutual Educational and Cultural Exchange Activities

Amendment No. 6: Provides that not less than $5,800,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, as proposed by the Senate instead of $6,000,000 as proposed by the House.

TITLE II—DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Salaries and Expenses

Amendment No. 7: Appropriates $260,235,000 as proposed by the Senate instead of $257,485,000 as proposed by the House.

Federal Prison System

Buildings and Facilities

Amendment No. 8: Appropriates $22,150,000 instead of $21,800,000 as proposed by the House and $22,350,000 as proposed by the Senate.

TITLE III—DEPARTMENT OF COMMERCE

Bureau of the Census

Nineteenth Decennial Census

Amendment No. 9: Appropriates $39,279,000 as proposed by the Senate instead of $45,000,000 as proposed by the House.

Economic Development Administration

Planning, Technical Assistance, and Research

Amendment No. 10: Appropriates $20,795,000 instead of $20,200,000 as proposed by the House and $21,390,000 as proposed by the Senate.

Regional Action Planning Commissions

Regional Development Programs

Amendment No. 11: Appropriates $39,000,000 instead of $29,000,000 as proposed by the House and $45,000,000 as proposed by the Senate.

Business and Defense Services Administration

Salaries and Expenses

Amendment No. 12: Appropriates $7,235,000 as proposed by the Senate instead of $7,035,000 as proposed by the House.

International activities

Salaries and Expenses

Amendment No. 13: Appropriates $21,500,000 as proposed by the House instead of $22,000,000 as proposed by the Senate.

Office of Field Services

Salaries and Expenses

Amendments Nos. 14 and 15: Appropriate $5,851,000 as proposed by the House instead of $5,951,000 as proposed by the Senate and delete language proposed by the Senate.

Foreign direct investment regulation

Salaries and Expenses

Amendment No. 16: Appropriates $2,750,000 instead of $2,500,000 as proposed by the House and $3,000,000 as proposed by the Senate.

National Industrial Pollution Control Council

Salaries and Expenses

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $300,000.

Environmental Science Services Administration

Salaries and Expenses

Amendment No. 18: Appropriates $140,713,000 instead of $140,000,000 as proposed by the House and $141,426,000 as proposed by the Senate.

Facilities, Equipment, and Construction

Amendment No. 19: Appropriates $4,365,000 instead of $4,250,000 as proposed by the House and $4,565,000 as proposed by the Senate.

National Bureau of Standards

Research and Technical Services

Amendment No. 20: Appropriates $42,050,000 instead of $41,750,000 as proposed by the House and $42,350,000 as proposed by the Senate.

Amendment No. 21: Provides that not to exceed $800,000 shall be available for transfer to the "Working capital fund" as proposed by the Senate instead of $500,000 as proposed by the House.

Maritime Administration

Ship Construction

Amendment No. 22: Appropriates $187,500,000 as proposed by the Senate instead of $199,500,000 as proposed by the House.

Research and Development

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to delete the language of both the House and the Senate regarding the N. S. Savannah.

TITLE IV—THE JUDICIARY

Courts of appeals, district courts, and other judicial services

Salaries of Supporting Personnel

Amendment No. 24: Appropriates $53,862,000 as proposed by the Senate instead of $54,078,000 as proposed by the House.

Fees of Jurors

Amendment No. 25: Appropriates $14,930,000 as proposed by the Senate instead of $15,800,000 as proposed by the House.

Salaries and Expenses of United States Magistrates

Amendment No. 26: Appropriates $4,560,000 as proposed by the Senate instead of $560,000 as proposed by the House.

Amendment No. 27: Inserts language regarding United States Commissioners as proposed by the Senate.

General Provisions—The Judiciary

Amendment No. 28: Provides that reports of the United States Court of Appeals for the District of Columbia shall not be sold for more than $9.00 per volume instead of $6.50 as proposed by the House and $12.00 as proposed by the Senate.

TITLE V—RELATED AGENCIES

Equal Employment Opportunity Commission

Salaries and Expenses

Amendment No. 29: Provides not to exceed $1,050,000 for payments to State and local agencies instead of $900,000 as proposed by the House and $1,200,000 as proposed by the Senate.

Amendment No. 30: Appropriates $15,485,000 instead of $14,313,000 as proposed by the House and $19,000,000 as proposed by the Senate.

Federal Maritime Commission

Salaries and Expenses

Amendment No. 31: Appropriates $4,479,000 as proposed by the Senate instead of $3,929,000 as proposed by the House.

Small Business Administration

Salaries and Expenses

Amendment No. 32: Provides not to exceed $5,000,000 for expenses necessary to carry out the provisions of section 406 of the Economic Opportunity Act of 1964, as amended, as proposed by the House instead of $6,000,000 as proposed by the Senate.

Amendment No. 33: Appropriates $18,950,000 as proposed by the House instead of $19,950,000 as proposed by the Senate.

Special representative for trade negotiations

Salaries and Expenses

Amendment No. 34: Appropriates $597,000 as proposed by the Senate instead of $550,000 as proposed by the House.

U.S. Information Agency

Salaries and Expenses (Special Foreign Currency Program)

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the language of the Senate regarding payments in Ceylonese rupees.

Special International Exhibitions

Amendment No. 36: Appropriates $4,033,000 instead of $3,500,000 as proposed by the House and $4,566,000 as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1970	$2,653,376,900
Budget estimates of new (obligational) authority, fiscal year 1971 (including $7,295,000 not considered by House)	3,251,200,000
House bill, fiscal year 1971	3,106,956,500
Senate bill, fiscal year 1971	3,122,080,500
Conference agreement [1]	3,108,074,500
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+454,697,600
Budget estimates of new (obligational) authority (as amended), fiscal year 1971	−143,125,500
House bill, fiscal year 1971	+1,118,000
Senate bill, fiscal year 1971	−14,006,000

[1] Includes $300,000 in amendment No. 17 reported in technical disagreement.

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(except as to amendments Nos. 29 and 30),
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FRANK T. BOW,
ELFORD CEDERBERG,
MARK ANDREWS,
Managers on the Part of the House.

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BINGHAM. Mr. Speaker, reserving the right to object, might I inquire of the distinguished gentleman from New York what the reason is for having this conference report considered before the printed report is available to the membership?

As I understand, there is a matter of considerable controversy, at least, to me, that is included in the conference report, and I for one would like to have an opportunity to study the report and to communicate with other Members about it.

I wonder what the reason for this unanimous-consent request is?

Mr. ROONEY of New York. Mr. Speaker, if the gentleman will yield, there is only one reason, and that is to expedite the business of the House. This bill passed this House on last May 14, and we were unable to get together with the other body, to have the bill perfected, and sit down as conferees until yesterday, and we thought it would be well to get this business behind us.

Mr. BINGHAM. Mr. Speaker, under the circumstances I must regretfully object.

The SPEAKER. Objection is heard.

A CLEAN ENVIRONMENT IS EVERYBODY'S BUSINESS

(Mr. SPRINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SPRINGER. Mr. Speaker, everyone is interested in a clean environment. We all hope for clear air, clean water, and beautiful green lands.

Today, committees are being formed all over the country to make a better environment for our future. The Federal Government and States are passing laws trying to bring this about. Some of these are restricting obvious sources of pollution to the air, the water, and the land.

There is, possibly, one questionable observation. Many people want other people's rights and freedoms restricted but few restraints on themselves.

On last Sunday, I walked through the Smithsonian Institution's National Zoological Park here in Washington. For those who have never visited this zoo, it has a wonderful setting above Rock Creek Park. Thousands of Washingtonians and vistors from all over the country go there each year. When I visited the park late in the day, there was almost a carpet of candy and ice cream wrappers, water cups, newspapers, and other forms of pollution throughout the park. All of this in spite of the fact that waste containers had been placed almost everywhere.

Some 2 months ago, I visited one of the beautiful parks in my own State. The Sangamon River flows peacefully through it. This is the same Sangamon River upon which Abraham Lincoln built his first raft and floated down to New Orleans. I was simply amazed at the number of soft drink containers and beer and Coke cans lying besides many of the beautiful trails through the park. On that day, hundreds were enjoying the park, but there was a strange indifference to the pollution all about.

Last September, I visited one of the picturesque redwood parks of California. I could hardly believe the human made pollution existing among these beautiful sequoias which reached up 200 feet to the sky.

We can by law reach the great polluters of the air, the water, and the land. Much of this law is going on the books every day either here in the Congress or in State legislatures. Many of us are concerned as to whether or not in the homes and the hearts of people generally there is a desire to do their part in helping to keep a livable environment. Much of this can only be done by teaching in the home and in the schools. In short, a clean environment is everybody's business.

Looking back upon the first 70 years of the 20th century, some historians may call this the dawn of the nuclear age. Others may make our visit to the moon and to the stars the great historical event of our time. There are those with respected opinions, including many of the Subcommittee on Health and Welfare of which I am a member, that the great medical discoveries of this time in history will perhaps be the landmark of our day.

These are all tremendous breakthroughs in the history of science. Certainly, few events could be more important to the future of mankind.

I happen to believe that a fourth—and one which equals these three—is that this generation may be remembered as the one which was wise enough to leave the earth, its waters, and its atmosphere in a better condition than we found it. All of us have regarded the natural environment as a great bank upon which we could draw for our physical needs all the way from food to the great refinements of housing, transportation, and well-being. There were some of us in the Congress as long as 15 years ago who were documenting the diverse catastrophies which have since occurred in our environment. Those were bleak days when we were talking to empty Chambers—there was no audience listening. There was really no interest compounded into energy to get things done. Only recently has there truly awakened an interest in creating a livable environment.

In an attack on a problem as serious as cleaning up our environment, I am talking not in terms of a few years or even a decade of environmental therapy. It may well take much beyond that time in research and applied science to restore clean air with a proper balance of carbon dioxide and oxygen. Or to rescue bodies of water such as Lake Erie, San Francisco Bay, and the Potomac River from their current status as open sewers. Or to learn how to dispose of our solid wastes and our chemical and radiological poisons without having them turn up to bedevil our children and grandchildren like biblical plagues. Or to learn how to control insect and plant pests without killing our wildlife and upsetting our ecological balances.

Today, I am introducing a resolution which would establish a Standing Committee on the Environment.

Initially, I would recommend that the Committee on the Environment be vested with such areas of concern as water quality, air quality, weather modification, waste disposal of all kinds, and acoustic problems.

I do not want to take away from any Member of this body or to minimize the excellent work which has been done by a number of our present committees in these areas. The real difficulty is that some of these problems are under the scrutiny, irregularly, of two, three, and even four different committees. A situation which is neither efficient nor conducive to the coordinated leadership which we so much need for the environment quality effort that will have to be made in these next few years. It is my belief that a standing committee of the House matched, I would hope, by an equivalent standing committee in the other body of the Congress, is needed to forge some of the landmark legislation which will have to be enacted in the next few years.

I would envision that this committee would enable Members to apply themselves squarely and only to environmental problems with the assistance of a professional staff which could include ecologists, physiologists, biologists, agronomists, meteorologists, and other environmental specialists. This committee would command the respect and the prestige which is so necessary to accomplish anything under the kind of parliamentary system which we have in this Congress. By the enactment of this legislation, we could achieve a high quality of life not only just for those of us now living on this earth but also for the generations yet to come.

Mr. BROTZMAN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Colorado.

(Mr. SAYLOR (at the request of Mr. BROTZMAN) was granted permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, the gentleman from Illinois (Mr. SPRINGER), has been one of those who has blazed trails in this Congress for a better environment. His authorship of the Clean Air Act of 1967 and its renewal again this year and his sponsorship of the Solid Waste Disposal Act of 1970 are evidences of his dedication and interest. He is the ranking minority member of the committee handling this legislation. He has spoken forcefully on the floor of the House in behalf of that legislation. He has influenced the course of history in this country for a better and cleaner environment for today and for our children who will follow.

Mr. SPRINGER. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. SAYLOR), for his kind words.

Only a few weeks ago he was awarded the Izaak Walton League of America Founder's Award. If there is a single leader in the U.S. House of Representatives in the whole field of environment, it is the gentleman from Pennsylvania and I am happy to pay him this tribute.

Mr. Speaker, I yield now to the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Speaker, I am familiar with the work which has been done by the gentleman from Illinois (Mr. SPRINGER), on air quality. He has also supported such important legislation as the Point Reyes National Seashore Act, the Scenic Rivers Act, and the defeat of the timber management bill.

All of these are matters of concern if we are to have the kind of environment we visualize we will hand on to those who will follow.

I congratulate him on the introduction of his resolution. It is truly landmark legislation in the field of environment. Such a committee as he has suggested could accomplish more than anything we presently have in the Congress.

ABATEMENT ATROPHY AT NAPCA

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, at a time when public awareness and concern about the environment makes it possible for administrators and legislative bodies to take bold and effective action to combat the menace of air pollution, it is ironic that the Federal Government is not using the full extent of its powers. The National Air Pollution Control Administration has permitted the interstate air pollution abatement conference procedure to atrophy—a fact confirmed by an article in the Washington Daily News of September 16.

Interstate pollution abatement conferences have proven to be very effective weapons in the fight against air pollution. In the New York metropolitan region the Federal abatement procedure has been quite effective.

During the Thanksgiving Day inversion of 1966 in New York City, I called upon the Secretary of Health, Education, and Welfare to use the procedure. He immediately called an air pollution abate-

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ment conference which convened on January 3, 1967. The first session of the conference in January 1967, considered sulphur dioxide pollution. The second session in January and February of 1968 considered particulates and carbon monoxide. The recommendations for abatement which resulted from these sessions were salutory and resulted in a significant reduction of pollutants.

Following the 1967 conference New Jersey made a very strong effort and developed an air pollution control program which has produced major improvements.

In New York City Consolidated Edison took the conference recommendations quite seriously and moved rapidly to modify some of its installations and start setting up a supply of low sulfur fuels. This new fuel was actually being used before the deadline of the recommendations.

New York State air pollution codes were broadened in accordance with recommendations of the conference.

In fact, the heads of air pollution control administrations from New York, New Jersey, and Missouri agreed at the annual meeting of the APCA in June 1970 that the interstate abatement procedure had been the most significant factor in advancing control in their areas.

Unfortunately, this effective abatement program began to slow down in 1968 and apparently died a slow unheralded death during 1969. Where conferences had been held, such as the second phase of the New York-New Jersey Air Pollution Abatement Conference, recommendations were slow to come back through channels. Finally, it seemed that the program was being abandoned—despite public reassurances to the contrary.

Now an article in the Washington Daily News of September 16 headed "Aide Hits Clean Air Chief," has revealed that Assistant Commissioner William H. Megonnell wrote an internal departmental memorandum indicating that Commissioner John T. Middleton had "engaged in a 'deliberate, long-range, carefully calculated plan to eliminate any effort' " to implement an effective air pollution abatement program.

As a result of the memorandum, a panel was set up within the Department of Health, Education, and Welfare to look into the matter. The panel found that the abatement procedure had been "overdeemphasized" and recommended a management reorganization of the National Air Pollution Control Administration.

During the past 2 years there has been a shockingly high turnover in personnel which suggests two problems to me: First, that no agency can operate effectively if it is constantly losing personnel, and, second, that morale must be very low.

It is urgent that Secretary of Health, Education, and Welfare Richardson implement the recommendations of the panel for a management review and reorganization of NAPCA. He should determine how much previous experience in air pollution control the principal administrators have had, why morale is low and personnel turnover high, and why the abatement program has been deemphasized—to say nothing of "overdeemphasis." These steps should not be delayed pending the creation of the new Environmental Protection Agency outlined in the President's Reorganization Plan No. 3 of 1970.

I have called upon the Secretary of Health, Education, and Welfare to reemphasize the abatement conference procedure in the New York-New Jersey metropolitan region by convening as soon as possible the third session of the New York-New Jersey Air Pollution Abatement Congress which had been promised to consider, and make recommendations, concerning oxidants and hydrocarbons. Automobile pollution is growing ever more serious in New York City and very little is being done to abate or control it. The abatement conference procedure is the most effective means available to do so.

TEACHER LIST BID DROPPED

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I am extremely disturbed at a situation which has developed in the education system in the District of Columbia which has a bearing on the congressional district which I represent.

It seems that some of my colleagues who serve on the House District Committee had requested the Board of Education of the District of Columbia to make available to them the names of teachers in the public school system of the District of Columbia who have been graduated from or have attended Antioch College in my congressional district. Disclosure of the names has been blocked by a 10-day restraining order issued by Judge Oliver Gasch as a result of a suit by the Washington Teachers Union. The members of the select subcommittee of the House District Committee have since withdrawn their request of the school board, presumably because they have obtained the information in other ways.

But I am sorry, Mr. Speaker, this matter was not adjudicated. I should be shocked if any court would make a decision to the effect that the qualification and training of a teacher in any public school system is not the public's business. Since the U.S. Congress puts up a good deal of the American taxpayer's money to finance the operation of the District of Columbia and its school system, it would seem to me perfectly clear that the Congress has the right to be informed about the training, qualification, and performance of the teachers in that system.

Antioch College was at one time one of the great liberal educational institutions in the United States. I am sure those who operate it today, those who have been educated there in the past and those who send their children there today or who finance the institution's operations could have no serious objection to an assessment of the impact on the public schools of the District of Columbia—or any other community or institution—of those who have been trained at Antioch. Why, then, should the Washington Teachers Union be concerned?

Is there not a right of the public to know what is involved in this issue?

While I am unfamiliar with the objectives of the study by the House District Committee, it occurs to me that this effort to deny information to the Congress bears some attention from my colleagues. To that end I insert, following my remarks, the story of the matter from this morning's Washington Post:

TEACHER LIST BID DROPPED—HILL WILL NOT ASK DISCLOSURE OF ANTIOCH NAMES

(By David R. Boldt and Peter Osnos)

The House District Select Subcommittee is withdrawing a request that the D.C. school board give it the names of Antioch College graduates teaching here.

Sources said yesterday that a letter from House District Committee Chairman John L. McMillan (D-S.C.) withdrawing the request will be formally disclosed in U.S. District Court today.

It is understood that the letter will say the Subcommittee no longer needs a list from the school board, possibly because it has gained the information it wanted elsewhere.

The court hearing is on a suit brought by the Washington Teachers Union, which calls the request "as close to a witch hunt as the D.C. schools could possibly have had."

The disclosure of the names had been blocked by a 10-day restraining order issued by Judge Oliver Gasch at the union's request.

The subcommittee staff and its acting chairman, Rep. Don Fuqua (D-Fla.), have declined to say why they are interested in the names of the alumni of the Yellow Springs, Ohio, school, which is widely known for the liberal bent of its faculty and 2,000-member coed student body.

The attitude of the Committee had been that the "witch hunt" charge was an overreaction to what was just one of many requests the Subcommittee had made concerning school personnel.

The Subcommittee, which was led by Rep. John Dowdy (D-Tex.) until Dowdy was recently hospitalized with a back ailment, has been looking into the D.C. schools since last spring. Often, its questioning has turned on whether witnesses felt teachers were being permitted to teach radicalism and Marxism in the schools.

Antioch has been associated with several controversies in D.C. schools. It was, for instance, initially involved in the direction of the Morgan Community School, an experimental project in increased community participation in schools. That involvement ended more than a year ago, partly as a result of friction between the Antioch personnel and local administrators.

Antioch students, alternating semesters of study with semesters of work experience, have been intern teachers in the D.C. schools. Many alumni of Antioch have taught, or still teach here.

In addition, there is an Antioch-Putney graduate program for teachers, under which about 45 teachers work in the D.C. schools. Antioch College is a partner in that venture, which also has centers elsewhere.

A spokesman at the college said the name Antioch "has become a shorthand way of referring to student radicals in general."

It was also learned that a teacher at one local high school had made a specific complaint to a congressman on the District Committee about the activities of two Antioch-related teachers at his school. Both teachers reportedly have left the school system.

Complaints about the two teachers included what was described as "ultraliberal" philosophy, conducting the class without

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using a textbook, being unable to maintain order and being insubordinate to school officials.

One of the two teachers, reached by phone in Colorado, said he had troubles with both administrators and students, many of whom he said were unresponsive, even hostile, to the kind of teaching he was attempting. He said he was finally relieved of his teaching post.

CRACKING DOWN ON POLLUTERS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Van Deerlin) is recognized for 10 minutes.

Mr. VAN DEERLIN. Mr. Speaker, Congress has finally come to a crossroads in the war on pollution. Either we mean what we say, or we do not. The course we take in shaping the final version of H.R. 17255, the Clean Air Act of 1970, will set the tone of this effort for years to come.

In a real sense, the problem has been simplified for us because we have such a clear choice. The Senate bill is strong and the House bill is weak. The Senate bill would get at the root of the air pollution problem, by requiring auto manufacturers to produce virtually pollution-free engines by the beginning of 1975. Our House bill, on the other hand, was pretty much business as usual. There were some improvements in existing programs, of course, but nothing was done that would really inconvenience the major polluters.

One source of frustration for those who would like cleaner air has been the failure of many automobile emission control devices to function properly. Up to now, the Federal Government has been authorized only to test prototypes of these systems furnished by the manufacturers. As approved by the House, H.R. 17255 does provide for the inspection of vehicles as they come off the assembly line, a distinct improvement but still not enough. The Senate measure would make the manufacturers fully accountable for their product by insisting that they guarantee the performance of pollution-control systems for up to 50,000 miles of actual operation, as called for by regulations already in the books.

Back on June 10, when the House bill was debated and approved, strengthening amendments were summarily rejected. One such amendment contemplated the gradual phasing out of the inherently "dirty" internal combustion engine, beginning with 1975-model cars. Another would have provided for the voluntary inspection of antipollution devices after 4,000 miles, with corrective action by the industry required only if these inspections uncovered a "pattern" of defects.

These amendments were actually mild in comparison with what the other body has voted unanimously to do. Although the Senate bill does not specifically direct the phasing out of the internal combustion engine, it does require that by 1975 the industry produce, for all cars, a virtually smogless engine. Most authorities seem to agree that this laudable goal cannot be accomplished with the traditional internal combustion system. Thus in effect, the Senate has ordered the auto industry to accomplish by 1975 what the rejected House amendment would have given the industry until 1978 to do: Fit every new vehicle with a viable clean, and new, propulsion system. Predictably, the big auto manufacturers are maintaining they would be unduly burdened by this requirement. But the facts are that this great industry has consistently demonstrated it possesses the know-how and versatility to accomplish the "impossible," and that such alternative propulsion systems as steam and gas turbine are cleaner, by far, than the internal combustion engine.

And the Senate would make the manufacturers responsible for the performance of every emission control device, regardless of whether a pattern of defects existed.

Conferees have been appointed, and will begin meeting shortly to attempt to reconcile the clashing philosophies embodied in the two bills.

While normally I am inclined to support the House version in conflicts of this sort, the stakes are so high in this case that I am imploring my colleagues who will represent the House at the conference to accept the Senate legislation.

For if the final conference bill approximates the weaker House legislation, Congress will have clearly signaled that it would rather talk about the environmental crisis than take necessarily decisive action. The California Senate, recognizing that the automobile accounts for at least two-thirds of all pollutants in the air, demonstrated its concern last year, by voting to ban the internal combustion engine from California, starting with 1975-model cars. That move failed by a single committee vote on the assembly side.

Congress now has the opportunity to assume leadership by enacting a bill that will put some punch in the national effort to overcome smog.

At this point, I include an article from the September 23 Washington Post describing the Senate version of the Clean Air Act:

Tough Air Pollution Bill Passed by Senate, 73 to 0

(By Spencer Rich)

The Senate yesterday passed the toughest air pollution cleanup bill ever to reach the floor, with a requirement that the auto industry begin installing a nearly pollution-free engine in all new cars within five years. The vote was 73 to 0.

The bill, which must go to conference with a less-stringent House-passed measure also includes wide-ranging general provisions to set national air quality standards, force new factories and mills to build in antipollution devices, prohibit altogether the emission of any substances extremely dangerous to health, greatly speed up implementation and enforcement of clean-air requirements all over the country, and provide $1.2 billion over three years for research, implementation and enforcement.

Thomas C. Mann, president of the Automobile Manufacturers Association, said the legislative deadline is unacceptable even though the Senate Public Works Committee included a partial escape hatch giving the Secretary of Health, Education, and Welfare power to suspend the deadline for one year only—to Jan. 1, 1976—if the industry demonstrates it cannot meet the initial date after a good-faith effort.

But Sen. Edmund S. Muskie (D-Maine), chairman of the Air and Water Pollution subcommittee and chief sponsor of the bill, said Congress' first duty was to set objectives for protecting the public health from the menace of auto pollution.

The auto deadline requires the new cars produced after Jan. 1, 1975, emit 90 per cent fewer pollutants than permitted for 1970 models.

The 1970 levels already represent substantial reductions in some pollutants as compared with earlier uncontrolled vehicles.

The 1975 requirements would push hydrocarbons down to 1½ per cent of the amount of emissions from uncontrolled vehicles, carbon monoxide to about 3 per cent, and nitrogen oxides to about 11 per cent or lower. The Nixon administration had proposed reaching these goals by 1980—five years later.

Republican co-sponsors of the bill, like J. Caleb Boggs (Del.) said many of the other provisions coincide with Nixon administration requests.

Nearly all the floor amendments and debate on the bill involved the auto engine deadline.

The Public Works Committee had provided for federal court review of any decision by the Secretary on whether to allow the one-year suspension of the 1975 deadline.

Sen. Bob Dole (R-Kan.), with Muskie's support, offered a floor amendment wiping out the court review and permitting the one-year suspension to go into effect automatically unless disapproved within 60 days by either chamber of Congress. Dole said since Congress was setting the deadline, Congress should also control the suspension, but John Sherman Cooper (R-Ky.) said judicial review, with adversary proceedings, would afford the industry more of its right to due process.

The Dole amendment was rejected, 43 to 31. Also rejected, 57 to 22, was an amendment by Edward J. Gurney (R-Fla.) allowing the auto industry to make its application for the one-year suspension at any time, without having to wait until the start of 1973 to file the application. Sponsors of the bill said this would allow the industry to seek immediate remission and weaken its efforts to meet the five-year deadline.

Adopted by voice vote, with Muskie's assent, was an amendment by Howard Baker (R-Tenn.), a strong supporter of the bill and a member of the Air and Water Pollution subcommittee, requiring auto manufacturers, rather than dealers, to bear the costs of mandatory 50,000-mile performance warranties on auto pollution-control systems.

Mann and other auto industry spokesmen said that the performance warranty was too comprehensive—that the industry would be willing to guarantee pollution systems against defects, but not against general bad performance.

The auto provisions also authorize the government to make new antipollution devices developed by one manufacturer available to others in order to meet pollution standards. Without this provision, the auto industry might be barred from sharing devices because of a consent decree it signed after the government accused it of conspiring to delay use of pollution devices on cars.

Also in the bill are provisions to bar use of fuels harmful to health or damaging to pollution control devices.

Although the 1975 deadline for auto engines is the most controversial and widely publicized provision of the bill, it is only one cog in a mechanism designed to bring most major air pollution problems under a substantial degree of control in five years.

Other key provisions of the bill:

Require the Secretary to designate air quality control regions all over the country within 90 days.

Authorize national air quality standards and goals to be set, stringent enough to "insure protection of the health of persons," and give the states up to three years after that to submit and implement plans to meet the

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standards. Such plans could include bans on downtown traffic to reduce concentration of auto pollutants. The whole scheme—from the setting of national standards on—is designed to require the plans to be working in the states within approximately four to five and a half years from enactment of the bill.

Require all major new stationary sources of pollution—iron and steel plants, mills, oil refineries, electric power plants, municipal incinerators and the like—to install the best pollution control equipment available. Plants not certified as meeting standards could not operate.

Permit the Secretary to set national emission limitations for selected pollutants—such as arsenic, copper, chlorine gas—not covered by other provisions but affecting health and welfare, and require him to prohibit emissions of pollutants considered extremely hazardous to health, such as asbestos, cadmium, mercury and beryllium.

Permit citizen suits to enforce compliance with standards.

Provide $465 million for research and $25 million for enforcement and implementation over the next three years.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to my colleague from California.

Mr. REES. I would like to congratulate my colleague, who is a member of the Commerce Committee, and who has been doing a great deal of work in this field. I am one of those who believe that we have to have tough new pollution standards right now, because I think if we continue to live in these areas of concentrated pollution, the health of the American people is going to be seriously jeopardized. We found this out in Los Angeles, where my own district is. The incidence of emphysema, which is a lung disease, has gone up dramatically since we have been having more and more pollutants spewed out into the atmosphere.

We in Los Angeles are so familiar with this problem because of the unique inversion layer we have in our atmospheric conditions. We are trying to tell those on the national level, "If you do not want Los Angeles smog throughout the country, we must act now." I think it is terribly important that the House of Representatives support the Senate version, and that is almost a complete elimination of pollutants from automobiles by 1975.

Detroit states that they do not have the technology. But do you know something? I have read three or four reports of groups outside of Detroit that do have the technology. We found in Los Angeles, when we set up the Motor Vehicle Pollution Control Board, that the devices which were first developed and approved by the Board were developed by outside industries, outside technology. But Detroit did not want to admit that someone else knew more about this problem, and therefore they have been dragging their feet. They have been dragging their feet from the very beginning.

Ten years ago they claimed that no pollution came from the automobile.

Another item in the Senate bill that I think is terribly important——

Mr. VAN DEERLIN. If the gentleman will permit me to interrupt, the best evidence now is that in urban areas about two-thirds of our pollution comes from auto emissions. Is that not correct?

Mr. REES. I would say that is essentially true in an area such as Los Angeles, where we have very strong laws and ordinances dealing with stationary polluting sources, such as industrial furnaces and the backyard incinerator. We have not had outside backyard incinerating in California for about 15 years. And really about the only—well, the only uncontrolled source remaining is the automobile.

Another thing that is terribly important with this bill is that it talks about regional air pollution districts. It talks about regional areas. I think this is awfully important because air pollution just flows, and unless you develop a practical region to surround the air pollution area, you are not going to be able to deal with the problem.

For example, the Los Angeles Basin includes six different counties. We have stringent controls in Los Angeles County, but the air pollutants still flow back and forth across county lines and city lines. So we have to take this on a "basin" concept because this is where the pollutants are, in a basin.

I think if we do not start doing something about this, we will find that many of the indexes that we use in the field of public health are going to reveal more and more increases of lung cancer, emphysema, and cardiac arrest diseases. They are going to occur. I congratulate the gentleman for taking this special order on the House floor. I hope all Members of the House will try to impress upon our own conferees in the conference committee the importance of adopting these major Senate provisions.

Mr. VAN DEERLIN. The gentleman himself, in his earlier years of public life, built quite a record in Sacramento on this issue. I wonder if he would comment on the action of the California Senate, the upper body in the State legislature, last year in having passed a bill very similar to the current U.S. Senate version, the deadline for the auto industry?

Mr. REES. Well, the California Senate did approve legislation which would, for all practical purposes, outlaw the internal combustion engine by 1975, and it was not something that was just put in for the benefit of the press. It was put in with a great deal of thought and a great deal of conferring with industrialists who were dealing in other sources.

Mr. VAN DEERLIN. Would the gentleman brand the California Senate a radical body?

Mr. REES. No, I certainly would not. It is a very conservative, but a very concerned body.

Mr. VAN DEERLIN. I thank the gentleman for his contribution.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California.

Mr. CORMAN. I thank my colleague for yielding. I am pleased to join in his remarks. It is critical that the conferees adopt the Senate version of this bill.

I did want to comment on an ancillary problem, and that is the fuel that is going to go into the new automobile. The Ways and Means Committee has before it a proposal by the administration to put a special tax on lead additives. I anticipate I will probably support it, because there is substantial evidence that lead in gasoline, although it makes gasoline cheaper to produce with higher octane, also adds a very poisonous substance to the pollutant.

The administration witnesses said they would like to accomplish by exercise of the police power the removal of high octane heavily leaded gasoline, but they did not know whether they could do that or not, so they were going to try to encourage the petroleum industry to alter its methods of refining gasoline by this tax disincentive. I cannot pass up supporting that tax disincentive, but I think it is clear that unless the Federal Government exercises very vigorous police powers in this entire area, we just will not be able to solve the problem.

There is no question in my mind but that the automobile industry and the petroleum industry together can build and fuel an automobile that does not pollute the air. But the evidence is clear that there is no incentive for them to do it, they are not going to do it unless they are required to do it by exercise of the Federal police power. I think we have to look at both those industries.

If anyone thinks the solution is going to flow from the conscience of the automobile makers, I would remind them what it took to get seat belts in cars after we had overwhelming evidence that seat belts saved lives. The belts were not put in until the Federal Government required them.

Mr. Speaker, I commend my colleague, the gentleman from California, for his supporting a really tough clean air bill.

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman.

While I normally stick with the House version of controversial legislation, I would like to impress upon our clean air conferees the urgency of giving fullest consideration to the tough, meaningful Senate bill. An ever-greater part of this Nation is afflicted with unclean air—and, through the haze, will be watching what we do.

H.R. 19518, TO EXPAND THE WILD AND SCENIC RIVERS ACT OF 1968

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, today I am introducing H.R. 19518 to amend the Wild and Scenic Rivers Act of 1968 by adding six rivers in California as potential components of the system.

As one of the original House sponsors of the 1968 act, I believe we have an excellent opportunity to expand on that historic legislation. The act was passed to protect natural, free-flowing, and unpolluted rivers from further encroachment by man or machine.

The original act designated six rivers in the United States as "instant" components of the wild and scenic rivers sys-

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tem. These were the Clearwater in Idaho, Rio Grande in New Mexico, Rogue in Oregon, St. Croix in Minnesota and Wisconsin, Salmon in Idaho, and the Wolf River in Wisconsin.

In addition, Congress listed 27 other rivers which it felt should be studied for possible inclusion in the system at a later date. This designation as a potential component affords these other rivers substantially the same protection as those immediately included in the act.

Today, H.R. 19518 proposes the addition of rivers number 28 through 33 to that list. They are:

> 28. The Kern River from its source to Kernville at Lake Isabella.
>
> 29. The Klamath River from Iron Gate Dam to the mouth.
>
> 30. The Russian River from Ukiah to the mouth.
>
> 31. The Sacramento River from the source to Shasta Lake and from Keswick Reservoir to Sacramento.
>
> 32. The Smith River, including the entire main stem, the North Fork as far as Diamond Creek, the Middle Fork to Griffen Creek, and the entire South Fork.
>
> 33. The Tuolomne River from Hetch-Hetchy Dam to the New Don Pedro Reservoir.

When Congress passed the 1968 act, it wisely included a section specifically providing for the future consideration of beneficial public projects in the wild and scenic river areas, provided that the proposed projects were not inimical to the main purposes of the act.

Section 7(a) of the bill reads, in part:

> Nothing * * * shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area * * * which will not invade the area or unreasonably diminish the scenic, recreational and fish and wildlife values present in the area * * *.

Section 2 of the bill I am introducing today provides that studies of the six named rivers also consider their potential as water supply sources for the proposed California Undersea Aqueduct.

One of the most attractive features of the California Undersea Aqueduct proposal is that it would permit the simultaneous achievement of two high-priority needs of California. First, it would enable us to divert water from the mouth of a river to the water-short areas of the State, including areas in northern and central California as well as the southern parts of the State. And, second, since the project would utilize the fresh water only as it wastes into the sea, it would not require blocking of these beautiful rivers.

My bill would permit construction of those limited, onshore facilities which would be necessary to properly operate such an aqueduct.

I have long sought a realistic balance between meeting the needs of California's people for fresh water supplies, and preserving some of the exciting, natural rivers in our State. I believe we must meet both of these needs, and only by relying on our most creative minds and undertaking the most thoughtful analysis of development and preservation of our resources can California remain the State that has excited the imagination of more people than any other area in the country.

THE NATIONAL GUARD AND CIVIL DISORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, the report of the President's Commission on Campus Unrest deserves a better fate than the report of the 1968 National Advisory Commission on Civil Disorders. Many of the recommendations made 2 years ago are now repeated. If we ignore them again, 2 years hence, we may have another national tragedy, another commission to investigate it, another report to consider, and another opportunity for action—or inaction.

Inaction is what occurred after the Commission report in 1968. President Johnson virtually ignored it. Instead of sorting out for action its many worthy recommendations, proposing changes in administrative procedures and laws where needed, the Johnson administration simply put the report on the shelf to gather dust. Our Nation can ill afford to be plagued again with inaction.

President Nixon has promised better treatment for the report he ordered. He personally received it amidst much publicity and ordered it sent to all department and agency heads who might benefit from its findings. In addition, he has promised to review it himself as soon as he returns from his European trip.

Hopefully, President Nixon will act substantially on many of the recommendations ignored in 1968. For example, the 1968 report recommended "increased riot control training" for the National Guard. The result: An absurd pittance, 8 hours of initial training were added, with 16 hours of "refresher training" each year.

Is this enough in 1970? The President's Commission on Campus Unrest thinks not. It states:

> Guardsmen must receive far more adequate and extensive disorder control training, in recognition of the fact that the National Guard today has a second mission which it performs far more often than wartime duty.

The 1968 report found:

> Experiences of this last summer (1967) reveal that much of (the Guard's) equipment is inappropriate for dealing with civil disorders in American cities. The Guard and other military units lack an adequate "middle ground" between a display of force and the use of lethal or indiscriminate force. The Commission has recommended federally sponsored and financed research for developing nonlethal weapons.

What progress has been made in the last 2 years? According to the President's Commission on Campus Unrest:

> Nothing much has come of this research. The need for something more is greater than ever before. We recommend that the federal government actively continue its research to develop nonlethal control devices for use in civil and campus disorders.

The fact is that the National Guard, trained and equipped primarily for military combat, rarely goes to war. Instead it is used mostly for quelling civil disorder, a complex military problem for which it has little specialized training and equipment.

Potentially a priceless backup reserve for local police, it now functions at only a fraction of this potential. This is because most of the $1.2 billion taxpayers invest in the Guard each year goes for equipment and training for military combat, items and skills that are unlikely ever to be used, rather than for civil disorder control.

In this era when local police need large-scale professional support often and on short notice, the Congress should reorder the responsibility, training, and equipment of the Guard to fill this need.

To continue the present anachronistic arrangement makes about as much sense as sending firemen to put out a blazing fire with buckets of gasoline.

It is unfair to the Guardsmen who frequently expose themselves to mob danger. It is also unfair to the general public, whose vital needs are inadequately served and whose tax investment is substantially wasted.

Decades of experience would be some guide as to what the major mission of the National Guard will be in the coming years.

Last spring, during the crises on our Nation's campuses which followed the entry of U.S. troops into Cambodia, a crisis which saw four students killed at Kent State University, 35,000 Army and Air National Guardsmen were called to active duty in 20 States to help contain and control the violent disorders which rocked many colleges and universities.

During the riots of 1968 which followed the assassination of Dr. Martin Luther King, over 50,000 National Guardsmen were ordered to the streets to help restore order to our Nation's cities.

The long, hot, riot-torn summer of 1967 brought similar broad use of the National Guard to help deal with those Americans who had gone berserk and yielded to mob passions.

By contrast, of 3,038 Army National Guard units in the entire Nation, only 34—about 1 percent—were called to active duty as a result of the Tet offensives in Vietnam.

If our experience over the past quarter century is any guide, the primary purpose and use of the National Guard will continue to be for the control of civil disturbances and for the maintenance of law and order at home. Even with the advent of a national emergency, the National Guard is unlikely to see as much duty on foreign soil as it will on America's tree-shaded campuses and asphalt-paved streets. Only in the most extreme circumstances would a Governor permit this vital backup to leave his State unprotected from mobs of citizens who might resort to violence to show their disagreement with national policy.

Nor is Secretary of Defense Laird's directive of August 21 likely to change the outlook. In his memorandum, Secretary Laird stated that he is "concerned with the readiness of Guard and Reserve units to respond to contingency requirements, and with the lack of resources that have been made available to Guard and Reserve commanders to improve Guard and Reserve readiness."

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All of us can share the Secretary's concern. While it has rendered great service under very trying circumstances, the National Guard is not presently combat ready. It is neither trained adequately nor equipped adequately to face an enemy on the battlefield of war. Nor is it trained and equipped adequately to control an unruly mob in our Nation's cities.

In fact, what is seldom recognized is that these are two very different tasks requiring different equipment, training, and weapons.

The combat rifle, so effective in warfare, has proven largely ineffective as an instrument for crowd control. Nor is it suitable for self-protection by Guardsmen. Tanks and jet fighter planes have no place at all in a civil disturbance.

Charged with the most difficult task, that of controlling a rioting mob of their fellow citizens, National Guardsmen have found themselves against impossible odds.

With Guardsmen inadequately trained and equipped to do the job they were given, it was inevitable that some citizens, including Guardsmen, would be needlessly injured and some innocent bystanders killed. Never in its 334-year history has the National Guard been so widely criticized. A militia which was created primarily to protect and maintain order within each State, the National Guard has never been given the tools to fulfill its fundamental task.

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Although Guardsmen are seldom called up for civil duty and sent into action until violence is imminent or already has broken out, and although the Guard is almost certain periodically to be confronted with an irrational and angered mob of local citizens, each new enlisted Guardsman receives, as stated before only 8 hours of specialized training in how to deal with civil disorders—the only military situation he is likely to encounter while a member of the Guard. Refresher training totaling 16 hours is given annually to all Guardsmen, but since requirements state that it must be given during the months of January through May, the Guard's traditional 2-week summer encampment training period includes no civil disturbance work. Instead, that period focuses exclusively on regular combat training, driving tanks, flying jet fighters, and firing lethal weapons unsuitable for civil disorder control.

The cost of the tools available to a Guardsman in his efforts to quell a civil disturbance—the tanks, machineguns, jet fighters, combat rifles, and 16 hours of "refresher training"—is substantial. Last year the budget for the Army and Air National Guard exceeded $1.2 billion. That amount of money, invested wisely in equipment and training for controlling crowds and quelling civil disturbances within the United States, would yield an efficient police backup reserve work.

The primary responsibility for inadequacies in the National Guard must be assumed by Congress. Congress has mandated that "the discipline, including training, of the Army National Guard shall conform to that of the Army" and has ordered that "the same types of uniforms, arms, and equipment as are issued to the Army shall be issued to the Army National Guard." Similar restrictions have been laid down for the Air National Guard.

In addition, this stepchild of the regular Army has received hand-me-down equipment, one fact which caused the Secretary of Defense to voice his "concern" over the "readiness of the Guard—to respond to contingency requirements." The weapons carried by the Ohio Guard at Kent State were M–1 and M–14 rifles, similar to those used during World War II. Whatever their effectiveness as combat weapons, they were entirely inappropriate for maintaining order on the university campus.

Protective equipment worn by the Guard is also inadequate. Designed for combat action overseas, it is largely ineffective against bricks, bottles, and rocks thrown by demonstrators. Face masks and protective chest gear provide greater safety to local law enforcement officers than gear now worn by the Guard.

As a result, the Guardsmen are put in a difficult position when provoked by a crowd of rioting local citizens. Their primary training has been in the use of deadly force at the end of a combat rifle—their only hand firearms—yet, most Guardsmen agree that bullets from a combat rifle are totally inappropriate as a response to rock throwing. Each Guardsman is required to pledge:

> I will not load or fire my weapon except when authorized by an officer in person, when authorized in advance by an officer under certain specific conditions, or when required to save my life.

The Army Field Manual goes on to state:

> The use of deadly force (i.e. live ammunition or any other type of physical force likely to cause death or serious bodily harm) in effect invokes the power of summary execution and can therefore be justified only by extreme necessity. Accordingly, its use is not authorized for the purpose of preventing activities which do not pose a significant risk of death or serious bodily harm.

Rocks and bottles are not officially regarded as presenting that kind of risk to justify deadly force. The individual Guardsman who has lost teeth or an eye as the result of such missiles is entitled to ask why he is not provided with the protective equipment he needs which will also make it less likely that he will feel compelled to fire his weapon into a crowd.

Even sniper fire during a riot presents a situation totally different from that experienced during military combat. As the field manual says:

> The normal reflex action of the well-trained combat soldier to sniper fire is to respond with overwhelming mass of firepower. In a civil disturbance situation this tactic endangers innocent people more than snipers.

The manual provides as an alternative that—

> Fire by selected marksmen may be necessary under certain situations. Marksmen should be preselected and designated in each squad.

It is no wonder that Secretary Laird has expressed his concern over the readiness of the Guard for military combat. It is time that every American express his concern over the readiness of the Guard for civil duty here at home.

What must be concluded from these facts is that the requirements for fighting a war are quite different from quelling a civil disturbance or a riot. The purpose of the National Guard when used to control disorders is to contain and control rioters, not to kill them. Automatic combat rifles which fire 850 deadly rounds per minute are about as inappropriate on a college campus or in the streets of American cities as tactical nuclear weapons. They offer little protection to the beleaguered Guardsman because most rioters rightly assume such weapons will not be used.

When nervous Guardsmen do resort to gunfire, as at Kent State, the tragedy which follows is incalculable. Lives are lost and ruined, and a nation is torn apart by bitterness which erupts into more violence.

When I first made public my suggestion to Secretary Laird, a young National Guardsman from Houston, Tex., wrote me the following:

> I wholeheartedly agree with your proposal to have trained countersniper teams and to equip Guardsmen with nonlethal weapons. I also believe we should have less jungle training and more riot training (I have seen none yet.) I don't believe anyone wants to see another Kent State incident. One would think that there would have been some changes in National Guard policy after that episode. Instead the changes seem to be moving in the opposite direction.

Congress should provide the Guard with the training and equipment required for riot duty.

The Defense Department should undertake a continuing program to develop weapons specifically designed for bringing riots under control. As the commanding general of the California National Guard recently told a House subcommittee:

> We need some kind of a low velocity weapon, such as a shotgun or low velocity ammunition for our rifles. I hate to see a man shooting a sniper upon the roof with the knowledge that the bullet may land three blocks away and injure or kill some innocent person.

Some of these things can be accomplished by directive of the Secretary of Defense. Others, for example, the basic policy to be pursued, require changes in existing laws. It will be necessary to reallocate funds.

Today, I am introducing two amendments to title 32 of the United States Code to make clear the priority need to train and equip the National Guard to deal effectively with civil disturbances. The first amendment requires that in addition to standard combat training each National Guard recruit presently receives "equal emphasis shall be given to training—for the control of civil disturbances within the United States."

The second amendment orders the Secretary of Defense to "equip units of the Army National Guard and the Air

National Guard as required with specialized equipment and weapons suitable for us to control civil disturbances within the United States."

After the Kent State killings, President Nixon was shown pictures of the four young people who then lay lifeless. He said:

> I vowed then that we were going to find methods that would be more effective to deal with these problems of violence, methods that would deal with those who use force and violence and endanger others, but at the same time, would not take the lives of innocent people.

This bill implements one of the most vital recommendations of the 1968 Report of the National Advisory Commission on Civil Disorders and the just released Report of the President's Commission on Campus Unrest. Both urged that the National Guard be provided with the capability to cope with civil disorders.

Recent history suggests that in the coming years the National Guard will be used increasingly for civil disturbance work. If Congress and the executive branch of Government work together properly to equip and train the Guard to deal with riots and crowd control, Guardsmen will be able to serve as a vital backup reserve, standing shoulder to shoulder with the men of the regular police force when they are needed. If we fail in this task, the tragedies of last spring and the deaths which rocked the conscience of the Nation inevitably will be repeated. Text of the bill follows:

H.R. ——

A bill to require that the training of the National Guard for civil disorders be emphasized equally with that for combat warfare, and to require that the National Guard be provided with specialized weapons and protective equipment suitable for use to control civil disorders

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501(a) of title 32 of the United States Code (relating to the training of the National Guard) is amended to read as follows:

"SEC. 501. TRAINING GENERALLY

"(a) The discipline, including training of the Army National Guard, shall conform to that of the Army providing that equal emphasis shall be given to training under this chapter for the control of civil disturbances within the United States. The discipline, including training of the Air National Guard, shall conform to that of the Air Force, provided that equal emphasis shall be given to training under this chapter for the control of civil disturbances within the United States."

SEC. 2. Section 701 of title 32 of the United States Code (relating to the uniforms, arms and equipment of the National Guard) is amended to read as follows:

"SEC. 701. UNIFORMS, ARMS, AND EQUIPMENT TO BE SAME AS ARMY OR AIR FORCE

"So far as practicable, the same types of uniforms, arms, and equipment as are issued to the Army shall be issued to the Army National Guard, and the same types of uniforms, arms, and equipment as are issued to the Air Force shall be issued to the Air National Guard; provided that the Secretary of Defense shall equip such units of the Army National Guard and the Air National Guard as required with specialized equipment and weapons suitable for use to control civil disturbances within the United States as specified in chapter 5."

JOB MART—A SUCCESS THAT IS JUST BEGINNING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is clear that an important factor in reducing the rate of unemployment is providing a means to match job seekers with job openings. In many cases jobs are available but potential, qualified applicants are unaware of the opening.

The Veterans' Administration and the Boston Globe recently undertook to match jobs with applicants. The result was the highly successful New England Vietnam Veterans Job Mart which was recently held in the Paddock Club of the Suffolk Downs Race Track in East Boston.

I was delighted to have the opportunity to visit the Job Mart and I was greatly impressed with the high quality of the veterans and nonveterans who attended to learn of job opportunities.

Each of the applicants had the opportunity to meet with representatives of any of the more than 200 business firms that came to the Job Mart with jobs to fill. Approximately 7,000 veterans and nonveterans now have jobs or followup opportunities for jobs. In addition, many others have an improved understanding of employment requirements and opportunities.

There are four gentlemen whom I would especially like to single out for their obvious concern for our veterans and their families and for the need to continue our efforts toward economic growth. They are John I. Taylor, president of the Boston Globe Newspaper Publishing Co., who approved his newspaper's full support for the joint effort with the Veterans' Administration.

In addition, the Job Mart could not have achieved the tremendous success it did without the efforts of three very capable Globe staffers—Nat Kline, Frank Mahoney, and Lawrence Healy who worked long hours to insure that the Job Mart provided the outstanding service it did.

In addition, Francis A. Hunt, the Veterans' Administration's Information Service Representative for New England, served as project director of the Job Mart and can claim credit for a great deal of its success.

The Honorable Donald E. Johnson, Administrator of Veterans' Affairs, also attended the Job Mart and expressed to me his immense satisfaction and enthusiasm for the Job Mart concept. The Boston Job Mart will be a model for the VA to follow throughout the Nation.

The welfare of our returning veterans is a concern for all Americans. To translate this concern into action is the job of the Veterans' Administration and interested citizens such as the staff of the Boston Globe. It is with great pleasure that I call to the attention of the House the fine success of the Job Mart and the outstanding efforts of those associated with it.

Mr. Speaker, I am including at this point in the RECORD three articles from the Boston Globe describing the Job Mart:

JOB MART—A SUCCESS THAT'S JUST BEGINNING

(By Frank Mahoney and Nat Kline)

The big two-day Vietnam Veterans Job Mart sponsored by the Veterans Administration and Boston Globe is over, but the real effect is just beginning.

Major employers of all types, ranging from large industrial firms to government or municipal agencies, have scheduled follow-up interviews for alert young men—and those a bit older—found to be excellent prospects for long careers with them.

The general opinion of those who manned booths all or part of the 11-plus hours each day at Suffolk Downs, from before 9 in the morning until past 8 at night, was that Job Mart accomplished at least five important things:

1. In a two-day period, utilizing four acres of space as a common meeting ground, well over 200 employers' representatives with firm job offers were able to meet young men who had the talent or skill they needed—men who wanted to work. Many personnel men said they accomplished more in two days at Job Mart than in months.

2. Returning young servicemen, needing to understand this civilian world, found people, important people, were actually interested in their welfare, interested in putting them to work so they could make a sound contribution and gain a foothold on a secure future.

3. Businessmen, talking to the many Veterans Administration, Massachusetts Division of Employment Security, US Civil Service Commission and US Department of Labor representatives at the Mart, found that the government did more than collect their taxes, and that government men were keenly aware of the employment picture.

4. New devices were introduced to speed-up the "two-way street" of matching applicant and position: Fourteen electronic job bank viewers in one building were used for the first time, so that all jobs being offered throughout the time period were on view at all times and the applicant could watch and pick the company to which he felt most suited. New-type IBM copiers went into service so that duplicates of applicant's preregistration forms, listing his qualifications, could be reproduced at unbelievable speed.

5. The "meeting of the minds" on the whole area job picture, from Federal official to businessman to the young fellow off the street, regardless of his status, color, or creed. All parties interviewed stressed the fairness of the operation and the friendliness of those trying to extend or receive job help. This might well be the most important factor of all.

Nearly 11,000 people passed through the entrance of the Suffolk Downs Clubhouse in those 22 hours of Job Mart. More than 7000 either have a job, a promise of one or word that they are to return to take physical tests, aptitude exams or a follow-up interview.

President Nixon sent a telegram expressing appreciation of the Globe's part in Job Mart. Sen. Kennedy's and nearly all other Bay State congressmen made specific favorable comments in writing on the project.

Donald Johnson, Veterans Administrator, extended his scheduled 8-hour observation study and critique of Job Mart to the full 22 hours and two days of its running.

He was glad he stayed, and called it "the greatest of its kind in the nation."

Congresswoman Margaret Heckler of the House Veterans' Affairs Committee, on hand for the opening ceremony, felt "this is a wonderful aid to the men who have served their country."

EMPLOYERS DELIGHTED AT RESULTS

To really understand how participants on both sides of the employer-employee exchange felt about Job Mart, definite com-

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ment was solicited. Here's how some of the employers' representatives felt:

"When people climbed up the stairs to our third floor booth we knew they really wanted to talk to us," said John T. Charron, district manager of Metropolitan Life Insurance Co.'s ordinary sales office.

"We had eight men to a shift, 16 a day, manning our booth. We listed 70 further interviews up to 2 o'clock on opening day.

"I selected two young men who I know are hard-to-find people with real drive. I don't know where I could possibly have met them if it were not for a project like Job Mart.

"I certainly hope this is done again."

Deputy Superintendent Jeremiah Sullivan, Boston Police Department Community Relations Bureau: "We were delighted to participate. A total of 450 veterans were interviewed at our booth. Entrance requirements were explained and Civil Service rules pointed out. Quite a few men went right over to the Civil Service booth, made out their forms on the spot, then came back to us."

"Frankly, we looked at this with a jaundiced eye at first," said Derek Hepworth, agency secretary for John Hancock Life Insurance Co., "but we went in because it was good public relations.

"We have been delighted and amazed at the outcome.

"In the past, our personnel people frequently spent more than an hour with one man and then found the company and he weren't mutually suited. Here we've sent 30 men to see independent agency representatives the first day, and they are excellent prospects."

On opening day alone, George Spector, regional supervisor for northern New England for John Hancock, sent 50 persons to districts in areas ranging from Concord, N.H., to Providence, R.I.

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A prime illustration of the Job Mart's worth to an employer was cited by Albert Barber, director of employment for L. C. Balfour of Attleboro, manufacturing jewelers.

"We had been looking for a good traveling illustrator for more than a year, a young fellow who could communicate with students and young executive types. We couldn't seem to find him.

"At Job Mart this young man who had been driving a taxi 11 hours a day stopped to talk to me.

"I found he was a graduate of the Massachusetts College of Art, had real personality, liked to talk to people. After I told him we sold the Boston Bruins their Stanley Cup championship rings and his job would have glamour, not become humdrum, he was genuinely interested. I'll be seeing him again tomorrow."

Robert Gatti of Westinghouse's Sturtevant Division, industrial relations assistant, said his firm was "very happy with Job Mart.

"We were looking for welders, erectors, machinists—particularly for people who could read blueprints. I found 30 in a little over a day. More than 10 will be hired. Most of the people who came to our booth were 20–28 years old. There were not only veterans, but quite a few non-veterans. We did not discriminate."

Bob Greene, Sears, Roebuck personnel manager at its Burlington Mall store, was one of that firm's representatives at their booth in Job Mart.

"Married men with low-paying jobs, like one part-time machinist I talked to, were shown how they could do much better with the possibility of a lifetime, rewarding career," he stressed.

Gifford W. Colburn, director of the personnel division of the Post Office's regional office here, said "William Bolger, our regional director, found Job Mart most worthwhile," and went on to say 728 contacts were made, 621 veterans issued applications, and 329 filled them out before they left.

Praise came from Internal Revenue Service Center, Andover, Personnel Chief William F. Borbour, who gave a point about being patient with a process that isn't completed overnight. He said, "We are now processing scores of applications from Job Mart in our drive to recruit employees."

United Parcel Service representatives Chuck Cahoon, Frank Cullen and Joe Ferro, said everyone from those with master's degrees to grammer school diplomas were heard, military experience such as supervising an Army motor pool or driving big military trucks was taken into consideration, and mechanics, and other skilled people sent to the proper offices of this big outfit, which covers 39 out of 50 states.

Hertz Rent-A-Car Personnel Manager H. B. Mikonis voiced similar sentiments.

VETERANS HAPPY AT RECEPTION

Every veteran who took part in the Job Mart thought the whole concept was "great"—even those who did not find a job.

It had its drawbacks for many and they gave their honest opinions as to what they thought was wrong. Both the VA and Globe sought out these people because constructive criticism can make for better future job marts.

For the thousands who went away with a job or a prospect of one, it was one of their finest days since they separated from Uncle Sam.

As for others, here's what some of the men had to say as they left Suffolk Downs Thursday night:

Dennis Richard, 22, of Lynn, a Marine Corps vet, said, "I thought the whole thing was pretty good. I want to be a civil engineer but I need further training. I found that out here. The VA counselors were more help than anything to me."

Dennis was not the only one who had high praise for the counseling service. Many veterans were unaware that such a service was available.

Hundreds of others, who had no idea of what kind of a job they wanted or what they were suited for, had their first experience with the totally revamped vocational counseling service of the Massachusetts Division of Employment Security. Counseling director Thomas Conway said, "Our job was to show these kids they were, in most cases, setting their sights too low when it came to their potential."

Charles Corricelli, 35, of Everett, an Air Force veteran, commented, "I thought it was great. Personally it has not been so good for me, but I talked to a lot of guys who made out fine. It should run for a week—it's too much for one or two days. I want to be a computer-programmer, but I've had too much previous training for most of the companies here. They want to train their own people.

"But I've got three or four interviews lined up for next week and that's more than I had when I came here."

Many employers said, after the first day, they had no idea that the average Vietnam veteran would have the training and qualifications they had. "Many of these kids are almost over-educated," one experienced personnel manager commented.

Another said, "Every fourth kid had a college degree. It amazed me. But we were looking for men who could work with both their heads and their hands—we don't have any openings for history majors, right now."

John O'Donnell, 26, of Norwood, an Army vet, said, "This was an excellent idea. Really tremendous. I talked to a number of companies and I've got a lot of leads and some interview appointments. I wanted a training position in government. I came here both days, but you really need more time than that to get to see all the companies you wanted."

Melvin Diggs, 25, of Roxbury, another ex-soldier, wanted a training job. "This was a good thing. There's a lot of opportunities here and I got some leads on jobs. I sure found out that it's difficult to get a job today without a good technical education."

The question of a technical education versus a liberal arts education came up constantly during Job Mart.

There is no question that employers are seeking young men with a good, advanced, technical education such as schools like Wentworth Technical Institute offer.

But that's today. A Federal official pointed out that by 1972, in just the Veterans Administration itself, more than three-fourths of the top management men will be retiring, having reached age 55 with 25 years on the job. Then the demand will switch back to the liberal arts—business—professional degree man.

George Howe, 26, of Waltham, another Army man, has been setting aside one day a week for job hunting. "This was very impressive. In one day I covered more companies that I could in six weeks. At Job Mart I went only a few steps to get from one company to another and I was able to talk face to face with the guy that could hire me. I have two or three things fairly definite and a dozen hopefuls. I came both days and even then I didn't get to see everyone I wanted. Two days is really not enough time."

Robert Morrissette, 23, is an Air Force veteran who is continuing his schooling at Bridgewater State Teachers College. "I wanted a part-time job. At first I was pretty depressed, then I hit the oil company booths and now I have a choice of jobs starting at $2.75 an hour. Now, instead of no job, I've got to decide which ones I want. This was a good thing for you guys to do."

Bruce Hagiquist, 22, of Charlestown, an Army veteran, thought the whole thing could have been better. "It's too big for itself. I didn't make out at all. It was not diverse enough in what it had to offer. The idea was great.

Mike Arsenault, 22, of Chelsea, an ex-Marine and his pal, Charles Zerola, 21, also of Chelsea, an Army man, both thought Job Mart did not offer anything for a young veteran who only had a high school education—but both were delighted with Job Mart and hoped another one would be held.

Charlie left saying he thought he would take up his dad's offer to tend bar in his cafe.

Mike said, "They set their qualifications too high for me. They want degrees. I went into the service out of high school and now I think I'm too old to go after a degree.

"The idea was great. It was good to find out that someone big is trying to help guys when they come back. People forget, I guess, that after a while in Vietnam you come back with your mind a blank. You don't know what you want to do. I talked to lots of guys here and a lot of them made out just great—but not me. I don't know what I want to do.

Mike was a lucky one because at that point Tom Conway from MDES happened to walk up and hear him. He quickly squired Mike over to a beautiful young lady who holds a master's degree in vocation. He now is going to undergo extensive vocational therapy and he doesn't know it yet, but Job Mart will pay off for him, too.

Throughout the whole thing, and as tired as both the veterans and the employers and the sponsors got, a sense of humor prevailed.

One wiry little guy spent some time talking with the FBI recruiters. Finally, he was told he was too short and underweight to be an agent.

He quipped "I'll buy elevator shoes—no one but my mother will ever know."

"You're still underweight," said the agent with a grin.

"I wish to heck you were sitting on my draft board when they called me up," the little guy said, "I could have used a friend like you then."

Needless to say that broke up the usually taciturn FBI men.

DEFENSE AND THE ECONOMY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, one of the most realistic appraisals of defense spending in recent months is contained in an address by the Honorable G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs. It is entitled "Defense and the Economy" and it spells out the true measure of cuts in defense spending, and it contrasts our own defense status with that of Communist forces in a most effective way.

The address follows:

DEFENSE AND THE ECONOMY

(By Hon. G. Warren Nutter)

I have been asked to speak on defense and the economy. I welcome the opportunity to do so before this audience of fellow economists.

Naturally, I speak in my capacity as an official of the Defense Department, but that is not all bad. I recall a former colleague of mine at the University of Virginia, a historian, who used to say that we have plenty of unbiased histories of the Civil War. What we lack, he would add, is an unbiased history written from the Southern point of view.

I am pleased to give an unbiased account of defense and the economy as seen from the Defense point of view.

Let us first take a look at trends in public spending as projected from fiscal 1964, the last year before the military buildup in Southeast Asia, through fiscal 1971. In current prices, spending by government at all levels—federal, state and local—is expected to increase over this period by $143 billion, or by 82 percent. Spending by the Department of Defense, on the other hand, is expected according to the present budget to increase by only $21 billion, or by 41 percent, while non-defense spending increases by the remaining $122 billion, or by 98 percent.

The contrasting trends are even more striking when measured in constant dollars. In prices of fiscal 1971, spending will have risen by $88 billion for government as a whole, comprising $82 billion for nondefense programs and less than $6 billion for defense. The corresponding percentage increases in real spending are 38.5 percent for government as a whole, 50 percent for nondefense purposes and only 9 percent for defense.

As a consequence of these trends, nondefense spending will show a rise from 20 percent of GNP to some 24 percent, while defense spending shows a decline from 8.3 percent to 7.0 percent, the lowest percentage since 1951. Similarly, in fiscal 1971 defense will account for less than 35 percent of federal spending, the lowest fraction since 1950. In fiscal 1964, it accounted for 41.8 percent.

The civilian and military manpower employed by the Department of Defense and defense contractors amounted to about 5.8 million persons at mid-1964. The figure will be higher by less than 700 thousand, or 11 percent, at mid-1971. Over the same period, the labor force will rise by some 14 percent.

Of course, this relative shift in resources away from defense to other uses has not taken place steadily since fiscal 1964. Quite the contrary. Through fiscal 1968, the relative shift was in the other direction. At the peak of the buildup in Southeast Asia, just before the present Administration came into office, defense spending had risen to 9.5 percent of GNP and 42.5 percent of total federal spending. The trend has been reversed by the sharp military cuts of the last year and a half.

At first sight, these cuts may not appear to be as large as they have been. In fiscal 1968, defense spending was $78.0 billion. The present budget calls for $71.8 billion in fiscal 1971, a decline by $6.2 billion or 8 percent. But prices and wages paid by the Defense Department have risen by some 15 percent and have therefore eaten up a far larger sum. In fiscal 1971 prices, it would have cost $89.4 billion to finance the defense program actually undertaken in fiscal 1968, or $11.4 billion more than the cost in then current prices. That is to say, real defense spending measured in fiscal 1971 prices has been cut by $17.6 billion over this period. This is the figure to focus on: a reduction by one-fifth in real defense outlays accomplished so far under the Nixon Administration. This is the magnitude of the shift in resources that is taking place.

Despite this hefty cut in defense spending, there are some who say that we have not cut enough, that the "peace dividend" runs many billions of dollars more than the cuts already made. These claims are wrong for two basic reasons.

First, what we can save by withdrawing troops from Vietnam is considerably less than the full cost of the war. Measured in fiscal 1971 prices, the full cost of our forces came to $30 billion in fiscal 1968. Of that amount, however, some $7 billion represented the cost that would have been incurred for baseline forces if they had been engaged in peacetime activities elsewhere. Hence the incremental cost attributable to Vietnam was $23 billion.

Second, we have since reduced defense spending in the same real terms by almost $18 billion, leaving only $5 billion to $6 billion of the so-called "peace dividend" still to be realized. This sum is only about half of the incremental cost of the Vietnam war that will still face us in May 1971, after the withdrawals of 265,500 troops announced so far have been accomplished. That is to say, we will actually have overdrawn the "peace dividend" by some $5 billion before the end of fiscal 1971, but we can do so only by deferring or reducing other essential programs.

The cutbacks may stand out more sharply when put in terms of people and things. Our military forces numbered 3.5 million in mid-1968 and will number 2.9 million in mid-1971, a decline of 639 thousand. Those nineteen through twenty-two years old, or about half the total, accounted for 24.7 percent of their age group in 1968 as compared with only 14.5 percent in 1971.

Civilian employment will show a drop of 142 thousand in the case of the Defense Department and 1.4 million in the case of defense contractors. Total direct employment in defense activities, civilian and military, will therefore decline by some 2.1 million between midyears of 1968 and 1971, creating a substantial problem of transitional unemployment.

Real purchases of goods and services will fall by 30 percent. Our active fleet will be reduced by more than 200 ships. The average age of ships in the active fleet is now more than 16 years. About half of our Air Force planes are over nine years old. Yet the Air Force has scheduled purchase of only 390 aircraft in fiscal 1971, the smallest number since 1935.

The problem facing our nation today is to meet a mounting external threat while reducing the resources devoted to defense and expanding those devoted to internal programs. Whatever we do, we must not commit the fatal error of closing our eyes to the threat shown by actions as well as words.

The gravity of strategic nuclear developments in both Communist China and the Soviet Union is revealed by a few salient facts and figures:

Our estimate of the monster Soviet SS–9 Intercontinental Ballistic Missiles deployed or under construction has increased from 230 a year ago to over 300 today.

The number of SS–11 ICBM's has also increased substantially.

The Soviets continue testing SS–9 multiple re-entry vehicles and an improved SS–11 missile.

The Soviets now have some 50 ballistic-missile submarines, including 25 that are nuclear powered. At present construction rates, the Soviet fleet of Y-Class submarines could numerically match or exceed our fleet of Polaris and Poseidon submarines by 1974 or 1975.

Communist China has continued to test nuclear weapons in the megaton range and is expected to test its first ICBM within the next year. An operational capability may be achieved by the mid-1970's, and a force of 10 to 25 ICBM's might be operational two or three years later. The launching of a satellite this spring reinforces these judgments.

In light of these developments, it is important to remember that we have not increased our force level of strategic offensive missile launchers as established around 1965. We have actually decreased the megatonnage in our total strategic offensive force by more than 40 percent since then. In the same period, the Soviet Union has quintupled its number of strategic offensive missile launchers, increasing them from 300 to 1,500, and quadrupled the megatonnage of its strategic offensive force.

We are confronted with a strong conventional threat as well. The most critical theater is that facing the NATO Central Region, where the Warsaw Pact could, in a relatively short time, assemble a force of about 1.3 million men and associated combat equipment. In Asia, we are all well aware, Communist China and North Korea maintain armed forces that represent a very real threat to neighbors who are among our staunchest allies.

Our defense planning and budgeting must also give serious consideration to submarines in the Soviet general purpose forces. The Soviets have about 300 attack and cruise-missile submarines, including about 55 with nuclear power, that could endanger both our own naval forces and the merchant shipping essential to support our European and Asian allies.

The Soviets are rapidly building up other elements of their naval fleet and expanding its presence throughout the seas of the world. The number of steaming days for Soviet naval units in the Mediterranean has risen from some 750 in 1963 to around 16,000 last year. A recent worldwide naval exercise involved about 200 ships whose operations were closely coordinated. Soviet naval units have cruised in the Caribbean each of the last two years. This year, three ships and a nuclear-powered submarine armed with cruise missiles visted a Cuban port.

In brief, the Soviet Union is embarked on an ambitious program to achieve a global naval capability.

We estimate that Soviet expenditures on research and development for military and related purposes have been increasing at an annual rate of about 12 to 13 percent during the last few years, while our effort has actually declined when inflation is taken into account. Our greater past expenditures have given us a technological lead over the Soviet Union, but recent trends threaten to destroy that lead. Accordingly, the only course we can prudently follow is to advance our own knowledge at a reasonable pace in every area we consider important to our future military strength.

To ensure our future safety and to avoid the risk of serious technological surprise, we must invest each year a reasonable volume of resources for improving and expanding our technological base. While we cut back on force levels and procurement of weapons in response to budgetary restrictions, we must

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protect against future threats to national security that would result from inadequate support of basic research efforts.

Put more broadly, increases in some defense programs are the best way to cut defense spending as a whole. Military assistance and sales are a case in point. These twin instruments assume new importance as we implement the Nixon Doctrine. They are the means for transferring to allied and friendly nations the military equipment and training they need to provide for their own and the common defense. In some areas where American forces are now stationed, we can increasingly realize substantial savings by exchanging military assistance for manpower. In others, we can help allies and friends achieve a self-reliance that will make use of American manpower unnecessary in future crises.

The great danger is that we may be tempted to cut the defense program recklessly simply because it is more easily controlled, year by year, than the rest of the budget. About half of federal spending, or roughly $100 billion in fiscal 1971, is subject to annual control through the appropriation process. Sixty-five percent of the annual controllable sum rests within the defense budget.

Uncontrollable spending is determined by basic legislation not subject to annual review. In many areas, payments depend on some formula set by law, and funds are automatically disbursed unless Congress revises the basic legislation.

When spending must be cut quickly, controllable items bear the brunt. Defense therefore becomes a prime target, whether or not reductions make sense as far as national security is concerned. The moral would seem to be that more of the federal budget needs to be brought under annual control so that aggregate spending can be reduced in an orderly fashion when the economic situation calls for such an aggregate reduction.

Peace is the prime objective of this Administration. President Nixon has demonstrated his full commitment to that objective through Vietnamization, negotiation, and realignment of national priorities.

But peace and security require strength. By the end of this fiscal year, the defense effort will have been cut by 20 percent and manpower by 25 percent. We can reduce our defense community only so far without jeopardizing the nation's safety. Secretary Laird has made this clear in saying:

"My great concern at the present time is the maintenance of the nation's military strength at the level required in today's world. The pressures for deeper immediate cuts are strong. Convinced that deeper cuts would expose the American people to risks which I cannot in conscience recommend that they assume, I shall do my best to persuade the Congress and the people to reject them."

In brief, we have cut defense enough for the present. It is time to look elsewhere for relief from the heavy burden of taxes and for resources better employed in meeting pressing domestic needs. Those whom you have entrusted with responsibility for the nation's security speak with one voice in sending this message to you.

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FEDERAL PROGRAM ON ALCOHOL USE URGED

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, a few days ago Mr. William N. Plymat, Iowa insurance executive, appeared before the House Committee on Interstate and Foreign Commerce to testify on behalf of the proposed Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Mr. Plymat's testimony was extremely enlightening, and being familiar with his knowledge and sincerity in this regard I feel compelled to bring his statement to the attention of my colleagues.

The testimony follows:

STATEMENT OF WILLIAM N. PLYMAT, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE PREFERRED RISK MUTUAL INSURANCE CO., WEST DES MOINES, IOWA

Mr. Chairman and Members of the Committee: My name is William N. Plymat. I was a founder of and now am Chairman of the Board of Directors of the Preferred Risk Mutual Insurance Company of West Des Moines, Iowa. I served for 11 years as President of this automobile insurance company, which insures only non-users of alcohol. I am an attorney and am General Counsel of the American Council on Alcohol Problems of Washington, D.C. This organization represents statewide organizations in a large majority of the states concerned about alcoholism and all alcohol problems. These organizations and the American Council on Alcohol Problems represent the concerns of multitudes of church groups across the country. I am also President of the Iowa Council on Alcohol Problems, which carries on an extensive alcohol educational program in the schools of the State of Iowa, and this organization is a state affiliate of the American Council on Alcohol Problems.

In appearing here I wish not only to urge the passage of this Bill but to urge you to give consideration to some things that bear on the whole alcohol problem which I fear may be overlooked. And the suggestions which I make may point up a need for several amendments to the Bill to insure that the noble purpose of the Bill may be achieved.

It is rightly said that alcoholism is a *progressive* disease. There are still many things that are not known about it. There is a difficulty even in defining it. There is a minority that feel that it is essentially a *physiological* disease—some in this minority claim it is due to the hormone situation that exists in some individuals. They claim that there are few baldheaded alcoholics—that most alcoholics have heavy heads of hair. You can check this by going to an Alcoholics Anonymous meeting and looking around—but I will say that there are baldheaded alcoholics. There are some in this minority who claim that it is due to a liver deficiency in some individuals who thereby become addicted. There is at least one expert who claims it is due to a damage to a section of the brain—the hypothalamus, which controls the autonomic nervous system of the body, and that the damage by alcohol to this section of the brain causes the compusive addiction to alcohol.

But I am sure that *the majority* properly view alcoholism as essentially a *psychological* problem. I think it is fair to say that the most successful therapy in America has been that of Alcoholics Anonymous. Their record of effecting recovery is outstanding. It is noteworthy that their therapy is based upon the willingness of the individual to become completely honest with regard to the affliction, his or her actions in seeking recovery, and a total response to all the problems and challenges of life. I know of no successfully recovered alcoholic who is not an honest person. It is also clear that spiritual change is involved in recovery. This sometimes bothers some who are resistent to entertaining the notion that their lives could be improved and that religious and spiritual principles have meaning and value and should be responded to.

Undoubtedly much research needs yet to be done on alcoholism which this Bill will provide for. But much more action than research is needed. This Bill can lead to recoveries from alcoholism for hundreds of thousands at a minimum who will otherwise die. The need is urgent and getting more urgent with every passing day. So the Bill must pass.

REHABILITATION AND WARNINGS ARE NOT ENOUGH

But more is needed than just a massive program of rehabilitation and a warning of individuals about the dangers of abusive use of alcohol and alcoholism. We need to consider the matter of social and legal controls. We need research in many areas far afield from the problem of "alcohol abuse"—in the form of intoxication and alcoholism.

We need to study "alcohol use" as well as "alcohol abuse." It is my firm conviction that if we mount all the rehabilitation efforts that can be achieved as a result of this Bill, if passed, and all the prevention warnings that can be mounted on "alcohol abuse" we will still be falling behind in coping with this problem. Sooner or later we must face up to the hard truth—and that is that if we are going to make real progress in the whole area of alcohol problems, alcohol abuse, and alcoholism, we must take actions that will reduce the consumption of alcoholic beverages in this country instead of standing by and watching per capita consumption continue to mount and the widespread use of alcohol continue to expand. I am not only willing but eager to have competent research done to verify hypotheses which many sincere citizens, including myself, have arrived at after our own research. Our research leaves much to be desired, but as private citizens we do not have the staff or funds to do better.

THE STORY OF A STATE

Let me cite you the example of my own state. Until July of 1963 Iowa sold liquor legally only by the bottle. We had a somewhat unknown amount of "illegal liquor by the drink" in so-called key clubs mostly in our metropolitan areas. This situation was distressing to many citizens and legislators and so we legalized liquor by the drink and immediately faced the dilemma of deciding whether it was to be "limited" as to number of licenses or "unlimited." If the number were limited, there would be the great danger of graft and corruption in the scramble for the valuable licenses. And so we abandoned any limit. We wound up in 1964 with one license for every 1,219 people in Iowa. By 1969 there was one license for every 917 people. We were told that liquor by the drink would promote moderation and that if a man could get a drink or two in a bar he would be satisfied and would drink less than if he bought a whole bottle. But it did not turn out that way. In the first year of liquor by the drink, Iowans bought $37,182,672.67 in liquor by the drink including the 10% tax. The next year it was $43,767,911.01. The next year it was $51,120,718.77. In 1967 it was up to $56,581,227.45. Then we lost our hard figures for the retail tax was taken off, but reasonable estimates indicate continued increase.

In the six years after liquor by the drink, the per capita consumption of liquor in Iowa rose over 32% against the average of the four years before. At the same time, our mileage death rate according to National Safety Council figures rose 33.6% from a rate of 4.73 per 100,000,000 miles traveled for the years of 1960 to 1962 inclusive to 6.32 for the years 1963 to 1968 inclusive. Drunk and drinking driving fatal traffic accidents increased markedly. Over the country "run off the road" fatal accidents involve drinking to the tune of around 75%. Iowa's toll in this category increased markedly. Midnight to 4 a.m. fatal accidents involve much drinking, and this category increased greatly. When our death rates rose, we added 100 men to our Highway Patrol at a cost of around $1,000,000 annually, but that did not result in a decrease. Alcohol abuse and alcoholism are highly related to poverty problems, and these problems have risen dramatically.

IOWA'S OUTSTANDING REHABILITATION EFFORT

We wisely mounted a great campaign to attack alcoholism in Iowa under the able leadership of our then Governor Harold E. Hughes. And now Des Moines has a detoxification hospital that costs taxpayers $450,000 a year. This hospital, the Harrison Treatment and Rehabilitation Center, was named for our now famous Municipal Judge Ray Harrison, who has been a great leader in rehabilitation work for more than 30 years. It is doing a great job, and many alcoholics have found sobriety there. In addition, we have 16 information centers over the state, ten halfway houses, and a 50-bed hospital at the University of Iowa. Our state Alcoholism Commission is doing effective educational and other work. I think in proportion to its population and wealth Iowa is doing as much if not more than any state in the Union. With a population of 2,789,893, Iowa is now spending annually around $2,500,000.

There have been great increases in the number of alcoholic patients in our four state mental health institutes. There is no positive evidence that the liberalization of our liquor laws caused this increase, but the moderation we were promised by liberalization surely did not appear; and if alcoholism is a *progressive disease*, as it is, it may well be that the greater accessibility of liquor through around 3,000 new bars in our state sped many a man and woman down the road to alcoholism. And much loss in life and personal injury and loss of income and family injury can be avoided the sooner an alcoholic can be arrested on his or her way down to the dreadful "bottom." We come then to the question whether all this wonderful work is really "solving" or substantially meeting our problem of alcohol abuse and alcoholism. And my conviction is that it is not.

REHABILITATION ALONE DOES NOT SOLVE THE PROBLEM

I know of one recovered alcoholic who was reported to have been arrested over 300 times for intoxication before he found sobriety. This is to say that when an alcoholic finds sobriety the drunk arrests in his city over a period of time often are lessened by from one to a hundred or more. Arrests for drunkenness often do not tell the true story because arrests sometimes are more an indication of enforcement diligence, which varies from time to time, than actual conditions. Yet I know of no intensified effort in Des Moines to arrest more for intoxification in the last few years than before. I anticipated that when we mounted this vast rehabilitation effort in Iowa there would be a reduction in arrests for drunkenness in Des Moines and this would indicate we were making real progress in the total problem. But this has not occurred. I wish to provide a tabulation of this record at this point.

ARRESTS FOR DRUNKENNESS IN DES MOINES, IOWA

Year	Total	Under age 21	21 and over
1959	3,657		
1960	4,035		
1961	4,024		
1962	3,801	80	3,721
1963	4,454	98	4,356
1964	4,400	296	4,104
1965	4,311	198	4,113
1966	4,612	264	4,348
1967	4,696	336	4,360
1968	4,944	367	4,577
1969	5,257	401	4,856

I should like to add that when Judge Harrison established in Des Moines a special court class for those arrested for drunkenness some years before liquor by the drink, drunk arrests dropped markedly. Yet after liquor by the drink, the trend was reversed. These facts convince me that although we are doing an outstanding and commendable job and it should be continued, expanded and intensified, we will never really make gains until we do something more. I will call your attention also to the trend of arrests of those under 21 years of age. Millions of youth are probably starting down the road to alcohol abuse and alcoholism.

SOME GENERAL RECOMMENDATIONS

If we are to completely respond to the challenge of our problem, we should do research of many kinds. One researcher, Dr. Melvin H. Knisely, the subject of an article in the *Reader's Digest* in June, 1970, contends that even moderate use of alcohol may result in brain and heart damage. This contention deserves extensive research. It has been assumed until recently that only heavy drinking over a long period of time results in brain damage. If there is brain damage with moderate social drinking, this needs to be brought home to all our citizens for alcohol abuse and alcoholism may result from conduct that today is considered socially acceptable and non-injurious.

It is my belief that no physical or mental test can be given to a youth that can foretell if he or she will become an alcoholic if he starts the use of alcohol and that on the average one out of 15 who begin use will sooner or later wind up as an alcoholic. Research should be undertaken to determine if this belief is correct. If it is, the nature of our preventive education may need to include strong efforts to suggest to our youth that total non-use of alcoholic beverages is the only sure way to avoid the disease of alcoholism. And recognizing that alcoholism is a fatal disease unless arrested, the danger of it, although being only one in 15, is so great as to warrant strong efforts to avoid it.

Research needs to be done to determine the degree of successful recovery that can be obtained through a massive total effort at rehabilitation. If, for example, the chance of recovery is only 50%, as may be the case, this needs to be brought home to all of our citizens.

We need to determine whether legal restrictions are helpful in reducing the problem of alcohol abuse. I am of the conviction that the line should be held against the Sunday sale of liquor in all the places where under state and local law such is now prohibited. Drinking is largely related to leisure-time activities. The liquor industry pushes hard for Sunday sales because it means great increases in sales. One of its industry officials reported that in New York, where Sunday sales are allowed, approximately 60% of the sales of the week are done on Sunday. A few years ago I compared the records of fatal traffic accidents in Washington and Iowa which had no Sunday sale of liquor with California and Oregon that did and found a marked difference. My home state of Iowa has no legal sale of either beer or hard liquor on Sunday, and although traffic flows are known to be about the same for both Saturday and Sunday, our fatal traffic toll is much less on Sundays.

We need to know whether under a liberalized system of widespread liquor by the drink there develops more alcoholism than under more restricted conditions. We need to know whether increased per capita consumption of liquor under liquor by the drink results in great increases of what may be called "alcohol abuse."

We need to carefully research the effects of advertising of alcoholic beverages especially on radio and television. It seems fundamental that advertising increases use and consumption, and it is to be recognized that the advertising of alcoholic beverages on radio and TV appeals to teenage youth to buy a product that for them most places is illegal.

We need an intensive investigation of the drinking driving problem. Right now it is being claimed that most of the blame for the problem of drinking driving fatal and injury accidents belongs to alcoholics. I am of the conviction that those who think that see only the top of the "iceberg." Admittedly there are many alcoholics and so-called "alcohol abusers" in this category, but there are tremendous numbers of alcohol-caused accidents involving drivers under 25 years of age and most of these are not alcoholics or problem drinkers . . . nor so-called "alcohol abusers." They are young people who do not regularly get drunk but who on one occasion got too much alcohol for safe driving.

According to Raymond K. Berg, chief judge of the Chicago traffic court, a recent study there showed that only 20 percent of those convicted of drunken driving were alcoholics. The rest, according to him, were just ordinary social drinkers most of whom did not believe they were impaired drivers until a blood sample or a breath-tester showed otherwise.

In my opinion, it is most unfortunate that the National Safety Council leaders have been persuaded that they should abandon their historic pleas to motorists to avoid *all* drinking and driving. Their action, which was prompted by evident theories of one or more psychologists, was designed to get after the drunk driver, but its result will be, I fear, to increase drinking and driving by many who will be led to believe they can safely drink and drive if they will hold their drinks to some reasonable number.

Do we need to study the wisdom of returning to strong encouragement of total non-use of alcohol? I believe so. A person who never drinks never becomes an alcoholic. We recognize that alcoholism requires not only use of alcohol but also some as yet greatly unknown "X" factor that combines with alcohol to create alcoholism. So long as we do not know what the "X" factor is, are we not wisest to mount a campaign to discourage drinking in our society . . . and to encourage non-use?

I cannot help at this point but point out our marked difference in our approach to alcohol and tobacco these days. Most people claim that unless one smokes heavily for a long time he does not get lung cancer nor emphysema nor severe heart damage. This is the common, largely unchallenged, belief. Yet today we are engaged in a massive campaign trying to persuade everyone to quit smoking. Yet alcohol is a much more powerful drug causing many severe social, economic, and physical problems. No man smokes a cigarette and goes home and beats up his wife—but drinkers do. At worst smoking injures only the smoker, but drinking can injure multitudes of others.

Yet we seem to view alcohol in a much more tolerant way. We seem to be saying that unless one gets drunk and then injures someone or becomes an alcoholic, all is well. We fail to recognize all the damages that occur to individuals and society from alcohol use that falls short of this. We are told that around 75% of those in our penitentiaries got there through crimes committed under the influence of alcohol. We should recognize that a small amount of alcohol can destroy an inhibition that holds back one who has a desire to commit a serious crime. We seem content to wait until one's use of alcohol reaches a stage of severe addiction before we think we should take any steps to discourage its use.

I am convinced that as a society we must soon reach a sort of new social maturity in which we try to discourage the institution of the "cocktail party," avoid putting alcohol to the fore in social relationships, be willing to give some of our "liberty" in avoiding drinking driving, and try by personal example and influence to discourage the use of this highly dangerous drug and especially on the part of our youth.

THE FEARS OF CONCERNED CITIZENS ABOUT THIS BILL

Many dedicated citizens who are concerned not only about alcohol abuse and alcoholism but all alcohol problems and the dangers to our youth from alcohol use are expressing a concern about what will happen when this bill is passed. They fear that all the funds will go into a program of rehabilitation of alcoholics and coping with only the severe alcohol users and that the focus of efforts will be in the direction of research just on the end results of severe alcohol use. They fear that the leadership that will come into power to operate the entire program under the law will rule out every inquiry that does not relate itself just to alcoholic rehabilitation and intoxication as being irrelevant and not proper for investigation and study under the law.

If we are to really cope successfully in the long run with this problem, we must have a *wide-open focus* on not only alcoholism and "alcohol abuse" but alcohol use and all the things that may lead to all alcohol problems and which usually wind up producing alcoholism.

I have not had a chance to discuss the points I have raised here with the sponsors of this Bill. Yet I know of their sincere desires to attack the problem in every effective way. I feel sure they are willing that no stone be left unturned in a total response to all alcohol problems and that in the pursuit of this mission there be thorough investigation and research in all areas that may relate to this massive problem. I feel sure that they want participation from persons of many varying backgrounds. I am sure they see the wisdom of participation not only by those who have been primarily, if not solely, concerned about alcoholic rehabilitation but those who feel that legal controls should be considered and studied and that prevention encompass not only warnings against alcoholism and intoxication but that the full story of the dangers of alcohol be brought home to our citizens and especially our youth and that a total citizen response be generated even to the point of urging avoidance of all drinking and driving and the wisdom of non-use of alcohol.

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DOES THE BILL NEED AMENDMENT?

If there be agreement to what I have said here, then does the Bill need amendment? It may be that the sponsors of this Bill may contend that in its present form the Bill contemplates all that I have recommended and that we may be assured that comprehensive work of the nature I have outlined will be done and that persons of all points of view will be involved in activities so that the fears of many may be unwarranted and concern unjustified. If this is true, I believe it needs to be made clear in some positive way. One way may be by amendments. I regret I have not had time to study this Bill in both its original and amended form to the extent and in the detail I should wish and to investigate the reasons for many of the changes that were made, but I can suggest some changes that might be made which might meet the fears of multitudes of concerned laymen and clergy and insure that a total response be made to the challenges of this mammoth problem with participation of persons with widely diverse backgrounds.

SUGGESTED AMENDMENTS—A CHANGE IN DEFINITION OF "ALCOHOL ABUSE"

I believe Section 201(a) should be amended to read:

"(a) 'Alcohol Abuse' means any use of alcoholic beverages that results in damage to persons, property or society."

As it stands now, the definition limits this to such use as results in "intoxication" and this term is one lacking in precise definition. Dictionary definitions usually seem to equate "intoxication" with being "drunk." Evidently the injury that may be considered under this Bill is only that which flows out of actual intoxication or drunkenness, and much injury can result from use that falls short of such an amount. To insure that a comprehensive inquiry shall not be ruled out, the definition of "alcohol abuse" should be broadened.

AN ADDITION TO "FINDINGS AND DECLARATION OF PURPOSES"

I believe that Title I—Findings and Declaration of Purposes should be amended in Section 101 by adding thereto the following:

"(h) There has been inadequate research and investigation of many factors that may increase alcohol abuse and alcoholism and methods of prevention. Every method of prevention should be explored in detail including the possible efficacy of retaining and creating new legal restrictions on the sale of alcohol, legal drinking age levels, limitations on advertising and promotion of sale and consumption of alcohol, and the possible value of wide publicity of effects of moderate use of alcohol if research establishes physical damage, and the possible value of educational activities that discourage the use of alcohol and encourage non-use."

MEMBERSHIP OF THE NATIONAL ADVISORY COUNCIL

Section 701 of the original Bill as printed in the *Congressional Record* on May 14, 1970 reads as follows:

Sec. 701. (a) The Secretary shall appoint an Advisory Committee on Alcohol Abuse and Alcoholism to consist of *eighteen* qualified persons, including (1) leaders from the general public representing such areas as *business and industry, professional and public training and education, medical and paramedical training, law, religion, State and local government, public health, labor, urban affairs;* and (2) representative leaders from those with major concern for alcohol abuse and alcoholism, *including voluntary associations, governmental groups, and the universities.* Some members of the Advisory Committee must be recovered alcoholics. The Advisory Committee shall advise and consult with the Secretary and the Institute and assist them in carrying out the provisions of this Act." (italic is the author's)

In the Amendment of August 3, 1970 this section was omitted and instead Title VI provided for "The National Advisory Council Alcohol Abuse and Alcoholism." This section purports to amend "Section 217" of the Public Health Service Act. There is evidently an editorial error here. The Section intended to be amended appears to be Section 218. This section in effect places the proposed Council among other councils which are related to "health," "cancer," "mental health," "heart" and "dental" problems. This Council would have only *twelve* members rather than the *eighteen* specified by the original Bill. In addition, it appears to me that the scope of persons eligible for appointment is greatly, and I believe unfortunately, narrowed. This Section as proposed to be amended would read in part as follows:

"The twelve appointed members of each such council shall be leaders in the fields of fundamental sciences, medical sciences, or public affairs, and six of such twelve shall be selected from among leading medical or scientific authorities who . . . are outstanding in the study, diagnosis, or treatment of . . . alcohol abuse and alcoholism. . . ."

I believe there should be some amendment of this Section to broaden the membership of the Council so that it be clear that the classes of persons listed in the original Bill be members of such Council. While it may be reasonable in the case of the other diseases listed in this Section to be limited greatly to medical and scientific experts, in the case of alcoholism the classes of persons should be as wide at least as provided in the original Bill and I believe much wider. The disease of alcoholism is peculiarly different from the other diseases and deserves attention of a wider group of concerned and qualified persons. My own belief is that it is important that such a Council have members whose background and experience is outside the groups whose primary, if not sole, interest is in the field of alcoholic rehabilitation and that ministers, educators and others who have devoted themselves to youth education and who have stressed the values of non-use of alcohol should be included, as well as those who may be knowledgeable in the field of law and legal and social controls.

POSSIBLE NEED FOR AMENDMENT ON PART C—PROJECT GRANTS

Part C. Sec. 520, 521, 522 and 523 relate to wide range of "project grants." Section 521 (a)(2) for example provides grants for conduct of "research" and ". . . more effective methods of prevention. . . ." Section 521 has certain limitations on these grants. Then Section 522 seems to make necessary approval or evaluation by a state agency before the grants may be made to any group located within a state. I would assume such state agencies would be those related primarily, if not exclusively, to rehabilitation work. The question I raise is whether if some organization seeks grants for educational and research work which is outside the normal field of rehabilitation, it should be required that such a proposed project be approved or evaluated by an agency that has no substantial interest in such research or educational efforts. An example of this could be the Iowa Council on Alcohol Problems or any of nearly forty such similar groups in the several states.

There also seems to be a question of what approval or evaluation may be required, if any, in the case of a national organization that wishes to undertake some research and educational work on a national scale. I would assume that such requests would not require any special evaluation or approval of any agency in a state before its consideration by the National Advisory Council. An example of this might be the American Council on Alcohol Problems and The American Business Men's Research Foundation of Elmhurst, Illinois.

Those who are far more familiar with the intentions of the sponsors than I should determine the need and propriety of any special consideration of this matter and possible amendment to clarify the situation if it is needed.

WISDOM OF DELAY IN A SECRETARY'S REPORT

Section 309 which relates to the Reporting Functions of the Secretary contain the following:

"(b) submit to Congress on or before June 30, 1971, a report (1) containing current information on *the health consequences of using alcohol,* and (2) containing such recommendations for legislation and administrative action as he may deem appropriate;" (italic by this author)

I am naturally very pleased to see that this report requires consideration of "the health consequences of *using* alcohol" which makes it clear that the consideration is not specifically of "alcohol abuse" and "alcoholism" but rather to the general *use* of alcohol.

But it seems to me that the time for this report is too soon to enable an adequate study and research to be made by the Secretary and evaluation of the research and information available from many groups of concerned citizens. I believe such a report should be delayed at least a year and perhaps more if necessary in the opinion of the Secretary.

In conclusion I should like to emphasize that I have a deep concern about the problem of alcohol abuse and alcoholism and that I recognize it to be among the major problems of our society and that the problem is becoming more severe with each passing year. It is noteworthy that the consumption of alcohol is rising in this country and that the industries that produce alcoholic beverages do everythnig in their power to increase sales and consumption. I believe there is justification for the general belief that as consumption increases so do the multitude of all alcohol problems. The danger of drugs to our youth is receiving special attention these days, and most adults are deeply concerned about this damage to our society and to the future of our country.

I have noted with great interest the statement of Senator Harold E. Hughes on August 10 when this Bill was before the Senate. He said:

"In the hearings of our Subcommittee on Alcoholism and Narcotics, held in such cities as Los Angeles, New York, Denver, and Des Moines, we heard the testimony of many former narcotic addicts. I was struck with the fact that in most instances, the addicts, many of them young people, had begun their careers of drug abuse with alcohol. This seems to be the starter drug of the drug cycle, if such can be named."

It seems likely that these drug addicts were not addicts, yet alcohol was involved in their problems. It is for this reason and the others that I feel that as we dedicate ourselves to the problem of alcohol abuse and alcoholism we must relate to all the alcohol problems and to a consideration of all alcohol use if we are to make real progress toward lessening the damage to our country from all these problems. Thus I commend the sponsors of the Bill and strongly urge its passage, and at the same time urge that it be made as comprehensive as possible so that there will be a total attack on the problems and we make real progress.

TAX DEDUCTIONS FOR BLOOD DONATIONS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing legislation that would help meet today's chronic shortage of transfusable blood and at the same time improve the quality of blood in our hospital blood banks. My bill would give a tax incentive to a person to give blood by allowing them a $25 tax deduction for each pint of blood donated to a nonprofit organization. A maximum of $125 would be placed on the amount each taxpayer could deduct in a year since health requirements limit a person to giving one pint of blood once every 8 weeks and 5 times a year.

The need for blood is increasing at a rate of 14 percent a year. The problem is that the number of donors are not increasing in a rate equal to the demand. The population is growing and more and more uses of blood are being found through medical research. In addition to the transfusion of whole blood, a single pint of blood, through blood fractionation, can be broken down so as to provide red cells for anemia or post surgery, white cells for leukemia victims, platelats for purpora suffers, factor VII for hemophiliacs and plasma for burns and accident victims.

Unfortunately, the shortage of donated blood has resulted in a proliferation of commercial blood banks. The commercial blood banks are less stringent in the health standards they require, and consequently they attract persons with poor medical histories for whom the on-the-spot cash offered is attractive, such as derelicts and drug addicts. Statistics show that the dangers of contracting hepatitis from a transfusion of commercial blood is 10 times that of donated blood.

Mr. Speaker, 65 percent of the nonprofit blood is donated by middle-income individuals: persons who earn between $5,000 and $13,000 annually. Furthermore, only 3 percent of the population now donates blood—and if we could raise this percentage by only one point to 4 percent, the blood shortage problem could be solved, and the demand for commercial blood would be greatly reduced if not totally eliminated.

I believe that the bill I am introducing would provide the necessary incentive to increase the number of donors—and do so at relatively little cost to the Treasury. The American Red Cross has opposed this proposal to date because they are concerned that citizens would be tempted to lie about their medical histories in order to obtain this tax deduction. And yet, the American Red Cross does accept blood donated by prisoners in New Hampshire, South Carolina, and Mississippi where inmates are given a 5-day discount from their sentences for each pint of blood they donate.

I would point out that those who are most dangerous to blood banks—namely, derelicts and drug addicts—would not be attracted by this program because it would not offer them an on-the-spot cash payment. The incentive is for the blue- and white-collar men and women who can look forward to a small, but helpful, tax break at the end of the year. The provisions of the bill are such that all taxpayers would receive the deduction, including those who use the standard deduction.

Mr. Speaker, the blood shortage bears a particular hardship for those who have rare blood types. Blood is a form of medicine, and as incredible as it may seem, persons do die today because of a simple want of a blood transfusion. Last year, I had a call from a mother of a young rabbinical student who was dying of a rare disease. His case was further complicated because of his rare blood type, and his critically needed operation was being postponed because compatible blood could not be found. Fortunately, my office was able to secure the blood needed and the young man's operation was a success—but not all of these cases have such a good ending.

Mr. Speaker, I commend this legislation to my colleagues, and I hope the Department of Health, Education, and Welfare and Treasury will give this favorable consideration. The incentive in this bill is clearly directed to the healthy middle-income blood donor—and thereby will do much to eliminate the "skid row" blood from our blood banks.

H.R. ——

A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) BLOOD DONATIONS.—

"(1) IN GENERAL.—For purposes of this section, a donation by an individual of his own blood to an organization described in subsection (c) shall be considered to be a 'charitable contribution' of such individual in an amount equal to $25 for each pint donated.

"(2) LIMITATION.—The aggregate amount of individual's charitable contributions described in paragraph (1) which may be taken into account in determining the deduction allowed a taxpayer under this section for any taxable year shall not exceed $125."

SEC. 2. Section 62 of the Internal Revenue Code of 1954 (relating to the definition of adjusted gross income in the case of an individual) is amended by adding after paragraph (9) the following new paragraph:

"(10) the deduction allowed by section 170, to the extent attributable to charitable contributions of the type described in subsection (i) thereof."

SEC. 3. The amendments made by this Act shall apply only with respect to blood donated on or after the date of the enactment of this Act.

U.S. ARMS SHIPMENTS TO GREEK JUNTA ARE WRONG

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Speaker, the administration has announced that it intends to resume full-scale arms shipments to Greece. I strongly urge that this course of action be reconsidered. With this decision, the United States is once again lining up with a totalitarian regime for illusory reasons for military expediency. The unfortunate result is to reinforce a dictatorial government whose practices of torture and repression are repugnant to everything the Western democracies stand for.

Since the Greek colonels seized power in 1967 the government has detained thousands of political prisoners, many of whom remain in jail. The regime permits no elections. It has suppressed political parties. It has restricted and harassed the local press and, most distressing of all, it has unmercifully tortured those conceived to be its enemies. These charges are not the figment of hostile imaginations. The European Commission on Human Rights has formally reported the use of torture, and Greece has been forced out of the Council of Europe for these and other repressive practices. Against this background, the U.S. policy of resuming arms shipments represents a shabby surrender to the status quo. It is a blow to the efforts of our European allies whose policies have been geared to cause a liberalization in Greece. It also removes another lever which we could have used to serve the same cause.

The military justification for the change in our policy is weak indeed. It is said that these arms are important to the strength of NATO. I do not accept this argument because I believe that, even if NATO should be strengthened in this area, there are alternative ways to do it. It is also said that we must insure our ability to use airfields in Greece in

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the event of an emergency in the Middle East. The Greek position on this point is not clear, but it would seem incredible that Greece would be able to deny our use of those fields if we felt that the Middle East situation was so desperate as to necessitate actual use of our planes or troops. However, the Nixon administration, which prides itself on being a tough bargainer with other nations, does not seem to be so exacting in this case. The inescapable conclusion is that the administration has succumbed to arguments which, in light of the present status of NATO and a political situation in Western and Southeastern Europe, should have been resisted.

It is my view that the United States should formulate its military aid policy toward Greece with clear and publicly stated objectives. First, we should be entitled to use Greek support facilities in the event of a major crisis in the Middle East and surely Greece would consent to that by treaty since it is in their interest to do so. Second, there should be substantial liberalization of the Greek regime's domestic policies leading clearly to a restoration of parliamentary democracy. These are not unreasonable requirements for the benefits, in addition to our NATO commitment, which Greece will derive from major assistance to its defense.

It is time for a reassessment of the U.S. policies of underwriting totalitarian regimes such as Greece, Spain, and Portugal. We should consider very carefully the price we pay in terms of our diplomatic and political objectives when we follow the course of least resistance and send more arms. Our position in the Mediterranean is of the highest importance, but there are alternative means to maintain that position. It is not necessary at this time to please the Greek colonels to secure our interests.

ON RETIREMENT LEGISLATION

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, on February 26, 1969, I introduced 8 bills which constitute a legislative program for our retired Federal employees. These bills call for an increase in the annuities of Retired Federal Employees, and the elimination of a number of inequities in the Civil Service Retirement Law. Through the years some inequities have arisen, mostly because the amendments to the retirement law did not apply to those Federal employees already on the retirement laws when the amendments became effective.

There must be some measure of correlation between the benefits awarded prospectively during the past 15 years and the benefits now paid to those who retired prior to the effective dates of such prospective legislation. Otherwise, how can present Federal employees have any assurance that they too, will not be forgotten as soon as they leave the active working force. How long can the morale of the present active working force be sustained under such conditions? How much longer are we going to require these long-time retirees to wait so they can receive the same benefits?

While there has been an increase in the standard of living and a rise in the general economy during the past few years, the standard of living for retired employees has stood almost still, and in many cases it has been lowered due to the tremendous effect the inflationary trend has had.

Liberalization of the Railroad Retirement Act was necessary and liberalization of the Social Security System must be forthcoming, but let us not forget the retired Federal employee.

According to the report of the U.S. Civil Service Commission, Bureau of Retirement and Insurance of an approximate 997,000 retired Federal employees and survivors, some 276,000 receive a monthly annuity of less than $100, and over 515,000 receive less than $200.

My bill, H.R. 7770, would give an increase to all Federal retirees and survivors, with the largest increase going to those presently receiving the smallest annuities. These increases would be on the following schedule. $26 per month if now less than $200 per month; 13 percent if now at least $200 but less than $300 per month; 9 percent if now at least $300 but less than $400 per month; 7 percent if now at least $400 but less than $500 per month; or 5 percent if now at least $500 per month. I am urging the Chairman of the Post Office and Civil Service Committee, Honorable THADDEUS J. DULSKI, to hold hearings in the immediate future on this Federal retiree increase legislation so as to correct this injustice by granting these Civil Service annuitants and survivors an overall annuity increase.

One of my other bills, H.R. 7772, would correct a very glaring inequity in the Civil Service Retirement Law, which is presenting a special hardship for quite a large number of Federal retirees. The present retirement law provides that a retiree at the time of retirement may elect to take a reduced annuity to provide a survivor annuity for his spouse. Some annuitants who retired many years ago were forced, under law, to take as much as a 25-percent reduction in their annuities to provide for a survivor's annuity, because when the law was liberalized reducing the cost of providing a survivor annuity, the amendments reducing the cost applied only to those employees retiring after the effective date of the liberalized amendment as the amendments were not retroactive. Employees retiring today take a reduction of 2½ percent on the first $3,600 of annuity and 10 percent on the remainder. If my bill, H.R. 7772 is approved, the cost for providing a survivor annuity will be the same for all retirees, past, present and future, thus eliminating this glaring inequity.

I was very pleased when hearings were held on August 4, 1970, in the House on bills that would permit a retiree to name a new spouse, and restore the full annuity to the retiree when the named spouse predeceases the retiree. One of my bills, H.R. 7773, provides for the naming of a new spouse, and restoring the full annuity to the retiree when the named spouse predeceases the retiree, and I want to commend Chairman DOMINICK V. DANIELS, of the Subcommittee on Retirement, Insurance, and Health Benefits, for holding these hearings. I was also pleased to note that several of the recommendations for amendments made by President Thomas G. Walters of the National Association of Retired Civil employees were concurred in by the Civil Service Commission. This legislation is being reported out by the committee, and when it comes up for consideration on the floor, I urge my colleagues to support its enactment. Incidentally, I was greatly encouraged by the favorable action recently taken by the Senate on similar legislation. The Senate version of this bill, S. 437, was passed on a voice vote.

One of my bills which has special significance to our retired Federal employees is H.R. 7775. This bill provides an exemption from Federal income tax for the first $5,000 of civil service retirement annuity. This legislation would give a big boost to the already strained budgets of our retired Federal employees.

Other bills which I have introduced will eliminate other inequities in the Civil Service Retirement Law and aid Federal retirees and survivors.

I am quite sure that a goodly number of my colleagues are not fully aware of these inequities in the law, and I urge you to give serious consideration to legislation increasing the annuities of our Federal retirees, and eliminating these and other inequities in the Civil Service Retirement Law.

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

(Mr. ROTH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROTH. Mr. Speaker, the national effort to clean our polluted air is an enormous, complicated, and costly task. The peril of air pollution is becoming more menacing every day, yet we are barely beginning to realize how costly it is to us in terms of health, material losses, and inconvenience, not to speak of higher taxes, higher prices, and sacrifices in comfort and well-being that face us as we try to control and abate it.

Last week, the Senate took a decisive step forward in the national fight against air pollution. It passed the National Air Quality Standards Act of 1970, a comprehensive measure which pinpoints the hitherto ineffective areas of air pollution control and attempts to rectify their shortcomings in the light of new evidence of rapidly increasing health hazards, and damage to property, crops, and livestock.

I applaud the stand taken by the Senate that a massive, stepped-up attack on air pollution must be authorized. I am particularly gratified to note that the key provision of the bill calls for greatly accelerated automotive pollution control efforts. The report accompanying the bill states:

> If the Nation is to continue to depend on individual use of motor vehicles, such vehicles must meet high standards. The bill recognizes that a generation—or ten years' pro-

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duction—of motor vehicles will be required to meet the proposed standards. During that time, as much as seventy-five percent of the traffic may have to be restricted in certain large metropolitan areas if health standards are to be achieved within the time required by this bill.

Accordingly, the bill calls for the automobile industry to telescope its automobile pollution control effort to achieve 1980 clean car targets by 1975. This would mean a 90-percent reduction in pollutants from the 1970 models, the goals for 1980 set by the Department of Health, Education, and Welfare being: 0.3 grams hydrocarbons per mils, 4.7 carbon monoxide, 0.4 nitrogen oxide, and 0.03 particulates.

These provisions could mean pollution controls for used cars, also, since States are given the power to control pollution from all sources that do not meet proposed new Federal standards.

I am aware that the automobile manufacturers have emphatically insisted that it is impossible to meet this advanced deadline because of a lack of satisfactory technology to control the pollutants involved. I am also aware that the House version of the amendments to the Clean Air Act does not contain any legislative deadlines for tighter controls of automobile emissions, and that several amendments that would have provided more stringent control were defeated. But I am convinced that drastic steps are necessary to eliminate the No. 1 polluter—the automobile—before it causes truly irreparable damage to our urban areas and before we reach the stage where public health in our cities is so threatened that automobile traffic would have to be eliminated entirely. In the absence of adequate mass transportation systems in most metropolitan areas, the results of such a step could be catastrophic.

To provide some leeway in the implementation of the new emission controls, the auto industry is provided a modification that would allow a delay in making the 90-percent reduction of up to 1 year if the industry could persuade HEW that the 1975 deadline could not be met as specified.

I also endorse other provisions of the bill such as those dealing with stationary source pollution problems. The bill authorizes regulations requiring that new major industrial plants such as steel mills, powerplants, and others achieve a degree of emission control that takes advantage of the latest available technology, processes, and operating methods. Federal authorities would be empowered to ban all industrial emissions especially hazardous to health, such as asbestos, beryllium, cadmium, and mercury.

As the Senate report states, the Committee of Public Works determined that, first, the health of the people is more important than the question of whether the early achievement of ambient air quality standards protective of health is technically feasible; and second, the growth of pollution load in many areas, even with application of available technology, would still be deleterious to public health.

Accordingly, the bill proposes the establishment of national air quality standards for pollutants on which criteria are available within 30 days after enactment of the law. Ninety days would be permitted for comments, another 90 days for review. States would be required to hold public hearings and be allowed 9 months to develop implementation plans. After Federal approval, States would then be allowed 3 years to attain national standards.

This is an accelerated procedure which is very welcome. We have found in the past that without statutory deadlines very little is accomplished. Equally welcome is the emphasis on States responsibility to implement Federal standards by formulating such action in ways best suited to their particular circumstances. State implementation plans must spell out detailed steps to be taken which would include the whole spectrum of air pollution control: traffic control, emission controls, mass transit plans, land use plans, monitoring and enforcement procedures, and other actions necessary to meet the required deadlines.

I hope that my colleagues will carefully examine these and other provisions in the Senate bill and consider them favorably. In fact, I hope the House conferees will withdraw the House version, and accept the Senate bill as it now stands.

I trust that we can enact a law which will establish that the air is a public resource, and that those who would use that resource must protect it from abuse, to assure the protection of the health of every American.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Personal savings in the United States has increased from $3.8 billion in 1940 to over $40 billion in 1969.

ENVIRONMENTAL PROBLEMS

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Speaker, last week the radical-liberal members of Democratic Policy Council's committee on the Human Environment staged a day-long session for public consumption and held the Nixon administration—which has been in office less than 2 years—accountable for every possible problem with our environment.

The way the radical-liberals tell it, President Nixon is creating power shortages, polluting the air and water, and, for good measure, somehow causing a degradation in the quality of goods and services which American industry provides to consumers.

There are very few people who are going to be fooled by this nonsense. But there are quite a few people who will remember the lack of action during the years when so many of the environmental problems we now face were created and cultivated.

In case my colleagues have forgotten, I will remind them that Democrats have controlled the Congress for 36 of the last 40 years; and have occupied the White House for 28 of the last 38 years.

Mr. Speaker, I cannot help wondering if we would be facing an environmental crisis today if the party which now claims to be so terribly concerned about fighting pollution, had been as concerned during the years between 1932 and 1969.

INCREASE IN OIL IMPORT QUOTA ANNOUNCED

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VANIK Mr. Speaker, in order to meet a potential shortage of fuel supplies this winter, the administration announced an expansion of up to an additional 80,000 barrels a day in the east coast heating oil import quota for the first quarter of 1971. This action comes in response to critical shortages which are developing throughout America, most particularly in the northeastern sector. The shortages are accompanied by excessive price increases in both oil and coal which affect every consumer in the United States.

The cruel fact is that the oil-quota system which limits the entry of foreign oil into the United States constitutes the principal maker of both high prices and shortage.

Furthermore, every extra barrel coming into the United States under the quota system constitutes a handy gift to the recipient of the quota of a bonanza of between $1 and $1.50 per barrel between the import price and the domestic price.

The oil-quota system is an instrument of price and privilege which should be stricken from American law.

LIFE ON SYRACUSE'S TIPPERARY HILL

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, much of the strength and flexibility of American society is drawn from the sense of identity and community fostered by neighborhoods that developed in our cities in the latter part of the 19th century. Some that come to mind are Beacon Hill in Boston, Grant Avenue in San Francisco, and New York's Mulberry Street. Formed mainly for ethnic reasons, there was a richness and culture in these neighborhoods which deeply influenced the cities around them.

Such a neighborhood was Tipperary Hill in Syracuse, settled largely by Irish immigrants associated with the Erie Canal and salt industry nearby. Its spiritual focal point was St. Patrick's, the parish church founded in 1870. It is to honor the 100th anniversary of St. Patrick's of Syracuse's Tipperary Hill that I call your attention today.

Until mid-1870 the Catholics of Tipperary Hill, in order to attend Sunday Mass, had to journey practically across the city of Syracuse to St. John the Evangelist on North State Street.

On July 31, 1870 the first mass of St. Patrick's parish was said in Cool's Hall at 101 Hamilton Street "on the banks of the Erie Canal."

When St. Patrick's parish was founded, this part of the world, specifically southwest of the "Big West Bend" of the canal, was known as Tipperary Hill, but it was not a part of Syracuse nor of the Diocese of Syracuse. Geddes, with its 1,000 residents, of whom 400 were Catholic, did not become a part of the city of Syracuse until 1887, 17 years after the parish was founded.

The first pastor of St. Patrick's, Geddes, was Rev. Hugh Shields of the Aloany Diocese. The Syracuse Diocese was not formed until November 20, 1886, by which time St. Patrick's had had its fourth pastor, Msgr. James P. Magee; the second pastor having been Father James Lynch; the third, Father Patrick Smith.

The 70 in attendance at that first mass in Cool's Hall included these men and their families: John Cody, Bernard Sisson, Patrick Parkinson, William Hogan, Jeremiah Dwyer, James Keeler, Malachy Gooley, James M. Farrell, Cornelius Enright, Richard Tobin, Timothy Enright, Philip McGraw, John Holihan, John English, James Lanigan, Patrick Hannon, John Murray, Timothy Sheehan, John Barager, Michael O'Brien, Thomas Meagher, John Fitzpatrick, John Brown, Patrick Fogarty, Joseph Donegan, Michael Brown, John Moriarity, John Matthews, and Mr. O'Connell.

The first baptism at St. Patrick's was that of James Lawrence, infant son of Mr. and Mrs. James White, on Sunday, August 7, 1870; the sponsors being John Cummings and Ellen Collins.

The first marriage was solemnized on Wednesday, November 2, 1870, when Brigid Murphy married Thomas Savage. The witnesses were Catherine Murphy and John Lacey.

All Sunday and weekday masses were held in a temporary chapel in Porter School until St. Patrick's was dedicated by Rt. Rev. Francis McNeirney, D.D., Bishop of Albany, on Sunday, September 15, 1872, on the same day on which he confirmed a class of about 300.

Father Patrick Smith was the pastor of the new edifice. Until this time the pastors had lived at St. John Evangelist's Rectory or in a rented room. Matthew Ryan, who had built a new home on the corner of Ulster Street and Milton Avenue, gave Father Smith the use of his home until a rectory was built on Schuyler Street, next to the church. Matthew Ryan, a foreman in the rolling mill, lived in a cabin attached to the back of his new house.

His mother, Esther Ryan, "Aunt Heddy," made all the candles for the church altar. Matt's brother, Michael built the communion rail, confessionals, and church doors. Michael was helped by Malachy Dwyer, who lived to be 105 and was buried on St. Patrick's Day. This Ryan family was called the Ryan-Aysthers—Esther's.

The fourth pastor, Rt. Rev. James P. Magee, lived in the Schuyler Street rectory for 54 years, from October 7, 1875 to February 4, 1929. He was a Canadian who was ordained at the Seminary in Troy, which later became the Provincial House for the Sisters of St. Joseph where many of the girls of St. Patrick spent their noviatiate.

Monsignor Magee died at the age of 87 on February 4, 1929.

Father Henry Curtin came as fifth pastor to St. Patrick's in June 1929. In this time of depression, he was so extremely charitable that at the time of his death of a heart attack his savings account had shrunk from $4,200 to slightly more than $1. During his pastorate the construction of the high school was begun.

Father Daniel Hennessey succeeded Father Curtin in January 1932. On June 22, 1935, the first high school class was graduated. Father Hennessey died of cancer in February 1938.

Since the 1920's St. Patrick's has contributed more than its share to the political leadership of Syracuse. Today three Justices, a U.S. Congressman and the recently retired Mayor of Syracuse are St. Patrick's parishioners.

The Rt. Rev. Monsignor Thomas J. Driscoll, pastor of St. Patrick's from 1938 to 1968 was proud to recall that nearly 30 priests have come from his parish.

Now, 100 years after the first mass, this vibrant, intensely engaging center of Catholic life on Tipperary Hill is headed by Father Frank L. Sammons. No better choice could have been made to carry the fine tradition of St. Patrick's into its second 100 years.

UNSOLICITED CREDIT CARDS—ARTICLE BY CONGRESSMAN WILLIAM D. FORD

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, the Georgetown Law Weekly, published by the Georgetown University Law Center, has printed an excellent article by my good friend and colleague, Congressman WILLIAM D. FORD of Michigan, on the recently approved bill to curb the mailing of unsolicited credit cards.

Congressman FORD outlines the need for such legislation and explains how the legislation will help to accomplish this need.

I would like to commend Congressman FORD for a fine article, and include it in the RECORD at this point:

UNSOLICITED CREDIT CARDS

(NOTE.—The following article was written specifically for the Georgetown Law Weekly by Michigan Democratic Congressman William D. Ford. As a lawyer, Mr. Ford points out several legal problems in the new world of "plastic credit."

(Congressman William D. Ford was born in 1927 in Detroit. He earned a Bachelor's Degree in 1949 and a Law Degree in 1951. He then began the practice of law in Detroit and in 1955, was elected a Township Justice of the Peace on the Democratic ticket.

(He was elected as a Democratic Delegate to the Michigan Constitutional Convention in 1961 and was elected on the Democratic ticket to the Michigan State Senate in 1963. In 1964, he became a Representative to Congress and was re-elected in 1966 and 1968.

(In Washington, Mr. Ford is a Member of the Education and Labor Committee, and of the General Subcommittee on Education, Select Subcommittee on Labor, and Special Subcommittee on Labor. He also serves on the Post Office and Civil Service Committee.)

I was pleased this week when the House of Representatives unanimously approved a bill, which I had co-sponsored, to curb the credit cards.

Many of us, including some companies which make extensive use of credit cards, have been aware for some time of the potential danger in this blanket mailing of unordered credit cards.

This method of extending credit puts the intended recipient of an unsolicited credit card in a precarious legal position if the card is stolen or otherwise finds its way into the hands of the wrong person.

The person whoes name is on the card may well find himself billed for merchandise and services which he has never ordered or authorized. He is subject to considerable inconvenience and possible embarrassment and harassment. He also faces the very real possibility of having his credit rating jeopardized through no fault of his own. Millions of Americans can testify as to the virtual impossibility of arguing with a computerized billing system.

The extent of the problem is seen in the fact that some 200,000 credit cards are stolen and millions are lost in the United States each year, and more than $2,000,000 is stolen through credit card fraud. Recent years have seen the creation of a new insurance phenomenon—policies to protect credit card holders from loss through theft or loss of their cards. This insurance is based, however, on the action of the card holder in notifying the insurer of the loss or theft.

In the case of an unordered card, however, this is obviously not possible. The person whose name is on the card does not even know it exists, let alone that it has been lost or stolen. His first indication comes when he receives bills for goods he never ordered.

ILLEGALITY OF ACT

There is good legal ground for contending that sending an unordered credit card to an individual constitutes an invasion of privacy by thrusting upon him an unwanted semicontractual responsibility.

Credit cards most certainly have their place in today's fast-moving economy, when so many transactions are made without an actual cash transfer. No one would suggest that any effort be made to curtail the use of credit cards by those who wish to use them.

In 1958, the nation had 91,669 bankruptcy cases, of which 87.6 percent were non-business. By 1968, the national figure had grown to 197,811, of which 91.6 percent were non-business. We can only conjecture the role of credit cards, solicited or otherwise, in this dramatic increase, but I am sure it is substantial.

For sheer human tragedy, it would be hard to equal a story which was related before our Postal Operations Subcommittee by Mr. Paul Rand Dixon, Chairman of the Federal Trade Commission. He told of a letter received from a woman in California:

"The writer informs that her father had been sent an unsolicited credit card by one of the bank credit card programs. The father, a man in his seventies, has been a known alcoholic for thirty years, and has had a sub-zero credit rating which even the most casual credit check would have uncovered. The alcoholic father, upon receipt of the credit card promptly took it to the local liquor store where it was kept in the cash register for him. He ran up in a short period of time a five-hundred dollar liquor bill, and in the short period of time has drunk himself into insanity. "The first indication of the tragedy came to light when the old man's son, of the same name, but different part of the country, received a phone call from the credit card establishment implying that he must have had some good parties—witness the $500 liquor bill. The author of the letter states that the son is still receiving billing letters which, among other things, ask 'Do you want your credit rating ruined?' "

I think the House of Representatives has taken a big step toward eliminating one of the conditions which made such a tragedy possible. Further study and possibly additional legislation may be necessary to make certain that the credit card remains an asset, rather than becoming a liability, to our nation's economy.

LEGISLATIVE SOLUTION

The legislation which I co-sponsored, and which the House has now adopted, simply puts the burden on the sender to make certain that an unordered credit card reaches the hands of the intended recipient. The bill requires that unsolicited credit cards be sent by registered mail, restricted delivery and with a return receipt.

The recipient then has the option of accepting the card, and signing a receipt to prove his acceptance, or of sending it back to the mailer.

Unsolicited credit cards sent in violation of the bill would make the mailer liable for criminal penalties including up to a $1,000 fine.

I think this bill would not only serve as a protection for the consumer, but it will also help curb a nation-wide problem in credit card fraud.

Credit card mail thefts have risen 700 percent in the past four years, and one big factor has been the criminals' knowledge that many of the intended recipients do not know that a card has been issued in their names.

One group of card thieves in New York City recenty ran up bills totaling $175,000 with 20 credit cards stolen from within the Postal Service. There is a credit card "black market" operating throughout the country, with a going price of $100 per card.

Testimony before the House Postal Operations Subcommittee, on which I serve, has revealed isolated cases of merchants cooperating with card thieves to provide merchandise and services until the card appears on the "hot card list" and then turning in the card and splitting the reward with the improper holder.

NO COVERAGE IN UNIFORM COMMERCIAL CODE

This growing criminal activity is abetted, in effect, by the lack of uniform commercial code for credit card tranactions, since there is no established body of contractual law covering the phenomena of "plastic credit."

Very few states have enacted legislation to protect the consumer from unauthorized use of credit cards.

Complicating the entire issue is a growing amount of evidence that many persons who declare personal bankruptcy each year use credit cards to charge substantial bills which they are unable to pay.

Senator William Proxmire's Subcommittee on Financial Institutions held hearings last year which established a direct correlation between personal bankruptcies and unsolicited credit cards. Bankruptcy referees testified from personal experience on the frequent incidence of the use of unsolicited credit cards.

THE COAL-BLACK SHAME OF THE UMW

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the current—October—issue of Reader's Digest includes an excellent article by Trevor Armbrister on the United Mine Workers of America. This is the best summary I have read of the present leadership of this union which in many respects has failed to represent the true interests of the rank-and-file coal miners. I commend this article to the attention of my colleagues:

THE COAL-BLACK SHAME OF THE UMW

(By Trevor Armbrister)

Shortly after 1 a.m. last December 31, three men approached a solid fieldstone house in the coal-mining hamlet of Clarksville, Pa. Working quietly and confidently—they had already cased the residence for days—they cut the telephone lines and entered through a side door. They took off their shoes and crept upstairs to the second floor.

Asleep in the master bedroom lay Joseph A. "Jock" Yablonski, a 59-year-old union official, and his wife, Margaret. In an adjacent bedroom slept their daughter Charlotte. One man aimed a .38 caliber revolver at Charlotte's head and fired twice. Margaret Yablonski screamed. Her husband groped for the box of shotgun shells he kept under the bed. A second gunman cut them down in a hail of bullets.

Throughout his unsuccessful campaign for president of the United Mine Workers of America, the short, raspy-voiced Yablonski had charged UMW leaders with employing terror tactics, called them corrupt and begged the Labor and Justice departments to investigate. Few listened. And then it was too late.

The grisly murders shocked the nation. Attorney General John Mitchell ordered the FBI into the case, and on January 21 authorities in Cleveland arrested three suspects. A Federal grand jury indicated them, one of their wives and a local union official on charges of interfering with the rights of a union member, obstruction of justice and conspiracy to kill Yablonski. (No evidence has appeared to link UMW leaders to the crime.) The Labor Department filed suit to invalidate the election results. The Justice Department and the Internal Revenue Service examined the union's books for "possible criminal prosecution."

Yablonski's supporters found irony in all this. "Alive, Jock couldn't convince anyone to act," one of them said bitterly. "But his ghost has got everyone hopping."

Cruel Parody. The UMW embraces 198,000 active and retired miners in some 1300 locals spread across 27 states and four Canadian provinces. For more than 40 years, under John L. Lewis, it was the pride of American labor. The charismatic, shaggy-browed Lewis won high wages for his men, pioneered in establishing the UMW's Welfare and Retirement Fund which was among the first to give workers pensions and free medical care. Later, he encouraged mechanization of the mines, to revive an industry threatened by atomic energy and cheaper oil fuels. Then, in 1960, Lewis appointed as his vice president (and eventual successor) a short, baldish ex-coal miner from Montana named W. A. "Tony" Boyle. It was, he told intimates before his death last year, "the worst mistake I ever made."

An arrogant, hot-tempered man who once threatened to shove a bologna down a Congressman's throat, the 65-year-old Boyle insists he has followed in Lewis's footsteps. Hardly. He lacks his predecessor's vision and links to the rank and file. Since he took office, the union has deteriorated into a cruel parody of its former self. Interviews with UMW spokesmen, miners and government officials and careful scrutiny of union documents sworn affidavits and Congressional testimony show how its leaders have flouted both Congress and its own constitution:

They have spurned democratic procedures. "This union is a private government—like the Mafia," says Washington attorney Joseph L. Rauh, Jr., who served as Yablonski's campaign adviser. "It operates above the law." The Landrum-Griffin Act of 1959 stipulates that rank-and-file union members must have the right to choose their own representative. But the UMW has simply winked at this law. Today, in 20 of the UMW's 25 districts, Boyle appoints the officers. The 50,000-plus miners of West Virginia, for instance (who account for nearly one third of the UMW's total dues income), have no voice in the election of their district officials.

The UMW's own constitution says that union locals must consist of "ten or more workers working in or around coal mines." But many locals—estimates range as high as 600—are composed entirely of pensioners in areas where the mines have been abandoned. Legally, these "bogus" locals should be disbanded, their members transferred to nearby active locals. But "because we haven't got the heart to revoke their charters," UMW leaders keep them on the rolls. Their rationale is less charitable than it sounds. These bogus locals can always be counted upon to supply large blocs of pro-Boyle votes.

They have squandered millions from their own treasury. Boyle has vast sums of money at his disposal. The union itself has assets of $88 million. It owns 75 percent of the stock of the National Bank of Washington (Boyle has earned more than $30,000 in bank director's fees since 1964), and exerts strong influence over the $179 million Welfare and Retirement Fund (Boyle is a trustee of the Fund and its chief executive officer).

In 1969, the union disbursed more than $1 million to its officers and employees for "expenses" without requiring adequate documentation, a violation of the Landrum-Griffin Act. One official was paid for "mileage and expenses" while he lay in a hospital bed. "Some officials have claimed expenses for hotel and travel for practically every day of the year," a Labor Department report noted. Boyle's daughter Antoinette, a union attorney in Billings, Mont., received $43,809 in salary and expenses for duties that remain unclear (she declines to comment on them).

In 1960 the union's top officers quietly transferred $850,000 from the treasury into a special "agency fund" (with current assets of $1,500,000) to finance their retirement at full salary. The average miner, however—if he is lucky—retires on an annual pension of $1800. Any welfare and retirement fund with assets as large as the UMW's should make a sizable profit on its investments. This hasn't been the case, primarily because of the Fund's links with the union-owned National Bank of Washington. Until recently the Fund kept $67 million in a *checking* account at the bank. The money earned no interest for the miners. The bank, however, benefited enormously from its "free" use of the resource and poured fat dividends (since 1964 nearly $8 million) into the union's coffers.

In theory, the Fund is independent of the UMW. In practice, miners apply for their pensions through their local unions and, in order to receive them, must pay monthly dues of $1.25 (25 cents of which goes to the locals and $1 to UMW headquarters). As a result, the UMW gleans an annual extra million dollars. "This is extortion, pure and simple," says Mike Trbovich, chairman of a reform group called Miners for Democracy.

They have fostered cozy ties with the employers. "This union is in bed with the coal operators," says Lou Antal, a stocky district chairman of Miners for Democracy. "It's been going on for years." Despite union denials, "sweetheart contracts" do exist which per-

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mit some companies to pay workers less than union scale. Boyle has not won conspicuous concessions for his men at the bargaining table, either. Not until 1968, for example, did the rank and file win Christmas as a paid holiday. The present contract contains no provision for "sick pay," standard in most union contracts—and this in an industry which ranks as the nation's most hazardous. To finance the Welfare and Retirement Fund, coal companies pay a royalty of 40 cents per ton—a figure which hasn't changed since 1952.

They have lagged behind in the push for coal-mine health and safety legislation. Since the early 1930s, 1,500,000 men have been injured in the nation's mines. In 1969 alone, 203 men died in mine accidents. Another 10,000 were seriously injured, and thousands of others impaired, by pneumoconiosis, the dreaded "black lung" disease. Arnold Miller, a local union official from Ohley, W. Va., says, "If we promoted safety, really pushed it, we could cut that death rate in half."

During the winter of 1968–1969, three West Virginia doctors—Isadore Buff, Hawey Wells and Donald Rasmussen—appealed to the UMW for help in pushing health and safety legislation through the state legislature. UMW officials spurned their plea. (Boyle explained later in a speech, "We're not going to destroy the coal industry to satisfy the frantic ranting of self-appointed and ill-informed saviors of coal miners.") That January the doctors joined with a group of dissident miners to form the Black Lung Association. UMW officials warned the miners to disassociate themselves from it or face possible expulsion from the union. Infuriated by their threat, nearly all of West Virginia's 42,000 active miners staged a wildcat strike. Boyle ordered them back to work. The miners defied him. Finally the legislature passed a bill to compensate victims of black lung. Whereupon the UMW *journal* ran an article crediting passage of the new law to Boyle's leadership.

The Challenge. By spring 1969, the union's long decline and undemocratic procedures had attracted the attention of powerful critics. Rep. Ken Hechler of West Virginia and Ralph Nader spoke out against Boyle. So did Jock Yablonski.

For nearly 36 years, Yablonski had served the UMW—first as a local union president in Pennsylvania, finally as acting director of the UMW's lobbying arm. No one had been a more effective public defender of the leadership. Privately, however, Yablonski chafed under Boyle's regime. On May 29, 1969, he announced his candidacy for the union's top job.

"I participated in and tolerated the deteriorating performance of this leadership," he said, "but with increasingly troubled conscience. I will no longer be beholden to the past." He posed the first real threat to UMW officials since 1926 and, at that first press conference, he said he might be killed as a result. His supporters thought he was being "melodramatic."

To gain a place on the ballot, Yablonski had to win the nominations of at least 50 locals. Boyle seemed determined to stop him. He increased his loans to UMW districts; his supporters offered miners cash to block Yablonski's nomination. Despite a warning from the Fund's comptroller that a pension hike would jeopardize the Fund's solvency, he rammed through a 33-percent increase in the monthly payments.

On July 18, attorney Rauh wrote the then Labor Secretary George P. Shultz requesting an investigation. He charged that UMW officials, in massive violation of federal law, were trying to revoke the charters of pro-Yablonski locals or, failing in that, to merge them into pro-Boyle units. Locals which had already nominated Yablonski were told that a recount showed they had really favored Boyle. Local union presidents in Illinois were, Rauh alleged, "offered $150 to $200 each to coerce their locals into nominating Boyle."

Although the Landrum-Griffin Act clearly states that the Secretary of Labor had the right to investigate, Shultz decided that the Department "should not investigate and publicize the activities of one faction in an election in order to assist the campaign of the other." He would observe "long-standing policy" and wait until the balloting was over.

Despite the obstacles in his path, Yablonski won the nominations of 96 locals—nearly twice as many as he needed. His campaign zeal surprised even his own supporters. ("A lot of us were pretty skeptical at first," miner Harry Patrick remembers. "He'd been part and parcel of that gang since the year 1.") As Yablonski hammered away at Boyle and the UMW leadership, violence grew apace. On June 28, after he spoke at a meeting in Springfield, Ill., he was knocked unconscious. Hawey Wells discovered leaves and pine cones in the gas tank of the plane he used to fly to Yablonski rallies. In Moundsville, W. Va., five men attacked Tom Pysell, a vocal Yablonski backer, and left him with three broken ribs.

Cry Foul! On December 1, eight days before the election, Rauh made one last plea for government intervention. "The failure of the Department of Labor to take strong measures to insure a fair election," he wrote, "may well bring in its train ugly violence." Shultz repeated his stand. There would be no investigation "at this time." In the December 9 election, Boyle won by 35,000 votes. He had succeeded in his strategy of wooing the 70,000 bituminous-mining pensioners—by suggesting that a Yablonski victory might rob them of their benefits and implying that it would be "healthy" for them to back the incumbents. Boyle received 93 percent of their ballots. Yablonski did well among the working miners. Where he had stationed observers (his supporters had been forced to pose as newsmen just to find out the location of many polling places), he usually won or broke even. In districts where he didn't, Boyle's ratio soared as high as 88 to 1.

Yablonski cried "foul" and refused to concede. He asked the Labor Department to impound the ballots. Yablonski's son Chip submitted an affidavit alleging nearly 100 election-law violations. One local official was seen casting ballots for 30 men. Another local received only 95 ballots. Yet Boyle won by 145 to 5.

The Labor Department refused Yablonski's request. He didn't give up. "We're gonna fight this thing all the way," he rasped. On December 18 he wrote to union headquarters: "Tellers, stand up before it's too late. I too once submitted to the discipline of Tony Boyle. But I shall die an honest man because I finally rejected that discipline." Two weeks later he *was* dead.

A Stilled Voice Speaks. On January 8, Labor Secretary Shultz finally called for "a full-scale investigation." Early in March the Department filed suit to overturn the election results. Meanwhile, the union is under fire on other fronts. The Labor Department has filed suit to compel it to keep adequate financial records. The Justice Department is preparing suit to insist that the union allow members to elect their own district officers. The Senate Labor Subcommittee is probing into the election and the relationship between the union, the Welfare and Retirement Fund and the bank. Hundreds of miners have filed a suit alleging that Boyle, his vice president and secretary-treasurer have misappropriated $18 million from the union's treasury.

Dismissing such challenges as "politically motivated," union officials seem intent on business as usual. Not long ago, miners in western Pennsylvania walked off their jobs to protest the government's failure to enforce new health and safety legislation. UMW leaders told them to go back to work and, when they refused, joined forces with coal companies in an effort to compel them to return.

The shots fired in Clarksville last December 31 have stilled a voice but not a movement. Threats and bribes no longer smother dissent. "I can look my children in the eye," says West Virginia miner Tom Pysell, whose outspokenness led to a beating last fall. "That means more to me than money."

Throughout the coal fields today, from the slag heaps of Pennsylvania to the hollows of Kentucky, other miners are echoing Pysell's sentiments. One afternoon last February, hundreds of them converged upon Washington to picket the Justice Department. It was the sort of protest that would have been unthinkable in John L. Lewis's time and, as if in realization of this, some of the men had tears in their eyes. "The UMW is a shame," they shouted. The buttons on their heavy jackets were more explicit: "Stop murder," they said.

RAVENSWOOD NEWS—ACHIEVEMENT IN EXCELLENCE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to salute the Ravenswood, W. Va., News and its staff, including Phil Fourney, editor-publisher, and Joseph W. Short, former editor-publisher and now News photographer, for their achievements.

The News was honored by the West Virginia Press Association for excellence and Joe Short was honored by being inducted into the association's 50-Year Club, I would like to insert into the Record the following articles from the September 24 Ravenswood News on the awards and on Joe Short's honor, as well as an editorial on the weekly newspaper's determination not to sit on its laurels.

News Takes Top Honors at State Press Convention

The Ravenswood News captured six awards—two of them first place—at the West Virginia Press Association Convention held last weekend at Pipestem Resort in Summers County.

The two first place citations were presented for special achievements in the categories of General Excellence and Excellence in Makeup and Typography.

In addition to the two first place awards the NEWS won second place for best editorial page, second place for best local display advertisement, second place in photography, and third place for its classified page.

Leading the winning newspaper group in total awards were the Terra Alta, Preston County News, which scored in eight of the 12 categories, together with the Ravenswood NEWS with its six awards, and the Berkeley Springs, Morgan Messenger with a total of five awards.

The excellence in photgraphy award received by this newspaper was based on a picture of the dynamiting of Lock 22. The facilities, south of here, were destroyed after the Ohio River pool stage was raised when the Racine Dam was in use.

The contest judges had this to say about the photograph:

"Well-timed action shot which tells the story as no word-account could. Good reproduction in the newspaper, despite the fact that the photo was taken in the rain."

Entries in the contest were judged by

professional journalists and journalism educators from 12 major University Journalism Schools across the country.

The winners in the annual Better Newspaper Contest were presented the awards Friday at the Awards Luncheon of the WVPA Convention.

Dr. Daniel B. Taylor, State Superintendent of Schools in West Virginia, was the guest speaker at the luncheon, and the award presentations were made by George A. Smith Jr., president-elect of the West Virginia Press Association, and publisher of the Terra Alta Preston County News.

Attending the convention from the NEWS was Phil Fourney, editor-publisher of the paper and Mrs. Fourney, and Joseph Short, NEWS photographer, and Mrs. Short.

State Press Group Honors
50-Year Men

Four West Virginia newspaper men, including a Ravenswood man, were inducted into the Fifty-Year Club of the State Press Association Saturday night following a convention banquet at Pipestem Resort.

The local man was Joseph W. Short, now semi-retired and working as a photographer for The Ravenswood NEWS. Others who received certificates were Joseph Buckner of Clarksburg, Allen Byrne of Phillippi, and C. Donee Cook of Richwood. The Fifty-Year Club was established in 1937.

Short did his first newspaper work in 1919 as printers devil on The Morgantown Post. While attending West Virginia University, where he majored in journalism and was managing editor of The Athenaeum, University publication, he worked evenings on The Morgantown New Dominion and in 1924 accepted a full-time position on The Fairmont West Virginian, a daily newspaper. He served on weeklies in Pt. Pleasant, Keyser, Morgantown and Martinsburg, and was managing editor of the morning Morgantown daily for six years.

He and his wife, Lucille, came to Ravenswood in 1941 and purchased The Ravenswood NEWS, which they sold in 1955. After working in public relations with the West Virginia Motor Truck Association and editing that organization's monthly magazine, The Transporter, for six years, Short returned here as news editor for the NEWS.

The Fifty-Year Club certificate states that the recipient has devoted more than 50 years to the newspaper profession, "and in recognition of his services to his community and state and contributions made to the material, moral and spiritual development of our people, is awarded this certificate of membership in the Fifty-Year Club of the West Virginia Press Association."

Our Aim Is To Try Harder

Although we've become accustomed to winning awards in the West Virginia competition, we are singularly proud of one citation we received last week at the press association's annual meeting.

The NEWS—among other citations—was given the first place award for general excellence, in competition with all weekly newspapers in the state. Like the Blue Ribbon newspaper designation about which we wrote several weeks ago, the general excellence prize goes to that newspaper which does everything better than other newspapers in the state.

To win the plaudit is a compliment to our total staff. It means the judges felt we covered news events better than other papers and that our stories about the news were well written. It means the number and quality of our photographs are superior. The advertising content of the paper is well presented. Those who produce the paper—the typesetters, makeup personnel, camera, platemaking and pressroom crews—do a superlative job.

In other words, in giving the general excellence award the judges feel we have done a better all-round job with our newspaper than any others. It means our team has performed better than the teams who work for the other weekly newspapers in the state.

We're very proud to have earned this distinction once again, and remain proud of the staff which writes and produces The NEWS.

At the same time, we realize we're not yet doing the job which the most important judges (our readers) feel needs be done. Last Sunday, for example, a reader wanted us to take a picture of an event—but our personnel were spread so thin that we couldn't honor the request. We know that particular reader doesn't place us at the top of the list this week. Other readers—as do we—feel our representatives should attend more meetings and give more personal reports. Or they feel the actions in circuit court should be given more personal attention and thorough reporting.

We know we must continue to improve our coverage of our community and county, and to relate more state happenings to a local level. We aren't satisfied. We pledge to continue working to make the state's best weekly newspaper even better.

RALPH NADER: HIS TRIBE INCREASES

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the American consumer and the average guy who gets pushed around by insensitive and irresponsible institutions is much better off today because of Ralph Nader. Working within the system, Mr. Nader and his associates have effectively enabled voiceless people to be heard, and have pushed and prodded large corporations to become more aware of their civic responsibilities. They have done this both within the framework of the law, and by the use of the law for the protection of those hitherto unprotected.

In a recent article in the Los Angeles Times dated September 24, 1970, Rudy Abramson has written about some of the activities of Ralph Nader on behalf of the public interest. Some people and some institutions bristle when Mr. Nader sticks a pin into them, but his facts are accurate, his sense of timing is superb, his instinct for the jugular is uncanny, and he inspires confidence by the rising string of accomplishments to his credit. I commend the following articles in the September 24, 1970, Los Angeles Times to my colleagues:

Nader's Raiders a Bigger Team, More Targets

(By Rudy Abramson)

WASHINGTON.—This summer more than 4,000 students, including a third of the student body at Harvard law school, and, for the first time, substantial numbers from the Deep South, volunteered to work for a pittance under consumer man Ralph Nader.

His Center for the Study of Responsive Law, the home base for Nader's Raiders, could take only about 200 of them.

Nevertheless, this year's youth crusade on behalf of the consuming public has been the most fervent since the first time volunteers joined up in June, 1968.

Raider platoons have roamed far from their earlier haunts in the federal bureaucracy to probe land use in California, the pulp industry of Maine, pollution of the Savannah River in Georgia and the travail of textile towns in North Carolina.

Back in Washington, others returned to old targets like the Food and Drug Administration and the Department of Agriculture, and opened new investigations of the antitrust division of the Justice Department and the quality of care in nursing homes.

GAINING IN INFLUENCE

Nadar at 36, has become, in four years, a national institution. He has brought about a near-revoluton in U.S. law schools, and his influence is still skyrocketing.

New public interest groups are sprouting like daisies across the country—a few of them loosely connected with Nadar, some of them inspired by him, and others copies.

Boosted by a $425,000 out-of-court settlement of an invasion-of-privacy suit against General Motors last month, Nader has been able to start a public interest law firm in Washington. As one of its first major projects, it is zeroing in on the Civil Service System, doing a technical analysis of what is required to make Civil Service employes more accountable to the public.

He has also launched another new group called Professionals for Auto Safety, which he hopes will develop into a nationwide body of lawyers, engineers, physicians and other professionals who will give their time to lobby for auto safety needs.

It is now leaving the starting gate in pursuit of the tinted windshield, a luxury item from Detroit which its leaders consider a dangerous limitation on visibility, particularly among elderly drivers, and during twilight hours.

This fall, Nader, who started it all with a 1966 book entitled "Unsafe at Any Speed," and two of his associates will bring out another car book—a manual for "lemon" owners.

DECLINE PREDICTED

Despite new backbone in the consumer movement and the spread of the religion called Naderism, some critics still forecast the decline they have predicted from the time Nader burst into prominence.

Nader has spread himself too thin, the argument goes. He is eroding his influence by speaking out too often on too many subjects, always with a predictable level of outrage. One great mistake by one of his Raiders will destroy his credibility, they say.

But allies in the consumer movement marvel that Nader becomes more and more influential despite four years in the spotlight. His capacity for work is as limitless as ever.

Nader has become one of the more powerful people in a city that iodolizes power. Bureaucrats he has taken under fire tend to think portrayals of Nader as a David against Goliath had the characters reversed.

HOUSEHOLD WORD

While the Nader institution is taking root across the country, the man is about the same invisible, mildly eccentric character he was before he became a household word. Apparently, this is of both choice and necessity.

He carefully guards the address of his $80-a-month room, does not own an automobile, frequently changes the telephone number where he can be reached, and operates from a secret private office.

He is mysterious about his movements around town. The only way to find him is to leave word around with his associates at the Center for the Study of Responsive Law or with congressional aides he frequently sees. A favorite meeting place is the lobby of the Dupont Plaza Hotel. Usually late, Nader seems to materialize from nowhere, often with an armful of books and papers.

His workday is said to run as long as 20 hours. Not infrequently, he is on the phone in the middle of the night, rousting less-driven allies out of bed to talk business.

In preparation for appearances before congressional committees, he has been known to work through the night, then roll his prepared testimony out of the typewriter just in time to deliver it at the committee session.

A story is told that Nader had similar habits as a Princeton undergraduate majoring in Oriental studies.

A night watchman is said to have repeatedly found him sleeping in the library after it was closed. The student explained he had so much work to do that he found it necessary to nap with his head on a library table.

The explanation got Nader entrusted with a personal key to the library, but it made him no friends when he refused fellow students who wanted to borrow the key to take girl friends to the library after hours.

Nader left Princeton a Phi Beta Kappa, though someone had seen fit to put him in a remedial English class as a freshman.

DISILLUSION GROWS

His deep disillusionment with the workings of the system set in at Harvard Law, an institution he found too much a trade school. His grades were not outstanding, and, in retrospect, it seems Harvard never really challenged him.

People who have known Nader since his first days in Washington see little change in him.

"He's more sophisticated now," said a Senate staff member who works with him. "It used to be just the good guys and the bad guys, as far as he was concerned, with no in-between. Now he understands that Sen. Philip Hart (D-Mich.) can go just so far on auto safety, and Sen. Fred Harris (D-Okla.) can go just so far on pipeline safety."

When he sees the pulbic interest at stake, though, Nader isn't hesitant to harpoon the good guys, too.

Last May, one of his task forces hit Sen. Edmund S. Muskie (D-Me.), the Senate's leading force against air pollution, with a bare-knuckled broadside.

"The man who has received the greatest political mileage from his identification with the air pollution issue, Sen. Edmund S. Muskie of Maine, does not deserve the credit he has been given," the report said. "He and Sen. Jennings Randolph of coal-rich West Virginia worked hand-in-hand in 1967 to create the labyrinthine Air Quality Act, which has so far been a business-as-usual license to polluters."

MUSKIE ANGERED

Muskie was furious, and many leaders of the consumer movement were aghast.

Here, some friends said, was that first big mistake. Nader associate John Esposito wrote the report but Nader stood behind it.

"I looked at that report and said, 'Oh, God, he's made his first mistake,' " said one of Nader's lawyer friends. "Maybe Muskie should have done more; but he's done more than anybody else, and he's not somebody to dump on."

The episode has now blown over. Muskie and Nader have communicated several times since the incident. Nader and his team are convinced personally that stinging the senator had something to do with the toughest piece of air pollution legislation in history, which Muskie's subcommittee wrote recently.

If that's true, it is real evidence of Nader's clout, for Muskie is a man with Senate prestige and serious aspirations to be President.

In contrast to his investigative reports and public pronouncements on consumer issues, Nader works through other avenues open to no one else. He helps write some legislation before it ever emerges to public view.

ANNOYED BY CHANGE

A Senate legislative aide with Nader on a bill once changed an adjective to an adverb for grammatical reasons. Nader wasn't told of the change, and when he saw it, the staff member said, "He went up the wall. He thought somebody had gotten to the staff."

As that indicates, Nader is a man with a conspiratorial nature.

"But," said one of his close friends, "it's hard to tell when he is being for real and when he is just posturing."

Others think this element of his personality is a real problem for him, that he spends a great deal of time worrying about things that never happen.

Some of his friends thought he was daft in 1966 when he became convinced he was being followed. As it turned out, he was being shadowed by a private detective retained by General Motors.

GM admitted it, and its president apologized publicly. Nader sued, and out of that grew the $425,000 settlement.

Whatever the motivation for Nader's reclusive life style, the fact he is disinterested in creature comforts or accumulation of personal wealth has added greatly to his credibility. The other reason for his credibility is that he is careful with his facts.

HOLDS TRUMP CARD

One of Nader's favorite techniques is to make an expose without revealing his crucial evidence. After his target issues a denial, Nader then likes to produce his trump card—as he did once with a printout from Ford Motor Co.'s own computers.

The printout came to Nader from a graduate student who had worked at Ford and who had taken the discarded information home with him to use in preparation of his thesis.

Not surprisingly, Nader does not talk about his intelligence network. It is a source of some pride to him that no one has ever been fired for helping him. And there hasn't been a lawsuit against him and his Raiders for their investigations.

Many who have worked with Nader and watched him are convinced that descriptions of him as a one-man CIA are overdone.

Jerome N. Sonosky, a Washington lawyer who was a Senate staff member during the 1966 auto safety hearings, said of Nader, "He uses good lawyer techniques, good reporter techniques. A lot of the stuff he gets is right under our noses. I'm not saying that to minimize what he's doing. That's his genius; he came here and learned the system, and he found that government agencies put out an unbelievable amount of data that people pay no attention to."

At one point in his automobile safety crusade, for example, Nader went to the U.S. Patent Office, got the names of people who had patented safety devices and wrote to each of them.

Nader has been on the scene long enough now that he has developed personal constituencies throughout government agencies as well as in Congress.

He frequently feeds information to members of Congress involved with consumer matters, and, by the same token, goes to them on occasions for help in breaking information loose.

The center operates in a disheveled old townhouse just off Washington's Dupont Circle. The interior looks more like the command post for a weekend demonstration than a permanent institution. The door is always locked.

Outside his personal orbit, Naderism has become more apparent than ever in recent months.

In Cleveland, a group has been established to monitor auto manufacturers and keep an eye on the sales, servicing and advertising practices of area dealers. It will serve as an organization to collect citizens' complaints about their cars, and will produce a rating of auto dealers for potential buyers.

At the University of Texas law school, nine students, who spent most of the summer in Washington investigating the Atomic Energy Commission, are writing a 350-page report for the Texas Law Review. The Review raised $10,000 for the study.

Robert Fellmeth, a Harvard graduate whose California land use study is the biggest project ever undertaken by Nader's Raiders, said he and several others will first spend a year raising money to establish a firm with offices in California, Washington and New York.

They expect to conduct investigations, write reports and use summer student volunteers like the Center for the Study of Responsive Law. A separate branch of the same organization would practice more conventional case law.

LAWSUITS POSSIBLE

During the summer study now being put into book form, seven Raider teams combed California records and interviewed officials on land planning and use.

"We see the possibility for literally hundreds of suits," Fellmeth said, "including multimillion-dollar actions against some large corporations."

Nader seems to consider his prime mission one of developing leadership for the new consumer advocacy by providing opportunities for young professionals to expose institutional wrongs.

"The name of the game is numbers," he said. "We have to have large numbers all over the country. The function of leadership is to develop leadership. It's a question of whether you want the movement to provide career roles, or if you just want to write a few books and testify a little."

For all the success of his movement so far, Nader's outrage is unabated.

"Everybody agrees society is going downhill," he said in an interview, then started reeling off why—an obsolete Congress, prematurely aged labor unions, people and institutions who endorse principles, then make a mockery of them.

"I talk with people with $200 and $300 million fortunes who won't support 10 law students," he said. "That's the Roman decline right there."

"The country has produced absolutely ingenious ways to siphon public resources into the private sector, when it should be working the other way, and corporations are crying socialism all the way to the bank."

Nader's young allies at work in the field often get lectured by their elders that they're following a radical who is trying to destroy the free enterprise system.

"The corporations are the radicals," Nader replies. "They're the ones acting outside the ideals, the norms of society. They can do almost anything they want so long as it is through inaction—like releasing cars that pour out poisonous gases affecting all Americans."

Besides the major projects already mentioned, the staff at Nader's center and the Raiders have been investigating supermarkets, the Federal Water Quality Administration, the National Air Pollution Control Administration, the Bureau of Reclamation, the Forest Service, the National Institute of Mental Health, land taxation, black cooperatives, hospital accreditation, the Connecticut Insurance and Consumer Department, and law firms.

Nader says he will never run out of subjects.

Despite all of the things he sees, he is not a total pessimist.

"The country knows the disasters we are headed for, and that's a plus," he said. "We also have the resources to deal with these things."

"The question is whether we can band these into a will, a commitment, an ethic where everybody in his job is his own person, whether he's working on an assembly line or in a government agency."

WINS AND LOSSES ON NADER'S SCOREBOARD

WASHINGTON.—Ralph Nader's targets range from General Motors, his well-known favorite, to excessively fatty hot dogs and the red dye in maraschino cherries. His calls for reform have covered such a wide range of subjects that many have come to nothing.

Some examples of his wins and losses:

His book "Unsafe at Any Speed" focused on Chevrolet's popular Corvair. Although courts have held the car is not inherently unsafe, sales plunged 93% in the years after the book, and Corvair was taken out of production after 1969 models.

A scathing report on the Federal Trade Commission started a reorganization of the agency. A study by the American Bar Assn. backed up many of the FTC criticisms by Nader's raiders.

His reports on dental X-rays raised public concern over the possibility of miscarriages and birth deformities. The American Dental Assn. told members they should stop making X-rays a standard part of dental examination of pregnant women.

RADIATION EMITTED

After Nader reports that some color television sets emit excessive radiation, the FTC issued warning to consumers to sit a least 6 feet from the screen.

Three baby food manufacturers stopped using the taste-enhancer monosodium glutamate after Nader called attention to harmful effects to animals produced by large amounts in laboratory studies.

Nader's forces recently won a major victory when the U.S. District Court in Baltimore ordered the Agriculture Department to release certain records to its meat inspection division. The case is being appealed by the government.

Recently, Nader tried to get a ban against smoking on airliners, contending it is a safety hazard as well as a nuisance to nonsmokers. He was turned down by the Federal Aviation Administration, went to court, and lost again.

A report by Nader's Raiders recommended that the Interstate Commerce Commission be abolished. There is no indication that it is in the works, but a congressional study is being made.

A project called "Campaign GM," backed by Nader, lost a bid last spring to get three public representatives appointed to the GM board of directors but succeeded in spotlighting the issue of corporations and public responsibility.

W. A. (Tony) Boyle won reelection as president of the United Mine Workers despite Nader charges of corruption and nepotism in the union.

A report by Nader's Raiders on the Food and Drug Administration called for complete food labeling and charged the FDA with repeated favors to special interests. Major recommendations have not been followed.

In some areas of the federal establishment, the Raiders are finding improved access to information. But some agencies—the Department of Housing and Urban Development and the Food and Drug Administration—have started charging them for researching files and for providing large numbers of copies.

Nader's exposures and work with consumer-oriented members of Congress played a major role in the auto safety bill of 1966, the Wholesome Meat Act of 1967 and the Coal Mine Health and Safety Act this year.

Associates believe Raider criticism of Sen. Edmund S. Muskie (D-Me.) prodded him to engineer a tougher air pollution bill this year.

Nader's charges that fishing vessels are not inspected for sanitation brought a White House meeting on the subject, but not a public reaction such as the one that pushed the Wholesome Meat Act through Congress.

AN ACCURATE CENSUS: THE TALE OF ONE CITY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, recently I called attention to the efforts to obtain an accurate census count in my hometown of Huntington, W. Va. I believe we have succeeded, and the Bureau of the Census deserves high praise for its efforts. As a matter of fact, the Director of the Census, Dr. George H. Brown, has accepted an invitation to address over 100 census enumerators who will be my guests at a steak dinner to be held at the Hotel Frederick, Huntington, October 10. Under unanimous consent, there follows the text of my testimony on this subject before the House Subcommittee on Census and Statistics, September 29, 1970.

STATEMENT OF REPRESENTATIVE KEN HECHLER

I come to praise the Census, not to bury it.

I have invited over 100 census enumerators in my home town of Huntington, West Virginia, to be my guests at a steak dinner on the evening of October 10, to honor them for their dedicated and conscientious work in taking the 1970 census, despite the fact that their results revealed a drop of over 10,000 in Huntington's population since 1960. The Director of the Census, Dr. George H. Brown, has accepted an invitation to speak at the dinner.

It is very natural for anguished outcries to fill the air whenever the census, a measure of progress, shows a decline in population instead.

The 1960 census pegged Huntington's population at 83,627. When the news broke early in June that Huntington's preliminary 1970 count was only 72,970, a 7 column headline splashed across our local newspaper: "City Census Figure Faces Challenge." My telephone started ringing incessantly with protests.

Local officials insisted that with over 28,000 households billed for city garbage collection, at a rate of three persons per household there surely must be at least 84,000 people instead of 72,970 in Huntington. Other indices such as increases in water meters, auto registration, and certified work force were used to refute the claims of the Census Bureau.

The Huntington Herald-Dispatch categorically stated in the opening sentences of a critical June 6, 1970 editorial: "Maybe West Virginia census enumerators just can't count. Or perhaps Mountaineers were more indignant than most Americans about answering some of the questions on the census forms and decided to be 'out' when the enumerator came around." In its concluding blast at the inaccuracy of the census, the Herald Dispatch stated: "But to concede—in the face of indices all pointing in the opposite direction—that Huntington has lost 10,657 residents since 1960, is just plain ridiculous."

When these protests rolled in, I was determined to get the facts and instead of arguing with the critics of the census I was equally determined that they be accorded a free, full and fair opportunity to present their evidence and have it weighed carefully. First, I talked at length with Census officials at central headquarters to insist that a massive volunteer recount effort in Huntington should receive the official blessing of the Bureau of the Census. Second, I quizzed Joseph Norwood, Regional Director of the Census Bureau in Charlotte, N.C., on the best procedure for such a volunteer recount, as well as the steps which had been attempted in Huntington to re-check the preliminary figures. Mrs. Anna Maxine Booth, district manager for eleven West Virginia counties including the city of Huntington, had carried out additional checks for census coverage under the direction of the Regional Office, prior to announcing the preliminary total. These checks included: comparing each enumerator's district with the city master map to see that all of the City was properly included; checking the address register of all households for full coverage of addresses; a re-check of areas showing below average number of persons per housing unit or above average of vacancies; and a re-check of areas where there had been some demolitions to insure that the structures were either vacant or demolished. At the same time, "Were You Counted?" advertisements were run in the newspapers and over radio and television in a concerted effort to discover those people who had been overlooked.

Despite these careful checks which had been made, I encouraged both the city officials and the Bureau of the Census to give support to a volunteer block count in order to get the facts, and there was enthusiastic agreement all around that this task should get underway immediately.

On June 4, 1970—two days after the preliminary census figures were revealed—I issued a public statement which was carried in all the news media. Noting that "I am sure that Mrs. Maxine Booth, manager of the Huntington Census Bureau office, has done an excellent job with her enumerators," I added: "All of us are concerned that the count be complete and accurate . . . The Census Bureau will assist any citizen campaign effort to encourage those who feel they were not counted to report information to the regional director."

We arranged a special air shipment to Huntington of several thousand "Were You Counted?" forms, and the City of Huntington duplicated additional forms. A 3-column front page article on Sunday June 7, 1970 helped kick off the effort, along with the lead editorial in the Sunday June 7 Huntington Herald-Advertiser entitled "Operation Blockcount is a Crusade For Truth." A double-column bold type box in the center of the editorial stated: "Notice to Volunteers. If you wish to join in 'Operation Blockcount,' to insure that the City of Huntington receives full credit for its entire population, call City Hall. The number is 529–7164. Ask for the Central Clearing Office. . . . Let's make this campaign a crusade!"

The Census Bureau allowed 11 days for the "Operation Blockcount." Thirty volunteers showed up the first day, and immediately went to work. The blockcounters were authorized to pick up census forms not previously collected by enumerators, and were also authorized to record basic information on those people who felt they had not been counted. The Huntington Junior Chamber of Commerce participated in and backed the volunteer effort, as did other civic organizations.

Massive radio, telephone and newspaper support backed up the campaign, which I encouraged at every opportunity with television and radio spots and news announcements. During the first week of the Blockcount it was reported that 250 persons had volunteered to assist, with an estimated 50 percent of the city's residential areas assigned. Totals recording the additional people counted were published frequently by the newspapers.

At all levels, the Census Bureau was most cooperative, and midway in the Blockcount an eleven-day extension in the deadline was granted up to June 30. Not all of the City of Huntington was covered in Operation Blockcount. Yet few civic projects received such strong support from the news media, city officials and civic organizations, and the Bureau of the Census did everything possible to make Operation Blockcount a success.

By the time 20 percent of the city had been checked, it was estimated that 1,000 names had been added, leading to the projection by local authorities that Huntington's final count would add about 5,000 people. However, by the end of the period, forms for 1,328 persons, representing 568

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households, had been turned in to the Charlotte Regional Office. To these 568 households were added 164 more forms that were sent either to the Huntington census office after it officially closed early in June, or to the Jeffersonville, Indiana, or central office of the Bureau of the Census.

Now started the refining process of thoroughly checking the 732 additional households. By comparing these 732 forms with data already recorded, it was discovered that all but 71 households (representing 183 persons) were either outside the City of Huntington or duplicated households and individuals already counted.

When Regional Director Norwood relayed this information to me, I suggested that he ought to take these 183 additional people and field check his results in Huntington to find out why they were not counted in the original census. A survey statistician from the Regional Census Office went to Huntington and he personally checked out each of the 71 households and 183 people, and discovered that 4 addresses were non-existent, 3 were in the county and outside the Huntington city limits, 2 had the wrong name entered, and 8 were households which had moved into Huntington since April 1 and knew they had been counted elsewhere.

So this boiled down to 30 households and 90 people, and I again went back to Mr. Norwood and asked him: just why weren't these 90 counted? It was discovered that they were living in the rear or over commercial buildings, or were transient or floater population that simply had not been caught in the census net. Nevertheless, 90 additional people—which constitutes a shade over one-tenth of one percent increase beyond the preliminary census estimate—is sufficient cause for a celebration and a steak dinner for the enumerators who did such an accurate job.

After all the build-up and the criticism of the enumerators, the Huntington morning newspaper blacked out any mention of the results of the final census check. The afternoon newspaper, the Huntington Advertiser, carried a little one column story on September 10, 1970.

Aside from this Tale of One City, I would like to make two small suggestions for the committee's consideration in making recommendations for the next census. West Virginia has the highest percentage of its population serving in the armed forces, and I believe the lowest number of personnel in proportion to population serving as recruiters or other military personnel within the borders of the state. I know that since 1790, military personnel has been allocated under the census to the state where the military happens to be serving. I can see no logic in counting a man who is sent against his will to Fort Jackson, S.C., in South Carolina's population, when he pays his taxes, votes, owns property and expects to return to West Virginia when he gets out of the military service. The same thing goes for college students, who are now counted in the state where they happen to be attending college. That is simply illogical, and should be changed in both instances so they will be accurately added to the population of the state which is their true state of residence.

Finally, in the light of the great mobility of our populations, I support a census taken every five years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lowenstein (at the request of Mr. Wolff), for today, on account of religious observance.

Mr. Dowdy (at the request of Mr. Boggs) for an indefinite period, on account of illness.

Mr. Scheuer (at the request of Mr. Bingham), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Van Deerlin, for 10 minutes, today.

Mr. Gonzalez, for Thursday, October 1, 1970, for 30 minutes.

Mr. Rarick (at the request of Mr. Gonzalez), for 15 minutes, today, and to revise and extend his remarks, and include extraneous matter.

(The following Members (at the request of Mr. McCloskey) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Hall, for 60 minutes, on October 7.

Mr. Hosmer, for 10 minutes, today.

Mr. Findley, for 15 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gray in two instances and to include extraneous matter.

Mr. Holifield to include extraneous matter in his remarks on H.R. 18679.

Mr. Price of Illinois (at the request of Mr. Holifield), to extend his remarks in the Record on the bill H.R. 18679.

Mr. Byrnes of Wisconsin to revise and extend remarks made on the hijack bill, H.R. 19444.

(The following Members (at the request of Mr. McCloskey) and to include extraneous material:)

Mr. Zwach.
Mr. Chamberlain.
Mr. Robison in two instances.
Mr. Lujan.
Mr. King.
Mr. Wyman in two instances.
Mr. Hogan.
Mr. McDonald of Michigan.
Mr. Rhodes.
Mr. Beall of Maryland.
Mr. Adair.
Mr. Hosmer in two instances.
Mr. Skubitz.
Mr. Findley.
Mrs. Heckler of Massachusetts.
Mr. Frey.
Mr. Coughlin.
Mr. Wylie.
Mr. Schwengel.
Mr. Schmitz.
Mr. Weicker.
Mr. Grover.
Mr. Hall.
Mr. Gerald R. Ford.
Mr. Schadeberg in two instances.
Mr. Watson.
Mr. Scott.
Mr. Meskill.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Mahon in two instances.
Mr. Celler.
Mr. Pepper in two instances.
Mr. Kastenmeier.
Mr. McCarthy in three instances.
Mr. Rodino.
Mr. Garmatz.
Mr. McMillan in two instances.
Mr. Kluczynski in two instances.
Mr. Annunzio in three instances.
Mr. Rarick in two instances.
Mr. Dent in three instances.
Mr. Minish in two instances.
Mr. Pucinski in six instances.
Mr. Pickle in four instances.
Mr. Nix.
Mr. Blatnik.
Mr. Stephens in two instances.
Mr. Rostenkowski.
Mr. Nichols.
Mr. Edwards of California.
Mr. Brasco in three instances.
Mr. Bennett in two instances.
Mr. Eilberg.
Mr. Tiernan.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3558. An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, October 1, 1970, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2175. A bill to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released (Rept. No. 91-1520, pt. II)). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOWERS: Committee on the Judiciary. H.R. 14684. A bill for the relief of the State of Hawaii (Rept. No. 91-1542). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 17901. A bill to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit; with amendments (Rept. No. 91-1543). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes; with amendments (Rept. No. 91-1544). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country (Rept. No. 91-1545). Referred to the Com-

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mittee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. S. 1461. An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States; with amendments (Rept. No. 91–1546). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on Foreign Affairs. House Joint Resolution 1355. Joint resolution concerning the war powers of the Congress and the President (Rept. No. 91–1547). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROONEY of New York: Committee of conference. Conference report on H.R. 17575 (Rept. No. 91–1548). Ordered to be printed.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 30. An act relating to the control of organized crime in the United States; with an amendment (Rept. No. 91–1549). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MANN: Committee on the Judiciary. H.R. 4463. A bill for the relief of Francis X. Tuson. (Rept. No. 91–1541). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLANCY:

H.R. 19517. A bill to restore balance in the Federal form of Government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 19518. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90–542) to include certain rivers located within the State of California as potential components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA (for himself, Mr. Steiger of Wisconsin, Mr. Daniels of New Jersey, Mr. Quie, Mr. Perkins, Mr. Ayres, Mr. Dent, Mr. Bell of California, Mr. Pucinski, Mr. Reid of New York, Mr. Carey, Mr. Erlenborn, Mr. Hawkins, Mr. Dellenback, Mr. Scheuer, Mr. Esch, Mr. Burton of California, Mr. Hansen of Idaho, and Mr. Gaydos):

H.R. 19519. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability and for other purposes; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 19520. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19521. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. EDMONDSON (for himself, Mr. Belcher, Mr. Camp, Mr. Jarman, and Mr. Steed):

H.R. 19522. A bill for the relief of the owners of interests in the minerals and mineral rights in certain land located in Caddo County, Okla.; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 19523. A bill to require that the training of the National Guard for civil disorders be emphasized equally with that for combat warfare, and to require that the National Guard be provided with specialized weapons and protective equipment suitable for use to control civil disorders; to the Committee on Armed Services.

By Mr. KOCH:

H.R. 19524. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. McCARTHY:

H.R. 19525. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning; to the Committee on Interior and Insular Affairs.

By Mr. MILLS:

H.R. 19526. A bill to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 19527. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. PIKE (for himself, Mr. Gubser, Mr. Rivers, Mr. Arends, Mr. Leggett, Mr. Stafford, Mr. Hicks, Mr. Foreman, Mr. White, Mr. Whitehurst, Mr. Brinkley, Mr. Daniel of Virginia, and Mr. Beall of Maryland):

H.R. 19528. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

By Mr. ROBISON:

H.R. 19529. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 19530. A bill to amend section 344(a)(1) of the Immigration and Nationality Act to prohibit the charging of fees with respect to certain individuals in naturalization proceedings; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 19531. A bill to allow the Comptroller General of the United States to settle and pay certain claims arising out of the crash of a U.S. aircraft at Wichita, Kans., on January 16, 1965; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 19532. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19533. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. WATSON:

H.R. 19534. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. WEICKER (for himself, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Baring, Mr. Buchanan, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Carter, Mr. Cleveland, Mr. Coughlin, Mr. Dulski, Mr. Edwards of California, Mr. Flood, Mr. Foley, Mr. Frelinghuysen, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Giaimo, Mr. Gubser, Mr. Halpern, Mr. Hasting, Mrs. Heckler of Massachusetts, Mr. Hicks, Mr. Horton, and Mr. Hosmer):

H.R. 19535. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WEICKER (for himself, Mr. Jarman, Mr. Johnson of California, Mr. Kastenmeier, Mr. Kuykendall, Mr. Kyros, Mr. Mathias, Mr. McCulloch, Mr. McKneally, Mr. Meskill, Mr. Minish, Mrs. Mink, Mr. Moorhead, Mr. Morse, Mr. Moss, Mr. Murphy of New York, Mr. Ottinger, Mr. Pettis, Mr. Pirnie, Mr. Rivers, Mr. Rodino, Mr. Roe, Mr. Ryan, Mr. Schwengel, and Mr. Talcott):

H.R. 19536. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WEICKER (for himself, Mr. Tunney, Mr. Whitehurst, and Mr. Yatron):

H.R. 19537. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLD:

H.R. 19538. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DON H. CLAUSEN:

H.R. 19539. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

By Mr. DIGGS:

H.R. 19540. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. DULSKI:

H.R. 19541. A bill to amend title 39, United States Code, to improve the protection of a person's right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 19542. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. ICHORD (for himself, Mr. Randall, Mr. Hull, Mr. Pucinski, Mr. Jones of North Carolina, Mr. Eilberg, Mr. Byrne of Pennsylvania, Mr. Abbitt, Mr. Rhodes, Mr. Roberts, Mr. Hansen of Idaho, Mr. McCulloch, Mr. Rarick, Mr. King, Mr. Scherle, Mr. Bevill, Mr. Kuykendall, Mr. Brinkley, Mr. Edmondson, Mr. Pepper, Mr. Smith of California, Mr. Sandman, Mr. Clark, Mr. Satterfield, and Mr. Flynt):

H.R. 19543. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. Dingell, Mr. Miller of Ohio, Mr. Landgrebe, Mr. Daniel of Virginia, Mr. Broyhill of North Carolina, Mr. Ashbrook, Mr. Cowger, Mr. Dorn, Mr. Goodling, Mr. Patman, Mr. Hechler of West Virginia, Mr. Evins of Tennessee, Mr. Watson, Mr. Pike, Mr. Devine, Mr. Chappell, and Mr. McKneally):

H.R. 19544. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 19545. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on certain real property owned by foreign governments; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mr. Stanton, and Mr. Stokes):

H.R. 19546. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SKUBITZ:

H.R. 19547. A bill to amend the Internal Revenue Code of 1954 to provide charitable deduction for blood donations; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 19548. A bill to provide for the control and prevention of further pollution by oil discharges from Federal lands off the coast of California, and to provide for the improvement in the state-of-the-art with respect to oil production from submerged lands; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 19549. A bill to establish a program for the protection of aircraft from air piracy; to authorize the purchase of magnetometers and other electronic sensing devices for the purpose of detecting air pirates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 758. Concurrent resolution to express the sense of Congress on international measures to discourage hijacking; to the Committee on Foreign Affairs.

H. Con. Res. 759. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. SCHMITZ:

H. Con. Res. 760. Concurrent resolution expressing the sense of the Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

By Mr. WHALLEY:

H. Con. Res. 761. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York (for himself and Mr. Friedel):

H. Res. 1232. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. SPRINGER:

H. Res. 1233. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HALPERN introduced a bill (H.R. 19550) for the relief of Tito P. Romero, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

607. By the SPEAKER: Petition of Mrs. Fidelia Poblete Macapaz, Makati, Rizal, Philippines, relative to redress of grievances; to the Committee on Foreign Affairs.

608. Also, petition of CUNA International, Inc., Madison, Wis., relative to consumers affairs; to the Committee on Government Operations.

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SENATE—*Wednesday, September 30, 1970*

The Senate met at 10 a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, by whose providence we have been brought to this new day, we give Thee hearty thanks for the good land Thou hast given us. Forgive our transgressions; cleanse us from things that defile our national life, and grant that this people, which Thou hast abundantly blessed, may keep Thy commandments, walk in Thy ways, and trust in Thy grace.

Be gracious to our times, that by Thy bounty both national quietness and pure religion may be duly maintained. Keep the Members of this body steadfast and true, and may Thy peace abide in their hearts.

Let the beauty of the Lord our God be upon us, and establish Thou the work of our hands upon us; yea, the work of our hands, establish Thou it.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., September 30, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 29, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and I believe this has been cleared—that the Committee on Finance, the Committee on Commerce, the Subcommittee on Education of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF LABOR

The assistant legislative clerk read the nomination of Malcolm R. Lovell, Jr., of Michigan, to be an Assistant Secretary of Labor.

Mr. COTTON. Mr. President, I will not inconvenience or delay the Senate by asking for a rollcall vote on the confirmation of this nomination.

I merely state for the Record that if we had a rollcall vote, I would be compelled to vote against confirmation.

The ACTING PRESIDENT pro tempore. The question is, will the Senate advise and consent to the nomination of Malcolm R. Lovell, Jr., of Michigan, to be an Assistant Secretary of Labor?

The nomination was confirmed.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk read the nomination of Wilmot R. Hastings, of

Massachusetts, to be General Counsel of the Department of Health, Education, and Welfare.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there morning business to be transacted at this time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PERSONAL STATEMENT ON REASONS FOR VOTING FOR CLOTURE MOTION ON YESTERDAY

Mr. BYRD of West Virginia. Mr. President, I voted for cloture yesterday for three reasons:

First. A constitutional amendment was involved. The protection of a minority viewpoint is, therefore, adequately assured by the Constitution, which requires, for adoption, a two-thirds vote of both Houses and ratification by three-fourths of the States. This is quite different from invoking cloture on a bill, the passage of which would require only a majority of both Houses of the Congress.

Second. The matter on which the cloture motion was intended to apply was a matter to which I was not opposed. As a member of the Judiciary Subcommittee on Constitutional Amendments, I had voted to report the resolution providing for election of the President by direct popular vote, having supported in preference thereto the proportional system and the district system, both of which were rejected.

Third. Considerable time for debate had elapsed, with one cloture motion already having been attempted.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report of Claims Settled by General Services Administration Under Military Personnel and Civilian Employees' Claims Act of 1964

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report on claims settled by that Administration under the Military Personnel and Civilian Employees' Claims Act of 1964 for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

Report on Health Consequences Relating To Use of Marihuana

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a preliminary report concerning current information on the health consequences of using marihuana (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of Operations by Federal Departments and Establishments in Connection With Bonding of Officers and Employees

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of operations by Federal departments and establishments in connection with the bonding of officers and employees, for the fiscal year ended June 30, 1970 (with an accompaning report); to the Committee on Post Office and Civil Service.

Report of the Canada-U.S. Interparliamentary Group

A letter from the chairman of the Senate delegation, Canada-U.S. Interparliamentary Group, transmitting, pursuant to law, a report of the group on the 13th meeting, March 10–15, 1970 (with an accompanying report); to the Committee on Foreign Relations.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

A resolution adopted by the City Council of Gardena, Calif., relating to more direct funding of city programs; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. Allen) announced that on today, September 30, 1970, he signed the enrolled bill (H.R. 14373) to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed southside neighborhood development project, which had previously been signed by the Speaker of the House of Representatives.

S. 4418—ORIGINAL BILL REPORTED TO AUTHORIZE APPROPRIATIONS FOR CONSTRUCTION OF CERTAIN HIGHWAYS—FIXING A TIME FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT (S. REPT. NO. 91–1254)

Mr. RANDOLPH. Mr. President, I report a clean bill from the Committee on Public Works, authorizing appropriations for the fiscal years 1972 and 1973 for the construction of certain highways and for other purposes.

I ask unanimous consent that the bill in its entirety be printed in the Record. I also ask unanimous consent that the committee have until midnight, Wednesday, September 30, 1970, to file an accompanying report, together with individual views.

The PRESIDING OFFICER (Mr. Cook). Without objection, it is so ordered.

The text of the bill is as follows:

S. 4418

A bill to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. Short Title.—This Act may be cited as the "Federal-Aid Highway Act of 1970".

REVISIONS OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

Sec. 2. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking "$2,225,000,000 for the fiscal year ending June 30, 1974," and the last sentence thereof and inserting "$4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

Sec. 3. (a) The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, 1973, and 1974, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of House Document Numbered 91–317, Ninety-first Congress, as revised pursuant to subsection (b) of this section.

(b) The Secretary is authorized and directed to develop apportionment factors for a revised table 5, House Document 91–317, which shall reflect the capability of the States to obligate funds apportioned for the Interstate System for the fiscal years ending June 30, 1972, 1973, and 1974.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

Sec. 4. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty years" and by striking out "June 30, 1974", and inserting in lieu thereof "June 30, 1976".

(b) The introductory phrase and the second and third sentence of section 104(b)(5) of title 23; United States Code, are amended by striking "1974" where it ap-

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pears and inserting in lieu thereof "1976", and such section 104(b)(5) is further amended my striking the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to April 10, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1973. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1975, and June 30, 1976."

MINIMUM ONE-HALF PERCENT APPORTIONMENT FACTOR FOR INTERSTATE SYSTEM

SEC. 5. (a) Paragraph (5) of subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "No State shall receive less than one-half of 1 per centum of the total apportionment for each year under this paragraph."

(b) By February 1, 1972, the Secretary shall report to Congress on his recommendations for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System.

AUTHORIZATIONS

SEC. 6. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas of less than fifty thousand population, out of the Highway Trust Fund, $1,050,000,000, for the fiscal year ending June 30, 1972, and $1,050,000,000, for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 55 per centum for projects on the Federal-aid primary highway system;

(B) 35 per centum for projects on the Federal-aid secondary highway system; and

(C) 10 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas of less than fifty thousand population, and to carry out the purposes of section 135.

(2) For the Federal-aid Urban System, out of the Highway Trust Fund, $375,000,000 for the fiscal year ending June 30, 1972, and $450,000,000 for the fiscal year ending June 30, 1973.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands development roads and trails, $8,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1973.

(8) For parkways, $20,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973.

(9) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1973.

(10) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), out of the Highway Trust Fund, $75,000,000 for the fiscal year ending June 30, 1972 and $100,000,000 for fiscal year ending June 30, 1973.

(11) For carrying out section 403 of title 23, United State Code (relating to highway safety research and development), out of the Highway Trust Fund, $70,000,000 for the fiscal year ending June 30, 1972, and $115,000,000 for the fiscal year ending June 30, 1973, such sums to remain available for expenditure for two years after the close of the fiscal year for which such sums are appropriated.

(12) For carrying out section 131 of title 23, United States Code (relating to control of outdoor advertising), out of the Highway Trust Fund, $27,000,000 for the fiscal year ending June 30, 1971, $20,500,000 for the fiscal year ending June 30, 1972, and $50,000,000 for the fiscal year ending June 30, 1973.

(13) For carrying out section 136 of title 23, United States Code (relating to control of junkyards), out of the Highway Trust Fund, $3,000,000 for the fiscal year ending June 30, 1971, $3,000,000 for the fiscal year ending June 30, 1972, and $5,000,000 for the fiscal year ending June 30, 1973.

(14) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), out of the Highway Trust Fund, $1,500,000 for fiscal year ending June 30, 1972, and $10,000,000 for fiscal year ending June 30, 1973.

(15) For necessary administrative expenses in carrying out section 131, section 136, and section 319(b) of title 23, United States Code, out of the Highway Trust Fund, $1,500,000 for the fiscal year ending June 30, 1971, $1,500,000 for the fiscal year ending June 30, 1972, and $3,000,000 for the fiscal year ending June 30, 1973.

(16) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code) is hereby repealed.

FEDERAL AID URBAN SYSTEM

SEC. 7. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Federal-aid secondary system", add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in subsection (d) of section 103 of this title."

(2) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are redesignated as subsections (e) and (f), respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urban area of fifty thousand population or more. In making selections for this urban system, those highways which best serve the goals and objectives of the community as determined by the responsible public officials of such urban area based upon the planning process required pursuant to the provisions of section 134 of this title and which are designed to reduce traffic congestion and to facilitate the flow of traffic in the urban area shall be included. Routes on the Federal-aid urban system shall be selected by the responsible public officials in cooperation with and subject to the approval of the State and by the Secretary as provided in subsection (f) of this section. The urban system shall also include urban extensions of the primary and secondary systems in urban areas of fifty thousand population or more which extensions shall remain under the control of the State subject to the provisions of section 134 of this title. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system."

(3) Subsection (a) of section 103 of title 23, United States Code, is amended to read as follows:

"(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section."

(4) Subsection (b) of section 103 of title 23, United States Code, is amended by striking the period at the end of the next to last sentence and inserting in lieu thereof a comma and the following: "but not including any roads on the Federal-aid urban system."

(5) Subsection (c) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid primary system" a comma and the following: "the Federal-aid urban system,".

(c)(1) Subsection (b)(3) of section 104 of title 23, United States Code, is amended to read as follows:

"(b)(3) For extension of the Federal-aid primary and Federal-aid secondary systems within urban areas of less than fifty thousand population:

"In the ratio which the population in municipalities and other urban areas of five thousand or more but less than fifty thousand in each State bears to the total population in municipalities and other urban areas of five thousand or more but less than fifty thousand in all the States as shown by the latest available Federal census."

(2) Subsection (b) of section 104 of title 23, United States Code is amended by adding at the end thereof the following new paragraph

"(6) For the Federal-aid urban system:

"In the ratio which the population in municipalities and other urban areas of fifty thousand or more in each State bears to the total population in municipalities and other urban areas of fifty thousand or more in all States as shown by the latest available census."

(3) Section 104 of title 23, United States Code is amended by adding at the end thereof the following:

"(f) Any funds which are apportioned under paragraph (6) of subsection (b) of this section for the Federal-aid urban system to a State may be used in whole or in part for the construction of highways for facilities to directly facilitate and control traffic flow as provided for in section 135

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and for the implementation of section 137 of this title."

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are redesignated (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the responsible public officials of such urban area in cooperation with the State."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the appropriate responsible public officials in cooperation with and approved by the State."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system."

(g) The first sentence of subsection (a) of section 123 of title 23, United States Code, is amended to read as follows:

"When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary, urban or secondary systems, or on the Interstate System, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project."

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 8. Section 103 of title 23, United States Code, as amended by section 7 of this Act is further amended by adding at the end thereof the following new subsection:

"(g) The Secretary shall remove from designation as a part of the Interstate System for the purpose of apportionment of funds pursuant to section 104(b)(5) of this title and the Federal share payable pursuant to section 120(c) of this title, any segment of such system for which a State has not established by ten days subsequent to January 2, 1973, a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, and for which a State has not submitted plans, specifications, and estimates for his approval by July 1, 1975. Such segment shall remain as part of the Interstate System but such designation shall create no Federal financial responsibility except that Federal-aid highway funds otherwise available to the State may be used to construct such segments as part of the Interstate System. The provisions of subsection (e) (2) of this section shall not apply with respect to any segment of the Interstate System eliminated pursuant to this subsection."

ECONOMIC, SOCIAL, ENVIRONMENTAL AND OTHER IMPACT

SEC. 9. (a) Subsection (a) of section 101 of title 23, United States Code, is amended by—

(1) Adding the following after the period at the end of the definition of the term "construction": "It further includes the cost of adjustments needed to reduce adverse economic, social, environmental and other impacts caused by a project, as required by section 109(h) of this title, and includes, among other things, equal employment opportunity training and skill improvement programs authorized by section 140 of this title, and the cost of the acquisition of replacement housing sites and of the acquisition, rehabilitation, relocation, and construction of replacement housing pursuant to section 142 of this title. Such costs shall also include exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, bus terminals, bus storage, and parking areas and facilities."

(2) Striking the period at the end of the first sentence in the definition of the term "highway" and inserting in lieu thereof a comma and the following: "and for purposes of relocation assistance pursuant to chapter 5 of this title, also includes any area which has suffered direct economic, environmental, social or other injury as the result of its location adjoining or near a highway project."

(b) Section 109(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system unless such plans and specifications are accompanied by a plan for minimizing possible soil erosion both during and after the construction of the project. Such plan shall be tailored to the individual needs of the project and be in accordance with guidelines for soil erosion control issued by the Secretary."

(c) Such section 109 is further amended by adding the following new subsections:

"(h) As soon as possible but not later than July 1, 1972, the Secretary, after consultation with appropriate Federal officials, shall issue guidelines for avoiding, minimizing or overcoming possible adverse economic, social, environmental and other impacts relating to any proposed projects on any Federal-aid system. Not later than two years after the publication of such guidelines, the Secretary shall not approve any plans and specifications for any such proposed project unless such plans and specifications are accompanied by a comprehensive analysis identifying the associated economic, social, environmental, and other adverse impacts of such proposed project and the plans and specifications include adequate measures for avoiding, minimizing or otherwise overcoming such adverse impacts in compliance with such guidelines. The impact problems to be accounted for should include but not be limited to the following:

"(1) air, noise, and water pollution;

"(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion, and the availability of public facilities and services;

"(3) adverse employment effects, and tax and property value losses;

"(4) injurious displacement of people, businesses, and farms; and

"(5) disruption of desirable community and regional growth.

"(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate noise level standards compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards.

"(j) The Secretary, after consultation with the Secretary of Health, Education, and Welfare, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended."

(d) Subsection (b) of section 307 of title 23, United States Code, is amended by adding the following sentence: "The highway research program herein authorized shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects."

HIGHWAY PROJECT PRIORITIES

SEC. 10. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(g) In approving programs for projects on the Federal-aid systems, the Secretary shall give priority to projects which will provide adequate direct and convenient public access to passenger or cargo terminal buildings at public airports and seaports.

"(h) In approving programs for projects on the Federal-aid secondary system, the Secretary shall give priority to projects which will encourage the location of business and industry in rural communities, facilitate the mobility of labor in sparsely populated areas, and provide rural citizens with improved highways to such public and private services as health care, recreation, employment, education, and cultural activities, or otherwise encourage the social and economic development of rural communities."

COST REDUCTION

SEC. 11. Section 106 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis."

PUBLIC HEARING

SEC. 12. Section 128 of title 23, United States Code, is amended to read as follows:

"§ 128. Public hearings

"(a) Prior to the submission of any plans required under section 134 of this title or plans for any highway project to be constructed under the provisions of this title, the Governor or other duly constituted State authority shall certify to the Secretary that public hearings have been held by a duly authorized State or local official or that the people of the area or community involved have been afforded an opportunity to be heard and that opportunity has been afforded during such hearing for the presentation of testimony and other evidence on the economic and social effects of such a plan, highway location or design, its impact on the environment and, to the extent applicable, its consistency with goals and objectives set forth in the urban transportation plan for the area as required by section 134 of this title. Such certification of the economic, social, environmental, and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

"(b) When hearings have been held under subsection (a), the Governor or other duly constituted State authority shall submit a copy of such hearings to the Secretary together with the certification and report."

EMERGENCY RELIEF

SEC. 13. (a) The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for (1) the repair or reconstruction of highways, roads, and trails which we shall find have suffered serious damage as the result of (A) natural disaster over a wide

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area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, and prior to the enactment of this Act, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

(b) Section 120(f) of title 23, United States Code, as amended, is amended by adding before the last sentence thereof the following new sentence: "As used in this section and section 143 of this title, 'a comparable facility' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life."

FEDERAL PARTICIPATION IN THE IMPROVEMENT OF TOLL ROADS

SEC. 14. Section 129 of title 23, United States Code, is amended by adding a new subsection (e) and redesignating (e) as subsection (f):

"(e) Notwithstanding the provisions of subsection (b) of this section, the Secretary may permit Federal participation in the reconstruction and improvement of any toll road which is a designated part of the Interstate System as he may find necessary to bring such toll road to standards for the Interstate System in order to provide for the safe use of such highways as part of the Interstate System and to facilitate the tolls therefrom. Federal participation in such reconstruction and improvement shall be on the same basis and in the same manner as in the construction of free Interstate System highways under this chapter. No Federal participation shall be permitted pursuant to this subsection except on toll roads which were designated as a part of the Interstate System on or before June 30, 1968: *Provided*, That the State and toll road authority involved shall agree that no additional indebtedness to be liquidated by the collection of tolls shall be incurred after the date of the agreement permitting such Federal participation and that the toll road shall become a free road when such indebtedness is liquidated.".

MARINE HIGHWAY FACILITIES

SEC. 15. (a) Subsection (f) of section 129 of title 23, United States Code, is amended to read as follows:

"(f) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation under this title in the construction of marine highway facilities, whether toll or free, the route of which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems and has not been designated as a route on the Interstate System. Such facilities may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived from publicly owned or operated facilities shall be applied to payment of the cost of construction or acquisition thereof, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement. For the purpose of this section 'construction of marine highway facilities' includes the construction or reconstruction of ferries or other necessary vessels and docking facilities and approaches thereto."

(b) The heading of such section 129 is amended by striking out "Ferries" and inserting in lieu thereof "Marine Highway Facilities".

(c) The table of contents of chapter 1 of title 23, United States Code is amended by striking out "ferries" in the matter relating to section 129 and inserting in lieu thereof "marine highway facilities".

CONTROL OF OUTDOOR ADVERTISING

SEC. 16. (a) Section 131(b) of title 23, United States Code, is amended to read as follows:

"(b) On or after January 1, 1971, or after the expiration of the next regular session of a State legislature, whichever is the later, Federal-aid highway funds apportioned to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are visible from the main traveled way of the system and not otherwise permitted pursuant to subsection (d) of this section, shall be reduced for the first year of noncompliance by amounts equal to 5 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, with the reduction of an additional 1 per centum for each succeeding year of noncompliance but not in excess of a total of 10 per centum until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever a State has made adequate provision for effective control as required by this section but is unable to carry out such provision because of a declaration by a court of competent jurisdiction or a ruling of the attorney general of such State, then the Secretary may suspend the application of this subsection to such State until sixty days after the adjournment of the next session of the State legislature having authority to consider such declaration or ruling. Should a constitutional amendment be required, the application of this subsection shall be suspended until the Secretary, taking into consideration the constitutional processes of the State involved, determines that the State has had a reasonable opportunity to make adequate provision for effective control in accordance with this section."

(b) Section 131(c) of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that after January 1, 1971, or after the expiration of the next regular session of a State legislature, whichever is the later, such signs, displays, and devices shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, information in the specific interest of the traveling public, signs, and notices pertaining to natural wonders, scenic and historical attractions, which are required or permitted by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning the lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Section 131(d) of title 23, United States Code, is amended to read as follows:

"(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section."

(d) Section 131(e) of title 23, United States Code, is amended to read as follows:

"(e) Any sign, display, or device to which subsection (g) of this section is applicable shall be required to be removed on a scheduled basis as the Federal share of just compensation becomes available for this purpose. The schedule shall be determined by agreement between the Secretary and the State. Unless the Federal share of just compensation is not available, no schedule shall extend beyond the end of the fifth year after such signs, displays, and devices have become nonconforming under State law. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming."

(e) Section 131(g) of title 23, United States Code, is amended to read as follows:

"(g) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices—

"(1) those lawfully in existence on October 22, 1965,

"(2) those lawfully on any highway made a part of the Interstate or primary system on or after October 22, 1965, and before January 1, 1968, or the effective date of a State law enacted to comply with this section, whichever is the later,

"(3) those lawfully erected on or after January 1, 1968, or the effective date of a State law enacted to comply with this section, whichever is the later, and

"(4) those lawfully in existence beyond six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the Interstate System and the primary system on the effective date of a State law enacted to control such signs, displays, and devices.

The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

"(A) the taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

"(B) the taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon."

(f) Section 131 of title 23, United States Code, is amended by adding thereto:

"(o) The Secretary is authorized to enter into agreements with one or more States for the purposes of carrying out demonstration projects to determine the best means of accomplishing the purpose of this section. Preference shall be given to any State or States which have undertaken agreements with the Secretary and private individuals or business concerns to carry out the provisions of this section. Any such agreement shall provide for the payment of the Federal share, prescribed in subsection (g), of the cost of the program, and shall be in accordance with the other provisions of this section to the extent applicable for the purpose of this subsection. Not to exceed $15,000,000 of the funds authorized to be appropriated for each of the fiscal years ending June 30, 1971, and June

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30, 1972, for carrying out this section shall be available to carry out this subsection."

CONTROL OF JUNKYARDS

SEC. 17. (a) Section 136(b) of title 23, United States Code, is amended to read as follows:

"(b) On or after January 1, 1971, or after the expiration of the next regular session of a State legislature, whichever is the later, Federal-aid highway funds apportioned to any State which the Secretary determines has not made provision for effective control of the establishment and maintenance along the Interstate System and the primary system of outdoor junkyards, which are visible from the main traveled way of the system, shall be reduced for the first year of noncompliance by amounts equal to 5 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, with the reduction of an additional 1 per centum for each succeeding year of noncompliance, but not in excess of a total of 10 per centum, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State."

(b) Section 136(c) of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that by January 1, 1971, or after the expiration of the next regular session of a State legislature, whichever is the later, such junkyards shall be screened by natural object, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the system, or shall be removed from sight. Junkyards which are lawfully in existance and which the State finds suitable for screening shall be screened within five years, after January 1, 1971, or the effective date of a State law enacted to comply with this section, whichever is the later."

(c) Section 136(g) of title 23, United States Code, is amended to read as follows:

"(g) Notwithstanding any provision of this section, junkyards, auto graveyards, and scrap metal processing facilities may be operated within areas adjacent to the Interstate System and the primary system which are zoned industrial under authority of State law, or which are not zoned under authority of State law, but are used for industrial activities, as determined by the several States subject to approval by the Secretary."

(d) Section 136(h) of title 23, United States Code, is amended to read as follows:

"(h) Any junkyard to which subsection (j) of this section is applicable shall be required to be removed on a scheduled basis as the Federal share of just compensation becomes available for this purpose. The schedule shall be determined by agreement between the Secretary and the State. Unless the Federal share of just compensation is not available, no schedule shall extend beyond the end of the fifth year after such junkyards have become nonconforming under State law. Any other junkyard lawfully established which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming."

(e) Section 136(i) of title 23, United States Code, is amended to read as follows:

"(i) The Federal share of the State's costs for landscaping, screening, relocation, removal, or disposal under this section shall be 75 per centum."

(f) Section 136(j) of title 23, United States Code, is amended to read as follows:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of the following junkyards—

"(1) those lawfully in existence on October 22, 1965,

"(2) those lawfully along any highway made a part of the Interstate or primary system on or after October 22, 1965 and before January 1, 1968, or the effective date of a State law enacted to comply with this section, whichever is the later,

"(3) those lawfully established on or after January 1, 1968, or the effective date of a State law enacted to comply with this section, whichever is the later, and

"(4) those lawfully in existence beyond one thousand feet of the nearest edge of the right-of-way and visible from the main traveled way of the Interstate System and the primary system on the effective date of a State law enacted to control such junkyards.

The Federal share of such compensation shall be 75 per centum."

LANDSCAPING AND SCENIC ENHANCEMENT

SEC. 18. Section 319(b) of title 23, United States Code, is amended to read as follows:

"(b) An amount equivalent to 3 per centum of the funds apportioned to a State for Federal-aid highways for any fiscal year shall be allocated to that State out of funds appropriated under authority of this subsection, which shall be used for landscape and roadside development within the highway right-of-way and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities, including information center buildings, within or adjacent to the highway right-of-way reasonably necessary to accommodate the traveling public, without being matched by the State. The Secretary may authorize exceptions from this requirement, upon application of a State and upon a showing that such amount is in excess of the needs of the State for these purposes. The provisions of chapter 1 of this title relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this subsection after June 30, 1967."

STUDY OF ON-PREMISE SIGNS

SEC. 19. The Secretary is hereby authorized and directed to conduct a comprehensive study of on-premise signs which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located, in order to evaluate such signs in relation to section 131 of title 23, United States Code. The Secretary shall submit a report of such study, together with recommendations, to the Congress not later than January 1972.

URBAN TRANSPORTATION PLANNING

SEC. 20. Section 134 of title 23, United States Code is amended by adding at the end thereof the following:

"No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 21. Subsection (b) of section 135 of title 23, United States Code, is amended to read as follows:

"(b) The Secretary may approve under this section any project on an extension of the Federal-aid primary or secondary system in urban areas for improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and loading and unloading ramps, if such project is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 22. (a) Section 137 of title 23, United States Code, is amended to read as follows:

"§ 137. Fringe and corridor parking facilities

"(a) The Secretary may approve as a project on any Federal-aid urban system the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

"(b) The Secretary shall not approve any project under this section until—

"(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

"(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including necessary requirements to insure that adequate public transportation services will be available to persons using such facilities; and

"(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

"(c) The term 'parking facilities' for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

"(d) Nothing in this section, or in any rule or regulation issued under this section or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

"(e) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

(b) The analysis of chapter 1 of such title is amended by striking out the matter relating to section 137 and inserting in lieu thereof the following:

"137. Fringe and corridor parking facilities."

(c) Section 11 of the Federal-Aid Highway Act of 1968 is hereby repealed.

STUDY OF RELATIONSHIP OF HIGHWAY CONSTRUCTION TO PUBLIC TRANSPORTATION SERVICES

SEC. 23. The Secretary is authorized and directed to undertake an analysis and study of the relationship of highway construction and funding to public transportation services using highways and to report to the Congress recommendations, if any, no later than February 1, 1972.

ADDITIONS TO INTERSTATE SYSTEM

SEC. 24. The existing language of section 139 of title 23, United States Code, shall be designated as subsection (a) and a new subsection (b) added as follows:

"(b) Whenever the Secretary determines that a highway on the Federal-aid primary system would be a logical addition or connection to the Interstate System and would qualify for designation as a route on that system in the same manner as set forth in paragraph 1 of subsection (d) of section 103 of this title, he may upon the affirmative recommendation of the State or States involved designate such highway as part of the Interstate System. Such designation shall be made only upon the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within twelve years of the date of the agreement between the Secretary and the State or States involved. The mileage of any highway designated as part of the Interstate System under this subsection shall not be charged against the limitations established by the first sentence of section 103(d) of this title. The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway except that Federal-aid highway funds otherwise available to the State or States involved for the construction of Federal-aid primary system highways may be used for the reconstruction of a highway designated as a route on the Interstate System under this subsection. In the event that the State or States involved have not substantially completed the construction of any highway designated under this subsection within the time provided for in the agreement between the Secretary and State or States involved, the Secretary shall remove the designation of such highway as a part of the Interstate System. Removal of such designation as result of failure to comply with the agreement provided for in this subsection shall in no way prohibit the Secretary from designating such route as part of the Interstate System pursuant to subsection (a) of this section or under any other provision of law providing for addition to the Interstate System."

XUM

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 25. Section 140 of title 23, United States Code, is amended by designating the existing language as subsection (a) and adding the following subsection:

"(b) The Secretary, acting through the Secretary of Labor, and in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction-related training and skill improvement programs. Whenever an apportionment is made under subsections 104 (b)(1), (b)(2), (b)(3), (b)(5), and (b)(6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within urban areas, the Interstate System, and the Federal-aid urban system the Secretary shall deduct such sums as he may deem necessary for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary."

ADDITIONAL AUTHORIZATIONS IN CHAPTER 1

SEC. 26. (a) Chapter 1 of title 23, United States Code is amended by inserting at the end thereof the following new sections:

"§ 142. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project under any Federal-aid program which he administers the cost of (1) constructing new housing, (2) acquiring existing housing, (3) rehabilitating existing housing, and (4) relocating existing housing, as replacement housing for individuals and families whenever he determines that a proposed project on any Federal-aid system cannot proceed to actual construction because replacement housing as certified by the Secretary of Housing and Urban Development is not available and cannot otherwise be made available as required by law. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) In carrying out the provisions of this section the Secretary shall consult with the Secretary of Housing and Urban Development. Whenever practicable, the services of State or local governmental housing agencies shall be utilized in carrying out this section.

"§ 143. Special bridge replacement program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special bridge replacement program be established to enable the several States to replace bridges over major rivers or other topographical barriers when the States and the Secretary find that there is a significant importance of a bridge facility to serve the needs of the people of communities located along such river or topographical barrier and there is significant danger that the bridge may collapse.

"(b) The Secretary in consultation with the States shall (1) inventory all bridges located on any of the Federal-aid systems over navigable waters and other topographical barriers of the United States; (2) classify them according to their serviceability and safety; and (3) based on that classification, assign each a priority for replacement.

"(c) Whenever any State or States make application to the Secretary for assistance in replacing a bridge which the priority system, established under subsection (b) of this section shows to be unsafe and inadequate to serve the people of the communities involved and the traffic which it carries, the Secretary may approve Federal participation in the reconstruction of a comparable facility. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service bridges which are most in danger of failure and give consideration to the economy of the area involved. Approval of projects and allocation of funds under this section shall be without regard to allocation or apportionment formulas otherwise established under this title.

"(d) The Federal share payable on account of any bridge replacement under this section shall not exceed 75 per centum of the cost thereof.

"(e) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1971; $150,000,000 for the fiscal year ending June 30, 1972; and $150,000,000 for the fiscal year ending June 30, 1973, to be available until expanded. Such funds shall be available for obligation at the beginning of the fiscal year for which authorized.

"(f) The Secretary shall report annually on projects approved under this section with any recommendations he may have for further improvement in the special bridge replacement program authorized in accordance with this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"Sec. 142. Construction of replacement housing.

"Sec. 143. Special bridge replacement program.

HIGHWAY SAFETY

SEC. 27. Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purpose of this subsection, a 'public road' means any road under the jurisdiction of, and maintained by, a public authority and open to public travel. The annual apportionment to each State shall not be less than one-third of 1 per centum of the total apportionment."

TERRITORIAL HIGHWAY PROGRAM

SEC. 28. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Territorial highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands, Guam, and American Samoa, and to the United States from the improvement of highways in such territories of the United States, the Secretary is authorized to assist each such territorial government in a program for the construction and improvement of a system of arterial highways, and necessary interisland connectors designated by the Governor of such territory and approved by the Secretary. Federal financial assistance shall be granted under this subsection to such territories upon the basis of a Federal contribution of 70 per centum of the cost of any project.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance for the establishment of an appropriate agency to administer on a continuing basis highway planning, design, construction and maintenance operations, the development of a system of arterial and collector highways, including necessary interisland connectors, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure with respect to any territory until the Governor enters into an agreement with the Secretary providing that the government of such territory (1) will design and construct a system of arterial and collector highways, including necessary interisland connectors, built in accordance with standards approved by the Secretary; (2) will not impose any toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of the facilities constructed or operated under the provisions of this section; (3) will provide for the maintenance of such facilities in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(D) (1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Governor and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Territories highway development program."

(c) There are hereby authorized to be appropriated out of the Highway Trust Fund for carrying out subsection (a) of section 215 of title 23, United States Code, not to exceed $2,000,000 for each of the territories listed in such section for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years.

(d) Sums authorized to be appropriated for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 29. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following additional section:

"§ 216. Darien Gap Highway

"(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the Darien Gap to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the Darien Gap Highway. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provisions of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway.".

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended, to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

INTEREST PAYMENTS FOR REPLACEMENT HOUSING

SEC. 30. Section 506 of title 23, United States Code is amended by redesignating subsection (b) as subsection (c) and inserting a new subsection (b) as follows:

"(b) In addition to the amounts otherwise authorized by this title, the State agency shall make an interest payment to compensate such owner for any increased rate of interest which such owner is required to pay for financing such replacement dwelling.

"This interest payment shall be computed and allowed only if there was an existing mortgage against the dwelling transferred to the State and such mortgage was a valid lien on said premises for at least one year prior to the institution of negotiations for the acquisition of such property, and if the mortgage for the replacement dwelling bears a higher rate of interest than the interest rate on the mortgage of the transferred dwelling; but, in no event shall such interest on the replacement dwelling be greater than the maximum interest allowable under State law.

"The value of the interest payment shall be the difference in the interest rate existing on the balance of any mortgage on a transferred dwelling and the interest rate on the mortgage of the replacement dwelling for the remainder of the term of any such mortgage on such transferred dwelling reduced to discounted present value.

"The discount rate as above provided shall be the maximum rate of interest permitted to be paid on savings deposits by any savings bank within the State pursuant to the rules and regulations of the Federal Deposit Insurance Corporation."

EFFECTIVE DATE OF CHAPTER 5

SEC. 31. Section 37 of the Federal-Aid Highway Act of 1968 (82 Stat. 836), is amended to read as follows:

"(a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to January 1, 1971."

ALASKA HIGHWAY

SEC. 32. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realinement.

(b) The President is requested to report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

ALASKAN ASSISTANCE

SEC. 33. (a) Subsection (b) of section 7 of the Federal Aid Highway Act of 1966 is amended to read as follows:

"(b) There is hereby authorized to be appropriated for construction and maintenance of highways of the State of Alaska, out of the Highway Trust Fund and in addition to funds otherwise made available to the State of Alaska under title 23, United States Code, $20,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973."

(b) Any right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures reserved by section 321(d) of title 48, United States Code (61 Stat. 418, 1947), not utilized by the United States or by the State or territory of Alaska prior to the date of enactment hereof, shall be and hereby is vacated and relinquished by the United States to the end and intent that such reservation shall merge with the fee and be forever extinguished.

DISTRICT OF COLUMBIA

SEC. 34. Subsections (a), (b), and (c) of section 23 of the Federal-Aid Highway Act of 1968 are hereby repealed.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS (for himself and Mr. HRUSKA):

S. 4414. A bill to amend the Internal Revenue Code of 1954 to make it clear that independent truck dealers and distributors who install equipment or make minor alterations on tax-paid truck bodies and chassis are not to be subject to excise tax as manufacturers on account thereof; to the Committee on Finance.

By Mr. COTTON:

S. 4415. A bill for the relief of Niki Vomvolaki; to the Committee on the Judiciary.

By Mr. MOSS:

S. 4416. A bill for the relief of Miss Maike Hannemann; to the Committee on the Judiciary.

By Mr. FONG:

S. 4417. A bill for the relief of Chang Shee Pang (Chang Chung Kyau); to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 4418. A bill to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; placed on the calendar.

(The remarks of Mr. Randolph when he reported the bill appear earlier in the Record under the appropriate heading.)

By Mr. FANNIN:

S. 4419. A bill to provide for medical and hospital care through a system of voluntary health insurance, to establish a national program for protection against catastrophic illness, to provide for peer review of health services provided under Federal programs, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Fannin when he introduced the bill appear later in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 1468

Mr. HANSEN. Mr. President, on March 11, 1969, I introduced a bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness in the Shoshone National Forest in Wyoming.

I ask unanimous consent that, at the next printing, my colleague, the senior Senator from Wyoming (Mr. McGee) be added as a cosponsor.

The PRESIDING OFFICER (Mr. Boggs). Without objection, it is so ordered.

S. 2453

At the request of the Senator from New Jersey (Mr. Williams), the Senator from Washington (Mr. Magnuson) was added as a cosponsor of S. 2453, the Equal Employment Opportunities Enforcement Act.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, September 30, 1970, he presented to the President of the United States the following enrolled bill and joint resolutions:

S. 3558. An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting;

S. 3637. An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting;

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week"; and

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week."

INCREASED RESEARCH INTO DRUG ABUSE AND DRUG DEPENDENCE—AMENDMENTS

AMENDMENTS NOS. 979 THROUGH 981

Mr. ERVIN submitted three amendments, intended to be proposed by him, to the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, which were ordered to lie on the table and to be printed.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 982 AND 983

Mr. CRANSTON submitted two amendments, intended to be proposed by him, to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, which were ordered to lie on the table and to be printed.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT—AMENDMENTS

AMENDMENTS NOS. 984 THROUGH 1000

Mr. ERVIN submitted 17 amendments, intended to be proposed by him, to the bill (S. 2453) to further promote equal employment opportunities for American workers, which were ordered to lie on the table and to be printed.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 7, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Robert H. McWilliams, Jr., of Colorado, to be U.S. circuit judge for the 10th circuit, vice Jean S. Breitenstein, retired.

Edward R. Becker, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, a new position created under Public Law 91–272, approved June 2, 1970.

J. William Ditter, Jr., of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, a new position created by Public Law 91–272, approved June 2, 1970.

Daniel H. Huyett III, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, a new position created under Public Law 91–272, approved June 2, 1970.

William W. Knox, of Pennsylvania, to be U.S. district judge, western district of Pennsylvania, a new position created by Public Law 91–272, approved June 2, 1970.

L. Clure Morton, of Tennessee, to be U.S. district judge, middle district of Tennessee, vice William E. Miller, elevated.

Malcolm Muir, of Pennsylvania, to be U.S. district judge, middle district of Pennsylvania, a new position created by Public Law 91–272, approved June 2, 1970.

Sam C. Pointer, Jr., of Alabama, to be U.S. district judge, northern district of Alabama, a new position created under Public Law 91–272, approved June 2, 1970.

Walter K. Stapleton, of Delaware, to be U.S. district judge, district of Delaware, vice Edwin D. Steel, Jr., retired.

Donald W. Van Artsdalen, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, a new position created under Public Law 91–272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

NOTICE OF HEARING ON DRUG ABUSE

Mr. EAGLETON. Mr. President, on behalf of the chairman (Mr. Tydings), I ask unanimous consent that this hearing notice be printed in the Record.

There being no objection, the notice was ordered to be printed in the Record, as follows:

Notice of hearing on drug abuse in the Washington Metropolitan Area.

Mr. TYDINGS. Mr. President, as Chairman of the Senate Committee on the District of Columbia, I wish to give notice that a hearing on Drug Abuse in the Washington Metropolitan Area will be held on Friday, October 2, 1970. The hearing will begin at 10:00 a.m. in Room 6226 of the New Senate Office Building.

Individuals and representatives of organizations who wish to testify at the hearing should notify Mr. Al From at 225–4161, prior to 5 P.M. October 1, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the Staff Director, Room 6218, New Senate Office Building, Washington, D.C. 20510, for inclusion in the hearing record.

ADDITIONAL STATEMENTS OF SENATORS

LEGITIMATE DISSENT AND ACTS OF VIOLENCE

Mr. McCLELLAN. Mr. President, on September 13, 1970, the Akron, Ohio, Beacon Journal published an editorial entitled "A Call to Reason—America in Peril." The editorial draws the line of demarcation between proper and legitimate dissent and acts of violence and protest by revolutionaries and professional anarchists. It reminds us of and emphasizes the gathering storms of social unrest and of increased crime, corruption, and subversion that present a growing menace which threatens the security of our traditional institutions and the survival of our system of government.

I commend the reading of this strong and timely editorial to Members of Congress and to all other Americans. It is a potent reminder that we must strengthen and reenforce our efforts to repel the deliberate internal assaults that are being made on our free society and on the basic principles of liberty, equality, and justice under rule of law, upon which our Nation was founded.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Call for Reason—America in Peril

What has happened to America?

Why, in our madness, do we turn to riots and destruction, to contempt for revered institutions which made the American dream possible, to nostrums instead of cures for our economic ills, to sleazy, cheap political

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devices rather than exercising at least a modicum of statesmanship?

Are we indeed a part of the world revolution which seeks only to destroy while parading under the banners of democracy, Marxist style?

Why are Americans, who enjoy greater freedoms under our Constitution than are permitted anywhere else in the world, berating "the system" which makes these precious liberties possible?

How long must we permit a small band of revolutionaries to disrupt our colleges and universities, to bomb government research centers, kill innocent people and ruin the careers of devoted scientists?

What kind of a country do we live in where the flouting of law has become a national pastime, where a law officer automatically becomes a "pig," an object of derision and attack by an untutored, undisciplined and unprincipled rabble?

Where indeed, are our leaders, the parents of our youth, the educators and the great body of law abiding, responsible citizens?

Are the leaders too politically oriented, too concerned with their personal ambitions to stand up and be counted?

Have the educators become so supine, so dependent upon government grants or so cowardly that they stand meekly by while their institutions of learning are defiled and brought to heel by roving bands of professional anarchists?

Must we yield to the sophistry that the right of dissent—as stated so forthrightly in Article I of the Bill of Rights—can be taken as license by those willful violators of the law who cannot distinguish between dissent and disobedience?

Ironically, the destroyers who abuse our Constitutional liberties would find themselves prisoners of the Marxist police state of the authoritarian world to which they give such frenetic devotion.

The greatest of all government documents—the United States Constitution—provides ample safeguards against tyranny and injustice.

Yet the Center for the Study of Democratic Institutions has drafted a new constitution for the United States that would concentrate all authority in the national government, strengthen the Presidency, weaken the national judiciary and create new branches of government to oversee planning, elections and economic regulations.

Dr. Rexford G. Tugwell, 79-year-old former member of Franklin D. Roosevelt's "brain trust" and author of the document, observes that cherished traditions and institutions which no longer serve the needs of modern society must be pulled down as "impediments to progress."

Along with the Black Panthers, who have also put together a new constitution, Dr. Tugwell typifies the fuzzy and radical left who would tear apart our system of government while offering the absolute authority of statism in its place.

These are the true revolutionaries—along with socialists in the teaching profession—who are more to be feared than college youth expressing their frustrations on the campus.

Yes, our young people are being taught that there is something inherently evil about the capitalistic system, that its rewards for the industrious and thrifty segments of our society are unfair, that a "people's capitalism" would somehow solve all of our problems.

Why is it, Americans, that we of the world's most affluent society now wish to embrace the fatuous economic doctrines which have failed so miserably wherever they have been tried?

Are we like the lemmings who migrate at intervals to their own destruction?

Where were our statesmen when Congress fueled the fires of inflation by passing a "tax reform measure" which insured a huge deficit?

Can you tell us, please, why such responsible Negro leaders as Whitney Young and Roy Wilkins constantly criticize the total community for the excesses of young blacks while making no substantial contribution of their own in the direction of restraint?

Does it bug you that elementary school teachers once dedicated to character building are now setting a sorry example for our youth with their union-directed strikes on the eve of a new school year?

Or that labor's power monopoly is able to cripple the economy by making a farce of collective bargaining?

Can these distortions of an orderly society be attributed solely to the war in Indochina? Or is the current unrest symptomatic of a world society in revolution?

Whatever the cause, this is a time for the rededication of all Americans to the proposition, as stated in the preamble of the Constitution, that this nation was conceived to "form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These were the wise and profound thoughts of our Founding Fathers.

That we have strayed so far from the paths of righteousness is a serious indictment of the weaknesses of man who in the almost 200 years of our Republic now finds himself for the first time seemingly incapable of constructive self-government.

For our enemies within would destroy the Union, make a mockery of justice, insure domestic anarchy, gut the national defense, disregard the general welfare and repress the blessings of liberty.

This is what is happening to America, known in happier days as the land of the free and the home of the brave.

JOHN S. KNIGHT.

NATIONAL NEWSPAPER WEEK

Mr. SYMINGTON. Mr. President, "A newspaper," wrote the official Licenser of the Press in the London of 1680, "makes the multitude too familiar with the actions and councils of their superiors and gives them not only an itch but a kind of—right and license to be meddling with the government." The case for freedom of the press has never been better stated. There is a sense in which all our hard-won liberties are related to and dependent upon freedom of speech and freedom of the press, the vehicle of free expression.

In celebrating National Newspaper Week, we are also remembering the chief function of the American newspaper—the dissemination of information and opinion to all the people in a manner free of governmental restraint or control. The history of our free press is intimately bound up with the long, often bitter struggle for freedom of speech.

Two hundred years ago, during the fierce controversies which led directly to our revolution, Alexander McDougall, patriot and leader of the Sons of Liberty, was arrested by the Colonial authorities for having issued a broadside, attacking the highly unpopular law requiring the quartering of British troops in American homes. Street fighting flared in the so-called battle of Golden Hill. Eventually, McDougall was tried, convicted and imprisoned for contempt. The arrest of Alexander McDougall, his refusal to post bond and his steadfast plea of not guilty, served to dramatize the growing conflict over free speech as against governmental coercion. It is a timely reminder today of the dangers inherent in every arbitrary limitation upon the inalienable right of free expression.

The Hartford Courant, America's oldest newspaper in continuous publication was first published in 1764—just over two centuries ago. In 1775 there were only 37 newspapers in all the 13 colonies: All were weeklies, except the Pennsylvania Evening Post which later became the first American daily.

In the State of Missouri as in the Nation at large, we are blessed with a strong, healthy press, vigorously outspoken on the issues of the day and faithful to our common commitment to freedom.

Missourians can be especially proud of our news media, for the history of American journalism has deep roots in our State.

Missouri has 285 weekly and 53 daily papers, plus four metropolitan dailies and 15 Sunday papers.

Each county in Missouri has at least one newspaper. Most have more than one; and in every county and city, our newspapers provide invaluable services while at the same time they champion the best interests of their readers.

Most Missouri papers are members of the Missouri Press Association, which will celebrate its 104th birthday at an annual convention in St. Louis this fall. The association is providing outstanding leadership in our State by stimulating better journalism along with freedom of the press.

Missouri is a major national center for news wire service. Both the Associated Press and United Press International have outstanding staffs and news facilities in our State.

The University of Missouri's world famous school of journalism, not only the first but the largest school of its kind, is recognized by many as the best. It has produced many of America's leading newspapermen and broadcasters.

In addition, this school of journalism is making a significant contribution through its unique Freedom of Information Center.

We are fortunate to have so many fine communications resources, and can be proud that each Missouri paper, station, and trained journalist, by helping each of us to be well informed, plays a vital role in our democratic system.

In 1808, Missouri's first newspaper, Missouri Gazette, was published by Joseph Charless. While Charless had only 174 original subscribers in those pioneer days, Missouri newspapers today have a combined circulation of 3,577,370.

Journalism in Missouri has had many great leaders, Joseph Pulitzer the founder of the St. Louis Post-Dispatch, and William Rockhill Nelson the founder of the Kansas City Star, to name but two. In dozens of counties, weekly and daily editors have played outstanding roles in the development of their areas and in the preservation of the great traditions of journalism.

Today there is hardly a city or town in America which does not have at least

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one newspaper; our major urban centers usually have several. Newspapers have become a vital factor in American life, both public and private.

As chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad, I am working to eliminate unnecessary Government secrecy, and I can report that the working press has been of tremendous assistance in bringing to public attention the extent of today's secrecy problems. Without the news media, our task would have been virtually impossible.

As a citizen, as a former newspaperman, and as a U.S. Senator, I count it a privilege to salute the newspapers of Missouri and the Nation during this anniversary week and to commend their dedication to those fundamental guarantees of our historic rights: freedom of speech, and freedom of the press—rights as inseparable today as in the past, rights which offer us the best hope for the future of America.

THE NATION'S ECONOMY

Mr. BYRD of West Virginia. Mr. President, I believe that the Government's anti-inflation policies have accomplished their purpose. The cost-of-living increase last month was only two-tenths of 1 percent—the smallest increase in nearly 2 years. This is welcome news to the wage earner and to the housewife who must buy food for the family. Now it is time to reduce interest rates and ease restrictive monetary policies that are retarding economic growth. It is time to stimulate home building, plant expansion, business recovery, and full employment. These are steps which must be taken to solve our country's pressing economic problems.

WOLD PROPOSES GENERATING POWER BY HARNESSING VOLCANIC STEAM

Mr. GRIFFIN. Mr. President, a distinguished colleague in the other body, Representative John Wold, of Wyoming, wrote an excellent article recently for the North American Newspaper Alliance in which he conveyed his deep concern for the manner in which we will generate electrical power in a nation rapidly approaching a dangerous shortage of energy.

Mr. Wold's article appeared in many newspapers, including the Detroit News of Sunday, September 13.

Mr. Wold, the only geologist serving in Congress, describes the enormous force of such geological phenomena as Old Faithful geyser in Yellowstone National Park. The geysers and the geothermal system of which they are a part are completely clean, Mr. Wold noted; and "what is more important, the same geological forces which produce—them—may one day serve as one of America's major sources of power."

As NANA wrote in a preface to Mr. Wold's article, the Congressman has made the energy shortage one of his primary concerns. Mr. Wold's deep interest is both national and related to his State's development. Mr. Wold notes in his article that the State and region could be the center of a vast system of clean power facilities harnessing the natural energy of the earth's stored heat.

Mr. Wold, an ardent conservationist, sees great hope in the fact that geothermal power production is "extraordinarily desirable in this rightly environment-conscious day and age—there is no chance of water, air, or soil pollution."

Mr. President, I ask unanimous consent that Representative John Wold's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Our Untapped Reserves—Ending the Energy Crisis

(By Representative John S. Wold)

Washington.—Wild beautiful landscapes splashed with brilliant color . . . swirling, boiling natural springs . . . volcanoes of thickly bubbling mud . . . and more soaring, shimmering giant geysers than in all the rest of the world put together . . . bring some 3 million tourists to Wyoming's Yellowstone National Park each year.

The giant geysers are probably Yellowstone's "start." Thoroughly satisfied with the impressive size and beauty of these famous natural attractions, few of their millions of admirers realize (or care) why these beautiful geysers exist. They are the above-ground evidence of the incredible energy that still lies untapped beneath the earth's surface.

What is more important, the same geological forces which produce Yellowstone's Old Faithful may one day serve as one of America's major source of power.

No eventuality could be more welcome. The drive to find new national power source is becoming daily more acute. Truly suitable sources become harder and harder to find as America becomes more and more committed to producing that power without destroying the beauty of our national heritage.

That's what makes tapping underground energy the answer to a conservationist's prayer. It involves no defacement of existing national parklands and preserves. We already know of many isolated areas like the wilderness of Idaho where these long-buried reserves are equally available—and there are undoubtedly many more as yet undiscovered.

Twenty years of exploring natural power sources have convinced me that one of the best—perhaps the best—solution to our potential power shortage lies in what we geologists call "geothermals"—hot pockets of underground rock lying relatively close to the earth's surface, but almost always hidden. Where geothermals combine with lake and river water seeping down through subterranean channels, they produce the spectacular hot springs and geysers which indicate their presence—like Old Faithful, that Wyoming celebrity.

I am not alone in my estimate of the geothermals' importance; an exhaustive study of the feasibility of tapping this power and of imitating the process artificially is currently being conducted jointly by the United States Atomic Energy Commission (AEC) and the American Oil Shale Company (Battelle Northwest Laboratories).

Technically, the concept under study involves using an underground nuclear explosion to create a rock- or rubble-filled chimney in a geothermal area where natural subsurface water is not found. Optimum result is a cylinder or chimney about 300 to 400 feet in diameter.

Preliminary estimates indicate that such a chimney in rock of 600 degrees Centigrade at a depth of 7,000 to 8,000 feet below the earth's surface would produce enough energy to fuel a 200-megawatt electric generating plant for approximately 18 months—and one megawatt is equal to 1 million watts!

The method employed would be to pump water to the bottom of the shaft or chimney, where it would be heated and converted to steam. Pressurized, it would rise to the surface with tremendous force, thereby generating the enormous amounts of electricity indicated.

Such Chimneys have already been successfully employed in the Atomic Energy Commission's Plowshare gas stimulation projects "Gasbuggy" and "Rulison," and in over 250 underground explosions at the AEC's Nevada test site.

Actually, we would be far from the first people to enjoy some of the benefits of natural thermal power. Research tells us that, for thousands of years, Italians and Icelanders have been drawing heat from volcanoes to warm their homes. Even more to the point, New Zealand already has a "thermal power" plant in operation, producing around 400 megawatts of electricity annually.

Think what this new power supply will mean in the preservation of other natural resources now being threatened because they, too, are possible sources of the power that American people so desperately need. Newly available geothermal energy would allow Americans to leave our mountain streams undammed, our virgin stands of timber undefiled.

Equally important, geothermal power production is extraordinarily desirable in this rightly environment-conscious day and age. This is clean power—power produced in a closed, uncontaminated and uncontaminating system. The balance between man and nature (The "ecosystem") remains healthfully undisturbed; there is no chance of water, air or soil pollution.

And finally, geothermal power is relatively inexpensive: we are only harnessing forces that Nature is already providing free of charge. Of course, there will be costs—for construction, and processing, machinery, and so on—but the money and the methods are well within our grasp. When men are walking on a moon 238,855 miles away, surely they can sink a shaft into the earth a few thousand feet or so.

Make no mistake—we must develop a coherent, unified and sensible national energy policy. We must put an end to America's spendthrift dissipation of natural resources we cannot replace. Geothermal power is one answer to this enormously pressing problem, I believe—and we have found it in time.

Let us hope so from the very bottom of our hearts. For, unless we can find power generation systems that meet our staggering requirements without degrading our environment, we are facing destruction every bit as final as a nuclear bomb—merely a trifle slower and quieter.

THE VICE PRESIDENT AND THE FOUR STUDENTS

Mr. KENNEDY. Mr. President, the New York Times on September 26 published a column by Anthony Lewis, in the form of a letter to the Vice President relevant to the latter's appearance with four students on the David Frost program the prior evening.

Mr. Lewis examines the substance of the students questions and the lack of substance in the nonresponses offered by the Vice President. Senators will be interested, if they have not already examined the article. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

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DEAR MR. VICE PRESIDENT

(By Anthony Lewis)

DEAR MR. VICE PRESIDENT: Congratulations on your coolness and quick articulation under fire from the four student critics on the David Frost show. I watched you tape the program, and I was impressed.

You kept bringing the discussion back to the subject likely to arouse the television viewers' emotions: student violence. Most effective, judging by the reaction of the studio audience, was your comment that violence "has existed in this country because of the disgusting and permissive attitude of the people in command of the college campuses."

As a political sally, that was great stuff. American parents love hearing that someone else—a band of conspiratorial teachers—is responsible for the rebellion of their children. But there is always the danger that a politician may begin to believe what he says. In this case, I think it would be unfortunate if you did.

The real reasons for the restlessness of the young in America are not obscure.

They are brought up on the creed of possession, sold hard by the advertising message that goods are happiness. But they soon find that possessions do not assure human satisfaction.

They know beauty; they have read about it. But they likely live in an esthetically arid suburb, and all around them they see the most beautiful of countries wantonly destroyed for reasons of private greed.

Their nation is the richest in history, but they see that it allows its poor to go hungry and its cities to decay, that its tax system encourages life on expense amounts and favors personal consumption over urgent social needs.

They see that the United States cannot bring itself to do as well as relatively impoverished Britain in providing a decent system of medical care; they need about large numbers of American doctors, the most prosperous anywhere, fiddling their tax returns.

They hear much about law and order, but they know that corruption is widespread among American politicians and law enforcement officers.

They are told that violence is evil, but they know that guns can be bought and sold in the United States as in no other civilized land. And they observe the President of the United States photographed happily with union leaders—some with criminal records—whose members have just made news by beating up young people opposed to the Vietnam war.

They have dinned into them from childhood the appeal of sensuality, assured that this cigarette or that car or deodorant will bring them sexual success. They see on every hand evidence of their elders' exploitation and commercialization of sex. Yet their own possibly naive efforts to express sexual feelings in an open, easy way are met by moralizing outcry and repression.

Those among them who have tried marijuana are lectured, on inadequate facts, about the potential danger; some are sent to jail. But they see billions spent, legally, to promote the use of the proven narcotic killers, alcohol and tobacco.

They are told by their political leaders that the Vietnam war was necessary to save the South Vietnamese from Communist savagery. But however real that threat was in 1954 or 1964, they know that even Lyndon Johnson or Dean Rusk would not have considered the price of American intervention—the price in dead Vietnamese, a ravaged culture, a polarized America—worth paying if it had been known in advance. And still we profess the same objectives.

It is the values of American life, sir, and the hypocrisy, that make the young so uneasy. What intelligent parent, including you, has not found his child troubled by those values, and challenging them? Violence is wrong. But if there is violence, it is hardly to be laid to college faculties.

"You're not listening," you were told on the Frost show by Eva Jefferson, that appealing Negro girl from Northwestern.

"You're not listening," you were told on the prospective mass television audience, not to her and the other students in the studio. And of course in political terms you were so right. In the short run, even the medium run, you are likely to profit by tuning out Eva Jefferson and those like her.

But one need have no purple glasses to recognize that many American college students these days have an extraordinarily clear and loving perception of this country. To ignore them, to jeer at them, may be profitable for you today. But it will be misery for America unless someone in power starts listening soon.

THREAT TO PRESS FREEDOM IN CHILE

Mr. TALMADGE. Mr. President, I invite the attention of Senators to an editorial published recently in the Washington Post regarding some of the consequences of the Chilean elections. It is entitled "Threat to Press Freedom in Chile" and cites a warning issued by the Inter-American Press Association concerning the strangulation of the free press in that Latin American country.

On October 24, the Chilean Congress will choose a new President as a result of the recent election in which none of the three candidates received an absolute majority. Dr. Salvador Allende, an avowed Marxist, while receiving the largest number of votes, was able to attract only 36 percent of the ballots cast. This means that he received support from only slightly more than one out of every three Chileans who went to the polls. Nevertheless, if elected by the Chilean Congress, he would become the first elected Marxist president in the Western Hemisphere.

Dr. Allende, with strong support by the established Communist Party in Chile, has made it perfectly clear that, in typical Marxist fashion, he will not tolerate dissent and thus has threatened to take over the powerful Mercurio newspaper chain which stanchly fought his election. The Chileans have been justly proud of their democratic form of government and its strong adherence to constitutional law. A free press is one of the strongest guarantees for the maintenance of truly democratic institutions. It is a shame to see the proud past of Chile threatened. All nations of the hemisphere should take seriously the warning of the Inter-American Press Association and support its fight for a free press in Chile.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 1970]

THREAT TO PRESS FREEDOM IN CHILE

The Inter-American Press Association has issued a most urgent and alarming warning about the threatened strangulation of the press in Chile. Earlier this month Salvador Allende, a Marixist supported by the Communist Party, won a plurality in the popular balloting for president, and since then, according to the IAPA, "Communist and Marxist forces and their allies" have attacked the country's independent media, causing the resignation or dismissal of journalists opposed to them and otherwise using union pressure and intimidation to bring the media under their control. El Mercurio, Chile's leading newspaper and one that has stoutly opposed Mr. Allende, has come under particularly heavy pressure. Its owner, Augusta Edwards, has refused to give in.

Mr. Allende's distaste for the influential Edwards newspaper chain and his stated intent to "liberate" the Chilean media from their "Commercial character," are all too well known. But implementation of such a policy is utterly incompatible with the preservation of the democratic system that, until now, has been Chile's pride. Mr. Allende received only 37 per cent of the popular vote and he needs the support of other parties in the runoff election in Congress on Oct. 24. The Christian Democrats, as a condition of their support, have demanded that he pledge to keep the democratic system intact. It is essential that Mr. Allende make such a pledge and even more essential that he move immediately to honor it by throwing his weight against those of his followers who, in his name, are threatening to turn Chile 1970 into Czechoslovakia 1948.

THOMAS D. MORRIS JOINS GENERAL ACCOUNTING OFFICE

Mr. PROXMIRE. Mr. President, over the past decade and a half, one of the most hard-working and dedicated public servants has been Thomas D. Morris. He is especially known for his work at the Department of Defense, where he served as Assistant Secretary of Defense for Installations and Logistics and, later, as Assistant Secretary of Defense for Manpower.

Numerous innovations and efficiencies followed from Thomas D. Morris' stewardship, especially the establishment of the Defense Supply Agency when knocking heads together was absolutely vital in substituting a single agency for a proliferation of individual service supply agencies which duplicated one another.

He was also responsible for the prompt and vigorous action which the Defense Department, in the 1960's, took on General Accounting Office criticism and reports; for the vastly improved procedures and large savings in the disposal of excess and surplus property; and for the reduction of "gold plating" in the procurement of defense items.

Everyone I know gives the highest marks to Thomas D. Morris for his work at the Pentagon in the area of supply and logistics. He filled one of the toughest jobs in the Government.

Now he joins the General Accounting Office as a Special Assistant to the Comptroller General. He is doing this in a period when the work of the GAO in the area of defense efficiency has taken on a new importance and a new meaning. The contributions to our national defense, the security of the country, and to the economic well-being of all Americans can be greatly enhanced by the actions of a vigorous congressional watchdog agency.

For my own part, I am delighted that the legislative branch of the Government now has the services of Tom Morris. He is to be congratulated for choosing this avenue of service, and Comptroller General Elmer B. Staats should

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be praised for having the foresight and initiative to bring Tom Morris back to Government service. Only the country can benefit.

I ask unanimous consent that a release from the General Accounting Office announcing Tom Morris' appointment be printed at this point in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Thomas D. Morris Joins General Accounting Office

Elmer B. Staats, Comptroller General of the United States, announced today the appointment of Mr. Thomas D. Morris as a Special Assistant to the Comptroller General, effective October 5, 1970.

Mr. Morris joins the General Accounting Office after extensive experience in Government and private industry in the management field. His governmental experience has been primarily in the Tennessee Valley Authority, the Bureau of the Budget, and the Department of Defense. During World War II, he served in the Navy from 1942 to 1945 as a member of the Navy Management Engineering Staff.

Following World War II, Mr. Morris joined the consulting firm of Cresap, McCormick and Paget as a partner and participated in studies by both Hoover Commissions. He also conducted management surveys for a number of Federal agencies and for private industry.

In 1956–57, he served in the Office of the Secretary of Defense in several capacities, including the position of Deputy Assistant Secretary for Supply and Logistics and as an Assistant to Deputy Secretary of Defense Reuben Robertson.

In 1958–59, Mr. Morris was director of management planning and assistant to the President of the Champion Paper and Fibre Company, following which he was appointed as Assistant Director for Management and Organization in the Bureau of the Budget. Beginning in 1961, Mr. Morris served for more than five years as Assistant Secretary of Defense for Installations and Logistics and, later, for more than two years as Assistant Secretary of Defense for Manpower. He is currently serving as Corporate Vice President of Dart Industries, located in Los Angeles.

In announcing the appointment, the Comptroller General expressed his pleasure in having an individual with Mr. Morris' extensive background in the management field available to assist in directing the increasing number of studies being made by the General Accounting Office having Government-wide significance.

Mr. and Mrs. Morris have two children: a son David, and a daughter Martha. They reside at 5223 Duvall Drive, Washington, D.C.

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NATIONAL FARM-CITY WEEK

Mr. DOLE. Mr. President, Congress and the Nation are aware new farm legislation is pending in the Joint Conference Committee before final approval and passage.

Much has been said about limitation of Government payments to farmers the past year, but not enough has been told about the farmer's real contribution to the well-being of this Nation.

The October issue of Farm Journal magazine contains an editorial which tells this story very well. The editorial relates to the coming celebration of Farm-City Week in November and enumerates many ways the city population benefits from farm efforts as well as some of the problems the farmers face. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Eleven Reasons Why You Are No. 1

Coming soon is National Farm-City Week, Nov. 20–26. The purpose of this week is to give farmers and city folks a chance to tell each other about their own business.

We think that you have a solid story to tell. Here are eleven positive points that you can make with trumpet and fanfare:

1. *Food is better than ever.* The quality is better; the selection is broader; and the safety is unmatched. Farmers are producing higher grades of food than ever before; the food leaves the farm in the best condition ever; and food processing methods maintain quality better.

2. *Food has more built-in services than ever.* Thanks to prepared mixes, new food combinations, and easy-to-prepare food innovations, housewives spend less time preparing food, get more uniform quality with less waste.

3. *Food prices have gone up less than other costs of living.* Between 1950 and 1969, food prices (home and eating out) increased 46%—while other living costs climbed 55%. What a surprise that is to a lot of people! One reason for the surprise: the monthly cost-of-living report out of the Department Labor usually highlights food costs. The news media play this up. Whenever a TV station does a program on the cost of living, where do they go? Down to the food store to interview shoppers.

4. *Food prices have increased less than wages.* Wages in manufacturing industries have climbed 122% since 1950—from $1.44 per hour to $3.19 last year—2½ times as much as the cost of food. A recent Gallup poll in New Jersey found that nearly nine out of ten city folks believe that food prices have gone up faster than wages.

5. *We spend less of our income for food than ever before.* We are now spending 14¢ per dollar of national personal income (before taxs) for food—11¢ for food eaten at home and 3¢ for food eaten "out." This is the lowest in history—and beats any other country.

6. *Food prices are the most reasonable of all the "essentials."* Let's say that rents, health care and taxes are "essentials." Rents have risen 50% and health care costs have soared 136% since 1950. And taxes, whew! Federal, state and local governments collected $71 billion in 1950—and a whopping $319 billion last year: 4½ times more!

7. *Nowhere is food as reasonable as in the United States.* In 1967 (most recent figures), we spent 19% of our private expenditures (after taxes and savings) for food. In the United Kingdom, it was 25%; in France, 29%; in West Germany, 33%; and in Russia, 55%.

8. Farmers' "take" has increased much less than in other parts of the food business. Since 1950, the prices that farmers get for food commodities have gone up only 17%—yet the prices farmers pay for everything climbed 46%. During the same time, food marketing costs—from farm to consumer—went up 51% to handle the same "market basket" of food. While we spend 14¢ per dollar of personal income for food, only 4.3¢ of this goes to the farmer.

9. Farmers are doing more than any other economic group to combat inflation. We get inflation and higher prices when money or wages increase faster than the output of goods. Farmers' output per man-hour is increasing three times faster than in non-farm industries. Output per man-hour in non-farm industries climbed 60% since 1950—but farmers' output per man-hour jumped 182%!

10. Our amazing farm productivity is a chief reason for our national affluence. The fact that we can spend 86¢ out of each dollar of personal income for things other than food allows us to support a wide range of consumer goods and services. We can pour money into education, the arts, household appliances, automobiles, sports, housing, highways, airplanes, electric power, hospitals,, etc. Only 5% of our population now live on farms—leaving 95% to produce other goods and services. One farm worker feeds 45 people.

In India where they have only 40¢ left per dollar after buying food, the economy can't get off its back. Russia has a third of her work force tied up producing food—she can marshal resources to go to the moon, but it's a disappointing trip to the Russian food store.

11. Farmers are industry's best customer, using each year ⅓ as much steel as the automobile industry; enough rubber to put tires on 85% of the new cars; and more petroleum than any other industry. Farming employs more people than any other industry and is the biggest customer for the products of the nation's workers. In 1970, farmers' production expenditures will reach $40 billion—with another $32 billion of family spending.

You have an impressive story to tell—and you can use Farm-City Week to be aggressive about telling it.

STATEMENT IN SUPPORT OF THE JELLYFISH CONTROL ACT

Mr. BOGGS. Mr. President, the Senate will soon take up for consideration H.R. 12943, a bill to extend the Jellyfish Control Act of 1966 for another 3 years. I wish to state my strong support for this bill and to urge its passage by the Senate.

In these days when we are paying special attention to the problems of environmental quality, it is important to recognize that jellyfish, like polluted water, threaten to destroy some of our finest beaches for the pleasure of bathers and some of our coastal waters for the use of fishermen.

The jellyfish problem touches many of us directly or indirectly. Most of us who have ever been to our Nation's beaches have experienced at one time or another the annoyance of jellyfish in the water and even the physical pain of their sting. By spoiling the pleasure of swimming and other water activities, jellyfish constitute a dangerous nuisance.

In my State of Delaware we have many beautiful beaches, but even they occasionally have been bothered by jellyfish. I am anxious that this blight be removed.

But jellyfish also pose a difficult and costly problem for commercial and fishing interests. On the Chesapeake Bay, for instance, jellyfish clog pump intakes and tangle the nets and lines of fishing boats.

There is no easy solution to the problems created by jellyfish. But until research into their life stages, growth, and reproduction was begun under the Jellyfish Control Act of 1966, relatively little was known of these creatures.

In the past 3 years some extremely important work has been done in this field. Maryland and Virginia have gathered valuable information on the life history, distribution, and seasonal occurrence of jellyfish in the Chesapeake Bay. Maryland has tested the tolerance of jellyfish to certain chemical control agents and is moving toward the development of an antitoxin to treat jellyfish stings. Maryland is also experimenting with physical barriers that would restrict jellyfish from certain shoreline areas. Similar studies of local conditions are underway in Mississippi, Florida, Puerto Rico, Connecticut, and New York.

Much significant research has already been done, but the aim of this act—jellyfish control or elimination—will take many more years of study and experimentation. I believe it is crucial that we show our support for this valuable work by extending the authorizations for jellyfish control for an additional 3 years.

TAX RELIEF FOR SMALL BUSINESS

Mr. MOSS. Mr. President, it is my pleasure to join with the chairman and many other members of the Select Committee on Small Business in sponsoring the small business tax reform and relief bill of 1970.

This measure was recently introduced by the Senator from Nevada (Mr. BIBLE), climaxing a 3-year study by the Small Business Committee. The proposals thus draw upon a wide variety of sources including testimony by the most senior Treasury officials during the committee's 1967 hearings, the report of an advisory committee of businessmen submitted to the select committee in December of 1968, and the advice and recommendations of more than 2 dozen trade associations, tax, accounting, and small business organizations across the country.

As a former member of the Small Business Committee, I have a certain amount of pride in the bill. In the course of many hearings and other committee work, I learned firsthand of the problems of 5½ million American small businessmen who are trying to make a living in the face of the complex and burdensome effects of Federal, State, and local taxation as well as rising costs, high interest rates, and labor difficulties.

UTAH A SMALL BUSINESS STATE

My own State of Utah is predominantly one of small firms. Of the 18,093 business establishments statewide, the average employment is 12½ workers per firm—excluding agriculture, railroads, and nonprofit organizations. The overwhelming number of these, 17,825 or 98.5 percent have less than 100 employees. Only 32 companies have more than 500 employees.

Small firms are the least able to hire high-priced accountants and tax specialists, so the weight of all taxes and paperwork is disproportionately against them.

Because of this, I have felt for a long time that we needed an overhaul of the entire tax system from the small businessman's point of view. However, to begin this process in the right way takes a good deal of expertise. I noted that the Deputy Assistant Secretary of the Treasury for Tax Policy remarked before a session of the Federal Bar Association on September 18 that Senator BIBLE's tax bill is "a magnificent vehicle" for such a comprehensive review.

I wish to add my commendation to the Small Business Committee and its chairman, Senator BIBLE, for the dedication and effort which it took to formulate S. 4039.

In putting forward this bill, we are inviting the comment and criticism of private professional organizations, including the leading groups in Utah, so that the suggestions of all those interested can be included in an improved version of the bill to be resubmitted in the 92d Congress.

I plan to support strongly what I hope will be the forward progress of this legislation so that we may arrive at meaningful tax reform and relief for the small business community in Utah and throughout the Nation.

PRISONERS MAKE HEADLINES

Mr. GRIFFIN. Mr. President, an item appeared in today's newspapers which all Americans have been hoping for. The last hijack victims have been released by the Palestinian guerrillas.

This is welcome news not only to the hostages' families and friends, but for all those concerned with the illegal detention of innocent victims.

But there is another headline all of us are waiting for: the release announcement of another group of prisoners—the Americans still held by the North Vietnamese.

Some of those men have been captives over 5 years. Their families miss them no less than those of the hijack victims. The American Government is no less concerned for our men in North Vietnam than it has been over those in Jordan.

There is little we can say to the wives and children of the prisoners. Be patient? They have been patient for half a decade. Protest? To whom should they petition? North Vietnam has been insensitive to the most reasonable requests.

Still, we must not abandon our efforts to secure the release of these brave men. We must do everything possible to bring the day closer when we can pick up our morning newspapers and read: "Last Americans Released by Hanoi."

ADDRESS BY SENATOR HOLLINGS AT UNIVERSITY OF GEORGIA

Mr. TALMADGE. Mr. President, the University of Georgia was honored last week by the presence of Senator ERNEST HOLLINGS at the Blue Key service fraternity annual banquet.

Blue Key at the University of Georgia in Athens holds an annual banquet to pay tribute to selected distinguished Georgians for outstanding service to the university and education. This year's awards went to the university's longtime and respected Dean of Men William Tate and State Representative Chappelle Matthews, of Clarke County.

The Senator from South Carolina delivered the keynote address at the banquet, and I bring his remarks to the Members of the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF ADDRESS BY SENATOR ERNEST F. HOLLINGS

My temptation today is to give a rip roaring speech, because we in Georgia and South Carolina live hard, we work hard, and we are proud of our progress. But, somehow it strikes me that we have had enough rips and roars in our society today and that what is needed most is a talking of sense to our people. For truly America is fed up—America is in turmoil. Everyone is shouting and no one is listening. And, rather than bring us together, the mood at this moment is—leave us alone. Gone is the old sense of community that united us for the challenges of the past. We don't face problems together anymore. We meet them as special interest groups, as members of impatient minority blocs and organizations. We identify not as Americans, but as hard hats or students or militants or women liberators or as members of the silent majority.

As little groups and cliques we shout our non-negotiable demands, attempting to drown out all differing points of view. We fight for a spot in front of the television camera in the street, on the misguided assumption that emotional outbursts will somehow bring needed change. Our own group is always right. Our own group, if given its way, could usher in the millennium. The radical demands thorough change by sun-up tomorrow. "I have seen the vision," he says. "Follow me to Utopia." The archconservative sits, stubborn as a mule, refusing to concede that any change is desirable. Each group must have things its own way. Each would construct an America in its own straight jacket image. And the creed is—do things my way or get out. "America, love it or leave it"—but always with the stipulation that "I will decide what America means." The hard hat wants no dialogue with the student—he wants the student to shut up. The student seeks no compromise with the hard hat—he hopes for an America without hard hats. The clamour of rhetoric increases decible by decible until the voices of reason are now effectively silenced. Meanwhile, everyone is in flight—fleeing from the city to the suburb, fleeing from the disorder of crime and violence, fleeing from government. And, more important, fleeing from responsibility to one another. A country once excited by the challenge of change is now beset by fear. And so, the challenge tonight is the same as 100 years ago—"shall we meanly lose or nobly save the last best hope on earth."

I say, in all solemnity, there is a disturbing similarity between our America of 1970 and the America of 1860. A hundred years ago we lost patience with one another—we ran out of tolerance. We lost the spirit of compromise. We came apart at the seams. The nation disintegrated and it took the bloodiest war in our nation's history to put this country together again. It seems that everyone would realize that America did not grow to maturity on a one-way street of non-negotiable demands. It progressed instead on a broad avenue of give and take—of reasonable argument and of taking what was best from the many diverse groups who settled in this land. It seems that everyone would remember the day when we depended on each other—when Franklin set the mood of this country with his cry, "We must all hang together, or assuredly we shall all hang separately." It seems that we would realize that a society wherein each group sees itself infallible will choke on its pride—a society in which each insists on doing his own thing is a society wherein nothing gets done. And, it seems that we would remember our 100 years of trying it alone without national government.

South Carolina is presently celebrating its 300th birthday. But the nation is only 200 years old. We are just now refreshing our memory of that hundred years without a representative national government. Just above the name of John Hancock is written the founding spirit of this Republic, "We mutually pledge each other our lives, our fortunes, and our sacred honor." We cannot be reminded too forcefully that in the Declaration of Independence, there was also a declaration of dependence. "United we stand, divided we fall." That was the challenge of the 1770's. That is the challenge of the 1970's.

No one can visit a college campus and discuss the nation's problems without giving attention to the role of youth today. Many of my friends are annoyed by the attention public officials now accord the students. Twenty years ago, the only attention the student received from a Senator was a commencement talk on graduation day. It was a one-time appearance. We spoke and the students listened. Today, the average campus will be visited by four or five Senators or Congressmen. Some students won't listen to anything. But, the overwhelming majority are listening. They are more concerned about the future of this country and what it stands for than my generation. They approach their vision of what America should be with a religious zeal. They ask questions—they want results.

The student will want to know why people still go hungry in this land of plenty. Why do we want to start another Vietnam in Cambodia? And, why do we in America want to emulate the sayings of Mao that all power is derived from the barrel of a gun? There will be dialogue—there will be questions that you can't answer—and there will be questions that you can't leave unanswered. Students will have an effect. The Senator takes his homework back to Washington and the legislative mill begins to grind.

We can credit the students with consumer protection, automobile safety, meat inspection and the fairness doctrine. The test for each Senator now is—is it fair? The draft law—is it fair? The tax law—is it fair? And, many times while the best brains of industry are telling us it can't be done, the students prove otherwise.

I have just left Washington with America's automotive industry up in arms. Not just because of a strike, but because of a requirement under consideration for the production of an emission free automobile engine. The House bill required a 90 percent emission free standard by 1980 and the Senate is prepared to require this by 1975. Impossible say the Detroit industrialists. Yet, this past Labor Day a group of some 50 students under the sponsorship of MIT drove their self-designed automobiles across the country and two of the winners actually exceeded the standards envisioned for 1980. What the industrial establishment says can't be done, the students have done. So, society learns from its students.

Of course, the students must learn from society. For one thing, once the students decide a matter, they believe it is right for America. Students must learn that they are not a majority. Even if all America's students agreed upon a point, there are nearly 200 million other citizens and 75 million other voters. In fact, they are a minority of the young. The Bureau of the Census reports that there are 10½ million 18, 19 and 20 year olds. Only a quarter of these are students. Fifty percent—or five million—of this age group are breadwinners, workers and hard hats. One million are new mothers. So, when we discuss finding out what the young people want, we go not just to the campus, but to those other vital groups too.

Many times, the students seem to know the cost of everything and the value of nothing. They come into your office and, in expert fashion, describe and psychoanalyze the Viet Cong. They can give you his height and weight, how he lives, and how he thinks, and give you his reaction. But, the student has not the remotest idea of how the hard hat lives, what he thinks, and why he reacts the way he does. Yes, the student knows all there is to know about an Asian peasant 10,000 miles away, but often shows no understanding whatever for the guy next door who, in his way, is working and building this country.

Impatience is the mark of the student. Born and bred on instant food, raised and schooled on instant credit, they expect instant government. The student movement that followed Gene McCarthy was motivated by the hope for peace and new leadership. The students made their mark in over a dozen primaries. But, when they failed in Chicago, they immediately cried fraud and quit. Our generation would have savored the progress made, come back and tried again. But, not today's generation—they fail to appreciate that America and the road to freedom is not the 100 yard dash, but the endurance contest.

We in the establishment must understand that we are responsible for the contest; that we need self-discipline just as much as the students—that we need to listen. And, we must be responsive.

I don't speak politically. I don't speak as a member of one political party, for I realize as DeTocqueville said over 130 years ago, "There are many men of principle in both parties in America, but there is no party of prniciple." That has not changed. Lyndon Johnson is just as much responsible for today's inflation as is Richard Nixon. Lyndon Johnson stumbled and fumbled on the war just as much as Richard Nixon and, unfortunately, both lead from concensus rather than concern. Both attacked the politics of the problem rather than the problems themselves. If we can outlive the age of demonstrations—if we can outlive government by political polls, we shall be a blessed nation indeed.

On the other hand, how many of you really feel that government is responsive to the needs and desires of the average American? How many really find credible the words and actions of our government? Who knows what the policy is? Who can truthfully say they feel a sense of trust in the nation's leadership? Who feels that the idea of America persists—"All government shall derive its just powers from the consent of the governed"? If I sense the tempo of America today, people feel that government is deriving its just powers from dissent rather than consent. People just don't feel themselves a part of government anymore.

Part of the fault lies with a government too quick to politick. We never have come clean with a position on this war. The policy is retreat, but the rhetoric is attack. You ask why would anyone politick with war. We know that President Nixon would like to end it all in the next hour. But each President has feared the reaction of the home front when it learned we had failed at the battle front. No one has wanted to be in the chicken coop when the chickens come home to roost. Kenneth O'Donnell writes that President Kennedy's decision to get us out of Vietnam was delayed by his not wanting to face the reaction of the people on the heels of withdrawal. President Johnson thought he could politic it. It would be a painless war—there would be no threat of World War III because there would be no threat to annihilate the enemy. We would come with men and machines, bluff and gusto—but we wouldn't let the military really fight. We would minimize casualties so as to minimize complaints from home. No one would stay over a year. We wouldn't call up the National Guard or Reserve. We would have guns and butter both—business as usual. If the people at home didn't suffer—if they didn't feel any real impact of war, then his mandate for a Great Society in 1964 could be repeated in 1968.

At first, it appeared that Mr. Nixon and the Congress would stop trying to outpolitic each other on the war and get in step with a clear policy. Mr. Nixon stated that he no longer sought military victory and announced in June of last year a policy of withdrawal. In the same month the United States Senate approved Senator Fulbright's commitment resolution, stating that hereafter no foreign commitment of the United States would be considered valid unless approved by the Congress as well as the Executive. President Nixon approved this policy. When debate ensued on Laos and Thailand, 81 Senators joined together and approved the first Cooper-Church Amendment prohibiting U.S. ground combat troop activity in Laos and Thailand. Cambodia was not specifically included because of Administration statements that it was a sanctuary and no action was contemplated there. The President stated that he was pleased with the amendment and signed it into law on December 29th.

However, when the Cambodian fiasco occurred and the United States Senate with the second Cooper-Church Amendment tried to get back in step with the President so that we could present a united front to the people of this land, the President chose the political route of his predecessor. At no time did Mr. Nixon object to the substance of this measure. He did not object to the restriction on combat activity. In fact, he said no American troops would be used in Cambodia after July 1st. And he denied any commitment to the Lon Nol government. But, instead of working with Congress, which after six years of bloody warfare was trying desperately to set a policy as to our Far-Eastern commitments, the President filibustered. Cooper-Church advocates were pictured as less than 100 percent Americans. They were accused of undercutting his authority as Commander-in-Chief. They were even said to be encouraging the first military defeat the United States had ever suffered. The President's floor leader stated that the introduction of the amendment was an affront to him as an American. But, later, he voted "aye" and so did 75 percent of the people's representatives in the United States Senate.

Relishing the popularity shown in political polls on this score, Mr. Nixon supplanted his Southern strategy with a "Support the Commander-in-Chief Strategy." It is somehow un-American to criticize the President. The strategy is applied now not just to the South, but to the entire land by sending the Vice President to the attack. And, for an Administration dedicated to "Bring us Together" the Vice President in ranting rhetoric rips us apart.

The office of Vice President over the years has been built to one of responsibility. The Vice President could bring us together as Chairman of the President's Council on Youth Opportunity. But, in his first 16 months in office, Mr. Agnew has not once convened a council meeting. Quite a record for the self-styled expert on youth. And, while I have been trying desperately for an oceans program, Mr. Agnew refused for ten months to meet with the Marine Science Council—yet he is its chairman. In February, the President created a new Office of Intergovernmental Relations. The Vice President is its head, charged with improving federal relations with state and local governments. But, when the governors met in Missouri this summer, the Vice President was absent. Last Spring, the President named Mr. Agnew to chair a cabinet committee on school desegregation. But, the Vice President missed its last seven meetings in the critical weeks before the schools opened this Fall. The Vice President is Chairman of the National Aeronautics and Space Council; the President's Council on Indian Opportunity; and the President's Council on Physical Fitness. But, he has ignored all three. Most importantly, he has ignored his primary constitutional duty—President of the United States Senate. As campaigner-in-chief for the "Support the Commander-

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in-Chief Strategy," he has been absent 98 percent of the time roaming the land, tearing down the Senate as an institution.

The "Support the Commander-in-Chief" or else "you are un-American" jag is supposed to carry until November 3. Come 1971, dramatic Vietnamization will occur. The news of large numbers of returning troops will be laid on for the 1972 election. For whatever reason, we will welcome it.

But when the day arrives when it will no longer be unpatriotic to ask the question why, the exacerbation of disappointment and disillusionment fostered by Mr. Agnew will certainly make a chaotic country for our boys to come home to.

Leadership by political bamboozle is equally rampant when it comes to the issues of domestic life. We have heard much about the hunger issue in the past couple of years. The President held a top-level White House Conference on Hunger and told it, "that hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable." Yet, he has given no leadership on the problem of eradicating hunger.

On another front, the school board member sacrifices good name and good will in his community when he agrees to implement controversial guidelines to bring progress on the racial front. What happens? He is quickly cut down by another department of government. The assistant secretary of commerce who tells it like it is, is promptly fired. The leader dedicated to a program is turned away by being told that his first allegiance must be politics. And, the Cabinet member who opens his eyes is swiftly blindfolded with a White House rebuff. And just last week a top Justice Department official warned federal employees that those who publicly differ with the Nixon Administration can expect to possibly lose their jobs.

What confidence can there be in an Administration whose announced creed is "judge us by what we do, not by what we say?" Why must there be any difference between what government says and what it does? We have been practicing the art of self-government for nearly 200 years. I believe we are mature enough to face the truth. We won't be practicing self-government very much longer if that government tells us to ignore what it says. That is not the way Andrew Jackson or Woodrow Wilson or Harry Truman ran the Presidency. Perhaps they made mistakes, but at least the people knew where their government stood. The great Presidents used rhetoric to implement action, not to obscure it. Courthouse politics is not good enough for the courthouse, leave alone the White House. By no means can we afford courthouse politics at the highest level. We can't say "no more Vietnams" and then start another one in Cambodia under the guise of self-defense. We cannot have a Nixon plan for the East and a Marshall plan for the West. We can't go to New Orleans saying we don't like Northerners pointing their fingers at the South and then when we try to get equal treatment for the South with the Stennis Amendment have the President order his congressional lieutenants to kill the amendment. We can't, in the name of eliminating the separate but equal doctrine, establish a separate but unequal policy by calling segregation in the South de jure and the same segregation in the North de facto. We can't jawbone against inflation by publicly vetoing education and hospital bills while refusing to jawbone the labor and business leaders to stop the spiral of wages and prices. We cannot signal the creed of this Administration as "Bring us Together" and then legislate us apart with a take over of the electoral college and by direct elections, write into the law status for every divisive group in America.

I cannot honestly tell you what the President's intention was when he invaded Cambodia. If I told you that I knew what the President's plan to end the war is, what his terms are, I would be less than candid. I don't know what the President really thinks about civil rights, and neither does anybody I talk to in Washington. I don't know where he stands on stopping inflation, eradicating poverty, on school busing, on textile imports, or on anything else.

We must quit playing politics and lead. The country stands in need of a clarion call, a summons to greatness. It was Paul in his first epistle to the Corinthians who said, "If the trumpet give an uncertain sound, who shall prepare himself for battle." We are not preparing and the reason is the uncertain trumpet of our national leadership. The road ahead is by no means clear. Shall we continue down this clamorous road of drift and division, insuring the collapse of all that has been built by patient toil and sweat? Or, can we get back on the road of a forgotten America?

The first thing we must do is go to work. We have given up on politics too soon. John Gardner recently said, "Out of thousands of years of experience in domesticating the savagery of human conflicts, man has distilled law and government and politics. As citizens we honor law—or we have until recently. We neglect government and we scorn politics. No wonder we are in trouble." Gardner went on to say, "It is precisely in the political forum that free citizens can have their say, trade out their differences and identify their shared goals. Where else, how else can a free people orchestrate their conflicting purposes?"

There is no other way. Only through rational government and politics can we find the road to meaningful change. The hard hat will not find a pot of gold at the end of the rainbow simply by ridding America of the student. Nor will the young find a brave new world simply by insistence on everyone doing his own thing.

Like 100 years ago, the politics of hope have given way to the politics of despair. Too many of us are seeking change outside the political realm, outside all the institutions which can make productive change possible. Our problems cannot be solved in the streets. A just society cannot be built on the ashes of burned buildings or the beaten bodies of those with whom we disagree. A just society cannot be built when so many of us sit home in front of the TV, cheering for our side as our adversaries receive their comeuppance.

No problem confronts this country that cannot be solved within the system. We must all do our part. The citizen must rededicate himself to the spirit of tolerance and compromise that makes meaningful change possible. This demands self-discipline. A just society must be an orderly society. We must discipline to fulfill our responsibilities as citizens. The blessing of civilization is to have open exchange and open expression and a pursuing of one's talent to its ultimate development. This open-ended pursual and free expression can only be done within an ordered system. From the Supreme Court on down to the average citizen, we must act on the belief that while the First Amendment says you can think as you please and speak as you please, you cannot do as you please. The law of the jungle cannot co-exist with the rule of law.

This movement must be led. We in the Congress, those in city hall and statehouse, all in government must realize that our function is to make headway and not headlines. Government must be responsive. The Congress cannot legislate truth-in-lending and practice secrecy in voting. Most importantly, the President must summon the American people to renewed greatness. We stand in need of Presidential leadership that will move decisively to tackle the many issues which currently plague us. Action must supplant rhetoric, and government must come clean with the people. In an era of grave dissension, we can ill afford leadership that feeds on the disunity of the nation.

Finally, a just society must have compassion. It was a wise doctor who prayed that he would never lose the sense of pain felt by his patients. One cannot heal wounds that he cannot feel. The Negro is edgy that his newly-won gains of the past decade might be lost. His fear is deeply felt. All the while he is being pressured by the black militant. Unless we feel this sense of pain and fear, the militant will gain influence in the black community. The housewife is disillusioned at the grocery bill, and there must be compassion for her when we contemplate costly new welfare programs. The mother wonders when drugs will hit her child. The workingman wonders how long he can hold his job. The head of the House worries for the safety of his family as the crime statistics soar ever higher. In the meantime, our sons continue to die without knowing the reason why. Unless we realize that every man has hopes and dreams, grievances and fears, we will lack the spirit of community necessary to a united fight against our many problems. We need not only confidence in government, but confidence in each other. Wise leadership can encourage that dedication, but first we must find it in our will to make a national declaration of dependence.

Whatever decision we make, there is a new America around the corner. What kind of America will it be? It is up to you and me to decide.

NASA CONTRADICTS ITSELF ON SPACE PROGRAM COSTS

Mr. PROXMIRE. Mr. President, some time ago the National Aeronautics and Space Administration announced that it had decided to cancel the flights of Apollo 15 and Apollo 19, for budgetary reasons. It was obvious that canceling these flights would not only bring about savings from future appropriations, but would also free up some of the hardware formerly earmarked for these flights for other missions.

To get a more specific understanding of the savings that will be achieved, the Senator from Minnesota (Mr. MONDALE) and I wrote to the NASA Administrator and asked the following questions:

What additional funds will be made available to NASA as a result of these cancellations?

Do you anticipate that any of these funds will be applied to the space shuttle/station project? If so, how much additional money will be made available and how will it be used?

Will any of these funds be applied to the Skylab project? If so, how much additional money will be made available and how will it be used? Will there be an earlier launch date for Skylab?

To what other projects will these funds be applied?

In addition to releasing funds by canceling these moon flights, what hardware will be freed for use in other programs? How will this hardware be used? What is the cash value of this hardware?

The answer from Acting NASA Administrator George M. Low arrived Tuesday. It indicates that very substantial savings will be achieved. In fiscal year 1971, the savings will amount to $50.1 million. And NASA says the cancellations will "result in much greater reductions in Apollo funding requirements in fiscal year 1972 and subsequent years."

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In addition, NASA's letter points out that hardware from Apollo 15 and Apollo 19 will be saved for use on other missions. This hardware includes two Saturn V launch vehicles, which cost NASA $185 million each; one command and service module, costing $55 million; and one lunar module, costing $40 million. These four items add up to a total saving of $465 million. And these are just the major pieces of hardware—there are undoubtedly many smaller items which would boost the total still higher.

Mr. President, I am delighted to know that such substantial savings can and will be achieved. But I wish NASA would get its story straight. Last year, I wrote to NASA and suggested possible cutbacks in the Apollo program—from three flights a year to two, or from three flights a year to one—and asked how much could be saved with such cutbacks. NASA told me that cutting back Apollo from three flights a year to two—a cutback of one-third—would save only $30 million a year. Cutting back from three flights a year to one—a cutback of two-thirds—would save only $45 million a year.

These are pitifully small by comparison to the total fiscal year 1970 Apollo budget of $1.691 billion. I found it difficult to reconcile savings of only 1.8 percent or 2.7 percent in the budget with the proposed program cutbacks of 33 percent or 66 percent.

NASA's letter to Senator MONDALE and me has cleared this up. Congress now has the facts with which it can appraise the enormous cost that the space program entails, and the very substantial savings that can be achieved when relatively modest cutbacks are imposed. I hope Congress will take this into account when the NASA budget for this fiscal year comes before it again later this year.

Mr. President, I ask unanimous consent that the NASA letter to me dated September 12, 1969, and the NASA letter to Senator MONDALE and me dated September 18, 1970, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., September 28, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in response to your letter of September 10, also signed by Senator Mondale, on NASA's decision to cancel two of the remaining Apollo lunar missions. I am sending a similar letter to Senator Mondale.

This decision was one of the actions taken by NASA in establishing an interim operating budget for FY 1971 at the level of the appropriations for NASA included in H.R. 17548, the Independent Offices and HUD Appropriations Bill which was vetoed by the President. In total, the appropriations for NASA approved by Congress in this bill amounted to $3,268.7 million, a reduction of $64.3 million from the FY 1971 budget request of $3,333 million.

In view of the already austere level of the budget request for FY 1971, the $64.3 million reduction forced NASA to face some very difficult decisions. After considering all the alternatives we concluded that the best course in the long-term interest of the space program was to cancel two Apollo flights—formerly designated Apollos 15 and 19—and reschedule the remaining flights to complete the Apollo program prior to the launch of Skylab in 1972.

These decisions permitted a reduction of $50.1 million in our FY 1971 budget ($42.1 million in the Apollo project and $8 million in Tracking and Data Acquisition activities). Also, *the decisions result in much greater reductions in Apollo funding requirements in FY 1972 and subsequent years* which will help us to move ahead affirmatively with the top priority space programs for the 1970's without an undue peaking of the total NASA budget during this period.

We came to the decision to cancel the two Apollo missions reluctantly because it curtails by two the number of scientifically important regions of the moon that we will be able to explore in the Apollo program. Faced with a hard choice, however, we concluded that a higher priority must be given to activities which over a period of years will give the nation new capabilities and accomplishments in space and, in particular, to programs which will also bring about a substantial reduction in the cost of space flight, both manned and unmanned.

For these reasons we have elected to accommodate the reduction in our FY 1971 budget primarily through the cancellation of two Apollo missions rather than by disrupting or cancelling other major on-going programs pointed at new capabilities and accomplishments, such as Skylab and the Viking unmanned landing missions to Mars. We also decided that it is especially important to maintain the full amount budgeted in FY 1971 for studies and preliminary design work on the space shuttle and space station projects. In the years to come, these projects will bring about a major and dramatic reduction in the cost of space operations and, at the same time, give us important and exciting new capabilities in space.

The role of the space shuttle is especially important. It is to be a fully reusable system like an airplane which can fly to and from earth orbit. In addition to serving as a transport for men, supplies, and scientific equipment to and from space stations of the future, it will by itself be a versatile vehicle for performing manned and man-tended experiments in earth orbit and for placing scientific, weather, earth resources, and other *unmanned* satellites in earth orbit and bringing them back to earth for repair and reuse. A major feature is that the space shuttle system, when developed, will have for both manned and unmanned missions a recurring operating cost per mission substantially lower than the current cost of most of our unmanned systems. This reduction will result from two factors: (1) significant reductions in the cost of scientific and applications payloads because of the relaxation of size and weight constraints and the capability for recovery, repair, and reuse of payloads, and (2) reduction in launch costs because the space shuttle vehicles will be reusable.

With this background for the basis of our decision to cancel the two Apollo missions, let me turn to your specific questions:

"What additional funds will be made available to NASA as a result of these cancellations?"

No additional funds will become available to NASA in FY 1971 as a result of the cancellation of two Apollo missions. The FY 1971 savings of $50.1 million associated with the cancellation of these missions enables NASA to accommodate a portion of the $64.3 million reduction in the NASA budget request made by Congress in H.R. 17548. The savings in the Apollo program in FY 1972 and subsequent years will serve to reduce NASA's budget requirements in those years below what would otherwise be the case. The amounts to be provided in FY 1972 and subsequent years will be considered and presented each year in the annual budget process and are subject to Congressional review and approval in the annual authorization and appropriation bills.

"Do you anticipate that any of these funds will be applied to the space shuttle/station project? If so, how much additional money will be made available and how will it be used?"

"Will any of these funds be applied to the Skylab project? If so, how much additional money will be made available and how will it be used? Will there be an earlier launch date for Skylab?"

"To what other projects will these funds be applied?"

As stated above, no additional funds will become available to NASA in FY 1971 as a result of the cancellation of the two Apollo missions. Under our interim operating budget, the funding for space station/shuttle in FY 1971 will be at the level of the budget request ($110 million). The planned FY 1971 funding for Skylab under our interim operating budget is also at the same level as our budget request ($405.2 million). The Skylab launch schedule has not been changed. For FY 1972 and subsequent years the amounts to be applied to these and other major NASA projects will, as previously stated, be determined each year in the annual budget, authorization, and appropriation process.

"In addition to releasing funds by cancelling these moon flights, what hardware will be freed for use in other programs? How will this hardware be used? What is the cash value of this hardware?"

The deletion of the two Apollo missions has freed for other uses two Saturn V launch vehicles. These vehicles will be "mothballed" and stored for future use. No specific manned or unmanned missions have been selected at this time. However this will be the only heavy lift capability remaining in the United States since future production of these vehicles has been suspended. The average production cost of the Saturn V launch vehicles we have produced is approximately $185 million each. The cancellation also leaves us with one completed Command and Service Module (CSM) and one completed Lunar Module (LM). These spacecraft will also be placed in storage and be available for future use if required. The average cost of the CSM's we have produced is $55 million each and of the LM's $40 million each.

I would be pleased to discuss personally with you, if you wish, these and any other matters related to NASA and its programs.

Sincerely yours,

GEORGE M. LOW,
Acting Administrator.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION,
Washington, D.C., September 12, 1969.

Hon. WILLIAM E. PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This responds to your letter of September 8 regarding the NASA authorization bill for FY 1970 which, as reported by the Senate Committee on Aeronautical and Space Sciences, would authorize appropriations of $1.691 billion for the Apollo program, the amount recommended by President Nixon. As you are aware, this is $40 million over the amount recommended in the initial budget request by President Johnson which was subsequently amended to provide for the development and production of augmented systems and new mobility devices to significantly increase the scientific return from future manned lunar flights.

The answers to the specific questions you raise concerning the make-up of the $1.691 billion for Apollo, as well as the sensitivity of this funding level to alternative assumptions on the rate of manned lunar flights are set forth below. Based on an examination of these data and our experience to date, it is abundantly clear to me that given a com-

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mitment to sustain manned space flight capability, the rate at which flights take place is not of major economic significance in the short term. On the other hand, the flight rate is of paramount importance in considering the rate of scientific, technological and other returns on our national investment, as well as economical utilization of plant capacity, operational efficiency and, consequently, overall mission success and crew safety.

After eight years of intense effort we have reached the point, with Apollo 11, of proven capability to conduct manned flight operations out as far as the lunar surface. Development of this capability has had many secondary benefits including the enhancement of technological competence of American industry and universities. Now that it is developed, greater emphasis can, and will, be placed in succeeding Apollo flights on the scientific return from lunar flights, and on the direct application of the benefits from space operations in our other programs—manned and unmanned. The scientific return and impact on opinion around the world of Apollo 11 exceeded almost every expectation, and the following flights to sites of greater scientific interest, with longer staytime, more complex and productive scientific equipment, and greater surface mobility will far exceed Apollo 11 in terms of scientifically useful returns.

I would like to discuss several points, which I believe are not generally understood, as background for our answers to your questions.

1. From its inception, the Apollo program has focused on developing a basic national capability to conduct manned operations in space and to demonstrate this capability through a safe manned lunar landing and return in this decade. In the early planning for this program we projected a requirement for fifteen Saturn V launch vehicles and twelve Saturn IB launch vehicles with associated spacecraft to assure successful accomplishment of this goal. These were reasonable assumptions with the total undertaking of the design, development, production, test, launch and operations in space of manned space vehicles still before us. No one predicted, or certainly could have planned on, the unparalleled successes achieved in the Apollo program. With early success, only six Saturn V's and five Saturn IB's with associated spacecraft were required to demonstrate our manned lunar landing capability. Thus, through a significant investment in launch vehicles and spacecraft made over the years when NASA's expenditures approached $6 billion, we have available an inventory of space vehicles larger than we could have reasonably anticipated which can now be applied to the scientific exploration of the moon and to operational missions in earth orbit.

As of now all major hardware has been completed or is under contract and in the production process. The twelve initial Saturn IB's have been completed. Of the authorized fifteen Saturn V's, nine have been completely fabricated, assembled and accepted by NASA; two vehicles are now being tested prior to acceptance; and the remaining four vehicles are in various stages of final assembly. Over half of the initially ordered CSM and LM spacecraft have been assembled and delivered; two more of each will be delivered in this fiscal year; and the remaining spacecraft are in various stages of production.

In recent years NASA's annual expenditures have rapidly declined—by over $2 billion—to the projected rate of $3.9 billion in FY 1970. We are in effect flying out an inventory of space vehicles authorized, ordered, and largely funded in earlier years. The manpower directly involved in NASA work has decreased from a peak of 420,000 toward an estimated 185,000 by next June. With these significant reductions, which came about in part by the completion of heavy design and development effort required in the earlier years, but mostly as a result of extreme national fiscal pressures, we have been forced to face the basic issue posed by each of your questions: namely, at what rate this Nation is willing to continue manned space flight programs or indeed, whether manned lunar missions are to be continued at all. In 1966, NASA's future planning—based on the efficient and economic utilization of the capabilities then well along in development—envisioned the production and launch of six Saturn V's and six Saturn IB's with associated spacecraft per year to carry out launch and earth orbital programs. From those early recommendations, we have been forced to a production rate of four of each per year, then two, and finally in 1968 to the point where we were forced to take steps to suspend production of Saturn V's and to halt production of Saturn IB's.

2. President Johnson's FY 1970 budget for NASA was based on a "holding plan" designed to arrest the drastic three year decline in U.S. aeronautics and space research and development and to defer major decisions to the new Administration. President Nixon in his budget amendments, reduced the overall estimates for NASA by $131 million, but then added $86 million to implement two important decisions: to preserve the production capability of the Saturn V launch vehicle, the largest space booster in the world, and to initiate the development and production of augmented systems and new mobility devices to provide a significant increase in the scientific return from a lunar exploration program utilizing the remaining authorized Saturn/Apollo hardware. The decision to provide additional lunar exploration funds was coupled with the decision to reduce the Apollo mission rate from five a year to three a year once the initial lunar landing and return was accomplished. It is significant that these decisions were reviewed and unanimously endorsed by the Space Task Group established by the President to study the future goals and objectives of this Nation in space.

3. The success of Apollo 11, in the first month of FY 1970, has allowed us to proceed on the assumptions underlying the amendments to the original FY 1970 budget including such actions as the reduction in workforce by over 5,000 at the Kennedy Space Center, phase-out of four Apollo tracking ships and other actions tied to reducing the planned flight rate in Apollo from five to three per year. These actions are estimated to result in a savings of about $39 million in the Apollo program this fiscal year as reflected in the amendments to the budget.

4. The final, and most important point I must make is that there is a minimum flight rate below which I, and the Apollo mission directors, believe we could not undertake manned flights with sufficient confidence or economy to justify proceeding with a manned space flight program. Such a judgment is, of course, necessarily qualitative. For example, in reducing our flight rate from five to three, we have reduced the size of the workforce at Kennedy Space Center to essentially a one-crew operation. Therefore, at a rate of one flight a year, much of the workforce at the Kennedy Space Center, at the Marshall Space Flight Center in Alabama, and at the Manned Spacecraft Center in Houston would not be fully employed for most of each year. The same would be true in the many contractor plants and at test sites which are required in support of launch and flight mission operations. I would seriously question our ability to sustain the necessary quality, reliability, and safety requirements with such an under-utilized workforce. Many view three manned flights per year as the minimum that NASA should undertake. In my view, it cannot be less than somewhere between two and three. The optimum rate from a standpoint of safety and especially efficiency is considerably higher.

The preceding discussion should not be taken as advocating space flight solely for its own sake. The benefits we are deriving and which we will continue to accrue from the space program in fields such as communications, meteorology, earth resources, advancing science and technology, education and human fulfillment clearly justify continuation of the balanced program of space exploration and application at a reasonable rate. To do this will require authorization and appropriation of the full amount recommended for NASA for FY 1970 by the President and by the Senate Committee on Aeronautical and Space Sciences.

In answer to your specific questions we estimate that approximately $30 million could be saved in FY 1970 by reducing the launch rate from three per year to a rate of two per year and $45 million by reducing to one per year. These savings represent mission unique cost such as recovery, trajectory analysis, pad refurbishment, systems engineering, expendable supplies, propellants, overtime, and multi-shift staffing at the Mission Control Center. As set forth in the attachments, the relatively small impact on the 1970 fund requirement caused by launch rate adjustments results from the fact that we are so far along in the production of the launch vehicles and spacecraft which are already authorized that little can be done to alter the production process without incurring significant cost penalties. If we were to terminate lunar missions at the completion of the currently authorized program, the amounts required would be substantially the same as the amount requested in the 1970 budget. We would be able to reduce this amount by $11 million which is included to conduct studies of future lunar missions beyond those currently authorized. However, if an immediate decision were made to terminate all manned space flight activity including the termination of current hardware contracts and the close-down of all manned space flight centers, significantly greater savings could be achieved. The amount of savings would depend, generaly, on how rapidly such a decision could be implemented and the extent of the Government's liability to the contractors.

Details supporting these estimates and conclusions are attached. Please let me know if we can be of further assistance on this matter.

Sincerely yours,

T. O. PAINE,
Administrator.

NGUYEN CAO KY NOT TO ATTEND "VICTORY RALLY"

Mr. DOLE. Mr. President, I am pleased the Vice President of South Vietnam, Nguyen Cao Ky, has wisely decided not to attend the October "victory rally" sponsored by radio evangelist Rev. Carl McIntire. The appearance of Vice President Ky at this rally could have brought nothing but harm to President Nixon's successful Vietnam policy which consists of Vietnamization, U.S. troop withdrawals and the Paris peace talks.

I ask unanimous consent to have printed in the RECORD William S. White's column entitled "U.S. Should Prevent Gen. Ky's Attendance at McIntire's Rally."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Sept. 17, 1970]

UNITED STATES SHOULD PREVENT GEN. KY'S ATTENDANCE AT MCINTIRE'S RALLY

WASHINGTON.—It is of the most urgent importance that the United States Government

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do whatever may be necessary to prevent the political puppeteer, the Rev. Carl McIntire, from bringing Vice President Nguyen Cao Ky of South Vietnam into this country for a so-called "victory rally" in October.

Everything possible is wrong with this mischievous business. Nothing whatever can be said to be either right or proper about it. Mr. McIntire, who is commonly called "a radio preacher," had no business whatever to issue this invitation in the first place, for he has been elected by nobody to anything. Vice President Ky had even less business to accept it, as it appears he has done—and it is profoundly to be hoped that he will yet be dissuaded from this meddlesome and disastrous affair.

The language used by Mr. McIntire—that Ky's speech at the rally would "out-Agnew" is both an insult to the Vice President of the United States and the biggest break ever yet given to the extreme doves of this nation.

For it hands to them the opportunity to associate the responsible hawks of the United States with an extremist and exhibitionist parson and a South Vietnamese politician who, whatever his good qualities, clearly himself tends toward exhibitionism.

The fact that the "peace" extremists have again and again "demonstrated" and "protested"—and that their spokesmen in the Senate have again and again unwittingly encouraged the North Vietnamese enemy simply to hang on until we quit—has nothing to do with the case, in adult reason.

The pride and the strength of the responsible pro-war movement in the United States is precisely that it has steadfastly refused to adopt either the language or the methods of extremism, no matter what others may have chosen to do. The McIntire-Ky sorties—unless the administration puts a stop to this thing before it starts—will inevitably to some extent stain a record of which no reasonable hawk need ever to have been ashamed.

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To be sure, there have been Americans who have gone to Hanoi to traffic intellectually, and in moral effect to negotiate, with the heads of an enemy power which is killing American troops. But let them do it and do it again and again if they wish. This is their onus and the time may come when their memories will be bitter ones.

The responsible hawk, for his part, has no need—and far too much taste—to go over the heads of the elected Government of the United States to bring foreign hell-fire evangels in here to support a cause that requires no such crude and intrusive defense.

Mr. McIntire, moreover, is very wrong on quite another count. Not only is he, too, in effect negotiating, as a private person with a foreign power, he is also meddling in our coming Congressional and senatorial elections. His prediction that the team of Ky and McIntire will make it "open season for doves" in the elections is both offensive and self-defeating.

If anything could save the Senate doves who ought to be beaten it would be the spectacle of this "radio preacher" and a foreign official presuming to instruct and to marshal the people of the United States in a so-called victory rally.

Napoleon once in substance asked the Lord to save him from allies and the White House of today is undoubtedly tempted to put up the same petition to the Almighty. Vice President Ky is a good soldier and—for South Vietnam—also no doubt a useful leader.

But the first duty of a good soldier is to do nothing, however indirectly, to serve the enemy's cause. And the first duty of this particular national leader is not to make difficulties for the leaders of the nation that has done so much to help save his own.

Ky ought to give the most ceremonious of Oriental farewells—forever to Mr. McIntire and Mr. McIntire ought to be content with his activities in the pulpit.

MANY RELIGIOUS GROUPS FAVOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, various organizations have urged the U.S. Senate to ratify the Genocide Convention of the U.N. Action by religious organizations in the field of human rights should not be unexpected, as most of these organizations are deeply concerned when any portion of the world population is denied the natural human right to life.

Religious organizations such as the National Council of Churches, the United Methodist Church, the American Baptist Convention, the Unitarian Universalist Association, the American Jewish Congress, and B'nai B'rith presented statements to the subcommittee on the Genocide Convention of the Senate Foreign Relations Committee urging U.S. ratification. In 1964 the Episcopal Church, meeting in its National General Convention in St. Louis, Mo., went on record in favor of ratification of the Genocide Convention and other human rights documents by the U.S. Senate.

It is time that the U.S. Senate fulfill its obligation to the people of the world. We should heed the religious organizations who have urged ratification of the human rights conventions of the U.N.

Mr. President, in this regard I ask unanimous consent that the resolution adopted by the general convention of the Protestant Episcopal Church in 1964 be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

UNITED NATIONS HUMAN RIGHTS CONVENTION

Whereas, The United States as a nation, and many church bodies within it, have firmly supported efforts to expand full human rights; and

Whereas, The various international conventions on specific human rights, namely those on genocide, slavery, forced labor and the political rights of women, have been approved by scores of civilized nations, but not the United States; and

Whereas, The failure of the United States Senate to ratify any of these conventions is both an embarrassment to our nation in world affairs and a deterrent to the development of human rights in newly-emerging nations of the world; therefore be it

Resolved, That this Triennial Meeting strongly urge the United States Senate to ratify all of these conventions; and be it further

Resolved, That copies of this resolution be sent to each Senator and to the appropriate section of the State Department.

VOLUNTARY BLOOD DONOR PROGRAM

Mr. EAGLETON. Mr. President, the Senate recently approved a joint resolution declaring January as "National Blood Donor Month," for the second year. As the chief sponsor of the joint resolution, I hope that the House will agree to the measure before the end of this session.

The voluntary blood donor program is of vital importance to health care in this country. Recently, two worthwhile articles on the blood donor program were brought to my attention by the American Association of Blood Banks.

I ask unanimous consent that the articles written by Bernice M. Hemphill and Dr. Enold H. Dahlquist, Jr., be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AABB NATIONAL CLEARINGHOUSE BLOOD PROGRAM

(By Bernice M. Hemphill)

In Montreal, Canada, a 41 year old father of three with a super-rare blood type—Group A Vel Negative—occurring in one person in 90,000, was scheduled for vascular surgery, following an accident. Not a single compatible blood donor was found in Canada.

Through the Canadian Red Cross, the hospital appealed for help from the American Association of Blood Banks' Central File for Rare Donors. This round-the-clock, no-fee service, located in Chicago, includes the names of some 4,500 persons with rare blood. Donors with the Group A Vel Negative blood needed by the patient were located in San Mateo, Calif., Portland, Ore., Charlotte, N.C., and Casper, Wyo. Each donor gave a unit of blood at a nearby blood bank, and the blood, packed in refrigerated boxes, was flown to Montreal, where it was instrumental in saving the patient's life.

In Austin, Texas, a 26-year-old hemophiliac (bleeder), now studying for his Doctorate in Biochemistry at the University of Texas, has used hundreds of units of plasma for transfusion therapy during the past few years. To offset the cost of these transfusions—representing thousands of dollars in replacement fees for the blood used—the patient's father, who lives in Washington, D.C., has obtained blood donations from scores of co-workers in the United States Weather Bureau. The blood was donated in the Nation's Capital and the credits transferred to the patient's medical account in Austin.

In San Francisco, a 35-year-old physician, received two transplanted kidneys during 1969, both of which were subsequently rejected by his body. The patient, who received over 40 units of blood during the surgery, is currently dependent on a kidney machine while waiting for his third transplant. He continues to receive transfusions of packed red blood cells to fight anemia. One of his colleagues, learning of his plight, appealed to the local medical society, and another physician wrote to the patient's former classmates pointing out the need for blood replacements. The response was spontaneous and blood donations made by physicians throughout the country were credited to the patient's account.

(The author conceived the original idea for a blood bank clearinghouse for the exchange of blood and donor replacement credits and coordinated the first clearinghouse program, sponsored by the California Blood Bank System in 1951. She has served as chairman of the American Association of Blood Banks National Committee on Clearinghouse since its inception and directs the program on a volunteer basis.)

These three patients are among thousands who have benefited from the exchange of blood or blood replacement credits through the American Association of Blood Banks' National Clearinghouse Program . . . a service which has been called "one of the Nation's most valuable banking systems."

Day after day, this "nationwide pipeline" helps communities to supply lifesaving blood of the right types and in the right amounts to patients needing transfusions.

The program makes it possible for a person in one part of the country to donate blood for another person receiving transfusions, regardless of residence. It enables a traveler, needing blood almost anywhere in the United States to draw on blood credits "banked at home in advance of need" by himself or by associates who share the benefits of an employees' or fraternal blood donor club plan.

Most significantly, it permits blood banks with *surpluses* to lend to those with *shortages* as a means of preventing outdating of whole blood, which has a refrigerator life of only 21 days.

To conserve blood supplies—a vital national resource—it is the responsibility of blood banks to "care and share" . . . to keep close watch on each day's inventory of the various blood groups and Rh types, to borrow blood when needed through the clearinghouse, and to lend blood when called upon to help other blood banks in short supply.

Nearly 6,500,000 units of blood are transfused in the United States each year and the demand for blood is growing along with its increasing use in surgery and therapy. In spite of the soaring need, only three per cent of those persons eligible to donate blood actually do so. For these reasons, the original purposes of the National Clearinghouse Program—to encourage voluntary blood replacements, to keep transfusion costs at a minimum, and to utilize available blood supplies as effectively as possible—are more meaningful than ever.

At present, more than 800 blood banks and drawing centers share the benefits of reciprocity under the National Clearinghouse Program which serves more than 3,000 hospitals and transfusion services. During 1969, more than 700,000 blood and blood credit exchanges were handled through the national program.

No formal system of reciprocity existed among blood banks prior to 1951. However, when shortages occurred in those days, blood was often rushed refrigerated from one blood bank to another—a complicated procedure which required numerous phone calls and the need for blood banks to maintain separate accounts with one another.

The idea for solving this problem was based on our monetary clearinghouse system. Since it was possible for a person to write a check on a bank in one area and withdraw the money in another, why couldn't "paper credits" representing units of blood be exchanged in the same way? From this germ of an idea evolved the clearinghouse system for blood banks, which has been patterned from its inception on the national fiscal clearinghouse system.

Originally, nine community blood banks joined forces in 1951 to form the California Blood Bank System, and set up a central bookkeeping agency—the original clearinghouse office in San Francisco—through which all transactions among the participating blood banks were channeled.

Each participating blood bank had a single account with the clearinghouse, rather than maintaining many separate accounts with other blood banks. The clearinghouse had no direct responsibility for recruiting donors, procuring or processing blood. It functioned primarily as a "locator" of blood, and as a bookkeeping agency for the blood banks.

A donor in one community wishing to give blood for a patient in another would donate a pint of blood at his local blood bank. A paper credit (I.O.U.) would then be transferred through the clearinghouse to the blood bank supplying blood for transfusion. The blood bank, in turn, would credit the blood replacement to the patient's account, thereby cancelling the replacement fee which the blood bank charges when donor replacement cannot be obtained for blood used.

The clearinghouse maintained daily records of each bank's exchanges, balanced the accounts at the end of each month, and arranged for any necessary shipment of blood to cancel indebtedness between the blood banks.

These same procedures were adopted when the American Association of Blood Banks, a voluntary organization of community and hospital blood banks, initiated the *National* Clearinghouse Program in 1953.

Five District Clearinghouse Offices were established, each serving participating blood banks in a designated area. Although the original District Clearinghouses were separately incorporated, the AABB took over ownership of all five clearinghouses by 1961, and the National Clearinghouse Office was established in San Francisco to coordinated the overall program.

In 1961 also, the American Association of Blood Banks and the American National Red Cross, which between them supply more than 80 per cent of the blood used in the United States entered into a nationwide agreement for the exchange of blood credits between AABB blood banks and the Red Cross's own network of Regional Blood Centers.

The advantages of the National Clearinghouse Program in emergencies was dramatically illustrated during the Chicago blizzard of 1967 when the program was instrumental in averting a serious local blood shortage.

On the morning of February 1, a record 23 inch snowfall halted transportation preventing blood donors from reaching local blood banks. When it was learned that another seven inches of snow was due before evening, the director of the University of Illinois Blood Bank appealed for assistance from the AABB District Clearinghouse in Chicago.

The appeal was relayed by the Telex communication system which links the clearinghouse offices across the United States.

Within minutes, four community blood banks in California, 2,000 miles away, had agreed to provide most of the needed units. The blood was flown from these communities to Los Angeles International Airport and from Los Angeles to Chicago, where all shipments—181 units in all—arrived by 7 p.m. and were rushed by the Chicago Police Department to Michael Reese Hospital for distribution.

Another example of the effectiveness of the clearinghouse was demonstrated also during the New York transit strike in 1966. Coupled with the added difficulties in making normal blood collections was the depletion of the New York Blood Center's blood inventory due to the long New Year holiday. A call for assistance was sent out, and through the efforts of the district clearinghouses, 572 units of blood were shipped from 24 blood banks in all parts of the country.

The significance of the National Clearinghouse Program also has grown with the advancement of surgical techniques. For example, in 1956, Irwin Memorial Blood Bank of the San San Francisco Medical Society, supplied the blood needed for *ten* open heart operations performed that year. Today, the blood bank provides blood for approximately 16 open heart surgery cases a week, or *over 800 cases* a year, each operation requiring from six to 15 units of fresh blood.

Although the fresh, specially processed type-specific blood needed to prime the heart-lung machines and to provide post-operative transfusions must be obtained locally, a large proportion of the patients come to the San Francisco area for surgery from communities outside the areas served by the blood bank. Many come from distant States.

To encourage blood replacement, a letter is sent by the blood bank to the patient's next-of-kin, informing him of the replacement responsibility and giving the name of the nearest blood procurement facility. By availing themselves of the services of the Clearinghouse Program, resourceful families can help to assure that blood will be available for others needing it, and they may save hundreds—even thousands—of dollars in replacement fees which would otherwise be charged to the patient.

One such instance involved the wife of a former official of the California State Department of Industrial Relations, who needed 58 units of blood to control bleeding after open heart surgery.

Although the couple had lived in California for many years, they had moved to Washington, D.C. The patient has returned, however, for her third heart operation at the West Coast's famed cardiac center, Presbyterian Hospital of Pacific Medical Center in San Francisco.

Without the blood supplied for her locally, the patient could not have survived.

Her husband had numerous contacts with statewide labor and employee and professional organizations. To obtain replacements for the blood received by his wife, he arranged to have announcements published in the publications of these organizations, appeals made at membership meetings, and by word of mouth. The response was heartwarming. Blood donations for the patient were made at seven widely scattered California blood banks, and credits "deposited in advance of need" were generously released by various organizations. As a result, replacement credits were obtained through the Clearinghouse Program for every one of the 58 units of blood the patient had used.

The spirit of "caring and sharing" which is so necessary to the success of the National Clearinghouse Program, was demonstrated recently when eleven Florida blood banks joined in a search for rare blood needed for vascular surgery on a 47-year-old retired manufacturer's representative, in Clearwater.

The search began when the hospital ordered six units of blood from R. E. Hunter Memorial Blood Bank in Clearwater, to be crossmatched and available for the surgery, scheduled the following day. The patient was found to have Group O, Rh negative blood, which occurs in one person out of 15 and in addition, antibody studies demonstrated that he had an Fya (Duffy) antibody, which further limited the number of prospective donors who could be recruited. (Approximately 35 percent of those individuals having O negative blood have the Fya antibody.)

Although the patient's blood was not so rare as to warrant a search by the Rare Donor File in Chicago, it was sufficiently rare that no units could be found locally.

The blood bank's laboratory supervisor, Mrs. Alice B. Miller, phoned the AABB Southeast District Clearinghouse in Jacksonville, which issued an immediate appeal for compatible blood in the Jacksonville area and Orlando. Mease Hospital Blood Bank at Dunedin, near Clearwater, screened all available Group O, Rh negative units and found two compatible ones, which were shipped that morning to Clearwater. The Community Blood Bank and St. Anthony's Hospital Blood Bank in St. Petersburg found three units each of the rare blood and these, too, were promptly shipped. The response from more distant Florida blood banks was equally successful. Blood Banks in Miami, Orlando, Gainesville, West Palm Beach and Tallahassee also shipped units. In all, 19 units of the rare blood were made available.

Commending the teamwork of the technologists in the various blood bank laboratories, Mrs. Miller said, "They took time from their busy routines to do the screening test for the Fya antibody, which required a minimum of 30 to 60 minutes per unit. Also the blood banks cheerfully depleted their own supplies of hard-to-obtain O negative blood to share the rare blood units needed by the Clearwater patient.

According to physicians, the successful surgery could not have been performed without available blood.

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Two AABB-sponsored programs which are helping to conserve local blood supplies are the Maryland Blood Exchange and the New Jersey Blood Exchange.

The Maryland Blood Exchange, established in 1963 at the request of pathologists in the Baltimore area, now includes 15 participating hospitals. From a central office, a daily inventory is taken by telephone of all available blood in these hospitals and arrangements are made to transfer blood among them when shortages occur. All transactions are channeled through the Northeast District Clearinghouse in New York. This exchange service is available 24 hours a day, seven days a week, and since its inception has been able to move more than 12,300 units of blood fulfilling 80 percent of all requests received.

The New Jersey Blood Exchange, operating in the same manner, was established in 1965 with seven participating Passaic County hospitals, and is now being coordinated through the North Jersey Community Blood Bank Program in cooperation with the American Association of Blood Banks' Northeast District Clearinghouse Office.

The AABB National Clearinghouse Program has continued its sponsorship of these programs which are demonstrating their value by preventing units of blood from outdating by rotating them, and by saving lives as they share blood in emergencies.

Another special program, made possible by the AABB National Clearinghouse system, is the National Blood Reserve program established in 1967 by the Nobles of the Mystic Shrine. Through this program, Shriners and their families in all parts of the country may donate blood for the Shrine Orthopedic Hospitals and Burns Institutes. A master account of all donations is maintained by the Association's National Clearinghouse Office, and credits or blood are transferred as needed to help orthopedically handicapped or badly burned children. Since the inception of this program, more than 3,000 blood donations have been made for this purpose.

Through the overall National Clearinghouse Program more than 2,000,000 blood replacement credits have been exchanged to date and close to 1,000,000 units of blood have been shipped nationwide to alleviate shortages or in settlement of clearinghouse indebtedness. The program is guided by a volunteer committee of professionals, is self-supporting, and operates with the total paid staff of 12 full-time and three part-time employees.

In addition to the exchange of blood and blood credits, other services in the public interest are carried on through the blood bank network established under the National Clearinghouse system. For instance, by requiring that banks making blood shipments under the clearinghouse system be inspected and accredited by the AABB, the National Clearinghouse Program is helping to raise the standards of blood banks and improve the quality of blood transfusion. By promoting the voluntary donor concept and minimizing the need for blood banks to turn to commercial sources, it is helping to assure a safer, more economical blood supply.

The potential of the AABB National Clearinghouse network for expediting the distribution of blood for national defense or in a national emergency has been formally recognized by the federal government.

A Defense Mobilization Order, adopted in April, 1967, provides that "the blood collection activities of federal agencies shall be administered so as to make maximum efficient use of available sources while assuring minimum impact on provision of normal blood supplies for the civilian community."

The order was a prelude to the signing, in October, 1968, of a standby agreement between the government and the AABB for the procurement of blood in the event of a national emergency, or if a need should arise to recruit civilian donors to provide supplementary blood supplies for Vietnam and other overseas military needs, now the sole responsibility of military donors. A similar agreement was made between the government and the American Red Cross, and a joint statement of cooperation was issued by the AABB and the Red Cross.

Future goals of the AAPB National Committee on Clearinghouse Program include working toward greater standardization of replacement fees and transfusion charges, and the development of new methods of recruiting voluntary blood donors so that the nation's blood-lifeline, through the National Clearinghouse Program, may render even-greater lifesaving service.

Blood Programs and Blood Donor Procurement—A Challenge for Industrial Nurses

(By Enold H. Dahlquist, Jr., M.D., Associate Director, Blood Bank, Rhode Island Hospital, Providence, R.I., President of the American Association of Blood Banks)

Industrial nurses have key roles in assuring safe and adequate blood supplies for many communities. If more could be enlisted in this vital activity, essential blood procurement could be made more equitable and efficient and the problems of hospital and community blood banks greatly reduced.

Use of blood and blood components in surgery and therapy has increased steadily in recent years. The 1,276 hospital and community blood banks with institutional membership in the American Association of Blood Banks last year reported 5,548,807 units of blood or blood components transfused. This compares with 5,008,170 units by 1,219 banks in 1968 and 4,935,084 units by 1,192 banks in 1967.

PROCUREMENT OF DONORS

A total of more than 6,500,000 pints of blood a year is estimated to be required this year, and blood requirements are increasing ten percent a year at many hospitals. To assure safety and also to keep medical costs down, it is desirable that as much of this blood as possible come from volunteer donors.

Eighty-five percent does come from this source, through replacement by relatives or friends of blood users, through predeposit plans or blood donor groups, or as a result of special, emergency appeals sometimes necessary in January and during the summer months. The remainder generally comes from commercial blood banks and some paid donor sources, with considerable risk of hepatitis. While progress is being made, there is as yet no 100 percent effective test for detecting the donor carrying the hepatitis virus. Paid donors may misrepresent their medical history; volunteers have no reason to do so.

If all of the more than 100 million Americans qualified by age and health to give blood did so, procurement would be no problem. An individual would then need to donate only about every 16 years, and certainly no oftener than once a decade. Unfortunately, we are faced with the fact that only two to three percent of those qualified to donate in our population actually do so.

A few, notably Christian Scientists and Jehovah's Witnesses, object on religious grounds. These are not numerous. The big Catholic, Protestant and Jewish faiths not only approve of blood donation but urge it as the greatest expression of brotherly love.

Blood is human, living tissue and can be stored and used only for a brief 21 days. This means hospitals and blood banks must constantly be recruiting donors to obtain and replenish their supply. There is as yet no substitute for blood and while freezing keeps it indefinitely this process is still too expensive and is available only at a few large centers.

The great majority of people fail to donate blood because of apathy, fear or inconvenience. These are all factors which can be dealt with by education and by the expansion of donor groups and predeposit plans. Industrial nurses and medical directors, industrial relations managers and union leaders can all help on this front.

GROUP PROGRAMS

At the Rhode Island Hospital, 60 percent of the blood used comes from 45 group programs with industrial companies, communities, churches, schools and colleges, and fraternal organizations. Donations, in groups or singly, are spread throughout the year and, as much as possible, scheduled as needed. Press and radio-TV appeals are reserved for emergencies.

At the Irwin Memorial Blood Bank of the San Francisco Medical Society, such groups supply blood to 59 hospitals in eight California counties. Registered nurses are chairmen of five of these: Norita Colamarino, American Telephone & Telegraph Co.; Elizabeth Hanses, Fairchild Semiconductor Corp.; Florence Lebbert, Hartford Insurance Group; Barbara Hummel, U.S. Plywood-California Operations; and Margaret Halliday, Marin County Employees' Association.

All of these groups celebrated National Blood Donor Month last January by pledging increased donations.

The Jacksonville Community Blood Bank in Florida, which at one time bought part of its blood, has become a 100 percent voluntary operation with the support of groups, especially in the insurance field. A Florida plant of the American Cyanamid Company allows employees to give blood on company time and provides them with transportation to the blood bank. Some steel and automobile companies and their unions also have effective blood programs.

ORGANIZING A PROGRAM

Anyone contemplating organizing a program can obtain the American Association of Blood Banks' "Recommendations for Individual and Family Blood Assurance Plans."* There is naturally some variation in these plans and programs because of varying local organizations, situations and donor response. Usually, a single blood donation covers an individual's blood needs for two years or a family's for one year. Through the Reciprocity Agreement between the American Association of Blood Banks' National Clearinghouse Program and the American National Red Cross Blood Program, blood coverage is generally available, under most plans, anywhere in the country. Percentage plans, in wide use, provide that if the group agrees to have a certain percent (usually 20–25 percent) of its membership donate during the year, unlimited coverage is given even for individuals who are unable to donate blood.

It is important in starting a program for your company that this be done through whatever system exists in your community—whether this be a hospital or community blood bank system or a Red Cross Program, all provide roughly similar programs and coverage.

THE INDUSTRIAL NURSE'S ROLE IN RECRUITMENT OF DONORS

By virtue of her position, her uniform and her training, an industrial nurse can do much to allay the fears of the average person about blood donation. There is little pain and no danger. One man, Alfred Rosa, a New York musician, has given more than 16 gallons without incident. Scores have given more than ten gallons. Donors are now accepted routinely until their 66th birthday and, in more and more states, 18-year-olds can donate blood without needing to obtain parental consent.

Company bulletin boards, internal news

**Available free from American Association of Blood Banks, 30 N. Michigan Avenue, Chicago, Illinois 60602.*

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sheets or publications, and payroll envelopes offer opportunities for a continual education program on the importance and ease of blood donation. Where new employees are given physical examinations and their medical records are already being kept, an industrial nurse, with the right relationship with her company and its unions, can recruit blood donors easier and quicker than most hospital or community banks.

Many donors who are apathetic to general appeals respond with alacrity when a friend or co-worker needs blood, or even when they know where it is going. The apathy similarly disappears under a well organized plan in a company plant.

REASONS FOR DEMAND FOR BLOOD

There are many reasons for the demand for blood. Its availability has made possible a revolution in surgery, which calls for still more blood. Surgeons now perform, routinely, long and serious operations they dared not undertake in the past for fear of sending the patient into shock. Open heart surgery as usually performed is possible only with ample blood. A nine-year-old Florida girl recently required 60 pints.

Heart and kidney transplants (and more than 1,000 of the latter have been performed) are the latest and most dramatic developments. Realistically, the American Medical Association's long-standing Committee on Blood has changed its name to the Committee on Transfusion and Transplantation.

About 25 percent of all blood transfused now goes to cancer patients. Aggressive and hopeful treatment of leukemia accounts for much of it. Blood platelets and chemotherapy are extending for years the lives of children with acute leukemia who formerly died in a few weeks. Blood is the best, and sometimes the only, treatment for severe anemias and badly hurt accident victims. Automobile fatalities and injuries are still rising. Hemophiliacs now can have a normal life span, but may need blood or blood components all their lives.

A bleeding ulcer patient may require 20 to 30 pints of blood in a few hours. Some babies are now transfused before they are born (i.e., while still in the mother's uterus) in order to save their lives. In some desperate cases, a complete exchange of new blood for old is the only hope of life for adults as well as babies.

THOUSANDS OF DONORS NEEDED

Component therapy, the use of blood fractions instead of whole blood where indicated, is to some extent stretching our blood supply. Some banks are finding computers useful in keeping track of blood and donors, thereby also helping to stretch the available supply. But we still need thousands of healthy volunteers to donate blood, not just in dramatic emergencies but at regular intervals throughout the year to constantly replenish the supply and furnish a fresh supply of this tremendously valuable, yet perishable, bit of life. Industrial nurses can help greatly in locating and enrolling these donors. I hope that you will.

NEED FOR A SOUND FARM BILL

Mr. ALLEN. Mr. President, giving emphasis to the vital need to enact a sound farm bill is an Associated Press article which appeared in the Montgomery, Ala., Advertiser of September 5.

The article makes it painfully evident that the American farmer is caught in a vicious cost-price squeeze and that his plight becomes worse with each passing day.

Mr. President, on September 15, the Senate passed its version of a farm bill which, in my opinion, takes a constructive approach toward restoring purchasing power in agriculture. I am sorely distressed over the adamant opposition of the Nixon administration to H.R. 18546 as passed by the Senate. I would hope that the economic experts down at the White House, the Budget Bureau, and the Department of Agriculture will soon come to realize that a strong and viable agriculture is essential to the continued economic strength and security of our Nation.

Let me point out, Mr. President, that, if we do not enact a farm bill this year, we shall revert to the outmoded 1958 farm program. This would mean that we would be returning to the disastrous era of huge Government investments in loans. It would also mean bulging warehouses again with all the attendant expense to the Commodity Credit Corporation, which ran to more than $7 billion in 1958, more than twice the budget request for the Agriculture Department for the 1971 fiscal year. History tells us that such conditions would not benefit the farmer, the consumer, nor the taxpayer.

I should like to make the observation that President Nixon, perhaps more than anyone else down at the other end of Pennsylvania Avenue, should recognize the necessity of avoiding a return to the unworkable 1958 farm program inasmuch as he was serving as Vice President of the United States during the time when farm units in our Nation were being liquidated by the thousands and the Public Treasury was being depleted by the billions.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMERS IN BIG TROUBLE DESPITE FEDERAL FUNDS

WASHINGTON.—The farm program package before Congress is the most topical issue in agriculture at the moment but there are longer-range economic patterns that are even more complex and bothersome.

With few exceptions, no one has seriously advocated the immediate scrapping of government controls and subsidies aimed at keeping U.S. farm production in line with demand.

But almost everyone has urged that something be done about inflation, high interest rates and soaring taxes.

Government economists, while privately noting that federal subsidies to agriculture are here to stay for a long time, also are becoming more alarmed over the possibility that farmers may be squeezed out of business despite billions of dollars paid them for cooperating in the federal programs.

An illustration of how higher costs are eating up the "benefits" of federal farm subsidies was included in an Agriculture Department report last week on recent market developments in farm real estate.

For the year ended last March 1, the report said, the national average value of farm land rose 4 per cent, the smallest annual gain since 1963.

The slowdown has been on for some time, primarily because prospective land buyers—about six out of ten are farmers themselves—have realized that farming is not as profitable as it once was thought to be.

This has occurred despite a gradual increase in direct government farm payments or subsidies. Last year these payments totaled almost $3.8 billion and equaled almost one-fourth of the country's net farm income of $16.2 billion.

Unless Congress comes up with a radically different final version, farm programs for the next three years will not include substantial increases in direct payments. Inflation and the other important cost factors of turning out food and fiber, however, are not under such definite restraints imposed by Congress.

Few periods in U.S. agriculture have been more dramatic than the past 20 years. In 1949, a period just after the post-World War II boom and before the Korean war flurry, there were still 24 million people on farms, more than 16 per cent of the nation's population.

Last year only 10 million were on farms, 5 per cent of the population.

Last year, to net a little more than $16 billion, farmers had to spend $38.5 billion to meet production expenses. Of this outlay, actual production costs amounted to little more than $26 billion. The difference was eaten up by depreciation, taxes and interest payments.

According to the most recent Crop Reporting Board index, taxes that cost farmers $10 in 1957–59 were $22.90 last month, up from $21.30 in August 1969.

Interest paid on borrowed capital last month averaged $33.70 for every $10 spent on the same size loan 10 years earlier. A year ago the rate was $31.10 for the same money.

Thus, as some authorities believe, farm program payments can be important supplements to over-all income but the most serious, pervasive and far-reaching factor affecting agriculture is the inflation and high cost of capital that plagues the U.S. economy as a whole.

SUPPLY OF FUEL OIL AND OTHER ENERGY SOURCES

Mr. PELL. Mr. President, the administration yesterday announced several steps it is taking in regard to the supply of fuel oil and other energy sources.

After studying the administration's statement, I must say I have mixed feelings.

On one hand, I am pleased that the administration has at last and at least conceded that there is indeed a serious national problem of potential shortages of heating oils during the coming severe winter weather.

On the other hand, I am deeply disappointed that the administration is unwilling to take more aggressive action to assure that the schools, the hospitals, the businesses, and the people of the Northeast are assured of an adequate supply of fuels at reasonable prices.

Several weeks ago, I wrote to President Nixon urging that the administration authorize an emergency allocation of an additional 100,000 barrels a day of No. 2 fuel oil for New England under the oil import quota system. I believed and continue to believe this was the minimal action necessary to prevent actual shortages and severe and unwarranted price increases.

The response of the administration has been to extend the existing special import allocation of 40,000 barrels a day, with a provision that up to 80,000 barrels a day may be imported during the first quarter of 1971, with the excess to be deducted from import allowances later during the year.

In addition, the administration relaxed somewhat the existing restrictions on topping of imported crude for fuel oil, and eased restrictions on importation of Canadian crude oil and of Western Hemisphere liquid gas.

Mr. President, the administration response to the fuel and energy situation is half-hearted and inadequate.

What is particularly disturbing to me are the statements that the administration intends to rely primarily on price increases to bring forth increased fuel supplies. There might be some argument for this approach if we were operating in a free market situation. But the plain truth of the matter is that with a mandatory Federal Government import quota system, we are not in a free-market situation.

It is absurd for the administration to rely upon a market mechanism of supply and demand when the Government itself controls supply through a quota system.

The administration has the power, through the oil import quota system, to increase heating oil supplies sufficiently to avoid both shortages and excessive price increases. The administration's failure to use that power is a measure of its concern for the average working man and his family who must bear the cost of sharply increased fuel prices during the coming winter months.

A SUPERB NOMINATION

Mr. PERCY. Mr. President, on September 25 President Nixon nominated nine distinguished Americans to serve on the Board of Governors of the U.S. Postal Service.

One of the nominees is from my State. He is George E. Johnson, founder, president, and chief executive officer of Johnson Products Co. of Chicago.

From modest beginnings, Mr. Johnson has built his cosmetic company into a major enterprise with sales in 1969 of $10 million. His clearly demonstrated business acumen should be invaluable to the new postal panel as it attempts to provide the American public with more efficient mail service, unhampered by the influence of politics.

Mr. President, Mr. Johnson's record as a business and civic leader in Chicago is a long and impressive one. He is chairman of the board of the Independence Bank of Chicago, vice president of Junior Achievement of Chicago and of the Chicago Economic Development Corp., and a member of the board of the Chicago Urban League, Wesley Memorial Hospital, the Economic Club of Chicago, the Lyric Opera of Chicago, and Urban Ventures, Inc.

Many of us in the Federal Government have drawn on Mr. Johnson's experience and expertise as we attempted to legislate responsibly in the area of minority enterprise, and we have always found him most helpful. I am confident that he will be an asset to the board of governors of the postal service, and wish to take this opportunity to salute the President for a superb nomination.

THE FATE OF THE FEDERAL BLUE-COLLAR WORKERS IN A REPUBLICAN ADMINISTRATION

Mr. PELL. Mr. President, the administration makes much of their attention to the workingman, the so-called blue-collar worker. Administration spokesmen seem to do a very good job of appealing to the workingmen's disenchantment with dissenting students, war protestors, and new life-styles in general.

However, the administration's real concern for the blue-collar workers of this country can probably be best seen in their treatment of those blue-collar workers for whom they have direct responsibility, the Federal wage board employees.

In my own State of Rhode Island, after many years of delay, the Monroney amendment was finally implemented and raises were announced. Yet, the Department of Defense has still to provide their workmen the retroactive payments due them.

The Senate and the House recently passed legislation designed to make some minor reforms in the antiquated Federal wage board system and to provide for some minimal increases in salary for wage board employees. The administration's response to this needed legislation has been a threatened veto and a suggestion that they would rather fire workers than pay them a decent salary. I hope the Senate and House conferees will not be intimidated by these threats.

Mr. President, the blue-collar worker is now beginning to understand the administration's message to them, "Law and order slogans—yes; fair wages—no."

I ask unanimous consent that a letter to the editor of the Providence Evening Bulletin of September 23, 1970, expressing the sentiments I outlined, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WHAT THE GOP HAD BETTER KNOW ABOUT A BLUE COLLAR'S LOT

This is in reference to our Republican friends in Washington, D.C. on the subject of the blue collar worker and his wages. To begin with your article of September 9, 1970, "Blue Collar Raise Up for House Action," states that a third round of pay increases for the blue collar worker would boomerang and cause the layoff of nearly 40,000 such workers in the DOD alone. Now if I may, I would like to backtrack a few months. In April we had a wage survey under the new federal coordinated wage system which is not much better than the old system that we had. We averaged 20 cents per hour in the journeymen's rate, plus another 29 cents on the conversion of the wage structure which was to bring the Navy's pay scale in line with the other services.

But as far as a pay raise is concerned we have averaged between ten cents and 20 cents over a period of years, no matter how the cost of living has increased. Uncle Sam is very frugal when it comes to his blue collar workers; after all he must figure what can they do about it? Next, the Monroney Amendment which became law in October, 1968, meant that if a comparable wage did not exist in the prevailing wage area, you could go outside the wage area to obtain wage data. Well the Civil Service Commission just could not come up with the proper guidelines to implement this amendment, therefore no one could use this. The Civil Service Commission felt that to designate certain trades such as aircraft would be discriminatory. This was the intent of the amendment if no comparable trades were in the area. So as of now this new Monroney Amendment is in effect, except for one detail they forget about. No one thought about appropriating funds for this; so far, no one has been paid retroactively.

Now to get back to the article that was in the Journal, the six per cent raise for all federal workers as of last January did not apply to the blue collar workers. The additional eight per cent boost for postal workers has nothing to do with us. The prevailing wage paid by private industry that our wages have been figured on in the past have not helped us, because they are not comparable to our type of work, the aircraft trades. The bill that was up for House action on the ninth of September would increase the journeymen from three steps in trade to five steps, which the supervisors were given under the new wage system. The percentages paid between three steps and five steps are minute, seeing that we are not being paid comparable wages to begin with. This is not the first time that we federal blue collar workers have been threatened with a reduction in force in order to keep us quiet. I don't remember these same people raising a fuss when they voted themselves over a 40 per cent raise not too long ago, or has everyone forgotten about that? Also I don't think that most people outside of government service realize that we pay as of now 76 per cent of our Blue Cross. This is for the pay period ending September 5, 1970 (we are paid every two weeks).

Regular Wages—$315.20

Deductions—$22.06 (retirement, $44.12 a month)

$17.30 (Blue Cross, $34.60 a month)

The above is correct and I believe that most industry in the private sector does better than this for their employees. We do accumulate sick leave and can accumulate up to 30 days of annual leave. But I know that anyone working in the private sector either gets a good bonus and/or a good amount of vacation after he has been employed for a reasonable amount of time. I am not complaining about working conditions with the government except for their policy on treating their blue collar workers on wages and benefits.

As I have stated before, I like my job, but that doesn't mean that I have to like the conditions under which myself and my fellow employees have labored so long.

VINCENT E. LUCAS.

COVENTRY.

DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, on September 21, the Senator from North Carolina placed in the RECORD a letter from the Honorable Ed Gossett, a former Member of Congress and coauthor of the Lodge-Gossett plan. The letter contained a criticism of the method by which the Chamber of Commerce of the United States purportedly came to its decision to endorse the concept of direct popular election.

At the time, I indicated to the Senator from North Carolina that I believed the letter to be incorrect. I ask unanimous consent to place in the RECORD the text of a letter from the Chamber of Commerce of the United States to Mr. Gossett, explaining the manner in which the Chamber's position was arrived at and making it clear that the allegations contained in Mr. Gossett's letter are, in fact, incorrect.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

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CHAMBER OF COMMERCE OF THE
UNITED STATES,
Washington, D.C., Sept. 28, 1970.

HON. ED GOSSETT,
Dallas County Courthouse,
Dallas, Tex.

DEAR MR. GOSSETT: Your letter of September 21 to Senator Ervin of North Carolina, which appeared on Page 33367 in the *Congressional Record* of September 23, 1970, is a complete misrepresentation of the facts on the procedure utilized by the National Chamber in developing policy on Electoral College Reform.

Your allegation that the National Chamber did not treat the proportional method fairly is an absolute misstatement of the facts.

First, the National Chamber's educational pamphlet on electoral reform, published in 1963 and widely distributed over a two-year period prior to the development of Chamber policy, included a detailed description of the proportional method.

Secondly, you will recall that you, yourself, were a member of the National Chamber's first electoral reform study group. You will recall, too, that you had the floor for at least thirty minutes of the two-hour meeting of this group the first time it met on March 25–26, 1965, and that you devoted your time almost exclusively to an explanation of the proportional method.,

Also, you may recall that the first National Chamber informal opinion poll of member organizations in February, 1965, covered all major alternatives—including the proportional method. Five choices were offered in that opinion poll which resulted in the nationwide popular vote receiving as many votes as the four other alternatives combined. The proportional method was preferred by only 18% of the responding member organizations.

Following the completion of your service to the National Chamber's Electoral College Reform Subcommittee, the group continued its study and ultimately, in the fall of 1965, voted unanimously in favor of eliminating the Electoral College as an institution. It rejected the proportional method and other alternatives in endorsing the nationwide popular vote by a subcommittee vote of 6–3. Those who voted in the minority favored the district method. Subsequently, the full Public Affairs Committee of the National Chamber endorsed the Nationwide Popular Vote by a vote of 24–16 and recommended its endorsement to the Chamber's Board of Directors.

The Board of Directors, noting the majority sentiment in favor of the nationwide popular vote and the minority sentiment in favor of the district method, decided to propose a dual policy in a membership referendum. The policy which was approved by membership referendum in January, 1966, by over 90% of the votes cast, is as follows:

"The Chamber of Commerce of the United States supports the adoption of an amendment to the Constitution that would:

1. Abolish the Electoral College
2. Provide for the election of the President and Vice President of the United States on one of the following bases:

A. Nationwide Popular Vote; i.e., a plurality of the popular votes cast in the nation at large.

B. The District Method; i.e., one electoral vote for each Congressional district and two electoral votes at large within each state, with a majority of electoral votes in the nation required for election."

Moreover, this policy was reaffirmed at the National Chamber's 1967 Annual Meeting Policy Session.

The latest reflection of membership opinion was produced through an informal opinion poll taken at our 1969 Annual Meeting, where all alternatives, including the proportional method, were listed. This poll showed that 78% of those responding preferred the nationwide popular vote.

The facts, then, show:

(a) the proportional method was indeed considered in the development of National Chamber policy;

(b) the proportional method was rejected on three occasions: in the first opinion poll, by the Chamber's Electoral College Reform Subcommittee, and in the latest opinion poll;

(c) every test of membership sentiment shows that the predominant opinion favors the nationwide popular vote for President of the United States.

Your disappointment that the Chamber did not endorse the proportional method is understandable in view of your long advocacy of that plan. However, we feel that you have done a disservice to the National Chamber, and to the cause of electoral reform by attempting to cast doubt on the validity of the Chamber's policy.

The National Chamber's study and policy development procedure were described in detail in the 1966 hearings before the Senate Subcommittee on Constitutional Amendments, in later testimony before the Senate Subcommittee in 1967, before the House Judiciary Committee in 1969, and again before the Senate Subcommittee in 1970. I believe that no other organization has made a more thorough study of electoral reform or a more concerted effort to determine the opinion of its membership than the Chamber of Commerce of the United States.

I am sending a copy of this letter to each United States Senator to counter any false impressions that may have been developed because of your unfortunate communication to Senator Ervin.

Sincerely,

HILTON DAVIS,
General Manager, Legislative Action.

SAM J. ERVIN, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: No one living has worked longer or harder for Electoral Reform than I. The Lodge-Gossett Amendment—the proportional system of electoral reform—passed the Senate in 1950 by a vote of 64–27. As I recall, at that time, the only Senator advocating the direct election system was Senator Langer.

More recently, I have served on a five-man committee on Electoral Reform, which committee was headed by the late Senator Edwin C. Johnson of Colorado, and also included the late Senator Scott Lucas of Illinois. We secured the passage by 13 State legislatures of resolutions calling for an equitable division of the States Electoral vote (see attached memo). None of us endorsed the direct election formula.

I opposed the direct election system for many reasons, the chief of which is that it would destroy the Federal System.

However, the purpose of this letter is to tell you that the United States Chamber of Commerce's purported endorsement of the Direct Election system is completely false. Notwithstanding, the Senate action in 1950, and notwithstanding the continued efforts of many of us since that time, the United States Chamber of Commerce in taking their so-called poll on the subject completely omitted the proportional system. Their poll was dishonest and misleading. I'm convinced that a vast majority of their membership are strongly opposed to the Bayh Amendment.

Cordially yours,

ED GOSSETT.

P.S.—This letter may be used in any way you wish.

CURRENT CAMPUS PROBLEMS—ADDRESS BY DR. ERNEST L. WILKINSON

Mr. ALLOTT. Mr. President, a close and admired friend of mine has been kind enough to make available to me a thoughtful address he recently delivered on the subject of current campus problems.

My friend is Dr. Ernest L. Wilkinson, the distinguished president of Brigham Young University. He delivered the speech on September 3 at the Oakland, Calif., Rotary Club.

Dr. Wilkinson has always combined scholarly detachment with a practical mastery of important responsibilities.

The speech is both idealistic and practical. It does not pull any punches in cataloging failures—failures by any Nation, and failures by the academic community.

But Dr. Wilkinson is not a passive, pessimistic man. His deep religious faith and his noble patriotism lead him to fight failures when other men are content to complain.

Dr. Wilkinson offers 11 suggestions for improving the condition of our colleges and universities. So that all Senators may profit from his stimulating speech, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ACADEMIC ANARCHY VERSUS MANAGEMENT OF UNIVERSITIES

(By Ernest L. Wilkinson)

INTRODUCTION

I want it understood that what I have to say will be said on my own responsibility as an individual, and not as president of Brigham Young University, for it has not been cleared with my Board of Trustees.

Since my time is necessarily limited, I may have to sound somewhat dogmatic. If I had more time I might make some mild, but only mild, reservations on what I say to you. I find myself in somewhat the same position as a federal judge before whom I practiced law at one time. He would generally announce a decision at the end of a trial and always preface his remarks with the comment that "this court may be wrong but it is never in doubt."

EXTENT OF DISTURBANCES AND RIOTS

I need not go into detail as to what has been happening on the campuses of America, but as a preface for suggestions I intend to make I will quickly summarize the extent of the student disturbances and riots and the demands and objectives of the militants. The problem is not one of normal academic unrest, but of academic disruption, violence and anarchy.

According to the report of J. Edgar Hoover on campus disturbances for year ending in June 1970, there were 1785 demonstrations on the 2300 college campuses. On some campuses there were many. On many other campuses, as at Brigham Young University, which now in terms of full-time students is the largest private university in the country, there were none. We don't claim to be entirely unique. We are probably, however, the only large campus which has been free from trouble.

The closing months of the last school year brought more riots, demonstrations, boycotts, protests, open warfare, vandalism and other disorders in American colleges and universities than at any other time in the history of the nation. These resulted in student deaths from shooting, the wounding and injury of scores of persons, and the arrest of hundreds. Damage ran into the millions of dollars, while the loss of time and work in education is inestimable. Let me give you just a few examples of these riots.

At Santa Barbara, the students completely burned a Bank of America branch.

At Cornell fire gutted the black studies center.

At Rice, fire which was started with kerosene, did extensive damage to the ROTC Building.

At Berkeley police fought a pitched battle for three days with radicals who hurled rocks, smashed windows, ripped down the American flag, attacked a faculty club, destroyed the furniture and smashed down the doors.

At Kansas a fire bomb destroyed much of the Union Building. Damage was estimated at $2 million.

At Stanford fire from arson destroyed the *life's work of several scholars* at Stanford's Center for Advanced Study in the Behaviorial Sciences. Total property destruction at Stanford was estimated at $580,000 in six weeks.

At Fresno State College fire bombs destroyed a $1 million computer.

After President Nixon announced our entry into Cambodia there were scores of disorders. The most serious of these riots were at Kent State and Jackson State resulting in the tragic deaths of several students. On May 8 a new "Strke Information Center" at Brandeis University reported there were 356 schools striking with faculty and administrative support. These were accompanied by a rash of attacks on the ROTC. Records kept by the Army, Navy, and Air Force show more than 400 anti-ROTC incidents at many of the 364 schools where ROTC units function. There were 73 attempts to blow up ROTC buildings.

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Fire bombs were thrown into ROTC buildings at Oregon State, Princeton, Hobart College and Washington Univeristy at St. Louis. Shots were fired into the home of the Stanford ROTC commander. At Southern Illinois students threw fire bombs out of windows. About 300 students went on a fire-setting spree at Michigan State. The National Guard was called in as 1500 rampaging students sacked the ROTC building at Maryland.

There were 67 instances of vandalism in which ROTC offices were entered, records were destroyed, weapons and ammunition stolen and property defaced. One hundred forty-five assaults involving personal injury and damage to property were launched.

At the University of Michigan on May 7, a group of students occupied the ROTC building for nearly 24 hours. A fire was started in the basement. No one was punished—university authorities said none of the vandals could be identified. If during a 24-hour period no method could be found to identify at least part of these students, those responsible for identification either did not want to find out or were overly naive.

ROTC enrollment has dropped from 298,952 in 1961–62 to 157,830 in 1969–70, or nearly 50%.

Since April 30 nine schools have voted to discontinue ROTC including Harvard, Dartmouth, Yale and Columbia, despite the fact that in the past decade 63% of all newly commissioned officers in the Army came from ROTC units. This to my mind shows the schools which closed out ROTC have little regard for duty to their country.

One reason for the zeroing in on Kent State University by so many radicals is that it houses the Liquid Crystal Institute, home of research projects with military potential.

With this background of student disturbances and riots (1785 during the last fiscal year) you will appreciate the story that is going the rounds of academic circles that a college president died and was consigned to Hell. But he was there for six months before he knew where he was. The current joke among college presidents themselves is that becoming an administrator in higher education today is comparable to buying a ticket on *The Titanic!*

OBJECTIVES OF THE REVOLUTIONARY LEADERS

The tragic aspect of most of these destructive riots is that the leaders openly admit they are intent upon the "destruction of our existing social order." Their heroes are the leaders of the most ruthless dictatorships—Lenin, Mao-tse-tung, Castro, Ho Chi Minh, Che Guevera. During the riots at Columbia, members of "Students for a Democratic Society" wrote on college buildings, "Lenin won, Castro won, and we will too." In some of their rioting they have carried the red flag of the Communist Revolution and the black flag of anarchy.

Michael Klonski, National Secretary of SDS, has written, "The National Liberation Front in Vietnam and the oppressed peoples in the U.S. are fighting the same enemy, American Imperialism . . . Remember Ho, Mao, Fidel, etc."

Eldridge Cleaver expressed the same philosophy in saying, "We're out to destroy the present machinery of the ruling class."

The National Liberation Front, another militant student organization, sometime ago published and mailed to citizens of California its "Declaration of Entity and of Purpose," which declared, "The current government of the United States of America to be an unlawful and illegal one," and gave notice of their intent to "conduct a controlled punitive action against United States Federal forces and municipal forces on a limited scale from the City of San Francisco on the south, to the Oregon border on the north." It ended by declaring "All citizens are hereby notified that a state of revolution shall begin as of March 15, 1970, all power to the people." There is no question but that the hard-core leaders of these students riots were either Communists or believe in Communism. There is no question either but that some have engaged in treasonable activities, which is that of giving aid and comfort to the enemy even though they have not been legally charged with such activities.

These leaders are willing to seize on any issue that will accomplish their aims. At the beginning of the disturbances in Berkeley, the chief grievance was the racial issue. This permitted them to inflame not only blacks but sympathetic and sometimes gullible whites against the so-called "establishment."

What is not generally known is that the decision to exploit this issue was originally made in Moscow in 1928. Instructions were then given to use the Negro question to incite trouble and revolution in the United States. As has been pointed out by Manning Johnson (a former ranking Negro Communist in the United States, who later broke with the Party and became an undercover worker for the FBI), the Communists from then on busied themselves with the Negro. They infiltrated Negro churches and social groups in order to prepare the Negroes to be sacrificed in the revolution to come. It is a distinct tribute to most American Negroes that most of them did not fall for the Red blandishments.

Later, as the war in Vietnam became unpopular, the revolutionists emphasized the Vietnam war issue. When, in turn, the administration let it be known that our troops would be withdrawn from Vietnam as soon as practicable and the Vietnam war issue was dying out, they seized upon the Cambodian issue, and now that our troops have been withdrawn from Cambodia, the revolutionists are emphasizing air pollution, the decay of our cities and the athletic programs of our universities. These shifting issues are consistent with the instructions that have been continually issued by the national leaders of the Students for a Democratic Society, which are that its members should make use of any issue which is locally most popular.

While a number of university administrative officers blame the war in Vietnam or the incursion in Cambodia as the cause of student unrest, this claim is patently false. The foreboding of campus disturbances occurred long before today's activists even knew where to find Vietnam on the map. Nearly all unbiased authorities agree that the termination of the Vietnam war will only shift the emphasis of the campus militants. To me, attempts to blame President Nixon's decisions for campus unrest represent nothing but an attempt by university administrators to cover up their own failure to govern their universities. If Vietnam and Cambodia were the cause of campus disorders, why is it that there are scores of universities and colleges in this country who have had no real disturbances or riots and who have consequently received no publicity?

I admit that the decision to go into Cambodia gave the student revolutionists a much needed opportunity to further inflame their fellow students, but this was because the fuse of revolution had already been lighted and because somehow our universities had failed to teach our students the lofty concept of freedom which gave us birth and has sustained us as a nation and to which the Vietnamese are entitled as much as are we. Our students have not been inspired with Douglas MacArthur's hallowed words of "duty, honor, country."

SUGGESTIONS FOR BETTER MANAGEMENT OF UNIVERSITIES

I now come to what should be the constructive part of my talk—my suggestions for better control of the University—in other words, *Proper University Management* vs. *Academic Anarchy.*

At the outset may I make it plain that the universities themselves are not primarily to blame for the attitude and lack of proper motivation on the part of students who come to their campuses. We will not entirely reform our universities in this country until we reform our society. We are failing as a nation because parents are not fulfilling their roles as parents but are excessively concerned with their occupations or social life and pay too little attention to the proper training of their sons and daughters. They have not taught adequate standards to their children, or assumed responsibility for their proper spiritual, cultural and patriotic motivation.

We are failing as a nation because too many teachers are less concerned with effective teaching than they are with "research grants," the number of hours they teach, the class load they carry, their rate of pay, their retirement benefits, and in general "what's in it for me." Many have lost the sense of dedication which is the hallmark of every good teacher.

We are failing as a nation because too many men of the cloth have forgotten to minister to their flocks and have discontinued preaching the word of God. They have turned into politicians and preach that which is the uncertain opinion of man rather than the sure word of God.

Nevertheless, I do think that the universities themselves must plead guilty to having permitted and in many cases encouraged destructive disturbances and riots on their various campuses. What suggestions I have today will be in this area.

My first suggestion is that we must abandon the idea that the university is a law unto itself and that a campus is an asylum for those who would spawn seditious ideas and otherwise violate the law. The medieval custom or tradition which permitted sinners and violators of the law to flee from civil justice by gaining sanctuary in a monastery or university, where they could do penance for their misdeeds, has no vestige of justification in our modern civilization. The only sound concept was enunciated by the late Theodore Roosevelt who declared that, "No man is above or below the law." This should apply with special force to university students for they are the ones who ought to set an example to society.

I suspect that up until recently, the preponderant feeling of university presidents has been that universities ought to govern themselves and be essentially free from any civil or criminal restraint. Admitting that it would be better if the universities did govern themselves, the fact is that many have not properly done so. I suggest that the moment an unlawful disturbance occurs, or other laws are violated, police, with or without invitation from school authorities, should enter the campus and see that the laws are enforced. I think the first duty of any citizen, especially a university president, is to assist in the enforcement of the law.

Second, a reappraisal needs to be made of the philosophy of many academicians that legislatures should not interfere either with the governance of universities or what is being taught there—that education is not the business of the legislature. My answer is that since the taxpayers put up the money for the creation and maintenance of the universities, their representatives, namely our legislators, should be very much concerned with what is going on in our universities. The discipline of many universities in recent years does not indicate to me that they have a celestial glory deserving to be free from close scrutiny. I submit also that there have been instances of seditious teachings and pornographic performances on our campuses, where legislators, in the absence of responsible action by university administrators, have been justified in stepping into the breach and taking action. Admittedly legislators are not above criticism, but they are on the whole responsible men, and I am willing to trust their combined judgment. With a clear recognition of their own limitations, they should nevertheless supervise education more, not less.

My third suggestion is that boards of trustees throughout the country ought to reassert their duties and prerogatives as trustees. In too many instances, over a long period of years, they have known relatively little of what transpires in their universities and have failed to set the policy of the institutions over which they presumably, but in some cases perfunctorily, preside. It has become the custom in many instances for trustees to delegate policymaking powers to faculties of the institutions, who often have a conflict of interest in resolving policy questions. While, of course, boards of trustees should use proper restraint in passing on the minutia of purely academic matters, that should not preclude them from overall decisions as to the propriety of courses to be offered or discontinued, in particular to pass on courses which would truly be in the public interest and not in the interest of pressure groups—courses which would lift and improve the quality of our civilization rather than destroy the established morals of a great civilization.

I read recently of a new course proposed by students in which the class was to photograph and reveal undercover police activity. This course is entitled, "Repression and the Movement." The description of the course reads as follows: "We will publish leaflets and pamphlets, sponsor rallies, photograph and reveal undercover pigs and anything else we can search our minds for. The course shall be run and controlled by those of us who participate." While this is not contained in the university catalogue, I am informed certain departments will give credit for it under the heading of "research." To assert, as in this situation, that the board of trustees should have no authority to step in and either initiate or veto courses is tantamount to saying that we should do away with our trustees and give academic anarchy full sway.

As in the case of legislatures, there ought to be more and not less supervision of our universities by boards of trustees.

My fourth suggestion is that boards of trustees should give almost exclusive power to the presidents of institutions to carry out decisions of the boards and to administer the affairs of the institutions. Unfortunately in many institutions the boards have delegated so many administrative functions to the faculty that when a crisis arises the president is often powerless to act.

The often impossible situation of a university president is described in a short parody entitled, "The Lament of a University President."

I'm not allowed to run the train,
The whistle, I can't blow.
I'm not the one who designates
How far the train will go.
The students rant and rave and scream
For this privilege or that.
The faculty is wont to change
Curriculum format.
I'm not allowed to blow off steam,
Or even ring the bell.
But let the damn thing jump the track,
And see who catches hell.

The fact of the matter is that faculty members usually are not hired as administrators, and many of them have little competence in this respect. While, of course, the stature of a university is directly correlated with the quality of its faculty, we must remember that administrative decisions often cannot wait on the slow, deliberative process of faculty analysis. Imagine Dr. Hayakawa having to wait for a faculty senate to tell him whether he could jerk the wires off an unauthorized sound truck.

My own view is that (1) the trustees should determine the policies of the university, (2) the president should have the authority and responsibility to carry out those policies, and (3) the teachers should focus their activities on teaching and related activities. This division of duties has been tragically ignored in many institutions. Obviously the president should obtain the advice of faculty members on academic matters. I can't imagine that a responsible president would not welcome, and depend on suggestions from his faculty on many matters, for faculty expertise is the great resource of any university. But there is no way that the faculty can possibly share the perspective or respond to the responsibility that a president must assume. When it comes to overall discipline on the campus, the President must be the Commander-in-Chief. Consequently, when a new president takes charge, he should have the right to choose his entire administrative staff. Otherwise he runs the risk of failure in carrying out his policies.

The power to nominate faculty members should be restored to him also. They should not be chosen exclusively by their friendly peers on the faculty without a careful, independent investigation by the president. When faculty members, department heads, or even deans have complete freedom in selecting fellow faculty members, it is only natural that they select people of their own kind, including their own academic and political preferences and biases. This makes for an imbalanced faculty which can hardly be obective in searching for the truth. Admittedly the president may also make mistakes in suggesting faculty appointments, but surely he is as concerned as any dean or department chairman and is less likely to be governed by departmental friendship and traditions. Furthermore he is directly accountable to his trustees whereas faculty members are not. When he has to "face the music" he is more likely to play a responsible tune.

My fifth suggestion is that there should be much more emphasis on teaching on the part of faculties. I do not believe in the prevailing philosophy of "publish or perish." While of course research should be encouraged, I would rather have an undergraduate child of mine in a classroom under a teacher of limited scholastic reputation who had the ability to inspire, than under a Nobel Prize winner, who either never had the ability to teach or has lost the zest for it because of his being absorbed in research. While research is indispensable for the university as a whole, it is not necessary for all teachers to be engaged preponderantly in research—indeed some ought to be required to do very little. I understand that in certain leading institutions of higher learning in this country most undergraduate classes are taught by student assistants. That is a tragedy and a serious indictment of an administration which permits it. Indeed, freshmen should be taught by the most experienced and inspirational teachers. Many teachers do not want to teach these classes. They therefore prevail upon their friend (the department chairman) to free them from these classes. That is why there needs to be a strong president with supporting officers—who can help see that proper assignments are made.

In the sixth place universities should not condone any encouragement of riots or revolution by faculty members. Any teacher who either *encourages or participates* in such conduct should be discharged forthwith.

A staff report of the Florida House of Representatives (1/16/70) Select Joint Committee on Campus Unrest and Drug Abuse, reported in part: "In nearly every instance of campus unrest problems which could be documented, we find that the leaders were for the most part being counseled, guided and occasionally directed by faculty members."

Robert Nisbet, University of California professor of sociology, writes in the British magazine Encounter: "Without faculty stimulus, financial contributions and other forms of assistance, the student revolt could never really have got off the ground.

"Not obviously, all of the faculty . . . But it was . . . a powerful minority, often contained within it Nobel Prize winners and others of equal stature . . ."

Dr. S. I. Hayakawa, President of San Francisco State College has said: "The worst enemies of American higher education are professors, or a minority of professors within it. They've got an awful lot of routine undergraduate teaching to do, and they are bored stiff. The only way they can get a little excitement . . . is to appeal to their students for admiration and they appeal therefore to the most radical and most immature of their students."

My seventh suggestion is to eliminate our loose ideas of permissive education and lack of discipline and restore to the campus the rigorous discipline which made our institutions great centers of learning—not of revolution.

In order to gain immunity for the unlawful acts which they have already committed and still threaten to commit, many of the rioters such as those at Columbia demanded amnesty for all of their violations of law; others, such as students at the University of Colorado, would remove from college administrators all rights to discipline any student and would have the discipline in each case administered by the courts; and to cap it all, students at the State University of New York at Onconta demanded that agitating students be given a weekly allowance of twenty-five dollars for spending money so they could continue their agitation.

In my judgment students who would destroy either the government which gives them more opportunities than any other nation in the world for both their material and educational advancement, or who would destroy the educational institutions created by our government or made possible by our system of free enterprise, should be expelled forthwith. There should never be appeasement or capitulation or amnesty for these militant students, for any show of weakness will only result in further academic anarchy.

My eighth suggestion is that boards of trustees and/or presidents, and/or faculties should not be permitted to close schools early and give academic credit for courses not completed or without the requisite examinations. *Higher Education & National Affairs* reported on May 22 that fourteen universities and colleges had closed for the year. The total was probably much higher than that.

I understand that at one of our leading state universities this year the student assistants who taught 60% of the undergraduate students struck for an entire month, in the middle of the semester, during which time there were no classes. Also when trouble arose near the end of the year they dismissed classes at least a month early. Yet the students received full credit. This is academic anarchy. This is a violation of the contractual obligation of the university, a fraud on its students and the employers who subsequently employ them.

In a letter published in the *New York Times*, five students took the Harvard faculty to task for its vote on May 6 to allow students not to complete their academic year but get credit for their courses anyway.

This action, the students said, constituted "a complete abandonment of academic standards by a university faculty, previously considered among the world's greatest." I agree with these students. Indeed, to my mind, and I say this as a Harvard man, it will not long continue to be among the world's greatest unless, instead of abandoning, it improves its standards of conduct and requirements of scholarship.

It is gratifying that the viewpoint of these Harvard students has been vindicated by the Court of Appeals for the State of New York (the highest court in that State). In a recent ruling that court, in an action filed by the New York and Rutgers Universities Schools of Law, unanimously held that law school students who (1) had not taken the number of classroom periods specified for any particular course in the catalogs of their respective approved law schools, and (2) who had not taken final course examinations to test their understanding of the context of the course, were not eligible to take the bar examinations in New York State, even though they had been given credit for those courses and had been graduated by their respective institutions. This of course applied not only to New York and Rutgers Universities, but to other universities as well. The tragedy is that students who had paid tuition for full courses, but were not given them, are now being denied the right to take bar examinations. Thanks to the Court of Appeals the integrity of legal education was preserved despite the lack of integrity of educational administrators.

Nor is there any excuse for the suggestion that colleges should close down so students may take a week or more to engage in politics just before the elections. With their meager knowledge of what makes our country "tick" and without having yet made any major contribution to our country, there is ground for the argument that they have done too much politicking already.

My ninth suggestion is that our laws ought to be more vigorously enforced and our judges ought to be more severe in their judgments. It is shocking to me as a lawyer to note that although hundreds of students have been arrested around the country, few have been brought to trial. Those who have faced a judge have escaped, for the most part, with small fines for misdemeanors.

There have been only three arrests on federal charges of sabotage and destruction of government property.

More information should be given by universities to their students as to federal laws. College students and faculty are shocked when they learn how tough these laws are:

A 1917 law making any attempt to interfere with and obstruct the United States in preparing for and carrying on defense activities an act of criminal sabotage. This carries a penalty of 30 years in prison and a $10,000 fine.

The destruction of Government property is punishable by 10 years in jail. It also carries a $10,000 fine.

Law enforcement officials complain they have trouble getting students or school authorities to identify anyone involved in the anti-ROTC incidents. No wonder that the revolutionaries on campus repeat the same acts time and time again on the same and different campuses.

My tenth suggestion is that there ought to be better business management among institutions of higher learning. If business men, who pay the taxes, ran their businesses with the profligacy as many institutions of higher learning they would go broke overnight. I have time for only one example. In 1958 the Educational Facilities Laboratories conducted a survey of the utilization of buildings of 60 four-year, degree-granting liberal arts colleges in the North Central region of the United States. Of the 53 colleges reporting, there was an average utilization of only 40 percent of classrooms and 25 percent of laboratories. Yet most of them planned new buildings or the renovation of old buildings, and many were clamoring for federal funds for this purpose. This to my mind indicates an extravagance which should not be condoned either by the tax payer or private benefactors.

My eleventh and final suggestion (you will note I have one more than the Ten Commandments given to Moses) is that instead of our states giving fixed appropriations to our state institutions of higher learning, they should give a certain sum to each student which he can use for his tuition or educational expenses in any accredited university of his choice, public or private, church-related or otherwise. When most of us were in college three-fourths of the students attended private colleges; now three-fourths of them attend public institutions. Some of these state institutions have become so large they have lost the intimate touch indispensable for proper education, which is one of the genuine causes for dissatisfaction on our campuses.

This change in appropriations would permit a student, if he desired, to attend some well-recognized private institution where there have been no riots or disturbances and where there is the proper climate for obtaining an education. This would bring about a competition in education comparative with competition in business. This would be healthy for education and do away with the monopoly and uniformity that state institutions are fast developing. It would make both state and private institutions responsive to the will of the legislature and to the parents who, after all, are the ones who pay the money for the education of their children. It would also force educational institutions to be more economical in operation, which is badly needed. I do not claim credit for this idea. It is being increasingly asserted by prominent educators, many in state institutions. Stated briefly, the effect of this could be that universities would have to satisfy the students and their parents rather than their own smug selves.

In conclusion may I say just one word with respect to the claim advanced by some extreme militants—that the demonstrations and riots are necessary to preserve the traditional concept of free speech. This is nonsense. A survey of 60,447 faculty members conducted last year under a sponsorship of the Carnegie Commission on Higher Education found more than 80 percent of those who replied agreed that "campus demonstrations by militant students, instead of being necessary to preserve free speech are a threat to academic freedom."

May I also comment with respect to the claim that the disruptions on our campuses are caused by a lack of money. In the words of Sidney Hook that is "noisome hogwash." The universities which have had the most trouble have been those which have had the most money. All the money in the world will not correct the false notion that the purpose of a university is to engage in political reformation rather than education. It will only accelerate and aggrevate the present malady. Political reformation should be left to our law-makers, not the noisy militants on our campuses.

When our university administrators abandon their administrative cowardice and show the courage necessary to conduct sound and sensible educational programs instead of attempting to usurp the functions of our legislatures then, and only then, will there be bright hope for the future of higher education in America, for only then will universities and colleges receive the support of the American public.

WILL THE TURBOTRAIN DIE?

Mr. PELL. Mr. President, in past weeks there has been much discussion about the advantages and disadvantages to the public weal of building an airplane capable of transporting people across the ocean at supersonic speed. In New England where our airports are saturated, our highways are filled with bumper-to-bumper traffic, and trains are nearly nonexistent, we have been concerned with a more immediate and practical problem; that is, whether the one ray of hope New Englanders have had for improved transportation, the turbotrain, will be taken off the tracks by the Department of Transportation.

Mr. President, I ask unanimous consent that an editorial in the Providence Evening Bulletin of September 22, 1970, speaking of this problem, and an editorial in the New York Times, September 29, be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Providence (R.I.) Evening Bulletin, Sept. 22, 1970]

Will TurboLiner Die?

If the high speed TurboLiner train service between Boston and New York is to be continued and expanded, it is as shatteringly obvious as a runaway freight train that the live-or-die decision rests in the hands of Transportation Secretary John A. Volpe. Fortunately, few men in Washington are as keenly aware as Mr. Volpe of the need to strengthen passenger rail service in southern New England.

Department of Transportation officials are frank to admit that the continuance of the service is in doubt. Contractual relations with United Aircraft, builders of the low-slung high speed trains, are about to run

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out. Further, no new money is in sight for the trains in the department's new budget—a budget still not approved by the Congress.

Creation of the service, said a D.O.T. spokesman, was an investment in an "equipment demonstration," and not a marketing project as was the MetroLiner service between New York and Washington. It is possible that the TurboLiners may be reclassified as a "marketing demonstration," but no decisions have been reached. The situation, said one spokesman, is "really fluid."

The first comment that comes to mind is simple. If the TurboLiner was simply a testing of gadgetry, why pour millions into a job that was scheduled to be a dead end operation? If the testing was done to determine practical usefulness in the market, why weren't plans made two or more years ago to find the money to support extension of the service when and if it proved successful?

Penn Central is happy with the kind of service the two trains have given. Despite publicized breakdowns now and then, the railroad reports that the trains completed 96 per cent of their scheduled runs. Further, patronage has held in the vicinity of 85 per cent of capacity, a figure that seems almost astronomical in terms of volumes on standard passenger runs.

There is talk that a new surge of life for the experimental trains may come if Rail Pax orders them. Under pending legislation, Rail Pax may be created as a federally-sponsored agency to help railroads in financing new equipment. Well and good—if it happens. Acceptability of the trains by Rail Pax would be good news for United Aircraft, the manufacturers.

But what of the immediate problem—the preservation of the TurboLiner service between Boston and New York this fall? There have been suggestions for adding four new cars to the two trains and then for going to Congress for more money to turn the "equipment demonstration" into a "marketing demonstration"—but no decisions on the issues are in sight.

Because of the contractual arrangements among the government, the manufacturer, and Penn Central, railroad officials are unable to determine the exact relationship between fare income and operating expenses. A study of that relationship would be highly useful; if adding more cars to the two trains would increase the revenue potential, perhaps Penn Central could go it alone.

But Penn Central is in trouble financially, and it cannot be expected to assume the fiscal risks of continued service if it does not have some clear figures on revenues and costs. Since the trains have proved themselves mechanically successful and operationally attractive, it would be a sad blow at mass transporation in southern New England if they went out of service just by default of D.O.T. action.

There is reason to hope that Mr. Volpe, who has shown himself to be thoroughly aware of the need to revive and strengthen mass transporation in the public interest, will take immediate hold of the Turbo-Liner situation and get busy at the task of keeping it going as a marketing venture. If he needs help, southern New England waits only for a call.

Slow Train

Two statistics tell the story of topsy-turvy Federal transportation policy. In the fiscal year that ended on June 30, the Federal Government provided $2.2 billion for urban highways. All programs for urban mass transit in the coming year—bus lines, subways, commuter railroads—total $214,000,000, less than one-tenth as much.

A six-lane or eight-lane highway cutting through a densely populated city disrupts neighborhoods and evokes intense bitterness. Such a highway is not nearly so efficient or economical in carrying a high volume of rush-hour traffic as is a subway or a railroad. Yet the money pours forth for the superhighways from the Highway Trust Fund, while mass transit languishes for want of appropriations.

Against this background, the two bills which the House of Representatives considers today are pitifully small. The first authorizes $3 billion for matching grants to states and cities for mass transit facilities and equipment over the next five years. So many cities across the country—San Francisco, Chicago, New York, Washington, D.C.—are undertaking to build or rebuild their mass transit that this sum could usefully be spent in one year instead of five. Even so, the House version is substantially better than the Senate bill which authorized only $1,860,000,000.

A second bill, already passed by the Senate, would extend the high speed ground transportation act for another year and authorize $21 million for research and demonstration projects. It is under this program that the Penn Central has received modest financial help in developing the Metroliner between Washington and New York and the Turbotrain between New York and Boston. Both are good projects which have only partially realized their potential. A rational transportation policy would lead to a substantial investment in rebuilding the roadbed, increasing the frequency of service and modernizing ticket selling.

The opportunities in ground transportation are there if the Administration and Congress would get off the slow train and begin giving this problem the express treatment it deserves.

GALLUP POLL ON McGOVERN-HATFIELD AMENDMENT

Mr. CRANSTON. Mr. President, recently the George Gallup American Institute for Public Opinion issued the results of a nationwide survey on the McGovern-Hatfield "amendment to end the war" of which I was a cosponsor. In a questionnaire that went to 1513 households across the country the question was asked:

> A proposal has been made in the Congress to require the United States Government to bring home all United States troops before the end of next year. Would you like to have your Congressman vote for or against this proposal?

Significantly, 55 percent of those asked responded positively to this question, 36 percent indicated a negative response, and 9 percent had no opinion. I recommend a close and careful scrutiny of the findings of this important survey to Senators and therefore ask unanimous consent that the complete poll and article be printed in the Record.

There being no obection, the items were ordered to be printed in the Record, as follows:

Pullout Favored by Most in Poll—Hatfield-McGovern Plan Is Backed in Gallup Survey

Princeton, N.J., Sept.—A majority of the United States Public favors the Hatfield-McGovern plan, which would end troop involvement in Vietnam by the end of 1971, according to the findings in the most recent Gallup Poll.

The public's favorable vote, recorded in a survey from Sept. 11 to 14 contrasts with the vote in the Senate on Sept. 1, when by a 55 to 39 vote the plan was rejected.

If the vote on withdrawal were left to the men of the nation, a fairly even division of opinion would be recorded. The scales are tipped dramatically in favor of withdrawal when the vote of women is taken into account. The latter favor getting out of Vietnam by the end of next year by the ratio of more than 2-to-1.

The difference in the views of men and women is one of the greatest recorded on any national issue in recent years.

The issue of Vietnam has acquired more and more partisan overtones during the last year, with rank-and-file Democrats now favoring withdrawal by a ratio of 61 per cent to 29 per cent—while Republicans are almost evenly divided. Significantly, the Democrats in the Senate voted in favor of the plan by a 3 to 2 ratio.

One consolation for those who oppose a fixed-time withdrawal is that the best-educated group—with the highest voting turnout—are almost evenly divided.

Details of Bill

The Senate bill was sponsored by Senator Mark O. Hatfield, Republican of Oregon, and Senator George S. McGovern, Democrat of South Dakota, provided that the only military funds that could be spent in Vietnam after April 30, 1971, were those for the orderly termination of operations and the systematic withdrawal of armed forces by Dec. 31, 1971.

The Vietnam issue has lately not loomed large in the minds of voters, compared to earlier days, but it does lie smouldering and could easily become an issue between now and Nov. 3.

To obtain the results reported today, a total of 1,513 adults were interviewed in person in more than 300 scientifically selected cities, towns and rural areas of the nation. This question was asked:

> A proposal has been made in Congress to require the United States Government to bring home all United States troops before the end of next year. Would you like to have your Congressman vote for or against this proposal?

The following table shows the results nationally and by key groups in the population:

	For	Against	No opinion
Midwest	56	35	9
South	49	38	13
West	51	44	5
OCCUPATIONS			
Professionals and business	50	43	7
Clerical and sales	52	42	6
Manual	59	33	8
Farmers	50	31	19
COMMUNITY SIZE			
1,000,000 and above	61	28	11
500,000 and above	61	28	11
50,000 to 499,999	50	43	7
2,500 to 49,999	61	33	6
Under 2,500	52	38	10

HEALTH MANPOWER FINANCIAL NEEDS

Mr. HART. Mr. President, we shall soon have before us for consideration the Labor-HEW appropriation bill.

One of the sections of this bill, one that is critically important for every American, young or old, is the section providing funds for what we call health manpower. By that, we mean Federal assistance to our institutions for the training of students of medicine, osteopathy, dentistry, veterinary medicine, podiatry, and optometry.

There is a lot of talk, both in Congress and around the country, about the impending crisis in delivery of medical service. The HEW appropriation bill is the place to do something about it.

I ask unanimous consent that there be printed in the Record the testimony I presented on June 16 to the Senate Appropriations Subcommittee on this sub-

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ject. Additionally, I ask unanimous consent to insert excellent, factual summaries of the financial need at Wayne State University and the University of Michigan.

I hope that these recent, hard figures—which I am sure are typical of the situation across the Nation—will be persuasive in encouraging both Congress and the Chief Executive to permit us to provide more adequately for the health of our people.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HEALTH MANPOWER

(Testimony of Senator HART)

Mr. Chairman, this nation faces a serious crisis in its system of delivering health care to people.

Two major causes of this crisis appear to be a shortage of health professionals and the inefficient use of medical personnel and facilities.

There is little your subcommittee can do about the latter cause.

However, the level of funding of health manpower programs does fall within the jurisdiction of this subcommittee, and quite frankly, the Administration's budget requests are inadequate to meet the nation's health crisis.

You have heard testimony that the nation faces a shortage of 52,000 doctors and 140,000 nurses. Even if part of that shortage could be eliminated through more efficient use of personnel, the nation clearly is in need of more health professionals, not to speak of the shortage of people entering allied health fields.

In his testimony before your subcommittee, John A. D. Cooper, President of the Association of American Medical Colleges, gave three reasons for the continuing shortage of medical personnel. I would like to repeat just one of those reasons—his third:

"Admitting the contribution of the two previous factors to the continuing problem of the M.D. shortage, I believe that the single most crucial determinant of the situation we face is our utter failure as a nation to make the M.D. shortage a high-priority item in the expenditure of our efforts and resources."

It seems that concern for misplaced priorities is not confined to public officials.

Congress has established several programs designed to help ease this crisis but unhappily, despite recognition of the crisis, the Administration has not seen fit to request the fully authorized appropriation for these programs. That failure is magnified because the demand even outstrips the authorization ceiling.

Perhaps the best way to make these gaps clear is to list the demand, the authorization and the administration budget requests for these programs.

Grants for construction of medical teaching facilities: demand, $600 million; authorization, $225 million; budget request, $118 million.

Loans for Medical Students: demand, $43 million; authorization, $35 million; budget request, $12 million.

Loans for Student Nurses: demand, $27 million; authorization, $21 million; budget request, $9.6 million.

In addition, I understand that more than one-half of the nation's medical schools have received special project grants under the Institutional and Special Project Grants program of the Public Health Service Act.

The demand for these grants underscores the crisis many of the medical schools face in meeting operating expenses.

Unmet needs to modernize medical teaching facilities and medical school curricula may well sentence the people of this nation to health services one might expect to find in a developing country rather than in one with an annual gross national product approaching the $1 trillion mark.

But here again the budget request is far beneath the authorized ceiling for the Institutional and Special Project Grants program. The Administration could ask for $168 million; it has asked for only $118 million.

Mr. Chairman, your subcommittee has heard and will hear witnesses far more knowledgeable in this area than I, but even a layman can read the unmistakable signs that a health care gap exists in this nation, and that the gap is widening.

We in Congress should take the lead in doing at least as much as present laws allow. I urge that the Senate approve appropriations matching the full authorization for each of these programs.

In a related area, I support a budget increase of $4 million over the budget request of $11 million for staff support of University-affiliated centers, authorized by PL 88-164.

These centers provide interdisciplinary training for persons working in the field of mental retardation and related disabilities.

The Association of Directors and Administrators of University-affiliated centers reports that more than 60 universities are conducting training programs and centers have been or are under construction at 19 universities.

Last year, the Senate approved $11 million for this activity, but Administration released only $9 million, its original request.

As a result of the Administration's cutback, programs for which facilities already had been constructed at Georgetown University, Boston Children's Hospital, the University of California at Los Angeles and the University of Colorado had to be delayed for a year.

In addition to making up for that delay, new centers and programs are being started at other universities. It seems to me that the normal growth of this program justifies an increase in the appropriation to $15 million.

Dr. Julius S. Cohen, associate director of the Institute for the Study of Mental Retardation at the University of Michigan, has a more detailed presentation on this program which I commend to your attention.

FINANCIAL AID FOR MEDICAL STUDENTS—OUTLOOK FOR 1970–71

The outlook for financial aid for medical students at Wayne State University has deteriorated markedly over the past year. The reasons for this are both national and local in nature.

NATIONAL FACTORS

The Federal Health Professions Loan and Scholarship Program has been sharply curtailed over the past few years. This program provides aid to students in the following professional schools: medicine, osteopathy, dentistry, veterinary medicine, podiatry, and optometry.

Table I shows the reductions in national funding over the past few years and the proposed funding for 1970–1971.

TABLE I

	FHP loan	FHP scholarship
1968–69	[1] $26,400,000	[1] $11,200,000
	[2] 14,200,000	[2] 5,200,000
1969–70	15,000,000	15,400,000
	7,900,000	7,200,000
1970–71	12,000,000	15,000,000
	6,300,000	7,000,000

[1] Total for all professional schools.
[2] Allocation for all medical schools.

While there has been a slight increase in scholarship funds (5.2–7.0 million dollars), loan funds have been slashed by more than 50%. The future decrease in loan funds in the proposed budget for 1970–1971 is based on the assumption that scholarships and loans will go to students from families with gross incomes below $10,000. The government expects that students from higher income families will take advantage of the federal guaranteed loan program. Our experience, and that of most medical schools, with the latter program has not been good. Only a few banks are prepared to provide loans under this scheme.

Table II shows the effect of reduction in federal money on financial aid available to Wayne medical students. For the year 1968–1969 we received $364,727 while the funding for 1969–1970 was $245,368, a 33% reduction. Total resources for 1969–1970 were more than $100,000 short compared with funds available for 1968–1969. This reduction coincided with an increase in total medical student enrollment at Wayne and the largest single increase in tuition in the school's history.

TABLE II.—FINANCIAL AID FOR MEDICAL STUDENTS

	1966–67	1967–68	1968–69	1969–70	1970–71
Health professions loans	$365,000	$289,301	$282,927 [1] ($28,292)	$133,968 [1] ($13,968)	$81,409 [1] ($8,140)
Health professions scholarships	22,000	50,143	81,800	111,400	85,000
Total	387,000	339,444	364,727	245,368	174,549
Graduate professional scholarship [2]	NA	NA	16,150	26,500	36,000
Private	NA	NA	NA	9,935	9,980
Total	387,000	339,444	380,877	281,803	220,529
Student enrollment	517	537	530	548	575
Tuition, resident	$750	$750	$850	[3] $1,150	$1,150
Nonresident	$1,500	$1,500	$1,750	$2,350	$2,350

[1] University contribution.
[2] Wayne State University sponsored.
[3] National average for State supported medical schools $687—Wayne's tuition is 2d highest in United States for this category.

LOCAL FACTORS

1. Tuition increase

Tuition has increased markedly at Wayne Medical School over the past few years. In 1967–68 residents of Michigan paid $750 annually while non-resident students paid $1,500. Tuition now amounts to $1,150 for residents and $2,350 for non-residents.

Tuition for residents for 1969–1970 was the second highest nationally for state-supported medical schools (see Table III). Not only is there lower tuition at the other medical schools, but many have provided students with free microscopes or microscopes for rental. (Microscopes for rent will be available at Wayne for the first time for 1971–1972).

TABLE III.—YEARLY TUITION IN STATE-SUPPORTED UNIVERSITIES WITH MEDICAL SCHOOLS

	Medical school [1]		Undergraduate school [2]	
	Resident	Nonresident	Resident	Nonresident
Highest	[3] 1,225	2,350	1,035	1,877
Lowest	200	206	202	232
Average	687	1,409	357	920
Wayne	1,150	2,350	310	750

[1] Medical College Admissions Requirements 1969–70; AAMC.
[2] Comparative Guide to American Colleges 1968–69; James Cassand Max Birnbaum.
[3] University of Louisville.

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2. Increased enrollment of students from low income families

a. Enrollment of black students increased significantly for the year 1969–1970. Nearly all of these students have little or no financial resources of their own and must depend on financial assistance provided by the school. Furthermore, the number of black students will increase each year.

b. Wayne State University is an urban university in a working class city and many of our students come from lower income families.

3. Cost of living increase

Cost of living increased 6% for the U.S. over the past year, but 6.4% for the City of Detroit. Nearly all of our students live in Detroit while at school and thus suffer the consequences of this inflation. Special items that hit our students harder than at many other schools are:

a. Lack of housing: There is no university dormitory or housing available.

b. Transportation needs: Nearly every medical student needs an automobile to commute to school, and for travel to various city hospitals for clinical education. This age group of students is particularly hard hit by high insurance rates.

PROJECTION OF FINANCIAL NEEDS

The projection of needs is based on experience of the past year. For the year 1969–1970, 311 (or 57%) of a student body of 546 applied for financial aid and 250 (or 50%) were awarded funds. More students merited support but could not be funded, while in most instances funds awarded to students were short of need.

a. Black students: Enrollment of black students for 1970–1971 is 39 (an increase of 16). Average financial support required for each student is $2,000—total $78,000.

b. Support for all students: The average support per student for 1969–1970 was $514. ($282,000 per 548 students). Using this inadequate figure as a baseline for 1970–1971, we need $291,000 for 566 students. However, additional funds of $58,000 are needed for black students ($78,000—20,000 $514 per student x 39).

Funding from Federal Health Programs for 1970–1971 is $166,409 for 566 students. Thus, additional funds of $183,000 are urgently needed.

THE UNIVERSITY OF MICHIGAN MEDICAL SCHOOL,
Ann Arbor, Mich., September 10, 1970.

HON. PHILIP A. HART,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: The Health Professions Scholarship and Loan allocation to The University of Michigan Medical School was drastically reduced again this year. The situation is much worse than when I wrote you in March, 1969. This is to request your assistance in conveying our plight to Congress and urging strong support for the fullest possible funding of the program.

The President's 1970 Fiscal Budget proposed the following Health Professions Scholarship and Loan allocation:

	Loans		Scholarships	
	All schools	Medical schools	All schools	Medical schools
Number of participating schools	253	102	269	102
Enrollment in participating schools	79,520	38,240	84,000	38,240
Number of students assisted	10,502	5,191	17,666	7,484
Percent of students assisted	13	14	21	20
Amount requested	$43,381,803	$23,448,899	$17,549,751	$8,091,320
Amount allocated	$12,000,000	$6,339,000	$15,000,000	$6,828,000
Percent of request funded	27.7	27.0	85.4	84.3
Per capita allocation	151	166	179	179

The University of Michigan Medical School's actual 1970–71 Health Profession allocation compares as follows:

	Loans	Scholarships
Enrollment	845	845
Amount requested	$808,002	$169,000
Amount received	$126,691	$145,855
Percent of request funded	15.6	86.3
Per capita allocation	$149.93	$172.60

The University of Michigan Medical School expected to share in this retrenchment, but we are extremely distressed that we were awarded 11.4% *less* than the average 27% of loan requests funded for all medical schools.

Our enrollment has increased (from 809 in March 1969, when we last wrote, to 845) in an effort to meet the national demand for more physicians. More of our students than ever before come from disadvantaged backgrounds. Sixty-three of 125 first-year students requesting financial assistance came from families whose income was less than $10,000. Forty-seven such students entered last year and now are in their second year of studies. In the face of rising tuition and living costs, more students need more dollars than ever before. Guaranteed Loans do not help bridge the gap, not only because the $1,500 limit per person per year is unrealistic, but also because most banks will not participate in that program.

This may well be the first year in the recent history of the University of Michigan Medical School when a student may have to drop out of Medical School because of lack of funds. Should that happen, there will be one fewer medical doctor to provide health care for a growing nation.

We are deeply concerned that inadequate funds for students may jeopardize our achieving the goal of providing more health manpower for the nation. It is indeed deplorable if the Federal Government is unwilling to invest in the very product they say is desired for the people of the United States. It is especially untenable when such an investment is in the form of repayable loans.

We hope you will carry our message to Congress.

Sincerely yours,
ROBERT A. GREEN, M.D.,
Associate Dean for Student Affairs.

THE PRESIDENT'S REPORT, COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mr. DODD. Mr. President, during the past few hours, the report of the President's Commission on Obscenity and Pornography has been released to the public.

The contents of the report, of course, are not entirely new; a preliminary report was leaked to the news media less than 2 months ago and caused a considerable uproar among the public and Members of Congress; indeed, there was some indication that the preliminary findings of the Commission were repudiated by the President himself.

To be sure, the findings of the earlier draft report have been considerably toned down in the final report before the public today.

The draft report boldly said that "pornography does not have any ascertainable causal relationship with crime, juvenile delinquency, deviancy, or disturbance."

This conclusion was reduced in the final report to read that extensive investigation "finds no evidence of such a relationship."

Although the change in the conclusion is slight, it seems curious that it was made at all.

Did the Commission find new evidence to soften its conclusion?

Did it give way to the popular outrage caused by the preliminary report?

Was the Commission upset about the President's reaction to its findings?

Whatever the answer, the report before us indicates that it was by no means as scientifically arrived at as the Commission insists.

If the Commission indeed did find new evidence to soften its conclusion, then it follows that it did not explore all the scientific evidence that, with thorough research, was available before it made its preliminary or final reports.

If the Commission gave way to popular outrage over its first report, then its entire conclusion must be dismissed as scientifically invalid.

And if it was upset about the President's initial reaction, and changed its findings, then the report is totally useless: if it was valid, the Commission would stand behind it no matter what public or Presidential reaction is.

But, of course, the Commission's report may not have any scientific validity at all.

Witnesses before our Juvenile Delinquency Subcommittee said it consisted of hearsay, slipshod "investigations," palpably false "evidence," and unwarranted conclusions.

There are such gems as the suggestion that sex crimes in Denmark have dropped by 31 percent since they opened the floodgates of pornography last year.

In fact, that 31-percent reduction is due to the fact that vast numbers of crimes, such as pandering and the like, are no longer crimes, so obviously there is a reduction of crime statistics just as there would be here if we omitted larceny as a punishable offense.

The most clearcut evidence about the sometimes slipshod, sometimes questionable, and sometimes unscientific procedures of the Commission has come from a witness who appeared before the Juvenile Delinquency Subcommittee just a week ago.

Dr. Victor B. Cline, a professor in the department of psychology, University of Utah, adduced massive evidence last week about some of the unreliable and unscientific methods adopted by the Commission and its investigators.

Indeed, the Commission's report is so grossly inadequate and distorted in his opinion that one cannot help suspect that it was written with a predetermined conclusion in mind.

I ask unanimous consent that Dr. Cline's statement be printed in the RECORD because I believe it is of supreme importance for Senators to be aware of it when they evaluate the Commission's findings which, no doubt, will play an important part in the legislation under consideration by Congress.

Lest the Commission's report misguide

Congress and the American people, we should be very careful to see it in its proper light.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. VICTOR B. CLINE[1]

1. INTRODUCTION

By way of introduction it would probably be wise and appropriate to indicate how and why I am here today critiquing the Final Report of the Commission on Obscenity and Pornography.

I find myself in the awkward and difficult position of being asked to review and evaluate a report which as yet is unpublished or officially released. However, an early draft of the "Effects Panel Report," the heart of the whole study, was unofficially released in early August to the media with great attendant publicity and with at least one major newspaper printing the text verbatim. In addition, some members of the Pornography Commission staff have been giving frequent interviews to the press citing research results, Commission Report recommendations, etc. Also some of the research has been reported in open scientific meetings with attendant press coverage and review. So a critique at this time may not be too inappropriate.

For some years, as a professor of psychology, I have been keeping a literature file relative to the "effects of pornography on behavior" and related issues, and have over this time participated in an occasional symposium or made presentations relative to the pornography issue.

On May fourth of this year I testified before the Presidential Commission on Obscenity and Pornography at their Los Angeles hearings—reviewing some of the literature on the subject, as well as such related issues as porno-violence, the "satiation theory," limitations of some of the published research, and so forth. One of the recommendations made to the Commission on May fourth was that a panel of independent and unbiased social scientists be allowed to review their research and the conclusions which might legitimately be drawn from them. It was general knowledge at this time that the Commission was sharply divided ideologically with charges and counter charges of bias and vested interest imputed to some of its members. The specific text of the May fourth recommendation is quoted below:

"I would respectfully suggest to the Commission that with regards to the various research projects which they have contracted out, that a panel of social scientists, experts on human research, carefully evaluate the research results and especially the kinds of conclusions which might be drawn from them. If this, or something like this is not done, the Commission could run considerable risks when the Final Report comes out. If even only several of the commissioned studies are badly flawed methodologically and incorrect inferences were drawn from the, there could exist the strong possibility of attack and criticism by the scientific community which might result in a casting of doubt on the validity of all of the studies, which would greatly lessen the impact of the whole report. But probably the important issue is in the interest of truth. The issue of pornography and its dissemination is very emotionally loaded for those on both sides of the fence. We have witnessed in the recent past a real abuse of statistics and studies about pornography which are little more than myths, but passed on and thought of as valid sometimes by the most reputable of professional personnel."

On about July 27 one of the minority members of the Commission sent to me a copy of the first draft of the "Effects Panel Report" asking for comment on its scientific merit, accuracy, etc. This report was gone over with some care. It was possible to compare some of its discussions and conclusions against some of the research it was based on which was available in the open scientific literature. However, my critique was limited by the fact that none of the Commission sponsored and financed studies (all unpublished) were available for review and cross checking. Despite this limitation there was sufficient research available in the open literature, such as that of the Kinsey Institute on sex offenders, social indicator data on sex crimes statistics, etc., to obtain a fairly good idea of what they were doing with their data. This critique and analysis revealed many very serious flaws in this report as well as instances of not reporting data and findings contrary to the Commission majority point of view. These opinions and quite critical comments by this speaker were expressed in the letter sent to this Commission member. Several days later the "Effects Panel Report" was leaked to the press with great attendant publicity about how empirical research had demonstrated pornography "harmless." Quite concerned, I sent a letter to every member of the Commission including its chairman, repeating my critical evaluation of the scientific basis of portions of this report. Point by point documentation was given. Again a recommendation was made that an independent panel of behavioral scientists be allowed to review all of the research to determine what conclusions might be legitimately drawn from their data. As my letter to each Commission member expressed it:

"If what your hired professional staff has written and prepared is true, scientific, valid, and without major flaws, then they should welcome a careful, thorough evaluation of what they have done by those peers having high competence and professional ability. Since this Commission's report undoubtedly will have a profound effect on legislation before Congress, the judiciary, educators, the media, ministers and even parents, a flawed report being issued under the Commission's imprimatur would represent a major dereliction of responsibility as well as contributing even further to the tensions and conflicts which beset our society. This is especially so now since in my view this report has limited credibility and is certain to be vigorously attacked by knowledgeable critics, as well as others. . . . If you really are interested in ascertaining the truth about pornography's potential harm or non-harm, I see that you have little to lose by such an endeavor."[2]

I also requested access to the original Commission studies for evaluation and review. None of these requests were honored.

Shortly after this I was asked to testify before the House Postal Operations Subcommittee about my critique of the Commission's "Effects Panel Report", which somehow they had heard about. This I did, on August 11, giving lengthy documentation to the serious flaws in the Commission report and for the third time, now publicly, urging the Commission to allow a panel of unbiased independent behavioral scientists to evaluate their research and their conclusions drawn from it. Once again, the Commission did not respond to this suggestion.

About a week following my testifying before the House Subcommittee, Father Morton Hill, a member of the Commission minority group, phoned me indicating that he had in his possession some copies of the Commission's original research reports which up to this time had been kept confidential and unavailable to anyone outside of the Commission. He mentioned that some 85 studies and research projects had been contracted out by the Commission. I agreed to come to his New York office and evaluate these studies if he could obtain copies of all of them for me to review. This he agreed to do, but was unable to secure them only with the greatest difficulty. The Commission staff most reluctantly released the last of these research documents, which were vital in the writing of the minority report, only hours before the final deadline for submission of this report in early September.

During August and early September the speaker spent 14 days in New York going through all of the Commissions research reports bearing on the "effects" question.

This involved first going through and evaluating each research, its strong points and its limitations, and determining whether its conclusions were valid and backed up by the data and proper methodology. While all of the research projects had their limitations, some were done with great skill and represent important contributions to the scientific literature. Others were very badly flawed in various ways which meant the results were inconclusive or of little value, and therefore that few legitimate conclusions or generalizations could be made about them. Following this the speaker went through the final version of the "Effects Panel Report" and the other Commission reports to check what conclusions they had reached in their review of the scientific literature, noting the references they cited. Then I went back to the individual research documents to cross check the adequacy of their conclusions, if the research was valid, etc. The results of this analysis will be reviewed here today. Because, of time limitations, this will necessarily be condensed and some lengthy commentaries omitted.

Several very important considerations should be noted before we proceed further. The Commission-sponsored research ran into many thousands of pages, some ten volumes of material, highly technical in nature. And with the addition of the outside scientific literature also comprising many thousands of pages, most commission members did not have the time[3] nor expertise to read or

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[1] Dr. Cline is currently a professor in the Department of Psychology, University of Utah, where he teaches courses in experimental, clinical and child psychology. He has been with the University of Utah since 1957. Prior to this he was a Research Scientist with the George Washington University's Human Resources Research Office engaged in a broad variety of human factors research. He has been a practicing clinical psychologist engaging in psychodiagnostics and psychotherapy for some 15 years. He is also the author of over thirty published research papers, principal investigator on a number of research projects funded by the National Institutes of Health, Office of Education, Office of Naval Research, etc. He is the Program Director of the Southern Utah Guidance Clinic (a traveling mental health clinic) and consultant to various government agencies, industrial firms, etc.

[2] Since the occasion of this critical review of their first "Effects Panel Report", their report has been almost totally rewritten twice, though still coming to the same conclusions (e.g., no evidence that pornography is "harmful"). These later versions have tended to be more modest, cautious, have used more correct and up to date data, and represent in many ways a more adequate review of the literature, though still possessing shortcomings, to be discussed later in this paper.

[3] None of the Commissioners lived in the Washington, D.C. area where the Commission Headquarters, Research Reports, and staff were located. It took this speaker 14 very long days to go through just the Commission studies. It is unlikely that many Commission members, who continued in their regular employment, coming to Washington for occasional meetings, had the opportunity to systematically review all of the original research documents.

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evaluate all of this. Chairman Lockhart, a law professor, has even indicated not reading all of his own Commission's studies. This has meant that a small professional staff, hired full time, have done most of the work of reading and evaluating this material and writing up the scientific results and interpreting it to the Commission. And while the Commission members on the Effects Panel include men with training in the social sciences, if their biases and attitudes toward pornography were similar to that of the professional staff, this could conceivably result in a report slanted to a particular point of view.

In any event, this means that most of the Commission members, who are non-scientists and untrained in statistics and the techniques of research methodology are at the "mercy", in a sense, of the small professional staff and the scientifically trained members of the Effects Panel. If their interpretations of the research data are in error there is no way the other Commission members would ever know this, including Chairman Lockhart. *Since the basis of all recommendations made by the Commission derive in whole or part from the "empirical scientific evidence"*, if this evidence has been slanted, tampered with, etc., it then calls into question the basis for many of their conclusions and of course the credibility of the entire Commission Report.

2. OVERVIEW OF PROBLEM

There are at least two reasons for the existence of laws regulating and controlling the traffic in obscene and pornographic materials. The *first* has to do with potential harmful or adverse effects such materials may have on the user, child or adult (e.g., corrupt ones morals, deprave, feed a neurosis, awaken and provoke the sex appetite in an unstable individual who might thereby sexually harm or molest another, etc.). The *second* involved an "offense to public morality or taste." Examples might include prostitution, public exposure and nudity, etc., the control of which has its basis in the Judeo-Christian values from which our national culture and heritage is derived.

The majority report of the Commission on Obscenity and Pornography has made recommendations which essentially involve repeal of all laws restricting the distribution, sale or exhibition of any kind of pornography[4] to adults and the same for non-pictorial pornography for children.

However, whenever sweeping changes in social policy, laws, regulations, etc. (such as this) are recommended which might affect the health and welfare of the nation's citizens (which their own and other surveys suggest a significant proportion of the population believe to be the case), the burden of proof for demonstrating "no harm" or "no adverse results" is ordinarily thought to be on the shoulders of the innovators or "changers."

Thus our task here will be to look carefully at the research presented and see if "no harm" has been adequately demonstrated. The issue of pornography being "an offense to public morality and taste" which involves values will not be an issue in this discussion.

3. THE PROPER STUDY

The Commission in the summary of their Effects Panel Report conclude:

"In sum, the empirical research has found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults. The Commission cannot conclude that exposure to erotic materials is a factor in the causation of sex crime or sex delinquency."

Based on the above paragraph, cited again and again in various forms throughout the whole report, we have the basis for recommending the removal of all pornography controls for adults and all controls (except pictorial pornography) for children.[5]

Yet if we review the research of Propper, in his study of 476 reformatory inmates (see Table 1) we noted again and again a relationship between high exposure to pornography and "sexually promiscuous" and deviant behavior at very early ages, as well as affiliation with groups high in criminal activity and sex deviancy. This study was financed and contracted by the Commission, and while they refer to Propper's study often, no mention is made of any of these specific results in the Commission Report. This study was for many months in the hands of the professional committee that assembled and wrote the report as well as available for inspection of any of the Commission members who wished to read it (but no one else). As the reader can scarcely fail to note, there are striking statistical relationships between heavy use of pornography and various kinds of sexual "acting out," deviancy, and affiliation with high crime risk groups.

4. THE DAVIS AND BRAUCHT RESEARCH

Davis and Braucht (1970) in a study of seven different populations of subjects comprising 365 people assessed the relationship between exposure to pornography and moral character, deviance in the home, neighborhood, sex behavior, etc. Samples of city jail inmates, Mexican-American college students, black college students, white fraternity men, conservative protestant students and Catholic seminarians were studied intensively. In addition each had one female friend fill out a character scale about their behavior.

TABLE 1.—"EXPOSURE TO SEXUALLY ORIENTED MATERIALS AMONG YOUNG MALE PRISON OFFENDERS" (1970)

(By Martin Propper)

[Sample: 476 male reformatory inmates, ages 16 to 21]

Activity engaged in	Percent		
	Subjects having low exposure to pornography	Subjects having higher exposure to pornography	Source
1. Age of 1st intercourse 11 or under.	37	53	Table 31.
2. Age of 1st intercourse 14 or under.	65	86	Do.
3. Having sex intercourse 3 or more times a week prior to incarceration.	28	45	Table 29.
4. Having intercourse with 7 or more partners.	63	96	Table 28.
5. Intercourse with more than 1 person at a time.	35	59	Page 68.
6. Engaged in passive mouth sex organ contact (sometimes or frequently).	27	56	Table 34.
7. Engaged in active mouth sex organ contact (sometimes or frequently).	16	49	Table 33.
8. No homosexual experience.	53	37	Page 66.
9. Several times to frequently did anal intercourse.	20	40	Table 35
10. Belongs to a high sex deviant peer group.[1]	44	78	Table 36, page 72.
11. Belongs to high anti-social crime group.[2]	55	82	Table 37, page 73.
	Seeing textual depictions of homosexual activity		
	Never (percent)	10 or more times (percent)	
12. Participation in homosexual activity 1 or more times	12	40	
13. Table 32 in the Propper study also reveals among the younger age boys a very high relationship between (a) the age at which they saw a picture of sexual intercourse and (b) the age at which they first engaged personally in sexual intercourse. This means that if a boy saw pictures of intercourse at a very early age he engaged in intercourse at a very early age. If he saw intercourse pictures later he engaged in intercourse later. While the data do not provide evidence of causal linkage it certainly raises the possibility. It also reminds one of Bandura's work in "imitative learning" where children learn by imitating what they've seen			

[1] The sex behaviors which constituted this measure included: (a) sex intercourse, (b) gang bangs, (c) going to a whore, (d) getting a girl pregnant, (e) participating in orgies.

[2] The activities which constituted this measure included: (a) friends, suggestions to violate the law, (b) friends in jail or reform school, (c) friends in trouble with the law, (d) purchase of stolen goods by friends, and (e) friends who were members of gangs.

In their study, which was impressive in its rigorous methodology and statistical treatment, they state, *"One finds exposure to pornography is the strongest predictor of sexual deviance among the early age of exposure subjects* [p. 35]." Later they again note, *"In general, then, exposure to pornography in the 'early age of exposure' subgroup was related to a variety of precocious heterosexual and deviant sexual behaviors* [p. 36]." They note that since exposure in this subgroup is NOT related to having deviant peers (bad associations and companions) and similar type variables, it would be difficult to blame the sexual promiscuity and deviancy of these subjects on other influences such as being influenced by friends (rather than pornography) into these kinds of anti-social activities.

It should be noted that this research was contracted and financed by the Commission, was in the hands of the Commission staff for many months, is referred to many times in their report—but not a single mention is made of these negative finds. In fact, the September 3 issue of *The New York Daily News* and an earlier edition of the *Washington Post* carried stories on their research linking exposure to pornography with sex deviancy. This is a particularly important finding in that it suggests real dangers in exposing children and young adolescents to heavy quantities of pornography, the strong implication being that pornography can affect and stimulate precocious heterosexual activity and deviant sex behavior (homosexuality). Obviously more research must be done here, but like with the early studies linking smoking with lung cancer, it would seem most irresponsible not to report such findings and especially in the Commission's Effects Panel Report when so few people have access to the original research, and where publication in the scientific literature would be at least one or two years in the future.

5. THE BERGER RESEARCH

Alan Berger and associates in Illinois had contracts with the Commission to do two

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[4] They would approve control of unsolicited mailed advertisements for pornography and certain open displays of same.

[5] Control of unsolicited mail order pornography and open public displays are recommended.

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studies. In one they surveyed 473 adolescents primarily in the age range of 14–18 (from working class backgrounds) with an extensive questionnaire which asked questions about their exposure to pornography, their sexual behavior, etc. In the second study 1177 college students were interviewed about similar issues. In carefully reviewing these findings it is once again distressing to note that those data "not favorable" to the majority point of view are either played down or not mentioned.

The two most significant (highest) relationships (between independent variables) were between having been exposed to large amounts of pornography and engaging in high levels of sexual activity. This was true for both high school students (gamma .394 [males] page 48) and college age subjects (gamma .380, page 62). These relationships are lower (but still significant) for women. An example of this relationship can be seen in Table 2 below.

TABLE 2

	Amount of pornography exposed to student	Percent college males engaging in sex, intercourse, etc
High	5-6	77
	4	62
	3	60
	2	44
Low	1	4

There are also substantial relationships between exposure to pornography (high) and grades (low), especially in high school, but also college for males (gammas of −.256, page 30; and −.216, page 67). The relationship between these two in college declines when one controls out the influence of high school grades, but still remains true for the top college men academically (who have low pornography exposure indices).

In their study of the 473 high school students they found a relationship between frequency of seeing movies depicting sexual intercourse and the adolescent engaging in intercourse (their Table 46, page 101, is duplicated in part below).

TABLE 3

	Frequency of adolescents seeing movies depicting sex intercouse			
	Not at all	1 to 4 times	5 to 10 times	11 or more times
Percent of males engaging in premarital intercourse	53	62	73	88
Percent of females engaging in premarital intercourse	10	29	44	....

The above data are in the Commission financed reports, but are not discussed or presented, despite the fact that they have an important bearing on the "effects" question.

And while it is recognized that there are some people in our society with more libertarian views who would not be concerned if pornography did "cause" more young people to engage in premarital intercourse, there are still others, including many parents, who would be concerned and would wish to be so informed. The Commission Report fails in fully informing its readers about such associations or linkages as noted above.

6. THE MOSHER AND KATZ STUDY

In another Commission sponsored study by Mosher and Katz (1970) studying male aggression against women in a laboratory setting, they concluded (page 25) that, "The data clearly support the proposition that aggression against women increases when that aggression is instrumental to securing sexual stimulation (through seeing pornography)." This finding was particularly true for men with severe conscience systems as well as for those feeling guilt about being aggressive. This suggests that the need for sexual stimulation (via pornography) can overrule conscience and guilt in "permitting" aggressive behavior towards women. And while this is only a laboratory demonstration, with many limitations, it still constitutes another "negative effects" type of evidence in which virtually no attention is paid by the writers of the Commission report.

7. THE GOLDSTEIN STUDY

In another Commission financed research project by Goldstein (1970)[8] a study was made of the exposure to pornography and its relationship to sex activities of groups of sex offenders and others. In all, nine separate groups of male subjects were studied and compared. They found that the rapists were the group reporting the highest "excitation to masturbation" rates by pornography both in the adult (80%) as well as teen (90%) years. Considering the crime they were imprisoned for, this suggests that pornography (with acompanying masturbation) did not serve adequately as a catharsis, prevent a sex crime or "keep them off the streets." Fifty-five percent of the rapists report being "excited to sex relations by pornography." When reporting on "peak experiences" in exposure to pornography during their teens, 80% of the rapists report "wishing to try the act" that they had witnessed or seen demonstrated in the pornography exposed to them. This is far higher than with any other group. When asked if in fact they did follow through with such sexual activity immediately or shortly thereafter 30% of the rapists replied "yes." An even higher number of blacks (38% replied "yes") which is consistent with many studies showing very high rates of sexual activity early in life for this group. Even among the "normal" controls 28% replied "yes." If we can accept what they say at face value, this would suggest that pornography potentially does affect behavior and possibly adversely. This would also suggest serious concerns about exposing young people, especially to thematic material involving pornographic-violence. Since the writers of the Commission Report base most of their findings on data using "verbal self report" there is little reason not to at least consider as partially valid what these people say about pornography and its influence in their lives. When one asks them about their adult years and to what extent they "tried out behaviorally" what pornography had suggested to them, the figures drop somewhat (15% for rapists, 25% for child molesters, etc.) but still suggest an "effect."

8. THE OPINIONS OF PROFESSIONAL WORKERS ABOUT PORNOGRAPHY

In their summary section the Commission states, "Professional workers in the area of human conduct generally believe that sexual materials do not have harmful effects." While this appears to be true these conclusions are based on a mail-back survey in which only a third of their sample responded. They also neglect to state that in this study 254 psychiatrists and psychologists had cases where they reported they had seen/found a direct causal linkage between involvement with pornography and a sex crime. While another 324 professionals reported seeing cases where such a relationship was suspected, this totals in actual numbers 578. While these therapists represent a minority group percentagewise, it would seem to this reviewer irresponsible to gloss over them as if they didn't exist. What if 900 of 1000 physicians indicated that they had observed no relationship between cancer of the cervix and use of the coil contraceptive, but the other 100 physicians indicated that in their practice they had come across cases where there was a suspected or definite relationship. Do we discount the experience of the minority because they are outvoted where a possible health hazard is involved?

Additionally they do not report (though they were aware of its existence) of another survey conducted by a religious group, the Archdiocese of New Jersey, in 1967 of professionals seeing a relationship between involvement with pornography and anti-social sex behavior. The majority of therapists here reported noting such a relationship at some time during their practice. This study is also flawed because of a low return of "mail-backs" by the professionals. But such is also true of the Lipkin and Carns study. Such omission of contrary evidence is difficult to understand.

9. SEX OFFENDERS REPORT PORNOGRAPHY CONTRIBUTED TO THEIR CRIME

In another Commission sponsored study by Walker (1970) seven groups of adult males (sex offenders, mental hospital patients, university students, etc.) were tested and interviewed relative to exposure to pornography and a great deal of personal background data. In their analysis of the data they found that the sex offenders significantly, more often than their controls (non-sex offenders who they were compared with), increased their sexual activity after viewing pornography. A significant minority (39%) of the sex offenders indicated that "pornography had something to do with their committing the sex offense they were convicted of." The researchers also found that their offenders significantly more often claimed that they had been influenced by pornography to commit a sexual crime.

The writers of the Commission Report note this evidence and rightly raise the possibility that these sex offenders may be "scapegoating" here (blaming something or somebody else for their problem). This possibility is certainly a reasonable one. The alternate possibility, that they might indeed be telling the truth, however, is another reasonable alternative. And until this issue is settled it would seem most injudicious and unwise to claim that pornography has "no effects" or that "no effects" can be demonstrated which would constitute the basis for major social change, repeal of laws, etc.

10. THREE EXAMPLES OF IMPROPER REPORTING OF RESEARCH DATA

(a) The Berninghausen and Faunce Study.
(b) The Kutschinsky Study.
(c) The Walker Research.

(a) *The Berninghausen and Faunce Study*

In Chapter V of the Effects Panel Report, the Commission states:

"A comparison study of thirty-nine delinquents and thirty-nine non-delinquent youth (Berninghausen & Faunce, 1964) found no significant differences between these groups in the number of "sensational" (obscene) books they had read. Non-delinquent youth were somewhat more likely (75%) than delinquent youth (56%) however, to report having read at least one 'possibly erotic' book."

But what the Commission doesn't tell the reader is that:

(a) a significantly greater number of delinquent boys (than non-delinquent) had read two or more adult books (with erotic content); and a significantly greater number of delinquents had read three or more "erotic books" than the non-delinquents.

(b) the authors of the research concluded that "limitations of the study precluded having any great confidence in the stability of the conclusion" meaning the findings are unreliable and probably shouldn't be cited.

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[8] Table 9–10.

The writers of the Commission Report make three errors:

(a) They cite data to prove a point from a "worthless" study.

(b) They don't tell the reader that the study is flawed.

(c) They present only that evidence which favors their point of view. They again fail to cite contrary findings.

Since most readers will never read the original study they are "at the mercy" of the writers of this report to present complete and honest data. Once again we see an example of where this did not occur.

(b) *The Kutschinsky study*

In the final "Effects Panel Report" the Commission staff writes:

"A survey (Kutschinsky, 1970) of Copenhagen residents found that neither public attitudes about sex crimes nor willingness to report such crimes had changed sufficiently to account for the substantial decrease in sex offenses between 1958 and 1969."

In the Final Report summary section they put it even more strongly:

"Other research showed that the decreases in reported sexual offenses cannot be attributed to concurrent changes in the social and legal definitions of sex crimes or in public attitudes toward reporting such crimes to the police. . . ."

The average reader and most social scientists will never get an opportunity to see what this Danish psychologist actually wrote in this report or what he did. He, of course, was studying the issue of why with increasing pornography in Denmark has the rate of sex crimes apparently dropped. Maybe pornography has a "therapeutic effect" on sex criminals. What Kutschinsky did, in fact, was intensively interview a carefully drawn sample of adult men and women throughout Copenhagen surveying (a) whether they had ever been a victim in a sex crime, (b) did they report it, (c) would they report certain types of sex crimes now (or ignore them), (d) have they changed their minds over the past few years about the seriousness of certain sex offenses, and (e) how did they feel about these same things ten years ago. He found that 26% of the men[7] and 61% of the women of Copenhagen had been victims of some category of sex crime (some minor, some serious). However, only 6% of the males interviewed and 19% of the female victims reported it to the police. This is consistent with statements made by the U.S. Department of Justice in their 1970 Unified Crime Reports referring to rape. "This offense is probably one of the most under reported crimes due primarily to fear and/or embarrassment on the part of the victims." This means overall that sex crimes statistics are very "shaky" and have to be viewed with caution simply because most are probably never reported.

Kutschinsky concludes after a careful and extended analysis of his data that, *"The decrease in (sexual) exhibitionism registered by the police during the last ten years may be fully explained by a change in people's attitudes toward this crime and towards reporting it to the police."* He concludes in about the same terms with regards to the sex crime of *"indecency towards women"* (which can involve anything short of a direct rape attempt on a female). If the reader will go back and read again what the Commission said about the Kutschinsky findings, we again get an example of critical omissions and misrepresentations of important factual data.[8]

The Commission's presentation of the Denmark sex crimes data omits certain types of sex offenses such as incest (apparently unavailable) which many people would regard as fairly serious. If as Kutschinsky's study suggests, there have been no real declines in sex crimes in certain categories, only a change in people's conception about their seriousness and a lessened inclination to report them, this should be given thoughtful and careful consideration. That the Danish people have liberal sex attitudes has been documented by various surveys including another by Kutschinsky which indicated that only thirty-two percent of Danes regard sex intercourse with a "consenting" fourteen year old as a crime and only twelve percent would regard the rape of a female as a crime where she permitted the rapist to engage in prior petting.

The kind of sex crime most people would be concerned with would involve a personal assault as in rape, or on a child, or the situation involving exhibitionism which might "traumatize" some women and possible affect their psychosexual feelings and attitudes negatively.

If we look at the Copenhagen rape statistics (combining, rape, rape with robbery, attempted rape, and intercourse on threat of violence) which all involve a sexual assault on another—we get the following picture.

Year	Rape (all categories)
1958	[1] 57
1959	55
1960	37
1961	48
1962	53
1963	50
1964	39
1965	[2] 42
1966	70
1967	44
1968	50
1969	35

[1] Cases.
[2] Pornography freely available.

If one looks at the table and notes that it was about 1965 when pornography became generally available (even though legal recognition of this wasn't to come for several years). It presents a rather puzzling picture in that until 1969 there were no major changes in rape rate other than the normal fluctuations common to preceding years. In any event it would certainly be injudicious to conclude that there has occurred a true change or decline in some sex crimes, at least yet, in the light of the above statistics or in view of Kutschinsky's findings that with certain sorts of sex offenses the "decline" can be partially or fully attributable to changes in people's attitudes about certain sex crimes and their changes in "reporting" practices. Other sorts of data which would be useful to have in studying this whole problem would be divorce rate figures for the past ten years, venereal disease rates, changes in extra-marital sex patterns, and prostitution figures for the decade.

(c) *The Walker research*

In Chapter V of the Effects Panel Report the Commission reviews the research of Walker (1970) studying sex offenders and non-offenders:

"The mean age of first exposure (to pornography) of the rapists was one half a year or more later than that of the matched non-sex-offenders in reference to eight of the fifteen items (types of pornography) and one half a year or more earlier in reference to two. The biggest difference between the groups occurred in relation to depictions of heterosexual intercourse for which non-sex-offenders had a mean age of first exposure of 14.95 and rapists a mean age of first exposure of 18.19."

The Commission blandly reports this as a fact when a quick look at Walker's tables shows that this is undoubtedly in error. The table below is produced directly from their data.

Type of pornography seen	Mean age when sex offenders first saw pornography (years of age)
Male-female sex intercourse	18.19
Humans having sex relations with animals	16.94
Mouth-sex organ contact	17.46
Homosexual activities	17.70

Type of pornography seen	Mean age when nonoffenders first saw pornography (years of age)
Male-female sex intercourse	14.95
Nude female with breasts exposed	15.09
Nude female showing sex organ or pubic hair	15.87
Nude males with sex organs	16.25
Nude or partially nude couple kissing	15.10

To claim that the non-sex offenders (see above) saw pictures of a male and female having intercourse 1.3 years *before* they first saw a picture of a male sex organ, or nude female with the breasts exposed, etc. demands a great deal of credulity from the reader. It likewise stretches the imagination for one to believe that the Sex Offender group witnessed pictures of animal-human intercourse, oral intercourse, and homosexual relations a year or less *before* ever seeing pictures of male-female intercourse. These data are obviously in error. And while it is not too difficult to imagine a single typographical error, we have two independent errors here both occurring in the same area. Common sense would have dictated a check on this. Both Walker and the Commission staff say nothing.

11. THE PURCHASES VS. CONSUMERS OF EROTICA

The Commission Report suggests that the primary purchasers of erotica appear to be well educated, middle class, males in their 30's and 40's. It should be noted that this is based on studies nearly all in downtown urban areas where a surveyor "guessed" at the age, socio-economic level, etc., of those he saw in "adult bookstores" and movies. Where interviews were conducted they consisted of approaching men as they emerged from an "adult movie" and having an "informal conversation over coffee" with them (no notes were taken until later). And of 270 people approached in the Winick study, only 100 agreed to "have coffee," creating sampling problems. When they tried to get people to fill out questionnaires (as in the Nawy study of the "San Francisco Marketplace") only 29 out of 150 bookshop customers cooperated, and 190 out of 800 movie patrons so obliged. This makes generalizing about these data extremely risky. Massey (1970) in his analysis of the Denver area concluded that the type of customer is related to the *location of the store* and *time of day.*

Probably the major issue is who *consumes* and *uses* pornography, not so much who buys it. Because for every purchaser of hard core materials there may be 10–100 viewers or users of the merchandise. In the Abelson National Survey of Youth and Adults we find that girls 15 to 20 see most pornography (for

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[7] Involving primarily "homosexual molestation."

[8] With regards to "peeping" a non-violent sex crime which has declined 79.9% in the last decade his data suggest that the availability of all sorts of visual pornography, films and live sex shows probably have reduced the need of the peeper to risk arrest looking through people's windows when he can see more in any porno shop. We would agree with this conclusion. In the only other sex crime which he evaluated, "Indecency toward girls" his data suggested little or no change in public attitudes towards its seriousness or lack of willingness to report it. The decline in the reporting of this offense remains a puzzle, with Kutschinsky suggesting the possibility of pornography being a (poor) substitute for little girls for this type of offender.

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females) and young men in the age range of 15 to 20 get the heaviest doses. Abelson found that more boys than adult men have seen visual pornography (87% vs. 80%) and more girls have seen this than adult females (80% vs. 53%). This means in sum that the heavy users and most highly exposed people to pornography are adolescent females (among women) and adolescent and young adult males (among men).

Though his samples are not random, in Nawy's study of the "San Francisco Marketplace" 70% of the patrons of erotica he surveyed attend sex movies once a month or more. He also found that 49% of these people were currently having sex with two or more partners in and out of their households and 25% had been having sex with 6 or more partners in the past year. Frequency of intercourse rates were very high for his sample, suggesting that erotica may have a "booster" or "accelerating" effect on sex activity. In any event, the data outside the laboratory where people are studied in their own environment, suggest that those interested in erotica or pornography consume it regularly and for "sexual" reasons. But this is suggestive only because of flawed sampling.

12. MISUSE OF QUESTIONNAIRE AND VERBAL SELF REPORT DATA

Nearly all of the studies presented in evidence relied heavily on "verbal self report" without outside verification. Caution must be exercised in interpreting these kind of data. A number of factors can make these data suspect: (a) The subjects may consciously falsify or distort (especially if the questions might "incriminate" or would require revealing damaging evidence against oneself—this might be particularly true for the prison sex offender inmates), (b) Questions in the sexual area in particular could lead to defensiveness, distortion, or "protective dishonesty" of response (such as having married couples, as in the Commission's Mann study (1970), check off in a daily diary (kept home) whether or not they had had an extramarital sexual experience the night before, and "Did you orally stimulate your partner's genitals to climax?" etc.), (c) The fact that it has been repeatedly demonstrated that slight changes in wording of a question can make major differences in the number of people who will respond 'yes' or agree. This was demonstrated in this study in a most dramatic fashion when in the commission sponsored national survey (by Abelson) only 23% of the males admitted that pornography sexually aroused them vs. 77% agreeing to this in the Kinsey studies. Similar differences were found for women (8% Abelson, 23% Kinsey). Who can you believe? Similar gross differences were found when asking people if they felt pornography should be controlled by legislation and laws. Not only is this true across several different studies but also across several questions within a single study.

Example: (Abelson, 1970) 88% of a national sample would prohibit sex scenes in movies that were put in for entertainment; but only 50% say that no one should be admitted to movies depicting sexual intercourse.

The problem with the above example has to do with what question preceded the critical one (which may have established a certain "set" in answering it), or what alternatives were there available in answering; or confusion as to what you mean by a movie depicting sexual intercourse? It could mean a scene in which a couple are in bed together covered by blankets in which intercourse is only suggested or it might mean an explicit stag film. The Commission Report writers tend to treat "verbal report" as fact, and when there are discrepancies they consider as significant and present or emphasize that data which favor their point of view.

Example: Harris Poll (1969): 76% of U.S. wants pornographic literature outlawed.

Gallup Poll (1969): 85% of the U.S. favor stricter laws on pornography.

Abelson (1970): 2% of U.S. viewed pornography as a serious national problem. (A Commission Study)

However, when one looks at the question which Abelson in this Commission financed study asked U.S. citizens, it's not difficult to figure out why they got such a low percent: *"Would you please tell me what you think of the two or three most serious problems facing the country today?"* It is doubtful that even the most concerned citizen would list "pornography" as among the first two or three when the country is faced with the problems of war, racial conflict, youth rebellion, law and order disruption, drugs, pollution, etc. And as might be expected these head the list.

Thus when in recommending abolition of nearly all laws regulating pornography the Commission report justifies this by saying: *"A majority of the American people presently are of the view that adults should be legally able to read or see explicit sexual materials if they wish to do so."* They are basing this only on *some* of the responses of U.S. citizens to *Abelson's* survey but not other data from the *same* survey (e.g., 88% would prohibit putting sex scenes in movies that were put there for entertainment)[8] and of course are rejecting out-of-hand results of the Harris and Gallup polls (see above) who have been in business for several decades. This kind of manipulation of statistics and reporting of data is indefensible especially when most Americans or even social scientists will never have an opportunity to view the original data on which these recommendations are based.

13. THE ISSUE OF WHETHER SEX OFFENDERS COME FROM SEXUALLY DEPRIVED BACKGROUNDS

The Commission in their Effects Panel Report, and elsewhere again and again cite data to show that sex offenders come from conservative, repressed, sexually deprived backgrounds. Quotations from Chapter V, Effects Panel Report, capture well the essence of their conclusions:

"Sex offenders generally report sexually repressive family backgrounds, immature and inadequate sexual histories and rigid and conservative attitudes concerning sexuality."

Or another quote:

"The early social environment of sex offenders may be characterized as sexually repressive and deprived. Sex offenders frequently report family circumstances in which, for example, there is a low tolerance for nudity, or absence of sexual conversation, punitive or indifferent parental responses to children's sexual curiosity and interest. Sex offenders' histories reveal a succession of immature and impersonal sociosexual relationships, rigid sexual attitudes, and severally conservative behavior."

Or still another quote:

"Suggest that sex offenders' inexperience with erotic material is a reflection of their generally deprived sexual environment. The relative absence of such experience probably constitutes another indicator of atypical and inadequate sexual socialization."

There are a number of things very wrong about these conclusions. In some of the studies where they compare sex offenders and non-offenders they, inexcusably, lump all different types of offenders together "into one bag" (e.g., Cook & Fosen, and Johnson et al., 1970). The problem here, as the Kinsey Institute studies well demonstrate, is that there are at least 21 categories of sex offenders, who show striking differences in family, sexual and psychosocial backgrounds. To draw general conclusions about such a diverse group is like doing a study on what religious people are like and include in your group Catholics, Unitarians, Buddhists and Black Panthers, treating them as a single "type." For example aggressive rapists are very impulsive, having extremely high levels or sexual activity from an early age with very high degrees of criminality. They are very dangerous. The "peeper" on the other hand tends to have very low rates of sexual experience, tends not to marry and is poorly socialized and is an entirely different "breed of cat."

Another type of problem is the use of inadequate control groups or none at all. To illustrate how this might cause serious problems, consider the following: "Protestants are a more criminally inclined group of citizens than atheists." We study a group of protestants at the state prison and compare them with atheists taken from the general population, and sure enough our conclusion is correct. Or another (again made purposely absurd to illustrate the point), "Men who drink carrot juice will have a high sex drive" and we compare men 20–25 years of age who drink carrot juice with men age 90 and over who don't drink it, on a variable like frequency of intercourse. If we conclude this study shows that drinking carrot juice is related to or causes a "high sex drive," we are in error. It has demonstrated no such thing. If we report this and *also* fail to mention that we didn't have a comparable control or comparison group, or not mention that the controls exceeded 90 years of age, then we've made a second serious error.

One of the studies that the Commission cites as giving evidence that "sex offenders" come from sexually deprived backgrounds is that of Thorne and Haupt (1966). Six percent of their college students report True "I have never had a sexual orgasm" vs. almost 30% for the rapists. While they don't have a matched control group to compare the rapists to, they do have data on murderers and property crimes offenders who one might guess would tend to be more similar in social class background, intelligence and age to the rapists (than the college students). When we look at their responses to this question we find an amazing 40% who indicate never having had a sexual orgasm. Since by the very nature of their offense it would be difficult to believe that 30% of the rapist sample never had orgasm, and in view of the Kinsey findings that very nearly all of rapists (which they studied) engaged in premarital intercourse and nearly 80% engaged in extramarital sex after they married, these findings appear even more difficult to believe. However, if one is aware of the fact that most rapists, murderers, and property crimes felons who are convicted come from lower socio-economic backgrounds, have lesser education, etc. a very simple explanation offers itself. A significant number of these men didn't understand what the term "sexual orgasm" meant. Again, incorrect inferences are drawn from data.

Thus one can see the extreme importance of having matched control groups. If we use the murderers and property crimes felons as controls for the rapist sample (a risky thing to do) and compare how this typical sex offender group compares on sexual repression, deprivation, etc. we find that (because they are in jail) they *do* tend to feel more guilty about their sex behavior, but there are no real differences overall. However, if one compares the sex offenders or total prison population against the college students on attitudes we do find them a little more prudish in what they say—but not apparently in what they do, compared to the college students. This undoubtedly

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[8] When the question is worded slightly differently we, as might be expected, get slightly different results: "If a sexual scene were essential to plot development" (not just for entertainment) only 69% would wish to prohibit it.

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reflects the differences between current middle and lower class cultures out of which they emerge.

In the study of Goldstein and associates (1970) they attempted to obtain a good control sample to compare their sex offenders against. But unfortunately they were not too successful. Their controls were significantly younger and better educated than the sex offender groups. (Example: nearly 80% of his controls were under 30 vs. only 25% for one of the child molester groups.) This makes it very dangerous to say that sex offenders are different or the same compared to "normals" when your comparison group is different. Remember the carrot juice example and its relation to sexual activity?

The seeming disregard for these very elementary considerations in evaluating reresearch literature. The Commission Report writers leaves one very concerned about how they arrived at their other conclusions.

The evidence from many studies would indeed suggest that certain types of sex offenders are sexually immature and regressed, but other types are sexually aggressive and very promiscuous starting at very early ages. Making these kinds of distinctions would be seen as most important in any evaluation of the research literature. The Commission Report fails badly in this regard.

14. DOES PORNOGRAPHY ALTER BEHAVIOR?

The Commission Report states in their conclusions, "When people are exposed to erotic materials some persons increase masturbatory of coital behavior, a smaller proportion decrease it, but the majority of persons report no change in these behaviors. In general, established patterns of sexual behavior were found to be very stable and not altered substantially by exposure to erotica." There are a number of problems in drawing these conclusions: (a) In a number of the 16 studies reviewed (focusing on this problem) behavior was studied only for the 24 hours before and after exposure to the pornography, (b) In some other studies (Amaroso, 1970) the total exposure time to erotica for all subjects was only 50 seconds, in another study (Byrne & Lamberth, 1970) total exposure time was 6½ minutes (hardly sufficient to conclude that exposure to erotica has or has not an effect) but (c) probably the major methodological problem is the fact that 13 of the 16 groups who were deliberately exposed to pornography were limited to young college students, plus one group of middle aged couples almost all college educated, and a final two groups who were "sex offenders." Since a great deal of evidence from the Commission studies indicate that young college educated persons are those already having high exposure to pornography (compared to conservative, older, lower class subjects)—this means *that most or all of their subjects have already been repeatedly exposed to pornography* which means that if it were to have a "corrupting" effect this would probably have *already* started to occur. This also would mean that one wouldn't expect experimentally great changes in sexual behavior before and after exposure even if in fact pornography were indeed to have a "viciously depravine influence." Failure to control for this factor makes the conclusions drawn by the Commission writers very questionable. And (d) it is highly unlikely that any subject in such an experimental study under such close scrutiny would engage in any anti-social sex behavior, and even if he did admit to it in most studies reported *they fail to even ask this type of question.* (e) All samples were restricted to volunteers who chose to be exposed to pornography which would introduce a systematic bias. And (f) finally, as Davis and Braucht point out these samples (young college educated) are not the people of "popular concern" (e.g., the unstable, more vulnerable, from defective environments). For scientists to confidently conclude that there are essentially no significant sex behavior changes or increase in antisocial sex activity on the basis of these kinds of data takes a considerable amount of "faith, ESP, and some admixture of divine revelation."

15. ADDITIONAL SIGNIFICANT LIMITATIONS IN COMMISSION'S RESEARCH

(a) No Longitudinal Studies: There were no longitudinal studies considered or contracted by the Commission studying the long range effects of exposure to pornography and its effect on sexual activities, sex offenses, changes in moral values, etc. Nearly all studies cited covered only a few days or weeks for the subjects (and in most cases only an hour to two). The longitudinal study properly done would give the most powerful evidence concerning pornography's effects. There were none here.

(b) No Clinical Studies: There were no in-depth clinical studies of individuals assessing the impact of use of pornography on attitudes, sex offenses, character, anti-social behavior, etc.

(c) Omission of Studies on "Porno-Violence": No attention was paid to the problem of porno-violence where pornography and violence are linked together in fiction and increasingly in motion pictures. This omission is particularly surprising in view of the findings in the Final Report of the National Commission on the Causes and Prevention of Violence (1969) which link visual presentations of violence to aggressive acting out behavior. Their findings would appear to have some implications for situations where violence and pornography are combined (e.g., sexual abuse and physical injury inflicted on the female/male, etc.).

(d) Omission of Studies and Evidence in "Imitative Learning" Area: There is an omission of discussion of studies in the area of imitative and social learning by such investigators as Albert Bandura and his associates at Stanford University. Since this body of research suggests that a significant amount of learning occurs through watching and imitating the behavior of others this would logically appear to have great relevance to any pornography "effects" studies. If Bandura's work (as well as others in this area) have any validity, it would suggest that certain types of pornography involving whole sequences of behaviors probably would effect some individuals if they saw it consistently modeled on the screen or in fiction (e.g., suggest to them anti-social sex behaviors which they might imitate or repeat). This is certainly indicated by the findings of the violence literature. In view of the type of evidence and findings presented by the Bandura "school" it would seem, at the very least, that the Commission staff would indicate some cautions or concerns. There are none.

(e) Absence of Youth Studies: While the Commission in their Final Report state ". . . [there] is no evidence that exposure to or use of explicit sexual materials play a significant role in the causation of social or individual harms such as crime, delinquency, sexual or nonsexual deviancy, or severe emotional disturbances . . . or plays a significant role in the causation of delinquent or criminal behavior among *youth* or *adults,*" they do not mention that there was *not a single* experimental study, longitudinal study, or clinical case study involving youth. The only information they have is from questionnaires which are subject to the usual problems of willingness to be truthful (especially about sex data), memory, misinterpretation of questions, etc. Their conclusions about youth would appear extremely incautious in view of the limitations of significant data.

(f) Possible Bias in Using Only Volunteers Who'd Submit to Pornography: All studies which probed sexual histories, or exposed individuals to pornography were to some degree biased by using only those people who would submit to such exposure or questioning. This would be especially true for female subjects. Those rejecting of pornography would not be studied.

(h) Varying Definitions, Types and Amounts of Erotic Material Used: While some studies used similar pornographic slides or movies, there still existed great variation in the type of pornography which was used (sometimes pictures, sometimes movies, sometimes written material). These varied greatly in their erotic and "offensive" qualities. In the case of "retrospective reports" where people were interviewed or filled out questionnaires they often had to necessarily rely on their subject's own definition or unique interpretations of what constituted pornography. Thus saying that one witnessed sexual intercourse on the screen could involve something bland or explicity offensive.

In some studies (Amoroso, 1970) subjects saw 27 slides projected on a screen for two and one half seconds each, and only twenty of which could be regarded as "pornographic" which means a total viewing time of fifty seconds for the erotic material. To conclude that pornography effects or does not effect behavior on the basis of such limited exposure and no control group would seem incautious at most.

SUMMARY AND CONCLUSIONS

1. The Commission on Obscenity and Pornography (majority report) is recommending major changes in laws and social policy in an area of controversy, public concern, and also in an are having health and welfare implications for adults and minors (e.g., remove all controls on pornography for adults and children—except, in the latter case, pictorial materials).

The basis for recommending these changes is that the Commission found no empirical scientific evidence showing a causal relationship between exposure to pornography and any kind of harm to minors or adults.

2. However it should be stated that conclusively proving causal relationships among social science type variables is extremely difficult if not impossible. Among adults whose life histories have included much exposure to pornography it is nearly impossible to disentangle the literally hundreds of causal threads or chains that contributed to their later adjustment or maladjustment. Because of the extreme complexity of the problem and the uniqueness of the human experience it is doubtful that we will ever have absolutely convincing scientific proof that pornography is or isn't harmful. And the issue isn't restricted to, "Does pornography cause or contribute to sex crimes?" The issue has to do with how pornography affects or influences the individual in his total relationship to members of the same as well as opposite sex, children and adults, with all of its ramifications.

The "burden of proof" or demonstration of no harm in a situation such as this, is ordinarily considered to be on the shoulders of he who wishes to introduce change or innovation. It might be noted that in areas where health and welfare are at issue, most government agencies take extremely conservative measures in their efforts to protect the public. In the case of monosodium glutamate which was recently removed from all baby food by government order, the evidence against it, in animal studies, was quite weak. However, because the remote possibility of harm existed, measures were immediately taken to protect children from consuming it.

3. The evidence the Commission presents does not clearly indicate, "no harm." There

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are also many areas of "neglect" relative to the Commission's studies of pornography's effects (e.g., no longitudinal studies, no in depth clinical studies, no porno-violence data, no studies in modeling or imitative learning, etc. etc.).

4. In the Commission's presentation of the scientific evidence there are frequent errors and inaccuracies in their reporting of research results as well as in the basic studies themselves. Frequently conclusions which are not warranted are drawn inappropriately from data. There is a frequent failure to distinguish or discriminate between studies which are badly flawed and weak and those of exceptional merit. But, most serious of all, data from a number of studies which show statistical linkages between high exposure to pornography and promiscuity, deviancy, affiliation with high criminality groups, etc. have gone unreported. This suggests a major bias in the reporting of results which raises a major issue of credibility of the entire report. Regardless of why it occurred, it suggests that at the very least, a panel of independent scientists be called in to reevaluate the Commission research and the conclusions which might be validly drawn from it before any major changes occur in laws and social policy regarding pornography's control.

APPENDIX

A. Sex crimes in the United States and pornography

The Commission after being criticized for inaccuracies in their early reports on incidence of sex crimes in America have made a number of corrections. However, it still is incomplete and a summary of this data would be in order here. Some have argued that because sex crimes have apparently declined in Denmark while the volume of pornography has increased, we need not be concerned about the potential effect in our country of this kind of material (because, essentially, of Denmark's benign experience). However two considerations must be noted. First we are a different culture with a greater commitment to the Judeo-Christian tradition; and secondly we are actually only a year or so behind Denmark in the distribution and sale of pornography. Hardcore written pornography can be purchased anywhere in the U.S. now. Hardcore still pictures and movies can now be purchased over the counter in some cities. Anything can be purchased through the mails. And in a few cities people can attend hardcore pornographic movies. About the only thing we don't have, which Denmark has, are live sex shows. What is most relevant are sex crime statistics in this country, not Denmark. Since it was in about 1960, at the beginning of the decade, that pornography began to flower in the U.S. relevant statistics should be examined carefully. One cannot impute cause and effect here, though the Commission infers it (in the other direction) with the Denmark sex crime data:

Reported rapes (verified): Up 116%, 1960-69 (absolute increase). Up 93%, 1960-69 (controlled for pop. growth).

Rape arrests: Up 56.6%, all ages 1960-69. Up 85.9%, males under 18 1960-69.

Source: Unified Crime Statistics 1970.

"Sex offenses" (homosexual acts, statutory rape, etc.): All ages: 1960-69: Down 17%. Under 18: 1960-69: Down 21%. This is a spurious not true decline. Is due to change in law enforcement policy, primarily involving homosexual acts between consenting adults—which are now rarely prosecuted though early in the decade were.—U.S. Justice Dept.

Source: Unified Crime Report 1970.

Prostitution and commercialized vice: Up 80.1%, 1960-69, all ages. Up 120.2%, 1960-69, girls under 18 (numbers are small here).

(NOTE.—The bulk of prostitutes are 15-24 years, peak age: 22, and only 13% of sex offenses (arrests) are women.)

Source: Unified Crime Statistics 1970.

Illegitimate births: 1. General Note: During decades 1947-67 rate of illegitimacy doubled per 1,000 never married females. 1960-67 illegitimacy ratio up 71% (which is the number of illegitimate births per 1,000 live births).

Source: P. 31, 1970 Natality Statistics.

2. Illegitimate birth rate: Under 15, 1940, 2.1; 1967 6.9 (350% increase). 15-19, 1940 40.5, 1967 144.4 (350% increase). During this period the population of the U.S. increased 50%.

Source: 1970 New York Times Enyclopediac Alamanac.

3. "The greatest current rate of increase in illegitimacy is with 15-19 year olds." (Source: page 31, 1970 Natality Statistics, U.S. Public Health Dept.)

V.D.—Gonorrhea: All ages: 1960-69: Up 76%.

Females 15-19: Up 52% 1965-68.
Females 20-40: Up 36% 1965-68.
Females 25-29: Up 25% 1965-68.

Source: V.D. Fact Sheet, 1969, U.S. Public Health Service.

Divorce rate: 1960, 393,000; 1969, 660,000. Up 70%. (2.2 per 1000 pop.) (3.3 per 1000 pop.)

Source: Monthly Vital Statistic Report, March 12, 1970, U.S. Public Health Service.

The above data suggest increases in most types of social pathology in the U.S. While this is associated with an increase in pornography, no claims as to a causal relationship can be made from this data.

B. Do people get satiated through over exposure to pornography?

In the Commission's single study investigating satiation of sexual arousal and interest in pornography after 15 days of heavy exposure to it on the part of 23 college males, they have pretty well demonstrated the obvious (e.g., that people can get weary of it). But as physician John Cavanaugh has commented, "It is generally recognized that the sex appetite and interest is the one most quickly satisfied but also the one quickest to return." Voltaire's Candide also found this to be true. Clinical experience indicates that a man may be stimulated by his partner's nude body for many years, even though there may be temporary periods of satiation as to need for sex and erotic stimulation. The periodicity of the sex drive suggests continued cycles of interest and satiation continuing throughout life. The Commission's conclusion implies that if people get all the pornography they want, they'll soon get tired of it and not want more. This is certainly one popular theory advanced by some students of the issue. But the evidence here suggests only that if college males are given a great glut of pornography in a laboratory setting they will temporarily satiate. But, essentially the same may be said of having sexual intercourse, eating, drinking, etc. Considering the limited time this experiment ran—not much more can be said about this issue. Another limitation of the Commission study was that it did not approximate a real life situation or use of pornography in one's own milieux. It involved a deliberate forced "over feeding" of pornography for pay. It also meant removing all clothing and putting on a loose robe, hooking up one's penis to a condom and electrodes, attaching electrical instruments to both ears, putting a bellows around one's chest, being observed through a one way window and sitting in an "isolation booth" for 1½ hours a day for 15 days.

According to other Commission studies (such as those by Charles Winick) of consumers of explicit sexual materials "out in real life" (e.g., patrons of "adult" movies and bookstores) 52% are regular customers and are "regular or heavy users" of erotica. In other words there is no evidence that people "satiate" in real life. The consumption of pornography is regulated to the tastes of the individual consumer. In Nawy's study of the "San Francisco Marketplace" 70% of the patrons of erotica he surveyed attend sex movies once a month or more. He also found that 49% of these people were currently having sex with two or more partners in and out of their households, and 25% had been having sex with 6 or more partners in the past year. Frequency of intercourse rates were very high for his sample suggesting that erotica may have a "booster or accelerating" effect on sex activity. In any event the data outside the laboratory where people are studied in their own environment and "on the hoof" suggest that those interested in erotica or pornography consume it regularly and for "sexual" reasons.

Berger (1970) in his survey of 473 working class adolescents concludes, "It would appear that even high levels of exposure to sexually explicit materials did not bore the young people who participated in this study." None of this is mentioned in the Commission report; even though all of this data comes from commission studies.

C. Ethical considerations in exposing young people to pornography

The Commission provided many of the researchers with a number of slides and movies depicting explicit hardcore pornography. Certain ethical issues might be raised in exposing large numbers of young people (18 and over) to what sometimes involved large quantities of pornography. And while consent was obtained, sometimes the young people (male and female) were brought together at the research room before being told that the experiment would involve being shown hardcore pornography. They were told that they need not participate if they did not wish to. However backing out at this point and conceivably "losing face" with their peers could create a problem for some people. Since the data from a number of studies did indicate that some people were "emotionally upset", sexually aroused, felt guilty, disgusted, etc., the ethical problems and protection of the rights of human subjects would be a matter for discussion and review here.

NATIONAL ENERGY CRISIS

Mr. GORE. Mr. President, at midnight tonight, unless some 11th hour action transpires, electric power rates will be increased an average of 23 percent throughout the area served by the Tennessee Valley Authority which includes nearly all of Tennessee.

No miracle is necessary to stop this highly inflationary increase in the cost of living and in the cost of doing business. It could have been forestalled by the President under powers given him by the Congress. Unless he has chosen, or between now and midnight chooses, to use these powers, then a very heavy burden will fall upon the people. Once in effect, these Nixon rates will be hard to throw off, but I will try to roll them back.

Though these higher electric rates fall heavily on the people of Tennessee, it is not within my region alone that power blackouts and brownouts are threatened this year. It is not in my State alone that schoolchildren, for the first time since the great depression, may be asked to stay home because there is not enough heat in the classroom to warm them. It is not alone in my mid-America, but along the eastern seaboard, too, that talk of rationing is serious conversation. Neither are we talking of another poverty problem—though it sounds like that—but of affluent people, living in otherwise comfortable homes, who in normal circumstances send their children to well-equipped schools.

The crisis to which I refer is not one caused by forces beyond our control, either. There were indications last evening that the administration would attempt to make it appear so when one of its spokesmen, Paul McCracken, asked Americans to be prepared for a fuel shortage this fall because disruption in Libya by Palestinian guerrillas—and those are his words—have disturbed our fuel oil supply.

This but diverts attention from the limitations on fuel oil imports imposed by Executive orders only recently, and from deliberate production limitations imposed by the oil industry in the Southwest for the purpose of holding up prices and profits. To blame Mid-East bandits for industrial banditry will never suffice to explain why the lights dim along the Atlantic this winter, or why Tennesseans pay more for less electricity.

I suggest, as others have, that the basic fuels from which we derive the energy necessary to our very survival are today concentrated in the hands of a relatively tiny band of super-rich men. These giant corporations not only manipulate supply and demand, but they are arrogantly trying, with the same wealth extracted from the public, to dictate who will serve the public in elected offices everywhere.

At the well's bottom, it is oil. The oil corporations now have effective monopolistic control of oil, natural gas, and coal. Thus, they control fossil fuels wherever it is raised from American soil and they control, too, much of the oil pumped from the tense Middle East. There is the strongest evidence that they dictate imports and exports, shutting and shifting that international valve to gauge and coordinate them with the opening and closing of domestic quotas—always to serve an insatiable demand for higher profits.

Moreover, these same interests now reach for control of nuclear fuel.

They have been benefitted by tax favoritism for years. They have lubricated the wheels of politics and fed political budgets of their supporters.

The result of inside political machinations will touch the pocketbook of every household and every business in Tennessee. This is particularly unfortunate for TVA customers because we have come to depend upon reasonably priced electricity to cook our food, to heat our homes, to milk our cows and to drive the wheels of our industry. Many poor people are going to find the high cost of power hard to pay, as is business and industry.

There appears to be spread out before us the complex, almost unfathomable, outline of a giant puzzle whose jigsaw pieces defy comprehension. The pieces keep changing shapes every time the hand reaches out to slide one into what seems at the moment its place. The pieces are slippery—as slick as oil—and the puzzle's object seems designed to assure that it is never sufficiently worked to allow a player to make out the picture.

But somebody goofed this time. Somebody got greedy and the patterns of trust cannot now be hid. Monopoly is clearly the name of this game. The victims are the people, almost all the people. I call on this body, in the obvious absence of administrative resolve, to become the instrument that saves the people from unbearable cost, unfair tax burdens, and almost total reliance upon manipulated control of the fuels essential to all our great public utilities, because the worst has not come.

It is time, I believe, that the ugly alliance between politics and oil be looked into.

It is time, I think, that the Congress determine the extent of unsavory influence.

I ask that the U.S. Senate, through the Antitrust and Monopoly Subcommittee, make a deep investigation of the economic factors behind this electric rate increase.

The national interest is involved. My appeal is not for the Tennessee Valley alone. As I have warned since 1966, a national crisis in energy is upon us.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 1135, Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana

The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the joint resolution.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business, Senate Joint Resolution 1, be temporarily laid aside and that the Senate turn to the consideration of S. 2453, which was laid before the Senate last night and which, the Senate was informed, we would take up about this time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, and I shall not object, for the record I would like to advise our colleagues that those of us who are deeply concerned about the refusal of the Senate on yesterday, for the second time, to permit the Senate to vote on electoral reform have not given up our efforts to try to persuade them to see that a different course of action might be in the better interests of the country. However, the Senator from Indiana is not inclined to impose his feelings and to inconvenience the Senate; and again I wish to express personal appreciation for the patience and tolerance of the distinguished majority leader.

Mr. President, I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows: S. 2453, a bill to further promote equal employment opportunities for American workers.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. WILLIAMS of New Jersey. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, we are taking up a very important bill.

The ACTING PRESIDENT pro tempore. The Chair will state that the Senator from New Jersey (Mr. WILLIAMS) has the floor.

He yielded to the Senator from Montana without yielding his right to the floor.

Mr. DOMINICK. Will the Senator yield to me?

Mr. WILLIAMS of New Jersey. I yield.

Mr. DOMINICK. We have a rather important bill here, as I am sure the Senator from New Jersey will agree. I think that the amendments I am prepared to

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offer are fundamental to the bill. I submitted them last night for printing. The Government Printing Office apparently is bogged down for some reason, and they have not yet arrived. We are checking on that now.

Since I think they are important, and that they ought to be available to Senators when we get around to debating them, it is my intention, as soon as I possibly can, to ask for a live quorum, to find out who is here and give us a little time to get these amendments up here.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. WILLIAMS of New Jersey. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business, Senate Joint Resolution 1, remain in a temporary status until the conclusion of morning business tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I do not believe the Senator understood my request.

Mr. ERVIN. I did not. I could not hear it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments in the nature of a substitute to S. 2453.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum. This quorum call will be live.

The ACTING PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Colorado for that purpose?

Mr. WILLIAMS of New Jersey. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that Eugene Mittelman, of the Committee on Labor and Public Welfare, may have the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that Rufus L. Edmisten and Lawrence M. Baskir, members of the staff of my subcommittee may have the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DOMINICK. Is there a rule that a Senator's staff member cannot be on the floor without unanimous consent?

The ACTING PRESIDENT pro tempore. There is no rule to that effect.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, to make it perfectly clear, is it not true that only four staff members of a committee may be allowed on the floor without unanimous consent?

The ACTING PRESIDENT pro tempore. Four staff members, pursuant to a regulation promulgated by the Committee on Rules.

Mr. DOMINICK. Mr. President, I ask unanimous consent that my own staff member, Mr. Wise, who is also really a member of the committee staff on the minority side, may have the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that Mr. Blackwell, Mr. Nagle, and Mr. Ellisberg, of the committee staff, may have the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 339 Leg.]

Allen
Boggs
Byrd, W. Va.
Dodd
Dole
Dominick
Eagleton
Ervin
Griffin
Hatfield
Javits
Kennedy
Mansfield
McCarthy
McIntyre
Pell
Thurmond
Williams, N.J.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. Byrd), the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico, (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Jordan), the Senator from Alabama (Mr. Sparkman), the Senator from Texas (Mr. Yarborough), the Senator from Ohio (Mr. Young) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Goodell), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Iowa (Mr. Miller) is detained on official business.

The PRESIDING OFFICER (Mr. Eagleton). A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Anderson
Baker
Bayh
Bible
Brooke
Burdick
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Eastland
Ellender
Fannin
Fong
Fulbright
Goldwater
Gore
Gurney
Hansen
Hart
Holland
Hollings
Hughes
Jackson
Jordan, Idaho
Long
Mathias
McClellan
McGovern
Metcalf
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Spong
Stevens
Symington
Talmadge
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER. (Mr. Eagleton). A quorum is present.

The Senate will be in order.

The question is on agreeing to the committee amendment in the nature of a substitute. The Senator from New Jersey is recognized.

Mr. DOMINICK. Mr. President, we have all kinds of amendments to the committee amendment. I thought we would follow the normal procedure and have the Senator from New Jersey outline the bill before we presented amendments.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. GRIFFIN. Mr. President, before the Senator begins his statement, will the distinguished chairman yield for a brief interruption that might be helpful to Members of the Senate?

Mr. WILLIAMS of New Jersey. I yield.

Mr. GRIFFIN. Mr. President, a number of Senators are very much interested in this bill and they are trying to become acquainted with it, and they consider it very important. I have just asked for a copy of the printed hearings and I do not seem to be able to get copies from the pages. I wish to ask the chairman of the committee whether there were hearings and, if so, whether they were printed and are available.

Mr. WILLIAMS of New Jersey. There were hearings and printed copies certainly should be available.

I have copies of the hearings, as well as the report, on the desk.

Mr. **GRIFFIN**. They are printed and available?

Mr. **WILLIAMS** of New Jersey. Yes.

Mr. **MANSFIELD**. Mr. President, will the Senator from New Jersey yield?

Mr. **WILLIAMS** of New Jersey. I yield

ORDER FOR ADJOURNMENT TO TOMORROW

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(Later in the day the above order was changed to provide for the Senate to adjourn until 11 a.m. tomorrow.)

ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY, OCTOBER 2, 1970

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 noon Friday.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY, OCTOBER 5, 1970

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 12 noon Monday next.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EQUAL OPPORTUNITIES ENFORCEMENT ACT

The Senate continued with the consideration of the bill (S. 2453) to further promote equal employment opportunities for American workers.

Mr. **WILLIAMS** of New Jersey. Mr. President, too often when we discuss the need for equal employment opportunity, we focus on the desirability of insuring "fairness" in employment, the "right to have a decent job", and the obligation of all citizens to help our disadvantaged Americans. However, in these discussions, we somehow fail to perceive that this area too is an important part of our basic law and order problem. The fact is that many of the institutions and individuals in our society responsible for providing equal employment opportunity, are deliberately disregarding their obligation to contribute to law and order in society when they violate the Civil Rights Act of 1964. As we all know, that act declares that it is an unlawful employment practice to fail or refuse to hire or promote, or to otherwise discriminate against a person with respect to his employment because of race, color, religion, sex or national origin. When these violations take place, they cause the loss of economic security and the inability to maintain a decent household just as surely as the burglar in the night steals money, savings, and possessions.

I think it is useful in illustrating the results of this continued and flagrant disregard of the law to examine into this unlawful conduct as it affects the ability of so many members of minority groups in this country to participate in the economic life of our society.

The statistics are vivid and I would like to recite just a few of the more significant results. In 1969 the average unemployment rate for Negroes and other minorities was 6.4 percent. By comparison, the rate of white unemployment was less than half—3.1 percent. For minority youth, in 1969, the unemployment rate was 19 percent, while the unemployment rate for white youth was 7.9 percent.

By July of 1970, the unemployment rate for minorities had leaped to 9.3 percent, compared with a white unemployment rate of 4.8 percent. The unemployment rate of nonwhite teenagers skyrocketed to 28.7 percent.

Looking at the problems in dollar terms, the median family income of Negroes was $5,999 in 1969. This was 39 percent less than the median family income of $9,794 for white families.

The outlook for the future is equally grim unless new efforts are made.

Just a little more than 6 years ago, Congress enacted Title VII of the Civil Rights Act of 1964. This act recognized the prevalence of discriminatory unemployment practices in the United States and the need for Federal legislation to deal with the problem of such discrimination.

Title VII of the Civil Rights Act established the equal employment opportunities commission as an independent bipartisan agency charged with the administration of the act's substantitive provisions.

The act contemplated informal methods of conciliation and persuasion as the primary mechanism for obtaining compliance. Only when a pattern or practice of resistance to the statutes was indicated did it make provision for enforcement by the Government and then only by the Attorney General.

Title VII quite frankly has not been a notable success. In 1964, employment discrimination tended to be viewed as a series of isolated and distinguishable events, for the most part due to ill will on the part of some identifiable individual or organization. It was thought that a scheme that stressed conciliation rather than compulsory processes would be most appropriate for the resolution of this essentially human problem, and that litigation would be necessary only on an occasional basis in the event of determined recalcitrance. Unfortunately, this view has not been borne out by experience. Not enough is being done to obey the act and improve the situation. In its first 5 years of existence, the Equal Employment Opportunity Commission has received over 58,055 actionable charges of which approximately 50-percent complained of discrimination because of race; 22 percent were concerned with sex discrimination, with the remainder of the charges involving national origin and religion.

Furthermore, during each year of the Commission's existence, the number of charges coming per year has increased in fiscal year 1970 alone, the commission received 17,780 new charges, and the indications for the current year are that incoming charges will continue to multiply at the same rate.

Compliance reviews and employment surveys continually reflect the same traditional situation. Minority workers—Black, Spanish-surnamed, Oriental, Indians—are relegated to the lowest paying, least desirable jobs—if they get hired. Often, seniority systems further perpetuate the problem by locking the minority worker into a line of progression that tops out at an hourly income far below the highest positions in an all-white line of progression.

The burden of unfair employment practices does not just fall on our minority citizens. A major area of compliance ignored by employers is the rights of female workers.

There were 30.5 million women workers 16 years of age and over in the United States in 1969. In fact, about 40 percent of all workers are women. More than three million or 8 percent of all women who were not working in 1969, reported that they wanted jobs. I wish to stress that women who are working or who express a desire to work are not necessarily women who have chosen to pursue careers for their own satisfaction.

Many families absolutely cannot manage without the mother's earnings. Of all working mothers with children under 6 years of age in March 1969, one-third were either widowed, divorced or separated from their husbands, or had husbands whose incomes in 1968 were below $5,000.

Nevertheless, employers continue to discriminate against female workers and, in particular, I am talking about money. In 1968, the average American woman who worked full time earned only $58.20 for each $100 earned by the average American man. Furthermore, Government figures indicate that even a high degree of education and training does not necessarily bring the woman a salary comparable to a man's. In 1968, a woman with 4 years of college was typically earning $6,694 a year while a man with an 8th grade education averaged $6,580—just a fraction less. Remember we are often talking not just about woman's right to use her resources for self-fulfillment, we are also talking about a woman's right to be able to provide for her children. Without a doubt, the problem of female underemployment presents deep sociological ramifications, and employers, employment agencies, and labor unions cannot deny the responsibility they have to abide by the law and therefore work to treat women on an equal basis with men.

All of this statistical data and recitation of the sad history of compliance with this act has very real significance to our efforts in trying to make a better world in which we live. Unless we are able to bring some measure of hope for progress for a better life in our society to the sons and daughters of our citizens and make absolutely clear that they have a stake in the system, we are all going to suffer with their disillusionment.

XUM

I realize that enactment of this bill will not automatically and overnight end employment discrimination in this country. But this bill will take us forward. The time has come to bring an end to job discrimination once and for all and to insure to every American the opportunity to the decent self-respect that goes with a job. The hopeful prospects that title VII offered millions of Americans in 1964 must be revised and brought to fruition if we are to contribute to maintaining a healthy society and a nation dedicated to justice.

The bill, as reported by the committee, provides for significant revisions in the primary enforcement mechanisms of title VII. The Commission would continue to seek voluntary resolution of disputes, but if conciliation efforts were unsuccessful, the Commission would be authorized to issue complaints, hold hearings, and where unlawful employment practices are found, issue appropriate orders subject to review by the courts of appeals. Upon petition by either the Commission, the respondent, or the person alleged to be aggrieved, a court of appeals may enter an order enforcing, modifying, or setting aside the order of the Commission. In accordance with the recommendations of the Administrative Conference of the United States, petitions for review must be filed within 60 days of the Commission's order. This avoids the burdensome experience encountered by the NLRB, which alone among all regulatory agencies, does not possess authority to issue orders that are in some measure self-enforcing.

XUM

The committee has taken pains to see that the rights of all parties to EEOC proceedings are protected. The right to a hearing on the record before a disinterested trial examiner is specifically provided for, and all proceedings must be conducted in accordance with the Administrative Procedure Act. Interested persons may intervene or appear as amicus curiae, and all parties to proceedings before the Commission may take part in any review in the court of appeals. Finally, provision is made for review by the U.S. Supreme Court as provided in 28 United States Code 1254.

The bill also contains provision for individual recourse to the Federal district courts if the Commission dismisses a charge, or if it has not issued a complaint or entered into a conciliation agreement agreeable to the parties within 60 days after filing of a charge. Under certain circumstances, the private right of action would also obtain if the Commission has issued a complaint but taken no action on it for 6 months. In any event, duplication of proceedings is avoided by termination of one at the commencement of the other. For example, if an individual should perfect and exercise his right of court action, the Commission would thenceforth be divested of jurisdiction over the matter. Likewise, if the Commission issued a complaint and proceeded with reasonable speed, its jurisdiction would remain exclusive prior to the institution of enforcement or review proceedings in the court of appeals. The committee concluded that this scheme would protect aggrieved persons from undue delay, as well as prevent respondents from being subjected to dual proceedings.

Two other significant changes were made in the statute's enforcement provisions: First, with respect to cases pending before the Commission at the time of the bill's enactment, court enforcement rather than cease-and-desist mechanisms would be available to the Commission—this should obviate time difficulties involved in "tooling up" cease-and-desist machinery, and second, the authority of the Attorney General to institute court actions directed at "patterns or practices" of resistance to the act would be transferred to the Commission after 3 years, contingent upon certification by the Attorney General and three members of the Commission that such transfer would be appropriate.

The bill also makes a number of changes in the coverage of the act. Title VII's jurisdiction is expanded over a period of 3 years to reach employers and unions with eight or more employees or members; it is also extended to State and local governments, and educational institutions. In addition, provision is made for transfer of the Civil Service Commission's equal opportunity responsibilities with respect to Federal employment to the EEOC. All of these changes are intended to provide for a more universal and effective application of the national policy against job discrimination.

The bill would make a number of other changes in title VII involving filing requirements for charges, Commission organization, terms and compensation of members, and revision of the recordkeeping requirements of section 709(d) to lessen the duplicatory effect of overlapping Federal and State regulations. The investigations language of section 11 of the National Labor Relations Act has also been incorporated to complement the new enforcement authority bestowed on the Commission.

In the interest of time, I leave further explanation of the bill's provisions to the debate which will follow. I would urge the Senate to proceed with a sense of urgency, and recommend the bill's prompt passage. This legislation is long overdue and can wait no longer.

Mr. JAVITS. Mr. President, I fully support S. 2453, as reported out by the Committee on Labor and Public Welfare. I think this is a most significant bill for the United States, because it deals with one of the principal causes of tension in this country.

There are generally ascribed three causes for such serious domestic problems as we have. One is the Vietnam war, the second is the rebellion of youth, as shown by the so-called college disturbance syndrome, and the third is racial tension.

This is a landmark measure, an effort to bring up to date the historic Civil Rights Act of 1964.

While I speak on this point, Mr. President, I should mention the name of Everett Dirksen, our late minority leader. Without Everett Dirksen, there would never have been a Civil Rights Act of 1964. Though he was one of the principal factors in the construction of this particular provision, the equal employment opportunity provision, in the form which it took, which was rather pallid and has been proved to be inadequate by time, he was deeply convinced it was necessary at that time to leave it in that form in order to have this landmark legislation pass at all.

I believe now, after 6 years, the time is properly before us to endeavor to repair what has been shown to be an inadequate structure in a critically important field so far as minorities are concerned. So I call this a piece of unfinished national business.

In title VII of the Civil Rights Act the Congress guaranteed to every American the right to be free from racial or religious or sex discrimination in employment. We also established the Equal Employment Opportunity Commission to administer the law but, unfortunately, as the result of compromises necessary to overcome a filibuster, we had to agree to strip the Commission of any effective power to enforce the act. Thus, under present law, if the Commission is not successful in inducing voluntary compliance with the act, it is up to the person who is the subject of the unlawful discrimination to institute his own law suit against the employer or union guilty of violating the law, unless it can be shown that a pattern or practice of discrimination exists, in which case the Justice Department has the power to sue.

The purpose of S. 2453 is to remedy this wide gap in the Civil Rights Act of 1964 by granting to the Equal Employment Opportunity Commission the power to issue administrative cease-and-desist orders similar to those issued by other administrative agencies, such as the National Labor Relations Board.

When the 1964 act was under consideration, I and a number of other Senators were convinced that a governmental agency with some form of enforcement power was absolutely necessary to guarantee the fulfillment of the basic rights created by title VII of the act. We had to swallow hard to accept the emasculation of the Commission necessary to secure the votes needed for cloture.

Sadly enough, experience under title VII to date has borne out the worst of our fears. Conciliation alone—really only sweet talk at best—has not succeeded in ending discriminatory employment practices, nor does it show any reasonable promise of doing so. The statistics of the cases before the Commission speak for themselves: By mid-1969, 4 years after the effective date of the 1964 act, the Commission had investigated over 24,000 charges and had found reasonable cause to believe unlawful practices had been committed in over 63 percent of them. Less than half of these cases were successfully conciliated by the EEOC, leaving over 8,000 cases in which vindication of the rights of charging parties had to depend on either the Attorney General bringing a pattern or practice suit or their bringing their own lawsuits. Out of these 8,000 cases fewer than 100 pattern or practice suits, and probably no more than 200 private suits, were filed.

These numbers add up to a stark failure to make a reality of the guarantees of equal employment opportunity contained in title VII, and demonstrate beyond doubt the need for legislation giving the EEOC power to enforce title VII.

Mr. President, the tables which are contained on page 5 of the committee report not only bear out the figures I have just given, but also demonstrate that the situation, both in discrimination on account of color and other minority distinctions, and on the ground of sex, has not very materially improved in the years since 1964; hence, the validity of our being here with this act and the critical importance of making it into Federal law.

This matter has been pending for a long time. There still are controversies which will need to be settled by the Senate, but I hope very much the general disposition will be to settle them expeditiously and to get on with the fundamental promise which is contained in the Civil Rights Act of 1964.

I may say, too, Mr. President—and I think this is a great tribute to the sense of decency and the sense of justice in our country—that I see a new attitude by those who on ideological or policy grounds or grounds of principle opposed all Federal civil rights legislation. The effort, as I see it now, is to do their utmost, in accordance with their rights, to shape the legislation according to the way they feel it ought to be shaped, but no longer to go for the jugular, as it were, and to seek to kill it by filibuster or otherwise. I think this is a much more creditable pattern than we faced at other times in the last two decades and that the country should take great heart from it. I should like to pay my respects and credit to the men who were intelligent enough and understood the national will enough so that they could adapt their own attitudes, which are deeply and sincerely held, to what is properly the national pattern in respect of civil rights legislation today.

APPROPRIATENESS OF CEASE-AND-DESIST POWER

I believe that the most appropriate type of power for the Commission is the traditional cease-and-desist order remedy available to other administrative agencies with essentially quasi-judicial functions, such as the NLRB. This leads me to disagree with the administration proposal to permit the Commission to initiate proceedings in the Federal district courts, although I recognize that even that procedure would be a great step forward over existing law.

All of the traditional arguments usually advanced to justify the administrative order approach are fully applicable to the EEOC. Thus, there is clearly a need for uniformity in decisions under title VII which a single decisionmaking agency can much better insure—at least until the Supreme Court decides a number of cases—than the different Federal courts can. There is also a great need for expertise in interpreting and applying the provisions of title VII which only a specialized agency can insure. For example, one of the most critical areas under title VII is testing of applicants for employment. Whether or not a given test is appropriate in a given case presents difficult psychological and sociological issues, as well as difficult problems in the analysis of job content and personnel policy. The Commission has already initiated important work in this area, but under the administration's proposal it will have to educate not only itself, but every Federal judge in the country on the proper resolution of these issues.

There is also the question of speed in case handling. While it is true that the Commission now has a large backlog of cases, its calendar is certainly no worse than that in some of our busier district courts. The committee bill does include provisions encouraging the Commission to dispose of cases within 6 months; that figure will rarely, if ever, be attained in Federal district courts.

For these reasons, I support the granting of cease-and-desist power to the EEOC, as S. 2453 does, and shall oppose the administration proposal to permit direct court enforcement.

EXPANSION OF COVERAGE—EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

S. 2453 makes several other highly desirable changes in existing law, among which are the expansion of coverage to include employees of employers with eight or more employees, employees of educational institutions, and employees of State and local governments.

Coverage of State and local governments, in particular, is a change which I long have urged. Of all the classes of employment which should be subject to title VII the most obvious, it seems to me, is employment in State and local government which, under the 14th amendment, must be free from arbitrary discrimination.

As noted in the committee report on the bill, the employment discrimination problem is particularly acute in those governmental activities which are most visible to the minority communities—notably education, law enforcement, and the administration of justice—with the result that the credibility of Government's claim to exist "for all the people—by all the people" is called into serious question. This point was made particularly strongly by the Civil Rights Commission in its 1969 report on equal opportunity in State and local government employment. The Commission found that minorities are denied equal access to State and local government jobs through both institutional and overt discriminatory practices. Perpetuation of past discriminatory practices through de facto segregated job ladders, invalid selection techniques, and stereotyped supervisory opinions as to the capabilities of minorities as a class were found to be widespread, and if anything, more pervasive than in private employment.

When the special nature of the State and local governmental activity involved is considered, the case for ending this kind of discrimination is even stronger. As the Commission pointed out in the introduction to its report:

> State and local governments are the nearly constant companions of every citizen of the United States. Most personal contacts with governments—so routine as to be taken for granted—are with State or local government. Policemen, firemen, and garbage collectors are included in its work force. From the time a birth is recorded at the city or county health department, to the time a burial permit is issued by the city or county, the daily activities of the citizen—education, employment, commerce, recreation—bring him into constant contact with State and local governments."

TRANSFER OF OFCC AND PATTERN OR PRACTICE SUITS

One of the more controversial changes which the committee did not make in existing law is the transfer to the EEOC of the Office of Federal Contract Compliance, which is responsible for implementing the nondiscrimination and affirmative action requirements of Executive Order 11246 covering Federal contractors. This transfer was contained in S. 2453 as originally introduced, but was stricken from the bill by the unanimous vote of the Committee on Labor and Public Welfare. I strongly support the committee's action in striking the transfer relating to OFCC. Transfer, at least at this time, would be highly undesirable for the following reasons:

First, the Commission presently has a large backlog of cases. It is almost 2 years behind in processing its caseload. We have tried to help the Commission by appropriating the administration's full budget request in order to give the Commission additional manpower, but the fact is that the Commission is now overloaded and will remain so for some time. Giving the Commission enforcement power under title 7 will further increase its workload greatly. Under these circumstances it would be inappropriate to give the Commission the added responsibility for enforcement of Executive Order 11246.

Second, the nature of the Executive order program, involving as it does the cooperation of every single Federal executive agency, requires that its implementation come from the highest level of Government. A Cabinet-level officer, such as the Secretary of Labor can, with complete propriety, consult with the President with respect to implementation of the Executive order program and speak with the President's authority when issuing orders for compliance with its provisions by other Federal agencies and their contractors. The Chairman of the Equal Employment Opportunity Commission, an independent quasi-judicial agency, is not a Cabinet-level officer, and could not speak with a direct line of authority from the President without severely impeding his status as a quasi-judicial officer.

Third, there are sound political reasons for not, at this time, concentrating the entire equal employment opportunity program of the Federal Government in one agency. It is still of vital importance in achieving equal employment opportunity that the public recognize that all agencies of the Federal Government are committed to achieving this goal, not just one independent agency. Furthermore concentration of all equal employment opportunity activity in one agency would make it extremely easy for those who are opposed to the achievement of full quality of employment opportunity in America to strangle the program through a limitation on appropriations.

Fourth, the problems of coordination which existed among the various Federal programs dealing with equal employment opportunity have largely been solved through the steps which this administration has taken to insure much closer harmony among the Civil Rights Division of the Justice Department, the OFCC, and the EEOC. In particular, the EEOC and the OFCC have entered into a memorandum of understanding designed to avoid overlap, conflict, and duplication of the kind which regrettably did exist in prior years.

Finally, and this is the heart of the matter, the potential significance of the ongoing OFCC program, compared to the title 7 program, particularly in the short range, is such that any proposal to transfer the OFCC program to the EEOC at this time would be like the tail wagging the dog. The virtue of the OFCC program is that it makes it possible to achieve fairly immediate broadscale impact in given areas and industries. The Philadelphia plan, which has more than met its first-year goals, is an example of the type of program that can be generated under the Executive order, with its "affirmative action" requirements, which cannot be implemented under title 7. Title 7 involves a case-by-case, complaint-oriented approach, and requires affirmative action only in response to proven cases of discrimination. While the EEOC and the courts will undoubtedly accomplish a great deal through judicious use of this power over the course of time, it simply cannot be brought to bear immediately, in the manner OFCC has been doing now under the Executive order.

It bears emphasis, in this connection, that this administration after a slow start, for which it received justifiable criticism, has demonstrated beyond doubt that it means business with the OFCC program. In addition to the Philadelphia plan, plans have been promulgated or are in the process of being promulgated for Washington, D.C., and a number of other cities. Moreover, order No. 4 of the Department of Labor has been promulgated spelling out affirmative action requirements for all Federal contractors, not just those under specific plans or in the construction industry.

What a tragedy it would be if a bill designed to strengthen equal employment opportunity of Americans should be transformed into one which would vitiate the only program now in existence making any substantial progress toward that end.

Mr. President, I ask unanimous consent that releases from the Department of Labor concerning Philadelphia-type plans, Order No. 4, sex discrimination guidelines, and a memorandum describing OFCC accomplishments be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, some of the factors I have just discussed also apply to the refusal of the committee to provide for immediate transfer of "pattern or practice" suits from the Justice Department to EEOC. The committee was of the belief, and I share that view, that a transition period will be necessary to permit the Commission to hire the staff and gain experience in handling its new enforcement responsibilities. It would be a waste of time and resources if, during this transition, we should forgo use of the expertise gained by the Justice Department in prosecuting pattern or practice suits and the services of the trained lawyers in the Civil Rights Division. Hence, I support the provisions of the bill which permit transfer of pattern or practice suits after 3 years if the Attorney General and a majority of the Commissioners agree that the EEOC is ready to handle such suits.

The other controversial transfer provision in the bill is section 715, which gives the EEOC, rather than the Civil Service Commission final responsibility for assuring equal opportunity for Federal employees. This provision does not mean that the EEOC will take over the function now being performed by the Civil Service Commission in this area, but merely that it will have the final rulemaking and review power. The committee expects the EEOC to delegate much of its responsibility back to the Civil Service Commission. As the committee report states:

> Internal problems posed by regulating certain aspects of Federal employment practices through an agency not having the primary responsibility for personnel matters is avoided through the use of a rulemaking scheme, rather than flat application of the statute. This will permit the Equal Employment Opportunity Commission to delegate responsibility for certain aspects of the program to the Civil Service Commission, while retaining ultimate review authority and the power to issue appropriate guidelines and standards. It is expected that the Commission will, in exercising its rule-making powers in this area, work closely with the Civil Service Commission in developing orderly and efficient procedures for eliminating unlawful discrimination in Federal employment.

The committee report also summarizes very well the shortcomings of the existing program for Federal employees and I ask unanimous consent that a portion of the report—pages 8 to 9—dealing with this matter be printed in the RECORD.

COVERAGE OF SEX AS WELL AS RACIAL AND RELIGIOUS DISCRIMINATION

In conclusion, I would like to call attention to the fact that title 7, and hence this bill, covers discrimination in employment on account of sex as well as race, color, religion, and national origin. While much of the impetus for this bill comes from the need to end discrimination against racial and religious minorities, it is too often overlooked that sex discrimination is an equally urgent problem in America. The committee report calls attention to the regrettable fact that the proscription of sex discrimination in title 7 has been regarded in some circles as a kind of legislative accident. So far as this committee, and this Senator, are concerned, nothing could be further from the truth.

The committee report contains a table which demonstrates the truly invidious discrimination faced by women in the employment market today. I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection the table was ordered to be printed in the RECORD, as follows:

NATIONAL AVERAGES OF ANNUAL WAGES FOR FULL-TIME, YEAR-ROUND WORKERS, 1968[1]

Occupation	Men	Women
Professional and technical workers (includes doctors, lawyers, science, draftsmen, etc.)	$10,151	$6,691
Nonfarm managers, officials and proprietors (includes office managers, local, State and Federal Government officials; business owners, etc.)	10,340	5,635
Clerical workers (includes bookkeepers, file clerks, stenos, etc.)	7,351	4,789
Operatives (mostly factory workers)	6,738	3,991
Service workers (excludes private household workers; includes laundry workers, barbers, beauty operators etc.)	6,058	3,332
Salesworkers	8,549	3,461

[1] Latest figures available.

Source: Women's Bureau, U.S. Department of Labor.

Mr. JAVITS. Mr. President, it seems clear to me that despite such measures as the equal pay in employment, in the Fair Standards Labor Act, and inclusion of sex discrimination in title VII, there is a long way to go before discrimination on grounds of sex with respect to employment is truly ended.

Therefore, I believe that the firming up of the procedures and the strengthening of the procedures by which this may be done in the bill should be of most burning interest to all those who are supporting the drive for equality of women's rights. I hope very much that they will regard this bill as an element of implementation in that regard.

Thank you, Mr. President. I yield the floor.

EXHIBIT 1

MEMORANDUM FROM DEPARTMENT OF LABOR REGARDING OFCC ACCOMPLISHMENTS

On February 4, 1969, the U.S. Commission on Civil Rights presented to the Secretary of Labor an evaluation of the Federal Contract Compliance Program. This report from the Commission concluded that the Federal Contract Compliance program had not achieved its maximum potential in delivering EEO to minority groups primarily for these reasons.

1. Lack of staff resources; 2. lack of standards to contractors and to contracting agencies; and 3. lack of systematic approach to program administration.

Since receiving the Commission's evaluations and recommendations concerning the contract compliance program, the OFCC, under the leadership of the Secretary of Labor, George P. Shultz and Secretary of Labor James D. Hodgson, and Assistant Secretary of Labor Arthur A. Fletcher, has instituted measures under which the Federal Contract Compliance program has achieved maximum capabilities to deliver Equal Employment Opportunities to minority groups:

1. Staff resources of the OFCC have tripled. In addition, the staff resources of the compliance agencies that are under the guidance of OFCC in administering the EO are also expected to triple. 2. Uniform and effective compliance standards have been de-

veloped for the benefit of the contractors, contracting agencies and minority groups. These standards include (a) *model-area-wide agreements* containing goals and timetables for the utilization of minorities in the construction industry; (b) *Order No. 4* containing the requirement of goals, targets and timetables for the employment of minorities in all industries other than construction; (c) *Guidelines on sex discrimination;* and (d) an affirmative action program requirement similar to Order No. 4 is under development to be applicable to sex discrimination. 3. The program is now very soundly and effectively administered under the leadership of Assistant Secretary Fletcher, who has become a national leader in the field of equal employment opportunity.

Outlined below is only a partial list of accomplishments thus far that have resulted from the above-increased resources, improved standards, and the leadership of Assistant Secretary Fletcher in the Department of Labor.

1. CONSTRUCTION INDUSTRY

In this important industry, there have been established area-wide agreements in 14 major cities. These area-wide agreements will create 25,000 jobs for minorities in the skilled crafts. There are now activities underway for establishing similar voluntary agreements in an additional 88 cities where interested parties have requested the assistance of the OFCC in establishing voluntary agreements in their hometowns. The agreements in these cities will produce a total of 175,000 jobs for minorities in the skilled crafts in this important industry.

2. OTHER INDUSTRIES

In other industries Order No. 4, calling for goals and timetables for providing minority opportunities, have resulted thus far in over 15,000 projected opportunities for minorities in five companies alone. For Fiscal Years 1971 and 1972, the systematic plans developed by the OFCC project 2½ million hiring and promotion opportunities for minority groups with Federal contracts.

News Release of February 9, 1970

A national program for achieving equal employment opportunity in Federally-funded construction work in 18 U.S. cities was announced today by Labor Secretary George P. Schultz.

The Labor Department's 1970 compliance program for the construction industry calls for special efforts to develop equal employment opportunity programs in these cities including possible installation of "Philadelphia-type Plans" for those local communities which are unable to develop on their own initiative acceptable area-wide agreements.

The cities—covering all major regions of the country—are:

Atlanta, Boston, Buffalo, Cincinnati, Denver, Detroit, Houston, Indianapolis, Kansas City, Los Angeles, Miami, Milwaukee, Newark, New Orleans, New York, San Francisco, Seattle and St. Louis.

Based on indications of need and availability of limited resources, the Office of Federal Contract Compliance first would focus attention on six "priority" cities.

The six priority cities are Boston, Detroit, Atlanta, Los Angeles, Seattle and Newark.

Recognizing that underutilization of minority group members in some construction crafts has become a widespread problem, the Labor Department has examined several criteria in selecting the 18 cities.

The criteria include: labor shortages, availability of minority craftsmen, number of minorities, volume of Federal construction, minority representation in critical trades, labor market location, total area population, proportion of minorities in total population and cohesion of minority organizations.

Under the Philadelphia Plan concept, bidders on Federally-assisted construction projects exceeding $500,000 must submit affirmative action plans setting specific goals and timetables for hiring minority-group members in higher-paying crafts.

"We have made it quite clear that in solving these problems of the cities we favor voluntary, area-wide agreements to the imposition of specific requirements by the Government," Mr. Shultz said. "In fact provision for such agreements was written into the original Philadelphia Plan."

"I, therefore, urge contractors, unions, minority group organizations and local officials in these 18 cities to speed development of area-wide agreements that would make equal employment in construction work a reality."

Secretary Shultz said his agency "stands ready right now to help the parties in every possible way to reach their own agreements that will meet the requirements of Federal equal opportunity regulations."

He offered technical assistance to the parties, saying the Labor Department is able to provide them with appropriate guidelines and suggested ingredients for model area-wide agreements that will meet Federal requirements.

Parties interested in more details about model agreements or technical assistance are invited to write: Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210.

The compliance effort outlined by the Secretary is being carried out under provisions of Executive Order 11246. This Presidential directive prohibits discrimination in Federal contract work on the basis of race, color, religion, sex or national origin and requires contractors to take affirmative action to insure equal job opportunity.

Model Areawide Agreement

(Note.—The purpose of this "model" is to set forth suggested ingredients for areawide agreements. The language should not be considered "boilerplate", i.e., a standard or unvariable format. It is recognized that adjustments for local conditions will often need to be made. Nonetheless this model should provide a useful framework for communities endeavoring to work out areawide agreements designed to provide approvable affirmative action programs for equal employment opportunity.)

1. *Statement of Purpose:* The purpose of this Agreement is to increase minority employment and consequent union membership in the construction industry in this area. Unions, Contractors, Building Trades Council, General and Specialty Contractors Associations, participating community officials and other parties representing and concerned with the minority community pledge themselves to achieving this objective.

2. *Participants:* The participants in this program shall be the Building Trades Council, the General Contractors Association, the Specialty Contractors Association and other parties concerned with increasing minority employment in the construction trades. The other parties may include minority civic organizations, minority training and recruiting organizations, and public officials of state or local governments.

3. *Goals:* The plan should include specific numerical or percentage goals for new minority employment in the construction industry in the area for the coming year, and estimates of increases in future years. Specific increase goals should be established equitably among the trades, taking into account the wishes of minority persons seeking employment and the history and level of minority participation in the particular trades. Numbers to be agreed upon as overall goals shall be based on such factors as anticipated increases in the labor force, comparison with existing levels of apprenticeship programs, anticipated industry needs or other factors considered relevant by the parties.

4. *Scope:* This agreement covers all construction work performed by contractors who are members of the participating Association, and is not limited to Federal or Federally-assisted construction, and all work of any other contractors who may sign this Agreement.

5. *Implementation:* Development of the program and its policies should be undertaken jointly by labor and management with suitable participation and involvement of other parties to this Agreement. The Agreement should provide for an impartial chairman to resolve disputes in its administration. In the administration of the plan, it is recognized that because recruitment, counselling, classification of applicants' assignment to the trades and follow-up on the operation of the program is of special concern to the minority community that community should be extensively involved in these phases of the program. Administration may require a full time staff person or such other regular arrangements as the parties can work out. Staff persons should be sensitive to the problems of the minority community and knowledgeable in the construction trades.

6. *Elements in the Program:*

a. *Recruitment and counselling.* An extensive recruiting and counselling program shall be undertaken in the minority community, publicizing and advising the members of that community of the opportunities available under this program.

b. *Classification of minority applicants.* Minority applicants shall be classified on the basis of their experience as follows:

1. *Journeymen.* Persons who (1) are licensed by public authority in a trade, (2) have in fact functioned as a journeyman, (3) have performed at a level of skill equivalent to that of a journeyman, (4) have completed the Advanced Trainee Program under this agreement, (5) otherwise qualified. Journeymen shall be advised of their classification in writing. When covered by a labor contract they shall be paid the journeyman rate as established by collective bargaining and admitted to full union membership in accordance with established practice for non-minority employees.

2. *Apprentices.* Minority persons who have equivalent experience or meet existing valid qualifications and so desire they shall be eligible for admission to the relevant apprenticeship program on the same basis as others.

3. *Advanced trainee.* Persons not qualified as journeymen who have some related training, construction experience or its equivalent but do not meet the requirements of or seek admission as apprentices shall be eligible for placement in job-related training programs which seek to assist them in becoming journeymen within a reasonable period. They shall be paid at appropriate apprenticeship rate levels and may be advanced to Journeyman more rapidly than established apprenticeship time sequences if they reach higher proficiency levels more rapidly.

4. *Trainees.* Persons not qualified as journeymen or advanced trainees or apprentices, or who do not wish to be apprentices shall be eligible for employment and placed in job related training programs which seek to permit them to become advanced trainees within a year. Trainees shall be paid at a rate equivalent to that paid apprentices of comparable levels of proficiency and may be made advanced trainees within a year if they reach that level of proficiency.

c. *Fulfillment of Goals.* Employment of minority persons as apprentices, advanced trainees and trainees shall be counted toward fulfillment of the goals set forth in paragraph 3.

d. *Training Programs.* Training programs for trainees and advanced trainees shall be

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established which shall provide, as nearly as may be practical, the education equivalent in quality and content to the training programs afforded apprentices.

e. *Probationary Periods.* Trainees or advanced trainees who, at the end of the year are not performing adequately for advancement may be allowed an additional six month period in each category to develop additional skill and experience.

f. *Assignment to trades.* The administrator or other official of the program will assign a minority group person to a designated trade after examination of background information and consultation with him and in accordance with the basic goals established in this agreement.

7. *Existing programs.* Existing outreach, pre-apprenticeship programs shall continue.

8. *Financing.* Costs of administration of the program shall be worked out among the parties to the agreement. Federal funds may be sought for training programs and other purposes.

9. *Subcontractors* of contractors party to this agreement shall be bound by this agreement.

10. *Provisions of collective bargaining agreements* or practices under collective bargaining shall be harmonized with this agreement as far as practical.

11. *Records and reports* of the operation of the program shall be kept by the Administrator on forms available from the Department of Labor. These reports and records will be available as a basis for evaluation of the program by private parties and Federal, state and local government agencies.

12. *Grievance Procedure:* A grievance procedure shall be established to resolve disputes concerning the interpretation or application of this agreement, any question arising thereunder, or any other question concerning the operation of this program. The first step shall be consultation and discussion by affected parties. If the dispute is not resolved, it may be submitted to the Committee for recommendation, or for final and binding decision, as the parties decide, or the matter may be referred to a neutral work stoppage, picketing, lockout or other arbitrator for a binding decision, if the parties so choose. There shall be no strike, work stoppage, picketing, lockout or other interference with construction activity during the term of this agreement with respect to any matter which is the subject of the procedures established in this section.

13. *Review, Modification and Duration:* This agreement shall last for one year or such longer period as the parties may agree, and shall be automatically renewed from year to year unless written notice of intention to terminate or modify the agreement is given to all parties not more than 90 nor less than 60 days prior to the annual renewal date hereof. Ninety days prior to the end of the first, and each succeeding year of this agreement, the parties shall review its effectiveness and the adequacy of the goals set forth herein.

14. *Compliance with Executive Order:* Participation in the program set forth in this agrement and good-faith performance by all parties thereunder, shall during the first year of the program, be evidence of general compliance with E. O. 11246 with respect to employment opportunity. This agreement or participation hereunder shall have no effect on the obligations of E.O. 11246 or any Federal or state statute, ordinance or regulation, with respect to *specific acts or incidents* which may violate the provisions of the Order or applicable law.

NOTE.—Recognition of the inter-relationship of minority construction industry contractors and matters involved in an area-wide agreement on equal employment opportunity is desirable. As agreed to by the parties the Administrator of the program may make available to the contractors a list of minority contractors, and assist minority contractors in securing technical assistance with respect to the contracting process in the construction industry.

July 9, 1970.

EQUAL EMPLOYMENT OPPORTUNITY PUSH LAUNCHED

An intensive summer program to assist cities in achieving "hometown" solutions for equal employment opportunity in the construction industry was announced today by Labor Secretary J. D. Hodgson. "There has been too much of a lag in this work and the big push is on," the Secretary said.

"Our skilled manpower reserves are tight but we are borrowing from other programs so that every one of these cities will get help in putting their good faith to work."

"The Labor Department intends," Secretary Hodgson said, "to give metropolitan areas every opportunity and assistance to work out agreements because experience shows that they provide broader employment opportunities than imposed solutions which are limited to Federal Government contractors.

"Where an area-wide agreement is not possible, the Labor Department will continue its policy of imposing solutions, such as the Philadelphia Plan and the Washington Plan.

"In Philadelphia, the Department is planning enforcement proceedings against contractors who are not making good-faith efforts to utilize minorities, as the Philadelphia Plan requires," Secretary Hodgson said. He noted that the Department of Health, Education and Welfare recently issued a show-cause against six Philadelphia contractors which may lead to debarment. The Department of Housing and Urban Development has issued one such show-cause.

About 30 Labor Department officials are being trained for the new program, Secretary Hodgson said. Seven of the newly-trained officials are already in the field providing technical assistance to municipalities, minority groups, unions and contractors.

Secretary Hodgson emphasized that this program was developed in response to requests for assistance from about 70 cities. These cities are in addition to the 18 announced on February 9. The Labor Department announced then that 18 cities would receive priority attention for compliance programs in the construction industry. Appropriate guidelines and suggested ingredients for model area-wide agreements meeting Federal requirements were provided.

The names of 73 additional cities and areas designated for assistance are carried at the end of this release.

The hometown solution aims at voluntary, area-wide agreements between contractors, unions and minority groups. It applies to both Federally-funded and private construction.

Secretary Hodgson reiterated the Department's desire to help the interested parties in these cities reach hometown agreements before the end of the year.

The Secretary of Labor said that while he is not satisfied with overall progress toward hometown agreements, he is happy to note several agreements have recently been consummated including one reached in Los Angeles the day before yesterday. Of the other 18 cities, he noted that hometown solutions have been reached in Denver, Boston and St. Louis.

Seattle is being assisted in assuring equal employment opportunity by a court order obtained by the Department of Justice at the request of the Department of Labor.

Chicago and Pittsburgh, which are not among the 18 cities, have also worked out hometown agreements.

The other cities in the group of 18 are Atlanta, Buffalo, Cincinnati, Detroit, Houston, Indianapolis, Kansas City, Miami, Milwaukee, Newark, New Orleans, New York and San Francisco.

"The Department's expanded program is being carried out by the Office of Federal Contract Compliance (OFCC) headed by Director John Wilks," the Labor Secretary said. "The assignment of these trained officials to the field will provide technical assistance so cities can develop suitable plans acceptable to city officials, the general public, the black minority, the unions and contractors."

The compliance effort outlined by the Secretary is being carried out under provisions of Executive Order 11246. This Presidential directive prohibits discrimination in Federal contract work on the basis of race, color, religion, sex or national origin, and requires contractors to take affirmative action to insure equal job opportunity.

The 73 additional cities and areas are:

1. Akron, Ohio.
2. Albany, N.Y.
3. Albuquerque, N.M.
4. Bakersfield, Cal.
5. Baltimore, Md.
6. Baton Rouge, La.
7. Birmingham, Ala.
8. Cairo, Ill.
9. Camden, N.J.
10. Carbondale, Ill.
11. Charleston, S.C.
12. Charlotte, N.C.
13. Cleveland, Ohio.
14. Columbus, Ohio.
15. Dallas, Tex.
16. Dayton, Ohio.
17. Des Moines, Ia.
18. East St. Louis, Ill.
19. Fort Worth, Tex.
20. Fresno, Cal.
21. Gary, Ind.
22. Gulfport-Biloxi, Miss.
23. Harrisburg, Pa.
24. Hartford, Conn.
25. Jefferson City, Mo.
26. Kansas City, Kan.
27. Las Vegas, Nev.
28. Lexington, Ky.
29. Little Rock, Ark.
30. Louisville, Ky.
31. Memphis, Tenn.
32. Minneapolis-St. Paul, Minn.
33. Mobile, Ala.
34. Mount Vernon, N.Y.
35. Nashville, Tenn.
36. New Haven, Conn.
37. Norfolk, Va.
38. Oklahoma City, Okla.
39. Omaha, Neb.
40. Pasco-Richland-Kennewick, Wash.
41. Peoria, Ill.
42. Phoenix, Ariz.
43. Portland, Ore.
44. Portsmouth, Va.
45. Providence, R.I.
46. Pueblo, Colo.
47. Reno, Nev.
48. Richmond, Va.
49. Rochester, N.Y.
50. Rockfort, Ill.
51. Rock Island, Ill.
52. Sacramento, Cal.
53. San Antonio, Tex.
54. San Bernadino-Riverside, Cal.
55. San Diego, Cal.
56. San Francisco Bay Area, Cal.
57. Seaside-Monterey, Cal.
58. Spokane, Wash.
59. Springfield, Ill.
60. Springfield, Mo.
61. Stockton, Calif.
62. Syracuse, N.Y.
63. Takoma, Wash.
64. Toledo, Ohio.
65. Topeka, Kan.
66. Trenton, N.J.
67. Tucson, Ariz.
68. Vallejo, Cal.
69. Ventura, Cal.

70. Waterloo, Ia.
71. Wichita, Kans.
72. Wilmington, Del.
73. Youngstown, Ohio.

ORDER NO. 4: U.S. DEPARTMENT OF LABOR, OFFICE OF FEDERAL CONTRACT COMPLIANCE

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

Part 60–2—Affirmative action programs

Pursuant to Executiv Order 11246, sections 201, 205, 211 (30 F.R. 12319), and 41 CFR 60–1.6, 60–1.28, 60–1.29, 60–1.40, Title 41 of the Code of Federal Regulations is hereby amended by adding a new Part 60–2 to read as set forth below.

Subpart A—General

Sec.
60–2.1 Title, purpose and scope.
60–2.2 Agency action.

Subpart B—Required Contents of Affirmative Action Programs

60–2.10 Purpose of affirmative action program.
60–2.11 Required utilization analysis and goals.
60–2.12 Additional required ingredients of affirmative action programs.
60–2.13 Compliance status.

Subpart C—Suggested Methods of Implementing the Requirements of Subpart B

60–2.20 Development or reaffirmation of the equal employment opportunity policy.
60–2.21 Dissemination of the policy.
60–2.22 Responsibility for implementation.
60–2.23 Identification of problem areas by organization unit and job categories.
60–2.24 Establishment of goals and timetables.
60–2.25 Development and execution of programs.
60–2.26 Internal audit and reporting systems.
60–2.27 Support of action programs.

Subpart D—Miscellaneous

60–2.30 Use of goals.
60–2.31 Supersedure.

AUTHORITY: The provisions of this Part 60–2 issued pursuant to sec. 201, E.O. 11246 (30 F.R. 12319).

Subpart A—General

§ 60–2.1 Title, purpose and scope.

This part shall also be known as "Order No. 4," and shall cover nonconstruction contractors. Section 60–1.40 of this chapter, Affirmative Action Compliance Programs, requires that within 120 days from the commencement of a contract each prime contractor with 50 or more employees and a contract of $50,000 or more develop a written affirmative action compliance program for each of its establishments. A review of agency compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator. This part details the agency review procedure and the results of a contractor's failure to develop and maintain an affirmative action program and then sets forth detailed guidelines to be used by contractors and Government agencies in developing and judging these programs as well as the good faith effort required to transform the programs from paper commitments to equal employment opportunity.

§ 60–2.2 Agency action.

(a) Any contractor required by § 60–1.40 to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246 (30 F.R. 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60–2.10 through 60–2.31, the contractor is unable to comply with the equal employment opportunity clause.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance or other Government agencies, that the contractor has not developed an acceptable affirmative action program at each of his establishments, the contracting officer shall declare the contractor-bidder nonresponsible unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations: *Provided*, That during the preaward conferences provided for in § 60–1.6(d) (3), every effort shall be made through the process of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60–2.10 through 60–2.31 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations and orders: *Provided further*, That when the contractor-bidder is declared nonresponsible more than once for inability to comply with the equal employment opportunity clause a notice setting a timely hearing date shall be issued concurrently with the second nonresponsibility determination in accordance with the provisions of § 60–1.26 proposing to declare such contractor-bidder ineligible for future contracts and subcontracts.

(c) Immediately upon finding that a contractor has no affirmative action program or that his program is not acceptable the contracting officer shall notify officials of the approprate compliance agency and the Office of Federal Contract Compliance of such fact. The compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted.

(1) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the compliance agency, upon the approval of the Director, shall issue a notice of proposed cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts pursuant to § 60–1.26(b), giving the contractor 10 days to request a hearing. If a request for hearing has not been received within 10 days from such notice, such contractor will be declared ineligible for future contracts and current contracts will be terminated for default.

(2) During the "show cause" period of 30 days every effort shall be made by the compliance agency through conciliation, mediation and persuasion to resolve the deficiencies which led to the determination of noncompliance or nonresponsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the compliance agency, with the prior approval of the Director, shall promptly commence formal proceedings leading to the cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts under § 60–1.26(b).

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Subpart B—Required Contents of Affirmative Action Programs

§ 60–2.10 Purpose of affirmative action program.

An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and, further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to increase materially the utilization of minorities at all levels and in all segments of his work force where deficiencies exist.

§ 60–2.11 Required utilization analysis and goals.

Affirmative action programs must contain the following information:

(a) An analysis of all major job categories at the facility, with explanations if minorities are currently being under-utilized in any one or more job categories (job "category" herein meaning one or a group of jobs having similar content, wage rates and opportunities). "Under-utilization" is defined as having fewer minorities in a particular job category than would reasonably be expected by their availability. In determining whether minorities are being underutilized in any job category, the contractor will consider at least all of the following factors:

(1) The minority population of the labor area surrounding the facility;

(2) The size of the minority unemployment force in the labor area surrounding the facility;

(3) The percentage of minority work force as compared with the total work force in the immediate labor area;

(4) The general availability of minorities having requisite skills in the immediate labor area;

(5) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(6) The availability of promotable minority employees within the contractor's organization.

(7) The anticipated expansion, contraction and turnover of and in the work force;

(8) The existence of training institutions capable of training minorities in the requisite skills; and

(9) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(b) Goals, timetables and affirmative action commitments must be designed to correct any identifiable deficiencies.
Where deficiencies exist and where numbers or percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables. Such goals and timetables, with supporting data and the analysis thereof shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor. Where the contractor has not established a goal his written affirmative action program must specifically analyze each of the factors listed in "a" above and must detail his reason for a lack of a goal. In establishments with over 1,000 employees, or where otherwise appropriate, goals and timetables may be presented by organizational unit. The goals and timetables should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing his goals and timetables the contractor should consider the results which could be reasonably expected from his good faith efforts to make his overall affirmative action program work. If he does not meet

his goals and timetables, the contractor's "good faith efforts" shall be judged by whether he is following his program and attempting to make it work toward the attainment of his goals.

(c) Support data for the above analysis and program shall be compiled and maintained as part of the contractor's affirmative action program. This data should include progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority status.

(d) Based upon the Government's experience with compliance reviews under the Executive order programs and the contractor reporting system, over the past eight (8) years, minority groups are most likely to be underutilized in the following six (6) categories as defined by the Employer's Information Report, EEO—1: officials and managers, professionals, technicians, sales workers, office and clerical, and craftsmen (skilled). Therefore, the contractor shall direct special attention to these categories in his analysis and goal setting.

§ 60—2.12 Additional required ingredients of affirmative action programs

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

(a) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(b) Formal internal and external dissemination of the contractor's policy.

(c) Establishment of responsibilities for implementation of the contractor's affirmative action program.

(d) Identification of problem areas (deficiencies) by organizational units and job categories.

(e) Establishment of goals and objectives by organizational units and job category, including timetables for completion.

(f) Development and execution of action oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

(g) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

(h) Active support of local and national community action programs.

§ 60–2.13 Compliance status.

No contractor's compliance status shall be judged alone by whether or not he reaches his goals and meets his timetables. Rather each contractor's compliance posture shall be reviewed and determined by reviewing the contents of his program, the extent of his adherence to his program, and his good faith efforts to make his program work toward the realization of the program's goals within the timetables set for completion. There follows an outline of suggestions and examples of procedures that contractors and federal agencies may use as guidelines for establishing, implementing, and judging an acceptable affirmative action program.

Subpart C—Suggested Method of Implementing the Requirements of Subpart B

§ 60–2.20 Development or reaffirmation of the equal employment opportunity policy.

(a) The contractor's policy statement should indicate the chief executive officers' attitude on the subject matter, assign overall responsibility and provide for a reporting or monitoring procedure. Specific items to be mentioned should include, but not limited to:

(1) Recruit, hire, and promote all job classification without regard to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification.

(2) Base decisions on employment so as to further the principle of equal employment opportunity.

(3) Insure that promotion decisions are in with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

(4) Insure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification.

(b) The contractor should periodically conduct analyses of all personnel actions to insure equal opportunity.

§ 60–2.21 Dissemination of the policy.

(a) The contractor should disseminate his policy internally as follows:

(1) Include it in contractor's policy manual.

(2) Publicize it in company newspaper, magazine, annual report, and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain intent of policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Publish articles covering EEO programs, progress reports, promotions of minority employees, etc., in company publications.

(9) Post the policy on company bulletin boards.

(10) When employees are featured in product or consumer advertising, both minority and nonminority employees should be pictured.

(b) The contractor should disseminate his policy externally as follows:

(1) Inform all recruiting sources verbally and in writing of company policy, stipulating that these sources actively recruit and refer minorities for all positions listed.

(2) Incorporate the Equal Opportunity clause in all purchase orders, leases, contracts, etc., covered by Executive Order 11246, as amended, and its implementing regulations.

(3) Notify minority organizations, community agencies, community leaders, secondary schools and colleges, of company policy, preferably in writing.

(4) When employees are pictured in consumer or help wanted advertising, both minorities and nonminorities should be shown.

(5) Send written notification of company policy to all subcontractors, vendors and suppliers requesting appropriate action on their part.

§ 60–2.22 Responsibility for implementation.

(a) An executive of the contractor should be appointed as director or manager of company Equal Opportunity Programs. Depending upon the size and geographical alignment of the company, this may be his sole responsibility. He should be given the necessary top management support and staffing to execute his assignment. His responsibilities should include, but not necessarily be limited to:

(1) Developing policy statements, affirmative action programs, internal and external communication techniques.

(2) Assisting in the identification of problem areas.

(3) Assisting line management in arriving at solutions to problems.

(4) Designing and implementing audit and reporting systems that will:

(i) Measure effectiveness of the contractor's program.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's goals and objectives have been attained.

(5) Serve as liaison between the contractor and enforcement agencies minority organizations, and community action groups.

(6) Keep management informed of latest developments in the entire equal opportunity area.

(b) Line responsibilities should include, but not be limited to, the following:

(1) Assistance in the identification of problem areas and establishment of local and unit goals and objectives.

(2) Active involvement with local minority organizations and community action groups.

(3) Periodic audit of hiring and promotion patterns to remove impediments to the attainment of goals and objectives.

(4) Regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed.

(5) Review of the qualifications of all employees to insure minorities are given full opportunities for transfers and promotions.

(6) Career counseling for all employees.

(7) Periodic audit to insure that each location is in compliance in areas such as:

(i) Posters are properly displayed.

(ii) All facilities including company housing, are fact desegregated, both in policy and in use.

(iii) Minority employees are afforded a full opportunity and are encouraged to participate in all company sponsored educational, training, recreational and social activities.

(8) Supervision should be made to understand that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria.

§ 60–2.23 Identification of problem areas by organizational unit and job categories.

(a) An in-depth analysis of the following should be made, paying particular attention to apprentices and those categories listed in § 60–2.11(d):

(1) Racial composition of the work force.

(2) Racial composition of applicant flow.

(3) The total selection process including position descriptions, man specifications, application form, interview procedures, test administration, test validity, referral procedures, final selection process, and similar factors.

(4) Transfer and promotion practices.

(5) Facilities, company sponsored recreation and social events, and special programs such as educational assistance.

(6) Seniority practices and seniority provisions of union contracts.

(7) Apprenticeship programs.

(8) All company training programs, formal and informal.

(9) Work force attitude.

(10) Technical phases of compliance, such as poster and notification to labor unions, retention of applications, notification to subcontractors, etc.

(b) If any of the following items are found in the analysis, special corrective action should be appropriate.

(1) An "underutilization" of minorities in specific work classifications.

(2) Lateral and/or vertical movement of minority employees occurring at a lesser rate (compared to work force mix) than that of nonminority employees.

(3) The selection process eliminates a higher percentage of minorities than nonminorities.

(4) Application and related preemployment forms not in compliance with local, State, or Federal legislation.

(5) Position descriptions inaccurate in relation to actual functions and duties.

(6) Man specifications not validated in

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relation to position requirements and job performance.

(7) Test forms not validated by location, work performance and inclusion of minorities in sample.

(8) Referral ratio of minorities to the hiring supervisor or manager indicates an abnormal percentage are being rejected as compared to nonminority applicants.

(9) Minorities are excluded from or are not participating in company sponsored activities or programs.

(10) De facto segregation still exists at some facilities.

(11) Seniority provisions contribute to overt or inadvertent discrimination, i.e., a racial disparity exists between length of service and types of jobs held.

(12) Nonsupport of company policy by managers, supervisors, or employees.

(13) Minorities underutilized or under-represented in apprenticeship programs or other training or career improvement programs.

(14) No formal techniques established for evaluating effectiveness of EEO programs.

(15) Lack of access to suitable housing inhibits employment of qualified minorities for professional and management positions.

(16) Lack of suitable transportation (public or private) to the workplace inhibits minority employment.

(17) Labor unions and subcontractors not notified of their responsibilities.

(18) Purchase orders do not contain EEO clause.

(19) Posters not on display.

§ 60-2.24 Establishment of goals and timetables.

(a) The goals and timetables developed by the contractor should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing the size of his goals and the length of his timetables, the contractor should consider the results which could reasonably be expected from his putting forth every good faith effort to make his overall affirmative action program work. In determining levels of goals, the contractor should consider at least the factors listed in § 60-2.11(a).

(b) Involve personnel relations staff, department and division heads, and local and unit managers in the goal setting process.

(c) Goals should be significant, measurable and attainable.

(d) Goals should be specific for planned results, with timetables for completion.

(e) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

§ 60-2.25 Development and execution of programs.

(a) The contractor should conduct detailed analyses of position descriptions to insure that they accurately reflect position functions, and are consistent for the same position from one location to another.

(b) The contractor should validate man specifications by division, department, location, or other organizational unit and by job category uisng job performance criteria. Special attention should be given to academic, experience and skill requirements to insure that the requirements in themselves do not constitute inadvertent discrimination. Specifications should be consistent for the same job classification in all locations and should be free from bias as regards to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities, such requirements should be professionally validated to job performance.

(c) Approved position descriptions and man specifications, when used by the contractor, should be made available to all members of management involved in the recruiting, screening, selection and promotion process. Copies should also be distributed to all recruiting sources.

(d) The contractor should evaluate the total selection process to insure freedom from bias and, thus, aid the attainment of goals and objectives.

(1) All personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions.

(2) The contractor should validate all selection criteria (Note Department of Labor Order of Sept. 9, 1968) (33 F.R. 44392, Sept. 24, 1968) covering the validation of Employment Tests and Other Selection Techniques by Contractors and Subcontractors Subject to the Provisions of Executive Order 11246.

(3) Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups. Such techniques include but are not restricted to, unscored interviews, unscored application forms, arrest records, and credit checks. Where there exists data suggesting that such unfair discrimination or exclusion of minorities exists, the contractor should analyze his unscored procedures and eliminate them if they are not objectively valid.

(e) Suggested techniques to improve recruitment and increase the flow of minority applicants follow:

(1) Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., Concentrated Employment Programs, Neighborhood Youth Corps, Secondary Schools, Colleges, and City Colleges with high minority enrollment, the State Employment Service, specialized employment agencies, Aspira, LULAC, SER, the G.I. Forum, the Commonwealth of Puerto Rico are normally prepared to refer qualified minority applicants. In addition, community leaders as individuals shall be added to recruiting sources.

(2) Formal briefing sessions should be held, preferably on company premises, with representatives from these recruiting sources. Plant tours, presentations by minority employees, clear and concise explanations of current and future job openings, position descriptions, man specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow-up with sources, and feedback on disposition of applicants.

(3) Minority employees, using procedures similar to (2) above, should be actively encouraged to refer applicants.

(4) A special effort should be made to include minorities on the Personnel Relations staff.

(5) Minority employees should be made available for participation in Career Days, Youth Motivation Programs, and related activities in their communities.

(6) Active participation in "Job Fairs" is desirable. Company representatives so participating should be given authority to make on-the-spot commitments.

(7) Active recruiting programs should be carried out at secondary schools, junior colleges, and colleges with minority enrollments.

(8) Special employment programs should be undertaken whenever possible. Some possible programs are:

(i) Technical and nontechnical co-op programs with the predominantly Negro colleges.

(ii) "After school" and/or work-study jobs for minority youths.

(iii) Summer jobs for underprivileged youth.

(iv) Summer work-study programs for faculty members of the predominantly minority schools and colleges.

(v) Motivation, training and employment programs for the hard-core unemployed.

(9) When recruiting brochures pictorially present work situations, the minority members of the work force should be included.

(10) Help wanted advertising should be expanded to include the minority news media on a regular basis.

(f) The contractor should insure that minority employees are given equal opportunity for promotion. Suggestions for achieving this result include:

(1) An inventory of current minority employees to determine academic, skill and experience level of individual employees.

(2) Initiating necessary remedial, job training and work-study programs.

(3) Developing and implementing formal employee evaluation programs.

(4) Being certain "man specifications" have been validated on job performance related criteria. (Minorities should not be required to possess higher qualifications than those of the lowest qualified incumbent.)

(5) When apparently qualified minorities are passed over for upgrading, require supervisory personnel to submit written justification.

(6) Establish formal career counseling programs to include attitude development, education aid, job rotation, buddy system, and similar programs.

(7) Review seniority practices and seniority clauses in union contracts to insure such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

(g) Make certain facilities and company-sponsored social and recreation activities are desegregated. Actively encourage minority employees to participate.

§ 60-2.26 Internal audit and reporting systems.

(a) The contractor should monitor records of referrals, placements, transfers, promotions and terminations at all levels to insure nondiscriminatory policy is carried out.

(b) The contractor should require formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and time tables met.

(c) The contractor should review report results with all levels of management.

(d) The contractor should advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

§ 60-2.27 Support of action programs.

(a) The contractors should appoint key members of management to serve on Merit Employment Councils, Community Relations Boards and similar oragnizations.

(b) The contractor should encourage minority employees to actively participate in National Alliance of Businessmen programs for youth motivation.

(c) The contractor should support Vocational Guidance Institutes, Vestibule Training Programs and similar activities.

(d) The contractor should assist secondary schools and colleges with significant minority enrollment in programs designed to enable graduates of these institutions to compete in the open employment market on a more equitable basis.

(e) The contractor should publicize achievements of minority employees in local and minority news media.

(f) The contractor should support programs developed by the National Alliance of Businessmen, the Urban Coalition and similar organizations.

Subpart D—Miscellaneous

§ 60-2.30 Use of goals.

The purpose of a contractor's establishment and use of goal is to insure that he meet his affirmative action obligation. It is

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not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex or national origin.

§ 60–2.31 Supersedure.

This part is an amplification of and supersedes a previous "Order No. 4" from this Office dated November 20, 1969.

Effective date. This part is effective January 30, 1970.

Signed at Washington, D.C. this 30th day of January 1970.

GEORGE P. SHULTZ,
Secretary of Labor.
JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[F.R. Doc. 70–1411; Filed, Feb. 4, 1970; 8:50 a.m.]

LABOR DEPARTMENT ISSUES GUIDELINES TO BAR SEX DISCRIMINATION ON GOVERNMENT CONTRACT WORK

Guidelines to assure equal job opportunity for women on work paid for by Federal funds were announced today by Mrs. Elizabeth Duncan Koontz, Director of the Labor Department's Women's Bureau.

The guidelines, issued by Secretary of Labor George P. Shultz, become effective immediately. They apply to employment with Government contractors and subcontractors covered by Executive Order 11246.

This Presidential directive now prohibits discrimination because of sex as well as race, color, national origin and religion. It also requires affirmative action for achieving equality.

In announcing the guidelines, Mrs. Koontz said, "Equal employment opportunity is one of this Administration's priority goals. These guidelines will be vital in our efforts to insure equal job opportunity for America's women."

The guidelines, she added, constitute "a great step forward for those Americans whose talents have too often been wasted simply because they are women. This is a most appropriate milestone of women's progress. I am especially pleased that the guidelines are being issued as the Women's Bureau is celebrating its 50th anniversary."

Under the guidelines, covered contractors must maintain written personnel policies expressly indicating that there shall be no discrimination against employees on account of sex. Collective bargaining agreements on conditions of employment must be consistent with the guidelines.

The new guidelines also prohibit covered employers from:

Making any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment.

Advertising for workers in newspaper columns headed "Male" or "Female" unless sex is a bona fide occupation qualification.

Making any distinction between married and unmarried persons of one sex unless the same distinctions are made between married and unmarried persons of the opposite sex.

Denying employment to women with young children unless the same exclusionary policy exists for men.

Penalizing women in their conditions of employment because they require time away from work for childbearing. Whether or not the employer has a leave policy, childbearing must be considered a justification for leave of absence for a reasonable length of time.

Maintaining seniority lines or lists based solely upon sex.

Discriminatorily restricting one sex to certain job classifications and departments.

Specifying any differences for male and female employees on the basis of sex in either mandatory or optional retirement age.

Denying a female employee the right to any job that she is qualified to perform in reliance upon a State "protective" law.

The guidelines also specify that covered employers shall take affirmative action to recruit women to apply for those jobs where they have been previously excluded.

The guidelines point out that "women have not been typically found in significant numbers in management" and that "traditionally, few, if any, women" have been admitted into management training programs.

The guidelines state that an "important element of affirmative action shall be a commitment to include women candidates in such programs."

Secretary Shultz and John L. Wilks, Director of the Office of Federal Contract Compliance (OFCC), signed the document establishing the guidelines.

The guidelines will be used by Federal contracting agencies in their compliance activities under the supervision of OFCC. They were developed by OFCC and by a Labor Department-appointed panel which heard the opinions of companies, women's group representatives, and other interested persons.

The panel included Mrs. Koontz; Miss Elizabeth Kuch, Commissioner of the Equal Employment Opportunities Commission; Robert D. Moran, Administrator of the Labor Department's Wage-House and Public Contracts Divisions; and Mrs. Grace Gill Olivarez of Phoenix, Arizona.

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE EQUAL EMPLOYMENT OPPORTUNITY DEPARTMENT OF LABOR

Part 60–20—Sex discrimination guidelines

On January 17, 1969, proposed guidelines were published at 34 F.R. 758 to amend Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60–20. Persons interested were given an opportunity to file written data, views or argument concerning the proposals. Also, public hearings were held on August 4, 5, and 6, to receive oral presentations from interested persons.

Having considered all relevant material, 41 CFR Chapter 60 is hereby amended by adding a new Part 60–20 to read as follows:

Part 60–20—Sex discrimination guidelines

60–20.1 Title and Purpose.
60–20.2 Recruitment and Advertisement.
60–20.3 Job Policies and Practices.
60–20.4 Seniority Systems.
60–20.5 Discriminatory Wages.
60–20.6 Affirmative Action.
60–20.7 Effective Date.

AUTHORITY: The provisions of this Part 60–20 issued Under Sec. 201, E. O. 11246, 30 F.R. 12319, and E. O. 11375, 32 F.R. 14303.

60–20.1 Title and Purpose.

The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance regarding the implementation of Executive Order 11375 for the promotion and insuring of equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors or with contractors and subcontractors performing under Federally-assisted construction contracts, without regard to sex. Experience has indicated that special problems related to the implementation of Executive Order 11375 require a definitive treatment beyond the terms of the Order itself. These interpretations are to be read in connection with existing regulations, set forth in 41 CFR Chapter 60, Part 1.

60–20.2 Recruitment and Advertisement.

(a) Employers engaged in recruiting activity must recruit employees of both sexes for all jobs unless sex is a bona fide occupational qualification.

(b) Advertisement in newspapers and other media for employment must not express a sex preference unless sex is a bona fide occupational qualification for the job. The placement of an advertisement in columns headed "Male" or "Female" will be considered an expression of a preference, limitation, specification or discrimination based on sex.

60–20.3 Job Policies and Practices.

(a) Written personnel policies relating to this subject area must expressly indicate that there shall be no discrimination against employees on account of sex. If the employer deals with a bargaining representative for his employees and there is a written agreement on conditions of employment, such agreement shall not be inconsistent with these guidelines.

(b) Employees of both sexes shall have an equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupational qualification. (Note: In most Government contract work there are only limited instances where valid reasons can be expected to exist which would justify the exclusion of all men or all women from any given job.)

(c) The employer must not make any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment. In the area of employer contributions for insurance, pensions, welfare programs and other similar "fringe benefits" the employer will not be considered to have violated these guidelines if his contributions are the same for men and women or if the resulting benefits are equal.

(d) Any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex will be considered to be a distinction made on the basis of sex. Similarly, an employer must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to members of the opposite sex.

(e) The employer's policies and practices must assure appropriate physical facilities to both sexes. The employer may not refuse to hire men or women, or deny men or women a particular job because there are no restroom or associated facilities, unless the employer is able to show that the construction of the facilities would be unreasonable for such reasons as excessive expense or lack of space.

(f) An employer must not deny a female employee the right to any job that she is qualified to perform in reliance upon a State "protective" law. For example, such laws include those which prohibit women from performing in certain types of occupations (e.g., a bartender or a core-maker); from working at jobs requiring more than a certain number of hours; and from working at jobs that require lifting or carrying more than designated weights.

Such legislation was intended to be beneficial, but, instead, has been found to result in restricting employment opportunities for men and/or women. Accordingly, it cannot be used as a basis for denying employment or for establishing sex as a bona fide occupational qualification for the job.

(g) Women shall not be penalized in their conditions of employment because they require time away from work on account of childbearing. When, under the employer's leave policy the female employee would qualify for leave, then childbearing must be considered by the employer to be a justification for leave of absence for female employees for a reasonable period of time. For example, if the female employee meets the equally applied minimum length of service

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requirements for leave time, she must be granted a reasonable leave on account of childbearing. The conditions applicable to her leave (other than the length thereof) and to her return to employment, shall be in accordance with the employer's leave policy.

If the employer has no leave policy, childbearing must be considered by the employer to be a justification for a leave of absence for a female employee for a reasonable period of time. Following childbirth, and upon signifying her intent to return within a reasonable time, such female employee shall be reinstated to her original job or to a position of like status and pay, without loss of service credits.

(h) The employer must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age.

(i) Nothing in these guidelines shall be interpreted to mean that differences in capabilities for job assignments do not exist among individuals and that such distinctions may not be recognized by the employer in making specific assignments. The purpose of these guidelines is to insure that such distinctions are not based upon sex.

60–20.4 Seniority system

Where they exist, seniority lines and lists must not be based solely upon sex. Where such a separation has existed, the employer must eliminate this distinction.

60–20.5 Discriminatory wages

(a) The employer's wage schedules must not be related to or based on the sex of the employees. (Note. The more obvious cases of discrimination exist where employees of different sexes are paid different wages on jobs which require substantially equal skill, effort and responsibility and are performed under similar working conditions.)

(b) The employer may not discriminatorily restrict one sex to certain job classifications. In such a situation, the employer must take steps to make jobs available to all qualified employees in all classifications without regard to sex. (Example: An electrical manufacturing company may have a production division with three functional units: one (assembly) all female; another (wiring), all male; and a third (circuit boards), also all male. The highest wage attainable in the assembly unit is considerably less than that in the circuit board and wiring units. In such case the employer must take steps to provide qualified female employees opportunity for placement in job openings in the other two units.)

(c) To avoid overlapping and conflicting administration the Director will consult with the Administrator of the Wage and Hour Administration before issuing an opinion on any matter covered by both the Equal Pay Act and Executive Order 11246, as amended by Executive Order 11375.

60–20.6 Affirmative action.

(a) The employer shall take affirmative action to recruit women to apply for those jobs where they have been previously excluded. (Note. This can be done by various methods. Examples include: (1) including in itineraries of recruiting trips women's colleges where graduates with skills desired by the employer can be found, and female students of co-educational institutions and (2) designing advertisements to indicate that women will be considered equally with men for jobs.)

(b) Women have not been typically found in significant numbers in management. In many companies management trainee programs are one of the ladders to management positions. Traditionally, few, if any, women have been admitted into these programs. An important element of affirmative action shall be a commitment to include women candidates in such programs.

(c) Distinctions based on sex may not be made in other training programs. Both sexes should have equal access to all training programs and affirmative action programs should require a demonstration by the employer that such access has been provided.

60–20.7 Effective date.

This part is effective June 9, 1970. Signed at Washington, D.C. this 2nd day of June, 1970.

GEORGE P. SHULTZ,
Secretary of Labor.
JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

STATUS OF UNFINISHED BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business, Senate Joint Resolution 1, not be laid before the Senate at 12 o'clock and that the Senate continue considering the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL OPPORTUNITIES ENFORCEMENT ACT

The Senate continued with the consideration of the bill (S. 2453) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 976

Mr. DOMINICK. Mr. President, I call up my amendment No. 976 and ask that it be stated.

The PRESIDING OFFICER (Mr. HOLLINGS). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 53, beginning with line 17, strike out all through page 55, line 20.

On page 55, line 21, strike out "SEC. 11." and insert in lieu thereof "SEC. 10."

Mr. DOMINICK. Mr. President, a brief explanation of the amendment is in order because it was not read in full and without looking at the bill the amendment might not mean too much. The bill as now presented to the Senate for debate provides for transfer of all discrimination cases for Federal employees from the Civil Service Commission to the EEOC. This involves 3 million people. In addition, the bill also transfers within the jurisdiction of the EEOC all State and local employees, which consists of another 10 million people. Over and beyond that, the bill reduces from 25 to 8 the number of requisite employees an employer must have, in order to be subject to the bill. We estimate that this is another 6½ million people. So, we are, in effect, saying that we will increase the load on the EEOC by 19½ million people at a minimum.

Mr. President, we have already heard the discussions made by the distinguished Senator from New York and the distinguished Senator from New Jersey, pointing out that the Commission is already 2 years behind in trying to investigate and conclude the complaints which have been made under its existing jurisdiction.

Now we are considering this bill, with all good heart and with all good intent, a bill which I think has a great deal of merit in a number of places—and proposing to add to the committee's jurisdiction a block of new complaints that will arise from the 19.5 million additional people which will be placed within its jurisdiction.

It seems obvious to me that the work of the commission will be further bogged down and, if I may say so, this is borne out quite conclusively by the testimony of the chairman of the commission, as well as by testimony of other administration spokesmen who came before the committee.

With respect to this particular bill, what I am simply saying is that the Civil Service Commission now has jurisdiction over Federal employees, and that is where the jurisdiction should remain.

We should not have a personnel situation or a personnel grievance committee or a personnel management for Federal employees only on race, sex, color, and national origin. That would be the effect of the bill as now written. The bill provides that all the usual matters of grievance of Federal employees in connection with working conditions, with jobs, with promotions, with every aspect of personnel relationship, shall remain within the Civil Service Commission. But the bill excepts the charges of discrimination on the grounds I have mentioned.

It seems to me that the changes proposed by the bill will not render any good service to Federal employees but, in fact, will do them a disservice and seriously impair the President's program on equal employment.

President Nixon issued an Executive Order No. 11478 in August of 1969, a few days before the Civil Service Commission Chairman, Robert E. Hampton, testified before the Labor Subcommittee. That Executive order embodies a new concept, that of closely integrating equal employment and personnel management. It is based on the premise that to be effective, equal employment opportunities must be an integral part of the personnel-management system and must be built into it the every day actions taken by managers on the job.

I would think, Mr. President, that this would be self-evident when we think about it. How can we build in proper personnel management if we are going to take out the single element of discrimination and say, "Oh, no, that is on a different plane with a different commission for enforcement and personnel managers shall have no voice in it."

It would seem to me that this would be a grave mistake because progress has been made under Executive Order 11478 in assuring equal opportunity in the Federal service.

Heaven knows, we are not through with discrimination. There is still discrimination—we all know it—and we are working on it. The question is: "Does the bill provide a mechanism for really trying to solve the problem?"

The results of a survey made as of November 30, 1969, shows an upward movement of minority groups in the Federal personnel system. For example, between 1967 and 1969, Negro employment rose from 14.9 percent to 15 percent of the total work force.

However, Negroes in GS–9 through 11 rose from 12,631 to 16,318, a 29-percent increase; and in grades 12 through 15 from 4,589 to 6,448, a 40-percent increase.

As I noted, Chairman Hampton testified just a few days after issuance of that Executive order. Since that time, the following substantive changes to enhance equal opportunity within the Government have been taken by the Civil Service Commission.

First, a new office has been established within the Civil Service Commission to provide leadership to government agencies;

Second, full-time equal employment opportunity representatives have been established in each of the Commission's 10 regional offices to carry equal employment opportunities directly to field installations;

Third, for the first time, agencies have been authorized to maintain statistics on minority employment on automatic data processing equipment and to monitor progress on a current basis.

One may recall that in prior years, it was considered discriminatory in and of itself to enter on anyone's application or job record what nationality, creed, color, or race he might be.

The fourth substantive change is that government-wide surveys of minority employment are being made every 6 months instead of every other year; and

Fifth, agencies have been directed to include evaluation of performance on equal employment opportunity in the rating of their supervisory personnel.

This is very significant. We have to evaluate supervisory personnel to determine whether they are directly or indirectly exercising discrimination in a field prohibited under our law.

The sixth substantive change is that an incentive awards program to stimulate supervisors, managers, and others for exceptional performance in this area has been instituted;

Seventh, new training programs have been established both on an individual and agency basis. These programs are significant in that it is the individual manager and supervisor who eventually will be the ones to make equal employment a reality because of their responsibility for hiring, developing, and advancing employees.

A number of other steps have been taken. Agencies have been directed to develop affirmative action plans, with specific details, and the Commission has already returned a large proportion of these to agencies for shoring up or for lacking the desired specificity.

The Commission has released to agencies, guidelines on ways to assure upward mobility for lower level employees. This is particularly important because around 20 percent of Federal employees are minorities, but those concentrated in the lower grades must be provided opportunity for the necessary training so they can qualify to move up the ladder.

The Commission is strengthening its inspection program aimed at agency equal employment opportunity programs and is requiring agencies to undertake self-evaluation programs and to provide progress reports.

The Commission is working on the development of a cooperative education program with predominantly Negro colleges to work out plans so that the work-study program will reach minority students and encourage them to come into the Federal Government.

As the central personnel agency, the Commission is in the best possible position to get to the heart of equal employment opportunity in the Federal service, and it is reviewing all its testing devices to assure that its examinations are a valid basis for selection of employees.

The Civil Service Commission feels it must take affirmative action to achieve equal employment opportunity and cannot rely upon complaints to point out problem areas. EEOC is necessarily complaint orientated.

That is not to say that the Civil Service Commission does not handle complaints. In July 1969, it installed a completely revised complaint procedure which provides for informal counseling for employees to resolve their problems at the lowest possible level, and this has worked out well. It has cut in half the number of formal complaints and has resulted in a significant increase in the number of corrective actions taken where employees have brought their problems to counselors for action. Third-party appeals examiners are provided where a complaint reaches the formal hearing stage so that a complaint is heard by a person having no connection with the agency involved in the dispute. This service, which the Civil Service Commission already provides, is essentially what the EEOC could provide if it had responsibility for the Federal program.

In addition, the direct coverage of Federal employees will add some 3 million employees to the work force covered by title VII. It does not make sense to remove this large a number of employees from the coverage of a workable, ongoing program where their rights are receiving adequate protection and to place them under an administrative process already as burdened as the EEOC is today.

Mr. President, I think it would be helpful at this point in the RECORD to indicate what some of the witnesses before our committee said on this particular subject. First I will turn to page 51 of the hearings record where we have a statement on that page from Mr. William Brown, who was chairman of the Equal Employment Opportunity Commission, not chairman of the Civil Service Commission.

This is what he said, talking about the Executive order which I have just mentioned in my previous statement.

> In the context of this significant step forward, it would not be desirable to transfer jurisdiction over these matters from the Civil Service Commission to the Equal Employment Opportunity Commission, especially if E.E.O.C. is now to assume cognizance over the employment practices of State and local governments, and employers of 8 or more persons. The added burden would simply be too great.
>
> A better course would be to afford the Civil Service Commission the opportunity to implement the new Order until such time as a reasonable assessment of its performance can be made, and if necessary, alternative systems considered.

That testimony was given before the committee on August 11, 1969. Since that time, as I have pointed out, the Civil Service Commission has implemented the order and has gone forward with procedures and systems which would eliminate discrimination as rapidly as possible. It will take quite awhile to get it all done, even though we would all like to get it done overnight. The Civil Service Commission is really moving ahead.

Mr. President, at this point I would like to read a few more statements from the record. First of all I will refer to the statement of Mr. Hampton, who was Chairman of the Civil Service Commission. His testimony starts at page 127 and can be read by all Senators when they get a chance. However, I want to emphasize a couple of things.

At the bottom of page 128, Mr. Hampton said:

> That progress is demonstrable and is probably greater than in any previous comparable period. At the end of 1967 (the latest date for which figures are available), almost one-fifth of total Federal employment was minority group. This was one-half million jobs filled by minority Americans. Also, the nonwhite proportion of the Federal work force was approximately 16 percent compared with 10.8 percent of nonwhites in the work force generally.

Turning to page 132 of his testimony, he said:

> Section 717 (a) and (b) of S. 2453 raise, in my judgment, serious legal questions which involve the authority of the Civil Service Commission under the Civil Service Act. The Civil Service Commission has statutory responsibility in connection with the employment process in the Federal Government and this makes it impractical to place oversight responsibility for equal employment in another agency.

That is the point I brought up at the very beginning: How difficult and complex this makes the situation as far as the Civil Service Commission is concerned.

He goes on to say:

> But, aside from the legal questions, the transfer of responsibility for equal employment to EEOC is bad in principle for the reasons I have cited.
>
> The EEOC is necessarily complaint oriented. The recipient and adjudication of complaints of discrimination is an important aspect of assuring equal employment opportunity, but it is far from the total program. Affirmative action—the moving out by agency heads and their managers to take the steps necessary to make equal employment opportunity a reality in every aspect of

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> personnel operations—is the road to meaningful equal employment opportunity.

Then, he goes on to point out what the Commission has done toward achieving these goals.

Mr. President, a question was raised in committee as to whether or not any of the minority groups were in the upper echelon of the Federal Government. This question was raised by the Senator from New Jersey. The question appears on page 135 and is replied to by Mr. Hampton on page 136.

> In the first place, we have a minority commissioner for the first time in the eighty-six year history of this agency.
>
> Secondly, I have an assistant for Equal Opportunity. He is sitting here on my right.

He then submits the study that was made. I call the attention of my colleagues to the study to show the proposed actions and positive recommendations that were made from that study which have now been implemented since 1969.

In short, what I am saying at the present time is that we have a lot of problems in trying to solve discrimination cases. As the manager of the bill knows full well I have been a very strong supporter of legislation on behalf of civil rights ever since I have held public office. There are an enormous number of problems connected with it, but one of them is the day-by-day dealings between people.

Where there is responsibility in a Commission, it has line authority from itself down to its various branches throughout the country. It seems to me they should have not only the right but also the responsibility of following through on discrimination cases. The matter was spelled out carefully in the 1964 act and great strides and great steps have been taken along this line since that time, and, as a matter of fact, since President Nixon took office.

I do not see how there can be a separation of all the personnel functions that go into the vast Federal service from the question of whether or not someone, because of race, creed, sex, color, or national origin, has been discriminated against. It just does not make any sense to me. When we have the chairman of the EEOC and the chairman of the Civil Service Commission both testifying it should not be transferred, why in the world do we go forward and do it?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WILLIAMS of New Jersey. Mr. President, very briefly, with great respect for the interest and concern of the Senator from Colorado in those matters where there is a question of enforcement of safety and health requirements of law, I do find that it is somewhat surprising for the Senator from Colorado to be advocating here that all of the aspects of the requirements of law be contained within one agency of our Government, the Civil Service Commission.

Here we have a mandate of law that states there shall be no discrimination for various reasons. That is a mandate that goes to the Civil Service Commission. When it comes to the enforcement of that mandate, as it is now, charges of discrimination can work up within the Civil Service Commission and be investigated, prosecuted, and judged, all within the Civil Service Commission.

I have had the great pleasure of listening to the Senator from Colorado as he analyzed the problems of being the investigator, the prosecutor, and the judge; this, in a sense, is part of what we are dealing with here.

I am not dogmatic in any degree to say that should not be part of the line of authority, but it does come as a surprise from the Senator from Colorado that this is the approach. Beyond that it would seem to me if this transfer does take place to the Equal Opportunity Commission, in terms of the consideration of charges of discrimination, the whole hearing process, and the basic quasi-judicial decisions would be made for or all employees coming under this law, and here would reside in one place the wisdom and the expertise to solve equal employment problems.

There is a great deal to be said for the affirmative thrust of the Civil Service Commission in the elimination of any aspect of discrimination, and the Executive orders call for affirmative action in this regard. There is nothing antithetical about a transfer of the quasi-judicial part of the investigation, hearing, and decision with that affirmative action and responsibility.

Section 715(b) clearly provides that:

> The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions.

Under the rules and authority of the rulemaking provision, clearly the EEOC can provide for the program of affirmative action that deals with the elimination of discrimination in the Federal employment establishment.

The authority will reside in the EEOC to delegate to the Civil Service Commission such functions under this act as it desires.

I will say that there is a transitional period of 1 year before the effective date of the transfer from the Civil Service Commission to the EEOC. So there is that period of time for the adjustment. The second opportunity for adjustment is under the rulemaking authority of the EEOC.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I just want to make a few comments, and then perhaps ask for a quorum call to see if we can have enough Senators present to have the yeas and nays ordered.

I am sorry, but not surprised, that the manager of the bill does not want to accept the amendment. I think he is making a mistake, and I think it is a fundamental mistake.

If Senators will look at section 715 of the bill, which my amendment would strike, it reads:

> All personnel actions affecting employees or applications for employment . . . in military departments . . . in executive agencies . . . and in those portions of the government of the District of Columbia, and the legislative and judicial branches of the Federal Government having positions in the competitive service, shall be made free from any discrimination based on race, color, religion, sex, or national origin.

That is great. That is exactly what we want to do. There is no doubt about it whatsoever.

Subsection (b) then goes on to say, however:

> The Equal Employment Opportunity Commission shall have authority to enforce the provisions of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder . . .

I have never seen anything that is clearer than this saying that the EEOC is taking over primary responsibility in the personnel field for 3 million Federal employees who are already under the Civil Service Commission.

It can do nothing but create a clash between the two commissions. It can do nothing but interfere with the practical working operations of each employee, whether it be in an executive agency, a judicial agency, a legislative agency, or the military.

Why in the world should we take an ongoing program and say, "You are out, Civil Service Commission; we are going to put it in a new one that already is two years behind" and say further that the new Commission is going to do any good insofar as providing protection for those who are being discriminated against is concerned, I cannot understand.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. ERVIN. I notice this language in the amendment on page 26, beginning on line 11: The term "employer" does not include the United States.

Mr. DOMINICK. That used to be in the 1964 Civil Service Act.

Mr. ERVIN. Yes. Do I understand the Senator from Colorado correctly as saying that, under the proposed transfer of power provided by the bill from the Civil Service Commission to the EEOC, that EEOC would have the power to process and decide complaints of discrimination in the civil service work force of the Federal Government?

Mr. DOMINICK. The Senator is correct.

Mr. ERVIN. The Senator from North Carolina is also correct, is he not, in saying that this would in effect be a proceeding either by an employee or an applicant for employment against a department or agency of the United States?

Mr. DOMINICK. Yes. It would be brought up by a complaint from an em-

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ployee against a particular practice or a particular person, which would be filed with the EEOC.

Mr. ERVIN. Would not the same be true of an applicant for employment in the U.S. Government who would claim he was denied employment for one of the reasons covered by the 1964 Civil Rights Act?

Mr. DOMINICK. The Senator is correct, because it also refers to applicants for employment.

Mr. ERVIN. I direct the attention of the Senator to page 33, beginning with line 3. I will read this language for the purpose of laying a premise for a question:

> "(2) After the Commission issues a complaint, it may, upon application by the person aggrieved, compensate such person for reasonable expenses in connection with the preparation for the hearing and in connection with participation in the hearings, including the cost of expert witness fees, transcripts, and copying. Not more than $1,000 will be allocated in any single proceeding to carry out the provisions of this paragraph. The Commission may perform the services for which the aggrieved party would otherwise seek reasonable expenses under this subsection.

If the bill should pass making the proposed transfer of jurisdiction of complaints of personnel already in the Government service or complaints of applicants for employment in the Government from the Civil Service Commission to the EEOC, then that would bring into play the section I have just read; would it not?

Mr. DOMINICK. I think it would, but I will yield to the manager of the bill on that point.

Mr. WILLIAMS of New Jersey. No; that does not apply. Those provisions of the bill that deal with the transfer of the discrimination questions now in the Civil Service Commission do not incorporate the earlier parts of title VII of the act.

Mr. ERVIN. Would the Senator from New Jersey be so kind as to inform the Senator from North Carolina what provision of the bill makes that plain, because, frankly, I have been so busy that I did not get a chance to read the bill until last night?

Mr. WILLIAMS of New Jersey. We will try to find that with precision.

Mr. ERVIN. It would seem to me this is clearly covered by the enforcement powers. I am not an expert on the bill, but I do want to be informed. I could not find anything that would distinguish between a complaint from a person already employed by the Government or seeking employment in the Government and any other person.

Mr. WILLIAMS of New Jersey. If the Senator will refer to page 26 of the bill, subparagraph (b), it describes the areas of employment that are covered by title VII of the bill. The term "employer" does not include the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia.

These are the words that exclude the Federal Government employment situation from the section that the Senator was reading from on page 33.

Mr. ERVIN. On page 26, on line 1, it states:

> (1) In subsection (a) insert "governments, governmental agencies, political subdivisions," after the word "individuals".

That is sufficient to bring the Government of the United States into it.

Mr. WILLIAMS of New Jersey. No. There are other coverages. Here the words "governments, governmental agencies, political subdivisions" refer to a definition of persons and not employers.

Mr. ERVIN. Let us see. To get this back into context, then, would the Senator read how that entire section would read, as amended?

As I see it, the way that would read, with that put in there, would be that section 701(a) would read:

> The term "persons" includes one or more individuals, governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

That would cover the Government of the United States, as far as the definition of persons is concerned, just as it would a State.

Mr. WILLIAMS of New Jersey. Except that it is excluded as an employer.

Mr. ERVIN. Well, that is a question.

Mr. WILLIAMS of New Jersey. I just gave the answer. The answer is that the Government of the United States is excluded.

Mr. ERVIN. Then how are you going to have the EEOC with jurisdiction, if the EEOC cannot proceed against the Government?

Mr. WILLIAMS of New Jersey. The provisions dealing with discrimination within the Federal Government are covered under a separate section, and that appears as section 715(a). It is a wholly separate, distinct section, under the heading "Nondiscrimination in Federal Government Employment." It stands on its own foundations in this legislation.

Mr. ERVIN. What page is that on?

Mr. WILLIAMS of New Jersey. That is on page 53. To come back, I did describe that accurately. This is a unit unto itself, this area of coverage.

In subsection (b) on page 54, the EEOC has its own separate, defined authority to enforce the provisions of the preceding subsection, 715(a).

Mr. ERVIN. This gives it the right to issue rules, regulations, orders, and instructions, as it deems necessary?

Mr. WILLIAMS of New Jersey. Yes.

Mr. ERVIN. Then does it have no enforcement provisions, no complaint procedure? Will they not have to issue a complaint to a department?

Mr. WILLIAMS of New Jersey. This is within the Federal Establishment, of course.

Mr. ERVIN. I know.

Mr. WILLIAMS of New Jersey. One agency of the Government is telling another. I would imagine that they would not end up in a court, with a separate agency.

Mr. ERVIN. I do not know. We had here quite a controversy between the Department of Justice and the Department of Labor, and the General Accounting Office. So there are controversies between governmental agencies.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, so that we might ask for the yeas and nays?

Mr. ERVIN. I do not have the floor. The Senator from Colorado has the floor.

Mr. DOMINICK. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I think the Senator from North Carolina has brought up a very interesting point. I do not think the bill is clear on it. I do welcome the record clarification of the Senator from New Jersey.

Section 715 itself, which deals with Federal employment, and which I am trying to have stricken insofar as it transfers authority from the Civil Service Commission to the EEOC, does not seem to me to be particularly clear as to which provisions of the basic law apply to its responsibility under this particular provision. But it certainly does say that the Commission has the authority to "issue rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply."

This, as far as I can see, puts the EEOC right directly into the personnel management of every single agency of the Federal Government, whether it is legislative, executive, military, or anything else; and it does seem to me that we have gone much too far in this respect.

Mr. ERVIN. It provides here expressly, at the bottom of page 54, on lines 17, 18, 19, and 20:

> That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

Certainly that contemplates that an employee can file a complaint with the EEOC. Then it says:

> Within thirty days of receipt of notice, given pursuant to subsection (b) or a previously issued Executive order, of final action taken on a complaint of discrimination based on race, color, religion, sex, or national origin, or after ninety days from the filing of the initial charge until such time as final action may be taken, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706(q), in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

In other words, it especially recognizes that either an employee or an applicant for Government employment can file a complaint, and that that complaint will be processed by the EEOC, and if the EEOC takes adverse action on his complaint, then he can bring a civil action.

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I am unable to comprehend how that rules out the provisions on page 33, where the Commission has issued a complaint.

Mr. DOMINICK. I think the Senator has made a very good point.

Mr. ERVIN. In other words, it seems to me it certainly is unclear, at best, whether or not the Government is going to finance a Federal Government employee or applicant for employment to the extent of $1,000 in his controversy as to the reasons for his denial of employment.

Mr. DOMINICK. As to his denial of employment or as to his denial of promotion or as to his general working conditions. It could be anyone of those, so far as I can see.

I would be happy, however, to yield to the Senator from New Jersey for any further explanation he wants to give.

Mr. WILLIAMS of New Jersey. This all arose with the question of whether the provisions on page 33 of the bill do apply to section 715, and the answer is that they do not.

Am I responding to the inquiry as to the part of the bill about which the Senator from North Carolina was inquiring? Is that page 33?

Mr. ERVIN. Yes, page 33.

Mr. WILLIAMS of New Jersey. This provides for compensation to such person for reasonable expenses in connection with the preparation for the hearing, in connection with participation in the hearing. That does not apply to section 715, dealing with nondiscrimination in Federal Government employment. I thought that was the question we opened on, and the answer is clearly that the provisions on page 33 do not apply to Federal employment.

Mr. ERVIN. By all rules of construction page 54 necessarily implies that the EEOC has brought action against a department or agency of the Federal Government on the basis of complaints made by employees or applicants for employment on the grounds prescribed in the act. Then it says, in effect, that if EEOC takes favorable action, if it issues a complaint itself against the department, manifestly there is nothing to keep page 33 from applying on the hearing of that complaint. If they take unfavorable action, then the employee or applicant can go into the Federal court and sue the Government for employment and for back pay.

There are many other provisions in the bill, such as appointing counsel, in a one-sided manner, for parties involved in these things. I do not know whether or not they apply to the Government. If they do not apply to the Government, why should they not apply to the Government, just as they do to individuals?

Mr. WILLIAMS of New Jersey. I did not follow the reasoning of the Senator. The Senator said that manifestly the provisions on page 33 would apply, and I do not understand, when it is clear that they do not apply, how manifestly they can apply.

Mr. ERVIN. It reads:

> After the Commission issues a complaint, it may, upon application by the person aggrieved, compensate such person for reasonable expenses in connection wtih the preparation for the hearing and in connection with participation in the hearings, including the cost of expert witness fees, transcripts and copying. Not more than $1,000 will be allocated in any single proceeding to carry out the provisions of this paragraph.

Page 54, which is a part of section 715, relating to nondiscrimination in Federal Government employment, reads:

> The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: Provided, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

That is an express statement that the regulations must provide for the filing of complaints by employees or applicants for employment and that the Commission must process them. In the event that the Commission does not render favorable action, the employee or the applicant for employment has a right to bring suit in the Federal courts. This clearly implies that EEOC will issue a complaint if it is going to take action at all and conduct a hearing. Page 33, by its terms, would apply to that kind of complaint as well as to any other.

Mr. WILLIAMS of New Jersey. It has never occurred to anybody but the Senator from North Carolina that it did apply. It just plain does not apply.

Mr. ERVIN. I would say that despite my great veneration for the expert knowledge of the Senator from New Jersey on this subject, and despite the fact that I never had an opportunity to study this bill until after the Senate adjourned yesterday afternoon, I am left with the impression that under this bill it does apply, because the EEOC is going to have to issue complaints against the executive agencies and it is going to have to process those complaints against the executive agencies because that is expressly stated in the proviso on page 54.

Mr. DOMINICK. I may say to the Senator that I think he has brought up a most interesting point. But I would say that the distinguishing thing perhaps in support of what the manager of the bill has suggested is that on page 33, subsection (2), the key words are "after the Commission issues a complaint." On pages 54 and 55 I do not see any specific provision concerning a complaint by the Commission, although there are complaints by employees to the Commission, which is a different situation.

Mr. ERVIN. That may be a distinction. It is a distinction about as wide as the difference between tweedledum and tweedledee, the Senator from North Carolina submits. Is the Commission going to issue notices to the departments on the basis of complaints made by the Commission or on the basis of complaints made by the employee?

I invite the Senator's attention to the words following this proviso on lines 21, 22, 23, and 24:

> Within thirty days of receipt of notice, given pursuant to subsection (b) or a previously issued Executive order, of final action taken on a complaint of discrimination based on race, color, religion, sex, or national origin, or after ninety days from the filing of the initial charge until such time as final action may be taken, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706-(q), in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

It is crystal clear that it certainly contemplates a complaint filed by somebody.

Mr. DOMINICK. Yes.

Mr. ERVIN. The question in my mind is that under other provisions of the bill, as I construe it, if the individual files a complaint claiming discrimination, the Commission makes a preliminary investigation of it, and then it does not act on the basis of the individual's complaint but issues a complaint of its own.

Mr. DOMINICK. The Senator is correct on that.

Mr. ERVIN. So, under its power to adopt rules and regulations under section 715, it can provide exactly the same procedure in the case of Government employees and applicants for Government employment as it provides with respect to persons who seek or apply for private employment.

Mr. DOMINICK. As a matter of fact, I might say to the Senator that it seems pretty hard for me to determine how they are going to issue the so-called rules, regulations, orders, and instructions without having a complaint and some kind of hearing ahead of time so that the agency head will know why these orders are being put in, and under those circumstances I suppose we might stretch it. But the manager of the bill is saying it was not intended that be included; is that correct?

Mr. WILLIAMS of New Jersey. That is correct.

Mr. ERVIN. What will control is not the intention of the floor manager of the bill but what the plain words of the bill say.

Mr. DOMINICK. That is correct. It is another good reason why we should strike the whole of section 715, which I think is a monstrosity.

Mr. WILLIAMS of New Jersey. I still do not see how the provisions of the earlier part of the bill, as suggested by the Senator, apply to the section which stands on its own. There is no reference in section 715 at all to the section the Senator is talking about, except for the right to file suit.

Mr. JAVITS. Mr. President, will the Senator from North Carolina yield?

Mr. DOMINICK. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. I am happy to yield to the Senator from New York.

Mr. JAVITS. I think I see the concern of the Senator from North Carolina and would like to introduce two facts into the RECORD. One is the fact that when the scheme of legislation in section 715 is read with the definition of the word "employer," which appears on page 26, lines 11 and 12, which excludes the United States or a corporation owned by the United States, this lends support to the argument made by the manager of the bill that section 715, and so forth, is an autonomous scheme for dealing with employees of the United States.

The second point which I understood the Senator to make, which is more relevant, that under the broad construction given to EEOC, it may issue orders or such instructions as it deems necessary and appropriate to carry out its responsibility. There is, as I understand it, the Senator's concern here about importing counsel fees and other provisions and parts of the bill which do not legislate for the Federal Government. In my judgment, I think this is important for the record, because the Senator is perfectly right to take the precaution in the interpretation of the whole of the section I have just referred to, as made by the manager of the bill, in which I join as the ranking member of the committee, so that the EEOC would not be within its power and would not be making rules, regulations, and orders carrying out its responsibilities if it simply imported the procedures of this bill respecting other employees to apply in cases involving Federal employees.

Mr. ERVIN. I thank the distinguished Senator from New York, but while page 26, section 701, subsection 2, and subsubsection (b) can be amended, it takes the United States out. Certainly the United States is brought back in by section 715's provision, and that certainly makes it implied that the EEOC has jurisdiction to issue orders to all the departments and agencies of the Federal Government, as well as the appropriate officers of the District of Columbia. But I hope that we are not giving the EEOC jurisdiction over the staffs of Senators.

Can the Senator from North Carolina receive the assurance of the Senator from New Jersey that the bill does not give the EEOC the power to supervise the employment of members of the staff of U.S. Senators?

Mr. WILLIAMS of New Jersey. The legislative branch is excluded.

Mr. DOMINICK. If I could interject there, could I say to the Senator from North Carolina that the legislative branch is included in employees, but only as to those under civil service.

Mr. WILLIAMS of New Jersey. That is correct.

Mr. DOMINICK. There are employees on the Hill not under civil service, and for that purpose——

Mr. ERVIN. Then I have the assurance, from that statement, that the word "individual" as used in section 701, subsection (a), and the words "government" and "governmental agencies," and so forth, do not include Senators of the United States; that their right to select their own staff members shall remain exempt from supervision by the EEOC.

Mr. WILLIAMS of New Jersey. It was stated by the Senator from Colorado that only those are covered who have positions in the legislative branch in the competitive civil service. The others are not.

Mr. ERVIN. That is true. That is undoubtedly so. That is expressed in section 715.

Mr. WILLIAMS of New Jersey. That is right.

Mr. ERVIN. I am also concerned about the definition of "persons" in section 701. We are not the Government of the United States. We are not exempt under that. We are individuals, I fear. We may be part of the Government.

Mr. WILLIAMS of New Jersey. Referring back to section 701, this operates under the term "employer," and not under the term "person." The term "employer" is then defined but does not include the United States as the employer but the people included within the legislative branch, which description is on page 54.

Mr. ERVIN. I am not the United States. I am an individual though, even if I happen to be a Senator of the United States.

Mr. WILLIAMS of New Jersey. Those people who are not competitive in the civil service.

Mr. ERVIN. That is section 715.

Mr. WILLIAMS of New Jersey. They are not covered. This is further evidence that section 715 should be separate and apart and on its own.

Mr. ERVIN. Then I understand the distinguished Senator to say that none of the provisions of the bill apply to the Federal Government or to any officer of the Federal Government except section 715.

Mr. WILLIAMS of New Jersey, That is right.

Mr. ERVIN. That satisfies me on that point. I am not asking these questions to be facetious but I have been so busy—as indeed has every other Member of the Senate—these harried days, that I could not get around to doing all my homework and I got to this just last night.

I thank the Senator for his information.

Mr. WILLIAMS of New Jersey. Mr. President, for myself, I would not have traded this legal exercise for anything.

Mr. DOMINICK. Mr. President, I am almost ready to vote. For the information of those who have not had the opportunity to be present, my amendment would leave in the Civil Service Commission the Federal employees. Instead of transferring that portion of personnel management to the EEOC, it would leave it in the Civil Service Commission.

This has been recommended by the Chairman of the EEOC, Mr. Brown, and by the Chairman of the Civil Service Commission, Mr. Hampton.

Why in the world we would take 3 million Federal employees and take one portion of personnel management and put it in a whole new agency, I cannot understand.

Mr. GRIFFIN. Mr. President, would the Senator answer a question for me if he is able to do so? What would be the rationale of the committee in exempting the employees of Senators? How would we justify that?

Mr. DOMINICK. I think that we did not get around to it at all. Actually, I would presume it is a pretty subtle distinction, because they are Federal employees, but they are not under civil service. The only ones covered were the employees under civil service. I do not see why they should have been exempted, but they were.

Mr. WILLIAMS of New Jersey. Mr. President, I believe that we covered those now covered under the Executive order. It was to be limited to that group, rather than broadening it beyond the Executive order as it exists.

Mr. GRIFFIN. Mr. President, it seems to me that it would be a difficult point to explain. Apparently we would be interested in bringing all other employers under the jurisdiction of the EEOC with respect to guarantees against discrimination, but we would leave ourselves free to discriminate.

Mr. JAVITS. Mr. President, if Congress votes for this legislation, I think we have a right to assume that Congress will in its personal conduct act in good faith. I think there is great jealousy over Executive interference with our functions and having any executive function in the executive department have the power to deal with the respective exercise of the Members of Congress. I respect that balancing of the two equities.

Even if we had done this in an advised way, I would still omit those employees because the separation of powers is, in my opinion, so critical that we should not jeopardize that concept with an executive department agency.

Mr. GRIFFIN. Mr. President, may I ask the Senator from Colorado, the sponsor of the amendment—since I did not hear all of the debate—do I correctly understand that the EEOC and the Civil Service Commission would favor the amendment of the Senator from Colorado?

Mr. DOMINICK. The Senator is correct. Chairman Brown of the EEOC and the chairman of the Civil Service Commission both testified in support of what my amendment would do—in other words, not transfer jurisdiction.

Mr. GRIFFIN. I certainly hope the amendment will be agreed to.

Mr. JAVITS. Mr. President, I wish to say just a word. The Senator from Colorado was very sparing in taking time. I am going with the committee on the whole bill.

My reason for supportng this particular provision of the bill is that there is, in my judgment, a proper case to be made for the fact that the agency which handles the personnel policies—namely, the Civil Service Commission—should not also be its own supervisor with respect to discrimination in employment.

It is for that reason that I saw some sense—I was not passionate about it, but I saw some sense—in giving rulemaking and the review power to the EEOC, so that it may make a consistent nondiscriminatory policy both in the Federal Government and in the State and local governments and for private employers.

I submit that the rationale of the committee's action is that it represents a sanction outside of the operation of the personnel policy of the Civil Service Commission itself. Experience has demonstrated, because of the very setup, that the personnel practice—the type of examination, and so forth—seems to open the door to discrimination.

I, therefore, think this is a healthy correction that is being made.

Mr. ERVIN. Mr. President, I wish to make one observation. The EEOC can give an applicant for employment with the State government $1,000 to litigate his case. But under the explanation that has been given, they cannot give 1 cent to an applicant for Federal employment. I do not see why we make that discrimination between the Federal Government and the State agency.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the senior Senator from Washington (Mr. MAGNUSON). If he were present and voting he would vote "nay." If permitted to vote, I would vote "yea." Having already voted in the affirmative, I now withdraw my vote.

Mr. RANDOLPH (after having voted in the affirmative). On this vote I have a live pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting he would vote "nay." I have already voted "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Minnesota (Mr. MCCARTHY), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Utah (Mr. MOSS) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from New York (Mr. GOODELL), If present and voting, the Senator from California would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 37, nays 29, as follows:

[No. 340 Leg.]

YEAS—37

Allen
Allott
Anderson
Baker
Bible
Boggs
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Holland
Hollings
Jordan, Idaho
Long
McClellan
Pearson
Prouty
Russell
Saxbe
Scott
Smith, Maine
Spong
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—29

Bayh
Brooke
Burdick
Case
Church
Cranston
Eagleton
Gore
Hart
Hatfield
Hughes
Jackson
Javits
Kennedy
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Nelson
Packwood
Pastore
Percy
Proxmire
Schweiker
Stevens
Symington
Williams, N.J.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Byrd of West Virginia, for.
Mr. Randolph, for.

NOT VOTING—32

Aiken
Bellmon
Bennett
Byrd, Va.
Cannon
Dodd
Goldwater
Goodell
Gravel
Harris
Hartke
Hruska
Inouye
Jordan, N.C.
Magnuson
McCarthy
McGee
Miller
Montoya
Moss
Mundt
Murphy
Muskie
Pell
Ribicoff
Smith, Ill.
Sparkman
Stennis
Tower
Tydings
Yarborough
Young, Ohio

So Mr. DOMINICK's amendment No. 976 was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF BRIEFING ON SOVIET SUBMARINE BASES IN CUBA

Mr. CHURCH. Mr. President, at 2:30 tomorrow afternoon the Foreign Relations Subcommittee on Western Hemisphere Affairs, of which I am chairman, will receive an intelligence briefing on the reports we have had of the construction of a Russian submarine base in Cuba.

Senators will recall that the last reports we had of Soviet military activities in Cuba led to one of the crucial crises of our generation.

I do not know whether the present situation is of such significance as the earlier confrontation in Cuba, but I believe that it is essential that Senators know precisely what the situation is, so that we need not rely on press reports and rumors.

The briefing tomorrow afternoon will be conducted by members of the Defense Intelligence Agency in room S-116 at 2:30 p.m. and any Senator who is interested is invited to attend.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of an editorial on this subject, published in this morning's New York Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOVIET SUB BASE IN CUBA?

It is curious that neither Moscow nor Havana has reacted publicly to the White House warning against construction of a Soviet strategic submarine base in Cuba. On occasion in the past the Soviet Government has been quick to deny much less serious accusations appearing even in obscure publications. But in this case, when a White House spokesman raised the possibility that the Kremlin had secretly begun work that would violate the spirit, if not the letter, of the 1962 Khrushchev-Kennedy agreement, there has not been a word of Soviet comment.

Pessimists will conclude that this silence confirms Washington's worst fears. Optimists will argue that Soviet leaders are taking another look at whatever plans may be underway for the Cuban port of Cienfuegos and have not yet decided what to do in the light of the White House statement.

The world was probably closer to thermonuclear war during the Cuban missile crisis of October 1962 than at any time before or since. In reporting the agreement which had resolved the crisis, President Kennedy said that the Soviet leaders had promised to remove all "weapons systems capable of offensive use" and "to halt the further introduction of such systems into Cuba." In return the United States agreed to lift its naval quarantine and to "give assurances against an invasion of Cuba." President Kennedy was thinking of land-based missiles capable of delivering nuclear weapons, but submarines having similar missiles and nuclear weapons are also "weapons systems capable of offensive use."

Violations of this understanding, coming on top of the current Soviet violations of the cease-fire pact in the Suez Canal zone, would certainly undermine any confidence in agreements with the Soviet Union. In this situation any Soviet move to create a submarine base in Cuba would only intensify tension between the two superpowers and strengthen retrogressive forces in both countries that would intensify the arms race.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3730) to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes.

The message also announced that the House had passed, without amendment, the joint resolution (S.J. Res. 110) to amend the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week," approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers.

The message further announced that the House had passed the bill (S. 3154) to provide long-term financing for expanded urban mass transportation programs, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14485) to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

The message further announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 236) authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7 as "National Clown Week."

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 1154) authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970.

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The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 675) expressing the sense of the Congress with respect to the conquest of cancer as a national crusade.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rivers, Mr. Hagan, Mr. Charles H. Wilson, Mr. Nichols, Mr. Daniel of Virginia, Mr. Bray, Mr. Clancy, Mr. King, and Mr. Foreman were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y., in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting, and it was signed by the Acting President pro tempore (Mr. Allen).

EQUAL OPPORTUNITIES ENFORCEMENT ACT

The Senate continued with the consideration of the bill (S. 2453) to further promote equal employment opportunities for American workers.

AMENDMENTS NO. 978

Mr. DOMINICK. Mr. President, I call up my amendments No. 978.

The PRESIDING OFFICER. The amendments will be stated by the clerk.

The legislative clerk proceeded to read the amendments.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 978) are as follows:

On page 27, insert between lines 22 and 23, the following:

"Sec. 4. (a) Subsections (g) and (h) of section 705 of the Civil Rights Act of 1964 (78 Stat. 258; 42 U.S.C. 2000e–4) are amended to read as follows:

"'(g) The Commissions shall have power * * * (6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (h) of this section, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters.

"'(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court: *Provided,* That the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commission.'"

On page 27, line 23, strike "Sec. 4. (a)" and insert in lieu thereof "Sec. 4. (b)"; in line 25, strike "2000e–5(a)–(d)" and insert in lieu thereof "2000e–5 (a)–(e)."

On page 31, beginning with line 23, strike all through line 19, page 43, and insert in lieu thereof the following:

"(f) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge: *Provided,* That if the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by an officer or employee of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (c) or further efforts of the Commission to obtain voluntary compliance."

On page 43, beginning with line 20, strike all through line 12, page 44, and insert in lieu thereof, the following:

"(c) Subsections (f), (h), (j), and (k) of section 706 of such Act are redesignated as subsections (h), (j), (l), and (m), respectively.

"(d) Subsection (g) of section 706, is redesignated as subsection (i) and a new subsection (g) is inserted in lieu thereof as follows:

"'(g) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.'"

"(e) Subsection (i) of section 706 of such Act is redesignated as subsection (k) and subsection (g) of such Act as redesignated as subsection (i) is amended to read as follows:

"'(i) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a).'"

On page 49, strike out lines 6 through 18.

On page 49, line 19, strike out "Sec. 8" and insert in lieu thereof "Sec. 7".

On page 53, line 6, strike out "Sec. 9" and insert in lieu thereof "Sec. 8".

On page 53, line 17, strike out "Sec. 10" and insert in lieu thereof "Sec. 9".

On page 51, beginning with line 20, strike all through line 2, page 53; in line 3, strike "(h)" and insert in lieu thereof "(f)".

On page 55, line 5, strike "(q)"; strike lines 8 and 9; in line 10, strike "(e)" and insert in lieu thereof "(d)"; in line 15, strike "(f)" and insert in lieu thereof "(e)"; in line 17, strike "(g)" and insert in lieu thereof "(f)"; strike out lines 21 through 25.

Mr. DOMINICK. Mr. President, I should tell my colleagues who are present that this is really a very significant amendment. What it does is to say that we are not going to give EEOC cease and desist powers. This amendment does, say, however, that the Commission can go into court, instead. This insures we do not have an executive agency going around the country, issuing cease and desist orders which have the effect of trying to enforce their own investigations in very ticklish and very delicate situations. Instead, the Commission will have to go to court, where there will be full proceedings of the court, rights of review, and rights of the Administrative Procedure Act.

I do not intend to be extremely long in my discussion of the amendment. I would guess that we would get a vote soon. As a result, I ask for the yeas and nays on my amendment at this point.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I shall now go into a little lengthier explanation of my amendment.

Some 6 years ago Congress enacted legislation making it unlawful to deny employment to an individual because of race, color, religion, sex, or national origin. This legislation was predicated on a belief and conviction that we must afford equal employment opportunity to all of our citizens, and this is a thesis which I thoroughly subscribe to. However, we still have job discrimination.

As Senators know, the agency charged with enforcing the law against this kind of discrimination was not given power commensurate with its responsibility, and, if the policy declared by Congress is to be effective, the inadequacy must be remedied. The question is: How do we do it?

The bill before us would provide the Equal Employment Opportunity Commission with authority to issue a cease and desist order against an employer found to be engaging in an unlawful employment practice.

Where the Commission cannot obtain voluntary compliance, it will issue a formal complaint against the respondent. The matters at issue will thereafter be litigated at a formal hearing before a Federal trial examiner, in the same manner that NLRB complaints are litigated.

Orders of the Commission may be reviewed by the Court of Appeals upon a petition by a party aggrieved by the final order. If no such petition is filed within 60 days, the Commission may obtain a court decree upon application, without review of the proceedings by the Court of Appeals. If neither of the above occurs within 90 days, any person entitled to relief may obtain a court decree without review of the Commission's proceeding.

The committee report on the bill states that this means of enforcement was adopted because it is the type utilized by other Federal regulatory agencies and most of the States. It also states that cease and desist powers insure a quicker and more unified approach to the problem.

I do not agree with this conclusion, as stated in the report, and I so stated in my individual views. I might also add that a number of witnesses before the committee did not agree with that conclusion.

The thrust of my amendment as we have it before us now is to provide for trial in the United States District Courts wherever the EEOC has investigated a charge and found reasonable cause to believe that a violation has occurred.

Let me interject at this point, because I think it is appropriate: The EEOC, on investigatory matters, is now 18 to 24 months behind. The bill as it is presented to us now, after adoption of my last amendment, still adds about 16.5 million people to its jurisdiction. The bill as it is now presented to us also asks that the EEOC, already 18 to 24 months behind, should now set up a whole new trial examiner department, and start the actual adjudication of these complaints as well as the investigation of these complaints.

Mr. President, as compared to about 100 new trial examiners, not counting the staff which would be needed, if we go into the system I am suggesting we need about 50 trial lawyers for EEOC. But we have 93 Federal District Courts in this country, with 326 judges now active and 398 authorized already in operation—people with judicial reputations, with reputations for fairness, discretion, and impartiality—and it seems to me that it makes far more sense, that it is going to be much more rapid, and that it will be a far better system to go through the courts, as opposed to the cease and desist order procedure.

The PRESIDING OFFICER (Mr. HUGHES). The Chair inquires whether the Senator from Colorado would like his amendments considered en bloc.

Mr. DOMINICK. Yes; I ask unanimous consent that it be considered en bloc.

Mr. JAVITS. Mr. President, will the Senator withhold that? I would like to examine the amendments.

Mr. DOMINICK. Yes, no problem. The amendment is No. 978.

Mr. GRIFFIN. Mr. President, would the Senator from Colorado permit me to ask a question at this point?

Mr. DOMINICK. Yes, I should be delighted.

Mr. GRIFFIN. On August 8, 1969, the Senator from Vermont (Mr. PROUTY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Pennsylvania (Mr. SCHWEIKER), and I introduced a bill (S. 2806) which represented the position of the administration on the matter of how to provide further enforcement powers for the EEOC.

It is my understanding that the bill was drafted either by or in cooperation with the chairman of the EEOC, Mr. Brown.

Is the amendment which the Senator from Colorado proposes now substantially in accord with that bill, does the Senator know?

Mr. DOMINICK. The Senator is correct, and it is in accord with that bill insofar as the bill was restricted to enforcement procedures, which I believe it was.

That bill was brought up in committee, but it met the fate of many other bills in that committee, and simply did not receive majority support. I believe, as a matter of fact, that the distinguished Senator from New York—no, I guess it was introduced by the Senator from Michigan, that is correct. The Senator from New York introduced another bill along somewhat similar lines.

Mr. GRIFFIN. Senator PROUTY, I believe, as a member of the committee, introduced it, along with the junior Senator from Michigan, and others. The thrust of the amendment now offered by the Senator from Colorado is in accord with that bill, as do I understand?

Mr. DOMINICK. It is in accord with that bill, and it is in accord, I might add, with the very strong position of the administration, the position of the board of the EEOC, and the position of the Justice Department.

Mr. GRIFFIN. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. I did not get the list of Senators, but I note that the minority leader is a cosponsor of the bill itself, as introduced by the Senator from New Jersey (Mr. WILLIAMS), so that really covers both sides of the issue, with Senator SCOTT on both of them.

Mr. DOMINICK. Mr. President, as I have said, the main thrust of my amendment is to go back to the original idea that the EEOC, the administration, and a lot of the rest of us had, which is to go through the courts instead of setting up this hearing examiner procedure.

Under this amendment, the Commission, if unable to obtain voluntary compliance with the law, may bring its own direct action against the respondent in an appropriate Federal District Court.

In other words, the Commission can do this itself.

The Commission may also request the Federal District Court for temporary or preliminary injunctive relief pending final disposition of the charge.

Obviously, it is not very difficult, as we all know, to obtain a preliminary injunction or a temporary restraining order. You can get it, practically, in half an hour. In the case of a preliminary restraining order, you can do it ex parte; with a temporary injunction, of course, you have to go in and have some hearings. But it is not a very difficult forum for obtaining effective, prompt relief where a situation may be critical.

If the court, after hearing the case, finds a violation has occurred, it may enjoin the respondent from engaging in such unlawful acts and may order such affirmative relief as it deems appropriate, including but not limited to the reinstatement or hiring of employees with or without back pay. Promotion of an individual may also be ordered if this type of discrimination is found.

An appeal from a District Court's order would go directly to an appropriate court of appeals, and the order of the court of appeals would be reviewable only by the U.S. Supreme Court.

The Attorney General's authority to bring actions involving patterns or practices of discrimination would not be changed. The Commission would be required to notify the Attorney General of such cases and also of cases the Commission is instituting in Federal District Court. So there would be coordination between them. The Attorney General may intervene in the latter type of a case as well as in a suit filed in Federal District Court by an aggrieved person.

So we are preserving the coordination, and at the same time we are making sure that we are not disturbing the pattern of practice cases which the Attor-

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ney General has been handling himself through the Justice Department. Wherever an aggrieved person comes in and files a suit, the action is retained where the Commission cannot obtain voluntary compliance but refuses to bring an act on in Federal District Court on behalf of the aggrieved person.

The Commission has complete authority to decide which cases to bring to Federal District Court, and these cases will be litigated by the Commission attorneys. Once a Federal District Court has issued a decision and order in a case, however, on litigation of an appeals nature, a U.S. Court of Appeals or the U.S. Supreme Court will be conducted by the Attorney General.

This approach preserves the expertise and independence from changing shifting political winds resulting from enforcement through administrative processes, and is capable of easy adaptability within EEOC's existing structure. In additon, however, it contemplates vigorous enforcement in the Federal courts where speedy redress can be obtained with due process.

I believe that other reasons supporting the adoption of my amendment include the following:

Proceedings showing immediate results will be able to be commenced shortly after enactment, particularly in view of the authority to the EEOC to seek immediate temporary or preliminary injunctive relief from Federal courts which will eventually try the cases on their merits. By contrast, it will take the EEOC many months to commence administrative proceedings under decisionmaking and enforcement authority and would probably take 2 or 3 years before any meaningful number of court decisions could be obtained ruling on or enforcing the administrative decisions of the EEOC.

Mr. President, I can go farther than that. In the hearing records that we have before us, it was anticipated that it would take 18 months to 2 years to set up the necessary trial examiners in order to go into the kind of processing on cease and desist orders provided under the bill. We would not have to wait that long under my amendment. We could go directly into court and get such relief as the court may authorize.

EEOC will have complete freedom to determine which cases should be taken into Federal court after conciliation attempts failed, with an aggrieved person retaining the right to commerce his own action in Federal court if the EEOC dismisses his charge. The Civil Rights Division of the Justice Department will have no control over what cases are litigated, although it will retain the right to decide which cases should be appealed to the courts of appeals where the EEOC loses a case in whole or in part in the District Court proceedings.

A particular proceeding will probably be substantially shortened by the direct appeal route from the Federal District Court which tried the case to the court of appeals, rather than following the time-delaying route of administrative hearings before a trial examiner and additional proceedings before the Commission itself before access to the court of appeals can be obtained.

Under the traditional procedure of the so-called independent board, which is not independent in this case, what you do is have an investigation by the EEOC staff; then a complaint is filed; then that complaint is heard by an EEOC trial examiner. After that, you have a right to go to the commission for a full review of the trial examiner's report. After that, the case goes to the court of appeals. The administrative procedures alone, as we well know, in the course of the conduct of NLRB and many other regulatory agencies, are time consuming.

In addition, there is the feature which I have been fighting, as the Senator from New Jersey has said, over and over and over again, and that is that I do not think that an executive agency of Government should be the investigator, the prosecutor, the trial judge, and the judicial review board before you ever get to a court.

It seems to me that it smacks far too much of the old star chamber procedure of the English common law from which we have been trying to get away ever since—or, I should say, which the English common law got away from.

The EEOC will not lose the right to exercise its expertise in the fashioning of remedies for alleged violations, as it may urge the courts any proposed remedies which might have been ordered in its own right if it retained decisionmaking legality of such remedies would be determined when the court of appeals reviewed the EEOC's order, and it is this same forum which will pass upon the propriety of the remedy under my amendment when the action of the Federal District Court is reviewed.

It is true that there is a substantial backlog of cases awaiting trial in many Federal district courts. However, I am convinced that the backlog of EEOC cases in the courts will not approach the backlog of cases before the Commission which would be created by requiring the EEOC to review every litigated case in the country before enforcement in the courts of appeals could be sought. In addition, under the proposal which I have submitted, the EEOC would be authorized to seek temporary or preliminary relief when investigation indicates that it is necessary. These cases would be expedited and the immediate effects of the results could make an impact upon employment practices.

Further, it is my impression that companies and labor organizations and their legal counsel are much more impressed by precedents established in our Federal court system than by precedents of administrative agencies. Accordingly, as court precedents are established under my amendment, I believe the result will be a substantially higher increase in the number of respondents complying with court decisions or entering into meaningful conciliation agreements with the Commission, rather than appealing cases lost in Federal district court. In addition, I envision a much larger number of cases being settled by agreement without litigation where the alternative is a Federal court trial by respondents who would take their chances in drawn-out administrative proceedings, even where the precedents were clear.

There is also good reason to believe that the success of conciliation efforts would be enhanced by these enforcement procedures. Rather than substantially increase the number of cases which must be pursued in the courts if at all, there is a strong likelihood that the knowledge that failure to conciliate can result in direct court action by the EEOC will provide the necessary inducement to employers to settle matters rather than to litigate.

Finally, the rights of all parties—employers as well as employees—are better protected, procedural safeguards are assured, and an impartial determination of the issues can be made when differences are resolved and the record is made in a Federal court.

We have established a great number of regulatory agencies in the past. We have done this largely on the basis that very intricate situations are going to be involved and that we should have a group of experts doing this.

In this case what we are talking about is discrimination. While discrimination can happen both directly and indirectly, and that it can sometimes be difficult even to ferret out, these instances, by and large, are going to be brought to the Commission on complaint of an aggrieved party. So we do not have a comparability, so far as I can see, with the problems of the NLRB or the SEC or the Federal Trade Commission or any of the other regulatory agencies.

These cases will be coming in, and they will be coming in in numbers, substantial numbers, because we all know that discrimination is still going on.

It strikes me that where we have of necessity a complaint-oriented agency such as this, we should have a judicial review of whatever order that Commission deems it should have. We should have a judicial review through the Court of Appeals; but in order to make the decision—I will put it that way—of a Commission subject to initial review and rather prompt action, we will do better, I believe, in the Federal district courts than we will elsewhere.

Let me state again the reasoning, and I will be very brief. This Commission is now 18 to 24 months behind. By this bill, if it is passed as it is now before the Senate, we will be adding 16.5 million people to its jurisdiction.

The Commission has estimated that it would take them almost 2 years to be able to set up a trial examiner procedure, and they have estimated that substantial staffing of trial examiners as well as new lawyers would be needed in order to conduct the adjudication proceedings before the Commission itself.

We now have in existence 93 Federal district courts, with 398 authorized judges for those courts. Wherever there is an investigatory proceeding which makes the Commission believe there is a legitimate case, they can go right into one of those courts, which are already set up, already staffed, and already paid for.

It just does not seem to me to make

very much sense for us to reverse this—and, I might point out, to reverse it against the wishes of the administration, the Justice Department, and the EEOC itself—and to say that we are going to put it in the hands of an agency which really does not want this type of power.

COURT ENFORCEMENT VERSUS CEASE AND DESIST POWERS

Mr. WILLIAMS of New Jersey. Mr. President, the issue that goes to the very heart of this bill is whether unfair employment practices should be dealt with by way of administrative cease and desist proceedings, subject to appellate court review, or, whether the Commission must resolve questions of discrimination through court litigation, as proposed in this pending amendment by the Senator from Colorado.

Since the inception of title VII, there has been an almost universal recognition of the need to provide some public mechanism for adjudication of charges relating to unfair employment practices. All of the Government witnesses testified at our hearings on the need for enforcement power for the Commission. The only disagreement has been whether this enforcement power should be through administrative proceedings or litigation in the courts.

The Committee on Labor and Public Welfare was unanimous in its view that some method of enforcement was required for title VII. An amendment to provide court enforcement for title VII, instead of administrative cease-and-desist proceedings, was given full and careful consideration throughout the hearings and in discussions in the full committee. The amendment was rejected, however, and the bill with administrative cease-and-desist enforcement powers was unanimously reported.

I should stress at the outset, that the type of enforcement favored by the committee is the very same type of authority which has been given to virtually all other Federal regulatory agencies such as the Federal Trade Commission, the Interstate Commerce Commission, the Securities Exchange Commission, the National Labor Relations Board, and others; all of these administrative agencies are empowered to issue cease-and-desist orders after holding administrative hearings.

In addition, the type of enforcement authority provided for in S. 2453 is the same as that adopted by 34 of the 38 States which have equal employment opportunity laws. Thus, we are in harmony with the States and we are in harmony with the other administrative agencies.

The committee found sound reason to follow the same approach in this bill. The same considerations which have led to the adoption of administrative enforcement in other areas were found to be fully applicable here.

One of these considerations is the need for the development and application of expertise in the recognition and solution of employment discrimination problems—particularly as these problems are presented in their more complex, institutional forms.

In the past several years, the development of the law of employment discrimination has made it increasingly clear that the most significant subject of dispute is often not whether there has been discrimination but what the appropriate remedy is to correct discrimination. Further, the question of remedy is often not posed as to just one person or small group or persons who have been discriminated against, but involves discriminatory practices inherent in the employer's basic methods of recruitment, hiring, placement or promotion.

Accordingly, the district courts have increasingly found themselves grappling with complex questions of remedy involving, for example, the plantwide restructuring of pay scales, progression lines, and seniority structures.

Thus, the nature of the issues arising under title VII indicates that reliance upon the expertise developed by trial examiners and commissioners in the course of their ongoing administrative experience with such issues, is just as important for this subject matter as is true of the equally complex subjects handled by the Federal Trade Commission, the Securities Exchange Commission, and others I have mentioned.

Another consideration of utmost importance is that exclusive reliance on court litigation means throwing a new, additional burden on our already overworked Federal district courts.

The complexity of the issues in employment discrimination cases can give rise to enormous expenditures of judicial resources. For example, Judge Allgood of the Federal District Court for the Northern District of Alabama, wrote an opinion 157 pages in length in United States against H. K. Porter, a title VII suit alleging employment discrimination in a single steel plant. Judge Allgood noted in his opinion that enough use was made of pretrial discovery in that case to "fill several court files."

The concern I express here is a crucial one. In his remarks to the American Bar Association on the State of the Federal Judiciary, given on August 10, 1970, Chief Justice Burger described at length the problem of overcrowding in our courts. Such overcrowding, he warned, threatens "a grave deterioration in the work of the Federal courts." The Chief Justice attributed the situation, in large part, to the tendency of Congress to meet the problems of our society by enacting new programs requiring court enforcement, and the simultaneous failure of Congress to give adequate consideration to the impact of such programs upon the caseloads of our courts.

In this bill we have given consideration to the problems encountered by our courts and have not imposed upon them this additional burden.

I should also point out that the enforcement mechanism contained in S. 2453 will insure more quickly a unified approach to the problems of discrimination, since decisions would be rendered by one agency rather than several hundred district court judges. In this way, I believe, a greater degree of predictability regarding legal interpretations and remedial approaches will be available to those who are covered by the law.

The argument has been made that court enforcement would be faster and more efficient than administrative enforcement, and the experience of the National Labor Relations Board was cited during our hearings as proof of this argument. The committee examined this contention and concluded that it was not borne out by available figures. The statistics in our record showed that the median time for resolution of a complaint by the National Labor Relations Board, from filing to decision, is a little less than 1 year, whereas the median time for resolution of contested cases in U.S. district courts, from filing to decision, is 19 months—a considerable difference.

Another argument that has been made in favor of court enforcement is the need to have an immediately available mechanism to handle the large backlog of charges now pending before the Commission. The committee felt that a serious question of due process could be raised if the new administrative enforcement procedures were applied to this backlog, inasmuch as the Commissioners themselves to some extent have an advocate's role under existing law. Therefore, an interim method for processing pending cases was devised in order to avoid even the appearance of a lack of due process for the respondent, until such time as the Commission, through the rulemaking authority provided in this bill, has created the necessary internal separation of functions contemplated by the administrative cease-and-desist enforcement scheme. Accordingly, the bill makes provision for the Commission to seek direct court relief with respect to pending cases in which the Commission is unable to obtain voluntary compliance after finding reasonable cause. All future cases would be determined by the Commission itself under their cease-and-desist power.

In closing, I would emphasize that our committee concluded that the cease-and-desist mechanism is the best possible method for securing the equal employment opportunities provided in this bill. Court enforcement is not without its merits, nor would it be unworkable if it became the device in the bill—but cease-and-desist is the better way, and our millions of disadvantaged citizens deserve no less than the best we can provide.

Mr. JAVITS. Mr. President, it is my intention to suggest the absence of a quorum so that Members may be advised that this is the most important, in my judgment, of all the amendments that we will debate promptly and vote on promptly.

I ask unanimous consent that I may regain the floor, and I shall not be long at all.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask

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unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we come now to the very heart of this bill. One might almost say, in the absence of a decision which would sustain the committee and reject the amendment, that as far as the world is concerned—and the world is deeply interested, especially the world of the minorities, I think it is fair to say, because one cannot use delicate parliamentary language—nothing will be accomplished. I think that something will have been accomplished anyhow by the provisions of the bill in many respects tightening up the procedures and so forth. But in the eyes of the great world of the minorities if we do not give the Commission cease-and-desist power, then the flag has been struck down and that is it.

This Commission has been weak, innocuous, and behind in its work. Its work has been very challengeable because it did not have cease and desist power. The whole point of seeking to buttress this power is to give cease and desist power.

This is the key amendment. It is true that the Commission itself does not have the power to sue now and that this would give it the power to sue.

The amendment of the Senator from Colorado thereby makes a little step forward in the situation of a weakly positioned plaintiff who might have trouble suing for himself. But the fact is that with the network of civil rights agencies which are around today, a determined plaintiff can find someone to sue for him—the legal aid society, the legal services of the OEO, or some such local connection—if he is really interested in bringing suit.

I do not think the fact the Commission will be able to litigate represents a very big step forward, although it is a power which it does not have today.

This has been especially true with respect to the pattern and practice suits in the case of the Attorney General. He has filed less than 100 such suits.

Considering the state of our Nation today, it seems to me that this should be a critically important consideration with every Senator. The demand has been so great in terms of equal employment opportunity and the hopes have been so pinned directly upon this way of resolving the difficulty that I do not think, unless we have very good reason—and I will deal with that in a moment—we should refuse to have a meaningful provision in this law insofar as the minorities are concerned.

I was very interested in listening to the Senator from Colorado. He is away from the Chamber, but will be back in a moment. I will repeat it and he can reply to it if he cares to do so. It was very interesting to me to hear the Senator from Colorado say, "We, of course, know that discrimination in employment is still going on." Of course, we all know that. We all know it is going on.

It is very interesting that he emphasized the argument that employers would be impressed with the fact that they could be brought into court.

I can assure the Senator of one thing. Employees will not be impressed. They are the ones we are seeking to impress. In the state of tension in which this country exists today, employees will be totally unimpressed, because the employees know that the high-priced lawyers for the corporations with the most money can string a case out for 10 years. There are antitrust cases in the Federal district court today which have been there for 10 years or more.

In addition, Mr. President, the Senator from New Jersey spoke very properly about Chief Justice Burger's concern with the crowded court dockets. What compounds that objection to this amendment is that the very dockets which are the most crowded are in the very districts in which this type litigation will take place: New York, Chicago, Philadelphia, Boston, San Francisco, and Los Angeles. Those are the areas where a trial cannot be had for 4 or 5 years.

It astounds me to hear a Senator rise and say that faster action can be had in Federal district courts when the whole country has been concerned for some time about overcrowding.

So I believe we have here the very heart of the controversy. What is there to be afraid of in a cease and desist order? The Senator said that in courts speedy redress can be had with due process.

Is the EEOC going to be without due process? If it is, it is going to be thrown out of court very quickly. With about 50 hearing examiners specializing in these matters, does it not lend itself to reason that the trial will come sooner and that the trier of the facts will have a far more specialized view and be able to hold much shorter hearings than U.S. District Court with the many other cases they have to deal with in the various parts of the country?

This kind of case, which depends so heavily on intent and purpose can be strung out in a very lengthy way by anyone with a real desire to do so; and it is logical to expect employers will do their utmost to run the thing in the best way to suit them.

The argument was made also that it will take 18 months to 2 years to set up a hearing examiners' panel. In the meantime, the law is as it is and the procedure goes on just the same, so the position of the employer and the employee is not worsened by the length of time it takes to set it up. But when it is set up there is redeemed the promise of the law in a far more promising way, to end discrimination on the grounds of religion, race, or sex, as far as employees seeking employment are concerned.

I hope Members will give this matter the degree of serious consideration it deserves because it has a very profound sociological impact, bearing very directly upon the condition of the country and one of the major causes for unrest and tension. To dash the hopes of the millions of the minorities by denying this kind of remedy we give in many other cases, through many other commissions, would not only be cruel but extremely unwise in a governmental sense, and it would have a cumulative and a very deleterious effect in heightening rather than lessening the tension within the country, so far as race is concerned. Everyone recognizes this is one of the most critical aspects of our situation.

We have always heard about cease and desist orders. We heard about them in 1964 and in New York we heard about them in 1945 when we first passed the Ives-Quinn law, which was the first of all the State laws against discrimination in employment. We always heard fears the law would be used as a weapon to harass business; that business would be put to an enormous expense in keeping records and answering cases; that harassment would be especially bad because it is so difficult to refute such a charge, and the most considered judgments were made by high-class lawyers, top businessmen, and academicians, to that effect.

Not dismayed, the New York State Legislature 25 years ago passed the Ives-Quinn law. I had the honor as Attorney General of New York during the period 1954 to 1957 to enforce that law. All of those fears were absolutely baseless. It was demonstrated that business was not harassed, that complaints were not all that numerous, that hearings were fair, and if not, they were turned over by the courts speedily and the situation worked out. A quarter of a century has passed and New York, up until a short time ago largest in population, is still a key State in terms of industry, finance, and power. Now, we have that experience proliferated throughout the country. Over 30 States out of the 50 States have provision for cease and desist orders to redress discrimination in employment.

It seems to me, in the face of that experience, there is every reason to honor the promise of the Civil Rights Act of 1964, and title VII of it, which for so long remained a weak and emasculated instrument and resulted in making very little use of this Commission. If we want to give it backbone and vertebrate, and moral and responsibility in doing the job, you have to give it this cease and desist power.

Mr. President, I would like to close as I began. I am glad the Senator from Colorado (Mr. DOMINICK) has returned. This is the key amendment. Without this provision in the bill we do not redeem any part of the promise for millions of minorities who are employed or seeking employment in this country, and the bill, as far as they are concerned, will be written off completely. There is no reason why in practice we should deny this opportunity to all these millions of workers, especially as this is sealed and certified by the fact that among the blacks there is double the average unemployment that there is among whites, and when you get to black teenagers, it is four and five times greater.

I hope the Senate in an act of statesmanship will recognize the key point about this bill as far as the people most affected are concerned, and reject the amendment.

Mr. DOMINICK. Mr. President, I understand the Senator's deep commitment to the bill as written and I certainly fully share with him the desire to be able to eliminate discrimination as rapidly as we can. That is not the subject before us today. The question is the methodology involved, a word the Senator from New York uses quite regularly himself.

Because I think it is extremely pertinent to this discussion we are having, I wish to read into the RECORD the testimony of Mr. Brown who is the Chairman of the Equal Opportunity Commission. On page 41, in the middle of the page, Mr. Brown points out that although he supports the cease and desist principle as one method of enforcement procedure before the commission, he preferred the Federal court approach. This is what he said:

> An alternative has been proposed by the President, however, which I now regard as preferable since it embodies a mechanism more conducive to enforcing the law rather than merely administering it. The cease-and-desist approach would inhibit such an attitude, for it carries with it a presumption of quasi-judicial neutrality toward the problem title VII seeks to correct. An active enforcement stance, which I think absolutely necessary, would thus be at odds with the Commission's own machinery.
>
> The administration proposal, if enacted into law—

And that is what I am proposing—

> would allow the Commission to go into court should conciliation fail, and seek redress of unlawful employment practices through the familiar process of litigation. The conceptual problems that I have indicated would result from the cease-and-desist approach would be avoided, while the best features of the independent agency concept would be saved.
>
> In addition—and I think this is determinative—the administration's proposed enforcement system could be easily accommodated within the Commission's existing structure, while cease-and-desist machinery would require at least 2 years of tooling up before the first administrative hearings could be held. We would be able to enforce title VII in the courts with the comparatively less difficult adjustment of adding 50 lawyers to our General Counsel's staff during the first year, with an additional 25 during the second year.

Then, over on page 45, he had a colloquy with the Senator from New Jersey which I think is of particularly great significance. First of all, the Senator from Vermont (Mr. PROUTY) asked him what time would be involved in putting together a cease-and-desist procedure:

> Mr. BROWN. I would estimate the time to put cease and desist in full order and get the first court-enforced order would be 5 or 6 years—

Not months; years—

> Senator PROUTY. And under the administration's proposals?
>
> Mr. BROWN. It would be a matter of a week. We have some lawyers on hand and we have the mechanism in the agency all ready for handling this type of proposal.
>
> Senator PROUTY. Thank you.
>
> Senator WILLIAMS. As I received your projection of the time it would take with cease and desist, which is the legal enforcement provision, did you say it would take 6 years to get a case—
>
> Mr. BROWN. From the time it was originally started until the time the first order was enforced by the court, it would take between 5 and 6 years. That is my first estimate.
>
> Senator WILLIAMS. Would you run through that again and how it would work? Why would it take that long? We are going now from the date of enactment.
>
> Mr. BROWN. That is correct.
>
> Senator WILLIAMS. Why would it take 5 or 6 years?
>
> Mr. BROWN. The first step would be the actual tooling up of the agency to handle cease and desist authority. We are not presently geared for that kind of authority.
>
> Senator WILLIAMS. You are not starting with the filing of a charge?
>
> Mr. BROWN. No, we are not.
>
> Senator WILLIAMS. You are starting with the period of tooling up.
>
> Mr. BROWN. That is correct.
>
> Senator WILLIAMS. What goes into the tooling?
>
> Mr. BROWN. Under the National Labor Relations Board, they have about 130 hearing examiners, so it would mean we would have to get on board probably 50, 60, or 70 of these persons anyhow in order to cover the entire country.

And, incidentally, that has been raised to 100 now.

> These people are hard to come by. We would have to go out and actually recruit them very actively.
>
> Senator WILLIAMS. That would be harder than getting the lawyers that the President has promised you?
>
> Mr. BROWN. I think it would be infinitely harder than just getting the lawyers we would need.
>
> Second, of course, is the obtaining of physical facilities, because you would have to have hearing rooms available to you and these would be needed throughout the country.
>
> In addition to that, the necessity of restructuring our own organization; namely, to pass new regulations which would be able to handle the cease and desist regulations which we presently do not have, of course. That is the initial period of time.
>
> Senator WILLIAMS. That is the initial period for tooling up.
>
> What does the Commission have now in terms of professional personnel to deal with complaints?
>
> Mr. BROWN. Basically, our conciliators and investigators as well as our general counsel staff. Then, of course, the Commissioners themselves make the determination of reasonable cause.
>
> I might also point out to the chairman that, under the present setup as it exists under the National Labor Relations Board, there are 23 lawyers on each Commissioner's staff. We have presently under our setup only one administrative assistant for each Commissioner.
>
> So, of course, in addition to the hearing officers, even under the cease-and-desist proposal, we would find it necessary to obtain probably some 100 additional lawyers as well.
>
> Senator WILLIAMS. That is the first stage, phase 1 of tooling up if it were to be cease and desist. What would be the first phase of tooling up in the event that the alternate approach were used?
>
> Mr. BROWN. As a practical matter, there would be no first phase because we presently have within the Commission attorneys in the General Counsel's staff which could start filing suits immediately. We, of course, would be recruiting lawyers in addition to those lawyers we have.
>
> We would be selective in the cases we would file suit on but, if the proper case came about, this could be done within a matter of weeks.
>
> Senator WILLIAMS. This would be the instant-action approach?
>
> Mr. BROWN. It would just about amount to that.
>
> Senator WILLIAMS. How long will it take you to accomplish your suggestion and the present objective? How many new lawyers?
>
> Mr. BROWN. Approximately 50 in the first year.

The point I am making in reading this testimony is that the Senator from New York, the Senator from New Jersey, and I are interested in being able to take whatever steps are reasonable and practical in order to be able to do something in connection with discrimination which still prevails in our country. As we all know, the discrimination cases that are being filed because of discrimination on account of sex have been vastly increasing over the last 2 years, and will undoubtedly increase even more if the constitutional amendment being proposed is adopted. For the life of me, I do not see how we are improving our ability to alleviate discrimination in this country by establishing a system which will take, in the words of the Commission Chairman who will be given this power, 5 or 6 years to set it up. Why not proceed with the same system that is already established, that is already staffed, and that is ready to proceed immediately, so the Commission can take these cases into court, where the procedures are known to everybody throughout this country, and where we will have the ability, by so doing, to get almost instantaneously a procedure through the established processes, if it seems to be that kind of case? For the life of me, I cannot understand why we should go the other way.

I point out that the Commission has said—and I do not think it has been refuted by anyone—that it is 18 to 24 months behind now, simply in the investigative process, and it is going to take 5 or 6 years before the first court-enforced order of the Commission can be put into effect, in the event the cease and desist provisions remain in the bill. We will eliminate the latter gap even though we are adding 16½ million, as the bill is now written, to the jurisdiction of the Equal Employment Opportunity Commission.

It just makes commonsense to me to say that we should go by the court approval route so we will be able not only to avoid the delay, but avoid the approach of the so-called star chamber. This Commission would have many of those aspects, inasmuch as it would be the investigator, the prosecutor, the trial examiner, and the judicial reviewer, all before one ever got before a court. It is extremely difficult for any executive agency to handle all these separate functions and still be fair and impartial to all the people concerned.

Mr. JAVITS. Mr. President, just to complete this discussion, I have no challenge to the Senator's personal dispositions in civil rights matters, but I think quite unwittingly he is completely overlooking the fact that the real significance of this bill, to millions of minorities, is this very cease and desist power. And I must say that, speaking of Americans of ordinary commonsense, it certainly stretches my imagination, and I think it will stretch the imaginations of the majority of Americans, that it is claimed that a court trial, and all the appeals, with what each and every American knows about that today, is going to be faster than a specialized proceeding before an agency.

Furthermore, Mr. President, everything that is said about the recourse to the courts is going to go on until the agency is set up for the purpose of issuing cease and desist orders.

The Senator referred to the testimony. I should like to refer to the testimony of Clifford Alexander, who is a member of the Commission and was its Chairman. His view is exactly contrary to that of Chairman Brown. I had the feeling that Chairman Brown was rather overimpressed by the fact that he had to sustain the administration's position. I think he stretched things very considerably in seeking to sustain that position.

Here is what Alexander said, beginning on page 63, at the bottom of the page:

> By Chairman Brown's own testimony, only selected cases could be taken under Senator Prouty's bill which is readily apparent. If we did what the Justice Department now does perhaps one in 10,000 would have the support of the Equal Employment Opportunity Commission.
>
> If with 50 lawyers they brought cases on a selective basis at best only one in 100 could receive help. Under cease and desist individual cases will proceed far more rapidly than through the courts.
>
> I would like to disagree vehemently with the idea that tooling would take 2 years. I think it would take just 2 or 3 months to get started. Hiring some of the proper staff should take no longer than a few months. Also you don't have to wait for an employment discrimination to go through the entire pipeline before starting a hearing.

So his estimate is months, and Chairman Brown's estimate is years. And I would like to point out that even Chairman Brown admitted they would have to take selected cases, if they take them into court. He conceded that in his own testimony.

So, Mr. President, I conclude as follows: Because of the meaningfulness of this legislation, because of the fact that it strains credulity at this time to contend that you are going to get action through court litigation faster than you will through agency procedures, and because of the contradictory testimony of the former Chairman as compared with the present Chairman of the EEOC, I hope that the Senate will reject the amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. I have heard the exchange between the Senator from New York (Mr. JAVITS) and the Senator from Colorado (Mr. DOMINICK), and I would like to ask a few questions, if I may.

Is it correct to say, that under present law, section 706, only the aggrieved may enter a court, or the Attorney General, when there is a pattern or practice of discrimination?

Mr. JAVITS. A pattern or practice action, that is exactly correct.

Mr. COOPER. Under the bill as reported by the committee, the aggrieved can go into court. Is that right separate from his right to appeal from the Commission's findings, or is it only a right of appeal upon the Commission's findings?

Mr. JAVITS. It is separate if the Commission does not actually institute a proceeding, but if the Commission does institute a proceeding, then he has to proceed by the Commission route. That would be the same with Senator DOMINICK's amendment, because once they sue, they preempt his right to sue.

Mr. COOPER. Under the existing law, the Commission is required to attempt to settle issues by conference, conciliation, and persuasion. Is that duty still incumbent upon the Commission under this measure?

Mr. JAVITS. Yes; it continues exactly as before, except that it has the added powers.

Mr. COOPER. Before a proceeding is commenced, which might result in a cease and desist order, would the Commission be required manditorily to undertake means of conciliation and persuasion?

Mr. JAVITS. As I read the bill, it is mandated to do so.

Mr. COOPER. I think my question is important, because I think it would be fair to the parties and the best policy of our Government that an effort be made to settle the issues by conciliation and agreement, rather than undertake immediately the cease and desist procedure.

Mr. JAVITS. I thoroughly agree with the Senator from Kentucky; and that is the uniform practice of all the State agencies with power to issue cease and desist orders.

Mr. COOPER. But does the language of the committee bill merely permit the practice, or is there language which states that the Commission shall undertake conciliation prior to using the procedure, which may result in cease and desist orders?

Mr. JAVITS. It is absolutely mandated. I refer the Senator to section 706 (f) as the law will be if the bill is passed, which is found at page 43 of the committee report. It says:

> If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission—

And so on. So it is mandated.

Mr. COOPER. In the case of a violation, am I correct that the remedy is civil only with the possible recovery of wages, or is a criminal proceeding provided as well as civil?

Mr. JAVITS. No, no. It is a cease-and-desist order, to refrain from the discriminatory practice, and the only thing it can order is affirmative action to remedy the violation. That would include, where appropriate, payment of back wages like the minimum wage law and the NLRB.

Mr. COOPER. Can the Senator provide me some examples of precedents of cease-and-desist proceeding, now embodied in the law?

Mr. JAVITS. Well, the National Labor Relations Board, the Federal Trade Commission, the SEC, are examples of agencies which may issue such orders. This is pretty general practice, and, as I say, more than 30 of the States have cease-and-desist machinery provided for commissions or boards, or individual attorneys general in similar circumstances.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislation clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I know that arguments have been made in response to the amendment of the distinguished Senator from Colorado. I rise also to oppose the amendment.

I recall that in 1964, when the Civil Rights Act of 1964 first incorporated this legislation to provide for the EEOC, I spoke on the floor of the Senate about my very firm belief in and support of this program. Unfortunately, the great hope and expectations we felt then have not been realized.

Time and time again many people around this country comment that if only the minorities in this country had initiative, if only they had energy, all they have to do is go out and get a job and work their way up and make something of themselves.

But the sad fact is that it is much more difficult for a black person, or a Mexican American, or an American Indian, or a woman or others in the minority to do that. The case is extremely convincing and compelling that racial discrimination does exist in this country to an extraordinary degree, and racial discrimination exists in the area of employment to a very heavy degree. I think the steps and procedures which have been incorporated into this legislation are the most effective remedy in trying to really meet the brunt of the burden of discrimination which exists within our country. Virtually all major civil rights organizations feel that the power to issue cease-and-desist orders will be more effective than the court enforcement mechanisms. I agree.

So I feel that it is extremely important that the amendment of the distinguished Senator from Colorado is rejected.

Also, Mr. President, I think that if we are really serious about combatting discrimination against women in private employment, the cease-and-desist power provides a stronger tool to meet that problem. As one who has very serious reservations about the constitutional amendment for equal rights for women, I have stated time and time again in my own State of Massachusetts, when asked about this question, that I believe that by providing the cease-and-desist power we can assure much fairer and more equitable treatment for women's rights in private employment, rather than going through the very lengthy procedure in the courts.

So I think there is an additional reason, other than protection for the various minorities in this country. And that is to provide protection for the women in our society who are being dis-

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criminated against, solely on the basis of sex, with respect to equality in job opportunity.

I know that my distinguished colleague has reviewed in some detail the handicap that would result in terms of time and delay if we were to go by the route of the courts, that we would have different kinds of decisions, perhaps, in different parts of our country. I know that during the course of the argument the point has been made that some 34 of 38 States with equal opportunity laws presently provide the cease-and-desist power. I know that the point has been made, which I believe in strongly, that what we really need is a unified approach to cases involving individual employees.

I feel that cease-and-desist power is the best way. The bill as it stands at present is a significant step forward. I would certainly hope that the amendment of the distinguished Senator from Colorado would be rejected.

Mr. COOPER. Mr. President, I have listened to the debate, and my mind has changed because of the debate.

I recall in past years, in connection with the Civil Rights Act and other acts, but particularly the Civil Rights Act, an evolving process in the Congress regarding the procedures by which an aggrieved person could secure relief. I recall that the first Civil Rights Act provided that only the aggrieved person could seek relief in the courts. Later Civil Rights Acts provided the Attorney General with authority to intervene on behalf of an individual. Authority was also provided to the Attorney General to sue in cases involving a pattern of discrimination.

I must say that I believe the cease-and-desist procedure provides a fair and speedier means of reaching a decision than the single court procedure.

I note that the bill provides for review of Commission findings by the circuit court of appeals and the Supreme Court. This due process provision is essential, and makes the bill appeal more strongly to me.

Just recently, concerning the Air Pollution Act, one of the serious issues in the debate, both in the committee and on the floor, was whether the bill should provide review by the circuit courts and the Supreme Court. The Senate decided for such review.

I am glad that appeal to the courts is provided in the pending bill.

I should like to speak briefly at this time with respect to a point that I have addressed to the Senator from New York (Mr. JAVITS).

I was a Member of the Senate for 2 years, in 1947 and 1948, when the Taft-Hartley Act was passed, and it was as fiercely battled and debated as any measure I can recall during my service in the Senate. I recall that Senator Taft insisted that the counsel of the National Labor Relations Board should be separate and independent of the board. He made a strong case that the accuser should not be one who would sit upon the case.

I would assume that in many decisions that will be made by this Commission, its counsel would advise the Commission as to whether or not an order should be issued. I ask the sponsors of the bill whether they have considered writing into the bill a provision that counsel for the Commission shall be independent of the Commission itself.

Mr. JAVITS. Let me say to the Senator from Kentucky that I am rather hopeful the Senate may reject this amendment, and if it does, and the commission has the powers which I feel it needs to have, I understand that an amendment will be offered with respect to the independent counsel and I would be favorable to it. I wish to give the Senator that assurance because I think, then, the case for it becomes an active one. As we stand now, we do not know yet what the Senate will decide with respect to the cease and desist powers.

Mr. COOPER. Can the Senator give me assurance, that if the pending amendment should be agreed to, that such an amendment will be offered—of course the sponsors of the bill can do so—to provide for independent counsel?

Mr. JAVITS. I can give the Senator that assurance, speaking for myself.

Mr. WILLIAMS of New Jersey. Let me say to the Senator I am sure it will be offered and it will be acceptable to us.

Mr. ERVIN. Mr. President, if I may be recognized for 1 minute on the point the Senator from Kentucky was making: the bill in its present form would permit the rankest kind of prostitution of the judicial process. Under the provisions of the bill, the Commission even has the power to file complaints in the first instance but, in any event, it says it shall investigate complaints so that it is an investigator, a prosecutor, a jury, and a judge. Mr. President, no bill should permit the uniting of these functions in one body. Under the decision in re *Murchison*, 349 U.S. 133, it is a clear violation of the due process clause of the Constitution of the United States to do so.

I just wanted to make that statement for the benefit of the distinguished Senator from Kentucky, that here is a bill which authorizes, as I say, the rankest prostitution of the judicial process of any piece of proposed legislation that has come within my view.

Mr. DOMINICK. Mr. President, let me reply briefly to some of the discussion I heard by the Senator from Massachusetts (Mr. KENNEDY). He apparently is under the impression that if my amendment is agreed to, there would be a downgrading of the Commission or of equal rights.

Nothing could be further from the truth. If he read the amendment—I am not even sure that he has—he would see that what I am providing for is the ability of the Commission to go directly into court, that it does not have to go through the trial examiner process or review by the Commission. It can decide whether reasonable cause exists in a case and take it directly to court if reasonable cause is present. This will be quicker, more effective, and cheaper. Certainly this has the wholehearted support of the Chairman of the Equal Employment Opportunity Commission himself and the administration as a whole.

Mr. President, I am ready to vote.

Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing en bloc to the amendments of the Senator from Colorado.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY (when his name was called). On this vote I have a pair with the Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Utah (Mr. MOSS). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) and the Senator from Maine (Mr. MUSKIE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT), is absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. MUNDT), the

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Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from California would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 27, nays 41, as follows:

[No. 341 Leg.]

YEAS—27

Allen
Allott
Baker
Byrd, W. Va.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Griffin
Hansen
Holland
Hollings
Jordan, Idaho
Long
McClellan
Miller
Saxbe
Spong
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—41

Anderson
Bayh
Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fong
Fulbright
Gore
Hart
Hatfield
Hughes
Jackson
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Stevens
Symington
Williams, N.J.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Bible, for.
Gurney, for.

NOT VOTING—30

Aiken
Bellmon
Bennett
Byrd, Va.
Cannon
Dodd
Goldwater
Goodell
Gravel
Harris
Hartke
Hruska
Inouye
Jordan, N.C.
Magnuson
McGee
Montoya
Moss
Mundt
Murphy
Muskie
Ribicoff
Russell
Smith, Ill.
Sparkman
Stennis
Tower
Tydings
Yarborough
Young, Ohio

So Mr. DOMINICK's amendments (No. 978) were rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendments were rejected.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader to advise us of the schedule for the rest of the year, or at least as much of it as he can tell us.

Mr. MANSFIELD. Up to and including October 16, the schedule is as follows—and a certain degree of flexibility must be allowed.

Although the pending business in the Senate is still Senate Joint Resolution 1, the leadership hopes that negotiations will proceed on the merits of this proposal—that is, Senate Joint Resolution 1—and while these matters are being worked out, we hope to proceed with the following measures on the days indicated.

Again, the joint leadership must ask for flexibility.

Mr. SCOTT. And durability.

Mr. MANSFIELD. We have that already.

It is hoped that appropriation bills can be expedited, those in our Senate committee, as well as those yet to be received from the House. These bills will be given expedited action on the floor.

Today, EEOC amendments, hopefully we might arrive at some consent agreement with respect to debate later today. Tomorrow, the reorganization plan disapproval resolution, Senate Resolution 433; and the military procurement authorization conference report. That is the big military bill.

Friday, hopefully, military construction appropriations, H.R. 17970 if the conference can be concluded at that time, it is my intention, as chairman of the Subcommittee on Military Construction to call a meeting of the subcommittee and report out that appropriation bill, but that depends upon the two Houses getting together and agreeing to a conference report. In any case on Friday we will consider the Federal Highway Extension Act that was reported to the Senate today.

Monday, October 5, legislative reorganization, H.R. 17654. Tuesday, October 6, equal rights for women, which the joint leadership and I have discussed in detail, and which we hope to offer without change and to have the vote on the basis of its own merits.

Mr. SCOTT. Which we have faithfully promised to do for the ladies.

Mr. PASTORE. Is there any possibility of taking up that matter Wednesday rather than Tuesday?

Mr. MANSFIELD. Yes; this is all flexible. We will be on the equal rights most of next week during the first shift of the Senate.

Mr. PASTORE. We want to be here for the ladies.

Mr. MANSFIELD. We have several days set aside, including Thursday.

Then on Tuesday we hope also to do the drug bill and on Wednesday the class action bill as well. On Thursday we come to four crime bills which we hope to consider: H.R. 17825, S. 2896, S. 642, and S. 3650; all on the calendar. We have the Transportation appropriation bill in there

Also, on Friday there is equal rights for women, the Labor-HEW appropriation, which I understand, like the Transportation appropriation bill, is ready for action, or will be soon.

Around Monday, October 12, there is the foreign aid appropriation bill and the occupational safety bill.

Around Tuesday, October 13, the Consumer Protection Agency and social security and welfare reform, and, if possible we will complete the above and the remaining appropriation bills, including Defense, independent offices, and the supplemental for Wednesday, Thursday, and Friday of that week. This schedule is flexible and shifts in the days may be necessary.

So we have our work cut out if we are going to adjourn by October 16, or if we have to recess at that time and come back after the election, which I think would be a disaster.

Mr. SCOTT. Mr. President, if the Senator will yield, I wish to second the remark about a "disaster" and add the word "unmitigated." I cannot conceive of anything worse than a special session. I lived through the special session of 1948 in which 2 weeks were spent doing nothing except indulging in recrimination; and I remember also the postconvention session of 1960, marred by politics of the most undesirable kind, in which I took a full and most gleeful part, to my regret. [Laughter.]

I can be reasonably sure, having set such a bad example, there are numerous others ready to follow it, although I am ready to abstain.

I think it would be a horrible thing to do and an offense against peace and good order, a sham for the Congress, and a spectacle. I hope we adjourn sine die.

Mr. MANSFIELD. I could not agree more than I do with what the distinguished minority leader said. There is the schedule. It will take a lot of work, understanding, and cooperation; and it will take all of us together to do it. But we must complete our work before adjourning sine die.

EQUAL OPPORTUNITIES ENFORCEMENT ACT

The Senate continued with the consideration of the bill (S. 2453) to further promote equal employment opportunities for American workers.

Mr. PASTORE. In connection with the bill now pending, how many amendments do we have, and can we have an agreement on limitation of debate?

Mr. MANSFIELD. I will turn that question over to the manager of the bill, the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. I know of two amendments that will be offered by the Senator from Colorado. There are other amendments at the desk by the Senator from North Carolina.

Mr. PASTORE. Can the Senator from North Carolina give us some idea with respect to his amendments?

Mr. ERVIN. No; I cannot tell how many will be called up.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. JAVITS. There will be one amendment by the Senator from Ohio.

Mr. WILLIAMS of New Jersey. That makes three amendments certain.

Mr. PASTORE. Can we have a limitation of debate on those three amendments?

Mr. MANSFIELD. Mr. President, I wish to ask the Senator from Colorado if he would be agreeable to a time limitation.

Mr. DOMINICK. I always do better without a time limitation than with one.

Mr. MANSFIELD. Would the Senator from North Carolina consider a time limitation?

Mr. ERVIN. I believe we can get along better without a time limitation.

Mr. MANSFIELD. Would the Senator from Ohio consider a time limitation?

Mr. SAXBE. Yes.

Mr. MANSFIELD. How long?

Mr. SAXBE. The minimum.

Mr. MANSFIELD. One-half hour?

Mr. SAXBE. Yes.

Mr. ERVIN. Mr. President, I would object to a 1-hour time limitation on my amendments.

Mr. MANSFIELD. We were discussing the amendment of the Senator from Ohio. Would the Senator from North Carolina consider a time limitation of 1 hour?

Mr. ERVIN. Yes; I have one amendment I will talk about.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the amendments to be offered by the Senator from Ohio (Mr. SAXBE), and the Senator from North Carolina (Mr. ERVIN), there be a time limitation of 1 hour.

Mr. ERVIN. That leaves one-half hour to a side. I would have to object to that.

Mr. MANSFIELD. How about an hour and a half, with 30 minutes to the manager of the bill and 1 hour to the Senator from North Carolina.

Mr. ERVIN. That is all right.

Mr. MANSFIELD. An hour and a half, with 30 minutes to the manager of the bill and 1 hour to the proponent, the Senator from North Carolina.

Mr. JAVITS. And a half hour on the Saxbe amendment?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The committee amendment is open to further amendment. What is the pleasure of the Senate?

AMENDMENTS NO. 977

Mr. DOMINICK. Mr. President, I call up my amendments No. 977 and ask that they be read.

The PRESIDING OFFICER. The amendments will be read.

The legislative clerk proceeded to read the amendments (No. 977).

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 977) are as follows:

AMENDMENTS NO. 977

On page 28, lines 6 through 8, strike the following: "or by an officer or employee of the Commission upon the request of any person claiming to be aggrieved."

On page 29, line 16, strike out "or (d)".

On page 30, beginning with line 16, strike out all through page 31, line 5.

On page 31, line 6, strike out "(e)" insert in lieu thereof "(d)".

On page 31, line 23, strike out "(f)" and insert in lieu thereof "(e)".

On page 32, line 9, strike out "(g) (1)" and insert in lieu thereof "(f) (1)".

On page 33, line 13, strike out "(h)" and insert in lieu thereof "(g)".

On page 33, line 25, strike out "(x)" and insert in lieu thereof "(v)".

On page 34, line 13, strike out "(i)" and insert in lieu thereof "(h)"; beginning in line 21 strike out "(l)" through "(n)" and insert in lieu thereof "(k)" through "(m)"; line 25, strike out "(j)" and insert in lieu thereof "(i)".

On page 35, line 1, strike out "(h)" or "(i)" and insert in lieu thereof "(g)" or "(h)"; line 4, strike out "(k)" and insert in lieu thereof "(j)".

On page 37, line 9, strike out "(l)" and insert in lieu thereof "(k)".

On page 39, line 9, strike out "(m)" and insert in lieu thereof "(l)"; line 10, strike out "(k)" and insert in lieu thereof "(j)"; line 14, strike out "(l)" and insert in lieu thereof "(k)"; line 20, strike out "(n)" and insert in lieu thereof "(m)"; line 22, strike out "(k)" and insert in lieu thereof "(j)"; line 23, strike out "(l)" and insert in lieu thereof "(k)".

On page 40, line 4, strike out "(m)" and insert in lieu thereof "(l)"; line 6, strike out "(o)" and insert in lieu thereof "(n)"; line 11, strike out "(p)" and insert in lieu thereof "(o)"; line 19, strike out "(k), (l), (m), or (n)" and insert in lieu thereof "(j), (k), (l), or (m)".

On page 41, line 13, strike out "(q) (1)" and insert in lieu thereof "(p) (1)"; line 17, strike out "or (d)"; line 18, strike out "(f) or (i)" and insert in lieu thereof "(e) or (h)".

On page 42, beginning in line 12, strike the following: "(f), or has entered into an agreement under subsection (f) or (i)" and insert in lieu thereof "(e), or has entered into an agreement under subsection (e) or (h)"; line 16, strike out "(i)" and insert in lieu thereof "(h)"; line 17, strike out "(h)" and insert in lieu thereof "(g)"; line 22, strike out "(h)" and insert in lieu thereof "(g)"; line 23, strike out "(i)" and insert in lieu thereof "(h)".

On page 43, line 1, strike out "(i)" and insert in lieu thereof "(h)"; line 11, strike out "(h)" and insert in lieu thereof "(g)"; line 22, strike out "(r)" through "(w)" and insert in lieu thereof "(q)" through "(v)"; line 23, strike out "(u) and (v)" and insert in lieu thereof "(t) and (u)".

On page 44, line 1, strike out "(q)" and insert in lieu thereof "(p)"; line 2, strike out "(u)" and insert in lieu thereof "(t)"; line 3, strike out "(w)" and insert in lieu thereof "(v)".

Mr. DOMINICK. Mr. President, my amendment is a very simple one. It is my hope that the manager of the bill will accept it. I do not know whether I have his attention, or where he is.

Mr. JAVITS. The Senator has my attention.

Mr. DOMINICK. I have the attention of the Senator from New York.

The PRESIDING OFFICER. Is it the desire of the Senator from Colorado that his amendments be considered en bloc?

Mr. DOMINICK. Yes; there is only one portion of it that is an amendment; the rest are technical amendments.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc? Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I shall be very brief. The amendment is very simple. The bill as it is now written gives both charging, investigating, prosecuting, judging, and enforcement procedures to the Commission. When we were considering this matter in the committee, some of us felt that a member or an employee of the Commission should not be entitled to file charges, since, after all, he might later be called on to both investigate and prosecute the charge, and then to decide it.

The bill now reads that any officer or employee of the Commission can now file a charge upon the request of any person claiming to be aggrieved. I do not know how many employees are going to be in the Equal Employment Opportunity Commission when it is finally established, but it seems safe to say that there will be a considerable number. I do not know who they are going to be, nor does anybody else.

I do not, for the life of me, see the rationale in saying that one agency or any one staff person can be the filer of a charge and then the investigator and then the prosecutor of the charge and then the decider of the charge and then the reviewer of the charge and then the enforcer of the charge. That is what the bill does now. What I am providing by my amendment is that an officer or employee of the Commission shall not be one of those who shall file charges.

Mr. WILLIAMS of New Jersey. Mr. President, I oppose the amendment offered by the Senator from Colorado. We know that there can be a fear of reprisal that would prompt someone not to make a complaint that would lead to the filing of a charge. In those cases where someone did not have the bravery, or indeed other resources, to fight the establishment, it would seem the opportunity should be there within the Commission to file a charge in a situation where it is felt that a charge should be made notwithstanding the fact that the complaint is not coming from the aggrieved person.

Unlawful employment practices do not always take place in an atmosphere free of repressive influences. In many instances, job discrimination is but a symptom of a paternalistic attitude toward minorities and women that depends on a subtle climate of fear for its survival.

Under such circumstances persons who are victims of unlawful practices are generally very reluctant to make a complaint against those who are in immediate control of their lives, and it would be rather naive of us to expect them to do otherwise. The use of privately imposed sanctions against those who question the established order is far from unknown to this country, and the uncertainty and procedural delays that inevitably accompany any kind of formal legal relief are not an encouraging prospect for even the most intrepid individual.

Title VII relief should not be made to depend on either the financial resources or unusual bravery of any person denied its protection. The agency charge is addressed to the latter problem, and to suggest that it poses a threat to the rights of respondents is to conjure up nonexistent dangers.

First, an agency charge is merely a device for setting the Commission's investigations and conciliations machinery in motion, and does not carry with it any legal conclusions. It is only an indication that a violation may exist and ought to be looked into. It precedes any determination as to whether reasonable cause to believe that a violation has occurred, which is prerequisite to the triggering of any enforcement machinery.

Second, by placing the authority to file a charge in the hands of appropriate Commission staff rather than with the members themselves, even the most remote appearance of impropriety is totally avoided. The case would proceed in the same fashion as any other grievance, with the same protections afforded to respondents at each stage of the proceedings. If the case reached the stage where an order could be issued, the order would still have to be based on the record after strict observance of all the procedural requirements, and then would still be subject to review of a court of appeals. In this light it is extremely difficult to see how the rights of any party could be compromised by the existence of agency authority to merely initiate its own processes; and indeed, to deny the agency such authority would, with the exception of the NLRB, make it a rather unusual administrative body.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I request the yeas and nays now.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. Mr. President, the matter now being dealt with by the Senator from Colorado represents a compromise which was worked out in the committee, and as I suggested the compromise, I think the Senate should understand that it was a compromise. The fact is that the law today, as it stands now, section 706 of the Civil Rights Act of 1964, permits a member of the Commission, when he himself, on his own recognizance, believes a charge should be filed, to file one.

This procedure was objected to in our committee in an amendment by one of our members. So, as we were faced with the argument which is made by the Senator from New Jersey (Mr. WILLIAMS), manager of the bill, that this is the kind of field where there could be intimidation, and where an aggrieved person might not wish to complain, himself, simply because of economic fear of losing his job, which could not be traced to anyone's fault by law, this way was arrived at in which the person aggrieved could make the request.

I think the matter should be made clear for the legislative history. I ask the attention of the Senator from New Jersey, to see if he agrees with me. I think this perhaps will go a considerable way toward meeting the view of the Senator from Colorado. The request of a person in whose behalf the complaint is going to be made is the one we are talking about. It is not just any person aggrieved who can ask the Commission to go ahead, but if the Commission is going to allege that the act has been violated as to John Doe, the person that has to ask the Commission or officer or employee should be John Doe himself. That is my understanding of my own compromise. I wanted to be positive the Senator had the same feeling.

The other point which I think again would go a long way toward meeting the point made by the Senator from Colorado is that the officer or employee of the Commission shall be either a member of the Commission or a person whom the Commission has designated for that purpose, so that we will not have any kind of happenstance in the making of the charge.

Again, this is my understanding of the responsibility which is inherent in this compromise. But I wonder whether the Senator would agree with me as to the meaning of the compromise in those two respects.

Mr. WILLIAMS of New Jersey. Referring to——

Mr. JAVITS. Referring first to the fact that the request should be of the person for whose benefit the charge will be made; that is, if it is a charge made because of the wrong done to John Doe, that the officer or employee of the Commission who makes the charge should have been requested to do so by John Doe.

Mr. WILLIAMS of New Jersey. That is my understanding, and I think it reads precisely that way.

Mr. JAVITS. Good. The other thing is our understanding—or at least I know we discussed it in the committee—that the officer or employee of the Commission who is entitled to make such a complaint should be a person designated by the Commission for that purpose, so that we do not have to deal with—as Senator DOMINICK, I think properly suggested—hundreds of employees, on a happenstance basis.

Whatever we do on the amendment, however the Senator may feel about it, I think he is entitled to have those assurances locked into the situation, so that it is not an irresponsible proceeding at all.

As to the principle involved, the Senator is entitled to his own view, but I think he is entitled to those two assurances with respect to the meaning of this clause.

Mr. DOMINICK. Mr. President, I thank the Senator from New York for trying to interpret a bill in a way which would be helpful, but which certainly does not read that way.

The bill, if Senators will read the language, says, and it is very clear:

> (b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the Commission upon the request of any person claiming to be aggrieved.

This could be a wife, a child, a cousin, a friend, a passing acquaintance, someone who did not like an employer—it could be absolutely anyone; and if they know of one of these officers or employees of the Commission, and make that claim, then an officer or employee could—he does not have to, but he could—file the charge.

The point I am making is that we are adding 16.5 million people to the jurisdiction of this Commission. When we say that any employee or officer can go ahead and file a charge upon the request of anyone else who feels aggrieved, I feel aggrieved over the action of the Senate a lot of times, but that does not mean I am going to bring charges against the Senate.

Mr. JAVITS. Why not?

Mr. DOMINICK. But what I am saying is that this language does not back up the interpretation that has been given to it by the distinguished Senator from New York, in my opinion.

So, in view of those facts, I think we are back to the position that I took. I am sure that no one is going to pay the slightest attention to it, but I am ready to vote.

The PRESIDING OFFICER (Mr. COOK). The question is on agreeing to the amendment (No. 977) of the Senator from Colorado (Mr. DOMINICK). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Utah (Mr. MOSS), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Maine (Mr. MUSKIE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from California (Mr. MURPHY), is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from California would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 27, nays 42, as follows:

[No. 342 Leg.]

YEAS—27

Allen
Allott
Baker
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Gurney
Hansen
Holland
Hollings
Jordan, Idaho
Long
Saxbe
Spong
Talmadge
Thurmond
Williams, Del.

NAYS—42

Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Fong
Hart
Hatfield
Hughes
Jackson
Javits
Kennedy
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Stevens
Symington
Williams, N.J.
Young, N. Dak.

NOT VOTING—31

Aiken
Bellmon
Bennett
Byrd, Va.
Cannon
Dodd
Goldwater
Goodell
Gravel
Harris
Hartke
Hruska
Inouye
Jordan, N.C.
Magnuson
McCarthy
McGee
Montoya
Moss
Mundt
Murphy
Muskie
Ribicoff
Russell
Smith, Ill.
Sparkman
Stennis
Tower
Tydings
Yarborough
Young, Ohio

So Mr. DOMINICK's amendments (No. 977) were rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS of New Jersey. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SAXBE. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. Mr. President, for what purpose does the Senator from Ohio wish me to yield to him?

Mr. SAXBE. To offer an amendment.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Ohio (Mr. SAXBE) for the purpose of calling up an amendment, without losing my right to the floor, as I wish to address some remarks with respect to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair would advise the Senator from Alabama that the amendment of the Senator from Ohio has a time limit on it. Does he wish to yield for that entire period of time?

Mr. ALLEN. I am willing to yield to the Senator from Ohio, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SAXBE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I shall proceed to explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Redesignate Sections 4 through 11 as Sections 5 through 12 respectively.

On page 27, following line 22, add the following:

"SEC. 4(a). Subsections (b) through (j) of section 705 of the Civil Rights Act of 1964 (78 Stat. 258, 259; 42 U.S.C. 2000e–4(a)–(i)) and references thereto are redesignated as subsections (c) through (k), respectively.

(b) Section 705 of such Act is amended by inserting the following new subsection (b):

"(b) There shall be a General Counsel of the Commission who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel of the Commission shall exercise general supervision over all attorneys employed by the Commission (other than trial examiners and legal assistants to Commission members) and over the officers and employees in the regional offices. He shall have final authority, on behalf of the Commission, in respect of the investigation of charges, conference, conciliation, and persuasion endeavors, issuance of complaints, the prosecution of such complaints before the Commission, and the conduct of litigation as provided in section 706 and 707 and shall have such other duties as the Commission may prescribe or as may be provided by law. In case of a vacancy in the Office of the General Counsel, the President is authorized to designate the officer or employee who shall act as General Counsel during such vacancy, but no person so designated shall so act (1) for more than forty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment *sine die* of the session of the Senate in which such nomination was submitted."

On page 52, line 17, strike the words "investigating, conciliating."

On page 53, line 15, redesignate subsection (c) as subsection (d).

On page 53, following line 14, insert as new subsection (c) the following:

"(c) Section 5315 of such title is amended to add, as a new clause (73), the following:

"'(73) General Counsel of the Equal Employment Opportunity Commission.'

"The remaining clauses, beginning with old clause (73), are redesignated accordingly."

Mr. SAXBE. Mr. President, the amendment provides that there be a General Counsel for the Commission, to be appointed by the President and approved by the Senate.

The reason for the amendment is backed by some experience in this field as an attorney general for the State of Ohio, and also by the fact that I believe there should be divided responsibility. In other words, without this amendment we have a court providing its own prosecutor. I cannot help feeling that it is too close together to be within the spirit of justice that we demand in our other courts.

As an attorney general for the State of Ohio, I was an attorney for the Equal Rights Commission there, and I found that without the consultation of general counsel—we were there only in an advisory capacity—we could have prevented many of the legal pitfalls that we wandered into. In this particular instance, the General Counsel would be appointed for a 4-year term by the President. This will give a continuity to a valuable body of law which will be built up, which will be of great value and protect the Commission from the kind of errors that might creep in when they are appointing their own counsel.

I believe that the amendment is acceptable. I certainly feel it will complete and round out the picture we are putting together here on an operative commission.

Mr. JAVITS. Mr. President, we gave assurance to the Senator from Kentucky (Mr. COOPER) that such an amendment, if offered, would be agreeable to me. As the ranking minority member, I think it is a necessary and desirable part of the bill, especially in view of the fact that the Senate has sustained the cease and desist power authority. Therefore, so far as I am concerned, I consider that the Senator from Ohio has rendered a fine service in offering his amendment. It is acceptable.

Mr. WILLIAMS of New Jersey. Mr. President, this approach conforms to the National Labor Relations Board——

Mr. SAXBE. That is correct.

Mr. WILLIAMS of New Jersey. And to the Office of General Counsel. The approach was discussed earlier in colloquy with the Senator from Kentucky (Mr. COOPER). It is interesting that the proponent of the amendment and the Senator from New York both come from backgrounds of being attorneys general in their States. I do not have the benefit of that background or experience but it seems eminently wise to me and I would accept the amendment from my side.

Mr. SAXBE. I thank the Senator from New Jersey. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. COOK). The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I rise in opposition to S. 2453.

This bill is, in truth, one of the most dangerous and most indefensible legislative proposals presented in this Chamber in the short time I have been in the Senate. We are being asked to endorse a blank legislative check to vest in an agency of the Federal Government, the Equal Employment Opportunity Commission, totalitarian authority over employment practices of free enterprise, labor unions, and State and local governments. This bill is deliberately designed to deny basic rights of the American people and to grant special privileges to a few. If enacted, the measure would, in fact, cripple, and in some instances, destroy the very institutions which brought this Nation into being and helped to make it great.

I wish to discuss briefly a few of the ways in which this bill would do violence to our American way of life.

First, the bill brings within its scope all State and local government employees. This is not only an arrogant attempt further to dilute the rights of the States, their institutions, and their sovereignty, but the conclusion is inescapable that the measure is aimed at destroying our dual form of government.

The proposals to substitute federally controlled employment practices for State and local personnel systems are in direct violation of the 10th amendment of the Constitution which states:

> The powers not delegated to the United States, nor prohibited to it by the States, are reserved to the States respectively, or to the people.

The proposals are also in violation of the ninth amendment to our Constitution which states:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

I, of course, realize that many of the proponents of S. 2453 regard the ninth and 10th amendments to our Constitution as obsolete, or at best, treat them as mere truisms. I also realize that the rights guaranteed to the States and their people under the Constitution have been severely abused and invaded in recent years. But there is no provision in our Constitution which, by the wildest stretch of the imagination, can provide a legal cover for the extraordinary authority sought in this bill.

If enacted, this bill would permit an agency of the Federal Government and the Federal courts to enter the political field in the appointment of State and Government employees. It is true that many State and local job requirements are, in part, unrelated to the job. But it is wholly in keeping with our political traditions to give our State and local leaders, and our national leaders for that matter, the discretion to give reasonable weight to factors other than job fitness in filling jobs.

Frankly, it is difficult to imagine a more intolerable interference by the Federal Government with the rights of the States than to dictate their employment practices. The States' power over employment practices is basic and essential to the very existence of State sovereignty and, consequently, to our federal system which was devised by our forefathers and which they intended to be held forever sacrosanct by the Bill of Rights. If we deprive the States of their basic functions, it is pointless to maintain that we have a dual form of government.

The bill contains a self-starter provision vesting the Commission with the authority to initiate investigations and inquiries, either on its own motion or whenever an anonymous person or organization merely requests the filing of a charge that an unlawful employment practice has occurred.

There is no requirement of "reasonable cause" as a condition precedent to the filing of a charge; therefore, the Commission is given carte blanche authority to conduct roving inquiries into the private books and records of a company or labor union regardless of whether there is any pre-existing cause for believing there has been a violation of the law.

Under the bill, employers, labor unions and State and local governments would be subject to the issuance of cease-and-desist orders by the Commission. The broad powers sought under the measure represent a radical departure from the concept of American jurisprudence and our cherished legal system of checks and balances. The legislation seeks to make the Commission accuser, prosecutor, judge, and jury all in one.

Mr. President, if this bill should become law, it would give license for a bureaucrat, clothed with all the power of the Federal Government, to come out of Washington and to walk into a business or labor union hiring hall and to dictate to the employer or business agent whom he could employ and whom he could not employ.

There is just one other step which could in any way be worse than the step which I have just described, and that would be to have one of those bureaucrats go into a man's home—his castle—and try to tell him whom he should have around his dining room table or in his living room.

This is not government by law. It is government by the Equal Employment Opportunity Commission, for better or worse.

But this is not all. The bill could also punish first and prove the offense subsequently. It would permit a Federal judge—a single judge acting without a hearing and without any showing by the Government of irreparable injury—to issue a temporary restraining order against the respondent for an alleged unlawful employment practice. We thus see a reversal of the age-old maxim that a man is presumed to be innocent until he is proven guilty.

The temporary restraining order could be followed by a preliminary injunction. The preliminary injunction could require affirmative action on the part of the employer, such as the reinstatement of former employees and the hiring of new employees with back pay.

Under these provisions of the bill, it would be possible, Mr. President, for an American to be imprisoned if he disagreed with the order of a Federal judge, without the benefit of trial by jury.

No wonder the minority report compared the powers sought under this bill with the English Court of the Star Chamber.

The rights which the provisions of S. 2453 seek to deny cannot be dismissed as mere legal technicalities. They are rights indispensable to freedom. They are rights which distinguish a free society from tyranny.

Mr. President, S. 2453 does not create one new job. Other than the additional army of bureaucrats that would be set up, it does not create one new job in private employment. Yet, it is presented to us when unemployment has climbed in our Nation from 3.3 to 5.1 percent in less than a year and a half. At a time when we are desperately trying to fight inflation and keep our economy strong, this bill would create fear and uncertainty, friction and division in the business houses, plants, and factories of America.

Labor organizations would be subject to interference and supervision of their internal affairs. Their cherished programs of seniority and apprenticeship would be destroyed. And the law which tells the employer who his workers shall be today can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages.

Mr. President, there are other sections and purposes of S. 2453 equally obnoxious as those I have just discussed. For example, the provisions relating to the appointment of attorneys, attorneys' fees, and precomplaint expenses of the aggrieved person are shocking.

The bill also seeks to change the present law by increasing the time within which a charge can be filed from 90 days from the date of the act complained of to 180 days from that date. I would like to know the basis for this change. Surely, anyone who may have been the victim of an unlawful employment practice will know of the fact within 3 months from the date of the commission of the act. The privilege of filing a charge is free of cost and the procedure is simple. Why should a complainant be allowed and encouraged to sleep on his rights.

Take a situation whereby the Commission or the Court is allowed to award back pay. In the case of an applicant for employment, a charging party might choose to wait the extra 90 days and receive a windfall. In other words, by simply waiting until the 179th day, he could receive nearly 6 months' pay without ever having worked a single day for it.

This legislation would also create a vast new bureaucracy inasmuch as the Commission does not now have the manpower, so it says, to carry out the programs called for under the legislation. I would like to have some figures presented to the Senate as to how many lawyers, hearing examiners, investigators, and supporting staff would be added to the Commission to enable it to develop and exercise the quasi-judicial functions under the bill and how much it would cost the taxpayers of this country.

Mr. President, this is a force bill, pure and simple. Its sole purpose is to gain legislative sanction to the establishment of percentages or quotas in employment on the basis of race. Some people may think that such a requirement would never be imposed on business and labor because of the patent absurdity involved. Less than a decade ago, however, the idea of a racial balance in a public school would have seemed too ridiculous to consider. Yet, today we see schoolchildren in the South and other parts of the country being lugged all over cities and towns to achieve what is considered to be a mathematically satisfactory racial mixture in public schools. The so-called Philadelphia Plan, which the Nixon administration put into effect last year is a flagrant abuse of the provisions of the Civil Rights Act of 1964. This represents the first move toward racial balance in industry and labor.

When we weigh this bill and when we look beyond and behind it and see it in its true and unmasked form, we see that it is at variance with the fundamental concept that our Government should be a government by law and not a government by men. Even a casual reading of the bill removes all question about the thirst for unlimited and unrestrained power which motivated the writing of S.

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2453. I hope that the Senate is not prepared to take this drastic step toward an arbitrary and despotic government.

Mr. President, in recent years we have already seen many of our sacred rights laid on the altar of political expediency. This bill would put us well along the way to the erosion of other freedoms we now know and enjoy and on which the American system is built.

Let us return to reason. Let us turn away from the dangers inherent in S. 2453. Let us not be counted among the communicants at the altar of expediency.

Mr. President, I hope that Senate bill 2453 will be defeated by action of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I rise to engage in colloquy with the manager of the bill, the Senator from New Jersey. I had an amendment which, as I said initially yesterday and earlier today, was one of the items brought up rather strenuously in the committee by the junior Senator from Illinois (Mr. SMITH). He is, unfortunately, unable to be here today.

Rather than bring up the amendment which, in effect, would eliminate the jurisdiction of the EEOC over local and State employees, I think it would be better if I were to simply engage in a colloquy with the manager of the bill as to its intent.

The bill, as I read it, states on page 31 that—

> In the case of any charge filed by an officer or employee of the commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local board prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the commission shall, before taking any action with respect to such charge notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than 60 days.

Except the period shall be 120 days during the first year of the operation.

Is my understanding correct that this waiver of initial jurisdiction to the State agency would apply to any charges filed by State or local employees, as well as the charges filed against employers?

Mr. WILLIAMS of New Jersey. That is correct; the provision would apply to charges by State or local employees.

Mr. DOMINICK. I Bring it up only because there are some 39 States, including my State, which have ongoing commissions and which are undertaking very strenuous efforts to try to eliminate discrimination, not only in private employment practices, but among State and local employees.

As the Senator knows there are 10 million State and local employees involved in this, which will be added to the jurisdiction of the Commission by this bill. So it does become a matter of some concern in a great number of areas whether all the efforts the States have made are about to go down the drain.

I gather from the manager of the bill that it is not the intent to supersede those agencies but only to act in the event they are put up as a front to evade their equal employment obligations.

Mr. WILLIAMS of New Jersey. That is correct; and they will not be superseded.

Mr. DOMINICK. I appreciate this colloquy and I think this will reinforce the wording of the bill as far as the intent of the manager and others is concerned.

I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, I wish to speak generally in opposition to the bill. As all Senators know I have been extremely busy during this session of Congress. I did not have adequate opportunity to make a study of the bill until comparatively recently. I must confess that although it is almost impossible to shock me with legislative proposals any more, I was truly shocked when I read the contents of this bill. They are, indeed, enough to make linguistic and constitutional angels weep.

We have a federal system of government and at one time we had a Constitution which had some meaning. The 10th amendment to the Constitution, which is part of the Bill of Rights, had some relevancy to the federal system of government which the Constitution was ordained to establish.

Amendment 10 to the Constitution states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This bill proposes for the first time in American history to give a Federal agency, a Federal agency which is appointed and not elected, a Federal agency which cannot be held responsible by anyone, the right to regulate, for all practical intents and purposes, State employment practices.

Frankly, there is nothing in the bill which draws any line between an officer of a State and an employee of a State. I do not know how far the commission which is to administer this bill is to go in trying to dictate to the people of the States as to how many of their appointed officers are employees. I say it is a destruction of the federal system of government for an agency of the United States to undertake to regulate, under the terms of this bill—the employment practices of a State. Such has never been the case.

Under this bill, as I interpret it, the EEOC could absolutely dictate in substance to a local sheriff whom he had to appoint as deputy sheriff. It could go into the Supreme Court of North Carolina and undertake to tell the Supreme Court of North Carolina whom it had to hire as clerk, as librarian, as marshal, or as messenger. In simple terms that is how far this bill goes.

The bill is destructive of the federal system of government because it is not compatible with the federal system to allow the Federal Government to dictate to a State who is to be hired, who is to be promoted, and who is to be fired by the State. As a matter of fact, under the vast powers given the EEOC in this bill, it can even dictate to a State what pay it must give to individual State employees. It can dictate its personal notions about discrimination. It can tell the State highway commission in the State whom they must hire, whom they must promote, and whom they must discharge. It is given absolute power and jurisdiction over all State employees.

There was a time in this Nation when it was said that our Constitution and all of its provisions looks to an indestructible union composed of industructible States. I know of no better way to destroy the States than to rob them of their powers; and I know of no more effective way to rob them of their powers than to let an agency of the Federal Government such as EEOC, be given the vast powers that this bill would give them to regulate, supervise, and control State hiring practices.

Not only does this bill give the Equal Employment Opportunity Commission control over the hiring, the promotions, the pay, the terms of employment and firing of State employees but it also goes further than that. It arrogates to this Commission the power to control all the hiring practices of every university in this land. Academic freedom will be in peril.

Under the original Civil Rights Act of 1964, there was an exemption granted to educational institutions which provided, in substance, that the Commission could not interfere with the hiring, the promotion, the firing, or compensation or terms of employment of any persons hired by an educational institution to assist it in carrying out its educational purposes.

This bill would destroy that exemption and it would give this Federal agency sitting on the banks of the Potomac River the power to tell every educational institution in the United States whom they could hire to be professor of mathematics, or whom they could promote from the lower position of instructor to that of assistant professor, or promote from assistant professor to associate professor, or promote to a full professorship.

At one time I was a trustee of a splendid liberal arts college in North Carolina known as Davidson. It was founded by Scotch-Irish Presbyterians and supported by the Presbyterian Church. It had a regulation, which I presume is still in effect, that it would not hire a professor to teach any course at that institution unless he was a member of an Evangelical Church.

Mr. JAVITS. Mr. President, will the Senator yield to me for the purpose of asking unanimous consent that we may have a quorum call and that the Senator from North Carolina may regain the floor immediately after the quorum call is concluded?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask

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unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I think in any free society, if the members of the Presbyterian Church, or the members of the Catholic Church, or the members of the Lutheran Church, or the members of any other religious body see fit to establish, through their own resources, an institution of learning for the instruction of youth, and they want the youth of that institution to be taught by persons they regard as Christian professors, even in nonreligious subjects such as mathematics or trigonometry or philosophy, they should have the unqualified right to do that.

Yet the bill before the Senate will take away from institutions like Davidson College the right to select professors who are members of evangelical churches because that would be discriminating against other professors on account of their religion. The Equal Opportunity Employment Commission, under this bill, could actually require the Board of Trustees of Davidson College to hire a Mohammedan, for example, to instruct the youth attending the college.

That is the extent of the tyranny which this bill would inflict upon the people of America. We might as well recognize it. This is the most tyrannical legislative proposal ever submitted to the Congress of the United States. It virtually destroys the States. It destroys the right of people to exercise their religion, because that is exactly what these denominational colleges are doing when they make a requirement that professors shall be members of a particular church, even though they are teaching nonreligious subjects.

There is another provision in this bill to which I want to call attention. Under the due process clause of the Constitution of the United States, and particularly the fifth amendment, which applies to the Federal Government, and also the 14th amendment, which applies to the States, it is a denial of due process to unite in one body the function of prosecution and the function of a judge.

The bill provides that the members of the Commission, if they desire, can file charges, but whether they file those charges of discrimination or those charges are filed by someone else, they must investigate them, then they must prefer charges of their own if the original charge is filed by some individual, then they must collect the testimony, then they must try the case, then they must hand down the decision which can take away the property of other persons. That is a uniting of the function of a judge and jury in one body. It is a denial of due process of law. It is a rank distortion, perversion, and prostitution of the due process clause.

I wish to point out that one of the recent commentaries upon the Constitution of the United States, volume 1, entitled "Rights of the Person," by Bernard Schwartz, contains a discussion of this subject on pages 91 through 94, and points out the fact that:

> Basic to the exercise by our courts of the authority to impose restraints upon the person as a penalty for the commission of criminal offenses is the notion of fair trial before an impartial judicial tribunal. If the individual concerned has not been afforded such fair trial before his conviction, it is obvious that he has not been afforded due process of law.

Further reading:

> The requirement of an impartial tribunal has been termed "the first and most fundamental principle of natural justice."

In the case of *Wong Yang Sung* v. *McGrath*, reported in 339 U.S. at page 33, which involved the deportation of a person of Chinese ancestry, the Supreme Court pointed out that the action taken there was unconstitutional because there was united in the same Immigration authorities the office of prosecutor and the office of judge. I ask unanimous consent that the entire opinion in this case be printed in the body of the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

WONG YANG SUNG AGAINST MCGRATH, ATTORNEY GENERAL, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

(No. 154. Argued December 6, 1949.—Decided February 20, 1950.)

1. Administrative hearings in proceedings for the deportation of aliens must conform to the requirements of the Administrative Procedure Act, 5 U.S.C. §§ 1001 *et seq.* Pp. 35–53.

2. The history of this Act discloses that it is remedial legislation which should be construed, so far as its text permits, to give effect to its remedial purposes where the evils it was aimed at appear. Pp. 36–41.

3. One of the fundamental purposes of the Act was to ameliorate the evils resulting from the practice of commingling in one person the duties of prosecutor and judge. Pp. 41–45, 46.

4. A hearing in a proceeding for the deportation of an alien was presided over by a "presiding inspector" of the Immigration Service, who had not investigated that particular case but whose general duties included the investigation of similar cases. There being no "examining inspector" present to conduct the prosecution, it was the duty of the "presiding inspector" to conduct the interrogation of the alien and the Government's witnesses, cross-examine the alien's witnesses, and "present such evidence as is necessary to support the charges in the warrant of arrest." It might become his duty to lodge an additional charge against the alien and hear the evidence on that charge. After the hearing, he was required to prepare a summary of the evidence, proposed findings of fact, conclusions of law, and a proposed order, for the consideration of the Commissioner of Immigration. *Held:* This was contrary to the purpose of the Administrative Procedure Act to ameliorate the evils resulting from a combination of the prosecuting and adjudicating functions in administrative proceedings. Pp. 45–48.

5. Section 5 of the Administrative Procedure Act, which establishes certain formal requirements for every "adjudication required by statute to be determined on the record after opportunity for agency hearing," applies to deportation proceedings conducted by the Immigration Service, although the Immigration Act contains no express requirement for hearings in deportation proceedings. Pp. 48–51.

(a) The limitation of § 5 of the Administrative Procedure Act to hearings "required by statute" does not exempt hearings held by compusion but only those which administrative agencies may hold by regulation, rule, custom, or special dispensation. P. 50.

(b) They do not exempt hearings the requirement for which has been read into a statute by this Court in order to save the statute from constitutional invalidity. Pp. 50–51.

6. The exception in § 7(a) of the Administrative Procedure Act of proceedings before "officers specially provided for by or designated pursuant to statute" does not exempt deportation hearings held before immigrant inspectors. Pp. 51–53.

(a) Nothing in the Immigration Act specifically provides that immigrant inspectors shall conduct deportation hearings or be designated to do so. Pp. 51–52.

84 U.S. App. D.C. 419, 184 F. 2d 158, reversed.

In a habeas corpus proceeding, the District Court held that the Administrative Procedure Act of June 11, 1946, 60 Stat. 237, 5 U.S.C. §§ 1001 *et seq.*, does not apply to deportation hearings. 80 F., Supp. 235. The Court of Appeals affirmed. 84 U.S. App. D.C. 419, 174 F. 2d 158. This Court granted certiorari. 338 U.S. 812. *Reversed*, p. 53.

Irving Jaffe argued the cause for petitioner. With him on the brief were *Jack Wasserman, Gaspare Cusumano* and *Thomas A. Farrell.*

Robert W. Ginnane argued the cause for respondents. With him on the brief were *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl, L. Paul Winings* and *Charles Gordon.*

Wendell Berge, A. Alvis Layne, Jr. and *John B. Gage* filed a brief for Riss & Co., Inc., as *amicus curiae*, supporting petitioner.

MR. JUSTICE JACKSON delivered the opinion of the Court.

This *habeas corpus* proceeding involves a single ultimate question—whether administrative hearings in deportation cases must conform to requirements of the Administrative Procedure Act of June 11, 1946, 60 Stat. 237, 5 U.S.C. §§ 1001 *et seq.*

Wong Yang Sung, native and citizen of China, was arrested by immigration officials on a charge of being unlawfully in the United States through having overstayed shore leave as one of a shipping crew. A hearing was held before an immigrant inspector who recommended deportation. The Acting Commissioner approved; and the Board of Immigration Appeals affirmed.

Wong Yang Sung then sought release from custody by *habeas corpus* proceedings in District Court for the District of Columbia, upon the sole ground that the administrative hearing was not conducted in conformity with §§ 5 and 11 of the Administrative Procedure Act.[1] The Government admitted noncompliance, but asserted that the Act did not apply. The court, after hearing, discharged the writ and remanded the prisoner to custody, holding the Administrative Procedure Act inapplicable to deportation hearings. 80 F. Supp. 235. The Court of Appeals affirmed. 84 U.S. App. D.C. 419, 174 F. 2d 158. Prisoner's petition for certiorari was not opposed by the Government and, because the question presented has obvious importance in the administration of the immigration laws, we granted review. 338 U.S. 812.

I

The Administrative Procedure Act of June 11, 1946, *supra*, is a new, basic and comprehensive regulation of procedures in many agencies, more than a few of which can advance arguments that its generalities should not or do not include them. Determination of questions of its coverage may well be approached through consideration of its purposes as disclosed by its background.

Multiplication of federal administrative agencies and expansion of their functions to include adjudications which have serious impact on private rights has been one of the dramatic legal developments of the past half-century.[2] Partly from restriction by

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Footnotes at end of article.

statute, partly from judicial self-restraint, and partly by necessity—from the nature of their multitudinous and semilegislative or executive tasks—the decisions of administrative tribunals were accorded considerable finality, and especially with respect to fact finding.[3] The conviction developed, particularly within the legal profession, that this power was not sufficiently safeguarded and sometimes was put to arbitrary and biased use.[4]

Concern over administrative impartiality and response to growing discontent was reflected in Congress as early as 1929, when Senator Norris introduced a bill to create a separate administrative court.[5] Fears and dissatisfactions increased as tribunals grew in number and jurisdiction, and a succession of bills offering various remedies appeared in Congress.[6] Inquiries into the practices of state agencies, which tended to parallel or follow the federal pattern, were instituted in several states, and some studies noteworthy for thoroughness, impartiality and vision resulted.[7]

The Executive Branch of the Federal Government also became concerned as to whether the structure and procedure of these bodies was conducive to fairness in the administrative process. President Roosevelt's Committee on Administrative Management in 1937 recommended complete separation of adjudicating functions and personnel from those having to do with investigation or prosecution.[8] The President early in 1939 also directed the Attorney General to name "a committee of eminent lawyers, jurists, scholars, and administrators to review the entire administrative process in the various departments of the executive Government and to recommend improvements, including the suggestion of any needed legislation." [9]

So strong was the demand for reform, however, that Congress did not await the Committee's report but passed what was known as the Walter-Logan bill, a comprehensive and rigid prescription of standardized procedures for administrative agencies.[10] This bill was vetoed by President Roosevelt December 18, 1940,[11] and the veto was sustained by the House.[12] But the President's veto message made no denial of the need for reform. Rather it pointed out that the task of the Committee, whose objective was "to suggest improvements to make the process more workable and more just," had proved "unexpectedly complex." The President said, "I should desire to await their report and recommendations before approving any measure in this complicated field." [13]

The committee divided in its views and both the majority and the minority submitted bills [14] which were introduced in 1941. A subcommittee of the Senate Judiciary Committee held exhaustive hearings on three proposed measures,[15] but, before the gathering storm of national emergency and war, consideration of the problem was put aside. Though bills on the subject reappeared in 1944,[16] they did not attract much attention.

The McCarran-Sumners bill, which evolved into the present Act, was introduced in 1945.[17] Its consideration and hearing, especially of agency interests, was painstaking. All administrative agencies were invited to submit their views in writing. A tentative revised bill was then prepared and interested parties again were invited to submit criticisms.[18] The Attorney General named representatives of the Department of Justice to canvass the agencies and report their criticisms, and submitted a favorable report on the bill as finally revised.[19] It passed both Houses without opposition and was signed by President Truman June 11, 1946.[20]

The Act thus represents a long period of study and strife; it settles long-continued and hard-fought contentions, and enacts a formula upon which opposing social and political forces have come to rest. It contains many compromises and generalities and, no doubt, some ambiguities. Experience may reveal defects. But it would be a disservice to our form of government and to the administrative process itself if the courts should fail, so far as the terms of the Act warrant, to give effect to its remedial purposes where the evils it was aimed at appear.

II

Of the several administrative evils sought to be cured or minimized, only two are particularly relevant to issues before us today. One purpose was to introduce greater uniformity of procedure and standardization of administrative practice among the diverse agencies whose customs had departed widely from each other.[21] We pursue this no further than to note that any exception we may find to its applicability would tend to defeat this purpose.

More fundamental, however, was the purpose to curtail and change the practice of embodying in one person or agency the duties of prosecutor and judge. The President's Committee on Administrative Management voiced in 1937 the theme which, with variations in language, was reiterated throughout the legislative history of the Act. The Committee's report, which President Roosevelt transmitted to Congress with his approval as "a great document of permanent importance," [22] said:

". . . the independent commission is obliged to carry on judicial functions under conditions which threaten the impartial performance of that judicial work. The discretionary work of the administrator is merged with that of the judge. Pressures and influences properly enough directed toward officers responsible for formulating and administering policy constitute an unwholesome atmosphere in which to adjudicate private rights. But the mixed duties of the commissions render escape from these subversive influences impossible.

"Furthermore, the same men are obliged to serve both as prosecutors and as judges. This not only undermines judicial fairness; it weakens public confidence in that fairness. Commission decisions affecting private rights and conduct lie under the suspicion of being rationalizations of the preliminary findings which the commission, in the role of prosecutor, presented to itself." Administrative Management in the Government of the United States, Report of the President's Committee on Administrative Management, 36–37 (1937).

The Committee therefore recommended a redistribution of functions within the regulatory agencies. "[I]t would be divided into an administrative section and a judicial section" and the administrative section "would formulate rules, initiate action, investigate complaints . . ." and the judicial section "would sit as an impartial, independent body to make decisions affecting the public interest and private rights upon the basis of the records and findings presented to it by the administrative section." Id. at 37.

Another study was made by a distinguished committee named by the Secretary of Labor, whose jurisdiction at the time included the Immigration and Naturalization Service. Some of the committee's observations have relevancy to the procedure under examination here. It said:

"The inspector who presides over the formal hearing is in many respects comparable to a trial judge. He has, at a minimum, the function of determining—subject to objection on the alien's behalf—what goes into the written record upon which decision ultimately is to be based. Under the existing practice he has also the function of counsel representing the moving party—he does not merely admit evidence against the alien; he has the responsibility of seeing that such evidence is put into the record. The precise scope of his appropriate functions is the first question to be considered." The Secretary of Labor's Committee on Administrative Procedure, The Immigration and Naturalization Service, 77 (Mimeo. 1940).

Further:

"Merely to provide that in particular cases different inspectors shall investigate and hear is an insufficient guarantee of insulation and independence of the presiding official. The present organization of the field staff not only gives work of both kinds commonly to the same inspector but tends toward an identity of viewpoint as between inspectors who are chiefly doing only one or the other kind of work. . . .

". . . We recommend that the presiding inspectors be relieved of their present duties of presenting the case against aliens and be confirmed [sic] entirely to the duties customary for a judge. This, of course, would require the assignment of another officer to perform the task of a prosecuting attorney. The appropriate officer for this purpose would would seem to be the investigating inspector who, having prepared the case against the alien, is already thoroughly familiar with it. . . .

"A genuinely impartial hearing, conducted with critical detachment, is psychologically improbable if not impossible, when the presiding officer has at once the responsibility of appraising the strength of the case and of seeking to make it as strong as possible. Nor is complete divorce between investigation and hearing possible so long as the presiding inspector has the duty himself of assembling and presenting the results of the investigation. . . ." *Id.* at 81–82.

And the Attorney General's Committee on Administrative Procedure, which divided as to the appropriate remedy,[23] was unanimous that this evil existed. Its Final Report said:

"These types of commingling of functions of investigation or advocacy with the function of deciding are thus plainly undesirable. But they are also avoidable and should be avoided by appropriate internal division of labor. For the disqualifications produced by investigation or advocacy are personal psychological ones which result from engaging in those types of activity; and the problem is simply one of isolating those who engage in the activity. Creation of independent hearing commissioners insulated from all phases of a case other than hearing and deciding will, the Committee believes, go far toward solving this problem at the level of the initial hearing provided the proper safeguards are established to assure the insulation . . ." Rep. Atty. Gen. Comm. Ad. Proc. 56 (1941), S. Doc. No. 8, 77th Cong., 1st Sess. 56 (1941).

The Act before us adopts in general this recommended form of remedial action. A minority of the Committee had, furthermore, urged an even more thoroughgoing separation and supported it with a cogent report. *Id.* at 203 *et seq.*

Such were the evils found by disinterested and competent students. Such were the facts before Congress which gave impetus to the demand for the reform which this Act was intended to accomplish. It is the plain duty of the courts, regardless of their views of the wisdom or policy of the Act, to construe this remedial legislation to eliminate, so far as its text permits, the practices it condemns.

III

Turning now to the case before us, we find the administrative hearing a perfect exemplification of the practices so unanimously condemned.

This hearing, which followed the uniform practice of the Immigration Service,[24] was before an immigrant inspector, who, for purposes of the hearing, is called the "'presiding inspector." Except with consent of the alien, the presiding inspector may not be the one who investigated the case. 8 C.F.R. 150.6 (b).[25] But the inspector's duties include investigation of like cases; and while he is to-

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day hearing cases investigated by a colleague, tomorrow his investigation of a case may be heard before the inspector whose case he passes on today. An "examining inspector" may be designated to conduct the prosecution, 8 C.F.R. 150.6(n), but none was in this case; and, in any event, the examining inspector also has the same mixed prosecutive and hearing functions. The presiding inspector, when no examining inspector is present, is required to "conduct the interrogation of the alien and the witnesses in behalf of the Government and shall cross-examine the alien's witnesses and present such evidence as is necessary to support the charges in the warrant of arrest." 8 C.F.R. 150.6(b). It may even become his duty to lodge an additional charge against the alien and proceed to hear his own accusation in like manner. 8 C.F.R. 150.6(l). Then, as soon as practicable, he is to prepare a summary of the evidence, proposed findings of fact, conclusions of law, and a proposed order. A copy is furnished the alien or his counsel, who may file exceptions and brief, 8 C.F.R. 150.7, whereupon the whole is forwarded to the Commissioner. 8 C.F.R. 150.9.

The Administrative Procedure Act did not go so far as to require a complete separation of investigating and prosecuting functions from adjudicating functions. But that the safeguards it did set up were intended to ameliorate the evils from the commingling of functions as exemplified here is beyond doubt. And this commingling, if objectionable anywhere, would seem to be particularly so in the deportation proceeding, where we frequently meet with a voteless class of litigants who not only lack the influence of citizens, but who are strangers to the laws and customs in which they find themselves involved and who often do not even understand the tongue in which they are accused. Nothing in the nature of the parties or proceedings suggests that we should strain to exempt deportation proceedings from reforms in administrative procedure applicable generally to federal agencies.

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Nor can we accord any weight to the argument that to apply the Act to such hearings will cause inconvenience and added expense to the Immigration Service. Of course it will, as it will to nearly every agency to which it is applied. But the power of the purse belongs to Congress, and Congress has determined that the price for greater fairness is not too high. The agencies, unlike the aliens, have ready and persuasive access to the legislative ear and if error is made by including them, relief from Congress is a simple matter.

This brings us to contentions both parties have advanced based on the pendency in Congress of bills to exempt this agency from the Act. Following an adverse decision,[26] the Department asked Congress for exempting legislation,[27] which appropriate committees of both Houses reported favorably but in different form and substance.[28] Congress adjourned without further action. The Government argues that Congress knows that the Immigration Service has construed the Act as not applying to deportation proceedings, and that it "has taken no action indicating disagreement with that interpretation"; that therefore it "is at least arguable that Congress was prepared to specifically confirm the administrative construction by clarifying legislation." We do not think we can draw that inference from incompleted steps in the legislative process. *Cf. Helvering* v. *Hallock*, 309 U.S. 106, 119–120.

On the other hand, we will not draw the inference, urged by petitioner, that an agency admits that it is acting upon a wrong construction by seeking ratification from Congress. Public policy requires that agencies feel free to ask legislation which will terminate or avoid adverse contentions and litigations. We do not feel justified in holding that a request for and failure to get in a single session of Congress clarifying legislation on a genuinely debatable point of agency procedure admits weakness in the agency's contentions. We draw, therefore, no inference in favor of either construction of the Act—from the Department's request for legislative clarification, from the congressional committees' willingness to consider it, or from Congress' failure to enact it.

We come, then, to examination of the text of the Act to determine whether the Government is right in its contentions: first, that the general scope of § 5 of the Act does not cover deportation proceedings; and, second, that even if it does, the proceedings are excluded from the requirements of the Act by virtue of § 7.

IV

The Administrative Procedure Act, § 5, establishes a number of formal requirements to be applicable "In every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing." The argument here depends upon the words "adjudication required by statute." The Government contends that there is no express requirement for any hearing or adjudication in the statute authorizing deportation,[29] and that this omission shields these proceedings from the impact of § 5. Petitioner, on the other hand, contends that deportation hearings, though not expressly required by statute, are required under the decisions of this Court,[30] and the proceedings, therefore, are within the scope of § 5.

Both parties invoke many citations to legislative history as to the meaning given to these key words by the framers, advocates or opponents of the Administrative Procedure Act. Because § 5 in the original bill applied to hearings required "by law," [31] because it was suggested by the Attorney General that it should be changed to "required by statute or Constitution," [32] and because it finally emerged "required by statute," the Government argues that the section is intended to apply only when explicit statutory words granting a right to adjudication can be pointed out. Petitioner on the other hand cites references which would indicate that the limitation to statutory hearing was merely to avoid creating by inference a new right to hearings where no right existed otherwise. We do not know. The legislative history is more conflicting than the text is ambiguous.

But the difficulty with any argument premised on the proposition that the deportation statute does not require a hearing is that, without such hearing, there would be no constitutional authority for deportation. The constitutional requirement of procedural due process of law derives from the same source as Congress' power to legislate and, where applicable, permeates every valid enactment of that body. It was under compulsion of the Constitution that this Court long ago held that an antecedent deportation statute must provide a hearing at least for aliens who had not entered clandestinely and who had been here some time even if illegally. The Court said:

> "This is the reasonable construction of the acts of Congress here in question, and they need not be otherwise interpreted. In the case of all acts of Congress, such interpretation ought to be adopted as, without doing violence to the import of the words used, will bring them into harmony with the Constitution." *The Japanese Immigrant Case*, 189 U.S. 86, 101.

We think that the limitation to hearings "required by statute" in § 5 of the Administrative Procedure Act exempts from that section's application only those hearings which administrative agencies may hold by regulation, rule, custom, or special dispensation; not those held by compulsion. We do not think the limiting words render the Administrative Procedure Act inapplicable to hearings, the requirement for which has been read into a statute by the Court in order to save the statute from invalidity. They exempt hearings of less than statutory authority, not those of more than statutory authority. We would hardly attribute to Congress a purpose to be less scrupulous about the fairness of a hearing necessitated by the Constitution than one granted by it as a matter of expediency.

Indeed, to so construe the Immigration Act might again bring it into constitutional jeopardy. When the Constitution requires a hearing, it requires a fair one, one before a tribunal which meets at least currently prevailing standards of impartiality. A deportation hearing involves issues basic to human liberty and happiness and, in the present upheavals in lands to which aliens may be returned, perhaps to life itself. It might be difficult to justify as measuring up to constitutional standards of impartiality a hearing tribunal for deportation proceedings the like of which has been condemned by Congress as unfair even where less vital matters of property rights are at stake.

We hold that the Administrative Procedure Act, § 5, does cover deportation proceedings conducted by the Immigration Service.

V

The remaining question is whether the exception of § 7(a) of the Administrative Procedure Act exempts deportation hearings held before immigrant inspectors. It provides:

> "Sec. 7. In hearings which section 4 or 5 requires to be conducted pursuant to this section—
>
> "(a) Presiding officers.—There shall preside at the taking of evidence (1) the agency, (2) one or more members of the body which comprises the agency, or (3) one or more examiners appointed as provided in this Act; but nothing in this Act shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute. . . ." 60 Stat. 237, 241, 5 U.S.C. § 1006.

The Government argues that immigrant inspectors are "specially provided for by or designated pursuant to" § 16 of the Immigration Act, which, in pertinent part, reads:

> ". . . The inspection . . . of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this Act,[33] shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. . . . Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; . . ." 39 Stat. 874, 885, as amended, 8 U.S.C. § 152.

Certainly nothing here specifically provides that immigrant inspectors shall conduct deportation hearings or be designated to do so. This language does direct them to conduct border inspections of aliens seeking admission. They may administer oaths and take, record, and consider evidence. But these functions are indispensable to investigations which are concededly within their competence. And these functions are likewise necessary to enable the preparation of complaints for prosecutive purposes. But that Congress by grant of these powers has specially constituted them or provided for their designation as hearing officers in deportation proceedings does not appear.

Section 7(a) qualifies as presiding officers at hearings the agency and one or more of the members of the body comprising the

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Footnotes at end of article.

agency, and it also leaves untouched any others whose responsibilities and duties as hearing officers are established by other statutory provision. But if hearings are to be had before employees whose responsibility and authority derives from a lesser source, they must be examiners whose independence and tenure are so guarded by the Act as to give the assurances of neutrality which Congress thought would guarantee the impartiality of the administrative process.

We find no basis in the purposes, history or text of this Act for judicially declaring an exemption in favor of deportation proceedings from the procedural safeguards enacted for general application to administrative agencies. We hold that deportation proceedings must conform to the requirements of the Administrative Procedure Act if resulting orders are to have validity. Since the proceeding in the case before us did not comply with these requirements, we sustain the writ of habeas corpus and direct release of the prisoner.[34]

[Reversed]

MR. JUSTICE DOUGLAS and MR. JUSTICE CLARK took no part in the consideration or decision of this case.

MR. JUSTICE REED, dissenting.

The Court, it seems to me, has disregarded a congressional exemption of certain agencies, including the Immigration and Naturalization Service, from some of the requirements of the Administrative Procedure Act. Such judicial intrusion into the legislative domain justifies a protest. It may be useful to call attention to the necessity of recognizing specific exceptions to general rules. This protest is rested on the ground that immigrant inspectors performing duties under § 16 of the Immigration Act are within the exception provided by § 7(a) of the Administrative Procedure Act. The Court's opinion discusses this point under subdivision V. The sections are there set out and can be examined by the reader.

In this case no one questions the constitutionality of the hearing Wong received before the immigrant inspector, with administrative review by the Commissioner and the Board of Immigration Appeals. The question on which I disagree with the Court is whether the Administrative Procedure Act permits an inspector of the Immigration and Naturalization Service to serve as a presiding officer at a deportation hearing.

Section 7(a) of the Administrative Procedure Act provides that the official presiding at the taking of evidence shall be an agency, member or an examiner appointed under that Act. There is an exception to this requirement. It reads as follows:

"BUT nothing in this Act shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute." It is this exception that made it proper for an immigrant inspector to preside at this deportation hearing.

Under § 16 of the Immigration Act, 39 Stat. 874, 885, the "inspection . . . of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this Act, shall be conducted by immigrant inspectors, ... Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary to make a written record of such evidence; . . . ."

It seems to me obvious that the exception provided in § 7 (a) covers immigrant inspectors dealing with the arrest of an alien for violation of the Immigration Act. The examination of arrested aliens at a deportation proceeding is surely a specified class of proceedings under § 7 (a) of the Administrative Procedure Act, and it is surely conducted by an officer "specially provided for by . . . statute."

The reason for the exception in § 7 (a) was not spelled out in the legislative history or in the Act itself. The exception may have been made to retain smoothness of operation in the several agencies where there were officials specially provided for by statute or designated pursuant to a statute. When making exceptions from the requirements as to separation of the investigatory and adjudicatory functions, it was natural to include officers specially designated by statute to sit in judgment. Agency members are excluded from these requirements of the Administrative Procedure Act. They, too, have investigatory and adjudicatory duties. Since the members of the agency and the statutorily designated officers were specially selected for the functions they were to perform, Congress probably reposed confidence in their experience and expertness. It doubtless did not wish to disorganize administration until time showed whether that confidence was well placed.[35]

Since the Court does not accept my view of the reach of § 7 (a), it would be useless to undertake an analysis of the other questions presented by the petition for certiorari.

FOOTNOTES

[1] Particularly invoked are § 5(c), 60 Stat. 237, 240, 5 U. S. C. § 1004(c), which provides in part:

"The same officers who preside at the reception of evidence pursuant to section 7 shall make the recommended decision or initial decision required by section 8 except where such officers become unavailable to the agency. Save to the extent required for the disposition of ex parte matters as authorized by law, so such officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 8 except as witness or counsel in public proceedings. . . ."; and § 11, 60 Stat. at 244, 5 U. S. C. § 1010, which provides in part: "Subject to the civil-service and other laws to the extent not inconsistent with this Act, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 7 and 8, who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners. Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof. Examiners shall receive compensation prescribed by the Commission independently of agency recommendations of ratings and in accordance with the Classification Act of 1923, as amended, except that the provisions of paragraphs (2) and (3) of subsection (b) of section 7 of said Act, as amended, and the provisions of section 9 of said Act, as amended shall not be applicable. . . ."

[2] See *e.g.*, Blachly and Oatman, Administrative Legislation and Adjudication 1 (1934); Landis, The Administrative Process 1 (1938); Pound, Administrative Law 27 (1942); Carrow, The Background of Administrative Law 1 (1948); The Federal Administrative Procedure Act and the Administrative Agencies 4 (N. Y. U. 1947); Final Report of Attorney General's Committee on Administrative Procedure 7 (1941), contained in S. Doc. No. 8, 77th Cong., 1st Sess. (1941); Cushman, The Independent Regulatory Commissions, cc. II–V (1941); Frankfurter, The Task of Administrative Law, 75 U. of Pa. L. Rev. 614 (1927); materials cited in n. 4, *infra*.

[3] See *e.g.*, Dickinson, Administrative Justice and the Supremacy of Law, *passim* (1927); Final Report of Attorney General's Committee on Administrative Procedure, *supra*, at 11–18, 75–92; and see materials cited in n. 4, *infra*.

[4] *E.g.*, Root, Public Service by the Bar, 41 A. B. A. Rep. 355, 368 (1916); Hughes, Some Aspects of the Development of American Law, 39 N. Y. B. A. Rep. 266, 269 (1916); Sutherland, Private Rights and Government Control, 42 A. B. A. Rep. 197, 205 (1917); Address of President Guthrie, 46 N. Y. B. A. Rep. 169, 186 (1923). After 1933, when the American Bar Association formed a Special Committee on Administrative Law, the Bar's concern can be traced in this Committee's reports. *E.g.*, 58 A. B. A. Rep. 197, 407 (1933); 59 A. B. A. Rep. 539 (1934); 61 A. B. A. Rep. 720 (1936); 62 A. B. A. Rep. 789 (1937).

[5] S. 5154, 70th Cong., 2d Sess. (1929).

[6] S. 1835, 73d Cong., 1st Sess. (1933); S. 3787, H.R. 12297, 74th Cong., 2d Sess. (1936); S. 3676, 75th Cong., 3d Sess. (1938); H.R. 6324, H.R. 4235, H.R. 4236, S. 915, S. 916, 76th Cong., 1st Sess. (1939); S. 674, S. 675, S. 918, H.R. 3464, H.R. 4238, H.R. 4782, 77th Cong., 1st Sess. (1941); H.R. 4314, H.R. 5081, HR. 5237, S. 2030, 78th Cong., 2d Sess. (1944); H.R. 1203, S. 7, 79th Cong., 1st Sess. (1945).

[7] *E.g.*, Benjamin, Administrative Adjudication in the State of New York (1942); Tenth Biennial Report of the Judicial Council to the Governor and Legislature of California (1944). See also Fesler, The Independence of State Regulatory Agencies (1942); Handbook of the National Conference of Commissioners on Uniform State Laws, 226 *et seq.* (1943); 63 A. B. A. Rep. 623 (1938).

[8] Administrative Management in the Government of the United States, Report of the President's Committee on Administrative Management 37 (1937).

[9] The quoted statement is from President Roosevelt's message to Congress of December 18, 1940, vetoing H.R. 6324, the so-called Walter-Logan bill. H.R. Doc. No. 986, 76th Cong., 3d Sess., 3–4 (1940). The origin and orders leading to the creation of the Attorney General's Committee are set out in Appendix A of the Committee's Final Report, *supra*.

[10] S. 915, H.R. 6324, 76th Cong., 1st sess. (1939).

[11] 86 Cong. Rec. 13942–3 (1940), reprinted in H.R. Doc. No. 986, 76th Cong., 3d Sess. (1940).

[12] 86 Cong. Rec. 13953 (1940).

[13] 86 Cong. Rec. at 13943; H.R. Doc. No. 986, *supra*, 4.

[14] These bills appear at pp. 192 and 217 of the Committee's Final Report, *supra*. The majority bill became S. 675, 77th Cong., 1st Sess. (1941) and the minority recommendation was embodied in S. 674, 77th Cong., 1st Sess. (1941).

[15] The hearings ran from April 2 to July 2, 1941, and, with an appendix, have been collected in four parts and over 1,600 pages. Hearings before Subcommittee of the Committee on the Judiciary on S. 674, S. 675 and S. 918, 77th Con., 1st Sess. (1941).

[16] H.R. 4314, H.R. 5081, H.R. 5237, S. 2030, 78th Cong., 2d Sess. (1944).

[17] S. 7 and H.R. 1203, 79th Cong., 1st Sess. (1945).

[18] H.R. Rep. No. 1980, 79th Cong., 2d Sess. 14–15 (1946); S. Rep. No. 752, 79th Cong., 1st Sess. 4–5 (1945), reprinted in S. Doc. No. 248, 79th Cong., 2d Sess., at 233, 248–249, and 185, 190–191, respectively.

[19] S. Rep. 752, 79th Cong., 1st Sess. 37–

45 (1945); 92 Cong. Rec. App. A-2982-5 (1946).

[20] 92 Cong. Rec. 2167 (1946) (passage by the Senate); 92 Cong. Rec. 5668 (1946) (amended version passed by House); 92 Cong. Rec. 5791 (1946) (House version agreed to by Senate); 92 Cong. Rec. 6706 (1946) (approved by the President).

[21] H.R. Rep. No. 1980, 79th Cong., 2d Sess. 16 (1946); Final Report of the Attorney General's Committee on Administrative Procedure, 20 (1941); McFarland, Analysis of the Federal Administrative Procedure Act, in Federal Administrative Procedure Act and the Administrative Agencies 16, 22 (N. Y. U. 1947). See also Hearings before Subcommittee No. 4 of the House Committee on the Judiciary on H.R. 4236, H.R. 6198, and H.R. 6324, 76th Cong., 1st Sess. 14, 31 (1939); S. Rep. No. 442, 76th Cong., 1st Sess. 9 (1939); H.R. Rep. No. 1149, 76th Cong., 1st Sess. 2-3 (1939); S. Doc. No. 71, 76th Cong., 1st Sess. 5 (1939).

[22] 81 Cong. Rec. 187, 191 (1937).

[23] See n. 14, *supra*.

[24] See 8 C.F.R. 150.1 *et seq.*

[25] The initial step in a deportation case is the investigation of an alien by an immigrant inspector. 8 C.F.R. 150.1. This is followed by issuance of a warrant of arrest, 8 C.F.R. 150.2-150.4, and incarceration, unless the alien is released under bond. 8 C.F.R. 150.5. The formal hearing follows.

[26] *Eisler* v. *Clark* (D.D.C. 1948), 77 F. Supp. 610.

[27] S. 2755 and H.R. 6652, 80th Cong., 2d Sess. (1948).

[28] S. Rep. No. 1588, H.R. Rep. No. 2140, 80th Cong., 2d Sess. (1948).

[29] Section 19(a) of the Immigration Act of February 5, 1917, 39 Stat. 874, 889, as amended, 8 U.S.C. § 155 (a), provides in part: ". . . any alien who shall have entered or who shall be found in the United States in violation of this Act, or in violation of any other law of the United States . . . shall, upon the warrant of the Attorney General, be taken into custody and deported. . . . In every case where any person is ordered deported from the United States under the provisions of this Act, or of any law or treaty, the decision of the Attorney General shall be final." See Note 33, *infra*.

[30] *The Japanese Immigrant Case,* 189 U.S. 86, 100, 101; *Kwock Jan Fat* v. *White,* 253 U.S. 454, 459, 464; *Bridges* v. *Wixon,* 326 U.S. 135, 160 (concurring opinion).

[31] Section 301 of the bills proposed in the majority annd minority recommendations of the Final Report of the Attorney General's Committee on Administrative Procedure, pp. 195, 232-233.

[32] Hearings before a Subcommittee of the Senate Committee on the Judiciary on S. 674, S. 675, and S. 918, 77th Cong., 1st Sess. 1456 (1941).

[33] The original Act, 39 Stat. 896, reads "under this Act," although in the codification, 8 U.S.C. § 152, it reads "under this section." The former is controlling. 1. U. S. C. (Supp. II, 1949) §§ 112, 204 (a).

[34] [For order modifying the judgment, see *post*, p. 908.]

[35] Thus the congressional committee warned that should the exception "be a loophole for avoidance of the examiner system in any real sense, corrective legislation would be necessary. That provision is not intended to permit agencies to avoid the use of examiners but to preserve special statutory types of hearing officers who contribute something more than examiners could contribute and at the same time assure the parties fair and impartial procedure." S. Doc. No. 248, 79th Cong., 2d Sess., p. 216.

XUM

Mr. ERVIN. Mr. President, I wish to call the attention of the Senate to another point. In the case of *In Re Murchison,* reported in 349 U.S. at page 133, a trial judge of Michigan, acting under Michigan statute, sat as a one-man grand jury. The two petitioners appeared before him in his capacity as a one-man grand jury. They were accused of conduct which he thought constituted contempt of his court. He proceeded to try them for contempt for their conduct before him as a one-man grand jury, under the statute of Michigan.

The petitioners objected to being tried for contempt by this particular judge for a number of reasons, including, among others, that the trial before the judge who was at the same time the complainant, indicter, and prosecutor, constituted a denial of the fair and impartial trial required by the due process clause of the 14 amendment to the Constitution of the United States.

The Justice Black, writing for a majority of the court, had this to say:

> A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that "every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law." . . . Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way "justice must satisfy the appearance of justice."

Then again, farther on, on page 137 of the opinion, Justice Black says:

> Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer.

The Supreme Court set aside the trial of these two petitioners before the judge on the ground that the judge was acting as prosecutor and judge, and that this was a denial of due process as required under the 14th amendment of the Constitution of the United States.

I ask unanimous consent that the full opinion be printed in the Record at this point.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

[In re Murchison. Opinion of the Court]

IN RE MURCHISON ET AL. CERTIORARI TO THE SUPREME COURT OF MICHIGAN, No. 405. ARGUED APRIL 20, 1955.—DECIDED MAY 16, 1955

A Michigan state judge served as a "one-man grand jury" under Michigan law in investigating crime. Later, the same judge, after a hearing in open court, adjudged two of the witnesses guilty of contempt and sentenced them to punishment for events which took place before him in the grand jury proceedings. *Held:* Their trial and conviction for contempt before the same judge violated the Due Process Clause of the Fourteenth Amendment. Pp. 133-139.

The power of a trial judge to punish for a contempt committed in his immediate presence in open court is not applicable to the contempt proceeding here. P. 137.

340 Mich. 140, 65 N. W. 2d 296, and 340 Mich. 151, 65 N. W. 2d 301, reversed.

William L. Colden argued the cause for petitioners. With him on the brief were *James A. Cobb, George E. C. Hayes* and *Charles W. Jones.*

Edmund E. Shepherd, Solicitor General, argued the cause for the State of Michigan, respondent. With him on the brief were *Thomas M. Kavanagh,* Attorney General, and *Daniel J. O'Hara,* Assistant Attorney General.

MR. JUSTICE BLACK delivered the opinion of the Court.

Michigan law authorizes any judge of its courts of record to act as a so-called "one-man grand jury."[1] He can compel witnesses to appear before him in secret to testify about suspected crimes. We have previously held that such a Michigan "judge-grand jury" cannot consistently with the Due Process Clause of the Fourteenth Amendment summarily convict a witness of contempt for conduct in the secret hearings. *In re Oliver,* 333 U.S. 257. We held that before such a conviction could stand, due process requires as a minimum that an accused be given a public trial after reasonable notice of the charges, have a right to examine witnesses against him, call witnesses on his own behalf, and be represented by counsel. The question now before us is whether a contempt proceeding conducted in accordance with these standards complies with the due process requirement of an impartial tribunal where the same judge presiding at the contempt hearing had also served as the "one-man grand jury" out of which the contempt charges arose. This does not involve, of course, the long-exercised power of courts summarily to punish certain conduct occurring in open court.[2]

The petitioners, Murchison and White, were called as witnesses before a "one-man judge-grand jury." Murchison, a Detroit policeman, was interrogated at length in the judge's secret hearings where questions were asked him about suspected gambling in Detroit and bribery of policemen. His answers left the judge persuaded that he had committed perjury, particularly in view of other evidence before the "judge-grand jury." The judge then charged Murchison with perjury and ordered him to appear and show cause why he should not be punished for criminal contempt.[3] White, the other petitioner, was also summoned to appear as a witness in the same "one-man grand jury" hearing. Asked numerous questions about gambling and bribery, he refused to answer on the ground that he was entitled under Michigan law to have counsel present with him. The "judge-grand jury" charged White with contempt and ordered him to appear and show cause. The judge who had been the "grand jury" then tried both petitioners in open court, convicted and sentenced them for contempt. Petitioners objected to being tried for contempt by this particular judge for a number of reasons including: (1) Michigan law expressly provides that a judge conducting a "one-man grand jury" inquiry will be disqualified from hearing or trying any case arising from his inquiry or from hearing any motion to dismiss or quash any complaint or indictment growing out of it, or from hearing any charge of contempt "except alleged contempt for neglect or refusal to appear in response to a summons or subpoena"; (2) trial before the judge who was at the same time the complainant, indicter and prosecutor, constituted a denial of the fair and impartial trial required by the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The trial judge answered the first challenge by holding that the state statute barring him from trying the contempt cases violated the Michigan Constitution on the ground that it would deprive a judge of inherent power to punish contempt. This interpretation of the Michigan Constitution

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Footnotes at end of article.

is binding here. As to the second challenge the trial judge held that due process did not forbid him to try the contempt charges. He also rejected other constitutional contentions made by petitioners. The State Supreme Court sustained all the trial judge's holdings and affirmed.[4] Importance of the federal constitutional questions raised caused us to grant certiorari.[5] The view we take makes it unnecessary for us to consider or decide any of those questions except the due process challenge to trial by the judge who had conducted the secret "one-man grand jury" proceedings.[6]

A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that "every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law." *Tumey* v. *Ohio*, 273 U.S. 510, 532. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way "justice must satisfy the appearance of justice." *Offut* v. *United States*, 348 U.S. 11, 14.

It would be very strange if our system of law permitted a judge to act as a grand jury and then try the very persons accused as a result of his investigations. Perhaps no State has ever forced a defendant to accept grand jurors as proper trial jurors to pass on charges growing out of their hearings.[7] A single "judge-grand jury" is even more a part of the accusatory process than an ordinary lay grand juror. Having been a part of that process a judge cannot be, in the very nature of things, wholly disinterested in the conviction or acquittal of those accused. While he would not likely have all the zeal of a prosecutor, it can certainly not be said that he would have none of that zeal.[8] Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer.[9] It is true that contempt committed in a trial courtroom can under some circumstances be punished summarily by the trial judge. See *Cooke* v. *United States*, 267 U.S. 517, 539. But adjudication by a trial judge of a contempt committed in his immediate presence in open court cannot be likened to the proceedings here. For we held in the *Oliver* case that a person charged with contempt before a "one-man grand jury" could not be summarily tried.

As a practical matter it is difficult if not impossible for a judge to free himself from the influence of what took place in his "grand-jury" secret session. His recollection of that is likely to weigh far more heavily with him than any testimony given in the open hearings. That it sometimes does is illustrated by an incident which occurred in White's case. In finding White guilty of contempt the trial judge said, "there is one thing the record does not show, and that was Mr. White's attitude, and I must say that his attitude was almost insolent in the manner in which he answered questions and his attitude upon the witness stand. . . . Not only was the personal attitude insolent, but it was defiant, and I want to put that on the record." In answer to defense counsel's motion to strike these statements because they were not part of the original record the judge said, "That is something . . . that wouldn't appear on the record, but it would be very evident to the court." Thus the judge whom due process requires to be impartial in weighing the evidence presented before him, called on his own personal knowledge and impression of what had occurred in the grand jury room and his judgment was based in part on this impression, the accuracy of which could not be tested by adequate cross-examination.

This incident also shows that the judge was doubtless more familiar with the facts and circumstances in which the charges were rooted than was any other witness. There were no public witnesses upon whom petitioners could call to give disinterested testimony concerning what took place in the secret chambers of the judge. If there had been they might have been able to refute the judge's statement about White's insolence. Moreover, as shown by the judge's statement here, a "judge-grand jury" might himself many times be a very material witness in a later trial for contempt. If the charge should be heard before that judge, the result would be either that the defendant must be deprived of examining or cross-examining him or else there would be the spectacle of the trial judge presenting testimony upon which he must finally pass in determining the guilt or innocence of the defendant.[10] In either event the State would have the benefit of the judge's personal knowledge while the accused would be denied an effective opportunity to cross-examine. The right of a defendant to examine and cross-examine witnesses is too essential to a fair trial to have that right jeopardized in such way.

We hold that it was a violation of due process for the "judge-grand jury" to try these petitioners, and it was therefore error for the Supreme Court of Michigan to uphold the convictions. The judgements are reversed and the causes are remanded for proceedings not inconsistent with this opinion.

Reversed.

Mr. Justice Reed and Mr. Justice Minton, dissenting, with whom Mr. Justice Burton joins.

The Court holds that it is unconstitutional for a state judge to punish a contempt, previously committed before him while acting as a so-called one-man grand jury, after a full hearing in open court. It holds that White, in being so punished for his blanket refusal to answer any questions before the grand jury, and Murchison, in being so punished for perjury before the same body, were deprived of their liberty without due process of law.

This conclusion is not rested on any irregularity in the proceedings before either the grand jury or the court. Under Michigan procedure a single state judge makes the grand jury investigation, not in secret, but with other public officials to aid him, and a transcript is made of the testimony. There is certainly nothing unconstitutional about this. A State may reduce the customary number of grand jurors to one, and impart the investigatory duty to a member of its judiciary if it so desires. Further, the accused is afforded a full hearing in open court, with a statement of charges, benefit of counsel, and a full opportunity to explain his conduct before the grand jury, before being held in contempt. Thus all the requirements set down in *In re Oliver*, 333 U.S. 257, are met.

The Court's determination is rested on the sole fact that the same judge first cited petitioners for contempt committed in his presence, and then presided over the proceedings leading to the final adjudication. It is neither shown nor alleged that the state judge was in any way biased. Nor is this required by the Court, for it holds, as a matter of law, that the judge's "interest" in a conviction makes the proceedings inherently prejudicial and thus constitutionally invalid. The fact that the "interest" of the state judge in this procedure is no different from that of other judges who have traditionally punished for contempt leads us to dissent.

In *Sacher* v. *United States*, 343 U.S. 1, we upheld the power of a federal district judge to summarily punish a contempt previously committed in his presence. In that case, after a trial which had extended for some nine months, the trial judge issued a certificate summarily holding defense counsel in contempt for their actions during the trial. There were no formalities, no hearings, no taking of evidence, no arguments and no briefs. We held that such a procedure was permitted by Rule 42 of the Federal Rules of Criminal Procedure which codified the "prevailing usages at law." The Court specifically rejected the contention that the judge who heard the contempt was disqualified from punishing it and should be required to assume the role of accuser or complaining witness before another judge. In *Offutt* v. *United States*, 348 U.S. 11, the Court simply stated an exception: when the trial judge becomes personally embroiled with the contemnor, he must step aside in favor of another judge. That decision was rested upon our supervisory authority over the administration of criminal justice in the federal courts. The Court now holds, even though there is no showing or contention that the state judge became embroiled or personally exercised, or was in any way biased, that as a matter of constitutional law—of procedural due process—a state judge may not punish a contempt previously committed in his presence. This seems inconsistent with all that has gone before.

The Court, presumably referring to the situation in the federal courts, states that the "adjudication by a trial judge of a contempt committed in his immediate presence in open court cannot be likened to the proceedings here." The reason that it cannot, we are told, is because "we held in the *Oliver* case that a person charged with contempt before a 'one-man grand jury' could not be summarily tried." This is hardly explanatory, for the question of whether the hearing is to be summary or plenary has no bearing on the attitude or "interest" of the judges in the two situations, which is indistinguishable. The simple fact is that in the federal courts we allow the same judge who hears the contempt and issues the certificate to punish it subsequently and summarily, but in this case we do not allow such punishment even after a full court trial. The only factual difference between *Sacher* and this case is that the contempt in *Sacher* was committed at a public trial. When the contempt is not committed in open court, we require that the criminal conviction be in public and that the individual be given a full hearing, with an opportunity to defend himself against the charges proffered and to make a record from which to appeal. *In re Oliver*, 333 U.S. 257. Petitioners had all this. They are not entitled to more.

We do not see how it can be held that it violates fundamental concepts of fair play and justice for a state judge after a full court trial to punish a contempt previously observed when acting as a grand jury, when it has been held that it is perfectly proper for a federal judge to summarily punish a contempt previously observed in open court. It seems to us that the Court has imposed a more stringent requirement on state judges as a matter of due process than we have imposed on federal judges over whom we exercise supervisory power.

The Court relies heavily on *Tumey* v. *Ohio*, 273 U.S. 510. There we held that it deprives a defendant of due process to "subject his liberty or property to the judgment of a court the judge of which has a direct, personal, substantial, pecuniary interest in reaching a conclusion against him in his case." *Id.*, at 523. It is one thing to hold that a judge has too great an interest in a case to permit the rendition of a fair verdict when his compensation is determined by the result he reaches. It is quite another thing to disqualify a state judge as having too great an interest to render a due process judgment when his sole interest, as shown by this record, is the maintenance of order and decorum in the investigation of crime—an interest which he shares in common with all judges who punish for contempt.

The State of Michigan has decided that in the administration of its criminal law it is wise to have the investigating power in the hands of a judge. It has also decided that the judge who observes the contempt is to preside at the trial of the contemnor. It does not seem that there is here such a violation of accepted judicial standards as to justify this Court's determination of unconstitutionality.

We would affirm.

FOOTNOTES

[1] Mich. Stat. Ann., 1954 §§ 28.943, 28.944.

[2] *Sacher* v. *United States,* 343 U.S. 1; *Cooke* v. *United States*, 267 U.S. 517, 539; *Ex parte Savin,* 131 U.S. 267. See also *In re Oliver,* 333 U.S. 257, 273–278.

[3] The contempt charge signed by the judge reads in part as follows:

"It therefore appearing . . . that the said Patrolman Lee Roy Murchinson [*sic*] has been guilty of wilfull and corrupt perjury, which perjury has an obstructive effect upon the judicial inquiry being conducted by this court and the said Patrolman Lee Roy Murchinson [*sic*] obstructed the judicial function of the court by wilfully giving false answers as aforesaid, and did also tend to impair the respect for the authority of the court, all of which perjury and false answers given by the said witness aforesaid was committed during the sitting of, in the presence and view of this court and constitutes criminal contempt;

"It is therefore ordered that the said Patrolman Lee Roy Murchinson [*sic*] appear before this court on the tenth day of May, 1954, at 10:00 o'clock in the forenoon and show cause why he should not be punished for criminal contempt of this court because of his aforesaid acts."

[4] *In re White,* 340 Mich. 140, 65 N. W. 2d 296; *In re Murchison,* 340 Mich. 151, 65 N. W. 2d 301.

[5] 348 U.S. 894.

[6] That we lay aside certain other federal constitutional challenges by petitioners is not to be taken as any intimation that we have passed on them one way or another.

[7] See, *e.g.,* Note 50 L. R. A. (N. S.) 933, 953–954, 970, 971.

[8] Apparently the trial judge here did consider himself a part of the prosecution. In passing on a request by Murchison's counsel for a two-day postponement of the contempt trial the judge said, "There are two points that suggest themselves to me.

"One is that if the respondent is going to claim that he was in Shrewsberry, Ontario, Canada, on March 9, 1954, that *we* ought to be furnished with information so that *we* could between now and two days from now, which I am going to give you, *we* could do some checking and investigating *ourselves.*" (Emphasis supplied.)

Because of the judge's dual position the view he took of his function is not at all surprising.

[9] See, *e.g., Queen* v. *London County Council,* [1892] 1 Q. B. 190; *Wisconsin ex rel. Getchel* v. *Bradish,* 95 Wis. 205, 70 N. W. 172.

[10] See *Hale* v. *Wyatt,* 78 N. H. 214, 98 A. 379. See also, Witnesses—Competency—Competency of a Presiding Judge as Witness, 28 Harv. L. Rev. 115.

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Mr. ERVIN. I have pointed out the fact that here you have a Commission, with all of the persons who work with the Commission under its authority; they are subject to its orders. It acts as an investigator, it acts as a prosecutor, it acts as a jury, it acts as a judge, and I might say it acts as an executioner also—in the year of our Lord 1970.

This bill in its operation, would virtually destroy the federal system, because it would give to a Federal agency complete authority over the hiring practices of States. It would give them the authority to determine who is to be professor of mathematics, who is to be professor of philosophy, and who is to be professor of any other course of study of any institution anywhere in our land, notwithstanding that such institution may be private, and notwithstanding the fact that such institution may be supported by a religious denomination. I submit that that is clearly a spiritual and constitutional violation of the provision of the first amendment which undertakes to give to every person the right to freedom of worship and religion.

Not only that, this bill is honeycombed with numerous bad procedural provisions. It gives the Equal Employment Opportunity Commission the right to appoint counsel for the claimants. It gives them the right to finance the cases of the claimants; but if the defendants win the case, they get nothing in return.

This bill ought to be called an answer to the ambulance-chasing lawyer's prayer. It has a provision that every time a charge is preferred by any person who has been allegedly denied employment, or been denied promotion, or been fired because of his race, his color, his national origin, his creed, or his sex, this Commission can grant as much as $1,000 out of the taxpayers' pockets to finance his litigation. The taxpayers, already overburdened, do not desire such treatment from their own Government.

I repeat again there is no human mind gifted with a better answer to the ambulance-chasing lawyer's prayer. That is exactly what this bill would be. It is honeycombed with injustices from one end to the other. It has a provision that if an individual is involved in one of these proceedings, no matter whether he is willing to abide by the decision or not, he has to go into court and contest the matter, or the Commission can go into court if the accused does not respond for 60 days, and the court is disabled—disabled, mind you—from doing anything except ratifying in full what the Commission decided, no matter how unconstitutional it is and no matter how unjust it is. That is, indeed, an act of tyranny.

That is the kind of bill we have here. We have the usual provision which is put in bills by those who do not believe in jury trials in this land any more, that the findings of fact of the Commission shall be binding on the courts if there is any substantial evidence to support them, which means that if 5 percent of the evidence tends to support one side of a case and 95 percent the other side of the case, and the Commission accepts the 5 percent, the courts are powerless to do justice in that case. They are bound by the findings of the Commission.

The tragedy about these things is—and I say this with reluctance, but with what I believe to be truth—that people who are appointed to commissions of this kind are crusaders of the highest degree; if they were summoned upon a petit jury in any court in this land, they could be stood aside for bias as being unfit to serve as jurors. Yet this is the kind of men picked to compose these commissions. This is prostitution of judicial process. There is a pretense that judicial process is being observed, but everything in the bill is calculated to prevent justice being done, and to require that the case be decided on one side to the exclusion of the other.

I have been and shall always be against a bill of this type. I do not think that the States even have knowledge of the pendency of this bill, because the report shows that virtually all the witnesses who testified before the committee were crusaders on the Federal level, who were seeking, in most cases, an aggrandizement of Federal power.

This is a bill that would permit great tyranny. It is inconsistent with the federal system of government. It is inconsistent with the right of local self-government. It is inconsistent with the right of people to maintain their own educational institutions.

Furthermore, it constitutes an assault, in substance, upon the free enterprise system, because it brings within the coverage of the bill every little businessman from the Atlantic Ocean out to Hawaii and from Canada down to the Gulf of Mexico who employs as many as eight persons. It provides for giving those who seek to prosecute him a thousand dollars, but it gives him no help. It gives him nothing if he wins his case.

I respectfully submit that this is a bill which the Senate of the United States ought not to approve. I shall try to remove some of its inequities tomorrow.

I do not think that under a bill like this, a commission should be permitted to give $1,000 of the taxpayers' money to anyone who will present a claim; it goes further than that. It says the Commission can perform these services for him. In other words, the Commission can act as his lawyer and prepare his testimony if the Commission wishes to, instead of giving him the $1,000.

I think if we are going to have a bill like this, we ought to have a general counsel who will say which complaints are justified, and permit him to prosecute the claims, instead of allowing private ambulance-chasing lawyers to do so.

If time permitted, I could point out other inequities in this bill, but I have suggested a few of them. Instead, I shall summarize, for the Senate, the inequities and shortcomings of the bill.

SUMMARY OF SHORTCOMINGS OF S. 2453

Mr. President, by way of summary, let me briefly list several shortcomings of S. 2453.

First. S. 2453 as reported initially makes no provision for separation of functions. Under the increase in power given the Equal Employment Opportunity Commission, the Commission will be judge, jury, and prosecutor of actions brought before it.

Second. Under the bill's provisions, the rules of evidence applicable to Federal district courts will be followed at the Commission's hearings only "so far as practicable." This language provides a powerful loophole to completely disregard due process of law.

Third. The often harassing Commissioner's charge will be broadened to allow any "officer or employee" of the Commission to file a charge "upon the request of any person claiming to be aggrieved." Potential for abuse of this power is clear and dangerous, as an employer, for one, may never know the identity of his accuser. Second, the provision would permit an attack on an employer's entire employment structure by an already biased Commission investigator, regardless of the limited nature of one employee's complaint filed with the EEOC.

Fourth. It is unclear whether the formal complaint issued by the EEOC after the failure of conciliation will be limited to the charge already filed with the Commission.

Fifth. Although there are provisions for the financial assistance of charging parties for prosecution of their charges, there is no like provision for the financial assistance for the defense of the small employer. If an employer should be found blameless, there is no provision for the reimbursement of his legal costs. Inasmuch as the EEOC permits labor unions to file charges as aggrieved parties, potential for coercion of small employers is great.

Sixth. The bill is inadequate in other regards. Employers may still find themselves defending identical charges before a multitude of local, State, and Federal agencies simultaneously. At present, employees who believe that they have been discriminated against may proceed through the EEOC, through State and local fair-employment-practice commissions, and through the NLRB, among others. Federal courts have also provided employees with recourse under the Civil Rights Act of 1866 as well. Employers may further find themselves harassed when visited by officers of the OFCC and other Federal compliance offices, regarding the same problem.

Seventh. EEOC becomes the NLRB of the civil rights area. The Commission would have the authority to issue cease-and-desist orders that would become self-enforcing within 60 days if unchallenged. EEOC will further be given the broad subpena power of the NLRB.

Eighth. Coverage of the Civil Rights Act will be expanded, to cover employers of eight or more employees, as well as employees of Federal, State, and local governments. The Commission is presently ineffective in dealing with the workload before it, as shown by its adoption of backlog procedures a few months ago. As noted by Senators DOMINICK, MURPHY, and SMITH of Illinois in the report accompanying S. 2453, by the addition of just five words, "'governments, governmental agencies, political subdivisions, 10 million additional persons will be covered out of a total workforce of about 80 million in this country." It is clear that the already immense workload of the Commission will be drastically increased.

EEOC'S OWN REPORT WARNS OF S. 2453

Mr. President, a copy of an internal memorandum prepared by the Equal Employment Opportunity Commission's Office of Legislative Affairs has come into my possession. This should astound the Members of the Senate. The office has some interesting things to say about the increased workload which will be generated by lowering the number of employees required for EECO jurisdiction from 25 to eight. I read from the memorandum:

> This would mean an additional 9½ million employees and 667 thousand employers covered. In terms of the Commission's present jurisdiction, employees covered would be increased by approximately 20 percent and employers by 200 percent. Since the most accurate measure of the Commission's workload is respondent cases, it is evident that adoption of the proposal would considerably add to the Commission's already heavy workload in a way that would not contribute to the cumulative effect of decisions involving large employers. Efficiency in gaining the greatest results from relatively few cases would thus be curtailed.

This same EEOC report went on to warn of the workload increase that will result if jurisdiction is extended over State and municipal employees, and it gives us a good estimate of how many additional employees will be covered from this source. It says:

> This would provide coverage to approximately 9,358,000 full and part-time employees of 81,303 governmental units. In terms of EEOC's present coverage, it would mean expanding employees covered by approximately 20 percent, and employers by approximately 25 percent. Thus the workload increase would be substantial, a consideration that cannot be treated lightly.

Another provision which drew a warning from the EEOC's Office of Legislative Affairs is that which would give the Commission authority to demand access at any time to records required to be kept by title VII. The report says:

> This was the power originally assigned to the Attorney General in S. 2029 in connection with the pattern or practice suit, which latter is deleted from the Title by this Bill. The Commission's investigatory power would thus be considerably increased. However, careful consideration should be given to the provision that allows disclosure of information thus gained to the Congress or to a government agency. This provision could lead to demands for information from Congressmen interested in going on fishing expeditions in other members' districts, or desirous of kibitzing the Commission in its operations.

Mr. President, I appeal to the Senate to reject this bill, which, as I have stated, constitutes a drastic assault upon our federal system of government, which constitutes a denial of the rights of educational institutions to conduct their own affairs free from Federal interference, which interferes with the freedom of contract and the rights of all the small businessmen in the United States who employ as many as eight persons, and which constitutes a drastic prostitution of the judicial process.

This is a bill that has no place in a free society, because it makes the EEOC the most powerful institution of the Federal Government, because it gives them power over the hiring practices of virtually every businessman in the United States, who is already subject to harassment from hundreds of Federal bureaucrats. Our Nation's businessmen deserve better treatment.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. WILLIAMS of New Jersey. Before the Senate does have an opportunity to accept the bill before it, is it correct that the Senator from North Carolina has one amendment?

Mr. ERVIN. I have one amendment to create the Office of General Counsel for the EEOC, and then I have a series of amendments which I expect to ask the Senate to vote on en bloc.

Mr. WILLIAMS of New Jersey. An amendment has been added, offered by the distinguished Senator from Ohio, dealing with the Office of General Counsel.

Mr. ERVIN. I am not aware of the nature of that amendment.

Mr. WILLIAMS of New Jersey. It is in the bill at this point, and it does create the Office of General Counsel in the EEOC, much in analogy, to the National Labor Relations Board.

Mr. ERVIN. I thank the Senator from New Jersey for calling that to my attention, and I will see whether it covers the ground in as adequate a manner as my own amendment does.

Mr. WILLIAMS of New Jersey. The Senator from North Carolina has one other amendment, as I understand it.

Mr. ERVIN. There will be a series of amendments which I expect the Senate to vote on en bloc.

Mr. WILLIAMS of New Jersey. That means one vote, then.

Mr. ERVIN. Yes. Plus my possible amendment in the event that the amendment offered by the distinguished Senator from Ohio does not adequately do the job of providing for the position of general counsel. If it does not, I will offer that amendment.

Mr. WILLIAMS of New Jersey. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. COOK). The Senator will state it.

Mr. WILLIAMS of New Jersey. There is a time limitation, is there not, on the amendment that would be offered?

The PRESIDING OFFICER. The unanimous-consent agreement is that the amendments of the Senator from North Carolina shall be limited to 1 hour and 30 minutes, 1 hour to the Senator from North Carolina and 30 minutes to the manager of the bill.

Mr. ERVIN. I assure the Senator from New Jersey that that will be adequate time, because many of the things I intended to say in offering the amendments have been said by me in general opposition to the bill.

Mr. WILLIAMS of New Jersey. I thank the Senator.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. The Chair

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calls the attention of the Senator from West Virginia to the fact that earlier today the majority leader asked unanimous consent, and it was granted, that the Senate come in at 12 o'clock noon tomorrow.

Mr. BYRD of West Virginia. I am aware of that.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A BILL TO BE HELD AT THE DESK

Mr. JAVITS. Mr. President, having spoken with the office of the Senator from Nebraska (Mr. HRUSKA) and just having spoken with the Senator from Mississippi (Mr. EASTLAND), chairman of the Committee on the Judiciary, I ask unanimous consent that H.R. 18126, to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y., which has been sent to us by the House, may be held at the desk, without being referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the unfinished business, Senate Joint Resolution 1, is laid aside temporarily on tomorrow, it remain in that status until the conclusion of morning business on Friday morning next.

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The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4419—INTRODUCTION OF THE VOLUNTARY HEALTH BENEFITS ACT OF 1970

Mr. FANNIN. Mr. President, I introduce a bill and ask that it be appropriately referred.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

The bill (S. 4419) to provide for medical and hospital care through a system of voluntary health insurance, to establish a national program for protection against catastrophic illness, to provide for peer review of health services provided under Federal programs, and for other purposes, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Finance.

Mr. FANNIN. Mr. President, Americans spend in excess of $60 billion a year on health care.

With today's inflation, many of our citizens are hard-pressed to find the money to pay medical bills or health insurance premiums.

Government deficit spending caused the overall inflation; poorly conceived and poorly executed Government programs in the past decade accelerated the inflation in medical costs.

Because of today's high medical costs, it is practically impossible to have peace of mind unless your family is adequately protected by health insurance. And yet, the cost of adequate insurance is such that those who need it most can afford it least.

That is why I introduced S. 2705 last year.

My bill is designed to overcome the abuses apparent in the medicaid program and to make private health insurance available to all Americans who want it.

S. 2705 would make it possible for every individual and family in the United States to purchase an adequate, approved health protection plan from a private insurer.

There are many excellent private enterprise medical and hospital insurance services available.

Federal assistance would be on a sliding scale and would be in the form of tax credits for persons with taxable income.

I am continuing to push for passage of S. 2705, and today I am offering an expanded version of the bill.

One of the provisions would provide national catastrophic illness protection.

Under this proposal, the Federal Government would act in cooperation with State insurance authorities and the private insurance industry.

State and Federal Governments together would reinsure and otherwise encourage issuance of private health insurance to make adequate health protection available to all Americans at a reasonable cost.

This program would call for State plans which would be administered by State authority. Extended health insurance would be made more readily available, especially to those who would otherwise be unable to secure adequate and complete protection at rates they could afford.

Plans could vary from State to State.

Premium rates would be set by the Secretary of Health, Education, and Welfare.

Deductibles would be based on personal income.

No deductible would be imposed for the first $1,000 of adjusted, or taxable, income. There would be a deductible of 50 percent of a year's adjusted income for an individual or family falling between $1,000 and $2,000, plus the total of such adjusted income in excess of $2,000.

If a State could not carry out an insurance program, the Federal Government could provide the service. In such case, the Government would utilize insurance companies to the maximum possible extent.

As part of the Federal program there would be a national catastrophic illness insurance fund. It would make payments required under reinsurance contracts, premium equalization payments, and administration expense payments.

It would be credited with reinsurance premiums, fees, and other charges, interest on investments, advances from appropriations and other receipts.

The second provision I am introducing to my universal health protection bill is aimed at keeping medical costs down and the quality of service up.

It would create a system for physicians to police their own ranks.

The Secretary of Health, Education, and Welfare would enter into agreements with State medical societies for establishment of peer review organizations.

Each State would have a five-member commission established by the medical society. There also would be a nine-member advisory council.

The commission would divide the State administrative areas with three-member local review panels and five-member local advisory panels for each area.

Members of the commission and panels would be doctors of medicine or osteopathy. The advisory council would have representatives of consumers, health care providers, and insurance carriers.

Each panel would consider and review information supplied by individuals, institutions, hospitals, Government agencies and carriers.

In addition, the panel could make investigations by random selection.

The panel could hold hearings on utilization, charges and quality of services provided to a patient or patients. The panel could recommend disciplinary action to be taken when a provider of medical service is found to have been in error.

The commission would then consider the recommendation and accept, reject, or modify it. If disciplinary action is warranted, the recommendation would be forwarded to the Secretary.

It would be up to the Secretary to impose, reduce, or reject the penalty.

Of course, the right of judicial review would be provided.

Mr. President, both of these provisions expand S. 2705, which I sponsored.

Today I also am introducing another health care amendment, this one to the social security bill.

It was reported recently that President Nixon is seeking the development of new approaches to make Americans the most healthy people on earth.

With the costs of medicine today, it is obvious that we need to encourage the development of new ideas in providing better health care at lower cost.

Two doctors in Phoenix have met this problem head on.

Dr. John L Ford and Dr. Wallace A. Reed became concerned about the fact that once inexpensive minor surgery is now costing patients hundreds of dollars.

They set out on their own—without Government subsidy—to cut the cost of minor operations.

The two doctors developed the concept of a privately run ambulatory surgical facility.

In Phoenix, it is known as Surgicenter.

The facility is equipped to handle 1-

day surgical cases in which a person may go home safely after an operation without overnight hospitalization.

Surgicenter is intended to offer quality medical care at the lowest possible cost.

Surgicenter escapes many costs of a regular hospital because it can eliminate services and facilities required in a 24-hour operation. It has no cafeteria, no overnight facilities. It does not require round-the-clock X-ray or laboratory services, and it can make maximum use of disposable equipment to save laundry costs.

In the past, most insurance companies required their clients to be hospitalized if they were to be covered for surgical expenses.

Private insurance companies are now changing their thinking on this matter. They are finding the requirement for hospitalization can cause unnecessary expense. In addition, it takes up hospital beds which may be needed for more serious cases.

Thus, some private insurance carriers have provided coverage for subscribers who choose to have their operations in Surgicenter.

If the private insurance industry sees this as a good way to render service and save money, I see no reason why the Federal Government should not follow the example.

The bill I am offering today would provide that medicare coverage be extended to approved ambulatory surgical centers for specified purposes.

The legislation would require that the quality of medical care at such centers be of the same high caliber as that offered at hospitals.

Surgery must be performed by a physician who is authorized to perform such procedure in an area hospital.

Anesthesia must be administered by a licensed anesthesiologist.

The center must be equipped to perform diagnostic X-ray and laboratory examinations in connection with the surgery.

Professional registered nurses must be on the job.

Emergency equipment must be available to handle any foreseeable complications.

The Phoenix Surgicenter, located near Good Samaritan Hospital, has now been in operation almost 8 months.

The founders report there has been greater utilization by medicare patients than had been anticipated.

They do not see why medicare patients should be penalized for using the money-saving service.

I urge my fellow Senators who are concerned about cutting the skyrocketing medical costs to join me in supporting this program. It is a new approach that shows great promise.

One indication of this is the brisk business the Surgicenter did in its first weeks of operation.

Surgicenter opened February 12. By March 23, the facility had carried out 196 procedures.

Drs. Reed and Ford reported:

> On no occasion was there a need for a direct admission from Surgicenter to a hospital. There were 12 Medicare patients, the oldest being 88. The youngest patient was a 4-month old child who required a probing of the tear ducts. One hundred thirty-one of the procedures were done under general anesthesia; sixty-four were under local; and in one instance (where a child had eaten breakfast), a regional block was performed.
>
> As nearly as we can ascertain, the reception on the part of patients as well as their attending surgeons has been excellent.

The facility has continued to be a success.

This is strong evidence that Surgicenter is a promising development in medicine and a concept we should take advantage of.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the disposition of the reading of the Journal on tomorrow and upon the disposition of any unobjected-to items on the legislative calendar, there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

ORDER FOR THE PENDING BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the morning business on tomorrow, the unfinished business, Senate Joint Resolution 1, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the understanding with reference to the time on the amendments to pending business, S. 2453, to be offered by the able senior Senator from North Carolina (Mr. ERVIN)?

The PRESIDING OFFICER. There will be 1 hour allotted to the Senator from North Carolina (Mr. ERVIN) and one-half hour to the Senator from New Jersey (Mr. WILLIAMS).

Mr. BYRD of West Virginia. Is that the agreement on each of the Senator's amendments?

The PRESIDING OFFICER. The Senator is correct.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on all other amendments the debate on each amendment be limited to 1 hour, the time to be equally divided and controlled between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the bill be limited to 1 hour, the time to be equally divided and controlled between the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous consent agreement was later reduced to writing as follows:

> *Ordered*, That during the further consideration of the bill (S. 2453) to promote equal employment opportunities for American workers, (except amendments by the Senator from North Carolina, Mr. ERVIN on which there will be 1½ hours each to be divided and controlled—1 hour to Mr. ERVIN and ½ hour to Mr. WILLIAMS of New Jersey) debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill (Mr. WILLIAMS of New Jersey).
>
> *Ordered further*, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill (Mr. WILLIAMS) and minority leader or his designee: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 14 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 1, 1970, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1970:

DEPARTMENT OF LABOR

Malcolm R. Lovell, Jr., of Michigan, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Wilmot R. Hastings, of Massachusetts, to be General Counsel of the Department of Health, Education, and Welfare.

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EXTENSIONS OF REMARKS

TRANSITION FROM A WARTIME TO A PEACETIME ECONOMY

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. FREY. Mr. Speaker, we are presently in a transition from an inflated, overheated, wartime economy to a more stable, balanced, peacetime economy. The success of our Vietnamization program among other things, has enabled us to reduce both the amount of our defense spending and the size of our military. This has also resulted in a reduction of the number of people employed in the defense industry. Our desire to solve the internal problems of this Nation, have resulted in a shift in our national priorities. For the first time in 20 years we will spend more—41 percent—on human resources than on defense—37 percent. While we must maintain a defense capability second to none, I believe all Americans are pleased with this shift in our priorities. No one likes the hardships caused by the shift from a wartime to peacetime economy. However, no American wants high defense spending and employment at the cost of American lives.

In yet another area, space cutbacks have been severe. In fiscal year 1966 we spent $5.9 billion on space. Since that date the budget has declined each year until fiscal year 1971, when the administration budget request was $3.33 billion. Unemployment in the space industry has fallen from 420,000 in 1965 to 200,000 by the end of the Johnson administration. Today we have approximately 150,000 space workers. This peaceful program has resulted in more technological progress and benefit to man on earth than any other like program in our Nation's history.

The fact remains, that whatever the reasons, employment and job opportunities for engineers, scientists and technicians in the research and development fields of defense and space have fallen, and these great teams we have put together are being destroyed. The destruction of our research community represents a critical loss of talent to this Nation, and if not stopped will mean the loss of economic and technological progress for this country.

Thousands of these economic casualties of our defense and space industries have given unselfishly of themselves in the past years. In my district, for example, thousands of space workers have worked around the clock, 7 days a week, at the peak of our space probram to achieve this Nation's most challenging goal—putting a man on the moon. As we all know, they were successful, and the course of history has been changed. The same can be said of many of the individuals in the Nation's defense industry. We must turn this drive, this dedication, this know-how into other areas to conquer the problems that exist. What tremendous opportunities exist in the field of health research, environmental research, and oceanography—just to name a few.

Legislation I recently introduced is directed to converting these scientists, technicians and engineers from defense and space, to such new and challenging fields. The bill, titled the "Conversion Research and Education Act of 1970," provides for retraining in preparation for these job opportunities. The bill calls for a total of $450 million to be authorized over a 3-year period, for specific programs of education research and assistance to small business firms. One hundred million dollars would be provided the first year, $150 million the second year, and $200 million the third year. The National Science Foundation is assigned the task of sponsoring research on conversion and of developing and administering retraining programs. The Department of Commerce, through the Economic Development Administration, is assigned the responsibility of sponsoring retraining programs for management personnel. The Small Business Administration has the responsibility of assisting small business firms in achieving conversion, by providing technical grants, loan guarantees and interest assistance payments. Furthermore, the Advisory Committee of Industrial Scientists and Educators is established to help shape and guide the program.

The transition from a wartime to a peacetime economy is a hard one. We have an obligation to those who have already given so much. There is no question that these engineers, scientists and technicians need our help. There is also no question that our country needs their help.

ALLEGHENY AIRLINES' OUTSTANDING GROWTH

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 30, 1970

Mr. SCOTT. Mr. President, it gives me great pleasure to invite the attention of Senators to the outstanding achievement of Allegheny Airlines under the guidance of its president, Mr. Leslie O. Barnes. During the month of August 1970, Allegheny Airlines exceeded 100,000 boardings at the Greater Pittsburgh Airport. This is the first time in the history of that airport that any airline has even approached this figure. The remarkable growth is due, in part, to Allegheny's continuous reequipment to jets and improved service to its market. Allegheny's fine accomplishment is, indeed, noteworthy.

PRESIDENT'S TRIP ABROAD VERY TIMELY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's trip to Western Europe and the Mediterranean is an extra effort to strengthen the structure for peace and to give further impetus to an era of negotiations. That his trip could not have been more timely is pointed out in the following editorials from the Cincinnati Enquirer, the Miami Herald, the Portland Oregonian, and the Wichita Eagle:

[From the Cincinnati Enquirer, Sept. 19, 1970]

MR. NIXON ABROAD

There can be no doubting that President Nixon's forthcoming visit to Spain, Yugoslavia and Italy is a move calculated to demonstrate the United States' continuing concern not only for the Middle East, but also for the Mediterranean.

In more nearly orthodox days, it was sufficient for a great power to "show the flag"; that is, to dispatch a few naval vessels to an actual or potential trouble spot to demonstrate the great power's close interest and attention.

The U.S. flag, of course, is already visible in the Mediterranean in the form of the Sixth Fleet. But so, unhappily, is the Soviet flag. Indeed, the emergence of Soviet power first in the Middle East and then in the entire Mediterranean is one of the most disquieting developments of the last several years.

In pressing outward toward the Mediterranean, the Soviet Union is realizing a dream that had its origins in the days of czarist Russia. It is possible also that the Russians have been misreading aspects of the continuing domestic debate about the U.S. role in Vietnam. If the United States doesn't care about the future of Southeast Asia, as some of President Nixon's critics contend it shouldn't, perhaps it will be similarly uninterested in the future of the Mediterranean, and if Americans are unwilling to assume risks to keep Vietnam free, maybe they will be similarly unwilling to take risks in behalf of its nominal allies in Southern Europe. Or so the Russians may be imagining.

President Nixon's visit to one of the world's most powerful naval concentrations can help to right such faulty impressions.

His trip to Spain underscores the recent renewal of the agreement that permit the maintenance of U.S. bases on Spanish soil. And the visit to Italy serves as a reminder of continuing U.S. support at a time when Italian Communists have been growing in strength and influence.

Just as significant as any of the other points on the President's travel plans will be his visit to Yugoslavia. Like his earlier visit to Romania, Mr. Nixon's journey to see President Tito helps to underline the basic ideological differences that divide the Communist world. Marshal Tito's long-standing friendship with Egypt's President Gamal Abdel Nasser makes the Yugoslav stop doubly significant.

Mr. Nixon's ventures at personal diplomacy

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have been strikingly successful and productive in the past. None had stakes more far-reaching than this one.

[From the Miami Herald, Sept. 17, 1970]

MR. NIXON'S TRIP ABROAD IS TIMELY—AND NECESSARY

President Nixon's projected second visit to Western Europe and the Mediterranean in little more than a year has been long rumored and is scheduled now for Sept. 27. The timing, the itinerary and the strategic purposes could not be better.

Mr. Nixon's ports of call include Yugoslavia, the second Communist country he will have visited; Spain, which is an anxious host desirous of membership in NATO; the Vatican, which has interceded in the Palestinian hijackings; Britain, which has a new government and, most significantly, the U.S. Sixth Fleet which has brought the American presence to the Mediterranean.

These calls are more than state visits. They are, as the White House puts it, "an effort to strengthen the structure for peace and give impetus to the President's efforts to bring about an era of negotiations."

We beg to put it in even simpler terms. In times past Presidents have gone abroad to end wars. In this instance a President will journey to try to prevent one.

The focus of that effort is the Middle East. It is drifting ominously toward war born of monstrous intrigue and headless frustration.

The Suez ceasefire, from which Egypt has taken leave, is about to come apart. Both sides now stand reliably accused of breaking the terms of agreement worked out by the United States which, willy-nilly, is in up to its hips.

In Jordan King Hussein has had to put the military in power and impose martial law to end the threat of civil war. He may not succeed against a powerful, Chinese Communist-oriented faction of the Palestine refugees which managed to seize one Jordanian town, and then other measures will be needed to preserve Jordan as a buffer state.

The Jarring mission again is aborted. One design of the terrorists who still hold 55 hostages from airplane hijackings was to frustrate the very peace negotiations which the United States had arranged, and it must be admitted they have succeeded so far.

All of his other visits aside (and each is important), the troubled waters of the Mediterranean are Mr. Nixon's greatest challenge as he must immerse his country in their problems. His presence there, and not coincidentally on the deck of a U.S. warship, should drive home the gravity with which this country regards a threat to world peace and its own security.

"Negotiations," of course, are Mr. Nixon's long suit. His country must assure him that he leads from power, morally and physically.

[From the Wichita Eagle, Sept. 21, 1970]

ON TO BELGRADE

There will be those Americans, no doubt, who will assail President Nixon for his decision to visit Tito in Yugoslavia during his upcoming European trip.

The scrupulous can find much to object to in Tito. What he's running in Yugoslavia is hardly a democracy, though it's far freer than most countries in the Communist world, and its independence from Moscow for many years has lent it a rather special place in the world.

The fact is that Tito is an extremely pragmatic, shrewd and skillful leader. He fancies himself to be the strongest man in the so-called "Third World," the nations that have not chosen up sides in the power struggle between the United States and Russia.

Many of the things he will have to say to Mr. Nixon probably will not be flattering to the presidential ego or sense of national pride. But they will be expressions—and probably candid ones—of a point of view that deserves to be heard.

It seems probable that Mr. Nixon may learn more from his visits with Tito than he will on most of the other stops on his trip. And since learning apparently is his purpose, it's hard to find any sound reason why he shouldn't make a stop in Belgrade.

[From the Portland Oregonian, Sept. 18, 1970]

STICK AND SOFT SPEECH

The pre-jet showing of the flag on battleships to demonstrate a nation's interest in and refusal to be dealt out of various parts of the world has been supplemented in recent years by globe-girdling journeys by heads of states or other high-ranking officials. Kings, queens, presidents, prime ministers, commissars and special envoys crisscross the oceans and the continents to engage in "exchanges of views" with their counterparts, to make speeches, to be photographed and televised and to issue communiques that say little or nothing. Sometimes the visits are in the nature of admonitions not to get out of line. Sometimes they are simply the good-will missions they purport to be.

President Nixon's forthcoming trip to Italy, Spain, Britain and Yugoslavia, with possibly a stop or two elsewhere, appears to have both "big stick" and "speak softly" aspects. The challenge issued to the West by the Soviet Union's buildup of power in the Mediterranean unquestionably influenced Mr. Nixon's decision to visit that area. His review of the U.S. Sixth Fleet exercises and visit to the NATO southern headquarters at Naples will underline the powerful presence of U.S. and allied forces in that area. By visiting Francisco Franco, the President will point up this country's renewed military agreement with Spain where the Russians are attempting to gain a foothold.

But Mr. Nixon's main purpose no doubt is the one stated by a White House spokesman: "To strengthen the structure for peace and to give impetus to the President's efforts to bring about an era of negotiations." The peace structure is rapidly crumbling around the Mediterranean.

The visit with Marshal Tito of Yugoslavia could be a replay of Mr. Nixon's highly successful stop-over in Romania a year ago, where enthusiastic crowds greeted capitalism's most prestigious representative in what the Kremlin considers its special preserve. But Tito represents much more than an opportunity to needle the Soviets. He is a close friend and adviser of President Gamal Abdel Nasser of the United Arab Republic. He could play an important role in getting the Middle East peace effort back on the track. Aging Marshal Tito is pictured as eager to end his independent career as a peacemaker whose efforts will culminate in a state visit to Washington.

Commentators in Washington point out that there will be a political fallout beneficial to the President and the Republican Party in the November congressional elections from the highly publicized trip. His visits to Italy and to Pope Paul VI may draw some Italian-American and Catholic voters from the Democrats.

However, Mr. Nixon must be credited primarily with attempting by his presence and persuasion to rescue the U.S.-instigated peace effort from obvious threat of failure. All Americans should wish him well.

CAN WE CONTINUE TO LIVE UNDER THE PRESENT TRADE AGREEMENTS?

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. DENT. Mr. Speaker, since the trade bill will soon be coming before the House, I thought the attached broadcast by Ed Wimmer, vice president and public relations director of NFIB—National Federation of Independent Businesses, Inc.—Covington, Ky., would be of interest to the Members of the House.

I believe it pretty well answers the question, "Can we continue to live under the present trade agreements?" It is my belief, and many others, that we cannot:

WORLD EXPORT-IMPORT CRISIS SEEN IN U.S. FOREIGN TRADE POLICY

AMERICANS SUPPORT SLAVE LABOR; DENT SEES "BLUEPRINT OF DISASTER"

Few threats to this country are more menacing than the present destruction of one industry after another by the worst foreign trade policy this country has ever had, and which no other country in the world would think of adopting.

There probably is no subject that is more steeped in blind selfishness, international humbug, public misinformation, and biased press reports than the controversy over whether or not this country ought to save itself from submergence in a sea of low wage, low taxed, subsidized imports, or assert ourselves as a leader in bringing order out of a pending world-wide trade upheaval.

Hon. John Dent (M.C., Pa), whose colleagues have tabbed him as the "most eloquent and most informed member of Congress on foreign trade policy," believes as we do, that no trade is good trade that isn't fair and free, and profitable to all parties engaged in any exchange of goods and services, whether domestic or foreign. In a recent speech on the floor of the House, during a debate on requests for more money for the International Monetary Fund, World Bank, International American Development Bank, and the Asian Development Bank, in which he was joined by H. R. Gross (M.C., Iowa), and other members of Congress, Mr. Dent declared:

"For goodness sake, is there someone in this government who has a blueprint in some dusty hall, with a little light which only shines now and then; a blueprint of the United States pinpointed for destruction? I say this because no one could make the mistakes we have been making without a blueprint."

Following his battle on the floor of the House, the Pennsylvania firebrand appeared before the hearings of the House Ways and Means Committee on tariffs and trade proposals, which were held from May 11 to June 25, 1970, under the brilliant Chairmanship of Wilbur Mills (M.C., Ark.). Under his guidance and the questioning of other members of the Committee, a story of trade policies that are carrying us toward a "Pearl Harbor" of job and industry destruction that will make the holocaust of Honolulu look like a sputtering Japanese firecracker if it is ever fully understood.

Fears of such possibility are unquestionably held by a growing number of both conservatives and liberals in the House and Senate, and there is a deep uneasiness de-

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veloping in other areas of government that the gluttony of some importers, both American and foreign, who are enriching themselves on job and industry destruction in the United States, will do anything to continue our present policy.

There also are extreme pressures being put on Congress by influential people in the State Department, and the free trade or no trade editorial pressures of major newspapers are so great that many who now favor trade restrictions, could change their vote.

This would be a tragedy, for another year of what some areas of the economy are suffering, could result in a shambles of joblessness and empty factories that could haunt us to our graves.

In my own testimony, under letters to the Japanese government urging it to take steps to protect themselves by showing a concern for the unhealthy marketing conditions they are creating, I tried to point out that if they fail to cut back on their drive to absorb one American market after another, they will be committing a form of 'hari-kari'. We reminded the Japanese government that America had built up their economy after the war from which they could not have recovered by themselves, and that they are now using our know-how, our machines and aid, to bring serious trouble to both our nations.

They showed no sign of heeding our appeals or the appeals of our own government, but indicated instead that they were about to take an even bigger share of our automobile sales, television business, transistors, woolens, sewing machines, toys, shoes, tape recorders, jewelry, watches, dishes, linens, plyboard, tile, glass—you name it.

Speaking for his own state of Massachusetts, Congressman James Burke noted that "55 shoe factories had closed in 1969," and that "77,000 workers had lost their jobs in the textile industry." Mr. Burke spoke of more than 50 umbrella manufacturers who had quit business, with one of the only two that are left, tottering on the verge of bankruptcy. This Massachusetts legislator and member of the Ways and Means Committee, wanted to know what happens to these workers, especially those trained in handcraft and operation of machines who are over 50 years of age, and who will receive only 52 weeks of severance pay. Mr. Burke asked one of the witnesses appearing before the Ways and Means Committee:

"We are faced with competition from Korea where children are paid 6¢ an hour. Women 7¢, and men 10¢ an hour for a 10-hour days. We have exported our technology overseas, and American investors are sending their money overseas to produce goods to ship back here to put their own company workers out of jobs. Where do you think this kind of policy is going to end?"

Phil H. Landrum, (M.C., Georgia), another member of the Ways and Means Committee, remarked:

"The way textiles are coming in from Japan, by the end of this year we will have bought an equivalent of over 4 billion yards—against less than a billion yards in 1962. North Carolina has reported 1300 textile people out of work, and South Carolina announces another 1,000; so I am asking, what do we do with these people?"

No single voice in Congress, of course, comes up with a more amazing array of facts and figures than Congressman John Dent who has long supported a trade policy that is both free and fair, and balanced according to wages, taxes and overhead of the exporting and importing countries. I have quoted Mr. Dent many, many times, and the wrathful indignation he shows over what is happening to American workers and employers, has won him the respect and admiration of his most vigorous opponents.

During his testimony before the Ways and Means Committee, Mr. Dent piled evidence upon evidence, and listed such statistics as one button manufacturer left in the United States, and importing 90% of its buttons.

Mr. Dent pounded on the loss of 90% of transistor sales to the Japanese. He said that Japanese car sales were up 40% in sales in April of this year as against April of last year, while American car sales were down 10%. In steel, in which the Japanese are now number one in the world, he noted that our workers are paid more in fringe benefits than Japanese workmen receive in wages, and he wanted to know if anyone would be so naive as to believe that the Japanese would kill off the jobs of their people and pay indemnities to employers. He asked:

"When we get through paying for welfare and relief and compensation to jobless workers and factory owners, and when we add up all of the taxes that are lost and the purchasing power of our jobless workers which is gone, I wonder what we are really paying for foreign goods?"

Listen more to the gentleman from Pennsylvania:

"Wearever Aluminum is going overseas. They have just shut down their last plant in Chillicothe, Ohio. Westinghouse has just given up making TV sets because they cannot compete. Zenith has already laid off another 3200, and are making their sets in Tiapan with 22 cents an hour labor. At Arnold, Pa., 650 glass workers have lost their jobs since 1967, and many are of an age where retraining or finding other jobs is almost impossible. What we have done is to subsidize the foreign glass makers with our jobless Americans and empty factories, and glass people say there will be no flat glass business in the United States in another year if relief is not forthcoming."

Noting the threats of retaliation that are being voiced on all hands, if we try to protect our workers and industries, Mr. Dent denounced this as "intimidation," which he said were threats that would never be carried out.

He asked: "What can you do to harm a community in Pennsylvania like Arnold where there isn't a factory chimney sending out smoke? Oh, yes, they have pure air all right, but they have 8,000 fewer tax dollars to work with to keep up their schools and other needs. . . . Ten years ago the mink ranchers came before my committee and said what was going to happen. It has happened; even some of the biggest are killing their mink and burying them because the foreign competition has buried their chances to produce at a profit.

"Are we going to sell our high wage products to 15 cent an hour Hong Kong workers? What can we sell the Japanese in finished products when they won't let us enter their markets; where they are able to meet their own needs. So, say what you will, but when I walk into a Hong Kong factory and find 5500 workers earning $30 a month for a ten-hour day, making products for Fairchild cameras to be shipped over here in foreign-flag boats, to be sold in competition to their own $3.35 an hour labor products, made in their own plants in New Jersey, I ask you again and again, what is it leading to? Fairchild, like all the rest, say they cannot compete with Japan in any other way, and the story is the same with tractors, and we have lost our typewriter business, computers are going, furniture, pianos, and what will happen when we don't have any watchmakers, for example, to work on precision instruments—in case of another war?"

A few hours before I sat down to write this broadcast I spoke to the New York State Watchmakers convention, and they admitted the extreme difficulty in hiring trainees, and one of the officials said that in a very short time almost everything sold by jewelers and watchmakers, and used by them in their work, will be foreign produced. In my talk I challenged them to ask the president of the Bulova Watch Co. why he is having 40,000 Accutron watches per month made in Japan, and why he made the public statement that "the future belongs to big business", when all trends in Congress and in the law enforcement agencies and the trend developing in the labor unions and in public opinion, and even in the White House, are for a breakup of the giants and a return to the Jeffersonian ideal of economic and political liberty as set forth in the Declaration of Independence, the Constitution, and the Bill of Rights.

Ladies and gentlemen, every time we weaken an independent business, and it is the independents who are being knocked out by our foreign and domestic trade policies, and our lack of positive action to end all monopolistic combines and practices, we weaken the Jeffersonian ideal and take ourselves further in the direction of the destruction of all those ideals incorporated in the above three documents.

We do not dare give our markets away. We do not dare consider anyone's job or anyone's business as being expendable in the name of free trade—that isn't free at all. I say to you that we have to look directly into the eyes of youth, and we have to face up to the racial issue, the Indian problem, the monopoly problem, the threat of fiscal bankruptcy, and all threats of retaliation from other countries if we adopt a free and fair trade policy without our guts caving in or our hearts quivering. We have been treating effects instead of causes as long as we dare, and our failure now to support the drive for a free and fair trade policy, and to prove to all nations that if the American market goes down, the rest of the world goes down with it, could end us up neck deep in chaos.

There is no chance whatsoever for a free trade policy to work when some nations are as far apart in their standards of living and their wages and tax rates as the United States is with most of the countries shipping goods across our borders, and when you take into consideration the fact that no other nation considers its businesses expendable in the interest of foreign trade, you have a situation where a country like the United States dooms itself to oblivion.

When the war in Vietnam comes to an end we may even have North Vietnam on our list of relief clients, and certainly there will be demands from all Asiatic nations that have depended upon the Vietnam war for their prosperity; and I ask you, how are we going to meet any of these needs, or the needs of our own people, or proceed with our urban renewal and transit programs, and air pollution plans, and solve the racial problem and Indian problem, and at the same time prove to the world that capitalism—democracy is their last best hope if we do anything more to harm this God-blessed country?

Ladies and gentlemen, I could go on for hours quoting one startling set of figures after another, some provided by Mr. Dent, by Congressman Gross, and Mr. Burke, and scores of others, and from testimony of both big and little companies that would prove beyond any shadow of doubt that we are fast becoming a have-not nation in one industry after another, and that if we cannot find some way to protect our industries, I ask you what will we be celebrating on July 4, 1976, the 200th Birthday Anniversary of our Republic?

People must be made to see that when we lose the sale of a million pairs of shoes, we also lose the wages, the bank deposits, the community contributions, the taxes, the machine and supply sales, the typewriters, elec-

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tric light bulbs, hide business, and even a 7-to-1 dollar turnover and profits that the domestic production provides. Add to these material values the spiritual values that accompany them, and you will see that a wrong foreign trade policy won't even keep the sweat shops of Korea or the low wage factories of Italy supplying us with goods, because we will have too few workers who will be able to buy goods at Korea's prices, low as they might be.

Our National Federation of Independent Business is not just a voice of the individual enterpriser or a voice against monopoly and a voice for free and fair trade, but it is a voice that calls upon you to never lose sight of the fact that America possesses a greatness that makes her capable of not only meeting whatever domestic challenge she confronts, but the challenge of being a beacon light for the rest of the world.

As a capitalistic, free, private, competitive, independent enterprise country, and as a country also dedicated to the proposition that all men, whatever their race, color or creed, should be provided with an opportunity to find their place in a free society without the yea or nay of any other man, or WHY the need of turning to government for food, clothing and shelter.

If the cards are placed face up in this battle for an international trade policy that reasonable men can support, we can get back on the road to a genuine understanding among all the people as to what really constitutes the best possible trade relations between nations. Maybe an Assistant Secretary of the Treasury, Eugene T. Krossides, put his finger on much of what is happening in the controversy over foreign trade, when he said that the Treasury's anti-dumping investigation was taking, in some cases, as long as two years.

He said:

"If it takes that long to determine whether American industry is the victim of foreign dumping, the patient may very well die while the facts are being ascertained. When the doctor is asked to diagnose an illness, the purpose is to effect a cure—not to provide the coroner with a documented summary of the reasons for the patient's death."

My opinion is, that when Barron's Weekly, a highly respected publication, said in a recent story, that "tariffs and quotas benefit only a few;" that we ought to take a good look at the agreement of the President two years ago to maintain the then low import duty on glass, and Barron's ought to be asked if a loss of 2800 out of 8200 glass workers is just hurting "the few".

Because the health of the nation is geared to the health of agriculture, advocates of no tariffs and no quotas might check the testimony of Congressman John Zwach (Minn.) who testified that in 1969, 40% of all dairy imports came into the United States under no quota protection, and that beef imports in 1969 comprised 7.5% of total beef consumption by the American people. He came to the defense of domestic mink ranchers who, he said, had dropped in number from 7200 to 2400 in 1969, and it was the American mink rancher who originated and built up this kind of business. I wonder if anyone in this audience has even thought about mushrooms having an effect on American agriculture or the jobs of American workers; yet, millions of pounds are coming in from Tiawan where John Dent said he saw Taiwan children standing on boxes so they could perform their 6¢-an-hour labor in a Tiawan mushroom canning factory.

When Americans buy products produced under such conditions they are supporting slave labor, and what better reason for this Congress to now take steps to end the slave labor threat to American enterprise, and to do all we can to help correct such deplorable working conditions wherever they prevail.

Ladies and gentlemen, thanks for listening.

POSSIBLE SOLUTION TO CULEBRAN ISSUE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BENNETT. Mr. Speaker, on September 29, 1970, I introduced the Culebra Resettlement Act, House Joint Resolution 1387, to assist in resolving the problem of how to be entirely fair and in fact generous with the residents of Culebra, while at the same time solving the needs of the Navy for a target complex on this Puerto Rican island. The bill was discussed in detail by me in a speech recorded in the CONGRESSIONAL RECORD on page 34204. It would leave it up to the people of Culebra as to whether they would approve the plan.

Basically, it would give substantial dollar benefits to the individuals who reside there in addition to the values coming as a result of sales or condemnation of their properties; and would provide certain resettlement benefits as well.

When one looks at the prospects of the young people of that island, even if the Navy abandoned its use of the area, one cannot be encouraged for the Culebrans. The island is without reliable water supply, without adequate sewage, without substantial payroll opportunities, without adequate schooling, without a hospital, and so forth. On other islands, these and other facilities are available, not very far distant from this island. Regrettably, these benefits for the younger generation, as well as the older ones, are apparently not ever going to be available on Culebra. The island is just not large enough to support them; nor will its population apparently ever be able to support them.

If the bill yesterday submitted and today printed hereunder should be approved for the Culebrans, they would seem to have everything to gain, particularly for their youth. But it is up to the Culebrans to make their wishes known. The bill reads as follows:

H.J. RES. 1387

Joint Resolution to establish the Culebran Commission for the purpose of resettling the inhabitants of Culebra

Whereas, the Navy, for the defense of the United States, needs the entire islands of Culebra for training purposes,

Whereas, the people of Culebra, because of their long occupancy (some for generations), have special reason to appeal to the United States for sympathetic consideration and treatment, and

Whereas, there are other areas in Puerto Rico (including adjacent islands) in which the probability of lifting living standards would be enhanced: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Culebran Resettlement Commission Act of 1970.

DECLARATION OF POLICY

SEC. 2. Congress hereby declares that the prompt and equitable relocation and reestablishment of persons, business, [and farmers] displaced as a result of the acquisition by the United States of the island of Culebra (for the purpose of training naval personnel and other related activities), is necessary to insure that a few individuals do not suffer disproportionate injuries as a result of an action necessary for purposes of national defense. Therefore, Congress determines that relocation payments and advisory assistance should be provided in accordance with the provisions of this Act to all persons so displaced, whether or not such displacement occurs after the enactment of this Act.

PLEBISCITE TO APPROVE PLAN

SEC. 3. The effectiveness of this Act shall be conditional on the approval of the resettlement plan described herein by the qualified electors of Dewey, Culebra, in a plebiscite called for the purpose of approving said resettlement plan. Approval shall be by a majority of the qualified electors voting in said plebiscite, which shall be conducted in accordance with Puerto Rican law.

ESTABLISHMENT OF COMMISSION

SEC. 4. There is established a commission to be known as the Culebran Resettlement Commission (hereafter referred to in this Act as "Commission").

DUTIES AND POWERS OF COMMISSION

SEC. 5. (a) In order to make the island of Culebra available to the United States Navy for the purpose of training personnel and other related activities and in order to provide for the fair, expeditious, and comfortable resettlement of the inhabitants of such Island, it shall be the duty of the Commission to make certain relocation payments and to provide assistance to displaced persons in accordance with the provisions of this Act.

(b) For the purpose of assisting in the [acquisition] construction of a new home, the Commission shall make available—

(1) $10,000 to each displaced person who is the head of a household and maintaining his principal place of residence on the island of Culebra on the effective date of this Act, and who was also maintaining his principal place of residence on Culebra on October 1, 1970, and

(2) $5,000 to each displaced person maintaining his principal place of residence on the island of Culebra both on the effective date of this Act and on October 1, 1970 [who is not a head of or a member of a household].

(c) Upon the filling of an application in such form and in such manner as the Commission shall require, the Commission shall pay to any displaced person who is entitled to payment pursuant to section 5(b)(2)—

(1) the fair market value of any real or personal property taken by the United States in connection with the development of the island for the use of the United States;

(2) the reasonable value of any business loss sustained by such person as a result of the development of the island for the use of the United States, and

(3) such other moving and relocation expenses incurred by such person in connection with his removal from the island, if application therefor is made within the one-year period beginning on the date he ceases to maintain a residence on the island.

(d)(1) The Commission shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order—

(A) to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(B) to assure that, within a reasonable period of time, there will be available, to the extent that this objective can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Commission for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to places of employment;

(C) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations;

(D) to supply information concerning the Federal Housing Administration Home Acquisition Program under section 221(d)(2) of the National Housing Act, the Small Business Disaster Loan Program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons; and

(E) to inform displaced persons of appropriate [Federal] programs and services relating to job training, job placement, guidance and counseling, and any other program, project, service, or training which may be of assistance to them in relocating.

(e) Within the one-year period beginning on the effective date of this Act, the Commission shall determine how many inhabitants of the island of Culebra wish to relocate [in one or more groups] as a group in the same community. If a significant number wish to relocate as a group, the Commission is authorized to employ urban planners, architects, and other appropriate personnel for the purpose of developing [one or more] [an] attractive community[s] at [an] appropriate relocation site[s] [at such location (or locations) as those wishing to live in groups select].

(f) In accomplishing its functions under this Act, the Commission shall utilize the facilities, personnel, and services of any Federal, State, or local governmental agency having an established organization for conducting relocation assistance programs.

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(g) The Commission shall confer with other agencies and departments of the United States to determine if any lands in Puerto Rico or adjacent islands [under the jurisdiction of the United States can be used for the purpose of resettling the residents of Culebra] can be declared excess [surplus] for the purpose of [(1)] resettling the residents of Culebra [or (2) selling such lands to obtain funds to defray the expenses of resettling such residents].

(h) Upon request made by the Commission, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Commission in the performance of its function, and

(2) to furnish to the Commission such information, suggestions, and estimates as the Commission may determine to be necessary or desirable for the performance of the function of the Commission.

(i) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(j) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(k) To carry into effect the provisions of this Act, the Commission shall establish such policies and is authorized to make such rules and regulations as it may determine to be necessary to assure—

(1) that the payments authorized by this Act shall be fair and reasonable and as uniform as practicable; and

(2) that a displaced person who makes proper application for a payment authorized for such person by this Act shall be paid promptly after a move, or, in hardship cases, be paid in advance.

(l) The Commission may make such other rules and regulations consistent with the provisions of this Act as it deems necessary or appropriate to carry out this Act.

MEMBERSHIP

SEC. 6. (a) The Commission shall be composed of nine members:

(1) two to be appointed by the President of the United States.

(2) two Senators to be appointed by the President pro tempore of the Senate from different political parties.

(3) two Representatives in Congress to be appointed by the Speaker of the House of Representatives from different political parties.

(4) two to be appointed by the Governor of Puerto Rico.

(5) one shall be the present mayor of the island of Culebra.

A vacancy in the Commission shall be filled in the same manner as the original appointment was made. Members shall be appointed for the life of the Commission; however, a vacancy shall occur in the case of a Senator or Representative in Congress at such time as he ceases to be a Member of Congress.

(b)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) Quorum.—Five members of the Commission shall constitute a quorum.

(d) Chairman—The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

DIRECTOR AND STAFF OF COMMISSION

SEC. 7. (a) The Commission shall have a director who shall be appointed by the Commission.

(b) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(c) The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

AUTHORIZATION

SEC. 8. There is authorized to be appropriated such sums as may be necessary to carry out this Act.

REPORT

SEC. 9. Not later than December 31 of each year the Commission shall submit a report to each House of Congress and to the President describing its activities and making such recommendations with respect to legislative or other action as it deems appropriate.

DEFINITIONS

SEC. 10. As used in this Act—

(1) the term "person" means—

(A) any individual, partnership, corporation, or association which is the owner of a business;

(B) any owner, part owner, tenant, or sharecropper who operates a farm;

(C) an individual who is the head of family; or

(D) an individual not a member of a family.

(2) The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(3) The term "displaced person" means any person who moves from real property as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, by the United States in connection with the acquisition of the island of Culebra by the United States, or as the result of such an acquisition by the United States of other real property on which such person conducts a business or farm operation.

(4) The term "business" means any lawful activity conducted primarily—

(A) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public; or

(C) by a nonprofit organization.

(5) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(6) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any corporation wholly owned by the Government.

(7) The term "State agency" means a State highway department or any agency designated by a State highway department to administer the relocation assistance program authorized by this chapter.

CERTAIN RIGHTS AND REMEDIES

SEC. 11. Nothing in this Act shall be construed to prohibit any person from exercising any right or remedy available to him under law with respect to any action of the Commission in carrying out this Act.

THE LATE HONORABLE CLIFF DAVIS

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McMILLAN. Mr. Speaker, I am certain every Member of this House was saddened when they learned of the passing of our good friend, Cliff Davis.

I was sworn into the 76th Congress with Congressman Davis and was sitting next to him when the Puerto Ricans shot up the Congress and Congressman Davis was one of the unfortunate Members who was severely injured during that shooting.

However, I am happy to say he was completely recovered from this injury when he recently passed away.

I always enjoyed working with Cliff Davis and he was one of the few oldtime orators left in this country.

This country is better off by Cliff Davis serving as a Member of the U.S. Congress and his service to the State of Tennessee and our country will be greatly missed.

My sympathy and best wishes go to Mrs. Davis and the entire family.

UNVEILING OF CIVIL WAR PLAQUE IN MIDDLETOWN, MD.

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BEALL of Maryland. Mr. Speaker, on September 13, 1970, in Middletown, Md., in the Sixth Maryland District, a commemorative plaque was unveiled in tribute to the hundreds of men who died or were hospitalized within the walls of the Evangelical Lutheran Church Zion which, during the Civil War was an Army hospital. At that time, the dedicatory address was given by one of Maryland's most distinguished citizens. The speaker for this occasion was new two-term Governor and two-term mayor of Baltimore, the Honorable Theodore N. McKeldin. Governor McKeldin is one of the most reknown public speakers in America and I include his dedicatory remarks in the RECORD:

I am gratified by the honor you have done me in inviting me to speak on this occasion, but I am sobered by the responsibility it imposes upon me. To speak any light and foolish word in a sacred edifice dedicated to the worship of God more than a hundred years ago would be a sacrilege at any time; but on this day, when we are gathered for the unveiling of a marker commemorating the greatest tragedy in the history of our nation, to speak without due regard to the significance of the event would be not sacrilege, only, but also an insult to the memory of men who within these walls suffered and died for the right as God gave them to see the right.

From September 14, 1862, until late in January, 1863, formal worship in Zion church was suspended and the building was used as a military hospital for the wounded at the battles of South Mountain and Antietam as well as smaller engagements between those two great collisions.

Some have held that the building was desecrated by being converted to that use, but I think they are wrong. To relieve the pain of suffering humanity is to worship God, by deed instead of by word, for has not the Son of God told us that "inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me?" No, Zion Church was not desecrated by that use. On the contrary, it was sanctified a second time, for to show mercy to man is to serve God better than by any amount of fasting and prayer.

It was the destiny of this church to stand in the midst of that part of Maryland that not once but repeatedly, was scorched by what Winston Churchill called "the red-hot rake of war." Thus it has a special significance for all the rest of the State as a land of song and story, of ancient sorrow and of solemn pride. Although my own family lived at the eastern end of the state, my father's father was killed at Monocacy and lies buried at Antietam, and there is hardly an old Maryland family that has not some ties of memory binding it to the region where—

Clear in the cool September morn,
The clustered spires of Frederick stand,
Green-walled by the hills of Maryland.

We do well to cherish the great heritage of our history. We do well to mark for posterity every spot once lighted by the splendor of some heroic deed. But if we stop with that, we do well—but not well enough. The greatest inheritance may be, and almost certainly will be misused if it falls into the hands of unworthy heirs. This is true if the heritage consists only of money, but it is doubly true when it consists of wealth of mind and spirit.

It is sad, but true that there are people who find in the annals of history nothing more than an excuse to rake up old grievances, to rekindle burnt-out hatreds, to cultivate, like careful gardeners, passions whose only product is the dead-sea fruit of agony and loss. Consider the situation of Ireland today, rent assunder by the same quarrel that, two hundred years before Antietam, made the River Boyne run red with fraternal blood.

But does it lie in our mouths to criticize Ireland? Are we not at this moment in grave danger of repeating the same folly? The shattered bodies that were borne into this building a hundred and eight years ago wore, some of them blue uniforms, the others gray uniforms, but we know now that all alike were victims of the same great error, the error of believing that violence can settle a problem with which reason alone can cope. The institution of legalized slavery was indeed an evil that the fires of war burnt out, but the abolition of slavery served only to uncover the greater problem, the one that we have not solved yet, the problem of making sure that the color of a man's skin shall not be used as an excuse for depriving him of life, liberty, or the pursuit of happiness, rights that we assert were given by the Creator, not to any ethnic stock, but to every human being.

That problem was not and never can be solved by war, or by any form of violence. I do not know that it can ever be solved completely this side of the Millennial Dawn, but I know and you know that we can go a great deal further toward solving it than we have gone as yet. I agree with those who hold that man can never be perfected in this world, but I also agree with those who hold that while man can never be made perfect, he can be made a great deal better than he is at present.

But it cannot be done by violence. I am no pacifist. I am aware that evil exists in the world and that it is characteristic of evil to resort to force, which must be crushed with counter-force. But even the archangel Michael, captain of the host of heaven, when he hurled the Great Dragon into the bottomless pit, did not solve the problem of evil on earth, although he acted at the command of God.

What arrogance it is, then, for mortal men to assume that we can do what the archangel could not, or at least did not do by the power of the sword! Under certain conditions the sword can clear the way to the establishment of a just and lasting peace, but the actual work of establishment and maintenance can be done by reason alone.

To establish and maintain the peace is the responsibility that lies upon our generation. Twenty-five years ago the last great barriers to world peace were broken down and swept aside by men who were worthy successors to those who died at Antietam to break down the barriers of disunion and slavery. We are not called on for any such sacrifice; but we are called on, in Lincoln's words, "With malice toward none, with charity for all . . . to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

I wish that I might in honesty assert that we are doing everything within our power to discharge this responsibility, but I am doubtful. This is not the time nor the place for accusations and recriminations, even if I were disposed to make them, which I am not. I believe that the heart of America is in the right place. I believe that the vast majority of our people are sincerely desirous of doing exactly what Lincoln told us is our duty. I believe that as we look upon this plaque our most profound emotion is the feeling that "it must never happen again."

But while I never doubt our will, I am apprehensive of our wisdom. This nation has laid upon it the same task that it had when Lincoln spoke, but it is in a very different position, and it is not reasonable to believe that we can accomplish our task by the same means that would have been effective in his time.

Then we were one nation among many, some of which were, or at least were believed to be, greater and more powerful nations. At that time the American uniform was never seen on foreign soil except for a handful of naval and military attachés serving in our embassies. Today we are, with one possible exception, the supreme military power in the world, and our legions are stationed around more than half the circumference of the globe. Every man and every nation has its duties; but just as the duties of Simon Peter, a fisherman of Galilee, were not the duties of Augustus Caesar in Rome, so the duties of a relatively minor republic of 1870 are not the duties of an imperial power in 1970. The goal is the same, the maintenance of a just and lasting peace, but the ways of approaching it are bound to be different.

This is confusing to learned historians and highly trained political thinkers, so it must be doubly confusing to the man on the street. If we are perplexed and uncertain, that is no disgrace—or, if it is, the disgrace is shared by the most powerful minds among us. But if we are plagued by honest doubt as to the selection of ways and means, there can be no excuse for doubt about the task. It is to establish peace, just and therefore lasting peace, first among ourselves and then with all nations.

How far we are from either goal needs no emphasis by me. You have only to look at any daily newspaper to see that there is as yet no peace among ourselves, still less with all nations. What force can accomplish has already been done. The heroes who lie at Antietam did their part. So did those who lie in American military cemeteries from Okinawa to Malta. Never mind them. The question is, what are *we* doing to finish the work to which they gave the last full measure of devotion?

I cannot answer that question by laying out a program, either foreign or domestic. We have officials, elective and appointed, to whom that task is assigned. Your task and mine is not to invent, but to judge the programs that are presented. We should approach them all with suspicion, for it is not given to the wisdom of man to devise a perfect governmental policy, foreign or domestic. The criterion is not, "Is it perfect?" but, "Does it, in spite of some imperfections, yet tend, on the whole, to achieve not merely peace, but just and lasting peace?"

If the answer to that is yes—even somewhat doubtfully yes—it is a program worthy of support. It makes not the slightest difference which party proposes it, or who thought of it first. The question is as to the policy, not as to the men behind it.

But to make a reasonable judgment we must have the facts—of, not every small detail, or even some large ones that must be affected by the rate of development of the program—but every fact that affects the program's character as an achiever of just peace. If the voter is denied the facts, or if they are falsified, and he makes a bad judgment, the fault is not his, but he must nevertheless pay his share of the penalty that is visited on all voters for making bad judgments.

It follows that it is a prime obligation of every official framer of policy, foreign or domestic, to give the voters true and complete information touching every fact necessary to the formation of a correct judgment. No consideration of national security relieves the official of this obligation, for democracy

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cannot operate successfully unless the voters are truthfully informed about every project on which they must pass judgment. There simply is no national security where self-governing people are defrauded of the possibility of making correct judgments because they are denied the truth about their real situation.

The ordinary voter has neither the time nor the information necessary for the formulation of policy, and it is folly for him to attempt to work out details. But it is his duty to hold policy-makers to strict accountability for giving him the whole truth about any point on which he is required to make a decision. Otherwise self-government becomes a fraud and, if it beomes a fraud, we may rest assured, will soon become a failure. We owe it to our predecessors to see that this does not happen. We owe it to the men whose labor and genius established this republic. We owe it to those whose toil and thought have guided it safety through nearly two hundred years. Above all, we owe it to those who have laid down their lives to defend it when it was assailed by force and violence. For we should prove ourselves unworthy heirs, we should be recreant, we should be forsworn if we, in this holy place, twice dedicated, first to the glory of God and next to showing mercy to man, did not, here and now, "highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; that government of the people, by the people, for the people shall not perish from the earth."

SOVIET THREAT

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HICKS. Mr. Speaker, the chairman of the Committee on Armed Services, Mr. Rivers, delivered in the House what is inevitably one of the year's major pronouncements on the condition of our national security.

What he said about Soviet military strength is indisputable. Day after day, month after month, we on the Armed Services Committee hear and see evidence—not hearsay, not opinion, but hard irrefutable evidence—of the scope and nature of the Soviet buildup. It exists, just as Chairman Rivers detailed it for us Monday.

I was gratified that he went into detail especially on the comparative navies of the Soviet and the United States, for the deterioration of our Navy has long been a major concern of mine.

Less than 2 weeks ago the Secretary of the Navy announced the retirement of 58 more ships, including the attack carrier *Shangri-la*. This brings to 286 ships the number of vessels scheduled for retirement since January 1969.

These 286 ships should be retired. Many of them should have been retired years ago, for they have outlived their usefulness.

But they must be replaced, and this is simply not happening. The fault does not lie with the Congress. You will recall that last year, at the urging of Chairman Rivers, the Armed Services Committee increased the administration's Navy shipbuilding budget request by $1 billion in the military procurement authorization bill. And the administration said that if the money were appropriated, it would not spend that money.

The Congress knows now the situation of our Navy. The Navy certainly knows. I just wish that somehow the White House would understand that we are rapidly becoming a second-rate seapower, that control of the seas is vital to our national security, and that it is absolutely essential that the Navy be rebuilt.

We need not replace those retiring vessels on a ship-for-ship basis, for modern vessels pack more wallop than the older ones and we could do with fewer ships. But we must have those modern, powerful vessels and we must begin now, since we cannot begin yesterday when we should have.

I am most desirous, as we all are, of reducing unnecessary spending on defense. But I am also desirous of maintaining our national security at levels sufficient to protect the country.

I hope every Member of this body, and of the other body, studies Chairman Rivers' remarks. I hope every American gets his message. It is one of the most important we will hear from anyone, any time.

NEWS ITEM SAYS WILLIAM & MARY COLLEGE TO LOWER STANDARDS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. SCOTT. Mr. Speaker, I recently read a news item indicating that the Secretary of Health, Education, and Welfare was endeavoring to require that the College of William & Mary, one of the oldest educational institutions in the country, lower its standards if necessary to increase the number of black students and faculty.

While I would not have our colleges or universities in any way discriminate against a person because of his race, I do think it is basically wrong and without legal sanction for any Government agency to propose the lowering of academic standards in order to obtain the admission of a greater ratio of students or faculty of any racial group.

I am inserting a copy of a letter to the Secretary of Health, Education, and Welfare, Elliot L. Richardson, requesting to be advised whether or not the news account is accurate. Certainly, I hope that it is not. The letter is set forth in full for your information.

Hon. Elliot L. Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: I read a newspaper article in the Richmond Times-Dispatch to the effect that your department had demanded of the College of William and Mary that there be a substantial number of black teachers and students included in the faculty and student body, even if the college has to change its admission standards.

My three children are all graduates of the College of William and Mary, and I was born in the community of Williamsburg where the college is located. Therefore, you can understand my concern that no action be taken by the federal government which would in any way lower the standards of that college. While I am not suggesting any return to segregation, I feel that the lowering of standards is untenable at a time of maximum demands for educated citizens. I might point out that William and Mary is the second oldest college in the country and is well known for its high academic standards.

I certainly hope that this news account is erroneous; but, if not, it will prompt me to introduce legislation, which I believe the Congress will approve, prohibiting action by any federal agency to reduce the academic standards of any colleges or universities in the country.

I am sure that you can understand the basis for my concern in this matter, and I would appreciate receiving your comments at your earliest convenience.

With kind regards.

Sincerely,

William L. Scott,
Member of Congress.

ROSH HASHANAH

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KING. Mr. Speaker, the sacred Hebrew holiday, Rosh Hashanah, denoting the Jewish New Year, commences Wednesday evening.

It is this year especially fitting that the Congress identify with Americans of the Jewish faith. A certain universality of Rosh Hashanah, a time of special prayer for spiritual renewal and rededication, is indicated.

The Jewish people are understandably concerned about the forces of totalitarianism and aggression that are arrayed against the State of Israel. We are aware of the turbulence and human tragedy in the Middle East.

It is important that the Jewish community, as it assembles in thousands of synagogues and temples to pray for the brotherhood of man under the fatherhood of God, be reassured that the Government is striving to safeguard peace in the area of the Holy Land.

Our President is now abroad in pursuit of peace. He is mindful of the current relevancy of the great spiritual values that emerged from the land of Israel. I wish to identify with the President's innovative moves to defend peace and to help the brave people of Israel provide for the perpetuation of freedom. This Congress can take pride in the timely enactment of legislation that would provide Israel with the means of defense.

Rosh Hashanah marks the year 5731's arrival as recorded by the ancient Hebrew calendar. This is an occasion for introspective review of the last year. It is also a time to seek divine guidance for spiritual renewal as people seek to grow and live more fully in the coming year. Regardless of our personal religious persuasion, we could learn much from such self-examination as a people.

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A NATIONAL LAND-USE POLICY FOR OUR ENVIRONMENT

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McCARTHY. Mr. Speaker, the year 1970 marks a major transition in our history. We have plunged into a new decade and are well into the last third of this century. The first results of our national census show how our population has grown and where it is located. The early census results also suggest the limits of population growth for the remainder of this century—perhaps 100 additional Americans by the end of the century—and the areas of the country where this growth is expected to take place—in the urban corridors.

Our census does not reflect the tensions of our society, the polarization reflecting the dissatisfaction of those excluded from the American dream, the search for stability by a majority that are hard pressed to maintain a modest standard of living. Nor does our census reflect the concern of millions of Americans about the destruction of our land, our rivers and lakes, and the air that we breathe.

We live in a period of transition. In the year 1970 we face a number of problems as a nation that test our ability to survive. We must maintain a nuclear peace, end a protracted and difficult war in Indochina, manage our economy so that it is not plagued with unemployment or inflation, heal the wounds of racial discord, and preserve and enhance our environment. Each one of these problems tests our democratic form of government, taxing to the utmost both our leaders and our citizens. Each one of these problems by itself is more than enough for our society to handle in one generation. Some ask whether our society, or for that matter any society, can meet the challenges posed by a number of these problems at one time.

I, for one, believe that we can. To do so, we will have to make our National, State, and local governments more responsible and more responsive. It is not enough to drift with the tide. It is not enough to follow the time-tested paths of the past. We cannot afford the luxury of inaction, the gratifications of partisan bickering, or the indulgence of ignorance. Wornout and irrelevant gestures that do not serve our purposes must be swept aside. We must harness our energy and exercise our will as a nation if we are to survive.

It has been with this thought in mind that I have examined the many problems of our environment to see what must be done. I have singled out a number of problems that I believe deserve national support. I have already spoken on the subject of air pollution control, perhaps the single most serious environmental problem that we face right now. I would now like to single out the area of land-use planning as one of the most important environmental issues that we face today.

I believe that land-use planning is central to a host of environmental problems ranging from air pollution and water pollution to urban blight, noise pollution and the beauty of our surroundings. What was once only a problem in the crowded cities of our Nation has become a problem for vast stretches of our country. It has become commonplace to point out that more than half of our population lives in urban areas today. It is commonplace but it is also highly relevant that most of our population of 300 million in the year 2000 is expected to live in these same urban areas. Population density in certain urban corridors—Boston to Richmond, Buffalo to Chicago, San Diego to San Francisco will soar in the next 30 years. Unless we take steps now to determine how these corridors are developed, we will find that the quality of life as we know it now will decrease.

Who among us is not familiar with the destruction of property value that can take place when a community suddenly grows from a quiet residential area to a commercially urban corridor. Who among us is not familiar with the loss of a beautiful stretch of woodland or a small lake to the developer. In pointing to these changes I am not saying that existing patterns of land use will not change. Rather I am saying that this change should increase the quality of our lives, not decrease it.

Land use in America has long been a matter of unplanned action, one in which an individual, an industry, or the Government developed the land in any way it saw fit. This has caused damage to our Nation, damage that we have yet to fully appreciate. Strip mining has scarred our hills. Abandoned buildings dot the cores of our deteriorating cities. Major airports and major highways are built next to homes, destroying the quiet that originally drew homeowners. Highways slash through invaluable parkland for the lack of a better route. New manufacturing plants spring up next to residential communities without thought to their impact on the neighborhood. Prince Georges County, Md., and Rockland County, N.Y., win the title as the fastest growing areas in the United States and begin to lose their attraction as pleasant places to live. Erie County, N.Y., where my district is located will witness a major population increase during the next 30 years. The homeowner in these areas can rightly ask whether this growth will destroy the values that he sought when he moved into the area.

Each one of these counties and its towns and cities are struggling with a host of environmental problems, urban-suburban sprawl, population distribution that does not match local resources, misuse of resources and pollution in all its forms. It is increasingly evident from studies conducted by the Public Land Law Review Commission and others that these problems can only be met by initiating a comprehensive, planned program of land use for public and private, for federally and State-owned lands within the United States. The formulation of a national land-use policy is a necessary and vital step in the task of making our communities more attractive places to live.

Several bills embodying national land-use policy have been introduced in Congress. Rather than introduce a new bill, I am joining Senator HENRY JACKSON of Washington and Representative ROGERS MORTON of Maryland in introducing a land-use bill that establishes the Federal Land and Water Resources Council as the center for national land-use policy. I am not sure that a new agency may not be needed for this purpose. But in order to discuss the concept of land-use planning, I introduce a similar bill today.

I believe that there is strong support for this measure on the part of those who recognize the need. President Nixon has endorsed the concept in the first report of the Council on Environmental Quality. The National Governor's Conference has also endorsed the concept. I hope that those concerned with the environment will join in supporting this legislation.

This bill amends the Water Resources Planning Act and calls for the formulation of a national land-use policy that would incorporate all ecological, environmental, esthetic, economic, and social factors. It would serve as a guideline in making specific decisions affecting a pattern of growth and development of Federal lands and provide a framework for the development of interstate, State, and local land use. This would be carried out by an enlarged Land and Water Resources Council with responsibilities to administer Federal grant-in-aid programs, to review all statewide land-use plans for conformity to the provisions of the titles of the legislation, and to issue biennial reports on national land-use policies, trends, projections, and problems.

The bill further provides that the Council earmark land-use planning grants to an appropriate State agency designated by the Governor of each State to carry out an inventory of the State's land and related resources. It calls for the State agency to collect and analyze all information and data relating to population characteristics, migration trends, and densities. Briefly, it also calls for an analysis of problems that might arise from placing utility corridors, locating new communities, commercial development, and heavy industry for the next 50 years.

The bill makes several provisions for exchange of information between Federal, State, and local agencies; however, the real heart of the bill is the Federal guidelines and requirements with which the State agency is to conduct its inventory and organizational development. First, within a 3-fiscal-year period the State land-use plan must identify the portions of the State subject to the statewide land-use plan. Those not subject to the plan shall include: "land which is located within the boundaries of any incorporated city which has exercised land-use planning and authority." Second, identification of areas where ecological, environmental, geological, and physical conditions dictate that certain types of land-use activities are incompatible and undesirable.

Third, identification of those areas "whose highest and best use, based upon projected State and national needs, on statewide outdoor recreation plans required under the Land and Water Conservation Fund Act and upon other studies, is recreationally oriented, best suited for natural resource, heavy industrial and commercial development, where transportation and utility corridors are or should, in the future, be located, and which areas furnish the amenities and the basic essentials to the development of new towns.

After the 3-year inventory period there is provision within the bill for planning grants for those State agencies who meet further requirements. They are:

First. The agency must have the authority necessary to implement the statewide land-use plan.

Second. The agency's authority shall include but need not be limited to authority to acquire interests in real property if deemed necessary under the statewide land-use plan; authority under the State police powers, to place restrictions on the type of land-use activities which may take place in areas designated for special use under the statewide land-use plan, and authority to call public hearings and other public participation, including granting the right of appeal to aggrieved parties in connection with an area subject to special use or restriction under the statewide land-use plan.

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Along with these central requirements, the bill provides for extensive Federal and State coordination. Approval of land-use plans submitted to the Council by a State agency must include the solicitation of views from Federal agencies principally affected by such plans. The bill further stipulates that—

> All federal agencies conducting or supporting public works activities in an area subject to a state land-use plan shall make such activities, unless there are over-riding considerations of national policy which require departures from the plan, consistent with the approved plan of the state for the area. State and local governments submitting applications for federal assistance for activities in areas subject to state land-use plans shall indicate the views of the state land use agency as to the relationship of such activities to the approved plan for the area. Federal agencies shall not approve proposed projects that are inconsistent with the plan.

These are the major provisions of the bill that I am introducing today.

I cannot stress to you more the urgency and need for comprehensive land-use inventories and plans. As the California Environmental Quality Study Council progress report of 1970 cites, private lands are literally being swallowed up by large corporations and land speculators in anticipation of quick price increases. Subdivisions, ill-conceived and ill-planned have blighted large areas of the most fertile agricultural land in California. Unless there is some ordered, directed land-use program with authority to implement standards of "highest priority" use of land, judiciously administered by an authority higher than the private developer, there is little hope for a naturally balanced environment such as we know it today.

The proposed legislation has some weaknesses. The essential question of a clear-cut distinction between Federal and State jurisdiction in the planning process is still unresolved. On the one hand, the Federal Government says that it is the States' job to carry out a suitable land-use plan for the State, with priorities determined by the State as to what land is to have the highest and best use as recreational, industrial, or as transportation corridors, et cetera, while, on the other hand, the Federal Government says that any incorporated city with only the most rudimentary of planning must not be included in the State plan. The wording concerning the State-city role in the planning process is simply not satisfactory. Not only would this wording rule out coordinated planning efforts with cities and States, but it would rule out the possibility of any meaningful statewide plan. How can a State make a meaningful land-use plan when the cities are excluded, yet so in need of comprehensive, coordinated planning?

Much can be said for the bill, nevertheless. Any Federal legislation that calls for 50 new State agencies to submit 50 comprehensively drawn inventories of State lands with a statement of priorities as to the land's "highest and best use" is both ambitious and innovative. By the Federal Government simply acting to demand inventories many, many more questions and answers will be discussed within the States. In addition, since land management legislation of zoning standards, subdivision standards, industrial permits, right-of-way permits, and so forth, have rested with States, it is fair to assume that reform in these practices will be proposed within State legislatures as well as proposals outlining the relationships between cities and State planning jurisdictions. This would be further encouraged by use of the sanctions in the bill. It should not be forgotten that with the State land-use agency under the designation and authority of the Governor, some Governors may find such an authority within their interests and push for much more comprehensive authority for the agency in implementing the land-use policy.

In conclusion, there are several points to bear in mind concerning this proposed legislation. First, the bill is rudimentary in terms of the whole issue of planned land use. It does not provide procedures or assurances that projected population increases will be properly distributed which is the key concern for the future. The bill does not adequately provide for correct and effective cooperation between State and city governments in land-use policy formulation. The bill, nonetheless, is timely and fundamental. It is timely because the public is just now beginning to open its eyes to the pressing question of effective land use. The information from the State inventories alone will open many new avenues for further improvement. With the information, the public too can properly focus its attention on the issue. The bill is fundamental because we are entering an era when we will have to allocate our natural resources, and preparations must be made now to insure that the land, our greatest resource, is properly used.

REPRESENTATIVE ANNUNZIO'S EFFORTS FOR SMALL BUSINESSMEN PRAISED

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KLUCZYNSKI. Mr. Speaker, the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas, of which I am chairman, just returned from conducting hearings in Chicago on crime and crime insurance. It is my opinion, as well as that of my colleagues on the subcommittee, Representative WILLIAM L. HUNGATE, Representative FRANK HORTON, and Representative DANIEL E. BUTTON, that the hearings produced some very valuable testimony on this important subject.

The hearings included testimony from Ralph Metcalf, alderman from the city of Chicago; Deputy Chief of Detectives Walter Karlblom; Paul Zimmerer, director of the Mayor's Committee for Economic Involvement; Robert Dwyer, regional director for SBA; and many other fine and distinguished witnesses.

The committee heard some very frightening testimony from small businessmen who outlined the horrible system of extortion practiced by street gangs on neighborhood stores. One very courageous businessman, Wilson Alexander, told the committee of his personal experiences with robberies, burglaries, and extortion. The subcommittee was very impressed by the testimony and feels there is a great need to assist the small businessman in this area. I feel that Representative FRANK ANNUNZIO's bill now included in H.R. 19100, the Housing Act of 1970, should receive full consideration and approval by the House.

I feel that perhaps the most important testimony was that of my dear friend and colleague, Representative FRANK ANNUNZIO. He made some very impressive remarks reflecting a sincere desire to further the cause of the small businessman. It is well known that Mr. ANNUNZIO has labored long and arduously on the problem of the impact of crime on small business. He is truly a champion of the small businessman. In the interest of sharing the every enlightening statement of Mr. ANNUNZIO, I would like to insert it at this point in the RECORD:

STATEMENT OF HONORABLE FRANK ANNUNZIO

Mr. Chairman, Members of the Subcommittee, as one who is vitally concerned about the problems of small business, particularly the insurance problems, I appreciate the opportunity to testify before this distinguished subcommittee today and to give you my thoughts on crime insurance.

Let me begin, not on a pessimistic note, but rather on an optimistic note. Yesterday, the Banking and Currency Committee agreed to report H.R. 19100, the Housing Act of 1970. Title 7 of that legislation contains the Urban Property Protection and Reinsurance Amendments of 1970. This title contains all of the provisions of H.R. 13666, the so-called crime insurance bill that I introduced on September 8, 1969. Quite simply, it will enable small businessmen to purchase crime insurance directly from the Federal Government at any time the premium for such insurance through the private market exceeds 175 percent of the so-called manual or average rate.

Mr. Chairman, at first glance a 175 percent rate may seem like a great amount, but, as I am certain you have found out in your hearings, rates for crime insurance that are 500 and 600 percent above manual are not uncommon.

Within a few weeks, the House of Representatives will have an opportunity to vote on the crime insurance package while, at the same time, the Senate is considering legislation that contains many of the features of my bill with two major exceptions. My legislation would allow the Government to write not only crime insurance on a direct basis, but basic property coverage if such coverage is not available within the 175 percent range. In addtion, my bill would go into effect immediately. The Senate bill does not provide for basic property coverage and has a year delay in its effective date.

Mr. Chairman, we cannot wait another year, nor can we ask the small businessmen of America to wait for another year. Each day that we delay in granting relief to small business sees another group of small businessmen close their doors.

Quite clearly, Mr. Chairman, something must be done if small business is to survive in our major cities. I do not come here as a prophet of doom or gloom, but I do feel quite certain that unless crime insurance, at reasonable costs, is made available to small businessmen, the time is not too far off when there will be no small businesses in our inner cities. The trend has already begun and it is time now to take action.

I first began work on this problem in 1967, when I introduced the Small Business Protection Act to provide for a study to determine the best ways that small businessmen could protect themselves from criminal acts.

I do not contend that the study is the solution to the crime problem but rather that it does set out areas of investigation where a majority of efforts should be concentrated in solving the problem. I am unhappy that the study devotes too much space to the statistical side of crime against small business and not enough space in telling the small businessman how to safeguard his property from hoodlums and vandals.

I sincerely hope, Mr. Chairman, that your Committee will not fall victim to the statistical syndrome that seems to arise whenever the question of crime is raised. At this point, we do not need studies to show that crime is, indeed, a problem to small businessmen. We can learn this by picking up a newspaper from any metropolitan city. In fact, in many cities, the crime rate has risen to such an extent that the newspapers do not have enough space to devote to crime stories but, instead, must summarize the crime news on a "boxscore" basis, much the same way the statistical aspects of baseball games are reported.

Mr. Chairman, I do not want to go into psychological reasons for the crime increase nor do I wish to attempt to affix the blame for the problem. We have heard a great deal about who is responsible for controlling crime. I do know one thing though. It is not the small businessman who is responsible for the crime rise; it is not the small businessman who can crack down on the increase of crime; but it is the small businessman who is paying for the effects of criminal acts. If there were an innocent victim of crime, it is the small businessman of our country.

Mr. Chairman, when I introduced my crime study bill in 1967, I did so in hopes that it would cause the insurance industry to do something about making crime insurance available to small businessmen. When I introduced the study bill, a member of my staff received a telephone call from an insurance executive inquiring whether the bill contained any provision for a direct program of government insurance. The insurance executive was told that the bill did not contain such a provision but that if insurance was not made available that my next step would be in that area. The insurance executive assured my staff member that would not be necessary since the insurance industry was ready to come to grips with the problems and to find ways to help the small businessman.

That was more than three years ago, Mr. Chairman, and we still have not seen any progress on the part of the insurance companies.

Mr. Chairman, recently the Department of Housing and Urban Development published its long-awaited study on "The Availability of Crime Insurance and Surety Bonds in Urban Areas." The Annunzio bill provides a workable solution to the problem of crime insurance in our urban areas, while the plans put forth by the Federal Insurance Administrator represent nothing more than protracted delays in solving the problem.

For instance, the plan put forth by the Federal Insurance Administrator would require the States to make crime insurance available at reasonable rates in urban areas by August of 1971. If this was not done, the Insurance Administrator would withdraw the Federal riot reinsurance coverage in those States. I do not feel that this will solve the problem and, of course, it will not guarantee that crime insurance will be made available since States may be willing to do without riot reinsurance, particularly if we have gone through a long period without any major riots in our cities.

The Insurance Administrator suggests that following this, he could order that crime insurance be made available under the so-called FAIR plans, a suggestion that I made in 1968 as an amendment to the Urban Property Insurance Act. However, in an earlier part of his report, the Insurance Administrator suggests that the inclusion of crime insurance in FAIR plans is not the answer. If crime insurance can be offered within the FAIR plans in those States which do not comply with the 1-year edict of the Federal Insurance Administrator, why is it that such coverage cannot be made available immediately. In short, if such a method of providing coverage is a good idea at one time, it is a good idea at all times, or, if it is a bad idea at one time, it is always a bad idea.

Mr. Chairman, if I felt the suggestions made by the Federal Insurance Administrator would provide meaningful solutions to helping people obtain crime insurance. I would endorse the report wholeheartedly, but in the language of our current younger generation, the report is "a cop out." It does nothing more than buy time for the insurance industry in the hope that those of us who want to provide solutions to the problem will back off and shift our attentions to some other area.

It has been suggested that my bill will cost the Government money. I do not accept this premise, but even if Government funds are expended on the program, think of the money that is lost in tax revenues to city, county, State and Federal governments each time a small businessman goes out of business because he cannot obtain insurance.

Last week, President Nixon asked Congress for more than $20 million to provide armed guards on overseas airline flights. The supplying of armed guards has been hailed as probably the best means of protecting the lives and property of airline passengers, and I support this request for funds. But, Mr. Chairman, most of the people that we are talking about in these hearings will never have enough money to be able to afford the luxury of an airplane trip to a foreign country, and we should consider their problems with as great speed as we do the problems of hijacked airplanes.

Mr. Chairman, in April of last year, Congressman Moorhead and I conducted hearings on the insurance problem here in Chicago. We were amazed at what we uncovered. Huge areas of the city were redlined by the insurance industry and denied insurance coverage. Homeowners had their insurance policies dumped into the FAIR Plan, where their premiums were sometimes as high as five and six percent of what they formerly had been paying. In other cases, hundreds of homeowners had their insurance policies cancelled for no apparent reason. I am certain that your Subcommittee has found that many of these practices still exist.

In conclusion, Mr. Chairman, let me point out that unless a program of direct Federal insurance, such as that contained in my bill, is enacted, the insurance problems that you have uncovered here in Chicago will only worsen and that the ghost towns that are tourist attractions in the West may well have a new rival in the inner cities of America.

Mr. Chairman, once again let me thank you for the opportunity to appear here today and commend you and your Subcommittee for taking an interest in this problem.

NIXON AND THE WORKINGMAN

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. CHAMBERLAIN. Mr. Speaker, beginning on Thursday, the Republican National Committee will sponsor a 3-day conference of Republican heritage groups. Nationality leaders from all over the United States have been invited to this meeting. According to Rogers C. B. Morton, chairman of the Republican National Committee:

> This is in accordance with the President's wishes that a permanent forum for the nationalities be set up within the Party—so that ethnic Americans may have the greatest possible access to the Nixon Administration, and the opportunity to involve themselves in the democratic process.

I applaud my party for this recognition it is bestowing upon our ethnic citizens. This reflects the deep commitment of the Nixon administration to giving the nationalities full access to and representation in the Nation's Government. Recently, for example, 29 Americans of nationality background were appointed to advisory councils within the Small Business Administration, and a Polish-American leader, Al Majewski, was nominated as an alternate delegate to the 25th session of the United Nations General Assembly.

But these are only symbolic gestures which stand for the far more important substantive expressions of concern the Nixon administration has for the welfare of our nationality members.

The Democrats claim that they have the support of labor and the workingman, but they campaign on issues that are contrary to the tradition and beliefs of these very people. Democrat candidates and commissions belittle the influence of pornography on our children, advocate abortion, take wishy-washy stands on campus violence, and use middle-class suburban neighborhoods for their school and housing experiments.

It is the Nixon administration which should be lauded as taking the needs of the workingman into consideration through such measures as its stiff anti-crime bill, the formation of a special Presidential panel to study the financial crisis of the Nation's nonpublic schools, its special efforts to bring ethnic Americans into the administration, and its determined efforts to bring inflation under control.

WHO SPEAKS FOR ETHNIC AMERICA?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ZWACH. Mr. Speaker, I would like to call to the attention of my colleagues an article appearing on the editorial page of yesterday's New York Times. Entitled, "Who Speaks for Ethnic America?" it is an angry and forceful statement of the grievances felt by ethnic Americans—ridicule of their customs and heritage, near-poverty income levels, threatened neighborhoods, lack of services.

It is sad, but true, that Miss Mikulski's charges are well founded. During the last decade, during the Democratic administration, the problems of other minorities were the primary focus of the Federal Government and the ethnics were written off as "bigot," simply because they felt that they, too, needed and were rightly entitled to the benefits that America has to offer.

It is high time that this situation is changed. Fortunately, the Nixon administration shares in this concern for the problems of ethnic Americans. Ethnic Americans have been appointed to responsible positions within the Government. The Republican National Committee, this very week, is holding a conference involving delegates from 30 States, to focus on the needs of our nationality groups and ways they can use the political process to get those needs met. Finally, I must commend the Nixon administration for its administrative efforts and for the numerous legislative proposals submitted to Congress which, if implemented by the Democrat-controlled Congress, will go a long way toward meeting the needs of ethnic Americans as well as all Americans.

The article follows:

[From the New York Times, Sept. 29, 1970]

WHO SPEAKS FOR ETHNIC AMERICA?

(By Barbara Mikulski)

The Ethnic American is forgotten and forlorn. He is infuriated at being used and abused by the media, government and business. Pejorative epithets such as "pigs" and "racists" or slick, patronizing labels like the "silent majority" or "hard hats" are graphic examples of the lack of respect, understanding and appreciation of him and his way of life.

The Ethnic Americans are 40 million working class Americans who live primarily in 58 major industrial cities like Baltimore and Chicago. Our roots are in Central and Southern Europe. We have been in this country for one, two or three generations. We have made a maximum contribution to the U.S.A., yet received minimal recognition.

The ethnics came to America from the turn of the century through the twenties, until we were restricted by prejudicial immigration quotas—65,000 Anglo-Saxons to 300 Greeks. We came looking for political freedom and economic opportunity. Many fled from countries where there had been political religious and cultural oppression for 1,000 years.

It was this working class which built the Great Cities—constructed the skyscrapers, operated the railroads, worked on the docks, factories, steel mills and in the mines. Though our labor was in demand, we were not accepted. Our names, language, food and cultural customs were the subject of ridicule. We were discriminated against by banks, institutions of higher learning and other organizations controlled by the Yankee Patricians. There were no protective mechanisms for safety, wages and tenure. We called ourselves Americans. We were called "wop," "polak" and "hunky."

For our own protection, we formed our own institutions and organizations and clung together in our new neighborhoods. We created communities like "Little Italy" and "Polish Hill." The ethnic parish church and the fraternal organizations like the Polish Womens' Alliance and the Sons of Italy became the focal points of our culture.

These neighborhoods were genuine "urban villages." Warmth, charm and zesty communal spirit were their characteristics. People knew each other. This was true not only of relatives and friends but of the grocer, politician and priest. The people were proud, industrious and ambitious. All they wanted was a chance to "make it" in America.

Here we are in the 1970's, earning between $5,000–$10,000 per year. We are "near poor" economically. No one listens to our problems. The President's staff responds to our problems by patronizingly patting us on the head and putting pictures of construction workers on postage stamps. The media stereotypes us as gangsters or dumb clods in dirty sweatshirts. The status of manual labor has been denigrated to the point where men are often embarrassed to say they are plumbers or tugboat operators. This robs men of the pride in their work and themselves.

The Ethnic American is losing ground economically. He is the victim of both inflation and anti-inflation measures. Though wages have increased by 20 per cent since the mid sixties, true purchasing power has remained the same. He is hurt by layoffs due to cutbacks in production and construction. Tight money policies strangle him with high interest rates for installment buying and mortgages. He is the man who at 40 is told by the factory bosses that he is too old to be promoted. The old job is often threatened by automation. At the same time, his expenses are at their peak. He is paying on his home and car, probably trying to put at least one child through college.

In pursuing his dream of home ownership, he finds that it becomes a millstone rather than a milestone in his life. Since FHA loans are primarily restricted to "new" housing, he cannot buy a house in the old neighborhood. He has no silk stocking lawyers or fancy lobbyists getting him tax breaks.

He believes in the espoused norms of American manhood like "a son should take care of his mother" and "a father should give his children every opportunity." Yet he is torn between putting out $60 a month for his mother's arthritis medication or paying for his daughter's college tuition.

When the ethnic worker looks for some modest help, he is told that his income is too high. He's "too rich" to get help when his dad goes into a nursing home. Colleges make practically no effort to provide scholarships to kids named Colstiani, Slukowski or Klima.

The one place where he felt the master of his fate and had status was in his own neighborhood. Now even that security is being threatened. He wants new schools for his children and recreation facilities for the entire family—not just the token wading pool for pre-schoolers or the occasional dance for teen-agers. He wants his street fixed and his garbage collected. He finds that the only thing being planned for his area are housing projects, expressways and fertilizer factories. When he goes to City Hall to make his problems known, he is either put off, put down or put out.

Liberals scapegoat us as racists. Yet there was no racial prejudice in our hearts when we came. There were very few black people in Poland or Lithuania. The elitists who now smuggly call us racists are the ones who taught us the meaning of the word: their bigotry extended to those of a different class or national origin.

Government is further polarizing people by the creation of myths that black needs are being met. Thus the ethnic worker is fooled into thinking that the blacks are getting everything.

Old prejudices and new fears are ignited. The two groups end up fighting each other for the same jobs and competing so that the new schools and recreation centers will be built in their respective communities. What results is angry confrontation for tokens, when there should be an alliance for a whole new Agenda for America. This Agenda would be created if black and white organized separately in their own communities for their own needs and came together to form an alliance based on mutual issues, interdependence and respect. This alliance would develop new strategies for community organization and political restructuring. From this, the new Agenda for America would be generated. It could include such items as "new towns in town," innovative concepts of work and creative structures for community control.

What is necessary is to get rid of the guilt or phony liberals, control by economic elitists and manipulation by selfish politicians. Then, let us get on with creating the democratic and pluralistic society that we say we are.

NIXON CHANGING POLITICAL CLIMATE OF THE NATION AND THE WORLD

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ADAIR. Mr. Speaker, despite occasional criticism from scattered sources, it is growing more and more obvious that the moral stature of President Nixon is growing both at home and overseas.

Less than 2 years ago, the President hardly dared leave the White House—except to fly to Texas.

Today President Nixon appears in public in our great cities and on our campuses.

Today he dares mingle with the crowds of Rome.

And today he dares show American naval power as a peacekeeper in the Middle East.

Mr. Speaker, through his courageous and imaginative leadership, President Nixon is changing the political climate of the Nation and the world.

He is taking us surely down the road toward peace in Vietnam and the Middle East and, just as important, toward peace in our cities and on our campuses.

KENT STATE—ANOTHER VIEW

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. WYLIE. Mr. Speaker, sometime ago I received a letter from Miss Nancy Bonifield, a student at Kent State University, who resides in the congressional district I represent. The letter, which was sincerely written by a thoughtful young lady, impressed me. Miss Bonifield suggests that I have received many letters such as hers, which I have, but none which expressed another view so poignantly.

She suggests that her views be made known to the public, and I include them herein to that end:

DEAR REPRESENTATIVE WYLIE: I, as a member of the silent majority, am writing this letter to express my views, because I am tired of remaining silent and letting a minority rule. I am asking you, in turn, to let these views be known to the public and the outspoken minority.

I am a freshman at Kent State University, completing my third quarter through correspondence work with my professors. I don't like this type of education at all. I don't feel I can properly learn the course material this way. But, I am forced to either finish my courses in this manner or drop them, all because of the violent actions of a few militants.

The reason many people resort to violence for action is because they cannot accomplish anything with letters or peaceful assembly. Nobody listens to them then. If letters and other peaceful actions were given more attention, I don't feel we would be experiencing the violent revolutions on our college campuses today.

Although the initial shock is over, I am still very upset and disgusted with the events at Kent State in early May. It is so tragic that just a few radicals can close down not just one university, but dozens of them. What bothers me even more are the reasons that these radicals give for their actions. They say they want to end the war in Vietnam. They think by rioting and demonstrating that they will show the men overseas that they care and think about them. But, according to many servicemen, this is not so. My brother is currently serving his second year in Vietnam. In his last letter he told us what he thinks of the campus demonstrations.

"I will say that I am very much in agreement with what President Nixon is doing and I am very displeased with the reaction it is getting in the states. Those students may not realize it, but they are doing as much harm to the American effort over here as the VC or the NVA troops we are fighting. The Communists now make very little propaganda of the war itself. They concentrate on anti-war movements in the States and they are very good at it. I heard about the riots at Kent on a Communist radio broadcast from Radio Hanoi before it even got on the news over here. If you had no other source of information, you would think the United States was in a state of turmoil and civil war itself. And this is the picture of America that the rest of the world gets all because of a bunch of ignorant kids. I have no higher opinion of them than the people we are fighting over here. If a few of them get killed that's too bad. But maybe the rest of them will open their eyes and see what they are doing. If they could see only a fraction of what some of the guys over here have seen, I don't think they would be rioting against what we are doing here. We can hardly turn on a TV or radio or even pick up a newspaper without hearing of major riots and it is really beginning to be a drag on the morale of the guys over here. Some of them have even resorted to just not listening to the radio or TV and not reading newspapers."

Two other GI's reported similar stories in the *Columbus Citizen-Journal* on Monday, May 13, 1970. Cpl. Vancil Johnston and Cpl. Kris were both agreed that "It is demoralizing to read about our underprivileged counterparts vandalizing campus buildings, manhandling institution leaders, and generally making fools of themselves." They both reported that nearly all of the men in Vietnam or destined for Vietnam after training are angry or disgusted with the campus riots and demonstrations.

What I feel needs to be done, is for the silent majority to organize against this minority and try to make them see that they are hindering, not helping, the men overseas. All they have managed to do by rioting is deprive thousands of fellow students of an education and deprive four others of life.

I feel the main problem to deal with is a communication gap between the government and the students. With more communication between the two, the youth will place more confidence in the actions of the government, and this is very necessary for a cooperative society.

Well, I am sure you have received many letters similar to this one. Now, just tell the world about them so they will know that the silent majority wishes to remain silent no longer.

Thank you.

Sincerely yours,

NANCY BONIFIELD.

THE PRESIDENT'S TRIP ABROAD

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. RHODES. Mr. Speaker, President Nixon's trip abroad, like his others, is proving to be not only a personal success but also a success for American diplomacy and foreign policy.

The importance of his trip is clearly seen in the decision by President Tito to remain home in order to meet with President Nixon, rather than go to the funeral of President Nasser.

I think it is safe to predict that the outcome of that meeting will be a further strengthening of the feeling of friendship the peoples of Eastern Europe feel for the United States.

I think it is safe to predict also that out of it will come agreement that most of the people of the world will continue to work diligently for peace in the Middle East.

Mr. Speaker, President Nixon is a man who does not hesitate to take the bold steps necessary to move the world and our Nation away from the brink of war and to do it in such a way that America's prestige in the world is enhanced in the process.

We are indeed fortunate to have such a leader in these times of peril.

AGNEW SPEAKS FOR ROUDEBUSH

HON. DURWALD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. HALL. Mr. Speaker, Vice President SPIRO T. AGNEW, recently journeyed to the State of Indiana to speak on behalf of the Honorable RICHARD L. ROUDEBUSH, a candidate for the office of U.S. Senator from that State.

As usual, the Vice President had much to say, and said it candidly and forthrightly. I offer the text of his remarks and commend them to your attention.

The speech follows:

[From the Indianapolis Star, Sept. 24, 1970]

AGNEW EXPLAINS WHY VOTERS SHOULD BACK ROUDEBUSH

Following is the text of the speech made last night in Indianapolis by Vice-President Spiro T. Agnew.

From a national standpoint, a paramount issue of this election is whether President Nixon will be given a Congress that he can work with, a Congress that will move vital legislation now stalled in committee.

From Indiana's viewpoint the paramount issue is whether Hoosiers will be represented in the United States Senate by a man who reflects the thinking of the majority of the people of this state.

I submit that Dick Roudebush passes this test with flying colors—and that his opponent flunks it in every respect.

In his 10 years in the House of Representatives Roudebush has established a solid reputation for fiscal responsibility and once earned a "Watchdog of the Treasury" award for his interest in seeing that taxpayers got a dollar's worth of value for every dollar spent.

His opponent, the present senior senator from Indiana, has established a notorious reputation as one of the biggest spenders in Congress. In the 91st Congress alone, he has sponsored or co-sponsored legislation which would ultimately cost taxpayers over $22 billion a year. In short, if he could get all this legislation through it would be a bigger drain on the United States Treasury than the annual interest on the national debt.

And these are just bills on which the cost can be tabulated. He has sponsored or cosponsored 26 other bills in the last two years with open-ended spending authorizations. In other words, there is no way of determining what they ultimately would cost.

VOTES FOR DEFENSE

Congressman Roudebush has been one of the Presidents' strongest supporters in his efforts to end America's involvement in the war in Southeast Asia while supporting and training the South Vietnamese to fight for themselves. He has been equally stalwart in voting for the defense of this country.

His opponent not only voted against the administration's efforts to establish an anti-ballistic missile defense but also has proudly voted with the radical-liberals of the Senate in their unsuccessful attempts to cut off funds for the war in Vietnam and pull out American troops in a way that would surely sow the seeds of future wars. Surely, this is not the thinking of the great majority of the people of Indiana.

The views of this little band of obstructionists and isolationists also stand in marked contrast on a subject troubling all residents of this state and all of America—campus violence and irresponsibility.

Congressman Roudebush has stated that if a person burns down a building or otherwise destroys property—whether on a campus or elsewhere—he is no longer a demonstrator, he is a lawbreaker, and ought to be treated as such. And he did not arrive at this opinion today.

Let's contrast this with the views of his opponent, who has taken a stand with the radical-liberals on the side of permissiveness.

On March 6, 1968, the senior senator from Indiana voted against a bill which would make it a Federal crime to incite riot or civil disorder when it obstructs interstate commerce.

Two years later—in the Congressional Record of March 17, 1970—two years after campuses throughout America had been rocked by violence and destruction—the senior senator from Indiana said:

"At times, when reading of the reaction to student dissent, I have the impression that the members of the over-30 generation have declared war on youth."

NO WAR ON YOUTH

My Indiana friends, the President and I are members of the over-30 generation. We have not declared war on youth. On the contrary:

1. At Kansas State University last week, you saw how thousands of fine young people showed the whole nation that they stood united behind the President of the United States. You saw on television how these students felt about the minority who shouted epithets at their President.

2. At Saginaw, Mich. last week, I saw a group of young prima donnas yell the filthiest obscenities imaginable at a gracious lady who was running for the Senate—and then I saw the overwhelming support of the young people there make itself felt, drowning out the shouts of the minority.

XUM

It would not be fitting for anyone outside Indiana to tell you how to vote. But my friends, your choice in November boils down to this:

Through your senior senator, the people of Indiana are now telling the nation: "We want more and more Federal spending, and we do not care if it means higher prices and higher taxes."

Is that what the people of Indiana really want?

Through your senior senator, the people of Indiana are now telling the nation: "We do not want a missile defense that the President considers necessary for American defense, and we are willing to take our chances with national security."

Is that what the people of Indiana really want?

Through your senior senator, the people of Indiana are now telling the nation: "We want a man like William O. Douglas on the Supreme Court, not strict constructionists like Haynsworth or Carswell."

Is that what the people of Indiana really want?

VIETNAM PULLOUT

Through your senior senator, the people of Indiana are now telling the nation: "We support the moratorium of last year that called for the immediate pullout of all American troops, and we oppose the President's program of orderly withdrawal that will prevent a future war."

Is that what the people of Indiana really want?

Through your senior senator, the people of Indiana are now telling the nation: "When campus radicals and student militants present their list of nonnegotiable demands, we should placate them and plead with them and blame ourselves for their unrest."

Is that what the people of Indiana really want?

My friends, I believe that the people of Indiana reject that permissive, weak-kneed, short-sighted, free-spending approach of your senior senator 100 per cent.

I believe he represents some people in Berkeley, Calif., some people in Madison, Wis., and some people at Columbia University in New York—and he does not represent the views of the people of Indiana.

You are entitled to a new senator who will really represent you in the United States Senate—and Dick Roudebush is that man.

Just the other day, a man who represents a different philosophy came here to Indiana to speak for Dick Roudebush's opponent, the present senior senator from Indiana.

He spoke at a dinner firmly closed to the press and public, so nobody can be sure exactly what he said. But he handed out a statement that said this: "Surely with our military involvement in Vietnam ended, our voice for peace in the Middle East would be stronger and more influential."

Can you follow that kind of reasoning? This man would have you believe that if we cut and run in Asia, if we break our commitment there and sell out our allies, if we say loud and clear that America's word is no good—that, by some magic, we will stand tall and firm elsewhere in the world?

In my view, and in the view of the great majority of Americans, that sort of topsy-turvy reasoning is absolute poppycock. But your present senior senator has not repudiated it in any way, and we must assume he agrees with it.

SET VIETNAM ON FIRE

But that is not the half of it. This foreign policy adviser to the Indiana senator went on to condemn the American effort in Vietnam in these words: "We helped to set this country on fire, and we must help to put it out."

Do you, my friends in Indiana, believe that the United States invested the lives of more than 40,000 men in South Vietnam to "set that country on fire?" Do you believe that we went in there for some imperialist reason—or for any reason other than to help stop communist invasion?

I don't believe you do—and yet, until he repudiates the view of his far-out foreign policy adviser, the picture of the United States as the spreader of fire and destruction in the world is the image of your country held by the senior senator from Indiana.

Let me take note of a final, almost ludicrous, charge that was made by your senator's New York adviser.

Everyone in this room, everyone watching on television tonight, know how the President has been fighting to get stronger anti-crime and anti-drug legislation out of a reluctant Congress. He has sent 14 important crime bills to Congress, and 13 of them are still languishing in committee, effectively blocked by a minority of radical-liberals.

Does the senator's adviser and fund-raiser apologize for this? Does he urge Congress to get moving on the President's anti-crime program? Hardly. In a flip-flop that would do credit to a circus aerialist, he says this: "The President—the President, mind you—has failed to provide adequate Federal aid to local anti-crime and anti-drug activities."

Now, this total turn-about of the truth is revealing. You know and I know, that for the past six years, your senior senator has done everything in his power to stop the bills that would help the peace forces against the criminal element.

You know and I know he has voted against the kind of judges who would correct the imbalance that has tipped the scales of justice against the victim of crime.

"HARTKE THE COP"

But now, here it is election time, and he realized he has been terribly out of step with the needs and desires of the people of Indiana. And so now, like a phoenix rising from the ashes, you can expect to see a refurbished image of your senior senator. The man who makes his television commercials will try to sell you "Hartke the cop."

He won't be alone in this little charade. All across the country you can see senators facing election joining the Come-Lately Club on crime and disorder. Senator Kennedy is reversing his field, and instead of calling for commissions to study the chances for amnesty for draft-dodgers, he is ringingly denouncing what he calls, "campus commandos." Senator McGovern, just the other day, stopped cooing like a dove and started roaring like a lion: he condemned—quote, "foolish and destructive tactics" and "obnoxious patterns of conduct," which, he said, "threaten all that is decent in our society." Welcome aboard, George. It is about time.

It is a little like the story that was told during the French revolution, of the man racing to catch up with a parade. When someone asked him where he was going, he replied, "I must get to the front, for I am their leader."

With the breath of the voters hot on their necks at election time, it is understandable that some senators adopt a wholly new attitude toward disruptive tactics by some student radicals.

These politicians seem to think that by adding a soupcon of finger-wagging to their mixture as before, they can thoroughly dissociate themselves from the consequences of their previous tolerance.

Where were the voices of Muskie and McGovern, of Stevenson and Humphrey, of Hart and Hartke, when the radical leaders were making their threats of violence only a year or two ago?

Their voices were hushed, at best; now, hardly a day goes by that one or the other of these men is not out on the stump denouncing violence and condemning the bomb-throwers and book-burners.

Certainly they are sincere in this. Each one of these men is genuinely appalled at what he sees in our streets and on our campuses. But no purpose is served by politicians trying to outdo each other in their public abhorrence of violence; the come-latelies do not make up for lost time by the extent of the vituperation they now heap on campus terrorists.

CAUSE OF VIOLENCE

The important thing is not how loudly they denounce violence today, but how deeply they understand the cause of possible violence tomorrow.

If the cause of violence were the war or the draft, then all those who dissent on the war or the draft would be violent. Of course, the vast majority are not disorderly at all; therefore, we cannot permit a few to claim the war as a moral base for their violence.

The cause of violence is partly in the mental makeup of a relatively few misfits and partly in the way society reacts to their threats.

Unfortunately, in the recent past, many politicians, many college administrators and many sincerely non-violent dissenters reacted wrongly. They caved in to threats; they let themselves be coerced; they tried to appease the most militant.

But they never really understood—and many do not yet understand—the nature of the threat. Many of these militants do not want accommodation; they do not want progress within the system; they do not want compromise. They want confrontation, anarchy, hatred, overthrow.

That is why I have been saying, for some time now, that a person who commits a criminal act should be dealt with as a criminal, and not as an idealist listening to some higher moral law all his own. Until recently, this position was labeled as "repression" by the people who now cannot wait to throw the book at those who carry out their threats.

To those previously indulgent politicians who are now on election eve, swelling the ranks of the hardliners on violence and crime, let me interject this note of caution: You are not signing up on a voyage that lasts only until Election Day. The American people will hold you to your new commitment against the indulgence that leads to violence for the duration of this period of disorder—and beyond.

ZEAL NEW-FOUND

And do not believe, concerned now as rightly you are in this political season, that the American people will regard your new-found zeal as anything more than new-found.

My friends, the people who have proven themselves to be consistently wrong do not deserve to be your leaders.

When a man has proven himself to be wrong about national defense; wrong about orderly withdrawal from Vietnam; wrong about crime, and wrong about the mood of the American people—he deserves to be given the time in retirement to think about his mistakes.

We live in a marvelous country. We live in a country that truly reflects the consent of the great majority governed. In Dick Roudebush, my friends, you have a man who will truly represent the views of the great State of Indiana. You have a man who will help the President curb inflation, who will help the President end a war with honor, who will help the President turn back the wave of crime, who will help the President overcome the tide of permissiveness that has afflicted all our lives.

You have a President who comes from Middle America and is proud of his roots. I hope you will send a senator to Washington who will help him carry out the mandate Indiana gave him just two years ago.

Let us turn away from the nay-sayers and the obstructionists, and turn toward those affirmative men who have a greater vision of America. Let us take pride in the values that build this nation, and show respect for the working men and women who are building it today.

A man from Indiana, who bore his party's standard in a national election, gave the reasons why he believed in this country:

"Because we hate no people and covet no peoples' lands;

Because we are blessed with a natural and varied abundance;

Because we have great dreams, and

Because we have the opportunity to make those dreams come true."

MISSILES IN CUBA AGAIN

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. LUJAN. Mr. Speaker, just 9 short years ago the Soviets made their first thrust of raw military power into our hemisphere by building and equipping missile bases in Communist Cuba. To the everlasting credit of President Kennedy, the United States was swift and firm in its insistence that the missiles be removed.

We all recall the later statement of Secretary of State Dean Rusk that America and Russia stood "eyeball to eyeball" in that confrontation, and we remember the relief and pride felt by the American people when the Russians backed down and the missiles were removed.

Today, according to intelligence reports, the will and determination of the United States is again being tested, and again we have Russian missiles being moved into Cuba. The only possible targets for these missiles are the cities of the United States.

I suggest, Mr. Speaker, that this unwarranted, unprovoked, and reckless military gesture by the Soviets is just as unacceptable to America today as it was 9 years ago. Yet there are those in Congress who would have us stand idly by while this threat to the peace of our hemisphere goes unchallenged.

I suggest, sir, that the responsibility to respond to this challenge lies with the Congress, and I hereby go on record as one who has no intention of permitting this aggressive intrusion to continue. America cannot live with this new Soviet threat at our doorstep. Let us serve immediate notice on the Russian leaders that we will take whatever action is necessary to effect the removal of these threatening instruments of war from our hemisphere.

MEETING THE NURSE SHORTAGE

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. GROVER. Mr. Speaker, in recent months we have heard a great deal about the health crisis in America and the shortage of health manpower. A most interesting and constructive approach for meeting the shortage of nurses has been developed and implemented by a proprietary hospital located in the Second Congressional District of New York—Brunswick Hospital Center, Amityville, N.Y.

The job training program for licensed practical nurses was developed by Dr. Banjamin M. Stein, the owner of Brunswick Hospital Center, one of the largest proprietary hospitals in the United States. Dr. Stein deserves special recognition for his efforts to meet the critical shortage of nurses in Suffolk County, N.Y. and I would like to bring to the attention of my colleagues the following article about the Brunswick Nurse Training program which appeared in the September 20 edition of the New York Times:

NURSING PROGRAM SOUGHT IN SUFFOLK—HOSPITAL FIGHTING OBSTACLES TO REGISTERED AIDES

(By Dudley Dalton)

AMITYVILLE, L.I.—A few years ago, Mrs. Mildred Williams was scrubbing floors in a hospital here. Today, she is in the same hospital, but she has exchanged her housekeepers' uniform for that of a licensed practical nurse.

Mrs. Williams says she might still be performing housekeeping duties in the hospital had it not been for Dr. Benjamin M. Stein, the owner of the Brunswick Hospital Center, one of the largest proprietary hospitals in the country. The hospital employs Mrs. Williams and 1,000 other people, many of them from the local black community, who care for the patients in the 570-bed facility.

Like most hospitals, Brunswick has been faced with a shortage of nurses, but Dr. Stein was unwilling to wait until the state could establish a training program that would meet the needs of his and other hospitals.

He believed that there was a wealth of talent within the local community, women who were performing menial tasks in the hospital and others who could not afford to go to regular nursing schools.

PROGRAM INITIATED

The answer, he thought, was to set up a nursing program that would permit the women to work in the hospital during the day and go to school at night, with the hospital covering most of the tuition costs.

That was more than seven years ago and at least four of those years were spent in trying to overcome obstacles and resistance on the part of Federal, state and local officials.

First, Dr. Stein, tried to set up a program through the public schools, but the schools said that they were not equipped to participate in such a program.

Finally, with the help of John J. Grimes, director of occupational education of the Board of Cooperative Educational Services, and Dr. Gordon A. Wheaton, superintendent of the Third Supervisory District of Suffolk County, Dr. Stein was able to set up a night nursing program at the Lewis A. Wilson School of Nursing in Huntington.

The program was drawn up by Dr. Stein with the assistance of Miss Louise Kreppein, supervisor of health occupations of the Board of Cooperative Educational Services.

DAY AND NIGHT CHORE

Women participate in the program work at Brunswick during the day in a variety of jobs and then go to the Wilson nursing school at night. The student nurses, both from Brunswick and elsewhere, spend part of the program getting practical nursing experience at the hospital under the supervision of school personnel.

After completing the two-year program, the students take the state license examination to qualify as licensed practical nurses.

Licensed practical nurses work as team members with physicians, registered nurses and other health personnel in caring for the sick and in promoting community health.

The pay differential between a housekeeper at Brunswick and a licensed practical nurse is less than $1,000 a year—the housekeepers' annual salary is more than $5,000 and the licensed practical nurse makes about $6,000. However, a registered nurse makes about $9,000 a year.

There is very little that practical nurses cannot do in the hospital, but supervisory positions, which are required by the state, are reserved for registered nurses, who have more training.

TEST PROGRAM CHARTED

It is in this area that Dr. Stein, and his chief assistant Jules L. Stein, his nephew, have been devoting their attention since the practical nurse program got under way and he is running into the same roadblocks.

After many months of work, Dr. Stein, again working with Mr. Grimes and Miss Kreppein, drew up a proposal for an experimental program in nursing education that would lead to a degree in registered nursing.

The report argued that the traditional three-year program for such nurses was neither necessary nor desirable, noting that schools of practical nursing had successfully implemented registered nursing programs as adjuncts to the practical nursing courses.

It was also noted that the cost of traditional nursing programs was often prohibitive, an argument that Dr. Stein emphasizes repeatedly when discussing the proposal.

XUM

ALTERNATIVE IS OFFERED

In the licensed nursing program that is being operated through Brunswick, the hospital pays 50 per cent of the tuition cost the first year and 75 per cent the second. The percentage was set up in this manner to insure that the women involved cared enough to invest in their own education.

In Dr. Stein's opinion, many of the women in the poorer communities surrounding Brunswick would be attracted to such a shared tuition nursing program if they could be assured of making a decent living while going to school.

The only alternative, Dr. Stein said, is quitting work entirely and going on welfare. The women would then go to school through manpower programs.

But he argues that to force a person to better himself through welfare robs that person of his dignity and does not provide a sufficient income.

When the proposal was submitted to the State Department of Education last year it was rejected with the comment that the educational services board could best make a contribution by "working jointly with community colleges offering associate degree nursing programs."

Dr. Stein argues that the hospitals do not need nurses with associate degrees; they need registered nurses who can care for the sick in the operating rooms, intensive care units and elsewhere."

"We don't need registered nurses three or four years from now," Dr. Stein asserted. "We need them today. We don't need nurses who are highly trained medical specialists; we need nurses who can care for the sick."

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INDUSTRIES IN ANGUSTA, GA., WORK TO END POLLUTION

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. STEPHENS. Mr. Speaker, the Augusta Chronicle-Herald is currently publishing a series on the methods being used by industries in the Augusta area to combat pollution. The following article describes how the Babcock & Wilcox Co., has successfully dealt with air pollution created by its Albion Kaolin Department in Hephzibah, Ga. They use a vacuum system to collect the fine, white kaolin dust. This keeps it from escaping into the atmosphere. Although the procedure is costly, some of the kaolin dust can be reused.

We are all concerned with reducing air pollution, and what is being done at the Hephzibah plant is a fine example of how one industry has virtually eliminated pollution and also protected the health of its employees. Therefore, I have asked that the article from the Augusta Chronicle-Herald be inserted in the CONGRESSIONAL RECORD:

B&W TAKES A GIANT STEP IN AIR POLLUTION CONTROL

(EDITOR'S NOTE.—This is the Environmental Decade. The next 10 years could be the most important that this nation—and the world—ever faced. The No. 1 problem facing us is pollution of our two main life sources—air and water—without either of which we wouldn't be here. Much of the hue and cry today concerns industrial pollution, although there are other areas causing pollution. Many industries are trying to clean up their mess, but even with the Space Age technologies man has developed, it still takes time and money. This article is the first of a series designed to inform Sunday Chronicle-Herald readers just what Augusta area industries intend to do, and are doing, in the battle against pollution)

(By Bill Baab)

HEPHZIBAH, GA.—It used to be that much of the Hephzibah area faced a "White Christmas" every day, no thanks to a layer of fine, whitish particles spewed forth from the nearby stacks of the Babcock and Wilcox Company's Albion Kaolin Dept., or "mine," as local residents know it.

Workers around the plant, many of them from Hephzibah, could hardly tell if the sky was blue, or if it was cloudy, because the dust obliterated those details. Also, they were breathing more than their fair share of the dust—inhaling it deep into their lungs.

"We were certainly messing up our neighborhood by blowing this dust out our stacks," says Fran Lide, manager of the Albion Department. "You can call what we've now accomplished a community project."

By simply throwing a switch, Babcock and Wilcox has demonstrated its concern about air pollution and for the environment. When that switch finally clicks into place, 99 per cent of those dust particles will be sucked into a huge vacuum cleaner-like facility and not emptied into the atmosphere to settle where the winds might blow them.

The new system, known simply as a dust collector, recovers about $20,000 worth of products that can be re-used. Maintenance costs run almost that much, however, so the company really is getting little financial return for its quarter of a million dollar outlay.

But it should receive an "A-Plus" in human relations for ridding the Richmond County air of at least one more pollutant.

The Albion Department is located in the heart of the Kaolin belt which stretches from Aiken, S.C., to Macon, Ga. While other areas are producing the product, Lide says 90 percent of the kaolin used in the United States comes from this belt. The Albion plant processes about 200,000 tons of kaolin annually and its "mine" produces about 20,000 tons per acre.

An impromptu tour of the plant last week by John Anderson, director of public relations; John Mayer, production manager at the Albion Dept., and Lide for the writer and Mike Kelley, administrative assistant to the vice president in B & W's Washington office, was very impressive to say the least.

It was Mayer who demonstrated the effectiveness of the new air pollution control system. One moment the stacks were belching thick clouds of whitish dust; in a matter of seconds after his command to throw the switch, little was visible except the fleecy white clouds suspended in the bright, blue sky.

Mayer also conducted us to the site of the latest kaolin mining operations. Huge, earth-moving equipment and draglines stood like toys in Albion's version of the Grand Canyon. "One problem we face is the fact that the kaolin is sometimes located 80 to 100 feet below layers of sand and red clay and we must dig through all of that before we can begin mining it," Mayer says.

As he spoke, massive dump trucks loaded with this "overburden" were roaring up and down the steep grades, while in a comparatively smaller area, a power shovel was loading a grayish-white clay—the kaolin—into other waiting trucks.

Naturally, all of this work is leaving huge, gaping holes in the earth's surface and many times, springs are struck and small ponds are formed.

But Babcock and Wilcox is not letting this land go to pot.

"A recent state law ruled that anyone has to have a license to mine," says Lide. "There's a Georgia requirement that you must submit a plan to reclaim the land—to put it back into some good, productive use after you're done with it.

"Our company is in complete agreement with this law—as a matter of fact, we have submitted our plans to put this particular land back into use for wildlife," Lide says.

This land reclamation isn't going to be the work of a few months, or even a few years. More likely, it will be a perpetual job, but even Rome wasn't built in a day.

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the August 1970 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of August was 2,939,645 as compared with 2,980,351 in the preceding month of July. This was a net decrease of 40,706, due primarily to seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of August totaled 2,901,850. This was a net decrease of 40,667 as compared with employment reported in the preceding month of July. Employment by months in fiscal 1971, which began July 1, 1970, follows:

	Decrease
Employment, July 1970: 2,942,517	−1,595
Employment, August: 2,901,850	−40,667

Total employment in civilian agencies of the Executive Branch for the month of August was 1,710,559, a decrease of 18,856 as compared with the July total of 1,729,415. Total civilian employment in the military agencies in August was 1,191,291, a decrease of 21,811 as compared with 1,213,102 in July.

The civilian agencies of the Executive Branch reporting the largest net decreases were Commerce Department with 4,546 (reflecting a decrease of 4,934 in temporary employees involved in taking the Nineteenth Decennial Census), Post Office Department with 3,936, Veterans' Administration with 2,983, Treasury Department with 2,031 and Interior Department with 1,156.

In the Department of Defense the largest decreases in civilian employment were reported by the Navy with 8,993, the Air Force with 6,138, the Army with 3,851 and Defense Supply Agency with 2,573.

Total Executive Branch employment inside the United States in August was 2,684,700, a decrease of 45,249 as compared with July. Total employment outside the United States in August was 217,150, an increase of 4,582 as compared with July.

The total of 2,901,850 civilian employees of the Executive Branch reported for the month of August 1970 includes 2,532,709 full time employees in permanent positions. This represents a decrease of 12,576 in such employment from the preceding month of July. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,901,850 includes some foreign nationals employed abroad, but in addition there were 102,673 foreign nationals working for U.S. agencies overseas during August who were not counted in the usual personnel reports. The number in July was 102,991.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of August totaled 30,958, an increase of 41 as compared with the preceding month of July. Employment in the Judicial Branch in the month of August totaled 6,837, a decrease of 80 as compared with July.

DISADVANTAGED PERSONS

The total of 2,939,645 reported by the Committee for August includes 47,282 disadvantaged persons employed under federal opportunity programs, a decrease of 19,829 over the preceding month of July. (See Table 4 of the accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during August 1970, showing comparisons with June 1969 and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	August 1970	Estimated June 30, 1971[1]
Agriculture	83,425	82,513	85,300
Commerce	25,364	25,341	26,700
Defense:			
Civil functions	31,214	29,865	31,000
Military functions	1,225,877	1,110,102	1,110,010
Health, Education, and Welfare	102,941	103,305	105,100
Housing and Urban Development	14,307	14,554	16,000
Interior	58,156	59,097	61,100
Justice	35,106	38,599	39,100
Labor	9,723	10,221	10,800
Post Office	562,381	566,301	585,000
State	24,658	23,471	23,400
Agency for International Development	15,753	14,202	14,400
Transportation	60,386	64,729	70,300
Treasury	79,982	85,878	93,500
Atomic Energy Commission	7,047	6,906	6,900
Civil Service Commission	4,970	5,192	5,500
General Services Administration	36,176	35,895	36,800
National Aeronautics and Space Administration	31,733	30,226	30,600
Office of Economic Opportunity	2,856	2,348	2,500
Panama Canal	14,731	14,476	14,900
Selective Service System	6,584	6,609	6,500
Small Business Administration	4,099	3,928	4,100
Tennessee Valley Authority	11,987	12,787	13,300
U.S. Information Agency	10,500	9,931	10,100
Veterans' Administration	147,606	148,837	150,200
All other agencies	26,200	27,396	28,900
Contingencies			15,000
Total	2,633,762	2,532,709	2,597,200

[1] Source: As projected in 1971 Budget Document; figures rounded to nearest hundred.

MODEL CITIES PROGRAM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. SCHMITZ. Mr. Speaker, an article in today's Wall Street Journal concerning the model cities program is highly disturbing in light of certain information which has recently been brought to my attention. This article states that, "The Secretary, Mr. Romney, will eliminate, in a group of selected cities, all Federal review of the local use of model cities money except those reviews required by law." This is to do away with what is termed overregulation.

Besides the obvious and often noted defects of this type of welfare program several incidents which have recently occurred suggest that this program is not overcontrolled but, in fact, not controlled tightly enough. The aspect of control to which I refer is that which sets and administers guidelines for the type of personnel to be employed by the agency and subsidiary organizations. The process and criteria of selection utilized in hiring people to work in this effort will determine whether the program is just generally detrimental to the economy and counterproductive in the long run or whether it is actively revolutionary.

Over the weekend of September 5, the Black Panther Party had a plenary session in the city of Philadelphia to prepare for a full "Revolutionary Peoples Constitutional Convention" which they are planning to hold here in Washington on November 4. They have decided to go into direct competition, it seems, with the Center for the Study of Democratic Institutions to see which group can come up with the most absurd revision of our Constitution. Although they will have to go a long way to top the paucity of thought and absence of any recognizable mental grasp of reality embodied in the center's effort, if anyone can come forth with a greater collection of gibberish it will be the Panthers.

Twenty-two persons on their way to attend the Panther gala from East St. Louis, Ill., were arrested on the outskirts of Philadelphia on assorted charges having to do with possession of firearms. These people all claimed to be members of something called Model Homes, Inc., which is part of the East St. Louis model cities program.

In Denver, one Lauren B. Watson, formerly an organizer and leader of the Black Panther Party from 1967 to 1969, has been named interim administrator of a part of that city's model city program, which goes under the name of Resident Participation of Denver, Inc. Resident Participation, Inc., helps to spend around $30 million in Federal and local funds.

These are but two examples of what is most probably a much wider trend. The people bent on overthrowing the legally constituted Government are making use of money extracted from the taxpayer by the legally constituted Government to do it. This must be corrected. Not only are subversives not being dealt with by the courts, but they are being further encouraged by the Federal Government providing them with a financial base of support for their operations.

A Federal grand jury in Chicago is currently investigating a $927,000 grant to several Chicago street gangs made by the OEO. Unless the model cities program is more tightly controlled than the OEO in terms of grants and employment practices, the same thing is going to happen. Many of my constituents are highly incensed that their taxes are going to support criminally subversive elements in our society.

The article from the Wall Street Journal follows:

MODEL CITIES PROGRAM TO BE A KEY ELEMENT IN ADMINISTRATION'S NATIONAL URBAN POLICY

(By Monroe W. Karmin)

WASHINGTON.—After more than a year of intensive review, the Nixon Administration has decided to adopt the Model Cities program as a major element of the national urban policy it is developing.

Formal blessing of the Model Cities concept—a plan inherited from the Johnson Administration to eliminate urban blight—will come at a press conference scheduled for today by Secretary Romney of the Department of Housing and Urban Development and Secretary Richardson of the Department of Health, Education and Welfare.

In embracing Model Cities as a "key component" of urban strategy, however, Mr. Romney will announce a series of experiments in selected cities designed to gradually reshape the program to the Nixon Administration's liking—a process that isn't without its political implications.

Among other things, the experiments will permit some cities to begin planning citywide rehabilitation that goes beyond previously chosen model neighborhoods. As many of the original model neighborhoods were black slums, the citywide planning concept will enable the Nixon team to extend the hope of future benefits to other minority groups, such as Puerto Rican, Mexican-American and white poor. The Administration, as a political strategy, wants to show a concerned for all underprivileged groups, not just black.

Another group of cities will be allowed to test a merger of the antipoverty program's community-action agencies with the Model Cities program's city demonstration agencies. This could be the forerunner of a more extensive incorporation of the antipoverty community organizations under the HUD umbrella.

The Nixon team is changing the character of the Office of Economic Opportunity, the agency created by former President Johnson to conduct the "war on poverty," from an operating agency to an experimental laboratory. Gradually, it may be phased out, as those of its programs that are deemed meritorious are spun off to other Federal departments.

Tough performance standards will be set in some "weak sister" cities to see whether this approach stimulates the laggards to measure up. The standards also would permit the Nixonites to drop those cities that didn't measure up, even with special technical help from Washington.

There are currently 147 cities in the program, all of which were chosen by the previous Democratic Administration. Politics being what it is, the Republicans would like the opportunity to select future participants, and dropping "weak sisters" on the basis of prescribed performance standards is one way of creating room. So far, three of the original 150 selected cities—North Little Rock, Ark.; Danville, Ky., and Bradford, Pa.—have been knocked out of the program.

In all, some 12 to 18 Model Cities will be selected for Nixonian experimentation at an estimated additional program cost of $45 million. The program, however, won't receive added funding above its current $575 million annual level; instead, the $45 million will be picked up from funds reserved for, but not used by, the "weak sister" cities that either are knocked out of the program or are lagging behind.

Mr. Romney isn't expected to stress, at his press conference, the political aspects of the

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Model Cities experimentations. Rather, he'll emphasize that the program, now that it is an accepted method of dispensing aid to the cities, needs to improve its delivery of Federal funds by cutting bureaucratic red tape.

For support, the Secretary can draw upon the recent report of President Nixon's Task Force on Model Cities. The task force said the program, though conceived as a device to provide local communities with more freedom to decide how Federal funds should be used in their poor neighborhoods, has failed to "fully live up to its promises" because it "has been both over-regulated and under-supported."

Though Mr. Romney, for budgetary reasons, isn't prepared to do anything about the under-support, he will announce a major procedural change to remedy the over-regulation. The Secretary will eliminate, in a group of selected cities, all Federal review of the local use of Model Cities money except those reviews required by law. Now, some six to 10 separate review procedures are required before a city can qualify for money to carry out projects included in its Model Cities plan. It's hoped the change will reduce this to one review.

The Model Cities program gives a bonus to cities that plan comprehensively to eradicate blight in a chosen target neighborhood by using Federal aid programs as well as state and local funds and programs. For the bonus money, the effect of the Romney change will be to test the bloc grant approach that the Administration favors; that is, once a locality's plan is approved by HUD, it will receive the bonus money with the Federal review coming after, not before, the money is spent to insure that the plan submitted was followed.

As for regular (or "categorical") Federal grant-in-aid programs, Mr. Romney will announce that Mr. Nixon will use the power of the White House—in this case, the Domestic Affairs Council headed by Presidential adviser John Ehrlichman—to enforce his mandate that various Federal departments and agencies cooperate with the Model Cities program by giving priority to money requests for projects included in Model Cities plans.

The Federal bureaucracy being what it is, this may be difficult to carry out. Under President Johnson, an interagency task force was created to perform a similar function, without notable success except for the performance of the Department of Health, Education and Welfare. However, those close to the Model Cities program consider the Domestic Affairs Council a more effective mechanism.

SHORT, LONG-TERM SOLUTIONS TO FUEL CRISIS ARE AVAILABLE NOW

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. HATHAWAY. Mr. Speaker, a short article entitled "Scarcity of Energy" appears in this month's issue of Science magazine, a publication of the American Association for the Advancement of Science. It was written by Philip H. Abelson, the periodical's editor, and argues to the conclusion that chief among other possible answers to the Nation's long-term problems in satisfying its needs for energy is the necessity for our becoming more prudent in the use of energy. I ask that Mr. Abelson's contribution appear at the conclusion of my remarks.

Again relative to a long-term solution to our energy problems is an editorial presented September 15 on New York City's WCBS–TV, calling for congressional approval of Senator RANDOLPH'S proposal to create a National Commission on Fuels and Energy. Such a commission, argues the editorial, could "help provide the over-all fuel planning we need, to make sure that when the Nation enters the next century, all systems are go." I request that this material, too, be permitted to appear in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Mr. Speaker, long-term approaches to preserving and expanding our Nation's sources of energy are laudatory and, if we are to effectively supply the amounts of energy our people and their businesses and institutions will require 5 or 10 years from now and beyond, most necessary. But an energy crisis is already here. We are already experiencing its brutal effects.

And so today, Mr. Speaker, I would like to concern myself not so much with the long-term plans we will require tomorrow as with the answers we need today for a present, very real problem. The scope of the problem is represented by the Massachusetts school districts of Dover-Sherborn, Sharon, and Wrentham, and by school districts throughout the Northeast, which may have to send their students home several months or, perhaps, weeks from now because they can get no bids to supply heating oil for their school buildings. The scope of today's problem is also represented by New England hospitals and municipalities, which are presently without assurance of the availability, at any price, of enough residual oil to see them through the winter. And it is represented by the many hundreds of northeastern U.S. factories, which, in order to conserve power for residential use, may be forced to shut down for certain periods, thus causing unemployment for many thousands of New England workers.

On top of all this, fuel industry officials are saying they might not be able to supply adequate amounts of fuel to keep New Englanders warm in the months ahead unless sharp hikes are permitted in oil, gas, and coal prices. Without the price increases, we are instructed, there just would not be enough "incentive" in the industry to prevent fuel shortages.

A public which has already been paying artificially inflated prices for more than a decade under a system ostensibly aimed at protecting the security of our fuel supply from external forces now faces twin internal threats of another 10-percent jump in the price of fuels and serious fuel shortages.

An editorial appearing in the September 24 edition of the Boston Globe asserts that the fault lies in "the spuriousness of the national security argument and the bankruptcy of the oil-import system." And I agree. The editorial goes on to say this:

> Of course, the situation is not entirely the government's fault. The petroleum industry apparently underestimated potential demand for its product, natural gas is in short supply, the Middle East war has produced a worldwide shortage of tanker capacity, nuclear power generation has not increased as fast as had been expected, and the pollution issue has complicated the entire situation, both at sea and in the air.
>
> Yet charges of misfeasance, malfeasance, and nonfeasance seem fairly to lie against the government in this situation, and, in particular, against the Nixon Administration.
>
> The misfeasance was in buying the phony oil industry argument on national defense in the first place. The current crisis proves that the quota system failed to guarantee a domestic emergency supply. What it did was and is to protect the price of petroleum products against competition.
>
> Malfeasance is an adequate description of the President's shelving of his cabinet task force report and the inclusion of a freeze-in of the oil quota system in the trade bill now before Congress. The report recommended phasing out of the quotas.
>
> And nonfeasance is about the kindest thing one can say about the unresponsiveness of the Federal authority in a situation which threatens inconvenience, hardship and even, perhaps, health hazard to this region of the country.

Mr. Speaker, there are two relatively simple steps which can provide great assistance in solving New England's energy crisis, on both short- and long-term bases.

First, the President can, and I fervently urge that he does, unilaterally lift the quota on No. 2 home heating oil, which is currently required not only for residential heating, but also for industrial use, as a low-polluting additive and as an alternative to less expensive but extremely scarce residual oil.

It has been illustrated clearly and frequently in the past several years, most recently by the President's own task force, that the existing mandatory import controls on home heating oil are arbitrary and artificial, and that their inflexible administration, instead of serving a real or in any way legitimate national purpose, unreasonably, unjustly, the people, businesses, and industries of New England.

This year, with the shortage and price pressures greater than ever before, continued avoidance of Presidential prerogative could mean winter price controls and fuel rationing for the people of the Northeast.

Permit me to add with regard to this first suggested solution, that a number of us in the New England delegation have joined in a letter to the White House requesting that the President personally meet and discuss with us what we have chosen to call "the unresolved New England fuel oil crisis." I ask that the text of this letter, sent today to the conclusion of my remarks.

Second, Mr. Speaker, the House of Representatives can, and I recommend that it does, remove from the pending Trade Act of 1970 the freeze on oil-import quotas, a provision which would make it more difficult than ever for American consumers to rid themselves of a system which now, even in its "unfrozen" state, costs between $5 and $7 billion annually.

In Maine, as in other New England States, fuel costs are especially high. The average Maine family of 4, because

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of its heavy reliance on home-heating fuels and the existence of oil-import quotas, must pay $104 a year more than the national average to keep warm. That puts the average cost per Maine citizen $17 over the national average.

I think the Representatives of the unfairly burdened American consumer should have a separate opportunity to this extremely costly provision.

I also believe it is both relevant and important to urge that the President's refusal to follow the recommendation of his task force on oil imports, should not be permitted to offer a basis for denying him or some future Chief Executive the option of canceling the quotas and possibly instituting in their place a tariff system on foreign oil. Any system that allows, indeed fosters, such obviously detrimental effects as the ones I have briefly outlined should not be frozen into law.

Therefore, I call upon my colleagues to move for a full and open discussion of the oil-import question when the trade act comes to the floor of this House in November. An immediate and a long-term solution to our growing fuel crisis are contingent on our doing so.

SCARCITY OF ENERGY

(By Philip H. Abelson)

The United States is now faced with serious short-term and long-term problems in satisfying its needs for energy. In the short-term, there is a scarcity of fuels that meet antipollution regulations; in the long-term, we are faced with depletion of our petroleum and natural gas reserves.

The major air pollutant from stationary sources, SO_2, comes largely from the thermal electric power plants. About 57 percent of the fuel for such plants is coal that typically contains 2 to 3 percent sulfur. To diminish air pollution, a number of cities, including New York, have adopted regulations that require in effect that fuels have no more than 1 percent sulfur. The result has been a curtailment of the use of coal in such cities, for only limited amounts of coal with 1 percent sulfur or less are available.

In an effort to comply with the regulations, many utilities have switched to fuel oil. This year the demand for residual fuel oil has already risen sharply but supplies have not increased correspondingly. The United States makes little residual fuel oil. More than 90 percent of the needs of northeastern United States are derived from foreign sources. Most comes from Venezuela, which produces high-sulfur oils that must be specially treated. Although new refining units have recently been installed, their capacity is not sufficient to meet demands. Another source is the low-sulfur oils of Africa, but their availability is limited by production cutbacks in Libya and by a worldwide shortage of tankers created partly by these cutbacks and partly by Syria's refusal to permit reopening of the Trans-Arabian pipeline. As a consequence of these developments, the cost of residual fuel oil in New York has already increased by more than 50 percent.

Faced with a shortage of oil, some utilities have attempted to turn to natural gas as an alternative. They have found that large supplies of this fuel are not available. Many gas companies are fearful about their ability to supply all the needs of their present customers this winter.

Somehow we will muddle through this present shortage—if necessary, by relaxing somewhat the antipollution regulations. However, the long-term energy problem will require more substantive actions. Not only is the United States depleting its reserves of petroleum and natural gas, but it is not moving decisively to fill the gap. About 74 percent of our total energy requirements are met by oil and natural gas. Importing our total supply of these products would at present cost us about $20 billion a year. We cannot afford such an adverse contribution to the balance of payments. Nor can we permit ourselves to become subject to economic or political blackmail.

Some intermediate-term relief could be obtained by granting higher prices to gas producers and by opening additional areas of the continental shelf. However, there is little visible evidence that higher prices could bring out substantial amounts of either oil or gas, and additional drilling of the continental shelves would increase our environmental problems.

The longer-term solutions to our energy problems involve becoming more prudent in the use of energy. The solutions also demand the skillful employment of coal and atomic energy. In principle, all our energy needs could be met for a long time with coal. This raw material could be processed to yield sulfur-free fuel, liquid hydrocarbons, and methane. In practice, however, the development of the use of coal is limping along and is underfinanced. A few hundred million dollars a year devoted to research, development, and demonstration plants could be the most valuable expenditure the government could make.

WCBS–TV EDITORIAL: FUELS POLICY

The survival of the crew of the crippled Apollo 13 spaceship last April taught us a lesson in courage. But it also taught us a lesson in planning, particularly in the planning of scarce fuels.

For the success of that space rescue was largely due to the precise management of dangerously low reserves of fuel—rocket propellants, food, oxygen and other consumables. We all remember the breathless calculations of just how much fuel was left in the service module, just when to switch to battery power, just when to burn the precious supply of lunar-module propellant for the homeward thrust.

There is a lesson in all this, because the problem of conserving fuel now faces another kind of spaceship—the planet Earth. And it particularly faces the planet's largest consumer of fuels, the United States. By the end of the century, the average American is expected to be consuming four times as much energy as he is consuming now. The resultant drain on our fuel resources will be enormous. More petroleum will be needed in the next 15 years than has been consumed in all the years since oil was discovered. Our uranium reserves may be used up in another two decades under present methods of generating nuclear power.

And coal, while still plentiful in the ground, has become scarce because mining facilities are inadequate to meet the demand, pushing coal prices up 50 percent this year.

Now, our situation is not so desperate as that of the Apollo 13, but the nation still can learn from the astronauts a secret for wise fuels management. For our problem is that America's different fuels are looked after by many different agencies all chasing after different aspects of the fuels problem. What the astronauts had, and what we don't have, is Mission Control—that is a single central authority for planning the optimum use of fuel resources. We need such central planning for production, research, development, consumption and environmental impact.

That is why this station supports a bill recently introduced by Senator Jennings Randolph, Democrat of West Virginia, to create a National Commission on Fuels and Energy. Such a commission, we believe, could help provide the over-all fuel planning we need, to make sure that when the Nation enters the next century, all systems are go.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 30, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,

DEAR MR. PRESIDENT: We, the undersigned members of the New England Delegation, respectfully request the opportunity to personally meet with you at your earliest convenience to discuss the unresolved New England fuel oil crisis.

It is our firm conviction that the presently proposed governmental efforts to relieve our grave fuel oil shortages are still insufficient to avert what we see as an impending crisis of major proportions, threatening the health and safety of our New England constituents.

We do not believe that, at this late stage, the oil industry alone can solve our problems. The government must act. The frost is on the pumpkin in New England, with a long and arduous winter soon to follow. Continued fuel oil shortages will result in unheated homes, in school closures, in factory lay-offs, and even partial paralysis of the New England economy—none of which is tolerable to us. We encounter new emergency situations day by day.

Your report from the Chairman of the Council of Economic Advisers and the Director of the Office of Emergency Preparedness states that, "if the measures taken today together with the initiatives of industry fail to avert a crisis, we shall not hesitate to resort to any additional actions necessary." We assert that we cannot wait for critical conditions to intensify and emergencies to appear before taking action.

The justifiable anxiety of New Englanders due to the existing inadequate supplies requires redress. Consequently, we wish to convey to you our sense of urgency and concern. We ask for an immediate meeting to discuss these critical matters.

TESTIMONY OF ARTHUR GOLDBERG IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 262

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BRASCO. Mr. Speaker, on September 21, the Communications and Power Subcommittee of the Committee on Interstate and Foreign Commerce held hearings on House Concurrent Resolution 262, legislation which I had introduced protesting the treatment of ethnic, racial and religious groups by the television and motion picture industries. At this time, I would like to include in the RECORD the testimony by Arthur Goldberg in support of this legislation:

We are a nation of immigrants. Ever since Christopher Columbus left Genoa in the 15th Century, on the voyages that would eventually bring him to the shores of the New World, men and women from every part of the world have been drawn to this continent in search of freedom, and liberty, and peace.

There are no citizens of this land whose roots are not deeply imbedded in the soil of a foreign land. And no citizen of this country may rightfully claim to be more of an American than any other simply because his immigrant ancesters arrived in this country from one particular part of the world, or were members of any particular faith, or came to this country at some early stage of its development.

And because we are all equally American, our common immigrant background has created in this country history's most successful pluralistic society—an amalgum of cultures and creeds the likes of which the world has never seen.

It is, therefore, a matter of great seriousness that Italo-Americans, who are among our country's most valued and loyal citizens, have been unfairly and inaccurately portrayed in all its many television and motion picture presentations.

Italo-Americans are honored members of the American community. They have made significant contributions to the American culture—in politics and government, in the arts, in commerce, and sports, and in the fullest range of American life.

But more important, even than any of the vast contributions made by Italo-Americans to the public life in this country, is the influence of Italo-American family life upon our culture. The warmth and loyalty of Italo-American families is a matter of great pride—justifiable pride—to Italo-Americans. The values instilled in the children of Italo-American families—honesty, loyalty, and above all faith, have served generations of Italo-Americans and all Americans well. And I think these values ought to be taken to heart by all of us.

What our country needs in these difficult times is not television and the movies portraying any ethnic group in such a way as to draw aspersions to it. We need to recognize and emphasize the positive values of all our citizens. Italo-Americans have a lot to be proud of. And I think America has a lot to be proud of in its Italo-American citizens.

EXPLAINS VOTE ON MILITARY PROCUREMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. EDWARDS of California. Mr. Speaker, for the record I would like to explain my vote on the military procurement conference report passed by the House yesterday. While the bill has much merit in that it gives the President a free hand in supporting Israel, I cannot, in good conscience, vote for $20 billion for military procurement knowing that the disproportionate share of Federal revenue going into the Indochina war and building American armed might is the principal cause of our current inflation and economic stagnation. Nor can I vote for these funds knowing that our national priorities have led President Nixon to veto the education bill and appropriations for housing, urban renewal, veterans' medical needs, and other independent agencies.

My vote is primarily a protest for a reordering of those priorities so that our domestic social and economic problems can receive a reasonable share of the Federal tax dollar. It makes no sense for the President to ask for these kinds of funds for defense and at the same time veto the housing bill because it contains $1 billion or one-twentieth of the military appropriations which would be used for housing and other domestic needs.

While the bill contains some improvements in that it restricts the provision which enables the President to support mercenaries in Indochina, I find that the improvements are not enough to make it palatable. If one believes that the ABM is a mistake, then it makes no difference if the number of sites has been cut back to four sites instead of eight. And the gift of $435 million to special interests to build ships which the President did not even request is difficult to understand.

In closing, let me quote from "The Report on Military Spending" prepared by the Military Spending Committee of "Members of Congress for Peace Through Law" dated July 9, 1970:

> Of major significance . . . is the fact that military spending is not only the major cause of inflation but is itself a major victim in terms of increasing the cost of its own operations. The Indochina War and our continued role in it is a major contributor to the inflationary problems in particular sectors of our economy.

THE CORPS OF ENGINEERS AFTER 195 YEARS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ROBISON. Mr. Speaker, one of our key governmental bodies recently celebrated its 195th birthday, and yet that anniversary brought with it perhaps the lowest degree of public affection this particular organization has before enjoyed. The Corps of Engineers has recently become a villain to most conservationists and, given the nature of the Corps' past contributions, such a role is a most uncomfortable one for it. I would note that the Corps now recognizes the need to respond more vigorously to public concern over the environment, and perhaps much of the criticism leveled against it is currently unfounded.

I would submit that past sins in the environmental area are not good indicators of the current sensitivity of any agency toward such matters, for whatever period of accounting there is to be can only begin—fairly—with our recent awakening.

I submit, for the RECORD, excerpts of remarks made by Stanley R. Resor, Secretary of the Army, which explore the past environmental record of the Corps and put it in proper perspective:

THE CORPS OF ENGINEERS

On the occasion of the U.S. Army Corps of Engineers' 195th Anniversary celebration in Washington, D.C., Secretary Resor discussed the Corps' sensitivity to environmental questions. Following are extracts from his comments:

"Throughout its history the Corps has reacted to the water-related needs of the country. At first these needs were basically to provide water transportation and to protect people from national disasters. Over the years the Congress has expanded the Corps' program by adding, one by one, to the purposes to be served by water resource programs. The latest addition was the current concern for the quality of the environment.

"But long before this the Corps was brought squarely into the business of environmental preservation through protecting against natural losses. Examples are the works to preserve fish and wildlife, the release of stored water for natural parks, beach erosion control, and the Corps' aesthetic design program.

"You are showing the way toward a balanced development of our resources in harmony with preservation of outstanding natural values. In this light the new criteria for issuance of permits for construction and for refuse disposal affecting the navigable waters of the United States reflect the broad public interest as defined by recent legislation.

"During the past year we have seen more and more grassroots political activity supporting preservation of our natural environment and opposing pollution. In this connection, the Corps, along with other governmental agencies, has sometimes come under attack. Many of the critics are public-minded citizens who have developed an honest concern for the degradation of the living area. Not all of them have a complete understanding of the role of the Corps, or of the issues at stake.

"Your chief and your districts have made commendable efforts to answer criticism with reason, make corrections as required, and proceed wherever possible to conserve and develop our valuable natural resources.

"To a considerable extent, many of the criticisms being leveled at the Corps, to the degree they were ever valid, related to an organization which no longer exists. If in the past the Corps ever was insensitive to certain environmental questions, that insensitivity reflected, in large measure, the views of political leaders and much of the American population. It took us many years as a Nation to realize that our natural resources are not unlimited. It has taken time to adjust our public policy accordingly. The Corps always recognized to some degree that environmental issues must be fully developed as part of the total assessment of the pros and cons of a particular project. Under General Clarke and his predecessor, General Cassidy, the Corps has begun to demonstrate even greater sensitivity in environmental matters.

"I believe that meeting the challenge of the environment is by far the greatest task in the years ahead. It will not be easy. There is no simple way to quantify the value of a river in its natural state, or to calculate the point at which the present demands of commerce put too heavy a tax on the future, or recreational development becomes despoliation.

"Striking a balance will require complex analysis and sensitive judgment. We cannot assume that any use or alteration of natural resources is necessarily a change for the worse. For it may actually enhance quality of life. But we also cannot respond blindly to pressures to construct, dredge, and fill, or we will not serve the public interest and will be swept away in a flood of public resentment.

"Where many claims compete for our limited natural resources, we must move cautiously and use every analytical tool we have in recommending when to act, how to act, and when we should stay our hand. We must give much more emphasis to social and aesthetic values. We must obtain much more public involvement in the decision-making process, for shortrun efficiency is not the primary objective.

"What is needed now is a technology which systematically minimizes environmental disruption. You have demonstrated the ability to adopt to new circumstances. The twentieth century environmental challenge presents you with your stiffest test yet in applying that ability to the current needs of society.

"The most encouraging fact is that the Corps is willing and able to do a better job, and is constantly being encouraged to do so. General Clarke, Mr. Jordan, Under Secretary Beal, and I all have a strong personal interest in, and commitment to, sensible environmental policies. We have unlimited confidence in your ability and dedication.

"The happiest aspect of this Anniversary celebration lies not in past accomplishments, distinguished as they may be. Rather, it is in the fact that the future holds the most difficult challenges yet, and that we know that the Corps of Engineers will rise to whatever is required of it. For that, the Nation is grateful; and the beneficiaries will be not just the citizens of today, but generations of Americans yet to come."

AMBASSADOR PHILIP M. KLUTZNICK ON THE VALUES OF MAN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PUCINSKI. Mr. Speaker, recently I paid tribute to Mr. and Mrs. Louis Perlman, of Chicago, who have been awarded the B'nai Brith Annual International President's Medals for their outstanding contribution to mankind.

Mr. and Mrs. Perlman were honored at a banquet in Chicago recently and I would like today to place in the RECORD the remarks of Ambassador Philip Klutznick who was the principal speaker.

Mr. Klutznick was introduced by Mr. Ray Kroc, founder and chairman of the board of McDonald's Corp. Mr. Kroc made an inspiring introduction of Ambassador Klutznick and I shall put both Mr. Kroc's introductory remarks and Ambassador Klutznick's address of that evening into the RECORD.

Mr. Klutznick's speech was one of the most timely pronouncements of our time and I believe those of us so deeply concerned with the behavior of man would do well to read his address.

I call particular attention to the philosophical statement of Mr. Klutznick in which he said:

> Those of us who have a history cannot leave destiny to chance.

Mr. Klutznick has hurled the challenge at all of us as Americans and I believe this speech belongs among the most inspiring documents of our time.

Mr. Ray Kroc's introduction follows and after that the speech by Philip M. Klutznick, honorary president of B'nai Brith and former Ambassador of the United States to the U.N. After the speech Ambassador Klutznick presented the President's medal to both Mr. and Mrs. Perlman. This is the first time that two people—a husband and wife—received two President's medals at one time.

Mr. Klutznick's remarks follow immediately after Mr. Kroc's introduction:

REMARKS OF MR. RAY KROC

The B'nai B'rith is the world's oldest and largest Jewish Service Organization. It is now completing its 126th year of service to humanity. B'nai B'rith has established an enviable record of service, not only for its own people, but for people of all races, creeds and color. Many of our nations and yes, world leaders have come from the ranks of this great organization. The Youth Programs have graduated men and women who are currently leaders in communities across the free world. We are extremely proud to have in our community a young man who has been acclaimed one of the world's great leaders—his talents have been sought and utilized by President Roosevelt, President Truman, President Kennedy, President Eisenhower and President Johnson. He has served his nation and his people with great, great distinction. It is a personal pleasure and a privilege to present the Honorable President of B'nai B'rith and the former Ambassador of the United States to the United Nations economic and social council—the Honorable Philip M. Klutznick.

REMARKS BY PHILIP M. KLUTZNICK

We have two splendid people to whom we pay honor. But, I don't think you honor people by continuing to repeat the things that each of them did. You pay the greatest honor to them by drawing experiences out of their lives and their living wisdom to illustrate a purpose to the life that they live and perhaps thereby give meaning even to your own life.

As I thought about Anita and Lou and today's occasion and last night when we met with the B'nai B'rith Youth Commission, I kept thinking of an experience that I alluded to on one or two prior occasions. Shortly after the six-day war, Ethel and I found ourselves in Israel. We were in Jerusalem in July and one of my dear friends and a friend of quite a few people who are here—Dr. Moshe Davis of Hebrew University came over to have breakfast with me at an entirely unacademic hour of 7:00 A.M. We were staying at the King David. It was a beautiful day—one of those gorgeous days that you get in the Holy City and Moshe came in on time. Together we went out to the patio—a little balcony at the King David Hotel that faced the Old City. Breakfast came in and Moshe put on his yarmulke to make his prayer. After he finished praying, and we sat there together in complete awe looking out over that magnificent scene, he turned to me and he said, "Phil, how wonderful it is to look out at this city and to find yourself between history and destiny."

And indeed, as we looked out at the old city with everything it stood for, and then looked to the right and to the left and saw the new city and everything it promised, we were having breakfast as he said—between history and destiny. And, I kept thinking of it tonight. I started in the B'nai B'rith Junior Organization when it was the A.Z.A. of the B'nai B'rith, when eight other boys and I, forty-six years ago, organized the second chapter in the place called the Heart of America—Kansas City, Missouri. It is history I remember tonight. It was the second chapter—I later became the second Aleph Godol, which means President—I later became the second Grand Aleph Godol which means the Grand President of the AZA as Sam Beber remembers, I later succeeded him and became the Second President of the Supreme Advisory Council. This is my history. Since I was second all the way through so I had to try harder. And tonight—I have to try harder to prove to you that those of us who have this history have a responsibility for destiny. We cannot leave it to chance. And I regret to observe from what I hear and what I see suggests that in our scales of priorities we may be leaving that destiny to chance.

It has been a pleasant evening but now I want to get serious—I want to get terribly serious! At one time in my life when I was reasonably young I served in the government in Washington for the first time. I met a man by the name of Luther Gulick, alive to this day and probably one of the outstanding authorities on public administration then and now in our country. I remember him now because I saw him only ten days ago. As we were nearing the end of World War II this man of profound perception wrote an article that I remember as I stand here tonight. Among the things he said was that as he looked upon the post-war America, a nation of people hungry for things not for values, but for things. And he was right The thing that I never knew was—how right Luther Gulick was and for how long he was going to continue to be right. From the time we were saved by the strength and courage of our young people, our wealth and our capacity to survive the early tragedies of World War II, we have indeed been a nation whose distinguishing characteristic has been an extraordinary hunger for things.

The other day I picked up the Saturday Review. My friend Norman Cousins who, when he has the time, writes an editorial which bites and bites deep, wrote one a couple of weeks ago on this same subject. He entitled it the Intermediate Battlefield and if you will indulge me, I will read and paraphrase it.

He described the world that a mature person should see as he looks at it today. He sees energies and resources of nations being diverted into ever larger ways of expunging or cheapening human life—he sees people preoccupied and swollen with meaningless satisfactions—he sees concepts of brotherhood and social justice held up by society as its guiding ideal, but he finds that his own efforts to act on behalf of these concepts will put him in conflict with that same society. This man feels that people react to youth—in terms of superficialities—hair or beard or clothes—or in the case of girls, absence of facial paint, or fancy hairdress and not in terms of the things that scar youth's vision—and tear at their very gizzards.

This very perceptive able reviewer of our days concludes with these words: "the overriding questions put to us by youth have to do with basic values—whether we are concerned about conditions that make life on earth possible—whether we recognize the need to make people more important than things. Whether we are intelligent enough—we who rule this world, to make the world whole." And he says, the easiest way to close the generation gap is to address ourselves to these questions and to put our dominant energies into developing a sane design for living. That's what we are here for tonight. We are really here to decide whether as mature people we are ready to give up this fight for things and whether we are prepared to join the young people who are teaching us the way to search for a sane design for living.

Two days ago I was in Washington attending a meeting on the governance of Universities. It was a closed session, brought together by the rather prestigious organization known as the Committee for Economic Development, made up of leading businessmen, and outstanding academic figures. It was an extraordinary meeting exploring what was to happen to the university of tomorrow in light of the attitude of the youth of today. I listened to one of the brilliant new type Presidents of the university make what he considered to be an earthshaking observation. He said, in the 1970's more than 50% of all U.S. youngsters eligible for college will be enrolled in colleges. The sophisticated audience was obviously impressed with the sheer enormity of the conclusion. At no time in the history of the world has a country ever had 50% of its youngsters eligible for college able and enabled to attend college. Even though they were impressed with it, I couldn't help but lean back and say to myself, my goodness, the Jewish community of the United States has closer to 80% of the youngsters that were eligible to attend college, going to college. America is changing rapidly before our eyes. It is not a generation gap which I deplore. A generation gap is a very normal thing. Why should my children think like I think?

But there is a generation revolution, not a gap. What was once a gap has become so great it is now a chasm. The chasm is created by a number of conditions which have been taking place before our very eyes which I think we fail to understand or recognize. The importance of the C.E.D. conference was that it was trying to put its finger on these conditions.

One of the speakers enumerated six conditions which he felt made the difference. First, there is a continuing increase in population accompanied by increased wealth. Secondly, there is a demand that we must reorient our priorities of national living. Third, there is an increasing dependence upon knowledge as a gateway to life. There was a time when you could get a good job without having gone to school. There is a time coming when you won't be able to get a job unless you have gone to college. Fourth, there is an increasing specialization. Everybody seeks a specialty. But, there is beginning to develop a demand that the specialist be something more than a specialist—that he be able to relate his specialty to the world of which he is a part. Fifth, there is a loss of anonymity for the colleges and universities. They are now serving so many, they are beginning to be a public utility. Everybody is looking at them. They can no longer hide under the guise that there is a special mystery to knowledge, because nearly everybody is seeking knowledge. And finally, there is an erosion of authority throughout our society. As knowledge increases, there is an obsolescence of the past. A different set of values emerge. And as the revolution in communications continue to erode authority will continue to erode.

Whether you believe all six of these propositions, or you believe only some, you must conclude we are living in a very dangerous and challenging world. We must begin to take a different look at our young people or what we think we built for tomorrow will disappear before tomorrow comes. Eleanor Roosevelt said in her last book, "Tomorrow is now." Now is when the decisions are being made that will either confirm the possibility of a future of glorious consequence or the tragedy that comes when the gap between generations becomes a chasm of disappointment.

XUM

I have talked in general terms. Let me be more particular. When in the State of Illinois we witness a debate between the Governor and the Mayor of Chicago as to who has the responsibility to see our young children get what they need in education, it is a tragedy of supreme importance. I do not take sides in this argument for it is not a debatable question. Our children must have the educational opportunities that the day demands whether the state provides them or the city provides them. When I view the Federal scene and find a long period of time elapsed during which scholarships for college youngsters are deferred; when there is a cutback in these days in the monies we spend for social and economic development of our own country; where I see an absence of priority for the things that build the educational and intellectual strength of the nation, while we literally kill ourselves as we face the tragedy of getting out of an expensive war and continue to justify 80 billion dollar defense budgets; then, I say, we are in danger of destroying our culture and our society.

And, I don't like the percentages that I read of those who like what we are doing. The youngsters of today will not take a world where we play the game with the risk of war instead of devising a new game where we take risks for peace.

But we are here under the auspices of B'nai B'rith and what I have said in shorthand about our nation, I must repeat with even greater regret about my people. There is no people who have a greater commitment to cultural and educational values then our own. And yet when I look about me and I recognize the priorities we ourselves have placed on the training of our young people, on making it possible for them to live the kind of life that they must live tomorrow, I am saddened by what I see. Nearly five years ago I spoke on the subject of priorities in the American-Jewish community of tomorrow. I suggested that there were only two major priorities; one, was the inescapable priority of making certain that the people of Israel are secure and can progress. This is an inescapable priority not only for Zionists but for all Jews wherever they were. We cannot rest until this is assured. In this presence I am delighted to say that I read what Congressman Pucinski wrote on that subject recently when he returned from Israel. He pointed out the fact (going beyond what I had suggested a few years ago) that there is, as I believe, a major and continuing responsibility on the United States of America as the leading Western power to see that a country dedicated to freedom and to liberty continues to live and prosper. I want to compliment Roman for having said it and having said it so well.

But Israel itself is but a myth if the Jewish people of the world themselves don't continue to live as Jews and as responsible citizens.

The reports from the Council of Jewish Federations and Welfare meetings just a few days ago in Boston was both an elevating and depressing report. It announced that the Jews of America for all of the various causes and purposes in the last thirty or more years raised three billion, nine hundred million dollars. The largest part of these funds went to meet overseas need in Israel and throughout the world. Let me now quote from the release: "About one billion, three hundred million in these thirty years was allocated to local Jewish services (I want you to hear the order) such as hospitals, health, family, child care, aged, education, culture, youth services and Jewish National service agencies and overseas agencies received about 27 million dollars.

The time has come when this kind of priority has to change. It is important to take care of sick people—but how much more important is it to take care of well people so that they don't become sick. There has been a complete overturn on the American medical scene. What is happening in the field of helping our youth and what is happening to our educational causes that in a report of this character, they are at the bottom of the totem pole? Permit me to cite two examples out of real life to illustrate what is happening.

A few years ago (there are a few ladies here who I think were present) I was invited to speak to a teach-in about the outlook of the Jewish community of the future. In the question period a lady stood up and told us about her daughter and son who were at a certain university where they will not go to the Hildel foundation because the Rabbi was not very good. She then asked why we do not spend more money and get a good Rabbi. She felt we get some assistance because there were 3,000 Jewish youngsters at the school but all that the Rabbi takes care of is those few who want to study and not those who want to play.

She was probably completely correct. The Rabbi was probably not the most distinguished Rabbi in America. A distinguished Rabbi would never have gone to work for what we were able to pay him, unless he had an extraordinary dedication to young people, which I think this Rabbi had—he couldn't take care of 3,000. I don't know of a Rabbi who all alone takes good care of a congregation of 500, let alone 3,000 youngsters. I told her the only reason her youngsters don't get what they need is because her community and others did not give one cent to any of this activity. This was a fact. We do a little better in Chicago these days. We have had a minor revolution. Today we are the second most important community in America in terms of what we give to Jewish education. Yet, what we give to Jewish education is 50% less than what we give as a community to two hospitals. We are just not looking at the priorities of today's living. We are living in the past. We of the establishment deserve the challenges that we are getting from young people because we are responding very badly to their needs and the needs of today and tomorrow.

I give you one more incident and then we go to the occasion which brings us together. Many people who are worried about young people who are in what is called the New Left. A Zionist oriented organization also was very much worried about the attitude of the New Left. A very bright young man made a terrible charge that the Israelis were like the Nazis. So this Zionist organization sent him to Israel to see for himself. When he came back he affirmed his prior views. They made a miserable mistake in sending him in the first place. This was probably a young man who never had an understanding of the history of his people. Murder in the pogroms at the turn of the century in Russia meant nothing to him, he had never lived through the holocaust. How could he possibly appreciate that, of the Israelis who were fighting to stay alive, half had been virtually dead once before. How does one relate a conclusion in modern days to a history that is unknown.

We who are the establishment still wonder why our children become New Left. In most cases we do not give them the opportunity to have intelligent opinions of their own. We don't expose them to these things early in life. We don't expose them to all of the rich background of their own law and their own people and their own history. We just do not give them a chance for intelligent options. Then when they disappoint us we really have no one to blame but ourselves. If we don't quickly reorient our sense of values in the things that we do—whether in the nation or in the community—we are destined for even greater disappointment.

That is why we are here, because some of us believe that these are not idle words. We live in the freest opportunity to be a whole person that is afforded to anyone in the world, and we believe that we, who are the establishment have an obligation not to tell youth the kind of life youth lives tomorrow, but to at least give youth the chance to be exposed to reasonable options so the decision is an intelligent one.

And that is why you people have come here. But I must give you a note of warning, I want to hang a little crepe because crepe hanging might be the best thing one can do on occasions such as this. We who are in business and who meet payrolls which is a traditional way of saying you are in business, know that inflation is something that has eaten away the very heart of our capacity to either meet our payrolls or maintain our profits at the same level.

Yet, when we look at public life, we expect some miracle to take place there. We expect our Rabbis to work for less because they are Rabbis, even though their families starve. We expect our Jewish youth workers, our social service workers, not to expect as much of an increase as the construction workers, which is my business, but, at least a 6% or 7% that overcomes the eating away of the value of their dollar. How can they teach and how can they preach when they have families in need?

So with all your efforts, the best we will do in 1969 and 1970 is to stand still. With 300 universities asking for more service; with hundreds of localities wanting more youth service (I shall not take the time to discuss the condition of the high schools) we will stand still in 1969 and, if we are lucky, in 1970. The time has come—when those of us who believe in the future—have to corral and put together a union of forces in a national determined effort—combine the youth services with the seminaries, which teach those who teach our children, with the Jewish Centers, combine the American Association of Jewish Education with the Foundation for Jewish Culture and mount a campaign in the Jewish community for education and for our young of at least 35 or 40 million a year—such a major effort will at least counterbalance the weight of completing campaigns for funds and adjust the differential which is now working so adversely to the interest of our youth. This I suggest is No. 1 in the things we must do if we intend to listen to the young people who are so ably represented here tonight. Unless we do, as a nation, and as a people, the tragedy that will follow will not be the fault of the young people but the fault of those of us who hold the power.

My friends, I turn now to the pleasurable part of this engagement. I had arranged with President Wexler unknown to our guests of honor to drop in here tonight and to present the President's medals to our guests of honor. At that time his wife was desperately ill and we hoped and prayed that her recovery would permit his presence. As many of you know she has since passed away and Bill can't be here, so it has fallen to me to finish the third of my functions as a substitute.

A word about the President's Medal. It was conceived in 1953. Its purpose, extremely limited, to pay tribute to people who, in or out of B'nai B'rith, Jewish or not Jewish, who by a significant contribution to the welfare of our nation or our people justified this singular recognition. As the then President of B'nai B'rith, I requested the creation of that medal. It was authorized. The first man to receive it was Bernard Baruch, whose father was a member of the B'nai B'rith and he as well a member of the B'nai B'rith his whole life. Some of us who are here tonight who were there that night, had the feeling that we were putting the medal around the shoulders of a nobleman as he stood erect and as Eleanore Roosevelt, his lifetime friend, stood next to him.

I recall the occasion two years later when one of the great figures of our history, now retired, Chief Justice Earl Warren, honored us by receiving this medal. I met Earl Warren first when he was County Attorney of Alameda County, and when his closest advisor and closest friend was the advisor of our AZA Chapter in Oakland, California. And that night, as on other occasions since, whenever I have met him, we have talked about it—Nathan Harry Miller, who, until his death, kept in good order the accounts and the records of the Chief Justice. Other people of that quality have received this medal. But there have been those within the organization, few in number, who, because of a singular devotion to a cause, or because of years of service or a combination of both have been selected from among their peers to be honored. I shall not name them.

Everybody has told you about Anita and Lou—I can only say one thing about Anita. She is a Susan B. Anthony of the B'nai B'rith. She believes in the status of women. I met her when she believed only in the status of girls and when she solicited me to join her in committing an historic act, something that never happens in social life, the elimination of an organization by its own act. When the Supreme Advisory Council, which only took care of the boys, voluntarily agreed to go out of business so the B'nai B'rith Youth Commission could be born, this was an act of self destruction that few, if any, Jewish organizations have commited since time began. It would not have happened except that this advocate of women's rights, superior in her advocacy, destroyed the defenses of the then President of the Supreme Advisory Council. If Sam Beber had been President, I am sure he could have resisted her, I couldn't, so together we joined in burying an organization and in creating a greater one. She has been consistent, persistent in her belief that first a woman was created and then a man.

I honor her even though she caused me to lose an office. I walked away from my responsibility when I recognized that because of her advocacy we had done an injustice, in the B'nai B'rith—at least woman came second if not first. Throughout all of Anita's work, when Lou was building this business—including the franchises that he hasn't given to us yet—Lou and her family have been her sturdiest supporters. When Lou made his fortune and before that, he started distributing it in little pieces and in bigger pieces of himself and of his where-with-all. No two people have ever been more like a mortise and tenon. They have fitted together singularly well so that it would have been impossible—absolutely impossible—to give a medal to one without giving a medal to the other. So on the genius of President Wexler, he decided we will give them two. The two really should have been one, but he feared that if it were one, we would not know who to hang it on. So it is a tribute to the B'nai B'rith; it is a tribute to the cause for which they both work; it is a tribute to the concept of oneness, without which the world cannot progress; and above all, it is living testimony to the sense of priority that I have labored to suggest here tonight. Therefore, on behalf of the President of B'nai B'rith, I am about to commit an act which is unprecedented—I don't know who should come first—so I give these priceless medals to both at the same time.

OUTSTANDING CENSUS OF MONTANA

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. OLSEN. Mr. Speaker, I would like to acknowledge receipt of the 1970 census report for the State of Montana—the first 1970 census report to provide the official count of the population for my State. The population count for Montana was 694,409, a gain over 1960.

The report also contains the official population counts for each county, each county subdivision, each incorporated place, and each unincorporated place of 1,000 or more persons. A further classification by urban and rural residence is also provided.

I commend the Bureau of the Census for making this valuable information available promptly.

Taking the census is an enormous task, requiring the most careful planning and coordination to complete. The results are of vital importance to all persons. Much planning, many decisions, and a clear vision of the path into the future depend upon accurate census statistics. I know that the census information for Montana is accurate and will be widely useful for Montana residents.

I am certain of its accuracy and completeness because the census in Montana was enumerated by Montanans employed by and working directly with the Census Bureau. My sincere congratulations go to those census takers. They worked with quiet steadfastness and loyalty despite all obstacles—including unusually heavy, spring snowstorms.

Their efforts provided Montana with an outstanding census.

THE PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY SERVES NO USEFUL PURPOSE

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. NIX. Mr. Speaker, the President's Commission on Obscenity and Pornography will finally issue its report today with all the fanfare that can be given to a fraudulent product produced by a Commission armed with 2 million tax dollars.

It is a biased report. It is a report based on faulty human sex experimentation. It is faulty experimentation because the individuals who would submit to this kind of thing for money are not typical Americans. Therefore judgments cannot be made as to the normal American based on experimentation with exhibitionists.

Today, Chairman DULSKI of the House Post Office and Civil Service Committee will introduce bills which will deal with the problem of obscenity.

Senator MANSFIELD has introduced a bill that has been enacted by the Senate.

These bills deserve our immediate attention.

With the need to adjourn in mind it will be necessary for me to reschedule our hearings for mid-November 17, 18, and 19. At that time we will consider not only appropriate legislation but what bearing the studies of the President's Commission on Obscenity have on the subject.

The methods and motives of the Commission are important to our considerations. Their recommendations that our laws be repealed and Supreme Court cases upholding those laws be in effect reversed are a direct attack on the public's right to protect itself from obscenity.

This Commission's work is so bad that both of our political parties are agreed on its worthlessness.

There have been White House comments to the effect that the work of the Commission is the sole responsibility of President Johnson. In order to clarify the record, I will submit certain letters from the only Nixon appointee to the Commission, Mr. Keating, to various White House staffers warning the White House of the mess in the Commission. These letters were ignored.

I think we have to get to work and avoid recriminations which will only benefit the smut peddlers and their advocates. I hope that these letters will clear the air.

The letters follow:

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CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., September 17, 1969.
The Honorable RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

SIR: June 13, 1969, you honored the undersigned by naming him as your first appointment to the Presidential Commission on Obscenity and Pornography. I attended the first meeting of the eighteen-member Commission on August 14. My seventeen fellow Commissioners were appointed by President Johnson.

I understand your Administration, of which I am an ardent supporter, to take the position that pornography and the pornographers must be stopped. The value and need for such a position requires no explanation, as the deluge of pornography has sickened and saddened every decent American. Mr. President, it is my duty to report to you that while the Presidential Commission is an instrument which could very well effect your desires for a decent America, it is not, and with its present constituency, it cannot be. With the exception of Otto N. Larsen, Irving Lehrman, Morton A. Hill, Thomas C. Lynch, Catherine A. Spelts, and Winfrey C. Link, the Johnson appointments, who were appointed to serve "at the pleasure of the President," should be immediately terminated and replaced. A new Commission should promptly install a new Staff.

I must advise you that unless these recommendations are followed forthwith, your Administration will be tarred with the failure of a Presidential Commission which you did not appoint and over which you have absolutely no control.

There are many, many excellent, experienced persons in this country who could be placed on this Commission to cause it to serve effectively and expeditiously. Men such as Melvin Anchell, M.D., experienced author and psychiatrist; Rabbi Robert I. Kahn; Don Cortum, M.D.; Alan Ameche; Archbishop Paul F. Leibold; Hobart Lewis; and Jenkin Lloyd Jones, to name a few.

Respectfully,
CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, Jr.

THE WHITE HOUSE,
Washington, September 26, 1969.
Mr. CHARLES H. KEATING, Jr.,
Citizens for Decent Literature, Inc.,
Los Angeles, California.

DEAR MR. KEATING: The President has asked me to reply to your letter of September 17. He very much appreciates your having accepted the task of serving on the Commission on Obscenity and Pornography. You may be assured the staffing of this Commission is receiving our continuing close attention.

Many thanks for taking the time to write us.

Sincerely yours,
PETER M. FLANIGAN,
Assistant to the President.

CINCINNATI, OHIO, *October 13, 1969.*
Mr. PETER M. FLANIGAN,
Assistant to the President,
The White House,
Washington, D.C.

DEAR MR. FLANIGAN: If it is in order, I would very much like to come to Washington to discuss with you the membership and chairmanship of the Presidential Commission on Obscenity and Pornography.

Perhaps the enclosed letter from the Executive Director of the Commission will interest you.

I shall be pleased to meet at your convenience.

Cordially,
CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, Jr.

COMMISSION ON OBSCENITY AND PORNOGRAPHY,
Washington, D.C., September 29, 1969.
Mr. CHARLES H. KEATING, Jr.,
1811 Provident Tower,
Cincinnati, Ohio.

DEAR MR. KEATING: Your assumption, communicated in your letter dated September 17, that I am advocating a position regarding the control of obscenity and pornography is not correct.

I came to the Commission with no experience in the realm of obscenity and pornography and with neither preconceived ideas about the extent of the problem nor opinions concerning appropriate and desirable solutions to the problem. These facts were made clear to the Commission members when I was being interviewed prior to accepting appointment as Executive Director of the Commission; they apparently deemed this objectivity to be desirable.

Since joining the Commission, I have taken especial care to heed the Congressional injunction to make recommendations only "after a thorough study," and have deliberately refrained from drawing even tentative conclusions about desirable action before the Commission's studies are completed. I am genuinely sorry if my attempts to maintain objectivity are misinterpreted by proponents of either greater or lesser control over erotic materials as "advocating a position"—other than a position of suspended judgment.

The materials which I distribute to the members of the Commission for their information are of three types: One, those items which the staff discovers that seem to present new empirical information relating to the Commission's interest; two, items which various members of the Commission send to the staff with an indication that other members of the Commission would be interested; and three, items which the Commission, including its staff and contractors generates.

The principal item which I recall sending to the members of the Commission, that advocates a position, was the Report by the Working Party set up by a Conference on the Obscenity Laws convened by the Chairman of The Arts Council of Great Britain. This item was explicitly requested for informational purposes by several members of the Commission.

It has been the practice for Commissioners to send items which they would like to have distributed to the other members of the Commission to the staff with a request that they be distributed. We shall be happy to perform this service for you as we do for all members of the Commission.

Sincerely yours,
W. CODY WILSON,
Executive Director.

CINCINNATI, OHIO, *January 10, 1970.*
The Honorable RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

SIR: You were kind enough to appoint me as your sole representative to date to the Presidential Commission on Obscenity and Pornography.

As witnessed in the platform of the Republican Party in the 1968 Election, from your own statements on the subject, from recent pronouncements of the Federal Bureau of Investigation, and from the all-too-visible facts and circumstances of our magazine racks and motion picture screens, obscenity and pornography are wreaking havoc in our society.

The only solution to the problem is in the courtrooms of the United States. A very important background to the future action of the courts is the work and the conclusions of the Presidential Commission.

I am confident that your appointment of the undersigned to the Presidential Commission was instituted by overtures of many of your friends and many substantial Republicans throughout the United States and was based on my deep concern and years of experience in the field of combatting the pornographers. A quick look at your records in the investigations which led to my appointment will re-enforce the validity of your Administration's concern with the problem.

I must insist to you, Mr. President, that unless immediate action is taken to terminate the current leadership by Dean William B. Lockhart, Chairman of the Presidential Commission, to change substantially the membership of the eighteen-member Commission (seventeen of whom were appointed by President Lyndon Johnson), and to replace entirely the Commission staff, that the current activities and the ultimate report of the Commission will do much more harm than good in the fight against the pornographers. Inasmuch as it is a Presidential Commission, I am concerned not only that the pornographers will have taken a giant step toward winning the war but that your Administration will receive the blame.

This is a matter which deserves your urgent attention.

Yours truly,
CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, Jr.

THE WHITE HOUSE,
Washington, February 7, 1970.
Mr. CHARLES H. KEATING, Jr.,
1811 Provident Tower,
Cincinnati, Ohio.

DEAR MR. KEATING: The President has asked me to thank you for your letter. He appreciates your interest in making your views known to him and your comments have been noted concerning Dean William B. Lockhart.

Your comments and suggestions will be carefully reviewed, and your interest in this matter is certainly appreciated.

With best wishes,
Sincerely,
HARRY S. FLEMMING,
Special Assistant to the President.

CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., April 16, 1970.
The Honorable RICHARD M. NIXON,
The White House,
Washington, D.C.

SIR: As your only appointee to the Commission on Obscenity and Pornography, I must beg you to give a moment's attention to the direction of the Commission which, with its final Report now being processed for presentation in July or August, is going to be a source of real embarrassment.

I believe that you as well as I are aware of the deep grassroots sentiment against the deluge of obscenity and pornography. There is no question in my mind but that at best, the Commission's Report will be meaningless and at worst, it will further open the floodgates.

I note that of the 12 members of the National Advisory Council on the Education of Disadvantaged Children which had a budget of $1.25 billion, you replaced eleven of the panel members. I suggest to you that similar action is necessary at once respecting the Presidential Commission on Obscenity and Pornography. The only recourse you have for obtaining a sensible, effective Report is to replace President Johnson's appointees to the Commission.

Please do not be mistaken in thinking that the Report of the Commission will have little impact. I am keenly aware, both in the United States and abroad, of the anticipation with which the Report of this Commission is awaited. It will do either great good or great evil.

Sincerely,
CITIZENS FOR DECENT LITERATURE, INC.,
CHARLES H. KEATING, Jr.

THE WHITE HOUSE,
Washington, May 8, 1970.

Mr. CHARLES H. KEATING, Jr.,
Citizens for Decent Literature Inc.,
Los Angeles, Calif.

DEAR MR. KEATING: Thank you on behalf of the President for writing him as you did on April 16 with regard to the Commission on Obscenity and Pornography.

Your thoughts and ideas have been referred to Mr. Egil Krogh, Deputy Assistant to the President, who is handling matters in connection with this Commission. I am sure you will hear from him in the near future.

Sincerely yours,
HARRY S. FLEMMING,
Special Assistant to the President.

CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., June 5, 1970.

Mr. EGIL KROGH,
Deputy Assistant to the President,
The White House,
Washington, D.C.

DEAR MR. KROGH: Mr. Harry S. Flemming advised me you are Mr. Nixon's Assistant handling matters in connection with the Presidential Commission on Obscenity and Pornography. I am Mr. Nixon's only appointee to that eighteen-member Commission. I write you at a very late date in the life of the Commission urgently warning you that unless my prior correspondence—copies of which are enclosed—is heeded, President Nixon is going to be extremely embarrassed and politically hurt when the Commission issues its Final Report. The Report, incidentally, will be issued in the height of the 1970 election campaign.

As I said in my September 17, 1969, letter to Mr. Nixon: ". . . Your Administration will be tarred with the failure of a Presidential Commission which you did not appoint and over which you have absolutely no control."

Make no mistake about it. Mr. Krogh, the overwhelming majority of the American people is revolted by the pornography in the bookstores, on the street corners, and on the motion picture screens throughout the United States today. The enclosed book *A Report on Denmark's Legalized Pornography* is the latest in a series of documents, articles, etc. that I have received as a member of the Presidential Commission on Obscenity and Pornography from the Executive Director of that Commission, Cody Wilson. The book speaks for itself and is highly representative of the continuing effort of those who control the Commission to achieve their principal objective of having complete freedom for the pornographers or, at worst, to neutralize any possible curbing effect the Commission might have had on the pornographers.

I might suggest that unless the President acts to stop the present Commission, reconstitute and reorient it, the type of pornography depicted in the back of the enclosed book will be commonplace in America—in which event, God help us!

Your truly,
CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, Jr.

CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., July 14, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

SIR: On July 8, 1970, I received in the mails from Mr. William B. Lockhart, Chairman of the Presidential Commission on Obscenity and Pornography, three "Staff-drafted" Committee Panel Reports, totaling 459 pages with instructions that more were to follow. Copies are enclosed with this correspondence.

At the same time I was informed that the contents must be read prior to a general meeting of the Commission on July 13, 14, and 15, 1970, at which time *tentative decisions* would be reached on findings and recommendations of the Commission.

A quick perusal of these documents will demonstrate conclusively the disastrous consequences flowing from the failure of responsible policymakers in this Administration to heed my earlier warnings that an American Civil Liberties Union Staff controlled the workings of the Presidential Commission and that the same must be deterred from conducting this multi-million-dollar operation in a runaway fashion and in defiance of the will of Congress and the American people. Particularly is this apparent in the Legal Panel document.

No longer can my warnings be turned aside for lack of time, more serious matters to attend to, or on the ground that the same are only personal opinions of a partisan—Charles H. Keating, Jr. In repeating my prior advice and warnings, I now call upon and underscore that well-understood legal evidentiary principle *res ipsa loquitor*—the thing speaks for itself. These so-called "Panel Reports" speak for themselves and identify the subject matter as the work product of a runaway Staff. No reasonable person—judge or otherwise—would say that these Reports accurately reflect either the current law on obscenity, the will of the State Legislatures, or the directives of Congress. What they do document is the unacceptable position of a small American Civil Liberties Union minority, operating under a cloak of secrecy as a "Commission Staff" and under the shelter of an ACLU Commission Chairman. That such persons stand on the threshold of being permitted to espouse their abortive doctrines from the high platform of a Presidential Commission is a tragedy.

The result reached thus far points up the tremendous evil flowing from a "secret" Commission Staff which refuses to accord First Amendment rights to the people as a whole. The situation is critical, and there is scant time to apply the necessary correction to get the Commission back on its proper course.

Let me restate my own personal involvement so this letter may have the clear meaning intended. Upon being appointed to the Commission as your one and only appointee, I made known to you and responsible members of Congress the following observations, which have subsequently been confirmed by these "Panel Reports."

(1) The Commission was not functioning as a whole but was under the control and domination of ACLU-member William Lockhart who administered the same through his hand-picked ACLU-oriented Staff and scientific teams, the legal end of which was headed by Paul Bender, an ACLU Director.

(2) That the ACLU aim and objective was and is to abrogate the nation's obscenity laws and that this position was clearly documented and recorded in the hundreds of ACLU *amicus curiae* briefs filed on behalf of smut peddlers in the past fifteen years.

(3) That the manner in which the Commission was being "led" was contrary to the will of Congress, in violation of law (Public Law 90–100), and at odds with the overwhelming desires of the people of this nation.

I attempted to correct the failure of the Commission to function as a working Commission by calling for more meetings of the Commission as a whole and less "Staff leadership." In response, fewer Commission meetings as a whole were called. I asked for the right as a Commission member to *participate* in all Panel meetings. The same was refused. The right to record and study transcripts of Panel meetings was also refused. I was informed that secrecy (confidentiality) was the rule of the Commission. I have asked for copies of all contracts of hire, information on how funds were expended and monies handled, what research teams were hired, and how their services were bid. As of this date, I have not received one copy of such a contract of hire, even though Public Law 90–100 reads as to the "Powers of the Commission"—(d)—Obtaining Scientific Data—"For the purpose of securing the necessary scientific data and information, the *Commission* may make contracts with universities, research institutes, foundations, etc."

Finding it hopeless to participate meaningfully under this "stacked deck" regime, I also asked for a Congressional investigation. Unfortunately, the inner workings of the Staff were not well documented or understood as they now are—after publication of the enclosed Reports. Time has bridged the gap and proved the ancient adage: "Give them enough rope, and they will hang themselves." It is my sincere hope that now that the "cat is out of the bag," this nation's responsible leaders will now move swiftly to bring the weight of their offices to bear against this national hoax.

Certainly your record on obscenity control demonstrates clearly that your Administration is dramatically opposed to the legal position adopted by ACLU Chairman Lockhart and his handpicked Staff. Your excellent appointees, Chief Justice Burger and Associate Justice Blackmun, have both handed down unanimous opinions in obscenity cases during the past term of Court which are dramatically opposed to the distorted notions which appear in this Legal Panel Report.

The immediate question is whether the policymakers on your Staff are willing to saddle your Administration with the tremendous handicap of this "stacked deck." Whereas there may have been some reluctance to take my previous warnings at their face value and take action thereon, these Reports inject a new dimension. There is now available to your advisers a "Staff" record which documents the accuracy of my previous evaluations that the Commission is *not* functioning as a Commission and that personal, rather than public interests are being subserved.

For example, it does not take a lawyer, experienced in obscenity matters, to recognize that the Legal Panel Report is—

(1) A partial, rather than impartial, Report;

(2) Espouses publicly recorded ACLU advocacy; and

(3) Presents distorted treatment of existing case law.

The same can be said of other documents submitted by the Staff pertaining to nonlegal matters.

That this Commission Staff is dealing the nation a "stacked deck" is abundantly clear in the aforementioned Reports, as to which I will now allude to but one typical example—that from the Legal Panel Report. Within the next two weeks, I plan to reply point-by-point to the distortions woven into that amazing document.

To support the ACLU position that the *Roth* rule has now been altered to suggest that commercial exhibition to consenting adults has been elevated to a constitutional right, ACLU counsel Bender repeatedly cites *Stanley v. Georgia* and suggests that the six-to-three vote in that case will lead to that result. Nothing could be further from the truth. It is well understood and documented that Justices Harlan and Warren, who were numbered among the majority of six in that opinion, have repeatedly disavowed anything which resembles that philosophy. Justice Fortas, also of the majority, is no longer on the bench. Further, of the remaining three, the author of the opinion, Thurgood Marshall, gave indications during oral argument before the United States Supreme Court in *Byrne v. Karalexis* on April 13, 1970, that he also entertains no such intendments. Mr. Bender or his representatives must have or should have been in attendance and heard the following colloquy between Justice Marshall, the author of the *Stanley* opinion, and Attorney General Quinn of Massachusetts on this issue. See transcript at page 3, line 17, to page 4, line 18, reading:

Attorney General QUINN: "That is cor-

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rect, your Honor. In our view this appeal presents two equally important issues which ought to be finally resolved by this court. The first is whether the court below abused its discretion in enjoining the District Attorney from prosecuting in the future on account of the showing of the film, "I Am Curious Yellow," which the court below assumed to be obscene. The second is whether under this court's holding in *Stanley* v. *Georgia* any state can constitutionally prohibit public, commercial dissemination of pornographic matter, absent distribution to minors, to nonconsenting adults or by pandering."

Justice Marshall: "What is there in *Stanley* that protects commercial distribution?"

Attorney General Quinn. "That is not the way we read it, your Honor, and I do not think that is the way the author of the opinion wrote it."

Justice Marshall: "Thank you."

It was noted by three attorneys present during the above colloquy that when Attorney General Quinn answered Justice Marshall in such a forthright fashion that Justice Marshall was visibly shaken and evidenced the same in the manner in which he said "Thank you," which was said with sarcasm. One minute later he left the bench.

Further, in regard to the Staff position regarding *Stanley* v. *Georgia*, Bender fails to indicate any significance in *Gable* v. *Jenkins*, decided by the court during the latter part of the current term. Attorney General Quinn in his arguments saw otherwise. See transcript, pages 15–16, where he said:

Attorney General Quinn: "That success depends on the answer to the question 'Can public commercial dissemination of pornography be proscribed by any state.' Before *Stanley* v. *Georgia*, we submit there was no doubt at all about the principle. *Roth* v. *United States*, the leading case on this subject, based that answer on the fact that obscenity is not protected speech within the First Amendment. We agree with Mr. Justice Marshall that the holding in *Stanley* in no way impairs the principle so well enunciated in *Roth*. In fact, only last week this court summarily affirmed in *Gable* v. *Jenkins*, No. 1049 on the docket of the court, a case involving action under the distinguishable statute in the same jurisdiction as *Stanley*, distinguishable from the statute in the *Stanley* case, but a statute very much like that upheld in the *Roth* case and very much like the statute under consideration in the case at bar. The statute upheld *Roth* prohibited a commercial distribution of pornography. The Massachusetts statute, Chapter 272, Section 28A, is of like tenure. It strikes at public dissemination. This, we submit, does not affect the situation like that present in *Stanley* v. *Georgia*."

Associate Justice: "Was that case you referred to last week a denial of 'cert' or an affirmance?"

Attorney General Quinn: "It was a summary affirmance, your Honor."

Associate Justice: "What is the name of the case?"

Attorney General Quinn: *"Gable* v. *Jenkins*, No. 1049. As I recall, I think there were two Justices either abstaining or dissenting, your Honor."

That ACLU counsel Bender failed to record these and other observations is easily understood, for to do so would undermine the entire ACLU objective—open dissemination to consenting adults—which is the common thread of all the Reports.

Although Lockhart and Bender admit to their long-standing ACLU membership but publicly deny their agreement with the ACLU advocacies of abrogation of the nation's obscenity laws, the work product of their Staff shows such position taken by them to be a fraud and a hoax on the public. Both men are intentionally attempting to project a distorted view as to the nature of obscenity and the historical necessity for its control. By controlling the Commission Staff and its research teams and funds, Lockhart is intent upon blocking a projection of contrary views. This situation cannot go uncorrected. I plan to submit a point-by-point response to the Legal Report within the next two weeks and to ask Chairman Lockhart for funds to be set aside to prepare opposition reports to these misstatements of law and fact. Denied this, I am ready to go to court on that issue—the right to have monies allocated for this purpose.

This matter is being brought to your attention at this early date to permit your advisers to evaluate my warnings and recommendations—not on the basis of what I have said would be the result, but rather upon the record of what this ACLU-oriented Staff has done—which has proven my evaluations to be one hundred per cent correct.

It would be my recommendation that you throw the weight of your office against the abortive attempts to be made here and that one of two things be done immediately:

(1) Appoint new members in place of certain of the current members.

(2) Seek out an extension of time to complete the study and ask for additional members to be appointed to the Commission to restore the proper balance.

Respectfully,
Citizens for Decent Literature, Inc.
Charles H. Keating.

Commission on Obscenity
and Pornography,
Washington, D.C., November 14, 1969.

Charles H. Keating, Jr., Esq.,
1811 Provident Tower,
Cincinnati, Ohio.

Dear Charles: After much thought about our last Commission meeting on October 29, I am writing to request you to reconsider your decision not to observe the confidentiality policy approved unanimously by all other members of the Commission.

Because of your late appointment in June 1969 to succeed Judge Keating, you did not participate in our original organizational meeting in July 1968. In that meeting, the Commission decided unanimously to keep its deliberations confidential except for reports or statements issued by the Commission itself and any dissent thereto. Implicit in that decision was the confidentiality of research reports and drafts of proposed reports until released by the Commission. All Commission members have faithfully followed this confidentiality policy, viewing it as essential to effective fulfillment of the Commission's task.

This explains the surprise and dismay among the Commission members when, as we discussed means of insuring confidentiality of tentative drafts of Panel and Commission reports, you informed the Commission that you would not respect the confidentiality of any Commission document or of any discussions in Commission meetings. I appreciated your frankness in making explicit your disagreement with the confidentiality policy.

Since you did not participate in the original decision establishing this policy, you were entitled to have the issue reconsidered in the light of your expressed conviction that Commission discussion and documents should be as much in the public domain as debates on the floor of Congress. I therefore appointed a committee chaired by the Attorney General of California to consider the confidentiality policy. As you know, that Committee recommended and the Commission approved the following policy:

In line with the common practice of commissions, it is the policy of this Commission to keep confidential the deliberations of the Commission and the various panels. There shall be no dissemination or publication of any papers, discussions, or reports without the express authorization of a majority of the Commission.

The vote was unanimous, save for your one dissent.

Despite your statement immediately after the vote that you did not consider yourself bound by the Commission's action, I hope that on reconsideration you will decide to accept and observe the procedure adopted by the Commission to govern its operations in a 15 to 1 vote (really 17 to 1; both absent Commissioners concur in the decision). The reasons for the policy are most persuasive. Indeed, the policy is essential to effective functioning of the Commission in this sensitive area. Let me outline some of the reasons for your thoughtful consideration.

Please keep in mind that the confidentiality policy refers to *premature* disclosure of discussions, data, tentative reports, proposals and the like before they have been analyzed and approved by the Commission, and incorporated in a balanced report that reflects the Commission's judgment on these sensitive issues. The Commission encourages vigorous advocacy of conflicting views and interpretations of data within the Commission as a means of formulating a balanced judgment. And as the Progress Report released last summer shows, the Commission recognizes the right to dissent publicly when the views of the majority have been formulated. It is only premature public disclosure and discussion that the confidentiality policy forecloses and that for the following reasons.

1. The threat of premature disclosure of Commission discussions will inhibit the free and open exchange and discussion of ideas, viewpoints, and proposals that are so essential to arriving at a soundly based, balanced judgment on the critical and sensitive issues before the Commission. Members of the Commission must feel free to advance for consideration views or proposals tentatively held, or suggested to them as worthy of discussion, without fear that they or the Commission will be charged publicly and premature with holding views that do not in fact represent their considered and mature judgment. We have on the Commission members in sensitive public positions, as well as members from various mass media whose freedom to enter into discussion will be seriously inhibited if they are under the threat of a public disclosure of statements made or positions taken in discussion prior to the authorized release of the Commission's considered conclusions.

2. The threat of premature disclosure will inhibit the development and discussion within the Commission as a whole of proposals for control of obscenity. These proposals are efforts to see what can be done by way of developing workable definitions and methods of control, but their unauthorized public release would give the impression that they represent the conclusions and recommendations of the Commission.

3. The threat of premature disclosure would dry up sources of information about the pornography industry. You will recall that two members of the Commission stated that information in their possession concerning those involved in pornography and its distribution could not be disclosed if the information is not to be kept confidential. Further, disclosure of any part of the considerable volume of data we are presently obtaining from those in the pornography industry would immediately dry up all such sources of information. Without the confidentiality policy the information thus obtained could not be laid before the Commission for discussion until all our investigatory work is completed.

4. Premature disclosure of details concerning ongoing research, or of tentative findings based upon partially completed research, would jeopardize the successful and accurate completion of our difficult research program. Social science research is peculiarly sensitive to publicity; the results can be warped by advance publicity concerning the study being

made. For example, one research study of importance had to be cut short because publicity about it reached the local papers. For dependable results in the Commission-sponsored research we simply must preserve confidentiality.

5. Premature public disclosure of discussions and tentative draft of reports and proposals in this emotion-charged area would create false hopes for some and false fears for others and place the Commission in the middle of a public debate and controversy inconsistent with its obligation to make a dispassionate study. Such intermittent public disclosure by its very nature cannot encompass the range of the Commission's interests or keep them in reasonably accurate focus. There will be ample opportunity for public debate when the Commission completes its study and releases its data, its conclusions and recommendations, along with such dissents as may develop within the Commission. At that point the Commission's recommendations will doubtless be the subject of extensive legislative hearings in Congress and the state legislatures.

I am sure you are aware that considerations such as these have caused the development of the common practice among study Commissions such as ours to adopt similar confidentiality policies. Since our October 29 meeting, I have checked on the practice and have found no Commission that did not observe such a policy. For example, this was true, as you know, in the recent Presidential Commissions on Crime and on Violence.

Charles, you can be a very real asset to the Commission. You can bring to our deliberations a background and knowledge about our problem that many Commission members lack. I urge you to reconsider your point of view to avoid circumscribing your useful relationship with the Commission and the consequent effectiveness of your contribution to its work during the all-important months ahead.

After you have given this a few days' thought, please let me know your decision concerning adherence to the confidentiality policy.

Sincerely,

William B. Lockhart.

Cincinnati, Ohio, *November 22, 1969.*

Dean William B. Lockhart,
Chairman, Commission on Obscenity and Pornography, Washington, D.C.

Dear Dean Lockhart: I appreciate your taking the time, thought, and evident effort to write me your November 14 letter.

We are in basic conflict. I consider the floodtide of filth in magazines, paperbacks, and on the motion picture screens of America to be an imminent danger to our nation. I am quite sure that when Congress passed legislation and the President signed it, thus creating the Presidential Commission on Obscenity and Pornography, that the underlying rationale was that there was a serious problem, about which something must be done—positive control of the pornographers.

I observe the Commission engaged in debate as to whether there is a problem and even as to whether or not there should be any controls. Recourse for factual information, legal advice, and philosophical theory from the academic community never appealed to me as a method of learning about the obscenity problem or controlling the pornographers. Indeed, the fruits of the Commission's expenditures of time and money in this area confirm my observations.

I think our society, which groans under the burden of obscenity, is entitled to know what is being done. The immediacy of the problem will not tolerate a "wait and see what's done" attitude on my part.

I, evidently opposite to all other members of the Commission, believe that the Commission should immediately undertake a factual investigation and revelation to the public of the facts and figures and persons in the pornography industry in the United States. Cocurrently, I believe that the Presidential Commission should have studied and should now be recommending to judge, prosecutor, and law enforcement officer how (basically under existing laws) to arrest, prosecute, and convict and thus stop the pornographers.

You referred at one point in your letter to Attorney General Lynch of California who stated that information in his possession concerning those involved in pornography and its distribution could not be disclosed to the Commission if the information is not to be kept confidential. My reply is that Mr. Lynch has been Attorney General of the State of California during a period wherein that state has become perhaps the world's leading source for the most vile and depraved and perverted printed and pictured material that was ever released in the history of man. I would observe that perhaps the information he is keeping confidential should have been disclosed a long time ago.

My conclusion is that I trust the intelligence and the ability of the American people to absorb and properly act upon a variety of information as well as I trust any member of the Commission to do the same thing. I cannot agree with the policy of a Commission dealing with a problem so intimately associated with the moral welfare of the people of the United States, funded by those same people and staffed by the President of the United States, which keeps secret its information and its deliberations. Accordingly, I continue to decline adherence to the confidentiality policy.

I note that under the terms of my appointment I serve "during the pleasure of the President of the United States for the time being." I suggest that if you feel the Commission cannot fulfill its role in view of my position that you write the President suggesting he withdraw my appointment. Otherwise, I have no intention of resigning, and I know of nothing which prohibits me from attending Commission sessions.

Yours truly,

Citizens for Decent Literature, Inc.,
Charles H. Keating, Jr.

Cincinnati, Ohio, *November 24, 1969.*

Dean William B. Lockhart,
Chairman, Commission on Obscenity and Pornography, Washington, D.C.

Dear Dean Lockhart: Because of our deadlock on the "secrecy" problem and the probability you will not have a fair chance to solve it prior to the December 2 meeting of the Legal Panel, I will not attend the meeting.

A further reason is that I consider it futile to try to take any meaningful action to combat the pornographers when much of the work of the Panel centers on our Chief Counsel who is a member of the American Civil Liberties Union.

You will be interested in the enclosed opinion of Judge Simon Leis regarding *Vixen*.

Yours truly,

Citizens for Decent Literature, Inc.,
Charles H. Keating, Jr.

Cincinnati, Ohio, *December 20, 1969.*

Dean William B. Lockhart,
Chairman, Commission on Obscenity and Pornography, Washington, D.C.

Dear Dean Lockhart: Please advise me of the time and place of all Panel meetings. I assume I am welcome to attend any or all Panel meetings at my discretion. Please advise in this regard.

Yours truly,

Citizens for Decent Literature, Inc.,
Charles H. Keating, Jr.

Commission on Obscenity
and Pornography,
Washington, D.C., January 2, 1969.

Charles H. Keating, Esq.,
1811 Provident Tower,
Cincinnati, Ohio.

Dear Charles: I regret that my absence for a week at the annual meeting of the Association of American Law Schools, where I shed my responsibilities as President, prevented my seeing until today your letter concerning panel meetings, forwarded to me by Cody Wilson.

As I indicated in my letter of September 19, it is my view that members of the Commission may attend, as observors, meetings of panels to which they are not assigned. In attending the meeting of a panel of which he is not a member, a commissioner is there to observe—not to participate as a member of the panel. If we are to get on and complete our work, it is simply not possible to take the time to give to those from other panels the necessary background to enable him to meaningfully participate in the discussions. But each panel's findings, reports, and recommendations will be subject to clarification and full discussion at meetings of the whole Commission that will be scheduled as the research results unfold.

You should be aware, of course, that the reports, evidence and discussion at the panel meetings are subject to the confidentiality policy established by the Commission. There is no intention to stifle criticism of the "direction" of the Commission's work—though you are badly mistaken in your interpretation of our direction—but it is essential that there be no release of reports, research, data, evidence, or internal discussions until authorized by the Commission.

The Traffic and Distribution Panel is scheduled to meet in Los Angeles on January 6 and 7, and the Effects Panel in New York on January 14. I will ask the staff to send you details concerning these meetings. Ordinarily we cannot pay travel expenses for one who is not a panel member to go to a panel meeting so far away as the Traffic Panel meeting on this occasion. But because of your strong interest in the work of that panel, I will authorize your expenses on this one occasion if you wish to attend. I think we can ordinarily meet your expenses to attend panel meetings other than your own when they are held in the East, but we may have to reconsider this practice if many Commission members desire to attend panels not their own because of our limited budget that must cover all of our future expenses until we wind up the work of the Commission.

I should add, so that there will be no misunderstanding, that in my opinion the Commission will not be justified in compensating with a salary per diem voluntary attendance at the meeting of another panel as an observor. That is outside a Commissioner's assignment; the evidence and findings of each panel will be available for discussion and consideration by all Commissioners at the appropriate time at the Commission meetings, for which there will be compensation.

Sincerely,

William B. Lockhart,
Dean.

Citizens for Decent Literature, Inc.,
Cincinnati, Ohio, January 10, 1970.

Dean William B. Lockhart,
University of Minnesota Law School,
University of Minnesota,
Minneapolis, Minn.

Dear Dean Lockhart: Thank you for your letter of January 2.

I will appreciate your having the Commission advise me of the time and place of the meetings of the various panels. There is no need for the Commission to concern itself with the question of my expenses, travel or otherwise, in attending such meetings as

I choose. I will cover my own expenses in this regard. I understand that attendance does not carry with it the prerogative of participation. May I send personal representatives to sit in on these sessions?

I must reiterate for the reasons mentioned in my letter of November 22, 1969, that I do not consider myself bound in any way to the Commission or the Panel's policy of "confidentiality."

Yours truly,

CHARLES H. KEATING, Jr.

COMMISSION ON OBSCENITY AND PORNOGRAPHY,
Washington, D.C., January 19, 1970.
CHARLES H. KEATING, Jr., Esq.
Citizens for Decent Literature, Inc., Los Angeles, Calif.

DEAR CHARLES: I have your letter of January 10.

I will arrange for the staff to inform you of the time and place of meetings of the various panels.

For the reason stated in my letter to you of September 23, 1969, it is the Commissioners themselves who are permitted to attend panel meetings, not personal representatives. I am sure the Commission would not authorize representatives of Commissioners to attend panel meetings and I cannot do so.

You realize, of course, that I cannot waive the Commission's ruling on confidentiality. It is my obligation as chairman to make clear to all Commission members their obligation in this regard. I have already explained the reason for this policy.

Sincerely,

WILLIAM B. LOCKHART, *Dean.*

XUM

NEAR-DICTATORIAL DRIVE BY HUD FOR PLASTIC PLUMBING MATERIAL

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. NICHOLS. Mr. Speaker, the Department of Housing and Urban Development has started a program aimed at getting plastic approved as a plumbing material in various municipal codes. Most of the affected municipalities previously listed iron soil pipes the preferred material. HUD has been successful in many of these cities because the municipalities are threatened with the refusal of Federal funds if they do not comply.

This near-dictatorial drive by HUD is causing great concern among my constituents in Anniston, a city generally referred to as the Soil Pipe Capital of the World.

The soil pipe industry has always conducted numerous tests on their products before they have been put on the market. On the other hand, I recently observed tests here in Washington which showed that in many cases, plastic pipe does not stand up under stress.

Mr. Speaker, my constituents who are concerned, either directly or indirectly by this action, are not the only losers. The consumer often is a loser. I feel that either a contractor or some "middle man" will realize a gain from the cheaper material and the ultimate consumer will realize a loss in future failures or repairs that will inevitably have to be made.

I respectfully ask that the Department of Housing and Urban Development withdraw this requirement which seems to be just another power-grabbing action which our Government is, unfortunately, becoming famous for.

THE WAR ON POLLUTION HAS NOT YET STARTED

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. COLLIER. Mr. Speaker, the serious problems of environmental health control have belatedly drawn the stern attention of the American people as the ugly consequences of air and water pollution are felt more with each passing day.

While all programs of this magnitude are costly, we must not fall into the trap of trying to measure the effectiveness of these programs merely in dollar signs. Primarily, stricter enforcement of existing laws is as vital as the new laws that must be enacted.

Presently antipollution operations and activities are spread through 95 agencies of the Federal Government. Consolidation must take place. Existing laws must be used. Changing the inefficient buckshot system of sporadic enforcement that we have now must be the first priority in the war against pollution.

At this point in the RECORD, I would like to offer an excellent article that appeared in the Des Plaines Herald Day, a fine daily newspaper in my district. It is entitled "Needed: A Basic Decency" and is written by Ken Knox:

NEEDED: A BASIC DECENCY

(By Ken Knox)

It's been said more times now than can be counted: all the laws in the world aren't worth a bit if they aren't used.

That applies to new laws as well as old ones, and it's especially pertinent now in the wake of the wave of hand-wringing about pollution.

The cry is for new laws, and tough laws, and vigorous enforcement—action to crack down on the polluters, and get our water and air cleaned up.

But slowly, it's coming clear that a lot of that is just so much forensics and gymnastics—that what's really needed is some basic decency from the polluters, which is unattainable; some honest commitment from political leaders, which can't permit any compromise; and someone to scour through the old laws, which is the rub.

Things need never have gotten as bad as they are; we know that. But we haven't received much decency or commitment, and we certainly haven't used the laws we've had.

We've had one, in fact, for 71 years, and its near total disuse provides a pungent indictment of our own commitment, and of where our leaders have put their concern while the environment eroded and deteriorated.

The law is a clear and direct one, and the next time you hear one of your legislators railing on the need for new and tough antipollution legislation, ask him if he ever heard of it.

It's the Federal Refuse Act of 1899, designed specifically to combat water pollution. Its scope is vast, prohibiting anyone, including any individual, corporation, municipality or group, from throwing, discharging, or depositing any refuse matter of any kind or any type from a vessel or from a shore-based building, structure or facility into either (a) the nation's navigable lakes, streams, or other navigable bodies of water, or (b) any tributary to such waters, unless he has first obtained a permit to do so.

"Navigable" means water sufficient to float a log at high water. "Refuse" has been broadly defined to include all foreign substances and pollutants. Permits would have to be obtained from the Secretary of the Army through the Corps of Engineers.

The scope of the law is decidedly broad enough to touch on most basic forms of water pollution, and it encompasses routine littering as well, prohibiting the placing on the bank of any waterway any material that could be washed into the waterway.

Penalties are strong, too, with fines of $500 to $2,500 per day or instance of violation, and prison terms of 30 days to a year.

And yet the polluting goes on, and has gone on since 1899 and before.

We must either assume the Corps of Engineers has given permits for all of it, or the law—curiously—was overlooked. We know the Corps of Engineers isn't THAT bad.

Some insight into all this was shed at a recent Senate subcommittee hearing on pollution. Assistant Interior Secretary Carl Klein revealed that industries are dumping 4,800 pounds of lead pollutants into the Mississippi River between Baton Rouge and New Orleans every day. And some are pumping in arsenic as well.

Reminded of the 1899 Federal Refuse Act, Klein shrugged it off and said what's really needed are tough new laws. Until then, the lead and arsenic will continue to flow.

Can it be that the 1899 law doesn't get any attention because it doesn't have enough loopholes?

I don't know. But what does make sense is Sen. Philip Hart's retort to Klein: "If there is a danger, go after it. Don't tell Congress to pass a new law when you don't use the one you've got."

AFTER NASSER—WHAT?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. SIKES. Mr. Speaker, the unexpected death of President Nasser of Egypt has created consternation among free-world leaders and deep and earnest grief among Arabs. He was the only Arab leader who enjoyed world stature. He has been the dominant figure among Arabs in the Middle East for nearly two decades and his leadership there was unquestioned. He was hailed for his efforts to improve the lot of the little man in a poor country—always a commendable trait—and his personal popularity was such that he could survive two disastrous wars with Israel and still retain his position of strong leadership in his own country and in other Arab nations.

It was Nasser's acceptance of the American cease-fire proposal which set the stage for peace talks between Israel and the Arab nations and it was Nasser more than anyone else who worked out a compromise which ended the civil war in Jordan. Consequently, there are many who take the position that Nasser was the only Arab with sufficient stature to bring stability to the Middle East. They feel that the preservation of peace will not be possible without Nasser's strong hand. Admittedly, hatred, revolution, and war have long beset that part of the world. Arab factions are warring against each other and against the Jews.

The Palestinian refugees have too long been ignored. They have legitimate grievances and their leaders are now becoming dominant in many parts of the Arab world. It is obvious that the area faces a period of great danger; that conflict can break out at any moment. Uncertainty is aggravated by the fact there is no one of stature to whom the Arabs can now turn. Even so, the death of Nasser may not be as great a catastrophe as many have feared. Without a strong leader to hold them together and to shape their destiny, the nations of the Arab world are less likely to mount a coordinated and effective attack against Israel. The prospects of peace may have dimmed and real peace may be a long time coming. But there is opportunity for the Western Powers to seek new coalitions which can be useful to the cause of peace. There is also opportunity for the Western Powers to seek the offset the Russian influence which so rapidly is becoming predominant throughout the area. All is not lost. The hand-wringing which we see on every side seems a little premature.

A THANK-YOU LETTER TO CONGRESS FROM A VETERAN

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. GARMATZ. Mr. Speaker, we all know that our constituents and the public in general are quick to let us know when our actions do not meet with their approval. A note of thanks is quite unusual.

Therefore, it was a special pleasure to receive a letter from Mr. James Thompson of 1021 South Sharp Street, Baltimore, one of my constituents, expressing his gratitude to the Congress for the disability compensation he receives. He is totally disabled and the compensation enables him to live with dignity and self-respect, certainly something to which our disabled veterans are entitled. His letter follows:

BALTIMORE, MD.,
September 25, 1970.

Subject: A Letter of Thanks.
To: The Congress of the United States of America.
Washington, D.C.

DEAR SIRS: I am a disable veteran, one-hundred per-cent disable. I get four hundred dollars a month compensation.

I wish to thank The Congress of The United States of America for this award given to disabled veterans.

You can not imagine how much I appreciate this money. I would not know what I would do if it was not for the generosity of the Congress of the United States of America.

Not only have you made me to live with dignity by giving us veterans compensation for our service connected disabilities in the first place, but from time to time given us an increase with other military and civilian personnel on active duty.

Today I am independent of my family. I have a house, rented though it may be, I have sufficient clothing and food.

Thus you, the Congress of the United States of America, have made it possible for us disable veterans to have the three necessities of life, raiment, shelter and food at a cost to the American people. And by spending our compensation wisely, we also have money for entertainment. For this I am thankful.

Again, sirs, the Congress of the United States of America, I wish to give you an exclamation of applause and a vote of confidence.

Again thanks.
Sincerely yours,
JAMES THOMPSON.

SALUTE TO FARM COOPERATIVES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. FINDLEY. Mr. Speaker, the contribution of agricultural cooperatives to farmers and the Nation's economy will be recognized during the month of October which is Cooperative Month. Cooperatives serving the interests of the people that own them have an annual business volume of $17.4 billion. Some 6½ million people in the great rural areas of our country are members of cooperatives. Nearly $13.5 billion worth of farm products were marketed cooperatively during the past year with dairy, grain and livestock products leading in sales volume.

Farmers are big customers also and during 1969 purchased more than $3.5 billion of their production supplies from cooperatives. This should be ample evidence that farmers have been doing an excellent job of serving themselves through the farm cooperative movement. With continuation of the farm cost-price squeeze, farmers and their cooperatives must continue to expand their services and their efficiency of operation.

I am proud to report that my home State of Illinois ranked fourth in the Nation in the business volume of farmer cooperatives with more than $1 billion of business during the fiscal year 1968-69. This represented an 11 percent increase over the previous year. Some 360 farmer cooperatives have their headquarters in Illinois and these have more than 400,000 members.

Cooperatives in Illinois and the Nation as a whole are an important segment of the agricultural industry. Through cooperatives our Nation's rural citizens work effectively to improve their economic conditions providing benefits for both producers and consumers.

The cooperatives in Illinois, on October 1, will be launching their cooperative month's activities by holding a banquet in Springfield. I am particularly proud that Mr. Melvin E. Sims, president of the National Council of Farmer Cooperatives, is a good friend and constituent of mine. I know first hand of the outstanding work of Mr. Sims to improve agriculture and the lot of the farmer. Today, on the eve of Cooperative Month, I would like to call the attention of my colleagues in the House to the great contribution being made by men throughout the Nation like Mr. Sims—men dedicated to the improvement of conditions on the farm and in their communities through cooperation.

By this means I ask that all join me in saluting the men and women working in our great cooperative movement for the contributions they have made.

ADMINISTRATION'S FUEL OIL PLAN DOES NOTHING FOR CHICAGO

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, yesterday the administration announced its plan for meeting the fuel oil emergency which threatens our Nation. They should not have wasted the taxpayers' money on printing the material and on staging an elaborate press conference.

For they labored and came forth with nothing. Even worse, the administration has perpetrated a cruel hoax on the American consumer: The new plan is being claimed as an answer to the high prices and short supplies which threaten the people of the Middle West and other areas of the Nation. But, in actual fact, it will mean higher prices and no additional supplies.

I am deeply disappointed and shocked that nothing was done about the critical problems facing the Middle West in general and the Chicago area in particular.

For nearly 5 months, I have been warning of high prices and short supplies of No. 6 fuel oil in the Chicago area. I have had meetings, sent letters to the President, and done everything possible to alert the people here in Washington who control our oil-import policy that a serious crisis threatened. Joined by many others, I have pointed out that universities, hospitals, apartments, and industries in the Chicago area are not able to secure firm contracts for fuel oil. We have supplied data indicating that Chicago is 25 percent short of its needs for the coming winter, and a No. 6 fuel oil supply gap of 50,000 barrels a day is threatened.

I and many others have presented concrete proposals for relief. And what has been the response? Nothing; a few soothing words yesterday, a little gimmickry, and a new study committee, but, in essence, what the Middle West has been offered is, to repeat, a cruel hoax.

We have gotten nothing but the prospect of continuing escalation of prices and cold factories, schools, and hospitals.

The failure of the administration to act has strengthened the resolve, I am sure, of all of us in the Middle West, and particularly Chicago, to get prompt, effective action. I pledge our continuing efforts until a real solution has been announced and I restate my urgent request that the administration take the following steps:

First. Order immediate decontrol of all imports of crude oil from Canada into the Middle West. There is no justification in law for maintenance of these controls in normal times; there is no justification in law or morality for the controls in a time of emergency. These increased imports would enable our refiners in the Middle West to turn out additional quantities of badly needed heating oils.

Second. Adopt immediately a residual fuel oil incentive program for refiners in districts I–IV. Under such a plan, domestic refineries would be encouraged to produce residual fuel oil by awarding them an import license for 1 barrel of crude oil for every barrel of low-sulfur fuel oil they produce. And instead of a price increase for residual oil, which the administration favors, we could have a reduction in price to consumers of this vital product.

Third. Consider, as a long-range solution to the problems of the Midwest, giving that area access, beginning on July 1, 1971, to overseas supplies of residual fuel oil on the same basis as district I.

Mr. Speaker, oil import policy—and therefore oil prices and supplies—are controlled here in Washington. One man, the President has control over the level of imports coming into the United States.

I therefore call upon him, and the other oil policy leaders here in Washington, to lay thoughts of politics and elections aside, and hear our plea. We in the Middle West and Chicago, are in trouble; we need help; we have a plan for relief; it must be adopted.

XUM

A TRIBUTE TO DICK POWERS ON RETIREMENT FROM THE ASSOCIATED PRESS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BLATNIK. Mr. Speaker, Dick Powers retires as regional correspondent for the Associated Press today, after 28 years on Capitol Hill. He has my highest esteem as a genuine, conscientious reporter, dedicated, impartial, and above all modest, who leaves behind him a long record of high-level reportage, and the high regard and warm affection in which he will always be held by so many who have come to know him well.

I consider Dick a close personal friend, and respect him as an able and completely impartial reporter.

He numbers among his personal, as well as professional friends, high officials on both sides of the aisle; Governors and past Governors of the States he covered for the AP—Minnesota, Michigan, and Wisconsin—and the Representatives and Senators about whom he wrote so fairly over his 28-year career.

I met Dick when I first came to Washington in 1947. He struck me then as a quiet, friendly man—a shrewd judge of character, a newsman who would skillfully weigh the event or situation, and put it in its proper perspective.

He is the kind of skillful reporter who takes any assignment in stride, no matter how technical, fully understands it, and explains it concisely to his readers.

Dick is extremely modest about himself and his family, but the glowing pride he feels for them showed up on rare but justifiable occasions. His eldest son, John, is a former marine and now a Reserve Marine pilot. He is ordained by Princeton Theological Seminary, earning him the affectionate nickname "flying parson." He is now working for his doctorate in physics at the University of Pennsylvania.

Dick's second son, Richard, served in the Army, graduated from Union Theological Seminary, and is working for his masters and then his doctorate degrees from Temple University.

Jane, their daughter, is a University of Maryland graduate working for the Department of Labor.

Throughout his 28 years in Washington, Dick Powers has steadfastly pursued the story behind the story, and shunned the glitter and splash of sensational journalism. The glow of the true reporter has grown of its own accord into a solid long-term record of performance, and will last long after he retires.

His friends on the Hill wish him and his lovely and gracious wife many, many years of continued good health and truly earned pleasures of retirement.

QUESTIONNAIRE

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. MESKILL. Mr. Speaker, I am pleased by the response of the residents of the Sixth Congressional District of Connecticut to my most recent congressional questionnaire.

The interest and concern of my constituency is evidenced by the fact that over 18,000 questionnaires were returned, which is an extremely high rate. This means that the views of more than 34,000 residents in my district were sampled since the questionnaire was designed to permit both husband and wife to respond individually.

I believe such questionnaires are an effective means of gathering the views of the people I represent in the Congress. Knowing their opinions helps me to formulate my position on legislative issues and better perform my duties as the Representative of Connecticut's Sixth Congressional District.

Mr. Speaker, the results of the congressional questionnaire follow:

QUESTIONNAIRE FROM CONNECTICUT'S SIXTH CONGRESSIONAL DISTRICT

1. Do you agree with Vice President Agnew's charge that news media are often biased? Yes, 79%; no, 20%.

2. Should wage and price controls be imposed to stop inflation? Yes, 60%; no, 32%.

3. Do you think the President has been candid with the American public about this Nation's involvement in Laos and Cambodia? Yes, 40%; no, 54%.

4. Should the United States provide Laos and Cambodia with:

(a) Military equipment? Yes, 18%.

(b) Advice? Yes, 16%.

(c) Military support (bombing and reconnaissance)? Yes, 10%.

(d) Ground troops? Yes, 1%.

(e) Leave them on their own? Yes, 30%.

5. Do you feel our children are receiving:

(a) An excellent education? Yes, 8%.

(b) A good education? Yes, 36%.

(c) An adequate education? Yes, 35%.

(d) A poor education? Yes, 15%.

6. Do you favor:

(a) Increasing Federal aid to education under existing programs? Yes, 13%.

(b) Reducing allocations to existing programs? Yes, 4%.

(c) Maintaining aid at present levels for existing programs? Yes, 15%.

(d) Restructuring and reforming our entire Federal aid to education program? Yes, 56%.

7. Do you favor bussing school children to achieve a better racial balance? Yes, 13%; no, 85%.

8. Has the Supreme Court been too lenient in its decisions on pornography and obscenity? Yes, 64%; no 31%.

9. So that industry will install pollution abatement devices, would you favor:

(a) Granting tax credits for such installations. Yes, 29%.

(b) Issuing a deadline for abatement with a fine for failure to comply? Yes, 58%.

10. Do you favor a Federal gun registration law? Yes, 65%; no, 30%.

11. Do you approve of the way President Nixon has handled the war in Vietnam? Yes, 55%; no, 39%.

12. Do you favor a four-year term for Congressmen? Yes, 68%; no, 29%.

13. Do you think local, State, or Federal employees should have the right to strike? Yes, 34%; no 64%.

14. Do you favor increasing postal rates to pay the cost of pay raises for Federal employees? Yes, 49%; no, 42%.

15. Do you favor continuing our spending to explore space? Yes, 47%; no 48%.

16. What do you think are our most important domestic problems today?

The respondents to my questionnaire ranked the domestic problems in the order of importance as follows:

1. Crime.
2. Pollution.
3. Communism and Drug problems tied.
4. Racial hostility and Poverty tied.
5. Education, Campus rebellions, More emphasis on health needs and health research, and Others all tied.
6. Pornography through mail.

My response is as follows:

1. Education.
2. Other (Inflation).
3. Pollution.
4. Drug problems.
5. Racial hostility.
6. Poverty.
7. Crime.
8. More emphasis on health needs and health research.
9. Campus rebellions.
10. Communism.
11. Pornography through mail.

17. On student disorders in universities and colleges, are you in favor of:

(a) stopping Federal aid to students convicted by a civil court or disciplined by school authorities for disorder. Yes, 84%; no, 12%.

(b) stopping Federal aid to schools where the administration fails to curb disorder. Yes, 65%; no, 29%.

(c) use of Federal troops to quell violence. Yes, 65%; no, 26%.

(d) giving schools complete control over their campuses? Yes, 38%; no, 53%.

18. On the Selective Service System, do you favor:

(a) Retaining selective service boards. Yes, 14%.

(b) A lottery. Yes, 17%.

(c) An all-volunteer armed force. Yes, 24%.

(d) Use of draft only in time of declared war. Yes, 25%.

(e) Other. Yes, 3%.

REPORT FROM WASHINGTON

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. MINISH. Mr. Speaker, as the 91st Congress begins to wind up its legislative business it is possible to gain some perspective about its activities. The Federal Government affects every American in numerous ways, and it is important, therefore, to keep abreast of congressional actions.

TAX REFORM AND RELIEF

A tax reform bill was enacted during this Congress, the largest tax measure in our country's history. Principal relief was provided through an increased personal exemption and a rise in the standard deduction allowance. Although the changes in the tax structure will not be fully realized until 1973, the personal exemption rate began to rise on July 1 and the surtax ended June 30. However, the bill did not go far enough to balance the tax structure, and I intend to continue to press for more equitable tax collection and a realistic exemption rate.

SOCIAL SECURITY

Legislation was enacted to provide a 15-percent increase in social security as of January 1, and blind persons were granted liberalized benefits. A new social security measure already passed by the House would increase benefits by another 5 percent, while also providing equalized computation for both sexes, increased earnings exemptions and a cost-of-living mechanism.

EDUCATION FUNDS

For 2 consecutive years the administration has vetoed appropriations measures containing education funds. The fiscal 1970 measure running from June 1969 to June 1970 also contained funds for medical research, the U.S. Cancer Institute, and hospital construction funds. The fiscal 1971 veto, which Congress overturned, was designed to provide remedial education, funds for educationally deprived children, vocational and adult job training, and school library resources. Surprisingly, economics was given as the reason for the vetoes, notwithstanding the fact that last fiscal year the Congress reduced the budget request by $5.6 billion, and tentative estimates for 1971 fiscal appropriations suggest another significant cut by Congress.

INFLATION

Statistical gameplaying aside, although our increased costs are said to be decreasing, hard pressed citizens are struggling to maintain their standard of living in the face of burgeoning prices. The Congress in response has given the President standby authority over credit, wages, prices and rents; it has enacted legislation to provide low and middle income buyers with homes, and has set up uniform cost accounting guides to prevent defense contractors from unnecessarily dipping into the public till.

ENVIRONMENTAL POLICY

This Congress enacted the Water Quality Improvement Act providing for marine sanitation, removal of oil from navigable waters, and waste treatment works. The Clean Air Act amendments, also enacted, will extend research on fuels and vehicles. A timber bill that purported to conserve forests while permitting increased cutting was kept back by a concerted House effort. Incidentally, the 91st Congress quadrupled the administration's request for water pollution funds for fiscal 1970.

DRUGS

A comprehensive drug abuse bill, providing more treatment for addicts and broader enforcement powers against illegal traffickers passed the House with a lopsided margin of 341 to 6. Congress has also increased funds for narcotics and customs officers. Other legislative actions include hearings on a proposal I cosponsored to cut off the narcotics supply at the source by refusing foreign aid to nations failing to take preventive steps against illegal drug trafficking, production, and processing. Meanwhile, a recent Narcotics Bureau recommendation that the U.N. establish a special fund to restrain international drug production was included in legislation I introduced some time ago; possibly the proposal will be accepted at a presently ongoing international drug seminar.

SAFE STREETS AND CRIME

Under omnibus crime control legislation, New Jersey received $6½ million in Federal funds for crime prevention, juvenile delinquency, criminal detection and apprehension, prosecution, and court research. Funds were also provided to reduce narcotics sale and usage. The House voted to increase funds for the omnibus crime control program, in addition to insuring that the moneys reach high-crime areas. Another pending crime bill specifically attacks organized crime, and legislative action is expected on it shortly.

CONGRESSIONAL REFORM

The first major congressional reform bill debated by Congress in 25 years has passed the House. It would liberalize committee procedures and open congressional activities to public scrutiny. Indications are that many of these reforms will be passed if the Senate has time to consider the measure.

CONSUMER LEGISLATION

Auto safety, food safety, product performance and safety, all are prime considerations of the Congress. The National Committee on Product Safety was extended by Congress, and improved toy safety legislation was enacted. Much consumer legislation is still pending, however, such as improved food dating and labeling, establishment of a Federal Department of Consumer Affairs, a bill permitting class action consumer suits, and measures improving warranties.

SOUTHEAST ASIA

It is listed last, but certainly not the least of congressional concerns is Southeast Asia, our involvement there and our hopes for future peace there. The struggle has cost over 40,000 American lives, while 30 billion of our tax dollars are spent there annually. The present Congress has reasserted its prerogatives with respect to involvements abroad. Hopefully, our withdrawal from Vietnam will be speeded up while a peaceful conclusion for the embattled Vietnamese is sought.

CREATIVE BUSINESS AT WORK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. EILBERG. Mr. Speaker, one of the questions which legislators must always ask themselves is this: How well is private business serving the public?

The Congress and various State and local governments have set up many agencies to protect the public interest, and their findings are reported in the press. But bad news always gets bigger headlines than good news; scandal is more interesting than virtue. For this reason, many exciting and rewarding case histories of real and valuable public service being performed by business—at lower cost and with greater efficiency than ever before—are not given the attention they deserve.

A most interesting case in point is the National Liberty Corp. This company was founded 10 years ago by a young man who was motivated by the kind of personal dedication which many people wrongly think is passing from the American scene. The actuarial knowledge available to this young man convinced him that people who do not drink alcoholic beverages are better insurance risks than those who do. Abstainers stay healthier and live longer. Abstainers suffer fewer accidents on the road and in the home. For example, we are all concerned about the casualties on the Vietnam battlefronts, but the U.S. Department of Transportation's latest study shows alcohol leads to some 25,000 highway deaths and 800,000 crashes in the United States each year. Moreover, 16.1 percent of all accidental deaths in the home can be directly linked to some degree of alcoholic intake. Since it has been proven beyond the shadow of a doubt that nondrinkers lead safer lives, why should they be forced to pay the same insurance rates as those who shorten their lives by drinking excessively? They are, in effect, being "taxed" for the intemperate habits of others.

And so, the young man decided to do something for a too long overlooked minority—the 38 million nondrinking Americans in the country. His idea: To provide health and accident insurance exclusively to abstainers—give them more health protection at lower rates—by direct marketing methods.

This new idea—insurance offered by mail only to abstainers—had immediate, widespread appeal. Ten years of growth show that the idea continues to appeal strongly to this once neglected minority group—nondrinkers. In just a decade, more than 800,000 policy owners have enrolled in the gold star plan for total abstainers.

The National Liberty Corp. was formed as a publicly owned company in 1968 to consolidate the varied operations that have grown up around the business. In 1969, it acquired the National Home Life Assurance Co., a 50-year-old insurance company headquartered in St. Louis, Mo., and operating in 47 States and the District of Columbia. This soon led to the development of a new service called the national health plan. Its purpose: To provide low-cost insurance to the general public by employing the same mass marketing economies that had worked so successfully with nondrinkers. Here, too, coverage of those 65 and over is offered in conjunction with medicare benefits, and thousands of policy owners are now availing themselves of this protection against today's skyrocketing medical costs.

By enrolling thousands of people within specified "limited time" enrollment periods, the companies within the National Liberty group are able to eliminate the cost of investigating policy owners individually. These additional savings are then passed along to policy owners in the form of lower premiums and increased benefits. Customers realize they can make important savings by purchasing their insurance by mail. They buy in private, voluntarily and confidentially, without having an individual and costly sales presentation.

A number of other factors help to explain the continuing success of this organization. For one, large segments of the population have not been reached by insurance agents. Even though millions of families enjoy the security of insurance protection, there simply have not been enough agents to reach everyone, particularly those living in rural areas and small towns. The remarkable response to the direct marketing of health and accident insurance protection proves that thousands of people are ready and willing to obtain insurance protection by mail. Also, in an era of sharply rising hospital and medical costs, many people, including those either self-employed or retired, are not completely covered by the group insurance plans being offered by many employers. To these people, the National Liberty group offers essential protection against the danger of financial disaster in case of prolonged hospitalization.

The National Liberty Corp. and its affiliated group of companies are now paying benefits to policy owners at the rate of over $1 million per month.

Moderation and self-control are commendable traits and should be encouraged. It is difficult in a restless, swift-moving society, to avoid being drawn into the whirlpool of overindulgence so prevalent today. That is why I believe we should commend those who—by example or by direction—help others practice moderation and good health habits. An organization like the National Liberty Corp. group of companies deserves special recognition for encouraging Americans to live more temperate lives through its gold star plan and—at the same time—rewarding them with health and accident protection at lower rates.

Recently, the National Liberty group put its creative marketing resources behind another idea—that smoking is a health hazard and that those who do not smoke should not have to pay for the increased mortality among smokers. Thus another "neglected minority" is now offered hospital and life insurance at reduced costs.

Nonsmokers are better insurance risks. We all remember the Surgeon General's famous report on the correlation between cigarette smoking and lung cancer. And the famed Hammond-Horn study found that smokers are more likely to develop liver cirrhosis, ulcers, throat ailments, stomach trouble, migraine headaches, asthma and insomnia. Those who do not smoke cigarettes can expect to live 7 to 10 years longer than inveterate smokers.

Even though nonsmokers live longer and have fewer illnesses than people who smoke, few insurance companies have recognized this fact in their premium rates. However, this organization reasons that if safe drivers pay less for auto insurance because they have fewer accidents, should not nonsmokers pay less for health insurance because they are "better risks"? The National Liberty group is now reaching nonsmokers with the same direct "mass enrollment" methods they have been using to reach nondrinkers for more than a decade. Such methods have enabled a growing number of nonsmoking policy owners to obtain sound health and life insurance protection at exclusive nonsmokers' rates.

One other important innovation from this direct marketing organization is its cancer expense protection. Even though new drugs and new forms of treatment are being developed, cancer remains the No. 2 killer of Americans after heart disease. Sooner or later, two out of every three families will be hit by this dread scourge of men, women, and children alike. This is a disease which must be fought on two fronts—prompt diagnosis and treatment on the one side and constant, diligent research on the other. Almost 1 million Americans are alive today because of early diagnosis and treatment. Fifty percent of all cancer victims can be saved if the disease is discovered and treated in time.

But this kind of treatment is expensive—almost ruinous for some. When cancer strikes, the medical, surgical, and hospital expenses can be devastating. But the National Liberty group—by utilizing the economies of mass merchandising—makes possible low-cost protection against the financial catastrophe that so often results when cancer strikes. The savings the company achieves by its direct marketing methods are passed on to policy owners in the form of increased benefits in the event this dreaded disease does strike and at rates substantially lower than they could have otherwise obtained.

National Liberty deserves recognition for providing service beyond the expected, service willingly offered to those who are not being cared for in other ways. This is the secret of success for its low-cost insurance plans. With the highest public interest at heart, the National Liberty Corp. group of companies combines reliability and quality of service with noteworthy price advantages. It is to be commended on its leadership and vision in this field of human welfare.

WHAT I BELIEVE

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. CELLER. Mr. Speaker, the cardinal sin of politics is to underrate the intelligence of the voter. But intelligence cannot be exercised without facts. My experience as a Member of the House of Representatives for 48 years has taught me that, if nothing else. The voters of my district have proven to me over and over again that they look to performance, to effectiveness, to legislative accomplishments. It is for this reason I set forth for the careful scrutiny of the voters of the 10th Congressional District my concrete record so that they may have before them an account of how I have carried out my trusteeship as their Representative.

First, a record of the most significant bills introduced by me during the 91st Congress as your Representative:

H.R. 3783: To amend the Public Health Service Act to provide for the making of guaranteed loans for modernization of hospitals and other health facilities and otherwise to facilitate the modernization and improvement of hospitals and other health facilities, which was incorporated in Public Law 91–296.

H.R. 4801: To assure to every American full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes.

H.R. 6612: To amend the public assistance provisions of the Social Security Act to require the establishment of nationally uniform minimum standards and eligibility requirements for aid or assistance thereunder.

H.R. 11183: To amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

H.R. 11848: To provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide additional exemption for income tax purposes for a taxpayer or spouse who is disabled.

H.R. 15652: To eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes.

H.R. 17697: To amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection.

H.R. 18400: To amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes.

H.R. 19118: To amend the act of March 3, 1931, relating to the furnishing of books and other materials to the blind and to other handicapped persons to authorize the furnishing of musical recordings and tapes to such persons.

H.R. 19158: To create a health security program.

House Resolution 395: Requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunion with their families who are outside the Union of Soviet Socialist Republics.

House Resolution 1020: Supporting the Cooper-Church and McGovern-Hatfield amendments to cease hostilities in Vietnam and withdraw from Cambodia.

House Concurrent Resolution 320: Expressing the sense of Congress relating to films and broadcasts which defame, stereotype, demean, or degrade ethnic, racial, and religious groups.

House Concurrent Resolution 533: Airlines—To stop armed attacks in international travel.

Second, a record of the most significant bills I introduced as chairman of the Committee on the Judiciary during the 91st Congress:

H.R. 2165: To empower postal inspectors to serve warrants and subpenas and to make arrests without warrant for certain offenses against the United States.

H.R. 2166: To amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes.

H.R. 2167: To correct deficiencies in the law relating to the theft and passing of postal money orders.

H.R. 2168: To amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

H.R. 2169: To assist in combating crime by creating the U.S. Corrections Service, and for other purposes.

H.R. 2175: To amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

H.R. 2179: To regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

House Joint Resolution 180: To amend the Constitution to provide for representation of the District of Columbia in Congress.

H.R. 2346: To amend section 8 of the Clayton Act to prohibit certain corporate management interlocking relationships, and for other purposes.

H.R. 4243: To authorize appropriations for the Civil Rights Commission.

H.R. 4249: To extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

H.R. 9112: To amend the Immigration and Nationality Act, and for other purposes.

House Joint Resolution 482: To consent to and enter into the Mid-Atlantic States air pollution control compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency.

H.R. 9010: To incorporate the college benefit system of America.

H.R. 10067: To provide for the appointment of additional district judges, and for other purposes.

H.R. 10683: To permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes.

House Joint Resolution 681: Proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

H.R. 11009: To prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

H.R. 14116: To increase criminal penalties under the Sherman Antitrust Act.

H.R. 17154: To amend title 18 of the United States Code to provide for better control of interstate traffic in explosives.

H.R. 17825: To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

H.R. 17901: To improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit.

H.R. 18550: To amend the act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization.

When viewed together, they set forth my basic philosophy: First, to do what I can to preserve and enhance the right of every citizen to be secure in his person, in his home, in his opportunities for a decent job, decent living conditions, decent health facilities, decent schooling; second, to preserve and enhance the individual civil liberties and civil rights of every person; and, third, to bring about a world of peace within a democratic framework.

Time does not permit my detailing the provisions of every one of these bills, but all of those I have selected for inclusion in this RECORD relate to all my efforts to give every person *protection* and *opportunity*. I mean by protection, protection against fraud, deception, and neglect, protection against erosion of democracies in every part of the world, protection against inflation, protection against pollution of the air and water, protection against noise pollution, protection against the devastation of our lands and forests, protection against erosion of civil liberties and civil rights, protection against drug abuse, and protection against crime. I mean, too, protection against the inherent inequities of the draft, and to that end, I favor strongly a volunteer army. I mean, also, the protection of persons against the international crime of hijacking. I advocate international treaties guaranteeing the extradition of hijackers and the safe conduct and return of hostages. Such treaties must be put into effect with strong sanctions against countries which violate the terms of the agreement, denying to the airlines of the offending country or countries landing rights they seek.

I want to emphasize here that the protection against inflation is one of immediate and urgent need. The Congress has given the President standby powers to control prices and wages, but the President has not responded. Inflation is ruinous to everyone. The purchasing power of the dollar decreases as inflation increases. Houses are not built, jobs evaporate. People living on social security and pensions suffer most. I also wish to emphasize what I have called the erosion of democracies. We are at a point of crisis in the Middle East, and the one democracy in the Middle East; namely Israel, must be given the wherewithal to self-defense, the sophisticated weapons to enable her to deter aggression. The fall of Israel is unthinkable, monstrous to contemplate, and such a catastrophe would spell out Soviet domination of that gateway to three continents to the peril of the interests of the United States.

By opportunities, I mean the support and introduction of legislation to enable each citizen to obtain a good education, the opportunity to obtain the best of medical care, the best use of health facilities, the opportunity to obtain low-cost housing. Under the heading of opportunity, I would place first and foremost the opportunity for every person to develop his highest potential without fear of unnecessary wars. Knowing, as I do, that we must get out of Vietnam, I have introduced a resolution, House Resolution 1020, and I set it forth here because it explains most clearly the objective I seek:

> *Resolved*, That in the absence of a declaration of war, it is the policy of the House of Representatives that fiscal year 1971 Defense expenditures in South Vietnam should be limited to only that amount required to carry out the safe and orderly withdrawal of all American combat and support troops from South Vietnam by the end of fiscal year 1971 (June 30, 1971).
>
> *Be it further resolved*, That no funds in the fiscal year 1971 Defense budget are to be used to finance the operation of any American combat or support troops in Cambodia or Laos.

Under opportunities, I would certainly include changes in our immigration law to make it more flexible, to ease the process of reuniting families, to make provision for the entry of refugees, and to bring new seed to this land. Certainly, I must include under opportunities the enactment of a constitutional amendment to enable every vote to count. This can only be done by abolishing the electoral college and instituting instead the direct election of the President and Vice President.

You can easily match every piece of legislation I note herein with every statement of political philosophy.

Over my years of activity in the House of Representatives, I have had enacted over 300 bills and three constitutional amendments which bear my name. This is a record that cannot be matched by any other Representative in the history of the Congress of the United States. I point to this only to emphasize that my introduction of a bill is not an idle gesture. This kind of record demands the unflagging attention to detail, the ability to negotiate, and the skill to earn the confidence of other Members of the House of Representatives. It means doing one's homework, it means developing skills in the use of parliamentary rules which can only come of long, hard years of learning and experience. To be successful in a forum of 435 Members of the House of Representatives and 100 Senators, with men and ideas competing for attention, your legislative proposals jostling against 20,000 others, and your political philosophy matched against a dozen different kinds, takes the hardihood, the conviction that this exists only in men and women who care. I care.

Already enacted into law in this Congress or pending in the Senate for its action are:

First. Public Law 91-271: To improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes.

This measure will go a long way to unclog the courts and to prevent delay in the administration of law and justice.

Second. Public Law 91-272: To provide for the appointment of additional district judges, and for other purposes.

Third. Public Law 91-285: To extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.

This protection of the rights of voters is basic to our law, and no voter can be denied his fundamental right to give his consent to acts of government, which is what the use of the ballot means.

Fourth. Public Law 91-339: To amend the Federal Youth Corrections Act—18 United States Code 5005 et seq.—to permit examiners to conduct interviews with youth offenders.

This law will, I hope, be of help to the youth criminal offenders so that we can cut down on the number of repeaters in our society.

Fifth. House Joint Resolution 681: Proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

House Joint Resolution 681 passed the House of Representatives after the most thoroughgoing review given any constitutional amendment calling for the direct election of the President and Vice President of the United States. This proposal does away with the electoral college and assures the principle of "one man, one vote."

Sixth. H.R. 14116: To increase criminal penalties under the Sherman Antitrust Act.

My drive against monopoly power is by this time well known to you. Unless there is economic freedom of opportunity for all, we cannot maintain the free enterprise system. The penalties called for are not less than $500,000 for corporate violation of our antitrust laws.

Seventh. H.R. 17825: To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Of all the crime proposals proposed, this is the only bill that addresses itself directly to our dreaded crime in the streets. This legislation enables the Federal Government to come to the assistance of the States and the cities in fighting crime. The original bill, the Omnibus Crime Control and Safe Streets Act of 1968, was my proposal and it became law. These amendments to that act increase to $650 million the money to be sent currently to the States and the cities to curb and control the street crime. It authorizes for the following year $1 billion and for the year thereafter $1.5 billion. It calls for better training of the police, more protective and innovative programs, better riot control, better rehabilitation services, and workable correctional services. This means that the youthful offender will not be put into jails with the hardened criminal and learn all the tricks he never knew before, returning to society to repeat his crimes with greater skill. It calls for new programs to deal with this scourge.

The Judiciary Committee has, as well, processed S. 30, a bill designed to control organized crime, which it is hoped will prove an effective weapon against the criminal syndicates. The Committee on the Judiciary has, as well, processed through the House of Representatives a bill to prohibit salacious advertising.

My record in the previous Congresses is known to you. Therefore, I have only put forth a portion of the work to which I have devoted myself in this Congress. This accounting of what I believe and how I have performed on these beliefs is a matter of record.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

HIGH HOLIDAYS 5731

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ANNUNZIO. Mr. Speaker, the Jewish High Holidays begin this year on October 1 and 2 with Rosh Hashanah and conclude on October 10 with Yom Kippur. This is a period of piety, holiness, and spirituality for Jewish people all over the world, and I am happy to join my colleagues in the Congress and my constituents and friends of the Jewish faith in observing the advent of this significant holiday period.

Rosh Hashanah marks the beginning of the Jewish New Year, and traditionally, is a happy and pleasant holiday. On Rosh Hashanah, religious services are conducted in synagogues throughout the world where Jews pray for forgiveness and a year of peace and happiness for themselves and the world. It is also a time spent with family and friends discussing the events of the past year. The high point of Rosh Hashanah is the blowing of the shofar, or ram's horn, which symbolizes the beginning of the High Holidays, and its shattering sound is meant to awaken man's conscience to renew his faith and to return to his God.

October 10, the Day of Atonement, or Yom Kippur, is the climax of 10 days of pentience and is the holiest of all of the Jewish holidays. The entire day is spent in prayer, fasting, and worship. On the Day of Atonement, the Jewish people seek to be in harmony with the world by expressing a true feeling of repentance through prayer. It is a holiday during which years gone by are recalled and loved ones who have passed away are remembered in prayer.

Rosh Hashanah and Yom Kippur evoke in the Jewish people a sense of awe, high seriousness, and especially obedience to God's law. The meaningful practice of the Jewish faith, I believe, has influenced Jewish moral law far beyond the confines of practicing Judaism. The historic Jewish concepts of social justice and individual human dignity have done much to guide the course of western democracy and, in particular, to shape the philosophical system of government created by the American Founding Fathers.

Especially during the high holidays, the Jewish people look to the universal establishment of the principles of compassion and tolerance for which Judaism has so long and painfully fought. Unfortunately, the Jews have not received this same compassion and tolerance, but instead, under Nazi persecution, have suffered incomprehensible brutality and have been the subject of mass murders.

In Russia today, there is mounting evidence that the Government is persecuting Jewish citizens by curtailing religious observances and discriminating against the Jews in their traditional cultural and educational activities. Consequently, I have introduced legislation in the Congress urging that our country make it clear to the Soviet Union that we condemn the persecution of the Jews and indicating that we expect Russia to live up to its own constitutional guarantees of religious freedom.

I feel it is our responsibility, as the world's greatest democracy, to make every possible effort to focus international attention and opinion on the problem of Soviet anti-Semitism. By so doing, the Soviet Union may at least understand and receive the full force of our official position in the interest of human justice and decency.

I should like, on this occasion, as the Congressman for the Seventh District of Illinois, to extend my greetings and best wishes for the holiday season to my constituents and my many friends of the Jewish faith. In the coming year, may the Jewish people know freedom from persecution, from which they have particularly suffered, and may they experience peace, well-being, prosperity, and spiritual enlightenment.

FORGOTTEN MEN OF VIETNAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. TEAGUE of Texas. The Veterans of Foreign Wars of the United States have been a forerunner in the concerted activities of many in this country to bring about the release of our prisoners of war in Vietnam. Under leave to extend my remarks in the RECORD, I include a copy of a departmental distribution on this subject:

THE FORGOTTEN MEN OF VIETNAM

In his acceptance speech at the National Convention in Miami Beach, Commander-in-Chief Ray Rainwater listed some high priorities for the coming year. He saved for his concluding remarks the tragedy of our forgotten men in North Vietnam prisons—the American prisoners of war. He called this the "most urgent problem we face today."

The Commander-in-Chief announced that petitions would be circulated throughout the United States by every Post in the Veterans of Foreign Wars immediately upon the termination of the Convention. Those petitions call upon the Communist enemy leaders to abide by the provisions of the Geneva Convention of 1949 in their treatment of American prisoners of war—and for their early release.

Commander-in-Chief Rainwater declared that he would personally deliver those signed petitions to the delegates at the Paris Peace Talks—and if they are not accepted there he will take them directly to the Secretary General of the United Nations—with a demand on behalf of our two million members of the V.F.W. and its Ladies Auxiliary that official action be taken by that international body to bring about an immediate change in the barbarous policy of the North Vietnamese toward our men who are prisoners of war.

The Commander-in-Chief stated also that he would stand ready to go anywhere in the world—at any time—including Hanoi, to effect the release of our fighting men who are imprisoned there.

I am happy to advise you that this comprehensive program on the part of the Veterans of Foreign Wars is in full swing. And I urge each of you to give it your highest priority until our mission is accomplished—and these brave men are at home with their families once again. I can think of no more urgent and important effort for our great organization of American veterans to engage in. I can think of nothing which should be so important to every American.

Unsuccessful attempts to gain humane treatment for our men in the prisons of Southeast Asia have been made by our government through diplomatic channels for several years. Each of those efforts has been completely ignored by the enemy. The North Vietnamese continue, year after year, to disregard the Geneva Convention rules for the treatment of prisoners of war.

Every branch of the military service has endeavored to enlist the support of world opinion in bringing pressure on the communist leaders—to induce them to live up to the provisions of the Geneva Convention.

The next kin of American servicemen listed as or presumed to be prisoners of war have organized groups which are working in every conceivable manner to focus both national and world attention on the prisoner of war issue.

Private individuals and organizations have joined this crusade. Literature, advertisements, television programs, and personal pilgrimages have been tried—and each in turn has failed.

It is long past time for every American to concern himself with this grave problem—and to acquaint himself with the facts:

On March 6, of this year, the Honorable Richard G. Capen, Jr., Assistant Secretary of Defense for Legislative Affairs, presented a summary of those facts to the House Armed Services Committee. I wish to pass them on to you:

Approximately 1,450 U.S. Servicemen in Southeast Asia are currently listed as prisoners of war or missing in action. At least 430 of those men are believed to be prisoners of war with some degree of certainty. There is, however, no official confirmation of this figure by the enemy.

Thus, more than 1,000 are simply listed as missing in action. This state of affairs has existed in some cases for more than five years, and there has been no way for our government or their families to determine whether they are alive or dead.

Of the total involved, approximately 800 were shot down over North Vietnam; 450 were lost in South Vietnam; and nearly 200 in Laos.

150 have been missing or captives for four or more years. Over 300 have been missing for three and one-half years—longer than any U.S. serviceman was held prisoner during World War II.

Not until last year did the President launch a concerted effort to ascertain the status of these men. As a result, in the spring of 1969 a segment of the American public began to participate in a concerted effort to make certain that they were provided with humane treatment. But to both campaigns, the monsters of Southeast Asia have turned a deaf ear.

Recently the Congress of the United States adopted a resolution calling for the proper treatment of these forgotten men.

Last fall the International Red Cross passed, without a single dissenting vote, a similar resolution.

Editorial support in newspapers and magazines around the globe is evidence of the growing concern which those who still value human decency are beginning to feel.

Yet to date, there has been no pertinent response from the enemy.

Apart from the encouragement these efforts have given to the waiting wives and children of these men, every effort has been futile.

Throughout our fifty states, there are 2,600 primary and secondary next of kin—together with thousands of other close relatives, living from day to day in frustrated hope—enduring this tragedy of waiting and uncertainty.

At least four of the wives have died from accidents—with no way to notify their husbands. Many others are seriously ill—some terminally—and still no word to or from their husbands.

Many of the children are now three and four years old. They have never seen their fathers—or their fathers them.

What of the Geneva Convention provisions? The provisions for the treatment of prisoners of war are spelled out in clear and unmistakable terms. That agreement was signed by more than 120 nations throughout the world—including the United States, South Vietnam, and North Vietnam.

And those provisions are these: Immediate release of sick and injured prisoners; impartial inspections of prison facilities; the complete identification of all men held; and the right of all prisoners to correspond freely with their families.

Neither the North Vietnamese, or the Viet Cong, or the Pathet Lao, have lived up to a single one of those standards.

Most of the prisoners have never been allowed to write to anyone—particularly those who are believed to be held by the Viet Cong and the Pathet Lao.

Many of them are sick or injured, but in all these years only nine have been released—and those apparently for ulterior motives in conjunction with the activities of traitors here at home.

There have been no impartial inspections—in spite of repeated regular requests by the International Red Cross to conduct such inspections.

Both the North Vietnamese and the Viet Cong claim to be providing humane treatment. But our government has received reliable information that this is not true. Men have been held in isolation for long periods of time. There have been instances where broken bones have been rebroken; fingernails removed; medical attention denied; and proper diets ignored.

In addition, our government has learned that at least 19 American prisoners of war have been murdered by the enemy, or allowed to die from malnutrition and disease without proper care.

What little mail that has been received has not been in letter form. It has been in brief six-line messages—obviously on a censored form. Yet the Geneva Convention clearly specifies that a prisoner of war shall be allowed to write not less than six letters and cards per month.

In the five years our men have been captives of the Communists in Southeast Asia, only about 175 individuals have been allowed to write at all. Their families have received a total of 1,100 of these brief form letters—usually not more than one or two a year.

If all of the men reliably believed to be prisoners had been allowed to write as dictated by the Geneva Convention, their families should have received between 6,000 and 8,000 letters per month.

You all know, I am sure, that the only gesture that has been made by the North Vietnamese and their associates in this devil's conspiracy, with regard to prisoners of war, has been through the traitors here at home—for propaganda purposes.

To date, these anti-Americans have released four lists which purported to contain new information identifying Americans who are prisoners of war in Southeast Asia. The information funneled to these dissident groups and individuals has been both meager and of little consequence, however. Of 275 names listed, all but 12 were already presumed to be prisoners. This was clearly a propaganda effort, designed to give status to the North Vietnamese sympathizers here in our own country.

XUM

These, in brief, are the cold hard facts about our brave men who are being held in the prisons of North Vietnam and Laos. These are the cold hard facts about their wives and children who face the lonely years without a word from their loved ones who served this great nation in its most recent foreign war.

We in the Veterans of Foreign Wars pride ourselves on our unselfish service to America and her servicemen—to every American veteran. We pride ourselves on our devotion to the welfare of their women and children—who also serve through the long and lonely, heart-rending medium of waiting. We must find a way to solve this tragic problem. We must break this inhuman stalemate.

These American men have served their country, and ours, above and beyond the call of normal duty. We honor them for that service. But honor is not enough.

Have we as a nation grown so feeble—so faint of heart—that we cannot and will not use our vaunted might to protect our own?

Have we as a people become so depraved—so cowardly—that we dare not fight to rescue our own? What has happened to the spirit of Teddy Roosevelt?

Are we so insecure in our beliefs and our commitment to right that we are afraid to use the might which we claim, and of which our elected leaders boast—to rescue our own fighting men from the conditions I have described?

How much longer will we Americans permit the "doves" and dissenters, and draft dodgers, and traitors to set the course for our once proud Ship of State?

I urge each of you to get behind the Commander-in-Chief, and support his program. If that program fails, let's hear some suggestions for another—and still another—until we get these American veterans home with their families.

Write to your Congressmen and Senators—every day if need be—and demand that they take whatever action is necessary to affect the release and safe return of every American prisoner of war.

Our elected leaders in Washington have been bold enough in insisting upon the return of our troops from Vietnam. Let's take the position that no more troops should come home until these forgotten men come with them—or we will send those troops into Hanoi to set them free. This business of no-victory wars is getting more sickening every day.

Thank you very much.

XUM

MILITARY PROCUREMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KASTENMEIER. Mr. Speaker, I recognize that the fiscal year 1971 military procurement authorization, agreed to in conference, is a slight improvement over the House-passed bill. Nevertheless, I cannot vote for this authorization of $20 billion for procurement of extravagant weapons systems at a time when relatively modest amounts for housing, education, health care, and other domestic needs are rejected as being inflationary. Furthermore, I firmly believe that continued development and deployment of sophisticated military hardware will ultimately create a climate of irreversible confrontation in which global warfare will be inevitable.

To vote for this bill because it includes a few salutory provisions is to allow the tail to wag the dog.

CAMPAIGN CHICANERY

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. VAN DEERLIN. Mr. Speaker, in the heat of a closely contested campaign, some candidates, or their managers, are going to play fast and easy with the truth. And as pressures mount, even the most honorable men are occasionally prone to a bit of exaggeration in listing their accomplishments.

But once in awhile, a claim is made on behalf of an officeseeker that is so blatantly misleading it cries out for rebuttal.

As is well known, the senior Senator from California is struggling to hold his seat in the November elections. Last week, in political ads placed in major California newspapers, his reelection campaign organization touted him as the sponsor or cosponsor of five important bills enacted during the 89th Congress—in short, a hard-driving, effective legislator.

Now in many areas these claims might have been gone unchallenged. But fortunately California has a newspaper, the Los Angeles Times, which likes to get to the bottom of things. The Times did a little probing and found that on four of the bills our senior Senator "was merely one of many Senators signed on as cosponsors," while on the fifth, "the CONGRESSIONAL RECORD did not even show him as a cosponsor."

Democrats were the principal authors of all five bills, the newspaper said, in a report which must have been a trifle embarrassing to the stalwart Republican trying to take credit.

So that the record may be complete, I include at this point the Los Angeles Times account, published September 23, of how a Senator's bluff was called:

MURPHY EXPLAINS ROLE IN FIVE MAJOR CONGRESSIONAL BILLS

(By Tom Goff)

SACRAMENTO.—Republican U.S. Sen. George Murphy conceded Tuesday that "maybe" he was not the principal sponsor of any of the five major bills enacted into law in 1965–66 for which his backers have given him credit.

Congressional records confirm that he was not. The bills in each case had Democrats as principal authors.

Murphy, on four of the bills, was merely one of many senators signed on as co-sponsors. On the fifth, the Congressional Record did not even show him as a co-sponsor.

The senator, seeking election to a second six-year term, told a State Capitol news conference in response to a question, the Democratic authorship of the bills merely indicated the "nonpartisan way" in which he runs his office.

FIVE BILLS LISTED

The five pieces of legislation were listed in political ads placed in major California newspapers Monday by Californians for Murphy, his reelection campaign organization.

The list purported to be a "partial" one of bills "sponsored or co-sponsored" by Murphy during the 89th Congress, the first two years he served in the Senate.

Alongside the list in the ad was a blank box purporting to be the "complete" file of legislation "sponsored or co-sponsored" by Rep. John V. Tunney, the Democrat who opposes Murphy in November, who also was a freshman congressman during the 1965–66 session.

The bills listed by the Murphy campaign organization were:

S. 306, the Motor Vehicle Air Pollution Control Act (Public Law 98–272). The bill's principal sponsor was Sen. Edmund Muskie (D-Maine); Murphy was one of 30 co-sponsors.

S. 1564, Voting Rights Act (PL 89–110). Senate Majority Leader Mike Mansfield (D-Montana) was the principal author; Murphy was one of 65 co-sponsors.

S. 2947, Clean Water Restoration Act 1966 (PL 89–753). The principal author was Muskie; Murphy was one of 47 co-sponsors.

S. 1483, Arts and Humanities Act (PL 89–209). Sen. Claiborne Pell (D-Rhode Island) was the principal; author Murphy was one of 37 co-signers.

S. 1861, Disaster Relief Act (PL 89–769). The principal author was Sen. Birch Bayh (D-Indiana). The Congressional Record did not show Murphy as one of the co-sponsors.

In Los Angeles, Devan L. Shumway, Murphy campaign communications director, said, "The ad speaks for itself. Our research people researched it very carefully."

The major point of the advertisement, Shumway said, was to show that "Tunney did not sponsor any bill that passed and became public law during that time. And it is true that Sen. Murphy sponsored or co-sponsored those and other bills which did become public law."

SALE OF MAILING LISTS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McDONALD of Michigan. Mr. Speaker, last December, I had the privilege to introduce in this body H.R. 15283, which seeks to end the practice of selling federally compiled mailing lists to the public. I say privilege, Mr. Speaker, because I consider this practice intolerable for a variety of reasons, and am proud to have my name on a bill which would put an end to it.

My main reason for objecting is, of course, the basic invasion of privacy against the individual citizen. In order to get permission to pilot an airplane, sail a boat, or to even pay taxes a form must be filled out. On this form, in addition to the name and address normally required, are many questions which have little or nothing to do with the operation of the licensing agency. This information is coded, put on magnetic tapes, and when a commercial enterprise wants a list of airplane pilots, gun collectors, boat operators, the Federal Government sells it to him.

I object to this, and so have several of my colleagues. But the invasion of privacy does not stop there, Mr. Speaker.

An article in yesterday's Wall Street Journal, which I am submitting at the conclusion of my remarks for insertion in the RECORD, brings out this second invasion quite clearly. Because the article brings the point home, I choose not to belabor the point at this time, and instead will let my colleagues who yet may not have read the article do so. My feelings in favor of this type legislation are well known. I stand ready to testify in favor of my bill, or any other bill which will end this insidious practice, and would hope that the House leadership brings this legislation forward soon for discussion and action.

The article follows:

SALE OF MAILING LISTS BY FEDERAL AGENCIES IRKS SOME IN CONGRESS

(By Fred L. Zimmerman)

WASHINGTON.—The Federal Government collects names. But should it sell them to businessmen eager for mailing lists?

Some agencies say yes. The Federal Aviation Administration sells names and addresses of 651,086 pilots and other airmen for $200, for example. The Federal Communications Commission sells names of amateur radio operators. The Coast Guard sells lists of boat owners.

But Wendell R. Ames, a Honeoye Falls, N.Y., physician, strongly opposes the practice. He recently discovered that the Internal Revenue Service had sold his name to an Ohio sporting goods store wanting a list of licensed gun dealers and collectors. (Dr. Ames, a collector, may not know it, but the IRS also sold his name to the Firearms Lobby of America.)

The Ohio store sent Dr. Ames an ad for shotgun shells. Dr. Ames sent his Congressman an angry letter. And the Congressman, New York Republican Frank Horton, got busy.

Rep. Horton persuaded the IRS to stop selling the names of gun collectors (although the agency still sells the names of gun dealers). He sent a questionnaire to 50 Federal agencies, asking their policies on selling mailing lists. (The finding: Some do and some don't.) And he introduced a bill that would ban the use of such lists for "commercial or other solicitation."

"The Federal Government has no place in the business of preparing and selling mailing lists," he declares.

A growing number of lawmakers apparently agree. They would like a firm policy established: No more mailing-list sales to business. It invades privacy, they say, and breaches the confidential relationship between citizen and Government. Many Congressmen also complain it adds to the so-called junk mail clogging the nation's mailboxes.

A LETTER TO NIXON

Eighty-one Congressmen have signed up in support of Mr. Horton's bill, and several related bills are pending. In the Senate New York Republican Jacob Javits has written President Nixon asking that he order a stop to mailing-list sales.

But for many businessmen, Government mailing lists have a powerful appeal. They typically contain a specialized set of names, making them useful for advertising purposes. They generally cost only as much as the agency's expense in reproducing them. And they usually come in a form that's easily converted into address labels.

If the gun licensee list hadn't been so simple to convert, in fact, Dr. Ames might not have realized his name had been sold. At first glance, the shotgun shell ad looked like an ordinary piece of direct-mail advertising. But a closer examination showed the doctor that the address label was identical—in typeface as well as wording—to one on a bulletin the IRS recently had sent him.

For $140, the sporting goods store had bought Dr. Ames' name and about 143,000 others as recorded on seven computer tape rolls. The store presumably scissored off the labels—already addressed and organized by zip codes—and pasted them on the advertising flyers.

The IRS recently identified for Rep. Horton the other purchasers of the rolls. They were mostly sporting goods stores and gun manufacturers, but there were two nonbusiness buyers: The Firearms Lobby of America and a group called Citizens Against Tydings. The gun lobby hopes to unseat Maryland Democratic Sen. Tydings this year.

MAKING THEFT EASY

Dr. Ames was more concerned about theft than politics, however. "In my book," he wrote Rep. Horton, "this is a beautiful way of advertising locations from which firearms can be stolen. It seems to be a pretty poor way to administer what is thought to be a firearms control law." Then he installed a burglar alarm system in his home.

But Federal agencies selling names argue that the 1967 Freedom of Information Act requires such sales. That law's purpose was to curb secrecy by opening some Federal records to the public, and these agencies say they can't refuse when someone asks to buy their lists.

But agencies that don't sell names think they have an equally sound reason. The 1967 law exempts material whose disclosure would cause "a clearly unwarranted invasion of personal privacy." That phrase hasn't been defined, however, and therein lies the confusion.

Thus, Rep. Horton's agency survey found legal justifications both for selling and not selling. FCC Chairman Dean Burch wrote that "in our judgment" the privacy exemption doesn't cover amateur radio operators. So that list is for sale. The Defense Department explained why it doesn't sell military men's names. "We concluded (it) would constitute a clearly unwarranted invasion of personal privacy . . .," an official wrote.

Rep. Horton's bill would amend the Freedom of Information Act, originally drafted by a subcommittee he sits on. It likely faces close scrutiny; some members fear any erosion of the antisecrecy provisions of the 1967 law.

WHY SCHOOL PRAYERS: AN ANSWER TO A LETTER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. COLLINS. Mr. Speaker, in this morning mail, I received a challenging and stimulating letter. The writer questioned why I was such a strong advocate of prayer.

Today as we look around our mixed up Nation we see the need for more prayer. Youngsters have not learned to respect the rights and property of others. Folks are afraid to be out after dark even in their own neighborhoods. Teenagers in overwhelming numbers are turning to drink and drugs to escape the realism of life.

We seek daily in Congress through our committees to find solutions for crime, drug, and student unrest. But the best answer is to have stronger religious principles instilled in our youngsters.

When you hear my letter—give me your reaction. Why do you think we need prayer in the classroom. Here is my letter to a constituent in Texas:

You write asking why I advocate daily prayer for our school children in their classrooms from coast to coast.

By religion I am a Baptist. As you probably know, that is about as Independent as you can be. Every Baptist Church is completely autonomous, runs its own business, chooses its own preacher, and determines its own doctrine. And two members sitting beside each other on a Pew probably differ on doctrine interpretation. So you can see I believe strongly in individual rights and personal beliefs.

Freedom begins when children learn to respect the religion of others. Many schools had the practice of beginning the day by having a prayer from a different student. It is surprising how similar are the basic beliefs of a Methodist, a Jew, a Unitarian, a Catholic and a Baptist. As the youngsters listen it teaches them to realize the strength of others, and with understanding comes tolerance. Too many youngsters are self-centered and have inherited the prejudice of their parents.

The question arises as to the athiest. He can have a minute of silent prayer. As a young man, my deepest religious experiences were in meditation by myself on occasions when I was all alone in the solitude of the forests.

There are those who ask for separation of Church and State. Should we take God out of our government. On the Speaker's platform inscribed in marble is the sentence "In God We Trust."

Our National Motto that leads us is "In God We Trust." We all have the same God, and we humbly recognize the need for his guidance. Many times I wonder whether our national problems arise because today we are trying to keep God out of Government and our lives.

Today more than anytime in history we need compassion and understanding. Whether you read the words of Moses or Jesus, the inspiration builds towards a better society in which to live.

When my children were growing up, my wife and I always encouraged our children to have at least one good Jewish friend. It helped our youngsters, because the Jewish child was intellectually curious, he was ambitious, energetic, and was family oriented. Our children learned the Jewish religious holidays, and the customs. Lets encourage this next generation to respect the religion of their contemporaries.

We will admire the Catholic system of Confessions. Many of us who have served in War found the predestiny spirit of "what will be—will be" of the Presbyterian to be a great source of strength.

I read too often in our newspapers where the rioters want special benefits for themselves. If they could only understand that we are all neighbors and should live by the Law with consideration for the rights of others. Let us give our chidren the opportunity to pray and through prayer, their heart and soul can receive understanding and the blessing of God.

There is a beautiful song that goes, "It is no secret what the Lord can do. He has done it for others, and he can do it for you.

Your letter was in a kindly spirit and I hope you will accept my answer in the same manner.

TESTIMONY ON ANTIHIJACKING PROPOSAL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. TIERNAN. Mr. Speaker, I would like to call the attention of my colleagues to testimony concerning the revenue aspects of the administration's antihijacking proposal that was given on September 21, 1970, before the House Committee on Ways and Means. The statement was delivered by Thomas M. Keesling on behalf of the American Society of Travel Agents, Inc.

XUM

I believe that Mr. Keesling makes some very persuasive arguments showing why it is not necessary to increase the excise tax on domestic air tickets or to increase the head tax on overseas air travels.

The complete text of Mr. Keesling's statement follows:

Regarding the Reverse Aspects of the Administration Antihijacking Proposal

(By Thomas M. Keesling)

Chairman Mills and Members of the Committee: I am Thomas M. Keesling, a travel agent from Englewood, Colorado. I am President of Travel Associates, Inc., a travel agency with offices at 701 West Hampden Avenue in Englewood. Today, I appear before the Committee as a travel agent as well as the Vice President of the American Society of Travel Agents, Inc. (ASTA), a nationwide trade association with more than 3,200 travel agent members located throughout the United States.

Accompanying me this morning is Paul S. Quinn, partner in the Washington law firm of Wilkinson, Cragun & Barker, ASTA's general counsel.

It is my understanding that the issue before the Committee this morning is the revenue aspect of H.R. 19225, a bill to provide for the protection of persons and property aboard United States air carrier aircraft.

Executive Communication 2379 from Secretary of Transportation Volpe to John W. McCormack, Speaker of the House of Representatives, dated September 14, 1970, referred to a broad plan designed to implement a series of antihighjacking measures announced by President Nixon on September 11, 1970. Among those proposals was one providing for the establishment within the Department of Transportation of a guard service which would be available for use aboard aircraft operated by U.S. airlines. H.R. 19225 would establish specific statutory authority to provide this service. In addition, according to Secretary Volpe:

"The bill also amends the Internal Revenue Code to increase by one-half percent the present eight percent excise tax on domestic air tickets and to increase by $2 the present $3 head tax on overseas air travelers. It is anticipated that the revenues obtained from these increases, which would be added to the Airport and Airway Trust Fund, would be sufficient to finance the guard program established by the bill."

This morning, Mr. Chairman, I would like to make the following points on behalf of the United States travel agents:

The threat of bodily harm and property damage to United States citizens and other citizens of the free world as a result of airline highjacking has grown to outrageous proportions and all responsible governments—working with private organizations and individuals—must find an immedate solution to this problem.

President Nixon's proposals, which include the placing of armed guards aboard aircraft as a deterrent to future highjackings, could be effective and should be implemented without delay.

Whatever costs are incurred to provide guard service or other security steps designed to thwart highjacking should not be borne solely by air travelers but should be paid for out of the general Treasury as a general obligation of the United States Government. Consequently, it is not necessary to increase the excise tax on domestic air tickets or to increase the head tax on overseas air travelers at this time.

Mr. Chairman, no one in the United States today, least of all members of Congress, need be reminded that the use of airline highjacking as a political device has gotten completely out of hand. Rarely has a series of international developments attracted more public attention throughout the world than the almost simultaneous highjacking and destruction of four aircraft valued at $50 million and the holding of some 300 passengers as hostage by Arab guerrillas.

It is perfectly clear that not enough has been done, either by the world's governments or private industry, to deal with the highjacking problem. It would not be appropriate to take the Committee's time to review the various proposals which have been advanced by our government, the United States travel industry and others, to deal with the problem. However, we would like to submit for the record a resolution recently adopted by ASTA, along with a report from the Washington Post on ASTA's decision to urge a boycott by United States and Canadian travel agents of all travel and tourism to any country which fails to take appropriate action to punish highjackers. ASTA is pledged to this course of action as well as to any other reasonable proposals designed to protect innocent air travelers from these insane acts of air piracy.

The specific concern of this Committee relates to the revenue aspects of providing armed guards for United States aircraft. It is with a great deal of reluctance that ASTA endorses the use of armed guards on aircraft. In these times when tradition and international law had presumably assured the safe passage of all persons among free countries throughout the world, it is indeed sad that we must resort to forms of frontier justice in order to guarantee the safety of airline passengers.

Furthermore, the use of armed guards on aircraft does, in itself, inject a new element of potential harm to persons and property traveling by air. ASTA strongly urges that all precautionary steps be taken regarding the procedures to be followed by armed guards to minimize any threat to the lives and wellbeing of air travelers who might be involved in a highjacking incident.

The precise issue before this Committee is whether to approve or disapprove that aspect of the Administration's proposals which calls for an increase in the domestic excise tax and the international head tax to generate additional revenues to be paid into the Airport and Airways Trust Fund to finance the guard program. ASTA strongly objects to this method of financing the guard program for the following reasons:

Since the establishment of our country, United States citizens have been protected in our sea lanes and sea commerce from piracy. This protection has come from the United States Navy and the Coast Guard and through other means provided by the federal government. It is ASTA's view that air passengers traveling on U.S. flag carriers deserve the same high degree of protection and our government has an obligation to provide that protection. The cost of that protection should be borne by all citizens in the same manner that all citizens must share the financial burden of providing for our national defense and the exercise of other police powers of the government. ASTA, therefore, strongly endorses the position adopted by the Civil Aeronautics Board as announced by Chairman Secor D. Browne on September 17, 1970:

"My colleagues on the Board and I believe that in dealing with acts of piracy . . . whether on the high seas or in the sky, . . . the cost of protection should be borne by the entire public and not the traveller alone."

An increase in airline taxes to pay for the guard program would set a dangerous and highly undesirable precedent not consistent with the philosophy behind the establishment of the trust fund.

It is to be hoped that the use of armed guards on aircraft would be a temporary measure which could be abandoned as quickly as possible following the implementation by all world governments of a comprehensive program designed to prevent future highjackings. If this is true, it would be unwise and unnecessary to burden U.S. citizens with additional airline taxes to pay for an interim and hopefully short-run program.

The air traveler and airline companies already shoulder substantial financial burdens—the airlines through the payment of corporate taxes to the general Treasury of the United States, and the air traveler through domestic excise taxes and international head taxes which, effective July 1, 1970, were increased to 8% and $3, respectively.

A country which has budgeted $73.9 billion for national defense next year certainly should be able to provide the funds necessary to supply a few hundred guards to protect the very life and safety of our citizens traveling by air.

In conclusion, Mr. Chairman, the travel agency industry urges this Committee to take prompt action to enact whatever legislation may be necessary to authorize the Secretary of Transportation to provide guards to accompany aircraft operated by U.S. air carriers for the purpose of protecting the aircraft and persons and property aboard. Since the cost of providing this service should be borne by the government out of the general Treasury of the United States and not from funds generated through the Airport and Airway Revenue Act of 1970, it is not necessary to increase the domestic excise tax from 8% to 8½% or the head tax on international travel from $3 to $5, and this proposal should be rejected.

In addition, with the Committee's permission, I would like to submit for the record a separate statement on behalf of ASTA dealing with a very troublesome part of the 1970 Airport and Airways Development Act which prevents travel agents and airlines from showing separately on tickets the amount of excise tax in connection with domestic air transportation.

We appreciate the opportunity to appear before your Committee this morning, and you can be assured that ASTA will continue to support all reasonable efforts by our government and others to find a solution to the outrageous international crime of air piracy.

A Resolution on Air Piracy From the American Society of Travel Agents

Ottawa, Canada, Sept. 11.—At its Board of Directors meeting in Ottawa, Canada, today, the American Society of Travel Agents took the following action against international air piracy.

Recognizing that the entire system of world tourism is in serious jeopardy as a result of the cruel and unconscionable hijacking of passengers on commercial aircraft, the Board of Directors of the American Society of Travel Agents, Inc., adopts the following resolution:

As the largest travel association in the world comprising members in the United States, Canada and other countries in every hemisphere, ASTA advises its member agents to cease arranging for travel to any Arab country that harbors or clearly sympathizes with hijackers.

To apply this point to the current problem, ASTA will formerly ask the ambassadors of those Arab bloc countries to assure ASTA and its 9,700 members worldwide, on behalf of all international travelers and the whole travel industry, the terrorism and kidnapping will be halted and innocent victims held hostage will be permitted to continue to their original destination.

Should the representatives of the countries involved refuse to provide the necessary assurances immediately, ASTA will further recommend without delay the following additional steps to its members.

All ticket stock of national carriers for the Arab country will be returned.

XUM

Tariffs and schedules covering destinations in Arab countries will be removed by ASTA agents from reference files.

Clients will be advised that travel to Arab countries is unsafe—and under no circumstances should they attempt to arrange such travel themselves.

Travel literature from hotels, airlines, tour operators and national tourist offices will not be accepted by agents and material on hand will be returned.

This anti-hijacking program can effectively divert international tourism from Arab countries with consequent economic hardship and cultural losses to that part of the world.

ASTA recognizes the severity of this move but the rights in safety of the traveling public must be foremost in the mind of every person involved in world tourism. The travel industry must support steps to cut off the flow of travel to any country protecting persons who would risk the lives of innocent travelers to foster political objectives.

[From the Washington Post, Sept. 18, 1970]

ASTA Threatens to Boycott Arabs

(By Morris D. Rosenberg)

Urgin its 3,000 active members in the United States and Canada to discourage travel "to any Arab country that harbors or clearly sympathizes with hijackers," the American Society of Travel Agents has warned seven Arab countries they could face a fullscale boycott by agents.

ASTA's board of directors, seeking guarantees for the future safety of tourists, disclosed telegrams were sent Saturday to diplomatic representatives of Lebanon, Egypt, Algiers, Tunisia, Jordan, Iraq, and Syria, stating:

"If necessary assurances are not received from your government this week, on behalf of our 9,700 worldwide members, international travelers and the entire travel industry, additional severe steps will be recommended to ASTA member agents that can effectively divert international tourism from Arab countries, with consequent economic hardships and cultural losses to that part of the world."

No official replies had been received as of yesterday, according to ASTA, though a representative of one Arab country had telephoned and pledged that his government would answer.

Samir Khalil, director of the UAR Tourist Office in New York, yesterday termed the ASTA move "another irrational reaction. It is unfair because the Arab world is against hijacking, and we voted against it in the U.N. last week. The passengers in the Cairo hijackings were released without regard to race, color or creed."

ASTA outlined four steps that U.S. and Canadian members could be told to take:

Return all ticket stock (blank air line tickets) of national carriers for any Arab country cited by ASTA.

Remove tariff and schedules covering destinations in such Arab countries from reference files.

Advise clients that travel to specific Arab countries is unsafe and that under no circumstances should they attempt to arrange such travel themselves.

Refuse to accept travel literature from Arab hotels, airlines, tour operators and national tourist offices and return any such material on hand.

If such a boycott were instituted, an ASTA official noted, "It might take weeks for tourism to return to normalcy" after it was rescinded.

The ASTA statement made no recommendation involving travel to Israel.

[From Travel Weekly, Sept. 18, 1970]

Cancellations Mounting Amid Trade Appeals for Middle East Boycotts

(By Joel A. Glass)

New York.—Cancellations by hijack-wary clients continued pouring into the offices of agents, wholesalers, airline and hotel reps late last week and early this week.

And, as cancellations from both FIT and group clients mounted by the hundreds, individual agents and retail associations began to take direct action aimed at boycotting travel to Middle Eastern areas.

Over the weekend, ASTA directors in Ottawa noted that "the entire system of world tourism is in serious jeopardy as a result of the cruel and unconscionable hijacking of passengers on commercial aircraft," and called on its 3,000-members in the U.S. and Canada, "to cease arranging for travel to any Arab country that harbors or sympathizes with hijackers."

WARNS ARAB STATES

In telegrams to representatives of Lebanon, Egypt, Algeria, Tunisia, Jordan, Iraq and Syria, the Board warned: "If necessary assurances are not received from your government this week, on behalf of our 9,700 worldwide members, international travelers and the entire travel industry, additional severe steps will be recommended to ASTA member agents that can effectively divert international tourism from Arab countries with consequent economic hardships and cultural losses to that part of the world."

Among steps that will be recommended, ASTA noted, are return of stock of national carriers for Arab countries not providing such assurances; removal from files of ASTA agents of the tariffs and schedules covering destinations in Arab countries; advice to clients not to visit Arab areas; and refusal by agents to accept literature from hotels, airlines, tour operators and national tourist offices in Arab countries.

The ASTA move followed similar actions by two New York-area retail groups—the 50-member Long Island Travel Agents Association and the 40-member Brooklyn Association of Authorized Travel Agents. Both barred members from booking Arab Middle East countries.

Typifying the kind of cancellation problems facing retailers booking not only Mid-East, but also European destinations, were those revealed by Larry Austin, Austin Travel, president of LITAA. He noted that each of his association members averaged 50 cancellations last week. Austin lost 40 of 170 clients booked on a Pan Am flight to London last week. J. P. Verdi, Buddys Holiday Travel, BAATA president, said his members were averaging more than a dozen cancellations each.

At the airlines, meanwhile, there were more reports of cancellations. TWA received some 300 individual cancellations and Alitalia lost one group of more than 30 from the Chicago area. Pan Am, which earlier insisted it had no cancellation problem, conceded at the end of last week that "the cancellation rate does seem to be rising somewhat above normal, though it's not alarming."

One of the new trends that appeared early this week was transfer of bookings from carriers affected by the hijackings. While no airline in New York had records of that happening from U.S. gateways, there were reports of changed bookings at European points. One transatlantic carrier, for example, noted that close to 100 persons in two group movements who had ongoing reservations abroad three of the hijacked airlines demanded switches for the second- and third-leg of their trips to other lines.

Other new trends were emerging. Several Miami agents reported sizeable numbers of airline-booked clients switching to ship travel. Other agents in the Midwest and South said some clients were cancelling connecting flights within Europe and switching to rail and coach transportation instead.

An interesting breakdown on which European areas are most heavily affected by cancelling, travel-wary Americans came from George Suhr, president of Hotel Representative, Inc., which numbers some of the most deluxe hotels of Europe among its clients. Of the more than 250 cancellations received last week, Suhr noted, highly disproportionate numbers came in for Italy, France and Greece. He counted 47 in Rome, 28 in Florence, 21 in Venice, 15 in Milan, 10 in Naples, 15 in Athens and 25 in Paris.

Another significant trend, pointed out by numerous agents around the country, was that while many of them had not yet had cancellations, new business last week and this was way below normal.

Wholesalers noted increasing problems, as Foreign Tours topped 30 cancellations, Thos. Cook & Son exceeded 20, Olson Tours topped 20, and Maupintour recorded six.

FLIGHTS RESUMED

Meanwhile, BOAC and BEA resumed service to Beirut which each had halted last week. A new threat emerged, however, as reports emanated from London that BEA pilots might refuse to fly to Israel. BOAC instituted a rule requiring passengers traveling from England, Europe, North Africa, the Middle East, Pakistan or India to book at least 72 hours in advance.

At the IATA passenger traffic conference in Honolulu, meanwhile, delegates were voicing fears that aircraft insurance premiums would rise in the wake of the bombing by Palestinian commandos of the four planes. Several indicated such a rise would be passed on to passengers.

COMMISSION ON OBSCENITY AND PORNOGRAPHY SHOULD RETURN WHATEVER FUNDS IT SPENT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PUCINSKI. Mr. Speaker, when Public Law 90–100 was created to establish the Commission on Obscenity and Pornography, the express purpose of the act was "to establish an advisory commission whose purpose shall be after a thorough study, to recommend effective, advisable, and appropriate constitutional means to deal effectively with the growing traffic in obscenity and pornography."

I submit that the report sent to Congress contains a majority-view recommendation to do just the opposite, thus abrogating the purpose for which the Commission was originally set up.

The only vigorous voice in opposition to the passage of Public Law 90–100 was the American Civil Liberties Union. And yet, the chairman of the commission and the majority members, as well as most of the research staff, are ACLU'ers. They are libertines who believe that the United States should become another Denmark and repeal obscenity and pornography laws at every level of Government.

XUM

This Commission is not only stacked with those whose views constitute the outlook of a minute portion of our population, but so is their research distorted to fit their libertine views. They have discarded overwhelming evidence to the contrary.

Study after study has shown that there exists a distinct correlation between increasing sexual freedom and social decline. The renowned University of Chicago psychoanalyst, Bruno Bettelheim, has observed:

> If a society does not taboo sex, children will grow up in relative sex freedom. But so far, history has shown that such a society cannot create culture or civilization; it remains primitive.

We should take note that the Scandinavian countries have a high suicide rate. One of the reasons is that because of their totally permissive societies, the people are not equipped morally, spiritually, and physically in their cradle-to-grave socialism to cope with the problems of modern society. The family unit is losing its meaning, and women are nothing but sex objects.

The National Catholic Register recently observed in an editorial:

> But what they cannot measure is the effect such pornography has on the quality of human life. That human beings exposed to pornography do not become rapists or fornicators proves nothing. What pornography does is take one of the most beautiful and most meaningful acts of human life and turn it into an animalistic action. What the pornographers do is to reduce it to the physical, stripping it totally of what lifts the act above the animals. It celebrates lovelessness in what can have meaning for humans only in love. It makes of it an act separated from the total commitment that transforms it. It is the quality of life that is threatened and all the statistics cannot change this. It is in defense of the quality of life that pornography is opposed.

XUM

Pope Paul VI recently stated that the pornography "phenomenon is like a perverting drug that infiltrates subtly, unconsciously, deadening, and ruining the conscience, particularly of young people and of persons lacking will power." He added that it is a "most dangerous development, being used by people without scruples and basely enslaved to money, which threatens to deprive society of its natural defenses, of its pure ideals and of its spiritual resources."

There has been a monstrous increase in venereal disease in this country, notably among young people. We can expect a greater increase of VD in this country if we look to our Danish counterparts. In a UPI dispatch out of Copenhagen, it was noted that VD has become an overwhelming problem, particularly among 12- and 13-year-old school girls. The dispatch states:

> The pill, a general relaxation moral of moral standards and sexual freedom among the young are responsible for a 40 percent increase in VD cases over the past year, in the opinion of District Doctor Bent Maegaard Nielsen. "I'm not preaching morals," said Nielsen, a leading authority in the fiield, "but some of the youngsters these days get venereal diseases the way the older generation got a hangover." Girls of 12 and 13 have to be called in for treatment and we must explain to them the consequences if they fail to name their partners. "In fact up to the age of 20 a majority of VD carriers are female. After that males outnumber them two to one." "Tracing their partners is the hardest and most delicate part of the job," Nielsen said. "Especially if three or more are involved. A few reel off names as though they were reading a telephone book." Nielsen said it was not true that prostitutes were largely responsible for the spread of the disease. "That may have been the case 20 or 50 years ago," he said, "but not today." He said there are now so many caes of VD, doctors have given up the hope they once had that antibiotics would eliminate the disease."

Postmaster General Winton M. Blount observed in a recent speech the increasing flood of mail-order obscenity as "commercial degradation of the human spirit." He noted that cases in the files of the Postal Inspection Service indicate a relationship between exposure to pornography and antisocial behavior.

The Postmaster General declared:

> The claim that the incidence of sex crimes decreases in direct relation to the liberalization of pornography laws is disproved by the experience of Denmark, where most anti-obscenity laws have been repealed.

Mr. Blount said:

> Pornography used to be a crime there, and now it isn't. Therefore, the crime rate dropped. Statutory rape used to be a crime, now it isn't. So this contributed to the drop in the crime rate. If they legalize burglary, it will drop some more. They'll have the same number of burglaries, but they won't be crimes anymore.

He contended:

> Pornography is not simply a threat to the best interests of our children. It is an act of violence against the human spirit. As a people, we believe that each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve these, we preserve and sustain human dignity. As we violate these for sensation or for profit, we act against the dignity of man, and we act against all that we have suffered and struggled to build for more than two centuries on this continent. If the people decide against pornography.

The Postmaster General continued:

> We can do away with it. If we endorse stringent laws; if we elect and appoint discerning judges; and if, above all, we refuse to patronize the pornographer, then we can put him out of business.

Hearings were started in both the House and the Senate on the upcoming report to Congress because of leaked reports to the press. It has only been because of the courage of a few of the dissenting members that the views of the Commission have become known.

The Commission, instead of advising Congress of constitutional ways to deal with the filth in our midst, will instead recommend ways to increase it geometrically.

The Commission has systematically blocked the dissenting members from access to their reports and findings, and from filing a minority opinion, as well as staff and money. It has only been because of Commissioners such as Keating, Hill, Link, and a few others that the real facts are becoming known. Keating successfully sued the Commission from filing its report until he was given the opportunity to file a dissenting view.

The Congress awaits this report with interest. Let it not be understated that this report will have an impact on the Congress, State legislatures, and the courts.

The Commission's report does not live up to the mandate of Public Law 90–100. The Congress should conduct a thorough investigation and call for a GAO report on how much money was spent by those libertine Commission members to advise us to repeal all pornography laws, and demand a refund to the Treasury. The Commission was set up to advise us how to deal with the traffic in pornography, not how to expand it.

To remind the House of the purpose and intent for which Public Law 90–100 was set up, I shall include in the RECORD a copy of the law as well as the House report that accompanied the legislation.

I should also recall here that I warned 2 weeks before the Commission issued the report that its report would be a whitewash of pornography in the country. At that time I said I would demand vigorous action against the Commission for failure to carry out its mandate. I am today demanding such action.

Public Law 90–100 and the House report follow:

An act creating a commission to be known as the Commission on Obscenity and Pornography

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDING OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the traffic is obscenity and pornography is a matter of national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to investigate the gravity of this situation and to determine whether such materials are harmful to the public, and particularly to minors, and whether more effective methods should be devised to control the transmission of such materials. The State and local governments have an equal responsibility in the exercise of their regulatory powers and any attempts to control this transmission should be a coordinated effort at the various governmental levels. It is the purpose of this Act to establish an advisory commission whose purpose shall be, after a thorough study which shall include a study of the causal relationship of such materials to antisocial behavior, to recommend advisable, appropriate, effective, and constitutional means to deal effectively with such traffic in obscenity and pornography.

COMMISSION ON OBSCENITY AND PORNOGRAPHY

SEC. 2. (a) ESTABLISHMENT.—For the purpose of carrying out the provisions of this Act, there is hereby created a commission to be known as the Commission on Obscenity and Pornography (hereinafter referred to as the "Commission"), whose members shall include persons having expert knowledge in the fields of obscenity and antisocial behavior, including but not limited to psychiatrists, sociologists, psychologists, criminologists, jurists, lawyers, and others from organizations and professions who have special and practical competence or experience with respect to obscenity laws and their application to juveniles.

(b) MEMBERSHIP OF THE COMMISSION.—

The Commission shall be composed of eighteen members appointed by the President.

(c) Vacancies.—Any vacancy in the Commission shall be filled by appointment by the President.

(d) Organization of Commission.—The Commission shall elect a Chairman and a Vice Chairman from among its members.

(e) Quorum.—Ten members of the Commission shall constitute a quorum, but five members shall be sufficient for the purpose of taking testimony or interrogating witnesses.

COMPENSATION OF MEMBERS OF THE COMMISSION

Sec. 3 (a) Members Employed by United States.—Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(b) Other Members.—Members of the Commission who are not officers or full-time employees of the United States shall each receive $75 per diem when engaged in the actual performance of duties vested in the Commission. In addition, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

STAFF OF THE COMMISSION

Sec. 4. Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates.

DUTIES OF THE COMMISSION

Sec. 5. (a) Investigation and Recommendations.—It shall be the duty of the Commission—

(1) with the aid of leading constitutional law authorities, to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography;

(2) to ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials;

(3) to study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior; and

(4) to recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

(b) Report.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than January 31, 1970. The Commission shall cease to exist ten days following the submission of its final report.

POWERS OF THE COMMISSION

Sec. 6. (a) Hearings and Sessions.—The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of the Act, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable.

(b) Consultation.—In carrying out its duties under the Act, the Commission shall consult with other Federal agencies, Governors, attorneys general, and other representatives of State and local government and private organizations to the extent feasible.

(c) Obtaining Official Data.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(d) Obtaining Scientific Data.—For the purpose of securing the necessary scientific data and information the Commission may make contracts with universities, research institutions, foundations, laboratories, hospitals, and other competent public or private agencies to conduct research on the causal relationship of obscene material and antisocial behavior. For such purpose, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

Commission on Obscenity and Pornography

The Committee on Education and Labor, to whom was referred the bill (H.R. 10347) creating a commission to be known as the Commission on Obscenity and Pornography, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the matter shown in the reported bill in italic type.

PURPOSE

H.R. 10347 provides that an advisory study commission be established whose purpose shall be after a thorough study, to recommend effective, advisable, and appropriate constitutional means to deal effectively with the growing traffic in obscenity and pornography.

BACKGROUND INFORMATION

This bill has been introduced in an attempt to establish a blue ribbon panel to consider the complex problem which obscenity regulation raises. Part of this problem emanates from the inability of our States and the Federal Government to stem the tide of an estimated billion-dollar business in obscenity.

Last year the Post Office Department received close to 200,000 complaints, most of them from parents who objected to unsolicited, obscene commercial material which had been sent to their children.

In the 10 years that have intervened since the *Roth*[1] decision, postal inspectors have made over 100,000 investigations into the use of the mails in an obscenity context. During this period, convictions by due process of law have been obtained in over 4,000 instances. The bulk of all postal complaints develop from the indiscriminate and unsolicited direct mail advertising which tries to titillate the interests of those susceptible. It is estimated that there are some 20 million pieces of smut mailed annually within the United States.

Dealers in pornography are spurred by a desire for huge profits. These smut peddlers are aware that their profits increase in direct proportion to the degree of prurient interest appeal that can be injected into their material.

The operation of one dealer alone has resulted in over 100,000 complaints to the Post Office Department during the past 4 years. Some persons have individually received as many as 30 sordid, unsolicited advertisements from an individual dealer. These unsolicited mailings have no bounds.

Repeated mailings have been made to persons of both sexes and all ages, to prison addressees, to churches and seminaries, to students and instructors at elementary and high schools, to military personnel at bases here and abroad, to physicians and staffs at hospitals, to business offices, and to Government personnel at their employment.

According to Henry P. Montague, the Chief Postal Inspector for the U.S. Post Office Department, the trend in commercialized pornography is toward books and magazines and away from photographs and films.

The principal reason is that pornography in photo form is more easily distinguishable by the courts than printed material. Also, the invention of the instant, self-developing camera has made pornographic photography more readily available to those who care to possess it.

In the period from 1962 to 1966, complaints from the mail-receiving public rose 300 percent. During the same period, obscenity convictions rose only 26.8 percent. In 1966, the U.S. Customs Department confiscated 77,741 pieces of merchandise at our ports of entry which were adjudged obscene by our Federal courts.

It would appear that the major distributors of obscenity can best be dealt with through the exercise of Federal power; but coequally, attention must be given to the important role of State and local governments, as well as private organizations.

At present, there is no effective method for shielding addressees from unsolicited and unwanted advertisements.

The committee has taken specific cognizance that the Justice Department endorses its bill to create a study commission on pornography and obscenity, and was impressed with the statement of Assistant Attorney General Fred M. Vinson, Jr., that—

"If Congress decides that a commission in this area is a desirable supplement to the efforts of the Federal Government and the States in dealing with obscenity, we would welcome the opportunity to work with the commission toward our common goal—the control of offensive material and obscenity."

Statistics issued by the U.S. Children's Bureau indicate that in 1965 nearly 700,000 delinquency cases were handled by the juvenile and family courts in the United States. This was a 2-percent increase from the previous year and a continuation of an upward trend that began in 1949. In the past 10 years, delinquency cases have increased from the previous year, in a continuation of an upward trend. In the past 10 years, delinquency cases have increased by 58 percent. By 1970, it is estimated that 1 out of 9 children will come into contact with the juvenile courts or law enforcement agencies.

Dr. Nicholas G. Frignito, the medical director of the county court of Philadelphia, Pa., wrote the committee:

"There are records in the county court of Philadelphia, to demonstrate that indiscriminate use of smut leads to sexually aggressive acts, and in some incidents, to homicide. Aggressive delinquents band in small groups and devote considerable time to pursuing and reading smut devoted to sadistic and masochistic practices. They frequently indulge as a group in these chaotically perverse activities. During psychiatric treatment of institutionalized adolescent delinquent girls, a significant number of incidents of incestuous assaults are reported. The sexually aggressive fathers, brothers, or other relatives, are devotees of smut."

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[1] For summary of legal developments in the field of obscenity and pornography, see the Appendix. 85-006

XUM

SUMMARY OF MAJOR PROVISIONS IN THE BILL

MEMBERSHIP OF THE COMMISSION

The committee, in its deliberations, gave substantial consideration to the composition and method of selection of the proposed Commission. A key to a successful study of the complexities of obscenity and pornography lies in the prudent selection of the Commission's members and other personnel.

It is hoped that the Commission would institute its study with minimal presuppositions. To facilitate this aim, the Education and Labor Committee rejects the idea that the appointing authority necessarily should be limited by statute to designated categories or fields of interest. At the same time, H.R. 10347 places special emphasis on the growing influence of pornography upon our youth. The text of the bill reflects this problem when it states:

"The Commission shall include but not be limited to psychiatrists, sociologists, psychologists, criminologists, jurists, lawyers and others who have special competence with respect to obscenity laws and their applications to juveniles."

The committee believes that its selection mechanism will bring together people who do not necessarily have prefrozen ideas, with little chance that those ideas will thaw in the course of their studies.

To facilitate a fair, objective, and impartial study, the appointive authority has been vested in the President of the United States; however, H.R. 10347 provides that the Speaker of the House and the President of the Senate, shall each submit a panel of 16 names to the President for his consideration. These 32 nominations are only advisory in nature, and thus the Chief Executive still maintains the needed latitude to appoint a representative and balanced Commission.

DUTIES OF THE COMMISSION

With the aid of leading constitutional law authorities to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography.

Since the *Roth* decision, a vast quantity of law has been developing at the Supreme Court level and an even greater amount of law has emerged on the State and lower Federal court levels.

The Supreme Court set off in a new direction in the *Ginzburg* case, with an approach that has been both widely praised and criticized; however, the present confusion concerning the definition of obscenity appears to have a direct relationship to the growth of the commercial distribution of pornographic materials.

A fresh analysis of these conflicting and confusing decisions and a careful appraisal of the variety of new State laws would not only be useful but seem to be extremely urgent.

To ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials.

All evidence seems to indicate that commercial pandering of pornographic material is on the increase. While the Justice Department has not ventured to measure the total problem, Assistant Attorney General Fred M. Vinson, Jr., on behalf of the Department, has expressed the opinion that a quantitative analysis of the traffic in pornography could be one of the helpful duties that this Commission could perform.

In uncontroverted testimony, the committee has been informed that pornographic material has been flowing into the Nation in great quantities from a number of foreign countries, including Great Britain, Germany, Sweden, and Spain. Since the *Ginzburg* decision, there has been an increase of hard-core materials entering this country—a fact which is proving exceedingly troublesome for the U.S. Treasury Department, which has jurisdiction over such matters.

To study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior.

Any study concerning the relationship between the effects of pornography upon the public, minors in particular, and obscenity's relationship to antisocial behavior, must be conducted by professionals in the behavioral sciences. Although such a study will be difficult to conduct on a "crash basis," the Commission members could call upon a substantial bibliography in this field.

Dr. Lawrence Kubie, a noted psychiatrist, indicated in his testimony that there should be an attempt "to study the effects on people at different age periods, on sick children and sick adults, as well as healthy adults and children, on people from different nationalities, colors, races, and educational and economic groups from different parts of the country. This is a large order, but the problem has importance for our whole culture."

To recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

The power to legislate does not necessarily mean that the power ought always be exercised. Thus, it may be that after the final report of the Commission, Congress may determine that the illicit traffic in pornography is not an evil of sufficient magnitude to require legislative action. In that event, then Congress would serve the country well by not enacating any further legislation in this area.

On the other hand, if the Commission determines there is a causal relation between pornography and antisocial behavior, then this Nation would welcome the valuable guidance this Commission could provide. From the work of this Commission could come exemplary Federal laws and, hopefully, model State laws, consistent with constitutional safeguards.

POWERS OF THE COMMISSION

The Commission on Obscenity and Pornography is authorized to hold hearings (at least five members must be present for the purpose of taking testimony) and to consult with State and local governments and private groups to the extent feasible.

In order to facilitate the scholarly intent of this study, the Commission is permitted to contract with universities, research institutions, hospitals, and other competent agencies, to conduct research on the causal relationship of obscene material and antisocial behavior.

The subpena power has been specifically omitted from the powers of the Commission. This action has been the direct result of the committee's intent that the proposed Commission will closely adhere to its four clearly defined statutory purposes. It is to be expressly understood that this Commission is not intended in any way to serve as a board of censorship. There should also be no doubt that the purposes and duties as set forth in H.R. 10347, are to be carried on without interference with constitutional freedoms of speech and press guaranteed by our first amendment.

COMMITTEE ACTION

As a result of the favorable findings by the Select Subcommittee on Education, both the subcommittee and the full Committee on Education and Labor, unanimously approved and reported this legislation with bipartisan approval.

SECTION-BY-SECTION ANALYSIS

Section 1. Finding of fact and declaration of policy

This section states that traffic in pornography is a matter of national concern and the Federal Government has a responsibility to investigate the gravity of the situation and determine whether such materials are harmful, particularly to minors, and whether more effective methods ought to be devised to control the transmission of such materials.

It is stated to be the purpose of the act to establish an advisory commission which after a thorough study, including a study of the causal relationship of such materials to antisocial behavior, shall recommend appropriate and constitutional means to deal effectively with such traffic of pornography.

Section 2. Commission on Obscenity and Pornography

This section creates a commission to be known as the Commission on Obscenity and Pornography, to be composed of 16 members chosen by the President of the United States after consideration of a panel of 16 names submitted by the Speaker of the House, and 16 names submitted by the President of the Senate. The membership of the Commission will include specialists in the fields of obscenity and antisocial behavior. The President, however, is not limited in his selection to the 32 names submitted. Any vacancies will be filled by the President.

The Commission will elect a Chairman and a Vice Chairman from among its membership.

Nine members of the Commission will constitute a quorum, and five members will be necessary for taking testimony.

Section 3. Compensation of members of the Commission

Members of the Commission who are officers or full-time employees of the United States will serve without compensation except for travel expenses including per diem expenses in lieu of subsistence. The members of the Commission who are not officers or full-time employees of the United States will receive $75 per diem when actually engaged in the work of the Commission, and traveling expenses including per diem in lieu of subsistence.

Section 4. Staff of the Commission

This section permits the staff of the Commission to be appointed by the Commission without regard to certain civil service provisions.

Section 5. Duties of the Commission

Subsection (a) of this section provides that the fundamental duties of the Commission shall be that of investigations and recommendations. More specifically, the Commission is directed—

(1) With the assistance of leading constitutional law authorities, to analyze the laws pertaining to control of pornography and evaluate and recommend definitions;

(2) To study the methods, nature, and volume of pornographic distribution;

(3) To study pornography's antisocial and criminal effect upon the public and particularly minors; and

(4) To recommend any appropriate legislative or administrative action without interfering with constitutional rights.

Subsection (b) of this section provides that the Commission will make its final report no later than January 31, 1970, and will cease to exist 10 days thereafter.

Section 6. Powers of the Commission

Subsection (a) of this section permits the Commission, or any committee thereof, to hold hearings and sessions within the United States for the purpose of carrying out the provisions of the act.

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Subsections (b) of this section provides that the Commission shall consult with other Federal agencies, officers, and representatives of State and local governments and private organizations to the extent feasible.

Subsection (c) of this section authorizes the Commission, upon request of its Chairman or Vice Chairman, to obtain directly from any governmental department or agency any desired information that is permitted by law.

Subsection (d) of this section permits the Commission to secure necessary scientific data and information by contracting with universities, research institutions, foundations, laboratories, hospitals, and other competent public and private agencies concerning the casual relationship of obscene material and antisocial behavior.

APPENDIX

Summary of the Law on Obscenity and Pornography

In 1957, the U.S. Supreme Court, for the first time in its history, squarely faced the problem of obscenity. In the case of *Roth* v. *United States*, 354 U.S. 476, the Supreme Court rejected its former *Hicklin* rule, 354 U.S. at 489, as too restrictive under the first amendment because it judged obscenity "by the effect of isolated passages upon the most susceptible persons." The High Court defined obscenity in *Roth* as: "Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

Under this definition as elaborated in subsequent cases, three elements must coalesce: It must be established that (*a*) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (*b*) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (*c*) the material is utterly without redeeming social value.

Later, in another decision, the Court explained that what it meant by "contemporary community standards" in the foregoing test was contemporary "national standards," and not local standards, *Jacobellis* v. *Ohio*, 378 U.S. 184, 192–195 (1965).

In 1966, the *Ginzburg* decision embellished *Roth* by declaring "Questionable publications are obscene in a context which brands them as obscene as that term is defined in *Roth* * * *."

The basis upon which the material is traded in the marketplace is relevant to determining whether social importance claimed for the material in the courtroom was, in the circumstances, pretense, or reality. The fact that they originate or are used as a subject of pandering is relevant to the application of *Roth*. In close cases, evidence of pandering may be probative in determining obscenity.

Ginzburg v. *United States*, 378 U.S. 463; *Mishkin* v. *New York*, 383 U.S. 502, and a book *"John Cleland's Memoirs"* v. *Attorney General*, 383 U.S. 413. (There were 14 separate opinions in these three cases.)

On May 8, 1967, in three cases involving the sale of girlie magazines and paperback books, the Court ruled in a 7–2 decision that the material in question was protected by the first amendment.

The majority noted that there was no claim that the statutes involved reflected specific and limited State concern for juveniles. There was no suggestion of an assault upon individual privacy by publication in a manner so obstrusive as to make it impossible for an unwilling individual to avoid exposure to it, and in no case was there evidence of the sort of pandering which the Court found significant in *Ginzburg* v. *United States*.

Robert Redrup, Petitioner v. *State of New York; William L. Austin, Petitioner,* v. *State of Kentucky; Gent, et al., Appelants* v. *State of Arkansas,* Nos. 3, 16, 50, October Term 1966, Supreme Court of the United States.

SUPPORT FOR THE ADMINISTRATION'S MARITIME PROGRAM

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KEITH. Mr. Speaker, one of the landmark pieces of legislation that will come out of the 91st Congress is the 1970 Maritime Act. For too many years this Nation has seen its leadership role among the maritime nations eroded to the point where we are now a second-rate power. U.S. goods in recent years have sailed on foreign flag vessels rather than in the holds of ships manned by American crews, flying the American flag, and built in American shipyards.

But the tide will be reversed by the passage of the maritime bill. This bold shipbuilding program proposed by President Nixon calls for the construction of 300 ships in the next 10 years and will provide a major boost to our economy.

The Quincy Patriot-Ledger, in a September 21, 1970, editorial examines the merits of this maritime program. I commend it to every Member of the House, and particularly to the conferees whom I urge to expedite the report on the legislation in order that the measure can be signed into law before the October recess. Under unanimous consent I include the editorial in the Record:

Maritime Revival

At last the United States seems ready to do something about the dwindling and aging merchant marine fleet, if House and Senate conferees can reconcile differences in legislation both branches have passed.

The Senate late last week approved a bill similar to an earlier House-passed version that would authorize the construction of 300 merchant vessels in the next 10 years. The legislation contains a package of measures to encourage merchant ship building and operation in this country, as well as to improve efficiency.

Included are requirements for competitive bids for each ship to be built under subsidy and for the secretary of commerce to contract with the low bidder; for the secretary to give preference to applicants seeking construction subsidies that offer promise of standardization and cost reduction; extending subsidized construction, previously limited to scheduled carriers, to bulk cargo carriers; and extending to most shipping companies the authority previously granted to subsidized carriers to defer taxes on income paid into a capital fund to replace old or add new ships to their fleets.

The major impact of these provisions, however, lies in the increased merchant vessel construction that would raise the rate of shipbuilding to 30 vessels a year—triple the existing pace. This is good news, of course, to this shipbuilding area and we hope Quincy's Fore River Yard can take advantage of this program.

In the long run, this program also should be good news for the nation. Following World War II, American flag ships carried 57.6 per cent of U.S. foreign trade. By 1968, the total had dwindled to 6.4 per cent.

Moreover, the merchant fleet is old and is not being replaced rapidly enough to offset the pace of decline. Seventy per cent of the freighters, 90 per cent of the bulk carriers and 50 per cent of the tankers are more than 20 years old, adding to the high costs of the U.S. merchant marine by being expensive to operate and maintain.

Under the new program, based on recommendations submitted last year by President Nixon, the hope is to increase the portion of the nation's foreign commerce being carried in American-flag vessels from the current 6 per cent to a stable level of about 30 per cent. Not only will this stabilize the shipping industry and employment picture, but it should also add dividends by improving the nation's balance of payments position. The program, it is hoped, would improve the balance by $2.9 billion during the vessel construction program and by $600 million annually thereafter.

If the nation is to take complete advantage of a modernized merchant fleet, however, there must be cooperation from seafaring unions and acceptance of automation. If a new vessel can be operated with a reduced crew because of automation, the unions must realize that this is an opportunity for stable employment with higher pay for such crews. And government, shippers and maritime labor should cooperate in efforts to make the merchant marine fully competitive so that operating subsidies can be reduced or eliminated.

DONALD McKAY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues a statement sent to me by the special committee on behalf of the election of Donald McKay to the Hall of Fame for Great Americans. The statement I wish to submit was written by Mr. Waldo C. M. Johnson, a renowned authority on maritime history. Mr. Johnson is presently the director of the Maritime Historical Association located in Mystic, Conn.

Donald McKay truly played an integral role in the development of this Nation. Our country's history shows that our emergence as a world leader depended to a great extent on trade. America's earliest settlers were seafaring people who came to the New World determined to continue as seafarers. Among their primary concerns upon reaching our waters was the selection of good harbors from which they could continue their chosen occupation. From this genesis Donald McKay contributed immeasurably to the Nation's trade efforts.

The history of Donald McKay's famous clipper ships is intertwined inseparably with the history of our Nation and the burgeoning of American trade and industry. His ships became the pride of the Nation and the champions of the seas. They enable our struggling Nation to stand proudly beside established trading powers of Europe. Ships such as the *Flying Cloud*, the *Great Republic*, and the *Empress of the Seas* from the shipyards of Donald McKay, opened the world's markets to the rich resources of the United States.

Donald McKay, by virtue of his tremendous contribution to America, richly deserves to take a place in the Hall of Fame for Great Americans. I take pride in endorsing him for this election and submit now for the benefit of my colleagues the nominating statement by Mr. Johnson:

NOMINATING STATEMENT FOR THE ELECTION OF DONALD MCKAY TO THE HALL OF FAME FOR GREAT AMERICANS

Few Americans have matched the creative genius of our greatest ship designer and shipbuilder, Donald McKay, and very few, if any, put his talents to greater service to the young Republic. Born in Nova Scotia, McKay came to New York at 17 as an apprentice ships' carpenter. His extraordinary talents were quickly recognized, and he moved rapidly through the demanding stages of Journeyman to Master Shipwright. In 1844, and barely in his thirties, young McKay established his East Boston yard that was quickly to become known and respected throughout the seven seas. "Greyhounds of the seas," the extreme clipper ships designed and built by this remarkable man, brought fame and respect to young America in the eyes of the world. Such glorious ships as *Champion of the Seas, James Baines, Empress of the Seas, Flying Cloud, Great Republic* and *Glory of the Seas*, out-sailed every ship ever built, proved to the world that a youthful country had become of age, and quickly became legends that have remained bright down the decades of history. One can but surmise the hundreds of thousands of pictures of McKay clippers hanging today in American homes, offices and stores.

America was born of the sea, nourished by the sea, grew to nationhood by virtue of the sea. Yet even though McKay's greatest contribution to America's maritime heritage is the clipper ship and the Golden Age of Sail, this quiet gifted man advocated iron and steam as heralds of a new age, designed and built some iron clad naval vessels for the United States Navy.

At his death in 1880 Donald McKay held an honored niche in the hearts of his countrymen, a niche still revered today by all who hold dear America's maritime heritage.

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LET US BANKRUPT SMUT PROFITEERS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BURTON of Utah. Mr. Speaker, I would like to add my voice in congratulating Postmaster General Winton M. Blount's efforts to quell arguments made by proponents of more liberalized anti-obscenity laws.

Time and time again, we see these advocates of smut accusing any censorship as violating the first amendment to the Constitution.

Evidence points to the fact that pornography does have an effect on both child and adult behavior. Postmaster Blount reveals that, "There are cases in the files of the Postal Inspection Service indicating a relationship between exposure to pornography and antisocial behavior."

I submit to the RECORD Mr. Blount's rebuttal to smut proponents and heartily endorse his efforts:

Postmaster General Winton M. Blount tonight forcefully refuted arguments made "with disturbing frequency" by proponents of more liberalized anti-obscenity laws.

Describing the increasing flood of mail-order obscenity as "commercial degradation of the human spirit," Mr. Blount told the Nashville, Tennessee, Area Chamber of Commerce, "The argument that pornography cannot be censored without destroying our civil liberties is, it seems to me, fundamentally wrong."

These arguments are based on the assumption that such censorship violates the First Amendment to the Constitution, which prohibits restrictions on speech or press, he said.

"If this prohibition were absolute," he said, "the argument would be sound. But it is not absolute."

He noted that it was Justice Holmes who pointed out that the First Amendment did not permit a man to shout "fire!" in a crowded theater.

He flatly rejected the argument "that we cannot be sure pornography has an effect on children."

"If we are to take this seriously, then we must ask if any book—if any picture—has an effect on children. Indeed, such a position questions the effect of education itself, for education asks that a child respond to what he is exposed to."

He repudiated the contention that pornography has no adverse effect on adults. Cases in the files of the Postal Inspection Service indicate a relationship between exposure to pornography and anti-social behavior, Mr. Blount said.

"The evidence suggests that people can become addicted to pornography just as others become addicted to alcohol or drugs. And just as the alcoholic and the junkie are capable of anti-social behavior beyond their own will, so is the person hooked on pornography," Mr. Blount said.

The claim that the incidence of sex crimes decreases in direct relation to the liberalization of pornography laws is disproved by the experience of Denmark, where most anti-obscenity laws have been repealed, the Postmaster General declared.

"Pornography used to be a crime there, and now it isn't. Therefore, the crime rate dropped. Statutory rape used to be a crime, now it isn't. So this contributed to the drop in the crime rate. If they legalize burglary, it will drop some more. They'll have the same number of burglaries, but they won't be crimes anymore.

"We have gone to Denmark and talked to the authorities there and the real sex crime rate has not dropped," Mr. Blount averred.

"Pornography is not simply a threat to the best interests of our children," Mr. Blount contended. "It is an act of violence against the human spirit. As a people, we believe that each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve these, we preserve and sustain human dignity.

"As we violate these for sensation or for profit, we act against the dignity of man, and we act against all that we have suffered and struggled to build for more than two centuries on this continent."

"There is no room in America for the commercial degradation of the human spirit," Mr. Blount said. "There is no room in America for those who use our freedoms to destroy the very habits of mind and spirit that give meaning to these freedoms."

In the final analysis, he said, the key to bankruptcy for dealers in pornography is the attitude of the American citizen.

"If the people decide against pornography," he said, "we can do away with it. If we endorse stringent laws; if we elect and appoint discerning judges; and if, above all, we refuse to patronize the pornographer then we can put him out of business."

PULASKI DAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. STOKES. Mr. Speaker, through the years, countless immigrant Americans have shared in the building of our Nation. The contributions of these transplanted citizens cannot go unnoticed. Of particular significance, for instance, are the achievements of Count Casimir Pulaski.

Count Pulaski served as a general in the American Army during the Revolutionary War. While still a young man, his outstanding valor and dedication won the respect of Gen. George Washington. His fine leadership throughout the war and until his death can never be minimized in the annals of American history.

October 11 will be celebrated by thousands of proud Polish Americans throughout our country as Pulaski Day. The memory of Count Pulaski is both an inspiration and motivation for a great many Poles in this country.

The city of Cleveland, Mr. Speaker, is holding its 26th annual Pulaski Day dinner on October 3. During this celebration, we shall honor two of the city's most outstanding Polish American citizens, Judge Felix Matia and Mr. Stanley Klonowski. I would like to congratulate these two fine gentlemen upon receiving this worthy distinction.

Judge Matia has displayed remarkable leadership and civic-mindedness in his years of service to the Cleveland community. He has served as assistant county prosecutor, president of the Cleveland Society, chairman of the Cuyahoga County Board of Elections, and he is presently judge of the Court of Common Pleas of Cuyahoga County.

Judge Matia has also been elected to the electoral college and now serves on the board of directors of the U.S. Savings Association. Judge Matia is one of the most respected and, obviously, one of the most active members of our community.

Mr. Klonowski has been a resident of Cleveland since 1905. Since that time, he has been a guiding light for the financial interests of our community and the economic well-being of the Nation. Early in his career, he established Klonowski Real Estate, Insurance, and Travel Agency which enabled him to perform a variety of services for his newly immigrated countrymen and, thereby, assist their adjustment to American society.

In 1913, Mr. Klonowski founded what later became The Bank of Cleveland. He is presently serving as the bank's chief executive officer and chairman of the board of directors. This particular bank was among the select few that managed to keep its doors open during the depression.

During the 1930's, he wrote and published a booklet entitled "Missing Links" which offered a financial analysis of the then slumping American economy. This publication was later applauded by President Herbert Hoover. Over the years, Mr. Klonowski has written a number of similar articles concerning the changing disposition of the American economy.

Both of these gentlemen are active members of the Union of Poles, the Polish Roman Catholic Union, and the Alliance of Poles in America. They are diligent, dedicated men who have made a vital contribution to the Polish community and the city of Cleveland. They richly deserve the outstanding honor that is being bestowed upon them at our coming Pulaski Day memorial dinner. I must, again, congratulate Judge Felix Matia and Mr. Stanley Klonowski for their remarkable accomplishments which are truly reminiscent of the qualities that characterized Count Casimir Pulaski.

Mr. Speaker, I hope that all of my colleagues will join me in saying gratuluje Wam Panowie.

FAVORS ARMED GUARDS ON U.S. AIRLINES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PEPPER. Mr. Speaker, I am sorry that the necessity of my meeting with the Interama Authority, the Greater Miami Chamber of Commerce, and the representatives of the Bicentennial Commission in my district prevents my being on the floor today to join in support of this measure offered by the distinguished gentleman from Arkansas (Mr. MILLS) to provide the revenue to pay the cost of the armed guards which our Government is putting upon commercial planes operated by citizens or companies of the United States in domestic or foreign air commerce to prevent or curb the nefarious practice of hijacking which has come to be such a menace to air travel in the United States and abroad.

I support this measure, and made the motion to report it out, which was favorably adopted, from the Rules Committee yesterday. I have long been deeply concerned about this terrible menace of hijacking which has endangered the lives of so many of our citizens and has already cost large sums of money to the operators of American airlines as well as much inconvenience to them, and has resulted in one of our American airlines losing a plane worth many millions of dollars.

I share the hope of the supporters of this resolution and the Members of the House that these armed guards which our Government is going to put upon our planes will to a large extent deter attempts at hijacking by pirates in the air.

I think, however, that we must continue our efforts to prevent the hijacking of our planes in every other way which people knowledgeable in the subject find feasible.

I believe one additional thing we can and should do promptly is to see to it that the latest detection devices are installed at the entrance to all of our planes in this country or abroad, which will disclose any weapons which a passenger about to enter such planes may be carrying.

I have seen some detection devices operate, and some of them will detect a gun or knife, and I assume a hand grenade or any other type of weapon encased in or made of metal, and distinguish such weapons from ordinary objects such as keys and the like.

I introduced some time ago a bill in the House (H.R. 18293) under which the Federal Government would pay half the cost of installing such devices, the airlines respectively would pay the other half, and the Government would provide the deputy marshals necessary for manning of those devices.

I know of only one instance where a weapon was carried on a plane where these devices were in operation, and that was reportedly a Pan American flight which was hijacked. But I learned that the plane was late, and either that Pan American officials did not operate the detection device, or it was operated hurriedly and was not properly checked. In addition to disclosing most types of weapons that a would-be hijacker might carry aboard a plane, I believe the chrome rods constituting a sort of gate through which the would-be hijacker must walk to get to the plane would operate as a psychological deterrent to him against carrying weapons aboard a plane, particularly if it were advertised that these devices were in operation. The would-be hijacker would probably reveal his uneasiness about being detected.

Our Government, I think, should share with our American airlines some of the cost, at least, of installing such devices at air terminals serving such airlines abroad, although obviously the country where the air terminal is located should bear a large part of such cost.

We should also press, through the United Nations or otherwise, for international action against countries refusing promptly to return to the country of the hijacker any hijacker for punishment. Any country giving sanctuary to a hijacker and refusing to extradite him to the appropriate jurisdiction for criminal prosecution should be subjected to some sort of sanctions by the nations which are party to such an agreement; especially a nation which allows upon its own territory, or particularly at one of its airports, injury to hijacked persons or to the hijacked plane should be held liable to those whose person or property was injured or damaged.

This bill, together with the announcement of the President that armed guards would be carried on American planes and that other steps would be taken, reveals the important aspect of this whole matter—that we have come to a determination that we are going to do something effective about hijacking in the air.

All of us in the Congress commend the President for the action he has taken, as we commend this distinguished committee and other committees of the Congress concerning themselves with this important matter, and we are determined to stop this practice which so endangers the lives of our citizens and the property of our American airline operators.

THE PLOT TO OUST FRANCES KNIGHT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ASHBROOK. Mr. Speaker, in the September 17 issue of the CONGRESSIONAL RECORD, on page 32565, there appears a review of the book, "The Ordeal of Otto Otepka," by the widely read Pulitzer Prize winning author, Allen Drury. In summing up, Mr. Drury referred to the vindictive and vicious treatment meted out to the former State Department security officer by other officials in that Department in these words:

> Read it and weep for patriotism, which sometimes has tough going along the banks of the Potomac.

Now, another Pulitzer Prize winner, Clark Mollenhoff, Washington bureau chief of the Des Moines Register and until recently a White House adviser to President Nixon, calls attention to another case which could well demonstrate further the treatment accorded those who incur the disfavor of the State Department hierarchy. The target this time is Miss Frances Knight, head of the Passport Office, whose efficient operation of that Office coupled with her forthright conservative views have apparently rubbed Foggy Bottom's leaders the wrong way.

I insert at this point the article, "The Plot To Oust Frances Knight," from the Chicago Sun-Times of September 27 by Clark Mollenhoff:

THE PLOT TO OUST FRANCES KNIGHT

(By Clark Mollenhoff)

WASHINGTON.—President Nixon does not have control of personnel policies at the State Department, and he knows it. But it is doubtful if the President knows the full story of how his will has been frustrated and disregarded by William B. Macomber, the deputy undersecretary of state for administration.

The President's lack of control of State Department personnel policies is nowhere more vividly demonstrated than in the case of Frances Knight, director of the passport office. In no case is the failure to carry the President's orders likely to have more destructive results on the efficiency of government operations, and on the morale of conservatives in his administration.

It also could make the Nixon administration highly vulnerable to a charge of discrimination against women—against the woman who has been a symbol of female efficiency in high government office.

The President has known Miss Knight for more than 20 years. He has admired her for her level-headed conservative policies, he has appreciated political support from her husband (millionaire publisher Wayne Parrish), and he has admired her effective and skillful administration of the passport office. She handled a man's job in a manner that proved valid points the Women's Lib has been trying to make about the ability of women.

This record assured Miss Knight a place in the plans of Richard Nixon. But somehow the plans have misfired, even as the President has told her friends in Congress—Democrats and Republicans—of his high regard for her work at the passport office.

Months ago, the President directed that Miss Knight be boosted from a GS-17 to a GS-18 level, but the State Department has not carried out the order. Macomber has stalled and delayed, apparently with the backing of Sec. of State William P. Rogers. Rogers and Macomber have bowed to a House subcommittee that handles the appropriations for State, Justice and Commerce.

Even as the President directed that Miss Knight be promoted, Rogers has joined with Macomber to try to drive her out of the State Department. Rogers has authorized a study of the passport department that Miss Knight feels is an effort to build a case for her dismissal. She feels her past performance is enough of a record of her efficiency.

She has overhauled the passport office from top to bottom. An office that processed only 350,000 passports in 1955, when she became director, issued 2,110,000 passports in fiscal 1970, collected $21,101,957 in fees and deposited a profit of more than $13,000,000 in the Treasury. She has cut the time for obtaining a passport from six weeks to three days or less.

Frustrated in her encounters with Rogers, Macomber and former Undersecretary of State Elliot Richardson, Miss Knight is taking her fight to the Civil Service Commission. In letters to Civil Service Commission Chairman Robert E. Hampton she described her "fruitless attempts" to get Richardson's attention on problems dealing with the present and future of the passport office. She said Macomber asked her to stop writing memorandums because they "were embarrassing" to the State Department.

In a Sept. 15, 1970, letter to Hampton, Miss Knight again complained about the matter "languishing" in Macomber's office, and she noted: "At this writing I have no reason to believe that the Department of State is concerned with rectifying this situation even if you and Mr. (Presidential Counselor Bryce) Harlow intervene," Miss Knight stated.

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Miss Knight says the delays appear to be "clearly a matter of discrimination against the director of the passport office because of sex."

"Another conclusion of equal weight is that I am known throughout government as a conservative and deeply concerned with the security of our country," Miss Knight wrote. "I have been critical of and concerned with the cavalier manner in which my recommendations for increasing the security of the United States passport and maintaining its integrity have been rejected by the Department of State. I have been critical of the obvious erosion of support for the passport office as a public service."

At the White House, there has been some criticism of Rogers for being unwilling to carry out even a small part of Mr. Nixon's campaign pledge to "clean house" at the State Department. But the fact that President Nixon and Dr. Henry Kissinger are running foreign affairs from the White House makes it easier for the White House to accept Rogers' failure.

However, unless President Nixon is able to demonstrate that he can force the State Department to carry out his will in the Frances Knight case, it is unlikely that he will be able to force action on other personnel problems at State that have caused White House concern.

Frances Knight has been a symbol for conservatives who are skeptical over the pattern of appointments at the State Department where Sec. Rogers has demonstrated a tendency to promote men with anti-Nixon backgrounds and a coolness to promoting Nixon supporters.

All of this fails to take into account problems that could arise if the Women's Liberation movement decides to make an issue of "discrimination" against Miss Knight in a case documented as only Frances Knight can document such a case. The details of the deceptions and mismanagement will shock even some of those involved.

QUICK ACTION NEEDED ON CRIME-DRUG ABUSE LAWS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. COUGHLIN. Mr. Speaker, last week two very significant events occurred. Both involved long-delayed aspects of President Nixon's anticrime program. The House passed the Drug Abuse Prevention and Control Act and the House Judiciary Committee reported the organized Crime Control Act.

The Drug Abuse Prevention and Control Act of 1970, passed by a vote of 341 to 6, is a milestone that provides more realistic and enforceable penalities for simple possession of controlled but nonnarcotic drugs. At the same time, the new law provides more stringent penalties against "pushers" for profit.

The measure establishes five categories into which controlled drugs are ranked according to their potential for abuse and known medical use. Distributors of drugs in any of the categories would require a license from the U.S. Attorney General and would be subject to strict control.

Unlicensed distribution would carry maximum penalties—depending on the specific category—15 years' imprisonment and $25,000 fine to 1 year's imprisonment and $5,000 fine. Penalties are doubled for persons over 18 years of age who distribute drugs to minors under 21. There is a mandatory 10 years' minimum sentence and up to life imprisonment for those who engage in a criminal enterprise distributing drugs for a profit.

Counterbalancing these stern measures against "pushers" of drugs, the bill makes simple possession of controlled drugs a misdemeanor with a penalty of up to 1 year imprisonment. Alternatively, a person may be placed on probation for 1 year and all records expunged so that a young person who runs afoul of the law in an isolated instance does not end up with a lifetime criminal record.

The bill permits law enforcement agents, in seeking illicit drugs, a warrant for entry without notice. This is so-called no-knock entry which can be obtained only upon showing to the proper court probably cause that the giving of notice will allow disposal of evidence or immediately endanger the life of the enforcing officer. This provision is, in fact, a clarification of this type of entry which already is permitted by law in 29 States including Pennsylvania.

Of special importance, the bill recognizes that drug addiction is a medical problem and authorizes $75 million to be spent over the next 3 years by community mental health centers and public hospitals for treatment, rehabilitation, and prevention. An additional $29 million would be authorized for drug abuse education and $60 million for treatment facilities in communities with a large number of addicts.

Finally, the law would authorize $1 million to fund my proposal for a Commission on Marihuana and Drug Abuse to do a thorough study of the effects of the use of marihuana.

The Organized Crime Control Act of 1970, reported from the House Judiciary Committee by a vote of 29 to 3, contains a number of tough crime-fighting provisions. Grand juries could investigate noncriminal misconduct by public officials. Witnesses against organized crime could be granted immunity from prosecution as a result of their testimony, and recalcitrant witnesses could be confined until they agree to testify.

Special provisions of the measure are aimed at syndicated gambling and racketeering.

Dangerous repeat offenders could be sentenced to extended jail terms, and light sentences could be appealed under the measure.

The House added a special section to combat bombings which is similar to a bill I sponsored. Except for small arms ammunition and limited amounts of black powder and other items used by sportsmen, the bill would set stiff penalties for making bombs or explosives without a license.

False information on bomb threats would be outlawed and tough penalties would be imposed where bombings injure persons or property. Persons convicted under three specific sections relating to deaths resulting from interstate transportation of explosives or attacks on federally owned or aided buildings could receive the death penalty.

As with many proposals, the drug abuse and organized crime bills have elicited criticism that they are "repressive" and "fail to cure underlying causes."

I think we must pursue a two-pronged course and this criticism fails to distinguish between crime and law enforcement.

Of course, we must attempt to cure the underlying causes of crime and drug addiction. The provisions of the drug abuse bill relating to prevention, rehabilitation and treatment are good examples.

At the same time, we must have strong laws and law enforcement against antisocial behavior. Many proposals that produced wails of "repression" in the past have, in fact, shown very little abuse since being enacted.

The law is supposed to protect both the law-abiding citizen and the accused criminal defendant. I think we have somehow become so involved in the procedural aspects of justice that we have neglected the substance of justice which is swift and impartial punishment of antisocial acts.

The history of our judicial process has shown the strongest protection for the rights of defendants. Let us not commit the serious error of failing to realize that we must provide laws and law enforcement to protect the rights of society.

Mr. Speaker, it is high time that Congress move on these as well as other measures to protect the public from the criminal.

HORTON SPOTLIGHTS ROCHESTER'S PUBLIC MARKET AS GATHERING PLACE FOR PUBLIC OFFICIALS AS WELL AS SHOPPERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. HORTON. Mr. Speaker, many of the larger cities of the world have well-known marketplaces which attract the buyers whose livelihood depends on their acumen and knowledge. The beehive activities of these almost legendary spots give them an aura of charm which also attracts sightseers and tourists who enjoy, even briefly, being a part of this bustling excitement.

My home city of Rochester, N.Y., while not one of the world's largest cities, has a marketplace which, in my opinion, holds its own with all the others.

It is known as the public market and it dates back to 1905. Several times its future seemed bleak when the city fathers and others thought of razing it to make way for new projects. Each time those who use it let their love and need of the place be known in such convincing terms that today the Union Street Public Market still stands as a mecca for thrifty shoppers and farmers, buyers and sellers of produce and fruit, and many others.

Somewhere down through the years the public market also became a gathering place for public officials and office seekers who found the market a cross section of people of almost every walk of life from whom could be gotten a good indication of the pulse of western New York.

The focal point of activity is Jimmie's Restaurant which opens in the wee hours of the morning and closes in early afternoon. It is there you will find the regulars who use the market as their place of business, as well as the public officials, at mealtimes or at coffee breaks.

To get an opinion on almost any subject, all you have to do is ask. You may get as many different views of any subject as there are people, but by listening and sifting, by asking and questioning and prodding, you can really find valuable answers to many important problems.

I do not know of any candidate for public office in the greater Rochester area, for many years now, who has not spent untold hours at Jimmie's, seeing and being seen, listening and talking, and gathering valuable opinions from the good people who congregate there.

First as a city councilman and now as the Congressman from the district in which the public market is situated, I readily admit to spending many delightful hours there at Jimmie's Restaurant visiting with old friends and making new ones. It is indeed a pleasure I rarely miss when I am in Rochester.

So it was with much personal satisfaction that I recently read a splendid account of the marketing activities which go on daily at the public market.

Authored by Joyce Goldman, the article appeared in the Brighton-Pittsford Post. It delightfully captures the flavor of this "Bustling Marketplace That Has a Touch of Europe," as its headline states.

I would like to share it now with my colleagues in the House of Representatives and at the same time, to extend a cordial invitation to one and all to visit the public market when you are in Rochester. I think you, too, will find it a thoroughly delightful and charming place.

The article follows:

BUSTLING MARKET PLACE HAS 'TOUCH OF EUROPE'

(By Joyce Goldman)

Rushing, bustling, throbbing, thriving, flourishing—the Public Market is probably the busiest place around on a Saturday morning.

Busy, but also charming.

Many people go to the 65-year-old market place nestled among the warehouses at the end of Union St. N. in the city's Central Park area, for fresh, homegrown produce and good bargains.

Others go to be part of the cosmopolitan atmosphere of the market place, a miniature mirror of the city-suburban population.

"It puts me in a great mood for the next week," says Mrs. Bryan Fullforth of 1401 Scribner Rd., Penfield, who shops at the market every Saturday.

Mrs. Melvin W. Buetens of 30 Wilshire Dr., Brighton, calls the market place "a touch of Europe."

One merchant looking at the fruit stand which was almost empty shortly after sunrise, tells a buyer, "I sell out of goods every day I'm here. Almost everyone does."

Under the cover of two long blue and yellow sheds, farmers and merchants from nearby farms set up shop. Dealers who import from outside the state display their fruits and vegetables in a third shed. There is space for 350 merchants.

They are lured to the market by the high volume of traffic which flows past their stalls for seven hours three days a week and by the low rents of the city-owned market—one farmer pays $6 a week to use the space.

In the farmers' section, a stall is stacked with wooden baskets filled with the first cauliflower of the season, carrots with bushy green tops and yellow squash so big that only six will fit in the basket. Even larger ones are on the table.

Piled in crates are pounds of cherries, more than a dozen kinds of salad greens and radishes the size of beets.

One merchant sells just fresh garlic in bunches, another only flats of flowers.

At an egg stand, workers put fresh eggs—white and dark, extra-large and jumbo, single yolk and double—into cartons.

From a nearby cheese stand comes the aroma of fresh ricotta cheese. The table is filled with huge wedges of swiss and cheddar.

Crates of oranges, bananas, watermelons and pineapples line the importers' shed.

The aisles echo with merchants' pleas:

"Hey mister, nice lettuce, two for a quarter."

"Take a big bag lady, you may change your mind."

"Twelve pounds of cherries here, let's go, twelve pounds."

Open Tuesdays and Thursdays as well as Saturdays, the market bulges with traffic as early as 4 a.m. The farmers back their station wagons and flat-back trucks into the stalls and set up for the 5 a.m. opening. Large vans carrying California or Florida produce arrive about the same time.

The wholesale buyers arrive when the market opens and finish their buying by 7 or 8 a.m. Then the steady stream of cars—and walkers—begins.

The shoppers keep coming even until the noon closing time. On a nice day during peak season, they often number 40,000.

People are part of the market's mystique. A lady with plastic boots over orange stockings, her grey hair wrapped in a silk bandana, pushes a baby stroller circa 1910. On the worn cloth seat is a brown grocery bag stuffed with romaine.

A girl in a trench coat carries strands and strands of vines with green beans hanging from the stems.

A mustachioed young man in white bermudas and sandals with a towheaded child in a back knapsnack barters with a merchant about the price of a melon.

A college coed in a white peasant blouse and floor-length skirt patterned after the American flag samples yellow cherries from her see-through shopping bag.

A housewife pulls a red wagon filled with a bushel basket of pea pods. Her 3-year-old son follows behind.

By mid-morning the aisles are crowded with people exchanging greetings, carrying overstuffed shopping bags to their cars and then returning to visit more merchants, pushing makeshift carts and going from merchant to merchant comparing prices.

Shoppers often need to turn sideways to make their way through the crowd.

Samuel A. Paine of Rochester has been market manager for over 10 years. He works in the market office at 230 N. Union St. but likes to wander through the sheds on market days.

He credits the tenacious devotion of the merchants and the shoppers to each other and to the market for saving the landmark center when the city tried to close it down.

"That was in the early 60's when the Regional Market on Jefferson Road in Henrietta opened," he says.

"The city said the Union Street market built in 1905 for horses and buggy trade was outdated—it couldn't handle the large traffic and none of the sheds were closed or heated for winter," Paine says. "But the farmers who have been coming here for generations said they couldn't afford such a move and, besides, they liked it here.

"A lot of neighborhood people accustomed to having the market nearby and other faithful shoppers complained too. So the city left this market here."

"Once again the market's future is up for discussion," he says. "A housing project is planned for the area where the market is now, so a new market is supposed to be built where the New York Central depot is, not far from the present site. This probably won't happen for another five years."

One of the market's first merchants was Antoni Finocchario of 4524 Five Mile Line Rd., Penfield. He came to the United States in 1913 from Sicily and to the market in 1920.

He stands behind "delicious" apples and brilliant red cherries dressed in a blue work suit with a pink and white checked shirt, silk tie and straw hat. Before he will help you, Finocchiaro insists that you sample the fruit he stuffs into your hand.

"I have a good time working here," he says in broken English. "I have steady customers who come here all the time. But most of all, I like to sell to the young girls."

Bern Cator and his wife of Cator Farms, East Palmyra, raise chickens on a 400-acre farm. They have sold eggs at the market for 27 years. "We were supposed to retire last year," Mrs. Cator says, "but we just can't give up coming here, we would miss it too much."

"On Saturdays, it's usually so crowded you can't move. Some people have started to shop on Thursdays because of that."

She says many suburban housewives buy from them because their eggs are fresh—two or three days old—when they bring them to market.

"Of course, there are also many Italian families who buy in big quantities from us because of their custom of "bringing in the family." The parents buy a lot of eggs and then the married children come to the parents' home for eggs for their families," she explains.

Customers were once mostly people in the Union St.-Bay St. neighborhood. "Now people from all over upstate drive here for the market," she continues. "A man from Brockport just told me he heard about the market from his boss and drove in to see what it's all about."

Larry Beeker of Honeoye Lake has been selling chickens and hams in his family's stall at the market for 10 years. He's the third generation.

Standing behind the table piled with chickens and hams, he is one of the market's most colorful merchants: brown shirt with big black polka dots under a cut-away sweatshirt, plaid hat and tinted glasses.

"We used to bring the chickens up here alive and chop off their heads when customers bought them, but that's illegal now," Beeker says. "We still do quite a business here. The chickens are as fresh as possible. Today we sold all the chickens we brought—18 crates. That was a small order because of the weather."

Chester K. Williams of Webster, a dealer at the market for a decade, watched as a lady with a flowered shopping bag walked away from his stand after trying to persuade him to sell a dozen jumbo eggs for 10 cents less than he was asking.

She thought since he only had two dozen left, he would be willing to "let them go."

"It's a great life here at the market—if you don't weaken," Williams says.

Mrs. Buetens of Brighton brings a red fish net bag to market. She fills it with cucumbers, squash and salad greens. "I come here because it's fun, colorful and exciting. Very often I bring a friend and we make a morning of it," she says.

Mrs. Fullforth of Penfield, owner of Ryva-London boutique on Park Ave., stops at the stall of the Regional Poultry Egg Service to talk to the workers there and pick up her weekly order.

"I try to get here at 8 a.m. when the best selection is available," she says. "I shop here because everything is so fresh. It is the kind of people who shop here and the friendly merchants that make the public market a great place to shop."

"My husband and I come here almost every Saturday," says Mrs. L. F. Piazza of 4 Brook Hollow, Perinton. "I think the vegetables are unbeatable and my husband enjoys the challenge of dealing with the merchants."

Miss Paula Gordon of 149 Barrington St., the Chanel 21 worker who directed the station's television auction, carried a striped Mexican straw satchel which she was filling with salad greens, scallions, and leeks.

"I usually shop here once a month," she says. "You spend $4 here for what might cost $15 elsewhere. Mainly though, I come here for the greens, the flowers and the charm."

Mr. and Mrs. Harold Sigall of 292 Quinby Rd., Brighton, bring their pre-school age daughter to the market with them. "We give her a shopping bag, too, and make it a real family expedition," Mrs. Sigall says.

"We like to get here around 8:30 a.m.," says Mrs. Elliot Bell of 85 Fair Oaks Ave., Brighton, who was shopping with her husband. "The earlier you get here the better the selection. Sometimes you can get a bargain, sometimes not. But it's fun to watch the people and talk to the farmers.

"I'm a neophyte—this is my first time here," said Miss Jane Ward of Cobblestone Dr., Henrietta, who came to the market looking for raspberries. "I had trouble finding them anywhere else so I came here. I found them—and a lot else. I wish I had brought a basket to carry everything.

"When I saw all the flowers and fruit and vegetables here, I said to myself, 'Look what you've been missing all these years!' "

XUM

THE BILL FOR FBI CAMPUS PROBE ROLE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. HOGAN. Mr. Speaker, even before this body has had an opportunity to act on proposed legislation broadening the Federal law pertaining to bombings and giving the Federal Bureau of Investigation jurisdiction, voices are being raised from some quarters claiming that this will afford the FBI the opportunity to infringe upon academic freedom.

As a former special agent of the Federal Bureau of Investigation, I am well aware of its policies and of its careful attention to preserve the rights and privileges of all citizens. I have no doubt that the FBI will handle its responsibilities, should this proposed legislation become law, thoroughly, impartially, and with the utmost professionalism. It is ludicrous to attack the FBI before it has even been assigned the obligation to conduct such investigations.

A recent column by David Lawrence places this matter in proper perspective. I would like to call the attention of my colleagues to these comments, and I include it at this point in the RECORD:

[From the Washington Star, Sept. 29, 1970]

THE BILL FOR FBI CAMPUS PROBE ROLE

(By David Lawrence)

Contrary to some published reports, the Federal Bureau of Investigation will not—under legislation now before Congress—station agents on the campuses of the universities and colleges of the country. The agents will make investigations only when there are bombings or terrorist incidents, and their inquiries will be confined to those colleges which are the recipients of federal aid.

The FBI doesn't have enough agents to maintain a police force on the nation's campuses, nor does it desire to do so. It has its hands full merely conducting investigations in cases that develop as a result of the acts of terror which not only baffle local police but appear to have been originated by persons who are not connected with the colleges.

The extent of the terrorism generated by influences outside the campus has never been revealed. But J. Edgar Hoover, director of the FBI, in his open letter to college students, written recently for United Press International, said:

"There is real ground for concern about the extremism which led to violence, lawlessness, and disrespect for the rights of others on many college campuses during the past year.

"The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife, and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the nation.

"The extremists are of wide variety: Adherents of the Students for a Democratic Society (SDS) including the Weatherman; members of the Young Socialist Alliance (YSA); the Trotskyist Youth Group; the Communist party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist dominated anti-war group.

"Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction."

In order to investigate the elements that are in contact with the militants, it is necessary for detectives to work on information given them by students concerning outside persons who have come to the campuses and helped to organize the disturbances. The local police or college officials do not have the time or resources for such wide inquiries. The FBI, on the other hand, is adept at carrying on intensive studies, which may require visits to other localities. This is one of the reasons why Congress now appears ready to authorize FBI agents to aid in the close examination of campus disorders, especially bombings and arson.

A favorite device of the extremists is to denounce the FBI and try to prejudice the students against the federal government itself. As Hoover says in his letter:

"They'll encourage you to disrespect the law and hate the law enforcement officer. Most college students have good friends who are police officers. You know that when extremists call the police 'pigs' they are wrong. The officer protects your rights, lives, and property. He is your friend and he needs your support."

President Nixon was so impressed with the letter that Hoover wrote for UPI that he ordered a copy sent to 900 college presidents, to be distributed to students wherever possible.

It has been apparent for a long time that outside elements have often been responsible for the destruction of property belonging to the federal government, such as federal research centers and the premises of the Reserve Officers Training Corps.

By bringing the FBI into the investigative side of the problem, it is believed that conspiracies will be more promptly disclosed and participants subjected to punishment under federal laws which apply to acts designed to damage or destroy federal property.

RAILROAD TRANSPORT PROBLEMS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. WEICKER. Mr. Speaker, regarding the extension of the High-Speed Ground Transportation Act passed earlier today, I wish to say that it pained me to see the amendment to increase the appropriation by $15 million defeated.

I come from a State where a significant number of commuters look desperately for some improvement of the rail system. The turbo trains between Boston and New York have been a ray of hope for Connecticut residents of what good train service can be like. More money is needed urgently to continue such brave ventures into new concepts of rail transport.

Beyond this, I want to briefly look at the feasibility of putting rail transportation on the same sort of financial basis as road, air, and water transportation.

As we all realize, the present condition of rail transportation is deplorable. This is nowhere felt more strongly than in those areas where large numbers of persons have to rely on trains for commuting to and from work every day. Repeated failures of overaged track and signalling equipment make the daily trips on the train an ordeal.

We can take the atttiude that the railroads have gotten themselves into this mess and they should be the ones to pay for improving the service. But that sort of attitude not only creates more problems, but is also unfair.

If we stand by while railroad service deteriorates to the point of standstill, we will have created a worse problem for the environment. It will put more people into cars trying to jam into already crowded highways. More highways would despoil our disappearing green areas, while the increased number of cars would poison the air even more rapidly than now. These would not be the only problems created by a neglect of the railroads. There would be many more.

On the other hand, keeping the railroads functioning and encouraging greater use of them as alternate ground transportation would relieve many of the same problems. It certainly would benefit our environment since the railroads operate over already existing roadbeds and do not nearly create as much pollution per passenger as private automobiles or even buses produce.

Second, let us examine how fair a continued laissez-faire doctrine would be. The present arrangement is that the railroads own and maintain their own rights-of-way. They pay local property taxes. The highway, waterway, and airway users operate on or off publicly owned and financed facilities. The charges imposed upon those users do not cover the cost of the facilities provided. For example, air carriers pay only about half of the cost of the airports and flight control systems provided them. Generally speaking, users of public transport facilities also do not pay property tax or their equivalents on the facilities they use. The user charges they do pay are deductible from Federal income tax in the year they are paid. The railroads, on the other hand, must capitalize improvements by themselves and obtain money on the private capital market. Yet they must spread the depreciation deductions over many years.

I could go on listing specific disabilities or handicaps that apply to the railroads but which do not apply to the other transportation carriers. What they all amount to are disincentives against capital investment to improve both the equipment and the service.

This is not to say that the railroads should not have done a better job in managing—I think some have done poorly and have not acted in the public interest—but it is to say that the economics of the present arrangements have encouraged the poor management practices prevalent in some companies.

In conclusion, let me state that the essential component of high-speed ground transportation is a healthy rail transportation system. If we wish to keep the railroads operating and provide much needed services, we have to examine new ways to insure that the financial disabilities presently operating against the railroads do not cause a breakdown of the whole rail transportation system. One way would be to put rail transportation on the same financial footing as other modes of transportation. Those carriers are now assured the guaranteed flow of public money to maintain their facilities. I have repeatedly advocated that we should urgently examine the advantages of the acquisition, operation, and maintenance by the Federal Government of all railroad tracks, rights-of-way, and signalling equipment as perhaps the only way to get good rail service.

COMPETITION IN GASOLINE PRICING—RETAILING'S CHOICEST JOKE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BRASCO. Mr. Speaker, the ongoing scandal known as gasoline retailing gets worse constantly. Everyone points to it with dismay. Gasoline dealers are being squeezed like so many pips, going under with a frequency that grows daily. Oil companies responsible for this unbelievable situation calmly gaze back at the American motoring public and outraged retail gasoline dealers. In so many words, they are saying, "Well, so what? What do you propose to do about it?" So far, this Government has done nothing at all.

The Federal Trade Commission has recently stirred itself into something resembling action. But only so far as to allow one of its officials to charge that major retail gasoline companies do not appear to believe in competition. That is putting it mildly. That is like throwing an anchor to a drowning man.

It is an open scandal in my home borough of Brooklyn. Everyone openly acknowledges that price fixing, gouging and discrimination in pricing is a daily occurrence. Retail dealers are told in blunt terms by major suppliers to charge what they are told to, or lose supplies of gasoline and other products—or lose franchises—or lose everything, including livelihood.

In one part of Brooklyn, a retail outlet will be charged so much per gallon for its gasoline supply. Next week he may be charged another price completely. Price tickets substantiating these charges are available for inspection. Yet, the Federal Trade Commission periodically deplores the situation, promises investigations and does absolutely nothing. In the meantime, the average operator of a retail gasoline outlet is annihilated economically. The motoring public is robbed openly and outrageously and nothing is being done.

The gasoline and oil industry, already a tightly held field, is narrowing its competitive range constantly. The wave of mergers of the past year or so has placed greater economic power all down the line in fewer corporate hands.

What it boils down to is that the entire petroleum industry is not structured in a way that results in maximum benefit to consumers and retailers who depend on it for a living. The small businessman and the public are being picked to pieces calmly by a coterie of large corporations, merciless in their greed and shortsighted in their vision. The oil industry looks upon us as a biologist contemplates his laboratory animals.

Twenty firms control over 80 percent of the value of all shipments. The top eight account for 55 percent. Rivalry between them is based on false advertising claims, such as mileage additives, engine additives, quality of station services, and the like.

Yet, in spite of our knowledge of all this, nothing is being done. I feel discriminatory pricing structures within metropolitan areas are eviscerating the small business foundations of entire areas. Here is where immediate action must be taken by the FTC. Yet, even as the FTC announces its awareness of what is going on, it openly admits its helplessness or unwillingness to bring suit and do something about it on behalf of the public. When the premier champion of the consumer admits its helplessness, how can the average American retain belief in anything his Government promises to do?

This situation is such an open scandal as to surpass ordinary illegal situations. The entire retail gasoline structure of the Nation knows it. Millions of families know they are being robbed openly. Government admits it. Yet nothing is being done.

Private gasoline retailers have been urged by the FTC to file private antitrust suits against oil companies in order to obtain greater freedom in retail pricing and in operation of gasoline stations.

In another related area, the FTC has announced it is concerned over acquisitions by major oil companies of smaller independents. This is putting it mildly. As smaller independents sell out to the majors, the majors immediately snuff out the area of competition these small operators have kept alive. Instantly, one pricing policy is replaced with another, penalizing the small retailer and driving him to the wall. His old source of supply is gone. He is helpless.

Retailers of any kind should be free to price as they wish without present coercion. They should be able to switch brands if they wish and refuse to participate in the outrages that pass for consumer "games"; which are simply cheap "come-ons" rather than legitimate contests. In instance after instance, these have been proven to be frauds. Yet major oil companies force them down the collective throats of retail operators. "Use them or else" is the instruction. The public pays the end price.

Without such a parasitical free rider on the consumer's back, our prices at the pump would be much lower. The average service station man could hire another person with money he now is forced to pay for promotional games. Instead, we have illegitimate nonsense foisted on us instead of open competition in the marketplace.

The sole competition comes into being when major oil companies create price wars at the expense of retail operators. They move in like so many predators, selling excess-capacity gasoline products at distress prices. This annihilates the tiny profit margin of the retailer. Almost always, the retailers absorb cost of such cuts. It is "eat slim rations at the best of times," and "starve whenever the oil companies decree it." Either that, or have your franchise lifted.

Such domination even extends down to lines of accessories and other items dealers are forced to carry. Interests of the retailers simply do not matter.

Mr. Speaker, I find this situation incredible. The record of oil industry outrages makes Bocaccio's "Decameron" look like a child's coloring book. This is the most privileged industry in the Nation, milking tax benefits from the public as if it were a milch cow.

On every side, we are taking a series of beatings because of corporate irresponsibility by the oil industry. Our air is being polluted by their products. Our waters are being ruined and fish life killed by the same. No one can easily forget the disaster they pleaded guilty to in the Gulf of Mexico recently.

Their tax payments, when compared to income, are the lowest proportionately in the Nation among major industries. To top it off, they are deliberately following policies toward the motoring and retailing public I have just cataloged.

Worst of all, they are squeezing the life out of the small businessman. They get a gas station operator in their grasp and drain the life's blood out of him. They overbuild stations and outlets. Their franchising structure is a scandal. Their games are false and fraudulent. Their discriminatory price structure makes Boss Tweed look as if he took a lifetime vow of poverty, chastity, and obedience. And, in the end, the FTC admits all these charges. Then it follows through by telling the public it cannot do a blessed thing about it. Surely we have arrived at a state of corporate anarchy that makes the Gilded Age seem tame. Truly, it is "the public be damned."

XUM

THE TRANSATLANTIC CLEAVAGE—THE TECHNOLOGICAL GAP

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ROBISON. Mr. Speaker, I am including in the RECORD the third in the series on Atlantic Union written by Aurelio Peccei. In this article Mr. Peccei indicates that the growing technological gap between Europe and the United States presents some serious impediments to Atlantic Union. His suggestions offer food for thought.

I commend this article to my colleagues:

THE TRANSATLANTIC CLEAVAGE—THE TECHNOLOGICAL GAP

The time has come to examine the dangerous turn of events in this latter part of the 1960's, to try to make projections into the future of the present disquieting situations, and to determine what we must do to retain control of our destiny in a time of precipitous change.

I am prompted to write this book by the conviction one gets traveling far and wide in the world and observing the growing confusion and complexity of the problems and expectations of our age. This conviction is that mankind is galloping in the direction of assured and possibly total disaster. It follows that a radical change of azimuth and saner control over its course are both imperative and urgent. As man himself has embarked on this reckless course, it is possible for him to correct it. The correction, however, will have to be radical, and the hour is already rather late.

I am not a pessimist. But I see the threat and challenge components looming so much larger in the diagram of forces that dominate the future that I feel priority attention needs to be given to them—urgently.

With this as my broad frame of reference, I will in Part I of this book examine the Western world, using technology—the vector of change—as the focal element. I propose to concentrate on the *Chasm Ahead*, the split that is rapidly widening among the Atlantic nations, and which threatens to divide them into two segments—American society and European society—divergent, and evolving in different ways.

In Part II, I will attempt to present in perspective the entire world system, as I see it—at the crossroads. Its condition is serious. Tensions are growing, conflicting tendencies clash. On the one hand, its outdated and inefficient socio-political organization is patently incapable of coping with the new pattern of forces which have emerged in the modern age, and which tend to disrupt the system outright.

On the other hand, equally new but weaker factors are working in the opposite direction—toward shaping a universal conception of the human family, and a planetization of our interests—and thus tend instead to transform and coalesce the system. Still dominant, however, are the uncontrolled and convulsive situations we witness exploding from time to time, and which may eventually get out of hand and play havoc with mankind and civilization.

These are threats and challenges of a novel kind, which need to be faced squarely. To do this we must take an active forward posture, based on a deeper understanding of our peculiar epoch and leading to new forms of long-range coordinated action on a world scale.

Finally, I will also examine some of the *Macro-problems* of our time, this new category of very large problems of a complex nature, demographic, societal, political, or ecological, or of a composite character, which incisively affect the life of most of the world's peoples, and require a global attack.

My intention in this review, first of the state of Atlantic affairs, and then of the situations and ills of our old planet, is to try to give a true, even if cursory, picture of human society's present predicament. And from this analysis I will, in Part III, go to outline a *New Approach* to the world and its problems, which I submit it is now imperative to adopt if we are going responsibly to prepare ourselves for tomorrow's world. This New Approach entails a courageous departure from current thinking and policies, and the adoption instead of the forward posture I have mentioned. It means applying all our knowledge and capacity actively to shape the future. Because of its traumatic novelty and extreme complexity, I think it ought to start with a broad feasibility study—*Project 1969*—to be undertaken by the most advanced countries, using objective and scientific methods.

My conviction is that the inevitable outcome of this hard, comprehensive and compassionate new look at man and society in our tempestuous age will be that a *Great Change of Direction* in our course is both imperative and urgent, to head it off from very probable catastrophe in the coming decades.

To start our discussion, we may recognize the cleavage between the United States and Europe is surely not the widest. But it is the one that may have the most far-reaching consequences.

What may be called the *Atlantic platform* is the world's most important geopolitical area and the home of the most advanced civilization. More than 100 nations—big and small, old and new—are grouped around that platform or look to it for aid, progress, and leadership. Should the present cleavage continue to widen and become—as many signs indicate—a chasm irretrievably sundering this platform, there is great doubt whether the world will enter the golden age men expect as a result of our technological progress. Indeed, it seems that the entire human society might be heading for an era of disorder and crisis.

Ironically, this cleavage in the middle of the Atlantic is being brought about by one of the most extraordinary events of worldwide consequence in man's history, an event the Western peoples themselves have unleashed but no longer seem able to control—the technological revolution. It is a revolution so sweepingly new that we are patently unable to understand all its implications. It is also so radical that, although the Atlantic peoples are still its major protagonists, they are becoming at the same time the unwilling and largely unwitting agents of many negative developments in its side effects.

Carried along as we are in the maelstrom of this revolution, it is difficult to assess its wider effects.

My general objection is that we seem unable to get rid of our slant toward things economic. It is misleading to judge the impact of technological disparities from this angle only. Their consequences do not affect only economic activities, they overflow to all other fields, and interact with the entire texture of society.

It is precisely by taking stock of all the phenomena affecting modern society that we ought to assess the revolution under way, and try to understand where it is leading us. The task is made somewhat easier, because certain of its unwanted consequences, far from lurking in some distant time, ghosts of the future, are already apparent now and seem destined to grow to intolerable proportions during our lifetime. One of the most relevant negative elements, and one which I will use to unfold my thesis, was first perceived a few years ago and is often—if somewhat superficially—called the *technological gap* between the United States and Europe.

THE DISPUTE ABOUT THE GAP

In the broad sense used here, technology means the organized application and utilization of knowledge to make products, services, processes, and techniques available on the market and to society in general. Its impact on modern life is very great. It has been estimated that technical progress made a 52 percent contribution to U.S. economic growth during the 30-year period 1927–1957.

To speak of the gap with this wide connotation is to assume that there actually exists a significant difference in technological performance between the two sides of the Atlantic, a capacity of American society to innovate and progress which cannot be matched by Europe. As this may be considered a bold assumption, two major pertinent questions may be anticipated. Is there, in fact, a technological gap between the United

States and Europe? And if it does exist, what is its real meaning?

Many Americans, especially those in official circles, have until recently denied that the two continents were moving so far apart technologically as to create this new problem across the Atlantic. This American refusal to admit the gap—which in the minds of many Europeans was evident—has been a point of contention at the countless meetings and conferences devoted to the subject in the last few years.

The existence or importance of the gap was belittled by many American participants at the Symposium on Technology and World Trade, held in November 1966 at Gaithersburg, Maryland, on the occasion of the dedication of the huge new laboratories of the National Bureau of Standards. Yet these ultra-modern, impressive facilities, dependent upon a Federal agency, were there for all to see. They were a monumental demonstration of what the United States can do and actually is doing in the field of applied research to stimulate the growth and competitive edge of American technology and economy. The stage was properly set on that occasion to show how powerful America promotes ever more research and innovation, recognizing that they lie at the heart of the process by which America has grown and renewed itself—and outstripped all others, including slower-moving Europe.

The participants in the symposium knew this effort could not be duplicated by any nation, not even by all the European countries acting together, should that continent become united. When the then Assistant Secretary of Commerce, J. Herbert Holoman, said that "we believe that technology, appropriately understood, morally and ethically applied, is the best hope for a peaceful, prosperous society," they knew also that he was opening a door whose keys are indeed in the hands of the United States. They were left wondering whether Europe, let alone the lesser countries, could ever obtain these keys, or if the United States was willing to use them to give others equal access to the paths of technological prosperity and so make the world's gaps less blatant. The impression of hopelessness was increased, however, when the then Secretary of Commerce, John T. Connor, added:

"We need to change our approach to the fact that there are differing levels of technology in various fields among the nations of the world. Our thoughts and actions should not be directed toward compensating for these differences artifically. Rather we should try to assure that each nation has access to the particular technology most appropriate to its own goals as defined by that nation."

Foreigners in the audience were convinced that the United States not only was setting its course toward private exclusive technological frontiers but would also be lost from sight by all the others much sooner than they had previously feared.

Yet the gap was denied or decried. I admired these two forthright and outspoken gentlemen. They were voicing current U.S. thinking—that those crying at the gap were alarmists of a sort, because although it was true that the United States was setting the pace, the gap, if any, could be offset by Europe and others if they were really determined to catch up.

This tune was played time and again by most American officials. It was not merely an official posture. They were really unconvinced that the two halves of the Atlantic were becoming progressively separated by a widening gap, and that the gap was to be a permanent feature of the Atlantic landscape. You cannot expect, they said, the same level of technology between firms in industry, or industries in one country, or between countries. Indeed, they pointed out, disparities within the United States may even exceed those between the United States and Europe, and technological leads and lags are natural and fluctuate from time to time.

Many Europeans, standing on the low side of the gap, perceived its dangers better and sooner. They admitted that in fundamental science Europe probably equaled America. But, as Professor Jerome B. Wiesner said, "Science is the quest for more or less abstract knowledge, whereas technology is the application of organized knowledge to help solve problems in our society." These Europeans argued that, as the central challenge is not so much gaining new knowledge as learning how to use it effectively, and that, as America is unexcelled in the capacity to swiftly bring techno-scientific progress to the marketplace and into our daily lives, the gap is inevitable.

If it was undeniable that Europe was ahead in some sectors, they pointed out that the United States lead was very great precisely in the areas that the French call *porteurs d'avenir*, the key science-based industries and techniques on which the future hinges: Computer technology, jet aircraft, satellite communications, micro-circuitry, rocket and space science, automated machine tools. And they maintained that the United States lead was even greater when one also considered the capacity to handle giant technical programs by systems analysis and other advanced methods, which in the American experience have already proven themselves in military applications. In conclusion, the technological scales have become irrevocably tilted, according to these Europeans, and the lopsidedness across the Atlantic was not only here to stay but to grow continuously.

The issue remained controversial, however.

The turning point for a more objective view of the problem was reached, I believe, at the Conference on Transatlantic Technological Imbalance and Collaboration, held at Deauville, France, in May 1967, with the sponsorship of the Scientific-Technological Committee of the North Atlantic Assembly and the Foreign Policy Research Institute of the University of Pennsylvania. Opinions still varied but as the conference progressed, a consensus was reached.

The conclusion—which in my view is still a mild expression of a stark phenomenon—was that although in a number of specific industries and in certain areas of pure science Europe enjoys parity and even superiority, the number of such sectors is relatively small, and *there exists an over-all imbalance* in favor of America. I quote from the conference's final report:

"The United States was seen to have a decided edge, not only in the overall conditions, asserted to result in technological growth, but in the specific results themselves, especially in the critical industries of aerospace, electronics and computers. Thus, defining gap as an uneven distribution of technologically relevant resources, it was agreed that such a gap existed. There was also a sentiment that, even in the local circumstances where now the gap was not pronounced, the future was threatening because of the large-scale impetus to technology which the Americans were able to stimulate in their society."

A similar conclusion had already been reached in a report prepared by an outstanding American executive and a recognized authority on this matter, Dr. Antone T. Knoppers, who had been requested by the Atlantic Institute to assess the situation. He had no hesitation in saying, "The leadership in technology held by the United States over Western Europe is even greater than is generally thought in Europe, and is increasing. The long and short range consequences to Europe—and thus to the Atlantic economic relationship—are dangerous if the trend is permitted to continue."

At present, it is no longer disputed among knowledgeable people that a new concern has entered our lives—the serious technological gap dividing America from Europe. It is also generally conceded that the over-all gap in its present form is a *relatively recent phenomenon*. It was in the 1950's that Europe started lagging dangerously behind. Today, the same Europe that until World War II was a healthy contender for techno-scientific primacy, running neck and neck with the United States toward progress, or at least trailing behind her at a visible distance, no longer belongs in the same heat.

DIFFICULTY OF SIZING UP THE ISSUE

What the experts know, however, has not permeated public awareness in this country. The American public has not yet grasped what actually is this laceration occurring in the body of Western society.

Understandably, in Europe people are more aware of the existence of the technological gap. The press, the radio and TV tell them that the secret lies in the capacity to innovate and translate scientific and technical knowledge into products and processes, in which the United States is far more advanced than Europe. Capital is more plentiful and freely available and bolder in accepting risks; the educational system produces better scientific and engineering skills in greater number; management is sharper; the domestic market is much larger and in many ways three, five, or ten years ahead of the European markets; a small number of giant firms are better placed to undertake the risks of R and D [Research and Development] investment and of innovation than a large number of small firms.

They know also that of determining importance have been the United States defense outlays, of a magnitude that—fortunately, they believe—is without parallel in Europe. They are, however, afraid that the technological effort spurred by defense requirements, which has already stimulated a number of breakthroughs in electronic circuitry, telecommunications, propellants, exotic metals, instruments, and an incredible profusion of gadgetry for the conquest of space, etc., will have increasing effects on everyday life in the future.

All these impressions have already ingrained themselves in the European public's mind. They exist alongside the image of the United States as the spearhead of human progress (only here and there challenged by the Russians). This mythologizing of U.S. technology has probably gone so far beyond reasonable marks that its breathtaking advance is given the credit or blame for much of the revolutionary transformation taking place in everything important in society: Values and habits, economic growth and potential for destruction, expansions of industry and decline of traditional activities, new jobs or unemployment, newer communications media and lesser capacity of understanding one another. The United States image is not only one of standard-bearer of this great upheaval of change, but also one of the only nations capable of absorbing and utilizing its impact and deriving ever new strength from it.

Assuming that the gap really exists, it is important to awaken the same consciousness in the American public. The issue ought to be clearly stated for it to judge.

How can outlines of this divisive phenomenon, I asked myself, be conveyed in terms convincing, not to the expert, who no longer needs to be convinced, but to a select public, the readers of this book, who might then convey the message to wider circles? I am writing the book in faith that the reader is a cultivated individual, modern and open-minded, somewhat puzzled and concerned by what happens in the world, and therefore desirous of better understanding the problems of our time.

It is written by an industrial manager, not a scholar. It does not set out to present a full demonstration of the gap—which, I am sure, eventually can be given. This work

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intends to be one of synthesis, bringing forward some ideas about the extremely serious world situation, and suggesting possible avenues for the future. I would like to be in communion with the reader and assess with him in broad historical terms what is happening before our eyes in the Atlantic region.

From the avalanche of information daily pouring on the public, the portion which deals with this subject is uncoordinated, and most of it goes unnoticed. To extract the gist of it and to build a true and meaningful scenario of the transatlantic technological imbalances, I have asked my friend, Mario Rossi, Special Correspondent of *The Christian Science Monitor* at the United Nations, to assist me in following the phenomenon for one year—roughly the year 1967—as it emerged from the mass media.

THE GAP IN COMPUTERS

The technological gap between the United States and Europe is a subjective as well as an objective phenomenon, something that we can calculate in certain aspects and just feel in others. When we travel from southern Italy to southern California—or, for that matter, to southern England—we need no production figures or income scales to tell the difference between styles of life.

Any understanding of the problems posed by the technological gap must therefore begin with the fundamental recognition that we are dealing not only with quantitative but especially with qualitative factors.

To bring this sharply into focus, take the crucial case of computers. About 40,000 computers. About 40,000 computers are already in operation in the United States as opposed to about 10,000 in all Western Europe. It is reliably estimated that by 1970 there will be about 50,000 computers in the United States and by 1975, 80,000 and only about 20,000 in Western Europe. In all these comparisons, keep in mind that the population of Western Europe's is more than half again as large as that of the United States: 355 million as opposed to 206.

The United States has thus a commanding lead in the new field of electronic data processing which is probably the most pervasive development, affecting more industries in more ways than any other. It is acknowledged that computers are the star protagonists of the technological revolution under way.

Another aspect appears to be more significant: In Europe the computer is being used for limited specialized applications in industry, government, and universities. It cannot be otherwise, considering that in 1965 the computer-per-man ratio was 386 for every million non-agricultural workers in the United States, compared to only 125 in Switzerland, 95 in Sweden, 67 in West Germany, 60 in France, and 48 in the United Kingdom.

When I visit the United States, I often clip newspaper articles about computers. Some headlines:

Computers Assist a Brooklyn Birth
Computer Tested as Weather Aid
Computers Guide Pupil Integration
U.S. Computers Help Thwart Vietcong
Computer Orders Parts for an Airline
Computer Chess Won by Stanford: Machine Takes on Russians After Beating Carnegie
Quick, Compute Me a Nice Tapestry
U.S. Urged to Use Computer in Language Study
6th Grade Taking Computer Course
15 Police Departments to Link with F.B.I. Computer
Computer Now a Wall Street Guard
Computer Jumps to Ski Conclusions
Computers to Aid Legal Research
Computer Hookup to Home Foreseen

The last quotation is enough to underline my contention that computers are fast becoming a built-in feature of American life.

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Computers are not simple gadgetry, the kind of gimmickry Americans are so often accused of spawning. They alter man's mental environment. They enhance and multiply his thinking capacity and open up new vistas and heretofore undreamed-of opportunities for the solution of the increasingly complex problems of an industrial society.

The computer revolution is altering the fabric of society in the United States to an extent unparalleled in Europe. Computer technology and applications require a sophisticated approach at all levels, from producers to customers. Suffice it to mention that computers have brought about a new and revolutionary art of management in the conduct of both business and public affairs, which leads to the more efficient use of materials and personnel, faster results and better products, and greater profits.

Computers accomplish a spectrum of qualitative changes that are at the core of the technological gap between America and Europe. They reflect and dramatize technological changes brought about by the explosion of science-based industries.

Electronic components are tightly linked with computers. Here, fantastic prospects are opening up through the development of such advanced technology as minute integrated circuits. American companies. (Texas Instruments, Fairchild, Motorola) account for 90 percent of the European market and are practically the sole depositories, through their international subsidiaries, of know-how in this breakthrough development sector.

To quote my friend, Christopher Layton, "to bridge that gap would be for Europe about as easy as boarding a moving express train."

FROM NUCLEAR ENERGY TO AEROSPACE AND TELECOMMUNICATIONS

In other frontier industries one witnesses the emergence and widening of gaps. Such is the case of the nuclear industry in spite of Europe's earlier start. With military applications, it is common knowledge that the United States holds an overwhelming position. Even in peaceful applications, the United States has easily succeeded in outclassing Europe, which was paralyzed by an inane proliferation of national approaches and even nationalistic feuds.

Today, the total installed nuclear power in Europe, some 6,000 MW, may be greater than that in the United States, about 200 MW. But when one looks beyond the surface figures, United States dominance is clear, buttressed by [its control of] the market for enriched uranium fuel. And 32,000 MW power stations are now on order in this country. U.S.-made nuclear reactors—by General Electric and Westinghouse—have begun to sweep world markets.

This seeming inability to meet the nuclear power challenge fills Europe with gloom, especially the British have found it galling, since they had a head start in design and cost efficiency. Despite the fact that British and German laboratories seem to be ahead, so far, in the next generation prototypes, uncoordinated, ineffectual policies may already have produced the sterilization of the initial European lead.

The same story of the dramatic decline of great European industries can be recited for the aircraft industry. The record here is one of bold initiatives, gambles, fiascos, and self-defeating feuds. Suffice it to mention the failure of the European attempt to produce a variable geometry aircraft and the airbus. This failure has probably decreed the final dominance of U.S. aircraft in world markets. The Americans have taken the initiative in the construction of the "jumbo jet", with the Boeing 747, and have a strong time lead in the airbus category, with the Lockheed L1011 and the McDonnell Douglas DC10. These airplanes are due to go into operation in 1970, and will again revolutionize civilian air transport. Europe's only entry so far is the Rolls Royce engines powering the L1011.

The airbus case illustrates the limits and failures of production by European-style coalition: Two or more governments, two or more managements and two or more production lines trying to simulate the unified industrial process contracted out to a single [U.S.] company—which, moreover, has at its disposal a very large domestic market.

The Americans, meanwhile, have been perfecting "fleet standardization," with its rational planning, and cost saving. These are some of the reasons why civilian airlines and military air forces are, with a few exceptions, adopting U.S. material. Only in the race for supersonic aircraft does Europe seem in a position to win eventually, if the Anglo-French *Concord* maintains its present decisive lead and proves itself operationally satisfactory.

Space is just another example of the gap in effectiveness. There is also a huge gap in scale: $4-billion spent annually in the United States during the past years (more than Europe's entire civilian R and D effort in all industries) compared with $200-million on Europe's space programs, national and international.

NASA has some 500,000 employees, as against 20,000 in government and international space research centers in the whole of Western Europe. This overwhelming ratio may probably be reduced. Many [U.S.] voices are criticizing such expenditure as lavish. Europe seems about to revise its programs, and the Causse Report, on behalf of the minister-level European Space Conference, suggests an investment of $400-million in 1970. Even on these optimistic assumptions the ratio would still be 8 or 10 to 1.

The time-lag is also great: The first American *Explorer* was flown in 1957, approximately 500 [U.S.] satellites have been flown since, against 11 by Europe, the first in 1964. What matters most is that the organization behind is so different. Against the American concentration of effort, there are presently three main multinational space organizations in Europe. Then there are 10 separate national programs and a number of bilateral combinations.

Aero-space has become one of the largest U.S. manufacturing employers, with a 1.2 million payroll, including 20 per cent of the nation's scientific and engineering talent. Cooperation among government agencies, space-oriented industries, universities and a wide circle of knowledgable professionals is easy and rapid. In Europe, the dissemination of information is difficult and slow. Some times it seems as if communication on space and the universe was better at the time when Kepler and Galileo used to compare their results by writing each other in Latin between Prague and Florence.

Europe has not fully understood that space is not a vague competition for "pie in the sky," a race for prestige. Space research is part and parcel of the new scientific revolution and has started a new era of discovery, comparable to the one [opened by] the telescope. It has some very real, immediate results, not to mention spin-off effects on industry as a whole. Application satellites, such as communications, meteorology, navigation and earth resource survey satellites, are bound to play a fundamental role in the future of mankind.

But, except for participation in a 50-odd-nation venture, the International Tele-communications Satellite Consortium (Intelsat)—in which the United States has more than half the stock—Europe has still to take a step in this area. In 1964 it started to set up its own communications satellite network, but has failed to come up with a concerted plan.

Communications at large are one of the main avenues of the technological revolution. The new communications theory is developing systems which include satellites and computers connected by telephone, telegraph, and microwaves. Yet if we scale down from spectacular satellite communication to the down-to-earth telephone system, the gap in both quantity and quality still exists.

Half the growth of calls in the next 10 years will be for data transmission from computer to computer. In the United States it is already possible to get through central computers by using telephone lines. Europe is still way behind. In 1966 it had only one telephone for every six people, compared with one for two in the United States, and the quality is rarely up to American standards.

The Bell Telephone Company experimental laboratories are known throughout the world as the very model of the most advanced and progressive kind of commercal research laboratory. Though Europe spends more on telephone research and development than the United States, its efforts are dispersed in national approaches with quite insufficient, if not inefficient, results.

It is in such a complex of interlocking factors that the technology gap lies. Individually considered, these factors are evidence that the United States has a dominant lead over Western Europe in most crucial areas of applied science and marketable technology. In combination, they exert such a formative influence on the societies of America and Europe that they portend a phenomenon that will widen as time passes.

THE GREATER U.S. EFFORT IN RESEARCH AND DEVELOPMENT

Competition by innovation is rapidly taking the place of competition by productivity. Investment of capital and talent in R and D is at the base of the innovative process and constitutes one of the necessary driving forces of future growth. It may be argued that R and D expenditures are simply inputs, and provide no measure of output, that is, of actual results. However, there are enough cases to prove that the R and D effort is concomitant with over-all growth.

According to the latest data available, R and D expenditures in the United States—one-third of the world total—were 24 billion dollars (3.5 percent of the gross national product [GNP]) in 1967 as against about 7 billion dollars (1.3 percent of the GNP) in Western Europe. The resources annually deployed by the United States are ten times greater than those of Great Britain, 15 times those of Germany and France. Her R and D expenditures are expected to reach $53-billion at current prices in 1980, when in all Western Europe they will probably be nearing only $20-billion. In the number of people employed on research and development, which probably provides a more significant indication of the real effort devoted to this activity, the United States dominance is again undeniable: about 1,250,000 to about 500,000 in Europe.

The U.S. government pays nearly three-fourths of the national R and D bill. This centralization of funding, intelligent use of a new tool invented to give it more leverage, practically nonexistent in Europe—the Federal R and D contract—and its coordination with government purchasing, plus the American capacity of managing highly complex research projects cannot but help solidify its overall technoscientific superiority.

The advantages accruing from this policy are shown by the U.S. technological balance of payments, namely the net flow of money for patents, royalties, licenses, and technological know-how at large she sells to other nations and buys from them. The trend with Western Europe shows a growing [U.S.] surplus which more than doubled the receipts from 1958 ($132-million) to 1965 ($454-million).

COMPARATIVE SIZE AND PRODUCTIVITY

Since optimal dimensions vary, size in industry is a controversial factor. Nevertheless, in automobiles, electronics, rubber, steel, oil, and chemicals the largest firms are American; the gap between them and their European competitors is considerable. The far greater size of the American domestic market accounts partly for this disparity.

The oligopolistic structure of American industry is favorable to innovation. Large American firms are better placed than their European counterparts to undertake risks. But also profit-wise the latter trail behind.

Differences in profits are far more important than differences in the volume of sales or turnover. They are an indicator of the great productivity achieved by firms in the United States. In 1966 Britain's National Economic Development Office calculated that the number of men required to produce the same output as one American was 2.3 for Britain in steel, 3.4 for Britain and 2.6 for Germany in chemicals, 4.2 and 3.8 respectively for Britain and Germany in electrical machinery.

This means that, besides advantages of scale, American industry enjoys a productivity edge over European competition. Very different opinions can be gleaned as to the main factors contributing to this difference in performance. One thing, however, seems to me certain. Just as for innovation, cost performance, profit growth, etc., productivity too depends very much on the quality and drive of management. And one field where America excels, certainly, is managerial capacity. Hence, the tendency to speak of the managerial gap.

The argument has been brought forward that in the United States the small innovating industry committed to science-oriented sectors has often played a role greater than that of the large corporations. Xerox, Polaroid, Varian, Hewlett-Packard, and other electronic components industries are well-known cases. This is true, but small, pace-setting firms thrive better when they live among a population of giants, and when the market offers them unlimited opportunities to grow, as in the United States.

The statement in a memorandum of the Common Market Commission is not mistaken: "It is the widespread feeling that European companies are not big enough at present either to take full advantage of the Common Market, or to compete with powerful outside concerns—particularly American companies—which are able to set themselves within the Community itself and because of their greater financial and technical resources built up in a vast home market, can easily outweigh those European companies which do try to adapt themselves to the scale of competition appropriate to the Common Market."

BRAIN TRAINING—AND DRAINING

Probably the main factor influencing technology is education. The relative availability of qualified personnel is the key element in the technological disparities between the United States and Europe.

Examine, first, the great mobility, most of it one-way, of human elements between the two sides of the Atlantic, and then, how the brainpower of the two societies is upgraded, educated, and trained by each.

A good deal of public attention is directed toward what is commonly known as the brain drain, which depletes Europe—and other areas too—and generally enriches America with high-value brainpower.

According to the National Science Foundation, 43,500 scientists and engineers emigrated to the United States during the 13 years from 1949 to 1961. The total does not include the many other related specialists—from doctors to lab technicians. Seventy percent of the 43,500 came from countries with a relatively high standard of education—Canada and West Europe.

In 1966 official reports in Britain caused considerable concern: 37 per cent of the physicists who received doctorates between 1958 and 1963, were working abroad—mainly in the United States. Again in 1966 Britain's Action Committee for European Aerospace reported that the United Kingdom's whole aerospace program was in danger of collapsing due to American "pirating" of brains.

The flow of European scientists to the United States averages 2,000 annually. The peak year was 1966—more than 2,700. Almost half came from Great Britain, while the Common Market countries provided only a relatively small proportion. Physical and life sciences are the greatest field of interest (45 per cent of the total). Of the 40 scientists living in the U.S. awarded the Nobel Prize for physics or chemistry between 1907 and 1961 15 were foreign-born.

It is in the less measurable sphere of quality that the brain drain makes its ultimate impact. Generally, those who migrate are motivated, enterprising people.

Here we may turn to the most pertinent study, that of Raymond Poignant, a leading French authority on education, undertaken for the Institute of University Studies of the European Community. Its results, made public in 1965, indicate that, in all the relevant areas, the nations of Western Europe lag behind the United States in production of trained personnel in general, and scientific technological personnel in particular.

According to the French Raymond Poignant study and OECD data, in 1964 the United States spent 6.18 per cent of its GNP on education, compared with about 4 per cent in the main European countries. School enrollment as a percentage of the population in the age bracket between 5–24 years was 77 in the United States, 65.3 in France, 60.5 in the United Kingdom and 56.3 in Germany.

This is reflected in the higher proportion of high-level manpower in the United States-17 per cent of total labor force, compared to 11 per cent in the United Kingdom and 10 percent in the Common Market. Kaufman notes that over 40 per cent of the U.S. university-age population are in colleges or universities, compared with 10 per cent in Britain, 15 per cent in France, and 7 per cent in Germany and Italy; about 20 per cent of the university-age U.S. population earn degrees, compared with about 4 per cent in the Common Market; and there are over 2,000 U.S. institutions of higher learning compared with 40 in France and 48 in Germany.

The Poignant study showed that the European Economic Community nations were not changing their secondary education set-ups fast enough to achieve any substantial increase in their percentage of college-age population receiving higher education. Behind these figures, of course, lies: the social inequality in educational opportunities within European nations. Working-class children are not getting their share, and Europe is thus wasting the brainpower, not to say the lives and future, of many of these children.

Wherever we look in the United States—from the introduction of the "new math" in the lower grades to the establishment of the Harvard University Program on Technology and Society—we see that U.S. educational institutions are in the vanguard of those who wish to come to grips with science and technology.

FACING THE GAP

Whatever the shortcomings of this review of causes and symptoms of technological and related disparities between the United States and Europe, the picture is unfortunately clear enough. I believe little doubt remains even in the layman's mind about the presence, in our Atlantic platform, of an ugly crack that has started to drive us apart.

To move from this preliminary conclusion and consider the second basic question relative to the meaning and consequences of the gap, we must start by realizing that this is far from being a minor issue. Its dimensions, dynamics, and nature cause the technologi-

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cal gap to be one of the major problems confronting the Atlantic community.

To drive home this concept finally, I quote the very valuable and well-balanced opinion which emerged from the previously mentioned Deauville Conference. It is an expression of statesmanship, because it compels serious reflection; let us hope it will lead to action. It says:

"Large scale European-Atlantic differences in values, mobility, institutional structures, size, and rigidity were seen to account for the discrepancies. Values or attitudes which might foster behaviour leading to technogical growth were found to be relatively weak in Europe. . . .

"Mobility was another common theme. . . . Some stressed the relatively greater capacity of Americans for geographic mobility, while others stressed the relative ease with which Americans enjoyed occupational mobility between universities, research institutes and the industrial sector . . . the relative dynamism of American society was underlined as a major cause of technological superiority deemed to be dependent on the free exchange of individuals and information throughout the society. Special attention was paid to the link between the generator of science, the university, and the applicator of science, industry. The link was seen to be highly productive in the United States and relatively weak in Europe. . . .

"Communications between institutions or within institutions were deemed better in the United States . . . In the new pragmatic political environment of the United States, government is allowed and even encouraged to play a major role in developing the U.S. technological base. Government aids industry by subsidizing research in the early nonprofit stage. Industry profits from spin-offs from government initiated projects. Mutual benefits accrue from the structural relations which industry, government, and the university have evolved with each other.

"The relative absence of structural barriers against trade and the relative ease with which the different economic, political, and intellectual institutions can communicate with each other and adapt to changes in the needs of one or the other partner, all these assets of the dynamic environment were considered by many to be at the root of technological disparities.

"For others, size was counted as a major asset in favor of the United States: Size of firm, to allow for capital formation, and size of production facility, to allow for small unit cost. The size of market was judged especially important and, perhaps, critical . . .

"Mention was made of the relative rigidity of European social and economic institutions in the United States was deemed production. The flexibility and adaptability which characterizes as a useful asset. Unpredictable demands of a rapidly developing technology are most readily met in a society which is flexible and willing to evolve new forms of person-to-person, institution-to-institution relations. The relatively larger sector of American society which has been educated on the college and university level, contributes to that flexibility and mobility which enhances employment opportunities."

The factors viewed at Deauville as the most serious were the disparities of values, mobility, structure, size, and rigidity. We should not fail to understand their importance as factors perpetuating and widening the cleavage that now divides the Western society. Their influence is great, because they are related to each other in an interacting system in which the multiplying effect of the American assets makes the potential of the United States look enormous compared with that of Europe, in a period in which the latter seems to be caught up in a vicious circle of desultory performances which in turn stifle the will to try harder. In the words of Dr. H. B. G. Casimir, the highly respected Dutch scientist and research director:

"If America really wants to do something about the gap, start introducing a different currency in each of the 50 states, and impose other serious boundaries among all the states, You have enough Italian, Greek, and German and Dutch people to create * * * make a state with an official Italian language, be sure to make a state with an official Italian language, be sure to incorporate minorities with another language or two. Otherwise it won't work or create the full effect.

"It would also help to have several of these states drive on the right side of the road and others keep to the left. It would be a nice project in operational research to work this out in such a way that you would get the maximum number of collisions. If this experiment were done, and we then, 10 or 15 years from now, compared your America with Europe, we may well have bridged the gap, whatever it is!"

This witty aphorism helps us to realize the truth of the existence of a disturbing and baffling gap right in the heart of the Atlantic community. What is its true meaning, and what are its short- and long-range consequences on the Atlantic system itself?

MILTON SHAPP JOINS IN FIGHT FOR AN OPEN RULE TO THE TRADE BILL

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. DENT. Mr. Speaker, the International Union of Electrical Workers and others are vitally interested in the serious crisis in our importation of foreign made products.

The candidate for Governor of Pennsylvania, a longtime advocate of free trade, is greatly disturbed over the effect of our present trade policies, and the loss of U.S. jobs.

As Chairman of the Committee on the Impact of Imports, I welcome the assistance of Milton Shapp in my fight for an open rule on the trade bill.

A letter to me from Mr. Shapp follows:

Hon. John H. Dent,
2430 R.H.O.B.,
Washington, D.C.

Dear Congressman Dent: As you know, the Trade Act of 1970 will shortly come before the House of Representatives for a vote. When the Bill reaches the floor, I urge you to support an open rule so that the full membership can consider adjustments to the Bill which would give fuller protection to American industry.

The backbone of America's economy lies in those industries most directly threatened by the tremendous increase in imports which we have experienced during the past few years. Especially at a time of economic slowdown, I believe it is doubly urgent that we do everything possible to keep the jobs we have and encourage the creation of new ones.

As you know, the Bill already imposes quotas on textiles and footwear articles. It should be opened up, so that steel, electrical, machine products and other items which threaten American jobs receive the same consideration, specifically spelled out.

One recent estimate placed at 70,000 the numbers of jobs in steel which have been replaced by foreign imports.

Only last week, in Pittsburgh, warnings were issued that foreign competition from American businesses operating overseas plants threatened to cut deep into employment at Westinghouse Corporation's Rotating Apparatus Division in East Pittsburgh.

Equally as serious, public utilities are purchasing generating equipment outside the United States for the first time in history.

Last year foreign competition captured 78% of the waterwheel generator business in the United States. The year before it was 2%. Last year, the turbine generator market in this country included only an 8% share held by foreign competition. But, by the first of 1970, the foreign share of the American market had risen to an astounding 40%.

These trends present a clear and present danger to the economy of Pennsylvania. We have more than 280,000 steel workers and 170,000 employees in the electrical industry. These workers, and the industries they work in, are increasingly threatened, often from nations who see nothing wrong in discriminating against American goods.

In addition, the situation is worsened by the general sluggishness in the economy, increasing unemployment and the steady rise in the cost of living.

I urge you to take the initiative and be at the forefront of any move on the House floor to strengthen the Trade Bill of 1970.

Sincerely,

Milton J. Shapp.

EPSTEIN AGAINST RESOR—OPERATION KEELHAUL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PUCINSKI. Mr. Speaker, on September 24 I placed in the Record, "The Story of Forced Repatriation—Operation Keelhaul," which appeared on page 33720.

I should like to place in the Record today Mr. Julius Epstein's article about the miscarriage of justice in Epstein against Resor. His article points out that the Freedom of Information Act has become emasculated by administrative and judicial fiat in his legal battle to get the Department of the Army to declassify the top secret documents known as Operation Keelhaul, a code name used in World War II to forcibly repatriate 2 to 5 million anti-Communists back to the Soviet Union.

The arguments used by the courts and the Army lawyers in denying Mr. Epstein access to these documents are specious and capricious, and smack of the doubletalk of 1984.

Mr. Epstein has performed a public service by suing the Army under the Freedom of Information Act and pointing out the capricious interpretation of said act by the Army and courts. It now is up to the Congress to amend the act so that there can be no question that a citizen can legitimately have access to documents that have nothing to do with national security or our foreign relations, particularly after a lapse of 25 years.

Time and again this Congress has found that the legislative intent of both bodies has been thwarted by bureaucrats who are elected by no one and certainly not responsible to anyone.

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Therefore, it is incumbent upon this Congress, as the duly elected representatives of the people, to curb the acts of wrongdoing by bureaucratic "Big Brothers" and make them responsive and responsible to the taxpayers by amending the Freedom of Information Act so there is no doubt in anyone's mind about the right of our citizens to have access to public documents that are not under the purview of defense or diplomacy.

Only an alert and informed citizenry can help prevent the recurrence of an Operation Keelhaul and keep sound the principles on which this great Nation was founded.

Mr. Speaker, the illuminating and excellent article by Mr. Epstein follows:

Epstein Versus Resor, or the Emasculation of the Freedom of Information Act

(By Julius Epstein)

The "Freedom of Information Act" was signed by President Johnson as Public Law 89-487 on July 4, 1966. It became effective one year after its enactment on July 4, 1967.

The Act is an amendment of Section 3 of the Administrative Procedure Act of June 11, 1946.

As Congressman Dawson wrote in his report:

"It gives an aggrieved citizen a remedy by permitting an appeal to a U.S. district court. The court review procedure would be expected to persuade against the initial improper withholding and would not add substantially to crowded court dockets." [1]

The origin of the Freedom of Information Act goes back to 1953, when Dr. Harold L. Cross published for the American Society of Newspaper Editors, the first comprehensive study of growing restrictions on the people's right to know the facts of government. The reason why ASNE commissioned Dr. Cross to write his paper was the obvious fact that journalists, historians, legislators, lawyers and government officials had been concerned about the growth of Government secrecy. Fundamental to Dr. Cross' study, as James S. Pope explained in his foreword to Cross' book, "The People's Right To Know," was "the conviction that inherent in the right to speak and the right to print was the right to know. The right to speak and the right to print, without the right to know, are pretty empty." [2]

As Dr. Cross outlined, there were three areas where through legislative inaction, improper secrecy had been allowed to blossom and, therefore, to choke the basic right to know: the "housekeeping" statute, the "executive privilege" concept and, most important, section 3 of the Administrative Procedure Act which deals with and affects public access to government action.

Not before 1958 did Congress correct the constant abuse of the government's 180-year-old "housekeeping" statute. The correcting bill was introduced in the House by Congressman John E. Moss and in the Senate by Senator Thomas E. Hennings. The Moss-Hennings bill stated, as Harold Cross pointed out, "that provisions of the 'housekeeping' statute (5 U.S.C. 22) which permitted department heads to regulate the storage and use of Government records did not permit them to withhold those records from the public." [3]

As already mentioned, the most important reform brought about by the Freedom of Information Act concerns section 3 of the Administrative Procedure Act, adopted in 1946. Section 3 of this Act has been the major excuse for withholding improperly classified government records from public view.

Section 3(c) states:

"Public Records.—Save as otherwise required by statute, matters of official record shall in accordance with published rule made available to persons properly and directly concerned except information held confidential for good cause found." [4]

According to this statute, the government was entitled, even if no "good cause" could be found for secrecy, to restrict information to "persons properly and directly concerned." The Administrative Procedure Act never defined who was to be considered a person "properly and directly concerned." Besides, the Act did not provide for any remedy available to a person who has been wrongfully denied access to official government records.

Since Congress ultimately realized that improper denials of information occur again and again, the climate for a new law became favorable. This favorable climate led to the enactment of the Freedom of Information Act which, for the first time in American judicial history, gives every citizen the right to obtain information from the government.

In the context of this article, the most important amendment to section 3, chapter 324 of the Act of June 11, 1946 (60 Stat. 328) reads as follows:

Exceptions. "(3) Except with respect to the records made available pursuant to subsections (a) and (b), every agency shall, upon request for identifiable records made in accordance with published rules stating the time, place fees to the extent authorized by statute and procedure to be followed, make such records promptly available to any person. Upon complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated shall have jurisdiction to enjoin the agency from the withholding of agency records and to order the production of any agency records improperly withheld from the complainant. In such cases the court shall determine the matter de novo and the burden shall be upon the agency to sustain its action. In the event of noncompliance with the court's order, the district court may punish the responsible officers for contempt. Except as to those causes which the court deems of greater importance, proceedings before the district court as authorized by this subsection shall take precedence of the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way." [5]

The progress made possible by this amendment is self-evident. Now, records must be made available to "any person" not only to the undefinable "persons properly and directly concerned." Any person denied access to information has now the right to lodge a complaint in the district court. And the district court has jurisdiction to determine the matter de novo. The court has the power to force the agency to release information which, in the court's opinion, has been improperly withheld. The agency has the burden to prove that maintenance of classification is justified.

It was this provision of the Freedom of Information Act which caused me to test the new law in court. Since 1954, I had unsuccessfully tried to get access to the Army's documentary file "Operation Keelhaul." This file, three volumes of official American-British documents concerning the forced repatriation of anti-Communist displaced persons during and after World War II, has been for twenty-three years classified "Top Secret."

The Top Secret classification has been based upon Executive Order 10501 which provided the standard for classification of government records. According to President Eisenhower's Executive Order 10501,

"the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense." [6]

President Eisenhower's Executive Order 10501, as amended by President Kennedy in Executive Order 10964, protects government records classified in the interest of foreign policy and/or national defense. That the collection of documents, entitled "Operation Keelhaul", compiled in 1948 but comprising documents, dated 1946 and possibly earlier, could in the year 1970 endanger U.S. foreign policy or national defense, seemed to be absurd.

On March 20, 1968, I filed through the offices of McCloskey, Wilson, Mosher & Martin of Palo Alto, California a complaint in the United States District Court in San Francisco.

Based upon the Administrative Procedure Act of 1946, as amended, Section 3, 60 Stat. 238, U.S.C., Title 5, Sec. 1002, the complaint stated: "Defendant has improperly withheld said file from plaintiff contrary to the provisions of said Act."

Concluding, the complaint read:

"Wherefore, plaintiff requests judgment enjoining the defendant from withholding from plaintiff the file entitled 'Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul'; and for costs incurred in this action."

The case was first heard in the District Court of San Francisco by Judge Oliver J. Carter on August 19, 1968.

A "Defendant's Memorandum in Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss" was filed a few days before the hearing by the defendant's attorneys, U.S. Attorney William B. Spohn and Cecil F. Poole.

The Army's attorneys stated:

"Defendant has moved to dismiss plaintiff's action upon the ground that the file sought is classified as 'top secret' and is, therefore, specifically exempt from the Act's provision.

"In his brief filed in opposition to defendant's motion to dismiss or, in the alternative, for summary judgment, plaintiff agrees that the jurisdiction of this Court under 5 U.S.C. § 552 'does not apply to matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy.'" . . .

"Plaintiff likewise agrees 'that documents requested by plaintiff have been classified "Top Secret" pursuant to the provisions of Executive Orders 10501 and 10964.'"

The Army's argument is based upon the wording of the Freedom of Information Act but not upon the intent of Congress. It is true that the amendment to section 3 of the Administrative Procedure Act states as follows:

"(e) Exemptions.—The provisions of this section shall not be applied to matters that are (1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;"

There can be no doubt that these exemptions are only valid, provided they have been *properly* applied and not improperly or arbitrarily. This evolves from paragraph (c) of the amendment which clearly and unequivocally declares that the District Court "shall have jurisdiction to enjoin the agency from the withholding of agency records and

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to order the production of *any agency records improperly withheld*[7] from the complainant."

Government records, classified under Executive Orders 10501 and 10964 may be in the category of "agency records improperly withheld" in the meaning of the Freedom of Information Act. The Act itself would indeed make no sense if it had excluded Government records whose classification had been based upon improper application of Executive Orders 10501 and 10964. The history of declassification has shown time and again and especially in Epstein v. Resor, that meaningless purely administrative documents had been Top Secret for more than twenty years, although it must have been obvious to the classifying authority that disclosure could never have resulted in the grave consequences mentioned in President Eisenhower's Executive Order 10501.

In addition to the Army's attorneys' brief, the Adjutant General, Major General Kenneth C. Wickham, submitted a sworn affidavit.

General Wickham introduced a new argument for the maintenance of the classification of "Operation Keelhaul." In his affidavit, General Wickham stated:

"The documents in question are photographic reproductions (photoprints) made from microfilm copies of records generated by the Allied Force Headquarters (AFHQ), an international organization (combined headquarters in World War II parlance) directing the allied military operations in the Mediterranean Theater of Operations. By direction of the Combined Chiefs of Staff, the original AFHQ records were released to the United States Government (the War Department).

"The files of these documents as originally received bore an overall classification of TOP SECRET. This classification was required because the files contained many individual TOP SECRET documents of combined or British origin. They have retained the TOP SECRET classification because as combined or foreign records they are categorized as Group 1 documents under AR 380–6 (Executive Order, as amended by Executive Order 10964) and are not subject to unilateral regrading action by the United States. Pursuant to Executive Order 10501, as amended by Executive Order 10964, the record here sought by plaintiff is specifically classified as 'TOP SECRET' in the interest of national defense or foreign policy."

The argument concerning the combined British-American origin of the file as justification for continued classification of purely American documents is, of course, subject to serious doubt. If one would accept it, it would amount to the admission that a foreign government, in this case the British government, still has the power to prevent the American people from receiving information about actions taken by the American government and documented by purely American records. Such recognition would be a violation of the American Constitution. It would deprive the government itself of freedom of speech and of the press as stipulated in the first amendment to the Constitution.

After having heard arguments for both sides, Judge Carter continued the case. He wanted time to learn what the intent of Congress was when it created the Freedom of Information Act.

To help the court in determining the intent of Congress, I asked Congressman John E. Moss, sponsor and main-author of the Act for his opinion. In a telephone conversation of August 19, 1968, Congressman Moss told me: "I am ready to testify in court if subpoenaed, provided the House gives me permission. *The statute gives the court the broadest discretion to investigate the contents of the document. 'Top Secret' classifications because of national defense and security are not exempt from investigation.*"

I asked Congressman Moss to put his opinion down in a sworn affidavit to be submitted to the court. He immediately promised to do that and a few days later my lawyers received the Moss affidavit.

I quote the following passage:

"It was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section '(e)' of the Act; and that the powers granted to the Court and the burden placed upon the Government in Section '(c)' were meant to include rather than exclude the exemptions."

The Moss affidavit, written only two years after the enactment of the law and only one year after it became effective, should have laid any doubt Judge Carter might have had to rest. It was not so.

The United States attorneys, representing the Secretary of the Army, countered the Moss affidavit in a "Supplemental Memorandum in Support of Defendant's Motion to Dismiss." It was filed on September 26, 1968.

In it, the government made the distinction between "contemporaneous utterances of a legislator" and *"ex post facto"* testimony in the form of affidavits or otherwise."

The Supplemental Memorandum cites, among others, *National School of Aeronautics* v. *United States,* 142/Supp. 933 (Ct. Cl. 1956) in which the plaintiff had produced a witness, ostensibly for the purpose of showing legislative intent, a former member of the Senate who had been chairman of the Senate Sub-committee which had considered the legislation then before the court for review. In this case the court commented, as quoted by the Supplemental Memorandum:

"At first blush it might seem that this would be the ideal way to learn the intent of a legislative body, to get it straight from the mouth of a responsible member of the legislature. Second thought leads to the conclusion that the practice would be intolerable. A legislature speaks through statutes, and, in cases where the statutes require interpretation, through committee reports and debates. No member of a legislature, outside the legislature, is empowered to speak with authority for the body. If he may testify voluntarily, other members of his legislative body with different views or different recollections may be summoned to give their differing versions. The debate, which, so far as the lawmaking body is concerned should have been ended by the enactment of the statute, would be transferred to the court, with disturbing possibilities of embarrassment and friction." (142. F. Supp. at p. 938)

This argumentation is subject to grave doubt. It asserts, but it does not prove. Why should a chairman of a legislative body who is in addition the sponsor and main-author of a bill which became law, not be able to inform the court about the intent of Congress, in addition to Committee reports and minutes of debates? In a "Memorandum in Support of the Moss Affidavit," Michael Klynn, then a member of McCloskey, Wilson, Mosher & Martin, showed that this had been the practice of the courts when he stated:

"Statements by the author of a bill have been held proper for consideration as showing the conditions or history of the period or the 'mischief which it was intended to remedy and thus, throw light on its proper interpretation.' *Jennison* v. *Kirk* 98 U.S. 453; *Helvering* v. *Griffiths,* 318 U.S. 371; and *N.L.R.B.* v. *Wine, Liquor and Distillery Union,* (2nd Cir.) 178 2nd 584."

Judge Carter disregarded Mr. Klynn's reasoning and never admitted the Moss Affidavit in evidence. On the other hand, he did not satisfy the Army's motion "to dismiss . . . since the court is without jurisdiction" either. He found the court has jurisdiction.

On February 1, 1969, Judge Carter filed his "Memorandum and Order." He denied the Army's motion to dismiss the complaint but granted its motion for summary judgment in favor of the defendants.

The following parts of Judge Carter's judgment are worth quoting:

"Plaintiff contends that the Top Secret classification on the file he seeks, is unwarranted and that this Court has the power to hold a trial de novo on the merits of this classification. He contends that such power is based on Section 3 of the Administrative Procedure Act. The Court is of the opinion that Congress did not intend to subject such classifications to judicial scrutiny to that extent."

Then, Judge Carter deals with the Moss Affidavit. He cites *Bindczyk v. Finucane,* 342 U.S. 76 (1951) in support of the thesis that statements made by legislators in debate can be a part of the legislative history "which guides courts in statutory construction.", a fact nobody has never doubted. Judge Carter obviously made this statement in order to develop his argument for the non-validity of statements made by legislators about the intent of Congress after enactment of the statute. He says:

"On the other hand, statements made by legislators after enactment of a statute and not a part of the records of the legislative body are entitled to little or no weight at all . . . Such statements are not offered by way of committee report and are not offered for response by other members of the lawmaking body. The intent which is helpful in interpreting a statute, is the intent of the legislature and not of one of its members. For purposes of statutory construction, a legislative body can only speak through a statute, with the words that are used in light of the circumstances, surrounding its enactment. For this reason, the court has not considered the affidavit prepared and submitted by the Honorable John E. Moss solely for purposes of this lawsuit after the legislation in question was enacted."

In disregarding the Moss Affidavit, Judge Carter followed, almost verbatim, the arguments brought forth in the Suppplemental Memorandum submitted by the Army's attorneys.

Judge Carter then elaborates upon the crucial problem of the case, the "exemptions." He states that:

"this jurisdiction does not apply to information that falls within the exemptions set forth in subsection (b) of Section 3. To hold that the agencies have the burden of proving their action proper in areas covered by the exemptions, would render the exemption provision meaningless. If a determination de novo is made by this Court on whether the Top Secret classification by the Department of the Army is proper, with the burden on the Secretary to sustain its action, the Court would be giving identical treatment to information withheld by an agency whether it fell within the exemption or not. Apparently, Congress did not intend such a result."

Judge Carter supports his argument by section *does not apply* to matters that are citing Subsection (9b) of Section 3: "This [listed below]." In addition he cites Con-

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gressman Gallagher's statement on the floor of the House:

"There has been some speculation that in strengthening the right of access to Government information, the bill, as drafted, may inadvertently permit the disclosure of certain types of information now kept secret by Executive order in the interest of national security.

"Such speculation is without foundation. The committee, throughout its extensive hearings on the legislation and in its subsequent report, has made it crystal clear that the bill in no way affects categories of information which the President—as stated in the committee report—has determined must be classified to protect the national defense or to advance foreign policy. These areas of information most generally are classified under Executive Order No. 10561." CONGRESSIONAL RECORD, vol. 112, pt. 10, p. 13659.

Nobody, of course, has ever denied the government the right and even its duty to keep secret information affecting national defense and foreign policy. But it must be information whose disclosure would indeed affect national defense or foreign policy. The question which is basic to Epstein v. Resor and which did not enter Judge Carter's mind, is the question: What about abuses of Executive Order 10501? Judge Carter's denial to distinguish between the proper use of Executive Order 10501 and its improper and therefore illegal application, makes the Freedom of Information Act a dead letter. He argues that, if a determination de novo is made, the Court would be giving identical treatment to information withheld by an agency whether it fell within the exemption or not and that this could not have been the intent of Congress. This argument does not hold water.

If the Court decides—after examination in camera—that the document in question had been rightfully classified under Executive Order 10501, it would still remain classified and no harm could result in respect to foreign policy or national defense. The progress, brought about by the Freedom of Information Act, consists exactly in the fact that from now on nobody has to take the word of the government or its agencies that classification was made in the interest of foreign policy or national defense. The burden to prove the rightful application of Executive Order 10501 is on the agency.

Judge Carter may have had his own doubts because he quotes in his "Memorandum And Order" the statement made by Senator Long prior to the amendment of Section 3 in which he described the un-amended Section as:

"Full of loopholes which allow agencies to deny legitimate information to the public. Enumerable times it appears that information withheld only to cover embarrassing mistakes or irregularities.

"It is the purpose of the present bill . . . to establish a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language and to provide a court procedure by which citizens and the press may obtain information wrongfully withheld. . . ." Senate Rep. No. 813, 89th Cong. 1st Sess., CONGRESSIONAL RECORD, vol. 111, pt. 20, p. 26821.

There is, of course, not the slightest doubt that information improperly classified falls under the category "information wrongfully withheld." That this was also the opinion of the creator of the Freedom of Information Act is beyond any doubt. He affirmed this opinion in his affidavit, quoted above.

Indeed, the Act would make no sense if it had excluded information from disclosure whose classification came about by wrongful, arbitrary, and therefore illegal application of Executive Order 10501. The Executive Order was not created as a legal umbrella for administrative violators of its precise meaning. That it had been used as such does not establish legality.

That the Keelhaul file does contain documents improperly classified Top Secret was revealed by the Army itself when its Secretary suddenly declassified and released four documents to me.

One of these documents originated in August 1946 and has remained Top Secret for more than twenty-three years. One should think that its disclosure would have resulted in breaking of diplomatic relations, in outbreak of war or in compromising technological or intelligence data, the prescribed valid reasons for Top Secret classification.

The document is a request by ALCOM, Rome for more Russian interpreters! Why did the Army consider this document so sensitive that it could not be released in the years 1954 to 1968 and why did the Army suddenly consider it fit for disclosure in 1969?

It is true that the Freedom of Information Act does not spell out expressis verbis that it was the intent of Congress to prevent the improper application of Executive Order 10501. The weakness of the Act was seized upon by Judge Carter in pronouncing his summary judgment in defendant's favor. But this weakness should certainly lead to the amendment of the Act in order to prevent its future misinterpretation.

In his conclusion of his summary judgment, Judge Carter says: "The Court . . . finds that the circumstances are appropriate for the classification made by the Department of the Army in the interest of the 'national defense or foreign policy.'

"Accordingly, the motion to dismiss the complaint is denied, and the motion for summary judgment is granted in favor of the defendants."

The question whether the documents were properly or improperly classified is, of course, the foremost question in determining the "circumstances" of the classification. How Judge Carter could find them "appropriate" without having seen the documents in question will remain a puzzling question in the judicial history of the United States.

Judge Carter's summary judgment was appealed in the United States Court of Appeals for the Ninth Circuit. The brief was filed on July 22, 1969. It concentrated on the question: "Must the Department carry the burden of proof to show the documents sought were *properly* classified within one of the exceptions to the statute not requiring their disclosure to the public, or is the mere classification itself sufficient to withhold documents?"

The appeal stated:

"The Freedom of Information Act requires the Defense Department to prove its classification within an exemption was reasonable and proper and not merely that the material has been so classified."

The appeal points out that "the Department of Defense has not followed the rules set by Executive Order 10501." It continues:

"The Department has not attempted to show that the classification of the file sought as 'Top Secret' satisfies the requirements of Executive order 10501."

It cites Section 3 of the Executive Order which categorically states: "Unnecessary classification and over-classification shall be scrupulously avoided." (CT 68)

The appeal then analyzes the Army's assertion that the "Operation Keelhaul" file was originated by an "international organization" over which the United States has no jurisdiction. (The Army obviously used a double-track in denying de-classification of the file. First, it argued that the file is exempted from disclosure in the interest of foreign policy and national defense. But then it asserted that it cannot be released because it originated by the Combined Chiefs of Staffs, an "international organization" over which the United States has no authority.)

The appeal continues:

"The Department relied on Section 4(a) (1), Group 1, (of the Executive Order as amended (CT 82–83)) which states that information originated by foreign governments or international organizations and over which the United States has no jurisdiction cannot qualify for automatic downgrading. Plaintiff denies that 'Operation Keelhaul' falls within the above Section. The Department did not prove that any of the information was 'originated by a foreign government or international organization over which the United States has no jurisdiction.' It has stated merely that a joint allied command was responsible for these documents, and apparently for 'Operation Keelhaul' itself. The Department has arbitrarily designated the Allied Headquarters as an 'international organization', but no definition, authority or convincing argument is set forth to justify this arbitrary designation. It is suggested by Plaintiff that that phrase refers to an agency such as UNESCO, the International Red Cross, or similar agencies."

The appeal's brief calls the Court of Appeals' attention to the fact that the Department's allegation cannot mean that the United States government was not part of the Combined Chiefs of Staff and that it cannot mean either that the file does not contain documents of purely American origin. "In fact," the brief states, "one must presume that the greater part of the 'Operation Keelhaul' file consists of American documents dealing, as the title indicates, with American participation in forced repatriation of Soviet nationals, prisoners of war, and displaced persons."

The brief further states: "It cannot be assumed that the British Government should have any legal power to prevent the American people from learning the truth from the American documents. These documents have been under American Administration and were classified 'Top Secret' by our government. *If the Department has sole authority to classify it must have sole authority to declassify and to release the file.*[8]

"Unless the Department can prove that its de-classification and release could result in 'a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States, or its allies, a war or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense', the 'Operation Keelhaul' file must be de-classified and released pursuant to Section 1(a) of the Executive Order (CT 68)."

The appeal then goes on to criticize the "illogic of" the "circular definition" in the Wickham affidavit ("the 'Operation Keelhaul' file was . . . classified 'Top Secret' because it contained documents which were 'Top Secret'.") Then it spells out the real reason for the classification:

"The only reason set forth for the continued classification as 'Top Secret' is bureaucratic red tape—these documents are 'Top Secret' now because they were classified within Group 1 long ago—or is the reason because their disclosure could be embarrassing to certain people, which is not a ground for non-disclosure according to the Department's own regulation (AR 345–20, 1967, page 1—'Information from Army files will not be withheld . . . because it may reveal or support error or inefficiency'.) This approach is a blatant effort to circumvent the intent and purpose of the *Freedom of Information Act* and is the very reason why the United States District Court has been empowered to grant injunctions after a trial

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de novo and force disclosure of documents into public realm which no longer need to be classified."

The conclusion of the appeal's brief states:

"It is clear from the legislative history that the *Freedom of Information Act* was intended to have the broadest and most liberal interpretation to achieve its goal of full disclosure to the public. To hold that the District Court must accept without review a Department's classification of documents so that it falls within one of the exemptions of the statute totally emasculates the statute's effect and thwarts its intended purpose. The history of the Government agencies in opposing this legislation is well known and the specific documents sought herein seem to be withheld more to avoid embarrassment to the Government than for legitimate reasons.

"The opinion of the District Court should be reversed with instructions that it conduct a trial *de novo* to determine if any of the documents have been properly and reasonably classified 'Top Secret' and, if so, which of them, if any, are subject to exemption and non-disclosure."

The American Civil Liberties Union of Northern California joined the lawsuit by filing on October 7, 1969 its "Brief of Amicus Curiae on Behalf of Appellant."

ACLU's Amicus Curiae Brief, written by Michael Traynor, is the most penetrating judicial analysis of Epstein v. Resor so far written.

ACLU's brief is based upon two arguments: 1) "The Judgment must be reversed because the trial court applied an unauthorized and overly restrictive test of judicial review of an agency's claim of exemption and failed to discharge its statutory responsibility to determine whether the record requested was improperly withheld."

This, indeed, is the core of the problem as we have seen. It is the question of the scope of judicial review of an expected agency's claim that the withholding is justified by a statutory exemption.

ACLU stresses its opinion that "the trial court erred, first by holding that it did not have jurisdiction to review de novo the Army's claim to an exemption and, second, by fabricating and applying a stringent and special jurisdiction, not found in and precluded by the statute, to reject the Army's claim only if the court could find that the Secretary of the Army acted capriciously."

That the Secretary of the Army acted capriciously had been proven by the Secretary himself when he suddenly de-classified the four documents, one of which was the request for more Russian interpreters. If maintenance of Top Secret classification of this memorandum from ALCOM for more than twenty-three years was not "capricious", it is, indeed, impossible to understand what "capricious" means.

The brief notices that the court should have rejected the Army's claim of exemption, "or at the very least, required the Army to produce the Operation Keelhaul file for review in camera and independent judgment by the court."

The second argument states:

"The summary judgment of the trial court must be reversed because the Army did not sustain its burden of establishing that every document in the Operation Keelhaul file is specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy and because there is a substantial issue of fact whether the exemption claimed by the army is available."

Since the President of the United States had not specifically determined that every single document in the "Operation Keelhaul" dossier must be kept secret—his delegate acted under a general Executive Order—ALCU pointed out that the agency must show *"at the very least not simply that it labeled a document top secret but that its classification meets the requirements of the Executive Order.*[9] The Army has made no such showing in this case."

Referring to the harmless document requesting more Russian interpreters, held top secret for more than twenty-three years, ACLU says: "It bears asking whether there might be similar documents in the file, the disclosure of which the Army feels might 'result in exceptionally grave damage to the Nation.' Are the courts supposed to defer to the military judgment on such matters without even looking at the documents?"

ACLU's brief states that the Army has never shown that it has complied with Executive Order 10501. "Instead, the Army has shown that it appears to have violated the President's order."

To the Army's argument that the file cannot be released because it contains British documents, ACLU has this to say: "It would be ironic indeed if the Freedom of Information Act, which became effective on a day celebrating nearly 200 years of independence from the British, were interpreted to mean that British consent to the release of a 20-year old file is required before Congress' purpose of making United States records public can be served." The brief also reminds the court that the far more sensitive Top Secret Yalta Papers have been released to the public 15 years ago.

The conclusion of ACLU's brief reads:

"The judgment below must be reversed because the trial court did not discharge its statutory responsibility to determine the propriety of the Army's withholding of the requested information and because the Army did not sustain its statutory burden of establishing its claim to an exemption. The express language and the fundamental purposes of the Freedom of Information Act require a reversal."

The Court of Appeals for the Ninth Circuit rejected the appeal and affirmed the Judge Carter's judgment. The Court (Circuit Judges Merril, Koelsch and Hufstedler) found that "the function of determining whether secrecy is required in the national interest is expressly assigned to the executive. The judicial inquiry is limited to the question whether an *appropriate*[10] executive order has been made as to the material in question . . .

"The District Court ruled that under (b) (1) it had authority to determine whether classification was arbitrary or capricious. It held that upon appellees' showing, classification could not be so characterized.[11] In both respects we agree with the court's ruling. Further we agree that judicial inquiry into this narrow area does not, at least in this case warrant *in camera* examination of the file.[12]

"The origin of the file's contents itself is sufficient to dispel any suggestion that the original classification was arbitrary or capricious. While the passage of time may cast doubt on the continuing need for secrecy, appellees have made more than a sufficient showing that questions bearing on that need persist and require resolution by the executive.[13]

"We conclude that subsection (b)(1) has been shown by the Army to apply and to justify withholding the material in quection.

"Judgment affirmed."

The Court of Appeals disregarded the arguments brought forth by my own trial lawyers as well as those presented by the Civil Liberties Union of Northern California in its Amicus Curiae Brief. It equally disregarded the Moss affidavit. It confirmed the miscarriage of justice in the District Court which amounted to a complete emasculation of the Freedom of Information Act.

There was only one avenue left: a petition for a writ of certiorari to the Supreme Court of the United States.

The petition was filed on May 4, 1970.

In it McCloskey, Wilson, Mosher & Martin stated:

"The Ninth Circuit opinion upholds, in theory only, the statutory provisions for de novo review of the conditions of exemption. The court proceeded to distinguish the exemption based on national defense or foreign policy in such a way as to emasculate the Freedom of Information Act. The Ninth Circuit, in essence, holds that the only prerequisite to a claim for such exemption is the Army's own good faith belief that it is entitled to it. The opinion narrows the permissible scope of the court's inquiry, in express contradiction to the language of the Act, to the question of whether the Army's claim for exemption is 'arbitrary or capricious'. In sum, the Court abdicates its responsibility, under Section 552(a) (93) to determine whether records have been "improperly withheld.' "[14]

The brief castigates the Ninth Circuit for having given "lip service to the statutory requirement of *de novo* judicial review by holding in principle that 'judicial review *de novo* with the burden of proof on the agency should be had as to whether the conditions of exemption in truth exist'. . . . The court's subsequent discussion and holding, however, confines the scope of judicial review to the narrow question of whether a claimed exemption is 'arbitrary or capricious.' . . . The court purports to create its own exemption to the explicit statutory standard of '*de novo*' review by distinguishing the exception provided in the interest of national defense or foreign policy from the other exceptions provided in 552(b)." With respect to the other exemptions, the Ninth Circuit holds that they are open to review. But (b)(1) exemption based on national defense or foreign policy is not open to judicial review. This, the brief states, "conflicts with the constitutional principles of judicial review."

ACLU followed suit by submitting its own "Brief of Amicus Curiae in Support of Petition of Petition for a Writ of Certiorari." In it, ACLU maintained: "This case affords opportunity to articulate rules that will prevent the Freedom of Information Act from being vitiated by indiscriminate claims for exemptions.

"This case affords an opportunity to harmonize the secrecy exemption under the Freedom of Information Act with this court's rules on Executive Privilege." In its conclusion ACLU states:

"A rational determination of the issues in this case is essential to ensure that citizens will have access to information that the Freedom of Information Act was meant to give and to prevent the Act from being vitiated by indiscriminate claims to secrecy and administrative delay. The petition for a writ of certiorari should be granted and the judgment of the Court of Appeals reversed."

On June 15, 1970, the Clerk of the Supreme Court informed Paul N. McCloskey, Sr. as follows:

"RE: Epstein v. Resor, etc., et al., No. 1533, Oct. Term, 1969.

"The Court today entered the following order in the above-entitled case:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

The Supreme Court of the United States has confirmed the emasculation of the Freedom of Information Act.

FOOTNOTES

[1] Clarifying and protecting the right of the public to information, House of Representa-

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tives, 89th Congress, 2d Session, Report No. 1497, p. 2.

[2] As quoted in "Clarifying and Protecting . . .", op. cit., p. 2.

[3] Ibid., pp. 2, 3.

[4] United States Statutes At Large, 1946, Part 1, p. 238, United States Government Printing Office, Washington, 1947.

[5] United States Statutes At Law, 1967, p. 55, United States Government Printing Office, Washington, 1968.

[6] Federal Register, Vol. 18, No. 220, November 10, 1953, pp. 7049 ff.

[7] Italics mine.

[8] Italics mine.

[9] Italics mine.

[10] Italics mine. The court never established the fact whether or not Executive Order 10501 has been "appropriately" applied. It took the Army's word for it.

[11] The Army never "showed" this. It just asserted it.

[12] The court did not explain why.

[13] The United States attorney, representing the Army never made such a "sufficient" showing.

[14] Italics mine.

THE LATE HONORABLE MICHAEL J. KIRWAN

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McMILLAN. Mr. Chairman and Members of the House, the entire Congress was saddened when we learned of the passing of our good friend, Mike Kirwan. I do not know of any man who has ever served in the U.S. Congress that took a greater interest in the welfare of the House of Representatives and the individual Members than our friend, the late Congressman Michael J. Kirwan. He was always eager and willing to take the part of the underdog and see that every person received equal and just treatment.

He came up from his boyhood days knowing how necessary it is for a person to work in order to make a livelihood. He was always interested in assisting the poor man and always interested in assisting everyone in securing an education since he was not financially able to get the education he desired when he was a young man.

I want to join my colleagues from the State of Ohio in expressing my deepest sympathy to his family. Also, I want to state that the Congress of the United States will greatly miss this great statesman. He was a power on the Appropriations Committee and very seldom during the time I have been a Member of Congress have I known anyone to question his appropriation bills when they were reported to the floor of the House for consideration.

I feel that I was extremely fortunate to have an opportunity to serve in the House of Representatives with this great man and I learned a great deal from him.

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